



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/1/2018

Enquiries: Thabile Sangweni

Telephone: (012) 399 9409 E-mail: TSangweni@environment.gov.za

Mr Lance Blaine
Red Cap Impofu (Pty) Ltd
Unit B2
Mainstream Centre
CAPE TOWN
7806

Telephone Number: (021) 790 1392
Email Address: Lance@red-cap.co.za

PER E-MAIL / MAIL

Dear Mr Blaine

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED, FOR THE GRID CONNECTION FOR THE PROPOSED IMPOFU WIND FARMS NEAR OYSTER BAY IN THE EASTERN CAPE PROVINCE

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

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

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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

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

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

By email: appeals@environment.gov.za

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 13/03/2020

cc: Simamkele.Ntsengwane	Aurecon SA (Pty) Ltd	Email: Simamkele.Ntsengwane@aurecongroup.com
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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

Grid connection for the proposed Impofu Wind Farms near Oyster Bay in the Eastern Cape Province

Sarah Baartman District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/2018</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Red Cap Impofu (Pty) Ltd</i>
Location of activity:	<i>Ward No: 4 Koukamma Local Municipality; Ward No: 1, 4, 5, 7, 8, 12, 15 Kouga Local Municipality; Sarah Baartman District Municipality; Ward No: 29, 40, 41, 42, 44 Nelson Mandela Bay Metropolitan Municipality; Eastern Cape Province.</i>

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

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

RED CAP IMPOFU (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Lance Blaine
Unit B2
Mainstream Centre
Hout Bay
CAPE TOWN
7806

Telephone Number: (021) 790 1392
Cell phone Number: (083) 235 6737
E-mail Address: Lance@red-cap.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3 of the EIA Regulations, 2014, as amended:

Listing notice 1 of the EIA Regulations of 2014, as amended	Activity description
<p><u>Item 11:</u> <i>"The development of facilities or infrastructure for the transmission and distribution of electricity –</i> <i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kV."</i></p>	<p>The 132kV overhead power line would connect the Impofu Wind Farms to the national grid at the Melkhout, Chatty and Sans Souci Substations. The bulk of the power line will run within rural and agricultural areas.</p>
<p><u>Item 12:</u> <i>"The development of—</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <i>where such development occurs—</i> <i>(a) within a watercourse;</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse."</i></p>	<p>Wetlands and drainage lines are scattered along the grid connection corridor. Existing tracks and roads will be used as far as possible to minimise any new impacts on these systems, while all pylons are to be placed 32m from a watercourse and 50m from a wetland. It is highly unlikely that the new access roads will fall within a watercourse, however as the final power line route is not finalised, this activity could be applicable.</p>
<p><u>Item 19:</u> <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from</i> <i>(i) a watercourse."</i></p>	<p>Wetlands and drainage lines are scattered along the grid connection corridor. Existing tracks and roads as far as possible will be used to minimise any new impacts on these systems, while all pylons are to be placed 32m from a watercourse and 50m from a wetland. It is highly unlikely that the pylons and new access roads will fall within a watercourse, however as the final power line route is not finalised, this activity could be applicable.</p>

<p><u>Item 27:</u> <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> <i>(i) the undertaking of a linear activity."</i></p>	<p>The switching stations will each (three in total) have a total footprint of approximately 11,250m² (1.125ha). The single collector switching station will have a footprint of approximately 22,500m². Ground and vegetation clearance would be required for the switching stations and the collector switching station which would therefore trigger this activity.</p> <p>Additionally, an area around the existing Melkhout, Sans Souci and Chatty Substations may be impacted to allow for the new line but would be no larger than 50m² around Melkhout and Chatty, and 150m² adjacent to the Sans Souci Substation.</p>
<p><u>Item 28:</u> <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> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare."</i></p>	<p>The development is considered to constitute "industrial development". Some of the farms within the grid corridor are zoned as game and agricultural land.</p>
<p>Listing Notice 3 of the EIA Regulations of 2014, as amended</p>	<p>Activity description</p>
<p><u>Item 4:</u> <i>"The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</i> <i>(a) In the Eastern Cape:</i> <i>(i) Outside urban areas</i> <i>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</i></p>	<p>Although existing roads will be used as far as possible, new access tracks may be required. In some exceptional cases, it may be required that the road be wider than 4m where access is constrained, or where a wider road is required for passing purposes, or where it will reduce the risk of soil erosion. However, roads will almost always be less than 4m.</p>

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<p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans adopted by the competent authority or in bioregional plans."</i></p>	<p>The selected grid corridor within the Nelson Mandela Bay metropolitan area is located in a CBA as demarcated in the NMBM Bioregional Plan, while the majority of the western portion of the grid corridor is within the Garden Route Biosphere Reserve's buffer or transition areas. The corridor does not fall within the core area of the Biosphere Reserve.</p>
<p><u>Item 12:</u> <i>"The clearance of an area of 300m² or more of indigenous vegetation</i> <i>(a) In the Eastern Cape:</i> <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> <i>(ii) Within critical biodiversity areas identified in bioregional plans;</i> <i>(v) 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."</i></p>	<p>Approximately 90,000m² (9ha) of vegetation clearance may be required for the construction of the three switching stations and collector switching station, and connection into the existing Melkhout, Sans Souci and Chatty Substations. Although this will not be located in a sensitive environment (i.e. vegetation that is critically endangered or endangered), parts of the line do fall within CBAs identified in bioregional plans. In addition, the clearance of vegetation, although minimal, required for the pylon foundations and track development will add to the cumulative development footprint.</p>
<p><u>Item 15:</u> <i>"The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</i> <i>(a) In the Eastern Cape:</i> <i>i. Outside urban areas."</i></p>	<p>The area around the base of the pylons, together with the footprint of the switching stations and collector switching station will be greater than 1000m². The area will be transformed from wilderness or agricultural land to industrial.</p>
<p><u>Item 18:</u> <i>"The widening of a road by more than 4 meters, or the lengthening of a road by more than 1 kilometre:</i></p>	<p>The corridor is located within 5km of a protected area as per NEMPAA, namely the Van Stadens River Wild</p>

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<p>a) <u>In the Eastern Cape:</u></p> <p>i. <i>Outside Urban Areas</i></p> <p>(gg) <i>Areas within 10 kilometers from national parks or world heritage sites or 5 kilometers from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</i></p> <p>(ii) <i>Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined."</i></p>	<p>Flower Reserve. The corridor is also located within 5km of a core area of the Garden Route Biosphere Reserve.</p> <p>Access tracks for the development, which will include extensions of existing farm tracks may be lengthened by more than one kilometre within 100m from the edge of a watercourse. Furthermore, in some exceptional cases, it may be required that the existing roads may need to be widened by more than 4m where access is constrained, or where a wider road is required for passing purposes, or where it will reduce the risk of soil erosion. However, roads will almost always be less than 4m.</p>
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as described in the Basic Assessment Report (BAR) dated November 2019 at:

Preferred site		Latitude	Longitude
Start:	Switching Station:	34° 06' 42.32"S	24° 37' 15.48"E
	Switching Station:	34° 03' 28.26"S	24° 32' 08.53"E
	Switching Station:	34° 05' 13.39"S	24° 33' 21.34"E
	Collector switching station:	34° 04' 27.52"S	24° 34' 36.28"E
Middle:		33° 53' 30.11"S	25° 09' 24.09"E
End:		33° 50' 10.57"S	25° 31' 22.43"E
Substation		Latitude	Longitude
Eskom Melkhout Substation:		33° 59' 58.61"S	24° 47' 01.97"E
NMBM Sans Souci:		33° 49' 46.09"S	25° 26' 58.02"E
Chatty Substation:		33° 50' 09.79"S	25° 31' 22.82"E

- for the grid connection for the proposed Impofu Wind Farms near Oyster Bay in the Eastern Cape Province, hereafter referred to as "the property".

The Impofu grid connection will comprise of the following:

- Approximately 120km length 132kV overhead power line between the Impofu wind farm project area and Port Elizabeth;
- Three switching stations (footprint of 75 x 150m) located adjacent to the three wind farms' substations and a collector switching station of 150 x 150m;
- Three short separate 132kV overhead power lines that originate at the three wind farms' switching stations and carry the power to the collector switching station;
- Access roads/ tracks required to construct and maintain the infrastructure;
- Associated infrastructure such as permanent fencing around the switching stations, and temporary construction site camp and lay down areas (to be rehabilitated once development is complete); and,
- Potential area for expansion around the existing Melkhout, Sans Souci and Chatty Substations. An area of 150m² has been identified to the southwest of the existing Sans Souci footprint, and a 50m buffer has been applied to the existing footprints of the Melkhout and Chatty Substations.

Technical details for the facility:

Component	Description/ Dimensions
Power line capacity	132kV.
Pylon Type	Monopole (with exceptions for long spans)
Height of power lines	Up to 32m
Length and width of servitude	Approximately 120km in length and 31m wide.
Height of fencing	Approximately 2.4m around substations.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The grid connection for the proposed Impofu Wind Farms near Oyster Bay in the Eastern Cape Province as described above, is approved.
2. Construction of the grid connection may only commence once any one of the Impofu Wind Farms, known as Impofu North (DEA ref. no.: 14/12/16/3/3/2/1102), Impofu East (DEA ref. no.: 14/12/16/3/3/2/1104) and Impofu West (DEA ref. no.: 14/12/16/3/3/2/1103), has commenced with the construction phase.
3. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.

4. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
5. The activities authorised may only be carried out at the property as described above.
6. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
7. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
8. This activity must commence within a period of five (05) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
9. Construction must be completed within five (05) years of the commencement of the activity on site.
10. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

11. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
 12. The notification referred to must –
 - 12.1. specify the date on which the authorisation was issued;
 - 12.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 12.3. advise the interested and affected party that a copy of the authorisation will be furnished on request;
and
 - 12.4. give the reasons of the Competent Authority for the decision.
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Commencement of the activity

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

14. The Generic Environmental Management Programme (EMPr) submitted as part of the BAR (Annexure E) dated 06 November 2019 is approved and must be implemented and adhered to.
15. The final route alignment layout plan must be included in the EMPr and must indicate the following:
 - 15.1. The final delineation of the centreline of the power line within the approved corridor;
 - 15.2. The specific position of the pylon structures and foundation footprints;
 - 15.3. All existing infrastructure on the site, especially roads;
 - 15.4. All sensitive features/areas and/or no-go areas e.g. wetlands and drainage channels that will be affected by the power line; and
 - 15.5. All "no-go" and buffer areas.
16. The EMPr must be amended to include any site specific mitigation measures that may arise when the final walk through is undertaken.
17. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.

Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the Environmental Authorisation or EMPr.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.

20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R982 of 04 December 2014, as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
21. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R982 of 04 December 2014, as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R982 of 04 December 2014, as amended.

Monitoring

23. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) who understands and has experience in Wetland Rehabilitation for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Environmental Authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 23.1. The ECO must be appointed before commencement of any authorised activities.
 - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

24. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this Environmental Authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
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25. The holder of the Environmental Authorisation must, for the period during which the Environmental Authorisation and EMPr remain valid, ensure that project compliance with the conditions of the Environmental Authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
26. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R982 of 04 December 2014, as amended.
27. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended, and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the approved EMPr.
29. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and Competent Authority in respect of this development.

Notification to authorities

30. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

31. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

32. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

Specific conditions

33. Appropriately qualified vegetation and wetland specialists must be present for the 'walk-through' of the approved corridor, to identify spans that mitigate the impact of collisions and tower/pylon placements that avoid sensitive vegetation and watercourses.
34. The final route alignment must be submitted to this Department prior to construction commencing.
35. All construction camps, lay down areas, batching plants or areas and any stores must be more than 32m from any demarcated water courses and 50m from a wetland.
36. Anti-collision devices such as bird flappers must be installed where the power line crosses avifaunal corridors. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
37. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
38. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of any indigenous protected and endangered plant and animal species if required.
39. Ablution facilities must be placed outside of the 1:100 year floodline of a watercourse.
40. No exotic plants may be used for rehabilitation purposes. Only indigenous plants occurring within a ten (10) kilometre radius of the development site must be utilised.
41. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
42. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
43. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
44. Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008). No waste material may be left on site after construction.

45. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) must be alerted immediately, and a professional archaeologist or palaeontologist, must be contacted to inspect the findings.

General

46. The recommendations of the EAP in the BAR dated November 2019 and the specialist studies attached thereto must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.
47. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 47.1. at the site of the authorised activity;
 - 47.2. to anyone on request; and
 - 47.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
48. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 13/03/2020



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the application form received on 18 May 2019.
- b) The information contained in the BAR dated November 2019.
- c) The comments received from Transnet, Eskom, the Eastern Cape Provincial Heritage Resources Authority, SANRAL, the Department of Agriculture, Forestry and Fisheries, the Kouga Local Municipality, and interested and affected parties as included in the BAR dated November 2019.
- d) Mitigation measures as proposed in the BAR dated November 2019 and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated November 2019 and as appears below:

Title	Prepared by	Date
Ecological Impact Assessment	3Foxes Biodiversity Solutions	August 2019
Aquatic Impact Assessment	Scherman Colloty & Associates	August 2019
Avifaunal Impact Assessment	Chris Van Rooyen Consulting	August 2019
Agricultural and Soils Impact Assessment	Johann Lanz	August 2019
Socio-Economic impact assessment	Urban-Econ Development Economists	August 2019
Archaeological Impact Assessment	Dr. Peter Nilssen	August 2019
Paleontological Impact Assessment	John E Almond	August 2019
Visual Impact Assessment	Quinton Lawson	July 2019
EMPr	Aurecon SA	November 2019

2. Key factors considered in making the decision

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

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need and desirability of the project is mainly to evacuate the power generated by the Impofu North, Impofu East and Impofu West Wind Farms.

- c) The BAR dated November 2019 identified all legislation and guidelines that have been considered in the preparation of the BAR dated November 2019.
- d) The methodology used in assessing the potential impacts identified in the BAR dated November 2019 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014, as amended, for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated November 2019 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated November 2019 is deemed to be accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act No. 107 of 1998, as amended, and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The Environmental Authorisation is accordingly granted.