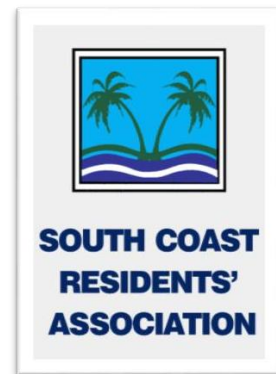


SOUTH COAST RESIDENTS ASSOCIATION (SCRA)
P.O. Box 5672-80401
Email: chair@scra.co.ke
Kwale County, Kenya



MEMORANDUM

TO: Bj's Environmental Consulting Services & Supplies Ltd

COPY TO:

1. The Assistant County Commissioner, Diani Sub-County
2. The County Director, National Environment Management Authority (NEMA), Kwale County
3. The County Executive Committee Member (CECM) for Environment, Natural Resources & Tourism, Kwale County
4. The Board of Directors, Diani Municipality
5. Kayali Development Limited (Project Proponent)

DATE: June 26, 2026

SUBJECT: FORMAL OBJECTION AND MEMORANDUM AGAINST THE PROPOSED MIXED-USE RESIDENTIAL AND HOSPITALITY DEVELOPMENT (DIANI BEACH RESIDENCES / L.R. NO. 16289) ON THE FIRST ROW FROM THE BEACH

1. INTRODUCTION & PREAMBLE

This Memorandum is submitted by the South Coast Residents Association (SCRA) on behalf of the residents, hospitality investors, conservationists, and stakeholders of Diani Beach. SCRA is formally responding to the invitation issued by your firm, Bj's Environmental Consulting Services & Supplies Ltd (Ref: BJS/EIA/031/26, dated June 22, 2026), regarding the upcoming Public and Stakeholder Consultation Meeting scheduled for June 29, 2026, at the Assistant County Commissioner's Boardroom.

As a community body dedicated to protecting Diani's fragile marine ecosystem and maintaining its reputation as a world-class, high-value, sustainable tourism destination, SCRA categorically objects to the development of this massive concrete project on the first row of Diani Beach.

2. FUNDAMENTAL CONCERNS REGARDING CONSULTANT CREDENTIALS AND DISCREPANCIES

As the lead expert firm appointed to conduct this Environmental and Social Impact Assessment (ESIA), your organization has a legal and ethical duty to ensure full disclosure, transparency, and high technical capacity. We raise the following critical issues:

- **Misrepresentation of Project Scope:** Your official notification letter (referenced as "WhatsApp Image 2026-06-25 at 12.15.36 PM (1).jpeg") states the proposal consists of **300 apartments** across 12 blocks. However, commercial market launches by the operating partners (CityBlue Hotels, The Diar Group, and Staroot Real Estate) explicitly announce a flagship destination of **between 400 and 500**

contemporary residential units. Presenting a downscaled version of the project to local stakeholders while marketing a significantly larger project internationally constitutes a severe flaw in the transparency of the ESIA process.

- **Unverifiable Lead Consultant Experience:** Your firm, Bj's Environmental Consulting Services & Supplies Ltd, maintains no functional website and lacks a verifiable public track record of managing complex, massive beachfront developments of this scale. Fulfilling an ESIA for an ecologically sensitive beachfront ecosystem covering over 5 hectares—as mapped out in "WhatsApp Image 2026-06-25 at 12.15.36 PM.jpeg"—requires a consultant with proven, transparent experience in coastal dynamics and high-density infrastructure impact mitigation.

3. COMPREHENSIVE ENVIRONMENTAL AND SOCIAL CHALLENGES

A. Ecological Degradation and Massive Concrete Footprint

As shown in the polygon outline in "WhatsApp Image 2026-06-25 at 12.15.36 PM.jpeg", the project targets a 5.14-hectare beachfront site. Introducing up to 500 high-density apartments creates an unprecedented concrete footprint.

- **Loss of Greenery:** Covering this 5-hectare area in concrete leaves virtually no space for indigenous coastal greenery, destroying natural habitats and wildlife corridors.
- **Micro-climate and Buffer Disturbance:** The removal of native vegetation and the introduction of massive double-storey blocks will disrupt the natural shoreline buffer and accelerate the urban heat island effect on an already sensitive ecosystem.

B. Severe Infrastructure Strain on Local Systems

Diani is currently facing baseline utility and infrastructure deficiencies. Forcing an estimated 1,500 to 2,000 active residents and guests into a single 5-hectare plot will lead to systemic failures:

- **Waste Management:** Diani lacks a centralized municipal sewerage network. A development of up to 500 units will generate hundreds of thousands of liters of effluent daily. The "waste water treatment plant" mentioned in your letter poses an extreme threat of subterranean seepage into the porous coral rag, risking direct contamination of the marine ecosystem.
- **Water Supply Scarcity:** Local fresh water supply is already severely strained. Relying heavily on boreholes will accelerate saltwater intrusion into the local aquifer, permanently ruining groundwater quality for adjacent properties and residents.
- **Power Supply Instability:** Diani's current power grid experiences regular fluctuations. Overstretching the local transformer network with a project of this magnitude will trigger constant outages, forcing reliance on industrial diesel generators, which introduces heavy noise and air pollution.
- **Road Networks:** The local access corridors to the first row cannot sustain the massive traffic surge of hundreds of additional personal vehicles, delivery trucks, and service vehicles daily.

C. Economic Threat to Quality and Value Tourism

Diani Beach's global brand is anchored on low-density, exclusive, high-value eco-tourism that respects nature.

- **Degradation of Premium Tourism:** Constructing mass-scale, high-density apartment blocks shifts Diani's profile toward unstructured mass urbanism. This directly devalues surrounding boutique properties and luxury villas, threatening the local economy and long-term employment.
- **Precedent of Failures in Similar Precincts:** Similar high-density mega-structures in other coastal urban centers have historically led to rapid environmental decay, collapsing property values, and the flight of premium international tourists. Diani must not repeat these planning failures.

4. LEGAL AND REGULATORY RECOURSE

We advise your firm that proceeding with this ESIA without addressing these objections violates fundamental statutory and constitutional provisions:

1. **The Constitution of Kenya (Article 42):** Guarantees every citizen the right to a clean and healthy environment.
2. **Physical and Land Use Planning Act, 2019:** Requires developments to conform strictly to local zoning guidelines. High-density, multi-block apartments of this magnitude violate the low-density coastal zoning ethos of Diani.
3. **EMCA, Cap 387 (Public Participation Regulations):** Public participation must be conducted in good faith with full disclosure of project scale.

5. CONCLUSION AND DEMANDS

Based on the foregoing facts, the South Coast Residents Association (SCRA) demands that Bj's Environmental Consulting Services & Supplies Ltd:

1. **Immediately pause the ESIA processing** until full and accurate disclosure regarding the actual scope (300 vs 500 units) is made transparently to all stakeholders.
2. **Provide your firm's professional portfolio** and evidence of NEMA registration and licensing capacity to handle a beachfront project of this magnitude during the public meeting.
3. **Recommend a severe downscaling** of the project format to the proponent to align with the sustainable, low-footprint aesthetic expected of Diani's beachfront.

We shall present these objections robustly during the public stakeholder meeting on June 29, 2026, and we are fully prepared to seek legal injunctions through the National Environment Tribunal (NET) and the Environment and Land Court should our community's environmental concerns be ignored.

Sincerely,

SCRA Secretariat