

INDEPENDENT REVIEWER FORM IN TERMS OF REGULATION 13(2) OF AMENDMENTS TO THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 as amended.

(For official use only)

File Reference Number:

NEAS Reference Number:

Date Received:

Application for environmental authorization in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Amendments to the Environmental Impact Assessment Regulations, 2014

1. The Environmental Assessment Practitioner (EAP) must ensure that he/she is registered in terms of S24H Regulations with the Registration Authority EAPASA. (Registration status of the EAP may be confirmed at www.eapasa.org) as from 8 August 2022.
2. S24H (14) states that “only a person registered as an Environmental Assessment practitioner may perform tasks in connection with an application for an environmental authorisation contemplated in
 - (a) Chapter 5 of the Act read with the Environmental impact Assessment Regulations.
 - (b) Section 24G of the Act
 - (c) Chapter 5 of the National Environmental Management Waste Act 2008 (Act No 59 of 2008) read with the Environmental Impact Assessment Regulations
3. Tasks in regulation 14 may only be conducted by an EAP that is registered.
4. Regulations 20 of S24H indicates the offences and penalties as indicated below:

“20. Offences and penalties

 - (1) A person is guilty of an offence if that person-
 - (a) contravenes regulation 14 of the Regulations; or
 - (b) pretends to be a registered environmental assessment practitioner or registered candidate environmental assessment practitioner.
 - (2) A person convicted of an offence in terms of subregulation (1) is liable to the penalties contemplated in section 49B(3) of the Act.”

“A person convicted of an offence in terms of section 49A(1)(h), (l), (m), (n), (o) or (p) is liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.”

4.1 PROJECT TITLE

--

4.2 DETAILS OF EAP THAT WILL BE UNDERTAKING THE INDEPENDENT REVIEW

Environmental Assessment Practitioner (EAP) undertaking the independent review Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			
Professional affiliation(s) (if any)			

Project Consultant: Contact person: Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			

Declaration by independent reviewer (Environmental Assessment Practitioner).

I, _____, declare that –

General declaration:

- I act as the independent environmental practitioner in this application
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant

- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting environmental impact assessments, including knowledge of the Act, regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, regulations and all other applicable legislation;
- I will take into account, to the extent possible, the matters listed in regulation 8 of the regulations when preparing the application and any report relating to the application;
- I have no, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- I will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced to support the application;
- I will ensure that the comments of all interested and affected parties are considered and recorded in reports that are submitted to the competent authority in respect of the application, provided that comments that are made by

interested and affected parties in respect of a final report that will be submitted to the competent authority may be attached to the report without further amendment to the report;

- I will keep a register of all interested and affected parties that participated in a public participation process; and
- I will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not
- all the particulars furnished by me in this form are true and correct;
- will perform all other obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- I realise that a false declaration is an offence and is punishable in terms of section 24F of the Act.

Disclosure of Vested Interest (delete whichever is not applicable)

- I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Amendments to Environmental Impact Assessment Regulations, 2014 as amended.
- I have a vested interest in the proposed activity proceeding, such vested interest being:

Signature of the environmental assessment practitioner:

Name of company:

Date:

Signature of the Commissioner of Oaths:

Date:

Designation:

Official stamp (below).

(For official use only)

File Reference Number:

NEAS Reference Number:

Date Received:

PROJECT TITLE

--

Kindly note that:

1. This application form is current as of **15 January 2021**. It is the responsibility of the applicant to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
2. The application must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will extend automatically when each space is filled with typing.
3. Where applicable **black out** the boxes that are not applicable in the form.
4. Incomplete forms **may** be rejected and returned to the applicant for revision and resubmission.
5. The use of the phrase “not applicable” in the form must be done with circumspection. Should it be done in respect of material information required by the competent authority for assessing the application, it may result in the rejection of the application as provided for in the Regulations.

6. This form must be handed in at the offices of the relevant competent authority as determined by the Act and Regulations unless indicated differently by the competent authority.

7. No faxed or e-mailed forms will be accepted. Only original signed copies will be accepted unless indicated differently by the competent authority.

PROJECT DETAILS

Project name	
DEDEAT reference number	
Reviewer Reference Number	

PROJECT EAP DETAILS

EAP name(s)	
Company	
Address	
Tel	
Fax	

Email	

INDEPENDENT REVIEWER COMPANY DETAILS

Reviewer name	
Company	
Address	
Tel	
Fax	
Email	

INDEPENDENCE ASSESSMENT FOR BASIC ASSESSMENT

The assessment in this section is aligned to the report requirements for a basic assessment report as set out in **Appendix 1** of the **2014** Amendments to EIA regulations.

Section in regs	Description	Acceptable independence shown? Y / N or N/A

3.1.(f)	A motivation for the need and desirability for the proposed development, including in the context of the preferred location.	
comment		
3.1.(g)	A motivation for the preferred site, activity and technology alternative.	
comment		
3.1.(h)	<p>A full description of the process followed to reach the proposed preferred alternative within the site, including:</p> <ul style="list-style-type: none"> (i) details of all the alternatives considered; (ii) details of the public participation process undertaken ...; (iii) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them; (iv) the environmental attributes associated with the alternatives ...; (v) the impacts and risks identified for each alternative ...; (vi) the methodology used in determining and ranking the ... potential environmental impacts and risks associated with the alternatives; (vii) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected ...; (viii) the possible mitigation measures that could be applied ...; (ix) the outcome of the site selection matrix; 	

	(x) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and (xi) a concluding statement indicating the preferred alternatives, including preferred location of the activity.	
comment		
3.1.(i)	A full description of the process undertaken to identify, assess and rank the impacts the activity will have on the preferred location through the life of the activity.	
comment		
3.1.(j)	An assessment of each identified potentially significant impact and risk.	
comment		
3.1.(k)	A summary of the findings and impact management measures identified in specialist report; and how these have been included in the final report.	
comment		
3.1.(l)	An environmental impact statement which contains:	

	<p>(i) a summary of the key findings of the environmental impact assessment;</p> <p>(ii) 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</p> <p>(iii) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.</p>	
comment		
3.1.(m)	Impact management measures and impact management outcomes for inclusion in the EMPr.	
comment		
3.1.(o)	A description of any assumptions.	
comment		
3.1.(p)	A reasoned opinion as to whether the proposed activity should or should not be authorised, with conditions of authorisation.	
comment		

3.2	Where a government notice <i>gazetted</i> by the Minister provides for the basic assessment process to be followed, the requirements as indicated in such a notice will apply.	
3.2.1	Has such a notice as indicated in 3.2 above been gazetted? Y/N	
3.2.2	If yes, does it apply? Y/N	
3.2.3	If yes, has it been adhered to? Y/N	

INDEPENDENCE ASSESSMENT FOR SCOPING AND ENVIRONMENTAL IMPACT ASSESS REPORT

The assessment in this section is aligned to the report requirements for a basic assessment report as set out in **Appendices 2 & 3** of the **2014** Amendments to EIA regulations.

Section in regs	Description	Acceptable independence shown? Y / N or N/A
2(1)(f)/3(1)(f)	A motivation for the need and desirability for the proposed development, including in the context of the preferred location.	
comment		
2(1)(g)/31(g)	A motivation for the preferred site, activity and technology alternative.	
comment		

<p>2(1)(h)</p> <p>(scoping only)</p>	<p>a plan of study for undertaking the environmental impact assessment process to be undertaken, including—</p> <ul style="list-style-type: none"> (i) a description of the alternatives to be considered and assessed within the preferred site, including the option of not proceeding with the activity; (ii) a description of the aspects to be assessed as part of the environmental impact assessment process; (iii) aspects to be assessed by specialists; (iv) a description of the proposed method of assessing the environmental aspects, including aspects to be assessed by specialists; (v) a description of the proposed method of assessing duration and significance; (vi) an indication of the stages at which the competent authority will be consulted; (vii) particulars of the public participation process that will be conducted during the environmental impact assessment process; and (viii) a description of the tasks that will be undertaken as part of the environmental impact assessment process; (ix) identify suitable measures to avoid, reverse, mitigate or manage identified impacts and to determine the extent of the residual risks that need to be managed and monitored.
<p>3(1)(h)</p> <p>(EIR only)</p>	<p>A full description of the process followed to reach the proposed preferred alternative within the site, including:</p> <ul style="list-style-type: none"> (xii) details of all the alternatives considered; (xiii) details of the public participation process undertaken ...; (xiv) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them; (xv) the environmental attributes associated with the alternatives ...; (xvi) the impacts and risks identified for each alternative ...; (xvii) the methodology used in determining and ranking the ... potential environmental impacts and risks associated with the alternatives; (xviii) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected ...;

	<p>(xix) the possible mitigation measures that could be applied ...;</p> <p>(xx) the outcome of the site selection matrix;</p> <p>(xxi) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and</p> <p>(xxii) a concluding statement indicating the preferred alternatives, including preferred location of the activity.</p>	
comment		
3(1)(i) (EIR only)	A full description of the process undertaken to identify, assess and rank the impacts the activity will have on the preferred location through the life of the activity.	
comment		
3(1)(j)	An assessment of each identified potentially significant impact and risk.	
comment		
3(1)(k)	A summary of the findings and impact management measures identified in specialist report; and how these have been included in the final report.	
comment		

3(1)(l)	<p>An environmental impact statement which contains:</p> <ul style="list-style-type: none"> (iv) a summary of the key findings of the environmental impact assessment; (v) 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 (vi) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives. 	
comment		
3(1)(m)	Impact management measures and impact management outcomes for inclusion in the EMPr.	
comment		
3(1)(p)	A description of any assumptions.	
comment		
3.1.(q)	A reasoned opinion as to whether the proposed activity should or should not be authorised, with conditions of authorisation.	
comment		

3.2	Where a government notice <i>gazetted</i> by the Minister provides for the basic assessment process to be followed, the requirements as indicated in such a notice will apply.	
3.2.1	Has such a notice as indicated in 3.2 above been gazetted? Y/N	
3.2.2	If yes, does it apply? Y/N	
3.2.3	If yes, has it been adhered to? Y/N	

ADDITIONAL COMMENTS AND REASONS FOR OPINION:

--

Reviewer opinion regarding independence

The EIA process undertaken by the Environmental Assessment Practitioner can be considered to be:

Independent

Biased

Reviewer	
Signature	
Date of review	