



BERMUDA

**FAIRMONT SOUTHAMPTON HOTEL AND RESORT MASTER PLAN
(SOUTHAMPTON PARISH) SPECIAL DEVELOPMENT ORDER 2025**

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The Minister responsible for planning, in exercise of the power conferred by section 15(1) of the Development and Planning Act 1974, makes the following Order:

Citation

1 This Order may be cited as the Fairmont Southampton Hotel and Resort Master Plan (Southampton Parish) Special Development Order 2025.

Interpretation

2 (1) In this Order—

“Act” means the Development and Planning Act 1974;

“applicant” means Westend Properties Limited, a company incorporated in Bermuda on 30 April 1962 and its successors in title to the site or part thereof;

“Building Heights Plan” means the plan provided in Schedule 4;

“Building Official” means the Director of Planning;

“conditions” means the conditions specified in paragraph 5(4);

“development” means the development particularly described in Schedule 1;

“environmental impact statement ” means the Environmental Impact Statement: Proposed Fairmont Southampton Master Plan prepared by Bermuda Environmental Consulting Limited dated 24 July 2023;

“Hotel” means the Fairmont Southampton Hotel and Resort, excluding the site;

“Phasing Plan” means the plan provided in Schedule 3;

“Protected Conservation Areas” means each areas identified in Schedule 5;

“realignment of South Road” means the completion of works to realign part of South Road as provided in Schedule 5;

“reserved matters” means the reserved matters specified in paragraph 5(2);

“residential” has the meaning provided for “Class 10— Dwellings” in the Development and Planning (Use Classes) Order 2022;

“site” means the land provided in Schedule 2;

“subdivision” means the plan provided in Schedule 6;

“tertiary treatment” means the process of treatment of water as defined by the Environmental Authority Operational Policy 2, and as provided by any subsequent operational policy;

“tourist accommodation” has the meaning provided in section 72(1) of the Bermuda Immigration and Protection Act 1954.

(2) Subject to subparagraph (1), any expression used in this Order that is also used in the Act has the meaning assigned to it in the Act.

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Redevelopment of the Hotel

3 (1) The redevelopment of the Hotel commenced in 2024 with the opening date of the Hotel in 2026.

(2) The new units of the development shall not be occupied until after the Hotel's opening date.

Development phases

4 (1) The two phases of the redevelopment shall be—

(a) Phase 1 consisting of—

(i) Phase 1A (Turtle Hill as described in Schedule 3);

(ii) Phase 1B ('Golf' Units as described in Schedule 3) and up to 159 tourist accommodation units and associated development;

(iii) Phase 1C (Residential South Road Townhomes as provided in Schedule 3) and up to 18 residential units and associated development; and

(iv) Phase 1D (Great Sound Lawn Villas as provided in Schedule 3) and up to 16 residential units and associated development;

(b) Phase 2- (residential, Northern and Southern Hill Top Villas described in Schedule 3) up to 57 residential units and associated development.

(2) For the avoidance of doubt, the reference numbers assigned to the development phases in paragraph (1) do not prescribe the order in which the phases shall be commenced or completed and the phases may occur in any sequence as determined by the applicant and the Building Official.

Planning permission in principle

5 (1) Planning permission in principle is granted for the redevelopment and the site for the periods specified in paragraph 9.

(2) The reserved matters of the development are—

(a) appearance;

(b) access;

(c) landscaping;

(d) layout; and

(e) scale.

(3) Applications for the reserved matters shall be submitted as provided in paragraphs 7 and 8 and a building permit shall not be issued for any of Phase 2 until one third (approximately 35 units) of Phase 1A Turtle Hill has a Certificate of Use and Occupancy issued by the Building Official.

(4) The conditions of the development are—

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- (a) a Certificate of Use and Occupancy shall not be issued for any units until the Hotel has been fully redeveloped and reopened;
- (b) no building hereby approved shall exceed the storey heights set out by the Building Heights Plan;
- (c) the residential units shall achieve the relevant residential private outdoor living space provisions of the Bermuda Plan 2018, or those prescribed by any equivalent policy of the relevant development plan which is in force at the time of submission of the application for approval of reserved matters.

Reserved matters; prior to application

6 Prior to any planning application for the approval of reserved matters—

- (a) an agreement shall be made between the landowner and the Minister responsible for planning designating each Protected Conservation Area under section 25A of the Development and Planning Act 1974;
- (b) an outline Conservation Management Plan shall be submitted to and approved, in writing, by the Building official, inclusive of—
 - (i) a detailed programme for the management of invasive species; and
 - (ii) details of the location, height and appearance of no fewer than ten (10) additional bluebird boxes.

Reserved matters; Phase 1A — Turtle Hill

7 The first application for the approval of reserved matters of Phase 1A Turtle Hill shall include the following details—

- (a) full details of the type of tourist accommodation;
- (b) a Design and Access Statement which explains the design concepts of the proposed development, setting out how the development responds to the site and its setting and how each area of the site would be accessed and used, inclusive of internal vehicular and pedestrian access arrangements, public realm designs and identification of areas which would be publicly accessible;
- (c) details of the realignment of South Road, including road, footpath and verge widths and gradients, an alternative access to 86 South Road with public roads to be maintained by the Ministry of Public Works once the project is complete;
- (d) details of an appropriate traffic control system, as approved by the Minister responsible for highways, to be installed at the northern site access junction with Middle Road and Lighthouse Hill inclusive of arrangements for ownership, maintenance and liability by the Ministry of Public Works upon completion of the Phase 1;

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- (e) an outline site-wide Transport Statement and Travel Plan which detail measures and features which will be incorporated in the development to promote sustainable methods of transportation and reduce trips by private car;
- (f) an outline site-wide parking plan detailing a practical minimum number of car parking spaces within the site and identifying the spaces of the northern parking area (no less than ten (10)) which would be continually available to any member of the public;
- (g) a Strategic Energy Statement demonstrating how the development will reduce energy consumption, use energy efficiently and incorporate renewable energy technologies, inclusive of details of—
 - (i) the estimated amount of renewable energy which would be generated for Phase 1A; and
 - (ii) the location and type of infrastructure to be installed for Phase 1A;
- (h) a strategic Sewage Treatment, Water, Water re-use and Wastewater Management Plan comprising an integrated wastewater management solution for all units to achieve a collective tertiary grade level of treatment for the site and the Hotel. The Plan shall include details of—
 - (i) all existing and proposed infrastructure, inclusive of the location, size and design of a new Wastewater Treatment Plant with appropriate setbacks to existing residences and details of public consultation which shall be carried out in advance of the submission of such details;
 - (ii) the decommissioning and removal of the existing Wastewater Treatment Plant;
 - (iii) details of measures and agreements with relevant landowners and statutory bodies to improve the discharge of heating, ventilation, and air conditioning wastewater into Jews Bay so that all wastewater is disposed of below the surface with minimal environmental and visual impacts;
 - (iv) the supply of fresh and brackish or saline water to the site;
 - (v) an in-principle agreement with a water utility company to supply the site, specifying the amount of water the water utility company would supply; and
 - (vi) the amount of water which would be captured or made available for re-use within the site;
- (i) an outline Sustainable Drainage Strategy for Phase 1A including measures which will be incorporated to mitigate run-off and reduce the use of impermeable surfacing and the location, size and type of sustainable drainage features to be incorporated to manage surface

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water and mitigate the risk of flooding within the site and the surrounding area;

- (j) an outline Strategic Waste Management Plan including details of the management and disposal of trash for the site, including the size and approximate location of containers, bin storage areas, routes for vehicles, timetables for collection and the written approval of the company or Government department who would be responsible for collection;
- (k) a desk-based Archaeological Assessment for Phase 1A which details any archaeological site investigations which may be required together with methodologies to avoid disturbance of, or the proper removal or recording of, any artefacts of archaeological interest which may be present within any area where excavation is proposed;
- (l) a desk-based Contamination Report for Phase 1A identifying risks of exposure to contaminants, locations where site investigations are required to determine the extent of contamination and outline measures to reduce risks to human health from exposure to contaminants. All assessments and clean-ups shall be completed using the current Risk Based Corrective Action (RBCA) Guidelines of the Department of Environment and Natural Resources;
- (m) a Strategic Construction Environmental Management Plan for Phase 1A inclusive of:
 - (i) mitigation measures for construction to minimise impacts to birds during nesting and breeding seasons;
 - (ii) construction vehicle routes together with departure and arrival times to minimise impacts on the local road network;
 - (iii) measures to avoid exposure of neighbours and those using the application site to excessive noise, dust, vibration, pollutants, contaminants and odorous emissions;
 - (iv) measures to be taken, including details of training, to ensure the health and safety of workers;
 - (v) identification of all controlled plants to be used in Phase 1A, including but not limited to any rock crushers, sand sifters, the wastewater treatment plant, diesel fire pumps, back-up electrical generators and dry cleaning facilities, together with confirmation that all civil works by the primary and sub-contractors shall be undertaken using controlled plants that are licenced by the Environmental Authority and that all controlled plants to be used shall have a construction permit issued by the Environmental Authority under the Clean Air Act 1991 at the design stage and prior to construction commencing;
 - (vi) details of the location, depth and means of drilling of all wells and boreholes for Phase 1A together with confirmation that a water right

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shall be obtained from the Environmental Authority under the Water Resources Act 1975 prior to any well drilling, which shall be undertaken by using a well digger licenced by the Environmental Authority;

- (vii) details of the location and size of all petroleum fuel storage tanks for Phase 1A together with confirmation that each shall be registered with the Department of Environment and Natural Resources prior to their installation and use; and
- (viii) measures to be taken in the event that any artefacts of archaeological interest, caves or cave formations being found in Phase 1A during excavation, including confirmation that all works shall immediately cease in such an event, the area will be secured and works shall not recommence until formal approval is obtained from the Building Official;
- (n) details of the location, height, appearance and materials of fencing for the protection of the historic gun emplacements on Turtle Hill, which shall be fully installed prior to the commencement of any development and retained and maintained until the completion of Phase 1A Turtle Hill or as otherwise agreed by the Building Official;
- (o) details of signage and seating to be provided within the vicinity of the historic gun emplacements on Turtle Hill together with a timetable for implementation;
- (p) a Public Engagement Strategy identifying how the local community will be kept updated on the project, informed when development is due to take place and how neighbours can arrange for the developer to carry out any repairs or cleaning of their property if affected by construction works;
- (q) details of the proposed improvements to the Railway Trail to the north of the site shall be submitted to and approved, in writing, by the Building Official and fully implemented.

Reserved matters; each application

8 Each application for the approval of reserved matters, including Phase 1A to the extent has not been previously provided, shall include the following details—

- (a) standard planning submission requirements inclusive of but not limited to—
 - (i) a full topographical survey;
 - (ii) complete architectural drawings;
 - (iii) a completed online application form, inclusive of exact details of existing and proposed site coverage, hard surfacing, gross floor area and parking spaces;

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- (b) a Landscape and Visual Impact Assessment inclusive of renderings or photo montages which accurately depict final design and current site conditions together with features which will be incorporated to mitigate landscape and visual impacts;
- (c) a detailed Conservation Management Plan for that phase, including the location, number and size of each species to be planted and removed, details of any bluebird boxes to be installed, removed or relocated, a timescales for implementation and a programme for ongoing maintenance;
- (d) details of all internal vehicular and pedestrian accesses and parking spaces, including widths, turning areas, gradients, verges, traffic calming measures, signage and construction and surface materials;
- (e) a detailed Energy Statement setting out how the measures set out by the Strategic Energy Statement will be met for that phase, including—
 - (i) details of all infrastructure for the generation of renewable energy;
 - (ii) detailed measures to reduce energy consumption and impacts on the grid;
 - (iii) identification of the parking spaces and areas to which electric vehicle charging points would be provided; and
 - (iv) written confirmation from the Bermuda Electric Light Company Limited that the grid has sufficient capacity, both locally and Island-wide, and existing or proposed infrastructure is adequate to accommodate the proposed development;
- (f) details of the infrastructure for that phase pursuant to the Sewage Treatment, Water, Water re-use and Wastewater Management Plan and a written agreement with Bermuda Waterworks to serve that phase;
- (g) details of all infrastructure for that phase pursuant to the Sustainable Drainage Strategy;
- (h) a detailed Waste Management Plan setting out specific details of the size and location of containers, bin storage areas, routes for vehicles, timetables for collection;
- (i) details of the results of any site investigations pursuant to the Archaeological Assessment inclusive of the measures which have, or will, be taken to preserve or record any artefacts of archaeological interest which may be present within any area where excavation is proposed;
- (j) a Noise Assessment and Mitigation Report prepared by an appropriately qualified person setting out anticipated noise impacts on all receptors within a 128 metre radius, as defined by Figure 6.20 of the Environmental Impact Assessment, and appropriate mitigation measures, including the location, height and materials of any noise barriers to be installed, during the construction of that phase. Any such

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mitigation measure deemed necessary by the Board shall be fully installed prior to construction and retained and maintained until completion of construction of that Phase, or as otherwise agreed by the Building Official;

- (k) results of any site investigations deemed by the Board to be necessary pursuant to the Contamination Report to identify any contaminants which may be present within any development area together with methodologies to address any contamination which may be found, avoid potential exposure to contaminants and reduce such potential impacts on human health;
- (l) a Construction Environmental Management Plan which reflects all aspects of the Strategic Construction Environmental Management Plan which are relevant to that phase, inclusive of details of the location and composition of site compounds, measures to reduce noise and screens to mitigate visual impacts; and
- (m) an indicative Construction Material Availability and Disposal Statement setting out the quantity of material required for the construction of that phase, how and from where such material will be sourced and details of the disposal of waste material, including the location and method of disposal.

Duration of planning permission

9 (1) The planning permission in principle granted for the development in paragraph 5(1) shall expire on 31 December 2046, unless an extension is approved by the Board in accordance with paragraph 9(2).

(2) The applicant may make an application to the Board prior to the date specified in subparagraph (1) to extend such period.

(3) An application in subparagraph (2) shall include the relevant fee for the renewal of planning permission as provided in the Government Fees Regulations 1976.

Planning permission to subdivide land

10 (1) Subject to the conditions specified in subparagraph (2), planning permission is granted by this Order for the draft subdivision.

(2) The conditions referred to in subparagraph (1) are as follows—

- (a) applications submitted for planning permission for the development of the hereby approved residential lots shall comply with the residential development regulations of a Residential 2 Development Zone as specified in Chapters 9 and 27 of the Bermuda Plan 2018;
- (b) details of the final roadway design as well as details of surfacing, verges, traffic and speed calming measures and signage together with a timetable for the implementation and a schedule of maintenance shall be approved by the Building Official.

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Saving

11 For the avoidance of doubt, it is hereby declared 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 5 and planning permission for the subdivision has been granted by paragraph 10.

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SCHEDULE 1

(paragraph 2(1))

THE DEVELOPMENT

1. The development of up to 159 tourist accommodation units within buildings of 2 to 4 storeys and associated development such as common areas and recreational facilities.
2. The development of up to 91 residential units within buildings of 2 to 4 storeys and associated development such as common areas and recreational facilities.
3. The creation of three Protected Conservation Areas totalling 7.5 acres and comprised of—
 - (a) Area 1— 4.9 acres adjacent to South Shore zoned Coastal Reserve, Open Space Reserve and Woodland Reserve;
 - (b) Area 2— 1.4 acres to the North of Turtle Hill zoned Open Space Reserve and Woodland Reserve; and
 - (c) Area 3— 1.2 acres of land to the North of the Hotel zoned Tourism.
4. The development of an internal system of roadways and associated parking areas, a network of footpaths and private and communal outdoor areas and landscaped grounds.
5. The realignment of South Road and consequent revised vehicular access to any affected existing property.
6. The installation of an appropriate traffic control system, as approved by the Minister responsible for highways at the northern site access junction with Middle Road and Lighthouse Hill.
7. Improvements to the Railway Trail such as the replacement of an existing staircase or addition of a ramp, the installation of lighting and the removal of invasive species.
8. The provision of seating and signage to promote visits to the historic gun emplacements within or adjacent to the Turtle Hill Historic Protection Area.

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SCHEDULE 2

(paragraph 2(1))

THE SITE



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SCHEDULE 3

(paragraph 2(1))

THE PHASING PLAN



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SCHEDULE 4

(paragraph 2(1))

THE BUILDING HEIGHTS PLAN



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SCHEDULE 5

(paragraph 2(1))

**THE PROTECTED CONSERVATION AREAS AND
SOUTH ROAD REALIGNMENT**



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SCHEDULE 6

(Paragraph 2(1))

THE SUBDIVISION PLAN

The creation of 9 lots comprised of—

- (a) 1 lot comprising of existing development (the current Hotel, golf course and other land not included in new lots; and
- (b) 8 new vacant residential lots (A, B, C, D, E, F, G and 13A) ranging in size from 0.491 hectares to 5.555 hectares.



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Made this 20th day of November 2025

Minister for the Cabinet Office and Digital Innovation

[Operative Date: 20 November 2025]