



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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DFFE Reference: 14/12/16/3/3/2/2233

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PER MAIL / E-MAIL

Dear Ms De Lange

ACCEPTANCE OF THE FINAL SCOPING REPORT FOR THE PROPOSED 20MW SOLAR FACILITY LOCATED ON THE REMAINING EXTENT OF THE FARM VOGELSRAND NO. 373 NEAR HENNENMAN, WITHIN THE MATJHABENG LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated and received by the Competent Authority (CA) on 11 January 2023, refer.

The CA has evaluated the submitted final SR, and the Plan of Study for Environmental Impact Assessment dated 11 January 2023 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The final SR is hereby accepted by the CA in terms of Regulation 22(1) (a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required to be incorporated in the Environmental Impact Assessment Report (EIAr):

a) Listed Activities and Application Form

- It has been noted that for activity 11 of Listing Notice (LN) 1, the main activity refers to 11(ii) while the description indicates sub-activity 11(i). This inconsistency of the triggered listed activity and sub-activities must be rectified in the amended application form and final EIAr.
- It has been noted the listed activities under LN 3 have been triggered because the Critical Biodiversity Area (CBA 1) will be affected by the proposed development, however, in the description of the project, no mention is made on whether there are the systematic biodiversity plans adopted by the CA or bioregional plan in the area. Therefore, you are advised to provide clarity regarding the adopted systematic biodiversity plans adopted by the CA or bioregional plan to determine the applicability of this listed activity. Proof of

such must be obtained from the relevant CA and be submitted with the amended application form and final EIAr.

- It is noted on page 16 of the final SR and page 13 of 32 of the application form, when describing the proposed project that the width of internal roads will be up to 4m. The CA submits that in order for Activity 4 (b)(i)(ee)(gg) to be triggered, the road must be wider than 4 meters. Therefore, you are expected to clarify this and provide the relevant size of the roads in the amended application form and final EIAr.
- Noting that activities 4, 10 and 14 of LN 3 are triggered because the project area is located approximately 5km from the Thabong Game Ranch. You are reminded to submit with the final EIAr a Section 50 approval in terms of NEM:PAA.
- Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. In addition, the onus is thus on the applicant and the environmental assessment practitioner (EAP) to ensure that all the applicable listed activities are included in the application. Failure to do so may result in unnecessary delays in the processing of the application.
- If the activities applied for in the application form differ from those mentioned in the final EIAr, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.

b) Alternatives

- Page 45-53 of the final SR has provided a description of identified alternatives for the proposed development. Therefore, you are advised to make sure that the alternatives presented with the final EIAr, are feasible and reasonable, including the advantages and disadvantages that the proposed development or alternatives will have on the environment and on the community that may be affected by the development as per Appendix 2 of GN R.982 of 2014 (as amended). Further to that, preferred alternatives as well as details of why the preferred alternatives are deemed best suitable in comparison to the other alternatives must be clear.
- Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.

c) Public Participation

- Please ensure that comments from all relevant stakeholders are submitted to the CA with the final EIAr. This includes but not limited to the Department of Forestry, Fisheries, and the Environment (DFFE): Biodiversity Planning and Conservation (BCAdmin@environment.gov.za); DFFE: Protected Areas; Department of Water and Sanitation; The Department of Water Affairs: Free State Regional Office; Free State Department of Economic Development, Tourism and Environmental Affairs; Department of Agriculture, Rural Development and Land Reform (DARDLR); World Wide Fund SA; South African National Roads Agency (SANRAL); Department of Police, Roads and Transport; Provincial Heritage Resources Agency (PHRA)- Free State, South African Heritage Resources Agency (SAHRA); Birdlife South Africa; Sentech Ltd, South African Radio Astronomy Observatory (SARAO); Department of Communications; ESKOM; Telkom SA SOC Ltd; African Farmer Association of South Africa; Wildlife and Environment Society of South Africa (WESSA); South African National Parks; Endangered Wildlife Trust; South African Weather Service; Agri SA – Free State Agriculture; Surrounding Landowners; the Lejweleputswa District Municipality and Matjhabeng Local Municipality.
- Furthermore, ensure that all issues raised, and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAr.
- Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.

- The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- All issues raised and comments received during the circulation of the final SR from I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the draft EIAR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).
- The comments and response trail report (C&R) must be submitted with the draft EIAR. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this acceptance letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “Noted” is not regarded as an adequate response to I&AP’s comments.
- Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final EIAR.
- The final EIAR, must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development.

d) Layout & Sensitivity Maps

- Please ensure that the above map has a clear legend that communicate with details of the map.
- kindly provide a layout map which indicates the following:
 - the PV development area,
 - Position of all infrastructure e.g., panels, BESS, substations, grid connection etc,
 - Permanent laydown area footprint,
 - All supporting onsite infrastructure e.g., roads (existing and proposed),
 - Substation(s) and/or transformer(s) sites including their entire footprint,
 - Connection routes (including pylon positions) to the distribution/transmission network,
 - All existing infrastructure on the site,
 - The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected,
 - Buffer areas; and
 - All “no-go” areas.
- The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure. All available biodiversity information must be used in the finalisation of the map and infrastructure must not encroach on highly sensitive areas as far as possible.
- Ensure that similar colours are not used to differentiate between infrastructure. i.e., items must be easily distinguishable in the legend.
- Google maps will not be accepted for decision-making purposes.

a) Specialist assessments

- On page 30 of the Ecological Impact Assessment report, it is noted that “*From a plant ecological point of view this area is regarded as having a high conservation value and ecosystem functioning*”. Further to that, the layout and sensitivity map dated 11 January 2023 shows that most of the infrastructure for the PV facility including the powerline servitude is placed within the area of medium sensitivity. Please explain why the proposed development site is considered favourable or suitable for the proposed development.
- The following Specialist Assessments will form part of the EIAR:
 - Geotechnical Assessment,
 - Visual Impact Assessment,
 - Heritage and Palaeontological Impact Assessment,
 - Ecological Impact Assessment,

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- Social Impact Assessment,
- Traffic Impact; and
- Soil and Agricultural Statement.
- The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
 - A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
 - Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
 - Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
 - Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
 - All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.
 - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
 - Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.
 - It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes (as per the Screening Report), which were promulgated in Government Notice No. 320 of 20 March 2020 and in Government Notice No. 1150 of 30 October 2020 (i.e., "the Protocols"), have come into effect. Please note that specialist assessments must be conducted in accordance with the requirements of these protocols.

b) Cumulative Impact Assessment

- Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following: The cumulative impact must consider the existing, authorised but not yet developed and the proposed similar development:
 - Assess the cumulative impacts of the proposed (not yet authorised), authorised (not yet constructed) and existing solar energy facilities.
 - Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
 - The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - A cumulative impact environmental statement on whether the proposed development must proceed.

c) Environmental Management Programme (EMPr)

- The EMPr must also include the following:
 - All recommendations and mitigation measures recorded in the final EIAR and the specialist studies conducted.
 - An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
 - Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.

- In addition to the above, the EMPr for the facility must comply with Appendix 4 of the EIA Regulations, 2014, as amended.
- Ensure that generic EMPrs for the 33/132kV substation and powerline are compiled and submitted as the proposed development triggers activity 11 of Listing Notice 1 of NEMA EIA Regulations 2014 as amended.
- Part B: Section 2 of the generic EMPrs must be completed, and a copy of an originally signed EMPrs must be submitted with the final BAR. Please note that Point 7.1.1 in Part B: Section 2 needs to match the details of the applicant as contained in the application form.
- If any specific environmental sensitivities/attributes are present on the site which require more specific impact management outcomes and impact management actions, not included in the pre-approved generic EMPr template, to manage impacts, those impact management outcomes and actions must be included in section C of the generic EMPr.

General

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amended, regarding the time allowed for complying with the requirements of the Regulations.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Ms Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries, and the Environment,

Signed by: Ms Olivia Letlalo

Designation: Acting Deputy Director: Priority Infrastructure Projects

Date: 20/02/2023

cc:	Mr. Dick Berlijn	DPT Henneman (Pty) Limited	Cell: +27 82 922 3224	Email: joanne@enerj.co.za
	Grace Mkhosana	Free State Department of Economic Development, Tourism and Environmental Affairs	Tel: 051 400 4817	Email: mkhosana@detea.fs.gov.za
	Mr. M.F. Lepheana	Matjhabeng Local Municipality	Tel: 057 391 3100 / 3911	Email: tshidi.lenong@matjhabeng.co.za
	Mr. K. Mqeke	Lejweleputswa District Municipality	Cell: 081 088 5134 Tel: 057 353 3094 (Email: khaya@lejwe.co.za

Annexure 1

Format for Comments and Response Report:

Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
27/03/2021 Email Department of Forestry, Fisheries, and the Environment: Priority Infrastructure Projects (Joe Soap)	Please record C&R trail report in this format. Please update the contact details of the provincial environmental authority.	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K. EAP: Details of provincial authority have been updated, see page 16 of the Application form.