



GOVERNMENT OF BERMUDA  
Department of Planning

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## **Guidelines for Hearing Procedures in the Planning Application Process** (Adopted by Development Applications Board 14<sup>th</sup> December 2011)

### **1. Introduction**

1.1. The Development and Planning (Application Procedure) Rules 1997 make provision for hearings to be arranged as part of the consideration of planning applications. The objective is that members of the Development Applications Board (DAB) will be in a better position to make an informed decision having had the opportunity to listen to representations made.

1.2. The above Rules also make provision for circumstances in which a hearing will be held to be agreed by the DAB. Accordingly, the following guidelines have now been adopted by the DAB to advise on procedures to be followed.

### **2. Scope of hearings**

2.1. The need for a hearing will be at the discretion of the DAB following advice by officers of the Department of Planning on the issues raised by an application. Generally, a hearing will be considered where applications are particularly contentious and have attracted a number of objections (usually in excess of 10 but not necessarily so) or where the application raises unusual issues which would benefit from a verbal presentation either by applicants or the agents or objectors.

### **3. Location and participation at hearings**

3.1. Where the DAB has agreed to a Hearing, it will normally be held on the day the DAB conducts its usual business i.e. commencing at 8:45 on a Wednesday morning, unless the Board considers that an alternative time or evening meeting is appropriate for the particular case. The location of the hearing will normally be held in Hamilton but will be at the discretion of the DAB having regard to the issues raised and location of a particular proposal under consideration.



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3.2. Hearings will normally be closed to the general public, unless the DAB decides otherwise for a particular reason. Only those persons who have made written representations on an application in accordance with paragraph 18 of the Development and Planning (Application Procedure) Rules 1997, will be eligible to address the Board at the Hearing.

#### 4. Procedure to be followed at hearings

##### 4.1. In Advance of the Hearing

- 14 days notice of the hearing shall be given in advance unless a shorter period has been agreed by the applicant and anyone making a representation.
- Any eligible objector who wishes to speak in accordance with 3.2 above shall notify the Department of Planning in advance and no later than the day before the hearing. Alternatively, the objector may nominate a spokesperson to speak on his/her behalf. Where there are a number of objectors who raise the same concerns, such a procedure will be encouraged, and in appropriate circumstances directed, by the Board.
- A list of speakers will be prepared by the Department of Planning prior to the start of the hearing.

##### 4.2. At the start of the Hearing

The **CHAIRPERSON** will:

- Welcome Attendees and explain:
  - (a) the role of the hearing in application process.
  - (b) the reasons for holding a hearing.
  - (c) that speakers are restricted to the applicant and/or his/her agent, support staff from the Department of Planning (including Government consultees), Board Members and formal objectors only.
  - (d) that no decision is to be made on the application at hearing.
- Introduce Board Members.
- Introduce the Board Clerk and technical staff and their role.



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- Advise that all persons wanting to speak should have registered with the Department of Planning, should state their name for the record, state their interest in the application and whether they have an interest in land in the vicinity of the site.
- Advise that remarks/comments should be concise as the Department will already have received written objections which will be summarised in a future Board Report. The Chairperson will reserve the right to intervene if the same comments are repeated by different speakers.
- Advise that a record of the hearing will be taken by the Board Clerk. The subsequent minutes will be made available in the Department of Planning and posted on the Departmental website.

#### 4.3. Order of Presentations:

- (a) Technical officers of the Department and relevant Government consultees will present the application and explain their recommendation.
- (b) Applicant/Agent presentation.
- (c) Representations from third parties - All to be heard prior to Applicant/Agent responding on any points.
- (d) Opportunity for Applicant /Agent to respond.
- (e) Opportunity for rebuttals by third parties who have made representations under 4.3(c) above
- (f) Opportunity for technical officers to clarify any issues on matters of fact.
- (g) Questions by the Board members.

#### 4.4. Closing remarks by CHAIRPERSON

- Advise that the Board will deliberate on the application and make a decision at one of its subsequent regular DAB meetings.
- All those making representations will be notified of decision in due course.
- If new issues are raised subsequent to the hearing and which are material to a decision, an opportunity for making further representations in writing shall be afforded to all those who originally made representations.



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#### 4.5. Site Visits

Site visits will normally be carried out by the DAB, or a site visit subcommittee of the DAB, usually in advance of the hearing, in order to fully appreciate site specific issues prior to listening to representations at the hearing. Technical officers only will accompany Board members on the site visit in order to explain the proposal and its relationship to onsite conditions.