

Lehlogonolo Mashego

From: Mahlatse Shubane <MSHUBANE@dffe.gov.za>
Sent: Friday, 04 March 2022 08:31
To: Rendani Rasivhetshele
Cc: Lehlogonolo Mashego; Nondumiso Bulunga; Olivia Letlalo; Thando Booii; Makhosi Yeni; Thembisile Hlatshwayo
Subject: PP plan approval for 2022-03-0001
Attachments: SE3203 - San Solar PP Plan Updated 03032022 Final.pdf; SE3203 - San Solar PP Plan Updated 03032022 with amendment ref.pdf

Dear Rendani,

The amended Public Participation (PP) Plan received by this Department on 03 March 2022, refers.

Based on the information provided this Department decided to approve the PP Plan for the proposed project. You may proceed with the PP process in accordance with tasks contemplated in the PP plan. Should you wish to deviate from the submitted PP Plan, the amended PP Plan must be submitted to the Department for approval prior commencement.

A copy of the PP Plan and this approval must be submitted as part of the application form when the application is lodged.

Also note that submission of a PP Plan and approval thereof do not negate your responsibility to comply with the requirements for public participation in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.

Best regards,



forestry, fisheries & the environment

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

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/2/2144

Enquiries: Mr Thando Booï

Telephone: (012) 399 9387 **E-mail:** TBooi@dfffe.gov.za

Ms Rendani Rasivhetshela
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Telephone Number: (011) 656 3237

Email Address: rendani@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Rendani Rasivhetshela

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED SAN SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE, NEAR KATHU, NORTHERN CAPE PROVINCE

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated March 2022 and received by the Department on 14 April 2022, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated March 2022 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department 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 considered in the Environmental Impact Assessment Report (EIAR):

Listed Activities

- The Department has noted on page 68 of the draft scoping report that, in the description of the portion of the project that relates to activity 18 of Listing Notice 3 you have used the word “**may**” even though you were requested to refrain from using such a word as reflected in the Departmental comments dated 25 March 2022. Please refrain from using words such as “**may**” in relation to the applicable listed activities.
- Additionally, on the Departmental comments dated 25 March 2022, you were requested to confirm the applicability of activity 10, 14 and 18 of Listing Notice 3 to this development as the sub activity cited in these activities refer to a Critical Biodiversity Area while the description of the portion of the project that relates to the sub activity refers to an Ecological Support Area. You are requested confirm in the EIAR whether the development area is within a Critical Biodiversity Area or Ecological Support Area or both and confirm the

applicability of the above-mentioned activities as the sub activity cited in the application form and scoping report refers to Critical Biodiversity Areas not Ecological Support Areas.

- It has been noted that the activity numbers and sub-activities in column 2 in the scoping report are not the same with what is in the description of the activities. Therefore, you are advised to ensure applicable listed activities and sub-activities are correctly included in the amended application form and EIAr.
- Ensure that only listed activities that are triggered by this development are applied for in the EIAr.
- The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

Alternatives

- Please provide a description of each of the alternatives and provide detailed motivation for the preferred alternative.
- Ensure that you provide details of the BESS alternatives considered and indicate the preferred alternative if any. If no alternatives have been investigated, provide a motivation for not investigating other alternatives in the EIAr.

Specialist Studies

- In terms of GNR 320, you are required to submit a Civil Aviation Compliance Statement for this application as the development area is rated medium sensitivity for the civil aviation theme.
- A desktop Palaeontological Impact Assessment must be undertaken as requested by SAHRA.

Other information

Ensure that the confirmation of the availability of water for this development from the Gamagara Local Municipality is appended to the final EIAr.

Environmental Management Programme

- Ensure that the generic EMPs are used for the management of impacts of the substation and power line that will be constructed for this development.
- The EMP for the facility must comply with the requirements of Appendix 4 in the EIA Regulation, as amended.

Public Participation

- Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but not limited to the Department of Forestry, Fisheries and the Environment (DFFE): Biodiversity Planning and Conservation; Department of Water And Sanitation; Department of Mineral Resources & Energy, Northern Cape Department of Agriculture, Environmental Affairs, Rural Development & Land Reform; Ngwao-Boswa Ya Kapa Bokone (NCPHRA); SAHRA; Northern Cape Department of Forestry, Fisheries and the Environment; Air Traffic and Navigation Services (ATNS); SA Civil Aviation Authority (SA CAA); AgriSA; Agri Northern Cape; Eskom Holdings SOC Ltd; John Taolo Gaetsewe District Municipality; Gamagara Local Municipality; Endangered Wildlife Trust; Birdlife South Africa and adjacent landowners.
- Ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAr 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.
- A Comments and Response trail report (C&R) must be submitted with the final 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. 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.

- The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.

Layout & Sensitivity Maps

- The EIAR must provide the four corner coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- The EIAR must provide the following:
 - Clear indication of the envisioned area for the proposed solar energy facility i.e. location of solar panels, Battery Energy Storage System (BESS); cabling, site roads, facility substation, switching station, operation and maintenance buildings, grid connection and all associated infrastructure should be mapped at an appropriate scale.
 - Clear description of all infrastructure. This description must include, but is not limited to the following:
 - All infrastructure;
 - All supporting onsite infrastructure.
- A copy of the final preferred layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
 - All infrastructure
 - All existing infrastructure on the site;
 - Location of access and internal roads
 - Internal roads indicating width;
 - Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
 - Buffer areas;
 - Legend that is clear and communicate with the content of the map;
 - All “no-go” areas.
- An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
- A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.

Specialist assessments

- 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 authorisations.
 - 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 Departments 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.
 - Regarding cumulative impacts:

- Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
- A detailed process flow 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.
- Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
- The 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.
- 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.
- Additionally ensure that specialist studies, comply with GN320 and GN1150 notice of 20 March 2020 and 30 October 2020, respectively.

The following Specialist Assessments will form part of the EIA:

Specialist Study	Company
Ecology	Simon Todd (3Foxes Biodiversity Solutions)
Avifauna	Lukas Niemand (Pachnado Consulting)
Soils, Land Use, Land Capability and Agricultural Potential	Marine Pienaar (TerraAfrica)
Visual impact	Lourens du Plessis (LOGIS)
Social	Nondumiso Bulunga (Savannah Environmental) And Tony Barbour
Heritage Impact Assessment	Not specified
A Glint and Glare assessment	Not specified.

General

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amended, with regard to the time period 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 Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Signed by: Ms Olivia Letlalo
Designation: Deputy Director: Priority Infrastructure Projects
Date: 05/05/2022

cc:	Unai Bravo Urtasun	San Solar Energy Facility (Pty) Ltd	Email: : unai.bravo.urtasun@acciona.com
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Rendani Rasivhetshele

From: Lydia Kutu <LKutu@dffe.gov.za>
Sent: Wednesday, June 29, 2022 1:19 PM
To: Lameez Ahmed; Rendani Rasivhetshele; Nondumiso Bulunga
Cc: Thembisile Hlatshwayo; ElAdmin; Salome Mambane; Masingita Maluleke
Subject: 14/12/16/3/3/2/2144

Dear Mr Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND AMENDED APPLICATION FORM FOR THE PROPOSED SAN SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE, NEAR KATHU, NORTHERN CAPE PROVINCE.

The Department confirms having received the Draft Environmental Impact Assessment Report and Amended Application Form for the abovementioned project on 29 June 2022. You have submitted these documents to comply with the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that *“Potential or registered interested and affected parties, including the competent authority, may be provided with an opportunity to comment on reports and plans contemplated in subregulation (1) prior to submission of an application but must be provided with an opportunity to comment on such reports once an application has been submitted to the competent authority.”*

Further note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7) of these Regulations.

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

Kind Regards,
Lydia Kutu
Integrated Environmental Authorisations:
Coordination, Strategic Planning and Support
Tel: (012) 399 9370
Email: LKutu@dffe.gov.za

To God be the Glory!!!



forestry, fisheries & the environment

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

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia, · PRETORIA

DFFE Reference: 14/12/16/3/3/2/2144

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2157

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PER E-MAIL / MAIL

Dear Ms Rasivhetshela

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED SAN SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE, NEAR KATHU, NORTHERN CAPE PROVINCE

The draft Environmental Impact Assessment Report (EIAr) dated June 2022 and received by this Department on 29 June 2022, refer.

This letter serves to inform you that the following information must be included to the Final EIAr:

Listed Activities

- You were requested in the letter dated 25 March 2022 to confirm the applicability of activity 10, 12 and 18 of Listing Notice 3 to this development as the sub activity cited in these activities refer to a Critical Biodiversity Area (CBA) while the description of the portion of the project refers to an Ecological Support Area (ESA), however, failed to do so in the draft EIAr dated June 2022. You are requested to confirm in the final EIAr whether the development area is within a Critical Biodiversity Area or Ecological Support Area or both and confirm the applicability of the above-mentioned activities and the sub activities to the proposed development. Please note that failure to submit the final report with the applicable listed activities and its sub-activities will result in the activity not being authorized.
- In addition, it has been noted that listed activity applied for under Listing Notice 3 Activity No 4 g (ii)(ee); is triggered due to the fact that the activity falls within the CBA, however, the portion of description of the proposed project in relation to the listed activity indicates that the activity falls within the ESA. Please ensure that only relevant activity and sub-activity related to the proposed development are applied for, assessed, and can be linked to the development activity or infrastructure as described in the project description. It is the responsibility of the applicant and the Environmental Assessment Practitioner (EAP) to ensure that applicable listed activities are included in the application form and final EIAr. 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 draft 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>.

BESS alternatives

In the letter dated 25 March 2022, you were advised to provide details of BESS alternatives considered and indicate the preferred alternative. However, it has been noted that the information is not provided, while the BESS is still an associated infrastructure to the proposed development. It is acknowledged that the risks related to the BESS has been indicated in the draft EIAr, however, not clear in relation to which preferred alternative. Therefore, you are advised to provide details of the preferred BESS alternative in the final EIAr, the assessment as well as mitigation measures.

Layout & Sensitivity Maps

- The layout map must provide the following:
 - Clear indication of the envisioned area for the proposed solar energy facility and its associated infrastructure i.e., location of solar panels, Battery Energy Storage System (BESS); cabling, site roads, facility substation, switching station, operation and maintenance buildings, grid connection (i.e., inclusive of existing and proposed infrastructure),
 - The location of sensitive environmental features on site e.g., CBAs, ESAs, heritage sites, wetlands, drainage lines etc. that will be affected by the proposed facility and its associated infrastructure,
 - Buffer areas of the sensitive areas,
 - Legend that is clear and communicate with the content of the map; and
 - All “no-go” areas.
- A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.

Public Participation Process

- Please ensure that comments from all relevant stakeholders as indicated in Appendix C (but not limited to the mentioned I&APs) of the draft EIAr dated June 2022 are submitted to the Department with the final EIAr.
- Furthermore, ensure that all issues raised, and comments received during the circulation of the draft EIAr 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. This must indicate that this draft EIAr has been subjected to 30 days’ public participation process, stating the start and end date of the public participation process (PPP). Should you be unable to obtain comments, proof must 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.
- A comments and response trail report (C&R) must be submitted with the final EIAr. The C&R report must be a separate document from the main report and the format must be in the table format, which reflects the details of the Interested and Affected Parties (I&APs) and the date comments were received, actual comments received, and responses provided. Please ensure that all issues raised, and comments received during the circulation of the EIAr from registered I&APs and organs of state, which have jurisdiction (including this Department’s comments), in respect of the proposed activity are adequately addressed. Comments made by I&APs must be comprehensively captured (copy verbatim if required) and responded to clearly. Please note that a response such as “Noted” is not regarded as an adequate response to I&AP’s comments.

Specialist Assessments

- Based on the screening tool report, aquatic biodiversity theme sensitivity is very high, however, it has been noted that there is no aquatic biodiversity assessment conducted. You are advised to undertake the aforementioned study and include it as part of the final EIAr.
- According to the facility layout and sensitivity map included in Appendix O, there is a pan (falls within the grid corridor – very high ecological sensitivity and high avifauna sensitivity) and artificial watering point

(considered high avifauna sensitivity), however, no buffer zones has been shown on the aforesaid map and its legend. Therefore, you are advised to indicate the buffer zone of the abovementioned sensitivities in relation to the proposed development.

- Specialist studies must include a detailed description of the study's methodology, an indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
- The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- 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 expertise advice.
- Should the specialist studies require additional studies to be undertaken, these must be commissioned and be included in the draft EIA reports for public comment. Please note that such cannot be considered as recommendation for authorisation of the proposed development, however, should be addressed prior submission of the final EIAr.
- Declaration forms must be provided for all specialist studies to be conducted.
- It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species, etc), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols, except where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned before the date on which the protocols came into effect and in this case Appendix 6 of the Environmental Impact Assessment Regulations, 2014, as amended, will apply.
- Please note further that the protocols require certain specialists' to be registered with SACNASP. Refer to the relevant protocols in this regard.

Screening tool report

- On page 1 of 19 of the screening tool report, it has been noted there is no compiler signature, please sign as required.

Generic Environmental Management Programme

- The Department has noted that the generic EMPs for the power line and substation has been incorporated in the draft EIAr; however, not signed. Therefore, you are advised to submit the signed generic EMPs with the final EIAr and ensure that all the required sections are completed.

Cumulative Assessment to be conducted in the EIA phase

- The cumulative impacts of the proposed development on the receiving environment should be undertaken as indicated in the letter dated 25 March 2022.

Other information

- Ensure that the confirmation of the availability of water for this development from the Gamagara Local Municipality is appended to the final EIAr.

General

Please also ensure that the final EIAr includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 23(1) (a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority -*

(a) an environmental impact assessment report inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.”

Should there be significant changes or new information that has been added to the EIAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority – (b) a notification in writing that the documents contemplated in sub-regulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in sub-regulation (1)(a), and that the revised documents contemplated in sub-regulation 1(a) will be subjected to another public participation process of at least 30 days”.*

Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

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 sincerely



Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Signed by: Ms Olivia Letlalo
Designation: Deputy Director: Priority Infrastructure Projects
Date: 26/07/2022

cc:	Unai Bravo Urtasun	San Solar Energy Facility (Pty) Ltd	E-mail: unai.bravo.urtasun@acciona.com
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