

**Ref:02/1/5/2**

**MINISTER**

**QUESTION NO. 1185 FOR WRITTEN REPLY: NATIONAL ASSEMBLY**

A draft reply to **Mr R K Purdon (DA)** to the above-mentioned question is enclosed for your consideration.

**MS LIMPHO MAKOTOKO**

**ACTING DIRECTOR-GENERAL**

**DATE:**

**DRAFT REPLY APPROVED/AMENDED**

**DR B E E MOLEWA, MP**

**MINISTER OF ENVIRONMENTAL AFFAIRS**

**DATE:**

**NATIONAL ASSEMBLY**

**(For written reply)**

**QUESTION NO. 1185 {NW1326E}**

**INTERNAL QUESTION PAPER NO. 16 of 2017**

**DATE OF PUBLICATION: 15 May 2017**

**Mr R K Purdon (DA) to ask the Minister of Environmental Affairs:**

(1) Whether any (a) record and/or (b) correspondence, including emails and verbal liaison, relating to the proposed Spitskop West Wind Energy facility has occurred between any member or employee of a certain company (name furnished) and her department; if not, why not; if so, what are the relevant details in each case;

(2) whether any record or correspondence relating to the proposed facility (a) refers to (i) AVDS Environmental Consultants, (ii) a certain person (name furnished) or (iii) any of the specified person’s clients or (b) excluded the (i) specified consultants or (ii) persons, either as recipients or via absence of physical or audible presence; if not, in each case, why not; if so, what are the relevant details in each case;

(3) whether she will furnish Mr R K Purdon with copies of all records and correspondence in this regard; if not, why not; if so, by what date?

**1185. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:**

1. (a) and (b)

Yes, I am advised that there was correspondence between the Department of Environmental Affairs (DEA) and employees of the company whose name was furnished, as is required by the Environmental Impact Assessment Regulations (EIA), 2014. There has been, for example, comments on reports that have been submitted and formal letters such as an acknowledgement of the application and reports, as well as acceptance of the scoping report. DEA also had a pre-application meeting with the company whose name was furnished prior to submission of the application, which is customary practice.

It should be noted further that a certain person whose name was also furnished requested access to the same information, on behalf of AVDS Environmental Consultants, in terms of section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), on 17 November 2016. He requested access to information relating to the environmental authorisation application for the proposed Spitskop West Wind Energy Facility, within the Blue Crane Route Local Municipality in the Eastern Cape Province. DEA granted access to the information on 12 December 2016. On 02 March 2017, a certain person whose name was also furnished submitted an appeal in terms of section 74 (1) of PAIA, on the basis that all the information to which access had been granted was not provided by DEA due to an oversight. The Ministers Appeal Decision upheld the appeal, and further access was granted to the following additional information, which was within the scope of the requested information:

* The letter to the Department from the company whose name was furnished dated 04 October 2016;
* The letter from, the company whose name was furnished titled *“Pubic Participation Process”* dated 06 October 2016;
* An email correspondence from the company whose name was furnished to the Department dated 11 and 06 October 2016 respectively;
* An email correspondence from the Department on 26 October 2016; and
* The letter to the Department from the company whose name was furnished dated 17 November 2016.

2. Anybody who would like to participate in an EIA process can formally register as an interested and/or affected party. This will enable the party to receive documentation, reports, notifications, etc. during the process. Once registered, the details of the party will be included in a register that will be used to communicate with interested and/or affected parties. This register and the comments and responses report forms part of the EIA documentation to be submitted to the competent authority. This means that all registered parties’ names will be included in reports and correspondence thereto. DEA’s responses and decisions sent to the environmental assessment practitioner (EAP) responsible for the EIA process is public documents and form part of the reports.

1. (i) Yes, the Scoping Report submitted as part of the Environmental Impact Assessment (EIA) process refers to “AVDS Environmental Consultants”. The name is included in the list of landowners notified during the scoping process and AVDS Environmental Consultants registered as a stakeholder and provided comments. The environmental impact assessment practitioner’s (EAP’s) response to the comments included “AVDS Environmental Consultants”. This is all set-out in Volume 3 of the Scoping Report dated October 2016. It is a legal requirement to include, in these reports, the names of registered interested and affected parties and their comments, as well as the EAP’s response thereto. DEA received the draft Environmental Impact Assessment report (EIAr) but has not reviewed the report due to the lapsing of the application. It therefore cannot be confirmed if the report also refers to “AVDS Environmental Consultants”.

(ii) Yes, the Scoping Report submitted as part of the Environmental Impact Assessment (EIA) process refers to “the person whose name has also been furnished”. The name is included in the list of landowners notified during the scoping process, and “the person whose name has also been furnished” registered as a stakeholder and provided comments. The environmental impact assessment practitioner’s (EAP) response to the comments included “the person whose name has also been furnished”. This is included in Volume 3 of the Scoping Report dated October 2016.

As indicated above, it is a legal requirement to include, in the reports, the names of registered interested and affected parties and their comments, as well as the EAP’s response thereto. DEA received the draft Environmental Impact Assessment report (EIAr) but has not reviewed the report due to the lapsing of the application. The Department therefore cannot confirm if the report also refers to “the person whose name has also been furnished”. It should also be noted that the scoping report refers to “the person whose name has also been furnished” – AVDS Consulting.

(iii) Yes, the Scoping Report submitted as part of the EIA process refer to “the clients”. The names are included in the documentation, table of registered interested and affected parties, and comments received from AVDS as contained in Volume 3 of the Scoping Report dated October 2016. DEA received the draft Environmental Impact Assessment report (EIAr) but has not reviewed the report due to the lapsing of the application. It therefore cannot be confirmed if this report also refers to the clients.

1. (i) No, there were no correspondence that excluded the environmental impact assessment practitioner’ (EAP). As indicated in the response to (1) above, it is a legal requirement that the competent authority respond to the EAP as required by the Environmental Impact Assessment Regulations, 2014; for example, by means of sending comments on reports submitted and formal letters such as acknowledgement of the application and reports, and acceptance of the scoping report.

(ii) Yes, the environmental impact assessment practitioner (EAP) is responsible to inform and correspond with registered interested and affected parties and include these in the reports.

3. All documentation regarding the proposed Spitskop West Wind Energy Facility that is in the public domain can be provided upon receipt of the request. Access to other information, records and documents will have to follow the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA) process.

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