

FLIGHT RESTRICTIONS OVER NATIONAL PARKS AND WORLD HERITAGE SITES

The purpose of the National Environmental Management: Protected Areas Act 57 of 2003 is to “provide for the protection and conservation of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes; for the establishment of a national register of all national, provincial and local protected areas; for the management of those areas in accordance with national norms and standards; for intergovernmental co-operation and public consultation in matters concerning protected areas; for the continued existence, governance and functions of South African National Parks; and for matters in connection therewith”.

Attention is drawn to section 47(1) of the Act which require a clearance of at least 2 500 FT above the highest point in a Special Nature Reserve, National Park or World Heritage Site. Pilots are cautioned that these altitudes might require aircraft to enter controlled airspace and therefore appropriate ATC clearances are to be obtained. Non-compliance to the Act is considered an offence (See Section 89 of the Act).

Charts depicting the relevant National Parks and World Heritage Sites, and tables containing the Minimum Flight Altitudes, are provided to assist pilots with the identification, minimum heights to be flown or the avoidance of these areas in toto.

National Parks:

NP Nr	Name	Highest Point (ft)	NEMPAA Clearance (ft)	MNM ALT (ft)
NP01	Addo-Elephant National Park	3080	2500	5580
NP02	Agulhas National Park	1020	2500	3520
NP03	Augrabies Falls National Park	2970	2500	5470
NP04	Bontebok National Park	650	2500	3150
NP05	Camdeboo National Park	5110	2500	7610
NP06	Garden Route National Park	5040	2500	7540
NP07	Golden Gate Highlands National Park	9290	2500	11790
NP08	Kalahari Gemsbok National Park	3590	2500	6090
NP09	Karoo National Park	6270	2500	8770
NP10	Kruger National Park	2760	2500	5260
NP11	Mapungubwe National Park	2060	2500	4560
NP12	Marakele National Park	7010	2500	9510
NP13	Mokala National Park	4290	2500	6790
NP14	Mountain Zebra National Park	6430	2500	8930
NP15	Namaqua National Park	3120	2500	5620
NP16	Richtersveld National Park	4480	2500	6980
NP17	Table Mountain National Park	3570	2500	6070
NP18	Tankwa-Karoo National Park	5440	2500	7940
NP19	Vaalbos National Park	3860	2500	6360
NP20	West Coast National Park	640	2500	3140

World Heritage Sites:

WHS Nr	Name	Highest Point (ft)	NEMPAA Clearance (ft)	MNM ALT (ft)
WHS01	Cape Floral Region Protected Areas: Baviaanskloof	5680	2500	8180
WHS02	Cape Floral Region Protected Areas: Boland Mountain Complex	6480	2500	8980
WHS03	Cape Floral Region Protected Areas: Boosmansbos Wilderness Area	5260	2500	7760
WHS04	Cape Floral Region Protected Areas: Cederberg Wilderness Area	6500	2500	9000
WHS05	Cape Floral Region Protected Areas: De Hoop Nature Reserve	1960	2500	4460
WHS06	Cape Floral Region Protected Areas: Groot Winterhoek Wilderness Area	6600	2500	9100
WHS07	Cape Floral Region Protected Areas: Swartberg Complex	6930	2500	9430
WHS08	Cape Floral Region Protected Areas: Table Mountain National Park (Core)	3540	2500	6040
WHS09	Fossil Hominid Sites of SA: Cradle of Humankind	5640	2500	8140
WHS10	Fossil Hominid Sites of SA: Makapan Valley(Core)	6260	2500	8760
WHS11	Fossil Hominid Sites of SA: Taung Skull Fossil Site (Core)	3970	2500	6470
WHS12	iSimangaliso Wetland Park	560	2500	3060
WHS13	Mapungubwe Cultural Landscape (Core)	2080	2500	4580
WHS14	Robben Island	40	2500	2540
WHS15	The Richtersveld Cultural & Botanical Landscape (Core)	4500	2500	7000
WHS16	Ukhahlamba Drakensberg Park	1120	2500	3620

Kindly refer to the latest amendments and Schedules to the Act. Additional information regarding the South Africa Protected Areas is available on the Department of Environmental Affairs' website (<http://egis.environment.gov.za/sapad.aspx?m=64>), which also includes an interactive map of the protected areas (<https://dea.maps.arcgis.com/apps/Viewer/index.html?appid=0c42d7a7c7444f0a904f0b480ed678cc>)

EXTRACTS FROM THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003

1. Definitions

(1) In this Act, unless the context indicates otherwise –

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“national park” means—

- (a) an area which was a park in terms of the National Parks Act, 1976 (Act No. 57 of 1976), immediately before the repeal of that Act by section 90(1) of this Act, and includes a park established in terms of an agreement between a local community and the Minister which has been ratified by Parliament; or
- (b) an area declared or regarded as having been declared in terms of section 20 as a national park, and includes an area declared in terms of section 20 as part of an area referred to in paragraph (a) or (b) above;

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“world heritage site” means a world heritage site in terms of the World Heritage Convention Act, 1999 (Act No. 49 of 1999).

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9. Kinds of protected areas

The system of protected areas in South Africa consists of the following kinds of protected areas:

- (a) special nature reserves, national parks, nature reserves (including wilderness areas) and protected environments;
- (b) world heritage sites;
- (c) marine protected areas;
- (d) specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act, 1998 (Act No. 84 of 1998); and
- (e) mountain catchment areas declared in terms of the Mountain Catchment Areas Act, 1970 (Act No. 63 of 1970)

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47. Use of aircraft in special nature reserve, national park or world heritage site

(1) A special nature reserve, national park or world heritage site includes the air space above the reserve, park or site to a level of 2 500 feet above the highest point of the reserve, park or site.

(2) No person or organ of state, may land or take off in an aircraft in a special nature reserve, national park or world heritage site, except—

- (a) on or from a landing field designated by the management authority of that nature reserve, national park or world heritage site; and
- (b) on authority of the prior written permission of the management authority, which authority may stipulate the terms and conditions upon which this must take place.

(3) No person or organ of state may fly over or cause an aircraft to fly over a special nature reserve, national park or world heritage site at a level of less than 2500 feet above its highest point, except as may be necessary for the purpose of subsections (2) or (3A).

(3A)

- (a) The management authority may provide for flight corridors over a special nature reserve, national park or world heritage site, as well as through the protected airspace identified under subsection (1) where this is necessary for a public purpose or in the public interest.
- (b) No person or organ of state may fly or cause any person to fly an aircraft over a special nature reserve, national park or world heritage site and through the protected airspace identified under subsection (1) —
 - (i) without the prior written permission of the management authority;
 - (ii) without the prescribed fee having first been paid, if applicable; and
 - (iii) unless and until the management authority has approved the flight plan for a flight and stipulated the terms and conditions upon which a flight is to take place.
- (c) The Minister in agreement with the Minister of Defence may allow for specific areas within the identified protected airspace to be used for training and testing of aircraft.
- (d) The provision of any flight corridor in paragraph (a) or area in paragraph (c) is subject to an environmental authorization in terms of section 24 of the National Environmental Management Act.

(4) Subsections (2), (3) and (3A) do not apply—

- (a) in an emergency; or
- (b) to a person acting on the instructions of the management authority.

(4A) Any person who or organ of state that is affected by a decision of a management authority in terms of subsection (2), (3) or (3A) may appeal to the Minister against such decision.

(5) The Minister, acting with the concurrence of the Cabinet member responsible for civil aviation, may prescribe further reasonable restriction on flying over protected areas.

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89. Offences and penalties

(1) A person is guilty of an offence if that person –

- (a) contravenes or fails to comply with a provision of section 45(1), 46(1), 47(2), (3) or (3A), 48(1), 49A(5)(b), 50(5) or 55(2)(fA);
- (b) contravenes a notice issued under section 51;
- (c) hinders or interferes with a management authority or a member or staff member of a management authority in the performance of official duties; or
- (d) falsely professes to be a member or staff member of a management authority, or the interpreter or assistant of such an officer.

(2) A person convicted of an offence in terms of subsection (1) is liable, in the case of a first conviction, to a fine not exceeding R5 million or imprisonment for a period not exceeding five years and, in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years or in both instances to both a fine and such imprisonment.

(3) Contravention of or failure to comply with any provision of a regulation made under section 86 or 87 is an offence.

(4) Notwithstanding anything to the contrary in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

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