

EXPERT OPINION

Assessment of the Environmental Impact Assessment (EIA) of the Proposed
Renovation and Development of the Hill View Resort (The Ex Banyan-Tree
Resort), Seychelles

Prepared and Submitted By

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For Mr. Karl Ammann

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DISCLAIMER

The conclusions drawn herein are based upon the evidence that was made available to the Expert by Mr. Karl Ammann, legal consultants, Ministry officials, and a drone expert. The Expert assumes no responsibility or liability for any errors or omissions in the content of this report, or for the results accruing from the information herein provided. The information contained herein should not be reproduced in any form without express written consent of the author.

AIM OF EXPERT REVIEW

Since development/ renovation of the Hotel commenced in 2020, there have been various suspected breaches of the Environmental Impact Assessment (EIA) that was prepared by DJ Environmental Consultants for HVRSL in November 2020. The aim of this review is to qualitatively examine the following:

1. Wetland Destruction
2. General Development using the original footprint
3. Significant threats to biodiversity

According to the EIA report produced (November 2020) and provided to Mr. Karl Ammann by the Ministry of Agriculture Climate Change and Environment (MACCE) (**Appendix 1**), a biodiversity assessment was undertaken for the full site which will be impacted upon by the proposal. 131 species from 8 taxa were recorded, which included 15 species of special conservation value, located mainly in the wetland. The wetland is mainly native and, together with the native beach crest, they are considered as the most sensitive ecosystems in the project.

With regards to the wetland, the EIA Report states that, *'the wetland should not be intrusively modified or impacted upon, by any future development. The environmental impact onto the beach crest vegetation, being mostly native, can also be high if the identified management plans and beach crest rehabilitation is not implemented during the Demolition and Reconstruction phases. Mitigation measures such as the cancellation of the proposed backfill reclamation within the wetlands and the client's willingness to retain the islands within the wetlands serves to further re-enforce the conservatory approach to wetlands management.'*

With regards to the construction, the EIA stipulates that, *'the renovation principle for the proposed CBS Hill View Resort is to use the existing footprint of the resort and limit new buildings to the minimum. This will ensure minimal disruption to the biophysical environment.'* Along the high-water mark, the EIA stipulates that, *'With an intention to limit construction along the high-water mark, the proposal has seen the removal of the built-up lawn frontage of each Beach Villa further allocating additional 4m to 14 m varying along the coastal belt, for vegetation densification and turtle nesting enhancement programs.'*

The EIA describes this project as an, *'environmentally conscious proposal'* and will have *'limited adverse environmental impacts as all measures recommended during the ESIA process will be properly implemented and monitored during the project life. All the mitigation measures mentioned shall be strictly adhered to as to ensure that minimal or zero environmental damages are done to the site which is considered sensitive throughout the duration of the whole project phases.'*

*All *italic* text in this section is verbatim from the EIA report (November 2020) (**Appendix 1**).

**SUMMARY OF KEY EXCERPS FROM THE EIA REPORT DATED NOVEMBER 2020
(APPENDIX 1) WITH EXPERT OPINION**

Point	Section and page number	Verbatim Text from EIA	Expert opinion
1	Executive Summary <i>Page 1</i>	The renovation principle for the proposed CBS Hill View Resort is to use the existing footprint of the resort and limit new buildings to the minimum. This will ensure minimal disruption to the biophysical environment.	<p>It is evident from the approved site plan (Appendix 2) and within photographic evidence in Appendix 8 that there has been significant extension to the existing footprint of the resort. For example, there are new buildings on the rocks, lap pools along the beach villas, a large lap pool in front of the Presidential Villa, concrete garden beds and new dining terraces.</p> <p>*Note: All new developments are highlighted in red on the site plan. All existing footprints of the resort are highlighted in blue.</p> <p>In numerous instances, the developers have built higher on the existing foundations than anticipated by the approved site plan (see Appendix 8):</p> <ul style="list-style-type: none"> • It appears that a second floor has been added to some of the double room beach villas (Photo 1); • There is indication that an additional floor has been added to the main lodge (Photo 2); • There is indication that an additional floor has been added to the five-bedroom Owner's Villa (Photo 3); • The construction of a new structure next to the swimming pool attached to the former Presidential Villa, which can be seen at the end of the beach, and which will go beyond the original Resort beach front structures, results in greater visual impact if viewed from the sea (Photo 4). <p>From a conservation perspective, the additional construction along the beach front will not only influence the coastal vegetation, but also cause disruption to nesting turtles along that</p>

			<p>beach, through additional noise and light pollution.</p> <p>It is to be noted that Anse Intendance is one of the most significant nesting beaches for Hawksbill turtles on Mahe.</p>
2	<p>Executive Summary</p> <p>Page 2</p>	<p>...Thus, the wetland should not be intrusively modified or impacted upon, by any future development.</p>	<p>There has been significant impact and destruction to the wetland, including dredging, pollution, eutrophication etc. See photographic evidence (Appendix 3) and a lab report of water samples taken from the wetland (Appendix 4)</p>
3	<p>Page 2</p>	<p>With and intention to limit construction along the high-water mark, the proposal has seen the removal of the built-up lawn frontage of each Beach Villa further allocating additional 4m to 14m varying along the coastal belt, for vegetation densification and turtle nesting enhancement programs.</p>	<p>Reference is made to the original Sanction Document excerpt given to the Banyan Tree (Appendix 5). Point (f) clearly states that, <i>'the company shall at all times allow the public free use of that part of each of the land comprised in Title Nos. T1861, T1863, T1865 which runs parallel to the beach to an extent of up to 30 meters in width from the high-water mark and further at all times all the public free access thereto.'</i></p> <p>From the drone surveillance carried out in late July & early August 2023 (Appendix 9), there is no longer a 30-meter corridor to allow public access in front of most those plots (now identified as Plot T3481). In fact, on a high tide (exceeding 2m), there is next to no corridor available for public access.</p> <p>This may fall foul of several Government Policy and Regulatory documents. For example, the National Coastal Setback Policy (currently in preparation), but stipulated within the Seychelles Coastal Management Plan 2019–2024, and the Coastal Setback Policy stipulated within Guidelines for Hazard Sensitive Land Use Plan</p> <p>The documents stipulate;</p> <p>'A general 25 m coastal setback was first included in the EIA guidelines and is enforced on an informal basis ever since. The need for a general coastal setback for development control,</p>

			<p>beach protection, etc. was acknowledged in the CMP and the discussion is coordinated by MACCE/CAMS in collaboration with other GoS agencies and departments. The recent draft determines a horizontal 25 m coastal setback from the high water and a 10 m setback if there is a sufficient protection structure or natural rock cliff. The vertical setback is defined by 3 m above the mean sea level.</p> <p>Overall objectives are:</p> <ul style="list-style-type: none"> (i) ensure the establishment of an effective buffer zone between the ocean and coastal infrastructure, (ii) provide guidance for coastal communities and development to adapt to the effects of climate change, (iii) maintain coastal integrity to protect coastal ecosystems, (iv) build the resilience of the coast and its population, (v) reduce vulnerability of coastal corridors to coastal hazards, (vi) reduce coastal risks. <p>With regards to '<i>allocating additional 4m to 14m varying along the coastal belt, for vegetation densification and turtle nesting enhancement programs</i>', the vegetation belt has diminished considerably, in most areas being less than 20m wide (Appendix 9), and in some cases, there is virtually no vegetation.</p>
4	Pg 220	With such mitigations placed into the context of the Environmental Management and Monitoring Plan (EMMP) and backed up with the appointment of a reputable Environmental Control Team for the site...whose impacts to the receiving environment	It is unclear whether an EMMP was put in place to oversee the project.

		<p>can, and should be considerably limited, by monitoring, auditing, and adherence to the EMMP and national guidelines.</p> <p>The contents of the EMMP should be made known to all parties involved at the site and a copy should be available on site at all times...to ensure that</p> <ul style="list-style-type: none"> -all environmental safeguards are carried out correctly -Site activities are well-managed -adverse impacts on the environment are minimized -the biodiversity of the site is conserved or enhanced -all relevant legislation is complied with, and -the project is monitored for possible environmental impacts 	
5	<p>Executive Summary, <i>Page 3</i></p> <p>Wetlands Flow Management</p>	<p>During construction/demolition phase of the project, sedimentation and disturbed soil wash-down can be a potential contaminant to the wetland. As such there is a proposal to make use of sedimentation barrier and trap system, to be placed at strategic locations within the wetland itself sand within the feeding river. The strategy is to close off the wetlands at various narrow points to act as a “valve” mechanism in case of sediment wash-down.....Onus shall be on the developer to ensure the adoption and operation of the sluice gate during significant precipitation events.</p>	<p>It is unclear as to whether sedimentation barriers were created, however there has been major eutrophication that has occurred. This is apparent from the significant proportion of duckweed that has covered the surface (See photos in Appendix 3).</p> <p>It is to be noted that the wetland at Anse Intendance is home to several species of high conservation value (Table 6-1 on pgs. 99-100, within the EIA Report). Some of these species, such as the Seychelles Yellow bellied mud terrapin (<i>Pelusios castanoides ssp. Intergularis</i>) and the Seychelles Black Mud turtle (<i>Pelusios subniger ssp. parietalis</i>) are endemic to Seychelles. Anse Intendance is one of the last remaining sanctuaries for these reptiles.</p> <p>Most importantly, both reptiles are considered Critically Endangered on the IUCN Red list</p>
6	<p>Executive Summary, <i>page 6</i></p>	<p>Recommendations:</p> <ul style="list-style-type: none"> - To formalize the relationship between 	<p>It is unclear whether there has been an MOU formalized to this effect.</p>

	Socio-Economic & Public Scoping Surveys	<p>hotel and district via an MOU with Takamaka District Administration which will seek to prioritize the district's needs especially in relation to early engagement with small scale entrepreneurs and business owners during all phases of the project</p> <ul style="list-style-type: none"> - Careful traffic management plan in place and measures to be taken to mitigate noise and dust emissions during construction phase. - Client to maintain discreet security on the beach and consider placing lifeguards on site given the near drowning reports. - MEECC to continue engagement around environmental conservation program. 	<p>According to some residents who were interviewed for the purposes of this assessment, the Ministry of Environment has not engaged with the public concerning any conservation matters at the site. Moreover, a formal letter was sent to the relevant Authorities by the Director of Intendance Retreat Limited, seeking clarity on several environmental issues, on 21 March 2023. To date, there has been no formal clarity given on the matters raised within said letter (Appendix 6).</p>
7	Page 6	Comprehensive environmental monitoring shall be conducted periodically to ascertain compliance to set mitigation measures...	It is unclear whether this has taken place at all since the project has commenced
8	Chapter 1: Introduction, page 9	...the proposal is to keep the existing footprint of the resort and build on the existing foundations and limit the new-build area to only two new Hill Villas and an entertainment area which includes the kids club and the gymnasium.	This has been violated, as detailed in Point 1 above. There is evidence of new lap pools in front of the beach villas, concrete garden beds, dining terraces, a large lap pool for the Presidential villa etc.,
9	Page 32. Coastal Wetland Management	"A) A coastal management plan zone should be incorporated in the EIA report including beach monitoring programs, outline all the issues including the recovery of seaweeds on the beaches	It is not clear whether these important documents were produced, despite formal requests for information made to the relevant Authorities on 21 March 2023, by Mr. Karl St. Ange, Director of Intendance Retreat Limited (Appendix 6).

		<p>and turtle monitoring</p> <p>B) Consultant to provide details for the beach access for the clients (boardwalks, walkways, decking) ways numbers and lighting proposed according to turtle etiquette.</p> <p>C) A wetland management plan should be provided for the area with the inventory of the species and methodology for their protection and rehabilitation.”</p>	
10	<p>Page 48</p> <p>Visual Impact</p>	<p>The specialist consultants also did an overall view from Drone imagery of the headlands and coastal frontage. With the setback from the coastal zone now increased, (With respect, this is contrary to the initial sanctions and what present drone images depict) and the proposed rehabilitation of the buffer coastal vegetation we are meeting to needs for blending into nature</p>	<p>I would suggest that these drone images be made available and compared to Appendix 9. The coastal zone setback does not seem to have increased, but rather decreased with additional development (e.g., lap pools and dining terraces) (Appendix 8).</p>
11	<p>Page 64</p> <p>Project Description</p>	<p>...limit new buildings to the minimum. The proposal is to reduce this to a 53 ultra high-end private villas (from page 68 (Table 4-1) – increase the size of the villas by 30-40%, build on existing foundations)</p> <p>The EIA goes on to say that this will have "<i>an immediate positive impact on the environment</i>" because (amongst other reasons) this will be "<i>less visually obtrusive specifically if viewed from the sea</i>".</p>	<p>Despite reducing the number of buildings, many of existing foundations have been expanded (refer to site plan (Appendix 2), & Appendix 8). I am instructed that the foundation footprint is now double that of the existing Resort.</p> <p>Furthermore, the rooftops of the hill villas are in fact more conspicuous than the previous design (Appendix 8). Moreover, the construction of a new structure next to the swimming pool attached to the former Presidential Villa, which can be seen at the end of the beach and which will go beyond the original Resort beach front structures, results in greater visual impact if viewed from the sea (Photo 4).</p>
12	<p>Page 82</p> <p>Tree felling</p>	<p>Should there be a need to fell/lop any protected trees permission will be sought from the National Parks and</p>	<p>Section 2.3 of the EIA (at page 23) lists the various changes that have been made to the Master Plan which, it is said, "<i>contributed to a net benefit for the environment</i>". One such</p>

		<p>Forestry Section of the Department of Environment.</p> <p>Endemic species of plants on site will be protected as far as possible.....All tree species within the development alignment and intended villa locations were inventoried and mapped by taking a GPS point. About 1,136 exotic tree species and 1,054 native trees were mapped.</p>	<p>change listed is recorded in the EIA as, "<i>Owner's Villa Building layout revised to accommodate the existing trees.</i>"</p> <p>However, at the end of February 2023, there was notable felling of trees from this area. See the enclosed photographs evidencing the removal of trees (Appendix 7).</p> <p>Section 6.1.6.1 of the EIA refers specifically to environmental impact of the Resort and states that "<i>some exotic trees will be removed for the construction site of new villas, but these are expected to be minimal.</i>" As the photographs (Appendix 8) demonstrate, this commitment has not been complied with.</p>
13	Page 108	<p>with critical wetlands surveys and proof of sensitive biodiversity niches therein, the developer has cancelled this reclamation opting instead for elevated pillar-based road which would integrate into the wetlands and allow for flow, circulation and flora, fauna growth therein."</p>	<p>I am instructed that the proposed elevated road has not been installed. Instead, the wetland is divided into two sections by a new road which does not allow water circulation beneath (Appendix 3, Photo 1).</p> <p>As a result, the northern pond appears to be cut off from the wetlands and is covered in duck weed, and the rest of the wetlands must be cleared, which will cause significant harm to the local habitat and result in a depletion of the existing flora and fauna. It is important to note that this is not easily remediable: even if the duck weed is cleared, in the absence of satisfactory water circulation, the duck weed will quickly return.</p> <p>Reference is made to section 7.3.1 of the EIA (at page 160) which states that "<i>no development works should take place in the wetland.</i>" The new road running through the wetland, which has created a stagnant pool, is clearly a development in the wetland, contrary to what is provided in the EIA.</p>
14	Page 115	<p>Two subspecies of terrapin or freshwater turtle, found in and considered endemic to Seychelles are the</p>	<p>To date (July 2023) these 63 individuals were not captured based on information obtained from the MCSS CEO.</p>

		<p>Seychelles Black Mud Turtle (<i>Pelusios submiger ssp. parietalis</i>) and the Seychelles Yellow-Bellied Mud Turtle (<i>Pelusios castanoides ssp. intergularis</i>), bot listed a s critically endangered on the IUCN Red List. Both are present in the Anse Intendance wetland and watershed.</p> <p>The MCSS' Intendance terrapin database indicates a population estimate of 123 Yellow-bellied terrapins and 170 Black Mud terrapins. There are an additional 63 terrapins (both Black Mud and Yellow-bellied) from the Anse Royale populations remaining in the Intendance wetland that were temporarily translocated there at the request of the Ministry of Environment, these 63 individuals were not captured before recapture and translocation are subject to discussion with said ministry.</p>	<p>Following the extensive disruption of the wetland, and in consideration of the lab results of the water samples, it is unlikely and improbable that most of these terrapins, which are critically endangered, have survived.</p>
15	Page 116	<p>Given the drastic reduction in the extent and function of freshwater wetlands in Seychelles, the Intendance wetland plays a vital role as one of the largest remaining intact wetland areas, providing critical habitat to both terrapin populations.</p>	<p>Based on the above evidence, the wetland has been severely impacted by the development</p>
16	Page 121 6.4.2 Beach	<p>Demolition and construction work near and along the beach will inevitably disturb the turtles that use the beach as nesting ground... The proposed recommendation and mitigatory measures as proposed by the specialists, need to be adhered to in order to safeguard and protect the sensitive species on the site.</p>	<p>An additional mitigation method proposed by the EIA is to maintain a vegetation buffer between the beach and villa area "<i>to provide sufficient conducive and protected turtle nesting zones for continuous turtle nesting and eggs hatching activities.</i>"</p> <p>I am advised that the size of the vegetation buffer between the beach and villa has significantly diminished over time. This was established by the latest drone surveillance carried out (Appendix 9). The current</p>

			<p>vegetation buffer ranges between 6m to 21m along the beach villas.</p> <p>Nesting Hawksbills generally emerge with the high tide, regardless of time of day, while nesting Green turtles emerge only at night. The Hotel development along the coastline, which I am advised has been altered from the existing footprint of the previous resort (e.g., the lap pools, additional floors, and dining terraces) (Appendix 8), will undoubtedly put a greater strain on these endangered animals, whether from the supplementary light and/or noise pollution.</p> <p>Additionally, the green mesh fencing, which was installed almost at the high-water mark (Appendix 8, Photos 5 & 6), is in an area which has been identified as a key section that must not be disturbed. I am advised by witnesses that Hawksbill turtles have been seen trying to dig their way under or through this fencing.</p>
17	Page 156	Beach villas will have the existing set back lines.	<p>The original sanctions (when Government transferred the land to Sorrento Estate for the original development) do not seem to have been adhered to.</p> <p>The one-bedroom villas are much closer to the high-water mark compared to the corresponding stipulations in the sanction document (Appendix 5 & Appendix 9). It seems that when the second lot of two-bedroom villas were built they were then set back further coming closer to the original stipulations. However, while the number of the original beach villas seem to have been reduced, there appears to be doubling of the foundation of each unit, through the incorporation of a second floor, more rooms to some of the two-bedroom villas and taking the main public area building to a third story level (Appendix 8). This effectively will not <i>'reduce the massing'</i> as has been stated in this section, but drastically increase it along the beach front.</p>

<p>18</p>	<p><i>Page 160</i></p> <p>7.3.1 Wetland</p>	<p>-No development work should take place in the wetland and a protective buffer zone should be delineated to protect the area and species from any impacts from development in the terrestrial areas of the site.</p> <p>-If wetland rehabilitation work is to be carried out, all terrapins must first be trapped and translocated to a suitable temporary habitat in order to mitigate against any potential disturbance of or harm to terrapins.</p>	<p>After speaking with MCSS CEO, no terrapins were caught/ trapped prior to development work.</p>
<p>19</p>	<p><i>Page 162</i></p> <p>7.3.4 Invasive species control</p>	<p>-Mechanical removal of both water hyacinth and duckweeds should be undertaken on a weekly basis for the first 6 months and on a monthly basis thereafter.</p> <p>-Removal of duckweed in smaller ponds can be performed using fine-mesh nets to remove the floating plants....</p>	<p>It is highly unlikely that this has been taking place. The duckweed has completely overgrown on the surface of the wetland (Appendix 3, Photos 2, 3, 4, 5 & 6).</p>
<p>20</p>	<p><i>Page 162</i></p> <p>7.3.5 Promotion of biodiversity</p>	<p>-The shoreline should be stabilized to reduce erosion and destroyed turtle nests through the rehabilitation of beach fringe vegetation,....To support this effort, beach access should be kept to a minimum of 3 pathways.</p> <p>-If artificial light outside infrastructure along the beachside is crucial one the development is complete, only turtle-friendly lights should be used in these areas, and only outside of the nesting season, while internal lights should be minimized with the use of curtains and/or blinds.</p>	<p>The vegetation cover has been significantly reduced (Appendix 9). To date, there is no clear rehabilitation of the beach fringe vegetation taking place.</p> <p>It is unclear whether turtle-friendly lights have been installed.</p>

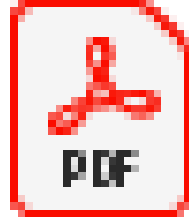
21	<p style="text-align: center;"><i>Page 207</i></p> <p>Infrastructural Requirements</p>	<p>...Very important to note is that this is only a renovation and upgrading project and not a new project on virgin territory. There will thus not be any significant impacts on the infrastructural requirements as the end-product will not have a major impact on the existing system. The professional team is also working in close collaboration with the officials of the PUC to make sure that we are able to comply with all the legislative requirements for Water, Sewage, Electricity, Solid Waste, etc.</p>	<p>Water testing of the wetland was carried out and results revealed an overwhelming level of coliforms of 200 000 cfu/100ml. (Appendix 4). These counts of bacteria are abnormally very high, and they support suspicions concerning the presence of sewage in the water. The lab results also indicate Fecal Coliforms, which should not be in the water at all. The count of 60 000 cfu/100ml found is indicative of sewage output. TMA is indicative of “normal” microbial activity and is usually found in waters that are not treated with chlorine or some sanitizer. However, at 30 000, it is three times the allowable limit.</p>
22	<p style="text-align: center;"><i>Page 214</i></p>	<p>The intention is to create one of the best resorts in the world, by being conscious of the environment and applying the “touching the earth lightly” principle.</p>	

NON-COMPLIANCE ASSESSMENT

Clear breaches of the EIA dated November 2020 have been observed, some of which may even fall foul of local laws as well as European legislation. Thus far, there have been minimal, if any, observable and genuine attempts by the Resort to mitigate the damages being caused to the environment by the development work, with critically endangered wildlife such as turtles and terrapins being irreversibly impacted by the disturbances and pollution to their habitats. On the basis of the evidence outlined above, the Resort is not fulfilling its stated commitment to environmental responsibility, and of basic standards of responsible business.

Further damage to the environment in this area needs to be mitigated without delay. It is recommended that any unauthorised pollutants being discharged into the wetlands be ceased immediately, as well as any dredging or reclamation efforts within the wetlands be halted pending any investigation by the relevant authorities. It is further recommended that the original wetland, turtle and terrapin conservation projects that were initiated in 2015 under the Banyan Tree Resort be reinstated, with financial and logistical support from the new owners, to attempt to reverse the negative impacts that the Development has inflicted upon the local environment.

Appendix 1: EIA report produced (November 2020) (Attached as a separate document)



CBS - HILL VIEW RESORTS SEYCHELLE

Appendix 2: Approved Site Plan of the new development (Attached as a separate document)



SITE PLAN.pdf

Appendix 3: Wetland destruction photographic evidence



Photo 1: Evidence of dredging activity in the middle of the wetland habitat. Excavator visible in the background (photo taken February 2023)



Photo 2: Evidence of significant eutrophication in the wetland (photo taken June 2023)



Photo 3: Evidence of significant eutrophication in the wetland (photo taken June 2023)



Photo 4: Evidence of significant eutrophication in the wetland (photo taken June 2023)

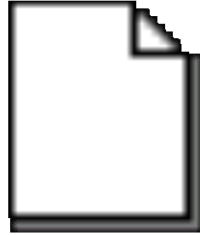


Photo 5: Evidence of significant eutrophication in the wetland (photo taken June 2023)




Photo 6: Evidence of significant eutrophication in the wetland (photo taken February 2023)

Appendix 4: Lab results of water samples taken from the Wetland (Attached as a separate document)



LAB REPORT.pdf

Appendix 5: Original Sanction document excerpt



THE LAND REGISTRATION ACT
TRANSFER OF LAND

Presented at 8:30 AM 21-8 1997

PRESENTATION NO.	VOLUME	FOLIO	FILE
4214	11	113	T. 41 T. 818 etc

TITLE NOS. T41, T818, T1073, T1090, T1313, T1314, T1315, T1389, T1390, T1391, T1392, T1398, T1861, T1862, T1863, T1864, T1865, T1866, T1872 AND T1873

I, JOSEPH NOURRICE, Principal Secretary of the Ministry of Community Development, acting for and on behalf of the **REPUBLIC OF SEYCHELLES** pursuant to the Delegation of Statutory Functions (State Land and River Reserves Act) (No.2) Order 1993, (hereinafter referred to as the ("Transferor") further to an agreement dated 7th August, 1997 between Sorento Estates Limited and the Republic and as full and final compensation for the compulsory acquisition under the then Lands Acquisition Act, 1977 of the land parcels surveyed as T37, T39, T40, T41 and T65 at Intendance, Mahe and further to an agreement dated 7th August, 1997 between Intendance Estates Limited and the Republic and as full and final compensation for the compulsory acquisition of the property at Sorento, Mahe, referred to in the last-mentioned agreement, under the Lands Acquisition Act, 1977 hereby transfer to Sorento Estates Limited, a limited liability company incorporated under the Laws of Seychelles of c/o Ramnikal Valabhji, P.O. Box 297, State House Avenue, Mahe (herein referred to as the "Company") and represented by FRANCE BONTE in accordance with a resolution of the Board of Directors of the Company dated 28th July, 1997 the land comprised in the above-mentioned titles. The transfer is subject to the following conditions -

10187
-8-97

For the purposes of this transfer the land comprised in title Nos. T41, T818, T1073, T1090, T1313, T1314, T1315, T1389, T1390, T1391, T1392, T1398, T1861, T1862, T1863, T1864, T1865 and T1866 are collectively referred as the "Intendance Estate" and the land comprised in Title Nos. T1872 and T1873 are collectively referred to as the "Takamaka Estate".


2. The conditions of the transfer referred to above are -

(a) The Company shall submit a development project for Intendance and Takamaka Estates, and start the development project as agreed between the Company and the Republic, within one year from the date of this Transfer provided that, for the purposes of starting the development project, all necessary approvals including planning and building approvals have been sought and given unless the Republic for reasons which the Republic believes to be exceptional agrees to extend any of the aforementioned period;

I hereby certify this is to be a True copy of the original.

Duty & Fee R. 50/-
Date 27/8/2002

F2



- (b) In respect of the land comprised in Title No. T1090, the Company shall continue to honour the existing lease registered against the Title at the time of the transfer of the Intendance Estate;
- (c) The Company shall, within a reasonable time after this Transfer, grant to the owner and occupier at the time of the land comprised in Title No. T971 a right of way across the Intendance Estate which is not less favourable than the one presently enjoyed by the present owner and occupier of that land comprised in Title No. T971 under an arrangement with the Republic subject to reasonable adjustment of the alignment of the right of way as may be necessary to avoid any impact on the planned development of the Intendance Estate;
- (d) The Company shall, until it has completed the construction of the hard-surface car park referred to in paragraph (h) hereto, provide temporary parking facility for use at all times by the public for not less than 60 vehicles;
- (e) The Company shall provide to the public at all times a free motorable access from the public road to the parking facility referred to in paragraph (d) and free pedestrian access from that parking facility to the Intendance beach and that part referred to in paragraph (f) of each of the land comprised in Title Nos. T1861, T1863 and T1865;
- (f) The Company shall at all times allow the public free use of that part of each of the land comprised in Title Nos. T1861, T1863 and T1865 which runs parallel to the beach to an extent of up to 30 metres in width from the high water mark and further at all times allow the public free access thereto;
- (g) The Company shall not, without first obtaining the prior written approval of the Republic, construct any building or structure whatsoever on the part referred to in paragraph (f) of each of the land comprised in Title Nos. T1861, T1863 and T1865;
- (h) The Company shall build a hard-surface car park to the satisfaction of the Ministry responsible for land transport with regard to its design, specific lay out, suitability and safety for not less than 60 vehicles for use free of charge at all times by the public on the land comprised in Title Nos.

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LAND REGISTRAR

but the seaward boundary of the car park shall not be more than 200 metres or such other distance as the Republic and the Company may agree at the time of their agreement under paragraph (a) in connection with the development project from the high water mark;

- (i) The Company shall build to the satisfaction of the Ministry responsible for land transport with regard to its design, specification, lay out, suitability and safety a pedestrian access road from the car park referred in paragraph (h) to the Intendance beach for use free of charge at all times by the public and the part referred to in paragraph (f) of each of the land comprised in Title Nos. T1861, T1863 and T1865;
- (j) The Company hereby irrevocably consents, on the completion of the road referred to in paragraph (i), to the Republic proclaiming that road as a public road under the Laws of Seychelles and to waive all right or claim to any compensation arising under any Law of Seychelles in respect of the land constituting for the road;
- (k) The Company shall build to the satisfaction of the Republic within 8 years from the date of this Transfer to it a hard-surface car park for not less than 40 vehicles on either the land comprised in Title No. T1872 or the land comprised in Title No. T1873 for use free of charge at all times by the public and pending such construction provide adequate free parking facility at all times to the public to the satisfaction of the Ministry responsible for land transport with regard to its design, specification, lay out, suitability and safety on either of the land comprised in Title No. T1872 or Title No. T1873;
- (l) The Company shall build to the satisfaction of the Ministry responsible for land transport with regard to its design, specification, lay out, suitability and safety within 8 years of this Transfer a hard-surface access road the location of which shall be determined by agreement between the Company and the Republic from the car park or parking facility referred to in paragraph (k) to the beach and the restaurant presently known as Chez Baptista Restaurant (but without prejudice to any other name under which the restaurant may in future be operated) for use free of charge at all times by the public;



- (m) The Company hereby irrevocably consents, on the completion of the road referred to in paragraph (l), to the Republic proclaiming that road under the Laws of Seychelles as a public road and to waive all right or claim to any compensation arising under any Law of Seychelles in respect of the land constituting in the road;
- (n) The Company undertakes to provide, pending the construction of the road referred to in paragraph (l), at all times free pedestrian access to the public to the beach and the restaurant presently known as Chez Baptista Restaurant (but without prejudice to any other name under which the restaurant may in future be operated) and the Company may reasonably so designate the access so as to cause minimal impact on the proposed development project on the Intendance and Takamaka Estates;
- (o) The Company agrees to indemnify and hold the Republic harmless in respect of any claim, suit or demand in connection with any charge, mortgage or claim in respect of or which encumbered the acquired property and the property which belonged to Intendance Estates Limited and which is referred to in the agreement dated 7th August, 1997 between the Republic and Intendance Estates Limited at the time of their acquisition by the Republic under the then Lands Acquisition Act, 1977;
- (p) The Company undertakes to include in any transfer, lease or disposition of the Intendance and Takamaka Estates or any part thereof each of the obligations and undertakings herein contained which affects or otherwise encumbers any part of the Intendance Estate or Takamaka Estate which is the subject of the transfer, lease or disposition so as to bind the transferee, lessee or disposee in the same way and to the same extent as the Company is bound herein and to indemnify the Republic in the event that the Company fails to do so.

The Republic shall be responsible for the stamping and registration of this Transfer.

Dated this 7th day of August, 1997.



A large, stylized handwritten signature in black ink is written to the right of the Land Registrar stamp.

Signed by **JOSEPH NOURRICE**
who is known to me in my presence

Joseph Nourrice
.....

AND

Signed by **FRANCE BONTE**
who was satisfactorily identified
to me in my presence for and on
behalf of Sorento Estates Limited

France Bonte
.....

OFFICIAL NOTARY

[Signature]
.....



Appendix 6: Original letter of Request for information under the Access to Information Act, 2018

**Karl St.Ange,
La Misere, Mahe,
Seychelles.**

- 1. Information Officer,
Ministry for Land Use & Housing,
Independence House, Victoria.**
- 2. Information Officer,
Environment Assessment & Permit Section,
M.A.C.C.E |W.E.P Division| Environment Department,
Ministry for Environment,
Botanical Garden.**
- 3. Information Officer,
Planning Authority,
Independence House,
Victoria.**
- 4. Information Officer,
Seychelles Parks & Gardens
Authority, Orion Mall,
Victoria.**

21st March 2023

To whom it may concern,

Re: Request for information under the Access to Information Act, 2018.

Reference is made to Mrs. Larue's email dated 3rd February 2023, where she kindly acknowledged and replied to our first request for information concerning the Environment Impact Assessment (EIA) conducted for the Intendance development, and made available to us the EIA Report.

This is a follow up request under the **Access to Information Act, 2018 (Act 4 of 2018)**. In accordance with **section 9** of the above Act, I am requesting the following information in the interests of transparency and accountability as they should be within the public domain, and the subject matter has direct relevance to the personal affairs of Intendance Retreat Limited, whether in electronic form or in hard copy:

1. Any approved tree cutting permits. Note that, as earlier established, an old Albizia tree near the Residence was cut down seemingly without a permit, and we trust that an investigation would be launched by the relevant Authorities should that be the case.

2. Clarification as to what is meant by ‘**authorization of impacting the wetlands**’. As per the Seychelles Environmental Protection Act, all Wetlands are considered “Ecologically Sensitive Areas”. Thus, any unauthorized impact to this habitat needs to be given due attention by the relevant Authorities. The attached aerial image shows extensive work/ destruction which has been done in the wetlands area. This includes the development of a new road cutting through the wetlands, dividing the wetlands into isolated sections. The result is that the water now appears to be covered in algae, resulting from lack of water movement and possible pollutants. According to the EIA report, the idea was to create more water flow and, in the process, eliminate any duckweed. There is now more duckweed coverage and standing water than ever before, indicating anoxic conditions for any wildlife within the habitat.

The new road from the former heliport area to the road linking to the beach villa cuts the wetland in half and there seems to be no bridge allowing any water exchange or flow taking place. There is no sign that the overflow underneath the main public access road to the beach has been improved and water flowing to the outlet section into the sea. All indications are that, maybe except for some seepage, there is no drainage into the sea at the relevant section of the beach (see attached pictures). There was large-scale digging up of the wetland core and the corresponding cutting of the trees. As of the end of February, there were still excavators supposedly working on reclaiming sections (see picture). Overall, this is now a totally altered ecosystem as far as what one can visually determine from the main access road and there is little doubt that these changes have drastically impacted the functionality of the system.

Therefore, what specifically was approved and how much monitoring and auditing of the modifications were carried out?

3. We have liaised with DICT and now require from the Planning Authority details concerning the approval of the new communication tower near the Residence (in light of the fact that DICT had no knowledge of said communication tower).

4. Below are questions, comments and concerns arising out of observable inconsistencies of the development and what was intended in the Draft Environmental Impact Assessment Report:

Executive Summary

The Executive Summary states: *“use the existing footprint of the resort and limit new buildings to the minimum. This will ensure minimal disruption of the biophysical*

environment.” In the meantime, clearly all the existing foundations seem to have doubled in size creating at least twice the original footprint. The main public area now seems to have grown to three stories up from two stories (the light pollution will have an impact on turtles coming in for egg laying at night, as well as any hatchlings emerging from nests). It is to be noted that most if not all the turtles that are nesting there are hawksbill turtles, listed under IUCN as Critically Endangered. Some villas have grown to two stories, the five-bedroom presidential villa is about three times the size of the former two-bedroom villas. New villas have been added to the north in the area of the former tennis court. How was the increased footprint authorized?

Regarding alternatives, we are told that the double story Beach villas to the north of the Main Lodge were revised to reduce the footprint and impact on the beach. Based on visual results so far, was this alternative implemented? The villa footprint appears bigger than the original. Also, some now have a second floor which will result in light pollution - which will probably impact the turtle movements along this stretch of the beach as well. Considerable clearing of mangroves and other beach vegetation has taken place in front of some of these beach villas (see attached images).

It states that the Reception building was removed from the Main lodge: *"This reduces the footprint of the Main lodge as well as the need for earthworks and retaining structures at the road side of the main lodge."* Based on aerial images, indications are that the reverse has taken place - the footprint seems to have doubled. If the new additional third level of the building (with the imposing roof) is taken into consideration, the visual impact is drastically magnified – whereas the original Banyan Tree shingled roof and structure fit into the landscape. The front of the Main lodge now has a structure of boulders that creates a total barrier to walk to the end of the beach during high or close to high tide conditions (without walking deep in water and being hit by waves).

Page 22

Item 2.2.2.4 discusses Alternatives to the proposed wetland modification (with access to the site very limited it has been very difficult to establish the latest developments). It states *"Existing islands within the wetland to remain. The islands will be rehabilitated - invasive plant species will be removed and local native species will be reintroduced"* (as referenced earlier, there was a statement establishing that the existing wetlands consisted to 70% of native species).

Could a before and after map be provided establishing what islands remain? What islands were created with extensive excavation work?

There seems to be a new road from the main construction storage area, on the old parking lot, across the wetland to the back of the beach villa road. What invasive species were removed and what indigenous species were planted into these areas?

As far as the public beach access, this has now been nicely established with concrete block work. However, the pathway was not *"elevated to ensure beach goers are not*

affected by flooding of the wetland banks". The concrete block work is now covered by sand quite a distance up to the car park, indicating that there have been some high-water levels where sand was washed up from the beach.

2.3 referring to Preferred Proposal indicated a reduction of keys from 56 to 53.

However, the reality is that approval has been increased to approximately 70 keys and more hill villas having been added. What was the basis for this decision-making process?

The overall impact is stated as being less footprint per square meter. Kindly make available the the square meter footprint of the original resort with what is being constructed. Including the additional second and third floor villa levels, extensive new five-bedroom owners villa with its own access road linking to the main Police Bay junction?

This section claims that there would be fewer swimming pools than previously. Kindly provide the number of pools (formerly and current/anticipated) based on the old and new masterplan/ what has/ will be constructed.

Page 162

There are less access paths to the sensitive beach area. The report notes that "beach access should be kept to a maximum of 3 pathways" from beach villas through the beach crest vegetation. At the moment, there are already considerably more. Some pathways were created during the recent construction work.

Page 23

The statement "Less visually obtrusive specifically if viewed from the sea" is defunct. To date, beach villa foundation sizes has doubled, a second floor has been added to double room beach villas, another floor has been added to the main lodge, the five-bedroom owners villa at the south end gained a floor, rooftops of the hill villas are more conspicuous with the change to flat roofs from steep/pitched.

Lastly, there seems to be construction of a new structure next to the old presidential villa pool that can be seen at the end of the beach (at the moment there is a lot of scaffolding) and this will result in a visual impact from the beach or sea which goes far beyond the original resort beach front structures and finishing.

The original brief from government to the developers was to come up with a design reflecting traditional and Creole style.

Could you make available an overview or details of the traditional and Creole style reflected in the new designs and structures?

Page 24

Under (q), it states "Owner's Villa Building layout revised to accommodate the existing trees." At the end of February 2023, there was a lot of chain saw activity in the area of the owners' villa and what could be photographed over the fence indicated large scale cutting of trees (see attached).

When was this approved and for what reason considering the above supposedly agreed on 'Alternative'?

Item 2.4. – “This development also provided an opportunity for further research with respect to the sensitive terrapins and sea turtles as well as numerous endemic wetland species.”

What research has been carried out in the last two years to establish the impact of the construction work and the large new staff housing area at the south end of the wetlands as far as the two terrapin species and the number of hawks bill and green turtles having nested? Can the corresponding data be provided? Are there still nesting sites for the Night Crown Heron with the Intendance wetlands being the only such site in Seychelles

If the two types of terrapins were all captured during the recent 'redevelopment' of the wetlands are there any specific images available of all the ones caught and kept in a safe environment prior to reintroduction and what is the present status? As far as the potential pollution from the new temporary staff quarters and the seepage of sewage has it been established what the impact is on the wetland water quality and if it has impacted the terrapins and the rest of the mammals and birdlife?

Page 32. Coastal Wetland Management:

- “A) A coastal management plan zone should be incorporated in the EIA report including beach monitoring programs, outline all the issues including the recovery of seaweeds on the beaches and turtle monitoring*
- B) Consultant to provide details for the beach access for the clients (boardwalks, walkways, decking) ways numbers and lighting proposed according to turtle etiquette.*
- C) A wetland management plan should be provided for the area with the inventory of the species and methodology for their protection and rehabilitation.”*

Kindly make these reports available.

Page 33 and 34 Information on flora to be provided

- “a) Major species and communities present. (terrestrial and aquatic)*
- b) The extent of disturbance to the natural vegetation (see attached sat photograph)*

- c) *The number of trees likely to be removed for the development in view that there are a number protected trees present on the site*
- d) *The conservation status of the area especially the wetlands*
- e) *A biosecurity plan must be submitted so as to ensure that Invasive Alien Species are not introduced on site and the surrounding area during the construction phase*
- f) *A rehabilitation re vegetation landscaping plan should be submitted with detailed information on the source from where the plants will be sought?"*

Kindly make available these documents/plans.

Page 35

"d) Details on a noise minimization measures be put in place taking into consideration the noise may have a direct impact on the animals (as well as any party staying at Residence on the Rocks in the upper part of the site and having to deal with noise pollution on a daily basis)."

Page 36

Socio-Economic

"b) a detailed house to house survey must be conducted as part of the socio economic assessment. The report of the survey must be attached as an annex to the report."

While later in the report it is stated that my co director in IRL attended an early scoping exercise at Taka Maka community center at the time of the EIA research, kindly note that this is not correct. A friend of Mr. Ammann who he had asked to housesit at the time due to the constant cuts in water and power was asked by him to attend. He did so and reported to him what was discussed at the meeting. Mr. Ammann then presented the attached questionnaire with issues that are still of great relevance today but never received an answer.

"g) Investigate possible conflicts with neighbors and ensure the proposed development does not affect the livelihood of the neighborhood of the overall community."

In the context of Residence on the Rocks, situated in the middle of this development, it was approved and licensed as a rental property and we have detailed requests of over 100 booking requests for the last two years which had to be declined with no revenue of any kind. Instead of assisting, the developer cut the Wi-Fi cable, the phone lines and TV

cable. There was no water supply for months and power off and on many days and the property marginally habitable.

From the moment the new developer entered the site any security staff visits to the residential area where the Residence is located stopped, the cleaning of the main access road to the residential component, the water tanks as well as the new communication tower totally stopped and the Residence staff had to try to keep the road passable on some occasions, when trees fell on the road access it was totally blocked, and we had to call a contractor from Anse Royal to come with a chainsaw to remove the tree.

Page 59 Occupancy Phase

"The Environment Management Plan (EMP) should cover for the construction and operation phases of the project. It should specifically detail all proposed environment monitoring to be undertaken in liaison with the respective authorities.... It should also provide the necessary auditing methods/template of forms for this as of the environmental impact monitoring to be done."

Considering the stipulations in this report and the observations on the ground the question arises how much of this auditing and monitoring was done and in what ways were the discrepancies of the original stipulation and the present status justified and signed off on.

Kindly provide a copy of these reports.

Page 47

"b) Wetland management plan should be provided for the area with an inventory of the species and methodology of their protection and rehabilitation. Covered in the Terrestrial and Wetland Management Rehabilitation Plan as compiled by Dr. Elvina Henriette."

Kindly provide us with a copy of this plan.

Page 48 under Visual Impact

*"The specialist consultants also did an overall view from Drone imagery of the headlands and coastal frontage. With the setback from the coastal zone now increased, **(With respect, this is contrary to the initial sanctions and what present drone images depict)** and the proposed rehabilitation of the buffer coastal vegetation we are meeting to needs for blending into nature"*

Are these drone images available and can they be compared with what has transpired on the ground so far?

Page 50

Item c) states “*The Specialists reports further contain a comprehensive list of the tree species and associated status.*” It also seems to contain GPS positions for all the trees originally located on the project site and as such it would be important to try to establish to what extent the cutting criteria has been adhered to (especially of the context of IRL being told by the ministry that the cutting of the very large Albizia tree near the Residence was done without special written permission as is meant to be the policy)?.

Could we have a copy of the Specialists report?

Page 51

Item c) “*All tree species within the development alignment and intended villa locations were inventoried and mapped by taking a GPS point*”

Could the corresponding map be provided?

Page 55-56

Under Socio Economic impacts: “*A detailed house to house survey must be conducted as part of the socio-economic assessment. The report of the survey must be attached as annex to the report.*” We are not aware of anybody ever having showed up at the Residence - with or without consent - to conduct such a survey and such would welcome a copy of the report in question.

Page 64

Under item 4.2. “*...renovating and upgrade it to world class standards and present this as a means to attract tourists to the country. The objective is to progress the renovation as quickly as possible in order to start offering again work opportunities to the local population by taking advantage of the “slump”...*”.

Originally there was a proposal to upgrade and renovate the existing resort in two phases. Then it was decided to do a total rebuild with demolition of pretty much every existing building, the foundation footprint now more than double of the existing resort and the sections of the forest having and being turned into much more of a more massed concrete jungle, especially along the beach front of the property. The projected opening of the resort was advertised to be July 2022. Now, more than a year later, all indications point to an additional delay of maybe 18 months from July 2022 as such almost doubling the construction period. A lot of these delays seem to have to do with the constant change in plans and lack of coordination in terms of decision making by HVRSL.

There has been reference to some 1000 people now working on site. How many of them at this point are Seychellois?

Under 4.3 Project description: “*to use the existing footprint of the resort and limit new*

buildings to a minimum.” The resort had 60 villas (which included Residence on the Rocks which was licensed under the corresponding hotel license). The proposal is to reduce this to 53 ultra-high end private villas.

Could we be provided by the final approved numbers and keys, the number of guest rooms as compared to the original resort?

Page 85 4.8.1.1 Working and noise

“Nuisance by reason of smell, dirt and dust to any adjoining property will be minimized.”

Specifically what measures were taken in the context of Residence on the Rocks particularly in the context of heavy equipment being used for the demolition and rebuild of the two hill villas nearby? And the new villas below in front of the former tennis court? Several times we filmed and recorded loud noise levels going on for days.

“Noise monitoring shall be conducted periodically to assess and monitor noise emission levels.”

Are there any specific records of this having been done and corrective measures taken?

4.8.12

“Damage to vegetation, streams, rivers, marshland roadside drains (they have not been cleaned up to the residential areas since the developer moved on site), ocean, wells, boreholes etc. will be avoided or minimized.”

Considering the ploughing up of all the key wetland areas leaving them in a very different state from the functional ecosystem they used to represent, the question arises as to what exactly the required 'Method Statement' was detailing in terms of activities, the equipment used, the manpower used and any potential negative impact?

Can these documents be provided?

Page 89

4.9.2 Water

“The entire site is serviced by two Reverse Osmosis treatment plants inside the main lodge building.”

After HVRSL gave IRL (the owning company of Residence on the Rocks) notice that

they would terminate all services including water and power supply, IRL had to obtain a court injunction to stop HVRSL from ceasing the infrastructure supply - WIFI, phone and TV connection was cut anyway with no specific notice given and required a new contract and cable installation by C&W.

The PUC power supply was retained although the existing generators were decommissioned, and long power cuts became a regular issue. The water supply was not restored even with an injunction and required a contempt of court ruling. Finally, after some six months of constant supply via bowsers (which could only get up the hill with half a load due to the condition of this access road) was reinstated.

At the end of 2022, water supply again stopped for weeks. A South African project manager explained to us that they did not receive enough water from PUC for their construction needs and as such there was no supply to be directed to the Residence (in contravention of the injunction and contempt of court order). He explained that the two existing desalination plants at the main back of the house structure, opposite the car park, had been dismantled very early on since they would be in the way of the new construction later on during the redevelopment.

Was there any information provided to the ministry, PUC on this restructuring of the water supply?

On page 90 the report states: “*The new RO plant will be the main water supply for the entire site with PUC supply as back up.*” Are there any new RO plants active? If not when will this be the case?

Page 102

"The highly sensitive areas on the site include:

- i. The freshwater marsh within the major wetland where KBA and environmental indicator species were regularly observed,*
- ii. the native beach crest which is a habitat important for 2 species of IUCN red listing turtles (Green turtle and the Hawksbill) ”*

Are there records of these environmental indicator species still being observed? What are the records of the two red listed turtles having come in to lay eggs during the construction period? In the past these nest sites would be marked, and tourists warned to not disturb them. Has this continued in any form?

Page 108 6.1.6.2

“Major impacts would have been expected on the beach crest and part of the wetland targeted for back filling for buggy access. However, with critical wetlands surveys and proof of sensitive

biodiversity niches therein, the developer has cancelled this reclamation opting instead for elevated pillar-based road which would integrate into the wetlands and allow for flow, circulation and flora, fauna growth therein.”

At the moment, none of these elevated walkways can be seen from aerial images. The wetland is now divided into two sections by a new road which does not seem to include any bridge to allow water circulation below. The northern pond now seems to be totally cut off and covered with duck weed. The rest of the wetlands have to be drastically 'cleaned out' removing a high percentage of vegetation (supposedly over 70% was indigenous) so there is drastically less flora and the chance is high that this would have equally impacted the fauna.

Page 115 6.2.2 Nesting Sea Turtles

This heading is actually wrong since this chapter deals with two types of endemic freshwater terrapins for which this Intendance wetland is one of the key remaining strongholds. It refers to the MCSS Intendance terrapin database stating that there are an estimated 123 yellow bellied terrapins and 170 Black Mud terrapins in this ecosystem, This appears to include 63 individuals which were relocated from Anse Royale to Intendance (no date given). The report then goes on to state: “*..these 63 individuals were not captured before the closing of the Banyan Tree and Wildlife Conservation and Rehabilitation Centre, and their recapture and translocation are subject to discussion with said ministry.*”

Were the new owners/directors asked to keep this Wildlife Conservation and Rehabilitation Center open? Clearly the impending construction work would provide for an even more crucial background to have such a set up on site. What exchanges took place with the new owners and the project management in the context of these terrapins?

In the next paragraph: “*Given the drastic reduction in the extent and function of freshwater wetlands in Seychelles, the Intendance wetland plays a vital role as one of the largest remaining intact wetland areas, providing critical habitat to both terrapin populations.*”

As of Sunday February 19th, there were still two excavators working in front of what used to be the old Creole restaurant and all indications were that more filling in and increasing reclaimed areas was the objective (see pictures)

Page 119

Discusses the ecosystem services provided by the remaining wetlands in Seychelles. Filtering the water which is meant to flow out into the sea and not being harmful to coral reefs.

What is the chance that in high water condition with much rain fall there will be overflow from the wetland into the sea including all these weed and algae which now covers most of the stagnant water sections|? What might be the impact on the reef ?

Page 119 Invasive Alien Species

The water Hyacinths are listed as a major such invasive aquatic plants. They exist in some of the ponds near the rock foundation to the north of the main access pond. As of the end of February, no cleaning out has taken place while large wetland sections on the other side of the road (which was said to hold 70% indigenous species) has been all dug up with new island dividers created, the new road and a very high percentage of the vegetation removed.

If the Hyacinths and Duck weed are the key invasive species, why were they not dealt with, eradicated? Why was the wetland with 70% indigenous species torn up? (see images)

Page 131, 6.6. Social impact

"Project Affected People (PAP) is a term used to describe a person or household affected by direct economic and social impacts caused by...iii) loss of income sources or means of livelihood whether or not the affected person must move to another location."

This section of the report ends with: *"The field surveys and consultations identified no such affected parties that will be impacted in the above ways as the result of the project."* However, from the day the Banyan Tree management withdrew from the site and handed over the property (Jun 30th 2020), Residence on the Rocks could no longer be rented out under the existing hotel license and the government's Villa Policy. The corresponding losses in revenue will be part of litigation proceedings. However, it is surprising that this report makes no reference to the existence of the Residence, the corresponding infrastructure needs and the impact the construction will have in terms of revenue loss and increase operating expenses for several years in a row.

Page 155 6.8.2 Proposed architecture

"A contemporary interpretation of the Creole Style which makes us of strong colonial influences and the architecture of the Seychelles."

While the design of the previous resort reflected the above approach, the new hill and beach villas could be pretty much located in any tropical setting on the planet.

Where does the Creole and Colonial styles comes into this development? Was this really an initial condition to get planning permission approval? What discussions took place and who approved this "contemporary interpretation"?

Page 156 6.8.3.2 Zone 2 - The Beach

"Beach villas will have the existing set back lines.."

One of the problems is that the sanctions given and the public access component incorporated in the original sanction conditions when government transferred the land to Sorrento Estate for the original development were not adhered to and the one-bedroom villas are much closer to the high water mark than the corresponding stipulations in the sanction document. It seems that when the second lot of two-bedroom villas were built they were then set back further coming closer to the original stipulations.

While the number of the original beach villas seems to have been reduced by one unit the fact is that by doubling the foundation of each unit, by adding a second floor and more rooms to some of the two bedroom villas and then adding the final five-bedroom owners villa and taking the main public area building to a third story level will not '*reduce the massing*' as has been stated in this section but drastically increase it along the beach front. That also takes care of the wishful thinking of "*for further indigenous planting of the sand dunes and screening between the villas*". There are now high concrete walls in place between the beach villas to provide some privacy, this further increasing the concrete massing. This was not necessary with the original lay out and foundation size.

Page 158 7.1 Introduction

"Specialist studies have been identified and undertaken by qualified and reputable specialists in the field"

Based on the spread of the Duck weed and algae bloom in the wetland section, was there any "water sampling and laboratory testing" of wetland water done at the beginning of the project to this point in time to compare and establish if the large new staff quarters and the resulting sewage treatment are impacting nutrients in the water in the wetland?

The same would be interesting to see for Hydrology and Surface Flow Regime considering there appear to be more standing pools of water today than at any time in the past decade?

Page 159 7.2.1 Reducing impact to the beach crest

"Low cost boardwalks over the beach crest could be built to prevent, trampling, erosion and hence keep the crest intact.

Beach access for each villa should not be allowed. Instead, a single access for a cluster of villas is more ecofriendly."

Is this boardwalk still being considered? It would appear to be about the only way the original sanctions could be complied with of giving guests and the public access along the whole of the beach front but with the beach crest and the corresponding vegetation forming the border as far as high tide levels, an elevated board walk behind the crucial first line mangrove belt might be an appropriate solution? However it might affect the privacy level of the villas now located within meters of the mangrove belt and the high tide levels.

Page 160 7.3.1 Wetland

“No development works should take place in the wetland and a protection buffer zone should be delineated.”

On what basis was the new road from the old car park (which now houses the project offices and workshops) to the back of the beach villas got classified as 'no development'? It seems to have created a totally new structure to this part of the wetland creating a stagnant pool. The old access road run along the hill side up to the front entrance of the public area of the Banyan Tree and it still seems to survive. Why was this road not kept as the main access road since it did not infringe on the wetlands?

Is there a possibility to monitor some of these developments on the ground (in some areas new barriers have been put up along the main hill access road to prevent anybody from using existing junctions)?

Including the earlier mentioned excavators still working and backfilling areas of the wetland on a recent Sunday afternoon (with the original stipulations indicating that there would be no work on Sundays. (see images).

“If wetland rehabilitation work is to be carried out, all terrapins must first be trapped and translocated to a suitable temporary habitat in order to mitigate again any potential disturbance of or harm to the terrapins,..”

Since large scale 'rehabilitation work' has now been carried out and we have gone through the designated capture season (December to March), how many of the two types of terrapins have been trapped? Where are they held now? Are there any pictures available? Who carried out this operation and who could answer additional questions?

7.3.2 Beach

"Ideally all demolition and renovation of the infrastructure near or along the beach should take place outside the Hawksbill nesting season (October to March)."

Witnesses have reported seeing Hawksbill turtles trying to dig under or through the green-mesh fencing which was installed just behind the beach crest at the start of the demolition and construction period.

"It is recommended that a barrier is erected for the mitigation of noise, debris and anthropogenic disturbance to nesting turtles, as far back on the beach as possible, well behind the vegetation and high water mark".

To what extent has there been adherence to this stipulation?

At the northern end of the beach, this fencing is pretty much on the level of the high-water mark. This area has been identified as a key section (least disturbance in the past) as far as turtles digging out their nesting sites.

'No Artificial light should be visible from the beach.'

With “the front of the house” having additional structures, the beach and owners villa have been drastically expanded as far as the foundation footprint. There is now an additional story level to this main front of the house area and a second level to villas further down the beach and the owners villa – in essence, more windows and artificial light.

What will be done to deal with the corresponding impact on nesting and hatching sites and the potential of hatchlings moving towards the light than out to sea?

As per page 162 7.3.5 Promotion of biodiversity

“..only turtle-friendly lights should be used in these areas, and ONLY outside of the nesting season, while internal lights should be minimized with the use of curtains and/or blinds.”

Will guest on the new upper floors of these structures been sensitized to these needs and how?

Page 173 Wetlands Flow Management

“The wetland consist of only 1 sea outfall outlet which is found at the start of the Intendance beach. The outlet is constantly blocked as a result of beach sand intrusion and accumulation. In order the optimize the flow at the outlet it is recommended that a raised sluice gate system be installed such that same can be operated manually.”

The attached picture shows that at some time there seems to have been plans to construct a drainage system into the sea. It does not seem to be operational and has not been operational since it was introduced. There is no sign of the manually operated sluice gate. Is this still being planned and when will the work be done?

In this context, there is also the main access road to the beach parking lot and while there seems some underpass duct to get the wetland water from the larger are on the north of the road to the southern part and the outlet to the sea, there seems no flow and no work having been done to improve the flow level at this point.

Page 178

Land take Mitigation measures:

“Those living along the access road will require sensitization and awareness about the project, the construction timeframe as well as any grievance mechanism implemented for complaints.”

Despite officially asking via the lawyers and directors to get an estimate on the latest estimates for the opening of the Cheval Blanc resort there have been no answers of any kind.

Can the developer be encouraged to adhere to the basic stipulations of the Environmental Impact Assessment report?

Page 186 Item 4 Turtle nesting

“A vegetation buffer between the beach and villa area will be maintained to provide sufficient conducive and protected turtle nesting zones for continuous turtle nesting and egg hatching activities”

Has any monitoring been done? Any record keeping of these turtle activities in the last two years and compared to earlier data? Based on the attached image, the original vegetation belt in front of some of the villas seems to have been shrinking further.

Page 189 8.3.3. Wetland Mitigation measures

“NO RECLAMATION/BACKFILL to be allowed in the Wetlands.”

What about the new road through and dividing the wetland and the earlier mentioned excavators working on a Sunday afternoon outside the former Creole restaurant. From distance it is appearing to fill in a section of wetland?

“Trap and relocate all the terrapin in wetland blocking section of marsh into individual ponds with overflow pipes to allow continuous flow of wetland. Temporarily relocate terrapin into turtle house. Wetland marsh shall then be provided with sufficient time to settle to allow water clearance suitable for terrapin and other wetland species to safely survive before relocating them back into the wetland.”

Does the central top building in the photograph attached still function as the turtle house? Where would the wetland marsh be provided while the water in the main wetland clears (it seems to be that is what is implied)? Has the reintroduction taken place? If not, when will it take place? Would it be possible to get an invitation for it?

Page 195-196, 9.2 Objective of the stakeholders engagement process

This is a long list of consulting stakeholders and keeping them informed. The last three points seem to be especially relevant at this stage:

- *Ensuring transparency*
- *Ensuring greater credibility and legitimacy in the decision making process*
- *Generating a sense of joint responsibility and ownership for the environment*

With IRL directors having initiated the original resort negotiating the return of the land to the original owners, then becoming a director and investor in the original Banyan Tree Resort Seychelles owning company, having built a multimillion dollar hill based show villa to assist with initiating the proposed residential development, having spent annually several weeks/months at the Residence and talking daily walks along Intendance Beach - IRL directors consider themselves to be qualify as a key stakeholder, however no consultations have taken

place with any of the key decision makers operating (HVRSL) the owning company.

Page 207, Infrastructural requirements

*'Very important to note is that this is only a renovation and upgrading project and **not a new project** on virgin territory. There will thus not be any significant impacts on the infrastructural requirements as the end product we will not have a major impact on the existing system.'*

At this stage the opposite seems to be true.

All indications are that the new owners want to be totally independent of PUC supply (which will of course result in a much larger environmental footprint than tying into the existing public system) and there will be issues to retain the existing and working services to IRL which also paid for this initial installation as per stipulation from HVRSL.

Page 209, Architectural Style

We were not aware of the existence of this EIA report until very recently. It was never offered as part of any exchanges with the officials concerned. Still, none of the Appendices are attached including the one (annexure U Visual Assessment.) it would indeed be interesting to know how the proposed style has been grounded in local Creole Architecture.

Could you provide all the Appendices which went with this report to allow a review?

Page 220, Chapter 10 EMMP (Environmental Management and Monitoring Plan)

Supposedly this EMMP is meant to be annexed to this EIA report but as with all the other annexures none of them was provided with the EIA report. It would indeed be interesting to know who was appointed as the ECO and if his contact details can be provided and if it is possible to ask for him to elaborate on findings on the ground and possibly visit areas of the construction site which up to this point have been closed off to any outside stakeholders.

We note that no known exception applies under the Act which would reasonably prevent disclosure of the requested information. We are prepared to pay any applicable fees for the above requests for information. I look forward to your response within the prescribed time frame.

I may be reached on **Tel No.2505095** or via **tikarlst.ange@gmail.com**.

Thank you for your cooperation and assistance in this regard.

Yours sincerely,

Karl St. Ange

Director of Intendance Retreat Limited.

Appendix 7: Mass tree felling photographic evidence



Photo 1: Cutting of trees outside of owner villas (Photo taken in February 2023)



Photo 2: Cutting of a large tree (Photo taken in May 2023)



Photo 3: Tree cutting occurring near the main access road to Mr. Karl Ammann's Residence (Photo taken in May 2023)

Appendix 8: Construction photographic evidence



Photo 1: An additional floor seems to be added to the original 2-bedroom beach villas (Photo taken June 2023)



Photo 2: Main lodge seems to have additional height added to the existing structure



Photo 3: Indication that a third level is being added to the owners Villa (Photo taken June 2023)



Photo 4: The construction of a new structure next to the swimming pool attached to the former Presidential Villa (Photo taken June 2023)



Photo 5: Green fencing erected along the beach villas

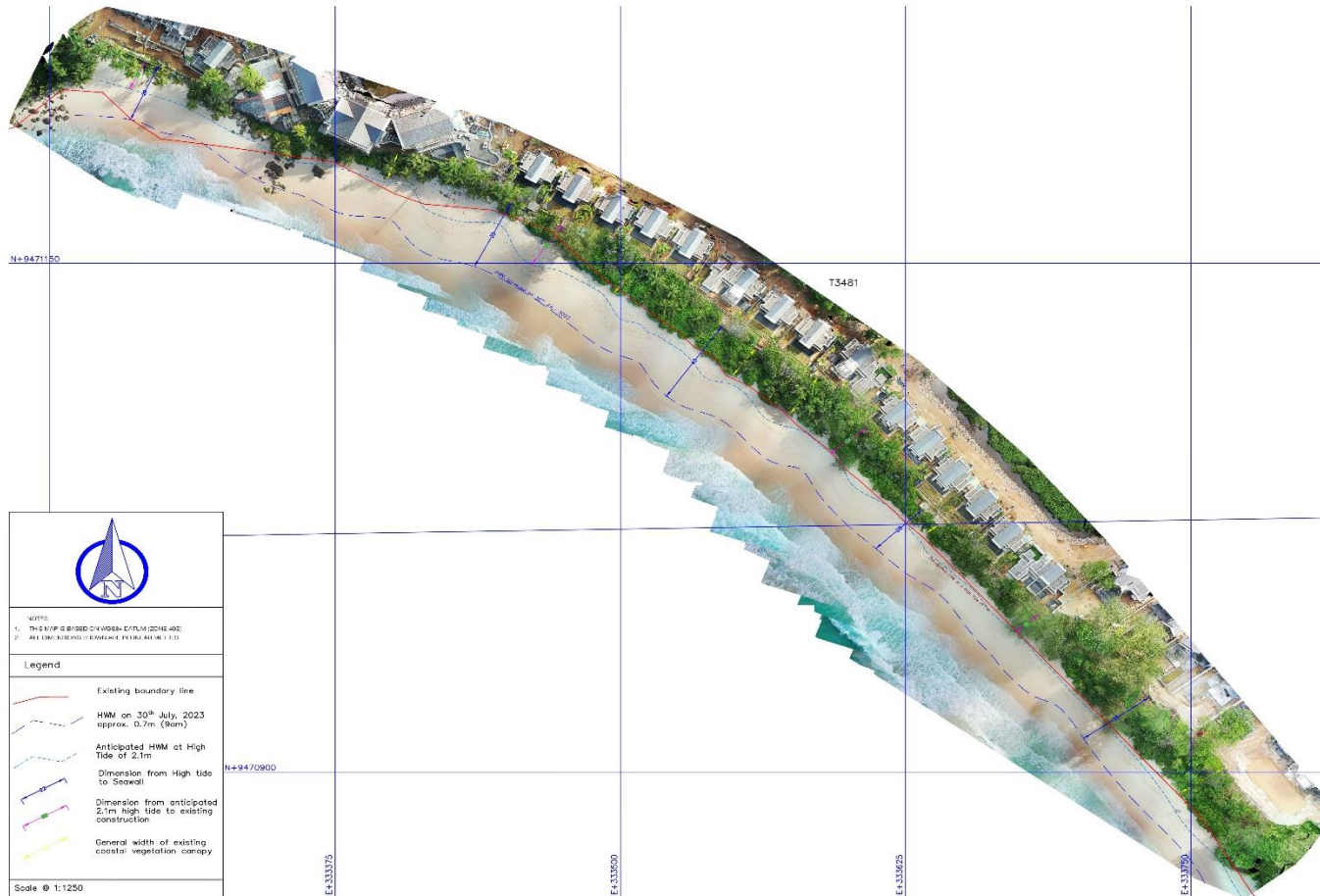


Photo 6: Green fencing erected along the coastline



Photo 7: Assumed to be a new dining area in front of one of the beach villas.

Appendix 9: Recent (late July-August 2023) Drone surveillance (High Resolution file attached separately)



Interpretation of Appendix 9

Blue arrowed lines: Highlights the distance from the 0.7m Highwater mark on July 30th, 2023, at approximately 0900, to the closest point of construction.

Interpretation

*The tide on July 30th, 2023, was scheduled to have a high tide of 1.7m at 1451. We carried out this survey at approximately 0900 just after the low tide of 0.6m at 0732. Therefore, at a low tide, the development, at most reference points, appears to fall foul of the original sanction document (**Appendix 5**), which states that, ‘the company shall at all times allow the public free use of that part of each of the land comprised which runs parallel to the beach to an extent of up to 30 meters in width from the high-water mark and further at all times all the public free access thereto.’*

*Furthermore, this may be in violation of several Government Policy and Regulatory documents, as highlighted in **Point 3** above.*

Light Blue dotted line: Highlights the distance of the anticipated highwater tide mark on a 2.1m high tide.

Interpretation

*As the moon phase shifts closer to a full moon, we experience greater high tides. High tides over 2m are common in Seychelles. With respect of the drone footage, at a high tide of 2.1m there is next to no corridor available for public access. This further emphasizes the fact that the development may fall foul of several Government Policy and Regulatory documents, as highlighted in **Point 3** above.*

Pink arrowed lines: Highlights the distance from an anticipated 2.1m highwater mark, to the closest point of construction.

Interpretation

*We took measurements at several random points to demonstrate that at a high tide of 2.1m, there is next to no corridor available for public access. This further emphasizes the fact that the development may fall foul of several Government Policy and Regulatory documents, as highlighted in **Point 3** above.*

Yellow arrowed lines: Highlights the general width of the vegetation cover.

Interpretation

We took measurements at several random points to demonstrate the width of the vegetation cover. As highlighted, the vegetation cover is noticeably scarce in several areas. According to the EIA, there was to be an allocation of an 'additional 4m to 14m varying along the coastal belt, for vegetation densification and turtle nesting enhancement programs'. I have been instructed that the vegetation has been significantly reduced, rather than increased, compared to prior 2021.