

Nkhensani Masondo

From: Thulisile Nyalunga <TNYALUNGA@dffe.gov.za>
Sent: Thursday, 22 September 2022 11:40
To: Nkhensani Masondo
Cc: Sindiswa Dlomo; Jo-Anne Thomas; Debbie-Lee Janse van Rensburg
Subject: RE: SE3272: Pixley Park EGI (2022-09-0026)

Dear Nkhensani

Since you are within an EGI corridor, you must follow normal EIA procedures (BARs) since the exclusion does not apply to you.

You must conduct site verification reports for the various themes to confirm the screening stool's findings.

Regards
Thulisile

From: Nkhensani Masondo <nkhensani@savannahsa.com>
Sent: Wednesday, 21 September 2022 16:33
To: Thulisile Nyalunga <TNYALUNGA@dffe.gov.za>
Cc: Sindiswa Dlomo <SDLOMO@dffe.gov.za>; Jo-Anne Thomas <joanne@savannahsa.com>; Debbie-Lee Janse van Rensburg <debbielee@savannahsa.com>
Subject: SE3272: Pixley Park EGI (2022-09-0026)

Dear Thulisile

The attached screening report refers.

As all environmental themes listed in the DFFE online screening tool report are high sensitivity, the provisions of GNR 2313 published on 27 July 2022 are not applicable. Therefore a Basic Assessment Process will be followed for the Pixley Park Electrical Grid Infrastructure.

Could you kindly confirm if our understanding the Standard is correct and that we are to follow a Basic Assessment Process for the Pixley Park Electrical Grid Infrastructure.

Kind regards,



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Nkhensani Masondo
Senior Environmental Consultant

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SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

Processing of personal Information / POPIA compliance

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From: Thulisile Nyalunga <TNYALUNGA@dffe.gov.za>
Sent: Wednesday, 21 September 2022 10:41
To: Nkhensani Masondo <nkhensani@savannahsa.com>
Cc: Sindiswa Dlomo <SDLOMO@dffe.gov.za>
Subject: RE: 2022-09-0026

Dear Khensani

The Department's advice regarding the EIA process for the Pixley Park Cluster is relevant to the Pixley Park Electrical Grid Infrastructure, so a pre-application meeting is not necessary.

Please attach this email to your application as proof that no meeting is required.

Regards
Thulisile

From: EIA Applications <EIAApplications@dffe.gov.za>
Sent: Tuesday, 20 September 2022 14:08
To: Thulisile Nyalunga <TNYALUNGA@dffe.gov.za>
Cc: Sindiswa Dlomo <SDLOMO@dffe.gov.za>; Nkhensani Masondo <nkhensani@savannahsa.com>
Subject: 2022-09-0026

Dear Thulisile.

Please note that you have been allocated an application:

Type of Application: Pre-Application Meeting Request;
Reference Number: 2022-09-0026;
Date Received: 20/09/2022;
Action Required: Decide on meeting request.

Kindly let Ephron know which date the meeting is to be held, if it will be set

EIA Applications

Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Please note that this email is for the receipt and processing of online applications only, and is not monitored for responses. All queries must be directed to EIAAdmin@dffe.gov.za.

You are advised that this mailbox has a 48 hour response time.

Please note that this mailbox has a 5mb mail limit. No zip files are to be attached in any email.

From: Nkhensani Masondo <nkhensani@savannahsa.com>
Sent: Tuesday, 20 September 2022 13:27
To: EIA Applications <EIAApplications@dffe.gov.za>
Cc: Jo-Anne Thomas <joanne@savannahsa.com>; Debbie-Lee Janse van Rensburg <debbielee@savannahsa.com>
Subject: Pixley Park Electrical Grid Infrastructure (EGI) near De Aar, Northern Cape

Good day

Herewith, please find the pre-application meeting request for the proposed Pixley Park Electrical Grid Infrastructure (EGI) near De Aar, Northern Cape.

Please feel free to contact me should you have any queries.

Kind regards,



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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: 14/12/16/3/3/1/2649, 14/12/16/3/3/1/2650, 14/12/16/3/3/1/2651 & 14/12/16/3/3/1/2652

Enquiries: Ms Thulisile Nyalunga

Telephone: (012) 399 9405 **E-mail:** TNyalunga@dffe.gov.za

Ms Nkhensani Masondo
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2191

Cellphone Number: (011) 656 3237
Email Address: nkhensani@savannahsa.com

PER MAIL / E-MAIL

Dear Ms Masondo

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORTS FOR THE PROPOSED CAROLUS, FOUNTAIN, RIET FOUNTAIN AND WAGT ELECTRICAL GRID INFRASTRUCTURE WITHIN THE EMTHANJENI LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Applications for Environmental Authorisations and the Draft Basic Assessment Report (BARs) dated October 2022 and received by the Department on 28 October 2022, refer.

This letter serves to inform you that the following information must be included to the Final BARs:

(a) Draft BARs

- (i) Please ensure that Appendix M: Maps also includes a layout map which is inclusive of the PV facility the proposed grid connection infrastructure will be connecting to. This will assist in giving the reviewing official a visual representation of the project in its entirety
- (ii) Please also ensure that the BAR provides background of the PV facility and the status thereof. Is it in process or has it been authorised.
- (iii) Kindly ensure that Sub-section 3: Declaration as contained in the generic EMPs is signed and dated.
- (iv) Please ensure that all listed activities applied for provide the specific thresholds, capacity, widths and lengths of access roads, and footprints. Please check that the project descriptions' specified activities correspond to the applicable listed activity thresholds. Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description
- (v) It is noted that specialist declaration of interest and undertaking under oath as contained in Appendix O of the draft BARs is not completed. Please ensure that details of the specialists that prepared the specialist reports, including their curriculum vitae and specialist declarations of independence, are included in the final BARs. You are referred to Appendix 6 (1) (1) (a)-(b) of the EIA Regulations, 2014, as amended).
- (vi) The screening tool identified the RFI Theme as very high sensitivity. You have indicated that the project site under consideration is located within an area that is classified as Less than 18 km from a Weather Radar installation, therefore the South African Radio Astronomy Observatory (SARAO) will be consulted during the 30-day review and comment period of the BA Reports to provide written comment on the

JKS

proposed developments. Please provide a motivation in the reports per the requirements of the Protocols (including site sensitivity verification report and specialist compliance statement for the RFI Theme).

- (vii) The meeting notes attached in Appendix 6 are for Pixley park cluster (The proposed development of four solar photovoltaic (PV) energy facilities (total capacity of 500MW)). Please provide the correct minutes for the grid connection infrastructure if there are any available.

(b) Screening Tool, Protocols and Specialist Studies

- (i) It was noted during the review of the draft BAR that some of the specialist commissioned did not adhere to the requirements of the protocol.
- (ii) The protocols states as follows:
 - 1.2. *The site sensitivity verification must be undertaken through the use of:*
 - (a) *a desk top analysis, using satellite imagery;*
 - (b) *a preliminary on -site inspection; and*
 - (c) *any other available and relevant information.*
 - 1.3. *The outcome of the site sensitivity verification must be recorded in the form of a report that-*
 - (a) *confirms or disputes the current use of the land and the environmental sensitivity as identified by the screening tool, such as new developments or infrastructure, the change in vegetation cover or status*
 - (b) *contains a motivation and evidence (e.g., photographs) of either the verified or different use of the land and environmental sensitivity; and*
 - (c) *is submitted together with the relevant assessment report prepared in accordance with the requirements of the Environmental Impact Assessment Regulations (EIA Regulations)."*
- (iii) There are various inconsistencies with regards to the specialist studies as contained in the BAR. Some of the specialist studies are for both the solar and grid connection infrastructure and some of the studies only focus on the grid connection infrastructure as per the four (04) applications for environmental authorisation under review.
- (iv) The outcome of the screening tool for the Avian theme is low sensitivity as per the screening report attached as Appendix N of the 04 draft BARs. However, the specialist report state that the findings for the Avian Theme was medium to high. Based on the information contained in the avifaunal impact assessment it seems as if the wrong specialist report was included as part of the report. The avifaunal specialist makes no reference to assessments and impacts associated with the powerline corridor and the MTS substation, the study speaks to the proposed construction of PV facilities and associated infrastructure. Kindly rectify this and attach the correct specialist study.
- (v) Both the biodiversity and aquatic specialist studies attached to the report do not include site verification reports. In addition, the specialist studies assessed the impacts for both the PVs and the powerlines, and it is not clear in the PV applications are still in process or if they have been authorised. Please ensure that both the specialist studies comply with the protocols, more specifically the requirements for a compliance study for linear infrastructure where applicable.
- (vi) On page 31 of the aquatic study the specialist it is stated that no alternatives were assessed for the proposed development. However, on page 41 the specialist state that "drainage network will be traversed by the proposed PV area and powerline infrastructure and all the associated alternatives in several areas". Kindly ensure that there is consistency across the study. The BAR shows three different routing alternatives for the proposed projects, and it is confusing as to why the specialist study is providing contradictory information in relation to alternatives
- (vii) Kindly confirm if the Heritage Specialist Study as contained in the 04 draft BARs assessed the entire corridor and not the individual impact of each grid connection alternative. Its is not clear if the Heritage Impact Assessment (HIA) considered the various alternatives as presented in the various BARs, as there is no information in the specialist studies which gives an indication of the impacts associated with the other three alternatives when compared or measured against the preferred alternatives.
- (viii) Page 11 of the HIA state that "alternatives and mitigation options were discussed with the EAP". Clarification is required on this statement, were these discussions captured anywhere and what are

the implication of the said discussion on the proposed project. In addition, section 5.3 Proposed development alternatives and Section 5.2 Sustainable Social and Economic Benefit are written "TBA." What does "TBA" stand for? There is no definition of this term within the document.

- (ix) Please note further that the protocols require certain specialists' to be SACNASP registered. Please refer to the relevant protocols in this regard.
- (x) Please include a table in the final BARs summarising the specialist studies required by the Screening Tool, a column indicating whether these studies have been conducted or not, a column indicating if a site verification has been conducted and whether or not the specialist study was commission subject to the findings of the site sensitivity verification report. Please note that if any of the specialists' studies as identified by the Department's Screening Tool are not commissioned, as a result of low site sensitivity rating, a site sensitivity verification for each individual theme (to confirm the findings or outcome of the screening tool) must be conducted and a report /s documenting the outcome thereof must be included in the BARs, per the requirements of the Protocols.

(xi) Public Participation Process

- (i) The final BARs must provide evidence that all identified and relevant commenting authorities have been given an opportunity to comment on the proposed development, including but not limited to the Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform, Fisheries and the Environment (DFFE): Biodiversity Conservation (BCAdmin@environment.gov.za), the Department of Water and Sanitation, the relevant heritage authorities, and the affected district and local municipalities.
- (ii) Proof of correspondence with the various stakeholders must be included in the Final BARs. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended and the approved Public Participation Plan.
- (iii) Comments and response trail reports (C&R) must be submitted with the final BARs. The C&R report must be a separate document from the main report and the format must be in the table format, which reflects the details of the interested and affected parties (I&APs) and the date comments were received, actual comments received, and responses provided. Please ensure that all issues raised, and comments received during the circulation of the draft BARs from registered I&APs and organs of state which have jurisdiction (including this Department's comments) in respect of the proposed activity are adequately addressed. Comments made by I&APs must be comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments.

General

Please also ensure that the final BARs include the period for which the Environmental Authorisation is required and the date on which the activity will be concluded (for activities without operational aspects) as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *"Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority- (a) a basic assessment report, inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority."*

Should there be significant changes or new information that has been added to the BARs or EMPs, 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 19(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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised documents will be subjected to another public participation process of at least 30 days.”*

Should you fail to meet any of the timeframes stipulated in Regulation 19 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 sincerely



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Letter signed by: Ms. Sindiswa Dlomo
Designation: Deputy Director: National Infrastructure Projects
Date: 28/11/2022

cc:	Mr Warren Morse	Carolus, Fountain, Riet Fountain and Wagt, Fountain Solar PV1 (Pty) Ltd	Email: warren@mulilo.com
	Mr Bryan Fisher	Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform	Bfisher@ncpg.gov.za
	Mr Isak Visser	Emthanjeni Local Municipality	visser@emthanjeni.co.za