



REFERENCE NUMBER: 16/3/3/1/F5/25/2028/23
NEAS REFERENCE NUMBER: WCP/EIA/0001307/2023
DATE OF ISSUE: 15 APRIL 2024

The Director
Le Roux Group (Broodkraal Landgoed (Pty) Ltd)
Sandrivier Estate
Route 45
WELLINGTON
7655

For Attention: Mr. G. de Beer

Tel: (021) 864 1967
Email: gerrit@lerouxmobile.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A 3.15 MW SOLAR PHOTOVOLTAIC FACILITY ON THE REMAINDER OF FARM BROODKRAAL NO. 154, PIKETBERG (SWARTLAND).

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the Environmental Authorisation below.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Mr. J. Scholtz (Swartland Municipality) Email: Swartlandmun@swartland.org.za
(2) Mr. A. Burger (Swartland Municipality) Email: alwynburger@swartland.org.za
(3) Ms. E. Visagie / Mr. N. Bosman (Guillaume Nel Environmental Consultants) Email: eg@gnec.co.za / nardus@gnec.co.za



REFERENCE NUMBER: 16/3/3/1/F5/25/2028/23

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A 3.15 MW SOLAR PHOTOVOLTAIC FACILITY ON THE REMAINDER OF FARM BROODKRAAL NO. 154, PIKETBERG (SWARTLAND).

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR") received on 05 December 2023.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

Le Roux Group (Broodkraal Landgoed (Pty) Ltd)
% Mr. G. de Beer
Sandrivier Estate
Route 45
WELLINGTON
7655

Tel: (021) 864 1967
Email: gerrit@lerouxmobile.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity / Project Description
Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended): Activity Number: 1 Activity Description: <i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where—</i> <i>(i) the electricity output is more than 10 megawatts but less than 20 megawatts; or</i> <i>(ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare;</i> <i>excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs—</i> <i>(a) within an urban area; or</i> <i>(b) on existing infrastructure.</i>	The proposed development of a solar photovoltaic facility on the remainder of Farm Broodkraal No. 154, Piketberg (Swartland) will result in the generation of 3.15MW of electricity from a renewable resource with a development footprint of approximately 3.6 hectares in extent outside an urban area.
Activity Number: 28 Activity Description: <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i> <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i> <i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i>	The proposed development of a solar photovoltaic facility on the remainder of Farm Broodkraal No. 154, Piketberg (Swartland) will result in an industrial development on land that was used for agriculture purposes on or after 01 April 1998 outside an urban area on land bigger than 1 hectare.

The abovementioned is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the proposed development:

The proposed development entails the development of a solar photovoltaic facility on the remainder of Farm Broodkraal No. 154, Piketberg (Swartland) that will generate approximately 3.15 MW of electricity for the servicing of the existing Broodkraal farm packhouses and coolers for the increase and optimisation of agricultural productivity.

The following infrastructure is proposed:

- Approximately 6912 modules;
- The portrait orientation arrangement of approximately 72 tables in three (3) rows; and
- An approximate clearance height of 600mm.

The development footprint will be approximately 3.6ha in extent.

The proposed development will connect to an existing 11kV powerline and substation for the conveyance of the generated electricity. Existing access to the site will be obtained via the R399 near Wittewater.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on the remainder of Farm Broodkraal No. 154, Piketberg (Swartland) located south of the town of Wittewater.

The 21-digit Surveyor General code is:

The remainder of Farm Broodkraal No. 154, Piketberg (Swartland)	C04600000000015400000
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The boundary co-ordinates for the proposed development are:

Northwest corner	32° 56' 48.52" South	18° 41' 6.34" East
Northeast corner	32° 56' 48.72" South	18° 41' 13.89" East
Southwest corner	32° 56' 54.29" South	18° 41' 6.71" East
Southeast corner	32° 56' 54.21" South	18° 41' 14.20" East

The central co-ordinates for the location of the substation:

Middle point of the substation	32° 56' 46.96" South	18° 41' 4.02" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants (Pty) Ltd.

% Ms. E. Visagie / Mr. N. Bosman

P. O. Box 2632

PAARL

7620

Tel: (021) 870 1874

Email: eg@gnec.co.za / nardus@gnec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above and in the BAR dated November 2023 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for –

- (a) A period of five **(5)** years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of ten **(10)** years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee, or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

5. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of the development activity.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10 and 14.

Notification and administration of appeal

6. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 6.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.

- 6.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 6.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 6.4. Provide the registered I&APs with:
 - 6.4.1. The name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. The name of the responsible person for this Environmental Authorisation;
 - 6.4.3. The postal address of the holder;
 - 6.4.4. The telephonic and facsimile details of the holder;
 - 6.4.5. The e-mail address, if any, of the holder; and
 - 6.4.6. The contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
7. The listed activities, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The Environmental Management Programme ("EMPr") (compiled by Guillaume Nel Environmental Consultants and dated 04 November 2023) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all relevant contract documentation for the applicable phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activities during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.
12. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

- 13.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activities and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of the environmental audit.
- 13.2. An Environmental Audit Report must be submitted to the Competent Authority every two (2) years for the duration of the development/construction phase.
- 13.3. A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of the completion of the construction / development phase.
- 13.4. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request.

Specific Conditions

14. The riparian habitat of the delineated watercourse (i.e. unnamed tributary of the Berg River) located along the western boundary of the proposed site must be demarcated as a “no-go” area prior to the commencement of development activities and must remain visible for the duration of the construction phase of the proposed development.
15. In accordance with the recommendation provided in the Visual Impact Assessment (compiled by compiled by David Gibbs and dated 26 June 2023), and as included in the EMP, tall vegetation must be planted along the boundary of the site during the construction phase to form a visual screen.
 - 15.1. The establishment and maintenance of the visual screen must be reported on as part of the environmental audit reports to be submitted to the competent authority.
16. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate.
17. Surface, storm, or groundwater must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
18. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be implemented instead.
19. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMP may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.

4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Marius Venter
 Western Cape Ministry of Local Government, Environmental Affairs and
 Development Planning
 Private Bag X9186
 CAPE TOWN
 8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: DEADP.Appeals@westerncape.gov.za

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

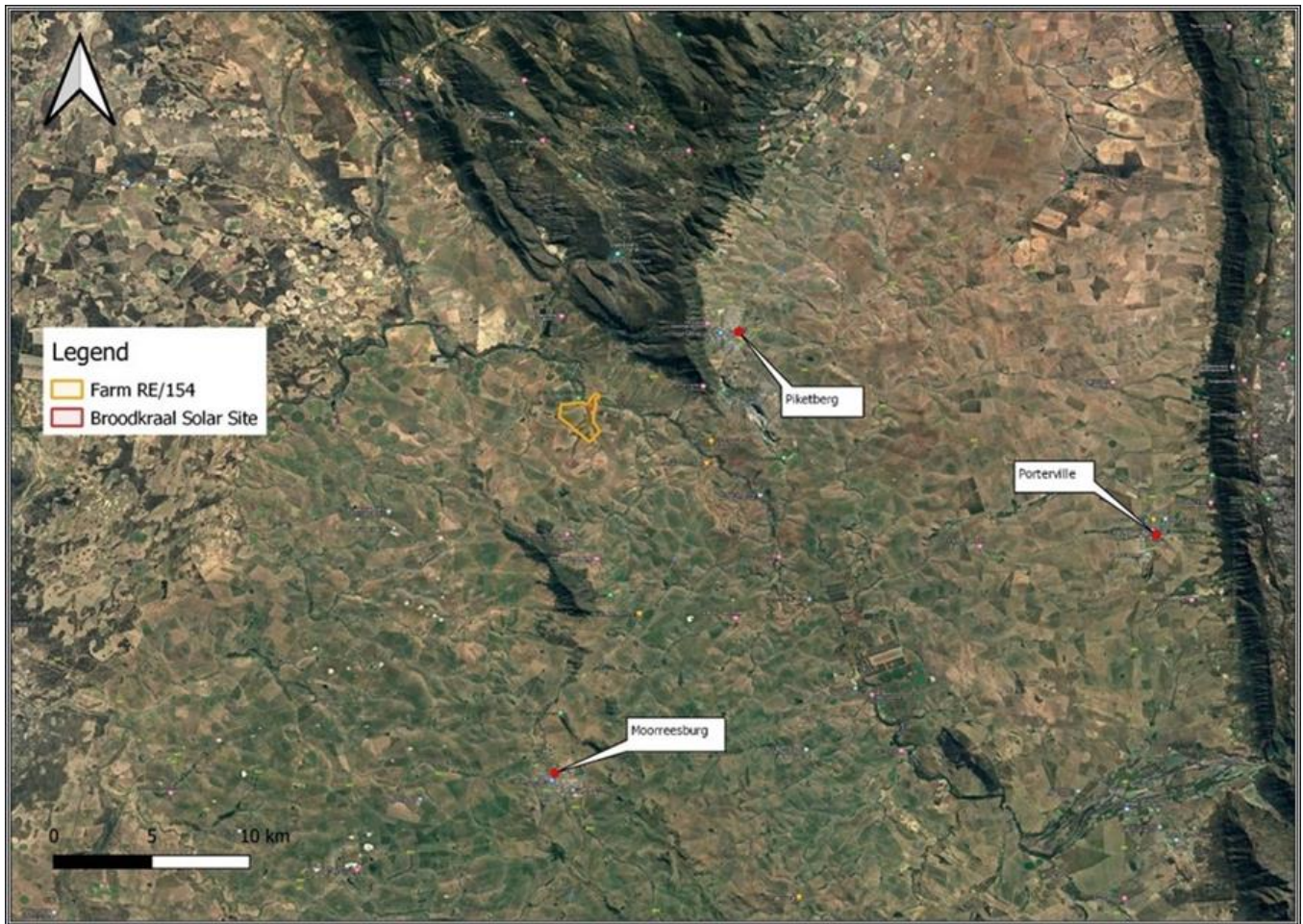
MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 15 APRIL 2024

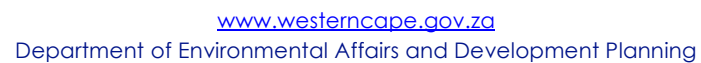
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(2) Mr. A. Burger (Swartland Municipality) Email: alwynburger@swartland.org.za
(3) Ms. E. Visagie / Mr. N. Bosman (Guillaume Nel Environmental Consultants) Email: eg@gnec.co.za / nardus@gnec.co.za

ANNEXURE 1: LOCALITY PLAN

The proposed site (i.e. the remainder of Farm Broodkraal No. 154, Piketberg (Swartland)) demarcated in yellow on the locality map.



Site Development Plan of the proposed development of a 3.15 MW solar photovoltaic facility on the remainder of Farm Broodkraal No. 154, Piketberg (Swartland).



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, inter alia, the following into consideration:

- a) The information contained in the Application Form dated 10 July 2023 and received by the Competent Authority on 14 July 2023 and the BAR and the EMPr received by the Competent Authority on 05 December 2023;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to these, included in the BAR dated November 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process included:

- Identification of and engagement with I&APs;
- Fixing notices at the boundary of the proposed site where the listed activities are to be undertaken on 13 July 2023;
- The placing of a newspaper advertisement in the 'Weslander' on 13 July 2023;
- Giving written notice to the occupiers of land adjacent to the site where the listed activities are to be undertaken and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 14 July 2023;
- Making the draft BAR and revised draft BAR available to I&APs for public review from 14 July 2023 to 17 August 2023 and 03 November 2023 to 04 December 2023, respectively;
- An electronic BAR on the Environmental Assessment Practitioner's ("EAP") website on 14 July 2023 and 03 November 2023.

Concerns with respect to the requirements of the visual impacts related to the powerlines, loss of agricultural land in terms of land capability and water use activity aspects were highlighted by the relevant commenting authorities. The relevant mitigation measures to address the concerns highlighted have been included in the EMPr.

All concerns raised by I&APs were responded to and addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

2. Alternatives

No activity, technology or operational alternatives were assessed as part of the environmental impact assessment process since the proposed development is preferred based on the principle of least environmental impact. It is noted that an alternative site (i.e. Farm Sand River, Paarl) was initially considered and investigated as an alternative to the preferred site, but has been deemed not feasible due to the availability of land for the proposed development.

The Preferred Alternative Layout Alternative 1 and the “No-Go” Alternative was assessed as follows:

The Preferred Alternative (herewith authorised)

The Preferred Alternative entails the development of a solar photovoltaic facility on the remainder of Farm Broodkraal No. 154, Piketberg (Swartland) that will generate approximately 3.15 MW of electricity for the servicing of the existing Broodkraal farm packhouses and coolers for the increase and optimisation of agricultural productivity.

The following infrastructure is proposed:

- Approximately 6912 modules;
- The portrait orientation arrangement of approximately 72 tables in three (3) rows; and
- An approximate clearance height of 600mm.

The development footprint will be approximately 3.6ha in extent.

The proposed development will connect to an existing 11kV powerline and substation for the conveyance of the generated electricity. Existing access to the site will be obtained via the R399 near Wittewater.

The Preferred Alternative took cognisance of the environmental sensitivities located on the property and was designed to optimise electricity generation output. The economic feasibility, the positive social impact and provision of sufficient energy from a renewable energy resource in respect of the proposed layout has been deemed the preferred alternative. Furthermore, the Preferred Alternative has been deemed the best practical environmental option from a sustainability perspective.

Layout Alternative 1

The Layout Alternative 1 entailed the development of a rooftop mounted solar photovoltaic facility on existing office buildings, residential buildings and packhouses. This layout alternative would reduce the visual impact of the proposed development, but would not make provision for the sufficient generation of electricity for the purpose of feasible output required. In addition, Layout Alternative 1 was deemed not feasible since the required connection cables and inverters for redistribution and safety concerns were deemed not feasible and therefore was not preferred.

“No-Go” Alternative

The “No-Go” alternative entails maintaining the “status quo”, i.e. not developing a solar photovoltaic facility on the remainder of Farm Broodkraal No. 154, Piketberg (Swartland). Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the Section 2 NEMA principles and the implementation of the mitigation hierarchy, the “No-Go” alternative was not preferred.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

Although the proposed site is zoned for agriculture and the proposed development of a solar photovoltaic facility is aligned with an industrial land use, the proposed development will contribute to the enhancement of agri-industrial services within the area. The proposed development is aligned with the Western Cape Provincial Spatial Development Framework ("PSDF") in that it contributes to the province's strategic objectives and policies, particularly energy diversification and energy efficiency for the transition to a low carbon economy. The proposed development provides for a sustainable energy future and a sustainable energy producer. The proposed development is in further support of the PSDF in that it increases accessibility to electricity by reducing power demand on Eskom for spare capacity to be redirected.

The development of a solar photovoltaic facility is in support of the five objectives of the Swartland Municipality Integrated Development Framework in that the facilitation of growth of the economic sector is enhanced, increase in the accessibility to the economic sector, the improvement of social wellbeing and sustainable community development. The proposed development will further support the preservation of the cultural integrity of the scenic landscape within the Swartland agricultural area. This has been confirmed by the visual specialist that the proposed development will not be visible from the regional road and not negatively impact on the cultural and visual landscape of the area. The fact that the proposed development is proposed on a site that has been previously disturbed and used for agricultural purposes, the proposed development is in avoidance of any further loss of ecological resources and is in promotion of the use of renewable resources. The proposed development is in further support of the Spatial Development Framework of the Swartland Municipality in that it is the provision of a renewable energy resource in a rural setting within the municipal area.

Further, the proposed development is aligned with the Integrated Resource Plan for Electricity (2010-2030) and Western Cape Green Economy Strategy Framework (2013) where a contribution to the reduction in greenhouse gases, diversified energy generation and investment in green growth is achieved. In addition, achieving the security of power supply will result in agricultural productivity being stabilised within the area, the provision of agri-industrial services and maintained and prolonged employment / job security within the existing farm and greater agricultural sector in the region.

3.2. Agricultural Impacts

In accordance with the Screening Report (dated 12 October 2023), the proposed site is deemed to be located within a medium sensitivity area from an agricultural perspective. A concern with respect to the loss of arable land from the Western Cape Government: Department of Agriculture (in their correspondence dated 19 October 2023) was raised. The final BAR indicates that the proposed consolidation of the proposed site with the adjacent land for the purpose of further agricultural development is not deemed desirable from an agricultural development process on the basis of practicality and financial implications. The Western Cape Government: Department of Agriculture (in their correspondence dated 31 October 2023) that they do not object to the proposed development.

3.3. Freshwater Impacts

In accordance with the Screening Report (dated 12 October 2023), the proposed site is deemed to be located within a low sensitivity area from an aquatic biodiversity perspective and warranted the undertaking of a hydrology assessment and aquatic biodiversity impact assessment.

A freshwater verification (compiled by FEN Consulting and dated October 2022) was undertaken and revealed that although the proposed site is located adjacent to and within proximity of an unnamed tributary of the Berg River along the western boundary of the site, no freshwater features are located within the proposed site or within 32m or 100m regulatory zone in terms of the NEMA EIA Regulations, 2014 (as amended). It was further noted by the freshwater specialist that no direct potential impacts are expected with respect to the proposed development. However, the freshwater specialist has indicated that the proposed site is located within the regulated area and that a water use authorisation in respect of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998) is required. The Department of Water and Sanitation has confirmed (in their correspondence dated 11 August 2023) that a water use authorisation is required since the proposed development is located within the regulated buffer in terms of the National Water Act, 1998 (Act No. 36 of 1998).

The project team (i.e. the Engineer and EAP) has subsequently confirmed in a 1:100-year flood line delineation report (compiled by Ekcon Engineer Consulting and dated 09 October 2023) that the proposed site is not located within the 1:100 year flood line and that the 1:100 year flood line is located within the recommended buffer zone / area as delineated by the freshwater specialist. The Department of Water and Sanitation has confirmed (in their correspondence dated 05 December 2023) that the proposed site is not located within the regulated area of a watercourse and that a water use authorisation is not required.

Furthermore, the freshwater specialist has provided recommended mitigation measures in relation to the freshwater resource located adjacent to the proposed site and has been included in the EMPr.

3.4. Visual Impacts

A Visual Impact Statement (compiled by David Gibbs and dated 26 June 2023) was undertaken and revealed that the proposed development will result in a localised negligible visual impact. The visual specialist indicated that the proposed mitigation measures, which includes landscaping is expected to reduce residual negative visual impacts given the existing nature of the proposed site. The existing landscape is inclusive of an adjacent Broodkraal dam wall, worker village and existing large scale shade netting that covers a great extent within the landscape. The visual impact during the planning, design and development and operational phase was rated as a medium impact prior to mitigation (i.e. implementation of a landscape plan) and deemed of negligible impact after the implementation of the recommended mitigation measures.

Concerns related to the consideration of overhead powerlines that are related to the proposed development as part of the visual assessment has been responded to in that the overhead powerline are existing infrastructure that will be used and the proposed mitigation measures with respect to visual impacts have been included in the EMPr. The proposed development is supported from a visual perspective.

3.5 Heritage Impacts

Heritage Western Cape indicated (in their correspondence dated 07 June 2023) that since there is no reason to believe that the proposed ground mounted solar power plant on Farm RE-154 Broodkraal, Piketberg will impact on heritage resource, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

3.6 Dust, Noise and Stormwater Impacts

Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

Stormwater management is proposed with the use of soft engineering of the site to allow for the run-off of water. Landscaping / groundcover beneath the solar panels on the proposed site with indigenous vegetation to reduce stormwater runoff, sediment load and erosion control is proposed.

3.7 Socio-economic Impacts

The proposed development is anticipated to contribute to the social and economic aspects of the regional area by providing temporary and permanent employment opportunities during the construction and operational phases.

3.8 Services

Existing water use registered with Department of Water and Sanitation for abstraction and bulk water supply for agricultural use (i.e. abstraction from a water resource – Berg River) is sufficient and available. No additional electricity supply or water supply is required.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential agricultural impacts – loss of arable land;
- Potential visual impacts;
- Potential stormwater impacts; and
- Potential dust and noise impacts.

Positive impacts include:

- Improved infrastructure for agri-industrial sector;
- Transition to cleaner energy;
- Increased operational stability for the applicant's operations;
- Employment opportunities during the construction of the development;
- Job security within the agricultural sector;
- Economic gain for the applicant;
- Improved achievement of targets and objectives in accordance with the IDP and MSDF.

National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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