

# Appendix N

REGULATION 3(7) EXTENSION  
GRANTED





# forestry, fisheries & the environment

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

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: +27 86 625 1042

**DFFE Reference:** 14/12/16/3/3/2/2596  
**Enquiries:** Ms Mmamohale Kabasa  
**Telephone:** (012) 399 9420 **E-mail:** MKabasa@dffe.gov.za

Ms Ashlea Strong  
WSP Group Africa (Pty) Ltd  
Building 1 Maxwell Office Park  
Magwa Crescent West  
**WATERFALL CITY MIDRAND**  
1685

**Telephone Number:** (011) 361 1392  
**Email Address:** ashlea.strong@wsp.com

## PER E-MAIL

Dear Ms Strong

### **APPROVAL OF THE REQUEST IN TERMS OF REGULATION 3(7) OF THE EIA REGULATIONS, 2014, AS AMENDED FOR THE PROPOSED 400kV PHEFUMULA EMOYENI ONE ELECTRICAL GRID INFRASTRUCTURE NEAR ERMELO WITHIN THE MSUKALIGWA LOCAL MUNICIPALITY IN THE MPUMALANGA PROVINCE**

The application for Environmental Authorisation and the draft Scoping Report (SR) received by this Department on 26 July 2024, the comments on the draft SR dated 22 August 2024, the acceptance of SR dated 23 October 2024 and your request for extension in terms of Regulation 3(7) of the NEMA EIA Regulations, 2014 as amended, dated 01 November 2024, refer.

This Department accepted the SR on 23 October 2024 and is awaiting the final Environmental Impact Assessment Report (EIAR) which must be submitted to this Department on or before 28 February 2025 in terms of Regulation 23(1) of the EIA Regulations, 2014, as amended.

This Department received correspondence in the form of a letter from WSP Group Africa (Pty) Ltd dated 01 November 2024 requesting an extension of the prescribed hundred and six (106) day timeframe within which the final EIAR is to be submitted to the Department.

The motivation provided is that the proposed Phfumula Emoyeni One Electrical Grid Infrastructure crosses sensitive areas, including CBA irreplaceable, CBA optimal, intact grasslands, aquatic buffers, and relevant species buffers.



**Batho pele-** putting people first



The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.

As a result, additional time is required to:

1. Identify and confirm new locations for the grid infrastructure, including negotiations with affected landowners. The new grid infrastructure locations will also need to align with the layout of the wind energy facility infrastructure (Phefumula Emojeni One) which is currently being revised to account for additional constraints identified in that EIA process;
2. Prepare and distribute the updated layout to the specialists;
3. Undertake additional specialist investigations which will be incorporated into the DEIAR, these investigations must occur over the wet season (i.e. November – January);
4. Update the layout based on the outcomes of the specialist investigations such that a final layout can be confirmed with affected landowners before inclusion in the DEIAR;
5. Make the DEIAR available to registered and potential I&APs for review and comment for the mandatory 30 day period; and
6. Finalise the FEIAR, considering all comments before submission to the DFFE for decision-making.

Regulation 3(7) of the EIA Regulations, 2014, as amended states that *"In the event where the scope of work must be expanded based on the outcome of an assessment done in accordance with these Regulations, which outcome could not be anticipated prior to the undertaking of the assessment, or in the event where exceptional circumstances can be demonstrated, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension."*

The EAP requested an extension in the timeframe to submit the final EIAR on or before 19 May 2025 instead of 28 February 2025, which the EAP deems to be sufficient time to enable specialists to accurately assess the impacts and update their studies as well as conduct a public participation process on the draft EIAR before submitting the final EIAR to the Department.

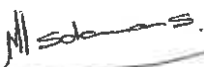
Based on the motivation provided by the EAP, this Department has decided to grant the extension of the timeframe to submit the final EIAR on or before 19 May 2025.

Failure to submit the final EIAR on or before 19 May 2025, will result in the application lapsing in terms of Regulation 45.

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.

Should you have any queries or wish to discuss the points raised above, please do not hesitate to contact our offices.

Yours faithfully



**Dr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Letter signed by: Ms Milicent Solomons**  
**Designation: Director: Prioritised Infrastructure Project**  
**Date: 02/12/2024.**

DFFE REFERENCE NUMBER: 14/12/16/3/3/2/2596

APPROVAL OF THE REQUEST IN TERMS OF REGULATION 3(7) OF THE EIA REGULATIONS, 2014, AS AMENDED FOR THE PROPOSED 400kV PHEFUMULA EMOYENI ONE ELECTRICAL GRID INFRASTRUCTURE NEAR ERMELO WITHIN THE MSUKALIGWA LOCAL MUNICIPALITY IN THE MPUMALANGA PROVINCE

cc:	Peter Venn	Phefumula Emoyeni One (Pty) Ltd	E-mail: peter.venn@seritiqreen.com
	Robyn Luyt	Mpumalanga Department (DARDLEA)	E-mail: rluyt@mpg.gov.za;
	Sindisiwe Mbuyane		mbuyanesb@mpg.gov.za
	Bonginkosi Collen Sibeko	Msukaligwa Local Municipality	E-mail: bcsibeko@msukaligwa.gov.za