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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

NO. 4120

30 November 2023

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)**CONSULTATION ON THE INTENTION TO ADOPT THE BATTERY STORAGE EXCLUSION NORM AND EXCLUDE IDENTIFIED ACTIVITIES ASSOCIATED WITH THE DEVELOPMENT AND EXPANSION OF BATTERY STORAGE FACILITIES FROM THE REQUIREMENT TO OBTAIN AN ENVIRONMENTAL AUTHORISATION**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, give notice of my intention to adopt 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 in terms of section 24(10) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and exclude, in terms of section 24(2)(d) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) certain activities identified in terms of section 24(2)(a) and (b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), associated with the development and expansion of battery storage facilities, from the requirement to obtain an environmental authorisation, based on compliance with the Norm.

Sections 24(2)(c),(d) and (e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) provide 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 an environmental authorisation, while section 24(2)(d) specifically provides the ability to exclude activities based on compliance with prescribed norms or standards, the development of which is provided for in section 24(10) of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

This Norm, entitled "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", has been prepared to provide rules under which activities associated with the development and expansion of battery storage facilities identified in terms of section 24(2)(a) and (b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and contained in the Environmental Impact Assessment Regulations Listing Notice 1, 2 or 3 of 2014, promulgated under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), are excluded from the requirement to obtain an environmental authorisation prior to commencement, while meeting the objectives of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

Over the past ten years, in order to streamline and simplify the environmental impact assessment process, the Department of Forestry, Fisheries and the Environment has undertaken a number of strategic environmental assessments related to energy technologies and grid infrastructure which transmits and distributes the energy generated. The information gained and generated from the strategic environmental assessments has allowed for the development of a number of supporting environmental management instruments, which provide guidance and facilitate the exclusion of identified activities from

the requirement to obtain an environmental authorisation prior to commencement. One of the guidance tools developed is the national web based environmental screening tool, which provides guidance on 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". In addition to the development of environmental management instruments, in 2022 the sector was professionalised with the requirement for an environmental assessment practitioner needing to be registered by the registration authority appointed by the Minister. The development of this Norm is part of the ongoing initiative to streamline the environmental legislative framework and to gain the benefits of the professionalisation of the environmental sector.

This exclusion will apply only to activities identified in terms of section 24(2)(a) and (b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), subject to compliance with 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, as set out in the Schedule, while the requirements of any other relevant legislation remain applicable.

The proposed Norm and associated excluded activities have been subjected to public comments and the following specific changes have been made in response to comments received:

- a. the definition of "footprint" has been amended to provide clarity that the footprint includes the buffer;
- b. three activities were removed from the ambit of the Norm;
- c. allowing the use of a site sensitivity verification undertaken within the preceding six years in support of a registration request; and
- d. new provisions have been added-
 - i. which restricts the applicability of the Norm to activities which have not yet commenced;
 - ii. which requires, where possible, that land which has already been modified be considered for the location of the proposed facility;
 - iii. which requires the relevant specialist to identify areas on a map within the corridor in which development is not permitted due to environmental sensitivity and such areas are avoided;
 - iv. which identifies that the timeframe of the site sensitivity verification inspection must have a duration for a period of time as necessitated by the sensitivity and size of the facility;
 - v. requiring the specialist to provide evidence of the site inspection having been undertaken by providing a track on a map where the specialist walked and at least four documented coordinates on the site with photographs and a description of the habitat at that site;
 - vi. containing additional guidance with respect to the process when required information is missing or incomplete from the registration documentation; and
 - vii. reflecting more detail regarding consultation requirements.

Members of the public are invited to submit written comments or inputs, within 15 days after the publication of this Notice in the Gazette, or of a newspaper notice calling for comments, whichever period occurs last, to the following addresses:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Dr D Fischer
Private Bag X447
PRETORIA
0001

By hand at: Environment House
473 Steve Biko Road
ARCADIA
0083

By e-mail: dfischer@dffe.gov.za

Any inquiries in connection with the notice can be directed to Dr Dee Fischer at dfischer@dffe.gov.za or (012) 399 8843. Comments or inputs 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 responses report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his/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 notice.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

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

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 —

“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 linking two locations, in which a final servitude may be registered and within which linear infrastructure integral to the battery storage installation is proposed;

“developer” means a proponent that has successfully registered activities in terms of 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;

“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 under a specific field;

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

“footprint” means the area on which the battery storage installation and associated structures and infrastructure is proposed to be located including any relevant buffer, but excludes the corridor;

“linear infrastructure” is characterised by its generally linear spatial 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 with the landowner prior to formal negotiation, which results in the signing of a letter of no-objection or a letter of agreement which documents an in principle agreement that the corridor alignment may traverse the relevant landowner’s property;

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

“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, as amended from time to time, Government Notice No. 142 published in *Government Gazette* No. 44191 of 26 February 2021 and Government Notice No. 145 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, 2003 (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, as amended from time to time, and Government Notice No. 1637 published in *Government Gazette* No. 45690 of 24 December 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 when undertaken in compliance with the requirements contemplated in this paragraph as well as paragraphs 4, 5 and 6.1, read with paragraph 7 or 8 of this Norm—
- 2.1.1. where the activities have not yet been commenced with;

- 2.1.2. when the activities are proposed entirely in areas of “low” or “medium” environmental sensitivity as identified by the screening tool and verified by relevant specialists as contemplated in paragraph 4, for each of the following environmental themes–
- 2.1.2.1. Agriculture;
 - 2.1.2.2. Aquatic biodiversity;
 - 2.1.2.3. Terrestrial biodiversity inclusive of flora and ecosystems;
 - 2.1.2.4. Animal species; and
 - 2.1.2.5. Plant species;
- (a) with the exception of linear infrastructure which forms an integral part of the facility which is located in a pre-negotiated corridor, which may be located in areas of “very high”, “high”, “medium” or “low” environmental sensitivity on condition that the requirements contained in subparagraph 2.2 are complied with.
- 2.2. The exception of linear infrastructure contemplated in paragraph 2.1.2(a) will only apply if–
- 2.2.1. 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;
 - 2.2.2. through the site sensitivity verification process, the relevant specialists identify areas within the corridor in which development is not permitted to take place due to environmental sensitivity and such areas are avoided;
 - 2.2.3. no plant species of conservation concern is removed and no breeding areas of species of conservation concern are impacted on;
 - 2.2.4. through the site sensitivity verification process, the relevant specialist determines mitigation measures for any identified environmental impacts for inclusion in the environmental management programme^{1 2} and confirms in the site sensitivity verification report that any remaining environmental impact is acceptable after avoidance and mitigation; and
 - 2.2.5. the environmental assessment practitioner or environmental scientist and relevant specialist confirm in the site sensitivity verification report that the necessary mitigation measures and areas where development is not permitted have been included and / or demarcated in the environmental management programme.
- 2.3. The corridor contemplated in the Norm is to be determined by the proponent and may not exceed 200 metres in width.
- 2.4. Where any of the requirements contemplated in this paragraph, or paragraphs 4, 5 and 6.1, read with paragraph 7 or 8, cannot be met or are not 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 battery storage facilities associated with:
- 3.1.1. energy generation; and

¹ 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 22 March 2019 does not apply to this Norm; and the environmental management programme required in terms of this Norm would be specific to the activities/facility to be developed or expanded.

² The environmental management programme required in terms of this Norm must include the aspects of the battery storage installation inclusive of the associated structures and infrastructure, where relevant.

3.1.2. electricity transmission and distribution infrastructure.

3.2. The activities that are excluded are as follows:

3.2.1. Listing Notice 1:

3.2.1.1. Activity 11³;

3.2.1.2. Activity 12(ii)(a), only insofar as development or expansion occurs within or over a natural channel in which water flows regularly or intermittently;

3.2.1.3. Activity 14;

3.2.1.4. Activity 19, only insofar as development or expansion occurs within or over a natural channel in which water flows regularly or intermittently;

3.2.1.5. Activity 24;

3.2.1.6. Activity 27;

3.2.1.7. Activity 28(ii);

3.2.1.8. Activity 47;

3.2.1.9. Activity 48(i)(a), only insofar as development or expansion occurs within or over a natural channel in which water flows regularly or intermittently;

3.2.1.10. Activity 51; and

3.2.1.11. Activity 67.

3.2.2 Listing Notice 2:

3.2.2.1 Activity 4; and

3.2.2.2 Activity 9⁴; and

3.2.3 Listing Notice 3:

3.2.3.1 Activity 3;

including any single activity or several of these activities combined.

4. Site Sensitivity Verification

4.1. Where possible, land which has already been modified should be considered for the location of the proposed facility and the consideration of such land for the location of the facility must be discussed in the site sensitivity verification report where relevant.

4.2. It is advised that a buffer⁵ is identified around the footprint to allow for slight adjustments without the need to resubmit the request for registration contemplated in this Norm⁶, which buffer–

4.2.1. must be clearly indicated;

4.2.2. must envelope the footprint; and

4.2.3. must be subjected to the site sensitivity verification requirements of which the findings must confirm that it is in an area of low or medium environmental sensitivity.

4.3. A proponent must ensure that a site sensitivity verification inspection is undertaken for the environmental themes contemplated in paragraph 2.1.2 to confirm whether or not the environmental sensitivity of the footprint and corridor is as identified by the screening tool.

³ The Standard for the Development and Expansion of Transmission and Distribution Power Lines and Substations does not apply to a power line which is an integral part of the proposed battery storage facility falling in the scope of this Norm.

⁴ The Standard for the Development and Expansion of Transmission and Distribution Power Lines and Substations does not apply to a power line which is an integral part of the proposed battery storage facility falling in the scope of this Norm.

⁵ The buffer is set by the proponent.

⁶ A buffer around the linear infrastructure is not anticipated as the width of the corridor must allow for a buffer.

- 4.4. A “very high” or “high” environmental sensitivity rating may be disputed by the specialist provided that evidence and motivation to substantiate such a change of environmental sensitivity is provided.
- 4.5. The site sensitivity verification must be undertaken—
 - 4.5.1. for the footprint on which the proposed activities contemplated in paragraph 3 are proposed to take place and the corridor;
 - 4.5.2. by specialists, registered in the field for which they are undertaking the site sensitivity verification and where relevant, with demonstrated experience in the taxonomic group of the species being considered;
 - 4.5.3. within the season which would be most relevant to identify the specific species or vegetation of interest; and
 - 4.5.4. for a period of time as necessitated by the sensitivity of the proposed site and size of the proposed facility.
- 4.6. The site sensitivity verification inspection must be a physical inspection, which must, where relevant, 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, iNaturalist records or the relevant municipality, where available.
- 4.7. Where additional information identified in paragraph 4.6 has been used in the verification process, this information must be identified and referenced in the site sensitivity verification report.
- 4.8. 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 and corridor of the facility identified as “medium” sensitivity by the screening tool⁷.
- 4.9. Should a species of conservation concern be found or have been confirmed to be likely present on the footprint, this exclusion does not apply and an application for an environmental authorisation must be submitted.
- 4.10. Should a species of conservation concern be found or have been confirmed to be likely present in the corridor, this exclusion applies under the conditions contemplated in subparagraph 2.2.
- 4.11. The relevant specialists must consider the cumulative effects for the themes identified in paragraph 2.1.2 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.
- 4.12. The outcome of the site sensitivity verification must be recorded in the form of a site sensitivity verification report that confirms or disputes the environmental sensitivity, as identified by the screening tool for each environmental theme identified in paragraph 2.1.2.
- 4.13. The site sensitivity verification report must include verifiable evidence from the specialist’s site inspection, including as a minimum:
 - 4.13.1. a map showing the specialist’s GPS track in relation to the proposed footprint; and
 - 4.13.2. at least 4 spatially representative sample site descriptions from across the inspected area that include as a minimum precise geographical coordinates of the sample site, one in situ photograph of the sample site and a habitat description of the sample site; and
 - 4.13.3. a map identifying any areas within the corridor in which no development is permitted to take place due to environmental sensitivity where relevant.
- 4.14. The site sensitivity verification report must be prepared by a registered environmental assessment practitioner or a registered environmental scientist and signed off by the relevant specialists, all of whom must meet the requirements of regulation 13(1) of the EIA Regulations, read in the context of this Norm.

⁷ The site sensitivity verification to determine the presence or likely presence of species of conservation concern must be undertaken in accordance with the site verification requirements included in the *Species Environmental Assessment Guidelines* available at <https://begis.sanbi.org/>.

5. Consultation

- 5.1. The environmental assessment practitioner or environmental scientist on behalf of the proponent must identify and consult with parties who may be affected by the proposed facility, including as a minimum the following;
 - 5.1.1. adjacent landowners and land occupiers;
 - 5.1.2. relevant conservation entities;
 - 5.1.3. relevant non-governmental organisations involved with ecology including bird preservation;
 - 5.1.4. relevant tourist and farmers associations;
 - 5.1.5. the relevant heritage resources authority; and
 - 5.1.6. relevant local government authority.
- 5.2. The consultation process must as a minimum include the following;
 - 5.2.1 notification of the proposed development including–
 - 5.2.1.1 details of the proponent;
 - 5.2.1.2 a detailed project description including the need and desirability of the proposed project;
 - 5.2.1.3 the location of the proposed facility including a map generated at an appropriate scale that displays the extent of the proposed facility in as much detailed as possible overlaid on the identified environmental sensitivities per theme; and
 - 5.2.2 notification of where the site sensitivity verification report and environmental management programme can be accessed; and
 - 5.2.3 a request for inputs and the timeframe in which inputs are to be submitted.

6. Application of the exclusion

- 6.1. This exclusion applies where–
 - 6.1.1. the footprint or expanded footprint of a proposed battery storage facility, including any associated activities contemplated in paragraph 3, is to occur entirely–
 - 6.1.1.1. in areas of “medium” or “low” environmental sensitivity as identified by the screening tool and confirmed to be such by the site sensitivity verification inspection for the environmental themes as identified in paragraph 2.1.2; or
 - 6.1.1.2. 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.
- 6.2. Where the exclusion does not apply, with the exception of the requirements contained in paragraph 2.1.1, the entire proposed facility is subject to the requirements of the EIA Regulations, the Renewable Energy Development Zones Notice or the Strategic Transmission Corridors Notice, whichever applies.

7. Registration

- 7.1. Prior to the commencement of the activities related to the development or expansion of a battery storage facility, the proponent must register the proposed facility with the competent authority.
- 7.2. The following documents must be submitted for registration –
 - 7.2.1. a completed and signed registration form contemplated in Appendix A, prepared by an environmental assessment practitioner or environmental scientist;

- 7.2.2. the screening report for the proposed facility, generated by the screening tool, to be attached as Appendix 1;
 - 7.2.3. evidence of the consultation process followed as contemplated in paragraph 5, as well as tabulated responses to inputs received, to be attached as Appendix 5;
 - 7.2.4. the final site sensitivity verification report contemplated in paragraphs 4.12, 4.13 and 4.14 to be attached as Appendix 2 and which responds to the inputs provided during the consultation process, to be attached as Appendix 2;
 - 7.2.5. the written consent of the landowner or person in control of the land constituting the footprint, to be attached as Appendix 3;
 - 7.2.6. confirmation of pre-negotiation with landowners for land within the corridor, to be attached as Appendix 3;
 - 7.2.7. a locality map showing the location of the footprint and corridor including any areas within the corridor where no development is permitted to take place, overlaid on the confirmed environmental sensitivities, to be attached as Appendix 4;
 - 7.2.8. an environmental management programme for the management of impacts from the battery storage facility, 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;
 - 7.2.9. evidence of the consultation process followed as contemplated in paragraph 5, as well as the tabulated responses to inputs received, to be attached as Appendix 5;
 - 7.2.10. the signed declaration of commitment by the proponent to implement the environmental management programme, to be attached as Appendix 6; and
 - 7.2.11. 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.
- 7.3. Should the proposed footprint or alignment of the linear infrastructure be amended where such amendment results in the footprint falling outside of the verified buffer⁸ or the linear infrastructure alignment falling outside of the verified corridor, the requirements contemplated in paragraphs 4, 5 and 7 of this Norm are applicable and must be complied with⁹.
- 7.4. 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, 6 and 7 of this Norm are applicable and must be complied with.

8. Re-registration

- 8.1. Re-registration of the facility is required when there is a change of ownership of the battery storage facility or a portion of the facility for which the activities contemplated in paragraph 3 were excluded–
- 8.1.1. prior to construction of the facility;
 - 8.1.2. prior to the completion of the construction of the facility¹⁰; or
 - 8.1.3. after completion of the construction phase¹¹.

⁸ Where the footprint of the proposed battery storage installation, associated infrastructure including linear infrastructure is amended and remains within the buffer considered as part of the site sensitivity verification, re-registration is not required.

⁹ 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.

¹⁰ 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 where the facility is still under construction.

¹¹ The re-registration in this case is required to ensure that infrastructure 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.

- 8.2. In the case of a change of ownership of a registered facility, the issued registration number is retained by the new owner.
- 8.3. In the case of a change of ownership of a portion of the registered facility, 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.
- 8.4. The new owner must submit a completed re-registration form contemplated in Appendix B, and a signed declaration of commitment to implement the environmental management programme contemplated in paragraph 7.2.10 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-
 - 8.4.1. the change of ownership relates to the entire registered facility; or
 - 8.4.2. 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.
- 8.5. When 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 submitted to the competent authority within 30 days upon finalisation of a change of ownership, together with a locality map clearly identifying the portion transferred, the remaining portion and the registration number, to enable the issuing of a new registration number to the new owner of the facility or a portion of the facility transferred.

9. Processing of registration

- 9.1. Within 10 days of receipt of the correctly completed registration form and supporting documentation described in paragraph 7.2, or the re-registration form described in paragraph 8, 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.
- 9.2. If information is incomplete or missing from the registration request, the competent authority must notify the proponent within 10 days of the receipt of the registration documents of such shortcomings.
- 9.3. On receipt of the registration number, the developer must, in writing and within 7 days, notify those parties consulted as contemplated in paragraphs 5.1 and 7.2.8 that the registration number has been issued.
- 9.4. The developer 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.
- 9.5. 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:
 - 9.5.1. the location of the facility excluded;
 - 9.5.2. the name of the registered developer;
 - 9.5.3. the date of registration; and
 - 9.5.4. the location at which the registration documents can be accessed¹².

10. General

- 10.1. The provisions of the Appeal Regulations are applicable to any registration issued in terms of this Norm.

¹² This could be on the website of the developer and at the facility if construction has commenced or has been finalised.

- 10.2. Any amendments required to be made to the environmental management programme during construction must be prepared by an environmental assessment practitioner or environmental scientist and signed off by the relevant specialist.
- 10.3. 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 on commencement.
- 10.4. A proponent commits an offence in terms of section 49A(1)(bA) if that proponent contravenes or fails to comply with paragraphs 2.1, 2.2, 4.3, 4.5 to 4.14, 5, or 7.
- 10.5. A person commits an offence in terms of section 49A(1)(bA) if that person contravenes or fails to comply with paragraph 8.
- 10.6. A developer commits an offence in terms of section 49A(1)(bA) if that developer contravenes or fails to comply with paragraphs 9.3, 9.4, 10.2 or 10.3.

11. Transitional Arrangements

- 11.1. 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.
- 11.2. A site sensitivity verification undertaken as part of an application for an environmental authorisation within a period of six years preceding the submission of a request to register in terms of this Norm, and 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.
- 11.3. 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.

APPENDIX A – REGISTRATION FORM

Registration form to request registration in terms of 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*” as required by paragraph 7 of the Norm.

FOR OFFICE USE ONLY	
Date of receipt of the registration form	
Registration number	

PROJECT TITLE (This must include local municipality and/or district municipality and province)

1. This form must always be used when requesting registration in terms of 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*”. 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 as contemplated in paragraph 9.2.
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, all information contained in and attached to this registration form, will become public information on receipt by the competent authority other than the personal information of the landowner/s.
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 Norm_Standard@dfpe.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):

Online submission only:

(<https://sfiler.environment.gov.za:8443/>).

Click <https://www.dffe.gov.za/documents/forms/legal> for guidance document which must be complied with in order to upload/submit files to this Competent Authority.

Physical address:

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

For Submission enquiries: Contact the Directorate: IEA Strategic Support, Coordination and Reporting at:

Email: EIAApplications@dffe.gov.za

For EIA related implementation queries:

Email: EIAAdmin@dffe.gov.za

For EIA Related Interpretation queries in terms of the Listed Activities:

Email: IQ@dffe.gov.za

COMPETENT AUTHORITY

Identified competent authority to consider the application:	Department of Forestry Fisheries and the Environment
Reason(s) in terms of section 24C of NEMA ¹³ :	

DETAILS OF THE PROPONENT

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

Title	Choose a title.
Name of the Applicant	Click or tap here to enter text.
Surname of the Applicant	Click or tap here to enter text.

¹³ The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA).

Name of contact person for applicant (name and surname) (if other)	Click or tap here to enter text.
Company/ Trading name (if any)	Click or tap here to enter text.
Company Registration Number	Click or tap here to enter text.
Physical address	Click or tap here to enter text.
Postal address	Click or tap here to enter text.
Postal code	Click or tap here to enter text.
Telephone	Click or tap here to enter text.
Cellphone	Click or tap here to enter text.
E-mail	Click or tap here to enter text.

ENVIRONMENTAL ASSESSMENT PRACTITIONER/ENVIRONMENTAL SCIENTIST INFORMATION

Company of environmental assessment practitioner (EAP) or environmental scientist (ES):			
EAP/ES name:			
EAP/ES Qualifications:			
Professional affiliation/registration ¹⁴ :			
Physical address:			
Postal address:			
Postal code:		Cell:	
Telephone:			
E-mail:			

The appointed EAP/ES and relevant specialists must meet the requirements of regulation 13(1) of the EIA Regulations¹⁵ as it applies in the context of this Norm and must sign the declaration of independence included in 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/ES and each specialist is required. The Curriculum Vitae of the EAP/ES 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 including the associated and linear infrastructure which must include the following:

- preliminary technology to be used; and
- associated infrastructure, including details of this infrastructure and a motivation as to the reason that it is regarded as integral to the battery storage facility.

A copy of the screening report generated by the screening tool (which includes coordinates of the farms), which identifies the site, the footprint of the proposed battery storage facility and the corridor in which the linear infrastructure, where relevant, will be developed, must be attached as Appendix 1 of the registration form.

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

¹⁴ A copy of the actual professional registration or confirmation of affiliation must be attached.

¹⁵ 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.

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 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
- GPS co-ordinates of battery storage facility including, among others, power lines (strategic points along the power line), substations and 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

		SUBMITTED	
APPENDIX 1	Screening report	YES	NO
APPENDIX 2	Final 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 consultation	YES	NO
APPENDIX 6	Declaration of commitment by the proponent to implement the environmental management programme	YES	NO
APPENDIX 7	Declaration of independence of the environmental assessment practitioner/environmental scientist and specialists	YES	NO
APPENDIX 8	Curriculum vitae of the environmental assessment practitioner/environmental scientist and specialists	YES	NO

APPENDIX 9	Professional affiliation/registration certification of the environmental assessment practitioner/environmental scientist and specialist	YES	NO
APPENDIX 10	Final environmental management programme	YES	NO

APPENDIX B – RE-REGISTRATION FORM

Form to request re-registration in terms of the “*Norm for the Exclusion of Identified Activities Associated with the Development and Expansion of Battery Storage Facilities in areas of low of medium environmental sensitivity*” as required in terms of paragraph 8 of this Norm where there is a change of ownership of the entire registered facility, linear infrastructure or a portion of the facility or associated or linear infrastructure which occurs-

- prior to construction of the facility; or
- prior to the completion of the construction of the facility¹⁶; or
- after completion of the construction phase¹⁷.

FOR OFFICE USE ONLY

Date of receipt of the re-registration form	
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PROJECT TITLE (This must include local municipality and/or district municipality and province)

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1. This form must always be used when requesting re-registration in terms of the “*Norm for the Exclusion of Identified Activities Associated with the Development and Expansion of Battery Storage Facilities in areas of low of 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 re-registration being returned for inclusion of the missing information as contemplated in paragraph 9.2.
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, all information contained in and attached to this registration form, will become public information on receipt by the competent authority other than the personal information of the landowner/s.
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 Norm_Standard@dffe.gov.za.

¹⁶ 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 where the facility is still under construction.

¹⁷ The re-registration in this case is required to ensure that infrastructure 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.

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):

Online submission only:

(<https://sfiler.environment.gov.za:8443/>).

Click <https://www.dffe.gov.za/documents/forms/legal> for guidance document which must be complied with in order to upload/submit files to this Competent Authority.

Physical address:

Department of Forestry, Fisheries and the Environment
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For Submission enquiries: Contact the Directorate: IEA Strategic Support, Coordination and Reporting at:

Email: EIAApplications@dffe.gov.za

For EIA related implementation queries:

Email: EIAAdmin@dffe.gov.za

For EIA Related Interpretation queries in terms of the Listed Activities:

Email: IQ@dffe.gov.za

COMPETENT AUTHORITY

Identified competent authority to consider the application:

Reason(s) in terms of section 24C of NEMA¹⁸:

PROJECT DETAILS

Existing Project Name	
New Project Name ¹⁹	
Existing Registration number ²⁰	
New Registration number ²¹	

¹⁸ National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA).

¹⁹ A new project name can be provided in the case of a change of ownership of associated linear infrastructure.

²⁰ In the case of a change of ownership the existing registration number is maintained.

²¹ A new registration number will be provided by the competent authority in the case of a change of ownership of a portion of the facility.

DETAILS OF THE EXISTING REGISTERED DEVELOPER

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

Title	Choose a title.
Name of the existing registered developer	Click or tap here to enter text.
Surname of the existing registered developer	Click or tap here to enter text.
Name of contact person for existing registered developer (name and surname) (if other)	Click or tap here to enter text.
Company/ Trading name (if any)	Click or tap here to enter text.
Company Registration Number	Click or tap here to enter text.
Physical address	Click or tap here to enter text.
Postal address	Click or tap here to enter text.
Postal code	Click or tap here to enter text.
Telephone	Click or tap here to enter text.
Cellphone	Click or tap here to enter text.
E-mail	Click or tap here to enter text.

DETAILS OF THE NEW OWNER

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

Title	Choose a title.
Name of the new owner	Click or tap here to enter text.
Surname of the new owner	Click or tap here to enter text.
Name of contact person for new owner (name and surname) (if other)	Click or tap here to enter text.
Company/ Trading name (if any)	Click or tap here to enter text.
Company Registration Number	Click or tap here to enter text.
Physical address	Click or tap here to enter text.
Postal address	Click or tap here to enter text.
Postal code	Click or tap here to enter text.
Telephone	Click or tap here to enter text.
Cellphone	Click or tap here to enter text.
E-mail	Click or tap here to enter text.

DETAILS OF THE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE REGISTERED

Provide details of the existing registered facility	
---	--

A locality map of the existing registered facility must be attached as Appendix 4 of the registration form. The map must include the following:

- the project site;
- the layout of the battery storage facility and linear infrastructure;

- footprint of the proposed battery storage facility and any relevant corridor in which the linear infrastructure is to be developed;
- 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;
- the GPS co-ordinates of the original footprint of the battery storage facility and the routing of the linear infrastructure where relevant, including, amongst others, power lines (strategic points along the power line), substations, storage areas and the access road where relevant; and
- the facilities and/or infrastructure including the GPS co-ordinates of the facilities and/or infrastructure for which a change of ownership is being requested.

This section must be completed by the existing registration developer in the case of a change of ownership related to a transfer of associated infrastructure

DETAILS OF THE INFRASTRUCTURE WHICH IS TO BE TRANSFERRED AND FOR WHICH THE CHANGE OF OWNERSHIP IS TO BE REGISTERED

Existing Project Name	
New Project Name ²²	
Description of the facility or infrastructure to be transferred	

LIST OF APPENDICES TO BE POPULATED

		SUBMITTED	
APPENDIX 4	Locality map ²³	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 environmental assessment practitioner/environmental scientist and specialists	YES	NO
APPENDIX 8	Curriculum vitae of the environmental assessment practitioner/environmental scientist and specialist	YES	NO
APPENDIX 9	Professional affiliation/registration certification of the environmental assessment practitioner/environmental scientist and specialist	YES	NO
APPENDIX 10	Final environmental management programme	YES	NO

²² A new project name can be provided in the case of a change of ownership related to a transfer of associated infrastructure.

²³ In the case of a change of ownership related to a transfer of associated infrastructure.

**APPENDIX 1:
SCREENING REPORT**

APPENDIX 2:
FINAL SITE SENSITIVITY VERIFICATION REPORT

APPENDIX 3:
LANDOWNER CONSENT LETTER AND CONFIRMATION OF PRE-NEGOTIATION

**APPENDIX 4:
LOCALITY MAP**

APPENDIX 5:
EVIDENCE OF CONSULTATION

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

I, _____, hereby declare that:

- I am the proponent/developer in this registration;
- I have appointed an environmental assessment practitioner (EAP) or environmental scientist (ES) to act as the independent EAP or ES for the registration/re-registration of activities associated with the development and expansion of battery storage facilities in terms of 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*;
- I have taken all reasonable steps to verify whether the EAP or ES and specialists appointed are independent and have relevant expertise, including knowledge of the Act²⁴ and any guidelines that have relevance to the proposed activity;
- I have provided the EAP or ES 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 ES or any person contracted by the EAP/ES;
 - 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 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; or²⁵
- I have not commenced with development or expansion of any facility or infrastructure for which re-registration is required; and
- I am fully aware of my responsibilities in terms of the Act and failure to comply with these requirements may constitute an offence. I am aware of what constitutes an offence in terms

²⁴ The National Environmental Management Act, 1998 (Act No. 107 of 1998)

²⁵ Delete whichever is not applicable.

of the Notice and that a person convicted of an offence is liable to the penalties as contemplated in section 49A(1)(bA) of the Act.

Proponent/developer (Name and Surname) _____

Name of Company (If Applicable) _____

Designation _____

Signature²⁶ _____

Date _____ **Place** _____

Commissioner of Oaths _____

Designation _____

Signature _____

Date _____ **Place** _____

Commissioner of Oaths Stamp

²⁶ This registration form must be signed by the proponent/developer.

APPENDIX 7:

DECLARATION OF INDEPENDENCE BY THE ENVIRONMENTAL ASSESSMENT PRACTITIONER/
ENVIRONMENTAL SCIENTIST AND SPECIALISTNORM FOR THE EXCLUSION OF IDENTIFIED ACTIVITIES ASSOCIATED WITH THE
DEVELOPMENT AND EXPANSION OF BATTERY STORAGE FACILITIES IN AREAS OF LOW OR
MEDIUM ENVIRONMENTAL SENSITIVITYDeclaration of environmental assessment practitioner/environmental scientist or specialist²⁷

I, _____, declare that –

- I act as the independent environmental assessment practitioner/environmental scientist or specialist in the registration process in terms of 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*;
- I have expertise in conducting environmental impact assessments and specialist assessments, including knowledge of the Act²⁸, 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*, 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 Act, 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* and all other applicable legislation related to my area of expertise;
- I have performed the work relating to the registration process required in terms of 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*, in an objective manner;
- I have taken into account, to the extent possible, the requirements of 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*, matters listed in regulation 13(1) of the EIA Regulations, read in the context of the Norm, when fulfilling the site sensitivity requirements, the consultation process and preparing 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 Identified Activities Associated with the Development and Expansion of Battery Storage Facilities in areas of low or medium environmental sensitivity*.

²⁷ Delete information which is not applicable throughout the declaration

²⁸ The National Environmental Management Act, 1998 (Act No. 107 of 1998)

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 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*;
OR
- I have a vested interest in the proposed activity proceeding, such vested interest being:

Signature of the environmental assessment practitioner/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/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/
ENVIRONMENTAL SCIENTIST AND SPECIALIST**

APPENDIX 9:

**PROFESSIONAL AFFILIATION/REGISTRATION CERTIFICATE OF THE ENVIRONMENTAL
ASSESSMENT PRACTITIONER/ENVIRONMENTAL SCIENTIST AND SPECIALIST**

APPENDIX 10:
FINAL ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr)

Minimum management controls:

- Environmental awareness training
- Construction site establishment
- Access restricted areas and areas where no development is permitted
- Access roads
- Fencing and gate installations
- Water supply management
- Storm and waste water management
- Solid waste management
- Protection of natural water channels 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



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

CONSULTATION ON THE INTENTION TO EXCLUDE IDENTIFIED ACTIVITIES ASSOCIATED WITH THE DEVELOPMENT AND EXPANSION OF BATTERY STORAGE FACILITIES FROM THE REQUIREMENT TO OBTAIN AN ENVIRONMENTAL AUTHORISATION BASED ON THE BATTERY STORAGE EXCLUSION NORM

**PUBLIC COMMENT: 14 APRIL 2023
CLOSING DATE FOR COMMENTS: 30 MAY 2023**

CIRCULATION:

PUBLIC COMMENT

COMPILED BY:

**CHIEF DIRECTORATE: Appeals and Strategic
Environmental Instruments**

Disclaimer: Organisations/People whose comments are below were made aware that their names/organisation name will be aligned to their comments and will be included on the Departments website as part of the transparency of the commenting process.

BA – basic assessment

ES – environmental scientist

DFFE – Department of Forestry, Fisheries and the Environment

GHG – greenhouse gas

EA – environmental authorisation

NEMA – the National Environmental Management Act No. 107 of 1998

EAP – environmental assessment practitioner

PV – photovoltaic

EIA Regulations – Environmental Impact Assessment Regulations, 2014

REDZs – renewable energy development zones

EMI – environmental management inspector

SEA - Strategic Environmental Assessment

EMPr – environmental management programme

Screening tool – the national web based environmental screening tool

COMMENTS AND RESPONSE REPORT

	STAKEHOLDER	COMMENT	RECOMMENDATION	RESPONSE
GENERAL COMMENTS				
1.1	SAWEA	The draft Battery Exclusion proposes the exclusion of NEMA listed activities associated with battery storage facilities based on compliance with a Norm entitled “Norm for the Exclusion of the Development and Expansion of Battery Storage Facilities in Low and		The comment and support is noted.

		<p>Medium Sensitivity Area” in terms of Section 24(2)(d) of NEMA.</p> <p>In general, and from the perspective of a developer, the proposed Exclusion is straightforward to implement, prescribes pragmatic sensitivity verification requirements, and has the potential to significantly fast-track battery storage development throughout South Africa. We therefore believe that in general, the proposed exclusion should be supported by the industry.</p> <p>The four-year applicability period of the registration in terms of the Norm is supported.</p> <p>The requirement for specialists to comment on cumulative impacts and to include a statement of environmental acceptability of cumulative impacts is supported.</p> <p>Targeted stakeholder engagement as a component of the Norm is supported.</p>		<p>The comment and support of the proposed process is noted.</p> <p>The support of the timeframe is noted.</p> <p>The support of the requirement is noted.</p> <p>The support of the requirement is noted.</p> <p>Additional guidance has been provided on what the consultation should include, the consultation process is still however intended to be a focused consultation.</p>
1.2	Mr M Theart	<p>While I understands that the rationale for the proposed exclusion is to expedite the development and extension of renewable energy in South Africa to address the electricity crisis the country is currently facing, I feel that the</p>		<p>The location of a battery storage facility should be related to an energy generation or transmission facility, therefore the locations cannot generally be located away from these facilities, and it would often not be practical to make use of already modified areas.</p>

		<p>proposed exclusion could better discourage the development of battery storage facilities in natural or near-natural areas. In my view this could be done by (1) requiring proponents to identify modified areas in area where its facility is proposed and to give reasons why those areas should not be selected as the development site; and (2) requiring proponents to offset its biodiversity impact if the development would have a significant residual impact on biodiversity in the area.</p>		<p>Notwithstanding, a paragraph has been added to indicate where already modified areas can be identified for the footprint these should be favoured and a discussion on the possible location of the footprint in these areas must be included in the site sensitivity report.</p> <p>On the consideration of offsets, please note that an offset is a last resort, and due to the requirements of this exclusion no battery storage facility would be placed in an area that should be avoided, other than perhaps the linear component which would only span an area of high or very high sensitivity so would not warrant an offset or could be an access road, which should also not be so large as to warrant an offset.</p>
1.3	Savannah Environmental	<p>It is not possible to develop a stand-alone BESS. There must be a substation and grid line connected. It is not clear whether this is accounted for.</p>		<p>A battery storage facility could be established after the electricity generation facility and it could be established at an existing transmission or distribution substation. The exclusion specifically includes identification of the linear infrastructure integral to the battery storage facility which would be associated with the battery storage facility. Activity 11 and 47 of LN1 and 9 of LN2 have been included in the activities identified for exclusion.</p>
DEFINITIONS				
2.1	ABO Wind renewable energies (Pty) Ltd	<p>Definition of "corridor"</p>		<p>With due consideration it has been decided not to change the width of the corridor.</p>

		<p>The width of the corridor should be - “land not exceeding 250m in width” instead of the 200m stated, so as to align with the maximum width of the pre-negotiated route indicated in the “Standard for the Development and Expansion of Power Lines and Substations within Identified Geographical Areas.</p> <p>Can a corridor be authorised/registered through this registration, rather than a specific overhead line?</p>		<p>The Norm and the Standard would not be used together, the EGI associated with the battery storage if being erected at the same time as the battery storage is part of the Battery Storage Norm. If the EGI was to be erected at a different time then the EGI standard would apply.</p> <p>The corridor is registered through this process.</p>
2.2	SAWEA	The definition of “pre-negotiation” is vague		The definition has been amended to include the letter of no-objection or letter of agreement.
2.3	CSIR	“Site Sensitivity Verification” means the confirmation or dispute the environmental sensitivity of the development footprint identified in the screening tool as contemplated in paragraph 4 of this schedule”	Suggest adding “Site Sensitivity Verification” (SSV) to definitions under para. 1:	A definition of “Site Sensitivity Verification” has not been added as the process to be followed and the information to be provided has been provided within the exclusion. Site sensitivity verification has not been defined in the protocols or other exclusions either but sufficient clarity is provided on what this entails.
2.4	SAWEA	The definition of “watercourse” as reflected in the draft exclusion 1 is contradictory – a “river” is a “natural channel in which water flows regularly or intermittently”. It is possible that the DFFE seek to allow the development of Battery Storage Facilities in ephemeral systems in terms of the Exclusion and that this is a typo (i.e., the definition should		The definition is not incorrect. The current definition of “Watercourse” as identified in the various Listing Notices of the Environmental Impact Assessment Regulations includes an (a), (b) and (c) component, the definition in the exclusion is intended to be limited only to (b) a natural channel in which water flows regularly or intermittently. The definition was however deleted and the limitation is

		<p>read a “natural channel in which water flows regularly or intermittently”). Notwithstanding, should the Department of Fisheries, Forestry and the Environment (DFFE) seek to preclude application of the Battery Exclusion in wetlands and at springs this restriction should be included in Section 2 of the Exclusion (Scope of the Exclusion) so as to prevent confusion with the EIA Regulations definition of a “watercourse”.</p>		<p>included in paragraph 3 where the activities that are excluded are indicated.</p>
2.5	GDARD	<p>The definition of “watercourse” provided in this Exclusion Norm should not differ from the definition of “watercourse” in the EIA Regulations and Listing Notices. Furthermore, the definition is non-sensical as it states that a watercourse “does not include a river, spring, wetland, pan, lake or dam.” Is a river not a natural channel in which water flows?</p> <p>What is the intention and implication of this definition within this Exclusion Norm? Does it mean that a battery storage facility within a watercourse is excluded from the requirement to obtain EA, but a battery storage facility with a footprint of 100 square metres or more within 32 metres of the edge of a watercourse is not excluded from the requirement to obtain EA?</p>	<p>Suggest including the definition of a “watercourse” from the EIA Regulations. Also, any distinctions with regard to the exclusion must be clear in the text of the Exclusion Norm, and not in the definition or footnotes.</p>	<p>The Norm does not define watercourse as this term is no longer used in the Norm.</p> <p>Paragraph 3 provides the clarity, there is only one aspect of the definition which is relevant which is the natural channel. There is a need to allow integral linear infrastructure that will be associated with the substation to either traverse or be developed over a channel.</p>

2.6	GDARD	The definitions of 'environmental scientist' and 'footprint' should be separated into 2 paragraphs.		The amendment has been made as suggested, the duplicate definition of footprint has been deleted.
2.7	GDARD	It is suggested that the definition of 'watercourse' be comprehensive as defined by the Department of Water and Sanitation, and rather let the 'specialist' define mitigation measures as per the type identified onsite.		It is not intended that the full definition of watercourse is used. The only part of the watercourse that is intended to be able to be considered for this exclusion is the natural channel in which water flows regularly or intermittently. Development in other elements of a watercourse is not intended to be excluded. Paragraph 3 provides clarity.
2.8	GDARD	It may be prudent to add the definition of an 'environmental assessment practitioner' since they would be part of this Norm in one form or the other.		Environmental assessment practitioner is defined in NEMA. The Norm is not intended to amend that definition at all therefore it is not necessary to include the definition in the Norm. The Schedule does indicate that a word defined in the NEMA or the EIA Regulations has the same meaning unless the context of the definition included in the Schedule indicates otherwise.
2.9	DEADP	"Corridor" means the belt of land not exceeding 200 metres in width...". Is there a maximum length (in meters or kilometers) proposed for a corridor? Other definitions such as "footprint" and "linear activity" all seem to have relevance to this corridor.	The definition should include a maximum length of the corridor.	It is not intended to include a length as this would vary depending on the project. The entire corridor including the entire length is required to be verified and there are certain conditions which apply including the avoidance of high and very high sensitive areas and that any impacts are able to be mitigated and mitigation measures are included in the EMP. A condition has been included where areas where development within the corridor must not take place must be identified on

				a map.
2.10	DEADP	The definition of 'footprint' appears twice (after "environmental scientist" and after "facility").		The duplication has been corrected with the deletion of the first "footprint".
2.11	DEADP	The definition of "footprint" is not clear. Does it refer to the area where the structure physically touches the soil (as often referred to in the 'IQ@DFFE' correspondences) or does it include areas around the structure where there is physical alteration (in accordance with the definition of "development footprint" in the EIA Listing notices). Are areas for stockpiles and laydown areas, construction camps etc. included in the "footprint"? It is noted that Site Sensitivity Verification must include a buffer around the footprint to allow for slight adjustments without the need to resubmit the registration (paragraph 4.8). Does that mean that the entire footprint and buffer area can be altered?		<p>The definition has been amended to include "structures", to indicate that it is the facility and any associated structure and infrastructure. The intention is that it is the area which will be impacted on which would include stockpiles and laydown areas.</p> <p>The buffer is indicated to envelope the footprint, so the entire area which will be impacted other than the linear infrastructure. There can be no amendment outside of the buffer as this area would not have been subjected to the site sensitivity verification inspection. Adjustment of the footprint is possible within the identified and verified buffers. If the development goes outside of the buffer the project must go through the registration process again.</p>
2.12	DEADP	A specialist is defined as a person who is (1) skilled in a specific and restricted field and (2) is registered by the South African Council of Natural Scientific Professions ("SACNASP") under a specific field. It does not require that the person must be skilled in a specific field and registered with SACNASP in that same field. This means that a person who is registered with SACNASP in a specific field, but according to his	<p>Clarity to be provided. Surely it must state that the specialist must be skilled in a specific field and registered with SACNASP in that same field.</p> <p>Also, it is suggested to include the opportunity or requirement for specialist review of the information provided.</p>	<p>Paragraph 4.5.2 requires that the specialist must have demonstrated expertise in the field for which they are undertaking the verification and where relevant the taxonomic group of species being considered.</p> <p>It is not intended that there would be a review of the specialist information, the professional status of the specialist and the team work is intended to be sufficient to ensure that the expert provides an</p>

		own estimation is skilled in another field, is a specialist in both fields and can undertake specialist site sensitivity verification in both fields of expertise.		accurate verification.
SCOPE OF THE EXCLUSION				
3.1	ABO Wind renewable energies (Pty) Ltd	<p>Section 2.1.1 “when developed in areas of “low” or “medium” environmental sensitivity as identified by the screening tool...”</p> <p>When developed in areas of “low” or “medium “environmental sensitivity as identified by the screening tool...”The standards should add that the areas of low and medium environmental Sensitivity may also be verified by an independent environmental scientist qualified in the relevant theme. This would allow for the aim of the standard to be achieved (namely development outside of high-sensitivity areas) based on verified site conditions, rather than just relying on the National Screening Tool which maps the themes at a higher level. This would also align with the information in section 4.1.</p>		Point 2.1.3 identifies that the exclusion will apply if undertaken in line with requirement as contemplated in paragraphs 4, 5, 6 and 7 of which 4 is the site sensitivity verification, which includes review and confirmation by relevant specialists of the sensitivity. However the wording in 2.1.2 has been amended to make it clearer that the site sensitivity verification plays a role here.
3.2	GDARD	It is noted that activities relating to the development and expansion of battery storage facilities that are identified by the National Web Based Environmental Screening Tool, and after site sensitivity verification, as	It is proposed that the exclusion be changed to only remove the requirement to apply for EA if the National Web Based Environmental Screening Tool identifies the impact as being	The requirement to confirm a medium environmental sensitivity for a species includes looking for the species. Only if the SCC is not found or is found to not be likely to be present, is it medium sensitivity and the exclusion then applies.

		<p>having a “low” or “medium” sensitivity, including for Terrestrial Biodiversity, will be excluded from the requirement to obtain an EA.</p> <p>It is concerning that a site which is identified as having medium biodiversity sensitivity will automatically be excluded from requiring EA, as it is possible that areas that have medium sensitivity may, after environmental impact assessment, be found to have medium or higher biodiversity impact, which would then require an offset, as per the draft National Biodiversity Offset Guideline (published for comment on 25 March 2022; see Table 1 in the draft National Biodiversity Offset Guideline). It is concerning that development will be allowed in areas identified by the National Screening Tool as having medium sensitivity without any assessment of impact, particularly in the Western Cape with its high number of vulnerable, endangered and critically endangered vegetation types.</p> <p>The current approach that medium sensitivity Terrestrial Biodiversity sites should not require EA assumes that development on sites with medium sensitivity will never result in</p>	<p>“low”, or that the exclusion not apply if the impact to terrestrial and aquatic biodiversity specifically is “medium”.</p>	<p>It is not automatically excluded there is to be a check for SCC. This is the same procedure used in the current species protocol.</p> <p>An offset is not anticipated for a battery storage facility as the footprint should be moved off an area of high or very high sensitivity. For the linear infrastructure integral to the battery storage installation, the specialists will need to indicate that there were no alternatives and that is why the corridor may need to traverse or be located in an area of high or very high environmental sensitivity. If an offset would be required the activity would not fall into this exclusion as the specialist would not be able to identify that the impact was acceptable after mitigation.</p> <p>With respect to species, the specialist would have determined if there is a SCC on the site identified as being medium as is currently done in the EIA process.</p>
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		medium or higher impacts. This assumption is flawed.		
3.3	CSIR	The addition suggested above will make clear that site sensitivity verification is mandatory to confirm the “on-the-ground” sensitivity regardless of starting sensitivity in terms of the screening tool, otherwise it may be misinterpreted as the exclusion only and automatically applying in areas currently identified as low / medium in the screening tool off the bat.	Suggest rewording para. 2.1.1 to: when developed in areas of “low’ or “medium” environmental sensitivity as identified by the screening tool and site sensitivity verification for the following environmental themes”	A version of the suggested wording has been incorporated to make the intention clearer.
3.4	CSIR	Para. 2.1.1.4 - the list of environmental themes which apply; ‘animal species’ should be updated to ‘species’ as the species protocol will be updated to include aquatic and terrestrial animal species.		The species protocols included the word “Terrestrial”, which has been removed as the protocols were amended to apply equally to terrestrial as well as aquatic species.
3.5	SAWEA	Section 2 indicates that the Norm is only applicable to areas identified to be of “low” and “medium” sensitivity in terms of the Screening Tool for various themes. However, in an apparent contradiction, Section 4 of the Schedule makes allowance for areas identified to be of “high” and “Very High” sensitivity by the Screening Tool to be disputed by specialists for themes during site sensitivity verification. It is therefore suggested that Section 2 be reworded as follows: “... when developed in areas of “low” and/or “medium” environmental sensitivity		The additional wording has been included in the relevant paragraph as suggested.

		as verified by specialists in terms of Section 4 as identified by the Screening Tool for the following themes as identified by the Screening Tool:”. Similarly, Section 5.1.1 should be reworded to indicate that the exclusion applies to “areas verified to be of “medium” and/or “low” environmental sensitivity and confirmed to be such by the site sensitivity verification inspection for the environmental themes...”, and Section 5.1.2 could then be removed altogether.		The suggestion has not been included as other comments provided for the solar PV exclusion have identified a need to be clear that the site sensitivity of the screening tool can be challenged on good cause. Both scenarios are provided for, namely verification of the low/medium sensitivity and very high/high sensitivity that has been verified to be in fact low or medium.
ACTIVITIES				
4.1	ABO Wind renewable energies (Pty) Ltd	Section 3.2.3- Listed Activities The following Listed Activities in Listing Notice 3 should also be excluded from the need for EA through the proposed legislation, because they could also relate to associated infrastructure that could be triggered by a battery facility: Activity 4 Activity 10 Activity 12 Activity 14 (ii) (a) and (b) Activity 15 Activity 18 Activity 22 Activity 23 (ii) (a) and (b)		Listing Notice 3 activities are undertaken in very sensitive environments which would not warrant this exclusion. As no battery storage facility or substation would be allowed to be developed in LN 3 areas through this exclusion, the mast identified for exclusion could only be erected at substations.
4.2	CSIR	Para. 3.2.3.1 indicates that Listing Notice (LN) 3 Activity 3 is excluded from the need for Environmental		Activity 3 in Listing Notice 3 is intended to be excluded as masts are needed for remotely switching on battery storage

		<p>Authorisation (EA) for Battery Energy Storage Systems (BESS). However, LN3 Activity 3 deals with:</p> <p>”The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower – (a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 metres in height— but excluding attachments to existing buildings and masts on rooftops”.</p> <p>Conversely, LN3 Activity 10 deals with the development and operation of facilities for the storage and handling of dangerous goods – the Provincial and geographically explicit counterpart to LN1 Activity 14 (para. 3.2.1.3), LN2 Activity 4 (para. 3.2.2.1) that are listed for exclusion.</p> <p>Is it envisaged that masts for telecommunication broadcasting or radio transmission higher than 15 m form part of BESS facilities? Presumably this rather a typo that should instead refer to Activity 10?</p>		<p>facilities and were specifically requested to be included by Eskom.</p> <p>The inclusion of activity 3 of Listing Notice 3 is not a typo but was in fact intended.</p>
4.3	CSIR	<p>Paragraph 3.2 lists activities that are excluded.</p> <ul style="list-style-type: none"> • Activities 12 and 48 should not be excluded; it should be noted that activity 12(ii)(a) and (b) of Listing 	<p>Activities 12, 14, 17, 19A, 24, 48 and 51 of Listing Notice 1; activity 4 of Listing Notice 2; and activity 3 of Listing Notice 3, should be removed from the exclusion list.</p>	<p>The watercourse refers only to the channel in which water flows regularly or intermittently, or the aerial component of</p>

		<p>Notice 1 refers to the development of “infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs (a) within a watercourse; (b) in front of a development setback”. It does not make sense that battery storage developments that take place within a watercourse will be excluded from obtaining an EA, but development that takes place within 32 metres of a watercourse (activity 12(ii)(c)) still requires an EA. This way a developer will be able to erect infrastructure within a watercourse without applying for EA, but not when erecting infrastructure within 32 metres of a watercourse.</p> <ul style="list-style-type: none"> • It is not clear why activities 14 and 51 is included in this list? Surely the volume of diesel to be stored during construction of a battery storage facility should not exceed 80 cubic metres. • It is not clear why activities 17(iv) and (v) is included in this list? Surely it is not a good idea to locate a battery storage facility within 100 metres of the high water mark of the sea or in front of a development setback. • Activity 19 refers to a watercourse, while the footnote makes reference to the sea and an 		<p>the grid infrastructure. This has been clarified in the amended version of the Norm.</p> <p>No footprint will be able to be erected in a watercourse through this exclusion.</p> <p>This is not only for diesel but would include the electrolyte storage of some battery storage technologies should the battery not be assembled. This would need to be stored for some time.</p> <p>Activity 17(iv) and (v) have been removed as suggested.</p> <p>Activity 19 has been restricted to the natural channel only, activity 19A has been removed as suggested.</p>
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		<p>estuary. It is therefore not clear why the footnote make reference to these and the footnote must therefore be clarified.</p> <ul style="list-style-type: none"> • In addition to the above bullet which refers to activity 19, it is not clear why activity 19 is included in this list. This is not the ideal area to position a battery storage facility. • It is not clear why activity 24 is included in this list. Surely a road wider than 8 metres should not be required for a battery storage facility. • It is not clear why activities 27 and 28 are included in this list. Are there battery storage facilities that cover an area of more than 1 hectares? • It is not clear why activity 4 of Listing Notice 2 is included in this list. • Allowing the erection of masts/ telecommunication towers inside conservation areas inside the urban edge which the Screening Tool identifies as “medium” sensitivity without applying for EA will erode conservation efforts that are already under severe pressure due to the urban environment where they are located. Also, allowing the erection of masts/ telecommunication towers inside areas that are zoned for conservation as per the municipal 		<p>Activity 19 – it is possible that the various components of the facility may require infill of a channel where the area exceeds 1 hectare.</p> <p>Activity 24 - It has been identified that it is sometimes necessary to have tracks wider than 8m as the storage facilities are brought onto site pre-built and its transport may need this road width.</p> <p>This is for activities 27 and 28 and has been identified as being necessary by EAPs as well as Eskom who make application for such activities. This has been checked.</p> <p>Activity 4 - this is for Vanadium Redox flow battery technology that uses tanks for electrolyte containment (once the technology is commissioned in South Africa).</p> <p>This is required where remote switching of the battery storage facility is required. As no substation or battery storage facility would be allowed to be developed in protected areas as part of this exclusion, the mast would only be located at existing substation.</p>
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		<p>Spatial Development Framework (“SDF”) which the Screening Tool identifies as “medium” sensitivity without applying for EA erodes the protection that the SDF zoning provides these areas. Activity 3 in Listing Notice 3 should be removed from the exclusion list.</p>		
4.4	SAWEA	<p>With reference to section 3 of GN 3308, specific activities are excluded and no allowance is made for any other applicable activities that could be necessary for the realisation of the battery storage facility. Only one Listing Notice (LN) 3 Activity is included however other LN 3 Activities could be applicable, for example Activity 10 of LN 3 could be applicable and if just triggered due to the location being within 10 kilometres of a national park the footprint of the battery storage facility could still likely be verified as “medium” or “low” sensitivity. It is recommended that allowance is made for any associated activities identified in LN 1, 2 or 3 necessary for the realization of the facility to also be excluded.</p>		<p>Activity 10 is not included, it has been removed.</p>
4.5	Savannah Environmental	<p>The required themes to be considered do not include RFI. This is particularly important with regards to the development of power line and substation infrastructure associated with the BESS within the Northern</p>	<p>This should be included as a requirement for projects proposed in the Northern Cape to ensure compliance with the relevant legislation in this regard and confirmation of no objection for</p>	<p>The SKA Area has been declared as the Meerkat National Park. Any development in a protected area needs to be in line with the management plan and be approved in writing by the management authority. It will therefore need to be</p>

		Cape where the location of the SKA is a consideration.	the project from SARAO.	determined what is authorised in terms of the management plan of the area
SITE SENSITIVITY VERIFICATION				
5.1	CSIR	A very high or high environmental sensitivity rating can be disputed and confirmed as low or medium by the specialist with sufficient supporting motivation and evidence and confirmed to be medium or low”	Suggest rewording footnote 4 to para. 4.1 :	The footnote has been deleted.
5.2	CSIR	<p>The addition of 4.6 is confusing, is the assumption not that the exclusion and norm can only apply if a site sensitivity verification has been undertaken and the sensitivity is confirmed as low / medium?</p> <p>Scenario: during the SSV of an area identified as low sensitivity for plant species in the screening tool, a species of conservation concern may be recorded, in which case the sensitivity is disputed (from low to high) and the exclusion will not apply. On the other hand, during the SSV of an area identified as high sensitivity for plant species in the screening tool, no SCCs are recorded and there is high confidence that none would be present, in which case the sensitivity is disputed (from high to low) and the exclusion may apply.</p>		<p>The site sensitivity verification for a medium rating for species requires a specialist to determine if the species is there or not, this is as per the species protocol. The medium rating on the screening tool means that the species could be there but enough information was not at hand to determine if it would be there or not so the medium always requires the specialist to look. The same situation is not present for a low rating just medium.</p> <p>The two scenarios identified are correct if the screening indicates the rating as low, it is with a high level of confidence that the rating will be low and the same for high or very high. The only rating for which there was not good data available is the medium rating for species so this must be checked on a site by site basis.</p>
5.3	CSIR	“For the plant and animal species themes, the relevant specialists must confirm the presence, likely	Suggestion: update para. 4.6 to include footnote 5:	The footnote is included and it is not thought that it is necessary to include the guidance document in the body of the

		presence or absence of a species of conservation concern within the footprint in accordance with the species environmental assessment guidelines.”		text.
5.4	CSIR	Suggest adding another para.: “Site sensitivity verification undertaken for the environmental themes contemplated under paragraph 2.1.1 should be undertaken by a qualified specialist as input to the site sensitivity report written by the environmental assessment practitioner or environmental scientist”		The requirement for the site sensitivity verification to be undertaken by a specialist is included in paragraph 4.5.2, it is not thought that it is necessary to duplicate the requirement. Paragraph 2.1.1 (now 2.1.) does indicate that there is a requirement to comply with paragraphs 4, 5, 6 and 7.
5.5	CSIR	Suggest shifting para. 4.8 to after para. 4.3 which speaks about the extent of the SSV:		The change has been effected as suggested.
5.6	CSIR	The site sensitivity verification must be undertaken -- 4.3.1 for the footprint...”		There is reference to the linear infrastructure.
5.7	GDARD	It is suggested that any new information be mapped in a format that can be incorporated into the screening tool, thereby updating it.		DFFE is not the data custodian for the environmental information on the screening tool. SANBI needs to verify the information before it can be accepted into the layer and this is currently not possible on a project by project basis, so the data will not be able to be updated at this time.
5.8	Mr M Theart	I support the requirement in the proposed norm for a specialist to prepare a site sensitivity verification report, which is required to contain, among other things, a physical inspection report and available finer scale data on species or ecosystem/vegetation types in the area.	However, I propose that the site sensitivity verification report should also include a description of how the mitigation hierarchy has been applied. In this description, the specialist should identify the modified areas in the greater area. If those areas are	The suggestion has been implemented by the inclusion of an additional sub paragraph 4.1.

			not selected as the proposed development or extension site, the EAP or specialist should give a reasoned motivation why a natural or near-natural area had been selected	
5.9	SAWEA	It is suggested that Footnote 5 be reworded as follows to remove possible ambiguity: "The site sensitivity verification to determine the presence or likely presence of species of conservation concern must be undertaken in accordance with the site verification requirements included in the Species Environmental Assessment Guidelines".		The amendment of the footnote has been included as suggested.
APPLICATION OF THE EXCLUSION				
6.1	ABO Wind renewable energies (Pty) Ltd	Section 5.1 - Can the Standard apply to a BESS facility that already has EA, and is now moving to apply for registration for the EGI components thereof? Would the BESS facility have to be in a low- to medium-sensitivity area in terms of the themes listed in section 2.1.1 of the draft Standard?		<p>Where some components were not applied for during the initial EA process, it would be possible to fall within the scope of the norm for activities not yet authorised as part of the EA, and paragraph 2.1 of the Norm is applicable.</p> <p>The EGI standard must be used where the BESS is already approved through an EA and did not include the EGI. It is however not acceptable to have a BESS and not have a grid to dispense the energy within one application for EA – based on regulation 11(3) of the EIA Regulations which requires the submission of a single application for a</p>

				development that triggers multiple identified activities.
6.2	SAWEA	the requirement for “confirmation of pre-negotiation with landowners” in Section 6.2.5 is vague, and it is suggested that Section 6.2.5 be amended to reflect that confirmation of pre-negotiation with landowners is demonstrated “in the form of an in-principal agreement of the infrastructure routing”		The definition of “pre-negotiation” has been amended to make it clearer.
6.3	SAWEA	<p>It is suggested that relevant wording in Sections 5.1.2.1 – 5.1.2.3 be reworded as follows to remove possible ambiguity: “environmental assessment practitioner or environmental scientist and a) specialists and b) environmental assessment practitioner or environmental scientist confirm...”.</p> <p>The Battery Exclusion makes allowance for linear infrastructure that “forms an integral part of such activity” located in areas of “High” and “Very High” sensitivity to be registered as part of the exclusion. While we note that specialists must confirm that these areas have been avoided as far as possible, and that specific mitigation should be recommended in these instances, we are of the opinion that specialists should be required to comment on the environmental acceptability/tolerability of this</p>		<p>The wording of subparagraph 5.1.2.1 – 5.1.2.3 (now 4.14 and 2.2.5) has been considered and an amendment is not thought to be necessary. “or” in the legal context means one or the other and “and” requires both.</p> <p>The wording in subparagraph 2.2.4 requires the specialist to “confirm in the site sensitivity verification report that any remaining environmental impact is acceptable after mitigation”. This has the same outcome as what is suggested in the comment, i.e. that the specialist takes responsibility that the impact is acceptable after mitigation.</p>

		<p>infrastructure when areas of “High” and “Very High” cannot be avoided.</p> <p>With reference to section 5.1.2.2 of GN 3308, footnote 8 refers to the Generic EMPR relevant to an application for substations and overhead electricity transmission and distribution infrastructure and it is noted that it applies to this norm and must include aspects of the solar photovoltaic (PV) facility. This statement is incorrect as it should refer to including aspects of the battery storage facility.</p>		<p>The footnote has been amended to be more generic to any of the activities which could be triggered through the battery storage facility development and also the associated activities which are integral to the facility.</p>
6.4	GDARD	<p>It is understood that the specialist must undertake a site sensitivity verification on the footprint and a “pre-negotiated” 200-metre- wide corridor. If the EAP and specialists are limited to only consider a pre-identified limited footprint area and 200-metre- wide corridor, they cannot give effect to the mitigation hierarchy (as is required in paragraph 5.1.2.1) as no site alternatives can be considered to firstly avoid detrimental impacts.</p>	<p>The EAP and specialists must not be limited to the footprint and pre-negotiated corridor, but their Terms of Reference must include the scope to look wider and consider alternatives that would avoid potential detrimental impacts.</p>	<p>Alternatives are considered during the process of corridor identification. The intention is that sites of low or medium sensitivity be focussed on by proponents, which gives effect to the mitigation hierarchy. The final corridor is intended to be final with no alternatives as alternatives would have been identified and discarded through the process.</p> <p>The mitigation hierarchy is applied through the process of locating the linear infrastructure. This concept of a pre-negotiated corridor was introduced through the SEA undertaken in 2013 and gazetted in 2015.</p> <p>The corridor width has been retained at 200m.</p>
6.5	CSIR	<p>Footnote 8 on the Environmental Management Programme (EMPr)</p>	<p>Suggest splitting the footnote on the EMPr into two sentences.</p>	<p>The footnote has been amended and it is indicated that the EMPr would be specific</p>

		para. 5.1.2.2 is confusing “The generic EMPr relevant to....published on the 22 March 2019 does to apply to this Norm and...”Should this be “does apply” or “does not apply”?	First sentence on whether the Generic EMPr for substations and powerlines applies (or not, see comment 5.1 above), followed by a second sentence. Also, suggest adding to the second sentence “where relevant”. “The EMPR required in terms of this norm must include the aspects of the solar photovoltaic facility, the substations and overhead electricity transmission and distribution infrastructure, where relevant	to the facilities being developed. The requirement of the footnote has been amended to indicate that the generic EMPr does not apply.
6.6	CSIR	Footnote 8 - why is solar PV, substations etc. specifically mentioned in the BESS exclusion Norm? What if someone wants to add BESS to wind power or purely for storage that is not directly associated with an electricity source? This footnote may have slipped in from the solar PV exclusion Norm, and its relevance in the context of BESS must be reconsidered.		The footnote has been amended and it is indicated that the EMPr would be specific to the facilities being developed.
6.7	Mr M Theart	Given that developments or extensions subject to the exclusion and norm may include natural or near-natural areas, it is not inconceivable that they could result in a significant residual impact on the biodiversity, which impact type must be offset. In terms of the National Biodiversity Offset Guideline, an impact left over when all efforts had	I therefore propose that a proponent is required through the norm to offset any significant residual biodiversity impact. The requirement to offset would have to be contained in the environmental management programme (EMPr) since no environmental authorisation would be required. That	On the consideration of offsets, please note that an offset is a last resort. Only linear infrastructure would be allowed to be located on areas of high or very high sensitivity and no plant species of conservation concern would be allowed to be removed and no breeding areas of animal species of conservation concern would be allowed to be impacted on. Areas within the corridor where

		been made to avoid and minimise an impact, and to rehabilitate disturbed areas, the impact must be offset if the impact significance is medium to high.	requirement would have to specify, at the very least, the biodiversity outcomes that must be achieved through the offset, including the biodiversity offset ratio, as well as the requirement to select and secure an appropriate biodiversity offset site and to enter into a biodiversity offset agreement with an appropriate implementer. Alternatively, but only where available, the proponent could be required to buy credits in an appropriate proactive biodiversity offset mechanism.	development must be avoided must now also be mapped. The impacts would therefore not be anticipated to be significant. The relevant specialists are also required to indicate that where the areas of high or very high environmental sensitivity are considered, that the impact would be acceptable after mitigation.
REGISTRATION				
7.1	ABO Wind renewable energies (Pty) Ltd	Section 6.4 – validity of the registration. It is suggested that the validity period be 10 years, as per the typical validity assigned to an EA. This would be low-risk from an administrative and environmental protection perspective given that development would already be occurring in verified low- and medium- sensitivity areas, with anticipated impacts being managed through an EMPr.		<p>The timeframe identified in the Norm relates to the timeframe between the registration and commencement.</p> <p>The timeframe has not been increased to 10 years but remains 6 due to comments received which indicates that 6 years is even too long.</p>
7.2	ABO Wind renewable energies (Pty) Ltd	Should the DFFE (CA) require comment from other parties within DFFE as part of the registration process, it is suggested that there be an internal alignment in this regard. It is suggested that a template be		Additional guidance on the minimum requirement for consultation has been provided which includes a comment period. It is therefore anticipated that sufficient time will be allowed and no template would be required.

		provided by DFFE for the reports required in terms of section 6.2.2 and 6.2.3 of the Standard. This would aid in efficient processing of the registrations and avoid potential issues where aspects need to be clarified.		A template for the site sensitivity report is not anticipated as significant guidance is provided in the Norm as to what the report should cover.
7.3	GDARD	Perhaps the expiration of the registration should be increased to 10 years noting that all matters of energy generation are of vital national importance. It should be noted that some projects may take a long while to commence because of a long period of financial closure and project planning.		The timeframe has been retained at 6 years as other comments indicated that even 6 years was too long so it was not thought appropriate to extend the timeframe. Based on an assessment of the time between the request for proposals and financial close for projects tendered in the Renewable Energy Independent Power Purchase Procurement Plan has also indicated that 6 years would be an appropriate timeframe.
7.4	CSIR	Para. 6.2.7 notes that the EMPr needs only deal with construction phase aspects. However, LN1 Activity 14 (para. 3.2.1.3), LN2 Activity 4 (para. 3.2.2.1) dealing with storage and handling of dangerous goods are specifically for the “development and related operation”.	Suggest that the EMPr should deal with relevant operational aspects. Some operational aspects may also be implied in Appendix 10 (EMPr Minimum Management Controls) through aspects such as “Safety of the public”, “Emergency Procedures”, “Hazardous Substances Management”, “Workshop, equipment maintenance and storage” and “Fire prevention”. These aspects could pose risks during operation and must be managed and monitored diligently.	The activities that related to the development of a battery storage facility do not include an operational component, other than the activities related to redox flow batteries in which case the battery in itself is not deemed a facility or structure for the storage, or handling of a dangerous good where the battery is already assembled. it is noted that a battery is not regarded as being a dangerous good. However it is anticipated that the owner of a battery storage facility will ensure that an adequate level of management is undertaken at the site to ensure the safety of the facility related to erosion and alien vegetation invasion as these

				impacts would be detrimental to the safety and ongoing operation of the facility. By-laws cover aspects of fire prevention and risk management. It is not intended that there would be a duplication of requirements.
7.5	CSIR	To focus on “notification” rather than “consultation”. Consultation may imply deeper engagement, such as a Public Participation Process including 30 days commenting opportunities on documents as per the EIA Regulations. The mention of “consultation” may leave registrations unnecessarily vulnerable to review / appeal.” ”evidence of the notification of land owners, occupiers, adjacent landowners and relevant environmental non-governmental organisations of the proposed registration process and where registration documents may be accessed, to be attached as Appendix 5”.	Suggest para. 6.2.8 on “public consultation” be reworded	The suggestion has been considered but not included, it must be understood that the appeal process will apply as the registration is identified as a decision.
7.6	CSIR	“On receiving the registration number, the holder must notify within 7 days, those parties who were originally notified of the proposed registration as contemplated in paragraph 6.2.8 that the registration number has been issued.”	8.2 be reworded to avoid misunderstandings on public consultation.	A cross reference has been added. The wording “consultation” has been retained as a new section has been added which provides guidance on the consultation requirements which is more than mere notification.
7.7	CSIR	Footnote 10 to para. 8.4.4 on where registration documents may be accessed implied that hard copies must be made available. Is this a	Suggest this be reworded to: “Registration documents must be, at minimum, made available online with reference to a contact	The footnote has been amended to include a reference to locating the registration document on the website of the competent authority and the holder

		reasonable requirement in this day and age? Especially considering that the Department does not request hard copy submissions of the Registration Form and supporting documentation.	number or email address from which hard copies of the registration documentation may be requested.	as suggested. In order to provide access to persons who do not have the ability to access online documents, the competent authority's library can be used.
7.8	SAWEA	<p>Apart from the general environmental controls identified in Appendix 10, does this also need to adhere to requirements in EIA regs?</p> <p>With reference to section 6.2.6 of GN 3308, reference is made to a locality map showing the footprint including linear infrastructure overlaid on environmental sensitivities. Kindly confirm if this should be the verified environmental sensitivities or those identified in the screening tool.</p> <p>Section 6.2.8 requires that "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 nongovernmental organisations, to be attached"; however, no public consultation process is stipulated in the Norm. While we view the requirement for focussed consultation to be positive, a simple Section should be included in the Norm stipulating that, the</p>		<p>The EIA Regulations do not apply to the exclusion.</p> <p>The wording of subparagraph 6.2.6 has been amended to clarify that it should be the confirmed environmental sensitivity after the site sensitivity verification has been undertaken.</p> <p>In the same way that the exclusion relies on the professional abilities and registered status of specialists for the technical confirmation the EAP/ES are professional registered and would therefore understand what would be required to bring the registration to the attention of affected parties. Additional guidance has however, been included in the Norm.</p>

		landowner/s, adjacent landowners and land occupiers as well as relevant environmental nongovernmental organisations must be afforded an opportunity to review and comment on the outcomes of the site sensitivity verification process only for a period of 14 days. Furthermore, Section 6.2.8 should be amended to include the requirement to submit comments received during the process with the registration.		
7.9	Savannah Environmental	The registration process proposed for BESS differs from that for Electrical Grid Infrastructure. It is suggested that the various registration processes to be gazetted should align to avoid confusion and challenges by affected parties		The registration processes are fairly similar. It is not possible to have exactly the same process as the battery storage has a footprint associated with it as the main activity and the powerline or road would be associated activities, whereas for the Electricity Grid Infrastructure Standard, the electricity grid infrastructure is the main activity.
7.10	Savannah Environmental	It is noted that other associated infrastructure such as access roads would also be registered through this process. It is not clear whether landowner consent and pre-negotiation is required for linear components of the project such as roads. This is currently not required in terms of the EIA Regulations and should be specified.		Paragraph 7.2.4 indicates that the consent letter is required for the footprint, and the term footprint is defined as the area on which the battery storage facility will be located and excludes the area on which the linear activity is proposed to be located. Paragraph 7.2.5 makes it clear that for the linear infrastructure confirmation of pre-negotiation is required. So pre-negotiation implies an agreement. You are also referred to the definition of pre-negotiation.
7.11	Savannah Environmental	It is noted that the Authority has only 10 days to register the project. This		The exclusion does not anticipate any confirmation of the verification. The

		does not provide sufficient time for informed decision-making and verification of the site sensitivity verification report to be submitted.		exclusion relies on the professional status of the EAP/ES and specialists. Additional guidance has been provided on the minimum requirements for consultation.
RE-REGISTRATION				
8.1	DEADP	It is not clear why re-registration is required when there is change of ownership of the battery storage facility or portion thereof after completion of the construction of the facility and associated infrastructure. Responses from 'IQ@DFFE' correspondences indicate that where the listed activity does not include "and operation", there are no operational aspects, and as such the EA would become null and void at the end of the validity period. The proposed Exclusion Norm does not provide for a validity period by when the construction must be completed. Paragraph 6.4 only states that the registration will expire if commencement does not occur within 6 years. It may therefore be possible that a proponent may commence with listed activities in terms of the Exclusion Norm, but never complete the construction of the proposed facility, or only completes construction many years later. Furthermore, the listed activities that are included in the exclusion list, include activities 14		Re-registration is required where a portion of the facility or the entire facility is re-registered into the name of someone else, it is necessary as a registration was required to build the facility so the original developer would have the registration. Should a portion of the facility be moved to the name of another developer they also must be able to prove that the original development was done lawfully.

		and 51 of Listing Notice 1 and activity 4 of Listing Notice 2, which includes “and operation”, and if the facility includes these activities, it follows that there is no end date for the validity period of the EMPR and registration.		
8.2	SAWEA	With reference to section 7.5 of GN 3308, it is noted that when the change of ownership occurs after the finalization of the construction phase, a registration form and a locality map clearly identifying the portion transferred and remaining portion...to enable the issuing of a new registration number to the new owner of the portion of the facility transferred. This section assumes that there is a change of ownership of a portion of the registered facility after construction, however would a re-registration of the facility be required if the ownership of the entire battery storage facility changed after completion of the construction phase and if so where is the process for this explained.		The paragraph has been amended to indicate that it could be the entire facility or a portion of the facility that is transferred which would necessitate re-registration.
8.3	Savannah Environmental	There is no consideration of impacts on the social environment. These relate specifically to safety and security (especially during construction).		Safety of the public as well as the social and economic benefits and impacts are included as topics for discussion in the EMPr included as part of Appendix 10.
8.4	GDARD	Sections 7(1) states that re-registration of the facility is required when there is change of ownership of -	According to Section 7.1 of exclusion of the identified activities associated with the development and expansion of	

		<p>7.1.1 the battery facility for which the activities contemplated in paragraph 3 were excluded prior to construction or prior to or after the completion of the construction of the facility and associated infrastructure, and</p> <p>7.1.2 a portion of the facility after completion of the construction phase.</p>	<p>battery storage facilities from the requirement to obtain an environmental authorisation based on the battery storage norm, re-registration of the facility applies only when there is a change of ownership of-</p> <p>7.1.1 the battery facility for which the activities contemplated in paragraph 3 were excluded prior to construction or prior to or after the completion of the construction of the facility and associated infrastructure, and</p> <p>7.1.2 a portion of the facility after completion of the construction phase.</p> <p>The issues mentioned below were not considered while drafting this norm.</p> <ul style="list-style-type: none"> • Re-instating a registered person after finding that his/her registration was suspended due to error. • Re-instating a registered person after finding that his/her registration was suspended/de-registered after allegations that a registered person received his/her registration without following the correct procedure of complying with all the requirements for this norm. 	<p>If the information required is not complete there will be no registration, the proponent will be informed that the registration request is incomplete or lacks information. This is has been clarified by the addition of additional wording.</p>
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			<p>The afore-mentioned issues that were not taken into cognisance while drafting this Norm should be considered as they will aid in guiding decision makers about registrations that will be suspended and require to be re-instated.</p>	
8.5	GDARD	<p>9.2 Any amendments required to be made to the environmental management programme during the construction phase must be prepared by an environment assessment practitioner or environmental scientists and signed off by the relevant specialist -</p>	<p>Based on Section 9.2 it is not specific whether any amendments required to be made to the environmental management programme during the construction phase must be prepared by an environment assessment practitioner or environmental scientists or whether any amendments should be made to the environmental management programme should be prepared by the registered environmental assessment practitioner or registered environmental scientists.</p> <p>There is a need to clearly state that should there be any amendments required to be made to the environmental management programme whether it should be prepared by just the environmental assessment practitioner or the relevant specialist or by the registered environmental</p>	<p>An EAP is defined in the NEMA and to call yourself and EAP you must now be registered with EAPASA. The Norm requires an EAP or and Environmental Scientist to prepare the reports. The definition of Environmental Specialist does indicate that the specialist must be registered.</p>

			assessment practitioner or registered specialist.	
PROCESSING OF REGISTRATION				
9.0				
GENERAL				
10.1	GDARD	It is suggested that an insertion be made preventing the preclusion of other applicable legislation by the proponent.		The notice does include a paragraph indicating that the requirements of any other relevant legislation remain applicable.
10.2	DEADP	This paragraph states that “non-compliance with this Norm constitutes an offence in terms of section 49A(1)(b) of NEMA. It is not clear who will be responsible for compliance monitoring. As long as the form is completed and required appendices are attached, it appears that there can be no non-compliance with the Norm. Non-compliance with the EMPR is not an offence as it would only constitute an offence in terms of S49A(1) of NEMA if the EMPR was approved by the Competent Authority, and there is no requirement that the EMPR must be approved by the Competent Authority. There is also no requirement for review of the adequacy and accuracy of the information provided, and the EMPR.	Include authority review of the adequacy accuracy of the information provided for registration and the EMPR	The competent authority who registered the proposed facility is responsible for compliance monitoring. Any transgression of a requirement of the norm will constitute an offence and enforcement action can be taken. Compliance with the Norm and EMPr is committed to by the proponent as worded in the declaration contained in Appendix 6 and non-compliance can be enforced.
10.3	GDARD	The way in which section 9.4 is written is incorrect or incomplete. It should have not been written as		The Act has been defined as being the National Environmental Management Act, 1998.

		<p>“Non- compliance with the Norm constitutes an offence in terms of section 49A(1)(b) of the Act”. It should have stated or specified the Act in which it is referring to. For example, it should have been written as “Non-compliance with the Norm constitutes an offence in terms of section 49A(1)(b) of the National Environmental Management Act,1998 (Act No. 107 of 1998) as amended.</p>		
TRANSITIONAL ARRANGEMENTS				
11.0				
APPENDIX 1: FINAL SCREENING REPORT				
12.1	CSIR	<p>Item 6 of the Registration Form (Appendix A) refers to copying the National Department when submitting a Registration where the provincial department is the Competent Authority. However, the screening tool url is cited and not an email address. This must be corrected. In the Solar PV exclusion notice (Government Gazette 48425 of 14 April 2023) the email address is cited as screening@environment.co.za.</p>		<p>The URL has been amended to an info address to allow the unit to capture the registration details.</p>
APPENDIX 2: SITE SENSITIVITY VERIFICATION REPORTS				
13.0				
APPENDIX 3: LANDOWNER CONSENT LETTER AND CONFIRMATION OF PRE-NEGOTIATION				
14.0				

**APPENDIX 4:
LOCALITY MAP**

15.0

**APPENDIX 5:
EVIDENCE OF PUBLIC CONSULTATION**

16.0

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

17.1	Savannah Environmental	It is not possible to develop a stand-alone BESS. There must be a substation and grid line connected. It is not clear whether this is accounted for.		The definition of “facility” includes the associated infrastructure and the linear infrastructure which is an integral part of the installation. The associated aspects have been incorporated into the requirements of the exclusion.
17.2	Savannah Environmental	The EMPr is only applicable for construction. It is suggested that an operational EMPr should also be required to manage risks during operation, and also to manage impacts such as erosion, alien plant invasion, impacts on watercourses as a result of sedimentation and spillages, and impacts from inappropriate waste management (such as disposal of spent BESS components) during operation.		The activities that related to the development of a battery storage facility do not include an operational component other than the activities related to redox flow batteries in which case the battery in itself is not deemed a facility or structure for the storage, or handling of a dangerous good where the battery is already assembled. For general maintenance of the facility, the owner of a battery storage facility will ensure that an adequate level of management is undertaken at the site to ensure the safety of the facility related to erosion and alien vegetation invasion as these impacts would be detrimental to the safety and ongoing operation of the facility. Waste management would be managed through by-laws or the Waste Management Act which manages the disposal of different types of waste.

17.3	Savannah Environmental	There is no provision for the authority to include project-specific conditions as part of the registration. Will all requirements now be included in the approved EMPr for a project? Is the DFFE going to provide any additional conditions which should be included in the EMPr?		There is no intention for conditions to be set, this is an exclusion, so the project either complies with the requirements of the Norm and can be excluded or not. The EMPr required under this Norm will identify and incorporate any specific mitigation measures that are necessary.
APPENDIX 7: DECLARATION OF INDEPENDENCE BY THE ENVIRONMENTAL ASSESSMENT PRACTITIONER OR ENVIRONMENTAL SCIENTIST OR SPECIALIST				
18.1	SAWEA	There should be separate EAP and Specialist Declarations – the specialists will not know the Act as the EAP should and the EAP will not know each specialist theme as the specialist should.		The relevant EAP/ES and specialists must all sign the declaration, however, one template of a declaration is provided as the EAP/ES and specialist can delete any aspects not related to them.
APPENDIX 8: CURRICULUM VITAE OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER OR ENVIRONMENTAL SCIENTIST AND SPECIALIST				
19.0				
APPENDIX 9: PROFESSIONAL AFFILIATION/REGISTRATION CERTIFICATE				
20.0				
APPENDIX 10: ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr)				
21.0				