

EIA PROCESS AND THE SERVITUDE NEGOTIATION

This document forms part of the Environmental Impact Assessment Process being carried out for the proposed 2x400kV power line from Glockner substation to Etna substation in the Gauteng Province. The EIA processes were explained in detail throughout the scoping process and it was important to highlight what the negotiation process is all about and how does it fit into the EIA process.

Transmission lines are built and operated within certain servitudes e.g. 55m wide for 400kV that is established along its entire length. The servitude allows Eskom Transmission certain rights and controls that support the safe and effective operation of the line.

The processes of achieving the servitude agreement are referred to as the Servitude Negotiation Process, or just the negotiation process. The negotiation process is undertaken directly by Eskom Transmission. Important points relating to the negotiation process are as follows:

- ❖ Servitude negotiation is a private matter between Eskom Transmission and the landowner concerned
- ❖ The negotiation process involves a number of stages and culminates in the “signing” of servitude. Here Eskom Transmission enters into a legal agreement with the land owner
- ❖ The agreements will detail such aspects as the exact location and extent of the servitude, and access arrangements and maintenance responsibilities
- ❖ Compensation measures are agreed in each case
- ❖ It may take place at any time in the planning of a new line
- ❖ It must be completed (i.e. the agreement must be signed) before construction starts on that property
- ❖ It is independent of the EIA process

The Environmental Impact Assessment has become important in the initial planning and route selection of a new Transmission line. For this reason, it would normally be preferable that the negotiation process begins after the EIA has been completed. At this stage, there is greater confidence in the route to be adopted, and it would be supported by environmental authorization.

This notwithstanding, it may be required that the negotiation process needs to start earlier, and may begin before or run parallel to the EIA process. This may be due to tight timeframes, knowledge of local conditions and constraints, etc. Eskom Transmission has a right to enter or engage with landowner at any time, though they do so at risk if environmental authorization has not been awarded.

THE NEGOTIATION PROCESS

The negotiation process can be extensive, often running in to years on the longer lines. It is therefore critical that it is correctly programmed into the planning of a new line. The exact process involves:

- ❖ Initial meeting with the land owner
- ❖ The signing of an “option” to secure the servitude (this indicates that the owner will accept that the line will cross his/her property, subject to conditions to be finalized in the negotiation of the servitude agreement. An option is valid for one year.
- ❖ Once the route is confirmed (i.e. options signed with the upstream and downstream landowners) the servitude agreement will be finalized with the individual landowners. The agreement will set out the conditions for the establishment and operation of the servitude, and will be site specific (different landowners may have different requirements). Compensation payments are made when the servitude is registered with the Deeds Office.
- ❖ Once the construction is complete and the land rehabilitated to the land owners satisfaction, the land owner signs a “Final Release” certificate. Until such time Eskom Transmission remains liable for the condition of the land.
- ❖ Once the clearance certificate is signed, the responsibility for the line and servitude is handed over to the regional Eskom Transmission office. Prior to this, the Eskom national office is responsible for the process.

Source: Eskom Transmission, Gamma-Omega 765kV Transmission Line, Draft Environmental Impact report, Main Report, March 2002.