



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: 14/12/16/3/3/1/2019

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PER EMAIL / MAIL

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION FOR ENVIRONMENTAL AUTHORISATION (BASIC ASSESSMENT PROCESS) FOR THE PROPOSED AGGENEYS 1 SOLAR PV FACILITY, NORTHERN CAPE PROVINCE

The Department confirms having received the Application for Environmental Authorisation and Draft Basic Assessment Report for the abovementioned project on 25 April 2019. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

You are hereby informed that the Basic Assessment Report (BAR) template was removed from the Departmental website and that the submission of a BAR in the form of a template will no longer be accepted by the Department. You are hereby informed that the Draft BAR submitted with your Application for Environmental Authorisation will be accepted as is. However, all future Basic Assessment Process applications must comply with the requirements contained in Regulation 19 and Annexure 1 of GN R982 of the EIA Regulations, 2014, as amended.

Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that potential Interested & Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014, as amended, prior to the submission of an application but must be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.

All documentation delivered to the physical address contained in this form must be delivered during the official Departmental Office Hours which is visible on the Departmental gate. 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.

Note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

Yours sincerely



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Ms Toinette van der Merwe

Designation: Control Environmental Officer: EIA Systems and Tools

Date: 26/4/2019



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PER MAIL / E-MAIL

Dear Ms Thomas

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF AGGENEYS 1, A 100MW SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR AGGENEYS WITHIN THE NORTHERN CAPE PROVINCE

The Application for Environmental Authorisation and Draft Basic Assessment Report (BAR) dated April 2019 and received by the Department on 25 April 2019, refer.

This letter serves to inform you that the following information must be included to the Final BAR:

(a) Listed Activities

- Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.
- With reference to Activity 24 of Listing Notice 1 of the EIA Regulations, 2014, as amended, please confirm whether this activity will trigger as the report states: *'Aggeneys 1 will require the development of access roads (including internal access roads) with a width of between 4 and 8 meters.'*
- If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.

(b) Layout & Sensitivity Maps

- Please provide a layout map which indicates the following:
- The proposed Aggeneys 1 and 2 with associated infrastructure for each development.
- The proposed grid infrastructure for each of the above PV facilities (Aggeneys 1 and 2), overlain by the sensitivity map.

- All supporting onsite infrastructure e.g. roads (existing and proposed),
- The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
- Buffer areas; and
- All “no-go” areas.
- The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure.
- Google maps will not be accepted

(c) Public Participation Process

The following information must be submitted with the Final BAR:

- Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR. Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. Please note that comments received from this Department must also form part of the comment and response report.
- A Comments and Response trail report (C&R) must be submitted with the final BAR. The C&R report must incorporate all comments for this development. Please refrain from summarising comments made by Interested and Affected Parties (I&APs). All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to I&AP’s comments.
- The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.
- The final BAR must include the name of the newspaper as well as a copy of the advertisement placed.

(d) Specialist Assessments

- Comments must be sourced from the Department of Environmental Affairs- Biodiversity and Conservation Directorate. Further to that, these comments must be addressed and incorporated in the final Basic Assessment Report.
- The signed Specialist Declaration of Interest are missing page 3 for the following specialists:
 - DG Paterson – Agricultural Research Council-Soil, Climate and Water
 - Jonathan Marshall – Environmental Planning and Design
 - Dr Jayson Orton – ASHA Consulting (Pty) Ltd
 - Neville Bews – Dr Neville Bews and Associates
 - Andrew Cleghorn – Knight Piesold Pty Ltd
- You are requested to submit original signed Specialist Declaration of Interest forms (completed in full) for each specialist study conducted. The forms have been updated and are available on Department’s website (please use the Department template).

- You are requested to indicate the applicability of the Astronomy Geographic Advantage Act, Act No. 21 of 2007 to the proposed project and its location in terms of astronomy advantage areas.
 - The project area is listed as "Very High Combined Sensitivity" in terms of RFI (*according to the National Web Based Environmental Screening Tool*). As a result, an Electromagnetic Interference (EMI) and Radio Frequency Interference (RFI) detailed study must be conducted by a suitably qualified and accredited professional. The South African SKA Project Office must be kept regularly informed of the progress and be consulted on the details of the studies required.
 - The EMI and RFI study must also assess cumulative impacts from other Renewable Energy Facilities in the area.
 - Comments on the EMI and RFI study must be obtained from the South African SKA Project Office.
 - Outcomes of this study (including comments received) must be included and assessed in the final BAR.

General

The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final BAR. It would be best to arrange a joint site visit which includes officials dealing with the PV facility and Grid Infrastructure. The officials who will comment from the provincial Department of Environmental Affairs must also be invited to the site inspection.

You are further reminded that the final BAR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of basic assessment reports in accordance with Appendix 1 and Regulation 19(1) of the EIA Regulations, 2014 as amended.

Please also ensure that the Final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per the Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that:

*"Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority -
(a) a basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority."*

Should there be significant changes or new information that has been added to the BAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are therefore required to comply with Regulation 19(b) of the NEMA EIA Regulations, 2014, as amended, which states:

"the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority - (b) a notification in writing that the basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes

or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised reports or, EMP or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days”.

Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Mr Wayne Hector

Designation: Deputy Director: Prioritised Infrastructure Projects

Date: 22/05/19

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| CC: | Robert Wagener | ABO Wind Aggeneys 2 PV (Pty) Ltd | Email: robert.wagener@abo-wind.com |
| | Bryan Fisher | Northern Cape Department of Environment and Nature Conservation | Email: BFisher@ncpg.gov.za |
| | Edward Vries | Khâi-Ma Local Municipality | Email: mmsecretary@khaima.gov.za |
| | Mathodi Mogorosi | DEA: IEA | Email: MMogorosi@environment.gov.za |
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