



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: 14/12/16/3/3/2/2151

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Mr Unai Bravo Urtasun
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Unit 1501, 15th Floor
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CAPE TOWN
8001

Telephone Number: 082 300 6497

Email Address: unai.bravo.urtasun@acciona.com

PER EMAIL

Dear Mr Urtasun

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED DEVELOPMENT OF THE POFADDER WIND ENERGY FACILITY (WEF) 2 AND ASSOCIATED INFRASTRUCTURE NEAR POFADDER IN WITHIN KAI !GARIB LOCAL MUNICIPALITY AND Z F MGCAWU DISTRICT MUNICIPALITY IN 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 fourteen (14) days of the date of the decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the EIA Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (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, 2013 (Act No. 4 of 2013) which stipulate 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 abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 1998 (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 prescribes 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.

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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 twenty (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: appealsdirectorate@dffe.gov.za

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

By post: Private Bag X 447
Pretoria
0001

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

Yours faithfully



Mr Vusi Skosana
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 09 January 2023

cc: Michelle Guy	SIVEST SA (Pty) Ltd	Email: michelleg@sivest.co.za
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forestry, fisheries & the environment

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

Environmental Authorisation

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

For the proposed development of the Pofadder Wind Energy Facility (WEF) 2 and associated infrastructure near Pofadder in within Kai !Garib local municipality the Northern Cape province

Z F Mqcawu District Municipality

Authorisation register number:	14/12/16/3/3/2/2151
Last amended:	First issue
Holder of authorisation:	Pofadder Wind Facility 2 (Pty) Ltd
Location of activity:	Portion 0 of the Farm Ganna Poort No. 202 Portion 3 of the Farm Sand Gat No. 150 Portion 0 of the Farm Lovedale No. 201

This 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.

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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 –

Pofadder Wind Facility 2 (Pty) Ltd

with the following contact details –

Mr Unai Bravo Urtasun
Unit 1501, 15th Floor
Portside Building, 4 Bree Street

CAPE TOWN

8001

Telephone Number: 082 300 6497

Email Address: unai.bravo.urtasun@acciona.com

to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

as described in the Environmental Impact Assessment Report (EIAR) dated 22 September 2022 at:

Activity number	Activity description
<p><u>GNR .327 (LN1), Activity No. 11(i)</u></p> <p><i>The development of facilities or infrastructure for the transmission and distribution of electricity—</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</i></p>	<p>New on-site substation/collector switching stations will be constructed as part of the proposed developments. The proposed substations/ collector switching station will be located outside urban areas and will have capacities of 33/132kV respectively. In addition, each facility substation or collector switching station will occupy a footprint of, ±125m x 125m (1.5625ha). The height of the sub-station will be a maximum of 10m, however lightning masts will extend up to 25m in height.</p>
<p><u>GNR 327, (LN1), Activity No. 12 (ii) (a) (c)</u></p> <p><i>The development of:</i></p> <p><i>ii) infrastructure or structures with a physical footprint of 100 square metres or more, where such development occurs-</i></p> <p><i>(a) within a watercourse,</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</i></p>	<p>Drainage lines and watercourses are scattered across the site. One or more roads and/or medium voltage cabling will cross these watercourses or drainage lines or be within 32m thereof. The proposed developments will therefore entail the construction of infrastructure with physical footprints of approximately 100m² or more within a surface water feature / watercourse or within 32m of a surface water feature / watercourse.</p>
<p><u>GNR 327, (LN1), Activity No. 19</u></p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p>	<p>The proposed development will involve the excavation, removal, infilling or depositing of any material of more than 10m³ into, or the dredging, excavation, removal or moving of soil, sand,</p>

Activity number	Activity description
	<p>shells, shell grit, pebbles or rock of more than 10m³ from some of the identified surface water features / watercourses. Although the layout of the proposed developments has been designed to avoid the identified surface water features / watercourses as far as possible, some of the internal access roads and/or medium voltage cabling will need to traverse the identified surface water features / watercourses. In addition, during construction of these roads, soil will need to be removed from some of the identified surface water features /watercourses.</p>
<p><u>GNR 327 (LN1), Activity No. 24 (ii)</u> <i>The development of a road - (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres.</i></p>	<p>The main access road (secondary road) will be approximately 8 - 12m wide. Internal access roads of approximately 6 – 8m wide will be needed for the WEF with side drains on one or both sides where necessary. During construction the footprint of road construction works will be up to 12m, with additional space required for cut and fill, side drains and other stormwater control measures, turning areas and vertical and horizontal turning radii to ensure safe delivery of the turbine components.</p>
<p><u>GNR 327 (LN1), Activity No. 28 (ii)</u> <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</i></p>	<p>The total area to be developed for the proposed renewable energy facilities is greater than 1ha and occurs outside an urban area in an area currently zoned as agriculture land.</p>

Activity number	Activity description
<p><u>GNR 327 (LN1), Activity No. 48 (i) (a) (c)</u></p> <p><i>The expansion of-</i></p> <p><i>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more, where such expansion occurs—</i></p> <p><i>(a) within a watercourse; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse,</i></p>	<p>The proposed developments will entail the expansion (upgrading) of roads and other infrastructure by 100m² or more within a surface water feature / watercourse or within 32m from the edge of a surface water feature/watercourse.</p> <p>Although the layout of the proposed development has been designed to avoid the surface water features / watercourses identified within the application site as far as possible, some of the internal roads to be upgraded and expanded will need to traverse some of the surface water features /watercourses identified within the application site and construction will occur within some of the surface water features / watercourses identified within the application site and/or be within 32m of some of the surface water features / watercourses identified within the application site.</p>
<p><u>GNR 327 (LN1), Activity No. 56 (ii)</u></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre -</i></p> <p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres –</i></p>	<p>Existing roads will require widening of up to 12m and/or lengthening by more than 1km, to accommodate the movement of heavy vehicles and cable trenching activities associated with the WEF.</p>
<p><u>GNR 325 (LN2), Activity No. 1</u></p> <p><i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more,</i></p>	<p>The proposed development will entail the construction of a WEF where the respective electricity output will be approximately 248MW. In addition, the proposed WEF developments will be located outside urban areas.</p>
<p><u>GNR 325 (LN2), Activity No. 15</u></p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation.</i></p>	<p>The proposed WEF development will involve the clearance of more than 20ha of indigenous</p>

Activity number	Activity description
	<p>vegetation. Clearance will also be required for the proposed substations, internal access roads and other associated infrastructure.</p>
<p><u>GNR 324 (LN3), Activity No. 4 (g)(ii) (ee)</u> <i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i> <i>g. Northern Cape</i> <i>ii. Outside urban areas.</i> <i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>The development of the WEF facilities and associated infrastructures will require the development of a road wider than 4m with a reserve of less than 13.5m on the edge of a CBA 1. While the area is designated as CBA 1, the specialist has delineated the sensitivities within this area and the road to be constructed falls outside of the delineated sensitivities.</p> <p>These roads will occur within the Northern Cape Province, outside urban areas.</p>
<p><u>GNR 324 (LN3), Activity No. 12(g)(ii)</u> <i>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 purposes undertaken in accordance with a maintenance management plan.</i> <i>g. Northern Cape</i> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p>	<p>This activity is applicable for a single road through a CBA area which is linked to a large ephemeral wash to the south, listed as a FEPA river with a 500m buffer. While the area is designated as CBA 1, the specialist has delineated the sensitivities within this area and the road to be constructed falls outside of the delineated sensitivities.</p> <p>Subsequently the development will not result in any direct impacts on these delineated freshwater resource features.</p>
<p><u>GNR 324 (LN3), Activity No. 14(ii)(a)(c)(g)(ii) (ff)</u> <i>The development of—</i> <i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more.</i> <i>where such development occurs—</i> <i>(a) within a watercourse; or</i></p>	<p>The proposed development will entail the development of infrastructure with physical footprints of 10m² or more within a watercourse / surface water feature or within 32m from the edge of a watercourse / surface water feature.</p> <p>Although the layouts of the respective proposed developments will be designed to avoid the</p>

Activity number	Activity description
<p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse, excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>g. Northern Cape</p> <p>ii. Outside urban areas:</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</p>	<p>identified surface water features / watercourse as far as possible, some of the infrastructure / structures will need to traverse the identified surface water features / watercourses.</p> <p>The construction of the infrastructure (MV cabling and roads) for the development will occur within Ecosystem Support Areas located outside of urban areas.</p>
<p><u>GNR 324 (LN3), Activity No. 18(g)(ii)(ii)</u></p> <p>The widening of a road by more than 4 meters, or the lengthening of a road by more than 1 kilometre-</p> <p>g. Northern Cape</p> <p>ii. Outside urban areas:</p> <p>(ii) Areas within a watercourse or wetland; or within 100 m from the edge of a watercourse or wetland.</p>	<p>Secondary/internal access roads will be required to access the wind turbines as well as the respective substations. Existing roads will be used wherever possible. Secondary/internal access roads will thus be widened by more than 4m or lengthened by more than 1km. These roads will occur within the Northern Cape Province, outside urban areas. The respective proposed development sites contain indigenous vegetation. In addition, the widening of the roads will occur within a watercourse or wetland or within CBAs and or within 100m from the edge of a watercourse or wetland.</p>

SG 21 Code

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C	0	3	6	0	0	0	0	0	0	0	0	0	1	5	0	0	0	0	0	3
C	0	3	6	0	0	0	0	0	0	0	0	0	2	0	1	0	0	0	0	0

Site Coordinates (project site)

Poffader 2 WEF: Development site		
Coordinates at centre point (DD MM SS.sss)		
Point	South	East
Centre	29°18'24.31"S	19°41'31.37"E

Poffader 2 WEF: Supporting Infrastructure		
Coordinates at centre point (DD MM SS.sss)		
Point	South	East
Centre	29°18'31.75"S	19°41'42.65"E

- for the proposed development of the Pofadder Wind Energy Facility (WEF) 2 and associated infrastructure near Pofadder in within Kai !Garib Local Municipality the Northern Cape Province, hereafter referred to as "the property".

Project description:

It is anticipated that the proposed Pofadder WEF 2 will comprise of up to thirty-one (31) wind turbines with a maximum total energy generation capacity of up to approximately 248MW and will take place on the Farm Ganna Poort No 202, Portion 3 of the Farm Sand Gat No 150 and the Farm Lovedale No 201 in the Kai !Garib Local and Z F Mgcawu District Municipalities, in the Northern Cape Province. The preferred project site is approximately 4 800 hectares (ha) in extent.

The project entails the following infrastructure:

- Up to 31 wind turbines, each with a maximum of 8MW output per turbine, with a maximum export capacity of approximately 248MW.
- Each wind turbine will have a maximum hub height and rotor diameter of up to approximately 200m.
- Concrete turbine foundations and turbine hardstands.
- Each turbine will have a circular foundation with a diameter of up to 32m and this will be placed alongside the 45m wide hardstand resulting in an area of about 45m x 32m that will be permanently disturbed for the turbine foundation. The combined permanent footprint for the turbines will be approximately 4.4ha.
- Each turbine will have a crane hardstand of approximately 70m x 45m. The permanent footprint for turbine crane hardstands will be approximately 9.5ha.

- Each turbine will have a blade hardstand of approximately 80m x 45m (3 600m²). The combined permanent footprint for blade hardstands will be approximately 10.8ha.
- One (1) new 33/132kV on-site substation occupying an area of approximately 1.6ha.
- The wind turbines will be connected to the proposed on-site substation via medium voltage (33kV) underground cables, which will mainly run alongside the access roads. Where burying of cables is not possible due to technical, geological, environmental or topographical constraints, cables will be overhead via 33kV monopoles.
- The main access road will be between 8 – 12m wide (to allow vehicles to pass).
- Internal roads with a width of between 6 – 8 m will provide access to each wind turbine. Existing farm roads will be upgraded and used wherever possible, although new site roads will be constructed where necessary.
- A 12m wide corridor may be temporarily impacted during construction and rehabilitated to 6m wide corridor after construction. The internal gravel roads will have an approximate 6 – 8m wide surface and there will be up to 12m wide impacted during the construction phase, with additional space required for cut and fill, side drains and other stormwater control measures, turning areas and vertical and horizontal turning radii to ensure safe delivery of the turbine components.
- Pofadder WEF 2 will have a total road network of approximately 50km.
- One (1) construction laydown / staging area of up to approximately 7ha (to be rehabilitated following construction). It should be noted that no on-site labour camps will be required in order to house workers overnight as all workers will be accommodated in the nearby towns and transported daily to site (by bus).
- The gate house and security house will occupy an area of up to 0.5ha.
- Battery Energy Storage System (BESS) of approx. 3.6ha.
- One (1) permanent Operation and Maintenance (O&M) building (including offices, warehouses, workshops, canteen, visitors centre and staff lockers) occupying an area of up to 1ha.
- A temporary site camp establishment and concrete batching plant occupying an area of up to 1.6ha.
- Galvanized palisade fencing to be used at the substations with the maximum height of the fencing to be up to 3.5m.
- Water will be sourced from either the Local Municipality, a private contractor, from existing boreholes located within the application site or from a new borehole if none of these options are available. All required permits will be applied for prior to commencement of construction.

Technical Details:

Infrastructure	Description / dimensions
Location of site (centre point)	29°18'24.31"S

Infrastructure	Description / dimensions
	19°41'31.37"E
Application site area	4 800ha
Turbine development area	Turbine Foundation Area = 45m*32m*31 turbines = 4.4ha
SG codes	C03600000000020200000 C03600000000015000003 C03600000000020100000
Export capacity	Up to 248MW
Proposed technology	Wind turbines and associated infrastructure
Hub height from ground	Up to 200m
Rotor diameter	Up to 200m
Substation Area	Approximately 1.56ha
O&M building area	Approximately 1ha
Temporary construction laydown / staging area	Up to 7ha
Temporary site camp & concrete batching plant	1.6ha
Battery Energy Storage System (BESS)	3.6ha
Gatehouse and Security	Approximately 0.5ha
Hard stand areas	Approximately 10.8ha for blade hardstands and 9.5ha for crane hardstands
Width of internal access roads	Approximately 6 – 8m
Length of internal access roads	Approximately 50km
Site Access	The main road located within the region is the N14 National Highway which runs from Upington to Springbok and is located 20 km to the north of the site. A minor district road is located 7.2km to the west (R358), as well as a minor farm access road routing through the proposed development area (east to west). These roads are for farming access and are gravel, usually unsuited for tourist related traffic.
Proximity to grid connection	Approximately 60km from application site
Height of fencing (for substation)	Approximately 3.5m high
Type of fencing (for substation)	Galvanized palisade fencing

Conditions of this Environmental Authorisation

Scope of authorisation

1. The proposed Pofadder Wind Facility 2 and associated infrastructure, near Pofadder, 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 may 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. Construction must be completed within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. 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.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued,
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014,
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

12. The authorised activity shall 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

13. A copy of the final site layout map must be made available for comments to the registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following:
 - 13.1. Cable routes (where they are not along internal roads).
 - 13.2. Position of wind turbines and its numbers.
 - 13.3. Battery energy Storage System (BESS) and the coordinates.
 - 13.4. Internal access roads (6m - 8m wide).
 - 13.5. Main access road (8m – 12m wide)

- 13.6. Laydown area and the coordinates on the legend.
- 13.7. Operation and maintenance buildings including a gate and security building, control centre, offices, warehouse, and workshop areas for maintenance and storage and their coordinates.
- 13.8. All sensitive features and its buffer zones, i.e., rocky outcrops, 35m for drainage lines, 50m for depression wetlands, 50m for minor ephemeral washes, 100m for primary and large ephemeral washes, Verreaux's Eagle nest and Martial Eagle nest and its buffer zones.
- 13.9. A 2.8km turbine "No go" buffer area around the vulture roost on the Aries – Aggeneys 1 400kV high voltage line as per the recommendations of the avifaunal specialist.
- 13.10. A 500m "No go" buffer area around all surface water (water troughs) as per the recommendations of the avifaunal specialist.
14. The Environmental Management Programme (EMPr) for the facility submitted as part of the EIAr is not approved and must be amended to include measures as dictated by the final site lay-out map. The EMPr must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
15. The amended EMPr must include the final layout map.
16. The generic EMPr for the substation appended to the final EIAr is hereby approved
17. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
18. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
19. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

Frequency and process of updating the EMPr

20. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 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.
21. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.

22. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 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.
23. 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 the EIA Regulations, 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.
24. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

25. The holder of the authorisation must appoint an experienced 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.
 - 25.1. The ECO must be appointed before commencement of any authorised activities.
 - 25.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 25.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 25.4. 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

26. 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.

27. 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.
28. 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 the EIA Regulations, 2014 as amended.
29. The holder of the authorisation must, in addition, submit 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.
30. 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.
31. 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

32. 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

33. 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

34. 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

35. A 2.8km turbine exclusion zone must be implemented around the vulture roost on the Aries – Aggeneys 1 400kV high voltage line.
36. All un-surveyed parts of the final approved layout must be surveyed for archaeological sites and graves prior to construction to determine whether further mitigation measures are required.
37. All surface water (water troughs) must be buffered by 500m (all infrastructure) to prevent displacement of Sclater's Lark breeding population due to disturbance or water troughs must be relocated to maintain a minimum distance of 500m from the closest turbine.
38. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors (e.g., ephemeral pan or wetland)
39. Any buried archaeological resources or human remains, or burials be uncovered during the course of development activities must cease in the vicinity of these finds and the South African Heritage Resources Agency (SAHRA) must be contacted immediately.
40. No activities will be allowed to encroach into a water resource without a Water Use License being in place from the Department of Water and Sanitation.
41. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping. Copies of the permit/s must be included in the final EMPr to be submitted to this Department for approval before commencement of construction activities.
42. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
43. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the EIAR dated 22 September 2022 must be implemented to reduce the risk of erosion and the invasion of alien species.
44. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

General

45. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 45.1. at the site of the authorised activity,
 - 45.2. to anyone on request; and

- 45.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
46. 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: 09 January 2023



Mr Vusi Skosana

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

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 listed activities as applied for in the application form received on 22 September 2022.
- b) The information contained in the final EIAr dated 22 September 2022.
- c) The comments received from interested and affected parties as included in the final EIAr dated 22 September 2022.
- d) Mitigation measures as proposed in the final EIAr and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the final EIAr dated 22 September 2022.

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 stems from the provision of electricity to the national grid.
- c) The final EIAr dated 22 September 2022 identified all legislations and guidelines that have been considered in the preparation of the EIAr.
- d) The methodology used in assessing the potential impacts identified in the final EIAr dated 22 September 2022 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 EIAr dated 22 September 2022 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) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr and will 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, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The Environmental Authorisation is accordingly granted.