



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: 14/12/16/3/3/2/2136
Enquiries: Ms Makhosazane Yeni
Telephone: (012) 399 9400 **E-mail:** MYeni@dffe.gov.za

Ashlea Strong
WSP Group Africa (Pty) Ltd
WSP House Building C Knightsbridge
33 Sloane Street
BRYANSTON
2191

Tel Number: 011 361 1392
Email Address: Ashlea.strong@wsp.com

PER MAIL / E-MAIL

Dear Ms Strong

ACCEPTANCE OF THE FINAL SCOPING REPORT FOR THE PROPOSED CAMDEN I SOLAR ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF WELGELEGEN FARM NO. 322, NEAR ERMELO WITHIN MSUKALIGWA LOCAL MUNICIPALITY IN GERT SIBANDE DISTRICT MUNICIPALITY IN MPUMALANGA PROVINCE

The final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment dated 08 April 2022 and received by the Competent Authority (CA) on 08 April 2022, refer.

The CA has evaluated the submitted FSR, and the Plan of Study for Environmental Impact Assessment dated 08 April 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 incorporated in the Environmental Impact Assessment Report (EIAR):

Listed Activities

- There are discrepancies identified regarding to the listed activities and sub-activities as well as the description of the activities in the application form and FSR that really need to be addressed. In the comments dated 25 March 2022, you were advised to ensure that only relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructures as described in the project description. This is the responsibility of the EAP to ensure only relevant information is included in the report. Please ensure the EIAR reflect only listed activities and sub-activities applied for.

- It is noted that on activity 11 of Listing Notice 1, the capacity of the onsite substation, including cabling (buried or overhead) will be between 33kV and 132kV. Please ensure that the exact capacity of the proposed onsite substation is clarified in the EIA phase.
- For activity 12 of Listing Notice 1, you are required to provide the total footprint of the proposed infrastructure in square meters.
- On the comments of the draft SR dated 22 March 2022, bullet number 1 (Listed Activities) you were requested to assess the environmental impacts and provide mitigation measures of fuel, cement and chemical storage. In your response (Appendix G), dated April 2022 you indicated that the environmental impacts of fuel, cement and chemical storage will be fully assessed during the EIA phase and mitigation measures will be provided in the EMP. Please ensure that the above is adhere with.
- In activity 24 of Listing Notice 1, it is noted that the internal access road required by the facility will be between 5m and 8m. It is unclear whether this activity is listed or not, since the relevant listed activity require the width of the road to be wider than 8 metres and the exact values will be confirmed once final designs have been provided. Please clarify?
- It is noted that for activity 23 of Listing Notice 3, in the initial application form included the threshold. However, the updated application form does not include the threshold (i.e. exceed 10m²), you are advised to provide updated information in the EIA Phase and ensure that the application form is updated/amended as well.
- 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>.

Project Description

- It is noted that the project description in the application form and FSR are not the same. For instance, page 7 of the application form included the following components "***Fencing and lighting, Lightning protection, Telecommunication infrastructure, Storm water channels, Water pipelines, Offices, Operational control centre, Operation and Maintenance Area / Warehouse / workshop, Ablution facilities, a gate house, Control centre, offices, warehouses, Security building, a visitor's centre; and Substation building***", whereas the FSR does not includes the components. Please ensure that the project description in the application and draft EIAR (including the final EIAR) are the same prior submitting to the CA for consideration.
- It is noted that listed activity 14 of Listing Notice 1 and activity 10 of Listing Notice 3 are applied for as it relates to the infrastructure for the storage and handling of dangerous goods, in which fuel, transformer oil, cement and chemical storage onsite will be greater than 80m³ but not exceeding 500m³. However, section 5 of the application form on page 6 of 36 does not provide any description of the infrastructure for the storage and handling of dangerous goods. As such, you are requested to provide the exact type and capacity of the dangerous goods applicable to the proposed development.

BESS Alternative

- Page 31 of the FSR indicated, "*It is proposed that Lithium Battery Technologies, such as Lithium Iron Phosphate, Lithium Nickel Manganese Cobalt oxides or Vanadium Redox flow technologies will be considered as the preferred battery technology however the specific technology will only be determined following Engineering, Procurement, and Construction (EPC) procurement*". Please ensure that the final EIAR indicate the preferred BESS technology and the assessment of the risk associated with the preferred technology, and indicate how impacts will be minimised.

LO

Public Participation

- Please ensure that all issues raised, and comments received during the circulation of the SR from registered I&APs and organs of state (**including this Department's Biodiversity and Protected Areas Section**), 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.
- A comments and response trail report (C&R) must be submitted with the final EIAR. The C&R report must incorporate all historical 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 final EIAR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development particularly the **Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (MDARDLEA, Mpumalanga Tourism and Parks Agency (MTPA), Langcarel Private Nature Reserve**, South African Heritage Resources Agency (SAHRA) and the District and Local Municipalities.

Layout & Sensitivity Maps

- A copy of the layout and environmental sensitivity map must be submitted with the final EIAR and all available biodiversity information must be used in the finalisation of these maps.
- The layout map must indicate the following:
 - Positions of the facility and all associated infrastructure;
 - All supporting onsite infrastructure e.g. roads (existing and proposed);
 - Permanent laydown area footprint;
 - Substation(s) and/or transformer(s) sites including their entire footprint;
 - Proposed infrastructure related to the proposed development;
 - Connection routes (including pylon positions) to the distribution/transmission network; and
 - All existing infrastructure on the site.
- The environmental sensitivity map must indicate the following:
 - The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
 - Buffer areas; i.e., 1km of the Protected Area, etc, and
 - All "no-go" areas.
- The above layout map must have a **clear legend with information communicating with that on the map**, be overlain with the sensitivity map which shows neighboring energy developments and existing grid infrastructure.
- Habitat sensitivity of the study area, including CBAs, with the Solar PV and avifaunal sensitivities as depicted respectively in Figure 5-22 (page 107) and 5-23 (page 116) of the FSR must be considered in the layout map. This must consider the buffer zone of the sensitive area as well.
- It has been mentioned that development layout map will be confirmed in the EIA phase. Please ensure it considers the buffers of the sensitive areas
- The colors used on page 129 (Figure 5-28) of the FSR, the Site Layout overlain onto a Preliminary Consolidated Environmental Sensitivity Map, are very similar, making it difficult to differentiate between High and medium high as well as medium- low and medium. Please ensure that different colours are used instead of similar colours.

LO

Specialist assessments

The following Specialist Assessments will form part of the EIAR:

- Soils and Agricultural Potential Assessment;
- Archaeological and Cultural Heritage Assessment;
- Palaeontology Impact Assessment;
- Visual Impact Assessment;
- Biodiversity Impact Assessment (inclusive of terrestrial biodiversity, plant species and animal species);
- Freshwater Assessment;
- Avifauna Impact Assessment;
- Social Impact Assessment;
- Qualitative Risk Assessment (specific to the BESS);
- Desktop Geotechnical Assessment; and
- Desktop Traffic Assessment.

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. For instance, **Radio Frequency Interference (RFI) Theme** is rated as high and **Landscape** sensitivities is rated as very high by the screening report dated 14 September 2021 this study is not included in the studies to be undertaken in the EIA phase.

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 has been noted that the conclusions by the Terrestrial Ecological specialist on page 53 with the use of the word “**may**” and the Aquatic specialist on page 30 indicating that “once the layout design has been finalised, the EIA phase of the assessment will continue” indicate that at this stage adequate assessment has not been undertaken and the area is not suitable for the proposed development. Therefore, ensure detailed assessment is undertaken and submitted in the final report.
- According to information contained on page 91 to 93 of the FSR, the aquatic environment for the study area has a High Sensitivity due to presence of Wetlands (as depicted on figure 5-13), Critical Biodiversity Areas (CBA) (as depicted on figure 5-15), Freshwater Ecosystem Priority Areas (FEPA) (as depicted on figure 5-14), therefore, you are required to indicate the impacts on the area by the proposed development as well as their mitigation measures.

LO

- Page 98 of the FSR indicated that the location of the proposed development is situated in an area with Eastern Highveld Grassland, Eastern Temperate Freshwater Wetlands and Chrissiesmeer Panveld, all three ecosystems of which are listed in the National List of Ecosystems that are threatened and in need of Protection (GNR 1002 of 9 December 2011), and subsequently listed in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). In addition, Figure 8 in the Terrestrial assessment report shows that the proposed development will occur within PA National Park and Nature Reserves. Therefore, you are required to explain why the site is considered suitable for the proposed development and specialists' findings must be considered while addressing this issue.

Cumulative Impact Assessment

The cumulative impacts of the proposed development must be undertaken as per the requirements of the EIA Regulations.

Issues regarding S50 approval in terms of NEM: PAA

- In terms of the listed activities applied for as well as on Figure 8 on page 29 of the Terrestrial assessment report, it has been confirmed that the site falls within the a protected area identified in terms of NEMPAA. Hence, in the comments dated 25 March 2022, you were advised to obtain approval in terms of S50 of NEM: PAA to be submitted with the FSR, considering that Section 50 (5) of NEM: PAA says that “*no development, construction or farming may not be permitted in a nature reserve without written approval of the management authority*”. Therefore, you are advised to obtain approval to be submitted with the final report.
- During the meeting held on 31 March 2022, you indicated that the landowner is not aware that the site is located within the Nature Reserves, notwithstanding the concerns raised even by various specialists e.g. Visual Impact Specialist on page 61: “*One formal protected area (Langcarel Private Nature Reserve) was identified within the study area, although there is some doubt as to the present status of this nature reserve*”. The MTPA also mentioned in their comments dated 25 March 2022, that the site is located within the Nature Reserve, therefore, it is your responsibility (as an EAP on behalf of the Applicant) to determine whether the site falls within the Nature Reserve or not. You were further advised (by DFFE: Protected Area officials) that comments from MTPA would not be disregarded, therefore, this matter must be addressed accordingly prior submission of the EIA report.
- You further indicated when describing why listed activities are triggered, that the facility is located within a protected area identified in terms of NEMPAA and within 5km of Portion 1 of Farm No. 322 (Welgelegen), which is declared Private Nature Reserve (Langcarel Private Nature Reserve) under the Game Ordinance, 1949 (No. 23 of 1949) and the Native Flora Protection Ordinance, 1940 (No. 9 of 1940). As such, you are required to provide proof that the site is not located within the Nature Reserve or affected by such.
- Considering that the gazette dated 15 February 1967 (Gazette No 3256) confirmed that the area falls within the Nature Reserve, this shows that detailed investigation was not undertaken by the EAP on behalf of the Applicant, confirming that the site falls within the Nature Reserve.

Environmental Management Programme (EMPr

- Ensure that generic EMPr is submitted for the management of impacts of the infrastructure related to the transmission and distribution of energy
- A construction and operational phase EMPr that includes mitigation and monitoring measures must be submitted with the final EIAR for the facility.

Additional Information

- Should there be a similar project in a close proximity, in terms of Appendix 2 (1) (h) (k) of the NEMA EIA Regulations 2014, as amended, you are required to provide information on the potential wake effects of the proposed development.

LO

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 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: 24/05/2022

| | | | | |
|-----|-------------------|--|-------------------|---|
| cc: | Mercia Grimbeek | Camden I Solar (RF) Pty Ltd | Cell:071 7528033 | Email: gideon.raath@enertraq.co.za |
| | Sindisiwe Mbuyane | Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (MDARDLEA) | Tel: 017 811 3951 | Email: mbuyanesb@mpg.gov.za |
| | Hilda Maganya | Msukaligwa Local Municipality | Tel: 017 809 3505 | Email: hmaganya@msukaligwa.gov.za |
| | Tebogo Mogakabe | Gert Sibande District Municipality | Tel: 017 801 7140 | Email: tebogom@gsibande.gov.za |