



**Riddell's Bay (Warwick Parish) Special Development Order
2020**

Presented by:

The Hon. Walter Roban, JP, MP

Ministry of Home Affairs

17th July, 2020

Mr. Speaker, I move that consideration be given to the draft Order titled:
“The Riddell's Bay (Warwick Parish) Special Development Order 2020”
[the Order] to be made by the Minister responsible for planning in exercise
of the power conferred by section 15(2) of the Development and Planning
Act 1974.

Mr. Speaker, I am pleased to take this opportunity today to provide this Honourable House with further information on the historic importance of this scheme in addition to providing detail on the process that has led to the formulation of this SDO.

Mr. Speaker, the Order seeks to grant planning permission in principle for a period of 10 years from the date of this Order being made for the development of the site subject to conditions outlined in Clause 3 (2) of the Order. The conditions include but are not limited to:

- all applications for final planning permission of the residential lots shall be in accordance with Residential 2 Development Zone as specified in Chapters 9 and 27 of the Draft Bermuda Plan 2018;
- status reports of the conservation management plan must be submitted at various stages of the development and site inspections must be undertaken to confirm the requisite conservation management plan has been completed;
- roadways must be installed prior to the development of the new vacant residential lots;

- the development of the Nature Reserve area, the Open Space area, the Recreation area and the Woodland Reserve area shall be in accordance with provisions set out in the Draft Bermuda Plan 2018.

Mr. Speaker, the Order also seeks planning permission to subdivide land with conditions outlined in Clause 4(2) to:

- Create 18 vacant residential lots totalling 23 acres (9.307 hectares), approximately 25% of the property, intended to each accommodate one detached house;
- Develop four conservation areas totalling 64 acres (25.899 hectares), an estimate 75% of the property, and comprised of—
 - a nature reserve area totalling 18 acres (7.284 hectares);
 - an open space area totalling 14 acres (5.665 hectares);
 - a recreation area totalling 19 acres (7.689 hectares); and
 - an open space area totalling 13 acres (5.260 hectares).

- Develop an internal system of roadways and associated parking areas, a network of footpaths and private and communal outdoor areas and landscaped grounds.

Mr. Speaker, clause 5 of the Order declares that, *“nothing in this Order grants planning permission, final or in principle, for any matters of development for which planning permission is required, apart from any matter for which planning permission in principle has been granted by paragraph 3 and planning permission for the subdivision has been granted by paragraph 4.”* To be clear, applications must be submitted for planning permission for the development of each of the 18 residential lots.

Mr. Speaker, I would like to remind **Honourable Members** of the history of the Riddell’s Bay golf course. Early legislation for this property dating back to 1925 includes an Act that was passed by Parliament to use *public* funds to financially assist the privately owned golf course. I am sure that Honourable Members can remember that access was only available to the privileged few. I believe that access was only granted to affluent black members in the latter 20th century. It is unfortunate that, for

far too long, this club, like some others, was closed to the majority of Bermudians.

Mr. Speaker, I am most proud to stand before this Honourable House, almost one century later, in support of an Order which grants *all* island residents public access to 64 acres of land.

Mr. Speaker, I have received much commentary on the legitimacy of the developer's intention to have the new conservation areas accessible to the public. Please allow me to assure the general public that the developer, a Bermudian, has remained transparent and steadfast with his intention on creating valuable conservation land not just for the general public to enjoy and interact with but also to provide critical habitat for birds and other flora and fauna. I have a letter of commitment from the developer, Mr. Daniel Tafur, which confirms the following:

- *The 46-acre Gardens (Areas B, C & D) will be accessible to the public for a minimum of 50 hours per week. The exact times and days for opening hours are subject to change based on the seasons, required maintenance and guidance from environmental groups on*

changes to access for protection of plant and animal species during specific times of the year.

- *The 18-acre Nature Reserve (Area A) will be accessible to the public by appointment only. This is for the protection of the bird and plant life in the area and prevent overcrowding in the most ecologically sensitive area of the site. The Nature Reserve will serve as an educational resource for schools/ student groups and environmental groups. The exact times and days for opening hours will follow those of the Gardens and are subject to change based on the seasons, required maintenance and guidance from environmental groups on changes to access for the protection of plant and animal species during specific times of the year.*

Mr. Speaker, before this scheme was first submitted as a subdivision application to the Department of Planning, I have been made to understand that the developer first presented the scheme to a former administration. In determining options on how to approve such a scheme, it was always acknowledged that the proposal could not be approved through the regular planning process. Simply put, the Recreation zoning

of the site did not afford the Development Applications Board (DAB) the discretion to grant subdivision approval for residential lots despite the enormous planning gain through the creation of new conservation areas.

Mr. Speaker, it has been most disconcerting to learn that the Minister at that time was more disposed to approve the scheme via an appeal to the Minister responsible for Planning. An appeal decision would have been the sole decision of one Minister and therefore absent of any proper debate and scrutiny by the Legislature. Further, I am informed that it was intended to ‘protect’ the new conservation areas via a Section 34 Agreement – an agreement which can be changed at any time subject to Ministerial approval.

Mr. Speaker, please allow me to fast forward to present day where the rightful method to approve such a scheme is via a Special Development Order (SDO) - a framework that ensures absolute transparency through debate in the House. It is important to point out that an SDO is a form of planning permission under Section 15 of the Development and Planning Act 1974 and is granted when the development is considered to be in the

national interest. In this case, the Riddell's Bay SDO undoubtedly involves a tremendous public gain given the creation of new conservation areas which the public can access.

Mr. Speaker, it is of value to mention the consultation that the developer undertook with all environmental groups in advance of submitting a subdivision application to the Department of Planning. Specifically, detailed presentations of the scheme had been made to BEST, the Audubon Society, Greenrock and the National Trust.

Mr. Speaker, to this end, I would like to share a snapshot of the comments made on record by these environmental groups:

- Bermuda Audubon Society: “While we are loathe to see any of our precious remaining open space given over to development, we accept that in this case, there is a pragmatic need for the new landowners to sell some lots for development in order to be able to set aside a sizeable area as a reserve which will benefit Bermuda as a whole”.

- Greenrock: “If anything, we saw [it] as a potential planning gain for the people of Bermuda in terms of expanding the land back to protected green space”.

Mr. Speaker, it would be remiss of me not to explain the indepth assessment of the scheme performed by technical officers within the Department of Planning. This project has undergone an exhaustive environmental analysis and scrutiny. The application submission included a comprehensive Environmental Impact Statement and Conservation Management Plan. By virtue of the statutory advertisement process required by the Development and Planning Act 1974 (the Act), this application was afforded public scrutiny. The submission details were comprehensively reviewed by technical officers of the Departments of Planning and Environment & Natural Resources as well as Non-Government Organizations and members of the community.

Mr. Speaker, the Department of Planning, in their review of the comprehensive submission, reached the conclusion that the proposal represented an appropriate form of sustainable development which would

bring about notable public benefits that would outweigh any harm brought about by the loss of Recreational zoned land.

Mr. Speaker, the Department's board report, accessible on their website, clearly articulated the following salient points:

1. The Development Applications Board (DAB) did not have the discretion to approve the application given the subdivision of land for residential lots is not permitted within a Recreation zoning as per the Draft Bermuda Plan 2018.
2. Given the inability for the DAB to approve coupled with the position of the Department that the application represented a scheme of national significance and importance, it therefore warranted a Special Development Order.

Mr. Speaker, in accordance with Section 15 of the Act, planning permission granted by a development order may be granted with or without conditions. A number of stringent conditions have been included in the Order which sets out the standards for the development lots in addition to the requirements regarding how the Conservation

Management Plan to create the new conservation areas shall be implemented.

Mr. Speaker, in essence, it is the addition of 64 acres of conservation land that garners the national interest component of this SDO. The two conservation lots, split into four categories including Nature Reserve, Open Space, Recreation and Woodland, significantly upgrades the conservation status of the existing Recreation zoning. Notably, the vast size of this conservation area in its entirety exceeds the size of the majority of Government Nature Reserves and/or National Parks on the island.

Mr. Speaker, I must also clarify the misinformation that has been espoused by some objectors in respect of the level of protection which is afforded to land zoned Recreation. Development is permissible on Recreation zoned land such as sports clubs, racing tracks, educational facilities and horse stables. Even accessory uses to Recreational developments such as Commercial and even Tourism accommodation are permitted. Land formerly zoned as Recreation has been re-zoned for other uses in Bermuda. Two such examples include Somersfield Academy

(formerly the National Sports Club) and the Newstead Belmont Development. Other zones, such as Nature Reserve and Open Space Reserve, are afforded significantly greater protection from development than Recreation zones.

Mr. Speaker, against the backdrop of the current challenges being faced by our community, I am certainly proud to introduce such a scheme that represents a significant ecological and social gain for the island. It has, undoubtedly, tremendous potential to inject an estimated \$75 million capital investment into the economy, provide a much needed stimulus to various business sectors including construction and landscaping, real estate and other retail and service industries and, most importantly, provide jobs for Bermudians.

Mr. Speaker, to conclude, I would like to once again take the opportunity at this time to thank the developers, in particular, Mr. Daniel Tafur, for undertaking such a significant venture which entails much needed new investment for the country as well as valuable conservation land for the benefit of the community. We applaud the developers for continuing to

believe in Bermuda as a sound and promising jurisdiction in which to invest.

Mr. Speaker, I would also like to thank my technical officers, including the Director, Ms. Victoria Pereira, Mr. Larry Williams, Mr. Paul McDonald, and Parliamentary Counsel, Ms. Amani Lawrence.

Mr. Speaker, I now invite Honourable Members to give their consideration to the Order.

Mr. Speaker, I move that the said draft Order be approved, and that a suitable Message be sent to His Excellency the Governor.