

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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CaseID: 18822

Date: Wednesday December 14, 2022  
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## Final Comment

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

Attention: Vhuvhili Solar (RF) (Pty) Ltd

**The Project Applicant, Vhuvhili Solar (RF) (Pty) Ltd is proposing to design, construct and operate the Vhuvhili Solar Photovoltaic (PV) Energy Facility, and associated infrastructure approximately 7 km south-east of the town of Secunda in the Govan Mbeki Local Municipality and the Gert Sibande District Municipality in the Mpumalanga Province.**

CSIR have been appointed by ENERTRAG South Africa (Pty) Ltd to conduct an Environmental Authorisation (EA) Application for the proposed Vhuvhili Solar Photovoltaic Facility near Secunda, Mpumalanga Province.

A draft Scoping Report (DSR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 NEMA Environmental Impact Assessment (EIA) Regulations. The proposed development will include the construction of PV panels, a Battery Energy Storage System (BESS), on-site 33/132 kV substation, construction laydown area, operations and maintenance areas, workshops, site offices and meeting room, guard houses, ablution facilities, inverter/transformer stations, underground cables and internal powerline, access roads, internal roads, fencing, storm water channels within a development area of 3 115 ha.

Marion Bamford and ASHA Consulting (Pty) Ltd have been appointed to provide heritage specialist input as required by section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

*Bamford, M. 2022. The proposed development of the Vhuvhili Solar PV project southeast of Secunda, Mpumalanga Province – Palaeontology comment for Scoping Report*

The proposed development area is underlain by shales and sandstones of the Vryheid Formation that are potentially fossiliferous and may include fossils such as Glossopteris Flora. These sediments are overlain by moderately sensitive Quaternary alluvium and sands along the rivers and streams. A survey was conducted on the adjacent farm in 2021 and no fossils were identified.

*Orton, J. 2021. Heritage Scoping Report for the proposed Vhuvhili Solar PV Facility*



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A total of 15 heritage resources were identified within the proposed development area. These include five (5) burial grounds of Grade IIIA heritage significance, two (2) possible graves of Grade IIIA heritage significance, four (4) stone walled features of Grade GPB heritage significance and four (4) stone walled features of Grade GPC heritage significance.

Recommendations provide in the report include the following:

- No mitigation is required for archaeological resources as no significant resources are known. A preconstruction survey of the final footprint will serve to confirm whether any sensitive sites are present and mitigation recommendation would be made at the time;
- Graves and potential should all be avoided. It is suggested that the proponent plan for a larger area so that all graves identified during a preconstruction survey can be excised from the footprint but left in situ. The alternative of moving the graves is not recommended. All graves should be fenced with farmstyle fence and pedestrian gate;
- If any archaeological material or human burials are uncovered during the course of development then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist. Such heritage is the property of the state and may require excavation and curation in an approved institution.

In an Interim Comment issued on the 14/07/2022, SAHRA requests that a field-based PIA of the proposed development be conducted as the survey of the adjacent property was not accepted. Since the issuing of the Interim Comment, a Letter of Motivation for Exemption has been submitted for review (18/07/2022).

*Bamford, M. 2022. Motivation letter for Palaeontology desktop study for the proposed Vhuvhili solar PV project near Secunda in the Mpumalanga Province*

The specialist requests that the requirement for a field-assessment be reconsidered based on the following:

- A site survey was conducted by an archaeologist, and no fossils were identified;
- The adjacent site observation confirms no surface fossils for the Vhuvhili development;
- The development footprint has been farmed and is disturbed;
- The geological maps and associated palaeo-sensitivity are based on drill core results and are not indicative of surface exposures;
- It is unlikely that the proposed development will penetrate below 12 m to where the uppermost fossils

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may occur.

The moderately sensitive Quaternary alluvium and sands will be avoided based on ecological criteria. The potentially fossiliferous Vryheid formation shales and sandstones are located between 12 and 45 m below the surface. The specialist concludes by requesting that no site visit be insisted upon until excavations have commenced and only if fossils are uncovered.

In an Interim Comment issued on the 19/08/2022, SAHRA stated that further comments would be issued upon receipt of the draft EIA inclusive of appendices. Since the issuing of the Interim Comment, the draft EIA and appendices have been uploaded.

## 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 EIA and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit and Burial Grounds and Graves (BGG) Unit has no objections to the proposed development;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. Further additional specific conditions are provided for the development as follows:
  - BGG Unit conditions:
  - 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/ Ngqabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
  - 38(4)d – See section 51 of the NHRA regarding offences;
  - 38(4)e – The following conditions apply with regards to the appointment of specialists:
  - With reference to the mitigation work noted above, a qualified archaeologist must be appointed to

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undertake the work in terms of the permit applied for as noted above;

- 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 EIA and EMPr must be submitted to SAHRA for record purposes;
- The decision regarding the EA 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.

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: <https://sahris.sahra.org.za/node/599387>

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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.