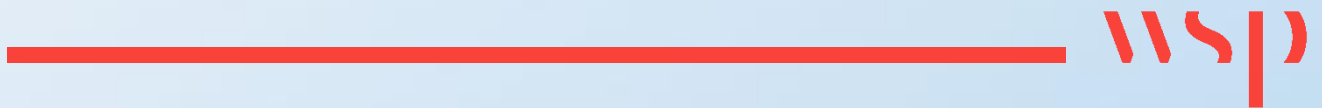


Appendix G

DFFE ACCEPTANCE OF SCOPING REPORT





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: 14/12/16/3/3/2/2298

Enquiries: Trisha Pillay

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Magwa Crescent West
Waterfall City
MIDRAND
1685

Telephone Number: (011) 361 1390
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PER E-MAIL

Dear Mr Chifadza

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED ESTABLISHMENT OF A SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITY, BATTERY ENERGY STORAGE SYSTEM (BESS) FACILITIES AND ASSOCIATED INFRASTRUCTURE AT THE KOMATI POWER STATION IN MPUMALANGA PROVINCE

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated March 2023 and received by the Department on 16 March 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 final SR 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) Specific Comments

- (i) The co-ordinates in the EIAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the solar fields, the substation, BESS, power line route, and laydown areas must be included in the EIAR, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.
- (ii) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the

decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.

- (iii) Kindly ensure the development footprints (hectares/square metres) and specifications of all proposed infrastructure and associated infrastructure during all phases are included in the EIAR.
- (iv) According to the Terrestrial Biodiversity Report (Appendix G-5) Critical Biodiversity Areas occur at the western portion of the proposed site, that is largely covering the portion proposed for the establishment of the solar PV Site B (Figure 4). Kindly take note that according to the Mpumalanga Biodiversity Sector Plan, 2015, PV farms and solar arrays are not compatible land-use activities to be undertaken in areas classified as CBA. Therefore, the mitigation hierarchy should be applied in full, and a Biodiversity Offset should be considered to ensure that significant residual impacts of the development are remedied.
- (v) Further to the above, the Aquatic Biodiversity Report (Appendix G-9) Page 36 stipulates *“Site establishment and construction of the proposed project infrastructure, particularly PV Site A which overlaps with Seep 1, could lead to the permanent loss of wetland habitat within the project footprint. This impact has a high probability of occurrence and a high impact consequence. The impact significance is of High significance prior to the implementation of mitigation measures and can be reduced to a Medium significance with the application of recommended mitigation measures. Significant residual impacts (Medium/High) will need to be addressed via modification of the final layout to ensure that wetland loss is avoided, or design of an appropriate offset for unavoidable habitat loss.”* Kindly take note that the mitigation hierarchy should be applied in full and where significant residual impacts remain a Biodiversity Offset should be considered.

(b) 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.

(c) 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 Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (MDARDLEA), the Steve Tshwete Local Municipality, the Nkangala District Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), BirdLife SA, the Department of Mineral Resources and Energy, and the Department of Forestry, Fisheries and the Environment: 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 Annexure 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 and 44 of the EIA Regulations, 2014, as amended.

(d) Layout & Sensitivity Maps

- (i) The EIAr must provide coordinate points for the proposed development site and all proposed infrastructure (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.
- (ii) The EIAr must provide 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:
 - a) A clear indication of the envisioned area for the proposed solar fields;
 - b) Internal roads;
 - c) All supporting onsite infrastructure such as laydown area, guard house and control room etc.;
 - d) Substations, transformers, switching stations and inverters;
 - e) Battery Energy Storage System;
 - f) Power line route (including pylon positions) to the distribution/transmission network; and
 - g) All existing infrastructure on the site, especially railway lines and roads.
- (iii) Please provide an environmental sensitivity map which indicates the following:
 - a) The location of sensitive environmental features identified on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines, nesting and roosting sites, etc. that will be affected by the facility and its associated infrastructure;
 - b) Buffer areas; and
 - c) All “no-go” areas.
- (iv) The above layout map must be superimposed (overlain) with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.
- (v) Google maps will not be accepted.

(e) Specialist assessments

- (i) The specialists Scoping Reports included in the final SR failed to include an Avifaunal Scoping Report. According to the Terrestrial Biodiversity Report (Page 26-27) two red listed bird species are expected to occur on the site, namely the Saddle-billed Stork (*Ephippiorhynchus senegalensis*) which is listed as Endangered (EN) and the Secretary bird (*Sagittarius serpentarius*) listed as Vulnerable (VU). During the avifauna scoping site visit conducted on 17 June 2022, habitats with potential to support African Grass Owl were mapped (Figure 10). Based on the above and the final SR an Avifaunal Assessment must be included in the EIAr to assess the impacts of the development on the avifaunal species present on site and recommend mitigation measures.
- (ii) Detailed technical specifications of the proposed 132kV power line must be included in the EIAr, such as pylon type, number of pylons, pylons spacing (mean and maximum), pylon height (lowest, mean and height) and conductor attachment height (mean). The pylon design must also incorporate bird friendly designs.
- (iii) Please provide a detailed description as well as any associated assessments related to the technology required for the Battery Energy Storage System (BESS) in the EIAr.
- (iv) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
 - a) 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.
 - b) 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.
 - c) 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.

- d) 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.
- e) **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.**
- f) **Bird specialist studies must have support from Birdlife South Africa.**
- g) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (v) 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.
- (vi) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in 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. **Please note that specialist assessments must be conducted in accordance with these protocols.**
- (vii) Please also ensure that the EIAR includes the Site Verification Report and Compliance Statements (where applicable) as required by the relevant themes.
- (viii) Please note further that the protocols, if applicable, require certain specialists' to be SACNASP registered. Please ensure that the relevant specialist certificates are attached to the relevant reports.
- (ix) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.
- (x) The following Specialist Assessments will form part of the EIAR:
 - Surface Water Impact Assessment;
 - Groundwater Impact Assessment;
 - Soil Impact Assessment;
 - Terrestrial Biodiversity Impact Assessment
 - Avifauna Assessment;
 - Aquatic Biodiversity Impact Assessment;
 - Heritage Impact Assessment;
 - Palaeontological Impact Assessment;
 - Visual Impact Assessment;
 - Traffic Impact Assessment; and
 - Social Impact Assessment.
- (xi) Please ensure that each specialist study has the correct and same project description and layout to assess.
- (xii) Please include a table that shows the proposed studies and the relevant specialists carrying out the study. In addition, a summary should be included of the specialist's recommendations in terms of the alternatives that are preferred based on the findings of their study.

(f) Cumulative Assessment

- (i) As there are other similar projects within a 30km radius of the proposed development site, a cumulative impact assessment for all identified and assessed impacts must be conducted and must indicate the following:
 - a) 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.
 - b) 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.

- c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
- d) A cumulative impact environmental statement on whether the proposed development must proceed.

(g) General

- (i) The EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under Annexure 2 below.
- (ii) The EAP must provide landowner consent for all farm portions affected by the proposed project i.e., all farm portions where the solar field and associated infrastructure are to be located.
- (iii) A construction and operational phase EMPr that includes mitigation and monitoring measures must be submitted with the final EIAR, including the Generic EMPr for substations and power lines.

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.

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: Mr Coenrad Agenbach
Designation: Deputy Director: Priority Infrastructure Projects
Date: 03 May 2023

cc:	Deidre Herbst	Eskom Holdings SOC Ltd	Email: Deidre.Herbst@eskom.co.za
	Sindisiwe Mbuyane	Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs	Email: mbuyanesb@mpg.gov.za

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
27/01/2016 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (John Doe)	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

Annexure 2: Sample of technical details for the proposed facility

Component	Description / dimensions
Location of the site	
The total area of the site	
Total disturbance footprint	
Maximum generation capacity for facility	
Height of PV panels	
Capacity of on-site substation and footprint	
Battery Energy Storage System (BESS) and footprint	
Cables and Overhead Power line	
Area occupied by both permanent and construction laydown areas	
Length of internal roads	
Width of internal roads	