



## 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:** 14/12/16/3/3/2/2149

**Enquiries:** Julliet Mahlangu

**Telephone:** (012) 310 9320 **E-mail:** [jmmahlangu@dfffe.gov.za](mailto:jmmahlangu@dfffe.gov.za)

Mr Dale Holder  
Cape Environmental Assessment Practitioners  
PO Box 2070  
**GEORGE**  
6530

**Telephone Number:** 044 874 0365  
**Email Address:** [dale@cape-eaprac.co.za](mailto:dale@cape-eaprac.co.za)

### **PER E-MAIL / MAIL**

Dear Mr Holder

### **ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED THEMEDA PV ASSOCIATED INFRASTRUCTURE ON PORTION 7 OF THE FARM ELANDSFONTEIN 34, NEAR LICHTENBURG IN THE NORTH WEST PROVINCE**

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated 13 May 2022 and received by the Department on 16 May 2022, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated 13 May 2022 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the EIAR:

#### **(a) Public Participation**

- (i) The departments would like to further highlights its comments on the draft SR, more specifically the paragraph pertaining to Regulation 25 (4) which reads as follows “Please be advised that as per Regulation 25(4), “the competent authority may replace an existing valid environmental authorisation with an environmental authorisation contemplated in this regulation, indicating the extent of replacement in the environmental authorisation, if the existing valid environmental authorisation is directly related to the application for environmental authorisation”.
- (ii) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to the Department of Water and Sanitation, the provincial Department of Agriculture, Local Municipality, the District Municipality, the Department of Water and

- Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), , and the Department of Forestry, Fisheries and the Environment: Directorate Biodiversity and Conservation.
- (iii) Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAr from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAr. Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
  - (iv) A Comments and Response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to I&AP’s comments.
  - (v) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
  - (vi) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.
  - (vii) The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIAr.

#### **(b) Specialist assessments**

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
  - A detailed description of the study’s methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations.
  - Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
  - Please note that the Department considers a ‘no-go’ area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the ‘no-go’ areas.
  - Should the specialist definition of ‘no-go’ area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the ‘no-go’ area’s buffer if applicable.
  - **All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
  - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
  - The list of specialist studies indicated in the background information letter that is attached as Appendix F1 of the Public Participation Process Report will be regarded as the ones that will be undertaken as part of the EIA phase.
  - Regarding cumulative impacts:
    - Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
    - A detailed process flow to indicate how the specialist’s recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
    - Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
    - The significance rating must also inform the need and desirability of the proposed development.

- A cumulative impact environmental statement on whether the proposed development must proceed.
- (ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.
- (iii) Please be reminded that section 2(3) of NEMA requires developments to be socially, environmentally and *economically* sustainable, while section 2(4)(i) of NEMA requires the social, *economic* and environmental impacts of activities, including disadvantages and benefits, to be considered, assessed and evaluated

**(c) Environmental Management Programme (EMPr)**

- (i) Please ensure that the mitigation measures specified in the EIAr and specialist reports are also incorporated into the EMPr. In addition, ensure that the EMPr complies with the content of the EMPr in terms of Appendix 4 of the EIA Regulations, 2014, as amended.
- (ii) Please also include in the EMPr, a recommended frequency for the auditing of compliance with the conditions of the EA and EMPr, and for the submission of such compliance reports to the competent authority.

**(d) Layout & Sensitivity Maps**

- (i) The EIAr must provide the four corner coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- (ii) The EIAr must provide the following:
  - Clear indication of the envisioned area for the proposed solar energy facility; i.e. placing of solar panels and all associated infrastructure should be mapped at an appropriate scale.
  - Clear description of all associated infrastructure. This description must include, but is not limited to the following:
    - Internal roads infrastructure; and;
    - All supporting onsite infrastructure such as laydown area, guard house and control room etc.
    - All necessary details regarding all possible locations and sizes of the proposed satellite substation and the main substation.
- (iii) A copy of the final preferred layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
  - Permanent laydown area 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;
  - The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
  - Substation(s) and/or transformer(s) sites including their entire footprint;
  - Location of access and service roads;
  - Connection routes (including pylon positions) to the distribution/transmission network;
  - All existing infrastructure on the site, especially railway lines and roads;
  - Buffer areas;
  - Buildings, including accommodation; and
  - All “no-go” areas.

- (iv) An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
- (v) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map

**(e) General**

- (i) The EIAr must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under Annexure 2 below.
- (i) Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies must be indicated.
- (ii) Should a Water Use License be required, proof of application for a license needs to be submitted.
- (iii) The EAP must provide landowner consent for all farm portions affected by the proposed project, whether the project component is linear or not, i.e. all farm portions where the access road, solar panels and associated infrastructure is to be located.
- (iv) A construction and operational phase EMPr that includes mitigation and monitoring measures must be submitted with the final EIAr.

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, with regard to the time period allowed for complying with the requirements of the Regulations.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



**Ms Milicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Signed by: Dr Danie Smit**  
**Designation: Deputy Director: National Infrastructure Projects**  
**Date: 23/06/2022**

cc:	Mr Anthony de Graaf	Themeda PV (Pty) Ltd	Email: <a href="mailto:anthony@atlanticep.com">anthony@atlanticep.com</a>
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## Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)	Please record C&R trail report in this format  Please update the contact details of the provincial environmental authority	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K  EAP: Details of provincial authority have been updated, see page 16 of the Application form

## Annexure 2: Sample of technical details for the proposed facility

Component	Description / dimensions
Height of PV panels	
Area of PV Array	
Number of inverters required	
Area occupied by inverter / transformer stations / substations	
Capacity of on-site substation	
Area occupied by both permanent and construction laydown areas	
Area occupied by buildings	
Length of internal roads	
Width of internal roads	
Proximity to grid connection	
Height of fencing	
Type of fencing	

## Dale Holder

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**From:** Dale Holder  
**Sent:** Tuesday, 18 January 2022 15:55  
**To:** 'EIA Applications'  
**Subject:** RE: Request for Pre Application Meeting - Elandsfontein PV Projects.  
**Attachments:** DIT725.01 Request for Pre Application Meeting Elandsfontein PV Projects.pdf

Dear EIA Applications

Kindly find attached request for pre-application meeting for the proposed Elandsfontein PV projects on Portion 7 of the Farm Elandsfontein 33 near Lichtenburg in the North West Province. It is proposed to apply and assess a cluster of 2 PV developments on this properties (known as Aristida PV and Themeda PV)

Best Regards,

**Dale Holder** | 082 448 9225  
**SENIOR CONSULTANT | ECO | GIS**  
Ndip Nat. Con. (Pretoria Tech)

T: 044 874 0365  
F: 044 874 0432  
17 Progress Street, George  
P O Box 2070, George 6530



Please Note: When registering as an Interested and Affected Party (I&AP), you consent to the lawful processing of personal information for the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). Your information will be used for this project, including the initial application as well as subsequent related appeals, amendments or audits, or any future project where you are identified as an I&AP. You also agree that by submitting comment to inform this process, your contact details will, where required by a public body, be reflected in our regulated reports that must be compiled and submitted to the general public, registered stakeholders, organs of state as well as the competent authority for consideration and decision-making.

Kindly view our Privacy Statement for more information.





## Dale Holder

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**From:** Dale Holder  
**Sent:** Thursday, 20 January 2022 13:25  
**To:** EIA Applications  
**Subject:** RE: 2022-01-0010  
**Attachments:** DIT725.02 PPP Plan Elandsfontein PV Projects.pdf

Dear Juliet

I am glad to be working with you on this project.

Kindly find the attached public participation plan for your consideration.

Considering the purpose of the pre-application meeting request was mainly to submit and discuss the public participation plan, it would be fine with us if the Department feels that a pre application meeting is not required.

Best Regards,

**Dale Holder** | 082 448 9225  
SENIOR CONSULTANT | ECO | GIS  
Ndip Nat. Con. (Pretoria Tech)

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Kindly view our Privacy Statement for more information.

**From:** EIA Applications <EIAApplications@dffe.gov.za>  
**Sent:** Wednesday, 19 January 2022 09:43  
**To:** Julliet Mahlangu <JMMahlangu@dffe.gov.za>  
**Cc:** Nyiko Nkosi <NNKOSI@dffe.gov.za>; Dr. Danie Smit <DSMIT@dffe.gov.za>; Dale Holder <dale@cape-eaprac.co.za>  
**Subject:** 2022-01-0010

Dear Julliet.

Please note that you have been allocated an application:

**Type of Application:** Pre-Application Meeting Request;  
**Reference Number:** 2022-01-0010;  
**Date Received:** 18/01/2022;



**Action Required:** Decide on meeting request.

Kindly let Ephron know which date the meeting is to be held, if it will be set.

\*EAP/Applicant: please use this reference number when submitting the application for EA/amendment application (page 1 of the application form), as well as attach the approved PP Plan if the application requires a PP process.

**EIA Applications**

Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment

**Please note that this email is for the receipt and processing of online applications only, and is not monitored for responses. All queries must be directed to [EIAAdmin@dffe.gov.za](mailto:EIAAdmin@dffe.gov.za).**

**You are advised that this mailbox has a 48 hour response time.**

*Please note that this mailbox has a 5mb mail limit. No zip files are to be attached in any email.*

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**Sent:** Tuesday, 18 January 2022 15:55  
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## Dale Holder

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**From:** Julliet Mahlangu <JMMahlangu@dffe.gov.za>  
**Sent:** Tuesday, 22 March 2022 11:48  
**To:** Dale Holder  
**Cc:** Nyiko Nkosi  
**Subject:** RE: 2022-01-0010

Dear Mr Holder

The minutes for the meeting held on the 28 January 2022 for the proposed Themeda PV and Aristida PV and associated infrastructure on Portion 7 of the Farm Elandsfontein 34., , refers.

The Department decided to approve the minutes for the proposed project..

A copy of the minutes and this approval must be submitted as part of the application form when the application is lodged.

Julliet Mahlangu  
Environmental Officer Specialised Production  
Chief Directorate Integrated Environmental Authorisation  
Department of Forestry, Fisheries and Environment  
Cell: 064 880 8742  
Tel: (012) 399 9320



**environment, forestry  
& fisheries**

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





## Dale Holder

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**Subject:** 2022-01-0010  
**Attachments:** DIT725.01 Request for Pre Application Meeting Elandsfontein PV Projects.pdf;  
2022-01-0010 DB Output.pdf

Dear Julliet.

Please note that you have been allocated an application:

**Type of Application:** Pre-Application Meeting Request;  
**Reference Number:** 2022-01-0010;  
**Date Received:** 18/01/2022;  
**Action Required:** Decide on meeting request.

Kindly let Ephron know which date the meeting is to be held, if it will be set.

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### EIA Applications

Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment

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# forestry, fisheries & the environment

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**DFFE Reference:** 14/12/16/3/3/2/2149

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6530

**Telephone Number:** 044 874 0365  
**Email Address:** [dale@cape-eaprac.co.za](mailto:dale@cape-eaprac.co.za)

## PER MAIL / E-MAIL

Dear Mr Holder

### **COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED THEMEDA PV ASSOCIATED INFRASTRUCTURE ON PORTION 7 OF THE FARM ELANDSFONTEIN 34, NEAR LICHTENBURG IN THE NORTH WEST PROVINCE.**

The Application for Environmental Authorisation and Draft Scoping Report (SR) dated 24 March 2022 and received by the Department on 29 March 2022, refer.

This letter serves to inform you that the following information must be included to the Final Scoping Report:

#### **(a) Listed Activities**

- Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.
- If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.

#### **(b) Public Participation Process**

- Please ensure that all issues raised and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all comments for this development including this Department's comments. The C&R report must be a separate document from the main report and the format must be in the table format. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments.

- The final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development; particularly the South African Astronomical Observatory, the North West Environmental Department, the District and Local Municipalities.

### **(c) Specialist Assessments**

- The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.
- It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.**
- Please ensure that the final SR also includes a table, which summarises the specialist studies required by the Department's Screening Tool, a column indicating whether these studies are to be conducted or not, and a column with motivation for any studies not to be undertaken. Please note that if any of the specialists' studies and requirements/protocols recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report per the requirements of the Protocols (which requires site sensitivity verification and compliance statements, where applicable).

### **(d) Cumulative Assessment**

- Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:
  - Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
  - Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
  - The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
  - A cumulative impact environmental statement on whether the proposed development must proceed.

### **(e) Undertaking under oath**

- The final Scoping Report must include an undertaking under oath or affirmation by the EAP in relation to-
  - (i) the correctness of the information provided in the report;
  - (ii) the inclusion of comments and inputs from stakeholders and interested and affected parties; and
  - (iii) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested or affected parties;
- In addition, the final scoping report must also include an undertaking under oath or affirmation by the EAP in relation to the level of agreement between the EAP and interested and affected parties on the plan of study for undertaking the environmental impact assessment.



## **General**

You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:

*“If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority”*

You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.

Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Letter signed by: Ms Nyiko Nkosi**  
**Designation: Acting Deputy Director: National Infrastructure Projects**  
**Date: 26/04/2022**

cc:	Mr Anthony de Graaf	Themeda PV (Pty) Ltd	Email: <a href="mailto:anthony@atlanticep.com">anthony@atlanticep.com</a>
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