

19 January 2021

**Directorate:** Coordination, Strategic Planning and Support  
Department of Environment, Forestry and Fisheries

**Attention:** Ms. Fiona Grimett and Ms. Thulisile Nyalunga  
**DEFF Reference number:** 14/12/16/3/3/2/1138

Environment House  
473 Steve Biko Road  
Arcadia

**PUBLIC PARTICIPATION PLAN: APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE  
ESKOM WESTRAND STRENGTHENING PHASE II PROJECT**

With reference to the above EA application, please find herewith the Public Participation Plan for the proposed application, in accordance with Regulations GN.R 650: Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licenses, as published on 05 June 2020.

We trust that you find this in order and eagerly await your departments' reply in this regard. If there are any uncertainties or additional information required, please feel free to contact the undersigned or Dr. Francois Retief from our office at 083 639 2293.

Kind regards



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## 1. Introduction

Resolute was appointed by the applicant, Eskom SOC Limited, to apply for Environmental Authorisation for listed activities in terms of the NEMA 2014 EIA Regulations.

The Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licenses, as published in Regulations GN.R 650: on 05 June 2020, aim to curtail the threat posed by the COVID -19 pandemic and to alleviate, contain and minimize the effects of the national state of disaster, and in particular provide directions to ensure fair licensing processes and public participation processes. The directions specify that Public Participation Plan proposals for pending applications must be submitted to the relevant assigned case officer for discussion.

This report contains the Public Participation Plan for the above application for approval by the Competent Authority. The Public Participation Plan was compiled in accordance with the National Environmental Management Act, 1998 (Act no. 107 of 1998) and the following regulations:

- Environmental Impact Assessment Regulations 2014 (as amended) and published on 7 April 2017 in GN.R. 324 – 327.
- Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licenses, published on 05 June 2020 in GN.R. 650.

## 2. Status and background of the EIA application

The status of the application is as follow:

1. The DEFF reference number for the application: 14/12/16/3/3/2/1138
2. The final Scoping Report was accepted by DEFF in a letter dated 17/12/2020.
3. Comments on the draft EIAR was received from DEFF in a letter dated 10/06/2020.
4. On 13/07/2020 DEFF was notified by the EAP of the extension of time to submit the final EIAR in terms of Section 23(1)(b) of GN. R 326.
5. The above application was withdrawn on 30 September 2020. Reasoning for the withdrawal, as recommended by Ms. Thulisile Nyalunga is to submit an amended draft EIAR prior to the final EIAR to give effect and comply with the requirements of regulation 23 (1) (b) of GN. R 326.

### 3. Way Forward and next steps in the application process

The next steps and the way forward with the application process is as follow:

1. Taking into account the status of the existing application, we are of the intension to resubmit the application form and amended draft EIA after approval of this Public Participation Plan. Subsequently, the measures to be followed ito public participation is outlined in section 4.

### 4. Public Participation Process and Plan

The public participation measures proposed in table 1, were carefully designed to ensure that a fair and reasonable opportunity is provided for public participation in the EIA process, taking into consideration all requirements included in the:

- National Environmental Management Act, 1998 (Act no. 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended), published on 7 April 2017 in GN.R. 324 – 327.
- Disaster Management Act, 2002 (Act no. 57 of 2002) and the relevant Regulations: Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licenses, published on 05 June 2020 in GN.R. 650.

**Table 1: Public Participation Process and Plan**

<p><b>Public Participation requirements in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended) and published on 7 April 2017 in GN.R. 324 – 327.</b></p>	<p><b>Public Participation requirements in the Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 relating to National Environmental Management Permits &amp; Licences, published in terms of the Disaster Management Act, 2002 (Act 57 of 2002) on 05 June 2020 in GN.R. 650.</b></p>	<p><b>Public Participation actions in accordance with the applicable health and safety and other restrictions, directions and requirements determined in terms of section 27(2) of the Disaster Management Act.</b></p>
<p>Regulation 41 (2) of GN.R. 326 states that <i>“The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of an application or proposed application which is subjected to public participation by—</i></p>	<p>Annexure 2 of GN.R. 650 states that <i>“Permitting services to be provided by issuing authorities in terms of the National Environmental Management Act and the Environmental Impact Assessment Regulations should adhere to -</i></p>	
<p>a) fixing a <b>notice board</b> at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of—</p> <p>i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and</p> <p>ii) any alternative site;</p>	<p>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 application must be considered in order to determine what will be reasonable. If alternative reasonable methods are available to give notice to potential interested and affected parties (I&amp;APs), 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.</p>	<p><b>The notice board will be fixed on site for a period of 30 days, providing potential I&amp;APs / any member of the public with a 30-day period to register as I&amp;APs.</b> When fixing the notice boards will be fixed on site, the following measures will be implemented:</p> <ul style="list-style-type: none"> <li>• The notice boards will be sanitized before placed on site.</li> <li>• The EAP responsible for placing the notice boards on site will be wearing a facial mask and implementing frequent hand sanitising measures to ensure proper sanitation and hygiene practices.</li> <li>• Should the EAP be encountered by a member of the public during the placement of the notice boards, social distancing of 1.5 metres will be maintained. Interaction with any member of the public will be discouraged.</li> </ul>

Public Participation requirements in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended) and published on 7 April 2017 in GN.R. 324 – 327.	Public Participation requirements in the Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 relating to National Environmental Management Permits & Licences, published in terms of the Disaster Management Act, 2002 (Act 57 of 2002) on 05 June 2020 in GN.R. 650.	Public Participation actions in accordance with the applicable health and safety and other restrictions, directions and requirements determined in terms of section 27(2) of the Disaster Management Act.
b) giving <b>written notice</b> , in any of the manners provided for in section 47D of the Act, to— <ul style="list-style-type: none"> <li>i) the <u>occupiers</u> of the site and, if the proponent or applicant is not the <u>owner</u> or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;</li> </ul>	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 application must be considered in order to determine what will be reasonable. If alternative reasonable methods are available to give notice to potential interested and affected parties (I&APs), 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.	Written notices will be e-mailed to the landowner, and applicant to maintain social distancing. The landowner and applicant have adequate resources for electronic communication. <b>The written notice will provide for a 30-day period to register as I&amp;APs / provide comments.</b>
<ul style="list-style-type: none"> <li>ii) <u>owners, persons in control of</u>, and occupiers of land adjacent to the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;</li> </ul>		Written notices will be e-mailed to the adjacent owners, occupiers, and/or persons in control of the land. In the absence of e-mail communication, documents will be sent via Whatsapp or sms messages. <b>The written notice will provide for a 30-day period to register as I&amp;APs / provide comments.</b>
<ul style="list-style-type: none"> <li>iii) the <u>municipal councillor</u> of the ward in which the site and alternative site is situated and <u>any organisation of ratepayers</u> that represent the community in the area;</li> </ul>		Written notices will be e-mailed to the ward councillors and organisation of ratepayers. In the absence of e-mail communication, documents will be sent via Whatsapp or sms messages. <b>The written notice will provide for a 30-day period to register as I&amp;APs / provide comments.</b>
<ul style="list-style-type: none"> <li>iv) the municipality which has jurisdiction in the area;</li> </ul>		Written notices will be e-mailed to the Local Municipality. In the absence of e-mail communication, documents will be sent via Whatsapp or sms messages. <b>The written notice will provide for a 30-day period to register as I&amp;APs / provide comments.</b>
<ul style="list-style-type: none"> <li>v) any organ of state having jurisdiction in respect of any aspect of the activity; and</li> <li>vi) any other party as required by the competent authority;</li> </ul>		Written notices will be e-mailed to the organs of state and any other parties. In the absence of e-mail communication, documents will be sent via Whatsapp or sms messages.

<p>Public Participation requirements in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended) and published on 7 April 2017 in GN.R. 324 – 327.</p>	<p>Public Participation requirements in the Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 relating to National Environmental Management Permits &amp; Licences, published in terms of the Disaster Management Act, 2002 (Act 57 of 2002) on 05 June 2020 in GN.R. 650.</p>	<p>Public Participation actions in accordance with the applicable health and safety and other restrictions, directions and requirements determined in terms of section 27(2) of the Disaster Management Act.</p>
		<p><b>The written notice will provide for a 30-day period to register as I&amp;APs / provide comments.</b></p>
<p>c) placing an advertisement in—            i) one <u>local newspaper</u>; or            ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;</p>		<p>Newspaper advertisements will be placed in a local newspaper and the relevant provincial gazette. All arrangements will be done electronically to maintain social distancing. <b>The newspaper advertisement will provide potential I&amp;APs with a 30-day period to register as I&amp;APs / provide comments.</b></p>
<p>d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official Gazette referred to in paragraph (c)(ii); and</p>	<p>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 application must be considered in order to determine what will be reasonable. If alternative reasonable methods are available to give notice to potential interested and affected parties (I&amp;APs), 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.</p>	<p>Newspaper advertisements will be placed in the local newspaper and the relevant provincial gazette. All arrangements will be done electronically to maintain social distancing. <b>The newspaper advertisement will provide potential I&amp;APs with a 30-day period to register as I&amp;APs / provide comments.</b></p>
<p>e) using <u>reasonable alternative methods</u>, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to—            i) illiteracy;            ii) disability; or            iii) any other disadvantage.</p>		<p>The main form of communication with I&amp;APs will be via electronic format eg. e-mails, Whatsapp and sms messages, zoom meetings (if required), etc. Where required, phone calls will also be used. These communication measures will be implemented for the duration of the public participation process to ensure social distancing.</p>
<p>43 (1) A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that</p>		<p>The main form of communication with I&amp;APs will be via electronic format eg. e-mails, Whatsapp and sms messages, zoom, etc. Where required, phone calls will also be used. Reports and plans that are too big to be e-mailed, will be made available for download from a suitable web platform. These communication measures</p>

<p>Public Participation requirements in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended) and published on 7 April 2017 in GN.R. 324 – 327.</p>	<p>Public Participation requirements in the Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 relating to National Environmental Management Permits &amp; Licences, published in terms of the Disaster Management Act, 2002 (Act 57 of 2002) on 05 June 2020 in GN.R. 650.</p>	<p>Public Participation actions in accordance with the applicable health and safety and other restrictions, directions and requirements determined in terms of section 27(2) of the Disaster Management Act.</p>
<p>the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.</p>		<p>will be implemented for the duration of the public participation process to ensure social distancing. <b>I&amp;APs will be provided with a 30-day period to register as I&amp;APs / provide comments.</b></p>



## 5. Closure

The EAP is confident that the Public Participation Plan will give effect to all relevant policy and legislation as stipulated in section 3 and provide a fair and reasonable opportunity for public participation in the EIA process and reasonable administrative actions.

