

## Tamryn Lee Goddard

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**From:** EIA Applications <EIAApplications@dffe.gov.za>  
**Sent:** Thursday, 14 April 2022 11:32  
**To:** Tamryn Lee Goddard  
**Subject:** FW: 2022-04-0013  
**Attachments:** Appendices 1 - 4.zip; Request for pre-application Poortjies RE development.zip; 2022-04-0013 DB Output.pdf; Request for pre-application Poortjies RE development.pdf; Appendices 1 - 4.pdf

### 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](mailto: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.*

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**From:** EIA Applications  
**Sent:** Thursday, 14 April 2022 11:32  
**To:** Herman Alberts <HALBERTS@dffe.gov.za>  
**Cc:** Muhammad Essop <MESSOP@dffe.gov.za>; Coenrad Agenbach <CAGENBACH@dffe.gov.za>  
**Subject:** 2022-04-0013

Dear Herman.

Please note that you have been allocated an application:

**Type of Application:** Pre-Application Meeting Request;  
**Reference Number:** 2022-04-0013;  
**Date Received:** 14/04/2022;  
**Action Required:** Decide on meeting request.

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

\*EAP/Applicant: please use this reference number when submitting the application for EA/amendment application (page 1 of the application form), as well as attach the approved PP Plan if the application requires a PP process.

### 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](mailto: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.*

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**From:** Tamryn Lee Goddard <[tamryn@savannahsa.com](mailto:tamryn@savannahsa.com)>  
**Sent:** Thursday, 14 April 2022 10:44  
**To:** EIA Applications <[EIAApplications@dfpe.gov.za](mailto:EIAApplications@dfpe.gov.za)>; EIA Applications <[EIAApplications@dfpe.gov.za](mailto:EIAApplications@dfpe.gov.za)>  
**Cc:** Muhammad Essop <[MESSOP@dfpe.gov.za](mailto:MESSOP@dfpe.gov.za)>; Ephron Maradwa <[EMaradwa@dfpe.gov.za](mailto:EMaradwa@dfpe.gov.za)>  
**Subject:** FW: Poortjies Wind and Solar Renewable Energy Development - Request for Pre-Application Meeting

Good day,

Please find attached pre-application meeting request and public participation plan for the proposed Poortjies WES Renewable Energy Development in the Western Cape Province.

Please do not hesitate to contact me should you have any queries regarding the project or the application.

Thank you and kind regards,



t: +27 (0)11 656 3237  
f: +27 (0) 63 936 8434

**Tamryn Lee Goddard**  
Environmental Consultant  
c: +27 (0) 63 936 8434  
e: [tamryn@savannahsa.com](mailto:tamryn@savannahsa.com)

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

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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).

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## Tamryn Lee Goddard

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**From:** Lydia Kutu <LKutu@dffe.gov.za>  
**Sent:** Wednesday, 15 June 2022 09:41  
**To:** Lameez Ahmed; Tamryn Lee Goddard; Nondumiso Bulunga; Jo-Anne Thomas  
**Cc:** Herman Alberts; EIAAdmin; Salome Mambane; Masingita Maluleke  
**Subject:** 14/12/16/3/3/1/2564

Dear Sir/Madam

### **ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION FORM FOR ENVIRONMENTAL AUTHORISATION (BASIC ASSESSMENT PROCESS) AND BASIC ASSESSMENT REPORT FOR THE PROPOSED POORTJIE WES CLUSTER GRID, WESTERN CAPE PROVINCE.**

The Department confirms having received the Application Form and Draft Basic Assessment Report for Environmental Authorisation for the abovementioned project on 09 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 2 of Chapter 4 of the EIA Regulations, 2014, as amended. You are therefore referred to Regulation 19 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](mailto:LKutu@dffe.gov.za)

*To God be the Glory!!!*

## Tamryn Lee Goddard

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**From:** Jo-Anne Thomas  
**Sent:** Monday, 27 June 2022 11:22  
**To:** Tamryn Lee Goddard; Savannah Public Process  
**Subject:** FW: 14/12/16/3/3/1/2560  
**Attachments:** 14-12-16-3-3-1-2560.pdf

Comments on Montana 1

**Jo-Anne Thomas**

Director | Savannah Environmental (Pty) Ltd  
Tel: +27 (0)11 656 3237 | Fax: +27 (0)86 684 0547 | Cell: +27 (0)82 775 5628

[SAWEA Award for Leading Environmental Consultant for Wind Projects in 2013 & 2015](#)

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**From:** Lydia Kutu <LKutu@dffe.gov.za>  
**Sent:** Monday, 27 June 2022 11:13  
**To:** Jo-Anne Thomas <joanne@savannahsa.com>; permits@ziyandaenergy.co.za;  
Gerhard.Gerber@westerncape.gov.za; goodwilln@beaufortwestmun.co.za  
**Cc:** Trisha Rene Pillay <tpillay@dffe.gov.za>; EIAAdmin <EIAAdmin@dffe.gov.za>; Salome Mambane <SMAMBANE@dffe.gov.za>; Masingita Maluleke <MPMaluleke@dffe.gov.za>  
**Subject:** 14/12/16/3/3/1/2560

Good day.

Please find herein the attached letter for the above mentioned.

I hope you find all in order.

Thank you.

Kind Regards,  
Lydia Kutu  
Integrated Environmental Authorisations:  
Priority Infrastructure Developments  
Tel: (012) 399 9370  
Email: [LKutu@dffe.gov.za](mailto:LKutu@dffe.gov.za)

*To God be the Glory!!!*

## Tamryn Lee Goddard

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**From:** Jo-Anne Thomas  
**Sent:** Friday, 01 July 2022 14:15  
**To:** Tamryn Lee Goddard; Nondumiso Bulunga  
**Subject:** FW: 14/12/16/3/3/1/2559, 2562 & 2564  
**Attachments:** 14-12-16-3-3-1-2559.pdf; 14-12-16-3-3-1-2562.pdf; 14-12-16-3-3-1-2564.pdf

Sent from my Galaxy

----- Original message -----

**From:** Lydia Kutu <LKutu@dffe.gov.za>  
**Date:** 2022/07/01 14:07 (GMT+02:00)  
**To:** Jo-Anne Thomas <joanne@savannahsa.com>, permits@ziyandaenergy.co.za, Gerhard.Gerber@westerncape.gov.za, goodwilln@beaufortwestmun.co.za  
**Cc:** Herman Alberts <HALBERTS@dffe.gov.za>, EIAAdmin <EIAAdmin@dffe.gov.za>, Salome Mambane <SMAMBANE@dffe.gov.za>, Masingita Maluleke <MPMaluleke@dffe.gov.za>  
**Subject:** 14/12/16/3/3/1/2559, 2562 & 2564

Good day.

Please find herein the attached letters for the above mentioned.

I hope you find all in order.

Thank you.

Kind Regards,  
Lydia Kutu  
Integrated Environmental Authorisations:  
Priority Infrastructure Developments  
Tel: (012) 399 9370  
Email: [LKutu@dffe.gov.za](mailto:LKutu@dffe.gov.za)

*To God be the Glory!!!*

## Tamryn Lee Goddard

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**From:** Jo-Anne Thomas  
**Sent:** Friday, 01 July 2022 14:14  
**To:** Tamryn Lee Goddard; Nondumiso Bulunga  
**Subject:** FW: 14/12/16/3/3/1/2561  
**Attachments:** 14-12-16-3-3-1-2561.pdf

Sent from my Galaxy

----- Original message -----

**From:** Lydia Kutu <LKutu@dffe.gov.za>  
**Date:** 2022/07/01 14:05 (GMT+02:00)  
**To:** Jo-Anne Thomas <joanne@savannahsa.com>, permits@ziyandaenergy.co.za, Gerhard.Gerber@westerncape.gov.za, goodwilln@beaufortwestmun.co.za  
**Cc:** Mmamohale Kabasa <MKabasa@dffe.gov.za>, EIAAdmin <EIAAdmin@dffe.gov.za>, Salome Mambane <SMAMBANE@dffe.gov.za>, Masingita Maluleke <MPMaluleke@dffe.gov.za>  
**Subject:** 14/12/16/3/3/1/2561

Good day.

Please find herein the attached letter for the above mentioned.

I hope you find all in order.

Thank you.

Kind Regards,  
Lydia Kutu  
Integrated Environmental Authorisations:  
Priority Infrastructure Developments  
Tel: (012) 399 9370  
Email: [LKutu@dffe.gov.za](mailto:LKutu@dffe.gov.za)

*To God be the Glory!!!*



# 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:** 14/12/16/3/3/1/2559

**Enquiries:** Herman Alberts

**Telephone:** (012) 399 9371 **E-mail:** HAlberts@dfpe.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 EMAIL**

Dear Ms Thomas

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE 190MW BRAKPAN 1 SOLAR ENERGY FACILITY, WESTERN CAPE PROVINCE**

The draft Basic Assessment Report (BAR) dated June 2022 and received by this Department on 07 June 2022, refers.

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

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

- (i) The following discrepancies has been noted in the Application Form:
- The applicant applies for Activity 14 of Listing Notice 1 and stipulates that the combined storage and handling capacity of dangerous goods will exceed 80 cubic meters, however, goes on to apply for Activity 10 (i)(ii) of Listing Notice 3, which excludes the combined storage and handling capacity of dangerous goods that exceed 80 cubic meters. If the applicant plans on storing and handling dangerous goods where such storage occurs in containers with a combined capacity exceeding 80 cubic metres, then Activity 10 (i)(ii) of Listing Notice 3 is not applicable. Accurate information pertaining to the cubic metres planned to be stored and handled in containers must be provided and included in the final BAR, as well as in an amended application form.
  - The Application Form should be amended to reflect all applicable activities that apply to the development. The applicant must ensure the activities are quoted correctly and accurately in the Application Form as they appear in the Listing Notices 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014, (GNR. 326) published under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended).
  - It is unclear as to why two documents titled as the Application Form are submitted, one in a word document format depicting track changes and the other in a pdf format. A single document titled as the Application Form should be submitted using the DFFE Template (the Application Form for Environmental Authorisation) which can be accessed via the website <https://www.dffe.gov.za/documents/forms>.

- (ii) The applicant stipulates that the proposed Brakpan 1 Energy Facility will partake in the bidding rounds for the RIPPSP or for a Private off-taker. It should be noted that if the proposed Brakpan 1 Energy Facility is planned for a private off-take then the Competent Authority would be the Provincial Department (Western Cape Department of Environmental Affairs and Development Planning). The National Department (Department of Forestry, Fisheries and the Environment) is the Competent Authority for IRP activities that will partake in the bidding rounds for the RIPPSP. Clarity should be provided in the final BAR on what the generated electricity is planned for.
- (iii) The co-ordinates in the BAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the solar fields, substations and the battery energy storage system must be included in the final BAR, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.
- (iv) The proposed development includes the following grid connection infrastructure:
- A 132kV facility substation;
  - An internal distribution line of up to 33kV.
- Coordinates of the route for the internal distribution line of up to 33kV should be included in the final BAR.
- (v) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.
- (vi) Please provide a detailed description as well as any associated assessments related to the technology required for the Battery Energy Storage System (BESS).
- (vii) The Site Layout Plan (Appendix M) must be amended to illustrate the position of all proposed infrastructure and linear activities, which includes but not limited to the following:
- Solar fields;
  - Auxiliary buildings;
  - Onsite substation;
  - Inverter stations;
  - Internal roads;
  - Battery energy storage systems;
  - Operation and maintenance buildings;
  - Laydown areas; and,
  - Internal power distribution lines.
- (viii) The BAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was included in the screening tool report.
- (ix) The Generic EMP for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure has not been included as part of the draft BAR submitted to the department for review and comment. Please take note that if the applicant plans on developing distribution powerlines of more than 33kV, the Generic Environmental Management Programme (EMP) for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure must be included in the final BAR.
- (x) The Generic EMP for the Substation (7.3 Sub-section 3: Declaration) has not been signed and the reasons provided are as follows:
- This declaration will be signed by the proponent/applicant/holder of the EA once the contractor is appointed and has provided inputs to this Generic EMP as per the requirements of this template. Kindly refer to Page 2 -3 of the Generic EMP: 5. Structure of the Document which specifies the information that must be submitted together with the final BAR. As such, please ensure that sub-section 3: Declaration, for the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity Generic EMP is signed before submission of the final BAR for review and decision making. Failure to submit all the required information that forms part of the generic EMP will



be regarded as non-compliance. We request that you adequately complete all applicable sections in the generic EMPr.

**(b) Listed Activities**

- (i) 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. Only activities applicable to the development must be applied for and assessed.
- (ii) Please ensure that all relevant listed activities and sub-activities are correctly numbered as per the relevant listing notices.
- (iii) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- (iv) The listed activities represented in the final BAR and the application form must be the same and correct.
- (v) 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>.
- (vi) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (vii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

**(c) Layout & Sensitivity Maps**

- (i) The final BAR must provide 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) A copy of the final layout map must be submitted with the final BAR. All available biodiversity information, specialist studies and comments from Interested and Affected Parties 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:
  - a) The envisioned area for the facilities, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
  - b) All supporting onsite infrastructure required such as laydown areas, roads etc.
  - c) All necessary details regarding all possible locations and sizes of the infrastructure.
  - d) All existing infrastructure on the site, especially internal road infrastructure.
- (iii) Please provide an environmental sensitivity map which indicates the following:
  - a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
  - b) Buffer areas; and
  - c) All "no-go" areas.
- (iv) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.
- (v) Google maps will not be accepted.

**(d) Alternatives**

- (i) Please note that you are required to provide a full description of the process followed to reach the proposed preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the EIA Regulations 2014, as amended, including the following content:
  - a) details of all the alternatives considered;
  - b) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;
  - c) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
  - d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts—
    - (aa) can be reversed;
    - (bb) may cause irreplaceable loss of resources; and
    - (cc) can be avoided, managed or mitigated;
  - f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
  - g) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - h) the possible mitigation measures that could be applied and level of residual risk;
  - i) the outcome of the site selection matrix;
  - j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
  - k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.
- (ii) Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.

**(e) Specialist Declaration of Interest**

- (i) The Avifauna Specialist Assessment (Appendix E) attached with the draft BAR fails to include a signed declaration of interest by the specialist and the specialist's Curriculum Vitae (CV) as required by Appendix 6(1)(a)(ii) and 1(b) of the EIA Regulations 2014, as amended.
- (ii) Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on the Department's website (please use the Department's template).

**(f) Specialist Assessments**

- (i) The DFFE screening tool identifies the site as being "low" sensitivity for the Aquatic Biodiversity Theme and therefore an Aquatic Biodiversity Compliance Statement should be included in the final BAR, unless the site sensitivity verification differs from this designation, if so proof of deviation must be provided. Similarly, where the information gathered from the site sensitivity verification differs from the screening tool designation of "low" aquatic biodiversity sensitivity, and it is found to be of a "very high" sensitivity, an Aquatic Biodiversity Specialist Assessment must be submitted.
- (ii) The Biodiversity Impact Assessment (Appendix D) identifies drainage lines traversing the site and recommends a 50m buffer be applied to the drainage lines as they are regarded as Ecological Support

- Areas. Based on the above from a hydrological perspective the site is considered as sensitive, and an Aquatic Biodiversity Specialist Assessment must be submitted as required by the Government Notice No. 320 of 20 March 2020 (i.e., “the Protocols”).
- (iii) The EAP must ensure that the terms of reference for all the identified specialist studies must 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 authorisation.
  - 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 for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
  - f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (iv) 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 expert advice.
- (v) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in 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.**
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.

#### **(g) Cumulative Assessment**

- (i) A cumulative impact assessment for all identified and assessed impacts must be conducted and must indicate the following:
- a) 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.
  - b) 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.
  - c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
  - d) A cumulative impact environmental statement on whether the proposed development must proceed.

**(h) Undertaking of an Oath**

- (i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP.
- (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:  
*“an undertaking under oath or affirmation by the EAP in relation to:*
  - a) *the correctness of the information provided in the reports;*
  - b) *the inclusion of comments and inputs from stakeholders and I&APs;*
  - c) *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
  - d) *any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties”.*

**(i) Details and Expertise of the EAP**

- (i) You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

**(j) Public Participation Process**

- (i) Comments must be obtained from this Department’s Biodiversity Conservation Directorate at BCAdmin@dffe.gov.za.
- (ii) Comments must be obtained from the South African Heritage Resource Agency (SAHRA) and the Western Cape Department of Environmental Affairs and Development Planning.
- (iii) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.
- (iv) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department’s Biodiversity Section), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR .
- (v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR and must be incorporated into a Comments and Response Report (CRR).
- (vi) 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. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.
- (vii) The CRR report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.
- (viii) 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) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.

**(k) Environmental Impact Statement**

- (i) You are reminded that an environmental impact statement must be included in the final BAR, therefore you are kindly requested to include an environmental impact statement which contains –
  - a) a summary of the key findings of the environmental impact assessment;

- b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and
- c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

## **(I) Environmental Management Programme**

- (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 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.
- (ii) 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.
- (iii) Please be informed that the following content must be incorporated within the EMPr/s as indicated in Appendix 4 of the EIA Regulations 2014, as amended:
  - a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.
  - b) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.
  - c) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including —
    - (aa) Planning and design;
    - (bb) Pre-construction activities;
    - (cc) Construction activities;
    - (dd) Rehabilitation of the environment after construction and where applicable post closure; and
    - (ee) Where relevant, operation activities.
  - d) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to —
  - e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
  - f) Comply with any prescribed environmental management standards or practices;
  - g) Comply with any applicable provisions of the Act regarding closure, where applicable; and
  - h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
  - i) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
  - j) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
  - k) An indication of the persons who will be responsible for the implementation of the impact management actions.
  - l) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.
  - m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
  - n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

**(m) General**

- (i) The final BAR must include a list providing a clear description of the infrastructure associated with the development.
- (ii) The EAP must provide details of the specific locations in the EIAR. All associated infrastructure must be clearly indicated in the final BAR and its associated layout plans.
- (iii) When submitting the EIAR and future documents kindly name each of the documents and attachments according to the information it contains e.g., instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.
- (iv) The EAP must provide an outline of where in the final BAR each of this Department's comments are addressed. This must be a separate document and must be submitted as an appendix to the final BAR.
- (v) 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 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 any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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 required to comply with Regulation 19(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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised documents 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 faithfully



**Ms Millicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

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

**Signed by: Mr Muhammad Essop**

**Designation: Acting Deputy Director: Priority Infrastructure Projects**

**Date: 01 July 2022**

cc:	Sibongile Mdluli	Brakpan 1 Solar Energy facility (Pty) Ltd	E-mail: permits@ziyandaenergy.co.za
	Gerhard Gerber	WC DEADP	E-mail: Gerhard.Gerber@westerncape.gov.za
	Goodwill Zwelithini Nyathi	Beaufort West Local Municipality	E-mail: goodwilln@beaufortwestmun.co.za

### Annexure 1

Format for Comments and Response Report:

<b>Date of comment, format of comment name of organisation/I&amp;AP,</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/03/2021 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (Joe Soap)	Please record C&R trail report in this format  Please update the contact details of the provincial environmental authority	EAP: <del>(Noted)</del> The C&R trail report has been updated into the desired format, see Appendix K  EAP: Details of provincial authority have been updated, see page 16 of the Application form



# 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:** 14/12/16/3/3/1/2562

**Enquiries:** Herman Alberts

**Telephone:** (012) 399 9371 **E-mail:** HALberts@dfffe.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 EMAIL**

Dear Ms Thomas

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE 230MW MONTANA 3 SOLAR ENERGY FACILITY, WESTERN CAPE PROVINCE**

The draft Basic Assessment Report (BAR) dated June 2022 and received by this Department on 07 June 2022, refers.

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

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

- (i) The following discrepancies has been noted in the Application Form:
- The applicant applies for Activity 14 of Listing Notice 1 and stipulates that the combined storage and handling capacity of dangerous goods will exceed 80 cubic meters, however, goes on to apply for Activity 10 (i)(ii) of Listing Notice 3, which excludes the combined storage and handling capacity of dangerous goods that exceed 80 cubic meters. If the applicant plans on storing and handling dangerous goods where such storage occurs in containers with a combined capacity exceeding 80 cubic metres, then Activity 10 (i)(ii) of Listing Notice 3 is not applicable. Accurate information pertaining to the cubic metres planned to be stored and handled in containers must be provided and included in the final BAR, as well as in an amended application form.
  - The Application Form should be amended to reflect all applicable activities that apply to the development. The applicant must ensure the activities are quoted correctly and accurately in the Application Form as they appear in the Listing Notices 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014, (GNR. 326) published under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended).
  - It is unclear as to why two documents titled as the Application Form are submitted, one in a word document format depicting track changes and the other in a pdf format. A single document titled as the Application Form should be submitted using the DFFE Template (the Application Form for Environmental Authorisation) which can be accessed via the website <https://www.dffe.gov.za/documents/forms>.



- (ii) The applicant stipulates that the proposed Montana 3 Energy Facility will partake in the bidding rounds for the RIPPMP or for a Private off-taker. It should be noted that if the proposed Montana 3 Energy Facility is planned for a private off-take then the Competent Authority would be the Provincial Department (Western Cape Department of Environmental Affairs and Development Planning). The National Department (Department of Forestry, Fisheries and the Environment) is the Competent Authority for IRP activities that will partake in the bidding rounds for the RIPPMP. Clarity should be provided in the final BAR on what the generated electricity is planned for.
- (iii) The co-ordinates in the BAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the solar fields, substations and the battery energy storage system must be included in the final BAR, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.
- (iv) The proposed development includes the following grid connection infrastructure:
- A 132kV facility substation;
  - An internal distribution line of up to 33kV.
- Coordinates of the route for the internal distribution line of up to 33kV should be included in the final BAR.
- (v) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.
- (vi) Please provide a detailed description as well as any associated assessments related to the technology required for the Battery Energy Storage System (BESS).
- (vii) The Site Layout Plan (Appendix M) must be amended to illustrate the position of all proposed infrastructure and linear activities, which includes but not limited to the following:
- Solar fields;
  - Auxiliary buildings;
  - Onsite substation;
  - Inverter stations;
  - Internal roads;
  - Battery energy storage systems;
  - Operation and maintenance buildings;
  - Laydown areas; and,
  - Internal power distribution lines.
- (viii) The BAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was included in the screening tool report.
- (ix) The Generic EMP for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure has not been included as part of the draft BAR submitted to the department for review and comment. Please take note that if the applicant plans on developing distribution powerlines of more than 33kV, the Generic Environmental Management Programme (EMP) for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure must be included in the final BAR.
- (x) The Generic EMP for the Substation (7.3 Sub-section 3: Declaration) has not been signed and the reasons provided are as follows:
- This declaration will be signed by the proponent/applicant/holder of the EA once the contractor is appointed and has provided inputs to this Generic EMP as per the requirements of this template. Kindly refer to Page 2 -3 of the Generic EMP: 5. Structure of the Document which specifies the information that must be submitted together with the final BAR. As such, please ensure that sub-section 3: Declaration, for the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity Generic EMP is signed before submission of the final BAR for review and decision making. Failure to submit all the required information that forms part of the generic EMP will

be regarded as non-compliance. We request that you adequately complete all applicable sections in the generic EMPr.

**(b) Listed Activities**

- (i) 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. Only activities applicable to the development must be applied for and assessed.
- (ii) Please ensure that all relevant listed activities and sub-activities are correctly numbered as per the relevant listing notices.
- (iii) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- (iv) The listed activities represented in the final BAR and the application form must be the same and correct.
- (v) 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>.
- (vi) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (vii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

**(c) Layout & Sensitivity Maps**

- (i) The final BAR must provide 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) A copy of the final layout map must be submitted with the final BAR. All available biodiversity information, specialist studies and comments from Interested and Affected Parties 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:
  - a) The envisioned area for the facilities, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
  - b) All supporting onsite infrastructure required such as laydown areas, roads etc.
  - c) All necessary details regarding all possible locations and sizes of the infrastructure.
  - d) All existing infrastructure on the site, especially internal road infrastructure.
- (iii) Please provide an environmental sensitivity map which indicates the following:
  - a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
  - b) Buffer areas; and
  - c) All "no-go" areas.
- (iv) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.
- (v) Google maps will not be accepted.

**(d) Alternatives**

- (i) Please note that you are required to provide a full description of the process followed to reach the proposed preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the EIA Regulations 2014, as amended, including the following content:
  - a) details of all the alternatives considered;
  - b) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;
  - c) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
  - d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts—
    - (aa) can be reversed;
    - (bb) may cause irreplaceable loss of resources; and
    - (cc) can be avoided, managed or mitigated;
  - f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
  - g) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - h) the possible mitigation measures that could be applied and level of residual risk;
  - i) the outcome of the site selection matrix;
  - j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
  - k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.
- (ii) Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.

**(e) Specialist Declaration of Interest**

- (i) The Avifauna Specialist Assessment (Appendix E) attached with the draft BAR fails to include a signed declaration of interest by the specialist and the specialist's Curriculum Vitae (CV) as required by Appendix 6(1)(a)(ii) and 1(b) of the EIA Regulations 2014, as amended.
- (ii) Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on the Department's website (please use the Department's template).

**(f) Specialist Assessments**

- (i) The DFFE screening tool identifies the site as being "low" sensitivity for the Aquatic Biodiversity Theme and therefore an Aquatic Biodiversity Compliance Statement should be included in the final BAR, unless the site sensitivity verification differs from this designation, if so proof of deviation must be provided. Similarly, where the information gathered from the site sensitivity verification differs from the screening tool designation of "low" aquatic biodiversity sensitivity, and it is found to be of a "very high" sensitivity, an Aquatic Biodiversity Specialist Assessment must be submitted.
- (ii) The Biodiversity Impact Assessment (Appendix D) identifies drainage lines traversing the site and recommends a 50m buffer be applied to the drainage lines as they are regarded as Ecological Support

- Areas. Based on the above from a hydrological perspective the site is considered as sensitive, and an Aquatic Biodiversity Specialist Assessment must be submitted as required by the Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols").
- (iii) The EAP must ensure that the terms of reference for all the identified specialist studies must 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 authorisation.
  - 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 for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
  - f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (iv) 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 expert advice.
- (v) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in 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.**
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.
- (vii) The draft BAR does not include all specialist studies as identified by the DFFE Environmental Sensitivities Screening Tool.
- (viii) The following activities applied for may trigger Section 19 and Section 21 of the National Water Act No. 36 of 1998: GN R. 544 Activities 12 (ii)(a)(c), 19(i); and GN R. 546 Activity 14(ii)(a)(c)(i)(i) (ff). The EAP is advised to conduct a surface hydrological study as part of the EIAr. The terms of reference for the study must include, inter alia the following:
- a. Identification and sensitivity rating of all surface water courses for the impact phase of the proposed development;
  - b. Identification, assessment of all potential impacts to the water courses and suggestion of mitigation measures; and,
  - c. Recommendations on the preferred placement PV panels and associated infrastructure.
  - d. Clearly indicate GPS locations of all water crossings that will be affected by the development.

### **(g) Cumulative Assessment**

- (i) A cumulative impact assessment for all identified and assessed impacts must be conducted and must indicate the following:
- a) 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.
  - b) 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.

- c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
- d) A cumulative impact environmental statement on whether the proposed development must proceed.

#### **(h) Undertaking of an Oath**

- (i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP.
- (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:  
*“an undertaking under oath or affirmation by the EAP in relation to:*
  - a) *the correctness of the information provided in the reports;*
  - b) *the inclusion of comments and inputs from stakeholders and I&APs;*
  - c) *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
  - d) *any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties”.*

#### **(i) Details and Expertise of the EAP**

- (i) You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

#### **(j) Public Participation Process**

- (i) Comments must be obtained from this Department's Biodiversity Conservation Directorate at BCAdmin@dffe.gov.za.
- (ii) Comments must be obtained from the South African Heritage Resource Agency (SAHRA) and the Western Cape Department of Environmental Affairs and Development Planning.
- (iii) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.
- (iv) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department's Biodiversity Section), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR .
- (v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR and must be incorporated into a Comments and Response Report (CRR).
- (vi) 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. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.
- (vii) The CRR report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.
- (viii) 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) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.

#### **(k) Environmental Impact Statement**

- (i) You are reminded that an environmental impact statement must be included in the final BAR, therefore you are kindly requested to include an environmental impact statement which contains –
  - a) a summary of the key findings of the environmental impact assessment;
  - b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and
  - c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

#### **(l) Environmental Management Programme**

- (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 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.
- (ii) 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.
- (iii) Please be informed that the following content must be incorporated within the EMPr/s as indicated in Appendix 4 of the EIA Regulations 2014, as amended:
  - a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.
  - b) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.
  - c) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including –
    - (aa) Planning and design;
    - (bb) Pre-construction activities;
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    - (dd) Rehabilitation of the environment after construction and where applicable post closure; and
    - (ee) Where relevant, operation activities.
  - d) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to –
  - e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
  - f) Comply with any prescribed environmental management standards or practices;
  - g) Comply with any applicable provisions of the Act regarding closure, where applicable; and
  - h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
  - i) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.

- j) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- k) An indication of the persons who will be responsible for the implementation of the impact management actions.
- l) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.
- m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

**(m) General**

- (i) The final BAR must include a list providing a clear description of the infrastructure associated with the development.
- (ii) The EAP must provide details of the specific locations in the EIAR. All associated infrastructure must be clearly indicated in the final BAR and its associated layout plans.
- (iii) When submitting the EIAR and future documents kindly name each of the documents and attachments according to the information it contains e.g., instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.
- (iv) The EAP must provide an outline of where in the final BAR each of this Department's comments are addressed. This must be a separate document and must be submitted as an appendix to the final BAR.
- (v) 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 Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

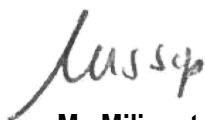
You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (a) a basic assessment report, inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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 required to comply with Regulation 19(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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised documents 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 faithfully



**Ms Milicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

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

**Signed by: Mr Muhammad Essop**

**Designation: Acting Deputy Director: Priority Infrastructure Projects**

**Date: 01 July 2022**

cc:	Sibongile Mdluli	Montana 3 Solar Energy facility (Pty) Ltd.	E-mail: permits@ziyandaenergy.co.za
	Gerhard Gerber	WC DEA&DP	E-mail: Gerhard.Gerber@westerncape.gov.za
	Goodwill Zwelithini Nyathi	Beaufort West Local Municipality	E-mail: goodwilln@beaufortwestmun.co.za

### Annexure 1

Format for Comments and Response Report:

<b>Date of comment, format of comment name of organisation/I&amp;AP,</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/03/2021 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (Joe Soap)	Please record C&R trail report in this format  Please update the contact details of the provincial environmental authority	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K  EAP: Details of provincial authority have been updated, see page 16 of the Application form





# 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:** 14/12/16/3/3/1/2564

**Enquiries:** Herman Alberts

**Telephone:** (012) 399 9371 **E-mail:** HALberts@dfffe.gov.za

Ms Jo-Anne Thomas  
Savannah Environmental (Pty) Ltd  
PO Box 148  
**SUNNINGHILL**  
2191

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

## **PER EMAIL**

Dear Ms Thomas

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE POORTJIE WES CLUSTER GRID, WESTERN CAPE PROVINCE**

The draft Basic Assessment Report (BAR) dated June 2022 and received by this Department on 09 June 2022, refers.

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

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

- (i) Please note that in accordance with GNR 145 of February 2021, you are required to negotiate a route with all affected landowners; and submit the pre-negotiated route as part of the environmental authorisation application.
- (ii) You are hereby informed that for the abovementioned application, we require a pre-negotiated route of the final route alignment, with its relevant pylon positions, as well as the site-specific substation locations. The report must not include or present any alternative locations as well as corridors. This information must be provided as GPS coordinates in the format as the requirements of the EIA Regulations, 2014, as amended. Note, that this information must be provided in a separate appendix.
- (iii) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.
- (iv) The BAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was included in the screening tool report.
- (v) With regards to the generic Environmental Management Programmes (EMPr) for the substation and powerline, Part B Section 2 and Part C is incomplete in the draft BAR. Please sign the generic EMPrs. We request that you adequately complete all applicable sections in the generic EMPrs.

**(b) Listed Activities**

- (i) 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. Only activities applicable to the development must be applied for and assessed.
- (ii) Please ensure that all relevant listed activities and sub-activities are correctly numbered as per the relevant listing notices.
- (iii) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- (iv) The listed activities represented in the final BAR and the application form must be the same and correct.
- (v) If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted.
- (vi) 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>.
- (vii) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (viii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

**(c) Layout & Sensitivity Maps**

- (i) The final BAR must provide 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) A copy of the final layout map must be submitted with the final BAR. 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:
  - a) The envisioned area for the infrastructure, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
  - b) All supporting onsite infrastructure required such as laydown areas, roads etc.
  - c) All necessary details regarding all possible locations and sizes of the infrastructure.
  - d) All existing infrastructure on the site, especially internal road infrastructure.
- (iii) Please provide an environmental sensitivity map which indicates the following:
  - a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
  - b) Buffer areas; and
  - c) All "no-go" areas.
- (iv) The above layout map must be overlain with the sensitivity map and a cumulative map which shows existing infrastructure.
- (v) Google maps will not be accepted.

**(d) Alternatives**

- (i) Please note that you are required to provide a full description of the process followed to reach the proposed amended preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the EIA Regulations 2014, as amended, including the following content:
  - a) details of all the alternatives considered;
  - b) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;

- c) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
  - d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts -
    - (aa) can be reversed;
    - (bb) may cause irreplaceable loss of resources; and
    - (cc) can be avoided, managed or mitigated;
  - f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
  - g) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - h) the possible mitigation measures that could be applied and level of residual risk;
  - i) the outcome of the site selection matrix;
  - j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
  - k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.
- (ii) Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.
- (iii) Please note that when applying for power lines which forms part of an EGI, no alternative routes for the power line must be included in the report. Paragraph 5 of Government Notice (GN) No. 145 of Government Gazette (GG) 44191 of 26 February 2021 (GN 145), indicates that the applicant must submit a pre-negotiated route with the application for environmental authorisation. This therefore means that only one route (pegged route) is submitted with the application without any alternative routes. It is the EAP/Applicant's responsibility to make sure all relevant GNs and GGs are considered, and all minimum requirements are met.

#### **(e) Specialist Declaration of Interest**

- (i) Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on Department's website (please use the Department's template).

#### **(f) Specialist Assessments**

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies must 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 Departments 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 for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
- f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- g) 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.
- (ii) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in 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.**
- (iii) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.

### **(g) Undertaking of an Oath**

- (i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP.
- (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:  
*"an undertaking under oath or affirmation by the EAP in relation to:*
  - a) *the correctness of the information provided in the reports;*
  - b) *the inclusion of comments and inputs from stakeholders and I&APs;*
  - c) *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
  - d) *any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties".*

### **(h) Details and Expertise of the EAP**

- (i) You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

### **(i) Public Participation Process**

- (i) Comments must be obtained from this Department's Biodiversity Conservation Directorate at BCAdmin@environment.gov.za.
- (ii) The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 and 44 of the EIA Regulations 2014, as amended.
- (iii) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state, as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR.
- (iv) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR.
- (v) 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. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.

- (vi) All issues raised and comments received during the circulation of the draft BAR from I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).
- (vii) The CRR report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.
- (viii) 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 an I&AP’s comments.
- (ix) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.

**(j) Environmental Impact Statement**

- (i) You are reminded that an environmental impact statement must be included in the final BAR, therefore you are kindly requested to include an environmental impact statement which contains –
  - a) a summary of the key findings of the environmental impact assessment;
  - b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and
  - c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

**(k) Environmental Management Programme**

- (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 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.
- (ii) There needs to be an EMPr for the facility, the onsite substation as well as the power line, for whichever alternative is chosen.
- (iii) 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.
- (iv) Please be informed that the following content must be incorporated within the EMPr/s as indicated in Appendix 4 of the EIA Regulations 2014, as amended:
  - a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.
  - b) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.
  - c) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including –
    - (aa) Planning and design;
    - (bb) Pre-construction activities;
    - (cc) Construction activities;
    - (dd) Rehabilitation of the environment after construction and where applicable post closure; and
    - (ee) Where relevant, operation activities.

- d) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to —
- e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
- f) Comply with any prescribed environmental management standards or practices;
- g) Comply with any applicable provisions of the Act regarding closure, where applicable; and
- h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
- i) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- j) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- k) An indication of the persons who will be responsible for the implementation of the impact management actions.
- l) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.
- m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

#### **(l) General**

- (i) The EAP must provide details of the specific locations in the BAR, and not provide vague locations of the proposed developments. All associated infrastructure must be clearly indicated in the final BAR and its associated layout plans.
- (ii) When submitting the BAR and future documents kindly name each of the documents and attachments according to the information it contains. E.g., instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.
- (iii) The EAP must provide an outline of where in the final BAR each of this Department's comments are addressed. This must be a separate document and must be submitted as an appendix to the final BAR.
- (iv) 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 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 any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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 required to comply with Regulation 19(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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process*

contemplated in subregulation (1)(a) and that the revised documents 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



**Ms Milicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

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

**Signed by: Mr Muhammad Essop**

**Designation: Acting Deputy Director: Priority Infrastructure Projects**

**Date:** 01 July 2022

cc:	Gerhard Gerber	WC DEADP	Email: Gerhard.Gerber@westerncape.gov.za
	Sibongile Mdluli	Poortjie Wes Cluster (Pty) Ltd	Email: permits@ziyandaenergy.co.za
	Goodwill Zwelithini Nyathi	Beaufort West Local Municipality	Email: goodwilln@beaufortwestmun.co.za

### **Annexure 1**

Format for Comments and Response Trail Report:

<b>Date of comment, format of comment name of organisation/I&amp;AP</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
14/05/2021 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (John Soap)	Please record C&R trail report in this format  Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K  EAP: Details of provincial authority have been updated, see page 16 of the Application form