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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**NO. 3286****14 April 2023****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)****CONSULTATION ON THE INTENTION TO EXCLUDE THE DEVELOPMENT AND EXPANSION OF SOLAR PHOTOVOLTAIC FACILITIES FROM THE REQUIREMENT TO OBTAIN AN ENVIRONMENTAL AUTHORISATION BASED ON THE SOLAR EXCLUSION NORM**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby consult on the intention to exclude the development and expansion of solar photovoltaic facilities, including any associated activity or infrastructure, from the requirement to obtain environmental authorisation.

Section 24(2)(c),(d) and (e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) provides for the Minister, or MEC in concurrence with the Minister to identify activities and geographical areas within which identified activities may be excluded from the requirement to obtain environmental authorisation, while section 24(2)(d) specifically provides the ability to exclude based on compliance with prescribed norms or standards, the development of which is provided for in section 24(10).

The Norm contained in the Schedule, entitled "Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity" has been prepared to provide the rules under which the development and expansion of solar photovoltaic facilities identified in terms of the Environmental Impact Assessment Regulations, 2014, promulgated under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as well as any listed or specified activities associated with and integral to the realisation of such facility may be excluded from the requirement to obtain an environmental authorisation prior to commencement, while meeting the objectives of the Act.

The Department of Forestry, Fisheries and the Environment developed a screening tool to identify environmental sensitivities of a specific geographical location or site related to various identified environmental themes. Environmental sensitivities are rated as "very high", "high", "medium" or "low". The environmental sensitivities related to "medium" or "low" for specific environmental themes are applicable to this Norm.

This exclusion relates only to activities as identified in terms of section 24(2)(a) and (b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), while the requirements of any other relevant legislation remain applicable including the requirements of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

This exclusion is published in terms of section 24(2)(d) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and applies subject to compliance with a prescribed norm developed in terms of 24(10) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule.

Members of the public are invited to submit written comments or input, within 30 days from the date of the publication of this Notice in the *Government Gazette*, to any of the following addresses:

By post to: Department of Forestry, Fisheries and the Environment
The Director-General
Attention: Dr Dee 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 by phone at 012 399 8843 or by mail at dfischer@dffe.gov.za.

Comments or input 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 response 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

NORM FOR THE EXCLUSION OF THE DEVELOPMENT AND EXPANSION OF SOLAR PHOTOVOLTAIC FACILITIES IN AREAS OF LOW OR MEDIUM ENVIRONMENTAL SENSITIVITY

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 —

“Agricultural Specialist Assessment Protocol” means the Agricultural Protocol for the Specialist Assessment and Minimum Report Content Requirements of Environmental Impacts on Agricultural Resources by Onshore Wind and/or Solar Energy Generation Facilities where the Electricity Output is 20MW or more, published under Government Notice No. 320 in Government Gazette No. 43110 of 20 March 2020;

“competent authority” means the organ of state that would have been designated by section 24C of the Act with considering an application for an environmental authorisation in respect of a listed or specified activity;

“corridor” means a belt of land not exceeding 200m in width, linking two locations, in which a final servitude may be registered and within which linear infrastructure is proposed to be developed;

“environmental scientist” means a person registered under the Natural Scientific Professions Act (Act No. 27 of 2003) by the South African Council of Natural Scientific Professions;

“facility” means the solar photovoltaic installation, the associated infrastructure and the linear infrastructure which is an integral part of the installation, including the land on which the installation and infrastructure is to be located;

“footprint” means the area on which the solar photovoltaic facility and associated infrastructure, including battery storage, is proposed to be located, but excludes the area on which associated linear infrastructure is proposed to be located;

“linear infrastructure” is characterised by its straight form and in the context of this Norm such linear infrastructure must provide either services or access to the proposed facility and must form an integral part of the proposed facility;

“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;

"Listing Notice 3" means the Environmental Impact Assessment Regulations Listing Notice 3 of 2014 published under Government Notice No. R. 985 in *Government Gazette* No. 38282 of 4 December 2014 as amended from time to time;

"pre-negotiation" means discussion prior to formal negotiation, which results in the signing of a letter of no-objection or a letter of agreement;

"proponent" means a person that submits a request for registration to undertake an activity contemplated in paragraph 3 of this Schedule and is responsible for ensuring compliance with the conditions set in this Schedule;

"Renewable Energy Development Zones Notice" means the Notice containing the procedures to be followed when applying for environmental authorisation for the development of large scale wind and solar photovoltaic energy generation activities when occurring in geographical areas of strategic importance, published under Government Notice No. 114 published in *Government Gazette* No 41445 of 16 February 2018 and Government Notice No. 142 published in *Government Gazette* No. 44191 of 26 February 2021;

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

"specialist" means a person who is skilled in a specific and restricted field and is registered under the Natural Scientific Professions Act (Act No. 27 of 2003) by the South African Council of Natural Scientific Professions under a specific field of practice;

"Strategic Transmission Corridors Notice" means the Notice containing geographical areas of strategic importance for the development of electricity transmission and distribution infrastructure and of procedures to be followed when applying for or deciding on environmental authorisations for large scale electricity transmission or distribution development activities when occurring in geographical areas of strategic importance, published under Government Notice No. 113 in *Government Gazette* No. 41445 of 16 February 2018, Government Notice No. 383 published in *Government Gazette* No. 44504 of 29 April 2021 and Government Notice No. 45 in *Government Gazette* No. 44191 of 26 February 2021;

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

"the Appeals Regulations" means the National Appeals Regulations, 2014, published under Government Notice No. R. 993 in *Government Gazette* No. 38303 of 8 December 2014, as amended from time to time; 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. Scope of the Exclusion

2.1 The activities contemplated in paragraph 3 of this Norm are excluded from the requirement to obtain an environmental authorisation prior to commencement—

2.1.1 when developed in areas of "low" or "medium" environmental sensitivity as identified by the screening tool for the following environmental themes as identified by the screening tool:

2.1.1.1 Plant species;

- 2.1.1.2 Animal species;
- 2.1.1.3 Terrestrial biodiversity;
- 2.1.1.4 Aquatic biodiversity; and
- 2.1.1.5 Agriculture; and

- 2.1.2 when undertaken in compliance with the requirements contemplated in paragraphs 4, 5, 6 and 7 of this Norm;

provided that where any of the requirements contemplated in paragraphs 4 and 5 read with paragraphs 6 or 7 cannot be met, this exclusion does not apply and an application for an environmental authorisation must be submitted.

3. Activities

- 3.1 The activities which are the subject of this exclusion relate to the development or expansion of a facility for the generation of electricity from solar photovoltaic technology, where such development or expansion triggers–
 - 3.1.1 Activity 1 or Activity 36 of Listing Notice 1; or
 - 3.1.2 Activity 1 of Listing Notice 2;

and any associated activity identified in Listing Notice 1, 2 or 3 necessary for the realisation of such facilities¹.

- 3.2 Identified activities for the development or expansion of battery storage facilities, associated with and integral to, the operation of the solar photovoltaic facility are to be registered under this Norm and not the *Norm for the exclusion of identified activities associated with the development and expansion of battery storage facilities in areas of low or medium environmental sensitivity*.

4. Site Sensitivity Verification

- 4.1 A proponent must ensure that a site sensitivity verification inspection is undertaken to confirm or dispute that the environmental sensitivity of the footprint is as identified by the screening tool.
- 4.2 A "very high" or "high" environmental sensitivity rating can be disputed by the specialist provided that evidence and motivation to substantiate such a change of environmental sensitivity is provided.
- 4.3 The site sensitivity verification must be undertaken–
 - 4.3.1 for the following environmental themes:
 - 4.3.1.1 Plant species;
 - 4.3.1.2 Animal species;
 - 4.3.1.3 Terrestrial biodiversity;
 - 4.3.1.4 Aquatic biodiversity; and
 - 4.3.1.5 Agriculture;
 - 4.3.2 for the footprint as well as the proposed corridor for the linear infrastructure;
 - 4.3.3 by specialists, with demonstrated expertise in the field for which they are undertaking the site sensitivity verification and, where relevant, the taxonomic group of the species being considered; and

¹ The Standard for the Development and Expansion of Transmission and Distribution Power Lines and Sub-stations does not apply to a power line associated with a proposed solar photovoltaic facility falling in the scope of this Norm, as the requirements of this Norm will be applicable in such an instance.

- 4.3.4 within the season which would be most relevant to identify the specific species or vegetation of interest.
- 4.4 The site sensitivity verification inspection must be a physical inspection, which may be supplemented by utilising any desk top information available, including any fine scale data available from the provincial department responsible for the environment, provincial conservation authorities or the relevant municipality, where available.
- 4.5 Where additional information identified in paragraph 4.4 has been used in the verification process, this information is to be identified in the site sensitivity verification report.
- 4.6 For the agriculture theme, the site sensitivity verification report must confirm that the “allowable development limits” set for solar photovoltaic technology on agricultural land in the Agricultural Specialist Assessment Protocol, are not exceeded.
- 4.7 For the plant and animal species themes, the relevant specialist must confirm the presence, likely presence, or absence of a species of conservation concern within the footprint identified as “medium” sensitivity by the screening tool².
- 4.8 Should a species of conservation concern be found on the footprint or have been confirmed to be likely present, this exclusion will not apply and an application for an environmental authorisation must be submitted.
- 4.9 It is advised that, when undertaking the site sensitivity verification, that the verification includes a buffer around the footprint to allow for slight adjustments without the need to resubmit the request for registration contemplated in this Norm³, which buffer must be clearly indicated and must envelope the footprint.
- 4.10 The relevant specialists must consider the cumulative effects for the themes identified in paragraph 4.3.1 and provide a discussion on possible cumulative impacts and the ability to mitigate such impacts in the site sensitivity verification report, which discussion must include a statement of environmental acceptability of any cumulative impacts after mitigation.
- 4.11 The relevant specialists must consider the presence and preservation of ecological corridors and discuss the possible presence and preservation of such ecological corridors.
- 4.12 The outcome of the site sensitivity verification must be recorded in the form of a report that confirms or disputes the environmental sensitivity, as identified by the screening tool for each environmental theme identified in paragraph 4.3.1.
- 4.13 The site sensitivity verification report must be prepared by a registered environmental assessment practitioner or environmental scientist and signed off by the relevant specialists, all of whom must meet the requirement of regulation 13(1) of the EIA Regulations, read in the context of this Norm.

5. Application of the exclusion

- 5.1 This exclusion applies where the footprint or proposed expansion of the footprint of a proposed solar photovoltaic facility, including any associated activities contemplated in paragraph 3, are to occur entirely—
- 5.1.1 in areas of “medium” or “low” environmental sensitivity and confirmed to be such by the site sensitivity verification inspection for the environmental themes as identified in paragraph 4.3.1; or
- 5.1.2 in areas where the site sensitivity verification for a specific theme identifies that the “very high” or “high” sensitivity rating of the screening tool is in fact “medium” or “low” sensitivity;

² The site sensitivity verification to determine the presence or likely presence of species of conservation concern must be undertaken in accordance with the *Species Environmental Assessment Guidelines*.

³ A buffer around the linear infrastructure is not anticipated as the width of the corridor must allow for a buffer.

with the exception of linear infrastructure which forms an integral part of a solar photovoltaic facility, in which case the pre-negotiated corridor may be located in areas of "very high", "high", "medium" or "low" environmental sensitivity, if –

- 5.1.2.1 the mitigation hierarchy has been applied to the pre-negotiated corridor and the environmental assessment practitioner or environmental scientist and specialists confirm in the site sensitivity verification report, that the proposed pre-negotiated corridor avoids, areas of "very high" or "high" sensitivity, as far as practically possible;
 - 5.1.2.2 through the site sensitivity verification, the relevant specialist identifies mitigation measures for any identified environmental impacts for inclusion in the environmental management programme⁴ and confirms in the site sensitivity verification report that any remaining environmental impact is insignificant after mitigation; and
 - 5.1.2.3 the environmental assessment practitioner or environmental scientist and relevant specialist confirm in the site sensitivity verification report that the necessary mitigation measures have been included in the environmental management programme.
- 5.2 Where the exclusion does not apply to any portion of the proposed facility or associated infrastructure, other than linear infrastructure, the entire facility, including the associated infrastructure and linear infrastructure integral to that facility, is subject to the requirements of the EIA Regulations, Government Notice No. 113 in Government Gazette No. 41445 of 16 February 2018, Government Notice No. 114 in Government Gazette No. 41445 of 16 February 2018 or Government Notice No. 144 in Government Gazette No. 44191 of 26 February 2021, whichever applies.

6. Registration

- 6.1. Prior to the expected commencement of the proposed development or expansion, the proponent must register the proposed facility with the competent authority.
- 6.2. The following documents must be submitted for registration:
 - 6.2.1 a completed and signed registration form contemplated in Appendix A, prepared by an environmental assessment practitioner or environmental scientists
 - 6.2.2 the screening report for the footprint and the proposed pre-negotiated corridor for the linear infrastructure, generated by the screening tool, to be attached as Appendix 1;
 - 6.2.3 the site sensitivity verification report identified in paragraph 4.12, to be attached as Appendix 2;
 - 6.2.4 the written consent of the landowner or person in control of the land constituting the footprint, to be attached as Appendix 3;
 - 6.2.5 confirmation of pre-negotiation with landowners in the case of linear infrastructure, to be attached as Appendix 3;
 - 6.2.6 the locality map, to be attached as Appendix 4;
 - 6.2.7 an environmental management programme which addresses as a minimum, each of the general environmental controls identified in Appendix 10, compiled by the environmental assessment practitioner or environmental scientist and signed off by the relevant specialists, to be attached as Appendix 10;
 - 6.2.8 the signed declaration of commitment by the proponent to implement the environmental management programme, to be attached as Appendix 6;

⁴ The Generic EMPR relevant to an application for substation and overhead electricity transmission and distribution infrastructure which require environmental authorisation as identified in terms of Section 24(2) of the Act gazetted in Government Notice No. 435 of Government Gazette No. 42323 published on the 22 March 2019 does to apply to this Norm and the environmental management programme required in terms of this Norm must include the aspects of the solar photovoltaic facility, the substations and overhead electricity transmission and distribution infrastructure.

- 6.2.9 evidence of the public consultation process followed to bring the proposed registration process and the location at which the registration documents can be accessed to the attention of adjacent landowners and land occupiers as well as relevant environmental non-governmental organisations, to be attached as Appendix 5;
 - 6.2.10 the declaration of independence, curriculum vitae and professional affiliation or registration certification of the EAP or environmental scientist and specialists to be attached as Appendices 7, 8 and 9 respectively.
- 6.3 Should the footprint or the alignment of the linear infrastructure be amended where such amendment results in the footprint or the linear infrastructure alignment falling outside of the verified buffer⁵ or corridor, the requirements contemplated in paragraphs 4, 5 and 6 of this Norm are applicable and must be complied with⁶.
- 6.4 The registration of the development or expansion will expire if commencement does not occur within 6 years of the date on which the competent authority registered the facility, in which case the process as identified in paragraphs 4, 5 and 6 of this Norm will apply afresh.

7. Re-registration

- 7.1. Re-registration is required when there is a change of ownership of-
- 7.1.1. a registered solar photovoltaic facility or any portion of the registered facility⁷ which occurs prior to construction, or during the construction phase⁸; and
 - 7.1.2. a registered solar photovoltaic facility or any portion of the registered facility which occurs after completion of the construction phase⁹.
- 7.2. In the case of a change of ownership of a registered facility, the issued registration number is retained by the new owner.
- 7.3. In the case of change of ownership of a portion of the facility or the linear infrastructure, a new registration number must be issued by the competent authority for the portion transferred, while the remaining portion is to be re-registered but will retain the original registration number.
- 7.4. A re-registration form contemplated in Appendix B, completed by the new owner and a signed declaration of commitment by the new owner to implement the environmental management programme contemplated in paragraph 6.2.7 must be submitted to the competent authority, within 30 days upon finalisation of a change of ownership, for purposes of updating of the information and commitments, where change of ownership occurs prior to completion of the construction phase; and-
- 7.4.1. the change of ownership relates to the entire registered facility; or
 - 7.4.2. the change of ownership relates to a portion of the registered facility being transferred to a new owner and such transferred portion will become a separate facility.
- 7.5. Where the change of ownership occurs after the finalisation of the construction phase, a re-registration form contemplated in Appendix B must be completed by the new owner and a locality map clearly identifying the portion transferred and the remaining portion, including the registration number, must be submitted to the competent authority within 30 days upon finalisation of a change of ownership, to enable the issuing of a new registration number to the new owner of the portion of the facility transferred.

⁵ Where the footprint of the proposed facility is amended and remains within the buffer considered as part of the site sensitivity verification, re-registration is not required.

⁶ It is not intended that the site sensitivity verification and the site sensitivity verification report are to be undertaken or prepared for the entire footprint of the proposed facility but only for the area which has not yet been verified.

⁷ This includes any combination of circumstance, i.e., a transfer station or a power line or the entire facility.

⁸ The re-registration in this case is required to update the information on the records of the competent authority and to ensure that the new owner declares his/her intention to implement the mitigation measures in the environmental management programme.

⁹ The re-registration in this case is required to ensure that the solar photovoltaic facility is registered in the name of the new owner or to provide a registration number for any part of the facility which is transferred to a new owner and is now a separate unit.

8. Processing of registration

- 8.1. Within 10 days of receipt of the correctly completed registration form and supporting documentation described in paragraph 6, or the re-registration form described in paragraph 7 of this Norm, the competent authority must register the facility or any relevant portion of the facility in the case of re-registration and provide the proponent with a registration number.
- 8.2. On receiving the registration number, the holder must notify, in writing and within 7 days, those parties consulted as contemplated in paragraph 6.2.9 that the registration number has been issued.
- 8.3. The proponent must provide written notice to the compliance monitoring unit within the competent authority at least 14 days prior to the date on which the first of the activities contemplated in the scope of this Norm, including site preparation, will commence, in order to facilitate compliance inspections.
- 8.4. The competent authority must keep a register of all exclusions registered or re-registered in terms of this Norm and must make the information available on the website of the competent authority, which register should include as a minimum:
 - 8.4.1. the location of the facility excluded;
 - 8.4.2. the name of the registered holder;
 - 8.4.3. the date of registration; and
 - 8.4.4. the location at which the registration documents can be accessed¹⁰.

9. General

- 9.1. The provisions of the Appeal Regulations are applicable to any registration issued in terms of this Norm.
- 9.2. Any amendments required to be made to the environmental management programme during the construction phase must be prepared by an environmental assessment practitioner or environmental scientist and signed off by the relevant specialist.
- 9.3. Registration or re-registration documents and the environmental management programme as well as any amendments to such programme must be available at the registered facility.
- 9.4. Non-compliance with this Norm constitutes an offence in terms of section 49A(1)(b) of the Act.

10. Transitional Arrangements

- 10.1. An application for environmental authorisation for activities contemplated in paragraph 3 of this Schedule submitted in terms of the EIA Regulations, the Renewable Energy Development Zone Notice, or the Strategic Transmission Corridors Notice in the case of any associated activities necessary for the realisation of such facilities, which is pending on the date of coming into effect of this Notice, must be finalised in accordance with the procedures of the EIA Regulations, the Renewable Energy Development Zone Notice or the Strategic Transmission Corridor Notice, or may be withdrawn.
- 10.2. A site sensitivity verification undertaken as part of an application for an environmental authorisation within a period of four years preceding the submission of a request to register in terms of this Norm, which meets the requirements set out in this Norm, including supporting evidence, may be used to support a registration request in terms of this Norm.
- 10.3. An environmental authorisation issued for the development or expansion of activities contemplated in this Norm remains valid and subject to the requirements of the EIA Regulations.

¹⁰ This could be in the library of the competent authority, the registered holder's office or at the facility site if construction has commenced or has been finalised.

APPENDIX A – REGISTRATION FORM

Registration form to request registration in terms of the “*Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity*” as required by paragraph 6 of this Norm.

FOR OFFICE USE ONLY

Date of receipt of the registration form	
Registration number	

PROJECT TITLE

1. This form must always be used when requesting registration in terms of the “*Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity*”. Registration in terms of this Norm allows for the exclusion from the requirement to obtain an environmental authorisation from the competent authority for listed and specified activities identified in paragraph 3 of the Norm.
2. All fields must be completed in full. The submission of incomplete information will lead to the registration being returned for inclusion of the missing information.
3. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will extend automatically when each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g., Arial 10).
4. Unless protected by law or specifically identified by the applicant, all information contained in and attached to this registration form, will become public information on receipt by the competent authority other than personal information of landowners.
5. Please note that where the competent authority is the national department responsible for the environment, this form must be copied to the relevant provincial environmental department(s) for their information.
6. Where the provincial environmental department is the competent authority, this form must be copied to the national department responsible for the environment at screening@environment.gov.za.
7. Maps must be produced using the Hartebeesthoek94 WGS84 coordinate system. Spatial data in shape file (.shp) format with associated metadata, packaged as a ZIP file (.zip), must be included in the supporting documentation. This must be provided electronically (in the form of a USB).

Departmental Details (example provided is for the national competent authority, where the provincial department is the competent authority, the details hereunder should be changed as relevant):

Postal address:

Department of Forestry, Fisheries and the Environment
 Attention: Chief Director: Integrated Environmental Authorisations
 Private Bag X447
 Pretoria

0001

Physical address:

Department of Forestry, Fisheries and the Environment
 Attention: Chief Director: Integrated Environmental Authorisations
 Environment House
 473 Steve Biko Road
 Arcadia

For online submissions of forms, the process outlined in the document for the submission of documents to the Integrated Environmental Authorisations Chief Directorate must be followed. The document is obtainable on the departmental website on this link: [https://www.dffe.gov.za/documents/forms#legal authorisations](https://www.dffe.gov.za/documents/forms#legal%20authorisations). The portal for the uploading of registration documents is (<https://sfiler.environment.gov.za:8443/>).

Queries must be directed to the Directorate: Coordination, Strategic Planning and Support at:

Email: EIAAdmin@dffe.gov.za

COMPETENT AUTHORITY

Identified competent authority
 to consider the registration
 form:

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DETAILS OF THE PROPONENT

All notifications regarding the registration will be sent to the proponent using the details provided in this section.

Name of the proponent
 (Company/ Trading Name):
 Name of contact person for
 proponent:
 Responsible position, e.g.
 Director, CEO, etc.:
 Company Registration
 Number:
 Physical address:
 Postal address:
 Postal code:
 Telephone:
 E-mail:

	Cell:	

ENVIRONMENTAL ASSESSMENT PRACTITIONER OR ENVIRONMENTAL SCIENTIST INFORMATION

Company of
 Environmental
 Assessment Practitioner
 (EAP) or environmental
 scientist:

--

EAP or environmental scientist's name:		
Relevant qualifications:		
Professional affiliation/registration ¹¹ :		
Physical address:		
Postal address:		
Postal code:	Cell:	
Telephone:		
E-mail:		

The appointed EAP or environmental scientist and relevant specialists must meet the requirements of regulation 13(1) of the EIA Regulations as if it applies in the context of this Norm and must sign the declaration of independence included as Appendix 7. The declaration which must be sworn under oath must affirm that all the information submitted for the purposes of the registration is true and correct. A separate declaration by the relevant EAP or environmental scientist and each specialist is required. The Curriculum Vitae of the EAP or environmental scientist and specialists must be included as Appendix 8 and the professional affiliation/registration certificate is to be included as Appendix 9.

PROJECT INFORMATION AND MAPS

Please provide a **detailed** description of the project which must include the following:

- MWs to be registered;
- preliminary technology to be used; and
- associated infrastructure and details of this infrastructure.

--

A copy of the final screening report generated by the screening tool, which identifies the site, the footprint of the proposed solar PV facility and the corridor in which the linear infrastructure where relevant will be developed must be included as Appendix 1 of the registration form.

A copy of the final site sensitivity verification report must be included as Appendix 2 of the registration form.

A locality map must be included as Appendix 4 of the registration form. The map must include the following:

- the project site;
- the footprint and buffer of the proposed solar photovoltaic facility including any relevant corridor in which the linear infrastructure is to be developed, overlaid on the identified site sensitivities, including but not limited to vegetation, critical biodiversity area/s, world heritage site, etc.;
- road names or numbers of all the major roads as well as the roads that provide access to the site(s)
- a north arrow;
- a legend;
- a scale bar; and

¹¹ A copy of the actual professional registration or confirmation of affiliation must be attached.

- GPS co-ordinates of solar photovoltaic facility and infrastructure including, amongst others, power lines (strategic points along the power line), substations, battery storage areas and the access road where relevant.

Accompanying spatial data must be submitted electronically in shape file format (.shp) files with associated metadata, packaged as a ZIP file (.zip).

SITE DESCRIPTION

Provide a detailed description of the site involved in the registration.

Province/s	
District Municipality/ies	
Local Municipality/ies	
Ward number/s	
Nearest town/s	
Farm name/s and number/s	
Portion number/s	

LIST OF APPENDICES TO BE POPULATED

		SUBMITTED	
APPENDIX 1	Final screening report	YES	NO
APPENDIX 2	Site sensitivity verification report	YES	NO
APPENDIX 3	Landowner consent letter and confirmation of pre-negotiation	YES	NO
APPENDIX 4	Locality map	YES	NO
APPENDIX 5	Evidence of public consultation	YES	NO
APPENDIX 6	Declaration of commitment by the proponent/developer to implement the environmental management programme	YES	NO
APPENDIX 7	Declaration of independence of the EAP or environmental scientist and specialists	YES	NO
APPENDIX 8	Curriculum vitae of the EAP or environmental scientist and specialists	YES	NO
APPENDIX 9	Professional affiliation/registration certification of the EAP or environmental scientist and specialists	YES	NO
APPENDIX 10	Environmental management programme	YES	NO

APPENDIX B – RE-REGISTRATION FORM

Form to request re-registration in terms of the *“Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity”* as required by paragraph 7 of this Norm where-

- there is a change of ownership of the entire registered facility or linear infrastructure or a portion of the facility or associated or linear infrastructure which occurs prior to construction or prior to the completion of the construction phase; and
- there is a change of ownership of the entire registered solar PV facility or a portion of the facility, associated or linear infrastructure, after completion of the construction phase.

FOR OFFICE USE ONLY

Date of receipt of the re-registration form	
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1. This form must always be used when requesting re-registration in terms of the *“Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity”*. Registration in terms of the Norm allows for the exclusion from the requirement to obtain an environmental authorisation from the competent authority for listed and specified activities identified in paragraph 3 of the Schedule.
2. All fields must be completed in full. The submission of incomplete information will lead to the re-registration being returned for inclusion of the missing information.
3. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will extend automatically when each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g., Arial 10).
4. Unless protected by law or specifically identified by the applicant, all information contained in and attached to this re-registration form, will become public information on receipt by the competent authority other than personal information of landowners.
5. Please note that where the competent authority is the national department responsible for the environment, this form must be copied to the relevant provincial environmental department(s) for their information.
6. Where the provincial environmental department is the competent authority, this form must be copied to the national department responsible for the environment at screening@environment.gov.za.

Departmental Details (example provided is for the national competent authority, where the provincial department is the competent authority, the details hereunder should be changed as relevant):

Postal address:

Department of Forestry, Fisheries and the Environment
 Attention: Chief Director: Integrated Environmental Authorisations
 Private Bag X447
 Pretoria
 0001

Physical address:

Department of Forestry, Fisheries and the Environment
 Attention: Chief Director: Integrated Environmental Authorisations
 Environment House

473 Steve Biko Road
Arcadia

For online submissions of forms, the process outlined in the document for the submission of documents to the Integrated Environmental Authorisations Chief Directorate must be followed. The document is obtainable on the departmental website on this link: https://www.dffe.gov.za/documents/forms#legal_authorisations. The portal for the uploading of registration documents is (<https://sfilr.environment.gov.za:8443/>).

Queries must be directed to the Directorate: Coordination, Strategic Planning and Support at:

Email: EIAAdmin@dffe.gov.za

COMPETENT AUTHORITY

Identified competent authority
to consider the re-registration
form:

PROJECT DETAILS

Existing Project Name	
New Project Name ¹²	
Existing Registration number ¹³	
New Registration number ¹⁴	

DETAILS OF THE EXISTING REGISTRATION HOLDER

Information regarding the re-registration will be sent to the existing registration holder using the details provided in this section.

Name of the existing
registration holder
(Company/ Trading Name):
Name of contact person:
Responsible position, e.g.
Director, CEO, etc.:
Company Registration
Number:
Physical address:
Postal address:
Postal code:

	Cell:	

¹² A new project name can be provided in the case of a change of ownership of associated or linear infrastructure.

¹³ In the case of a name change the existing registration number is maintained.

¹⁴ A new registration number will be provided by the competent authority in the case of a change of ownership of associated infrastructure

New Project Name ¹⁵	
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LIST OF APPENDICES TO BE POPULATED

		SUBMITTED	
APPENDIX 4	Locality map ¹⁶	YES	NO
APPENDIX 6	Declaration of commitment by the proponent/developer to implement the environmental management programme	YES	NO
APPENDIX 8	Curriculum vitae of the EAP or environmental scientist and specialists	YES	NO
APPENDIX 9	Professional affiliation/registration certification of the EAP or environmental scientist and specialists	YES	NO
APPENDIX 10	Environmental management programme	YES	NO

¹⁵ A new project name can be provided in the case of a change of ownership related to a transfer of associated infrastructure.

¹⁶ In the case of a change of ownership related to a transfer of associated infrastructure

APPENDIX 1:
FINAL SCREENING REPORT

APPENDIX 2:
SITE SENSITIVITY VERIFICATION REPORT

APPENDIX 3:

LANDOWNER CONSENT LETTER AND CONFIRMATION OF PRE-NEGOTIATION

APPENDIX 5:
EVIDENCE OF PUBLIC CONSULTATION

APPENDIX 6:**DECLARATION OF COMMITMENT BY THE PROPONENT/DEVELOPER TO COMPLY WITH AND IMPLEMENT THE ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr)**

I, _____ hereby declare that:

- I am the proponent/developer in this registration;
- I have appointed an Environmental Assessment Practitioner (EAP) to act as the independent EAP or environmental scientist for the registration/re-registration of a solar PV facility in terms of the *"Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity"*;
- I have taken all reasonable steps to verify whether the EAP or environmental scientist and specialists appointed are independent and have relevant expertise, including knowledge of the Act, the EIA Regulations and any guidelines that have relevance to the proposed activity;
- I have provided the EAP or environmental scientist and specialists with access to all information at my disposal that is relevant to the registration;
- I am responsible for implementing the EMPr;
- I am responsible for the costs incurred in complying with the EMPr, including but not limited to –
 - costs incurred in connection with the appointment of the EAP or environmental scientist or any person contracted by the EAP or environmental scientist;
 - costs incurred in respect of the undertaking of any process required in terms of the EMPr; and
 - costs associated with implementing the avoidance and mitigation measures contained in the EMPr;
- I hereby indemnify the Government of the Republic of South Africa, the competent authority and all its officers, agents and employees, from any liability arising out of the content of any registration/re-registration, any procedure or any action which I as the proponent or the EAP or environmental scientist is responsible for in terms of the EMPr;
- I will not hold the competent authority responsible for any costs that may be incurred in proceeding with an activity prior to obtaining confirmation of registration/re-registration;
- I will perform all obligations as expected from a proponent/developer in terms of the EMPr;
- I have read the completed registration/re-registration form and supporting documents and hereby confirm that the information provided is, to the best of my knowledge, true and correct;
- All the particulars furnished by me in this form are true and correct;
- I have not commenced with the project as described in the registration form and will not commence until a registration number has been received; or¹⁷
- I have not commenced with development of any installation or infrastructure for which re-registration is required; and
- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and failure to comply with these requirements may constitute an offence. I am aware of what constitutes an offence in terms of the Notice and that a person convicted of an offence is liable to the penalties as contemplated in section 49A(1)(b) of the Act.

¹⁷ Delete whichever is not applicable

Proponent/developer (Name and Surname) _____

Name of Company (If Applicable) _____

Designation _____

Signature¹⁸ _____

Date _____ Place _____

Commissioner of Oaths _____

Designation _____

Signature _____

Date _____ Place _____

Commissioner of Oaths Stamp

¹⁸ This registration form must be signed by the proponent/developer.

APPENDIX 7:**DECLARATION OF INDEPENDENCE BY THE ENVIRONMENTAL ASSESSMENT PRACTITIONER
OR ENVIRONMENTAL SCIENTIST OR SPECIALIST****Declaration of EAP or environmental scientist/Specialist**

I, _____, declare that –

- I act as the independent environmental assessment practitioner or environmental scientist or specialist in the registration process in terms of the *"Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity"*;
- I have expertise in conducting environmental impact assessments and specialist assessment, including knowledge of the Act, the EIA Regulations, guidelines that have relevance to the proposed activity and professional knowledge in the relevant environmental theme for which I am the specialist;
- I have complied with the National Environmental Management Act, 1998 (Act No.107 of 1998) *Solar PV facility exclusion* and all other applicable legislation;
- I have performed the work relating to the registration process in terms of the *"Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity"*, in an objective manner;
- I have taken into account, to the extent possible, the requirements of the *Solar PV facility exclusion*, matters listed in regulation 13 of the EIA Regulations when preparing this registration process; and the reports relating to this registration process;
- I have disclosed to the proponent/developer all material information in my possession that reasonably has or may have the potential of influencing this registration process; and the objectivity of any site sensitivity verification, report, plan or document to be prepared by myself to support the registration process, unless access to that information is protected by law, in which case, I have indicated that such information exists and will be provided to the competent authority as part of the registration process; and
- I have performed all obligations as expected from an environmental assessment practitioner or environmental scientist or specialist in terms of the registration process in terms of the *"Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity"*.

Disclosure of vested Interest (delete whichever is not applicable)

- I do not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the *Solar PV facility exclusion*;
- I have a vested interest in the proposed activity proceeding, such vested interest being:

Signature of the Environmental Assessment Practitioner or environmental scientist or specialist
 Name of Company (if applicable)
 Date

Undertaking under Oath or Affirmation

I, _____, swear under oath / affirm that all the information submitted or to be submitted for the purposes of this registration is true and correct.

Signature of the Environmental Assessment Practitioner or Environmental Scientist or Specialist

Name of Company (if applicable)

Date

Signature of the Commissioner of Oaths

Date

APPENDIX 8:

**CURRICULUM VITAE OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER OR
ENVIRONMENTAL SCIENTIST AND SPECIALIST**

APPENDIX 9:

**CURRICULUM VITAE OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER OR
ENVIRONMENTAL SCIENTIST AND SPECIALIST**

APPENDIX 10:
ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr)

Minimum management controls:

- Environmental awareness training
- Construction site establishment
- Access restricted areas
- Access roads
- Fencing and gate installations
- Water supply management
- Storm and waste water management
- Solid waste management
- Protection of watercourses and water bodies
- Vegetation clearance
- Protection of fauna and flora
- Protection of heritage resources
- Safety of the public
- Sanitation
- Prevention of diseases
- Emergency procedures
- Hazardous substances management
- Workshop, equipment maintenance and storage
- Batching plants
- Dust emissions
- Noise management
- Visual impact
- Fire prevention
- Stockpiling and stockpile areas
- Finalising solar PV panel areas
- Excavation of foundations, cable trenches and drainage systems
- Installation of foundations, cable trenches and drainage systems
- Installation of equipment
- Social economic benefits and impacts
- Temporary site closure
- Landscaping and rehabilitation

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