



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315, Pretorius Street · PRETORIA  
Tel (+ 27 12) 310.3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEAT/EIA/0000208/2011

DEA Reference: 12/12/20/2229

Enquiries: Samkeliswe Dlamini

Telephone: 012-395-1783 Fax: 012-320-7539 E-mail: [sdlamini@environment.gov.za](mailto:sdlamini@environment.gov.za)

Mr. Sterenberg Bester  
NetWorx S28 Energy (Pty) Ltd  
P.O. Box 54  
**MARCHAND**  
8873

Fax no: 086-684-0547

### **PER FACSIMILE / MAIL**

Dear Mr. Bester

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.543/544/545: PROPOSED PROJECT OF IR-ZX PHOTOVOLTAIC PLANT NEAR KEIMOE'S WITHIN THE KAI GARIB LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to accept the final Environmental Impact Report (EIR) dated January 2012 and received by the Department on 01 February 2012 in terms of regulation (24)(1)(a) of the Environmental Impact Assessment (EIA) Regulations, 2010, and to grant authorisation decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;

By post: Private Bag X447,  
Pretoria, 0001; or

By hand: 2nd Floor, Fedsure Building, North Tower,  
Cnr. Lilian Ngoyi (previously Van der Walt) and Pretorius Streets,  
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

**Appeals must be submitted in writing to:**

Mr T. Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: [tzwane@environment.gov.za](mailto:tzwane@environment.gov.za)

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



**Mr Mark Gordon**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
Date: 09 July 2012

CC:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Tel: 011-234-8621	Fax: 086-684-0547
	Mr Khutadzo Manyatsha	Provincial Department of Environment and Nature Conservation	Tel: 054-332-2885	Fax: 053-831-3530
	Mr T. Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs (DEA)).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

1. An appeal against a decision must be lodged with:-
  - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
  - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. An appeal lodged with:-
  - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
  - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. An appeal must be:-
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



**environmental affairs**

Department  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

**200 MW PROJECT OFIR-ZX PHOTOVOLTAIC PLANT NEAR KEIMOE'S WITHIN THE KAI GARIB  
LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE**

**SIYANDA DISTRICT MUNICIPALITY**

<b>Authorisation register number:</b>	12/12/20/2229
<b>NEAS reference number:</b>	DEA/EIA/0000208/2011
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	NETWORK S28 ENERGY (PTY) LTD
<b>Location of activity:</b>	NORTHERN CAPE PROVINCE; Within the Kai Garib Local Municipality.

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 authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

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, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

### **NETWORK S28 ENERGY (PTY) LTD**

with the following contact details –

Mr Sterrenberg Bester  
28 Degree Energy (Pty) Ltd  
P.O. Box 54

**MARCHAND**  
8873

Cell: (078) 815 8367  
E-mail: sterren@vodamail.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1 or 2 (GN R.544 & 545):

Listed activities	Activity/Project description
GN R. 544 Item 10:	The construction 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; or (ii) Inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.
GN R. 544 Item 13:	The construction 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 but not exceeding 500 m3.
GN R. 544 Item 22:	The construction of a road, outside urban areas, (i) with a reserve wider than 13,5 meters or, (ii) where no reserve exists where the road is wider than 8 metres.
GN R. 545 Item 1:	The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.
GN R. 545 Item 15:	Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; Except where such physical alteration takes place



Listed activities	Activity/Project description
	for: (i) linear development activities; or (ii) agriculture or afforestation where activity 16 in this schedule will apply

as described in the Environmental Impact Assessment Report (EIAR) dated January 2012 at:

Property size	Latitude	Longitude
Remaining extent of farm 616	28° 40' 23 51" S	20° 54' 58.58" E

- for the construction of the 200MW project Ofir-ZX photovoltaic plant on the remaining extent of farm 616 near Kelmoes within the Kai Garib Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- An inverter situated at the end of each "string" in order to switch the power from direct current (DC) to alternating current (AC).
- Underground cabling of 33 kV in order to distribute the power to a central on-site sub-station.
- A transformer together with the on-site sub-station to step-up the power from 33 kV to 132 kV, to be distributed between the plant and the Eskom grid.
- Connection of the PV plant to the power distribution grid. An existing 132 kV distribution line, which connects the Taaiputs Sub-station at Kakamas and the Oasis Substation at Keimoos, crosses the southern portion of the site. It is proposed that a new 132 kV power line will be built from the on-site sub-station to connect with the existing power line.
- Internal access roads for construction and maintenance purposes.
- Maintenance, security buildings, and a workshop.
- Solar kiosk (education centre).

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## Conditions of this Environmental Authorisation

### Scope of authorisation.

1. The preferred site on the remaining extent of farm 616 is approved.
2. Authorisation of the activity is subject to the conditions contained in this 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 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 authorisation in terms of the regulations.
6. This activity must commence within a period of three (3) years from the date of issue. 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.



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

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
  - 10.1. specify the date on which the authorisation was issued;
  - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons for the decision.
11. The holder of the authorisation must publish a notice –
  - 11.1. informing interested and affected parties of the decision;
  - 11.2. informing interested and affected parties where the decision can be accessed; and
  - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

### **Management of the activity**

12. The Environmental Management Programme (EMPr) and the layout plan for the construction submitted as part of the application for environmental authorisation is hereby approved. This EMPr and layout plan must be implemented and adhered to.

### **Monitoring**

13. The applicant must appoint a suitably experienced independent 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 authorisation are implemented and to ensure compliance with the provisions of the EMPr.
14. The ECO shall be appointed before commencement of any authorised activity.

15. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
16. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
17. A detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register must be kept on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
18. In addition the ECO must maintain the following on site:
  - 18.1. A daily site diary;
  - 18.2. Copies of all reports submitted to the Department; and
  - 18.3. A schedule of current site activities including the monitoring of such activities.
19. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
20. 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.

#### **Recording and reporting to the Department**

21. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
22. The holder of the authorisation must 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 within 30 days of completion of rehabilitation activities.
23. The environmental audit report must:
  - 23.1. Be compiled by an independent environmental auditor;
  - 23.2. Indicate the date of the audit, the name of the auditor and the outcome of the audit;
  - 23.3. Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
  - 23.4. Include measures to be implemented to attend to any non-compliances or degradation noted;
  - 23.5. Include copies of any approvals granted by other authorities relevant to the development for the reporting period; and

23.6. Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed.

24. The audit report must be submitted prior to commencement of the operation phase of the project.

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

25. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.

26. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

27. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

28. The applicant must obtain a Water Use Licence from the Department of Water Affairs (DWA) prior to the commencement of the project should the applicant impact on any wetland or water resource. A copy of the license must be submitted to the *Director: Integrated Environmental Authorisations* at the Department.

29. The applicant must submit a final layout plan for the entire energy facility for approval to the department before commencement of the activity. The layout should indicate the following:

- PV array positions;
- Foundation footprint;
- Permanent lay down area footprint;
- Construction period lay down footprint;
- Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
- Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
- Heritage sites that will be affected by the PV arrays and associated infrastructure;
- Sub-station(s) and/or transformer(s) sites including their entire footprint;
- Cable routes and trench dimensions (where they are not along internal roads);

- Connection routes to the distribution/transmission network;
  - Spoil heaps (temporary for topsoil and subsoil and permanently for excess material);
  - Buildings including accommodation; and
  - All "no-go" areas.
30. The final layout plan must also be superimposed (overlain) on an environmental sensitivity map to be submitted to the department.
31. The applicant must appoint a qualified botanical and fauna specialist to ground-truth every footprint and their recommendation must inform the final layout of the renewable energy facility and EMPr to be submitted to the department for approval.

#### **Notification to authorities**

32. Fourteen (14) days written notice must be given to the Department that the activity will commence. 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. This notification period may coincide with the commencement period contemplated above.

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

33. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

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

34. Should the activity ever cease or become redundant, the applicant shall 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**

35. All species of special concern (SSC) must be identified and every effort must be made to rescue them.
36. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
37. Critical available biodiversity information must be consulted for the final placement of PV panels and infrastructure.
38. The applicant must ensure that the continuous monitoring and removal of alien plant species is undertaken. An alien removal program must be developed and implemented.
39. A "Plant Rescue and Protection" plan which allows for the maximum transplant of conservation important species from areas to be transformed must be compiled by a vegetation specialist familiar with the site in consultation with the ECO. This plan must be implemented prior to commencement of the construction phase.
40. The applicant is required to inform the relevant provincial department and/or this Department should the removal of protected species, medicinal plants and "data deficient" plant species is required.
41. Existing road infrastructure must be used as far as possible for providing access to the proposed PV array positions. Where no road infrastructure exists, new roads should be placed within existing disturbed areas or environmental conditions must be taken into account to ensure the minimum amount of damage is caused to natural habitats.
42. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
43. The applicant 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.
44. A lighting engineer must be consulted to assist in the planning and placement of light fixtures in order to reduce visual impacts associated with glare and light trespass.
45. Lay down areas and stockyards should be located in low visibility areas (e.g. valleys between ridges) and existing vegetation should be used to screen them from view where possible.
46. Night lighting of the construction sites should be minimised within the requirements of safety and efficiency.

47. The applicant must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act.
48. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities. If possible, construction should be scheduled to take place within the post-harvest and pre-planting season, when fields are lying fallow.
49. No open fires for cooking or heating must be allowed on site.
50. Areas around fuel tanks must be bunded or contained in an appropriate manner as per the requirements of SABS 089:1999 Part 1.
51. Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.
52. An effective monitoring system must be put in place during the construction phase of the development to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. The applicant must ensure that precautionary measures are in place to limit the possibility of oil and other toxic liquids from entering the soil or storm water system.
53. Streams, river, pans, wetlands, dams and their catchments and other environmental sensitive areas must be protected from the direct or indirect spillage of pollutants.
54. No dumping or temporary storage of any materials may take place outside designated and demarcated laydown areas, and these must all be located within areas of low environmental sensitivity.
55. Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water.
56. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
57. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
58. If there are any changes to the layout, then additional survey work will be required in order to ensure that no sites are directly impacted and/or to identify the need for an excavation permit.
59. Should any graves be found, all construction activities must be suspended and an archaeologist be contacted immediately. The discovered graves must be cordoned off.
60. A comprehensive storm water management plan must be developed for the site to ensure compliance with applicable regulations and to prevent off-site migration of contaminated storm



water or increased soil erosion. The comprehensive storm water management plan should form part of the EMPr.

61. Construction must include appropriate 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.

#### General

62. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
63. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
64. 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 applicant or his 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 applicant 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: 09/07/2012



**Mr Mark Gordon**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

## **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 information contained in the EIR dated January 2012;
- b) The comments received from SAHRA and interested and affected parties as included in the EIR dated January 2012;
- c) Mitigation measures as proposed in the EIR dated January 2012 and the EMP;
- d) The information contained in the specialist studies contained in the EIR dated January 2012; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

### **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 need for clean and renewable energy sources to reduce the country's energy supply problems.
- c) The EIR dated January 2012 identified all legislation and guidelines that have been considered in the preparation of the EIR dated January 2012.
- d) The methodology used in assessing the potential impacts identified in the EIR dated January 2012 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

*RA*

### 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 EIR dated January 2012 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 proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) According to the independent EAP, the information contained in the EIR dated January 2012 is accurate and credible.
- f) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.