



**WESTERN CAPE DEPARTMENT OF ENVIRONMENTAL AND CULTURAL
AFFAIRS AND SPORT**

**WESKAAPSE DEPARTEMENT OMGEWING- EN KULTUURSAKE EN
SPORT**

**Directorate : Environmental Management
EIA Guideline Series**

GUIDELINE FOR THE PLAN OF STUDY FOR SCOPING

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1 Purpose

The purpose of this guideline is to set out the Directorate : Environmental Management's requirements for Plan of Study for Scoping documents to ensure that comprehensive planning of the scoping process is undertaken.

2 Background

In September 1997, Regulations requiring that various listed activities be subject to an Environmental Impact Assessment (EIA) process, were promulgated in terms of the Environment Conservation Act, Act 73 of 1989 (Regulations No 1183, Government Gazette No 5999 dated 5 September 1997). Subsequently the Department of Environment Affairs and Tourism (DEA&T) published a guideline document on the implementation of the Regulations, dated April 1998.

The application process that is followed by the Directorate involves the following:

1. Submission of an application form and a scoping checklist (hereafter referred to as the checklist) by the applicant or his/her environmental consultant to the Directorate.
2. Review of the application form and checklist by the Directorate : Environmental Management. A meeting between the Directorate and the applicant may be required during this process. This meeting may also involve representatives from other relevant regulatory authorities.

3. A decision by the Directorate which could be one of the following:

- a. *Authorisation of the activity* : The Directorate will determine whether the information provided in the checklist is deemed to fulfil the requirements of a final scoping report. A Record of Decision either authorising or refusing the activity will be issued. This decision will be based on the nature and scale of the activity and/or sensitivity of the environment. In the case of an authorisation, the Record of Decision will have attached Conditions of Approval covering environmental requirements for the implementation of the project. These conditions are legally binding.
- b. *Request that additional scoping activities be undertaken* : This will involve formal notification from the Directorate to the applicant to this effect and will require the submission of a Plan of Study for Scoping. The Plan of Study for Scoping must be prepared by an independent environmental consultant. A Declaration of Independence must be signed by the consultant, unless the proponent elected to appoint an environmental consultant to prepare the application form and checklist, in which case the Declaration of Independence will already have been submitted. The additional tasks that may be required include:
 - Advertising in accordance with the Directorate’s Advertising Guidelines.
 - Undertaking additional public participation activities.
 - Undertaking additional research or investigation into the identification of alternatives for the project.
 - Appointing an independent environmental consultant to undertake the extended scoping activities required by the Directorate (assuming that an independent environmental consultant has not been involved in the completion of the scoping checklist).
 - Providing additional information on any aspect of the project or the affected environment.

The EIA Regulations specify the information that is required in a scoping report. This has been taken into account in the checklist and the correlation between the content of the preliminary scoping checklist and the requirements for scoping reports is given below:

Requirements of EIA Regulations	Scoping Checklist
A brief project description	✓
A brief description of how the environment may be affected;	✓
A description of environmental issues identified;	A brief description is required
A description of all alternatives identified;	A brief description is required
A description of the public participation process (in an Appendix).	Comments from neighbours required

3 Guideline for the Content of the Plan of Study for Scoping

This guideline is applicable in cases where the Directorate requires that additional scoping activities be undertaken for an application. The EIA Regulations and the DEA&T Guideline document (April, 1998) provide a summary of the information that should be included in the Plan of Study for Scoping. These requirements cover three items:

- Description of activity;
- Description of tasks to be performed (e.g. public participation process, identification of issues and alternatives);
- Time-table of tasks.

These three items have been taken into account in developing the Department's requirements for the Plan of Study for Scoping. This guideline "unpacks" these three areas to provide clarity on what the Directorate considers to be relevant to fully address these items.

Item	Content Requirements
Description of Activity	<ul style="list-style-type: none"> • Reference the application form and checklist (project name and file number provided by DECAS). Where project information is no different to that submitted with the application form and checklist, please refer to this documentation. It is not necessary to repeat this information in the Plan of Study for Scoping. • Provide information about the project with respect to the following: <ul style="list-style-type: none"> ➢ Any changes in project details that have emerged since submission of the application form and checklist. ➢ Gaps in the project information (e.g. where the scale of the project is uncertain, emissions from the project are not fully understood) and indicate how these gaps will be addressed. • State whether project is of national, regional or local importance/significance.
Description of public participation process	<p>Describe the following:</p> <ul style="list-style-type: none"> • How I&APs will be notified (this must take account of whether the project is of national, provincial, regional or local significance). • How information about what will take place in the scoping process will be communicated to I&APs. • How information about the proposed project will be communicated to I&APs. • What methods will be used to consult I&APs, including measures that will be applied to deal with various cultural and language groups.

Item	Content Requirements
Description of public participation process (cont.)	<ul style="list-style-type: none"> • How authorities (including DECAS) will be consulted. • What measures will be put in place to revise the scoping process on the basis of feedback from I&APs. • What methods will be used to identify the issues and concerns from I&APs. • How issues and concerns raised by I&APs will be recorded and analysed. • How local and traditional knowledge will be accessed. • How feedback on documentation will be obtained from I&APs. • How concerns about the public participation process, if raised, by I&APs will be addressed.
Description of authorisation requirements	<ul style="list-style-type: none"> • Identify all permits, authorisations and approvals that are required and the authorities that must issue these. • Describe how the application procedures will be aligned.
Description of environmental issues/concerns	<ul style="list-style-type: none"> • Describe the approach that will be used to identify environmental issues. This should include details on: <ul style="list-style-type: none"> ➢ How issues will be identified and recorded through the public participation process; ➢ What other methods or approaches will be used to ensure that issues/concerns are addressed comprehensively (e.g. discussions with experts/specialists, benchmarking with similar developments, existing baseline information).
Description of alternatives	<ul style="list-style-type: none"> • Describe the approach that will be used to identify alternatives: <ul style="list-style-type: none"> ➢ The types of alternatives that will be considered (i.e. project layout, location, technology selection etc.). ➢ Constraints that may exist that will place limitations on the types of alternatives that can be considered. ➢ The manner in which additional alternatives identified during the scoping process (i.e. after acceptance of the Plan of Study for Scoping) will be addressed.
Programme for scoping	<ul style="list-style-type: none"> • Provide a timetable for the various tasks that will be undertaken during scoping, including: <ul style="list-style-type: none"> ➢ Schedule for contacting regulatory authorities ➢ Schedule of public meetings/workshops/open days etc. ➢ Milestones for issuing of documentation ➢ Commenting/feedback periods ➢ Measures to be taken if unforeseen changes in the project schedule occur to ensure that the scoping process is not compromised.

4 Submission Process

1. The Plan of Study for Scoping must be submitted to the Directorate : Environmental Management for acceptance. If the Directorate accepts the Plan of Study for Scoping, this means that it is in agreement with the implementation of a scoping process as described in the Plan of Study for Scoping.
2. The Directorate will accept the application form and checklist as a supplement to the Plan of Study for Scoping to avoid duplication of effort and repetition of information.
3. The applicant/proponent and his/her environmental consultant will be advised within 10 working days of submission of the Plan of Study for Scoping as to whether it is accepted by the Directorate or not.
4. The acceptance of the Plan of Study for Scoping means that the Directorate is in agreement with the timing of scoping activities and that it will interact with the scoping process accordingly. Should circumstances arise which could result in the Directorate not being able to meet the timeframe requirements set out in the Plan of Study for Scoping, the applicant and consultant will be advised accordingly and an alternative timeframe will be agreed.
5. In cases where it is clearly apparent that the application will require a full scoping process and/or an Environmental Impact Assessment, the Plan of Study for Scoping can be submitted together with the application form and checklist. This documentation must be prepared by an independent environmental consultant. In such cases the following should be noted:
 - The level of detail provided in the scoping checklist should be sufficient to introduce the Directorate to the project and the environmental setting (i.e. typical of the level of detail provided in a background information document, for example). In these cases, the purpose is to introduce the proposed development to the Directorate and to register the application, rather than to obtain authorisation on the basis of the application form and scoping checklist.
 - A meeting with the Directorate and/or other relevant authorities can be arranged to discuss the application and the Plan of Study for Scoping. Since it is the Directorate's preference to obtain information about proposed projects prior to such meetings (to enable preparation for discussion with the applicant and his/her consultant) the application form and checklist should be submitted to allow an adequate lead-time (at least two weeks).
6. I&APs must be consulted about the Plan of Study for Scoping. This must take place in the initial phase of public participation process. The purpose of this consultation is to provide an opportunity for I&APs to comment on the scoping process at the earliest possible stage. This should result in a more effective and publicly acceptable process.

The comments from I&APs must be recorded by the independent environmental consultant.

7. The scoping process must be adjusted on the basis of feedback from I&APs, where necessary.
8. The independent environmental consultant must advise the Directorate regarding revisions to the scoping process. These revisions do not require approval, but the Directorate must be kept apprised of changes to the scoping process.