



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 12/12/20/2465/1/2

Enquiries: Mr Takalani Maswime

Telephone: 012 310 3780 **Fax:** 012 320-7539 **E-mail:** TMaswime@environment.gov.za

Ms. Jo-Anne Thomas
Savannah Environmental (Pty) Ltd
P. O. Box 148
SUNNINGHILL
2157

Fax no: 086 684 0547

Tel no: 011 234 6621

PER FACSIMILE / MAIL

Dear Ms. Thomas

APPLICATION FOR DOWNGRADING OF PROCESS FROM SCOPING AND ENVIRONMENTAL IMPACT REPORTING, TO A BASIC ASSESSMENT PROCESS IN TERMS OF SUB-REGULATION 20(4) OF GN R.543: PROPOSED ESTABLISHMENT OF A 150MW PHOTOVOLTAIC (PV) SOLAR POWER PLANT ON A SITE NEAR MIDDELBURG, EASTERN CAPE PROVINCE

Your letter and motivation dated 19 September 2011 received by the Department on 26 September 2011 has reference.

With reference to the above letter, please be advised that the Department has decided to grant permission, in terms of regulation 20 (4) of the Environmental Impact Assessment (EIA) Regulations of June 2010, to apply for a basic assessment instead of Scoping & Environmental Impact Reporting (S&EIR) process for the proposed establishment of a 150 MW Photovoltaic (PV) Solar Facility on a site near Middelburg in the Eastern Cape Province because of, *inter alia*, the following:

- Issues associated with the proposed development site are known from the findings of the Scoping Report prepared by Savannah Environmental.
- A Basic Assessment Report (BAR) that will be conducted will accommodate all envisaged environmental impacts that may be caused by the proposed development.
- Ms Jo-Anne Thomas (independent EAP) is of the opinion that the potential impacts associated with proposed Middelburg Solar Park can be adequately assess through a basic assessment process.
- Specialist studies including but not limited to, a biodiversity assessment study, soil assessment study, agricultural potential study, visual impact assessment study, heritage impact study and a social impact study; will be conducted as part of the basic assessment report to ensure all environmental impacts and related mitigation measures are identified.
- The public participation process to be conducted as part of the basic assessment report will be adequate to inform all I&APs and stakeholders about the project and give efficient time for comment.

You may proceed with lodging an application subject to a basic assessment process as prescribed in Part 2 (regulations 21-23) of the Environmental Impact Assessment (EIA) Regulations, GN N R.543 of 18 June 2010.

You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (the "no-go" option) in addition to other alternatives identified.

The Public Participation Process ("PPP") to be followed must comply with Regulation 54 of the EIA Regulations of 2010. 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 Eastern Cape Provincial Department of Economic Development and Environmental Affairs, South Africa Heritage Resource Agency (SAHRA), National Department of Agriculture Forestry & Fisheries (DAFF); Department of Water Affairs (DWA), Eskom Holdings SOC Limited, Local and District Municipalities and any other stakeholders which deal with environmental matters within the Province.

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

The applicant is hereby reminded to comply with the requirements of regulation 67 with regard to the time 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).

Please ensure that the Draft and Final BAR includes at least one A3 regional map of the area and the locality maps included in the final BAR illustrate the different proposed layouts. The maps must be of acceptable quality and as a minimum, have the following attributes:

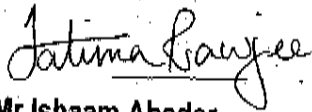
- Maps are relatable to one another;
- Cardinal points;
- Co-ordinates;
- Legible legends;
- Indicate alternatives;
- Latest land cover;
- Vegetation types of the study area; and
- A3 size locality map.

Please also find attached information that should be used in the preparation of the BAR. This will enable the Department to speedily review the BAR and make a decision on the application.

The Department await the submission of the application form as prescribed by the EIA Regulations, GN R. 543 of June 2010.

Please note that the activity may not commence prior to an environmental authorization being granted by the Department.

Yours sincerely



Mr Ishaam Abader
Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs
Letter signed by: Ms Fatima Rawjee
Designation: Director: Environmental Impact Evaluation (Acting)
Date:

Cc: Mr Stephen Donnelly
Gerry Pienaar
Mr Mzwandile Tantsie

ACED
DEDEA
Inxuba Yethemba Local Municipality

Fax: 021 813 2848
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Fax: 048 881 1421

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
 - between 8% and 12% slope
 - between 12% and 14% slope
 - steeper than 18 % slope
- A map/layer that indicate locations of birds and bats including roosting and foraging areas (specialist input required)
- A site development proposal map(s)/layer(s) that indicate:
 - Positions of solar facilities
 - 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 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 applications.

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 (tared 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. Request for comment must be submitted to:

Mrs. Anneliza Collett
 Directorate: Land Use & Soil Management
 Department of Agriculture, Forestry & Fisheries
 Tel: 012 - 319 7508
 Fax: 012 - 329 5938
 E-mail: AnnelizaC@nda.agric.za
 www.agis.agric.za

In addition, comments must be requested from Eskom (Mr Kevin Leask or Mr Ronald Marais (011) 8008111) regarding grid connectivity and capacity.

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



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NEAS Reference: DEAT/EIA/0000576/2011

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Enquiries: Nylko Ngoveni

Tel: 012 395 1694/1768 **Fax:** 012 320 7539 **E-mail:** nngoveni@environment.gov.za

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

Fax: 086 684 0547

Tel: 011 234 6621

PER FACSIMILE / MAIL

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT AND ACCEPTANCE OF NEW APPLICATION FOR ENVIRONMENTAL AUTHORISATION (SCOPING/EIA PROCESS) FOR THE PROPOSED ESTABLISHMENT OF THE MIDDLEBURG SOLAR PARK 1, INXUBA YETHEMBA MUNICIPALITY EASTERN CAPE PROVINCE

The Department confirms having received the Application Form, EAP Declaration of Interest, motivation for downgrading of process from Scoping & EIA to Basic Assessment in terms of regulation 20(4) of GN 543 and request to conduct a single EIA for two applications (solar park 1 & park 2) on 26 September 2011 for environmental authorisation for the abovementioned project. The Application is accepted.

Your request to assess both projects in one EIA report is accepted and the Department will reply in due course with regard to the request to downgrade from Scoping & EIA to Basic Assessment.

Please note that the Department will request the delegation of authority from the provincial Department and will notify you with regards to the outcome.

Please include both reference numbers (NEAS Reference and DEA Reference), as listed above, on all documents and correspondence submitted to the Department.

Please note that one hard copy and one electronic copy (saved on CD/DVD) of draft reports, and five hard copies and one electronic copy of final reports must be submitted to the Department.

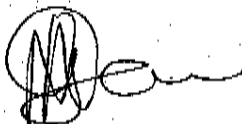
In addition, please consider the following during compilation of reports for this application for environmental authorisation:

- All applicable Departmental Guidelines must be considered throughout the application process. These can be downloaded from the Department's website: www.environment.gov.za, Environmental Impact Management button, listed under "EIA Administration": Integrated Environmental Management Information Series link. These include, but are not limited to, the following topics: Scoping, Environmental Impact Reporting, Stakeholder Engagement, Specialist Studies, Impact Significance, Cumulative Effects Assessments, Alternatives in EIA and Environmental Management Plans.
- Please be advised that in terms of the EIA Regulations and NEMA the investigation of alternatives is mandatory. Alternatives must therefore be identified, investigated to determine if they are feasible and reasonable. It is also mandatory to investigate and assess the option of not proceeding with the proposed activity (the "no-go" option).
- Refer to the attached annexure for specific requirements for the submission of applications for environmental authorisation for solar power generation facilities.
- Should water, solid waste removal, effluent discharge, stormwater management and electricity services be provided by the municipality, you are requested to provide this office with written proof that the municipality has sufficient capacity to provide the necessary services to the proposed development. Confirmation of the availability of services from the service providers must be provided together with the reports to be submitted.
- In the reports to be submitted it must clearly be demonstrated in which way the proposed development will meet the requirements of sustainable development. You must also consider energy efficient technologies and water saving devices and technologies for the proposed development. This could include measures such as the recycling of waste, the use of low voltage or compact fluorescent lights instead of incandescent globes, maximising the use of solar heating, the use of dual flush toilets and low-flow shower heads and taps, the management of storm water, the capture and use of rainwater from gutters and roofs, the use of locally indigenous vegetation during landscaping and the training of staff to implement good housekeeping techniques.
- The applicant/EAP is required to inform this Department in writing upon submission of any draft report, of the contact details of the relevant State Departments (that administer laws relating to a matter affecting the environment) to whom copies of the draft report were submitted for comment. Upon receipt of this confirmation, this Department will in accordance with Section 24O(2) & (3) of the National Environmental Management Act, 1998 (Act 107 of 1998) inform the relevant State Departments of the commencement date of the 40 day commenting period, or 60 days in the case of the Department of Water Affairs for waste management activities which also require a licence in terms of the National Water Act, 1998 (Act 36 of 1998).
- Should it be necessary to apply for a permit in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999), please submit the necessary application to SAHRA or the relevant provincial heritage agency and submit proof thereof with the Basic Assessment Report/Environmental Impact Assessment Report. The relevant heritage agency should also be involved during the public participation process and have the opportunity to comment on all the reports to be submitted to this Department.

In terms of regulation 67 of the EIA Regulations, 2010 this application will lapse if the applicant (or the EAP on behalf of the applicant) fails to comply with a requirement in terms of the Regulations for a period of six months after having submitted the application, unless the reasons for failure have been communicated to and accepted by this Department.

You are hereby reminded that the activity may not commence prior to an environmental authorisation being granted by the Department.

Yours sincerely



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection

Department of Environmental Affairs

Letter signed by: Ms Nyiko Ngoveni

Designation: Environmental Officer: Environmental Impact Evaluation

Date: 10/10/2011

CC:	Mr Stephen Donnelly	African Clean Energy Developments	Tel: 021 813 2773	Fax: 021 813 2848
	Gerry Pienaar	Eastern Cape DEDEA	Tel: 040 609 4712	Email: Gerry.Pienaar@deaet.ecape.gov.za
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- 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