



# Cape EAPrac

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## PUBLIC PARTICIPATION PLAN – REVISION 2

for

### POSTMASBURG SOLAR PV ENERGY FACILITY 2 (Amendment of Environmental Authorisation)

on

A portion of Remainder of Farm 436 Kapstewel, Postmasburg, Northern Cape.

<b>Date</b>	:	16 August 2020
<b>Reference</b>	:	TSA309b/01
<b>Applicant</b>	:	Postmasburg Solar PV Energy Facility 2 (Pty) Ltd
<b>DEFF Reference</b>	:	14/12/16/3/3/2/698
<b>DEFF Case Officer</b>	:	Thabile Sangweni

This plan is submitted in compliance with regulation GNR660 published on 05 June 2020 in terms of the Disaster Management Act (57/2002) and titled: Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences. In compliance with section 5.1 and annexure 2 of these regulations, a public participation plan must be presented to the competent authority for approval prior to implementation. This plan is herewith submitted to DEFF for consideration.

This application is for a part 2 amendment of an existing EA and is submitted in terms of regulation 31. The public participation requirements for a part 2 amendment are contained in regulation 32(1)(aa), which requires that the report (i.e. amendment assessment report) be subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential interested and registered interested and affected parties, including organs of state, which have jurisdiction in respect of the relevant activity and the competent authority.

Cape EAPrac's proposal to comply with regulation 32(11)aa of the NEMA EIA regulations and Regulation 660 in terms of the disaster management act is as follows:

An amendment assessment report will be compiled to assess the impact of the addition of a Battery Energy Storage System (BESS) within the footprint authorised for the project. This Amendment Assessment Report will include:

1. Statements from all participating specialists confirming whether or not the addition of the BESS will change the nature or impact of any of the impacts that were assessed as part of specialist studies.
2. Statements from all participating specialists to confirm whether or not the addition of a BESS within the assessed footprint will result in any additional impacts in respect of their particular specialist discipline.
3. Statements from participating specialists to confirm whether any additional management actions or mitigations are applicable to the addition of a BESS.
4. A BESS technical study.
5. A High-level BESS risk assessment.
6. An addendum to the existing EMPr (incorporating an application to amend the existing EMPr) to incorporate additional management outcomes and actions associated with the BESS.

Notification of the availability of the amendment assessment report (incorporating points 1-6 above) will be sent to the following parties:

- (a) the competent authority;
- (b) every State department that administers a law relating to a matter affecting the environment relevant to an application for the amendment of an environmental authorisation;
- (c) all organs of state which have jurisdiction in respect of the activity to which the application for amendment relates;
- (d) all I&AP's that were registered as part of the original EIA process;
- (e) all I&AP's that were registered on other EIA's that took place on the same properties; and
- (f) all neighbouring property owners.

The amendment assessment report will be accessible to the abovementioned parties via the following mechanisms;

1. The competent authority will be provided copies of the applications and assessment report via their file upload portal;
2. All State Departments and Organs of State who have online submission platforms (e.g. SAHRA via their SAHRIS system) will receive copies of the reports via these platforms.
3. The digital copy of the documentation that will be available on the Cape EAPrac website
4. A download link (via dropbox or sharepoint) will be provided to all I&APs.
5. All notification letters will include a copy of the executive summary of the Amendment Assessment Report.
6. The ward councillor will be approached for assistance to distribute notification letters along with the executive summaries via their communication channels (community WhatsApp groups, social media and physical communiques).
7. I&AP's that do not have access to digital platforms will be provided with printed hardcopies of the executive summary and any specialist reports that they may have interest in. Such copies will be provided by courier or postal service.
8. Potential and registered I&APs will be informed that copies of the documentation can be provided via postal or courier services.
9. All notifications sent out will include the details of all the mechanisms available to access the report, including those available to parties that cannot easily access digital platforms.

Due to the extensive consultation processes that have preceded the environmental application for this property in question, Cape EAPrac is of the opinion that there is general awareness of the fact that the property is earmarked PV development and particulars about the type of development on this property.

Stakeholder fatigue is a real challenge with projects that undergo this level of stakeholder engagement as part of different processes and should be considered when planning further stakeholder engagement as part of the environmental amendment application process.

We therefore do not propose to undertake pre-application stakeholder consultation as part of the environmental process.

Section 41 in Chapter 6 of regulation 982 details the public participation process that has to take place as part of an environmental process. The table below lists these requirements along with the proposed actions in order to comply with both section 41 in regulation 982 as well as well as section 5.1 and annexure 2 of regulation 660.

Regulated Requirement	Proposed Actions
<p>(1) If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land.</p> <p>(2) Subregulation (1) does not apply in respect of-</p> <p>(a) linear activities;</p>	<p>A landowner consent for the development has been obtained in terms of this requirement. No deviation or additional actions in terms of regulation 660 are required.</p>
<p>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 -</p>	
<p>(a) fixing a notice board 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>A site notice will be placed at the boundary of the property. No deviation or additional actions in terms of regulation 660 are required.</p>
<p>(b) giving written notice, in any of the manners provided for in section 47D of the Act, to -</p>	
<p>(i) the occupiers of the site and, if the proponent or applicant is not the owner 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 or to any alternative site where the activity is to be undertaken;</p>	<p>There are no tenants on the affected portions, other than the landowner who has provided consent for the development. No deviation or additional actions in terms of regulation 660 are required.</p>
<p>(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</p>	<p>Owners of adjacent properties will be notified of this environmental process and will be provided with digital copies of the documents via postal or courier services (where available), if they do not have access to online platforms. Such owners have been requested to inform the occupiers of the land of this environmental process and the process to obtain copies of the relevant reports.</p>
<p>(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;</p>	<p>The ward councillor will be notified of this environmental process and will be provided with a digital copy of the documentation via postal or courier services.</p>

Regulated Requirement	Proposed Actions
(iv) the municipality which has jurisdiction in the area;	The Tsantsabane Local Municipality (Planning and Technical Services) will be notified of this environmental process and will be provided via download links.
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	All organs of state that have jurisdiction in respect of the activity will be notified of this environmental process and will be provided with digital copies of all documentation via download links (in instances where these parties do not have access to internet connectivity) a CD with documentation will be provided.
(vi) any other party as required by the competent authority;	DEA will be given an opportunity to comment on the Draft BAR and EMP. These will be provided to the competent authority via the upload site as directed. Should they identify additional parties that need to provide comment, copies of the documentation and opportunity to comment will be provided to such parties.
(c) placing an advertisement in - (i) one local newspaper; 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;	An advert calling for registration of I&APs will be placed in local newspaper.  There is currently no official Gazette that has been published specifically for the purpose of providing public notice of applications.
(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	Adverts will not be placed in provincial or national newspapers, as the potential impacts will not extend beyond the borders of the municipal area.
(e) using reasonable alternative methods, 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.	Notifications will include provision for alternative engagement in the event of illiteracy, disability or any other disadvantage. In such instances, Cape EAPrac will engage with such individuals in such a manner as agreed on with the competent authority.
(3) A notice, notice board or advertisement referred to in subregulation (2) must - (a) give details of the application or proposed application which is subjected to public participation; and (b) state - (i) whether basic assessment or S&EIR procedures are being applied to the application; (ii) the nature and location of the activity to which the application relates; (iii) where further information on the application or proposed application can be obtained; and	All notification and adverts will comply with this requirement. No deviation or additional actions in terms of regulation 660 are required.

Regulated Requirement	Proposed Actions
(iv) the manner in which and the person to whom representations in respect of the application or proposed application may be made.	
<p>(4) A notice board referred to in subregulation (2) must -</p> <p>(a) be of a size at least 60cm by 42cm; and</p> <p>(b) display the required information in lettering and in a format as may be determined by the competent authority.</p>	The notice board which will be placed on the site boundary will comply with this requirement.
<p>(5) Where public participation is conducted in terms of this regulation for an application or proposed application, subregulation (2)(a), (b), (c) and (d) need not be complied with again during the additional public participation process contemplated in regulations 19(1)(b) or 23(1)(b) or the public participation process contemplated in regulation 21(2)(d), on condition that -</p> <p>(a) such process has been preceded by a public participation process which included compliance with subregulation (2)(a), (b), (c) and (d); and</p> <p>(b) written notice is given to registered interested and affected parties regarding where the -</p> <p>(i) revised basic assessment report or, EMPr or closure plan, as contemplated in regulation 19(1)(b);</p> <p>(ii) revised environmental impact report or EMPr as contemplated in regulation 23(1)(b); or</p> <p>(iii) environmental impact report and EMPr as contemplated in regulation 21(2)(d);</p> <p>may be obtained, the manner in which and the person to whom representations on these reports or plans may be made and the date on which such representations are due.</p>	This will be complied with if final reports are produced later in the environmental process.
<p>(6) When complying with this regulation, the person conducting the public participation process must ensure that -</p> <p>(a) information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and</p> <p>(b) participation by potential or registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application.</p> <p>(7) Where an environmental authorisation is required in terms of these Regulations and an authorisation, permit or licence is required in terms of a specific environmental management Act, the public participation process contemplated in this Chapter may be combined with any public participation processes prescribed in terms of a specific environmental management Act, on condition that all relevant authorities agree to such combination of processes.</p>	<p>All reports that are submitted to the competent authority will be subject to a public participation process. These include:</p> <ul style="list-style-type: none"> <li>- Application for Amendment</li> <li>- Environmental Assessment Report</li> <li>- All specialist studies and statements submitted in this regard.</li> </ul>

**AMENDMENTS TO THIS PLAN:**

We submit that changes to this plan may be necessitated depending on COVID lockdown levels that are subject to change. Should there be a need to make use of the permissible 30-day period (per step in the amendment process) that may require amendments to this public participation plan, it will be done in consultation with the DEFF. At this stage, we do not intend to utilise these additional permissible periods and are able to comply with the timeframes as contained in the EIA Regulations.

Please contact the undersigned, should there be any queries regarding the implementation of this PP Plan.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dale Holder', written over a horizontal line.

**Dale Holder**  
Cape EAPrac.