



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: 14/12/16/3/3/1/2979

Enquiries: Ms Olivia Letlalo

Telephone: 012 399 8815 **E-mail:** oletlalo@dff.gov.za

Ms Rendani Rasivhetshela
NTC Group (Pty) Ltd
P.O. Box 2027
Northriding
JOHANNESBURG
2169

Telephone Number: 011 462 2022

Cellphone Number: 072 721 4835/ 072 738 3836

Email Address: projects@ntcgroup.co.za / tebogo@ntcgroup.co.za

PER MAIL / E-MAIL

Dear Ms Rasivhetshela

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF THE BORUTHO-SILIMELA 150KM 400kV POWER LINE AND ASSOCIATED INFRASTRUCTURE, WITHIN THE LEPELLE-NKUMPI, MOGALAKWENA, MODIMOLLE - MOOKGOPONG AND EPHRAIM LOCAL MUNICIPALITIES IN LIMPOPO PROVINCE

The draft Basic Assessment Report (BAR) dated April 2024 and received by this Competent Authority (CA) on 25 April 2024, refers.

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

Project Description

- The CA acknowledges the project description provided on page 13 of the draft BAR and on page 9 of the application form, however, it has been noted that the project description provided on page 9 of the application form, is not as the same as that provided on page 13 of the draft BAR. Therefore, when submitting the final BAR and the amended application form, you are advised to provide a similar project description in both documents, and which includes the technical components of the proposed development with the associated infrastructures.
- In addition, you are advised to provide the technical details and the dimensions of the associated infrastructures such as substation and temporal/permanent laydown areas, and for linear activities such as roads or internal roads, you are advised to provide the length and width of the linear infrastructures.
- It has been noted that the proposed 400kV powerline will connect from both Borutho Substation and Silimela Substation, and that both substations are to be extended to accommodate the proposed 400kV, however, it is not provided which yards are to be extended on both substations to accommodate the proposed 400kV powerline. Therefore, you are advised to indicate if the extension of both substations will introduce a new construction of a 400kV yard or an extension of already existing 400kV yard.
- It has been noted that the basic assessment process has been followed for the proposed development as the grid infrastructure corridor falls within Electricity Grid Infrastructure (EGI) Corridor. The CA acknowledges

the attached pre-negotiated route agreements (Appendix 7B), however you are advised that as per Government Notice No 145 of 26 February 2021, you are required to submit the route negotiated with all landowners of the properties to be affected by the proposed development. Therefore, ensure you submit such agreements of the negotiated route in the final BAR.

- On page 14 of the draft BAR, it has been noted that both Borutho Substation and Silimela Substation are provided as infrastructures for the proposed development, while on page 13 of the draft BAR, it has been indicated that Silimela and Borutho substations already have been approved for construction under other Environmental Authorisations and as such, exist. Therefore, you are advised to provide clarity if both substations form part of this EA application or not.

SG 21 Digit Codes and Coordinates

- The CA acknowledges the SG 21 Digit Codes on page 16 to 20 of the draft BAR; however, you are advised to ensure that the farm names and numbers with their SG 21 Digit Codes provided in the final BAR are the same with those provided in Appendix 9 of the amended application form.
- The CA acknowledges the coordinates provide on page 20 of the draft BAR, however, for each property, you are advised to provide the powerline coordinates from the start, middle and end points. In addition, for the associated infrastructures such as the substation and laydown areas, you are advised to provide the four corner and centre points coordinates.

Screening Tool Report

- It has been noted that the screening tool reports for the powerline and associated infrastructures are included in the draft BAR, however, there is no EIA Reference numbers and compiler signatures on the aforesaid reports. Therefore, you are advised to provide the EIA reference number and sign the abovementioned reports to be submitted with the final BAR.

Listed Activities

- It has been noted that the word/s “**should and may**” have been used in the description of activity 19 of Listing Notice (LN) 1 and activity 9 of LN 2. Please refrain from using such word/s, since it creates an uncertainty regarding the applicability of the listed activity applied for, for the proposed development. In addition, please note that the project description and listed activities are not based on a precautionary approach.
- For activity 12 of LN 1, it has been noted that the placement of linear infrastructure (i.e., overhead powerlines) will be located within or within 32m of watercourses, however, the physical footprints of the linear infrastructures are not provided, therefore, you are advised to provide the physical footprint of the linear infrastructure/s which are 100 square meters or more and that are within 32m of a water course.
- For activity 19 of LN 1, the CA acknowledges that the listed activity will be triggered as the topsoil used within the facility will be removed from the identified areas within the site. This might include areas identified within wetlands. However, you are advised to provide the capacity of the materials which are more than 10 cubic meters to determine the applicability of this activity.
- For activity 28 of LN 1, the CA acknowledges that activity 28(ii) is triggered as the proposed powerline will transverse land used for agricultural purposes. The power line and associated infrastructure is located outside an urban area and will cover an area over one hectare or more. Please provide the size of the total land to be developed or cover by the powerline in hectares in order to determine the applicability of this listed activity.
- It has been noted that for activity 30 of Listing Notice (LN) 1, the proposed 400kV power line will transverse the Witvinger Nature Reserve and the Potgietersrus Nature Reserves. Therefore, for the description to trigger the listed activity, the CA advise you to note the following:
 - To obtain comments from the management authority of all the above-mentioned nature reserves.
 - To obtain comments from the DFFE Biodiversity Conservation, LEDET: Biodiversity Section; DFFE: Protected Areas and the Department of Water and Sanitation (DWS).
- Based on the above, please note that since the proposed route will overlap or go through the Protected Areas, approval from the Management Authority in terms of the National Environmental Management:

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Protected Areas Act, 2003; Section 50 (5) for commercial and community activities in the National Park, and/or World Heritage Site must be obtained and be submitted with the final report. Comments from this Department's Protected Areas Directorate must be obtained to confirm whether approval from the Management Authority in terms of the National Environmental Management: Protected Areas Act, 2003; Section 50 (5) is required.

- For activity 4 of LN 3, please indicate the dimensions of the road to determine the applicability of this listed activity.
- It has been noted that activities in LN 3 have been applied for because the site falls "within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans....". Therefore, you are requested to indicate in the project description of the aforesaid listed activities that the CA has adopted the biodiversity plans or bioregional plans. Proof confirming the adoption of systematic biodiversity plans from the relevant CA must be submitted with the final report. Should it be that the systematic biodiversity plan is not adopted, the activities would not be triggered.
- Kindly be advised that listed activities are not based on a precautionary approach. Please ensure that all the listed activities in the amended application form and final SR are clear and final for decision making purposes.
- 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. In addition, the onus is on the applicant and the Environmental Assessment Practitioner (EAP) to ensure that all the applicable listed activities are included in the application and the final BAR. Failure to do so may result in unnecessary delays in the processing of the application.
- If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted for final review and decision making. Please note that the Department's has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>

Alternatives

- The CA acknowledges the discussion of the site alternatives on page 26 of the draft BAR, and that a 250m servitude route is being studied and the servitude for the proposed powerline will not be more than 90m wide within the 250m servitude. However, it has been indicated that the reason for studying a 250 wide route was to ensure that should there be a need to shift the powerline position, there would be room for movement. Therefore, you are advised provide a discussion of the powerline route alternatives with affected landowners and indicate the position of the preferred powerline route alternative (including the reasons as to why preferred) in the final BAR.
- On page 13 of the draft BAR, it has been indicated that no layout alternatives have been considered in this draft BAR, while it is provided that the position of the powerline is not confirmed with the 250m servitude. Therefore, when submitting the final BAR, within the proposed identified 250m wide servitude, you are advised to provide the discussion of the design and layout alternative and indicate the preferred layout alternative with the preferred powerline route alternative.
- Please note that Appendix 1(3)(1)(h)(x) of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended, requires that "if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such" must be included in the BAR. You are therefore required to provide motivation should other alternative sites, routes, layouts, and technologies not be considered. In addition, you are advised that motivation for not providing alternatives cannot be considered, especially if the proposed development will affect sensitive areas. You are advised to ensure that the final development layout avoids sensitive areas.
- A description of the process followed to reach the preferred alternative within the site as per Appendix 1(3)(1)(h)(i) of the EIA Regulations (2014), as amended, must be incorporated into the final BAR.

Layout and Sensitivity Maps

- The CA acknowledges the attached Appendix A3 (layout map) submitted with the draft BAR, however, from the overall sensitivity map, please note that no activity is allowed within CBA 1.

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- In addition, it has been noted from the sensitivity map that the proposed grid connection traverse sensitive features such as wetlands, heritage sites, ESA's and CBA's, therefore, you are advised to provide buffers for the sensitive feature, no-go areas and mitigation measures i.e. spanning the waterbodies, /as recommended by the specialist to ensure avoidance of impacts on sensitive areas by the proposed development.
- Please provide a layout map which indicates the following:
 - Position of all infrastructure e.g., the 132kV powerline, substation, electrical distribution infrastructure as per page of the application form.
 - Permanent laydown area footprint.
 - All supporting onsite infrastructure e.g., roads (existing and proposed).
 - All existing infrastructure on the site.
 - The location of sensitive environmental features on site e.g., CBAs, ESAs, heritage sites, wetlands, drainage lines etc. that will be affected.
 - Buffer areas of the above sensitive areas; and
 - All "no-go" areas.
- Please ensure that the above map has a clear legend that communicates with details of the map.
- The above map must be overlain with a sensitivity map and a cumulative map which shows the proposed powerline with associated infrastructures as well as neighbouring powerlines.
- In addition, all available biodiversity information must be used in the finalisation of the map and infrastructure must not encroach on highly sensitive areas as far as possible.
- Images and Google maps will not be accepted for decision-making purposes.

Specialist Assessments

- The CA acknowledges the attached Appendix E-L (specialist studies); however, it has been noted that site sensitivity verification report is not submitted with the draft BAR. **Therefore, you are advised to submit a site sensitivity verification report that, comply with the requirements of Government Notice No. 320 of 20 March 2020 (i.e., "the Protocols"), and in Government Notice No. 1150 of 30 October 2020**
- Based on the above, it is brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were published in Government Notice No. 320 of 20 March 2020 (i.e., "the Protocols"), and in Government Notice No. 1150 of 30 October 2020, have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols unless proof is provided to demonstrate that the specialist assessments were commissioned prior to 50 days after the promulgation of GN 320 and after promulgation of GN1150 (30 October 2020).
- In addition to the above, you are hereby drawn to the following:
 - The Specialist Declaration of interest forms must be attached for all specialist studies to be conducted in the final BAR. The forms are available on Department's website (please use the Department's template).
 - Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of proposed rehabilitation, and all other proposed structures that they have assessed and are recommending for authorisations.
 - The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
 - Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.
 - Please note further that the protocols require certain specialists' to be registered with SACNASP. Refer to the relevant protocols in this regard.
 - Please include a table in the final BAR summarising the specialist studies required by the Screening Tool, a column indicating whether these studies will be conducted or not, and motivation if any study will not be undertaken. Please note that if any of the specialists' studies and requirements recommended in

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the Department's Screening Tool are not commissioned, motivation for such must be provided in the report, as per the requirements of the Protocols.

- Please also ensure that the final BAR includes the Site Verification Report as required by the relevant environmental themes and assessments.
- Should it be determined that there is a need for additional specialist studies to be undertaken based on the outcome of public participation, these must be commissioned and be included in the final BAR reports for public comment.

Participation Process

- Please ensure that comments from all relevant stakeholders are submitted to the Department with the final BAR. This includes but not limited to the Department of Forestry, Fisheries, and the Environment (DFFE): Protected Areas Planning and Management Effectiveness Directorate, Biodiversity Planning and Conservation (BCAdmin@environment.gov.za); Limpopo Department of Economic Development, Environment and Tourism (LEDET); Eskom, South African Heritage Resources Agency (SAHRA), South African Civil Aviation Authority, Endangered Wildlife Trust, Birdlife South Africa, Department of Human Settlement, Water and Sanitation, South African National Defence Force, Local interest groups, for example: Councillors and Rate Payers associations; Surrounding landowners, Farmer Organisations, Environmental Groups and NGOs; and Grassroots communities and structures as well as the affected district and local municipalities.
- Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments.
- The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended and the approved Public Participation Plan.
- The comments and response trail report (C&R) must be submitted with the final BAR. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.
- Please ensure that all issues raised, and comments received during the circulation of the BAR from registered I&APs and organs of state which have jurisdiction (including this Department's comments) in respect of the proposed activity are adequately addressed. Comments made by I&APs must be comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments.

Cumulative Impact

- It has been noted that cumulative impacts for the proposed development has been provided as per specialist study, however, when submitting the final BAR, the cumulative impacts of the proposed development must be undertaken as per the requirements of the EIA Regulations, 2014 as amended.
- Based on the above, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:
 - Assess the cumulative impacts of the proposed (not yet authorised), authorised (not yet constructed) and existing OHPL and substations.
 - 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.

Environmental Management Programme (EMPr)

- The CA acknowledges both the substation and powerline generic EMPr's submitted with the draft BAR. You are advised to include these in the final BAR.

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- The generic EMPs must not contain any ambiguity. Where applicable, statements containing the word “should” or “may” are to be amended to “must”.

General

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority -

(a) a basic assessment report, inclusive of specialist reports, an EMP, and where applicable a closure plan, which 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 BAR or EMP 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 19(b) of the NEMA EIA Regulations, 2014, as amended, which states: “the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the basic assessment report, inclusive of specialist reports an EMP, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMP or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in sub-regulation (1)(a) and that the revised reports or, EMP or, where applicable, a closure plan 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 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



Dr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Signed by: Ms Olivia Letlalo

Designation: Deputy Director: Prioritised Infrastructure Projects

Date: 24/05/2024

cc	Madinare Mukhuba	Eskom Holdings SOC Limited	Tel: 011 516 7350	Email: mukhubdm@eskom.co.za
	Mr Rhulani Mthombeni	Limpopo (LEDET)	Tel: 015 293 8300	Email: mthombeniRV@ledet.gov.za

Annexure 1

1. Format for Comments and Response Report:

Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
27/03/2021 Email Department of Forestry, Fisheries and the Environment: National Infrastructure Projects (Joe Soap)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form