

**Environmental Basic Assessment for the rehabilitation of the regional road R61,
Section 3, between Cradock (km 24.2) and Tarkastad (km 75.0) in the Eastern Cape
Province**

Appendix E - Issues and response report

Raised by J van Gend, farmer

Issue : What compensation will I receive from the opening of a hard rock quarry on my land?

Response: SANRAL will intend to buy the land permanently for a Hard Rock Quarry for future road maintenance. If there is a piece of the camp that the farmer cannot use, i.e. cut off from water point or access, then it will form part of the area expropriated. The farmer will be compensated for the land as per provision of the Expropriation Act.

Compensation

The determination of compensation is based on two distinct values, being the market value of the affected/required land and reimbursement for any financial losses that may be suffered by affected landowners. The distinction between the two values is of extreme importance to SANRAL as the land value will be registered in the Deeds Office. This means that if financial losses are added to the land value, the value of surrounding land will be inflated as *Valuers* use the values recorded in the Deeds Office for comparable sales. The end result would be that land values could be artificially inflated, thereby negatively influencing not only the property market, but also future land acquisitions required for road building purposes.

Market Value of affected or required land

The Market Value of land reflects the actual value of the land that is required (i.e. what a willing buyer would pay for such land in the open market to a willing seller). The offer of compensation that will be made by the Valuer, will fundamentally be based on the results of the strip valuation that was done (see Item 5.11.1). It is important to note that the potential and best use of affected land is identified and hence, also compensated for if such potential and best use is -

- financially feasible;
- economically feasible;
- practically feasible; and
- legally feasible

Real Financial Losses

Real Financial Losses represent all direct losses that a landowner will actually suffer, but does not include the value of land. Such real losses must be a direct and quantifiable loss to which the landowner is legally entitled. The potential loss of income, however, becomes extremely complex, and in most cases is considered to be an indirect and unquantifiable loss for which no compensation is payable. The principle that is applied as a rule of thumb is to attempt to always place or reinstate the landowner or rights holder into the same or a similar

position as the one he or she was in before the acquisition of the land (no more, no less). Examples of such Real Financial Losses for which landowners or rights holders must be compensated, are -

- replacement cost of affected water troughs, boreholes, structures, infrastructure, immovable improvements, etcetera;
- relocation cost of irrigation pipes, people, fences, etcetera; and
- planning cost, such as Professional Fees relating to the appointment of Consulting Engineers, Architects, Town Planners, etcetera.

Affected Rights

The issue affecting the finalizing of a transaction that is the most time consuming to deal with, is encountered where Rights in or to a property are held by juristic persons other than the registered landowner. In some cases, these Rights prohibit the landowner from agreeing to the alienation of the required land (such as where a Deed of Constraint is registered against the property or landowner). In such instances, any negotiations with the landowners are actually fruitless. More importantly, in such instances the acquisition and compensation payable must be negotiated simultaneously with all relevant Rights Holders, which often or mostly result in time delays in finalizing the negotiation process. Further examples of Rights which may be relevant, are -

- Lease Agreements or Servitudes;
- Informal Rights;
- Water Rights (including riparian rights); and
- Usufruct. “

Issue: Will the road section between Raasfontein and Spitskop be widened towards the river or towards the mountain, and how will it affect the water flow to the river if it is in that direction? The river water is used for irrigation.

Response: The road between Bekkersdam and Raasfontein stays on the existing alignment with minimal widening on both sides. The construction will have no effect on the water of the river. We will NOT work in the river. We might construct gabion walls to protect the side fill of the road.

Issue: There are water pipes beneath the road at Bekkerdsdam, Sonop and Raasfontein and they must not be removed as they carry water to certain parts of the farm.

Response: Water pipes beneath the road will always be protected. These however might be relocated through service sleeves otherwise way leaves need to be registered to accommodate services.

Issue: What will happen to the construction rubble?

Response: There is not a lot of rubble generated with the construction of a road. The bulk will be concrete and this will be spoiled in borrow pits and in high fills.

Issue: Where will the water for the construction works come from?

Response: The successful contractor needs to make his own arrangements for construction water. There are strict regulations regarding the matter. There is no need to worry about interrupted water supply from the contractor.

Question: Where will be mined stone be stockpiled for crushing? What happens to any leftovers of crushed stone?

Response: The material crushed will be stockpiled on the quarry area as per the design drawing. The left over material, if any, will be stockpiled in the hard rock quarry or where approved by the client.

Question: What will be done to control dust from road works and crushing?

Response: There are strict regulations and specifications for dust control. There will be an environmental officer on site during construction, to make sure the contractor adheres to these specifications.

Issues raised by Cllr T. Takane and Tarkastad technical manager M. Mqoqi

Issue: Are there plans by SANRAL for the rehabilitation of the Tarkastad Main Road?

Response: No. The present R61 project is confined to the edge of town.

Issue: Will graves of family members on adjacent farms be affected?

Response: No graves will be affected. The works are restricted to the road reserve.

Issue: There is an existing quarry on the far side of town that could be used.

Response: SANRAL has evaluated this option and has decided against in order to avoid the nuisance of trucks traversing the town and the expense of a very long distance to the construction.

Issue: What opportunities are available for community members?

Response: Should the appointed road building contractor require additional labour this will be sourced locally.

Issues raised by Mr D Leppert Telkom Planning

Issue: Please notify me at which points, via chainage of km reading, Telkom plant is affected. Notify me where blasting will occur

Response: Thesele Mokoma – Contracts Engineer for WorleyParsons sent Mr Leppert a table (Appendix E3) illustrating points where the Telkom plant may be affected and blasting location (road design banks). Mr Mokoma requested that Mr Leppert provide WorleyParsons with a cost to relocate Telkom services.