

18 JUNE 2020

# ENVIRONMENTAL ALERT



## IN THIS ISSUE

### DEFF publishes guidelines on Environmental Authorisation Application Electronic Submission Process

Following the nationwide move to Alert Level 3 lockdown on 1 June 2020, the Minister for the Department of Environment, Forestry and Fisheries (DEFF) published directions relating to permitting and licensing processes regulated under the National Environmental Management Act 107 of 1998 (NEMA) and its associated strategic environmental management acts (Alert Level 3 Permitting Directions). In addition to providing for amendments and extensions, the Alert Level 3 Permitting Directions provide that the electronic submission of applications would be permitted, and briefly outlined the mechanism in place for such submissions (Electronic Submission Process).

## DEFF publishes guidelines on Environmental Authorisation Application Electronic Submission Process

The DEFF Guidance Document assists applicants with the procedure and format of EA applications and reports that are to be submitted electronically, and prescribes the updated processes to be adhered to.

Following the nationwide move to Alert Level 3 lockdown on 1 June 2020, the Minister for the Department of Environment, Forestry and Fisheries (DEFF) published directions relating to permitting and licensing processes regulated under the National Environmental Management Act 107 of 1998 (NEMA) and its associated strategic environmental management acts (Alert Level 3 Permitting Directions). In addition to providing for amendments and extensions, the Alert Level 3 Permitting Directions provide that the electronic submission of applications would be permitted, and briefly outlined the mechanism in place for such submissions (Electronic Submission Process).

In order to provide further details to the Electronic Submission Process, the DEFF subsequently issued a communication to: (i) inform the public that the Environmental Impact Assessment (EIA) arm of DEFF will not be receiving hard copies of documents in relation to environmental authorisation (EA) applications as from 5 June 2020; (ii) circulate a guidance document (available [here](#)) outlining the approach to the Electronic Submission Process for various phases of EA applications (DEFF Guidance Document); and (iii) advise the public of the amendment to various forms and/or templates applicable to the EA application process.

The DEFF Guidance Document assists applicants with the procedure and format of EA applications and reports that are to be submitted electronically, and prescribes the updated processes to be adhered to in relation to the submission of a/an:

- request for a pre-application meeting;
- request for the extension of a prescribed timeframe under the NEMA EIA Regulations due to the need to expand a scope of work or other exceptional circumstances, in accordance with Regulation 3(7);
- notification to the competent authority if significant, new changes or information has arisen requiring that a further public participation process be conducted, in accordance with EIA Regulations 19(1)(b), 23 (1)(b), or 32(1)(b);
- application for EA with and without a draft basic assessment or scoping report, as the case may be;
- draft and final basic assessment, scoping and/or EIA reports; and
- request for a correction of an error in an EA if the correction does not materially change the rights and duties of any person, in accordance with Regulation 27(4) of the EIA Regulations.

The DEFF Guidance Document further notes that the process for applying for an amendment to an EA or Environmental Management Plan is the same as the prescribed EA application process.

All applications must comply with the prescribed forms/templates, as amended, and accompanied by the DEFF document control form.

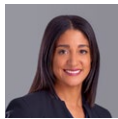
*Laura Wilson, Alecia Pienaar and Margo-Ann Werner*

## OUR TEAM

For more information about our Environmental practice and services, please contact:



**Allan Reid**  
Mining & Minerals Sector Head  
Director  
Corporate & Commercial  
T +27 (0)11 562 1222  
E [allan.reid@cdhlegal.com](mailto:allan.reid@cdhlegal.com)



**Margo-Ann Werner**  
Senior Associate  
T +27 (0)11 562 1560  
E [margo-ann.werner@cdhlegal.com](mailto:margo-ann.werner@cdhlegal.com)



**Alecia Pienaar**  
Associate  
T +27 (0)11 562 1017  
E [alecia.pienaar@cdhlegal.com](mailto:alecia.pienaar@cdhlegal.com)

### **BBBEE STATUS:** LEVEL TWO CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

### **PLEASE NOTE**

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

### **JOHANNESBURG**

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa. Dx 154 Randburg and Dx 42 Johannesburg.  
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E [jhb@cdhlegal.com](mailto:jhb@cdhlegal.com)

### **CAPE TOWN**

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.  
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E [ctn@cdhlegal.com](mailto:ctn@cdhlegal.com)

### **STELLENBOSCH**

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.  
T +27 (0)21 481 6400 E [cdhstellenbosch@cdhlegal.com](mailto:cdhstellenbosch@cdhlegal.com)

©2020 9078/JUNE

