



# forestry, fisheries & the environment

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

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

DFFE Reference: 14/12/16/3/3/1/2039/AM2

Enquiries: Ms Olivia Letlalo

Telephone: (012) 399 8815 E-mail: [oletlalo@dfpe.gov.za](mailto:oletlalo@dfpe.gov.za)

Mr Sheldon Vandrey  
Coleskop Wind Power (Pty) Ltd  
Waterfront Business Park, Building 5 – Ground Floor  
1204 Humerail Road  
**HUMERAIL**  
6001

Telephone Number: 082 325 6062  
Email address: [Sheldon.Vandrey@edf-re.co.za](mailto:Sheldon.Vandrey@edf-re.co.za)

## PER EMAIL / MAIL

Dear Mr Vandrey

### **AMENDMENT TO ENVIRONMENTAL AUTHORISATION ISSUED ON 10 NOVEMBER 2021 FOR THE COLESKOP INFRASTRUCTURE DEVELOPMENT NEAR MIDDELBURG AND NOUPOORT WITHIN THE INXUBA YETHEMBA AND UMSOBOMVU LOCAL MUNICIPALITIES, EASTERN AND NORTHERN CAPE PROVINCES.**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 10 November 2021, the amendment to the EA dated 31 March 2022, the layout and EMP approval dated 26 April 2022, the application for amendment of the EA received by the Department on 18 July 2022, comments on the draft amendment report dated 18 August 2022, and the final amendment motivation report received by the Department on 27 September 2022, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 10 November 2021, as amended, as follows

#### **Amendment 1: Amendment to the co-ordinates due to a change in location of the approved Batching Plant (North)**

##### **From:**

<b>Authorised Coordinates (as per EA)</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
<b>BATCHING PLANT 1 (NORTH)</b>		
Centre Coordinates	31°18'9.65"S	24°52'18.81"E
Corner Point 1	31°18'4.48"S	24°52'14.21"E
Corner Point 2	31°18'5.85"S	24°52'25.43"E
Corner Point 3	31°18'15.51"S	24°52'23.73"E
Corner Point 4	31°18'14.03"S	24°52'12.64"E

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**To:**

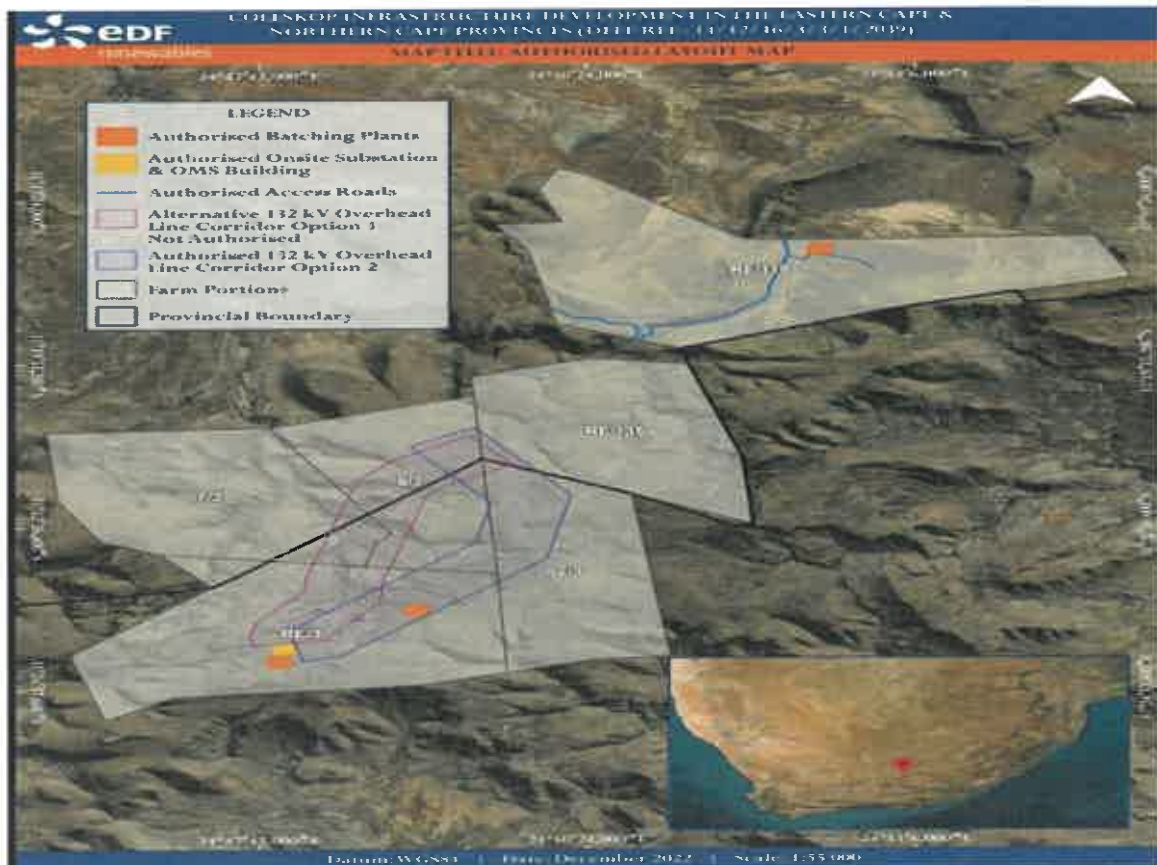
Amended Coordinates BATCHING PLANT 1 (NORTH)	Latitude (S)	Longitude (E)
Centre Coordinates	31°17'58.23"S	24°51'21.14"E
Corner Point 1	31°17'54.82"S	24°51'14.46"E
Corner Point 2	31°17'51.03"S	24°51'23.87"E
Corner Point 3	31°18'00.90"S	24°51'27.53"E
Corner Point 4	31°18'05.47"S	24°51'18.71"E

**Reason for amendment:**

The Coleskop Infrastructure EA contains three batching plant locations. Upon further investigation during the Water Use Licensing process a request was made to move the northern batching plant out of the current proposed and approved location. The new location, which adheres to the walk-through results and the sensitivity map as per the specialist reports, is situated in a less sensitive area.

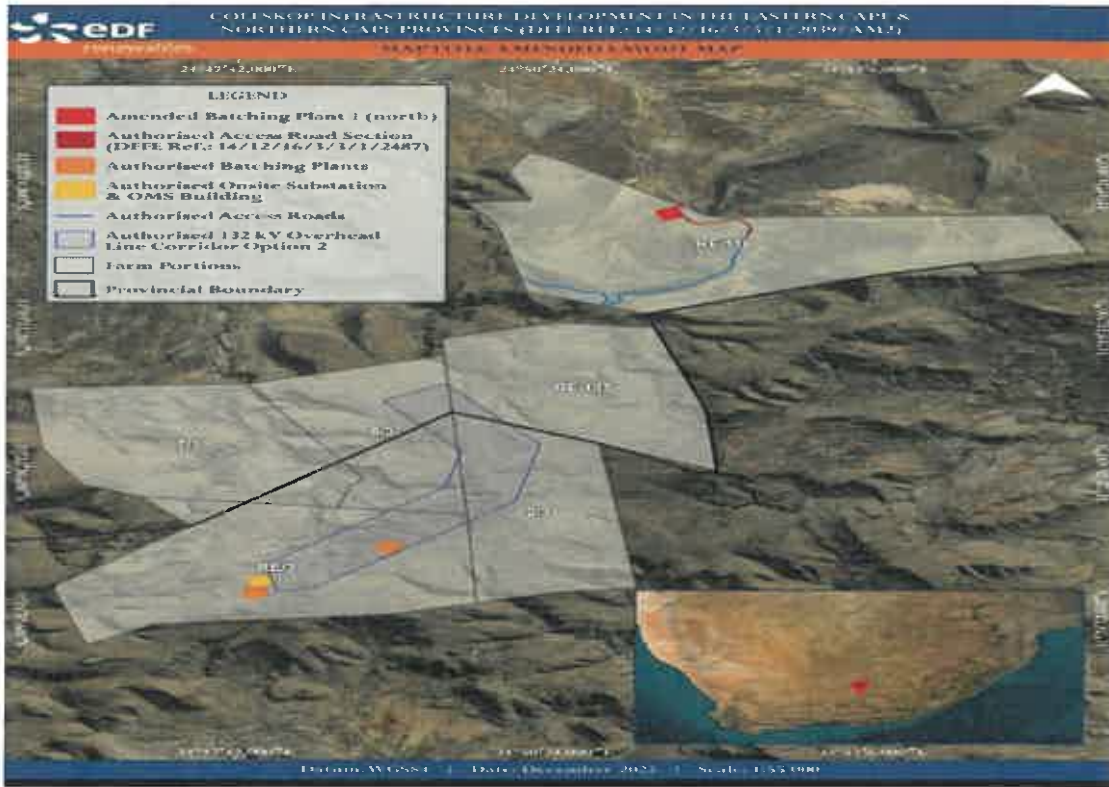
**Amendment 2: Request approval of the amended layout for the proposed development due to the relocation of batching plant**

**From**



VS

To



**Reason for amendment:**

The Applicant applied to amend the layout for the abovementioned development to ensure that the approved layout reflects the same information as in the amendment to the EA.

This proposed amendment letter must be read in conjunction with the EA dated 10 November 2021, as amended.

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 stipulate 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 abuse or compromise your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department’s as well as the provisions regarding the submission of appeals that are contained in the Regulations.

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 prescribes 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.

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

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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: [appeals@dfpe.gov.za](mailto:appeals@dfpe.gov.za)

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

By post: Private Bag X447  
Pretoria  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, 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 the activity 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 [appeals@dfpe.gov.za](mailto:appeals@dfpe.gov.za).

Yours faithfully



**M Vusi Skosana**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**

Date: 09 January 2023

cc:	Dr Alan Carter	Coastal and Environmental Services (Pty) Ltd. t/a CES	Tel: 043 726 7809	Email: <a href="mailto:a.carter@cesnel.co.za">a.carter@cesnel.co.za</a>
	Ms Nondwe Mdekazi & Mr Tim De Jongh	Eastern Cape DEDEAT	Tel: 045 808 4000	E-mail: <a href="mailto:Nondwe.Mdekazi@dedea.gov.za">Nondwe.Mdekazi@dedea.gov.za</a> / <a href="mailto:Tbone.DeJongh@dedea.gov.za">Tbone.DeJongh@dedea.gov.za</a>
	Ms Tsholo Makaudi	Northern Cape DAEARD&LR	Tel: 053 807 7300	Email: <a href="mailto:tmakaudi@ncpg.gov.za">tmakaudi@ncpg.gov.za</a>
	Mr Mzwandile Tantsi	Inxuba Yethemba Local Municipality	Tel: 048 805 5000 / 5043	E-mail: <a href="mailto:tantsi@lsat.gov.za">tantsi@lsat.gov.za</a>
	Mr Amos Mpela	Umsobomvu Local Municipality (Northern Cape)	Tel: 051 753 0777	Email: <a href="mailto:mpela@umsobomvumun.co.za">mpela@umsobomvumun.co.za</a>





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

**DFFE Ref:** 14/12/16/3/3/1/2039/AM2

**Enquiries:** Ms Olivia Letlalo

**Telephone:** (012) 399 8815

### **ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS**

#### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 NOVEMBER 2021 FOR THE COLESKOP INFRASTRUCTURE DEVELOPMENT NEAR MIDDELBURG AND NOUPOORT WITHIN THE INXUBA YETHEMBA AND UMSOBOMVU LOCAL MUNICIPALITIES, EASTERN AND NORTHERN CAPE PROVINCES**

##### **1. PURPOSE**

The purpose of this submission is to inform the Acting Chief Director: Integrated Environmental Authorisations (IEA) regarding the proposed amendment of the Environmental Authorisation (EA) issued by this Department on 10 November 2021 and to obtain your signature on the attached draft amendment letter of the EA, should you concur.

##### **2. BACKGROUND**

- 2.1. The CA issued the EA for the for the development of the grid infrastructure associated with the Coleskop Wind Energy Facility (WEF), near Middelburg and Noupoort within Inxuba Yethemba and Umsobomvu Local Municipalities, Eastern Cape, and Northern Cape Provinces on 10 November 2021. In addition, the CA approved the final EMPr and final layout plan on 26 April 2022 to comply with conditions of the EA.
- 2.2. The Environmental Assessment Practitioner, Coastal and Environmental Services (Pty) Ltd. t/a CES lodged an application for amendment of an EA on behalf of the applicant, Coleskop Wind Power (Pty) Ltd to obtain approval for the relocation of the approved batching plant, which would result in the amendment of the approved layout.

- 2.3. The draft motivational amendment report, submitted as per the requirements of Regulation 32 of the EIA Regulations, 2014 as amended, was received by this Department for comment on 18 July 2022. The Department issued comments on the draft motivational amendment report on 18 August 2022, the environmental assessment practitioner (EAP) subsequently submitted a final motivational amendment report for review and decision making on 27 September 2022. The Department is now in a position to formulate a decision regarding the application.
- 2.4. **The applicant applied for the following amendments:**

**Amendment 1: Amendment to the co-ordinates due to a change in location of the approved Batching Plant (North)**

**From:**

<b>Authorised Coordinates (as per EA)</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
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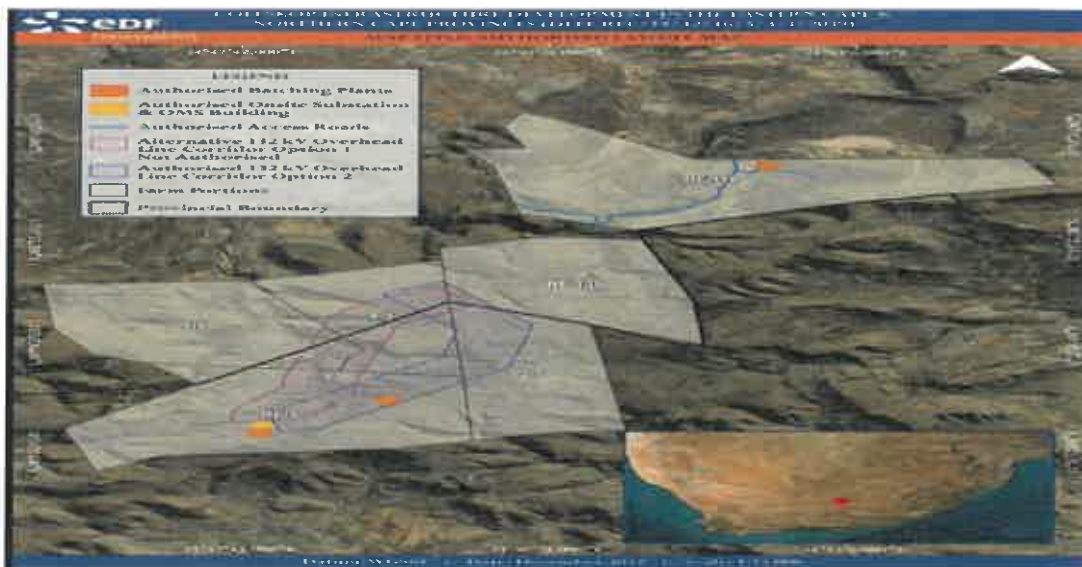
<b>Amended Coordinates BATCHING</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
<b>PLANT 1 (NORTH)</b>		
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**Reason for amendment:**

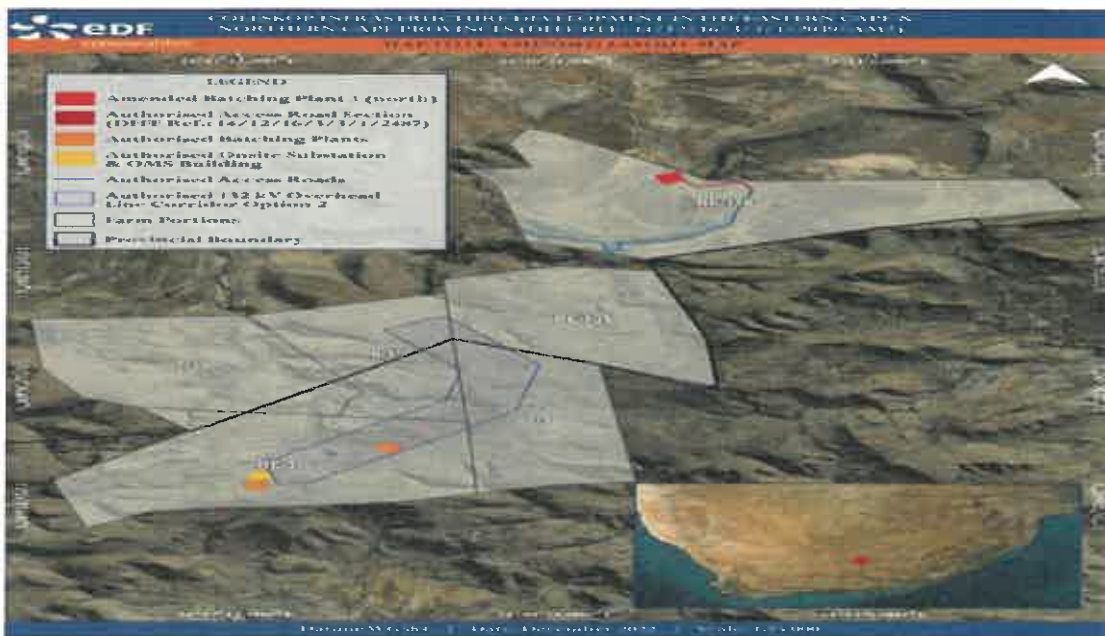
The Coleskop Infrastructure EA contains three batching plant locations. Upon further investigation during the Water Use Licensing process, a request was made to move the northern batching plant out of the current proposed and approved location. The new location, which adheres to the walk-through results and the sensitivity map as per the specialist reports, is situated in a less sensitive area.

**Amendment 2: Request approval of the amended layout for the proposed development due to relocation of batching plant**

**From**



**To**



**Reason for amendment:**

The Applicant applied to amend the layout for the abovementioned development to ensure that the approved layout reflects the same information as in the amendment to the EA.

**2.5. Recommendation**

It is the opinion of the reviewer that the Part 2 amendment (change of location of the approved “Batching Plant 1 (North)”) be approved. This is based on the recommendations of various specialists, confirming that this change will not result in additional impacts.

2.6. The following specialist were consulted and provided their input on the proposed amendments:

- **Ecological Impact Assessment**

The reason for the proposed new location for the Coleskop Batching Plant 1 (North) is because it is closer to the approved access road and it avoids crossing a watercourse; however, the new location will be within 500m of an artificial wetland which is why, based on the overall sensitivity map for the project area, the site is classified as ‘moderate to high sensitivity.

In terms of the Ecological Site Sensitivity, both the proposed new location for Batching Plant 1 (North) and approved location for Batching Plant 1 (North) fall within an area classified as medium sensitivity in terms of the Species Environmental Assessment Guideline (see CES, 2021). The following guideline applies to areas classified as medium sensitivity:

***“Minimisation and restoration mitigation – development activities of medium impact acceptable followed by appropriate restoration activities”.***

The proposed new Batching Plant 1 (North) is likely to have the following Ecological Impacts during the construction phase:

- Loss of natural vegetation due to vegetation clearing
- Loss of plant Species of Conservation Concern (classified as Least Concern)
- Disturbance of faunal species and loss of faunal habitat
- Wildlife poaching disturbance to sensitive areas
- Establishment of alien plant species

These impacts are assessed in detail in the original Ecological Impact Assessment Report (CES, 2015/2018), the follow up Ecological Opinion Letters (CES, 2019/2021) and the Ecological Impact



Assessment Report (CES, 2021), and the appropriate mitigation measures to reduce these impacts are also provide and still apply. These impacts and mitigation measures must be included in the Part 2 Amendment Application Report.

▪ **Avifaunal Impact Assessment**

The final layout of the proposed Coleskop Wind Farm was previously approved by WildSkies in terms of acceptability for avifauna. A minor location change to the Batching Plant 1 (North) area position is now required. It is hereby confirmed that this change is acceptable from avifauna perspective. There are no changes to our findings or new mitigation measures required because of this change.

▪ **Heritage Impact Assessment**

This is to confirm that the new proposed layout change for the Coleskop infrastructure will not impact on in situ archaeological sites and/or artefacts. The specialist indicated that there are significant due to the proposed amendment. The only heritage resources in this area will be stone tools in a secondary deposit because of alluvial deposits.

▪ **Palaeontological Impact Assessments**

The proposed new site is mapped as being of medium sensitivity by the DFFE Screening Tool. However, the assessment indicated that the new site is mantled by Late Caenozoic superficial deposits that are generally fossil-poor, doleritic eluvial and possibly alluvial gravels related to the major dolerite intrusion shortly to the east. It is likely that any fossils originally preserved within the sedimentary bedrocks have been damaged or destroyed by thermal metamorphism and circulating hot groundwaters during dolerite intrusion. The new laydown area is therefore likely to be of lower (i.e., low to very low) palaeo-sensitivity than the authorised site and significant impacts on local fossil heritage are not anticipated.

There are therefore no objections on palaeontological heritage grounds to the proposed amendment of the location of the laydown area. The conclusions and recommendations regarding potential palaeontological heritage mitigation for the Coleskop WEF ancillary infrastructure outlined by Almond (2021) remain unchanged.

Timeline of process followed:

Process step	Date	On time? If not: how many days late and provide reason(s)
EA issued	10/11/2021	

First Amendment to the EA issued	31/03/2022	
EMPr approval	26/04/2022	
Submission of Application Form and draft report	18/07/2022	
Acknowledgement of Application Form and draft report by DFFE	28/08/2022	
Advertisement of the application	29/07/2022 and 10/08/2022	
Comments on Draft Report	18/08/2022	
Received Final Report	27/09/2022	
Routing date of this submission (by case officer)	13/12/2022	
<b>By what date should this EA amendment letter be signed for it to be within the legislated timeframes?</b>	<b>03/02/2023</b>	

### 3. IMPLICATIONS

#### 3.1. Personnel

No implications.

#### 3.2. Financial

No implications.

#### 3.3. Communication

No implications.

#### 3.4. Appeals

The risk of appeal is low, there were no objections raised to the proposed amendments.

### 4. CONSULTATION

#### 4.1. Internal

Comments were requested, received on 18/08/2022 stating that the Directorate Biodiversity Conservation does not have any objection to the proposed amendment if mitigation measures included in the EMPr are adhered to and implemented to minimize the potential negative impacts on the receiving environment and further loss of biodiversity.

#### 4.2. External

Comments were received from the Organ of State and I&APs during the draft period of the EA amendment process and were adequately addressed. The Public Participation Process has properly followed the requirement of the EIA Regulations 2014, as amended.

Organ of state	Date	Comments and/or recommendations
South African Heritage Resource Agency (SAHRA) Natasha Higgitt	16/08/2022	<p>The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit requests that the statement provided by the archaeologist be amended to include a map of the new location of batching plant and that a statement be provided regarding the validity of the recommendations of the previous assessment be provided in the statement.</p> <p><b><u>EAP's response</u></b></p> <p><b><i>We hereby confirm that the Archaeological statement was updated as per the requested map and validity statement. This letter was loaded onto SAHRIS, as required. The letter is also included in this final submission.</i></b></p> <p>The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:</p> <ul style="list-style-type: none"> <li>• 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development,</li> <li>• 38(4)b – The recommendations provided by the heritage specialists are supported and must be adhered to. No further conditions are provided for the development,</li> <li>• 38(4)c(i) – If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine</li> </ul>

		<p>021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule,</p> <ul style="list-style-type: none"> <li>• 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Ngqabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule,</li> <li>• 38(4)d – See section 51(1) of the NHRA regarding offences,</li> <li>• 38(4)e – The following conditions apply with regards to the appointment of specialists: <ul style="list-style-type: none"> <li>• i) If heritage resources are uncovered during the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA,</li> </ul> </li> <li>• The Final BAR and EMPr must be submitted to SAHRA for record purposes,</li> <li>• The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.</li> </ul> <p><b><u>EAP's response</u></b></p> <p><b><i>We hereby confirm that the EMPr and EA are currently aligned with the comments and recommendations submitted by SAHRA as part of the final comment.</i></b></p>
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**5. RECOMMENDATION**

Based on the above, it is recommended that the draft amendment letter be signed should the CD: IEA concur.

**RECOMMENDATION: SUPPORTED / NOT SUPPORTED**

**DIRECTOR: STRATEGIC INFRASTRUCTURE PROJECTS**

**DATE:**

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**RECOMMENDATION: APPROVED / NOT APPROVED**



**ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS**

**DATE:** 09 January 2023