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DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 4143

4 December 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****AMENDMENT OF CERTAIN REQUIREMENTS FOR AN APPLICATION FOR ENVIRONMENTAL
AUTHORISATION FOR A RENEWABLE ENERGY FACILITY**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby require that a letter of consent from Eskom Holdings SOC Ltd, or its successor be submitted with an application for environmental authorisation, when the development or expansion of a renewable energy facility is proposed within a specific radius of a main electricity transmission or distribution substation, as set out in the Schedule.

The amendment to the application procedures is made under sections 24(5)(a), 24(5)(b)(i) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), read with regulation 10(b) of the Environmental Impact Assessment Regulations, 2014, as amended. This procedure is necessary to ensure unrestricted access to main electricity transmission and distribution substations, thereby allowing for the realisation of the full economic potential of the investment made.



**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

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 —

“**basic assessment report**” means the report contemplated in regulation 19 of the EIA Regulations;

“**environmental impact assessment report**” means a report contemplated in regulation 23 of the EIA Regulations;

“**Eskom**” means Eskom Holdings SOC Ltd;

“**Listing Notice 1**” means the Environmental Impact Assessment Regulations Listing Notice 1 of 2014 published under Government Notice No. R. 983 in Government Gazette No. 38282 of 4 December 2014, as amended from time to time;

“**Listing Notice 2**” means the Environmental Impact Assessment Regulations Listing Notice 2 of 2014 published under Government Notice No. R. 984 in Government Gazette No. 38282 of 4 December 2014, as amended from time to time;

“**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>; 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 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.

3. Scope of the Schedule

3.1 The additional requirements contemplated in paragraph 4 apply to an application for environmental authorisation for the following activities –

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

3.1.2 Activity 1 of Listing Notice 2; and

when proposed within a radius of–

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

(b) 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 as contemplated in paragraph 3 must be accompanied by a letter of consent from Eskom, 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 competent authority may allow the consent letter to be submitted at any time before a decision is made if the applicant or proponent can demonstrate that Eskom, or its successor, has not responded within 45 days of the submission of the request by the applicant or proponent and that the applicant or proponent has followed up with Eskom, or its successor, following such 45 days.

4.3 If no response has been received after the applicant has requested the consent letter and has followed up with Eskom, or its successor, in accordance with paragraph 4.2, it will be deemed that Eskom, or its successor, has no objection.

4.4 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 proposed development boundary 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.

5. Transitional arrangements

The requirement for a letter of consent from Eskom, or its successor, does not apply to an application for environmental authorisation that was submitted in terms of the EIA Regulations, prior to the coming into effect of the requirements contained in this Notice.