

# Holland & Associates



Environmental Consultants

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

27 February 2023

Dear Interested and Affected Party and/or Authority

**HIGHLANDS SOUTH WIND ENERGY FACILITY (WEF) AND ITS ASSOCIATED  
INFRASTRUCTURE, NEAR SOMERSET EAST & PEARSTON, EASTERN CAPE PROVINCE:  
NOTIFICATION OF THE RE-ISSUE OF THE AMENDMENT OF THE ENVIRONMENTAL  
AUTHORISATION DATED 04 JULY 2022 AND 21 JULY 2022 (TO CORRECT A  
TYPOGRAPHICAL ERROR)**

**(DFFE REF No.: 14/12/16/3/3/1/1960/AM3)**

This letter serves to notify all registered Interested and Affected Parties (I&APs) that the Department of Forestry, Fisheries and the Environment's (DFFE) has re-issued the amendment of the Environmental Authorisation (EA) dated 4 July 2022 and 21 July 2022 (DFFE Ref: 14/12/16/3/3/1/1960/AM1 & 14/12/16/3/3/1/1960/AM2, respectively) in respect of the Application for Amendment of the Environmental Authorisation (EA) in terms of the National Environmental Management Act 1998 ("NEMA") (Act 107 of 1998) and the Environmental Impact Assessment ("EIA") Regulations (2014), as amended, for the Highlands South Wind Energy Facility (WEF) and its associated infrastructure, situated approximately 20km west of Somerset East and approximately 23km south-east of Pearston in the Eastern Cape Province. The abovementioned amendment of the EA dated 4 July 2022 and 21 July 2022 was re-issued to correct a typographical error on page 6 of the EA Amendment Decision where reference was made to Condition 39 of the EA, instead of Condition 42 of the EA, as per the instruction of the Minister of Forestry, Fisheries and the Environment in her Appeal Decision letter dated 14 December 2022 (LSA 221269).

The provisions regarding the submission of appeals that are contained in the National Environmental Management Act (No. 107 of 1998) National Appeal Regulations are also outlined herein, should an I&AP wish to appeal the correction of the typographical error and resultant re-issue of the decision by DFFE.

Note: The contact details of all registered Interested and Affected Parties (I&APs) for the project will be made available to any appellant(s), in the case of an appeal, as required in terms of Regulation 4 of the National Appeal Regulations (2014), as amended. Should you object to this intended use of your personal information (which is currently included in the registered I&AP database), please inform Tilly Watermeyer of Holland & Associates Environmental Consultants upon receipt of this notification, or by 6 March 2023.

## 1. Decision

You are hereby notified, on behalf of the Highlands South Wind Energy Facility RF (Pty) Ltd (hereafter referred to as "the Applicant"), that the Department of Forestry, Fisheries and the Environment (DFFE) has re-issued their amendment of the EA dated 4 July 2022 and 21 July 2022 in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended,

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for the Highlands South Wind Energy Facility, and associated infrastructure near Somerset East and Pearston, in the Eastern Cape Province, respectively.

As per EA amendment decision dated 4 July 2022 and 21 July 2022 (Ref: 14/12/16/3/3/1/1960/AM1 & 14/12/16/3/3/1/1960/AM2, respectively), DFFE has decided to amend the Environmental Authorisation (EA) dated 21 January 2020, including the following:

- Amendments to the project description of the EA;
- Addition of a Battery Energy Storage System (BESS) to the project description of the EA;
- Amendments to the preliminary layout of the project, and
- Removal of Conditions 17.1 and 42 of the EA.

The re-issued EA Amendment Decision Letter, dated 14 February 2023, outlines the decision, the details of the amendments to the EA, the reasons for the amendments (including the corrected typographical error), the details of the Applicant and decision maker, and the appeal process in terms of the National Appeal Regulations (2014), as amended. A copy of the re-issued EA Amendment Decision Letter is attached herewith as Annexure 2, for your convenience. (Note: The correction of the typographical error is underlined in the last paragraph of page 6 of the re-issued EA amendment decision letter dated 14 February 2023).

## 2. Right to Appeal

We would like to draw your attention to your right to appeal to the Minister against the re-issued EA amendment decision to correct the typographical error, in terms of the National Appeal Regulations, 2014, as amended, as outlined within the re-issued EA Amendment Decision Letter dated 14 February 2023. (Note: Only the correction of the typographical error has changed in the EA amendment decision and can therefore be appealed, i.e. all other details pertaining to the EA amendment granted have already been through an appeal process and are therefore not subject to an appeal process again).

Should any person wish to lodge an appeal against the correction of the typographical error included in the re-issue of the 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<sup>1</sup>, and any organ of state with interest in the matter within 20 (twenty) days from the date that the notification of the decision was sent to registered interested and affected parties by the applicant<sup>2</sup>.

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

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

By email: [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za);

By hand: Environment House  
473 Steve Biko,  
Arcadia,  
**PRETORIA**,  
0083; or

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<sup>1</sup> The registered I&AP database can be requested from Tilly Watermeyer of Holland & Associates Environmental Consultants on [tilly@hollandandassociates.net](mailto:tilly@hollandandassociates.net) by an Appellant.

<sup>2</sup> This letter serves as notification and was sent to registered I&APs on 27 February 2023.

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By post: Private Bag X447,  
PRETORIA,  
0001;

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

Should you have any queries please contact Tilly Watermeyer, Holland & Associates Environmental Consultants, PostNet Suite #108, Private Bag X12, Tokai, 7966, Tel: 060 319 1217 or Email: [tilly@hollandandassociates.net](mailto:tilly@hollandandassociates.net).

Yours sincerely



**NICOLE HOLLAND** BSc hons, Pr.Sci.Nat., Reg. EAP (EAPASA)  
**For: Holland & Associates - Environmental Consultants**



**TILLY WATERMEYER** (MSc)  
**For: Holland & Associates - Environmental Consultants**

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**Annexure 1:**

**NATIONAL APPEAL REGULATIONS, 2014 (GN R993 IN GOVERNMENT GAZETTE  
NO. 38303, 08 DECEMBER 2014)**

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## GOVERNMENT NOTICES

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### DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. R. 993

8 December 2014

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT NO. 107 OF 1998)

NATIONAL APPEAL REGULATIONS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF ENVIRONMENTAL AFFAIRS**

**SCHEDULE**

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## CHAPTER 1

## INTERPRETATION AND PURPOSE OF REGULATIONS

## Interpretation

1. (1) In these Regulations any word or expression to which a meaning has been assigned in the Act, and unless the context requires otherwise—

**“appeal administrator”** means a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

**“appeal authority”** is the Minister, the MEC or a person delegated the power to decide on appeals by the Minister or MEC, as the case may be;

**“appellant”** means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of these Regulations;

**“decision-maker”** means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

**“applicant”** means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

**“independent”**, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6 of these Regulations, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

**“the Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

- (2) When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days.
- (3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

### **Purpose of Regulations**

2. The purpose of these Regulations is to regulate the procedure contemplated in section 43(4) of the Act relating to the submission, processing and consideration of, a decision on an appeal.

### **Application of Regulations**

3. (1) These Regulations are applicable to an appeal in terms of section 43 of the Act to the Minister or MEC against a decision taken in terms of the:
- (a) Environment Conservation Act, 1989 (Act No. 73 of 1989);
  - (b) National Environmental Management Act, 1998 (Act No. 107 of 1998);
  - (c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
  - (d) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); or
  - (e) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

and subordinate legislation made in terms of any of these Acts.

- (2) No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority.
- (3) An appeal against a decision by an official or municipal manager acting under delegated authority from a metropolitan, district or local municipality must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

## **CHAPTER 2**

### **ADMINISTRATION AND PROCESSING OF APPEALS**

#### **Appeal submission**

4. (1) An appellant 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:



- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
  - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be—
- (a) submitted in writing in the form obtainable from the appeal administrator; and
  - (b) accompanied by—
    - (i) a statement setting out the grounds of appeal;
    - (ii) supporting documentation which is referred to in the appeal submission; and
    - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

### **Responding statement**

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

### **Appeal panel**

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.
- (2) The appeal panel contemplated in subregulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.

### **Recommendations and decisions on appeals**

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

### **Communication**

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

## **CHAPTER 3**

### **GENERAL MATTERS**

#### **Repeal of regulations**

9. The regulations mentioned in the Table in Annexure 1 to these Regulations are hereby repealed or amended to the extent set out in the third column of the Table.

**Transitional arrangements**

10. (1) An appeal lodged prior to the commencement of these Regulations, and which is still pending when these Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the appeal was lodged.
- (2) An appeal lodged after the commencement of the Environmental Impact Assessment Regulations, 2014 must be submitted, processed and considered in terms of these Regulations.

**Short title and commencement**

11. These Regulations are called the National Appeal Regulations, 2014, and take effect on the date of publication in the *Gazette*.

## ANNEXURE 1

REGULATIONS REPEALED		
Date and year of publication	Short title	Extent of repeal
Government Notice No. R.543, <i>Gazette No. 33306</i> of 18 June 2010.	Environmental Impact Assessment Regulations, 2010.	Chapter 7.

**Annexure 2:**

**RE-ISSUED HIGHLANDS SOUTH WEF EA AMENDMENT DECISION LETTER DATED**  
**14 FEBRUARY 2023**

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# 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:** 14/12/16/3/3/1/1960/AM3

**Enquiries:** Mr Herman Alberts

**Telephone:** (012) 399 9371 **E-mail:** HAlberts@dffe.gov.za

Mr Alan Wolfromm  
Highlands South Wind Energy Facility RF (Pty) Ltd  
Mountain Forest Farm  
Erf 384 Hoekwil  
**WESTERN CAPE**  
6560

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

## PER E-MAIL

Dear Mr Wolfromm

### **RE-ISSUE OF THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION DATED 04 JULY 2022 FOR THE HIGHLANDS SOUTH WIND ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE NEAR SOMERSET EAST WITHIN THE BLUE CRANE LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE**

The Appeal Decision (LSA 221269) dated 14 December 2022 refers.

Based on the Appeal Decision (LSA 221269) dated 14 December 2022, this Department has decided to re-issue the amendment of the EA dated 04 July 2022 and 21 July 2022, as follows:

#### **Amendment 1:**

The applicant applied to amend the EA as follows:

- amendments to the project description of the EA;
- the addition of a Battery Energy Storage System (BESS);
- amendments to the preliminary layout of the project; and
- removal of Condition 17.1 and 42 of the EA.

The activity description in the table on page 03 and 04 of the EA is amended:

**From:**

<p><u>Listing Notice 1 GN R 327 (as amended) Activity 12:</u>                  The development of (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs                  (a) within a watercourse                  (c) if no development setback exists within 32 m of a watercourse, measured from the edge of a watercourse.</p>	<p><i>Infrastructure will be required at 9 water crossings and within 32 meters of a watercourse that covers an area of more than 100m<sup>2</sup>.</i></p>
<p><u>Listing Notice 2 GN R 325 (as amended) Activity 1:</u>                  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><i>The WEF will consist of up to 15 turbines for electricity generation with a combined capacity of more than 20MW</i></p>

**To:**

<p><u>Listing Notice 1 Item 12:</u>  <i>"The development of-</i>                  (ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs</i>                  (a) <i>within a watercourse</i>                  (c) <i>if no development setback exists within 32m of a watercourse, measured from the edge of a watercourse."</i></p>	<p><i>Infrastructure will be required at 14 water crossings and within 32 meters of a watercourse that covers an area of more than 100m<sup>2</sup>.</i></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><i>The WEF will consist of up to 12 turbines for electricity generation with a combined capacity of more than 20MW.</i></p>

The wind turbine layout design coordinates on page 08 of the EA are amended:

**From:**

The Final Mitigated Layout		
WTG No.	Latitude	Longitude
T29	-32°46'51.40 "	25°22'9.10 "
T27	-32°46'9.14 "	25°22'22.67 "
T28	-32°46'22.18 "	25°22'54.18 "
T30	-32°47'3.48 "	25°21'54.16 "
T34	-32°47'46.68 "	25°23'3.03 "
T31	-32°47'13.08 "	25°22'7.90 "

T32	-32°47'24.00 "	25°22'51.10 "
T33	-32°47'39.17 "	25°22'3.15 "
T35	-32°48'3.94 "	25°21'31.62 "
T36	-32°48'27.09 "	25°22'58.41 "
T38	-32°48'43.49 "	25°22'45.29 "
T37	-32°48'35.81 "	25°22'12.46 "
T40	-32°48'56.68 "	25°22'12.63 "
T39	-32°48'46.80 "	25°21'34.46 "
T41	-32°48'59.94 "	25°20'44.24 "

**To:**

The Final Mitigated Layout		
WTG No.	Latitude	Longitude
T27	32°46'09.05"S	25°22'22.98"E
T28	32°46'22.18"S	25°22'54.18"E
T34	32°47'46.68"S	25°23'03.03"E
T31	32°47'13.08"S	25°22'07.90"E
T32	32°47'22.05"S	25°22'49.81"E
T33	32°47'33.78"S	25°21'59.14"E
T36	32°48'27.08"S	25°22'58.41"E
T38	32°48'43.50"S	25°22'45.27"E
T37	32°48'35.80"S	25°22'12.46"E
T40	32°48'56.68"S	25°22'12.62"E
T39	32°48'46.80"S	25°21'34.46"E
T41	32°49'01.18"S	25°20'44.71"E

The technical details for the facility table on page 08, 09 and 10 of the EA is amended:

**From:**

Component	Description/ Dimensions
Type of technology	Onshore Wind Turbine electricity generators
Structure height (Tip Height)	Between 125 m and 200 m
Surface area to be covered (including associated infrastructure such as roads)	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 51.4ha.



Structure orientation	Conventional three bladed horizontal axis wind turbine generator mounted on a single vertical tower structure.
Laydown area dimensions (Construction period and Operation)	Permanent laydown area and the temporary construction laydown area will both be approximately up to 1 hectare each.
Generation capacity of the facility as a whole at delivery points	15 Turbines x Maximum of 6 MW per turbine = 90 MW Maximum Generation Capacity
Location of the site	20 km west of Somerset East, Eastern Cape
Facility Area	The Proposed development site is approximately 10 000 hectares. This is the total area covered, in which all three phases will be located. The actual infrastructure footprint will be around 1% of this for the Highlands South Wind Energy Facility.
Number of Turbines	Up to 15 turbines
Site Access	32°41'20.53"S 25°21'31.02"E (R63)
Hub Height from ground level	up to 135 metres
Blade Length	up to 75 metres
Rotor Diameter	up to 150 metres
Area occupied by inverter transformer stations/substations	1.1 hectares
Capacity of on-site substation	66/132 kV
Centre point coordinates of on-site substation	32°47'25.30"S 25°22'27.45"E
Area occupied by both permanent and construction laydown areas	1 hectare permanent laydown area 1 hectare construction laydown area
Operations and maintenance buildings (O&M building) with parking area	200 m x 200 m
Length of internal roads	approximately 50 km

**To:**

Component	Description/ Dimensions
Type of technology	Onshore Wind Turbine electricity generators
Structure height (Tip Height)	Up to 267.5m
Surface area to be covered (including associated infrastructure such as roads)	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 48ha.
Structure orientation	Conventional three bladed horizontal axis wind turbine generator mounted on a single vertical tower structure.
Laydown area dimensions (Construction period and Operation)	Permanent laydown area and the temporary construction laydown area will both be approximately up to 1 hectare each.
Generation capacity of the facility as a whole at delivery points	90 MW Maximum Generation Capacity
Location of the site	20 km west of Somerset East, Eastern Cape

Facility Area	The Proposed development site is approximately 10 000 hectares. This is the total area covered, in which all three phases will be located. The actual infrastructure footprint will be around 1% of this for the Highlands South Wind Energy Facility.
Number of Turbines	Up to <u>12</u> turbines
Site Access	32°41'20.53"S 25°21'31.02"E (R63)
Hub Height from ground level	up to <u>180m</u>
Blade Length	up to <u>87.5m</u>
Rotor Diameter	up to <u>175m</u>
Area occupied by inverter transformer stations/substations	1.1 hectares
Capacity of on-site substation	66/132 kV
Centre point coordinates of on-site substation	32°47'24.34"S 25°22'28.30"E
Area occupied by both permanent and construction laydown areas	1 hectare permanent laydown area 1 hectare construction laydown area
Operations and maintenance buildings (O&M building) with parking area	200 m x 200 m
Length of internal roads	approximately <u>45km</u>
Battery Storage	<u>Battery Energy Storage System (BESS) adjacent to the substation on the temporary laydown area, (with a footprint approximately 1 ha, and a height of approximately 8 m)</u>

The following technical details for the BESS table have been added to page 10 of the EA:

<b>Component</b>	<b>Description/ Dimensions</b>
<i>Technology</i>	<i>Solid State (e.g.: Lithium Ion) or Flow Technologies</i>
<i>BESS footprint</i>	<i>Up to 1ha in total extent, including foundation and containerised battery system</i>
<i>Capacity</i>	<i>870MWh</i>
<i>Access road to BESS</i>	<i>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.</i>
<i>Height</i>	<i>Up to 8m</i>
<i>Fencing</i>	<i>Fencing around the footprint of the BESS will be installed for access restriction measures.</i>

Condition 1 on page 10 of the EA is amended:

**From:**

*"The proposed Highlands South Wind Energy Facility and Associated Infrastructure including grid connection infrastructure with a maximum output capacity of up to 90MW consisting of up to 15 turbines with a generating capacity of up to 6MW each, is hereby approved on the farms mentioned above on page 7."*

**To:**

*“The proposed Highlands South Wind Energy Facility and Associated Infrastructure including grid connection infrastructure with a maximum output capacity of up to 90MW consisting of up to 12 turbines, is hereby approved on the farms mentioned above on page 7.”*

The following condition on page 13 of the EA is hereby removed:

*“17.1. An Electromagnetic Compatibility (EMC) Control Plan, which identifies potential risk, mitigation measures and appropriate test and acceptable procedures during the design and construction of this facility. 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.”*

Condition 16.2 and 16.3 on page 13 of the EA is hereby amended:

**From:**

- “17. The EMPr amendment must include the following:*  
17.2. *All recommendations and mitigation measures recorded in the BAR.*  
17.3. *All mitigation measures as listed in the specialist reports within the BAR.”*

**To:**

- “17. The EMPr amendment must include the following:*  
17.2. *All recommendations and mitigation measures recorded in the BAR and subsequent EA amendment report(s).*  
17.3. *All mitigation measures as listed in the specialist reports within the BAR and subsequent EA amendment report(s).”*

The following condition on page 18 of the EA is hereby removed:

*“42. The development footprint must exclude the area identified as a potential target for the protected area expansion (NPAES).”*

**Reason for amendments:**

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 unit. 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.

Condition 42 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 42 of the EA, as it is viewed to be in conflict with the authorised project description and authorised EIA listed activities for the project (particularly the authorised 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.

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

This amendment letter must be read in conjunction with the EA dated 21 January 2020 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 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.

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 fourteen (14) days of the date of the decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of the 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.

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 (twenty) 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@dffe.gov.za](mailto:appeals@dffe.gov.za)

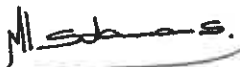
By hand: Environment House  
473 Steve Biko Road  
Arcadia  
**PRETORIA**  
0083 or

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.dffe.gov.za/documents/forms#legal\\_authorisations](https://www.dffe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za).

Yours faithfully



**Ms Milicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

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

**Date: 14/02/2023.**

cc:	Thabiso Klaas	Blue Crane Route Local Municipality	Email: <a href="mailto:mmanager@bcm.gov.za">mmanager@bcm.gov.za</a>
	Gerry Pienaar	EC DEDEAT	Email: <a href="mailto:Gerry.pienaar@dedea.gov.za">Gerry.pienaar@dedea.gov.za</a>
	Charmaine Struwig	EC DEDEAT	Email: <a href="mailto:Charmaine.Mostert@dedea.gov.za">Charmaine.Mostert@dedea.gov.za</a>
	Nicole Holland	Holland & Associates Environmental Consultants	Email: <a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a>



# 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, Pretoria, 0002 Tel: +27 12 399 9000, Fax: +86 625 1042

Enquiries: Devinagie Bendeman Telephone: 012 399 9337 E-mail: vbendeman@dfle.gov.za

Ms. Milicent Solomons  
Director: Priority Infrastructure Projects

Dear Ms. Solomons

## APPOINTMENT AS CHIEF DIRECTOR: INTERGRATED ENVIRONMENTAL AUTHORISATIONS (ACTING), FROM 01 FEBRUARY UNTIL 28 FEBRUARY 2023

I hereby inform you that I have decided to appoint you as Acting Chief Director: Intergrated Environmental Authorisations from 01 February until 28 February 2023.

All correspondence and other documents that are usually signed by the Chief Director: Intergrated Environmental Authorisations during must be signed under Acting Chief Director: Intergrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1998), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

  
Ms Devinagie Bendeman

Deputy Director-General: Regulatory Compliance and Sector Monitoring

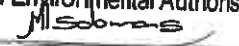
Date: 31 January 2023



*Batho pele* - putting people first

The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others

### ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~  
appointment as Acting Chief Director:  
Intergrated Environmental Authorisations  
Signed: 

Date: 31 January 2023