



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DEFF Reference: 14/12/16/3/3/2/2031

Enquiries: Fiona Grimett

Telephone: (012) 399 9393 E-mail: fgrimett@environment.gov.za

Mr Marius van Huyssteen
SRK Consulting (South Africa) (Pty) Ltd
P. O. Box 1969
WESTVILLE
3630

Tel: 031 279 1200
E-mail: mvanhuyssteen@srk.co.za

PER MAIL / E-MAIL

Dear Mr van Huyssteen

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED 100MW NEWCASTLE GAS ENGINE POWER PLANT, NEWCASTLE LOCAL MUNICIPALITY, KWAZULU-NATAL PROVINCE

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated December 2020 and received by the Department on 14 December 2020, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated December 2020 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended. The Environmental Impact Assessment Report (EIAR) must comply with the requirements of Appendix 3 of the EIA Regulations, 2014, as amended.

In addition, the following information is required for the EIAR:

(a) Listed Activities

- (i) The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for. In this regard, ensure that the details of the decommissioning of the existing 18.5 MW gas fired cogeneration plant are provided, and the impacts thereof are assessed, in the EIAR, including the disposal plans for flushed hydrocarbons and contents of the liquid storage tanks, per the comments from the Department of Water and Sanitation.
- (ii) The listed activities represented in the EIAR and the application form must be the same and correct.

(b) Public Participation

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (EDTEA), the EDTEA: Provincial Air Quality Authority, the Newcastle Local Municipality, the Amajuba District Municipality, the Department of Water and Sanitation (DWS), Eskom, the Civil Aviation Authority (CAA), the Newcastle Municipal Airport, and the Department of Environment, Forestry and Fisheries: Branches: Biodiversity and Conservation; and Climate Change and Air Quality. It is noted that heritage impacts are not anticipated (due to the transformed nature of the site, with no sensitive areas/materials being identified within the proposed development area during the construction of the existing plant), and that a chance finds procedure will be included in the Environmental Management Programme (EMPr), however please notify the relevant heritage authority of the availability of the EIAr, should they wish to comment.
- (ii) Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (iii) A Comments and Response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report. Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAr from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the C&R. Please note that a response such as "noted" is not regarded as an adequate response to I&AP's comments.
- (iv) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.

(c) Alternatives

- (i) Please provide a description of each of the preferred alternative types and provide detailed motivation on why it is preferred.

(d) Layout & Sensitivity Maps

- (i) The EIAr must provide the four corner coordinate points for the proposed development site, as well as the start, middle and end point of all linear activities (note that if the site has numerous bend points, at each bend point coordinates must be provided).
- (ii) The EIAr must provide the following:
 - A clear indication of the envisioned area for the proposed gas engine power plant; i.e. the facility and all associated infrastructure should be mapped at an appropriate scale.
 - A clear description of all associated infrastructure. This description must include, but is not limited to the following:
 - Liquefied Natural Gas (LNG) storage facility, high voltage yard and other service connection points;
 - Internal roads infrastructure; and
 - All supporting onsite infrastructure such as laydown area and auxiliary buildings etc.
 - All necessary details regarding all possible locations and sizes of the proposed infrastructure.
 - A copy of the final preferred layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
 - Permanent laydown area footprint;

- Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
- Wetlands, drainage lines, rivers, streams and water crossings of roads and cables indicating the type of bridging structures that will be used;
- The location of any sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
- Substation(s) and/or transformer(s) sites, including their entire footprint;
- Location of access and service roads;
- All existing infrastructure on the site, especially railway lines and roads;
- Buffer areas;
- Buildings, including accommodation if any; and
- All "no-go" areas.
- An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
- A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.

(e) Specialist assessments

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies includes the following:
- A detailed description of the study's methodology; an indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
 - Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
 - Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
 - Should the specialist definition of 'no-go' area differ from the Departments definition, this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
 - All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.
 - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
 - Regarding cumulative impacts:
 - Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. cumulative air quality impacts.
 - A detailed process flow to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
 - Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
 - The significance rating must also inform the need and desirability of the proposed development.
 - A cumulative impact environmental statement on whether the proposed development must proceed.

- (ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.
- (iii) Where specialist studies are conducted in-house or by a specialist other than a suitably qualified specialist in the relevant field per the requirements of the protocols, such specialist reports must be peer reviewed by a suitably qualified external specialist in the relevant field.
- (iv) It is further brought to your attention that the Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation (i.e. "the Protocols"), which were promulgated in Government Notice No. 320 of 20 March 2020 and No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species). Please note that specialist assessments must be conducted in accordance with these protocols, except where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned before the date on which the protocols came into effect, in which case Appendix 6 of the Environmental Impact Assessment Regulations, 2014, as amended, will apply to such applications.

(f) Environmental Management Programme

- (i) Please ensure that the mitigation measures specified in the EIAR and specialist reports for the decommissioning of the existing facility, and the development of the proposed facility, are incorporated into the EMP(s). In addition, ensure that the EMP(s) complies with the content of the EMP in terms of Appendix 4 of the EIA Regulations, 2014, as amended.
- (ii) Please ensure that the actions and outcomes specified for the decommissioning of the existing facility, are clearly distinguished from those required for the development of the new facility, for ease of implementation.
- (iii) The EMP must include the frequency for the auditing of compliance with the conditions of the EA and EMP (for the construction and operational phases), and for the submission of such compliance reports to the competent authority.

(g) General

- (i) The EIAR must provide the technical details for the proposed facility, as well as their description and/or dimensions, in the following table format.

Sample of minimum technical details required for the proposed facility

Component	Description / dimensions
Height of the facility	
Surface area to be covered (including associated infrastructure such as roads)	
Capacity of the facility	
Area occupied by both permanent and construction laydown areas	
Additional Infrastructure	
Access roads	

- (ii) Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies must be indicated.
- (iii) Should a Water Use License be required, proof of application for a license needs to be submitted.
- (iv) Confirmation from the Karbochem Industrial Complex regarding the availability of services must be included in the EIAR.

Further note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environment, Forestry and Fisheries

Signed by: Ms Sindiswa Dlomo

Designation: Deputy Director: National Infrastructure Projects

Date: 11/02/2021

cc: Mr Timothy Whati	Newcastle Energy (Pty) Ltd	Email: tswhat@vutomienergy.co.za
----------------------	----------------------------	----------------------------------