



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

Ref: O2/1/5/2

### NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 3974 { NW4219E }

INTERNAL QUESTION PAPER NO. 47 of 2023

DATE OF PUBLICATION: 24 November 2023

**Mr M G E Hendricks (Al Jamah-Ah) to ask the Minister of Forestry, Fisheries and the Environment:**

Whether, considering that the Constitutional Court has ruled in *Fuel Retailers Association of Southern Africa v Director General Environmental Management of Agriculture, Conservation and Environment, Mpumalanga Province and Others*, that conservation of cultural heritage could also be subsumed under section 24(b)(ii) of the Constitution of the Republic of South Africa, 1996, her department takes into account the cultural and heritage life of coastal communities when it grants environmental authorisation in areas off the wild coast; if not, what is the position in this regard; if so, what are the relevant details?

### **3974. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:**

Yes, the Department of Forestry, Fisheries and the Environment (DFFE) does consider cultural, and heritage impacts in the Environmental Impact Assessment process. If development or a project has been identified to have impacts on the cultural and heritage life of communities in the area, these impacts are assessed and considered in the decision-making process. Independent Specialists in the cultural and heritage domain are commissioned by the applicant to conduct socio-economic impact assessment and heritage impact assessment studies, where the proposed development is intended to take place. These specialist reports are produced

with recommendations on proposed mitigation measures by the Environmental Assessment Practitioner. The reports are subjected to a Public Participation Process wherein Registered Interested and Affected Parties, inclusive of the affected communities, are able to comment. The public is afforded an opportunity to register their input on the reports and the proposed mitigation measures. The South African Heritage Resources Agency and other provincial bodies like the Eastern Cape Provincial Heritage Agency also get an opportunity to raise their views on the proposed development.

The Specialist, together with the Environmental Assessment Practitioner will receive the comments, consider the views, and respond in the final report addressing all comments received. When all these comments have been dealt with satisfactorily by the Environmental Assessment Practitioner, final reports are then shared with the DFFE for decision-making. The Department will then review all the reports to ascertain whether all comments were adequately considered, look at the appropriateness of the mitigation measures, and then decide on whether to issue or refuse the application for environmental authorisation.



.....  
**MS B D CREECY, MP**  
**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**  
**DATE: 28/11/2023**