



## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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**DEA Reference:** 14/12/16/3/3/2/1131

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

Dear Dr Carter

### **COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED ALBANY WIND ENERGY FACILITY (WEF), MAKHANDA, EASTERN CAPE PROVINCE**

The draft Environmental Impact Assessment Report (EIAR) dated March 2020, received by this Department on 13 March 2020 and the acknowledgement dated 19 March 2020 refers.

*On 08 December 2014 the Minister of Water and Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), viz, the NEMA Environmental Impact Assessment (EIA) Regulations 2014 (GN R982, R983, R984 and R985 of 04 December 2014). The NEMA EIA Regulations, 2014 and listing notices, were subsequently amended on 07 April 2017 (refer to GN R324, R325, R326, R327 of 07 April 2017) and is being referred to as NEMA EIA Regulations, 2014, as amended. The same referencing would apply to the listing notices containing the listed activities that would require Environmental Authorisation.*

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

- i. 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.
- ii. Please ensure that activities applied for in the application form for EA must be the same as those mentioned in the report. If the activities applied for in the application form for EA differ from those mentioned in the EIAR, an amended application form must be submitted with the final EIAR.
- iii. Please ensure that all issues raised and comments received during the circulation of the draft EIAR 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 and included 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. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 and 44 of the EIA Regulations 2014 as amended.
- iv. It is drawn to your attention that the commenting period of this draft EIAR must take into consideration the timeframe extension as contemplated in the General Notice issued by the Minister of Department of

Environment Forest and Fisheries in response to national state of disaster as declared by the President of Republic of South Africa. The Minister of Department of Environment, Forest and Fisheries has issued a General Notice regarding the extension of timeframes prescribed in terms of the Environmental Impact Assessment Regulations 2014, published in terms of section 24(5) of the National Environmental Management Act, 1998. The General Notice states that all timeframes as prescribed in the EIA Regulation 2014 as amended are hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period of the national state of disaster declared for the COVID-19 pandemic, including any extensions to such duration, with effect from 27 March 2020 until the termination of the lockdown period.

- v. The preferred Layout Plan with the preferred layout of the proposed turbines, existing roads and new internal roads, proposed laydown area, batching plant and construction compound must be indicated in the final EIAR. A map combining the final Layout Plan superimposed (overlain) on the environmental sensitivity map must also be included in the final EIAR.
- vi. Please ensure that all hardcopy and softcopy maps are clear and legible. Hardcopy maps must be at least A3 size.
- vii. 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.
- viii. 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 of the minimum information required is listed under point 2 of the EIA information required for wind energy facility as requested in the acceptance of the SR.
- ix. Please note that the final EIAR must comply with all conditions of the acceptance of the scoping report (SR) signed on 10 September 2019, and must address all comments contained in the FSR and this letter.
- x. The Department has noted that the draft EIAR had included the EAP Declaration of Interest in an old template. Please note that the Department had amended the EAP Declaration of Interest form and the latest template can be obtained on the Department's website. Please ensure that the final EIAR include the EAP Declaration of Interest in the latest template.
- xi. You have indicated that the proposed project will also require grid connection infrastructure and this has been assessed in a separate report as the infrastructure will be owned and managed by Eskom should the project receive an Environmental Authorisations. You are therefore required to provide the Department's reference number if the application has been lodged with the Department.
- xii. It is noted that the draft EIAR has included the generic EMPr for the development of overhead electricity transmission and distribution infrastructure. The generic EMPr is submitted due to that the proposed project trigger activity 11 of Listing Notice 1 of the EIA Regulations 2014 as amended. This activity is triggered due to that, the proposed project will include a 33kV underground (where possible) electrical cables will be laid to transmit electricity generated by the wind turbines to the onsite switching stations. From the telephonic conversation held on the 03 April 2020 between the EAP (Ms Caroline Evans) and The Department (Ms Nyiko Nkosi), Ms Evans indicated that some parts of the 33kV electrical cables will be overheard and this is what triggered the submission of generic EMPr. Please ensure that this information is reflected on the project description provided for activity 11.

- xiii. You are further requested to also include the Wind Energy Facility EMPr as per the requirements of the EIA Regulations 2014 as amended. Please ensure that the EIAr includes two (02) EMPrs for Wind Energy Facility and a Generic EMPr for overhead powerline as triggered by activity 11 of Listing Notice 1. The EIAr inclusive of these EMPrs must be subjected to another round of 30 days public commenting period as the EMPr for wind energy facility did not form part of the draft EIAr circulated for commenting period.
- xiv. Environmental Management Programme for the WEF must comply with the requirement of Appendix 4 of the EIA Regulations 2014 as amended and it must include the following:
- (i) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.
  - (ii) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.
  - (iii) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including —
    - Planning and design;
    - Pre-construction activities;
    - Construction activities;
    - Rehabilitation of the environment after construction and where applicable post closure; and
    - Where relevant, operation activities.
  - (iv) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to —
  - (v) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
  - (vi) Comply with any prescribed environmental management standards or practices;
  - (vii) Comply with any applicable provisions of the Act regarding closure, where applicable; and
  - (viii) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
  - (ix) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
  - (x) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
  - (xi) An indication of the persons who will be responsible for the implementation of the impact management actions.
  - (xii) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.
  - (xiii) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
  - (xiv) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

## **General**

Please note that the final EIAr must comply with all conditions of the acceptance of the scoping report (SR) signed on 10 September 2019, and must address all comments contained in the FSR and this letter.

You are further reminded that the final EIAr to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of the EIAr in accordance with Appendix 3 of the EIA Regulations, 2014 as amended.

The EAP is requested to contact the Department to make the necessary arrangements to conduct a site visit prior to the submission of the final EIAR.

Please also ensure that the final EIAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *"The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority -*

*(a) an environmental impact assessment report inclusive of any specialist reports, and an EMPr, which must have 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."*

Should there be significant changes or new information that has been added to the EIAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *"The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority – (b) a notification in writing that the reports, and an EMPr, will be submitted within 156 days of acceptance of the scoping report by the competent authority, or where regulation 21(2) applies, within 156 days of receipt of application by the competent authority, as significant changes have been made or significant new information has been added to the environmental impact assessment report or EMPr, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised environmental impact assessment report or EMPr will be subjected to another public participation process of at least 30 days"*.

Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

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 Environmental Affairs**  
**Letter signed by: Dr Danie Smit**  
**Designation: Deputy Director: National Infrastructure Projects**  
**Date: 10/06/2020**

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