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## Annex 5 : The Comprehensive Mitigation Plan

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### A5.1 The Comprehensive Mitigation Plan

The **EIA** process is not concerned with publishing reports and making recommendations but with improving the implementation of development projects. Project proponents must therefore submit a detailed management plan called a **Comprehensive Mitigation Plan**, or **CMP**, together with the **EIA Report**. The **EIA Report** investigates and identifies the potentially significant environmental impacts that may arise from a project. The purpose of the **Comprehensive Mitigation Plan** is subsequently to:

- Describe the mitigation and compensation measures that will be applied to those impacts.
- Define the environmental management and contractual framework under which they will be implemented.
- Define the arrangements that will be put in place to ensure that mitigation measures are implemented and effective and to monitor their subsequent environmental performance and the environmental performance of the project during implementation.
- Define the management arrangements that will apply in the event of mitigation proving ineffective or unforeseen environmental impacts arising.
- Describe the arrangements that will be in place for consultation and participation of interested and affected parties during project implementation.
- Demonstrate that resources are available to implement the provisions of the **CMP**.

It is common that detailed design and planning processes may not be completed until after approval is granted for a project - therefore some precise details of some mitigation and compensation measures may not be available when the **CMP** is prepared. If this is the case, the role of the **CMP** is to demonstrate that the management / contractual arrangements and procedures will be in place to ensure that when these details are completed their environmental implications will be fully assessed and taken into account.

The **CMP** should also define clear operational environmental targets against which the successful implementation of each proposed mitigation and compensation measure can subsequently be assessed. This will help the **CMP** perform another role of providing the benchmark against which environmental performance can be measured when assessing project compliance during implementation.

## **A5.2 Content of Comprehensive Mitigation Plan**

The contents presented below represent the interpretation of the second schedule of the Environmental Audit, Assessment and Review regulations which the Swaziland Environment Authority will use when assessing the adequacy of a **CMP** submitted for review. A **CMP** should address the following issues:

### **1. The Scope of the CMP**

This refers to the legal and contractual arrangements under which the **CMP** is to be implemented and should normally include the following:

- Details of the project phases and contracts to which the **CMP** pertains.
- A letter of commitment from the project proponent regarding their commitment to the mitigatory actions and other provisions contained in the **CMP**, including compliance with the relevant standards and regulations.
- A list of the environmental standards and regulations that will be applied to the mitigation measures described in, and other provisions of, the **CMP**.
- Information relating to any contract documents, agreements, or statutory provisions in which additional detailed information pertaining to the requirements of the **CMP** is contained.

### **2. A Summary of Potentially Significant Impacts**

Those impacts identified as potentially significant in the **EIA Report** need to be summarised and presented to enable the provision of mitigation and compensation measures to be compared and assessed. The impacts summarised should include:

- Potentially significant negative impacts for which mitigation measures have been proposed.
- Potentially significant negative impacts for which no mitigation has been applied or is proposed.
- Potentially significant *positive* impacts which are intended to offset negative impacts and become, de facto, mitigation measures and therefore require monitoring under the requirements of the **CMP**.

### **3. Description of Mitigation and Compensation Measures**

Mitigation and compensation measures need to be clearly defined and mechanisms for their implementation specified so that implementation and compliance can be satisfactorily monitored. The following information should be provided:

- A description and technical details for each mitigation and compensation measure, including the type of impact to which it relates, the conditions under which it is required (e.g. continuously or in the event of contingencies), together with designs, equipment descriptions and operating procedures as appropriate.
- Each proposed mitigation and compensation measure should have a clearly defined environmental target against which its successful implementation can subsequently be assessed. The target should relate to the desired impact, not simply the implementation of the proposed measure as described.
- A summary of the mitigation and compensation measures together with the corresponding environmental impacts and responsibilities for implementation / monitoring should be presented in tabular form.

#### **4. Monitoring Requirements**

This refers to the process of collecting information (for example relating to emissions and environmental quality) required to check overall environmental performance. This information should be summarised and presented in tabular form where possible.

- The monitoring needed for each mitigation and compensation measures to check that they (i) have been implemented, and (ii) are effective.
- Both the organisation and individual responsible for that monitoring.
- The monitoring measures needed to check overall environmental performance during project implementation and to ensure early detection of any unforeseen environmental impacts.
- There should be a defined system for keeping records of (i) monitoring results, (ii) any environmental incidents and unforeseen impacts, and (iii) the documentary record of environmental activities related to the implementation of the **CMP**.

#### **5. Organisation and Management**

This establishes the environmental management system that will co-ordinate the implementation of the **CMP** and act upon the information gained from the monitoring process. These provisions are wide ranging and the detail will vary according to the nature of the project and contractual arrangements. The following information should normally be included:

- The organisational and management structure relating to the implementation of the **CMP**.
- The environmental responsibilities attached to the individual posts included in the above structure, in particular there should be a specified individual with overall responsibility for implementing the **CMP**.

- A description of any other management or control procedures relevant to environmental protection.
- The management arrangements for dealing with environmental incidents and non-compliance with the provisions of the **CMP**.

## **6. Workplan / Contract Management**

The provisions of the **CMP** must be fully integrated into project planning and contractual arrangements. This can be done by including:

- A schedule for implementing the **CMP** linked into the appropriate phases of project implementation.
- A requirement that the “signing off” of contracts and payments to contractors will be dependant on those contractors fulfilling the requirements of the **CMP** and demonstrating satisfactory environmental performance.
- A clear demarcation of responsibility for aspects of the **CMP** implementation where there is any ambiguity or responsibilities may be shared or transfer between different individuals and organisations.
- Clear arrangements for co-ordination and reporting between different bodies involved in implementing the **CMP**.

## **7. Institutional Assessment, Training and Capacity Building**

The **CMP** must demonstrate that those organisations and individuals specified as responsible for implementing mitigation and compensation measures have the capacity to do so. In the event that they do not, training and additional resources should be provided. Consequently, the **CMP** should include:

- An assessment of the ability of those institutions involved in carrying out the provisions of the **CMP** to do so.
- A programme for implementing and providing resources for training and capacity building where required.

## **8. Resources and Costs**

It is vital to ensure that resources are available to implement the mitigation and compensation measures specified. The **CMP** must therefore:

- Identify any additional costs (recurrent and initial) that will be associated with the **CMP** and verify that they are built into the project budget for the overall contracts or as separate environmental management contracts.

- Demonstrate that provision has been made for decommissioning / rehabilitation costs associated with any residual damage arising from the project.
- For larger projects, consider the provision of a contingency fund to finance mitigation measures for unforeseen impacts and liabilities arising from inaccuracies in impact prediction.

## **9. Consultation**

Provision for the consultation of interested and affected parties should continue throughout construction and operation, and the **CMP** must include:

- Details of a clear and accountable pathway by which interested parties may register complaints.
- A formal programme of consultation and public participation, including an appropriate programme of meetings with representatives from concerned groups (NGOs, community groups etc.) to periodically discuss the implementation of mitigation measures and discuss any relevant issues.