

Appendix G5:  
Comments Received

DEPARTMENT OF ENVIRONMENT, FORESTRY &  
FISHERIES



# environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

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

DEFF Reference: 14/12/16/3/3/2/1091/AM2

Enquiries: Ms Thullsile Nyalunga

Telephone: 012 399 9405 E-mail: [TNyalunga@environment.gov.za](mailto:TNyalunga@environment.gov.za)

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

Telephone Number: 011 656 3237  
Email Address: [joanne@savannahsa.com](mailto:joanne@savannahsa.com)

## PER MAIL / EMAIL

Dear Ms Thomas

### **COMMENTS ON THE DRAFT AMENDMENT REPORT FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 JULY 2019 FOR THE DEVELOPMENT OF THE 100MW LICHTENBURG 1 PHOTOVOLTAIC SOLAR ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE NEAR LICHTENBURG WITHIN THE DITSOBOTLA LOCAL MUNICIPALITY IN THE NORTH WEST PROVINCE**

The Environmental Authorisation (EA) for the above-mentioned project issued on 01 July 2019, and amended on 05 August 2019, the application for amendment of the EA and the draft amendment report received by the Department on 16 October 2020, and the acknowledgement letter dated 26 October 2020, refer.

#### The Department has the following comments on the abovementioned amendment application:

- (i) Please ensure that the risks associated with the Battery Energy Storage System technologies are assessed and included in the final BAR. Please note, this does not have to be a specialist assessment. A section in the BAR highlighting the risks and safety specifications of the technology will suffice.
- (ii) The EAP is to ensure that all the amendments applied for do not trigger any listed or specified activities as outlined in Regulation 31 of the EIA Regulations, 2014 as amended. In this regard, please note that if the change, on its own, triggers a listed activity, a new environmental authorisation will be required, even if the listed activity itself was included in the environmental authorisation.
- (iii) The report indicates that the battery energy storage system (BESS) "*may require the storage of dangerous goods for the operation and maintenance of the system, however this will be limited and will fall within the capacity of what was authorised for the solar energy facility*". Please note that installations, facilities or infrastructure related to the development (or expansion) of a battery energy storage system will not trigger any of the activities related to the development and related operation of facilities or infrastructure, for the storage, or storage and handling of a dangerous good, unless the battery is not fully assembled and the electrolyte (or substances making up such electrolyte) intended for such battery, may potentially be stored on site, in a container (e.g. tanks), prior to filling, and they meet the listed activity thresholds. This is because a battery is not regarded as a facility or infrastructure for the storage, or storage and handling of a dangerous good. In light of the above, please revisit and clarify this statement in the final report, if the intention is to use preassembled battery units, which will not, on its own, constitute a listed or specified dangerous goods activity; or if the envisaged development and related operation of facilities or

infrastructure, for the storage, or storage and handling of a dangerous good falls below the listed activity thresholds.

- (iv) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014 as amended.
- (v) A Comments and Response trail report (C&R) must be submitted with the final report. The C&R report must incorporate all comments received for this application. The C&R report must be a separate document from the main report and the format must be in table format.
- (vi) Please ensure that all issues raised and comments received during the circulation of the draft report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the C&R. Comments must be responded to fully (copy verbatim if required). Please note that a response such as "noted" is not regarded as an adequate response to I&AP's comments.
- (vii) Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (viii) The final report must also indicate that the draft report has been subjected to a public participation process.
- (ix) The final report must include a map, combining the final layout map superimposed (overlain) on the environmental sensitivity map.
- (x) Please ensure that the final report clearly distinguishes any new mitigation measures recommended to address the additional risks of the proposed amendment, from those already included in the approved EMPr. Ensure that the updated EMPr incorporates all new mitigation measures recommended by the EAP and specialists.

## **General**

Should there be significant changes or new information that has been added to the motivation report or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 32(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *"the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the report will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised report will be subjected to another public participation process of at least 30 days"*.

In the event where subregulation (1)(b) applies, the report, which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority.

Should you fail to meet any of the timeframes stipulated in Regulation 32 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

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

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
**Signed by: Ms Sindiswa Dlomo**  
**Designation: Deputy Director: National Infrastructure Projects**  
**Date: 15/11/2020**

cc:	Mr Robert Wagener	ABO Wind Lichtenburg 1 PV (Pty) Ltd	Email: robert.wagener@abo-wind.com
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SAHRA

Our Ref:



an agency of the  
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
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Enquiries: Natasha Higgitt  
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Email: [nhiggitt@sahra.org.za](mailto:nhiggitt@sahra.org.za)  
CaseID: 15633

Date: Tuesday November 17, 2020  
Page No: 1

## Final Comment

**In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)**

Attention: ABO Wind Lichtenburg 1 PV (Pty) Ltd

**ABO Wind Lichtenburg 1 PV (Pty) Ltd proposing the Amendment to include the construction and operation of a Battery Energy Storage (BESS) for the authorised Lichtenburg 1, Lichtenburg 2 and Lichtenburg 3 PV facilities with a capacity of up to 500MW/500MWh into the project description of the Environmental Authorisations (EAs) of each of the facilities. The BESS will be developed within the development footprint, within the authorised laydown area of each of the PV facilities, and with an extent of no more than 5ha.**

Savannah Environmental (Pty) Ltd has been appointed by ABO Wind Lichtenburg 1 PV (Pty) Ltd to conduct an Environmental Authorisation (EA) Amendment Application process for the authorised Lichtenburg 1 PV Facility, near Lichtenburg, North West Province (DEA Ref.: 14/12/16/3/3/2/1091).

A draft Motivation Report has been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA) and the NEMA Environmental Impact Assessment (EIA) Regulations. The proposed amendment will include the installation of a battery energy storage system (BESS) within the authorised laydown footprint covering less than 5 ha.

A previous SAHRIS Case ID 12843 has reference (<https://sahris.sahra.org.za/cases/lichtenburg-1>). In the Final Comment issued on 31/01/2019, SAHRA noted no objections to the original EA application and provided conditions for the development.

CTS Heritage has been appointed to provide heritage specialist input as part of the EA Amendment application report as required by section 24(4)b(iii) of NEMA and section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

*Lavin, J. 2020. Heritage Screening Assessment for the Proposed Amendment to the Lichtenburg 1 PV Facility, North West Province.*

No heritage resources were previously identified within the development footprint where the BESS is proposed to be situated. Three palaeontological observations are noted to be located in close proximity to the proposed

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Enquiries: Natasha Higgitt  
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BESS area, however, it is noted that these do not include any palaeontological resources.

## Final Comment

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 Motivation Report and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed amendment to the authorised development;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;
- 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 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;
- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 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;
- 38(4)d – See section 51(1) of the NHRA;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
  - i) If heritage resources are uncovered during the course of 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;
  - The Final Motivation Report and EMPr must be submitted to SAHRA for record purposes;
  - The decision regarding the EA Amendment Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.



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Yours faithfully

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Natasha Higgitt  
Heritage Officer  
South African Heritage Resources Agency

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Phillip Hine  
Manager: Archaeology, Palaeontology and Meteorites Unit  
South African Heritage Resources Agency

**ADMIN:**

Direct URL to case: <http://www.sahra.org.za/node/542066>  
(DEA, Ref: )

**Terms & Conditions:**

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.