

BEST is going to court again – this time to assist the government in protecting one of the largest farm plots on the island from having a major roadway built to run right through the middle of the field. The developer is Morgan’s Point Limited (MPL) and BEST is opposing the roadway for what we think are very good reasons:

The issue for BEST is that, despite gaining a better than 2:1 swap of freehold (Southlands), plus a lease of 128 acres for 262 years, which includes 15.5 acres of waterfront, MPL is fighting to build a major roadway through the middle of farmland outside their border. This development has been opposed and/or rejected by:

- The Development Applications Board (DAB)
- The Department of Planning (DOP)
- The Board of Agriculture (BOA)
- The Bermuda National Trust (BNT)
- The Bermuda Environmental Sustainability Taskforce (BEST)
- The Bermuda Farmers’ Association (BFA)
- 1 Independent Inspector
- 1 Government Minister

Despite the extended series of rejections to their plan, MPL repeatedly appealed the decisions or renewed their proposal until the last Minister finally went along and overturned the DAB decision.

The threat to the agricultural plot goes against government’s own 2016 Crop Strategy¹ and against a report on the Role of Agriculture in Bermuda’s Future² produced in 2010 for the Environmental Coalition (ECO).

At first, MPL’s argument for building this roadway was that they needed a grand entranceway to match the luxury of the hotel. Our response was, in essence, that with the surfeit of land, freehold and leased, plus the 15.5 acres of prime waterfront (more than any other hotel property in the entire island), they had more than enough land to build a grand entrance without having to ruin a precious agricultural plot outside their holdings.

¹ Government of Bermuda: Ministry of the Environment, DENR, 21 July 2016.

Bermuda Crop Strategy 2016-2021;

² McKittrick, T. A., 2010. Agriculture’s Role in Bermuda’s Future.

It seems that argument may have been perceived as costing them credibility—given that they were proposing sacrifice of previous arable land outside their 128 acre holdings for aesthetic purposes—as they then switched to a utilitarian argument that the roadway was needed.

BEST is taking this issue on in the public interest of preserving and protecting Bermuda’s dwindling stock of farmland. We are again applying for a Protective Costs Order (PCO) to help defray the costs of having the issues argued and resolved in the Supreme Court.

A few additional points should assist in understanding the issue:

The land on the Morgan’s Point peninsula is now owned jointly by Morgan’s Point Limited (now re-branded as “Caroline Bay”) and the Bermuda Government. MPL became owners via a land swap for the Southlands property. In exchange for 37 acres at Southlands they got 80 acres freehold plus 128 acres leasehold at Morgan’s point. The previous occupiers at MP left portions of the site, including network of caves, polluted with fuels and chemicals. The Bermuda Government (us) paid for the clean-up. In addition, MPL had the lease boundaries adjusted so their holding did not include the previously polluted and now cleaned-up portion of the overall site.

The MPL business received special financial and other considerations from Government (e.g. tax relief, planning permissions, waterfront rights, etc.) via the Morgan’s Point Resort Act 2014 (amended. qv).³

This development is so large and so environmentally significant it should require an Environmental Impact Assessment and Statement EIA/EIS—done comprehensively so it covers the entire build-out of the development. MPL argues that it is enough to do piecemeal EIA/EISs on subsets of the development as they are slated for construction.

The 2017 Throne Speech expressed a government commitment to preserve open space. Allowing a dirt farm access track to be converted to a major roadway goes against the spirit of that commitment.

3.

<http://www.bermulaws.bm/Laws/Consolidated%20Laws/Morgan%27s%20Point%20Resort%20Act%202014.pdf>