

Administrative Court rejects bid to halt Layan developments

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PHUKET: The Phuket Administrative Court has dismissed an interim relief request by 13 petitioners seeking to halt or delay construction approvals and ongoing work at several major developments in the Layan area, ruling that it has no authority to suspend the issuance of construction permits by local administrative bodies.

The order, issued as last year came to a close, rejected requests to suspend construction permits or stop work at projects including Sun Hills, Ayana and Layan Verde, pending a final judgment in the case.

According to a summary released by Sun Hills, the Court found that the authority to issue construction permits lies solely with the relevant local administrative organisation – in this case the Cherng Talay Tambon Administrative Organisation (OrBorTor) – which must assess applications in accordance with the Building Control Act and other relevant laws.

“The Court does not have the authority to prohibit or suspend a government agency from issuing such permits,” the ruling stated, concluding that the petitioners’ requests did not meet the legal criteria required for interim relief.

As a result, the Court ordered the dismissal of all interim relief requests, confirming that no project is subject to a court-ordered suspension or delay at this stage.

The summary released by Sun Hills was issued as The Phuket News went to print with its page 1 story ‘Digging In: Residents push probe into Layan EIA breaches’, which detailed ongoing disputes between residents and developers over alleged violations of Environmental Impact Assessment (EIA) conditions in the area.

RESIDENTS DISPUTE LEGALITY

Despite the court ruling, the Layan Residents Group (LRG) has renewed its concerns, particularly over construction at the Sun Hills Hotel development, which it claims is continuing without a valid construction permit.

In a statement issued in response to the court order, LRG said it was “totally unbelievable” that construction was continuing after what it described as an admission in court by the Chief Engineer of Cherng Talay OrBorTor that the project does not currently hold a valid construction permit.

“This admission from the authorities themselves comes after two serious landslides at the site in October and November, which were caused by grossly negligent excavation,” the group said.

LRG noted that the OrBorTor Chief Engineer visited the site following both incidents, yet construction allegedly continued without interruption.

Mark Ford-McNicol of the Layan Residents Group said residents were “totally stunned by this blatant disregard for the law and public safety”.

“While Sun Hills continues its operations as if it is business as usual, the community is left to wonder how a developer can so openly defy the law, even after official confirmation of non-compliance in court,” he said.

“This situation raises serious questions about enforcement of building regulations in Phuket and the safety of residents living near such developments.”

EIA CONCERNS AND LANDSLIDE INCIDENTS

As previously reported by The Phuket News, LRG has for months raised concerns about what it describes as repeated breaches of EIA conditions and environmental laws at several Layan-area developments, including Sun Hills Layan Phuket and The Friends Condominium.

The group says it has warned developers and authorities since July about vertical earth cutting up to 15-20 metres deep along shared boundaries, close to estate roads and residential properties.

A minor landslide occurred at the Sun Hills site on Oct 31, destroying boundary trees, fencing and soil. Residents warned that the cutting posed risks to nearby villas and required assessment by structural engineers.

Cherng Talay OrBorTor officials, however, have repeatedly described the incident as minor.

“A small soil break caused a tree to fall. There were no injuries or fatalities, and property damage was minimal,” Aphichat Deekongsiang, Director of Cherng Talay OrBorTor’s Engineering Division, previously told The Phuket News.

Mr Aphichat confirmed that construction was not ordered to halt following the incident, explaining that suspensions are typically imposed only for repeated or significant violations.

ONEP INVESTIGATIONS ONGOING

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

ONEP Secretary-General Bannaruk Sermthong previously told The Phuket News that developers had, in some cases, provided “evasive, inaccurate or irrelevant” responses to concerns raised by residents.

ONEP also flagged allegations that inaccurate or conflicting information had been submitted in EIAs, including topographical data, drainage designs and details of hillside modifications.

Following those findings, ONEP formally ordered Cherng Talay OrBorTor to investigate, enforce compliance and monitor the projects.

LEGAL LIMITS CLARIFIED

While the Administrative Court’s order does not determine whether individual projects are fully compliant with building or environmental laws, it clarifies that the court cannot pre-emptively intervene in the permit-issuing process through interim relief.

Legal responsibility for permit enforcement, inspections and any suspension of work therefore remains with the relevant local authority.

LRG said it would continue monitoring construction activities and pursuing complaints where it believes violations persist.

“The risks are real, and the impacts are cumulative,” the group said. “We want our community protected, and projects must follow the law.”

Authorities, meanwhile, maintain that inspections are ongoing and that enforcement will be taken where legally justified.

Images: Layan Residents Group / Sun Hills