



# forestry, fisheries & the environment

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

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

**DEFF Reference:** 14/12/16/3/3/2/2350

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## **PER MAIL / E-MAIL**

Dear Ms. De Jager

### **ACCEPTANCE OF THE FINAL SCOPING REPORT FOR THE PROPOSED UP TO 130MW PLATINUM PV FACILITY, NEAR STEELPOORT IN THE LIMPOPO PROVINCE**

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated June 2023 and received by the Department on 27 June 2023, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated June 2023 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1) (a) of the EIA Regulations, 2014, as amended.

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

In addition, the following amendments and additional information are required for the Environmental Impact Assessment Report (EIAR):

#### **(a) Application form and listed activities**

- (i) You have applied for Activity 14 of Listing Notice 1. Please ensure that the project description provided speaks to the relevant listed activity thresholds (e.g., describe the dangerous goods facility and its capacity).
- (ii) You have applied for Activity 19 of Listing Notice 1. Please provide the exact cubic metres that will be infilled or deposited into a watercourse, as well as the dredging, excavation, removal, or moving of soil, sand, shells, shell grit, pebbles, or rock from a watercourse.
- (iii) You have applied for Activity 15 of Listing Notice 2. In the activity description, please ensure that you provide the required footprint to be cleared. The application form must be amended to describe the portion of the proposed project to which the applicable listed activity relates.

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- (iv) It is indicated in the report that access roads (up to 6m wide) and internal distribution roads (up to 5m wide) will be required. Please ensure that no listed activities related to access roads are triggered, as this activity has not been applied for.
- (v) Please ensure that all relevant listed activities are applied for, are specific, and can be linked to the development activity or infrastructure (including thresholds) as described in the project description. Only activities and sub-listed activities applicable to the development must be applied for and assessed. When including activities in the application form and draft EIAr, take note of the word OR in between the sub-listed activities.

**(b) Specific Comments**

- (i) You have indicated that the project will require battery storage. Please provide the maximum height, volume, and capacity of the BESS and the size of the area to be occupied by the BESS.
- (ii) You have applied for the onsite substation and BESS. Please investigate other options for the onsite substation and BESS. Furthermore, please explain the differences between the alternatives, as well as why one is preferable over the other.
- (iii) The draft EIAr must include the four corner coordinate points for the Solar PV, Inverters and transformers, Battery Energy Storage System (BESS), and Onsite IPP substation. Detailed coordinates for the starting, middle, and ending points of the powerline, internal and external roads, as well as the length of each road.

**(c) Public Participation**

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the Limpopo Department of Economic Development, Environment and Tourism (LEDET), Sekhukhune District Municipality, Fetakgoma Tubatse Local Municipality, and the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation.
- (ii) Please ensure that all issues raised, and comments received on the draft SR and draft EIAr from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section: BCAdmin@environment.gov.za) in respect of the proposed activity are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final EIAr. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments.
- (iii) A comments and response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments (pre and post-submission of the draft EIAr) received for this development. The C&R report must be a separate document from the main report and the format must be in the table format which reflects the details of the I&APs and date of comments received, actual comments received, and response provided. Please ensure that comments made by I&APs are comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&APs comments.
- (iv) Please ensure that the EIAr indicates when and where the draft SR and EIAr were made available for a 30-day review and comment period.
- (v) The Public Participation Process must be conducted in terms of the approved public participation plan and Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.

**(d) Specialist assessments**

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies include the following:
  - A detailed description of the study's methodology; an indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations.

- Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
- (ii) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
- (iii) Should the specialist definition of a 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
- (iv) All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.
- (v) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (vi) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Specialist assessments must be conducted in accordance with these protocols.
- (vii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.
- (viii) The department provisionally accepts that the following Specialist Assessments will form part of the EIAR, as indicated in the final SR dated June 2023. However, this is subject to change depending on the outcome of the Site Sensitivity Report as indicated in points xi-xiii below
  - Soils and land capacity
  - Wetlands and aquatics
  - Terrestrial ecology
  - Avifauna
  - Socio-economic assessment
  - Heritage and palaeontology
  - Visual assessment
  - Desktop geotechnical investigation
- (xi) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.** Please note further that the protocols require the specialists to be registered with SACNASP.
- (xii) In addition, the protocol states as follows:
  - 1.2. *The site sensitivity verification must be undertaken through the use of the following:*
    - (a) *a desktop analysis, using satellite imagery;*
    - (b) *a preliminary on-site inspection; and*
    - (c) *any other available and relevant information.*
  - 1.3. *The outcome of the site sensitivity verification must be recorded in the form of a report that-*
    - (a) *confirms or disputes the current use of the land and the environmental sensitivity as identified by the screening tool, such as new developments or infrastructure, the change in vegetation cover or status*
    - (b) *contains a motivation and evidence (e.g., photographs) of either the verified or different use of the land and environmental sensitivity; and*
    - (c) *is submitted together with the relevant assessment report prepared in accordance with the requirements of the Environmental Impact Assessment Regulations (EIA Regulations)."*

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- (xiii) Please ensure that a site sensitivity report for all the Themes as identified by the Screening Tool Report is submitted with the draft EIAR. The department takes note of the information contained in Table 4-3 of the final SR, however, the information in this table and on the attached baseline specialist studies do not indicate whether or not the specialist or the EAP dispute or confirm the findings of the screening tool. It is a legal requirement that the EAP or specialist confirm or dispute the findings of the screening tool, as this is the only legal means the department has at its disposal to verify which specialist studies should form part of the detailed assessment.
- (xiv) Considering the above, you are required to include, as part of the draft EIAR, a table summarising the themes as per the Screening Tool assessment report and their respective sensitivity ratings (very high, high, medium, low), a column indicating the sensitivity of each theme after the EAP/Specialist conducted the Site Sensitivity Verification Assessment (a dispute or confirmation of the finding by the Screening Tool), and a column indicating whether these studies will be conducted or if a compliance statement will be submitted, or motivation in a case where the proposed development is not located close to any landing strips/Airports, or military bases and their respective buffer areas, as per the requirements of the protocols.

**(e) Environmental Management Programme**

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

**(f) General**

- (i) The EIAR must provide the technical details for the proposed facility in a table format, as well as their description and/or dimensions, per the sample below.

Sample of minimum technical details required for the proposed facility

Component	Description/dimensions
Height of PV structures	
Capacity of the PV facility	
Surface area to be covered by the facility (i.e., the area occupied by both permanent and construction laydown areas, including PV array area and associated infrastructure such as roads)	
Proximity to grid connection	
Number of overhead power lines required and voltage of overhead power lines	
Height of the Power Line	
Number of substations required and voltage of substations	

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Area occupied by inverter/transformer stations/substations	
Area occupied by buildings	
Number of access roads, including length and width	
Length and width of internal roads	
Additional Infrastructure	

- (ii) Please ensure that the final EIA includes the period for which the Environmental Authorisation (EA) is required, the date on which the activity will be concluded, and the post-construction monitoring requirements finalised, as per Appendix 3(3)(1)(r) of the NEMA EIA Regulations, 2014, as amended.
- (iii) Confirmation of the availability of services (e.g., sewage, water, etc. if required) must be included in the EIA.
- (iv) Should a Water Use License be required, proof of application for a license needs to be submitted.

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

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

Yours faithfully



**Mr. Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

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

**Signed by: Ms. Sindiswa Dlomo**

**Designation: Deputy Director: National Integrated Authorisation Projects**

**Date: 04/08/2023**

cc:	Mr. Dirk Muller	K2022578590 (South Africa) Proprietary Limited	Email: dirk@agv-za.co.za
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