



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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PER EMAIL / MAIL

Dear Ms Gibb

REJECTION OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF THE HELENA 1 75 MW SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITY NEAR COPPERTON, NORTHERN CAPE PROVINCE

The Environmental Impact Report (EIAr) dated December 2016 for the abovementioned activity, which was submitted in terms of the requirement of the Environmental Impact Assessment (EIA) Regulations, 2010 refers.

Following a review of the application form received on 05 December 2014 and the EIAr dated December 2016, this Department rejects the EIAr in accordance with Regulation 34(1)(a) of the EIA Regulations, 2010. Reasons for the rejection of the EIAr dated December 2016 is based on the following:

1. The Square Kilometre Array – South Africa (SKA South Africa) in its comments dated 17 December 2015 indicated that the results from both studies conducted by MESA Solutions indicate that the development of these facilities would pose a high risk of detrimental impact on the SKA radio telescope – higher than originally understood.
2. SKA South Africa further indicated that if these facilities were to be developed as currently defined, they would pose an unacceptable risk to the SKA and would not be able to meet SKA radio emission protection requirements as prescribed in the Astronomy Geographic Advantage Act.
3. SKA South Africa does not support the development of these projects as they are currently defined, or until further proof of concepts tests can be conducted to assess the efficiency of proposed mitigation measures, hereupon SKA South Africa will review the risk.
4. Given the high risk of potential detrimental impact to the SKA, it would be uninformed and premature for the Department to decide on the application without the requirements from SKA South Africa being met.

The EAP is therefore requested to engage SKA South Africa and relevant stakeholders regarding further proof of concepts tests that can be conducted in order to assess the efficiency of the proposed mitigation measures. The EIAr must then be amended in accordance with the outcomes of the abovementioned engagement with SKA South Africa and relevant stakeholders.

This Department advises that the following listed activities and their relevant issues be addressed adequately:

GN R. 544: Item 11:

"The construction of

(x) buildings covering 50 square metres in size;

(xi) infrastructure or structures covering 50 square metres or more,

where such infrastructure occurs within a water course or within 32 metres of a watercourse, measured from the edge of the water course."

You are requested to amend the application form to include the threshold for the proposed infrastructure or structures to be constructed.

GN R. 544: Item 47:

"The widening of a road by more than 6m, or the lengthening of a road by more than 1km:

(i) Where the existing reserve is wider than 13,5m; or

(ii) where no reserve exists, where the existing road is wider than 8m."

You are requested to amend the application form to include the threshold for the proposed lengthening or widening of the road.

Copies of the amended EIAr must be circulated to all key stakeholders, Organs of State and registered I&APs for a duration of 30 days for comment. The issues raised by I&APs must be addressed in a table format indicating the issue/concern raised and the EAP's response thereto and must include copies of the I&APs correspondence as well as a copy of this Department's rejection letter.

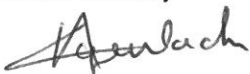
The EAP must provide proof that all registered I&APs have been notified of the availability of the amended EIAr. On receipt of the abovementioned information, this Department will reconsider the report in accordance with Regulation 30(1) of the EIA Regulations, 2010.

This Department further advises that according to Regulation 67 of the EIA Regulations, 2010, an application in terms of the EIA Regulations lapses if the applicant after having submitted the application fails for a period of **six (6)** months to comply with a requirement in terms of the EIA Regulations relating to the consideration of the application. As such, the amended EIAr must be submitted to this Department within six (06) months of the date of this correspondence.

Please note that the activities applied for may not commence prior to an Environmental Authorisation being granted by this Department. 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.

Should you have any queries or wish to discuss the points raised above, please do not hesitate to contact the writer.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Mr Coenrad Agenbach

Designation: Deputy Director: Strategic Infrastructure Developments

Date: 15/03/2017

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