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Present	Apology	Copy	Name	Organisation	Contact details
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Item	Topic
1	Purpose of the Meeting
	The virtual meeting was coordinated by the Environmental Assessment Practitioner (EAP) and the applicant to present the updated Basic Assessment Footprint to the competent authority, LEDET, and to correct the footprint that was erroneously included in the new application for a Basic Assessment.
2	Introduction

Item	Topic
	During the virtual meeting, Mr Reuben Heydenrych explained the need to proceed with a new application for Environmental Authorisation (EA) (Basic Assessment). He highlighted the following key issues: Area of Expansion • After the submission of the basic assessment application to LEDET, Mr Ngoasheng had concerns about the BA vs Scoping/EIA triggers. • It was highlighted that LN2 (Scoping/EIA) will be triggered if an application of clearance of more than 20ha of indigenous vegetation was done. • The submitted application was for approximately 16ha of the Critical Biodiversity Area (CBA); but the total footprint that was in the application was in fact 32ha which triggers an activity in LN2, should more than 20ha of indigenous vegetation be required to be cleared. • The CBA and adjacent area include only 17.8ha of indigenous vegetation. • The submitted application ended up with 32ha because the development layout for the BAR application included an incorrect buffer around the drainage line. However, the area applied for in the Scoping and EIR application included everything up to the 32m watercourse buffer. The developers utilised a 100m buffer erroneously, which lead to an increase in footprint size. • The mistake in footprint extent was mainly due to the engineering layout being based on incorrect spatial data. • Mr Heydenrych explained that the existing EA approves a 32m buffer around the drainage line. It is important to note that the 32m buffer is not specifically stated in the existing EA, however, the footprint that was included in the EIR, the coordinates and the mapped area include everything up to the 32m buffer. The specialist reports recommend a 32m buffer. Indigenous Vegetation and Degraded Land in the CBA • Within the CBA, there is cleared crop land that is 2.53ha (see Figure 2) and does not constitute as indigenous vegetation as per the definition in the EIA regulations and the vegetation specialist, and therefore can be excluded from the application. • The specialists have also confirmed that the area is not considered indigenous vegetation because it has been altered and cleared for agriculture. Google satellite imagery supports this (see Figure 2). Areas that PGE wants to apply for • The total indigenous vegetation to be cleared for expansion area totals 18ha (see green area on Figure 1).
3	Concerns from LEDET

Item	Topic
	Indigenous Vegetation and Degraded Land in the CBA <u>Response from Mr Chuene</u> • Mr Chuene indicated that he did a time series check to determine the state of the degraded land portion in the previous years and to check when it started to deteriorate. His results show that degradation took place somewhere around 2020, because before that year the area seemed to be okay. • He advised that one should be careful when classifying this area as a non-natural area because the area is wedged between fairly intact, although not so good, vegetation. The assumption is that the degraded land is a result of an illegal activity which was not authorised by LEDET, therefore it makes it difficult to classify the vegetation of the degraded land as non-indigenous with confidence. • It is also important to note that the degraded land has a potential for recovery, and it will be wrong for LEDET to propose that it can be zoned as non-indigenous. Mr Chuene is adamant that there is a potential for the degraded land portion to recover and that in fact, it looks like it has started recovering. • Mr Chuene further indicated that when they account for the total footprint of the vegetation type, the degraded footprint is included because there was never an application to conduct the activity that led to the land being degraded. He stated that this will put them in a very compromising situation should they accept that the degraded footprint is now classified as non-indigenous because of the illegal activities that took place on that footprint. This will be as good as using the legitimate process that the applicant is planning to undertake to conceal an illegitimate conduct that had occurred on that portion of land. • He advised that the footprint highlighted as non-indigenous should be included in the application as part of the total indigenous vegetation to be cleared for expansion area to simplify things. • In addition, it is important to note that with vegetation, LEDET does not only looking at what's on the ground, but they also look at the seedbank when considering issues of recovery. The activity on the degraded land is recent, and it might recover when left undisturbed. • The fact that the vegetation does not look good and that there is a lot of encroachment simply means that there are poor land management practices in the area but that does not negate the fact that the area is suitable for the indigenous vegetation type. • Lastly, the applicant should not use the issue of the degraded land parcel to their advantage of not pursuing the alternative authorisation process, which is a part 2 amendment process or a scoping and EIR process. <u>Response from Mr Ngoasheng</u> • Mr Ngoasheng advised that The Department of Water and Sanitation be consulted to verify the buffers that are used as the basis of the project footprint. • He further explained that the definition of indigenous vegetation explicitly states that the disturbance should be lawful or done as a result of an authorised activity, therefore, the EAP and the applicant should take that into consideration when concluding that the degraded footprint is non-indigenous. • Mr Ngoasheng also explained that LEDET is under the impression that the EAP and the applicant are trying to avoid applying for the scoping and EIR process because it's perceived as a longer process. He notes that they have noted the reasons why the EAP does not want to take the amendment route, and he emphasised that whichever route the EAP and the applicant take, they should ensure that it is an honest assessment of the situation and that they should comply to avoid any hiccups on the way. However, they should bear in mind that their application will be processed and judged against the believe that they don't want to do scoping and EIR because of the longer period that it might take to process the application.
4	Response from the Applicant and the EAP

Item	Topic
	Indigenous Vegetation and Degraded Land in the CBA - Mr Heydenrych indicated that this is the status quo of the land as it is right now, and that the application should be based on the current status quo. He further highlighted that based on the definition of what constitutes as indigenous vegetation, the portion of vegetation on the CBA does not classify as indigenous vegetation. - The condition of the vegetation in this area is not good and it is heavily grazed. There are settlements on the north and west side of the footprint and there are dense areas used for residential development so there is a lot of pressure on the area. Given the fact that the mine is there and that the residential areas are expanding, the potential for the area to recover properly is limited. - Furthermore, the applicant shouldn't be held responsible for the state of the degraded land the suspected illegal activities that might have taken place. - Mr Khumalo proposed that a professional opinion letter from a specialist stating that the degraded land parcel must be classified as non-indigenous should be provided to LEDET for reference.
5	Way forward
	- Zutari to provide determination of buffers by specialist as requested in the existing EA together with the General Authorisation clearly indicating the buffers that were used. - Zutari to provide a professional opinion letter from a specialist to indicate that the degraded portion on the CBA does not constitute indigenous vegetation and careful attention should be paid to the definition of indigenous vegetation on the NEMA regulations. - Mr Cheune advised that the applicant should suggest rectification measures for the degraded land parcel in the CBA.
6	Closing
	Zutari to provide draft meeting minutes

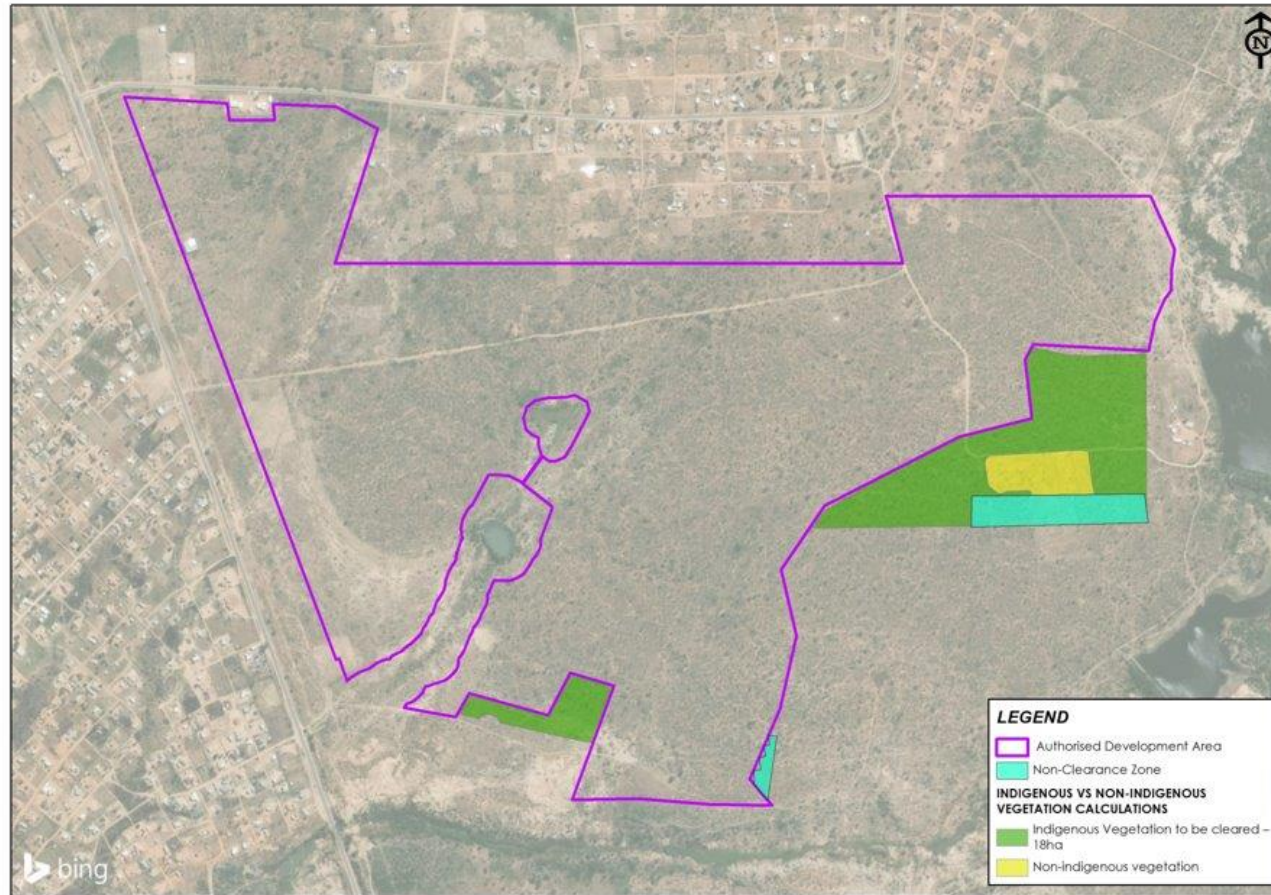


Figure 1: The revised footprint of the BAR application.



Figure 2: Portion of non-indigenous vegetation in the Critical Biodiversity Area.