

Revised Public Participation Plan

20 October 2021

THE PROPOSED NOKO SOLAR POWER PLANT NEAR ORKNEY, NORTH WEST PROVINCE



ENVIRONAMICS

PROJECT DETAIL

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1 INTRODUCTION

This report outlines the plan for Public Participation as part of the Basic Assessment (BA) process for the proposed Noko Solar Power Plant near Orkney, North West Province.

The purpose of the public participation plan is to make proposals on how the identification of and consultation with all potential I&APs will be ensured in accordance with regulation 21(2) and 41(2)(a) to (d) of the EIA Regulations and to proposed alternative reasonable methods as provided for in regulation 41(2)(e) of the EIA Regulations. Input from the relevant competent authority on the public participation plan will be requested to ultimately obtain approval of the plan for the BA process to be undertaken.

Annexure 3 of GNR 650 published on 5 June 2020 in terms of Regulation 4(10) of the Regulations issued by the Minister of Cooperative Governance and Traditional Affairs in terms of Section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) provides direction for services to be provided by environmental assessment practitioners (EAPs) as part of the environmental authorisation process in terms of the National Environmental Management Act and the EIA Regulations, 2014. Table 1 below summarises the relevant activities and requirements as set out in Annexure 3 relating to public participation:

Table 1: GNR650 Directions

ACTIVITY	REQUIREMENT
Request a meeting with the competent authority to discuss adherence to Chapter 6 of the EIA Regulations, including, if applicable, proposing alternative reasonable methods in terms of regulation 41(2)(e) of the EIA Regulations, 2014, and reaching agreement on the public participation plan for applications where adherence to Chapter 6 is required.	<p>A person (proponent/ applicant, specialist, EAP or other professional) who performs the services must:</p> <ul style="list-style-type: none"> • prepare a written public participation plan, containing proposals on how the identification of and consultation with all potential I&APs will be ensured in accordance with regulation 41(2)(a) to (d) of the EIA Regulations or proposed alternative reasonable methods as provided for in regulation 41(2)(e) of the EIA Regulations, for purposes of the application and submit such plan to the competent authority; • request a meeting with the relevant competent authority to determine the reasonable measures to be followed to identify potential I&APs and register IA&Ps for purposes of conducting public participation on an application requiring adherence to Chapter 6 of the EIA Regulations as set out in the public participation plan and obtain agreement from the relevant competent authority on the public participation plan.
Public participation	EAPs, must:

	<ul style="list-style-type: none"> • ensure that all reasonable measures are taken to identify potential I&APs for purposes of conducting public participation on the application; and • ensure that, as far as is reasonably possible... (a) information containing all relevant facts in respect of the application or proposed application is made available to potential I&APs; and (b) participation by potential or registered I&APs has been facilitated in such a manner that all potential or registered I&APs are provided with a reasonable opportunity to comment on the application or proposed application. <p>In ensuring the above, applicants and EAPs, in addition to the methods contained in Chapter 6 of the EIA Regulations, or as part of reasonable alternative methods proposed in terms of regulation 41(2)(e) of the EIA Regulations, may make use of the following non-exhaustive list of methods: emails, websites, Zero Data Portals, Cloud Based Services, or similar platforms, direct telephone calls, virtual meetings, newspaper notices, radio advertisements, community representatives, distribution of notices at places that are accessible to potential I&APs.</p>
<p>Make reports available for comment</p>	<p>Reports may not be made available at any public places or premises closed to the public, as contemplated in the Regulations. Hard copies or electronic versions of reports will be made accessible through any of the following non-exhaustive list of methods: websites, Zero Data Portals, community or traditional authorities, Cloud Based Services, provided that all registered I&APs have access to the reports.</p> <p>Reports made available to the competent authority must be made available as indicated by the relevant competent authority in Annexure 2.</p>

2 STATUS OF THE BA AND PUBLIC PARTICIPATION PROCESS

The BA process will be conducted strictly in accordance with the stipulations set out in the EIA Regulations, 2014 (as amended in 2017). The following three categories of variables will be taken into account when deciding the required level of public participation:

- The scale of anticipated impacts
- The sensitivity of the affected environment and the degree of controversy of the project
- The characteristics of the potentially affected parties

Since the scale of anticipated impacts is low, the low environmental sensitivity of the site and the fact that no conflict is foreseen between potentially affected parties, no additional public participation mechanisms are considered during the BA process, apart from a public meeting (should there be a need for one).

3 THE PUBLIC PARTICIPATION PROCESS GOING FORWARD

We propose the following public participation steps as part of the BA process:

- Newspaper advertisement: Since the proposed development is unlikely to result in any impacts that extend beyond the municipal area where it is located, it is deemed sufficient to advertise in a local newspaper. An advertisement will be placed in English in the local newspaper notifying the public of the BA process and requesting Interested and Affected Parties (I&APs) to register with and submit their comments to Environamics Environmental Consultants. I&APs will be given the opportunity to raise comments within 30 days. The public will be informed that copies of the report will be made available upon request and that these will be sent via Dropbox, email, registered post or courier services. The public can register as I&APs and raise comments via post, email, WhatsApp or SMS.
- Site notices: Site notices will be placed on site (coordinates to be provided) in English and Afrikaans to inform surrounding communities and immediately adjacent landowners of the proposed development. I&APs will be given the opportunity to raise comments within 30 days. The public will be informed that copies of the report will be made available upon request and that these will be sent via Dropbox, email, registered post or courier services. Comments can be raised via post, email, WhatsApp or SMS.
- Hard and/or soft copies of report

Hard or soft copies of the report will be made available upon request. Hard copies will be made available for review to any I&AP who may not have access to the Internet or email communication. The availability of the report will be made known. The availability of the report will be made known via notification through the use of appropriate means to all registered I&APs. All hard copies of the report will be sanitized prior to it being posted or couriered.
- I&AP Register

Regulation 42 of the Environmental Impact Assessment Regulations, 2014, as amended (EIA Regulations) provides for the opening and maintenance of a register of interested and affected parties (I&APs), **by the proponent or applicant**, which must contain personal information (names, contact details and addresses). It is therefore the duty of the proponent or applicant to collect the information that must be contained in the register.

Regulation 42 further requires that these registers must be submitted to the competent authority (CA). There is no legal requirement in the EIA Regulations that such registers must be included in the reports that are published for public consultation purposes or be made publicly available as part of the EIA process. Since the information in the registers

is personal/private information, it will not be included in or attached to reports and be made available in the public domain.

It is the duty of the proponent or applicant to collect the information that must be contained in the register and remains responsible to comply with the applicable legislative provisions as contained in the POPIA. The applicant or proponent must therefore ensure that the EAP is aware of the POPIA requirements and that registers should not be included in reports and be made available in the public domain.

Environamics is aware of the POPIA requirements, and no registers will be included in reports that are made available in the public domain. The registers will be treated as confidential and no personal information contained in any of the reports will be shared with anyone other than the competent authority.

- Direct notification of identified I&APs: Identified I&APs, including key stakeholders representing various sectors, will be directly informed of the proposed development via an email and will be requested to submit their comments within 30 days. A copy of the background information document (BID) and later the draft Basic Assessment report, will be made available as part of the notification. I&APs will be requested to submit comments on the BID and draft report 30 days after the notification. All letters sent via registered post will be sanitized prior to it being posted. Comments can be raised via post, email, WhatsApp or SMS.
- Direct notification of surrounding landowners and occupiers: Written notices will also be provided to surrounding landowners and occupiers via email or registered mail. The Local Municipality and other local property owners will be contacted to obtain the contact details of the surrounding landowners. The surrounding landowners will be given the opportunity to raise comments within 30 days. All letters sent via registered post will be sanitized prior to it being posted.
- Submission of application form and Draft Basic Assessment Report (BAR):

A fully completed application form and Draft BAR will be submitted to the Department of Forestry, Fisheries and the Environment (DFFE) for their review.
- Circulation of the Draft Basic Assessment Report:

The Draft Basic Assessment Report will be made available to all registered I&APs and relevant State Departments and they will be requested to provide their comments on the report within 30 days of the notification. Comments can be provided via email, post, WhatsApp or SMS. All issues identified will be documented and compiled into a Comments and Response Report to be included as part of the Final Basic Assessment Report.
- Public meeting

All I&AP's will be invited to attend a public meeting (should the need for one arise). The date, time and location of the public meeting will be communicated to the I&AP's via

email or WhatsApp. The meeting will be an opportunity to share information regarding the proposed development and provide I&APs (particularly surrounding landowners) with an opportunity to raise any issues and provide comments.

All Covid19 protocols will be followed during the meeting. A premises will be selected that will be able to safely accommodate the number of attendees that complies with the relevant lockdown regulations at the time. A register will be kept at the door with all relevant Covid19 questions, temperatures will be taken and recorded, sanitizer will be provided at the entrance and no access will be granted without the wearing of a mask. We will also ensure that social distancing is implemented during the meeting.

➤ Circulation of decision and submission of appeals:

Notice will be given to all registered I&APs of the decision taken by the National Department of Forestry, Fisheries and the Environment (DFFE). The attention of all registered I&APs will also be drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations. In accordance with the provisions of Regulation 4(1) of Government Notice No. 993, an appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered I&AP's and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

The next section of the report sets out the project schedule and steps to be taken as part of the public participation process.

4 PROJECT SCHEDULE

The BA process is conducted strictly in accordance with the stipulations set out in Regulations 21-24 of Regulation No. 982 (as amended in 2017). The site is located in Renewable Energy Development Zone (REDZ) and therefore a 'basic assessment (BA) process' is required as described in Regulation 19 – 20. Table 2 provides a summary of the BA process. It is envisaged that the BA process should be completed within approximately seven months of submission of the application form and Draft BAR, i.e. by December 2021.

Table 2: Project schedule

Activity	Prescribed timeframe	Timeframe
Submit public participation plan	-	By 18 Oct. 2021
Public Participation Plan Approval	-	By 22 Oct. 2021
Site visits (Initial PP – Press Advertisement & Site Notices).	-	27 October 2021
Appointment of specialists	-	By 18 Oct. 2021
Receive specialist studies	-	15 Nov. 2021 (4 weeks)
Submit application form and DBAR	-	3 Dec 2021
Public participation (DBAR) (No PP between 15 Dec. 2021 & 5 Jan. 2022)	30 Days	3 Dec. 2021 – 24 Jan. 2022
Submit FBAR	44 Days	Feb. 2022
Department acknowledges receipt	10 Days	Feb. 2022
Decision	57 Days	By April 2022
Department notifies of decision	5 Days	By April 2022
Registered I&APs notified of decision	14 Days	April 2022
Appeal	20 Days	By May 2022

5 CONCLUSION

This report outlined the plan for Public Participation proposed as part of the BA process for the proposed Noko Solar Power Plant near Orkney, North West Province. The public participation plan outlined the status of the BA and public participation process, proposals for public participation going forward and the project schedule.

We argue that, all reasonable measures will be taken to identify potential I&APs for purposes of conducting public participation as part of the application and that we will ensure that, as far as is reasonably possible (a) information containing all relevant facts in respect of the application or proposed application will be made available to potential I&APs; and (b) participation by potential or registered I&APs will be facilitated in such a manner that all potential or registered I&APs are provided with a reasonable opportunity to comment on the application or proposed application.

In conclusion input from the relevant competent authority on the public participation plan is requested to ultimately obtain approval of the plan for the BA process to be undertaken.