



**Using the Access to Information Act, the Jamaica Environment Trust (JET) sought and received NEPA's Post Permit Monitoring Reports for the two Royalton Hotels (one on the old Grand Lido site, Rutland Pen in Negril, the other at Coopers Pen, Trelawny) in Jamaica. Our review follows:**

### **WHITE DIAMONDS HOTEL, ROYALTON, NEGRIL**

Permittee: BBNH Resorts Limited

Permitted Activity: Construction & Operation of Hotel or Resort Complex of 501 rooms or more

Location: Rutland Pen, Negril, Hanover

Approval Date: 10 October 2015/10 November 2015?

Reference #: 2015-09017-EP00112

***(Key: Sc. – Special Condition)***

#### **General**

Two Post Permit Monitoring Reports were provided to JET with inspection dates:

- 17 December 2015; and
- 29 January 2016.

The two Permits carry different approval dates, as the December Report states the approval date was 10 October 2015 but the January 2016 Report states the approval date was 10 November 2015.

These two reports reveal a significant level on non-compliance only two months into the Permit's life. Following a Warning Notice (#8822) issued on 3 December 2015, the Permittee remained in breach with a compliance level of only 34.5% as at the Monitoring visit on 17 December 2015. In January 2016 the compliance level decreased to 27.6%.

#### **Breaches**

As at 17 December 2015, the Permittee was in breach of 18 specific conditions (Sc) of the 29 conditions that were evaluated on that visit. Warning Notice #09552 was issued, to the Civil Works Manager, which addressed five breaches. There were six conditions that were addressed in Warning Notice #8822, previously issued, that were still in breach.

#### Breaches addressed in Warning Notice # 8822

- Sc.33 – This condition obligates the Permittee to ensure construction material are properly stored, covered and bermed so as to reduce the incidents of erosion into the adjacent marine environment. While material deposits were bermed in some areas, NEPA

found these were inadequate, as on a section of the property, marl was deposited into the marine environment.

- Sc. 34 – This condition is similar to Sc. 33 above, requiring that construction materials be properly stored away from surface drainage channels and features. There was no evidence of any measures to comply with this condition as marl was observed washed down through a channel into the marine environment.
- Sc. 39 – The Permittee is required to apply to the National Works Agency (NWA) for approval of vehicular ingress/egress. NEPA had not received a copy of such application or approval, although development had commenced.
- Sc. 45 – There were no sediment traps in place for sections of the property that allow for storm water runoff into the marine environment.
- Sc. 47 – This condition relates to Sc. 33 which requires construction materials, in this instance material stockpiles, to be properly contained within berms and covered and stored away from drainage channels.
- Sc. 48 – No water quality monitoring had been done as required.

#### Breaches addressed in Warning Notice #09552

- Sc. 7 – Permittee is required to submit detailed drawings for the front elevation of buildings 1 – 8 and 10 – 15, and side elevation for building 9. No such drawings had been submitted to NEPA.
- Sc. 8 – Permittee is required to submit amended drawings for building 9 showing the staircase tower and ensure that said staircase tower and all sections of all buildings are in compliance with the maximum allowed height of 15.24m (50ft.). No such drawings had been submitted.
- Sc. 9 – Permittee is required to submit for the written approval of the Agency/Authority an updated version of drawing RNEG0AQ-202-GUI (Version A) in which all overwater suites and any reference to same is removed. No such submission had been done.
- Sc. 10 – Permittee is required to submit for the written approval of the Agency/Authority a full set of drawings for the Kid’s Club Building. No such submission had been done.
- Sc. 11 – Permittee is required to submit for the written approval of the Agency/Authority drawings illustrating the mechanical ventilation & artificial lighting for the sections of the main building along the front façade such as conference centre, kitchens and dining for employees which do not include any windows to allow natural lighting and ventilation. No such submission had been done.

#### Breaches not addressed by any Warning Notice

- Sc. 1 – Development was in contradiction with approved drawings. “There were blocks being erected with deviations from what was approved, to include number of rooms per floor, breaks between blocks and building outline and layout. For example, the ground floor of blocks 1 & 2 showed 12 rooms on the approved plans, but 14 were constructed, which would constitute 4 additional rooms per block if the number of floors is maintained. Amended as-built plans were not submitted upon the time of inspection. A Site Warning Notice #09552 was previously served.”
- Sc. 4 - The permittee had constructed contrary to the approval and to date a request for amendment has not been submitted to the Agency.

- Sc. 17 – Permittee is required to provide toilet facilities for the use of the construction work force. There was only partial compliance, as though chemical toilets were in place, the required approval from the Ministry of Health was not presented upon request.
- Sc. 18 – Permittee required to ensure, pursuant to Specific Condition 17, that the sewage from the portable chemical toilets are collected and treated at an existing approved sewage treatment facility to the satisfaction of the Local Health Authority. The Permittee could not furnish the necessary documentation to prove that the sewage was being sent to an approved facility. This remained the same as was at the previous site inspection.
- Sc. 20 – Permittee is not to commence any drainage works until plans have been approved in writing by the National Works Agency. A copy of such NWA approval had not been submitted to NEPA, though drainage work had started on an existing drain on the property.
- Sc. 22 – Permittee required to ensure that surface drainage and storm water run-off generated from the development is effectively intercepted and disposed of. No such mechanism was in place as marl was observed washed down into the marine environment. A Site Warning Notice was served for this breach.
- Sc. 24 – Permittee required to submit a copy the Waste Management Plan approved by the NSWMA to the Agency within thirty (30) days of the date of issue of this Permit. There was no submission of this plan.
- Sc. 40 – No flagmen were observed at the entrance of the site during the visit.

**The permittee remained in breach of ALL the above mentioned Specific Conditions as at the January site visit.**

Subsequent breaches discovered during January 2016 site visit

As at 29 January 2016, the Permittee was in breach of 21 specific conditions (Sc.) of the 28 conditions that were evaluated on that visit. 18 of these breaches were continuing following the December 2015 Monitoring Report. No Warning Notice was served on this visit.

- Sc. 22 – The drain mentioned below was addressed. However, the Permittee had not set back stockpiles of soil infringing on the water column/foreshore, hence there remained a potential hazard. There was no mechanism installed to prevent storm water runoff from the site entering into the existing drain which exits directly into the marine environment.
- Sc. 25 – The Permittee previously provided proof of his hired contractor collecting and disposing of the activity's waste at the Landfill Western Parks and Markets dumpsite. However, marl excavated from the site was being transported to a dumpsite which was not an approved NSWMA municipal site and which was not authorized by the NEPA.
- Sc. 37 – Permittee required to develop an Emergency Response Plan (ERP) for the facility with the approval of the ODPEM and Fire Department. The Emergency Response Plan was to have been submitted to NEPA within eight (8) weeks of the date of issue of this Permit. The timeframe had elapsed and to date there was no record of the ERP being submitted to the NEPA.

**No Warning Notice was served during this visit.**

**Conclusion/Concerns**

Of the eleven plans/drawings that ought to have been submitted for approval either before or after commencement of development, nine had not been submitted despite construction being well underway. Construction was not in conformance with the other two plans/drawings that had

been submitted. NEPA's willingness to enforce sanctions for breaches continues to be of concern as the Permittee has been allowed to continue development despite the blatant disregard for the conditions in the permit. It is clear that more needs to be done than simply issuing Warning Notices regarding the same breaches.

## **WHITE DIAMONDS HOTEL, ROYALTON, TRELAWNY**

Permittee: White Diamonds Hotel and Resorts Limited

Permitted Activity: Hotel Resort Complex of more than 12 rooms

Location: Coopers Pen, Trelawny

Approval Date: 20 March 2015

Reference #: 2014-07017-EP00161

*(Key: Sc. – Specific Condition)*

### **General**

A total of seven reports were received with inspection dates:

- 9 June 2015
- 18 August 2015
- 15 September 2015
- 6 October 2015
- 11 November 2015
- 4 December 2015
- 2 February 2016

The reports for July 2015 and January 2016 were not received.

There are some general conditions that need to be evaluated at specific times of day, for instance, during the condition to determine appropriate lighting would need to be evaluated in the night. Such conditions tend to go unevaluated in monitoring reports because of the time the evaluations are conducted. Provisions should be made to ensure such a condition is evaluated. Eg Sc. 27, Sc. 53.

### **Breaches**

As at 2 February 2016, the Permittee was in breach of ten permit conditions, five of which had been addressed in a Notice of Intention to Suspend the Permit served on 5 November 2015 and remained in breach three months later.

#### Breaches addressed in Notice of Intention to Suspend Permit (5 November 2015)

- Sc. 7 – No licences issued for construction and operation of Sewage Treatment Facility (STF).
  - This breach was discovered during the 9 July 2015 and a Warning Notice issued on the same date. An application was submitted (2013-07017 –EL 00075A) for the existing STF servicing the section of the hotel being operated. This application was “put on hold” as at June 16, 2015 due to insufficient information. The hotel had initially made contact to discuss same, but had not returned with the information required to complete the application process.
  - In November and December 2015 there was evidence of what seemed to be untreated sewage/sludge and water overflowing from the influent chamber onto the grounds of the Sewage Treatment Facility.
- Sc. 12 – No storm water drainage plan submitted. This breach was discovered in the October 2015 visit and was still continuing as at the February visit. The Project Manager,

in December 2015, stated that they were working to address this breach. There has been no evidence of this being rectified noted in the 2 February 2016 Report.

- Sc. 18 – No approval from NSWA for solid waste disposal. Project Manager, in December 2015, stated that they were working to address breach. This was still in breach as at February 2016.
- Sc. 32 – No approval from NWA for vehicular ingress/egress permit. This breach was discovered in October 2015 and the Project Manager in December 2015 said they were working to address the breach. Breach still existed in February.
- Sc. 39 – No Landscape and Irrigation Plan submitted. This breach was discovered in September 2015. In October 2015 Project Manager said they were working to address breach but it still existed in February 2016.
- Sc. 40 – No compliance as list of plant species to be used in landscaping was not submitted. Breach still existed in February 2016.

#### Additional breaches as at February 2016

- Sc. 1 – In December 2015 it was discovered that two room towers were being constructed above the specified height of six (6) and seven (7) storeys. As at 2 February 2016 no request for amendment was submitted.
- Sc. 5 – Application for groynes that predated permit issue on the occupied side remains outstanding. The June-October 2015 reports stated that the Permittee was in full compliance, but the subsequent reports (November 2015 – February 2016) stated they were only partially compliant.
- Sc. 6 – Building permit not issued as at 5 February 2016.
- Sc. 58 – Monthly reports were not being submitted on time.

#### **Conclusion/Concerns**

There seems to be a general habit of Permittees not submitting documents required by the Environmental Permit (EP), but still being allowed to proceed with development. There is an issue of poor enforcement as despite at least six Notices and Warnings issued over a period of months, this Permittee remains in breach. The Notice of Intention to Suspend permit has simply not been acted on by NEPA.

*Prepared by:*

*Jamaica Environment Trust*

*31 March 2016*