



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Enquiries: Ms Thulisile Nyalunga

Telephone: (012) 310 3249 Fax: (012) 320 7539 E-mail: TNyalunga@environment.gov.za

Ms Louise-Mari van Zyl
Cape Environmental Assessment Practitioners (Pty) Ltd
PO Box 2070
GEORGE
6530

Telephone Number: (044) 874 0365
Fax Number: (044) 874 0432

PER FACSIMILE / MAIL.

Dear Ms Van Zyl

ACCEPTANCE OF THE FINAL SCOPING REPORT FOR THE PROPOSED RE CAPITAL 3 SOLAR DEVELOPMENT WITH A GENERATING CAPACITY OF 225MW, IMPLEMENTED IN 3 PHASES OF 75MW EACH AS WELL AS ASSOCIATED INFRASTRUCTURE ON PORTION 12 OF THE FARM DYASONSKLIP 454, NEAR UPINGTON AND KEIMOES, NORTHERN CAPE PROVINCE

The Final Scoping Report (FSR) and Plan of Study for Environmental Impact Assessment (PoSEIA) dated 15 October 2013 and received by this Department on 17 October 2013 refer.

This Department has evaluated the submitted FSR and the PoSEIA dated October 2013 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2010. The FSR is hereby accepted by the Department in terms of regulation 30(1)(a) of the EIA Regulations, 2010.

You may proceed with the Environmental Impact Assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment and the requirements of the EIA Regulations, 2010.

All comments and recommendations made by all stakeholders and Interested and Affected Parties (I&APs) in the Draft Scoping Report and submitted as part of the FSR must be taken into consideration when preparing an environmental impact assessment report in respect of the proposed development. Please ensure that all mitigation measures and recommendations in the specialist studies are addressed and included in the final EIR and Environmental Management Programme (EMPr).

Please ensure that comments from all relevant stakeholders are submitted to the Department with the Final Environmental Impact Report (EIR). This includes but is not limited to the Northern Cape Department of Environment and Nature Conservation, the Department of Agriculture, Forestry & Fisheries (DAFF), the South African Civil Aviation Authority (SACAA), the Department of Transport, the Local Municipalities, the District Municipality, the Department of Water Affairs (DWA), the Department of Communications, SENTECH, Eskom

Holdings SOC Limited, the South African National Roads Agency Limited (SANRAL), the South African Heritage Resources Agency (SAHRA) and the Square Kilometre Array (SKA).

Please be advised that the contact person for renewable projects at the SKA office is Dr Adrian Tiplady and he can be contacted on Tel: (011) 442 2434 or E-mail: atiplady@ska.ac.za.

You are also required to address all issues raised by organs of state and Interested and Affected Parties (I&APs) prior to the submission of the EIR to the Department.

Proof of correspondence with the various stakeholders must be included in the Final EIR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.

The EAP must, in order to give effect to Regulation 56(2), give registered interested and affected parties access to; and an opportunity to comment on the report in writing within 21 days before submitting the final environmental impact assessment report to the Department.

Please ensure that the Final EIR includes at least one legible A3 regional map of the area and the site layout map to illustrate the PV positions and associated infrastructure. The maps must be of acceptable quality and as a minimum, have the following attributes:

- Maps are relatable to one another;
- Cardinal points;
- Co-ordinates;
- Legible legends;
- Indicate alternatives;
- Latest land cover;
- Vegetation types of the study area; and,
- A3 size locality map.

In addition, the following additional information is required for the EIR:

- i. Following a review of the FSR and the application forms received in October 2013 and July 2013 respectively, this Department advises that the application form must be amended and resubmitted to include the correct listed activities. As such the Department advises that the following listed activities and their relevant issues be addressed:

GN R. 544 Item 10:

"The construction of facilities or infrastructure for the transmission and distribution of electricity:

- (i) *Outside urban areas or industrial complexes with a capacity of more than 33 kilovolts but less than 275 kilovolts".*

- The above mentioned activity has already been covered by GN R.545 Item 08.

GN R.544 Item 18:

"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from:

- (i) *a watercourse"*

- With regards to infilling of watercourses for the construction of access roads, the Department requires the applicant to provide a clear indication of the exact location from which the material used for infilling will be sourced.

GN R.544 Item 22:

*"The construction of a road, outside urban areas,
 (i) with a reserve wider than 13,5 metres or,
 (ii) where no reserve exists where the road is wider than 8 metres".*

- The proposed development will require the construction of access roads as indicated in the FSR. In this regard the number of access road/s; the co-ordinates for each road and a map at an appropriate scale to provide visual representation of the access roads on the site needs to be provided.

GN R. 546 Item 4:

"The construction of a road wider than 4m with a reserve less than 13.5 metres."

- The above mentioned activity has already been covered by GN R.544 Item 22.

GN R.546 Item 14:

"The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for...."

- The above mentioned activity has already been covered by GN R.545 Item 15.

It is noted that the application forms included activity 04 and 14 of GNR 546 dated 18 June 2010. If this activity is applicable, the impacts associated with this activity must be assessed in the Environmental Impact Assessment phase. In addition, written comment from the provincial Department of Environmental Affairs indicating that this activity applies must be obtained.

The Environmental Impact Assessment report must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

- ii. Written comment from the provincial Department of Environmental Affairs indicating that the activities applied for under GNR 546 applies. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.
- iii. Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies.
- iv. The total footprint of the proposed development should be indicated. Exact locations of the PV positions, power lines and associated infrastructure should be mapped at an appropriate scale.
- v. Should a Water Use License be required, proof of application for a license needs to be submitted.
- vi. Information on services required on the site, e.g. sewage, refuse removal, water and electricity. Who will supply these services and has an agreement and confirmation of capacity been obtained? Proof of these agreements must be provided.
- vii. A copy of the final site layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
 - PV positions and its associated infrastructure;
 - Foundation footprint;
 - Permanent laydown area footprint;
 - Construction period laydown footprint;
 - Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
 - Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;

- The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
 - Sub-station(s) and/or transformer(s) sites including their entire footprint;
 - Cable routes and trench dimensions (where they are not along internal roads);
 - Connection routes (including pylon positions) to the distribution/transmission network;
 - Cut and fill areas at sites, along roads and at sub-station/transformer sites indicating the expected volume of each cut and fill;
 - Borrow pits;
 - Spoil heaps (temporary for topsoil and subsoil and permanently for excess material);
 - All existing infrastructure on the site, especially roads;
 - Buffer areas;
 - Buildings, including accommodation; and
 - All "no-go" areas.
- viii. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- ix. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.
- x. A shapefile of the preferred development layout/footprint must be submitted to this Department. 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
Fedsure Forum Building (corner of Pretorius and Lillian Ngoyi Streets)
4th Floor South Tower
315 Pretorius Street
Pretoria
0002

For Attention: Mr Muhammad Essop
Integrated Environmental Authorisations
Strategic Infrastructure Developments
Telephone Number: (012) 395 1734
Fax Number: (012) 320 7539
Email Address: MEssop@environment.gov.za

It is stated under point 12.5 of the FSR dated 15 October 2013 that there are not deemed to be any visual constraints. This statement must be confirmed and supporting evidence provided. Should there be any potential visual receptors, a visual assessment must be conducted to determine the significance of the visual impact and mitigation measures must be proposed and included in the EIR and the EMPr.

The Environmental Management Programme (EMPr) to be submitted as part of the EIR must include the following:

- i. All recommendations and mitigation measures recorded in the EIR and the specialist studies conducted.
- ii. The final site layout map.
- iii. Measures as dictated by the final site layout map and micro-siting.
- iv. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- v. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.
- vi. 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.
- vii. 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 and be implemented prior to commencement of the construction phase.
- viii. 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.
- ix. An open space management plan to be implemented during the construction and operation of the facility.
- x. 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.
- xi. A transportation plan for the transport of components, main assembly cranes and other large pieces of equipment.
- xii. 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.
- xiii. 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.
- xiv. 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.
- xv. 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.

The EIR must include a **cumulative assessment** of the facility if there are other similar facilities in the region. The specialist studies e.g. biodiversity, visual, noise etc. must also assess the facility in terms of potential cumulative impacts.

Please ensure that all the relevant Listing Notice activities are applied for, that the Listing Notice activities applied for are specific and that they can be linked to the development activity or infrastructure in the project description.

The applicant is hereby reminded to comply with the requirements of Regulation 67 with regard to the time period allowed for complying with the requirements of the Regulations, and Regulations 56 and 57 with regard to the allowance of a comment period for interested and affected parties on all reports submitted to the competent authority for decision-making. The reports referred to are listed in Regulation 56(3a-3h).

Furthermore, it must be reiterated that, should an application for Environmental Authorisation be subject to the provisions of Chapter II, Section 38 of the National Heritage Resources Act, Act 25 of 1999, then this Department will not be able to make nor issue a decision in terms of your application for Environmental Authorisation pending a letter from the pertinent heritage authority categorically stating that the application fulfils the requirements of the relevant heritage resources authority as described in Chapter II, Section 38(8) of the National Heritage Resources Act, Act 25 of 1999.

You are requested to submit two (2) electronic copies (CD/DVD) and two (2) hard copies of the Environmental Impact Report (EIR) to the Department as per Regulation 34(1)(b) of the EIA Regulations, 2010.

Please also find attached information that must be used in the preparation of the Environmental Impact Report. This will enable the Department to speedily review the EIR and make a decision on the application.

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

Yours sincerely



Mr Ishaam Abader
Deputy Director-General: Legal, Authorisations, Compliance and Enforcement
Department of Environmental Affairs
Letter signed by: Ms Milicent Solomons
Designation: Director: Integrated Environmental Authorisations
Date: 25/11/2013

cc:	Mr Wiehann van Zyl	Kimbratrax (Pty) Ltd	Tel: 086 100 4637	Fax: 086 608 8181
	Mr J Mackay	Khai Garib Local Municipality	Tel: 054 431 6300	Fax: 086 576 5114
	Ms Deneo Moleko	DENC	Tel: 053 807 7430	Fax: 053 831 3530

A. EIA INFORMATION REQUIRED FOR SOLAR ENERGY FACILITIES

1. General site information

The following general site information is required:

- Descriptions of all affected farm portions
- 21 digit Surveyor General codes of all affected farm portions
- Copies of deeds of all affected farm portions
- Photos of areas that give a visual perspective of all parts of the site
- Photographs from sensitive visual receptors (tourism routes, tourism facilities, etc.)
- Solar plant design specifications including:
 - Type of technology
 - Structure height
 - Surface area to be covered (including associated infrastructure such as roads)
 - Structure orientation
 - Laydown area dimensions (construction period and thereafter)
 - Generation capacity
- Generation capacity of the facility as a whole at delivery points

This information must be indicated on the first page of any Scoping or EIA document. It is also advised that it be double checked as there are too many mistakes in the applications that have been received that take too much time from authorities to correct.

2. Site maps and GIS information

Site maps and GIS information should include at least the following:

- All maps/information layers must also be provided in ESRI Shapefile format
- All affected farm portions must be indicated
- The exact site of the application must be indicated (the areas that will be occupied by the application)
- A status quo map/layer must be provided that includes the following:
 - Current use of land on the site including:
 - Buildings and other structures
 - Agricultural fields
 - Grazing areas
 - Natural vegetation areas (natural veld not cultivated for the preceding 10 years) with an indication of the vegetation quality as well as fine scale mapping in respect of Critical Biodiversity Areas and Ecological Support Areas
 - Critically endangered and endangered vegetation areas that occur on the site
 - Bare areas which may be susceptible to soil erosion
 - Cultural historical sites and elements
 - Rivers, streams and water courses
 - Ridgelines and 20m continuous contours with height references in the GIS database
 - Fountains, boreholes, dams (in-stream as well as off-stream) and reservoirs
 - High potential agricultural areas as defined by the Department of Agriculture, Forestry and Fisheries
 - Buffer zones (also where it is dictated by elements outside the site):
 - 500m from any irrigated agricultural land
 - 1km from residential areas

- Indicate isolated residential, tourism facilities on or within 1km of the site
- A slope analysis map/layer that include the following slope ranges:
 - Less than 8% slope (preferred areas for PV and infrastructure)
 - between 8% and 12% slope (potentially sensitive to PV and infrastructure)
 - between 12% and 14% slope (highly sensitive to PV and infrastructure)
 - steeper than 18 % slope (unsuitable for PV and infrastructure)
- A site development proposal map(s)/layer(s) that indicate:
 - Foundation footprint
 - Permanent laydown area footprint
 - Construction period laydown footprint
 - Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible)
 - River, stream and water crossing of roads and cables indicating the type of bridging structures that will be used
 - Substation(s) and/or transformer(s) sites including their entire footprint.
 - Cable routes and trench dimensions (where they are not along internal roads)
 - Connection routes to the distribution/transmission network (the connection must form part of the EIA even if the construction and maintenance thereof will be done by another entity such as ESKOM)
 - Cut and fill areas at PV sites along roads and at substation/transformer sites indicating the expected volume of each cut and fill
 - Borrow pits
 - Spoil heaps (temporary for topsoil and subsoil and permanently for excess material)
 - Buildings including accommodation

With the above information authorities will be able to assess the strategic and site impacts of the application.

3. Regional map and GIS information

The regional map and GIS information should include at least the following:

- All maps/information layers must also be provided in ESRI Shapefile format
- The map/layer must cover an area of 20km around the site
- Indicate the following:
 - roads including their types (tarred or gravel) and category (national, provincial, local or private)
 - Railway lines and stations
 - Industrial areas
 - Harbours and airports
 - Electricity transmission and distribution lines and substations
 - Pipelines
 - Waters sources to be utilised during the construction and operational phases
 - A visibility assessment of the areas from where the facility will be visible
 - Critical Biodiversity Areas and Ecological Support Areas
 - Critically Endangered and Endangered vegetation areas
 - Agricultural fields
 - Irrigated areas
 - An indication of new road or changes and upgrades that must be done to existing roads in order to get equipment onto the site including cut and fill areas and crossings of rivers and streams

4. Important stakeholders

Amongst other important stakeholders, comments from the National Department of Agriculture, Forestry and Fisheries must be obtained and submitted to the Department. Any application, documentation, notification etc. should be forwarded to the following officials:

Ms Mashudu Marubini
Delegate of the Minister (Act 70 of 1970)
E-mail: MashuduMa@daff.gov.za
Tel 012- 319 7619

Ms Thoko Buthelezi
AgriLand Liaison office
E-mail: ThokoB@daff.gov.za
Tel 012- 319 7634

All hardcopy applications / documentation should be forwarded to the following address:

Physical address:

Delpen Building
Cnr Annie Botha and Union Street
Office 270
Attention: Delegate of the Minister Act 70 of 1970

Postal Address:

Department of Agriculture, Forestry and Fisheries
Private Bag X120
Pretoria
0001
Attention: Delegate of the Minister Act 70 of 1970

In addition, comments must be requested from Eskom regarding grid connectivity and capacity. Request for comment must be submitted to:

Mr John Geeringh
Eskom Transmission
Megawatt Park D1Y38
PO Box 1091
JOHANNESBURG
2000

Tel: 011 516 7233
Fax: 086 661 4064
John.geeringh@eskom.co.za

B. AGRICULTURE STUDY REQUIREMENTS

- Detailed soil assessment of the site in question, incorporating a radius of 50 m surrounding the site, on a scale of 1:10 000 or finer. The soil assessment should include the following:
 - Identification of the soil forms present on site
 - The size of the area where a particular soil form is found
 - GPS readings of soil survey points
 - The depth of the soil at each survey point
 - Soil colour
 - Limiting factors
 - Clay content
 - Slope of the site
 - A detailed map indicating the locality of the soil forms within the specified area,
 - Size of the site
- Exact locality of the site
- Current activities on the site, developments, buildings
- Surrounding developments / land uses and activities in a radius of 500 m of the site
- Access routes and the condition thereof
- Current status of the land (including erosion, vegetation and a degradation assessment)
- Possible land use options for the site
- Water availability, source and quality (if available)
- Detailed descriptions of why agriculture should or should not be the land use of choice
- Impact of the change of land use on the surrounding area
- A shape file containing the soil forms and relevant attribute data as depicted on the map.

C. ASTRONOMY GEOGRAPHIC ADVANTAGE ACT, 2007 (ACT NO. 21 OF 2007)

The purpose of the Act is to preserve the geographic advantage areas that attract investment in astronomy. The entire Northern Cape Province excluding the Sol Plaatje Municipality had been declared an astronomy advantage area. The Northern Cape optical and radio telescope sites were declared core astronomy advantage areas. The Act allowed for the declaration of the Southern Africa Large Telescope (SALT), MeerKAT and Square Kilometre Array (SKA) as astronomy and related scientific endeavours that had to be protected.

You are requested to indicate the applicability of the Astronomy Geographic Advantage Act, Act No. 21 of 2007 on the application in the BAR/EIR. You must obtain comments from the Southern African Large Telescope (SALT) if the proposed development is situated within a declared astronomy advantage area.