

chapter 4

approach to the scoping process



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4. APPROACH TO THE SCOPING PROCESS

This chapter presents the Scoping process to be conducted for the proposed development and gives particular attention to the steps in the Scoping and public participation component of the EIA.

4.1 INTRODUCTION

The listed activities identified for the PhytoAmandla Biofuel Processing Plant require authorisation from the National Department of Environmental Affairs (DEA). The environmental assessment needs to show the responsible authority, DEA, and the project proponent, PhytoAmandla, what the consequences of their choices will be in biophysical, social and economic terms. The CSIR has been appointed by PhytoAmandla to undertake the Environmental Assessment (EIA) required for the project and Public Process Consultants will manage the public participation component of the EIA. Public involvement forms an important component of this process, by assisting in the identification of issues and alternatives to be evaluated.

Both the Waste License and Atmospheric Emissions License application procedures will be integrated into the Scoping and Environmental Assessment for the Environmental Authorisation.

4.2 LEGAL CONTEXT FOR THIS EIA

4.2.1 NEMA 2010 EIA Regulations

Section 24(1) of NEMA states:

"In order to give effect to the general objectives of integrated environmental management laid down in this Chapter, the potential impact on the environment of listed activities must be considered, investigated, assessed and reported to the competent authority charged by this Act with granting the relevant environmental authorization."

The reference to "listed activities" in section 24 of NEMA relates to the regulations promulgated respectively in Government Notices R 544, R 545 and R 546 in Government Gazette 33306, dated 18 June 2010, which came into effect on 2 August 2010. The relevant Government Notices published in terms of NEMA collectively comprise the NEMA EIA Regulations listed activities that require either a Basic Assessment, or Scoping and Environmental Impact Assessment (that is a "full EIA") be conducted. The Biofuel Processing Plant project requires a full EIA, as it particularly includes, inter alia, the following activities listed under Activity Number 3 in Government Notice R 545 in Government Gazette No 33306 of June 2010:

The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.

All the listed activities potentially forming part of this proposed development and therefore requiring environmental authorization are included in the application form prepared and submitted to the DEA. The listed activities are indicated in Table 4-1.

It should be noted that a precautionary approach was followed when identifying listed activities in the application form, i.e. if the activity potentially forms part of the project, it is listed. However, the final project proposal will be shaped by the findings of the EIA process and certain activities may be added or removed from the project proposal. The DEA will be informed in writing of such amendments and I&APS will also be informed accordingly.

Table 4-1 Listed activities in GN R544, R545 and R546 that potentially form part of the proposed PhytoEnergy Biofuel Processing Plant

Government Notice R544 Activity No(s):	Description of the relevant Basic Assessment Activity	
1	<p>The construction of facilities or infrastructure for the generation of electricity where:</p> <ul style="list-style-type: none"> i. the electricity output is more than 10 megawatts but less than 20 megawatts; or ii. the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare. 	<p>An onsite biogas plant is proposed for the generation of process heat and electricity from the plant's biological by-products. The electricity generated will be used by the processing plant. The biogas plant is proposed to make use of steam turbines and have a generation capacity of 10 MW or more.</p>
11	<p>The construction of:</p> <ul style="list-style-type: none"> xi. infrastructure or structure covering 50 square metres or more <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>The proposed pipeline route constitutes infrastructure which could cover more than 50 m², parts of which may occur within 32 m of the Coega River and the Port of Ngqura (Note: A development setback line has not yet been defined and therefore is not applicable).</p>
16	<p>Construction or earth-moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –</p> <ul style="list-style-type: none"> vi. infrastructure covering 50 square metres or more – <p>but excluding</p> <ul style="list-style-type: none"> if such construction or earth moving activities will occur behind a development setback line; or where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour; where such construction or earth moving activities is undertaken for the purposes of maintenance of the facilities mentioned in (i)-(vi) above; or where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies. 	
18	<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from</p> <ul style="list-style-type: none"> a watercourse; the littoral active zone, and estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater - <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving is for maintenance purposes undertaken in accordance with a management plan</p>	<p>Construction of the proposed pipeline may entail the excavation, removal and moving of more than 5 m³ of material within the Coega River/Estuary as well as 100 m inland of the high-water mark of the sea. (Note: The development setback line has not yet been defined).</p>

Government Notice R544 Activity No(s):	Description of the relevant Basic Assessment Activity	
	agreed to by the relevant authority; or occurs behind the setback line.	
23	The transformation of undeveloped, vacant or derelict land to – residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; - except where such transformation takes place for linear activities.	The proposed project may result in the transformation of undeveloped land (outside an urban area) for industrial use.
24	The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where at the time of the coming into effect of this Schedule such land was zoned open space, conservation or had an equivalent zoning.	The proposed pipeline may result in the transformation of portions of land currently zoned as conservation/open space in terms of the Coega Open Space Management Plan.
Government Notice R545 Activity No(s):	Description of the relevant Scoping and EIA Activity	
3	The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.	The proposed project will allow for the storage and handling of dangerous goods such as hexane and methanol.
4	The construction of facilities or infrastructure for the refining, extraction or processing of gas, oil or petroleum products with an installed capacity of 50 cubic metres or more per day, excluding facilities for the refining, extraction or processing of gas from landfill sites.	The processing plant will entail the refining of canola oil and extraction or processing of gas of more than 50 m ³ per day.
5	The construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice No. 544 of 2010 or included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the Act will apply.	In terms of the National Environmental Management: Air Quality Act, 39 of 2004, section 21, an application for an Atmospheric Emissions Licence may be required from the Nelson Mandela Bay Municipality. The project will also require a permit for the storage and release of industrial effluent. Additional permits/licenses required by the project will be identified through the Scoping and EIA process.
15	Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for: linear development activities; or agriculture or afforestation where Activity 16 in this Schedule will apply.	The proposed project is approximately 25 ha in extent, and will result in the alteration of undeveloped land for industrial use.
26	Commencing of an activity, which requires an atmospheric emission licence in terms of Section 21 of National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), except where such commencement requires basic assessment in terms of Notice of No. R544 of 2010.	In terms of the National Environmental Management: Air Quality Act, 39 of 2004, section 21, an application for an Atmospheric Emissions Licence may be required from the Nelson Mandela Bay Municipality.

Government Notice R544 Activity No(s):	Description of the relevant Basic Assessment Activity	
Government Notice R546 Activity No(s):	Description the relevant Basic Assessment Activity	
<p>10 (a) [(ii)(ee)(gg)(hh)(ii)]</p>	<p>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</p> <p>In the Eastern Cape province: Outside urban areas, in:</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve;</p> <p>(hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined;</p> <p>(ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.</p>	<p>The proposed processing plant will allow for the storage and handling of dangerous goods in containers/tanks. The project is situated within the Province of the Eastern Cape, outside an urban area. The project is situated in an area identified as being a critical biodiversity area in terms of the Eastern Cape Biodiversity Conservation Plan (ECBCP) and within 10 km of Addo Elephant National Park. Possible pipelines associated with the project may be situated within 1 km of the high-water mark of the sea or within 100 m of the edge of a watercourse (i.e. the Coega River/Estuary and the Port of Ngqura).</p>
<p>12 (c)</p>	<p>The clearance of an area of 300 square metres or more of vegetation where 75 % or more of the vegetative cover constitutes indigenous vegetation.</p> <p>(c) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas.</p>	<p>The amount and extent of indigenous vegetation to be cleared will be determined through the Scoping and EIA process. The clearance of vegetation for the installation of the pipeline may occur within 100 m of the high-water mark or from an estuary.</p>
<p>13 (a) [(c)(ii)(ff)(gg)]</p>	<p>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</p> <p>Critical biodiversity areas and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority.</p> <p>In the Eastern Cape province: Outside urban areas, in:</p> <p>(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</p> <p>(gg) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.</p>	<p>The amount and extent of indigenous vegetation to be cleared will be determined through the Scoping and EIA process. The project is located in the Province of the Eastern Cape within a critical biodiversity area in terms of the Eastern Cape Biodiversity Conservation Plan (ECBCP) and within 10 km of Addo Elephant National Park. The installation of the pipeline may result in vegetation being cleared within 1 km of the high-water mark of the sea and/or from and estuary</p>
<p>14 (a) (i)</p>	<p>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous</p>	<p>The amount and extent of indigenous vegetation to be cleared will be determined through the Scoping and EIA process. The</p>

Government Notice R544 Activity No(s):	Description of the relevant Basic Assessment Activity	
	vegetation. In Eastern Cape province: All areas outside urban areas;	project is located in the Eastern Cape Province outside an urban area.
16 (iii) [(a)(ii)(ff)(ii)]	The construction of: Buildings with a footprint exceeding 10 square metres in size where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line. In the Eastern Cape province: Outside urban areas, in: (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregions plans; (ii) areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.	Alternative pipeline routes are proposed through the Coega River/Estuary and are anticipated to exceed 10 m ² in area. The project is located in the Eastern Cape Province outside an urban area, within a critical biodiversity area in terms of the Eastern Cape Biodiversity Conservation Plan (ECBCP) and within 10 km of Addo Elephant National Park.

The EIA process is a planning, design and decision making tool used to demonstrate the positive and negative biophysical, social and economic impacts and consequences of the proposed project in order to facilitate informed decision-making. Furthermore, the EIA process is also a future-directed practice which recommends management actions with which to mitigate potential negative impacts and maximise the benefits associated with the project.



4.2.2 NEM: Waste Act (No. 59 of 2008)

The project also requires a Waste Licence in terms of the National Environmental Management: Waste Act (Act No. 59 of 2008) in terms of GN R 718 published on 3 July 2009, Category A listed activities. The issuing authority is the Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), Cacadu Region.

Table 4-2 Listed activities in GN R718 that potentially form part of the proposed PhytoEnergy Biofuel Processing Plant

Government Notice R 718 Activity No(s):	Category A listed activities requiring a Basic Assessment
Category A1	More than 100 m ³ of biological sludge from the biogas plant could potentially be stored onsite at any time.
Category A9	In excess of 10 tons of sludge could be physically treated (de-watered) daily at the biogas unit.
Category A18	Facilities for activities listed in Category A could be constructed.

4.2.3 NEM: Air Quality Act (39 of 2004)

An Atmospheric Emissions Licence (AEL) is required in terms of the National Environmental Management: Air Quality Act (39 of 2004), GN 248 published in Government Gazette 33064 on 21 March 2010. The licensing authority is the Nelson Mandela Bay Municipality. The category that requires an AEL is:

Table 4-3 Listed activities in the Air Quality Act that potentially form part of the proposed PhytoEnergy Biofuel Processing Plant

Air Quality Act Activity:	Requiring a Full EIA
Subcategory 6.1: Organic Chemicals Manufacturing	The project will require the storage of methanol and hexane onsite, considered hydrocarbons, which requires an AEL

Section 38. (2) and (3) of the NEM: AQA prescribes the procedure for the submission of an AEL and the steps to notify and consult with affected organs of state and interested and affected parties. This procedure will be integrated into the Scoping and Environmental Assessment for the Environmental Authorisation and the Waste Licence Application. In terms of the activities listed in the tables above a joint Scoping and Environmental Impact Assessment (S&EIR) is being undertaken for this project.

4.3 LEGISLATION AND GUIDELINES PERTINENT TO THIS EIA

The scope and content of this Scoping Report has been informed by the following legislation, guidelines and information series documents:

- National Environmental Management Act (NEMA) (Act 107 of 1998);
- EIA Regulations published under Chapter 5 of the NEMA on 18 June 2010 (GN R543, GN R544, GN R545 and GN R546 in Government Gazette 33306);
 - Guidelines published in terms of the NEMA EIA Regulations, in particular:
 - Guideline on Transitional Arrangements (August 2010)
 - Guideline on Alternatives (August 2010)
 - Guideline on Public Participation (August 2010)
 - Guideline on Exemptions (August 2010)
 - Guideline on Need and Desirability (August 2010)

- Guideline on Appeals (August 2010)
- Information Document on Generic Terms of Reference for EAP's and Project Schedules (August 2010)
- National Environmental Management: Biodiversity Act (NEMBA) (Act 10 of 2004);
- National Environmental Management: Air Quality Act (Act 39 of 2004);
- National Environmental Management: Waste Act (Act 59 of 2008);
- National Water Act (Act 36 of 1998);
- National Heritage Resources Act (NHRA) (Act 25 of 1999);
- Hazardous Substance Act (Act 15 of 1973);
- Integrated Environmental Management Information Series (Booklets 0 to 23) published by DEA over the period 2002 to 2005;
- Promotion of Administrative Justice Act (Act 2 of 2000);
- Records of Decision issued by national DEA and/or the provincial DEAE&T for activities in the Port of Ngqura and Coega IDZ.

Other Acts, standards and/or guidelines which may also be applicable will be reviewed in more detail as part of the specialist studies to be conducted for the EIA.

4.4 PRINCIPLES FOR SCOPING AND PUBLIC PARTICIPATION

The public participation process for this Scoping and EIA process is being driven by a stakeholder engagement process that will include inputs from authorities, interested and affected parties (I&APs), technical specialists and the project proponent. Guideline 4 on "Public Participation in support of the EIA Regulations" published by DEAT in May 2006, 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 decisions that may affect them and that they must be afforded an opportunity to influence those decisions. 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.

An effective public participation process could therefore result in stakeholders working together to produce better decisions than if they had worked independently. The DEAT (2006) Guideline on Public Participation further notes that:

"The public participation process:

- Provides an opportunity for interested and affected parties (I&APs) to obtain clear, accurate and comprehensive information about the proposed activity, its alternatives or the decision and the environmental impacts thereof;
- Provides I&APs with an opportunity to indicate their viewpoints, issues regarding the activity, alternatives and/or the decision;
- Provides I&APs with the opportunity of suggesting ways of avoiding, reducing or mitigating negative impacts of an activity and for enhancing positive impacts;
- Enables the applicant to incorporate the needs, preferences and values of affected parties into the activity;
- Provides opportunities to avoid and resolve disputes and reconcile conflicting interests; and
- Enhances transparency and accountability in decision making."

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.
- 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.

4.5 OBJECTIVES OF THE SCOPING PROCESS

This Scoping process is being 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 issues 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;
- Ensure due consideration of alternative options in regard to the proposed development, including the "No development" option.

4.6 TASKS IN THE SCOPING PHASE

This section provides an overview of the tasks being 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 regional print media an initial database of I&APs was developed for the Scoping process. This was supplemented with input from the EIA Project Managers, CSIR, the Coega Development Corporation and the Project Applicant, PhytoEnergy. A total of **112 I&APs** were included on the project database in this manner. Appendix D contains the current I&AP database, which has been updated to include requests to register their interest in the project, comments received and participation at meetings held. At the time of producing this report, the database stands at **179 registered 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 will be ongoing for the duration of the study. Stakeholders from a variety of sectors, geographical locations and/or interest groups can be expected to show an interest in the development proposal, for example:

- Provincial and Local Government Departments
- Local interest groups, for example, Councillors and Rate Payers associations
- IDZ tenants and surrounding landowners
- Environmental Groups and NGO's
- Grassroots communities and structures

In terms of the electronic database, I&AP details are being captured and automatically updated as and when information is 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 will remain on the project database throughout the EIA process and will be kept informed of all opportunities to comment and will only be removed from the database by request.

TASK 2: ANNOUNCEMENT OF THE SCOPING PROCESS

In order to inform the public of the proposed project and invite I&APs to register on the project database, the project and EIA process was advertised in one Provincial and one regional newspaper, as shown in Table 4-4 below. Copies of the advertisements placed are contained in Appendix E of this report. Included in the media announcement was information on the website address where information available on the project could be downloaded, namely, www.publicprocess.co.za.

Table 4-4 Media announcements of the commencement of this EIA process

Newspaper	Area of distribution	Language	Date placed
The Herald	Provincial Distribution	English	24 April 2012
Burger Oos-Kaap	Regional (distribution beyond the Nelson Mandela Bay Municipal area)	Afrikaans	24 April 2012

In addition to the newspaper advertisements, letters with personal notification regarding the EIA process were mailed to all pre-identified key stakeholders on the database, which at the time consisted of 112 I&APs (Letter 1). This letter, dated 24 April 2012, provided I&APs with a 30 day period to register their interest on the project database. The registration period concluded on the 28 May 2012. Appendix F contains copies of correspondence and information distributed to I&APs prior to the release of the Draft Scoping Report. 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.

The EIA Regulations require that a notice board providing information on the project and EIA process is placed at the site. However, since the Coega Industrial Development Zone is classified as a restricted area, a notice board was not placed at the actual site but on an electronic notice board at the reception area of the Coega Development Corporation offices. A copy of the e-notice board is included in Appendix G.

TASK 3: ONGOING COMMUNICATION AND CAPACITY BUILDING

In accordance with the principles of bodies such as the International Association for Public Participation (IAP2), 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 suits 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 on the website www.publicprocess.co.za
- **Language** – encouraging I&APs to use the language of their choice at meetings and providing translations at meetings in English, Afrikaans and Xhosa, when required;
- **Background Information Document** (April 2012) – which contains information on the project, EIA and public participation process;
- **Newspaper Advertisements** placed requesting I&APs to register their interest in the project, raise issues of concern or notifying I&APs of public meetings to be held;
- **Letters to I&APs** notifying them of the various stages of the EIA process, availability of reports for comment and inviting them to attend public meetings to be held;
- **Report Distribution** – providing hard copies of the Scoping and EIA reports at local libraries for viewing by I&APs as well as providing key I&APs with copies of the report;
- **Public Meeting** – where representatives of the project applicant and EIA team are present to interact and engage with members of the public;

- **Focus Group Meetings** – to target key I&AP groups (Councillors, community organisations, environmental organisations) and proactively invite them to attend a meeting where they are provided with an overview of the project and EIA process.

Documents will be posted onto the website as and when they become available and I&APs will be notified accordingly.

TASK 4: CONSULTATION WITH AUTHORITIES

All public participation documentation will reach the lead authority (DEA) as well as other relevant authorities included on the I&AP database. Additionally, consultation with relevant authorities on a one-on-one basis will be effected where necessary.

Given the project location in the Coega IDZ a key approach to authority consultation will be to communicate via the Coega Environmental Liaison Committee, which meets quarterly and includes all authorities from national, provincial and local government involved in environmental decision-making regarding projects in the IDZ.

During the course of the EIA process, the EIA project leaders, CSIR, will seek to hold meetings as necessary with the key authorities at various milestones throughout the process.

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 interested and affected parties (I&APs); and a technical process involving the EIA team, the project proponent (PhytoAmandla), and the landowner (CDC & TNPA).

The purpose of the technical Scoping process is to draw on the past experience of the EIA team and the project proponent 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, as well as having experience from EIAs for other projects in the Coega IDZ. The specialists were therefore able to identify issues to be addressed in the EIA based on their experience and knowledge of the Coega area. Their inputs have informed the scope and Terms of Reference for the specialist studies. Based on the experience of the EIA team working on several similar projects, combined with the experience of the project proponent and their technical team, the specialist studies are being initiated in parallel with the Scoping process. This enables the specialists to analyse baseline information and conduct field work that will assist the EIA team in understanding the key issues raised during the public Scoping phase. The findings of the Scoping process with the public and the authorities will inform the specialist studies, which will only be completed after the public Scoping process has been finalised.

TASK 6: CONSULTATION WITH WIDER I&APS (PUBLIC) TO IDENTIFY ISSUES AND CONCERNS

In order to accommodate the varying needs of I&APs as well as capture their views and issues regarding the project, an initial comment and registration period extending from 24 April 2012 to the 28 May 2012 was provided prior to the release of the Draft Scoping Report for I&AP Review. I&APs were notified of the initial registration period via Letter 1, which included a Background Information Document on the project, as well as a comment form (Refer to Appendix F).

I&APs were notified of the second comment period via Letter 2, which included an Executive Summary of the Draft Scoping Report and a comment form. A copy of this correspondence is also included in Appendix F. This comment period extended from 11 June 2012 to 23 July 2012 (43 days). An additional day was added onto the comment period in order to accommodate for the Public Holiday which intersected with the comment period.

In addition to the letters to I&APs, newspaper advertisements were placed in one Provincial and one Regional newspaper at the outset of the Scoping Process, as well as at the release of the Draft Scoping Report. Appendix E contains copies of the newspaper advertisements placed prior to and on the release of the Draft Scoping Report.

The comments received from I&APs, via fax or email and through meetings held have been captured in the Issues and Responses Trail contained in Chapter 5 of this report. The comments trail includes comments received from affected authorities in response to the first notification distributed on the project. Appendix H 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 Draft Scoping Report. These include:

- Letter 1 to I&APs (dated 24 April 2012) notifying them of the initiation of the Scoping process and providing them with a Background Information Document (BID) to inform them about the project and a comment form;
- Letter 2 to I&APs (dated 11 June 2012) notifying I&APs of the availability of the Draft Scoping Report for review, which included an Executive Summary of the Draft Scoping Report and a comment form.
- Newspaper advertisements placed;
- E-notice board;
- Website information;
- Focus Group Meetings held;
- Public Meeting held during the review of the Draft Scoping Report; and
- Written, faxed or email correspondence.

TASK 7: FOCUS GROUP MEETINGS

One-on-one focus group meetings have been held with key stakeholders prior to the release of the Draft Scoping Report. The purpose of these meetings has been to provide these I&APs with information on the project and EIA process and identify issues for inclusion in the Draft Scoping Report. Issues raised at these meetings have been recorded and are included in the Issues and Responses Trail in Chapter 5 of this Report. It is further intended for these meetings to develop the capacity of I&APs to participate in the process as well as identify issues for inclusion in the Final Scoping Report and later phases of the EIA process. Appendix I contains the notes from the meetings (focus group meetings and telephonic consultations) and Appendix J copies of the registration forms.

As indicated in Table 4-5 below, a total of **61** I&APs participated in the focus group meetings, including telephonic consultations, held prior to the release of the Draft Scoping Report. These meetings will continue to play a key role in communicating the findings of the Draft Scoping Report and Draft EIA and identifying issues for inclusion in the final report.

Table 4-5 Meetings and Telephonic Consultations held with key I&APs

Organisation	Date of Meeting	No of Participants
Cerebos	23 May 2012	3
Motherwell Councillors Forum	19 May 2012	1
Motherwell Environmental Forum	9 May 2012	1
NAFCOC regional	9 May 2012	1
SACP	11 May 2012	1
SA National Civics Organisation Regional Office	8 May 2012	1
SA National NGO Coalition	10 May 2012	1
Councillor Gana and Wells Estate Community Representatives	16 May 2012	49
SANParks	29 May 2012	3
TOTAL		61

Table 4.6 below outlines the focus group meetings held during the review of the Draft Scoping Report. A total of 4 I&APs participated in the focus group meetings and the issues raised at these meetings are captured in the Issues and Responses Trail in Chapter 5 of this report.

Table 4-6 Meetings and Telephonic Consultations held with key I&APs

Organisation	Date of Meeting	No of Participants
NMBM Air Quality Sub Directorate	1 June 2012	3
COPE Region	29 June 2012	1
TOTAL		4

These meetings will continue to play a key role in communicating the findings of the Draft EIA Report and obtaining of comments for inclusion in the Final EIA Report.

TASK 8: IDENTIFICATION OF ISSUES

Issues and comments raised by I&APs have been synthesized in the Issues and Responses Trail (Chapter 5). The issues and concerns were identified through the following mechanisms:

- Written submissions in response to advertisements and communications with I&APs; and
- Issues raised through written correspondence received from I&APs (fax, email and mail).
- Issues raised through the focus group meetings and the public meeting held.
- Issues raised through telephonic consultations

The Issues Trail (Chapter 5) also includes responses from the EIA Team (and, in some cases, the project proponent) to the issues raised. In general, the responses indicate how the issues will be addressed in the EIA process. In some cases, immediate responses and clarification were provided. Where issues were raised that the EIA team considers beyond the scope and purpose of this EIA process, clear reasoning for this view is provided.

TASK 9: REVIEW OF THE DRAFT SCOPING REPORT

This stage in the process entailed the release of the Draft Scoping Report for a 43-day period for public review, which extended from 11 June 2012 to 23 July 2012 (43 days). 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 meeting held during the review period. Included with the correspondence to I&APs was an Executive Summary of the Draft Scoping Report, as well as a comment form.

The following mechanisms and opportunities were utilised to notify I&APs of the release of the Draft Scoping Report for comment and invite I&APs to raise additional issues for inclusion in the Final Scoping Report:

Correspondence to I&APs - Letter 2: to notify I&APs of the release of the Draft Scoping Report, the comment period, which included an executive summary of the report and comment form. Included in this notification were details on the public meeting held during the review period;

Availability of Information – the Draft Scoping Report was made available for review by I&APs and key authorities through the following means:

- Website - Placement of the Draft Scoping Report on the project website (www.publicprocess.co.za);
- Placement of the Draft Scoping Report at the Motherwell Library and Govan Mbeki Avenue Main Library
- Key I&APs, Authorities and the Motherwell Councillor were provided with either a hard copy or CD of the Draft Scoping Report;

Public Meeting - A public meeting was held on the 22 June 2012, to which all I&APs were invited via letter 2 as well as newspaper advertisements placed. The public meeting was attended by 5 I&APs. A copy of the registration forms from the public meeting is included in Appendix J, and the notes from the public meeting held are included in Appendix I.

Advertisements - Two newspaper advertisements were placed notifying I&APs of the review period for the Draft Scoping Report, availability of the Draft Report for comment and providing details of the Public Meeting to be held. Table 4.7 below indicates the placement of the newspaper advertisements during the release of the Draft Scoping Report. A copy of the newspaper advertisements placed is included in Appendix E of this report.

Ongoing Consultations - One-on-one focus group meetings were held with key I&AP groups during the review of the Draft Scoping Report. Table 4.6 above outlines the meetings held.

Table 4-7 Media announcements of the review of the Draft Scoping Report

Newspaper	Area of distribution	Language	Date placed
The Herald	Provincial Distribution	English	11 June 2012
Die Burger	Regional Distribution	Afrikaans	11 June 2012

All issues identified through the review of the Draft Scoping Report have been captured in the updated Issues and Responses Trail, which is included in this Report for submission to DEA for their decision making.

TASK 10: FINAL SCOPING REPORT (CURRENT STAGE)

The Scoping process is currently at this stage, when I&APs are invited to provide additional comment on the Final Scoping Report. Letter 3 to I&APs will include notification of the submission of the Final Scoping Report to DEA for their decision making. In addition I&APs will be informed of any material changes in the final report. I&APs will be given a reasonable period to comment on the changes to the Final Scoping Report. As required by the regulations, comments should be sent directly to the competent authority, and a copy sent to the public participation consultant.

To ensure ongoing access to information copies of the Final Scoping Report will be placed in Municipal Libraries and on the project website (www.publicprocess.co.za).

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 6).

4.7 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.

4.8 SCHEDULE FOR THE EIA

The proposed schedule for the EIA, based on the legislated EIA process, is presented in Table 4-6. It should be noted that this schedule might be revised during the EIA process, depending on factors such as the time required for decisions from authorities.

