

**DEPARTMENT OF PLANNING PROPOSED AMENDMENTS TO
DRAFT BERMUDA PLAN 2008 PLANNING STATEMENT**

In accordance with rules 6(2) and 6(3)(a) of the Development and Planning (Tribunal Procedure) Rules 1992, these Director's cases will be presented to the Tribunal at the inquiry scheduled for 10:00 a.m. on Friday, April 30, 2010 at the Salvation Army Citadel, Young Peoples Hall, 10 North Street, City of Hamilton.

These Director's cases contain proposed wording amendments to add further clarification and correction to the policies in Chapters 1 to 12, Chapters 14 to 21, Chapters 25 to 31, and Chapters 34 to 35 of the Draft Bermuda Plan 2008 Planning Statement.

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS001

Planning Statement

Issues: Chapter 1, Introduction,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 1 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 1 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Introduction (first paragraph) and policy IDN.1(1) – Add clarification by rewording the last line to read:-
“The Plan covers the entire Island with the exception of the land subject to the provisions of the City of Hamilton Plan 2001 (and any subsequent plan).”
- Issue 002** Introduction and policy IDN.1(1) - Delete the words “until/to the year 2015”.
- Issue 003** Introduction and policy IDN.1(2)(c) – Add “2007” after “Review and Strategy Report”
- Issue 004** Introduction - To better describe the relationship between the Planning Statement and the Zoning Maps, add the words:-
“The Planning Statement contains the key objectives and policy regulations and standards for each of the zonings shown in the Zoning Maps”.
- Issue 005** Policy IDN.1(1) – Delete the words “until the year 2015”.

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS002

Planning Statement

Issues: Chapter 2, Planning Strategy for the Future,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 2 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 2 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Policy STY.2(f) - Amend to read:-
“encouraging sustainable development principles including energy efficient building design, water conservation and the development of renewable energy sources”.
- Issue 002** Objective NAT (1) - Amend to read:-
“To protect and conserve areas, species and natural features of biological, ecological, geological or scientific significance”
- Issue 003** Objective COA (1) - Amend to read:-
“To protect and conserve areas and natural features of biological and ecological significance along the coastline and in the marine environment”
- Issue 004** Objective COM (1) - Amend to read:-
“To provide for the development of retail, office and service uses in appropriate locations to serve the needs of the local community whilst protecting the amenity, environment and character of surrounding areas”
- Issue 005** Delete Objective COM(2)
- Issue 006** Renumber objective COM(3) to objective COM(2)
- Issue 007** Objective DSN(6) - Amend to read:-
“To encourage the incorporation of sustainable development principles into site planning, building design and layout”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS003

Planning Statement

Issues: Chapter 3, The Zoning Maps,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 3 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 3 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Zoning Maps Introduction
- Delete the words “up to the year 2015” in description of Development Base Zones
 - Add the word “recreational” to describe Conservation Base Zones
 - Reword “Within most of the Conservation Base Zones, development will be strictly controlled” to “Development will be strictly controlled within these Conservation Base Zones”.
- Issue 002** Amend policy ZON.3 to read:-
“Where an application is made with respect to a parcel of land which is subject to two or more Development Base Zones, the Board may apply the relevant policies of each Development Base Zone or may treat the whole lot as being subject to the most logical and appropriate Development Base Zone based on the Board's review of the following factors:-.....”
- Issue 003** Policy ZON.5(d) – Add “and policy ZON.11”.
- Issue 004** Amend policy ZON.8 to read:-
“Where an application is made with respect to a parcel of land which is subject to a Conservation Base Zone and a Conservation Area, the Board shall apply the relevant policies of the Conservation Base Zone and Conservation Area, with priority given to the policies of the Conservation Area for that portion of the lot which has a Conservation Area.”
- Issue 005** Amend policy ZON.15 to read:-

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- (1) “Where there is a conflict between a provision of a Zoning Order and a policy of this Plan, the policy or provision which is more restrictive shall prevail and shall apply.”
- (2) Where there is a conflict between a provision of an agreement made under section 34 of the Act and a policy of this Plan, the provision of the section 34 agreement shall prevail and shall apply.
- (3) Where there is a conflict between a provision of a Special Act and a policy of this Plan, the provision of the Special Act shall prevail and shall apply.

Issue 006 Policy ZON.16 – amend “provision” to read “policy”.

Issue 007 Zoning Map Summary Table

- amend “provisions” to “policies”.
- amend X for Special Needs Housing to D and X for Home Occupations in Airport zoning to D
- add a line for ‘Coastal Development’ with an X for Residential 2, Rural, and Institutional, and a D for Residential 1, Tourism, Commercial, Mixed Use, Industrial and Airport

Issue 008 Amend “D = permitted at the discretion of the Board” to “D = May be permitted at the discretion of the Board”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS004

Planning Statement

Issues: Chapter 4, Development Applications Board and Advisory Boards, Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 4 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 4 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Introduction – Amend to read:-
“The Development Applications Board (DAB or Board) is a body of persons appointed by the Minister, in accordance with Part II (section 3) and the First Schedule of the Act, to review planning applications and make recommendations to grant or refuse planning permission. The Board includes a representative from the Corporation of Hamilton and the Corporation of St. George.

In accordance with the Development and Planning (Application Procedure) Rules 1997, the Board shall seek specialist advice from other sources including the Advisory Architectural Panel with regard to architectural and design issues, and may consult the Marine Resources Board with regard to coastal development, and the Historic Building Advisory Committee with regard to development impacting a listed building or Historic Protection Area. The Board may seek advice from the St. George’s Preservation Authority with regard to development located within the Town of St. George, and shall consult the National Parks Commission with regard to development located within a National Park. The Board may also seek comments and advice from other Government Departments.”

Issue 002 Add a new policy, to be numbered DAB.4, to read as follows (and renumber all subsequent policy numbers):-
“The Board may seek advice from any other Department or Ministry within Government regarding any proposal it considers a Department or Ministry may be affected by or interested in.”

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Issue 003 Amend Marine Resources Board (MRB) policy, policy DAB.6, to read:-
“The Board may seek advice from the Marine Resources Board regarding any proposal submitted to it for review.”

Issue 004 Amend Historic Buildings Advisory Committee (HBAC) policy, policy DAB.7, to read:-

The Historic Buildings Advisory Committee may provide comments and advice to the Board regarding any proposal submitted to it for review where:-

- (a) the proposal affects a building or site of special architectural, historic or archaeological interest or its setting (refer to policy HSC.2); or
- (b) the Board requests advice from the committee.

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PS Reference No.: 402/2/6/6/ PS005

Planning Statement

Issues: Chapter 5, Planning Application Considerations,
Draft Bermuda Plan 2008 Planning Statement

**Department
Submission:** The Department submits that the following wording amendments
be made to Chapter 5 of the Draft Bermuda Plan 2008 Planning
Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 5 of the Draft
Bermuda Plan 2008 Planning Statement:-

Issue 001 Amend wording of policy APC.1(3) to read:-
“Planning permissions established under sub-paragraphs (1) and (2), and
planning permissions granted prior to commencement day, shall normally
be subject to a maximum of one renewal.”

Issue 002 Amend wording of first part of policy APC.3 to read:-
“Any planning application submitted to the Board shall provide the
necessary information in accordance with the Development and Planning
(Application Procedure) Rules 1997 (and any subsequent revisions) which
may include but is not limited to the following:-”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS006

Planning Statement

Issues: Chapter 6, Environmental Analysis,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 6 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 6 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Policy ENV.3 – add an additional criteria:-
“details of any listed buildings and Historic Protection Areas”
- Issue 002** Policy ENV.5 – add an additional criteria:-
“a description of the alternative options considered”
- Issue 003** Amend policy ENV.6 to read:-
“To determine the nature of management work that can be undertaken as permitted by the Fourth Schedule of the Act in relation to any woodland, agricultural land or natural habitat designated as a Conservation Zone or Conservation Area and protected in compliance with the Fourth Schedule of the Act (and any subsequent revisions), a Conservation Management Plan will be required.”
- Issue 004** Amend policy ENV.8 (c) to read:-
”other physical features such as rock cuts, walls, fence lines, existing and proposed buildings, utilities, trails and roads”
- Issue 005** Add additional criteria to policy ENV.8:-
(k) “any other information detailed in the Department of Planning’s Conservation Management Plan guidance note.”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS007

Planning Statement

Issues: Chapter 7, Subdivision,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 7 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 7 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Add new policy to be numbered policy SDV.10

Subdivision affecting two or more Development Zones

“Where a subdivision application is made with respect to a parcel of land which is subject to two or more Development Base Zones, the Board may apply the relevant policies of each Development Base Zone or may treat the whole lot as being subject to the most logical and appropriate Development Base Zone based on the Board's review of the following factors:-

- (a) the size and physical characteristics of the lot;
- (b) the nature and characteristics of any existing development; and
- (c) the extent to which the characteristics listed in sub-paragraphs (a) and (b) are common to other neighbouring lots and the Development Base Zone which applies to those lots.”

Issue 002 Amend policy SDV.11 to read as follows and renumber to SDV.12:-
“Where a subdivision application is made with respect to a parcel of land which is subject to a Protection Area, the Board shall apply the relevant policies of the applicable Base Zone and Conservation Area, as well as the relevant policies of the Protection Area.”

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PS Reference No.: 402/2/6/6/ PS008

Planning Statement

Issues: Chapter 8, Design,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 8 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 8 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Amend objective DSN(6) to read:-
“To encourage the incorporation of sustainable development principles into site planning, building design and layout”

Issue 002 Amend wording of policy DSN.8 to read:-
“In order to assess the impact of a proposal’s height, the Board may require the following information for any proposal comprising a building height of three or more storeys (or equivalent height of structure):-

- (a) images (such as photomontages, perspective drawings, 3D digital renderings) of the proposal to demonstrate the proposal’s impact on the skyline, any prominent ridgeline and as viewed from key locations;
- (b) an assessment of the proposal’s impact on the microclimate and pedestrian environment; and
- (c) comments and advice from the Advisory Architectural Panel in accordance with policy DSN.2.

Issue 003 Amend wording of policy DSN.19 to read:-

“Notwithstanding policies DSN.16 and DSN.18, at the discretion of the Board:-

- (a) the above grade private outdoor living space requirement specified in policy DSN.16 may be reduced by up to one third if an equivalent

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amount of floor space is added to the communal open space requirement; or

- (b) the communal open space requirement specified in policy DSN.18 may be reduced by up to one third if an equivalent amount of the area is added to the private outdoor living space requirement for each unit; and
- (c) the grounds in support of the application as submitted by the applicant justify the exercise of the Board's discretion.

Issue 004 Amend wording of policy DSN.21 to read:-

"All residential developments proposing three or more dwelling units should provide a communal garbage storage area which is:-

- (a) an enclosed structure of sufficient capacity to serve all the dwellings in the development;
- (b) conveniently located within the site for garbage collection but where possible should not be located within a lot line setback or 7.5 feet of the lot line; ;
- (c) adequately screened from public view; and
- (d) designed to blend in with the overall character of the development.

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PS Reference No.: 402/2/6/6/ PS009

Planning Statement

Issues: Chapter 9, Landscaping,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 9 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 9 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Amend wording of policy LSG.3(1)(a) to read:-
“any subdivision application which involves the proposal of a new road, utilities or excavation works”
- Issue 002** Delete policy LSG.5 and move to Chapter 20, Agricultural Reserve (see Director’s Case PS019), and renumber subsequent policy.

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PS Reference No.: 402/2/6/6/ PS010

Planning Statement

Issues: Chapter 10, Coastal Development,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 10 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 10 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Introduction – amend second paragraph to read as follows, and place as third paragraph:-

“For the purposes of this Plan, coastal development refers to development that must be located adjacent to the shoreline and /or attached to the land at or above the high water mark and extends into the water. Coastal development which constitutes ‘development’ as defined by section 14 of the Development and Planning Act 1974 requires planning approval and the issuance of a building permit. Proposals for coastal development shall be submitted to the Department of Marine and Ports and the Ministry of Works and Engineering for comments and advice.”

Issue 002 Amend policy COA.2 to read:-

COA.2 Any coastal development proposal shall be submitted to the Ministry of Works and Engineering and the Department of Marine and Ports for comments and advice, and may be submitted to the Marine Resources Board for comments and advice in accordance with policy DAB.6.

Issue 003 Delete policy COA.5 – Foreshore Licence

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Issue 004 Renumber policy COA.7 to policy COA.5, Permitted Development and amend wording to read:-

Permitted development

- COA.5 (1) Coastal development may be permitted at the discretion of the Board in accordance with the policies of the relevant Base Zone or as an accessory use to the principal use of the property.
- (2) In amplification of sub-paragraph (1), any proposal for a dock, floating dock, slipway, seawall, revetment, breakwater or replenishment of a beach may be permitted at the discretion of the Board in accordance with policies COA.7 to COA.14.

Issue 005 Amend policy COA.6 to read:-

“In the exercise of its discretion under policy COA.5, the Board shall be satisfied that:-

- (a) the scale, massing, siting, design and extent of development is appropriate for its particular coastal location and sensitive to the physical and environmental characteristics of the area;
- (b) the proposal will not cause measurable damage to any natural feature of biological, ecological and geological importance;
- (c) the proposal provides adequate planting of vegetation for environmental, aesthetic and soft coastal protection measures;
- (d) adequate provision is made during all phases of site preparation, construction and operation, to protect the coastline and marine environment from any activity, such as the deposit of excess material, sedimentation and disposal of any waste, which could have a damaging impact;
- (e) adequate provisions are made to dispose of sewage, waste and storm water in a manner that avoids any detrimental impact on the coastal waters and marine environment; and.
- (f) consideration has been given to the Coastal Protection and Development Planning Guidelines (2004) and any subsequent revisions.”

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PS Reference No.: 402/2/6/6/ PS011

Planning Statement

Issues: Chapter 11, Transportation and Parking,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 11 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 11 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Introduction – amend reference to the “Highways Engineer” to the “Ministry responsible for Highways and the Fire Service”
- Issue 002** Amend policy TPT.3(d) to read:-
“provisions for new access roads, improvements to existing roads and junctions, feeder lanes, pedal cycle lanes and facilities, parking, sidewalks and pedestrian crossings”
- Issue 003** Amend policy TPT.4(c) to read:-
“incorporate adequate turnaround facilities which should be provided on-site where possible”
- Issue 004** Add sub-paragraph (2) to policy TPT.7 (formerly part of policy IND.4, Chapter 31, Industrial) to read:-
“The Board may require a development to be set back from an estate road a distance which is sufficient to reserve land for future road improvement works if, in the opinion of the Board, the estate road needs to be widened or improved to provide for the safe movement of vehicles.”
- Issue 005** Policies TPT.11, TPT.12 and TPT.14 - Amend references to “Ministry of Works and Engineering” to “Ministry responsible for Highways”
- Issue 006** Amend policy TPT.21(1)(c) to read:-
“there are adequate public transport and pedestrian facilities in the vicinity of the development site”

Draft Bermuda Plan 2008 - Department Position Report

Issue 007 Amend policy TPT.25(d) to read:-
“parking areas shall have a minimum setback of at least 3 feet from all roads and from any boundary to provide sufficient space for screen planting”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS012

Planning Statement

Issues: Chapter 12, Utility Services,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 12 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 12 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Introduction – Water Supply - Add the words:-
“The Plan also states that the design of new developments should consider the incorporation of water conservation measures (refer to Chapter 8, Design).”

Issue 002 Amend wording of policy UTL.7(1) to read:-
“The roof area (water catch) and water tank capacity of all developments should be of sufficient size to provide an adequate potable water supply unless another source of potable water of sufficient capacity is provided.”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS013

Planning Statement

Issues: Chapter 14, Nature Reserve,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 14 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 14 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Amend all references from “National Parks Act 1986” to “National Parks Amendment Act 2009”
- Issue 002** Introduction – amend wording of second paragraph to read:-
“Some Nature Reserves are also designated pursuant to the National Parks Amendment Act 2009 and are further regulated by the provisions of that Act. As such, the National Parks Commission shall be consulted on any proposal located within a Nature Reserve protected under National Parks Amendment Act 2009.”
- Issue 003** Amend wording of policy NAT.2 to read:-
“The Board shall request comments and advice from the National Parks Commission regarding any development proposed within a Nature Reserve as protected under the National Parks Amendment Act 2009, in accordance with policy DAB.9.”
- Issue 004** Amend wording of policy NAT.4(1) to read:-
“All forms of development shall be prohibited except for those permitted under sub-paragraphs (2) and (3), policy NAT.5 and policy UTL.2.
- Issue 005** Add additional criteria to policy NAT.4(2)(f) to read:-
“ the grounds in support of the application as submitted by the applicant justify the exercise of the Board’s discretion.”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS014

Planning Statement

Issues: Chapter 15, Park,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 15 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 15 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Amend all references from “National Parks Act 1986” to “National Parks Amendment Act 2009”
- Issue 002** Add a new policy regarding *Conservation Management Plans* to be numbered PAR.3 (and renumber all subsequent policies accordingly), and to read:-
“The Board may require the submission of a Conservation Management Plan for any development proposal in a Park zone in accordance with policies ENV.7 and ENV.8.”

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PS Reference No.: 402/2/6/6/ PS014

Planning Statement

Issues: Chapter 15, Park,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 15 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 15 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Amend all references from “National Parks Act 1986” to “National Parks Amendment Act 2009”
- Issue 002** Add a new policy regarding *Conservation Management Plans* to be numbered PAR.3 (and renumber all subsequent policies accordingly), and to read:-
“The Board may require the submission of a Conservation Management Plan for any development proposal in a Park zone in accordance with policies ENV.7 and ENV.8.”

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PS Reference No.: 402/2/6/6/ PS015

Planning Statement

Issues: Chapter 16, Coastal Reserve,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 16 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 16 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Introduction – add the following additional paragraph at the end of the Introduction:-
“Each proposal will be assessed against the policies of this chapter as well as the Department of Planning’s Coastal Protection and Development Planning Guidelines (November 2004) and any subsequent coastal development guidance notes.”
- Issue 002** Amend policy COR.3 to read:-
“Coastal development may be permitted at the discretion of the Board provided the Board is satisfied that;
- (a) the proposal cannot be sited within a development area beyond the boundaries of the Coastal Reserve;
 - (b) the proposal requires access to water and must be located adjacent to the shoreline and/or attached to the land at or above the high water mark;
 - (c) the minimum setbacks shall be 25 feet from a public road, 20 feet from an estate road, 15 feet from a lot line, and shall be at the discretion of the Board for the lot line defined by the mean high water mark;
 - (d) the proposal complies with the provisions of Chapter 10: Coastal Development, Chapter 6: Environmental Analysis and all other relevant policies of the Planning Statement; and,
 - (e) the grounds in support of the application as submitted by the applicant justify the exercise of the Board’s discretion.”

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- Issue 003** Add additional criteria to policy COR.4(2) as follows:-
(d) the minimum setbacks shall be 25 feet from a public road, 20 feet from an estate road and 15 feet from a lot line.
- Issue 004** Move provisions relating to proposals for recreational cottages from policy COR.4 and add a new, specific policy on proposals for recreational cottages, to be numbered policy COR.5:-

“A recreational cottage may be permitted at the discretion of the Board provided the Board is satisfied that:-

(a) the recreational cottage is the only building on the lot;
(b) the proposal is single storey in appearance and the maximum height does not exceed 12 feet from the ground to the line of the eaves;
(c) the proposal does not exceed a site coverage of 600 sq. ft;
(d) the minimum setbacks are 25 feet from a public road, 20 feet from an estate road and 15 feet from a lot line; and
(e) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board’s discretion.”
- Issue 005** Amend policy COR.5 and policy COR.7 and combine as one policy, to be numbered policy COR.6 and to read:-

“The conversion and/or demolition and rebuilding of an existing building into a detached house may be permitted at the discretion of the Board provided that:-

(a) the location, height and site coverage is similar to that of the existing building and no additional site coverage or only a minor addition in accordance with policy COR.7 is required to provide a good standard of accommodation;
(b) the proposal is for the purpose of rehabilitating, upgrading or improving the standard of development;
(c) the existing building is not a ruin and is constructed of stone, concrete block or concrete;
(d) the proposal complies with the relevant development regulations of a Residential 2 zone, the policies of Chapter 8, Design and other relevant policies of the Statement; and
(e) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board’s discretion.
- Issue 006** Amend policy COR.6 and renumber to policy COR.7 to read:-

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- (1) Minor additions to an existing building may be permitted at the discretion of the Board and shall be limited to the maximum height of the existing building and a maximum site coverage of 250 sq. ft.
- (2) Notwithstanding sub-paragraph (1), a minor variance may be permitted at the discretion of the Board providing the Board is satisfied that the proposal complies with the development standards of policy COR.9 and the grounds in support of the application as submitted by the applicant justify the exercise of the Board's discretion.

Issue 007

Add a new policy on *Access* to be numbered policy COR.8 to read as follows (and renumber all subsequent policies):-

“An application for a vehicular or pedestrian access through a Coastal Reserve may only be approved if the Board is satisfied that:-

- (a) it is necessary for gaining access to a development area, the water or is necessary for the enjoyment of the Coastal Reserve;
- (b) there is not a suitable alternative alignment located beyond the boundaries of the Coastal Reserve;
- (c) the width of the access is kept to a practical minimum and the alignment protects specimen trees and natural features, and minimizes site excavation; and
- (d) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board's discretion.”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS016

Planning Statement

Issues: Chapter 17, Open Space Reserve,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 17 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 17 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Amend policy OSR.3 to read:-
“Forms of development which are associated with the open use of the land including but not limited to horse stables and riding schools, agricultural uses and horticultural nurseries may be permitted at the discretion of the Board, provided the Board is satisfied that the proposal cannot reasonably be located elsewhere beyond the boundaries of the Open Space Reserve zone.”
- Issue 002** Amend policy OSR.4 to read:-
“Minor siteworks and accessory structures may be permitted at the discretion of the Board provided the development is for one of the following purposes:-
(a) to accommodate a use which is strictly ancillary to an existing development located on the same lot; or
(b) to accommodate a vehicular or pedestrian access.”
- Issue 003** Amend policy OSR.6 and incorporate policy OSR.7 to read:-
“The conversion and/or demolition and rebuilding of an existing building into a detached house may be permitted at the discretion of the Board provided that:-
(a) the proposal is for the purpose of rehabilitating, upgrading or improving the standard of development;
(b) the existing building is not a ruin and is constructed of stone, concrete block or concrete; and

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- (c) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board's discretion.

Issue 004 Delete policy OSR.7 and renumber subsequent numbers accordingly.

Issue 005 Renumber policy OSR.11 to OSR.10 and amend to read:-

“For those forms of development permitted in accordance with policy OSR.3, OSR.4 and OSR.5, the development regulations shall be at the discretion of the Board provided that:-

- (a) the size and height of the structure and its site coverage are kept to a practical minimum; and
- (b) an addition for residential purposes complies with the relevant development regulations of a Residential 2 zone, the policies of Chapter 8, Design and other relevant policies of the Statement.”

Issue 006 Delete policy OSR.12 and renumber subsequent numbers accordingly.

Issue 007 Amend policy OSR.13 and renumber to policy OSR.11 to read:-

“For the conversion, demolition and rebuilding, and change of use of an existing building permitted in accordance with policies OSR.6, the development regulations shall be at the discretion of the Board provided that :-

- (a) the location, height and site coverage is similar to that of the existing building and no additional site coverage or only a minor addition is required to provide a good standard of accommodation; and
- (b) the proposal complies with the relevant development regulations of a Residential 2 zone, the policies of Chapter 8, Design and other relevant policies of the Statement.

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS017

Planning Statement

Issues: Chapter 18, Recreation,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 18 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 18 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Amend references from “National Parks Act 1986” to “National Parks Amendment Act 2009”.

Issue 002 Amend policy REC.3 to read:-
“Only recreational forms of development and accessory development shall be permitted and, subject to policies REC.4 to REC.7, all other forms of development shall be prohibited.”

Issue 003 Amend policy REC.6 to read:-
“Tourist accommodation ancillary to a golf course or golf club house facility may be permitted at the discretion of the Board, provided the Board is satisfied that the proposal cannot reasonably be located elsewhere beyond the boundaries of the Recreation zone.”

Issue 004 Amend policy REC.8(e) to read:-
“a playing field(s) will not be reduced beyond the minimum standard size and number needed to conduct organised sporting activities and other recreational uses.”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS018

Planning Statement

Issues: Chapter 19, Woodland Reserve,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 19 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 19 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Introduction – amend wording in the second to last paragraph to read:-
“It is important for development to be set back from Woodland Reserve areas to prevent the encroachment of excavation and development into woodlands, and to preserve the integrity of the trees by ensuring that their root structures are not damaged.”

Issue 002 Amend policy WDR.3 to read:-
“All forms of development shall be prohibited in areas of Woodland Reserve, subject to the provisions of Heads of Protection A, E and F in the Fourth Schedule of the Act unless specifically permitted by the policies in this Statement.”

Issue 003 Amend policy WDR.5, *Access*, to:-
“An application for a vehicular or pedestrian access through a Woodland Reserve may only be approved if the Board is satisfied that:-

- (a) it is necessary for gaining access to a development area, the water or is necessary for the enjoyment of the Woodland Reserve;
- (b) there is not a suitable alternative alignment located beyond the boundaries of the Woodland Reserve;
- (c) the width of the access is kept to a practical minimum and the alignment protects specimen trees and natural features, and minimizes site excavation; and
- (d) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board’s discretion.

Draft Bermuda Plan 2008 - Department Position Report

Issue 004 Add a new policy regarding *Fences*, to be numbered policy WDR.6 (and renumber all subsequent policy numbers) and to read:-
“Fences may be permitted at the discretion of the Board for purpose of protecting the Woodland Reserve.”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS019

Planning Statement

Issues: Chapter 20, Agricultural Reserve,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 20 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 20 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Amend policy AGR.5 to read:-
“In accordance with Head of Protection B of the Fourth Schedule of the Act, the removal, burying or demolishing, or altering of any subsoil or substrata is not permitted in an Agricultural Reserve Conservation Area except as permitted by a Conservation Management Plan under policy AGR.2 or in association with development permitted in accordance with policies AGR.3, AGR.4 and AGR.7.”

Issue 002 Amend policy AGR.7, *Access*, to read:-
“An application for a vehicular or pedestrian access through an Agricultural Reserve may be approved but only if the Board is satisfied that:-

- (a) it is necessary for gaining access to a development area;
- (b) there is not a suitable alternative alignment located beyond the boundaries of the Agricultural Reserve;
- (c) the width of the access is kept to a practical minimum and the alignment protects specimen trees and natural features, and minimizes site excavation; and
- (d) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board’s discretion.

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS020

Planning Statement

Issues: Chapter 21, Historic Environment,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 21 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 21 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Amend wording of policy HSC.2 to read:-
“The Historic Buildings Advisory Committee may provide comments and advice to the Board regarding any proposal submitted to it for review including but not limited to proposals impacting a listed building or structure, or located within a Historic Protection Area, World Heritage Site or World Heritage Site buffer zone.”

Issue 002 Amend wording of policy HSC.5 to read:-

- (1) In determining an application that affects a listed building or its setting, the Board shall ensure that the appearance, siting, layout, scale, design, materials and details of development preserve and enhance the quality and character of the special building and its setting in accordance with its listing grade.
- (2) In determining an application for the conversion or rehabilitation of a Listed Building into a residential use, the Board shall have the discretion to vary the requirements for private outdoor living space and/or communal open space stated in Chapter 8, Design providing:-
 - (a) the proposal incorporates benefits to the preservation of the Listed Building;
 - (b) the proposal provides a high standard of living accommodation and residential amenity; and

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- (c) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board's discretion.

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS021

Planning Statement

Issues: Chapter 25, Rural,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 25 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 25 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Amend policy RUR.6 to read:-

- (1) The Board may permit a maximum of one detached house per lot.
- (2) Notwithstanding sub-paragraph (1), the Board may permit the conversion and/or demolition and rebuilding of an existing building on the same lot into an additional detached house provided that:-
 - (a) the proposal is for the purpose of rehabilitating, upgrading or improving the standard of development;
 - (b) the existing building is not a ruin and is constructed of stone, concrete block or concrete; and
 - (c) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board's discretion.

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS022

Planning Statement

Issues: Chapter 26, Residential,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 26 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 26 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Delete reference to “social” in the table under policy RSD.2(j)

Issue 002 Add “coastal development” to the table under policy RSD.2, and add “D” in the column of Residential 1 and “X” in the column of Residential 2.

Issue 003 Amend key of table under policy RSD.2 to read as follows:-

- P = Permitted throughout the Development Base Zone subject to compliance with certain development regulations and standards
- D = May be permitted at the discretion of the Board subject to compliance with certain development regulations and standards
- X = Not permitted

Issue 004 Amend wording of policy RSD.4 to read as follows:-
“In an application proposing three or more attached houses in a Residential 1 zone, the Board has the discretion to reduce the minimum lot size to 2,500 sq. ft. for a house with zero lot lines on both sides (e.g. a mid-terrace house) providing the maximum site coverage is no greater than 40% and does not exceed 2,100 sq.ft. in area.”

Issue 005 Delete RSD.6(2) and renumber RSD.6(1) to RSD.6

Issue 006 Renumber policy RSD.6(1)(a) to policy RSD.6(a) and amend to read:-
“the dwelling units are to be managed as affordable housing units;”

Issue 007 Amend policy RSD.7, *Residential bonus: Open space provision*, to read:-
 “Notwithstanding policy RSD.3, a higher density of residential development may be permitted at the discretion of the Board on sites with an area not less than 0.25 acre in accordance with the following provisions:-

<i>Development Zone</i>	<i>Maximum Density</i>	<i>Minimum Lot Size</i>
RESIDENTIAL 1	30 dwelling units per acre	5,000 sq. ft.
RESIDENTIAL 2	9 dwelling units per acre	10,000 sq. ft.

but only if the Board is satisfied that:-

- (a) a minimum of 25% of the site is proposed to be retained as open space;
- (b) the undeveloped area constitutes a contiguous area of open space that preserves, where practicable, all conservation areas within the site;
- (c) a Conservation Management Plan has been approved for the site;
- (d) prior to the grant of planning permission, the property owner has demonstrated that the land will be preserved in perpetuity as open space and will undertake to implement the approved Conservation Management Plan;
- (e) the proposal does not adversely affect the amenity or environment of any neighbouring residential property;
- (f) the site has adequate means of vehicular access to a public road, including access for emergency vehicles;
- (g) the traffic generated by the proposal will not result in vehicle congestion, parking or road safety problems;
- (h) the design, layout and appearance of the proposal are of a high standard;
- (i) in all other respects the proposal complies with all other relevant residential policies; and
- (j) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board’s discretion.

Issue 008 Amend policy RSD.9(d) to read as follows:-
 “the maximum site coverage is no greater than 40% and does not exceed 2,100 sq.ft. in area;”

Issue 009 Amend policy RSD.10, *Setbacks*, to read:-

- (1) The minimum setbacks for residential development shall be as follows:-

RESIDENTIAL 1 - Minimum Setbacks from Lot Lines			
<i>Development Type</i>	<i>Public Road/ Railway Trail Lot Line</i>	<i>Estate Road Lot Line</i>	<i>Lot Line</i>
(a) Detached House	25 ft.	20 ft.	10 ft.
(b) Attached House	25 ft.	20 ft.	D
(c) Apartment House	25 ft.	20 ft.	10 ft.
(d) Detached House Compact Lot	20 ft.	20 ft.	As stated in RSD.9(e)

RESIDENTIAL 2 - Minimum Setbacks from Lot Lines			
<i>Development Type</i>	<i>Public Road/ Railway Trail Lot Line</i>	<i>Estate Road Lot Line</i>	<i>Lot Line</i>
(e) Detached House	25 ft.	20 ft.	15 ft.
(f) Attached House	25 ft.	20 ft.	D
(g) Apartment House	25 ft.	20 ft.	15 ft.

- (2) Notwithstanding sub-paragraph (1), new infill development should be required to conform to an existing established building line fronting onto a public road, the Railway Trail or an estate road unless the grounds in support of the application justify the exercise of the Board's discretion.
- (3) In the case of a lot that has an estate road on more than one side, the estate road lot line minimum setback shall apply to the estate road which provides access to the property and the lot line minimum setback shall apply to the estate road which does not provide access to the property."

Issue 0010 Amend policy RSD.13, *Apartment house development – Upper floor setbacks*, to read:-

"In addition to the setbacks required for apartment house development under policy RSD.10, building setbacks for the upper storeys of an apartment building shall be provided in accordance with the following provisions:-

<i>Storey</i>	<i>Gross Floor Area</i>
1	As determined by site conditions, maximum site coverage and setbacks
2	As determined by site conditions, maximum site coverage and setbacks
3	No greater than 70% of gross floor area of storey immediately below
4	As storey immediately below
5	No greater than 60% of gross floor area of storey immediately below
6	Attic – no greater than 50% of storey immediately below

- Issue 0011** Amend policy RSD.14 to read:-
“The Board has the discretion to vary the limits on the upper storey gross floor areas specified in policy RSD.13 provided the Board is satisfied that:-
- (a) the proposal incorporates other public benefits that adequately substitute for the increased gross floor area, such as a significant increase in communal open space in the proposal or a corresponding increase in the grade level setbacks of the building;
 - (b) for sloping sites the proposal provides for an improved design solution that is compatible with the land form;
 - (c) the proposal will not have an adverse impact on the amenity or privacy of any neighbouring property and complies with the provisions of Chapter 8, Design; and
 - (d) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board’s discretion.
- Issue 0012** Amend first part of policy RSD.15 (1), *Undersize lots*, to read:-
“In the case of an undersize lot, the Board may grant approval for a detached house development and a relaxation of the maximum site coverage, provided the maximum site coverage is:-.....”
- Issue 0013** Amend first part of policy RSD.20 to add reference to hard surfacing requirements, to read:-
‘Group housing development shall comply with the relevant residential policies of this chapter which apply to minimum lot size, maximum site coverage, hard surface requirements, setbacks and the maximum height for an apartment house development, and policy DSN.15 which applies to minimum floor areas for group housing, and the following matters shall be at the discretion of the Board:-....’
- Issue 0014** Amend first part of policy RSD.24 to add reference to hard surfacing requirements, to read:-
“Special needs housing development shall comply with the relevant residential policies of this chapter which apply to minimum lot size, maximum site coverage, hard surface requirements, setbacks and the maximum height for an apartment house development, and the following matters shall be at the discretion of the Board:-.....
- Issue 0015** Amend policy RSD.25(a) to read:-
“the addition is intended to house no more than two persons who are closely connected to the homeowner or resident of the property;”
- Issue 0016** Amend policy RSD.27 to read:-
- (1) Other uses, buildings and structures which are accessory to the principal residential use of the site are permitted within Residential 1 and Residential 2

zones and all development regulations shall be at the discretion of the Board provided that:-

- (a) the maximum building height is one storey;
 - (b) the maximum building height does not exceed 12 feet from the ground to the line of the eaves;
 - (c) the proposal does not exceed a site coverage of 250 sq. ft or the maximum site coverage for the principal use; and
 - (d) the proposal is not located within the minimum lot line setback for the principal use.
- (2) Notwithstanding sub-paragraph (1), the Board shall have the discretion to permit accessory buildings or structures with a site coverage greater than 250 sq. ft. provided the combined site coverage of all separate accessory buildings does not exceed 10% of the relevant maximum site coverage or the maximum site coverage for the principal use.

Issue 0017 Amend wording of *Other uses within residential zones* to read:-

“The Plan recognises that there is a need to accommodate other forms of development within residential areas whether they are in the same building as a residential use or in a separate building. These non-residential uses may include small businesses operating from the home (home occupations), tourist accommodations which have the appearance and scale of residential buildings, doctor’s surgeries, nursery schools, community centres, churches, retail establishments and light industrial operations.

The Plan’s overriding objective will be to only permit non-residential uses in residential areas which are of a residential scale and design, and are in harmony with, and protect the amenity and environment of, residential neighbourhoods.”

Issue 0018 Amend policy RSD.28, *Home occupations*, by adding criteria from definition for home occupations, to read:-

“Home occupations may be permitted within Residential 1 and Residential 2 zones at the discretion of the Board, provided the Board is satisfied that the home occupation:-

- (a) employs no more than two persons on the premises of which at least one person shall be a bona fide resident of the dwelling;
- (b) is strictly accessory to and compatible with the residential use of a property;
- (c) maintains the residential appearance and character of the building and land;
- (d) does not involve the direct sale of goods or produce from the premises to the general public;

- (e) occupies no more than 25% of the total floor space of the dwelling in which it is located;
- (f) is not injurious to the amenity of the residential area by reason of noise, vibration, odour, smoke, dust or the generation of traffic;
- (g) does not involve more than one commercial vehicle, and all parking and turning facilities are contained within the site;
- (h) complies with all relevant policies relating to residential development; and
- (i) the grounds in support of the application as submitted by the applicant justify the exercise of the Board's discretion.

Issue 0019 Amend first part of policy RSD.31 to read:-
“Tourist accommodation shall comply with the relevant residential policies of this chapter which apply to minimum lot size, maximum site coverage, hard surface requirements, minimum setbacks and maximum building height for an apartment house development, and the following matters shall be at the discretion of the Board:-.....”

Issue 0020 Add new policy to be numbered RSD.48, *Coastal Development*, to read:-
“Coastal development may be permitted at the discretion of the Board in a Residential 1 zone in accordance with the policies of Chapter 10, Coastal Development.”

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PS Reference No.: 402/2/6/6/ PS023

Planning Statement

Issues: Chapter 27, Tourism,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 27 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 27 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Amend policy TOU.4, *Development regulations*, to read:-
“All development regulations shall be at the discretion of the Board except that:-
- (a) the minimum setbacks shall be 10 feet from a lot line, 20 feet from an estate road and 25 feet from a public road;
 - (b) for buildings of 3 storeys or more, particular consideration shall be given to increasing the minimum setbacks (refer to policy APC.14) and to reducing the impact of the building’s massing and height through creative design solutions (refer to policy DSN.9);
 - (c) any proposal for other forms of tourist accommodation permitted under policy TOU.3(2) complies with the minimum unit size provisions of policy DSN.15;
 - (d) any proposal for residential development complies with the provisions of policy TOU.6; and
 - (e) the proposal has the support of the Minister responsible for Tourism.
- Issue 002** Amend policy TOU.8, *Subdivision*, to read:-
“The subdivision of land within a Tourism zone may be permitted at the discretion of the Board but only if the Board is satisfied that:-
- (a) the proposal has the support of the Minister responsible for Tourism;
 - (b) the proposal complies with the policies of Chapter 7, Subdivision;
 - (c) any subdivision for residential purposes complies with the provisions of the Residential 1 zone; and
 - (d) the grounds in support of the application as submitted by the applicant justify the exercise of the Board’s discretion.”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS024

Planning Statement

Issues: Chapter 28, Institutional,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 28 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 28 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Amend policy ITN.2 to read:-

- (1) Institutional development shall be permitted by the Board.
- (2) Social development shall be permitted by the Board.
- (3) Other forms of development including commercial, light industrial, tourism, residential uses, group housing and special needs housing may be permitted at the discretion of the Board.

Issue 002 Amend policy ITN.3(d) to read:-

“any proposal for residential development complies with the provisions of the Residential 1 zone and the relevant Residential Design Standards specified in Chapter 8, Design.”

Issue 003 Add new policy regarding *Subdivision*, to be numbered policy ITN.5:-

“The subdivision of land within an Institutional zone may be permitted at the discretion of the Board but only if the Board is satisfied that:-

- (a) the proposal conforms with the policies of Chapter 7, Subdivision;
- (b) any subdivision for residential purposes complies with the provisions of the Residential 1 zone; and
- (c) the grounds in support of the application as submitted by the applicant justify the exercise of the Board’s discretion.

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS025

Planning Statement

Issues: Chapter 29, Commercial,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 29 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 29 of the Draft Bermuda Plan 2008 Planning Statement:-

Issue 001 Delete objective COM.2 and incorporate into objective COM.1 (see objection PC0427), and renumber objective COM.3 to objective COM.2.

Issue 002 Amend policy COM.2 sub-paragraphs (1) and (2) to read:-

- (1) Commercial development shall be permitted by the Board.
- (2) Coastal development may be permitted at the discretion of the Board in accordance with Chapter 10: Coastal Development.

Issue 003 Add reference to “White’s (22 Middle Road)” in policy COM.6

Issue 004 Amend policy COM.8, *East of City: East Broadway/Crow Lane*, to read:-
(Note: this amended policy includes a further amendment to that proposed as part of objection PC0335)

- (1) Development within the East Broadway Commercial zone shall be designed to enhance the quality of the City’s main gateway and relate well to the character of adjacent buildings and areas, and shall be subject to the following provisions:-
 - (a) for proposals on the south side of Crow Lane, the maximum building height shall not exceed five storeys where the fifth storey is contained within the attic or roof area;
 - (b) for proposals located between Crow Lane, Lane Hill, Spurling Hill and

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- Cavendish Road, the maximum building height shall not exceed five storeys and shall not exceed one storey above the elevation of Cavendish Road;
- (c) for proposals located between Crow Lane and Spurling Hill, the maximum building height shall not exceed six storeys where the sixth storey is contained within the attic or roof area;
 - (d) for proposals located north of Cavendish Road, the maximum building height shall not exceed six storeys where the sixth storey is contained within the attic or roof area;
 - (e) in amplification of policy COM.4(d), upper storey setbacks shall be provided on the fourth and fifth storeys which shall have a gross floor area of no greater than 70 percent of the gross floor area of the third storey; and
 - (f) the minimum setback from Crow Lane, Lane Hill, Spurling Hill and the north side of Cavendish Road shall be 10 feet.
- (2) Notwithstanding sub-paragraph (1)(d), the Board shall have the discretion to vary the limits on the upper storey gross floor areas provided the Board is satisfied that:-
- (a) the proposal incorporates other public benefits that adequately substitute for the increased gross floor area, such as increased minimum setbacks from public roads, street improvements and landscaping, public art, public pedestrian access between Cavendish Road and Crow Lane and/or pedestrian access to the water or public view points;
 - (b) the proposal will not be detrimental to the amenity or environment of any neighbouring property; and
 - (c) the grounds in support of the proposal as submitted by the applicant justify the exercise of the Board's discretion.

Issue 005

Add new policy regarding *Subdivision*, to be numbered policy COM.9:-

“The subdivision of land within a Commercial zone may be permitted at the discretion of the Board but only if the Board is satisfied that:-

- (a) the proposal conforms with the policies of Chapter 7, Subdivision; and
- (b) the grounds in support of the application as submitted by the applicant justify the exercise of the Board's discretion.”

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PS Reference No.: 402/2/6/6/ PS026

Planning Statement

Issues: Chapter 30, Mixed Use,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 30 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 30 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Amend policy MXD.2(2) to read:-
“Coastal development may be permitted at the discretion of the Board in accordance with the policies of Chapter 10, Coastal Development.”
- Issue 002** Delete policy MXD.6 and incorporate into amended policy HSC.5 (see Director’s Case PS020), and renumber subsequent policies accordingly.
- Issue 003** Amend policy MXD.6, *Southside*, to read:-
“Development within the Southside Mixed Use zone should support the growth of this part of Southside as a new urban community centre, and shall be subject to the following provisions:-
- (a) the maximum building height shall not exceed seven storeys; and
 - (b) the proposed land use, building height and design shall take into consideration the proximity of the Airport and shall comply with the policies of the Chapter 24, Airport Protection Area and
 - (c) the design principles for urban areas (refer to policy DSN.5).
- Issue 004** Add new policy regarding *Subdivision*, to be numbered policy MXD.8:-
“The subdivision of land within a Mixed Use zone may be permitted at the discretion of the Board but only if the Board is satisfied that:-
- (a) the proposal conforms with the policies of Chapter 7, Subdivision; and
 - (b) the grounds in support of the application as submitted by the applicant justify the exercise of the Board’s discretion.”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS027

Planning Statement

Issues: Chapter 31, Industrial,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 31 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 31 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Amend policy IND.2(3) to read:-
“Coastal development may be permitted at the discretion of the Board in accordance with the policies of Chapter 10, Coastal Development.”
- Issue 002** Amend wording of policy IND.3(b) to “Jubilee Road/Orange Valley Road, Devonshire”.
- Issue 003** Delete policy IND.4(b) (and move to Transportation and Parking chapter as new policy TPT.7(2))
- Issue 004** Amend wording of policy IND.5(1)(c) to read:-
“the development provides safe access to the site and adequate facilities for the parking, loading, unloading and turning of vehicles in accordance with the policies of Chapter 11, Transportation and Parking.”
- Issue 005** Amend wording of policy IND.7(c) to read:-
“a minimum landscaping buffer of 3 feet is provided on any lot boundary adjoining a Residential zone, Conservation Base Zone, Conservation Area or public road.”

Draft Bermuda Plan 2008 - Department Position Report

PS Reference No.: 402/2/6/6/ PS028

Planning Statement

Issues: Chapter 34, Implementation, Monitoring and Review,
Draft Bermuda Plan 2008 Planning Statement

**Department
Submission:** The Department submits that the following wording amendments
be made to Chapter 34 of the Draft Bermuda Plan 2008 Planning
Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 34 of the Draft
Bermuda Plan 2008 Planning Statement:-

Issue 001 Amend wording of fifth paragraph under the heading “Monitoring” to read:-
“The Planning Statement provides the policies to help guide the use and
development of land in Bermuda (excluding the land designated under the
City of Hamilton Plan 2001) for the next 5 to 10 years.”

Issue 002 Delete ninth paragraph (last paragraph under the heading “Monitoring”).

Issue 003 Amend wording of last paragraph to read:-
“In order for the Plan to achieve its overall aim of effectively managing
Bermuda’s natural and built environment, resources and development in a
sustainable way, it is important that the Plan’s policies be applied in
conjunction with other Government plans, programmes and initiatives.”

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PS Reference No.: 402/2/6/6/ PS029

Planning Statement

Issues: Chapter 35, Definitions,
Draft Bermuda Plan 2008 Planning Statement

Department Submission: The Department submits that the following wording amendments be made to Chapter 35 of the Draft Bermuda Plan 2008 Planning Statement to add further clarification.

Department Recommendations:

The Department recommends the following amendments to Chapter 35 of the Draft Bermuda Plan 2008 Planning Statement:-

- Issue 001** Amend wording of policy DEF.13 to read:-
“breakwater” means a structure built either offshore from or connected to the land at or above the mean high water mark extending into the water with the objective of protecting the shore from wave action and/or to create calm water for the purpose of boat mooring or recreational activities, and can be aligned parallel to the shore or slightly angled depending on wave conditions, and either floating or bottom-founded
- Issue 002** Amend wording of policy DEF.18 to read:-
“coastal development” means development that must be located adjacent to shoreline and/or attached to the land at or above the mean high water mark and extends into the water including but not limited to marinas, reclamation projects, docks, floating docks, jetties, slipways, boat-houses, boat maintenance facilities , seawalls and coastal protection works, and other structures
- Issue 003** Amend wording of policy DEF.22 to read:-
“compact lot” means a lot registered after commencement day and is less than 6,000 sq. ft. in area
- Issue 004** Amend wording of policy DEF.24 to read:-
“Conservation Area” means an area designated under the Plan which contains important natural features, woodlands and agricultural resources, and which are Woodland Reserve and Agricultural Reserve
- Issue 005** Amend wording of policy DEF.25 to read:-

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“Conservation Base Zone” means an area designated under the Plan for conservation purposes (see “Base Zone”), and which are zoned as Nature Reserve, Park, Coastal Reserve, Open Space Reserve and Recreation

- Issue 006** Amend wording of policy DEF.26 to read:-
“conservation management plan” means a plan or plans containing the information described in policy ENV.8
- Issue 007** Amend wording of policy DEF.34 to read:-
“details of planning” means those matters which the Board shall take into consideration in determining any planning application and includes those matters listed in policy DAB.3
- Issue 008** Amend wording of policy DEF.37 to read:-
“Development Base Zone” means an area designated under the Plan for development (see “Base Zone”), and which are zoned as Rural, Residential 1, Residential 2, Tourism, Institutional, Commercial, Mixed Use, Industrial and Airport
- Issue 009** Add a new policy for “dock” to be numbered policy DEF.41, and renumber all subsequent policy definitions
- “dock” means a structure which is attached to the land at or above the high water mark to which a boat or other vessel may be moored or secured, and which extends into or over the water and provides access to the water
- Issue 0010** Amend wording and numbering for policy DEF.47 to read:-
“floor area, gross” means the habitable area within the perimeter of the outside walls of a building as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior features
- Issue 0011** Amend wording and numbering for policy DEF.48 to read:-
“floating dock” means, in relation to a floating dock which requires planning approval, a floating structure which is connected by a ramp or structure to the land at or above the mean high water mark to which a boat or other vessel may be moored or secured, and which extends into or over the water and provides access to the water
- Issue 0012** Amend wording and numbering for policy DEF.49 to read:-
“foreshore ” means that part of the land from the mean high water mark to the mean low water mark
- Issue 0013** Amend wording and numbering for policy DEF.55 to read:-
“habitable room” means any room in a building meeting the requirements of the Building Code for sleeping, living, cooking or dining purposes,

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excluding such enclosed places as closets, storage spaces, pantries, bath or toilet rooms, laundries, hallways, utility rooms and other similar areas

- Issue 0014** Amend wording and numbering for policy DEF.56 to read:-
“hard surfacing” means any surface not occurring naturally on the land, and being any form of hard paving made up of such materials as concrete, asphalt, stone or wood, and for the avoidance of doubt the site coverage of any building or structure including swimming pools shall be considered as hard surfacing
- Issue 0015** Amend wording and numbering for policy DEF.58 to read:-
“high water mark, mean” means, in relation to coastal development, the average height of all high waters over a 15 year period as determined by the Minister responsible for Works and Engineering and ‘shoreline’ shall have the same meaning
- Issue 0016** Amend wording and numbering for policy DEF.61 to read:-
“home occupation” means a business, profession, occupation or trade conducted entirely within a residential building which employs no more than two persons on the premises of which at least one person shall be a bona fide resident of the dwelling, and which meets the requirements of this Statement as stated in policy RSD.28
- Issue 0017** Amend wording and numbering for policy DEF.62 to read:-
“hotel” means premises and related grounds, services and facilities which are operated on a commercial basis and provide sleeping accommodation for six or more paying guests in a building(s) and/or cottage unit(s), and “hotel development” shall be construed accordingly
- Issue 0018** Amend wording and numbering for policy DEF.63 to read:-
“housekeeping cottages” and “housekeeping apartments” means premises which are operated on a commercial basis and provide sleeping accommodation for six or more paying guests in separate cottages, units of a residential scale and appearance, and which are equipped with kitchen facilities as opposed to a main clubhouse facility, and “housekeeping cottage development” and “housekeeping apartment development” shall be construed accordingly
- Issue 0019** Amend wording and numbering for policy DEF.66 to read:-
“institutional development” means uses such as educational establishments (nursery, pre-schools, middle and senior schools, colleges and centres of research), cultural (museum, art gallery, library, exhibition room), civic and community centres, places of worship, hospitals, clinics, special care facilities, retirement homes, police, fire, regiment and emergency services as well as other government facilities

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- Issue 0020** Amend wording and numbering for policy DEF.68 to read:-
“landscape plan” means a plan or plans containing the information described in policy LSG.4
- Issue 0021** Amend wording and numbering for policy DEF.73 to read:-
“lot” means a parcel of land which before 27 June 1974 was held by single title or which is within a registered plan of subdivision or which is deemed registered in accordance with the Development and Planning Amendment Act 1997
- Issue 0022** Amend wording and numbering for policy DEF.74 to read:-
“lot line” means the boundary line separating one lot from another lot or a road, the Railway Trail, Crown land or other land, and for the avoidance of doubt the lot line separating the lot from Crown land along the foreshore shall be measured from the mean high water mark
- Issue 0023** Amend wording and numbering for policy DEF.78 to read:-
“marina” means a harbour or boat basin for boats and associated facilities including structures and/or floating docks, and which is connected to the land at or above the mean high water mark
- Issue 0024** Amend wording and numbering for policy DEF.80 to read:-
“Minister” means the Minister responsible for Planning unless otherwise stated
- Issue 0025** Amend wording and numbering for policy DEF.85 to read:-
“parking standard” means the minimum number of parking spaces permitted, as determined by a development’s use and floorspace
- Issue 0026** Amend wording and numbering for policy DEF.92 to read:-
“Protection Area” means an area designated under the Plan within the boundaries of which there are natural resources, built features or special conditions which must be carefully considered in the process of development, and which are Historic, Cave, Water Resources and Airport Control
- Issue 0027** Add a new policy for “recreational cottage” to be numbered policy DEF.95, and renumber all subsequent policy definitions
“recreational cottage” means a self-contained dwelling unit intended for part-time recreational use
- Issue 0028** Amend wording and numbering for policy DEF.98 to read:-

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“revetment” means a structure built at the toe of a bluff, embankment or scarp, or at the back of a beach, with the intention of protecting the slope against wave action, and can be constructed from a variety of materials including concrete, quarried armour stone or gabions, and may be rigid or flexible (rip-rap or interlocking blocks) in form

- Issue 0029** Amend wording and numbering for policy DEF.102 to read:-
“scale of operation” means the relative magnitude, extent and range of an activity as determined by such matters as the size of the building(s), the number of buildings, the number of persons accommodated or employed, the level of customer activity, the amount of private and commercial traffic generated, and noise levels, and “scale of development” shall be construed accordingly
- Issue 0030** Amend wording and numbering for policy DEF.103 to read:-
“seawall” means a structure built along or adjacent to the shoreline with the purpose of separating the land and water so as to protect against erosion and other wave induced damage, and are typically constructed from concrete or quarried stone, and can take a range of forms including a smooth vertical face, a stepped face or a curved face
- Issue 0031** Delete policy definition for “setback line” (formerly numbered policy DEF.102)
- Issue 0032** Amend wording and numbering for policy DEF.104 to read:-
“setback, minimum” means the smallest distance, measured perpendicular to the lot line or boundary of a Base Zone or Conservation Area within which no building, wall or structure over 4 feet in height including a swimming pool shall be constructed, except as specifically stated by policies of this Statement
- Issue 0033** Add new policy to be numbered DEF.105 to read as follows:-
“shoreline” means the mean high water mark
- Issue 0034** Amend wording and numbering for policy DEF.112 to read:-
“storey” means that portion of a building between the surface of a floor and the upper surface of the floor or roof above with one or more windows which provide a sufficient amount of natural light to a space to render it capable of being a habitable room, notwithstanding that the room may not be used for habitable purposes
- Issue 0035** Amend wording and numbering for policy DEF.118 to read:-
“topographical survey” means a plan or plans showing the contours and boundaries of the application site as prepared from an up-to-date and accurate survey of the property and not interpreted from the Minister responsible for Works and Engineering’s topographic mapping database

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- Issue 0036** Amend wording and numbering for policy DEF.122 to read:-
“utility building” means an above-ground enclosed building used as a part of a work or system to provide for the public consumption, benefit, convenience or use of water storage or distribution, electric power, wastewater and sewage management and treatment, telecommunications, public transport or airport support
- Issue 0037** Amend wording and numbering for policy DEF.124 to read:-
“water resources” means ground water and bodies of water including marshes, ponds, lakes, bays, coastal waters and the Pembroke Canal
- Issue 0038** Amend wording and numbering for policy DEF.127 to read:-
“Zoning Maps” means the Bermuda Plan 2008 zoning maps which designate the lands of Bermuda, except the land designated under the City of Hamilton 2001 (and any subsequent plan), into zones and special study areas and form part of the Bermuda Plan 2008 as called for by section 6 of the Act