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A R C H I T E C T



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**APPEAL UNDER SECTION 57 OF THE DEVELOPMENT AND PLANNING ACT 1974 AGAINST THE
DECISION OF THE DEVELOPMENT APPLICATIONS BOARD ON BEHALF OF EDI BERMUDA LLC**

Planning Reference:	P0086-25
Applicant:	EDI Bermuda LLC
Site:	Southlands Park & 77 South Road, Warwick
Proposal:	Proposed Zipline Adventure Course in Southlands Park; Change of Use from Residential to Business and Renovation of Existing Uninhabitable Building at 77 South Road, Warwick
Decision:	Refused by the Development Applications Board on 10 December 2025

APPELLANT'S CASE

1. SITE DESCRIPTION

- (a) The application site is part of Southlands Park (parcel number 09840) and the refurbishment of the uninhabitable building known as 'Dapples' at 77 South Road, Warwick.
- (b) The site is zoned as Park with overlays of Woodland Reserve and Agricultural Reserve. The site is also bisected east to west by South Road and has a beach access from the southern portion of the property.



- (c) The site contains seven residential buildings, all of which are uninhabitable and require varying degrees of structural repair and maintenance. The primary building on the site is 81 South Road and is Grade 2 Listed.
- (d) Southlands Park is designated a 'Class B-Amenity Park' under the Bermuda National Parks Act 1986.

2. PROPOSED DEVELOPMENT

(a) Zipline Experience

The proposal consists of a family friendly tourism experience with the installation of four zip line courses throughout portions of Southlands Park as well as the repair and renovation of 77 South Road, Warwick to serve as the administrative hub and base of operations. The four courses are designed for varying levels of age and capability and are briefly described below. Participant wear a safety harness and are continuously clipped into a zip line cable running between various elevated timber platforms between the existing trees. Participants then traverse between platforms relying on gravity to gently descend along the cable length or along elevated timber walkways.

- i. **Tree Frogs Adventure** – An introductory Zip Line course that includes various obstacles and bridge elements designed for children and parents ages 4 and up. Elevation above grade would be 10ft to 20ft.
- ii. **Bermuda Triangle Challenge** – A physically and mentally demanding challenge course for ages 13 and up. It is designed to build confidence and support team building activities. Elevation above grade would vary between approximately 20ft to 50ft.
- iii. **Escape From Devils Isle** – A guided upper tree canopy tour designed for children and adults ages 10 and up. Participants explore the upper canopy on zip lines and bridge walkways while learning about local history and the surrounding natural environment. Elevation above grade would vary between approximately 20ft to 50ft.
- iv. **Longtail's Flight** – A dual super zip line spanning over 750 feet in length running above the tree canopy with views over Southlands Park and the surrounding landscape and seascape. Elevation above grade would be approximately 40ft to 60ft.
- v. **Dapples Cottage** – This building is to serve as the hub for the experience with ticket sales, equipment storage, staff areas, training room and washroom facilities for staff and public.

(b) Course Construction

- i. The four courses are constructed using only timber utility poles placed into holes in the ground using an auger to drill approximately 8ft in depth, exactly the same manner as a normal utility pole. Backfill is compacted fill and not concrete. The elevated platforms can be constructed with either a single pole, two poles or three poles depending on the requirements of the course. Steel cables are strung between the platforms, avoiding existing trees to allow participants to be able to traverse between the platforms. The courses are designed by an accredited zip line course designer and installer and would meet all relevant North American and International safety standards including OSHA, ANSI and the Association of Challenge Course Technologies International (ACCT) which sets the standards for compliance, training, certifications and safety inspections.
- ii. No existing trees would need to be removed as the courses have been laid out to avoid mature vegetation. All tower/platform locations have been marked on site and GPS recorded by a Bermuda Registered Land Surveyor and form part of the application documents.

(c) Conservation Management Plan

- i. The application also has a detailed Conservation Management Plan detailing the minimal extent of branch trimming in the canopy for the cable runs and restorative planting at the base of the platform poles following pole installation.

3. RELEVANT HISTORY

Discussions with the various sections of the Bermuda Government related to the zip line course proposal at Southlands Park have been ongoing for several years with preliminary support for the concept expressed by the Government.

(a) Department of Parks conceptual approval

- i. A letter from the Department of Parks dated 16 February 2023 confirmed that zip line activities were "suitable activities that could take place in Southlands Park". The letter specifically mentions the Tree Frogs Adventure course, the Canopy Zip Line course, the Bermuda Triangle Challenge course and the utilization of the 'Dapples' building.
- ii. The letter of 16 February 2023 does exclude support for the Super Zip course as it operated over the Woodland Reserve. We understand that this reservation was

due to the incorrect assumption that there would be support poles required to be installed along the length of the course in the Woodland Reserve zoning.

- iii. The letter also alludes to support for the Super Zip course if the Woodland Reserve zoning were to be rezoned, which assumes the height of the course above the tree line was not an issue.
- iv. Based on this preliminary support from the Department of Parks the concept of a zipline experience to support the Bermuda tourism product was developed.

(b) Southlands Park Draft Management Plan

- i. In addition to normal Planning requirements, development within Southlands Park would reference the Draft Southlands Park Management Plan. Section 7 of the Draft Plan has several objectives defined under the title of 'Visions'.
- ii. Objective C under clause 7.2.2. titled Tourism, Sports and Recreation anticipates that the Draft Plan support and *"provide new and exciting opportunities for environmental education, recreation and tourism."*
- iii. The objective goes on to specifically recommend the following uses suitable for Park activities: *"guided walks, eco-tours, **tree canopy walks, zip line tours** and bird watching"*. (my bold emphasis)

(c) Department of Public Land & Buildings – Estates Section

- i. The application has been designed in consultation and with the support of the Estates Section which are responsible for leasing, development, improvement and granting of interests within the National Parks System.
- ii. The Estates Section has a current application for Planning Permission (*Planning Reference: P0157-25*) for other areas of Southlands Park, including proposed vehicle parking facilities on the south side of South Road to support all activities within Southlands Park.
- iii. The Estates Section does not support public vehicle access and parking within the wooded area of the Park on the north side of South Road due to safety concerns especially with the anticipated number of children participating in various activities within the Park.
- iv. The application therefore, *at the specific request of the Estates Section*, omitted parking requirements for the zipline facility. It is understood that public parking facilities to support the public enjoyment of Southlands Park would be designed and constructed by the Bermuda Government.
- v. The Department of Planning was made aware that the parking requirements for the application were to be coordinated and considered in tandem with the Estates Section application P0157-25. It was felt appropriate by Estates that the zipline experience proposal be a separate application (as it was to be constructed by a

private developer) while the other proposed development within Southlands Park be submitted by Estates (as it would be constructed by the Bermuda Government) if both applications were granted permission.

(d) National Parks Commission

- i. Minutes of the National Parks Commission (NPC) of 14 July 2025 confirm that the previous NPC members were in support of a zipline experience in Southlands Park.
- ii. The 14 July minutes also confirm that the Department of Parks agreed to three of the proposed zipline courses and that the Super Zip course was not agreed to due to the erroneous assumption that the Super Zip course would need to be supported with towers throughout the Woodland Reserve zoning.
- iii. The 14 July minutes also confirm that the only areas of the Park restricted from public use by the proposal would be:
 1. the office space of the renovated 'Dapples' building, otherwise known as the 'Carriage House'
 2. underneath the children's Tree Frogs Adventure course (which is the smallest course) for safety & security reasons and
 3. the immediate area around the base of each tower for safety and security reasons
- iv. The July 14 minutes confirm that the NPC would not provide their advice of approval to the Minister with regard to the application due to the following concerns:
 1. Southlands Park is becoming too commercialised and that public consultations are not being respected.
 2. Efforts to revitalise the Park are too piecemeal.
 3. Some members were not satisfied that there would be little risk to the environment.
 4. Some members were concerned about the noise generated by the zipline activity.
- v. The NPC reviewed further supporting documentation submitted by the applicant to address the NPC's concerns in November 2025.
- vi. Minutes of the National Parks Commission of 4 December 2025 refused to provide advice of approval to the Minister for the application and noted the following:
 1. Concern for decommissioning of the zipline course if the enterprise were to fail.
 2. Disagreement with the previously appointed NPC members, the Draft Southlands Park Management Plan and the Department of Parks that the proposed zipline activity was an appropriate activity within Southlands Park.
 3. Concerns about the level of noise created by the zipline activity.

- vii. While the support by the NPC for the proposal was lacking, the decision by 6 to 4 was by no means unanimous. Responses to the above minuted concerns of the NPC are noted in our Grounds of Appeal below.

4. GROUNDS OF APPEAL

(a) Reasons For Refusal

On 10 December 2025, the Development Applications Board (DAB) resolved to refuse the application for the following reasons:

i. Reason 1:

The proposal would not comply with the development restrictions permitted on Park zoned land and would not be appropriate to the quality, character and function of the Park as an amenity parkland for the passive and active recreational enjoyment of the public, contrary to Policy PAR.4, Chapter 16 of the Bermuda Plan 2018.

ii. Reason 2:

The application proposal does not have the support of the National Parks Commission (NPC) and therefore the proposal fails to satisfy the requirements of Policies DAB.10, PAR.1 and PAR.2 of the Bermuda Plan 2018 and the statutory role of the NPC under the Bermuda National Parks Act 1986 (as amended).

iii. Reason 3:

The proposal has failed to demonstrate that an adequate number of independently accessible car parking spaces, with turnaround, can be provided on the site, to the detriment of highway safety and free passage of traffic and contrary to Policies TPT.20, TPT.23 and TPT.27, Chapter 12 of the Bermuda Plan 2018.

iv. Reason 4:

The proposal would introduce a form of development, including new structures and footbridges, which are prohibited in areas of Woodland Reserve as they would not preserve the Woodland Reserve land for its ecological and/or amenity value, contrary to Policy WR.3, Chapter 20 of the Bermuda Plan 2018.

(b) The Grounds of Appeal in this case are:

- i. That the proposed development is compatible with the quality, character and function of the Park and that the DAB has erred in its interpretation of appropriate development within a Park zoning under PAR.4.
- ii. That the Bermuda Plan 2018 is inconsistent and unreasonable with relation to the statutory functions of the National Parks Commission (NPC) in that the Bermuda Plan 2018 grants powers that the NPC does not have under the Bermuda National Parks

Act 1986. This effectively removes the agency of the DAB (which is responsible for approving applications for Planning Permission) to make decisions for themselves.

- iii. That the application should have been resolved in concert with the Estates application P0157-25, which has the relevant parking infrastructure required under TPT.20, and not before it.
- iv. That there is room for discretion by the DAB in the granting of development within Woodland Reserve zoning under the Heads of Protection of the 4th Schedule of the Development and Planning Act 1974. There is also room for discretion under WDR.5 of the Bermuda Plan.
- v. That the concerns raised by the NPC in their formal response on 4 December 2025 are either not relevant to the Planning process or show a lack of understanding regarding the intention of the application proposals.
- vi. That there is glaring evidence of bias on behalf a certain member of the National Parks Commission leading social media and public opposition to this application which may not allow the NPC to have a fair and unbiased opinion.

5. GROUNDS OF APPEAL 1

That the proposed development is compatible with the quality, character and function of the park and that the DAB has erred in its interpretation of appropriate development within a Park zoning under PAR.4.

- (a) Pre-consultations with the Department of Parks resulting in their letter of 16 February 2023 confirm that the proposed zip line courses would be considered "suitable activities which could take place in Southlands Park".
- (b) The Draft Southlands Park Management Plan also considers a zip line course and canopy tours an appropriate activity.
- (c) Objective C under clause 7.2.2. titled Tourism, Sports and Recreation anticipates that the Draft Plan support and "*provide new and exciting opportunities for environmental education, recreation and tourism.*"
- (d) The objective goes on to specifically recommend the following uses suitable for Park activities: "*guided walks, eco-tours, **tree canopy walks, zip line tours** and bird watching*". (my bold emphasis)
- (e) The application fulfils the objectives of clause 7.2.2 by proposing tree canopy walks and zip line tours to provide nature-based environmental education and recreation.
- (f) Minutes of the National Parks Commission of 14 July 2025 confirm that the previous NPC members agreed that Southlands Park was a suitable location for zipline courses.
- (g) The Estates Section of the Department of Public Lands and Buildings which is responsible for any proposed development withing the National Parks system are supportive of zip line courses and canopy tours as suitable activities for the Park.

- (h) The Estates Section have made a preliminary lease offer to EDI Bermuda LLC (subject to Planning Permission approvals) in their letter of 12 March 2025 for the zipline experience following an extensive public Expression of Interest outreach for enhancements to Southlands Park, further indicating their support of the proposal.
- (i) The installation of the course infrastructure is of a temporary and reversible nature, consisting of timber utility poles and timber platforms. Installation is with a auger drill in the same manner as a normal utility pole. The auger is typically mounted on a 4 wheeled machine the size of a 'Bobcat' which can manoeuvre between the existing trees to each pole location without the need for invasive clearing of existing vegetation.
- (j) The above noted support from various Government entities and documents over the past several years indicate that the application proposal is compatible with the quality, character and function of a Class B Amenity Park and that the construction process would have minimal impact to the existing vegetation.
- (k) We would respectfully request that the Minister find that the first reason for refusal is erroneous and that the application proposal is a suitable activity to take place within Southlands Park.

6. GROUNDS OF APPEAL 2

That the Bermuda Plan 2018 is inconsistent and unreasonable with relation to the statutory functions of the National Parks Commission in that the Bermuda Plan grants powers that the NPC does not have under the Bermuda National Parks Act 1986. This effectively removes the agency of the DAB (which is responsible for approving applications for Planning Permission) to make decisions for themselves.

- (a) Under PAR.2 of the Bermuda Plan 2018 the DAB "shall request **comments and advice** from the National Parks Commission" (my emphasis) while under PAR.4 (2) (e) NPC consent shall be mandatory for areas under the National Parks Act. This effectively removes the agency of the DAB (which is responsible for approving applications for Planning Permission) to make decisions for themselves and the Bermuda Plan 2018 confers powers to the NPC that is not given to the Commission by the Bermuda National Parks Act 1986.
- (b) It is unreasonable that the National Parks Commission essentially hold veto power over the responsibilities of the Development Applications Board.
- (c) Article 10 of the Bermuda National Parks Act 1986 describes the function of the National Parks Commission as an advisory body to the Minister. Specifically, subsection (1) states "the primary function of the Commission shall be to advise the Minister on matters affecting the long-term conservation and management" of the Parks System. Subsection (2) (b) further elaborates on the function of the Commission to include "making recommendations to the Minister regarding any matter affecting protected areas". The Bermuda National Parks Act 1986 clearly describes the National Parks Commission as an advisory body.

- (d) At no point in the Bermuda National Parks Act 1986 does the Act provide for the function of the National Parks Commission to dictate decisions to another statutory body such as the Development Applications Board.
- (e) It was clear from correspondence with the Department of Planning officers that they accept that if the National Parks Commission did not provide advice of approval for a development within a National Park, that the Department of Planning would be forced to recommend refusal of the application to the Board based on Policy PAR.4
- (f) We would respectfully request that the Minister find that the second reason for refusal is erroneous in that Policy PAR.4 is inconsistent and unreasonable in that it gives powers to the National Parks Commission that are not described or conferred to it in the Bermuda National Parks Act 1986. Policy PAR.4 dictates that the Development Application Board must de facto refuse an application for Planning Permission on the grounds that the National Parks Commission has refused to give a recommendation of approval when the NPC is only granted advisory powers to the Minister under the Bermuda National Parks Act 1986.

7. GROUNDS OF APPEAL 3

That the application should have been resolved in concert with the Estates application P0157-25 which has the relevant parking infrastructure required under TPT.20 and not before it.

- (a) The application proposal is based on a submission to the Estates Section of the Department of Public Land and Buildings as a result of a formal Expression of Interest (EOI) selection process for improvements or development schemes to enhance infrastructure and facilities for the better use and enjoyment of Southlands Park.
- (b) While discussions concerning the viability of a zipline activity have been ongoing with the Department of Parks and the Estates Section for several years in advance of the formal EOI, a letter of 12 March 2025 for the Estates Section confirms a preliminary agreement for the construction of a zipline facility at Southlands Park and renovation of the uninhabitable building at 77 South Road, Warwick, subject of course to all relevant statutory regulations.
- (c) The design and development of the application proposal have been done with the full knowledge and input from the Estates Section and with the understanding that Estates were also separately preparing an application for Planning Permission for other areas of the site, including comprehensive parking facilities for the Park as a whole.
- (d) It was agreed with Estates that they would include the provision of parking facilities for the entire site, including the zipline facility requirements, within their application (submitted as P0157-25). This was to provide a comprehensive and coordinated parking solution rather than a piecemeal arrangement for the various areas of the site being considered for development or improvement.

- (e) It is our understanding that Estates do not want general public parking facilities on the main portion of the site north of the South Road. This intent is also confirmed in the Draft Southlands Park Management Plan. Having a public vehicular access through the park would limit the ability and extent of walking trails and general exploration of the park. It would also provide additional safety and liability concerns, especially with the potential number of children expected to be using the park.
- (f) It was agreed with Estates that the zipline facility would form its own separate application as it would be constructed by a private enterprise whereas the remainder of the proposals were anticipated to be constructed by the Government, assuming that all permissions were granted. In hindsight, perhaps the zipline proposal should have formed part of the Estates Section applications and this technicality would not have arisen.
- (g) Both the application subject to this appeal and the Estates Section application reference P0157-25 were submitted to the Dept of Planning within a few weeks of each other and the Department of Planning were aware of the request that they be reviewed in concert with each other.
- (h) It is unfair and unreasonable to have the proposed application considered independent of P0157-25 when it was directed by Estates to not show any parking facilities for the zipline facility within the application.
- (i) We would respectfully request that the Minister find that the third reason for refusal is unreasonable given the circumstances and that a successful appeal could be conditioned that no Building Permit relating to the appeal be granted unless and until there is acceptable parking facilities with granted Planning Permission for the site's comprehensive use. This would give confidence to EDI Bermuda LLC and its investors that the project is still viable.

8. GROUNDS OF APPEAL 4

That there is the ability for discretion by the DAB in the granting of development within Woodland Reserve zoning under the Heads of Protection in the Fourth Schedule of the Act and under WDR.5 of the Bermuda Plan 2018 and that the DAB did not consider this in their refusal.

- (a) Every effort has been made to ensure that the vast majority of the zipline courses are situated outside of the Woodland Reserve zoned areas of the site. However, it is acknowledged that there are some platform poles proposed for installation within the Woodland Reserve zoned areas. This is solely due to existing topography and the requirements of the zipline cable runs to have a gentle slope to traverse via gravity. Removing all of the poles from the Woodland Reserve areas would severely compromise the effectiveness and enjoyment of the courses and potentially the viability of the project.

- (b) The Department of Planning Board Report acknowledges that the course routes “have been carefully designed to follow the existing contours of the land” to avoid alterations to the grade or significant vegetation. It also describes the proposed construction techniques as “low impact and reversible in nature”. The report goes on to say “whilst the proposal would introduce new infrastructure into a protected National Park landscape, the layout of the proposal has been designed to minimise visual and environmental disruption...to preserve site features and work with the natural landscape rather than against it.”
- (c) The above reference show that the proposals provide the same level of environmental sensitivity to the totality of the site, whether outside of Woodland Reserve zoned areas or within.
- (d) The application proposal has been subject to consultation and thorough review by the Terrestrial Conservation Officer of the Department of Environment and Natural Resources (DENR). According to the DENR website, the Terrestrial Conservation team “provides ecological assessment and consultation on all proposed development impacting terrestrial conservation areas” including Woodland Reserve zoned land among others.
- (e) DENR, being the body with the remit to review applications related to terrestrial conservation areas and the most ecologically knowledgeable with regard to woodland habitats, does not raise any objection to the placement of the zipline infrastructure within the Woodland Reserve zoned areas in its consultation response.
- (f) Policy WD.3 notes that development within a Woodland Reserve area is subject to the provisions of Heads of Protections A, E & F in the Fourth Schedule of the Act.
- (g) Under Heads of Protection A: Woodland Reserve paragraph 3 the DAB may grant Planning Permission for development within Woodland Reserve given certain circumstances.
- (h) Under paragraph 3 (a) permission is already extensively granted by the DAB to remove or alter trees within Woodland Reserve provided they are invasive species and the methods detailed under a Conservation Management Plan (CMP). Altering ground conditions to provide access for the enjoyment of the Woodland Reserve are also frequently granted. The application proposal includes a comprehensive CMP and no native or endemic trees are intended to be removed or altered in the proposal. All ground alterations are in locations of invasive species ground vegetation and to be remediated with new endemic planting as detailed in the CMP.
- (i) Under paragraph 3 (b) there would not be any material damage to the woodland. This is supported by the Department of Planning’s own Board Report review and the consultation by the DENR Terrestrial Team which did not raise any concerns with the installation of part of the zipline course within the Woodland Reserve.
- (j) Under ‘Heads of Protection E: Habitat Protection’ and ‘F: Other Natural Features Protection’ the same methodology applies. Under Head E there are no alterations to any substance necessary for the composition or sustenance of any flora or fauna proposed; under Head F there are no alterations to any natural features proposed.

- (k) Given that we believe that the zipline courses are an acceptable activity within Southlands Park as described under our Grounds of Appeal 1, discretion for development is also available to the DAB under Policy WDR.5 for Access to the Woodland Reserve in that:
 - i. it is necessary for the enjoyment of the Woodland Reserve part of the Park as the focus for a zipline activity is above ground within the tree canopy.
 - ii. the design of the zipline courses have avoided the Woodland Reserve as much as possible but due to the site topography it was necessary to propose some elevated platforms within the Woodland Reserve area.
 - iii. the width of the access is kept to a practical minimum and the alignment protects specimen trees, natural features and requires no site excavation.
 - iv. the grounds of support follow the requirements of Head of Protection A, E & F of the Act in that there is no material damage to the Woodland Reserve.
- (l) We would respectfully request that the Minister find that the fourth reason for refusal is unreasonable given the proposals:
 - i. abide by the Heads of Protection in the Fourth Schedule of the Act and
 - ii. that DENR does not have any concerns regarding the installation of a portion of the zipline course within the Woodland Reserve.

9. GROUNDS OF APPEAL 5

That the concerns raised by the NPC in their formal response of 4 December 2025 are either not relevant to the Planning process or show a lack of understanding regarding the intention of the application proposals and the activities allowed in an Amenity Park.

- (a) Decommissioning
 - i. A decommissioning plan was not requested by the Department of Planning as a requirement for the submission of the Planning permission application. We believe, if required, that it would form part of an application for a Building Permit. A Building Permit application would show technical requirements for the installation of the infrastructure including reviews by a Bermuda Registered Structural Engineer and could more easily refer to any technical removal requirements.
 - ii. The Department of Planning Board Report states that "the proposed construction techniques are low-impact and reversible in nature."
 - iii. We respectfully propose that the NEC's concerns in this regard are not relevant to the Planning Application and can be more appropriately dealt with in any final lease agreement with Estates Section and noted in any Building Permit application.



(b) Appropriate Activity

- i. We believe it has been demonstrated under Grounds of Appeal 1 that the proposed zipline and canopy tour activity is an appropriate use of a Class B Amenity Park.
- ii. Furthermore, we believe the proposal are in alignment with the Bermuda National Parks Act 1986 Section 5 (b) "to provide for the use of the area in its natural state with a minimum of commercial and mechanical activity".
 1. The course layouts are designed to primarily avoid existing open areas and existing walking trails. The Department of Planning Board Report notes "The course layout has also been designed to avoid open spaces and instead, it would use the dense woodland areas to screen the development from wider public view, thereby preserving key elements of the 'Bermuda Image' such as lush vegetation, natural landforms and glimpses of the nearby Atlantic Ocean to the south."
 2. The vast majority of the zipline courses are up within the dense tree canopy foliage 20ft to 50 ft above the ground and out of sight. Therefore the impact of the 'commercial activity' has on other users of the Park is limited.
 3. The proposed zip line and harness trolley systems are not considered 'mechanical activity' as the system relies only on gravity to operate and there is no internal motor or power source.

(c) Noise

- i. Southlands Park is designated a Class B Amenity Park and not a Class A Nature Reserve under the Bermuda National Parks Act 1986. Amenity Parks are meant for the use and enjoyment of the public for all manner of recreational amenity activities and not solely for those who are there to "experience calm nature". A robust use of the Park by the public as expected by the Draft Southlands Park Management Plan will by necessity have a certain ambient level of noise, whether it be children enjoying themselves, dogs barking, traffic noise from South Road, etc.
- ii. The noise level generated by a zip line trolley system is generally less than the noise created by a normal human voice. Noise generated by the zipline course will be high above the ground and within the tree canopy where tree trunks and leaves act as a noise diffuser; the ground topography undulates quite significantly throughout the site acting as berms or grade breaks to reduce sound travel horizontally at ground level; and the natural forest ground is quite soft with leaf mulch and needles being acoustically porous absorbing sound.
- iii. The level of noise generated would be appropriate to the use of the Park as a place for the public to enjoy and experience recreational activities within the natural environment as outlined in the Draft Southlands Park Management Plan.

- (d) We would respectfully request that the Minister find that the concerns raised by the NPC in their minutes of 4 December 2025 are more in line with a Class A Nature Reserve rather than a Class B Amenity Park and are therefore overstated. The Draft Southlands Park Management Plan describes in its list of objectives not only 'Resource Management and Protection' but also 'Tourism, Sports and Recreation' as well as 'Environmental Education Outreach'. The application proposal reflects all of these objectives while the NPC concerns reflect only the first objective to the exclusion of the others.

10. GROUNDS OF APPEAL 6

That there is glaring evidence of bias on behalf of members of the National Parks Commission leading social media and public opposition to this application which cannot allow the NPC to have a fair and unbiased opinion.

- (a) Objections to the application for Planning Permission includes written objections from the Bermuda National Trust and the Bermuda Audubon Society. Response to their concerns were submitted in accordance with Department of Planning policies and form part of the public record.
- (b) The Bermuda National Parks Act 1986 requires the NPC to consist, among others, of one member representative of the Bermuda National Trust and one member representative from the Bermuda Audubon Society.
- (c) It is a matter of fact that the Bermuda National Trust and the Bermuda Audubon Society jointly produced a public awareness opposition campaign to the proposed development widely distributed on social and print media in September / October / November 2025. The NPC member for the Bermuda National Trust was significantly featured on camera in these opposition media campaigns. While each member of the NPC is, of course, entitled to form their own opinion, the presence of a NPC member publicly acting in the interests of his employer gives serious concern as to their influence within the Commission.
- (d) Given that the NPC member for the Bermuda National Trust was also intimately involved in public opposition to the application proposal on behalf of his employer, the impartiality of the NPC is suspect.
- (e) We would respectfully suggest that the decision of the NPC to not recommend approval of the application (in stark contrast to the previous Commission, the preliminary approval of the Department of Parks, the Estates Section of the Department of Public land & Buildings and the Department of the Environment and Natural Resources) may have been influenced by members of the NPC acting in the interests of their employers which have already objected to the proposals as part of the formal Planning process. We would again note that

the NPC was not unanimous in their dissent with four members of the NPC voting in favour of the application proposal as noted in the minutes of 4 December 2025.

11. CONCLUSION

- (a) On the basis of our Grounds of Appeal 1 through 6 noted above, we respectfully request that the Minister uphold this appeal and grant Planning Permission for the development proposed in the Planning application P0086-25 with the following Condition attached; that a Building Permit based on the Planning Permission shall not be granted by the Department of Planning unless and until the associated parking requirements under Policy TPT.20 for the proposals have received Planning approval under a separate application.
- (b) The concerns of the National Parks Commission are fairly vague and mostly focused on the appropriateness of the proposed activities. It seems the NPC would prefer Southlands Park to be considered more akin to a Nature Reserve than its legal status under the Parks Act as an Amenity Park. We would note that other Amenity Parks have significantly more invasive and commercial activity than the proposed; for example, Tobacco Bay Park, Clearwater Beach Park and Coney Island Park are all considered Amenity Parks.
- (c) We would also note that the approval of this application should be considered a valuable community investment and contribution to Bermuda's tourism product; provide access to local residents and youth development programs, including MIRRORS; provide additional year-round job opportunities for Bermudians; and provide opportunities for STEM education courses for school group excursions.
- (d) The repair and renovation of the 'Dapples' building, which is uninhabitable and in need of major structural repair, would also maintain and improve an existing asset of the Bermuda Government. The building is rapidly deteriorating with the loss of part of its main roof, partial collapse of the interior upper floor and verandah roof as well as serious structural cracking in the south west corner of the building's masonry walls. Further deterioration may well result in the building being condemned and demolished with the loss of a Bermuda Government asset.



APPENDIX

1. Department of Parks letter of 16 February 2023
2. Department of Public Land and Building – Estates Section letter of 12 March 2025
3. National Parks Commission minutes of 16 July 2025
4. EDI Bermuda letter of 6 August 2025
5. Department of the Environment and Natural Resources – Terrestrial Conservation Section email of 8 August 2025
6. National Parks Commission minutes of 4 December 2025
7. EDI Bermuda LLC letter of 18 December 2025
8. EDI Bermuda LLC brochure boards for zipline courses

Other documents referenced in this appeal such as the Development Application Board decision letter, Development officer Board Report, the Draft Southlands Park Management Plan, the Development & Planning Act 1974 and the Bermuda National Parks Act 1986 are part of the public record and have not been included.