

# Appendix D

DFFE APPROVAL OF SCOPING





## 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:** 14/12/16/3/3/2/2545

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### PER E-MAIL

Dear Ms. Strong

### **ACCEPTANCE OF THE FINAL SCOPING REPORT FOR THE PROPOSED UP TO 837MW PHEFUMULA EMOYENI ONE WIND ENERGY FACILITY (WEF) NEAR ERMELO WITHIN THE MSUKALIGWA LOCAL MUNICIPALITY IN THE MPUMALANGA PROVINCE**

The Application for Environmental Authorisation and Final Scoping Report (FSR) received by the Department on 30 May 2024, refer.

**The Department has noted that the entire development study area is located within the Amersfoort-Bethal-Carolina Important Bird Area (SA018). You are advised in terms of Regulation 8(b) of the EIA Regulations 2014 as amended, that the location of the wind energy development within a high avifaunal sensitivity area may prejudice the success of this application.**

This letter serves to inform you that the following information must be included in the final EIAr:

#### **(a) Specific comments**

- (i) The Amersfoort-Bethal-Carolina IBA hosts globally and regionally threatened species that are not found in similar abundance in other provinces. Several species are at risk of becoming extinct, some of which have been found at the proposed site (e.g., regionally threatened African Marsh Harrier (Endangered), Blue Crane (Near Threatened), Denham's Bustard (Vulnerable) and Cape Vulture (Endangered)). The threat of the proposed development to the IBA and the current status of globally threatened bird species such as the Botha's lark is of a concern. The Department urges the EAP and the applicant to evaluate whether the proposed development is suitable for this area considering the high avifaunal sensitivity.
- (ii) It is evident that large tracts of natural habitat in the study area, particularly in the south, are delineated as CBA Irreplaceable (CBA 1). These areas are required to meet biodiversity targets for biodiversity pattern (species and ecosystems) and ecological processes. Particularly, part of the development area is affected by intact grassland patches that are considered "source" areas for avifaunal species. These areas should remain in a natural state that is maintained in good ecological condition and therefore must be excluded from the development footprint.

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- (iii) Further investigation into a possible offset agreement with the provincial competent authority required to reduce the ecological impacts of the development must be submitted with the draft EIAr. The agreement must also be submitted to this Department's Biodiversity Section for comments.
- (iv) The development area is located within areas with a high prominence of wetlands (including natural pans) and with very high aquatic/freshwater biodiversity significance that may be important for flamingos and other water-dependent birds.
- (v) It is further noted that there may be competing mining rights within the development area. The EIA must exclude these areas from the development footprint.
- (vi) Overall, this Department urges the EAP and the applicant to evaluate whether the proposed development is suitable for this area considering the significant threat to Critical Biodiversity Areas, intact grassland patches, Important Bird Areas and the habitat of numerous threatened bird species. The anticipated impacts on biodiversity, particularly the avifauna, is too great to support this project. A more thorough ecological assessment and exploration of alternative locations are crucial before proceeding with this project.

#### **(b) Listed Activities**

- (i) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (ii) The listed activities represented in the EIAr and the application form must be the same and correct.
- (iii) The EIAr must assess the correct sub-listed activity for each listed activity applied for.

#### **(c) Public Participation**

- (i) Please ensure the language used to inform potential I&APs in the newspaper advertisement is not only communicated in the language English but should also utilise other dominant languages spoken in the study area. The EAP must ensure that the newspaper medium adequately caters for all potential I&APs in the study area. This should also apply to any site notification boards as well.
- (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 Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (DARDLEA), the Mpumalanga Tourism & Parks Agency, the Msukaligwa Local Municipality, the Gert Sibande District Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, the Department of Mineral Resources, the Department of Forestry, Fisheries and the Environment: Directorate Biodiversity and Conservation, and the Directorate Protected Areas.
- (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) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final EIAR.

**(d) Layout & Sensitivity Maps**

- (i) The EIAR must provide coordinate points for the proposed development site and all proposed infrastructure (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) All preferred turbine positions must be clearly numbered. The turbine position numbers must be consistently used in all maps to be included in the reports and the specialist studies.
- (iii) The EIAR must provide 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:
  - a) A clear indication of the envisioned area for the proposed wind energy facility;
  - b) Position of the wind turbines;
  - c) Powerlines;
  - d) Internal roads;
  - e) All supporting onsite infrastructure such as laydown area, guard house and control room etc.;
  - f) Substations, transformers, switching stations and inverters;
  - g) Battery Energy Storage System;
  - h) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facilities and its associated infrastructure;
  - i) Connection routes (including pylon positions) to the distribution/transmission network;
  - j) All existing infrastructure on the site, especially railway lines and roads; and
  - k) Buildings, including accommodation.
- (iv) Please provide an environmental sensitivity map which indicates the following:
  - a) The location of sensitive environmental features identified on site, e.g. CBAs, protected areas, IBAs, heritage sites, wetlands, drainage lines, nest and roosting sites, etc. that will be affected by the facility and its associated infrastructure;
  - b) Buffer areas; and
  - c) All “no-go” areas.
- (v) The above layout map must be superimposed (overlain) with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.
- (vi) Google maps will not be accepted.

**(e) Specialist assessments**

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
  - a) 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 authorisation.
  - b) 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.
  - c) 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.
  - d) Should the specialist definition of ‘no-go’ area differ from the Department’s definition; this must be clearly indicated. The specialist must also indicate the ‘no-go’ area’s buffer if applicable.

- e) **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.**
- f) **Bird and bat specialist studies must have comments from Birdlife South Africa and SABAA.**
- g) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (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) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in 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.**
- (iv) Please also ensure that the EIAR includes the Site Verification Report and Compliance Statements (where applicable) as required by the relevant themes.
- (v) Please note further that the protocols, if applicable, require certain specialists' to be SACNASP registered in the field of expertise of the specialist study being undertaken e.g. An aquatic assessment must be prepared by a specialist registered with SACNASP, with expertise in the field of aquatic sciences. Please ensure that the relevant specialist certificates are attached to the relevant reports.
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.
- (vii) The following Specialist Assessments will form part of the EIAR:
  - Agriculture Impact Assessment;
  - Aquatic Biodiversity Impact Assessment ;
  - Avifauna Impact Assessment ;
  - Bats Impact Assessment;
  - Heritage Impact Assessment;
  - Noise Impact Assessment;
  - Terrestrial Biodiversity Impact Assessment;
  - Visual Impact Assessment;
  - Socio-Economic Impact Assessment;
  - Traffic Impact Assessment;
  - Geotechnical Assessment;
- (viii) Please ensure that each specialist study has the correct and same project description and layout to assess.
- (ix) Please include a table that shows the proposed studies and the relevant specialists carrying out the study. In addition, a summary should be included of the specialist's recommendations in terms of the alternatives that are preferred based on the findings of their study.

#### **(f) Cumulative Assessment**

- (i) A cumulative impact assessment for all identified and assessed impacts must be conducted to indicate the following:
  - a) 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.
  - b) 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.

- c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
- d) A cumulative impact environmental statement on whether the proposed development must proceed.

**(g) 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.
- (ii) The EAP must provide landowner consent for all farm portions affected by the proposed project i.e., all farm portions where the access road, wind turbines and associated infrastructure are to be located.
- (iii) A construction and operational phase EMPr that includes mitigation and monitoring measures must be submitted with the final EIAR, including the Generic EMPr for substations.

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 sincerely



**Dr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Forestry, Fisheries and the Environment**

**Signed by: Mr Coenrad Agenbach**

**Designation: Deputy Director: Prioritised Infrastructure Projects**

**Date: 17 July 2024**

cc:	Mr Peter Venn	Phefumula Emoyeni One (Pty) Ltd	E-mail: peter.venn@seritigreen.com
	Robyn Luyt/Sindisiwe Mbuyane	Mpumalanga Department (DARDLEA)	E-mail: rluyt@mpg.gov.za; mbuyanesb@mpg.gov.za
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**Annexure 1: Format for the comments and response report**

<b>Date of comment, format of comment name of organisation/I&amp;AP</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/01/2016 Email Department of Forestry, Fisheries and the Environment: Prioritised 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**

<b>Component</b>	<b>Description / dimensions</b>
Location of the site	
The total area of the site	
Total disturbance footprint	
Maximum generation capacity for facility	
Number of Turbines	
Hub Height from ground level	
Rotor top tip height	
Rotor bottom tip height	
Blade Length	
Rotor Diameter	
Turbine Foundations	
Turbine Hardstands and Laydown Areas	
Capacity of on-site substation and footprint	
Battery Energy Storage System (BESS) and footprint	
Cables and Overhead Power line	
Area occupied by both permanent and construction laydown areas	
Length of internal roads	
Width of internal roads	