

# Appendix J

## **DFFE CA CONFIRMATION LETTER**





agriculture, rural development,  
land & environmental affairs

**MPUMALANGA PROVINCE**  
REPUBLIC OF SOUTH AFRICA

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Departement van Landbou,  
Landelike Ontwikkeling,  
Grond en Ongewing Sake

umNyango weZelimo  
UkuThuthukiswa kweeNdawo zemaKhaya,  
iNarha neeNdaba zeBhoduluko

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Mr. Sabelo Malaza  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs  
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Email: TFhedzisani@dffe.gov.za

Dear Sir,

**AGREEMENT IN TERMS OF SECTION 24C(3)B OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (ACT 107 OF 1998), AS AMENDED, FOR THE MINISTER TO DEAL WITH APPLICATIONS FOR ENVIRONMENTAL AUTHORISATION FOR ACTIVITIES ASSOCIATED WITH THE ESKOM PHASE 1A LAND LEASING PROJECTS IN MPUMALANGA PROVINCE**

Your request, dated 25 May 2023, to this Department to consider the abovementioned agreement refers.

According to the information provided by you, Eskom has signed option-to-lease agreements with the following five Independent Power Producers (IPP)s:

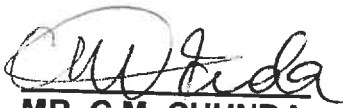
1. HDF Energy
2. SA Mainstream Renewable Power Projects
3. Red Rocket South Africa
4. African Clean Energy Developments
5. SOLA Group

Eskom will lease 17 land parcels comprising 6184 ha to the five abovementioned IPPs for a period of 25 years, to generate and store 1800 MW of electricity. It is therefore anticipated that the land leased to the IPPs will accommodate infrastructure associated with electricity generation, as well as all associated infrastructure including power lines and collector stations. This first batch of option-to-lease agreements is known as the Phase 1A Eskom Land Leasing Projects in Mpumalanga Province, which is intended to accelerate the connection of additional capacity to the national grid to improve reliability of supply.

In the interest of ensuring consistent, effective and efficient decision-making, this letter serves to confirm that the MEC of the Department of Agriculture, Rural Development, Land and Environmental Affairs agrees, in terms of Section 24C(3)b, that applications for environmental authorisation for activities listed in Government Notices R983, R984 and R985 of 4 December 2014 (as amended) associated with the Eskom Phase 1A Land Leasing Projects in Mpumalanga, be dealt with by the Minister.

Please note that this agreement is subject to each IPP undertaking meaningful consultation with Mpumalanga Tourism and Parks Agency (MTPA). Sites must be screened in consultation with MTPA (specifically with the Biodiversity Planning and Land Use Advisory Units), and MTPA as well as this Department's Chief Directorate Environmental Affairs (specifically the Directorates Environmental Impact Management and Pollution and Waste Management) must be consulted in respect of the requirements of Chapter 6 of the EIA Regulations 2014 (as amended).

Yours faithfully,



**MR. C.M. CHUNDA**  
**HEAD: AGRICULTURE, RURAL DEVELOPMENT,**  
**LAND AND ENVIRONMENTAL AFFAIRS**

DATE: 20/6/23

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# forestry, fisheries & the environment

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## PER MAIL / E-MAIL

Dear Mr CM Chunda

### **REQUEST FOR AN AGREEMENT IN TERMS OF SECTION 24C(3)(B) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, (ACT NO. 107 OF 1998), AS AMENDED FOR THIS DEPARTMENT TO BE THE COMPETENT AUTHORITY TO PROCESS THE APPLICATIONS FOR THE ENVIRONMENTAL AUTHORISATION FOR THE ESKOM PHASE 1 LAND LEASING PROJECTS WITHIN THE MPUMALANGA PROVINCE**

In accordance with Sub-section 24C(3)(b) of the National Environmental Management Act, 1998, (Act 107 of 1998) ("NEMA"), and the NEMA Environmental Impact Assessment Regulations 2014 (GN No. R982 of 4 December 2014, as amended) the Department of Forestry, Fisheries and the Environment request a 24C(3) (b) agreement to deal with the following applications in respect of activities contemplated in the Environmental Impact Assessment Regulations Listing Notice 1, 2 and 3 of the 2014 Environmental Impact Assessment (EIA) Regulations, as amended.

On 16 March 2023, this Department received a letter from Eskom, requesting for an agreement in terms of Section 24C(3)(b) of NEMA, for the DFFE be the competent authority to process the EIA applications for environmental authorisation for the ESKOM Phase 1 land leasing projects within the Mpumalanga Province.

Phase 1A is the first batch of option to lease agreements which has been signed with private companies. The project involves contracts for 1 800MW, and Eskom will lease 6 184 hectares of agricultural land to the private suppliers, with leases lasting 25 years. It is expected that the generators will be connected to the grid within 18 to 24 months if all regulatory processes are expedited. The objective is to accelerate the connection of additional capacity to the national grid to improve the reliability of supply.

Eskom has signed option agreements with five Independent Power Producers (IPPs):

1. HDF Energy
2. SA Mainstream Renewable Power Projects
3. Red Rocket South Africa

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- 4. African Clean Energy Developments
- 5. SOLA Group

Eskom has allocated 17 land parcels between the 5 IPPs. They are currently busy with the EIA process which will determine the exact extent of the useable parcels of land as well as the estimated megawatts that will be generated. The land parcels will consist of the renewable project site as well as ancillary infrastructure such as powerlines, collector stations, etc.

The Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs was identified as the appropriate Competent Authority for these applications. However, Eskom is requesting to submit these EIA applications to this Department for review and consideration.

The motivation provided by Eskom is that this is the first phase of a four phase project in various parts of the country. The expectation is that different Competent Authorities will deal with the aforementioned application due to its location. Eskom indicated that their applications for Environmental Authorisation are processed by the DFFE in line with S24C of NEMA and hence requested that these applications also be dealt with by the DFFE to be in line with authorisations issued to Eskom and to ensure that all of these applications are considered in a streamlined process.

The department is of the opinion that it would be ideal if DFFE dealt with the EIA applications for environmental authorisation for the ESKOM Phase 1 land leasing projects within the Mpumalanga Province.

Taking all of the above into consideration, the Department of Forestry, Fisheries and the Environment request that you favourably consider the abovementioned Section 24C(3)(b) request, for the application for environmental authorisation for the ESKOM Phase 1 land leasing projects within the Mpumalanga Province.

Yours sincerely

  
**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Date: 25/05/2023**

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