AgriCulture South Africa (AgriSA)

Block D, Inkwazi Office Park,
1249 Embankment Road, Zwartkop X7,
Centurion, 0157, South Africa

Email: info@agrisa.org.za
Phone: 087 711 0626

23 March 2026

TO: South African National Roads Agency Soc Limited (SANRAL)
EMAIL: RSFPOLICY@NRA.CO.ZA

AGRISA's SUBMISSION ON THE DRAFT POLICY FOR REST AND SERVICE FACILITIES (RSF) ALONG NATIONAL ROADS

Executive Summary

AgriSA welcomes the opportunity to comment on the Draft Policy for Rest and Service Facilities (RSFs) along National Roads.

AgriSA supports SANRAL's objective of promoting road safety and ensuring the availability of appropriate rest and service infrastructure for road users along national road corridors. However, certain provisions of the draft policy may create uncertainty regarding the scope of SANRAL's regulatory authority, particularly in relation to commercial activity occurring on privately owned land adjacent to national roads.

The SANRAL Act provides SANRAL with important powers relating to the development and protection of national road infrastructure, including the regulation of access to and from national roads. Those powers are essential for maintaining road safety and protecting the integrity of the national road network.

At the same time, land-use planning and development rights remain primarily within the jurisdiction of municipalities under the Spatial Planning and Land Use Management Act, 2013 (SPLUMA). The RSF policy should therefore clearly distinguish between SANRAL's responsibilities in relation to access management and road infrastructure and municipal authority over land-use planning and development.

AgriSA is concerned that provisions suggesting SANRAL may determine the location, scale or spacing of service facilities along national roads could, if interpreted broadly, affect lawful economic activities conducted on privately owned land along national road corridors.

Postal Address: Private Bag X180, Centurion, 0046, South Africa
Registration Number: 2021/931332/08 | NPC | South Africa
Directors: JJ Minnaar, NP Gumede, NJ Jansen, DJ Joubert, SK Makinana, D Mathews,
WP De Chavonnes Vrugt, P Engelbrecht, JE De V Loubser, PH Cloete, G Diedericks, PR Cillié, NJ Bronkhorst
Independent Non-Executive Directors: Dr KM Hurly, Mr W Miller
Executive Director: JF Kotzé

Many agricultural landowners operate businesses that serve road users, including farm stalls, tourism establishments, accommodation facilities and other roadside enterprises. These activities play an important role in supporting rural economies and contribute to the broader transport and tourism ecosystem.

AgriSA therefore recommends that the final RSF policy:

- *clarify that SANRAL's regulatory role relates primarily to access management, road safety and protection of the national road reserve;*
- *recognise the continued role of privately owned roadside service facilities;*
- *ensure regulatory neutrality where SANRAL participates commercially in the development of RSFs.*

With appropriate clarification, the policy can support its intended objectives while also recognising the important contribution that rural enterprises and agricultural landowners make to economic activity along national road corridors.

1. Interest of AgriSA

AgriSA is the largest federated agricultural organisation in South Africa and represents farmers and agricultural landowners through provincial affiliates, commodity organisations and sector bodies.

Agricultural landowners frequently own property located adjacent to national road corridors. These roads play a vital role in the agricultural value chain by facilitating:

- movement of agricultural inputs;
- transport of harvested products;
- freight logistics;
- tourism activity;
- mobility of agricultural workers.

In addition to farming activities, many agricultural properties situated along national roads host enterprises that serve passing road users. These may include farm stalls, tourism establishments, accommodation facilities, fuel stations, including electric car charging ports, and logistics services.

The regulatory framework governing roadside infrastructure therefore has direct implications for agricultural landowners and rural economic activity. AgriSA accordingly has a legitimate interest in ensuring that the RSF policy is aligned with SANRAL's statutory mandate and provides regulatory certainty for landowners operating along national road corridors.

2. Legislative Context

The Draft RSF Policy is issued under the authority of the South African National Roads Agency Limited and National Roads Act, 7 of 1998 (SANRAL Act).

The SANRAL Act establishes SANRAL as a state-owned company responsible for financing, developing, managing and maintaining the national road network.

The Act also provides SANRAL with powers relating to developments that may affect national roads.

In particular:

- Section 25 provides SANRAL with general powers necessary to perform its functions in relation to national roads.
- Section 26 allows SANRAL to impose certain charges or levies associated with authorisations granted under the Act.
- Sections 44 and 48 regulate access to and from national roads and development within the national road reserve or building restriction area.

These provisions are primarily concerned with protecting:

- road safety;
- traffic flow;
- the integrity and future development of national road infrastructure.

SANRAL's statutory mandate therefore relates principally to access control and infrastructure protection rather than general regulation of commercial activity on privately owned land adjacent to national roads.

Land-use planning and development rights remain primarily within the jurisdiction of municipalities under the Spatial Planning and Land Use Management Act (SPLUMA) and municipal planning schemes.

3. Scope of the Draft RSF Policy

The draft policy proposes that SANRAL may determine the location, type, scale and spacing of Rest and Service Facilities along national roads.

While coordinated planning of roadside facilities may assist transport planning objectives, these provisions may create uncertainty where privately owned land adjacent to national roads is used for lawful commercial activities.

AgriSA therefore recommends that the policy clarify that its provisions apply primarily to:

- facilities located within the national road reserve; and
- developments requiring direct access onto national roads.

Where development occurs on private land and complies with municipal planning approvals, SANRAL's role should remain limited to assessing the safety and design of access to the national road.

4. Rural Economic Activity

National roads frequently traverse rural areas where agricultural landowners operate businesses that serve road users.

These businesses may include:

- farm stalls and roadside retail outlets;
- tourism establishments;
- accommodation facilities;
- fuel stations, including electric charging ports;
- truck stops and logistics facilities.

For many farming operations these enterprises provide an important supplementary income stream and contribute to rural economic resilience.

The RSF policy should therefore recognise the presence of privately owned roadside enterprises and ensure that the policy framework supports continued rural economic participation.

5. Regulatory Neutrality

The draft policy also contemplates circumstances where SANRAL may lease land under its control for the development of RSFs.

SANRAL is entitled to commercially utilise land under its ownership. However, where a public entity both regulates access to national roads and participates commercially in the development of service facilities, appropriate safeguards should exist to ensure regulatory neutrality.

Regulatory decisions affecting private facilities should therefore remain transparent and independent of SANRAL's commercial interests as landowner.

6. Administrative Law Considerations

The RSF policy must also be interpreted within the broader constitutional framework governing the exercise of public power.

Under the principle of legality, organs of state may exercise only those powers that are conferred upon them by legislation.

Decisions taken under the RSF policy may also constitute administrative action under the Promotion of Administrative Justice Act, 2000 (PAJA) where such decisions materially affect the rights of affected parties.

Administrative decisions must therefore be:

- lawful;
- reasonable;
- procedurally fair; and

- rationally connected to the purpose of the empowering legislation.

Regulation of access to national roads is legitimate and necessary for road safety. However, provisions that could be interpreted as limiting lawful commercial activity on private land beyond road safety considerations may create legal uncertainty.

7. Legal Risk Considerations

AgriSA respectfully notes that policy instruments adopted by organs of state must remain consistent with the enabling legislation under which they are issued.

If the RSF policy were interpreted in a manner that effectively extends SANRAL's regulatory authority beyond the powers granted in the SANRAL Act, such provisions could potentially be vulnerable to legal challenge under the principle of legality.

Furthermore, decisions taken under the policy that materially affect landowners may be subject to judicial review under PAJA if they are not rationally connected to SANRAL's statutory mandate relating to road safety and infrastructure protection.

AgriSA raises these considerations as a constructive observation intended to assist in ensuring that the final policy framework remains clearly aligned with SANRAL's statutory mandate and therefore robust against potential legal challenge.

8. Recommendations

AgriSA respectfully recommends that the final RSF policy be refined in the following respects:

8.1 Clarify the statutory basis of SANRAL's authority

The policy should clearly state that SANRAL's authority arises from the SANRAL Act and relates primarily to access control, road safety and protection of the national road reserve.

8.2 Limit the policy's regulatory scope

The RSF framework should apply primarily to facilities located within the national road reserve or developments requiring direct access to national roads.

8.3 Recognise municipal planning authority

Land-use planning decisions remain the responsibility of municipalities under SPLUMA and municipal planning schemes.

8.4 Ensure regulatory neutrality

Where SANRAL participates commercially in RSF development on its own land, regulatory decisions affecting private facilities should remain transparent and independent.

8.5 Promote rural economic participation

The policy should recognise the contribution of privately owned roadside enterprises to rural economic development.

9. Conclusion

AgriSA supports SANRAL's objective of improving road safety and ensuring appropriate service infrastructure along South Africa's national road network.

With appropriate clarification regarding the scope of SANRAL's authority and the role of privately owned roadside facilities, the RSF policy can support its intended objectives while also recognising the important contribution that agricultural landowners and rural enterprises make to economic activity along national road corridors.

AgriSA looks forward to continued engagement with SANRAL and the Department of Transport during the finalisation of the policy.