



## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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

**DEA Reference:** 14/12/16/3/3/2/1027

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### **PER EMAIL / MAIL**

Dear Sir/Madam

### **ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION FOR ENVIRONMENTAL AUTHORISATION (ENVIRONMENTAL IMPACT ASSESSMENT PROCESS) AND SCOPING REPORT FOR THE PROPOSED RICHARDS BAY COMBINED CYCLE POWER PLANT AND ASSOCIATED INFRASTRUCTURE NEAR RICHARDS BAY, KWAZULU-NATAL PROVINCE**

The Department confirms having received the Application for Environmental Authorisation and Draft Scoping Report for the abovementioned project on 22 August 2017. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that potential Interested & Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014, as amended, prior to the submission of an application but must be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.

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 time-frames prescribed in terms of these Regulations, unless an extension has been granted by the Department 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.

Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

Yours, sincerely



**Ms Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Letter signed by: Ms Toinette van der Merwe**

**Designation: Environmental Officer: EIA Coordination, Strategic Planning and Support**

**Date:** 23/08/2017

cc:	Ms Deidre Herbst	Eskom Holdings SOC Limited	Email: HerbtDL@eskom.co.za
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### PER E-MAIL / MAIL

Dear Madam

### COMMENTS ON THE DRAFT SCOPING REPORT FOR THE CONSTRUCTION OF RICHARDS BAY COMBINED CYCLE POWER PLANT AND ASSOCIATED INFRASTRUCTURE NEAR RICHARDS BAY, KWAZULU NATAL

The draft Scoping Report (SR) dated August 2017 and received by this Department on 22 August 2017 refers

This Department has the following comments on the abovementioned application:

#### • **Public Participation Process (PPP)**

- Please ensure that all issues raised and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction (***including this Department's Biodiversity Section and Air Quality Section: Contact person Ms Olga Chauke at 0123999161 [ochauke@environment.gov.za](mailto:ochauke@environment.gov.za) or Kent Buchanan at 0123998868 or [kbuchanan@environment.gov.za](mailto:kbuchanan@environment.gov.za)***) in respect of the proposed activity are adequately addressed in the final SR.
- Proof of correspondence with the various stakeholders must be included in the final SR, should you be unable to obtain comments, and proof should be submitted to the Department of the attempts that were made to obtain comments.
- The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.

#### • **Description of the identified Alternatives**

- Please provide a description of any identified alternatives for the proposed activity that are **feasible** and reasonable, including the advantages and disadvantages that the proposed activity or

alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 2 of GN R.982 of 2014 as amended.

- Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.
- This Department requests the EAP to familiarise themselves with the requirements of Appendix 2 of GNR 982 of the EIA Regulations, 2014 as amended and ensure that the final SR submitted to this Department for consideration meets the requirements in terms of identifying, assessing and providing mitigation measures of the impacts on the alternative and preferred sites.

In addition to the above, please ensure that the climate change impact assessment study is undertaken and be incorporated in the final SR.

- **General Comments**

- Please provide three (3) cd copies and one (1) hard copies of the final scoping report.
- You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the amended EIA Regulations, 2014 (as amended).
- Further note that in terms of Regulation 45 of the EIA Regulations 2014, 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).

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 Environmental Affairs**

**Signed by: Ms Olivia Letlalo**

**Designation: Control Environment Officer: Strategic Infrastructure Developments**

**Date: 15/09/2017**

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### **PER EMAIL / MAIL**

Dear Ms Thomas

### **ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED CONSTRUCTION OF RICHARDS BAY COMBINED CYCLE POWER PLANT (CCPP) AND ASSOCIATED INFRASTRUCTURE NEAR RICHARDS BAY, KWAZULU NATAL PROVINCE.**

The Scoping Report (SR) and Plan of Study for Environmental Impact Assessment (PoSEIA) dated October 2017 and received by this Department on 06 October 2017 refer.

This Department has evaluated the submitted SR and the PoSEIA dated October 2017 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014 as amended. The SR is hereby accepted by the Department in terms of Regulation 22(a) of the EIA Regulations, 2014 as amended.

You may proceed with the EIA process in accordance with the tasks contemplated in the PoSEIA and the requirements of the EIA Regulations, 2014 as amended.

All comments and recommendations made by all stakeholders and Interested and Affected Parties (I&APs) in the draft SR must be taken into consideration when preparing an Environmental Impact Assessment report (EIAR) in respect of the proposed development. The EAP must give registered I&APs access to, and an opportunity to comment on the draft EIA report in writing within 30 days before submitting the final EIAR to the Department.

Please ensure that comments from all relevant stakeholders are submitted to the Department with the final EIAR. This includes but is not limited to the Department of Environmental Affairs Climate Change Directorate, Air Quality Directorate, Biodiversity and Conservation Directorate, KwaZulu Natal Department of Economic Development, Tourism and Environmental Affairs, the Department of Agriculture, Forestry and Fisheries (DAFF), the South African Civil Aviation Authority (SACAA), the Department of Transport, the City of Umhlathuze, the District Municipality, the Department of Water and Sanitation (DWS), the South African National Roads Agency Limited (SANRAL), the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), Bird Life SA, the Department of Energy, Department of Mineral Resources, National Energy Regulator of South Africa (NERSA), Richards Bay Industrial Development Zone, South African National Roads Agency

Limited, Trade and Investment KwaZulu Natal, Umhlathuze Water, Wild life and Environment Society of South Africa (WESSA), Richards Bay Clean Air Association, Transnet, QS200 Plus and Amafa.

Proof of correspondence with the various stakeholders must be included in the EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.

The following has been noted in the SR:

- The description of the proposed development include the power line to connect to the Richards Bay CCPP, while it has been mentioned on page 30 of the report that the development of a power line does not form part of this EIA process. You are required to ensure that only relevant infrastructure related to this development is addressed in the draft EIAr.
- It has been noted that there will be a construction of a substation (as mentioned on page 40 under construction phase), please clarify the relevancy of this to the proposed development.
- The report pointed out that the EIA applications for the transmission power line and the gas pipeline will be undertaken separately. Therefore, you are required to provide detailed information of the feasibility of the power line and gas pipeline in relation to this proposed development. Further to the above, please provide information of the potential environmental impacts of the above mentioned infrastructure.

In addition, the following additional information is required for the EIAr:

1. It has been noted on page 11 of the comments and responses report that there were environmental challenges identified with regards to the Pulp United EIA that was conducted previously on this site. Therefore you are required to provide the aforesaid environmental challenges and how are they related to this proposed development.
2. The EIAr must provide information addressing in what circumstances diesel will be used as a fuel source.
3. It has been noted on pages 32-33 and figure 3.1 on page 35 of the Final Scoping Report that site 7 is the preferred site, therefore, you are required to provide the findings of the specialists which resulted in this site to be the preferred.
4. The EIAr must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under point A2 of the EIA information for gas facilities.
5. The EIAr must provide the four corner coordinate points for the proposed development site
6. The following specialist studies have been identified to be conducted as part of the environmental impact assessment report and will be conducted prior to the submission of the draft EIAr for review and comment:
  - a. Air Quality study which must include but not limited to the following
    - Reference to emission concentrations as stipulated in the Minimum Emission Standard.
    - Suitable abatement technology to be used for point source emissions must be considered and detailed in terms of availability and control efficient.
    - A compliance and road map with provincial and national regulations on dust and noise.
    - Recent (2013 to 2016) Air Quality Emission results of the area.
  - b. The assessment of impact on Climate Change must include but not limited to:
    - The GHG emissions associated with the project; focussing on the global and national context of climate change policy and the state of climate change.
    - The methodology to be used must refer to the National Greenhouse Gas Emission Reporting Regulations and the IPCC (Intergovernmental Panel on Climate Change) Guidelines (This should include the use of global warming potentials in the IPCC Third Assessment Report).
    - A comparison of the projected Green House Gas emissions of the power plant to the national GHG emission trajectory.
    - Description of the mitigation measures based on the best information available, that will be implemented and result in deviation from the greenhouse gas emission. You are further required

to indicate the projected emissions reductions that will be achieved, and benchmarking of the emissions intensity of the plant compared to existing facilities locally and globally.

- The risk that climate change has on the project and projects resilience and capacity to cope.

- c. Visual.
- d. Terrestrial Ecology.
- e. Wetland and Aquatic Ecology.
- f. Hydrology & Flood line.
- g. Geo Hydrological.
- h. Soil & Agriculture.
- i. Noise.
- j. Heritage.
- k. Socio-Economic.
- l. Cumulative impact study.
- m. Traffic impact assessment.
- n. Major Hazard Installation Assessment.

7. A copy of the final site layout map and alternatives. 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:
  - Positions of the gas turbines, steam turbines, condenser, water treatment plant, diesel offloading and storage station, water tank and pipeline, gas pipeline and conditioning process facility.
  - Access roads
  - Warehouse and buildings
  - Storage facilities,
  - Generators, 132 kV and 400kV switchyards
  - 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);
  - The location of 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;
  - All existing infrastructure on the site;
  - Buffer areas;
  - Buildings, and
  - All "no-go" areas.
8. An environmental sensitivity map indicating environmental sensitive areas and its buffers zones.
9. The report has provided information showing that the site is sensitive (figures 3.2, 5.7 and 5.8) i.e natural wetlands, CBAs and an offset. Therefore, you are required to provide a final layout map overlain by the environmental sensitivity map with a clear legend showing all infrastructures, development footprint and sensitive features.
10. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
11. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
12. A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow during construction and operation of the facility. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.

13. The report (page 31) has pointed out the services that will be required by the proposed development. Proof of these agreements must be provided.
14. The EIAr must assess the risks associated with the storage of dangerous goods. The risk of the possibility of pollution to surface (hydrological) and groundwater (hydrogeological) systems and flows must also be assessed.
15. On page 14 of the Hydrology and flood line study, it has been mentioned that the storm water management plan for the site was excluded, however, natural local storm water gullies will be accommodated in a storm water plan. Based on the above, you are required to provide clarity on whether there is an existing storm water plan in the area. If there is no storm water management plan for the proposed development, you are required to provide a storm water management plan to be implemented during the construction and operation of the facility. The plan must include the appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
16. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
17. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
18. A fire management plan to be implemented during the construction and operation of the facility.
19. Emergency preparedness response plan.

Please ensure that the EIAr and EMPr comply with Appendix 3 and Appendix 4 of Regulation 2014 as amended, before submission to the Department. Furthermore, ensure that the **cumulative impact assessment** of the proposed facility and associated infrastructures consider the impact of other facilities in and around the proposed site as well as in the region.

Please ensure that all the relevant Listing Notice activities are applied for, that the Listing Notice activities applied for are specific and that they can be linked to the development activity or infrastructure in the project description.

You are hereby reminded that should the EIAr fail to comply with the requirements of this acceptance letter, the project will be refused in accordance with Regulation 24(1) (b) of the EIA Regulations, 2014 as amended.

You are requested to provide detailed motivation if any of the above requirements (points 10 to 19) is not relevant to the proposed development and not included in the EMPr.

The applicant is hereby reminded to comply with the requirements of Regulation 45 of the EIA Regulation as amended. Should the applicant request for extension, must ensure compliance with the requirements of Regulations 41 to 44 of the EIA Regulation as amended.

Furthermore, it must be reiterated that, should an application for Environmental Authorisation be subject to the provisions of Chapter II, Section 38 of the National Heritage Resources Act, Act 25 of 1999, then this Department will not be able to make nor issue a decision in terms of your application for Environmental Authorisation pending a letter from the pertinent heritage authority categorically stating that the application fulfils the requirements of the relevant heritage resources authority as described in Chapter II, Section 38(8) of the National Heritage Resources Act, Act 25 of 1999. Comments from SAHRA and/or the provincial department of heritage must be provided in the EIAr.

You are requested to submit two (2) electronic copies (CD) and two (2) hard copies of the EIAr to the Department as per Regulation 23(1) of the EIA Regulations, 2014 as amended.



Please also find attached information that must be used in the preparation of the EIAr. This will enable the Department to speedily review the EIAr and make a decision on the application.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, which stipulates 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 Environmental Affairs**

**Letter Signed by: Olivia Letlalo**

**Designation: Deputy Director: Strategic Infrastructure Developments**

**Date: 20/11/2017**

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## A. EIA INFORMATION REQUIRED FOR GAS POWER FACILITIES

### 1. General site information

The following general site information is required:

- Descriptions of all affected farm portions
- 21 digit Surveyor General codes of all affected farm portions
- Photos of areas that give a visual perspective of all parts of the site
- Photographs from sensitive visual receptors (tourism routes, tourism facilities, etc.)
- Gas-fired design specifications including:
  - Type of technology
  - Structure height
  - Surface area to be covered (including associated infrastructure such as roads)
  - Structure orientation
  - Laydown area dimensions (construction period and thereafter)
  - Generation capacity
- Generation capacity of the facility as a whole at delivery points

This information must be indicated on the first page of any EIA document.

### 2. Sample of technical details for the proposed facility

<b>Component</b>	<b>Description / dimensions</b>
Height of stacks	
Area of gas facility	
Area occupied by both permanent and construction laydown areas	
Area occupied by buildings	
Length of internal roads	
Width of internal roads	
Length and diameter of gas pipeline	
Size and number of storage vessels for gas and other fuels	
Height of fencing	
Type of fencing	



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### **PER EMAIL / MAIL**

Dear Ms Meyer

### **REQUEST FOR EXTENSION OF THE TIME PERIOD TO SUBMIT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED RICHARDS BAY COMBINED CYCLE POWER PLANT AND ASSOCIATED INFRASTRUCTURE, KWAZULU NATAL PROVINCE**

The abovementioned application and your letter dated 31 January 2018 requesting an extension of timeframe to submit the final Environmental Impact Report (EIAr) received by this Department on 31 January 2018 refers.

The Department noted that the request for extension for the submission of the Final EIAr is made in terms regulation 3(7) of the NEMA EIA regulation 2014, as amended. Further, it was noted that the following reasons were put forward for the abovementioned request:

- Specialists are required to undertake additional investigations and assessment of the feasibility of the associated power line and gas pipeline needs to be included in the Combined Cycle Power Plant Environmental Impact Report (CCPP EIAr) and that the power line as well as the gas pipeline has to be assessed as part of the cumulative impacts of the CCPP.

However, the Department is of the opinion that the given reasons for the request of the extension do not meet the requirements of regulation 3(7), which states that an extension may be granted in terms of this regulation if one of these criterion is met:

- In the event where the scope of work must be expanded based on the outcome of an assessment done in accordance with these Regulations, which outcome could not be anticipated prior to the undertaking of the assessment, or
- In the event where exceptional circumstances can be demonstrated, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension.

Therefore, the request for extension of the time frame for the submission of the final EIAr for the proposed Richards Bay combined cycle power plant and associated infrastructure near Richards Bay, KwaZulu Natal Province is hereby refused.

JMS.

Please note that the final Environmental Impact Report must be submitted within 106 days from the date of lodging the application. According to our records, the application was lodged on 22 August 2017, hence; your final EIAr is due on 28 March 2018. In terms of Regulation 45 of the EIA Regulations 2014, as amended; this application will lapse if the applicant fails to submit the final EIAr within the specified timeframe.

If it happens that this application lapses, please be advised that you can follow the process as stipulated in regulation 21(2) (a), subject to regulation 46, if findings of the scoping report is still valid and the environmental context has not changed, the submission of a scoping report as contemplated in sub regulation (1) need not be complied with in cases where a scoping report was accepted as part of a previous application for environmental authorisation.

In terms of regulation 21(2) (b); regulation 21(1) need not to be complied with on condition that regulation 16 is complied with and that such application is accompanied by proof that registered interested and affected parties, who participated in the public participation process conducted as part of the previous application, have been notified of this intended resubmission of the application prior to submission of such application; 21(2) (c) if the application contemplated in paragraph (b) is submitted by the same applicant for the same development, as applied for and lapsed or refused as contemplated in paragraph (a); and in terms of regulation 21(2) (d) if an environmental impact assessment report inclusive of specialist reports and EMPr, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority, is submitted within a period of two years from the date of acceptance of the scoping report.

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



**Ms Milicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Date: 06/03/2018.**

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### **PER EMAIL / MAIL**

Dear Sir/Madam

### **LAPSING OF APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED RICHARDS BAY COMBINE CYCLE POWER PLANT (CCPP) AND ASSOCIATED INFRASTRUCTURE NEAR RICHARDS BAY, KWAZULU NATAL PROVINCE**

Your Application for Environmental Authorisation received by the Department on 22 August 2017 and the acceptance of the final Scoping Report dated 20 November 2017, refer.

In terms of Regulation 45 of GN R982 of 04 December 2014, as amended, an application lapses and a Competent Authority will deem the application as having lapsed, if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7) of GN R982 of 04 December 2014, as amended.

Please be informed that you have **not** submitted the Environmental Impact Assessment Report and have failed to comply with Regulation 23(1) of the EIA Regulations 2014, as amended, which states:

- 23. (1) *The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority—***
- (a) *an environmental impact assessment report inclusive of any specialist reports, and an EMPr, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority; or***
  - (b) *a notification in writing that the reports, and an EMPr, will be submitted within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the environmental impact assessment report or EMPr, which changes or information was not contained in the reports consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised environmental impact assessment report or EMPr will be subjected to another public participation process of at least 30 days.***

As such, this Department hereby advises you that the application: 14/12/16/3/3/2/1027 for Environmental Authorisation for the proposed Richards Bay Combined Cycle Power Plant (CCPP) and associated infrastructure near Richards bay, Kwazulu- Natal Province, lapsed and the file is accordingly closed.

Please note that should you decide to further pursue the application, a new application for authorisation in terms of the EIA Regulations, 2014, as amended, must be submitted to this Department before such activity/(ies) may commence.

**Kindly quote the abovementioned reference number in any future correspondence in respect of the application.**

Yours sincerely



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Letter signed by: Mr Vusi Skosana**

**Designation: Director: Coordination, Strategic Planning and Support**

**Date: 10/04/2018**

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