



## 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:** 14/12/16/3/3/1/2707

**Enquiries:** Mr Wayne Hector

**Telephone:** (012) 399 9404, **E-mail:** [WHector@DFFE.gov.za](mailto:WHector@DFFE.gov.za)

Mr Dom Wills  
Naos Solar PV Project Three (Pty) Ltd  
2D Nautica  
The Water Club  
Beach Road  
Granger Bay  
**CAPE TOWN**  
8005

**Telephone Number:** (021) 421 9764  
**Email Address:** [permits@sola.africa](mailto:permits@sola.africa)

### PER EMAIL / MAIL

Dear Mr Wills

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF THE NAOS SOLAR PV PROJECT THREE NEAR VILJOENSKROON, FREE STATE PROVINCE.**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

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 decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 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, 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.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 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 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:**

Appeals and Legal Review of this Department at the below mentioned addresses.

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

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

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

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries & the Environment**

Date: 10/05/2023

cc:	Ms Lisa de Lange	Environamics Cc	Email: <a href="mailto:lisa@environamics.co.za">lisa@environamics.co.za</a>
	Grace Mkhosana	Free State EDTEA	Email: <a href="mailto:mkhosana@destea.gov.za">mkhosana@destea.gov.za</a>
	Mr Simon Moqwathi	Moqhaka Local Municipality	Email: <a href="mailto:mms@moghaka.gov.za">mms@moghaka.gov.za</a>



## forestry, fisheries & the environment

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

### Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended.

DEVELOPMENT OF THE NAOS SOLAR PV PROJECT THREE NEAR VILJOENSKROON, WITHIN THE  
MOQHAKA LOCAL MUNICIPALITY, FREE STATE PROVINCE.

FEZILE DABI DISTRICT MUNICIPALITY

<b>Authorisation register number:</b>	<b>14/12/16/3/3/1/2707</b>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Naos Solar PV Project Three (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Free State Province: Within Ward 22 of the Moqhaka Local Municipality on the Remaining Extent of the Farm Cijfervlei 6 and Portion 1 of the Farm La Reys Kraal Zuid 165.</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

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## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised.

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises—

### **NAOS SOLAR PV PROJECT THREE (PTY) LTD**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Dom Wills  
Naos Solar PV Project Three (Pty) Ltd  
2D Nautica  
The Water Club  
Beach Road  
Granger Bay  
**CAPE TOWN**  
8005

Telephone Number: (021) 421 9764  
Email Address: [permits@sola.africa](mailto:permits@sola.africa)

to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1,2, and 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><u>Listing Notice 1, Item 11:</u></p> <p>The development of facilities or infrastructure for the transmission and distribution of electricity-</p> <p>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>The proposed photovoltaic solar facility will transmit and distribute electricity of 132 kilovolts outside an urban area. The infrastructure for the distribution of electricity will include an on-site facility substation (33kV/132kV), collector substation(33kV/132kV), internal power lines (33kV/132kV) and a main overhead power line (33kV/132kV) that will connect the facility directly into the existing 132/400kV Mercury Main Transmission Substation (MTS).</p>
<p><u>Listing Notice 1, Item 12:</u></p> <p>The development of-</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square meters or more,</p> <p>(a) within a watercourse,</p> <p>(c) within 32 meters of a watercourse, measured from the edge of a watercourse.</p>	<p>The unchanneled valley bottom wetlands are present within all six grid connection corridors under assessment. Some of the power line pylons associated with the line may be located either within 32 meters or within the feature itself and will have a footprint of more than 100 square meters. The service road associated with the power line will also need to cross the watercourse.</p>
<p><u>Listing Notice 1, Item 14:</u></p> <p>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</p>	<p>The proposed development will need to develop infrastructure for the storage and handling of dangerous goods (diesel and oils) in containers with combined capacity of 80 cubic metres. The capacity will not exceed 500 cubic metres.</p>
<p><u>Listing Notice 1, Item 19:</u></p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil sand, shells, shell grit, pebbles or rock of more than 10 cubic meters from a watercourse.</p>	<p>The two unchanneled valley bottom wetlands are present within all six grid connection corridors under assessment. Some of the power line pylons associated with the line may be located either within 32 meters or within the feature</p>

	itself and will have a footprint of more than 100 square meters. The service road associated with the power line will also need to cross the watercourse. Therefore, excavation and removal of soil will be undertaken from the surface water features of up to 30 cubic meters.
<u>Listing Notice 1, Activity 24(ii)</u> The development of a road- (ii) with reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 meters.	The internal roads will vary between 8 and 12 meters in width. Internal access roads will be up to 12m in width. The main access road providing direct access to the project will be up to 8m wide.
<u>Listing Notice 1, Item 28(ii):</u> Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.	The portions of the affected property have been used for grazing and crop production and the property will be re-zoned to "special" use for the proposed development. The development footprint of the Naos Solar PV Project Three will be up to 350 hectares in extent.
<u>Listing Notice 1, Item 56 (ii):</u> The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre (ii) where no reserve exists, where the existing road is wider than 8 metres.	The existing access to the affected property will need to be widened by more than 6 metres. It is expected that only certain sections of the road will need to be upgraded, where relevant.
<b>Listing Notice 2</b>	
<u>Listing Notice 2, Item 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.	The proposed photovoltaic solar facility will generate up to 200 megawatts electricity through the use of a renewable resource.
<u>Listing Notice 2, Item 15:</u> The clearance of an area of 20 hectares or more of indigenous vegetation.	The site falls within the Vaal-Vet Sandy Grassland which is described by Mucina and Rutherford (2006) as 'endangered'. The portions of the site have not been lawfully disturbed during the preceding ten years; therefore, more than 20 hectares of indigenous vegetation will be removed. The development footprint of the solar power plant will be up to 350 hectares.

### Listing Notice 3

#### Listing Notice 3, Item 4:

The development of a road wider than 4 metres with a reserve less than 13,5 metres

#### (b) in the Free State-

(i) outside urban areas and within:

(bb) National Protected Area Expansion Strategy,

(ee) critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans and (gg) areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas.

The internal roads will vary between 8 and 12 meters in width. Internal access roads will be up to 12m in width. The main access road providing direct access to the project will be up to 8m wide.

The project falls outside of an urban area and located within a priority focus area of the National Protected Areas Expansion Strategy and a portion of the site and development area is located within a CBA1 as identified in the Free State 2015 Biodiversity Plan. The project is located within 5km of two protected areas in terms of NEMPAA, known as Mispha Game Farm located approximately 1.8km west and the Bushbaby Private Nature Reserve located approximately 3.1 km northeast of the proposed development as per the South Africa Protected Area Database of the Department of Forestry, Fisheries and the Environment.

#### Listing Notice 3, Item 10:

The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres,

#### (b) in the Free State-

(i) outside urban areas and within,

(bb) National Protected Area Expansion Strategy,

(ee) Critical Biodiversity Areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans,

(gg) areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas, and

The proposed development will need to develop infrastructure for the storage and handling of dangerous goods (diesel and oils) in containers with combined capacity of 80 cubic metres. The capacity will not exceed 500 cubic metres.

The project is located outside of an urban area and falls within a priority focus area of the National Protected Areas Expansion Strategy and a portion of the grid connection corridor alternative is located within a CBA1 as identified in the Free State 2015 Biodiversity Plan.

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<p>(hh) Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.</p>	
<p><u>Listing Notice 3, Item 12:</u></p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation.</p> <p>(b) <u>in the Free State-</u></p> <p>(i) within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004,</p> <p>(ii) within critical biodiversity areas identified in bioregional plans, and</p> <p>(iv) areas within a watercourse or wetland; or within 100 metres from the edge of watercourse or wetland.</p>	<p>The site is located within the Vaal-Vet Sandy Grassland vegetation type which are described by Mucina and Rutherford (2006) as 'endangered'. The development footprint of the solar power plant will be up to 350 hectares. Furthermore, a portion of the grid connection corridor alternatives is located within a CBA1 as identified in the Free State 2015 Biodiversity Plan.</p> <p>Some of the power line pylons associated with the line may be located either within 32 meters or within the feature itself. The service road associated with the power line will also need to cross the watercourse.</p>
<p><u>Listing Notice 3, Item 14:</u></p> <p>The development of-</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more where such development occurs,</p> <p>(a) within a watercourse; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>(b) <u>Free State Province-</u></p> <p>(i) outside urban areas,</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans, and</p> <p>(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.</p>	<p>The two unchanneled valley bottom wetlands are present within all six grid connection corridors under assessment. Some of the power line pylons associated with the line may be located either within 32 meters or within the feature itself and will have a footprint of more than 100 square meters. The service road associated with the power line will also need to cross the watercourse. The project is located outside of an urban area. A portion of the grid connection corridor alternatives is located within a CBA1 as identified in the Free State 2015 Biodiversity Plan.</p>



Listing Notice 3, Item 18:

The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.

(b) in the Free State-

(i) outside urban areas,

(bb) National Protected Area Expansion Strategy,

(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans,

(gg) areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas, and

(hh) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.

The existing access to the affected property will need to be widened by more than 6 metres. It is expected that only certain sections of the road will need to be upgraded, where relevant. The project is located outside of an urban area, within a priority focus area of the National Protected Areas Expansion Strategy and a portion of the grid connection corridor alternatives is located within a CBA1 as identified in the Free State 2015 Biodiversity Plan.

as described in the Basic Assessment Report (BAR) dated 22 March 2023 at:

21 Digit Surveyor General codes:

Remaining Extent of the Farm Cijfervlei No. 6 - F0360000000000600000.

Portion 1 La Reys Kraal Zuid No. 165 - F03600000000016500001.

Naos Solar Pv Project Three 240MW		
Project Site (development footprint of 350ha)	Latitude	Latitude
A	26°56'20.18"S	26°51'14.23"E
B	26°56'27.14"S	26°51'7.78"E
C	26°57'53.62"S	26°51'15.95"E
D	26°57'49.19"S	26°50'49.32"E
E	26°58'45.55"S	26°50'39.37"E
F	26°58'54.31"S	26°51'20.90"E
G	26°58'37.18"S	26°51'20.38"E
H	26°56'33.35"S	26°51'35.92"E
On-site Substation		
A	26°57'54.23"S	26°50'59.39"E
B	26°57'54.23"S	26°51'8.41"E

C	26°58'2.26"S	26°50'59.38"E
D	26°58'2.27"S	26°51'8.38"E
<b>Battery Energy Storage System</b>		
A	26°58'43.23"S	26°51'10.22"E
B	26°58'48.61"S	26°51'10.22"E
C	26°58'48.59"S	26°51'20.18"E
D	26°58'43.32"S	26°51'20.16"E
<b>Collector Substation Option 1</b>		
	26°57'54.23"S	26°50'59.39"E
	26°57'54.23"S	26°51'8.41"E
	26°58'2.26"S	26°50'59.38"E
	26°58'2.27"S	26°51'8.38"E
<b>Power Line Corridor – Option 1B</b>		
	26°58'39.14"S	26°51'24.69"E
	26°58'40.88"S	26°51'20.98"E
	26°58'53.82"S	26°51'22.24"E
	26°58'48.11"S	26°50'53.14"E
	26°59'6.14"S	26°49'55.78"E
	26°59'34.14"S	26°49'49.60"E
	26°59'44.01"S	26°49'42.78"E
	26°59'48.26"S	26°48'58.23"E
	26°59'43.50"S	26°48'50.79"E
	26°59'46.85"S	26°48'33.77"E
	27° 0'17.91"S	26°48'41.47"E
	27° 0'14.16"S	26°49'8.50"E
	27° 0'14.13"S	26°49'8.16"E

- for the construction of Naos Solar Pv Project Three near Viljoenskroon within the Mophaka Local Municipality, Free State Province, hereafter referred to as "the property".

The associated infrastructure will include the following:

- PV Panel Array.
- Site clearing and preparation and Civil works.
- Battery Energy Storage System (BESS).
- Inverters.
- Connection to the grid:

- On-site Facility Substation: up to 2000m<sup>2</sup>
- Collector Substation: up to 25000m<sup>2</sup>.
- Electrical reticulation network –An internal electrical reticulation network will be required and will be laid approximately 2-4 m underground as far as practically possible.
- Supporting Infrastructure – The following auxiliary buildings with basic services including water and electricity will be required on site:
  - Operations & Maintenance Building / Office (approximately 2500m<sup>2</sup>);
  - Switch gear and relay room (approximately 800m<sup>2</sup>);
  - Staff lockers and changing room (approximately 200m<sup>2</sup>);
  - Security control (approximately 60m<sup>2</sup>);
  - Permanent Laydown Area (approximately 8ha); and
  - Temporary batching plant.
- Road (upgrading of existing road where is required).
- Fencing.

#### **Technical details of the PV Facility:**

<b>Component</b>	<b>Description/ Dimensions</b>
Height of PV panels	Up to 3 meters
Area of PV Array	Naos Solar PV Project Three: up to 350 ha (Development Footprint).
Number of inverters required	Number of String inverters: up to 1250. Number of Central inverters: up to 75.
Area occupied by inverter/ transformer stations/ substations.	String inverters (per item): 1 m <sup>2</sup> . Central Inverters (per item): 20 m <sup>2</sup> . Transformers (per item): 20 m <sup>2</sup> (included in the on-site substation). On-site Facility Substation: up to 2000 m <sup>2</sup> . Collector Substation: up to 25000 m <sup>2</sup> . BESS: approximately 4.57ha.
Export capacity	<b>240MW</b>
Capacity of the on-site substation	33kV/ 132kV
Capacity of the collector substation	33kV/ 132kV
Capacity of the power line	33kV/ 132kV

Area occupied by both permanent and construction laydown areas	Approximately 8ha
Area occupied by buildings	<ul style="list-style-type: none"> <li>- Operations &amp; Maintenance Building / Office (approximately 2500m<sup>2</sup>);</li> <li>- Switch gear and relay room (approximately 800m<sup>2</sup>);</li> <li>- Staff lockers and changing room (approximately 200m<sup>2</sup>); and</li> <li>- Security control (approximately 60m<sup>2</sup>).</li> </ul>
Length of internal roads	up to 20km
Width of internal roads	up to 12m
Length of internal power lines to connect the collector substations	Naos Solar PV Project Three: up to 4km.
Grid connection corridor width	200m.
Grid connection corridor length- for main power line connecting to the Mercury MTS.	Power Line Alternative 1B (technically preferred)– up to 8km.
Power line servitude width	Up to 32m
Height of fencing	Approximately 3 meters

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The proposed construction of Naos Solar Pv **Project Three** (240MW) near Viljoenskroon within the Mqohaka Local Municipality, Free State Province is **approved** as per the geographic coordinates cited in the table above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised must only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary

to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.

6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of **ten (10) years from** the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal.**

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued;
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 11.4. give the reasons of the Competent Authority for the decision.

#### **Commencement of the activity**

12. The authorised activity must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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 has been finalised.

### **Management of the activity**

13. The Environmental Management Programme (EMPr) "*Appendix F*" submitted as part of the BAR dated 22 March 2023 is approved and must be implemented and adhered to.
14. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
15. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.
16. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIA be discovered.

### **Frequency and process of updating the EMPr.**

17. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
18. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
19. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
20. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
21. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure

plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

## Monitoring

22. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
  - 22.1. The ECO must be appointed before commencement of any authorised activities.
  - 22.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 22.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 22.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

## Recording and reporting to the Department

23. All documentation e.g., audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
24. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
25. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, considering the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
26. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e., within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
27. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the

audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.

28. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Notification to authorities**

29. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

#### **Operation of the activity**

30. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

#### **Site closure and decommissioning**

31. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

#### **Specific conditions**

32. All contractors and employees must undergo induction which is to include a component of environmental awareness. The induction is to include aspects such as the need to avoid littering, the reporting and cleaning of spills and leaks and general good "housekeeping";
33. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
34. A stormwater management plan must be compiled and implemented for the project, facilitating the diversion of clean water to the delineated resources.
35. Erosion Management Plan, Maintenance Plan and Rehabilitation Plan of natural vegetation must be developed to mitigate on habitat degradation and consider all phases of the development. Rehabilitation Plan must include the ongoing monitoring and maintenance of the surrounding natural vegetation.



36. Alien Invasive Plant Species Management and Rehabilitation Plans must be developed and submitted as part of the final report to mitigate habitat degradation due to erosion and alien plant invasion.
37. Permit from relevant authorities must be obtained prior commencement of any construction activities for the disturbance or removal of any nationally or provincially protected species.
38. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors (e.g., grasslands, rivers, wetlands, and dams).
39. Vegetation clearing prior and during construction must be limited to the footprint of the proposed development. Furthermore, the applicant must ensure that Laydown yards, camps and storage areas are placed within project area.
40. Mitigation measures as specified in the Avifauna Impact Assessment , Terrestrial biodiversity assessment, and Wetland Assessment must be implemented to reduce the risk of erosion and the invasion of alien species.
41. Construction must include 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.
42. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. No dumping of material on-site should be allowed.
43. All waste generated on-site during construction must be adequately managed. Separation and recycling of different waste materials must be supported.
44. Should archaeological sites or graves be exposed during construction work, it must immediately be reported to a heritage practitioner so that an investigation and evaluation of the finds can be made.
45. All recommendations and mitigation measures recommended in the specialist studies must be adhered to and be included in the EMPr

## **General**

46. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 46.1. at the site of the authorised activity;
  - 46.2. to anyone on request; and
  - 46.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
47. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages

or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

**Date of Environmental Authorisation:** 10/05/2023



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

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

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision.

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The triggered listed activities as applied for in the application form received on 08 February 2023.
- b) The information contained in the BAR dated 22 March 2023.
- c) The comments received from, DFFE-Directorate: Biodiversity conservation, and interested and affected parties as included in the BAR.
- d) Mitigation measures as proposed in the BAR and the EMPr.
- e) The Power line Generic EMPr and Substation Generic EMPr.
- f) The project site is within the Renewable Energy Development Zones (REDZ).
- g) The information contained in the specialist studies and mitigation measures contained within the "Appendix F" of the BAR dated 22 March 2023 and as appears below:

Title	Prepared by	Date
Terrestrial biodiversity assessment	An associate of Touching Africa	January 2023
Avifauna Impact Assessment	MORA Ecological Services Pty (Ltd)	August 2022
Visual Impact Assessment	Donaway Environmental	January 2023
Soil and Agricultural Assessment	The Biodiversity Company	August 2022.
Cultural Heritage Impact Assessment	Heritage Consultant:	August 2022.
Palaeontological Impact Assessment	Banzai Environmental (Pty) Ltd.	13 August 2022
Social Impact Assessment	Donaway Environmental.	January 2023.
Wetland Assessment	An associate of Touching Africa.	January 2023
Agriculture Economic Assessment	P J Botha. November 2022.	November 2022.

### 2. Key factors considered in making the decision.

All information presented to the Department was considered in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) The BAR dated 22 March 2023 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The location of the proposed 240MW Naos Solar Pv Project three (within the REDZ).

- e) The assessment of project alternatives and associated infrastructure.
- f) The methodology used in assessing the potential impacts identified in the BAR dated 22 March 2023 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

### **3. Findings**

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated 22 March 2023 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the BAR dated 22 March 2023 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase. This include both Power line Generic EMPr and Substation Generic EMPr.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels.