

Comments and Responses Report

Proposed Amendment of the Environmental Authorisation for Humansrus Solar 3 and Humansrus Solar 4.

DEFF Reference Humansrus Solar 3 : 14/12/16/3/3/2/888

DEFF Reference Humansrus Solar 4 : 14/12/16/3/3/2/887

A joint public participation process was undertaken for both of the projects listed above. In many instances, I&AP's provided a single comment on both projects. The header line for each comment indicates which of the projects it refers to.


Date / Person / Organisation	Comment	Response
Mr John Geeringh – Eskom (Senior Consultant Environmental Management Land and rights) (comment for Humansrus 1 and Humansrus 2)		
19 November 2020, Mr John Geeringh, Eskom	<p>Please send me a KMZ file of the proposed BESS layout areas in relation to the authorised projects. Please find attached Eskom general requirements for developments at or near Eskom infrastructure and servitudes. Once I receive the KMZ files, I will check against Eskom future planning and possible areas of development conflict.</p> <p>General Requirements for working at or near Eskom Servitudes is as follows:</p> <ol style="list-style-type: none"> 1. Eskom's rights and services must be acknowledged and respected at all times. 2. Eskom shall at all times retain unobstructed access to and egress from its servitudes. 3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals. 4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer. 5. If Eskom has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the developer's activities or because of the presence of his equipment 	<p>A google KMS of the full proposed layouts, including the BESS layouts and the authorised powerlines were provided to Mr Geeringh.</p> <p>The Eskom requirements for working in or near Eskom servitudes have been included in the Revised EMPr in Appendix H.</p>

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	<p>or installation within the servitude restriction area, the developer shall pay such costs to Eskom on demand.</p> <p>6. The use of explosives of any type within 500 metres of Eskom's services shall only occur with Eskom's previous written permission. If such permission is granted the developer must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. It is advisable to make application separately in this regard.</p> <p>7. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom's satisfaction.</p> <p>8. Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the developer, his/her agent, contractors, employees, successors in title, and assignees. The developer indemnifies Eskom against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the developer's equipment.</p> <p>9.No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the developer must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the relevant Eskom Manager Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.</p> <p>10. Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with.</p>	

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	<p>11. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The developer shall maintain the area concerned to Eskom's satisfaction. The developer shall be liable to Eskom for the cost of any remedial action which has to be carried out by Eskom.</p> <p>12. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).</p> <p>13. Equipment shall be regarded electrically live and therefore dangerous at all times.</p> <p>14. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom will not approve the erection of houses, or structures occupied or frequented by human beings, under the power lines or within the servitude restriction area.</p> <p>15. Eskom may stipulate any additional requirements to highlight any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom plant.</p> <p>16. It is required of the developer to familiarise himself with all safety hazards related to Electrical plant.</p> <p>17. Any third party servitudes encroaching on Eskom servitudes shall be registered against Eskom's title deed at the developer's own cost. If such a servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.</p>	
Ms Mmatlala Rabothata (DEFF Biodiversity and Conservation Directorate)(Comment for Humansrus Solar 3 and 4)		
18 November 2020, Mr Mmatlala		Correct, the BESS was placed in such a way that it avoided all the sensitive features identified by the specialists in the original Environmental Assessment Process.

Date / Person / Organisation	Comment	Response
Rabothata, DEFF	<p>The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned draft report. Based on the information provided in the report, the proposed BESS falls entirely within the previously assessed area. Furthermore, this is an amendment to the Environmental Authorisation (EA) that is already being authorised. The proposed amendment (addition of a BESS) will not result in any significant change to their original impact rating as assessed in their previous studies and therefore no additional assessments, impacts and mitigation measures would be applicable to the BESS. The proposed BESS area and new substation position avoids all of the sensitive areas identified by the specialists.</p>	
	<p>Any protected plant species present must not be removed or damaged prior to obtaining permit from relevant National or Provincial Authorities.</p>	<p>This requirement forms part of the EA for the project and will remain as a requirement in respect of this amendment.</p>
	<ul style="list-style-type: none"> • Alien Invasive plant species Management Plan must be developed. 	<p>An alien species management plan is included in appendix F of the EMPr.</p>
	<ul style="list-style-type: none"> • Sensitive areas in close proximity to the development footprint must be demarcated and regarded as No-Go area i.e. watercourses. 	<p>This requirement is included in the EMPr</p>
Samkelesibe Dlamini – DEFF (comment for Humansrus Solar 3)		
13 November 2020, Samkelisiwe Dlamini, DEFF	<p>It should be noted that the most significant hazard with battery units is the possibility of flammable gases which may burst into flames, however, no fire management plan has been included in the draft amendment report. Therefore, you are required to include a detailed fire management and protection plan.</p>	<p>The BESS Risk Assessment attached in annexure G did identify thermal risks as the most significant risk associated with BESS. A detailed Fire Management Plan cannot however be prepared until such stage as the final equipment supplier is determined at procurement stage.</p>

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		<p>The BESS are all equipped with their own proprietary thermal management systems to minimise the risk of thermal runaway. The exact functioning and management of these systems differ significantly between suppliers and such, a detailed fire management plan cannot be developed at this stage. The revised EMPr has however been updated to clarify this requirement. It is recommended that the final EMPr that has to be submitted in compliance with condition 16 of the EA contain this detailed Fire Management Plan.</p>
	<p>An "End-of-Life plan" needs to be in place for the handling, repurposing or disposal of dysfunctional, severely damaged batteries, module and containers. This information must be included in the final amendment report.</p>	<p>As previously discussed, the final equipment supplier will only be determined at the procurement stage of the project. Different suppliers have different "End-of-Life" plans that deal with the recycling / disposal of components of the battery system. Depending on the equipment supplier, these components may be returned to their country of manufacture for disassembly and recycling or this task may be undertaken by a local service provider. Until the final supplier is selected, a detailed end of Life plan cannot be effectively compiled. For this reason, the EMPr, Assessment Report and Risk Assessment have recommended that such plan be developed prior to construction. It is recommended that this take place as part of the final EMPr submission in compliance with condition 16 of the EA.</p>
	<p>An Emergency Response Plan needs to be in place that will be applicable for the life cycle of the project. The Emergency Response Plan must include details of the most appropriate emergency response to fires, both while the units are in transit and once they are installed and operating.</p>	<p>An Emergency Response Plan has been included in the EMPr in appendix H. This plan outlines the Environmental Management outcomes relating to emergency response during the lifecycle of the project. It must however be noted that this will have to be updated with specific</p>

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		management actions once the final equipment suppliers are selected. Such an update should form part of the Final EMPr submitted in compliance with condition 16 of the EA.
	Layout and Sensitivity Maps	
	The final amendment report must include an environmental sensitivity map indicating environmental sensitive areas, buffer areas and features identified during the assessment process.	<p>It must be noted that the BESS area, repositioned substation and powerline all fall within the area assessed as part of the Final EIR for the total facility. No additional sensitive areas were identified in this assessment. The layout plans (that show the authorised facility along with the proposed amendments) attached in Appendix D include the environmental sensitive areas as well as associated buffers and no go areas, as can be seen in the excerpt of the plans legend below.</p>  <p>As can be seen, this includes both sensitive ecological and heritage features as well as their recommended buffer areas.</p> <p>It is also important to note that none of the amendments applied for encroach into any of these sensitive features identified.</p>
		The site layout plan attached in appendix D, does include all supporting infrastructure, including, roads, substation, BESS, laydown area, auxiliary buildings and perimeter fence. Relevant existing infrastructure such as roads, powerlines, wind pumps etc are also indicated on this plan. The plan includes the ecological and heritage sensitivity layers including buffer areas and no-go areas.

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	<p>A copy of the layout map must be submitted with the final amendment report. All available biodiversity information must be used in the layout map. The layout map must indicate the following:</p> <ul style="list-style-type: none"> ✓ The location of the BESS taking into consideration the motivation provided that "the units would be placed far apart to prevent propagation from one unit to another and large external fires". The distance of the units must be clearly indicated in metres on the legend of the layout map; ✓ All supporting onsite infrastructure e.g. roads (existing and proposed); ✓ The location of sensitive environmental features on site e.g. drainage lines etc. that will be affected; ✓ Buffer areas; and ✓ All "no-go" areas. 	<p>The layout and configuration of the battery units within the BESS area (including the distance between individual units) can only be determined once the final equipment supplier is selected at procurement stage. This level of detail will need to be included in the final site layout plan that needs to be submitted to the Department for approval in terms of condition 14 of the EA.</p>
	<p>Environmental Management Programme.</p>	
	<p>The EMPr and layout map to be submitted with the final amendment motivation report must be updated to include and incorporate all mitigation measures recommended by the specialist.</p>	<p>Kindly note that none of the recommendations of the specialists include additional spatial recommendations that can be shown on the layout plan. The specialist recommendations are summarised in this assessment report and have been included in the Revised EMPr in appendix H.</p>
	<p>Public Participation</p>	
	<p>Please ensure that comments from all relevant stakeholders are submitted to the Department with the final amendment report. This includes but not limited to the Department of Environment, Forestry and Fisheries (DEFF); Biodiversity Planning and Conservation; Siyathemba Local Municipality; Pkdey Ka Seme District Municipality, Water and Sanitation; Northern Cape Provincial Heritage Authority; Department of Energy; Eskom SOC Limited; and South African Heritage Resources Agency (SAHRA).</p>	<p>All parties listed in this comment were given an opportunity to comment on the Draft Amendment Assessment report. During this period, the only comments received were from DEFF and Eskom SOC limited.</p>
	<p>Furthermore, ensure that all issues raised and comments received during the circulation of the draft amendment report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final amendment report.</p>	<p>All comments received during the public participation process are included in Annexure F5. Please also refer to the comments and responses report in annexure F2 to show how these comments have been addressed.</p>

Date / Person / Organisation	Comment	Response
	<p>Proof of correspondence with the various stakeholders must be included in the final amendment report. This must indicate that this draft amendment report has been subjected to 30 days public participation process, stating the start and end date of the PPP. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.</p>	<p>Proof of correspondence with stakeholders is included in Annexure F4.</p>
	<p>General</p>	
	<p>The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.</p>	<p>Kindly note that in terms of regulation 32(1)(aa), the public participation in respect of a part 2 amendment must be undertaken to a level as agreed upon with the competent authority. The mechanism for this was via the submission and approval of a public participation plan. The public participation for this application was therefore undertaken in compliance with the approved public participation plan & regulation 32(1)(aa) and not in compliance with regulation 39 – 44.</p>
	<p>You are further reminded to comply with Regulation 32(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: <i>"The applicant must within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority -</i></p> <p><i>(a) a report, reflecting—</i></p> <p><i>(i) an assessment of all impacts related to the proposed change;</i></p> <p><i>(ii) advantages and disadvantages associated with the proposed change; and</i></p> <p><i>(iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and</i></p> <p><i>(iv) any changes to the EMP;</i></p> <p><i>which report-</i></p> <p><i>(aa) 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</i></p> <p><i>(bb) reflects the incorporation of comments received, including any comments of the competent authority."</i></p>	<p>The submission of this Final Amendment Assessment Report is in compliance with section 32(1)(a). The table referencing the content requirements in terms of this regulation is included in the previous section.</p>
<p>Thabile Sangweni – DEFF (comment applicable to Humansrus 4</p>		
	<p>Specific comments</p>	

Date / Person / Organisation	Comment	Response
11 November 2020, Thabile Sangweni, DEFF	The EAP is required to provide a detailed list of all potential amendments to the EA, which should <i>inter alia</i> recommend additional conditions that must be incorporated into the EA, provide amendments to the existing conditions of the EA by way of either removal and/or amendments as informed by the specialist's recommendations.	The detailed list of all proposed amendments required to affect the proposed changes are included in the table in section 1.2 of this report. These same potential amendments are reflected in the application form that was submitted with the Draft Amendment Assessment Report.
	(ii) The final motivation report must include specialist input, a risk assessment for the battery, and updates to the EMPr to address the additional risks.	The Specialist input is included in annexures E1 to E6. The Risk Assessment for the battery is included in Appendix G and the Revised EMPr addressing the additional risks is included in Appendix H.
	(iii) The draft EMPr to be submitted with the final motivation report must be updated to include and incorporate all mitigation measures recommended by the specialists.	The additional mitigation measures detailed by the participating specialists are included in sections 4, 5, 6 and 7 of the Revised EMPr attached in Appendix H.
	(iv) The 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 EIA Regulations, 2014 as amended.	Please refer to section 4 of this report, where confirmation is provided in this regard.
	Public Participation	
	(i) It is noted with concern that proof of public participation activities as described in the approved PPP plan is not included in the draft motivation report.	Please note that the Draft Amendment Assessment Report was subjected to public participation at the same time as it was submitted to competent authority for comment. Therefore, at the time of submission of the Draft Amendment Assessment Report, the actions in respect of the approved public participation plan were not yet concluded. These activities as described in the approved PPP Plan have been concluded and are included in Appendix F (Annexures F1-F7) and in section 9 of this report.
		The proof of site notices and advert are attached in appendix F3 of this Final amendment assessment report.

Date / Person / Organisation	Comment	Response
	(ii) Proof of the placement of site notices, newspaper adverts, etc. must be included in the final motivation report.	
	(iii) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final report. This includes but is not limited to the Northern Cape Department of Environmental and Nature Conservation, the Department of Agriculture, Forestry and Fisheries (DAFF), the provincial Department of Agriculture, the South African Civil Aviation Authority (SACAA), the Department of Transport, the Local Municipality, the District Municipality, the Department of Water and Sanitation (DWS), the South African National Roads Agency Limited (SANRAL), the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, the Department of Mineral Resources, the Department of Rural Development and Land Reform, the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation and the Square Kilometre Array (SKA).	All comments received from relevant stakeholders are included in Annexure F5. Notifications to stakeholders showing the attempts to obtain comments are included in Annexure F4.
	(iv) A Comments and Response trail report (C&R) must be submitted with the final report. The C&R report must incorporate all comments for this application. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&AP's comments.	A comments and responses report in the format required by the department (in Appendix 1 of the comment) is included in Appendix F2.
	(v) Please ensure that all issues raised and comments received during the circulation of the draft report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final report. 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 Department of the attempts that were made to obtain comments.	All issues raised by I&APs, including state departments and organs of state have been responded to in the comments and responses report in annexure F2. Attempts to obtain comments are included in annexure F4.
	(vi) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.	A table showing compliance with these regulatory requirements is included in section 8 of this final Amendment Assessment Report.

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	(vii) The final report must also indicate that this draft report has been subjected to a public participation process.	Proof of public participation is included in annexures F3, F4 and F5.
	Layout and sensitivity maps	
	(i) The applicant is required to submit a revised layout map that incorporates the specialist recommendations as reflected in the motivation report.	Kindly note that none of the participating specialists identified recommendations that could be spatially shown in the layout map. The layout map attached in appendix D includes all sensitive features identified in the original assessment.
	(ii) The revised layout map referred to above must also indicate the location of all supporting onsite infrastructure such as laydown area, guardhouse, control room, and buildings, including accommodation etc.	The site layout map contained in Appendix D, includes the positioning of the support infrastructure, including control building, laydown area, BESS and substation.
	(iii) The draft EMPr to be submitted with the final motivation report must be updated to include the revised layout and incorporate all mitigation measures as recommended by the specialists.	Sections 5, 6 and 7 of the revised EMPR, attached in Appendix H, includes all the specialist recommendations for the construction, operation and decommissioning of the facility.
	(iv) The final report must include an environmental sensitivity map indicating environmental sensitive areas, buffer areas and features identified during the assessment process.	The site layout plan attached in Appendix D includes the environmental sensitivity layers as well as all sensitive features and buffer areas identified.
	Specialist assessments	

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	<p>The EAP must provide confirmation that all specialists were provided with the same request of proposed amendments as well as ensure that the terms of reference for all the identified specialist studies include the following:</p> <ul style="list-style-type: none"> (a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations. (b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed. (c) Please note that the Department 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. (d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable. (e) All specialist studies must be final, and provide detailed/practical mitigation measures and recommendations, and must not recommend further studies to be completed post EA. (f) Should specialists recommend specific mitigation measures for infrastructure positions, these must be clearly indicated. (g) Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. (h) A detailed process flow to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. (i) Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process. (j) The significance rating must also inform the need and desirability of the proposed development. (k) A cumulative impact environmental statement on whether the proposed development must proceed. 	<p>The terms of references provided to the specialists are included in appendix K. All specialists were provided with the same terms of reference applicable to their discipline.</p> <p>Cumulative impacts are considered in section 6.9 of the report.</p> <p>Cumulative impacts in relation to an activity, means the past, current, and reasonably foreseeable future impact of an activity. Considered together with the impact of activities associated with that activity that in itself may not be significant, but may become significant when added to the existing and reasonably foreseeable impacts.</p> <p>The cumulative impacts of the overall facility (i.e. an activity) were considered and assessed in the original EIA. This current assessment considers the cumulative impacts associated with the amendments only.</p>
	<ul style="list-style-type: none"> (ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice. 	<p>No contradicting recommendations were made by participating specialists. All participating specialists concurred that all recommendations made in their original studies would remain applicable to the amendment.</p>