



forestry, fisheries & the environment

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

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DFFE Reference: 14/12/16/3/3/2/2134

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PER MAIL / E-MAIL

Dear Ms Strong

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED CAMDEN UP TO 400KV GRID CONNECTION, COMMON COLLECTOR SUBSTATION AND ASSOCIATED INFRASTRUCTURE ON PORTION 1 AND PORTION 2 OF WELGELEGEN FARM NO. 322, PORTION 0 OF CAMDEN POWER STATION FARM NO. 329, PORTION 14 AND 20 OF MOOPLAATS FARM NO. 290, PORTION 2 AND PORTION 12 OF UITKOMST 292 NEAR ERMELO WITHIN MSUKALIGWA LOCAL 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 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):

a) 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 final scoping report 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. This is the responsibility of the EAP to ensure only relevant information is included in

the report. For example, activity 11 in the application form and final scoping report, refer to different sub-activities, which the description is also not in line with the activity triggered. Please ensure the EIAR address all the listed activities applied for.

- Activity 11 of Listing Notice 1 has been applied for and the power line capacity for the proposed activity is between 34 and 275 kilovolts. However, the portion of the proposed project to which the applicable listed activity relates mentioned that *“The Electrical Grid Infrastructure is located outside urban areas. The Collector Substation will be rated 132kV/400kV whereas the overhead power line planned will be up to 400kV. Where required from a technical perspective however, the grid connection capacity implemented may be reduced to 132kV if necessary”*. Please provide the exact capacity of the proposed activity as per the applicable listed activity (i.e. activity 11 of Listing Notice 1).
- For activity 12 of Listing Notice 1, you are required to provide the total footprint of the proposed infrastructure in square meters.
- The Department 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 a 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 CA has noted on page 12 of 37 of the application form in the description of the portion of the project that relates to activity 27 of Listing Notice 1 you have use of the word **“may be required”**. Please refrain from using words such as **“may be required”** in relation to the applicable listed activities.
- 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>.

b) Project Description

It is noted that listed activity 14 of Listing Notice 1 and activity 14 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 of 37 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.

c) Alternatives

- Please provide a description of any identified alternatives for the proposed activity(ies) i.e., power line and substation, 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.

d) 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.

e) 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:
 - The power line corridor;
 - 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;
 - 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 maps must have a **clear legend with information communicating with that on the map**, be overlain with the sensitivity map and shows neighbouring existing grid infrastructure that form part of the Camden Renewable Energy Complex.
- According to the Biodiversity map on page 109 of the FSR, the proposed development is located within the Protected Area National Park and Nature Reserve as well as Protected Area Environment: Modified and Natural. You are required to provide details of the National Park or Nature Reserve and Protected Area Environment: Modified and Natural.
- It has been noted that the location of the proposed development is situated in an area with Eastern Highveld Grassland, which is endangered and or vulnerable. Therefore, you are required to explain why the site is considered suitable for the proposed development and specialists' findings must be taken into account while addressing this issue.
- The sensitivity map must be redesigned and consider Specialist recommendations as well as MTPA comments regarding sensitive areas. Please be advised that **Google maps will not be accepted**.

f) Specialist assessments

The following Specialist Assessments will form part of the EIA:

- 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 Impact Assessment;
- Avifauna Impact Assessment;
- Social Impact Assessment; and
- Desktop Geotechnical Assessment.

The EAP must ensure that the terms of reference for all the identified specialist studies 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 authorisations. You are advised to provide a table listing all the specialist studies undertaken with the recommendation for the proposed development.
- 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 Departments definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer.
- All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternatives 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 expertise advice.
- It is brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020, have come into effect. Please note that specialist assessments (for all environmental themes identified by screening tool) must be conducted in accordance with these protocols unless proof is provided to demonstrate that the specialist assessments were commissioned prior to 50 days after the promulgation of GN 320 and after promulgation of GN1150 (30 October 2020).
- 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 indicating 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 suitable for the proposed development. Therefore, ensure detailed assessment is undertaken and submitted in the final report.

g) Cumulative Impact Assessment

The cumulative impacts of the proposed development must be undertaken as per the requirements of the EIA Regulations.

h) Environmental Management Programme (EMPr)

Ensure that two generic EMPrs are submitted for the management of impacts of both the powerline and substation that will be constructed as part of this development.

i) 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 that “no development, construction or farming may be permitted in a nature reserve without written approval of the management authority”.
- It has been noted that when describing how listed activities are triggered, you confirmed that the site is located within the Nature Reserve. You further indicated that there are farming activities taking place within the Nature Reserve. Considering that Section 50(5) requires that approval must be obtained even for farming, your reasons provided that the site is not a Nature Reserve is deemed inadequate.
- 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, it was indicated that, considering that MTPA mentioned in their comments dated 25 March 2022, that the site is located within the Nature Reserve, it is your responsibility (as an EAP on behalf of the Applicant) to determine whether the site falls within the Nature Reserve or not. 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.
- It has been noted that even the FSR compiled by you as an EAP, makes reference to the findings of the Terrestrial Ecological specialist on page 109, Figure 5-17, and the Avifaunal specialist on page 18 submitted as part of the FSR, that the site is located within the Nature Reserve or part of the Nature Reserve. Therefore, you are required to provide proof that the site is not located within the Nature Reserve.
- 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.

j) Strategic Infrastructure Project (SIP) confirmation letter

It has been noted that there is no SIP confirmation letter included in the application form. You are advised to submit the confirmation letter, should the project be considered as a SIP. The confirmation letter can be obtained from SIP Coordinator at SibuyiV@eskom.co.za.

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: 18/05/2022

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