



ARCUS

VOLUME I: APPENDIX C **PUBLIC PARTICIPATION REPORT**

for the

HARTEBEESTHOEK WEST WIND ENERGY FACILITY

on behalf of

HARTEBEESTHOEK WIND POWER (PTY) LTD

JULY 2021

**DFFE REFERENCE NUMBER: 14/12/16/3/3/2/1028, 14/12/16/3/3/2/1028/AM1, and
14/12/16/3/3/2/1028/2/AM1**

FINAL FOR AUTHORITY DECISION



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1 THE PUBLIC PARTICIPATION PROCESS

The primary aims of the public participation process are:

- To inform Interested and Affected Parties (I&APs) of the proposed amendments;
- To identify and respond to issues, comments and concerns as raised by I&APs;
- To promote transparency of the project and its potential consequences and ensure I&APs understanding of the proposed amendments;
- To facilitate open dialogue and liaise with all I&APs;
- To assist in identifying potential environmental (biophysical and socio-economic) impacts associated with the proposed amendment; and
- To ensure that all I&AP issues and comments are accurately recorded, addressed and documented in a Comments & Response Report.

This Public Participation (PP) Report has been compiled as Appendix C to the Volume I – Hartebeesthoek West WEF Final Revised Amendment Report which has been prepared in support of the application for Amendment to the Environmental Authorisation. This PP Report includes PP conducted following receipt of the appeal decision (Appeal against the decision to amend Environmental Authorisations issued to San Kraal Wind Power (Pty) Ltd and Phezukomoya Wind Power (Pty) Ltd, Reference LSA 196256) by the Applicant.

2 APPLICATION BACKGROUND

South Africa Mainstream Renewables appealed the issuance of the two Environmental Authorisations (EAs) of San Kraal WEF and Phezukomoya WEF (DFFE Reference 14/12/16/3/3/2/1028 and 14/12/16/3/3/2/1029) on the 26th of July 2018 on the basis that the applicant's projects would cause wake effects on Mainstream's operational Noupport Wind Farm. The appeal requested the Department to insert several conditions in the respective applicants EAs, essentially forcing the applicants to negotiate and enter into a compensation agreement with Mainstream for any loss of production experienced by the Noupport Wind Farm as a result of the wake effects caused by the applicant's projects, prior to the start of construction activities.

On the 17th of January 2019, Honourable Minister of Environmental Affairs Ms Mokonyane issued an appeal decision which concluded as per clause 4.23 of the appeal decision that: "I am of the view that the wake impacts have no environmentally associated impacts affecting the appellant in any way and as such I am not responsible to determine the influence bearing of the wake impacts by the two projects on the Noupport WEF." Clause 4.25 further states: "I am of the view that it is outside of my mandate to insert a contractual clause as a condition in the EA. In light of the foregoing, the appeals are accordingly dismissed."

On 26 September 2019, both San Kraal Wind Power (Pty) Ltd ('San Kraal') and Phezukomoya Wind Power (Pty) Ltd ('Phezukomoya') lodged amendment applications with the DFFE in respect of the EAs issued on 28 June 2018 for the San Kraal Wind Energy Facility (San Kraal WEF) and the Phezukomoya Wind Energy Facility (Phezukomoya WEF). The proposed amendments sought to split the original EAs issued for the San Kraal WEF, as well as the Phezukomoya WEF - into two WEF facilities. The amendments had the following detail, each subject to separate reports, assessments and applications:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (DFFE Reference 14/12/16/3/3/2/1029/1/AM1); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (DFFE Reference 14/12/16/3/3/2/1029/2/AM1).

- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (DFFE Reference 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (DFFE Reference 14/12/16/3/3/2/1028/2/AM1).

The DFFE approved the above-mentioned amendments and issued the amended EAs to Phezukomoya, San Kraal and Hartebeesthoek Wind Power (Pty) Ltd on the 25 March 2020 and 08 June 2020, respectively.

On 30 July 2020, the Appeals Directorate received an appeal from Noupoot Wind Farm (RF) (Pty) Ltd ('Noupoot') against the approval of the amendment applications authorised above.

A decision on the appeal against the approval of the amendment applications was reached by Minister Barbara Creecy – Minister of Forestry, Fisheries and the Environment – on 07 June 2021 (Appendix C1). Directions of the ruling given by the Minister read as follows:

2.56. "In the present matter. I have taken note of the wake impact analysis reports, in respect of the amendment applications, albeit outside of the EIA process. In light hereof, the appropriate remedy is to direct, as I hereby do, the applicant is to subject the wake impact analysis reports dated 01 July 2020 to a public participation as contemplated in the 2014 EIA Regulations. Any comments received from I&APs, as well as responses thereto by the applicants, must be incorporated into the final Amendment Reports, for submission to the Department for reconsideration of the amendment applications. In this regard, the timeframes prescribed by the 2014 EIA Regulations must be adhered to".

Notification of the appeal decision was sent to all registered I&APs via email (Appendix C1).

2.1 Current Application Process

In terms of the ruling above, San Kraal Wind Power (Pty) Ltd and Phezukomoya Wind Power (Pty) Ltd intended to once again amend and split the authorised San Kraal WEF and Phezukomoya WEF. The Revised Amendment Reports were subjected to a public participation process in line with Chapter 6 of the 2014 EIA Regulations and included the updated Wake Impact Analysis Report. The Revised Amendment Reports are subjected to a Part II Amendment Application Process.

The proposed development site is located south east of the town of Noupoot in the Umsobomvu Local Municipality (ULM), which forms part of the Pixley ka Seme District in the Northern Cape Province. A small portion of the development site falls within the Inxuba Yethemba Local Municipality, within the Chris Hani District of the Eastern Cape Province. The town of Middelburg and Colesberg are located approximately 25 km and 58 km to the south and north-east of the site, respectively.

3 METHODOLOGY

The Public Participation Process follows the requirements of Regulation 41, 42, 43, and 44 of GN R. 326 Amendments to the Environmental Impact Assessment Regulations, 2014 (7 April 2017), promulgated under Section 24 (5) of the National Environmental Management Act (Act 107 of 1998 – NEMA), as amended.

3.1 Identification of Potential Interested and Affected Parties

The I&AP database of the authorised San Kraal WEF and Phezukomoya WEF EIA and Part II Amendment Process (Arcus, 2018 and 2020) was used as a baseline for this amendment application (Appendix C2). The Socio-economic specialist study for this amendment included consultation and interviews with Interested and Affected Parties (I&APs) and other key informants and stakeholders as necessary in order to assess social impacts.

Pre-identified key I&APs include:

- Landowners and immediately surrounding landowners, including labourers and occupiers;
- Key stakeholders and organs of state; and
- All I&APs who responded to the advertisements and requested to be registered.

The database has been and will be updated throughout the duration of the amendment process and anyone with an interest in the application process is encouraged to register.

4 PPP OF THE REVISED AMENDMENT REPORTS (2021)

In June 2021, the Applicant made the Revised Amendment Report, which incorporates an updated Wake Analysis Report, available for a 30 day public review and comment period. As the commenting period has ended, the Final Revised Amendment Report has been submitted to the competent authority following the required 30 day public review and comment period, for a decision.

The Revised Amendment Reports were made available for public comment from Friday, 11 June 2021 to Monday, 12 July 2021 (both days inclusive).

Written Notification regarding the availability of the Revised Amendment Reports for Public Review and Comment was sent to all I&APs (pre-identified key I&APs, I&APs registered during the initial period, as well as affected landowners, surrounding landowners and their occupiers) via e-mail (see Appendix C3).

The written / telephonic notification advised I&APs of the following:

- How and where they can access the Revised Amendment Report (as detailed in section 3.2.1 below);
- The safety measures to consider when accessing the hard copy of the Revised Amendment Report (due to the COVID-19 Pandemic), such as the precautions to be taken for handling of the document (sanitising / handwashing / wearing of gloves); and
- Afforded all I&APs the opportunity to submit their comments / questions / queries / concerns regarding the proposed amendment and content of the Revised Amendment Report.

I&APs were encouraged to submit their comments/concerns and queries in either of the following manners:

- Electronically (email);
- Telephonically; and/or
- Written letters.

There were no I&AP / stakeholder requests a focus group meeting or public participation meeting to be held during this PPP period.

4.1 Availability of the Revised Amendment Report for Review

Hard Copy Reports:

A hard copy of the Revised Amendment Report for public comment was made available from Saturday, 12 June 2021 to Sunday, 13 June 2021 at **The Don Guesthouse**. Details below:

Location	Physical Address	Contact person
Hard Copy Location		
The Don Guesthouse: 3 Murray Street, Noupoort. Contact Person: Lizl De Swardt		

Location	Physical Address	Contact person
	T 071 238 7964	

From Monday 14 June 2021 to Monday 12 July 2021, the hard copy of the report was made available at the **Noupoort Library**. Details below:

Location	Physical Address	Contact person
Hard Copy Location	Noupoort Library: 6 Shaw Street, Noupoort.	Contact Person: Martha Van Eyk T 084 243 1609

Electronic Reports:

The Revised Amendment Report was also placed online, on the Arcus website: <https://arcusconsulting.co.za/projects/>, for review and comment. Furthermore, Arcus advised I&APs that the Revised Amendment Report will be sent via an online portal link (i.e., WeTransfer) if requested in this format.

Electronic Copy Locations		
Arcus Website	https://arcusconsulting.co.za/projects/	Aneesah Alwie 021 412 1529
We Transfer	I&APs can request for copies to be sent via online digital portal	Aneesah Alwie 021 412 1529
Comment Submission		
Contact Person	Aneesah Alwie	
Company	Arcus Consultancy Services South Africa (Pty) Ltd	
Via Email	projects@arcusconsulting.co.za	
Via Post	Office 607 Cube Workspace, Icon Building Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001	
Via Telephone	+27 (0) 21 412 1529 / +27 (0) 72 595 0104	

All comments received from I&APs on the Revised Amendment Report have been recorded and responded to in the Comment and Responses Report attached as Appendix C4.

4.2 Commenting Period on the Revised Amendment Report

The commenting period of the application was for a period of 30 days, as per the NEMA 1998 EIA Regulations, 2014 (as amended).

4.3 Submission of the Final Revised Amendment Report

Notification regarding the submission of the Final Revised Amendment Report to DFFE for a decision will be sent to all registered I&APs in the following manner:

- Written Notification (English and / or Afrikaans) will be sent to all registered I&APs (pre-identified key I&APs, I&APs registered during the initial and draft report period, as well as affected landowners, surrounding landowners and their occupiers) via e-mail and post (registered mail).
- SMS notifications will be sent to I&APs and / or land occupiers who have supplied mobile phone numbers and do not have postal or email addresses.
- If written notification cannot be sent to an I&AP, notification will be provided telephonically.

4.4 Notification of Decision by DFFE on the Final Revised Amendment Report

All registered I&APs will be provided with access to the decision and the reasons for such decision. The attention of all registered I&APs will be drawn to the fact that an appeal may be lodged against the decision in terms of the NEMA 1998 National Appeal Regulations, 2014 (as amended).

Notification regarding the decision made by the DFFE will be provided in the following manner to all registered I&APs:

- Via e-mail, which will include an attachment of the decision, reasons for the decision, and appeal procedure;
- Via SMS, which will be sent to I&APs and / or land occupiers that have supplied mobile phone numbers and who do not have postal or email addresses. The SMS will advise the I&AP that access to the decision, reasons for the decision, and appeal procedure must be accessed from the Arcus website: <https://arcusconsulting.co.za/projects/> or can be sent to the I&AP via We Transfer;
- Via registered mail, which will include a complete hard copy of the decision, reasons for the decision and appeals procedure; and
- Courtesy telephone calls will be made to those who cannot receive access by either of the above-mentioned methods to advise them of the decision made by the DFFE and to confirm if and / or how they wish to receive access to the decision, reasons for the decision, and appeal procedure.

5 SUMMARY OF THE PPP UNDERTAKEN PRIOR TO THE APPEAL DECISION (2019 – 2020)

In terms of this project, it must be noted that the amendment process began in 2019, with the submission of the final amendment reports in 2020 and decision by the DFFE received on 25 March 2020. In 2020 an Appeal on the project was lodged, and in 2021, a decision on that appeal was published.

A summary of the public participation that was undertaken is outlined below.

5.1 Initial Notification Phase

The below was undertaken to inform all I&APs of the intention to submit the Amendment Report:

- A2 Correx board notices were placed on the (south, south-east, north and north-west) boundary of the site in English and Afrikaans on 01 September 2019.
- A3 posters (with detail as provided on the site notice) were placed at ten (10) local public gathering places in English and Afrikaans around the development site on 01 September 2019.
- Advertisements were placed in the Herald and Graaff Reinet Advertiser on 05 September 2019 in English and Afrikaans. This is the same newspapers used during the Phezukomoya WEF (Arcus, 2018) application process.

The initial notification was intended to provide pre-identified I&APs with the opportunity to submit their questions/queries/concerns; indicate the contact details of any other potential I&APs that should be contacted and registered; and obtain contact details of any new labourers and occupiers of the proposed development and surrounding land / farms. The contact person at Arcus, contact number and email details were clearly stated on the notifications.

5.2 Notification and Availability of the Draft Amendment Report

The Draft Amendment Reports were made available for public comment from 26 September 2019 to 25 October 2019 (both days inclusive).

Notifications regarding the availability of the Draft Amendment Report for Public Review and Comment was provided in the following manner on 26 September 2019:

- Written Notification (English and / or Afrikaans) was sent to all I&APs (pre-identified key I&APs, I&APs registered during the initial period, as well as affected landowners, surrounding landowners and their occupiers) via e-mail and post (registered mail).
- If written notification could not be sent to an I&AP, notification was provided telephonically.

The written / telephonic notification advised I&APs how and where they could access the Draft Amendment Report (as detailed below); and afforded all I&APs the opportunity to submit their comments / questions / queries / concerns regarding the proposed amendment and content of the Draft Amendment Report.

I&APs were encouraged to submit their comments/concerns and queries either Electronically (email); Telephonically; and/or via Written letters.

There were no I&AP / stakeholder requests for a focus group meeting or public participation meeting to be held during this PPP period.

A hard copy of the report was made available at the **Noupoort Library**. Details below:

Location	Physical Address	Contact person
Hard Copy Location		
	Noupoort Library: 6 Shaw Street, Noupoort.	Contact Person: Martha Van Eyk T 084 243 1609

The Draft Amendment Report was also available online, on the Arcus website: <https://arcusconsulting.co.za/projects/>, for review and comment at the following details:

Electronic Copy Locations		
Arcus Website	https://arcusconsulting.co.za/projects/	Aneesah Alwie 021 412 1529
Comment Submission		
Contact Person	Aneesah Alwie	
Company	Arcus Consultancy Services South Africa (Pty) Ltd	
Via Email	projects@arcusconsulting.co.za	
Via Post	Office 607 Cube Workspace, Icon Building Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001	
Via Telephone	+27 (0) 21 412 1529 / +27 (0) 72 595 0104	

All comments received from I&APs on the Draft Amendment Report were recorded and responded to in the Comment and Responses Report, which was submitted to the Department of Forestry, Fisheries and the Environment (DFFE) for consideration as part of the Final submission.

5.3 Notification of Submission of the Final Amendment Report (2019)

Written Notification regarding the submission of the Final Amendment Report to DFFE for a decision was sent to all registered I&APs (pre-identified key I&APs, I&APs registered

during the initial and draft report period, as well as affected landowners, surrounding landowners and their occupiers) via e-mail on 09 December 2019.

5.4 Notification of Decision by DFFE on the Final Amendment Report (2020)

All registered I&APs were provided with access to the decision and the reasons for such decision. The attention of all registered I&APs will be drawn to the fact that an appeal may be lodged against the decision in terms of the NEMA 1998 National Appeal Regulations, 2014 (as amended).

Notification regarding the decision made by the DFFE was provided in the following manner to all registered I&APs:

- Via e-mail on 10 June 2020, which included an attachment of the decision, reasons for the decision, and appeal procedure;
- Via newspaper advertisement in the Graaff Reinet Advertiser on 26 June 2020, which advised I&APs on where to access the decision and the appeal procedure. This is the same newspapers used during the initial notification phase; and
- Via registered mail on 17 June 2020, which included a complete hard copy of the decision, reasons for the decision and appeals procedure.

Environmental authorisation was granted by the DFFE received on 25 March 2020. However, in 2020, an Appeal on the project was lodged, and in 2021, a decision on that appeal was published.

**APPENDIX C1: APPEAL DECISION BY THE MINISTER OF FORESTRY, FISHERIES
AND THE ENVIRONMENT (2021)**



**MINISTER
FORESTRY, FISHERIES AND THE ENVIRONMENT
REPUBLIC OF SOUTH AFRICA**

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Tel: (012) 399 8743
Private Bag X9052, Cape Town, 8000, Tel: (021) 469 1500, Fax: (021) 465 3362

Reference: LSA 196256

APPEAL DECISION

**APPEAL AGAINST THE DECISION TO AMEND ENVIRONMENTAL AUTHORISATIONS
ISSUED TO SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER
(PTY)**

Noupoort Wind Farm (RF) (Pty) Ltd Appellant

San Kraal Wind Power (Pty) Ltd

Phezukomoya Wind Power (Pty) Ltd

Hartebeesthoek Wind Power (Pty) Ltd Applicants

Department of Forestry, Fisheries and the Environment Competent Authority

Appeal: This is an appeal against the decisions of the Chief Director and Acting Chief Director: Integrated Environmental Authorisations of the Department of Forestry, Fisheries and the Environment (the Department) to amend Environmental Authorisations (EAs) issued to San Kraal Wind Power (Pty) Ltd (hereinafter referred to as San Kraal) and Phezukomoya Wind Power (Pty) Ltd (hereinafter referred to as Phezukomoya) on 28 June 2018.

1. BACKGROUND AND APPEAL

- 1.1 On 23 August 2017, Phezukomoya lodged an application for an EA with the Department, for the proposed construction of a 275MW Wind Energy Facility (WEF), 132kV grid connection

transmission powerline and associated infrastructure near Noupoot within the Umsobomvu and Inxuba Yethemba Local Municipalities, in Northern Cape and Eastern Cape Provinces.

- 1.2 On even date, San Kraal lodged an application for an EA with the Department, for the proposed construction of a 390MW WEF, 132kV grid connection transmission powerline and associated infrastructure at the abovementioned location.
- 1.3 On 28 June 2018, the Department approved the above applications and proceeded to issue EAs to San Kraal and Phezukomoya. These EAs were appealed by South African Mainstream Renewable Power Noupoot (Pty) Ltd on 26 July 2018. The appeals were mainly premised on the contention that the Noupoot WEF will be directly and adversely affected by the proposed development due to wake effects of the turbines situated upwind from Noupoot WEF on the adjacent properties.
- 1.4 After deliberating into the merits of the above appeals, as well as responses thereto, the then Minister responsible for the Department dismissed the appeals and confirmed the abovementioned EAs on 17 January 2019. The former Minister found that wake impacts have no environmentally associated impacts affecting the appellant in any way, and was not responsible to determine the influence bearing of the wake impacts by the two projects on the Noupoot WEF.
- 1.5 On 26 September 2019, the applicants lodged amendment applications with the Department, for the amendment of the EAs issued on 28 June 2018. The proposed amendment sought to split the original EAs in order to provide each WEFs with its own EA. The number of turbines and the generation capacity which are being applied for with each application is set out below:
 - Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (DEA Ref Number 14/12/16/3/3/2/1028/1/AM1) (initially approved 55 turbines with a maximum generating capacity of 275MW in total);
 - Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DEA Ref Number 14/12/16/3/3/2/1028/2/AM1);

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (DEA Ref Number 14/12/16/3/3/2/1029/1/AM1) (initially approved 78 turbines with a maximum generating capacity of 390MW in total); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DEA Ref Number 14/12/16/3/3/2/1029/2/AM1).

1.6 The abovementioned amendment applications were lodged in terms of regulation 31, under Part 2 of the Environmental Impact Assessment Regulations, 2014, as amended (2014 EIA Regulations). This regulation provides that *“An environmental authorisation may be amended by following the process prescribed in this Part if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or nature of impact where such level or nature of impact was not-*

(a) assessed and included in the initial application for environmental authorisation; or

(b) taken into consideration in the initial environmental authorisation;

and the change does not, on its own, constitute a listed or specified activity.”

1.7 After evaluating the information submitted in support of the amendment applications, the Department approved the applications and proceeded to issue amended EAs to Phezukomoya, San Kraal and Hartebeesthoek Wind Power (Pty) Ltd (collectively referred to as the applicants), on 25 March 2020 and 08 June 2020 respectively.

1.8 On 30 July 2020, the Directorate: Appeals and Legal Review (Appeals Directorate) within the Department received an appeal from Richard Summers Incorporated, on behalf of Noupoot Wind Farm (RF) (Pty) Ltd (the appellant), against the approval of the amendment applications. This appeal was lodged in terms of section 43(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), read together with regulation 4 of the National Appeal Regulations, 2014 (2014 Appeals Regulations).

1.9 Comments on the grounds of appeal were received from the Department on 15 September 2020. This was followed by the responding statement on the appeal, filed by the applicants on 16 September 2020.

1.10 On 19 October 2020, the appellant submitted an answering statement purported to deal with new information introduced by the applicants in their responding statement.

1.11 The appeal is broadly premised on the following grounds:

1.11.1 Error of fact; socio-economic impacts and mitigation hierarchy; and

1.11.2 Need and desirability.

2. GROUNDS OF APPEAL, RESPONSES AND EVALUATION

Error of fact; socio-economic impacts and mitigation hierarchy

2.1 The appellant submits that the Department's decisions were based on the following errors of fact and/or incorrect assumptions:

- The wake effect analysis by 3E in connection with the original Environmental Impact Assessments (EIAs) for the San Kraal and Phezukomoya WEFs remains relevant, is accurate and/or applicable to the amendment applications.
- The wake effect impact of the amendment applications and associated changes in turbine layout and changes in the turbine model is neutral in terms of its impact on the Noupport WEF and/or is similar to the wake effect impact of the turbine layout and turbine model assessed in the original EIA process.
- It is defensible for the concern regarding wake effect impacts on the Noupport WEF to be dealt with in the original EIAs only, and for it not to be addressed in the amendment applications.

2.2 The appellant submits that the Department's decisions are informed by and based upon the information contained in the Amendment Reports. The reference to wake effects in the Amendment Reports is limited to a restatement of what was done in terms of the original EIA process only. The appellant submits that there is no updated information regarding wake impacts or current wake effect analysis relevant to the changes brought about by the amendment applications. It is the appellant's submission that their concerns regarding the wake effect of wind energy facilities within the vicinity of Noupport WEF are not limited to the original EIA process only, but this is a legitimate concern regarding project related impacts associated

with the amendment applications and the wake effect impact of the final turbine layout and turbine models proposed in the amendment applications.

- 2.3 The appellant further submits that the 3E wake effect study, undertaken as part of the initial EIA process for the original San Kraal WEF and Phezukomoya WEF projects, was a preliminary analysis and was expressly qualified as being relevant only to the previous layout for the authorised Phezukomoya and San Kraal WEFs. The relevance and accuracy of the 3E wake effect study was further qualified by the statement that the results of that analysis are valid only if the power curves relevant to the original San Kraal WEF and Phezukomoya WEF projects (and relied upon by 3E in its study) remain consistent with the final project layout and final turbine model specifications. The 3E wake effect study is neither relevant nor accurate as the turbine layout and turbine specifications which form the basis of the Department's decisions has changed materially, in terms of changes to the turbine layouts and turbine model specifications necessitated by the amendment applications.
- 2.4 The appellant further submits that Mr Johan Stander, a Senior Energy Analyst at Mainstream Renewable Power Energy Analysis Group, has confirmed that the reliance on the original 3E wake effect study was misplaced as the changes brought about by the amendment applications (including changes in turbine layout, turbine hub height and rotor diameter) *"will alter the wake impacts on the Noupoort WEF"*. This change in wake effect would therefore need to be reassessed in order to determine the extent of the impacts credibly and accurately.
- 2.5 It is submitted that the 3E wake effect study relied upon a single wind farm configuration for the proposed San Kraal WEF and Phezukomoya WEF, comprising 78 Vestas V150 4 MW wind turbines, with 150m hub height and 150m rotor diameter for an installed capacity of 213 MW. The amendment applications show that the layout and turbine models for the split WEFs has changed. The amendments allow for a hub height of 137m, a rotor diameter of 175m, a turbine output of 6.2 MW, and a blade length of 87.5m. The motivation for the amendment applications is described by the Environmental Assessment Practitioner (EAP) as follows:

"The authorised turbine model with specifications of 150 m hub height and 150 m rotor diameter is no longer the preferred wind turbine technology. The applicant, therefore, wants to amend the authorised turbine specifications to reduce the number of turbines and to change the hub height to up to 137 m and the rotor diameter to up to 175 m to facilitate the most

efficient turbine model and to further future proof the project amidst rapid technology developments.”

- 2.6 The appellant submits that, with the changes to turbine layout and turbine model specifications, the power curves and potential downstream wake effects associated with the proposed amendment applications would have changed and the analysis undertaken by 3E in connection with the original San Kraal WEF and Phezukomoya WEF projects is rendered irrelevant. In other words, the original assessment and 3E wake effect study was a preliminary study only. It was also qualified as being applicable to an earlier turbine layout/model which are no longer relevant. Therefore, the EAP's reliance on the 3E wake effect study in the amendment applications is wholly inadequate, especially as a means of determining final wake effect impacts and/or the wake effects associated with the changes brought about by the amendments.
- 2.7 Moreover, the appellant submits that the original San Kraal and Phezukomoya WEFs Environmental Impact Reports (EIRs) recommended that the preliminary wake effect study be recommissioned once the turbine layout and model is finalised, however this has not been done. As indicated above, the turbine model, layout and specifications informing the original wake effect study have changed materially. No recent and/or updated wake effect assessments have been submitted to the Department as part of the amendment applications or made available to stakeholders in an open, transparent and fair public participation process (PPP) during the amendment process.
- 2.8 In the circumstances, the appellant submits that the EAP has failed to assess and report on the impacts of the factual changes to the projects brought about by the amendment applications in the manner required by the 2014 EIA Regulations. The Amendment Reports submitted to the Department fail to satisfy the prescribed requirements for applications of this nature for the reasons that:
- The reports do not reflect an accurate assessment of all impacts related to the proposed change;
 - The failure to address wake effect impacts means that the advantages and disadvantages associated with the proposed change have not been evaluated, assessed or considered; and

- Measures to ensure avoidance, management and mitigation of impacts associated with the proposed change have not been addressed. It is clear that the Amendment Reports failed to comply with regulation 32(1) of the 2014 EIA Regulations.
- 2.9 In the circumstances, the appellant submits that the Department was not in a position to render defensible decisions regarding the proposed amendments and the impacts thereof.
- 2.10 The appellant submits that this appeal is further well-grounded in terms of a legitimate and valid concern regarding the negative socio-economic consequences of the amendment applications. The appellant states that this is evident from the recognition in the original EIRs for the Phezukomoya and San Kraal WEFs that there should be compensation for the loss experienced by the appellant as a result of the negative socio-economic impacts.
- 2.11 The appellant argues that the fact that no such compensation has been forthcoming nor commercial agreements concluded to date, illustrates the risk inherent in the EIA process and decision-making process where a crucial aspect of the impact management process is deferred until a later and undetermined date. It is further argued that impact management is effectively left to be dealt with unilaterally by the project proponents in an unregulated manner, outside the formal context of NEMA regulatory framework. The risk, plainly stated, is that the negative impacts of the proposed project identified during the EIA process are, ultimately, neither avoided, mitigated nor managed in a manner obliged by the hierarchical approach to impact management.
- 2.12 The appellant submits that the risk of the failure to address project impacts during the EIA process is manifested by adverse socio-economic impacts of wake effect on the Noupoot WEF, that are not mitigated in any manner. This risk is borne by the appellant alone. According to the appellant, the holders of the amended EAs might confirm that they consider themselves bound by Phezukomoya and San Kraal undertakings to provide the appellant with equitable compensation, but the absence of any relevant conditions in the EAs and/or commercial agreement to this effect underscores the risk to Noupoot WEF.
- 2.13 The appellant submits that this outcome, in terms of which the socio-economic impact relating to wake effects of the amendment applications is completely divorced from the statutory environmental assessment framework in NEMA and the principle of sustainable development

contemplated in section 2 of NEMA. It remains the primary purpose of the EIA process to quantify impacts during the assessment process and before a decision is taken by the competent authority to approve the amendment applications. It is submitted that this includes the obligation to ensure that, *inter alia*, the socio-economic consequences are taken into account by the competent authority after an open, transparent and fair PPP has taken place with reference to all relevant information pertaining to project impacts, including a credible, scientific and objective assessment of wake effects.

- 2.14 The appellant remains concerned that the issue surrounding wake effect impacts identified through the original EIA process remains unresolved, notwithstanding the undertakings to resolve this matter through commercial negotiations. The appellant submits that the issue of wake effect impacts is relevant to the Department's decisions on the amendment applications.
- 2.15 According to the appellant, the Noupoot Appeal Decision is not a valid basis for asserting that the wake effect impacts of the final turbine layout and specifications of the proposed four WEFs have been assessed. The reason for this is stated in the Amendment Reports which provides that the amendment applications were brought about as a result of changes to the facilities and associated infrastructure previously approved by the Department.
- 2.16 The appellant submits that, based on undertakings by Phezukomoya and San Kraal, they anticipated reaching a commercial outcome with Phezukomoya / San Kraal regarding wake effect losses, but this has not happened. According to the appellant, the Noupoot Appeal Decision incorrectly gave the appellant the impression that the quantification of wake effect impacts, and associated compensation are not relevant to the assessment process in terms of section 24 of NEMA or the appeal process in term of section 43 of NEMA. In this regard, the appellant subsequently obtained legal advice on the Noupoot Appeal Decision. This advice confirmed that the wake effect impacts of the projects are directly relevant to the assessment process in terms of section 24 of NEMA. This was confirmed in the Bayview Appeal Decision in which the Minister responsible for the Department confirmed that *"the wake effects of the proposed project are a relevant factor to be considered by the Department prior to making its decision on the application for EA concerned."*
- 2.17 The appellant submits that the Phezukomoya and San Kraal have consistently stated that they will compensate the appellant for the loss of production, but the amendment applications fail to

quantify the effect of the changes and splitting of the projects in terms of the amendment applications has on wake effects.

- 2.18 The appellant asserts that the socio-economic impacts of the proposed four WEFs are relevant factors and contends that at the time the Department approved the amendment applications, the socio-economic impact of wake effect had not been investigated or considered in any detail. It is submitted that socio-economic considerations (specifically the impact of wake effects) were reported on superficially in the original EIA process. However, this did not extend to the socio-economic consequences and wake effect impact of the changes in layout and turbine specifications relevant to the amendment process. It is submitted that the amendment applications therefore fail to satisfy the prescribed information and analysis required in terms of the 2014 EIA Regulations.
- 2.19 The appellant contends that the Department misconceived the nature of the statutory duty and responsibilities imposed upon them by failing to request the socio-economic consequences of the amendment applications to be assessed. The appellant therefore submits that the Department's functionaries did not apply their minds to relevant considerations, failed to comply with their statutory obligations in terms of sections 2 and 24 of NEMA. The appellant submits that the approval of the amendment applications was influenced by both a material error of law and fact.
- 2.20 The appellant further submits that the failure to quantify wake effect impacts in the amendment applications resulted in the failure to give effect to the hierarchical approach to impact management.
- 2.21 In response to this ground of appeal, the applicants submit that they (and potentially the Department) were not operating under the mistaken belief that the wake effect reports were relevant, accurate or applicable to the amended layouts of the projects. Based on the express wording of the previous Minister in the Noupoot Appeal Decision, the applicants and potentially the Department were operating under the assumption that the wake impact effect has "*no environmentally associated impacts*" and that what was required of the applicants was to attempt to negotiate an agreement with the appellant outside of the EIA process. This provides the context and background as to why the updated wake effect reports were not included within the EIA process for the amendment applications. The applicant submits that these reports were

done and engagement was sought from the appellants on these reports, as required by the previous Minister, albeit outside of the EIA process. This was done, as evidenced by the submission of the updated wake effect reports to the appellant on 13 July 2020, prior to filing the appeal.

- 2.22 The applicants submit that if the appellant had been unhappy with the decision and interpretation of the law of the previous Minister, their remedy would have been to apply to the High Court for judicial review. The applicant submits that the chose not to comment on the updated wake effect reports submitted on 13 July 2020.
- 2.23 The applicants submit that it is incorrect to present to the Minister a situation which suggests that they did not intend or deemed it unnecessary to update the wake effect reports. According to the applicants, it is incorrect to say that no updated wake effect reports were made available to stakeholders in an open, transparent and fair PPP. The only interested and affected party (IAP), affected by the wake impacts is the appellant and they were engaged in an open, transparent and fair manner since they were provided with copies of the updated wake effect reports for comment. The appellant chose to submit the appeal as opposed to providing comment on these reports.
- 2.24 The applicants submit that the carving out of this particular IAP and related wake impact issue from the PPP and the decision to run this particular aspect outside of the amendment process was based on the comments made by the previous Minister in the Historic Appeal Decision. At paragraph 4.23 of the Historic Appeal Decision, the previous Minister indicated that *"I'm of the view that the wake impacts have no environmentally associated impacts affecting the appellant in any way, and as such, I am not responsible to determine the influence of the wake impacts by the two projects on the Noupoot WEF...I therefore find it necessary for parties to negotiate their agreement in relation to compensation for potential loss of production on the Noupoot WEF..."* The applicants submit that they interpreted this to mean that wake effects fell outside the ambit of the EIA process as they have *"no environmentally associated impacts"* and that what was required of them was to attempt to negotiate an agreement with the appellant outside of the EIA process, as directed by the previous Minister.
- 2.25 The applicants submit that one of the conditions for seeking to negotiate compensation was for the appellant not to cause unreasonable delays to the projects. The applicants submit that the appellant has not acted in good faith and has caused unreasonable delays and interference to

the projects. As a result of such behaviour, the applicants have sought competition law advice on the lawfulness of such an approach given the abuse of process that has been experienced to date by the applicants at the hands of the appellant. Based on this competition law advice, the applicants submit that it would be unlawful for them to enter into any compensation agreement with the appellant.

- 2.26 The applicants submit that had the appellant negotiated a compensation agreement with them, as was offered on numerous occasions, it would only have been necessary to amend the wake effect reports when the projects' design was finalised, as compensation calculations would have been agreed allowing for the final findings to be run through the agreed calculation model to determine compensation.
- 2.27 The applicants submit that had the appellant raised their concerns during the PPP, the mitigation that the appellant speaks of would have been addressed.
- 2.28 The applicants submit that the appellant seeks to protect their commercial position under the guise of crying foul in respect of socio-economic impacts. The applicant contends that both the wake effect reports and the updated wake effect reports indicate that the anticipated financial losses are marginal. According to the applicant, this cannot lead to socio-economic consequences that could involve job losses or other impacts to the surrounding communities. The applicant further submits that the appellant is directly impacted upon by wake effects which is a purely commercial issue and not an environmental one, and not any broader groupings of society.
- 2.29 With regard to the Bayview Appeal Decision referred to by the appellant, the applicants submit that the Bayview matter is distinguishable from the present matter. The reason being that, in the Bayview matter, the Department issued an EA without any wake effect impact assessment conducted at all and there was no offer by the applicant in that case to enter into negotiations for any compensation arising from wake effect impacts. Despite requests, Bayview refused to undertake a wake impact assessment and proceeded to submit their final EIR to the Department without any wake effect assessment. The Department authorised the Bayview facility.

- 2.30 The applicants confirm that NEMA requires the integration of environmental protection and economic and social development, as confirmed by the Constitutional Court in the case of *Fuel Retailers Association of SA (Pty) Ltd v Director General, Environmental Management Mpumalanga and Others Case CCT 67/06 (2007) ZACC 13* (Fuel Retailers' case). In this case, the court held that once it is accepted, as it must be, that socio-economic development and the protection of the environment are interlinked, it follows that socio-economic conditions have an impact on the environment.
- 2.31 They submit that unlike in the Fuel Retailers case, the present matter does not involve any identifiable environmental concern that may arise from any socio-economic impacts that may be experienced by the appellant. The applicants submit that the appellant has not shown environmental impact that could arise as a result of socio-economic impacts arising from a 1.14% loss of production arising from the San Kraal and Hartebeesthoek East facilities or a 0.21% loss of production arising from the Phezukomoya and Hartebeesthoek West facilities (as per the updated wake effect reports). Any impacts the appellant would experience were going to be minimal. Therefore, any resulting socio-economic impacts would not have any resulting environmental impacts.
- 2.32 Based on the applicants' experience, as an international Independent Power Producer (IPP), loss of revenues of the anticipated magnitude are not uncommon in the wind industry which is why facilities often include contingencies in their business plans to cater for these types of scenarios. According to the applicants, it is inconceivable that there could be any negative environmental impact should the appellant's facility operate at 98.86% (as a result of wake effects from San Kraal and Hartebeesthoek East) or 99.79% (as a result of San Kraal and Hartebeesthoek West).
- 2.33 The applicants submit that they are aware of the Bayview Appeal Decision and reserve their rights to the extent that they may become financially prejudiced by inconsistent appeal decisions on wake impacts from the successive Ministers, where one of those decisions directed them to act in a specified way, which the applicants subsequently did.
- 2.34 In their answering statement, the appellant submits that competition in respect of renewable energy procurement takes place at bidding stage as part of the Renewable Energy Independent Power Producer Procurement Programme (the REIPPP Programme) established

by the erstwhile Department of Energy (DoE). The appellant submits that in each bidding window of the REIPPP Programme, it is not uncommon for more than 50 bids to be received by the DoE. This suggests the renewable energy market is in fact extremely competitive and it is therefore highly doubtful whether any firm could be labelled as dominant in such a market.

2.35 In their comments on this ground of appeal, the Department submits that they made a decision based on what was presented in the reports. They submit that it is important to note that the layout maps and the Environmental Management Programmes (EMPrs) were not approved; hence any changes or amendments in layout may ultimately have an impact on wake effect. Further, the Department submits that the applicants mentioned that they would continue to be in engagements with the appellant regarding the wake effect.

2.36 The Department agrees that there was no updated wake effect analysis as the amendment applications were for a split of existing EAs. In addition, the Department considers the “*wake effect*” to be a commercial issue, not environmental or social impact.

2.37 The Department further submits that the issues raised in this appeal were not raised during the EIA process for the amendment applications, nor did the appellant comment during the PPP. It is further submitted that, during the EIA process for the amendment application, specialists were requested to identify changes, if any, to the impact significance ratings, recommendations and mitigation measures contained in the previous EIA. The team of specialists, which support the proposed amendments, are the same specialists responsible for the original EIA process, with only the bat specialist added. Each specialist reviewed the proposed amendments to the authorised development and provided an opinion and assessment of the changes. Where necessary, additional site work was conducted in order to assess the potential impacts of the proposed amendments. According to the Department, the Amendment Reports complied with the requirements of the 2014 EIA Regulations and impacts were adequately assessed.

2.38 The Department further states that the Amendment Reports provided a wake effect statement on 6.11 on Page 30 thereof, indicating that:

“A wake effect analysis study was commissioned by EDF (previously InnoWind), to determine, what effect, if any, the proposed Phezukomoya development will have on the operational Noupoot Wind Farm. The study concluded that the operation of the Phezukomoya WEF will

potentially result in a 0.96 % loss for the Noupoot Wind Farm (under certain wind flow, speed and wind turbine specifications). EDF has previously engaged and will continue to engage, with Mainstream regarding the wake effect that will have a potential impact on the Noupoot Wind Farm's energy production once the Phezukomoya WEF Spilt 1 becomes operational. The total number of turbines used for the study was 55 turbines. The total combined number of turbines with the split of the Phezukomoya WEF into two smaller wind farms will decrease to 47 turbines."

2.39 The Department submits that the original applications and the amendment applications are to be seen as two separate applications, each having their own merit. The Department submits that the amendment applications briefly mentioned wake effect and that the applicants would continue to engage the appellant regarding wake effect.

2.40 The Department submits that it cannot be held responsible for financial matters between the appellant and the applicants. NEMA cannot be used as an overarching 'contract' to bind one party to another in terms of financial provisions. Hence Department cannot be held liable for an agreement between the appellant and the applicant. Wake effect affects the financial operation of said parties and has no inference to the Department, especially once an authorisation is granted.

2.41 In evaluating this ground of appeal, it is imperative to point out that the applicant for the amendment of an EA in terms of regulation 31 of the 2014 EIA Regulations, must comply with the requirements of regulation 32. Regulation 32 provides as follows:

"(1) The holder must-

(a) within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority a report, reflecting-

(i) an assessment of all impacts related to the proposed change; (ii) advantages and disadvantages associated with the proposed change; and

(iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and

(iv) any changes to the EMPR;

which report-

(i) had been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and
(ii) reflects the incorporation of comments received, including any comments of the competent authority; or

(b) submit to the competent authority a notification in writing that the report will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised report will be subjected to another public participation process of at least 30 days.

(2) In the event where subregulation (1)(b) applies, the report, which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority."

2.42 In the present matter, the information before me indicates that, during the EIA process for the amendment applications, a team of specialists responsible for the original EIA process were requested to identify changes, if any, to the impact significance ratings, recommendations and mitigation measures contained in the previous EIA reports. According to the Department, only a bat specialist study was added during the EIA process for the amendment applications. Each specialist reviewed the proposed amendments to the authorised development and provided an opinion and assessment of the changes. Where necessary, additional site work was conducted in order to assess the potential impacts of the proposed amendments.

2.43 In this regard, it was concluded that the negative impacts of the proposed development have either been avoided through the iterations of the previous EIA and EIA process for the amendment applications or are within acceptable limits. It is indicated that the impact ratings of specialists remained unchanged as the split and turbine specifications are all within the authorised site boundary resulting in no further negative environmental impacts, as a result of the proposed amendments.

- 2.44 Regarding the assessment of wake effects during the EIA process for the amendment applications, the applicants referred the Department to the previous wake effect impact studies conducted for the original EA applications. These studies were commissioned to determine, what effect (if any), the proposed Phezukomoya and San Kraal developments will have on the operational Noupoot wind farm. The studies concluded that the Phezukomoya WEF would cause the Noupoot WEF to lose an estimated maximum 0.96% of its anticipated energy production, and the San Kraal WEF would cause the Noupoot WEF to lose an estimated maximum 0.96% of its anticipated energy production (under certain wind flow, speed and wind turbine specifications).
- 2.45 The information before me further indicates that the applicants commissioned 3E to conduct wake impact analysis for the amendment applications. However, this was done outside the EIA process for the amendment applications. Therefore, the wake impact analysis reports dated 1 July 2020 were neither subjected to PPP for the amendment applications, nor availed to the Department for consideration and decision making purposes. It appears to be a common cause.
- 2.46 I have considered the submission by the applicants that these reports were submitted to the appellant on 13 July 2020, thereby giving the appellant an opportunity to comment on these reports. However, the appellant did not comment on these reports but chose to file an appeal against the approval of the Amendment Applications. I have a problem with this proposition by the applicants.
- 2.47 As at 13 July 2020, the EIA process for the amendment applications including the commenting period thereof had closed. Further, the Department already approved the amendment applications, thereby amending the EAs as alluded in paragraph 1.7 above. Comments, if any, by the appellant on the wake impact analysis reports will serve no purpose since a final determination on the amendment applications had already been made. In other words, these comments could not have considered by the Department prior to making a decision on the amendment applications.
- 2.48 Regarding the relevance on the wake effect assessment, I have already previously ruled that the wake effects of a proposed establishment of a WEF are a relevant factor to be considered by the Department prior to making a decision on a EA application. To the extent that the EA for the proposed development of Bayview WEF was granted without the benefit of wake effect

study, I found that the decision of the Department to grant the said EA to the applicant was flawed, and accordingly proceeded to set aside that authorisation.

2.49 In arriving on the conclusion regarding the wake impact assessment as a relevant consideration for wind farm projects, I was guided by the majority judgement in the Fuel Retailers case, where the Constitutional Court held that *“NEMA, which was enacted to give effect to section 24 of the Constitution, embraces the concept of sustainable development. Sustainable development is defined to mean the integration of social, economic and environmental factors into planning, implementation and decision-making for the benefit of present and future generations”*. It was further held that *“one of the key principles of NEMA requires people and their needs to be placed at the forefront of environmental management – batho pele. It requires all developments to be socially, economically and environmentally sustainable. Significantly for the present case, it requires that the social, economic and environmental impact of a proposed development be considered, assessed and evaluated and that any decision made must be appropriate in the light of such consideration and assessment. This is underscored by the requirement that decisions must take into account the interests, needs and values of all interested and affected persons.”*

2.50 The court also pointed out that *“NEMA makes it abundantly clear that the obligation of the environmental authorities includes the consideration of socio-economic factors as an integral part of its environmental responsibility”*. Very importantly, the court further pointed out that *“the nature and the scope of the obligation to consider the impact of the proposed development on socio-economic conditions must be determined in the light of the concept of sustainable development and the principle of integration of socioeconomic development and the protection of the environment. Once it is accepted, as it must be, that socio-economic development and the protection of the environment are interlinked, it follows that socio-economic conditions have an impact on the environment”*. The court went further to state that *“a consideration of socio-economic conditions therefore includes the consideration of the impact of the proposed development not only in combination with the existing developments, but also its impact on existing ones”*.

2.51 In light of the foregoing, I would like to reiterate that the wake impact assessment of the amendments applications is a relevant factor to be considered by the Department prior to making a decision on these applications.

- 2.52 I am furthermore of the view that the Department should have directed the applicant to conduct an updated wake impact assessment for the amendment applications, and subjected these reports to PPP, which would thereafter be considered by the Department for decision making purposes. Particularly in circumstances where the Department was well alive to my ruling on the relevance of wake impact assessment for wind projects.
- 2.53 I must point out that the Constitutional Court made it abundantly clear in the case of *DM Njongi v Member of Executive Council Department of Welfare Eastern Cape 2008 (4) SA 237 (CC) (28 March 2008)*, that “*Indeed Government at every level must be encouraged to re-evaluate administrative decisions that are subject to challenge and, if found to be wrong, to admit this without qualification and to disavow reliance on them. There are literally thousands of administrative decisions of this kind made every day and it would be quite untenable for each decision to be set aside by a court before the underlying obligation can be enforced*”.
- 2.54 To the extent that the Department made a decision on the amendment applications without consideration of the updated wake impact analysis, I find that the approval of these applications was flawed and therefore ought to be set aside.
- 2.55 Having ruled in favour of this ground of appeal, I now proceed to determine the appropriate remedy. Section 43(6) of NEMA allows me to make any other appropriate decision. To grant appropriate relief, I must determine what is fair and just in the circumstances of a particular case. The various interests that might be affected by the remedy should be weighed up. This should at least be guided by the objective to address the wrong occasioned by the infringement; deter future violations; make an order which can be complied with; and which is fair to all those who might be affected by the relief. It also goes without saying that the nature of the infringement will provide guidance as to the appropriate relief. This approach was followed by the Constitutional Court in the case of *Minister of Defence and Military Veterans v Motau and Others* [2014] ZACC 18.
- 2.56 In the present matter, I have taken note of the wake impact analysis reports, in respect of the amendment applications, albeit outside the EIA process. In light hereof, the appropriate remedy is to direct, as I hereby do, the applicants to subject the wake impact analysis reports dated 1 July 2020, to a public participation as contemplated in the 2014 EIA Regulations. Any comments received from I&APs, as well as responses thereto by the applicants, must be

incorporated into the final Amendment Reports, for submission to the Department for reconsideration of the amendment applications. In this regard, the timeframes prescribed by the 2014 EIA Regulations must be adhere to.

2.57 In light of the above, this ground of appeal is accordingly upheld.

Need and desirability

2.58 The appellant raises concerns regarding the need and desirability of the amendment applications. In this regard, they state that the Department might rely on policy support for the need to be cognisant of climate change and the policy objectives of promoting renewable sources of energy, as well as the fact that the need and desirability was assessed in the original EIA processes. This argument, on its own, would not be sufficient to motivate the need and desirability for the amendment applications in terms of NEMA and the specific requirements of the 2014 EIA Regulations.

2.59 The appellant submits that the enquiry into the project's need and desirability in terms of NEMA requires the principle of sustainability to be addressed from three components viz social, economic, and ecological sustainability in an integrated manner whilst having direct regard to the project specific impacts identified during the EIA process. By relying on the original wake effect study for purposes of assessing the impacts of project changes not reported on in the Amendment Reports, the amendment applications have failed to deal with the effect of the proposed amendments on wake effect impacts.

2.60 Further, the appellant submits that the failure to quantify the impacts of wake effect and the associated compensation required to address unavoidable impacts during the substantive amendments of the original EAs breaches the principle of sustainability and falls foul of section 24 of NEMA by deferring issues that are directly relevant to impact assessment at project scale to be determined outside the NEMA framework. This, in turn, fails to satisfy the legal requirement in NEMA and the 2014 EIA Regulations regarding the need and desirability analysis. It is submitted that this is particularly important given the fact that the underlying basis for the amendment applications is to assess increased levels or changes in the nature of impacts not previously contemplated in the initial EIA processes.

2.61 In the absence of a sufficiently detailed assessment of the need and desirability (and impacts associated with the changes to the turbine layout and model), the appellant submits that the need and desirability analysis is deficient. This is motivated with reference to the following:

- The amendment applications do not explicitly address the project need and desirability specifically in terms of an overall impact summary or in dealing with individual project impacts identified as being relevant to the amendments;
- The Amendment Reports fail to specifically and explicitly address questions listed in the 2017 Need and Desirability Guideline (DEA: 2017);
- The Amendment Reports do not specifically and explicitly evaluate each impact (both negative and positive) in terms of the criterion of “need and desirability” for each of the aspects of the environment affected by the amendment applications;
- The Amendment Reports rely on the wake effect analysis in the original EIRs, thereby ignoring the associated costs and negative impacts in connection with the amendment applications; and
- In these circumstances, it is not possible for I&APs to make an informed understanding of how the amendment applications will impact on their environmental rights.

2.62 As indicated above, the appellant submits that the original wake effect analysis is no longer accurate nor relevant to the amendment applications and this aspect / impact remains unresolved and unassessed. The failure to recognise and integrate wake effects into the amendment processes breaches the principle of sustainability, specifically in relation to the requirements that the amendment process must include “an assessment of all impacts related to the proposed change” and the “advantages and disadvantages associated with the proposed change”.

2.63 Furthermore, the appellant submits that the amendment applications fail to quantify socio-economic impacts and fail to evaluate and/or assess the impact on the sustainability of the Noupport WEF. The Department’s decisions therefore fail to address the question of need, desirability and sustainability in the manner contemplated in the Fuel Retailers case.

2.64 In response to this ground of appeal, the applicants submit that the need and desirability was assessed in detail when applying for the original EAs. According to the applicant, the amendment of EAs does not need to reassess the need and desirability. The applicants refer to

regulation 32(1) of the 2014 EIA Regulations, which requires that the applicants submit to the competent authority a report, reflecting:

- An assessment of all impacts related to the proposed change;
- Advantages and disadvantages associated with the proposed change;
- Measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and
- Any changes to the EMP.

2.65 It is submitted that this report is required to be subjected to a PPP and reflects the incorporation of comments received, including any comments of the competent authority. In this regard, it is submitted that specialists were appointed to assess impacts associated with the amendment applications. The applicants state that comments from the Department on the draft Amendment Reports did not discuss the requirement of a need and desirability section to be included in the final Amendment Reports. A detailed need and desirability section included in the original EIA Reports for the Phezukomoya and San Kraal WEF as well as Grid Connection (Arcus, 2018) remain unchanged and valid. The environmental impacts associated with the amendments was discussed in detail in each Amendment Report.

2.66 A motivation for the need and desirability for the proposed developments including the need and desirability of the activity in the context of the preferred location is not required to be addressed in an amendment application.

2.67 The applicants further submit that a wake effect analysis study was commissioned to determine, what effect (if any), the proposed developments will have on the operational facility of the appellant. The study concluded that the operation of the San Kraal facility would potentially result in a 0.96 % loss for the Noupoot facility (under certain wind flow, speed and wind turbine specifications) and that the Phezukomoya facility would potentially result in a 0.15 % loss for the Noupoot facility. According to the applicants, updated wake effect impact study was commissioned on 01 July 2020, submitted to the appellant on 13 July 2020.

2.68 The applicants reiterate that the total number of turbines used for the Phezukomoya facility study was 55 turbines and the total combined number of turbines with the split of the Phezukomoya facility into two smaller wind farms decreased to 47 turbines. The total number of

turbines used for the San Kraal study was 78 turbines and the total combined number of turbines with the split of the San Kraal facility into two smaller wind farms decreased to 55 turbines.

- 2.69 The applicants submit that the appellant was invited to comment during the EIA process for the amendment applications, but failed to do so.
- 2.70 In their comments to this ground of appeal, the Department submits that the needs and desirability is not an explicit requirement in terms of regulations 31 and 32 of the 2014 EIA Regulations.
- 2.71 In evaluating this ground of appeal, I am aware that the need and desirability of the proposed projects was included and assessed in the original EA applications for both the Phezukomoya and San Kraal WEFs.
- 2.72 I have perused the Amendment Reports, in particular page 13 thereof and noted the findings that renewable energy is strongly supported at a national, provincial and local level. These reports further state the following:

"The authorised turbine model with specifications of 150m hub height and 150m rotor diameter is no longer the preferred wind turbine technology. The applicant, therefore, wants to amend the authorised turbine specifications to reduce the number of turbines and to change the hub height to up to 137m and the rotor diameter to up to 175m to facilitate the most efficient turbine model and to further future proof the project amidst rapid technology developments..."

In addition, as indicated below, this impact should also be viewed within the context of the potential positive cumulative impacts for the local economy associated with the establishment of renewable energy as an economic driver in the area.

The establishment of the proposed WEF and other renewable energy projects in the area also has the potential to create a number of socio-economic opportunities for the ULM and IYLM, which, in turn, will result in a positive social benefit. Figure 5.2 shows the WEF site and a 35 km radius and reflect any renewable energy projects within this radius. The positive cumulative impacts include the creation of employment, skills development and training opportunities, creation of downstream business opportunities. The Community Trusts associated with each project will also create significant socio-economic benefits."

2.73 In light of the above, I am accordingly satisfied with the motivations provided for the amendment applications. I am therefore inclined to dismiss this ground of appeal.

3. DECISION

3.1 In reaching my decision on the appeal against the approval of the amendment applications, I have taken the following into consideration:

3.1.1 Information contained in the project files (14/12/16/3/3/2/1028/1/AM1, 14/12/16/3/3/2/1028/2/AM1, 14/12/16/3/3/2/1029/1/AM1 and 14/12/16/3/3/2/1029/2/AM1), in particular the final Amendment Reports, original wake effect impact studies and updated wake impact analysis reports dated 1 July 2020;

3.1.2 Appeal submitted by the appellant on 30 July 2020;

3.1.3 Responding statement submitted by the applicants on 16 September 2020;

3.1.4 Comments submitted by the Department on 15 September 2020; and

3.1.5 Answering statement submitted by the appellant on 19 October 2020.

3.2 In terms of section 43(6) of NEMA, I have the authority, after considering the appeal, to confirm, set aside or vary the decision, provision, condition or directive or to make any other appropriate decision.

3.3 Having duly considered the information referred to in paragraph 3.1 above, and in terms of section 43(6) of NEMA, I proceed to make the following order:

3.3.1 The ground of appeal mentioned in paragraph 1.11.1. above is upheld.

3.3.2 The ground of appeal mentioned in paragraph 1.11.2. above is dismissed.

3.3.3 The decision of the Department to approve the amendment applications on 25 March 2020 and 08 June 2020, respectively, is hereby set aside.

3.3.4 The matter is remitted to the Department for further consultation and reconsideration, as alluded to above.

**APPEAL AGAINST THE DECISION TO AMEND ENVIRONMENTAL AUTHORISATIONS
ISSUED TO SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER
(PTY)**

- 3.4 In arriving at my decision on the appeal, it should be noted that I have not responded to each and every statement set out in the appeal and/or responses thereto, and where a particular statement is not directly addressed, the absence of any response thereto should not be interpreted to mean that I agree with or abide by the statement made.
- 3.5 Furthermore, should any party be dissatisfied with any aspect of my decision, it may apply to a competent court to have this decision judicially reviewed. Judicial review proceedings must be instituted within 180 days of notification hereof, in accordance with the provisions of section 7 of Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).



MS B D CREECY, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 7/6/2021

Aneesah Alwie

From: Projects
Sent: Friday, 11 June 2021 12:49
To: Projects
Subject: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD
Attachments: National Appeals Guidelines.pdf; National Appeal Regulations 2014 as amended.pdf; Appeal Decision.pdf

Dear Stakeholder,

**NOTICE OF THE APPEAL AGAINST THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATIONS ISSUED TO SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD
PUBLIC PARTICIPATION PROCESS
APPEAL REFERENCE: LSA 196256**

This notice is hereby given in terms of National Appeals Regulations, 2014 (as amended) and the Appeals Regulation Guidelines. The Applicant must, in writing, within 12 days after the date the decision was made by the Department Notify Stakeholders of the outcome of the Decision.

On 26 September 2019, both San Kraal Wind Power (Pty) Ltd ('San Kraal') and Phezukomoya Wind Power (Pty) Ltd ('Phezukomoya') lodged amendment applications with the Department of Forestry, Fisheries and the Environment (DFFE) in respect of the Environmental Authorisations (EAs) issued on 28 June 2018 for the San Kraal Wind Energy Facility (San Kraal WEF) and the Phezukomoya Wind Energy Facility (Phezukomoya WEF). The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities.

On 30 July 2020, the Appeals Directorate received and appeal from Noupoort Wind Farm (RF) (Pty) Ltd against the approval of the amendment applications authorised.

A decision on the appeal against the approval of the amendment applications was reached by Minister Barbara Creecy – Minister of Forestry, Fisheries and the Environment – on 07 June 2021. The reason for and the directions of the decision given by the Minister can be read in the Appeal Decision attached. You can also download the Appeal Decision at <https://arcusconsulting.co.za/projects/>, or this can also be requested from Arcus at projects@arcusconsulting.co.za.

In terms of Chapter 5 of the Appeals Regulations Guidelines, interested and affected parties can lodge a notice of intention to appeal with the Minister within twenty (20) days of the date of the decision (i.e. by 28 June 2021). Should you wish to Appeal this decision, a formal Appeal can be lodged with the National Appeals Directorate at: Appeals@environment.gov.za. Please submit your appeal, in writing, following the direction of Chapter 5 of the Appeals Regulations attached.

Thank You

Kind Regards

Aneesah Alwie
Environmental Consultant, South Africa

Email: projects@arcusconsulting.co.za



**MINISTER
FORESTRY, FISHERIES AND THE ENVIRONMENT
REPUBLIC OF SOUTH AFRICA**

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Tel: (012) 399 8743
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Reference: LSA 196256

APPEAL DECISION

**APPEAL AGAINST THE DECISION TO AMEND ENVIRONMENTAL AUTHORISATIONS
ISSUED TO SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER
(PTY)**

Noupoort Wind Farm (RF) (Pty) Ltd Appellant

San Kraal Wind Power (Pty) Ltd

Phezukomoya Wind Power (Pty) Ltd

Hartebeesthoek Wind Power (Pty) Ltd Applicants

Department of Forestry, Fisheries and the Environment Competent Authority

Appeal: This is an appeal against the decisions of the Chief Director and Acting Chief Director: Integrated Environmental Authorisations of the Department of Forestry, Fisheries and the Environment (the Department) to amend Environmental Authorisations (EAs) issued to San Kraal Wind Power (Pty) Ltd (hereinafter referred to as San Kraal) and Phezukomoya Wind Power (Pty) Ltd (hereinafter referred to as Phezukomoya) on 28 June 2018.

1. BACKGROUND AND APPEAL

- 1.1 On 23 August 2017, Phezukomoya lodged an application for an EA with the Department, for the proposed construction of a 275MW Wind Energy Facility (WEF), 132kV grid connection

transmission powerline and associated infrastructure near Noupoot within the Umsobomvu and Inxuba Yethemba Local Municipalities, in Northern Cape and Eastern Cape Provinces.

- 1.2 On even date, San Kraal lodged an application for an EA with the Department, for the proposed construction of a 390MW WEF, 132kV grid connection transmission powerline and associated infrastructure at the abovementioned location.
- 1.3 On 28 June 2018, the Department approved the above applications and proceeded to issue EAs to San Kraal and Phezukomoya. These EAs were appealed by South African Mainstream Renewable Power Noupoot (Pty) Ltd on 26 July 2018. The appeals were mainly premised on the contention that the Noupoot WEF will be directly and adversely affected by the proposed development due to wake effects of the turbines situated upwind from Noupoot WEF on the adjacent properties.
- 1.4 After deliberating into the merits of the above appeals, as well as responses thereto, the then Minister responsible for the Department dismissed the appeals and confirmed the abovementioned EAs on 17 January 2019. The former Minister found that wake impacts have no environmentally associated impacts affecting the appellant in any way, and was not responsible to determine the influence bearing of the wake impacts by the two projects on the Noupoot WEF.
- 1.5 On 26 September 2019, the applicants lodged amendment applications with the Department, for the amendment of the EAs issued on 28 June 2018. The proposed amendment sought to split the original EAs in order to provide each WEFs with its own EA. The number of turbines and the generation capacity which are being applied for with each application is set out below:
 - Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (DEA Ref Number 14/12/16/3/3/2/1028/1/AM1) (initially approved 55 turbines with a maximum generating capacity of 275MW in total);
 - Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DEA Ref Number 14/12/16/3/3/2/1028/2/AM1);

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (DEA Ref Number 14/12/16/3/3/2/1029/1/AM1) (initially approved 78 turbines with a maximum generating capacity of 390MW in total); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DEA Ref Number 14/12/16/3/3/2/1029/2/AM1).

1.6 The abovementioned amendment applications were lodged in terms of regulation 31, under Part 2 of the Environmental Impact Assessment Regulations, 2014, as amended (2014 EIA Regulations). This regulation provides that *“An environmental authorisation may be amended by following the process prescribed in this Part if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or nature of impact where such level or nature of impact was not-*

(a) assessed and included in the initial application for environmental authorisation; or

(b) taken into consideration in the initial environmental authorisation;

and the change does not, on its own, constitute a listed or specified activity.”

1.7 After evaluating the information submitted in support of the amendment applications, the Department approved the applications and proceeded to issue amended EAs to Phezukomoya, San Kraal and Hartebeesthoek Wind Power (Pty) Ltd (collectively referred to as the applicants), on 25 March 2020 and 08 June 2020 respectively.

1.8 On 30 July 2020, the Directorate: Appeals and Legal Review (Appeals Directorate) within the Department received an appeal from Richard Summers Incorporated, on behalf of Noupoot Wind Farm (RF) (Pty) Ltd (the appellant), against the approval of the amendment applications. This appeal was lodged in terms of section 43(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), read together with regulation 4 of the National Appeal Regulations, 2014 (2014 Appeals Regulations).

1.9 Comments on the grounds of appeal were received from the Department on 15 September 2020. This was followed by the responding statement on the appeal, filed by the applicants on 16 September 2020.

1.10 On 19 October 2020, the appellant submitted an answering statement purported to deal with new information introduced by the applicants in their responding statement.

1.11 The appeal is broadly premised on the following grounds:

1.11.1 Error of fact; socio-economic impacts and mitigation hierarchy; and

1.11.2 Need and desirability.

2. GROUNDS OF APPEAL, RESPONSES AND EVALUATION

Error of fact; socio-economic impacts and mitigation hierarchy

2.1 The appellant submits that the Department's decisions were based on the following errors of fact and/or incorrect assumptions:

- The wake effect analysis by 3E in connection with the original Environmental Impact Assessments (EIAs) for the San Kraal and Phezukomoya WEFs remains relevant, is accurate and/or applicable to the amendment applications.
- The wake effect impact of the amendment applications and associated changes in turbine layout and changes in the turbine model is neutral in terms of its impact on the Noupport WEF and/or is similar to the wake effect impact of the turbine layout and turbine model assessed in the original EIA process.
- It is defensible for the concern regarding wake effect impacts on the Noupport WEF to be dealt with in the original EIAs only, and for it not to be addressed in the amendment applications.

2.2 The appellant submits that the Department's decisions are informed by and based upon the information contained in the Amendment Reports. The reference to wake effects in the Amendment Reports is limited to a restatement of what was done in terms of the original EIA process only. The appellant submits that there is no updated information regarding wake impacts or current wake effect analysis relevant to the changes brought about by the amendment applications. It is the appellant's submission that their concerns regarding the wake effect of wind energy facilities within the vicinity of Noupport WEF are not limited to the original EIA process only, but this is a legitimate concern regarding project related impacts associated

with the amendment applications and the wake effect impact of the final turbine layout and turbine models proposed in the amendment applications.

- 2.3 The appellant further submits that the 3E wake effect study, undertaken as part of the initial EIA process for the original San Kraal WEF and Phezukomoya WEF projects, was a preliminary analysis and was expressly qualified as being relevant only to the previous layout for the authorised Phezukomoya and San Kraal WEFs. The relevance and accuracy of the 3E wake effect study was further qualified by the statement that the results of that analysis are valid only if the power curves relevant to the original San Kraal WEF and Phezukomoya WEF projects (and relied upon by 3E in its study) remain consistent with the final project layout and final turbine model specifications. The 3E wake effect study is neither relevant nor accurate as the turbine layout and turbine specifications which form the basis of the Department's decisions has changed materially, in terms of changes to the turbine layouts and turbine model specifications necessitated by the amendment applications.
- 2.4 The appellant further submits that Mr Johan Stander, a Senior Energy Analyst at Mainstream Renewable Power Energy Analysis Group, has confirmed that the reliance on the original 3E wake effect study was misplaced as the changes brought about by the amendment applications (including changes in turbine layout, turbine hub height and rotor diameter) *"will alter the wake impacts on the Noupoort WEF"*. This change in wake effect would therefore need to be reassessed in order to determine the extent of the impacts credibly and accurately.
- 2.5 It is submitted that the 3E wake effect study relied upon a single wind farm configuration for the proposed San Kraal WEF and Phezukomoya WEF, comprising 78 Vestas V150 4 MW wind turbines, with 150m hub height and 150m rotor diameter for an installed capacity of 213 MW. The amendment applications show that the layout and turbine models for the split WEFs has changed. The amendments allow for a hub height of 137m, a rotor diameter of 175m, a turbine output of 6.2 MW, and a blade length of 87.5m. The motivation for the amendment applications is described by the Environmental Assessment Practitioner (EAP) as follows:

"The authorised turbine model with specifications of 150 m hub height and 150 m rotor diameter is no longer the preferred wind turbine technology. The applicant, therefore, wants to amend the authorised turbine specifications to reduce the number of turbines and to change the hub height to up to 137 m and the rotor diameter to up to 175 m to facilitate the most

efficient turbine model and to further future proof the project amidst rapid technology developments.”

2.6 The appellant submits that, with the changes to turbine layout and turbine model specifications, the power curves and potential downstream wake effects associated with the proposed amendment applications would have changed and the analysis undertaken by 3E in connection with the original San Kraal WEF and Phezukomoya WEF projects is rendered irrelevant. In other words, the original assessment and 3E wake effect study was a preliminary study only. It was also qualified as being applicable to an earlier turbine layout/model which are no longer relevant. Therefore, the EAP's reliance on the 3E wake effect study in the amendment applications is wholly inadequate, especially as a means of determining final wake effect impacts and/or the wake effects associated with the changes brought about by the amendments.

2.7 Moreover, the appellant submits that the original San Kraal and Phezukomoya WEFs Environmental Impact Reports (EIRs) recommended that the preliminary wake effect study be recommissioned once the turbine layout and model is finalised, however this has not been done. As indicated above, the turbine model, layout and specifications informing the original wake effect study have changed materially. No recent and/or updated wake effect assessments have been submitted to the Department as part of the amendment applications or made available to stakeholders in an open, transparent and fair public participation process (PPP) during the amendment process.

2.8 In the circumstances, the appellant submits that the EAP has failed to assess and report on the impacts of the factual changes to the projects brought about by the amendment applications in the manner required by the 2014 EIA Regulations. The Amendment Reports submitted to the Department fail to satisfy the prescribed requirements for applications of this nature for the reasons that:

- The reports do not reflect an accurate assessment of all impacts related to the proposed change;
- The failure to address wake effect impacts means that the advantages and disadvantages associated with the proposed change have not been evaluated, assessed or considered; and

- Measures to ensure avoidance, management and mitigation of impacts associated with the proposed change have not been addressed. It is clear that the Amendment Reports failed to comply with regulation 32(1) of the 2014 EIA Regulations.
- 2.9 In the circumstances, the appellant submits that the Department was not in a position to render defensible decisions regarding the proposed amendments and the impacts thereof.
- 2.10 The appellant submits that this appeal is further well-grounded in terms of a legitimate and valid concern regarding the negative socio-economic consequences of the amendment applications. The appellant states that this is evident from the recognition in the original EIRs for the Phezukomoya and San Kraal WEFs that there should be compensation for the loss experienced by the appellant as a result of the negative socio-economic impacts.
- 2.11 The appellant argues that the fact that no such compensation has been forthcoming nor commercial agreements concluded to date, illustrates the risk inherent in the EIA process and decision-making process where a crucial aspect of the impact management process is deferred until a later and undetermined date. It is further argued that impact management is effectively left to be dealt with unilaterally by the project proponents in an unregulated manner, outside the formal context of NEMA regulatory framework. The risk, plainly stated, is that the negative impacts of the proposed project identified during the EIA process are, ultimately, neither avoided, mitigated nor managed in a manner obliged by the hierarchical approach to impact management.
- 2.12 The appellant submits that the risk of the failure to address project impacts during the EIA process is manifested by adverse socio-economic impacts of wake effect on the Noupoot WEF, that are not mitigated in any manner. This risk is borne by the appellant alone. According to the appellant, the holders of the amended EAs might confirm that they consider themselves bound by Phezukomoya and San Kraal undertakings to provide the appellant with equitable compensation, but the absence of any relevant conditions in the EAs and/or commercial agreement to this effect underscores the risk to Noupoot WEF.
- 2.13 The appellant submits that this outcome, in terms of which the socio-economic impact relating to wake effects of the amendment applications is completely divorced from the statutory environmental assessment framework in NEMA and the principle of sustainable development

contemplated in section 2 of NEMA. It remains the primary purpose of the EIA process to quantify impacts during the assessment process and before a decision is taken by the competent authority to approve the amendment applications. It is submitted that this includes the obligation to ensure that, *inter alia*, the socio-economic consequences are taken into account by the competent authority after an open, transparent and fair PPP has taken place with reference to all relevant information pertaining to project impacts, including a credible, scientific and objective assessment of wake effects.

- 2.14 The appellant remains concerned that the issue surrounding wake effect impacts identified through the original EIA process remains unresolved, notwithstanding the undertakings to resolve this matter through commercial negotiations. The appellant submits that the issue of wake effect impacts is relevant to the Department's decisions on the amendment applications.
- 2.15 According to the appellant, the Noupoot Appeal Decision is not a valid basis for asserting that the wake effect impacts of the final turbine layout and specifications of the proposed four WEFs have been assessed. The reason for this is stated in the Amendment Reports which provides that the amendment applications were brought about as a result of changes to the facilities and associated infrastructure previously approved by the Department.
- 2.16 The appellant submits that, based on undertakings by Phezukomoya and San Kraal, they anticipated reaching a commercial outcome with Phezukomoya / San Kraal regarding wake effect losses, but this has not happened. According to the appellant, the Noupoot Appeal Decision incorrectly gave the appellant the impression that the quantification of wake effect impacts, and associated compensation are not relevant to the assessment process in terms of section 24 of NEMA or the appeal process in term of section 43 of NEMA. In this regard, the appellant subsequently obtained legal advice on the Noupoot Appeal Decision. This advice confirmed that the wake effect impacts of the projects are directly relevant to the assessment process in terms of section 24 of NEMA. This was confirmed in the Bayview Appeal Decision in which the Minister responsible for the Department confirmed that *"the wake effects of the proposed project are a relevant factor to be considered by the Department prior to making its decision on the application for EA concerned."*
- 2.17 The appellant submits that the Phezukomoya and San Kraal have consistently stated that they will compensate the appellant for the loss of production, but the amendment applications fail to

quantify the effect of the changes and splitting of the projects in terms of the amendment applications has on wake effects.

- 2.18 The appellant asserts that the socio-economic impacts of the proposed four WEFs are relevant factors and contends that at the time the Department approved the amendment applications, the socio-economic impact of wake effect had not been investigated or considered in any detail. It is submitted that socio-economic considerations (specifically the impact of wake effects) were reported on superficially in the original EIA process. However, this did not extend to the socio-economic consequences and wake effect impact of the changes in layout and turbine specifications relevant to the amendment process. It is submitted that the amendment applications therefore fail to satisfy the prescribed information and analysis required in terms of the 2014 EIA Regulations.
- 2.19 The appellant contends that the Department misconceived the nature of the statutory duty and responsibilities imposed upon them by failing to request the socio-economic consequences of the amendment applications to be assessed. The appellant therefore submits that the Department's functionaries did not apply their minds to relevant considerations, failed to comply with their statutory obligations in terms of sections 2 and 24 of NEMA. The appellant submits that the approval of the amendment applications was influenced by both a material error of law and fact.
- 2.20 The appellant further submits that the failure to quantify wake effect impacts in the amendment applications resulted in the failure to give effect to the hierarchical approach to impact management.
- 2.21 In response to this ground of appeal, the applicants submit that they (and potentially the Department) were not operating under the mistaken belief that the wake effect reports were relevant, accurate or applicable to the amended layouts of the projects. Based on the express wording of the previous Minister in the Noupoot Appeal Decision, the applicants and potentially the Department were operating under the assumption that the wake impact effect has "*no environmentally associated impacts*" and that what was required of the applicants was to attempt to negotiate an agreement with the appellant outside of the EIA process. This provides the context and background as to why the updated wake effect reports were not included within the EIA process for the amendment applications. The applicant submits that these reports were

done and engagement was sought from the appellants on these reports, as required by the previous Minister, albeit outside of the EIA process. This was done, as evidenced by the submission of the updated wake effect reports to the appellant on 13 July 2020, prior to filing the appeal.

- 2.22 The applicants submit that if the appellant had been unhappy with the decision and interpretation of the law of the previous Minister, their remedy would have been to apply to the High Court for judicial review. The applicant submits that the chose not to comment on the updated wake effect reports submitted on 13 July 2020.
- 2.23 The applicants submit that it is incorrect to present to the Minister a situation which suggests that they did not intend or deemed it unnecessary to update the wake effect reports. According to the applicants, it is incorrect to say that no updated wake effect reports were made available to stakeholders in an open, transparent and fair PPP. The only interested and affected party (IAP), affected by the wake impacts is the appellant and they were engaged in an open, transparent and fair manner since they were provided with copies of the updated wake effect reports for comment. The appellant chose to submit the appeal as opposed to providing comment on these reports.
- 2.24 The applicants submit that the carving out of this particular IAP and related wake impact issue from the PPP and the decision to run this particular aspect outside of the amendment process was based on the comments made by the previous Minister in the Historic Appeal Decision. At paragraph 4.23 of the Historic Appeal Decision, the previous Minister indicated that *"I'm of the view that the wake impacts have no environmentally associated impacts affecting the appellant in any way, and as such, I am not responsible to determine the influence of the wake impacts by the two projects on the Noupoot WEF...I therefore find it necessary for parties to negotiate their agreement in relation to compensation for potential loss of production on the Noupoot WEF..."* The applicants submit that they interpreted this to mean that wake effects fell outside the ambit of the EIA process as they have *"no environmentally associated impacts"* and that what was required of them was to attempt to negotiate an agreement with the appellant outside of the EIA process, as directed by the previous Minister.
- 2.25 The applicants submit that one of the conditions for seeking to negotiate compensation was for the appellant not to cause unreasonable delays to the projects. The applicants submit that the appellant has not acted in good faith and has caused unreasonable delays and interference to

the projects. As a result of such behaviour, the applicants have sought competition law advice on the lawfulness of such an approach given the abuse of process that has been experienced to date by the applicants at the hands of the appellant. Based on this competition law advice, the applicants submit that it would be unlawful for them to enter into any compensation agreement with the appellant.

- 2.26 The applicants submit that had the appellant negotiated a compensation agreement with them, as was offered on numerous occasions, it would only have been necessary to amend the wake effect reports when the projects' design was finalised, as compensation calculations would have been agreed allowing for the final findings to be run through the agreed calculation model to determine compensation.
- 2.27 The applicants submit that had the appellant raised their concerns during the PPP, the mitigation that the appellant speaks of would have been addressed.
- 2.28 The applicants submit that the appellant seeks to protect their commercial position under the guise of crying foul in respect of socio-economic impacts. The applicant contends that both the wake effect reports and the updated wake effect reports indicate that the anticipated financial losses are marginal. According to the applicant, this cannot lead to socio-economic consequences that could involve job losses or other impacts to the surrounding communities. The applicant further submits that the appellant is directly impacted upon by wake effects which is a purely commercial issue and not an environmental one, and not any broader groupings of society.
- 2.29 With regard to the Bayview Appeal Decision referred to by the appellant, the applicants submit that the Bayview matter is distinguishable from the present matter. The reason being that, in the Bayview matter, the Department issued an EA without any wake effect impact assessment conducted at all and there was no offer by the applicant in that case to enter into negotiations for any compensation arising from wake effect impacts. Despite requests, Bayview refused to undertake a wake impact assessment and proceeded to submit their final EIR to the Department without any wake effect assessment. The Department authorised the Bayview facility.

- 2.30 The applicants confirm that NEMA requires the integration of environmental protection and economic and social development, as confirmed by the Constitutional Court in the case of *Fuel Retailers Association of SA (Pty) Ltd v Director General, Environmental Management Mpumalanga and Others Case CCT 67/06 (2007) ZACC 13* (Fuel Retailers' case). In this case, the court held that once it is accepted, as it must be, that socio-economic development and the protection of the environment are interlinked, it follows that socio-economic conditions have an impact on the environment.
- 2.31 They submit that unlike in the Fuel Retailers case, the present matter does not involve any identifiable environmental concern that may arise from any socio-economic impacts that may be experienced by the appellant. The applicants submit that the appellant has not shown environmental impact that could arise as a result of socio-economic impacts arising from a 1.14% loss of production arising from the San Kraal and Hartebeesthoek East facilities or a 0.21% loss of production arising from the Phezukomoya and Hartebeesthoek West facilities (as per the updated wake effect reports). Any impacts the appellant would experience were going to be minimal. Therefore, any resulting socio-economic impacts would not have any resulting environmental impacts.
- 2.32 Based on the applicants' experience, as an international Independent Power Producer (IPP), loss of revenues of the anticipated magnitude are not uncommon in the wind industry which is why facilities often include contingencies in their business plans to cater for these types of scenarios. According to the applicants, it is inconceivable that there could be any negative environmental impact should the appellant's facility operate at 98.86% (as a result of wake effects from San Kraal and Hartebeesthoek East) or 99.79% (as a result of San Kraal and Hartebeesthoek West).
- 2.33 The applicants submit that they are aware of the Bayview Appeal Decision and reserve their rights to the extent that they may become financially prejudiced by inconsistent appeal decisions on wake impacts from the successive Ministers, where one of those decisions directed them to act in a specified way, which the applicants subsequently did.
- 2.34 In their answering statement, the appellant submits that competition in respect of renewable energy procurement takes place at bidding stage as part of the Renewable Energy Independent Power Producer Procurement Programme (the REIPPP Programme) established

by the erstwhile Department of Energy (DoE). The appellant submits that in each bidding window of the REIPPP Programme, it is not uncommon for more than 50 bids to be received by the DoE. This suggests the renewable energy market is in fact extremely competitive and it is therefore highly doubtful whether any firm could be labelled as dominant in such a market.

2.35 In their comments on this ground of appeal, the Department submits that they made a decision based on what was presented in the reports. They submit that it is important to note that the layout maps and the Environmental Management Programmes (EMPrs) were not approved; hence any changes or amendments in layout may ultimately have an impact on wake effect. Further, the Department submits that the applicants mentioned that they would continue to be in engagements with the appellant regarding the wake effect.

2.36 The Department agrees that there was no updated wake effect analysis as the amendment applications were for a split of existing EAs. In addition, the Department considers the “*wake effect*” to be a commercial issue, not environmental or social impact.

2.37 The Department further submits that the issues raised in this appeal were not raised during the EIA process for the amendment applications, nor did the appellant comment during the PPP. It is further submitted that, during the EIA process for the amendment application, specialists were requested to identify changes, if any, to the impact significance ratings, recommendations and mitigation measures contained in the previous EIA. The team of specialists, which support the proposed amendments, are the same specialists responsible for the original EIA process, with only the bat specialist added. Each specialist reviewed the proposed amendments to the authorised development and provided an opinion and assessment of the changes. Where necessary, additional site work was conducted in order to assess the potential impacts of the proposed amendments. According to the Department, the Amendment Reports complied with the requirements of the 2014 EIA Regulations and impacts were adequately assessed.

2.38 The Department further states that the Amendment Reports provided a wake effect statement on 6.11 on Page 30 thereof, indicating that:

“A wake effect analysis study was commissioned by EDF (previously InnoWind), to determine, what effect, if any, the proposed Phezukomoya development will have on the operational Noupoot Wind Farm. The study concluded that the operation of the Phezukomoya WEF will

potentially result in a 0.96 % loss for the Noupoot Wind Farm (under certain wind flow, speed and wind turbine specifications). EDF has previously engaged and will continue to engage, with Mainstream regarding the wake effect that will have a potential impact on the Noupoot Wind Farm's energy production once the Phezukomoya WEF Spilt 1 becomes operational. The total number of turbines used for the study was 55 turbines. The total combined number of turbines with the split of the Phezukomoya WEF into two smaller wind farms will decrease to 47 turbines."

2.39 The Department submits that the original applications and the amendment applications are to be seen as two separate applications, each having their own merit. The Department submits that the amendment applications briefly mentioned wake effect and that the applicants would continue to engage the appellant regarding wake effect.

2.40 The Department submits that it cannot be held responsible for financial matters between the appellant and the applicants. NEMA cannot be used as an overarching 'contract' to bind one party to another in terms of financial provisions. Hence Department cannot be held liable for an agreement between the appellant and the applicant. Wake effect affects the financial operation of said parties and has no inference to the Department, especially once an authorisation is granted.

2.41 In evaluating this ground of appeal, it is imperative to point out that the applicant for the amendment of an EA in terms of regulation 31 of the 2014 EIA Regulations, must comply with the requirements of regulation 32. Regulation 32 provides as follows:

"(1) The holder must-

(a) within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority a report, reflecting-

(i) an assessment of all impacts related to the proposed change; (ii) advantages and disadvantages associated with the proposed change; and

(iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and

(iv) any changes to the EMPR;

which report-

(i) had been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and
(ii) reflects the incorporation of comments received, including any comments of the competent authority; or

(b) submit to the competent authority a notification in writing that the report will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised report will be subjected to another public participation process of at least 30 days.

(2) In the event where subregulation (1)(b) applies, the report, which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority."

2.42 In the present matter, the information before me indicates that, during the EIA process for the amendment applications, a team of specialists responsible for the original EIA process were requested to identify changes, if any, to the impact significance ratings, recommendations and mitigation measures contained in the previous EIA reports. According to the Department, only a bat specialist study was added during the EIA process for the amendment applications. Each specialist reviewed the proposed amendments to the authorised development and provided an opinion and assessment of the changes. Where necessary, additional site work was conducted in order to assess the potential impacts of the proposed amendments.

2.43 In this regard, it was concluded that the negative impacts of the proposed development have either been avoided through the iterations of the previous EIA and EIA process for the amendment applications or are within acceptable limits. It is indicated that the impact ratings of specialists remained unchanged as the split and turbine specifications are all within the authorised site boundary resulting in no further negative environmental impacts, as a result of the proposed amendments.

- 2.44 Regarding the assessment of wake effects during the EIA process for the amendment applications, the applicants referred the Department to the previous wake effect impact studies conducted for the original EA applications. These studies were commissioned to determine, what effect (if any), the proposed Phezukomoya and San Kraal developments will have on the operational Noupoot wind farm. The studies concluded that the Phezukomoya WEF would cause the Noupoot WEF to lose an estimated maximum 0.96% of its anticipated energy production, and the San Kraal WEF would cause the Noupoot WEF to lose an estimated maximum 0.96% of its anticipated energy production (under certain wind flow, speed and wind turbine specifications).
- 2.45 The information before me further indicates that the applicants commissioned 3E to conduct wake impact analysis for the amendment applications. However, this was done outside the EIA process for the amendment applications. Therefore, the wake impact analysis reports dated 1 July 2020 were neither subjected to PPP for the amendment applications, nor availed to the Department for consideration and decision making purposes. It appears to be a common cause.
- 2.46 I have considered the submission by the applicants that these reports were submitted to the appellant on 13 July 2020, thereby giving the appellant an opportunity to comment on these reports. However, the appellant did not comment on these reports but chose to file an appeal against the approval of the Amendment Applications. I have a problem with this proposition by the applicants.
- 2.47 As at 13 July 2020, the EIA process for the amendment applications including the commenting period thereof had closed. Further, the Department already approved the amendment applications, thereby amending the EAs as alluded in paragraph 1.7 above. Comments, if any, by the appellant on the wake impact analysis reports will serve no purpose since a final determination on the amendment applications had already been made. In other words, these comments could not have considered by the Department prior to making a decision on the amendment applications.
- 2.48 Regarding the relevance on the wake effect assessment, I have already previously ruled that the wake effects of a proposed establishment of a WEF are a relevant factor to be considered by the Department prior to making a decision on a EA application. To the extent that the EA for the proposed development of Bayview WEF was granted without the benefit of wake effect

study, I found that the decision of the Department to grant the said EA to the applicant was flawed, and accordingly proceeded to set aside that authorisation.

2.49 In arriving on the conclusion regarding the wake impact assessment as a relevant consideration for wind farm projects, I was guided by the majority judgement in the Fuel Retailers case, where the Constitutional Court held that *“NEMA, which was enacted to give effect to section 24 of the Constitution, embraces the concept of sustainable development. Sustainable development is defined to mean the integration of social, economic and environmental factors into planning, implementation and decision-making for the benefit of present and future generations”*. It was further held that *“one of the key principles of NEMA requires people and their needs to be placed at the forefront of environmental management – batho pele. It requires all developments to be socially, economically and environmentally sustainable. Significantly for the present case, it requires that the social, economic and environmental impact of a proposed development be considered, assessed and evaluated and that any decision made must be appropriate in the light of such consideration and assessment. This is underscored by the requirement that decisions must take into account the interests, needs and values of all interested and affected persons.”*

2.50 The court also pointed out that *“NEMA makes it abundantly clear that the obligation of the environmental authorities includes the consideration of socio-economic factors as an integral part of its environmental responsibility”*. Very importantly, the court further pointed out that *“the nature and the scope of the obligation to consider the impact of the proposed development on socio-economic conditions must be determined in the light of the concept of sustainable development and the principle of integration of socioeconomic development and the protection of the environment. Once it is accepted, as it must be, that socio-economic development and the protection of the environment are interlinked, it follows that socio-economic conditions have an impact on the environment”*. The court went further to state that *“a consideration of socio-economic conditions therefore includes the consideration of the impact of the proposed development not only in combination with the existing developments, but also its impact on existing ones”*.

2.51 In light of the foregoing, I would like to reiterate that the wake impact assessment of the amendments applications is a relevant factor to be considered by the Department prior to making a decision on these applications.

- 2.52 I am furthermore of the view that the Department should have directed the applicant to conduct an updated wake impact assessment for the amendment applications, and subjected these reports to PPP, which would thereafter be considered by the Department for decision making purposes. Particularly in circumstances where the Department was well alive to my ruling on the relevance of wake impact assessment for wind projects.
- 2.53 I must point out that the Constitutional Court made it abundantly clear in the case of *DM Njongi v Member of Executive Council Department of Welfare Eastern Cape 2008 (4) SA 237 (CC) (28 March 2008)*, that “*Indeed Government at every level must be encouraged to re-evaluate administrative decisions that are subject to challenge and, if found to be wrong, to admit this without qualification and to disavow reliance on them. There are literally thousands of administrative decisions of this kind made every day and it would be quite untenable for each decision to be set aside by a court before the underlying obligation can be enforced*”.
- 2.54 To the extent that the Department made a decision on the amendment applications without consideration of the updated wake impact analysis, I find that the approval of these applications was flawed and therefore ought to be set aside.
- 2.55 Having ruled in favour of this ground of appeal, I now proceed to determine the appropriate remedy. Section 43(6) of NEMA allows me to make any other appropriate decision. To grant appropriate relief, I must determine what is fair and just in the circumstances of a particular case. The various interests that might be affected by the remedy should be weighed up. This should at least be guided by the objective to address the wrong occasioned by the infringement; deter future violations; make an order which can be complied with; and which is fair to all those who might be affected by the relief. It also goes without saying that the nature of the infringement will provide guidance as to the appropriate relief. This approach was followed by the Constitutional Court in the case of *Minister of Defence and Military Veterans v Motau and Others* [2014] ZACC 18.
- 2.56 In the present matter, I have taken note of the wake impact analysis reports, in respect of the amendment applications, albeit outside the EIA process. In light hereof, the appropriate remedy is to direct, as I hereby do, the applicants to subject the wake impact analysis reports dated 1 July 2020, to a public participation as contemplated in the 2014 EIA Regulations. Any comments received from I&APs, as well as responses thereto by the applicants, must be

incorporated into the final Amendment Reports, for submission to the Department for reconsideration of the amendment applications. In this regard, the timeframes prescribed by the 2014 EIA Regulations must be adhere to.

2.57 In light of the above, this ground of appeal is accordingly upheld.

Need and desirability

2.58 The appellant raises concerns regarding the need and desirability of the amendment applications. In this regard, they state that the Department might rely on policy support for the need to be cognisant of climate change and the policy objectives of promoting renewable sources of energy, as well as the fact that the need and desirability was assessed in the original EIA processes. This argument, on its own, would not be sufficient to motivate the need and desirability for the amendment applications in terms of NEMA and the specific requirements of the 2014 EIA Regulations.

2.59 The appellant submits that the enquiry into the project's need and desirability in terms of NEMA requires the principle of sustainability to be addressed from three components viz social, economic, and ecological sustainability in an integrated manner whilst having direct regard to the project specific impacts identified during the EIA process. By relying on the original wake effect study for purposes of assessing the impacts of project changes not reported on in the Amendment Reports, the amendment applications have failed to deal with the effect of the proposed amendments on wake effect impacts.

2.60 Further, the appellant submits that the failure to quantify the impacts of wake effect and the associated compensation required to address unavoidable impacts during the substantive amendments of the original EAs breaches the principle of sustainability and falls foul of section 24 of NEMA by deferring issues that are directly relevant to impact assessment at project scale to be determined outside the NEMA framework. This, in turn, fails to satisfy the legal requirement in NEMA and the 2014 EIA Regulations regarding the need and desirability analysis. It is submitted that this is particularly important given the fact that the underlying basis for the amendment applications is to assess increased levels or changes in the nature of impacts not previously contemplated in the initial EIA processes.

2.61 In the absence of a sufficiently detailed assessment of the need and desirability (and impacts associated with the changes to the turbine layout and model), the appellant submits that the need and desirability analysis is deficient. This is motivated with reference to the following:

- The amendment applications do not explicitly address the project need and desirability specifically in terms of an overall impact summary or in dealing with individual project impacts identified as being relevant to the amendments;
- The Amendment Reports fail to specifically and explicitly address questions listed in the 2017 Need and Desirability Guideline (DEA: 2017);
- The Amendment Reports do not specifically and explicitly evaluate each impact (both negative and positive) in terms of the criterion of “need and desirability” for each of the aspects of the environment affected by the amendment applications;
- The Amendment Reports rely on the wake effect analysis in the original EIRs, thereby ignoring the associated costs and negative impacts in connection with the amendment applications; and
- In these circumstances, it is not possible for I&APs to make an informed understanding of how the amendment applications will impact on their environmental rights.

2.62 As indicated above, the appellant submits that the original wake effect analysis is no longer accurate nor relevant to the amendment applications and this aspect / impact remains unresolved and unassessed. The failure to recognise and integrate wake effects into the amendment processes breaches the principle of sustainability, specifically in relation to the requirements that the amendment process must include “an assessment of all impacts related to the proposed change” and the “advantages and disadvantages associated with the proposed change”.

2.63 Furthermore, the appellant submits that the amendment applications fail to quantify socio-economic impacts and fail to evaluate and/or assess the impact on the sustainability of the Noupport WEF. The Department’s decisions therefore fail to address the question of need, desirability and sustainability in the manner contemplated in the Fuel Retailers case.

2.64 In response to this ground of appeal, the applicants submit that the need and desirability was assessed in detail when applying for the original EAs. According to the applicant, the amendment of EAs does not need to reassess the need and desirability. The applicants refer to

regulation 32(1) of the 2014 EIA Regulations, which requires that the applicants submit to the competent authority a report, reflecting:

- An assessment of all impacts related to the proposed change;
- Advantages and disadvantages associated with the proposed change;
- Measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and
- Any changes to the EMP.

2.65 It is submitted that this report is required to be subjected to a PPP and reflects the incorporation of comments received, including any comments of the competent authority. In this regard, it is submitted that specialists were appointed to assess impacts associated with the amendment applications. The applicants state that comments from the Department on the draft Amendment Reports did not discuss the requirement of a need and desirability section to be included in the final Amendment Reports. A detailed need and desirability section included in the original EIA Reports for the Phezukomoya and San Kraal WEF as well as Grid Connection (Arcus, 2018) remain unchanged and valid. The environmental impacts associated with the amendments was discussed in detail in each Amendment Report.

2.66 A motivation for the need and desirability for the proposed developments including the need and desirability of the activity in the context of the preferred location is not required to be addressed in an amendment application.

2.67 The applicants further submit that a wake effect analysis study was commissioned to determine, what effect (if any), the proposed developments will have on the operational facility of the appellant. The study concluded that the operation of the San Kraal facility would potentially result in a 0.96 % loss for the Noupoot facility (under certain wind flow, speed and wind turbine specifications) and that the Phezukomoya facility would potentially result in a 0.15 % loss for the Noupoot facility. According to the applicants, updated wake effect impact study was commissioned on 01 July 2020, submitted to the appellant on 13 July 2020.

2.68 The applicants reiterate that the total number of turbines used for the Phezukomoya facility study was 55 turbines and the total combined number of turbines with the split of the Phezukomoya facility into two smaller wind farms decreased to 47 turbines. The total number of

turbines used for the San Kraal study was 78 turbines and the total combined number of turbines with the split of the San Kraal facility into two smaller wind farms decreased to 55 turbines.

- 2.69 The applicants submit that the appellant was invited to comment during the EIA process for the amendment applications, but failed to do so.
- 2.70 In their comments to this ground of appeal, the Department submits that the needs and desirability is not an explicit requirement in terms of regulations 31 and 32 of the 2014 EIA Regulations.
- 2.71 In evaluating this ground of appeal, I am aware that the need and desirability of the proposed projects was included and assessed in the original EA applications for both the Phezukomoya and San Kraal WEFs.
- 2.72 I have perused the Amendment Reports, in particular page 13 thereof and noted the findings that renewable energy is strongly supported at a national, provincial and local level. These reports further state the following:

"The authorised turbine model with specifications of 150m hub height and 150m rotor diameter is no longer the preferred wind turbine technology. The applicant, therefore, wants to amend the authorised turbine specifications to reduce the number of turbines and to change the hub height to up to 137m and the rotor diameter to up to 175m to facilitate the most efficient turbine model and to further future proof the project amidst rapid technology developments..."

In addition, as indicated below, this impact should also be viewed within the context of the potential positive cumulative impacts for the local economy associated with the establishment of renewable energy as an economic driver in the area.

The establishment of the proposed WEF and other renewable energy projects in the area also has the potential to create a number of socio-economic opportunities for the ULM and IYLM, which, in turn, will result in a positive social benefit. Figure 5.2 shows the WEF site and a 35 km radius and reflect any renewable energy projects within this radius. The positive cumulative impacts include the creation of employment, skills development and training opportunities, creation of downstream business opportunities. The Community Trusts associated with each project will also create significant socio-economic benefits."

2.73 In light of the above, I am accordingly satisfied with the motivations provided for the amendment applications. I am therefore inclined to dismiss this ground of appeal.

3. DECISION

3.1 In reaching my decision on the appeal against the approval of the amendment applications, I have taken the following into consideration:

3.1.1 Information contained in the project files (14/12/16/3/3/2/1028/1/AM1, 14/12/16/3/3/2/1028/2/AM1, 14/12/16/3/3/2/1029/1/AM1 and 14/12/16/3/3/2/1029/2/AM1), in particular the final Amendment Reports, original wake effect impact studies and updated wake impact analysis reports dated 1 July 2020;

3.1.2 Appeal submitted by the appellant on 30 July 2020;

3.1.3 Responding statement submitted by the applicants on 16 September 2020;

3.1.4 Comments submitted by the Department on 15 September 2020; and

3.1.5 Answering statement submitted by the appellant on 19 October 2020.

3.2 In terms of section 43(6) of NEMA, I have the authority, after considering the appeal, to confirm, set aside or vary the decision, provision, condition or directive or to make any other appropriate decision.

3.3 Having duly considered the information referred to in paragraph 3.1 above, and in terms of section 43(6) of NEMA, I proceed to make the following order:

3.3.1 The ground of appeal mentioned in paragraph 1.11.1. above is upheld.

3.3.2 The ground of appeal mentioned in paragraph 1.11.2. above is dismissed.

3.3.3 The decision of the Department to approve the amendment applications on 25 March 2020 and 08 June 2020, respectively, is hereby set aside.

3.3.4 The matter is remitted to the Department for further consultation and reconsideration, as alluded to above.

**APPEAL AGAINST THE DECISION TO AMEND ENVIRONMENTAL AUTHORISATIONS
ISSUED TO SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER
(PTY)**

- 3.4 In arriving at my decision on the appeal, it should be noted that I have not responded to each and every statement set out in the appeal and/or responses thereto, and where a particular statement is not directly addressed, the absence of any response thereto should not be interpreted to mean that I agree with or abide by the statement made.
- 3.5 Furthermore, should any party be dissatisfied with any aspect of my decision, it may apply to a competent court to have this decision judicially reviewed. Judicial review proceedings must be instituted within 180 days of notification hereof, in accordance with the provisions of section 7 of Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).



MS B D CREECY, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 7/6/2021



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

GUIDELINE ON THE ADMINISTRATION OF APPEALS

Please note: This guideline must be read together with the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), and the National Appeal Regulations, 2014.

Enquiries and Comments: All enquiries and comments should be addressed to –

Mr Ziyaad Hassam
Director: Appeals and Legal Review
Department of Environmental Affairs
Private Bag X447
Pretoria
0001,
South Africa.
Tel: 012 399 9356
email: Appealsdirector@environment.gov.za

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1. DEFINITIONS

“**Appeal Administrator**” is a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

“**Appeal Authority**” is the Minister, the MEC or person delegated the power to decide on appeals by the Minister or MEC, as the case may be.

“**Appellant**” means any person who is entitled to submit an appeal in terms of the laws referred to in regulation 3(1) of these Regulations;

“**Decision-maker**” means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

“**Applicant**” means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

“**Independent**”, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

“**Person**” has the meaning assigned to it in section 1 of NEMA;

“**Days**” means calendar days.

Note: When a period of days must be reckoned in terms of these regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 1 January must be excluded from the reckoning of days.

“Department”, means the Department of Environmental Affairs.

“EIA” means Environmental Impact Assessment.

“EIA Regulations”, means the Environmental Impact Assessment Regulations promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

“Environmental authorisation” means the authorisation by a competent authority of a listed or specified activity in terms of NEMA, and includes a similar authorisation contemplated in a specific environmental management Act.

“I&AP” means Interested and Affected Party.

“NEMA” means National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

“NEMBA” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

“NEM: AQA” means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

“NEM: WA” means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

“Public Participation Process”, means a process by which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, an application.

“SEMA” means Specific Environmental Management Act.

2. INTRODUCTION

- 2.1 The National Appeals Regulations, 2014 has repealed the various appeal regulations currently in effect in terms of NEMA and the SEMAs, and provides for a single appeal process under section 43 of the National Environmental Management Act, 1998 against a decision taken by any person acting under a power delegated by the Minister or MEC.
- 2.2 Section 43 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("*NEMA*") designates the Minister of Environmental Affairs as the appeal authority for a decision made by a delegated official of the Department of Environmental Affairs (the Department) under NEMA or a specific environmental management Act.
- 2.3 The Directorate: Appeals and Legal Review is responsible for administering appeals and making recommendations on appeals to the Minister of Environmental Affairs.
- 2.4 In this respect, the purpose of this guide is to provide information and guidance for applicants, authorities and interested and affected parties ("I&APs") on appeals submitted to the Minister in terms of NEMA and the SEMAs.

3. APPEAL SUBMISSIONS

- 3.1 Chapter 2 of the 2014 Appeal Regulations prescribe that an appellant must submit the appeal to the appeal administrator and to any known interested and affected party within 20 days from the date that the decision for an application for an environmental authorisation in terms of NEMA or a waste management licence in terms of the Waste Act was sent to the registered interested and affected parties, or in the case of decisions where this does not apply, the date that the decision was sent to the applicant.
- 3.2 No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority. An appeal may, however, be lodged with the Minister or MEC responsible for Environmental Affairs against a delegated decision taken by the Department on an application.
- 3.3 An appeal submission must be submitted in writing in the form obtainable from the Minister or MEC, and must be accompanied by –

- a statement setting out the grounds of appeal;
- additional supporting documentation that is referred to (which did not form part of the original application);
- a statement that the applicant complied with the prescription in regulation 4(1) with relation to the submission period of 20 days, as set out above.

3.4 Appeals may be lodged with the Minister or MEC responsible for Environmental Affairs against a delegated decision taken by the Department on an application, which may include:

3.5 Any new information must be submitted when submitting the appeal.

4. NOTIFICATION OF A DECISION MADE BY THE DEPARTMENT

4.1 On having reached a decision on an application, the Department must, in writing and within 2 days, notify the applicant of the outcome of the decision, give reasons for the decision, and draw the attention of the applicant to the fact that an appeal may be lodged against the decision.

4.2 The applicant must, in writing, within 12 days after the date the decision was made by the Department:

- notify the registered I&APs of the outcome of the decision,
- provide the Department's reasons for the decision,
- draw the attention of all registered I&APs to the manner in which they can access a copy of the decision (note: it is recommended that a copy of the Department's decision be attached to the notice), and
- draw their attention to the fact that an appeal may be lodged against the decision, and the manner in which to lodge an appeal against the decision.

5. LODGING OF AN APPEAL

5.1 An appellant must submit the appeal submission (the Appeal Questionnaire and Appeal and Response Form) to the appeal administrator, the applicant, and known interested and affected parties within twenty (20) days from:

- the date that the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties, or
- the date that the decision was sent to the applicant, in the case of decisions other than those referred to above.

5.2 An appeal submission must be submitted in writing in the form of the appeal questionnaire annexed to this guideline as “Annexure A” and accompanied by:

- a completed Appeal and Response Form setting out the grounds of the appeal,
- supporting documentation that is referred to in the appeal which did not form part of the documentation considered when the original decision was made, and
- a statement by the appellant to confirm compliance with regulation 4(1).

6. SUSPENSION OF AUTHORISATION

In terms of section 47 (7) of NEMA, an appeal will automatically suspend an environmental authorisation, directive, exemption or other decision taken in terms of NEMA, pending the outcome of the appeal.

7. HINTS ON DRAFTING OF APPEALS

- 7.1 The appeal questionnaire must be submitted together with the grounds of appeal. The grounds of appeal must also be captured in the Appeal and Response Form, annexed hereto as Annexure “B”;
- 7.2 The appellant must provide their full contact details, i.e. postal address, telephone and cell numbers, fax number and email address;
- 7.3 If the appellant is representing a company or other body of persons, proof of mandate to lodge the appeal on behalf of the company or other entity must be provided;
- 7.4 The identity of the project which is the subject of the appeal, and the departmental reference number, if known, must be provided;
- 7.5 The issues to be considered by the Minister must be clearly identified;

- 7.6 The grounds of appeal and the facts upon which they rest must be clearly set out. The grounds of appeal must be formulated as averments and not as questions about the project (refrain from material or remarks which do not contribute towards the merits of the appeal);
- 7.7 Make a particular issue the subject of a separate ground of appeal, avoiding overlaps as far as possible. Issues should be grouped logically and in a chronological order to provide the Minister with clear timelines of the events or facts in dispute;
- 7.8 A recommended way of arranging issues is to divide the grounds of appeal into procedural grounds, (for example inadequate public participation) and substantive grounds (why the decision is seen as wrong);
- 7.9 Before submitting the appeal, it is recommended that appellants familiarise themselves with the mandate of the department to avoid raising matters falling outside the competence of the Minister on appeal; and
- 7.10 Sign and date the appeal submission.

8. RESPONDING STATEMENT

- 8.1 The responding statement must also be captured in the Appeal and Response Form, which will be provided by the appeal administrator and will have captured the summarised grounds of appeal. The Responding Statement will need to address each ground of appeal as reflected in the Appeal and Response Form.
- 8.2 No new information submitted in the responding statement will be considered by the appeal authority.

9. APPEAL PANEL

- 9.1 If the appeal authority is of the view that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source the expert advice or constitute the appeal panel within 10 days from the date of receipt of such an instruction from the appeal authority. The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of the instruction from the appeal administrator.

9.2 A panel of experts must provide their recommendations on the appeal, to the appeal administrator within 10 days of their appointment.

10. DECISION ON APPEAL

Communication in terms of the Regulation 8 of the National Appeal Regulations provides that a document may be issued by the following methods –

- by delivering it by hand
- by faxing it to the person;
- by e-mailing it to a person;

11. TRANSITIONAL ARRANGEMENTS

11.1 Any application or appeal lodged prior to the commencement of the Regulations, and which is still pending when the Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the application or appeal was lodged, and not according to the 2014 National Appeal Regulations.

11.2 Regulation 56(4) of the 2014 EIA Regulations echoes this provision by determining that an appeal lodged in terms of the 2010 EIA Regulations, and which is pending when the 2014 EIA Regulations take effect, must, despite the repeal of the 2010 EIA Regulations, be dispensed of as if those Regulations were not repealed.

12. REQUESTS FOR CONDONATION OR EXTENSION OF TIME PERIODS

12.1 In terms of section 47C of NEMA, the Minister or the MEC has the legal authority to grant an extension or condonation for the submission of an appeal or responding statement which is out of time.

12.2 Applications in terms of Section 47C of NEMA must be in writing, and must afford the other party/parties will be provided with an opportunity to comment on the request;

12.3 When deciding on requests for condonation or extension of time periods, the Minister will consider the following:

- whether good cause is shown to extend a time period,
- the extent of the period requested, or the degree of lateness,
- the factual basis of the motivation for the request and the explanation thereof,
- whether factors outside of the control of the requesting party have played a role,
- potential prejudice in granting or refusing the request to any of the parties.
- whether it is in the interest of justice to grant or refuse the request, and
- prospects of success on the merits.

12.4 The adjudication of a request for condonation or extension of time periods will, as far as practically possible, be communicated together with the appeal decision.

ANNEXURE A

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Mr Z Hassam at telephone: 012 399 9356 or e-mail:

AppealsDirectorate@environment.gov.za

Once completed, this document must be forwarded to:

E-mail: AppealsDirectorate@environment.gov.za

Physical Address: Department of Environmental Affairs, 473 Steve Biko Road,
Environment House, Arcadia, Pretoria, 0002

Appellant's contact information:

Name: _____

Address: _____

Phone: _____

Cell: _____

Email: _____

Project information:

Project name: _____

Authorisation register number as on environmental authorisation:

Authorisation date as on environmental authorisation:

IMPORTANT! Please note:

- *The decision of the department is reflected in the letter of authorisation or rejection. The conditions of approval are contained in the environmental authorisation document, attached to the authorisation letter.*
- *The appeal must be accompanied by all relevant supporting documents or copies of these that are certified as true by a commissioner of oaths.*
- *The grounds of your appeal and the facts upon which they rest must be set out. You should formulate your objections or concerns as averments and not as questions about the project. Please therefore refrain from material or remarks that do not contribute to the merits of your appeal.*
- *To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:*

1. Are you lodging this appeal as an individual or on behalf of a community/organisation?

Individual	Community/ organisation
------------	----------------------------

If on behalf of a community or organisation, please provide proof of mandate to do so.

2. Is your appeal based on factors associated with the process that was followed by the applicant in obtaining authorisation?

Yes	No
-----	----

Please provide reasons:

3. Is your appeal based on factors associated with environmental impacts not taken into account by the department in refusing or authorising the application?

Yes	No
-----	----

Please provide reasons:

4. Would you agree to the activity proceeding if your concerns can be addressed by rectifying the process or mitigating or eliminating the impacts of the activity?

Yes	No
-----	----

Please provide reasons:

5. Are you fundamentally opposed to any development activity on the site?

Yes	No
-----	----

Please provide reasons:

6. Do you have an objection in principle against the development?

Yes	No
-----	----

Please provide reasons:

7. Does your appeal contain any new information that was not submitted to the environmental consultant or department prior to the department's consideration of the application?

Yes	No
-----	----

If the answer above is yes, please explain why it should be considered by the Minister and why it was not made available to the environmental consultant or department during the application process.

8. **DECLARATION:**

I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience.

APPELLANT

DATE:

ANNEXURE B



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002

Email: Appealsdirector@environment.gov.za

APPEAL RESPONSE REPORT

PROJECT NAME/TITLE:

PROJECT LOCATION:

PROJECT REFERENCE NUMBER:

DATE PROJECT/ACTIVITY AUTHORISED:

DETAILS OF THE APPELLANT	DETAILS OF THE APPLICANT
Name of appellant:	Name of applicant:
Appellant's representative (if applicable):	Applicant's representative (if applicable):
Postal address:	Postal Address:
Email Address:	Email Address:
Telephone number:	Telephone number:
Fax Number:	Fax number:

GROUNDS OF APPEAL	RESPONDING STATEMENT	COMMENT BY THE DEPARTMENT / DMR
1.		
2.		
3.		
4.		
5.		

GOVERNMENT NOTICES

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. R. 993

8 December 2014

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

NATIONAL APPEAL REGULATIONS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

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CHAPTER 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Interpretation

1. (1) In these Regulations any word or expression to which a meaning has been assigned in the Act, and unless the context requires otherwise—

“appeal administrator” means a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

“appeal authority” is the Minister, the MEC or a person delegated the power to decide on appeals by the Minister or MEC, as the case may be;

“appellant” means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of these Regulations;

“decision-maker” means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

“applicant” means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

“independent”, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6 of these Regulations, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

- (2) When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days.
- (3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

Purpose of Regulations

2. The purpose of these Regulations is to regulate the procedure contemplated in section 43(4) of the Act relating to the submission, processing and consideration of, a decision on an appeal.

Application of Regulations

3. (1) These Regulations are applicable to an appeal in terms of section 43 of the Act to the Minister or MEC against a decision taken in terms of the:

- (a) Environment Conservation Act, 1989 (Act No. 73 of 1989);
- (b) National Environmental Management Act, 1998 (Act No. 107 of 1998);
- (c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
- (d) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); or
- (e) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

and subordinate legislation made in terms of any of these Acts.

- (2) No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority.
- (3) An appeal against a decision by an official or municipal manager acting under delegated authority from a metropolitan, district or local municipality must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

CHAPTER 2

ADMINISTRATION AND PROCESSING OF APPEALS

Appeal submission

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:

- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
 - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be—
- (a) submitted in writing in the form obtainable from the appeal administrator; and
 - (b) accompanied by—
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and
 - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.
- (2) The appeal panel contemplated in subregulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.

Recommendations and decisions on appeals

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

CHAPTER 3

GENERAL MATTERS

Repeal of regulations

9. The regulations mentioned in the Table in Annexure 1 to these Regulations are hereby repealed or amended to the extent set out in the third column of the Table.

Transitional arrangements

10. (1) An appeal lodged prior to the commencement of these Regulations, and which is still pending when these Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the appeal was lodged.
- (2) An appeal lodged after the commencement of the Environmental Impact Assessment Regulations, 2014 must be submitted, processed and considered in terms of these Regulations.

Short title and commencement

11. These Regulations are called the National Appeal Regulations, 2014, and take effect on the date of publication in the *Gazette*.

ANNEXURE 1

REGULATIONS REPEALED		
Date and year of publication	Short title	Extent of repeal
Government Notice No. R.543, <i>Gazette No. 33306</i> of 18 June 2010.	Environmental Impact Assessment Regulations, 2010.	Chapter 7.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

GUIDELINE ON THE ADMINISTRATION OF APPEALS

Please note: This guideline must be read together with the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”), and the National Appeal Regulations, 2014.

Enquiries and Comments: All enquiries and comments should be addressed to –

Mr Ziyaad Hassam
Director: Appeals and Legal Review
Department of Environmental Affairs
Private Bag X447
Pretoria
0001,
South Africa.
Tel: 012 399 9356
email: Appealsdirector@environment.gov.za

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APPENDICES

APPEAL QUESTIONNAIRE

APPEAL AND RESPONSE FORM

1. DEFINITIONS

“Appeal Administrator” is a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

“Appeal Authority” is the Minister, the MEC or person delegated the power to decide on appeals by the Minister or MEC, as the case may be.

“Appellant” means any person who is entitled to submit an appeal in terms of the laws referred to in regulation 3(1) of these Regulations;

“Decision-maker” means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

“Applicant” means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

“Independent”, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

“Person” has the meaning assigned to it in section 1 of NEMA;

“Days” means calendar days.

Note: When a period of days must be reckoned in terms of these regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 1 January must be excluded from the reckoning of days.

“Department”, means the Department of Environmental Affairs.

“EIA” means Environmental Impact Assessment.

“EIA Regulations”, means the Environmental Impact Assessment Regulations promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

“Environmental authorisation” means the authorisation by a competent authority of a listed or specified activity in terms of NEMA, and includes a similar authorisation contemplated in a specific environmental management Act.

“I&AP” means Interested and Affected Party.

“NEMA” means National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

“NEMBA” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

“NEM: AQA” means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

“NEM: WA” means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

“Public Participation Process”, means a process by which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, an application.

“SEMA” means Specific Environmental Management Act.

2. INTRODUCTION

- 2.1 The National Appeals Regulations, 2014 has repealed the various appeal regulations currently in effect in terms of NEMA and the SEMAs, and provides for a single appeal process under section 43 of the National Environmental Management Act, 1998 against a decision taken by any person acting under a power delegated by the Minister or MEC.
- 2.2 Section 43 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("*NEMA*") designates the Minister of Environmental Affairs as the appeal authority for a decision made by a delegated official of the Department of Environmental Affairs (the Department) under NEMA or a specific environmental management Act.
- 2.3 The Directorate: Appeals and Legal Review is responsible for administering appeals and making recommendations on appeals to the Minister of Environmental Affairs.
- 2.4 In this respect, the purpose of this guide is to provide information and guidance for applicants, authorities and interested and affected parties ("I&APs") on appeals submitted to the Minister in terms of NEMA and the SEMAs.

3. APPEAL SUBMISSIONS

- 3.1 Chapter 2 of the 2014 Appeal Regulations prescribe that an appellant must submit the appeal to the appeal administrator and to any known interested and affected party within 20 days from the date that the decision for an application for an environmental authorisation in terms of NEMA or a waste management licence in terms of the Waste Act was sent to the registered interested and affected parties, or in the case of decisions where this does not apply, the date that the decision was sent to the applicant.
- 3.2 No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority. An appeal may, however, be lodged with the Minister or MEC responsible for Environmental Affairs against a delegated decision taken by the Department on an application.
- 3.3 An appeal submission must be submitted in writing in the form obtainable from the Minister or MEC, and must be accompanied by –

- a statement setting out the grounds of appeal;
- additional supporting documentation that is referred to (which did not form part of the original application);
- a statement that the applicant complied with the prescription in regulation 4(1) with relation to the submission period of 20 days, as set out above.

3.4 Appeals may be lodged with the Minister or MEC responsible for Environmental Affairs against a delegated decision taken by the Department on an application, which may include:

3.5 Any new information must be submitted when submitting the appeal.

4. NOTIFICATION OF A DECISION MADE BY THE DEPARTMENT

4.1 On having reached a decision on an application, the Department must, in writing and within 2 days, notify the applicant of the outcome of the decision, give reasons for the decision, and draw the attention of the applicant to the fact that an appeal may be lodged against the decision.

4.2 The applicant must, in writing, within 12 days after the date the decision was made by the Department:

- notify the registered I&APs of the outcome of the decision,
- provide the Department's reasons for the decision,
- draw the attention of all registered I&APs to the manner in which they can access a copy of the decision (note: it is recommended that a copy of the Department's decision be attached to the notice), and
- draw their attention to the fact that an appeal may be lodged against the decision, and the manner in which to lodge an appeal against the decision.

5. LODGING OF AN APPEAL

5.1 An appellant must submit the appeal submission (the Appeal Questionnaire and Appeal and Response Form) to the appeal administrator, the applicant, and known interested and affected parties within twenty (20) days from:

- the date that the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties, or
- the date that the decision was sent to the applicant, in the case of decisions other than those referred to above.

5.2 An appeal submission must be submitted in writing in the form of the appeal questionnaire annexed to this guideline as “Annexure A” and accompanied by:

- a completed Appeal and Response Form setting out the grounds of the appeal,
- supporting documentation that is referred to in the appeal which did not form part of the documentation considered when the original decision was made, and
- a statement by the appellant to confirm compliance with regulation 4(1).

6. SUSPENSION OF AUTHORISATION

In terms of section 47 (7) of NEMA, an appeal will automatically suspend an environmental authorisation, directive, exemption or other decision taken in terms of NEMA, pending the outcome of the appeal.

7. HINTS ON DRAFTING OF APPEALS

- 7.1 The appeal questionnaire must be submitted together with the grounds of appeal. The grounds of appeal must also be captured in the Appeal and Response Form, annexed hereto as Annexure “B”;
- 7.2 The appellant must provide their full contact details, i.e. postal address, telephone and cell numbers, fax number and email address;
- 7.3 If the appellant is representing a company or other body of persons, proof of mandate to lodge the appeal on behalf of the company or other entity must be provided;
- 7.4 The identity of the project which is the subject of the appeal, and the departmental reference number, if known, must be provided;
- 7.5 The issues to be considered by the Minister must be clearly identified;

- 7.6 The grounds of appeal and the facts upon which they rest must be clearly set out. The grounds of appeal must be formulated as averments and not as questions about the project (refrain from material or remarks which do not contribute towards the merits of the appeal);
- 7.7 Make a particular issue the subject of a separate ground of appeal, avoiding overlaps as far as possible. Issues should be grouped logically and in a chronological order to provide the Minister with clear timelines of the events or facts in dispute;
- 7.8 A recommended way of arranging issues is to divide the grounds of appeal into procedural grounds, (for example inadequate public participation) and substantive grounds (why the decision is seen as wrong);
- 7.9 Before submitting the appeal, it is recommended that appellants familiarise themselves with the mandate of the department to avoid raising matters falling outside the competence of the Minister on appeal; and
- 7.10 Sign and date the appeal submission.

8. RESPONDING STATEMENT

- 8.1 The responding statement must also be captured in the Appeal and Response Form, which will be provided by the appeal administrator and will have captured the summarised grounds of appeal. The Responding Statement will need to address each ground of appeal as reflected in the Appeal and Response Form.
- 8.2 No new information submitted in the responding statement will be considered by the appeal authority.

9. APPEAL PANEL

- 9.1 If the appeal authority is of the view that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source the expert advice or constitute the appeal panel within 10 days from the date of receipt of such an instruction from the appeal authority. The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of the instruction from the appeal administrator.

9.2 A panel of experts must provide their recommendations on the appeal, to the appeal administrator within 10 days of their appointment.

10. DECISION ON APPEAL

Communication in terms of the Regulation 8 of the National Appeal Regulations provides that a document may be issued by the following methods –

- by delivering it by hand
- by faxing it to the person;
- by e-mailing it to a person;

11. TRANSITIONAL ARRANGEMENTS

11.1 Any application or appeal lodged prior to the commencement of the Regulations, and which is still pending when the Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the application or appeal was lodged, and not according to the 2014 National Appeal Regulations.

11.2 Regulation 56(4) of the 2014 EIA Regulations echoes this provision by determining that an appeal lodged in terms of the 2010 EIA Regulations, and which is pending when the 2014 EIA Regulations take effect, must, despite the repeal of the 2010 EIA Regulations, be dispensed of as if those Regulations were not repealed.

12. REQUESTS FOR CONDONATION OR EXTENSION OF TIME PERIODS

12.1 In terms of section 47C of NEMA, the Minister or the MEC has the legal authority to grant an extension or condonation for the submission of an appeal or responding statement which is out of time.

12.2 Applications in terms of Section 47C of NEMA must be in writing, and must afford the other party/parties will be provided with an opportunity to comment on the request;

12.3 When deciding on requests for condonation or extension of time periods, the Minister will consider the following:

- whether good cause is shown to extend a time period,
- the extent of the period requested, or the degree of lateness,
- the factual basis of the motivation for the request and the explanation thereof,
- whether factors outside of the control of the requesting party have played a role,
- potential prejudice in granting or refusing the request to any of the parties.
- whether it is in the interest of justice to grant or refuse the request, and
- prospects of success on the merits.

12.4 The adjudication of a request for condonation or extension of time periods will, as far as practically possible, be communicated together with the appeal decision.

ANNEXURE A

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Mr Z Hassam at telephone: 012 399 9356 or e-mail:

AppealsDirectorate@environment.gov.za

Once completed, this document must be forwarded to:

E-mail: AppealsDirectorate@environment.gov.za

Physical Address: Department of Environmental Affairs, 473 Steve Biko Road,
Environment House, Arcadia, Pretoria, 0002

Appellant's contact information:

Name: _____

Address: _____

Phone: _____

Cell: _____

Email: _____

Project information:

Project name: _____

Authorisation register number as on environmental authorisation:

Authorisation date as on environmental authorisation:

IMPORTANT! Please note:

- *The decision of the department is reflected in the letter of authorisation or rejection. The conditions of approval are contained in the environmental authorisation document, attached to the authorisation letter.*
- *The appeal must be accompanied by all relevant supporting documents or copies of these that are certified as true by a commissioner of oaths.*
- *The grounds of your appeal and the facts upon which they rest must be set out. You should formulate your objections or concerns as averments and not as questions about the project. Please therefore refrain from material or remarks that do not contribute to the merits of your appeal.*
- *To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:*

1. Are you lodging this appeal as an individual or on behalf of a community/organisation?

Individual	Community/ organisation
------------	----------------------------

If on behalf of a community or organisation, please provide proof of mandate to do so.

2. Is your appeal based on factors associated with the process that was followed by the applicant in obtaining authorisation?

Yes	No
-----	----

Please provide reasons:

3. Is your appeal based on factors associated with environmental impacts not taken into account by the department in refusing or authorising the application?

Yes	No
-----	----

Please provide reasons:

4. Would you agree to the activity proceeding if your concerns can be addressed by rectifying the process or mitigating or eliminating the impacts of the activity?

Yes	No
-----	----

Please provide reasons:

5. Are you fundamentally opposed to any development activity on the site?

Yes	No
-----	----

Please provide reasons:

6. Do you have an objection in principle against the development?

Yes	No
-----	----

Please provide reasons:

7. Does your appeal contain any new information that was not submitted to the environmental consultant or department prior to the department's consideration of the application?

Yes	No
-----	----

If the answer above is yes, please explain why it should be considered by the Minister and why it was not made available to the environmental consultant or department during the application process.

8. **DECLARATION:**

I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience.

APPELLANT

DATE:

ANNEXURE B



Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002

Email: Appealsdirector@environment.gov.za

APPEAL RESPONSE REPORT

PROJECT NAME/TITLE:

PROJECT LOCATION:

PROJECT REFERENCE NUMBER:

DATE PROJECT/ACTIVITY AUTHORISED:

DETAILS OF THE APPELLANT	DETAILS OF THE APPLICANT
Name of appellant:	Name of applicant:
Appellant's representative (if applicable):	Applicant's representative (if applicable):
Postal address:	Postal Address:
Email Address:	Email Address:
Telephone number:	Telephone number:
Fax Number:	Fax number:

GROUNDS OF APPEAL	RESPONDING STATEMENT	COMMENT BY THE DEPARTMENT / DMR
1.		
2.		
3.		
4.		
5.		

APPENDIX C2: I&AP DATABASE

FARM / DEPARTMENT	NAME	SURNAME	TELEPHONE	EMAIL ADDRESS	POSTAL ADD.	CITY	CODE
RE/61, 6/61, RE/4/61	Abbott	Erasmus	0825790501	paardevei@adsactive.com / n.paardevei@gmail.com			
National Department of Water and Sanitation	Abe	Abrahams	0538308800/6 7600	AbrahamsA@dws.gov.za	Private Bag X6101	Kimberley	8300
Wildlife and Environment Society of South Africa (WESSA)	Admin	Admin	0114625663	jnbadmin@wessa.co.za	PO Box 435	Ferndale	2160
Square Kilometre Array Africa	Adrian	Tiplady	0114422434	atiplady@ska.ac.za			
Sustainable Energy Society of Southern Africa (SESSA)	Adriana	Chickesh	0112140668	office@sessa.org.za	53 Dudley Road	Parkwood	2193
Sender Technology Park (STP) SENTECH	Alishea	Viljoen			Private Bag X06	Honeydew	2040
Southern African Alternative Energy Association (SAAEA)	Alwyn	Smith	0716378466	alwyn@saaea.org	PO Box 866	Welobie	1714
15/182; 3/182; 14; 46/182	Amos	Mpela	0517530777	mpela@umsobomvumun.co.za / birtus@umsobomvumun.co.za			
47/182; RE/182	Amos	Mpela	0517530777	mpela@umsobomvumun.co.za / birtus@umsobomvumun.co.za			
Umsobomvu Local Municipality	Amos	Mpela		msestile@umsobomvumun.co.za			
National Energy Regulator of South Africa (NERSA)	Andile	Gxasheka	0124014600	Andile.Gxasheka@nersa.org.za	PO Box 40343	Arcadia	0007
Salinga Farmers Association (Northern Cape)	Andile	Gwatu	0782233123				
Umsobomvu Local Municipality	Annie	Fritz	0517530253	wminnie@umsobomvumun.co.za / sbrown@umsobomvumun.co.za	Private Bag X7	Colesberg	9795
Department of Rural Development and Land Reform	Aphiwe	Fayindlala	0437007003	aphiwe.fayindlala@drdlr.gov.za			
SALGA Eastern Cape	Aseza	Dlanjwa	0437271150		PO Box 19511	East London	5214
National Department of Mineral Resources	Azwihangwisi	Mulaudzi	0413963900	Azwihangwisi.Mulaudzi@dmr.gov.za	Private Bag X6076	Port Elizabeth	6000
Environmental Quality Management, DEDEA	Bhelinda	Mtambo	0458084000	bhelinda.mtamo@dedea.gov.za			
Department of Finance, Economic Development, Environmental Affairs and Tourism	Bongani	Gxilishe	0436057004	mncedisi.makosonke@deaet.ecape.gov.za			
Department of Rural Development and Agrarian Reform	Bongikaya	Dayimani	0436423497	bongikaya.dayimani@drdar.gov.za	Private Bag X0040	Bhisho	5605
National Department of Water and Sanitation	Carlo	Schrader	0514059300	SchraderC@dws.gov.za	PO Box 528	Bloemfontein	
Mainstream Renewable Power	Catharina	Stone	02165774040	Catharina.Stone@mainstreamrp.com / Mike.Mangnall@mainstreamrp.com			
Chris Hani District Municipality	Cira	Ngetu	0458084000	cira.ngetu@deaet.ecape.gov.za	PO Box 9636	Queenstown	5320
Leads 2 Business	Claire	Threadingham	0860836337	ClaireT@L2B.co.za			
SANRAL	Colene	Runkel	0219574600	runkelc@nra.co.za	Private Bag X19	Bellville	7535
MTCR	DA	Mnweba		mtrc.ltd@gmail.com			
Department of Environment & Nature Conservation	Dineo	Moleko	0538077300	dmoleko@ncpg.gov.za / denc@ncpg.gov.za	90 Long Street Private Bag X6120	Kimberley	8301
Umsobomvu Local Municipality	Dionne	Visagie		dionne@umsobomvumun.co.za			
National Department of Rural Development and Land Reform	Dr N	Makgalemele	0123129665	karen.vanschalkwyk@drdlr.gov.za	Room 246, Old Building, 184 Jacob Mare (Jeff Masemola) Street	Pretoria	0001
Agri Eastern Cape	Eben			potfontein@gmail.com			
Transnet	Eddie	Seaton	0113082417	eddie.seaton@transnet.net	PO Box 72501	Parkview	2122
1/133, RE/133	Faunteroy Bartholomew	Gillmer	0834552052	fauntyg@vodamail.co.za			
Department of Finance, Economic Development, Environmental Affairs and Tourism	Fezeka	Boyi		fezeka.boyi@dedea.gov.za			
Chris Hani District Municipality	Francois	Nel	0458084610		PO Box 9636	Queenstown	5320

Department of Cooperative Governance, Human Settlements and Traditional Affairs	G	Botha	0538309427 / 22	jpetersen@ncpg.gov.za	Private Bag X5005	Kimberley	8300
Ptn 5 of Salpeter Krans / Ptn 4 of Wolwe Kop	George Sebastian	Moore			PO Box 64	Middelburg	5900
RE 181	Gerhard	Taljaard	0824466459	elizetaljaard5@gmail.com			
Department of Finance, Economic Development, Environmental Affairs and Tourism	Siyabonga	Gqalangile	0828186268 / 0835154163	Siyabonga.Gqalangile@dedea.gov.za	Global Life Building	Bhisho	5605
Department of Finance, Economic Development, Environmental Affairs and Tourism	Mncedisi	Makosonke		Mncedisi.Makosonke@dedea.gov.za			
Department of Finance, Economic Development, Environmental Affairs and Tourism	Ncumisa	Manyonga	0738372031	ncumisa.manyonga@dedea.gov.za	Global Life Building	Bhisho	5605
Department of Finance, Economic Development, Environmental Affairs and Tourism	Alistair	McMaster	0718653771	Alistair.McMaster@dedea.gov.za			
Ptn 1 of Elandsheuwel	Hendrikus Jacobus	Visser	0498431520		PO Box 5	Middelburg	5900
Agri Northern Cape	Henning	Myburgh	0538329595	henning@agrink.co.za	PO Box 1094	Kimberley	8300
RE/67 Kapok Hoek	Henry	Retief	0498424343	hennie@triotrust.co.za			
Department of Transport	Irene	Mpolweni	0436047415 / 7472	angie.majongile@dot.ecprov.gov.za	Private Bag X0023	Bhisho	5605
Pixley ka Seme District Municipality	Jack	Maccollan	0536310891	pixley@telkomsa.net	Private Bag X1012	De Aar	7000
Department of Agriculture, Forestry and Fisheries	Jacoline	Mans	0543385860	jacolineMa@daff.gov.za	PO Box 2782	Upington	8800
Community Safety and Security	Janine	Carstensen		jan@safetyzonesa.co.za			
18/1; RE/11/1; 3/1; 2/11; 12/1; 21/ 1 RE/13/1	Jean	Gillmer	0498431434	jean.gillmer@karoomail.co.za			
RE/117 ; 1/117	Jim	de Villiers	0836549256	jdvd@eik.co.za			
South African Wind Energy Association (SAWEA)	Johan	van der Berg	0112140660	johan@sawea.org.za			
Ptn 2 of Groene Kloof / Blydefontein	Johannes Jurie	Lessing	0498431710		PO Box 52	Noupoort	5950
Bergendal	Johannes Marthinus	Du Toit	0498431588		PO Box 145	Noupoort	5950
Eskom: Renewable Energy	John	Geeringh	0115167233	john.geeringh@eskom.co.za	PO Box 1091	Johannesburg	2000
South African Bat Assessment Association (SABAAP)	Kate	McEwan		madaboutbats@gmail.com / kate@iws-sa.co.za			
Department of Rural Development and Land Reform	Katshaba	Goafhiwe	0538304001	katshaba.gaofhiwe@drdlr.gov.za			
Private Guest House Owner	L	De Swardt	0498431075	booking@thedon.co.za			
Ptn 5 of Groote Hoek	Laurraine Eugene	Miller	0828420008		PO Box 548	Middelburg	5900
Eastern Cape Provincial Heritage Resources Authority (ECPHRA)	Mark	Mandita		markm@ecphra.org.za			
Eastern Cape Provincial Heritage Resources Authority (ECPHRA)	Africa	Maxonga	081 552 2201	africam@ecphra.org.za	Heritage Officer – Built Environment EC Provincial Heritage Resources	East London	
Eastern Cape Provincial Heritage Resources Authority (ECPHRA)				sinazom@ecphra.org.za	Heritage Officer – Built Environment EC Provincial Heritage Resources Authority	East London	
Telkom SA Limited	Leonard	Shaw	0123112012	ShawLS@telkom.co.za	Private Bag X74	Pretoria	0001
Department of Cooperative Governance and Traditional Affairs	Lerato	Sebiloane	0406095656 / 58	lerato.sebiloane@ecgta.gov.za	Private Bag X0035	Bhisho	5605
SALGA Northern Cape	Lesang	Daniels	0538367900		PO Box 3183	Kimberley	8300
Salinga Farmers Association (Northern Cape)	LH	Fuba	0607038354				
1/120, 1/135, 2/3, 3/3, 7/3, 8/3, RE/3, 4/3, 6/3, 2/61, 3/133, 2/61, 3/133	Lindo	van der Merwe	0498431506	transkaroo@eik.co.za			
South African Civil Aviation Authority (CAA)	Lizelle	Stroh	0115451232 / 1455	strohl@caa.co.za	Private Bag X73	Halfway House	1685
Endangered Wildlife Trust	Lourens	Leeuwner	0217885661	lourensl@ewt.org.za	Private Bag X11	Modderfontein	1645

Agri Northern Cape	Lucelle	van Niekerk	0538329595	ontvangs@agrink.co.za	PO Box 1094	Kimberley	8300
National Department of Agriculture, Forestry and Fisheries	M.E	Tau	0124730236	MmaphakaT@daff.gov.za	Private Bag X250	Tecoma	5214
Air Traffic and Navigation Services (ATNS) SOC Limited	Makaya	Mamogale	0116071000	makayam@atns.co.za	Private Bag X15	Kempton Park	1650
National Department of Rural Development and Land Reform	Malebo	Baloi	0123129801	Malebo.baloi@drdlr.gov.za			
Salinga Farmers Association (Northern Cape)	Mande	Mfengu	0840588600				
National Department of Government Communication and Information System	Marius	Nagel	0538321378 / 9	mariusn@gcis.gov.za	Private Bag X6101	Kimberley	8300
National Department of Agriculture, Forestry and Fisheries	Mashudu	Marubini	0123197619	MashuduMa@daff.gov.za	Private Bag x120	Pretoria	0001
National Department of Rural Development and Land Reform	Mathemba	Gcasamba	0437007003	Mathemba.Gcasamba@drdlr.gov.za	PO Box 1958	East London	5200
National Department of Rural Development and Land Reform	Mduduzi	Shabane	0123128503	DGOffice@drdlr.gov.za	Private Bag X833	Pretoria	0001
Agriculture, Forestry and Fisheries	Melvin Mothese	Charlie	0437046800 / 15	MelvinC@daff.gov.za	Private Bag X04	Tecoma	5214
National Department of Energy	Mokgadi	Mathekgana	0124068000	Nokuthula.Mbeje@energy.gov.za	Private Bag X96	Pretoria	0001
SALGA Northern Cape	Mr	Jahannes	0538367900		PO Box 3183	Kimberley	8300
Earthlife Africa	Muna	Lakhani	0834717276	muna@iafrica.com			
Umsobomvu Local Municipality	Mzimkhulu	Sesthile	0517530253		Private Bag X8	Colesberg	9795
Department of Sport, Recreation, Arts and Culture	Mzolisi	Matutu	0436044019	mzolisi.matutu@srac.ecprov.gov.za			
Inxuba Yethemba Local Municipality	Mzwandile Sydney	Tantsi	0488015000	mzwandile@ym.gov.za	PO Box 24	Cradock	5880
South African Heritage Resources Agency (SAHRA) - National	Natasha	Higgitt	0214624502	nhiggitt@sahra.org.za	111 Harrington Street	Cape Town	7925
Department of Transport, Roads and Public Works	Natasha	Corns	0538392109	ncorns@ncpg.gov.za	PO Box 3132	Kimberley	8300
Agri Eastern Cape	Natasja	Barkhuizen	0413631890 / 96	natasja.barkhuizen@agriec.co.za	PO Box 34889	Port Elizabeth	6055
Umsobomvu Local Municipality	Ncedo	Thiso		ncedo@umsobomvumun.co.za			
National Department of Government Communication and Information System	Ndlelantle	Pinyana	0737222609 / 2602 / 490	ndlelantle@gcis.gov.za	Private Bag X608	East London	5200
SANRAL	Nicole	Abrahams	0219574602	Abrahamsn@nra.co.za	Private Bag X19	Bellville	7535
Environmental Quality Management, DEDEA	Nondwe	Mdekazi-Nkqubezelo	0458084000	nondwe.mdekazi@dedea.gov.za			
Department of Communication	Nozipho N	Mndaweni	012473000		Private Bag X745	Pretoria	0001
National Department of Mineral Resources	Ntsundeni	Ravhugoni	0538071700	Sunday.mabaso@dmr.gov.za	Private Bag 6093	Kimberley	8300
National Department of Mineral Resources	Nwabisa	Qwanyashe	0124443880	nwabisa.qwanyashe@dmr.gov.za	Private Bag X59	Pretoria	0007
SALGA Northern Cape	Obed	Mvula	0538304001		Private Bag X5007	Kimberley	8300
National Department of Water and Sanitation	P	Makhanya	0436045406	MakhanyaP@dwa.gov.za	Private Bag X7485	King Williams Town	5600
National Department of Government Communication and Information System	Phumla	Williams	0124730236	phumla@gcis.co.za	Private Bag X745	Pretoria	0001
National Department of Water and Sanitation	Phumzile	Mdakane	0123366990	Mdakanep@dwa.gov.za	Private Bag X313	Pretoria	0001
1/11 ; RE/13	Pieter	Erasmus	0825587178	beskuitfontein@gmail.com / perasmus@ovk.co.za			
RE/1/1	Pieter	Jordaan	0824996609	tollie@isat.co.za			
Ludlow	Pieter Willem Jr	Jordaan			PO Box 521	Middelburg	5900
National Department of Government Communication and Information System	Precian	Tshitaudzi	0124730169	phumla@gcis.co.za	Private Bag X745	Pretoria	0001

National Department of Rural Development and Land Reform	Pule	Salia	0123129801	Ramaleho.salia@drdlr.gov.za			
Department of Transport	Pule Godfrey	Selepe	0123093000	info@dot.gov.za	Private Bag X193	Pretoria	0001
Mainstream Renewable Power	Rebecca	Thomas	02165774040	Rebecca.Thomas@mainstreamrp.com			
SANRAL	Rene	de Kock	0219574607	Dekockr@nra.co.za			
Wildlife and Environment Society of South Africa (WESSA)	Rudzani	Nemukula	0114625663	rudzani.nemukula@wessa.co.za	PO Box 435	Ferndale	2160
Commision of Restitution of Land Rights	Ryan	Oliver		ryan.oliver@drdlr.gov.za			
Department of Environmental Affairs	Salome	Mambane	0123999385	Smambane@environment.gov.za	473 Steve Biko Road Arcadia Private Bag X 447	Pretoria	0001
Southern African Large Telescope	SALT	SALT	0235711205	salt@salt.ac.za	Old Fraserburg Road	Sutherland	6920
Birdlife South Africa	Samantha	Ralston	0117891122	energy@birdlife.org.za	Private Bag X5000	Parklands	2121
Agricultural Research Council	Shadrack	Moephuli	0124279700	enquiry@arc.agric.za	PO Box 8783	Pretoria	0001
Department of Environmental Affairs: Biodiversity and Conservation	Shonisani	Munzhedzi	0123999171	smunzhedzi@environment.gov.za			
SANRAL	Simon	Peterson	0413983200	Kleinhansm@nra.co.za	PO Box 27230	Greenacres	6057
Department of Environmental Affairs: Biodiversity and Conservation	Simon	Maletse	0123999511	smaletse@environment.gov.za			
Umsobomvu Local Municipality	Simphiwe	Nkcithiso		simphiwe@umsobomvumun.co.za			
Southern African Faith Communities' Environment Institute	Stefan	Cramer	0498910458	stefan@safcei.org.za	PO Box 677	Graaf-Reinet	6280
Environmental management / Bat impact assessments	Stephanie	Dippenaar	0218801653	sdippenaar@snowisp.com			
South African Astronomical Observatory	Ted	Williams		williams@sao.ac.za			
Transnet	Thandeka	Nohoyeka	0415071316	thandeka.nohoyeka@transnet.net			
SALGA Northern Cape	Thatelo	Itumeleng	0538367900	ithatelo@salga.org.za	PO Box 3183	Kimberley	8300
Agri SA	Thea	Liebenberg	0126433434	thea@agrisa.co.za	Private Bag X180	Centurion	0046
Umsobomvu Local Municipality	Themba	Mosompha		mosomphat@umsobomvumun.co.za			
National Energy Regulator of South Africa (NERSA)	Thembani	Bukula	0124014600	thembani.bukula@nersa.org.za	PO Box 40343	Arcadia	0007
National Department of Agriculture, Forestry and Fisheries	Thoko	Buthelezi	0123197634	ThokoB@daff.gov.za	Private Bag x120	Pretoria	0001
Ptn 11 of New Jakhalsfontein; Hughdale	Thomas Johannes	van der Walt	0498431706	tomvdwalt@gmail.com	PO Box 102	Noupoort	5950
Department of Agriculture and Rural Development	Thozi	Manyisana	0406093472 / 74	thozi.man@gmail.com	Private Bag X0040	Bhisho	5605
Department of Agriculture and Rural Development	Thozi	Manyisana	0406093472 / 74	thozi.man@gmail.com	Private Bag X0040	Bhisho	5605
Ngwao Boswa Kapa Bokoni (Provincial Heritage Resources Authority)	Timothy	Ratha	0538312537	rtimothy@nbkb.org.za	PO Box 1930	Kimberley	8300
Department of Environmental Affairs	Toinette	van der Merwe	0123998630	tvandermerwe@environment.gov.za	Provate Bag X 447	Pretoria	0001
Mainstream Renewable Power	Tom	Thorogood	02165774040	tom.thorogood@mainstreamrp.com			
Square Kilometre Array Africa	Tshegofatso	Monama		temonama@ska.ac.za			
Department of Environment & Nature Conservation	Tsholo	Makaudi	0538077300	amabunda@grand.ncape.gov.za	Private Bag X6120	Kimberley	8301
South African Heritage Resources Agency (SAHRA) - National	Veliswa	Baduza	0214624502	vbaduza@sahra.org.za	PO Box 4637	Cape Town	8000
SALGA Northern Cape	Viljoen	Mothibi	0538389118	fortunec@ncpg.gov.za / gmothibi@ncpg.gov.za / vmothibi@ncpg.gov.za	Private Bag X5018	Kimberley	8300

RE/118	Vivian	van der Merwe	0514303396	attsec@mindek.co.za / klwatt@roundbar.co.za			
Salinga Farmers Association (Northern Cape)	Vuyo	Nkobongo	0735330530				
Department of Social Development	Vuyokazi	Sangini	0436055058	Vuyokazi.sangoni@ecdsd.gov.za	Private Bag X0039	Bhisho	5605
Department of Environmental Affairs: Biodiversity and Conservation	Wadzi	Mandivenyi	0123999619	wmandivenyi@environment.gov.za			
Ptn 15 of Falsefontein	Willem Hendrik Jacobsz	van Reenen			PO Box 42	Noupoort	5950
Transnet	Willie	Zietsman	0415071318	willie.ziedsman@transnet.net / willieziedsman@transnet.net			
Endangered Wildlife Trust	Yolan	Friedman	0113723600		Private Bag X11	Modderfontein	1645
Department of Social Development	Zintle	Hlobo	0725134262	zintleh@ecdhs.gov.za	Private Bag X31008	East London	5206
National Department of Rural Development and Land Reform	Zongezile	Bongo		zongezile.bango@drdlr.gov.za		Pretoria	0001
Department of Roads and Public Works	Zukiswa	Ngwane	0406024256 / 4804	Zukiswa.Ngwane@dpw.ecape.gov.za	Private Bag X0022	Bhisho	5606
Ptn 8 of Damfontein; Ptn 3 of Wonderheuwel					PO Box 58	Middelburg	5900
Mooi Plaats			0495431501		PO Box 12	Middelburg	5900
Vlage Kop					PO Box 124	Noupoort	5950
Northern Cape Tourism Authority			0538331434 / 0538322657	info@experiencenortherncape.com	Private Bag X5107	Kimberley	8300
Karoo News Group			0603341648	karoonegroup@gmail.com			
Saamvat Construction			0628720220				
Eastern Cape Parks and Tourism Agency			0434920881	info@ecpta.co.za	17 - 25 Oxford Street	East London CBD	5201
Private	Mario	Bratz	0799797829	mario.bratz@yahoo.com			
Private	Alfranzo	Smit	0795008361	alfranzosmit@gmail.com			
Noupoort Library	Martha	van Eck	0498431056/7 ext. library 2076	noupoortlib@ncpg.gov.za	Shaw Street	Noupoort	5950

APPENDIX C3: PROOF OF PPP OF THE REVISED AMENDMENT REPORTS (2021)

- 3.1. Notification of Availability of the Revised Amendment Report (2021)**
- 3.2. Proof of Delivery of the Revised Amendment Report Notification (2021)**
- 3.3. Original Comments and Responses (2021)**

DFFE Reference No.: 14/12/16/3/3/2/1029, 14/12/16/3/3/2/1029/AM1, 14/12/16/3/3/2/1029/1/AM1, and 14/12/16/3/3/2/1028, 14/12/16/3/3/2/1028/AM1, 14/12/16/3/3/2/1028/1/AM1

Dear Stakeholder,

NOTIFICATION OF REVISED PART II AMENDMENT APPLICATION PROCESS

**FOR THE (1) PROPOSED AMENDMENT OF THE AUTHORISED SAN KRAAL WIND ENERGY FACILITY, NORTHERN CAPE PROVINCE (SAN KRAAL SPLIT 1 WEF), AND THE (2) PROPOSED AMENDMENT OF THE AUTHORISED PHEZUKOMOYA WIND ENERGY FACILITY, NORTHERN AND EASTERN CAPE PROVINCES (PHEZUKOMOYA SPLIT 1 WEF)
FOR ENVIRONMENTAL AUTHORISATION**

Application Background:

On 26 September 2019, both San Kraal Wind Power (Pty) Ltd ('San Kraal') and Phezukomoya Wind Power (Pty) Ltd ('Phezukomoya') lodged amendment applications with the DFFE in respect of the EAs issued on 28 June 2018 for the San Kraal Wind Energy Facility (San Kraal WEF) and the Phezukomoya Wind Energy Facility (Phezukomoya WEF). The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Reference Number 14/12/16/3/3/2/1029/1/AM1); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Reference Number 14/12/16/3/3/2/1029/2/AM1).
- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

The DFFE approved the abovementioned amendments and issued the amended EAs to Phezukomoya, San Kraal and Hartebeesthoek Wind Power (Pty) Ltd on the 25 March 2020 and 08 June 2020 respectively

On 30 July 2020, the Appeals Directorate received an appeal from Noupoot Wind Farm (RF) (Pty) Ltd ('Noupoot') against the approval of the amendment applications authorised above.

A decision on the appeal against the approval of the amendment applications was reached by MP Barbara Creecy – Minister of Forestry, Fisheries and the Environment – on 07 June 2021 and the amendment applications of 08 June 2020 were set aside. Directions of the ruling giving by the MP read as follows:

"In the present matter. I have taken note of the wake impact analysis reports, in respect of the amendment applications, albeit outside of the EIA process. In light hereof, the appropriate remedy is to direct, as I hereby do, the applicant is to subject the wake impact analysis reports dated 01 July 2020, to a public participation as contemplated in the 2014 EIA Regulations. Any comments received from I&APs, as well as responses thereto by the applicants, must be incorporated into the final Amendment Reports, for submission to the Department for reconsideration of the amendment applications. In this regard, the timeframes prescribed by the 2014 EIA Regulations must be adhered to."

Application Process: The revised final amendment reports are being subjected to a Part II Amendment Application process.

Nature and Location of the Activity: In terms of the ruling above, San Kraal Wind Power (Pty) Ltd and Phezukomoya Wind Power (Pty) Ltd intend to once again amend and split the authorised San Kraal WEF and

Phezukomoya WEF. This report will once again be subjected to a public participation process in line with Chapter 6 of the 2014 EIA Regulations, and includes the updated Wake Impact Analysis Report.

The proposed development site is located south east of the town of Noupoot in the Umsobomvu Local Municipality (ULM) which forms part of the Pixley ka Seme District in the Northern Cape Province. A small portion of the development site falls within the Inxuba Yethemba Local Municipality, within the Chris Hani District of the Eastern Cape Province. The town of Middelburg and Colesberg are located approximately 25 km and 58 km to the south and north-east of the site, respectively

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments.

The **Revised Final Amendment Reports** are available for public review and comment from **Friday, 11 June 2021 to Monday 12 July 2021 (both days inclusive), details provided below:**

Location	Physical Address	Contact person	Availability
Electronic Copy Location			
Arcus Website	https://arcusconsulting.co.za/projects/	Aneesah Alwie 021 412 1529	From Friday, 11 June 2021 to Monday, 12 July 2021
Hard Copy Location			
The Don Guesthouse	34 Murray St, Noupoot, 5950	Lizl de Swardt 049 843 1075	From Saturday, 12 June 2021 to Sunday, 13 June 2021
Noupoot Library	6 Shaw Street, Noupoot, 5950	Martha Van Eyk 084 243 1609	From Monday, 14 June 2021 to Monday, 12 July 2021
Kindly take note of COVID-19 Protocols No Mask = No Entry Please sanitize before and after use of the reports			
Comment Submission			
<p>Comments can be submitted to: Arcus Consultancy Services South Africa (Pty) Ltd Office 607 Cube Workspace Icon Building Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001 T +27 (0) 21 412 1529 E projects@arcusconsulting.co.za</p>			

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Aneesah Alwie

From: Projects
Sent: Friday, 18 June 2021 09:12
To: markm@ecphra.org.za; africam@ecphra.org.za
Subject: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces
Attachments: SAHRA Comments on SKPH and Grid Developments (2).zip

Dear Stakeholder,

You are identified as the Eastern Cape Provincial Heritage Environmental decision making Authority for the for the following Application Process:

SUBMISSION OF REVIESED EA AMENDMENTS FOR ENVIRONMENTAL AUTHORISATION

EA Amendment Application for the Environmental Authorisation for the split of the Authorised Phezukomoya Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1028 and 14/12/16/3/3/2/1028/AM1) ('Phezukomoya')

and
EA Amendment Application for the Environmental Authorisation for the split of the Authorised San Kraal Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1029 and 14/12/16/3/3/2/1029/AM1) ('San Kraal')

The reports are being revised and resubmitted for public comment, as directed in the notification of appeal decision, based on an appeal to the issued environmental authorisations.

The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Reference Number 14/12/16/3/3/2/1029/1/AM1); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Reference Number 14/12/16/3/3/2/1029/2/AM1).
- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

An HIA Assessment was conducted under Section 38 (8) of the National Heritage Resources Act (No. 25 of 1999) as part of a previous amendment submission. This reports were uploaded to SAHRA and were given the following Case ID: 14386, 14387, 14388, 14389.

You are invited to provide comment on the revised Final Amendment Reports. I have attached SAHRA Final Comment to identify each project Case ID. **Note that there are no revisions made to the Heritage, Archaeology and Palaeontological Assessment.**

Notice is hereby given of a Public Participation Process (PPP) to be undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments. **The following is available for public review from Friday, 11 June 2021 to Monday 12 July 2021 (both days inclusive):**

- Volume I – Revised Final Amendment Report
- Volume II - Specialist Statements

Link to application documents: <https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/>

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Thank You

Kind Regards

Aneesah Alwie

Environmental Consultant, South Africa

Email: projects@arcusconsulting.co.za

Arcus Consultancy Services South Africa (Pty) Ltd

www.arcusconsulting.co.za

Thank You

Kind Regards

Aneesah Alwie

Environmental Consultant, South Africa

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Arcus Consultancy Services South Africa (Pty) Ltd

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From: Alistair McMaster <Alistair.McMaster@dedea.gov.za>

Sent: Tuesday, 15 June 2021 15:03

To: Projects <Projects@arcusconsulting.co.za>

Cc: Xola Swepu <Xola.Swepu@dedea.gov.za>

Subject: RE: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces

Hi Aneesah

The Heritage authority contact details would be:

markm@ecphra.org.za

Mark Mandita

ECPHRA Acting Manager

and

Africa Maxongo africam@ecphra.org.za

Africa Maxongo

Heritage Officer – Built Environment

EC Provincial Heritage Resources Authority

2nd Floor Old Elco Building

No.17 Commissioner Street

EAST LONDON

Cell: 081 552 2201

Kind regards

Alistair McMaster

Sustainable Energy

📞 0437074091

📧 None

📞 0824698118

✉️ Alistair.McMaster@dedea.gov.za

www.dedea.gov.za



P/Bag X 0054,
Bhisho,
5605
REPUBLIC OF SOUTH AFRICA

Aneesah Alwie

From: Projects
Sent: Tuesday, 15 June 2021 13:39
To: 'Alistair.McMaster@dedia.gov.za'
Cc: Xola Swepu
Subject: RE: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces
Attachments: SAHRA Comments on SKPH and Grid Developments (2).zip

Dear Alistair,

You are identified as the National Heritage Environmental decision making Authority for the for the following Application Process:

SUBMISSION OF REVIESED EA AMENDMENTS FOR ENVIRONMENTAL AUTHORISATION

EA Amendment Application for the Environmental Authorisation for the split of the Authorised Phezukomoya Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1028 and 14/12/16/3/3/2/1028/AM1) ('Phezukomoya')
and

EA Amendment Application for the Environmental Authorisation for the split of the Authorised San Kraal Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1029 and 14/12/16/3/3/2/1029/AM1) ('San Kraal')

The reports are being revised and resubmitted for public comment, as directed in the notification of appeal decision, based on an appeal to the issued environmental authorizations.

The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Reference Number 14/12/16/3/3/2/1029/1/AM1); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Reference Number 14/12/16/3/3/2/1029/2/AM1).
- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

An HIA Assessment was conducted under Section 38 (8) of the National Heritage Resources Act (No. 25 of 1999) as part of a previous amendment submission. This reports were uploaded to SAHRA and were given the following Case ID: 14386, 14387, 14388, 14389.

You are invited to provide comment on the revised Final Amendment Reports. I have attached SAHRA Final Comment to identify each project Case ID. **Note that there are no revisions made to the Heritage, Archaeology and Palaeontological Assessment.**

Notice is hereby given of a Public Participation Process (PPP) to be undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments. **The following is available for public review from Friday, 11 June 2021 to Monday 12 July 2021 (both days inclusive):**

- Volume I – Revised Final Amendment Report
- Volume II - Specialist Statements

Link to application documents: <https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/>

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Thank You

Kind Regards

Aneesah Alwie

Environmental Consultant, South Africa

Email: projects@arcusconsulting.co.za

Arcus Consultancy Services South Africa (Pty) Ltd

www.arcusconsulting.co.za

From: Aneesah Alwie

Sent: Tuesday, 01 June 2021 17:05

To: Alistair McMaster <Alistair.McMaster@dedea.gov.za>

Cc: Xola Swepu <Xola.Swepu@dedea.gov.za>

Subject: RE: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces

Hi Alistair,

Please find attached the comments that we received from SAHRA for the San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces.

As mentioned, EA was received for these applications in 2020, however it would be good if comment can still be received from the Eastern Cape Provincial Heritage Authority.

Once the comment is received we will send it on to the Department of Forestry, Fisheries and the Environment.

Please do not hesitate to contact me should you require any other documentation or have any questions.

Thank You

Kind Regards

Aneesah Alwie

Environmental Consultant, South Africa

Tel: +27 (0) 21 412 1529

Cell: +27 (0) 72 595 0104

Email: AneesahA@arcusconsulting.co.za

Arcus Consultancy Services South Africa (Pty) Ltd

www.arcusconsulting.co.za

From: Alistair McMaster <Alistair.McMaster@dedea.gov.za>

Sent: Tuesday, 01 June 2021 16:51

To: Aneesah Alwie <AneesahA@arcusconsulting.co.za>

Cc: Xola Swepu <Xola.Swepu@dedea.gov.za>

Subject: EC Projects

Hi Aneesah

Thanks for the call earlier.

Below are my details.

Also if you can copy my colleague Xola to future RE related communications, that would be appreciated.

Kind regards

Alistair

Alistair McMaster

Sustainable Energy

📞 0437074091

📞 None

📞 0824698118

✉️ Alistair.McMaster@dedea.gov.za

www.dedea.gov.za



Province of the
EASTERN CAPE
ECONOMIC DEVELOPMENT,
ENVIRONMENTAL AFFAIRS & TOURISM

P/Bag X 0054,
Bhisho,
5605
REPUBLIC OF SOUTH AFRICA

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Aneesah Alwie

From: Projects
Sent: Friday, 11 June 2021 23:31
To: Projects
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: 3329_I&APs Not. Letter_v1-1_AVH_20210611.pdf

Dear Interested and Affected Party (I&AP) / Stakeholder

You are identified as the Interested and Affected Party (I&AP) / Stakeholder for the following Application Process: The revised final amendment reports are being subjected to a Part II Amendment Application process.

The reports are revised and are being resubmitted for public comment, as per the decision on the appeal by the Minister, based on the appeal issued in respect of the environmental authorisations issued on the projects.

The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Reference Number 14/12/16/3/3/2/1029/1/AM1); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Reference Number 14/12/16/3/3/2/1029/2/AM1).
- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

Notice is hereby given for both all projects. Public Participation Process (PPP) will be undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended. Kindly find the Notification Letters for the respective project attached.

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments. **The following is available for public review:**

- Volume I – Revised Final Amendment Report
- Volume II - Specialist Statements

The **Revised Final Amendment Reports** are available for public review and comment from **Friday, 11 June 2021 to Monday 12 July 2021 (both days inclusive), details provided below:**

Location	Physical Address	Contact person	Availability
Electronic Copy Location			

Location	Physical Address	Contact person	Availability
Arcus Website	https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/	Aneesah Alwie 021 412 1529	From Friday, 11 June 2021 to Monday, 12 July 2021
Hard Copy Location			
The Don Guesthouse	34 Murray St, Noupoort, 5950	Lizl de Swardt 049 843 1075	From Saturday, 12 June 2021 to Sunday, 13 June 2021
Noupoort Library	6 Shaw Street, Noupoort, 5950	Martha Van Eyk 084 243 1609	From Monday, 14 June 2021 to Monday, 12 July 2021
Kindly take note of COVID-19 Protocols No Mask = No Entry Please sanitize before and after use of the reports			

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Thank You

Ashleigh von der Heyden

Senior Environmental Assessment Practitioner

Tel: +27 (0) 21 412 1529

Cell: +27 (0) 79 895 1456

Email: AshleighvdH@arcusconsulting.co.za

Arcus

Office 607 Cube Workspace

Cnr Long Street and Hans Strijdom Ave

Cape Town

8001

www.arcusconsulting.co.za



Aneesah Alwie

From: Aneesah Alwie
Sent: Friday, 11 June 2021 23:29
To: BCAdmin@environment.gov.za
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: 3329_I&APs Not. Letter_v1-1_AVH_20210611.pdf

Dear Stakeholder

You are identified as a Stakeholder for the following Application Process: The revised final amendment reports are being subjected to a Part II Amendment Application process.

The reports are revised and are being resubmitted for public comment, as per the decision on the appeal by the Minister, based on the appeal issued in respect of the environmental authorisations issued on the projects.

The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Reference Number 14/12/16/3/3/2/1029/1/AM1); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Reference Number 14/12/16/3/3/2/1029/2/AM1).
- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

Notice is hereby given for both all projects. Public Participation Process (PPP) will be undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended. Kindly find the Notification Letters for the respective project attached.

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments. **The following is available for public review:**

- Volume I – Revised Final Amendment Report
- Volume II - Specialist Statements

The **Revised Final Amendment Reports** are available for public review and comment from **Friday, 11 June 2021 to Monday 12 July 2021 (both days inclusive), details provided below:**

Location	Physical Address	Contact person	Availability
Electronic Copy Location			

Location	Physical Address	Contact person	Availability
Arcus Website	https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/	Aneesah Alwie 021 412 1529	From Friday, 11 June 2021 to Monday, 12 July 2021
Hard Copy Location			
The Don Guesthouse	34 Murray St, Noupoort, 5950	Lizl de Swardt 049 843 1075	From Saturday, 12 June 2021 to Sunday, 13 June 2021
Noupoort Library	6 Shaw Street, Noupoort, 5950	Martha Van Eyk 084 243 1609	From Monday, 14 June 2021 to Monday, 12 July 2021
Kindly take note of COVID-19 Protocols No Mask = No Entry Please sanitize before and after use of the reports			

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Thank You

Ashleigh von der Heyden

Senior Environmental Assessment Practitioner

Tel: +27 (0) 21 412 1529

Cell: +27 (0) 79 895 1456

Email: AshleighvdH@arcusconsulting.co.za

Arcus

Office 607 Cube Workspace

Cnr Long Street and Hans Strijdom Ave

Cape Town

8001

www.arcusconsulting.co.za



Aneesah Alwie

From: Projects
Sent: Friday, 11 June 2021 23:28
To: nhiggitt@sahra.org.za
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: 3329_SAHRA Notification Letter_Revised FBAR_v1-0_20210611.pdf

Dear Natasha,

You are identified as the National Heritage Environmental decision making Authority for the for the following Application Process:

SUBMISSION OF REVIESED EA AMENDMENTS FOR ENVIRONMENTAL AUTHORISATION

EA Amendment Application for the Environmental Authorisation for the split of the Authorised Phezukomoya Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1028 and 14/12/16/3/3/2/1028/AM1) ('Phezukomoya')

and

EA Amendment Application for the Environmental Authorisation for the split of the Authorised San Kraal Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1029 and 14/12/16/3/3/2/1029/AM1) ('San Kraal')

The reports are being revised and resubmitted for public comment, as directed in the notification of appeal decision, based on an appeal to the issued environmental authorizations.

The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Reference Number 14/12/16/3/3/2/1029/1/AM1); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Reference Number 14/12/16/3/3/2/1029/2/AM1).
- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

An HIA Assessment was conducted under Section 38 (8) of the National Heritage Resources Act (No. 25 of 1999) as part of a previous amendment submission. This reports were uploaded to SAHRA and were given the following Case ID: 14386, 14387, 14388, 14389. Kindly find the Notification letter for your perusal.

Kindly confirm if your comments received 28 October 2019 during the notification of the Availability of the San Kraal and Phezukomoya WEF Amendments and Basic Assessment Reports, from the 26 September 2019 to the 25 October 2019 (both days inclusive), still remain valid. **Note that there are no revisions made to the Heritage, Archaeology and Palaeontological Assessment.**

Notice is hereby given of a Public Participation Process (PPP) to be undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments. **The following is available for public review:**

- Volume I – Revised Final Amendment Report
- Volume II - Specialist Statements

The **Revised Final Amendment Reports** are available for public review and comment from **Friday, 11 June 2021 to Monday 12 July 2021 (both days inclusive)**, details provided below:

Location	Physical Address	Contact person	Availability
Electronic Copy Location			
Arcus Website	https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/	Aneesah Alwie 021 412 1529	From Friday, 11 June 2021 to Monday, 12 July 2021
Hard Copy Location			
The Don Guesthouse	34 Murray St, Noupoort, 5950	Lizl de Swardt 049 843 1075	From Saturday, 12 June 2021 to Sunday, 13 June 2021
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Kindly take note of COVID-19 Protocols No Mask = No Entry Please sanitize before and after use of the reports			

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Thank You

Ashleigh von der Heyden

Senior Environmental Assessment Practitioner

Tel: +27 (0) 21 412 1529

Cell: +27 (0) 79 895 1456

Email: AshleighvdH@arcusconsulting.co.za

Arcus

Office 607 Cube Workspace

Cnr Long Street and Hans Strijdom Ave

Cape Town

8001



Aneesah Alwie

From: Leonard Shaw (LS) <ShawLS@telkom.co.za>
To: Projects
Sent: Monday, 21 June 2021 17:33
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Leonard Shaw (LS)
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:31:28 PM (UTC+02:00) Cairo

was read on Monday, June 21, 2021 5:32:55 PM (UTC+02:00) Cairo.

Aneesah Alwie

From: elmarie <transkaroo@eik.co.za>
To: Projects
Sent: Monday, 21 June 2021 14:44
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Projects
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: 2021/06/11 23:31

was read on 2021/06/21 14:43.

Aneesah Alwie

From: Melvin Charlie <MelvinC@Dalrrd.gov.za>
To: Projects
Sent: Monday, 21 June 2021 12:39
Subject: Not read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Melvin Charlie
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:31:28 PM (UTC+02:00) Harare, Pretoria

was deleted without being read on Monday, June 21, 2021 12:37:55 PM (UTC+02:00) Harare, Pretoria.

Aneesah Alwie

From: Microsoft Outlook
To: markm@ecphra.org.za; africam@ecphra.org.za
Sent: Friday, 18 June 2021 09:12
Subject: Relayed: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

markm@ecphra.org.za (markm@ecphra.org.za)

africam@ecphra.org.za (africam@ecphra.org.za)

Subject: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces



ECPHA Comment:
San Kraal, Phez...

Aneesah Alwie

From: Schrader Carlo (BFN) <SchraderC@dws.gov.za>
Sent: Friday, 18 June 2021 07:43
To: Projects
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: Read: Notification of Availability of Revised Amendment Reports For Public Comment

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Aneesah Alwie

From: Nokuthula Mbeje <Nokuthula.Mbeje@dmre.gov.za>
Sent: Thursday, 17 June 2021 09:15
To: Projects
Subject: Not read: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: Not read: Notification of Availability of Revised Amendment Reports For Public Comment

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Aneesah Alwie

From: Pixley Ka Seme District Municipality <telkomsa128018@telkomsa.net>
To: Projects
Sent: Thursday, 17 June 2021 07:11
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Projects
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: 2021/06/11 23:31

was read on 2021/06/17 07:11.

Aneesah Alwie

From: stefan@safcei.org.za
To: Projects
Sent: Tuesday, 15 June 2021 18:07
Subject: Read: Lesebestätigung: Notification of Availability of Revised Amendment Reports For Public Comment

Ihre Nachricht

An: Projects
Betreff: Notification of Availability of Revised Amendment Reports For Public Comment
Gesendet: 11.06.2021 23:31

wurde am 15.06.2021 18:06 gelesen.

Aneesah Alwie

From: René de Kock (WR) <Dekockr@nra.co.za>
To: Projects
Sent: Tuesday, 15 June 2021 13:47
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: René de Kock (WR)
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:31:28 PM (UTC+02:00) Harare, Pretoria

was read on Tuesday, June 15, 2021 1:46:03 PM (UTC+02:00) Harare, Pretoria.

Aneesah Alwie

From: postmaster@dedea.gov.za
To: Alistair.McMaster@dedea.gov.za
Sent: Tuesday, 15 June 2021 13:40
Subject: Delivered: RE: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces

Your message has been delivered to the following recipients:

Alistair.McMaster@dedea.gov.za (Alistair.McMaster@dedea.gov.za)

Subject: RE: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces



RE: ECPHA
Comment: San K...

Aneesah Alwie

From: postmaster@dedea.gov.za
To: Xola Swepu
Sent: Tuesday, 15 June 2021 13:40
Subject: Delivered: RE: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces

Your message has been delivered to the following recipients:

[Xola Swepu \(Xola.Swepu@dedea.gov.za\)](mailto:Xola.Swepu@dedea.gov.za)

Subject: RE: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces



RE: ECPHA
Comment: San K...

Aneesah Alwie

From: vicechair@sessa.org.za
To: Projects
Sent: Monday, 14 June 2021 19:16
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Projects
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: 2021/06/11 23:31

was read on 2021/06/14 19:15.

Aneesah Alwie

From: Portia Makitla <PMakitla@environment.gov.za>
To: Aneesah Alwie
Sent: Monday, 14 June 2021 10:18
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Portia Makitla
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:29:25 PM (UTC+02:00) Harare, Pretoria

was read on Monday, June 14, 2021 10:17:57 AM (UTC+02:00) Harare, Pretoria.

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Aneesah Alwie

From: Bhelinda Mtamo <Bhelinda.Mtamo@dedea.gov.za>
Sent: Monday, 14 June 2021 10:14
To: Projects
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: Read: Notification of Availability of Revised Amendment Reports For Public Comment

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Aneesah Alwie

From: Ontvangs <ontvangs@agrink.co.za>
To: Projects
Sent: Monday, 14 June 2021 10:05
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Ontvangs
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:31:28 PM (UTC+02:00) Harare, Pretoria

was read on Monday, June 14, 2021 10:09:15 AM (UTC+02:00) Harare, Pretoria.

Aneesah Alwie

From: Lizell Stroh <StrohL@caa.co.za>
To: Projects
Sent: Monday, 14 June 2021 09:56
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Lizell Stroh
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:31:28 PM (UTC+02:00) Harare, Pretoria

was read on Monday, June 14, 2021 9:52:50 AM (UTC+02:00) Harare, Pretoria.

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Aneesah Alwie

From: Enquiry <Enquiry@arc.agric.za>
To: Projects
Sent: Monday, 14 June 2021 09:25
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Enquiry
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 8:31:28 PM (UTC-01:00) Cabo Verde Is.

was read on Monday, June 14, 2021 6:24:20 AM (UTC-01:00) Cabo Verde Is..

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Aneesah Alwie

From: Marilyn Kleinhans (WR) <Jonesm@nra.co.za>
To: Projects
Sent: Monday, 14 June 2021 08:59
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Marilyn Kleinhans (WR)
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 9:31:28 PM (UTC) Coordinated Universal Time

was read on Monday, June 14, 2021 6:58:34 AM (UTC) Coordinated Universal Time.

Aneesah Alwie

From: Natasha Higgitt <nhiggitt@sahra.org.za>
Sent: Monday, 14 June 2021 08:40
To: Projects
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Natasha Higgitt
Heritage Officer: Archaeology, Palaeontology and Meteorites Unit

South African Heritage Resources Agency
- A nation united through heritage -

T: +27 21 462 4502/ 8660 | C:+27 82 507 0378 | F:+27 21 462 4509
E: nhiggitt@sahra.org.za | 111 Harrington Street | Cape Town |

www.sahra.org.za<<http://www.sahra.org.za/>>
[SAHRA Logo] [SAHRA Values] <www.sahra.org.za>

[SAHRA Logo]

Aneesah Alwie

From: Natasha Higgitt <nhiggitt@sahra.org.za>
Sent: Monday, 14 June 2021 08:40
To: Projects
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Natasha Higgitt
Heritage Officer: Archaeology, Palaeontology and Meteorites Unit

South African Heritage Resources Agency
- A nation united through heritage -

T: +27 21 462 4502/ 8660 | C:+27 82 507 0378 | F:+27 21 462 4509
E: nhiggitt@sahra.org.za | 111 Harrington Street | Cape Town |

www.sahra.org.za<<http://www.sahra.org.za/>>
[SAHRA Logo] [SAHRA Values] <www.sahra.org.za>

[SAHRA Logo]

Aneesah Alwie

From: Aulicia Maifo <amaifo@environment.gov.za>
To: Aneesah Alwie
Sent: Monday, 14 June 2021 08:20
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Aulicia Maifo
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 9:29:25 AM (UTC-12:00) International Date Line West

was read on Sunday, June 13, 2021 6:19:50 PM (UTC-12:00) International Date Line West.

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Aneesah Alwie

From: BC Admin <bcadmin@environment.gov.za>
To: Aneesah Alwie
Sent: Monday, 14 June 2021 08:20
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: BC Admin
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:29:25 PM (UTC+02:00) Harare, Pretoria

was read on Monday, June 14, 2021 8:19:23 AM (UTC+02:00) Harare, Pretoria.

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Aneesah Alwie

From: Ndlelantle Pinyana <Ndlelantle@gcis.gov.za>
Sent: Monday, 14 June 2021 07:53
To: Projects
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: Read: Notification of Availability of Revised Amendment Reports For Public Comment

[<http://www.gcis.gov.za/banner.jpg>]

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Aneesah Alwie

From: Thandeka Nohoyeka Transnet Property PLZ <Thandeka.Nohoyeka@transnet.net>
Sent: Monday, 14 June 2021 07:31
To: Projects
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: Read: Notification of Availability of Revised Amendment Reports For Public Comment

[<https://www.transnet.net/Coronavirus/Zero%20Gifts%20policy%20revised-%208pt.jpg>]

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Aneesah Alwie

From: Rebecca Thomas <Rebecca.Thomas@mainstreamrp.com>
To: Projects
Sent: Sunday, 13 June 2021 21:14
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Rebecca Thomas
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:31:28 PM (UTC+02:00) Harare, Pretoria

was read on Sunday, June 13, 2021 9:12:54 PM (UTC+02:00) Harare, Pretoria.

Aneesah Alwie

From: Makaya Mamogale <MamogaleM@atns.co.za>
To: Projects
Sent: Sunday, 13 June 2021 17:59
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Makaya Mamogale
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 9:31:28 PM (UTC) Coordinated Universal Time

was read on Sunday, June 13, 2021 3:59:17 PM (UTC) Coordinated Universal Time.

Aneesah Alwie

From: Makhanya Portia (KWT) <MakhanyaP@dws.gov.za>
Sent: Sunday, 13 June 2021 17:43
To: Projects
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: Read: Notification of Availability of Revised Amendment Reports For Public Comment

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Aneesah Alwie

From: Natasja Barkhuizen <Natasja.Barkhuizen@agriec.co.za>
To: Projects
Sent: Sunday, 13 June 2021 14:27
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Natasja Barkhuizen
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:31:28 PM (UTC+02:00) Harare, Pretoria

was read on Sunday, June 13, 2021 2:26:17 PM (UTC+02:00) Harare, Pretoria.

Aneesah Alwie

From: Hennie Retief <Hennie@triotrust.co.za>
To: Projects
Sent: Saturday, 12 June 2021 17:04
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Hennie Retief
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:31:28 PM (UTC+02:00) Harare, Pretoria

was read on Saturday, June 12, 2021 5:04:29 PM (UTC+02:00) Harare, Pretoria.

Hennie Retief
E-mail: Hennie@triotrust.co.za
Tel: +27 (0) 49 842 4343

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Aneesah Alwie

From: The Don <booking@thedon.co.za>
To: Projects
Sent: Saturday, 12 June 2021 16:58
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Projects
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: 2021/06/11 11:31 pm

was read on 2021/06/12 4:57 pm.

Aneesah Alwie

From: Marilize Stoltz <admin@sawea.co.za>
To: Projects
Sent: Saturday, 12 June 2021 07:54
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment

Your message

To: Marilize Stoltz
Subject: Notification of Availability of Revised Amendment Reports For Public Comment
Sent: Friday, June 11, 2021 11:31:28 PM (UTC+02:00) Harare, Pretoria

was read on Saturday, June 12, 2021 7:53:50 AM (UTC+02:00) Harare, Pretoria.

Aneesah Alwie

From: Mdakane Phumzile <MdakaneP@dws.gov.za>
Sent: Saturday, 12 June 2021 07:30
To: Projects
Subject: Read: Notification of Availability of Revised Amendment Reports For Public Comment
Attachments: Read: Notification of Availability of Revised Amendment Reports For Public Comment

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Aneesah Alwie

From: Mail Delivery System <MAILER-DAEMON@vodamail.co.za>
To: fauntyg@vodamail.co.za
Sent: Saturday, 12 June 2021 02:06
Subject: Expanded: Notification of Availability of Revised Amendment Reports For Public Comment

This is the mail system at host mdrx900svcs01vmlmx01.vodamail.co.za.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system



Message Headers

<fauntyg@vodamail.co.za>: alias expanded

Aneesah Alwie

From: Microsoft Outlook
To: dmoleko@ncpg.gov.za; denc@ncpg.gov.za; noupoortlib@ncpg.gov.za
Sent: Friday, 11 June 2021 23:48
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

dmoleko@ncpg.gov.za

denc@ncpg.gov.za

noupoortlib@ncpg.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: vmothibi@ncpg.gov.za; gmothibi@ncpg.gov.za; fortunec@ncpg.gov.za;
jpetersen@ncpg.gov.za; ncorns@ncpg.gov.za
Sent: Friday, 11 June 2021 23:47
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public
Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

vmothibi@ncpg.gov.za (vmothibi@ncpg.gov.za)

gmothibi@ncpg.gov.za (gmothibi@ncpg.gov.za)

fortunec@ncpg.gov.za (fortunec@ncpg.gov.za)

jpetersen@ncpg.gov.za (jpetersen@ncpg.gov.za)

ncorns@ncpg.gov.za (ncorns@ncpg.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@dedea.gov.za
To: nondwe.mdekazi@dedea.gov.za
Sent: Friday, 11 June 2021 23:33
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

nondwe.mdekazi@dedea.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@dedea.gov.za
To: fezeka.boyi@dedea.gov.za
Sent: Friday, 11 June 2021 23:33
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

fezeka.boyi@dedea.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@dedea.gov.za
To: bhelinda.mtamo@dedea.gov.za
Sent: Friday, 11 June 2021 23:33
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

bhelinda.mtamo@dedea.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@dedea.gov.za
To: ncumisa.manyonga@dedea.gov.za
Sent: Friday, 11 June 2021 23:33
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

ncumisa.manyonga@dedea.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@dedea.gov.za
To: Alistair.McMaster@dedea.gov.za
Sent: Friday, 11 June 2021 23:33
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

Alistair.McMaster@dedea.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@dedea.gov.za
To: gerry.pienaar@dedea.gov.za
Sent: Friday, 11 June 2021 23:33
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

gerry.pienaar@dedea.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Mail Delivery System <Mailer-Daemon@sv2.webaware.co.za>
To: booking@thedon.co.za; booking@thedon.co.za
Sent: Friday, 11 June 2021 23:33
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

This message was created automatically by mail delivery software.
----- The following addresses had successful delivery notifications -----
<booking@thedon.co.za> (relayed via non "Remote SMTP" router)



Notification of
Availability o...

<booking@thedon.co.za> (relayed via non "Remote SMTP" router)

Aneesah Alwie

From: Mail Delivery System <MAILER-DAEMON@mail.snowisp.com>
To: sdippenaar@snowisp.com
Sent: Friday, 11 June 2021 23:32
Subject: Expanded: Notification of Availability of Revised Amendment Reports For Public Comment

This is the mail system at host mail.snowisp.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system



Message Headers

<sdippenaar@snowisp.com>: alias expanded

Aneesah Alwie

From: Mail Delivery System <Mailer-Daemon@se-filter02.tld-mx.com>
To: Jean.gillmer@karoomail.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

This message was created automatically by mail delivery software.
----- The following addresses had successful delivery notifications -----



Notification of
Availability o...

<Jean.gillmer@karoomail.co.za> (relayed to non-DSN-aware mailer)

Aneesah Alwie

From: Microsoft Outlook
To: jdv@eik.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

jdv@eik.co.za (jdv@eik.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@triotrust.co.za
To: hennie@triotrust.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

hennie@triotrust.co.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment

Postmaster and Abuse Reporting
E-mail: postmaster@triotrust.co.za
Tel:

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Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: john.geeringh@eskom.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

john.geeringh@eskom.co.za (john.geeringh@eskom.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: attsec@mindek.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

attsec@mindek.co.za (attsec@mindek.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: office@sessa.org.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

office@sessa.org.za (office@sessa.org.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: transkaroo@eik.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

transkaroo@eik.co.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Mail Delivery System <MAILER-DAEMON@mail.treasury.um>
To: birtus@umsobomvumun.co.za; mpela@umsobomvumun.co.za;
msestile@umsobomvumun.co.za; sbrown@umsobomvumun.co.za;
wminnie@umsobomvumun.co.za
Sent: Friday, 11 June 2021 23:35
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

This is the mail system at host mail.treasury.um.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<birtus@umsobomvumun.co.za>: delivery via mail.treasury.um[192.168.1.13]:7025:
250 2.1.5 Delivery OK

<mpela@umsobomvumun.co.za>: delivery via mail.treasury.um[192.168.1.13]:7025:
250 2.1.5 Delivery OK

<msestile@umsobomvumun.co.za>: delivery via
mail.treasury.um[192.168.1.13]:7025: 250 2.1.5 Delivery OK

<sbrown@umsobomvumun.co.za>: delivery via mail.treasury.um[192.168.1.13]:7025:
250 2.1.5 Delivery OK

<wminnie@umsobomvumun.co.za>: delivery via mail.treasury.um[192.168.1.13]:7025:



Message Headers

250 2.1.5 Delivery OK

Aneesah Alwie

From: Microsoft Outlook
To: paardevlei@adsactive.com
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

paardevlei@adsactive.com

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: kate@iws-sa.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

kate@iws-sa.co.za (kate@iws-sa.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: johan@sawea.org.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

johan@sawea.org.za (johan@sawea.org.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Mail Delivery System <MAILER-DAEMON@mailgate.sao.ac.za>
To: salt@salt.ac.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

This is the mail system at host mailgate.sao.ac.za.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<salt@salt.ac.za>: delivery via mailgate.sao.ac.za[/tmp/dspam.sock]: 250 2.6.0



Message Headers

<salt@salt.ac.za> Message accepted for delivery

Aneesah Alwie

From: Mail Delivery System <MAILER-DAEMON@mail.treasury.um>
To: dionne@umsobomvumun.co.za; ncedo@umsobomvumun.co.za;
simphiwe@umsobomvumun.co.za
Sent: Friday, 11 June 2021 23:35
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

This is the mail system at host mail.treasury.um.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<dionne@umsobomvumun.co.za>: delivery via mail.treasury.um[192.168.1.13]:7025:
250 2.1.5 Delivery OK

<ncedo@umsobomvumun.co.za>: delivery via mail.treasury.um[192.168.1.13]:7025:
250 2.1.5 Delivery OK

<simphiwe@umsobomvumun.co.za>: delivery via



Message Headers

mail.treasury.um[192.168.1.13]:7025: 250 2.1.5 Delivery OK

Aneesah Alwie

From: Mail Delivery Subsystem <MAILER-DAEMON@mail.ovk.co.za>
To: perasmus@ovk.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

The original message was received at Fri, 11 Jun 2021 23:31:39 +0200
from mail-eopbgr110113.outbound.protection.outlook.com [40.107.11.113]

----- The following addresses had successful delivery notifications -----
<perasmus@ovk.co.za> (successfully delivered to mailbox)

----- Transcript of session follows -----



Notification of
Availability o...

<perasmus@ovk.co.za>... Successfully delivered

Aneesah Alwie

From: Mail Delivery System <MAILER-DAEMON@mailgate.sao.ac.za>
To: williams@sao.ac.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

This is the mail system at host mailgate.sao.ac.za.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<williams@sao.ac.za>: delivery via mailgate.sao.ac.za[/tmp/dspam.sock]: 250



Message Headers

2.6.0 <williams@sao.ac.za> Message accepted for delivery

Aneesah Alwie

From: Inext Amphibic Mail System <InextAmphibicPostmaster@inext.co.za>
Sent: Friday, 11 June 2021 23:32
To: Projects
Subject: Delivery notification (success)
Attachments: ATT00001; Notification of Availability of Revised Amendment Reports For Public Comment

The original message was received at Fri, 11 Jun 2021 23:31:40 +0200

Your message was successfully delivered to:
<rtimothy@nbkb.org.za>

Aneesah Alwie

From: Microsoft Outlook
To: Mdakanep@dwa.gov.za; MakhanyaP@dwa.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Mdakanep@dwa.gov.za (Mdakanep@dwa.gov.za)

MakhanyaP@dwa.gov.za (MakhanyaP@dwa.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: nwabisa.qwanyashe@dmr.gov.za; Azwihangwisi.Mulaudzi@dmr.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

nwabisa.qwanyashe@dmr.gov.za (nwabisa.qwanyashe@dmr.gov.za)

Azwihangwisi.Mulaudzi@dmr.gov.za (Azwihangwisi.Mulaudzi@dmr.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: Nokuthula.Mbeje@energy.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Nokuthula.Mbeje@energy.gov.za (Nokuthula.Mbeje@energy.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@wessa.co.za
To: jnbadmin@wessa.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

jnbadmin@wessa.co.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: mncedisi.makosonke@deaet.ecape.gov.za; cira.ngetu@deaet.ecape.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

mncedisi.makosonke@deaet.ecape.gov.za (mncedisi.makosonke@deaet.ecape.gov.za)

cira.ngetu@deaet.ecape.gov.za (cira.ngetu@deaet.ecape.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@mainstreamrp.com
To: Catharina.Stone@mainstreamrp.com
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

Catharina.Stone@mainstreamrp.com

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: ZINTLEH@ecdhs.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

ZINTLEH@ecdhs.gov.za (ZINTLEH@ecdhs.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: SchraderC@dws.gov.za; AbrahamsA@dws.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

SchraderC@dws.gov.za

AbrahamsA@dws.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: Vuyokazi.sangoni@ecdsd.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Vuyokazi.sangoni@ecdsd.gov.za (Vuyokazi.sangoni@ecdsd.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: mariusn@gcis.gov.za; ndlelantle@gcis.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

mariusn@gcis.gov.za (mariusn@gcis.gov.za)

ndlelantle@gcis.gov.za (ndlelantle@gcis.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: Malebo.Baloi@drdlr.gov.za; Abrahamsn@nra.co.za; Kleinhansm@nra.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Malebo.Baloi@drdlr.gov.za (Dekockr@nra.co.za)

Abrahamsn@nra.co.za (Abrahamsn@nra.co.za)

Kleinhansm@nra.co.za (Kleinhansm@nra.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: selepeg@dot.gov.za; info@dot.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

selepeg@dot.gov.za

info@dot.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: lerato.sebiloane@eclgta.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

lerato.sebiloane@eclgta.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@agrink.co.za
To: ontvangs@agrink.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

ontvangs@agrink.co.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@mainstreamrp.com
To: Rebecca.Thomas@mainstreamrp.com
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

Rebecca.Thomas@mainstreamrp.com

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: angie.majongile@dot.ecprov.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

angie.majongile@dot.ecprov.gov.za (angie.majongile@dot.ecprov.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: Sunday.mabaso@dmr.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Sunday.mabaso@dmr.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@agriec.co.za
To: natasja.barkhuizen@agriec.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

natasja.barkhuizen@agriec.co.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: Zukiswa.Ngwane@dpw.ecape.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Zukiswa.Ngwane@dpw.ecape.gov.za (Zukiswa.Ngwane@dpw.ecape.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: bongikaya.dayimani@drdar.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

bongikaya.dayimani@drdar.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@agrink.co.za
To: henning@agrink.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

henning@agrink.co.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: info@ecpta.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

info@ecpta.co.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@mainstreamrp.com
To: Mike.Mangnall@mainstreamrp.com
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

Mike.Mangnall@mainstreamrp.com

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: thandeka.nohoyeka@transnet.net; eddie.seaton@transnet.net;
williezietsman@transnet.net; willie.ziedsman@transnet.net
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

thandeka.nohoyeka@transnet.net (thandeka.nohoyeka@transnet.net)

eddie.seaton@transnet.net (eddie.seaton@transnet.net)

williezietsman@transnet.net (williezietsman@transnet.net)

willie.ziedsman@transnet.net (willie.ziedsman@transnet.net)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: strohl@caa.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

strohl@caa.co.za (strohl@caa.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: tvandermerwe@environment.gov.za; Smambane@environment.gov.za;
wmandivenyi@environment.gov.za; smalete@environment.gov.za;
smunzhedzi@environment.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

tvandermerwe@environment.gov.za

Smambane@environment.gov.za

wmandivenyi@environment.gov.za

smalete@environment.gov.za

smunzhedzi@environment.gov.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@agrisa.co.za
To: thea@agrisa.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

thea@agrisa.co.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: postmaster@birdlife.org.za
To: energy@birdlife.org.za
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

energy@birdlife.org.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: lourensl@ewt.org.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

lourensl@ewt.org.za (lourensl@ewt.org.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: Andile.Gxasheka@nersa.org.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Andile.Gxasheka@nersa.org.za (Andile.Gxasheka@nersa.org.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: mzwandile@iym.gov.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

mzwandile@iym.gov.za (mzwandile@iym.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: enquiry@arc.agric.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

enquiry@arc.agric.za (enquiry@arc.agric.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: ShawLS@telkom.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

ShawLS@telkom.co.za (ShawLS@telkom.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: ithatelo@salga.org.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

ithatelo@salga.org.za (ithatelo@salga.org.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: nhiggitt@sahra.org.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

nhiggitt@sahra.org.za (nhiggitt@sahra.org.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: pixley@telkomsa.net
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

pixley@telkomsa.net (pixley@telkomsa.net)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: mario.bratz@yahoo.com
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

mario.bratz@yahoo.com

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: klwatt@roundbar.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

klwatt@roundbar.co.za (klwatt@roundbar.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: mtrc.ltd@gmail.com; potfontein@gmail.com; karoonegroup@gmail.com; madaboutbats@gmail.com; beskuitfontein@gmail.com; elizetaljaard5@gmail.com
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[mtrc.ltd@gmail.com \(mtrc.ltd@gmail.com\)](mailto:mtrc.ltd@gmail.com)

[potfontein@gmail.com \(potfontein@gmail.com\)](mailto:potfontein@gmail.com)

[karoonegroup@gmail.com \(karoonegroup@gmail.com\)](mailto:karoonegroup@gmail.com)

[madaboutbats@gmail.com \(madaboutbats@gmail.com\)](mailto:madaboutbats@gmail.com)

[beskuitfontein@gmail.com \(beskuitfontein@gmail.com\)](mailto:beskuitfontein@gmail.com)

[elizetaljaard5@gmail.com \(elizetaljaard5@gmail.com\)](mailto:elizetaljaard5@gmail.com)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: tollie@isat.co.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

tollie@isat.co.za (tollie@isat.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: alwyn@saaea.org
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

alwyn@saaea.org (alwyn@saaea.org)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: atiplady@ska.ac.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

atiplady@ska.ac.za

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: n.paardevlei@gmail.com; tomvdwalt@gmail.com; thozi.man@gmail.com;
alfranzosmit@gmail.com
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

n.paardevlei@gmail.com

tomvdwalt@gmail.com

thozi.man@gmail.com

alfranzosmit@gmail.com

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: stefan@safcei.org.za
Sent: Friday, 11 June 2021 23:32
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

stefan@safcei.org.za (stefan@safcei.org.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: Projects
Sent: Friday, 11 June 2021 23:32
Subject: Delivered: Notification of Availability of Revised Amendment Reports For Public Comment

Your message has been delivered to the following recipients:

[Projects \(Projects@arcusconsulting.co.za\)](mailto:Projects@arcusconsulting.co.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: smalete@environment.gov.za; PMakitla@environment.gov.za;
SLekota@environment.gov.za; AMaifo@environment.gov.za
Sent: Friday, 11 June 2021 23:30
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[smalete@environment.gov.za \(smalete@environment.gov.za\)](mailto:smalete@environment.gov.za)

[PMakitla@environment.gov.za \(PMakitla@environment.gov.za\)](mailto:PMakitla@environment.gov.za)

[SLekota@environment.gov.za \(SLekota@environment.gov.za\)](mailto:SLekota@environment.gov.za)

[AMaifo@environment.gov.za \(AMaifo@environment.gov.za\)](mailto:AMaifo@environment.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: BCAdmin@environment.gov.za
Sent: Friday, 11 June 2021 23:30
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[BCAdmin@environment.gov.za \(BCAdmin@environment.gov.za\)](mailto:BCAdmin@environment.gov.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: nhiggitt@sahra.org.za
Sent: Friday, 11 June 2021 23:28
Subject: Relayed: Notification of Availability of Revised Amendment Reports For Public Comment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

nhiggitt@sahra.org.za (nhiggitt@sahra.org.za)

Subject: Notification of Availability of Revised Amendment Reports For Public Comment



Notification of
Availability o...

Aneesah Alwie

From: Microsoft Outlook
To: Projects
Sent: Friday, 11 June 2021 12:49
Subject: Delivered: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD

Your message has been delivered to the following recipients:

[Projects \(Projects@arcusconsulting.co.za\)](mailto:Projects@arcusconsulting.co.za)

Subject: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD



NOTIFICATION
ON DECISION O...

Aneesah Alwie

From: Microsoft Outlook
To: tollie@isat.co.za
Sent: Friday, 11 June 2021 12:49
Subject: Relayed: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

tollie@isat.co.za (tollie@isat.co.za)

Subject: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD



NOTIFICATION
ON DECISION O...

Aneesah Alwie

From: Microsoft Outlook
To: alwyn@saaea.org
Sent: Friday, 11 June 2021 12:49
Subject: Relayed: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

alwyn@saaea.org (alwyn@saaea.org)

Subject: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD



NOTIFICATION
ON DECISION O...

Aneesah Alwie

From: Microsoft Outlook
To: stefan@safcei.org.za
Sent: Friday, 11 June 2021 12:49
Subject: Relayed: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

stefan@safcei.org.za (stefan@safcei.org.za)

Subject: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD



NOTIFICATION
ON DECISION O...

Aneesah Alwie

From: Microsoft Outlook
To: atiplady@ska.ac.za
Sent: Friday, 11 June 2021 12:49
Subject: Relayed: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

atiplady@ska.ac.za

Subject: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD



NOTIFICATION
ON DECISION O...

Aneesah Alwie

From: Microsoft Outlook
To: n.paardevlei@gmail.com; tomvdwalt@gmail.com; thozi.man@gmail.com;
alfranzosmit@gmail.com
Sent: Friday, 11 June 2021 12:49
Subject: Relayed: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY)
LTD AND PHEZUKOMOYA WIND POWER (PTY) LTD

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

n.paardevlei@gmail.com

tomvdwalt@gmail.com

thozi.man@gmail.com

alfranzosmit@gmail.com

Subject: NOTIFICATION ON DECISION OF APPEAL: SAN KRAAL WIND POWER (PTY) LTD AND PHEZUKOMOYA WIND
POWER (PTY) LTD



NOTIFICATION
ON DECISION O...

Aneesah Alwie

From: Shalot Sekonko <sekonkoshalot@gmail.com>
Sent: Monday, 14 June 2021 08:41
To: Aneesah Alwie
Cc: MMatlala Rabothata; Tsholofelo Shalot Sekonko
Subject: Notification of Availability of Revised Amendment Reports For Public Comment

Dear Ms Alwie

DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the Notification of availability of revised amendment reports for public comment. Kindly note that the project has been allocated to Ms Rabothata (both copied on this email) and myself.

Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries will be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for the attention of Mr Seoka Lekota.

Regards
Ms Sekonko

Aneesah Alwie

From: MMatlala Rabothata <MRabothata@environment.gov.za>
Sent: Tuesday, 13 July 2021 13:49
To: Projects
Cc: Shalot Sekonko
Subject: Comments for Phezukomoya WEF and San Kraal WEF EA Amendment split
Attachments: Signed Comments on Revised Final amendment report for Phezukomoya WEF EA Phezukomoya Split 1 WEF.pdf; Signed Comments on Revised Final amendment report for Haartebeesthoek West WEF EA Haartebeesthoek West WEF.pdf; Signed Comments on Revised Final amendment report for San Kraal WEF split 1.pdf; Signed Comments on Revised Final amendment report for Haartebeesthoek East WEF.pdf

Dear Ms Bodasing,

Please receive the attached comments from Directorate :Biodiversity Conservation for your attention and implementation.

Regards,
Ms M Rabothata
Tel: 012 399 9174

Disclaimer

This message and any attachments transmitted with it are intended solely for the addressee(s) and may be legally privileged and/or confidential. If you have received this message in error please destroy it and notify the sender. Any unauthorized usage, disclosure, alteration or dissemination is prohibited. The Department of Forestry, Fisheries and the Environment no responsibility for any loss whether it be direct, indirect or consequential, arising from information made available and actions resulting there from. The views and opinions expressed in this e-mail message may not necessarily be those of Management. The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.



forestry, fisheries & the environment

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

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

Reference: 14/12/16/3/3/2/1028/1/AM1

Enquiries: Ms M Rabothata

Telephone: (012) 399 9174 **E-mail:** MRabothata@environment.gov.za

Ms Ashlin Bodasing
Arcus Consultancy Services South Africa (Pty) Ltd
Office 607 Cube Workspace
Icon Building
CAPE TOWN
8001

Telephone Number: (+ 27) 21 412 1529
Email Address: projects@arcusconsulting.co.za

PER E-MAIL

Dear Ms. Bodasing

COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT AND SPLIT OF THE AUTHORISED PHEZUKOMOYA WIND ENERGY FACILITY, NORTHERN AND EASTERN CAPE PROVINCES (PHEZUKOMOYA SPLIT 1 WEF)

The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned final report.

According to the information provided in the final amendment report. The larger turbines, fewer turbines and revised facility layout proposed will not change the original impact significance findings or the mitigations required. Furthermore, in terms of the impacts on CBAs, the original layout had a total of 12 turbines within CBA 2 areas and 19 turbines within CBA 1 areas. This compares to 11 turbines in CBA 2 areas and 14 turbines in CBA 1 areas as the proposed amendment. As such, there is a moderate decrease in the number of turbines within the Critical Biodiversity Areas (CBAs), which can be seen as favorable in terms of expected impacts on CBAs. However, developments are fatal flaw and not supported on CBA 1 which is not degraded and this decrease is not considered sufficient to decrease the assessed impact of the development from moderate to low significance.

In addition, the revised final amendment report to the Environmental Authorisation has incorporated all relevant Biodiversity recommendations and mitigation measures to their Environmental Management Programme Report. Therefore, the developer must ensure that the mitigation measures proposed for all the development phases of the WEF are implemented and conducted appropriately.



COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT OF THE AUTHORISED PHEZUKOMOYA WIND ENERGY FACILITY (WEF), (PHEZUKOMOYA SPLIT 1 WEF), NORTHERN AND EASTERN CAPE PROVINCES

In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA enquiries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of **Mr Seoka Lekota**.

Yours faithfully



Mr. Seoka Lekota

Control Biodiversity Officer Grade B: Biodiversity Conservation

Department of Forestry, Fisheries & the Environment

Date: 12/07/2021



forestry, fisheries & the environment

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

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

Reference: 14/12/16/3/3/2/1028/2/AM1

Enquiries: Ms M Rabothata

Telephone: (012) 399 9174 **E-mail:** MRabothata@environment.gov.za

Ms Ashlin Bodasing
Arcus Consultancy Services South Africa (Pty) Ltd
Office 607 Cube Workspace
Icon Building
CAPE TOWN
8001

Telephone Number: (+ 27) 21 412 1529
Email Address: projects@arcusconsulting.co.za

PER E-MAIL

Dear Ms. Bodasing

COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT AND SPLIT OF THE AUTHORISED PHEZUKOMOYA WIND ENERGY FACILITY, NORTHERN AND EASTERN CAPE PROVINCES (HARTEBEESTHOEK WEST WEF)

The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned final report.

Based on the information provided on the assessment for the Phezukomoya WEF following the split, the amended turbine layout remains the same before and after mitigation. The larger turbines, fewer turbines and revised facility layout proposed will not change the original impact significance findings or the mitigations required. Furthermore, there is a moderate decrease in the number of turbines within the Critical Biodiversity Areas (CBAs), which can be seen as favorable in terms of expected impacts on CBAs. However, developments are fatal flaw and not supported on CBA 1 which are not degraded and this decrease is not considered sufficient to decrease the assessed impact of the development from moderate to low significance.

In addition, the revised final amendment report to the Environmental Authorisation has incorporated all relevant Biodiversity recommendations and mitigation measures to their Environmental Management Programme Report. Therefore, the developer of the WEF must ensure that the mitigation measures proposed for all the development phases of the WEF are implemented and conducted appropriately.



COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT AND SPLIT OF THE AUTHORISED PHEZUKOMOYA WIND ENERGY FACILITY, NORTHERN AND EASTERN CAPE PROVINCES (HARTEBEESTHOEK WEST WEF)

In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA enquiries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of **Mr Seoka Lekota**.

Yours faithfully



Mr. Seoka Lekota

Control Biodiversity Officer Grade B: Biodiversity Conservation

Department of Forestry, Fisheries & the Environment

Date: 12/07/2021



forestry, fisheries & the environment

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

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

Reference: 14/12/16/3/3/2/1029/1/AM1

Enquiries: Ms M Rabothata

Telephone: (012) 399 9174 **E-mail:** MRabothata@environment.gov.za

Ms Ashlin Bodasing
Arcus Consultancy Services South Africa (Pty) Ltd
Office 607 Cube Workspace
Icon Building
CAPE TOWN
8001

Telephone Number: (+ 27) 21 412 1529
Email Address: projects@arcusconsulting.co.za

PER E-MAIL

Dear Ms. Bodasing

COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT OF THE AUTHORISED SAN KRAAL WIND ENERGY FACILITY, NORTHERN AND EASTERN CAPE PROVINCES (SAN KRAAL SPLIT 1 WEF)

The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned final report.

Based on the information provided in the assessment for the San Kraal WEF following the split. The amended turbine layout remains the same before and after mitigation. The larger turbines, fewer turbines and revised facility layout proposed will not change the original impact significance findings or the mitigations required. Furthermore, in terms of impacts on Critical Biodiversity Area (CBAs), the original layout had a total of 8 turbines within CBAs, whereas under the amended layout, only 5 turbines are within the CBA. However, developments are fatal flaw and not supported on CBA 1 which are not degraded. The impacts of the amendment on CBAs would be similar or lower than the original approved layout. The lower number of turbines in the CBA is seen as a positive, albeit minor improvement of the amendment over the original layout with regards to the potential impacts on CBAs. As such, no increase in impacts on CBAs associated with the amendment can be expected.

In addition, the revised final amendment report to the Environmental Authorisation has incorporated all relevant Biodiversity recommendations and mitigation measures to their Environmental Management Programme Report. Therefore, the developer of the WEF must ensure that the mitigation measures proposed for all the development phases of the WEF are implemented and conducted appropriately.



COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT OF THE AUTHORISED SAN KRAAL WIND ENERGY FACILITY, NORTHERN AND EASTERN CAPE PROVINCES (SAN KRAAL SPLIT 1 WEF)

In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of **Mr Seoka Lekota**.

Yours faithfully



Mr. Seoka Lekota

Control Biodiversity Officer Grade B: Biodiversity Conservation

Department of Forestry, Fisheries & the Environment

Date: 12/07/2021



forestry, fisheries & the environment

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

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

Reference: 14/12/16/3/3/2/1029/2/AM1

Enquiries: Ms M Rabothata

Telephone: (012) 399 9174 **E-mail:** MRabothata@environment.gov.za

Ms Ashlin Bodasing
Arcus Consultancy Services South Africa (Pty) Ltd
Office 607 Cube Workspace
Icon Building
CAPE TOWN
8001

Telephone Number: (+ 27) 21 412 1529
Email Address: projects@arcusconsulting.co.za

PER E-MAIL

Dear Ms. Bodasing

COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT OF THE AUTHORISED SAN KRAAL WIND ENERGY FACILITY, NORTHERN AND EASTERN CAPE PROVINCES (HARTEBEESTHOEK EAST WEF)

The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned final report.

Based on the information provided in the assessment for the San Kraal WEF following the split. The amended turbine layout remains the same before and after mitigation. The larger turbines, fewer turbines and revised facility layout proposed will not change the original impact significance findings or the mitigations required. Furthermore, in terms of impacts on Critical Biodiversity Area (CBAs), the original layout had a total of 8 turbines within CBAs, whereas under the amended layout, only 5 turbines are within the CBA. However, developments are fatal flaw and not supported on CBA 1 which are not degraded. The impacts of the amendment on CBAs would be similar or lower than the original approved layout. The lower number of turbines in the CBA is seen as a positive, albeit minor improvement of the amendment over the original layout with regards to the potential impacts on CBAs. As such, no increase in impacts on CBAs associated with the amendment can be expected.

In addition, the revised final amendment report to the Environmental Authorisation has incorporated all relevant Biodiversity recommendations and mitigation measures to their Environmental Management



COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT OF THE AUTHORISED SAN KRAAL WIND ENERGY FACILITY, NORTHERN AND EASTERN CAPE PROVINCES (HARTEBEESTHOEK EAST WEF)

Programme Report. Therefore, the developer of the WEF must ensure that the mitigation measures proposed for all the development phases of the WEF are implemented and conducted appropriately.

In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of **Mr Seoka Lekota**.

Yours faithfully



Mr. Seoka Lekota

Control Biodiversity Officer Grade B: Biodiversity Conservation

Department of Forestry, Fisheries & the Environment

Date: 12/07/2021

Aneesah Alwie

From: John Geeringh <GeerinJH@eskom.co.za>
Sent: Monday, 14 June 2021 08:56
To: Projects
Subject: RE: Notification of Availability of Revised Amendment Reports For Public Comment

Please keep me informed on the progress of this application. I have no further comments since commenting on the first amendment application.

Regards

John Geeringh (Pr Sci Nat) Reg.EAP (EAPASA)
Senior Consultant Environmental Management
Grid Planning: Land and Rights
Eskom Transmission Division
Megawatt Park, D1Y42, Maxwell Drive, Sunninghill, Sandton.
P O Box 1091, Johannesburg, 2000.
Tel: 011 516 7233
Cell: 083 632 7663
Fax: 086 661 4064
E-mail: john.geeringh@eskom.co.za



From: Projects <Projects@arcusconsulting.co.za>
Sent: Friday, 11 June 2021 23:31
To: Projects <Projects@arcusconsulting.co.za>
Subject: Notification of Availability of Revised Amendment Reports For Public Comment

Dear Interested and Affected Party (I&AP) / Stakeholder

You are identified as the Interested and Affected Party (I&AP) / Stakeholder for the following Application Process: The revised final amendment reports are being subjected to a Part II Amendment Application process.

The reports are revised and are being resubmitted for public comment, as per the decision on the appeal by the Minister, based on the appeal issued in respect of the environmental authorisations issued on the projects.

The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Reference Number 14/12/16/3/3/2/1029/1/AM1); and

- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Reference Number 14/12/16/3/3/2/1029/2/AM1).
- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

Notice is hereby given for both all projects. Public Participation Process (PPP) will be undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended. Kindly find the Notification Letters for the respective project attached.

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments. **The following is available for public review:**

- Volume I – Revised Final Amendment Report
- Volume II - Specialist Statements

The **Revised Final Amendment Reports** are available for public review and comment from **Friday, 11 June 2021 to Monday 12 July 2021 (both days inclusive), details provided below:**

Location	Physical Address	Contact person	Availability
Electronic Copy Location			
Arcus Website	https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/	Aneesah Alwie 021 412 1529	From Friday, 11 June 2021 to Monday, 12 July 2021
Hard Copy Location			
The Don Guesthouse	34 Murray St, Noupoort, 5950	Lizl de Swardt 049 843 1075	From Saturday, 12 June 2021 to Sunday, 13 June 2021
Noupoort Library	6 Shaw Street, Noupoort, 5950	Martha Van Eyk 084 243 1609	From Monday, 14 June 2021 to Monday, 12 July 2021
Kindly take note of COVID-19 Protocols No Mask = No Entry Please sanitize before and after use of the reports			

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Thank You

Ashleigh von der Heyden

Senior Environmental Assessment Practitioner

Tel: +27 (0) 21 412 1529

Cell: +27 (0) 79 895 1456

Email: AshleighvdH@arcusconsulting.co.za

Arcus

Office 607 Cube Workspace

Cnr Long Street and Hans Strijdom Ave

Cape Town

8001

www.arcusconsulting.co.za



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Aneesah Alwie

From: Lizell Stroh <StrohL@caa.co.za>
Sent: Monday, 14 June 2021 09:57
To: Projects
Subject: RE: Notification of Availability of Revised Amendment Reports For Public Comment

Good day, please find the process as per CAA website to follow.

<http://www.caa.co.za/Pages/Default.aspx>

<http://www.caa.co.za/Pages/Obstacles/Urgent-notices.aspx>

Obstacle Notice 4/2020 Amending Obstacle Information

Kindly note that with immediate effect, assessments will be conducted on the obstacle information as it stands in the application as provided to the Obstacle Inspectorate.

Should applicants wish to amend the information in an application, applicants will be required to resubmit a new application which will be subject to the fees as published in Part 187.

Please also note that obstacle assessments will be conducted on obstacles applications only after payment in full has been received and confirmed by our finance office.

Kind regards



Lizell Stroh
Obstacle Inspector
PANS-OPS Section
Air Navigation Services Department
Tel: +27 11 545 1232 | Mobile: +27 083 461 6660
Email: Strohl@caa.co.za | www.caa.co.za

Foll us on    



Keeping you safe in the sky

 www.caa.co.za  [@SACAA](https://twitter.com/SACAA)  [@OfficialSACAA](https://www.facebook.com/OfficialSACAA)  [OfficialSACAA](https://www.linkedin.com/company/OfficialSACAA)  [South African Civil Aviation Authority - SACAA](https://www.instagram.com/South African Civil Aviation Authority - SACAA)

“We spend most of our waking lives at work, so it's important that we do what we love and love what we do.”

From: Projects <Projects@arcusconsulting.co.za>
Sent: Friday, 11 June 2021 23:31
To: Projects <Projects@arcusconsulting.co.za>
Subject: Notification of Availability of Revised Amendment Reports For Public Comment

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The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

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- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

Notice is hereby given for both all projects. Public Participation Process (PPP) will be undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended. Kindly find the Notification Letters for the respective project attached.

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments. **The following is available for public review:**

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Location	Physical Address	Contact person	Availability
Electronic Copy Location			
Arcus Website	https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/	Aneesah Alwie 021 412 1529	From Friday, 11 June 2021 to Monday, 12 July 2021

Location	Physical Address	Contact person	Availability
Hard Copy Location			
The Don Guesthouse	34 Murray St, Noupoort, 5950	Lizl de Swardt 049 843 1075	From Saturday, 12 June 2021 to Sunday, 13 June 2021
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Kindly take note of COVID-19 Protocols No Mask = No Entry Please sanitize before and after use of the reports			

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Thank You

Ashleigh von der Heyden

Senior Environmental Assessment Practitioner

Tel: +27 (0) 21 412 1529

Cell: +27 (0) 79 895 1456

Email: AshleighvdH@arcusconsulting.co.za

Arcus

Office 607 Cube Workspace

Cnr Long Street and Hans Strijdom Ave

Cape Town

8001

www.arcusconsulting.co.za



Aneesah Alwie

From: Natasha Higgitt <nhiggitt@sahra.org.za>
Sent: Monday, 14 June 2021 11:08
To: Projects
Subject: RE: Notification of Availability of Revised Amendment Reports For Public Comment

Importance: Low

Good morning,

Thank you for the notification. Please ensure that all documents pertaining to the application are uploaded to the relevant SAHRIS applications so that official comments can be issued. Once the documents have been uploaded to the applications, please ensure that the status of the cases is changed to SUBMITTED and inform me that this has been completed.

Kind regards,

From: Projects <Projects@arcusconsulting.co.za>
Sent: 11 June 2021 23:28
To: Natasha Higgitt <nhiggitt@sahra.org.za>
Subject: Notification of Availability of Revised Amendment Reports For Public Comment

Dear Natasha,
You are identified as the National Heritage Environmental decision making Authority for the for the following Application Process:

SUBMISSION OF REVIESED EA AMENDMENTS FOR ENVIRONMENTAL AUTHORISATION

EA Amendment Application for the Environmental Authorisation for the split of the Authorised Phezukomoya Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1028 and 14/12/16/3/3/2/1028/AM1) ('Phezukomoya')

and

EA Amendment Application for the Environmental Authorisation for the split of the Authorised San Kraal Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1029 and 14/12/16/3/3/2/1029/AM1) ('San Kraal')

The reports are being revised and resubmitted for public comment, as directed in the notification of appeal decision, based on an appeal to the issued environmental authorizations.

The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Reference Number 14/12/16/3/3/2/1029/1/AM1); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Reference Number 14/12/16/3/3/2/1029/2/AM1).
- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and

- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

An HIA Assessment was conducted under Section 38 (8) of the National Heritage Resources Act (No. 25 of 1999) as part of a previous amendment submission. This reports were uploaded to SAHRA and were given the following Case ID: 14386, 14387, 14388, 14389. Kindly find the Notification letter for your perusal.

Kindly confirm if your comments received 28 October 2019 during the notification of the Availability of the San Kraal and Phezukomoya WEF Amendments and Basic Assessment Reports, from the 26 September 2019 to the 25 October 2019 (both days inclusive), still remain valid. **Note that there are no revisions made to the Heritage, Archaeology and Palaeontological Assessment.**

Notice is hereby given of a Public Participation Process (PPP) to be undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments. **The following is available for public review:**

- Volume I – Revised Final Amendment Report
- Volume II - Specialist Statements

The **Revised Final Amendment Reports** are available for public review and comment from **Friday, 11 June 2021 to Monday 12 July 2021 (both days inclusive)**, details provided below:

Location	Physical Address	Contact person	Availability
Electronic Copy Location			
Arcus Website	https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/	Aneesah Alwie 021 412 1529	From Friday, 11 June 2021 to Monday, 12 July 2021
Hard Copy Location			
The Don Guesthouse	34 Murray St, Noupoort, 5950	Lizl de Swardt 049 843 1075	From Saturday, 12 June 2021 to Sunday, 13 June 2021
Noupoort Library	6 Shaw Street, Noupoort, 5950	Martha Van Eyk 084 243 1609	From Monday, 14 June 2021 to Monday, 12 July 2021
Kindly take note of COVID-19 Protocols No Mask = No Entry Please sanitize before and after use of the reports			

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans

Via Telephone Strijdom Avenue, Cape Town, 8001
: +27 21 412 1529

Thank You

Ashleigh von der Heyden
Senior Environmental Assessment Practitioner

Tel: +27 (0) 21 412 1529
Cell: +27 (0) 79 895 1456
Email: AshleighvdH@arcusconsulting.co.za

Arcus
Office 607 Cube Workspace
Cnr Long Street and Hans Strijdom Ave
Cape Town
8001

www.arcusconsulting.co.za



Natasha Higgitt
Heritage Officer: Archaeology, Palaeontology and Meteorites Unit

South African Heritage Resources Agency
- A nation united through heritage -

T: +27 21 462 4502/ 8660 | C: +27 82 507 0378 | F: +27 21 462 4509
E: nhiggitt@sahra.org.za | 111 Harrington Street | Cape Town |

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an agency of the
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Natasha Higgitt
Tel: 021 462 4502
Email: nhiggitt@sahra.org.za
CaseID: 14387

Date: Monday July 12, 2021
Page No: 1

Final Comment

In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: EDF Renewables (Pty) Ltd

EA amendment application for Phezukomoya WEF

Arcus Consultancy Services South Africa (Pty) Ltd has been appointed by Hartebeesthoek Wind Power (Pty) Ltd to undertake an Environmental Authorisation (EA) Amendment Application to amend the authorised Phezukomoya Wind Energy Facility (WEF), near Noupoot in the Northern and Eastern Cape Province (DEA Ref. No. 14/12/16/3/3/2/1028 and 14/12/16/3/3/2/1028/AM1).

A Final Comment was issued on the 13/12/2019 (<https://sahris.sahra.org.za/node/532002>) noting no objections to the proposed amendment and provided conditions to be implemented as part of the EMPr.

Since the issuing of the Final Comment, further revision to the proposed Amendment report has been undertaken by the compilation of a Wake Effect Impact Assessment, where no changes have been made to the technical details or the heritage assessment.

Final Comment

As the results of the Wake Effect Impact Assessment did not cause additional or increase the impacts to heritage resources as were originally assessed, the Final Comment and associated conditions issued on the 13/12/2019 remain valid and must be implemented.

- The Final Motivation Report and EMPr must be submitted to SAHRA for record purposes;
- The decision regarding the EA Amendment Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Natasha Higgitt
Tel: 021 462 4502
Email: nhiggitt@sahra.org.za
CaseID: 14387

Date: Monday July 12, 2021
Page No: 2

Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

Phillip Hine
Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/529285>
(DEA, Ref: Phezukomoya WEF (DFFE Reference: 14/12/16/3/3/2/1028, 14/12/16/3/3/2/1028/AM1, and 14/12/16/3/3/2/1028/2/AM1))

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.

Aneesah Alwie

From: Projects
Subject: 14/12/16/3/3/2/1028/2

From: Ephron Maradwa <EMaradwa@environment.gov.za>
Sent: Tuesday, 15 June 2021 08:08
To: Ashlin Bodasing <AshlinB@arcusconsulting.co.za>
Cc: Constance Musemburi <CMusemburi@environment.gov.za>
Subject: 14/12/16/3/3/2/1028/2

Dear Ashlin

14/12/16/3/3/2/1028/2

ACKNOWLEDGEMENT OF RECEIPT OF THE REVISED FINAL MOTIVATION REPORT BASED ON THE APPEAL FOR THE AMENDMENT TO EA FOR THE PROPOSED THE 74.4 MW HARTEBEESTHOEK WEST WEF IN THE NORTHERN CAPE PROVINCE AND THE EASTERN CAPE PROVINCE.

The Department confirms having received the Revised Final Motivation Report for the abovementioned project on 11 June 2021. You have submitted these documents to comply with the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

You are hereby reminded of Section 24F of the National Environmental Management Act 1998 (Act No. 107 of 1998), as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

Yours sincerely

Yours in admin
EIA Applications
Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries



**environment, forestry
& fisheries**

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Disclaimer

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Aneesah Alwie

From: EIAAdmin <EIAAdmin@environment.gov.za>
Sent: Monday, 12 July 2021 09:59
To: Ashlin Bodasing; Projects; Sheldon Vandrey
Cc: Constance Musemburi; EIAAdmin
Subject: 14/12/16/3/3/2/1028/1/AM1 & 2/AM1 and 14/12/16/3/3/2/1029/1/AM1 & 2/AM1
Attachments: 14-12-16-3-3-2-1028-1-AM1.pdf; 14-12-16-3-3-2-1028-2-AM1.pdf;
14-12-16-3-3-2-1029-1-AM1.pdf; 14-12-16-3-3-2-1029-2-AM1.pdf

Good day.

Please find herein the attached letters for the above mentioned.

I hope you find all in order.

Thank you.

Kind Regards,
Integrated Environmental Authorisations:
IEM Systems and Tools Coordination
Tel (012) 399 8630 / 9370 / 9367
Email: EIAAdmin@environment.gov.za

'Please consider the environment before you print this email' The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.

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forestry, fisheries & the environment

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Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House ·473 Steve Biko Road, Arcadia,· PRETORIA

DEA Reference: 14/12/16/3/3/2/1028/1/AM1

Enquiries: Ms Constance Musemburi

Telephone: (012) 399 9416 **E-mail:** CMusemburi@environment.gov.za

Ms Ashlin Bodasing
Arcus Consultancy Services South Africa (Pty) Ltd
Office 607
Icon Building
Cube Work Space
24 Hans Strijdom Avenue
CAPE TOWN
8001

Telephone Number: (021) 412 1529

Email Address: ashlinb@arcusconsulting.co.za / projects@arcusconsulting.co.za

PER MAIL / E-MAIL

Dear Ms Bodasing

COMMENTS ON THE DRAFT REVISED AMENDMENT REPORT FOR THE PROPOSED 217MW PHEZUKOMOYA WIND ENERGY FACILITY, 132KV GRID CONNECTION TRANSMISSION LINE AND ASSOCIATED INFRASTRUCTURE NEAR NOUPOORT WITHIN THE UMSOBOMVU AND INXUBA YETHEMBA LOCAL MUNICIPALITIES IN THE NORTHERN CAPE AND EASTERN CAPE PROVINCES.

The Environmental Authorisation (EA) issued for the above application by this Department on 28 June 2018 (14/12/16/3/3/2/1029); the Application for Environmental Authorisation (EA) and Draft Amendment Report received by the Department on 26 September 2019, the acknowledgement letter from the Department dated 15 October 2019, the split amendment dated 08 June 2020, the appeal decision dated 07 June 2021 and the amended draft amendment reports submitted in response to the appeal decision received by the Department on 11 June 2021, refer.

The Department has the following comments on the abovementioned amendment application:

Specific Comments

- (i) It is noted that the amended draft motivation report (ADMR) is submitted in response to an appeal decision dated 07 June 2021, which, "*The appeal broadly premised on the following grounds: Error of fact, Socio-Economic Impacts and Mitigation Hierarchy*".
- (ii) Please note, that should there be any other similar projects within a 30km radius of the proposed development site, a Cumulative Impact Assessment (to be included in the amended final motivation report (FAMR)) for all identified projects must be assessed.
- (iii) Should there be any other similar projects adjacent of the proposed development site, a Wake Impact Analysis (to be included in the FAMR) for all identified projects must be assessed.
- (iv) Please ensure that the FAMR include detailed amendments that are being applied for and respond adequately to the appeal decision.

- (v) Please ensure that the Environmental Management Programme (EMPr) must be amended to be in line with and to respond to the appeal decision. All recommendations and mitigation measures recorded in the AFMR and the Wake Impact Analysis must be considered and addressed in the EMPr.
- (vi) The conclusions in the Wake Impact Analysis dated 01 July 2020 that "*the additional wake impact is quite small*" is noted, however the Wake Impact Analysis is required to provide concluding recommendations and/or to indicate as such if there are no further recommendations required.
- (vii) An amended application form must be submitted together with the AFMR to reflect any changes from the initial application form.
- (viii) The Environmental Assessment Practitioner (EAP) is to ensure that all the amendments applied for do not trigger any listed or specified activity as outlined in Regulation 31 of the NEMA EIA Regulations, 2014 as amended. Please ensure that there is clear motivation to the proposed amendments occurring within the approved footprint of the existing authorisation (can be supported with a layout map).
- (ix) Please ensure that the Wake Impact Analysis to be submitted with the AFMR must provide a detailed description of the study's methodology; an indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
- (x) The Wake Impact Analysis must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- (xi) Please note that the Competent Authority (CA) considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas. Should the specialist definition of 'no-go' area differ from the CA's definition, this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
- (xii) Should the appointed specialists specify contradicting recommendations, the EAP must, in the Environmental Impact Assessment phase, clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.
- (xiii) It is further brought to your attention that procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols, except where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned before the date on which the protocols came into effect, in which case Appendix 6 of the NEMA EIA Regulations, 2014, as amended, will apply.
- (xiv) The Public Participation Process (PPP) must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the NEMA EIA Regulations 2014, as amended.
- (xv) The AFMR must only include PPP information for this current phase.
- (xvi) Please ensure that all issues raised, and comments received during the circulation of the amended draft amendment reports from registered interested and affected parties (I&APs) and organs of state which have jurisdiction (including this Department's Biodiversity Section: BCAdmin@environment.gov.za for attention Mr Seoka Lekota) in respect of the proposed activity are adequately addressed in the amended final amendment reports. Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the CA of the attempts that were made to obtain comments.

(xvii) A comments and response (C&R) trail report must be submitted with the final reports. The C&R report must incorporate all comments received (only for this phase) for this development.

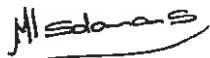
General

Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.

Should you fail to meet any of the timeframes stipulated in Regulation 32 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Milicent Solomons
Designation: Director: Prioritised Infrastructure Projects
Date: 08/07/2021.

CC: Sheldon Vandrey

Phezukomoya Wind Power (Pty) Ltd

Email: Sheldon.vandrey@edf-re.co.za



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
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DEA Reference: 14/12/16/3/3/2/1028/2/AM1

Enquiries: Ms Constance Musemburi

Telephone: (012) 399 9416 E-mail: CMusemburi@environment.gov.za

Ms Ashlin Bodasing
Arcus Consultancy Services South Africa (Pty) Ltd
Office 607
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CAPE TOWN
8001

Telephone Number: (021) 412 1529

Email Address: ashlinb@arcusconsulting.co.za / projects@arcusconsulting.co.za

PER MAIL / E-MAIL

Dear Ms Bodasing

COMMENTS ON THE DRAFT REVISED AMENDMENT REPORT FOR THE PROPOSED 74.4 MW HARTEBEESTHOEK WEST WIND ENERGY FACILITY (HBH WEST WEF) AND ASSOCIATED INFRASTRUCTURE NEAR NOUPOORT WITHIN THE UMSOBOMVU AND INXUBA YETHEMBA LOCAL MUNICIPALITIES IN THE NORTHERN CAPE AND EASTERN CAPE PROVINCES

The Environmental Authorisation (EA) issued for the above application by this Department on 28 June 2018 (14/12/16/3/3/2/1029); the Application for Environmental Authorisation (EA) and Draft Amendment Report received by the Department on 26 September 2019, the acknowledgement letter from the Department dated 15 October 2019, the split amendment dated 08 June 2020, the appeal decision dated 07 June 2021 and the amended draft amendment reports submitted in response to the appeal decision received by the Department on 11 June 2021, refer.

The Department has the following comments on the abovementioned amendment application:

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- (xiv) The Public Participation Process (PPP) must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the NEMA EIA Regulations 2014, as amended.
- (xv) The AFMR must only include PPP information for this current phase.
- (xvi) Please ensure that all issues raised, and comments received during the circulation of the amended draft amendment reports from registered interested and affected parties (I&APs) and organs of state which have jurisdiction (including this Department's Biodiversity Section: BCAdmin@environment.gov.za for attention Mr Seoka Lekota) in respect of the proposed activity are adequately addressed in the amended final amendment reports. Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the CA of the attempts that were made to obtain comments.

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Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.

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Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Milicent Solomons
Designation: Director: Prioritised Infrastructure Projects
Date: 08/07/2021.

CC: Sheldon Vandrey

Hartebeesthoek Wind Power (Pty) Ltd

Email: Sheldon.vandrey@edf-re.co.za



forestry, fisheries & the environment

Department:
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DEA Reference: 14/12/16/3/3/2/1029/1/AM1

Enquiries: Ms Constance Musemburi

Telephone: (012) 399 9416 E-mail: CMusemburi@environment.gov.za

Ms Ashlin Bodasing
Arcus Consultancy Services South Africa (Pty) Ltd
Office 607
Icon Building
Cube Work Space
24 Hans Strijdom Avenue
CAPE TOWN
8001

Telephone Number: (021) 412 1529

Email Address: ashlinb@arcusconsulting.co.za / projects@arcusconsulting.co.za

PER MAIL / E-MAIL

Dear Ms Bodasing

COMMENTS ON THE DRAFT REVISED AMENDMENT REPORT FOR THE PROPOSED 217MW SAN KRAAL WIND ENERGY FACILITY (WEF) AND ASSOCIATED 132KV GRID CONNECTION TRANSMISSION LINE SOUTH EAST OF THE TOWN OF NOUPOORT WITHIN THE UMSOBOMVU LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE AND THE INXUBA YETHEMBA LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE.

The Environmental Authorisation (EA) issued for the above application by this Department on 28 June 2018 (14/12/16/3/3/2/1029); the Application for Environmental Authorisation (EA) and Draft Amendment Report received by the Department on 26 September 2019, the acknowledgement letter from the Department dated 15 October 2019, the split amendment dated 08 June 2020, the appeal decision dated 07 June 2021 and the amended draft amendment motivation report submitted in response to the appeal decision received by the Department on 11 June 2021, refer.

The Department has the following comments on the abovementioned amendment application:

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- (viii) The Environmental Assessment Practitioner (EAP) is to ensure that all the amendments applied for do not trigger any listed or specified activity as outlined in Regulation 31 of the NEMA EIA Regulations, 2014 as amended. Please ensure that there is clear motivation to the proposed amendments occurring within the approved footprint of the existing authorisation (can be supported with a layout map).
- (ix) Please ensure that the Wake Impact Analysis to be submitted with the AFMR must provide a detailed description of the study's methodology; an indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
- (x) The Wake Impact Analysis must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- (xi) Please note that the Competent Authority (CA) considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas. Should the specialist definition of 'no-go' area differ from the CA's definition, this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
- (xii) Should the appointed specialists specify contradicting recommendations, the EAP must, in the Environmental Impact Assessment phase, clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.
- (xiii) It is further brought to your attention that procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols, except where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned before the date on which the protocols came into effect, in which case Appendix 6 of the NEMA EIA Regulations, 2014, as amended, will apply.
- (xiv) The Public Participation Process (PPP) must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the NEMA EIA Regulations 2014, as amended.
- (xv) The AFMR must only include PPP information for this current phase.
- (xvi) Please ensure that all issues raised, and comments received during the circulation of the amended draft amendment reports from registered interested and affected parties (I&APs) and organs of state which have jurisdiction (including this Department's Biodiversity Section: BCAdmin@environment.gov.za for attention Mr Seoka Lekota) in respect of the proposed activity are adequately addressed in the amended final amendment reports. Proof of correspondence with the various stakeholders must be included in the

final report. Should you be unable to obtain comments, proof should be submitted to the CA of the attempts that were made to obtain comments.

- (xvii) A comments and response (C&R) trail report must be submitted with the final reports. The C&R report must incorporate all comments received (only for this phase) for this development.

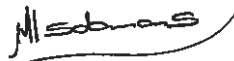
General

Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.

Should you fail to meet any of the timeframes stipulated in Regulation 32 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Milicent Solomons
Designation: Director: Prioritised Infrastructure Projects
Date: 08/07/2021.

CC: Sheldon Vandrey

San Kraal Wind Power (Pty) Ltd

Email: Sheldon.vandrey@edf-re.co.za



forestry, fisheries & the environment

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

Private Bag X 447· PRETORIA · 0001· Environment House ·473 Steve Biko Road, Arcadia,·PRETORIA

DEA Reference: 14/12/16/3/3/2/1029/2/AM1

Enquiries: Ms Constance Musemburi

Telephone: (012) 399 9416 E-mail: CMusemburi@environment.gov.za

Ms Ashlin Bodasing
Arcus Consultancy Services South Africa (Pty) Ltd
Office 607
Icon Building
Cube Work Space
24 Hans Strijdom Avenue
CAPE TOWN
8001

Telephone Number: (021) 412 1529

Email Address: ashlinb@arcusconsulting.co.za / projects@arcusconsulting.co.za

PER MAIL / E-MAIL

Dear Ms Bodasing

COMMENTS ON THE DRAFT REVISED AMENDMENT REPORT FOR THE PROPOSED 124MW HARTEBEESTHOEK EAST WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE SOUTH-EAST OF THE TOWN OF NOUPOORT WITHIN THE UMSOBOMVU LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE AND THE INXUBA YETHEMBA LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 28 June 2018 (14/12/16/3/3/2/1029); the Application for Environmental Authorisation (EA) and Draft Amendment Report received by the Department on 26 September 2019, the acknowledgement letter from the Department dated 15 October 2019, the split amendment dated 08 June 2020, the appeal decision dated 07 June 2021 and the amended draft amendment reports submitted in response to the appeal decision received by the Department on 11 June 2021, refer.

The Department has the following comments on the abovementioned amendment application:

Specific Comments

- (i) It is noted that the amended draft motivation report (ADMR) is submitted in response to an appeal decision dated 07 June 2021, which, "*The appeal broadly premised on the following grounds: Error of fact, Socio-Economic Impacts and Mitigation Hierarchy*".
- (ii) Please note, that should there be any other similar projects within a 30km radius of the proposed development site, a Cumulative Impact Assessment (to be included in the amended final motivation report (FAMR)) for all identified projects must be assessed.
- (iii) Should there be any other similar projects adjacent of the proposed development site, a Wake Impact Analysis (to be included in the FAMR) for all identified projects must be assessed.

- (iv) Please ensure that the FAMR include detailed amendments that are being applied for and respond adequately to the appeal decision.
- (v) Please ensure that the Environmental Management Programme (EMPr) must be amended to be in line with and to respond to the appeal decision. All recommendations and mitigation measures recorded in the AFMR and the Wake Impact Analysis must be considered and addressed in the EMPr.
- (vi) The conclusions in the Wake Impact Analysis dated 01 July 2020 that "*the additional wake impact is quite small*" is noted, however the Wake Impact Analysis is required to provide concluding recommendations and/or to indicate as such if there are no further recommendations required.
- (vii) An amended application form must be submitted together with the AFMR to reflect any changes from the initial application form.
- (viii) The Environmental Assessment Practitioner (EAP) is to ensure that all the amendments applied for do not trigger any listed or specified activity as outlined in Regulation 31 of the NEMA EIA Regulations, 2014 as amended. Please ensure that there is clear motivation to the proposed amendments occurring within the approved footprint of the existing authorisation (can be supported with a layout map).
- (ix) Please ensure that the Wake Impact Analysis to be submitted with the AFMR must provide a detailed description of the study's methodology; an indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
- (x) The Wake Impact Analysis must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- (xi) Please note that the Competent Authority (CA) considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas. Should the specialist definition of 'no-go' area differ from the CA's definition, this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
- (xii) Should the appointed specialists specify contradicting recommendations, the EAP must, in the Environmental Impact Assessment phase, clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.
- (xiii) It is further brought to your attention that procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols, except where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned before the date on which the protocols came into effect, in which case Appendix 6 of the NEMA EIA Regulations, 2014, as amended, will apply.
- (xiv) The Public Participation Process (PPP) must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the NEMA EIA Regulations 2014, as amended.
- (xv) The AFMR must only include PPP information for this current phase.
- (xvi) Please ensure that all issues raised, and comments received during the circulation of the amended draft amendment reports from registered interested and affected parties (I&APs) and organs of state which have jurisdiction (including this Department's Biodiversity Section: BCAdmin@environment.gov.za for attention Mr Seoka Lekota) in respect of the proposed activity are adequately addressed in the amended

NS

final amendment reports. Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the CA of the attempts that were made to obtain comments.

- (xvii) A comments and response (C&R) trail report must be submitted with the final reports. The C&R report must incorporate all comments received (only for this phase) for this development.

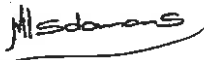
General

Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.

Should you fail to meet any of the timeframes stipulated in Regulation 32 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Millicent Solomons
Designation: Director: Prioritised Infrastructure Projects
Date: 08/07/2021.

CC: Sheldon Vandrey

Hartebeesthoek Wind Power (Pty) Ltd

Email: Sheldon.vandrey@edf-re.co.za

Aneesah Alwie

From: Aneesah Alwie
Sent: Friday, 02 July 2021 17:04
To: africam@ecphra.org.za; sinazom@ecphra.org.za
Cc: Lungiswa
Subject: RE: Permit application
Attachments: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces

Good Day

Please note that the Revised Amendment Reports for the proposed split of the San Kraal and Phezukomoya Wind Energy Facility in the Eastern / Northern Cape Province is available for download from the Arcus website:
<https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/>

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Note: Arcus is not involved in the Highlands WEF Amendments.

Thank You

Kind Regards

Aneesah Alwie

Environmental Consultant, South Africa

Email: projects@arcusconsulting.co.za

Arcus Consultancy Services South Africa (Pty) Ltd

www.arcusconsulting.co.za

From: Lungiswa <lungiswam@ecphra.org.za>
Sent: Wednesday, 30 June 2021 12:05
To: Aneesah Alwie <AneesahA@arcusconsulting.co.za>
Cc: sinazom@ecphra.org.za
Subject: FW: Permit application

Send the soft copies to africam@ecphra.org.za or sinazom@ecphra.org.za

Regards

Africa

From: Lungiswa [<mailto:lungiswam@ecphra.org.za>]
Sent: 30 June 2021 11:47 AM
To: 'infor@cesnet.co.za'
Cc: sinazom@ecphra.org.za
Subject: FW: Permit application

To whom it may concern

I hope the email finds you in good health.

I would like you to send me the soft copies for the following Wind Energy Permit Applications:

1. Haga Haga WEF
2. Umsobomvu WEF
3. Coleskop WEF
4. Grahamstown WEF
5. Golden Valley II WEF (Phase 2)

Regards

Africa

From: Lungiswa [<mailto:lungiswam@ecphra.org.za>]
Sent: 30 June 2021 11:38 AM
To: c.evans@cesnet.co.za; a.carter@cesnet.co.za
Cc: sinazom@ecphra.org.za
Subject: FW: Permit application

Good day

Can you please send also the applications for:

1. Umsobomvu WEF
2. Coleskop WEF
3. Grahamstown WEF Golden Valley II WEF (Phase 2)

Regards

Africa

From: Lungiswa [<mailto:lungiswam@ecphra.org.za>]
Sent: 30 June 2021 11:28 AM
To: 'c.evans@cesnet.co.za'; 'a.carter@cesnet.co.za'
Cc: 'sinazom@ecphra.org.za'
Subject: Permit application

To whom it may concern

I hope the email finds you in good health.

I would like you to send me the soft copy for the Wind Energy Permit application of Haga Haga on the email address below:

africam@ecphra.org.za or sinazom@ecphra.org.za

Regards

Africa



Virus-free. www.avast.com

Aneesah Alwie

From: Lungiswa <lungiswam@ecphra.org.za>
Sent: Wednesday, 30 June 2021 12:14
To: Aneesah Alwie
Cc: sinazom@ecphra.org.za
Subject: FW: Permit application

Please send the soft copies to the following email:

africam@ecphra.org.za or sinazom@ecphra.org.za

Regards

Africa

From: Lungiswa [mailto:lungiswam@ecphra.org.za]
Sent: 30 June 2021 11:55 AM
To: 'aneesaha@arcusconsulting.co.za'
Cc: sinazom@ecphra.org.za
Subject: Permit application

To whom it may concern

I hope this email finds you in good health.

I would like you to send me soft copies for for the following Wind Energy Permit Applications:

1. San Kraal WEF
2. Phezukomoya WEF
3. Haartebeeshoek WEF
4. Highlands WEF

Regards

Africa



Virus-free. www.avast.com

Aneesah Alwie

From: Projects
Sent: Friday, 18 June 2021 09:12
To: markm@ecphra.org.za; africam@ecphra.org.za
Subject: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces
Attachments: SAHRA Comments on SKPH and Grid Developments (2).zip

Dear Stakeholder,

You are identified as the Eastern Cape Provincial Heritage Environmental decision making Authority for the for the following Application Process:

SUBMISSION OF REVIESED EA AMENDMENTS FOR ENVIRONMENTAL AUTHORISATION

EA Amendment Application for the Environmental Authorisation for the split of the Authorised Phezukomoya Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1028 and 14/12/16/3/3/2/1028/AM1) ('Phezukomoya')

and
EA Amendment Application for the Environmental Authorisation for the split of the Authorised San Kraal Wind Energy Facility and Associated Infrastructure, Eastern and Northern Cape Provinces (DEA Ref. No. 14/12/16/3/3/2/1029 and 14/12/16/3/3/2/1029/AM1) ('San Kraal')

The reports are being revised and resubmitted for public comment, as directed in the notification of appeal decision, based on an appeal to the issued environmental authorisations.

The proposed amendments sought to split the original EAs issued for the San Kraal WEF into two WEF facilities, as well as the Phezukomoya WEF into two WEF facilities. The amendments had the following detail:

- San Kraal WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Reference Number 14/12/16/3/3/2/1029/1/AM1); and
- Hartebeesthoek East (up to 124 MW) consisting of up to 20 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Reference Number 14/12/16/3/3/2/1029/2/AM1).
- Phezukomoya WEF (up to 217 MW) consisting of up to 35 turbines with a generating capacity of up to 6.2 MW each (The Proposed Project) (DFFE Ref Number 14/12/16/3/3/2/1028/1/AM1); and
- Hartebeesthoek West (up to 74.4 MW) consisting of up to 12 turbines with a generating capacity of up to 6.2 MW each (subject to a separate report, assessment and application, DFFE Ref Number 14/12/16/3/3/2/1028/2/AM1).

An HIA Assessment was conducted under Section 38 (8) of the National Heritage Resources Act (No. 25 of 1999) as part of a previous amendment submission. This reports were uploaded to SAHRA and were given the following Case ID: 14386, 14387, 14388, 14389.

You are invited to provide comment on the revised Final Amendment Reports. I have attached SAHRA Final Comment to identify each project Case ID. **Note that there are no revisions made to the Heritage, Archaeology and Palaeontological Assessment.**

Notice is hereby given of a Public Participation Process (PPP) to be undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

Invitation to Comment:

Arcus Consultancy Services South Africa (Ltd) Pty ('Arcus') has been appointed to act as the project manager and environmental services provide to undertake the environmental process for Environmental Authorisation under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA) as amended, for the Proposed Developments. **The following is available for public review from Friday, 11 June 2021 to Monday 12 July 2021 (both days inclusive):**

- Volume I – Revised Final Amendment Report
- Volume II - Specialist Statements

Link to application documents: <https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/>

With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the **12 July 2021** to the below address:

Arcus Consultancy Services South Africa (Pty) Ltd

Reference Application : 3329 SK-PH Amendments

Contact Person/s : Aneesah Alwie

Via Email : projects@arcusconsulting.co.za

Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001

Via Telephone : +27 21 412 1529

Thank You

Kind Regards

Aneesah Alwie

Environmental Consultant, South Africa

Email: projects@arcusconsulting.co.za

Arcus Consultancy Services South Africa (Pty) Ltd

www.arcusconsulting.co.za

Thank You

Kind Regards

Aneesah Alwie

Environmental Consultant, South Africa

Tel: +27 (0) 21 412 1529

Cell: +27 (0) 72 595 0104

Email: AneesahA@arcusconsulting.co.za

Arcus Consultancy Services South Africa (Pty) Ltd

www.arcusconsulting.co.za

From: Alistair McMaster <Alistair.McMaster@dedea.gov.za>

Sent: Tuesday, 15 June 2021 15:03

To: Projects <Projects@arcusconsulting.co.za>

Cc: Xola Swepu <Xola.Swepu@dedea.gov.za>

Subject: RE: ECPHA Comment: San Kraal, Phezukomoya and Hartebeesthoek – Wind Energy Facilities in the Eastern and Northern Cape Provinces

Hi Aneesah

The Heritage authority contact details would be:

markm@ecphra.org.za

Mark Mandita

ECPHRA Acting Manager

and

Africa Maxongo africam@ecphra.org.za

Africa Maxongo

Heritage Officer – Built Environment

EC Provincial Heritage Resources Authority

2nd Floor Old Elco Building

No.17 Commissioner Street

EAST LONDON

Cell: 081 552 2201

Kind regards

Alistair McMaster

Sustainable Energy

📞 0437074091

📠 None

📞 0824698118

✉️ Alistair.McMaster@dedea.gov.za

www.dedea.gov.za



P/Bag X 0054,
Bhisho,
5605
REPUBLIC OF SOUTH AFRICA

**APPENDIX C4: COMMENTS AND RESPONSES TRAIL OF THE REVISED
AMENDMENT REPORT PP PROCESS (2021)**

This comments and responses table was updated throughout the duration of the Revised Amendment Report Process. This table has comments collated by thread and not by date.

Ref	Name and Organisation	Date and Method	Comment	EAP Response
1	Shalot Sekonko DFFE Directorate: Biodiversity Conservation	14 June 2021 E-mail	<p>From: Shalot Sekonko Sent: Monday, 14 June 2021 08:41 To: Aneesah Alwie Cc: MMatlala Rabothata; Tsholofelo Shalot Sekonko Subject: Notification of Availability of Revised Amendment Reports For Public Comment</p> <p>Dear Ms Alwie</p> <p>DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the Notification of availability of revised amendment reports for public comment. Kindly note that the project has been allocated to Ms Rabothata (both copied on this email) and myself.</p> <p>Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries will be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for the attention of Mr Seoka Lekota.</p> <p>Regards Ms Sekonko</p>	The EAP hereby acknowledges the acknowledgement of receipt from the DFFE Directorate: Biodiversity Conservation. It has been noted that the project has been allocated to Ms Rabothata and Ms Sekonko.
-	MMatlala Rabothata DFFE Directorate: Biodiversity Conservation	13 July 2021 e-mail	<p>From: MMatlala Rabothata Sent: Tuesday, 13 July 2021 13:49 To: Projects Cc: Shalot Sekonko Subject: Comments for Phezukomoya WEF and San Kraal WEF EA Amendment split</p> <p>Dear Ms Bodasing,</p> <p>Please receive the attached comments from Directorate :Biodiversity Conservation for your attention and implementation.</p> <p>Regards, Ms M Rabothata</p>	EAP acknowledges receipt of comment(s) received from the DFFE Directorate: Biodiversity Conservation.
e-mail attachment			COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT AND	

Ref	Name and Organisation	Date and Method	Comment	EAP Response
			<p>COMMENTS ON THE REVISED FINAL AMENDMENT REPORT FOR THE PROPOSED AMENDMENT AND SPLIT OF THE AUTHORISED PHEZUKOMOYA WIND ENERGY FACILITY, NORTHERN AND EASTERN CAPE PROVINCES (HARTEBEESTHOEK WEST WEF)</p> <p>The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned final report. Based on the information provided on the assessment for the Phezukomoya WEF following the split, the amended turbine layout remains the same before and after mitigation. The larger turbines, fewer turbines and revised facility layout proposed will not change the original impact significance findings or the mitigations required. Furthermore, there is a moderate decrease in the number of turbines within the Critical Biodiversity Areas (CBAs), which can be seen as favorable in terms of expected impacts on CBAs. However, developments are fatal flaw and not supported on CBA 1 which are not degraded and this decrease is not considered sufficient to decrease the assessed impact of the development from moderate to low significance.</p> <p>In addition, the revised final amendment report to the Environmental Authorisation has incorporated all relevant Biodiversity recommendations and mitigation measures to their Environmental Management Programme Report. Therefore, the developer of the WEF must ensure that the mitigation measures proposed for all the development phases of the WEF are implemented and conducted appropriately.</p> <p>In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA enquiries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota.</p>	<p>The impact significance on the CBA's did not change from the original assessment, this was high before mitigation and medium after mitigation. There are no turbines in high sensitivity areas. The specialist report states the following: "However, this decrease is not considered sufficient to decrease the assessed impact of the development from moderate to low significance. As such, there is no overall change in the assessed impact of the development on CBAs. In addition, there were no turbines within the Northern Cape Protected Area Expansion Strategy Focus Areas in the original assessment, and the amendment similarly avoids these areas." The original specialist report (prior to the split and Amendment Application) states the following: "The CBAs in the area are related to the maintenance of ecosystem processes and not biodiversity pattern and the approximate 150ha footprint of the development represents a small proportion of the affected CBAs and is not likely to significantly disrupt or alter the ecological functioning or ability</p>

Ref	Name and Organisation	Date and Method	Comment	EAP Response
				<p>of the landscape to provide ecosystem services. Consequently, the development of a wind farm partly within a CBA is not seen as a critical flaw associated with the project and the predicted impacts on the affected CBAs would be of a local nature only. "</p> <p>"This is of significance as the development footprint is approximately 150ha and this is a small proportion of the affected CBAs and with the appropriate mitigation is not likely to significantly disrupt or alter the ability of the landscape to provide ecosystem services or provide gradients and corridors for flora and faunal movement and dispersal. Consequently, in the current context, development of the wind farm partly within a CBA is not seen as a critical flaw associated with the project and impacts on the affected CBAs would be of a local nature only."</p> <p>The original layout had a total of 12 turbines within CBA 2 areas and 19 turbines within CBA 1 areas. This compares to 0 turbines in CBA 2 areas and 3 turbines in CBA 1 areas in the amendment.</p> <p>The developer / applicant will ensure that the mitigation measures proposed for all the development phases of the WEF are implemented and conducted appropriately. All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA enquiries will be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota.</p>
2	<p>John Geeringh Senior Consultant Environmental Management</p>	<p>14 June 2021 e-mail</p>	<p>From: John Geeringh Sent: Monday, 14 June 2021 08:56 To: Projects Subject: RE: Notification of Availability of Revised Amendment Reports For Public Comment Please keep me informed on the progress of this application. I have no further comments since commenting on the first amendment application. Regards</p>	<p>The I&AP (John Geeringh) will be kept informed on the progress of the application(s). Following this PPP the I&AP will receive notification of submission of the Final Revised Amendment Report and the Decision by the DFFE once received. Any other correspondence required to be made available to I&APs will also be made available to the I&AP.</p>

Ref	Name and Organisation	Date and Method	Comment	EAP Response
	Grid Planning: Land and Rights Eskom Transmission Division		John Geeringh Senior Consultant Environmental Management Grid Planning: Land and Rights Eskom Transmission Division	
3	Lizell Stroh Obstacle Inspector PANS-OPS Section Air Navigation Services Department South African Civil Aviation Authority	14 June 2021 E-mail	From: Lizell Stroh Sent: Monday, 14 June 2021 09:57 To: Projects Subject: RE: Notification of Availability of Revised Amendment Reports For Public Comment Good day, please find the process as per CAA website to follow. http://www.caa.co.za/Pages/Default.aspx http://www.caa.co.za/Pages/Obstacles/Urgent-notices.aspx Obstacle Notice 4/2020 Amending Obstacle Information Kindly note that with immediate effect, assessments will be conducted on the obstacle information as it stands in the application as provided to the Obstacle Inspectorate. Should applicants wish to amend the information in an application, applicants will be required to resubmit a new application which will be subject to the fees as published in Part 187. Please also note that obstacle assessments will be conducted on obstacles applications only after payment in full has been received and confirmed by our finance office. Kind regards Lizell Stroh	The EAP and Applicant acknowledges the link to the process as per the CAA website and the Obstacle Notice 4/2020 Amending Obstacle Information is understood. Please note that the Applicant has already secured CAA Conditional Approvals for the San Kraal, Phezukomoya and Hartebeesthoek WEFs.
4	Natasha Higgitt Heritage Officer: Archaeology, Palaeontology	14 June 2021 E-mail	From: Natasha Higgitt Sent: Monday, 14 June 2021 11:08 To: Projects Subject: RE: Notification of Availability of Revised Amendment Reports For Public Comment Importance: Low Good morning,	All documentation pertaining to the application(s) were uploaded to the relevant SAHRIS portal and status of each case was changed to SUBMITTED.

Ref	Name and Organisation	Date and Method	Comment	EAP Response
	<p>and Meteorites Unit</p> <p>South African Heritage Resources Agency</p>		<p>Thank you for the notification. Please ensure that all documents pertaining to the application are uploaded to the relevant SAHRIS applications so that official comments can be issued. Once the documents have been uploaded to the applications, please ensure that the status of the cases is changed to SUBMITTED and inform me that this has been completed.</p> <p>Kind regards,</p>	
-	<p>Natasha Higgitt</p> <p>Heritage Officer: Archaeology, Palaeontology and Meteorites Unit</p> <p>South African Heritage Resources Agency</p>	<p>12 July 2021</p> <p>Via SAHRA Portal</p>	<p>Final Comment In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999) Attention: EDF Renewables (Pty) Ltd EA amendment application for Phezukomoya WEF Arcus Consultancy Services South Africa (Pty) Ltd has been appointed by Hartebeesthoek Wind Power (Pty) Ltd to undertake an Environmental Authorisation (EA) Amendment Application to amend the authorised Phezukomoya Wind Energy Facility (WEF), near Noupoort in the Northern and Eastern Cape Province (DEA Ref. No. 14/12/16/3/3/2/1028 and 14/12/16/3/3/2/1028/AM1). A Final Comment was issued on the 13/12/2019 (https://sahris.sahra.org.za/node/532002) noting no objections to the proposed amendment and provided conditions to be implemented as part of the EMPr. Since the issuing of the Final Comment, further revision to the proposed Amendment report has been undertaken by the compilation of a Wake Effect Impact Assessment, where no changes have been made to the technical details or the heritage assessment.</p> <p>Final Comment As the results of the Wake Effect Impact Assessment did not cause additional or increase the impacts to heritage resources as were originally assessed, the Final Comment and associated conditions issued on the 13/12/2019 remain valid and must be implemented. The Final Motivation Report and EMPr must be submitted to SAHRA for record purposes;</p>	<p>The EAP acknowledges the final comment received from SAHRA. It is understood that the Final Comment and associated conditions issued on the 13/12/2019 remain valid and must be implemented.</p> <p>The Final Motivation Report and EMPr will be submitted to SAHRA for record purposes and the decision regarding the EA Amendment Application will be communicated to SAHRA and uploaded to the SAHRIS Case application.</p>

Ref	Name and Organisation	Date and Method	Comment	EAP Response
			<p>The decision regarding the EA Amendment Application must be communicated to SAHRA and uploaded to the SAHRIS Case application. Should you have any further queries, please contact the designated official using the case number quoted above in the case header.</p> <p>Yours Faithfully Natasha Higgitt Heritage Officer South African Heritage Resources Agency</p>	
5	<p>EIA Admin</p> <p>DFFE</p> <p>Integrated Environmental Authorisations</p>	<p>15 June 2021</p> <p>e-mail</p>	<p>From: Ephron Maradwa Sent: Tuesday, 15 June 2021 08:15 To: Ashlin Bodasing Cc: Constance Musemburi Subject: 14/12/16/3/3/2/1028/1</p> <p>Dear Ashlin 14/12/16/3/3/2/1028/1</p> <p>ACKNOWLEDGEMENT OF RECEIPT OF THE REVISED FINAL MOTIVATION REPORT BASED ON THE APPEAL FOR THE AMENDMENT TO EA FOR THE PROPOSED 217MW PHEZUKOMOYA WEF, 132KV GRID CONNECTION TRANSMISSION LINE AND ASSOCIATED INFRASTRUCTURE, NORTHERN CAPE AND EASTERN CAPE PROVINCES</p> <p>The Department confirms having received the Revised Final Motivation Report for the abovementioned project on 11 June 2021. You have submitted these documents to comply with the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act 1998 (Act No. 107 of 1998), as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p> <p>Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>Yours sincerely</p>	<p>The EAP acknowledges receipt of the acknowledgment of receipt received.</p> <p>Confirmation that the documents were submitted to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended and regulations have been complied with in. See Volume I including Appendix A – C and Volume II of the Final Revised Amendment Report.</p>

Ref	Name and Organisation	Date and Method	Comment	EAP Response		
			Yours in admin EIA Applications Integrated Environmental Authorisations Department of Environment, Forestry and Fisheries			
-	EIA Admin DFFE Integrated Environmental Authorisations	12 July 2021 e-mail	From: EIAadmin Sent: Monday, 12 July 2021 09:59 To: Ashlin Bodasing; Projects; Sheldon Vandrey Cc: Constance Musemburi; EIAadmin Subject: 14/12/16/3/3/2/1028/1/AM1 & 2/AM1 and 14/12/16/3/3/2/1029/1/AM1 & 2/AM1 Good day. Please find herein the attached letters for the above mentioned. I hope you find all in order. Thank you. Kind Regards, Integrated Environmental Authorisations: IEM Systems and Tools Coordination	The EAP acknowledges receipt of the comments from DFFE Integrated Environmental Authorisations.		
e-mail attachment						
DFFE Comment on Hartebeesthoek West WEF Revised Amendment Report						
			No.	Comment from DFFE		
				EAP Response		
				Section in Final BAR		
				The Environmental Authorisation (EA) issued for the above application by this Department on 28 June 2018 (14/12/16/3/3/2/1029); the Application for Environmental Authorisation (EA) and Draft Amendment Report received by the Department on 26 September 2019, the acknowledgement letter from the Department dated 15 October 2019, the split amendment dated 08 June 2020, the appeal decision dated 07 June 2021 and the amended draft amendment reports submitted in response to the appeal decision received by the Department on 11 June 2021, refer.	It is brought to the DFFE attention that the Project Reference has been referenced incorrectly. The correct Project Reference is 14/12/16/3/3/2/1028. Further correction for DFFE attention is the acknowledgment letter for this project was dated 02 October 2019, and not 15 October 2019 and environmental authorisation was dated 25 March 2020 and not 08 June 2020.	n/a
The Department has the following comments on the abovementioned amendment application:						
Specific Comments						

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			<p>i. It is noted that the amended draft motivation report (ADMR) is submitted in response to an appeal decision dated 07 June 2021, which, "<i>The appeal broadly premised on the following grounds: Error of fact, Socio- Economic Impacts and Mitigation Hierarchy</i>".</p>	<p>The amended draft motivation report (ADMR), submitted to the DFFE by the EAP on behalf of the Applicant was produced in response to the appeal decision. As instructed by the Minister in the Appeal decision, the applicant subjected the updated wake effect reports dated 1 July 2020 to a 30 day Public Participation Process in line with Chapter 6 of the 2014 EIA Regulations.</p> <p>Since this matter has history spanning over a 3 year period, we would like to take this opportunity to provide historical background to the issue at hand which can be best summarised as follows:</p> <ul style="list-style-type: none"> • Initial Appeal: The DFFE issued EA's for the Phezukomoya and San Kraal wind farm projects on the 28th of June 2018. South Africa Mainstream renewables appealed the issuance of the 2 EA's on the 26th of July 2018 on the basis that the applicant's projects would cause wake effects on Mainstream's operational Noupport wind farm. The appeal requested the Department to insert several conditions in the applicant's EA, essentially forcing the applicant to negotiate and enter into compensation agreement with Mainstream for any loss of production experienced by the Noupport wind farm as a result of the wake effects caused by the applicant's projects, prior to the start of construction activities.

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				<ul style="list-style-type: none"> • Initial appeal decision: On the 17th of January 2019, Honourable Minister of Environmental Affairs Ms Mokonyane issued an appeal decision which concluded as per clause 4.23 of the appeal decision that: <i>"I am of the view that the wake impacts have no environmentally associated impacts affecting the appellant in any way and as such I am not responsible to determine the influence bearing of the wake impacts by the two projects on the Noupoort WEF."</i> Clause 4.25 further states: <i>"I am of the view that it is outside of my mandate to insert a contractual clause as a condition in the EA. In light of the foregoing, the appeals are accordingly dismissed."</i> • Part 2 amendment application: On the 26th of September 2019, the applicants lodged amendment applications to: <ul style="list-style-type: none"> ○ Split the Phezukomoya and San Kraal EA's to create an additional project named Hartebeesthoek; and ○ Reduce the number of authorised wind turbines while increasing the authorised wind turbine specs. <p>The department approved the amendment application on the 25 March 2020 and 08 June 2020, respectively.</p> • Second Appeal: On the 30th of July 2020, Noupoort wind farm (RF) Ltd

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				<p>lodged an appeal against the issuance of the amended EA, on the basis that the updated wake effect reports which had been submitted by the applicant to the appellant for comments, was done outside of the 30 days public participation process.</p> <ul style="list-style-type: none"> Second Appeal decision: On the 7th of June 2021, almost a year after the second appeal was lodged, Honourable Minister Creecy issued a decision which instructed the applicant as per clause 2.56 of the appeal decision to: "subject the wake impact analysis reports dated 1 July 2020, to a public participation process as contemplated in the 2014 EIA regulations. Any comments received from I&AP's, as well as responses thereto by the applicants, must be incorporated into the final amendment reports, for submission to the department for reconsideration of the amendment applications." Resubmission of Revised Amendment Report for reconsideration by DFFE: It should be noted the appellant Noupoot Wind Farm (RF) Pty has elected not to participate in the Public Participation Process of the Revised Amendment Report which closed on the 12th of July 2021. The Applicant has now complied with Minister's Creecy's instruction to subject the updated

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				wake effect reports dated 1 July 2020 to a public participation process as contemplated in the 2014 EIA regulations.	
			ii. Please note, that should there be any other similar projects within a 30 km radius of the proposed development site, a Cumulative Impact Assessment (to be included in the amended final motivation report (FAMR)) for all identified projects must be assessed.	Cumulative impacts were assessed by specialists during the Amendment Application Process. No new similar projects within 30 km of the proposed development site exists post receipt of authorisation on 25 March 2020.	Volume I: Revised Final Amendment Report
			iii. Should there be any other similar projects adjacent of the proposed development site, a Wake Impact Analysis (to be included in the FAMR) for all identified projects must be assessed.	Reference is made to the background summary provided and the Appeal Decision (see Section 1 of the Final Revised Report and response to DFFE comment i above), which advised the Applicant to subject the Wake Effect Reports (dated 01 July 2020) to a 30 day public comment as contemplated in the 2014 EIA regulations, as amended. Aside from the operational Noupoot Wind Farm there are no other similar developments adjacent to the site (within a 30km radius), that the applicant <u>is not involved with</u> from a development perspective. There are two other wind energy projects in the 30km radius, which have been authorised by the Department namely the Umsobomvu wind farm (DFFE Ref: 14/12/16/3/3/2/730) and the Coleskop wind farm (DFFE Ref: 14/12/16/3/3/2/730/1/AM2). The Coleskop and Umsobomvu wind farms are projects being developed by the holding company EDF Renewables which is the owner of the SPVs for the San Kraal, Phezukomoya and	Volume I: Revised Final Amendment Report (see Section 1 and 6.11 Wake Effect) Volume II: Specialist Studies (see 11. Wake Effect Report)

Ref	Name and Organisation	Date and Method	Comment	EAP Response	
				Hartebeesthoek wind energy projects. Letters of no objections issued by Coleskop Wind power and Umsobomvu Wind Power regarding the FAMR's of the Hartebeesthoek wind energy project is attached.	
			iv. Please ensure that the FAMR include detailed amendments that are being applied for and respond adequately to the appeal decision.	The amendments being applied for are detailed in Section 2 of the Revised Final Amendment Report. The appeal decision has been adequately responded to by adhering to the instruction to subject the updated wake effect reports to a 30 day Public Participation Process in line with Chapter 6 of the 2014 EIA Regulations. All the other specialists' reports remain unchanged. These were deemed adequate by the Department when it issued the EA in March 2020.	Volume I: Revised Final Amendment Report (see Section 2 Details of the Proposed Amendments) Volume I: Revised Final Amendment Report (see Section 1.2 Appeal Background)
			v. Please ensure that the Environmental Management Programme (EMPr) must be amended to be in line with and to respond to the appeal decision. All recommendations and	The updated wake effect reports were produced to calculate the loss of revenue that would be caused as a result of the wake losses generated by the	Volume I: Revised Final Amendment Report (see Appendix B: Environmental

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			<p>mitigation measures recorded in the AFMR and the Wake Impact Analysis must be considered and addressed in the EMPr.</p>	<p>Hartebeesthoek wind farm project, based on a specific wind turbine layout.</p> <p>The Environmental Management Programme (EMPr) does not require an amendment as the report itself does not trigger any recommendations and no new mitigation measures were presented following receipt of the appeal decision and / or in the Wake Effect Reports.</p> <p>The wake effect reports will be updated again when the applicant submits the final layout approval application, which will be once again subjected to a 30 day Public Participation, as per the EIA Regulations, as amended.</p>
			<p>vi. The conclusions in the Wake Impact Analysis dated 01 July 2020 that "<i>the additional wake impact is quite small</i>" is noted, however the Wake Impact Analysis is required to provide concluding recommendations and/or to indicate as such if there are no further recommendations required.</p>	<p>The decision instructed the applicant to "<i>subject the wake impact analysis reports dated 01 July 2020, to a public participation process as contemplated in the 2014 EIA regulations</i>". Which has been done (see Volume I Appendix C Public Participation). The independent technical consultant who prepared the wake effect report was instructed to calculate the wake losses that Noupoot wind farm would experience based on the amended wind turbine layout as per the Part II EA amendment application, which was appealed. The results of a wake effect analysis are provided based on a calculation made using data over a certain period of time. As the influence is wind, the consultant cannot recommend any measures which will reduce or enhance the</p>

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				<p>results and therefore no further recommendations are required.</p> <p>A recommendation has been included in the Revised Amendment Report by the EAP which states that "Before construction can commence, Hartebeesthoek Wind Power will be required to secure final layout approval from DFFE. Prior to submitting its application for final layout approval to the Department, Hartebeesthoek Wind Power will re-update the wake effect impact assessment report based on the final wind turbine layout and model, in order to revise the anticipated loss of production that will be experienced by the Noupoort Wind farm. The updated wake effect report will once again be subjected to a 30 days Public Participation Process, before a decision can be made by the Department on the final layout approval application".</p>
			vii. An amended application form must be submitted together with the AFMR to reflect any changes from the initial application form.	There has been no change from the initial application. n/a
			viii. The Environmental Assessment Practitioner (EAP) is to ensure that all the amendments applied for do not trigger any listed or specified activity as outlined in Regulation 31 of the NEMA EIA Regulations, 2014 as amended. Please ensure that there is clear motivation to the proposed amendments occurring within the approved footprint of the existing authorisation (can be supported with a layout map).	Volume I: Revised Final Amendment Report (see Section 2 Details of the Proposed Amendments, Section 3 Legislative Requirements, Section 5 Motivation for the Proposed Amendments and Figure 5.1 Site Development Plan)

Ref	Name and Organisation	Date and Method	Comment	EAP Response	
			<p>ix. Please ensure that the Wake Impact Analysis to be submitted with the AFMR must provide a detailed description of the study's methodology; an indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.</p>	<p>The Wake Effect Report submitted with the AFMR provides a detailed description of the study's methodology which is covered in details in the first 4 sections of the report, while the 5th section is the wake loss calculation itself. The wake effect reports also provide an indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed.</p>	<p>Volume II: Specialist Studies (see 11. Wake Effect Report)</p>
			<p>x. The Wake Impact Analysis must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.</p>	<p>Limitations to the Wake Impact Study is provided throughout section 3 and 4 of the Wake Effect Reports and can best be summarized as follow:</p> <ul style="list-style-type: none"> • Final layout and final turbine model to be implemented on Site is not known at this stage – some conservative assumptions have been taken • Section 3.1.1 and 3.1.2: "Considering the terrain characteristics, the measurements may not be representative for the full extent of site" <ul style="list-style-type: none"> o Note that data from existing Noupport wind farm not provided as input for the study, which would have reduced modelling uncertainty but was not provided by Noupport wind farm despite requests. • Section 3.1.1 and 3.1.2: "Details of the measured short-term wind regime were removed from this report at the request by the client due to the confidential nature of such information" • Section 3.2.2: "It should be noted that details of long-term extrapolated wind regime were removed from this report at the request by the client due to the confidential nature of such information" 	<p>Volume II: Specialist Studies (see 11. Wake Effect Report)</p>

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				<ul style="list-style-type: none"> • Section 4.1: "The terrain model used in this study represents the current conditions, which are assumed to remain the same over the wind farm lifetime" • Section 4.1.1: "It should be noted that the SRTM is a digital surface model (DSM), which includes features such as forests and buildings" • Section 4.2: "The delta RIX values varies at the wind turbine locations between -4.8 and 8.0. These Values are above the allowed values for the use of WASP. However, it should be noted that the purpose of this study is to estimate wake impact between wind farms. In this context, 3E's professional opinion is such that the wind speeds calculated by WASP will be in the right order of magnitude leading to reliable wake results"
			<p>xi. Please note that the Competent Authority (CA) - considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas. Should the specialist definition of 'no-go' area differ from the CA's definition, this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.</p>	<p>The EAP acknowledges that the departments definition of a 'no-go' area is only for infrastructure and not for the associated infrastructure such as access roads.</p> <p>The specialist definition of 'no-go' is the same as that of the department. Buffers for any 'no-go' area provided by the specialist is indicated.</p> <p>The avifauna specialist has identified areas of no-go for turbines and OHPLs, and permits for associated infrastructure such as access roads and underground cabling within these buffers. This is clearly indicated in the report and in the maps provided.</p> <p>Volume I: Revised Final Amendment Report (see Figure 10.1 Environmental Sensitivity Map)</p>

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			xii. Should the appointed specialists specify contradicting recommendations, the EAP must, in the Environmental Impact Assessment phase, clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.	No contradicting recommendations were provided by specialists. The EAP has, if no recommendations were provided, included recommendations for consideration during the decision phase by the DFFE.	Volume I: Revised Final Amendment Report
			xiii. It is further brought to your attention that procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols, except where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned before the date on which the protocols came into effect, in which case Appendix 6 of the NEMA EIA Regulations, 2014, as amended, will apply.	The specialist assessments for the original application (2016/2017) and their amendment reports (2018/2019) were conducted according to Appendix 6 of the NEMA EIA Regulations, 2014, as amended, and therefore these reports are and were not subjected to these protocols, as they were commissioned and completed prior to the protocols coming into effect. As per the appeal decisions only the wake affect analysis report was required to be subjected to public participation, as this was determined to be new information. All other specialist reports produced in 2016/2017 and the respective amendment reports produced in 2018/2019 have not changed. The wake effect reports produced 01 July 2020 are not subject to the requirements of the procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation.	See Volume II: Specialist Studies
			xiv. The Public Participation Process (PPP) must be conducted in terms of Regulation 39, 40, 41,	Regulation 39, 40, 41, 42, 43 & 44 of the NEMA EIA Regulations 2014, as amended	Volume I: Revised Final Amendment Report (see Section 9

Ref	Name and Organisation	Date and Method	Comment	EAP Response	
			42, 43 & 44 of the NEMA EIA Regulations 2014, as amended.	was considered and followed during this application process.	Public Participation Process and Appendix C Public Participation Report)
		xv.	The AFMR must only include PPP information for this current phase.	The AFMR includes PPP information for this current phase. The Public Participation Report (Appendix C) of the Final Revised Amendment Report, gives a summary of the public participation processes undertaken prior to the appeal decision for the Proposed Amendment Application, but only includes comments and responses from this current phase.	Volume I: Revised Final Amendment Report (see Section 9 Public Participation Process and Appendix C Public Participation Report)
		xvi.	Please ensure that all issues raised, and comments received during the circulation of the amended draft amendment reports from registered interested and affected parties (I&APs) and organs of state which have jurisdiction (including this Department's Biodiversity Section: BCAdmin@environment.gov.za for attention Mr Seoka Lekota) in respect of the proposed activity are adequately addressed in the amended final amendment reports. Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the CA of the attempts that were made to obtain comments.	All issues raised and comments received during the availability of the Revised Amendment Report has been addressed in the Public Participation Report (Appendix C) of the Final Revised Amendment Report. Proof of Correspondence has been provided for in the Public Participation Report (Appendix C) of the Final Revised Amendment Report. Any correspondence with relevant organs of state and stakeholders has been included in the comments and response table. Where no correspondence has been received, the proof of attempts to retrieve a comment has been provided for to the DFFE.	Volume I: Revised Final Amendment Report (see Appendix C6 and C7 Public Participation Report)
		xvii.	A comments and response (C&R) trail report must be submitted with the final reports. The C&R report must incorporate all comments received (only for this phase) for this development.	A comments and response trail report, which will only include comments received for this phase of the development has been produced.	Volume I: Revised Final Amendment Report (see Appendix C7 Public Participation Report)
			General		

Ref	Name and Organisation	Date and Method	Comment	EAP Response
			Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.	All mitigation recommendations advised that the mitigations should be aligned to the latest guidelines available at the time of implementation.
			Should you fail to meet any of the timeframes stipulated in Regulation 32 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.	Timeframes stipulated are being adhered to in this application.
			You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.	The Applicant / EAP takes note of this and confirms that no activity has / will commence without a positive environmental authorisation.
6	Africa ECPHRA	30 June 2021 By e-mail	<p>From: Lungiswa Sent: Wednesday, 30 June 2021 12:14 To: Aneesah Alwie Cc: sinazom@ecphra.org.za Subject: FW: Permit application Please send the soft copies to the following email: africam@ecphra.org.za or sinazom@ecphra.org.za Regards Africa From: Lungiswa Sent: 30 June 2021 11:55 AM To: 'aneesaha@arcusconsulting.co.za' Cc: sinazom@ecphra.org.za Subject: Permit application To whom it may concern I hope this email finds you in good health. I would like you to send me soft copies for for the following Wind Energy Permit Applications:</p> <ol style="list-style-type: none"> 1. San Kraal WEF 2. Phezukomoya WEF 3. Haartebeeshoek WEF 	<p>From: Aneesah Alwie Sent: Friday, 02 July 2021 17:04 To: africam@ecphra.org.za; sinazom@ecphra.org.za Cc: Lungiswa <lungiswam@ecphra.org.za> Subject: RE: Permit application Good Day Please note that the Revised Amendment Reports for the proposed split of the San Kraal and Phezukomoya Wind Energy Facility in the Eastern / Northern Cape Province is available for download from the Arcus website: https://arcusconsulting.co.za/projects/skph-wind-energy-facilities-eastern-and-northern-cape-province/ With reference to the proposed developments, please send your comments on the Revised Final Amendment Reports in writing on or before the 12 July 2021 to the below address: Arcus Consultancy Services South Africa (Pty) Ltd Reference Application : 3329 SK-PH Amendments Contact Person/s : Aneesah Alwie Via Email : projects@arcusconsulting.co.za</p>

Ref	Name and Organisation	Date and Method	Comment	EAP Response
			<p>4. Highlands WEF Regards Africa From: Lungiswa <lungiswam@ecphra.org.za> Sent: Wednesday, 30 June 2021 12:05 To: Aneesah Alwie <AneesahA@arcusconsulting.co.za> Cc: sinazom@ecphra.org.za Subject: FW: Permit application Send the soft copies to africam@ecphra.org.za or sinazom@ecphra.org.za Regards Africa From: Lungiswa Sent: 30 June 2021 11:47 AM To: 'infor@cesnet.co.za' Cc: sinazom@ecphra.org.za Subject: FW: Permit application To whom it may concern I hope the email finds you in good health. I would like you to send me the soft copies for the following Wind Energy Permit Applications: 1. Haga Haga WEF 2. Umsobomvu WEF 3. Coleskop WEF 4. Grahamstown WEF 5. Golden Valley II WEF (Phase 2) Regards Africa From: Lungiswa Sent: 30 June 2021 11:38 AM To: c.evans@cesnet.co.za; a.carter@cesnet.co.za Cc: sinazom@ecphra.org.za Subject: FW: Permit application Good day Can you please send also the applications for: 1. Umsobomvu WEF 2. Coleskop WEF 3. Grahamstown WEF Golden Valley II WEF (Phase 2)</p>	<p>Via Post : Office 607 Cube Workspace, Icon Building, Cnr Long Street and Hans Strijdom Avenue, Cape Town, 8001 Via Telephone : +27 21 412 1529 Note: Arcus is not involved in the Highlands WEF Amendments. Thank You Kind Regards Aneesah Alwie</p>

Ref	Name and Organisation	Date and Method	Comment	EAP Response
			<p>Regards Africa From: Lungiswa Sent: 30 June 2021 11:28 AM To: 'c.evans@cesnet.co.za'; 'a.carter@cesnet.co.za' Cc: 'sinazom@ecphra.org.za' Subject: Permit application To whom it may concern I hope the email finds you in good health. I would like you to send me the soft copy for theWind Energy Permit application of Haga Haga on the email address below: africam@ecphra.org.za or sinazom@ecphra.org.za Regards Africa</p>	

12 July 2021

To: Hartebeesthoek Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Hartebeesthoek East Wind Energy Facility

This letter serves as a confirmation that Coleskop Wind Power (Pty) Ltd, Registration no. 2017/186254/07 has no objection against the development and construction of the Hartebeesthoek East Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1029/2/AM1, proposed by Hartebeesthoek Wind Power (Pty) Ltd, Registration No. 2019/070085/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

Coleskop Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za

12 July 2021

To: Hartebeesthoek Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Hartebeesthoek West Wind Energy Facility

This letter serves as a confirmation that Coleskop Wind Power (Pty) Ltd, Registration no. 2017/186254/07 has no objection against the development and construction of the Hartebeesthoek West Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1028/2/AM1, proposed by Hartebeesthoek Wind Power (Pty) Ltd, Registration No. 2019/070085/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

Coleskop Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za

12 July 2021

To: Phezukomoya Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Phezukomoya Wind Energy Facility

This letter serves as a confirmation that Coleskop Wind Power (Pty) Ltd, Registration no. 2017/186254/07 has no objection against the development and construction of the Phezukomoya Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1028/1/AM1, proposed by Phezukomoya Wind Power (Pty) Ltd, Registration No. 2012/184986/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

Coleskop Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za

12 July 2021

To: San Kraal Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the San Kraal Wind Energy Facility

This letter serves as a confirmation that Coleskop Wind Power (Pty) Ltd, Registration no. 2017/186254/07 has no objection against the development and construction of the San Kraal Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1029/1/AM1, proposed by San Kraal Wind Power (Pty) Ltd, Registration No. 2012/185566/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

Coleskop Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za



12 July 2021

To: Phezukomoya Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Phezukomoya Wind Energy Facility

This letter serves as a confirmation that Hartebeesthoek Wind Power (Pty) Ltd, Registration no. 2019/070085/07 has no objection against the development and construction of the Phezukomoya Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1028/1/AM1, proposed by Phezukomoya Wind Power (Pty) Ltd, Registration No. 2012/184986/07.

Yours sincerely,

A handwritten signature in black ink, appearing to be "S. Vandrey", written over a horizontal line.

Sheldon Vandrey
Project Manager

Hartebeesthoek Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za

12 July 2021

To: San Kraal Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the San Kraal Wind Energy Facility

This letter serves as a confirmation that Hartebeesthoek Wind Power (Pty) Ltd, Registration no. 2019/070085/07 has no objection against the development and construction of the San Kraal Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1029/1/AM1, proposed by San Kraal Wind Power (Pty) Ltd, Registration No. 2012/185566/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

Hartebeesthoek Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za


12 July 2021

To: Hartebeesthoek Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Hartebeesthoek East Wind Energy Facility

This letter serves as a confirmation that Phezukomoya Wind Power (Pty) Ltd, Registration no. 2012/184986/07 has no objection against the development and construction of the Hartebeesthoek East Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1029/2/AM1, proposed by Hartebeesthoek Wind Power (Pty) Ltd, Registration No. 2019/070085/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

Phezukomoya Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za



12 July 2021

To: Hartebeesthoek Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Hartebeesthoek West Wind Energy Facility

This letter serves as a confirmation that Phezukomoya Wind Power (Pty) Ltd, Registration no. 2012/184986/07 has no objection against the development and construction of the Hartebeesthoek West Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1028/2/AM1, proposed by Hartebeesthoek Wind Power (Pty) Ltd, Registration No. 2019/070085/07.

Yours sincerely,

A handwritten signature in black ink, appearing to be "S. Vandrey", written over a horizontal line.

Sheldon Vandrey
Project Manager

Phezukomoya Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za

12 July 2021

To: San Kraal Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the San Kraal Wind Energy Facility

This letter serves as a confirmation that Phezukomoya Wind Power (Pty) Ltd, Registration no. 2012/184986/07 has no objection against the development and construction of the San Kraal Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1029/1/AM1, proposed by San Kraal Wind Power (Pty) Ltd, Registration No. 2012/185566/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

Phezukomoya Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za

12 July 2021

To: Hartebeesthoek Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Hartebeesthoek East Wind Energy Facility

This letter serves as a confirmation that San Kraal Wind Power (Pty) Ltd, Registration no. 2012/185566/07 has no objection against the development and construction of the Hartebeesthoek East Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1029/2/AM1, proposed by Hartebeesthoek Wind Power (Pty) Ltd, Registration No. 2019/070085/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

San Kraal Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za


12 July 2021

To: Hartebeesthoek Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Hartebeesthoek West Wind Energy Facility

This letter serves as a confirmation that San Kraal Wind Power (Pty) Ltd, Registration no. 2012/185566/07 has no objection against the development and construction of the Hartebeesthoek West Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1028/2/AM1, proposed by Hartebeesthoek Wind Power (Pty) Ltd, Registration No. 2019/070085/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

San Kraal Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za



12 July 2021

To: Phezukomoya Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Phezukomoya Wind Energy Facility

This letter serves as a confirmation that San Kraal Wind Power (Pty) Ltd, Registration no. 2012/185566/07 has no objection against the development and construction of the Phezukomoya Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1028/1/AM1, proposed by Phezukomoya Wind Power (Pty) Ltd, Registration No. 2012/184986/07.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Sheldon Vandrey", written over a horizontal line.

Sheldon Vandrey
Project Manager

San Kraal Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za



12 July 2021

To: Hartebeesthoek Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Hartebeesthoek East Wind Energy Facility

This letter serves as a confirmation that Umsobomvu Wind Power (Pty) Ltd, Registration no. 2013/076388/07 has no objection against the development and construction of the Hartebeesthoek East Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1029/2/AM1, proposed by Hartebeesthoek Wind Power (Pty) Ltd, Registration No. 2019/070085/07.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Sheldon Vandrey", written over a horizontal line.

Sheldon Vandrey
Project Manager

Umsobomvu Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za

12 July 2021

To: Hartebeesthoek Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Hartebeesthoek West Wind Energy Facility

This letter serves as a confirmation that Umsobomvu Wind Power (Pty) Ltd, Registration no. 2013/076388/07 has no objection against the development and construction of the Hartebeesthoek West Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1028/2/AM1, proposed by Hartebeesthoek Wind Power (Pty) Ltd, Registration No. 2019/070085/07.

Yours sincerely,



Sheldon Vandrey
Project Manager

Umsobomvu Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za



12 July 2021

To: Phezukomoya Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the Phezukomoya Wind Energy Facility

This letter serves as a confirmation that Umsobomvu Wind Power (Pty) Ltd, Registration no. 2013/076388/07 has no objection against the development and construction of the Phezukomoya Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1028/1/AM1, proposed by Phezukomoya Wind Power (Pty) Ltd, Registration No. 2012/184986/07.

Yours sincerely,

A handwritten signature in black ink, appearing to be "S. Vandrey", written over a horizontal line.

Sheldon Vandrey
Project Manager

Umsobomvu Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za



12 July 2021

To: San Kraal Wind Power (Pty) Ltd
1st Floor Fernwood House
1 Oakdale Road
Newlands
Cape Town
7700

RE: Letter of No Objection against the San Kraal Wind Energy Facility

This letter serves as a confirmation that Umsobomvu Wind Power (Pty) Ltd, Registration no. 2013/076388/07 has no objection against the development and construction of the San Kraal Wind Energy Facility, DEA Reference No. 14/12/16/3/3/2/1029/1/AM1, proposed by San Kraal Wind Power (Pty) Ltd, Registration No. 2012/185566/07.

Yours sincerely,

A handwritten signature in black ink, appearing to be "S. Vandrey", written over a horizontal line.

Sheldon Vandrey
Project Manager

Umsobomvu Wind Power (Pty) Ltd

Tel: +27 (0) 41 506 4900

Mobile: +27 (0) 82 325 6062

Email: sheldon.vandrey@edf-re.co.za