

BERMUDA STATUTORY INSTRUMENT

BR 57/1997

**DEVELOPMENT AND PLANNING (ROCKY HEIGHTS QUARRY)
SPECIAL DEVELOPMENT ORDER 1997**

*[made under section 15 of the Development and Planning Act 1974 [title 20
item 1] and brought into operation on 8 September 1997]*

ARRANGEMENT OF PARAGRAPHS

1	Citation	4	Condition
2	Interpretation	5	Commencement
3	Planning permission		

WHEREAS—

- (a) the quarry at Rocky Heights in the Parish of Smith's ("the Quarry site") has been worked out since sometime in or about 1993; and
- (b) the applicants between them control and operate the Quarry site; and
- (c) the applicants have agreed, in the interest of the amenity of neighbouring land, to abandon certain land that affords them access to the Quarry site (conveying part of the abandoned land to Manor House Properties Limited), and make arrangements for alternative such access across other land known as "the Strawberry Field"; and
- (d) the Minister and the applicants propose to enter into an agreement under section 34 of the Development and Planning Act 1974 [title 20 item 1] regulating the future development and use of the Quarry site, which agreement, together with this Order, embodies an understanding come to between the Minister and the

applicants over the future development and use of the Quarry site; and

- (e) the Minister deems it expedient that planning permission affecting the Quarry site should be granted in the terms hereinafter appearing:

Citation

1 This Order may be cited as the Development and Planning (Rocky Heights Quarry) Special Development Order 1997.

Interpretation

2 In this Order—

"aggregate" means any materials (including sand) derived from rip rock, soil or spoil;

"the Agreement" means the agreement made on 8 September 1997 under section 34 of the Act between the Minister and the applicants;

"the applicants" means the applicants for planning permission, that is to say, Herbert Michael Paul Bierman and Bierman's Concrete Products Limited;

"the Minister" means the Minister responsible for Planning;

"off-site" means from a site off the Quarry site;

"operation" includes the ingress and egress of heavy trucks (as defined in section 40(7)(b) of the Motor Car Act 1951 [*title 21 item 4*]) to and from the Quarry site;

"the plan" means the plan of the Quarry site as shown in the extract, set forth in the First Schedule, from ordnance map sheet 6/13 of Series E8111 as revised by the Ministry of Works and Engineering, Parks and Housing in June 1993;

"the Quarry site" means the land described in the Second Schedule; and

"rip rock" means large gradations of broken rock.

Planning permission

3 Subject to the condition in paragraph 4 and to the Agreement, planning permission is granted for any use of, or operation at, the Quarry site for the following purposes—

- (a) the storage of off-site rip rock or rubble, or the storage of aggregate;
- (b) the installation and use of crushing machinery, at any location within the area of the Quarry site shown hatched black on the plan, for the processing of rip rock, soil or spoil into aggregate of such gradations as may from time to time be required.

Condition

4 Any such use of, or operation at, the Quarry site—

- (a) is, subject to sub-paragraph (b) below, permitted only between 7:30 a.m. and 6:00 p.m. on any day;
- (b) is not permitted at any time on a Sunday or any other public holiday.

Commencement

5 This Order comes into operation on 8 September 1997.

FIRST SCHEDULE (Paragraph 2)

PLAN OF QUARRY SITE

[Drawing Omitted]

SECOND SCHEDULE (Paragraph 2)

DESCRIPTION OF QUARRY SITE

ALL THAT lot or parcel of land comprising 2.51 hectares in area edged black on the plan shown in the First Schedule above.

[this page intentionally left blank]