



Sustaining the Wild Coast

EIR commentary. N2 Wild Coast Toll road proposal

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INTRODUCTION

Note:- The concerns expressed in this document are primarily aimed at the new section of the N2 known as the 'Greenfields' section between Port Edward and Port St John's, which passes through the Pondoland Centre of Endemism. This is the only section of the N2 that is entirely new, all other sections of the N2 route being upgrades of existing roads and therefore unlikely to have the same social, economic and environmental repercussions that the 'Greenfields' section will have.

IN 2004, as a consequence of the large number of public appeals petitioning against the Record of Decision (ROD) made in December 2003, which approved the N2 Wild Coast Toll Road Environmental Impact Assessment (EIA), a legal review, commissioned by the new Minister of Environmental Affairs and Tourism, Minister van Schalkwyk, was held into the N2 EIA process.

The ROD was subsequently overturned on the grounds of lack of independence of the environmental consultants, Bohlweki Environmental. However, the legal review raised a number of other concerns where the 2003 EIA was felt to be remiss in complying with the principles for environmental management laid out in the National Environmental Management Act, 107 of 1998 ('NEMA').

Subsequently a new EIR was commissioned by the South African National Roads Agency (SANRAL).

Although the new EIR process purports to give an independent assessment of the merits of the proposal it is clear that the process is still saddled with dealing with the problems of an extensive infrastructure proposal, with far reaching and long term consequences

for future national and regional development, that was developed and promulgated in a manner that was anything but objective and independent. Namely, the SANRAL preferred route was developed as an isolated and unsolicited bid by a consortium of private bidding companies whose primary motivation was profit, rather than arising out of an integrated and comprehensive regional development plan.

Given that there is very little change between the 2003 infrastructure proposal and the 2008 proposal, with route considerations and proposed alternatives in 2008 being considered in the same narrow 'alternative routes' scenario of 2003, which only considered alternatives for a Toll road within a narrow geographical band, and which did not consider alternative transport scenarios, and given that this proposal still exists independent of any integrated regional development plan, SWC are of the opinion that the underlying justifications and motivations for the N2 Toll road are still highly clouded by the originating controversies that gave rise to the 2004 Appeal Review.

In commenting on this new EIA process, SWC is of the opinion that many of the concerns raised by the public in 2003, and by the 2004 legal Appeal Review, have still not been addressed or overcome by the new EIA process, primarily because the motivation for a toll road, and the SANRAL preferred route, originated out of an isolated and unsolicited business proposition whose driving motivation is private profit out of construction and tolling, rather than out of a holistic regional development plan geared towards meeting real local social and economic development needs.

A primary motivation underlying the Tolling principle is that the road construction costs be maintained at a level that would, to quote the 2008 EIR, keep the 'toll fee ...less than the road user benefits'. This implies that in order to be able to charge a toll user fee that is not off-putting to road users but still enables tolling to be a viable economic proposition, the construction costs of the road become a prime consideration in route selection. That is, the route for the road becomes constrained not only by the need to create a profit incentive for the unsolicited bidding companies, but also to create a fiscal profit out of toll fees. With these motivations as a primary driving force in route selection, keeping construction costs to a minimum, at the expense of other considerations, becomes a principle driving force in route selection. The favoured route becomes one where construction costs are cheapest, rather than a route stimulated by egalitarian necessity and what is best in terms of social, economic and environmental considerations.

Under these conditions, the very foundations of the proposal are unstable and no amount of EIA'ing would be able to correct this fault, for the parameters of EIA processes merely allow a limited commentary on what is an already promulgated proposal. EIA processes do not allow for a holistic consideration of what would be the best development options for the region and then propose suitable infrastructure projects arising out of that. They only allow for narrow commentary on the immediate impacts of a particular development.

Determining the best development options for a region requires another process altogether, namely a regional strategic development plan. Any large scale

infrastructure proposal that is developed in isolation of such a regional development plan, but which will have a great impact on the future socio-economic and environmental course of a region, such as the N2 Toll road, runs the risk of making huge assumptions about possible benefits, especially when many named socio-economic 'benefits', as the N2 EIR implies, seem to rely upon an assumption of multiplier effects and secondary developments.

Without a broader regional development plan that outlines how multiplier and secondary effects would be both controlled and stimulated to allow for orderly development that enables the best use of available local resources without degrading these, any statements in the EIR about so called benefits of 'secondary' or multiplier effects remain in the realm of fantasy and wishful thinking, and therefore cannot be used as justification for supposed 'socio-economic' benefits that the road might bring.

In this, the N2 Toll road EIR is rank with double standards. On the one hand it excludes the N2 from responsibility from any cumulative negative impacts that might result as a consequence of multiplier and secondary impacts by excising them as 'out of bounds' of the immediate investigation of an EIA process confined by practice to assessing the immediate impacts of the proposal. Yet on the other hand, it names the development of certain secondary and multiplier effects (e.g. development of sugar cane, timber, mining, tourism) as important components of any socio-economic benefits that the road might bring.

Yet the course, ownership and manner of implementation of these so called benefits will themselves have huge and cumulative social, economic and environmental impacts. Whether these have positive or negative outcomes will depend to a large extent upon the management and planning capacity of local government, as well as local social development and economic policies.

So the EIR presents a seemingly insoluble paradox. If many of the so called 'benefits' of the road depend upon secondary development occurring of the type stated in the EIR, many of which developments will themselves have dubious environmental impacts, then how can mitigation of negative environmental impacts be assured? And if regional development is the prime motivation of the road, then why has the road been promulgated in isolation, without a supporting regional development plan which will increase local government capacity in order to cope with the increased management and planning pressures that the road will bring?

This scenario creates the impression that many statements in the EIR about so called socio-economic benefits are little more than rosy window dressing, geared towards finding justification for the project.

On the other hand, if negative environmental impacts are to be controlled in a manner that will not jeopardize the biodiversity of the area, then the type of development path of which the N2 Toll road is both a symptom and a proponent is simply not suitable for a future path of sustainability in the Wild Coast area.

It is absolutely certain that South Africa can no longer afford to take lightly the environmental impacts of any development path it chooses. The 2006 South African Environmental Outlook report (SAEO) published by the Department of Environmental Affairs, clearly shows that South Africa's natural resources

are being degraded across the board at a rate that is completely unsustainable, and to continue on such a path will increasingly severely hamper national goals of economic and social development.

'There are non-negotiable ecological thresholds; that we need to maintain our stock of natural capital over time; and that we must employ the precautionary principle in this approach' (National Framework on Sustainable Development: 21)

The recently adopted National Framework on Sustainable Development (NFSD) recognises that future social and economic prosperity depends upon 'maintaining the integrity of natural, financial and human capital, to ensure that economic and social development is reconciled with environmental protection'. (NFSD: 21)

It is clear that a future path of sustainable well-being for all involves working within the parameters of environmental limits, and reversing environmental degradation where this has occurred. This is particularly relevant in an area such as the Pondoland Centre of Endemism, where many communities are highly dependent on the direct use of natural resources for their livelihoods. Any developments that threaten high environmental impacts and add to land use pressures in a manner which would further degrade natural resources, threaten to increase, rather than decrease, poverty, as they undermine the natural resource base that local communities are dependent upon.

The 2008 N2 Toll road EIR clearly indicates that the Toll road will have high environmental impacts, and that these will be compounded by secondary developments. Without the constraints of a regional development plan geared toward protecting the interests of grassroots communities and the natural resources that they are dependent upon, and which builds local capacity and human skills, a development such as the N2 is liable to result in increasing environmental pressures on sensitive environments, leading to increasing environmental degradation and a spiral of increasing poverty and inequality.

That so many public concerns from 2003 have still not been adequately addressed calls onto question the integrity and motivations of the public participation process.

SWC is of the opinion that this is primarily because the proposal originated on questionable foundations which were not based on egalitarian and broad based consultation, so that all subsequent public consultation has been limited to commentary on an already promulgated proposal. If the foundations are faulty, no amount of papering over cracks will fix the problem!

The preferable alternative would have been the more egalitarian scenario where proposals for suitable transport infrastructures would have originated out of widespread consultation across all levels, within the parameters of a holistic regional development plan.

SWC does not view 'going through the motions' to be an adequate application of consultation, but that real consultation involves adequately addressing the concerns expressed by public participants. That so many of the 2003/4 concerns still remain unaddressed in the 2008 EIR is enough indication that the 2008 EIR has been deficient in its consultation processes.

Given that SWC does not consider the 2008 N2 proposal significantly different from the 2003 proposal, Section 1 of this EIA commentary will revisit many of the concerns about the project raised in the 2004 Appeal Review that have still not been addressed under the current process.

Section 2 will raise concerns particular to the 2008 EIR.

Section 1

CONCERNS RAISED IN 2004 APPEAL REVIEW AND PUBLIC PARTICIPATION PROCESS AND STILL APPLICABLE IN THE 2008 EIR PROCESS

Note: - Quotes from the 2004 Appeal Review will be given in italics.

1 - Adequacy of mitigation measures

- The 2004 review stated that *' Of particular concern is the pattern adopted throughout the EIA of assuming that potentially beneficial or positive impacts will necessarily be realized in the implementation of the project, while on the other hand all potentially harmful or negative impacts are described as easily capable of mitigation. Such an approach seems to be excessively optimistic, and entirely inconsistent with the precautionary approach required by NEMA in a case such as this one. The paucity of detail provided as to how the mitigation will be achieved, or indeed of the precise location of many of the impacts, underlines the inadequacy of this approach.*
- *We contend that there is a misplaced faith in the efficacy of mitigation. There is no consideration of the worst case scenario or the realities of a huge construction project stretching over 550 km through remote and often rugged terrain. According to the EIA, many of the secondary negative impacts will be "controlled" by the authorities and all the benefits will thus be realized. This is placing enormous faith in the ability of municipal and provincial government to deliver.*
- *There are frequent references to monitoring and auditing, but at no point is it established how this monitoring will be enforced.*

2008 EIR. Much mitigation of negative impacts are based in the realm of fantasy, rather than rooted in the realism of practical implementable plans and policy application given local conditions. That is, the majority of mitigations of environmental impacts are based on assumptions that:-

- a) Local authorities and regional government has the capacity and will to police and control any negative consequences that might arise as a consequences of the road e.g. ribbon development, pollution, unsustainable resources use. There is nothing in the recent history of the Eastern Cape to suggest that local and regional government has either the capacity or the skills to effectively control negative impacts that might arise from secondary impacts, and everything to suggest that

the Eastern Cape authorities do not currently have the capacity to effectively police negative impacts and thus be effective agents for mitigation control.

b) Many mitigations are based on an assumption that the Pondoland Park is a given. To date anything remotely resembling a 'Pondoland Park', or an area that is given high conservation status in terms of national resource allocation such as a nationally recognized Biosphere, remains nothing more than a far-sighted dream. Under these circumstances it is difficult to see how the concept of a 'Pondoland Park' can be named as a tool for 'mitigations' of negative impacts.

c) Certain mitigations are suggested as being the responsibility of the construction companies and SANRAL, but who will police these? There is no indication who will ensure that these are complied with. Laying the responsibility on SANRAL and the constructing companies to ensure these are adequately complied with is tantamount to posting robbers to guard the bank!

d) Secondary and cumulative impacts have not been dealt with or addressed in any meaningful way. The EIR states that these are likely to have a significant impact on ecological systems, yet again much mitigation are based on unfounded assumptions that local authorities are adequately equipped to deal with the increased developmental pressures that the toll road might create.

Mitigations for the control of secondary impacts are externalized onto local authorities, yet there are no concrete or detailed plans which indicate how local and regional authorities are going to be 'empowered' to cope with, or given the means, to deal with the consequences of controlling mitigating effects. In this sense many mitigation give the appearance of being a 'cop out' by SANRAL. That is, the EIR acknowledges that the proposed route road will have undesirable negative impacts, but transfers the responsibility of dealing with these onto local authorities who are already hard pressed to deal with regional social and environmental problems.

Under these circumstances, without a huge effort at local capacity building in terms of human resources and the development of local government capacity and skills, there is every chance that the increased pressures on the environment that the Toll road will bring will in the long term increase local levels of environmental degradation, poverty and social inequality, rather decrease these. The EIR give no indication on how the necessary capacity building will occur or unfold.

2- Excising tolling impacts from EIA report

2004 Appeal review states: - *The attempt to excise the impacts of tolling from the other social, economic and environmental impacts of the toll road,... (questions)the adequacy of this approach in the light of the NEMA principles.... In our opinion, the decision to excise the impacts of one aspect of the proposed activity, i.e. the tolling of the road, from the EIA process in order for them to be considered under a separate process, governed by a different statute, was incorrect.*

NEMA requirements

"[e]nvironmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option." (our emphasis)

The decision not to consider the impacts of tolling in the EIA process thus seems to have ignored these requirements of NEMA.

2008 EIR - The intent to Toll Process and hence the impacts of tolling have not been included in 2008 EIR process and therefore continue to create a bias in the socio-economic impact assessments as well as on the route selection. (See Introduction)

In its website SANRAL states:-

'A toll road is funded by those choosing to pay for the use of the facility". This is quite clearly contradicted in the current project, whereby the people and businesses of southern KZN are going to have to subsidize sections of a road they don't use.

The SANRAL website states: - "Taxes are not used to fund toll roads, and therefore individual tax obligations are actually reduced by toll roads". In this case, as SANRAL will pay the construction costs for bridges, one assumes out of taxes, the situation is in contradiction of this statement.

3- Application of the Precautionary Principle

2004 - The precautionary principle...its consideration is distinctly significant on account of a) the inadequate scientific knowledge of the affected ecosystems and b) the uncertainty as to the precise dimensions and impact of the proposed road. In this EIA there is thus a special need to 'take into account the limits of current knowledge'. ...Of particular concern is the pattern adopted throughout the EIAR of assuming that potentially beneficial or positive impacts will necessarily be realized in the implementation of the project, while on the other hand all potentially harmful or negative impacts are described as easily capable of mitigation. Such an approach seems to be excessively optimistic, and entirely inconsistent with the precautionary approach required by NEMA in a case such as this one. The paucity of detail provided as to how the mitigation will be achieved, or indeed of the precise location of many of the impacts, underlines the inadequacy of this approach.

2008 – How are mitigations going to be ensured given the reality of local government capacity in Eastern Cape? Given that the PCE is an area of high significance in terms of biological diversity, and given the uncertainties surrounding the adequate application of mitigations, and given the EIA suggestion that secondary impacts (whose effects has not been assessed in the EIA but which have been named as important components socio-economic beneficiation) will have negative multiplier effects on biodiversity.

See Introduction and points 1,6,7,8.

4 -The need for the toll road

2004-The need for the toll road is not well argued in the EIAR, or the RoD. Any discussion on the need for the road is hampered by the absence of a clear strategic

development planning framework for the Wild Coast as a whole... None of the claims made in the report about the social benefits, the promotion of agro-forestry in the region and tourism development are adequately argued and are certainly not substantiated with hard data or numbers. Given that the justification for the project is based on the development of agriculture, forestry and tourism in the region, as well as 'other known developments', it is surprising that not more attention is paid to these aspects. In this regard, greater attention should have been given to placing the toll road in the context of the Wild Coast SDI, as well as the Coega Project. The complete absence of any acknowledgement of the mining potential in the area is disconcerting

2008 –see introduction.

Socio-economic benefits are unlikely to be realized without a regional development plan that builds upon local government and human capacity, and without this the added pressures of a Toll rd are likely to exacerbate social and environmental pressures on the region, thus leading to increasing poverty and inequality, rather than a reduction in these.

Without a regional development plan there is no indication that a Toll road through the PCE is needed to realize stated benefits that an upgrading of other transport and route options will not meet.

Benefits to isolated communities are liable to be negligible unless local roads are also upgraded. If local roads are upgraded, many of the driving motivations for the necessity of a Toll road fall away.

While the Wild Coast SDI recognized the need for an improved national road in the area, it warned that this should be kept out of the PCE and did not state this need be a Toll road.

5 -Public participation process

2004- The public participation process during the scoping study was not comprehensive enough... Although most (but not all) public concerns were identified in the reports, few were adequately addressed.

...Local communities were not empowered to comment or make input to the public participation process. In terms of s2(4)(f) of NEMA, the participation of all I&APs must be promoted and all people must have the opportunity to develop the understanding, skills and capacity to achieve equitable and effective participation, especially vulnerable and disadvantaged persons. Section 2(4)(h) of NEMA also states that community wellbeing and empowerment must be promoted through environmental education, raising of environmental awareness and other appropriate means. It would appear that no capacity building was done prior to soliciting input and comment on the project;

-The manner in which the RoD provides for public involvement in the finalisation of the road alignment and associated infrastructure design is inadequate for a project of this scale and impact.

2008 – See Introduction. Public participation processes (PPP) of the 2003 EIA was found to be inadequate, yet these were used as a basis for the 2008 EIR. How can something found to be flawed in the first round be used as a base for the second round?

Presentations at public open days assumed a fairly high level of literacy in order to be intelligible therefore unsuitable for illiterate rural communities
Because the foundations of the proposal are flawed, all subsequent 'public consultation' has merely assumed the role of commentary.
SWC is not aware of any widespread process that has been undertaken amongst rural communities that would 'empower' them through environmental education, raising environmental awareness etc to make informed comment.
The high number of concerns still not addressed in the 2008 EIR point to the public consultation process for the whole project still being inadequate.

6 -Impacts of secondary developments

2004 Appeal Review-the justification for the project is based on the development of agriculture, forestry and tourism in the region, as well as 'other known developments', it is surprising that not more attention is paid to these aspects. In this regard, greater attention should have been given to placing the toll road in the context of the Wild Coast SDI, as well as the Coega Project. The complete absence of any acknowledgement of the mining potential in the area is disconcerting, since there are several well-known deposits of heavy minerals along the coast, which are surely part of the development context.

2008 – While the EIR mentions the possibility of secondary impacts and states these as part of the beneficiation process, it ignores that these themselves will have environmental impacts, thus annulling the statements that negative impacts can be mitigated.

See Introduction and points 1, 7, 8.

7 -Biological diversity and offsets.

2003 – The PCE...

- *has a limited extent (only 1 8,80 km² compared, for example, to the Maputaland Centre at 26 734 km²);*
- *has species that you will not find anywhere else but within the 1 880 km² ;*
- *many of these species are not known to science and some are still being discovered;*
- *many of these species have limited ranges and consist of very small populations;*
- *many of these are already threatened; and*
- *many of these fall outside formal protection*

...(thus) there is a strong case that even 'small and localised' parts of the PCE matter. Secondly, it is not correct to conclude that impacts will only be as a direct impact of physical construction; the likelihood of secondary impacts (such as ribbon development) is usually high. Thirdly, given that the PCE is a globally recognised centre of plant diversity (Davis et al, 1994) and a recognised centre of endemism,... the impacts on the PCE are ...of global significance. Fourthly, given gaps and limitations in

data and knowledge of the PCE and biodiversity of the Wild Coast generally, to conclude that "it is considered very unlikely that the road will result in loss or extinction of plant species," is misleading. The EIA is not in a position to claim this with certainty, relying on so little real data.

-no justification is given as to why the road should traverse this area of global importance. Impacts of the project will result in irreversible damage to the biodiversity and landscape. An alternative route bypassing the PCE should be found. ...there is very little evidence in the EIAR of the precautionary principle, prescribed in subsection 2(4)(a)(vii) of NEMA, having been applied in the findings of the EIAR. This is aggravated by failure to acknowledge that there is very little really known about the number, type and location of endemic plant and animal species in the Pondoland Centre of Endemism, as well as by the overly optimistic style adopted in the EIAR of assuming that virtually all negative impacts will necessarily be mitigated and that positive impacts will also necessarily be realised.

2008 -Under these circumstances the argument for 'offsets' as a mitigation for any loss of biodiversity that road might threaten is dependent upon a much greater knowledge of the distribution of threatened flora and fauna, as well as the availability of suitable alternative to 'offset' these. The vagueness of specifics for stated mitigation measures, given current poor information about biodiversity, is worrisome. Statements that conclude that risk of 'exceeding thresholds' of vulnerable species can be mitigated seem optimistic, given the lack of capacity of local government and the increased pressures through secondary development that the road will create.

If beneficiation of the road depends upon secondary developments as stated in the EIR, these will further compound environmental impacts. If secondary developments of the type described are curtailed in favour of low environmental impact developments, then is a tolled highway appropriate for such an alternative development scenario?

Current Financial and economic value systems are inadequate tools to account for irretrievable loss of biodiversity that might result from the project. How does one 'cost' extinction?

Also see points 1, 3, 6, and Introduction.

8 -Need for a regional spatial development plan

to "map out a spatially-based strategic plan that sets planning goals and limits for potential growth points along the road" and ...the "creation of an appropriate development framework for the region is seen as a critical institutional intervention"....should have been done as a first step by the planning authorities and stakeholders in the region, in order to determine the development needs of the region, and the best means to achieve these, through, inter alia, the improvement of the road infrastructure.

The mitigation measures proposed are again over-optimistic. For example, on p 68, the authors state that "mitigation can only take place by planning regions for appropriate development through consultation with relevant local authorities, and by the National Roads Agency providing input into development planning at the local level". This does not take into account the current limitations with respect to capacity of the local authorities in the region to provide effective regulation of unplanned development and limitations of development planning in rural areas. Further, the EIA could have gone a step further to secure the commitment of local authorities in this regard – there is no indication that this was done.

2008 – The N2 proposal still exists in isolation of a regional development plan. Calls in the EIR for the development of a regional development plan to ensure the application of mitigation seem rather a case of putting the cart before the horse. That is, surely the regional development plan should have come before the route planning of a highway, rather than now trying to push for a regional development plan when SANRAL already seemed to have determined for themselves what the route is in isolation of such a plan?

This also smacks of trying to close the stable door after the horse has bolted. I.e. the findings of the EIR suggest that the control of environmental impacts and stated socio-economic beneficiation is unlikely to occur without a regional development plan, so now is promoting this in an attempt to provide justification for the route

9 - Affordability of a toll road for the poor

2004 - The author does not question whether the rural communities will be able to afford to use the road.

The issue of affordability is not addressed....the road by itself will not bring better health care and enhanced education facilities as claimed (p 52 of the SIA, p 321 of the EIAR); no alternative routes will be provided and the EIA does not assess the impacts of toll-evading traffic on existing roads, especially on the South Coast; the EIA does not address how bypassing the towns on the old N2 and R61 will add to the sustainable development of the region. Indeed, the EIA does not address the need for social justice as set out in s 2(4)(c) of NEMA, nor does it ensure that there will be equitable access to environmental resources by categories of persons disadvantaged by unfair discrimination (s 2(4)(d) of NEMA).

2008 - In the dearth of a regional development plan, grassroots consultation and by excluding the intent to Toll process this has still not been addressed. As Toll fees have still not been determined, whether the poor will be able afford to use the road remains a moot question.

See also point 8

10 - Control of secondary developments

2004 - that inappropriate and uncontrolled developments will be adequately controlled by the local or provincial authorities, or failing that, by the developer. While the report does question the validity of this assumption, it offers no meaningful recommendations as to how secondary development could be controlled, except by suggesting (pp 44-45, 53) that the road could be the catalyst to bring all stakeholders together to develop a spatially-based strategic plan that sets planning goals and limits.

2008 – see points 1, 7, 8, 11.

The EIR names both a Pondoland Park and the Wild Coast Conservation and Sustainable Development Plan (WCCSDP) as documented 'mitigations' to control secondary developments. However, both of these, at this stage, are little more than documents. Both are floundering under the combined stress of political ineptitude, lack of human and resource capacity building, lack of adequate financing, unrealistic assumptions at a political level of the realities of grassroots needs and politics at local community levels, and mistrust by local communities of local political motives. Unless adequate resources are provided to ensure that these documents get off the shelf and become successful and implementable, in a manner that addresses local communities needs, naming them as adequate measures for 'mitigation' of secondary impacts is nothing more than wishful thinking, and smacks of nothing more than trying to find justification for the N2 proposal.

11- Integration into local development scenarios

2004 - -one of the key findings of the Wild Coast Spatial Development Initiative to be the development of road infrastructure to enhance access, communication, tourism and accompanying development. The SDI is based on regional development initiatives and a nodal development approach for ecotourism... However, the study fails to integrate these proposals with the toll road concept or to demonstrate the benefits of a toll road in achieving the stated SDI goals. Indeed, none of the stated development goals are predicated on the presence of a toll road.

- A weakness that runs throughout the EIR is the absence of a clear, cogently argued rationale or need for a toll road to be constructed along the selected route. The absence of a regionally applicable strategic development plan makes this weakness all the more serious. If there had been such a plan it would have been a great deal easier for the EIA to have either argued in favour of the proposed road supporting the plan or, alternatively, to have developed a compelling argument why the road should be approved despite it not having clear support from such a plan. The scale of the proposed project as well as the sensitivity – ecological, social and economic – of the region requires that there has to be a properly considered argument in support of it.

2008 – in the dearth of a regional development plan which integrates road infrastructure that meets local needs into broader development objective, arguments for the necessity of a toll road or the proposed route are hollow.

12 - Economic viability

... it is not clear if the project is viable without tolling or the government subsidy for the bridges.

- the overall need for a toll road along this route has not been cogently argued. This is a particularly serious omission in a project which passes through an area of such ecological and social sensitivity. Without a clearly persuasive, logical argument up front as to why the proposed toll road fulfils a developmental need in the region, the rest of the EIA is built upon somewhat shaky foundations.

-The combined effect of there not having been an effective planning exercise in the region and the EIA not having developed a persuasive argument in favour of the proposed toll road, is that there is a strong argument for initiating a new, focused strategic evaluation of the region's development options. This exercise must address, among other issues, the question of the transport infrastructure vis à vis other development initiatives in the region. An outcome of the exercise must be a recommendation whether or not a toll road is justified

2008 – without a regional development plan which lays out how secondary and multiplier effects will unfold, the proposal remains in the realm of a capitalist venture with dubious local and regional benefits. The majority of stated benefits remain in the realm of conjecture and wishful thinking, rather than being rooted in implementable and practical plans.

Selective accounting based on assumptions about the positive impacts of secondary development as well as and multiplier effects, while discounting the potential negative impacts of secondary developments, give a biased economic view. That is, the economic viability of based on a narrow and unrealistic reductionist view that all positive impacts will be realized, while all negative impacts will be successfully mitigated.

The economic assessment is also based on a western, neo-liberal value system which assumes that all people and all communities have the same aspiration and values as the author, and thus ignores the value systems, and socio-economic structures of local indigenous communities, who might have different world views about the economic system that is being imposed upon them by this 'top down' method of planning.

By omitting the intent to toll process from the EIA, a bias is created in the socio-economic assessments.

Section 2.

Comments specific to the 2008 EIR .

1- General Comments

- There is still no adequate justification for a tolled highway that other alternatives would not meet, particularly in its routing through the 'Greenfields' section of the Pondoland Centre of Plant Endemism. Justification for the route is derived from

the proposed route being convenient from a road engineering point of view, but this ignores broader social development and ecological considerations.

Upgrading existing routes or routing the N2 out of the PCE will still provide the same regional socio-economic benefits without the accompanying risk of environmental degradation to the PCE which the proposed route risks.

- The proposed route through the Greenfields section does not serve the most densely settled areas of this region, therefore how is it going to improve access for the majority of local populations unless the regional road network as a whole is improved? If the regional road network is improved, is there still adequate justification for a tolled national highway? It is questionable whether the N2, or a tolled route, is the most suitable infrastructure to provide needed improved access to isolated communities. Justifying a tolled highway on the basis of better access, without a preliminary investigation into what sort of access would bring most benefits and be most suitable for the social and ecological conditions of the area, borders on propagandizing and a case of 'putting the cart before the horse'. Surely the route of the road should be dependent upon the outcomes of social development policies rather than the other way round?.
- The public consultation process is still inadequate. Namely, the origins of the proposal originated as a business venture, rather than out of an assessment of local and regional needs. This means that all subsequent 'consultation' has been geared toward finding justification for the proposal, rather than beginning from a base which first determined local need, and then proposed suitable infrastructure arising out of this.

Given that the proposal is stated as being in the national interest, why were public consultation meetings not held in other major centres such as Gauteng?

- The EIR is full of contradictions and unfounded assumptions. Many of the so called 'secondary benefits', or multiplier effects, that the road is purported to support (e.g. extension of sugar and timber industries and mining) themselves will have high environmental impacts. If multiplier effects are dependent upon growth of secondary development these negate the statement that loss of biodiversity can be controlled or that secondary development can be controlled. The cumulative impacts of multiplier effects have not been addressed in the EIR, but collectively the impacts of the development path that is suggested by these proposals is highly unsustainable at every level. This suggests the need for a holistic and strategic development plan, of which the route for the rd is a part. EIR statements that SANRAL should attempt to manage negative impacts do not constitute an adequate management plan.
- Given the above, and given the lack of information about flora, fauna and the functioning of eco-systems in the region, the Precautionary Principle has not been upheld.
- In light of the above, the EIR is partial to selective economic accounting and 'value' assessments that give a biased account of the desirability of the project, as well as bias toward the 'SANRAL preferred route' over other routes or options.
- The issue of the exclusion of Toll fees from the socio-economic impact assessments has not been addressed.

- Given the high environmental impacts of the proposal and the very 'wishy washy' suggested impact mitigations which lack any concrete detailed planning, the proposal does not comply with NEMA regulations or Constitution Section 24, and does not support the vision of the recently adopted National Framework for Sustainable Development as a guideline for the future development path of South Africa.
- The EIR suggests that any broader macro-economic benefits that the road might bring would be dependent upon the formulation and implementation of a broader socio-economic development plan, and that without this it is unlikely that any of the regional benefits as a consequence of the road will be realized. This calls for the proposal to be considered within a broader socio-economic development plan, yet the proposal for the route has been developed in isolation of this.

Given the lack of a broader socio-economic development plan needed to realize socio economic benefits of the road, in combination with the cumulative negative impacts that will arise as a consequence of the road, one has a likely situation where very few positive impacts might accrue, but a great many negative impacts might result. The net consequence is likely to be one of increasing social and environmental pressures and degradation, resulting in an increasing spiral of poverty and inequality. This begs the question why the road is being considered in isolation and again points to its founding motivation as being that of a business proposal rather than an infrastructure development serving the best national interests.

- Increased traffic flow projections are based upon an assumption that increased traffic flow is going to maintain a steady and predictable rate. Oil peak theory and the current global economic downturn makes this a questionable assumption. Mitigations for climate change make it essential that dependency on carbon producing private motor vehicle use is reduced in favour of greater public transport facilities (such as rail) and regional development systems that are not dependent upon the extensive long distance road haulage of goods.
- Climate change, and various international obligations undertaken by South Africa in terms of the Millennium Development Goals, Agenda 21, and the Johannesburg hosted World Summit on Sustainable Development of 2002, require that South Africa makes every attempt to reverse biological and ecological degradation, and reduce the overall national environmental footprint.

The recently adopted National Framework on Sustainable Development recognizes that without these measures, achieving stated social and economic development goals will be increasingly unlikely, as the effects of environmental degradation will increasingly erode the resources available for socio-economic development. It is imperative that for a future path of sustainable development to be achieved, any infrastructure proposal that comes with a high environmental footprint or impact in biodiversity, such as the 'Greenfields' routing of the N2 through the PCE requires, absolute prudence. The mitigation

measures outlined by the EIA , as well as the driving motivations as the various secondary proposals suggested as beneficiation, do not suggest that such prudence accompanies this proposal.

Specific Comments on the EIR

Motivations for the proposal

SWC question the assertion that communities in the Greenfields section are 'Impoverished'. A statement of impoverishment is highly dependent upon the criteria used to gauge 'impoverishment', and is therefore more a point of view and a generalization than a fact. Wild Coast communities might be cash strapped, but they have a wealth of natural resources. If developments destroy the natural resource base which Wild Coast communities depend upon, then they will be both cash strapped and further 'impoverished'.

There are contradictory assertions in claims that the road is necessary to improve access to the region in order to promote eco-tourism, but then states it is to provide a shorter route between provinces. If the road endangers the ecological richness on which eco-tourism is to be founded (the EIR gives an indication of high environmental impacts) then is this not counteractive to the objectives of the proposal i.e. to promote eco-tourist development.

There is no proof that the N2 will improve traffic flow around Durban, and concerns those tolls in the urban area and will merely redistribute traffic flow and cause heavy traffic congestion in other areas.

If faunal knowledge and floral knowledge of the area is poor as stated, the knowledge of functioning of whole eco-system is likely to be uncertain, which is a contradiction of claims that not much is uncertain about projections of potential impacts.

The statement that outside of protected area's fauna is poor is questionable, given the general lack of data about the area and given that fauna also includes insects, amphibians, birds etc.

To presume that the provision of infrastructure alone will reduce poverty, especially infrastructure such as that of the proposed Toll road, without investigating the underlying causes of poverty, is presumptuous.

The SANRAL preferred route is counter to strategic development policies based on ecological sensitivity that have been compiled for the region, such as the Wild Coast Conservation and Development Plan (WCCSDP). Unless these move from document to a policy level, with capacity for implementation, it means any stated mitigations of protection to the affected environment based in plans such as these are based on assumption.

Assessment of potential impacts.

Positive impacts of tourist transits. Unless there is strategic planning to accommodate tourists then these impacts will be negated. This calls for a strategic development plan for the region, without which such proposals smack of an attempt to find justifications for the road.

There is to date no planned area for the Pondo Park as outlined in WCCSDP, so at this stage any mitigation dependent upon this are based entirely on conjecture.

Many mitigations and benefits seem to be dependent upon political and institutional will and capacity to undertake pro-active and strategic development planning. To date this has been severely lacking in the Eastern Cape region so what is going to change?

The statement that the proposal will not be exacerbating climate change is questionable. By promoting the idea that development is dependent upon large volumes of vehicular transport and ease of private vehicle travel, rather than promoting public transport systems and local rural development largely independent of large distance haulage, the proposal promotes development that encourages vehicular carbon emissions.

'Unlikely that there are impacts that are unknown or uncertain'. From a systems or complexity thinking paradigm this cannot be quantified as anything other than propaganda, for any change to a system will instigate changes to other parts which then set in motion a chain of events which in turn generate feedback into the system and further alter it. The results of any particular intervention therefore become unpredictable, because any one of impacts might generate any number of effects on any other dimensions of the systems. So this is opinion rather than fact, based on particular reductionist way of seeing the world as cause and effect, rather than in terms of dynamic systems.

In this context the EIA is extremely limited in its terms of reference, referring to the immediate impacts of the project, but being very selective in impacts of the chain of events that the project will generate.

Statements that SANRAL should attempt to manage negative impacts do not constitute a mitigation plan.

Justifying the N2 on the basis of better access without a preliminary investigation into what sort of access would bring most benefits and be most suitable for the social and ecological conditions of the area borders of propagandizing or finding justifications for the rd.

Tourism promotion on bypassed towns. Mitigations suggest that tourism would need to be promoted in by-passed towns to negate the negative impacts of reduced traffic flow on these. Where will the responsibility lie on financing and undertaking this? Again there is a lack of planning detail as to how negative impacts will be mitigated.

Macro-economic benefits seem to be dependent upon broader development plans without which it is unlikely benefits will be realized. This calls for rd to be considered within a broader socio –economic development plan, which is lacking. This begs the question of why the rd is being considered in isolation of this at all?

Key residual impacts.

'Toll fee is less than the rd user benefits' . If the toll fee is excluded the EIR then how can it be determined that this will be the case. This is trading on assumption.

Acceleration of regional economic income. This seems to be dependent upon a host of other factors independent of the construction of the road itself, therefore that the road will automatically translate into acceleration of regional income is simply an assumption. If multiplier effects are dependent upon growth of secondary development these negate the statement that loss of biodiversity can be controlled..Again this calls for the need for a strategic development plan of which the route for the road is a part.

Increased traffic is based upon an assumption that traffic increase flow is going to maintain a steady and predictable rate. Oil peak, the need to reduce carbon emissions, and the current global economic downturn makes this a questionable assumption.

How is the toll road going to improve traffic safety without an analysis of what makes particular area's more accident prone than others? Is it really rd surface, or are their other factors (such as bad driving, pedestrians, cattle on the road) at play? Of these other factors play a significant role, (such as pedestrians on the road) then these are likely to negate safety factors.

Protection of comparable habitats. The reality is the days are gone when one can just 'declare' protected habitats on 'empty land' , so how are offset proposal's to be undertaken without concrete planning and prior consultation? Given that many of the endemic species of the PCE are highly area specific, and given the lack of data about the region, it is questionable whether 'offsets' would prove a reliable way of protecting biodiversity. Who will finance 'offsets'?

Again this as a mitigation seems overly optimistic given the reality and does not allow for worst case scenarios.

Mitigation measures seem to require considerable control and prohibition measures to be put in place . Who is going to finance and police these, given the extreme lack of capacity of East Cape authorities? Outcomes of this seem unduly optimistic given current realities.

The EIR states that sugar and timber industries will increase beneficiation of potential positive impacts. Yet these industries have huge secondary environmental impacts. By proposing environmentally degrading industries such as these as important

components of beneficiation and socio-economic growth the EIA proposal that secondary impacts should be limited in order to control biodiversity loss is negated.

Unplanned nodes – given the lack of capacity of local municipalities, how are local authorities going to ensure that no unplanned nodes develop when there is not a comprehensive development plan in place that outlines nodal development and capacity building of local government to enforce or manage this? The Wild Coast Spatial and Development Plan outlines a controlled manner of development for nodal growth, yet until such time as there is local capacity to implement recommendations for the control of unplanned nodal growth such as those suggested in the WCCSDP, mitigations to control unplanned growth are nothing but whimsy.

Conclusion

Given the large number of public concerns that have still not been addressed in this EIR, SWC maintain the 2008 EIA process is still fundamentally flawed and has not met the requirements of NEMA, Section 24 of the Constitution, or the vision for future development outlined in the NFSD.

SWC repeat that we believe the EIA process is fundamentally flawed because the underlying process and conditions that gave rise to the proposal are unsound and undemocratic and was formulated in isolation of a regional development plan. Statements in the EIR that a regional development plan should be formulated to allow beneficiation of secondary impacts boost this argument. However, SWC contends that a holistic regional development plan should have been formulated before it was decided what infrastructure developments were most suitable for the region. Trying to argue for a regional development plan at this late stage smacks of a desperate attempt to provide justification for the N2 Toll road.

It is SWC contention that what the 'Wild Coast' area needs is not a Toll road, but improved local road infrastructure, much increased capacity building at local government level, including much increased accountability on the part of local government officials in meeting the real needs of their constituents, and an investment in the development of local human skills and local economies at a grassroots level. For example, by the stimulation of local markets, traditional and organic food security and agri-ecology schemes, and assisting local communities to develop small business schemes that work in conjunction with the limits of the natural resource base. These would go far further in stimulating local rural development than a Toll road, whose primary purpose, as stated in the EIR, is to facilitate inter-city linkages.

SWC asserts that, given the global importance of the rich but threatened bio-diversity of the region, and the cultural heritage of local indigenous communities, the conservation of these should be of prime consideration in any regional development planning.

Apart from failing to meet local needs for improved local infrastructure and services, until and if such time as regional and local nodal strategic planning, as outlined in the Wild Coast Conservation and Sustainable Development Plan, is actually implemented,

no decisions on a high-speed through route can be made which will not compromise the various tenets of sustainable development outlined in the various national strategic planning documents and legislation listed above.