

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

**MINISTER**

**QUESTION NO. 1186 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**

**DIRECTOR-GENERAL (ACTING)**

**DATE:**

**DRAFT REPLY APPROVED/AMENDED**

**DR B E MOLEWA, MP**

**MINISTER OF ENVIRONMENTAL AFFAIRS**

**DATE:**

**NATIONAL ASSEMBLY**

**(For written reply)**

**QUESTION NO. 1186 {NW1327E}**

**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 her department followed due processes of public participation in processing the application for the proposed Spitskop West Wind Energy facility; if not, why not; if so,

(2) why did her department accept and condone the gross underrepresentation of potential and registered interested and affected parties in this application (details furnished);

(3) whether officials from her department were in any way (a) aware of and/or (b) involved in the actions of certain persons (names furnished) who engaged with 22 interested and affected parties without advising AVDS Environmental Consultants?

**1186. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:**

1. I am advised that on 5 October 2016, Gestamp and Sarge Wind (Pty) Ltd, lodged an application in terms of the Environmental Impact Assessment (EIA) Regulations, 2014, with the Department of Environmental Affairs (DEA) (the competent authority for this application) for the proposed construction of the 140 MW Spitskop West Wind Energy Facility and its associated infrastructure near Cookhouse within the Blue Crane Local Municipality in the Eastern Cape Province.

In terms of record, the applicant commissioned an independent environmental consultancy, Terramanzi Group (Pty) Ltd, to conduct an Environmental Impact Assessment (EIA) for the above application. The final Scoping Report was received on 18 November 2016 and was conditionally accepted on 23 January 2017. DEA received the draft Environmental Impact Assessment Report (EIAr) for review and comment on 18 April 2017 and is awaiting submission of the final EIAr for review and consideration within the stipulated timeframes as outlined in the EIA Regulations, 2014, as amended. The Department has however not yet received the final EIAr, and hence the EIA process has not yet been concluded and the Department has advised therefore not made any decision on the application yet.

Honourable Member will know by now, that environmental assessment practitioner (EAP),
Mr Fabio Venturi of Terramanzi Group (Pty) Ltd., is responsible for the public participation process in terms of the requirements of the EIA Regulations, (please see regulations) 2014 as amended, and not the DEA. As such, the competent authority is not responsible for the actual public participation process and the applicant’s EAP would have to “follow due processes of public participation”. DEA is however required to review the final EIAr as part of its decision-making process to determine whether the methods used by the EAP during the public participation process, have met the legal requirements of the EIA Regulations, 2014. As DEA is still awaiting the submission of the final EIAr, it is not yet in a position to determine whether the “due process of the public participation process” as well as the requirements of the EIA Regulations, 2014 were met.

1. In terms of the department’s knowledge to date, not been any “acceptance or condonation of any alleged underrepresentation” of registered I&APs. Details of the public participation process (followed and to be followed) as contained in the scoping report was thus far deemed acceptable, hence the scoping report was accepted. The EIA process is, I am further advised, still underway, including consultation, and DEA is awaiting the submission of the final EIAr.
2. (a) As indicated above, the EAP is responsible for the public participation process according to the EIA Regulations, 2014, requirements; and

(b) DEA is not involved in any aspect of the actual public participation process. Proof of the public participation process conducted notifications, meetings held, and comments received, and so forth, form part of the final EIA which is still to be submitted by the EAP. Officials from DEA were therefore not privy to such details at this. Please note that I am the Appeals Authority in this matter and all such matters and therefore unable and unwilling to get into further correspondence and engagement on this matter for reasons related to fairness and remaining legally compliant and above board. I will only be able to deal with the responses to the Appellant , should there be one at the time when such an appeal may be received.

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