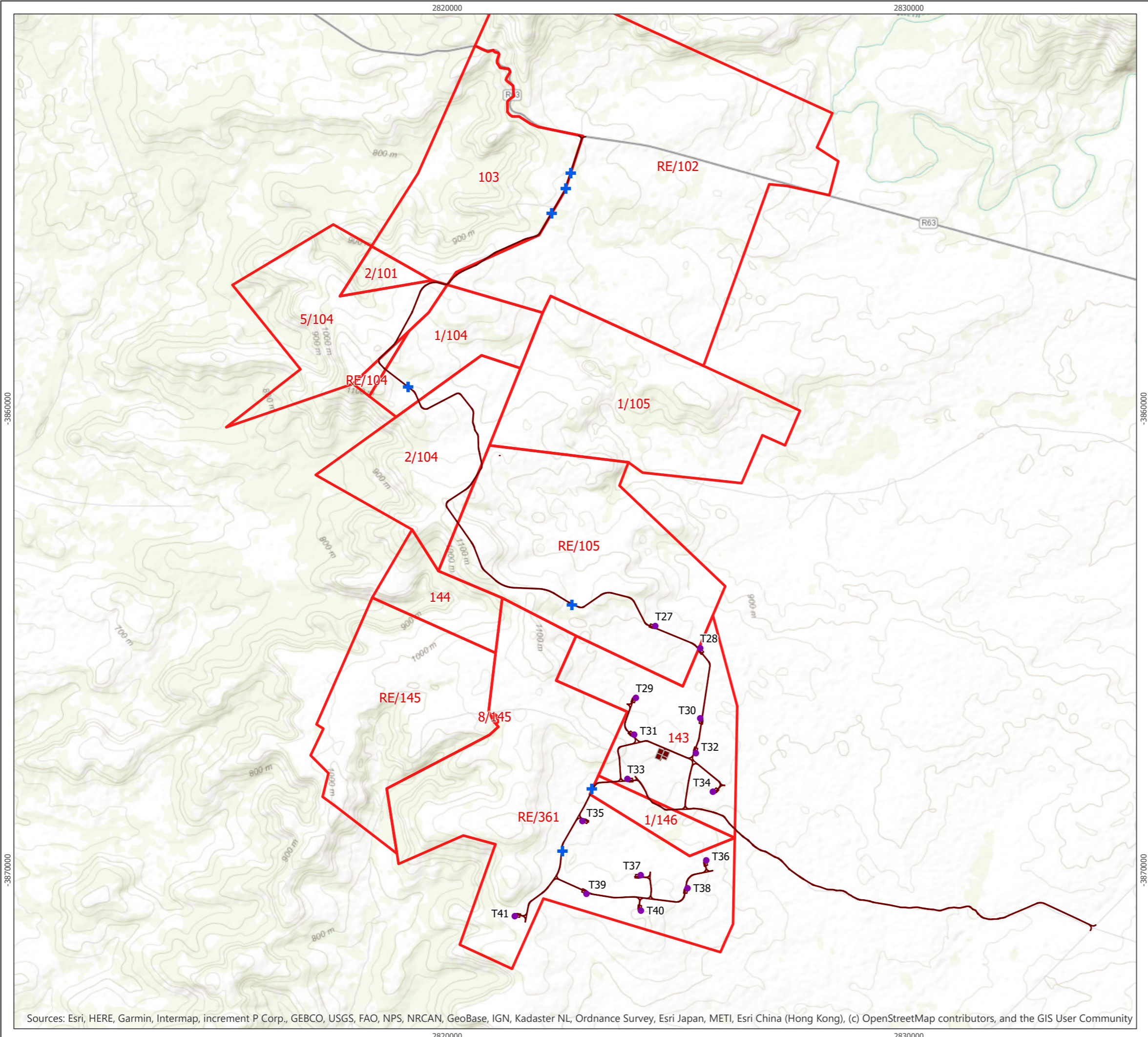


## **Appendix A:**

**Preliminary layout included in “Revised Final BAR” (November 2019) for the Highlands South WEF (Source: Arcus Consultancy Services South Africa (Pty) Ltd)**



- Land Parcel Boundary
- South WEF Turbine Location
- + Watercrossings
- Roads and Crane Pads
- Substation C, O&M Complex & Laydown Area



Produced By: SC	Ref: 2780-REP-036
Checked By: RA	Date: 08/10/2019

**Revised Highlands South WEF  
Development Plan  
Figure 7.2A**

**Highlands South WEF  
Revised Basic Assessment Report**

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

## **Appendix B:**

### **Application for Amendment of the EA Form**





# forestry, fisheries & the environment

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

## **APPLICATION FORM FOR AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION**

Application for amendment to a valid Environmental Authorisation in terms of the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended (the Regulations)

### **PROJECT TITLE**

HIGHLANDS SOUTH WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE (14/12/16/3/3/1/1960/AM1)

Indicate if the **DRAFT** report accompanies the application

Yes

No

### **PRE-APPLICATION CONSULTATION**

Was a pre-application meeting held	<b>Yes</b>	✓	
Date of the pre-application meeting	15 September 2020		
Reference number of pre-application meeting held	2020-08-0015		
Was minutes compiled and submitted to the Department for approval	<b>Yes</b>	✓	

A copy of the pre-application meeting minutes must be appended to this application as **APPENDIX 1**.

### **Kindly note the following:**

1. This form must be used to apply for the Amendment of an Environmental Authorisation where this Department is the Competent Authority. An amendment includes:
  - a) adding, substituting, removing or changing a condition or requirement of an Environmental Authorisation, or
  - b) updating or changing any details or correcting a technical error.
2. This form is current as of **April 2021**. It is the responsibility of the Applicant / Environmental Assessment Practitioner (EAP) to ascertain whether subsequent versions of the form have been published or produced by the Competent Authority. The latest available Departmental templates are available at <https://www.environment.gov.za/documents/forms>.
3. An application fee is applicable (refer to **Section 2**). Proof of payment must accompany this application. The application will not be processed without proof of payment unless one of the exclusions provided for in the Fee Regulations is applicable AND such information in the exclusion section of this application form has been confirmed by this Department.
4. A cover letter on your company letterhead indicating the nature of this application must be appended to this form i.e. new application for Environmental Authorisation, updated application for Environmental Authorisation.
5. An electronic copy of the signed application form must be submitted of both the Applicant and EAP.
6. This form must be marked **“for Attention: Chief Director: Integrated Environmental Authorisations”** and submitted to the Department at the format as prescribed in the process to upload documents form.
7. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will



extend automatically when each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g. Arial 10).

8. Where applicable black out the boxes that are not applicable in the form.
9. The use of the phrase “not applicable” in the form must be done with circumspection. Where it is used in respect of material information that is required by the Competent Authority for assessing the application, this may result in the rejection of the application as provided for in the Regulations.
10. Unless protected by law, all information contained in and attached to this application, will become public information on receipt by the Competent Authority. Upon request during any stage of the application process, the Applicant / EAP must provide any registered interested and affected party with the information contained in and attached to this application.
11. Should a specialist report or report on a specialised process be submitted at any stage for any part of this application, the terms of reference for such report and declaration of interest of the specialist must also be submitted.
12. Please note that this form must be copied to the relevant Provincial Environmental Department(s).
13. Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 2**. Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form.
14. An application for Amendment of the Environmental Authorisation lapses if the applicant fails to meet any of the timeframes prescribed in terms of the EIA Regulations, 2014, as amended.

#### **Departmental Details**

##### **Online Submission:**

EIAApplications@environment.gov.za or <https://sfiler.environment.gov.za:8443/>.

**Please read the process for uploading files to determine how files are to submitted to this Department**

##### **Postal address:**

Department of Forestry, Fisheries and the Environment  
Attention: Chief Director: Integrated Environmental Authorisations  
Private Bag X447  
Pretoria  
0001

##### **Physical address:**

Department of Forestry, Fisheries and the Environment  
Attention: Chief Director: Integrated Environmental Authorisations  
Environment House  
473 Steve Biko Road  
Arcadia

Queries must be directed to the Directorate: Coordination, Strategic Planning and Support at:  
Email: EIAAdmin@environment.gov.za

**1. COMPETENT AUTHORITY**

Identified Competent Authority to consider the application:  
Reason(s) in terms of S24C of NEMA:

Department of Forestry, Fisheries and the Environment (DFFE)
Renewable Energy Application

**2. FEES**

Applicants are required to tick the appropriate box below to indicate that either proof of payment is attached or that, in the applicant's view, an exclusion applies. Proof of payment or a motivation for exclusions must be attached as **APPENDIX 3** of this application form.

Proof of payment attached	<b>Yes</b>	<input type="checkbox"/>
Payment Reference Number	-32.784005/25.361404	
Exclusion in terms of Regulation 2(a) or 2(b) of GNR 141 of 28 February 2014	<input type="checkbox"/>	<b>No</b>

An applicant is excluded from paying fees if:

- The activity is a community based project funded by a government grant; or
- The applicant is an organ of state.

TYPE OF EXCLUSION	Tick where applicable. Proper motivation must be attached to the application
The activity is a community based project funded by a government grant	<input type="checkbox"/>
The applicant is an organ of state	<input type="checkbox"/>

FEE AMOUNT	Fee
Application for an Amendment of an Environmental Authorisation	R2 000 ✓

Department of Department of Forestry, Fisheries and the Environment banking details for the payment of application fees:

<p><b>Payment Enquiries:</b> Email: eiafee@environment.gov.za</p> <p><b>Banking details:</b> ABSA Bank Branch code: 632005 Account number: 1044 2400 72 Current account</p> <p><b>Reference number : Reference number to be provided in the specific format indicating centre point coordinates of site in decimal degrees to 5 or 6 decimal places: latitude/longitude</b> eg. -33.918861/18.423300</p> <p><b>Status:</b> Tax exempted</p>
---

**3. GENERAL INFORMATION**

Name in which the EA was issued to	Highlands South Wind Energy Facility RF (Pty) Ltd	
Name of the Applicant:	Highlands South Wind Energy Facility RF (Pty) Ltd	
RSA Identity/ Passport Number:	N/A	
Name of contact person for applicant (if other):	Mr Alan Wolfromm	
RSA Identity/ Passport Number:	4808225105081	
Responsible position, e.g. Director, CEO, etc.:	Director	
Company/ Trading name (if any):	Highlands South Wind Energy Facility RF (Pty) Ltd	
Company Registration Number:	2015/425520/07	
BBBEE status:	Level 4	
Physical address:	Mountain Forest Farm, ERF 384 Hoekwil, Western Cape	
Postal address:	PO Box 762, Wilderness, Western Cape, 6560	
Postal code:	6560	Cell: +27 82 529 4909
Telephone:		Fax:
E-mail:	mrwolf@wkn-windcurrent.com	

Name of the landowner:	Please refer to Appendix 4	
Name of contact person for landowner (if other):		
Postal address:		
Postal code:		Cell:
Telephone:		Fax:
E-mail:		

Name of Person in control of the land:	As above.	
Name of contact person for person in control of the land:		
Postal address:		
Postal code:		Cell:
Telephone:		Fax:
E-mail:		

In instances where there is more than one landowner, please attach a list of those landowners with their contact details as **APPENDIX 4**.

Certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 2**. Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form



Provincial Environmental Authority:	Eastern Cape Department: Economic Development, Environmental Affairs and Tourism		
Name of contact person:	Gerry Pienaar/ Charmaine Struwig		
Postal address:	P/Bag X0054		
Postal code:	5604	Cell:	
Telephone:	043 605 7051/ 041 508 5839	Fax:	043 605 7300
E-mail:	Gerry.pienaar@dedea.gov.za/ Charmaine.Mostert@dedea.gov.za		
Local Municipality:	Blue Crane Route Local Municipality		
Name of contact person in (Environmental Section)	Thabiso Klaas (Municipal Manager)		
Postal address:	PO Box 21, Somerset East		
Postal code:	5850	Cell:	
Telephone:	042 243 6402 / 042 243 6402	Fax:	042 243 0633
E-mail:	mmanager@bcrm.gov.za / thabisok@bcrm.gov.za		

In instances where there is more than one Local/Provincial Authority involved, please attach a list of those Local/Provincial Authorities with their contact details.

#### 4. ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) INFORMATION

Company of Environmental Assessment Practitioner:	Holland & Associates Environmental Consultants			
B-BBEE	Contribution level (indicate 1 to 8 or non-compliant)	Level 4	Percentage Procurement recognition	100%
EAP name:	Nicole Holland			
EAP Qualifications:	BSc (Hons) Environmental and Geographical Science			
Professional affiliation/registration:	Registered with the South African Council for Natural Scientific Professions (Reg No.: 400306/06). Environmental Assessment Practitioner (EAP) - Registered with the Environmental Assessment Practitioners Association of South Africa (EAPASA) (Reg No.: 2020/493) Member of the IAIAA (International Association for Impact Assessment (Western Cape Branch)).			
Physical address:	Unit B3C, Tokai Village, Vans Road, Tokai, Cape Town, 7945			
Postal address:	P.O. Box 31108, Tokai, Cape Town			
Postal code:	7966	Cell:	083 464 5246	
Telephone:	083 464 5246	Fax:		
E-mail:	nicole@hollandandassociates.net			

The appointed EAP must meet the requirements of Regulation 13 of GN R982 of 04 December 2014, as amended.

If appointed, the declaration of independence of the EAP and undertaking under oath or affirmation that all the information submitted or to be submitted for the purposes of the application is true and correct must be submitted as **APPENDIX 5**.

**5. DETAILS OF IMPLEMENTATION OF PREVIOUS ENVIRONMENTAL AUTHORISATION**

Reference Number of EA:	14/12/16/3/3/1/1960
Date EA issued:	21 January 2020
Reference Number of all amendments issued with its respective dates:	N/A
Date EA expires: N.B. Regulation 28(1)(A) of the EIA Regulations 2014, as amended states that <i>“The competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application...”</i>	21 January 2025

Was the activity commenced with during the validity period of the environmental authorisation? If yes, please describe the implementation of the previous environmental authorisation to date:	<b>NO</b>
No commencement has occurred, and the environmental authorisation issued on 21 January 2020 is still valid (for a period of 5 years from the date of issue).	

**6. AMENDMENTS APPLIED FOR AND RELATED INFORMATION**

Please indicate if the amendment being applied for falls within the ambits of a Part 1 of Part 2 amendment, as outlined in Chapter 5 of the EIA Regulations, 2014 as amended.

Part 1	Part 2 ✓
	<del>Part 2</del>

**Please note, that whilst this has been indicated, the Department will when acknowledging receipt agree or disagree with the amendment being applied for, and the process to be followed must be that as outlined in the official acknowledgement letter.**

Does the project form part of a Renewable Energy Development Zone (REDZ) as per GN 114?	<b>YES</b>	
Does the project form part of an Electricity Grid Infrastructure (EGI) as per GN 113?		<b>NO</b>
Does the project form part of any of the Strategic Infrastructure Projects (SIPs) as described in the National Development Plan, 2011? (Note: It is our understanding that only preferred bidders are classified as SIP's, if the Applicant registers his project with the PICC. Given that the project has not received preferred bidder status as yet, the project is not yet classified as a SIP).		<b>NO</b>
Did you attached the confirmation of SIP obtained from the relevant sector representative (SIP Coordinators) and not a motivation from an EAP		<b>NO</b>

If **YES**, is selected:

- For an application in terms of GN 113 and/or 114, then a map confirming this must be attached;
- For a SIP project, kindly indicate which SIPs are applicable in **APPENDIX 5 and attach the** confirmation of SIP applications from the relevant sector representative in **APPENDIX 5**. Should no proof be provided, the application will be considered as a normal EIA Application.

Please indicate which of the following is relevant:

6.1. The holder of an environmental authorisation may at any time apply to the relevant Competent Authority for the amendment of the authorisation if:

(a) there is a material change in the circumstances which existed at the time of the granting of the environmental authorisation;		NO
(b) there has been a change of ownership in the property and transfer of rights and obligations must be provided for; or		NO
(c) any detail contained in the environmental authorisation must be amended, added, substituted, corrected, removed or updated.	YES	

Describe the amendments that are being applied for:
<p>The Applicant is proposing the following amendments<sup>1</sup> to the EA for the Highlands South WEF:</p> <ul style="list-style-type: none"> <li>• Amendments to the project description (including amendments to the turbine specifications (in order to align to current international wind turbine generators (WTG) models), a reduction in the number of turbines, removal of the specified generation capacity for individual turbines, as well as the addition of a Battery Energy Storage System (BESS) (within the authorized footprint of the WEF));</li> <li>• Amendments to the preliminary layout of the project; and</li> <li>• Removal of Conditions 17.1 and 42 of the EA.</li> </ul> <p>The proposed amendments are described further below.</p> <p><b>1. Proposed amendments to the project description</b></p> <p>The following amendments to the project description are proposed:</p> <ul style="list-style-type: none"> <li>• Reducing the maximum number of turbines from “up to 15 turbines” to “up to 12 turbines”;</li> <li>• Removing the specified generation capacity per turbine (i.e. 6MW) from the project description;</li> <li>• Increasing the rotor diameter from a maximum of 150 m to a maximum of 175 m;</li> <li>• Increasing the blade length from a maximum of 75 m to up to 87.5 m;</li> <li>• Increasing the hub height from a maximum of 135 m to up to 180 m;</li> <li>• Increasing the tip height from a maximum of 200 m to up to 267.5 m;</li> <li>• Increasing in foundation size from “<i>approximately 25m x 25m in total and up to 5m deep per turbine</i>” as described in the Revised Final BAR (November 2019) to “up to approximately 35 m x 35 m in total and up to 7 m deep per turbine”;</li> <li>• The addition of a Battery Energy Storage System (BESS) adjacent to the substation on the temporary laydown area (with a footprint of approximately 1 ha and a height of up to 8m); and</li> <li>• Reducing the length of internal roads from approximately 50 km to approximately 45 km (given the reduction in the number of turbines). (The width of internal roads would remain unchanged from the EA, i.e. approximately 12 m).</li> </ul> <p>Table 1 summarises the proposed project components to be amended, the authorised description of the components, as well as the proposed amendments.</p>

<sup>1</sup> Note: Should the proposed amendments be granted, it is recommended that the text of Condition 17.3 be amended to ensure that the updated mitigation measures outlined by the bat and noise specialists as a result of the proposed amendments, are addressed in the EA. Refer to Appendix 8 attached hereto.  
Application for Amendment of an Environmental Authorisation Form – April 2021



**Table 1: Highlands South WEF: Proposed amendments to the project description**

Component	Approved	Proposed amendment
Number of turbines:	Up to 15 turbines	Up to <u>12</u> turbines
Generation capacity of the WEF:	Up to 90 MW	No change
Generation capacity per turbine:	Up to 6 MW	Remove generation capacity per turbine
Rotor / blade diameters:	Maximum of 150 m	Maximum of <u>175 m</u>
Hub height:	Up to 135 m	Up to <u>180 m</u>
Tip height:	Up to 200 m	Up to <u>267.5 m</u>
Foundation Size:	up to approximately 25 m x 25 m in total and up to 5 m deep per turbine	up to approximately <u>35 m x 35 m</u> in total and up to <u>7 m</u> deep per turbine
Hard Stand area per turbine:	5000 m <sup>2</sup>	<u>6000 m<sup>2</sup></u>
<u>Battery Storage</u>	N/A (Not currently included in project description)	<u>Battery Energy Storage System (BESS) adjacent to the substation on the temporary laydown area (with a footprint of approximately 1ha, and a height of approximately 8m).</u>
Length of internal roads	Approximately 50 km	Approximately <u>45 km</u>

The proposed Battery Energy Storage System (BESS), adjacent to the substation (on the authorised temporary laydown area), would have a footprint of approximately 1 ha, a height of approximately 8 m, and would include the details described in Table 2 below:

Table 2: Proposed BESS and Associated Infrastructure

INFRASTRUCTURE	FOOTPRINT, DIMENSION AND DETAILS
Technology	Solid State (eg: Lithium Ion) or Flow Technologies
BESS footprint	Up to 1ha in total extent, including foundation and containerised battery system
Capacity	870MWh
Access road to BESS	The authorised road used to approach the substation compound would be used for the BESS, and once inside the substation compound, there would be internal roads to the office parking, substation and BESS. The roads may be approximately 8m in width.
Height	Up to 8m
Fencing	Fencing around the footprint of the BESS will be installed for access restriction measures.

Note: Due to rapidly changing preferences and improvements to battery technology, the selection of the type of battery technology would only take place during the detailed design process and after the appointment of the battery supplier.

## 2. Proposed amendment to the preliminary layout

The Applicant proposes minor adjustments to the turbine positions of the preliminary approved layout in order to minimise wake effects between turbines as well as to avoid the proposed amended blade length extending into areas identified as highly sensitive for birds and bats. In this regard, the proposed amendments to the preliminary layout include the following:

- Refinement to the turbine positions (with three authorized turbine positions having been removed, given the proposed reduction in the number of turbines for the WEF).

- Refinement to the proposed access roads layout (due to amendments to turbine positions and the reduction in the number of turbines).
- Rotation of the WEF substation yard, to fit the proposed amended road layout.
- The proposed BESS would be located adjacent to the substation, on the temporary laydown area.

The proposed amended co-ordinates of the turbine positions are provided in Table 3 below:

**Table 3:** Co-ordinates of turbine position in the preliminary layout included in the Revised Final BAR (dated November 2019) and EA, and the proposed amended co-ordinates of turbine positions (Note: Amendments are underlined for ease of reference)

Turbine Number	Preliminary Layout included in Revised Final BAR (November 2019) (as presented on page 8 of the EA)		Proposed Amendment	
	Latitude (S)	Longitude (E)	Latitude (S)	Longitude (E)
T29	32°46'51.40"S	25°22'9.10"E	<del>32°46'51.40"S</del> <u>Removed</u>	<del>25°22'9.10"E</del> <u>Removed</u>
T27	32°46'9.14"S	25°22'22.67"E	32°46'9.05"S	25°22'22.98"E
T28	32°46'22.18"S	25°22'54.18"E	32°46'22.18"S	25°22'54.18"E
T30	32°47'3.48"S	25°22'54.16"E	<del>32°47'3.48"S</del> <u>Removed</u>	<del>25°22'54.16"E</del> <u>Removed</u>
T34	32°47'46.68"S	25°23'3.03"E	32°47'46.68"S	25°23'3.03"E
T31	32°47'13.08"S	25°22'7.90"E	32°47'13.08"S	25°22'7.90"E
T32	32°47'24.00"S	25°22'51.10"E	32°47'22.05"S	25°22'49.81"E
T33	32°47'39.17"S	25°22'3.15"E	32°47'33.78"S	25°21'59.14"E
T35	32°48'3.94"S	25°21'31.62"E	<del>32°48'3.94"S</del> <u>Removed</u>	<del>25°21'31.62"E</del> <u>Removed</u>
T36	32°48'27.09"S	25°22'58.41"E	32°48'27.08"S	25°22'58.41"E
T38	32°48'43.49"S	25°22'45.29"E	32°48'43.50"S	25°22'45.27"E
T37	32°48'35.81"S	25°22'12.46"E	32°48'35.80"S	25°22'12.46"E
T40	32°48'56.68"S	25°22'12.63"E	32°48'56.68"S	25°22'12.62"E
T39	32°48'46.80"S	25°21'34.46"E	32°48'46.80"S	25°21'34.46"E
T41	32°48'59.94"S	25°20'44.24"E	32°49'1.18"S	25°20'44.71"E

### 3. Removal of Condition 17.1 from the EA

Condition 17.1 of the EA states that the EMPr amendment must include the following: *“An Electromagnetic Compatibility (EMC) Control Plan, which identifies potential risk, mitigation measures and appropriate test and acceptable procedures during the design and construction of this facility. The EMC Control Plan must be made available to the Square Kilometre Array South Africa (SKA-SA) for acceptance and the SKA-SA accepted EMC Control Plan must be submitted to this Department for approval prior to construction.”*

Given that the project site is located in the Eastern Cape near Somerset East, approximately 300km from the Square Kilometre Array (SKA) Virtual Centre (core) in the Northern Cape, an Electromagnetic Compatibility Control Plan is not deemed necessary for the proposed project. Confirmation in this regard was obtained from the South African Radio Astronomy Observatory (SARAO) in July 2021. SARAO have confirmed that the project *“represents a low risk of interference to the SKA radio telescope with a compliance surplus of 88.98 dBm/Hz”*. They further confirmed that they do not require an EMC Control Plan for the project, and do not object to the development. Refer to Appendix I of the Amendment Assessment Report for the letter

from SARAO confirming such. In light of the above, the Applicant is applying for the removal of Condition 17.1 of the EA.

#### **4. Removal of Condition 42 from the EA**

Condition 42 of the EA states that “*The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)*”. As indicated in the Revised Final BAR for the project (November 2019), “*The majority of the development footprint lies within a NPAES focus area*” (Arcus Consultancy Services South Africa, 2019). The Applicant is therefore applying for the removal of Condition 42 of the EA, as it appears to be in conflict with the authorized project description and authorized EIA listed activities for the project (particularly the authorized EIA listed activities related to activities within the NPAES). Furthermore, it should be noted that the Highlands WEF area does not fall within an NPAES Focus Area under the more recent 2016 NPAES Layer (Todd, 2021).

The proposed amendments outlined in paragraphs 1 – 4 above would require an amendment to the text in the Environmental Authorisation for the project. Please refer to Appendix 8 attached hereto for the proposed amendments to the text of the EA.

It should be noted that, according to the Applicant, the proposed amendments to the project description, as outlined above, will not result in an increase in the size of the approved development footprint for the project. In this regard, the Revised Final BAR (November 2019) indicated that: “*Typically in wind energy facilities, the amount of surface area covered by turbines and associated infrastructure such as roads is less than 1% of the total site. The footprint of the facility is estimated at 51.4 ha*”. The development footprint with the proposed amendments would be approximately 48ha<sup>2</sup>, all of which lies within the development footprint assessed in the original Basic Assessment process.

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<sup>2</sup> Note: The estimated 51.4 ha development footprint for the authorized project includes the access roads that go through Highlands North WEF and Highlands Central WEF to reach the Highlands South WEF. The approximately 48 ha development footprint estimated for the proposed amendment has been estimated on the same principle, i.e. the 48 ha includes the access road that goes through Highlands North WEF and Highlands Central WEF to reach the Highlands South WEF. Therefore, if all three WEFs (i.e. Highlands North, Central and South WEFs) are constructed, the total footprint of the combined WEFs would be smaller than the sum of all three individual WEFs (given that sections of access roads would be shared). To provide a “worst case scenario”, however, the entire access road has been included in each WEF’s EA.



Please provide the reasons and/or a motivation for the application for amendment:

**1. Proposed amendments to the project description**

➤ Proposed amendments to turbine specifications:

The Applicant wishes to increase the maximum dimensions of the Wind Turbine Generators (WTGs) in order to align to current international WTG models. Given ongoing and rapid technological improvements in the wind energy industry, WTG models are evolving on a continual basis. In order to ensure that a WEF has the smallest possible footprint per total installed capacity, the WTGs are evolving in higher yielding and more efficient generating units. The authorised turbine model with specifications of 135 m hub height and 150 m rotor diameter is no longer the preferred wind turbine technology, as new, larger turbines are entering the market (WKN Windcurrent, 2020). The Applicant accordingly wishes to amend the authorised turbine specifications to future proof the project amidst rapid technology developments, whilst also reducing the number of WTGs at the WEF.

➤ Proposed reduction in the number of turbines:

In terms of the proposed reduction in the number of turbines at the Highlands North WEF (from 15 turbines to 12 turbines), for this project, it is the avifaunal specialists' recommendation that the cumulative rotor swept area (RSA) for all three Highlands WEFs (i.e. Highlands North WEF, Highlands Central WEF and Highlands South WEF) should not increase more than up to a maximum of 15% as turbine numbers decrease. The number of turbines being applied for (across the three Highlands WEF phases) is based on this avifaunal specialist recommendation, and the turbines selected to be built for each scenario is based on environmental sensitivities identified in the Basic Assessment and EA amendment process. The cumulative increase in RSA for the proposed amendments for the Highlands North WEF, Highlands Central WEF and Highlands South WEF, is only 11.4%, with a 17% decrease in number of turbines (Albertyn, 2021). It is preferred for avifauna to have fewer larger turbines, rather than more smaller turbines, at the same RSA. Therefore, the reduction in turbine numbers is likely to balance out or even outweigh the increase in RSA (Albertyn, 2021).

➤ Proposed removal of specified generation capacity per turbine:

In terms of the proposed removal of the specified generation capacity per turbine from the project description (specified as 6MW in the Revised Final BAR (November 2019) and EA, the individual turbine capacity has no bearing on environmental impact. It is the dimensions (size) of the individual turbine, along with its noise output, and the maximum permitted number of turbines, that are directly related to environmental impact (WKN Windcurrent, 2021). Some modern turbines have already increased beyond 6 MW capacity, and this trend is likely to continue in the near future within the validity period of the Environmental Authorisation (WKN Windcurrent, 2021).

➤ Proposed inclusion of a Battery Energy Storage System (BESS)

In terms of the proposed inclusion of a Battery Energy Storage System (BESS), battery storage offers a wide range of advantages to South Africa including renewable energy time shift, renewable capacity firming, electricity supply reliability and quality improvement, voltage regulation, electricity reserve capacity improvement, transmission congestion relief, load following and time of use (WKN Windcurrent, 2020). In essence, this technology allows renewable energy to enter the base load and peak power generation market and therefore can compete directly with fossil fuel sources of power generation and offer a truly sustainable electricity supply option (WKN Windcurrent, 2020).

The proposed amendments to the project description will not result in an increase in the size of the approved development footprint for the project. In this regard, the Revised Final BAR (November 2019) indicated that: “Typically in wind energy facilities, the amount of surface area covered by turbines and associated infrastructure such as roads is less than 1% of the total site. The footprint of the facility is estimated at 51.4 ha” (Arcus Consultancy Services South Africa, 2019). The development footprint with the proposed amendments would be approximately 48 ha<sup>3</sup> (WKN Windcurrent, 2020).

## 2. Proposed amendment to the preliminary layout

Amendments to the turbine positions in the preliminary layout are proposed, in order to minimise wake effects between the turbines, as well as to avoid any part of the proposed larger turbine blades extending into areas identified as highly sensitive for birds and bats.

Refinement to the proposed access roads layout is also required, due to the proposed amendments to the turbine positions and the reduction in the number of turbines (from 15 to a maximum of 12). Furthermore, the rotation of the substation yard is proposed for the Highlands South WEF to allow for the proposed amended road layout.

The proposed BESS would be located and developed immediately adjacent to the authorised substation on the temporary (construction) laydown area footprint, which forms part of the assessed and authorised development footprint of the proposed project.

## 3. Removal of Condition 17.1 from the EA

Condition 17.1 of the EA states that the EMPr amendment must include the following: “An Electromagnetic Compatibility (EMC) Control Plan, which identifies potential risk, mitigation measures and appropriate test and acceptable procedures during the design and construction of this facility. The EMC Control Plan must be made available to the Square Kilometre Array South Africa (SKA-SA) for acceptance and the SKA-SA accepted EMC Control Plan must be submitted to this Department for approval prior to construction.”

Given that the project site is located in the Eastern Cape near Somerset East, approximately 300km from the Square Kilometre Array (SKA) Virtual Centre (core) in the Northern Cape, an Electromagnetic Compatibility Control Plan is not deemed necessary for the proposed project. Confirmation in this regard was obtained from the South African Radio Astronomy Observatory (SARAO) in July 2021. SARAO have confirmed that the project “represents a low risk of interference to the SKA radio telescope with a compliance surplus of 88.98 dBm/Hz”. They further confirmed that they do not require an EMC Control Plan for the project, and do not object to the development. Refer to Appendix I of the Amendment Assessment Report for the letter from SARAO confirming such.

## 4. Removal of Condition 42 from the EA

Condition 42 of the EA states that “The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)”. However, as indicated in the

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<sup>3</sup> Note: The estimated 51.4 ha development footprint for the authorized project includes the access roads that go through Highlands North WEF and Highlands Central WEF to reach the Highlands South WEF. The approximately 48 ha development footprint estimated for the proposed amendment has been estimated on the same principle, i.e. the 48 ha includes the access road that goes through Highlands North WEF and Highlands Central WEF to reach the Highlands South WEF. Therefore, if all three WEFs (i.e. Highlands North, Central and South WEFs) are constructed, the total footprint of the combined WEFs would be smaller than the sum of all three individual WEFs (given that sections of access roads would be shared). To provide a “worst case scenario”, however, the entire access road must be included in each WEF’s EA.

Revised Final BAR for the project (November 2019), *“The majority of the development footprint lies within a NPAES focus area”* (Arcus Consultancy Services South Africa, 2019).

The potential impact of the project on the NPAES was addressed and assessed in the original Basic Assessment process and was assessed by the ecological specialist in the Fauna and Flora Specialist Assessment in 2018. In this regard, the impacts associated with the proposed activities in the NPAES were deemed to be acceptable. The EIA listed activities associated with the proposed activities in the NPAES in LN3 of GN R. 982, as amended, were subsequently authorised by DFFE in the Environmental Authorisation.

The ecological specialist for the project, Mr Simon Todd of 3Foxes Biodiversity Solutions, was appointed to re-assess the potential impacts associated with the proposed amendments, including the proposed removal of Condition 42 of the EA. In this regard, Mr Todd stated the following:

*“The amendment requests removal of Condition 42 which states that “The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)”. This condition is contrary to the findings of the specialist study which found that the impact on the 2011 NPAES was acceptable. The BA study stated: “The affected Camdeboo Escarpment Focus area is over 421 000ha in extent and the loss of less than 10 000ha from this focus area is not considered highly significant.” The potential loss of the entire Highlands site to development represents less than 0.25% of the affected Focus Area. As such, this cannot be considered to represent a significant impact, especially given that the site is not particularly unique or known to harbour an abundance of species of concern. In addition, the low impact on the NPAES is further supported by the fact that the Highlands WEF area does not fall within an NPAES Focus Area under the more recent 2016 NPAES Layer” (Todd, 2021) (emphasis added). “The original assessed impact of the development on the NPAES was assessed as **Low** and this is upheld again here. Consequently, the ecological specialist does not find sufficient motivation to support removing the areas falling within the 2011 NPAES from the development footprint, and the request of the developer to remove this condition is not opposed” (Todd, 2021).*

In light of the above, the Applicant is applying for the removal of Condition 42 of the EA, as it appears to be in conflict with the authorized project description, the findings of the original BAR and Flora and Fauna specialist study, as well as the authorized EIA listed activities for the project (particularly those related to the NPAES). Furthermore, it should be noted that the Highlands WEF area does not fall within an NPAES Focus Area under the more recent 2016 NPAES Layer (Todd, 2021).

**5. Recommended minor updates to the text of Conditions 17.2, should the proposed amendments be authorized**

Given that the proposed amendments would require updates to the bat and noise mitigation measures, minor amendments to the text of Conditions 17.2, (which currently refers to mitigation measures recorded in the BAR (dated November 2019)) are recommended should the proposed amendments be authorised, to ensure that the updated mitigation measures included in the EA Amendment Assessment Report (compiled in terms of Regulation 32 (1)(a) of GN R.982, as amended) are addressed in the EA. Refer to Appendix 8 attached hereto for the proposed minor amendments to the text of the EA in light of the proposed amendments.

Should the amendment being requested result due to **6.1 (b)** above, you are required to furnish the Department with a written undertaking that the new holder of the environmental authorisation is willing and able to assume responsibility of the environmental authorisation issued. Provide a short motivation and explanation below:

N/A

## 7. ENVIRONMENTAL IMPACTS

Describe any negative environmental impacts that may occur if the application for amendment is granted, amongst others information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment must be included.

The potential negative environmental impacts associated with the proposed amendments have been assessed and described in the Amendment Assessment Report for this EA amendment process, compiled in terms of Regulation 32(1)(a) of GN R.982, as amended (which will be submitted under separate cover). In this regard, during the Basic Assessment process for the Highlands South WEF (which was concluded in 2020), the following specialist studies were identified and undertaken as part of the Basic Assessment process:

- Flora and fauna (terrestrial ecological impacts);
- Aquatic (wetlands and freshwater);
- Avifauna (birds);
- Bats;
- Heritage (including archaeology and palaeontology);
- Noise;
- Social;
- Agricultural;
- Traffic; and
- Visual.

All of the above specialist studies have been updated as part of this EA Amendment Application process, to assess and address the proposed amendments to the EA. The results of the specialist assessments for the proposed amendments are included in the Amendment Assessment Report.

No additional negative environmental impacts to those assessed in the Revised Final BAR (November 2019) for the authorised project are anticipated should the proposed amendments be granted. In terms of the findings of the specialist assessments, the proposed amendments are not anticipated to change the nature of impacts or result in an increased level of potential impacts. The impact significance ratings as contained in the specialist reports included in the Revised Final BAR (November 2019) are accordingly still applicable for all assessed impacts, except for potential noise impacts (where a reduction in the significance ratings (for operational phase activities) has occurred due to the proposed amendments, which is advantageous).

Describe any negative environmental impacts that may occur if the application for amendment is not granted.

No additional negative environmental impacts (to those assessed in the Basic Assessment process for the authorised project) would occur if the proposed amendments are not granted.

However, in terms of the proposed amendments to the project description, not authorising the proposed amendment, which includes a reduction in the number of turbines at the WEF whilst increasing the size of the turbines, would result in the lost opportunity to reduce the development footprint of the proposed facility. Although the proposed reduction in development footprint is not to the magnitude to lower the impact significance ratings of any of the potential environmental impacts, fewer, larger turbines are expected to minimise the impact on vegetation, watercourses (given the reduction in the number of watercourse crossings), low-flying bats, as well as archaeological and palaeontological resources. Additionally, should the Battery Energy Storage System (BESS) not be installed, the ability to store energy generated by the wind facility would not be realised.

In terms of the proposed removal of Condition 42 from the EA, no additional negative environmental impacts to those already assessed in the Basic Assessment process for the authorised project would occur if the removal of Condition 42 from the EA is not granted. However, the EA would contain a condition that would preclude the development of the project, as Condition 42 is in conflict with the authorised project description and authorised EIA listed activities in the

Environmental Authorisation. Furthermore, it should be noted that the Highlands WEF area does not fall within an NPAES Focus Area under the more recent 2016 NPAES Layer (Todd, 2021).

Similarly, no negative environmental impacts would occur if the removal of Condition 17.1 of the EA is not granted. However, not removing the condition would result in an unnecessary task being undertaken, at cost to the Applicant, that is not required by the relevant authority (SARAO), who has confirmed that an EMC Control Plan is not required for the project.

The potential environmental impacts associated with the proposed amendments will be described and assessed in the Amendment Assessment Report for this EA amendment process.

Describe any positive environmental impacts that may occur if the application for amendment is granted, amongst others information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water must be included.

The proposed amendments to the project description and layout would result in a reduction in the development footprint of the WEF by approximately 3.4 ha (i.e. the Revised Final BAR (November 2019) indicated that *“The footprint of the facility is estimated at 51.4 ha”* (Arcus Consultancy Services South Africa, 2019). The development footprint with the proposed amendments would be approximately 48 ha<sup>4</sup> (WKN Windcurrent, 2020). Although the reduction in turbine numbers and footprint, and amendments to the layout, is not to the magnitude to lower the impact significance ratings of the environmental impacts (except for noise impacts), fewer, larger turbines are expected to minimise the potential impacts on vegetation, watercourses, low-flying bats, as well as archaeological and palaeontological resources. In terms of potential noise impacts, the noise specialist concluded that the proposed amendments to the project have the advantage that it will decrease the projected noise levels as well as the significance of the noise impact during the operational phase, and that the proposed amendments to the project, due to the slightly lower noise levels, will require less mitigation measures and management as recommended in the original noise study (Reid, 2018) (de Jager, 2021).

If the proposed removal of Conditions 17.1 and 42 from the EA is granted, the current conflict of these conditions with the authorised project would be resolved, and the project could be prepared for BID submission and ultimately, implemented.

All potential positive environmental impacts outlined in the Revised Final BAR (November 2019) would remain.

The potential environmental impacts associated with the proposed amendments will be described and assessed in the Amendment Assessment Report for this EA amendment process.

## 8. AUTHORISATION FROM OTHER GOVERNMENT DEPARTMENTS

Are any permission, licenses or other authorisations required from any other departments before the requested amendments can be effected?
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YES
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If yes, please complete the table below.

<sup>4</sup> Note: The estimated 51.4 ha development footprint for the authorized project includes the access roads that go through Highlands North WEF and Highlands Central WEF to reach the Highlands South WEF. The approximately 48 ha development footprint estimated for the proposed amendment has been estimated on the same principle, i.e. the 48 ha includes the access road that goes through Highlands North WEF and Highlands Central WEF to reach the Highlands South WEF. Therefore, if all three WEFs (i.e. Highlands North, Central and South WEFs) are constructed, the total footprint of the combined WEFs would be smaller than the sum of all three individual WEFs (given that sections of access roads would be shared). To provide a “worst case scenario”, however, the entire access road has been included in each WEF’s EA.



Name of department and contact person	Authorisation required	Authorisation applied for (Yes/ No)
Department of Water and Sanitation P Makhanya Lizna Fourie	A Water use license/ General Authorisation for water use activities in terms of Section 21 of the National Water Act, would be required before commencement of the project.	No

## 9. RIGHTS OR INTERESTS OF OTHER PARTIES

In your opinion, will this proposed amendment adversely affect the rights and interests of other parties?	<b>NO</b>
Please provide a detailed motivation of your opinion.	
<p>The proposed amendments are not anticipated to adversely affect the rights and interests of other parties, as no significant additional impacts are anticipated due to the proposed amendments. Furthermore, the proposed amendments are not anticipated to change the nature of impacts or result in an increased level of impacts. The impact significance ratings as contained in the Revised Final BAR (November 2019) are accordingly still applicable for all assessed impacts, except for potential noise impacts, where a reduction in the significance ratings (for operational phase activities) has occurred due to the proposed amendments, which is advantageous. The proposed amendments would have a reduced development footprint, and all proposed amendments are located within the assessed and authorised footprint of the WEF.</p> <p>Potential and registered I&amp;APs will have an opportunity to comment on the proposed amendments to the EA as part of the Public Participation Process that will be undertaken, in accordance with the approved Public Participation Plan for the EA amendment process.</p>	

**NOTE: The Department is entitled to request further information if it believes it is necessary for the consideration of the application. If the application is for a substantive amendment or if the rights or interests of other parties are likely to be adversely affected, the Department will instruct the applicant to conduct a public participation process and to conduct any investigations and assessments that it deems necessary.**

## 10. LIST OF APPENDICES

		SUBMITTED	
APPENDIX 1	Copy of the pre-application meeting minutes	YES	
APPENDIX 2	Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto or original commissioned Affidavit/Affirmation under oath	YES	
APPENDIX 3	Proof of Payment / <del>Motivation for exclusion</del>	YES	
APPENDIX 4	List of land owners (with contact details) & landowner consents	YES	
APPENDIX 5	Strategic Infrastructure Projects		NO
APPENDIX 6	Declaration of independence of the EAP and undertaking under oath or affirmation, if appointed	YES	
APPENDIX 7	Map indicating location of project in REDZ	YES	
APPENDIX 8	Proposed amendments to the text of the EA	YES	
APPENDIX 9	Specialists Terms of References	YES	
APPENDIX 10	Public Participation (PP) Plan & DFFE approval of PP Plan	YES	

11. DECLARATION

I, Mr Alan Wolfrohm, declare that I will comply with all my legal obligations in terms of this application and provide accurate information to everyone concerned in respect to this application.



\_\_\_\_\_  
Signature of the Applicant:

Highlands South Wind Energy Facility RF (Pty) Ltd  
Name of Company or Organisation:

30 November 2021  
Date:

**APPENDIX 1  
COPY OF THE PRE-APPLICATION MEETING MINUTES**

# Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

## Notes from Meeting

### HIGHLANDS NORTH, CENTRAL AND SOUTH WIND ENERGY FACILITIES, EASTERN CAPE PROVINCE: APPLICATIONS FOR PART 2 AMENDMENTS OF THE ENVIRONMENTAL AUTHORISATIONS

#### DEA/DEFF REFERENCE NUMBERS:

14/12/16/3/3/1/1955 (HIGHLANDS NORTH WEF)

14/12/16/3/3/1/1958 (HIGHLANDS CENTRAL WEF)

14/12/16/3/3/1/1960 (HIGHLANDS SOUTH WEF)

#### DEFF PRE-APPLICATION MEETING

<i>Date</i>	<i>Time</i>	<i>Venue</i>
15 SEPTEMBER 2020	10h00- 11h45	Microsoft Teams (Virtual)

<b><u>ATTENDEES:</u></b>		
Mrs Nicole Holland	(NH)	Holland & Associates Environmental Consultants (EAP)
Anja Albertyn	(AA)	Holland & Associates Environmental Consultants (Avifaunal Specialist)
Muhammad Essop	(ME)	Department of Environment, Forestry and Fisheries (Integrated Environmental Authorisations)
Coenrag Agenbach	(CA)	Department of Environment, Forestry and Fisheries (Integrated Environmental Authorisations)
Herman Alberts	(HA)	Department of Environment, Forestry and Fisheries (Integrated Environmental Authorisations)
Mike Mangnall	(MM)	WKN-Windcurrent South Africa (The Applicant)
Jasper Dick	(JD)	WKN-Windcurrent South Africa (The Applicant)

<b>1.</b>	<b>Introductions</b>
1	Attendees introduced themselves, as stated above.
<b>2</b>	<b>Presentation</b>
2.1	NH presented a PowerPoint presentation for the three EA amendment applications, including the following: a brief background and description of the projects (as authorised); the proposed amendments to the EAs; an outline of the approach to the EA amendment processes; an outline of other authorisation processes required; and questions of clarification. (Refer to Appendix 1).
<b>3</b>	<b>Discussion</b>
3.1	<p><b>Number of turbines to be amended</b></p> <p>The presentation stated that the number of turbines is proposed to be amended from a fixed number (i.e. 14 approved turbines for Highlands North) to a range of “up to 14 turbines with a rotor diameter of 150 m to 9 turbines with a rotor diameter of up to 200m” (for Highlands North WEF). “The larger the turbines, the fewer turbines would be needed to achieve the generation capacity of the WEF. Accordingly, while 14 positions are being retained, should the larger turbine scales be utilised, fewer turbines would be required (and therefore constructed) to meet the approved generation capacity of the WEF whilst”. This was chosen in order to comply with avifaunal and bat buffers, and to avoid the total rotor swept area of the WEFs increasing to unacceptable levels for avifauna and bats.</p> <p>ME stated that the Department cannot consider an open-ended authorisation and that the Applicant must decide on a number of turbines with certain specifications for the amendment. HA concurred that the possible range of turbines with different specification is currently too open ended. The Applicant agreed to relook at the proposed amendment and decide on a specific maximum number of turbines for each WEF, with specific maximum rotor diameters. NH will submit (via email) the revised proposed amendments relating to the number of turbines for the three WEFs to the Department (i.e. the attendees of the meeting) for consideration before proceeding further with the amendment application and submitting the application for amendment of the EA to DEFF.</p>
3.2	<p>NH requested confirmation that the proposed amendments to the EA can be undertaken via a Part 2 amendment process for each WEF project.</p> <p>ME confirmed that three separate Part 2 amendment processes for the three WEFs are to be undertaken for the proposed amendments.</p>
3.3	<p>NH queried if the foundation sizes and hard standing areas are not currently specified in the EA, whether the proposed amendments to the foundation size and hard standings must be included in the EA amendment application and be re-assessed by the specialists.</p> <p>ME answered that if the specifications or project descriptions differ from what was assessed by the specialists in the final BARs, then it must be re-assessed, even if it is not specifically mentioned in the EA, as the EA does refer to the project description as described in the final BAR submitted for authorisation.</p>
3.4	CA queried how the proposed amendment to the foundation size will affect the



	<p>overall authorised development footprint of the WEFs. CA added that the vegetation clearance associated with the proposed amendments must be calculated to ensure that it does not trigger the listed activity relating to the removal of vegetation. He added that the amendment application must be explicit about how the proposed changes to the foundation size and hard standings would affect the overall development footprint (to show that it does not trigger a listed activity).</p> <p>JD indicated that the proposed amendments would not result in an increase in authorised development footprint, given that there would be a reduction in the number of turbines, and the number of access roads would also be reduced compared to what is authorised.</p> <p>NH indicated that details regarding how the proposed amendments to the foundation size and hard standing areas would affect the overall development footprint of the WEFs would be included in the amendment application.</p> <p>NH asked if the foundation size is specified in the EA (e.g. for Highlands North), whether the foundation size can be removed from the EA.</p> <p>CA indicated that the foundation size cannot be removed from the EA, if stipulated in the EA.</p>
3.5	<p>NH requested confirmation that the Department accepts the change of bird and noise specialists.</p> <p>ME answered that the change in bird and noise specialists is in order, as the change is motivated, and added that the motivation must be included in the EA amendment reports.</p>
3.6	<p>NH queried if it is acceptable to the Department that some of the specialists will be compiling three separate reports (i.e. for each EA amendment application), whilst some specialists have indicated that they will be compiling one report that addresses all three WEFs.</p> <p>ME answered that both is in order, as long as the combined report has separate assessment chapters for each WEF and assesses impacts on each WEF individually and specifically.</p>
3.7	<p>NH indicated that it is the EAPs understanding that battery storage does not trigger Activity 14 of LN1, and that the project description can be amended as part of the Part 2 amendment to include battery storage.</p> <p>ME confirmed that if no part of the construction, operation or decommissioning of the battery storage triggers any additional listed activities on its own, it can be included in the EA amendment application.</p> <p>NH queried whether the level of information provided in the PowerPoint presentation is sufficient in terms of the information required by DEFF for the proposed battery storage.</p> <p>ME noted that there seem to be several alternative technologies under</p>

	<p>consideration by the Applicant for battery storage, and that if the Applicant is not sure which technology they would use, all of the alternatives will need to be assessed in the amendment process. ME added that a high-level risk assessment for all of the alternative battery technologies under consideration will be required for inclusion in the EA amendments. In terms of the high level risk assessment, ME noted that the risks for different technologies differ and can include fire risk, spillage risk and groundwater contamination among others.</p>
3.8	<p>NH queried how much detail the Department would require in terms of outlining the amendments that would be required to the text of the EAs (e.g. if the amendment is to the layout, must the EAP refer to every page/ Annexure/ reference to the layout/ turbine positions in the EAs, including where co-ordinates are included – or will DEFF undertake such amendments automatically based on our proposed amendments)?</p> <p>ME answered that the Department would like the EAP to spell out the changes to the text of the EA that would be required for the proposed amendments, including page numbers that require an amendment. ME added that updated co-ordinates must be provided (if co-ordinates are included in the EA) where amendments to the layout are proposed.</p>
3.9	<p>NH queried if three separate Public Participation Plans must be submitted for the three EA amendments, or if one Public Participation plan can be submitted, given that one combined public participation process will be conducted for the three EA amendment applications.</p> <p>ME requested that three separate public participation plans be submitted, one for each application, even if the contents are identical except for the name and reference number of the application.</p>
3.10	<p>NH queried if there are any specific requirements of DEFF under Level “2” or “level 1” of the National lockdown to take into consideration for the EA amendment applications?</p> <p>ME answered that the Disaster Management Act applies, but that no specific directives should be mentioned in the PP Plan, as the level [of lockdown] can change at any time and the Directives may not be issued timeously.</p> <p>ME indicated that the main focus of the Level 2 Directions relates to validity periods for Environmental Authorisations, and that the process outlined in the “Level 3” Directions (5 June 2020) should be followed. ME added that when submitting the PP Plan, that clarity must be provided in terms of whether the library is closed or not.</p>
3.11	<p>NH queried if landowner consent needs to be obtained again for the proposed EA amendment applications, or if proof of landowner notification is sufficient.</p> <p>ME confirmed that landowner consent forms must be submitted again with the EA amendment application forms (as the exclusions in Regulation 39 do not apply to the project).</p>
3.12	<p>NH noted that the EMPr is still to be submitted to DEFF in future for approval. Updates to the draft EMPr will however be made as part of the proposed amendment reports, to include updates to the project description and updates to mitigation measures put forward by any of the specialists.</p>

3.13	<p>NH queried what the name of the report compiled for the amendment application should be called (i.e. if the Department have a preference).</p> <p>ME stated that internally DEFF refer to it as an Amendment Motivation Report, but that “Amendment Assessment Report”, “EA Amendment Report” or “Draft Motivation Report” are also acceptable. “Environmental Assessment Report” is however not an appropriate title for the amendment report.</p>
3.14	<p>NH queried if a national web based Screening Tool Report must be submitted for the amendment applications.</p> <p>ME confirmed that a National Web Based Screening Tool Report does not have to be submitted for Part 2 EA amendment applications. The screening tool report is only required for environmental authorisation applications.</p>
3.15	<p>NH queried if DEFF require that the Application Forms are included in the amendment reports that are made available for I&amp;AP comment.</p> <p>ME confirmed that the application form is to be included in the public participation information. The current form is dated June 2020, however a new application form is expected to be released in October 2020.</p>
3.16	<p>NH queried signatures: Are original signatures of Declarations required, or are electronic signatures sufficient, given that only electronic copies need to be submitted to DEFF.</p> <p>ME confirmed that original signatures are not required while applications are being submitted electronically. Reports are to be submitted as electronic copies via the current online application submission system, unless hard copies are specifically requested.</p>
3.17	<p>ME queried the statement that the rotor swept area (RSA) of the WEFs should not increase by more than 15% for avifaunal purposes, and how that number was obtained.</p> <p>AA explained that literature shows that if the RSA remains the same, fewer larger turbines are likely to have a lower impact than more smaller turbines. Therefore, the RSA can increase slightly as the number of turbines is decreased without the overall impact being likely to change. In this instance, however, it is the avifaunal specialists opinion that this increase in RSA should only be small due to the sensitivity of the site, and not exceed approximately 15% overall for the specific turbine numbers and rotor diameters proposed. The number is based on a precautionary approach and is the specialist’s recommendation.</p>
3.18	<p>CA indicated that, in terms of the proposed removal of Condition of Authorisation 17.1 for Highlands South WEF (relating to the requirement for the Electromagnetic Compatibility Control Plan for inclusion in the Final EMPr), confirmation must be provided from SKA that the removal of the condition will be acceptable.</p>
<b>4.</b>	<b>Way Forward</b>
4.1	<p>Based on the discussions of the meeting, NH summarised that the way forward entails the following:</p> <ul style="list-style-type: none"> <li>• The Applicant to refine the proposed amendments to the number of turbines (i.e. to provide a maximum number of turbines with a maximum rotor diameter and hub height, rather than numerous scenarios).</li> </ul>

	<ul style="list-style-type: none"> <li>• NH to issue the draft minutes of the meeting to the meeting attendees together with the revised proposed amendment to the project description (specifically pertaining to the maximum number of turbines and turbine specifications).</li> <li>• DEFF to respond to the minutes of the meeting, after their internal discussions regarding if the revised proposed amendments are acceptable.</li> <li>• Three public participation plans (PP plans) are to be submitted to the Department for consideration and approval.</li> <li>• Once approval of the PP plans and feedback has been obtained from the Department regarding the revised proposed amendments, the Applicant will submit three Applications for Amendment of the EAs to the Department, and thereafter undertake the requisite public participation process.</li> </ul>
4.2	<p>NH thanked everyone for attending the meeting and for their valued comments and inputs.</p> <p>The meeting closed at 11h45.</p>

**APPENDIX 1:**  
**POWERPOINT PRESENTATION**



## HIGHLANDS NORTH, CENTRAL AND SOUTH WIND ENERGY FACILITIES, EASTERN CAPE PROVINCE: APPLICATIONS FOR PART 2 AMENDMENTS OF ENVIRONMENTAL AUTHORISATIONS

### DEA REFERENCE NUMBERS:

14/12/16/3/3/1/1955 (HIGHLANDS NORTH WEF)

14/12/16/3/3/1/1958 (HIGHLANDS CENTRAL WEF)

14/12/16/3/3/1/1960 (HIGHLANDS SOUTH WEF)

DEFF PRE-APPLICATION MEETING: 15 SEPTEMBER 2020

**Holland & Associates**  
Environmental Consultants



1

## Purpose of Meeting

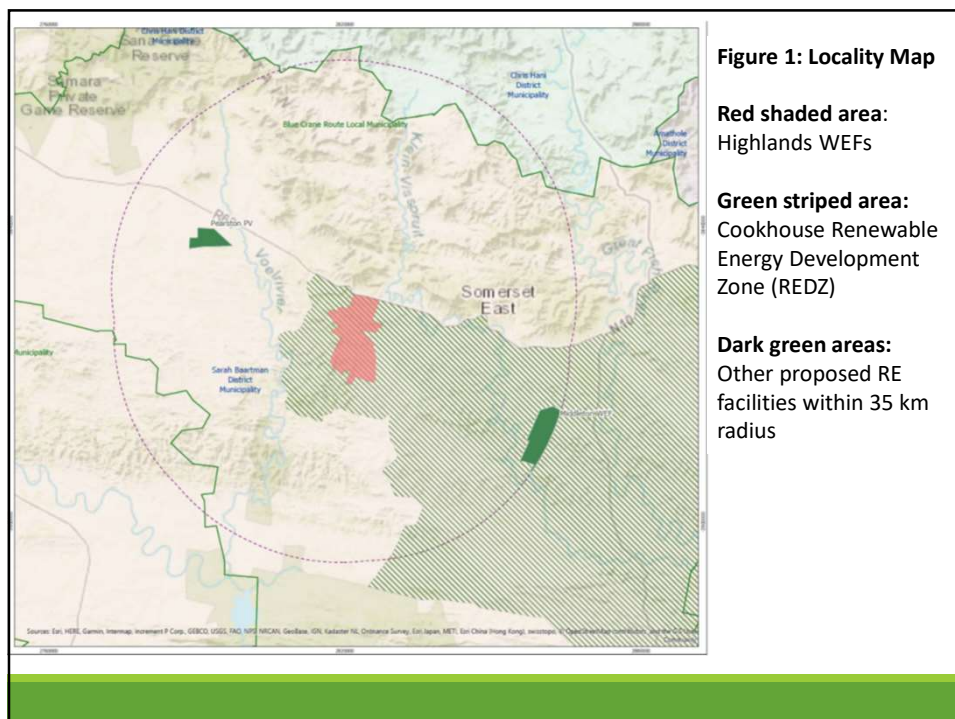
- Provide a brief background & description of the projects (as authorized)
- Present the proposed amendments to the EAs (including updates since the submission of the Pre-Application Meeting Request Forms)
- Outline proposed approach to EA amendment processes
  - Specialist inputs
  - Public participation process
- Discuss other authorisations required
- Provide an opportunity for discussion & questions of clarity

2

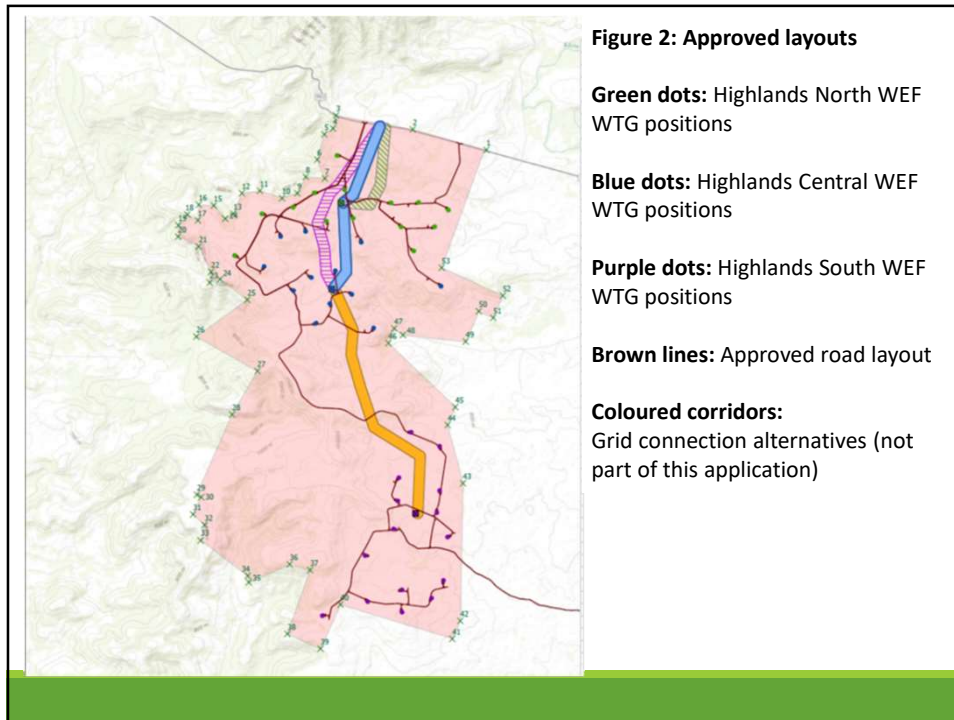
## Background

- Location:
  - Approx. 20km west of Somerset West and approx. 23 km SE of Pearston, Eastern Cape Province.
  - Within the Cookhouse REDZ (therefore BA processes were undertaken for the three projects)
- Environmental Authorisations granted by DEFF:
  - 84 MW **Highlands North WEF** (4 February 2020): 14 turbines
  - 72 MW **Highlands Central WEF** (29 January 2020): up to 12 turbines
  - 90 MW **Highlands South WEF** (21 January 2020): up to 15 turbines
- An appeal was lodged against each of the 3 Highlands WEF EAs. The Minister dismissed the appeals in April 2020, and confirmed the decision of DEFF to grant the EAs to the Applicant.
- The grid connections for each project are authorised in separate EAs

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- Turbines were approved with the following specifications across all projects:
    - Rotor diameter of up to 150 m
    - Hub height of up to 135 m
    - Blade length of up to 75 m
    - Tip height of up to 200 m
    - Up to 6 MW generation capacity
  - The final layout plans and Environmental Management programmes for the three projects have not yet been submitted to DEFF for approval.

6

➤ **Associated infrastructure approved for each WEF:**

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- Steel and **concrete foundations** per turbine with steel and concrete plinths
- A **hard standing area** per turbine
- **Cabling between turbines** along road infrastructure where possible, either overhead or underground
- Area occupied by **inverter transformer substations** of 1.1ha
- Area occupied by **permanent laydown area** of 1ha
- Area occupied by **construction/temporary laydown area** of 1ha
- 200 m x 200 m **Operations & Maintenance building with parking**
- ~50 km of **internal roads** up to 12m width
- **Fencing** on the site, alarm and video surveillance system
- **Lighting system**

7

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- The three EAs will be combined into two projects for bidding.
  - There is a physical limit to the total evacuation capacity of the two existing Eskom gridlines that the three WEFs are required to connect to. As it is unknown what precisely this will be, the Applicant is required to remain flexible with regards to which projects to combine for the bidding process.

8

# Proposed Amendments

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9

## Proposed Amendments to all Highlands WEF EAs: Overview

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### ➤ Amendments to turbine specifications

- Increase hub height from “Up to 135 m” to “Up to 180 m”
- Increase tip height from “Up to 200 m” to “Up to 280 m”
- Increase rotor diameter from “maximum of 150m” to “maximum of 200m”

### ➤ Maximum number of turbines (across the 3 WEFs)

If turbines are up to 150m RD	Up to 41 positions allowed across the 3 sections (current authorisation)
If turbines are up to 160m RD	Up to 37 positions allowed across the 3 sections
If turbines are up to 180m RD	Up to 31 positions allowed across the 3 sections
If turbines are up to 200m RD	Up to 27 positions allowed across the 3 sections

10

- **Refinements to turbine positions** (in preliminary layout)
- **Remove generation capacity per turbine from EAs**
- **Increase foundation sizes for all turbines** (from approx. 25m x 25m (625m<sup>2</sup>) to a max of 1500m<sup>2</sup>) (Only specified in Highlands North EA)
- **Increase hard stand area per turbine** from 5000m<sup>2</sup> to a max of 6000m<sup>2</sup>(footprint not specified in EAs)
- **Add battery storage technology** on approved temporary laydown areas for each WEF
- The proposed amendments will not increase the size of the approved development footprint for each WEF

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## Proposed Amendments to Highlands North WEF EA

Component	Approved	Proposed amendment
Number of turbines	14 turbines (WTG)	<p>Up to 14 turbines (with a rotor diameter of up to 150m) to 9 turbines (with a rotor diameter of up to 200m).</p> <p>(Note: The larger the turbines, the fewer turbines would be needed to achieve the generation capacity of the WEF. Accordingly, while 14 positions are being retained, should the larger turbine scales be utilised, fewer turbines would be required (and therefore constructed) to meet the approved generation capacity of the WEF), (i.e.:</p> <p>Up to 14 WTG - if any of the 14 WTG are up to 150 m RD (currently approved)</p> <p>Up to 13 WTG – if any of the 13 WTG are up to 160m RD</p> <p>Up to 10 WTG – if any of the WTG are up to 180 m RD</p> <p>Up to 9 WTG – if any of the WTG are up to 200 m RD (12.5% increase in Rotor Swept Area)</p>

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Component	Approved	Proposed amendment
Turbine positions	14 positions	Slight changes to 14 positions (~50 – 200 m) to accommodate wake effects and proposed larger blades not extending into environmental buffer areas
Generation capacity of the WEF	Up to 84 MW	Up to 87 MW
Rotor / blade diameters:	Maximum of 150 m	Maximum of 200 m, except T01, T05 and T07 with a maximum rotor diameter of 160m, T04 with a maximum rotor diameter of 180m, and T12 with a maximum rotor diameter of 150 m.
Tip height	Up to 200 m	Up to 280 m
Hub height	Up to 135 m	Up to 180 m
Generation capacity per turbine	Up to 6 MW	Remove generation capacity per turbine

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- **Increase in the foundation sizes** for turbines (from authorized approx. 25m x 25m (625 m<sup>2</sup>) to a max of 1500 m<sup>2</sup>).
- **Increase hard stand area per turbine** (to a max of 6000 m<sup>2</sup>)
- **Inclusion of battery storage technology** adjacent to the substation (using the temporary laydown area). Footprint approx. 1ha, and approx. height of 8m.
- **Removal of Condition 39:** *“The development footprint must exclude areas identified as a potential target for the protected area expansion (NPAES)”*, as the entire WEF lies within an NPAES.
- (Note: No amendment to size of authorized development footprint)

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## Proposed Amendments to Highlands Central WEF EA

Component	Approved	Proposed amendment
Number of turbines	Up to 12 turbines (WTG)	<p>Up to 12 turbines (with a rotor diameter of up to 150m) to 8 turbines (with a rotor diameter of up to 200m).</p> <p>(Up to 12 WTG - if any of the 12 WTG are up to 150m RD (currently approved)</p> <p>Up to 11 WTG – if any of the 11 WTG are up to 160m RD;</p> <p>Up to 11 WTG – if any of the WTG are up to 180m RD;</p> <p>Up to 8 WTG – if any of the WTG are up to 200m RD).</p>

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Component	Approved	Proposed amendment
Turbine position	12 positions	Slight changes to 12 positions (~15 to < 300 m) to accommodate proposed larger blade lengths not extending into environmental buffer areas.
Generation capacity of the WEF	Up to 72 MW	No change.
Rotor / blade diameters:	Maximum of 150 m	Maximum of 200 m, except T20 with a maximum rotor diameter of 150m; and T22, T25 and T26 with a maximum rotor diameter of 180 m.
Tip height	Up to 200 m	Up to 280 m
Hub height	Up to 135 m	Up to 180 m
Generation capacity per turbine	Up to 6 MW	Remove generation capacity per turbine

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- 
- **Inclusion of battery storage technology** adjacent to the substation (using the temporary laydown area). Footprint approx. 1ha, and approx. height of 8m.
  - **Condition 1: Correction of editorial error** on page 1 of EA where reference is made to 70 MW instead of 72 MW

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## Proposed Amendments to Highlands South WEF EA

Component	Approved	Proposed amendment
Number of turbines:	Up to 15 turbines (WTG)	Up to 15 turbines (with a rotor diameter of up to 150m) to 10 turbines (with a rotor diameter of up to 200m).  (Up to 15 WTG - if any of the 15 WTG are up to 150m RD (currently approved) Up to 13 WTG – if any of the 13 WTG are up to 160m RD; Up to 10 WTG – if any of the 10 WTG are up to 180m RD; Up to 10 WTG – if any of the WTG are up to 200m RD).

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Component	Approved	Proposed amendment
Turbine position	15 positions	Slight changes to 2 positions ( ~200 m and ~35 m) to accommodate proposed larger blade lengths not extending into environmental buffer areas
Generation capacity of the WEF	Up to 90 MW	No change
Rotor / blade diameters:	Maximum of 150 m	Maximum of 200 m, except T29 and T35 with a maximum rotor diameter of 150m; and T30, T34 and T37 with a maximum rotor diameter of 160 m.
Condition 17.1	Remove Condition relating to requirement of an Electromagnetic Compatibility Control Plan for acceptance by the SKA-SA, for inclusion in the Final EMPr.	
Condition 42	Remove <i>“The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)”</i> , as the entire WEF lies within an NPAES	

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Component	Approved	Proposed amendment
Tip height	Up to 200 m	Up to 280 m
Hub height	Up to 135 m	Up to 180 m
Generation capacity per turbine	Up to 6 MW	Remove generation capacity per turbine

20

## Proposed battery storage

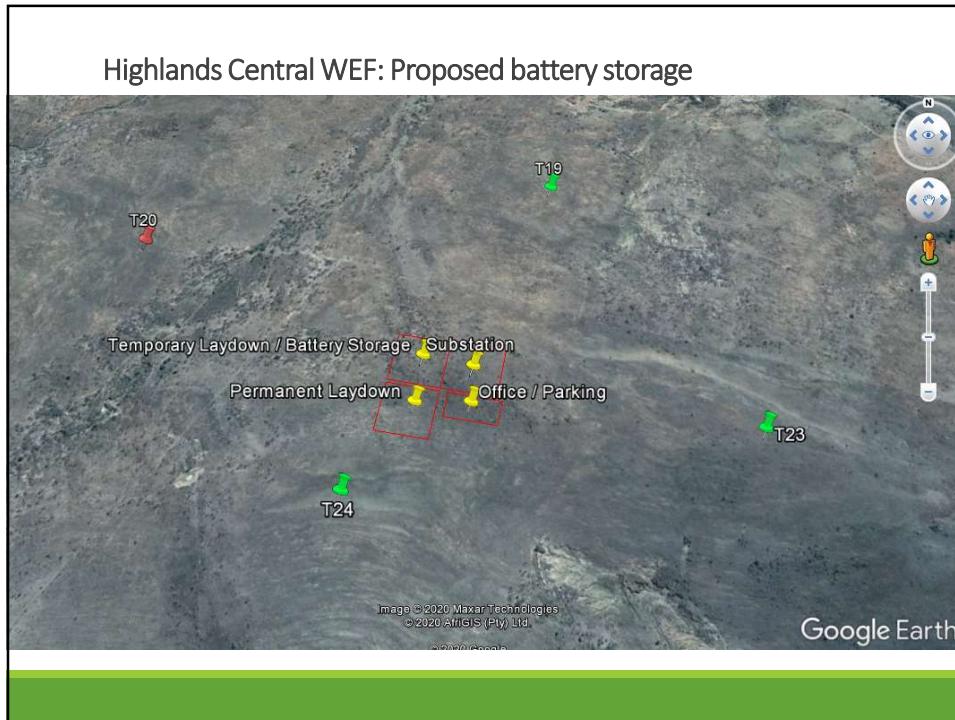
Type of battery	Lithium-ion, Sodium-sulphur, Vanadium Redox Flow or an alternative battery technology
Lifespan	Same as WEF
Footprint	Approximately 1 ha
Connection type	AC Connection to Grid
System power	Up to 80 MWh
No. of batteries used	Variable, preferably containerized systems
Inverters used	Specific type will be chosen
Height of facility	Approximately 8 m
Motivation	Allows for time shift, capacity firming, increase of reliability, quality improvement, congestion relief etc. -> can compete with fossil fuel power generation -> sustainable reliable supply of electricity

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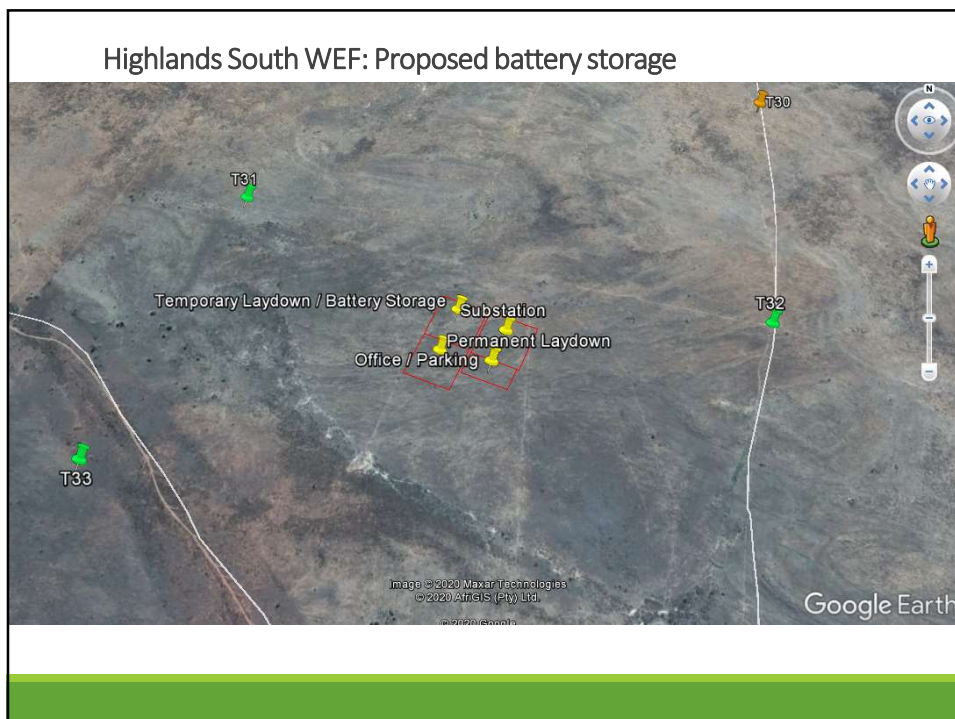
## Highlands North WEF: Proposed battery storage



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23



24

## Motivation

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- The authorised turbine model with specifications of 135m hub height and 150m rotor diameter is no longer the preferred wind turbine technology, as new larger turbines are entering the market.
- The Applicant wishes to amend the authorised turbine specifications to future proof the project amidst rapid technology developments.
- More efficient higher generation capacity is now achievable with larger rotor diameters.
- The Applicant wishes to amend the EAs accordingly to be able to utilise the latest technology, without changing the significance of impacts negatively.

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## Motivation continued...

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- The larger the turbines, the fewer turbines are needed to achieve the generation capacity of the WEF.
- The avifaunal specialist has commented that if generation capacity remains the same, fewer larger turbines are likely to have a slightly lower impact than more smaller turbines. Therefore, as turbine numbers decrease, the combined rotor swept area can increase slightly without changing the level of impact.
- For this project it is the avifaunal specialists recommendation that the cumulative rotor swept area for all three WEFs should not increase more than up to a maximum of 15% as turbine numbers decrease.
- The number of turbines being applied for is based on this avifaunal specialist recommendation, and the turbines selected to be built for each scenario is based on environmental sensitivities identified in the EIA process.

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## Motivation continued

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- I.t.o removal of Conditions stating that *“The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)”*
  - Majority of development footprint falls within the Camdeboo Escarpment NPAES Focus Area.
  - EIA listed activities associated with the NPAES were assessed in BA processes, and were authorised by DEFF in the EAs.
  - Inclusion of this Condition an error?
- I.t.o proposed removal of Condition 17.1 from Highlands South WEF EA, which states that the EMPr amendment must include: *“An Electromagnetic Compatibility (EMC) Control Plan, ... The EMC Control Plan must be made available to the Square Kilometre Array South Africa (SKA-SA) for acceptance and the SKA-SA accepted EMC Control Plan must be submitted to this Department for approval prior to construction”*.
  - The project site is located in the Eastern Cape near Somerset East, approximately 300km from the Square Kilometre Array (SKA) Virtual Centre (core) in the Northern Cape. An EMC Control Plan is therefore not deemed necessary for the proposed project.

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## Proposed approach to amendment application

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## Potential environmental impacts

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- The potential negative environmental impacts that may occur if the application for the amendment is granted, and that were assessed as part of the original BA processes for the projects include:
  - Impacts on geology, soils and agriculture
  - Impacts on freshwater and wetlands
  - Impacts on flora and terrestrial fauna
  - Impacts on avifauna
  - Impacts on bats
  - Noise impacts
  - Impacts on heritage, archaeology and palaeontology
  - Visual impacts
  - Socio-economic impacts
  - Traffic and transportation impacts
  - Cumulative impacts

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## Specialist inputs

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- Specialist studies undertaken during original EIA process:
  - Avifauna assessment (Andrew Pearson & Jon Smallie)
  - Bat assessment (Jonathan Aronson & Stephanie Dippenaar)
  - Noise assessment (Michael Reid and Morne de Jager)
  - Flora and Fauna Assessment (Simon Todd)
  - Cultural heritage, archaeology and palaeontology (Jayson Orton & John Almond)
  - Freshwater and wetlands (Brian Colloty)
  - Visual assessment (Quinton Lawson and Bernard Oberholzer)
  - Geology, soils and agriculture (Johann Lanz)
  - Socio-economic impact assessment (Tony Barbour)
  - Traffic and Transportation (Stephen Fautley)

30

## Specialist inputs for amendment process(es)

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- All original specialists, except the original bird and noise specialists, are appointed to determine the implications, if any, of the proposed amendments to the EAs, and to undertake a re-assessment of impacts, if required.
- The bird specialist (Andrew Pearson) is not working as an avifaunal specialist anymore.
- The newly appointed bird specialist Anja Albertyn (now with Holland & Associates) was involved in the project previously as an assistant to the avifaunal specialist and the EAP, has been to site on several occasions and is familiar with the project. She is a registered, qualified avifaunal specialist and a selected member of the Birds and Renewable Energy Specialist Group (BARESG).

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## Specialist inputs for amendment process

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- Jon Smallie, who conducted a peer review of the original avifaunal impact assessment will also be conducting a peer review of the avifaunal impact assessment for the amendment application.
- The original noise specialist is located in the UK and has not been to the proposed development site.
- The newly appointed noise specialist conducted a peer review of the noise impact assessment during the original application and is familiar with the project, as well as being highly experienced with noise impact assessments for wind energy facilities in South Africa.

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## Proposed “Part 2” amendment processes

- Proposed amendments to be undertaken in terms of Part 2 of Chapter 5 of the EIA Regulations (Regulation 32 of GN R.982, as amended).
- Public Participation Plan(s) to be submitted and approved prior to the submission of the application forms.
- Compile a report for each of the Application for Amendment of the EAs: The results of the updated specialist studies will be summarised and included in the EA amendment reports. The reports will include the requisite information outlined in Regulation 32 (a)(i) of GN R 982, as amended.

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## Proposed “Part 2” Process

- Three Application forms for Amendment of three Environmental Authorisations to DEFF in terms of Part 2 of Chapter 5 to be submitted that include:
  - (i) an assessment of all impacts related to the proposed changes;
  - (ii) advantages & disadvantages associated with the proposed changes;
  - (iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed changes; and
  - (iv) any changes to the draft EMPr.

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## Public participation process

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- A combined public participation process (including a 30 day comment period on the draft Amendment Report) will be undertaken for the proposed amendment applications as per Public Participation Plan(s) to be submitted, including:
- Notify all previously registered I&APs for the projects, via e-mail, sms or postal service;
- Placement of site notices, notifying potential (& registered) I&APs of the Application for Amendment of the EAs
- Placement of posters in the same locations as during BA processes where possible, including SAPS, post offices, libraries (if open) and shops in Somerset East and Pearston.
- Placement of advertisements in same newspapers as during BA processes.
- All potential & registered I&AP's (including relevant State Departments) will be given 30 days to comment on the proposed amendments.

35

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- Comments submitted by I&APs will be collated & summarised in a Comments & Response Report (CRR) (for each project).
  - Submit the final EA amendment reports to DEFF, including the public participation process (PPP) summary.
  - Registered I&APs will be notified, in writing, of DEFF's decisions.

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## Other Authorisations required

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- Submission to SAHRA
- A Water Use License application (*in terms of the National Water Act*) is to be submitted once the project has obtained preferred bidder status. (The WULA will only be awarded after the project becomes preferred bidder).

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## Discussion & Questions

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## Questions/ confirmations required

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- Proposed amendments of EAs and (preliminary) Layout Plans to be undertaken via “**Part 2**” **amendment processes** (i.e. 3 separate EA amendment processes).
- Inclusion (and acceptability) of the possible range of maximum number of turbines for each WEF (which would be dependent on the RD of WTGs ultimately used). The range represents possible scenarios, rather than “alternatives”.
- Increase in foundation size and hard standings
  - Foundation sizes for turbines (from authorized approx. 25m x 25m (625 m<sup>2</sup>) to a max of 1500 m<sup>2</sup>).
  - Hard stand area per turbine (from 5000m<sup>2</sup> to a max of 6000 m<sup>2</sup>)
  - If not specified in the EAs, must the above amendments be included in the EA amendment application and re-assessed by the specialists? (Only the Highlands North WEF EA includes dimensions)
  - If specified (e.g. Highlands North WEF), can the foundation size dimensions be removed from the EA?

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- **Specialists:**
    - All original **specialists**, except for bird & noise specialists, to be used in amendment processes.
    - Some specialists are compiling a combined report to address the 3 WEFs, (as was done for the original BARs), however some specialists are compiling separate amendment reports for each EA amendment process.

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➤ **Battery storage:**

- Assume that it does not trigger Activity 14 of LN1, and that the project description can be amended as part of the Part 2 amendment, to include the battery storage.
- Is the level of information presented sufficient in terms of the information required by DEFF for the proposed battery storage?
- Do DEFF want a detailed outline of the amendments to the text of the EAs that would be required in light of the proposed amendments (e.g. if amendment is to the layout, must we refer to every page/ Annexure/ reference to the layout/ turbine positions in the EAs, including where co-ordinates are included – or will DEFF undertake such amendments automatically based on our proposed amendments.

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➤ **Public Participation Plan:**

- One combined PP plan for the 3 amendments (given that we propose to undertake a combined PPP), or must we submit 3 separate PP plans?
- Specific requirements of DEFF under “Level 2” (as Directions issued for Level 3 no longer applicable)?
- I.t.o Regulation 39: No need for landowner consent again (as obtained for EIA process)? Landowners would be notified of the proposed amendment and proof of notification would be included in the Application for Amendment of the EAs.
- **Amendment of EMPr:**
  - The EMPr still needs to be finalised and submitted to DEFF in the future (as required in terms of Conditions included in the EA). Updates to the EMPr will however be made to the draft EMPr as part of the proposed amendment reports, to include updates to the project description and any potential updates to mitigation measures.

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- Name of report: Amendment Assessment Report/ Environmental Assessment Report/ EA Amendment Report - do DEFF have any particular requirement/ preference?
  - National Web based Screening Tool: Must the national web based screening tool be run and a Screening Report and Site Sensitivity Verification Report(s) included in the amendment application forms? Please confirm/ clarify as many Part 2 EA amendments do not include it.
  - Do DEFF require that the Application Forms are included in the amendment reports that are made available for I&AP comment.
  - Signatures: Are original signatures of Declarations required, or are electronic signatures sufficient, given that only electronic copies need to be submitted to DEFF.
  - Latest DEFF Application Form for Amendment of EA dated 20 June 2020 to be utilised
  - Reports to be submitted as electronic copies (via current online submissions system) unless hard copies specifically requested.

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## Way Forward

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- Submit PP Plan(s) for approval by DEFF (to case officer)
- Proceed with "Part 2" Amendment processes, addressing the proposed amendments to the EA.
- Minutes of meeting to be compiled (combined for the 3 EA amendment applications, discussed at the combined Pre-Application Meeting) and to be submitted to DEFF.

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Thank you

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**Subject:** RE: Highlands WEFs Part 2 EA Amendments: Notes from Pre-Application Meeting (14/12/16/3/3/1/1955; 14/12/16/3/3/1/1958; 14/12/16/3/3/1/1960)

Dear Nicole.

The minutes are acceptable

*Muhammad Essop*

**Assistant Director – Priority Infrastructure Projects**  
Integrated Environmental Authorisations  
Department of Environment, Forestry and Fisheries

Private Bag X447

Pretoria

0001

(012) 399 9406

[MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)

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**From:** Nicole Holland <[nicole@hollandandassociates.net](mailto:nicole@hollandandassociates.net)>

**Sent:** Tuesday, October 20, 2020 15:53

**To:** Muhammad Essop <[MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)>; Coenrad Agenbach <[Cagenbach@environment.gov.za](mailto:Cagenbach@environment.gov.za)>; Herman Alberts <[HALberts@environment.gov.za](mailto:HALberts@environment.gov.za)>

**Cc:** 'Dick, Jasper' <[jasper@wkn-windcurrent.com](mailto:jasper@wkn-windcurrent.com)>; 'Mike Mangnall' <[mangnall@wkn-windcurrent.com](mailto:mangnall@wkn-windcurrent.com)>; [anja@hollandandassociates.net](mailto:anja@hollandandassociates.net)

**Subject:** RE: Highlands WEFs Part 2 EA Amendments: Notes from Pre-Application Meeting (14/12/16/3/3/1/1955; 14/12/16/3/3/1/1958; 14/12/16/3/3/1/1960)

Dear Muhammad

Please find attached the word version, as requested.

Kind regards

Nicole

**Nicole Holland** (BSc Hons; Pri.Sci.Nat.)

**Holland & Associates**  
Environmental Consultants

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e: [nicole@hollandandassociates.net](mailto:nicole@hollandandassociates.net)  
w: [www.hollandandassociates.net](http://www.hollandandassociates.net)  
a: PO Box 31108, Tokai, 7966

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**From:** Muhammad Essop <[MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)>

**Sent:** Tuesday, 20 October 2020 2:36 PM

**To:** Nicole Holland <[nicole@hollandandassociates.net](mailto:nicole@hollandandassociates.net)>; Coenrad Agenbach <[Cagenbach@environment.gov.za](mailto:Cagenbach@environment.gov.za)>; Herman Alberts <[HALberts@environment.gov.za](mailto:HALberts@environment.gov.za)>

**Cc:** 'Dick, Jasper' <[jasper@wkn-windcurrent.com](mailto:jasper@wkn-windcurrent.com)>; 'Mike Mangnall' <[mangnall@wkn-windcurrent.com](mailto:mangnall@wkn-windcurrent.com)>; [anja@hollandandassociates.net](mailto:anja@hollandandassociates.net)

**Subject:** RE: Highlands WEFs Part 2 EA Amendments: Notes from Pre-Application Meeting (14/12/16/3/3/1/1955; 14/12/16/3/3/1/1958; 14/12/16/3/3/1/1960)

Dear Nicole.

Please send through a word version so that we can make any changes and corrections.

Regards

**APPENDIX 2**  
**CERTIFIED COPY/IES OF THE ENVIRONMENTAL AUTHORISATION AND ALL SUBSEQUENT AMENDMENTS**  
**THERE TO ~~OR ORIGINAL COMMISSIONED AFFIDAVIT/AFFIRMATION UNDER OATH~~**



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/1/1960

Enquiries: Mr Lunga Dlova

Telephone: 012-399 8524 E-mail: [LDlova@environment.gov.za](mailto:LDlova@environment.gov.za)

Mr Alan Wolfromm  
Highlands South Wind Energy Facility RF (Pty) Ltd  
PO Box 762  
Wilderness  
**WESTERN CAPE**  
6560

Telephone Number: +27 (0)82 529 4909  
Email Address: [MrWolf@wkn-windcurrent.com](mailto:MrWolf@wkn-windcurrent.com)

PER E-MAIL / MAIL

Dear Mr Wolfromm

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 983/984/985 FOR THE PROPOSED HIGHLANDS SOUTH WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR SOMERSET EAST WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY, EASTERN 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, 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 decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.


Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an 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.

By post: Private Bag X447,  
Pretoria, 0001; or

By hand: Environment House  
473 Steve Biko Road,  
Arcadia,  
Pretoria, 0083

CERTIFIED A  
TRUE COPY OF  
THE ORIGINAL

S.10.21

  
**NADIA TIMMERMAN**  
Commissioner of Oaths (SA)  
Professional Accountant (SA)  
Registration number 30639

Mazars  
132 MITCHELL STREET, GEORGE  
Practise number: 900222

M.S

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

**Appeals must be submitted in writing to:**

Director: Appeals and Legal Review, of this Department at the above mentioned addresses and can also be contacted at:

Tel: (012) 399 9356

Email: [Appeals@environment.gov.za](mailto:Appeals@environment.gov.za);

Please note that in terms of section 43(7) of the National Environmental Management Act (NEMA), 1998, an appeal under section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of National Environmental Management Act (NEMA) and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: ([https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations)).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

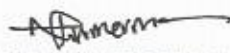
Yours faithfully

  
**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs  
Date: 21/01/2020

cc:	Ashlin Bodasing	Arcus Consultancy Services South Africa (Pty) Ltd	Tel: (021) 412 1529	Email: <a href="mailto:ashlinb@arcusconsulting.co.za">ashlinb@arcusconsulting.co.za</a>
	Zirk Jordaan	Zirk Jordaan Family Trust	Tel: 0875501434	Email: <a href="mailto:zirk@jabama.co.za">zirk@jabama.co.za</a>
	Thabiso Klaas	Blue Crane Route Local Municipality	Tel: 042 243 6400	Email: <a href="mailto:mmanager@bcm.gov.za">mmanager@bcm.gov.za</a>
	Gerry Pienaar	Eastern Cape Department of Finance, Economic Development, Environmental Affairs and Tourism	Tel: 043 805 7051	Email: <a href="mailto:gerry.pienaar@dedea.gov.za">gerry.pienaar@dedea.gov.za</a>

CERTIFIED A  
TRUE COPY OF  
THE ORIGINAL

S.10.21

  
**NADIA TIMMERMAN**  
Commissioner of Oaths (SA)  
Professional Accountant (SA)  
Registration number 30639  
Mazars

132 MITCHELL STREET, GEORGE  
Practise number: 900222  
Tel: 044 874 5022





**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

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

Highlands South Wind Energy Facility and Associated Infrastructure near Somerset East within the  
Blue Crane Route Local Municipality in the Eastern Cape Province

Sarah Baartman District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/1/1960
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Highlands South Wind Energy Facility RF (Pty) Ltd.
<b>Location of activity:</b>	EASTERN CAPE PROVINCE: Farm 105 Doorn River, Farm 105 – Portion 0, Remaining Extent; Farm 143 Nels Kraal, Farm 143 – Portion 0; Farm 146 Kiepersol, Farm 146 – Portion 1; Farm 361 Highlands, Farm 361 – Portion 0, Remaining Extent; within Ward 6 of the Blue Crane Route Local Municipality.

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.

CERTIFIED A  
TRUE COPY OF  
THE ORIGINAL

**NADIA TIMMERMAN**

Commissioner of Oaths (SA)

Professional Accountant (SA)

Registration number 30639

Mazars

132 MITCHELL STREET GEORGE

M.S



## 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, 1998 and the EIA regulations.

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

## Activities authorised

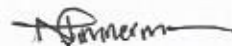
By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

**HIGHLANDS SOUTH WIND ENERGY FACILITY RF (PTY) LTD**  
(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Alan Wolf fromm  
Highlands South Wind Energy Facility RF (Pty) Ltd  
PO Box 762  
Wilderness  
**WESTERN CAPE**  
6560

Telephone Number: +27 (0)82 529 4909  
Email Address: [MrWolf@wkn-windcurrent.com](mailto:MrWolf@wkn-windcurrent.com)



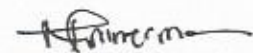
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**NADIA TIMMERMAN**  
Commissioner of Oaths (SA)  
Professional Accountant (SA)  
Registration number 30639

Mazars  
132 MITCHELL STREET, GEORGE  
Practise number: 900222  
Tel: 044 874 5022

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 as amended (GN R. 983, 984 and 985 as amended):

Activity number	Activity description
<p><u>Listing Notice 1 GN R 327 (as amended) Activity 11:</u>                      The development of facilities or infrastructure for the transmission and distribution of electricity—                      (i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>Medium voltage power lines will be installed to transfer electricity from the turbines to an on-site substation. Cables will be installed underground where feasible.</p>
<p><u>Listing Notice 1 GN R 327 (as amended) Activity 12:</u>                      The development of (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs                      (a) within a watercourse                      (c) if no development setback exists within 32 m of a watercourse, measured from the edge of a watercourse.</p>	<p>Infrastructure will be required at 9 water-crossings and within 32 metres of a watercourse that covers an area of more than 100 m<sup>2</sup>.</p>
<p><u>Listing Notice 1 GN R 327 (as amended) Activity 19:</u>                      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;</p>	<p>The construction of the Highlands South Wind Energy Facility includes the excavation of soil in watercourses/drainage line areas, and infilling/deposition will exceed 5 cubic metres and in some instances will exceed 10 cubic metres. Figure 7.2 shows the location of water crossings.                      The construction of associated infrastructure, such as access tracks crossing watercourses will require excavation and/or infilling of watercourse areas.</p>
<p><u>Listing Notice 1 GN R 327 (as amended) Activity 24:</u>                      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;</p>	<p>Access roads of 6 - 12 metres will be required between turbines.</p>



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<p><u>Listing Notice 1 GN R 327 (as amended) Activity 27:</u>                  The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation</p>	<p>The infrastructure and building area of the proposed Highlands South WEF will require clearing of at least 1 hectare of indigenous vegetation in total.</p>
<p><u>Listing Notice 1 GN R 327 (as amended) Activity 28:</u>                  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.</p>	<p>Construction of the proposed development will change the land use from agriculture to mixed – agriculture and electricity generation and transmission. The proposed development is outside an urban area and has a footprint that will exceed 1 hectare.</p>
<p><u>Listing Notice 1 GN R 327 (as amended) Activity 48:</u>                  The expansion of—                  (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; where such expansion occurs—                  (a) within a watercourse;                  (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p>	<p>Existing bridges over watercourses will need to be expanded or widened.</p>
<p><u>Listing Notice 1 GN R 327 (as amended) Activity 56:</u>                  The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-                  (ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas.</p>	<p>Existing farm access roads need to be widened or lengthened. These roads currently have no road reserve and will be wider than 8m in some areas.</p>
<p><u>Listing Notice 2 GN R 325 (as amended) Activity 1:</u>                  The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more.</p>	<p>The Highlands South Wind Energy Facility will consist of up to 15 turbines for electricity generation with a combined capacity of more than 20 MW.</p>

<p><u>Listing Notice 2 GN R 325 (as amended) Activity 6:</u> The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent.</p>	<p>The construction of the WEF will require a Water Use License in terms of the National Water Act, 1998 (Act No. 36 of 1998).</p>
<p><u>Listing Notice 3 GN R 324 (as amended) Activity 4:</u> The development of a road wider than 4 metres with a reserve less than 13,5 metres a. Eastern Cape i. Outside urban areas: (bb) National Protected Area Expansion Strategy Focus areas; (ee) Critical Biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p>	<p>Internal and external access roads will be constructed, which are wider than 4m. The site falls outside of an urban area and parts of the site fall within a National Protected Area Expansion Strategy Focus areas (NPAESF) and a Tier 2 CBA.</p>
<p><u>Listing Notice 3 GN R 324 (as amended) Activity 10:</u> 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. a. Eastern Cape i. Outside urban areas: (bb) National Protected Area Expansion Strategy Focus areas; (ee) Critical Biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p>	<p>Substation will require the use of transformer oils/other hazardous substances during the operational phase.</p>
<p><u>Listing Notice 3 GN R324 (as amended) Activity 12:</u> 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</p>	<p>The proposed development will require the clearance of natural vegetation in excess of 300 m<sup>2</sup> in areas of natural vegetation. Parts of the site fall within a Tier 2 Critical Biodiversity Area.</p>



<p>purposes undertaken in accordance with a maintenance management plan.</p> <p>a. Eastern Cape</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p>	
<p><u>Listing Notice 3 GN R324 (as amended) Activity 14:</u></p> <p>The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>a. Eastern Cape</p> <p>i. Outside urban areas:</p> <p>(bb) National Protected Area Expansion Strategy Focus 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>Bridges and associated road infrastructure will be constructed within 32 m of watercourse(s) at the applied for water crossings. The site lies outside of an urban area and a portion of the site falls with an NPAESF area and a Tier 2 Critical Biodiversity Area.</p>
<p><u>Listing Notice 3 GN R324 (as amended) Activity 18:</u></p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>a. Eastern Cape</p> <p>i. Outside urban areas:</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(ee) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p>	<p>Existing farm roads will need to be widened or lengthened. The site lies outside urban areas, and a portion of the site falls with an NPAESF area and a Tier 2 Critical Biodiversity Area.</p>

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<p><u>Listing Notice 3 GN R324 (as amended) Activity 23:</u>                  The expansion of—                  (ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion 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;                  a. Eastern Cape                  i. Outside urban areas: (bb) National Protected Area Expansion Strategy Focus areas;                  (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p>	<p>The construction of the WEF will include the expansion of existing bridges by more than 10 m2 over watercourses. The site lies outside of any urban area, and parts of the site fall within a Critical Biodiversity Area.</p>
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as described in the final Basic Assessment Report (BAR) dated November 2019 at:

Farm Names:

- Farm 105 Doorn River,
- Farm 105 – Portion 0, Remaining Extent;
- Farm 143 Nels Kraal,
- Farm 143 – Portion 0;
- Farm 146 Kiepersol,
- Farm 146 – Portion 1;
- Farm 361 Highlands, and
- Farm 361 – Portion 0, Remaining Extent;

**21 SG Codes:**

C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	5	0	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	4	3	0	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	4	6	0	0	0	0	1
C	0	6	6	0	0	0	0	0	0	0	0	0	3	6	1	0	0	0	0	0

**Wind Turbine Layout Design Coordinates**

T29	-32°46'51.40 "	25°22'9.10 "
T27	-32°46'9.14 "	25°22'22.67 "
T28	-32°46'22.18 "	25°22'54.18 "
T30	-32°47'3.48 "	25°21'54.16 "
T34	-32°47'46.68 "	25°23'3.03 "
T31	-32°47'13.08 "	25°22'7.90 "
T32	-32°47'24.00 "	25°22'51.10 "
T33	-32°47'39.17 "	25°22'3.15 "
T35	-32°48'3.94 "	25°21'31.62 "
T36	-32°48'27.09 "	25°22'58.41 "
T38	-32°48'43.49 "	25°22'45.29 "
T37	-32°48'35.81 "	25°22'12.46 "
T40	-32°48'56.68 "	25°22'12.63 "
T39	-32°48'46.80 "	25°21'34.46 "
T41	-32°48'59.94 "	25°20'44.24 "

The location indicated in the locality plan (Annexure 2), attached in this environmental authorisation.

- for the proposed Highlands South Wind Energy Facility and Associated Infrastructure, located 20 km from the town of Somerset East in the Eastern Cape Province, hereafter referred to as "the property".

Technical details for the Highlands South Wind Farm:

Component	Description/ Dimensions
Type of technology	Onshore Wind Turbine electricity generators
Structure height (Tip Height)	Between 125 m and 200 m



Department of Environmental Affairs  
 Environmental Authorisation Reg. No. 14/12/16/3/3/1/1960

Surface area to be covered (including associated infrastructure such as roads)	Typically in wind energy facilities, the amount of surface area covered by turbines and associated infrastructure such as roads is less than 1% of the total site. The footprint of the facility is estimated at 51.4ha.
Structure orientation	Conventional three bladed horizontal axis wind turbine generator mounted on a single vertical tower structure.
Laydown area dimensions (Construction period and Operation)	Permanent laydown area and the temporary construction laydown area will both be approximately up to 1 hectare each.
Generation capacity of the facility as a whole at delivery points	15 Turbines x Maximum of 6 MW per turbine = 90 MW Maximum Generation Capacity
Location of the site	20 km west of Somerset East, Eastern Cape
Facility Area	The Proposed development site is approximately 10 000 hectares. This is the total area covered, in which all three phases will be located. The actual infrastructure footprint will be around 1% of this for the Highlands South Wind Energy Facility.
Number of Turbines	Up to 15 turbines
Site Access	32°41'20.53"S 25°21'31.02"E (R63)
Hub Height from ground level	up to 135 metres
Blade Length	up to 75 metres
Rotor Diameter	up to 150 metres
Area occupied by inverter transformer stations/substations	1.1 hectares
Capacity of on-site substation	66/132 kV
Centre point coordinates of on-site substation	32°47'25.30"S 25°22'27.45"E
Area occupied by both permanent and construction laydown areas	1 hectare permanent laydown area 1 hectare construction laydown area

Operations and maintenance buildings (O&M building) with parking area	200 m x 200 m
Length of internal roads	approximately 50 km

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The proposed Highlands South Wind Energy Facility and Associated Infrastructure including grid connection infrastructure with a maximum output capacity of up to 90MW consisting of up to 15 turbines with a generating capacity of up to 6MW each, is hereby approved on the farms mentioned above on page 7.
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 **five (05)** 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;
  - 10.2. 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.
11. The holder of the authorisation must publish a notice –
  - 11.1. informing interested and affected parties of the decision;
  - 11.2. informing interested and affected parties where the decision can be accessed; and
  - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.


### 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. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 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 by 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.

14. All available biodiversity information must be used in the finalisation of the layout map. The results of the pre-construction bird and bat monitoring assessments, including all recommendations proposed by the revised final BAR dated November 2019, must inform the final layout and the construction schedule of the facility. The final placement of turbines must follow a micro-siting procedure involving a walk-through and identification of any sensitive areas by botanical, avifaunal, bat, aquatic and heritage specialists. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
- 14.1. Cable routes (where they are not along internal roads);
  - 14.2. Final position of wind turbines and associated infrastructure (taking into consideration the preferred Alternative layout for the facility presented in the revised final BAR dated November 2019;
  - 14.3. The final site access road for access during construction and during the future operational and ultimate decommissioning phase of the facility as presented and assessed in the dated November 2019.
  - 14.4. Internal roads indicating width;
  - 14.5. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables;
  - 14.6. All sensitive features e.g. Critical Biodiversity Areas, Ecological Support Areas, heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
  - 14.7. Substation(s) inverters and/or transformer(s) sites including their entire footprint;
  - 14.8. Connection routes (including pylon positions) to the distribution/transmission network;
  - 14.9. All existing infrastructure on the site, such as roads;
  - 14.10. Soil heaps (temporary for topsoil and subsoil and permanently for excess material);
  - 14.11. Buildings, including accommodation; and,
  - 14.12. All "no-go" and buffer areas.
15. Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department within **two (2) months** from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:





**Postal Address:**

Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

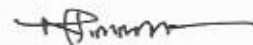
**Physical address:**

Department of Environmental Affairs  
Environment House  
473 Steve Biko  
Arcadia  
Pretoria

For Attention: Mr Muhammad Essop  
Integrated Environmental Authorisations  
Strategic Infrastructure Developments  
Telephone Number: 012 399 9406  
Email Address: [MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)

16. The Environmental Management Programme (EMPr) submitted as part of the revised final BAR is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting, and the provisions of this environmental authorisation. The EMPr must be made available for comments to 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. It must be included in all contract documentation for all phases of the development when approved.
17. The EMPr amendment must include the following:
- 17.1. An Electromagnetic Compatibility (EMC) Control Plan, which identifies potential risk, mitigation measures and appropriate test and acceptable procedures during the design and construction of this facility. The EMC Control Plan must be made available to the Square Kilometre Array South Africa (SKA-SA) for acceptance and the SKA-SA accepted EMC Control Plan must be submitted to this Department for approval prior to construction.

- 17.2. All recommendations and mitigation measures recorded in the revised final BAR.
- 17.3. All mitigation measures as listed in the specialist reports attached to the revised final BAR.
- 17.4. The requirements and conditions of this authorisation. In the event of any conflicting mitigation measures between the revised final BAR, specialist reports and the conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.
- 17.5. The final site layout map.
- 17.6. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
- 17.7. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
- 17.8. A re-vegetation and habitat rehabilitation plan to be implemented as soon as possible after completion of construction activities, to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- 17.9. A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
- 17.10. A construction and operational avifauna and bat monitoring plan, developed according to the latest BirdLife South Africa/Endangered Wildlife Trust: Best practice guidelines for avian monitoring and impact mitigation at proposed wind energy development sites in Southern Africa and the latest South African Bat Assessment Advisory Panel's (SABAAP) guidelines.
- 17.11. A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.





- 17.12. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- 17.13. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 17.14. A fire management plan to be implemented during the construction and operational phases.
- 17.15. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- 17.16. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- 17.17. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map. This map must reflect the location of the turbines as stated in the BAR and this authorisation.

**Frequency and process of updating the EMPr (once approved)**

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 26 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.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. 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.
21. 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 R.982. 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.



22. 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 R. 982.

### Monitoring

23. The holder of the authorisation must appoint an experienced independent 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.
- 23.1. The ECO must be appointed before commencement of any authorised activities.
- 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 23.4. 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

24. 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.
25. 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.
26. 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 R. 982.
27. 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.



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28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 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.
29. 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

30. 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


31. 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

32. 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

33. A pre-construction walk through must be conducted by a heritage specialist, aquatic specialist, ecologist, bat specialist and avifaunal specialist, to ensure that the micro-siting of the facility infrastructure, including the turbines, access roads, onsite substation and power line alignments have the least possible impact, that all protected plant species and sensitive habitats impacted are identified and that any nests/breeding/roosting activity of priority species are identified.
34. A minimum 30 metres buffer must be maintained around all graves, ruins and buildings.



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TRUE COPY OF  
THE ORIGINAL

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35. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) must be alerted immediately, work in the immediate area must be halted if required by SAHRA, and a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contacted to inspect the findings.
36. Avifauna and bat monitoring must occur during the construction period and continue for at least three years during the operation of the facility. The results of this monitoring must be made available to the Department of Environmental Affairs (DEA), Birdlife South Africa (BLSA) and the South African Bat Assessment Advisory Panel (SABAAP) and also must further advise the EMPr where necessary.
37. A 200 metres no-go buffer must be applied around all identified water points as they serve as focal points for bird activity.
38. All developments within 500 metres of watercourses must comply with the National Water Act.
39. No turbines must be constructed in no-go areas, while associated infrastructure (roads, power lines and substations) must be avoided where possible in these areas.
40. The turbine blade must not protrude into the no-go areas, and therefore the bases must be constructed suitably far from these areas.
41. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
42. The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES).
43. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors.
44. Search, rescue and relocation of Red Data, protected and endangered species, medicinal plants must be undertaken and permits must be obtained from relevant authorities.
45. All disturbed and cleared areas must be re-vegetated with indigenous perennial shrubs and grasses from the local area.
46. Concurrent rehabilitation and alien vegetation control program within all sensitive areas must be implemented in terms of Conservation of Agricultural Resources Act, 43 of 1983 (CARA) and National Environmental Management: Biodiversity Act, 10 of 2004 (NEMBA).



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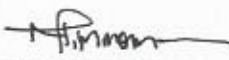


**General**

47. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 47.1. at the site of the authorised activity;
  - 47.2. to anyone on request; and
  - 47.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
48. 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: 21/01/2020

  
Mr Sabelo Malaza  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs

  
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## 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 amended application form received on 18 November 2019.
- b) The findings of the site inspection held on 05 December 2018.
- c) The information contained in the revised final BAR dated November 2019.
- d) Mitigation measures as proposed in the revised final BAR and the EMPr dated November 2019.
- e) The information contained in the specialist studies contained within the appendices of the revised final BAR dated November 2019.

### 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 project stems from the provision of electricity to the national grid in terms of the Renewable Energy Independent Power Producers Procurement Programme (RRIPPPP) as required by the Department of Energy.
- c) The revised final BAR dated November 2019 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the revised final BAR dated November 2019.
- d) The location of turbines as presented in the revised final BAR dated November 2019.
- e) The majority of the development footprint falls within the Camdeboo Escarpment NPAES Focus Area, the area has been identified as a potential target for the protected area expansion.
- f) The methodology used in assessing the potential impacts identified in the revised final BAR dated November 2019 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

  
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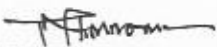
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### 3. Findings

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 revised final BAR dated November 2019 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 information contained in the revised final BAR dated November 2019 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the final BAR 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.



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## Annexure 2: Locality Plan

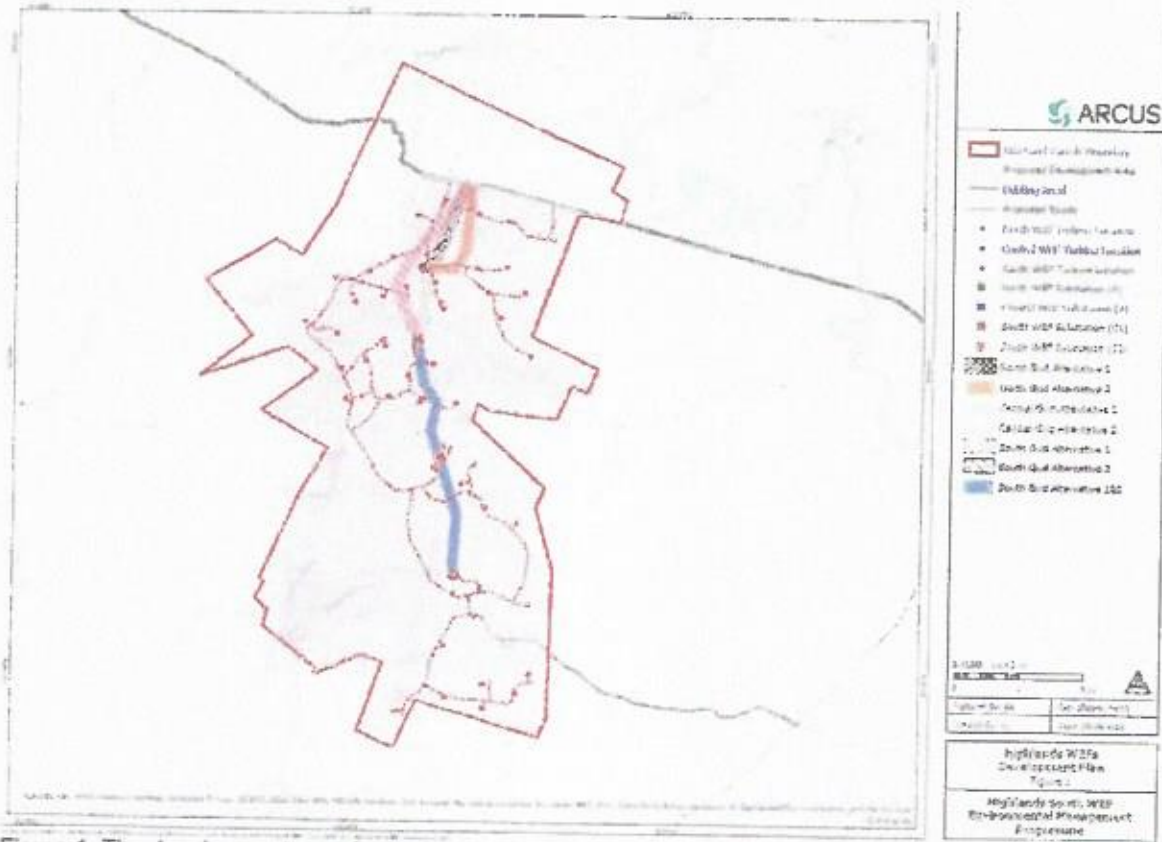


Figure 1: The development area for the Highlands Wind Energy Facility

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**MINISTER  
FORESTRY, FISHERIES AND THE ENVIRONMENT  
REPUBLIC OF SOUTH AFRICA**

**Reference: LSA 191869**

**APPEAL DECISION**

**APPEAL AGAINST THE ENVIRONMENTAL AUTHORISATION ISSUED FOR THE PROPOSED HIGHLANDS SOUTH WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR SOMERSET EAST WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE**

Highlands South Wind Energy Facility RF (Pty) Ltd	Applicant
Schuster's River Trust, Side by Side Trust, Diana Konservering A/S and Mr Poul Brøndum	Appellants
Department of Environment, Forestry and Fisheries	Competent Authority

**Appeal:** This is an appeal submitted on 19 February 2020 by Nicholas Smith Attorneys on behalf of Schuster's River Trust, Side by Side Trust, Diana Konservering A/S and Mr Poul Brøndum (collectively referred to as the appellants), against the decision of the Chief Director: Integrated Environmental Authorisations of the Department of Environment, Forestry and Fisheries (the Department) to grant an Environmental Authorisation (EA) to Highlands South Wind Energy Facility RF (Pty) Ltd (the applicant) on 21 January 2020 for the proposed Highlands South Wind Energy Facility and associated infrastructure, near Somerset East within the Blue Crane Route Local Municipality, in Eastern Cape Province.

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**1. BACKGROUND AND APPEAL**

- 1.1 On 18 September 2018, the applicant lodged an application for an EA with the Department for the proposed development of the Highlands South Wind Energy Facility (WEF) at the abovementioned location.
- 1.2 The proposed area for the development falls entirely within the Cookhouse Renewable Energy Development Zone (REDZ). The Highlands South WEF will generate up to 90 MW, consisting of up to 18 turbines with a generating capacity of up to 5 MW each.
- 1.3 On 29 October 2018 the Department provided comments on the draft Basic Assessment Report (BAR) and the final BAR was received on 7 January 2020. After evaluating the final BAR, the Department decided to grant an EA to the applicant on 21 January 2020.
- 1.4 Subsequent to the abovementioned, the Directorate: Appeals and Legal Review (Appeals Directorate) within the Department, received an appeal from Nicholas Smith Attorneys on behalf of the appellants on 19 February 2020. This appeal was lodged in terms of section 43(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), read together with regulation 4 of the National Appeal Regulations, 2014, as amended (Appeal Regulations).
- 1.5 The applicant timeously submitted a response to the grounds of appeal on 10 March 2020.
- 1.6 A copy of the appeal was also provided to the Department so as to source comments on the grounds of appeal. Such comments were thereafter received by the Appeals Directorate on 10 March 2020.
- 1.7 The appeal is premised on the following grounds:
- 1.7.1 The Department acted *ultra vires*; and
- 1.7.2 The Department's reasons to grant an EA do not bear objective scrutiny.

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## 2. EVALUATION

### 2.1 *The Department acted ultra vires*

2.1.1 The appellants submit that the Department acted *ultra vires* the requirements of NEMA and the 2014 EIA Regulations. On this note the appellants argue that there is a failure by the Department to ensure that the EA conforms to the substantive requirements set out in section 24N of NEMA read with regulation 19(4) of the 2014 EIA Regulations. The appellants further contends that the Department failed to comply with the peremptory substantive requirements that must be specified for EAs.

2.1.2 In addition to the above, the appellants contend that condition 16 in the EA suffers at least two manifest and fatal flaws. Condition 16 of the EA reads as follows;

*"The Environmental Management Programme (EMPr) submitted as part of the final BAR is not approved and must be amended to include measures as dictated by the final site layout map and micro-siting, and the provisions of this environmental authorisation. The EMPr must be made available for comments to 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. It must be included in all contract documentation for all phases of the development when approved".*

2.1.3 Referring to the above condition, the appellants contend that it reveals a substantive deficiency in the Department's consideration of the application and the relevant law and furthermore that the Department's decision was not only irrational, but was also taken with reference to a wholly deficient understanding of the applicable law. The appellants further argue that the approval of the EMPr in due course is a *fait accompli* because no regard is given to the possibility that the EMPr could be refused; nor does it contemplate the consequences of such a refusal.

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2.1.4 In response to this ground of appeal, the applicant states that it has complied with all mandatory and material requirements for the submission of an EMPr, by firstly, submitting the EMPr with the BAR to the competent authority, as per regulation 19(1), and secondly, the EMPr contains all the information set out in section 24N of NEMA and Appendix 4 to the 2014 EIA Regulations. The applicant thus contends that the Department had before it all relevant information to enable it to make an informed decision. The applicant goes further to state that the amended EMPr may be approved at any time after the EA has been granted. The applicant argues that in terms of section 24N (6) of NEMA, the Department may at any time after approving an application for EA approve an amended EMPr.

2.1.5 The applicant states that the EA contains peremptory requirements, as follows:

2.1.5.1 Condition 23 to 46, amongst others, relate to avoidance, management, mitigation and reporting of impacts, in addition to what may be contained in the approved EMPr, in accordance with regulation 26(d) of the 2014 EIA Regulations;

2.1.5.2 The frequency of auditing and submission of environmental audit reports is set out in condition 26, in accordance with the requirements of regulation 26(e) of the 2014 EIA Regulations;

2.1.5.3 The frequency of updating the EMPr is set out in condition 18 to 22, in accordance with regulation 26(g) of the 2014 EIA Regulations; and

2.1.5.4 Condition 47 requires that various documents, including the approved EMPr are available for inspection at the specified location, in accordance with the requirements of Regulation 26(h) of the 2014 EIA Regulations.

2.1.6 The applicant thus submits that there is accordingly no evidence to suggest that the decision was irrational or taken with a wholly deficient understanding of the applicable law as the appellants suggest. Lastly the applicant submits that the commencement of the authorised activities is by no means *fait accompli*, as only minor amendments are required, within the scope of the impact assessment placed before the Department.



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- 2.1.7 In their comments on this ground of appeal, the Department states that the contentions made by the appellants, namely that the EA suffers a fatal flaw in its current form, is not true as the content of EMPr provided during the environmental impact assessment (EIA) process has met the requirements stipulated in Appendix 4 of the 2014 EIA Regulations. The Department advises that the EMPr is a living document and may be amended from time to time due to the changing environment.
- 2.1.8 Further to this the Department states that the EMPr will need to be updated where the findings of the environmental audit reports, contemplated in condition 26 of the EA, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the EA or EMPr. The Department states that the updated EMPr will need to contain recommendations to rectify the shortcomings identified in the environmental audit report and the updated EMPr will then be submitted for approval together with the environmental audit report, as per regulation 34 of the 2014 EIA Regulation.
- 2.1.9 The Department states that the updated EMPr will have to be subjected to a public participation process (PPP), which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval. Lastly the Department states that an EA can be granted even if the EMPr is not approved.
- 2.1.10 In evaluating this ground of appeal and responses thereto, I note from the information before me that a final BAR and the EMPr were submitted to the competent authority, as per regulation 19(1), and secondly, the EMPr contained all the information set out in section 24N of NEMA. Further to this, the Department did analyse and comment on the draft BAR and EMPr on 29 October 2018. A final BAR accompanied with the EMPr was submitted and sufficiently evaluated by the Department. The Department appears to have had all the necessary and essential information at their disposal so as to take an informed decision.
- 2.1.11 While I take note that condition 16 of the EA stipulates that the EMPr submitted with the final BAR is not approved, it is imperative to point out that all conditions set out in the EA



are binding on the applicant as alluded in the EA under "Scope of authorisation". I also note that the applicant remains ultimately responsible for ensuring that the proposed development is implemented according to the requirements of the final BAR, the EMPr (once approved by the Department) and the conditions of the EA throughout all phases of the project. Condition 16 of the EA further states that, "once approved, the EMPr must be implemented and adhered to".

2.1.12 I must point out that the content of condition 16 of the EA is underscored by the provisions of section 24N (5) of NEMA which provides that "The Minister, the Minister responsible for mineral resources or an MEC may call for additional information and may direct that the environmental management programme in question must be adjusted in such a way as the Minister, the Minister responsible for mineral resources or the MEC may require".

2.1.13 Very importantly, subsection (6) provides that "The Minister, the Minister responsible for mineral resources or an MEC may at any time after he or she has approved an application for an environmental authorisation approve an amended environmental management programme".

2.1.14 I am accordingly satisfied that the Department considered, evaluated and assessed all relevant information and the applicable law prior to making a decision to grant the abovementioned EA to the applicant. Furthermore, I am satisfied with the content of condition 16 of the EA. Therefore I cannot find that the Department reached an irrational decision nor that it operated under an error of law. I must stress that the law in its current form prescribes no requirement to approve the EMPr simultaneously with granting of an EA. In addition thereto, the final BAR adequately assessed the potential impacts associated with the proposed project and I cannot find that the granting of the aforementioned EA without the approved EMPr constitutes a *fait accompli* as argued by the appellants. There is accordingly no reason to infer that the Department erred, either factually or legally, in granting the aforementioned EA to the applicant. Hence I proceed to dismiss this ground of appeal.



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**2.2 The Department's reasons to grant an EA do not bear objective scrutiny**

- 2.2.1 The appellants contend that relevant considerations were not properly assessed by the Department as key factors; and that irrelevant considerations were included as key factors for the decision to grant an EA.
- 2.2.2 The appellants submit that the Department's fifth key factor for making the decision makes no rational sense as a reason for approving the EA. The fifth key factor states as follows: *"The majority of the development footprint falls within the Camdeboo Escarpment NPAES Focused Area, the area has been identified as a potential target for the protected area expansion"*.
- 2.2.3 Further to the above, the appellant refers to the Department's sixth key factor, namely that the *"methodology used in assessing the potential impacts identified in the revised final BAR dated November 2019 and the specialist studies have been adequately indicated"*. The appellants contend that such finding cannot be correct when the EMPr still requires significant and substantive work on various aspects that pertain to the potential impacts of the project.
- 2.2.4 The appellants request that the matter be referred back to the Department for a fresh decision on the merits of the application that complies with the substantive minimum requirements set out in section 24N of NEMA, read with the relevant provisions of regulations 19 (and Appendix 4), as well as regulation 26 of the 2014 EIA Regulations.
- 2.2.5 In response to this ground of appeal, the applicant submits that the appellants have misinterpreted the reasons for the decision set out in annexure 1 to the EA, by considering the key factors in isolation and without regarding the information considered in making the decision. Further to this, the applicant states that the appellants are mistaken that significant and substantive work on various aspects is still required before the EMPr can be approved. Amongst others, the applicant requests that the appeal be dismissed as it lacks merit.

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- 2.2.6 In their comments, the Department reiterates that all information presented to the Department were taken into account. Further to this, the Department provides that the following is a summary of the issues which, in the Department's view, were of the most significance:
- 2.2.6.1 The findings of all the specialist studies conducted and their recommended mitigation measures.
- 2.2.6.2 The need for the project stems from the provision of electricity to the national grid in terms of the Renewable Energy Independent Power Producers Procurement Programme (RRIPPPP) as required by the Department of Energy.
- 2.2.6.3 The revised final BAR dated November 2019 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the revised final BAR dated November 2019.
- 2.2.6.4 The location of turbines as presented in the revised final BAR dated November 2019.
- 2.2.6.5 The majority of the development footprint falls within the Camdeboo Escarpment NPAES Focus Area, the area has been identified as a potential target for the protected area expansion.
- 2.2.6.6 The methodology used in assessing the potential impacts identified in the revised final BAR dated November 2019 and the specialist studies have been adequately indicated.
- 2.2.6.7 A sufficient PPP was undertaken and the applicant has satisfied the requirements as prescribed in the 2014 EIA Regulations, for public involvement.
- 2.2.7 The Department is satisfied that, subject to compliance with the conditions contained in the EA, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of NEMA and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The Department thus recommends that the granting of the aforementioned EA be confirmed on appeal.
- 2.2.8 I have taken note of the appellant's concern that the majority of the development footprint falls within the Camdeboo Escarpment NPAES Focus Area. In evaluating this ground of appeal and the responses thereto, I have considered page 31 of the FBAR, which provides




that the Camdeboo Escarpment Focus area is over 421 000 ha in extent and the loss of less than 10 000 ha from this focus area is not considered highly significant. Furthermore the proposed development lies on the margin of the focus area and the extent of the development would not significantly impact the ability to meet conservation targets elsewhere within the focus area, which is large compared to the development site. In addition to this, the proposed development is also located within the Cookhouse Wind REDZ. The area has therefore been identified as suitable for the establishment of renewable energy facilities.

2.2.9 I must stress that key factors on their own are not reasons for the decision, but factors which have been taken into account by the Department during the adjudication of the EA application for the proposed development. I note from page 19 of the EA that the Department took into consideration certain information prior to reaching their decision, one of which was the mitigation measures as proposed in the BAR and the EMPr dated January 2019. After consideration of the information submitted, as well as the key factors, the Department decided, *amongst others*, that the identification and assessment of impacts are detailed in the final BAR and sufficient assessment of the key identified issues and impacts have been completed. Based on this, as well as the other findings reached by the Department, the decision was reached to grant an EA. The appellants tend to limit themselves solely to the "key factors" mentioned in the decision and fail to give regard to the information considered which led to the findings reached. Once again, there is accordingly no reason to infer that the decision of the Department to grant the aforementioned EA and particularly the reasons advanced for such decision, are irrelevant or flawed.

2.2.10 In light of the foregoing, this ground of appeal stands to be dismissed accordingly.

### 3 DECISION

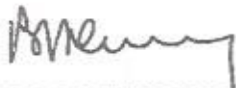
3.1 In reaching my decision on the appeal lodged against the decision of the Department to grant the abovementioned EA, I have taken the following into consideration:



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- 3.1.1 The appeal lodged by the appellants on 19 February 2020;
- 3.1.2 The responding statement submitted by the applicant on 10 March 2020;
- 3.1.3 The comments on the grounds of appeal submitted by the Department on 10 March 2020;  
and
- 3.1.4 The Information contained in the project file (14/12/16/3/3/1/1960) with specific reference to the EA dated 21 January 2020.
- 3.2 In terms of section 43(6) of NEMA, I have the authority, after considering the appeal, to confirm, set aside or vary the decision, provision, condition or directive or to make any other appropriate decision.
- 3.3 Having carefully considered the above mentioned information and in terms of section 43(6) of NEMA, I have decided to dismiss the appeal by the appellants and to confirm the decision of the Department to grant the abovementioned EA to the applicant.
- 3.4 In arriving at my decision on the appeal, it should be noted that I have not responded to each and every statement set out in the appeal and/or responses thereto, and where a particular statement is not directly addressed, the absence of any response thereof should not be interpreted to mean that I agree with or abide by the statement made.
- 3.5 Furthermore, should the appellants be dissatisfied with any aspect of my decision, they may apply to a competent court to have this decision judicially reviewed. Judicial review proceedings must be instituted within 180 days of notification hereof, in accordance with the provisions of section 7 of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000) (PAJA).



**MS B D CREECY, MP**

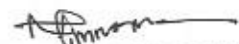
**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

**DATE:** 29/4/2020

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**APPENDIX 3**  
**PROOF OF PAYMENT/~~MOTIVATION FOR EXCLUSION~~**



## Proof of payment

Date: 24/11/2021 Time: 1:54:00 PM

Profile name:	WKN WINDCURRENT SA (PTY) LTD
Batch reference number:	1181682107
Payment reference number:	000000003262418294
Payment date:	24/11/2021
Payment capture date:	24/11/2021
Payment authorise date and time:	24/11/2021 01:53:54 PM
From account name:	WKN WINDCURRENT SA PTY LTD
From account description:	WKN WINDCURRENT SA PTY LTD
From account statement description:	Highlands South Amendment
Beneficiary account number:	1044240072
Beneficiary/ Recipient name:	Dept of Environmental Affairs
Beneficiary statement description:	-32.784005/25.361404
Branch code:	632005
Amount:	2,000.00
Real-time:	No

Additional comments by payer:

View your account to confirm that you have received this payment.

- All payments are subject to clearing rules.

Please refer to landing page for cut off times and telephone numbers.

Profile name:WKN WINDCURRENT SA (PTY) LTD  
Profile number:4000196279

User name:ALAN JOSEPH WOLFROMM  
User ID:1

Small Business Services: 0860 116 400  
Business Banking: 0860 111 055

**APPENDIX 4**  
**LIST OF LANDOWNERS, AND LANDOWNER CONSENTS**

*Note: In light of the Protection of Personal Information Act, 2013 (Act 4 of 2013), and given that this Appendix includes personal information of Interested and Affected Parties (I&APs), this Appendix will only be included in the copy of the report provided to the competent authority (i.e. the Department of Forestry, Fisheries and the Environment), in accordance with the Environmental Impact Assessment (EIA) Regulations (2014), as amended, enacted in terms of the National Environmental Management Act (NEMA) (No. 107 of 1998), as amended.*



**APPENDIX 5  
STRATEGIC INFRASTRUCTURE PROJECTS**

**(NOT APPLICABLE)**

<p><b>SIP 1: Unlocking the northern mineral belt with Waterberg as the catalyst</b></p> <ul style="list-style-type: none"> <li>• Unlock mineral resources</li> <li>• Rail, water pipelines, energy generation and transmission infrastructure</li> <li>• Thousands of direct jobs across the areas unlocked</li> <li>• Urban development in Waterberg - first major post-apartheid new urban centre will be a “green” development project</li> <li>• Rail capacity to Mpumalanga and Richards Bay</li> <li>• Shift from road to rail in Mpumalanga</li> <li>• Logistics corridor to connect Mpumalanga and Gauteng.</li> </ul>	
<p><b>SIP 2: Durban-Free State-Gauteng logistics and industrial corridor</b></p> <ul style="list-style-type: none"> <li>• Strengthen the logistics and transport corridor between SA’s main industrial hubs</li> <li>• Improve access to Durban’s export and import facilities</li> <li>• Integrate Free State Industrial Strategy activities into the corridor</li> <li>• New port in Durban</li> <li>• Aerotropolis around OR Tambo International Airport.</li> </ul>	
<p><b>SIP 3: South-Eastern node &amp; corridor development</b></p> <ul style="list-style-type: none"> <li>• New dam at Mzimvubu with irrigation systems</li> <li>• N2-Wild Coast Highway which improves access into KwaZulu-Natal and national supply chains</li> <li>• Strengthen economic development in Port Elizabeth through a manganese rail capacity from Northern Cape</li> <li>• A manganese sinter (Northern Cape) and smelter (Eastern Cape)</li> <li>• Possible Mthombo refinery (Coega) and transshipment hub at Ngqura and port and rail upgrades to improve industrial capacity and performance of the automotive sector.</li> </ul>	
<p><b>SIP 4: Unlocking the economic opportunities in North West Province</b></p> <ul style="list-style-type: none"> <li>• Acceleration of investments in road, rail, bulk water, water treatment and transmission infrastructure</li> <li>• Enabling reliable supply and basic service delivery</li> <li>• Facilitate development of mining, agricultural activities and tourism opportunities</li> <li>• Open up beneficiation opportunities in North West Province.</li> </ul>	
<p><b>SIP 5: Saldanha-Northern Cape development corridor</b></p> <ul style="list-style-type: none"> <li>• Integrated rail and port expansion</li> <li>• Back-of-port industrial capacity (including an IDZ)</li> <li>• Strengthening maritime support capacity for oil and gas along African West Coast</li> <li>• Expansion of iron ore mining production and beneficiation.</li> </ul>	
<p><b>SIP 6: Integrated municipal infrastructure project</b> Develop national capacity to assist the 23 least resourced districts (19 million people) to address all the maintenance backlogs and upgrades required in water, electricity and sanitation bulk infrastructure. The road maintenance programme will enhance service delivery capacity thereby impacting positively on the population.</p>	
<p><b>SIP 7: Integrated urban space and public transport programme</b> Coordinate planning and implementation of public transport, human settlement, economic and social infrastructure and location decisions into sustainable urban settlements connected by densified transport corridors. This will focus on the 12 largest urban centres of the country, including all the metros in South Africa. Significant work is underway on urban transport integration.</p>	
<p><b>SIP 8: Green energy in support of the South African economy</b></p>	

<p>Support sustainable green energy initiatives on a national scale through a diverse range of clean energy options as envisaged in the Integrated Resource Plan (IRP2010) and support bio-fuel production facilities.</p> <p><b>Indicate capacity in MW:</b></p>	
<p><b>SIP 9: Electricity generation to support socioeconomic development</b> Accelerate the construction of new electricity generation capacity in accordance with the IRP2010 to meet the needs of the economy and address historical imbalances. Monitor implementation of major projects such as new power stations: Medupi, Kusile and Ingula.</p> <p><b>Indicate capacity in MW:</b></p>	
<p><b>SIP 10: Electricity transmission and distribution for all</b> Expand the transmission and distribution network to address historical imbalances, provide access to electricity for all and support economic development. Align the 10-year transmission plan, the services backlog, the national broadband roll-out and the freight rail line development to leverage off regulatory approvals, supply chain and project development capacity.</p>	
<p><b>SIP 11: Agri-logistics and rural infrastructure</b> Improve investment in agricultural and rural infrastructure that supports expansion of production and employment, small-scale farming and rural development, including facilities for storage (silos, fresh-produce facilities, packing houses); transport links to main networks (rural roads, branch train-line, ports), fencing of farms, irrigation schemes to poor areas, improved R&amp;D on rural issues (including expansion of agricultural colleges), processing facilities (abattoirs, dairy infrastructure), aquaculture incubation schemes and rural tourism infrastructure.</p>	
<p><b>SIP 12: Revitalisation of public hospitals and other health facilities</b> Build and refurbish hospitals, other public health facilities and revamp 122 nursing colleges. Extensive capital expenditure to prepare the public healthcare system to meet the requirements of the National Health Insurance (NHI) system. The SIP contains major builds for 6 hospitals.</p>	
<p><b>SIP 13: National school build programme</b> A national school build programme driven by uniformity in planning, procurement, contract management and provision of basic services. Replace inappropriate school structures and address basic service backlog and provision of basic services under the Accelerated School Infrastructure Delivery Initiative (ASIDI). In addition, address national backlogs in classrooms, libraries, computer labs and admin buildings. Improving the learning environment will strengthen outcomes especially in rural schools, as well as reduce overcrowding.</p>	
<p><b>SIP 14: Higher education infrastructure</b> Infrastructure development for higher education, focusing on lecture rooms, student accommodation, libraries and laboratories, as well as ICT connectivity. Development of university towns with a combination of facilities from residence, retail to recreation and transport. Potential to ensure shared infrastructure such as libraries by universities, FETs and other educational institutions. Two new universities will be built - in Northern Cape and Mpumalanga.</p>	
<p><b>SIP 15: Expanding access to communication technology</b> Provide for broadband coverage to all households by 2020 by establishing core Points of Presence (POPs) in district municipalities, extend new Infracore fibre networks across provinces linking districts, establish POPs and fibre connectivity at local level, and further penetrate the network into deep rural areas. While the private sector will invest in ICT infrastructure for urban and corporate networks, government will co-invest for township and rural access, as well as for e-government, school and health connectivity. The school roll-out focus is initially on the 125 Dinaledi (science and maths-focussed) schools and 1525 district schools. Part of digital access to all South Africans includes TV migration nationally from analogue to digital broadcasting.</p>	
<p><b>SIP 16: SKA &amp; Meerkat</b> SKA is a global mega-science project, building an advanced radio-telescope facility linked to research infrastructure and high-speed ICT capacity and provides an opportunity for Africa and South Africa to contribute towards global advanced science projects.</p>	

<p><b>SIP 17: Regional integration for African cooperation and development</b>  Participate in mutually beneficial infrastructure projects to unlock long-term socio-economic benefits by partnering with fast growing African economies with projected growth ranging between 3% and 10%.  The projects involving transport, water and energy also provide competitively-priced, diversified, short and medium to long-term options for the South African economy where, for example, electricity transmission in Mozambique (Cesul) could assist in providing cheap, clean power in the short-term whilst Grand Inga in the DRC is long-term. All these projects complement the Free Trade Area (FTA) discussions to create a market of 600 million people in South, Central and East Africa.</p>	
<p><b>SIP 18: Water and sanitation infrastructure</b>  A 10-year plan to address the estimated backlog of adequate water to supply 1.4m households and 2.1m households to basic sanitation.  The project will involve provision of sustainable supply of water to meet social needs and support economic growth. Projects will provide for new infrastructure, rehabilitation and upgrading of existing infrastructure, as well as improve management of water infrastructure.</p>	
<p><b>SIP 19: Water and Sanitation</b>  a. Vaal River System including Phase 2 of the Lesotho Highlands Water Project: Gauteng  b. Phase 2A of the Mokolo Crocodile River (West) Augmentation Project: Limpopo  c. uMkhomazi Water Project: KwaZulu Natal  d. Olifants River Water Resource Development Project - Phase 2: Limpopo  e. Vaal-Gamagara: Northern Cape  f. Mzimvubu Water Project: Eastern Cape  g. Rehabilitation of the Vaalharts-Taung Irrigation Scheme: Northern Cape &amp; North West  h. Groot Letaba River Water Development Project - Nwamitwa Dam: Limpopo  i. Berg River Voëlvele Augmentation Scheme: Western Cape  j. Rustfontein Water Treatment Works: Free State  k. Orange-Riet Canal Increase of Bulk Raw Water Supply: Free State</p>	
<p><b>SIP 20: Energy</b>  a. Emergency/Risk Mitigation Power Purchase Procurement Programme (2000MW): National  b. Small IPP Power Purchase Procurement Programme (100MW): National  c. Embedded Generation Investment Programme (EGIP)-400MW: National</p>	
<p><b>SIP 21: Transport</b>  a. N1 Windburg Interchange to Windburg Station: Free State  b. N1 Musina Ring Road: Limpopo  c. N1 Polokwane Eastern Ring Rd Phase 2: Limpopo  d. N1 Ventersburg to Kroonstad: Free State (2 projects in One)  e. N2 Mtunzini Toll Plaza to Empangeni T-Junction: KwaZulu Natal. N3 Cato Ridge to Dardenelles: KwaZulu Natal  g. N3 Dardenelles to Lynnfield Park: KwaZulu Natal  h. N3 Paradise Valley to Mariannhill Toll Plaza: KwaZulu Natal  i. N2 Edwin Swales to South of EB Cloete Interchange: KwaZulu Natal  j. N3 Ashburton Interchange to Murray Road: KwaZulu Natal  k. N3 Mariannhill Toll Plaza to Key Ridge: KwaZulu Natal  l. N2 EB Cloete Interchange: KwaZulu Natal  m. Small Harbours Development: National  n. N3 New alignment via De Beers Pass: Free State  o. Boegoebaai Port and Rail Infrastructure Project: Northern Cape</p>	
<p><b>SIP 22: Digital Infrastructure</b>  a. National Spatial Infrastructure Hub</p>	
<p><b>SIP 23: Agriculture and Agro-processing</b>  a. Marine Tilapia Industry: Eastern Cape  b. Natural Dehydrated Foods: Mpumalanga</p>	

<b>SIP 24: Human Settlements</b>	
a. Greater Cornubia: KwaZulu-Natal	
b. Vista Park II & III: Free State	
c. Lufhereng: Gauteng	
d. Malibongwe Ridge: Gauteng	
e. N2 Nodal Development: Eastern Cape	
f. Matlosana N12 West: North West	
g. Green Creek: Gauteng	
h. Mooikloof Mega Residential City: Gauteng	
i. Fochville Extension 11: Gauteng	
j. Germiston Ext 4 Social Housing Project: Gauteng	
k. Newcastle Hospital Street Social Housing Project: KwaZulu Natal	
l. Hull Street Social Housing Project Phase 1: Northern Cape	
m. Kwandokuhle Social Housing Project: Mpumalanga	
n. Phola Heights - Tembisa Social Housing Project: Gauteng	
o. Sondela Phase 2: Gauteng	
p. Willow Creek Estate: Mpumalanga	
q. Joe's Place Social Housing: Gauteng	
r. Jeppetown Social Housing Project (Unity House): Gauteng	
<b>SIP 25: Rural Bridges "Welisizwe" Programme</b>	
<b>SIP 26: Rural Roads Upgrade Programme</b>	
<b>SIP 27: Upgrading and Repair of Township Roads in Municipalities Programme</b>	
<b>SIP 28: PV and Water Savings on Government Buildings Programme</b>	
<b>SIP 29: Comprehensive Urban Management Programme</b>	
<b>SIP 30: Digitising of Government Information Programme</b>	
<b>SIP 31: Removal of Alien Vegetation and Innovative Building Materials Programme</b>	
<b>SIP 32: National Upgrading Support Programme (NUSP)</b>	
<b>SIP 33: Solar Water Initiatives Programme</b>	
<b>SIP 34: Student Accommodation</b>	
<b>SIP 35: SA Connect Phase 1B Programme</b>	
<b>SIP 36: Salvokop Precinct</b>	

**PLEASE ATTACH PROOF FROM THE RELEVANT SIP CO-ORDINATOR FOR EACH OF THE SIP PROJECT SELECTED.**

**APPENDIX 6  
DECLARATION OF THE EAP**

I, \_\_\_\_\_ Nicole Holland \_\_\_\_\_, declare that –

- I act as the independent environmental assessment practitioner in this application;
- I have expertise in conducting environmental impact assessments, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I will take into account, to the extent possible, the matters listed in Regulation 14 of the Regulations when preparing the application and any report relating to the application;
- I undertake to disclose to the applicant and the Competent Authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the Competent Authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the Competent Authority, unless access to that information is protected by law, in which case it will be indicated that such information exists and will be provided to the Competent Authority;
- I will perform all obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- I am aware of what constitutes an offence in terms of Regulation 48 and that a person convicted of an offence in terms of Regulation 48(1) is liable to the penalties as contemplated in Section 49B of the Act.

**Disclosure of Vested Interest (delete whichever is not applicable)**

- I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations;
- ~~I have a vested interest in the proposed activity proceeding, such vested interest being:~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



\_\_\_\_\_  
Signature of the environmental assessment practitioner


\_\_\_\_\_  
Holland and Associates Environmental Consultants  
Name of company:

\_\_\_\_\_  
30/11/2021  
Date



UNDERTAKING UNDER OATH/ AFFIRMATION

I, \_\_\_\_\_ Nicole Holland \_\_\_\_\_, swear under oath / affirm that all the information submitted or to be submitted for the purposes of this application is true and correct.




Signature of the environmental assessment practitioner

Holland and Associates Environmental Consultants

Name of company

30/11/2021

Date



Signature of the commissioner of oaths

30 November 2021

Date

.....  
I certify that this document is a true and correct  
copy of the original thereof

  
**Angelique Walker**

Commissioner of Oaths

Professional Accountant (SA)

Member number 42053

Unit B3C, Tokai Village, Vans Road, Tokai, 7945

30/11/2021

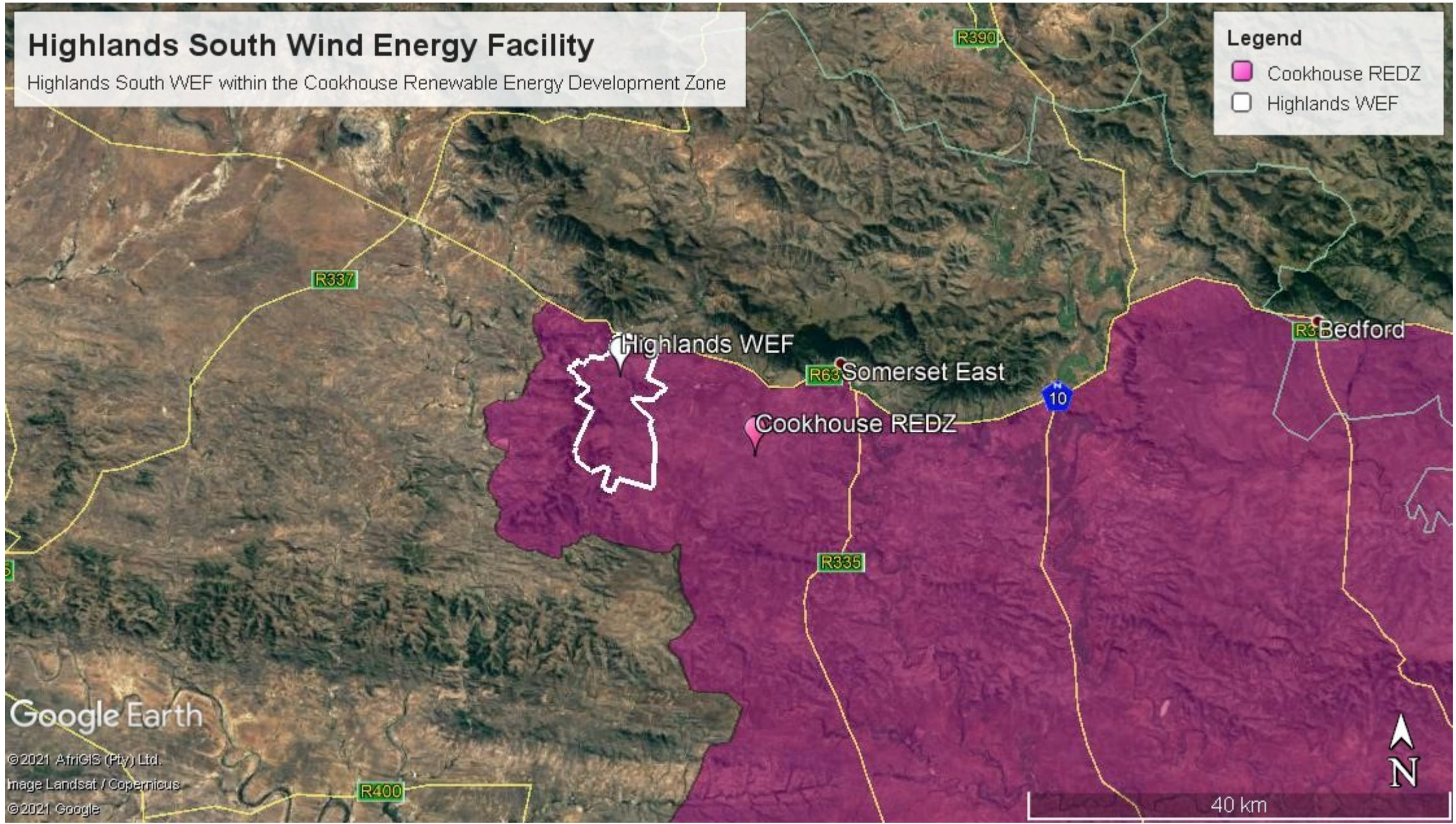
**APPENDIX 7**  
**MAP INDICATING LOCATION OF THE PROJECT IN THE COOKHOUSE REDZ**

# Highlands South Wind Energy Facility

Highlands South WEF within the Cookhouse Renewable Energy Development Zone

**Legend**

-  Cookhouse REDZ
-  Highlands WEF



Google Earth

© 2021 AfriGIS (Pty) Ltd.  
Image Landsat / Copernicus  
© 2021 Google

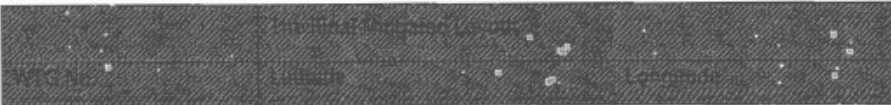
**APPENDIX 8**  
**PROPOSED AMENDMENTS TO THE TEXT OF THE ENVIRONMENTAL AUTHORISATION**



Environmental Authorisation - Highlands South WEF				
Aspect to be amended	Authorised (Text in EA dated 21 January 2020)		Proposed amendment to text of EA (in light of proposed amendments)	
Page 3	<p><u>Listing Notice 1 GN R 327 (as amended) Activity 12:</u> The development of (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs</p> <p>(a) within a watercourse</p> <p>(c) if no development setback exists within 32 m of a watercourse, measured from the edge of a watercourse.</p>	<p>Infrastructure will be required at 9 water-crossings and within 32 metres of a watercourse that covers an area of more than 100 m<sup>2</sup>.</p>	<p>Listing Notice 1 GN R327 (as amended) Activity 12 “The development of-</p> <p>(ii) Infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs</p> <p>(a) Within a watercourse</p> <p>(c) If no development setback exists within 32m of a watercourse, measures from the edge of a watercourse.”</p>	<p>Infrastructure will be required at <u>14</u><sup>1</sup> water-crossings and within 32 metres of a watercourse that covers an area of more than 100 m<sup>2</sup>.</p>
Page 4	<p><u>Listing Notice 2 GN R 325 (as amended) Activity 1:</u> The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more.</p>	<p>The Highlands South Wind Energy Facility will consist of up to 15 turbines for electricity generation with a combined capacity of more than 20 MW.</p>	<p>Listing Notice 2 Item 1: “The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more”</p>	<p>The Highlands South Wind Energy Facility will consist of up to <u>12</u> turbines for electricity generation with a combined capacity of more than 20MW.</p>

<sup>1</sup> Note: The number of crossings indicated (i.e. 14) is the cumulative total of new roads that will be required for the WEF, which may include road crossings of the other Highland WEFs (i.e. Highlands North WEF and Highlands Central WEF) to gain access to this site, especially if the adjoining WEFs are not constructed or within different timeframes. The cumulative watercourse crossings indicated in the Revised Final BAR (November 2019) was 15 crossings. Excluding the crossings on the Highlands North and Central WEF sites, the crossings would reduce from 9 to 4.



<p><b>Page 8</b></p>	<p><b>Wind Turbine Layout Design Coordinates</b></p>  <table border="1" data-bbox="302 354 1186 1003"> <thead> <tr> <th>Turbine Number</th> <th>Latitude (S)</th> <th>Longitude (E)</th> </tr> </thead> <tbody> <tr><td>T29</td><td>-32°46'51.40 "</td><td>25°22'9.10 "</td></tr> <tr><td>T27</td><td>-32°46'9.14 "</td><td>25°22'22.67 "</td></tr> <tr><td>T28</td><td>-32°46'22.18 "</td><td>25°22'54.18 "</td></tr> <tr><td>T30</td><td>-32°47'3.48 "</td><td>25°21'54.16 "</td></tr> <tr><td>T34</td><td>-32°47'46.68 "</td><td>25°23'3.03 "</td></tr> <tr><td>T31</td><td>-32°47'13.08 "</td><td>25°22'7.90 "</td></tr> <tr><td>T32</td><td>-32°47'24.00 "</td><td>25°22'51.10 "</td></tr> <tr><td>T33</td><td>-32°47'39.17 "</td><td>25°22'3.15 "</td></tr> <tr><td>T35</td><td>-32°48'3.94 "</td><td>25°21'31.62 "</td></tr> <tr><td>T36</td><td>-32°48'27.09 "</td><td>25°22'58.41 "</td></tr> <tr><td>T38</td><td>-32°48'43.49 "</td><td>25°22'45.29 "</td></tr> <tr><td>T37</td><td>-32°48'35.81 "</td><td>25°22'12.46 "</td></tr> <tr><td>T40</td><td>-32°48'56.68 "</td><td>25°22'12.63 "</td></tr> <tr><td>T39</td><td>-32°48'46.80 "</td><td>25°21'34.46 "</td></tr> <tr><td>T41</td><td>-32°48'59.94 "</td><td>25°20'44.24 "</td></tr> </tbody> </table>	Turbine Number	Latitude (S)	Longitude (E)	T29	-32°46'51.40 "	25°22'9.10 "	T27	-32°46'9.14 "	25°22'22.67 "	T28	-32°46'22.18 "	25°22'54.18 "	T30	-32°47'3.48 "	25°21'54.16 "	T34	-32°47'46.68 "	25°23'3.03 "	T31	-32°47'13.08 "	25°22'7.90 "	T32	-32°47'24.00 "	25°22'51.10 "	T33	-32°47'39.17 "	25°22'3.15 "	T35	-32°48'3.94 "	25°21'31.62 "	T36	-32°48'27.09 "	25°22'58.41 "	T38	-32°48'43.49 "	25°22'45.29 "	T37	-32°48'35.81 "	25°22'12.46 "	T40	-32°48'56.68 "	25°22'12.63 "	T39	-32°48'46.80 "	25°21'34.46 "	T41	-32°48'59.94 "	25°20'44.24 "	<table border="1" data-bbox="1213 212 1843 1076"> <thead> <tr> <th colspan="3">Proposed Amendment</th> </tr> <tr> <th>Turbine Number</th> <th>Latitude (S)</th> <th>Longitude (E)</th> </tr> </thead> <tbody> <tr> <td>T29</td> <td><del>32°46'51.40"S</del> Removed</td> <td><del>25°22'9.10"E</del> Removed</td> </tr> <tr> <td>T27</td> <td>32°46'9.05"S</td> <td>25°22'22.98"E</td> </tr> <tr> <td>T28</td> <td>32°46'22.18"S</td> <td>25°22'54.18"E</td> </tr> <tr> <td>T30</td> <td><del>32°47'3.48"S</del> Removed</td> <td><del>25°22'54.16"E</del> Removed</td> </tr> <tr> <td>T34</td> <td>32°47'46.68"S</td> <td>25°23'3.03"E</td> </tr> <tr> <td>T31</td> <td>32°47'13.08"S</td> <td>25°22'7.90"E</td> </tr> <tr> <td>T32</td> <td>32°47'22.05"S</td> <td>25°22'49.81"E</td> </tr> <tr> <td>T33</td> <td>32°47'33.78"S</td> <td>25°21'59.14"E</td> </tr> <tr> <td>T35</td> <td><del>32°48'3.94"S</del> Removed</td> <td><del>25°21'31.62"E</del> Removed</td> </tr> <tr> <td>T36</td> <td>32°48'27.08"S</td> <td>25°22'58.41"E</td> </tr> <tr> <td>T38</td> <td>32°48'43.50"S</td> <td>25°22'45.27"E</td> </tr> <tr> <td>T37</td> <td>32°48'35.80"S</td> <td>25°22'12.46"E</td> </tr> <tr> <td>T40</td> <td>32°48'56.68"S</td> <td>25°22'12.62"E</td> </tr> <tr> <td>T39</td> <td>32°48'46.80"S</td> <td>25°21'34.46"E</td> </tr> <tr> <td>T41</td> <td>32°49'1.18"S</td> <td>25°20'44.71"E</td> </tr> </tbody> </table>	Proposed Amendment			Turbine Number	Latitude (S)	Longitude (E)	T29	<del>32°46'51.40"S</del> Removed	<del>25°22'9.10"E</del> Removed	T27	32°46'9.05"S	25°22'22.98"E	T28	32°46'22.18"S	25°22'54.18"E	T30	<del>32°47'3.48"S</del> Removed	<del>25°22'54.16"E</del> Removed	T34	32°47'46.68"S	25°23'3.03"E	T31	32°47'13.08"S	25°22'7.90"E	T32	32°47'22.05"S	25°22'49.81"E	T33	32°47'33.78"S	25°21'59.14"E	T35	<del>32°48'3.94"S</del> Removed	<del>25°21'31.62"E</del> Removed	T36	32°48'27.08"S	25°22'58.41"E	T38	32°48'43.50"S	25°22'45.27"E	T37	32°48'35.80"S	25°22'12.46"E	T40	32°48'56.68"S	25°22'12.62"E	T39	32°48'46.80"S	25°21'34.46"E	T41	32°49'1.18"S	25°20'44.71"E
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T36	32°48'27.08"S	25°22'58.41"E																																																																																																			
T38	32°48'43.50"S	25°22'45.27"E																																																																																																			
T37	32°48'35.80"S	25°22'12.46"E																																																																																																			
T40	32°48'56.68"S	25°22'12.62"E																																																																																																			
T39	32°48'46.80"S	25°21'34.46"E																																																																																																			
T41	32°49'1.18"S	25°20'44.71"E																																																																																																			
<p><b>Page 8</b></p>	<p>Technical details for the Highlands South Wind Farm:</p> <table border="1" data-bbox="323 1211 1163 1373"> <thead> <tr> <th>Component</th> <th>Description/ Dimensions</th> </tr> </thead> <tbody> <tr> <td>Type of technology</td> <td>Onshore Wind Turbine electricity generators</td> </tr> <tr> <td>Structure height (Tip Height)</td> <td>Between 125 m and 200 m</td> </tr> </tbody> </table>	Component	Description/ Dimensions	Type of technology	Onshore Wind Turbine electricity generators	Structure height (Tip Height)	Between 125 m and 200 m	<table border="1" data-bbox="1213 1117 1879 1416"> <thead> <tr> <th>Component</th> <th>Description/ Dimensions</th> </tr> </thead> <tbody> <tr> <td>Type of technology</td> <td>No amendment proposed.</td> </tr> <tr> <td>Structure Height (Tip Height)</td> <td>Up to 267.5 m</td> </tr> </tbody> </table>	Component	Description/ Dimensions	Type of technology	No amendment proposed.	Structure Height (Tip Height)	Up to 267.5 m																																																																																							
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Surface area to be covered (including associated infrastructure such as roads)	Typically in wind energy facilities, the amount of surface area covered by turbines and associated infrastructure such as roads is less than 1% of the total site. The footprint of the facility is estimated at 51.4ha.	Surface area to be covered (including associated infrastructure such as roads)	Typically in wind energy facilities, the amount of surface area covered by turbines and associated infrastructure such as roads is less than 1% of the total site. The footprint of the facility is estimated at 48ha.
Structure orientation	Conventional three bladed horizontal axis wind turbine generator mounted on a single vertical tower structure.	Structure orientation	No amendment proposed.
Laydown area dimensions (Construction period and Operation)	Permanent laydown area and the temporary construction laydown area will both be approximately up to 1 hectare each.	Laydown area dimensions (Construction period and operation)	No amendment proposed.
Generation capacity of the facility as a whole at delivery points	15 Turbines x Maximum of 6 MW per turbine = 90 MW Maximum Generation Capacity	Generation capacity of the facility as a whole at delivery points	<del>“15 Turbines x Maximum of 6 MW per turbine = 90 MW Maximum Generation Capacity”</del>
Location of the site	20 km west of Somerset East, Eastern Cape	Location of the site	No amendment proposed.
Facility Area	The Proposed development site is approximately 10 000 hectares. This is the total area covered, in which all three phases will be located. The actual infrastructure footprint will be around 1% of this for the Highlands South Wind Energy Facility.	Facility Area	No amendment proposed.
Number of Turbines	Up to 15 turbines	Number of turbines	Up to <u>12 turbines</u>
Site Access	32°41'20.53"S 25°21'31.02"E (R63)	Site Access	No amendment proposed.
Hub Height from ground level	up to 135 metres	Hub Height from ground level	Up to <u>180 m</u>
Blade Length	up to 75 metres	Blade length	<u>Up to 87.5m</u>
Rotor Diameter	up to 150 metres	Rotor Diameter	Up to <u>175 m</u>
Area occupied by inverter transformer stations/substations	1.1 hectares	Area occupied by inverter transformer stations/ substations	No amendment proposed.
Capacity of on-site substation	66/132 kV	Capacity of on-site sub station	No amendment proposed.
Centre point coordinates of on-site substation	32°47'25.30"S 25°22'27.45"E	Centre point coordinates of on-site substation	<u>32°47'24.34"S,</u> <u>25°22'28.30"E</u>
Area occupied by both permanent and construction laydown areas	1 hectare permanent laydown area 1 hectare construction laydown area	Area occupied by both permanent and	No amendment proposed.

	<table border="1"> <tr> <td data-bbox="319 201 705 277">Operations and maintenance buildings (O&amp;M building) with parking area</td> <td data-bbox="705 201 1167 277">200 m x 200 m</td> </tr> <tr> <td data-bbox="319 277 705 334">Length of internal roads</td> <td data-bbox="705 277 1167 334">approximately 50 km</td> </tr> </table>	Operations and maintenance buildings (O&M building) with parking area	200 m x 200 m	Length of internal roads	approximately 50 km	<table border="1"> <tr> <td data-bbox="1218 201 1541 261">construction areas</td> <td data-bbox="1541 201 1881 261">laydown</td> </tr> <tr> <td data-bbox="1218 261 1541 388">Operations and maintenance buildings (O&amp;M building) with parking area</td> <td data-bbox="1541 261 1881 388">No amendment proposed.</td> </tr> <tr> <td data-bbox="1218 388 1541 423">Length of internal roads</td> <td data-bbox="1541 388 1881 423">Approximately <u>45</u> km.</td> </tr> <tr> <td data-bbox="1218 423 1541 672"><u>Battery Storage</u></td> <td data-bbox="1541 423 1881 672"><u>Battery Energy Storage System (BESS) adjacent to the substation on the temporary laydown area, (with a footprint approximately 1 ha, and a height of approximately 8 m)</u></td> </tr> </table>	construction areas	laydown	Operations and maintenance buildings (O&M building) with parking area	No amendment proposed.	Length of internal roads	Approximately <u>45</u> km.	<u>Battery Storage</u>	<u>Battery Energy Storage System (BESS) adjacent to the substation on the temporary laydown area, (with a footprint approximately 1 ha, and a height of approximately 8 m)</u>
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<p><b>Condition 1, Page 10</b></p>	<p>1. The proposed Highlands South Wind Energy Facility and Associated Infrastructure including grid connection infrastructure with a maximum output capacity of up to 90MW consisting of up to 15 turbines with a generating capacity of up to 6MW each, is hereby approved on the farms mentioned above on page 7.</p>	<p>The proposed Highlands South Wind Energy Facility and Associated Infrastructure including grid connection infrastructure with a maximum output capacity of up to 90MW consisting of up to <u>12</u> turbines <del>with a generating capacity of up to 6MW each</del>, is hereby approved on the farms mentioned above on page 7.</p>												
<p><b>Condition 17.1</b></p>	<p>17. The EMPr amendment must include the following:          17.1. An Electromagnetic Compatibility (EMC) Control Plan, which identifies potential risk, mitigation measures and appropriate test and acceptable procedures during the design and construction of this facility. The EMC Control Plan must be made available to the Square Kilometre Array South Africa (SKA-SA) for acceptance and the SKA-SA accepted EMC Control Plan must be submitted to this Department for approval prior to construction.</p>	<p>17. The EMPr amendment must include the following:  <del>17.1 An Electromagnetic Compatibility (EMC) Control Plan, which identifies potential risk, mitigation measures and appropriate test and acceptable procedures during the design and construction of this facility. The EMC Control Plan must be made available to the Square Kilometre Array South Africa (SKA-SA) for acceptance and the SKA-SA accepted EMC Control Plan must be submitted to this Department for approval prior to construction.</del></p>												

<p><b>Condition 17.2 and 17.3</b></p>	<p>17.2. All recommendations and mitigation measures recorded in the revised final BAR. 17.3. All mitigation measures as listed in the specialist reports attached to the revised final BAR.</p>	<p>17.2 All recommendations and mitigations recorded in the revised final BAR <u>and subsequent authorized EA amendment report(s).</u></p> <p>17.3 All mitigation measures as listed in the specialist reports attached to the revised final BAR <u>and any subsequent updates to the specialist reports (as part of an authorised EA amendment process).</u></p>
<p><b>Condition 42, Page 18</b></p>	<p>42. The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES).</p>	<p><del>The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES).</del></p>

**APPENDIX 9  
SPECIALISTS TERMS OF REFERENCES**



## **Specialist Terms of References:**

### **Agricultural/ soil specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
    - Cumulative impacts;
    - The nature, significance and consequence of the impact;
    - The extent and duration of the impact;
    - The probability of the impact occurring;
    - The degree to which the impact can be reversed;
    - The degree to which the impact may cause irreplaceable loss of resources;
    - The degree to which the impact can be avoided, managed or mitigated;
  - The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
  - A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of impact, where such level or change in nature of impact was not assessed and included in the initial application for EA, or taken into consideration in the initial EA (within your area of expertise), and if so, how the significance would change.
  - An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
  - Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in the original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Aquatic specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as

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Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Bat specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
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- Take cognizance of the relevant guidelines and/or gazetted protocols of relevance to your re-assessment of potential impacts.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Ecology (Flora and Fauna):**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
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Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Noise specialist:**

- Compile an addendum to the existing specialist report addressing the following:
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Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Heritage specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
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Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.



### **Social specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
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Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Traffic specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as

amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:

- Cumulative impacts;
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Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

#### **Avifauna specialist:**

- The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
- A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
  - Cumulative impacts;
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- Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in the original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.

### **Visual specialist:**

- Compile an addendum to the existing specialist report addressing the following:
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    - The extent and duration of the impact;
    - The probability of the impact occurring;
    - The degree to which the impact can be reversed;
    - The degree to which the impact may cause irreplaceable loss of resources;
    - The degree to which the impact can be avoided, managed or mitigated;
  - The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
  - A statement as to whether or not the proposed amendments will result in an A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of impact, where such level or change in nature of impact was not assessed and included in the initial application for EA, or taken into consideration in the initial EA (within your area of expertise).
  - An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
  - Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in your original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments

raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

**APPENDIX 10  
PUBLIC PARTICIPATION (PP) PLAN, AND DFFE APPROVAL OF PP PLAN**



# Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

1 December 2021

Department of Forestry, Fisheries and the Environment  
Integrated Environmental Authorisations  
Private Bag X447  
Pretoria  
0001

Per email: [HALberts@environment.gov.za](mailto:HALberts@environment.gov.za)/ [MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)/  
[Cagenbach@environment.gov.za](mailto:Cagenbach@environment.gov.za)

**For Attention: Mr Herman Alberts/ Mr Muhammad Essop/ Mr Coenrad Agenbach**

Dear Mr Alberts, Mr Essop and Mr Agenbach

**HIGHLANDS SOUTH WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR SOMERSET EAST WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE: PART 2 APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (DFFE REF: 14/12/16/3/3/1/1960)**

## **PUBLIC PARTICIPATION PLAN**

The Pre-Application meeting held on 15 September 2020 for the abovementioned project, your Department's email of 21 October 2020 accepting the notes of the Pre-Application meeting, the revised Public Participation Plan submitted to your Department on 30 November 2021, and your Departments approval of the aforementioned Public Participation (PP) Plan on 30 November 2021, refer.

The following document outlines an update to the revised Public Participation Plan for the Part 2 Application for Amendment of the Environmental Authorisation (EA) for the Highlands South Wind Energy Facility (WEF), which is herewith submitted to your Department for approval in accordance with Regulation 32(1)(a)(aa) of GN R.982, as amended, and the Disaster Management Act (57/2002) and associated Directions issued by the Minister of Forestry, Fisheries and the Environment regarding *Measures to Address, Prevent and Combat the Spread of COVID-19 relating to National Environmental Management permits and licences*.

Subsequent to the submission of the abovementioned revised PP Plan, it has come to our attention that the *Daily Sun Eastern Cape* newspaper is no longer being published. An advertisement will accordingly be placed in an alternative newspaper that is distributed in the project area, in addition to an advertisement being placed in a local newspaper. The Public Participation Plan has been updated accordingly. (Note: This is the only update to the approved PP Plan).

Note: The EA Amendment Applications for the Highlands North WEF (DFFE Ref: 14/12/16/3/3/1/1955) and Highlands Central WEF (DFFE Ref: 14/12/16/3/3/1/1958) will run in parallel with the EA Amendment Application for the Highlands South WEF. Accordingly, as indicated in the abovementioned Pre-Application Meeting, it is proposed to undertake a **combined Public Participation Process** for the three Applications for Amendment of the Environmental Authorisations for the three Highlands WEFs, i.e. Highlands North WEF (DFFE REF: 14/12/16/3/3/1/1955), Highlands Central WEF (DFFE Ref: 14/12/16/3/3/1/1958) and Highlands South WEF (DFFE Ref: 14/12/16/3/3/1/1960), as was conducted for the Basic Assessment processes for the Highlands WEF projects in 2018 - 2020. Three separate Public Participation Plans have however been compiled (i.e. one for each of the Highlands WEF EA amendment applications), as stipulated in the abovementioned Pre-Application Meeting. In terms of the advertisements, site notices, notification posters, I&AP notification letters and Comments and Responses Report required for each EA Amendment Application for the three Highlands WEFs, the combined Public Participation Processes would include:

- A combined registered I&AP database for the abovementioned three EA amendment applications, as per the combined registered I&AP database from the Basic Assessment process for the three Highlands WEF projects.
- A combined advertisement, advertising all three EA amendment applications.
- A combined site notice, providing notification of all three EA amendment applications.
- A combined notification poster providing notification of all three EA amendment applications.
- A combined I&AP notification letter for the three EA amendment applications.
- A combined Comments and Responses Report (CRR) for the three Highlands WEFs EA amendment applications. The combined Comments and Responses Report will be included in the final Amendment Assessment Reports for each of the EA amendment applications.

The Public Participation Process for the Highlands South WEF EA amendment application will include a 30 day I&AP comment period for the Draft Amendment Assessment Report (i.e. the report compiled in terms of Regulation 31(1)(a) of GN R. 982). The table below provides an outline of the Public Participation requirements in terms of Regulations 41- 44 of the EIA Regulations, 2014 (as amended), and the proposed Public Participation Plan to be undertaken for the above-mentioned project.

Table 1: Proposed Public Participation Plan

Public Participation requirements in terms of Regulation 41 - 44 of the EIA Regulations, 2014, as amended	Proposed Public Participation Plan
41(2)(a) Fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of— (i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and	<ul style="list-style-type: none"> <li>• <b>Site notices</b>, in English and Afrikaans, will be placed at visible locations within the site and/or at the boundary of the site, at the same locations as during the Basic Assessment process (where possible).</li> <li>• Furthermore, to inform potential I&amp;APs, <b>notification posters</b> (in English and Afrikaans) will be placed in the towns of Pearston and Somerset East at venues such as the Post Office, local municipal offices, police station, public library, and local supermarket.</li> </ul>

<p>(ii) any alternative site;</p>	<ul style="list-style-type: none"> <li>The abovementioned site notices and notification posters would be placed before the start of the 30 day I&amp;AP comment period for the Draft Amendment Assessment Report.</li> </ul>
<p>41(2)(b) Giving written notice, in any manner provided for in Section 47D of the NEMA, to –</p> <p>(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</p> <p>(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</p> <p>(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;</p> <p>(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;</p> <p>(v) any organ of state having jurisdiction in respect of any aspect of the activity; and</p> <p>(vi) any other party as required by the Department;</p>	<ul style="list-style-type: none"> <li>All registered I&amp;APs (in the <b>existing registered I&amp;AP database</b> provided by the Applicant for the Basic Assessment Processes that were concluded for the Highlands WEF projects in 2020) will be notified, in writing, of the EA Amendment Application and the availability of the associated Draft Amendment Assessment Report for review and comment.</li> <li>Notifications will be sent to registered I&amp;APs via email, post and/or sms, i.e. <ul style="list-style-type: none"> <li>Notifications will be emailed to I&amp;APs that have email addresses.</li> <li>Notification letters will only be posted to I&amp;APs where only a postal address (and no email address) was provided.</li> <li>I&amp;APs that have a cell phone number, but no email address or postal address, will receive notification via sms.</li> </ul> </li> <li>Landowners of affected and adjacent properties will be requested, in their notifications, to pass on the notification letter to any occupiers of their land, or to provide the EAP with their occupiers contact details, upon receipt of the notification. Should landowners not wish to provide or disclose their occupier’s contact details (e.g due to the Protection of Personal Information (POPI) Act), they are requested to pass the EAPs contact details on to their occupiers, on receipt of the notification, so that occupiers can contact the EAP directly should they wish to participate in the public participation process.</li> <li>Where postage of notification letters and/or documentation is unavoidable for certain I&amp;APs (e.g. where no email address or cell phone number is available, and only a postal/ residential address is provided), standard mail is proposed rather than registered mail, so that I&amp;APs do not have to go to the Post Office to collect their letters, and therefore limit unnecessary travel, exposure to and prevention of the spread of Covid-19.</li> <li>All potential and registered I&amp;AP’s (including relevant Organs of State and State Departments) will be given an opportunity to review and comment on the Draft Amendment Assessment Report for a <b>30 day comment period</b>.</li> <li>Relevant State Departments, Organs of State and the relevant Ward Councillors(s), will be notified of the availability of the Amendment Assessment Report for review and comment, via email notification (if an email address has been provided). The email notification will include an electronic copy of the Draft Amendment Assessment Report via a Dropbox link/ website download link, and a request to comment within 30 days, i.e. within the 30 day I&amp;AP comment period. Notifications to State Departments, Organs of State and the ward councillor(s) will only be sent via post where no email address has been provided. In such cases, an electronic copy of the Draft Amendment Assessment Report would be provided to the State Department and/or Organ of State on USB/ CD with their notification letter, via courier (if a physical address has been provided), or post (for a postal address).</li> </ul>

	<ul style="list-style-type: none"> <li>• DFFE will receive written notification via the DFFE online file upload portal, and via email.</li> <li>• The South African Heritage Resources Agency will receive notification via upload of the documentation and notification letter to SAHRIS, as well as via email.</li> <li>• Further to the above, the potential I&amp;APs will be notified of the EA Amendment Application and opportunity to comment on the Draft Amendment Assessment Report via the newspaper advertisements, site notices and notification posters in Pearston and Somerset East.</li> </ul>
<p>41(2)(c) placing an advertisement in –</p> <p>(i) one local newspaper; or</p> <p>(ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;</p>	<ul style="list-style-type: none"> <li>• <b>Newspaper advertisements</b>, in English and Afrikaans, will be placed in a local newspaper, i.e. either the local <i>The Mid Karoo Express</i> or <i>Hartland News</i> newspaper. <u>An advertisement will also be placed in a regional or provincial or national newspaper that is distributed in the project area, for example <i>The Herald</i> or <i>The Citizen</i>.</u> The advertisements will be placed in the newspapers before the commencement of the 30 day I&amp;AP comment period for the draft Amendment Assessment Report.</li> </ul>
<p>41(2)(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken.</p>	
<p>41(2)(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to—</p> <p>(i) illiteracy;</p> <p>(ii) disability; or</p> <p>(iii) any other disadvantage.</p>	<ul style="list-style-type: none"> <li>• An outline of the proposed amendments can be provided verbally (telephonically) to I&amp;APs who are illiterate and/or those with disabilities and/or any other disadvantage, if necessary. Such I&amp;APs may provide their comments via telephone and/or sms (if preferred), and such comments will be included in the Comments and Responses Report.</li> <li>• For I&amp;APs that do not have access to the Internet, hard copies of the Draft Amendment Assessment Report will be made available for I&amp;AP review at the Ernst van Heerden Library in Pearston, and at the Langenhoven Public Library in Somerset East. Furthermore, electronic copies on CD or USB will be available on request. (The amendment report will also be available electronically on the Holland &amp; Associates website (<a href="http://www.hollandandassociates.net">www.hollandandassociates.net</a>)).</li> </ul>
<p>42. A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority, which register must contain the names, contact details and addresses of-</p> <p>(a) All persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written</p>	<ul style="list-style-type: none"> <li>• The existing registered I&amp;AP database provided by the Applicant for the Basic Assessment Process that was concluded in 2020 for the project will be utilised. Any additional I&amp;APs who register during the Part 2 EA Amendment Application process will be added to the registered I&amp;AP database.</li> </ul>

<p>comments or attended meetings with the proponent, applicant or EAP;</p> <p>(b) All persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and</p> <p>(c) All organs of state which have jurisdiction in respect of the activity to which the application relates.</p>	
<p>43(1) A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.</p>	<p>Registered I&amp;APs and the public will be notified of the EA Amendment Application and opportunity to comment on the Draft Amendment Assessment Report, for a 30 day I&amp;AP comment period. Notification of I&amp;APs will be undertaken, as outlined above, including advertisements, site notices, notification posters, and notification letters to the existing registered I&amp;AP database. Copies of the Draft Amendment Assessment Report will be made available as follows:</p> <ul style="list-style-type: none"> <li>• A hard copy of the Draft Amendment Assessment Report will be lodged at the following public libraries for the 30 day I&amp;AP comment period: <ul style="list-style-type: none"> <li>• Ernst van Heerden Library in Pearston</li> <li>• Langenhoven Public Library in Somerset East</li> </ul> </li> <li>• An electronic copy of the Draft Amendment Assessment Report will be made available for download on the Holland &amp; Associates Environmental Consultants website (<a href="http://www.hollandandassociates.net">www.hollandandassociates.net</a>) for the duration of the 30 day I&amp;AP comment period. Furthermore, a copy of the Executive Summary for the Amendment Assessment Report will be made available for download as a separate document on the Holland &amp; Associates website, in order to accommodate I&amp;APs with data restrictions and who may not want to download the full report.</li> <li>• Upon request, the report will be made available to I&amp;APs via electronic file transfer or Dropbox link. (The Dropbox link will also be provided in the cover email for notifications sent to I&amp;APs via email).</li> <li>• Electronic copies of the report on CD or USB will be available on request.</li> </ul> <p>All comments received from I&amp;APs during the 30 day I&amp;AP comment period for the Draft Amendment Assessment Report will be recorded and responded to in a Comments and Responses Report, which will be included in the Final Amendment Assessment Report that is submitted to DFFE for decision making.</p>
<p>43(2) In order to give effect to section 240 of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days.</p>	<ul style="list-style-type: none"> <li>• Relevant State Departments (as per the registered I&amp;AP database for the project) will be notified of the availability of the Amendment Assessment Report for review and comment, via email notification (if an email address has been provided). The email notification will include an electronic copy of the Draft Amendment Assessment Report via a Dropbox link/ website download link, and a request to comment within 30 days, i.e. within the 30 day I&amp;AP comment period. Notifications to State Departments will only be sent via post where no email address has been provided. In such cases, an electronic copy of the Draft Amendment Assessment Report would be provided to the State Department on USB/ CD.</li> </ul>



<p>44(1) The applicant must ensure that the comments of interested and affected parties are recorded in reports and plans and that such written comments, including responses to such comments and records of meetings, are attached to the reports and plans that are submitted to the competent authority in terms of these Regulations.</p>	<ul style="list-style-type: none"> <li>• All comments received from I&amp;APs during the 30 day I&amp;AP comment period for the Draft Amendment Assessment Report will be recorded and responded to in a “Comments and Responses Report” (CRR), which will be included in the Final Amendment Assessment Report that is submitted to DFFE for decision making.</li> </ul>
<p>44(2) Where a person desires but is unable to access written comments as contemplated in subregulation (1) due to—</p> <p>(a) a lack of skills to read or write;</p> <p>(b) disability; or</p> <p>(c) any other disadvantage;</p> <p>reasonable alternative methods of recording comments must be provided for.</p>	<ul style="list-style-type: none"> <li>• An outline of the proposed amendments can be provided verbally (telephonically) to I&amp;APs who are illiterate and/or those with disabilities and/or any other disadvantage, if necessary. Such I&amp;APs may provide their comments via telephone and/or sms (if preferred), and such comments will be included in the Comments and Responses Report.</li> <li>• For I&amp;APs that do not have access to the Internet, hard copies of the Draft Amendment Assessment Report will be made available for I&amp;AP review at the Ernst van Heerden Library in Pearston, and at the Langenhoven Public Library in Somerset East. Furthermore, electronic copies on CD or USB will be available on request. (The amendment report will also be available electronically on the Holland &amp; Associates website (<a href="http://www.hollandandassociates.net">www.hollandandassociates.net</a>)).</li> </ul>

We look forward to your response to this submission. Should you require any further information or have any queries please contact the undersigned.

Yours sincerely



**NICOLE HOLLAND**

**Holland & Associates - Environmental Consultants**

## Nicole Holland

---

**From:** Herman Alberts <HALBERTS@dffe.gov.za>  
**Sent:** Thursday, 02 December 2021 9:09 AM  
**To:** tilly@hollandandassociates.net  
**Cc:** Muhammad Essop; Coenrad Agenbach; Ephron Maradwa; nicole@hollandandassociates.net; jasper@wkn-windcurrent.com  
**Subject:** Submission of Revised Public Participation Plans for the Highlands WEFs Part 2 EA Amendments

Dear Ms Watermeyer

The amended Public Participation (PP) Plan for the proposed Highlands WEFs Part 2 EA Amendments (14/12/16/3/3/1/1955; 14/12/16/3/3/1/1958; 14/12/16/3/3/1/1960), received by this Department on 01 December 2021, refers.

Based on the information provided this Department decided to **approve** the amended PP Plan for the proposed project.

You may proceed with the PP process in accordance with tasks contemplated in the PP plan. Should you wish to deviate from the submitted PP Plan, the amended PP Plan must be submitted to the Department for approval prior commencement of the PP Process.

***Please note that submission of a PP Plan and approval thereof do not negate your responsibility to comply with the requirements for public participation in terms of Chapter 6 of the EIA Regulations 2014, as amended.***

### ***Kind Regards***

Mr. Herman (Attie) Alberts  
Environmental Officer Specialised Production - Priority Infrastructure Projects

Chief Directorate: Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment  
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**forestry, fisheries  
& the environment**

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

## **Appendix C:**

### **Specialist Studies**

# **Appendix C1a:**

## **Flora and Fauna Amendment Statement**



Simon Todd Pr.Sci.Nat  
 Director & Principle Scientist  
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 Simon.Todd@3foxes.co.za  
 23 De Villiers Road  
 Kommetjie  
 7975

Ecological Solutions for  
People & the Environment

3Foxes Biodiversity Solutions  
 23 De Villiers Road  
 Kommetjie  
 7975  
 15 May 2021

ATT: Nicole Holland  
 Holland & Associates  
 PO Box 31108  
 Tokai  
 7966

**RE: Highlands South Wind Energy Facility (WEF) Amendment Application**

Highlands South Wind Energy Facility (Pty) Ltd, wishes to increase the maximum dimensions of the Wind Turbine Generators (WTG's) for the Highlands South Wind Energy Facility (WEF), in order to align to current international WTG models. The applicant has therefore appointed Holland & Associates to manage the Environmental Authorisation Amendment process in terms of the 2014 EIA Regulations (GN R 982 of December 2014, as amended). As part of the amendment process, Holland & Associates has requested comment from 3Foxes Biodiversity Solutions regarding the potential terrestrial biodiversity implications of the proposed changes, which are detailed below.

**Scope & Background to the Proposed Amendments**

Highlands South Wind Energy Facility (Pty) Ltd are proposing the following changes to the Highlands South WEF as detailed in the table below.

Component	Approved	Amendment
Number of Turbines	15 turbines	Up to 12 turbines
Generation Capacity of WEF	Up to 90MW	No Change
Generation Capacity per Turbine	Up to 6MW per turbine	Remove generation capacity per turbine
Rotor/blade diameter	Maximum 150m	Maximum of 175 m
Hub height	Up to 135m	Up to 180m
Tip height	Up to 200m	Up to 267.5m
Foundation size	Up to approximately 25 m x 25 m in total and up to 5 m deep per turbine	Up to approximately 35 m x 35 m in total and up to 7 m deep per turbine
Hard stand per turbine	5000m <sup>2</sup>	6000m <sup>2</sup>
Battery Storage	Not included	Battery Energy Storage System (BESS) adjacent to the substation



		on the temporary laydown area (with a footprint of approximately 1ha, and a height of approximately 8m).
Length of internal roads	Approximately 50km	Approximately 45km

In addition, the following amendments are proposed:

- Slight adjustments to the turbine positions in the preliminary approved layout are proposed, in order to minimise wake effects, as well as to avoid the proposed new blade length extending into areas identified as highly sensitive for birds and bats.
- The proposed battery storage technology, adjacent to the substation (on the temporary laydown area), would have a footprint of approximately 1 ha, and a height of approximately 8 m.
- Removal of Condition 17.1 (relating to the requirement of an Electromagnetic Compatibility (EMC) Control Plan for acceptance by the SKA-SA, for inclusion in the Final EMPr). This is not of relevance to the ecological study and is not further dealt with here.
- Removal of Condition 42 which states that “The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES).

According to the Applicant, the proposed amendments will not result in an increase in the size of the approved development footprint for the project. The footprint of the authorised facility is estimated at 51.4 ha. The development footprint with the proposed amendments would be approximately 48 ha.

In order to address the above proposed changes to the authorised layout of the development, this amendment statement letter provides an evaluation of the ecological impacts associated with the development with regards to the following:

1. An assessment of all impacts related to the proposed change, including a comparison with those impacts predicted in the Basic Assessment (BA).
2. Advantages and disadvantages associated with the proposed change
3. Measures to ensure avoidance, management and mitigation of impacts associated with the proposed change
4. Any changes to the EMPr

**1. An assessment of all impacts related to the proposed change, including a comparison with those impacts predicted in the BA.**

A summary assessment of the original impacts as assessed in the fauna and flora specialist report for the Highlands South WEF is listed below in Table 1. Based on the layout as provided for the amendment, no impacts would be increased by the amendment application. Although the number of turbines would be reduced this reduction would be partly offset by the increase in the size of the turbine hardstands. Overall, the difference is not considered significant and impacts would be the

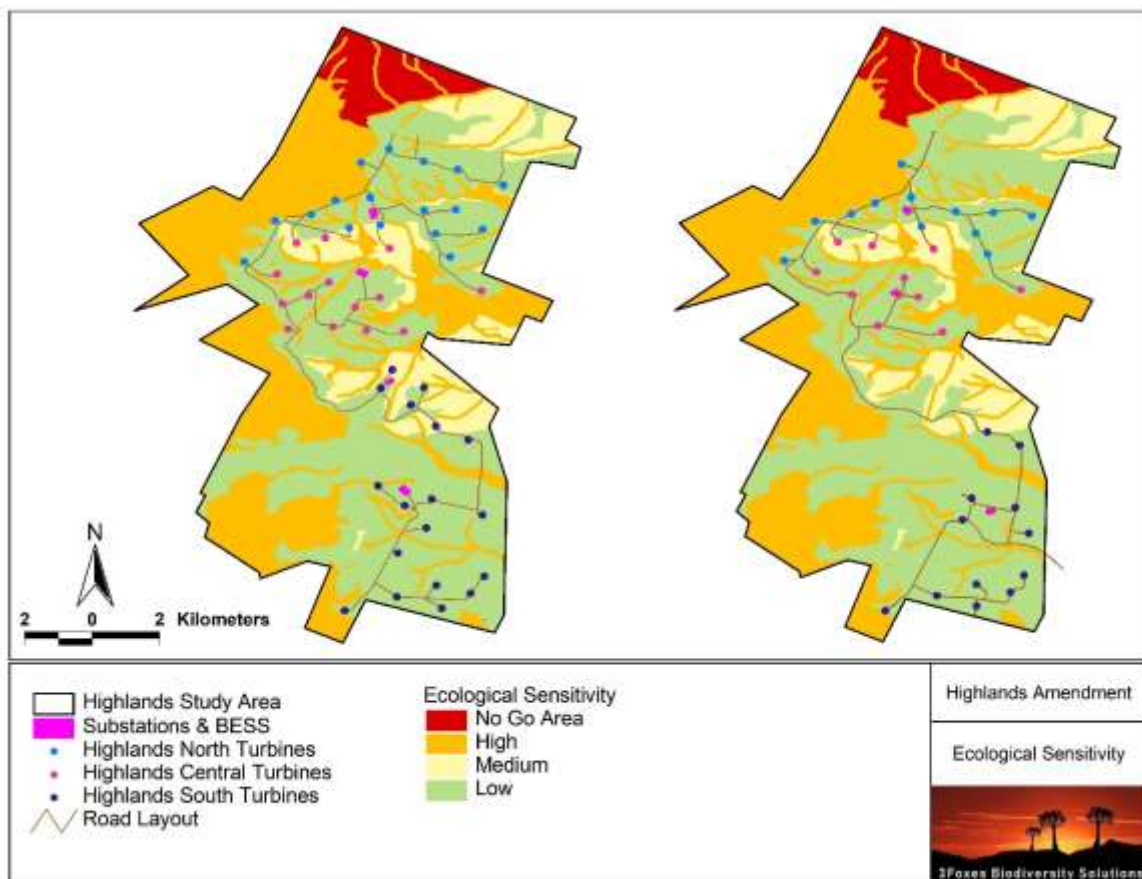
same as that assessed for the original approved layout and no changes to the assessed impacts would be required.

**Table 1.** Summary of the original pre- and post-mitigation significance of impacts associated with the original assessed and proposed amended layout of the Highlands South WEF.

Impact	Original Assessed Layout		Proposed Amended Layout	
	Without Mitigation	With Mitigation	Without Mitigation	With Mitigation
<b>Construction Phase</b>				
Impact on Vegetation and listed plant species	Medium	Medium	Medium	Medium
Faunal Impacts due to construction	Medium	Low	Medium	Low
<b>Operational Phase</b>				
Faunal Impacts	Medium	Low	Medium	Low
Alien plant invasion	Medium	Low	Medium	Low
Soil Erosion	Medium	Low	Medium	Low
Impact on CBAs and broad-scale ecological processes	Medium	Low	Medium	Low
<b>Decommissioning</b>				
Faunal Impacts	Medium	Low	Medium	Low
Alien plant invasion	Medium	Low	Medium	Low
Soil Erosion	Medium	Low	Medium	Low
<b>Cumulative Impacts</b>				
Cumulative impacts on habitat loss and ability to meet conservation targets	Medium	Low	Medium	Low

## **2. Advantages and disadvantages associated with the proposed change**

The sensitivity map for the Highlands South WEF, showing the original assessed layout and the revised proposed amended layout is illustrated below in Figure 1. The distribution of turbines and associated infrastructure in relation to the sensitive features of the site are little changed between the original assessment and the amendment. As a result, there do not appear to be any significant advantages or disadvantages of the proposed amendments, including the amended layout.



**Figure 1.** The sensitivity map for the Highlands South WEF showing the original layout left and the proposed amended layout right.

### **3. Measures to ensure avoidance, management and mitigation of impacts associated with the proposed change**

The proposed amended layout of the Highlands South WEF is located in similar areas to the original footprint and there are no turbines in High or Very High sensitivity areas under either the original or amended layout. In addition, there are no new or additional impacts associated with the proposed amendments, including amended layout, with the result that there are no recommended changes to the mitigation and avoidance measures that were included in the original Fauna and Flora specialist BA study. In addition, the cumulative impacts associated with the amendment are considered to be similar to those as assessed in the BA and thus there would be no changes to the overall cumulative impacts associated with the change. All of the mitigation and avoidance measures as recommended in the Fauna and Flora specialist BA are upheld by the current study and should be applicable to the amended layout as well.

### **4. Any changes to the EMPr**

There are no recommended changes to the EMPr and all of the mitigation and avoidance measures as recommended in the Fauna and Flora specialist BA are applicable to the proposed amendments, including the amended layout.

## 5. Removal of Condition 42

The amendment requests removal of Condition 42 which states that “The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)”. This condition is contrary to the findings of the specialist study which found that the impact on the 2011 NPAES was acceptable. The BA study states: “*The affected Camdeboo Escarpment Focus area is over 421 000ha in extent and the loss of less than 10 000ha from this focus area is not considered highly significant.*” The potential loss of the entire Highlands site to development represents less than 0.25% of the affected Focus Area. As such, this cannot be considered to represent a significant impact, especially given that the site is not particularly unique or known to harbour an abundance of species of concern. In addition, the low impact on the NPAES is further supported by the fact that the Highlands WEF area does not fall within an NPAES Focus Area under the more recent 2016 NPAES Layer. The original assessed impact of the development on the NPAES was assessed as **Low** and this is upheld again here. Consequently, the specialist does not find sufficient motivation to support removing the areas falling within the 2011 NPAES from the development footprint and the request of the developer to remove this condition is not opposed.

### **Conclusions and Recommendations**

The major change associated with the amendment would be an increase in the size of the turbines and a slight reduction in the overall number of turbines as well as the addition of the BESS to the facility. The changes are however not considered significant from an ecological point of view and the impacts associated with the amendment are considered consistent with the original impacts as assessed in the BA study. There would therefore be no impacts associated with the proposed amendments, including the amended layout, that would be higher than the original layout as assessed. No additional mitigation or avoidance measures, beyond those already recommended in the Fauna and Flora specialist BA study are required for the amendment. In terms of Condition 42, the request of the developer to have this condition removed is not opposed. As such, there are no reasons to oppose the proposed amendment and it can therefore be supported from an ecological point of view.

Sincerely



Simon Todd

Director

3Foxes Biodiversity Solutions

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## **Appendix C1b:**

### **CV of specialist**



**SHORT CV/SUMMARY OF EXPERTISE – SIMON TODD**

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 <p><b>3Foxes Biodiversity Solutions</b> <b>ECOLOGICAL SPECIALIST SERVICES</b> Assessment/Management/Research</p>	<p>Simon Todd Pr.Sci.Nat Director &amp; Principle Scientist C: 082 3326502 O: 021 782 0377 Simon.Todd@3foxes.co.za</p> <p>60 Forrest Way Glencairn 7975</p>	<p>Ecological Solutions for People &amp; the Environment</p>
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Simon Todd is Director and principal scientist at 3Foxes Biodiversity Solutions and has over 20 years of experience in biodiversity measurement, management and assessment. He has provided specialist ecological input on more than 200 different developments distributed widely across the country. This includes input on the Wind and WEF SEA (REDZ) as well as the Eskom Grid Infrastructure (EGI) SEA and Karoo Shale Gas SEA. He is on the National Vegetation Map Committee as representative of the Nama and Succulent Karoo Biomes. Simon Todd is a recognised ecological expert and is a past chairman and current deputy chair of the Arid-Zone Ecology Forum. He is registered with the South African Council for Natural Scientific Professions (No. 400425/11).

A selection of recent work is as follows:

**Strategic Environmental Assessments**

Co-Author. Chapter 7 – Biodiversity & Ecosystems - Shale Gas SEA. CSIR 2016.

Co-Author. Chapter 1 – Scenarios and Activities – Shale Gas SEA. CSIR 2016.

Co-Author – Ecological Chapter – Wind and Solar SEA. CSIR 2014.

Co-Author – Ecological Chapter – Eskom Grid Infrastructure SEA. CSIR 2015.

Contributor – Ecological & Conservation components to SKA SEA. CSIR 2017.

**Recent Specialist Ecological Studies in the Vicinity of the Current Site**

- Esizayo Wind Energy Facility, Roggeveld. WSP 2017.
  - Maralla East & Maralla West WEFS, Roggeveld. WSP. 2017.
  - Gunstfontein Wind Energy Facility, Sutherland. Savannah Environmental. 2016.
  - Brandvalley Wind Energy Facility, Roggeveld. EOH. 2016.
  - Kareebosch Wind Energy Facility, Roggeveld. Savannah Environmental 2015.
  - Roggeveld Wind Energy Facility. 2013.
  - Komsberg East & Komsberg West WEFS. Arcus Consulting. 2016
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## **Appendix C1c:**

### **Specialist declaration**



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

### DETAILS OF THE SPECIALIST, DECLARATION OF INTEREST AND UNDERTAKING UNDER OATH

	(For official use only)
File Reference Number:	
NEAS Reference Number:	DEA/EIA/
Date Received:	

Application for authorisation in terms of the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended (the Regulations)

#### PROJECT TITLE

PROPOSED HIGHLANDS SOUTH WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR SOMERSET EAST IN THE EASTERN CAPE PROVINCE: APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION

#### Kindly note the following:

1. This form must always be used for applications that must be subjected to Basic Assessment or Scoping & Environmental Impact Reporting where this Department is the Competent Authority.
2. This form is current as of 01 September 2018. It is the responsibility of the Applicant / Environmental Assessment Practitioner (EAP) to ascertain whether subsequent versions of the form have been published or produced by the Competent Authority. The latest available Departmental templates are available at <https://www.environment.gov.za/documents/forms>.
3. A copy of this form containing original signatures must be appended to all Draft and Final Reports submitted to the department for consideration.
4. All documentation delivered to the physical address contained in this form must be delivered during the official Departmental Officer Hours which is visible on the Departmental gate.
5. All EIA related documents (includes application forms, reports or any EIA related submissions) that are faxed; emailed; delivered to Security or placed in the Departmental Tender Box will not be accepted, only hardcopy submissions are accepted.

#### Departmental Details

##### Postal address:

Department of Environmental Affairs  
Attention: Chief Director: Integrated Environmental Authorisations  
Private Bag X447  
Pretoria  
0001

##### Physical address:

Department of Environmental Affairs  
Attention: Chief Director: Integrated Environmental Authorisations  
Environment House  
473 Steve Biko Road  
Arcadia

Queries must be directed to the Directorate: Coordination, Strategic Planning and Support at:  
Email: [EIAAdmin@environment.gov.za](mailto:EIAAdmin@environment.gov.za)



**1. SPECIALIST INFORMATION**

Specialist Company Name:	3Foxes Biodiversity Solutions		
B-BBEE	Contribution level (indicate 1 to 8 or non-compliant)	4	Percentage Procurement recognition
			100%
Specialist name:	Simon Todd		
Specialist Qualifications:	BSc. (Zool. & Bot.), BSc Hons (Zool.), MSc (Cons. Biol.)		
Professional affiliation/registration:	SACNASP 400425/11		
Physical address:	23 De Villiers Road, Kommetjie 7975		
Postal address:	23 De Villiers Road, Kommetjie		
Postal code:	7975	Cell:	082 3326502
Telephone:		Fax:	
E-mail:	Simon.Todd@3foxes.co.za		

**2. DECLARATION BY THE SPECIALIST**

I, Simon Todd, declare that –

- I act as the independent specialist in this application;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting the specialist report relevant to this application, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I have no, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- all the particulars furnished by me in this form are true and correct; and
- I realise that a false declaration is an offence in terms of regulation 48 and is punishable in terms of section 24F of the Act.



Signature of the Specialist

3Foxes Biodiversity Solutions


Name of Company:

02 October 2021

Date

3. UNDERTAKING UNDER OATH/ AFFIRMATION

I, Simon Todd, swear under oath / affirm that all the information submitted or to be submitted for the purposes of this application is true and correct.



Signature of the Specialist

3Foxes Biodiversity Solutions

Name of Company

02 October 2021

Date



Signature of the Commissioner of Oaths

02 October 2021

Date