environmental affairs
Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Meeting Notes: KwaZulu Nata; Sector Seminar: Working Towards Improved Relations

14 November 2018

Protea Hotel, Hilton (Hilton Road, Pietermaritzburg, KwaZulu Natal)

	A. EIA Competent Authorities Presentations	Way Forward
1.	1.1 DEA (National Department of Environmental Affairs) provided feedback to Environmental Assessments Practitioners (EAPs), government officials, and applicants on the quality of their contributions in the EIA process. This included the following presentations: a. IEA Administration b. EIA / Authorisations (Reviewer's perspective) c. Integrated Permitting System d. Section 24G e. Waste Management Licensing	As per the presentations. EIA Sector Seminars are being held in all 9 Provinces of South Africa. The intention is to synthesize all contributions received countrywide by April 2019. It will be decided what needs to be adopted and inform the strategic planning. Presentations were e-mailed to all attendees the morning off 31 October 2018. Contacts to whom queries should be emailed: **Related to the seminar:** • For copies of the presentations or specific queries, contact Mr. Franz Scheepers at e-mail- fscheepers@environment.gov.za or cellular phone: 082 332 3367. **Where DEA is the competent authority:** • For EIA process related queries where DEA is the competent authority, contact EIA Administration- EIAadmin@environment.gov.za **Interpretation matters:** • For interpretation queries of the EIA Regulations and the Listing Notices (LNs) 1, 2, and 3, contact the IQ Helpdesk- iq@environment.gov.za **Where the DMR is the competent authority** • For EIA process related queries where DMR is the competent authority, contact nomfundo.magubane@dmr.gov.za or karoon.moodley@dmr.gov.za
	1.2 The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (EDTEA), Mr Mr. Sabelo Ngcobo, provided feedback to the EAPs and Applicants regarding matters related to EIA applications for listed and/or specified activities where EDTEA is the competent authority (CA).	
	1.3 The Department of Mineral Resources (DMR), Ms. Nomfundo Magubane, provided feedback to the EAPs and Applicants regarding matters related to EIA applications for listed and/or specified activities where DMR is the competent authority (CA). This is in instances where such application is for prospecting, exploration, extraction and primary processing of a mineral or petroleum resource or activities directly related thereto.	

		Where KZN EDTEA is the competent authority: **District** / **Control Environmental Officer: EIA** / **Contact number** Amajuba District: / Mr. Poovie Moodley / 034-328 1210 eThekwini District / Ms. Natasha Brijlal Mrs. Yugeshni Naicker / 031-366 7317 Harry Gwala: / (post vacant) Thabani Gambu (DM) Kacy Rengasamy (Coordinator) / 081 496 7566 060 984 5871 Ilembe / Mr. Malcolm Moses / 032-437 7527 King Cetshwayo / Mr. Muziwandile Mdamba / 035-780 0313 uGu / Ms. Melissa Packree / 039-682 2045 uMgungundlovu / Mrs. Reka B-Kallicharan Mr. Shawn Janneker / 033-347 1820 uMkhanyakude / Ms. Happy Shandu / 035-550 0330 uMzinyathi / Mr. Gerald Willis-Smith / 034-299 7908 uThukela / Ms. Onwabile Nhzumo / TBC Zululand / Mr. Sibusiso Ndwandwe / 035-870 9383
B.	**Comments And Concerns Raised By Applicants, Regulated Community, EAPs, Specialists, Ngos, I&Aps And Other**	**Competent Authority Response / Way Forward / Clarification Provided** **Please note that, where relevant, more clarity / improved explanation to the issue raised at the seminar are provided below.**
1.	**Query addressed to DEA**: ○ In terms of the EIA Regulations, 2014 a pre- application meeting is not compulsory, yet some CAs require such.	**DEA response:** In terms of the EIA Regulations, 2014 a Pre-application meeting is indeed not compulsory. Generally, DEA will only comment on draft reports after the application for environmental authorisation is received. The timeframe starts on the date of receipt of the application. The competent authority may not always be able to respond to a pre-application report / draft report submitted before the application for environmental authorisation has been submitted. This is one of the reasons why pre- application meetings are needed. If the draft report ties in with the pre- application meeting, it may well be considered for comments prior to the actual draft report's submission. In the event where a pre–application has taken place, a copy of the minutes of the meetings and the name of the DEA officers involved must be submitted as part of the application for environmental authorisation.

2.	**Queries addressed to KZN EDTEA**: ○ Is the pre-application draft report seen as part of the process? Will the Competent authority (CA) still provide guidance even outside of the process? ○ A three week delay due to not getting a pre- application meeting date from the competent authority is unreasonable. Some guidance must be given. ○ There appear to be different requirements between different competent authorities. E.g. where there is a change of ownership EDTEA requires a letter from the new owner.	**KZN EDTEA response:** Regulation 8 talks about guidance by the CAs, but later on refer to "must"/ Regulation 9 speaks to formats and templates e.g. application forms. Regulation 10 requires the applicant to comply with the requirements. Pre- applications help to streamline several projects and will always add value if executed appropriately by the EAP and competent authority alike. As it stands, it has resulted in less lapsed applications and the identification of red herrings and fatal flaws. The benefits of pre-app meetings has been established and in many cases it may not be required. For example, for extension validity or Part 1 amendments, it may not be necessary, but some kind of dialogue is necessary to facilitate the application. Applicants and EAPs may liaise with officials to determine the need for a pre- application meeting.
3.	The EIA Regulations provides for the electronic submission of applications, once such a system is in operation. By when can this be expected?	The draft electronic system (CIPS) faces development challenges. DEA is not at this stage in a position to indicate when it will be ready for implementation.
4.	Onsite pre- application meetings / site visits at the same time of pre-application meetings should be considered.	Planned developments, even after pre-application meetings, often do not materialise. At times no application for environmental authorisation is submitted after one or more pre-application meetings. Such a site visit where no application for environmental authorisation is ever submitted or where the case officer have left the Department following the site visit (prior to submission of an application for environmental authorisation), results in fruitless expenditure. DEA EIA officials are situated in Pretoria. Travelling (more than often by air) is a very expensive exercise. In this regard DEA has decided to conduct site visits only after the submission of an application for environmental authorisation.
5.	Each competent authority should put forward guidelines on their websites to reduce the need for inquiries and provide more certainty with regards to the implementation of the EIA regulations and listing notices.	The development of more guidelines or explanatory documents will be considered. Guidelines and / or explanatory documents need to apply country-wide thereby contributing to and ensuring consistent implementation. Many issues can be resolved by e-mailing the National Interpretation help-desk through e-mail: iq@environment.gov.za. All CAs are copied on these responses as a measure towards consistent implementation and interpretation.
6.	Every time a SANRAL application, for example, is to be submitted, the EAP must fly to Gauteng and drive from O.R. Thambo Airport to Pretoria. Skype is a much better and cheaper option also reducing our carbon footprint.	If the applicant / EAP has access to a facility for Skype / video / teleconferences, then such can be arranged.

7.	At times DEA will respond that e.g. the public participation process was flawed, then once the issue is rectified and a reviewed report is submitted, DEA raises other concerns for the 1st time, where the DEA at application stage could have checked fall information submitted.	Comment noted. DEA will attempt to improve in this regard. For a specific issue in this regard the Chief Director or one of the IEA Directors could be contacted.
8.	The EIA Regulations refers to reasonable and feasible alternatives to be considered. More than often a private developer has only one specific site and it becomes very difficult / impossible to assess other suitable sites. This would require specialists assessments for all sites, consent from all relevant landowners, which may not approve. Another example is the widening of existing roads, where the only alternative would be realignment / rather development of a new road.	The EIA Regulations, 2014 do not specify that a site alternative **must** be investigated. Other alternatives such as technology, layout, footprint etc. can be considered. A motivation must be provided in the event where no alternatives were considered. Such a motivation would likely be questioned by the competent authority. Often EAPs do not communicate the process they have followed to, where relevant, eliminate other alternatives considered. EAPs must inform the competent authority on how they have chosen the preferred site that is applied for. Just saying it is not reasonable or feasible is inadequate. The information must be included in the documents submitted to the competent authority.
9.	Often exact numbers or thresholds are not available when the EIA is applied for. In this regard it is difficult to at application stage to know what exactly required on the environmental authorisation is.	The following should be considered: o A range is given instead of using the word 'approximate'. E.g. the clearance of between 40 and 65 ha of indigenous vegetation. The drilling of between 200 and 600 boreholes within area x. o A maximum is provided: E.g. the clearance of up to 65 ha of indigenous vegetation. The drilling of a maximum of 600 boreholes within area x @ a maximum depth of 300 meters. This issue (whether an applicant will be required by the DMR to provide the exact number and location of the boreholes) will be considered on a case by case basis. Exceptions to the rule has been allowed. Where relevant, the applicant or EAP must clearly explain why the exact location cannot be provided at that time.
10.	It is very difficult for applicants to provide the DMR with the exact number and location of planned boreholes when submitting an application for environmental authorisation a prospecting right. Desktop studies are at times only done after the issuing of the prospecting right and application for environmental authorisation.	
11.	I&APs more than often understands Google Earth images or Google Maps much better than municipal plans. In the EIA process there are place for both Google images, site land and municipal plans.	For site specific purpose, Google maps are not clear and are therefore discouraged. It is often difficult to identify the location and footprint of the development as legends and outlines are often not included in the google maps received. For EIA reporting purposes it is indeed acceptable to use Google to supplement maps. In future the use of screening tool will assist with this matter.
12.	At times up to three specialists are appointed to undertake a certain specialist assessment, until a report which is acceptable to the applicant is received. This borders on deception.	The scenario sketched borders on deception. A way may need to be found to regulate specialists differently. Competent authorities first need to consider how to frame the problem towards resolving the matter. DEA to consider whether the EIA Regulations provide the competent authorities enough safeguards to deal with the concerns raised.

13.	Often the glossaries in reports are left wanting. In addition care needs to be taken regarding terminology used in reports. It may not be deliberate, but technical jargon in reports are misleading.	Concern noted. EAPs and competent authorities need to take note of these issues (EAPs in drafting the reports and competent authorities in the review thereof). I&APs to include such issued at commenting stage.
14.	There are often discrepancies between the opinion of the EAP and specialist on the same project. How should an EAP approach this? Should the EAP attempt in finding some middle ground.	It is imperative to understand that where a specialist make recommendations in terms of a specific impact / field, the EAP also needs to consider other specialist assessments (for other impacts and fields) and after weighing all the positives and negatives up conclude an holistic informed recommendation. The EAP must consider all impacts and specialists studies to inform a final site put forward, as well as putting forward mitigation measures associated with the impacts. In this regard the final proposal / preferred option will often reflect a middle ground and not necessarily reflect the option proposed by the specialist(s).
15.	Often the terms of reference changes along the way. This will affect the conclusions drawn by different specialists.	Such a scenario borders on deception. The EAP and all appointed specialists **must** assess the same 'development site'. Competent authorities need to take note of these issues in the review of reports.
16.	Specialist studies at times do not include a validity period for the study e.g. it would be applicable for a specific time.	The DEA normally works with a 5 year validity period but this is amongst other variables very site and environment specific. The validity period will therefore differ on a case by case basis. The onus rest on the EAP to motivate to the competent authority why he or she is of the view that an existing specialist study is still valid, alternatively outdated. The competent authority will always follow a precautionary approach.
17.	Section 24 K and J Guidelines must be applied and CAs need to consider such in reviewing applications. Often the Need and Desirability and PPP Guidelines are not applied by the EAPs and subsequently also not considered by the CA. EAPs and specialists are often not experts in ratings significance and the CAs should take care in reviewing all submitted reports.	Concern noted. EAPs and competent authorities need to take note of these issues (EAPs in drafting the reports and competent authorities in the review thereof).
18.	Recently a specialist report for oil spill modelling has been challenged as part of an offshore application. DEA, rather the Minister of Environmental Affairs, only becomes involved if an appeal is submitted. Is there a way that the DEA may become involved earlier? Can a pre- appeal be made with regards to procedural flaws?	The following clarification are provided: o Neither the EIA Regulations nor the Appeal Regulations provide for a pre-appeal. o The Minister for Environmental Affairs will and can only get involved once an appeal has been submitted, thus ensuring an objective consideration of the submitted appeal. o Section 43(1A) of NEMA stipulates the following: *'Any person may appeal to the Minister* ***against a decision made in terms of this Act*** *or any specific environmental management Act* ***by the Minister responsible for mineral resources*** *or any person acting under his or her delegated authority'.* Should an application for environmental authorisation be issued for such exploration and the I&AP be of the view that this decision was

		based upon a biased specialist report or inadequate information, an appeal can at that point in time be submitted to the Minister of Environmental Affairs o The DEA and / or the relevant provincial environmental Department are at times a commenting party. o Regulations 13 and 14(2) of the EIA Regulations, 2014, should be considered. In this regard the Regulations stipulates the following: *Other than circumstances where the requirement of independence in regulation 13(1)(a) has been met by compliance with regulation 13(2) and (3),* ***an interested and affected party may notify the competent authority of any suspected non-compliance with regulation 13****.* In such an event the competent authority must investigate where concerns are raised. o I&APs are strongly advised to raise all issues of concerns in commenting on any draft reports (commenting directly to the EAP). I&APs can copy the relevant regional office of the DMR.
19.	Bigger picture ideologies / cumulative impacts should be considered at the start of a project. The example of climate change was used: o A lot of data is readily available. This can be used for strategic screening at competent authority level to determine if a project should be pursued at all. o Often new information becomes available after policy decisions have been taken, which should be considered in the EIA process.	The country has made certain commitments towards climate change, which have found resonance in various policies, for example the Integrated Resource Plan that talks to what may be authorised in terms of renewable energy etc. In this regard a limit for e.g. coal fired power generation has been set. There is also other processes such as the proposed Climate Change Bill and relevant Regulations that will likely be developed which will consider more recent and relevant information.
20.	Interpretation of "directly related". Would general waste not at times be directly related to mining?	This is a project- specific question to be addressed outside of this meeting. Where an activity under the NEMA or the NEMWA is triggered and such activity is directly related to mining, **it does not require an existing link to a mining right or permit to establish DMR's competency**. The NEMA, NEMWA and the EIA Regulations clarifies that the Minister responsible for mineral resources is the competent authority where the listed or specified activity is or is directly related to prospecting or exploration of a mineral or petroleum resource; or extraction and primary processing of a mineral or petroleum resource.
21.	Section 24G is often abused as some proponents have identified this provision as a way to get around the need to present alternatives.	Section 24G has been included in the NEMA to bring an entity back into the regulatory net. It was not initially intended to extend indefinitely. The NEMLA Bill proposes, amongst many other, the following amendment to NEMA: o Once an application in terms of Section 24G is submitted, the activity must, without exception, cease. o Providing certain powers compliance and enforcement to DEA's EMIs also for projects where the DMR is the competent authority. The NEMLA Bill has been adopted by the Portfolio Committee. The next step is the passing thereof by the National Assembly. Thereafter it will be referred to the National Council of Provinces for consideration. Government is well aware of the exploitation of this section by some proponents. Section 24G environmental authorisations often includes very strict conditions. Administrative enforcement action would result in bringing the

		transgressor back into compliance (e.g. developers may be directed to rehabilitate a site before the Section 24G application have been finalised). It is important to note that in terms of Section 49A(1)(a) of NEMA person is guilty of an offence if that person commences with a listed or specified activity. Section 49B of NEMA further provides for a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine or such imprisonment, in cases where a person is convicted of such an offence.
22.	Transparency of calculating the fine is required in terms of PAJA.	The Section 24G Fining Regulations require minutes of meetings where fine amounts were concluded. These minutes can be made available upon request. The DEA has commenced with the development of a Section 24G Register. The register will, *amongst many other,* likely reflect decisions issued and fining amounts, both nationally and provincially.
23.	There is a lack of guidance on how to proceed as Section 24G applications does not need to follow the process prescribed in the EIA Regulations. This causes confusion in terms of the required level of assessment. In addition no time-frames are prescribed and Public participation requirements are vague. Consequently requirements from competent authorities differ substantially and are being implemented inconsistently country-wide.	It is imperative to understand that Section24G requirements differs from a case to case basis. E.g. an application for the unlawful commencement of a road where only 0,01% of the road has been developed *(99.9% of the road has not yet been commenced with)* where the Section 24G application will follow a process similar to full S&EIr for the entire road versus another project where e.g. a townhouse complex was unlawfully developed 11 years ago (transformation of land activity at the point in time and the entire 1 ha site was fully developed more than a decade back).
24.	Where is the shortcut referred to if the EIA process must still be followed?	The shortcut is that the applicant is not subject to the rigour of the EIA Regulations, 2014. Some competent authorities may require the proponent submitting a Section 24G application for environmental to follow a process very similar to that prescribed in the EIA Regulations, where another authority may request a process and information complying with Sections 24G and 24(4)(a) of the NEMA.
25.	Waste and mining related activities- often the two departments do not provide conclusive answers.	Contact the DEA (Directorate: Waste licensing) as soon as possible in order for the CAs to liaise and resolve the matter.
26.	Prospecting, exploration, mining and production are listed separately in the EIA Regulations and separate applications for environmental authorisation are required. The cumulative impacts are therefore not considered where a proponent will e.g. prospect and thereafter mine or where exploration is to take place followed by production at a later stage. Impacts associated with the production phase or mining phase should also be assessed right up front with the exploration phase or prospecting phase.	Prospecting will not always result in mining. In the same regard exploration does not always result in production. Prospecting and exploration are, respectively in laymen terms the searching of economically exploitable petroleum or mineral deposits. An application for environmental authorisation and its associated report and EMPr must be aligned with the listed and / or specified activities requiring an environmental authorisation. For prospecting and exploration, the relevant phase (requiring an environmental authorisation) must be assessed and reported upon. During the public participation process I&APs must be informed of the reason for such prospecting or exploration, including the

	Local communities must be informed of the impacts associated with production. The competent authority must ensure that cumulative impact needs to cover the whole cycle of the mine.	possible medium to long term intention of mining and / or production [also that if this is to materialise an application for environmental authorisation for such (that phase) will also be required prior to such production or mining]. Should no economically exploitable petroleum or mineral deposits be found, production or mining will not materialise. Should economically exploitable petroleum or mineral deposits be found and the proponent continues in submitting an application for environmental authorisation for the mining or production phase, the status quo of the environment (at the given time), including current impacts of the prospecting or exploration phase, need to be considered and reported upon.
27.	Clarification required on Regulation 3(7) of the EIA Regulations, 2014, more specifically the term *'exceptional circumstances'*.	Regulation 3(7) stipulates the following: '*In the event where the scope of work must be expanded based on the outcome of an assessment done in accordance with these Regulations, which outcome could not be anticipated prior to the undertaking of the assessment, or in the event where exceptional circumstances can be demonstrated, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension'*. Exceptional circumstances are unforeseen circumstances or circumstances one could not have anticipated. This will e.g. include the hospitalisation or death of the EAP or specialist. Each scenario needs to be considered on its own merits. Competent authorities are continuously discussing this matter (at the quarterly national implementation workshop) thereby ensuring consistent implementation of Regulation 3(7).
28.	Is it possible for a competent authority to extend a period after the application has lapsed?	A request for extension must, where possible, be made timeously. The EIA Regulations, 2014, does not allow a competent authority to extend any prescribed timeframe after the lapsing of an application.
29.	An environmental authorisation has been issued by the KZN EDTEA for a mining project. One of the conditions requires the establishment and securing of an offset. The DMR, in terms of NEMA section 24C is now the competent authority for the matter. This leaves the Offset committee in limbo.	The inquirer to provide the DMR and / or DEA with more information in this regard, thereby enabling an informed response.
30.	**Queries addressed to KZN EDTEA**: All applications for environmental authorisation must consider the cost and benefit of a development. Special emphasis must be placed on impacts on the community. The term 'job opportunities' used in EIAs more than often refers to short term jobs. A change in approach is required in that EIAs must focus on career development or actual careers.	**KZN EDTEA response**: The KZN EDTEA regional application forms include certain questions with regards to the economic and job creation value of the development. This assist the competent authority in determining the importance of a project. Applicants and EAPs must qualify in the reports the information required in the application form.

C. Energy Applications and EIA Regulations 15 and 23 (3&4)		
This presentation was made by Ms. Sibusisiwe Hlela of the DEA. Amongst other, the following clarification was provided:		Contacts to whom queries should be emailed: **For queries related to the REDZ:** • For interpretation queries related to the REDZ contact the IQ Helpdesk- iq@environment.gov.za **For queries related to the presentation:** • For queries related to the presentation contact Ms. Sibusisiwe Hlela- shlela@environment.gov.za
Comments and Concerns Raised By Applicants, Regulated Community, EAps, Specialists, Ngos, I&Aps And Other		**DEA Response / Way Forward / Clarification Provided** **Please note that, where relevant, more clarity / improved explanation to the issue raised at the seminar are provided below.**
1.	A concern was raised with regards to the level of public participation processes during the development of Strategic Environmental Assessments (SEAs). It was submitted that for the development of e.g. linear activities stretching over many provincial borders, only one or two public participation meetings are held per province and that such is clearly inadequate and not aligned with the 'spirit' of the NEMA. . Emphasis was placed on the strict Public Participation requirements of the EIA Regulations, 2014 where all possible I&APs must be provides an opportunity to participate in the process, whereas the same does not seem to apply for the development of SEAs. It was further submitted that most I&APs, especially poorer communities who does not have the financial means to travel far distances, are deprived the opportunity to participate and / or meaningfully participate.	Submission noted. DEA will engage the relevant officials responsible for the development of SEAs.
2.	In the event where another development type is planned within the Renewable Energy Development Zone (REDZ) area or the Strategic Transmission Corridors: ○ Does these areas constitute a restriction or prohibition to such other development types? ○ Can the competent authority entertain the application and authorize such? ○ Must and will the sensitivity layers be considered for such?	**Prohibition or restriction** Section 24(2) (2A) of NEMA makes provision for the Minister to by notice prohibit or restrict the granting of an environmental authorisation by any competent authority for a listed or a specified activity in a specified geographical area for such period and on such terms and conditions as the Minister may determine, if this is necessary to ensure the protection of the environment, the conservation of resources or sustainable development. The REDZ and the Strategic Transmission Corridors have not been developed for this purpose and the intention was never to do so.

		Consideration of other development types within these areas Applications for environmental authorisation for other development types within the REDZ and the Strategic Transmission Corridors will most definitely be considered. As per above, the REDZ and the Strategic Transmission Corridors do not constitute a restriction or prohibition of any development types. The relevant areas are geographically very large and there are most definitely place for developments other than energy generation, transmission and distribution. In some cases different development types may even exist on the same location. The REDZ and Strategic Infrastructure Corridors only applies for a certain development type, to follow a different process as outlined in the EIA Regulations. All other applications will have to comply with the requirements of the Regulations. **Consideration of REDZ and Strategic Transmission Corridors sensitivity layers for other development types** In defining the REDZ and the Strategic Transmission Corridors areas certain variables / sensitivity layers have been applied that are not relevant for most other development types (e.g. defense, flickering, wind speed). Where relevant, individuals sensitivity layers used for the REDZ and the Strategic Transmission Corridors areas have been included in the screening tool.
3.	**The GAS Pipeline SEA:** ○ The proposed corridor encompasses a large number of species. The following of the Basic Assessment process, in the absence of a Scoping Stage, would not make sense. ○ Many crucial issues that may possibly constitute fatal flaws are inadequately addressed in the SEA in its current form. ○ Will DEA be able to revise the study and allow for 'adequate' public participation?	Submission noted. DEA will engage the relevant officials responsible for the development of SEAs.
4.	The REDZ and the Strategic Transmission Corridors has been established and gazetted for implementation. In certain areas within the gazetted areas there are numerous vulture populations. What would the way forward be in this regard? There is a perception from certain proponents, applicants and other I&APs that should an application for environmental authorization be submitted within the REDZ or the Strategic Transmission Corridors areas, that an environmental authorization will be issued and that such will not be refused by the relevant competent authority.	An application for environmental authorisation for renewable energy generation, transmission and distribution will still be subjected to the EIA Regulations, 2014, by following the procedure as prescribed in regulations 19 and 20 of the Environmental Impact Assessment Regulations published in terms of section 24(5) of the Act (the Basic Assessment Process). A thorough assessment of all impacts must be undertaken even for projects within the zones. In terms of Regulation 20(1)(b) of the EIA Regulations, 2014 the relevant competent authority **may and will in case of a fatal flaw refuse the application.**

5.	The REDZ and Strategic Transmission Corridors encompasses large number of species. Including but not limited vultures. It does not make sense to merely follow the Basic Assessment process as no Scoping is any longer required.	In the event where GNR 113 and / or GNR 114 applies, the procedure as prescribed in Regulations 19 and 20 of the Environmental Impact Assessment Regulations published in terms of section 24(5) of the Act must be followed (the Basic Assessment Process). The Regulations does not provide for a competent authority to agree to or request a S&EIAr instead of a BAR. The SEAs for 1. Electricity Grid Infrastructure (EGI) and 2. Wind and Solar Photovoltaic Energy effectively constituted / took the place of the Scoping Phases as prescribed in the EIA Regulations, 2014.
6.	For applications for environmental authorisation for the development of power lines: ○ are possible impacts on nocturnal birds appropriately considered; and ○ are power line markings, avoiding or reducing casualties and mortalities in principle required.	Yes, these impacts are considered. There is currently work on marking of power lines for nocturnal species.
7.	Appendix 6 to the EIA regulations, 2014 is very clear in that a specialist report, must amongst many other, provide recommendations, impact management outcomes to be included in the EMPr as well as for inclusion as conditions of authorisation (should environmental authorisation be granted). At time a specialist assessment says nothing, alternatively very little. It would be unacceptable for a competent authority to issue an environmental authorisation where a specialist report does not comply with Appendix 6 of the EIA Regulations, 2014.	A specialist assessment must comply with appendix 6 to the EIA Regulations, 2014. Competent authorities in the review of applications for environmental authorisation, including the specialist reports, must amongst other consider: ○ The level to which the report complies with Appendix 6. ○ As to whether the EAP has included a summary of the findings and recommendations of any specialist report. ○ As to whether the EAP has included an indication as to how the specialist's findings and recommendations have been included in the final assessment report. **Competent authorities:** Competent authorities are continuously discussing such matters at the quarterly national implementation workshop. DEA committed to sensitize all competent authorities about the matter. **I&APs:** I&APs were requested to, where relevant in commenting on draft reports, sensitize the EAPs about the matter.
8.	Pre-negotiated routes, even situated in the middle of one of the gazetted Strategic Transmission Corridors, could possibly have fatal flaws. In addition, one or more landowner may refuse to negotiate or agree to a power line alignment.	In terms of Regulation 20(1)(b) of the EIA Regulations, 2014 the relevant competent authority may and will in case of a fatal flaw refuse the application. In worst case scenarios, where relevant, land can be expropriated by following the procedures prescribed in relevant legislation.