



*Office of the Chief Minister
British Virgin Islands*

Ref: D3/053

23 May 2007

Mr. Harold Lynn
c/o Smith's Gore Overseas Ltd.
Road Town, Tortola
British Virgin Islands

Dear Mr. Lynn,

This is to inform you that the Conceptual Development Proposal for Villa Paradiso Tortola at Smuggler's Cove is hereby approved subject to the detailed elements being reviewed for compliance with the plans, proposal and studies submitted to the Planning Authority under section 22 of the Physical Planning Act.

This approval is subject to the following conditions;

Environmental Aspects

1. A comprehensive Environmental Management Plan through coordination with government agencies must be produced. This plan will specify methodology and protocols for any mitigation measures proposed by the consultant within the Environmental Impact Assessment.
2. A comprehensive disaster management plan is required, which should include but is not limited to evacuation procedures and a business continuity and a recovery plan. These will be achieved through coordination with the Department of Disaster Management.
3. A hazard impact assessment report for the construction phase of the proposed project is required. This assessment will define the risks and determine how these will be handled in the event of a hazard impact during this phase of development.

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4. With respect to roads and access;
 - (a) A time schedule must be submitted for the upgrading of the access roads between the site and Soper's Hole Jetty.
 - (b) Prior to any works, submit for notification and review and by the Ministry of Communications and Works and other relevant agencies including the police a schedule for all heavy machinery that will be using the roads. Heavy machinery includes any earth altering or earth moving machine.
 - (c) The design details for the road on the property must meet the required dimension and design standards for a private road. These include;
 - i) Width - road 18 ft; reserve width 24 ft.
 - ii) Gradient between 1:8 and 1:12 unless in exceptional circumstances where a gradient of 1:6 will be accepted
 - iii) Sight line of at least 60 ft must be achieved at all times and guardrails should be placed where appropriate.
 - iv) In addition, adequate and well-designed access from each adjacent property should be planned and submitted.
 - v) The visibility and the maneuverability at the corner in the vicinity of the ruins must meet proper design standards.
5. A drainage plan must be submitted ensuring that overflow (storm water) from the proposed development both during construction and operation is to be via the pond on the property so as to allow the pond to perform its natural service as a filter for the sea and therefore decrease sedimentation.
6. The proposed boardwalk is to be open use by all or it must be, proper screening from the view of the general public. Coastal vegetation is to be used for this screening.
7. The proposed jetty is hereby not approved as part of the Conceptual Development Proposal at this time as it is the view of the Ministry that this matter requires further review and analysis by the Ministry.
8. Necessary steps must be undertaken to prevent any loss of valuable topsoil, whether it be silt curtains, grassing areas where soil might be exposed for some period of time, or other wise. These control devices should not be removed until absolutely necessary. Any other process that is found to contribute to erosion should be carefully assessed and a proposal must be submitted for approval and implementation. One such example is the controlling of certain invasive livestock, such as sheep and goats.
9. Wastewater control is of critical importance in the operational phase of the development, and as stated in the Environmental Impact Assessment, "Gray water will be a precious resource for maintaining landscaped areas." This water is to be used as efficiently as

possible for irrigation purposes. Caution must be taken in irrigation to prevent excess water from being used and thus prevent nutrient laden runoff into the sea, which can greatly affect coral reef ecosystems.

Before development is well underway, more detailed and specific plans relating to wastewater disposal on site are required. These plans must be reviewed and approved by the Water and Sewerage Department and the Environmental Health Department in addition to the Planning Authority.

Every effort should be made to secure and control the site during the construction phase. This includes dust and noise disturbances. Recommendations are as follows;

Dust and construction material

10. Concrete containment areas should be constructed for stockpiles to prevent dispersal by wind and also to present a more positive visual effect.
 - Covering the stockpiles with geo-textile mats is strongly recommended.
 - Wetting of stockpile material is also encouraged to prevent particles from being blown about.
11. Safety measures must be taken during every stage of the construction phase, namely protective covering on trucks transporting material and easily viewable signs clearly stating every stage of construction and the appropriate cautionary measures to be taken by the public.

Social Aspects

12. A Social Mitigation plan is required through coordination with the government agencies. Some areas what this plan will cover, but is not limited to are;
 - a) Training certification programme for local and migrant workers (e.g; local contractors assigned to the project undertake training in Safer Building Levels I and II, which are offered at the H. Lavity Stoutt Community College and workshops provided for heavy equipment operators.
 - b) Training opportunities for the local population; a strategy could be developed for on the job training at the various skill levels.
 - c) At no time should the wages (including those for any temporary workers) on the project fall below industry standards.

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13. In keeping with the Special Inspector requirements within the Building Regulations (1999), a qualified Third party Environmental management/monitoring team is required during the construction phase. This is to be paid for by the developer, but approved by the government and reports must be submitted to the government.
14. Although there is a sign indicating the swimming conditions at Smuggler's Cove beach, it is important to notify the guests by some medium or the other of the dangers of the currents and the steps to be taken in case they should encounter any of these conditions. It speaks to the safety of the individual guests and to the good standing of the proposed development. Lifeguard stations must be provided on site and lifeguards must be present at during daylight hours, or signs posted when they are not.
15. As part of the proposed development a minimum number of fifty parking spaces must be designated for resort use in addition to the public parking that have already been agreed. This would alleviate the potential conflict that could arise over parking congestion.
16. Weekly cleanup of site must be done to clear the area of waste (human and otherwise).
17. Arrangements to provide portable restrooms on site for the construction workers must be made and submitted for approval.

Other Aspects

18. The main source of water must be the Government Mains. A small water plant is accepted as a backup system on the property.
19. Annual monetary contribution of \$25,000.00 per year should be made towards the development of Belmont Cultural Park for the next five years.
20. That a Bond of One Million Dollars (US) (\$1,000,000.00) be put up to cover penalties and repairs in the event of violations or damages.

Yours sincerely,


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D. Orlando Smith
Chief Minister