

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3716

28 July 2023

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

(ACT NO. 107 OF 1998)

CONSULTATION ON THE INTENTION TO AMEND CERTAIN REQUIREMENTS FOR AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR A RENEWABLE ENERGY FACILITY OR FOR THE REQUEST FOR REGISTRATION OF AN EXCLUSION FROM THE REQUIREMENT TO OBTAIN AN ENVIRONMENTAL AUTHORISATION

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby consult on the intention to require that a letter of consent from Eskom Holdings Ltd. or its successor be submitted with an application for environmental authorisation or with a request for registration of an exclusion from the requirement to obtain an environmental authorisation for identified activities as set out in this Schedule, when proposed within a specific radius of a main electricity transmission or distribution substation.

The amendment to the application procedures is proposed to be made under sections 24(5)(a), 24(5)(b)(i) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998). This procedure is necessary to ensure unrestricted access to main electricity transmission or distribution substations, thereby allowing for the realisation of the full economic potential of the investment made.

Members of the public are invited to submit written comments or inputs, within 30 days after the publication of this Notice in the *Gazette*, to the following addresses:

By post to: The Director-General
 Department of Forestry, Fisheries and the Environment
 Attention: Dr D Fischer
 Private Bag X447
 PRETORIA
 0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria.

By e-mail: dfischer@dffe.gov.za

Any inquiries in connection with the notice can be directed to Dr Dee Fischer at dfischer@dffe.gov.za or (012)399 8843. Comments or inputs received after the closing date may not be considered.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated into a comments and responses report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented

company/organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this government notice.



BARBARA DALLAS CREECY

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

ADDITIONAL REQUIREMENTS FOR THE SUBMISSION OF AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR A RENEWABLE ENERGY FACILITY OR FOR THE REQUEST FOR REGISTRATION OF AN EXCLUSION FROM THE REQUIREMENT TO OBTAIN AN ENVIRONMENTAL AUTHORISATION

1. Definitions

In this Schedule a word defined in the National Environmental Management Act, 1998 (Act No. 107 of 1998) or the Environmental Impact Assessment Regulations, 2014, as amended has the same meaning, and unless the context indicates otherwise —

"main electricity distribution substation" means a distribution substation with a capacity of up to 132 kilovolts;

"main electricity transmission substation" means a transmission substation with a capacity of 220 kilovolts or more;

"National Environmental Management Act, 1998" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"screening tool" means the National Web Based Environmental Screening Tool which is accessible at <https://screening.environment.gov.za>;

"Solar Photovoltaic Exclusion Norm" means the Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity as published under Government Notice No. R. xxx in Government Gazette No. xxxxx of xxxxx 2023¹, and

"the EIA Regulations" means the Environmental Impact Assessment Regulations, 2014, published under Government Notice No. R. 982 in Government Gazette No. 38282 of 4 December 2014, as amended from time to time.

2. Purpose of the Schedule

The purpose of this Schedule is to identify additional requirements for—

- 2.1 an application for environmental authorisation for the development or expansion of a renewable energy facility, to be read with the requirements of regulation 16(1)(b) of the EIA Regulations; or
- 2.2 a request for registration for an exclusion from the requirement to obtain an environmental authorisation for activities and geographical areas as set out in the Solar Photovoltaic Exclusion Norm.

3. Scope of the schedule

¹ Work on the Solar Photovoltaic Exclusion Norm is still in progress. The final Solar Photovoltaic Exclusion Norm is still to be published in the Government Gazette for implementation, should it be decided to finalise and publish such Norm

3.1 The additional requirements contemplated in paragraph 4 apply to–

3.1.1 an application for environmental authorisation for the following activities –

3.1.1.1 Activity 1 or Activity 36 of Listing Notice 1; or

3.1.1.2 Activity 1 of Listing Notice 2; and

3.1.2 a request for registration as set out in the “Solar Photovoltaic Exclusion Norm”;

3.2 when proposed within a radius of–

3.2.1 2 km of a main electricity transmission substation, as identified by the screening tool; or

3.2.2 1 km of a main electricity distribution substation, as identified by the screening tool.

4. Additional requirements

4.1 An application for an environmental authorisation for the development or expansion of a renewable energy facility or a request for registration in terms of the Solar Photovoltaic Exclusion Norm as contemplated in paragraph 3 must be accompanied by a letter of consent from Eskom Holdings SOC Ltd, or its successor, which confirms that the proposed layout of the facility will not unnecessarily obstruct access to the main electricity transmission or distribution substation.

4.2 The letter of consent contemplated in paragraph 4.1 can be requested from: Eskom Transmission and Distribution Grid Planning via the Grid Access Unit at GridAccessUnit@eskom.co.za. The request must contain a map of the development footprint indicating structures that would encroach into the 2 km or 1 km buffer, presented as a KMZ file as well as the turbine tip height should the proposed development be a wind energy facility.