



# groundWork

Environmental justice action

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4 August 2020

RECIPIENTS:

The Director-General  
The Department of Environment, Forestry and Fisheries

For the attention of: Dr D Fischer  
By email: [dfischer@environment.gov.za](mailto:dfischer@environment.gov.za)

**SUBJECT: REQUEST FOR EXTENSION FOR THE SUBMISSION OF WRITTEN COMMENTS TO THE PUBLIC NOTICE FOR THE INTENTION TO CONSULT ON VARIOUS ENVIRONMENTAL MANAGEMENT INSTRUMENTS**

1. As an environmental and social justice organization, groundWork wishes to request an extension on the above-mentioned Public Notice process for the reasons outlined below:
  - 1.1. The dates of the advertised notices range from 23<sup>rd</sup> to 31<sup>st</sup> July 2020, that is, six to fourteen days after the publication of the notice, thereby shortening the 30-day period of ability for the public to take note of and respond to the adverts.
  - 1.2. The advertised notices, based on tear sheets submitted to groundWork via email on 3<sup>rd</sup> August 2020 only included Isolezwe, Daily Dispatch and the Sowetan. However, the area of impact of the proposed Renewable Energy Development Zones (REDZs) and corridors extends into the North West Province, Limpopo, Mpumalanga, Free State, Northern Cape and Western Cape. It is not clear that the abovementioned newspapers reach all of the aforementioned provinces and accordingly it is not clear whether all interested and affected parties will be reached and thus have an opportunity to comment.
  - 1.3. With purchase and distribution of Newspapers being reduced during the Covid-19 pandemic, suitable forms of notification need to be utilized to ensure adequate and complete public notification, including radio, municipal Facebook pages, SMS notifications etc. in all affected provinces.
  - 1.4. Furthermore, the links supplied on the advertised notice do not work and are thus not accessible to those who may have had access to the adverts. The links are



dependent on the type of browser used (which was not indicated on the advertised notices). This would add to further exclusions, as well as disruptions to the time allocated for review and comment. The links we believe, should have been accessible to all browsers including the popular browsers.

2. Given the limiting conditions under the National State of Disaster and restrictions imposed on people during lockdown we believe that the Public Notice and the projects set out therein is of national importance, yet the publication of the Public Notice in the manner that is currently is, excludes the majority of the interested and affected public and caters exclusively for the few with access to digital and online platforms to access documentation. The documentation should be provided in simplified format for ease of use and that does not require excessive amounts of data to download.
3. We are also of the view that the process is inadequate in relation to the National Environmental Act, 107 of 1998 (NEMA) which sets out principles relating to public participation with regards to actions by organs of state that may include significantly affect the environment, including that:
  - 3.1. The participation of all Interested and Affected Parties (I&APs) in environmental governance must be promoted, and all persons must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured[1].
  - 3.2. Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge[2].
  - 3.3. Decisions must be taken in an open and transparent manner and access to information must be provided in accordance with the law[3].
  - 3.4. The vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted[4].
4. Furthermore:
  - 4.1. We are aware that Annexure 3 to the Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences published by the Department of Environment, Forestry and Fisheries in terms of the Disaster Management Act mandates that you prepare and submit a written public participation plan containing proposals on how the identification of and consultation with all potential I&APs will be ensured in accordance with regulation 41(2)(a) to (d) of the EIA Regulations or proposed alternative reasonable methods as provided for in regulation 41(2)(e) of the EIA Regulations.

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[1] Section 2 (4) (f)

[2] Section 2 (4) (g)

[3] Section 2 (4) (k)

[4] Section 2 (4) (q)



- 4.2. We understand that you may make provision for the use of radio advertisements, community representatives, and distribution of notices at places that are accessible to potential I&APs as outlined in the Directives, however we have not been provided with proof of this.
- 4.3. In addition, the Directions state that applicants, environmental assessment practitioners, specialists and professionals, where relevant, must ensure that all reasonable measures are taken to identify potential I&APs for purposes of conducting public participation on the application and to ensure that, as far as is reasonably possible, taking into account the specific aspects of the application:
- (a) information containing all relevant facts in respect of the application or proposed application is made available to potential I&APs; and
  - (b) participation by potential or registered I&APs has been facilitated in such a manner that all potential or registered I&APs are provided with a reasonable opportunity to comment on the application or proposed application.
5. We are of the view that public participation processes including notification should allow for sufficient time and process to engage with the affected people in order for the process to be inclusive, transparent, just and fair. We therefore request:
- 5.1. A revised Notification Schedule to include all impacted provinces including Limpopo, North West, Mpumalanga, Free State, Northern Cape and Western Cape, which were excluded from the notification adverts.
  - 5.2. That all measures are taken for national public participation required on this process and to ensure notification of ALL potentially impacted people and groups including communities and key organisations within the proposed REDZs and corridors within with this Public Notice intends to 'streamline' the environmental impact process.
  - 5.3. That there is ease of access to information to the public and sufficient time allocated for the review of all the available and requested documentation to allow for meaningful comment and response.
  - 5.4. That an extension is granted to address the above and allow for sufficient time for proper notification processes and sufficient time to review and submit comment.

We await your response to our request.

Yours sincerely,

**groundWork**  
Avena Jacklin  
Climate and Energy Justice Campaign Manager