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Digging In: Residents push probe into Layan EIA breaches

PHUKET: The Layan group of Cherng Talay area have formally called on authorities to investigate what they say are repeated violations of environmental laws and Environmental Impact Assessment (EIA) measures by several major development projects.

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The call comes after months of alleged breaches, capped by a minor landslide at one of the sites on Oct 31, which residents say highlights the dangers of hillside construction near their land.

The Layan Residents Group (LRG), representing estates including Lotus Gardens and Ocean Breeze, says the Sun Hills Layan Phuket and The Friends Condominium developments have ignored mandatory EIA measures and failed to comply with environmental laws.

“Since July, we have warned Sun Hills and authorities about the vertical earth cutting along our boundary wall, up to 15-20 metres deep, just metres from our estate road,” a spokesperson for LRG said.

The group says developers failed to provide required 10-day notices for piling and other disruptive works, ignored community engagement and did not conduct pre-construction surveys of nearby homes, roads or infrastructure.

“These lapses have exposed neighbouring estates to noise, vibration, runoff and structural risks,” LRG said. “No communication, consultation, or impact-management measures mandated under the approved EIA have been carried out. This is an illegal breach of mandatory conditions.”

The complaint also targets Ayana Heights, Layan Verde and Layan Green Park, which LRG say have similarly failed to comply with EIA measures, zoning rules and other regulations. Local residents have also reported ongoing dust, noise, drainage problems and other issues.

ONEP

The Office of Natural Resources and Environmental Policy and Planning (ONEP) confirmed to *The Phuket News* that developers including Ayana Phuket Co, Layan Best View Co and Sun Hills Co Ltd. have been investigated for breaches of environmental laws – and have been notified to correct any violations.

ONEP Secretary General Bannaruk Sermthong said that residents had repeatedly raised concerns about drainage failures, traffic impacts, overdevelopment and EIA breaches.

Developers often provided “evasive, inaccurate or irrelevant” responses and sometimes refused to take responsibility, Mr Bannaruk, formerly the Deputy Director-General of the Royal Forest Department, said.

“Despite ongoing complaints, construction has continued,” he continued. “Some projects apply selective measures while claiming full compliance.”

ONEP had also flagged allegations that developers submitted inaccurate or conflicting EIA data, including topographical maps, contour lines, drainage designs, land modifications and hillside cutting near boundaries, Mr Bannaruk explained.

“Following these reports, ONEP formally ordered Cherng Talay OrBorTor to investigate, enforce compliance, and monitor the

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Aphichat Deekongsiang, Director of Cherng Talay OrBorTor’s Engineering Division, assured *The Phuket News* that the agency is following ONEP’s order while remaining neutral in disputes between old and new developers.

His office had conducted site inspections in accordance with the order from ONEP, Mr Aphichat said.

He emphasised four principles guiding OrBorTor inspections:

- 1. Evidence-based enforcement: verify work using laws, science, and on-site inspection.
- 2. Reject hearsay: allegations must be personally inspected.
- 3. Listen to both sides: decisions are not based solely on complaints from existing operators.
- 4. Document verification: legal easements, drainage rights, and official records are checked before action.

However, Mr Aphichat cast blame back at the Layan Residents Group for any disruptions they may have caused when their developments were being built.

“They built their projects years ago when there were fewer developments. Now new projects are doing the same work, and they are feeling the impacts they never experienced before,” he said.

Mr Aphichat noted that the ongoing slew of disputes between the residents’ group and the developers in question now included lawsuits over construction clearance and suspected land fraud where previous landowners allegedly blocked drainage easements after selling land to new developers.

“The allegations of land fraud are still under investigation and remain unconfirmed, as the situation is more complex than it appears,” Mr Apichat said.

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“Despite these conflicts, some impacts like noise, dust, and truck traffic are real, but damages are not as severe as claimed,” he added.

“Following our inspections, the new projects are ready to comply immediately with our recommendations.” Mr Apichat concluded.

LANDSLIDE

A minor landslide at the Sun Hills site on Oct 31 destroyed boundary trees, soil and fencing. LRG warned that the vertical cutting near estate roads posed risks to nearby villas and required structural engineers’ assessment.

The landslip, however, fell right along the boundary line to property under development, and even saw some earth from adjacent plot collapse to the excavation site below.

Yet Mr Aphichat again assured that the incident was minor.

“A small soil break caused a tree to fall. There were no injuries or fatalities, and property damage was minimal,” Mr Aphichat said.

“The project has taken responsibility and compensated for damages. Police inspected the site, and the developer has carried out remedial work,” he added.

Even after the landslip, construction was not ordered to halt, Mr Apichat confirmed.

“Construction suspensions are rare and only imposed for repeated, significant violations, usually seven to 30 days. Minor incidents trigger immediate corrective measures rather than full stoppages,” he said.

FIGURE 01

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“The repeated non-compliance shows a pattern. Residents continue to face noise, dust, drainage problems, and safety risks,” another spokesperson said. “Authorities must enforce the EIA and hold developers accountable.”

ONEP officials agreed, emphasising full transparency, strict adherence to EIA conditions, and corrective measures, yet the issues remain, the spokesperson added.

Yet Mr Aphichat maintains that Cherno Talay Or Bor Tor is honouring its commitment to weekly inspections. “All recommendations are tracked, and developers must resolve issues promptly,” he said.

“Like a police officer issuing a ticket for a minor violation, we do not impose severe penalties unless there is deliberate consideration for the law or repeated failure to comply,” he said.

Residents said they will continue monitoring developments and filing complaints if problems persist.

“The minor landslide shows that the risks are real. We want our community protected, and projects must follow the law,” the Layan Residents group said.

Meanwhile, ONEP Secretary General Mr Bannaruk warned that significant breaches could lead to project suspension or legal action, while developers pledged to comply fully with mitigation measures.

To this, Mr Aphichat assured that inspections will continue, and all projects under investigation must submit evidence of EIA compliance, drainage plans, noise and dust mitigation and land-use approvals.

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