

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

DFFE Reference: 14/12/16/3/3/1/2724 Enquiries: Coenrad Agenbach
Telephone: (012) 399 9403 E-mail: CAgenbach@dffe.gov.za

Mr Unai Urtasun Aberdeen Wind Facility 3 (Pty) Ltd PO Box 1730 Welgemoed CAPE TOWN 8001

Telephone Number:

(081) 461 7590

Email Address:

unai.bravo.urtasun@acciona.com

PER E-MAIL

Dear Mr Urtasun

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE 240MW ABERDEEN WIND ENERGY FACILITY 3 WEST OF THE TOWN OF ABERDEEN WITHIN THE DR BEYERS NAUDE LOCAL MUNICIPALITY IN THE EASTERN CAPE 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 fourteen (14) days of the date of the decision, 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 stipulate 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 abuse or compromise 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 prescribes 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 twenty (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:

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

By email: appeals@dffe.gov.za;

By hand: Environment House

473 Steve Biko Arcadia

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 or request a copy of the documents at appeals@dffe.gov.za.

Yours faithfully

Ms Milicent Solomons

Chief Director (Acting): Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Date: 26/06/2023.

CC:	Ms Nkhensani Masondo	Savannah Environmental (Pty) Ltd	Email: nkhensani@savannahsa.com
	Mr Dayalan Govender	Eastern Cape DEDEAT	E-mail: dayalan.govender@dedea.gov.za
	Dr Edward Rankwana	Dr Beyers Naude Local Municipality	Email: mmoffice@bnlm.gov.za



# **Environmental Authorisation**

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

# THE 240MW ABERDEEN WIND ENERGY FACILITY 3 WEST OF THE TOWN OF ABERDEEN WITHIN THE DR BEYERS NAUDE LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE

#### Sarah Baartman District Municipality

Authorisation register number:	14/12/16/3/3/1/2724	
Last amended:	First issue	
Holder of authorisation:	Aberdeen Wind Facility 3 (Pty) Ltd	
Location of activity:	Portion 1 of the Farm Doorn Poort No. 93;	
	Portion 1 (Good Hope) of the Farm No. 94;	
	Portion 3 (Remaining Extent) of the Farm Kraai Rivier No. 149;	
	The Farm Kraanvogel Kuil No. 155;	
	Portion 3 of the Farm Wildebeest Poortje No. 153;	
	Portion 1 of the Farm Kraay River Outspan No. 150;	
	Remainder of the Farm Doorn Poort No. 93;	
	Portion 4 of the Farm Sambokdoorns No. 92;	
	Dr Beyers Naude Local Municipality;	
	Sarah Baartman District Municipality;	
	Eastern Cape Province.	

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.



**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 -

ARBERDEEN WIND FACILITY 3 (PTY) LTD

(hereafter referred to as the holder of the authorisation)

with the following contact details -

Mr. Unai Urtasun

PO Box 1730

Welgemoed

**CAPE TOWN** 

8001

Telephone Number:

(081) 461 7590

Email Address:

unai.bravo.urtasun@acciona.com

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

Activity number	Activity description
Listing Notice 1, Item 11:	
"The development of facilities or infrastructure for the transmission and distribution of electricity  (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts."	The wind farm will require the construction and operation of a 132kV facility substation to facilitate the connection to the national grid. The turbines will be connected to the substation via 33kV cabling/grid
	lines. The development footprint for the facility substation is located outside of an urban area.
Listing Notice 1 Item 12:	
"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 metres of a watercourse, measured from the edge of a watercourse."	The wind farm will include the establishment of infrastructure (including internal access roads) with a physical footprint exceeding 100m² within or within 32m of drainage features, ephemeral washes or streams present within the project site. The development footprint of the wind energy facility will be up to 120ha in extent.
Listing Notice 1 Item 14:	
"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 meters or more but not exceeding 500 cubic meters."	The development of the wind farm will include the construction and operation of facilities and infrastructure for the storage and handling of dangerous goods (combustible and flammable liquids, such as oils, lubricants, solvents associated with the facility, and facility substation) where such storage will occur inside containers with a combined capacity exceeding 80 cubic meters but not exceeding 500 cubic meters.
Listing Notice 1 Item 19:  "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,	Drainage features, ephemeral washes or streams are present within the project site. During the construction phase, more than 10 cubic metres of rock will be

shell grit, pebbles or rock of more than 10 cubic removed from drainage features for the construction of the wind farm facility and associated infrastructure. metres from (i) a watercourse." Listing Notice 1 Item 24: "The development of a road— A 12m wide road corridor may be temporarily (ii) with a reserve wider than 13,5 meters, or where impacted during construction and rehabilitated to 6m no reserve exists where the road is wider than 8 wide after construction. The width of the internal metres." access roads between the project components will be approximately 8m but may be up to 10m wide where required for the movement of the crane between turbine positions. Listing Notice 1 Item 28: "Residential, mixed, retail, commercial, industrial or The total area to be developed for the wind energy institutional developments where such land was used facility (including the facility substation) is greater than 1ha and occurs outside an urban area and is for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such currently used for agricultural purposes, mainly development: grazing. The development footprint considered for the (ii) will occur outside an urban area, where the total establishment of the wind energy facility is up to land to be developed is bigger than 1 hectare." 120ha in extent and is located outside an urban area. Listing Notice 1 Item 56: "The widening of a road by more than 6m, or Existing farm roads within the project site will be lengthening of a road by more than 1kmwidened to up to 8m and/or lengthened by more than (ii) where no reserve exists, where the existing road 1km to accommodate the movement of heavy is wider than 8 metres." vehicles and cable trenching activities. Listing Notice 2 Item 1: "The development of facilities or infrastructure for the Aberdeen Wind Facility 3 will make use of wind generation of electricity from a renewable resource energy as a renewable energy resource. The project where the electricity output is 20 megawatts or more," will have a contracted capacity of up to 240MW. Listing Notice 2 Item 15: "The clearance of an area of 20 hectares or more of Aberdeen Wind Facility 3 will require the clearance of indigenous vegetation," an area of up to 120ha (the development footprint area) of vegetation. The project is proposed on a property where the predominant land use is grazing

and comprises of indigenous vegetation. The project would therefore result in the clearance of an area of indigenous vegetation greater than 20ha in extent.

#### Listing Notice 3 Item 4:

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

- a. Eastern Cape
- i. Outside urban areas
- (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."

The width of the main access roads to the site will be up to 12m. The width of the internal access roads between the project components will be approximately 8m but may be up to 10m wide where required for the movement of the crane between turbine positions. The project site is located outside of an urban area, and within areas containing indigenous vegetation and within the critical biodiversity areas as identified in the Eastern Cape Biodiversity Conservation Plan (within Ecological Support Areas).

#### 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

- a. Eastern Cape
- i. Outside urban areas
- (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined."

The development and operation of the wind farm and associated infrastructure will require facilities for 80 cubic metres of storage of dangerous goods, which will include flammable and combustible liquids such as oils, lubricants and solvents associated with the facility, on-site substation, and BESS hub. The project site is located outside of an urban area, within 100 metres from the edge of a watercourse and within the critical biodiversity areas as identified in the Eastern Cape Biodiversity Conservation Plan (within Ecological Support Areas).

#### Listing Notice 3 Item 12

"The clearance of an area of 300 square metres or more of indigenous vegetation except where such The Aberdeen Wind Facility 3 and associated infrastructure is within a CBA and CBA area and will

clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

- a. Eastern Cape
- 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;
- ii. Within critical biodiversity areas identified in bioregional plans."

require the removal of an area greater than 300 square metres of indigenous vegetation.

#### Listing Notice 3 Item 14:

"The development of: (x) buildings exceeding 10 square metres in size; where such development occurs— (a) within a watercourse a. Eastern Cape (i) Outside urban areas (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."

Aberdeen Wind Facility 3 will require the establishment of infrastructure (including internal access roads) with a physical footprint exceeding 10m2 within or within 32m of drainage features, ephemeral washes or streams present within the project site. The project site is located within the critical biodiversity areas as identified in the Eastern Cape Biodiversity Conservation Plan and falls outside of an urban area.

#### 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. a. Eastern Cape i. Outside urban areas: (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined."

Existing farm roads within the project site will be widened to up to 10m. The project site is located in the Eastern Cape, outside of an urban area, and within 100m of the edge of a watercourse.

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



21 Digit Surveyor General Code	
C00100000000009300001	
C00100000000009400001	
C0010000000014900003	
C0010000000015500000	
C0010000000015300003	
C0010000000015000001	
C00100000000009200004	
C00100000000009300000	

# Coordinates: Aberdeen Wind Energy Facility 3:

Points	Latitude	Longitude
Corner 1	32° 29' 15.05"S	23° 50' 23.24"E
Corner 2	32° 30' 39.84"S	23° 48' 38.61"E
Corner 3	32° 32' 31.75"S	23° 48′ 08.03"E
Corner 4	32° 32' 44.08"S	23° 49' 10.59"E
Corner 5	32° 35′ 45.68″S	23° 47′ 54.06″E
Corner 6	32° 36′ 16.94″S	23° 46' 58.54"E
Corner 7	32° 37' 37.51"S	23° 46′ 50.22″E
Corner 8	32° 37' 11.72"S	23° 51' 02.51"E
Corner 9	32° 35' 01.01"S	23° 50' 23.87"E
Corner 10	32° 34' 42.17"S	23° 51' 43.33"E
Corner 11	32° 30' 25.76"S	23° 52' 08.69"E

#### Coordinates for the on-site substation:

On-site substation	Latitude	Longitude
Corner 1	32° 34' 58.46"S	23° 50' 02.68"E
Corner 2	32° 35' 02.02"S	23° 50' 02.78"E
Corner 3	32° 35' 01.97"S	23° 50′ 05.09″E
Corner 4	32° 34' 58.41"S	23° 50′ 04.98″E

#### Coordinates for the Battery Energy Storage Systems:

Battery Energy Storage Systems (BESS)	Latitude	Longitude
Corner 1	32° 34′ 54.78″S	23° 50' 05.54"E
Corner 2	32° 35′ 02.00″S	23° 50' 05.75"E
Corner 3	32° 35' 01.82"S	23° 50′ 14.31″E
Corner 4	32°34'54.56"S	23°50'14.09"E

- for the 240MW Aberdeen Wind Energy Facility 3 west of the town of Aberdeen within the Dr Beyers Naude Local Municipality in the Eastern Cape Province, hereafter referred to as "the property".

#### The WEF will comprise of the following:

- A maximum of 41 turbines with a generating capacity of 240 MW in total with a development footprint of up to 120 hectares in extent;
- Specifications of the wind turbines is as follows:
  - > Blade length: minimum approximately 100m;
  - > Rotor diameter: Up to 200m;
  - > Hub height: Up to 200m;
  - > Rotor top tip height: Up to 300m; and
  - > Rotor bottom tip height: minimum of approximately 100m.
- Turbine foundations and hardstand are as follows:
  - > Approximately 70m x 45m per turbine crane pad;
  - > Approximately up to 6000m<sup>2</sup> for the crane boom assembly and storage area per turbine; and
  - > Approximately 32m x 45m with a depth to be determined (depending on soil type) per turbine.
- A 132kV onsite substation with a development footprint of up to 2ha in extent.
- Battery Energy Storage System (BESS)
  - > Solid state battery technology (e.g. Lithium-ion technology); and
  - Development footprint of up to 5ha.
- Access Roads:
  - > A main access road of approximately 9.6km in length and up to 10m in width;
  - ➤ An internal road network between project components inclusive of stormwater infrastructure. A 12m wide road corridor may be temporarily impacted during construction and rehabilitated to 6m wide after construction; and
- Warehouse, laydown area and site camp hub, including:



- > Construction laydown areas up to 9ha
- > Site camp up to 1 ha in extent
- ➤ Warehousing and buildings (including offices, gatehouse, warehouses, workshop, canteen, visitors centre, staff lockers, etc.): up to 1 ha in extent.
- Operation and Maintenance buildings, including control centre of up to 2ha.

### Technical details for the proposed Wind Energy Facility

Component	Description / dimensions	
Location of the site	20km West of Aberdeen, Eastern Cape Province	
The total area of the site	~7225ha	
Total disturbance footprint	During the construction phase up to 120ha will be disturbed/transformed, however a large portion of the development area will be rehabilitated which will result in a permanent development footprint of ~58,5ha.	
Maximum generation capacity for facility	240MW	
Number of Turbines	41	
Hub Height from ground level	Up to 200m	
Rotor top tip height	Up to 300m	
Rotor bottom tip height	Minimum ~100m	
Blade Length	Minimum ~100m	
Rotor Diameter	Up to 200m	
Turbine Foundation and Hardstand	<ul> <li>Turbine hardstand</li> <li>➤ ~70m x 45m per turbine crane pad;</li> <li>➤ ~up to 6000m² for the crane boom assembly and storage area.</li> <li>Turbine foundation</li> <li>➤ ~32m x 45m with a depth to be determined (depending on soil type) per turbine.</li> </ul>	
Laydown Areas, warehouse and site camp areas	Development footprint of approximately 16ha in extent  > A temporary construction laydown area of approximately 9ha in extent (total extent of ha across the site).	

	➤ A temporary warehouse of ±100mx100m (1ha).
	> A temporary site camp establishment and concrete
	batching plants of ±100mx100m (1ha).
Area occupied by the Operation and	Capacity: 132kV
Maintenance Building (O&M) and the Capacity	The on-site facility substation will cover an approximate
of the on-site substation	footprint of up to 2ha and O&M buildings up to 2ha will be
	placed within an area/hub within the development
	footprint.
Battery Energy Storage System (BESS)	Total footprint: ~5 ha
	Technology: Solid State Battery
Access and internal roads	Existing roads on the affected properties will be used
	where feasible and practical. The width of the internal
	access roads between the project components will be
	approximately 6m but a 12m wide road corridor may be
	temporarily impacted during construction.
	The width of the main access roads to the site will be up
	to 9.6km in length and up to 10m in width. upgrades will
	be required at the access point off the R61 and potentially
	at water crossings.

## **Conditions of this Environmental Authorisation**

#### Scope of authorisation

- The development of the 240MW Aberdeen Wind Energy Facility 3 west of the town of Aberdeen within the Dr Beyers Naude Local Municipality in the Eastern Cape Province as described above, are hereby approved.
- 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 may 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.
- 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 shall 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. A final site layout plan for the Wind Energy facility, as determined by the detailed engineering phase and micro-siting, and all mitigation measures as dictated by the final site layout plan, must be submitted to the Department for approval prior to construction. A copy of the final site layout map must be made available for comments to registered Interested and Affected Parties and the holder of this Environmental Authorisation must consider such comments. Once amended, the final development layout plan must be submitted to the Department for written approval, prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout plan. Existing infrastructure must be used as far as possible e.g., roads. The layout plan must indicate the following:
  - 13.1. The position of the wind turbines and associated infrastructure;
  - 13.2. Cable routes (where they are not along internal roads);
  - 13.3. Internal roads indicating width and length;
  - 13.4. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables;
  - 13.5. All sensitive features e.g. Critical Biodiversity Areas, Ecological Support Areas, heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
  - 13.6. Substation(s), inverters and/or transformer(s) sites including their entire footprint;
  - 13.7. Battery Energy Storage Systems including their entire footprint;
  - 13.8. Connection routes (including pylon positions) to the distribution/transmission network;
  - 13.9. All existing infrastructure on the site, such as roads;
  - 13.10. Soil heaps (temporary for topsoil and subsoil and permanently for excess material);
  - 13.11. Buildings, including accommodation; and,
  - 13.12. All "no-go" and buffer areas.

- 14. The generic Environmental Management Programme (EMPr) for the substation, submitted as part of the final BAR dated April 2023, is approved. The final site layout plan of the on-site substation, must be appended to Part B of the generic EMPr.
- 15. The Environmental Management Programme (EMPr) for the Wind Energy Facility, submitted as part of the EMPr is **not approved** and must be amended to include measures, as dictated by the final site layout plan and micro-siting, and the provisions of this Environmental Authorisation. The EMPr must be made available for comments to registered Interested and Affected Parties and the holder of this Environmental Authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity.
- 16. The EMPr amendment must include the following:
  - 16.1. Open Space Management Plan
  - 16.2. Re-Vegetation and Habitat Rehabilitation Plan
  - 16.3. Alien Invasive Management Plan
  - 16.4. Plant Rescue and Protection Plan
  - 16.5. Traffic and Transportation Management Plan
  - 16.6. Stormwater Management Plan
  - 16.7. Aguatic Rehabilitation and monitoring plan
  - 16.8. A bird fatality threshold and adaptive management policy
  - 16.9. Waste Management Plan
  - 16.10. Chance Fossil Finds Procedure
  - 16.11 Erosion Management Plan
  - 16.12.A storm water and wash water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of 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;
  - 16.13. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion. This plan must ensure to include drainage features that will be infilled and or excavated;
  - 16.14. The requirements and conditions of this Environmental Authorisation;
  - 16.15.All recommendations and mitigation measures recorded in the BAR and the specialist reports as included in the final BAR dated April 2023; and
  - 16.16. The final site layout plan.



- 17. Once approved, 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.
- 18. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.
- 19. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

#### Frequency and process of updating the EMPr

- 20. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 31 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.
- 21. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
- 22. 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.
- 23. 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.
- 24. 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 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

- 25. 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.
- 26. The ECO must be appointed before commencement of any authorised activities.
- 27. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
- 28. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 29. 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

- 30. 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 at Directorcompliance@dffe.gov.za.
- 31. 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 at Directorcompliance@dffe.gov.za.
- 32. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
- 33. The holder of the authorisation must, in addition, submit an environmental audit report 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.
- 34. 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.



35. 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

36. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. 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

37. 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

38. 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

- 39. Up to 41 turbines are approved.
- 40. The location of the turbines must be placed in a manner that the rotor swept area falls outside of all the medium high bat sensitivity and class 5.5 and above avifauna sensitivity areas.
- 41. The final placement of the remaining approved turbines must follow a micro siting procedure involving a walk-through and identification of any sensitive areas by ecological (terrestrial and aquatic), avifaunal, bat, surface water, palaeontology, and heritage specialists.
- 42. Once the final walkthrough by the relevant specialists have been completed, the final adjustments to the layout plan must be made based on the specialist micro-siting recommendations. Any No-Go Areas (areas that shall be excluded from any construction activity or general access by the construction team) within the development sites or servitudes shall be clearly indicated on maps and included with the micro-siting reports or attached to the EMPr.



- 43. The 'No-Go area' maps for specific infrastructure types (Appendix S: Layout Evolution) i.e., the No-Go area map for turbines (Figure 1), the No-Go area map for roads and MV cabling (Figure 2), and the No-Go area map for other associated infrastructure (Figure 3), must be strictly adhered to. These areas and their respective buffers must be avoided as recommended by the relevant specialist studies.
- 44. Exclusion of sensitive ecological, fauna, flora, avifaunal, bat, surface water and heritage areas from construction activities must inform micro siting of all development activities.
- 45. Contractors and construction workers must be clearly informed of the no-go areas.
- 46. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
- 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. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

#### Terrestrial Ecology and Vegetation

- 48. A preconstruction walk-though of the development footprint must be done to ensure that there are no individuals of Sensitive Species 1212 within the development footprint.
- 49. Monitoring of select populations of Sensitive Species 1212 near the development footprint must be done throughout the life of the wind farm to ensure that these populations are not being impacted. Should it become apparent that individuals are being lost, seed from locally sourced individuals should be used to cultivate seedlings that can be placed into the wild to replace the lost individuals.
- 50. Monitoring of construction activities must be done to ensure that personnel remain within the demarcated development footprint.
- 51. Site access control and monitoring of personnel on site must be done to ensure that people remain within the operational areas of the wind farm.
- 52. The designs of the roads and other infrastructure must seek to minimise faunal impacts and allow fauna to pass over, through or underneath these features as appropriate.
- 53. A log must be kept detailing all fauna-related incidences or mortalities that occur on site, including roadkill, electrocutions etc. during construction and operation. These must be reviewed annually and used to inform operational management and mitigation measures.
- 54. A search and rescue for reptiles and other vulnerable species during construction, before areas of intact vegetation are cleared must be done. Such search and rescue should be conducted by relevant experts with experience in search and rescue of the faunal groups concerned.



- 55. All laydown areas, construction sites etc with waste disposal bins, should be provided with lockable bins that are tamper proof by baboons, monkeys and other fauna.
- 56. No excavated holes or trenches should be left open for extended periods as fauna may fall in and become trapped.
- 57. The design must ensure that there is no electrical fencing around substations (and associated battery facilities) or other features within 30cm of the ground as tortoises become stuck against such fences and are electrocuted to death. Alternatively, a guard wire set at 20cm can be used to keep larger tortoises away from the fence.

#### Bats and Avifauna

- 58. A buffer of 500m must be applied to all areas identified as high bat sensitivity areas (a nearby small roosts, rivers, streams, wetlands, farm dams, and reservoirs) and no turbines, substations, buildings, battery energy storage systems, quarries, construction camps, or laydown areas are to be located in these areas.
- 59. A buffer of 500m must be applied to all areas identified as medium-high bat sensitive areas (potential onsite bat roosts) and no turbines, substations, buildings, battery energy storage systems, quarries, construction camps, or laydown areas are to be located in these areas.
- 60. A buffer of 200m must be applied to the secondary drainage lines and no turbines, substations, buildings, battery energy storage systems, quarries, construction camps, or laydown areas are to be located in these areas.
- 61. Disturbed terrestrial habitat and water resources (bat foraging habitat) must be rehabilitated. The rehabilitation must be done by an appropriate experienced specialist(s).
- 62. As soon as the first turbine is operational bat fatalities must be monitored (and ideally also live bat activity) during the WEF's first two years of operation, and then every fifth year thereafter in accordance with the latest SABAA guideline (Aronson et al. 2020 or later). The monitoring and data analysis must be conducted to a high standard so that there is confidence in the estimated numbers of actual bat fatalities.
- 63. Bat fatalities must be mitigated adaptively by consulting the latest SABAA guideline or the best available relevant scientific information. Adequate financial provision should be made to permit effective monitoring, management, and mitigation of bat fatalities throughout the life of the WEF.
- 64. The annual operational bat monitoring results must be reported to the South African Bat Assessment Association, the Endangered Wildlife Trust, and the national Department of Forestry, Fisheries, and the Environment.
- 65. High risk areas Classes 5.5 and above identified by the CRM Assessment in the Avifaunal Assessment are considered No-Go areas and no wind turbine generators are to be located in these areas.

- 66. A post-construction programme must be conducted by an avifaunal specialist (following the Birds and Renewable Energy Specialist Group guidelines) to (i) assess turbine-related fatalities and (ii) confirm that all aspects have been appropriately handled and in particular that road and hard stand verges do not provide additional substrate for raptor prey species. It is essential that the new wind farm does not create favourable conditions for such mammals in high-risk areas.
- A bird fatality threshold and adaptive management policy must be designed by an ornithologist for the site, prior to construction. This policy should form an annexure of the operational EMP for the facility. This policy should identify most importantly the number of bird fatalities of priority species which will trigger a management response, appropriate responses, and timelines for such responses.
- 68. Should the identified priority bird species fatality thresholds be exceeded in Year 1 and 2, either (i) an observer-led turbine Shutdown on Demand (SDOD) programme or (ii) and appropriate alternative mitigation (e.g. striped blade, automated SDOD) must be implemented on site. The former programme must consist of a suitably qualified, trained and resourced team of observers present on site for all daylight hours 365 days of the year. This team must be stationed at vantage points with full visible coverage of all turbine locations (typically 1 VP covering four turbines). The observers must detect incoming priority bird species, track their flights, judge when they enter a turbine proximity threshold, and alert the control room to shut down the relevant turbine until the risk has passed. A full detailed method statement or protocol must be designed by an ornithologist.
- 69. Anti-collision devices such as bird flappers must be installed where the internal powerlines cross avifaunal corridors (e.g. grasslands, rivers, wetlands, and dams). The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged. Additional areas of high sensitivity along the preferred alignment must also be identified by the avifaunal specialist for the fitment of anti-collision devices. These devices must be according to Eskom's Transmission and EWT's Guidelines.

#### Aquatic Ecology and Vegetation

- 70. A 25m buffer must be applied to the Alluvial Rivers with or without riparian vegetation identified on the site. These areas are declared as "No-Go" areas and no wind turbine generators, handstands, buildings/substations and BESS are to occur within these areas and their buffers.
- A 12m buffer must be applied to the minor watercourses identified on the site. These areas are declared as "No-Go" areas and no wind turbine generators, handstands, buildings/substations and BESS are to occur within these areas and their buffers.

- 72. Suitable stormwater management systems must be installed along roads and other areas and monitored during the first few months of use. Any erosion / sedimentation must be resolved through additional interventions as mentioned in the Stormwater Management Plan.
- 73. Where large cut and fill areas are required, these must be stabilised and rehabilitated during the construction process, to minimise erosion and sedimentation.
- 74. No surface storm water from the site must be directly discharged into the river/streams or wetlands. Energy dispensers, gabion mattress, erosion control structures and water pollution mitigation measures must be constructed and implemented.
- 75. Vegetation clearing must be limited to the required footprint for actual construction works and operational activities. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
- 76. A Search and rescue plan must be developed for any TOPs or species of conservation concern that have the likelihood of occurring in the study area. This plan will need to be updated once the pre-construction walk-through referred to above has been completed.
- 77. Final walk-through to locate Species of Conservation Concern that can be trans-located or avoided must be undertaken with an experienced and qualified ecologist.
- 78. Permits from relevant authorities must be obtained for the removal or disturbance of any TOPs, Red Data listed or nationally protected species.
- 79. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
- 80. Workers must be made aware of the importance of not destroying or damaging the vegetation along rivers and wetland areas and this awareness must be promoted throughout the construction phase.

#### Visual

- 81. A CAA-approved warning system which only requires the red lights to come on when an aircraft is in the vicinity (on demand warning lights) must be used to reduce the night-time impacts to the sense of place.
- 82. The holder of this authorisation must reduce visual impacts during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques, and restoring exposed soil as closely as possible to their original contour and vegetation.
- 83. A lighting engineer must be consulted to assist in the planning and placement of light fixtures to reduce visual impacts associated with glare and light trespass.
- 84. Lighting of main structures (turbines) and ancillary buildings must be designed to minimise light pollution without compromising safety, and turbines must be lit according to Civil Aviation Regulations.

#### Historical / cultural / paleontological resources

- 85. Should any archaeological sites, artefacts, paleontological fossils, or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the Eastern Cape Provincial Heritage Resources Authority (ECPHRA) must be informed, and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
- 86. A 1km buffer on either side of the N9 and the R61 road must be applied. No development is to occur on either side of these roads.
- 87. Steep or elevated topography, ridgelines or koppies must be avoided, with a no development buffer of at least 2.5km from Wolwekop.
- 88. A 500m buffer must be applied to specific graded resources and farmstead settlements IIIB and IIIC.
- 89. A 500m buffer must be applied to farmsteads forming part of the settlement pattern.
- 90. A 500m no development buffer area must be applied around sites ABD062, ABD093 and ABD173.
- 91. The Chance Fossil Finds Procedure must be implemented for the duration of construction activities.

#### Traffic

- 92. All vehicles should adhere to a low-speed limit on site to avoid collisions with susceptible species. Heavy vehicles should be restricted to 30km/h and light vehicles to 40km/h.
- 93. Existing road infrastructure must be used as far as possible for providing access to the proposed turbine positions. Where no road infrastructure exists, new roads must be placed within existing disturbed areas or environmental conditions must be taken into account to ensure that minimum amount of damage is caused to natural habitats.
- 94. Signage must be erected at appropriate points warning of turning traffic and the construction site.
- 95. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information to minimize impacts on possible faunal species.
- 96. Road borders must be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.

#### <u>Noise</u>

- 97. The holder of this authorisation must ensure that the equipment is well maintained and fitted with the correct and appropriate noise abatement measures.
- 98. Construction staff must be trained in actions to minimise noise impacts.
- 99. A complaint register, keeping a full record of the complaint, must be kept by the applicant. Investigations must be done for any reasonable and valid noise complaint if registered by a receptor staying within

Department of Forestry, Fisheries and the Environment Application Register Number: 14/12/16/3/3/1/2724

2000m from the location where construction activities are taking place, or where night-time construction

activities are required, or where an operational WTG are located.

General

100. The recommendations of the EAP in the BAR dated April 2023 and the specialist studies attached must

be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental

Authorisation, the specific condition of this Environmental Authorisation will take preference.

101. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the

approved EMPr, must be made available for inspection and copying-

101.1. at the site of the authorised activity:

101.2.to anyone on request; and

101.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible

website.

102. 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.

Ms Milicent Solomons

Chief Director (Acting): Integrated Environmental Authorisations

Department of Forestry, Fisheries and 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 listed activities as applied for in the application form received on 10 March 2023.
- b) The information contained in the BAR dated April 2023.
- c) The comments received from the DFFE: Biodiversity Conservation Directorate and Interested and Affected Parties as included in the BAR dated April 2023.
- d) Mitigation measures as proposed in the BAR and the EMPr dated April 2023.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated April 2023 and as appears below:

Title	Prepared by	Date issued
Terrestrial Biodiversity Theme Assessment	3 Foxes Biodiversity Solutions	January 2023
Animal Species Compliance Statement	3 Foxes Biodiversity Solutions	February 2023
Terrestrial Plant Species Specialist Assessment: Sensitive Plant Species 1212	3 Foxes Biodiversity Solutions	February 2023
Aquatic Assessment	EnviroSci (Pty) Ltd	February 2023
Avifaunal Impact Assessment, and Collision- Risk Modelling	Birds and Bats Unlimited (BBU)	April 2023
Bat Monitoring and Impact Assessment Report	Inkululeko Wildlife Services	February 2023
Heritage Impact Assessment	CTS Heritage	February 2023
Visual Assessment	LOGIS	February 2023
Noise Impact Assessment	EARES (Enviro Acoustic Research)	January 2023
Social Impact Assessment	Tony Barbour and Schalk van der Merwe	February 2023
Agricultural Assessment	TerraAfrica Consult cc	January 2023
Transport Study	JG Afrika (Pty) Ltd	February 2023
Wake Study	Acciona Energia	February 2023



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

All information presented to the Department was taken into account 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.

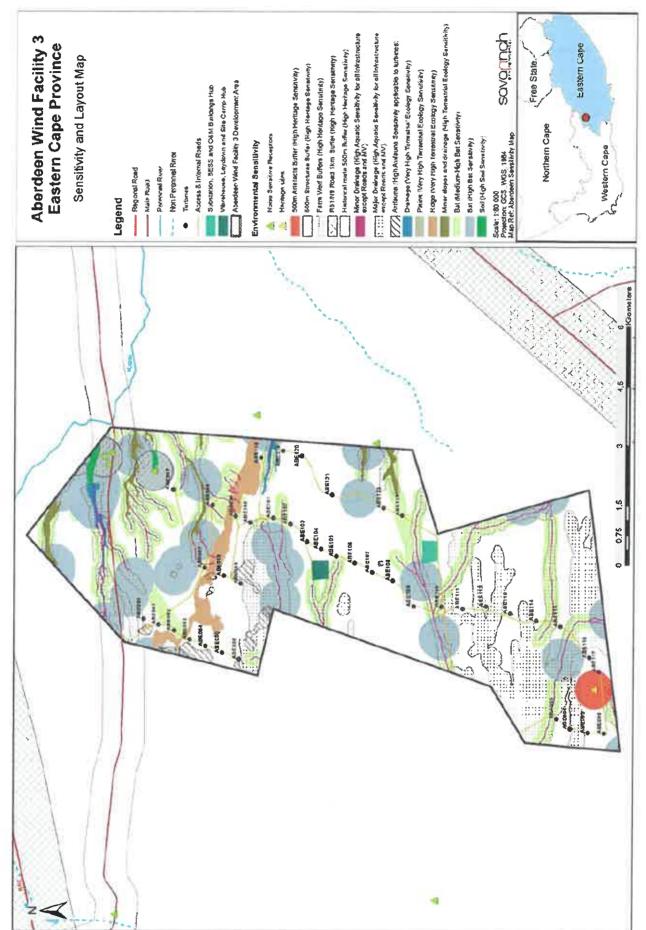
- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) The BAR dated April 2023 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The location of the proposed project falls within the Beaufort West Renewable Energy Development Zone (REDZ)11.
- e) The methodology used in assessing the potential impacts identified in the BAR dated April 2023 and the specialist studies have been adequately indicated.
- f) 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 April 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 April 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.

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. The Environmental Authorisation is accordingly granted.





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Ref: Acting Arrangements Enquiries: Sabelo Malaza

Telephone: 012 3998792 E-mail: smalaza@dffe.gov.za

Ms. Milicent Solomons

**Director: Priority Infrastructure Projects** 

Dear Ms. Solomons

APPOINTMENT AS CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS

(ACTING), FROM 26 JUNE 2023 UNTIL 30 JUNE 2023

I hereby inform you that you have been appointed to act in the post of Chief Director: Integrated Environmental Authorisations from **26 June 2023 until 30 June 2023**. Please note that acting arrangements may be terminated by any party giving 24 hours written notification.

All correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorisations must be signed under Chief Director: Integrated Environmental Authorisations (Acting) 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 1996), 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 Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Yours sincerely

Mr Sabelo Malaza

Deputy Director General (Acting): RCSM

Date: 14/84/2021

cc: Ms Milicent Solomons msolomons@dffe.gov.za Environmental Authorisations (Acting)

I ACCEPT / DO NOT ACCEPT-

Appointment as Chief Director:

**ACKNOWLEDGEMENT** 

Signed:

Date: 19 06 2023

2030

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.

Integrated