

Elandsfontein PV Projects(Aristida PV and Themeda PV) - Comments and responses on Draft Scoping Report and Draft Environmental Impact Report

It must be noted that a joint public participation was undertaken encompassing the following projects:

1. Aristida PV – 14/12/16/3/3/2/2148
2. Themeda PV - 14/12/16/3/3/2/2149

As such, all comments referred to below are applicable to all the abovementioned projects, unless explicitly stated otherwise.

The draft Scoping Reports for the abovementioned projects were available for a 30 day comment period extending from 24 March 2022 – 26 April 2022 and the Draft Environmental Impact Report was available for a 30 Day Review and Comment Period from from 16 August 2022 – 14 September 2022.

Comment	Response
COMMENTS RECEIVED ON THE DRAFT ENVIRONMENTAL IMPACT REPORT	
Ms Julliet Mahlangu – Department of Forestry, Fisheries and the Environment – Chief Directorate Integrated Environmental Authorisations - 05 September 2022 (Comment for Aristida PV	
(a) Specific comments	
Recommendations provided by specialist reports must be considered and used to inform the layout.	The areas of high sensitivity identified by the specialists were used to inform the layout. The preferred layout alternative as attached in Appendix D excludes development on the dense grassland (avifaunal Sensitive area), wetland and identified buffer, ridgeline (ecologically sensitive area) as well as the visual buffers. These exclusion areas are shown on the layout plan attached in Appendix D.
Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines	The mitigation measures provided in this report are based on those made by the relevant specialists, taking into account the most recent guidelines applicable to their specific field, including the Environmental Protocols published for the Terrestrial Biodiversity, Animal Species, Plant Species and Agricultural Themes.
The final EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions.	This is provided at the beginning of the report on PDF pages 6 & 7.

Comment	Response
Please ensure that all softcopy maps are clear and legible	All soft copy maps in appendices A, B and D, have been exported at a high resolution and as such are deemed to clear and legible.
Please ensure that the final EIAR complies with the requirements of Appendix 3 of the NEMA EIA Regulations, 2014, as amended.	Please refer to the table above showing how the final EIR complies with Appendix 3 of the NEMA EIA Regulations, 2014.
Please also ensure that the final EIAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.	This is included in section 5 of the report as follows: <ul style="list-style-type: none"> - Commencement of activities within 10 years of the date of the EA. - Completion of all non operational activities within 5 year's of commencement.
(b) Listed Activities	
Activity 4 and 18 of Listing Notice 3 have been applied for, due to that the proposed project is situated with 5 km from protected areas identified in terms of NEMPAA or from the biosphere reserve. The project description provided is that the proposed project is situated 5km from Lichtenburg Game Breeding Centre. You are therefore required to provide detailed information whether the Lichtenburg Game Breeding Centre is a protected areas as identified in terms of NEMPAA or a biosphere reserve.	A telephonic discussion was held with Mr Rohifwa Mogodi from the Department of Forestry, Fisheries and the Environment: Protected Areas Directorate. Mr Magodi confirmed that the Lichtenburg Game Breeding Centre is not listed as a protected area in terms of the NEMPAA.
Should the Lichtenburg Game Breeding Centre is not proclaimed as a protected area as identified in terms of NEMPAA or a biosphere reserve, these two listed activities will not be triggered by the proposed development.	As it has been confirmed that the Lichtenburg Game Breeding centre is not a Protected area in terms of the NEM:PAA, activities 4 and 18 have been removed from the application and assessment.
Please 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. Only activities applicable to the development must be applied for and assessed	Please refer to the table in section 3.1.2 of the report where the listed activities applied for are described in relation to the proposed development components.
The relevant authorities with jurisdiction in respect of geographically designated areas in terms of GN R. 985 (Listing Notice 3) Activities must be continuously involved throughout the environmental impact assessment process. Written comments (or proof of consultation) must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided. Please also ensure that the potential impacts on the affected geographical areas are fully assessed in the EIAR.	Proof of correspondence with the provincial environmental authority as well as the attempts to obtain comments are included in Annexures F4 and F6.
(c) Public Participation	
Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to the provincial Department of Agriculture, SANRAL, Local Municipality, the District Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, the Department of Mineral Resources,	All comments received during the comment period on the Draft Environmental Impact Report are included in Annexure F7. All the parties listed in the Departments comments were provided with an opportunity to comment on the Draft BAR. Of these parties, only the DFFE: Directorate Biodiversity Conservation provided comment

Comment	Response
the Department of Rural Development and Land Reform, and the Department of Forestry, Fisheries and the Environment: Directorate Biodiversity and Conservation.	
Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAr from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAr. Proof of correspondence with the various stakeholders must be included in the final EIAr. 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 and comments received have been responded to in the Comments and Responses trail attached in Annexure F2. Proof of correspondence with all stakeholders is included in Annexures F5 and F7.
A Comments and Response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments for this development. 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 trail report in the format indicated in appendix 1 of the comment is included in Annexure F2.
Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.	The comments and responses report in Annexure F2 responds to each comment individually.
The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended	Please refer to section 9 of this report and Appendix F, where compliance with Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended is demonstrated.
The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIAr.	The EAP has contacted the case officer, Ms Juliet Mahlangu to co-ordinate a site visit.
(d) Specialist assessments	
Specialist studies must provide a detailed description of their methodology, as well as all other associated infrastructures that they have assessed and are recommending for the authorisation.	The proposed components as outlined in section 2 of this report forms the basis of all activities assessed by the participating specialists. The methodologies for each of the specialist assessments are included in Annexures E1 – E6 and in Annexures E11 – E12.
The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted	The limitations to the specialist studies are outlined in their reports attached in Annexures E1 – E6 and in Annexures E11 – E12 and are also summarised in sections 1.3 of this report. Seasonality was not a limitation identified in any of the studies.
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	It is confirmed that none of the specialists provided contradicting recommendations.
It is further brought to your attention that the Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. “the Protocols”), and in Government Notice No. 1150 of 30 October	The animal species, plant species & Terrestrial Biodiversity assessments (Annexure E1), Agricultural Assessment (Annexure E3) and the Avifaunal Assessment (Annexure E2) have been undertaken in compliance with the Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes. The remainder of the specialist studies have been undertaken in compliance with appendix 6 of the 2014 EIA regulations as amended.

Comment	Response
2020 (i.e. protocols for terrestrial plant and animal species) have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols, except where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned before the date on which the protocols came into effect, in which case Appendix 6 of the Environmental Impact Assessment Regulations, 2014, as amended, will apply to such applications. Please indicate in the EIAr whether the protocols were applied	
Please also ensure that the specialist studies conducted as per requirements of the protocols also include the Site Verification Report.	All the specialist studies concluded in terms of the protocols include a site sensitivity verification as part of the report.
Please note that the Protocols require the specialists to be SACNASP registered. Proof of registration in the form of valid SACNASP certificate must be submitted for each specialist conducted.	The relevant SACNASP registration numbers and certificates are included with the specialist declarations and CV's attached in Annexure G4.
For the themes that have been identified as medium which requires compliance statements, please ensure that these compliance statements are attached to the EIAr and they comply with the requirement of the protocols.	This is included in section 3.1.19 of the report.
(e) Coordinates	
The EIAr must include coordinates of the other associated infrastructure such as BESS, temporary laydown areas, O&M building warehousing (including Ablution facilities, water tanks and waste storage) as shown in the layout map attached to appendix D.	The co-ordinates listed in the sections above have been updated to include this information.
Mashudu Mudau, Department of Forestry, Fisheries and the Environment, Directorate Biodiversity Conservation – 15 September 2022 (Comment for Aristida PV)	
The Directorate Biodiversity Conservation acknowledges receipt of the report for review. According to the information provided in the specialist report, there are no fatal flaws evident for the proposed project and the average post-mitigation impact significance for the project is moderately low.	Noted and confirmed. No further response required.
To minimise the negative impacts that might occur because of the proposed development, the proposed mitigation measures outlined in the report and the Environmental Management Programme must be implemented and adhered to.	Once the EA is granted and the EMP is approved the applicant will be legally required to ensure the conditions and mitigations are implemented and adhered to.
Furthermore, the final report must comply with all the requirements as outlined in the Environmental Impact Assessment guidelines for renewable energy projects and the Best Practice Guidelines for Birds and Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa	Compliance with the Impact assessment Guidelines for renewable energy projects is outlined in section 3.3.3. The avifaunal impact assessment report attached in Annexure E2 was specifically prepared in terms of the Best Practice Guidelines for Birds and Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.
In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and other Biodiversity queries must be submitted to the Directorate: Biodiversity Conservation at email: BCAdmin@environment.gov.za for the attention of Mr Seoka Lekota.	Mr Lekota will remain registered with the email address, BCAdmin@environment.gov.za and the outcome of the decision making process will be communicated to Mr Lekota.

Comment	Response
Ms Julliet Mahlangu – Department of Forestry, Fisheries and the Environment – Chief Directorate Integrated Environmental Authorisations - 12 September 2022 (Comment for Themeda PV)	
(a) Specific comments	
Recommendations provided by specialist reports must be considered and used to inform the layout.	The areas of high sensitivity identified by the specialists were used to inform the layout. The preferred layout alternative as attached in Appendix D excludes development on the dense grassland (avifaunal Sensitive area), wetland and identified buffer, ridgeline (ecologically sensitive area) as well as the visual buffers. These exclusion areas are shown on the layout plan attached in Appendix D.
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Mashudu Mudau, Department of Forestry, Fisheries and the Environment, Directorate Biodiversity Conservation – 15 September 2022 (Comment for Themeda PV)	
Kindly note that any development within a very highly sensitive area that will result in significant negative residual impacts after mitigation is prohibited and will not be supported. Therefore, the project should avoid all highly sensitive areas.	The Terrestrial Biodiversity specialist (Annexure E1) has confirmed that the site sensitivity of The Themeda PV facility is Medium and Low. As can be seen in the site layout plan attached in appendix D, the proposed footprint of the facility has been designed in such a way as to

Comment	Response
	completely avoid the areas of High Sensitivity. all impacts associated with the proposed Themeda PV range from High – positive to Medium – Negative
To minimise the negative impacts that might occur because of the proposed development, the proposed mitigation measures outlined in the report and the Environmental Management Programme must be implemented and adhered to.	Once the EA is granted and the EMPr is approved the applicant will be legally required to ensure the conditions and mitigations are implemented and adhered to.
Furthermore, the final report must comply with all the requirements as outlined in the Environmental Impact Assessment guidelines for renewable energy projects and the Best Practice Guidelines for Birds and Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa	Compliance with the Impact assessment Guidelines for renewable energy projects is outlined in section 3.3.3. The avifaunal impact assessment report attached in Annexure E2 was specifically prepared in terms of the Best Practice Guidelines for Birds and Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.
With Regards to the protected area, you are advised to liaise with the Directorate: Protected Areas.	A telephonic discussion was held with Mr Rohifwa Mogodi from the Department of Forestry, Fisheries and the Environment: Protected Areas Directorate. Mr Magodi confirmed that the Lichtenburg Game Breeding Centre is not listed as a protected area in terms of the NEMPAA.
In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and other Biodiversity queries must be submitted to the Directorate: Biodiversity Conservation at email: BCAdmin@environment.gov.za for the attention or Mr Seoka Lekota.	Mr Lekota will remain registered with the email address, BCAdmin@environment.gov.za and the outcome of the decision making process will be communicated to Mr Lekota.
Northwest Department of Public Works and Transport: Chief Directorate Transport Infrastructure – 01 September 2022	
Confirmed No objection to the proposed development, on condition that all conditions are met.	Noted, No Response Necessary
COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT	
John Geeringh - Senior Consultant Environmental Management Eskom Transmission Division: Land & Rights – 11 April 2022	
Please find attached Eskom requirements for renewable development activities at or near Eskom infrastructure and servitudes. Please send me KMZ files of the proposed layouts as well as the proposed grid connection points and power line routes.	<p>A KMZ was submitted to Mr Geeringh.</p> <p>The Eskom Requirements for working at or near Eskom Infrastructure will be included in the EMPr for the proposed projects. The following Eskom Requirements will be included in the EMPr for the projects:</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 or

Comment	Response
	<p>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</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> <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>

Comment	Response
	<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> <p>A KMZ of the footprints, grid connection was sent to Mr Geeringh.</p>
Dr Sean Phillips – Department of Water and Sanitation – 28 March 2022	
On behalf of the Director-General, Dr Sean Phillips, this email serves to acknowledge receipt of your correspondence below which will receive the necessary attention by the Department of Water and Sanitation (DWS).	No Response Required
Ms. Tsholofelo Sekonko, Intern:Biodiversity Mainstreaming EIA. Department of Forestry, Fisheries and the Environment – 28 March 2022	
<p>DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the Draft Scoping Report for the proposed Aristida and Themeda PV portion 7 of the farm Elandsfontein 34. Kindly note that the project has been allocated to Ms Rabothata and myself (both copied on this email).</p> <p>Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries will be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota</p>	Noted. No response required.
Itumeleng Setshoane – Department of Forestry, Fisheries and the Environment – Forestry Regulation and Support – 28 March 2022	
I received the documents and will make comments and submit.	Noted, No response required
Department of Forestry, Fisheries and the Environment – Biodiversity and Conservation Directorate – 26 April 2022	
The detailed Biodiversity Specialist studies must be conducted, updated and submitted in your final report	The Specialist impact assessment reports will be included in the Draft Environmental Impact Report and the department will be provided a further opportunity to comment on these.
Preconstruction walk-through of the approved development footprint to ensure that sensitive habitats and species are avoided where possible	This requirement will be included in the Environmental Management Programme that will be appended to the Draft Environmental Impact Assessment Report.

Comment	Response
Permits from relevant authorities must be obtained for the removal or disturbance of any Tops, Red Data listed or provincially protected species/ trees.	This requirement will be included in the Environmental Management Programme that will be appended to the Draft Environmental Impact Assessment Report.
Rehabilitation Plan that guide planting and seeding with indigenous perennial shrubs and succulents from the local area to avoid erosion and alien invasion must be developed	This will be undertaken and will form part of the Environmental Management Programme that will form part of the Environmental Impact Assessment Report. The Department will be provided with a further opportunity to comment on this document..
Pre and Post construction monitoring must be conducted under the guidance of an avifaunal specialist to assess collision rates.	The Avifaunal Impact Assessment Report will include an Avifaunal Monitoring programme. This programme developed by the Avifaunal specialist will be incorporated into the EMPr and will be available for further review and comment as part of the Draft Environmental Impact Report.
Suitable bird repelling structures and bird diverters must be considered to avoid collision of birds with the PV facility.	The recommendations of the avifaunal specialist regarding any bird repelling structures will be incorporated into the EMPr.
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	It is confirmed that Mr Seoka Lekota, will remain registered and will be provided with a further opportunity to comment on the Draft Environmental Impact Report.
Department of Forestry, Fisheries and the Environment – Integrated Environmental Authorisations – 28 April 2022	
(a) Listed Activities	
Please 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	Please refer to table 3 in section 3, where the second column of the table outlines which infrastructure is applicable to each of the listed activities.
If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link https://www.environment.gov.za/documents/forms .	The activities applied for in the Application form and those included in the Final Scoping Report are the same. As such, a revised application form will not be submitted along with this Final Scoping Report. Depending on the outcome of the specialists impact assessments that will take place in the EIAR phase, some of the listed activities may no longer be applicable. If this is the case, a revised application form will be submitted along with the Draft Environmental Impact Report.
(b) Public Participation Process	
Please ensure that all issues raised and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The	During the Comment Period, comments were received from the Competent Authority, the DFFE Biodiversity and Conservation Directorate as well as the DFFE forestry branch. These are included in Annexure F5 and the responses thereto included in the comments and responses trail in Annexure F2. Correspondence with stakeholders including the proof of attempts made to obtain comment is included in Annexure F4 and Annexure G1.

Comment	Response
Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.	Please refer to table 16 in section 5 where demonstration with the requirements of these regulations is included.
A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all comments for this development including this Department's comments. The C&R report must be a separate document from the main report and the format must be in the table format. 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.	The comments and Responses Trail is attached in Annexure F2.
The final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development; particularly the South African Astronomical Observatory, the North West Environmental Department, the District and Local Municipalities.	Please refer to annexure F4, where it has been demonstrated that the relevant competent authorities have been provided with an opportunity to comment on the Draft Scoping Report. This includes SARAO (although the site falls outside the Astronomy Geographic Advantage Area), Provincial, municipal, and district authorities.
(c) Specialist Assessments	
The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.	This will be included in the various specialist impact assessment reports that will form part of the Draft EIR (the current specialist studies constitute scoping level studies and will be supplemented by the detailed impact Assessment Studies). It should be noted that many of the specialists have undertaken two separate site investigations during different seasons to ensure that seasonality is not a limitation to the study.
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	This will take place, should the specialist outcomes during the impact assessment phase contain contradicting recommendations.
It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.	Thank you for the advice. The Terms of reference for the specialist impact assessment specifically require compliance with the Minimum Reporting Criteria as per Government Notice 320 and 1150.
Please ensure that the final SR also includes a table, which summarises the specialist studies required by the Department's Screening Tool, a column indicating whether these studies are to be conducted or not, and a column with motivation for any studies not to be undertaken. 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 the Protocols (which requires site sensitivity verification and compliance statements, where applicable).	Please refer to the table in section 3.7.19 showing which studies identified in the screening tool were undertaken and which were not. A motivation is included where studies have not been undertaken. This motivation is based on a site sensitivity verification by the EAP.

Comment	Response
<p>(d) Cumulative Assessment</p> <p>Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following: Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. Detailed process flow and proof must be provided, 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. The cumulative impacts significance rating must also inform the need and desirability of the proposed development. A cumulative impact environmental statement on whether the proposed development must proceed.</p>	<p>The plan of study for cumulative assessments outlined in section 6 of this report has been expanded to include these requirements outlined by the competent authority.</p>
<p>(e) Undertaking under oath</p> <p>The final Scoping Report must include an undertaking under oath or affirmation by the EAP in relation to-</p> <ul style="list-style-type: none"> (i) the correctness of the information provided in the report; (ii) the inclusion of comments and inputs from stakeholders and interested and affected parties; and (iii) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested or affected parties; 	<p>This has been included in Annexure G3</p>
<p>In addition, the final scoping report must also include an undertaking under oath or affirmation by the EAP in relation to the level of agreement between the EAP and interested and affected parties on the plan of study for undertaking the environmental impact.</p>	<p>This has been included in Annexure G3. The Plan of study for the environmental impact assessment formed part of the Draft Scoping Report which was available to all Interested and Affected Parties for review and comment. During this comment period, no issues or concerns were raised by any interested and affected parties regarding the Plan of study for the Environmental Impact Assessment.</p>