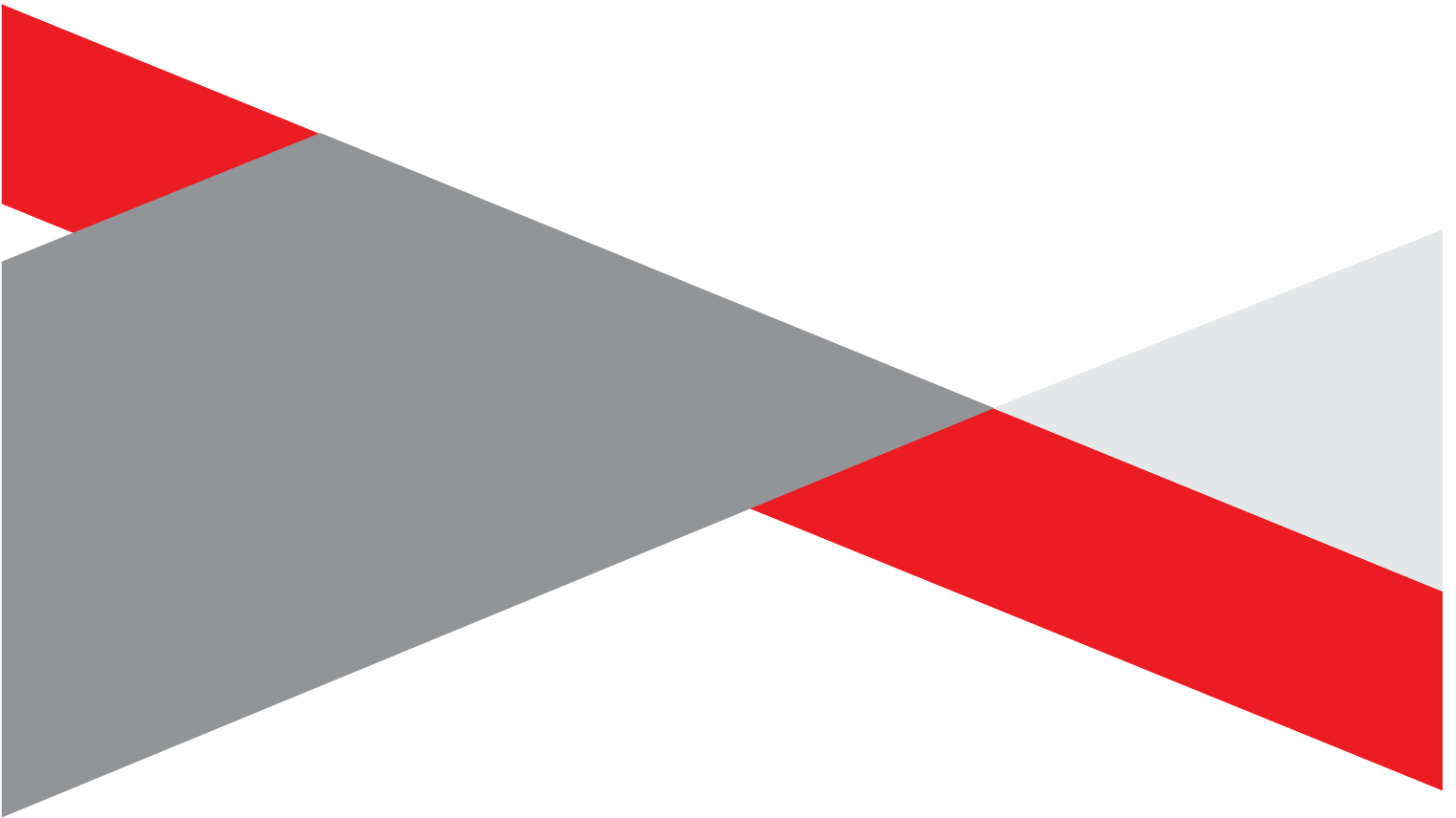


APPENDIX H5
COMMENTS RECEIVED





forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia, · PRETORIA

DFFE Reference: 12/12/20/1721/AM9

Enquiries: Ms Masina Morudu

Telephone: (012) 399 9375 **E-mail:** MEMorudu@dfffe.gov.za

Ms Jo-Anne Thomas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Telephone Number: 011 656 3237
Email Address: karen@savannahsa.com

PER MAIL / EMAIL

Dear Ms Thomas

COMMENTS ON THE DRAFT REPORT FOR THE APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 JULY 2011 FOR THE 55.5MW SPRINGBOK WIND POWER GENERATION FACILITY NEAR SPRINGBOK, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) for the above-mentioned project dated 27 July 2011, the amendments dated 24 October 2011, 27 June 2014, 2 July 2015, 18 May 2016, 25 June 2018, 03 August, 08 July 2019, 28 June 2021, the application for amendment of the EA and the amended draft amendment report received by the Department on 13 April 2023, refer.

The Department has the following comments on the abovementioned amendment application:

(a) **Public participation**

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final report.
- (ii) A Comments and Response trail report (C&R) must be submitted with the final report. The C&R report must incorporate all comments for this application. The C&R report must be a separate document from the main report and the format must be in the table format. 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.
- (iii) Please ensure that all issues raised and comments received during the circulation of the draft report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final report. Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.
- (iv) The final report must also indicate that this draft report has been subjected to a public participation process.

MEM

(b) Specialist assessments

- (i) Please make sure that all the specialist studies undertaken have:
- A review of all specialist studies undertaken, and a detailed assessment, including a site verification report providing an indication of the status of the receiving environment (by the relative specialist, if applicable).
 - The terms of reference for the specialist reports and declaration of interest of each specialist must be provided.

(c) General

- (i) Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Signed by: Ms Masina Morudu

Designation: Control Environmental Officer: National Integrated Authorisations

Date: 12/05/2023.

cc:	Mr John Cullum	Mulilo Springbok Wind Power (Pty) Ltd	Email: johnny@mulilo.com
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10 Jan Smuts Drive
Pineland
7404

Stefan Geldenhuys
Tel: 021 414 5546
Email: StefanG@openseve.co.za

Our Ref.: WWIP_WSKN1507_23
Your Ref.: 12/12/20/1721 (SE3587)

02 May 2023

Attention : Molatela Ledwaba
MULILO SPRINGBOK WIND POWER (PTY) Ltd
Post Net Suite #53
Private Bag x21
Howard Place

PLANT AFFECTED : COPPER AND OPTIC FIBRE

Wayleave application : Wind Power generation facility, Die Plaas 635, Melkboskuil 132, Springbok area

With reference to your letter received 14 APRIL 2023

Important cables and other infrastructure are affected, please contact our representative

Marius Makier / 021 981 3399 / 081 348 2317 / Mariusm1@openseve.co.za

48 hours prior to commencement of construction work.

I hereby inform you that Openseve approves the proposed work indicated on your drawing in principle. This approval is valid for **06 MONTHS ONLY**, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001

Internal Use

As per the drawing supplied, Openserve infrastructure **WILL BE AFFECTED**, consequently the conditions below and on the attached legend will apply.

At points of crossing, the overhead power lines should cross above the overhead communication lines in accordance with, and clearances stipulated in the Occupational Health and Safety Act no 85 of 1993, Electrical Machinery Regulations 20 - Crossings, and Electrical Machinery Regulations 15 – Clearances of Power Lines. If the specifications could not be met, all deviation costs will be for the applicant's account.

We also refer to Section 25 of the Electronic Communication Act 36 of 2005.

In case where an underground power cable will run parallel with an existing or projected underground communication cable, a separation as great as possible should be maintained with a minimum separation of 600mm. Should the separation be less than 600mm and the power cable are not enclosed in a suitable pipe, a concrete slab must be provided immediately above the power cable for the length of the parallelism. If the separation is less than 300mm, additional protection is required by placing concrete slabs between the Openserve cables/pipes and the power cables.

At points where this Company's existing or proposed underground communications cable will be crossed by an underground cable, the latter should be laid at a depth of at least 300mm below the communication cable – normally laid at a depth of 600mm. If the power cable is not enclosed in a suitable pipe, protection in the form of a concrete slab should be provided immediately above the power cable for a minimum of 2 (two) meters on either side of the crossing.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Openserve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Openserve rights remain reserved.

Yours faithfully



For Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

PLANT AFFECTED : COPPER AND OPTIC FIBRE

This wayleave, Reference Number **WWIP_WSKN1507_23** valid for **06 months** from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Openserve plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **Marius Makier / 021 981 3399 / 081 348 2317 / Mariusm1@openserve.co.za** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Openserve Plant will be indicated on site.
3. A written request must be submitted to Openserve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Openserve immediately should the applicant locate any Openserve plant which is not indicated on the plans.
5. Should the applicant expose any Openserve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: 02 May 2023

By: S Geldenhuys
For Regional General Manager

Legend	
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	
Optic Fibre indicated in PINK on the plan	

The pipeline indicated (in Pink) contains **OPTIC FIBRE** cables.



Mr M. Ledwaba
Public Participation and Social Consultant
Savannah Environmental (Pty) Ltd

Cc

Mr M. Morreira
Sustainability Consultant
Savannah Environmental (Pty) Ltd

Date: 15 May 2023

Dear Mr Ledwaba,

LODGING OBJECTION TO THE PROPOSED AMMENDMENT OF THE ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTIUON OF THE 55.5 MW SPRINGBOK WIND POWER GENERATION FACILITY NEAR SPRINGBOK, NORTHERN CAPE PROVINCE (DFFE REF: 12/12/20/1721).

Wilderness Foundation Africa (WFA), through its Northern Cape Land Project, is focussed on the continued and improved protection of ecosystems at a landscape level. With the support of the Leslie Hill Succulent Karoo Trust and WWF South Africa, WFA assists both National and Provincial conservation bodies with the implementation of the National Protected Area Expansion Strategy (NPAES) in the Succulent Karoo. To ensure the continued persistence of ecosystems and that national conservation targets in the Northern Cape will be achieved, it is essential that impacts on sensitive and highly localised habitats are minimized or avoided altogether.

WFA as an Interested and Affected Party (I&AP) hereby formally raises its concerns with the proposed amendment of the Environmental Authorisation (EA) for the Springbok Wind Power Generation Facility.

The above request is informed and supported by the following key pieces of legislation:

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996).
- National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended).
- NEMA Environmental Impact Assessment Regulations, 2014 (as amended)
- The Minerals and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (as amended).
- Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)
- Promotion of Access to Information Act, 2000 (Act No. 2 Of 2000)

Wilderness Foundation Africa hereby wishes, as a registered Interested and Affected Party (IAP) to object to the amendment of the Environmental Authorisation (EA) application for the Springbok Wind Power Generation Facility and Associated Infrastructure (DFFE Reference: 12/12/20/1721) based on (but not limited to) the following:



Species | Spaces | People

Environmental Reports and Conditions of Authorisation no longer applicable

Environmental reports submitted in terms of this application can by no means be seen as relevant anymore as numerous factors have changed in the landscape over a twelve-year period. Since 2010, tenure and land use has changed across the area while information and understanding of the ecology and biodiversity of the region has since improved which would almost certainly affect the contents of any environmental reports and subsequent conditions of authorisation.

While specialist assessments were done during the initial application in 2010, the specialist inputs included as part of the EA amendment application do not justify or fulfil the need for complete review of the Basic Assessment Process. Since initial completion of the Basic Assessment Report, and accompanying specialist studies, numerous conservation planning and biodiversity baseline data sets have either been revised or become available in addition to amendments in relevant legislation. This includes among others:

- Northern Cape Critical Biodiversity Areas (2016)
- South African National Vegetation Types (2018)
- National Biodiversity Assessment (2018)
- Northern Cape Protected Area Expansion Strategy (2017)
- National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended since 2014)
- EIA Regulations (as amended)
- EIA Screening Tool Regulations GN 960 of 2019

Any motivation for the amendment of EA should thus be supported by the most recent ecological data available. The current 2010 Basic Assessment Report should be seen as inapplicable as it has been twelve years since the EA was issued and some information on which these applications were based are now outdated and extraneous.

Site turbine and other infrastructure placement impacts sensitive ecological areas.

In addition to the above, the site layout plan differs between specialist inputs and the Basic Assessment Report. This is likely the result of the various amendments already requested since 2010, while it remains clear that the current layout will still impact on areas with a high ecological sensitivity. This is also reflected in the Ecological Specialist Input (The Biodiversity Company) dated 05 April 2023, where the presence of important ecological areas classified 'High' and 'Very High' is confirmed. WFA is of the opinion that the mitigation measures listed in the Ecological Specialist Input is insufficient, and in certain instances completely irrelevant and impractical. Mitigation measures that are listed in the report are poorly explained while the rehabilitation strategy is generic and in no way adapted to suit the area within which the application is situated. For example, there is minimal evidence or research that supports the notion that activities such as "revegetation" will be successful in an arid vegetation type such as the Namaqualand Klipkoppe Shrubland, while it is widely known that such activities are generally only successful in regions with a high annual rainfall. Furthermore, the development will impact on species of special conservation concern, many of which are already subject to increased pressures from the illegal succulent plant trade. Further pressures on these populations are unacceptable and the proposed mitigation strategies in these reports such as "ensure relocation and destruction permits for protected species" are not deemed adequate at all. Localities with species of special conservation concern should completely be avoided.



Species | Spaces | People

CONCLUSION

In view of the concerns and conclusions provided above, WFA is of the opinion that the information provided the BAR and accompanying specialist inputs is insufficient to determine significant impacts on, and risks to biodiversity and/ or ecosystem services associated with the proposed activity. WFA thus requests that that an updated and revised Basic Assessment Report be submitted along with in depth ecological specialist reports considering all relevant and most recent conservation, ecological and biodiversity data sets.

It is furthermore requested that the above be implemented before the extension of Environmental Authorization is granted.

We duly request concise and detailed responses to the concerns we raised and request to information. WFA is willing to engage in open discussions with both the Consultant and Applicant to have our concerns adequately understood.

Sincerely,



Kerry Purnell
Northern Cape Land Project
Wilderness Foundation Africa
kerry@wfa.africa



Species | Spaces | People