



## 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: 14/12/16/3/3/1/2805

Enquiries: Ms Julliet Mahlangu

Telephone: (012) 399 9320 E-mail: [nnkosi@dfpe.gov.za](mailto:nnkosi@dfpe.gov.za)

Ms. Deidre Herbst  
Eskom Holdings SOC Ltd  
P.O. Box 1091  
**JOHANNESBURG**  
2001

Telephone Number: (011) 800 3501  
Cell Number: (083) 660 1147  
Email Address: [HerbstDL@eskom.co.za](mailto:HerbstDL@eskom.co.za)

### PER EMAIL / MAIL

Dear Ms Herbst

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR PROPOSED 132KV POWER LINE FROM THE PROPOSED LETHABO PV PLANT TO THE EXISTING RWB LETHABO SUBSTATION WITHIN METSIMAHOLO LOCAL MUNICIPALITY UNDER FEZILE DABI DISTRICT FREE STATE

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 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.

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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 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@dfpe.gov.za](mailto:appeals@dfpe.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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dfpe.gov.za](mailto:appeals@dfpe.gov.za)

Yours faithfully

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

cc:	Ms Brenda Makanza	DIGES Group	Email: <a href="mailto:brendam@diges.co.za">brendam@diges.co.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.

Construction of 132kv power line from the proposed Lethabo PV plant to the existing RWB Lethabo substation within Metsimaholo Local Municipality, Free State

### Fezile Dabi District Municipality

Authorisation register number:	14/12/16/3/3/1/2805
Last amended:	First issue
Holder of authorisation:	Eskom Holdings SOC Ltd
Location of activity:	Remainder Portion of Bankfontein No. 9; Bankfontein No. 1849; and Remainder Portion of Lethabo Power Station No. 1814  Within Ward 18 of the Metsimaholo Local Municipality, Fezile Dabi District Municipality, Free State 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.

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## 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. Deidre Herbst  
Eskom Holdings SOC Ltd  
P.O. Box 1091  
**JOHANNESBURG**  
2001

**Telephone Number:** (011) 800 3501  
**Cell Number:** (083) 660 1147  
**Email Address:** [HerbstDL@eskom.co.za](mailto:HerbstDL@eskom.co.za)

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

Activity number	Activity description
<p><u>Listing Notice 1, Item 11:</u></p> <p><i>The development of facilities or infrastructure for the transmission and distribution of electricity—</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;</i></p>	<p>Construction of a 132kV powerline to be operated at 88kV until there is a future need for it. The powerline will connect the authorised Lethabo Solar PV Plant to the existing RWB Lethabo substation. The length of the powerline will be approximately 4.5km.</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>The possible excavating of more than 10 m<sup>3</sup> and infilling of wetlands with more than 10 m<sup>3</sup> of material during construction.</p>
<p><u>Listing Notice 3, Item 12 (b)(iv)</u></p> <p><i>The clearance of an area of 300 square meters or more of indigenous vegetation in the</i></p> <p><i>(b) Free State</i></p> <p><i>(iv) areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland."</i></p>	<p>The clearance of 300m<sup>2</sup> of vegetation at tower positions within 100m of the delineated wetlands.</p>
<p><u>Listing Notice 1, Item 14 (ii)(c)(b)(i)(ff)</u></p> <p><i>The development of</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more where such development occurs</i></p> <p><i>(c) if no development setback has been adopted, within 32 metres of metres of a watercourse, measured from the edge of a watercourse in</i></p> <p><i>(b) Free State,</i></p>	<p>The proposed corridors are within ESA 1 and 2, and the cumulative area of the towers that will be placed within 32m of wetlands exceeds 10 square meters.</p>



- (i) Outside urban areas,  
(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.

as described in the Basic Assessment Report (BAR) dated 02 November 2023.

## Project Coordinates

Project Coordinates: Route A		
Point	Latitude (S)	Longitude (E)
Start (Lethabo Solar Plant)	26° 45' 17,278" S	27° 57' 58,783" E
Mid-point	26° 44' 51,915" S	27° 59' 4,191" E
End (RWB Substation)	26° 43' 53,679" S	27° 59' 24,735" E
Route Coordinates at 250m intervals Route A		
250	26° 45' 15,054" S	27° 58' 6,917" E
500	26° 45' 11,720" S	27° 58' 15,171" E
750	26° 45' 8,386" S	27° 58' 23,424" E
1000	26° 45' 5,052" S	27° 58' 31,678" E
1250	26° 45' 1,717" S	27° 58' 39,931" E
1500	26° 44' 58,383" S	27° 58' 48,184" E
1750	26° 44' 55,049" S	27° 58' 56,437" E
2000	26° 44' 51,714" S	27° 59' 4,690" E
2250	26° 44' 48,003" S	27° 59' 12,186" E
2500	26° 44' 39,952" S	27° 59' 10,967" E
2750	26° 44' 32,916" S	27° 59' 9,079" E
3000	26° 44' 25,805" S	27° 59' 13,457" E
3250	26° 44' 18,682" S	27° 59' 17,810" E
3500	26° 44' 11,397" S	27° 59' 21,804" E
3750	26° 44' 3,635" S	27° 59' 23,852" E
4000	26° 43' 55,582" S	27° 59' 22,644" E

**Farm Name and SG Codes:**

Farm Name	SG Codes
Remainder Portion of Bankfontein No. 9	F0160000000000900000
Bankfontein No. 1849	F016000000000184900000
Remainder Portion of Lethabo Power Station No. 1814	F016000000000181400000

For the construction of 132kV Powerline from the proposed Lethabo PV plant to the existing RWB Lethabo substation within Metsimaholo Local Municipality under Fezile Dabi District Municipality, Free State Province, hereafter referred to as "the property", (coordinates above).

The proposed project includes:

- $\pm 4.5$ km, 132 kV powerline, operated as an 88kV powerline, from the Lethabo Solar PV Plant to the existing Lethabo Rand Water Board (RWB) substation; and
- 1x additional 88kV bay, inclusive of busbar extension and control plant extension at the existing Lethabo RWB Substation.

Technical details of the proposed project will include:

Infrastructure	Details
Power line capacity	132kV
Height of Towers	17m- 24m
Span Length	300m-400m
Minimum Ground Clearance	6.7m
Length	$\pm 4.5$ km
Servitude	60m A section of route (A) runs parallel. 22kV and 88kV power lines

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## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The Route Option A (Preferred alternative) for the construction of the 132kV, Powerline from the proposed Lethabo PV plant to the existing RWB Lethabo substation within Metsimaholo Local Municipality under Fezile Dabi District Free State, is approved as per the geographic coordinates cited 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 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 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.



### **Notification of authorisation and right to appeal**

9. 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.
10. The notification referred to must –
  - 10.1. specify the date on which the authorisation was issued;
  - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons of the Competent Authority for the decision.

### **Commencement of the activity**

11. 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**

12. The site layout plans as attached as Appendix D-1 of the BAR dated 02 November 2023 is approved.
13. The Part B: Section 2 and Part C of Generic Environmental Management Programme (EMPr) for the development and expansion for overhead electricity transmission and distribution infrastructure submitted as part of the BAR dated 02 November 2023 is approved and must be implemented and adhered to.
14. The generic 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.
15. Changes to the approved Generic EMPr must be submitted in accordance to the EIA Regulations applicable at the time.

16. The Department reserves the right to amend the approved Generic 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, taking into account 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. 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**

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. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
33. Where vegetation has been cleared outside of the construction footprint, site rehabilitation in terms of soil stabilisation and revegetation must be undertaken.
34. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
35. Alien invasive management plan must be developed to control and manage the invasive plant species in the study area. The plan must also cater for the risk of alien invasive species introduction by the proposed development in the study area.
36. The 132kV power line must be constructed using a bird friendly structure.
37. Anti-collision devices such as bird flappers must be installed where the powerline cross avifaunal corridors. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
38. Construction activities (i.e., all staff, vehicle, and machinery) must be restricted to the immediate footprint of the infrastructure.
39. Access to the remainder of the site must be strictly controlled to prevent unnecessary disturbance of avifaunal species.
40. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal, and ash concentrations), fossils or other categories of heritage resources are found during the proposed- development, SAHRA DAU (Sityhilelo Ngcatsha/Natasha Higgitt 021 202 8660) must be alerted as per section 35(3) of the NHRA.



41. If unmarked human burials are uncovered, the SAHRA DAU (Sityhilelo Ngcatsha/Natasha Higgitt 021 202 8660), must be alerted immediately as per section 36(6) of the NHRA.
42. If fossils are found by the environmental officer, or other responsible person once excavations for pole foundations have commenced, then they should be rescued, and a palaeontologist called to assess and call A Fossil Chance Find Protocol must be implemented once the excavations / drilling activities begin ect a representative sample.
43. 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

44. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying:
- 44.1. at the site of the authorised activity.
  - 44.2. to anyone on request.
  - 44.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
45. 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 17 July 2023.
- b) The information contained in the BAR dated 02 November 2023.
- c) The comments received from Interested and Affected Parties (I&APs) as included in the BAR dated 02 November 2023.
- d) The recommendations made by the EAP in the BAR dated 02 November 2023.
- e) Mitigation measures as proposed in the BAR and the EMPr.
- f) The information contained in the specialist studies contained within the appendices of the BAR dated 02 November 2023 and as appears below:

### 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 proposed Powerline is directly linked to the need for the 75MW Lethabo Solar Photovoltaic (PV) Power Plant (14/12/16/3/3/2/753) Authorised in 2016.
- c) The main purpose of the proposed project is to evacuate electricity from the Solar PV to the power station.
- d) The BAR dated 02 November 2023 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- e) The methodology used in assessing the potential impacts identified in the BAR dated 02 November 2023 and the specialist studies have been adequately indicated.
- f) 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.



## 2. 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 02 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 02 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.

## Annexure 2: Layout Map

