

Raquel Peters

From: Thulisile Nyalunga <TNYALUNGA@dffe.gov.za>
Sent: Thursday, 05 May 2022 12:35
To: Raquel Peters
Cc: Sindiswa Dlomo
Subject: RE: 2022-04-0030

Dear Raquel

You have indicated that a Pre-application meeting is not required, however the pp plan needs to be approved.

Please note that the public participation plan has been cancelled as of 01st of May 2022. If you wish, you can submit your application.

Regards
Thulisile

From: EIA Applications <EIAApplications@dffe.gov.za>
Sent: Thursday, 05 May 2022 12:23
To: Thulisile Nyalunga <TNYALUNGA@dffe.gov.za>
Cc: Sindiswa Dlomo <SDLOMO@dffe.gov.za>; Raquel@savannahsa.com
Subject: 2022-04-0030

Dear Thulisile.

Please note that you have been allocated an application:

Type of Application: Pre-Application Meeting Request;
Reference Number: 2022-04-0029;
Date Received: 28/04/2022;
Action Required: Decide on meeting request.

Kindly let Ephron know which date the meeting is to be held, if it will be set.

EIA Applications
Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Please note that this email is for the receipt and processing of online applications only, and is not monitored for responses. All queries must be directed to EIAdmin@dffe.gov.za.

You are advised that this mailbox has a 48 hour response time.

Please note that this mailbox has a 5mb mail limit. No zip files are to be attached in any email.

From: Raquel Peters <Raquel@savannahsa.com>
Sent: Thursday, 28 April 2022 09:25
To: EIA Applications <EIAApplications@dffe.gov.za>

Cc: Rendani Rasivhetshele <rendani@savannahsa.com>

Subject: Request for a Pre-Application Meeting for the proposed Kiara PV Cluster

Good morning,

Please find attached the pre-application meeting request form, for the proposed Kiara PV Cluster. Please note that a Pre-application meeting is **not** required. Approval of the PP Plan is required.

Thank you.

Kind Regards,

Raquel Peters



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Raquel Peters

Junior Environmental Consultant

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SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

Processing of personal Information / POPIA compliance

We respect your privacy and acknowledge that this e-mail will contain Personal Information, which may belong to you, others and/or to your organization and which we will process. The processing of your personal information by Savannah Environmental may be included in reports submitted to governmental departments or on our public platforms, which processing will be done in accordance with our processing notice housed on our website - <https://savannahsa.com/privacy-policy-privacy-policy-page/>. By sending and/or receiving this message, you hereby consent to the lawful processing of personal information for the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act No 4 of 2013).

Nkhensani Masondo

From: Lydia Kutu <LKutu@dffe.gov.za>
Sent: Tuesday, 28 June 2022 11:16
To: Savannah Accounts; Rendani Rasivhetshela; Raquel Peters; Jo-Anne Thomas; Savannah Public Process
Cc: Thulisile Nyalunga; EIAadmin; Salome Mambane; Masingita Maluleke
Subject: 14/12/16/3/3/2/2171

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION FORM AND DRAFT SCOPING REPORT FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED KIARA PV1 FACILITY AND ASSOCIATED INFRASTRUCTURE, NEAR LICHTENBURG, NORTH WEST PROVINCE.

The Department confirms having received the Application Form and Draft Scoping Report for Environmental Authorisation for the abovementioned project on 24 June 2022. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

Kindly note that your application for Environmental Authorisation falls within the ambit of an application applied for in terms of Part 3 of Chapter 4 of the EIA Regulations, 2014, as amended. You are therefore referred to Regulation 21 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.

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.

Kind Regards,
Lydia Kutu
Integrated Environmental Authorisations:
Coordination, Strategic Planning and Support
Tel: (012) 399 9370
Email: LKutu@dffe.gov.za

To God be the Glory!!!



forestry, fisheries & the environment

Department:
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REPUBLIC OF SOUTH AFRICA

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

DFFE Reference: 14/12/16/3/3/2/2171,2172,2173,2174

Enquiries: Ms Thulisile Nyalunga

Telephone: (012) 399 9405 **E-mail:** TNyalunga@dfffe.gov.za

Ms Rendani Rasivhetshela
Savannah Environmental (Pty) Ltd
PO Box 148
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2191

Cellphone Number: (011) 656 3237
Email Address: rendani@savannahsa.com

PER MAIL / E-MAIL

Dear Ms Rasivhetshela

COMMENTS ON THE DRAFT SCOPING REPORTS FOR THE PROPOSED DEVELOPMENT OF THE 130MW KIARA PV1, PV2, PV3 AND PV4 PHOTOVOLTAIC SOLAR ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE NEAR LICHTENBURG WITHIN THE DITSOBOTLA LOCAL MUNICIPALITY IN THE NORTH-WEST PROVINCE

The Applications for Environmental Authorisation and the Draft Scoping Reports (SR) dated June 2022 and received by the Department on 24 June 2022, refer.

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

(a) Listed Activities and Application Form

- 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. Please provide the details, capacities and thresholds of the specific project infrastructure, not a repetition of the listed activity thresholds (i.e., a description of the dangerous goods facility infrastructure, capacity and location, and the length and width of the main access roads.
- It is imperative that the relevant authorities are continuously involved throughout the environmental impact assessment process, as the development property possibly falls within geographically designated areas in terms of Listing Notice 3 Activities. Written comments must be obtained from the relevant authorities (or proof of consultation if no comments were received) and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided. Please also ensure that the potential impacts on the affected Critical Biodiversity Areas and Ecological Support Areas are fully assessed in the final EIAr.
- If the activities applied for in the application form differ from those mentioned in the final SR, 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 location of the PV arrays and associated infrastructure of the proposed 130MW Kiara PV1, PV2, PV3 and PV4 Photovoltaic Solar Energy Facilities;
- The location of the proposed Kiara PV1, PV2, PV3 and PV4 solar PV facilities in relation to the cluster of the 3 additional planned PV facilities (i.e., Kiara PV5, PV6 and Kiara PV7);
- The proposed grid infrastructure connecting the PV facilities to the existing Watershed Substation, 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

- Please ensure that all issues raised, and comments received on the draft SR from registered I&APs and organs of state which have jurisdiction (including this Department’s Biodiversity Section: BCAdmin@environment.gov.za) in respect of the proposed activity are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of the approved public participation plan and Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all historical comments (pre and post submission of the draft SR) for this development. The C&R report must be a separate document from the main report and the format must be in the table format which reflects the details of the I&APs and date of comments received, actual comments received, and response provided. Please ensure that comments made by I&APs are comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as “Noted” is not regarded as an adequate response to I&AP’s comments.

(d) Specialist Assessments to be conducted in the EIA Phase

- Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of turbine positions, and all other associated infrastructures that they have assessed and are recommending for authorisations.
- The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- 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.
- It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. “the Protocols”), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species),

have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.** Please note further that the protocols require the specialists' to be registered with SACNASP.

- Please include a table in the report, summarising the specialist studies required by the Department's Screening Tool, a column indicating whether these studies were conducted or not, and a column with motivation for any studies not conducted. Please note that if any of the specialists' studies and requirements/protocols recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report per the requirements of the Protocols.

(e) Cumulative Assessment to be conducted in the EIA Phase

- Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:
 - Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e., hectares of cumulatively transformed land.
 - Detailed process flow and proof must be provided, 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.
 - The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - A cumulative impact environmental statement on whether the proposed development must proceed.

(f) Environmental Management Programme

- The EMPr must include the following:
- It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in Regulations 19(4) must be used and submitted with the final report over and above the EMPr for the facility.
- Further to the above, you are required to comply with the content of the EMPr in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.
 - .

General

You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:

"If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has 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"

You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.

Further 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 timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).

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



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Letter signed by: Ms Sindiswa Dlomo
Designation: Deputy Director: National Infrastructure Projects
Date: 25/07/2022

cc:	Mr Armandt Andre Joubert	Voltalia South Africa (Pty) Ltd	Email: a.joubert@votalia.com
	Ms Ouma Skosana	North-West Department of Economic Development, Environment, Conservation and Tourism	Email: oskosana@nwpg.gov.za
	Mr Mali Ledwaba	Ditsobotla Local Municipality	Email: ledwabamali@gmail.com



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
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DFFE Reference: 14/12/16/3/3/2/2171

Enquiries: Thulisile Nyalunga

Telephone: (012) 399 9405 **E-mail:** TNyalunga@dffe.gov.za

Ms Jo-Anne Thomas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Telephone Number: (011) 656 3237
Email Address: joanne@savannahsa.com

PER MAIL / E-MAIL

Dear Ms Thomas

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED DEVELOPMENT OF THE 120MW KIARA PV1 PHOTOVOLTAIC SOLAR ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR LICHTENBURG WITHIN THE DITSOBOTLA LOCAL MUNICIPALITY IN THE NORTH-WEST PROVINCE

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated August 2022 and received by the Department on 05 August 2022, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated August 2022 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the EIAR:

(a) Listed Activities

- (i) The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (ii) The listed activities represented in the EIAR, and the application form must be the same and correct.
- (iii) The EIAR must assess the correct sub listed activity for each listed activity applied for.

(b) Public Participation

M.A

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. These include but are not limited to the North West Department of Economic Development, Environment, Conservation and Tourism, the Department of Agriculture and Rural Development, the Department of Water and Sanitation (DWS), the North West Department of Agriculture and Rural Development, the North West Department of Public Works and Roads, the North West Department of Community Safety and Transport Management, the North West Provincial Heritage Resources Authority (NWPHERA), South African Heritage Resources Agency (SAHRA), the South African National Roads Agency Limited (SANRAL), Eskom, the Ditsobotla Local Municipality, the Ngaka Modiri Molema District Municipality, the Endangered Wildlife Trust (EWT), BirdLife SA, the South African Civil Aviation Authority, and the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation.
- (ii) Please ensure that all issues raised, and comments received on the draft SR and draft EIAr from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section: BCAdmin@environment.gov.za) in respect of the proposed activity are adequately addressed in the Final EIAr. Proof of correspondence with the various stakeholders must be included in the Final EIAr. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of the approved public participation plan and Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- (iii) A comments and response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments (pre and post submission of the draft EIAr) received for this development. The C&R report must be a separate document from the main report and the format must be in the table format which reflects the details of the I&APs and date of comments received, actual comments received, and response provided. Please ensure that comments made by I&APs are comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&APs comments.

(c) Layout & Sensitivity Maps

- (i) The EIAr must provide the four corner coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- (ii) The EIAr must provide the following:
 - Clear indication of the envisioned area for the proposed 120MW Kiara PV1 Solar Power Facility; i.e., placing of PV arrays and all associated infrastructure should be mapped at an appropriate scale.
 - Clear description of all associated infrastructure (locations, lengths, widths and/or capacities). This description must include, but is not limited to the following:
 - Access and internal road infrastructure;
 - All supporting onsite infrastructure such as laydown area, guard house and control room etc.
 - Infrastructures to be developed within watercourses;
 - Powerlines; and
 - All necessary details regarding all possible locations and sizes of the proposed on-site facility substation.
- (iii) A copy of the final preferred layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following:
 - Permanent laydown area footprint;
 - Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);

- Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
 - Powerlines;
 - Substation(s) and/or transformer(s) sites including their entire footprint;
 - Location of access and service roads;
 - PV arrays positions
 - All existing infrastructure on the site, especially railway lines and roads;
 - Buffer areas;
 - Buildings, including accommodation; and
 - All “no-go” areas.
- (iv) An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
- (v) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.

(d) Specialist assessments

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies include the following:
- 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. Specialist assessments must be conducted in accordance with the Protocols.
 - 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.
 - 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.
 - Should the specialist definition of ‘no-go’ area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the ‘no-go’ area’s buffer if applicable.
 - All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.
 - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (ii) Regarding cumulative impacts:
- 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.
 - 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.
 - Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
 - The significance rating must also inform the need and desirability of the proposed development.
 - A cumulative impact environmental statement on whether the proposed development must proceed.
- (iii) 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.

- (iv) Please be reminded that section 2(3) of NEMA requires developments to be socially, environmentally and *economically* sustainable, while section 2(4)(i) of NEMA requires the social, *economic* and environmental impacts of activities, including disadvantages and benefits, to be considered, assessed and evaluated.

(e) Environmental Management Programme (EMPr)

- (i) It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the EIA Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programmes (EMPr), contemplated in Regulations 19(4) must be used over and above the EMPr for the PV facility. Accordingly, there needs to be a generic EMPr for the on-site substation, a generic EMPr for the overhead powerline and a third, separate EMPr for the PV facility.
- (ii) Please ensure that the mitigation measures specified in the EIAr, and specialist reports are also incorporated into the EMPr. In addition, ensure that the EMPr complies with the content of the EMPr in terms of Appendix 4 of the EIA Regulations, 2014, as amended.
- (iii) Please also include in the EMPr, a recommended frequency for the auditing of compliance with the conditions of the EA and EMPr, and for the submission of such compliance reports to the competent authority.

(f) General

- (i) The EIAr must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions.
- (ii) Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies must be indicated.
- (iii) Confirmation of the availability of services (e.g., sewage, water etc. if required) must be included in the EIAr.
- (iv) Should a Water Use License be required, proof of application for a license needs to be submitted.

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amended, with regard to the time period allowed for complying with the requirements of the Regulations.

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 Matlhodi Mogorosi

Designation: Deputy Director (Acting): National Integrated Authorisation Projects

Date: 16/09/2022

cc:	A Joubert	Voltalia South Africa (Pty) Ltd	Email: a.joubert@voltalia.com
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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: 14/12/16/3/3/2/2171,2172,2173,2174

Enquiries: Ms Thulisile Nyalunga

Telephone: (012) 399 9405 **E-mail:** tnyalunga@dffe.gov.za

Ms Jo-Anne Thomas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Telephone Number: (011) 656 3237
Email Address: joanne@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Thomas

APPROVAL OF THE REQUEST IN TERMS OF REGULATION 3(7) OF THE EIA REGULATIONS, 2014, AS AMENDED FOR THE PROPOSED DEVELOPMENT OF A COMMERCIAL PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE ASSOCIATED INFRASTRUCTURE NEAR LICHTENBURG WITHIN THE DITSOBOTLA LOCAL MUNICIPALITY IN THE NORTH-WEST PROVINCE

The application for Environmental Authorisation and draft Scoping Reports (SRs) received by this Department on 24 June 2022, the comments on the draft SRs dated 25 July 2022, the final SRs received by this Department on 05 August 2022, the acceptance of the final SRs by this Department dated 16 September 2022, your request for extension in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended dated 08 November 2022 and received by the Department on 08 November 2022, and the acknowledgement thereof on 09 November 2022, refer.

This Department commented on the draft SRs on 25 July 2022, accepted the final SRs on 16 September 2022, and is awaiting an Environmental Impact Assessment Reports (EIARs) which must be submitted to this Department in terms of Regulation 23(1)(a) of the EIA Regulations, 2014, as amended.

This Department received correspondence in the form of a letter from Savannah Environmental (Pty) Ltd dated 08 November 2022 requesting an extension of the prescribed timeframes by a period of sixty (60) days within which the final EIAR is to be submitted to the Department.

The motivation provided is that according to the Screening Tool avifaunal theme and scoping avifaunal report, the study site and immediate surroundings have shown a high avian theme as the area is located within 20km of the known Cape Vulture (*Gyps coprotheres*) restaurants. Due to the limited level of detail that is normally implemented during a scoping assessment, it is imperative that detailed avifaunal investigations be conducted on the study area at an appropriate season. The EAP, Savannah Environmental (Pty) Ltd, was informed by the avifaunal specialist that due to unforeseen circumstances, they (the specialist) would only be able to provide their specialist report by beginning of December 2022. As this assessment has been included in the approved plan of study for the EIA Phase, it is therefore required to be submitted as part of the EIA Report in order to comply with the approved plan of study. Furthermore, the assessment is critical to understanding the acceptability of the project from an environmental perspective, and the EAP can therefore not provide a comprehensive conclusion as to whether the project should proceed without it.

Due to the above-mentioned unforeseen circumstances, the project schedule has been affected and this will influence the release date of the EIA Reports for public review, as well as the submission of the Final EIA Reports to DFFE for decision-making. The applicant and specialist consulting team are currently not able to provide the Competent Authority with the comprehensive information required to make an informed decision on the project within the prescribed timeframes.

Regulation 3(7) of the EIA Regulations, 2014, as amended states that *"In the event where the scope of work must be expanded based on the outcome of an assessment done in accordance with these Regulations, which outcome could not be anticipated prior to the undertaking of the assessment, or in the event where exceptional circumstances can be demonstrated, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension."*

The EAP requested an extension in the timeframe to submit the final EIAs in 166 days after the acceptance of the final SRs, which the EAP deems to be sufficient time to enable specialists to accurately assess the impacts, update their studies and provide the EAP enough time to conduct a Public Participation process on the draft EIAs before submitting the final EIAs to the Department.

Based on the motivation provided by the EAP, this Department has decided to grant the extension of the timeframes to submit the final EIAs in 166 days after acceptance of the final SRs. As such the Final EIAs must be submitted **on or before 31 March 2023**.

Failure to submit the final EIAs on or before the above-specified period will result in the applications lapsing in terms of Regulation 45.

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.

Should you have any queries or wish to discuss the points raised above, please do not hesitate to contact our offices.

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Letter signed by: Mr Vusi Skosana
Designation: Director: National Integrated Authorisations

Date: *06 December 2022*

cc:	Mr Armandt Andre Joubert	Voltalia South Africa (Pty) Ltd	Email: a.joubert@voltalia.com
	Ms Ouma Skosana	Northwest Department of Economic Development, Environment, Conservation and Tourism	Email: oskosana@nwpg.gov.za
	Mr Mali Ledwaba	Ditsobotla Local Municipality	Email: ledwabamali@gmail.com