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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 4557 **27 March 2024**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

ADOPTION OF THE BATTERY STORAGE EXCLUSION NORM AND EXCLUSION OF 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, hereby 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.

A hard copy of any document associated with this Notice may be requested from Ms M Masondo at tel: 012 399 9277, email: mmasondo@dffe.gov.za or collected at Environment House, 473 Steve Biko Road, Arcadia, Pretoria. The documents can be downloaded from the Department's website at https://www.dffe.gov.za/projectprogrammes/environmental_management_instruments and the Government Notice can be downloaded from the Department's website at https://www.dffe.gov.za/legislation/gazetted_notices.



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 final servitudes 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 for 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 as well as any laydown areas and 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 for 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 Appeal Regulations" means the National Appeal 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, read with paragraph 7 or 8 of this Norm–

2.1.1. where the activities have not yet been commenced with; and
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 paragraph 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 destroyed or 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. With the exception of the requirement contemplated in paragraph 2.1.1, where any of the requirements contemplated in this paragraph, or paragraphs 4, 5 and 6, read with paragraph 7 or 8, cannot be met or are not met, this exclusion does not apply and an application for an environmental

[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.

authorisation must be submitted in terms of the EIA Regulations, the Renewable Energy Development Zones Notice or the Strategic Transmission Corridors Notice, whichever applies.

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
- 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 11;[3]
- 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 9;[4] 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 buffer[5] is identified around the footprint to allow for slight adjustments without the need to resubmit the request for registration contemplated in this Norm,[6] which buffer–

[3] The Standard for the Development and Expansion of Power Lines and Substations Within Identified Geographical Areas, or any update or amendments thereto or any replacement thereof following its repeal, 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.

4.2.1. 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.
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,[7] 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 tool.[8]
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 paragraph 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, the ability to mitigate such impacts and a statement of environmental acceptability of any cumulative impacts after mitigation in any report produced.
4.12. Should the cumulative impact not be acceptable after mitigation this exclusion does not apply and an application for an environmental authorisation must be submitted.
4.13. The outcome of the relevant site sensitivity verification must be recorded by the specialist in the form of a specialist report, and collated into a final 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.

[7] The physical inspection must be undertaken in line with the guidance provided in the Environmental Assessment Guideline for Ecosystems available at Https://begis.sanbi.org/.
[8] The site sensitivity verification to determine the presence or likely presence of species of conservation concern must be undertaken in accordance with the site sensitivity verification requirements included in the *Species Environmental Assessment Guidelines* available at https://begis.sanbi.org/.

4.14. The specialist report must be appended to the final site sensitivity verification report and must be signed by the relevant specialist;
4.15. The final specialist report must include verifiable evidence from the specialist's site inspection, including as a minimum:
  4.15.1. a map showing the specialist's GPS track in relation to the proposed footprint; and
  4.15.2. 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
  4.15.3. a map identifying any areas within the corridor in which no development is permitted to take place due to environmental sensitivity where relevant.
4.16. The final 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.

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 and biodiversity entities/agencies;
  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;[9] 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 detail 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. Geographical extent of the exclusion

This exclusion applies where–

[9] Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) applies to developments and expansions contemplated in this Norm, and the relevant heritage resources authorities identified at the link provided must be contacted (https://www.sahra.org.za/development-applications-unit/)

(a) the footprint or expanded footprint of a proposed battery storage facility, including any associated activities contemplated in paragraph 3, is to occur entirely–

(i) 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

(ii) 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; and

(b) the pre-negotiated corridor occurs in areas of "very high", "high", "medium" or "low" sensitivity subject to compliance with the requirements set out in paragraph 2.2.

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 4.13 and 4.16 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, overlayed 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. the signed declaration of commitment by the proponent to implement the environmental management programme, to be attached as Appendix 6; and

7.2.10. the declaration of independence, curriculum vitae and professional affiliation or registration certification by the environmental assessment practitioner 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 buffer[10] or the linear infrastructure

[10] 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.

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 with.[11]

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 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 facility;[12] or
  8.1.3. after completion of the construction phase.[13]

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 7.2.9 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 and the remaining portion 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 paragraph 5.1 that the registration number has been issued.

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[11] 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.

[12] 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.

[13] 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.

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 accessed.[14]

10. General

10.1. The provisions of the Appeal Regulations are applicable to any registration issued in terms of this Norm.
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 4.11, 4.13 to 4.16, 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 6 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.

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

APPENDIX A – REGISTRATION FORM

Registration form to request registration in terms of the "*Norm for the Exclusion of 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@dffe.gov.za
7. Accompanying spatial data must be submitted electronically in shape file format (.shp) files with associated metadata, packaged as a ZIP file (.zip) using the Hartebeesthoek94 WGS84 coordinate system.

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:	
Reason(s) in terms of section 24C of NEMA:[15]	

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 proponent	Click or tap here to enter text.
Surname of the proponent	Click or tap here to enter text.

[15] The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA).

Name of contact person for proponent (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:[16]			
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 Regulations[17] 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

[16] A copy of the actual professional registration or confirmation of affiliation must be attached.
[17] 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.

- 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.

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) using the Hartebeesthoek94 WGS84 coordinate system.

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	Final 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 by 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 or 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 facility;[18] or
- after completion of the construction phase.[19]

FOR OFFICE USE ONLY	
Date of receipt of the re-registration form	

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

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.

[18] 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.

[19] 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 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:
Reason(s) in terms of section 24C of NEMA:[20]

PROJECT DETAILS

Existing Project Name	
New Project Name[21]	

Existing Registration number[22]	
New Registration number[23]	

[20] National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA).
[21] A new project name can be provided in the case of a change of ownership of associated linear infrastructure.
[22] In the case of a change of ownership of the entire facility the existing registration number is maintained.
[23] 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 registered 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[24]	
Description of the facility or infrastructure to be transferred	

LIST OF APPENDICES TO BE POPULATED

		SUBMITTED	
APPENDIX 4	Locality map[25]	YES	NO
APPENDIX 6	Declaration of commitment by the proponent/developer to implement the environmental management programme	YES	NO
APPENDIX 7	Declaration of independence by 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

[24] A new project name can be provided in the case of a change of ownership related to a transfer of associated infrastructure.
[25] In the case of a change of ownership related to a transfer of associated infrastructure.

APPENDIX 1:

FINAL 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 Act[26] 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; or[27]
- 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 of

[26] The National Environmental Management Act, 1998 (Act No. 107 of 1998).
[27] Delete whichever is not applicable.

the Notice and that a person convicted of an offence is liable to the penalties as contemplated in section 49B of the Act.

Proponent/developer (Name and Surname)_____

Name of Company (If Applicable)_____

Designation _____

Signature[28]_____

Date_____ **Place**_____

Commissioner of Oaths_____

Designation _____

Signature_____

Date_____ **Place**_____

_____

Commissioner of Oaths Stamp

[28] This registration form must be signed by the proponent/developer.

APPENDIX 7:

DECLARATION OF INDEPENDENCE BY THE ENVIRONMENTAL ASSESSMENT PRACTITIONER/ ENVIRONMENTAL SCIENTIST AND SPECIALIST

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

Declaration by environmental assessment practitioner/environmental scientist or specialist[29]

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 Act,[30] 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 environmental assessment practitioner/environmental scientist or 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 verification 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.*

[29] Delete information which is not applicable throughout the declaration.
[30] 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:[31]

_____

_____

_____

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

[31] Delete whichever is not applicable.

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
- Excavation of foundations, cable trenches and drainage systems
- Installation of foundations, cable trenches and drainage systems
- Installation of equipment
- Social economic benefits and impacts
- Temporary site closure
- Landscaping and rehabilitation

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