

**AGGENEYS 1 SOLAR PV FACILITY, NORTHERN CAPE PROVINCE
(DEA Ref.No.: 14/12/16/3/3/1/2019)**

COMMENTS AND RESPONSES REPORT

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The Aggeneys 1 solar PV facility's Basic Assessment process was announced on Monday, 08 April 2018. All written comments received since the announcement of the Basic Assessment process are included in this Comments and Responses Report (C&RR).

The C&RR has been updated with written comments received on the Basic Assessment Report (BAR) which was made available for a 30-day review and comment period from **Wednesday, 24 April 2019 to Monday, 27 May 2019**.

NOTE:

In terms of Regulation 44(1) of the EIA Regulations of December 2014 (as amended on 07 April 2017), comments raised at meetings held during the BAR review period have been recorded in minutes of the meeting, and appended as **Appendix C7**, and not captured in the C&RR.

Abbreviations:

BA	Basic Assessment	BAR	Basic Assessment Report
C&R Report	Comments and Responses Report	DAFF	Department of Agriculture, Forestry and Fisheries
DEA	Department of Environmental Affairs	EMI	Electromagnetic Interference
GC	Group Capital	I&AP	Interested and Affected Party
RFI	Radio Frequency Interference	SAHRA	South African Heritage Resources Agency
DWS	Department of Water and Sanitation	DoE	Department of Energy
SKA	Square Kilometre Array		

1. WRITTEN COMMENTS RECEIVED DURING BAR REVIEW PERIOD: ORGANS OF STATE

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p><u>This letter serves to inform you that the following information must be included to the Final BAR:</u></p> <p>(a) <u>Listed Activities</u></p> <ul style="list-style-type: none"> • 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. • With reference to Activity 24 of Listing Notice 1 of the EIA Regulations, 2014, as amended, please confirm whether this activity will trigger as the report states: <i>'Aggeneys 1 will require the development of access roads (including internal access roads) with a width of between 4 and 8 meters.'</i> • If the activities applied for in the application form differ from those mentioned in the final BAR, 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.Nov.za/documents/forms. <p>(b) <u>Layout & Sensitivity Maps</u></p> <ul style="list-style-type: none"> • Please provide a layout map which indicates the following: <ul style="list-style-type: none"> ➢ The proposed Aggeneys 1 and 2 with associated infrastructure for each development. ➢ The proposed grid infrastructure for each of the above PV facilities (Aggeneys 1 and 2), overlain by the sensitivity map. ➢ All supporting onsite infrastructure e.g. roads (existing and proposed), ➢ The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected; ➢ Buffer areas; and 	<p>Azrah Essop Case Officer: DEA</p> <p>Letter: 22-05-2019</p>	<p>The EAP acknowledges the comment. The application form submitted on 31 May 2019 is specific to the infrastructure being applied for through this BA process. It has however been determined that Activity 24 of GNR327 is not applicable to the project. The application has been amended to exclude this activity.</p> <p>It is acknowledged that Activity 24 is not applicable to the development being applied for. The width of the access roads is anticipated to be less than 8m wide. Therefore, the revised application form submitted to the Department and the final BA Report excludes Activity 24 of Listing Notice 1.</p> <p>The final BA Report and application form have been updated to exclude Activity 24 of GNR327. The activities applied for in the amended application and the final BAR are the same. It is acknowledged that the Department's application form template has been updated and has been used for the amended application.</p> <p>A map illustrating the layout of Aggeneys 1 with the associated grid connection infrastructure overlain with the CBAs and sensitive features within the project site and identified grid connection corridors is included in the final BA Report as Appendix M.</p>

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	<ul style="list-style-type: none"> ➤ All "no-go" areas. • The above map must be overlain with a sensitivity map <u>and</u> a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure. • Google maps will not be accepted. 		
	<p>(c) <u>Public Participation Process</u></p> <p>The following information must be submitted with the Final BAR:</p> <ul style="list-style-type: none"> • Please ensure that all issues raised, and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR. Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. Please note that comments received from this Department must also form part of the comment and response report. 		<p>All written comments received from the BA process notification up to the closure of the BAR review and comment period have been captured in the Comments and Responses Report included as Appendix C8 in the final BAR.</p> <p>Proof of all correspondence between Organs of State, key stakeholders and I&APs are included in Appendices C4, C5 and C6.</p> <p>Proof of attempts to secure written comments from Organs of State and key stakeholders are included in Appendices C4.</p> <p>The comments received from the DEA are included in the C&R Report and in Appendix C6.</p>
	<ul style="list-style-type: none"> • A Comments and Response trail report (C&R) must be submitted with the final BAR. The C&R report must incorporate all comments for this development. Please refrain from summarising comments made by Interested and Affected Parties (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. 		<p>All comments received on the Application and BAR are included in the C&R Report (refer to Appendix C8 of the final BAR). All comments from I&APs have been captured verbatim and responses to comments / concerns / issues raised have been responded to and where applicable fully addressed by the project team.</p>
	<ul style="list-style-type: none"> • The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended. 		<p>The public participation process has been conducted in terms of Regulations 39, 40, 41, 42, 43 and 44 of the EIA Regulations 2014, as amended. Proof of this is provided in Section 6.3.2 of the final BAR and Appendix C.</p>

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	<ul style="list-style-type: none"> The final BAR must include the name of the newspaper as well as a copy of the advertisement placed. 		<p>Section 6.3.2, point ii of the BAR indicates the Gemsbok as the newspaper in which the advertisement was placed. The proof of placement (tear sheet) of the advert in the Gemsbok newspaper is included in Appendix C2 of the final BA Report.</p>
	<p>(d) <u>Specialist Assessments</u></p>		
	<ul style="list-style-type: none"> Comments must be sourced from the Department of Environmental Affairs- Biodiversity and Conservation Directorate. Further to that, these comments must be addressed and incorporated in the final Basic Assessment Report. 		<p>Comments from the DEA – Biodiversity and Conservation Directorate have been received on 29 May 2019 and have been addressed and included in Appendix C6 of this final BA Report.</p>
	<ul style="list-style-type: none"> The signed Specialist Declaration of Interest are missing page 3 for the following specialists: <ul style="list-style-type: none"> ➢ DG Paterson — Agricultural Research Council-Soil, Climate and Water ➢ Jonathan Marshall — Environmental Planning and Design ➢ Dr Jayson Orton — ASHA Consulting (Pty) Ltd ➢ Neville Bews - Dr Neville Bews and Associates ➢ Andrew Cleghorn - Knight Piesold Pty Ltd 		<p>The signed Specialist Declaration of Interest Forms from all the specialists (including those missing from the draft report) are included in Appendix N of the final BA Report.</p>
	<ul style="list-style-type: none"> You are requested to submit original signed Specialist Declaration of Interest forms (completed in full) for each specialist study conducted. The forms have been updated and are available on Department's website (please use the Department template). 		<p>Original and signed Specialist Declaration of Interest Forms (completed in full) for most specialist studies conducted are included in Appendix N of the final BA Report. Please note that other specialists could not submit their original specialist declarations due to logistic constraints. These documents will be submitted to the Department for consideration as soon as they are received.</p>
	<ul style="list-style-type: none"> You are requested to indicate the applicability of the Astronomy Geographic Advantage Act, Act No. 21 of 2007 to the proposed project and its location in terms of astronomy advantage areas. 		<p>The project site for Aggeneys 1 falls outside of an astronomy advantage area. A map included in Appendix O illustrates the Aggeneys 1 project site relative to the astronomy advantage areas in the Northern Cape Province in terms of the Astronomy Geographic Advantage Act (Act No. 21 of 2007).</p>
	<ul style="list-style-type: none"> ➢ The project area is listed as "Very High Combined Sensitivity" in terms of RFI (according to the National Web Based 		<p>It must be noted that part of the property (i.e. Remaining Extent of Bloemhoek 61) on which the project is located falls within the</p>

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	<p><i>Environmental Screening Tool</i>). As a result, an Electromagnetic Interference (EMI) and Radio Frequency Interference (RFI) detailed study must be conducted by a suitably qualified and accredited professional. The South African SKA Project Office must be kept regularly informed of the progress and be consulted on the details of the studies required.</p>		<p>Astronomy Advantage areas. The proposed project site, however, falls outside of the declared area. The project team unsuccessfully endeavoured to source comments from SARAO on the BA Report as well as to address the Department's comments on the project. Proof of this process is included in Appendix C6 of the final BA Report.</p>
	<ul style="list-style-type: none"> ➤ The EMI and RFI study must also assess cumulative impacts from other Renewable Energy Facilities in the area. 		<p>The Aggeneys 2 project site falls out an astronomy advantage area. However, a portion of the affected property (the Remaining Extent of the Farm Bloemhoek 61) falls within an astronomy advantage area. Refer to Appendix O for a map showing the location of the project site for Aggeneys 2 in relation to the astronomy advantage area.</p> <p>The project team unsuccessfully endeavoured to source comments from SARAO on the BA Report as well as to address the Department's comments on the project. Proof of this process is included in Appendix C6 of the final BA Report. As soon as comments are received, these will be submitted to the Department for consideration.</p>
	<ul style="list-style-type: none"> ➤ Comments on the EMI and RFI study must be obtained from the South African SKA Project Office 		<p>The project team unsuccessfully endeavoured to source comments from SARAO on the BA Report as well as to address the Department's comments on the project. Proof of this process is included in Appendix C6 of the final BA Report.</p>
	<ul style="list-style-type: none"> ➤ Outcomes of this study (including comments received) must be included and assessed in the final BAR. 		<p>The project team unsuccessfully endeavoured to source comments from SARAO on the BA Report as well as to address the Department's comments on the project. Proof of this process is included in Appendix C6 of the final BA Report.</p>
	<p><u>General</u></p> <p>The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the</p>		<p>The EAP acknowledges the comment. Necessary arrangements were made with the case officers to undertake a comprehensive</p>

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	<p>submission of the final BAR. It would be best to arrange a joint site visit which includes officials dealing with the PV facility and Grid Infrastructure.</p>		<p>site visit for all four (4) projects after the submission of the final BA Report.</p> <p>An email indicating the communication between Mr. Reuben Maroga (the co-author of the BA Report) and Mr. Thando Booi (a DEA employee and case officer to one of the projects) which included the recommendation to have the site visit undertaken after the submission of the final BA Report is included in Appendix C4 of the final BA Report.</p>
	<p>You are further reminded that the final BAR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of basic assessment reports in accordance with Appendix 1 and Regulation 19(1) of the EIA Regulations, 2014, as amended.</p>		<p>The final BA Report to be submitted to the Department complies with all the requirements in terms of the scope of assessment and content of basic assessment reports in accordance with Appendix 1 and Regulation 19(1) of the EIA Regulations, 2014 as amended. Details of where each specific requirement is addressed are included in each Chapter of the report.</p>
	<p>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 the Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.</p>		<p>The applicant takes note of the comment. The environmental authorisation sought for through this application and BA process is for 10-year period as this project will need to be selected as a Preferred Bidder by the Department of Energy (DoE).</p>
	<p>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 -</i> <i>(a) a basic assessment report, inclusive of specialists 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."</i></p>		<p>The final BA Report has been submitted to the competent authority within 90 days from the submission of the application, and includes specialist reports and the EMPr. The BA Report was subject to a 30-day public review period from 24 April – 27 May 2019.</p> <p>Comments from the competent authority and responses are included in the final BA Report in Appendix C6.</p>

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	<p>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 therefore required to comply with Regulation 19(b) of the NEMA EIA Regulations, 2014, as amended, which states:</p> <p><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 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 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 (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”.</i></p> <p>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.</p> <p>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.</p>		<p>No material changes were made to the BA Report and the EMPr (Appendix L) made available for public review, and therefore Regulation 19(b) is not considered to be applicable.</p> <p>The applicant takes note of the comment and understands the application for environmental authorisation will lapse if Regulation 19 of the NEMA EIA Regulations, 2014 (as amended) is not complied with.</p> <p>The applicant is cognisant of the need to comply with Section 24F of NEMA with regards to commencing with listed activities. No activities have or will commence on site prior to environmental authorisation being granted by the DEA.</p>
2.	As mentioned in the report, the Department takes note that the proposed activity at the above mentioned location will include development of a 100MW Aggeneys 1 solar photovoltaic (PV) facility and associated infrastructures on a site located near	V Ramugondo Lower Vaal Region DWS	It is acknowledged that the Department has no objection to the approval of the Basic Assessment Report.

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	<p>Aggeneys within Khâi-Ma Local Municipality. The Department has evaluated the said Draft Basic Assessment Report and has no objection to the approval of the Basic Assessment Report. However, the following should be addressed and presented to Department by the applicant before approval of the Basic Assessment Report:</p> <p>a) Please note that the Department rates all perennial and non-perennial rivers together with all dry river beds and natural drainage and associated riparian areas extremely sensitive to development. An option of developing (development of solar PV) furthest away from the all water course would be the preferred option;</p> <p>b) No development or construction should be done or may occur within 100 metres; 1:100 year flood line of a river/drainage lines (whichever is furthest) and 500 m of a pan/wetland without authorisation from this Department. The water courses should be delineated in order to provide an appropriate buffer to maintain such water courses;</p> <p>c) Vehicles and other machinery must be serviced well above the 1:100 year flood line or within a horizontal distance of 100 meters</p>	<p>Letter: 23-05-2019</p>	<p>It is acknowledged that the Department rates all perennial and non-perennial rivers as extremely sensitive. The freshwater impact assessment (included as Appendix E of the final BAR) assessed the impacts to watercourses within the project site and has recommended that a 15m buffer should be implemented around these features.</p> <p>It was indicated by the specialist that it is acceptable for the PV panels to span over the ephemeral watercourses given the ephemerality of the watercourses and limited vegetation cover, as long as no mounting structures are placed within the watercourse. Internal roads and underground cables are also permissible through the watercourses provided that the necessary water use license or general authorisation is obtained from the Department of Water and Sanitation.</p> <p>The applicant acknowledges that no construction is permitted within 100m or a 1:100-year flood line of a river/drainage lines and 500m of a pan/wetland without authorisation from the DWS through a water use licence application (WULA).</p> <p>The ephemeral watercourses/washes identified and assessed within the project site for Aggeneys 1 have been delineated and included in Appendix M of the final BA Report. A 15m buffer is placed around the watercourses to maintain such watercourses.</p> <p>The applicant acknowledges the comment and the final EMPr (Appendix L) under Objective 7: provides that no maintenance of</p>

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	<p>from any watercourse or 500 m of a wetland/pan. Oils and other potential pollutants must be disposed at an appropriate licensed site, with the necessary agreement from the owner of such a site;</p>		<p>machinery will take place well above the 1:100-year flood line or within a horizontal distance of 100m from any watercourse or 500m of a wetland/pan.</p>
	<p>d) Storm water must be diverted from the construction works and roads must be managed in such a manner as to disperse runoff and to prevent the concentration of storm water. Storm water control works must be constructed, operated and maintained in a sustainable manner throughout the project;</p>		<p>The recommendation made by the Department has been included in <i>Objective 8: Appropriate Stormwater Management</i> of the construction management programme in the EMPr (Appendix L of the final BA Report).</p>
	<p>e) Increased runoff due to vegetation clearance and/or soil compaction must be managed, and storm water leaving the construction site must in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the premises;</p>		<p>The recommendation made by the Department has been included in <i>Objective 7: Minimise impacts on water resources</i>; and <i>Objective 8: Appropriate Stormwater Management</i> of the construction management programme in the EMPr (Appendix L of the final BA Report).</p>
	<p>f) A detailed layout plan needs to be submitted to the Department showing all the facilities in the proposed development including distance from the any watercourses. Details of the final design must also be included as soon as a decision has been made, as the details of this factor may influence the environmental impact both during the construction and operational phases of the project;</p>		<p>A layout was compiled as part of the BA process. A final layout of the facility is included in Appendix M of the final BA Report. Should alterations be made to the layout, it will be submitted to the Department. Further, detailed engineering drawings of the facility will be submitted to the Department as part of the WULA process.</p>
	<p>g) Material with pollution generating potential must be limited in construction activities. Any hazardous substances must be handled according to the relevant legislation relating to transport, storage and use of the substance;</p>		<p>The recommendation made by the Department has been included in <i>Objective 12: Appropriate handling and management of waste</i> of the construction management programme in the EMPr (Appendix L of the final BA Report).</p>
	<p>h) Any spillage of any hazardous materials including diesel that may occur during construction and operation must be reported immediately to our Department;</p>		<p>The recommendation made by the Department has been included in <i>Objectives 7, 12 and 13 : Appropriate handling and management of hazardous substances, appropriate handling and storage of chemicals and appropriate handling and management</i></p>

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	<p>i) The final Basic Assessment Report must clearly show all water courses as defined in the National Water Act, 1998 (Act 36 of 1998) as well as the delineated 1:100-year flood lines or 100 meters of a river/drainage line (whichever is furthest) and 500 metres;</p> <p>j) Clear colour topographical map showing the property, facilities in the property, land use, water courses and location of water abstraction point;</p> <p>k) The disposal of general waste and that of hazardous waste must be carried out in an environmentally safe way as to prevent and/or minimise the potential for pollution of water resources and collection of which should be done by an accredited waste collector. All applicable Sections of the National Environmental Management: Waste Act 59 of 2008 should be strictly adhered to;</p> <p>l) Your client is therefore advised to apply and obtain the water use authorisation prior to commencement of the proposed activities. The applicant should send the intent to apply for a water use authorisation to the Department;</p> <p>m) Should the project continue; pre-consultation meeting must be arranged and a site visit and must be conducted by DWS officials with the applicant, and then followed by a Water Use</p>		<p>of waste of the construction and operation management programme in the EMPr (Appendix L of the final BA Report).</p> <p>The final BA Report submitted to the DEA shows all water courses as defined in the National Water Act No. 36 of 1998. Appendix M of the final BA Report includes a map showing the delineated watercourses and the 15 and 100m buffer areas. The development footprint for Aggeneys 1 falls outside of the 500m buffer zone of the ephemeral wetland/pans identified within the affected property.</p> <p>The proposed project will not abstract water. A service level agreement will be reached with the local municipality or a Contractor to supply the facility with water during its project life – cycle. A clear topographical map showing the property, facilities within the property, land use and water courses is included in Appendix O of this final BA Report.</p> <p>The EMPr (Appendix L) of the final BA Report provides for the placement of all infrastructure (i.e. the PV panels and access roads) and laydown areas outside the drainage channels to prevent the potential pollution of these resources. In addition, <i>Objectives 12 and 13: Appropriate handling and management of waste; and Appropriate handling and management of hazardous substances</i> of the construction and operation management programme of the EMPr includes mitigation measures that will effectively prevent pollution of water resources within the project site by waste and hazardous substances during the project life – cycle of Aggeneys 1</p> <p>The applicant acknowledges the comments and has commenced with the water use licence application (WULA) process.</p> <p>The applicant has commenced with the WULA process and it is in accordance with the provisions of the National Water Act (Act No. 36 of 1998) and GN R267 of 2017.</p>

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	<p>Licence Application (proof of consultation and submission of an application). This must be submitted to DWS in terms of the National Water Act, 1998 (Act 36 of 1998) before any activities take place;</p> <p>n) All applicable Sections of the National Environmental Management: Waste Act 59 of 2008 should be strictly adhered to;</p> <p>o) Section 19 & 20 of the National Water Act, 1998 (Act No.36 of 1998) should be adhered to;</p> <p>This reply does not grant any exemption from the requirements of any applicable Act, Ordinance, Regulation or By-law.</p> <p>This office reserves the right to revise initial comments and request additional information that may arise from correspondence and/or upon inspection.</p>		<p>The applicant will adhere to all sections applicable to the project in the National Waste Act (Act No. 59 of 2009).</p> <p>The applicant will adhere to Section 19 & 20 of the National Water Act (Act No. 36 of 1998) during the life-cycle of Aggeneys 1 as included in <i>Objective 7: Minimise impacts on water resources</i> in the construction management programme of the EMPr (Appendix L).</p> <p>The comment is acknowledged. The applicant will comply with all relevant legislation.</p> <p>The Department's right to revise initial comments and to request additional information that may arise is acknowledged.</p>
3.	<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"> • 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development; • 38(4)b – The following specific conditions apply to the development: <ul style="list-style-type: none"> i. If the alluvial material referred to in the Palaeontological report is used, a site inspection by a qualified palaeontologist must be conducted. A report detailing this site inspection must be submitted to SAHRA for comment; 	<p>Natasha Higgitt Heritage Officer SAHRA</p> <p>Letter: 24-05-2019</p>	<p>It is acknowledged that the SAHRA APM Unit and the BGG Unit has no objections to the proposed development.</p> <p>A Palaeontological report will be submitted to SAHRA following a site inspection by a palaeontologist should the borrow pit of alluvial material be used during the project -cycle of Aggeneys 1.</p>

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	<p>ii. If the layout of the development is amended, an archaeologist must be contacted to provide an assessment of the altered layout. A report/letter detailing the results of the assessment of the new layout must be provided to SAHRA for comment;</p>		<p>An archaeologist will be contacted to provide an assessment of the project site should the current layout design of Aggeneys 1 be altered. Further, a report detailing the results of the assessment of the new layout will be submitted to SAHRA for comments. The requirement by SAHRA is included in <i>Objective 4: Ensure that relevant permits and plans are in place to manage impacts on the environment</i> of the planning and design management programme of the EMPr.</p>
	<ul style="list-style-type: none"> 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; 		<p>The requirements of SAHRA regarding archaeological sites or remains have been included under <i>Objective 9: Protection of Heritage Resources</i> of the construction management programme in the EMPr (Appendix L of the final BA Report).</p>
	<ul style="list-style-type: none"> 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; 		<p>The requirements of SAHRA regarding unmarked human burials have been included under <i>Objective 9: Protection of Heritage Resources</i> of the construction management programme in the EMPr (Appendix L of the final EIA Report).</p>
	<ul style="list-style-type: none"> 38(4)d – See section 51(1) of the NHRA 		<p>The applicant is aware of the penalties that are applicable should the provisions of section 51 (1) of the National Heritage Resources Act (Act No. 25 of 1999) be contravened.</p>
	<ul style="list-style-type: none"> 38(4)e – The following conditions apply with regards to the appointment of specialists: 		
	<p>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</p>		<p>The requirements of SAHRA have been included under <i>Objective 9: Protection of Heritage Resources</i> of the construction management programme in the EMPr (Appendix L of the final EIA Report).</p>

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	<p>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;</p> <ul style="list-style-type: none"> • The Final BAR and EMPr must be uploaded to the SAHRIS application for record purposes; • The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application. 		<p>The final BAR and EMPr will be uploaded onto SAHRIS, Case Number 13728.</p> <p>The decision on the Application for Environmental Authorisation for the Aggeneys 1 solar PV facility will be uploaded to the SAHRIS, Case Number 13728, once received and communicated to SAHRA.</p>
4.	<p>The road affected by your proposal is TR84/1-which is a class 3 rural road.</p> <p>The above-mentioned road is a gravel road, hence a maintenance plan (for the duration of the construction phase) must be submitted to the DRPW for review prior to any construction activities. Also, a detailed bell-mouth design must be submitted to the DRPW since an increase in heavy vehicles is anticipated. This design must comply with TRH (Technical Recommendations for Highways) 17, and TRH 26 standards.</p> <p>The N14 is an asset of SANRAL, hence consent should also be obtained from the relevant Road Authority.</p> <p>The following standard conditions that must be complied with at all times in case of any work undertaken within the statutory road reserve or within a distance of 95 meters from the centreline of any building restriction road (advertising on Roads and Ribbon Development Act (Act No. 21 of 1940) and within the statutory road reserve within or within 5 meters from the statutory boundary of any public road (Roads Ordinance, 19 of 1976).</p>	<p>Vusumuzi Ngcobo Candidate Engineer Technician DRPW Letter :27.05.19</p>	<p>The applicant acknowledges this comment.</p> <p>A maintenance plan will be submitted by the Applicant to the DRPW for review prior to the commencement of the construction activities. Further, a detailed bell-mouth design, that complies with the Technical Recommendations for Highways (TRH) 17 and 26, will be submitted to the DRPW during the Financial Close process once the project has been selected as preferred bidder.</p> <p>The applicant acknowledges the comment and consent will be sought from SANRAL or the relevant roads authority for permission to use the N14 national road for transportation of components to the project site.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	1. The work must be carried out to the satisfaction of the District Roads Engineer and in close collaboration with the Traffic Department		The comment has been acknowledged and forwarded to the applicant for consideration.
	2. It is the applicant's duty to notify and meet all affected stakeholders' requirements and interests on the proposed development.		The requirement of the Department for the applicant to notify all affected stakeholders on their requirements and interests on the project is included in <i>Objective 3: Ensure effective communication mechanism</i> of the design and planning management programme of the EMPr (Appendix L) of the final BA Report.
	3. The proposed access must be altered or shifted should the road authority deem it necessary at some future date.		The requirement of the Department for the applicant to alter or shift the access road should it be deemed necessary by a roads authority is included in <i>Objective 1: Ensure the facility design responds to identified environmental constraints and opportunities</i> in the design and planning management programme of the EMPr (Appendix L) of the final BA Report.
	4. The applicant will bear all costs in connection with this proposal including investigations of existing services that might be affected; passing through, or alongside specific roads.		The applicant acknowledges the requirement from the Department and will bear all costs in connection with the project including all investigations of existing services that might be affected, passing through, or alongside specific roads.
	5. Side drainage must be installed at the bell mouth if considered necessary.		The requirement of the Department for the applicant to install side drainage at the bell mouth if considered necessary is included in <i>Objective 1: Ensure the facility design responds to identified environmental constraints and opportunities</i> in the design and planning management programme of the EMPr (Appendix L) of the final BA Report.
	6. No outdoor advertising is permitted on the fence and/or within the road reserve and any outdoor advertising within 95m from the road centreline must be submitted to the DRPW.		The requirement from the Department prohibiting outdoor advertising and any advertising within 95m from the road reserve is included in <i>Objective 1: Ensure the facility design responds to identified environmental constraints and opportunities in the design and planning management programme</i> of the EMPr (Appendix L) of the final BA Report.

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	<p>7. If any fence along the road boundaries is removed by the applicant or is damaged through his activities, it must be restored to the original standard.</p>		<p>The requirement from the Department with regards to the restoration of the fence along the road boundaries should it be damaged by the activities of Aggeneys 1 is included in <i>Objective 1: Ensure the facility responds to identified environmental constraints and opportunities</i> in the design and planning management programme of the EMPr (Appendix L) of the final BA Report.</p>
	<p>8. The applicant indemnifies the Department against, and holds it harmless from any claim or damage which may be instituted or suffered by any person, including legal costs incurred, as a result of:</p> <ul style="list-style-type: none"> • Non – compliance of the applicant with any condition to which this response letter relates; • The amendment or cancellation of any condition pertaining thereto or the imposition of any new condition including any disputes that may arise due to the proposal. 		<p>The comment has been acknowledged and forwarded to the applicant for consideration.</p>
<p>5.</p>	<p>The Directorate: Biodiversity Conservation received and evaluated the DBAR for the above-mentioned project and its specialist's studies. The following recommendations can be included in the Environment Authorisation by the competent authority as conditions if no new information arises from the Final Basic Assessment phase and its public participation process:</p> <ul style="list-style-type: none"> • Before construction commences, all sensitive habitats, such as wetlands, protected trees must be clearly demarcated with fencing or orange mesh netting. Barricading measures to be utilized should not restrict the movement of fauna in the area; • Search and Rescue of all protected species and species of biodiversity concern must be conducted with an Ecologist before areas are cleared; 	<p>Stanley Tshitwamulomoni Control Biodiversity Officer (Gr B); Biodiversity Conservation DEA</p> <p>Letter: 29.05.2019</p>	<p>The recommendations of the Directorate are included in <i>Objective 1: Ensure the facility design responds to identified environmental constraints and opportunities</i> of the design and planning management programme in the EMPr (Appendix L) of the final BA Report.</p> <p>The recommendation of the Directorate on a search and rescue plan for all protected species and species of biodiversity concern is included in <i>Objective 2: Ensure that the relevant permits and plans are in place to manage impacts on the environment</i> of the design</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<ul style="list-style-type: none"> <li data-bbox="181 336 972 400">• All species listed in terms of TOPs and Red Data list must not be disturbed or removed without a permit from relevant authorities; <li data-bbox="181 517 972 580">• All disturbed and cleared areas must be re-vegetated with indigenous perennial shrubs and grasses from the local area; <li data-bbox="181 697 972 761">• Vegetation removal must be limited to the footprint of the proposed development; <li data-bbox="181 877 972 1005">• Alien invasive plant species in and around the proposed development area must be removed in terms of Conservation of Agricultural Resources Act (CARA), and follow up-actions for at least five years need to take place; <li data-bbox="181 1090 972 1153">• Concurrent rehabilitation and alien vegetation control program within all sensitive areas must be implemented; and 		<p data-bbox="1366 266 2150 330">and planning programme in the EMPr (Appendix L) of the final BA Report.</p> <p data-bbox="1366 335 2150 505">The recommendation of the Directorate prohibiting the applicant with the removal of TOPs and Red-listed species is included in <i>Objective 2: Ensure that the relevant permits and plans are in place to manage impacts on the environment</i> of the design and planning programme in the EMPr (Appendix L) of the final BA Report.</p> <p data-bbox="1366 510 2150 681">The recommendation of the Directorate regarding the re-vegetation of cleared areas with indigenous perennial shrubs from the local area is included in <i>Objective 5: Protection of sensitive areas, flora, fauna and soils</i> of the construction management programme in the EMPr (Appendix L) of the final BA Report.</p> <p data-bbox="1366 686 2150 857">The recommendation of the Directorate regarding the limitation of vegetation removal within the proposed footprint is included in <i>Objective 5: Protection of sensitive areas, flora, fauna and soils</i> of the construction management programme in the EMPr (Appendix L) of the final BA Report.</p> <p data-bbox="1366 861 2150 1075">The removal of alien invasive plant species will be undertaken in accordance with the Conservation of Agricultural Resources Act (Act No. 43 of 1983) (CARA). This recommendation is included in <i>Objective 6: Minimise the establishment and spread of alien invasive plants</i> of the construction management programme in the EMPr (Appendix L) of the final BA Report.</p> <p data-bbox="1366 1080 2150 1287">The recommendation of the Directorate with regards to a concurrent alien vegetation control programme within all sensitive areas of the project site is included in <i>Objective 6: Minimise the establishment and spread of alien invasive plants</i> of the construction management programme in the EMPr (Appendix L) of the final BA Report.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<ul style="list-style-type: none"> In order to address the issue of cumulative impacts, you are advised to adhere to the mitigation measures proposed in the Environmental Management Programme. 		The applicant acknowledges this recommendation from the Directorate and will adhere to the mitigation measures proposed in the EMPr
	The overall biodiversity objective is to minimise loss to biodiversity as possible. In order to achieve this objective the above mentioned recommendations must be adhered to.		The applicant acknowledges this recommendation, and through the implementation of the proposed mitigation measures in the EMPr, the loss of biodiversity will be minimised within the project site.

2. WRITTEN COMMENTS RECEIVED PRIOR TO THE RELEASE OF THE BAR: ORGAN OF STATE

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>Eskom requirements for work in or near Eskom servitudes:</p> <p>1.1. Eskom's rights and services must be acknowledged and respected at all times.</p> <p>1.2. Eskom shall at all times retain unobstructed access to and egress from its servitudes.</p> <p>1.3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals.</p> <p>1.4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer.</p> <p>1.5. 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 installation within the servitude restriction area, the developer shall pay such costs to Eskom on demand.</p> <p>1.6. 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</p>	<p>John Geeringh Snr Consultant: Environmental Management Eskom GC: Land Development Letter: 08-04-2019</p>	The applicant is cognisant of Eskom's requirements for work in or near Eskom servitudes, and will abide by Eskom's requirements during the construction and operation of the proposed project.

NO.	COMMENT	RAISED BY	RESPONSE
	<p>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>1.7. 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>1.8. 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>1.9. 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>1.10. Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.</p> <p>1.11. 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>		

NO.	COMMENT	RAISED BY	RESPONSE
	<p>1.12. 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>1.13. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by <i>Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)</i>.</p> <p>1.14. Equipment shall be regarded electrically live and therefore dangerous at all times.</p> <p>1.15. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom will not approve the erection of houses, or structures occupied or frequented by human beings, under the power lines or within the servitude restriction area.</p> <p>1.16. 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>1.17. It is required of the developer to familiarise himself with all safety hazards related to Electrical plant.</p> <p>1.18. 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><i>Eskom's Renewable Energy Generation Plant Setbacks to Eskom Infrastructure document included in Appendix C6</i></p>		

NO.	COMMENT	RAISED BY	RESPONSE
2.	<p>The Directorate: Forestry Management (Other Regions) in the Department of Agriculture, Forestry and Fisheries (DAFF) is responsible for administration of the National Forests Act, Act 84 of 1998 (NFA) and the National Veld and Forest Fires Act, Act 101 of 1998 as amended. The developer must take note of the following sections of the NFA:</p> <p>1.1. Section 12(1): "The Minister may declare-</p> <ul style="list-style-type: none"> (a) a particular tree, (b) a particular group of trees, (c) a particular woodland; or (d) trees belonging to a particular species, to be a protected tree, group of trees, woodland or species. <p>1.2. Section 15(1): "No person may-</p> <ul style="list-style-type: none"> (a) Cut, disturb, damage or destroy any protected tree; or (b) Possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, or any forest product derived from a protected tree, except- <ul style="list-style-type: none"> i. under a license granted by the Minister; or ii. in terms of an exemption from the provision of this subsection published by the Minister in the Gazette on the advice of the Council." <p>1.3. "Any person who contravenes the prohibition on-</p> <ul style="list-style-type: none"> i. The cutting, disturbance, damage or destruction of temporarily protected trees or groups of trees referred to in section 14(2) or protected trees referred to in section 15(1)(a); or ii. The possession, collection, removal, transport, export, purchase or sale of temporarily protected trees or groups of trees referred to in section 14(2) or protected trees referred to in section 15(1)(b), or any forest product derived from a 	<p>Jacoline Mans Chief Forester: NFA Regulation DAFF</p> <p>Letter: 25-04-2019</p>	<p>The Applicant takes note of the sections of the NFA highlighted by DAFF.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	temporarily protected tree, group of trees or protected tree, is guilty of a first category offence.		
1.4.	Section 58 (1): "Any person who is guilty of a first category offence referred to in sections 62 and 63 may be sentenced to a fine or imprisonment for a period of up to three years, or to both a fine and such imprisonment."		
1.5.	The list of protected tree species under section 12(1) (d) of the National Forests Act, 1998 (Act No. 84 of 1998) is published annually; the most recent publication was in GN536 of 7 September 2018.		
2.	COMMENTS ON BACKGROUND INFORMATION DOCUMENT		
2.1.	Scattered protected trees such as <i>Vachellia erioloba</i> , <i>Euclea pseudebenus</i> and <i>Boscia albitrunca</i> can occur in the vicinity of Aggeneys. In the event that protected trees are encountered, the developer must apply for a Forest Act License prior to disturbance of protected trees.		The requirements of the Directorate are included under <i>Objective 2: Ensure that relevant permits and plans are in place to manage impacts on the environment</i> of the planning and management programme in the EMPr (Appendix L of the final BA Report).
2.2.	Trees with bird nests may not be disturbed without a valid Fauna Permit from Nature Conservation, under the Northern Cape Nature Conservation Act, Act 9 of 2009 (NC NCA), if affected.		The requirements of the Directorate are included under <i>Objective 2: Ensure that relevant permits and plans are in place to manage impacts on the environment</i> of the planning and management programme in the EMPr (Appendix L of the final BA Report).
2.3.	Getting a Forest Act License can take up to 30 days. License application forms are available on the Departmental website or at any Forestry Office. The Department may ask supporting documentation when assessing a license application. For construction activities of this nature, the following supporting documents are normally requested: - Completed License Application Form Accurate estimation of the number of trees to be felled per species Copy of the I.D. of the applicant (developer's representative)		The process of applying for a license is noted by the Applicant and will be adhered to.

NO.	COMMENT	RAISED BY	RESPONSE
	<ul style="list-style-type: none">- Copy of the Environmental AuthorisationFlora Permit Reference NumberCopy of Fauna Permit (if applicable)		