



# 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:** 14/12/16/3/3/2/998/AM4

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## PER MAIL / EMAIL

Dear Mr Bowers

### **COMMENTS ON THE DRAFT AMENDMENT REPORT FOR THE APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 16 APRIL 2018 FOR THE PROPOSED CONSTRUCTION OF 300MW SOLAR PV PLANT ON SEVERAL PORTIONS OF FARMS IN THE HANOVER DISTRICT, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) for the above-mentioned project dated 16 April 2018, the application for amendment of the EA and the amended draft amendment report received by the Department on 01 July 2022 and the acknowledgement letter dated 13 July 2022, refer.

The Department has the following comments on the abovementioned amendment application:

#### **(a) Specific Comments**

- (i) You are required to submit final Specialist Studies with the final motivation report to this Department.
- (ii) The final EMPr to be submitted with the final motivation report must be updated to include and incorporate all mitigation measures recommended by the specialists.
- (iii) The applicant is required to comply with Regulation 39 (1) of EIA Regulations 2014, as amended and submit a written consent of the landowners for the amendment application.
- (iv) The EAP is to ensure that all the amendments applied for does not trigger any listed or specified activity as outlined in Regulation 31 of the EIA Regulations, 2014 as amended.

#### **(b) Listed Activities**

- (v) Kindly ensure that **no new listed activities are triggered by the proposed amendments**. The EAP is to ensure that all the amendments applied for does not trigger any listed or specified activity as outlined in Regulation 31 of the EIA Regulations, 2014 as amended.
- (vi) If there are new activities that are being triggered a new process must be followed. Also please be reminded that the onus is on the applicant to ensure that all relevant and applicable listed activities are considered and assessed before the commencement of any activities.

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**(c) Public participation**

- (vii) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final report. This includes but is not limited to the Northern Cape Department of Environment and Nature Conservation; Emthanjeni Local Municipality, the Department of Water and Sanitation (DWS), the South African National Roads Agency Limited (SANRAL), the South African Heritage Resources Agency (SAHRA), BirdLife SA, the Department of Mineral Resources and Energy, the Department of Rural Development and Land Reform, the Department of Environmental Forestry, Fisheries and the Environment: Directorate Biodiversity and Conservation, etc.
- (viii) A Comments and Response trail report (C&R) must be submitted with the final report. The C&R report must incorporate all comments for this application. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to I&AP’s comments.
- (ix) Please ensure that all issues raised and comments received during the circulation of the draft report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final report. Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (x) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.
- (xi) The final report must also indicate that this draft report has been subjected to a public participation process (i.e. newspaper adverts, site notices, etc).

**(d) Layout & Sensitivity Maps**

- (xii) The final report must include an environmental sensitivity map indicating environmental sensitive areas, buffer areas and features identified during the assessment process.
- (xiii) The final report must include a map combining the final layout map superimposed (overlain) on the environmental sensitivity map.

**(e) Specialist assessments**

- (xiv) The EAP must provide confirmation that all specialists were provided with the same request of proposed amendments as well as ensure that the terms of reference for all the identified specialist studies include the following:
  - (a) A detailed description of the study’s methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations.
  - (b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
  - (c) Please note that the Department considers a ‘no-go’ area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the ‘no-go’ areas.
  - (d) Should the specialist definition of ‘no-go’ area differ from the Department’s definition; this must be clearly indicated. The specialist must also indicate the ‘no-go’ area’s buffer if applicable.
  - (e) All specialist studies must be final, and provide detailed/practical mitigation measures and recommendations, and must not recommend further studies to be completed post EA.
  - (f) Should specialists recommend specific mitigation measures for identified turbine positions, these must be clearly indicated.

- (g) Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
  - (h) A detailed process flow to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
  - (i) Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
  - (j) The significance rating must also inform the need and desirability of the proposed development.
  - (k) A cumulative impact environmental statement on whether the proposed development must proceed.
- (xv) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.

**(f) Environmental Management Programme**

- (xvi) Kindly ensure that the EMPr submitted in the final Amendment Report complies with appendix 4 of the EIA Regulations 2014 as amended. The content of EMPr as per appendix 4 must be used as the table of content for EMPr and must show the sections or page numbers where the all requirements of appendix 4 has been addressed in the EMPr.
- (xvii) Kindly ensure that all recommendations from the specialist are included in the EMPr.

**General**

Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.

You are further reminded to comply with Regulation 32(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *"The applicant must within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority -*

- (a) *a report, reflecting—*
- (i) *an assessment of all impacts related to the proposed change;*
  - (ii) *advantages and disadvantages associated with the proposed change; and*
  - (iii) *measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and*
  - (iv) *any changes to the EMPr;*

*which report-*

(aa) *had been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and*

(bb) *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 motivation report or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 32(1)(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 report 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 report, which changes or information was not contained in the*

*report consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised report will be subjected to another public participation process of at least 30 days”.*

In the event where subregulation (1)(b) applies, the report, which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority.

Should you fail to meet any of the timeframes stipulated in Regulation 32 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 faithfully



**Ms Milicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Forestry, Fisheries and the Environment**

**Signed by: Ms Masina Litsoane**

**Designation: Control Environmental Officer: National Infrastructure Projects**

**Date: 28/07/2022.**

cc:	Jean-Paul de Villiers	Soventix South Africa (Pty) Ltd	Email: <a href="mailto:jp.devilliers@soventix.com">jp.devilliers@soventix.com</a>
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