



# 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:** 14/12/16/3/3/1/2722

**Enquiries:** Trisha Pillay

**Telephone:** (012) 399 9406 **E-mail:** TPillay@dfffe.gov.za

Ms Nkhensani Masondo  
Savannah Environmental (Pty) Ltd  
PO Box 148  
**SUNNINGHILL**  
2157

**Telephone Number:** (011) 656 3237  
**Email Address:** nkhensani@savannahsa.com

## PER E-MAIL

Dear Ms Masondo

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED 240MW ABERDEEN WIND ENERGY FACILITY 1 WEST OF THE TOWN OF ARBEDEEN WITHIN THE DR BEYERS NAUDE LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE**

The Draft Basic Assessment Report (BAR) dated March 2023 and received by this Department on 10 March 2023, refers.

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

#### **(a) Specific Comments**

- (i) The co-ordinates in the BAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for substations and the Battery Energy Storage Systems must be included in the final BAR, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.
- (ii) Please provide a detailed description as well as any associated assessments related to the technology required for the Battery Storage System (BESS).
- (iii) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.
- (iv) According to the Avifaunal Specialist Report (Appendix F), the high-risk areas (class 5.5 and above) displayed in Figure 6 on page 48 must be regarded as no-go areas, however several wind turbines seem to be encroaching into these high-risk areas. The wind turbines on the layout plans in the Avifaunal Specialist Report are not numbered therefore making it difficult to reference the exact placement of the wind turbines that seem to be encroaching into the high-risk areas. Kindly revise Figure 6 in the Avifaunal Specialist Report to reflect sequentially numbered wind turbines which will aid in future referencing. In addition, the layout plan must be amended to illustrate all turbines located outside the high-risk areas as identified in Figure 6 of the Avifaunal Specialist Report. Caution should be applied for wind turbines

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- located in close proximity to avifaunal no-go areas to ensure the full blade length of the wind turbines do not encroach into any pre-defined sensitive areas.
- (v) The generic Environmental Management Programme (EMPr) for the substation, Part B Section 2 is incomplete in the draft BAR. The generic EMPr must be signed by the applicant as required by 7.3. The reason provided by the EAP that “*This declaration will be signed by the proponent/applicant/holder of the EA once the contractor is appointed and has provided inputs to this Generic EMPr as per the requirements of this template.*” is not accepted. Please take note failure to submit all the required information that forms part of the generic EMPr will be regarded as non-compliance. We request that you adequately complete all applicable sections in the generic EMPr.
  - (vi) The Stormwater Management Plan for the Aberdeen Wind Facility 1 included in the EMPr prepared by SRK Consulting is illegible. Please include a clear copy of the SWMP in the final BAR.
  - (vii) The Site Sensitivity Verification Report (SSVR) (Appendix P) omitted one of the specialist assessments identified by the screening tool, namely the Geotechnical Assessment. Kindly include the requirement of this assessment in the SSVR and provide a motivation as to why this specialist assessment was not done.
  - (viii) Comments must be obtained from this Department’s Biodiversity Conservation Directorate at BCAdmin@dffe.gov.za.

**(b) Listed Activities**

- (i) The listed activities applied for in the application form and the draft BAR have been quoted incorrectly, as they do not correlate with the listed activities in the EIA Regulations 2014, as amended. The following discrepancies were noted with regards to the activities applied for in the application form and the draft BAR:
  - “*Activity 12 (xii)(a)(c) of Listing Notice 1*”- These sub activities have been changed with the recent amendments to the EIA Regulations made in 2017. The Activity should be referenced as “*Activity 12 (ii)(a)(c) of Listing Notice 1*”.
  - “*Activity 19 (i) of Listing Notice 1*”- This sub activity has been changed with the recent amendments to the EIA Regulations made in 2017. The Activity should be referenced as “*Activity 19 of Listing Notice 1*”.
  - “*Activity 18 (i)(ii)(aa) of Listing Notice 3*”- Is quoted incorrectly and failed to apply for the applicable province (Eastern Cape) the activity occurs within. Furthermore, the sub activity (aa) refers to “*A protected area identified in terms of NEMPAA, excluding conservancies*” and this does not correlate to the description provided in the report and application form. The Activity should be quoted as “*Activity 18 (a) (i)(ii) of Listing Notice 3*”Kindly ensure all activities applied for in the application form and the final BAR are applicable to the proposed development and are quoted correctly as per the EIA Regulations 2014, as amended.
- (ii) 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. Only activities applicable to the development must be applied for and assessed.
- (iii) Please ensure that all relevant listed activities and sub-activities are correctly numbered as per the relevant listing notices.
- (iv) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- (v) The listed activities represented in the final BAR and the application form must be the same and correct. If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted. Please note that the Department’s application form template has been amended and can be downloaded from the following link <https://www.dffe.gov.za/documents/forms>.
- (vi) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

- (vii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

**(c) Layout & Sensitivity Maps**

- (i) The final BAR must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- (ii) All preferred turbine positions must be clearly numbered. The turbine position numbers must be consistently used in all maps to be included in the reports.
- (iii) A copy of the final layout map must be submitted with the final BAR. All available biodiversity information, specialist studies and comments from Interested and Affected Parties must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible, e.g. roads. The layout map must indicate the following:
- a) The envisioned area for the facilities, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
  - b) Position of the wind turbines (wind turbines to be numbered);
  - c) Internal roads;
  - d) All supporting onsite infrastructure such as laydown area, guard house and control room etc.;
  - e) Battery Energy Storage System;
  - f) Substations, transformers, switching stations and inverters;
  - g) Connection routes (including pylon positions) to the distribution/transmission network;
  - h) All existing infrastructure on the site, especially railway lines and roads; and
  - i) Buildings, including accommodation
- (iv) Please provide an environmental sensitivity map which indicates the following:
- a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines, nest and roost sites, etc. that will be affected by the facility and its associated infrastructure;
  - b) Buffer areas; and
  - c) All “no-go” areas.
- (v) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.
- (vi) Google maps will not be accepted.

**(d) Alternatives**

- (i) Please note that you are required to provide a full description of the process followed to reach the proposed preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the EIA Regulations 2014, as amended, including the following content:
- a) details of all the alternatives considered;
  - b) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;
  - c) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
  - d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts—

- (aa) can be reversed;
  - (bb) may cause irreplaceable loss of resources; and
  - (cc) can be avoided, managed or mitigated;
  - f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
  - g) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - h) the possible mitigation measures that could be applied and level of residual risk;
  - i) the outcome of the site selection matrix;
  - j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
  - k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.
- (ii) Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.

**(e) Specialist Declaration of Interest**

- (i) Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on the Department's website (please use the Department's template).

**(f) Specialist Assessments**

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
- a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
  - b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
  - c) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
  - d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
  - e) **All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
  - f) **Bird and bat specialist studies must have support from Birdlife South Africa and SABAA.**
  - g) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (ii) 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 expert advice.
- (iii) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in 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 promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols") and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species),

have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.**

- (iv) Please also ensure that the final BAR includes the Site Verification Report and Compliance Statements (where applicable) as required by the relevant themes.
- (v) Please note further that the protocols, if applicable, require certain specialists' to be SACNASP registered. Please ensure that the relevant specialist certificates are attached to the relevant reports.
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.

#### **(g) Cumulative Assessment**

- (i) Should there be any 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:
  - a) 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.
  - b) 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.
  - c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
  - d) A cumulative impact environmental statement on whether the proposed development must proceed.

#### **(h) Undertaking of an Oath**

- (i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP.
- (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:  
*"an undertaking under oath or affirmation by the EAP in relation to:*
  - a) *the correctness of the information provided in the reports;*
  - b) *the inclusion of comments and inputs from stakeholders and I&APs;*
  - c) *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
  - d) *any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties".*

#### **(i) Details and Expertise of the EAP**

- (i) You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

#### **(j) Public Participation Process**

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final BAR. This includes but is not limited to the Eastern Cape Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), the Dr Beyers Naude Local Municipality, the Eastern Cape Parks and Tourism Agency, the Eastern Cape Provincial Heritage Resources Authority, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), BirdLife SA, the South African Bat Assessment Association (SABAA), the Department of Mineral

- Resources and Energy, and the Department of Forestry, Fisheries and the Environment: Directorate Biodiversity and Conservation at BCadmin@dffe.gov.za.
- (ii) 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.
  - (iii) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department's Biodiversity Section), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR.
  - (iv) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR and must be incorporated into a Comments and Response Report (CRR).
  - (v) Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.
  - (vi) The CRR 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.
  - (vii) Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&APs' comments.
  - (viii) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.

#### **(k) Environmental Impact Statement**

- (i) You are reminded that an environmental impact statement must be included in the final BAR, therefore you are kindly requested to include an environmental impact statement which contains –
  - a) a summary of the key findings of the environmental impact assessment;
  - b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and
  - c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

#### **(l) Environmental Management Programme**

- (i) It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in Regulations 19(4) must be used and submitted with the final report over and above the EMPr for the facility.
- (ii) There needs to be an EMPr for the facility, the onsite substation as well as the power line, for whichever alternative is chosen.
- (iii) Further to the above, you are required to comply with the content of the EMPr in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.
- (iv) Please be informed that the following content must be incorporated within the EMPr/s as indicated in Appendix 4 of the EIA Regulations 2014, as amended:
  - a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.

- b) 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.
- c) 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 —
  - (aa) Planning and design;
  - (bb) Pre-construction activities;
  - (cc) Construction activities;
  - (dd) Rehabilitation of the environment after construction and where applicable post closure; and
  - (ee) Where relevant, operation activities.
- d) 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 —
- e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
- f) Comply with any prescribed environmental management standards or practices;
- g) Comply with any applicable provisions of the Act regarding closure, where applicable; and
- h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
- i) 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.
- j) 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.
- k) An indication of the persons who will be responsible for the implementation of the impact management actions.
- l) 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.
- m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

**(m) General**

- (i) The final BAR must include a list providing a clear description of the infrastructure associated with the development.
- (ii) The final BAR must provide the technical details for the proposed facilities in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under Annexure 2 below.
- (iii) The EAP must provide details of the specific locations in the BAR. All associated infrastructure must be clearly indicated in the final BAR and its associated layout plans.
- (iv) When submitting the BAR and future documents kindly name each of the documents and attachments according to the information it contains e.g., instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.
- (v) The EAP must provide an outline of where in the final BAR each of this Department's comments are addressed. This must be a separate document and must be submitted as an appendix to the final BAR.
- (vi) Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

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 any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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 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 19(1)(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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised documents 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 faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Signed by: Mr Coenrad Agenbach**  
**Designation: Deputy Director: Priority Infrastructure Projects**  
**Date: 11 April 2023**

cc:	Unai Urtasun	Aberdeen Wind Facility 1 (Pty) Ltd	E-mail: unai.bravo.urtasun@acciona.com
	Dayalan Govender	Eastern Cape DEDEAT	E-mail: dayalan.govender@dedea.gov.za
	Dr Edward Martin Rankwana	Dr Beyers Naude Local Municipality	E-mail: mmoffice@bnlm.gov.za

**Annexure 1: Format for Comments and Response Report:**

<b>Date of comment, format of comment name of organisation/I&amp;AP,</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/03/2021 Email Department of Forestry, Fisheries and the Environment: Priority 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

**Annexure 2: Sample of technical details for the proposed facility**

<b>Component</b>	<b>Description / dimensions</b>
Location of the site	
The total area of the site	
Total disturbance footprint	
Maximum generation capacity for facility	
Number of Turbines	
Hub Height from ground level	
Rotor top tip height	
Rotor bottom tip height	
Blade Length	
Rotor Diameter	
Turbine Foundations	
Turbine Hardstands and Laydown Areas	
Capacity of on-site substation and footprint	
Battery Energy Storage System (BESS) and footprint	
Cables and Overhead Power line	
Area occupied by both permanent and construction laydown areas	
Length of internal roads	
Width of internal roads	