

# Comments and Responses Report

Proposed Development of a Battery Energy Storage System (BESS) and associated infrastructure at the Cuprum Substation located within Copperton, near the town of Prieska, Northern Cape Province

Revised Draft Basic Assessment Report





DFFE Reference Number: 14/12/16/3/3/1/2601

Eskom SOC (Pty) Ltd - Northern Cape Operating Unit

Project number: 60657237

November 2022

### Quality information

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# 1. Introduction

AECOM SA (Pty) Ltd (AECOM) was appointed by Eskom Holdings SOC Limited (Eskom), the Applicant, to undertake a Basic Assessment (BA) process for the proposed development of a Battery Energy Storage System (BESS) and associated infrastructure at the Cuprum Substation located within Copperton, near the town of Prieska, Northern Cape Province.

This Application process constitutes a re-application for Environmental Authorisation (EA), following the refusal of EA by the Department of Forestry Fisheries and the Environment (DFFE) for the original application. All comments received during the original application process have been incorporated into this Comments and Responses Report (CRR), so as to ensure that they are considered during this re-application process.

The development involves the installation and establishment of a BESS and associated infrastructure to accommodate the storage of energy (the Project). The BESS will typically store energy during the low demand load periods at night (23h00 to 4h59) and provide ancillary energy services into the grid during high demand periods in the day (5h00 to 22h59). The Project will provide energy support to business services within the area, integrate energy from the surrounding renewable facilities and act as a distributor collector substation for the surrounding substations.

The Project triggers activities listed in the Environmental Impact Assessment (EIA) Regulations (2014) (as amended) and promulgated in terms of the National Environmental Management Act (No. 107 of 1998), as amended (NEMA). The triggered activities necessitate the requirement of an Environmental Authorisation (EA) to be obtained by way of a BA process prior to the commencement of the development as specified in terms of Government Notice Regulations (GNR) 983 (Listing Notice 1) and GNR 985 (Listing Notice 3) of the EIA Regulations (2014), as amended.

A Public Participation Process (PPP) was undertaken for the Project in accordance with Chapter 6 of the EIA Regulations (2014), as amended. The purpose of the PPP was to inform Interested and Affected Parties (I&AP's) about the BA process required for the Project. It furthermore captures comments and responds to concerns as well as allows the EAP to adjust the overall approach and information where necessary/applicable. This ultimately serves to ensure informed decision-making for the Competent Authority (CA). The respective comments and responses are captured in a formal Comments and Response Report (CRR). This document serves as the official CRR for the Project.

The Draft Basic Assessment Report (DBAR) and Environmental Management Programme (EMPr) for the Project was made available for public review and consultation over a period of 30 days, from 10 August 2022 to 9 September 2022.

During this time, comments were received from registered Interested and / or affected parties (I&APs), with responses required from the Environmental Assessment Practitioner (EAP) and Applicant. To this effect, this report serves as the comprehensive CRR which captures all the comments received and responses provided during the PPP.

On the basis of comments received during the comment period, the need arose to make amendments to the information contained in the Draft BAR. Notification, dated 29 September 2022 was therefore sent to the DFFE, informing them that the Final BAR will be submitted within 140 days of the date of submission of the Application Form, as provided for by Section 19(1)(b) of the EIA Regulations, 2014, as amended.

The Revised Draft BAR (this document) must be made available for a 30-day comment period, following which all comments received, and responses provided must be captured into the CRR and factored into the Final BAR, prior to submission to the CA for their decision-making.

Please note that Table 1-1 provides a list of all the IAP's who have submitted comments during PPP for the application (both the original application for EA and the current application), whereas detailed comments and responses have been provided in Table 2-1 as drafted by AECOM.

**Table 1-1 Summary of I&AP who submitted comments during the PPP**

<b>No.</b>	<b>Organisation-Representative</b>	<b>PPP Comment Period</b>	<b>Date of comment</b>	<b>Method</b>
1	Department of Forestry, Fisheries and the Environment (DFFE) – Mr Kevin Mathebula	6 August 2021 to 13 September 2021	07 September 2021	Email
2	Department of Forestry, Fisheries and the Environment (DFFE): Biodiversity Conservation Unit – Mr Seoka Lekota	6 August 2021 to 13 September 2021	13 September 2021	Email
3	South African Heritage Resources Agency (SAHRA) – Ms Natasha Higgit	6 August 2021 to 13 September 2021	13 September 2021	Email
4	ABO Wind Renewable Energies (Pty) Ltd – Mr Du Toit Malherbe	10 August 2022 to 9 September 2022	04 August 2022	Email
5	ABS Africa – Ms Bianca de Jager	10 August 2022 to 9 September 2022	18 August 2022	Email
6	South African Heritage Resources Agency (SAHRA) – Ms Natasha Higgit	10 August 2022 to 9 September 2022	06 September 2022	SAHRIS Portal
7	Department of Forestry Fisheries and the Environment (DFFE) – Ms Bathandwa Ncube	10 August 2022 to 9 September 2022	09 September 2022	Email
8	DFFE: Biodiversity Conservation - Ms M Rabothata	10 August 2022 to 9 September 2022	19 September 2022	Email

## 2. Comments and Responses

Table 2-1 Comment and Responses

No.	Date of comment, format of comment, name of organisation / IAP	Comment	Response from EAP / Applicant
1	07 September 2021 Email Department of Environment, Forestry and Fisheries (DEFF) – (Kevin Mathebula)	<p>COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF A BATTERY ENERGY STORAGE SYSTEM (BESS) AND ASSOCIATED INFRASTRUCTURE AT THE CUPRUM SUBSTATION LOCATED WITHIN COPPERTON, NEAR THE TOWN OF PRIESKA, NORTHERN CAPE PROVINCE</p> <p>The draft Basic Assessment Report (BAR) dated August 2021 and received by this Department on 10 August 2021, refers.</p> <p>This letter serves to inform</p>	<p>Good day Kevin,</p> <p>AECOM SA Pty Ltd (AECOM) received official comments from the Department of Forestry, Fisheries and the Environment (DFFE) on 07 September 2021 in relation to above-mentioned project (DFFE Reference: 14/12/16/3/3/1/2372).</p> <p>This letter serves to provide official responses to the comments received. Please refer to the responses below:</p>
		<p><b>Application Form:</b></p> <ul style="list-style-type: none"> <li>Ensure that the project description under section 5, on page 7 of 32 of the application form includes all the components of the proposed development.</li> <li>Under section 7, on page 13 of 32 of the application form as well as on page 32 of the draft BAR, activity 14 of Listing Notice 1 of NEMA EIA Regulations, 2014, as amended is applied for. On the final BAR indicate if the batteries are to be assembled on site or not and confirm whether the proposed project will trigger the activity 14 of Listing Notice 1 of the NEMA EIA Regulations, 2014 as amended. Please ensure that only listed activities triggered by the proposed development are applied for.</li> </ul>	<p><b>Application Form:</b></p> <ul style="list-style-type: none"> <li>The project description under section 5, on page 7 of 32 of the application form includes all components of the proposed project.</li> <li>A meeting was held on the 14 October 2021 between Eskom and DFFE which clarified this comment relating to the selection of a preferred technology. Please refer to Appendix A for a copy of the meeting minutes. It is understood by DFFE that a preferred technology cannot be selected at the current stage due to the tender and procurement processes which require a fair process amongst potential bidders i.e. a non-bias approach as to which technology may be used.</li> </ul> <p>The installation process and whether the batteries will be assembled on site or not has been included on Page 21 - Section 3.4.7 of the final BAR.</p> <p>Due to the tender and procurement processes associated with the BESS infrastructure, it is unclear at this stage which battery technology will be selected. Therefore, the storage of hazardous and dangerous goods will only be applicable if flow batteries are selected as the technology option as this technology stores liquid electrolytic material in tanks. Eskom has, however, confirmed that the total amount of hazardous materials stored on site, as a result of the Project, will not exceed 500 m<sup>3</sup>.</p> <p>Therefore, Activity 14 of Listing Notice 1 of the NEMA EIA Regulations, 2014 as amended is included as part of the listing activities under the application form and BA. Kindly refer to Appendix A for a copy of the meeting minutes which entails clarification and discussion with DFFE in relation to Activity 14. All listed activities associated with the development activities and infrastructure mentioned in the project description have</p>

No.	Date of comment, format of comment, name of organisation / Comment IAP	Response from EAP / Applicant
	<ul style="list-style-type: none"> <li>Ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. In addition, the onus is on the applicant and the Environmental Assessment Practitioner (EAP) to ensure that all the applicable listed activities are included in the application. Failure to do so may result in unnecessary delays in the processing of the application.</li> <li>If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted.</li> </ul>	<p>been applied for. These listed activities are detailed and specific as mentioned in the application form and draft BAR on Page 12 and Page 32, respectively.</p> <ul style="list-style-type: none"> <li>All listed activities associated with the development and infrastructure, mentioned in the project description, have been applied for. These listed activities are detailed and specific as mentioned in the application form and draft BAR on Page 12 and Page 32, respectively.</li> <li>All activities mentioned in the draft BAR match the listed activities included in the application form. The applicant is aware of the amendment process should the need arise.</li> </ul>
	<p><b>Alternatives:</b></p> <ul style="list-style-type: none"> <li>Please provide alternatives for the proposed powerline realignment route. Should there be no alternatives considered, you are required to provide a motivation for not considering an alternative, as per Appendix 1(3)(1)(h)(x) of the NEMA EIA Regulations, 2014 as amended.</li> </ul>	<p><b>Alternatives</b></p> <ul style="list-style-type: none"> <li>No alternative powerline realignment route(s) have been proposed. The proposed powerline route is restricted to existing infrastructure on site which entails the realignment of the Cuprum/Karoo 66kV and Cuprum/Kronos 11kV overhead lines along the Eskom property boundary to connect to the existing grid network. The proposed realigned route follows the shortest distance to the existing network and is restricted to Eskom's property boundary. Additionally, any alternative routes are viewed as non-viable due to the fact that alternative routes would require removal of substation infrastructure and realignment of the larger grid network to establish a new connection point.</li> </ul>
	<p><b>Technology:</b></p> <ul style="list-style-type: none"> <li>On page 21 and 29 of the draft BAR, it is stated that the applicant cannot commit to a particular preferred technology due to commercial or procurement requirements, however in the final BAR it is required that you indicate the preferred type of technology and provide information on the installation process, and to confirm whether the batteries will be assembled on site or not.</li> <li>The Department acknowledges Appendix D: Risk Assessment for all technologies, however in the final BAR please provide a risk assessment that has been undertaken for the preferred technology, with reference to the batteries being assembled on site or not.</li> </ul>	<p><b>Technology:</b></p> <ul style="list-style-type: none"> <li>A meeting was held on the 14 October 2021 between Eskom and DFFE which clarified this comment relating to the selection of a preferred technology. Please refer to Appendix E for a copy of the meeting minutes. It is understood by DFFE that a preferred technology cannot be selected at the current stage due to the tender and procurements processes which require a fair process amongst potential bidders i.e., a non-bias approach as to which technology may be used. The installation process and whether the batteries will be assembled on site or not has been included on Page 22 - Section 3.4.7 of the final BAR.</li> <li>Appendix D: Risk Assessment includes all technologies as a preferred technology has not been selected. Kindly refer to Appendix A for a copy of the meeting minutes with the DFFE. The installation process and whether the batteries will be assembled on site or not has been included on Page 21 - Section 3.4.7 of the final BAR.</li> </ul>



No.	Date of comment, format of comment, name of organisation / Comment IAP	Response from EAP / Applicant
	<p><b>Coordinates:</b></p> <ul style="list-style-type: none"> <li>• Please provide coordinates of the bend points of the perimeter of the proposed BESS area.</li> <li>• Also provide coordinates for the bend points of the proposed powerline realignment route.</li> </ul> <p><b>Layout and Sensitivity Mapping:</b></p> <ul style="list-style-type: none"> <li>• The Department acknowledges Appendix A and figure 3-1 on page 16 of the draft BAR (locality map). Please provide a layout map which indicates the following: All onsite infrastructure (existing and proposed), such as existing roads, new roads (if applicable), access points, route corridor, etc. – The positions of the pylons; <ul style="list-style-type: none"> <li>– Laydown area footprint or construction camp footprint;</li> <li>– The location of sensitive environmental features on site e.g. CBAs, ESAs, wetlands, drainage lines, heritage sites etc. that will be affected;</li> <li>– Buffer areas; and</li> <li>– All “no-go” areas.</li> </ul> </li> <li>• The above map must be overlain with a sensitivity map.</li> <li>• Please note that the Department considers a ‘no-go’ area, as an area where no development or any infrastructure is allowed; therefore, no development or associated infrastructure is allowed in the ‘no-go’ areas.</li> <li>• Please provide a locality map which indicates the following: <ul style="list-style-type: none"> <li>o Closest town(s); – Road names or numbers of all major roads;</li> <li>– The location of the proposed project within the municipality and province;</li> <li>– A north arrow and clear legend.</li> </ul> </li> </ul> <p>Please note, Google maps will not be accepted.</p>	<p><b>Coordinates:</b></p> <ul style="list-style-type: none"> <li>• Bend coordinates of the perimeter of the proposed BESS area have been included in Section 3.2.1 from Page 15 of the Final BAR.</li> <li>• Bend coordinates of the proposed powerline realignment route have been included in Section 3.2.1 Page 16 of the Final BAR.</li> </ul> <p><b>Layout and Sensitivity Mapping:</b></p> <ul style="list-style-type: none"> <li>• The layout map has been updated and included under Appendix A with the following additional features: – All onsite infrastructure (existing and proposed) including existing roads, new roads and route corridor <ul style="list-style-type: none"> <li>– Position of the pylons</li> <li>– Laydown area footprint or construction camp footprint</li> <li>– Sensitive environmental features including ESA's and ONA's (no other CBA's, wetland drainage lines, heritage sites were found within the development footprint)</li> <li>– No sensitive "No-go" areas are applicable to this project</li> </ul> </li> <li>• The layout map in Appendix A has been overlain with a sensitivity map.</li> <li>• No "No-go" areas are applicable to this project</li> <li>• The locality map on Page 16 (Figure 3-1) and Appendix A of the final BAR includes the following: – Closest town(s); <ul style="list-style-type: none"> <li>– Road names or numbers of all major roads (private roads are visible on the maps);</li> <li>– The location of the proposed project within the municipality and province; and</li> <li>– A north arrow and clear legend.</li> </ul> </li> </ul>
	<p><b>Specialist Assessments:</b></p> <ul style="list-style-type: none"> <li>• All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.</li> <li>• Each specialist must indicate a preferred alternative and motivation for the type of technology for the batteries and for the overhead powerline realignment route (if applicable).</li> </ul>	<p><b>Specialist Assessments:</b></p> <ul style="list-style-type: none"> <li>• All specialist studies are final and do not recommend further studies to be undertaken. As previously mentioned, no preferred alternative has been recommended as part of the Basic Assessment however, the specialist studies have included recommended mitigation measures for the Project in relation to the worst-case scenario.</li> <li>• A meeting was held on the 14 October 2021 between Eskom and DFFE which clarified the selection of a preferred technology. Please refer to Appendix E for a copy of the meeting minutes. It is understood by DFFE that a preferred</li> </ul>

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	<ul style="list-style-type: none"> <li>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 expert advice</li> </ul>	<p>technology cannot be selected at the current stage due to the tender and procurements processes which require a fair process amongst potential bidders i.e., a non-bias approach as to which technology may be used. Therefore, specialist studies have not indicated a preferred alternative, in relation to the BESS infrastructure, but have however assessed impacts based on the worst-case scenario i.e., the technology which would result in the highest impact.</p> <p>In terms of the powerline realignment route, no alternative route has been recommended. The proposed powerline route is restricted to existing infrastructure on site which entails the realignment of the Cuprum/Karoo 66kV and Cuprum/Kronos 11kV overhead lines along the Eskom property boundary to connect to the existing grid network. The proposed realigned route follows the shortest distance to the existing network and is restricted to Eskom's property boundary. Additionally, any alternative routes are viewed as non-viable due to the fact that alternative routes would require removal of substation infrastructure and realignment of the larger grid network to establish a new connection point. No contradicting recommendations have provided by the specialist studies in terms of the preferred technology.</p> <p>No contradicting recommendations have provided by the specialist studies.</p>
	<p><b>Environmental Management Programme (EMPr):</b></p> <ul style="list-style-type: none"> <li>The EMPr attached as Appendix G of the final BAR, must include recommendations and mitigation measures recorded in the BAR and the specialist studies conducted.</li> <li>Ensure that the EMPr complies with Appendix 4 of the EIA Regulations 2014 (as amended).</li> <li>The EMPr must not contain any ambiguity. Where applicable, statements containing the word "should" or "may" are to be amended to "must".</li> <li>The EMPr must distinguish between impact management actions and impact management outcomes.</li> <li>The proposed powerline realignment of the Cuprum/Karoo 66kV and Cuprum/Kronos 11kV overhead lines triggers</li> </ul>	<p><b>Environmental Management Programme (EMPr):</b></p> <ul style="list-style-type: none"> <li>The EMPr includes recommendations and mitigation measures recorded in both the BAR and specialist studies conducted.</li> <li>The EMPr complies with Appendix 4 of the EIA Regulations, 2014 (as amended). A checklist has been included on Page 17 of the EMPr submitted with the final BAR.</li> <li>All statements containing the word "should" have been amended to "must" in the EMPr.</li> <li>Impact management actions have been included under Section 11.15.1 – 11.15.6 of the EMPr (Environmental Specifications) and impact management outcomes have been included under Section 11 of the EMPr (Implementation of the EMPr)</li> <li>The Generic EMPr has been included under Appendix G14 of the Final BAR.</li> </ul>

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	<p>Activity 11 of Listing Notice 1 of NEMA EIA Regulations, 2014, as amended. The following generic EMPr must be included as part of the EMPr attached as Appendix G in the final BAR: – Generic EMPr for the development and expansion for overhead electricity transmission and distribution infrastructure.</p> <ul style="list-style-type: none"> <li>This generic EMPr can be downloaded from the following link <a href="https://www.environment.gov.za/documents/forms">https://www.environment.gov.za/documents/forms</a>.</li> <li>Part B: Section 2 of the generic EMPr must be completed, and a copy of an originally signed EMPr must be submitted with the final BAR. Please note that Point 7.1.1 in Part B: Section 2 needs to match the details of the applicant as contained in the application form.</li> </ul>	<ul style="list-style-type: none"> <li>Part B: Section 2 of the generic EMPr has been completed. An originally signed EMPr will be submitted with the final BAR.</li> </ul>
	<p><b>Public Participation Process (PPP):</b></p> <ul style="list-style-type: none"> <li>The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 &amp; 44 of the NEMA EIA Regulations 2014, as amended.</li> <li>Please ensure that comments from all relevant stakeholders are submitted to the Department with the final BAR. This includes but not limited to the Northern Cape Department of Agriculture, Environmental Affairs, Land Reform and Rural Development; Siyathemba Local Municipality; Pixley ka Seme District Municipality; Department of Mineral Resources and Energy; and the South African Heritage Resources Agency (SAHRA).</li> <li>Comments must be obtained from this Department's Biodiversity and Conservation Section. Further to that, these comments must be addressed and incorporated in the final Basic Assessment Report. The contact details are as follows: BCAdmin@environment.gov.za.</li> <li>Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&amp;APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR.</li> <li>Proof of correspondence with the various stakeholders must be included in the final BAR. This must indicate that this draft BAR 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 must be submitted to the Department of the attempts that were made to obtain comments.</li> </ul>	<p><b>Public Participation Process (PPP):</b></p> <ul style="list-style-type: none"> <li>The Public Participation Process has been conducted in terms of Regulation 39, 40 41, 42, 43 &amp; 44 of the NEMA EIA Regulations 2014, as amended;</li> <li>All comments received from relevant stakeholders have been included in final BAR. Relevant stakeholders were included from the Northern Cape Department of Agriculture, Environmental Affairs, Land Reform and Rural Development; Siyathemba Local Municipality; Pixley ka Seme District Municipality; Department of Mineral Resources and Energy; and the South African Heritage Resources Agency (SAHRA).</li> <li>Comments were received by the Department of Forestry, Fisheries and the Environment (DFFE) on 07 September 2021 and from the DFFE Environment: Biodiversity Unit on 13 September 2021.</li> <li>All comments received from IAP's and organs of state during circulation of the draft BAR have been adequately addressed in the final BAR.</li> <li>Proof of correspondence with various stakeholders, including follow up correspondence to provide comments on the draft BAR and EMPr, have been included in the final BAR under Appendix E2.</li> <li>Copies of original comments have been included in the final BAR under Appendix E7.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Copies of original comments received from I&amp;APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR.</li> <li>• The Comments and Response Report (CRR) must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.</li> <li>• Comments from I&amp;APs must not be split and arranged into categories. Comments from each submission must be responded to individually.</li> <li>• Please submit a full page of the newspaper(s) containing the advertisement, ensuring that the information in the advert is legible and that the name of the newspaper and date are visible.</li> </ul>	<ul style="list-style-type: none"> <li>• A Comment and Response Report (CRR) has been included under Appendix E5.</li> <li>• All comments received from I&amp;AP's have been responded to individually. Please refer to Appendix E8 in the final BAR.</li> <li>• A newspaper tear sheet containing the advertisement proof of placement has been included in final BAR under Appendix E1.</li> </ul>
	<ul style="list-style-type: none"> <li>• Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.</li> </ul>	<ul style="list-style-type: none"> <li>• The period for which the Environmental Authorisation is required for and date on which the activity will be concluded is provided for on Page 101 of the final BAR. The Environmental Authorisation is required for a period of 5 years and will be concluded in April 2027.</li> </ul>
	<ul style="list-style-type: none"> <li>• You are further reminded to comply with Regulation 19(1) (a) of the NEMA EIA Regulations, 2014, as amended, which states that: "Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority - (a) a basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority."</li> </ul>	<ul style="list-style-type: none"> <li>• Due to the comments received from the DFFE on 07 September 2021, a clarification meeting was held between the applicant (Eskom) and the DFFE. As contemplated in Section 19 (b) of the EIA Regulations, 2014 (as amended) a notification letter was submitted on the 1st October 2021 to the competent authority indicating that the final BAR (inclusive of specialist studies and the EMPr) will be submitted within 140 days. Formal acknowledgement was received from the DFFE on the 4th October 2021.</li> </ul>
	<ul style="list-style-type: none"> <li>• Should there be significant changes or new information that has been added to the BAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 19(b) of the NEMA EIA Regulations, 2014, as amended, which states: "the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, 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 basic assessment report or EMPr or, where</li> </ul>	<ul style="list-style-type: none"> <li>• There were no significant changes in the information that was made available during the public review period.</li> </ul>

No.	Date of comment, format of comment, name of organisation / Comment IAP	Response from EAP / Applicant
		<p>applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in sub regulation 19(1)(a) and that the revised reports or, EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days".</p>
	<ul style="list-style-type: none"> <li>Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</li> </ul>	<ul style="list-style-type: none"> <li>Timeframes will be complied with as part of the Project</li> </ul>
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Your comment has been duly noted and the Applicant has been made aware of this condition.</li> </ul>
2	<p>13 September 2021 Email South African Heritage Resources Agency (SAHRA) – (Natasha Higgitt)</p>	<p>Good day Natasha, AECOM SA Pty Ltd (AECOM) received interim and final comments from the South African Heritage Resources Agency (SAHRA) in relation to above-mentioned project (DFFE Reference: 14/12/16/3/3/1/2372) on 03 September 2021 and 13 September 2021, respectively. This letter serves to provide official responses to the comments received. Please refer to the responses below:</p>
	<p>Basic Assessment process for the proposed development of a Battery Energy Storage System (BESS) and associated infrastructure at the Cuprum Substation located within Copperton, near the town of Prieska, Northern Cape Province. AECOM SA (Pty) Ltd has been appointed by Eskom SOC (Pty) Ltd to conduct an Environmental Authorisation (EA) Amendment Application for the proposed development of a Battery Energy Storage Facility (BESS) and associated infrastructure at the Cuprum Substation, Copperton, Northern Cape Province (DFFE Ref: 14/12/16/3/3/1/2372).</p>	<p>A draft Basic Assessment Report has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 NEMA EIA Regulations. The proposed developments include a BESS, realignment of the Cuprum/Karoo 66KV and Cuprum/Kronos 11kv lines, extension of the fence, extension of the existing road and rerouting of the water pipeline.</p>
	<ul style="list-style-type: none"> <li>Sativa Travel and Environmental Consultants (Pty) Ltd were appointed to provide heritage specialist input as part of the EA process as required by section 24(4)b(iii) of NEMA, and in terms of section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) as required by section 38(8) of the NHRA.</li> </ul>	<ul style="list-style-type: none"> <li>Thank you for your comment. We confirm that the referenced project name and details are correct.</li> </ul>
	<ul style="list-style-type: none"> <li>Milo, T. 2021. Phase 1 Archaeological and Heritage Impact Assessment Report: The Proposed development of a Battery Energy Storage Facility (BESS) and associated infrastructure at the Cuprum Substation located within Copperton, near the town of Prieska, Northern Cape Province.</li> </ul>	<ul style="list-style-type: none"> <li>Sativa Travel and Environmental Consultants (Pty) Ltd were appointed to provide both the heritage and paleontological specialist studies as part of the EA process as required by section 24(4)b(iii) of NEMA, and in terms of section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) as required by section 38(8) of the NHRA.</li> </ul>

No.	Date of comment, format of comment, name of organisation / Comment IAP	Response from EAP / Applicant
	<ul style="list-style-type: none"> <li>No heritage resources were identified within the proposed development area.</li> </ul>	<ul style="list-style-type: none"> <li>Your comment in relation to heritage resources has been noted.</li> </ul>
	<p>Recommendations provided in the report include the following:</p> <ul style="list-style-type: none"> <li>It is also advised that the Archaeology, Palaeontology and SAHRA Meteorites Unit is alerted when site work begins;</li> <li>Strict and clear reporting procedures for chance findings must be followed by applicant and contractors throughout the whole period of construction.</li> </ul>	<p>Thank you for your comments in relation to the PIA. We take note that the referenced recommendations were included in the PIA report and will be included in the final BAR and EMPr under Page 101 Section 13.1, and Page 74, respectively.</p>
	<p>In an Interim Comment issued on the 03/09/2021, SAHRA requested that a desktop Palaeontological Impact Assessment must be conducted as part of the EA process. Since the issuing of the comment, a Desktop PIA has been submitted for review (08/09/2021).</p> <p>Durand, J. F. 2021 (May). The proposed development of a Battery Energy Storage System (BESS) and associated infrastructure at the Cuprum Substation located within Copperton, near the town of Prieska, Northern Cape Province. The development area is underlain by aeolian sands of the Gordonia Formation that is not particularly fossiliferous, however fossils such as trace fossils, vertebrate remains, stromatolites and freshwater and terrestrial mollusc shells have been reported in the formation. A Chance Fossil Finds Procedure is recommended.</p>	<p>AECOM acknowledges the interim comment and understands that the Palaeontological Impact Assessment (PIA) was included as part of the draft BAR report submitted to SAHRA for review. The PIA (referenced as part of SAHRA's comments) was submitted to SAHRA on the 08 September 2021.</p>
	<p><b>Final Comment</b></p> <p>The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:</p> <ul style="list-style-type: none"> <li>38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development;</li> <li>38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;</li> <li>38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;</li> </ul>	<p>Thank you for the final comment and recommendations submitted. The recommendations provided will be incorporated into the final BAR and EMPr. Furthermore, please take note of the following in response to the comments provided:</p> <ul style="list-style-type: none"> <li>Thank you. The comment has been noted</li> <li>Thank you. The comment has been noted</li> <li>The procedure for contacting the SAHRA APM Unit, in the event of uncovered heritage resources, has been included in the EMPr and final BAR under Page 82 and Page 101 Section 13.1, respectively.</li> </ul>

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		<ul style="list-style-type: none"> <li>38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section. 51(1)e of the NHRA and item 5 of the Schedule;</li> <li>38(4)d – See section 51(1) of the NHRA for offenses;</li> <li>38(4)e – The following conditions apply with regards to the appointment of specialists: – i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;</li> <li>The Final BAR and EMPr must be submitted to SAHRA for record purposes;</li> <li>The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.</li> </ul>	<ul style="list-style-type: none"> <li>The procedure for contacting the SAHRA Burial Grounds and Graves (BGG) Unit, in the event of uncovered graves and burial sites, has been included in the EMPr under Page 82;</li> <li>38(4)d and section 51(1) of the NHARA are noted</li> <li>The procedure for uncovering heritage resources has been included in the EMPr and final BAR; and</li> <li>The final BAR and EMPr will also be provided to SAHRA and the decision regarding the EA application will be uploaded onto the SAHRIS website under the respective case application.</li> </ul>
3	<p>13 September 2021 Email Department of Forestry Fisheries and the Environment: Biodiversity Conservation (DFFE) (<b>M Rabothatha</b>)</p>	<p>COMMENTS ON DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF A BATTERY ENERGY STORAGE SYSTEM (BESS) AND ASSOCIATED INFRASTRUCTURE AT THE CUPRUM SUBSTATION LOCATED WITHIN COPPERTON NEAR THE TOWN OF PRIESKA, NORTHERN CAPE PROVINCE.</p> <p>The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned draft report.</p> <ul style="list-style-type: none"> <li>Based on the information provided in the report, the site does not occur within any Critical Biodiversity Areas (CBA) or Ecological Support Areas (ESA), and borders an area classified as Other Natural Areas (ONAs). Only the re-alignment of the two powerlines take place within areas marked as ONA. Thus, development within Other Natural Areas is suitable and accepted. Furthermore, most of the study area is transformed or degraded due to mining activities surrounding the proposed site.</li> </ul> <p>Notwithstanding the above, the following recommendations must be considered in the final report:</p> <ul style="list-style-type: none"> <li>Preconstruction walk-through of the approved development footprint must be conducted to ensure that sensitive habitats and species are avoided where possible.</li> </ul>	<p>Dear Ms Rabothata/Sekonko AECOM SA Pty Ltd (AECOM) received the final comments from the Department of Forestry, Fisheries and the Environment (DFFE): Biodiversity Unit in relation to above-mentioned project (DFFE Reference: 14/12/16/3/3/1/2372) on 13 September 2021. Thank you for your comments and inputs provided. This letter serves to provide official responses to the comments received. Please refer to the responses below:</p> <ul style="list-style-type: none"> <li>Thank you for your comment in relation to the project activities within sensitive environments. Your comment has been noted.</li> </ul> <p>In reference to the recommendations provided, kindly take note of the following additions to the final report:</p> <ul style="list-style-type: none"> <li>A preconstruction walk-through has been recommended in the EMPr under Page 70 Section 11.15.1 and in the final BAR under Page 101 Section 13.1.</li> </ul>

No.	Date of comment, format of comment, name of organisation / IAP / Comment	Response from EAP / Applicant
	<ul style="list-style-type: none"> <li>• Search and rescue plan must be developed for any TOPs or species of conservation concern that have the likelihood of occurring in the study area.</li> <li>• Sensitive habitats in close proximity to the development footprint must be avoided or demarcated as No-Go area i.e. Bastersput-se-Leegte river.</li> <li>• Erosion and Alien Invasive Plant Species Management Plan, and Rehabilitation Plan must be developed to mitigate on habitat degradation due to erosion and alien plant invasion and submitted as part of the final report.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• No TOP's or species of conservation concern were noted in the study area. A recommendation to develop a search and rescue plan for TOP's has been included in the EMPr under Page 70 Section 11.15.1 and in the final BAR under Page 101 Section 13.1.</li> <li>• Appendix A and Figure 3-1 of the final BAR indicate both sensitive habitats and No-Go areas (including the Bastersput-se-Leegte river).</li> <li>• Eskom have developed a Monitoring, Control and Eradication Plan for Invasive Species which includes mitigation measures for habitat degradation due to erosion and alien plant invasion. This has been included in Appendix G15 of the EMPr included in the final BAR.</li> <li>• Your comment in reference to the public review of documents has been duly noted and acknowledged</li> </ul>
4	<p>4 August 2022 Email ABO Wind Renewable Energies (Pty) Ltd Du Toit Malherbe</p>	<ul style="list-style-type: none"> <li>• Thank you for your email, much appreciated. If not already registered, kindly add me as an I&amp;AP for the above-mentioned BESS development.</li> <li>• Could you also kindly explain in more detail why, or on which procedural grounds did DFFE refuse the EA application, conducted during 2021?</li> </ul> <p>The IAP Database was double checked. It is confirmed that Mr Malherbe is registered on the database.</p> <p>A copy of the Refusal Decision was provided together with the following explanation:</p> <ul style="list-style-type: none"> <li>- Pre-Application Meeting, dated 12/05/2021: <ul style="list-style-type: none"> <li>▪ Highlighted that no alternatives existed for the proposed development.</li> <li>▪ While different Technology Options are presented, due to commercial constraints, the Applicant is unable to select a Preferred Technology Alternative, rather, a Technology Alternative will be selected from amongst those assessed upon finalisation of the procurement and bid process.</li> <li>▪ To mitigate this, the approach would be to assess the "worst case scenario" in terms of impact significance and mitigation.</li> <li>▪ The DFFE responded that the reports must provide details with regards to the technology options that are being considered. Additionally, the no alternative location must be motivated and included in the report.</li> </ul> </li> <li>- Comment from DFFE on DBAR, dated 07/09/2021: <ul style="list-style-type: none"> <li>▪ Required that the FBAR indicate a Preferred Technology Alternative, provide information on the installation process and provide a Risk Assessment of the Preferred Technology Alternative.</li> </ul> </li> </ul>



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5	18 August 2022 Email ABS Africa Bianca de Jager	<ul style="list-style-type: none"> <li>• Thank you for the notification of the availability of the Draft BAR for the proposed development of the BESS at Copperton.</li> <li>• On behalf of Prieska Copper Zinc Mine (PCZM) (Pty) Ltd and Vardocube (Pty) Ltd (subsidiary companies of Orion Minerals), please note the following comments on the development as described in the DBAR:</li> </ul>
		<ul style="list-style-type: none"> <li>▪ This required significant new information to be added to the documentation, as well as an additional PPP of 30-days. For this reason, section 19(b) of the EIA Regulations, 2014 (as amended) was invoked, to provide additional time for the submission of the FBAR.</li> <li>▪ A meeting was held between the Applicant and DFFE, dated 14/10/2021. It was agreed that the FBAR need not identify a Preferred Technology Alternative. The EAP must, however, in the concluding statement motivate why a preferred Technology Alternative has not been identified at this point, and attach the minutes of the meeting between DFFE and the Applicant.</li> <li>▪ No changes to the FBAR were therefore required. The EAP therefore finalised the report and submitted to the DFFE for decision-making in November 2021, without making the documentation available for a 30-day PPP.</li> <li>– Refusal Decision, dated 03/04/2022, on the grounds that: <ul style="list-style-type: none"> <li>▪ The EAP failed to comply with Regulation 40(3): Potential of registered interested and affected parties, including the competent authority... must be provided with an opportunity to comment [on reports and plans contemplated in sub-regulation 1] once an application has been submitted to the competent authority.</li> <li>▪ The EAP failed to comply with Regulation 41(2)(c)(i)(ii) as there was no proof of a newspaper advertisement announcing the proposed project attached in Appendix E2 of the FBAR.</li> <li>▪ The EAP failed to comply with the DFFE comments, dated 07/09/2021, and Regulations 39 – 44 of the EIA Regulations, regarding PPP, as the Competent Authority was excluded from the 30-days PPP on the second version of the DBAR.</li> <li>▪ Consequently, there was no sufficient, adequate and reliable basis upon which the statutory discretion of the Competent Authority could be exercised in favour of the applicant, and the application for EA was refused.</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>The current mining right holder of the historical PCM is now Prieska Copper Zinc Mine (Pty) Ltd (PCZM)</li> <li>We noted that the proposed powerlines traverse two of the Orion mining right properties namely Vogelstruis Bult Farm 104 Portion 25 (PCZM Mining Right Area) as well as Vogelstruis Bult Farm 104 Portion 1 (Vardocube Mining Right Area). The last-mentioned property is not indicated in the DBAR.</li> <li>It is requested that Eskom and their appointed contractor/s contact PCZM well ahead of the works commencing to discuss aspects like mine access protocol, required working areas, services connections such as water, opportunities for shared infrastructure and mining area safety risks including mine safety induction as well as sensitive sites and no-go areas to take note off on the PCZM and Vardocube properties.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted, the BAR has been updated accordingly. Thank you for bringing this to our attention.</li> <li>Noted, this request has been communicated to Eskom. Additionally, the pre-construction phase requirements in the EMPr have been updated to include a requirement to engage with PCZM.</li> </ul>
6	<p>6 September 2022 SAHRIS Portal South African Heritage Resources Agency (SAHRA) Natasha Higgitt</p> <ul style="list-style-type: none"> <li>Aecom SA (Pty) Ltd has been appointed by Eskom SOC (Pty) Ltd to conduct an Environmental Authorisation (EA) Amendment Application for the proposed development of a Battery Energy Storage Facility (BESS) and associated infrastructure at the Cuprum Substation, Copperton, Northern Cape Province (DFFE Ref: 14/12/16/3/3/1/2372).</li> <li>In a Final Comment issued on the 13/09/2021, SAHRA noted no objections to the proposed development and provided conditions (<a href="https://sahris.sahra.org.za/node/582558">https://sahris.sahra.org.za/node/582558</a>). Since the issuing of the Final Comment, the EA was refused on procedural grounds, and has now been re-submitted.</li> <li>A draft Basic Assessment Report has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 NEMA EIA Regulations. The proposed development activities have not changed since the original EA process. The same heritage reports used previously are referenced and will not be discussed again.</li> </ul> <p><b>Final Comment</b></p> <ul style="list-style-type: none"> <li>The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr: <ul style="list-style-type: none"> <li>38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development;</li> <li>38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Please note that the application in process is not an Amendment Application process, but rather a Re-Application for Environmental Authorisation.</li> <li>This is correct. The conditions issued by SAHRA as part of the previous application process have been captured and incorporated in this CRR, for application in this re-application process.</li> <li>This is accurate.</li> <li>Noted. The comments have been included into the FBAR and the EMPr updated as necessary.</li> <li>Noted and thank you.</li> <li>Noted and thank you. The recommendations of the specialists have been incorporated into the FBAR and the EMPr.</li> </ul>

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	<ul style="list-style-type: none"> <li>- 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;</li> <li>- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;</li> <li>- 38(4)d – See section 51(1) of the NHRA for offenses;</li> <li>- 38(4)e – The following conditions apply with regards to the appointment of specialists:                             <ul style="list-style-type: none"> <li>▪ If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;</li> </ul> </li> <li>- The Final BAR and EMPr must be submitted to SAHRA for record purposes;</li> <li>- The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.</li> <li>- Should you have any further queries, please contact the designated official using the case number quoted above in the case header.</li> </ul>	<ul style="list-style-type: none"> <li>• This requirement has been incorporated into the EMPr. The information regarding non-compliance is noted.</li> <li>• This requirement has been incorporated into the EMPr. The information regarding non-compliance is noted.</li> <li>• Noted.</li> <li>• This requirement has been incorporated into the EMPr.</li> <li>• This will be complied with.</li> <li>• This will be complied with.</li> <li>• Noted and thank you.</li> </ul>
7	<p>9 September 2022 Email Department of Forestry Fisheries and the Environment (DFFE) Bathandwa Ncube</p>	<ul style="list-style-type: none"> <li>• The draft Basic Assessment Report (BAR) dated August 2022 and received by the Department on 10 August 2022, refers.</li> <li>• This letter serves to inform you that the following information must be included in the final BAR.</li> </ul>
	<p><b>General:</b></p> <ul style="list-style-type: none"> <li>• If the substation expansion and rerouting of water pipeline require clearance of vegetation, please provide co-ordinates of the perimeter and amended route, respectively.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted. Please refer to individual responses provided below.</li> <li>• This information has been included into the revised Draft BAR. Refer to tables 3-2 to 3-10 in Section 3.2.</li> </ul>

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	<p><b><u>Technical details of the proposed facility and design alternative:</u></b></p> <ul style="list-style-type: none"> <li>The EIA must provide the technical details for the proposed development in a table format as well as their description and / or dimensions. A sample of the table of technical details is listed in Annexure 1 of this letter.</li> </ul>	<ul style="list-style-type: none"> <li>The Table of Technical Details as provided in Annexure 1 of the correspondence has been completed and included into Section 3.3.1 (Table 3-11) of the Revised DBAR.</li> </ul>
	<p><b><u>Locality Map:</u></b></p> <ul style="list-style-type: none"> <li>Please provide a Locality Map which indicates the following:                             <ul style="list-style-type: none"> <li>Closest town(s);</li> <li>Road names or numbers of all major roads;</li> <li>The location of the proposed project within the municipality and province; and</li> <li>A north arrow and clear legend.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>An updated Locality Map, which meets the listed requirements, has been inserted into the Revised Draft BAR. Please refer to <b>Figure 3-1</b> in the Report, as well as the Locality Map included in <b>Appendix A</b>.</li> </ul>
	<p><b><u>Specialist Assessments:</u></b></p> <ul style="list-style-type: none"> <li>Please include a table in the report, summarising the specialist studies required by the Department's Screening Tool, a column indicating whether these studies were conducted or not, and a column with motivation for any studies not conducted. A sample of specialist studies is listed in Annexure 1 of this letter.</li> <li>Please note that if any of the specialists' studies and requirements / protocols recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report per the requirements of Government Notice No. 320 of 20 March 2020 and Government Notice No. 1150 of 30 October 2020 (i.e. "the Protocols"). Where motivation is given for not including a specialist study or compliance statement, evidence of the "insignificant" sensitivity verification must be provided as per section 2.3 of each protocol (e.g. photographs, comments from the relevant organ of state / organisation etc.)</li> <li>The Agriculture Theme has a "Low Sensitivity" rating as per the outcome of the screening tool provided. According to the protocols, an Agricultural Compliance Statement must be included in the BAR. Should a compliance statement not be included in the BAR, a motivation for its exclusion must be provided.</li> <li>The Civil Aviation Theme has a "High Sensitivity" rating as per the outcome of the screening tool provided. According to the protocols, a Civil Aviation Compliance Statement must be included in the BAR. Should a compliance statement not be included in the BAR, a motivation for its exclusion must be provided.</li> <li>All specialist studies must be final and provide detailed practical mitigation measures for the preferred alternative and</li> </ul>	<ul style="list-style-type: none"> <li>The requested table has been compiled and inserted into Section 5.3 of the Revised Draft BAR. Refer to Table 5-2.</li> <li>Noted and understood. This has been detailed in Table 5-2.</li> <li>An Agricultural Site Sensitivity Verification and Compliance Statement has been completed. Refer to Appendix D.</li> <li>A Civil Aviation Site Sensitivity Verification was conducted. On the basis of this the sensitivity rating was revised to Low. As per the Protocols, there are no further requirements for Low Sensitivity sites.</li> <li>All Specialist Studies are Final versions. None of the studies compiled recommend further assessments.</li> </ul>

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	<p>recommendations, and must not recommend further studies to be completed post EA.</p>	
	<p><b>Environmental Management Programme (EMPr):</b></p> <ul style="list-style-type: none"> <li>• The EMPr attached as Appendix G of the final BAR must include recommendations and mitigation measures recorded in the BAR and the specialist studies conducted.</li> <li>• Ensure that the EMPr complies with Appendix 4 of the EIA Regulations, 2014 (as amended).</li> <li>• The EMPr must not contain any ambiguity. Where applicable, statements containing the word “should” or “may” are to be amended to “must”.</li> <li>• The EMPr must distinguish between impact management actions and impact management outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>• The EMPr has been checked and it is confirmed that the document includes all recommendations and mitigation measures recorded the BAR and specialist studies.</li> <li>• The EMPr complies with Appendix 4 of the EIA Regulations, 2014 (as amended). A checklist has been included on Page 21 of the EMPr.</li> <li>• All statements containing the word “should” or “may” have been amended to “must” in the EMPr, where appropriate.</li> <li>• Impact management actions have been included under Section 11.15.1 – 11.15.6 of the EMPr (Environmental Specifications) and impact management outcomes have been included under Section 11 of the EMPr (Implementation of the EMPr)</li> </ul>
	<p><b>Public Participation:</b></p> <ul style="list-style-type: none"> <li>• The Public Participation must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the NEMA EIA Regulations 2014 (as amended).</li> <li>• Please ensure that issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&amp;APs) and organs of state, as listed in your I&amp;AP Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR.</li> <li>• Comments must be obtained from this Department's Biodiversity and Conservation section. Further to that, these comments must be addressed and incorporated in the Final Basic Assessment Report. The contact details are as follows: <a href="mailto:BCAdmin@dffe.gov.za">BCAdmin@dffe.gov.za</a></li> <li>• Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&amp;APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR, including comments from this Department, and must be incorporated into Appendix E8: Comments and Responses Report (CRR).</li> <li>• Proof of correspondence with the various stakeholders must be included in the final BAR. This must indicate that this draft BAR has been subjected to 30 days public participation</li> </ul>	<ul style="list-style-type: none"> <li>• The Public Participation Process has been conducted in terms of Regulation 39, 40 41, 42, 43 &amp; 44 of the NEMA EIA Regulations 2014, as amended;</li> <li>• All comments received from relevant stakeholders have been included in this revised Draft Bar and will be included into the Final BAR.</li> <li>• Comments were requested from the DFFE: Biodiversity Unit on 10 August 2022. When no comments were received during the comment period (which ended 9 September 2022), a second request was sent, dated 13 September 2022, together with an extension of the comment period, to 16 September 2022. Comment was ultimately received on 19 September 2022 and has been included into this CRR.</li> <li>• All comments received from IAP's and organs of state during circulation of the initial draft BAR have been addressed in the revised Draft BAR and incorporated into this CRR. Any further comments obtained during the second PPP will be incorporated into the Final BAR and responded to in an updated CRR (to be attached to the Final BAR).</li> <li>• Proof of correspondence with various stakeholders, including notification of the availability of the Draft BAR for review and</li> </ul>

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	<p>process, stating the start and end date of the PPP. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comment.</p> <ul style="list-style-type: none"> <li>• Copies of original comments received from I&amp;APs and organs of state which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR.</li> <li>• Comment from I&amp;APs must not be split and arranged into categories. Comments from each submission must be responded to individually.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Please ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations 2014 (as amended).</li> </ul> <ul style="list-style-type: none"> <li>• You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations 2014 (as amended) which states that: <i>“where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority submit to the competent authority – (a) a basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including ant comments of the competent authority”</i>.</li> <li>• Should there be significant changes or new information that has been added to the BAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations 2014 (as amended), which states: <i>“the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the basic assessment report, inclusive of specialist studies, and EMPr, and where applicable a closure plan, 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 basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was</i></li> </ul>	<p>comment, has been included in this Revised Draft BAR, under Appendix E3.</p> <ul style="list-style-type: none"> <li>• Copies of original comments have been included in the Revised Draft BAR under Appendix E7.</li> <li>• Comments have been responded to individually.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• This information is included in Section 13.1 of the Revised Draft BAR, which states: <i>“The activity must commence within a period of ten (10) years from the date of issue of the Environmental Authorisation, if commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken. Construction must be completed within five (05) years of the commencement of construction activities on the site”</i>.</li> <li>• Noted.</li> </ul> <ul style="list-style-type: none"> <li>• Noted. Notification in terms of Section 19(1)(b) was sent to the DFFE, dated 29 September 2022. The Draft BAR has been revised (this document) and will be subjected to a second PPP. The new date for submission of the Final BAR (factoring in the 140-day timeframe) is calculated to be 20 January 2023.</li> </ul>

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	<p><i>not contained in the reports or plans consulted on during the initial public participation process contemplated in sub-regulation 19(1)(a) and that the revised reports, or EMPr or, where applicable, a closure plan will be subjected to another public consultation process of at least 30 days”.</i></p> <ul style="list-style-type: none"> <li>• Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations 2014 (as amended), your application will lapse.</li> <li>• You are hereby reminded of Section 24F of the National Environmental Management Act, No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted and understood.</li> <li>• Noted and understood. This has been communicated to the Applicant.</li> </ul>
8	<p>19 September 2022 Email DFFE: Biodiversity Conservation Ms M Rabothata</p> <ul style="list-style-type: none"> <li>• The Directorate: Biodiversity Conservation reviewed and evaluated the afore-mentioned draft report.</li> <li>• Based on the information provided on the report, the study area is devoid of vegetation and highly disturbed with no sensitive habitats. No red data listed (RDL) or Orange data listed (ODL) floral species were observed within the study area (including protected species under the Northern Cape Nature Conservation Act, (Act No. 9 of 2009). Additionally, the site does not occur within any Critical Biodiversity Areas (CBA) of Ecological Support Areas (ESA), and borders an area classified as Other Natural Areas (ONAs), with a few isolated patches of ONA falling within the site.</li> <li>• As a result, no environmental flaws were identified in the detailed specialist studies conducted, and the impacts are therefore assigned a Low negative to Medium negative significance rating (pre-mitigation) and a Very Low negative to Low negative significance rating with the implementation of the recommended mitigation measures. Therefore the Directorate: Biodiversity Conservation does not have any objections to the proposed development provided mitigation measures are adhered to and implemented.</li> <li>• Notwithstanding the above, the following recommendations must be considered in the final report: <ul style="list-style-type: none"> <li>- Pre-construction walk-through of the approved development footprint must be conducted to ensure that sensitive habitats and species are avoided, where possible.</li> <li>- Alien invasive Plant Species Management Plan and Rehabilitation Plan must be developed and submitted as part of the final report to mitigate on habitat degradation due to erosion and alien plant invasion.</li> </ul> </li> <li>• In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and</li> </ul>	<ul style="list-style-type: none"> <li>• This is an accurate summary of the site’s biodiversity <i>status quo</i>.</li> <li>• The Directorate of Biodiversity Conservation’s comment of “no objection” is noted. The mitigation measures will be implemented and adhered to through the implementation of the EMPr and the undertaking of ECO monitoring.</li> <li>• This requirement has been added to the Revised Draft BAR and the EMPr. Refer to Section 13.1 (Recommendations of the EAP) in the Revised Draft BAR and Item 4 in Table 11-2 in the EMPr.</li> <li>• An Alien invasive Plant Species Management Plan and a Rehabilitation Plan have been compiled and attached to the EMPr.</li> <li>• Noted and understood.</li> </ul>

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	any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at email: <a href="mailto:BCAdmin@environment.gov.za">BCAdmin@environment.gov.za</a> for attention of Mr Seoka Lekota.	

No further comments were received from any other IAP's.



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