

Environmental Impact Assessment (EIA) for the proposed construction,  
operation and decommissioning of the Saldanha Regional Marine Outfall  
Project of Frontier Saldanha Utilities (Pty) Ltd. at Danger Bay  
in the Saldanha Bay region

## FINAL EIA REPORT

# CHAPTER 5: APPROACH TO SCOPING AND PUBLIC CONSULTATION



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## CHAPTER 5. APPROACH TO SCOPING AND PUBLIC PARTICIPATION

### 5.1 PRINCIPLES FOR SCOPING AND PUBLIC PARTICIPATION

The public participation process for this Scoping and EIA process was driven by a stakeholder engagement process that included inputs from authorities, Interested and Affected Parties (I&APs), technical specialists and the project proponent. Guideline 7 on “Public Participation in support of the EIA Regulations” published by DEA in October 2012, states that public participation is one of the most important aspects of the environmental authorisation process. This stems from the requirement that people have a right to be informed about potential impacts that may affect them and that they must be afforded an opportunity to comment on those impacts. Effective public participation also improves the ability of the competent authority to make informed decisions and results in improved decision-making as the view of all parties are considered.

The DEA (2012) Guideline on Public Participation further notes that:

“The benefits of the public participation process include the following:

- it provides an opportunity for I&APs, EAPs and the Competent Authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision;
- it provides I&APs with an opportunity to voice their support, concerns and questions regarding the project, application or decision;
- it provides I&APs with the opportunity of suggesting ways for reducing or mitigating any negative impacts of the project and for enhancing its positive impacts;
- it enables an applicant to incorporate the needs, preferences and values of affected parties into its application;
- it provides opportunities for clearing up misunderstandings about technical issues, resolving disputes reconciling conflicting interests;
- it is an important aspect of securing transparency and accountability in decision-making; and
- it contributes toward maintaining a healthy, vibrant democracy.

In addition to the above, one can add the following universally recognised principles for public participation:

- Inclusive consultation that enables all sectors of society to participate in the consultation and assessment processes;

- Provision of accurate and easily accessible information in a language that is clear and sufficiently non-technical for I&APs to understand, and that is sufficient to enable meaningful participation;
- Active empowerment of grassroots people to understand concepts and information with a view to active and meaningful participation;
- Use of a variety of methods for information dissemination in order to improve accessibility, for example, by way of discussion documents, meetings, workshops, focus group discussions, and the printed and broadcast media;
- Affording I&APs sufficient time to study material, to exchange information, and to make contributions at various stages during the assessment process;
- Provision of opportunities for I&APs to provide their inputs via a range of methods, for example, via briefing sessions, public meetings, written submissions or direct contact with members of the Environmental Impact Assessment (EIA) Team; and
- Public participation is a process and vehicle to provide sufficient and accessible information to I&APs in an objective manner to assist I&APs to identify issues of concern, to identify alternatives, to suggest opportunities to reduce potentially negative or enhance potentially positive impacts, and to verify that issues and/or inputs have been captured and addressed during the assessment process.

At the outset it is important to highlight two key aspects of public participation:

- There are practical and financial limitations to the involvement of all individuals within a public participation programme (PPP). Hence, public participation aims to generate issues that are representative of societal sectors, not each individual. Hence, the PPP will be designed to be inclusive of a broad range of sectors relevant to the proposed project.
- The PPP will aim to raise a diversity of perspectives and will not be designed to force consensus amongst I&APs. Indeed, diversity of opinion rather than consensus building is likely to enrich ultimate decision making. Therefore where possible, the public participation process will aim to obtain an indication of trade-offs that all stakeholders (i.e. I&APs, technical specialists, the authorities and the development proponent) are willing to accept with regard to the ecological sustainability, social equity and economic growth associated with the project.

## 5.2 OBJECTIVES OF THE SCOPING PROCESS

This Scoping process was planned and conducted in a manner that is intended to provide sufficient information to enable the authorities to reach a decision regarding the scope of issues to be addressed in this EIA process, and in particular to convey the range of specialist studies that will be included as part of the Environmental Impact Reporting Phase of the EIA, as well as the approach to these specialist studies.

Within this context, the objectives of this Scoping process are to:

- Identify and inform a broad range of stakeholders about the proposed development;

- Clarify the scope and nature of the proposed activities and the alternatives being considered;
- Conduct an open, participatory and transparent approach and facilitate the inclusion of stakeholder concerns in the decision-making process;
- Identify and document the key issues to be addressed in the forthcoming Environmental Impact Reporting Phase of the EIA, through a process of broad-based consultation with stakeholders; and
- Ensure due consideration of alternative options in regard to the proposed development, including the “No development” option.

### 5.3 TASKS IN THE SCOPING PHASE

This section provides an overview of the tasks that were undertaken in the Scoping Phase, with a particular emphasis on providing a clear record of the public participation process followed.

#### ***Task 1: I&AP identification, registration and the creation of an electronic database***

Prior to advertising the EIA process in the provincial and local print media an initial database of I&APs was developed for the Scoping process. Appendix D contains the current I&AP database, which has been updated to include requests by I&APs to register their interest in the project by I&APs.

While I&APs have been encouraged to register their interest in the project from the start of the process, following the public announcements (see Task 2), the identification and registration of I&APs was ongoing for the duration of the study. Stakeholders from a variety of sectors, geographical locations and/or interest groups showed an interest in the development proposal, for example:

- Provincial and Local Government Departments;
- Local interest groups, for example, Councillors and Rate Payers associations ;
- Surrounding land owners;
- Environmental Groups and Non-Government Organisations (NGO's); and
- Grassroots communities and structures.

In terms of the electronic database, I&AP details were being captured and automatically updated as and when information was distributed to or received from I&APs. This ongoing and up-to-date record of communication is an important component of the public participation process.

It must be noted that while not required by the regulations those I&APs proactively identified at the outset of the Scoping Process remained on the project database through the EIA process and were kept informed of all opportunities to comment.

### ***Task 2: Announcement of the Scoping process***

In order to notify and inform the public of the proposed project and invite members of the public to register as I&APs, the project and EIA process were advertised in the local and provincial newspapers. One advertisement was placed in “Die Weslander” (Afrikaans and English) on 5 September 2013 and the other in “Die Burger” (Afrikaans) on 6 September 2013. A copy of the advertisements placed is contained in Appendix E1 of this report.

The EIA Regulations (GN R543) require that a notice board providing information on the project and EIA process is placed at the site. In total nine site notice boards were placed. Photos and geographical coordinates of all of all site notice boards are included in Appendix E2.

In addition to the newspaper advertisements and site notices, letters with notification regarding the EIA process were mailed and/or emailed to all pre-identified key stakeholders on the database (Letter 1). Appendix E contains copies of correspondence and information distributed to I&APs prior to the release of the Draft Scoping Report. This Letter 1 to I&APs included the Background Information Document (BID) developed for the project as well as a comment form. The purpose of the BID is to inform the public of the proposed project, the EIA process and provide an overview of the opportunities and mechanisms for public participation. Interested and Affected Parties were provided with a 30-day period to register their interest on the project database.

A Public Open House was held on 30 October 2013 at the Protea Hotel, Saldanha Bay to discuss the proposed project and to obtain comments and concerns from I&APs (Appendix H contains the attendance register of the Public Open House and the notes of the Open House meeting).

### ***Task 3: Ongoing Communication and Capacity Building***

In accordance with the principles of bodies such as the International Association for Public Participation (IAP), the process for this EIA aims to ensure that people are involved from the outset, that we proactively solicit the involvement of stakeholders representing all three dimensions of sustainability (i.e. biophysical, social and economic dimensions), and that we provide them with sufficient and accessible information to contribute meaningfully to the process. In this manner, the public participation process aims to build the capacity of stakeholders to participate.

Within the context of the EIA process, capacity building is not viewed as a “once off” event, but rather a series of events and/or information sharing which provides information on a continuous basis thereby building the capacity and knowledge of I&APs to effectively participate in the EIA process and raise issues of concern.

One of the challenges facing the participation process is the diversity of South African society. Public participation by its very nature is a dynamic process with various sectors



of society having varying needs, values and interests. The core question for public participation is “How can I, the interested and affected party, meaningfully participate in the process?” This varies according to the needs of I&APs. The public participation process should be inclusive of all I&APs, and afford them the opportunity to raise their issues and concerns in a manner that suites them. Coupled with this South African society is characterized by varying socio-economic, literacy and language levels all of which need to be considered in the participation process. For example, certain I&APs may want to receive documentation only and not attend meetings, some I&APs may want to only attend meetings, other I&APs may not want to attend meetings and send their comments in writing, and some I&APs may want to be actively involved throughout the process.

In order to accommodate the varying needs of I&APs and develop their capacity to participate in the process, information sharing forms an integral and ongoing component of the EIA process to ensure effective public participation. The following provides an overview of information sharing throughout the EIA process in order to develop the capacity of I&APs to effectively engage in the public participation process:

- *Website* – placing EIA related project information including reports on the website ([www.csir.co.za/eia/frontier\\_marine\\_outfall\\_pipeline.html](http://www.csir.co.za/eia/frontier_marine_outfall_pipeline.html)) as and when they become available and I&APs will be notified accordingly;
- *Language* – encouraging I&APs to use the language of their choice at meetings and providing translations at meetings in English and Afrikaans when required. The newspaper advertisement to announce the project was placed in English and Afrikaans;
- *Background Information Document in English and Afrikaans* (September 2013) –contains information on the project, EIA and public participation process (Appendix E3c of Volume I));
- *Newspaper Advertisements* (September 2013) requesting I&APs to register their interest in the project and raise issues of concern;
- *Letters to I&APs* (through-out the EIA process) notifying them of the various stages of the EIA process, availability of reports for comment and inviting them to attend Public Open Days to be held; Appendix F contains proof of notification that correspondence were sent to I&APs throughout the EIA process;
- *Draft Scoping Report Distribution (15 October 2013)* – providing hard copies of the Scoping report at the local libraries and placing the report on the project website for viewing by I&APs; and providing key I&APs with copies or CDs of the reports;
- *Final Scoping Report Distribution (24 March 2014)* – providing hard copies of the Scoping and EIA reports at the local libraries and placing the report on the project website for viewing by I&APs; and providing key I&APs with copies or CDs of the reports;
- *Draft EIA Report*-hard copies of the Draft EIA report were provided at the local libraries and the report was placed on the project website for viewing by I&APs; key I&APs were provided with copies or CDs of the report;
- *Final EIA Report*-hard copies of the EIA reports will be provided at the local libraries and placing the report on the project website for viewing by I&APs; and providing key I&APs with copies or CDs of the reports;

- *Public Open House Meetings (30 October 2013 and 13 November 2014)*– where representatives of the project applicant and EIA team were present to interact and engage with members of the public (Appendix H); and
- *Focus Group Meetings*– to target key I&AP groups (Authorities, Parastatals, Councillors, neighbours and land owners, environmental organisations and ratepayers' associations) and proactively invite them to attend a meeting where they are provided with an overview of the project and EIA process or to discuss any issues relevant to the particular I&AP or I&AP group. Several Focus Group Meetings were held during the EIA Process (see Task 7 below and Appendix I for meeting notes and attendance registers of the Focus Group Meetings).

#### ***Task 4: Consultation with authorities***

All public participation documentation will reach the lead authority (DEA&DP) as well as other relevant authorities included on the I&AP database. Additionally, consultation with relevant authorities on a one-on-one basis was effected where necessary. The CSIR EIA project manager, the public participation facilitator and the client team held Focus Group Meetings as necessary with the key authorities at various milestones throughout the process. Notes summarising the key outcomes from these meetings with authorities and the attendance registers are provided in Appendix I.

#### ***Task 5: Technical Scoping with project proponent and EIA team***

The Scoping process has been designed to incorporate two complementary components: a stakeholder engagement process that includes the relevant authorities and wider I&APs and a technical process involving the EIA team and the project proponent (Frontier Utilities and the engineering consultants appointed by the project proponent (WorleyParsons and Royal Haskoning DHV).

The purpose of the technical Scoping process was to draw on the past experience of the EIA team and the project proponent and from inputs by I&APs to identify environmental issues and concerns related to the proposed project, and confirm that the necessary specialist studies have been identified.

The specialist team has worked with the CSIR on several other projects, including the EIA for the proposed WCDM Desalination Plant. The specialists were therefore able to identify issues to be addressed in the EIA based on their experience and knowledge of the area. Their inputs have informed the scope and Terms of Reference for the specialist studies. The findings of the Scoping process with the public and the authorities further informed the specialist studies, which commenced after the public Scoping process has been finalised.



### ***Task 6: Consultation with I&APs (public) to identify issues and concerns***

In order to accommodate the varying needs of I&APs as well as capture their views, issues and concerns regarding the project, a comment and registration period of 30 days was provided from 6 September to 7 October 2013.

The comments received from I&APs, via written correspondence, fax, e-mail or at meetings, have been captured in the Issues and Responses Trail contained in Chapter 6 of this report. Appendix G contains copies of all the comments received.

Various opportunities have been provided for I&APs to have their issues noted prior to the release of the Final Scoping Report. These include:

- *Website* – placing EIA related project information including reports on the website ([www.csir.co.za/eia/frontier\\_marine\\_outfall\\_pipeline.html](http://www.csir.co.za/eia/frontier_marine_outfall_pipeline.html)) as and when they become available and I&APs will be notified accordingly;
- *Background Information Document* (September 2013) –contains information on the project, EIA and public participation process;
- *Newspaper Advertisements* (September 2013) requesting I&APs to register their interest in the project and raise issues of concern;
- *Letters to I&APs* (through-out the EIA process) notifying them of the various stages of the EIA process, availability of reports for comment and inviting them to attend Public Open Days to be held;
- *Draft Scoping Report Distribution (15 October 2013)* – providing hard copies of the Scoping report at the local libraries and placing the report on the project website for viewing by I&APs; and providing key I&APs with copies or CDs of the reports;
- *Public Open House (30 October 2013)*– where representatives of the project applicant and EIA team were present to interact and engage with members of the public; and
- *Focus Group Meetings*– to target key I&AP groups (Authorities, Parastatals, Councillors, neighbours and land owners, environmental organisations and ratepayers' associations) and proactively invite them to attend a meeting where they are provided with an overview of the project and EIA process or to discuss any issues relevant to the particular I&AP or I&AP group. Several Focus Group Meetings were held during the EIA Process (see Task 7 below and Appendix I for meeting notes and attendance registers).
- Site notice boards; and
- Written, faxed or email correspondence.

### ***Task 7: Focus Group Meetings***

One-on-one Focus Group Meetings were held with key stakeholders during the EIA process. The meetings were held to inform them of the proposed project, the EIA

process and to identify issues for inclusion in the Scoping and later phases of the EIA process.

The following Focus Group Meetings were held before and during the review of the Draft Scoping Report:

STAKEHOLDER	DATE
Jacobsbaai Residents and Rate Payers Association, Saldanha Group and Jacobsbaai Sea Products	28 October 2013
Van der Merwe Transport	28 October 2013
Saldanha Bay Water Quality Trust Forum	28 October 2013
Solar City Development and Pienaar Trust	29 October 2013
Saldanha Bay Municipality	29 January 2014
Jacobsbaai Residents and Rate Payers Association, Saldanha Group and Jacobsbaai Sea Products	29 January 2014
Brian Holridge	29 January 2014
Western Cape Department of Environmental Affairs and Development Planning (EIA, Coastal Management Unit and Waste Management Directorates)	30 January 2014

The following Focus Group Meetings were held after the release of the Final Scoping Report:

STAKEHOLDER	DATE
DEA: Oceans and Coasts	4 August 2014
Western Cape Department of Environmental Affairs and Development Planning (EIA, Coastal Management Unit and Waste Management Directorates)	13 August 2014
DEA: Oceans and Coasts	20 August 2014

The Focus Group Meetings that were held following the release of the Draft EIA Report are included in Chapter 7.

The attendance registers and notes on these Focus Group Meetings are contained in Appendix I.

### ***Task 8: Identification of Issues and Concerns***

Issues and concerns raised by I&APs during the scoping phase have been synthesized in the Issues and Responses Trail (Chapter 6). The issues and concerns were identified through the following mechanisms:

- written submissions in response to advertisements and communications with I&APs;
- issues raised at meetings held with I&APs; and
- issues raised through written correspondence received from I&APs (fax, email and mail).

The Issues and responses Trail (Chapter 6) also includes responses from the EIA Team and the project proponent to the issues raised. Appendix G contains all the correspondence received and issues raised by I&APs during the scoping phase.

### ***Task 9: Review of the Draft Scoping Report***

This process entailed the release of the Draft Scoping Report for a 40-day period for public review which ended on 26 November 2013. All I&APs on the project database were notified in writing, via Letter 2, of the release of the Draft Scoping Report for review and were invited to attend a Public Open House during the review period on 30 October 2013 held at the Protea Hotel in Saldanha Bay. The attendance register and notes on the Public Open House are included in Appendix H.

The following mechanisms and opportunities were utilised to notify I&APs of the release of the Draft Scoping Report for comment:

- Correspondence to I&APs - Letter 2: to notify I&APs of the release of the Draft Scoping Report, the comment period and to include an Executive summary of the report and comment form. Included in this notification were details of the proposed Public Open House to be held during the 40-day review period;
- Public Open House: A Public Open House was held on 30 October 2013, to which all I&APs will be invited via Letter 2;
- The Draft Scoping Report was placed on the CSIR project website ([www.csir.co.za/eia/frontier\\_marine\\_outfall\\_pipeline.html](http://www.csir.co.za/eia/frontier_marine_outfall_pipeline.html));
- The Draft Scoping Report was placed in the Saldanha Bay and Louwville (Vredenburg) Public Libraries and at the Jacobsbaai Ratepayers and Residents Association Office; and
- One-on-one Focus Group Meetings were held with key I&AP groups as indicated in Task 7.

All issues and concerns identified through the review of the Draft Scoping Report were captured in the updated Issues and Responses Trail, which is included in Chapter 6 of this report. It was also included in Chapter 5 of the Final Scoping Report.

### ***Task 10: Review of the Final Scoping Report***

This process entailed the release of the Final Scoping Report for a 30-day period for public review which ended on 24 April 2014. All I&APs on the project database were notified in writing, via Letter 3, of the release of the Final Scoping Report for review.

The following mechanisms and opportunities were utilised to notify I&APs of the release of the Final Scoping Report for comment:

- Correspondence to I&APs - Letter 3: to notify I&APs of the release of the Final Scoping Report for a 30-day review period;
- The Final Scoping Report was placed on the CSIR project website ([www.csir.co.za/eia/frontier\\_marine\\_outfall\\_pipeline.html](http://www.csir.co.za/eia/frontier_marine_outfall_pipeline.html));

- Hard copies of the Final Scoping Report were placed in the Saldanha Bay and Louwville (Vredenburg) Public Libraries and at the Jacobsbaai Ratepayers and Residents Association Office; and
- One-on-one Focus Group Meetings were held with key I&AP groups as indicated in Task 7.

All the issues and concerns identified after the release of the Final Scoping Report are captured in the updated Issues and Responses Trail, which is included in Chapter 6 of this report. This step marks the end of the public participation process for the Scoping Phase.

The publication participation programme for the subsequent Environmental Impact Reporting Phase is presented in the Plan of Study for EIA (Chapter 7). This includes the Public Participation process followed after the release of the Draft EIA Report.

All the issues and concerns identified after the release of the FEIAR need to sent to Mr Shawn Johnston of Sustainable Futures where after it will be sent to DEA&DP for consideration.

## 5.4 APPROACH TO THE ASSESSMENT OF ALTERNATIVES

The EIA Regulations require that alternatives to a proposed activity be considered. Alternatives are different means of meeting the general purpose and need of a proposed activity. This may include the assessment of site alternatives, activity alternatives, process or technology alternatives, temporal alternatives and/or the no-go alternative.

The EIA Regulations indicate that alternatives that are considered in an assessment process be reasonable and feasible. I&APs must also be provided with an opportunity of providing inputs into the process of formulating alternatives. The assessment of alternatives should, as a minimum, include the following:

- The consideration of the no-go alternative as a baseline scenario;
- A comparison of selected alternatives; and
- The provision of reasons for the elimination of an alternative.

An analysis of alternatives considered and assessed has been provided in Section 1.4 of Chapter 1 of this report. Of particular importance in this section is the fact that the Jacobsbaai Western Corridor has been identified as the only feasible pipeline routing alternative. The Jacobsbaai Eastern Corridor is not a feasible alternative as certain landowners along this Corridor object to the servitude crossing their property. A letter of objection was received from Mr Smit on behalf of Forellendam (Pty) Ltd regarding the proposed servitude over their property (including the letter of approval from the Saldanha Bay Municipality for development rights on Erf 299; see letter in Appendix B2 (ii)). The Afrisam pipeline routing corridor was also investigated. It was found that this

corridor is also not feasible as Afrisam object to the proposed servitude over their properties (see letter dated in Appendix B3)

## 5.5 SCHEDULE FOR THE EIA

The proposed schedule for the EIA, based on the legislated EIA process, is presented in Table 5.1. It should be noted that the schedule was revised continuously during the EIA process.

**Table 5.1 Environmental Impact Assessment Schedule for the proposed Saldanha Regional Marine Outfall Project**

		2013					2014												2015								
		July	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
1	Notify authorities and submit EIA application																										
2	Establish I&AP database, prepare BID and announce EIA																										
3	I&AP registration & meetings with key stakeholders to source issues																										
4	Prepare Draft Scoping Report (DSR) and Plan of Study for EIA (PSEIA)																										
5	Public comments period (40 days) on DSR and stakeholder meetings																										
6	Submit Final Scoping Report (FSR) and PSEIA to authorities for decision and public review of 21 days																										
7	Communicate authority decision to I&APs and process for next phase																										
8	Specialist studies (including fieldwork)																										
9	Prepare Draft EIA Report and EMP																										
10	Public review of Draft EIA Report and EMP (40 days)																										
11	Prepare and Submit Final EIA Report and EMP to authorities and public review of 30 days																										
12	Decision by authorities (115 days)																										
13	Appeal process*																										

\*Note: It should be noted that although the project was undertaken in terms of the 2010 NEMA EIA Regulations, the National Appeal Regulations which came into effect on 8 December 2014 apply to this project. Further details on the 2014 Appeal Regulations can be found in Section 4.1.1.3 of Chapter 4 of this report.