

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

Inspection Date: 29 January 2016 **Report in Series:** Site visit #2 of 2016

Time of Inspection: 2:04 p.m.

Permitted Activity: Construction and Operation of Hotel or Resort Complex of 501 to 1000 rooms

Location of Activity: Ruthland Pen, Norman Manley Boulevard, Negril, Hanover

Permittee: BBNH Resorts Limited

Reference No.: 2015-09017-EP00112

Approval Date: 10 November 2015

Contact: Civil Works Engineer, Royalton Negril Resorts

Contact Telephone #: (redacted subject to Section 22 of the ATI Act)

Monitoring Officer: Enforcement Officer, Negril, NEPA

Present were: Architect, Royalton Negril Resort, Executive Administrative Assistant, Royalton Negril Resort, Planning Technologist, NGIALPA, Enforcement Officer, Negril, 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	Specific Condition	Level of Compliance	Comments/Action
9	The Permittee shall forthwith post a sign in a prominent place at the location of the permitted activity using the same design and words as in the template attached.	Full	The sign remained in place. A copy of same was observed posted, complying with Warning Notice #8822, previously served.
No	General Condition	Level of Compliance	Comments/Action
1	The Permittee shall comply with all the representations made in the undated Permit Application and the Project Information Form, both received and date stamped by the Natural Resources Conservation Authority 27 November	NC	The development continued in contradiction with the approved drawings. There were blocks being erected with

	<p>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 and any accompanying addenda.</p>		<p>deviations from what was approved, to include number of rooms per floor, breaks between blocks and building outline and layout.</p> <p>Amended as-built plans were not submitted upon the time of inspection.</p> <p>The development was under construction contrary to the approved plans and to date a request for an amendment has not been submitted to the Agency. Site Warning Notice #09552 was previously served.</p>
2	<p>The Permittee shall ensure that all correspondence, notifications, plans, reports or 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 5”.</p>	Full	<p>The Permittee submitted correspondence accordingly.</p>
3	<p>The Permittee shall construct no more than 632 guestrooms in the development as presented in the drawing titled “Hotel Royalton Negril” received and date stamped by the Authority 20 October 2015.</p>	NA	<p>The condition could not be assessed as the development was at the initial stage of construction and not all the blocks containing guest rooms had started.</p> <p>However, at the time of inspection the blocks were not being erected in accordance with the mentioned drawings. 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.</p> <p>Amended as-built plans were yet to be submitted, up to the time of inspection.</p>
4	<p>The Permittee shall apply to the Authority for an Environmental Permit and/or Licence pursuant to sections 9 and 12 of the Natural Resources Conservation Authority Act for any subsequent development on the property, inclusive of the</p>	N/C	<p>The permittee has constructed contrary to the approval and to date a request for amendment has not been submitted to</p>

	additional phases, in accordance with the Natural Resources Conservation (Wastewater and Sludge) Regulations, 2013; Natural Resources Conservation (Permits and Licences) (Amendment) Regulations, 2015 and Natural Resources (Prescribed Areas) (Prohibition of Categories of Enterprise, Construction and Development) (Amendment) Order, 2015.		the Agency.
5	The Permittee shall prior to the commencement of any operation in connection with the permitted activity, apply for a licence under the Beach Control Act for any use of the foreshore or the floor of the sea in connection with the operation of the hotel or encroachment on the foreshore or the floor of the sea including but not limited to beach nourishment, coastline reclamation and dredging works.	NA	Beach cleanup (seagrass removal) was the only activity observed along the beach. The Executive Administrative Assistant was previously briefed on this condition. However, the operational phase of the development had not commenced.
6	The granting of this Environmental Permit does not relieve the Permittee from complying with any other statutory obligation or from applying for and obtaining any other, permission, certification, permit or licence. These include but are not limited to Building Permission under the Building Act and Planning Permission under the Town and Country Planning Act.	Full	Building Approval and Planning Permission were obtained, on 19 November 2015 (Hanover Parish Council) and 15 September 2015 (Town and Country Planning Authority) respectively.
7	The Permittee shall submit forthwith for the written approval of the Agency/Authority detailed drawings for the front elevation of buildings 1 – 8 and 10 – 15, and side elevation for building 9.	NC	Up to the time of the inspection, the plans had not been submitted to the Agency. Site Warning Notice #09552 was previously served.
8.	The Permittee shall submit forthwith for the written approval of the Agency/Authority 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.).	NC	Up to the time of the inspection, the plans had not been submitted to the Agency. Site Warning Notice #09552 was previously served.
9	The Permittee shall submit forthwith for the written approval of the Agency/Authority an updated version of drawing RNEG-0AQ-202-GUI (Version A) in which all overwater suites and any reference to same is removed.	NC	Up to the time of the inspection, the plans had not been submitted to the Agency. Site Warning Notice #09552 was previously served.
10	The Permittee shall submit forthwith for the written approval of the Agency/Authority a full set of drawings for the Kid's Club Building.	NC	Up to the time of the inspection, the plans had not been submitted to the Agency. Site Warning Notice #09552 was previously served.

11	The Permittee shall submit forthwith 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.	NC	The said plans were not submitted upon the time of inspection. Site Warning Notice #09552 was previously served.
12	The Permittee shall ensure that the development is connected to the National Water Commission's Central Sewer System servicing the area.	NA	Sewerage works had not commenced due to the stage of the development.
13	The Permittee shall ensure that there is no commissioning of the newly constructed rooms/facilities prior to connection to the National Water Commission's Central Sewer System servicing the area.	NA	No commissioning of new rooms had taken place up to the time of the inspection.
14	The Permittee shall install grease traps within the hotel's sewerage collection network to remove oils and grease from wastewater entering the National Water Commission's sewerage network from the hotel. The grease traps shall be marked and maintained at all times to prevent buildup and overflows.	NA	Sewerage works had not commenced due to the stage of the development.
15	The Permittee shall not cause or allow seawater or sand to enter the National Water Commission's sewerage network as a result of the undertaking of the permitted activity.	NA	No such activity was observed at the time of the inspection.
16	The Permittee shall notify in writing the Manager of the Enforcement Branch of the National Environment and Planning Agency, 10 Caledonia Avenue, Kingston 5, the Director of the Environmental Health Unit of the Ministry of Health and Environment and the Local Health Authority when the sewer connection is completed to allow for inspection before commissioning of any of the rooms or facilities.	NA	There was no commissioning of any new structures at the time of inspection as the different blocks were not under construction yet.
17	The Permittee shall provide toilet facilities for the use of the construction work force. These facilities shall be in the form of portable units (chemical toilets) installed with the approval of the Local Health Authority.	Partial	Portable toilets were observed at several sites across the development site. However, at the time of inspection a copy of the approval could not be furnished upon request.
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 satisfaction of the Local Health Authority.	NC	A copy of the approval could not be supplied upon request, neither was a receipt from the treatment facility, upon probing. The Permittee could not supply any proof of the faecal waste being taken to a treatment facility. A Site Warning Notice was previously served.
19	The Permittee shall ensure that the storm water drainage plan is implemented based on a design approved by the National Works Agency.	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. The plan

			could not be presented by the Permittee.
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	A copy of the approval from the NWA remained outstanding despite work done on an existing drain. A Site Warning Notice was previously served.
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	The condition could not be assessed at the time of the inspection as construction on the parking facility had not commenced.
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	The drain mentioned below was addressed. However, the Permittee remained to setback stockpiles of soil fringing 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. Site Warning Notice served for non-compliance with the 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: <ul style="list-style-type: none"> • The designation of appropriate waste 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 	NA	There was still no record of the Plan being submitted on the file. 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.
24	The Permittee shall 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.	NC	No proof of the submission of the Waste Management Plan was supplied.
25	The Permittee shall ensure that all solid waste generated during site preparation, construction and operational phases of the development is disposed of at a municipal dumpsite with the approval of the National Solid Waste Management Authority (NSWMA). A copy of	NC	The Permittee previously provided proof of his hired contractor collecting and disposing of the activity's waste at the Landfill WPM dumpsite.

	the approval shall be submitted to the Agency prior to the commencement of the development.		<p>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 Agency.</p> <p>A Site Warning Notice (#8828) was issued prior on 19 January 2016. Earlier, the Site Manager was advised to commence the authorization process at an inspection stemming from investigation of a report, on 16 January 2016. No communication was had from the Permittee in this regard, however.</p>
26	The Permittee shall ensure that there is no burning of waste and/or debris on site.	Full	No burning was observed on site at the time of the inspection.
27	The Permittee shall provide proper waste receptacles for solid waste collection onsite.	Full	Waste receptacles were installed at different locations across the property and garbage collection sites were marked (photo 10).
28	The Permittee shall ensure that all hazardous chemicals and materials are properly stored in impermeable containers to prevent discharge into the environment.	NA	No chemical/hazardous material was observed on the property at the time of inspection.
29	The Permittee shall ensure that storage and handling areas for hazardous materials must have impermeable surfaces designed to contain materials stores/handled from which they shall be directed to a predetermined collection point authorized in writing by the Agency.	NA	<p>No chemical/hazardous material was observed at the time of inspection.</p> <p>The condition was discussed with the Permittee.</p>
30	The Permittee must fence/hoard the perimeter of the site to reduce the escape of fugitive dust during construction.	Full	The landward boundaries; where work was concentrated, were hoarded.
31	The Permittee shall cover construction materials during transport to prevent the generation of fugitive dust.	NA	No transportation of material was observed at the time of the inspection.
32	The Permittee shall, during the construction phase wet road surfaces and stockpiles of soil and marl to prevent the generation of fugitive dust.	Full	There was evidence of road surfaces and stockpiles of marl being wet.
33	The Permittee shall ensure that construction materials are properly stored, bermed and covered on site so as to reduce the incidents of erosion into the adjacent marine environment.	NC	<p>Uncovered soil and construction material were observed at the time of inspection; inadequately setback from the marine environment.</p> <p>A Site Warning Notice was previously issued. However, only some sections were addressed</p>

			and the mechanism employed appeared insufficient (photos 5-7).
34	The Permittee shall ensure that construction materials including soil and marl are stored away from surface drainage channels and features.	NC	Stockpiles of soil remained at a drainage feature adjacent to the marine environment (photo 5). A mechanism was employed to contain marl being washed from the immediate stockpiles into a natural drainage pathway, however, stockpiles of material edging the water column continued, without any berms in place (photo 7).
35	The Permittee shall ensure that the noise level during construction does not exceed 70 dB at the boundary of the site.	NA	The condition could not be assessed as the requisite equipment for measurement of noise level was not available for use at the time of the inspection.
36	The Permittee shall ensure that work is carried out between the hours of 7:00 a.m. and 6:00 p.m. from Mondays to Fridays and 8:00 a.m. and 6:00 p.m. on Saturdays. There shall be no work on Sundays and Public Holidays. Any work to be done outside of this period will require the permission of the Authority.	NA	At the time of the visit, the condition could not be assessed due to the time of the inspection. At a previous visit, however, during routing Post Permit Monitoring, construction work was observed beyond 6: 00 pm. A Site Warning Notice (# 8828) was served. Previously, the Agency investigated complaints of work taking place beyond stipulated hours. This was confirmed. However, the work was limited to the pouring of concrete in the casting of the foundation of some of the buildings. Since then, the Agency has not received any further complaint.
37	The Permittee shall develop an Emergency Response Plan (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 date of issue of this Permit.	NC	The timeframe had elapsed and to date there was no record of the ERP being submitted to the Agency.
38	The Permittee shall develop a comprehensive Evacuation 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.	NA	The condition was not applicable at the time of the visit as its compliance level can only be assessed upon the hotel being in operation.

39	The Permittee shall prior to any development work, including site clearance, apply to the National Works Agency for approval for vehicular ingress/egress. A copy of the approval shall be submitted to the Agency.	NC	The letter was yet to be received. The development commenced without the Agency's receipt of a copy of the approval. A Site Warning Notice was previously served.
40	The Permittee shall ensure that flagmen are employed to regulate traffic flow during the site preparation and construction phase of the development.	NC	Flagmen were yet to be observed at the site. The condition remained in breach, as no flagmen were seen at the entrance of the site during the visit. A Site Warning Notice previously was served.
41	The Permittee shall comply with all representation made in 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.	NA	The condition was not yet applicable as the development was in its initial stages.
42	The Permittee shall ensure that no alien or exotic species are introduced on the site without the prior approval of the Agency.	NA	The condition was not yet applicable as the development was in its initial stages.
43	The Permittee shall ensure that no non-native and potentially invasive plants are used for landscaping.	NA	The condition was not yet applicable as the development was in its initial stages.
44	The Permittee shall ensure that only water collected through rainwater harvesting is used for the irrigation of the landscaped areas of the development.	NA	The condition was not yet applicable as the compliance level can only be accessed when construction of the structures was completed and landscape activities concluded.
45	The Permittee shall ensure that appropriate sediment control mechanism are installed and maintained within the path of all drainage features and pathways to ensure that there is no increase in the ambient turbidity of the adjacent marine waters.	NC	The Permittee addressed one drainage pathway, however, other sections such as that of the earthen drain leading to the sea, did not have a sediment screen or other sedimentation mitigation mechanism to ensure this. Site Warning Notice was previously served.
46	The Permittee shall monitor areas of exposed soil during periods of heavy rainfall throughout the construction phase in a bid to reduce the impact of soil erosion and runoff into the marine environment.	NA	The condition could not be assessed at the time of the inspection as it speaks to periods of heavy rainfall and at the time of inspection or immediately prior to the inspection there were no occurrences of heavy rainfall.

47.	The Permittee shall ensure that all material stockpiles are contained within berms covered with an impervious material and stored away from drainage channels.	NC	As per condition numbers 33 & 34, the storage of soil and construction materials were being inadequately addressed. Uncovered marl and other construction material were observed at the fringes of the water column, without being covered or bermed. This was not being complied with, despite a warning notice (#8822) previously issued.
48.	The Permittee shall conduct fortnightly water quality monitoring during the construction phase and the first month of operations. The parameters assessed shall include but not be limited to: <ul style="list-style-type: none"> • Nitrates • Phosphates • BOD • Faecal Coliform • COD • pH • TSS • TDS • Turbidity 	NC	Evidence of water quality monitoring being conducted still could not be furnished upon request. Although the results of this condition are to be submitted in a quarterly report as per condition 50, checks made on site revealed that no water quality monitoring was done as required by the 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:- <ul style="list-style-type: none"> • 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 the plan was submitted 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: <ul style="list-style-type: none"> • The date, exact place and time of sampling or measurement of water quality inclusive of ambient water turbidity and 	NA	The time given for submission of the document had not elapsed.

	<p>turbidity during construction and maintenance works</p> <ul style="list-style-type: none"> • 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.	<p>The Permittee shall ensure that all employees, agents, contractors and their workers are familiar with the Environmental Management Plan referred to in Specific Conditions 45 and sensitized to the environmental issues.</p>	NA	<p>A copy of the plan was not at the site office. Also, when discussions were had with the site manager it was clear that the workers were not sensitized about the EMP.</p> <p>Notwithstanding, condition 45 does not speak to an Environmental Management Plan and therefore the condition could not be assessed.</p>

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 **NO** Warning Notice

Name of Person Warned:

OBSERVATIONS/FINDINGS

Building Layout

- Buildings 1, 2 and 3 were not being erected as approved as there were changes in the outline and layout. The visit conducted revealed that the ground floor of buildings 1 & 2 had 2 extra rooms than what was approved (14 instead of 12). Should the number of floors be retained, an extra 8 rooms will result from the two blocks.
- The outline and orientation of the main building varied considerably from what was approved. The building’s layout and outline did not reflect what was approved by the Agency.
- The outline and layout of buildings 7 and 8, as built, deferred from what was approved.
- 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 large tree and existing drain in the footprint. The Site Manager indicated that the developer will be retaining all trees onsite and as such they will have to revise the drawings for this section.

Setback

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

Window/breaks to the sea

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

Parking

The parking situation remained as was indicated in report dated 21 December 2015.

Sedimentation of marine environment

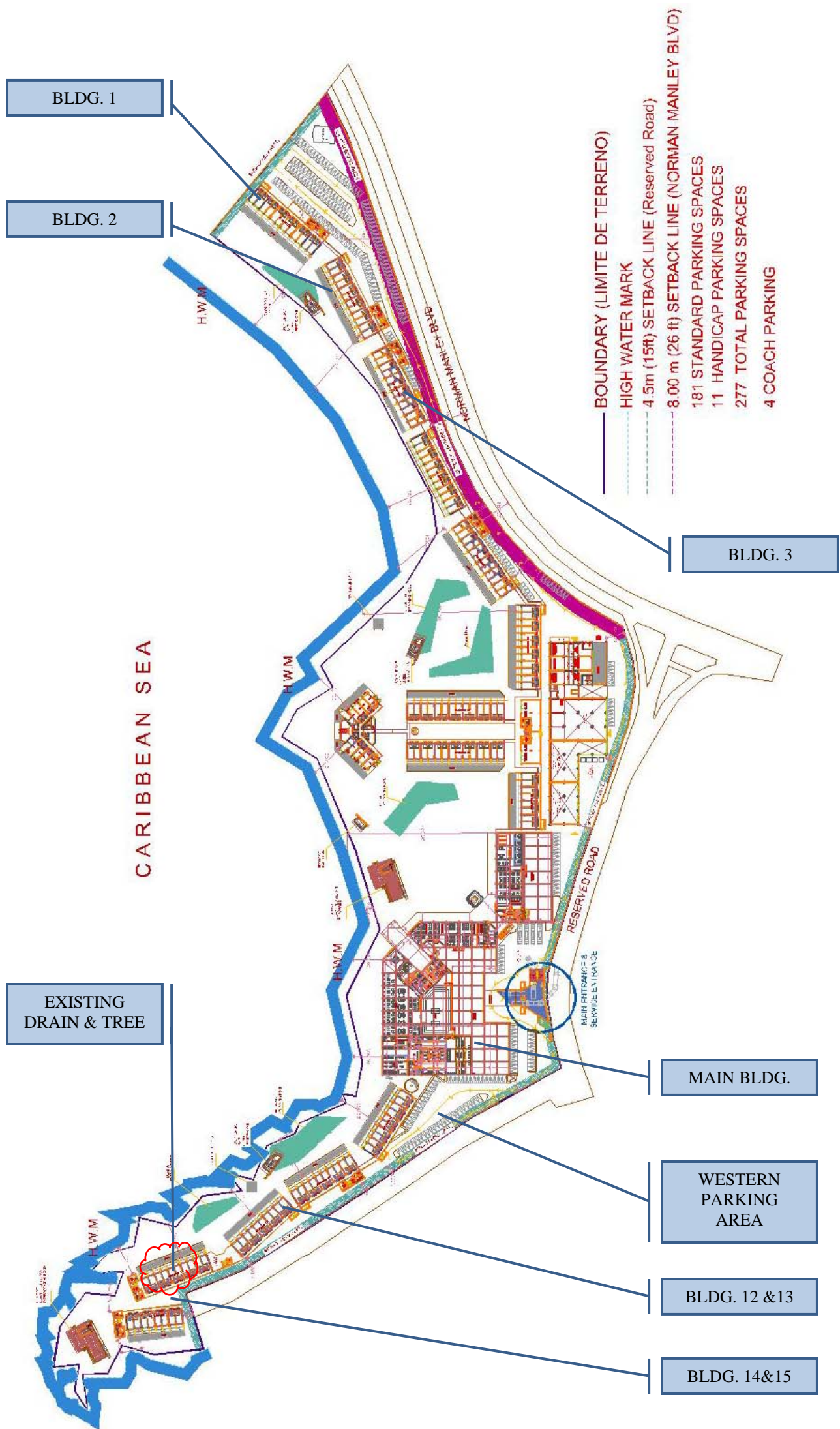
- The developer had made some attempts with respect to the containment of soil and construction materials on the lands. However, the mechanisms were inadequate (as shown below in photos 6-7) and stockpiles remained to be setback from the marine environment (photo 8).

Other issues

The breaches for which the Permittee has been previously cited remain in effect at the subsequent visits.

ACCESS GRANTED

SITE LAYOUT:



PHOTOS:



Photo 1: Work underway on the erection of the main building. Photo taken 29 January 2016 by NEPA Officer.



Photo 2: A view of the stage of construction of building 1, under construction contrary to the approved drawings. Photo taken 29 January 2016 by NEPA Officer.



Photo 3: The structure occupying the proposed break between buildings 1 and 2. Work underway on the erection of the main building. Photo taken 29 January 2016 by NEPA Officer.



Photo 4: Work underway on the erection of the main building. Photo taken 29 January 2016 by NEPA Officer.

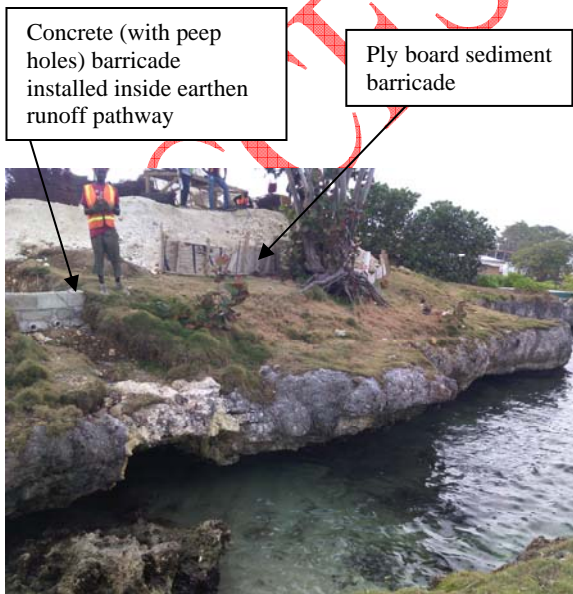


Photo 5: The sediment baffle that was put in place for some stockpiles along the marine environment. Photo taken 29 January 2016 by NEPA Officer.

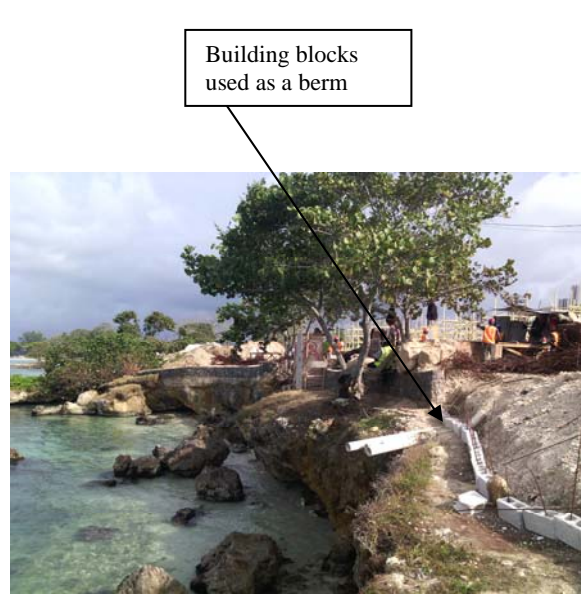


Photo 6: The sediment baffle that was put in place for some stockpiles along the marine environment. Photo taken 29 January 2016 by NEPA Officer.



Photo 7: Stockpiles of soil and marl at the water's edge, without any berm or covering. Photo taken 29 January 2016 by NEPA Officer



Photo 8: Inside the box culvert leading to the marine environment. Note there were no sediment traps inside the drain. Photo taken 29 January 2016 by NEPA Officer



Photo 9: Building 13 at foundation stage. Photo taken 29 January 2016 by NEPA Officer



Photo 10: Solid waste stored and bounded off on the site. Several of these were across the property. Photo taken 29 January 2016 by NEPA Officer

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.
- BBNH Resorts Limited remained in breach despite being served a several Site Warning Notices.
- In addition there are several other breaches of the permit hence their current compliance level is 27.6%.

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

Dated Submitted to Supervisor: 4 February 2016

Date reviewed by Supervisor: 15 February 2016

Date of Final Report: 15 February 2016