



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: 14/12/16/3/3/1/2592

Enquiries: Ms Olivia Letlalo

Telephone: (012) 399 8815 **E-mail:** OLetlalo@dff.gov.za

Ms. Namhla Dondi
Eskom Holdings SOC Ltd
PO Box 1091
JOHANNESBURG
2000

Telephone: 021 980 3822
Cell phone Number: 073 987 5430
Email Address: DondiVN@eskom.co.za

PER E-MAIL / MAIL

Dear Ms Dondi

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED FOR THE PROPOSED INSTALLATION OF THE BATTERY ENERGY STORAGE SYSTEM (BESS) AT THE ASHTON SUBSTATION, ASHTON, LANGEBOG LOCAL MUNICIPALITY, WESTERN CAPE PROVINCE

With reference to the above application, please be advised that the Competent Authority 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 fourteen (14) days of the date of the decision, as well as the provisions regarding the submission of appeals that are contained in the EIA Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (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, 2013 (Act no. 4 of 2013) which stipulates that the Competent Authority should conduct itself in a responsible manner when collecting, processing, storing, and sharing an individual or another entity's personal information by holding the Competent Authority accountable should the Competent Authority abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 1998 (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.

MS

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 Competent Authority, 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: appealsdirector@dfre.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 appealsdirector@dfre.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment
Date: 17/04/2023

cc:	Michael Leach	Enviroworks	Cell: 082 438 9744	E-mail: michael@enviroworks.co.za
	Zaahir Toefy	Western Cape Department of Environmental Affairs and Development Planning	Tel: 021 483 2700	E-mail: zaahir.toefy@westerncape.gov.za
	Mr Albert De Klerk	Langeberg Local Municipality	Tel: 023 615 8001	E-mail: mm@langeberg.gov.za

M.S



forestry, fisheries & the environment

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

Environmental Authorisation

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

For the installation of the Battery Energy Storage System (BESS) at the Ashton Substation, Ashton,
Langeberg Local Municipality, Western Cape Province

Cape Winelands District Municipality

Authorisation register number:	14/12/16/3/3/1/2592
Last amended:	First issue
Holder of authorisation:	Eskom Holdings SOC Limited
Location of activity:	Erf 2022 in Ashton Substation, Ashton, within Langeberg Local Municipality in the Western Cape Province

This 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 –

Eskom Holdings SOC Ltd

with the following contact details –

Ms. Namhla Dondi

PO Box 1091

JOHANNESBURG

2000

Telephone: 021 980 3822

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Email Address: DondiVN@eskom.co.za

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

Activity number	Activity description
<p><u>Listing Notice 1, Item 14:</u></p> <p><i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</i></p>	<p>The proposed development involves the installation of a Battery Energy Storage System (BESS). Three different types of technology alternatives are proposed to be installed, namely:</p> <ul style="list-style-type: none"> ▪ Lithium-ion solid state battery, ▪ Vanadium flow battery; and, ▪ Zinc-Bromide Flow Battery. <p>The chemical composition of all three types of technologies is considered hazardous, containing toxic materials. The total amount of hazardous chemicals stored within the BESS will be more than 80 cubic metres and less than 500 cubic metres.</p>
<p><u>Listing Notice 1, Item 19:</u></p> <p><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 a watercourse.</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback.</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.</i></p>	<p>The development of the BESS infrastructure will involve the excavation and infilling of more than 10m³ of material within 500m and within the seep wetland on the eastern side of the property.</p>

<p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
<p><u>Listing Notice 1, Item 27:</u></p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>In order to accommodate the BESS and to remove potential fire hazards, approximately 1.2ha of natural vegetation will be cleared.</p>

as described in the final Basic Assessment Report date December 2022:

SG 21 Code

C	0	5	0	0	0	0	1	0	0	0	0	2	2	0	2	0	0	0	0	0
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Approximate centre point of the property concerned.

Centre Co-ordinates	Latitude	Longitude
	33° 50' 7.81" S	20° 4' 26.10" E

Proposed Development

Proposed development boundary	Latitude	Longitude
A	33° 50' 4.56" S	20° 4' 23.09" E
B	33° 50' 6.37" S	20° 4' 30.97" E
C	33° 50' 10.73" S	20° 4' 29.33" E
D	33° 50' 8.91" S	20° 4' 21.56" E

Approximate Coordinates of BESSW containers and concrete plinth	Latitude	Longitude
A	33° 50' 8.34" S	20° 4' 21.83" E
B	33° 50' 9.93" S	20° 4' 28.89" E
C	33° 50' 8.64" S	20° 4' 29.30" E
D	33° 50' 8.21" S	20° 4' 28.82" E
E	33° 50' 6.93" S	20° 4' 29.19" E
F	33° 50' 6.45" S	20° 4' 27.26" E
G	33° 50' 5.64" S	20° 4' 27.52" E
H	33° 50' 6.31" S	20° 4' 30.43" E
I	33° 50' 10.70" S	20° 4' 29.35" E
J	33° 50' 8.93" S	20° 4' 21.59" E

Approximate Coordinates of New 11kV Control Room/Switch (Approximately 200m²)	Latitude	Longitude
A	33° 50' 8.60" S	20° 4' 28.63" E
B	33° 50' 8.73" S	20° 4' 29.11" E
C	33° 50' 9.15" S	20° 4' 28.99" E
D	33° 50' 9.04" S	20° 4' 28.51" E

- for the proposed installation of the Battery Energy Storage System (BESS) at the Ashton Substation, Ashton, Langeberg Local Municipality, Western Cape Province, hereafter referred to as "property".

Eskom proposes to install three types of technology alternatives, namely:

- Lithium-ion solid state battery,
- Vanadium flow battery; and
- Zinc-Bromide Flow Battery.

The proposed development scope includes the following:

- Construct a concrete plinth and install the BESS containers on the plinth.
- Extend the 132kV busbar and establish a new 132kV bay at Ashton Substation.
- Build and connect a 1x 40MVA 132/11kV transformer.
- Establish a new 11kV control room/switch room.
- Connect the BESS on the 11kV side of the transformer.
- Establish the Point of Connection (POC) between the BESS facility transformer (132/11kV) and the Ashton 132kV busbar and equip it with the relevant metering equipment.
- Connect 2x7.2Mvar switchable shunt capacitor banks on the 66kV busbar (monitoring and controlling the voltage of the Ashton 132kV busbar to ensure it does not drop below 0.925 per unit).
- Up to 500m³ of chemical electrolyte will be stored on site during the operation phase. The chemical electrolyte will be contained within battery cells. The electrolyte contains hazardous chemicals and is regarded as a 'dangerous good'. Batteries will be assembled on site.
- Construct a three (3) tier fence around the site boundary; and
- Construct a lattice telecommunications tower, approximately fifteen metres (15m) in height.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The proposed installation of the Battery Energy Storage System (BESS) at the Ashton Substation, Ashton, Langeberg Local Municipality, Western Cape Province is hereby approved as per the geographic coordinates cited in the table above. **(The preferred BESS technology to be confirmed prior construction)**. Alternative 1 laydown area is also approved.
2. 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.
3. 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.
4. The activities authorised may only be carried out at the property as described above.
5. 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.

6. 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.
7. This activity must commence within a period of ten (10) 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.
8. Construction must be completed within five (10) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. 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.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued,
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014,
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

12. 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

13. A copy of the final site layout map must be made available for comments to the registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following:
 - 13.1. A concrete plinth and the BESS containers on the plinth and their coordinates.
 - 13.2. 132kV busbar and a new 132kV bay at Ashton Substation.
 - 13.3. A 1x 40MVA 132/11kV transformer.
 - 13.4. A new 11kV control room/switch room.
 - 13.5. The location of 500m³ of chemical electrolyte on site during the operation phase and the coordinates.
 - 13.6. A three (3) tier fence around the site boundary; and
 - 13.7. A lattice telecommunications tower, approximately fifteen metres (15m) in height and the coordinates.
 - 13.8. Preferred BESS technology and its coordinate,
 - 13.9. Construction laydown areas, buildings, and their coordinates,
 - 13.10. All sensitive features i.e., stormwater management features around the substation and its furrows, and
 - 13.11. All “no-go” and buffer areas.
14. The Environmental Management Programme (EMPr) submitted as part of the final BAR dated December 2022 is not approved and must be amended to include measures as dictated by the final site lay-out map as well the updated stormwater management plan. The EMPr must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to. The EMPr must include the following:
 - 14.1. The amended stormwater management plan.
 - 14.2. The final layout development plan.
 - 14.3. Measures to prevent spillages once decided on the technology to be used.
15. The EMPr, must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.

16. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.
17. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAR be discovered.

Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 24 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 the EIA Regulations, 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 the EIA Regulations, 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 must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

23. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) 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.
- 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.
- 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 the EIA Regulations, 2014 as amended.
- 27. The holder of the authorisation must, in addition, submit 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. Should any archaeological sites, artefacts, palaeontological fossils, or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA)/ Western Cape Heritage must be contacted immediately, the services of an accredited heritage professional obtained for an assessment of the heritage resources.
34. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
35. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the BAR dated December 2022 must be implemented to reduce the risk of erosion and the invasion of alien species.
36. 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. Any solid waste 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).

General

37. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 37.1. at the site of the authorised activity,

- 37.2. to anyone on request; and
- 37.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
38. 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: 17/04/2023



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

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 25 July 2022 and amended application form dated October 2022 and received on 13 October 2022.
- b) The information contained in the final BAR dated December 2022.
- c) The comments received from interested and affected parties as included in the final BAR dated December 2022.
- d) Mitigation measures as proposed in the final BAR and the EMPr.
- e) The information contained in the specialist studies contained within the Appendices of the final BAR dated December 2022.

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 for the proposed project stems from the provision of electricity to the national grid.
- c) The final BAR dated December 2022 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the final BAR dated December 2022 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 final BAR dated December 2022 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) 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, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The Environmental Authorisation is accordingly granted.

Annexure 2: Layout map

