



**REFERENCE NUMBER:** 16/3/3/1/F5/5/2016/24  
**NEAS REFERENCE NUMBER:** WCP/EIA/0001424/2024  
**DATE:** 04 October 2024

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
**MALMESBURY**  
7299

**For Attention: Ms. M. Terblanche**

Tel: (022) 487 9400  
Email: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

Dear Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DARLING SOLAR PHOTOVOLTAIC FACILITY AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 551, DARLING.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copies to: (1) Mr. C. Geysler (EnviroAfrica CC)

Email: [clinton@enviroafrica.co.za](mailto:clinton@enviroafrica.co.za)



**REFERENCE NUMBER:** 16/3/3/1/F5/5/2016/24

## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DARLING SOLAR PHOTOVOLTAIC FACILITY AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 551, DARLING.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Design Alternative, described in the Basic Assessment Report ("BAR") dated 14 June 2024.

### A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager  
Swartland Municipality  
c/o Ms. M. Terblanche  
Private Bag X52  
**MALMESBURY**  
7299

Tel: (022) 487 9400

Email: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

## B. AUTHORISED ACTIVITIES

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 1</p> <p><i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where—</i></p> <p><i>(i) the electricity output is more than 10 megawatts but less than 20 megawatts;</i></p> <p><i>or</i></p> <p><i>(ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare;</i></p> <p><i>excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs—</i></p> <p><i>(a) within an urban area; or</i></p> <p><i>(b) on existing infrastructure.</i></p> <p>Activity Number: 27</p> <p><i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>Activity Number: 28</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>A solar PV facility and associated grid connection infrastructure is proposed and will generate 19.9 megawatts (“MW”) electricity from a renewable resource.</p> <p>The proposed development will result in the clearance of more than 1ha, but less than 20ha of indigenous vegetation.</p> <p>The proposed development is bigger than 1ha and is located on a property that was used for agricultural purposes on or after 01 April 1998 and is located outside an urban area.</p>

<p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 4 Activity Description:</p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><b>i. Western Cape</b></p> <ul style="list-style-type: none"> <li>i. Areas zoned for use as public open space or equivalent zoning;</li> <li>ii. Areas outside urban areas; <ul style="list-style-type: none"> <li>(aa) Areas containing indigenous vegetation;</li> <li>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</li> </ul> </li> <li>iii. Inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for conservation use; or</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</li> </ul> </li> </ul> <p>Activity Number: 12 Activity Description:</p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p>	<p>The proposed development includes the development of access tracks approximately 5m wide, located outside an urban area on areas containing indigenous vegetation.</p> <p>The proposed development will result in the clearance of more than 300m<sup>2</sup> of indigenous vegetation within an endangered ecosystem.</p>

<p>i. <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;</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p> <p>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."</i></p>	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development:

The authorised development entails the development of a solar photovoltaic ("PV") facility and associated infrastructure on a portion of Erf 551, Darling.

The proposed solar PV facility will comprise of the following:

- PV panels for electricity generation;
- Battery storage facilities; and
- Electrical reticulation infrastructure.

The solar PV modules will be mounted on a table array anchored to the ground utilising rammed or planted steel support posts. The maximum height of the solar array tables in operation would be approximately 5m and would allow sufficient ground clearance for the free flow of surface water underneath the panels. A 5m management track will surround each block of photovoltaic arrays. These single-track management roads will be used as access roads to service and maintain structures and to serve as fire breaks. On full commissioning of the facility, any access points to the site, which are not required during operational phase will be closed. A maximum electricity output of approximately 19.9MW will be generated.

Access to the site will be gained via the service road leading from the DR1156. The total development footprint will be approximately 37ha in extent within a developable area of 54ha.

### C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on a portion of Erf 551, Darling. Access to the site will be from a service road leading from the DR1156, Darling.

The 21-digit Surveyor General code is:

Erf 551, Darling	C0460000000055100000
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The central site co-ordinate for the proposed development is:

Middle	33° 21' 52.20" South	18° 22' 39.20" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Layout Plan.

The above is hereinafter referred to as "**the site**".

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

EnviroAfrica CC  
c/o Mr. C. Geysler  
P.O. Box 5367  
**HELDERBERG**  
7135

Tel: (021) 851 1616  
Email: [clinton@enviroafrica.co.za](mailto:clinton@enviroafrica.co.za)

### E. CONDITIONS OF AUTHORISATION

#### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative, described in the BAR dated 14 June 2024 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
- b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activities during which period the authorised listed activities for the construction phase, must be concluded.

3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

#### **Written notice to the Competent Authority**

5. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
  - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 5.2. The notice must also include proof of compliance with the following conditions described herein:  
  
Conditions: 6, 7, 10, 17 and 18.

#### **Notification and administration of appeal**

6. The holder must in writing, within fourteen (14) calendar days of the date of this decision –
  - 6.1. Notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1. The outcome of the application;
    - 6.1.2. The reasons for the decision as included in Annexure 3;
    - 6.1.3. The date of the decision; and
    - 6.1.4. The date when the decision was issued.
  - 6.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section F below;
  - 6.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 6.4. Provide the registered I&APs with:
    - 6.4.1. The name of the holder (entity) of this Environmental Authorisation,
    - 6.4.2. The name of the responsible person for this Environmental Authorisation,
    - 6.4.3. The postal address of the holder,
    - 6.4.4. The telephonic and fax details of the holder,
    - 6.4.5. The e-mail address, if any of the holder; and
    - 6.4.6. The contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

7. The listed activities, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

### **Management of activities**

8. The draft Environmental Management Programme ("EMPr") (compiled by EnviroAfrica CC and dated June 2024) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of the development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.
12. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
  - 13.1. The holder must undertake an environmental audit within three (3) months of the commencement of the development activities and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of the environmental audit.
  - 13.2. Thereafter, the holder must undertake environmental audits every two years during the duration of the development phase and submit the environmental audit reports to the Competent Authority one (1) month after the completion of the environmental audits.
  - 13.3. A final Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development/construction activities.
  - 13.4. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request.



## Specific conditions

14. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape ("HWC"). Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.
15. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate.
16. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
17. The site must be clearly demarcated prior to the commencement of the development activities. The development footprint of the proposed development must be limited to the demarcated area.
18. Areas of the development site that specifically contain the host plant (i.e. *Eriocephalus africanus*) of the bladder grasshopper species must be surveyed for the presence of the bladder grasshopper species prior to commencement of site clearing activities. Should the bladder grasshopper species be encountered on site consultation with CapeNature must be undertaken.
19. The recommendations of the Botanical Scan & Terrestrial Biodiversity Compliance Statement (compiled by PB Consult and dated 18 October 2023), as included in the EMPr, must be implemented. This must include, *inter alia*, the following:
  - 19.1. The drainage line located to the north of the study area must be regarded as a "no-go" area and avoided during all phases of the development.
20. No development activities must occur within 100m of the drainage line at any given time.
21. The recommendations of the Visual Impact Statement (compiled by New World Associates and dated 20 March 2024), as included in the EMPr, must be implemented. This must include, *inter alia*, the following:
  - 21.1. The site must be screened at ground level by planting indigenous vegetation during the construction phase.
  - 21.2. The use of natural coloration for the perimeter fencing and container structures must be implemented during the operational phase.
22. The existing trees located along the southern boundary of the site, which serve as visual mitigation, must be retained during all phases of the proposed development.
23. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water may be used to mitigate dust nuisance.
24. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

## F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2 this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the Competent Authority -
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker *i.e.*, the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs -
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker *i.e.*, the Competent Authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:  
  
By post:                   Attention: Marius Venter  
                                  Western Cape Ministry of Local Government, Environmental Affairs and  
                                  Development Planning  
                                  Private Bag X9186  
                                  **CAPE TOWN**  
                                  8000  
  
By facsimile:           (021) 483 4174; or  
  
By hand:                 Attention: Mr M. Venter (Tel: 021 483 2659)  
                                  Room 809  
                                  8<sup>th</sup> Floor Utilitas Building  
                                  1 Dorp Street  
                                  **CAPE TOWN**  
                                  8001  
  
By e-mail:               [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)
5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

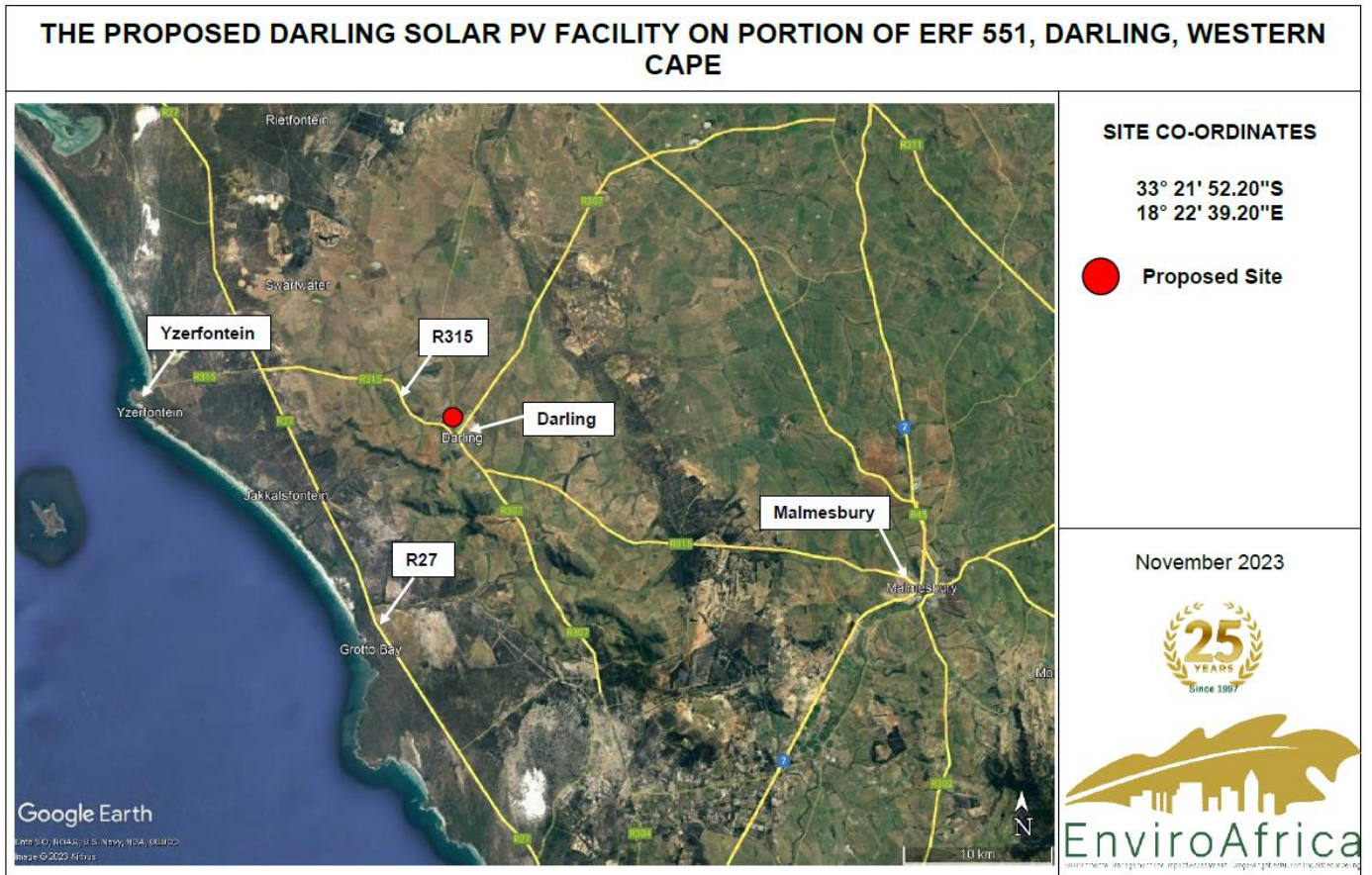
**DATE OF DECISION: 04 OCTOBER 2024**

Copies to: (1) Mr. C. Geyser (EnviroAfrica CC)

Email: [clinton@enviroafrica.co.za](mailto:clinton@enviroafrica.co.za)

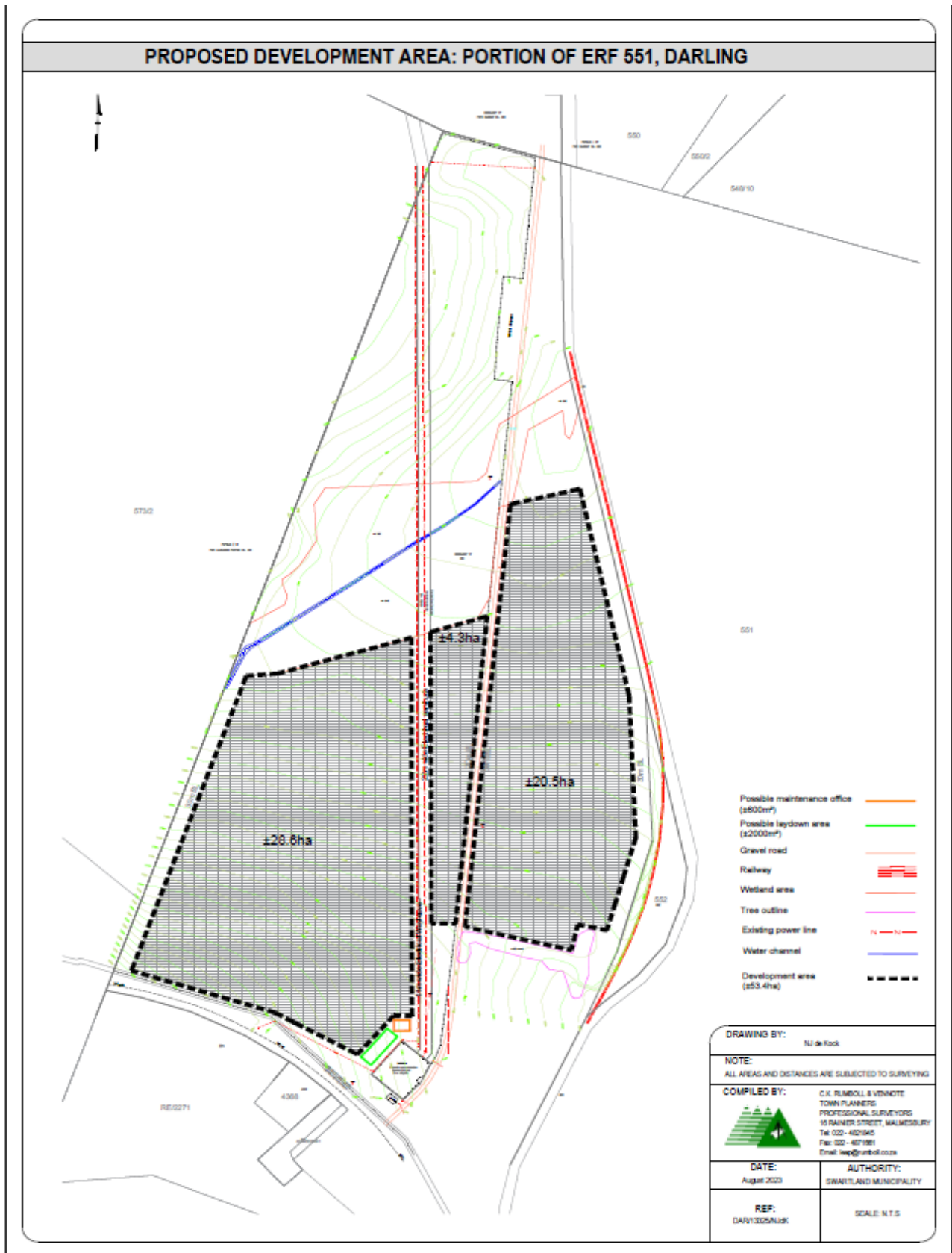
## ANNEXURE 1: LOCALITY MAP

The location of the proposed site is indicated in the locality map below.



## ANNEXURE 2: LAYOUT PLAN

The proposed Darling Solar PV Facility on a Portion of Erf 551, Darling.





## ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, *inter alia*, the following into consideration:

- a) The information contained in the Application Form dated and received by the Competent Authority on 25 March 2024, the BAR dated 14 June 2024 and EMPr dated June 2024 and received by the Competent Authority on 19 June 2024, the additional information received by the Competent Authority on 12 July 2024 and 30 September 2024;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 14 June 2024;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues which, according to the Competent Authority, were the most significant reasons for the decision, is set out below.

### 1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- Three site notices were placed on the site boundary fence, posters were placed at the Malmesbury municipal offices, at the Spar public notice board in Darling, at the entrance to the community to the east of the site;
- the placing of a newspaper advertisement in the “Swartland Joernaal” newspaper on 27 September 2023;
- giving written notice to I&APs and Organs of State having jurisdiction in respect of any aspect of the listed activities on 05 October 2023;
- making the pre-application BAR available to I&APs for public review for a period of 30 days from 12 January 2024 to 14 February 2024; and
- making the draft BAR available to I&APs for public review for a period of 30 days from 12 April 2024 to 15 May 2024.

Concerns with regard to, *inter alia*, the loss of agricultural land, electrical capacity of the existing substation and the consideration of alternatives were raised by I&APs. The concerns raised by I&APs were responded to and addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

### 2. Alternatives

The property (i.e. Erf 551, Darling) was the only property considered for the development. The property is owned by the holder, located adjacent to an existing municipal substation and will not require any additional overhead powerlines to connect the proposed development into the electricity grid.

The DR1156 road bisects Erf 551, Darling. Initially, only development on the western portion of Erf 551, Darling was considered for development. However, environmental considerations such as mapped terrestrial and aquatic Critical Biodiversity Areas ("CBA's") and a drainage line and an existing electricity servitude were not initially considered. The option of developing the entire western portion of the site was therefore not considered as feasible and not further considered. The preferred site (i.e. developable area) was selected based on the avoidance of the areas mapped as terrestrial and aquatic CBA's and the drainage line. Areas previously used for agriculture or disturbed areas were included in the preferred site selected. Two Design Alternatives and the "No-go" Alternative was therefore assessed on the preferred site as follows:

#### The Preferred Design Alternative (herewith authorised)

The Preferred Design Alternative development entails the development of a solar photovoltaic ("PV") facility and associated infrastructure on a portion of Erf 551, Darling.

The proposed solar PV facility will comprise of the following:

- PV panels for electricity generation;
- Battery storage facilities; and
- Electrical reticulation infrastructure.

The solar PV modules will be mounted on a table array anchored to the ground utilising rammed or planted steel support posts. The maximum height of the solar array tables in operation would be approximately 5m and would allow sufficient ground clearance for the free flow of surface water underneath the panels. A 5m management track will surround each block of photovoltaic arrays. These single-track management roads will be used as access roads to service and maintain structures and to serve as fire breaks. On full commissioning of the facility, any access points to the site which are not required during operational phase will be closed. The maximum electricity output of approximately 19.9MW will be generated.

Access to the site will be gained via the service road leading from the DR1156. The total development footprint will be approximately 37ha in extent within a developable area of 54ha.

The Preferred Design Alternative avoids the terrestrial and aquatic CBA's and drainage line located on the property. The potential visual and aesthetic impacts associated with the type of development as well as the recommendations provided by specialists in respect of these aspects in determining the ideal site location and design of the facility have been considered. The Preferred Design Alternative will not result in unacceptable environmental impacts and will provide job opportunities required in the area.

#### The Design Alternative

The design alternative would have entailed the installation of solar containers on the preferred site. Solar containers are self-housed solar power generation equipment and are designed to make solar energy installations more modular, portable, and easy to deploy. This option was not considered viable as the visual impact from the Container facility is expected to be higher than with the solar PV array. Other renewable energy sources such as concentrated solar power and wind turbines were not considered feasible or appropriate for the development and site.

#### "No-Go" Alternative

The "no-go" alternative implies that the "status quo" would remain. This alternative is not preferred as the proposed development of the solar PV facility is a positive utilisation of undeveloped land and will provide an additional source of energy supply into the electricity grid. This alternative would result in no development and no benefits to the local economy and no employment opportunities. Since the Preferred Design Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the application of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the No-Go alternative was not warranted.

### 3. Impact Assessment and Mitigation measures

#### 3.1. Need and Desirability and Planning Context

The proposed site has an agricultural zoning and is currently utilised for grazing purposes. The proposed site is located outside an urban area in terms of the NEMA EIA Regulations, 2014 (as amended). The site is ideally located on municipal property that is underutilised. It is directly adjacent to the municipal substation, thereby avoiding the need for additional overhead powerlines. Furthermore, the topography of the site is also ideal, as the property is generally flat, with very little gradient.

The proposed development is aligned with the Western Cape Provincial Spatial Development Framework ("PSDF") in that it contributes to the province's strategic objectives and policies, particularly energy diversification and energy efficiency for the transition to a low carbon economy. The proposed development contributes towards a sustainable energy future. The proposed development will increase electricity capacity to contribute to the alleviation of the country's energy crisis and addresses the need to reduce the load on the national energy grid. Furthermore, the proposed development will meet the demand for diversified energy sources. The proposed development is in line with the relevant planning policies applicable to the area. While the Western Cape Biodiversity Spatial Plan indicates that the property contains ecological support areas and critical biodiversity areas, it is noted that the development footprint has avoided these sensitive areas. Although a similar development has been authorised in the surrounding area, which will feed into the same existing municipal substation, an additional solar PV facility is not anticipated to negatively impact on the similar development from an infrastructure and additional power supply perspective.

#### 3.2. Agricultural Compliance statement

An Agricultural Compliance Statement (compiled by Johann Lanz and dated 22 September 2023) was undertaken for the proposed development. According to the Screening Report, the proposed site is located within a high sensitivity area from an agricultural perspective. The specialist disputes the rating provided by the Screening Report due to the agricultural production potential and current agricultural land use. According to the compliance statement, the proposed site is rated as being of medium agricultural sensitivity. The specialist indicated that the cropping potential of the proposed site is limited by the combination of climate and soil constraints. The specialist notes that while the site may have been utilised for rain-fed cropping in the past, such production is very likely to have become high risk and therefore no longer economically viable. The marginal agricultural potential of the site limits its agricultural use to grazing only. The specialist indicated that the use of the proposed site for renewable power generation will cause minimal loss of agricultural production potential in terms of national food security. Due to the fact that the energy facility will not occupy scarce, viable cropland, the overall negative agricultural impact of the development has been assessed to low negative significance and has been deemed to be acceptable from an agricultural perspective. The specialist recommended that the proposed development be approved.

The Western Cape Government Department of Agriculture: Land Use Management Directorate (in their correspondence dated 05 December 2023) indicated that they have no objection to the proposed application. Furthermore, the Western Cape Government Department of Agriculture: Land Use Management Directorate (in their correspondence dated 05 July 2024) indicated that the information provided clarified the reason for the preferred layout and that no further comments would be provided by the Department of Agriculture Land Use Management Directorate.



### 3.3. Freshwater Impacts

A Freshwater Report (compiled by WATSAN Africa and dated August 2023) was undertaken to determine the potential freshwater impacts associated with the proposed development. Although the Screening Tool Report indicated that the proposed site is located within a low sensitivity area, the freshwater study identified that a drainage line is located on the northern edge of the property. No Freshwater Ecosystem Priority Areas are mapped on the proposed site. The specialist delineated and classified the freshwater feature as a dry drainage line. The Present Ecological Status for the identified freshwater feature was categorised as Class D (i.e. largely modified) and was determined to have been modified by historical anthropogenic activities. The specialist indicated that the identified freshwater feature on the property is not deemed to be ecologically important, but is ecologically sensitive. The distance between the nearest proposed solar panel and the drainage line will be more than 100m. The overall impact of the proposed development is deemed to be of low negative significance as the drainage line will be avoided and the area has been excluded from the development footprint. The recommendations of the Freshwater Report have been included in the EMPr.

CapeNature indicated (in their correspondence dated 17 May 2024) that the botanical, faunal, avifaunal and aquatic assessments are supported and that all mitigation measures and recommendations must be implemented. The Department of Water and Sanitation provided no comments of objection in their comment dated 27 May 2024. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) will be adhered to.

### 3.4. Terrestrial Biodiversity Impacts

A Botanical Scan and Terrestrial Biodiversity Compliance Statement (compiled by PJJ Botes and dated 18 October 2023) was undertaken to determine the potential biodiversity impacts associated with the proposed development.

According to the South African vegetation map (2018), the study area would originally have been covered by the Swartland Granite Renosterveld vegetation type, which is classified as an Endangered vegetation type in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – The Revised List of Ecosystems that are Threatened and in Need of Protection, 2022. The specialist noted that parts of the site is mapped as Ecological Support Areas (“ESA’s”) and Critical Biodiversity Areas (“CBA’s”) associated with the small seasonal watercourse running to the north of the study area. The specialist confirmed that the study area had been transformed as a result of cultivation over a long period of time. No botanical species of conservation concern were recorded by the specialist. It is noted that the specialist recommended that the aquatic CBA area be considered a no-go area. The development footprint has avoided the CBA and therefore has been excluded in line with the specialist’s recommendation.

According to the Screening Report, the proposed development site is located within a high sensitivity area from an animal species perspective. The Screening Report identified that three high sensitivity avian species, two medium sensitivity insect species and two medium sensitivity invertebrate species are likely to be impacted by the development. The specialist indicated that the faunal species identified by the Screening Report are unlikely to be impacted by the development due to the habitat transformation on site. However, the host plant of the listed grasshopper species was found on site, but the likelihood of occurrence remained low.

The overall ecological significance of the proposed development was deemed to be of low negative significance without mitigation. With mitigation it is considered highly unlikely that the development will contribute significantly to loss of vegetation type and associated habitat, loss of ecological processes, loss of local biodiversity and threatened plant species and loss of ecosystem connectivity. The specialists’ recommendations have been included in the EMPr.

Cape Nature (in their correspondence dated 17 May 2024) indicated that the biodiversity constraints on the site are low and support the findings and recommendations of the specialist but recommended that a survey be conducted for the Bladder grasshopper considering that the host plant for this species exists on site. Their request has been incorporated as a condition of this Environmental Authorisation. The Department of Forestry, Fisheries and the Environment – Directorate Biodiversity Conservation indicated (in their correspondence dated 13 May 2024) that they do not have objections to the proposed development.

### 3.5. Visual Impacts

A Visual Impact Assessment (compiled by New World Associates and dated 20 March 2024) was undertaken to determine the potential visual impacts associated with the proposed development.

The proposed development will be located on a flat to gently undulating field situated on the northwestern outskirts of Darling adjacent to the Darling–Yzerfontein Road R315. The proposed site is currently used for grazing and considered to be rural in character. The proposed site forms part of a wider landscape that is both agricultural and conservatory with both aspects having a high perceived social value. Conserved areas such as the remaining natural hills and wetlands have high botanical, ecological and recreational value. The specialist indicated that the proposed development is anticipated to have a high potential visual impact on the landscape causing noticeable change to the visual environment. The development would have Moderate Visual Intrusion. The site has significant strategic vegetation visual absorption capacity in the south due to the old double gum avenue on its southern boundary. The sensitivity to visual change was therefore deemed to be of moderate to high significance because the site is located on the outskirts of Darling.

Glint and glare were included in the specialist assessment. Local route receptors were identified by the specialist and the potential glare might occur just immediately north of the site on the DR1156 and the nearby Klipberg to the north at certain times of day depending on the anti-reflective coating of the panels. The specialist indicated that the glare generated by the proposed developments could be screened by low-level boundary hedging without imposing on the surrounding agricultural landscape.

Overall, the proposed development was assessed to have a visual impact of high negative significance. The overall impact can be reduced to medium negative significance with the implementation of mitigation measures. The visual and aesthetic sensitivity of the area is deemed as moderate to high, while the anticipated impact on the landscape is high. The specialist's recommendations, with particular reference to screening the site with endemic vegetation and the use of natural coloration of the fencing and structures, have been included as conditions set in this Environmental Authorisation and in the EMPr.

### 3.6. Socio-Economic Impacts

A Socio-Economic Statement (compiled by Leap Sustainable Development and dated March 2024) was undertaken to determine the potential socio-economic impacts associated with the proposed development.

The specialist indicated that a temporary increase in production and gross domestic product will be anticipated during the construction phase as temporary employment opportunities will be created. The development will result in an enhanced supply of bulk services to the Municipality thereby ensuring that approximately 6200 households are provided with electricity during the operational phase. The potential agricultural, visual and sense of place impacts were also considered by the specialist. The key potential agricultural impacts identified included the loss of agricultural land and associated impact on food security. From a visual and sense of place perspective the key impact identified was in respect of the development would impact on potential tourism value of the area.

These impacts were identified to have a net medium negative significance. The specialist further identified that the proposed development is anticipated to have a net positive impact on economic development, employment, household earnings and government revenue. The specialist recommended that the proposed solar facility as a whole should be authorised on condition that the Landscape Mitigation Measures be adhere to in order to maintain the sense of place that Darling, as a tourism destination, holds. The recommendations of the specialist have been included in the EMPr.

### 3.7. Heritage Impacts

Heritage Western Cape confirmed (in their correspondence 26 September 2023) that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. Heritage Western Cape requested that the Heritage Western Cape Accidental Finds Procedure be adhered to should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities. The relevant procedure has been included in the EMPr.

### 3.8. Dust and Noise Impacts

Construction activities (mainly construction vehicles transporting materials to the site) will generate noise and associated volumes of dust. The EMPr includes dust and noise control measures that will be implemented on site during the construction phase.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential loss of potential agricultural land;
- Potential Impact on faunal species; and
- Potential visual impacts for receptors surrounding the site and sense of place impacts.

Positive impacts include:

- Generation of electricity from renewable energy resources;
- Contribution towards the national goal of reducing the carbon footprint and the reduction of global warming and climate change contributors;
- Optimal use of available land;
- Reduced demand on energy grid; and
- The development will provide employment opportunities during the project life cycle.

## 4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

## 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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