

Title: **ACCESS TO FARMS**Reference: **TPC41-340**Revision: **0**Effective date: **November 2006**Total pages: **1** Of **6**Revision date: **November 2009**

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1. Introduction

The access to land on which Eskom Holdings holds servitudes is a matter that is of concern to both the maintenance personnel as well as landowners. Security on farms is important to landowners, who want to control access to their farms. Although Eskom Holdings has a right to enter farms in order to maintain plant, it must always be remembered that we are visitors and should pay the appropriate respect to the landowner.

Claims against Eskom Holdings arise from inappropriate behaviour during visits and these in turn lead to difficulty in obtaining new servitudes.

2. Purpose

This document proposes to regulate the visits to properties over which Eskom Holdings holds servitudes.

This document details Transmission's requirements for any Transmission employee or contractor (visitor) that enters land on which Eskom Holdings Transmission holds a servitude.

3. Requirements for access to land

3.1. Notification of intended visit

No Eskom Holdings employee or contractor shall enter land over which Eskom Transmission holds a servitude without prior notification of the **Line and Servitude Manager (or the ECO in the case of a new line)**.

Any visits should preferably be carried out in the company of a member of Line and Servitude Manager's staff. In the case of new lines the ECO will make appropriate arrangement with landowners that will apply for the duration of construction.

Landowners shall as far as possible be notified prior to the intended visit. The Line and Servitude manager or Lands and Rights will assist in the notification of landowners. Where landowners cannot be reached, notification should be given via other appropriate security or community structures that exist in the area. The Line and Servitude Manager or his staff will be familiar with such structures. The notification should include description of vehicles, the number of people and the time and intention of the visit.

Where an unplanned visit takes place, every effort should be made to inform landowners or their personnel of the visitor's presence.

3.2. Identification of visitors

Visitors to farms shall carry Eskom Holdings Identity cards, or other identification as is appropriate, displaying a photograph, unique number and/or National I.D. number. These visitors shall also have the Line and Servitude Managers or ECO details available upon request so that a landowner may verify their presence telephonically.

3.3. Identification of vehicles

In addition to announcing the presence to land owners, vehicles should also display the Eskom Holdings Logo and identification markings as appropriate. Where vehicles are not permanently marked, use must be made of magnetic logos.

Rotating magnetic roof lights may also be used in addition to displaying the Eskom Holdings logo to improve the visibility of vehicles.

3.4. Gates and Fences

Gates are intended to either permit or restrict the movement of animals on farms. Reference to gates is made in section 21 and 22 of the Fencing act (Act 31 of 1963). Although section 22 (b) of this act states that:

"Any person who-

- (a) opens and leaves open or unfastened: or
- (b) finding open on passing through, neglects to shut and fasten,

a gate in any fence shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment.....

Gates should be left in the state the landowner intended. In order to assist with any possible claims, any visitor will keep a log of each gate that is used stating

- the position of the gate with reference to towers
- the state in which it was found (open or closed)
- the time
- Any other appropriate information (locks, etc.)

This list should be forwarded to the Line and Servitude Manager at the earliest date.

The climbing or crawling over or through fences without permission of the landowner is prohibited in terms of section 23 of the Act and visitors should take note of this section. Standard Eskom locks shall be used in all cases and in such a manner that it securely locks the gate. Where dual use is made of the gate by Eskom Holdings and the land owner, the Eskom lock shall be locked into the farmers lock as to permit both parties to gain access without inconveniencing either party. No interference with land owners' lock will be tolerated. The cutting of land owners' locks except in extreme emergencies will result in disciplinary action.

3.5. Use of helicopters

Where use is made of helicopters, care should be taken in conjunction with the Line and Servitude Manager and the landowner not to cause any disturbance or harm to livestock such as ostriches or game.

3.6. Damage caused during a visit

Any damage caused to any gate, fence crop or grazing shall be reported to the Line and Servitude Manager or ECO who will then refer it to the appropriate Eskom Holdings official for processing. Extreme care shall be taken with fires and the use of fires will only be permitted with the express approval of the landowner.

3.7. Removal of fauna or flora.

No fauna or flora will be collected or removed from any farm by any visitor without written permission of the landowner, in which case cognizance will be taken of appropriate provincial legislation pertaining to fauna and flora. Under such cases Eskom Holdings's ethical policies and guidelines will be strictly applied.

3.8. Waste management and Refuse.

Any visitor will at all times refrain from littering and remove any refuse when leaving.

3.9. Complaints register.

Each Line and Servitude manager shall keep a register of all complaints received from landowners regarding Transmission servitudes. Complaints to be investigated and closed to the satisfaction of both Eskom and the landowner. Complaints to be reported in accordance with Environmental Liaison Committee Performance Indicator Reporting procedure, ESKPVABX8.

3.10. The use of roads

Visitors shall as far as possible use only the servitude roads or the roads as determined by the environmental management plan and agreed to with the land owner. Where this is not possible the landowner's permission shall be obtained for the use of any other roads. In all cases care shall be taken not to cause any damage in the process and driving through the veld must be avoided as far as possible.

3.11. High Voltage regulations.

Any visitor who intends to access any Transmission tower above the anti-climb, shall have the appropriate authorization issued by the Grid's GMR2.1

3.12. Access to Nature reserves

Access to any type of nature reserve requires specific permission, which should be arranged with the appropriate authority or landowners. Because these reserves have both dangerous as well as very expensive game, a designated guide should always accompany visitors. This will ensure the safety of the visitor as well as prevent any claims against Eskom Holdings in the case of death of expensive game.

3.13. Non compliance with this procedure

The relationship between Eskom Holdings and land owners granting servitudes is of extreme importance to Eskom Holdings, both during the maintenance of power lines as well as during negotiations for new servitudes. Access to private land must in all cases be conducted by showing the necessary respect for private property and the occupants of land. The non-compliance with this document may lead to either disciplinary or legal action taken against the person or persons who contravene the stipulations of this document.

4. Supporting Clauses

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5.1. Scope

This document regulates actions and behaviour of Eskom transmission division staff and its contractors during any access of land where a servitude is held. .

5.2. Purpose

This document proposes to regulate the visits to properties over which Eskom Holdings holds servitudes.

5.3. Applicability

This document shall apply throughout Eskom Transmission Division to its staff and contractors.

5.4. Normative/Informative References

Fencing Act (Act 63 of 1963)

5.5. Normative

ISO 9001:2000 Quality Management Systems

5.6. Informative

Fencing Act (Act 63 of 1963)
National Environmental Management Act 108 of 1998

5.7. Definitions

1. **Land owner:** A land owner is defined for the purposes of this document as the owner of the land, registered as such in the Deeds Office, his/her assignee, representative or the legal occupier, manager or lessee of the land.
2. **Servitude:** The right to use the land of someone for a specified purpose. This right is registered in the Deeds Office attached to the title deed of the property and grant Eskom Holdings the right to convey electricity across the property in question. It also describes the associated rights such as right to access or trimming of vegetation as well as special rights pertaining to the land owner. A servitude does not imply that Eskom Holdings own the land.
3. **Contractor.** Any company or person that performs work for or on behalf of Eskom Holdings Transmission on the servitude or line.
4. **Visitor:** An Eskom Holdings employee or contractor
5. **ECO:** Environmental control officer is appointed by TAP and acts as a liaison between the construction contractor, Eskom Holdings and the land owner. His duties include the monitoring of the environmental management plan as prescribed in the record of decision (ROD)

5.8. Abbreviations

none

5.9. Roles and Responsibilities

The Land and Servitude manager for the Grid shall be responsible for monitoring adherence to the provisions of this document. During the construction of new lines, the ECO shall be the primary contact with land owners and shall ensure compliance with this document.

5.10. Implementation Date

The implementation date is November 2006.

5.11. Process for monitoring

Monitoring of compliance to this document during the construction of new lines shall be by way of the roles and responsibilities of the ECO. At any other time the Line and Servitude manager shall monitor compliance to this document.

5.12. Related/Supporting Documents

Gate Log (see Section 3.4)

Complaints register (see section 3.9).

6. Authorisation

This document has been seen and accepted by:

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7. Revisions

Date	Rev.	Remarks
October 2002	1st draft	Broaden scope of document to include notice to Line and Servitude Manager, inclusion of gate log and references to the Fencing act.
Nov 2006	2nd draft	Modify definitions to include ECO and include line construction arrangements. Add comments about locks and disciplinary action in the case of non-compliance. Remain Rev. 0 because of the new reference number.

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