



30 October 2020

Department of Environment, Forestry and Fisheries
Private Bag X447
Pretoria
0001

Attention: Fiona Grimet

Dear Ms. Grimett

Public Participation Plan: EIA Process for the Proposed Newcastle Gas Engine Power Plant (NGEPP), Newcastle, KwaZulu-Natal

1. Background and Introduction

Newcastle Energy (Pty) Ltd. (Newcastle Energy) own an existing 18.5 MW capacity gas fired co-generation plant within the Karbochem Industrial Complex in Newcastle, KwaZulu-Natal. Through the Newcastle Gas Engine Power Plant (NGEPP) Independent Power Producer (IPP) project, Newcastle Energy proposes to increase its electricity generation capacity, within the same site, to approximately 100 MW.

The proposed project is subject to the following:

- A Scoping and Environmental Impact Assessment (EIA) process in terms of the NEMA 2014 EIA Regulations, as amended.
- An application for an AEL in terms of the NEM:AQA listed activity Subcategory 1.4 "Gas combustion installations".

SRK Consulting (South Africa) (Pty) Ltd. (SRK) has been appointed as the independent Environmental Assessment Practitioner (EAP) to undertake the required EIA Process on behalf of Newcastle Energy for the proposed project.

This document constitutes the Public Participation Plan for the NGEPP EIA Process.

2. Purpose of Public Participation

The purpose of the public participation process is to ensure that the issues, inputs and concerns of interested and affected parties (IAPs) are taken into account during the decision-making process.

This requires the identification of IAPs (including authorities, technical specialists and the public), communication of the process and findings to these IAPs and the facilitation of their input and comment

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Directors AJ Barrett, CD Dalglish, WC Joughin, V Maharaj, VS Reddy, T Shepherd, AT van Zyl

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on the process and environmental impacts, including issues and alternatives that are to be investigated.

3. Legislative Requirements

SRK has taken cognisance of the requirements for public participation in terms of:

- Chapter 6 of the 2014 Environmental Impact Assessment (EIA) Regulations (as amended).
- Public Participation Guideline in terms of the NEMA EIA Regulations (DEA, 2017).
- Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences (Government Notice Regulation 650, dated 5 June 2020) (GN R. 650).

The purpose of the GN R. 650 Directions issued on 05 June 2020 is to curtail the threat posed by the COVID-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster, and in particular to provide directions to ensure fair licensing processes and public participation processes as required by environmental legislation, including the EIA Regulations, as applicable to this application.

At all times it must be ensured that reasonable opportunity is provided for public participation and that all administrative actions are reasonable. While the COVID-19 pandemic is a unique circumstance, the specific circumstances in each case must be considered in order to determine what will be reasonable. If in the circumstances of a particular case alternative reasonable methods to give notice to potential IAPs are available, then the relevant competent authority can be approached for an agreement in this regard as provided for in Regulation 41(2)(e) of the EIA Regulations.

This public participation plan aims to:

- Ensure that all reasonable measures are taken to identify potential IAPs for purposes of conducting public participation on the application.
- Ensure that, as far as is reasonably possible, taking into account the specific aspects of the application-
 - (a) information containing all relevant facts in respect of the application is made available to potential IAPs.
 - (b) participation by potential or registered IAPs has been facilitated in such a manner that all potential or registered IAPs are provided with a reasonable opportunity to comment on the application or proposed application.

4. Level of Public Participation

The Public Participation Guideline in terms of the NEMA EIA Regulations (DEA, 2017) provides a table with guidance for deciding on the required level of public participation. The table has been utilised for the proposed project (refer to Table 4-1).

Table 4-1: Level of public participation

Scale of anticipated impacts:	Response for the proposed project:
Are the impacts of the project likely to extend beyond the boundaries of the local municipality?	No.
Are the impacts of the project likely to extend beyond the boundaries of the province?	No.
Is the project a greenfields development (a new development in a previously undisturbed area)?	No. Brownfields development within an industrial complex.
Does the area already suffer from socio-economic problems (e.g. job losses) or environmental problems (e.g. pollution) and is the project likely to exacerbate these?	The surrounding Newcastle suffers from high employment, as does the rest of the South Africa – a situation which has been exacerbated due to the COVID-19 pandemic lockdown. The project will create limited employment opportunities during construction and operation.
Is the project expected to have a wide variety of impacts (e.g. socio-economic and ecological)?	The proposed project is expected to have a limited impacts as it will be on a disturbed site within an existing industrial complex. Key operation related impacts that will be investigated during the EIA include those relating air quality, climate change and noise.

Public and environmental sensitivity of the project:	Response for the proposed project:
Are there widespread public concerns about the potential negative impacts of the project?	The existing plant was subjected to an EIA process in 2006 and no major public concerns were raised. The same is expected for the proposed NGEPP EIA Process as the development is in line with the industrial zoning of the property and surrounding landuse.
Is there a high degree of conflict among registered IAP's?	Not to the knowledge of the Environmental Assessment Practitioner (EAP).
Will the project impact on private land other than that of the applicant?	This is not expected.
Does the project have the potential to create unrealistic expectations (e.g. that a new factory would create a large number of jobs)?	The project is for Gas Engine Power Plant development and as such will create limited employment opportunities during construction and operation.
Potentially affected parties:	Response for the proposed project:
Has very little previous public participation taken place in the area?	No, as noted above, an EIA process for the existing cogeneration plant in the site was undertaken in 2006. During this process all potential IAPs were engaged with.
Did previous public participation processes in the area result in conflict?	No.
Are there existing organisational structures (e.g. local forums) that can represent I&APs?	No.
Is the area characterised by high social diversity (in terms of socio- economic status, language or culture)?	No. Arbor Park is the closest residential area and is approximately 1.2 km to the north west. The suburb of Madadeni is approximately 5 km to the east of the site, and the Newcastle CBD is approximately 2.5 km north east of the site. The Newcastle airport lies approximately 500 m north of the site. There are guest house and bed and breakfast (B&B) establishments, as well as several small holdings located between 500 m and 800 m to the west and north west of the proposed NGEPP site. These establishments and small holdings are all included in the interested and affected party (IAP) database for this project and will be notified during the consultative process.
Were people in the area victims of unfair expropriations or relocation in the past?	Not to the knowledge of the EAP.
Is there a high level of unemployment in the area?	The surrounding Newcastle suffers from high employment, as does the rest of the South Africa – a situation which has been exacerbated due to the COVID-19 pandemic lockdown. The project will create limited employment opportunities during construction and operation.
Do the registered IAP's have special needs (e.g. a lack of skills to read or write, disability, etc.)?	Not to the knowledge of the EAP.

5. Proposed Public Participation Plan

This Public Participation Plan has been compiled in accordance with Annexure 3 and Annexure 4 of the GN R. 650 Directions, as applicable for an EIA process.

5.1 Pre-application Meeting

A pre-application meeting was held with the EDTEA on 30 October 2020, where the proposed development was discussed with the Competent Authority. The listed activities in terms of the NEMA EIA Regulations, 2014 and the proposed way forward were discussed with DEFF. The project has not changed since the pre-application meeting and therefore no further meeting is anticipated at this time.

5.2 Identification of Interested and Affected Parties

The public participation for the project was initiated with the development of an IAP database. The I&AP database includes the following:

- Competent Authority – DEFF.
- Commenting Authorities:
 - Department of Water and Sanitation (DWS).
 - KZN Department of Economic Development, Tourism and Environmental Affairs (EDTEA) (Amajuba District Municipality Office)
 - Amajuba District Municipality.
 - Newcastle Local Municipality.
- Adjacent industries, including:
 - Karbochem.
 - African Amines.
 - Brother CISA.
- Nearby accommodation facilities (500m to 800 to the west of the site):
 - Snips B&B.
 - Sipholesizwe Guest Lodge.

5.3 Announcement of the Project

5.3.1 Site notices

Five (5) A2 size laminated posters informing IAPs of the proposed application and inviting registration, were placed around the project site on 14 October 2020. A copy of the content of the site notice, the GPS co-ordinates of the locations and photographic proof of placement will be included in the Final Scoping Report.

5.3.2 Advertisements

An English advertisement was placed in the Newcastle Advertisers Newspaper on 16 October 2020. The aim of the advertisement was to inform the public in the area of the proposed development in order to get stakeholders to register as an IAP. Copies of the advertisements will be included in the Final Scoping Report.

5.3.3 Notification letters

IAPs on the IAP database were sent letters (via email) notifying them of the EIA process, opportunity to participate and availability of the Draft Scoping Report for public review.

5.4 Circulation of Draft Scoping Report

IAPs on the database were notified via email on 20 October 2020 of the availability of the Draft Scoping Report for review and comment. The link to a digital copy was provided (<https://docs.srk.co.za/en/za-newcastle-gas-engine-power-plant-100-mw-ipp-project-scoping-eia>) together with the forms of communication available to submit comments.

The following commenting authorities were contacted to determine how they would like to receive copies of the Draft Scoping Report:

- DWS – requested a hard copy which was hand delivered by SRK to Ms. Nonhle Mokoena on 23 October 2020.
- EDTEA – requested a hard copy which was couriered to Mr. Poovie Moodley on 26 October, he confirmed receipt on 27 October 2020. A digital copy was sent to Mr. Zama

Mthembu (Air Quality Specialist) on 27 October and confirmation of receipt was provided immediately.

- DEFF – A link to a digital copy was sent to the assessing officer for the project, Ms Thulisile Nyalunga, on 28 October 2020.

The Draft Scoping Report and Environmental Authorisation (EA) application will be submitted to DEFF on 30 October 2020 via the Departments online submission platform via the link:

- <https://sfiler.environment.gov.za:8443/>

To ensure all health and safety regulations and protocols are adhered to, it is noted that a hard copy of the Draft Scoping Report will not be made available in any public locations (e.g. local library or Ward Councillor's office).

Where any flashdrive or hard copies of documents are to be submitted to IAPs, the following will be/has been undertaken:

- Only one person from SRK will compile the flashdrive and / or hard copies of the report.
- Prior to handling the flashdrive and reports the responsible person will hand sanitize and wear a mask for the duration of the compilation thereof.
- The flashdrive and/or hard copy will be placed in a single envelope that will be sprayed with a sanitizer.
- In instances where the document will be hand delivered by SRK, the responsible person will hand sanitize prior to handling the document and wear a mask until delivery is made to the respective IAP. The envelope will be given to the I&AP or a responsible representative.
- For delivery of documents via a courier, a reputable courier that follows all required protocols will be used.

5.5 Key Stakeholder Meetings

Based on the response to the notification of the project, should the need arise to undertake key stakeholder meetings, these will be undertaken using a virtual meeting platform (e.g. Zoom, Skype, Skype for Business or Microsoft Teams). The most appropriate platform for the stakeholder of interest will be utilised to conduct the meeting. Minutes of the meeting (s) will be included in the Final Scoping Report or subsequent draft and final Environmental Impact Report (EIR).

5.6 Public Meeting

At this stage, the need for a public meeting has not been identified. If, during the Draft Scoping Report comment period, there is a substantial response from IAPs warranting a public meeting, such a meeting will be undertaken using a virtual meeting platform (e.g. Zoom, Skype, Skype for Business or Microsoft Teams). Minutes of the meeting will be included in the Final Scoping Report and / or EIR Report, depending on the phase of the project.

5.7 Comments and Responses Report

Copies of all written comments received and meeting minutes will be attached to the Final Scoping Reports and subsequent EIR, and included in the Comments and Responses Table.

5.8 Submission of Reports

The Final Scoping Report, Draft EIR and Final EIR will be submitted to DEFF via the Departments online submission platform for electronic file transfer. These documents will also be made available on SRK's website and all registered I&APs will be notified of the submission of their submission and availability for review.

5.9 Notification of Decision

Upon receipt of the DEFFs decision on the application, all IAPs on the registered database will be notified via email, SMS or facsimile of the outcome. Furthermore, IAP's will be given access to the decision in electronic format and informed of the appeal process.

6. Conclusion

SRK is confident that the proposed Public Participation Plan for the EIA Process will be adequate to meet the objectives of public participation while at the same time, ensuring all health and safety requirements in terms of the COVID-19 Lockdown Regulations.

Yours faithfully,

SRK Consulting (South Africa) (Pty) Ltd

SRK Consulting - Certified Electronic Signature

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M. van Huyssteen
Principal Environmental Scientist

From: [Fiona Grimett](#)
To: [Marius Van Huyssteen](#)
Cc: [Sindiswa Dlomo](#); [Thulisile Nyalunga](#); [Siphelele Mkhize](#)
Subject: Public Participation Plan Approval - Newcastle Gas Engine Power Plant
Date: Friday, 30 October 2020 16:01:16
Attachments: [566508_NGEPP_PP_Plan_20201030.pdf](#)
[Process for Submitting files to the CD IEA_062020.pdf](#)

EXTERNAL

Dear Marius,

The attached Public Participation (PP) Plan, dated 30 October 2020, for the proposed Newcastle Gas Engine Power Plant (NGEPP), Newcastle, KwaZulu-Natal, refers.

The Department has reviewed the attached PP Plan, submitted in terms of the Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences. The proposed plan contains suitable public consultation measures, and is hereby **approved**.

It is noted that interested and affected parties (I&APs) have already been notified via email of the availability of the draft scoping report for comment. Please ensure that I&APs are also notified of the 30 day extension of timeframes for commenting on the draft Scoping Report, from submission of the application to the Department (to fulfil the requirements of Regulation 40(3) of the EIA Regulations, 2014).

Further note, that the attached directions apply with regards to the process for submitting draft documents to the Competent Authority for comment. Please ensure that you attach this PP plan approval to the application form, when submitting to the Department.

Regards,

Fiona Grimett
Department of Environmental Affairs
Chief Directorate: Integrated Environmental Authorisations
Directorate: National Infrastructure Development: National Infrastructure Projects
Email: fgrimett@environment.gov.za

From: Marius Van Huyssteen [mailto:MVanHuyssteen@srk.co.za]
Sent: Friday, 30 October 2020 3:07 PM
To: Fiona Grimett <FGrimett@environment.gov.za>
Cc: Sindiswa Dlomo <SDlomo@environment.gov.za>; Thulisile Nyalunga <Tnyalunga@environment.gov.za>; Siphelele Mkhize <SMkhize@srk.co.za>
Subject: 2020-10-0018: Public Participation Plan - Newcastle Gas Engine Power Plant

Dear Fiona,

As discussed this morning, please find attached the Public Participation Plan for the EIA Process for the Proposed Newcastle Gas Engine Power Plant (NGEPP), Newcastle, KwaZulu-Natal.

Your urgent feedback will be greatly appreciated.

Kind regards

Marius

Marius van Huyssteen

Principal Environmental Scientist



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