



forestry, fisheries & the environment

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

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

DFFE Reference: 14/12/16/3/3/2/2197

Enquiries: Ms Olivia Letlalo

Telephone: (012) 399 8815 E-mail: OLetlalo@dfpe.gov.za

Mr. Cornelius Weyers Janse van Rensburg
Keren Energy Harvard No.2 (Pty) Ltd
23 Periwinkle Way
Atlantic Beach Estate
Melkbosstrand
CAPE TOWN
7441

Cell phone Number: 065 803 8687
Email Address : weyers@kerenenergy.com

PER E-MAIL / MAIL

Dear Mr. Cornelius Weyers Janse van Rensburg

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED FOR THE PROPOSED HARVARD 2 SOLAR PV FACILITY ON PORTION 5 OF FARM SPES BONA NO. 2355, BLOEMFONTEIN, WITHIN MANGAUNG METROPOLITAN MUNICIPALITY IN THE FREE STATE PROVINCE

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

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which 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.

M.S

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

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

By email: appeals@dfef.gov.za

By hand: Environment House
473 Steve Biko
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.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@dfef.gov.za

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment
Date: 11/09/2023

cc:	Clinton Geysler / Bernard de Witt	EnviroAfrica cc	E-mail: clinton@enviroafrica.co.za / bernard@enviroafrica.co.za
	Teboho Maine	Free State Province (EDT&EA)	E-mail: teboho.maine@mangaung.co.za
	Billy Barnes	Mangaung Metropolitan Municipality	E-mail: billy.barnes@mangaung.co.za



forestry, fisheries & the environment

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

Environmental Authorisation

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

Proposed Harvard 2 Solar PV facility on Portion 5 of Farm Spes Bona No. 2355, Bloemfontein, within
Mangaung Metropolitan Municipality in the Free State Province

Mangaung Metropolitan Municipality

Application Register Number:	<i>14/12/16/3/3/2/2197</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Keren Energy Harvard No.2 (Pty) Ltd</i>
Location of activity:	<i>Portion 5 of Farm Spes Bona No. 2355, Bloemfontein, within Mangaung Metropolitan Municipality in the Free State Province</i>

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

M. J

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 –

Keren Energy Harvard No.2 (Pty) Ltd

with the following contact details –

Mr. Cornelius Weyers Janse van Rensburg
Keren Energy Harvard No.2 (Pty) Ltd
23 Periwinkle Way
Atlantic Beach Estate
Melkbosstrand
CAPE TOWN
7441

Cell phone Number: 065 803 8687

Email Address: weyers@kerenenergy.com

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
<p><u>Listing Notice 1, Activity 12(ii)(c):</u></p> <p><i>"The development of—</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more,</i></p> <p><i>where such development occurs—</i></p> <p><i>(a) within a watercourse.</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</i></p> <p>Excluding:</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour,</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies</p> <p>(dd) where such development occurs within an urban area; or</p> <p>(ee) where such development occurs within existing roads or road reserves or railways line reserves; or</p> <p>(ff) The development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	<p>Infrastructure, including the solar panels and associated infrastructure, will exceed 100m² (~122ha total development area = 120ha available for solar PV array + 2ha operational area/associated infrastructure) and will be constructed within 32m of the watercourse present on site.</p>

<p><u>Listing Notice 1, Activity 19 (i)</u></p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.</i></p> <p>But excluding where such infilling, depositing, dredging, excavation, removal or moving:</p> <p>(a) will occur behind a development setback,</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour, or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>Infilling, excavation and moving and/or removal of soil from the watercourse on site will likely occur during construction of the access road. Approximately 325m³ of material will be infilled and moved from the low-level drainage channel during the construction of the access road and water supply pipeline.</p>
<p><u>Listing Notice 1, Activity 28(ii):</u></p> <p><i>Residential, mixed, retail, commercial, industrial, or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</i></p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>A solar PV farm (industrial development), exceeding 1ha (122ha total development area), will be developed on land that was used for agriculture. The site is located outside an urban area.</p>
<p><u>Listing Notice 2, Activity 1:</u></p> <p><i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 MW or more, excluding where such development of facilities or infrastructure is for photovoltaic installations & occurs</i></p>	<p>The proposed development will generate up to approximately 68MW.</p>

<p>(a) within an urban area; or (b) On existing infrastructure.</p>	
<p>Listing Notice 2, Activity 15: The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>Although the development will have a total development footprint of approximately 122ha, approximately 98ha of indigenous vegetation, most partly disturbed by grazing etc., will be cleared.</p>
<p>Listing Notice 3, Activity 12(b)(iv) The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. b. In the Free State iv. Areas within a watercourse or wetland; or within 100m from the edge of a watercourse or wetland.</p>	<p>Although the development will have a total development footprint of approximately 122ha, approximately 98ha of indigenous vegetation, most partly disturbed by grazing etc., will be cleared, and will be within 100m of a watercourse identified on site.</p>

as described in the final Environmental Impact Assessment (EIAr) dated May 2023

SG 21 Code for the proposed solar PV facility

F	0	0	3	0	0	0	0	0	0	0	0	2	3	5	5	0	0	0	0	5
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Coordinates of the proposed solar PV facility

	Point	Latitude	Longitude
The Site coordinates of corner points of study area	Corner 1	29° 07' 36.00"S	26° 05' 06.30"E
	Corner 2	29° 07' 27.40"S	26° 06' 38.50"E
	Corner 3	29° 07' 55.00"S	26° 06' 47.00"E
	Corner 4	29° 08' 02.00"S	26° 05' 13.30"E
Site co-ordinates: Approximate central	Centre	29° 07' 45.00" S,	26° 05' 58.00" E
Grid connection station (switching station)	Centre	29° 07' 29.90" S	26° 05' 51.30" E.
Battery Energy Storage System (Lithium-ion batteries)	Centre	29° 07' 29.45" S	26° 05' 50.10" E.

MS

Storage and laydown area	Centre	29° 07' 32.10" S	26° 05' 43.70" E.
Inverter-transformer stations	Centre	29° 07' 29.70" S,	26° 05' 51.30" E
Offices and control room	Centre	29° 07' 31.50" S	26° 05' 48.90" E

- for the proposed the Harvard 2 Solar PV facility on Portion 5 of Farm Spes Bona No. 2355, Bloemfontein, Free State Province, hereafter referred to as "the property".

Keren Energy Harvard 2 (Pty) Ltd is proposing the development of a solar photovoltaic (PV) array on Portion 5 of Farm Spes Bona No. 2355, Bloemfontein, within Mangaung Metropolitan Municipality in the Free State Province.

The proposed property covers an area of 215ha, of which approximately 120ha and 2ha for operational area and associated infrastructure will be available to be developed for the PV array, consisting of single axis tracking systems and associated infrastructure, allowing for the generation of up to approximately 68MW of alternating current. The site is located approximately 5km west of Bloemfontein, 0.8km north of the N8. Access to the site is from Koppies Street, via a farm access road adjacent to the existing Harvard Substation, leading south.

From the grid connection station, connection to the Eskom Harvard Substation will be via an approximately 3.5km long 132kV overhead powerline (applied under Harvard 1 PV) located to the east of Portion 5 of Farm Spes Bona No. 2355 on the western edge of Remainder of Farm 2300. The overhead powerlines will run adjacent to existing overhead lines located within the existing servitude.

Associated infrastructure includes the internal access roads, office buildings with ablutions, maintenance sheds, inverter-transformer stations on concrete pads, battery storage banks/containers, construction and operational laydown area is also included. The entire site will be fenced off.

The inverter/transformer station, grid connection station and battery storage facilities will be located on a 1ha development footprint, adjacent to the offices and laydown area. The laydown area and offices will have a development footprint of approximately 5ha.

Possible water supply will be from the 110mm diameter Bloemwater reticulation network to the south of Harvard solar farm. Water will mostly be utilised for drinking purposes and washing of solar panels every two or three months, or less. The diameter of the pipeline will be 75mm or smaller.

MJ

The proposed solar PV facility will include the following infrastructure:

Components	Dimensions
Solar PV array development area	120ha
Access road	7m wide, 1,9km long (access road shared with Harvard 1, and located within the Harvard 1 development)
Internal access roads	4m wide, and 15km long
Offices and control room	0.4ha
Storage and Laydown area	1ha
Inverter-transformer stations	1.25ha
Water supply pipeline	75mm diameter, and 2.3km length (shared with Harvard 1)
Subsurface powerlines	Low voltage (0 – 1000V) = 13kmm. Medium voltage (1000 – 33 000V) = 5km.

M.S

Conditions of this Environmental Authorisation

Scope of authorisation

1. The proposed Harvard 2 Solar PV facility on Portion 5 of Farm Spes Bona No. 2355, Bloemfontein, within Mangaung Metropolitan Municipality in the Free State Province is approved as per the geographic coordinates cited in the table above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant, or person rendering a service to the holder of the authorisation.
4. The activities authorised 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.
7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made for the activity to be undertaken.
8. Construction must be completed within ten (10) 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,

MS

- 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 copy of the final site layout map must be made available for comments to the registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. The final sensitivity layout map must ensure that no turbines and associated infrastructure are placed within very highly sensitive area and their delineated boundaries. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following:
 - 13.1. The position of the solar PV panels.
 - 13.2. All associated infrastructure (new and existing).
 - 13.3. Water supply pipeline and the coordinates (i.e., start, middle and end).
 - 13.4. The proposed internal and access roads (length and width).
 - 13.5. Construction laydown areas, storage, office, control room and their coordinates.
 - 13.6. All "no-go" areas; and
 - 13.7. All sensitive features, and all "no-go" and buffer areas i.e., 15m wetland high avifaunal sensitivity, 50m rocky koppie and 30m historical landscape and aloe kraal, as identified by various specialists.
14. The Environmental Management Programme (EMPr) submitted as part of the EIAr is not approved and must be amended to include measures as dictated by the final site lay-out map. Search and rescue plan to remove and relocate Species of Conservation Concern identified within the study area must be developed and form part of the EMPr. The EMPr must be made available for comments by 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. Once approved the EMPr must be implemented and adhered to.

15. 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.
16. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
17. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. 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.
21. In assessing whether to grant approval of an EMPr which has been updated because 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.
22. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

23. 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.
 - 23.1. The ECO must be appointed before commencement of any authorised activities.
 - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted, and a task schedule of tasks undertaken by the ECO.
 - 23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

24. 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.
25. 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.
26. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, considering the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
27. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e., within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
28. 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.
29. 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

30. 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

31. 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

32. 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

33. A site walk through must be conducted prior to any activities taking place by the Terrestrial Biodiversity specialist and the findings must be considered in the position of the final development layout plan.
34. Suitable bird repelling structures and bird diverters must be used to avoid collision of birds with the PV facility and associated infrastructure.
35. The highly sensitive areas as identified by botanical and heritage specialists must be clearly demarcated as no-go areas.
36. The footprint of the development and access routes must be limited to the areas required for actual construction works.
37. A permit must be obtained from the relevant authorities for the removal or disturbance of any TOPs, Red Data listed or provincially protected species prior construction.
38. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
39. All excavations into bedrock must be monitored by a suitably qualified palaeontologist and a report on the outcomes of the monitoring activities must be submitted to SAHRA on completion of the development of the facility.

MS

40. 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 South African Heritage Resources Agency (SAHRA) must be informed, and the services of an accredited heritage professional obtained for an assessment of the heritage resources.
41. Hazardous substances must be stored in a bunded and designated area to avoid accidental leakage into the environment.
42. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. 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).

General

43. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 43.1. at the site of the authorised activity,
 - 43.2. to anyone on request; and
 - 43.3. Where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
44. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 11/07/2023


Mr Sabelo Malaza
Chief Director, Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

M. S

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 23 August 2022, amended application form received 04 July 2023 and emails received on 04 July 2023.
- b) The acceptance of final Scoping Report issued on 16 November 2022.
- c) The information contained in the final EIAr dated May 2023.
- d) The comments received from all interested and affected parties as included in the final EIAr dated May 2023.
- e) Mitigation measures as proposed in the EIAr and the EMPr for the facility dated May 2023.
- f) The information contained in the specialist studies contained within the appendices of the final EIAr.

2. Key factors considered in making the decision

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

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project ties in with the national government policies, plans, and programmes which have relevance to energy planning and production.
- c) The final EIAr dated May 2023 identified all legislations and guidelines that have been considered in the preparation of the EIAr.
- d) The methodology used in assessing the potential impacts identified in the final EIAr dated May 2023 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, 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 final EIAr dated May 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 proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.

- d) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr 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.

MS