

# One Environmental System – timeframes and procedures

IAIA Annual Conference

10 August 2015

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**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA



# Structure of presentation

- Objective - Basic assessment process
- Scope of BA report
- Timeframe of the BA process
- Objectives – Scoping report
- Content of a Scoping report
- Objectives of the Impact Assessment process
- Scope and content
- Timeframes for BA process

# Basic Assessment process

- Objective - Through a consultative process:
  - ✓ determine the policy and legislative context within which the proposed activity is located and how the activity complies with and responds to the policy and legislative context;
  - ✓ identify the alternatives considered, including the activity, location, and technology alternatives;
  - ✓ describe the need and desirability of the proposed alternatives;
  - ✓ By undertaking the impact and risk assessment process inclusive of cumulative impacts for aspects including geographical, physical, biological, social, economic, heritage, and cultural sensitivity of the sites determine-
    - the nature, significance, consequence, extent, duration, and probability of the impacts occurring to; and
    - the degree to which these impacts- can be reversed, may cause irreplaceable loss of resources and can be avoided, managed or mitigated

# Basic Assessment process

- ✓ through a ranking of the site sensitivities and the possible impacts of the activity as well as any alternatives including technology alternatives will impose on the sites through the life of the activity to-
  - identify and motivate a preferred site, activity & technology alternatives
  - identify suitable measures to avoid, manage or mitigate identified impacts; and
  - identify residual risks that need to be managed and monitored.

# Scope of a Basic Assessment report

- Details and expertise of the EAP
- Location of the activity
- A plan which locates the proposed activity or activities applied for as well as associated structures and infrastructure
- a description of the scope of the proposed activity, including all listed and specified activities
- a description of the policy and legislative context within which the development is proposed **including** a discussion on how the project complies with and responds to the legislation and policy context
- a motivation for the need and desirability for the proposed development including the need and desirability of the activity **in the context of the preferred location;**
- **a motivation for the preferred site, activity and technology alternative;**

# Scope of a Basic Assessment report

- Describe the **process undertaken to identify, assess and rank** the impacts the activity will impose on the preferred location through the life of the activity
- **Provide an assessment of each identified potentially significant impact and risk, including cumulative impacts**
- where applicable, a **summary of the findings and impact management measures identified in any specialist report** complying with Appendix 6
- An **environmental impact statement** which contains
  - a **summary of the key findings** of the environmental impact assessment;
  - a **map** at an appropriate scale **which superimposes** the proposed **activity and its associated structures and infrastructure on the environmental sensitivities** of the preferred site indicating any **areas that should be avoided, including buffers**; and
  - A summary of the positive and negative impacts and risks of the proposed activity and identified alternatives

# Scope of a Basic Assessment report

- based on the assessment, and where applicable, **impact management measures from specialist reports**, the recording of the proposed impact management objectives, and the impact management outcomes for the development for inclusion in the **EMPr**;
- **any aspects which were conditional to the findings of the assessment** either by the EAP or specialist which are to be included as **conditions of authorisation**;
- a description of any assumptions, uncertainties, and gaps in knowledge which relate to the assessment and mitigation measures proposed;
- **a reasoned opinion as to whether the proposed activity should or should not be authorised**, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation;

# Scope of a Basic Assessment report

- an undertaking under oath or affirmation by the EAP in relation to:
  - ✓ the correctness of the information provided in the reports;
  - ✓ the inclusion of comments and inputs from stakeholders and I&APs;
  - ✓ the inclusion of inputs and recommendations from the specialist reports where relevant;
  - ✓ any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties;
- where applicable, details of any **financial provisions** for the rehabilitation, closure, and ongoing post decommissioning management of negative environmental impacts;



## BA Process

# BA Process

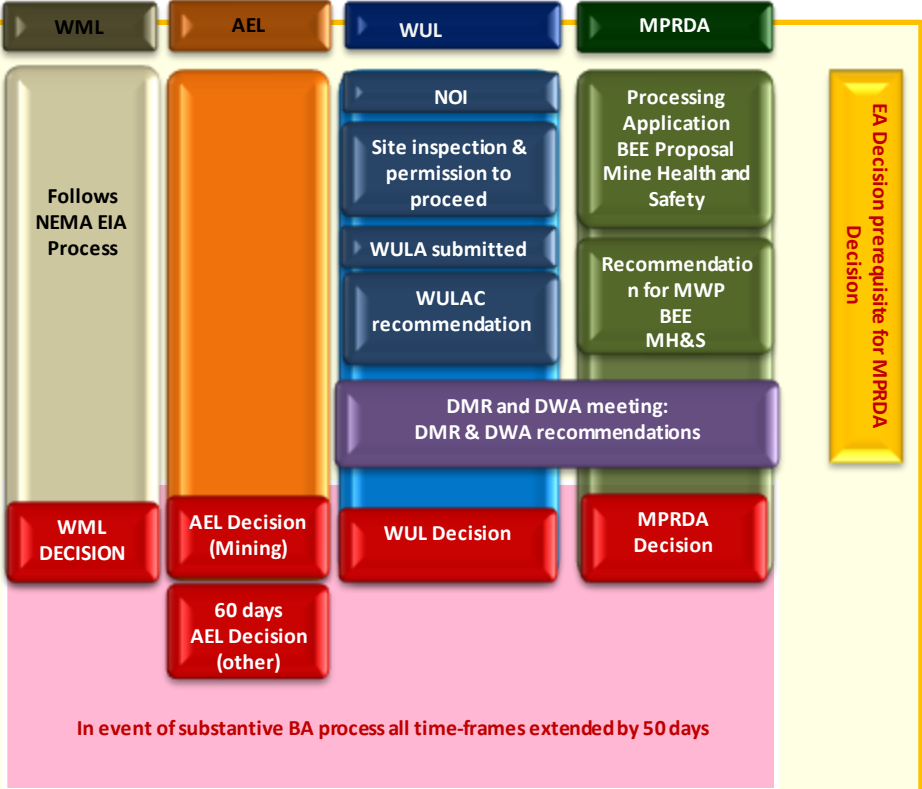
MPRDA Application Accepted

Pre-application (Optional)

247 Days (Substantive)

197 DAYS (Non-substantive)

**BAR process:**  
 197 Days or 247 Days from receipt of application to decision on application for Environmental Authorisation



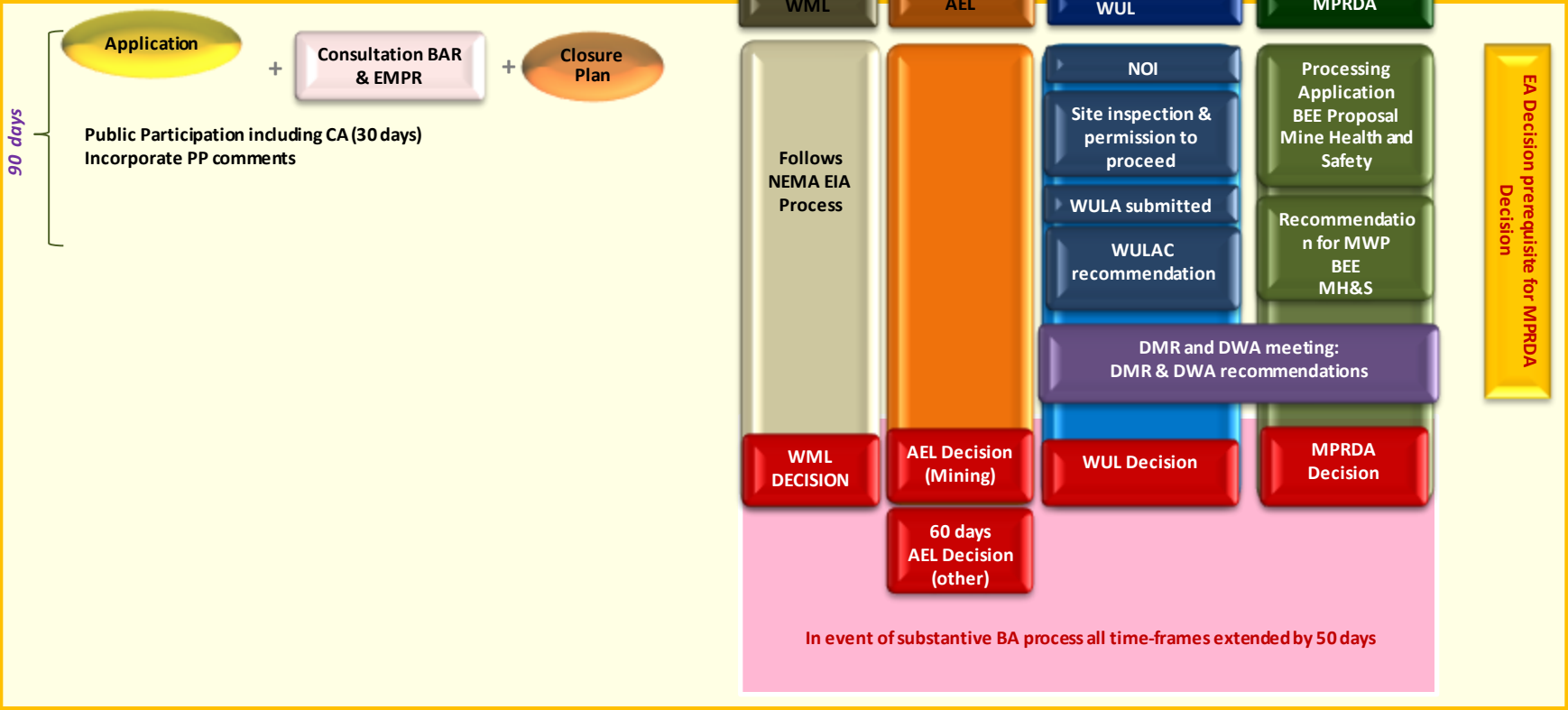
# BA Process

MPRDA Application Accepted

Pre-application (Optional)

247 Days (Substantive)

197 DAYS (Non-substantive)



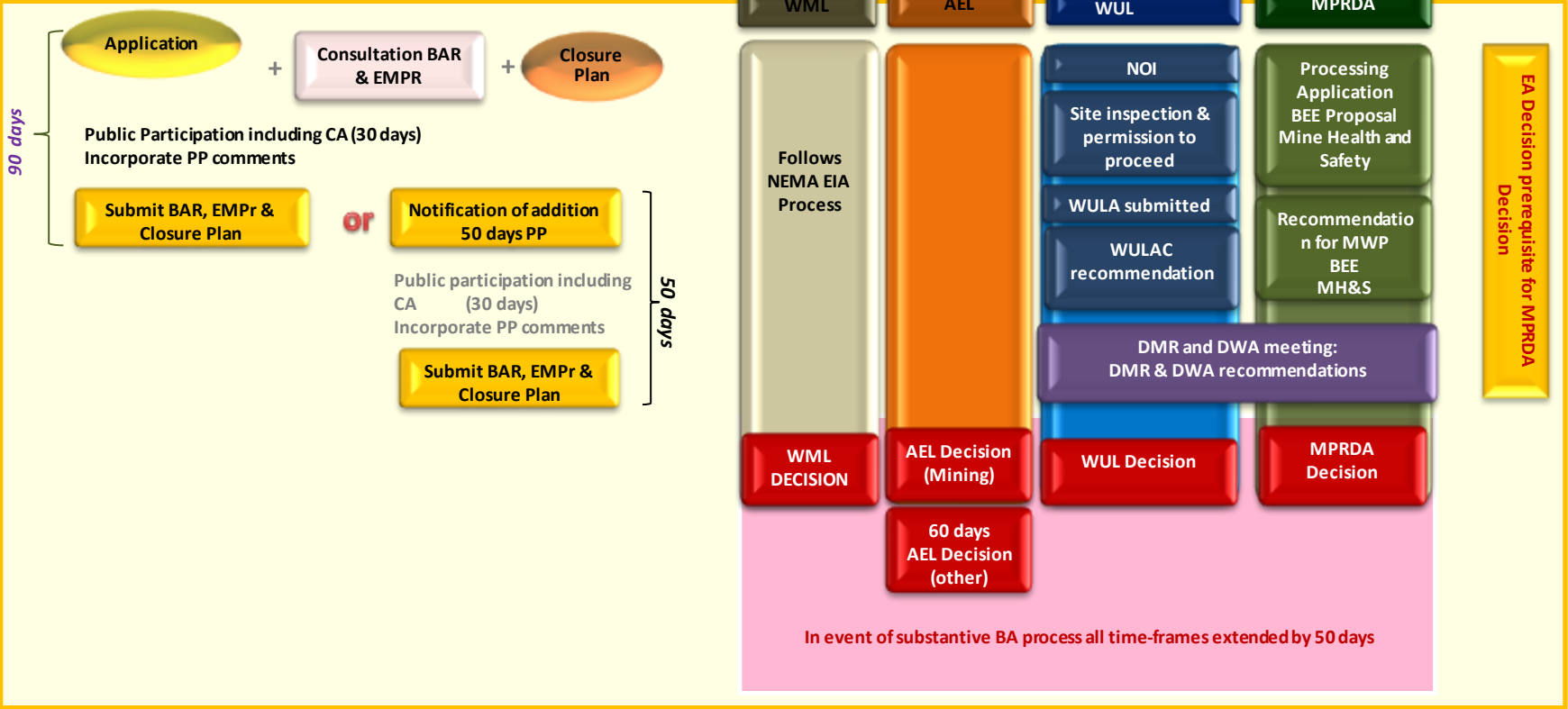
# BA Process

MPRDA Application Accepted

Pre-application (Optional)

247 Days (Substantive)

197 DAYS (Non-substantive)

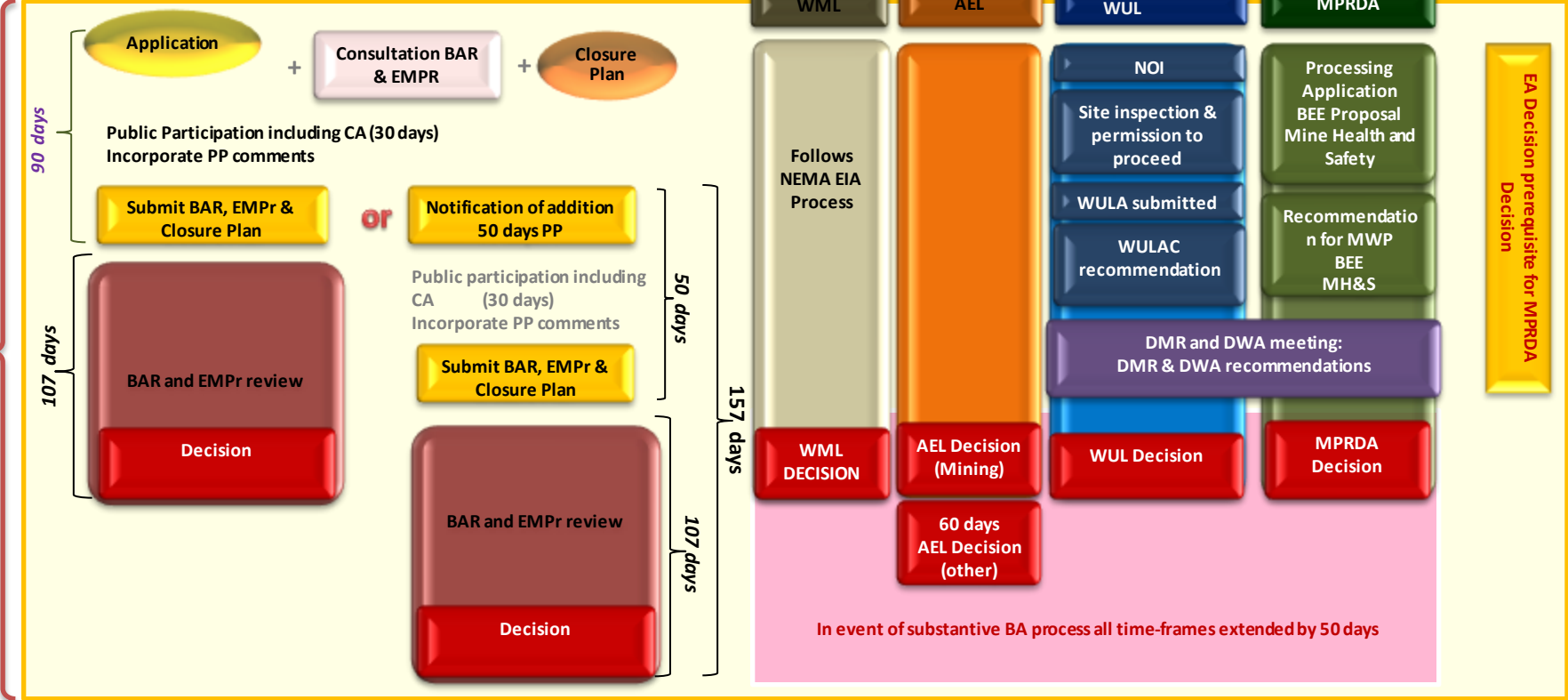


# BA Process

MPRDA Application Accepted

Pre-application (Optional)

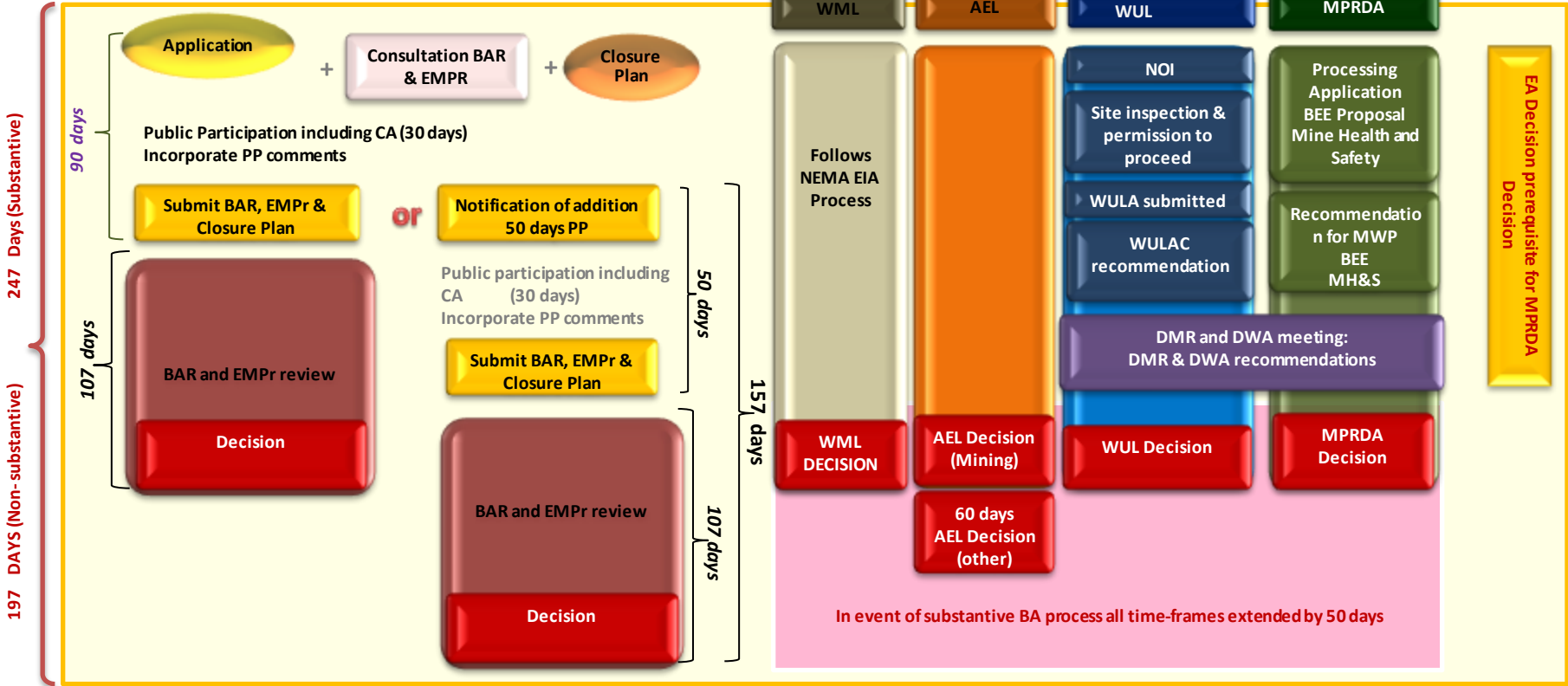
247 Days (Substantive)  
197 DAYS (Non-substantive)



# BA Process

MPRDA Application Accepted

Pre-application (Optional)



90 days  
ENVIRONMENTAL  
AUTHORISATION APPEAL  
FINALISED



90 days  
EA APPEAL DECISION PREREQUISITE  
FOR MPRDA DECISION BECOMING  
EFFECTIVE

# Scoping process – objectives

- Objective – through a consultative process:
  - Identify the relevant policies and legislation relevant to the activity;
  - motivate the need and desirability of the proposed activity, including the need and desirability of the activity in the context of the **preferred location**;
  - identify and confirm the preferred activity and technology alternative through an impact and risk assessment and ranking process;
  - **identify and confirm the preferred site, through a detailed site selection process**, which includes an impact and risk assessment process inclusive of cumulative impacts and a ranking process of all the identified alternatives focusing on the geographical, physical, biological, social, economic, and cultural aspects of the environment;
  - **identify the key issues to be addressed in the assessment phase**;

## Scoping process – objectives

- **Agree on the level of assessment to be undertaken, including the methodology to be applied, the expertise required as well as the extent of further consultation to be undertaken; and**
- Identify suitable measures to avoid, manage or mitigate identified impacts and to determine the extent of the residual risks that need to be managed and monitored



# Content of a Scoping Report

- Details and expertise of the EAP
- Location of the activity
- **A plan** which locates the proposed activities including associated structures and infrastructure
- a **description of the scope of the proposed activity**, including all listed and specified activities
- a description of the **policy and legislative context** within which the development is proposed including a discussion on **how the project complies with and responds to the legislation and policy context**
- a motivation for the need and desirability for the proposed development including the need and desirability of the activity in the **context of the preferred location**;
- **A full description of the process followed to reach the proposed preferred activity, site and location with the site**

# Content of a Scoping Report

- **A plan of study for undertaking the EIA process including:**
  - ✓ a description of the alternatives to be considered and assessed within the preferred site,
  - ✓ a description of the aspects to be assessed as part of the environmental impact assessment process;
  - ✓ aspects to be assessed by specialists;
  - ✓ a description of the proposed method of assessing the environmental aspects, including a description of the proposed method of assessing the environmental aspects including aspects to be assessed by specialists
  - ✓ a description of the proposed method of assessing duration and significance;
  - ✓ an indication of the stages at which the competent authority will be consulted;

# Content of a Scoping Report

- ✓ particulars of the public participation process that will be conducted during the environmental impact assessment process; and
- ✓ a **description of the tasks** that will be undertaken as part of the environmental impact assessment process;
- an undertaking under oath or affirmation by the EAP

# Objective of the environmental impact assessment process

- Objective – Environmental Impact Assessment process:
- Same as for BA – with the following differences
  - ✓ identify the location of the development footprint within the preferred site based on an impact and risk assessment process inclusive of cumulative impacts and a ranking process of all the identified development footprint alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects of the environment
  - ✓ Level of assessment will be different as the key issues will be more due to scale and complexity of the development

# Scope of assessment and content of the impact assessment report

- The scope of the assessment and the content of the impact assessment report will be substantially similar to that of a BA – with the following differences
  - ✓ The level of assessment and will increase as the key issues for consideration will increase due to the complexity and scale of the development
  - ✓ An additional item for discussion – providing an indication of any deviation from the approved scoping report, including the plan of study, including-
    - any deviation from the methodology used in determining the significance of potential environmental impacts and risks; and
    - A motivation for the deviation

## S&EI Process

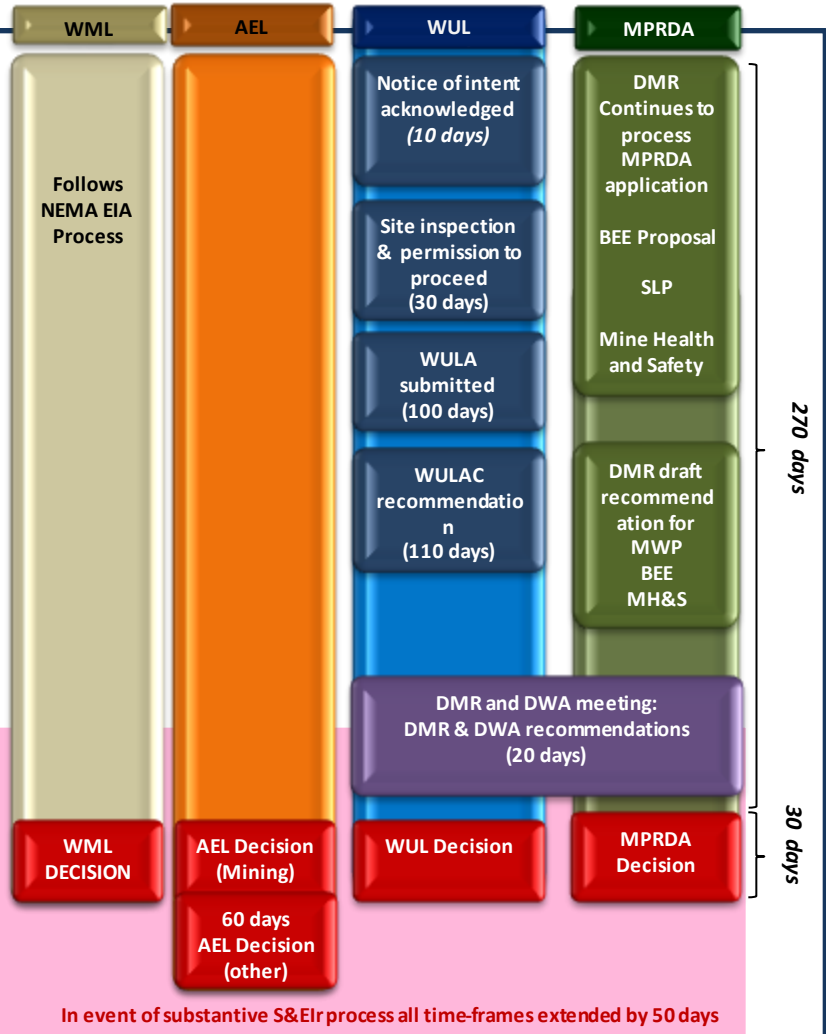
# S&EI Process

Pre-application (Optional)

**S&EIR process:**  
 300 Days or 350 Days from receipt of application to decision on application for Environmental Authorisation

350 DAYS (Substantive)

300 DAYS (Non-substantive)



# S&EI Process

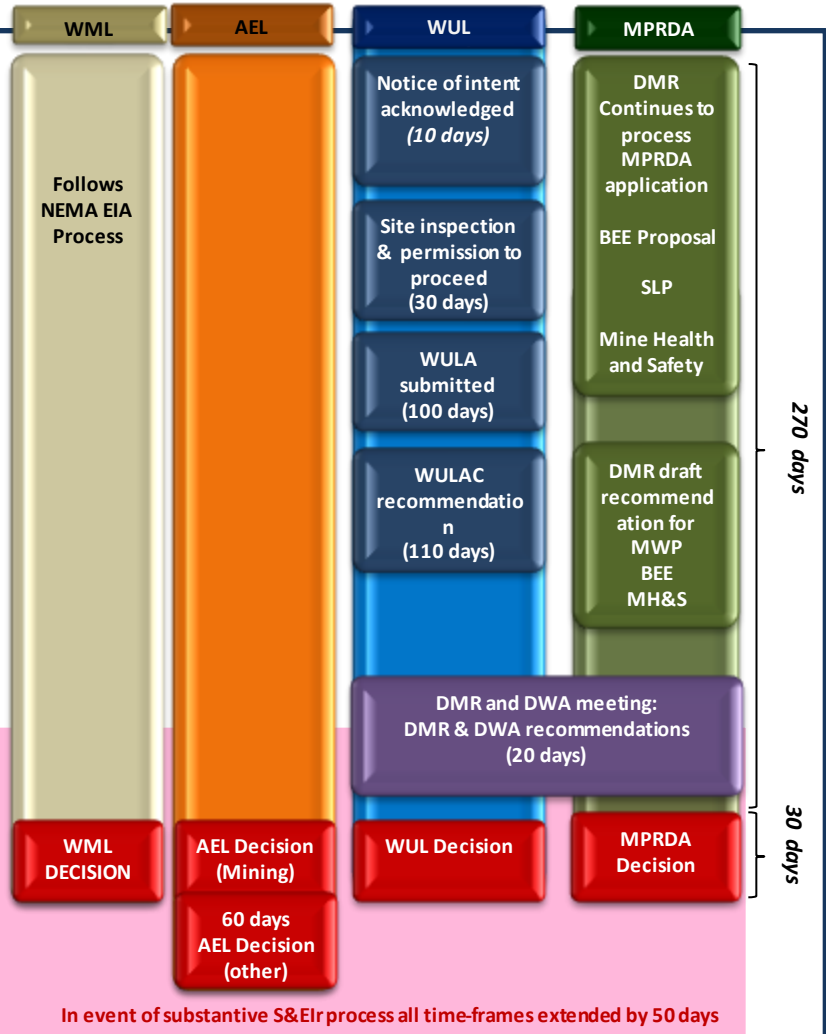
Pre-application (Optional)

350 DAYS (Substantive)

300 DAYS (Non-substantive)

44 days

**Application** (yellow oval)  
**Consultation Scoping report** (pink rounded rectangle)  
 public participation including CA (30 days)  
 incorporate PP comments



EA Decision prerequisite for MPRDA Decision

270 days

30 days

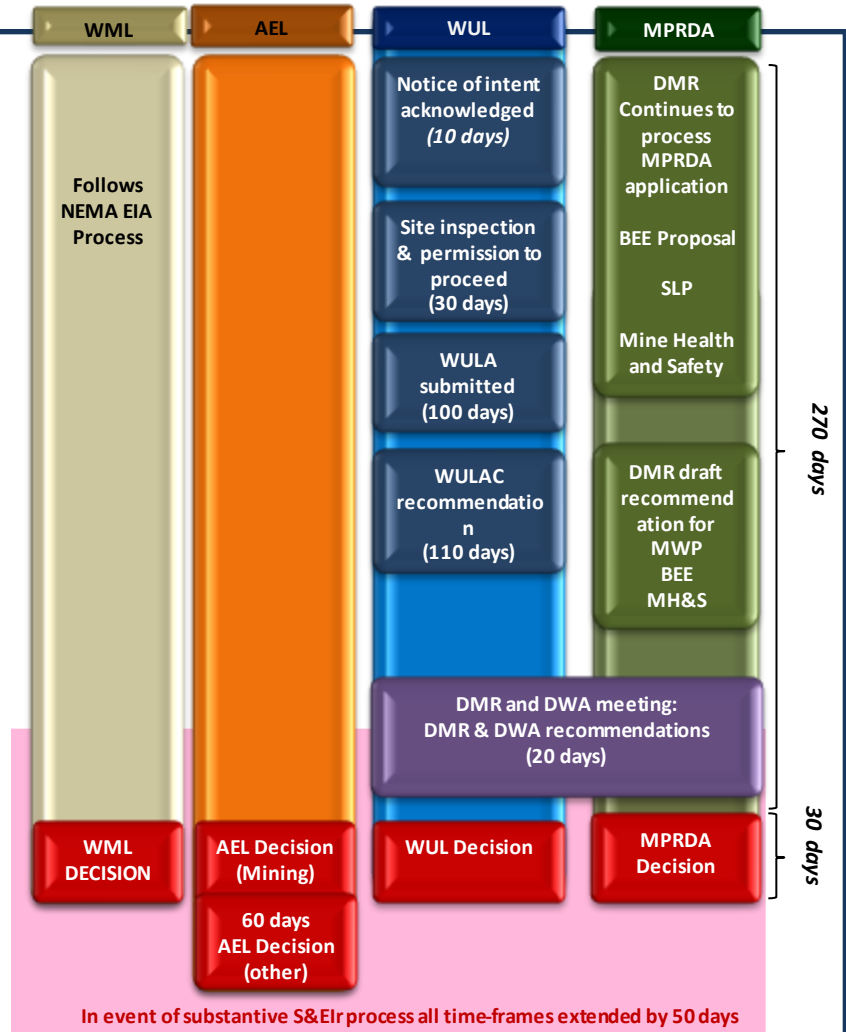


# S&EIR Process

350 DAYS (Substantive)

300 DAYS (Non-substantive)

Pre-application (Optional)



**Application** (44 days)  
public participation including CA (30 days)  
incorporate PP comments

**Consultation Scoping report**

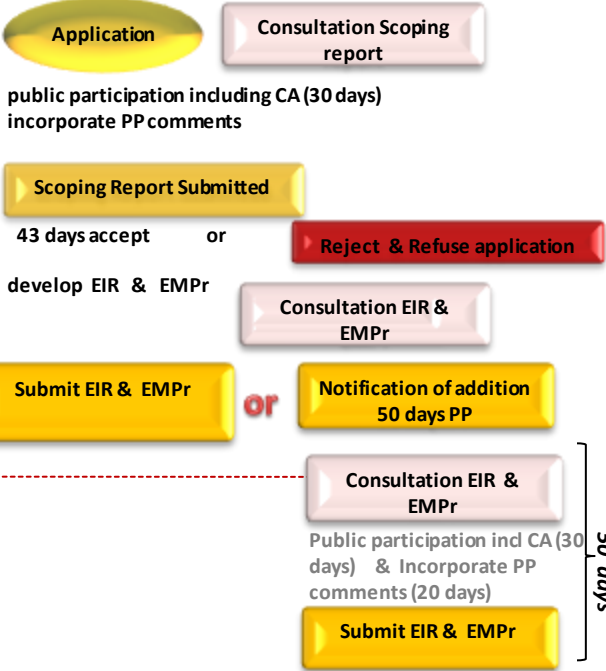
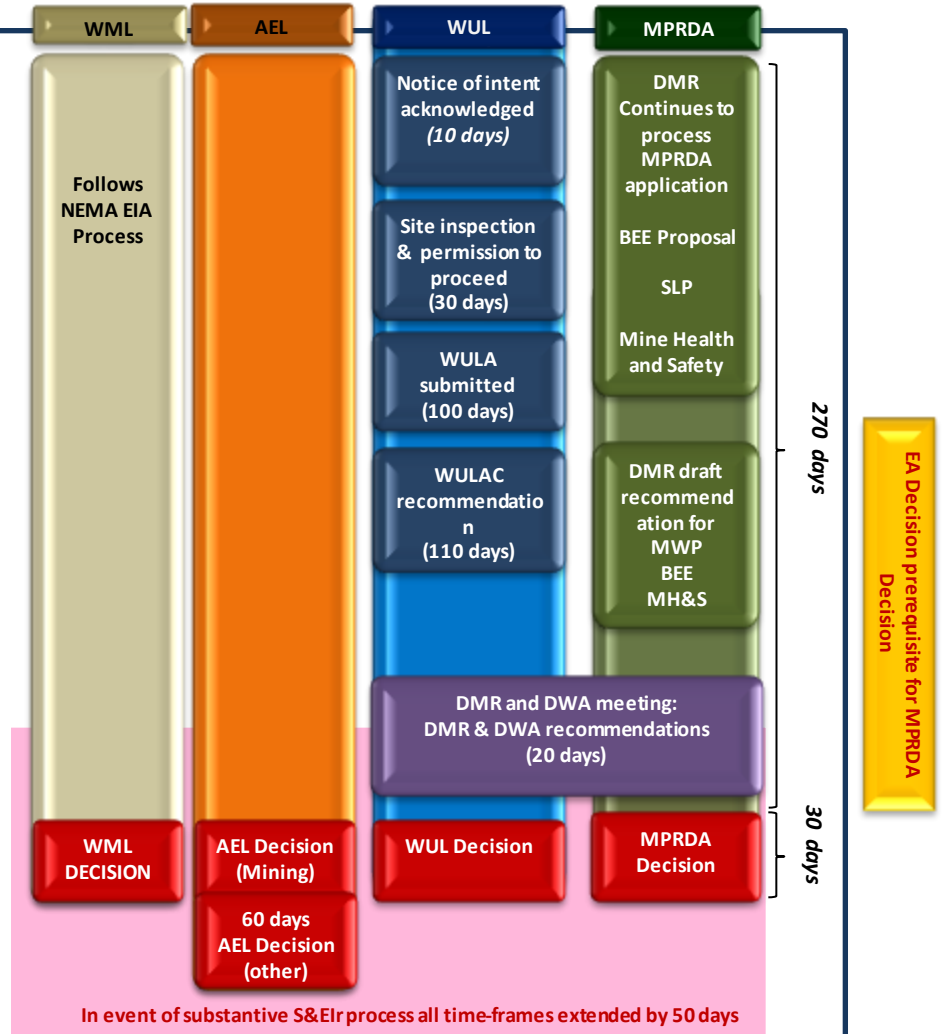
**Scoping Report Submitted** (43 days)  
43 days accept or **Reject & Refuse application**

# S&EI Process

350 DAYS (Substantive)

300 DAYS (Non-substantive)

Pre-application (Optional)

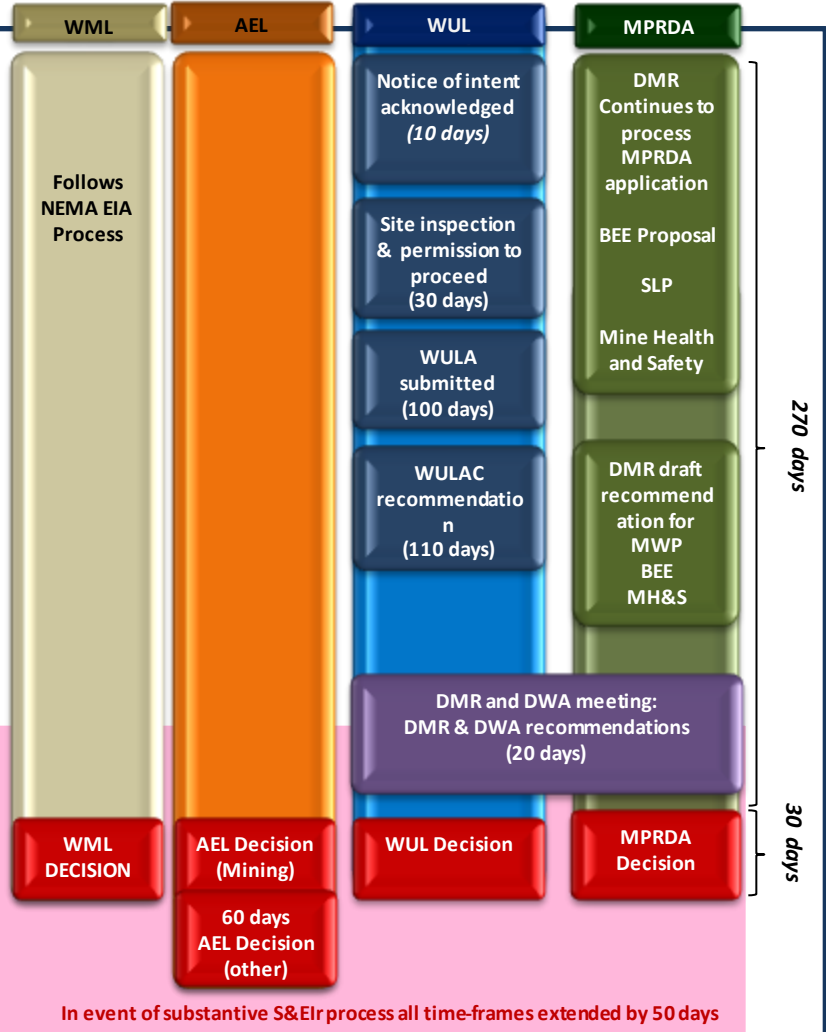


# S&EI Process

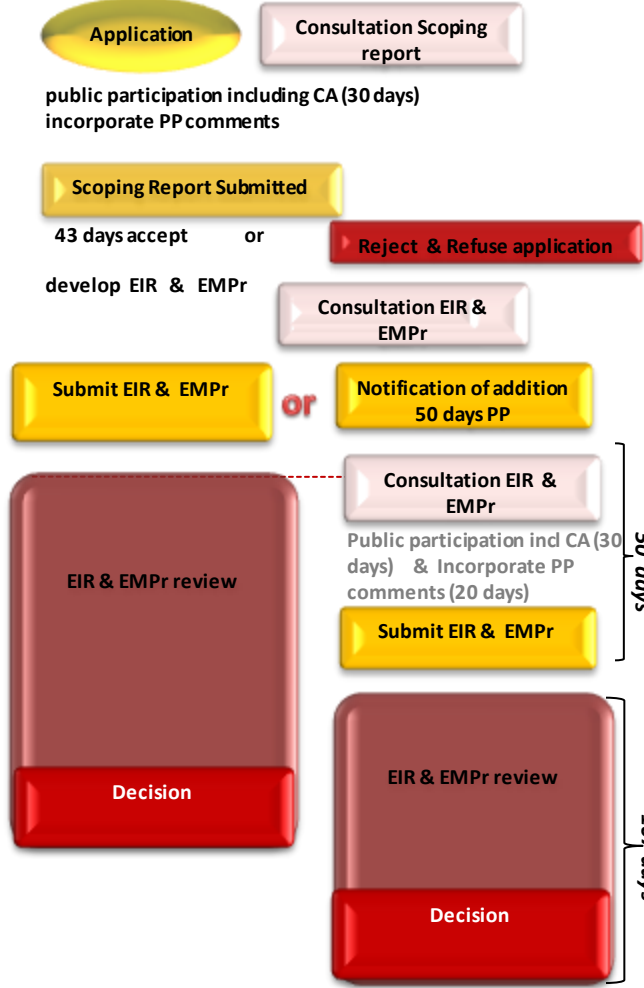
350 DAYS (Substantive)

300 DAYS (Non-substantive)

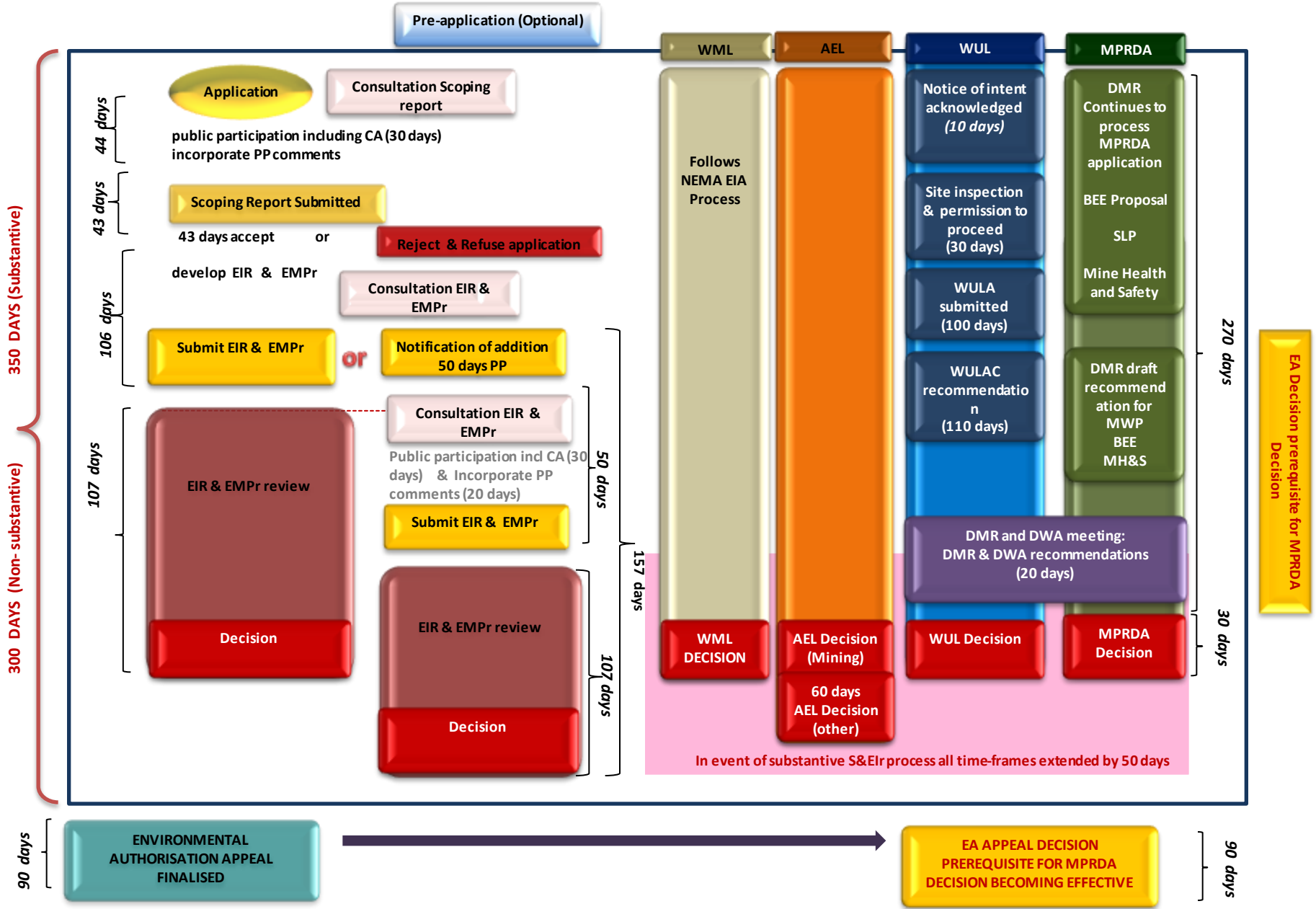
Pre-application (Optional)



EA Decision prerequisite for MPRDA Decision



# S&EI Process



# Thank You



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