

APPENDIX E8:
Comments and Responses Report

10MW NORTHAM SOLAR PV FACILITY NEAR THABAZIMBI, LIMPOPO PROVINCE
(LDEDET Reference No.: LIM/EIA/0001267/2021)

COMMENTS AND RESPONSES REPORT

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The Basic Assessment (BA) and Public Participation Process for the 10MW Northam Solar PV Facility was announced on Wednesday, 14 July 2021. The process notification letter, which accompanied the Background Information Document (BID), served to invite Interested and Affected Parties (I&APs) to register their interest in the project and submit any comments / queries that they might have; and notify them of the availability of the BA Report for a 30-day review and comment period from **Monday, 19 July 2021** until **Thursday, 19 August 2021**.

All written comments received during the announcement of the BA process and the 30-day review and comment period of the BA Report have been included in this Comments and Responses Report (C&RR), to be submitted with the final BA Report (BAR) to the Limpopo Department of Economic Development, Environment and Tourism (LDEDET).

The C&RR is included as **Appendix E8** of the BA Report.

LIST OF ABBREVIATIONS / ACRONYMS

BA	Basic Assessment	EIA	Environmental Impact Assessment
BAR	Basic Assessment Report	EMPr	Environmental Management Programme
BID	Background Information Document	I&APs	Interested and Affected Parties
C&RR	Comments and Responses Report	LDEDET	Limpopo Department of Economic Development, Environment and Tourism
DFFE	Department of Fisheries, Forestry, and the Environment	MW	Mega Watt
EAP	Environmental Assessment Practitioner	PV	Photovoltaic
EA	Environmental Authorisation	SANRAL	South African National Roads Agency SOC Limited

1. COMMENTS RECEIVED DURING THE BASIC ASSESSMENT REPORT COMMENTING PERIOD

1.1. Organs of State

No.	Comment	Raised by	Response
1.	Your wayleave application dated 14 July 2021 has reference. Transnet pipeline servitudes are not affected by the proposed work/installations/excavations/connections/construction/road upgrade/development/etc as depicted on your Locality and/or Project/Site Layout Plans. This wayleave authorisation is valid for thirty-six (36) months from today's date – 15 July 2021.	Thami Hadebe Wayleave Manager Transnet Pipelines E-mail: 15 July 2021	The confirmation that Transnet Pipeline Servitudes are not affected by the proposed application was acknowledged, and no further action is required.
2.	The above matter refers. 1. The Department acknowledges receipt of the application for Environmental Authorisation (EA) submitted together with the Basic Assessment Report (BAR) submitted 20 July 2021, applied for in terms of the National Environmental Management Act (Act 107 of 1998), as amended. 2. This application is allocated Departmental Reference Number: 12/1/9/1-W218 and NEAS Reference Number: LIM/EIA/0001267/2021. Kindly quote these numbers in all future correspondence regarding this application. 3. The Department checked the application as required in terms of regulation 17 of the Environmental Impact Assessment (EIA) Regulations of 2014, as amended, and noted the following: 3.1. The application was not accompanied by an Environmental Assessment Practitioner (EAP) declaration form. The EAP declaration form must be submitted together with the application. These forms can be obtained from the Department's website or on request from Environmental Impact Management Administration office. 3.2. Section 3.1 and 3.2 on page 12 of the application form requires that each listed activity be described as per project	ME Molepo Deputy Director Environmental Impact Management LDEDET Email: 26 July 2021	The LDEDET's comment that the allocated reference numbers must be quoted in all correspondence regarding the application was noted by the EAP. A revised application form, accompanied by the EAP declaration form, was submitted to the Department on 30 July 2021. As per the LDEDET's request, Sections 3.1. and 3.2. on page 12 of the application form were revised, such that each listed activity

No.	Comment	Raised by	Response
	description and not a verbatim repetition of the listed activity as in the Regulations. The information that is needed in that section should be able to link the description to the listed activity number quoted with the proposed activity.		is described as per the project description. The revised application form was submitted to the LEDET on 30 July 2021.
	3.3. The Department requires that Section H (Declarations) of the application form be submitted as original copy (not the copy of original).		An original copy of the applicant declaration (Section H) was submitted to the LDEDET as part of the revised application form on 30 July 2021.
	4. Kindly bring to the attention of the applicant the fact that this development must not commence prior to the Department deciding on the application.		The applicant is aware that no listed activities may commence prior to an EA being granted by the LDEDET.
3.	<p>The Basic Assessment Report (BAR) and amended application form received by the Department on 20 July 2021 and 03 August 2021 respectively refer.</p> <ol style="list-style-type: none"> 1. The Department is unable to determine which Environmental Impact Assessment (EIA) process is applicable for the proposed development due to unattended Paragraph 3.2 in its letter dated 26 July 2021. The thresholds (exact area to be cleared and amount of electricity to be generated) that determine which activities are triggered must be provided, else the Department will have to close the application due to insufficient information provided. 2. The above-mentioned must be substantiated with provision of geographical coordinates of all site corners of the proposed site for vegetation clearance. 3. The soil type within and around the proposed site is clayish (soil that contracts or expands depending on the amount of water in it). This type of soil is also known to hold lot of water for extended period. Therefore, possible impacts on underground electric cables and foundations must be assessed. 	<p>ME Molepo Deputy Director Environmental Impact Management LDEDET</p> <p>Email: 11 August 2021</p>	<p>As per the LDEDET's request, the thresholds, i.e., the exact area to be cleared and the amount of electricity to be generated, were provided in a revised application form that was submitted to the LDEDET on 16 August 2021.</p> <p>Geographic coordinates of all site corners to the proposed site for vegetation clearance were provided in Section 3.2 of the revised application form submitted to the LDEDET on 16 August 2021.</p> <p>Possible impacts of the clayish soil within and around the proposed site on underground electric cables and foundations have been included in the final BAR (refer to Section 2.6 (Section D) of the BAR).</p>

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	<p>4. Please note that all consultations must allow 30 days Public Participation period and proof of consultation must be attached to the final BAR.</p>		<p>The BAR was made available for a 30-day public review and comment period from 19 July 2021 to 19 August 2021. Proof of consultation with I&APs and stakeholders is included as Appendix E to the final BAR.</p>
4.	<p>The South African National Roads Agency SOC Limited (SANRAL) has no objections to the above-mentioned application as no roads or interchanges under the jurisdiction of SANRAL are affected.</p>	<p>Ria Barkhuizen Statutory Control Officer: Northern Region Letter: 19 August 2021</p>	<p>The comment is noted, and no further action is required</p>
5.	<p>Based on the information provided in the report, the project area and layout of the facility has been designed to avoid areas of high sensitivity, thereby reducing impacts on ecology and natural resources. Due to the proximity of the site to the Zondereinde mine and Smelter, the specialist studies have identified the significance of impacts associated with the development of the Northam PV Facility to be of a low rating post-mitigation. Furthermore, no environmental fatal flaws were identified to be associated with the project. All impacts associated with the project can be mitigated to acceptable levels.</p> <p>Notwithstanding the above, the following recommendations must be considered in the final report:</p> <ol style="list-style-type: none"> 1. The letter and comments dated 11 August 2021 from Limpopo Department: Economic Development, Environment and Tourism (LDEDET) for the Northam 10MW Solar PV Basic Assessment application must be considered prior submission of the final report. 2. Preconstruction walk-through of the approved development footprint must be conducted to ensure that sensitive habitats and species are avoided where possible. 3. Alien invasive Plant Species Management and Rehabilitation Plans must be developed to mitigate on habitat degradation due to erosion and alien plant invasion and submitted as part of the final report. 	<p>Mmatlala Rabothata Case Officer DFFE: Directorate Biodiversity Conservation Letter: 19 August 2021</p>	<p>The letter and comments dated 11 August 2021 from the LDEDET have been considered and addressed through submitting a revised application form to the LDEDET on 16 August 2021 and including possible impacts of the clayish soil on underground electric cables and foundations in Section 2.6 (Section D) of the BAR.</p> <p>This comment is noted and has been included as a mitigation action in the Environmental Management Programme (EMPr) (refer to Chapter 5, Objective 2).</p> <p>An Invasive Alien Plant Control and Eradication Plan and a site rehabilitation plan to mitigate alien plant invasion and habitat degradation have been developed and submitted as part of the final BAR (refer to Appendix C and Appendix D of the EMPr).</p>

No.	Comment	Raised by	Response
	4. Sensitive habitats in close proximity to the development footprint must be avoided or demarcated as No-Go area (i.e., Wetlands and Seeps)		This comment is noted and has been included as a mitigation action in the EMPr (refer to Chapter 5, Objective 1).
	5. Appropriate buffer stipulated by relevant specialists must be established around medium sensitive habitats (i.e., Wetlands)		This comment is noted and has been included as a mitigation action in the EMPr (refer to Chapter 5, Objective 1).
	The final report must comply with all the requirements as outlined in the Environmental Impact Assessment (EIA) guideline for renewable energy projects and the Best Practice Guideline for Birds & Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.		The development site is considered to be a small project (<30ha) in terms of the Best Practice Guideline for Birds & Solar Energy. Although there is an area of high avifauna sensitivity close to the site, the development area itself is not considered to be of high sensitivity. A single site visit was therefore considered to be adequate by the avifaunal specialist.
	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 Mr Seoka Lekota.		It is confirmed that all communication regarding this proposed project, including notification of the availability of the BAR and EMPr for review and comment, was submitted to the e-mail address provided.
6.	1. The listed activity 4 (e) under Section 3.2. For Notice 3 (EIA Regulations 2014) on page 12 of the Application form must still be specific in terms of thresholds.	ME Molepo Deputy Director Environmental Impact Management LDEDET Email: 19 August 2021	It was noted that the listed activity referred to, i.e., Activity 4 of Listing Notice 3, contained under Section 3.2 of the revised EA application form submitted to the LDEDET on 16 August 2021, is not applicable as the proposed project does not fall within any of the geographical areas listed under this activity. As such, an addendum has been submitted with the final BA Report requesting that this activity be omitted from the application form and EA to be issued for the project.
	2. Kindly bring to the attention of the applicant that commencement of listed activity without an environmental authorisation is prohibited in terms of S24F of NEMA.		The applicant is aware that no listed activities may commence prior to an EA being granted by the LDEDET.

1.2. Interested and Affected Parties

No.	Comment	Raised by	Response
No comments received			

2. COMMENTS SUBMITTED DURING COMMENCEMENT OF BASIC ASSESSMENT PROCESS

2.1. Organs of State

No.	Comment	Raised by	Response
1.	<p>Please find attached Eskom general requirements for works at or near Eskom servitudes and power lines should the proposed access road cross over servitudes.</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 installation within the servitude restriction area, the developer shall pay such costs to Eskom on demand. 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 	<p>John Geeringh Senior Consultant Environmental Management Land and Rights Eskom Transmission Division</p> <p>E-mail: 14 July 2021</p>	<p>The requirements for development at or near Eskom infrastructure servitudes are noted. These requirements have been submitted to the developer for their attention and consideration for the development of the 10MW Northam Solar PV project.</p>

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	<p>of the blasting process. It is advisable to make application separately in this regard.</p> <p>7. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom's satisfaction.</p> <p>8. Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the developer, his/her agent, contractors, employees, successors in title, and assignees. The developer indemnifies Eskom against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the developer's equipment.</p> <p>9. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the developer must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the relevant Eskom Manager. Note: Where an electrical outage is required, at least fourteen work days are required to arrange it.</p> <p>10. Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with.</p> <p>11. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The developer shall</p>		

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	<p>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 <i>Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)</i>.</p> <p>13. Equipment shall be regarded electrically live and therefore dangerous at all times.</p> <p>14. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom will not approve the erection of houses, or structures occupied or frequented by human beings, under the power lines or within the servitude restriction area.</p> <p>15. Eskom may stipulate any additional requirements to highlight any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom plant.</p> <p>16. It is required of the developer to familiarise himself with all safety hazards related to Electrical plant.</p> <p>17. Any third party servitudes encroaching on Eskom servitudes shall be registered against Eskom's title deed at the developer's own cost. If such a servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.</p>		
	<p>Please send me a KMZ file of affected property, proposed layout and grid connection.</p>		<p>The requested .KMZ file was e-mailed on 15 July 2021 (refer to Appendix E4 of the BA Report).</p>

2.2. Key Stakeholders and I&APs

No.	Comment	Raised by	Response
No comments received			