

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

DEA Reference: 14/12/16/3/3/1/2124

Enquiries: Ms Azrah Essop
Telephone: 012-399 8529 E-mail: AEssop@environment.gov.za

Mr Federico Zanotta Rizzo McTaggarts PV1 (Pty) Ltd 3 Kiepersol Close Kendon House, Płattekloof CAPE TOWN 7500

Tel: (012) 937 0228

E-mail: federico.zanotta@abengoa.com

PER E-MAIL / MAIL

Dear Mr Rizzo

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: GN R982/983/984, AS AMENDED: PROPOSED CONSTRUCTION OF THE KHUNAB SOLAR GRID CONNECTION IN THE KAI !GARIB LOCAL MUNICIPALITY AND THE DAWID KRUIPER LOCAL MUNICIPALITY WITHIN THE NORTHERN CAPE PROVINCE.

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email:

appeals@environment.gov.za;

By hand:

Environment House

473 Steve Biko Road

Arcadia Pretoria 0083; or

By post:

Private Bag X447

Pretoria 0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully

Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 22/06/2020

CC:	Jo-Anne Thomas	Savannah Environmentai (Pty) Ltd	Email: joanne@savannahsa.com					
·	Bryan Fischer	Department of Environment and Nature Conservation	Email: Bflscher@ncpg.gov.za					
	Mr Elias Ntoba	Dawid Kruiper Local Municipality	Email: Elias.ntoba@dkm.gov.za/ suzzelle.coetzee@dkm.gov.za					
	Godfrey Mackay	Kai !Garib Local Municipality	Email: mackayg@kaigarib.gov.za					



Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

PROPOSED CONSTRUCTION OF THE KHUNAB SOLAR GRID CONNECTION IN THE KAI IGARIB LOCAL MUNICIPALITY AND THE DAWID KRUIPER LOCAL MUNICIPALITY WITHIN THE NORTHERN CAPE PROVINCE.

ZF MGCAWU DISTRICT MUNICIPALITY

Authorisation register number:	14/12/16/3/3/1/2124								
Last amended:	First issue								
Holder of authorisation:	McTaggarts PV1 (Pty) Ltd								
Location of activity:	Northern Cape province: In Ward 8 and 11 of Portion 3 of the farm McTaggarts Camp 453, Portion 12 of the farm Klip Punt 452 and Olyvenhouts Drift Settlement Agricultural Holding 1080 in the Kai !Garib Local Municipality								

This Environmental Authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

MCTAGGARTS PV1 (PTY) LTD

(Hereafter referred to as the holder of the authorisation)

With the following contact details -

Mr Frederico Zanotta Rizzo

McTaggarts PV1 (Pty) Ltd

3 Kiepersol Close

Kendon House,

2nd Floor

Plattekloof 3

CAPE TOWN

7500

MS

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(012) 937 0228

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3, as amended (GN R983 and R985, as amended):

Activity Activity/Project description Listing Notice 1 of the 2014 EIA Regulations, as amended Item 11 (i): The development of facilities or infrastructure for the The grid connection infrastructure will transmission and distribution of electricityinclude the construction and operation of (i) outside urban areas or industrial complexes with a two collector substations, each including capacity of more than 33 but less than 275 kilovolts. switching station components, and a power line for the evacuation of electricity generated the Khunab bν Solar Development to the national grid. The collector substations and power line will each have a capacity of up to 132kV. The development will take place outside of urban areas. Item 12 (ii)(a)(c): The development of— The 132kV power line, associated main access roads and maintenance access (ii)infrastructure or structures with a physical footprint of 100 square metres or more; roads to the grid connection infrastructure where such development occurs will traverse the Helbrandleegte River, (a) within a watercourse; which crosses the 300m grid connection

(c) if no development setback exists, within 32 metres of

a watercourse, measured from the edge of a

watercourse.

corridor at the south eastern corner of the

Klip Punt Farm 452. The main access

roads providing access to the two collector

This

cross

will

ephemeral

in

result

will

substations

watercourses.

Activity	Activity/Project description
	infringement within the watercourse and/or
	within 32m of the watercourse.
Item 14:	
The development and related operation of facilities or	The development and operation of the
infrastructure, for the storage, or for the storage and	Khunab Solar Grid Connection will require
handling, of a dangerous good, where such storage	infrastructure with a capacity of 80 cubic
occurs in containers with a combined capacity of 80	metres for the storage and handling of
cubic metres or more but not exceeding 500 cubic	dangerous goods
metres.	
Item 27:	
The clearance of an area of 1 hectare or more, but	The development of the two collector
less than 20 hectares of indigenous vegetation.	substations, each including switching
	station components, will require the
	clearance of up to 1.5ha of indigenous
	vegetation per substation. The total
	clearance required will be up to 3ha.
	Clearance of vegetation will also be
	required within the power line servitude (up
	to 36m wide) during construction.
Item 28(ii):	
Residential, mixed, retail, commercial, industrial, or	The total area of land to be developed for
institutional developments where such land was used for	the two collector substations and the power
agriculture, game farming, equestrian purposes or	line is larger than 1 hectare. The land is
afforestation on or after 01 April 1998 and where such	currently used for agricultural (i.e. grazing)
development	purposes. Each collector substation will
(ii) will occur outside an urban area, where the total land	have an extent of up to 1.5ha and the
to be developed is bigger than 1 hectare.	single-circuit power line will be ~13km in
	length and will be developed within a
	servitude of up to 36m wide.

Listing Notice 3 of the 2014 EIA Regulations, as amended

Item 4 (g)(ii)(ee):

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

g. Northern Cape

- ii. Outside urban areas:
 - (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

The Khunab Solar Grid Connection requires the development of access roads of ~4m in width for maintenance purposes during operation. The southern section of the grid connection corridor is located within a Critical Biodiversity Area 2 and an Ecological Support Area as identified in the Northern Cape Critical Biodiversity Areas Map and the Northern Cape Biodiversity Plan. The Khunab Solar Grid Connection is located outside of urban areas.

Item 10 (g)(ii)(iii)(ee):

The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.

The development of the Khunab Solar Development requires the storage and handling of dangerous goods of 80m³ to be located within the grid connection corridor.

g. Northern Cape

- ii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland:
- iii. Outside urban areas:
- (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

Item 12 (g)(ii):

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance The development of the Khunab Solar Grid Connection requires the clearance of vegetation for the construction of the 132kV power line and the two collector purposes undertaken in accordance with a maintenance management plan.

g. Northern Cape

ii. Within critical biodiversity areas identified in bioregional plans;

substations (each with an extent of 1.5ha). The southern section of the grid connection corridor is located within a Critical Biodiversity Area 2 and an Ecological Support Area as identified in the Northern Cape Critical Biodiversity Areas Map and the Northern Cape Biodiversity Plan.

Item 14(ii)(a)(c)(g)(ii)(ff):

The development

of—

(ii) infrastructure or structures with a physical footprint of 10 square metres or more;

where such development occurs-

- (a) within a watercourse;
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

g. Northern Cape

ii. Outside urban areas:

(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

The 132kV power line, associated main access roads and maintenance access roads to the grid connection infrastructure will need to cross the Helbrandleegte River which traverses the grid connection corridor connecting the Khunab Solar Development to the Upington MTS. The main access roads providing access to the two collector substations will cross ephemeral watercourses.

The southern section of the grid connection corridor is located within a Critical Biodiversity Area 2 and an Ecological Support Area as identified in the Northern Cape Critical Biodiversity Areas Map and the Northern Cape Biodiversity Plan. The Khunab Solar Grid Connection is located outside of urban areas.

As described in the Basic Assessment Report (BAR) dated February 2020 at: Portion 3 of the farm McTaggarts Camp 453; Portion 12 of the farm Klip Punt 452 and Olyvenhouts Drift Settlement Agricultural Holding 1080.

21 SG Digit Code:

С	0	2	8	0	0	0	0	0	0	0	0	0	4	5	3	0	0	0	0	3
С	0	2	8	0	0	0	0	0	0	0	0	0	4	5	2	0	0	0	1	2
С	0	2	8	0	0	1	3	0	0	0	0	1	0	8_	0	0_	0	0	0	0

Corridor Coordinates	Latitude	Longitude					
Start	28°30'27.89"S	21° 2'30.29"E					
Middle	28°30'15.02"S	21° 3'41.17"E					
End	28°32'49.99"S	21° 8'22.96"E					

For the development of a solar grid connection for the proposed McTaggarts PV1, McTaggarts PV2, McTaggarts PV3 and Klip Punt PV1 solar PV facilities, collectively known as the **Khunab Solar Development**, near Upington in the Northern Cape Province, hereafter referred to as "the property".

The associated Infrastructure required for the grid connection includes the following:

- Two (2) collector substations (approximately 1.5 Ha each) known as the Khunab Collector Substation and the Klip Punt Collector Substation;
- A single circuit 132kV overhead power line, of up to 13km, between the collector substations and the Upington MTS; and
- Associated infrastructure such as access roads, feeder bays, a fibre and optical ground wire (OPGW)
 layout, insulation and assembly structures.

Conditions of this Environmental Authorisation

Scope of authorisation

- The proposed construction of the Khunab Solar Grid Connection and associated infrastructure in Kai !Garib and Dawid Kruiper Local Municipalities in the Northern Cape Province is approved as per the geographic coordinates cited in the table above.
- 2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
- 3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
- 4. The activities authorised must only be carried out at the property as described above.
- 5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected.

In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.

- 6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
- 7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 8. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

- 9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
- 10. The notification referred to must -
- 10.1. specify the date on which the authorisation was issued;
- inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
- 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
- 10.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

11. The authorised activity must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

12. The Environmental Management Programmes (EMPr's) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and strictly adhered to.

Frequency and process of updating the EMPr

- 13. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the Environmental Authorisation or EMPr.
- 14. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
- 15. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R982 of 04 December 2014, as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
- 16. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R982 of 04 December 2014, as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 17. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R982 of 04 December 2014, as amended.

Monitoring

- 18. The holder of the authorisation must appoint an Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 18.1. The ECO must be appointed before commencement of any authorised activities.

- 18.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director:*Compliance Monitoring of the Department.
- 18.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 18.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

- 19. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this Environmental Authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
- 20. The holder of the Environmental Authorisation must, for the period during which the Environmental Authorisation and EMPr remain valid, ensure that project compliance with the conditions of the Environmental Authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
- 21. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R982 of 04 December 2014, as amended.
- 22. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
- 23. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended, and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the approved EMPr.
- 24. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and Competent Authority in respect of this development.

Notification to authorities

25. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition

includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

26. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

27. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

Specific conditions

- 28. A pre-construction walk-through of the final development footprint must be undertaken in order to locate and identify species of conservation concern (SCC) that can be translocated
- 29. Any SCC must not be removed or damaged prior to obtaining permit from relevant national or provincial authorities. Permits from the relevant provincial authorities, i.e. the Northern Cape Department of Environment and Nature Conservation (DENC), must be obtained before the individuals are disturbed.
- 30. A plant rescue and protection plan must be incorporated into the EMPr's prior to construction. This plan must allow for the maximum transplant of conservation important species from areas that are to be transformed.
- 31. A pre-construction walk-through of the power line route and collector substation locations to identify heritage sites that will be impacted by the grid connection infrastructure must be undertaken prior to the commencement of the construction phase. In the event that archaeological or palaeontological resources are found during the construction of the grid connection work must cease and SAHRA must be contacted immediately.
- 32. No construction activity should occur near active raptor nests discovered prior to or during the construction phase.
- 33. Active nests near construction areas must be reported to ECO and should be monitored until the birds have finished nesting and the fledglings have left the nest.
- 34. Bird diverters must be fitted to the power line in areas where high collisions rates are detected.

Ms

General

- 35. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 35.1. at the site of the authorised activity;
- 35.2. to anyone on request; and
- 35.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
- 36. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 22/06/2020

Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, inter alia, the following into consideration -

- a) The information contained in the final BAR dated February 2020;
- b) Mitigation measures as proposed in the final BAR dated February 2020 and the EMPr's;
- c) The information contained in the specialist studies contained within Appendix D-J of the BAR; and
- d) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act No.107 of 1998, as amended.

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project be associated infrastructure for the larger development known as the Khunab Solar Development.
- c) The final BAR dated February 2020 identified all legislation and guidelines that have been considered in the preparation of BAR dated February 2020.
- d) The methodology used in assessing the potential impacts identified in the final BAR dated February 2020 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014, as amended, for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the final BAR dated February 2020 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the final BAR dated February 2020 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the final BAR (for both the line and substations) and will final be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act No. 107 of 1998, as amended, and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The Environmental Authorisation is accordingly granted.

Annexure 2: Locality Plan

