
APPENDIX 1
LETTER CIRCULATED TO MUNICIPALITIES
CONCEPTUAL DIAGRAM OF PROPOSED N2 TOLL
HIGHWAY ALIGNMENT



Wanklin & Naidoo
Development Specialists

Registration Number: CK2002 / 080780 / 23
12 Elton Street, Southernwood
East London, 5201
Tel: +27 43 7221198 / 7226291
Fax: +27 43 7438485
Email: tshani@iafrica.com

File:EL324
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Municipal Manager

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Dear Sir / Madam

**PROPOSED N2 TOLL ROAD FROM GONUBIE TO DURBAN:
PLANNING IMPACT ASSESSMENT (PIA)**

We have been appointed by the South African National Roads Agency Limited (SANRAL) to prepare a Planning Impact Assessment Report for the proposed N2 road from Gonubie to Durban. CCA Environmental is the lead consultant in terms of the Environmental Impact Assessment and has requested that we evaluate all existing and proposed planning of the District and Local Municipalities within which the proposed route transverses.

The IDP will evaluate all IDP's and spatial development frameworks with regard to proposals that may impact onto the proposed N2 and vice versa. The PIA will also include an assessment of both public and private funding initiatives proposed along the route.

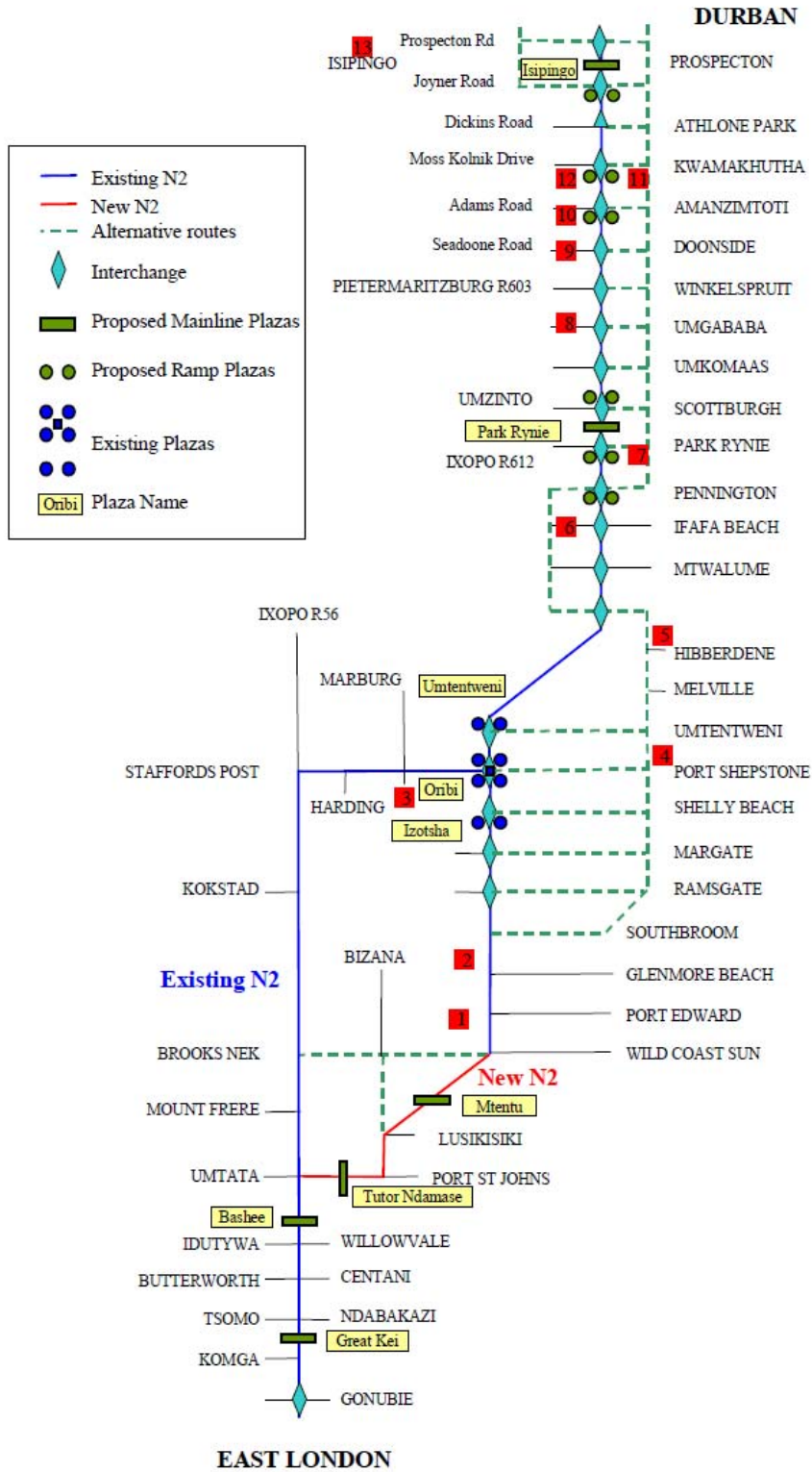
It would be greatly appreciated if a person can be identified within your institution to assist us in the above regard and furnish our representative with the relevant documentation and information.

Trusting the above is to your satisfaction and thanking you in advance for your co-operation. If there are any queries, please do not hesitate to contact the undersigned.

Yours faithfully,

KREASON NAIDOO
[Cell: 082 940 5202]

DIAGRAM 1: Location of Impact Activities



APPENDIX 2
DECLARATION LETTER

CURRICULUM VITAE

DECLARATION OF CONSULTANT'S INDEPENDENCE

Mr. K. Naidoo is an independent consultant to CCA Environmental (Pty) Ltd and has no business, financial, personal or other interest in the activity, application or appeal in respect of which he was appointed other than fair remuneration for work performed in connection with the activity, application or appeal. There are no circumstances that compromise the objectivity of this specialist performing such work.

DETAILS AND EXPERTISE OF INDEPENDENT PLANNING / DEVELOPMENT STUDY CONSULTANT

Consultant : Tshani Consulting CC
Contact person : Kreason Naidoo
Physical address : 12 Elton Street, Southernwood, East London, 5201
Postal address : Postnet 98, P/Bag X9063, Vincent, East London, 5201
Telephone : 043 – 7221198
Fax : 043 - 7438485
e-mail : tshani@iafrica.com

Kreason Naidoo has gained experience in designing and establishing of townships, formulating policies, and assisting with the planning and integration component of Integrated Development Plans. He is also experienced in researching, collecting and collation of data/information and Kreason has assisted District Municipalities and various Local Municipalities in the compilation and reviewal of their Integrated Development Plans, preparation of reports and drafting of policies.

Kreason Naidoo initially joined Wanklin & Associates in 1998 to complete his In-Service Training and subsequently joined the Company in May 2001 after graduating with a Bachelor of Technology in Town and Regional Planning in 2001. In March 2002 he became an associate to the company, and subsequently, a member of Tshani Consulting c.c. in October 2002.

He also lectured Seminars on the Management of Projects at the Business Skills Centre at the Buffalo City College, for various Government Departments, District and Local Municipalities and private companies.

Kreason specializes in, and is experiences in the following:-

- ❖ Township Design and Establishment
- ❖ Applications for Sub-division and Rezoning
- ❖ Research and Data Surveys
- ❖ Integrated Development Planning
- ❖ Formulation of Policies
- ❖ Report Preparation
- ❖ Managing of Projects
- ❖ Spatial Development Planning
- ❖ Feasibility Studies
- ❖ Estate Design and Establishment (Residential and Industrial)

Kreason is the Chairperson for the South African Planning Institute (SAPI) - Eastern Cape, Eastern Region.

APPENDIX 3
PEER REVIEW

PEER REVIEW COMMENTS

**ENVIRONMENTAL IMPACT ASSESSMENT
OF THE PROPOSED N2 WILD COAST TOLL HIGHWAY -
EXTERNAL PEER REVIEW OF SPECIALIST PLANNING/
DEVELOPMENT STUDY**

1. INTRODUCTION

Umhlaba Consulting Group (Pty) Ltd was appointed to undertake an external peer review of a specialist study relating to planning/ development, as part of the Environmental Impact Assessment of the proposed N2 Wild Coast Toll Highway.

2. TERMS OF REFERENCE

The review will be done in accordance with the stipulated Terms of Reference, under headings derived from the following list provided: -

- Assess whether the specialist study has complied with its Terms of Reference
- Assess whether adequate consideration is given, where appropriate, to the legal, policy, and/or planning context of direct relevance to the specialist study
- Assess the study approach, technical content and assessment methodology of the specialist study to determine whether it is credible.

- Assess the adequacy of information used, and identify whether there are any obvious information gaps, omissions or inaccuracies that need to be addressed.
- Assess whether the significance ratings given to potential impacts are reasonable and reliable
- Assess whether the recommendations of the study with regard to the most appropriate alternatives are sound and defensible
- State any alternative viewpoints concerning the issues presented in the report, if any, giving explicit reasons for your particular stance
- State whether you believe that any key uncertainties or risks, and/or assumptions underpinning the assessment, have been sufficiently highlighted in the study

3. REVIEW

The review has been done per items listed in the Terms of Reference.

Some of the comments relate to more than one item and could be repeated.

COMPLIANCE WITH TERMS OF REFERENCE

- Most of the points in the Terms of Reference have been addressed, but often inadequately, particularly as far as assessment of impacts and existing planning and land use management issues in relation to the proposed toll road are concerned. More details are given in the remainder of the report.
- The structure of the report makes it difficult in some cases to ascertain which item in the Terms of Reference is being addressed.
- Specific requirements listed for the planning/ development study include the identification and implications of initiatives such as mining. The report does not deal with this issue.
- Very little is included on the proposed Pondoland/ Wild Coast National Park and the recommendations contained in the consultant's report done for DEAT, relating to land use management within its proposed area of jurisdiction. The findings and recommendations of this report should be considered by this specialist report.
- The majority of the items in the Terms of Reference relate to assessment of impacts and ratings, mitigation measures and monitoring and review. The majority of the study document, however, deals with providing information on existing policies applicable to the

area, with only a short section focussed on assessment related issues. These items should be more comprehensively addressed. Our assessment is based on the Terms of Reference for the specialist study, listed on pages 14 and 15 of the report. If the study was only to provide an assessment in terms of **existing** policies and plans, some of our comments can be excluded as they relate to more detailed issues. However, it must be noted that existing policies and plans might not be fully comprehensive and might exclude some issues of importance. Legislation requires that all SDF's be reviewed every 5 years, in order to ensure that they take changing circumstances and existing development trends and impacts into account.

LEGAL, POLICY AND PLANNING CONTEXT

- The section on legal context has a sub-heading dealing with "National Context", but this deals with National, Provincial and Local Context all in one. No differentiation is made between these in this section of the report.
- The report mentions that there are a number of legal instruments applicable to spatial planning and land use management, but does not clearly communicate the fact that there is a complete vacuum of applicable Land Use Management Legislation and associated control mechanisms for areas outside of the 1km coastal belt and former Transitional Local Council (Urban) areas in the former Transkei.
- No specific mention is made of the concerns and potential impacts addressed in Chapters 7 & 8 of the Final Scoping Report, which is a

requirement listed in the Terms of Reference. The sub-categories in these chapters raise important issues which should be addressed in a planning/ development study - e.g. Ribbon development, integration, capacity of authorities etc.

- Some of the analysis of local municipal SDFs includes a concluding statement relating to key issues - for some SDF's no issues are highlighted, e.g. BCM, Mngquma, Ugu etc.. If no key issues of relevance to the proposed study can be identified, this should be indicated.
- No mention is made of the KwaZulu Natal Provincial SDF, if this exists.
- Mention is made of a Fort Hare Socio-Economic study, but there are no details provided on the extent of the study, its findings and relevance to the planning/ development study.
- Very little information is provided either on land ownership and land tenure issues (such as Quitrent tenure forms, PTO's and/or informal land rights) or on the relevance of land reform and land use management processes. Information on the legislation which controls land use management, communal land rights, extension of security of tenure and other aspects relating to land reform should also be included.
- Limited reference is made to restitution of land, and this section could be expanded. The implications for the development of land where there might be unresolved restitution claims are significant as these claim can effectively prevent development, and this impacts on land availability. In addition, not all the claims lodged in the former Transkei have been mapped as most of the area is unsurveyed. The

study should be aware of the implication of these issues in terms of delaying development.

APPROACH, CONTEXT AND METHODOLOGY

- The bulk of the document summarises existing policy documents. Listing of potential impacts and assessment of the findings is relatively limited. Although rating is done in terms of the Convention for Assigning Significance Rating to Impacts, there could be more in-depth assessment of key issues and a more comprehensive explanation of the ratings given to impacts.
- No information is provided on whether any field surveys were undertaken, or whether any are recommended. If they are not required, this should be indicated, including the reasons.

ADEQUACY OF INFORMATION

- Limited information on the proposed Pondoland / Wild Coast National Park and its implications on the proposed alignment of the toll road.
- Limited information on the socio-economic study prepared by Fort Hare, which is referred to in the report. Is this study considered relevant and, if so, how?
- The KwaZulu Natal Provincial SDF is not mentioned. Does a provincial SDF exist and what are its findings relating to the study area?
- Land ownership, land tenure and land reform issues, as well as the legislation which affects and supports these processes, are not adequately covered.

- Sensitive areas that would need special consideration are not clearly identified. This is a requirement listed in the specialist study's Terms of Reference (pg 14, 1st bullet). Examples would include environmental authorisation in terms of the NEMA Regulations and the visual and noise impact of the proposed road on the surrounding land use and community. If this is adequately covered in other specialist reports, it can be left out.
- The status of policy documents (for example the SDFs reported on), especially relating to their approval by relevant Councils or Departments is not indicated. Such approval status would impact on the legal status of SDFs.
- No specific list of areas where there is insufficient information or uncertainty is given.
- No mention is made of the potential impact of proposed mining activities, as required.

SIGNIFICANCE RATINGS

- It might be useful for an explanation of the Convention for Assigning Significance Rating to Impacts to precede the rating assessment tables, so that there is a clearer understanding of the categories and the ratings.
- The difficulty with evaluating this specialist report without any indication of what other specialist reports have addressed, is that the issues we feel should be addressed specifically by a planning/development study, have not been mentioned. Potential direct and indirect impacts are not adequately addressed in the ratings in terms

of the description. This is listed in the Terms of Reference for the specialist study.

- More clarity is required on the precautionary principle in assessment of impacts.

RECOMMENDATIONS

- The report does not assess adequately the "do nothing" approach and the implications of this approach for the wider area.
- It is mentioned that settlement sprawl exists along the N2, pedestrians move within the road reserve, and that illegal access is taken. No mention is made of the need to consider public versus private transport statistics on the N2, and the need to consider accommodating Public Transport planning in the road design. The uncontrolled pick-up/ drop-off and resulting safety problems are not mentioned.

Ribbon development and direct access have been identified as key risk factors. Activities around the road relating to illegal pick-up and drop-off zones and other illegal uses along the road must be taken into consideration. Public and private transport statistics are important to determine the current impact on the existing N2 and the possible impact on a realigned route.

The above statements are based on our observation of the specialist planning / development study. We have not had access to any other specialist reports to determine whether this aspect was specifically covered in another report. However, we feel that the issue cannot be

simply excluded from the planning/ development specialist report, as it has planning and development implications.

- (Page 77, mitigation measures for pedestrian and animal movement along and across the N2) - The proposal to erect fences that cannot be broken by animals and people is not practical. In the long run, no fence will stop people if they need to move (or move their animals). This statement is based on evidence that every type of fence can be broken if there is a need for people and animals to be moved. We do not have a solution to the type of fence, but feel that the issue cannot be ignored and adequate provision must be made in the planning phase for movement of people and animals.
- (Page 81, last bullet) The report mentions that "Municipalities are to generate Land Use Management Systems as part of their SDF's" - whilst there is no enabling legislation (national or provincial relating specifically to the Eastern Cape Province) to allow this to take place. The statement "enforce illegal developments" - does not make sense.
- Inadequate assessment of the cumulative effects of the project. The report does not indicate whether the assessment of the alternative alignment has taken into consideration the impact on existing use rights and agricultural uses such as crop production and grazing.
- Overlap of impacts with those identified in other specialist studies, if any, is not addressed. We do not have access to any other specialist report, but the planning/ development report has not made mention of any other specialist reports and the overlaps that might occur. This should perhaps be included.

ALTERNATIVE VIEWPOINTS

- No analysis has been done on the impact of the proposed toll road in terms of hierarchy of roads in the wider area and the related impact on spatial planning and land use management adjacent to higher order roads.

The use of the N2 for direct access is often due to a lack of adequate secondary routes to provide access. Land uses adjacent to a national road should also be controlled to prevent those which are incompatible with a high order road carrying large volumes of high speed traffic, including schools, community facilities, residential areas etc. The existing N2 already has implications for land uses as a result of the accessibility provided by the road - the implications on accessibility of uses as a result of the realignment must be taken into consideration.

- Land ownership and access to land is an important issue in the rural part of the former Transkei area. The process of obtaining land and use rights to develop land is complicated and time consuming and this needs to be taken into consideration in any planning/ development study. The planning legislation affecting land use in the former Transkei has not been mentioned. Even if SANRAL is following all necessary legal procedures to deal with this issue, the fact remains that it is a vital planning aspect and must at least be mentioned by a specialist planning/ development report, if only by referring to other specialist reports which deal with the issue in more detail.
- The specialist study assesses the contents of the various Spatial Development Frameworks. The study does however not assess the

level of detail and focus of each of these SDFs and whether these are in fact adequate. Not all the SDFs that recognised the possible N2 re-alignment considered it as a given. Some note it as a possible alternative scenario. Assessment cannot only be done on existing SDF's based on the assumption that these have been prepared to the correct standards and have the required legal status as approved documents. Some SDF's don't deal with all relevant issues, or are outdated in terms of the reality of development.

- The issue around participation in the preparation and acceptance of recommendations of the SDFs (and other spatial policy documents) by Traditional Authorities, who often play an important role in decision-making around land development matters in rural parts of the former Transkei, needs to be considered. Traditional authorities in the Transkei are very important as they make development decision and can approved rights in terms of their customary processes.
- The issue of low density development sprawl along the N2 (and other main routes) and illegal / uncontrolled access are issues highlighted in a number of the SDFs. The report does however not reflect on the causes of this, which if not considered in the planning and design of the N2 upgrade and new N2 alignment, will likely be repeated and will lead to the same trends developing. Reasons mentioned in the SDFs include:
 - Lack / absence of Land Use Management legislation applicable to rural parts of the former Transkei.
 - Development "permission" being authorised and plots of land being allocated by the Traditional Authorities whilst

ignoring Spatial Development Policy proposals and relevant Legislation controlling development along National Roads.

- The importance to rural residents of mobility, and the lack of secondary road networks in rural areas.
- No mention is made of the Kei Rail corridor and the implications that development proposals arising from this initiative (particularly applicable to proposed stations) will have on the study.

KEY UNCERTAINTIES, RISKS AND ASSUMPTIONS

- No monitoring and review programme is recommended, as required in the last bullet of the specialist planning/ development study's Terms of Reference (pg 14)
- No method of ensuring that mitigation measures are implemented is suggested, as required in the second last bullet of the specialist planning/ development study's Terms of Reference (pg 14)
- Inadequate attention is given to the risks relating to land issues, as far as ownership and land use management are concerned. Risk mitigation is an important component of any evaluation process and cannot be ignored.

4. CONCLUDING REMARKS

As all the reports prepared for the Proposed N2 Wild Coast Toll Highway will be carefully scrutinised by the various interested and affected parties, we suggest that the Planning/ Development Study could benefit from a good proof-reading exercise.

As set out above, we have concerns on the overall adequacy of the report in terms of facilitating informed decision-making and the further planning and design of the proposed project. The majority of issues of concern raised relate specifically to the further planning and design of the project.

It may be that some of the issues raised in our independent review of the specialist planning/ development report, may have been addressed in other specialist studies, which we have not had access to. However, in our opinion, these aspects have important planning/ development impacts and should at least be mentioned in any planning/ development specialist study, if only to refer to more detailed assessment in other specialist reports.

ENVIRONMENTAL IMPACT ASSESSMENT OF THE PROPOSED N2 WILD COAST TOLL HIGHWAY – EXTERNAL PEER REVIEW OF SPECIALIST PLANNING / DEVELOPMENT STUDY

ADDRESSING PEER REVIEW COMMENTS

<ul style="list-style-type: none"> • Most of the points in the Terms of Reference have been addressed, but often inadequately, particularly as far as assessment of impacts and existing planning and land use management issues in relation to the proposed toll road are concerned. More details are given in the remainder of the report. • The structure of the report makes it difficult in some cases to ascertain which item in the Terms of Reference is being addressed. • Specific requirements listed for the planning / development study include the identification and implications of initiatives such as mining. The report does not deal with this issue. • Very little is included on the proposed Pondoland / Wild Coast National Park and the recommendations contained in the consultant's report done for DEAT, relating to land use management within its proposed area of jurisdiction. The findings and recommendations of this report should be considered by this specialist report. 	<p>The issue of Land Use Management has been addressed within the report, particularly with regard to the guidelines prepared within the WCSDF.</p> <p>The report structure is aligned with the EIA report and the other Specialists Studies to ensure continuity.</p> <p>The issue of mining was previously dealt with under the Heading Policies. The Final Draft has identified a separate section to deal with this.</p> <p>Correspondence received from Eastern Cape Parks Board indicated that the Project is on hold, and this has been depicted in the Report.</p>
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LEGAL, POLICY AND PLANNING CONTEXT

<ul style="list-style-type: none"> • The section on legal context has a sub-heading dealing with 	<p>The Report has been amended so there is a differentiation between the</p>
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<p>“National Context”, but this deals with National, Provincial and Local Context all in one. No differentiation is made between these in this section of the report.</p> <ul style="list-style-type: none"> • The report mentions that there are a number of legal instruments applicable to spatial planning and land use management, but does not clearly communicate the fact that there is a complete vacuum of applicable Land Use Management Legislation and associated control mechanisms for areas outside of the 1km coastal belt and former Transitional Local Council (Urban) areas in the former Transkei. • No specific mention is made of the concerns and potential impacts addressed in Chapters 7 & 8 of the Final Scoping Report, which is a requirement listed in the Terms of Reference. The sub-categories in these chapters raise important issues which should be addressed in a planning / development study – e.g. Ribbon development, integration, capacity of authorities etc. • Some of the analysis of local municipal SDF's includes a concluding statement relating to key issues – for some SDF's no issues are highlighted, e.g. BCM, Mnquma, Ugu etc. If no key issues of relevance to the proposed study can be identified, this should be indicated. • No mention is made of the 	<p>different legislation.</p> <p>The issue of Land Use management and Land Ownership has been addressed in the Report.</p> <p>This has been addressed.</p> <p>This has been addressed.</p> <p>We have not been able to determine if</p>
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<p>KwaZulu Natal Provincial SDF, if this exists.</p> <ul style="list-style-type: none"> • Very little information is provided either on land ownership and land tenure issues (such as Quitrent tenure forms, PTO's and/or informal land rights) or on the relevance of land reform and land use management processes. Information on the legislation which controls land use management, communal land rights, extension of security of tenure and other aspects relating to land reform should also be included. 	<p>one is in existence.</p> <p>We have updated the information in the Report with regards to Land Ownership and Land Use Management.</p>
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RECOMMENDATIONS

<ul style="list-style-type: none"> • It is mentioned that settlement sprawl exists along the N2, pedestrians move within the road reserve, and that illegal access is taken. No mention is made of the need to consider public versus private transport statistics on the N2, and the need to consider accommodating Public Transport planning in the road design. The uncontrolled pick-up / drop-off and resulting safety problems are not mentioned. • (Page 81, last bullet) The report mentions that "Municipalities are to generate Land Use Management Systems as part of their SDF's" – whilst there is no enabling legislation (national or provincial relating specifically to the Eastern Cape Province) to allow this to take place. The statement "enforce illegal developments" – does not make sense. 	<p>The Report mentions this, but it is dealt with in more detail in the Social Impact Report.</p> <p>Land Use Management is a major concern in the Eastern Cape, in particular the former Transkei area. The statement should read "Policing of to identify between developments".</p>
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