



Background on Judicial Review & Environmental Impacts of Three, Large-Scale Hotel Developments in Grenada

GLA is currently engaged in an application for Judicial Review of planning permissions of three large-scale hotel development projects in 2020 (i.e., Mt Hartman Group's "Mt Hartman Resort"; Range Development's "Six Senses Hotel"; and Singapore Heng Sheng's (Grenada) "Grenada Levera National Tourist Resort"). Following unsuccessful attempts for transparency and accountability in their planning and development with the developers and the Planning and Development Authority, our organization made the difficult decision to file a Judicial Review in April of 2021.

A **Judicial Review** claim enables a person or group to ask the Court to review **decisions** taken by a public body. In our case, the public body is the Planning and Development Authority, a statutory body established under **section 5** of the **Physical Planning and Development Control Act 2016**.

GLA is asking the Court to:

- Review the Authority's decisions, in the light of the information on the three developments that GLA has compiled and put before it;
- Determine whether those decisions accord with law and the provisions of the Act; and
- Confirm the right of public access to all planning documents including EIAs filed with the Planning Authority in accordance with the Act.

The court case is on the Court of Appeal's docket for September 2022, following an application by the Government of Grenada and interested parties to appeal Judge Glasgow's decision to deny their motion for dismissal¹. On 21st July 2022, we contacted the Office of the Attorney General, requesting a meeting to discuss "if any issues could be resolved without further recourse to litigation" - we are still awaiting a response.

These projects are situated in coastal areas that are environmentally sensitive and of international importance. Soil coring studies have shown mangroves at Conference and Levera have been there for 2500 and 5000 years, respectively,^{2,3} making similar time-depths likely for Mt. Hartman and La Sagesse. We note that the loss of mangroves at all three sites has a *minimal* ecosystem services cost of 4 million USD a year⁴. Alternatively, if Grenada were to instead increase mangrove coverage by 25% (the stated goal under the 2020 Caribbean Challenge Initiative) then that would lead to an economic benefit of 11 million USD a year⁵. The ecosystem services that mangroves provide include: 1) sequestering 3-4 times more carbon than tropical forests, with much of them in their soils, 2) providing nurseries for fish; 3) key

¹ <https://www.eccourts.org/grenada-land-actors-inc-v-the-planning-and-development-authority-2/>

² Sharman, Melanie Y. 1994 Vegetation and Sea-Level History of a Mangrove Swamp at Levera Pond, Grenada. MA Thesis, University of Toronto.

³ Siegel, Peter E., et al. 2015 Paleoenvironmental Evidence for First Human Colonization of the Eastern Caribbean. *Quaternary Science Reviews* v.129:275–295.

⁴ Buckmire, Z., Constant, N., Hanna, L., Nurse, J., Joseph-Witzig, A., Daniel, J. 2022. Mangroves for money: ecological and social impacts of recent development projects in the mangroves forests of Grenada West Indies. *Journal of the Commonwealth Human ecology Council*: Spring 2022 (32): 36-52. https://www.checinternational.org/wp-content/uploads/2022/05/CHec-Human-Ecology-Journal-32-Forests.pdf?fbclid=IwAR0-UWdLhS5_GJJPgR1JOOWb_a9vHLW02f3wAFNxdFeIDFIMZViqSQhwo#page=36

⁵ McHarg, E., Mengo, E., Benson, L., Daniel, J., Joseph-Witzig, A., Posen, P., & Luisetti, T. (2022). Valuing the contribution of blue carbon to small island developing states' climate change commitments and Covid-19 recovery. *Environmental Science & Policy*, 132, 13-23.



sources of water filtration; 4) critical habitats for fauna, especially birds; and 5) minimizing coastal erosion and providing protection to coastal communities during hurricanes and storm surges. Given Grenada's commitment to increase our resilience to climate change impacts, these projects will pose insurmountable costs as they threaten mangroves and their ability to provide these critical services.

The planned development in Mt Hartman is likely to have disastrous environmental impacts. We anticipate negative impacts on the largest of the only two sub-populations of Grenada's national bird - the Grenada Dove - which is critically endangered with fewer than 200 individuals remaining (and currently in the middle of their annual nesting period). The wetlands within the planned project area are also important for migratory birds, and recent surveys confirm that they provide a nursery for the same fish species that fishermen in the Woburn community harvest. There is also evidence of ancient Amerindian artifacts within all three areas, but no archaeological investigations were required by the Planning Authority. Over the last year, the project has also morphed into the Hartman University Town and Resort, which appears to have a much larger footprint than it did when the EIA was conducted. No EIA has been made available for this project, which includes a marina that would destroy an entire mangrove ecosystem. We are also aware that another group has recently proposed to build a marina nearby, meaning that (with the existing Secret Harbour marina) there would be *three* marinas in this tiny bay!

At least one of these projects, at La Sagesse, has arguably caused irreversible damage already, with 2.5 acres of mangroves removed and damage to the pond that once supported a diverse community of waterbirds. We are also aware (from evidence of tracks) that previously nesting Hawksbill turtles at La Sagesse have returned to the beach but have been unable to nest in the absence of the dense vegetation they require. While the developer at La Sagesse did pay for an archaeological assessment, the first of its kind for a project on the island,⁶ it was not required by the previous EIA committee, was not made public, and was not a full mitigation (meaning unaccounted artifacts and remains were destroyed as insufficient time and financial resources were provided, nor was a monitor required during the excavation phase of construction, to catch chance encounters of artifacts). Moreover, there is a larger, well-known Amerindian site south of the La Sagesse river,⁷ which is part of the new development that Range has begun clearing despite lacking an EIA for this area. It is therefore unlikely that archaeological investigations will be done prior to machine clearing and excavation.

The planned project in Levera is around Grenada's only designated RAMSAR site (a 1971 UNESCO convention for the protection of wetlands), neighboring a dynamic marine environment and a beach that is one of the most important nesting sites for Leatherback turtles in the Caribbean.⁸ Additionally, based on past assessments and collections from residents in the area, we are aware of historical and Amerindian artifacts within the coastal vegetation that have not been addressed.⁹ A 12-page overview of these concerns was provided to the GOG and the developer in 2021, for which there has been no response to

⁶LCAP 2021 Archaeological Fieldwork Completed at La Sagesse. NOW Grenada, March 3, <https://www.nowgrenada.com/2021/03/archaeological-fieldwork-completed-at-la-sagesse/>

⁷ <https://scholarsphere.psu.edu/resources/90c4ccb7-09ed-4a90-a46a-68491d927925/downloads/6115#page=80>

⁸ Maison, K.A., R. King, C. Lloyd, and S. Eckert (2010) Leatherback nest distribution and beach erosion pattern at Levera Beach, Grenada, West Indies. Marine Turtle Newsletter 127:9–12. Retrieved from <http://www.seaturtle.org/mtn/archives/mtn127/mtn127p9.shtml>.

⁹ <https://scholarsphere.psu.edu/resources/90c4ccb7-09ed-4a90-a46a-68491d927925/downloads/6115#page=172>



date¹⁰. Like Mt. Hartman and La Sagesse Phase II, no EIA for this massive development has been published so far.

All three developments have already destroyed (and/or are likely to continue destroying) coastal vegetation that would be in direct breach of the 2019 Integrated Coastal Zone Management Act, for which the Minister of the Environment is responsible. These developments have (and will) result in the destruction of archaeological remains, which are protected under Part IV of the 2017 Grenada National Museum Act and are under the purview of the Minister of Culture. The Physical Planning and Development Control Act of 2016, for which the Minister of Physical Planning has regulatory authority, is the national service for the identification, protection, conservation, and rehabilitation of the natural and cultural heritage of Grenada in accordance with the World Heritage Convention (signed by Grenada in 1998); meaning the Act can serve as additional protection for Grenada's natural and cultural heritage that are threatened by these projects.

¹⁰Gaea Conservation Network, Grenada Fund for Conservation, Heritage Research Group. (2021). Levera Resort Grenada - Review of Landscape Plans & Supporting Documents.