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Attention: Jessica du Toit (email: jedutoit@srk.co.za)

Dear Sir / Madam

COMMENT ON THE FINAL SCOPING REPORT FOR THE PROPOSED NEW CBD BYPASS ROAD IN HERMANUS

DEA&DP Reference Number: 16/3/1/2/E2/15/2124/14
Heritage Western Cape Reference Number: 14112403AS1203E

The Environmental Impact Assessment Scoping process is intended to determine the nature and extent of the environmental impact assessment that will inform decisions by the environmental authorities on whether a proposed project will be given environmental authorisation and under what conditions. The scoping report for the proposed CBD bypass road fails to achieve this purpose because important issues are being side-lined by the two Joint Venture engineering companies that have been appointed by the Western Cape Provincial Department of Roads.

The scope of specialist investigations needs to be extended for the environmental impact assessment to become credible.

1 Vested Interests of SRK, EFG Engineering and iCE Group

It is of particular concern that the true interests of the engineering consultants EFG Engineers and iCE Group in the EIA process and subsequent construction work, should environmental authorisation be granted, are not clearly stated in the opening paragraphs of the Scoping report. **The Statement of SRK Independence given is entirely inadequate. EFG and iCE stand to benefit substantially in the event that construction of the proposed bypass goes ahead. SRK will benefit from conducting specialist**

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studies listed in the scoping report. The exact extent of the potential benefit to each of these three parties needs to be declared.

The issue of vested interest was raised (ref C&R schedule item 10) and dismissed with the response: *“The need for the bypass was independently identified by the WC DTPW and the Joint Venture of EFG Engineers and iCE Group was appointed based on their professional consulting expertise.”* In fact, establishing the need for the bypass formed part of the work to be performed by the Joint Venture and the need for the bypass is a serious point of dispute requiring independent confirmation. The data collected by the Joint Venture, in the opinion of respected experts, has not proved the need for the proposed bypass exists. **Failure to subject the need for the bypass to thorough independent investigation will be grounds for review of a decision to proceed without such an investigation.**

2 Interested and Affected Parties’ (I&AP) Issues are not adequately dealt with

The scoping report clearly reflects the views and designs of SRK, EFG and iCE. SRK will benefit from the specialist studies proposed to be done in the scoping report, and EFG and iCE will substantially benefit from the engineering and construction of the road should environmental authorisation be granted for the proposed road. The interests of the I&APs, however, are treated dismissively, often by the expression of opinion by roads engineers who are not specialists on the issues raised.

Tables 5.2, 5.3 and 5.4 list 164 written comments received from I&APs during the public participation process. In addition, verbal input was given at public meetings. From all of that input, only 8 issues are mentioned, somewhat dismissively, in the scoping report (paragraph 7.3).

Critically important issues raised by stakeholders, including several people and organisations with expert knowledge, **are summarily dismissed in the Comments and Responses section (C&R)** of the report (Appendix F). Several of these should be recognised in the scoping report as important to decisions about transportation in and around the Hermanus CBD, and to the economic wellbeing of the community. **Provision needs to be made for independent specialist studies to address these important issues raised by I&APs.**

2.1 Need for the Bypass needs to be independently established

Key among the issues requiring independent specialist review is the need for the proposed bypass in the first instance. It is strongly contended (refer C&R Schedule items 35 and 39) that there is a serious misalignment between Western Cape Provincial Roads Department policy and practice with overarching policy within the Western Cape Provincial Spatial Development Framework (PSDF) and with strategic statements found within the Western Cape State of the Environment Report (WCSOER). The “need” for the proposed bypass has more to

do with compliance with Roads Department policy and standards than with the needs of the Hermanus community.

The responses given to the comments referred to in C&R items 35 and 39 are indicative of the myopic arrogance of the roads engineers who presume that they can set aside the expertise of spatial planning specialists with the response that the policy misalignment is *“perhaps as a result of insufficient consultation between all parties when policies were developed.”* And dismissing the significance of Roads Department policy alignment to the PSDF with the response that *“The PSDF provides overarching provincial guiding principles and spatial policies, but lacks the necessary substance and detail to deal with the complexities of specific urban transport problems.”*

Since none of the engineers responsible for making the responses is a spatial planning specialist, the scope of the EIA should include a specialist study on the most appropriate solution to the transport problem in and around the Hermanus CBD in the light of the PSDF policies and strategies. The PSDF policies and strategies should not be set aside by opinions expressed by roads engineers. Unless it can be shown that the PSDF policies and strategies are not appropriate under the circumstances, Roads Department policies should be subordinate to the PSDF and be compliant with them.

The WCC contends that the Provincial Roads Department and its appointed consultants are not the appropriate authority and specialists to solve the Hermanus mobility and access challenge: they are simply addressing the symptoms of bad urban design and making less likely the implementation of the PSDF by unnecessarily increasing road capacity into the CBD.

Town planning specialists, who have embraced the vision, strategies and policies contained in the PSDF, should be engaged to propose an integrated strategy and plan that addresses the urban design problems that exist in and around the CBD. In consultation with the community, these specialists should develop proposals consistent with the PSDF, including how to address access and transportation issues for all of the community; private vehicle owners and those less privileged.

The Provincial Roads Department should be responding to the needs identified by town planning specialists and not be imposing road building solutions that do not solve the urban design and social problems.

It needs to be explored whether the interests of Hermanus will not be better served by municipal standard CBD bypass roads, as is already achieved by the Checkers bypass and will in the future be by the planned completion of the Schulphoek Road bypass. The provincial standard R43 should perhaps terminate, say, at the Schulphoek Road intersection on the west and at the eastern entrance to Voelklip and not pass through Hermanus at all. **Hermanus should be viewed**

as a destination, the local business centre for the Overstrand with all roads internal to Hermanus being municipal roads. Traffic from the N2 to destinations east of Hermanus would be better routed via Caledon. **This concept should be subjected to rigorous independent urban and spatial planning and transport investigation in the context of the PSDF policies and strategies.**

The bypass proposals included in the EIA scoping report assume that it is acceptable to expropriate portions of a proclaimed nature reserve, and presumably also assume that this is a low-cost option because it is open, undeveloped land. **The ethical and legal issues associated with this presumption by the Roads Department need independent investigation with a view to reviewing Department policy.**

2.2 Alternative solutions to encroaching into the Fernkloof Nature Reserve need to be found.

Encroachment into the Fernkloof Nature Reserve should be unthinkable. Fernkloof Nature Reserve is part of the community's natural heritage and a motivation is being developed for its registration as a World Heritage Site; its boundaries should never be compromised. On the contrary, as motivated in the PSDF for such important conservation-worthy areas, its boundaries should be secured against erosion and expanded, where opportunities arise, to add buffer areas to the core conservation area, to secure and protect ecological corridors and to allow the creation of infrastructure supporting the educational potential and tourist appreciation of the reserve.

An independent urban planning / spatial planning specialist study should identify alternative solutions to the proposed bypass that offer solutions that avoid further anthropogenic impact on the Fernkloof Nature Reserve and the fragile ecological corridors from the main Fernkloof Nature Reserve area to Hoy's Koppie and the coastal areas of the Reserve.

2.3 Appropriate valuation of Fernkloof Nature Reserve

The bypass proposals included in the EIA scoping report assume that it is acceptable to expropriate portions of a proclaimed nature reserve, and presumably also assume that this is a low-cost option because it is open, undeveloped land. **The specialist studies need to address the ethical and legal issues associated with expropriation of nature reserve land held in trust for future generations and the value of the land involved given the importance of the land as a habitat for endangered and threatened botanical species and the ecosystem services the land provides.**

3 Environmental Impact concerns and specialist studies need to be clearly defined and aligned

Specialist studies recommended in the scoping report need to correlate directly to the key issues and alternatives that require further investigation. **The scoping report fails to clearly define the key issues identified during the scoping process that require specialist studies and does not correlate the studies to be performed with the issues and alternatives.** By this stage of the process there ought to be a concise list of specific, well defined impact concerns, each with a corresponding recommended specialist study and terms of reference. This is absent in the scoping report. Instead there is a vague list of seven specialist report headings given in table 7.1 without any terms of reference.

It is noted with concern that three of the seven proposed specialist studies are to be performed by SRK themselves, which is unsatisfactory given the role of SRK as the independent EIA process facilitator.

4 Conclusions and Recommendation

In conclusion, WCC submits that the scoping report requires review before the EIA impact assessment process can continue. The process is not credible with the scoping report in its current form.

- 4.1 Statements made by roads engineers about the inappropriateness of PSDF and WCSoER policies and strategies for the Hermanus situation require investigation by spatial planning specialists and comment from DEA&DP. The dismissive stance of roads engineers is not accepted as authoritative and a truly independent review should be conducted of the C&R schedule to identify all issues that merit proper investigation by specialists.
- 4.2 The scoping report needs to clearly define the issues that specialist studies are required to address and give the TORs for each study.
- 4.3 The scoping report does not address the most serious concerns expressed by well-qualified individual and organisational I&APs that have made comment. Verifiably independent specialist studies need to be added to at least address:
 - The need for CBD bypass road made to provincial roads standards, with reference to the possibility of Checkers and Schulphoek municipal bypass roads sufficing, and Hermanus being viewed as the business centre of the Overstrand without a provincial road running right through it.
 - The insistence by EFG and iCE engineers that no alternatives exist that do not require encroachment into, and deproclamation of portions of, Fernkloof Nature Reserve.
 - The real value of the land proposed to be expropriated from Fernkloof Nature Reserve that is the irreplaceable habitat of endangered and threatened

botanical species and how the community will be compensated for that in the event that expropriation is decided.

Kindly acknowledge receipt of this submission.

Yours faithfully



Rob Fryer
General Manager