



## 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:** 14/12/16/3/3/1/2814

**Enquiries:** Mr Jay-Jay Mpelane

**Telephone:** (012) 399 9404, **E-mail:** Jmpelane@dffe.gov.za

Ms Angelina Shalang  
Eskom Holdings SOC Ltd  
Private Bag X1  
Beacon Bay  
**EAST LONDON**  
5205

Tel number: (043) 703 2413  
(083) 743 6713  
Email address: Shalanar@eskom.co.za

### PER E-MAIL

Dear Ms Shalang

#### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF AN APPROXIMATELY 40KM 132KV POWERLINE FROM THE BUTTERWORTH SUBSTATION TO THE IDUTYWA SUBSTATION WITHIN THE JURISDICTION OF THE AMATHOLE DISTRICT MUNICIPALITY, EASTERN CAPE**

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 fourteen (14) days of the date of the decision, of the 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 stipulate 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 abuse or compromise 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 prescribes 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 twenty (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@dffe.gov.za](mailto:appeals@dffe.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.dffe.gov.za/documents/forms#legal\\_authorisations](https://www.dffe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za).

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
Date: 11/12/2023

Cc:	Siyabonga Gqalangile	Eastern Cape: DEDEA	Email: <a href="mailto:Siyabonga.Gqalangile@dedea.gov.za">Siyabonga.Gqalangile@dedea.gov.za</a>
	Makhaya Kibi	Mnquma Local Municipality	Email: <a href="mailto:mkibi@mnquma.gov.za">mkibi@mnquma.gov.za</a>
	Sinesipho Mboxo	Mbhashe Local Municipality	Email: <a href="mailto:Mboxos@mbhashemun.gov.za">Mboxos@mbhashemun.gov.za</a>
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## 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.

**THE DEVELOPMENT OF AN APPROXIMATELY 40KM 132KV POWERLINE FROM THE BUTTERWORTH  
SUBSTATION TO THE IDUTYWA SUBSTATION WITHIN THE JURISDICTION OF THE AMATHOLE  
DISTRICT MUNICIPALITY, EASTERN CAPE**

**AMATHOLE DISTRICT MUNICIPALITY**

<b>Authorisation register number:</b>	14/12/16/3/3/1/2814
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Eskom Holdings SOC Ltd
<b>Location of activity:</b>	The project is located on ERF 62 of the Farm Butterworth Mission, ERF 499 of the Farm Gwadana, and ERF 585 of the Farm Ngcingwana within Wards 1, 2, and 9 of the Mbhashe Local Municipality and Wards 22, 7, 6,1, and 8 of the Mquma Local Municipality in the Eastern 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.

MS

## 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**

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

with the following contact details –

Ms Angelina Shalang  
Eskom Holdings SOC Ltd  
Private Bag X1  
Beacon Bay  
**EAST LONDON**  
5205

Tel number: 043 703 2413 and  
083 743 6713  
Email address: Shalanar@eskom.co.za

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

Activity number	Activity description
<p><u>Listing Notice 1, Item 11:</u></p> <p>The development of facilities or infrastructure for the transmission and distribution of electricity—</p> <p>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>The proposed project entails the construction of a 132kV powerline between the existing Butterworth and Idutywa Substations that are outside urban areas.</p>
<p><u>Listing Notice 3, Item 12:</u></p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation <i>except</i> where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>(a) In Eastern Cape-</p> <p>(ii) Within critical biodiversity areas identified in bioregional plans</p>	<p>The proposed powerline will traverse Critical Biodiversity Area 2 as such it is expected that an area of more than 300 square metres will be cleared during construction.</p>
<p><u>Listing Notice 3, Item 14:</u></p> <p>The development of-</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square meters or more; where such development occurs-</p> <p>(a) Within a watercourse</p> <p>(b) In Eastern Cape-</p> <p>(dd) Sensitive areas are identified in an environmental management framework as contemplated in Chapter 5 of the Act and as adopted by the competent authority.</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>The proposed development entails the construction of 132kV overhead powerlines of approximately 40km with a physical footprint of more than 10 square meters. The powerline will in some instances encroach on watercourse and in some it will cross the watercourse.</p>



As described in the Basic Assessment Report (BAR) dated November 2023 at:

Affected Farms.	Farm/Portions	Surveyor General Codes	
	ERF 62 of the Farm Butterworth Mission. ERF 499 of the Farm Gwadana. ERF 585 of the Farm Ngcingwana.	C08700140000006200000.  C09300110000049900000.  C09300100000058500000.	
Coordinates of the proposed route		Latitude.	Longitude.
	Start	32°19'55.37"S	28°6'41.36"E
	Middle	32°12'35.38"S	28°15'32.33"E
	End	32°6'34.17"S	28°20'22.98"E

- for the development of an approximately 40km 132kV powerline from the Butterworth Substation to the Idutywa Substation, within the Jurisdiction of the Amathole District Municipality, Eastern Cape, hereafter referred to as "the property".

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The development of an approximately 40km 132kv powerline from the Butterworth Substation to the Idutywa Substation, within the Jurisdiction of the Amathole District Municipality, Eastern Cape is approved as per the geographic coordinates cited in the table above.
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 must 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 affected. 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 (05) 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 must 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. The Part C of the generic Environmental Management Programme (EMPr) for the powerline, submitted as part of the BAR dated November 2023 (Appendix H), is approved and must be implemented and adhered to.
14. The EMPr must be implemented and strictly enforced during all phases of the project. It must be seen as dynamic documents and shall be included in all contract documentation for all phases of the development.
15. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.
16. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

### **Frequency and process of updating the EMPr.**

17. 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.
18. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
19. 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.
20. 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.
21. 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

22. 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.
  - 22.1. The ECO must be appointed before commencement of any authorised activities.
  - 22.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 22.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 22.4. 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

23. 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.
24. 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.
25. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, considering the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
26. 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.

27. 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.
28. 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**

29. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. 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**

30. 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**

31. 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**

32. A heritage practitioner must complete a "walk down" of the final powerline servitude, and all other activity areas (access roads, construction camps, etc.) prior to the start of any construction activities. This walk down shall document all sites, features and objects, in order to propose adjustments to the route and thereby to avoid as many impacts to heritage features as much as possible.
33. All heritage features and graves identified must not be disturbed unless otherwise a permit from SARHA has been granted. The excavation of the graves requires community engagement and negotiations.
34. Farmers and villagers in these areas are known to bury members in their place of dwelling, making this an ideal place for finding either known or unknown graves. Therefore, prior to construction, all contractors



and employees must undergo induction or training which is to include a component of environmental awareness. The contractors and employees must be aware of how to identify and protect archaeological remains that may be discovered during the project.

35. The pre-construction training must include some limited site recognition training for the types of archaeological sites that may occur in the construction areas.
36. Prior to construction, the applicant must initiate negotiations with directly affected households, more especially where routes traverse homes. Possible relocation of some households must be undertaken in line with the relevant legislation.
37. Bird Flight Diverters must be placed along the length of the powerline where it crosses rivers/riparian zones.
38. Permits from relevant authorities must be obtained prior to commencement of any construction activities for the disturbance or removal of any nationally or provincially protected species.
39. Vegetation clearing prior to and during construction must be limited to the footprint of the proposed development.
40. 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. No dumping of material on-site must be allowed.
41. All waste generated on-site during construction must be adequately managed. Separation and recycling of different waste materials must be supported.

## General

42. The recommendations of the EAP in the BAR dated November 2023 and the specialist studies attached 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.
43. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 43.1. at the site of the authorised activity;
  - 43.2. to anyone on request; and
  - 43.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.

44. 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: 11/12/2023



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 14 August 2023.
- b) The information contained in the BAR dated November 2023.
- c) The comments received from Interested and Affected Parties as included in the BAR dated November 2023.
- d) Mitigation measures as proposed in the BAR and the EMPr dated November 2023.
- e) The information contained in the specialist studies and mitigation measures contained within the BAR dated November 2023 and as appears below:

Study	Specialist	Date
Aquatic Impact Assessment	MORA Ecological Services (Pty) Ltd	November 2022
Visual Impact Assessment.	Outline Landscape Architects cc	January 2023
Avifaunal Impact Assessment	MORA Ecological Services (Pty) Ltd	November 2022
Cultural-Heritage Impact Assessment	Vhubvo Consultancy Cc	December, 2022
Socio-Economic Impact Assessment.	Consultant: Vhahangwele Manavhela.	17 March 2023
Palaeontological Impact Assessment	Consultant: Prof Marion Bamford	12 November 2022
Terrestrial Ecological Assessment Report	Naledzani Environmental Services.	22 May 2023.

### 2. Key factors considered in making the decision.

All information presented to the Department was considered 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 development of the 132kV powerline from the Butterworth Substation to the Idutywa Substation.
- c) The BAR dated November 2023 identified all legislation and guidelines that have been considered in the preparation of the BAR.

- d) The methodology used in assessing the potential impacts identified in the BAR dated November 2023 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 2023 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 information contained in the BAR dated November 2023 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- 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, 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.**



