

PUTTING THE PROPOSED GRAEME HALL WATER PARK IN PERSPECTIVE

(By Stephen Lashley, Attorney-at-Law – delivered to the DLP lunch time lecture series on July 14, 2006)

The project revealed

The proposed water park at Graeme Hall was brought to my attention in a fundamental way during the Party's mass canvass of the area on June 24, 2006 at the end of which I made a statement to the media to the effect that the matter was raised as a concern by residents and that it would be pursued by the DLP. I have since sought to find out as much as possible on the proposed project.

This entailed my attendance at two meetings. The first on Thursday, July 6, 2006 called by the "Save Graeme Hall Committee" targeting residents of the affected areas, namely:

- Tino Terrace
- Amity Lodge
- Bartlett's Tenantry
- Graeme Hall Terrace
- Rendezvous Ridge
- St. Lawrence
- Club Morgan
- Worthing
- Rendezvous Gardens
- Worthing
- Club Morgan
- Dover

- Warner's Terrace.

The second meeting was a town hall meeting on Monday 10 July, 2006 called by the developers, an American company called Caribbean Splash Inc.

What amazed and concerned me at both meetings was the united cry of residents of a lack of information on the project; their unanimous concerns about the location of the project and the absence of any guidance from the one Government MP who attended the first meeting, Dr. Duguid and the three Government MPs who attended the second meeting – namely the Minister of Health Dr. Jerome Walcott, Dr. Duguid and Joe Edghill. At the town hall meeting while the developer and residents went head to head on the issues, these three gentlemen seemed to be there for the photo opportunity only and made no contribution whatsoever.

The day before this meeting in the Sunday Sun of July 9, 2006, both Edghill and Duguid interestingly enough issued a disclaimer that they were both against the location of the water park.

Beyond this they have however offered no guidance or assistance whatsoever to the residents of the 11 areas on this matter. And this is why I have questioned their notion of representation. Particularly when this proposed project was with Government since August 2004.

We cannot at this stage of our development have elected representatives of the people playing politics by telling the rest of Barbados via the media that they are against something such as this controversial project, while at the same time attending a town hall meeting on the issue literally as spectators while the constituents have to take charge of the battle.

On the other hand, we in the DLP took a different stance – at that town hall meeting at which I was present as candidate for Christ Church West Central, John Boyce was present as the candidate for Christ Church East, Ronald Jones was present as MP for Christ Church East Central and Marilyn Rice Bowen, President of the Graeme Hall Residents' Association and prospective candidate for St. Michael West Central – both myself and Marilyn addressed the meeting.

I have also had contact with residents and members "Save Graeme Hall Committee" and have pledged to assist them in addressing their concerns which I have found to be numerous and quite legitimate.

I truly believe that Government has a responsibility to protect its citizens from what I observed at that town hall meeting – it was a most hostile environment confrontation between residents and the developer the latter displaying a kind of self-righteous arrogance and a less than friendly regard for the residents' concerns. I witnessed citizens of our country without the benefit of an independent moderator, trying desperately to fight a battle for control of "these fields and hills beyond recall" – a battle which they feel has already been won by the developer. Of the more than 200 persons present at that meeting, none voiced support for the project as presently conceived. Yet the developer seemed not to be overly concerned by this blunt resistance by the residents.

I must say how impressed I have been with the dedicated and responsible manner in which the residents have approach this community concern. In fact, with limited information those residents who addressed both meetings have set out a compelling case why the water park as proposed should be discarded by Government. This is a good example of the use of Community Action in keeping Government on its toes. It is also good for our democracy which is threatened in my view by the Government's brand of "inclusion" bearing in mind that the opposite of "inclusion" is "exclusion".

Equally I must say that most of the information available to us about the impact of the project has been as a result of the current process activated and in use by the Town & Country Department – and they must be applauded for this. However there are areas of the process that need to be improved.

For example, in our high tech environment, it is unacceptable to place a 149 page Environmental and Social Impact Assessment Report in the public library for critical review by residents with a restriction that there can be no copies made of its contents. This has significantly hampered the residents' ability to fully comprehend the nature of this proposed project and to prepare informed responses for presentation at town hall meetings or to the Government.

It is equally unacceptable and unfair that no professional guidance is provided to the residents by Government in reviewing such a lengthy and highly technical document. In this case, my observation is that living in the affected areas are some very high trained persons in their own right whose combined expertise may have save the day. This part of the process is fundamentally flawed and must be overhauled by modern user-friendly systems.

Questionnaire

It is of equal concern that the residents are questioning the manner in which the initial survey was conducted by the developer. They allege that the survey was flawed and misleading in that the questions were so worded as to extract only those answers needed by the developer to boost its case for the grant of permission. Once again, this speaks to the process. No developer should be allowed to write their own survey and conduct it for the purpose of supporting its case for planning permission.

By now you would have seen and heard quite a bit in the media about the proposed water park at Graeme Hall. I propose to give you a brief outline of the proposed project and bring your attention to some of the issues involved. Along the way I also propose to set out my views as to what is required.

The water park proposal

The proposal for the construction and operation of a Water Park Complex on a site at Graeme Hall Christ Church was first submitted to Government by an American-owned company Caribbean Splash Inc. in August 2004 and a Barbadian company called Coastal & Environmental Solutions Inc. was contracted by Caribbean Splash Inc. to undertake studies of the potential environmental and social impacts of the proposed development and to prepare an Environmental Impact Assessment Report for review by the relevant regulatory authorities.

The official status of the proposed project is that it is yet to be approved.

At the town hall meeting the developer disclosed that the site at Graeme Hall was virtually given to them "as the area to design the water park". It was also disclosed that 20 other locations were looked at and discarded by the Town & Country Planning Department. The residents have rightfully asked for these 20 other locations to be disclosed and that the analytical study used to discard them be also disclosed, a call which I support fully.

It is also my view that since this project earmarked for Graeme Hall was first submitted to Government as long ago as August 2004, then it is fair to conclude that these mysterious 20 alternative locations were identified and discarded more than two years ago. I believe that it would have been preferred if the process had allowed for the early involvement of the public even at this early stage. Had this been done, we would have avoided the spectacle of residents having to

literally fight it out with a developer at a town hall meeting over the location of this water park. The developer also told residents at the town hall meeting that some consideration was given to locating the water park on the East Coast, but they rejected this option for fear of the project becoming a “white elephant”.

The town hall meeting once again reminded me of how Government so often makes a decision without consultation and then after the fact sits in the background and looks on while the persons most affected by the decision quarrel among themselves, become highly suspicious of each other and end up with rather sour relations. A typical example is the manner in which the free movement of labour was implemented by Government and the Bajan/Guyanese tussle that has ensued with Government as the onlooker. Equally strange and relevant is the Government’s decision to write a National Strategic Plan in the final stages of its life as a three-term administration, taking this plan to Parliament and then at this stage now seeking public input into the said plan. Already the internet is abuzz with dissatisfied citizens.

I would have preferred to see an objective analysis of the proposed Water Park conducted and presented to residents in a user friendly manner with public hearings akin to those conducted by the FTC at which, with professional guidance and assistance, residents are able to put their case before an independent body. This underscores a need for the modernization of the Town and Country Planning Act, which has been in effect and unchanged since 1968. This legislation needs to be urgently brought into the 21st century.

Before embarking on such major projects with potential significant environmental impacts, we also need to put in place environmental safety legislation so that residents are assured of the maintenance of certain standards by law and not by the promise of a developer or a department of Government. I am advised that an Environmental Management Act was drafted since 1998 and is yet to become

law. We need as a country to get our act together if we are to ensure that our country embarks on a course of meaningful and purposeful development that while enhancing our ability to earn foreign exchange does not cause irreparable harm to our society.

OBJECTIONS

I have found that the residents' objections to the location of the water park at Graeme Hall are not unreasonable or selfish. These concerns include:

- the negative impact on the Graeme Hall Swamp and Bird Sanctuary Area
- incomplete nature of the Environmental and Social Impact Study conducted by the developer
- failure of the developer to discuss medical, health and emergency management issues
- failure of the developer to consult with residents downstream and adjacent to the proposed site
- improper analysis by the developer of the South Coast Sewerage Project Emergency Procedures
- potential noise pollution
- traffic challenges, water and air contamination
- irreparable damage to the ecosystem at Graeme Hall Swamp and Bird Sanctuary Area
- threat to already scarce water resources (Barbados is listed by the Inter-American Development Bank among the top 15 countries worldwide with the scarcest freshwater supplies)
- incompatibility of the project to our tourism product
- incompatibility of the project with our agricultural land use policy
- the possible breach of our international treaty obligations, in the absence of published detailed scientific study

In fact the residents in large measure echo many of the objections already raised by various Ministries and Departments of Government. Having looked in particular at what these Ministries and Departments had to say, I am at a loss as to why this project seems to be proceeding.

Land Use – Ministry of Agriculture

The Water Park is earmarked to occupy some 18.5 acres of agricultural land which is vested in the Barbados Agricultural and Marketing Corporation and leased to the Ministry of Agriculture. The developers contend that they have been assured that this land will be rezoned or reclassified from agriculture use to commercial use in the proposed National Physical Development Plan which is yet to go before Parliament. **Question: How many of you have seen or had input into this proposed plan?** This assurance does not however accord with the stated position of the Ministry of Agriculture in its documented objection to the project. In commenting on the proposal the Ministry said:

"The Ministry of Agriculture and Rural Development has not supported the application made by Caribbean Splash Inc. for the establishment of a Water Park Complex including water slides, swimming pools, food court, bowling alley, cricket alley and shops at Graeme Hall, Christ Church.

The site is being used for experimental plots by the Ministry of Agriculture and Rural Development and for the production of cotton. The lands are classified as Land Classes IIa and III and falls outside of the Urban Corridor.

The Area Development Plan recommends that lands classified as Land Classes I to III should be retained for agricultural purposes. The proposal would have a negative impact on the agricultural use of the area.

The Ministry objects to the proposal"

This documented position of the Ministry of Agriculture seems somewhat to be at odds with a recent comment attributed to the Minister himself in the Nation Newspaper of Monday June 26, 2006 – in reaction to comments made by me following the mass canvass on June 24, 2006. This is what the Minister said on June 26, 2006:

"We're studying it very carefully and at this point in time we will reserve our position on it until we've seen greater details"

The Minister also said that they needed to ensure that the water park project was "viable".

This sounds like a complete change of the Ministry's stated position on the matter which was very definitive.

Land Use – The Environmental Unit

"The Ministry does not support the conversion of Agricultural Land for this type of development. The Environmental Unit is of the view that a development such as this is not in keeping with the sustainable use and conservation of natural resources"

Comment on Environmental and Social Impact Assessment – Environmental Protection Department

"Generally the report was found to be unacceptable because little actual information was provided about the nature, magnitude and scope of the

development's potential impacts. In cases where impacts were assessed as significant or not significant, insufficient information was presented to provide a clear rationale for this assessment. The document provides information at the level of a scoping study, in that it identifies some of the issues and impacts that are likely to be important, but the level of information provided about these issues and impacts is not adequate for this to be considered a satisfactory EIA or Environmental and Social Impact Assessment."

With respect to Wastewater Management and Disposal, the Environmental Protection Department made this observation:

"There is insufficient information about the quantities, flow rates and quality/composition of wastewater (including wastewater from sanitary facilities, food preparation, showers, pools and rides and brine [Brine is a toxic waste product that will kill plant, fish – the concern being that plants and species of flora and fauna in the Graeme Hall Watershed area that are unique to Barbados could be destroyed] from the proposed desalination plant) expected to be generated from the proposed facility. Several wastewater disposal options are proposed, but there is not enough discussion of the pros and cons of each option, or the potential impacts of the recommended options (i.e. connection to the South Coast Sewerage System). There is also a lack of information about the disposal of brine from the desalination plant and the related impacts of said disposal"

Treaty Obligations

Residents have also raised a concern as it relates to a possible breach of this country's treaty obligations with respect to the protection of the Graeme Hall Swamp Area. Any proposed desalination discharges and contaminated wastewater discharges that bypass the South Coast Sewage System and enter

the Graeme Hall Swamp Management Unit and Environmental Heritage Site could result in violations of the terms and conditions of international environmental Conventions to which the Government of Barbados is a party, specifically the Convention on Biological Diversity, the Environmental Terms of Reference specified by the Inter-American Development Bank and the Convention on Wetlands or Ramsar.

Barbados is one of 152 contracting states who are parties to the Ramsar Convention on Wetlands having acceded to the treaty in 2005. Under that treaty the Graeme Hall Swamp has been designated as Barbados' first Ramsar site. Ramsar is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands. Each state is required under the treaty to "facilitate and implement planning so as to promote the conservation of the wetlands and as far as possible the wise use of the wetlands in their territory.

Barbados' obligations under this treaty would have prompted the environmental planners in the Ministry to make the following observation with respect to the proposed water park:

"Graeme Hall is a Watershed area that is not yet fully understood from a hydrological standpoint. There is an assessment project that is currently being undertaken by the Coastal Zone Management Unit of the Ministry of Housing, Lands and the Environment in collaboration with other relevant stakeholders on the hydrology of the swamp. The results of such a study will assist decision makers to better understand the dynamics occurring within this watershed so that they may better be able to coordinate developmental projects within the watershed area. The Ministry does not recommend placing a facility of this nature within the watershed area"

We must therefore pose the question whether this study has been completed and what are the results of the same.

Tourism

Residents are also concerned that a water park of this magnitude does not compliment our tourism product, a concern shared by the Environmental Unit of Government, which made the observation that:

“Tourists come to this island to get away from it all and enjoy the atmosphere here in Barbados. They come to enjoy the beach and experience the island in its uniqueness not to see developments that they have at home”

My information is that there also 1997 US\$80,000 IADB-funded Tourism Development Programme study of the Graeme Hall Swamp Area including the buffer zone, representing the most comprehensive text produced to date concerning conservation, development and management of the Graeme Hall Swamp area. This study was drawn to the attention of the developers in writing during their survey period but has not been referenced in the developer's Environmental and Social Impact Assessment.

Conclusion

In conclusion, this development with respect to Graeme Hall should represent a model with respect to the kind of vigilance that is required from residents with respect to planned development in Barbados. Residents need to be made partners with Government in all areas of development. The reality is that investment decisions can no longer be made without reference to our citizens.

I support the modernization of the tools and procedures used by our planners in making development decisions. I support a system of public hearing in cases of major development with significant environmental and social impacts such as this proposed water park. I also support a system of formal and mandatory consultation with resident committees and organisations with respect to planning decisions that impact on their communities. Impact Studies and Assessments placed solely in libraries with no provision for copying of their contents represent an outdated system – they should be placed on the internet and summarized for the benefit of residents. I am also of the view that expert assistance should be made available to residents in understanding the component of projects which are often technical in nature.

I thank you.

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