

APPENDIX B

DFFE ACCEPTANCE OF SCOPING REPORT AND PLAN OF STUDY FOR EIA



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: 14/12/16/3/3/2/2309

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PER MAIL / E-MAIL

Dear Mr Henning

ACCEPTANCE OF THE SCOPING REPORT FOR PROPOSED UP TO 240MW MOOIVLEI SOLAR 3 PHOTOVOLTAIC, PROJECT WEST OF KROONSTAD, FREE STATE PROVINCE.

The final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment (PoSEIA) dated March 2023 and received by the Department on 30 March 2023, and the acknowledgement letter dated 03 April 2023 refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated March 2023 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 for the EIAR:

(a) Listed Activities

- (i) The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (ii) The listed activities represented in the EIAR and the application form must be the same and correct.
- (iii) The EIAR must assess the correct sub-listed activity for each listed activity applied for. The onus is on the EAP and applicant to ensure that no other activities are triggered, and the correct activities are applied for.
- (iv) Listed activities triggered by proposed project under Listing Notice 3 are in complete in the SR. Please ensure that the EIAR include all listed activities triggered and are written in full including the description of sub-listed activities.

- (v) Project description provided in the SR cannot be linked with listed activity as it does not include the threshold of the proposed infrastructure. The Department take note that the thresholds are still to be confirmed during the EIAr phase. Please ensure that this information is provided in the draft EIAr.

(b) Public Participation

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the Eskom, the Free State Department of Environment, Local and District Municipality, Department of Agriculture, the South African Heritage Resources Agency (SAHRA), The South African Civil Aviation Authority (SACAA), The Department of Transport, The Department of Water and Sanitation (DWS), The South African National Roads Agency Limited (SANRAL), The Endangered Wildlife Trust (EWT), The Endangered Wildlife Trust (EWT), Square Kilometre Array (SKA), The South African Astronomy Observation (SAAO) and the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation.
- (ii) Please 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.
- (iii) 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 and the format must be in the table format as indicated in Appendix 1 of this comments 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.
- (iv) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- (v) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.
- (vi) The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIAr.

(c) Cumulative Assessment

- (i) 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:
 - Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e., hectares of cumulatively transformed land.
 - 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.

(d) Specialist assessments

- (i) 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.
- (ii) 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.
- (iii) 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), have come into effect. Should this study be required, the specialist assessments must be conducted in accordance with these protocols.
- (iv) The screening tool output:
- The screening tool and the gazetted protocols (GN R320 of 20 March 2020 and GN R 1150 of 30 October 2020) require a site sensitivity verification to be completed to either confirm or dispute the findings and sensitivity ratings of the screening tool.
 - It is the responsibility of the EAP to confirm the list of specialist assessments and to motivate in the assessment report, the reason for not including any of the identified specialist studies including the provision of photographic evidence of the site situation. The site sensitivity verification for each of the recommended studies, as per the protocols, must be compiled and attached.
- (v) Additionally, the protocols specify that an assessment must be prepared by a specialist who is an expert in the field and is SACNASP registered for e.g. an aquatic assessment must be prepared by a specialist registered with SACNASP, with expertise in the field of aquatics sciences.
- (vi) Please be reminded that section 2(3) of NEMA requires developments to be socially, environmentally and *economically* sustainable, while section 2(4)(i) of NEMA requires the social, *economic* and environmental impacts of activities, including disadvantages and benefits, to be considered, assessed and evaluated.
- (vii) Specialist findings and recommendations must be separated per project.

(viii) The following Specialist Assessments will form part of the EIAr:

Specialist Study
Terrestrial Ecological Impact Assessment
Aquatic Impact Assessment & Delineation
Avifaunal Impact Assessment;
Heritage Impact Assessment
Agricultural Impact Assessment
Social Impact Assessment
Visual Impact Assessment
Desktop Palaeontological Impact Assessment

(e) General

- (i) Recommendations of conditions to be included in the EA, must be done per project.
- (ii) Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies must be indicated.
- (iii) The EAP must provide landowner consent for all farm portions affected by the proposed project, whether the project component is linear or not, i.e. all farm portions where the access road, solar panels and associated infrastructure is to be located.
- (iv) Please also ensure that the 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.

General:

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

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 faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Signed by: Dr Danie Smit
Designation: Deputy Director: National Integrated Authorisation Projects
Date: 14/05/2023

cc:	David Peinke	Mooivlei Solar 3 (Pty) Ltd	Email: david@atlanticep.com
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Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
<p>Pule Joseph Lenong Department of Water and Sanitation (DWS) Email correspondence: 07 February 2022</p>	<p>On behalf of the Provincial Head of the Department of Water and Sanitation: Free State, I hereby would like to acknowledge receipt your e-mail with kindness. The contents are receiving attention. In future, if you do not mind, please send your EIA directly to this office. Mr George Nel is copied here and myself</p>	<p>The comment raised by the DWS has been noted. In addition, George Nel has been added onto the database for all future correspondence.</p>

Annexure 2: Sample of technical details for the proposed facility

Component	Description / dimensions
Height of PV panels	
Area of PV Array	
Number of inverters required	
Area occupied by inverter / transformer stations / substations	
Capacity of on-site substation	
Area occupied by both permanent and construction laydown areas	
Area occupied by buildings	
Length of internal roads	
Width of internal roads	
Proximity to grid connection	
Height of fencing	
Type of fencing	