



forestry, fisheries & the environment

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

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PER MAIL / E-MAIL

Dear Ms Strong

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED CAMDEN I WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON PORTION 0, PORTION 1 & PORTION 3 OF KLIPFONTEIN FARM 442, PORTION 1 & PORTION 2 OF WELGELEGEN FARM NO. 322, PORTION 2 AND PORTION 10 OF UITKOMST 292, PORTION 3 OF LANGVERWATCH FARM NO. 293 AND PORTION 14 OF MOOIPLAATS 290 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 competent authority (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. For instance, activity 24 of Listing Notice 1 description of the portion of the proposed project to

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which the applicable listed activity relates is not clear whether this activity is applicable to the proposed development. This is the responsibility of the EAP to ensure only relevant information is included in the report. Please ensure the EIAR address all the listed activities applied for.

- For activity 12 of Listing Notice 1, you are required to provide the total footprint of the proposed infrastructure in square meters.
- The CA has noted that activity 14 of Listing Notice 1 and 10 of Listing Notice 3 are applied for as it relates to the infrastructure for the storage or 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. As such, please ensure that the environmental impacts of fuel, cement and chemical storage are fully assessed, and mitigation measures are provided.
- The above-mentioned activities have been applied for as it relates to BESS as will require the storage and handling of dangerous goods should it be assembled on site. Please ensure relevant activities related to BESS are applied for only if this activity is triggered.
- For activity 19 of Listing Notice 1, it has been indicated on page 12 of 35 of the application form in describing the activity that the exact value will be confirmed once the final design is provided. Please ensure that this activity is applied for, only if it is triggered by the proposed development.
- It has been mentioned in Activities 14, 24 and 48 of LN 1 as well as Activity 10 of LN 3 to mention the few, that details will be confirmed once the final design, BESS will require storage and handling of dangerous goods should it be assembled on site. Therefore, please ensure the details are provided in the final report and relevant activities triggered are applied for.
- 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 include the aforementioned 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.
- The project description given on page 14 of 37 (application form) for listed activity 1 of Listing Notice 2, is that "**wind energy facility that will generate up to 210MW of electricity**", however on page 6 of 37, it is mentioned that "**the proposed Camden I WEF will be developed with a capacity of up to 200MW**". You are requested to submit the correct information in the draft EIA report.
- In addition, page 14 of the application form refers to 200MW and page 30 of the FSR refers to 210MW. Please clarify these discrepancies before submitting the draft EIAR to the CA.
- 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 to 7 of 37 and FSR 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 6, 7, 12 and 15 of 37 of the application form, BESS has been mentioned as part of the component for the proposed development. Page 30 of the FSR indicated the technology related to BESS and further highlighted that specific technology will only be determined following Engineering, Procurement, and Construction (EPC) procurement. Therefore, you are advised to be clear of the technology preferred in the final report and ensure assessment of the risk associated with the technology and indicate how impacts will be minimised.

Alternatives

- Appendix 7: Locality Map highlights 2 location alternatives for the substation and BESS, however they are not discussed in report. Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 2 of GN R.982 of 2014 (as amended). Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.

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 numbered wind turbines 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.
- According to information contained on page 89 of the FSR, the aquatic environment for the study area has a very high sensitivity due to presence of Wetlands, Critical Biodiversity Areas (CBA), Freshwater Ecosystem Priority Areas (FEPA) (as depicted on figure 5-14), therefore, you are required to indicate the impacts of the area by the proposed development.
- 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.
- Figure 8 in the Terrestrial assessment report shows the boundary of the site on the northern side adjacent to the Protected Area National Park and Nature Reserve. However, the legend provided does not show the buffer of the Protected Area National Park and Nature Reserve. Please ensure the final layout shows the buffer of the aforesaid Protected Area National Park and Nature Reserve in relation to the area earmarked for the development.

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;
- Bat Impact Assessment;
- Environmental Acoustic (Noise) 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, **RFI, Landscape (wind) and Flicker Themes** were rated as very high sensitive by the screening report dated 14 September 2021. These studies are 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 56 with the use of the word "may" and the Aquatic specialist on page 30 highlighting 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.
- It has also been noted that the location of the proposed development is situated in an area with Eastern Highveld Grassland, which is listed as Threatened Ecosystem under NEMA. 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.
- According to the Biodiversity map on page 102 of the FSR, part of the proposed development site is located within the protected area identified in terms of NEM:PAA. Therefore, proof of approval in terms of Section 50 of NEM:PAA obtained and submitted with the draft EIAr.

Cumulative Impact Assessment

- The cumulative impacts of the proposed development must be undertaken as per the requirements of the EIA Regulations.
- 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.
- You are required to provide wake loss risks (wake effects) posed by this development and measures to mitigate those risks.

Issues regarding S50 approval in terms of NEM: PAA

- 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 “no development, construction or farming may be permitted in a nature reserve without written approval of the management authority”. It is the opinion of the Department that this refers to the buffer of the Protected Area. Therefore, you are advised to obtain approval to be submitted with the final report.
- In terms of the listed activities applied for, it has been confirmed that the site partly falls within the 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”.
- 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. However, in the description of how the activities applied for are listed or triggered, you indicated that Portion 1 and 2 of Welgelegen No 322 are partly located in a declared Langcarel Private Nature Reserve. Considering the above, the argument provided that the terrestrial ecologist considers the area as protected by error and that the landowner is not aware that the site is located within/partly within the Nature Reserve is not valid. In addition, MTPA mentioned in their comments dated 25 March 2022, that the site is located within the Nature Reserve. 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, to determine whether the site falls within the Nature Reserve or not in order to obtain S50 approval in terms of NEM: PAA for any development on site, to be submitted with the report.
- 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.

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.

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: 23/05/2022

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