NATIONAL ENVIRONMENT AND PLANNING AGENCY Enforcement Branch Post Planning/Permit/License Monitoring

Inspection Date: 17 December 2015 Report in Series: #3 of 2015

Time of Inspection: 12: 01p.m.

Permitted Activity: Construction and Operation of Hotel or Resort Complex

of 501 rooms or more

Location of Activity: Rutland Pen, Negril, Hanover

Permittee: BBNH Resorts Limited

Reference No.: 2015-09017-EP00112 **Approval Date:** 10 October 2015

Name of Contact: Civil Work Manager, Royalton Negril Resort

Contact Telephone # & E-Mail: (redacted subject to Section 22 of the ATI Act)

Monitoring Officer: Environmental Officer; Negril, NEPA

Present were: Civil Work Manager, Royalton Negril Resort; Executive Administrative Assistant, Royalton Negril Resort; Manager; Enforcement Branch, Coordinator, APB, NEPA; Architect, NEPA; Environmental Officer, NEPA

Description of Permitted Activity

This Permit is for the construction of a resort/hotel facility with both family and adult only sections. The development involves a total of six hundred and thirty two (632) guestrooms constructed in fifteen (15) 4-storey guestroom blocks. It also features a main building, utility building and five (5) swimming pools.

The main building is to consist of kitchen, storage areas, restrooms, coffee shop, sports bar, discotheque, spa, gym and four (4) restaurants on the ground floor, a convention centre, offices, lounge, storage area, lobby bar, casino and seven (7) retail shops on the first floor.

The utility building is to consist of basement level with water tank, irrigation water tank and sewage pumping room. The ground floor is to consist of an osmosis and hydraulic machine room, electrical and air conditioning room, laundry and maintenance workshop. The first floor is to consist of housekeeping, human resources office and staff locker room while the second floor is to consist of offices.

The total floor area of development is 77, 242 square metres on a lot size of 80, 272.96 square metres.

Compliance Table:

| No | General Condition | Level of | Comments/Action |
|----|-------------------------------|------------|--|
| | | compliance | |
| 9 | The Permittee shall forthwith | Full | The Permittee complied with the notice |
| | post a sign in a prominent | | issued (#8822) by erecting the requisite |
| | place at the location of the | | sign at one of the entrances to the |
| | permitted activity using the | | development site. |
| | same design and words as in | | |
| | the template attached. | | |
| No | Specific Condition | Level of | Comments/Action |
| | | Compliance | |
| 1 | The Permittee shall comply | NC | The development was being undertaken |
| | with all the representations | | contrary to the representations made in |
| | made in the undated Permit | | the approved drawings. Please see |
| | Application and the Project | | findings and observations below for |

| | 1 | | |
|---|--|-----------|---|
| | Information Form, both | | details. |
| | received and date stamped by | | |
| | the Natural Resources | | |
| | | | |
| | Conservation Authority 27 | | |
| | November 2013, document | | |
| | titled, "Project Brief" received | | |
| | and date stamped by the | | |
| | Authority 27 November 2013 | | |
| | and drawing titled "Grand | | |
| | | | |
| | Lido Resorts Proposed | | |
| | Modification & Expansion" | | |
| | dated November 2013 received | | |
| | and date stamped by the | | |
| | Authority 27 November 2013 | | |
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| | 1 7 8 | | |
| | addenda. | | |
| 2 | The Permittee shall ensure that | Full | Document submitted to date has been |
| | all correspondence, | | submitted to the Enforcement |
| | notifications, plans, reports or | | Manager, NEPA. |
| | any other documents being | | |
| | | | |
| | submitted to the Authority | | |
| | pursuant to any General | | |
| | and/or Specific Condition of | | |
| | the Permit are addressed to | | |
| | "Manager, Enforcement | | |
| | Branch, National Environment | | |
| | | | |
| | and Planning Agency, 10 | | |
| | Caledonia Avenue, Kingston | | Y y |
| | 5". | 4 1 | |
| 3 | The Permittee shall construct | NA | The condition could not be assessed as |
| | no more than 632 guestrooms | | the development was at the initial stage |
| | . , , , | | of construction and not all the blocks |
| | | | |
| | presented in the drawing titled | | containing guest rooms had started. |
| | "Hotel Royalton Negril" | | |
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| 1 | received and date stamped by | | |
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| | the approval of the Local Health Authority. | | |
| 18 | The Permittee shall 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 | NC | 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. |
| | satisfaction of the Local Health Authority. | | |
| 19 | The Permittee shall ensure that the storm water drainage plan is implemented based on a design approved by the | NA | The requisites of this condition could not be assessed, as a copy of the NWA approval had not been submitted to the Agency to date. |
| | National Works Agency. | | |
| 20 | The Permittee shall not commence any drainage works until plans have been approved in writing by the National Works Agency. The Permittee shall also submit forthwith, for the written approval of the National Works Agency, additional information requested in letter dated 9 November 2015 (see attached). A copy of said approval and approved plans shall be submitted to the Agency immediately upon receipt from the National Works Agency. | NC | Drainage work in the form of a box (photo 1) culvert started on an existing drain that is located to the northern section of the property. To date a copy of the NWA approval had not been submitted to the Agency. |
| 21 | | TA | This |
| 21 | The Permittee shall ensure that the parking area is constructed using permeable material and a plan showing the parking area treated with such material shall be submitted to the Local Authority for its approval. | NA | This condition cannot be assessed as construction on the parking facility had not commenced to determine whether or not permeable material had been used. |
| 22 | The Permittee shall ensure that surface drainage and storm water run-off generated from the development is effectively intercepted and disposed of within the curtilage of the site. | NC | There was no mechanism to prevent storm water runoff from the site entering into the existing drain (photo 2) which exits directly into the marine environment. There was a section of the property where marl was observed washed down into the marine environment from the property (photo 3). Site Warning Notice served for noncompliance with condition. |
| 23 | The Permittee or its agents and subcontractors shall design a Waste Management Plan which must be submitted to and approved by the National Solid Waste Management Authority (NSWMA). The Plan shall include but not be limited to: • The designation of appropriate waste | NA | The requisites of this condition could not be assessed, as the compliance level of this condition is dependent on the full compliance of Specific Condition 24. |

| | storage areas | | |
|----|---|--------------|--|
| | • Waste collection and | | |
| | removal schedule | | |
| | • System for the | | |
| | supervision and | | |
| | monitoring of the waste | | |
| | | | |
| | Measures implemented | | |
| | to minimize and reduce | | |
| | the quantities of solid | | |
| | waste | | |
| 24 | The Permittee shall submit a | NC | The Permittee was yet to submit the |
| | copy the Waste Management | | plan, at the time of inspection. |
| | Plan approved by the NSWMA | | |
| | to the Agency within thirty (30) | | |
| | days of the date of issue of this | | |
| | Permit. | | |
| 25 | The Permittee shall ensure that | Full | The Permittee previously provided |
| | all solid waste generated during | | proof of his hired contractor collecting |
| | site preparation, construction | | and disposing of the activity's waste at |
| | and operational phases of the | | the Landfill WPM dumpsite. |
| | development is disposed of at a | | The Little William County Site. |
| | municipal dumpsite with the | | |
| | | | A ' A |
| | approval of the National Solid | | |
| | Waste Management Authority | | |
| | (NSWMA). A copy of the | | |
| | approval shall be submitted to | | |
| | the Agency prior to the | | |
| | commencement of the | | Y , |
| | development. | | |
| 26 | The Permittee shall ensure that | Full | There was no evidence of burning |
| | there is no burning of waste | | occurring on the site at the time of |
| | and/or debris on site. | | inspection. |
| 27 | The Permittee shall provide | Full | At the time of inspection garbage were |
| | proper waste receptacles for | | noted being stored in bags and bins. |
| | solid waste collection opsite. | | |
| | | | However previous enforcement action |
| | | 4 | was taken as Site Warning Notice |
| | | | (#8822) issued by Mr. S. Sterling |
| 28 | The Permittee shall ensure that | NA | At the time of the inspection, storage of |
| | all hazardous chemicals and | | hazardous materials was not detected |
| | materials are properly stored in | | on the site. |
| | impermeable containers to | | |
| | prevent discharge into the | | |
| | environment. | | |
| 29 | The Permittee shall ensure that | NA | At the time of the inspection, storage of |
| 2) | | 1 1/1 | hazardous materials was not detected |
| | storage and handling areas for | | |
| | hazardous materials must have | | on the site. |
| | impermeable surfaces designed | | |
| | to contain materials | | |
| | Latorea / bandlad frame ryleigh | 1 | |
| | stores/handled from which | | |
| | they shall be directed to a | | |
| | they shall be directed to a predetermined collection point | | |
| | they shall be directed to a | | |
| | they shall be directed to a predetermined collection point authorized in writing by the Agency. | | |
| 30 | they shall be directed to a predetermined collection point authorized in writing by the | Full | The site was hoarded. |
| 30 | they shall be directed to a predetermined collection point authorized in writing by the Agency. The Permittee must | Full | The site was hoarded. |
| 30 | they shall be directed to a predetermined collection point authorized in writing by the Agency. The Permittee must fence/hoard the perimeter of | Full | The site was hoarded. |
| 30 | they shall be directed to a predetermined collection point authorized in writing by the Agency. The Permittee must fence/hoard the perimeter of the site to reduce the escape of | Full | The site was hoarded. |
| 30 | they shall be directed to a predetermined collection point authorized in writing by the Agency. The Permittee must fence/hoard the perimeter of the site to reduce the escape of fugitive dust during | Full | The site was hoarded. |
| | they shall be directed to a predetermined collection point authorized in writing by the Agency. The Permittee must fence/hoard the perimeter of the site to reduce the escape of fugitive dust during construction. | | |
| 30 | they shall be directed to a predetermined collection point authorized in writing by the Agency. The Permittee must fence/hoard the perimeter of the site to reduce the escape of fugitive dust during construction. The Permittee shall cover | Full Full | The bodies of the trucks observed |
| | they shall be directed to a predetermined collection point authorized in writing by the Agency. The Permittee must fence/hoard the perimeter of the site to reduce the escape of fugitive dust during construction. The Permittee shall cover construction materials during | | The bodies of the trucks observed transporting materials onsite were |
| | they shall be directed to a predetermined collection point authorized in writing by the Agency. The Permittee must fence/hoard the perimeter of the site to reduce the escape of fugitive dust during construction. The Permittee shall cover | | The bodies of the trucks observed |

| 20 | 771 D 11 1 1 1 1 | F 11 | |
|----|---|---------|--|
| 32 | The Permittee shall during the | Full | Stockpiles of materials were damp at |
| | construction phase wet road | | the time inspection. |
| | surfaces and stockpiles of soil | | |
| | and marl to prevent the | | |
| | generation of fugitive dust. | | |
| 33 | The Permittee shall ensure that | NC | Material deposits were bermed in some |
| | | 110 | <u> </u> |
| | | | areas, however same was inadequate. |
| | properly stored, bermed and | | On a section of the property, marl was |
| | covered on site so as to reduce | | deposited into the marine environment |
| | the incidents of erosion into | | from the curtilage of the property |
| | the adjacent marine | | (photo 4). |
| | environment. | | The Permittee remains non-compliant |
| | chivironment. | | despite the issuance of a Site Warning |
| | | | 1 |
| | | | Notice (#8822) preceding a site visit on |
| | | | 11 December 2015. |
| 34 | The Permittee shall ensure that | NC | There was no evidence that the |
| | construction materials | | Permittee had put in any measures to |
| | including soil and marl are | | comply with the condition previously |
| | stored away from surface | | cited. Marl was observed washed down |
| | drainage channels and features. | | |
| | dramage channels and leatures. | | through a channel into the marine |
| | | | environment (photo 3). |
| | | | |
| | | | As per warning notice (#8822) |
| | | | previously issued the condition was not |
| | | | being met. |
| 35 | The Permittee shall ensure that | NA | The condition could not be assessed as |
| | the noise level during | T #17 F | |
| | | | |
| | construction does not exceed | | measurement of noise level was not |
| | 70 dB at the boundary of the | | available for use. |
| | site. | | |
| 36 | The Permittee shall ensure that | NA | The condition was not assessed due to |
| | work is carried out between the | | the time of the day that the inspection |
| | hours of 7:00 a.m. and 6:00 | | was carried out. |
| | p.m. from Mondays to Fridays | | |
| | and 8:00 a.m. and 6:00 p.m. on | | Previously, the Agency's investigated |
| | | | |
| | Saturdays. There shall be no | | complaints of working beyond |
| | work on Sundays and Public | A | stipulated hours. This was confirmed. |
| | Holidays. Any work to be done | | However, the work was limited to the |
| | outside of this period will | | pouring of concrete in the casting of |
| | require the permission of the | | the foundation of some of the |
| | Authority. | | buildings. Since then, the Agency has |
| | | | not received any further complaint. |
| 37 | The Darmitton shall develop | NA | The timeframe for assessment of the |
| 3/ | The Permittee shall develop an | 1N/A | |
| | Emergency Response Plan | | condition had not passed. |
| | (ERP) for the facility with the | | |
| | approval of the ODPEM and | | |
| | Fire Department. The | | |
| | Emergency Response Plan | | |
| | shall be submitted to NEPA | | |
| | within eight (8) weeks of the | | |
| | O , , | | |
| 20 | date of issue of this Permit. | N T A | THE LEWIS CONTRACTOR OF THE STATE OF THE STA |
| 38 | The Permittee shall develop a | NA | This condition is not yet applicable and |
| | | | its compliance level can only be |
| | comprehensive Evacuation | | assessed when the hotel is operational. |
| 1 | Plan for the facility with the | | assessed when the noter is operational. |
| | 1 * | | assessed when the noter is operational. |
| | Plan for the facility with the approval of the ODPEM and | | assessed when the noter is operational. |
| | Plan for the facility with the approval of the ODPEM and Fire Department. The | | assessed when the noter is operational. |
| | Plan for the facility with the approval of the ODPEM and Fire Department. The Evacuation Plan shall be | | assessed when the noter is operational. |
| | Plan for the facility with the approval of the ODPEM and Fire Department. The Evacuation Plan shall be submitted to NEPA prior to | | assessed when the noter is operational. |
| | Plan for the facility with the approval of the ODPEM and Fire Department. The Evacuation Plan shall be submitted to NEPA prior to the occupation of the | | assessed when the noter is operational. |
| | Plan for the facility with the approval of the ODPEM and Fire Department. The Evacuation Plan shall be submitted to NEPA prior to the occupation of the hotel/resort. | | |
| 39 | Plan for the facility with the approval of the ODPEM and Fire Department. The Evacuation Plan shall be submitted to NEPA prior to the occupation of the hotel/resort. The Permittee shall prior to | NC | Development has started and the |
| 39 | Plan for the facility with the approval of the ODPEM and Fire Department. The Evacuation Plan shall be submitted to NEPA prior to the occupation of the hotel/resort. | NC | |
| 39 | Plan for the facility with the approval of the ODPEM and Fire Department. The Evacuation Plan shall be submitted to NEPA prior to the occupation of the hotel/resort. The Permittee shall prior to | NC | Development has started and the |

| | T | | |
|-----|----------------------------------|------|---|
| | to the National Works Agency | | The breach continued subsequent to |
| | for approval for vehicular | | the serving of a warning notice (#8822). |
| | ingress/egress. A copy of the | | |
| | approval shall be submitted to | | |
| | the Agency. | | |
| 40 | The Permittee shall ensure that | NC | The goodition name and in broade as |
| 40 | | NC | The condition remained in breach, as |
| | flagmen are employed to | | no flagmen were seen at the entrance of |
| | regulate traffic flow during the | | the site during the visit. |
| | site preparation and | | |
| | construction phase of the | | |
| | development. | | |
| 41 | The Permittee shall comply | NA | This condition is not yet applicable has |
| 71 | 1 | 11/1 | • • • |
| | with all representation made in | | the development is in its initial stages. |
| | drawing titled "Master Plan | | |
| | Ground Level Architecture - | | |
| | Landscape" dated 24 | | |
| | September 2015 received and | | |
| | date stamped 20 October 2015 | | |
| | by the Authority and any | | |
| | | | |
| | subsequent amendment | | |
| | required and approved by the | | |
| | Authority. | | |
| 42 | The Permittee shall ensure that | NA | This condition is not yet applicable has |
| | no alien or exotic species are | | the development is in its initial stages. |
| | introduced on the site without | | 3 11 2 2 11 3 11 3 11 3 11 3 11 3 11 3 |
| | | | |
| | the prior approval of the | | |
| | Agency. | | |
| 43 | The Permittee shall ensure that | NA | This condition is not yet applicable has |
| | no non-native and potentially | A | the development is in its initial stages. |
| | invasive plants are used for | | |
| | landscaping. | | |
| 44 | The Permittee shall ensure that | NA | This condition is not yet applicable as |
| ' ' | only water collected through | | the compliance level can only be |
| | - | | 1 |
| | rainwater harvesting is used for | | accessed when the development is |
| | the irrigation of the landscaped | | completed. |
| | areas of the development. | | |
| 45 | The Permittee shall ensure that | NC | This was yet to be satisfied. For those |
| | appropriate sediment control | • | sections on the property that allow for |
| | mechanism are installed and | | storm water runoff to the marine |
| | maintained within the path of | | environment, there were no sediment |
| | all drainage features and | | traps in place (photos 2 & 3). |
| | | | traps in place (photos 2 & 3). |
| | pathways to ensure that there is | | 771 1 |
| | no increase in the ambient | | The condition was not being satisfied |
| | turbidity of the adjacent marine | | (as per warning notice # 8822), as was |
| | waters. | | indicated for specific condition #34. |
| 46 | The Permittee shall monitor | NA | This condition could not be assessed as |
| | areas of exposed soil during | | it speaks to the period of heavy rainfall |
| | periods of heavy rainfall | | and at the time of inspection or prior to |
| | 1 * | | ± ± |
| | throughout the construction | | inspection there was no rainfall. |
| | phase in a bid to reduce the | | |
| | impact of soil erosion and | | |
| | runoff into the marine | | |
| | environment. | | |
| 47 | The Permittee shall ensure that | NC | This was not being complied with, |
| | all material stockpiles are | | despite a warning notice (#8822) |
| | contained within berms | | previously issued. |
| | | | previously issued. |
| | covered with an impervious | | |
| | material and stored away from | | |
| | drainage channels. | | |
| 48 | The Permittee shall conduct | NC | Although the results of this condition |
| | fortnightly water quality | | are to be submitted in a quarterly report |
| | monitoring during the | | as per condition 50, checks made on |
| 1 | | | site revealed that no water quality |
| | construction phase and the | | I site revealed that no water quality |

| | first month of operations. The parameters assessed shall include but not be limited to: Nitrates Phosphates BOD Feacal Coliform COD pH TSS TDS Turbidity | | monitoring has been done as required by this condition. Site Warning Notice (#8822) served for non-compliance. |
|----|---|------|---|
| 49 | The Permittee shall submit forthwith an Environmental Management Plan for the written approval of the Agency. The Environmental Management Plan shall include but shall not be limited to the following: Name of the person(s) company responsible for environmental monitoring Details for the monitoring of water quality (turbidity) in the adjacent marine environment Details for the implementation of the mitigation measures outlined in Section 6 of document titled "Technical Report for Proposed Royalton Negril Hotel" dated 7 September 2015 Energy conservation measures; and Water conservation measures | Full | A copy of this plan was submitted on the 27 November 2015 |
| 50 | The Permittee shall undertake environmental monitoring in accordance with Specific Conditions 48 and 49 during the construction and operation of the development and submit monitoring reports to the Agency on a quarterly basis during the period of construction and every six months during the operation of the development. These monitoring reports shall include, but shall not be limited to: The date, exact place and time of sampling or measurement of water quality inclusive of | NA | The time given for submission of the document had not elapsed. |

| | ambiantt t1' | | |
|----|---------------------------------|----|---|
| | ambient water turbidity | | |
| | and turbidity during | | |
| | construction and | | |
| | maintenance works | | |
| | • The person(s) | | |
| | responsible for | | |
| | performing the | | |
| | sampling or | | |
| | measurement | | |
| | • The date(s) analyses | | |
| | were performed | | |
| | • The analytical | | |
| | techniques for methods | | |
| | used | | |
| | • The results of such analysis | | |
| | • Details of any | | |
| | environmental | | |
| | incidents, including | | |
| | spills, leaks, discharges | | |
| | on the ground or into | | |
| | the marine environment | | |
| | and corrective actions | | |
| | taken | | |
| | • Details of preventative | | |
| | actions to be implement | | |
| | to prevent the | | |
| | reoccurrence of any | | |
| | environmental incident | | |
| | • Effectiveness of | | |
| | mitigations | | |
| | implemented | | |
| 51 | The Permittee shall ensure that | NA | A copy of the plan was not at the site. |
| | all employees, agents, | | Also when discussions were had with |
| | contractors and their workers | | the site manager it was clear that the |
| | are familiar with the | | workers were not sensitized with the |
| | Environmental Management | | EMP. |
| | Plan referred to in Specific | | |
| | Conditions 45 and sensitized to | | Notwithstanding, condition 45 does not |
| | the environmental issues. | | speak to an Environmental |
| | | | Management Plan and therefore the |
| | | | condition could not be could not be |
| | | | assessed. |

Key

Full: Means the operation was in compliance with the condition or Condition has already been met or Condition is no longer applicable.

Partial: The operation was only partially compliant with the condition

NC: The condition was not being met.

NA: Conditions was not applicable at the time or it could not be assessed because:

Site Warning notice issued on site \square YES Warning Notice #: 09552

Person Warned: ...Civil Works Manager...

OBSERVATIONS/FINDINGS

Building Layout

- Buildings 11-13 were not built as illustrated on approved plan i.e. position and outline layout has changed.
- Buildings 14-15 will not be built as was approved, as there is a tree and existing drain in the footprint. The developers have indicated that they will be retaining all trees onsite and as such they will have to revise their drawings for this section. (The revised drawings will need to be assessed & reviewed by the local planning authorities as an amendment before construction)
- Buildings 1, 2 and 3 were not built as approved as there were changes in the outline layout.
- The outline of the main building and orientation varies considerably as was approved.
- Main building's layout/outline has changed based on observations on the foundation preparation (photo 11) & same was confirmed by the site manager. Area for underground Water Storage tanks were also being prepared which is contrary to the approved designs

Setback

• The setback for building 3 was approximately 4.87m (16ft) contrary to the 8.0m (26ft) as was approved (photo 5)

Window/breaks to the sea

- Between buildings 2 and 3 break is none existent as a structure was being constructed in that area. This was contrary to the approved design (photo 6)
- A similar situation was observed between buildings 12 and 13 (photo 7).

Parking

- Western: the area reserved for parking in this location behind building (#11) is none existent as the orientation of this building changed, therefore the approved parking lot adjacent the block cannot be realized as the as-built structure occupies the site.
- The inadequate setbacks for buildings 1, 2 and 3 will result in a decrease in the number of parking spaces as well as the width of the access roads for these parking spaces, contrary to the approved design.

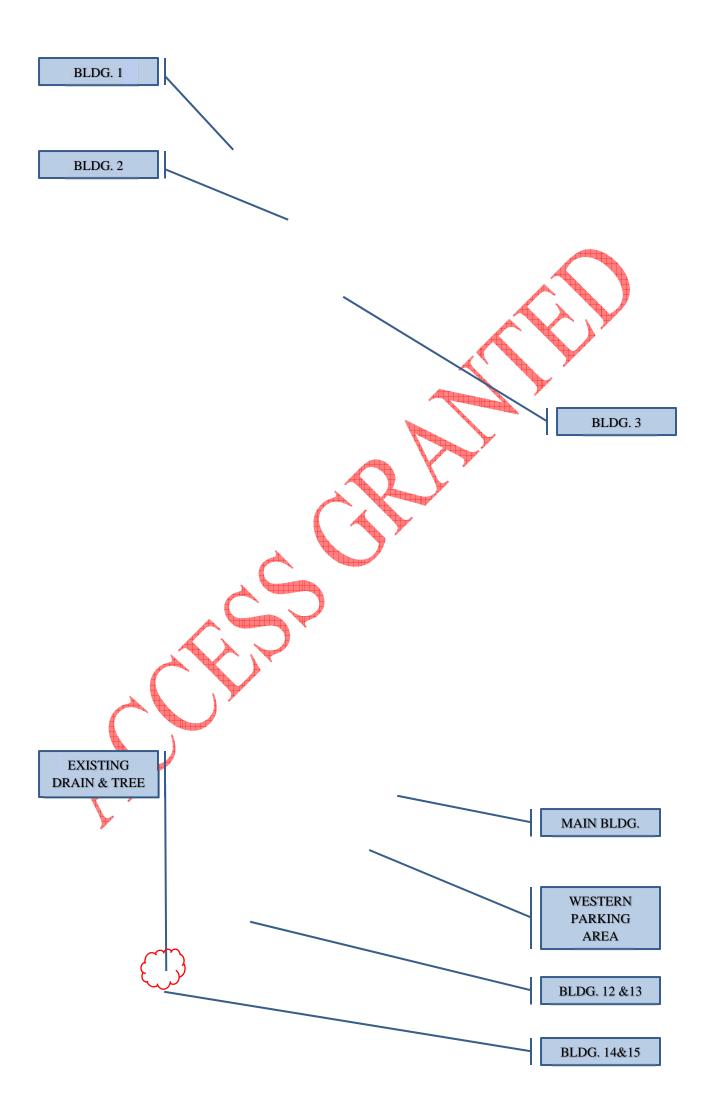
Sedimentation of marine environment

- There is inadequate berm for stockpiles, thus allowing spillover of marl into the marine environment
- There is no mechanism to prevent runoff of marl or soil into the main drain nor is there is a sediment trap within said drain to prevent direct flow into the adjacent marine environment.
- There were areas in the marine environment where marl was observed deposited on the sea floor (photo 7). Based on observation this was as a result of direct runoff from the site. A site Warning Notice (#0992) was served for breach of the Beach Control Act, 1956

Other issues

- A copy of the plan allegedly being used was not available onsite as the site manager indicated that same was distributed electronically.
- The developer enquired about the possibility of disposing of excess marl to interested persons. He was advised that permission had to be sort by the Agency, as well as this could be the subject of a mining licence as marl is considered to be a mineral.
- The matter regarding working outside of the stipulated time-frame was discussed, where the developer was advised that this was a breach and given the explanation provided a schedule of the activities including the pouring of concrete should be provided to the Agency and whenever there is a need to work beyond the stipulated hours based on the schedule permission should be sort before commencing the activity.

SITE LAYOUT:



PHOTOS:



Photo 1. Box culvert under construction in the main existing drain on property. Also note that there is no sediment trap where the drain exits to the sea. (Photo taken by NEPA Officer on 11 December 2015



Photo 3. Section of the property showing runoff carried down into the marine environment. There is no berm in place or sedimentrap. (*Photo taken by NEPA Officer on 17 December 2015*)



Photo 5. Inadequate set back from the property boundary. This image is showing building 3 adjacent to the Norman Manley Boulevard (*Photo taken by NEPA Officer on 17 December 2015*)



Photo 7. Arrow showing wall that has been constructed between buildings 12 and 13, thus removing the window break to the sea as approved. (*Photo taken by NEPA Officer on 17 December 2015*)



Photo 2. Section of the main drain to show that sediments and runoff from the site can easily get into the drain and into the marine environment. Black arrow shows sediment n drain (**Photo taken by NEPA Officer on 17 December 2015**)



Photo 4. Inadequate berming of storage material. Black arrow shows where there is overspill to the marine environment. (Photo taken by NEPA Officer on 17 December 2015)



Photo 6. Arrow showing wall that has been constructed between buildings 2 and 3, thus removing the window break to the sea as approved. (*Photo taken by NEPA Officer on 17 December 2015*)

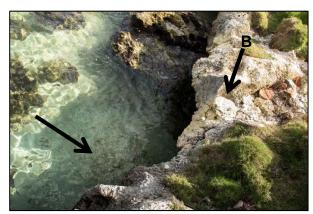


Photo 8. Arrow showing deposition of marl into the marine environment as a result of inadequate berming and non-installation of sediment traps. Arrow **B** points to the area where the marl is washed over from a channel into the marine environment. Reference can be made to photo 3(*Photo taken by NEPA Officer on 17 December 2015*)



Photo 9. Panoramic view showing buildings 12 and 13 under construction as well as their current orientation and outline which is contrary to the approved drawings. (*Photo taken by NEPA Officer on 17 December 2015*)



Photo 10. Close up view of a section of building 13 under construction showing the outline which is contrary to the approved drawings. (*Photo taken by NEPA Officer on 17 December 2015*)



Photo ``. Foundation of main building under construction. (**Photo** taken by NEPA Officer on 17 December 2015)

CONCLUSION

Based on the above findings the following can be concluded:

- BBNH Resorts Limited has built contrary to what was approved in the environmental permit.
- In addition there are several other breaches of the permit hence their current compliance level is 34.5%.
- BBNH Resorts Limited remained in breach despite being served a Warning Notice 3 December 2015.

RECOMMENDATIONS

Based on the findings the following are recommended:

Enforcement Actions

- Cessation Order to be served, as the developer is undertaken a development contrary to what is permitted.
- Notice of Suspension for the breaches noted in the compliance table

Amendment to Permit

- a) The Permit be amended to include the following:
 - i. A condition instructing the Permittee to submit for approval, a layout of the proposed parking for the development.
 - ii. A condition instructing the Permittee to ensure the protection of the archaeological site found on the compound.
 - iii. A condition safeguarding against mud/fugitive dust or concrete droppings on the thoroughfare in the immediate vicinity of the development site.
 - iv. A condition stating a setback restriction from the marine environment for storage of chemicals and construction materials
 - v. A condition inserted to instruct the Permittee to incorporate grit screens as a part of the modification works being done to the existing storm water earthen drain, to prevent the release of sediments in the marine environment.
- b) Specific condition 51 is amended to make reference to the correct condition.

Documentations

The following are recommended to be submitted by the developer:

- A survey diagram showing the location of all existing features on the property including trees and drains
- A revised drainage plan for the site
- Revised plans for the development showing the as-built structures on the property

Dated Submitted to Supervisor: 21 December 2015 Date reviewed by Supervisor: 21 December 2015 Date of Final Report: 21 December 2015