

Appendix C6:
Comments Received

DEFF



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

DEFF Reference: 14/12/16/3/3/2/2019

Enquiries: Mr Herman Alberts

Telephone: (012) 399 9371 E-mail: HAlberts@environment.gov.za

Ms Karen Jodas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

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

PER E-MAIL / MAIL

Dear Ms Jodas

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED THERMAL POWER DUAL FUEL FACILITY AND ASSOCIATED INFRASTRUCTURE TO FORM PART OF A HYBRID GENERATION FACILITY TOGETHER WITH THE AUTHORISED HYPERION 1 & 2 SOLAR PV ENERGY FACILITIES NEAR KATHU, NORTHERN CAPE PROVINCE

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated November 2020 and received by the Department on 01 December 2020, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated November 2020 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The final SR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following are required for the EIAR:

(a) Listed Activities

- (i) Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.
- (ii) 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>.
- (iii) The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

JDA

(b) Public Participation

- i. Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the Northern Cape Department of Environment and Nature Conservation, the provincial Department of Agriculture, the Provincial Department of Transport, the local and district Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), the Department of Rural Development and Land Reform (DRDLR), and the Department of Environment, Forestry and Fisheries: Climate Change; Oceans and Coast, Biodiversity and Protected Areas Directorates.
- ii. Please ensure that all issues raised and comments received during the circulation of the draft SR from registered I&APs and organs of state (including this Department's Climate Change; Oceans and Coast, Biodiversity and Protected Areas Directorates), which have jurisdiction in respect of the proposed activity are adequately addressed in the EIAr.
- iii. Proof of correspondence with the various stakeholders must be included in the draft EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- iv. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- v. The EIAr must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development particularly, the Northern Cape Department of Environment and Nature Conservation, and the District and Local Municipalities.
- vi. 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 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&APs' comments.

(c) Layout & Sensitivity Maps

- (i) The EIAr must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- (ii) Please provide a layout map which indicates the following:
 - a) Positions of the power island, turbine and generator, fuel storage tanks, water storage reservoir and tanks, water and gas supply pipelines;
 - b) Permanent laydown area footprint;
 - c) All supporting onsite infrastructure e.g. roads (existing and proposed);
 - d) Substation(s) and/or transformer(s) sites including their entire footprint;
 - e) Connection routes (including pylon positions) to the distribution/transmission network; and
 - f) All existing infrastructure on the site.
- (iii) Please provide an environmental sensitivity map which indicates the following:
 - a) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
 - b) Buffer areas; and,
 - c) All "no-go" areas.
- (iv) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring energy developments and existing grid infrastructure.

(d) Specialist assessments

- i. Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of infrastructure positions, and all other associated infrastructures that they have assessed and are recommending for authorisation.

- ii. 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.
- iii. 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.

(e) Cumulative Assessment

- (i) If there are other similar facilities proposed within a 30km radius of the proposed development site, a cumulative impact assessment must be conducted for all identified and assessed impacts which must be refined to indicate the following:
 - a) 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.
 - b) 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.
 - c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - d) A cumulative impact environmental statement on whether the proposed development must proceed.

(f) General

- (i) The Air Quality and Climate Change specialist studies' terms of reference (TORs) must be made available to this Department's Climate Change Directorate for comments. Proof of correspondence must be included in the public participation report.

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, with regard to the time period allowed for complying with the requirements of the Regulations.

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.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries
Signed by: Mr Coenrad Agenbach
Designation: Deputy Director: Priority Infrastructure Projects
Date: 06/01/2021

cc:	Matteo Brambilla	Hyperion Solar Development (Pty) Ltd	Email: m.michalowska@redrocket.energy
	Bryan Fisher	NC Environmental Affairs and Nature Conservation	Email: BFisher@ncpp.gov.za
	Thusoeng Itumeleng	Gamaqara Local Municipality	Email: clementi@gamaqara.gov.za

Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment, name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form

JCA

DEFF

Biodiversity Conservation



environment, forestry & fisheries

Department: Environment, Forestry
and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

Reference: Hyperion hybrid generation facility

Enquiries: Ms Mmatlala Rabothata

Telephone: (012) 399 9174 **E-mail:** MRabothata@environment.gov.za

Ms Nicolene Venter
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Telephone Number: +27 (11) 656 3237
Email Address: publicprocess@savannahsa.com

PER E-MAIL

Dear Ms. Venter

COMMENTS ON DRAFT SCOPING REPORT FOR THE PROPOSED DEVELOPMENT OF A 75MW THERMAL DUAL FUEL FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR KATHU, NORTHERN CAPE

The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned draft report. Based on the information provided in the specialist report, the proposed development falls within the footprint of the authorised Hyperion 1 & 2 PV SEFs and located in the vicinity of several other energy generation projects. No environmental fatal flaws or impacts of very high significance were identified to be associated with the development of the thermal generation facility and associated infrastructure on the identified project site.

Notwithstanding the above, the following recommendations must be considered during the next EIA Phase:

- An ecologist must be appointed to perform a final walkthrough prior to finalisation of the final phase of the EIA, to identify all sensitive plant species and assist in identifying the areas that require protection.
- Search and rescue plan for the identified plant Species of Conservation Concern (SCC) must be developed.

- All protected fauna and flora species of conservation concern must not be destroyed or removed prior to permit approval from relevant National and Provincial authorities.
- Erosion and Alien Invasive plant species Management Plan and Rehabilitation Plan must be developed and submitted as part of the final report to mitigate on habitat degradation due to erosion and alien plant invasion.
- A full biodiversity assessment must be undertaken to determine the sensitivity of the site and the potential impacts to the study areas.
- The significance of the cumulative impacts must be assessed in detail within the impact assessment phase of the EIA process.

Yours faithfully



Mr. Seoka Lekota
Control Biodiversity Officer Grade B: Biodiversity Conservation
Department of Environment, Forestry & Fisheries
Date: 17/11/2020

SCOPING PHASE

DEFF



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/2/2019

Enquiries: Mr Herman Alberts

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Ms Jo-Anne Thomas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2191

Telephone Number: (011) 656 3237
Email Address: joanne@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Thomas

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED THERMAL POWER DUAL FUEL FACILITY AND ASSOCIATED INFRASTRUCTURE TO FORM PART OF A HYBRID GENERATION FACILITY TOGETHER WITH THE AUTHORISED HYPERION 1 & 2 SOLAR PV ENERGY FACILITIES NEAR KATHU, NORTHERN CAPE PROVINCE

The draft Scoping Report (SR) dated October 2020 and received by this Department on 16 October 2020 refer.

This letter serves to inform you that the following information must be included in the final SR:

(a) Listed Activities

- i. 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.
- ii. 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>.

(b) Layout & Sensitivity Maps

- i. Please provide a layout map which indicates the following:
 - a) Positions of the power island, steam turbine and generator, fuel storage tanks, water storage reservoir and tanks, water and gas supply pipelines;
 - b) Permanent laydown area footprint;
 - c) All supporting onsite infrastructure e.g. roads (existing and proposed);
 - d) Substation(s) and/or transformer(s) sites including their entire footprint;
 - e) Connection routes (including pylon positions) to the distribution/transmission network; and
 - f) All existing infrastructure on the site.
- ii. Please provide an environmental sensitivity map which indicates the following:
 - a) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
 - b) Buffer areas; and,
 - c) All "no-go" areas.

- iii. The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring energy developments and existing grid infrastructure.

(c) Public Participation Process

- i. Please ensure that all issues raised and comments received during the circulation of the draft SR from registered I&APs and organs of state (including this Department's Climate Change Section), which have jurisdiction 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.
- ii. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- iii. A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all historical 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 Annexure 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.
- iv. 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 Northern Cape Department of Environment and Nature Conservation, and the District and Local Municipalities.

(d) Specialist Assessments

- i. An Air Quality and Climate Change impact assessment must be undertaken.
- ii. Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of infrastructure positions, and all other associated infrastructures that they have assessed and are recommending for authorisation.
- iii. 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.
- iv. 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.

(e) Cumulative Assessment

- i. If there are other similar facilities proposed within a 30km radius of the proposed development site, a cumulative impact assessment must be conducted for all identified and assessed impacts which must be refined to indicate the following:
 - a) 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.
 - b) 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.
 - c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - d) A cumulative impact environmental statement on whether the proposed development must proceed.

(f) Specific comments

- i. The Air Quality and Climate Change specialist studies' terms of reference must be made available to this Department's Climate Change Directorate for comments. Proof of correspondence must be included in the public participation report.
- ii. The landowner contact person is different from the applicant contact person. The EAP must submit as signed landowner consent as prescribed in terms of Regulation 39(1) of the EIA Regulations, 2014 as amended, and outlined in the application form, if the landowner is different from the applicant.

General

You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:

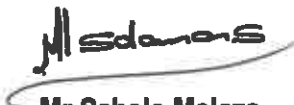
"If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"

You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping Reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.

Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).

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.

Yours sincerely



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries
Letter signed by: Ms Millicent Solomons
Designation: Director: Priority Infrastructure Projects
Date: 11/11/2019.

cc:	Matteo Brambilla	Hyperion Solar Development (Pty) Ltd	Email: m.michalowska@redrocket.energy
	Bryan Fisher	NC Environmental Affairs and Nature Conservation	Email: BFisher@ncpg.gov.za
	Thusoeng Itumeleng	Gamagara Local Municipality	Email: clementi@gamagara.gov.za

Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Soap)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form

SAHRA



Enquiries: Natasha Higgitt
Tel: 021 462 4502
Email: nhiggitt@sahra.org.za
CaseID: 15642

Date: Monday November 16, 2020
Page No: 1

Interim Comment

In terms of Section 38(3), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Hyperion Solar Development (Pty) Ltd

Hyperion Solar Development (Pty) Ltd proposing the development of a hybrid generation facility consisting of a dispatchable, dual fuel (liquid or gas) thermal generation plant that will work in combination with the authorised Hyperion PV Solar Energy Facility (SEF) complex. The power generated by the thermal facility and authorised Hyperion PV facility complex will connect via an overhead 132kV power line to the existing Eskom Kalbas substation. The thermal generation plant will include the following infrastructure

Savannah Environmental (Pty) Ltd has been appointed by Hyperion Solar Development (Pty) Ltd to conduct an Environmental Authorisation (EA) Application for the proposed 75MW Thermal Dual Fuel Facility and associated infrastructure for the authorised Hyperion 1 & 2 Solar OV facilities, near Kathu, Northern Cape Province.

A draft Scoping Report (DSR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 NEMA Environmental Impact Assessment (EIA) Regulations. The proposed infrastructure will include gas turbines or reciprocating engines, access roads, truck entrance and parking facility, regasification plant and fuel preparation plant, dry cooling system, fuel off-loading facility, fuel storage facility, water demineralisation plant, substation, cabling, operation and maintenance building, fencing, warehouse and workshops covering an area of 5ha. The proposed Thermal Dual Fuel Facility will be located within the authorised Hyperion PV Solar Energy Facility.

SAHRIS Case ID 12966 has reference (<https://sahris.sahra.org.za/cases/hyperion-solar-development-2>). In a Final Comment issued on the 06/05/2019, SAHRA noted no objections to the proposed development and provided specific conditions for the development.

ASHA Consulting (Pty) Ltd has been appointed to provide heritage specialist input as required by section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

Orton, J. 2020. Heritage Impact Assessment: Proposed Thermal Power Dual Fuel Generator on Farm 432/REM and Access Road on Farm 464/1, North of Kathu, Kuruman Magisterial District, Northern Cape.

Our Ref:



an agency of the
Department of Arts and Culture

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Enquiries: Natasha Higgitt
Tel: 021 462 4502
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CaseID: 15642

Date: Monday November 16, 2020
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It is noted that no physical survey was conducted as part of this HIA, however, the area where the proposed facility is to be located was surveyed as part of the original EA application. No heritage resources were previously identified within the proposed facility footprint.

Recommendations provided in the report include the following:

- The subsurface palaeontological record can never be fully understood, and the EIA Phase report will need to make recommendations for monitoring and/or mitigation to be carried out in advance of or during construction work;
- The EIA Phase report will need to make recommendations for mitigation to be carried out in advance of construction work. This will likely entail monitoring of excavations and excavating column samples from a few strategic locations. It should be noted that the potential does exist for a larger excavation to be required if highly significant archaeological resources are discovered;
- The EIA Phase report will need to make recommendations for mitigation or avoidance of graves visible on the surface and indicate how to proceed in the event that a grave is discovered during excavation.

Interim Comment

The SAHRA Archaeological, Palaeontological and Meteorites (APM) requests that the EIA phase report HIA must include a field-based survey be conducted for the proposed access road. The EIA phase HIA must include a Palaeontological Desktop Study as the proposed development footprint is located within an area of moderate sensitivity as per the SAHRIS PalaeoSensitivity map.

The draft EIA and appendices must be submitted in order for informed comments can be issued.

Further comments will be issued upon receipt of the above requested documents.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Our Ref:



an agency of the
Department of Arts and Culture

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Enquiries: Natasha Higgitt
Tel: 021 462 4502
Email: nhiggitt@sahra.org.za
CaseID: 15642

Date: Monday November 16, 2020
Page No: 3

Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

Phillip Hine
Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:
Direct URL to case: <http://www.sahra.org.za/node/542131>
(DEA, Ref:)