



# forestry, fisheries & the environment

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

## **APPLICATION FORM FOR AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION**

Application for amendment to a valid Environmental Authorisation in terms of the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended (the Regulations)

### **PROJECT TITLE**

HIGHLANDS NORTH WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE WEST OF SOMERSET EAST IN THE EASTERN CAPE PROVINCE: APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (14/12/16/3/3/1/1955/AM1)

Indicate if the **DRAFT** report accompanies the application

Yes

No

### **PRE-APPLICATION CONSULTATION**

Was a pre-application meeting held	Yes	✓	
Date of the pre-application meeting	15 September 2020		
Reference number of pre-application meeting held	2020-08-0015		
Was minutes compiled and submitted to the Department for approval	Yes	✓	

A copy of the pre-application meeting minutes must be appended to this application as **APPENDIX 1**.

### **Kindly note the following:**

1. This form must be used to apply for the Amendment of an Environmental Authorisation where this Department is the Competent Authority. An amendment includes:
  - a) adding, substituting, removing or changing a condition or requirement of an Environmental Authorisation, or
  - b) updating or changing any details or correcting a technical error.
2. This form is current as of **April 2021**. It is the responsibility of the Applicant / Environmental Assessment Practitioner (EAP) to ascertain whether subsequent versions of the form have been published or produced by the Competent Authority. The latest available Departmental templates are available at <https://www.environment.gov.za/documents/forms>.
3. An application fee is applicable (refer to **Section 2**). Proof of payment must accompany this application. The application will not be processed without proof of payment unless one of the exclusions provided for in the Fee Regulations is applicable AND such information in the exclusion section of this application form has been confirmed by this Department.
4. A cover letter on your company letterhead indicating the nature of this application must be appended to this form i.e. new application for Environmental Authorisation, updated application for Environmental Authorisation.
5. An electronic copy of the signed application form must be submitted of both the Applicant and EAP.
6. This form must be marked **“for Attention: Chief Director: Integrated Environmental Authorisations”** and submitted to the Department at the format as prescribed in the process to upload documents form.
7. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will

extend automatically when each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g. Arial 10).

8. Where applicable black out the boxes that are not applicable in the form.
9. The use of the phrase “not applicable” in the form must be done with circumspection. Where it is used in respect of material information that is required by the Competent Authority for assessing the application, this may result in the rejection of the application as provided for in the Regulations.
10. Unless protected by law, all information contained in and attached to this application, will become public information on receipt by the Competent Authority. Upon request during any stage of the application process, the Applicant / EAP must provide any registered interested and affected party with the information contained in and attached to this application.
11. Should a specialist report or report on a specialised process be submitted at any stage for any part of this application, the terms of reference for such report and declaration of interest of the specialist must also be submitted.
12. Please note that this form must be copied to the relevant Provincial Environmental Department(s).
13. Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 2**. Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form.
14. An application for Amendment of the Environmental Authorisation lapses if the applicant fails to meet any of the timeframes prescribed in terms of the EIA Regulations, 2014, as amended.

#### **Departmental Details**

##### **Online Submission:**

EIAApplications@environment.gov.za or <https://sfiler.environment.gov.za:8443/>.

**Please read the process for uploading files to determine how files are to submitted to this Department**

##### **Postal address:**

Department of Forestry, Fisheries and the Environment  
Attention: Chief Director: Integrated Environmental Authorisations  
Private Bag X447  
Pretoria  
0001

##### **Physical address:**

Department of Forestry, Fisheries and the Environment  
Attention: Chief Director: Integrated Environmental Authorisations  
Environment House  
473 Steve Biko Road  
Arcadia

Queries must be directed to the Directorate: Coordination, Strategic Planning and Support at:  
Email: EIAAdmin@environment.gov.za

## 1. COMPETENT AUTHORITY

Identified Competent Authority to consider the application:  
Reason(s) in terms of S24C of NEMA:

Department of Forestry, Fisheries and the Environment (DFFE)

Renewable Energy Project

## 2. FEES

Applicants are required to tick the appropriate box below to indicate that either proof of payment is attached or that, in the applicant's view, an exclusion applies. Proof of payment or a motivation for exclusions must be attached as **APPENDIX 3** of this application form.

Proof of payment attached	<b>Yes</b>	<input type="checkbox"/>
Payment Reference Number	-32.709888/25.351896	
Exclusion in terms of Regulation 2(a) or 2(b) of GNR 141 of 28 February 2014	<input type="checkbox"/>	<b>No</b>

An applicant is excluded from paying fees if:

- The activity is a community based project funded by a government grant; or
- The applicant is an organ of state.

TYPE OF EXCLUSION	Tick where applicable. Proper motivation must be attached to the application
The activity is a community based project funded by a government grant	<input type="checkbox"/>
The applicant is an organ of state	<input type="checkbox"/>

FEE AMOUNT	Fee
Application for an Amendment of an Environmental Authorisation	R2 000 ✓

Department of Department of Forestry, Fisheries and the Environment banking details for the payment of application fees:

### Payment Enquiries:

Email: [eiafee@environment.gov.za](mailto:eiafee@environment.gov.za)

### Banking details:

ABSA Bank

Branch code: 632005

Account number: 1044 2400 72

Current account

**Reference number : Reference number to be provided in the specific format indicating centre point coordinates of site in decimal degrees to 5 or 6 decimal places: latitude/longitude**

eg. -33.918861/18.423300

**Status:** Tax exempted

**3. GENERAL INFORMATION**

Name in which the EA was issued to	Highlands North Wind Energy Facility RF (Pty) Ltd	
Name of the Applicant:	Highlands North Wind Energy Facility RF (Pty) Ltd	
RSA Identity/ Passport Number:	N/A	
Name of contact person for applicant (if other):	Mr Alan Wolfromm	
RSA Identity/ Passport Number:	4808225105081	
Responsible position, e.g. Director, CEO, etc.:	Director	
Company/ Trading name (if any):	Highlands North Wind Energy Facility RF (Pty) Ltd	
Company Registration Number:	2013/211320/07	
BBBEE status:	Level 4	
Physical address:	Mountain Forest Farm, ERF 384 Hoekwil, Western Cape	
Postal address:	PO Box 762, Wilderness, Western Cape, 6560	
Postal code:	6560	Cell: +27 82 529 4909
Telephone:		Fax:
E-mail:	mrwolf@wkn-windcurrent.com	

Name of the landowner:	Please refer to Appendix 4	
Name of contact person for landowner (if other):		
Postal address:		
Postal code:		Cell:
Telephone:		Fax:
E-mail:		

Name of Person in control of the land:	As above.	
Name of contact person for person in control of the land:		
Postal address:		
Postal code:		Cell:
Telephone:		Fax:
E-mail:		

In instances where there is more than one landowner, please attach a list of those landowners with their contact details as **APPENDIX 4**.

Certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 2**. Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form



Provincial Environmental Authority:	Eastern Cape Department: Economic Development, Environmental Affairs and Tourism		
Name of contact person:	Gerry Pienaar/ Charmaine Struwig		
Postal address:	P/Bag X0054		
Postal code:	5604	Cell:	
Telephone:	043 605 7051/ 041 508 5839	Fax:	043 605 7300
E-mail:	Gerry.pienaar@dedea.gov.za/ Charmaine.Mostert@dedea.gov.za		
Local Municipality:	Blue Crane Route Local Municipality		
Name of contact person in (Environmental Section)	Thabiso Klaas (Municipal Manager)		
Postal address:	PO Box 21, Somerset East		
Postal code:	5850	Cell:	
Telephone:	042 243 6402 / 042 243 6402	Fax:	042 243 0633
E-mail:	mmanager@bcmr.gov.za / thabisok@bcmr.gov.za		

In instances where there is more than one Local/Provincial Authority involved, please attach a list of those Local/Provincial Authorities with their contact details.

#### 4. ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) INFORMATION

Company of Environmental Assessment Practitioner:	Holland & Associates Environmental Consultants			
B-BBEE	Contribution level (indicate 1 to 8 or non-compliant)	Level 4	Percentage Procurement recognition	100%
EAP name:	Nicole Holland			
EAP Qualifications:	BSc (Hons) Environmental and Geographical Science			
Professional affiliation/registration:	Registered with the South African Council for Natural Scientific Professions (Reg No.: 400306/06). Environmental Assessment Practitioner (EAP) - Registered with the Environmental Assessment Practitioners Association of South Africa (EAPASA) (Reg No.: 2020/493) Member of the IAIAA (International Association for Impact Assessment (Western Cape Branch)).			
Physical address:	Unit B3C, Tokai Village, Vans Road, Tokai, Cape Town, 7945			
Postal address:	P.O. Box 31108, Tokai, Cape Town			
Postal code:	7966	Cell:	083 464 5246	
Telephone:	083 464 5246	Fax:		
E-mail:	nicole@hollandandassociates.net			

The appointed EAP must meet the requirements of Regulation 13 of GN R982 of 04 December 2014, as amended.

If appointed, the declaration of independence of the EAP and undertaking under oath or affirmation that all the information submitted or to be submitted for the purposes of the application is true and correct must be submitted as **APPENDIX 5**.

**5. DETAILS OF IMPLEMENTATION OF PREVIOUS ENVIRONMENTAL AUTHORISATION**

Reference Number of EA:	14/12/16/3/3/1/1955
Date EA issued:	4 February 2020
Reference Number of all amendments issued with its respective dates:	N/A
Date EA expires: N.B. Regulation 28(1)(A) of the EIA Regulations 2014, as amended states that <i>“The competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application...”</i>	4 February 2025

Was the activity commenced with during the validity period of the environmental authorisation? If yes, please describe the implementation of the previous environmental authorisation to date:	<b>NO</b>
No commencement has occurred, and the environmental authorisation issued on 4 February 2020 is still valid (for a period of 5 years from the date of issue).	

**6. AMENDMENTS APPLIED FOR AND RELATED INFORMATION**

Please indicate if the amendment being applied for falls within the ambits of a Part 1 of Part 2 amendment, as outlined in Chapter 5 of the EIA Regulations, 2014 as amended.

Part 1	Part 2 ✓
	<del>Part 2</del>

**Please note, that whilst this has been indicated, the Department will when acknowledging receipt agree or disagree with the amendment being applied for, and the process to be followed must be that as outlined in the official acknowledgement letter.**

Does the project form part of a Renewable Energy Development Zone (REDZ) as per GN 114?	<b>YES</b>	
Does the project form part of an Electricity Grid Infrastructure (EGI) as per GN 113?		<b>NO</b>
Does the project form part of any of the Strategic Infrastructure Projects (SIPs) as described in the National Development Plan, 2011? (Note: It is our understanding that only preferred bidders are classified as SIP's, if the Applicant registers his project with the PICC. Given that the project has not received preferred bidder status as yet, the project is not yet classified as a SIP).		<b>NO</b>
Did you attached the confirmation of SIP obtained from the relevant sector representative (SIP Coordinators) and not a motivation from an EAP		<b>NO</b>

If **YES**, is selected:

- For an application in terms of GN 113 and/or 114, then a map confirming this must be attached;
- For a SIP project, kindly indicate which SIPs are applicable in **APPENDIX 5 and attach the** confirmation of SIP applications from the relevant sector representative in **APPENDIX 5**. Should no proof be provided, the application will be considered as a normal EIA Application.

Please indicate which of the following is relevant:

6.1. The holder of an environmental authorisation may at any time apply to the relevant Competent Authority for the amendment of the authorisation if:

(a) there is a material change in the circumstances which existed at the time of the granting of the environmental authorisation;		NO
(b) there has been a change of ownership in the property and transfer of rights and obligations must be provided for; or		NO
(c) any detail contained in the environmental authorisation must be amended, added, substituted, corrected, removed or updated.	YES	

Describe the amendments that are being applied for:
<p>The Applicant is proposing the following amendments<sup>1</sup> to the EA of the Highlands North WEF:</p> <ul style="list-style-type: none"> <li>• Amendments to the project description (including amendments to the turbine specifications (in order to align to current international wind turbine generator (WTG) models), a reduction in the number of turbines, slight increase in overall generation capacity of the WEF, removing the specified generation capacity for individual turbines, as well as the addition of a Battery Energy Storage System (BESS) (within the authorized footprint of the WEF));</li> <li>• Amendments to the preliminary layout of the project; and</li> <li>• Removal of Condition 39 of the EA.</li> </ul> <p>The proposed amendments are described below.</p> <p><b>1. Proposed amendments to the project description</b></p> <p>The following amendments to the project description are proposed:</p> <ul style="list-style-type: none"> <li>• Reducing the maximum number of turbines from 14 to a maximum of 12;</li> <li>• Increasing the overall maximum generation capacity of the WEF from 84 MW to up to 87 MW;</li> <li>• Removing the specified generation capacity per turbine from the project description;</li> <li>• Increasing the rotor diameter from 150m to a maximum of 175m (except T01 with a maximum rotor diameter of 160 m and T12 with a maximum rotor diameter of 150 m);</li> <li>• Increasing the hub height from a maximum of 135m to up to 180m;</li> <li>• Increasing the tip height from a maximum of 200m to up to 267.5m;</li> <li>• Increasing in foundation size from “approximately 25m x 25m in total and up to 5m deep per turbine” to “up to approximately 35m x 35m in total and up to 7m deep per turbine”;</li> <li>• The addition of a Battery Energy Storage System (BESS) adjacent to the substation on the authorised temporary laydown area (with a footprint of approximately 1ha and a height of up to 8m); and</li> <li>• Reducing the length of internal roads from approximately 50km to approximately 45km (given the reduction in the number of turbines). (The width of internal roads would remain unchanged from the EA, i.e. approximately 12m).</li> </ul> <p>Table 1 summarises the proposed project components to be amended, the authorised description of the components, as well as the proposed amendments.</p>

<sup>1</sup> Note: Should the proposed amendments be granted, it is recommended that the text of Conditions 16.2, 16.3 and 62 be amended to ensure that the updated mitigation measures outlined by the bat and noise specialists as a result of the proposed amendments, are addressed in the EA. Refer to Appendix 8 attached hereto.  
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**Table 1: Highlands North WEF: Proposed amendments to the project description**

Component	Approved	Proposed amendment
Number of turbines:	14 turbines	<u>Up to 12</u> turbines
Generation capacity of the WEF:	Up to 84 MW	Up to <u>87</u> MW
Generation capacity per turbine:	Up to 6 MW	Remove generation capacity per turbine
Rotor / blade diameters:	Maximum of 150 m	Maximum of <u>175 m</u> (except T01 with a <u>maximum rotor diameter of 160 m</u> and T12 with a <u>maximum rotor diameter of 150 m</u> ).
Hub height:	Up to 135 m	Up to <u>180 m</u>
Tip height:	Up to 200 m	Up to <u>267.5 m</u>
Foundation Size:	up to approximately 25 m x 25 m in total and up to 5 m deep per turbine	up to approximately <u>35 m x 35 m</u> in total and up to <u>7 m</u> deep per turbine
Hard Stand area per turbine:	5000 m <sup>2</sup>	<u>6000 m<sup>2</sup></u>
<b>Battery Storage</b>	N/A (Not currently included in project description)	<u>Battery Energy Storage System (BESS) adjacent to the substation on the temporary laydown area (with a footprint of approximately 1 ha, and a height of approximately 8 m).</u>
Length of internal roads	Approximately 50 km	Approximately <u>45</u> km

The proposed Battery Energy Storage System (BESS), adjacent to the substation (on the authorised temporary laydown area), would have a footprint of approximately 1 ha, a height of approximately 8 m, and would include the details described in Table 2 below:

Table 2: Proposed BESS and Associated Infrastructure

INFRASTRUCTURE	FOOTPRINT, DIMENSION AND DETAILS
Technology	Solid State (eg: Lithium Ion) or Flow Technologies
BESS footprint	Up to 1ha in total extent, including foundation and containerised battery system
Capacity	870MWh
Access road to BESS	The authorised road used to approach the substation compound would be used for the BESS, and once inside the substation compound, there would be internal roads to the office parking, substation and BESS. The roads may be approximately 8m in width.
Height	Up to 8m
Fencing	Fencing around the footprint of the BESS will be installed for access restriction measures.

Note: Due to rapidly changing preferences and improvements to battery technology, the selection of the type of battery technology would only take place during the detailed design process and after the appointment of the battery supplier.

## 2. Proposed amendment to the preliminary layout

The Applicant proposes minor adjustments to the turbine positions of the preliminary layout in order to minimise wake effects between turbines, as well as to avoid the proposed amended blade

length extending into areas identified as highly sensitive for birds and bats. In this regard, the proposed amendments to the preliminary layout include the following:

- Refinement to the turbine positions (with two authorized turbine positions having been removed, given the proposed reduction in the number of turbines for the WEF).
- Refinement to the proposed access roads layout (due to amendments to turbine positions and the reduction in the number of turbines).
- The proposed BESS would be located adjacent to the substation, on the temporary laydown area.

The proposed amended co-ordinates of the turbine positions are provided in Table 3 below:

**Table 3:** Co-ordinates of turbine position in the preliminary layout included in the Revised Final BAR (dated November 2019), and the proposed amended co-ordinates of turbine positions (Note: Amendments are underlined for ease of reference)

Turbine Number	Preliminary Layout included in Revised Final BAR (November 2019)		Proposed Amendment	
	Longitude	Latitude	Longitude	Latitude
T01	32°41'51.37"S	25°21'0.41"E	32°41'51. <u>33</u> "S	25°21'0. <u>18</u> "E
T02	32°42'23.33"S	25°21'8.85"E	32°42'23. <u>50</u> "S	25°21'9. <u>38</u> "E
T03	32°42'26.13"S	25°20'35.19"E	32°42'28. <u>99</u> "S	25°20'34. <u>91</u> "E
T04	32°42'35.47"S	25°22'0.51"E	32°42'37. <u>18</u> "S	25°21'52. <u>68</u> "E
T05	32°42'35.02"S	25°22'30.90"E	32°42'38. <u>27</u> "S	25°22'28. <u>73</u> "E
T06	32°42'42.20"S	25°23'3.95"E	32°42'41. <u>55</u> "S	25°23'6. <u>11</u> "E
T07	32°42'57.65"S	25°22'48.77"E	Removed	Removed
T08	32°42'57.95"S	25°22'11.55"E	32°42'57.95"S	25°22'11.55"E
T09	32°43'20.34"S	25°22'25.58"E	32°43'18. <u>14</u> "S	25°22'23. <u>28</u> "E
T10	32°42'49.82"S	25°21'18.50"E	32°42'51. <u>64</u> "S	25°21'19. <u>59</u> "E
T11	32°42'52.48"S	25°20'48.65"E	Removed	Removed
T12	32°42'39.63"S	25°20'11.90"E	32°42'39.63"S	25°20'11.90"
T13	32°42'45.66"S	25°19'37.22"E	32°42'46. <u>50</u> "S	25°19'37. <u>09</u> "E
T14	32°43'24.51"S	25°19'7.07"E	32°43'24.51"S	25°19'7.07"E

### 3. Removal of Condition 39 from the EA

Condition 39 of the EA currently states that: *"The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)"*. However, as indicated in the Revised Final BAR for the project (November 2019), *"the majority of the development footprint falls within the Camdeboo Escarpment NPAES Focus Area"* (Arcus Consultancy Services South Africa, 2019). The Applicant is therefore applying for the removal of Condition 39 of the EA, as it appears to be in conflict with the authorized project description and authorized EIA listed activities for the project (particularly the authorized EIA listed activities related to activities within the NPAES). Furthermore, it should be noted that the Highlands WEF area does not fall within an NPAES Focus Area under the more recent 2016 NPAES Layer (Todd, 2021).

The proposed amendments outlined in paragraphs 1 – 3 above would require an amendment to the text in the Environmental Authorisation for the project. Refer to Appendix 8 attached hereto for the proposed amendments to the text of the EA.

It should be noted that, according to the Applicant, the proposed amendments to the project description, as outlined above, will not result in an increase in the size of the approved development footprint for the project. In this regard, the final Basic Assessment Report (November 2019) indicated that: *"Typically in wind energy facilities, the amount of surface area covered by turbines and associated infrastructure such as roads is less than 1% of the total site. The footprint*

*of the facility is estimated at 30.65 ha*". The development footprint with the proposed amendments would be approximately 28 ha, all of which lies within the development footprint assessed in the original Basic Assessment process.

Please provide the reasons and/or a motivation for the application for amendment:

**1. Proposed amendments to the project description**

➤ Proposed amendments to turbine specifications:

The Applicant wishes to increase the maximum dimensions of the Wind Turbine Generators (WTGs) in order to align to current international WTG models. Given ongoing and rapid technological improvements in the wind energy industry, WTG models are evolving on a continual basis. In order to ensure that a WEF has the smallest possible footprint per total installed capacity, the WTGs are evolving in higher yielding and more efficient generating units. The authorised turbine model with specifications of 135 m hub height and 150 m rotor diameter is no longer the preferred wind turbine technology, as new, larger turbines are entering the market (WKN Windcurrent, 2020). The Applicant accordingly wishes to amend the authorised turbine specifications to future proof the project amidst rapid technology developments, whilst also reducing the number of WTGs at the WEF.

➤ Proposed reduction in the number of turbines:

In terms of the proposed reduction in the number of turbines at the Highlands North WEF (from 14 turbines to 12 turbines), for this project, it is the avifaunal specialists' recommendation that the cumulative rotor swept area (RSA) for all three Highlands WEFs (i.e. Highlands North WEF, Highlands Central WEF and Highlands South WEF) should not increase more than up to a maximum of 15% as turbine numbers decrease. The number of turbines being applied for (across the three Highlands WEF phases) is based on this avifaunal specialist recommendation, and the turbines selected to be built for each scenario is based on environmental sensitivities identified in the Basic Assessment and EA amendment processes. The cumulative increase in RSA for the proposed amendments for the Highlands North WEF, Highlands Central WEF and Highlands South WEF, is only 11.4%, with a 17% decrease in number of turbines (Albertyn, 2021). It is preferred for avifauna to have fewer larger turbines, rather than more smaller turbines, at the same RSA. Therefore, the reduction in turbine numbers is likely to balance out or even outweigh the increase in RSA (Albertyn, 2021).

➤ Proposed increase in generation capacity from 84MW to 87MW:

The proposed increase in generation capacity from 84MW to 87MW for the Highlands North WEF will bring the project more in line with available capacity on the Eskom grid (WKN Windcurrent, 2021).

➤ Proposed removal of specified generation capacity per turbine:

In terms of the proposed removal of the specified generation capacity per turbine from the project description (specified as 6MW in the Revised Final BAR (November 2019), the individual turbine capacity has no bearing on environmental impact. It is the dimensions (size) of the individual turbine, along with its noise output, and the maximum permitted number of turbines, that are directly related to environmental impact (WKN Windcurrent, 2021). Some modern turbines have already increased beyond 6 MW capacity, and this trend is likely to continue in the near future within the validity period of the Environmental Authorisation (WKN Windcurrent, 2021).

➤ Proposed inclusion of a Battery Energy Storage System (BESS)

In terms of the proposed inclusion of a Battery Energy Storage System (BESS), battery storage offers a wide range of advantages to South Africa including renewable energy time



shift, renewable capacity firming, electricity supply reliability and quality improvement, voltage regulation, electricity reserve capacity improvement, transmission congestion relief, load following and time of use (WKN Windcurrent, 2020). In essence, this technology allows renewable energy to enter the base load and peak power generation market and therefore can compete directly with fossil fuel sources of power generation and offer a truly sustainable electricity supply option (WKN Windcurrent, 2020).

The proposed amendments to the project description will not result in an increase in the size of the approved development footprint for the project. In this regard, the Revised Final BAR indicated that: *“Typically in wind energy facilities, the amount of surface area covered by turbines and associated infrastructure such as roads is less than 1% of the total site. The footprint of the facility is estimated at 30.65 ha”* (Arcus Consultancy Services South Africa, 2019). The development footprint with the proposed amendments would be approximately 28 ha (WKN Windcurrent, 2020).

## **2. Proposed amendment to the preliminary layout**

Slight adjustments to the turbine positions in the preliminary layout are proposed, in order to minimise wake effects between the turbines, as well as to avoid any part of the proposed larger turbine blades extending into areas identified as highly sensitive for birds and bats. Refinement to the proposed access roads layout is also required, due to the proposed amendments to the turbine positions and the reduction in the number of turbines (from 14 to a maximum of 12).

The proposed BESS would be located and developed immediately adjacent to the authorized substation on the temporary laydown area footprint, which forms part of the assessed and authorized development footprint of the proposed project.

## **3. Removal of Condition 39 from the EA**

Condition 39 of the EA currently states that *“The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)”*. However, as indicated in the Revised Final BAR for the project (November 2019), *“the majority of the development footprint falls within the Camdeboo Escarpment NPAES Focus Area”* (Arcus Consultancy Services South Africa, 2019).

The potential impact of the project on the NPAES was addressed and assessed in the original Basic Assessment process and was assessed by the ecological specialist in the Fauna and Flora Specialist Assessment in 2018. In this regard, the impacts associated with the proposed activities in the NPAES were deemed to be acceptable. The EIA listed activities associated with the proposed activities in the NPAES in LN3 of GN R. 982, as amended, were subsequently authorised by DFFE in the Environmental Authorisation dated 4 February 2020.

The ecological specialist for the project, Mr Simon Todd of 3Foxes Biodiversity Solutions, was appointed to re-assess the potential impacts associated with the proposed amendments, including the proposed removal of Condition 39 of the EA. In this regard, Mr Todd stated the following: *“The amendment requests removal of Condition 39 which states that “The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)”*. *This condition is contrary to the findings of the specialist study which found that the impact on the 2011 NPAES was acceptable. The BA study stated: “The affected Camdebo Escarpment Focus area is over 421 000ha in extent and the loss of less than 10 000ha from this focus area is not considered highly significant.”* *The potential loss of the entire Highlands site to development represents less than 0.25% of the affected Focus Area. As such, this cannot be considered to represent a significant impact, especially given that the site is not particularly unique or known to harbour an abundance of species of concern. In addition, the low impact on the NPAES is further supported by the fact that the Highlands WEF area does not fall within an NPAES Focus Area under the more recent 2016 NPAES Layer. The original assessed impact of the development on the NPAES was assessed as **Low** and this is upheld again here. Consequently, the ecological specialist does not find sufficient motivation to support removing the areas falling within the 2011*



*NPAES from the development footprint, and the request of the developer to remove this condition is not opposed” (Todd, 2021) (emphasis added).*

In light of the above, the Applicant is applying for the removal of Condition 39 of the EA, as it appears to be in conflict with the authorized project description, the findings of the original BAR and Flora and Fauna specialist study, as well as the authorized EIA listed activities for the project (particularly those related to the NPAES), and given that the Highlands WEF area does not fall within an NPAES Focus Area under the more recent 2016 NPAES Layer.

**4. Recommended minor updates to the text of Conditions 16.2, 16.3 and 62, should the proposed amendments be authorized**

Given that the proposed amendments would require updates to the bat and noise mitigation measures, minor amendments to the text of Conditions 16.2, 16.3 and 62 (which currently refer to mitigation measures recorded in the BAR (dated November 2019)) are recommended should the proposed amendments be authorised, to ensure that the updated mitigation measures included in the EA Amendment Assessment Report (compiled in terms of Regulation 32 (1)(a) of GN R.982, as amended) are addressed in the EA. Refer to Appendix 8 attached hereto for the proposed minor amendments to the text of the EA in light of the proposed amendments.

Should the amendment being requested result due to **6.1 (b)** above, you are required to furnish the Department with a written undertaking that the new holder of the environmental authorisation is willing and able to assume responsibility of the environmental authorisation issued. Provide a short motivation and explanation below:

N/A

## 7. ENVIRONMENTAL IMPACTS

Describe any negative environmental impacts that may occur if the application for amendment is granted, amongst others information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment must be included.

The potential negative environmental impacts associated with the proposed amendments have been assessed and described in the Amendment Assessment Report for this EA amendment process, compiled in terms of Regulation 32(1)(a) of GN R.982, as amended (which will be submitted under separate cover). In this regard, during the Basic Assessment process for the Highlands North WEF (which was concluded in 2020), the following specialist studies were identified and undertaken as part of the Basic Assessment process:

- Flora and fauna (terrestrial ecological impacts);
- Aquatic (wetlands and freshwater);
- Avifauna (birds);
- Bats;
- Heritage (including archaeology and palaeontology);
- Noise;
- Social;
- Agricultural;
- Traffic; and
- Visual.

All of the above specialist studies have been updated as part of this EA Amendment Application process, to assess and address the proposed amendments to the EA. The results of the specialist assessments for the proposed amendments are included in the Amendment Assessment Report.

No additional negative environmental impacts to those assessed in the Revised Final BAR (November 2019) for the authorised project are anticipated should the proposed amendments be granted. In terms of the findings of the specialist assessments, the proposed amendments are not anticipated to change the nature of impacts or result in an increased level of potential impacts. The impact significance ratings as contained in the specialist reports included in the Revised Final BAR (November 2019) are accordingly still applicable for all assessed impacts, except for potential noise impacts (where a reduction in the significance ratings (for operational phase activities) has occurred due to the proposed amendments, which is advantageous).

Describe any negative environmental impacts that may occur if the application for amendment is not granted.

No additional negative environmental impacts (to those assessed in the Basic Assessment process for the authorised project) would occur if the proposed amendments are not granted.

However, in terms of the proposed amendments to the project description, not authorising the proposed amendment, which includes a reduction in the number of turbines at the WEF whilst increasing the size of the turbines, would result in the lost opportunity to reduce the development footprint of the proposed facility. Although the proposed reduction in development footprint is not to the magnitude to lower the impact significance ratings of any of the potential environmental impacts, fewer, larger turbines are expected to minimise the impact on vegetation, watercourses (given the reduction in the number of watercourse crossings), low-flying bats, as well as archaeological and palaeontological resources. Additionally, should the Battery Energy Storage System (BESS) not be installed, the ability to store energy generated by the wind facility would not be realised.

In terms of the proposed removal of Condition 39 from the EA, no additional negative environmental impacts to those already assessed in the Basic Assessment process for the authorised project would occur if the removal of Condition 39 from the EA is not granted. However, the EA would contain a condition that would preclude the development of the project, as Condition 39 is in conflict with the authorised project description and authorised EIA listed activities in the Environmental Authorisation. Furthermore, it should be noted that the Highlands WEF area does not fall within an NPAES Focus Area under the more recent 2016 NPAES Layer (Todd, 2021).

The potential environmental impacts associated with the proposed amendments will be described and assessed in the Amendment Assessment Report for this EA amendment process.

Describe any positive environmental impacts that may occur if the application for amendment is granted, amongst others information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water must be included.

The proposed amendments to the project description and layout would result in a reduction in the development footprint of the WEF by approximately 2.65ha (i.e. the Revised Final BAR (November 2019) indicated that "*The footprint of the facility is estimated at 30.65 ha*" (Arcus Consultancy Services South Africa, 2019). The development footprint with the proposed amendments would be approximately 28 ha (WKN Windcurrent, 2020). Although the reduction in turbine numbers and footprint, and amendments to the layout, is not to the magnitude to lower the impact significance ratings of the environmental impacts (except for noise impacts), fewer, larger turbines are expected to minimise the potential impacts on vegetation, watercourses, low-flying bats, as well as archaeological and palaeontological resources. In terms of potential noise impacts, the noise specialist concluded that the proposed amendments to the project have the advantage that it will decrease the projected noise levels as well as the significance of the noise impact during the operational phase, and that the proposed amendments to the project, due to the slightly lower noise levels, will require less mitigation measures and management as recommended in the original noise study (Reid, 2018) (de Jager, 2021).

If the proposed removal of Condition 39 from the EA is granted, the current conflict of Condition 39 with the authorised project would be resolved, and the project could be prepared for BID submission and ultimately, implemented.

All potential positive environmental impacts outlined in the Revised Final BAR (November 2019) would remain.

The potential environmental impacts associated with the proposed amendments will be described and assessed in the Amendment Assessment Report for this EA amendment process.

**8. AUTHORISATION FROM OTHER GOVERNMENT DEPARTMENTS**

Are any permission, licenses or other authorisations required from any other departments before the requested amendments can be effected?	<b>YES</b>	
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If yes, please complete the table below.

Name of department and contact person	Authorisation required	Authorisation applied for (Yes/ No)
Department of Water and Sanitation P Makhanya Lizna Fourie	A Water use license/ General Authorisation for water use activities in terms of Section 21 of the National Water Act, would be required before commencement of the project.	No

**9. RIGHTS OR INTERESTS OF OTHER PARTIES**

In your opinion, will this proposed amendment adversely affect the rights and interests of other parties?		<b>NO</b>
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Please provide a detailed motivation of your opinion.

The proposed amendments are not anticipated to adversely affect the rights and interests of other parties, as no significant additional impacts are anticipated due to the proposed amendments. Furthermore, the proposed amendments are not anticipated to change the nature of impacts or result in an increased level of impacts. The impact significance ratings as contained in the Revised Final BAR (November 2019) are accordingly still applicable for all assessed impacts, except for potential noise impacts, where a reduction in the significance ratings (for operational phase activities) has occurred due to the proposed amendments, which is advantageous. The proposed amendments would have a reduced development footprint, and all proposed amendments are located within the assessed and authorised footprint of the WEF.

Potential and registered I&APs will have an opportunity to comment on the proposed amendments to the EA as part of the Public Participation Process that will be undertaken, in accordance with the approved Public Participation Plan for the EA amendment process.

**NOTE: The Department is entitled to request further information if it believes it is necessary for the consideration of the application. If the application is for a substantive amendment or if the rights or interests of other parties are likely to be adversely affected, the Department will instruct the applicant to conduct a public participation process and to conduct any investigations and assessments that it deems necessary.**

**10. LIST OF APPENDICES**

		SUBMITTED		
APPENDIX 1	Copy of the pre-application meeting minutes	YES		
APPENDIX 2	Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto or original commissioned Affidavit/Affirmation under oath	YES		
APPENDIX 3	Proof of Payment / <del>Motivation for exclusion</del>	YES		
APPENDIX 4	List of land owners (with contact details) & land owners consents	YES		
APPENDIX 5	Strategic Infrastructure Projects			NO
APPENDIX 6	Declaration of independence of the EAP and undertaking under oath or affirmation, if appointed	YES		
APPENDIX 7	Map indicating location of project in REDZ	YES		
APPENDIX 8	Proposed amendments to the text of the EA	YES		
APPENDIX 9	Specialists Terms of References	YES		
APPENDIX 10	Public Participation (PP) Plan & DFFE approval of PP Plan	YES		

11. DECLARATION

I, Mr Alan Wolfromm, declare that I will comply with all my legal obligations in terms of this application and provide accurate information to everyone concerned in respect to this application.

  
\_\_\_\_\_  
Signature of the Applicant:

Highlands North Wind Energy Facility RF (Pty) Ltd  
\_\_\_\_\_  
Name of Company or Organisation:

30 November 2021  
\_\_\_\_\_  
Date:

**APPENDIX 1  
COPY OF THE PRE-APPLICATION MEETING MINUTES**

# Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

## Notes from Meeting

### HIGHLANDS NORTH, CENTRAL AND SOUTH WIND ENERGY FACILITIES, EASTERN CAPE PROVINCE: APPLICATIONS FOR PART 2 AMENDMENTS OF THE ENVIRONMENTAL AUTHORISATIONS

#### DEA/DEFF REFERENCE NUMBERS:

14/12/16/3/3/1/1955 (HIGHLANDS NORTH WEF)

14/12/16/3/3/1/1958 (HIGHLANDS CENTRAL WEF)

14/12/16/3/3/1/1960 (HIGHLANDS SOUTH WEF)

#### DEFF PRE-APPLICATION MEETING

<i>Date</i>	<i>Time</i>	<i>Venue</i>
15 SEPTEMBER 2020	10h00- 11h45	Microsoft Teams (Virtual)

<b><u>ATTENDEES:</u></b>		
Mrs Nicole Holland	(NH)	Holland & Associates Environmental Consultants (EAP)
Anja Albertyn	(AA)	Holland & Associates Environmental Consultants (Avifaunal Specialist)
Muhammad Essop	(ME)	Department of Environment, Forestry and Fisheries (Integrated Environmental Authorisations)
Coenrag Agenbach	(CA)	Department of Environment, Forestry and Fisheries (Integrated Environmental Authorisations)
Herman Alberts	(HA)	Department of Environment, Forestry and Fisheries (Integrated Environmental Authorisations)
Mike Mangnall	(MM)	WKN-Windcurrent South Africa (The Applicant)
Jasper Dick	(JD)	WKN-Windcurrent South Africa (The Applicant)

<b>1.</b>	<b>Introductions</b>
1	Attendees introduced themselves, as stated above.
<b>2</b>	<b>Presentation</b>
2.1	NH presented a PowerPoint presentation for the three EA amendment applications, including the following: a brief background and description of the projects (as authorised); the proposed amendments to the EAs; an outline of the approach to the EA amendment processes; an outline of other authorisation processes required; and questions of clarification. (Refer to Appendix 1).
<b>3</b>	<b>Discussion</b>
3.1	<p><b>Number of turbines to be amended</b></p> <p>The presentation stated that the number of turbines is proposed to be amended from a fixed number (i.e. 14 approved turbines for Highlands North) to a range of “up to 14 turbines with a rotor diameter of 150 m to 9 turbines with a rotor diameter of up to 200m” (for Highlands North WEF). “The larger the turbines, the fewer turbines would be needed to achieve the generation capacity of the WEF. Accordingly, while 14 positions are being retained, should the larger turbine scales be utilised, fewer turbines would be required (and therefore constructed) to meet the approved generation capacity of the WEF whilst”. This was chosen in order to comply with avifaunal and bat buffers, and to avoid the total rotor swept area of the WEFs increasing to unacceptable levels for avifauna and bats.</p> <p>ME stated that the Department cannot consider an open-ended authorisation and that the Applicant must decide on a number of turbines with certain specifications for the amendment. HA concurred that the possible range of turbines with different specification is currently too open ended. The Applicant agreed to relook at the proposed amendment and decide on a specific maximum number of turbines for each WEF, with specific maximum rotor diameters. NH will submit (via email) the revised proposed amendments relating to the number of turbines for the three WEFs to the Department (i.e. the attendees of the meeting) for consideration before proceeding further with the amendment application and submitting the application for amendment of the EA to DEFF.</p>
3.2	<p>NH requested confirmation that the proposed amendments to the EA can be undertaken via a Part 2 amendment process for each WEF project.</p> <p>ME confirmed that three separate Part 2 amendment processes for the three WEFs are to be undertaken for the proposed amendments.</p>
3.3	<p>NH queried if the foundation sizes and hard standing areas are not currently specified in the EA, whether the proposed amendments to the foundation size and hard standings must be included in the EA amendment application and be re-assessed by the specialists.</p> <p>ME answered that if the specifications or project descriptions differ from what was assessed by the specialists in the final BARs, then it must be re-assessed, even if it is not specifically mentioned in the EA, as the EA does refer to the project description as described in the final BAR submitted for authorisation.</p>
3.4	CA queried how the proposed amendment to the foundation size will affect the



	<p>overall authorised development footprint of the WEFs. CA added that the vegetation clearance associated with the proposed amendments must be calculated to ensure that it does not trigger the listed activity relating to the removal of vegetation. He added that the amendment application must be explicit about how the proposed changes to the foundation size and hard standings would affect the overall development footprint (to show that it does not trigger a listed activity).</p> <p>JD indicated that the proposed amendments would not result in an increase in authorised development footprint, given that there would be a reduction in the number of turbines, and the number of access roads would also be reduced compared to what is authorised.</p> <p>NH indicated that details regarding how the proposed amendments to the foundation size and hard standing areas would affect the overall development footprint of the WEFs would be included in the amendment application.</p> <p>NH asked if the foundation size is specified in the EA (e.g. for Highlands North), whether the foundation size can be removed from the EA.</p> <p>CA indicated that the foundation size cannot be removed from the EA, if stipulated in the EA.</p>
3.5	<p>NH requested confirmation that the Department accepts the change of bird and noise specialists.</p> <p>ME answered that the change in bird and noise specialists is in order, as the change is motivated, and added that the motivation must be included in the EA amendment reports.</p>
3.6	<p>NH queried if it is acceptable to the Department that some of the specialists will be compiling three separate reports (i.e. for each EA amendment application), whilst some specialists have indicated that they will be compiling one report that addresses all three WEFs.</p> <p>ME answered that both is in order, as long as the combined report has separate assessment chapters for each WEF and assesses impacts on each WEF individually and specifically.</p>
3.7	<p>NH indicated that it is the EAPs understanding that battery storage does not trigger Activity 14 of LN1, and that the project description can be amended as part of the Part 2 amendment to include battery storage.</p> <p>ME confirmed that if no part of the construction, operation or decommissioning of the battery storage triggers any additional listed activities on its own, it can be included in the EA amendment application.</p> <p>NH queried whether the level of information provided in the PowerPoint presentation is sufficient in terms of the information required by DEFF for the proposed battery storage.</p> <p>ME noted that there seem to be several alternative technologies under</p>

	<p>consideration by the Applicant for battery storage, and that if the Applicant is not sure which technology they would use, all of the alternatives will need to be assessed in the amendment process. ME added that a high-level risk assessment for all of the alternative battery technologies under consideration will be required for inclusion in the EA amendments. In terms of the high level risk assessment, ME noted that the risks for different technologies differ and can include fire risk, spillage risk and groundwater contamination among others.</p>
3.8	<p>NH queried how much detail the Department would require in terms of outlining the amendments that would be required to the text of the EAs (e.g. if the amendment is to the layout, must the EAP refer to every page/ Annexure/ reference to the layout/ turbine positions in the EAs, including where co-ordinates are included – or will DEFF undertake such amendments automatically based on our proposed amendments)?</p> <p>ME answered that the Department would like the EAP to spell out the changes to the text of the EA that would be required for the proposed amendments, including page numbers that require an amendment. ME added that updated co-ordinates must be provided (if co-ordinates are included in the EA) where amendments to the layout are proposed.</p>
3.9	<p>NH queried if three separate Public Participation Plans must be submitted for the three EA amendments, or if one Public Participation plan can be submitted, given that one combined public participation process will be conducted for the three EA amendment applications.</p> <p>ME requested that three separate public participation plans be submitted, one for each application, even if the contents are identical except for the name and reference number of the application.</p>
3.10	<p>NH queried if there are any specific requirements of DEFF under Level “2” or “level 1” of the National lockdown to take into consideration for the EA amendment applications?</p> <p>ME answered that the Disaster Management Act applies, but that no specific directives should be mentioned in the PP Plan, as the level [of lockdown] can change at any time and the Directives may not be issued timeously.</p> <p>ME indicated that the main focus of the Level 2 Directions relates to validity periods for Environmental Authorisations, and that the process outlined in the “Level 3” Directions (5 June 2020) should be followed. ME added that when submitting the PP Plan, that clarity must be provided in terms of whether the library is closed or not.</p>
3.11	<p>NH queried if landowner consent needs to be obtained again for the proposed EA amendment applications, or if proof of landowner notification is sufficient.</p> <p>ME confirmed that landowner consent forms must be submitted again with the EA amendment application forms (as the exclusions in Regulation 39 do not apply to the project).</p>
3.12	<p>NH noted that the EMPr is still to be submitted to DEFF in future for approval. Updates to the draft EMPr will however be made as part of the proposed amendment reports, to include updates to the project description and updates to mitigation measures put forward by any of the specialists.</p>

3.13	<p>NH queried what the name of the report compiled for the amendment application should be called (i.e. if the Department have a preference).</p> <p>ME stated that internally DEFF refer to it as an Amendment Motivation Report, but that “Amendment Assessment Report”, “EA Amendment Report” or “Draft Motivation Report” are also acceptable. “Environmental Assessment Report” is however not an appropriate title for the amendment report.</p>
3.14	<p>NH queried if a national web based Screening Tool Report must be submitted for the amendment applications.</p> <p>ME confirmed that a National Web Based Screening Tool Report does not have to be submitted for Part 2 EA amendment applications. The screening tool report is only required for environmental authorisation applications.</p>
3.15	<p>NH queried if DEFF require that the Application Forms are included in the amendment reports that are made available for I&amp;AP comment.</p> <p>ME confirmed that the application form is to be included in the public participation information. The current form is dated June 2020, however a new application form is expected to be released in October 2020.</p>
3.16	<p>NH queried signatures: Are original signatures of Declarations required, or are electronic signatures sufficient, given that only electronic copies need to be submitted to DEFF.</p> <p>ME confirmed that original signatures are not required while applications are being submitted electronically. Reports are to be submitted as electronic copies via the current online application submission system, unless hard copies are specifically requested.</p>
3.17	<p>ME queried the statement that the rotor swept area (RSA) of the WEFs should not increase by more than 15% for avifaunal purposes, and how that number was obtained.</p> <p>AA explained that literature shows that if the RSA remains the same, fewer larger turbines are likely to have a lower impact than more smaller turbines. Therefore, the RSA can increase slightly as the number of turbines is decreased without the overall impact being likely to change. In this instance, however, it is the avifaunal specialists opinion that this increase in RSA should only be small due to the sensitivity of the site, and not exceed approximately 15% overall for the specific turbine numbers and rotor diameters proposed. The number is based on a precautionary approach and is the specialist’s recommendation.</p>
3.18	<p>CA indicated that, in terms of the proposed removal of Condition of Authorisation 17.1 for Highlands South WEF (relating to the requirement for the Electromagnetic Compatibility Control Plan for inclusion in the Final EMPr), confirmation must be provided from SKA that the removal of the condition will be acceptable.</p>
<b>4.</b>	<b>Way Forward</b>
4.1	<p>Based on the discussions of the meeting, NH summarised that the way forward entails the following:</p> <ul style="list-style-type: none"> <li>• The Applicant to refine the proposed amendments to the number of turbines (i.e. to provide a maximum number of turbines with a maximum rotor diameter and hub height, rather than numerous scenarios).</li> </ul>

	<ul style="list-style-type: none"> <li>• NH to issue the draft minutes of the meeting to the meeting attendees together with the revised proposed amendment to the project description (specifically pertaining to the maximum number of turbines and turbine specifications).</li> <li>• DEFF to respond to the minutes of the meeting, after their internal discussions regarding if the revised proposed amendments are acceptable.</li> <li>• Three public participation plans (PP plans) are to be submitted to the Department for consideration and approval.</li> <li>• Once approval of the PP plans and feedback has been obtained from the Department regarding the revised proposed amendments, the Applicant will submit three Applications for Amendment of the EAs to the Department, and thereafter undertake the requisite public participation process.</li> </ul>
4.2	<p>NH thanked everyone for attending the meeting and for their valued comments and inputs.</p> <p>The meeting closed at 11h45.</p>

**APPENDIX 1:**  
**POWERPOINT PRESENTATION**

## HIGHLANDS NORTH, CENTRAL AND SOUTH WIND ENERGY FACILITIES, EASTERN CAPE PROVINCE: APPLICATIONS FOR PART 2 AMENDMENTS OF ENVIRONMENTAL AUTHORISATIONS

### DEA REFERENCE NUMBERS:

14/12/16/3/3/1/1955 (HIGHLANDS NORTH WEF)

14/12/16/3/3/1/1958 (HIGHLANDS CENTRAL WEF)

14/12/16/3/3/1/1960 (HIGHLANDS SOUTH WEF)

DEFF PRE-APPLICATION MEETING: 15 SEPTEMBER 2020

**Holland & Associates**  
Environmental Consultants



1

## Purpose of Meeting

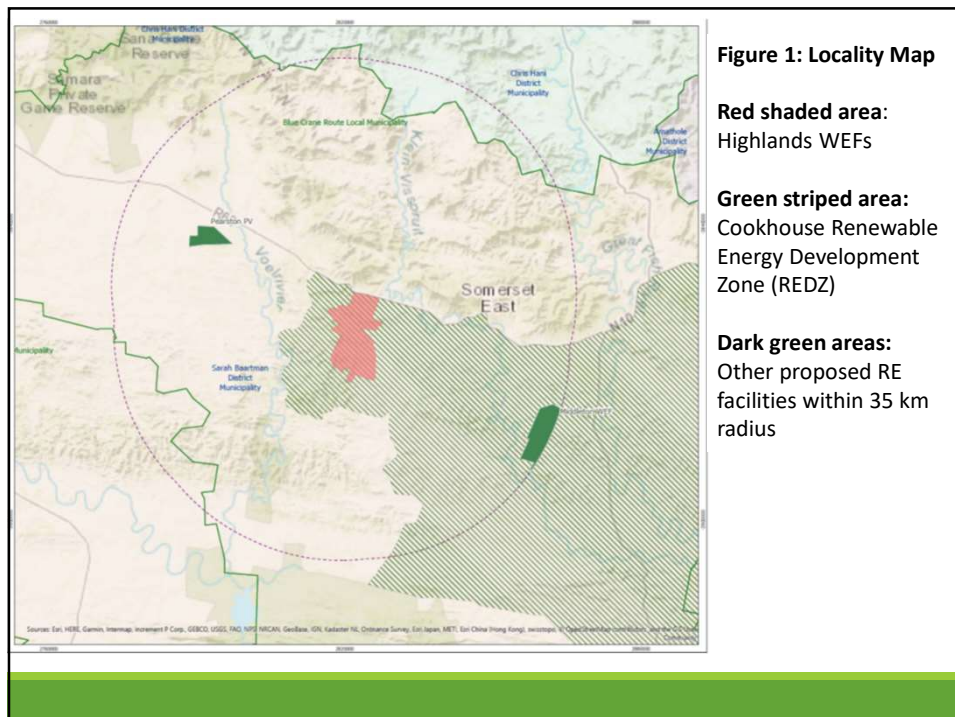
- Provide a brief background & description of the projects (as authorized)
- Present the proposed amendments to the EAs (including updates since the submission of the Pre-Application Meeting Request Forms)
- Outline proposed approach to EA amendment processes
  - Specialist inputs
  - Public participation process
- Discuss other authorisations required
- Provide an opportunity for discussion & questions of clarity

2

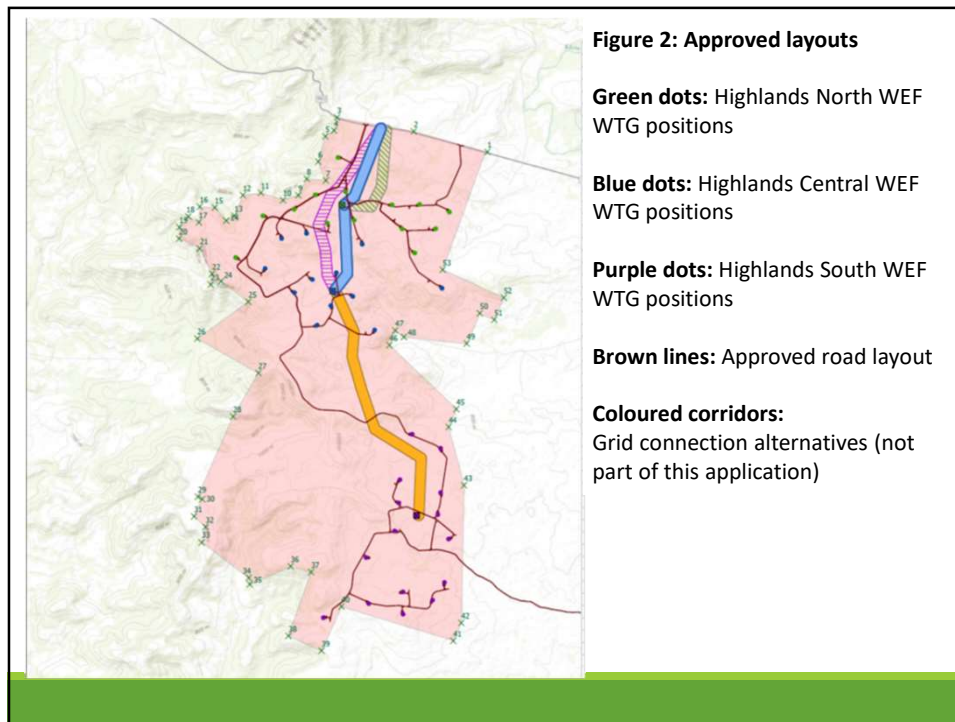
## Background

- Location:
  - Approx. 20km west of Somerset West and approx. 23 km SE of Pearston, Eastern Cape Province.
  - Within the Cookhouse REDZ (therefore BA processes were undertaken for the three projects)
- Environmental Authorisations granted by DEFF:
  - 84 MW **Highlands North WEF** (4 February 2020): 14 turbines
  - 72 MW **Highlands Central WEF** (29 January 2020): up to 12 turbines
  - 90 MW **Highlands South WEF** (21 January 2020): up to 15 turbines
- An appeal was lodged against each of the 3 Highlands WEF EAs. The Minister dismissed the appeals in April 2020, and confirmed the decision of DEFF to grant the EAs to the Applicant.
- The grid connections for each project are authorised in separate EAs

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- Turbines were approved with the following specifications across all projects:
    - Rotor diameter of up to 150 m
    - Hub height of up to 135 m
    - Blade length of up to 75 m
    - Tip height of up to 200 m
    - Up to 6 MW generation capacity
  - The final layout plans and Environmental Management programmes for the three projects have not yet been submitted to DEFF for approval.

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➤ **Associated infrastructure approved for each WEF:**

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- Steel and **concrete foundations** per turbine with steel and concrete plinths
- A **hard standing area** per turbine
- **Cabling between turbines** along road infrastructure where possible, either overhead or underground
- Area occupied by **inverter transformer substations** of 1.1ha
- Area occupied by **permanent laydown area** of 1ha
- Area occupied by **construction/temporary laydown area** of 1ha
- 200 m x 200 m **Operations & Maintenance building with parking**
- ~50 km of **internal roads** up to 12m width
- **Fencing** on the site, alarm and video surveillance system
- **Lighting system**

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- The three EAs will be combined into two projects for bidding.
  - There is a physical limit to the total evacuation capacity of the two existing Eskom gridlines that the three WEFs are required to connect to. As it is unknown what precisely this will be, the Applicant is required to remain flexible with regards to which projects to combine for the bidding process.

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# Proposed Amendments

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## Proposed Amendments to all Highlands WEF EAs: Overview

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### ➤ Amendments to turbine specifications

- Increase hub height from “Up to 135 m” to “Up to 180 m”
- Increase tip height from “Up to 200 m” to “Up to 280 m”
- Increase rotor diameter from “maximum of 150m” to “maximum of 200m”

### ➤ Maximum number of turbines (across the 3 WEFs)

If turbines are up to 150m RD	Up to 41 positions allowed across the 3 sections (current authorisation)
If turbines are up to 160m RD	Up to 37 positions allowed across the 3 sections
If turbines are up to 180m RD	Up to 31 positions allowed across the 3 sections
If turbines are up to 200m RD	Up to 27 positions allowed across the 3 sections

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- **Refinements to turbine positions** (in preliminary layout)
- **Remove generation capacity per turbine from EAs**
- **Increase foundation sizes for all turbines** (from approx. 25m x 25m (625m<sup>2</sup>) to a max of 1500m<sup>2</sup>) (Only specified in Highlands North EA)
- **Increase hard stand area per turbine** from 5000m<sup>2</sup> to a max of 6000m<sup>2</sup>(footprint not specified in EAs)
- **Add battery storage technology** on approved temporary laydown areas for each WEF
- The proposed amendments will not increase the size of the approved development footprint for each WEF

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## Proposed Amendments to Highlands North WEF EA

Component	Approved	Proposed amendment
Number of turbines	14 turbines (WTG)	<p>Up to 14 turbines (with a rotor diameter of up to 150m) to 9 turbines (with a rotor diameter of up to 200m).</p> <p>(Note: The larger the turbines, the fewer turbines would be needed to achieve the generation capacity of the WEF. Accordingly, while 14 positions are being retained, should the larger turbine scales be utilised, fewer turbines would be required (and therefore constructed) to meet the approved generation capacity of the WEF), (i.e.:</p> <p>Up to 14 WTG - if any of the 14 WTG are up to 150 m RD (currently approved)</p> <p>Up to 13 WTG – if any of the 13 WTG are up to 160m RD</p> <p>Up to 10 WTG – if any of the WTG are up to 180 m RD</p> <p>Up to 9 WTG – if any of the WTG are up to 200 m RD (12.5% increase in Rotor Swept Area)</p>

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Component	Approved	Proposed amendment
Turbine positions	14 positions	Slight changes to 14 positions (~50 – 200 m) to accommodate wake effects and proposed larger blades not extending into environmental buffer areas
Generation capacity of the WEF	Up to 84 MW	Up to 87 MW
Rotor / blade diameters:	Maximum of 150 m	Maximum of 200 m, except T01, T05 and T07 with a maximum rotor diameter of 160m, T04 with a maximum rotor diameter of 180m, and T12 with a maximum rotor diameter of 150 m.
Tip height	Up to 200 m	Up to 280 m
Hub height	Up to 135 m	Up to 180 m
Generation capacity per turbine	Up to 6 MW	Remove generation capacity per turbine

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- **Increase in the foundation sizes** for turbines (from authorized approx. 25m x 25m (625 m<sup>2</sup>) to a max of 1500 m<sup>2</sup>).
- **Increase hard stand area per turbine** (to a max of 6000 m<sup>2</sup>)
- **Inclusion of battery storage technology** adjacent to the substation (using the temporary laydown area). Footprint approx. 1ha, and approx. height of 8m.
- **Removal of Condition 39:** *“The development footprint must exclude areas identified as a potential target for the protected area expansion (NPAES)”*, as the entire WEF lies within an NPAES.
- (Note: No amendment to size of authorized development footprint)

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## Proposed Amendments to Highlands Central WEF EA

Component	Approved	Proposed amendment
Number of turbines	Up to 12 turbines (WTG)	<p>Up to 12 turbines (with a rotor diameter of up to 150m) to 8 turbines (with a rotor diameter of up to 200m).</p> <p>(Up to 12 WTG - if any of the 12 WTG are up to 150m RD (currently approved)</p> <p>Up to 11 WTG – if any of the 11 WTG are up to 160m RD;</p> <p>Up to 11 WTG – if any of the WTG are up to 180m RD;</p> <p>Up to 8 WTG – if any of the WTG are up to 200m RD).</p>

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Component	Approved	Proposed amendment
Turbine position	12 positions	Slight changes to 12 positions (~15 to < 300 m) to accommodate proposed larger blade lengths not extending into environmental buffer areas.
Generation capacity of the WEF	Up to 72 MW	No change.
Rotor / blade diameters:	Maximum of 150 m	Maximum of 200 m, except T20 with a maximum rotor diameter of 150m; and T22, T25 and T26 with a maximum rotor diameter of 180 m.
Tip height	Up to 200 m	Up to 280 m
Hub height	Up to 135 m	Up to 180 m
Generation capacity per turbine	Up to 6 MW	Remove generation capacity per turbine

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- **Inclusion of battery storage technology** adjacent to the substation (using the temporary laydown area). Footprint approx. 1ha, and approx. height of 8m.
  - **Condition 1: Correction of editorial error** on page 1 of EA where reference is made to 70 MW instead of 72 MW

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## Proposed Amendments to Highlands South WEF EA

Component	Approved	Proposed amendment
Number of turbines:	Up to 15 turbines (WTG)	<p>Up to 15 turbines (with a rotor diameter of up to 150m) to 10 turbines (with a rotor diameter of up to 200m).</p> <p>(Up to 15 WTG - if any of the 15 WTG are up to 150m RD (currently approved)</p> <p>Up to 13 WTG – if any of the 13 WTG are up to 160m RD;</p> <p>Up to 10 WTG – if any of the 10 WTG are up to 180m RD;</p> <p>Up to 10 WTG – if any of the WTG are up to 200m RD).</p>

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Component	Approved	Proposed amendment
Turbine position	15 positions	Slight changes to 2 positions ( ~200 m and ~35 m) to accommodate proposed larger blade lengths not extending into environmental buffer areas
Generation capacity of the WEF	Up to 90 MW	No change
Rotor / blade diameters:	Maximum of 150 m	Maximum of 200 m, except T29 and T35 with a maximum rotor diameter of 150m; and T30, T34 and T37 with a maximum rotor diameter of 160 m.
Condition 17.1	Remove Condition relating to requirement of an Electromagnetic Compatibility Control Plan for acceptance by the SKA-SA, for inclusion in the Final EMPr.	
Condition 42	Remove <i>"The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)"</i> , as the entire WEF lies within an NPAES	

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Component	Approved	Proposed amendment
Tip height	Up to 200 m	Up to 280 m
Hub height	Up to 135 m	Up to 180 m
Generation capacity per turbine	Up to 6 MW	Remove generation capacity per turbine

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## Proposed battery storage

Type of battery	Lithium-ion, Sodium-sulphur, Vanadium Redox Flow or an alternative battery technology
Lifespan	Same as WEF
Footprint	Approximately 1 ha
Connection type	AC Connection to Grid
System power	Up to 80 MWh
No. of batteries used	Variable, preferably containerized systems
Inverters used	Specific type will be chosen
Height of facility	Approximately 8 m
Motivation	Allows for time shift, capacity firming, increase of reliability, quality improvement, congestion relief etc. -> can compete with fossil fuel power generation -> sustainable reliable supply of electricity

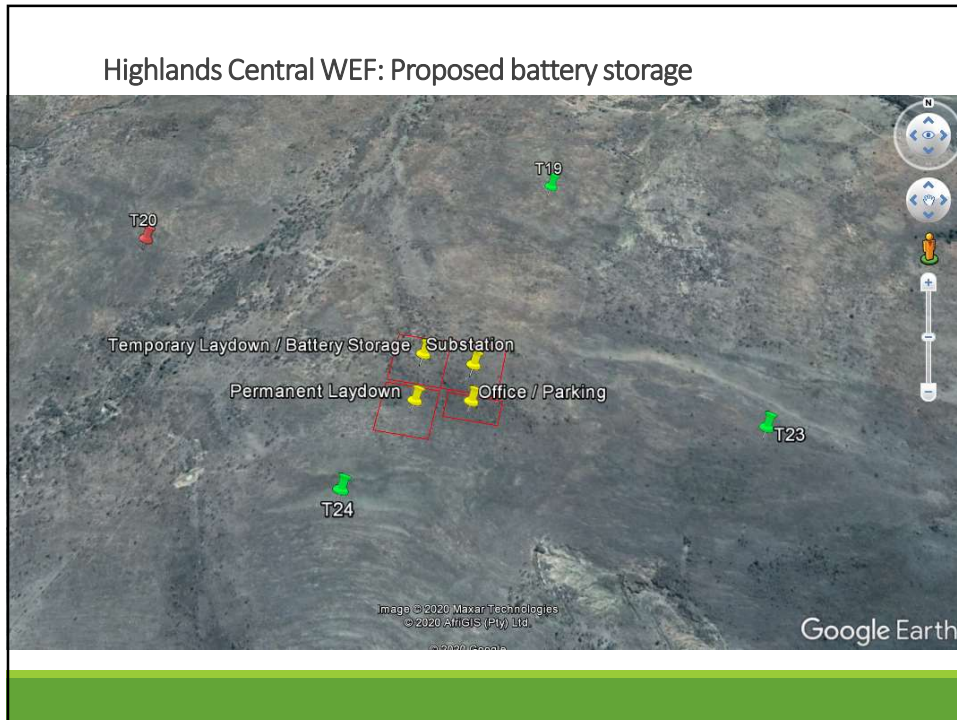
21

## Highlands North WEF: Proposed battery storage

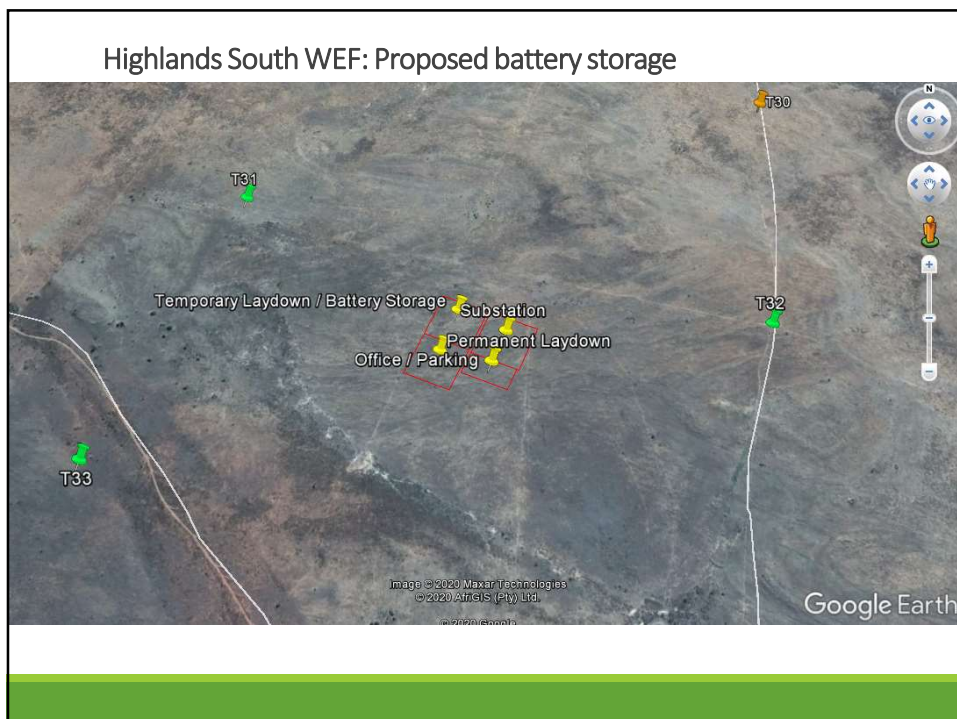


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## Motivation

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- The authorised turbine model with specifications of 135m hub height and 150m rotor diameter is no longer the preferred wind turbine technology, as new larger turbines are entering the market.
- The Applicant wishes to amend the authorised turbine specifications to future proof the project amidst rapid technology developments.
- More efficient higher generation capacity is now achievable with larger rotor diameters.
- The Applicant wishes to amend the EAs accordingly to be able to utilise the latest technology, without changing the significance of impacts negatively.

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## Motivation continued...

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- The larger the turbines, the fewer turbines are needed to achieve the generation capacity of the WEF.
- The avifaunal specialist has commented that if generation capacity remains the same, fewer larger turbines are likely to have a slightly lower impact than more smaller turbines. Therefore, as turbine numbers decrease, the combined rotor swept area can increase slightly without changing the level of impact.
- For this project it is the avifaunal specialists recommendation that the cumulative rotor swept area for all three WEFs should not increase more than up to a maximum of 15% as turbine numbers decrease.
- The number of turbines being applied for is based on this avifaunal specialist recommendation, and the turbines selected to be built for each scenario is based on environmental sensitivities identified in the EIA process.

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## Motivation continued

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- I.t.o removal of Conditions stating that *“The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES)”*
  - Majority of development footprint falls within the Camdeboo Escarpment NPAES Focus Area.
  - EIA listed activities associated with the NPAES were assessed in BA processes, and were authorised by DEFF in the EAs.
  - Inclusion of this Condition an error?
- I.t.o proposed removal of Condition 17.1 from Highlands South WEF EA, which states that the EMPr amendment must include: *“An Electromagnetic Compatibility (EMC) Control Plan, ... The EMC Control Plan must be made available to the Square Kilometre Array South Africa (SKA-SA) for acceptance and the SKA-SA accepted EMC Control Plan must be submitted to this Department for approval prior to construction”*.
  - The project site is located in the Eastern Cape near Somerset East, approximately 300km from the Square Kilometre Array (SKA) Virtual Centre (core) in the Northern Cape. An EMC Control Plan is therefore not deemed necessary for the proposed project.

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## Proposed approach to amendment application

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## Potential environmental impacts

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- The potential negative environmental impacts that may occur if the application for the amendment is granted, and that were assessed as part of the original BA processes for the projects include:
  - Impacts on geology, soils and agriculture
  - Impacts on freshwater and wetlands
  - Impacts on flora and terrestrial fauna
  - Impacts on avifauna
  - Impacts on bats
  - Noise impacts
  - Impacts on heritage, archaeology and palaeontology
  - Visual impacts
  - Socio-economic impacts
  - Traffic and transportation impacts
  - Cumulative impacts

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## Specialist inputs

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- Specialist studies undertaken during original EIA process:
  - Avifauna assessment (Andrew Pearson & Jon Smallie)
  - Bat assessment (Jonathan Aronson & Stephanie Dippenaar)
  - Noise assessment (Michael Reid and Morne de Jager)
  - Flora and Fauna Assessment (Simon Todd)
  - Cultural heritage, archaeology and palaeontology (Jayson Orton & John Almond)
  - Freshwater and wetlands (Brian Colloty)
  - Visual assessment (Quinton Lawson and Bernard Oberholzer)
  - Geology, soils and agriculture (Johann Lanz)
  - Socio-economic impact assessment (Tony Barbour)
  - Traffic and Transportation (Stephen Fautley)

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## Specialist inputs for amendment process(es)

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- All original specialists, except the original bird and noise specialists, are appointed to determine the implications, if any, of the proposed amendments to the EAs, and to undertake a re-assessment of impacts, if required.
- The bird specialist (Andrew Pearson) is not working as an avifaunal specialist anymore.
- The newly appointed bird specialist Anja Albertyn (now with Holland & Associates) was involved in the project previously as an assistant to the avifaunal specialist and the EAP, has been to site on several occasions and is familiar with the project. She is a registered, qualified avifaunal specialist and a selected member of the Birds and Renewable Energy Specialist Group (BARESG).

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## Specialist inputs for amendment process

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- Jon Smallie, who conducted a peer review of the original avifaunal impact assessment will also be conducting a peer review of the avifaunal impact assessment for the amendment application.
- The original noise specialist is located in the UK and has not been to the proposed development site.
- The newly appointed noise specialist conducted a peer review of the noise impact assessment during the original application and is familiar with the project, as well as being highly experienced with noise impact assessments for wind energy facilities in South Africa.

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## Proposed “Part 2” amendment processes

- Proposed amendments to be undertaken in terms of Part 2 of Chapter 5 of the EIA Regulations (Regulation 32 of GN R.982, as amended).
- Public Participation Plan(s) to be submitted and approved prior to the submission of the application forms.
- Compile a report for each of the Application for Amendment of the EAs: The results of the updated specialist studies will be summarised and included in the EA amendment reports. The reports will include the requisite information outlined in Regulation 32 (a)(i) of GN R 982, as amended.

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## Proposed “Part 2” Process

- Three Application forms for Amendment of three Environmental Authorisations to DEFF in terms of Part 2 of Chapter 5 to be submitted that include:
  - (i) an assessment of all impacts related to the proposed changes;
  - (ii) advantages & disadvantages associated with the proposed changes;
  - (iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed changes; and
  - (iv) any changes to the draft EMPr.

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## Public participation process

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- A combined public participation process (including a 30 day comment period on the draft Amendment Report) will be undertaken for the proposed amendment applications as per Public Participation Plan(s) to be submitted, including:
- Notify all previously registered I&APs for the projects, via e-mail, sms or postal service;
- Placement of site notices, notifying potential (& registered) I&APs of the Application for Amendment of the EAs
- Placement of posters in the same locations as during BA processes where possible, including SAPS, post offices, libraries (if open) and shops in Somerset East and Pearston.
- Placement of advertisements in same newspapers as during BA processes.
- All potential & registered I&AP's (including relevant State Departments) will be given 30 days to comment on the proposed amendments.

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- Comments submitted by I&APs will be collated & summarised in a Comments & Response Report (CRR) (for each project).
  - Submit the final EA amendment reports to DEFF, including the public participation process (PPP) summary.
  - Registered I&APs will be notified, in writing, of DEFF's decisions.

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## Other Authorisations required

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- Submission to SAHRA
- A Water Use License application (*in terms of the National Water Act*) is to be submitted once the project has obtained preferred bidder status. (The WULA will only be awarded after the project becomes preferred bidder).

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## Discussion & Questions

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## Questions/ confirmations required

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- Proposed amendments of EAs and (preliminary) Layout Plans to be undertaken via “**Part 2**” **amendment processes** (i.e. 3 separate EA amendment processes).
- Inclusion (and acceptability) of the possible range of maximum number of turbines for each WEF (which would be dependent on the RD of WTGs ultimately used). The range represents possible scenarios, rather than “alternatives”.
- Increase in foundation size and hard standings
  - Foundation sizes for turbines (from authorized approx. 25m x 25m (625 m<sup>2</sup>) to a max of 1500 m<sup>2</sup>).
  - Hard stand area per turbine (from 5000m<sup>2</sup> to a max of 6000 m<sup>2</sup>)
  - If not specified in the EAs, must the above amendments be included in the EA amendment application and re-assessed by the specialists? (Only the Highlands North WEF EA includes dimensions)
  - If specified (e.g. Highlands North WEF), can the foundation size dimensions be removed from the EA?

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- **Specialists:**
    - All original **specialists**, except for bird & noise specialists, to be used in amendment processes.
    - Some specialists are compiling a combined report to address the 3 WEFs, (as was done for the original BARs), however some specialists are compiling separate amendment reports for each EA amendment process.

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➤ **Battery storage:**

- Assume that it does not trigger Activity 14 of LN1, and that the project description can be amended as part of the Part 2 amendment, to include the battery storage.
- Is the level of information presented sufficient in terms of the information required by DEFF for the proposed battery storage?
- Do DEFF want a detailed outline of the amendments to the text of the EAs that would be required in light of the proposed amendments (e.g. if amendment is to the layout, must we refer to every page/ Annexure/ reference to the layout/ turbine positions in the EAs, including where co-ordinates are included – or will DEFF undertake such amendments automatically based on our proposed amendments.

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➤ **Public Participation Plan:**

- One combined PP plan for the 3 amendments (given that we propose to undertake a combined PPP), or must we submit 3 separate PP plans?
- Specific requirements of DEFF under “Level 2” (as Directions issued for Level 3 no longer applicable)?
- I.t.o Regulation 39: No need for landowner consent again (as obtained for EIA process)? Landowners would be notified of the proposed amendment and proof of notification would be included in the Application for Amendment of the EAs.
- **Amendment of EMPr:**
  - The EMPr still needs to be finalised and submitted to DEFF in the future (as required in terms of Conditions included in the EA). Updates to the EMPr will however be made to the draft EMPr as part of the proposed amendment reports, to include updates to the project description and any potential updates to mitigation measures.

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- Name of report: Amendment Assessment Report/ Environmental Assessment Report/ EA Amendment Report - do DEFF have any particular requirement/preference?
  - National Web based Screening Tool: Must the national web based screening tool be run and a Screening Report and Site Sensitivity Verification Report(s) included in the amendment application forms? Please confirm/ clarify as many Part 2 EA amendments do not include it.
  - Do DEFF require that the Application Forms are included in the amendment reports that are made available for I&AP comment.
  - Signatures: Are original signatures of Declarations required, or are electronic signatures sufficient, given that only electronic copies need to be submitted to DEFF.
  - Latest DEFF Application Form for Amendment of EA dated 20 June 2020 to be utilised
  - Reports to be submitted as electronic copies (via current online submissions system) unless hard copies specifically requested.

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## Way Forward

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- Submit PP Plan(s) for approval by DEFF (to case officer)
- Proceed with "Part 2" Amendment processes, addressing the proposed amendments to the EA.
- Minutes of meeting to be compiled (combined for the 3 EA amendment applications, discussed at the combined Pre-Application Meeting) and to be submitted to DEFF.

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Thank you

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**Subject:** RE: Highlands WEFs Part 2 EA Amendments: Notes from Pre-Application Meeting (14/12/16/3/3/1/1955; 14/12/16/3/3/1/1958; 14/12/16/3/3/1/1960)

Dear Nicole.

The minutes are acceptable

*Muhammad Essop*

**Assistant Director – Priority Infrastructure Projects**

Integrated Environmental Authorisations

Department of Environment, Forestry and Fisheries

Private Bag X447

Pretoria

0001

(012) 399 9406

[MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)

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**From:** Nicole Holland <[nicole@hollandandassociates.net](mailto:nicole@hollandandassociates.net)>

**Sent:** Tuesday, October 20, 2020 15:53

**To:** Muhammad Essop <[MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)>; Coenrad Agenbach <[Cagenbach@environment.gov.za](mailto:Cagenbach@environment.gov.za)>;

Herman Alberts <[HALberts@environment.gov.za](mailto:HALberts@environment.gov.za)>

**Cc:** 'Dick, Jasper' <[jasper@wkn-windcurrent.com](mailto:jasper@wkn-windcurrent.com)>; 'Mike Mangnall' <[mangnall@wkn-windcurrent.com](mailto:mangnall@wkn-windcurrent.com)>;

[anja@hollandandassociates.net](mailto:anja@hollandandassociates.net)

**Subject:** RE: Highlands WEFs Part 2 EA Amendments: Notes from Pre-Application Meeting (14/12/16/3/3/1/1955; 14/12/16/3/3/1/1958; 14/12/16/3/3/1/1960)

Dear Muhammad

Please find attached the word version, as requested.

Kind regards

Nicole

**Nicole Holland** (BSc Hons; Pri.Sci.Nat.)

**Holland & Associates**  
Environmental Consultants

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e: [nicole@hollandandassociates.net](mailto:nicole@hollandandassociates.net)  
w: [www.hollandandassociates.net](http://www.hollandandassociates.net)  
a: PO Box 31108, Tokai, 7966

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**From:** Muhammad Essop <[MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)>

**Sent:** Tuesday, 20 October 2020 2:36 PM

**To:** Nicole Holland <[nicole@hollandandassociates.net](mailto:nicole@hollandandassociates.net)>; Coenrad Agenbach <[Cagenbach@environment.gov.za](mailto:Cagenbach@environment.gov.za)>;

Herman Alberts <[HALberts@environment.gov.za](mailto:HALberts@environment.gov.za)>

**Cc:** 'Dick, Jasper' <[jasper@wkn-windcurrent.com](mailto:jasper@wkn-windcurrent.com)>; 'Mike Mangnall' <[mangnall@wkn-windcurrent.com](mailto:mangnall@wkn-windcurrent.com)>;

[anja@hollandandassociates.net](mailto:anja@hollandandassociates.net)

**Subject:** RE: Highlands WEFs Part 2 EA Amendments: Notes from Pre-Application Meeting (14/12/16/3/3/1/1955; 14/12/16/3/3/1/1958; 14/12/16/3/3/1/1960)

Dear Nicole.

Please send through a word version so that we can make any changes and corrections.

Regards

**APPENDIX 2**  
**CERTIFIED COPY/IES OF THE ENVIRONMENTAL AUTHORISATION AND ALL SUBSEQUENT AMENDMENTS**  
**THERE TO ~~OR ORIGINAL COMMISSIONED AFFIDAVIT/AFFIRMATION UNDER OATH~~**



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/1/1955

Enquiries: Ms. Mmamohale Kabasa

Telephone: 012-399 9420 E-mail: MKabasa@environment.gov.za

Mr Alan Wolfromm  
Highlands North Wind Energy Facility RF (Pty) Ltd  
Mountain Forest Farm  
Erf 384 Hoekwil  
WESTERN CAPE  
6538

Telephone Number: (082) 529 4909  
E-mail Address: MrWolf@wkn-windcurrent.com

### PER MAIL / E-MAIL

Dear Mr Wolfromm

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), AS AMENDED: THE 84MW HIGHLANDS NORTH WIND ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE WEST OF THE TOWN OF SOMERSET EAST WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant an Environmental Authorisation (EA) to you. The Environmental Authorisation and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the National Environmental Management Act (NEMA): the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties (I&APs), in writing within 14 (fourteen) days of the date of this EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

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

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

**NADIA TIMMERMAN**  
Commissioner of Oaths (SA)  
Professional Accountant (SA)  
Registration number 30639

Mazars

132 MITCHELL STREET, GEORGE

Practise number: 900222

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

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

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

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

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

By post: Private Bag X447  
Pretoria  
0001

Please note that in terms of Section 43(7) of the NEMA, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with any activity authorised in the EA until such time that the appeal is finalised.

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

Yours faithfully

  
**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs

Date: 04/02/2020

cc:	Ashlin Bodasing	Arcus Consultancy Services South Africa (Pty) Ltd	Tel: (021) 412 1529	Email: <a href="mailto:ashlinb@arcusconsulting.co.za">ashlinb@arcusconsulting.co.za</a>
	Thabiso Klaas	Blue Crane Route Local Municipality	Tel: 042 243 6400	Email: <a href="mailto:rmmanager@bcm.gov.za">rmmanager@bcm.gov.za</a>
	Gerry Pienaar	Eastern Cape Department of Finance, Economic Development, Environmental Affairs and Tourism	Tel: 043 605 7051	Email: <a href="mailto:gerry.pienaar@dedea.gov.za">gerry.pienaar@dedea.gov.za</a>

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**NADIA TIMMERMAN**  
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Practise number: 900222  
Tel: 044 874 5022

M.S





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The development of the 84MW Highlands North Wind Energy Facility (WEF) and its associated infrastructure west of the town of Somerset East within the Blue Crane Route Local Municipality in the Eastern Cape Province

Sarah Baartman District Municipality

Authorisation register number:	14/12/16/3/3/1/1955
Last amended:	First issue
Holder of authorisation:	Highlands North Wind Energy Facility RF (Pty) Ltd
Location of activity:	Farm 102 Rietfontein – Portion 0 Remaining Extent; Farm 104 Coetzees Fontein - Portion 0; Farm 104 Coetzees Fontein - Portion 1; Farm 104 Coetzees Fontein - Portion 2; Farm 105 Doorn Rivier - Portion 0 Remaining Extent; Farm 105 Doorn Rivier - Portion 1; Farm 143 Nels Kraal – Portion 0; Farm 146 Kiepersol – Portion 1; Farm 144 Nelskom - Portion 0 Remaining Extent; Farm 145 De Mullers Kraal – Portion 0;

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**NADIA TIMMERMAN**  
Commissioner of Oaths (SA)  
Professional Accountant (SA)  
Registration number 30639

Mazars

132 MITCHELL STREET GEORGE

M.S

*Farm 145 De Mullers Kraal – Portion 8;  
Farm 361 Highlands – Portion 0 Remaining Extent;  
Farm 103 Spaarwater – Portion 0;  
Farm 101 Lekker water – Portion 2;  
Farm 104 Coetzees Fontein – Portion 5;  
Within Ward 6 of the Blue Crane Route Local Municipality;  
Sarah Baartman District Municipality  
Eastern Cape Province*

This Environmental Authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

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S 1021



**NADIA TIMMERMAN**

Commissioner of Oaths (SA)

Professional Accountant (SA)

Registration number 30639

Mazars

132 MITCHELL STREET, GEORGE

Practise number: 900222

M.S

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

**HIGHLANDS NORTH WIND ENERGY FACILITY RF (PTY) LTD**

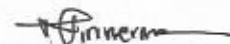
(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Alan Wolfromm  
Mountain Forest Farm  
Erf 384 Hoekwil  
**WESTERN CAPE**  
6538

Telephone Number: (082) 529 4909

E-mail Address: MrWolf@wkn-windcurrent.com



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**NADIA TIMMERMAN**  
Commissioner of Oaths (SA)  
Professional Accountant (SA)  
Registration number 30639  
Mazars  
132 MITCHELL STREET, GEORGE

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, 2 and 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><u>Listing Notice 1 Item 11:</u></p> <p><i>"The development of facilities or infrastructure for the transmission and distribution of electricity –</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kV."</i></p>	<p>Medium voltage power lines will be installed to transfer electricity from the turbines to an on-site substation. Cables will be installed underground where feasible.</p>
<p><u>Listing Notice 1 Item 12:</u></p> <p><i>"The development of-</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs</i></p> <p><i>(a) within a watercourse</i></p> <p><i>(c) if no development setback exists within 32m of a watercourse, measured from the edge of a watercourse."</i></p>	<p>Infrastructure will be required at 5 water crossings and within 32 meters of a watercourse that covers an area of more than 100m<sup>2</sup>.</p>
<p><u>Listing Notice 1 Item 19:</u></p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse."</i></p>	<p>The construction of the WEF would include the excavation of soil in watercourses/drainage line areas, and infilling/deposition will exceed 5 cubic metres and in some instances will exceed 10 cubic metres. The construction of associated infrastructure, such as access tracks crossing watercourses will require excavation and/or infilling of watercourse areas.</p>
<p><u>Listing Notice 1 Item 24:</u></p> <p><i>"The development of a road—</i></p> <p><i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres."</i></p>	<p>Access roads of 6-12m will be required between turbines.</p>



<p><u>Listing Notice 1 Item 27:</u>  <i>"The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation."</i></p>	<p>The infrastructure and building area of the proposed WEF will require clearing of at least 1 hectare of indigenous vegetation in total.</p>
<p><u>Listing Notice 1 Item 28:</u>  <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:                  (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare."</i></p>	<p>Construction of the proposed development will change the land use from agriculture to mixed-agriculture and electricity generation and transmission. The proposed development is outside an urban area and has a footprint that will exceed 1ha.</p>
<p><u>Listing Notice 1 Item 48:</u>  <i>"The expansion of—                  (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; where such expansion occurs—                  (a) within a watercourse;                  (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;"</i></p>	<p>Existing bridges over watercourses will need to be expanded or widened.</p>
<p><u>Listing Notice 1 Item 56:</u>  <i>"The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-                  (ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas."</i></p>	<p>Existing farm access roads need to be widened or lengthened. These roads currently have no road reserve and will be wider than 8m in some areas.</p>
<p><u>Listing Notice 2 Item 1:</u>  <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more."</i></p>	<p>The WEF will consist of up to 14 turbines for electricity generation with a combined capacity of more than 20MW.</p>

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<p><u>Listing Notice 2 Item 6:</u></p> <p><i>"The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent."</i></p>	<p>The construction of the WEF will require a Water Use License in terms of the National Water Act, 1998 (Act No. 36 of 1998).</p>
<p><u>Listing Notice 3 Item 4:</u></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</i></p> <p>a. <u>Eastern Cape:</u></p> <p>i. <i>Outside urban areas:</i></p> <p>(bb) <i>National Protected Area Expansion Strategy Focus areas;</i></p> <p>(ee) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans..."</i></p>	<p>Internal and external access roads will be constructed, which are wider than 4m. The site falls outside of an urban area and parts of the site fall within a NPAESF and a Tier 2 CBA.</p>
<p><u>Listing Notice 3 item 10:</u></p> <p><i>"The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</i></p> <p>a. <i>Eastern Cape</i></p> <p>i. <i>Outside urban areas:</i></p> <p>(bb) <i>National Protected Area Expansion Strategy Focus areas;</i></p> <p>(ee) <i>Critical Biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;"</i></p>	<p>Fuel storage during construction will exceed 30m<sup>3</sup>. The proposed on-site substation will require the use of transformer oils/other hazardous substances during the operational phase.</p>
<p><u>Listing Notice 3 Item 12:</u></p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for</i></p>	<p>The development will require the clearance of natural vegetation in excess of 300m<sup>2</sup> in areas of natural vegetation. Parts of the site fall within a NPAESF and a Tier 2 CBA.</p>

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<p><i>maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>a. <i>Eastern Cape:</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;"</i></p>	
<p><u>Listing Notice 3 Item 14:</u></p> <p><i>"The development of—</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p>a. <i>Eastern Cape</i></p> <p>i. <i>Outside urban areas:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas;</i></p> <p><i>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</i></p>	<p>Bridges and associated road infrastructure will be constructed within 32m of watercourse(s) at the applied for water crossings. The site lies outside of an urban area and a portion of the site falls with an NPAESF area and a Tier 2 CBA.</p>
<p><u>Listing Notice 3 Item 18:</u></p> <p><i>"The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i></p> <p>a. <u><i>Eastern Cape:</i></u></p> <p>i. <i>Outside urban areas:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas;</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;"</i></p>	<p>Existing farm roads will need to be widened or lengthened. The site lies outside urban areas, and a portion of the site falls with an NPAESF area and a Tier 2 CBA.</p>

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<p><u>Listing Notice 3 Item 23:</u>  <i>"The expansion of—</i>  <i>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;</i>  <i>where such expansion occurs—</i>  <i>(a) within a watercourse;</i>  <i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i>  <i>a. Eastern Cape</i>  <i>i. Outside urban areas:</i>  <i>(bb) National Protected Area Expansion Strategy Focus areas;</i>  <i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;"</i></p>	<p>The construction of the WEF will include the expansion of existing bridges by more than 10m<sup>2</sup> over watercourses. The site lies outside of any urban area, and parts of the site fall within a Critical Biodiversity Area.</p>
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as described in the Basic Assessment Report (BAR) dated November 2019 at:

Alternative Preferred Site	Latitude	Longitude
North West Corner	32°41' 14.26"S	25°20' 59.40"E
North East Corner	32°41' 46.46"S	25°23' 46.05"E
South West Corner	32°47' 49.72"S	25°18' 29.57"E
South East Corner	32°49' 21.14"S	25°23' 08.26"E
<b>Substation location (central point)</b>	32°42' 36.35"S	25°21' 05.15"E
<b>Construction camp/laydown area</b>	32°42' 36.35"S	25°21' 05.15"E
<b>Access Road</b>	32°41' 20.48"S	25°21' 31.00"E

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21 Digit SG code:

C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	2	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	4	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	4	0	0	0	1
C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	4	0	0	0	2
C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	5	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	5	0	0	0	1
C	0	6	6	0	0	0	0	0	0	0	0	0	1	4	3	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	4	6	0	0	0	1
C	0	6	6	0	0	0	0	0	0	0	0	0	1	4	4	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	4	5	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	4	5	0	0	0	8
C	0	6	6	0	0	0	0	0	0	0	0	0	3	6	1	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	3	0	0	0	0
C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	2
C	0	6	6	0	0	0	0	0	0	0	0	0	1	0	4	0	0	0	5

- for the 84MW Highlands North WEF and its associated infrastructure located approximately 20km west of the town of Somerset East, bordering the south of the R63 provincial route, approximately 23km south-east of Pearston, in the Eastern Cape Province. It is located in the Blue Crane Route Local Municipality (BCRLM) in the Sarah Baartman District Municipality (SBDM), hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- 14 Wind turbines with a rotor diameter of up to 150m, hub height from ground level up to 135m and blade length of up to 75m with a maximum generating capacity of up to 84MW in total;
- Steel and concrete foundations of up to approximately 25m x 25m in total and up to 5m deep per turbine which will include concrete and steel plinths depending upon local ground conditions;
- A transformer for up to 5m x 5m per hard standing area per turbine;
- Cabling between turbines along road infrastructure where possible, and will either be overhead or underground;
- Area occupied by inverter transformer stations/substation of 1.1 hectares;
- Area occupied by permanent laydown area of 1 hectare;
- Area occupied by construction/temporary laydown area of 1 hectare;

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- Operations and maintenance buildings (O&M building) with parking area measuring 200m x 200m;
- Internal roads approximately 50km in length and 12m wide;
- Fencing on the site, alarm and video surveillance system; and
- Lighting system.

Technical details for the proposed facility:

Component	Description/ Dimensions
Location of the site	~ 20km west of the town of Somerset East
Export capacity	Up to 84MW
Proposed technology	Wind turbines
Number of Turbines	14
Hub height from ground level	Up to 135m
Rotor diameter	Up to 150m
Width and length of internal roads	Internal roads width: Approximately 12m Internal roads length: Approximately 50km

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The development of the 84MW Highlands North Wind Energy Facility and its associated infrastructure west of the town of Somerset East within the Blue Crane Route Local Municipality in the Eastern Cape Province as described above is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it



- deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
  7. This activity must commence within a period of five (05) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
  8. Construction must be completed within five (05) years of the commencement of the activity on site.
  9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal**

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued;
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 11.4. give the reasons of the Competent Authority for the decision.

#### **Commencement of the activity**

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition

attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### Management of the activity

13. A copy of the final site layout map must be made available for comments by registered interested and affected parties and the holder of this Environmental Authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. 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:
  - 13.1. Cable routes (where they are not along internal roads);
  - 13.2. Position of wind turbines and associated infrastructure;
  - 13.3. Internal roads indicating width;
  - 13.4. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables;
  - 13.5. All sensitive features e.g. Critical Biodiversity Areas, National Protected Area Expansion Strategy (NPAES) areas, Ecological Support Areas, heritage sites, wetlands, and pans and drainage channels that will be affected by the facility and associated infrastructure;
  - 13.6. Substation(s) inverters and/or transformer(s) sites including their entire footprint;
  - 13.7. Connection routes (including pylon positions) to the distribution/transmission network;
  - 13.8. All existing infrastructure on the site, such as roads;
  - 13.9. Soil heaps (temporary for topsoil and subsoil and permanently for excess material);
  - 13.10. Buildings, including accommodation; and,
  - 13.11. All "no-go" and buffer areas.
14. Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:



**Postal Address:**

Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

**Physical address:**

Department of Environmental Affairs  
Environment House  
473 Steve Biko  
Arcadia  
Pretoria

For Attention: Mr Muhammad Essop  
Integrated Environmental Authorisations  
Strategic Infrastructure Developments  
Telephone Number: (012) 399 9406  
Email Address: MEssop@environment.gov.za

15. The Environmental Management Programme (EMPr) submitted as part of the BAR is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting, and the provisions of this Environmental Authorisation. The EMPr must be made available for comments by registered interested and affected parties and the holder of this Environmental Authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
16. The EMPr amendment must include the following:
  - 16.1. The requirements and conditions of this authorisation.
  - 16.2. All recommendations and mitigation measures recorded in the BAR.
  - 16.3. All mitigation measures as listed in the specialist reports within the BAR.
  - 16.4. The final site layout map.
  - 16.5. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.



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Professional Accountant (SA)  
Registration number 30639  
Mazars



- 16.6. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
- 16.7. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- 16.8. A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
- 16.9. A construction and operational avifauna and bat monitoring plan.
- 16.10. A heritage conservation management plan which must have been submitted to SAHRA for review and comment.
- 16.11. A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
- 16.12. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- 16.13. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 16.14. A fire management plan to be implemented during the construction and operational phases.
- 16.15. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.







- 16.16. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- 16.17. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map. This map must reflect the proposed location of the turbine as stated in the BAR and this authorisation.
17. The final amended EMPr (once approved) must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
18. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
19. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

#### Frequency and process of updating the EMPr

20. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 27 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the Environmental Authorisation or EMPr.
21. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
22. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R982 of 04 December 2014, as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
23. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R982 of 04 December 2014, as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
24. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R982 of 04 December 2014, as amended.

## Monitoring

25. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Environmental Authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
  - 25.1. The ECO must be appointed before commencement of any authorised activities.
  - 25.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 25.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 25.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

## Recording and reporting to the Department

26. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this Environmental Authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
27. The holder of the Environmental Authorisation must, for the period during which the Environmental Authorisation and EMPr remain valid, ensure that project compliance with the conditions of the Environmental Authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
28. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R982 of 04 December 2014, as amended.
29. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
30. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended, and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the approved EMPr.



31. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and Competent Authority in respect of this development.

**Notification to authorities**

32. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

**Operation of the activity**

33. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

**Site closure and decommissioning**

34. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

**Specific conditions**

35. A minimum 30 metres buffer must be maintained around all graves, ruins and buildings.
36. A 200 metres no-go buffer must be applied around all identified water points as they serve as focal points for bird activity.
37. All developments within 500 metres of watercourses must comply with the National Water Act.
38. The turbine blade must not protrude into the no-go areas, and therefore the bases must be constructed suitably far from these areas.
39. The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES).
40. The final placement of turbines must follow a micro siting procedure involving a walk-through and identification of any sensitive areas by ecological, avifaunal, bat, surface water and heritage specialists.



41. Exclusion of sensitive ecological, avifaunal, bat, surface water and heritage areas from construction activities must inform micro siting of all development activities.
42. Prior to construction, an avifaunal specialist must conduct a site walkthrough, covering the final road and power line routes as well as the final turbine positions, to identify any nests/breeding/roosting activity of priority species, as well as any additional sensitive habitats. The results thereto must inform the final construction schedule in close proximity to that specific area, including reducing construction time, scheduling activities around avian breeding and/or movement schedules, and lowering levels of associated noise.
43. A construction and operational avifauna and bat monitoring plan must be developed and implemented according to the latest BirdLife South Africa/Endangered Wildlife Trust: Best practice guidelines for avian monitoring and impact mitigation at proposed wind energy development sites in Southern Africa and the latest South African Bat Assessment Advisory Panel's (SABAAP) guidelines.
44. As an absolute minimum, avifauna and bat monitoring, to survey impacts resulting from the infrastructure on the bird communities with focus on assessing the displacement and disturbance effects of the development on the bird communities, as well as bird collisions and continue to gather information on the bird communities present in the area and monitor the effectiveness of the mitigation measures, must occur during the construction period and continue for at least three years during the operation of the facility. The results of this monitoring must be made available to the Department of Environmental Affairs (DEA), Birdlife South Africa (BLSA) and the South African Bat Assessment Advisory Panel (SABAAP) and must further advise the EMP where necessary.
45. The results of the pre-construction bird and bat monitoring assessments including all recommendations proposed by the reports included in the BAR dated November 2019, must inform the final layout and the construction schedule of the facility.
46. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors (e.g. grasslands, rivers, wetlands, and dams). The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged. Additional areas of high sensitivity along the preferred alignment must also be identified by the avifaunal specialist for the fitment of anti-collision devices. These devices must be according to Eskom's Transmission and the Endangered Wildlife Trust's (EWT) Guidelines.
47. A pre-construction walk through of the approved power line alignment and turbine positions by a bat specialist, avifaunal specialist and ecologist, must be conducted to ensure that the micro-siting of the turbines, pylons and power line alignments have the least possible impact, there are no nest sites of priority species on or close to the construction corridor and all protected plant species impacted are identified.



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Mazars



48. All pylons to be constructed should make use of "bird friendly" structures, fitted with a bird perch, as per Eskom's Transmission and EWT's Guidelines.
49. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Furthermore, no chemicals must be stored nor may any vehicle maintenance occur within 350m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain or hillside wetlands.
50. Copies of all permits required for the construction of the proposed infrastructure must be kept on site by the ECO for record keeping purposes and make it available to the Department upon request.
51. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
52. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
53. Contractors and construction workers must be clearly informed of the no-go areas.
54. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
55. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
56. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the EMPr.
57. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
58. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
59. Any fauna directly threatened by the construction activities should be removed to a safe location by a suitably qualified person.
60. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
61. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

**General**

62. The recommendations of the EAP in the BAR dated November 2019 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.
63. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 63.1. at the site of the authorised activity;
  - 63.2. to anyone on request; and
  - 63.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
64. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 07/02/2020

  
Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs



## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

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

- a) The listed activities as applied for in the amended application form received on 18 November 2019.
- b) The findings of the site inspection held on 05 December 2018.
- c) The information contained in the revised final BAR dated November 2019.
- d) Mitigation measures as proposed in the revised final BAR and the EMPr dated November 2019.
- e) The information contained in the specialist studies contained within the appendices of the revised final BAR dated November 2019.

### 2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the project stems from the provision of electricity to the national grid in terms of the Renewable Energy Independent Power Producers Procurement Programme (REIPPPP) as required by the Department of Energy.
- c) The revised final BAR dated November 2019 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the revised final BAR dated November 2019.
- d) The location of turbines as presented in the revised final BAR dated November 2019.
- e) The methodology used in assessing the potential impacts identified in the revised final BAR dated November 2019 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

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### 3. Findings

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

- a) The identification and assessment of impacts are detailed in the revised final BAR dated November 2019 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the revised final BAR dated November 2019 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

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MINISTER  
FORESTRY, FISHERIES AND THE ENVIRONMENT  
REPUBLIC OF SOUTH AFRICA

Reference: LSA 192215

**APPEAL DECISION**

**APPEAL AGAINST AN ENVIRONMENTAL AUTHORISATION GRANTED FOR THE PROPOSED DEVELOPMENT OF THE HIGHLANDS NORTH WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE LOCATED WEST OF THE TOWN OF SOMERSET EAST WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE**

Schuster's River Trust No. 4, Side by Side Trust,  
Diana Konservering A/S, Mr Poul Brøndum and  
the Kruisementfontein Trust

Appellants

Highlands North Energy Facility RF (Pty) Ltd

Applicant

Department of Environment, Forestry and Fisheries

Competent Authority

Appeal: This is an appeal submitted by Nicholas Smith Attorneys on behalf of Schuster's River Trust No.4, Side by Side Trust, Diana Konservering A/S, Mr Poul Brøndum and the Kruisementfontein Trust (collectively referred to as the appellants), against the decision of the Chief Director: Integrated Environmental Authorisations of the Department of Environment, Forestry and Fisheries (the Department) to grant an Environmental

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Authorisation (EA) to Highlands North Wind Energy Facility RF (Pty) Ltd (the applicant) on 4 February 2020 for the proposed development of the Highlands North Wind Energy Facility and associated infrastructure, located west of the town of Somerset East within the Blue Crane Route Local Municipality, in Eastern Cape Province.

**1. BACKGROUND AND APPEAL**

- 1.1 On 18 September 2018, the applicant lodged an application for an EA with the Department for the proposed development of the Highlands North Wind Energy Facility (WEF) at the abovementioned location.
- 1.2 The proposed area for the development falls entirely within the Cookhouse Renewable Energy Development Zone (REDZ). The Highlands North WEF will produce up to 84 MW, consisting of up to 14 turbines.
- 1.3 It was brought to the Department's attention on 14 February 2019 and 12 April 2019 by Mr Nicolas Smith that additional avifaunal, ecological and visual assessments were undertaken, which indicate that there are deficiencies with the findings and assessments submitted as part of the environmental impact assessment (EIA) process for the application currently under review.
- 1.4 The Department then suspended the abovementioned applications in terms of regulation 14(1)(a) of the Environmental Impact Assessment Regulations, 2014, as amended (2014 EIA Regulations) and a letter was sent to the applicant on 05 March 2019. The Department received representations from the applicant on 19 March 2019 and 23 April 2019, respectively. The suspension on the application was thereafter lifted on 18 July 2019.
- 1.5 The Department then received an application for the extension in terms of regulation 3(7) of the 2014 EIA Regulations on 02 August 2019. The extension was granted on 26 August 2019.
- 1.6 On 13 November 2019, the Department provided comments on the draft Basic Assessment Report (BAR). The final BAR was thereafter received by the Department on



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18 November 2019. After evaluating the final BAR, the Department decided to grant an EA to the applicant on 4 February 2020.

- 1.7 Subsequent to the abovementioned decision of the Department, the Directorate: Appeals and Legal Review (Appeals Directorate) within the Department received an appeal from Nicholas Smith Attorneys on behalf of the appellants on 28 February 2020. The appellants were informed of the Department's decision on 10 February 2020. This appeal was lodged in terms of section 43(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), read together with regulation 4 of the National Appeal Regulations, 2014, as amended (Appeal Regulations).
- 1.8 After receiving a copy of the appeal, the applicant timeously submitted a response thereto on 19 March 2020.
- 1.9 A copy of the appeal was also provided to the Department so as to source comments on the grounds of appeal. Such comments were thereafter received by the Appeals Directorate on 24 March 2020.
- 1.10 The appeal is premised on the following grounds:
- 1.10.1 The Department acted *ultra vires*; and
- 1.10.2 The Department's reasons to grant an EA do not bear objective scrutiny.

## 2. EVALUATION

### 2.1 *The Department acted ultra vires*

- 2.1.1 The appellants submit that the Department acted *ultra vires* the requirements of NEMA and the 2014 EIA Regulations. On this note the appellants argue that there is a failure by the Department to ensure that the EA conforms to the substantive requirements set out in section 24N of NEMA read with regulation 19(4) of the 2014 EIA Regulations. The appellants further contend that the Department failed to comply with the peremptory substantive requirements that must be specified for EAs.

- 2.1.2 In addition to the above, the appellants contend that condition 15 in the EA suffers at least two manifest and fatal flaws. Condition 15 of the EA reads as follows;
- "The Environmental Management Programme (EMPr) submitted as part of the BAR is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting, and the provisions of this Environmental Authorisation. The EMPr must be made available for comments by registered interested and affected parties and the holder of this Environmental Authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to".*
- 2.1.3 Referring to the above condition, the appellants contend that it reveals a substantive deficiency in the Department's consideration of the application and the relevant law and furthermore that the Department's decision was not only irrational, but was also taken with reference to a wholly deficient understanding of the applicable law. The appellants further argue that the approval of the EMPr in due course is a *fait accompli* because no regard is given to the possibility that the EMPr could be refused; nor does it contemplate the consequences of such refusal.
- 2.1.4 In response to this ground of appeal, the applicant states that it has complied with all mandatory and material requirements for the submission of an EMPr, by firstly, submitting the EMPr with the BAR to the competent authority, as per regulation 19(1), and secondly, the EMPr contains all the information set out in section 24N of NEMA and Appendix 4 to the 2014 EIA Regulations. The applicant thus contends that the Department had before it all relevant information to enable it to make an informed decision. The applicant goes further to state that the amended EMPr may be approved at any time after the EA has been granted. The applicant argues that in terms of section 24N (6) of NEMA, the Department may at any time after approving an application for EA approve an amended EMPr.
- 2.1.5 The applicant states that the EA contains peremptory requirements, as follows:

- 2.1.5.1 Condition 26 to 61, amongst others, relate to avoidance, management, mitigation and reporting of impacts, in addition to what may be contained in the approved EMPr, in accordance with regulation 26(d);
- 2.1.5.2 The frequency of auditing and submission of environmental audit reports is set out in condition 28, in accordance with the requirements of regulation 26(e);
- 2.1.5.3 The frequency of updating the EMPr is set out in condition 20 to 24, in accordance with regulation 26(g); and
- 2.1.5.4 Condition 63 requires that various documents, including the approved EMPr are available for inspection at the specified location, in accordance with the requirements of regulation 26(h).
- 2.1.6 The applicant thus submits that there is accordingly no evidence to suggest that the decision was irrational or taken with a wholly deficient understanding of the applicable law as the appellants suggest. Lastly the applicant submits that the commencement of the authorised activities is by no means a *fait accompli*, as only minor amendments are required, within the scope of the impact assessment placed before the Department.
- 2.1.7 In their comments on this ground of appeal, the Department states that due to the complexity of the wind energy sector bidding program, the Department has commonly accepted that the final layout plan, including micro siting and the associated EMPr will be submitted once the EA holder has been selected as a preferred bidder. Further to this, the Department states that the specialist studies required for the authorisation are rigorous enough that wind turbine positions and associated infrastructures are kept out of sensitive areas. The Department states that the project did not identify any fatal flaws as to why the development cannot proceed. According to the Department, in most cases the draft layout plan is not significantly different from the final layout plan.
- 2.1.8 In evaluating this ground of appeal and responses thereto, I note from the information before me that a final BAR and the EMPr were submitted to the competent authority, as per regulation 19(1), and secondly, the EMPr contained all the information set out in section 24N of NEMA. Further to this, the Department did analyse and comment on the draft BAR and EMPr on 13 November 2019. A final BAR accompanied by the EMPr was submitted in support of the EA application and sufficiently evaluated by the Department.



Therefore, the Department had all the necessary and essential information at their disposal to make an informed decision.

- 2.1.9 While I take note that condition 15 of the EA stipulates that the EMPr submitted with the final BAR is not approved, it is imperative to point out that all conditions set out in the EA are binding on the applicant as alluded in the EA under "*Scope of authorisation*". I also note that the applicant remains ultimately responsible for ensuring that the proposed development is implemented according to the requirements of the final BAR, the EMPr (once approved by the Department) and the conditions of the EA throughout all phases of the project. Condition 15 of the EA further states that, "*once approved, the EMPr must be implemented and adhered to*".
- 2.1.10 I must point out that the content of condition 15 of the EA is underscored by the provisions of section 24N (5) of NEMA which provides that "*The Minister, the Minister responsible for mineral resources or an MEC may call for additional information and may direct that the environmental management programme in question must be adjusted in such a way as the Minister, the Minister responsible for mineral resources or the MEC may require*".
- 2.1.11 Very importantly, subsection (6) provides that "*The Minister, the Minister responsible for mineral resources or an MEC may at any time after he or she has approved an application for an environmental authorisation approve an amended environmental management programme*".
- 2.1.12 I am accordingly satisfied that the Department considered, evaluated and assessed all relevant information and the applicable law prior to making a decision to grant the abovementioned EA to the applicant. Furthermore, I am satisfied with the content of condition 15 of the EA. Therefore I cannot find that the Department reached an irrational decision nor that it operated under an error of law. I must stress that the law in its current form prescribes no requirement to approve the EMPr simultaneously with granting of an EA. In addition thereto, the final BAR adequately assessed the potential impacts associated with the proposed project and I cannot find that the granting of the aforementioned EA without the approved EMPr constitutes a *fait accompli* as argued by the appellants. There is accordingly no reason to infer that the Department erred, either



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factually or legally, in granting the aforementioned EA to the applicant. Hence I proceed to dismiss this ground of appeal.

**2.2 The Department's reasons to grant an EA do not bear objective scrutiny**

- 2.2.1 The appellants contend that relevant considerations were not properly assessed by the Department as key factors; and that irrelevant considerations were included as key factors for the decision to grant the abovementioned EA.
- 2.2.2 The appellants submit that the Department's fifth key factor for making the decision makes no rational sense as a reason for approving the EA. The fifth key factor states as follows: *"The methodology used in assessing the potential impacts identified in the revised final BAR dated November 2019 and the specialist studies have been adequately indicated"*. The appellants contend that such finding cannot be correct when the EMPr still requires significant and substantive work on various aspects that pertain to the potential impacts of the project.
- 2.2.3 The appellants request that the matter be referred back to the Department for a fresh decision on the merits of the application that complies with the substantive minimum requirements set out in section 24N of NEMA, read with the relevant provisions of regulations 19 (and Appendix 4), as well as regulation 26 of the 2014 EIA Regulations.
- 2.2.4 In response to this ground of appeal, the applicant submits that the appellants have misinterpreted the reasons for the decision set out in Annexure 1 to the EA, by considering the key factors in isolation and without regarding the information considered in making the decision. Further to this, the applicant states that the appellants are mistaken that significant and substantive work on various aspects is still required before the EMPr can be approved. Amongst others, the applicant requests that the appeal be dismissed as it lacks merit.
- 2.2.5 In their comments, the Department states that the reasons for the decision are objective and all relevant factors were taken into considerations when making the decision. The development area was subjected to a strategic environmental assessment and a site



specific EIA process. Both these processes, according to the Department, did not identify why the development cannot proceed.

2.2.6 In evaluating this ground of appeal and the responses thereto, I must stress that key factors on their own are not reasons for the decision, but factors which have been taken into account by the Department during the adjudication of the EA application for the proposed development. I note from page 21 of the EA that the Department took into consideration certain information prior to reaching their decision, one of which was the Mitigation measures as proposed in the revised final BAR and the EMPr dated November 2019. After consideration of the information submitted as well as the key factors, the Department decided that, *amongst others*, identification and assessment of impacts are detailed in the final BAR and sufficient assessment of the key identified issues and impacts have been completed. Based on this, as well as the other findings reached by the Department, the decision was reached to grant an EA. The appellants tend to limit themselves solely to the "key factors" mentioned in the decision and fail to give regard to the information considered which led to the findings reached. Once again, there is accordingly no reason to infer that the decision of the Department to grant the aforementioned EA and particularly the reasons advanced for such decision, are irrelevant or flawed.

2.2.7 In light of the foregoing, this ground of appeal stands to be dismissed accordingly.

### 3 DECISION

3.1 In reaching my decision on the appeal lodged against the decision of the Department to grant the aforementioned EA, I have taken the following into consideration:

- 3.1.1 The appeal lodged by the appellants on 28 February 2020;
- 3.1.2 The responding statement submitted by the applicant on 19 March 2020;
- 3.1.3 The comments on the grounds of appeal submitted by the Department on 24 March 2020; and
- 3.1.4 The information contained in the project file (14/12/16/3/3/1/1955) with specific reference to the EA dated 4 February 2020.



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- 3.2 In terms of section 43(6) of NEMA, I have the authority, after considering the appeal, to confirm, set aside or vary the decision, provision, condition or directive or to make any other appropriate decision.
- 3.3 Having carefully considered the abovementioned information and in terms of section 43(6) of NEMA, I have decided to dismiss the appeal by the appellants and to confirm the decision of the Department to grant the aforementioned EA to the applicant.
- 3.4 In arriving at my decision on the appeal, it should be noted that I have not responded to each and every statement set out in the appeal and/or responses thereto, and where a particular statement is not directly addressed, the absence of any response thereof should not be interpreted to mean that I agree with or abide by the statement made.
- 3.5 Furthermore, should the appellants be dissatisfied with any aspect of my decision, they may apply to a competent court to have this decision judicially reviewed. Judicial review proceedings must be instituted within 180 days of notification hereof, in accordance with the provisions of section 7 of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000) (PAJA).



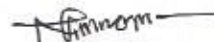
MS B D CREECY, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 29/4/2020

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**APPENDIX 3**  
**PROOF OF PAYMENT/~~MOTIVATION FOR EXCLUSION~~**



## Proof of payment

Date: 24/11/2021 Time: 1:54:00 PM

Profile name:	WKN WINDCURRENT SA (PTY) LTD
Batch reference number:	1181682107
Payment reference number:	00000003262418292
Payment date:	24/11/2021
Payment capture date:	24/11/2021
Payment authorise date and time:	24/11/2021 01:53:54 PM
From account name:	WKN WINDCURRENT SA PTY LTD
From account description:	WKN WINDCURRENT SA PTY LTD
From account statement description:	Highlands North Amendment
Beneficiary account number:	1044240072
Beneficiary/ Recipient name:	Dept of Environmental Affairs
Beneficiary statement description:	-32.709888/25.351896
Branch code:	632005
Amount:	2,000.00
Real-time:	No

Additional comments by payer:

View your account to confirm that you have received this payment.

- All payments are subject to clearing rules.

Please refer to landing page for cut off times and telephone numbers.

Profile name:WKN WINDCURRENT SA (PTY) LTD  
Profile number:4000196279

User name:ALAN JOSEPH WOLFROMM  
User ID:1

Small Business Services: 0860 116 400  
Business Banking: 0860 111 055

**APPENDIX 4**  
**LIST OF LANDOWNERS, AND LANDOWNER CONSENTS**



*Note: In light of the Protection of Personal Information Act, 2013 (Act 4 of 2013), and given that this Appendix includes personal information of Interested and Affected Parties (I&APs), this Appendix will only be included in the copy of the report provided to the competent authority (i.e. the Department of Forestry, Fisheries and the Environment), in accordance with the Environmental Impact Assessment (EIA) Regulations (2014), as amended, enacted in terms of the National Environmental Management Act (NEMA) (No. 107 of 1998), as amended.*

**APPENDIX 5  
STRATEGIC INFRASTRUCTURE PROJECTS**

**(NOT APPLICABLE)**

<p><b>SIP 1: Unlocking the northern mineral belt with Waterberg as the catalyst</b></p> <ul style="list-style-type: none"> <li>• Unlock mineral resources</li> <li>• Rail, water pipelines, energy generation and transmission infrastructure</li> <li>• Thousands of direct jobs across the areas unlocked</li> <li>• Urban development in Waterberg - first major post-apartheid new urban centre will be a “green” development project</li> <li>• Rail capacity to Mpumalanga and Richards Bay</li> <li>• Shift from road to rail in Mpumalanga</li> <li>• Logistics corridor to connect Mpumalanga and Gauteng.</li> </ul>	
<p><b>SIP 2: Durban-Free State-Gauteng logistics and industrial corridor</b></p> <ul style="list-style-type: none"> <li>• Strengthen the logistics and transport corridor between SA’s main industrial hubs</li> <li>• Improve access to Durban’s export and import facilities</li> <li>• Integrate Free State Industrial Strategy activities into the corridor</li> <li>• New port in Durban</li> <li>• Aerotropolis around OR Tambo International Airport.</li> </ul>	
<p><b>SIP 3: South-Eastern node &amp; corridor development</b></p> <ul style="list-style-type: none"> <li>• New dam at Mzimvubu with irrigation systems</li> <li>• N2-Wild Coast Highway which improves access into KwaZulu-Natal and national supply chains</li> <li>• Strengthen economic development in Port Elizabeth through a manganese rail capacity from Northern Cape</li> <li>• A manganese sinter (Northern Cape) and smelter (Eastern Cape)</li> <li>• Possible Mthombo refinery (Coega) and transshipment hub at Ngqura and port and rail upgrades to improve industrial capacity and performance of the automotive sector.</li> </ul>	
<p><b>SIP 4: Unlocking the economic opportunities in North West Province</b></p> <ul style="list-style-type: none"> <li>• Acceleration of investments in road, rail, bulk water, water treatment and transmission infrastructure</li> <li>• Enabling reliable supply and basic service delivery</li> <li>• Facilitate development of mining, agricultural activities and tourism opportunities</li> <li>• Open up beneficiation opportunities in North West Province.</li> </ul>	
<p><b>SIP 5: Saldanha-Northern Cape development corridor</b></p> <ul style="list-style-type: none"> <li>• Integrated rail and port expansion</li> <li>• Back-of-port industrial capacity (including an IDZ)</li> <li>• Strengthening maritime support capacity for oil and gas along African West Coast</li> <li>• Expansion of iron ore mining production and beneficiation.</li> </ul>	
<p><b>SIP 6: Integrated municipal infrastructure project</b> Develop national capacity to assist the 23 least resourced districts (19 million people) to address all the maintenance backlogs and upgrades required in water, electricity and sanitation bulk infrastructure. The road maintenance programme will enhance service delivery capacity thereby impacting positively on the population.</p>	
<p><b>SIP 7: Integrated urban space and public transport programme</b> Coordinate planning and implementation of public transport, human settlement, economic and social infrastructure and location decisions into sustainable urban settlements connected by densified transport corridors. This will focus on the 12 largest urban centres of the country, including all the metros in South Africa. Significant work is underway on urban transport integration.</p>	
<p><b>SIP 8: Green energy in support of the South African economy</b></p>	

<p>Support sustainable green energy initiatives on a national scale through a diverse range of clean energy options as envisaged in the Integrated Resource Plan (IRP2010) and support bio-fuel production facilities.</p> <p><b>Indicate capacity in MW:</b></p>	
<p><b>SIP 9: Electricity generation to support socioeconomic development</b> Accelerate the construction of new electricity generation capacity in accordance with the IRP2010 to meet the needs of the economy and address historical imbalances. Monitor implementation of major projects such as new power stations: Medupi, Kusile and Ingula.</p> <p><b>Indicate capacity in MW:</b></p>	
<p><b>SIP 10: Electricity transmission and distribution for all</b> Expand the transmission and distribution network to address historical imbalances, provide access to electricity for all and support economic development. Align the 10-year transmission plan, the services backlog, the national broadband roll-out and the freight rail line development to leverage off regulatory approvals, supply chain and project development capacity.</p>	
<p><b>SIP 11: Agri-logistics and rural infrastructure</b> Improve investment in agricultural and rural infrastructure that supports expansion of production and employment, small-scale farming and rural development, including facilities for storage (silos, fresh-produce facilities, packing houses); transport links to main networks (rural roads, branch train-line, ports), fencing of farms, irrigation schemes to poor areas, improved R&amp;D on rural issues (including expansion of agricultural colleges), processing facilities (abattoirs, dairy infrastructure), aquaculture incubation schemes and rural tourism infrastructure.</p>	
<p><b>SIP 12: Revitalisation of public hospitals and other health facilities</b> Build and refurbish hospitals, other public health facilities and revamp 122 nursing colleges. Extensive capital expenditure to prepare the public healthcare system to meet the requirements of the National Health Insurance (NHI) system. The SIP contains major builds for 6 hospitals.</p>	
<p><b>SIP 13: National school build programme</b> A national school build programme driven by uniformity in planning, procurement, contract management and provision of basic services. Replace inappropriate school structures and address basic service backlog and provision of basic services under the Accelerated School Infrastructure Delivery Initiative (ASIDI). In addition, address national backlogs in classrooms, libraries, computer labs and admin buildings. Improving the learning environment will strengthen outcomes especially in rural schools, as well as reduce overcrowding.</p>	
<p><b>SIP 14: Higher education infrastructure</b> Infrastructure development for higher education, focusing on lecture rooms, student accommodation, libraries and laboratories, as well as ICT connectivity. Development of university towns with a combination of facilities from residence, retail to recreation and transport. Potential to ensure shared infrastructure such as libraries by universities, FETs and other educational institutions. Two new universities will be built - in Northern Cape and Mpumalanga.</p>	
<p><b>SIP 15: Expanding access to communication technology</b> Provide for broadband coverage to all households by 2020 by establishing core Points of Presence (POPs) in district municipalities, extend new Infracore fibre networks across provinces linking districts, establish POPs and fibre connectivity at local level, and further penetrate the network into deep rural areas. While the private sector will invest in ICT infrastructure for urban and corporate networks, government will co-invest for township and rural access, as well as for e-government, school and health connectivity. The school roll-out focus is initially on the 125 Dinaledi (science and maths-focussed) schools and 1525 district schools. Part of digital access to all South Africans includes TV migration nationally from analogue to digital broadcasting.</p>	
<p><b>SIP 16: SKA &amp; Meerkat</b> SKA is a global mega-science project, building an advanced radio-telescope facility linked to research infrastructure and high-speed ICT capacity and provides an opportunity for Africa and South Africa to contribute towards global advanced science projects.</p>	

<p><b>SIP 17: Regional integration for African cooperation and development</b>  Participate in mutually beneficial infrastructure projects to unlock long-term socio-economic benefits by partnering with fast growing African economies with projected growth ranging between 3% and 10%.  The projects involving transport, water and energy also provide competitively-priced, diversified, short and medium to long-term options for the South African economy where, for example, electricity transmission in Mozambique (Cesul) could assist in providing cheap, clean power in the short-term whilst Grand Inga in the DRC is long-term. All these projects complement the Free Trade Area (FTA) discussions to create a market of 600 million people in South, Central and East Africa.</p>	
<p><b>SIP 18: Water and sanitation infrastructure</b>  A 10-year plan to address the estimated backlog of adequate water to supply 1.4m households and 2.1m households to basic sanitation.  The project will involve provision of sustainable supply of water to meet social needs and support economic growth. Projects will provide for new infrastructure, rehabilitation and upgrading of existing infrastructure, as well as improve management of water infrastructure.</p>	
<p><b>SIP 19: Water and Sanitation</b>  a. Vaal River System including Phase 2 of the Lesotho Highlands Water Project: Gauteng  b. Phase 2A of the Mokolo Crocodile River (West) Augmentation Project: Limpopo  c. uMkhomazi Water Project: KwaZulu Natal  d. Olifants River Water Resource Development Project - Phase 2: Limpopo  e. Vaal-Gamagara: Northern Cape  f. Mzimvubu Water Project: Eastern Cape  g. Rehabilitation of the Vaalharts-Taung Irrigation Scheme: Northern Cape &amp; North West  h. Groot Letaba River Water Development Project - Nwamitwa Dam: Limpopo  i. Berg River Voëlvele Augmentation Scheme: Western Cape  j. Rustfontein Water Treatment Works: Free State  k. Orange-Riet Canal Increase of Bulk Raw Water Supply: Free State</p>	
<p><b>SIP 20: Energy</b>  a. Emergency/Risk Mitigation Power Purchase Procurement Programme (2000MW): National  b. Small IPP Power Purchase Procurement Programme (100MW): National  c. Embedded Generation Investment Programme (EGIP)-400MW: National</p>	
<p><b>SIP 21: Transport</b>  a. N1 Windburg Interchange to Windburg Station: Free State  b. N1 Musina Ring Road: Limpopo  c. N1 Polokwane Eastern Ring Rd Phase 2: Limpopo  d. N1 Ventersburg to Kroonstad: Free State (2 projects in One)  e. N2 Mtunzini Toll Plaza to Empangeni T-Junction: KwaZulu Natal. N3 Cato Ridge to Dardenelles: KwaZulu Natal  g. N3 Dardenelles to Lynnfield Park: KwaZulu Natal  h. N3 Paradise Valley to Mariannhill Toll Plaza: KwaZulu Natal  i. N2 Edwin Swales to South of EB Cloete Interchange: KwaZulu Natal  j. N3 Ashburton Interchange to Murray Road: KwaZulu Natal  k. N3 Mariannhill Toll Plaza to Key Ridge: KwaZulu Natal  l. N2 EB Cloete Interchange: KwaZulu Natal  m. Small Harbours Development: National  n. N3 New alignment via De Beers Pass: Free State  o. Boegoebaai Port and Rail Infrastructure Project: Northern Cape</p>	
<p><b>SIP 22: Digital Infrastructure</b>  a. National Spatial Infrastructure Hub</p>	
<p><b>SIP 23: Agriculture and Agro-processing</b>  a. Marine Tilapia Industry: Eastern Cape  b. Natural Dehydrated Foods: Mpumalanga</p>	

<b>SIP 24: Human Settlements</b>	
a. Greater Cornubia: KwaZulu-Natal	
b. Vista Park II & III: Free State	
c. Lufhereng: Gauteng	
d. Malibongwe Ridge: Gauteng	
e. N2 Nodal Development: Eastern Cape	
f. Matlosana N12 West: North West	
g. Green Creek: Gauteng	
h. Mooikloof Mega Residential City: Gauteng	
i. Fochville Extension 11: Gauteng	
j. Germiston Ext 4 Social Housing Project: Gauteng	
k. Newcastle Hospital Street Social Housing Project: KwaZulu Natal	
l. Hull Street Social Housing Project Phase 1: Northern Cape	
m. Kwandokuhle Social Housing Project: Mpumalanga	
n. Phola Heights - Tembisa Social Housing Project: Gauteng	
o. Sondela Phase 2: Gauteng	
p. Willow Creek Estate: Mpumalanga	
q. Joe's Place Social Housing: Gauteng	
r. Jeppetown Social Housing Project (Unity House): Gauteng	
<b>SIP 25: Rural Bridges "Welisizwe" Programme</b>	
<b>SIP 26: Rural Roads Upgrade Programme</b>	
<b>SIP 27: Upgrading and Repair of Township Roads in Municipalities Programme</b>	
<b>SIP 28: PV and Water Savings on Government Buildings Programme</b>	
<b>SIP 29: Comprehensive Urban Management Programme</b>	
<b>SIP 30: Digitising of Government Information Programme</b>	
<b>SIP 31: Removal of Alien Vegetation and Innovative Building Materials Programme</b>	
<b>SIP 32: National Upgrading Support Programme (NUSP)</b>	
<b>SIP 33: Solar Water Initiatives Programme</b>	
<b>SIP 34: Student Accommodation</b>	
<b>SIP 35: SA Connect Phase 1B Programme</b>	
<b>SIP 36: Salvokop Precinct</b>	

**PLEASE ATTACH PROOF FROM THE RELEVANT SIP CO-ORDINATOR FOR EACH OF THE SIP PROJECT SELECTED.**



**APPENDIX 6  
DECLARATION OF THE EAP**

I, \_\_\_\_\_ Nicole Holland \_\_\_\_\_, declare that –

- I act as the independent environmental assessment practitioner in this application;
- I have expertise in conducting environmental impact assessments, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I will take into account, to the extent possible, the matters listed in Regulation 14 of the Regulations when preparing the application and any report relating to the application;
- I undertake to disclose to the applicant and the Competent Authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the Competent Authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the Competent Authority, unless access to that information is protected by law, in which case it will be indicated that such information exists and will be provided to the Competent Authority;
- I will perform all obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- I am aware of what constitutes an offence in terms of Regulation 48 and that a person convicted of an offence in terms of Regulation 48(1) is liable to the penalties as contemplated in Section 49B of the Act.

**Disclosure of Vested Interest (delete whichever is not applicable)**

- I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations;
- ~~I have a vested interest in the proposed activity proceeding, such vested interest being:~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



\_\_\_\_\_  
Signature of the environmental assessment practitioner

\_\_\_\_\_  
Holland and Associates Environmental Consultants

\_\_\_\_\_  
Name of company:

\_\_\_\_\_  
30/11/2021

\_\_\_\_\_  
Date

UNDERTAKING UNDER OATH/ AFFIRMATION

I, \_\_\_\_\_ Nicole Holland \_\_\_\_\_, swear under oath / affirm that all the information submitted or to be submitted for the purposes of this application is true and correct.



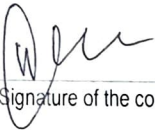
Signature of the environmental assessment practitioner

Holland and Associates Environmental Consultants

Name of company

30/11/2021

Date

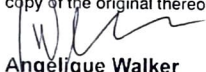


Signature of the commissioner of oaths

30 NOVEMBER 2021

Date

.....  
I certify that this document is a true and correct copy of the original thereof



**Angelique Walker**  
Commissioner of Oaths  
Professional Accountant (SA) 30/11/2021  
Member number 42053  
Unit B3C, Tokai Village, Vans Road, Tokai, 7945  
.....

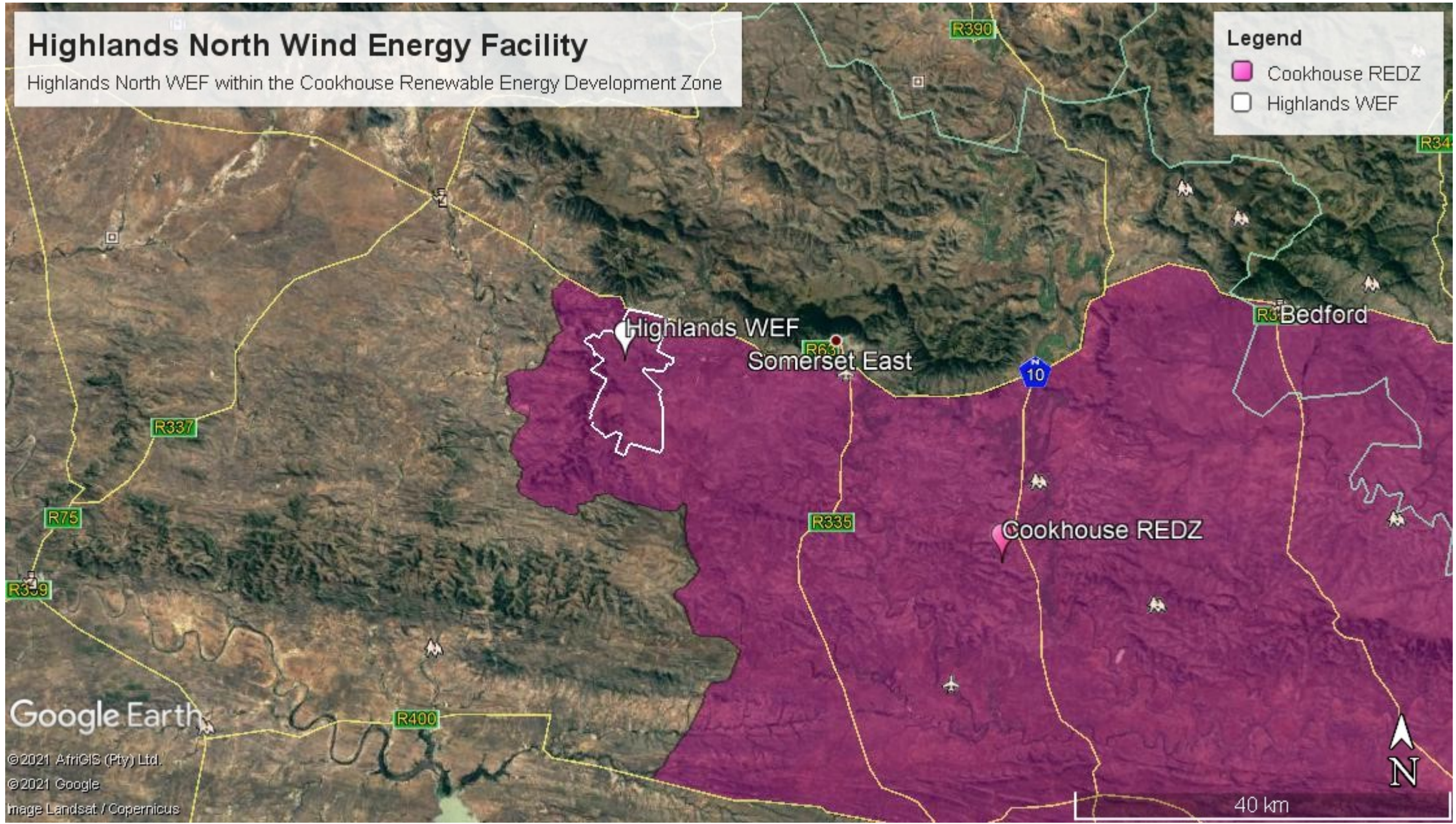
**APPENDIX 7**  
**MAP INDICATING LOCATION OF THE PROJECT IN THE COOKHOUSE REDZ**

# Highlands North Wind Energy Facility

Highlands North WEF within the Cookhouse Renewable Energy Development Zone

**Legend**

-  Cookhouse REDZ
-  Highlands WEF



Google Earth

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© 2021 Google  
Image Landsat / Copernicus

**APPENDIX 8**  
**PROPOSED AMENDMENTS TO THE TEXT OF THE ENVIRONMENTAL AUTHORISATION**



**APPENDIX 8: Proposed amendments to the text of the Environmental Authorisation issued on 4 February 2020**

Environmental Authorisation - Highlands North WEF			
Aspect to be amended	Authorised (Text in EA dated 4 February 2020)		Proposed amendment to text of EA (in light of proposed amendments)
<b>Project Title on page 1 of EA</b>	The development of the 84MW Highlands North Wind Energy Facility (WEF) and its associated infrastructure west of the town of Somerset East within the Blue Crane Route Local Municipality in the Eastern Cape Province		The development of the <u>87</u> MW Highlands North Wind Energy Facility (WEF) and its associated infrastructure west of the town of Somerset East within the Blue Crane Route Local Municipality in the Eastern Cape Province
<b>Page 4</b>	<p><u>Listing Notice 1 Item 12:</u></p> <p>"The development of-</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs</p> <p>(a) within a watercourse</p> <p>(c) if no development setback exists within 32m of a watercourse, measured from the edge of a watercourse."</p>	<p>Infrastructure will be required at 5 water crossings and within 32 meters of a watercourse that covers an area of more than 100m<sup>2</sup>.</p>	<p>Listing Notice 1 Item 12:</p> <p>"The development of-</p> <p>(ii) Infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs</p> <p>(a) Within a watercourse</p> <p>(c)If no development setback exists within 32m of a watercourse, measures from the edge of a watercourse."</p> <p>Infrastructure will be required at <u>3</u> water crossings and within 32 metres of a watercourse that covers an area of more than 100m<sup>2</sup>.</p>

<p><b>Page 5</b></p>	<p><u>Listing Notice 2 Item 1:</u></p> <p><i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more."</i></p> <p>The WEF will consist of up to 14 turbines for electricity generation with a combined capacity of more than 20MW.</p>	<p>Listing Notice 2 Item 1:</p> <p>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more"</p>	<p>The WEF will consist of up to <u>12</u> turbines for electricity generation with a combined capacity of more than 20MW.</p>																																																									
<p><b>Page 8</b></p>	<table border="1"> <thead> <tr> <th>Alternative Preferred Site</th> <th>Latitude</th> <th>Longitude</th> </tr> </thead> <tbody> <tr> <td>North West Corner</td> <td>32°41' 14.26"S</td> <td>25°20' 59.40"E</td> </tr> <tr> <td>North East Corner</td> <td>32°41' 46.46"S</td> <td>25°23' 46.05"E</td> </tr> <tr> <td>South West Corner</td> <td>32°47' 49.72"S</td> <td>25°18' 29.57"E</td> </tr> <tr> <td>South East Corner</td> <td>32°49' 21.14"S</td> <td>25°23' 08.26"E</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td>Substation location (central point)</td> <td>32°42' 36.35"S</td> <td>25°21' 05.15"E</td> </tr> <tr> <td>Construction camp/laydown area</td> <td>32°42' 36.35"S</td> <td>25°21' 05.15"E</td> </tr> <tr> <td>Access Road</td> <td>32°41' 20.48"S</td> <td>25°21' 31.00"E</td> </tr> </tbody> </table>	Alternative Preferred Site	Latitude	Longitude	North West Corner	32°41' 14.26"S	25°20' 59.40"E	North East Corner	32°41' 46.46"S	25°23' 46.05"E	South West Corner	32°47' 49.72"S	25°18' 29.57"E	South East Corner	32°49' 21.14"S	25°23' 08.26"E				Substation location (central point)	32°42' 36.35"S	25°21' 05.15"E	Construction camp/laydown area	32°42' 36.35"S	25°21' 05.15"E	Access Road	32°41' 20.48"S	25°21' 31.00"E	<table border="1"> <thead> <tr> <th>Alternative Preferred Site</th> <th>Latitude</th> <th>Longitude</th> </tr> </thead> <tbody> <tr> <td>North West Corner</td> <td>32°41'14.26"S</td> <td>25°20'59.40"E</td> </tr> <tr> <td>North East Corner</td> <td>32°41'46.46"S</td> <td>25°23'46.05"E</td> </tr> <tr> <td>South West Corner</td> <td>32°47'49.72"S</td> <td>25°18'29.57"E</td> </tr> <tr> <td>South East Corner</td> <td>32°49'21.14"S</td> <td>25°23'08.26"E</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td>Substation location (central point)</td> <td>32°42'36.35"S</td> <td>25°21'05.15"E</td> </tr> <tr> <td>Construction camp/laydown area</td> <td>32°42'36.35"S</td> <td>25°21'05.15"E</td> </tr> <tr> <td>Access Road</td> <td>32°41'20.48"S</td> <td>25°21'31.00"E</td> </tr> <tr> <td><u>Battery Energy Storage System</u></td> <td><u>32°42'34.11"S</u></td> <td><u>25°21'3.96"E</u></td> </tr> </tbody> </table>	Alternative Preferred Site	Latitude	Longitude	North West Corner	32°41'14.26"S	25°20'59.40"E	North East Corner	32°41'46.46"S	25°23'46.05"E	South West Corner	32°47'49.72"S	25°18'29.57"E	South East Corner	32°49'21.14"S	25°23'08.26"E				Substation location (central point)	32°42'36.35"S	25°21'05.15"E	Construction camp/laydown area	32°42'36.35"S	25°21'05.15"E	Access Road	32°41'20.48"S	25°21'31.00"E	<u>Battery Energy Storage System</u>	<u>32°42'34.11"S</u>	<u>25°21'3.96"E</u>	
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<p><b>Page 9</b></p>	<p><i>"- for the 84MW Highlands North WEF and its associated infrastructure located approximately 20km west of the town of Somerset East, bordering the south of the R63 provincial route, approximately 23km south-east of Pearston, in the Eastern Cape Province. It is located in the Blue Crane Route Local Municipality (BCRLM) in the Sarah Baartman District Municipality (SBDM), hereafter referred to as "the property".</i></p>	<p>- for the <u>87MW</u> Highlands North WEF and its associated infrastructure located approximately 20km west of the town of Somerset East, bordering the south of the R63 provincial route, approximately 23km south-east of Pearston, in the Eastern Cape Province. It is located in the Blue Crane Route Local Municipality (BCRLM) in the Sarah Baartman District Municipality (SBDM), hereafter referred to as "the property",</p>
<p><b>Project description on Pg 9 - 10</b></p>	<p><i>The infrastructure associated with this facility includes:</i></p> <ul style="list-style-type: none"> <li>• <i>14 Wind turbines with a rotor diameter of up to 150m, hub height from ground level up to 135m and blade length of up to 75m with a maximum generating capacity of up to 84MW in total;</i></li> <li>• <i>Steel and concrete foundations of up to approximately 25m x 25m in total and up to 5m deep per turbine which will include concrete and steel plinths depending upon local ground conditions;</i></li> <li>• <i>A transformer for up to 5m x 5m per hard standing area per turbine;</i></li> <li>• <i>Cabling between turbines along road infrastructure where possible, and will either be overhead or underground;</i></li> <li>• <i>Area occupied by inverter transformer stations/substation of 1.1 hectares;</i></li> <li>• <i>Area occupied by permanent laydown area of 1 hectare;</i></li> <li>• <i>Area occupied by construction/temporary laydown area of 1 hectare;</i></li> <li>• <i>Operations and maintenance buildings (O&amp;M building) with parking area measuring 200m x 200m;</i></li> <li>• <i>Internal roads approximately 50km in length and 12m wide;</i></li> <li>• <i>Fencing on the site, alarm and video surveillance system; and</i></li> <li>• <i>Lighting system.</i></li> </ul>	<p>The infrastructure associated with this facility includes:</p> <ul style="list-style-type: none"> <li>• <u>Up to 12</u> Wind turbines with a rotor diameter of up to <u>175m</u> (except T01 with a maximum rotor diameter of 160 m and T12 with a maximum rotor diameter of 150 m), hub height from ground level up to <u>180m</u> and blade length of up to <u>87.5m</u> (except T01 with a maximum blade length of 80m and T12 with a maximum blade length of 75m) with a maximum generating capacity of up to <u>87MW</u> in total;</li> <li>• Steel and concrete foundations of up to approximately <u>35m x 35m</u> in total and up to <u>7m</u> deep per turbine which will include concrete and steel plinths depending upon local ground conditions;</li> <li>• A transformer for up to 5m x 5m per hard standing area per turbine;</li> <li>• Cabling between turbines along road infrastructure where possible, and will either be overhead or underground;</li> <li>• Area occupied by inverter transformer stations/substation of 1.1 hectares;</li> <li>• Area occupied by permanent laydown area of 1 hectare;</li> <li>• Area occupied by construction/temporary laydown area of 1 hectare;</li> <li>• Operations and maintenance buildings (O&amp;M building) with parking area measuring 200m x 200m;</li> <li>• Internal roads approximately 45km in length and 12m wide;</li> <li>• Fencing on the site, alarm and video surveillance system; and</li> <li>• Lighting system; and</li> </ul>

		<ul style="list-style-type: none"> <li>• <u>Battery Energy Storage System (BESS) adjacent to the substation, on the temporary laydown area (with a footprint of approximately 1ha, and a height of up to 8m).</u></li> </ul>																																
<p><b>Project description</b> page 10</p>	<p>Technical details for the proposed facility:</p> <table border="1" data-bbox="388 399 1201 735"> <thead> <tr> <th>Component</th> <th>Description/ Dimensions</th> </tr> </thead> <tbody> <tr> <td>Location of the site</td> <td>~ 20km west of the town of Somerset East</td> </tr> <tr> <td>Export capacity</td> <td>Up to 84MW</td> </tr> <tr> <td>Proposed technology</td> <td>Wind turbines</td> </tr> <tr> <td>Number of Turbines</td> <td>14</td> </tr> <tr> <td>Hub height from ground level</td> <td>Up to 135m</td> </tr> <tr> <td>Rotor diameter</td> <td>Up to 150m</td> </tr> <tr> <td>Width and length of internal roads</td> <td>Internal roads width: Approximately 12m Internal roads length: Approximately 50km</td> </tr> </tbody> </table>	Component	Description/ Dimensions	Location of the site	~ 20km west of the town of Somerset East	Export capacity	Up to 84MW	Proposed technology	Wind turbines	Number of Turbines	14	Hub height from ground level	Up to 135m	Rotor diameter	Up to 150m	Width and length of internal roads	Internal roads width: Approximately 12m Internal roads length: Approximately 50km	<p>Technical details for the proposed facility:</p> <table border="1" data-bbox="1245 423 1927 1027"> <thead> <tr> <th>Component</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Location of the site</td> <td>~20km west of the town of Somerset East</td> </tr> <tr> <td>Export capacity</td> <td>Up to <u>87MW</u></td> </tr> <tr> <td>Proposed technology</td> <td>Wind turbines</td> </tr> <tr> <td>Number of Turbines</td> <td><u>Up to 12</u></td> </tr> <tr> <td>Hub height from ground level</td> <td>Up to <u>180m</u></td> </tr> <tr> <td>Rotor diameter</td> <td>Up to <u>175m (except T01 with a maximum rotor diameter of 160m and T12 with a maximum rotor diameter of 150m)</u></td> </tr> <tr> <td>Width and length of internal roads</td> <td>Internal roads width: Approximately 12m Internal roads length: Approximately <u>45km</u></td> </tr> </tbody> </table>	Component	Description	Location of the site	~20km west of the town of Somerset East	Export capacity	Up to <u>87MW</u>	Proposed technology	Wind turbines	Number of Turbines	<u>Up to 12</u>	Hub height from ground level	Up to <u>180m</u>	Rotor diameter	Up to <u>175m (except T01 with a maximum rotor diameter of 160m and T12 with a maximum rotor diameter of 150m)</u>	Width and length of internal roads	Internal roads width: Approximately 12m Internal roads length: Approximately <u>45km</u>
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<p><b>Condition 1,</b> <b>Page 10</b></p>	<p><i>The development of the 84MW Highlands North Wind Energy Facility and its associated infrastructure west of the town of Somerset East within the Blue Crane Route Local Municipality in the Eastern Cape Province as described above is hereby approved.</i></p>	<p>The development of the <u>87MW</u> Highlands North Wind Energy Facility and its associated infrastructure west of the town of Somerset East within the Blue Crane Route Local Municipality in the Eastern Cape Province as described above is hereby approved.</p>																																

<p><b>Condition 16.2 &amp; 16.3</b></p>	<p>16. The EMPr amendment must include the following:</p> <p>16.1. The requirements and conditions of this authorisation.</p> <p>16.2. All recommendations and mitigation measures recorded in the BAR.</p> <p>16.3. All mitigation measures as listed in the specialist reports within the BAR.</p> <p>16.4. The final site layout map.</p> <p>16.5. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.</p>	<p>16. The EMPr amendment must include the following:</p> <p>16.1 The requirements and conditions of this authorization.</p> <p>16.2 All recommendations and mitigation measures recorded in the BAR <u>and subsequent authorized EA amendment report(s).</u></p> <p>16.3 All mitigation measures as listed in the specialist reports within the BAR <u>and subsequent updates to the specialist reports (as part of an authorized EA amendment process).</u></p> <p>16.4 The final site layout map.</p> <p>16.5 An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.</p>
<p><b>Condition 39, Page 17</b></p>	<p><i>The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES).</i></p>	<p>Removal of Condition 39, i.e.:</p> <p><del>The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES).</del></p>
<p><b>Condition 62</b></p>	<p>The recommendations of the EAP in the BAR dated November 2019 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.</p>	<p>The recommendations of the EAP in the BAR dated November 2019 <u>and subsequent authorized EA amendment report(s)</u> and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.</p>



**APPENDIX 9  
SPECIALISTS TERMS OF REFERENCES**

## **Specialist Terms of References:**

### **Agricultural/ soil specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
    - Cumulative impacts;
    - The nature, significance and consequence of the impact;
    - The extent and duration of the impact;
    - The probability of the impact occurring;
    - The degree to which the impact can be reversed;
    - The degree to which the impact may cause irreplaceable loss of resources;
    - The degree to which the impact can be avoided, managed or mitigated;
  - The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
  - A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of impact, where such level or change in nature of impact was not assessed and included in the initial application for EA, or taken into consideration in the initial EA (within your area of expertise), and if so, how the significance would change.
  - An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
  - Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in the original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Aquatic specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as

amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:

- Cumulative impacts;
  - The nature, significance and consequence of the impact;
  - The extent and duration of the impact;
  - The probability of the impact occurring;
  - The degree to which the impact can be reversed;
  - The degree to which the impact may cause irreplaceable loss of resources;
  - The degree to which the impact can be avoided, managed or mitigated;
- The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
  - A statement as to whether or not the proposed amendments will result in an A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of impact, where such level or change in nature of impact was not assessed and included in the initial application for EA, or taken into consideration in the initial EA (within your area of expertise).
  - An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
  - Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in your original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Bat specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
    - Cumulative impacts;
    - The nature, significance and consequence of the impact;
    - The extent and duration of the impact;
    - The probability of the impact occurring;
    - The degree to which the impact can be reversed;
    - The degree to which the impact may cause irreplaceable loss of resources;
    - The degree to which the impact can be avoided, managed or mitigated;

- The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
- A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of impact, where such level or change in nature of impact was not assessed and included in the initial application for EA, or taken into consideration in the initial EA (within your area of expertise), and if so, how the significance would change.
- An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise)
- Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in your original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments raised (as part of the Comments and Response Report for the amendment applications). Such comments would be provided to you, on conclusion of the 30 day public comment period.
- Take cognizance of the relevant guidelines and/or gazetted protocols of relevance to your re-assessment of potential impacts.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Ecology (Flora and Fauna):**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
    - Cumulative impacts;
    - The nature, significance and consequence of the impact;
    - The extent and duration of the impact;
    - The probability of the impact occurring;
    - The degree to which the impact can be reversed;
    - The degree to which the impact may cause irreplaceable loss of resources;
    - The degree to which the impact can be avoided, managed or mitigated;
  - The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
  - A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of impact, where such level or change in nature of impact was not

assessed and included in the initial application for EA, or taken into consideration in the initial EA (within your area of expertise), and if so, how the significance would change.

- An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
- Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in the original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Noise specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
    - Cumulative impacts;
    - The nature, significance and consequence of the impact;
    - The extent and duration of the impact;
    - The probability of the impact occurring;
    - The degree to which the impact can be reversed;
    - The degree to which the impact may cause irreplaceable loss of resources;
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  - The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
  - A statement as to whether or not the proposed amendments will result in an A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of impact, where such level or change in nature of impact was not assessed and included in the initial application for EA, or taken into consideration in the initial EA (within your area of expertise).
  - An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
  - Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in your original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.



- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Heritage specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
    - Cumulative impacts;
    - The nature, significance and consequence of the impact;
    - The extent and duration of the impact;
    - The probability of the impact occurring;
    - The degree to which the impact can be reversed;
    - The degree to which the impact may cause irreplaceable loss of resources;
    - The degree to which the impact can be avoided, managed or mitigated;
  - The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
  - A statement as to whether or not the proposed amendments will result in an A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of impact, where such level or change in nature of impact was not assessed and included in the initial application for EA, or taken into consideration in the initial EA (within your area of expertise).
  - An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
  - Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in your original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Social specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
    - Cumulative impacts;
    - The nature, significance and consequence of the impact;
    - The extent and duration of the impact;
    - The probability of the impact occurring;
    - The degree to which the impact can be reversed;
    - The degree to which the impact may cause irreplaceable loss of resources;
    - The degree to which the impact can be avoided, managed or mitigated;
  - The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
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  - An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
  - Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in your original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

### **Traffic specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as

amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:

- Cumulative impacts;
  - The nature, significance and consequence of the impact;
  - The extent and duration of the impact;
  - The probability of the impact occurring;
  - The degree to which the impact can be reversed;
  - The degree to which the impact may cause irreplaceable loss of resources;
  - The degree to which the impact can be avoided, managed or mitigated;
- The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
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  - An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
  - Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in your original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.

#### **Avifauna specialist:**

- The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
- A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
  - Cumulative impacts;
  - The nature, significance and consequence of the impact;
  - The extent and duration of the impact;
  - The probability of the impact occurring;
  - The degree to which the impact can be reversed;
  - The degree to which the impact may cause irreplaceable loss of resources;
  - The degree to which the impact can be avoided, managed or mitigated;

- The addendum to the report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. The addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in the Addendum, for ease of reference and comparison between the two.
- A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of impact, where such level or change in nature of impact was not assessed and included in the initial application for EA, or taken into consideration in the initial EA (within your area of expertise), and if so, how the significance would change.
- An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise)
- Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in the original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.

**Visual specialist:**

- Compile an addendum to the existing specialist report addressing the following:
  - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
  - A re-assessment of the significance (before and after mitigation) of the identified impact(s) in light of the proposed amendments (as required in terms of the 2014 EIA Regulations, as amended), for the construction, operational and decommissioning (where relevant) phases, including consideration of the following:
    - Cumulative impacts;
    - The nature, significance and consequence of the impact;
    - The extent and duration of the impact;
    - The probability of the impact occurring;
    - The degree to which the impact can be reversed;
    - The degree to which the impact may cause irreplaceable loss of resources;
    - The degree to which the impact can be avoided, managed or mitigated;
  - The addendum to your report must include an impact summary table outlining the findings of the re-assessment in terms of the above-mentioned assessment criteria. Your addendum report must include the impact summary tables for both the “Authorised project” (which would be from the original specialist report) and the proposed amended project, in your Addendum, for ease of reference and comparison between the two.
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  - An outline of the potential advantages and disadvantages of the proposed amendments in terms of potential impacts (within your area of expertise), if any.
  - Provide confirmation as to whether or not the proposed amendments will require any changes or additions to the mitigation measures recommended in your original specialist report. If so, provide a detailed description of the recommended measures to ensure avoidance, management and mitigation of impacts associated with the proposed amendments.
- Should any comments be raised during the Public Participation Process for the Application for Amendment of the EA relating to your area of expertise, provide responses to such comments

raised (as part of the Comments and Response Report for the amendment application). Such comments would be provided to you, on conclusion of the 30 day public comment period.

Note: If you are of the opinion that the proposed amendments would have no implications in terms of potential impacts within your area of expertise, that a re-assessment is therefore not required, and that a short specialist comment on your letterhead to confirm this would suffice, that would also be acceptable.



**APPENDIX 10  
PUBLIC PARTICIPATION (PP) PLAN, AND DFFE APPROVAL OF PP PLAN**

# Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

1 December 2021

Department of Forestry, Fisheries and the Environment  
Integrated Environmental Authorisations  
Private Bag X447  
Pretoria  
0001

Per email: [HALberts@environment.gov.za](mailto:HALberts@environment.gov.za)/ [MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)/  
[Cagenbach@environment.gov.za](mailto:Cagenbach@environment.gov.za)

**For Attention: Mr Herman Alberts/ Mr Muhammad Essop/ Mr Coenrad Agenbach**

Dear Mr Alberts, Mr Essop and Mr Agenbach

**THE DEVELOPMENT OF THE HIGHLANDS NORTH WIND ENERGY FACILITY (WEF) AND ITS ASSOCIATED INFRASTRUCTURE WEST OF THE TOWN OF SOMERSET EAST WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE: PART 2 APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (DFFE REF: 14/12/16/3/3/1/1955)**

## **PUBLIC PARTICIPATION PLAN**

The Pre-Application meeting held on 15 September 2020 for the abovementioned project, your Department's email of 21 October 2020 accepting the notes of the Pre-Application meeting, the revised Public Participation Plan submitted to your Department on 30 November 2021, and your Departments approval of the aforementioned Public Participation (PP) Plan on 30 November 2021, refer.

The following document outlines an update to the revised Public Participation Plan for the Part 2 Application for Amendment of the Environmental Authorisation (EA) for the Highlands North Wind Energy Facility (WEF), which is herewith submitted to your Department for approval in accordance with Regulation 32(1)(a)(aa) of GN R.982, as amended, and the Disaster Management Act (57/2002) and associated Directions issued by the Minister of Forestry, Fisheries and the Environment regarding *Measures to Address, Prevent and Combat the Spread of COVID-19 relating to National Environmental Management permits and licences*.

Subsequent to the submission of the abovementioned revised PP Plan, it has come to our attention that the *Daily Sun Eastern Cape* newspaper is no longer being published. An advertisement will accordingly be placed in an alternative newspaper that is distributed in the project area, in addition to an advertisement being placed in a local newspaper. The Public Participation Plan has been updated accordingly. (Note: This is the only update to the approved PP Plan).

Note: The EA Amendment Applications for the Highlands Central WEF (DFFE Ref: 14/12/16/3/3/1/1958) and Highlands South WEF (DFFE Ref: 14/12/16/3/3/1/1960) will run in parallel with the EA Amendment Application for the Highlands North WEF. Accordingly, as indicated in the abovementioned Pre-Application Meeting, it is proposed to undertake a **combined Public Participation Process** for the three Applications for Amendment of the Environmental Authorisations for the three Highlands WEFs, i.e. Highlands North WEF (DFFE REF: 14/12/16/3/3/1/1955), Highlands Central WEF (DFFE Ref: 14/12/16/3/3/1/1958) and Highlands South WEF (DFFE Ref: 14/12/16/3/3/1/1960), as was conducted for the Basic Assessment processes for the Highlands WEF projects in 2018 - 2020. Three separate Public Participation Plans have however been compiled (i.e. one for each of the Highlands WEF EA amendment applications), as stipulated in the abovementioned Pre-Application Meeting. In terms of the advertisements, site notices, notification posters, I&AP notification letters and Comments and Responses Report required for each EA Amendment Application for the three Highlands WEFs, the combined Public Participation Processes would include:

- A combined registered I&AP database for the abovementioned three EA amendment applications, as per the combined registered I&AP database from the Basic Assessment process for the three Highlands WEF projects.
- A combined advertisement, advertising all three EA amendment applications.
- A combined site notice, providing notification of all three EA amendment applications.
- A combined notification poster providing notification of all three EA amendment applications.
- A combined I&AP notification letter for the three EA amendment applications.
- A combined Comments and Responses Report (CRR) for the three Highlands WEFs EA amendment applications. The combined Comments and Responses Report will be included in the final Amendment Assessment Reports for each of the EA amendment applications.

The Public Participation Process for the Highlands North WEF EA amendment application will include a 30 day I&AP comment period for the Draft Amendment Assessment Report (i.e. the report compiled in terms of Regulation 31(1)(a) of GN R. 982). The table below provides an outline of the Public Participation requirements in terms of Regulations 41- 44 of the EIA Regulations, 2014 (as amended), and the proposed Public Participation Plan to be undertaken for the above-mentioned project.

Table 1: Proposed Public Participation Plan

Public Participation requirements in terms of Regulation 41 - 44 of the EIA Regulations, 2014, as amended	Proposed Public Participation Plan
41(2)(a) Fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of— (i) the site where the activity to which the application or proposed	<ul style="list-style-type: none"> <li>• <b>Site notices</b>, in English and Afrikaans, will be placed at visible locations within the site and/or at the boundary of the site, at the same locations as during the Basic Assessment process (where possible).</li> <li>• Furthermore, to inform potential I&amp;APs, <b>notification posters</b> (in English and Afrikaans) will be placed in the towns of Pearston and</li> </ul>

<p>application relates is or is to be undertaken; and (ii) any alternative site;</p>	<p>Somerset East at venues such as the Post Office, local municipal offices, police station, public library, and local supermarket.</p> <ul style="list-style-type: none"> <li>• The abovementioned site notices and notification posters would be placed before the start of the 30 day I&amp;AP comment period for the Draft Amendment Assessment Report.</li> </ul>
<p>41(2)(b) Giving written notice, in any manner provided for in Section 47D of the NEMA, to –</p> <p>(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</p> <p>(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</p> <p>(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;</p> <p>(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;</p> <p>(v) any organ of state having jurisdiction in respect of any aspect of the activity; and</p> <p>(vi) any other party as required by the Department;</p>	<ul style="list-style-type: none"> <li>• All registered I&amp;APs (in the <b>existing registered I&amp;AP database</b> provided by the Applicant for the Basic Assessment Processes that were concluded for the Highlands WEF projects in 2020) will be notified, in writing, of the EA Amendment Application and the availability of the associated Draft Amendment Assessment Report for review and comment.</li> <li>• Notifications will be sent to registered I&amp;APs via email, post and/or sms, i.e.       <ul style="list-style-type: none"> <li>○ Notifications will be emailed to I&amp;APs that have email addresses.</li> <li>○ Notification letters will only be posted to I&amp;APs where only a postal address (and no email address) was provided.</li> <li>○ I&amp;APs that have a cell phone number, but no email address or postal address, will receive notification via sms.</li> </ul> </li> <li>• Landowners of affected and adjacent properties will be requested, in their notifications, to pass on the notification letter to any occupiers of their land, or to provide the EAP with their occupiers contact details, upon receipt of the notification. Should landowners not wish to provide or disclose their occupier's contact details (e.g due to the Protection of Personal Information (POPI) Act), they are requested to pass the EAPs contact details on to their occupiers, on receipt of the notification, so that occupiers can contact the EAP directly should they wish to participate in the public participation process.</li> <li>• Where postage of notification letters and/or documentation is unavoidable for certain I&amp;APs (e.g. where no email address or cell phone number is available, and only a postal/ residential address is provided), standard mail is proposed rather than registered mail, so that I&amp;APs do not have to go to the Post Office to collect their letters, and therefore limit unnecessary travel, exposure to and prevention of the spread of Covid-19.</li> <li>• All potential and registered I&amp;AP's (including relevant Organs of State and State Departments) will be given an opportunity to review and comment on the Draft Amendment Assessment Report for a <b>30 day comment period</b>.</li> <li>• Relevant State Departments, Organs of State and the relevant Ward Councillors(s), will be notified of the availability of the Amendment Assessment Report for review and comment, via email notification (if an email address has been provided). The email notification will include an electronic copy of the Draft Amendment Assessment Report via a Dropbox link/ website download link, and a request to comment within 30 days, i.e. within the 30 day I&amp;AP comment period. Notifications to State Departments, Organs of State and the ward councillor(s) will only be sent via post where no email address has been provided. In</li> </ul>

	<p>such cases, an electronic copy of the Draft Amendment Assessment Report would be provided to the State Department and/or Organ of State on USB/ CD with their notification letter, via courier (if a physical address has been provided), or post (for a postal address).</p> <ul style="list-style-type: none"> <li>• DFFE will receive written notification via the DFFE online file upload portal, and via email.</li> <li>• The South African Heritage Resources Agency will receive notification via upload of the documentation and notification letter to SAHRIS, as well as via email.</li> <li>• Further to the above, the potential I&amp;APs will be notified of the EA Amendment Application and opportunity to comment on the Draft Amendment Assessment Report via the newspaper advertisements, site notices and notification posters in Pearston and Somerset East.</li> </ul>
<p>41(2)(c) placing an advertisement in –          (i) one local newspaper; or          (ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;</p>	<ul style="list-style-type: none"> <li>• <b>Newspaper advertisements</b>, in English and Afrikaans, will be placed in a local newspaper, i.e. either the local <i>The Mid Karoo Express</i> or <i>Hartland News</i> newspaper. <u>An advertisement will also be placed in a regional or provincial or national newspaper that is distributed in the project area, for example <i>The Herald</i> or <i>The Citizen</i>.</u> The advertisements will be placed in the newspapers before the commencement of the 30 day I&amp;AP comment period for the draft Amendment Assessment Report.</li> </ul>
<p>41(2)(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken.</p>	
<p>41(2)(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to—          (i) illiteracy;          (ii) disability; or          (iii) any other disadvantage.</p>	<ul style="list-style-type: none"> <li>• An outline of the proposed amendments can be provided verbally (telephonically) to I&amp;APs who are illiterate and/or those with disabilities and/or any other disadvantage, if necessary. Such I&amp;APs may provide their comments via telephone and/or sms (if preferred), and such comments will be included in the Comments and Responses Report.</li> <li>• For I&amp;APs that do not have access to the Internet, hard copies of the Draft Amendment Assessment Report will be made available for I&amp;AP review at the Ernst van Heerden Library in Pearston, and at the Langenhoven Public Library in Somerset East. Furthermore, electronic copies on CD or USB will be available on request. (The amendment report will also be available electronically on the Holland &amp; Associates website (<a href="http://www.hollandandassociates.net">www.hollandandassociates.net</a>)).</li> </ul>
<p>42. A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties</p>	<ul style="list-style-type: none"> <li>• The existing registered I&amp;AP database provided by the Applicant for the Basic Assessment Process that was concluded in 2020 for the project will be utilised. Any additional I&amp;APs who register during</li> </ul>

<p>and submit such a register to the competent authority, which register must contain the names, contact details and addresses of-</p> <p>(a) All persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP;</p> <p>(b) All persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and</p> <p>(c) All organs of state which have jurisdiction in respect of the activity to which the application relates.</p>	<p>the Part 2 EA Amendment Application process will be added to the registered I&amp;AP database.</p>
<p>43(1) A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.</p>	<p>Registered I&amp;APs and the public will be notified of the EA Amendment Application and opportunity to comment on the Draft Amendment Assessment Report, for a 30 day I&amp;AP comment period. Notification of I&amp;APs will be undertaken, as outlined above, including advertisements, site notices, notification posters, and notification letters to the existing registered I&amp;AP database. Copies of the Draft Amendment Assessment Report will be made available as follows:</p> <ul style="list-style-type: none"> <li>• A hard copy of the Draft Amendment Assessment Report will be lodged at the following public libraries for the 30 day I&amp;AP comment period: <ul style="list-style-type: none"> <li>• Ernst van Heerden Library in Pearston</li> <li>• Langenhoven Public Library in Somerset East</li> </ul> </li> <li>• An electronic copy of the Draft Amendment Assessment Report will be made available for download on the Holland &amp; Associates Environmental Consultants website (<a href="http://www.hollandandassociates.net">www.hollandandassociates.net</a>) for the duration of the 30 day I&amp;AP comment period. Furthermore, a copy of the Executive Summary for the Amendment Assessment Report will be made available for download as a separate document on the Holland &amp; Associates website, in order to accommodate I&amp;APs with data restrictions and who may not want to download the full report.</li> <li>• Upon request, the report will be made available to I&amp;APs via electronic file transfer or Dropbox link. (The Dropbox link will also be provided in the cover email for notifications sent to I&amp;APs via email).</li> <li>• Electronic copies of the report on CD or USB will be available on request.</li> </ul> <p>All comments received from I&amp;APs during the 30 day I&amp;AP comment period for the Draft Amendment Assessment Report will be recorded and responded to in a Comments and Responses Report, which will be included in the Final Amendment Assessment Report that is submitted to DFFE for decision making.</p>



<p>43(2) In order to give effect to section 24O of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days.</p>	<ul style="list-style-type: none"> <li>• Relevant State Departments (as per the registered I&amp;AP database for the project) will be notified of the availability of the Amendment Assessment Report for review and comment, via email notification (if an email address has been provided). The email notification will include an electronic copy of the Draft Amendment Assessment Report via a Dropbox link/ website download link, and a request to comment within 30 days, i.e. within the 30 day I&amp;AP comment period. Notifications to State Departments will only be sent via post where no email address has been provided. In such cases, an electronic copy of the Draft Amendment Assessment Report would be provided to the State Department on USB/ CD.</li> </ul>
<p>44(1) The applicant must ensure that the comments of interested and affected parties are recorded in reports and plans and that such written comments, including responses to such comments and records of meetings, are attached to the reports and plans that are submitted to the competent authority in terms of these Regulations.</p>	<ul style="list-style-type: none"> <li>• All comments received from I&amp;APs during the 30 day I&amp;AP comment period for the Draft Amendment Assessment Report will be recorded and responded to in a “Comments and Responses Report” (CRR), which will be included in the Final Amendment Assessment Report that is submitted to DFFE for decision making.</li> </ul>
<p>44(2) Where a person desires but is unable to access written comments as contemplated in subregulation (1) due to—</p> <p>(a) a lack of skills to read or write;</p> <p>(b) disability; or</p> <p>(c) any other disadvantage;</p> <p>reasonable alternative methods of recording comments must be provided for.</p>	<ul style="list-style-type: none"> <li>• An outline of the proposed amendments can be provided verbally (telephonically) to I&amp;APs who are illiterate and/or those with disabilities and/or any other disadvantage, if necessary. Such I&amp;APs may provide their comments via telephone and/or sms (if preferred), and such comments will be included in the Comments and Responses Report.</li> <li>• For I&amp;APs that do not have access to the Internet, hard copies of the Draft Amendment Assessment Report will be made available for I&amp;AP review at the Ernst van Heerden Library in Pearston, and at the Langenhoven Public Library in Somerset East. Furthermore, electronic copies on CD or USB will be available on request. (The amendment report will also be available electronically on the Holland &amp; Associates website (<a href="http://www.hollandandassociates.net">www.hollandandassociates.net</a>)).</li> </ul>

We look forward to your response to this submission. Should you require any further information or have any queries please contact the undersigned.

Yours sincerely

A handwritten signature in black ink that reads "Nicole Holland". The signature is written in a cursive style with a large initial "N".

**NICOLE HOLLAND**

**Holland & Associates - Environmental Consultants**

## Nicole Holland

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**From:** Herman Alberts <HALBERTS@dffe.gov.za>  
**Sent:** Thursday, 02 December 2021 9:09 AM  
**To:** tilly@hollandandassociates.net  
**Cc:** Muhammad Essop; Coenrad Agenbach; Ephron Maradwa; nicole@hollandandassociates.net; jasper@wkn-windcurrent.com  
**Subject:** Submission of Revised Public Participation Plans for the Highlands WEFs Part 2 EA Amendments

Dear Ms Watermeyer

The amended Public Participation (PP) Plan for the proposed Highlands WEFs Part 2 EA Amendments (14/12/16/3/3/1/1955; 14/12/16/3/3/1/1958; 14/12/16/3/3/1/1960), received by this Department on 01 December 2021, refers.

Based on the information provided this Department decided to **approve** the amended PP Plan for the proposed project.

You may proceed with the PP process in accordance with tasks contemplated in the PP plan. Should you wish to deviate from the submitted PP Plan, the amended PP Plan must be submitted to the Department for approval prior commencement of the PP Process.

***Please note that submission of a PP Plan and approval thereof do not negate your responsibility to comply with the requirements for public participation in terms of Chapter 6 of the EIA Regulations 2014, as amended.***

### ***Kind Regards***

Mr. Herman (Attie) Alberts  
Environmental Officer Specialised Production - Priority Infrastructure Projects

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**forestry, fisheries  
& the environment**

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