



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia, · PRETORIA  
Tel (+ 27 12) 399 9372

**DEA Reference:** 12/12/20/944

**Enquiries:** Milicent Solomons

**Telephone:** 012-399-9382 **E-mail:** MSolomons@environment.gov.za

Ms Deidre Herbst  
Eskom Holdings (SOC) Limited  
P.O. Box 1091  
**JOHANNESBURG**  
2000

Email: HerbstDL@eskom.co.za

### **PER FACSIMILE / MAIL**

Dear Ms Herbst

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386/387: PROPOSED CONSTRUCTION OF A NUCLEAR POWER STATION AND ASSOCIATED INFRASTRUCTURE AT DUYNEFONTEIN, WESTERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant Eskom Holdings (SOC) Limited (Eskom) authorisation for the construction and operation of a nuclear power station at Duynefontein, Western Cape. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), Eskom is required to notify all interested and affected parties who registered as part of the environmental impact assessment process, in writing and within 12 (twelve) days of the date of this EA, of the Department's decision in respect of Eskom's application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should Eskom or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By hand: Environment House  
473 Steve Biko Road,  
Arcadia,  
Pretoria, or

By post: Private Bag X447,  
Pretoria,  
0001

*MS*

If Eskom wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal

Please include the Department (*Attention: Chief Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

Mr Z Hassam (Appeals) of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

The authorised activities must not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 11/10/2017

CC:	Ms Elisabeth Nortje	GIBB (Pty) Ltd	Tel: 012 471 8917	Email: <a href="mailto:enortje@gibb.co.za">enortje@gibb.co.za</a>
	Ms Adri La Meyer	DEA:DP	Tel: 021 483 2887	Email: <a href="mailto:Adri.LaMeyer@westerncape.gov.za">Adri.LaMeyer@westerncape.gov.za</a>
	Ms Pat Titmuss	City of Cape Town	Tel: 021 444 0601	Email: <a href="mailto:Pat.Titmuss@capetown.gov.za">Pat.Titmuss@capetown.gov.za</a>
	Appeals :	DEA		Email: <a href="mailto:appealsdirector@environment.gov.za">appealsdirector@environment.gov.za</a>
	Mr S. Bapela	Compliance (DEA)	Tel: 012-310-3397	Email: <a href="mailto:SBapela@environment.gov.za">SBapela@environment.gov.za</a>

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA])	1. Receive EA from Applicant/Consultant
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

**1. An appeal against a decision must be lodged with:-**

- the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
- the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;

**2. An appeal lodged with:-**

- the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

**3. An appeal must be:-**

- submitted in writing;
- accompanied by:
  - a statement setting out the grounds of appeal;
  - supporting documentation which is referred to in the appeal; and
  - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of Regulation 37 of the Environmental Impact Assessment Regulations, 2006

**CONSTRUCTION AND OPERATION OF THE ESKOM NUCLEAR POWER STATION AND ASSOCIATED  
INFRASTRUCTURE (NUCLEAR-1) AT DUYNEFONTEIN, WESTERN CAPE PROVINCE**

**(City of Cape Town)**

<b>Authorisation register number:</b>	<i>(12/12/20/994)</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>ESKOM HOLDINGS (State Owned Company) LIMITED</i>
<b>Location of activity:</b>	<i>WESTERN CAPE PROVINCE: Within the City of Cape Town, Predominantly on Farm Duynefontein 34 (Blaauwberg Area) which has recently been consolidated and is now referred to as Duynefontyn No. 1552</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

### **ESKOM HOLDINGS (SOC) LIMITED**

with the following contact details –

Ms Deidre Herbst

Eskom Holdings (SOC) Limited

P.O. Box 1091

**JOHANNESBURG**

2000

Tel: (011) 800 3501

E-mail: HerbstDL@eskom.co.za

to undertake the following primary "listed activities":

- 1 The construction of facilities or infrastructure, including associated structures or infrastructure, for –**
- (a) the generation of electricity where -**
- (i) the electricity output is 20 megawatts or more; or**
- (ii) the elements of the facility cover a combined area in excess of 1 hectare;**
- (b) The construction of facilities or infrastructure, including associated structures or infrastructure, for nuclear reaction including the production, enrichment, processing, reprocessing storage or disposal of nuclear fuels, radioactive products and waste.**

In addition to these primary "listed activities" (hereafter referred to as "the activities") the Department hereby authorises:

<b>Number and date of the relevant notice</b>	<b>Activity No (s) (in terms of the relevant notice)</b>	<b>Description of each listed activity</b>
<b>Government Notice No. R. 386 of 21 April 2006 Listing Notice 1</b>	1(a)	The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where the electricity output is more than 10 megawatts but less than 20 megawatts.
	1(k)	the bulk transportation of sewage and water, including storm water, in pipelines with - (i) an internal diameter of 0,36 metres or more; or (ii) a peak throughput of 120 litres per second or more.
	1(o)	the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 20 cubic metres or more daily average measured over a period of 30 days, but less than 50 tons daily average measured over a period of 30 days
	1(p)	the temporary storage of hazardous waste

	1(q)	the landing, parking and maintenance of aircraft including - (i) helicopter landing pads, excluding helicopter landing facilities and stops used exclusively by emergency services; (v) structures for fuelling and fuel storage;
	1(s)	the treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.
	2	Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, in respect of- (d) embankments (e) stabilizing walls (f) buildings (g) infrastructure.
	3	The prevention of the free movement of sand, including erosion and accretion, by means of planting vegetation, placing synthetic material on dunes and exposed sand surfaces within a distance of 100 metres inland of the high-water mark of the sea.
	4	The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.
	5	The removal or damaging of indigenous vegetation of more than 10 square metres within a distance of 100 metres inland of the high-water mark of the sea.
	6	The excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea.

	7	The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.
	12	The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
	14	The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding – (a) (i) by radio amateurs; or (ii) for lighting purposes (b) flag poles; and (c) lightning conductor poles.
	15	The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.
	16	The transformation of undeveloped, vacant or derelict land to – (a) establish infill development covering an area of 5ha or more, but less than 20ha; or (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1ha.



<p><b>Government Notice No. R. 387 of 21 April 2006 Listing Notice 2</b></p>	<p>1</p>	<p>The construction of facilities or infrastructure, including associated structures or infrastructure, for -</p> <p>(a) the generation of electricity where -</p> <p>(i) the electricity output is 20 megawatts or more; or</p> <p>(ii) the elements of the facility cover a combined area in excess of 1 hectare;</p>
	<p>(b)</p>	<p>nuclear reaction including the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and waste;</p>
	<p>(c)</p>	<p>the above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of 1 000 cubic metres or more at any one location or site including the storage of one or more dangerous goods, in a tank farm;</p>
	<p>(e)</p>	<p>any process or activity which requires a permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in Government Notice No. R. 386 of 2006;</p>
	<p>(g)</p>	<p>the use, recycling, handling, treatment, storage or final disposal of hazardous waste</p>
	<p>(p)</p>	<p>the treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more.</p>
	<p>2</p>	<p>Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.</p>
	<p>5</p>	<p>The route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have</p>

		<p>been determined before the publication of this notice and which has not been authorised by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R 385 of 2006, where-</p> <p>(c) the road reserve is wider than 30 metres</p> <p>(d) the road will cater for more than one lane of traffic in both directions.</p>
	9	<p>Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, excluding an activity listed in item 2 of Government Notice No. R. 386 of 2006 but including construction or earth moving activities in respect of –</p> <p>(d) breakwater structures;</p> <p>(e) rock revetments and other stabilising structures;</p> <p>(h) structures for draining parts of the sea.</p>
	10	<p>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>
<b>Equivalent activity no. in GN R 983/327 of 2014 as amended</b>	13	<p>The development of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of activity 16 in Listing Notice 2 of 2014.</p>
	15	<p>The development of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding—</p> <p>(i) the development of structures within existing ports or harbours that will not increase the development footprint of the port or</p>

		<p>harbour;</p> <p>(ii) the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or</p> <p>(iv) activities listed in activity 14 in Listing Notice 2 of 2014, in which case that activity applies.</p>
	16	The development and related operation of facilities for the desalination of water with a design capacity to produce more than 100 cubic metres of treated water per day.
	25	The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of more than 2000 cubic metres but less than 15 000 cubic metres.
<b>Equivalent activity no. in GN R 985/325 of 2014 as amended</b>	2	The development and related operation of facilities or infrastructure for the generation of electricity from a non-renewable resource where the electricity output is 20 megawatts or more.
	14	<p>The development and related operation of—</p> <p>(ii) an anchored platform; or</p> <p>(iii) any other structure or infrastructure on, below or along the sea bed; excluding —</p> <p>(a) development of facilities, infrastructure or structures for aquaculture purposes; or</p> <p>(b) the development of temporary structures or infrastructure where such structures will be removed within 6 weeks of the commencement of</p>

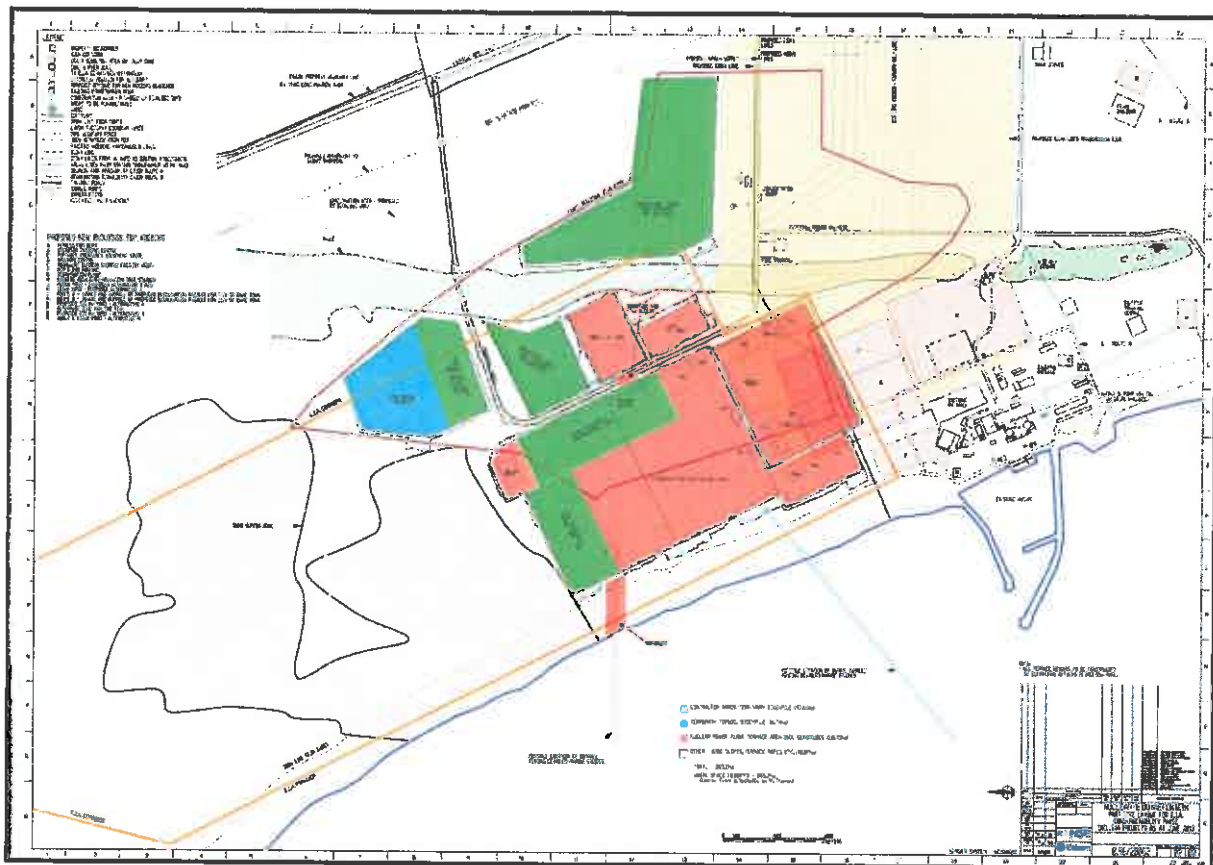
		development and where coral or indigenous vegetation will not be cleared.
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*Only relevant sub-activities as listed above are approved - sub-activities not triggered by the proposed development and associated infrastructure have been removed.*

## Conditions

### Scope of authorisation

1. The project comprises the construction and operation of a Generation III Pressurised Water Reactor type nuclear power station of up to 4 000 MWe (comprising two or three reactor units) and associated infrastructure as described in the final Environmental Impact Report (EIR) dated February 2016.
2. The authorised site is located immediately north of the existing Koeberg Nuclear Power Station predominately on Farm Duynfontein 34 (which has recently been consolidated and is now referred to as Duynfontyn No. 1552).
3. The maximum area of disturbance of the terrestrial component of the site must not exceed 265ha, and should generally be in accordance the figure below (source: Figure 3-19 of the final EIR).



4. The project must be set back at least 200m from the high water mark, except for limited corridors of disturbance associated with the marine intake and outlet works which extend up to 1,500m into the ocean.
5. The following infrastructure and activities are included with the decision:
  - a temporary coffer dam in the ocean for construction;
  - a temporary spoil pipeline into the ocean for construction;
  - laydown areas, contractor's yards, stockpiles and other areas to be cleared during construction;
  - nuclear reactors;
  - turbine halls;
  - spent fuel and nuclear fuel storage facilities;
  - waste handling and storage facilities;
  - waste water treatment works;
  - intake and outfall structures into the ocean required to obtain/ release water used to cool the process;
  - desalinisation plant;
  - 132kV and 400kV transmission and distribution lines from the power station to the high voltage yard;
  - on-site access roads;
  - 400kV and 132kV high voltage yard (HV yard);
  - buildings, access roads, parking, security, lighting, back-up power supplies, chlorination and demineralisation plants, fencing, helipad; and
  - Other auxiliary service infrastructure on site as detailed in Chapter 3 and Appendix C of the final Environmental Impact Assessment.

It must be noted that the following do not form part of this decision and that additional EIA applications, where relevant, must be submitted to the relevant Competent Authority for consideration:

- Construction camp/village and any accommodation and other infrastructure;
- Upgrades and construction of off-site access roads and intersections;
- Any work beyond the authorised site shown in Figure 3-19 of the final EIR;
- 400kV Transmission lines from the HV yard to the national grid; and
- Decommissioning of the nuclear power station.

6. Construction of the activity must not commence until the National Nuclear Regulator has granted a nuclear installation site licence for the nuclear power station in terms of the provisions of Section 21 of the National Nuclear Regulator Act (47 of 1999).
7. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
8. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
9. The activities authorised must only be carried out at the site as described above.
10. Any changes to, or deviations from, the project description, preferred alternatives (so far as they are applicable) and mitigation measures described in the final EIR documentation (inclusive of the specialist studies and final Issues and Responses Report dated September 2016) must be approved by the Department before such changes may be effected.
11. Similarly, and changes to, or deviations from, the project set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
12. This activity must commence within a period of ten (10) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
13. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
14. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activities are to take place.

#### **Notification of authorisation**

15. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
16. The notification referred to must –
  - 16.1. specify the date on which the authorisation was issued;

- 16.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
- 16.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
- 16.4. give the reasons for the decision.

### **Management of the activity**

17. The draft EMP (Appendix F) submitted as part of the application for environmental authorisation is not approved and must be amended and submitted to the Department once a nuclear power station vendor has been selected and further details and specifics of the project are available.
18. The amended EMP must contain a detailed description of all aspects of the project and proposed mitigation/management measures.
19. The amended EMP must contain a detailed table highlighting all substantive changes from the project description and mitigation/management measures contained in the final EIR and draft EMP.
20. The activity must not commence until the abovementioned amended EMP, including all aspects of the construction component of the EMP, have been approved by the Department.
21. Once approved, the EMP must be implemented and adhered to and it will be legally binding on the applicant.
22. The EMP, once approved, will be seen as a dynamic document and further changes are likely to be required as the construction phase unfolds and legislation changes. All further substantial changes to the approved amended EMP must be approved by the Department.

### **Monitoring**

23. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development who will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to audit compliance with the provisions of the EMP.
24. The applicant must ensure that the suite of roles and responsibilities detailed in the draft EMP to manage, guide, monitor and communicate compliance with the environmental aspects of the project are implemented.

### **Recording and reporting to the Department**

25. All documentation, e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Director: Compliance, Environmental Impact and Pollution at the Department.
26. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
27. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMP.

### **Commencement of the activity**

28. The authorised activity must not commence within twenty (20) days of the date of signature of the authorisation.
29. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged the holder of the authorisation cannot commence with the activity until such time as the appeal has been finalised.

### **Notification to authorities**

30. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

### **Operation of the activity**

31. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
32. The applicant must submit an amended operational EMP prior to the commencement of operational activities of the power station.
33. This amended operational EMP must contain a table highlighting all substantive changes from the draft EMP.



34. Operation of the power station must not commence until the operational component of the EMP has been approved by the Department.
35. Once approved, the EMP must be implemented and adhered to. Alternatively, once the operational EMP has been approved by the Department, the applicant can incorporate it into their Environmental Management System; which must be certified in terms of ISO 14001 and implemented prior to commencement of operational activities.
36. Records of internal and external audits must be submitted to the Director: Strategic Infrastructure Development and the Director: Compliance, Environmental Impact and Pollution at the Department within 60 days of each audit, or as agreed with the Department for monitoring and auditing purposes.

### **Site closure and decommissioning**

37. Should the activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.
38. While decommissioning was broadly considered in the final EIR and draft EMP, this authorisation does not include any aspect of decommissioning and a new application will be required in the future to cover that activity.

### **Specific conditions**

39. A "walk down" assessment, involving competent and experienced specialists must be undertaken as early as possible during the pre-construction phase to ensure that the placement of the power station and associated infrastructure (including access roads, HV-Yard, contractor's yards, temporary stockpiles, coastal access) are sited optimally to prevent and mitigate environmental impacts. The outcome of this exercise must be to refine and replace the currently approved footprint shown in Figure 3-19 of the final EIR (and reproduced earlier in this authorisation) to record the maximum disturbance footprint of the development. This map must be approved by the Department.
40. The holder of the authorisation must comply with Section 69 of NEM: ICMA (Act 24 of 2008) in terms of effluent discharge.
41. In addition to the mitigation measures detailed in the draft EMP, a suite of monitoring programmes are described in the draft EMP. Many of these require the continuation of existing monitoring or the establishment of a pre-construction baseline. Evidence of the adequacy of the baseline monitoring must be submitted to the Department for record-keeping prior to construction.

42. Before commencement of construction, a clear and detailed Social Management Plan for construction and operations, must be formulated to ensure the implementation and monitoring of the mitigation measures related to the social impacts as identified in Social Impact Assessment Study. The plan must spell out how the vulnerabilities identified in the area will be addressed. This plan must be submitted to the Department for approval.
43. Copies of all approvals and permits must be submitted to the Department for record keeping.
44. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

### General

45. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
46. The holder of the authorisation must notify both the Director: Strategic Infrastructure Development and the Director: Compliance, Environmental Impact and Pollution at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
47. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or their successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 11/10/2017



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information provided throughout the environmental impact assessment process and in particular the information contained in the final Environmental Impact Report (EIR) dated February 2016 and the Issues and Response Report (IRR) dated September 2016;
- b) The comments received from the Directorate: Biodiversity and Conservation, organs of state and interested and affected parties as included in the final EIR and Appendix D of the final EIR and IRR;
- c) Mitigation measures as proposed in the final EIR (including those in the specialist studies) and the draft EMP included as Appendix F of the final EIR;
- d) The extensive information contained in the specialist studies contained within Appendix E of the final EIR;
- e) Various site visits conducted over the course of the environmental impact assessment process from 2007 to the present;
- f) Correspondence, presentations and meetings with the Environment Assessment Practitioner (EAP) and Applicant;
- g) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998);
- h) Recommendations and guidance received from the external advisory panel during the Scoping and draft Environmental Impact Report stages, as well as inputs from the panel during the decision-making phase.

## **2. Key factors considered in making the decision**

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The need for increased baseload electricity generation capacity in particular in the Eastern or Western Cape to underpin the economic prosperity and development objectives of South Africa.
- b) Generation of electricity by means of nuclear power (as well as energy efficiency advancements and the development of renewable generation capacity) is supported by South African government policy including the Integrated Resources Plan.
- c) The final EIR is considered adequate and meets the requirements of section 32(2) of NEMA and GN R385 of the EIA Regulations.
- d) The specialist studies undertaken were of high standard and satisfy the requirements of the Plan of Study for EIR as approved by the Department.
- e) The public participation process undertaken was comprehensive, allowed all stakeholders the opportunity to raise issues and concerns, included substantive responses from the EAP/ applicant and exceeded the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.
- f) All legal and procedural requirements have been met.

## **3. Findings**

After consideration of the information and factors listed above, the Department made the following findings -

- a) The final EIR and its Appendices contain a vast amount of information on the project and its likely implications and this information is technically, scientifically and professionally robust.
- b) According to the specialist studies included in the final EIR, none of the specialists disqualified any of the sites (note that the majority of the specialist studies were undertaken when Bantamsklip, Thyspunt and Duynefontein sites were all still under consideration).
- c) The Department believes that the overall environmental impacts associated with the Duynefontein site are acceptable and materially lower than those at the Thyspunt site.

- d) The Duynefontein site being adjacent to the existing Koeberg Nuclear Power Station allows for a suite of logistical and operational synergies.
- e) The incremental environmental impacts of the Duynefontein site are generally less than the impacts associated with development of the "greenfields" site at Thyspunt.
- f) The refinement of the Duynefontein footprint to a terrestrial area of some 265 ha immediately north of the Koeberg Nuclear Power Station and inland from the coast has materially reduced the footprint-related environmental impacts of the project.
- g) While the direct social and economic impacts of both sites are relatively low, the broader impacts of the proposed development including the indirect and cumulative impacts of the construction village, permanent accommodation and facilities, road and infrastructure upgrades, and transmission lines will stimulate the regional economy. These major changes in the broader region will be more pronounced at Thyspunt relative to the approved site.
- h) The proposed mitigation of impacts identified and assessed adequately curtail the identified impacts.
- i) The Department is confident that the systems, procedures and responsibilities described in the draft EMP will minimise impacts during the pre-construction, construction and operational phases.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels.

The application is accordingly granted.