



forestry, fisheries & the environment

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

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

DFFE Reference: 14/12/16/3/3/2/360/AM5/2

Enquiries: Ms Julliet Mahlangu

Telephone: (012) 399 9320 E-mail: jmahlangu@environment.gov.za

Mr Reginald Niemand
ENGIE Sannaspos Solar Project (Pty) Ltd
PO Box 501
ATHLONE
7760

Telephone Number: 021 680 5120

Email address: reggie.niemand@engie.com

PER EMAIL / MAIL

Dear Mr Niemand

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED ESKOM SWITCHING STATION AND GRID CONNECTION INFRASTRUCTURE AS PART OF THE SANNASPOS PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY PHASE 1, FREE STATE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 26 June 2013, EA amendments issued on 28 September 2015, 09 April 2018, 12 April 2018 and 02 August 2021 your application for amendment of the EA received on 14 September 2021 and an acknowledgement letter dated 27 September 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5, Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to split the EA dated 26 June 2013 as amended.

The attached EA will replace the EA dated 26 June 2013 as amended. All further amendments must be lodged on the attached EA.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

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

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal 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.

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

Yours faithfully



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

Date: 20 October 2021

cc:	Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
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forestry, fisheries & the environment

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

Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

THE PROPOSED ESKOM SWITCHING STATION AND GRID CONNECTION INFRASTRUCTURE AS PART OF THE SANNASPOS PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY PHASE 1, FREE STATE PROVINCE

Mangaung Metropolitan Municipality

Authorisation register number:	<i>14/12/16/3/3/2/360/AM5/2</i>
Last amended:	<i>Splitting and Re-issue</i> <i>First issue: 26 June 2013</i>
Holder of authorisation:	<i>ENGIE Sannaspos (Pty) Ltd.</i>
Location of activity:	<i>FREE STATE PROVINCE:</i> <i>Mangaung Metropolitan</i> <i>Municipality</i>

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.

Decision

The Department is satisfied that, 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 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 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

ENGIE Sannaspos (Pty) Ltd

with the following contact details –

Mr Reginald Niemand
ENGIE Sannaspos Solar Project (Pty) Ltd
PO Box 501
ATHLONE
7760

Telephone Number: 021 680 5120

Email address: reggie.niemand@engie.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 or 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p>GN R. 544 Item 11:</p> <p><i>The construction of:</i></p> <p><i>(xi) infrastructure or structures covering 50 square metres or more</i></p> <p><i>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</i></p>	<p>The construction of the proposed solar facility and associated infrastructure may impede on drainage lines on the site.</p>
<p>GN R. 544 Item 18:</p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, pebbles or rock from:</i></p> <p><i>(i) a watercourse.</i></p>	<p>Potential infilling or depositing may occur as a result of the construction of the proposed facility and associated infrastructure.</p>

as described in the Environmental Impact Assessment Report (BAR) dated February 2013 at:

Alternative (132 kV power line)	Latitude	Longitude
Starting point of activity	29°11'20.36"	26°35'20.97"
Middle point of activity	29°11'21.41"	26°34'58.55"
End point of activity	29°11'25.67"	26°34'37.46"

- for the proposed Eskom switching station and grid connection infrastructure as part of the Sannaspos Photovoltaic (PV) solar energy facility phase 1, Free State Province

The infrastructure associated with this facility includes:

1. An on-site switching station and 132kV overhead power line (to eventually be owned by Eskom) to facilitate the grid connection for the Sannaspos Solar Energy Facility.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The Sannaspos Photovoltaic Plant Phase 1 (75MW) and associated infrastructure, located on Portion 0 of Farm 1808 Besemkop and Portion 0 of Farm 2962 Lejwe located approximately 45 km east of Bloemfontein which falls Mangaung Metropolitan Municipality at Free State Province is approved.
2. Authorisation of the activity is subject to the conditions contained in this 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 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 authorisation in terms of the regulations.
6. This activity must commence within a period of ten (10) years from the date of issue of the original authorisation issued on the 26 June 2013 as amended (i.e. EA lapses on 26 June 2023). 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

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 12 (twelve) 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 Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 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 the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.

Monitoring

13. The applicant must appoint a suitably 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 authorisation are implemented and to ensure compliance with the provisions of the EMPr.
 - 13.1. The ECO shall be appointed before commencement of any authorised activities.
 - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 13.3. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

- 13.4. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 13.5. 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.

Recording and reporting to the Department

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. The environmental audit report 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 EMPr.
17. 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.

Commencement of the activity

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
20. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

21. Fourteen (14) days written notice must be given to the Department that the activity will commence. 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. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

22. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

Site closure and decommissioning

23. Should the activity ever cease or become redundant, the applicant shall 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

24. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
25. As per the South African Civil Aviation Authority requirements the facility must not exceed the maximum height restriction of 20.0m above ground level. The OHEPTL is restricted to 24m AGL.
26. A site management plan must be developed for *Site Sannas-1* (an informal cemetery of approximately 13 graves, oriented east to west, with stone dressing) and *Site Sannas-5* (A formal cemetery of approximately 08 graves, oriented east to west, with granite dressing and headstones). Both these sites must be fenced with and provided with a secure access gate. The fencing must be placed 2 meters away from the parameter of the graves. No development is allowed within 15 meters from the fence line surrounding the graves.
27. *Site Sannas-3* must be documented and a permit must be obtained from the relevant authority for the demolition of this stone shed.
28. A qualified Palaeontologist must be commissioned to undertake a ground reconnaissance before commencement of any construction activities and the Construction manager and ECO must report any fossil finds encountered during construction activities.
29. Permission for an access from Farm Lejwe 2962 to tertiary road T91 must be obtained from provincial Department of Police, Roads and Transport (Directorate: Land Transport Planning)
30. An application of a way leave must be submitted in any power line and/ or cable crosses and/or runs parallel with tertiary road T91, or any other provincial road.

31. No structures, including power lines, must be established within a distance of 95.0 metres measured from the centre line of a secondary road S417 and tertiary road T91 without the written approval by Department of Police, Roads and Transport for the relaxation of the building line.
32. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors, as recommended by the avifaunal specialist. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
33. Before clearing of the site, all protected species need to be identified, GPS's, and the appropriate permits obtained from the provincial authority for both TOPS and provincially protected species. If the province requires rescue and rehabilitation as part of the permit conditions, this needs to be included in the EMP. A detailed walkthrough study must be undertaken during optimal growing conditions (late November to early February) to enable all potentially rare and protected plant species to be recorded and relocated.
34. A minimum buffer of 32m is maintained from drainage lines and a buffer of 100m must be maintained around riparian areas.
35. A botanist must be appointed to perform a final walkthrough of the alignment to identify sensitive plant species, and assist in identifying the areas that require protection.
36. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
37. Copies of all permits required for the proposed development must be submitted to the Department for record keeping and filing.
38. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
39. Liaison with land owner's/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities. If possible, construction should be scheduled to take place within the post-harvest, pre planting season, when fields are lying fallow.
40. The applicant is required to inform the Department of Agriculture and this Department should the removal of protected species, medicinal plants and "data deficient" plant species be required.
41. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
42. Construction must include 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.
43. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be

disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

General

44. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
45. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty-eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
46. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his 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 applicant 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: 20 October 2021



Mr Vusi Skosana

**Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment**

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Environmental Impact Assessment Report (EIAR) dated February 2013;
- b) The comments received from the South African National Roads Agency (SOC) Limited (SANRAL), South African Civil Aviation Authority, South African Heritage Resources Authority, Department of Agriculture Fisheries and Forestry, Mangaung Metropolitan Municipality, Department of Economic Development, Tourism and Environmental Affairs and Department of Water Affairs, organs of state and interested and affected parties as included in the EIAR dated February 2013;
- c) Mitigation measures as proposed in the EIAR dated February 2013 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the EIAR;
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

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) Globally there is an increasing pressure on countries to increase their share of renewable energy generation due to concerns such as exploitation of non-renewable resources and climate change. In order to meet the long term goal of a sustainable renewable energy industry and to diversify the energy – generation mix in South Africa, a goal of 17.8 GW of renewable generation capacity has been set by the Department of Energy (DoE) within the Integrated Resource Plan (IRP) 2010. This energy will be produced mainly from wind, solar, biomass, and small scale hydro (with wind and solar comprising the bulk of the power generation capacity).
- c) In response to the above ENGIE Sannaspos (Pty) Ltd is proposing to establish a commercial photovoltaic solar energy facility of up to 75 MW, as well as associated infrastructure on a site located approximately 45 km east of Bloemfontein in the Free State Province. Associated infrastructure includes the construction of a substation, access roads and power line/s.

- d) The project development site is accessible from the N8 Highway towards Botshabelo linking into a secondary road S417 (gravel) and an existing access road (gravel) on the proposed farm portion this will be upgraded and used to access the facility site.
- e) The EIAR dated February 2013 identified all legislation and guidelines that have been considered in the preparation of the EIAR dated February 2013.
- f) The methodology used in assessing the potential impacts identified in the EIAR dated February 2013 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, 2010 for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the EIAR dated February 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIAR dated February 2013 is accurate and credible.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.



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

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Enquiries: Devinagle Bendeman Tel: 012 399 9337

Email: Vbendeman@environment.gov.za

Mr. Vusi Skosana
Director: Strategic co-ordination planning and support

Dear Mr. Vusi Skosana

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 20 OCTOBER 2021 UNTIL 22 OCTOBER 2021.

This serves to confirm your appointment as Acting Chief Director: integrated environmental authorisations, from 20 October 2021 until 22 October 2021, whilst Mr Sabelo Malaza is on Sick Leave.

You will act in this capacity with the full responsibilities and duties attached to the post, including the activities entrusted to the Acting Chief Director: integrated environmental authorisations by or in terms of the Acts administered by the Department.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Devinagle Bendeman
Deputy Director-General: RCSM (Regulatory Compliance and Sector Monitoring)

Date: 19/10/2021



ACKNOWLEDGEMENT
I ACCEPT / DO NOT ACCEPT
appointment as Acting Chief
Director: integrated environmental
authorizations

Signed: _____

Date: 20 October 2021