

**APPENDIX C6**  
**Comments Received**

The bottom portion of the page features a decorative graphic consisting of several overlapping geometric shapes. On the left, a red triangle points downwards. A large grey trapezoidal shape overlaps this and extends towards the center. On the right, a light grey triangle points upwards, overlapping the grey shape. A red trapezoidal shape overlaps the bottom right of the grey shape and extends towards the right edge.

**Our Ref:** HM/ CENTRAL KAROO/BEAUFORT WEST/NELSPOORT/  
PORTION 4 OF FARM MONTANA 123

**Case No.:** 22042627CM0504E

**Enquiries:** Cecilene Muller

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**Tel:** 021 483 5959

**Applicant:** Ms. Jenna Lavin (CTS Heritage)

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**FINAL COMMENT**  
**In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

**HERITAGE IMPACT ASSESSMENT: PROPOSED MONTANA 1 SOLAR ENERGY FACILITY (OPTION E), ON PORTION 4 OF THE FARM MONTANA 123, AS PART OF THE POORTJIE WES RENEWABLE ENERGY FACILITY SOLAR PV PROJECTS NEAR NELSPOORT, BEAUFORT WEST, CENTRAL KAROO, WESTERN CAPE PROVINCE, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999).**

**CASE NUMBER:** 22042627CM0504E

The matter above has reference.

This matter was discussed at the Impact Assessment Committee (IACom) meeting held on the 20<sup>th</sup> of July 2022.

**FINAL COMMENT**

The Committee supports the recommendations contained in HIA prepared by Jenna Lavin - CTS Heritage, and dated April 2022 and quoted below as the development proposal will not impact negatively upon heritage resources.

The following recommendations are to be adhered to:

1. The recommendations of the VIA must be implemented.
2. The HWC Chance Fossil Finds Procedure must be implemented for the duration of construction activities.
3. Although all possible care has been taken to identify sites of cultural importance during the investigation of the study area, it is always possible that hidden or subsurface sites could be overlooked during the assessment. 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, burials or other categories of heritage resources are found during the proposed development, work must cease in the vicinity of the find and HWC must be alerted immediately to determine an appropriate way forward.

**The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.**

Should you have any further queries, please contact the official above and quote the case number.

.....  
Colette Scheermeyer  
Deputy Director

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)



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**Our Ref:** HM/ CENTRAL KAROO/BEAUFORT WEST/NELSPOORT/  
PORTION 3 OF FARM MONTANA 123

**Case No.:** 22042628CM0504E

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**FINAL COMMENT**  
**In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

**HERITAGE IMPACT ASSESSMENT: PROPOSED MONTANA 2 SOLAR ENERGY FACILITY (OPTION D), ON PORTION 3 OF THE FARM MONTANA 123, AS PART OF THE POORTJIE WES RENEWABLE ENERGY FACILITY SOLAR PV PROJECTS NEAR NELSPOORT, BEAUFORT WEST, CENTRAL KAROO, WESTERN CAPE PROVINCE, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999).**

**CASE NUMBER:** 22042628CM0504E

The matter above has reference.

This matter was discussed at the Impact Assessment Committee (IACom) meeting held on the 20<sup>th</sup> of July 2022.

**FINAL COMMENT**

The Committee supports the recommendations contained in HIA prepared by Jenna Lavin - CTS Heritage, and dated April 2022 and quoted below as the development proposal will not impact negatively upon heritage resources.

The following recommendations are to be adhered to:

1. The recommendations of the VIA must be implemented.
2. A 100m no-go development buffer is implemented around sites POORTJIE027 & POORTJIE028 (Figure 7).
3. The HWC Chance Fossil Finds Procedure must be implemented for the duration of construction activities.
4. Although all possible care has been taken to identify sites of cultural importance during the investigation of the study area, it is always possible that hidden or subsurface sites could be overlooked during the assessment. 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, burials or other categories of heritage resources are found during the proposed development, work must cease in the vicinity of the find and HWC must be alerted immediately to determine an appropriate way forward.

**The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.**

Should you have any further queries, please contact the official above and quote the case number.

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Colette Scheermeyer  
Deputy Director

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**Our Ref:** HM/ CENTRAL KAROO/BEAUFORT WEST/NELSPOORT/  
PORTION 1 OF FARM BELVEDERE 73

**Case No.:** 22042629CM0504E

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**FINAL COMMENT**  
**In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

**HERITAGE IMPACT ASSESSMENT: PROPOSED MONTANA 3 SOLAR ENERGY FACILITY (OPTION C), ON PORTION 1 OF THE FARM BELVEDERE 73, AS PART OF THE POORTJIE WES RENEWABLE ENERGY FACILITY SOLAR PV PROJECTS NEAR NELSPOORT, BEAUFORT WEST, CENTRAL KAROO, WESTERN CAPE PROVINCE, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999).**

**CASE NUMBER:** 22042629CM0504E

The matter above has reference.

This matter was discussed at the Impact Assessment Committee (IACom) meeting held on the 20<sup>th</sup> of July 2022.

**FINAL COMMENT**

The Committee supports the recommendations contained in HIA prepared by Jenna Lavin - CTS Heritage, and dated April 2022 and quoted below as the development proposal will not impact negatively upon heritage resources.

The following recommendations are to be adhered to:

1. The recommendations of the VIA must be implemented.
2. No PV infrastructure should be located within 500m of the historic route.
3. The PV facility must be located at least 1km from its nearest neighbouring PV facility.
4. The HWC Chance Fossil Finds Procedure must be implemented for the duration of construction activities.
5. Although all possible care has been taken to identify sites of cultural importance during the investigation of the study area, it is always possible that hidden or subsurface sites could be overlooked during the assessment. 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, burials or other categories of heritage resources are found during the proposed development, work must cease in the vicinity of the find and HWC must be alerted immediately to determine an appropriate way forward.

**The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.**

Should you have any further queries, please contact the official above and quote the case number.

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Colette Scheermeyer  
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# forestry, fisheries & the environment

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Forestry, Fisheries and the Environment  
**REPUBLIC OF SOUTH AFRICA**

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**DFFE Reference:** 14/12/16/3/3/1/2559

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## PER EMAIL

Dear Ms Thomas

### COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE 190MW BRAKPAN 1 SOLAR ENERGY FACILITY, WESTERN CAPE PROVINCE

The draft Basic Assessment Report (BAR) dated June 2022 and received by this Department on 07 June 2022, refers.

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

#### (a) Specific Comments

- (i) The following discrepancies has been noted in the Application Form:
- The applicant applies for Activity 14 of Listing Notice 1 and stipulates that the combined storage and handling capacity of dangerous goods will exceed 80 cubic meters, however, goes on to apply for Activity 10 (i)(ii) of Listing Notice 3, which excludes the combined storage and handling capacity of dangerous goods that exceed 80 cubic meters. If the applicant plans on storing and handling dangerous goods where such storage occurs in containers with a combined capacity exceeding 80 cubic metres, then **Activity 10 (i)(ii) of Listing Notice 3 is not applicable.** Accurate information pertaining to the cubic metres planned to be stored and handled in containers must be provided and included in the final BAR, as well as in an amended application form.
  - The Application Form should be amended to reflect all applicable activities that apply to the development. The applicant must ensure the activities are quoted correctly and accurately in the Application Form as they appear in the **Listing Notices 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014, (GNR. 326) published under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended).**
  - It is unclear as to why two documents titled as the Application Form are submitted, one in a word document format depicting track changes and the other in a pdf format. A single document titled as the Application Form should be submitted using the DFFE Template (the Application Form for Environmental Authorisation) which can be accessed via the website <https://www.dffe.gov.za/documents/forms>.

- (ii) The applicant stipulates that the proposed Brakpan 1 Energy Facility will partake in the bidding rounds for the RIPPFP or for a Private off-taker. It should be noted that if the proposed Brakpan 1 Energy Facility is planned for a private off-take then the Competent Authority would be the Provincial Department (Western Cape Department of Environmental Affairs and Development Planning). The National Department (Department of Forestry, Fisheries and the Environment) is the Competent Authority for IRP activities that will partake in the bidding rounds for the RIPPFP. Clarity should be provided in the final BAR on what the generated electricity is planned for.
- (iii) The co-ordinates in the BAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the solar fields, substations and the battery energy storage system must be included in the final BAR, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.
- (iv) The proposed development includes the following grid connection infrastructure:
- A 132kV facility substation;
  - An internal distribution line of up to 33kV.
- Coordinates of the route for the internal distribution line of up to 33kV should be include in the final BAR.
- (v) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.
- (vi) Please provide a detailed description as well as any associated assessments related to the technology required for the Battery Energy Storage System (BESS).
- (vii) The Site Layout Plan (Appendix M) must be amended to illustrate the position of all proposed infrastructure and linear activities, which includes but not limited to the following:
- Solar fields;
  - Auxiliary buildings;
  - Onsite substation;
  - Inverter stations;
  - Internal roads;
  - Battery energy storage systems;
  - Operation and maintenance buildings;
  - Laydown areas; and,
  - Internal power distribution lines.
- (viii) The BAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was included in the screening tool report.
- (ix) The Generic EMPr for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure has not been included as part of the draft BAR submitted to the department for review and comment. Please take note that if the applicant plans on developing distribution powerlines of more than 33kV, the Generic Environmental Management Programme (EMPr) for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure must be included in the final BAR.
- (x) The Generic EMPr for the Substation (7.3 Sub-section 3: Declaration) has not been signed and the reasons provided are as follows:
- This declaration will be signed by the proponent/applicant/holder of the EA once the contractor is appointed and has provided inputs to this Generic EMPr as per the requirements of this template. Kindly refer to Page 2 -3 of the Generic EMPr: 5. Structure of the Document which specifies the information that must be submitted together with the final BAR. As such, please ensure that sub-section 3: Declaration, for the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity Generic EMPr is signed before submission of the final BAR for review and decision making. Failure to submit all the required information that forms part of the generic EMPr will

be regarded as non-compliance. We request that you adequately complete all applicable sections in the generic EMPr.

**(b) 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. Only activities applicable to the development must be applied for and assessed.
- (ii) Please ensure that all relevant listed activities and sub-activities are correctly numbered as per the relevant listing notices.
- (iii) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- (iv) The listed activities represented in the final BAR and the application form must be the same and correct.
- (v) 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.gov.za/documents/forms>.
- (vi) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (vii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

**(c) Layout & Sensitivity Maps**

- (i) The final BAR 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) A copy of the final layout map must be submitted with the final BAR. All available biodiversity information, specialist studies and comments from Interested and Affected Parties must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible, e.g. roads. The layout map must indicate the following:
  - a) The envisioned area for the facilities, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
  - b) All supporting onsite infrastructure required such as laydown areas, roads etc.
  - c) All necessary details regarding all possible locations and sizes of the infrastructure.
  - d) All existing infrastructure on the site, especially internal road infrastructure.
- (iii) Please provide an environmental sensitivity map which indicates the following:
  - a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
  - 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 and existing infrastructure.
- (v) Google maps will not be accepted.

#### **(d) Alternatives**

- (i) Please note that you are required to provide a full description of the process followed to reach the proposed preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the EIA Regulations 2014, as amended, including the following content:
  - a) details of all the alternatives considered;
  - b) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;
  - c) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
  - d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts—
    - (aa) can be reversed;
    - (bb) may cause irreplaceable loss of resources; and
    - (cc) can be avoided, managed or mitigated;
  - f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
  - g) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - h) the possible mitigation measures that could be applied and level of residual risk;
  - i) the outcome of the site selection matrix;
  - j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
  - k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.
- (ii) Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.

#### **(e) Specialist Declaration of Interest**

- (i) The Avifauna Specialist Assessment (Appendix E) attached with the draft BAR fails to include a signed declaration of interest by the specialist and the specialists Curriculum Vitae (CV) as required by Appendix 6(1)(a)(ii) and 1(b) of the EIA Regulations 2014, as amended.
- (ii) Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on the Department's website (please use the Department's template).

#### **(f) Specialist Assessments**

- (i) The DFFE screening tool identifies the site as being "low" sensitivity for the Aquatic Biodiversity Theme and therefore an Aquatic Biodiversity Compliance Statement should be included in the final BAR, unless the site sensitivity verification differs from this designation, if so proof of deviation must be provided. Similarly, where the information gathered from the site sensitivity verification differs from the screening tool designation of "low" aquatic biodiversity sensitivity, and it is found to be of a "very high" sensitivity, an Aquatic Biodiversity Specialist Assessment must be submitted.
- (ii) The Biodiversity Impact Assessment (Appendix D) identifies drainage lines traversing the site and recommends a 50m buffer be applied to the drainage lines as they are regarded as Ecological Support



Areas. Based on the above from a hydrological perspective the site is considered as sensitive, and an Aquatic Biodiversity Specialist Assessment must be submitted as required by the Government Notice No. 320 of 20 March 2020 (i.e., "the Protocols").

- (iii) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
- a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
  - b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
  - c) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
  - d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
  - e) **All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
  - f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (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 expert advice.
- (v) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols") and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.**
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.

#### **(g) Cumulative Assessment**

- (i) A cumulative impact assessment for all identified and assessed impacts must be conducted and must 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.

### **(h) Undertaking of an Oath**

- (i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP.
- (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:  
*“an undertaking under oath or affirmation by the EAP in relation to:*
  - a) *the correctness of the information provided in the reports;*
  - b) *the inclusion of comments and inputs from stakeholders and I&APs;*
  - c) *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
  - d) *any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties”.*

### **(i) Details and Expertise of the EAP**

- (i) You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

### **(j) Public Participation Process**

- (i) Comments must be obtained from this Department's Biodiversity Conservation Directorate at [BCAdmin@dffe.gov.za](mailto:BCAdmin@dffe.gov.za).
- (ii) Comments must be obtained from the South African Heritage Resource Agency (SAHRA) and the Western Cape Department of Environmental Affairs and Development Planning.
- (iii) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.
- (iv) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department's Biodiversity Section), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR .
- (v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR and must be incorporated into a Comments and Response Report (CRR).
- (vi) 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. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.
- (vii) The CRR 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.
- (viii) 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.
- (ix) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.

### **(k) Environmental Impact Statement**

- (i) You are reminded that an environmental impact statement must be included in the final BAR, therefore you are kindly requested to include an environmental impact statement which contains –
  - a) a summary of the key findings of the environmental impact assessment;

- b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and
- c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

## **(I) Environmental Management Programme**

- (i) It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in Regulations 19(4) must be used and submitted with the final report over and above the EMPr for the facility.
- (ii) You are required to comply with the content of the EMPr in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.
- (iii) Please be informed that the following content must be incorporated within the EMPr/s as indicated in Appendix 4 of the EIA Regulations 2014, as amended:
  - a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.
  - b) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.
  - c) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including —
    - (aa) Planning and design;
    - (bb) Pre-construction activities;
    - (cc) Construction activities;
    - (dd) Rehabilitation of the environment after construction and where applicable post closure; and
    - (ee) Where relevant, operation activities.
  - d) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to —
  - e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
  - f) Comply with any prescribed environmental management standards or practices;
  - g) Comply with any applicable provisions of the Act regarding closure, where applicable; and
  - h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
  - i) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
  - j) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
  - k) An indication of the persons who will be responsible for the implementation of the impact management actions.
  - l) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.
  - m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
  - n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

**(m) General**

- (i) The final BAR must include a list providing a clear description of the infrastructure associated with the development.
- (ii) The EAP must provide details of the specific locations in the EIAR. All associated infrastructure must be clearly indicated in the final BAR and its associated layout plans.
- (iii) When submitting the EIAR and future documents kindly name each of the documents and attachments according to the information it contains e.g., instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.
- (iv) The EAP must provide an outline of where in the final BAR each of this Department's comments are addressed. This must be a separate document and must be submitted as an appendix to the final BAR.
- (v) 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 Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“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 – (a) a basic assessment report, inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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”.*

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 required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised documents will be subjected to another public participation process of at least 30 days.”*

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.

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



**Ms Millicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Signed by: Mr Muhammad Essop**  
**Designation: Acting Deputy Director: Priority Infrastructure Projects**  
**Date: 01 July 2022**

cc:	Sibongile Mdluli	Brakpan 1 Solar Energy facility (Pty) Ltd	E-mail: permits@ziyandaenergy.co.za
	Gerhard Gerber	WC DEADP	E-mail: Gerhard.Gerber@westerncape.gov.za
	Goodwill Zwelithini Nyathi	Beaufort West Local Municipality	E-mail: goodwilln@beaufortwestmun.co.za

### Annexure 1

Format for Comments and Response Report:

<b>Date of comment, format of comment name of organisation/I&amp;AP,</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/03/2021 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (Joe 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



# forestry, fisheries & the environment

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

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

**DFFE Reference:** 14/12/16/3/3/1/2560

**Enquiries:** Trisha Pillay

**Telephone:** (012) 399 9406 **E-mail:** TPillay@dff.gov.za

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

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

## PER E-MAIL

Dear MS Thomas

### COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED 210MW MONTANA 1 SOLAR ENERGY FACILITY ON PORTION 4 OF THE FARM MONTANA 123 WITHIN THE BEAUFORT WEST LOCAL MUNICIPALITY WITHIN THE CENTRAL KAROO DISTRICT MUNICIPALITY IN THE WESTERN CAPE PROVINCE

The Draft Basic Assessment Report (BAR) dated June 2022 and received by this Department on 7 June 2022, refers.

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

#### **(a) Specific Comments**

- (i) The following discrepancies has been noted in the Application Form:
- ~~The applicant applies for Activity 14 of Listing Notice 1 and stipulates that the combined storage and handling capacity of dangerous goods will exceed 80 cubic meters, however, goes on to apply for Activity 10 (i)(ii) of Listing Notice 3, which excludes the combined storage and handling capacity of dangerous goods that exceed 80 cubic meters. If the applicant plans on storing and handling dangerous goods where such storage occurs in containers with a combined capacity exceeding 80 cubic metres, then Activity 10 (i)(ii) of Listing Notice 3 is not applicable. Accurate information pertaining to the cubic metres planned to be stored and handled in containers must be provided and included in the final BAR, as well as in an amended application form.~~
  - The Application Form should be amended to reflect all applicable activities that apply to the development. The applicant must ensure the activities are quoted correctly and accurately in the Application Form as they appear in the Listing Notices 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014, (GNR. 326) published under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended).
  - ~~The generation of electricity output for the proposed Montana 1 Solar Energy Facility is inconsistent throughout the application form. On page 07, the applicant stipulates the facility is to be developed with a maximum installed capacity of 210MW and will have a generating capacity of 180MW,~~

however on page 14, the applicant states that the Montana 1 Solar PV facility will have a contracted capacity of 220MW. The exact generation of electricity output should be clear and consistent throughout the Application Form.

- It is unclear as to why two documents titled as the Application Form are submitted, one in a word document format depicting track changes and the other in a pdf format. A single document titled as the Application Form should be submitted using the DFFE Template (the Application Form for Environmental Authorisation) which can be accessed via the website <https://www.dffe.gov.za/documents/forms>.
- (ii) The applicant stipulates that the proposed Montana 1 Energy Facility will partake in the bidding rounds for the RIPPFP or for a Private off-taker. It should be noted that if the proposed Montana 1 Energy Facility is planned for a private off-take then the Competent Authority would be the Provincial Department (Western Cape Department of Environmental Affairs and Development Planning). The National Department (Department of Forestry, Fisheries and the Environment) is the Competent Authority for IRP activities that will partake in the bidding rounds for the RIPPFP. Clarity should be provided in the final BAR on what the generated electricity is planned for.
- (iii) The co-ordinates in the BAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the solar fields, substations and the battery energy storage system must be included in the final BAR, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.
- (iv) The proposed development includes the following grid connection infrastructure:
- A 132kV facility substation;
  - An internal distribution line of up to 33kV.
- Coordinates of the route for the internal distribution line of up to 33kV should be included in the final BAR.
- (v) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.
- (vi) Please provide a detailed description as well as any associated assessments related to the technology required for the Battery Energy Storage System (BESS).
- (vii) The Site Layout Plan (Appendix M) must be amended to illustrate the position of all proposed infrastructure and linear activities, which includes but not limited to the following:
- Solar fields;
  - Auxiliary buildings;
  - Onsite substation;
  - Inverter stations;
  - Internal roads;
  - Battery energy storage systems;
  - Operation and maintenance buildings;
  - Laydown areas; and,
  - Internal power distribution lines.
- (viii) The BAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was included in the screening tool report.
- (ix) The Generic EMP for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure has not been included as part of the draft BAR submitted to the department for review and comment. Please take note that if the applicant plans on developing distribution powerlines of more than 33kV, the Generic Environmental Management Programme (EMPr) for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure must be included in the final BAR.

- (x) Page 115 of the Generic EMPr for the Substation (7.3 Sub-section 3: Declaration) has not been signed and the reasons provided are as follows:
- This declaration will be signed by the proponent/applicant/holder of the EA once the contractor is appointed and has provided inputs to this Generic EMPr as per the requirements of this template. Kindly refer to Page 2 -3 of the Generic EMPr: 5. Structure of the Document which specifies the information that must be submitted together with the final BAR. As such, please ensure that sub-section 3: Declaration, for the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity Generic EMPr is signed before submission of the final BAR for review and decision making. Failure to submit all the required information that forms part of the generic EMPr will be regarded as non-compliance. We request that you adequately complete all applicable sections in the generic EMPr.

## **(b) 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. Only activities applicable to the development must be applied for and assessed.
- (ii) Please ensure that all relevant listed activities and sub-activities are correctly numbered as per the relevant listing notices.
- (iii) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- (iv) The listed activities represented in the final BAR and the application form must be the same and correct.
- (v) 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.gov.za/documents/forms>.
- (vi) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (vii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

## **(c) Layout & Sensitivity Maps**

- (i) In the draft BAR, page 16 and page 17 illustrate two layout maps illustrating the development footprint of the proposed Montana 1 Solar Energy Facility (Figure 1 and Figure 2). It is unclear as to why they are different, yet they are referring to the same development (Montana 1 Solar Energy Facility).
- (ii) Figure 1 is titled as the Montana 1 Solar Energy Facility development footprint however, on the legend of the map it is referred to as Brakpan 1 Solar Energy Facility. This creates confusion as to what exactly the applicant is illustrating, and which is the correct proposed layout plan. Only applicable maps to the proposed development should be included in the final BAR, referencing the correct titles and labels.
- (iii) The final BAR 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.
- (iv) A copy of the final layout map must be submitted with the final BAR. All available biodiversity information, specialist studies and comments from Interested and Affected Parties must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible, e.g. roads. The layout map must indicate the following:



- a) The envisioned area for the facilities, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
- b) All supporting onsite infrastructure required such as laydown areas, roads etc.
- c) All necessary details regarding all possible locations and sizes of the infrastructure.
- d) All existing infrastructure on the site, especially internal road infrastructure.
- (v) Please provide an environmental sensitivity map which indicates the following:
  - a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
  - b) Buffer areas; and
  - c) All “no-go” areas.
- (vi) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.
- (vii) Google maps will not be accepted.

**(d) Alternatives**

- (i) Please note that you are required to provide a full description of the process followed to reach the proposed preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the EIA Regulations 2014, as amended, including the following content:
  - a) details of all the alternatives considered;
  - b) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;
  - c) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
  - d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts—
    - (aa) can be reversed;
    - (bb) may cause irreplaceable loss of resources; and
    - (cc) can be avoided, managed or mitigated;
  - f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
  - g) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - h) the possible mitigation measures that could be applied and level of residual risk;
  - i) the outcome of the site selection matrix;
  - j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
  - k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.
- (ii) Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.

### **(e) Specialist Declaration of Interest**

- (i) ~~The Avifauna Specialist Assessment (Appendix E) attached with the draft BAR fails to include a signed declaration of interest by the specialist and the specialist's Curriculum Vitae (CV) as required by Appendix 6(1)(a)(ii) and 1(b) of the EIA Regulations 2014, as amended.~~
- (ii) ~~Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on the Department's website (please use the Department's template).~~

### **(f) Specialist Assessments**

- (i) ~~The DFFE screening tool identifies the site as being "low" sensitivity for the Aquatic Biodiversity Theme and therefore an Aquatic Biodiversity Compliance Statement should be included in the final BAR, unless the site sensitivity verification differs from this designation, if so proof of deviation must be provided. Similarly, where the information gathered from the site sensitivity verification differs from the screening tool designation of "low" aquatic biodiversity sensitivity, and it is found to be of a "very high" sensitivity, an Aquatic Biodiversity Specialist Assessment must be submitted.~~
- (ii) ~~The Biodiversity Impact Assessment (Appendix D) identifies drainage lines traversing the site and recommends a 50m buffer be applied to the drainage lines as they are regarded as Ecological Support Areas. Based on the above from a hydrological perspective the site is considered as sensitive, and an Aquatic Biodiversity Specialist Assessment must be submitted as required by the Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols").~~
- (iii) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
  - a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
  - b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
  - c) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
  - d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
  - e) **All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
  - f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (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 expert advice.
- (v) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols") and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.**
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.

### **(g) Cumulative Assessment**

- ~~(i) A cumulative impact assessment for all identified and assessed impacts must be conducted and must 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.~~~~

### **(h) Undertaking of an Oath**

- ~~(i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP.~~
- ~~(ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:  
"an undertaking under oath or affirmation by the EAP in relation to:
  - ~~a) the correctness of the information provided in the reports;~~
  - ~~b) the inclusion of comments and inputs from stakeholders and I&APs;~~
  - ~~c) the inclusion of inputs and recommendations from the specialist reports where relevant; and~~
  - ~~d) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties."~~~~

### **(i) Details and Expertise of the EAP**

- ~~(i) You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.~~

### **(j) Public Participation Process**

- ~~(i) Comments must be obtained from this Department's Biodiversity Conservation Directorate at BCAdmin@dffe.gov.za.~~
- ~~(ii) Comments must be obtained from the South African Heritage Resource Agency (SAHRA) and the Western Cape Department of Environmental Affairs and Development Planning.~~
- ~~(iii) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.~~
- ~~(iv) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department's Biodiversity Section), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR.~~
- ~~(v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR and must be incorporated into a Comments and Response Report (CRR).~~
- ~~(vi) 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. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.~~
- ~~(vii) The CRR 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.~~
- ~~(viii) 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.~~
- ~~(ix) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.~~

### **(k) Environmental Impact Statement**

- (i) You are reminded that an environmental impact statement must be included in the final BAR, therefore you are kindly requested to include an environmental impact statement which contains –
- a) a summary of the key findings of the environmental impact assessment;
  - b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and
  - c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

### **(l) Environmental Management Programme**

- (i) It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in Regulations 19(4) must be used and submitted with the final report over and above the EMPr for the facility.
- ~~(ii) You are required to comply with the content of the EMPr in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.~~
- ~~(iii) Please be informed that the following content must be incorporated within the EMPr/s as indicated in Appendix 4 of the EIA Regulations 2014, as amended:~~
- ~~a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.~~
  - ~~b) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.~~
  - ~~c) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including –~~
    - ~~(aa) Planning and design;~~
    - ~~(bb) Pre-construction activities;~~
    - ~~(cc) Construction activities;~~
    - ~~(dd) Rehabilitation of the environment after construction and where applicable post-closure; and~~
    - ~~(ee) Where relevant, operation activities.~~
  - ~~d) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to –~~

- ~~e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;~~
- ~~f) Comply with any prescribed environmental management standards or practices;~~
- ~~g) Comply with any applicable provisions of the Act regarding closure, where applicable; and~~
- ~~h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.~~
- ~~i) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.~~
- ~~j) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.~~
- ~~k) An indication of the persons who will be responsible for the implementation of the impact management actions.~~
- ~~l) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.~~
- ~~m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.~~
- ~~n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.~~

**(m) General**

- ~~(i) The final BAR must include a list providing a clear description of the infrastructure associated with the development.~~
- ~~(ii) The EAP must provide details of the specific locations in the EIAR. All associated infrastructure must be clearly indicated in the final BAR and its associated layout plans.~~
- ~~(iii) When submitting the EIAR and future documents kindly name each of the documents and attachments according to the information it contains e.g., instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.~~
- ~~(iv) The EAP must provide an outline of where in the final BAR each of this Department's comments are addressed. This must be a separate document and must be submitted as an appendix to the final BAR.~~
- ~~(v) 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 Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.~~

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“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 – (a) a basic assessment report, inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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”.*

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 required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process*

contemplated in subregulation (1)(a) and that the revised documents will be subjected to another public participation process of at least 30 days.”

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.

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



**Ms Milicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Signed by: Mr Muhammad Essop**  
**Designation: Acting Deputy Director: Priority Infrastructure Projects**  
**Date: 27 June 2022**

cc:	Sibongile Mdluli	Montana 1 Solar Energy facility (Pty) Ltd.	E-mail: permits@ziyandaenergy.co.za
	Gerhard Gerber	WC DEA&DP	E-mail: Gerhard.Gerber@westerncape.gov.za
	Goodwill Zwelithini Nyathi	Beaufort West Local Municipality	E-mail: goodwilln@beaufortwestmun.co.za

### **Annexure 1**

Format for Comments and Response Report:

<b>Date of comment, format of comment name of organisation/I&amp;AP,</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/03/2021 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (Joe 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



# forestry, fisheries & the environment

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

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

**DFFE Reference:** 14/12/16/3/3/1/2560

**Enquiries:** Trisha Pillay

**Telephone:** (012) 399 9406 **E-mail:** TPillay@dff.gov.za

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

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

## **PER E-MAIL**

Dear MS Thomas

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED 210MW MONTANA 1 SOLAR ENERGY FACILITY ON PORTION 4 OF THE FARM MONTANA 123 WITHIN THE BEAUFORT WEST LOCAL MUNICIPALITY WITHIN THE CENTRAL KAROO DISTRICT MUNICIPALITY IN THE WESTERN CAPE PROVINCE**

The Draft Basic Assessment Report (BAR) dated June 2022 and received by this Department on 7 June 2022, refers.

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

#### **(a) Specific Comments**

- (i) The following discrepancies has been noted in the Application Form:
- The applicant applies for Activity 14 of Listing Notice 1 and stipulates that the combined storage and handling capacity of dangerous goods will exceed 80 cubic meters, however, goes on to apply for Activity 10 (i)(ii) of Listing Notice 3, which excludes the combined storage and handling capacity of dangerous goods that exceed 80 cubic meters. If the applicant plans on storing and handling dangerous goods where such storage occurs in containers with a combined capacity exceeding 80 cubic metres, then Activity 10 (i)(ii) of Listing Notice 3 is not applicable. Accurate information pertaining to the cubic metres planned to be stored and handled in containers must be provided and included in the final BAR, as well as in an amended application form.
  - The Application Form should be amended to reflect all applicable activities that apply to the development. The applicant must ensure the activities are quoted correctly and accurately in the Application Form as they appear in the Listing Notices 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014, (GNR. 326) published under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended).
  - The generation of electricity output for the proposed Montana 1 Solar Energy Facility is inconsistent throughout the application form. On page 07, the applicant stipulates the facility is to be developed with a maximum installed capacity of 210MW and will have a generating capacity of 180MW,

however on page 14, the applicant states that the Montana 1 Solar PV facility will have a contracted capacity of 220MW. The exact generation of electricity output should be clear and consistent throughout the Application Form.

- It is unclear as to why two documents titled as the Application Form are submitted, one in a word document format depicting track changes and the other in a pdf format. A single document titled as the Application Form should be submitted using the DFFE Template (the Application Form for Environmental Authorisation) which can be accessed via the website <https://www.dffe.gov.za/documents/forms>.
- (ii) The applicant stipulates that the proposed Montana 1 Energy Facility will partake in the bidding rounds for the RIPPPP or for a Private off-taker. It should be noted that if the proposed Montana 1 Energy Facility is planned for a private off-take then the Competent Authority would be the Provincial Department (Western Cape Department of Environmental Affairs and Development Planning). The National Department (Department of Forestry, Fisheries and the Environment) is the Competent Authority for IRP activities that will partake in the bidding rounds for the RIPPPP. Clarity should be provided in the final BAR on what the generated electricity is planned for.
- (iii) The co-ordinates in the BAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the solar fields, substations and the battery energy storage system must be included in the final BAR, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.
- (iv) The proposed development includes the following grid connection infrastructure:
- A 132kV facility substation;
  - An internal distribution line of up to 33kV.
- Coordinates of the route for the internal distribution line of up to 33kV should be include in the final BAR.
- (v) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.
- (vi) Please provide a detailed description as well as any associated assessments related to the technology required for the Battery Energy Storage System (BESS).
- (vii) The Site Layout Plan (Appendix M) must be amended to illustrate the position of all proposed infrastructure and linear activities, which includes but not limited to the following:
- Solar fields;
  - Auxiliary buildings;
  - Onsite substation;
  - Inverter stations;
  - Internal roads;
  - Battery energy storage systems;
  - Operation and maintenance buildings;
  - Laydown areas; and,
  - Internal power distribution lines.
- (viii) The BAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was included in the screening tool report.
- (ix) The Generic EMPr for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure has not been included as part of the draft BAR submitted to the department for review and comment. Please take note that if the applicant plans on developing distribution powerlines of more than 33kV, the Generic Environmental Management Programme (EMPr) for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure must be included in the final BAR.



- (x) Page 115 of the Generic EMPr for the Substation (7.3 Sub-section 3: Declaration) has not been signed and the reasons provided are as follows:
- This declaration will be signed by the proponent/applicant/holder of the EA once the contractor is appointed and has provided inputs to this Generic EMPr as per the requirements of this template. Kindly refer to Page 2 -3 of the Generic EMPr: 5. Structure of the Document which specifies the information that must be submitted together with the final BAR. As such, please ensure that sub-section 3: Declaration, for the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity Generic EMPr is signed before submission of the final BAR for review and decision making. Failure to submit all the required information that forms part of the generic EMPr will be regarded as non-compliance. We request that you adequately complete all applicable sections in the generic EMPr.

### **(b) 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. Only activities applicable to the development must be applied for and assessed.
- (ii) Please ensure that all relevant listed activities and sub-activities are correctly numbered as per the relevant listing notices.
- (iii) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- (iv) The listed activities represented in the final BAR and the application form must be the same and correct.
- (v) 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.gov.za/documents/forms>.
- (vi) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (vii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

### **(c) Layout & Sensitivity Maps**

- (i) In the draft BAR, page 16 and page 17 illustrate two layout maps illustrating the development footprint of the proposed Montana 1 Solar Energy Facility (Figure 1 and Figure 2). It is unclear as to why they are different, yet they are referring to the same development (Montana 1 Solar Energy Facility).
- (ii) Figure 1 is titled as the Montana 1 Solar Energy Facility development footprint however, on the legend of the map it is referred to as Brakpan 1 Solar Energy Facility. This creates confusion as to what exactly the applicant is illustrating, and which is the correct proposed layout plan. Only applicable maps to the proposed development should be included in the final BAR, referencing the correct titles and labels.
- (iii) The final BAR 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.
- (iv) A copy of the final layout map must be submitted with the final BAR. All available biodiversity information, specialist studies and comments from Interested and Affected Parties must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible, e.g. roads. The layout map must indicate the following:

- a) The envisioned area for the facilities, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
- b) All supporting onsite infrastructure required such as laydown areas, roads etc.
- c) All necessary details regarding all possible locations and sizes of the infrastructure.
- d) All existing infrastructure on the site, especially internal road infrastructure.
- (v) Please provide an environmental sensitivity map which indicates the following:
  - a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
  - b) Buffer areas; and
  - c) All “no-go” areas.
- (vi) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.
- (vii) Google maps will not be accepted.

**(d) Alternatives**

- (i) Please note that you are required to provide a full description of the process followed to reach the proposed preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the EIA Regulations 2014, as amended, including the following content:
  - a) details of all the alternatives considered;
  - b) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;
  - c) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
  - d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts—
    - (aa) can be reversed;
    - (bb) may cause irreplaceable loss of resources; and
    - (cc) can be avoided, managed or mitigated;
  - f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
  - g) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - h) the possible mitigation measures that could be applied and level of residual risk;
  - i) the outcome of the site selection matrix;
  - j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
  - k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.
- (ii) Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.

**(e) Specialist Declaration of Interest**

- (i) The Avifauna Specialist Assessment (Appendix E) attached with the draft BAR fails to include a signed declaration of interest by the specialist and the specialist's Curriculum Vitae (CV) as required by Appendix 6(1)(a)(ii) and 1(b) of the EIA Regulations 2014, as amended.
- (ii) Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on the Department's website (please use the Department's template).

**(f) Specialist Assessments**

- (i) The DFFE screening tool identifies the site as being "low" sensitivity for the Aquatic Biodiversity Theme and therefore an Aquatic Biodiversity Compliance Statement should be included in the final BAR, unless the site sensitivity verification differs from this designation, in which case proof of deviation must be provided. Similarly, where the information gathered from the site sensitivity verification differs from the screening tool designation of "low" aquatic biodiversity sensitivity, and it is found to be of a "very high" sensitivity, an Aquatic Biodiversity Specialist Assessment must be submitted.
- (ii) The Biodiversity Impact Assessment (Appendix D) identifies drainage lines traversing the site and recommends a 50m buffer be applied to the drainage lines as they are regarded as Ecological Support Areas. Based on the above from a hydrological perspective the site is considered as sensitive, and an Aquatic Biodiversity Specialist Assessment must be submitted as required by the Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols").
- (iii) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
  - a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
  - b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
  - c) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
  - d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
  - e) **All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
  - f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (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 expert advice.
- (v) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols") and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.**
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.

### **(g) Cumulative Assessment**

- (i) A cumulative impact assessment for all identified and assessed impacts must be conducted and must 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.

### **(h) Undertaking of an Oath**

- (i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP.
- (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:  
*"an undertaking under oath or affirmation by the EAP in relation to:*
  - a) *the correctness of the information provided in the reports;*
  - b) *the inclusion of comments and inputs from stakeholders and I&APs;*
  - c) *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
  - d) *any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties".*

### **(i) Details and Expertise of the EAP**

- (i) You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

### **(j) Public Participation Process**

- (i) Comments must be obtained from this Department's Biodiversity Conservation Directorate at BCAdmin@dffe.gov.za.
- (ii) Comments must be obtained from the South African Heritage Resource Agency (SAHRA) and the Western Cape Department of Environmental Affairs and Development Planning.
- (iii) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.
- (iv) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department's Biodiversity Section), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR .
- (v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR and must be incorporated into a Comments and Response Report (CRR).
- (vi) 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. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.
- (vii) The CRR 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.
  - (viii) 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.
  - (ix) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.

#### **(k) Environmental Impact Statement**

- (i) You are reminded that an environmental impact statement must be included in the final BAR, therefore you are kindly requested to include an environmental impact statement which contains –
  - a) a summary of the key findings of the environmental impact assessment;
  - b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and
  - c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

#### **(l) Environmental Management Programme**

- (i) It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in Regulations 19(4) must be used and submitted with the final report over and above the EMPr for the facility.
- (ii) You are required to comply with the content of the EMPr in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.
- (iii) Please be informed that the following content must be incorporated within the EMPr/s as indicated in Appendix 4 of the EIA Regulations 2014, as amended:
  - a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.
  - b) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.
  - c) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including –
    - (aa) Planning and design;
    - (bb) Pre-construction activities;
    - (cc) Construction activities;
    - (dd) Rehabilitation of the environment after construction and where applicable post closure; and
    - (ee) Where relevant, operation activities.
  - d) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to —

- e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
- f) Comply with any prescribed environmental management standards or practices;
- g) Comply with any applicable provisions of the Act regarding closure, where applicable; and
- h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
- i) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- j) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- k) An indication of the persons who will be responsible for the implementation of the impact management actions.
- l) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.
- m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

**(m) General**

- (i) The final BAR must include a list providing a clear description of the infrastructure associated with the development.
- (ii) The EAP must provide details of the specific locations in the EIAR. All associated infrastructure must be clearly indicated in the final BAR and its associated layout plans.
- (iii) When submitting the EIAR and future documents kindly name each of the documents and attachments according to the information it contains e.g., instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.
- (iv) The EAP must provide an outline of where in the final BAR each of this Department's comments are addressed. This must be a separate document and must be submitted as an appendix to the final BAR.
- (v) 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 Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *"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 – (a) a basic assessment report, inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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"*.

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 required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *"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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process"*

contemplated in subregulation (1)(a) and that the revised documents will be subjected to another public participation process of at least 30 days.”

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.

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



**Ms Milicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Signed by: Mr Muhammad Essop**  
**Designation: Acting Deputy Director: Priority Infrastructure Projects**  
**Date: 27 June 2022**

cc:	Sibongile Mdluli	Montana 1 Solar Energy facility (Pty) Ltd.	E-mail: permits@ziyandaenergy.co.za
	Gerhard Gerber	WC DEA&DP	E-mail: Gerhard.Gerber@westerncape.gov.za
	Goodwill Zwelithini Nyathi	Beaufort West Local Municipality	E-mail: goodwilln@beaufortwestmun.co.za

### **Annexure 1**

Format for Comments and Response Report:

<b>Date of comment, format of comment name of organisation/I&amp;AP,</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/03/2021 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (Joe 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



# forestry, fisheries & the environment

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

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**DFFE Reference:** 14/12/16/3/3/1/2561

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## PER MAIL / E-MAIL

Dear Ms Thomas

### COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED 160MW MONTANA 2 SOLAR ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE SOUTH-WEST OF THE TOWN OF BEAUFORT WEST WITHIN THE BEAUFORT WEST LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

The Draft Basic Assessment Report (BAR) dated June 2022 and received by this Department on 07 June 2022, refer.

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

#### **(a) Specific Comments**

- (i) The following discrepancies has been noted in the Application Form:
- ~~The applicant applies for Activity 14 of Listing Notice 1 and stipulates that the combined storage and handling capacity of dangerous goods will exceed 80 cubic meters, however, goes on to apply for Activity 10 (i)(ii) of Listing Notice 3, which excludes the combined storage and handling capacity of dangerous goods that exceed 80 cubic meters. If the applicant plans on storing and handling dangerous goods where such storage occurs in containers with a combined capacity exceeding 80 cubic metres, then Activity 10 (i)(ii) of Listing Notice 3 is not applicable. Accurate information pertaining to the cubic metres planned to be stored and handled in containers must be provided and included in the final BAR, as well as in an amended application form.~~
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  - ~~It is unclear as to why two documents titled as the Application Form are submitted, one in a word document format depicting track changes and the other in a pdf format. A single document titled as the Application Form should be submitted using the DFFE Template (the Application Form for~~



- Environmental Authorisation) which can be accessed via the website <https://www.dffe.gov.za/documents/forms>.
- (ii) ~~The applicant stipulates that the proposed Montana 2 Energy Facility will partake in the bidding rounds for the RIPPFP or for a Private off-taker. It should be noted that if the proposed Montana 2 Energy Facility is planned for a private off-take then the Competent Authority would be the Provincial Department (Western Cape Department of Environmental Affairs and Development Planning). The National Department (Department of Forestry, Fisheries and the Environment) is the Competent Authority for IRP activities that will partake in the bidding rounds for the RIPPFP. Clarity should be provided in the final BAR on what the generated electricity is planned for.~~
- (iii) ~~The co-ordinates in the BAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the solar fields, substations and the battery energy storage system must be included in the final BAR, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.~~
- (iv) ~~The proposed development includes the following grid connection infrastructure:~~
- ~~• A 132kV facility substation;~~
  - ~~• An internal distribution line of up to 33kV.~~
- ~~Coordinates of the route for the internal distribution line of up to 33kV should be included in the final BAR.~~
- (v) ~~Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.~~
- (vi) ~~Please provide a detailed description as well as any associated assessments related to the technology required for the Battery Energy Storage System (BESS).~~
- (vii) ~~The Site Layout Plan (Appendix M) must be amended to illustrate the position of all proposed infrastructure and linear activities, which includes but not limited to the following:~~
- ~~➤ Solar fields;~~
  - ~~➤ Auxiliary buildings;~~
  - ~~➤ Onsite substation;~~
  - ~~➤ Inverter stations;~~
  - ~~➤ Internal roads;~~
  - ~~➤ Battery energy storage systems;~~
  - ~~➤ Operation and maintenance buildings;~~
  - ~~➤ Laydown areas; and,~~
  - ~~➤ Internal power distribution lines.~~
- (viii) ~~The BAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was included in the screening tool report.~~
- (ix) ~~The Generic EMPr for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure has not been included as part of the draft BAR submitted to the department for review and comment. Please take note that if the applicant plans on developing distribution powerlines of more than 33kV, the Generic Environmental Management Programme (EMPr) for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure must be included in the final BAR.~~
- (x) ~~The Generic EMPr for the Substation (7.3 Sub-section 3: Declaration) has not been signed and the reasons provided are as follows:~~
- ~~• This declaration will be signed by the proponent/applicant/holder of the EA once the contractor is appointed and has provided inputs to this Generic EMPr as per the requirements of this template. Kindly refer to Page 2 -3 of the Generic EMPr: 5. Structure of the Document which specifies the information that must be submitted together with the final BAR. As such, please ensure that sub-section 3: Declaration, for the Development and Expansion of Substation Infrastructure for the Transmission~~

and Distribution of Electricity Generic EMPr is signed before submission of the final BAR for review and decision making. Failure to submit all the required information that forms part of the generic EMPr will be regarded as non-compliance. We request that you adequately complete all applicable sections in the generic EMPr.

### **(b) 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. Only activities applicable to the development must be applied for and assessed.
- (ii) Please ensure that all relevant listed activities and sub-activities are correctly numbered as per the relevant listing notices.
- (iii) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- (iv) The listed activities represented in the final BAR and the application form must be the same and correct.
- (v) 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.gov.za/documents/forms>.
- (vi) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (vii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

### **(c) Layout & Sensitivity Maps**

- (i) The final BAR 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) A copy of the final layout map must be submitted with the final BAR. All available biodiversity information, specialist studies and comments from Interested and Affected Parties must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible, e.g. roads. The layout map must indicate the following:
  - a) The envisioned area for the facilities, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
  - b) All supporting onsite infrastructure required such as laydown areas, roads etc.
  - c) All necessary details regarding all possible locations and sizes of the infrastructure.
  - d) All existing infrastructure on the site, especially internal road infrastructure.
- (iii) Please provide an environmental sensitivity map which indicates the following:
  - a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
  - 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 and existing infrastructure.
- (v) Google maps will not be accepted.

#### **(d) Alternatives**

- ~~(i) Please note that you are required to provide a full description of the process followed to reach the proposed preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the EIA Regulations 2014, as amended, including the following content:
  - ~~a) details of all the alternatives considered;~~
  - ~~b) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;~~
  - ~~c) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;~~
  - ~~d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;~~
  - ~~e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts—
    - ~~(aa) can be reversed;~~
    - ~~(bb) may cause irreplaceable loss of resources; and~~
    - ~~(cc) can be avoided, managed or mitigated;~~~~
  - ~~f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;~~
  - ~~g) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;~~
  - ~~h) the possible mitigation measures that could be applied and level of residual risk;~~
  - ~~i) the outcome of the site selection matrix;~~
  - ~~j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and~~
  - ~~k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.~~~~
- ~~(ii) Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.~~

#### **(e) Specialist Declaration of Interest**

- ~~(i) The Avifauna Specialist Assessment (Appendix E) attached with the draft BAR fails to include a signed declaration of interest by the specialist and the specialists Curriculum Vitae (CV) as required by Appendix 6(1)(a)(ii) and 1(b) of the EIA Regulations 2014, as amended.~~
- ~~(ii) Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on the Department's website (please use the Department's template).~~

#### **(f) Specialist Assessments**

- ~~(i) The DFFE screening tool identifies the site as being "low" sensitivity for the Aquatic Biodiversity Theme and therefore an Aquatic Biodiversity Compliance Statement should be included in the final BAR, unless the site sensitivity verification differs from this designation, if so proof of deviation must be provided. Similarly, where the information gathered from the site sensitivity verification differs from the screening tool designation of "low" aquatic biodiversity sensitivity, and it is found to be of a "very high" sensitivity, an Aquatic Biodiversity Specialist Assessment must be submitted.~~

- (ii) ~~The Biodiversity Impact Assessment (Appendix D) identifies drainage lines traversing the site and recommends a 50m buffer be applied to the drainage lines as they are regarded as Ecological Support Areas. Based on the above from a hydrological perspective the site is considered as sensitive, and an Aquatic Biodiversity Specialist Assessment must be submitted as required by the Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols").~~
- (iii) ~~The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:~~
- ~~a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.~~
  - ~~b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.~~
  - ~~c) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.~~
  - ~~d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.~~
  - ~~e) **All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**~~
  - ~~f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.~~
- (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.~~
- (v) ~~It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols") and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.**~~
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.
- (vii) The draft BAR does not include all specialist studies as identified by the DFFE Environmental Sensitivities Screening Tool.
- (viii) The following activities applied for may trigger Section 19 and Section 21 of the National Water Act No. 36 of 1998: GN R. 544 Activities 12 (ii)(a)(c), 19(i) ; and GN R. 546 Activity 14(ii)(a)(c)(i) (i) (ff). The EAP is advised to conduct a surface hydrological study as part of the EIAr. The terms of reference for the study must include, inter alia the following:
- a. Identification and sensitivity rating of all surface water courses for the impact phase of the proposed development;
  - b. Identification, assessment of all potential impacts to the water courses and suggestion of mitigation measures; and,
  - c. Recommendations on the preferred placement PV panels and associated infrastructure.
  - d. Clearly indicate GPS locations of all water crossings that will be affected by the development.

### **(g) Cumulative Assessment**

- A cumulative impact assessment for all identified and assessed impacts must be conducted and must 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.

#### **(h) Undertaking of an Oath**

- (i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP.
- (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:  
*"an undertaking under oath or affirmation by the EAP in relation to:*
  - a) *the correctness of the information provided in the reports;*
  - b) *the inclusion of comments and inputs from stakeholders and I&APs;*
  - c) *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
  - d) *any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties"*.

#### **(i) Details and Expertise of the EAP**

- (i) You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

#### **(j) Public Participation Process**

- (i) Comments must be obtained from this Department's Biodiversity Conservation Directorate at [BCAdmin@dffe.gov.za](mailto:BCAdmin@dffe.gov.za).
- (ii) Comments must be obtained from the South African Heritage Resource Agency (SAHRA) and the Western Cape Department of Environmental Affairs and Development Planning.
- (iii) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.
- (iv) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department's Biodiversity Section), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR.
- (v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR and must be incorporated into a Comments and Response Report (CRR).
- (vi) 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. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.
- (vii) The CRR 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.

- ~~(viii) 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.~~
- ~~(ix) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.~~

### **(k) Environmental Impact Statement**

- ~~• You are reminded that an environmental impact statement must be included in the final BAR, therefore you are kindly requested to include an environmental impact statement which contains –~~
  - ~~a) a summary of the key findings of the environmental impact assessment;~~
  - ~~b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and~~
  - ~~c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.~~

### **(l) Environmental Management Programme**

- ~~• It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in Regulations 19(4) must be used and submitted with the final report over and above the EMPr for the facility.~~
- ~~• You are required to comply with the content of the EMPr in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.~~
- ~~• Please be informed that the following content must be incorporated within the EMPr/s as indicated in Appendix 4 of the EIA Regulations 2014, as amended:~~
  - ~~a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.~~
  - ~~b) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.~~
  - ~~c) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including –~~
    - ~~(aa) Planning and design;~~
    - ~~(bb) Pre-construction activities;~~
    - ~~(cc) Construction activities;~~
    - ~~(dd) Rehabilitation of the environment after construction and where applicable post closure; and~~
    - ~~(ee) Where relevant, operation activities.~~
  - ~~d) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to –~~
  - ~~e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;~~
  - ~~f) Comply with any prescribed environmental management standards or practices;~~
  - ~~g) Comply with any applicable provisions of the Act regarding closure, where applicable; and~~

- h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
- i) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- j) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- k) An indication of the persons who will be responsible for the implementation of the impact management actions.
- l) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.
- m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

**(m) General**

- i. The final BAR must include a list providing a clear description of the infrastructure associated with the development.
- ii. The EAP must provide details of the specific locations in the EIAR. All associated infrastructure must be clearly indicated in the final BAR and its associated layout plans.
- iii. When submitting the EIAR and future documents kindly name each of the documents and attachments according to the information it contains e.g., instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.
- iv. The EAP must provide an outline of where in the final BAR each of this Department's comments are addressed. This must be a separate document and must be submitted as an appendix to the final BAR.
- v. 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 Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“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 – (a) a basic assessment report, inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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”.*

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 required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised documents will be subjected to another public participation process of at least 30 days.”*

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.

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



**Ms Milicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Forestry, Fisheries and the Environment**

**Signed by: Mr Muhammad Essop**

**Designation: Acting Deputy Director: Priority Infrastructure Projects**

**Date: 01 July 2022**

cc:	Sibongile Mdluli	Montana 2 Solar Energy facility (Pty) Ltd.	E-mail: permits@ziyandaenergy.co.za
	Gerhard Gerber	WC DEA&DP	E-mail: Gerhard.Gerber@westerncape.gov.za
	Goodwill Zwelithini Nyathi	Beaufort West Local Municipality	E-mail: goodwilln@beaufortwestmun.co.za

### Annexure 1

Format for Comments and Response Report:

<b>Date of comment, format of comment name of organisation/I&amp;AP,</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/03/2021 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (Joe 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





# forestry, fisheries & the environment

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

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

**DFFE Reference:** 14/12/16/3/3/1/2562

**Enquiries:** Herman Alberts

**Telephone:** (012) 399 9371 **E-mail:** HALberts@dfpe.gov.za

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

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

## **PER EMAIL**

Dear Ms Thomas

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE 230MW MONTANA 3 SOLAR ENERGY FACILITY, WESTERN CAPE PROVINCE**

The draft Basic Assessment Report (BAR) dated June 2022 and received by this Department on 07 June 2022, refers.

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

#### **(a) Specific Comments**

- (i) The following discrepancies has been noted in the Application Form:
- The applicant applies for Activity 14 of Listing Notice 1 and stipulates that the combined storage and handling capacity of dangerous goods will exceed 80 cubic meters, however, goes on to apply for Activity 10 (i)(ii) of Listing Notice 3, which excludes the combined storage and handling capacity of dangerous goods that exceed 80 cubic meters. If the applicant plans on storing and handling dangerous goods where such storage occurs in containers with a combined capacity exceeding 80 cubic metres, then Activity 10 (i)(ii) of Listing Notice 3 is not applicable. Accurate information pertaining to the cubic metres planned to be stored and handled in containers must be provided and included in the final BAR, as well as in an amended application form.
  - The Application Form should be amended to reflect all applicable activities that apply to the development. The applicant must ensure the activities are quoted correctly and accurately in the Application Form as they appear in the Listing Notices 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014, (GNR. 326) published under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended).
  - It is unclear as to why two documents titled as the Application Form are submitted, one in a word document format depicting track changes and the other in a pdf format. A single document titled as the Application Form should be submitted using the DFFE Template (the Application Form for Environmental Authorisation) which can be accessed via the website <https://www.dffe.gov.za/documents/forms>.

- (ii) The applicant stipulates that the proposed Montana 3 Energy Facility will partake in the bidding rounds for the RIPPMP or for a Private off-taker. It should be noted that if the proposed Montana 3 Energy Facility is planned for a private off-take then the Competent Authority would be the Provincial Department (Western Cape Department of Environmental Affairs and Development Planning). The National Department (Department of Forestry, Fisheries and the Environment) is the Competent Authority for IRP activities that will partake in the bidding rounds for the RIPPMP. Clarity should be provided in the final BAR on what the generated electricity is planned for.
- (iii) The co-ordinates in the BAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the solar fields, substations and the battery energy storage system must be included in the final BAR, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.
- (iv) The proposed development includes the following grid connection infrastructure:
- A 132kV facility substation;
  - An internal distribution line of up to 33kV.
- Coordinates of the route for the internal distribution line of up to 33kV should be included in the final BAR.
- (v) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.
- (vi) Please provide a detailed description as well as any associated assessments related to the technology required for the Battery Energy Storage System (BESS).
- (vii) The Site Layout Plan (Appendix M) must be amended to illustrate the position of all proposed infrastructure and linear activities, which includes but not limited to the following:
- Solar fields;
  - Auxiliary buildings;
  - Onsite substation;
  - Inverter stations;
  - Internal roads;
  - Battery energy storage systems;
  - Operation and maintenance buildings;
  - Laydown areas; and,
  - Internal power distribution lines.
- (viii) The BAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was included in the screening tool report.
- (ix) The Generic EMPr for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure has not been included as part of the draft BAR submitted to the department for review and comment. Please take note that if the applicant plans on developing distribution powerlines of more than 33kV, the Generic Environmental Management Programme (EMPr) for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure must be included in the final BAR.
- (x) The Generic EMPr for the Substation (7.3 Sub-section 3: Declaration) has not been signed and the reasons provided are as follows:
- This declaration will be signed by the proponent/applicant/holder of the EA once the contractor is appointed and has provided inputs to this Generic EMPr as per the requirements of this template. Kindly refer to Page 2 -3 of the Generic EMPr: 5. Structure of the Document which specifies the information that must be submitted together with the final BAR. As such, please ensure that sub-section 3: Declaration, for the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity Generic EMPr is signed before submission of the final BAR for review and decision making. Failure to submit all the required information that forms part of the generic EMPr will

be regarded as non-compliance. We request that you adequately complete all applicable sections in the generic EMPr.

**(b) 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. Only activities applicable to the development must be applied for and assessed.
- (ii) Please ensure that all relevant listed activities and sub-activities are correctly numbered as per the relevant listing notices.
- (iii) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- (iv) The listed activities represented in the final BAR and the application form must be the same and correct.
- (v) 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.gov.za/documents/forms>.
- (vi) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (vii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

**(c) Layout & Sensitivity Maps**

- (i) The final BAR 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) A copy of the final layout map must be submitted with the final BAR. All available biodiversity information, specialist studies and comments from Interested and Affected Parties must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible, e.g. roads. The layout map must indicate the following:
  - a) The envisioned area for the facilities, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
  - b) All supporting onsite infrastructure required such as laydown areas, roads etc.
  - c) All necessary details regarding all possible locations and sizes of the infrastructure.
  - d) All existing infrastructure on the site, especially internal road infrastructure.
- (iii) Please provide an environmental sensitivity map which indicates the following:
  - a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
  - 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 and existing infrastructure.
- (v) Google maps will not be accepted.

#### **(d) Alternatives**

- (i) Please note that you are required to provide a full description of the process followed to reach the proposed preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the EIA Regulations 2014, as amended, including the following content:
  - a) details of all the alternatives considered;
  - b) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;
  - c) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
  - d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts—
    - (aa) can be reversed;
    - (bb) may cause irreplaceable loss of resources; and
    - (cc) can be avoided, managed or mitigated;
  - f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
  - g) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
  - h) the possible mitigation measures that could be applied and level of residual risk;
  - i) the outcome of the site selection matrix;
  - j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
  - k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.
- (ii) Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.

#### **(e) Specialist Declaration of Interest**

- (i) The Avifauna Specialist Assessment (Appendix E) attached with the draft BAR fails to include a signed declaration of interest by the specialist and the specialists Curriculum Vitae (CV) as required by Appendix 6(1)(a)(ii) and 1(b) of the EIA Regulations 2014, as amended.
- (ii) Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on the Department's website (please use the Department's template).

#### **(f) Specialist Assessments**

- (i) The DFFE screening tool identifies the site as being "low" sensitivity for the Aquatic Biodiversity Theme and therefore an Aquatic Biodiversity Compliance Statement should be included in the final BAR, unless the site sensitivity verification differs from this designation, if so proof of deviation must be provided. Similarly, where the information gathered from the site sensitivity verification differs from the screening tool designation of "low" aquatic biodiversity sensitivity, and it is found to be of a "very high" sensitivity, an Aquatic Biodiversity Specialist Assessment must be submitted.
- (ii) The Biodiversity Impact Assessment (Appendix D) identifies drainage lines traversing the site and recommends a 50m buffer be applied to the drainage lines as they are regarded as Ecological Support

- Areas. Based on the above from a hydrological perspective the site is considered as sensitive, and an Aquatic Biodiversity Specialist Assessment must be submitted as required by the Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols").
- (iii) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
- A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
  - Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
  - Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
  - Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
  - All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
  - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (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 expert advice.
- (v) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols") and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.**
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.
- (vii) The draft BAR does not include all specialist studies as identified by the DFFE Environmental Sensitivities Screening Tool.
- (viii) The following activities applied for may trigger Section 19 and Section 21 of the National Water Act No. 36 of 1998: GN R. 544 Activities 12 (ii)(a)(c), 19(i); and GN R. 546 Activity 14(ii)(a)(c)(i)(i) (ff). The EAP is advised to conduct a surface hydrological study as part of the EIAr. The terms of reference for the study must include, inter alia the following:
- Identification and sensitivity rating of all surface water courses for the impact phase of the proposed development;
  - Identification, assessment of all potential impacts to the water courses and suggestion of mitigation measures; and,
  - Recommendations on the preferred placement PV panels and associated infrastructure.
  - Clearly indicate GPS locations of all water crossings that will be affected by the development.

### **(g) Cumulative Assessment**

- (i) A cumulative impact assessment for all identified and assessed impacts must be conducted and must indicate the following:
- Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of **cumulatively transformed land**.
  - Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in

the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.

- 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.

#### **(h) Undertaking of an Oath**

- (i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP.
- (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:  
*“an undertaking under oath or affirmation by the EAP in relation to:*
  - a) *the correctness of the information provided in the reports;*
  - b) *the inclusion of comments and inputs from stakeholders and I&APs;*
  - c) *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
  - d) *any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties”.*

#### **(i) Details and Expertise of the EAP**

- (i) You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

#### **(j) Public Participation Process**

- (i) Comments must be obtained from this Department’s Biodiversity Conservation Directorate at BCAdmin@dffe.gov.za.
- (ii) Comments must be obtained from the South African Heritage Resource Agency (SAHRA) and the Western Cape Department of Environmental Affairs and Development Planning.
- (iii) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.
- (iv) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department’s Biodiversity Section), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR .
- (v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR and must be incorporated into a Comments and Response Report (CRR).
- (vi) 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. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.
- (vii) The CRR 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.
- (viii) 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.

- (ix) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.

**(k) Environmental Impact Statement**

- (i) You are reminded that an environmental impact statement must be included in the final BAR, therefore you are kindly requested to include an environmental impact statement which contains –
- a) a summary of the key findings of the environmental impact assessment;
  - b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and
  - c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

**(l) Environmental Management Programme**

- (i) It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in Regulations 19(4) must be used and submitted with the final report over and above the EMPr for the facility.
- (ii) You are required to comply with the content of the EMPr in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.
- (iii) Please be informed that the following content must be incorporated within the EMPr/s as indicated in Appendix 4 of the EIA Regulations 2014, as amended:
- a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.
  - b) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.
  - c) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including –
    - (aa) Planning and design;
    - (bb) Pre-construction activities;
    - (cc) Construction activities;
    - (dd) Rehabilitation of the environment after construction and where applicable post closure; and
    - (ee) Where relevant, operation activities.
  - d) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to –
  - e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
  - f) Comply with any prescribed environmental management standards or practices;
  - g) Comply with any applicable provisions of the Act regarding closure, where applicable; and
  - h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
  - i) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.

- j) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- k) An indication of the persons who will be responsible for the implementation of the impact management actions.
- l) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.
- m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
- n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

**(m) General**

- (i) The final BAR must include a list providing a clear description of the infrastructure associated with the development.
- (ii) The EAP must provide details of the specific locations in the EIAR. All associated infrastructure must be clearly indicated in the final BAR and its associated layout plans.
- (iii) When submitting the EIAR and future documents kindly name each of the documents and attachments according to the information it contains e.g., instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.
- (iv) The EAP must provide an outline of where in the final BAR each of this Department's comments are addressed. This must be a separate document and must be submitted as an appendix to the final BAR.
- (v) 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 Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“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 – (a) a basic assessment report, inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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”.*

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 required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“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 documents contemplated in subregulation 1(a) 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 documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised documents will be subjected to another public participation process of at least 30 days.”*

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.



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



**Ms Milicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Forestry, Fisheries and the Environment**

**Signed by: Mr Muhammad Essop**

**Designation: Acting Deputy Director: Priority Infrastructure Projects**

**Date: 01 July 2022**

cc:	Sibongile Mdluli	Montana 3 Solar Energy facility (Pty) Ltd.	E-mail: permits@ziyandaenergy.co.za
	Gerhard Gerber	WC DEA&DP	E-mail: Gerhard.Gerber@westerncape.gov.za
	Goodwill Zwelithini Nyathi	Beaufort West Local Municipality	E-mail: goodwilln@beaufortwestmun.co.za

### Annexure 1

Format for Comments and Response Report:

<b>Date of comment, format of comment name of organisation/I&amp;AP,</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/03/2021 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (Joe 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



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**References:**

18/2/3/2022-2023 (Development Facilitation)

16/3/3/6/4/1/1/C3/14/0097/22 (Development Management)

19/2/5/3/C3/14/WL0074/22 (Waste Management)

19/3/2/4/C3/1/DDF021/22 (Pollution and Chemicals Management)

19/4/4/1/BC4 – Poortjie Wes Solar Energy Facilities, Central Karoo District Municipality (Air Quality Management)

**Attention:** Ms Nondumiso Bulunga

Savannah Environmental (Pty) Ltd

P.O. Box 148

SUNNINGHILL

2157

[publicprocess@savannahsa.com](mailto:publicprocess@savannahsa.com)

Dear Madam

**COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED 220MW BRAKPAN 1 SOLAR PHOTOVOLTAIC ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON THE FARM POORTJIE NO. 76, NELSPOORT, BEAUFORT WEST MUNICIPALITY**

1. The email notification of 03 June 2022 containing a Background Information Document and notifying potential interested and affected parties ("I&APs") of the availability of the Draft Basic Assessment Report ("BAR") for comments, the Department's acknowledgement of receipt and response to the EAP sent via email on 06 June 2022, the EAP's responses to the Department's comments received via email on 08 June 2022, the email notification to I&APs on 08 June 2022 regarding the extension of the commenting period on the Draft BAR to 07 July 2022, the email correspondence of 15 June 2022 inviting the Department to participate in a Focus Group Meeting ("FGM") to present key environmental impacts and mitigation measures of the Draft BAR, and the FGM held on 29 June 2022, refer.
2. Thank you for the opportunity to provide comments on the Draft BAR. The Department further acknowledges the thorough manner how public consultation has been managed to date, including the provision of the virtual FGM.

3. Please find consolidated comment from various directorates within the Department on the Draft BAR dated June 2022 that was available for download from the EAP's website.
4. Directorate: Development Facilitation – Ms Adri La Meyer (Email: [Adri.LaMeyer@westerncape.gov.za](mailto:Adri.LaMeyer@westerncape.gov.za); Tel: (021) 483 2887):
  - 4.1. Please ensure that there is consistency throughout the Draft BAR in the description of the project site for the proposed Brakpan 1 solar photovoltaic ("PV") energy facility. The Executive Summary of the Draft BAR references the project site as the Farm Poortjie No. 76 in the Kamdeboo Municipality and Portion 2 of the Farm Belvedere No. 73 in Beaufort West Municipality. Pages 29 and 239 also include reference to Kamdeboo Municipality whilst page 40 refers to the Farm Belvedere No. 73. It is understood that the project site for the proposed development is only the Farm Poortjie No. 76 in Beaufort West Municipality.
  - 4.2. The preferred layout for the proposed Brakpan 1 solar PV energy facility and associated infrastructure must be checked for accuracy. It appears that the preferred location for the proposed 500MW battery energy storage system ("BESS") is in the north-western corner of the development footprint; however, figures 2.7, 2.8, 7.5, and 7.6 indicate the location of the BESS in the north-eastern corner. Inconsistencies in the location of the BESS and on-site substation are also found in Appendix M, containing various layout maps for the proposed development.
  - 4.3. It is noted that the Heritage Impact Assessment ("HIA") compiled by CTS Heritage dated April 2022 depicts the layout of the BESS and substation compound in the north-eastern corner of the development footprint. Would the location of the associated infrastructure in the HIA affect the impact significance in terms of heritage, paleontological and archaeological resources?
  - 4.4. Please further ensure that the legends in the various layout plans/maps correspond with the symbols on the maps. For instance, the various maps depict the BESS and a rectangle adjacent to it, without any description of the rectangle in the legend of the map. It is assumed to be the on-site substation building, as page 59 of the Draft BAR states that the "*BESS will be constructed as part onsite substation*" (sic).
  - 4.5. Please ensure that all the mitigation measures and recommendations of the various specialists are included in the Draft Environmental Management Programme ("EMPr") for the Brakpan 1 solar PV energy facility. For instance, the mitigation measures that "*Cattle grids should be modified to not allow for any chicks that fall in to escape*" and "*Prior to commencing work each day, two individuals should traverse the working area in order to disturb any fauna so that they have a chance to vacate*" do not appear to have been included in the EMPr.
  - 4.6. Table 5.1 of the Draft BAR lists both Activity 14 of Listing Notice 1 and Activity 10 of Listing Notice 3 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended) as being applied for. Please be advised that only one of the activities is applicable to the proposed development. Activity 10 of Listing Notice 3 would only be applicable if more than 30m<sup>3</sup>, but less than 80m<sup>3</sup> of dangerous goods will be handled and stored. Activity 14 of Listing Notice 1 will be triggered if more than 80m<sup>3</sup> of dangerous goods will

be handled and stored within the development site. Please indicate the estimated volume (< or > 80m<sup>3</sup>) of dangerous goods to be handled and stored and amend the Application Form to apply for only the applicable listed activity pertaining to the handling and storage of dangerous goods. (In this regard, please also refer to paragraph 5.5. below.)

- 4.7. Please include CapeNature as a stakeholder in Table 5.2 of the BAR.
- 4.8. Please correct the acronym for the Department of Forestry, Fisheries and the Environment ("DFFE") on page xx of the Draft BAR.
- 4.9. Please correct the acronym for the Department of Environmental Affairs and Development Planning ("DEA&DP") in the Draft EMPr for the Brakpan 1 solar PV energy facility.
5. Directorate: Development Management (Region 3) – Ms Dorien Werth (Email: [Dorien.Werth@westerncape.gov.za](mailto:Dorien.Werth@westerncape.gov.za); Tel.: (044) 814 2005):
  - 5.1. It is noted that potential alternatives were considered, but the alternatives were not comparatively assessed. Please be advised that all reasonable and feasible alternatives must be comparatively assessed and reported on in the Final BAR that will be submitted to the competent authority for decision-making. Per regulation 3(1)(g) of Appendix 1 of the NEMA EIA Regulations, 2014 (as amended), a BAR must contain a motivation for the preferred site, activity and technology alternatives. Furthermore, regulation 3(1)(h) of Appendix 1 requires that a BAR must contain a full description of the process followed to reach the proposed preferred alternative within the site, including details of all the alternatives considered. It is not clear from the Draft BAR what process has been followed to eliminate the unsuitable alternatives.
  - 5.2. It is noted that the biodiversity impact management actions for the proposed Brakpan 1 solar PV energy facility identified in the Biodiversity Impact Assessment compiled by The Biodiversity Company dated May 2022 have not been included in the Brakpan 1 solar PV energy facility Draft EMPr. The biodiversity impact management actions indicated in Table 5-3 of the Biodiversity Impact Assessment must be included in the Draft EMPr.
  - 5.3. It is noted that several non-perennial drainage features are present within the development area and within proximity of the project site. In addition, it is also noted that groundwater may be abstracted from existing on-site boreholes during both the construction and operational phases. These water uses are likely to require a water use licence or a general authorisation with the Department of Water Affairs and Sanitation("DWS"). It is recommended that the water use authorisation process(es) run concurrently with this EIA process.
  - 5.4. It is noted that water will be required for the construction and operation phases of the Brakpan 1 solar PV energy facility, which may be obtained from municipal supply. Confirmation of water availability from the local municipality should be obtained. In addition, please investigate other water supply alternatives such as a rainwater harvesting system, which should be reported on in the Final BAR.

- 5.5. According to the Draft BAR, the proposal requires the construction and operation of facilities and infrastructure for the storage and handling of dangerous goods associated with the on-site substation where such storage will occur inside containers with a combined capacity exceeding 80m<sup>3</sup>, but not exceeding 500m<sup>3</sup>. Please clarify the exact storage capacity and location of the storage facilities in the Final BAR.
- 5.6. Please further take note of the following aspects that should also be considered in the environmental cost estimates for rehabilitation:
- 5.6.1. Where re-vegetation work will be done on the disturbed areas, only locally indigenous vegetation must be used that occurs naturally in the immediate area and no "alien plant" species is to be introduced into the area.
  - 5.6.2. Roles and responsibilities of parties that will be responsible for the implementation of the proposed rehabilitation measures should be clearly articulated in the EMPr.
  - 5.6.3. Specific and detailed storm water management measures that will be implemented to mitigate potential erosion of loose soil.
  - 5.6.4. Remediation and management of latent or residual environmental impacts, which may become known in the future.
  - 5.6.5. Final rehabilitation, decommissioning and closure at the end of the life of the facility.
6. Directorate: Pollution and Chemicals Management – Ms Shehaam Brinkhuis (Email: [Shehaam.Brinkhuis@westerncape.gov.za](mailto:Shehaam.Brinkhuis@westerncape.gov.za); Tel.: (021) 483 8309):
- 6.1. The implementation of 50m buffers along the identified drainage systems present within the project site is strongly supported.
  - 6.2. Reference is made to the establishment of a panel maintenance and cleaning area. The utilisation of cleaning chemicals on solar panels poses a risk of contamination and pollution to water resources. It is noted that the Draft BAR include the proposal to use non-hazardous biodegradable cleaning products, with wastewater allowed to run off into the surrounding area below the panels. Care should be taken to ensure only these non-hazardous biodegradable products are used, and that excessive wastewater is not generated that will result in localised erosion.
  - 6.3. The Draft BAR refers to approximately 5000m<sup>3</sup> of water being required for the cleaning of panels, as well as any additional water needs on-site, which is to be sourced from either the municipality or existing boreholes. In the event boreholes are to be used, it is requested that proof of sufficient existing water rights is provided from the mandated water authority, the DWS, for the anticipated water requirements for all four (or six) of the solar PV energy facilities for use at the separate facilities. If the water is to be sourced from the municipality, it is recommended that the local municipality provide confirmation of water supply to the proposed facilities.
  - 6.4. It is supported that the storm water management plan (Appendix G of the Brakpan 1 solar PV energy facility EMPr) is updated and refined once the construction and civil engineering plans are finalised. Once this has been finalised, it is recommended that the EMPr is updated to demonstrate that the recommended mitigation measures have been considered and stormwater management accounted for on-site.

- 6.5. It is essential that the storm water management plan is adhered to, in conjunction with the recommendations of the erosion management plan.
- 6.6. The EMPr refers to "*Soil stockpiles must be dampened with a dust suppressant or an equivalent*" during both the construction and operational phases, with the reduction and control of dust using approved dust suppression techniques mentioned throughout the EMPr. Please note that the use of potable water for dust suppression purposes is not supported and should be avoided. Where non-potable or treated water is to be used, this should be of a suitable quality so as not to cause any severe/repeated pollution to soil or water resources.
- 6.7. During the construction phase, reference is made to the collection of sewage by a contractor and disposed of at a licensed wastewater treatment works ("WWTW"). Conservancy tanks are proposed to be installed, with the intention that the municipality will provide this service "*when required during the operational phase*". Written confirmation must be obtained from the local municipality indicating that sufficient treatment capacity exists at the relevant WWTW to treat the anticipated wastewater volume from the proposed development.
- 6.8. The placement of conservancy tanks below the 1: 100-year flood line must be avoided, to prevent potential pollution incidents during flood events.
- 6.9. The following recommendations are provided with respect to the BESS, to prevent and manage potential contamination of water resources, including groundwater, emanating from the site during the construction, operational and decommissioning phases:
- 6.9.1. Compilation and adherence to a procedure for the safe handling of battery cells.
  - 6.9.2. Lithium-ion batteries must have battery management systems (containment, automatic alarms and shut-off systems) to monitor and protect cells from overcharging or damaging conditions.
  - 6.9.3. Compilation of an emergency response plan for implementation in the event of a spill or leakage.
  - 6.9.4. Provision of spill kits on site for clean-up of spills and leaks.
  - 6.9.5. Immediate clean-up of spills and disposal of contaminated absorbents and materials or soil at a licensed hazardous waste disposal facility.
  - 6.9.6. Recording and reporting of all electrolyte spills or leaks so that appropriate clean-up measures can be implemented. A copy of these records must be made available to authorities on request throughout the project lifecycle.
  - 6.9.7. Frequent and appropriate disposal of both general and hazardous waste to a licensed waste disposal facility to prevent pollution of soil and groundwater.
  - 6.9.8. On-site battery maintenance should only be undertaken on impermeable surfaces with secondary containment measures. Any resulting hazardous substances must be disposed of appropriately.
  - 6.9.9. Provision of suitable emergency and safety signage on-site, and demarcation of any areas which may pose a safety risk (including hazardous substances). Emergency numbers for the local police, fire department, Eskom and the Beaufort West Municipality must be placed in a prominent, clearly visible area on-site.

- 6.10. In the event of a significant spill or leak of hazardous substances (petrol, diesel, etc.) during the proposed construction and operational phase, such an incident(s) must be reported to the relevant authorities, including the Directorate: Pollution and Chemicals Management, in accordance with section 30 of the NEMA, 1998 pertaining to the control of incidents. Please amend the Draft EMPr for the Brakpan 1 solar PV energy facility to include this provision specifically in addition to informing DFFE, as stated in the EMPr.
7. Directorate: Waste Management – Mr Thorsten Aab (Email: [Thorsten.Aab@westerncape.gov.za](mailto:Thorsten.Aab@westerncape.gov.za); Tel.: (021) 483 3009):
- 7.1. There is a definite and urgent need for renewable clean energy in South Africa. By carefully excluding high risk or sensitive areas, the impacts posed by a solar PV energy facility in a Renewable Energy Development Zone are substantially less than a fossil fuel power generating facility with the same electricity output and all its associated risks and impacts to the environment. Selective siting has avoided any protected area.
- 7.2. Despite the Brakpan 1 solar PV energy facility posing a medium risk to localised avifauna habitual loss, this impact is almost completely reversible once the solar PV energy facility is decommissioned and removed again, if this removal includes any concrete foundations and underground cables.
- 7.3. Please note that the description of the location of the Brakpan 1 solar PV energy facility on pages ii, iv and 239 (15km north-west of Nelspoort and 60km south-west of Beaufort West) is wrong and must please be corrected throughout the BAR.
- 7.4. Please note that the Kamdeboo Municipality is situated in the Eastern Cape Province and not the Western Cape, in which the Farm Poortjie No. 76 is situated.
- 7.5. Please specify whether all six (or four) proposed solar PV energy facilities of the Poortjie or Poortjie Wes (the BAR should use either or) Cluster will connect to the 132kV Belvedere (as stated on page iv) or the 132kV Brakpan (as stated on page 29) collector switching station? The BAR should also make it clear where this collector switching station will connect to the national grid e.g., possibly at the Droërivier main transmission station.
- 7.6. Please clarify what the abbreviation LILO means.
- 7.7. This Directorate is satisfied with the waste management proposals in the Draft BAR. The Brakpan 1 solar PV energy facility Draft EMPr will have to be more specific in determining the waste collection frequency and handling procedures once a detailed design phase commences.
- 7.8. The refuelling, maintenance and repairs of vehicles and plant will also need to be considered and recommendations made to ensure that these activities pose a minimal risk to the environment. The burial or burning of waste will not be permitted without prior authorisation from the relevant authority (DFFE, this Department, or the DWS). The burning of waste, including vegetation, is subject to approval in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) ("NEM: AQA") and is not encouraged by this Directorate.

- 7.9. The Final BAR must provide reasons why the proposed new powerline from the collector substation to the relevant Eskom substation will be overhead and not sub-surfaced.
8. Directorate: Air Quality Management - Mr Sibusiso Sinuka (Email: [Sibusiso.Sinuka@westerncape.gov.za](mailto:Sibusiso.Sinuka@westerncape.gov.za); Tel.: (021) 483 3463):
- 8.1. It is noticed in the Draft BAR that dust may be created from cleared, bare and excavated areas, as well as from large vehicles and equipment traversing and operating on-site during the construction phase. As such, this Directorate recommends that:
- 8.1.1. Measures to monitor and prevent fugitive dust emissions be implemented strictly as per the Brakpan 1 solar PV energy facility Draft EMPr and the Generic Substation EMPr; and
- 8.1.2. Construction activities be limited on days where there are extreme high winds.
- 8.2. Dust generated during the various stages of the proposed development must comply with the National Dust Control Regulations (GN No. R. 827 of 1 November 2013) promulgated in terms of the NEM: AQA, 2004. These regulations prohibit a person from conducting any activity in such a way as to give rise to dust in such quantities and concentrations that the dust, or dust fallout, has a detrimental effect on the environment, including human health.
- 8.3. Operational activities on-site in the form of large vehicles and machinery being used may cause significant noise on site during construction and operational phases; these activities may become a noise nuisance and/or disturbance to the surrounding communities. This Directorate recommends that during the construction phase, measures be put in place to minimise any nuisance and/or disturbing noise emissions. Furthermore, measures stipulated in the EMPr's should be implemented strictly during all phases of the proposed development.
- 8.4. Noise generated on-site from all the proposed activities must comply with the Western Cape Noise Control Regulations gazetted in Provincial Notice 200/2013.
- 8.5. Potential air quality impacts may be in the form of dust pollution, exhaust fumes from vehicles and machinery, and other equipment used on-site. All potential air pollutants on-site need to be monitored and if causing significant emissions, must be mitigated strictly as per the recommendations stipulated in the EMPr's.
- 8.6. Please note that the abovementioned recommendations do not pre-empt the outcome of the application. No information provided, views expressed and/or comments made by this Directorate should in any way be regarded as an indication or confirmation that additional information or documents will not be requested.
9. The applicant is reminded of its "*general duty of care towards the environment*" as prescribed in section 28 of the NEMA, 1998 which states that "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"



Please direct all enquiries to the commenting officials should you require any clarity on any of the comments provided.

The Department reserves the right to revise initial comments and request further information based on any or new information received.

Yours sincerely

**Thea Jordan** Digitally signed by Thea Jordan  
Date: 2022.07.07 15:16:26 +02'00'

*pp* **HEAD OF DEPARTMENT**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Letter signed by:

**Thea Jordan**

Director: Development Facilitation

**Date: 7 July 2022**



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**References:**

18/2/3/2022-2023 (Development Facilitation)

16/3/3/6/4/1/1/C3/14/0098/22 (Development Management)

19/3/2/4/C3/1/DDF022/22 (Pollution and Chemicals Management)

19/2/5/3/C3/2/WL0075/22 (Waste Management)

19/4/4/1/BC4 – Poortjie Wes Solar Energy Facilities, Central Karoo District Municipality (Air Quality Management)

**Attention:** Ms Nondumiso Bulunga

Savannah Environmental (Pty) Ltd

P.O. Box 148

SUNNINGHILL

2157

[publicprocess@savannahsa.com](mailto:publicprocess@savannahsa.com)

Dear Madam

**COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED 210MW MONTANA 1 SOLAR PHOTOVOLTAIC ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON PORTION 4 OF THE FARM MONTANA NO. 123, NELSPOORT, BEAUFORT WEST MUNICIPALITY**

1. The email notification of 03 June 2022 containing a Background Information Document and notifying potential interested and affected parties ("I&APs") of the availability of the Draft Basic Assessment Report ("BAR") for comments, the Department's acknowledgement of receipt and response to the environmental assessment practitioner ("EAP") sent via email on 06 June 2022, the EAP's responses to the Department's comments received via email on 08 June 2022, the email notification to I&APs on 08 June 2022 regarding the extension of the commenting period on the Draft BAR to 07 July 2022, the email correspondence of 15 June 2022 inviting the Department to participate in a Focus Group Meeting ("FGM") to present key environmental impacts and mitigation measures of the Draft BAR, and the FGM held on 29 June 2022, refer.
2. Thank you for the opportunity to provide comments on the Draft BAR. The Department further acknowledges the thorough manner how public consultation has been managed to date, including the provision of the virtual FGM.

3. The Department expresses its appreciation to the EAP for graciously allowing a one-day time extension to submit comments on the Draft BAR. Please find consolidated comment from various directorates within the Department on the Draft BAR dated June 2022 that was available for download from the EAP's website.
4. Directorate: Development Facilitation – Ms Adri La Meyer (Email: [Adri.LaMeyer@westerncape.gov.za](mailto:Adri.LaMeyer@westerncape.gov.za); Tel: (021) 483 2887):
  - 4.1. Please confirm the installed capacity of the proposed Montana 1 solar photovoltaic ("PV") energy facility as there are inconsistencies in the Draft BAR that must be corrected. It is understood that the facility is to *"be developed with a maximum installed capacity of 210 MW and will have a generating capacity of 180 MW"*. Section 4.1, page 85 of the Draft BAR however refers to *"By generating up to 220MW of affordable and clean energy"*, page 98 states that *"Montana 1 Solar PV facility will have a contracted capacity of 220MWac"* and pages 221 and 241 refer to 140MW.
  - 4.2. Please note that Figure 1 of the Executive Summary contains the environmental sensitivity and layout map of Brakpan 1 solar PV energy facility.
  - 4.3. Please ensure that the legends in the various layout plans/maps correspond with the symbols on the maps. For instance, the various maps depict the proposed 500MW battery energy storage system ("BESS") and a rectangle adjacent to it, without any description of the rectangle in the legend of the map. It is assumed to be the on-site substation building, as page 59 of the Draft BAR states that the *"BESS will be constructed as part onsite substation"* (sic).
  - 4.4. Please ensure that all the mitigation measures and recommendations of the various specialists are included in the Draft Environmental Management Programme ("EMPr") for the Montana 1 solar PV energy facility. For instance, the mitigation measures that *"Cattle grids should be modified to not allow for any chicks that fall in to escape"* and *"Prior to commencing work each day, two individuals should traverse the working area in order to disturb any fauna so that they have a chance to vacate"* do not appear to have been included in the EMPr.
  - 4.5. Table 5.1 of the Draft BAR lists both Activity 14 of Listing Notice 1 and Activity 10 of Listing Notice 3 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended) as being applied for. Please be advised that only one of the activities is applicable to the proposed development. Activity 10 of Listing Notice 3 would only be applicable if more than 30m<sup>3</sup>, but less than 80m<sup>3</sup> of dangerous goods will be handled and stored. Activity 14 of Listing Notice 1 will be triggered if more than 80m<sup>3</sup> of dangerous goods will be handled and stored within the development site. Please indicate the estimated volume (< or > 80m<sup>3</sup>) of dangerous goods to be handled and stored and amend the Application Form to apply for only the applicable listed activity pertaining to the handling and storage of dangerous goods. (In this regard, please also refer to paragraph 5.6. below.)
  - 4.6. Please include CapeNature as a key stakeholder in Table 5.2 of the BAR.

- 4.7. Please correct the acronym for the Department of Forestry, Fisheries and the Environment ("DFFE") on page xx of the Draft BAR.
- 4.8. Please correct the acronym for the Department of Environmental Affairs and Development Planning ("DEA&DP") in the Draft EMPr for the Montana 1 solar PV energy facility.
5. Directorate: Development Management (Region 3) – Ms Dorien Werth (Email: [Dorien.Werth@westerncape.gov.za](mailto:Dorien.Werth@westerncape.gov.za); Tel.: (044) 814 2005):
- 5.1. It is noted that potential alternatives were considered, but the alternatives were not comparatively assessed. Please be advised that all reasonable and feasible alternatives must be comparatively assessed and reported on in the Final BAR that will be submitted to the competent authority for decision-making. Per regulation 3(1)(g) of Appendix 1 of the NEMA EIA Regulations, 2014 (as amended), a BAR must contain a motivation for the preferred site, activity and technology alternatives. Furthermore, regulation 3(1)(h) of Appendix 1 requires that a BAR must contain a full description of the process followed to reach the proposed preferred alternative within the site, including details of all the alternatives considered. It is not clear from the Draft BAR what process has been followed to eliminate the unsuitable alternatives.
- 5.2. It is noted that the biodiversity impact management actions for the proposed Montana 1 solar PV energy facility identified in the Biodiversity Impact Assessment compiled by The Biodiversity Company dated May 2022 have not been included in the Montana 1 solar PV energy facility Draft EMPr. The biodiversity impact management actions indicated in Table 5-3 of the Biodiversity Impact Assessment must be included in the Draft EMPr.
- 5.3. The Visual Impact Assessment prepared by LOGIS dated April 2022 recommended that the assessed layout be supported from a visual perspective, subject to the implementation of the suggested best practice mitigation measures provided. These mitigation measures must be included in the Draft EMPr for the Montana 1 solar PV energy facility.
- 5.4. It is noted that several non-perennial drainage features are present within the development area and within proximity of the project site. In addition, it is also noted that groundwater may be abstracted from existing on-site boreholes during both the construction and operational phases. These water uses are likely to require a water use licence or a general authorisation with the Department of Water Affairs and Sanitation ("DWS"). It is recommended that the water use authorisation process(es) run concurrently with this EIA process.
- 5.5. It is noted that water will be required for the construction and operation phases of the Montana 1 solar PV energy facility, which may be obtained from municipal supply. Confirmation of water availability from the local municipality should be obtained. In addition, please investigate other water supply alternatives such as a rainwater harvesting system, which should be reported on in the Final BAR.
- 5.6. According to the Draft BAR, the proposal requires the construction and operation of facilities and infrastructure for the storage and handling of dangerous goods associated with the on-site substation where such storage will occur inside containers with a combined capacity exceeding 80m<sup>3</sup>, but not

exceeding 500m<sup>3</sup>. Please clarify the exact storage capacity and location of the storage facilities in the Final BAR.

- 5.7. Please further take note of the following aspects that should also be considered in the environmental cost estimates for rehabilitation:
  - 5.7.1. Where re-vegetation work will be done on the disturbed areas, only locally indigenous vegetation must be used that occurs naturally in the immediate area and no "alien plant" species is to be introduced into the area.
  - 5.7.2. Roles and responsibilities of parties that will be responsible for the implementation of the proposed rehabilitation measures should be clearly articulated in the EMPr.
  - 5.7.3. Specific and detailed storm water management measures that will be implemented to mitigate potential erosion of loose soil.
  - 5.7.4. Remediation and management of latent or residual environmental impacts, which may become known in the future.
  - 5.7.5. Final rehabilitation, decommissioning and closure at the end of the life of the facility.
6. Directorate: Pollution and Chemicals Management – Ms Shehaam Brinkhuis (Email: [Shehaam.Brinkhuis@westerncape.gov.za](mailto:Shehaam.Brinkhuis@westerncape.gov.za); Tel.: (021) 483 8309):
  - 6.1. The implementation of 50m buffers along the identified drainage systems present within the project site is strongly supported.
  - 6.2. Reference is made to the establishment of a panel maintenance and cleaning area. The utilisation of cleaning chemicals on solar panels poses a risk of contamination and pollution to water resources. It is noted that the Draft BAR include the proposal to use non-hazardous biodegradable cleaning products, with wastewater allowed to run off into the surrounding area below the panels. Care should be taken to ensure that only these non-hazardous biodegradable products are used, and that excessive wastewater is not generated that will result in localised erosion.
  - 6.3. The Draft BAR refers to approximately 5000m<sup>3</sup> of water being required for the cleaning of panels, as well as any additional water needs on-site, which is to be sourced from either the municipality or existing boreholes. In the event boreholes are to be used, it is requested that proof of sufficient existing water rights is provided from the mandated water authority, the DWS, for the anticipated water requirements for all four (or six) of the solar PV energy facilities for use at the separate facilities. If the water is to be sourced from the municipality, it is recommended that the local municipality provide confirmation of water supply to the proposed facilities.
  - 6.4. It is supported that the storm water management plan (Appendix G of the Montana 1 solar PV energy facility EMPr) is updated and refined once the construction and civil engineering plans are finalised. Once this has been finalised, it is recommended that the EMPr is updated to demonstrate that the recommended mitigation measures have been considered and stormwater management accounted for on-site.
  - 6.5. It is essential that the storm water management plan is adhered to, in conjunction with the recommendations of the erosion management plan.

- 6.6. The Montana 1 solar PV energy facility EMPr refers to "Soil stockpiles must be dampened with a dust suppressant or an equivalent" during both the construction and operational phases, with the reduction and control of dust using approved dust suppression techniques mentioned throughout the EMPr. Please note that the use of potable water for dust suppression purposes is not supported and should be avoided. Where non-potable or treated water is to be used, this should be of a suitable quality so as not to cause any severe/repeated pollution to soil or water resources.
- 6.7. During the construction phase, reference is made to the collection of sewage by a contractor and disposed of at a licensed wastewater treatment works ("WWTW"). Conservancy tanks are proposed to be installed, with the intention that the municipality will provide this service "when required during the operational phase". Written confirmation must be obtained from the local municipality indicating that sufficient treatment capacity exists at the relevant WWTW to treat the anticipated wastewater volume from the proposed development.
- 6.8. The placement of conservancy tanks below the 1: 100-year flood line must be avoided, to prevent potential pollution incidents during flood events.
- 6.9. The following recommendations are provided with respect to the BESS, to prevent and manage potential contamination of water resources, including groundwater, emanating from the site during the construction, operational and decommissioning phases:
- 6.9.1. Compilation and adherence to a procedure for the safe handling of battery cells.
  - 6.9.2. Lithium-ion batteries must have battery management systems (containment, automatic alarms and shut-off systems) to monitor and protect cells from overcharging or damaging conditions.
  - 6.9.3. Compilation of an emergency response plan for implementation in the event of a spill or leakage.
  - 6.9.4. Provision of spill kits on site for clean-up of spills and leaks.
  - 6.9.5. Immediate clean-up of spills and disposal of contaminated absorbents and materials or soil at a licensed hazardous waste disposal facility.
  - 6.9.6. Recording and reporting of all electrolyte spills or leaks so that appropriate clean-up measures can be implemented. A copy of these records must be made available to authorities on request throughout the project lifecycle.
  - 6.9.7. Frequent and appropriate disposal of both general and hazardous waste to a licensed waste disposal facility to prevent pollution of soil and groundwater.
  - 6.9.8. On-site battery maintenance should only be undertaken on impermeable surfaces with secondary containment measures. Any resulting hazardous substances must be disposed of appropriately.
  - 6.9.9. Provision of suitable emergency and safety signage on-site, and demarcation of any areas which may pose a safety risk (including hazardous substances). Emergency numbers for the local police, fire department, Eskom and the Beaufort West Municipality must be placed in a prominent, clearly visible area on-site.
- 6.10. In the event of a significant spill or leak of hazardous substances (petrol, diesel, etc.) during the proposed construction and operational phase, such an incident(s) must be reported to the relevant authorities, including the Directorate: Pollution and Chemicals Management, in accordance with section 30 of the NEMA, 1998 pertaining to the control of incidents. Please amend the Draft EMPr for

the Montana 1 solar PV energy facility to include this provision specifically in addition to informing the DFFE, as stated in the EMPr.

7. Directorate: Waste Management – Mr Gary Arendse (Email: [Gary.Arendse@westerncape.gov.za](mailto:Gary.Arendse@westerncape.gov.za); Tel.: (021) 483 6307):
  - 7.1. This Directorate is satisfied that waste management aspects have been sufficiently addressed in the Draft BAR and EMPr's. This Directorate has no further comments on the application.
8. Directorate: Air Quality Management - Mr Sibusiso Sinuka (Email: [Sibusiso.Sinuka@westerncape.gov.za](mailto:Sibusiso.Sinuka@westerncape.gov.za); Tel.: (021) 483 3463):
  - 8.1. It is noticed in the Draft BAR that dust may be created from cleared, bare and excavated areas, as well as from large vehicles and equipment traversing and operating on-site during the construction phase. As such, this Directorate recommends that:
    - 8.1.1. Measures to monitor and prevent fugitive dust emissions be implemented strictly as per the Montana 1 solar PV energy facility Draft EMPr and the Generic Substation EMPr; and
    - 8.1.2. Construction activities be limited on days where there are extreme high winds.
  - 8.2. Dust generated during the various stages of the proposed development must comply with the National Dust Control Regulations (Government Notice No. R. 827 of 1 November 2013) promulgated in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004). These regulations prohibit a person from conducting any activity in such a way as to give rise to dust in such quantities and concentrations that the dust, or dust fallout, has a detrimental effect on the environment, including human health.
  - 8.3. Operational activities on-site in the form of large vehicles and machinery being used may cause significant noise on site during construction and operational phases; these activities may become a noise nuisance and/or disturbance to the surrounding communities. This Directorate recommends that during the construction phase, measures be put in place to minimise any nuisance and/or disturbing noise emissions. Furthermore, measures stipulated in the EMPr's should be implemented strictly during all phases of the proposed development.
  - 8.4. Noise generated on-site from all the proposed activities must comply with the Western Cape Noise Control Regulations gazetted in Provincial Notice 200/2013.
  - 8.5. Potential air quality impacts may be in the form of dust pollution, exhaust fumes from vehicles and machinery, and other equipment used on-site. All potential air pollutants on-site need to be monitored and if causing significant emissions, must be mitigated strictly as per the recommendations stipulated in the EMPr's.
  - 8.6. Please note that the abovementioned recommendations do not pre-empt the outcome of the application. No information provided, views expressed and/or comments made by this Directorate should in any way be regarded as an indication or confirmation that additional information or documents will not be requested.

9. The applicant is reminded of its "general duty of care towards the environment" as prescribed in section 28 of the NEMA, 1998 which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

Please direct all enquiries to the commenting officials should you require any clarity on any of the comments provided.

The Department reserves the right to revise initial comments and request further information based on any or new information received.

Yours sincerely

**Thea Jordan**  
Digitally signed by Thea Jordan  
Date: 2022.07.08 13:54:43 +02'00'

**pp HEAD OF DEPARTMENT  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Letter signed by:

**Thea Jordan**

Director: Development Facilitation

**Date: 8 July 2022**





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**References:**

18/2/3/2022-2023 (Development Facilitation)

16/3/3/6/4/1/1/C3/14/0099/22 (Development Management)

19/3/2/4/C3/1/DDF023/22 (Pollution and Chemicals Management)

19/2/5/3/C3/14/WL0076/22 (Waste Management)

19/4/4/1/BC4 – Poortjie Wes Solar Energy Facilities, Central Karoo District Municipality (Air Quality Management)

**Attention:** Ms Nondumiso Bulunga

Savannah Environmental (Pty) Ltd

P.O. Box 148

SUNNINGHILL

2157

[publicprocess@savannahsa.com](mailto:publicprocess@savannahsa.com)

Dear Madam

**COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED 160MW MONTANA 2 SOLAR PHOTOVOLTAIC ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF PORTION 3 OF THE FARM MONTANA NO. 123, NELSPOORT, BEAUFORT WEST MUNICIPALITY**

1. The email notification of 03 June 2022 containing a Background Information Document and notifying potential interested and affected parties ("I&APs") of the availability of the Draft Basic Assessment Report ("BAR") for comments, the Department's acknowledgement of receipt and response to the environmental assessment practitioner ("EAP") sent via email on 06 June 2022, the EAP's responses to the Department's comments received via email on 08 June 2022, the email notification to I&APs on 08 June 2022 regarding the extension of the commenting period on the Draft BAR to 07 July 2022, the email correspondence of 15 June 2022 inviting the Department to participate in a Focus Group Meeting ("FGM") to present key environmental impacts and mitigation measures of the Draft BAR, and the FGM held on 29 June 2022, refer.
2. Thank you for the opportunity to provide comments on the Draft BAR. The Department further acknowledges the thorough manner how public consultation has been managed to date, including the provision of the virtual FGM.

3. The Department expresses its appreciation to the EAP for graciously allowing a one-day time extension to submit comments on the Draft BAR. Please find consolidated comment from various directorates within the Department on the Draft BAR dated June 2022 that was available for download from the EAP's website.
4. Directorate: Development Facilitation – Ms Adri La Meyer (Email: [Adri.LaMeyer@westerncape.gov.za](mailto:Adri.LaMeyer@westerncape.gov.za); Tel: (021) 483 2887):
  - 4.1. Please confirm the installed capacity of the proposed Montana 2 solar photovoltaic ("PV") energy facility as there are inconsistencies in the Draft BAR that must be corrected. It is understood that the solar PV energy facility is to *"be developed with a maximum installed capacity of 160 MW and will have a generating capacity of 140 MW"*; however, section 4.1, page 85 of the Draft BAR refers to *"By generating up to 220MW of affordable and clean energy"* and page 214 refers to *"The findings of the SIA indicate that the development of the proposed 180 MW Montana II PV SEF"*.
  - 4.2. Please note that Figure 2 of the Executive Summary contains the final layout map of the Brakpan 1 solar PV energy facility that must be corrected.
  - 4.3. The preferred layout for the proposed Montana 2 solar PV energy facility and associated infrastructure must be checked for accuracy. Figures 2.7 and 2.8 depict the preferred location for the proposed 500MW battery energy storage system ("BESS") in the north-eastern corner of the development footprint, whereas Figure 1 of the Executive Summary and the second figure in Appendix M indicate the location of the BESS in the middle of the eastern boundary.
  - 4.4. Please further ensure that the legends in the various layout plans/maps correspond with the symbols on the maps. For instance, the various maps depict the proposed 500MW BESS and a rectangle adjacent to it, without any description of the rectangle in the legend of the map. It is assumed to be the on-site substation building, as page 60 of the Draft BAR states that the *"BESS will be constructed as part onsite substation"* (sic).
  - 4.5. Please ensure that all the mitigation measures and recommendations of the various specialists are included in the Draft Environmental Management Programme ("EMPr") for the Montana 2 solar PV energy facility. For instance, the mitigation measures that *"Cattle grids should be modified to not allow for any chicks that fall in to escape"* and *"Prior to commencing work each day, two individuals should traverse the working area in order to disturb any fauna so that they have a chance to vacate"* do not appear to have been included in the EMPr.
  - 4.6. Table 5.1 of the Draft BAR lists both Activity 14 of Listing Notice 1 and Activity 10 of Listing Notice 3 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended) as being applied for. Please be advised that only one of the activities is applicable to the proposed development. Activity 10 of Listing Notice 3 would only be applicable if more than 30m<sup>3</sup>, but less than 80m<sup>3</sup> of dangerous goods will be handled and stored. Activity 14 of Listing Notice 1 will be triggered if more than 80m<sup>3</sup> of dangerous goods will be handled and stored within the development site. Please indicate the estimated volume (< or > 80m<sup>3</sup>) of dangerous goods to be handled and stored and amend the Application Form to apply for

only the applicable listed activity pertaining to the handling and storage of dangerous goods. (In this regard, please also refer to paragraph 5.7. below.)

- 4.7. Please include CapeNature as a key stakeholder in Table 5.2 of the BAR.
- 4.8. Please correct the acronym for the Department of Forestry, Fisheries and the Environment ("DFFE") on page xx of the Draft BAR.
- 4.9. Please correct the acronym for the Department of Environmental Affairs and Development Planning ("DEA&DP") in the Draft EMPr for the Montana 2 solar PV energy facility.
5. Directorate: Development Management (Region 3) – Ms Dorien Werth (Email: [Dorien.Werth@westerncape.gov.za](mailto:Dorien.Werth@westerncape.gov.za); Tel.: (044) 814 2005):
  - 5.1. It is noted that potential alternatives were considered, but the alternatives were not comparatively assessed. Please be advised that all reasonable and feasible alternatives must be comparatively assessed and reported on in the Final BAR that will be submitted to the competent authority for decision-making. Per regulation 3(1)(g) of Appendix 1 of the NEMA EIA Regulations, 2014 (as amended), a BAR must contain a motivation for the preferred site, activity and technology alternatives. Furthermore, regulation 3(1)(h) of Appendix 1 requires that a BAR must contain a full description of the process followed to reach the proposed preferred alternative within the site, including details of all the alternatives considered. It is not clear from the Draft BAR what process has been followed to eliminate the unsuitable alternatives.
  - 5.2. It is noted that the biodiversity impact management actions for the proposed Montana 2 solar PV energy facility identified in the Biodiversity Impact Assessment compiled by The Biodiversity Company dated May 2022 have not been included in the Montana 2 solar PV energy facility Draft EMPr. The biodiversity impact management actions indicated in Table 5-3 of the Biodiversity Impact Assessment must be included in the Draft EMPr.
  - 5.3. The Visual Impact Assessment prepared by LOGIS dated April 2022 recommended that the assessed layout be supported from a visual perspective, subject to the implementation of the suggested best practice mitigation measures provided. These mitigation measures must be included in the Draft EMPr for the Montana 2 solar PV energy facility.
  - 5.4. The Heritage Impact Assessment compiled by CTS Heritage dated April 2022 recommended a 100m no-go development buffer areas around sites POORTJIE027 and POORTJIE028. The no-go development buffer area is supported and must be incorporated into the final design layout to be submitted with the Final BAR.
  - 5.5. It is noted that several non-perennial drainage features are present within the development area and within proximity of the project site. In addition, it is also noted that groundwater may be abstracted from existing on-site boreholes during both the construction and operational phases. These water uses are likely to require a water use licence or a general authorisation with the Department of Water Affairs

and Sanitation ("DWS"). It is recommended that the water use authorisation process(es) run concurrently with this EIA process.

- 5.6. It is noted that water will be required for the construction and operation phases of the Montana 2 solar PV energy facility, which may be obtained from municipal supply. Confirmation of water availability from the local municipality should be obtained. In addition, please investigate other water supply alternatives such as a rainwater harvesting system, which should be reported on in the Final BAR.
- 5.7. According to the Draft BAR, the proposal requires the construction and operation of facilities and infrastructure for the storage and handling of dangerous goods associated with the on-site substation where such storage will occur inside containers with a combined capacity exceeding 80m<sup>3</sup>, but not exceeding 500m<sup>3</sup>. Please clarify the exact storage capacity and location of the storage facilities in the Final BAR.
- 5.8. Please further take note of the following aspects that should also be considered in the environmental cost estimates for rehabilitation:
  - 5.8.1. Where re-vegetation work will be done on the disturbed areas, only locally indigenous vegetation must be used that occurs naturally in the immediate area and no "alien plant" species is to be introduced into the area.
  - 5.8.2. Roles and responsibilities of parties that will be responsible for the implementation of the proposed rehabilitation measures should be clearly articulated in the EMPr.
  - 5.8.3. Specific and detailed storm water management measures that will be implemented to mitigate potential erosion of loose soil.
  - 5.8.4. Remediation and management of latent or residual environmental impacts, which may become known in the future.
  - 5.8.5. Final rehabilitation, decommissioning and closure at the end of the life of the facility.
6. Directorate: Pollution and Chemicals Management – Ms Shehaam Brinkhuis (Email: [Shehaam.Brinkhuis@westerncape.gov.za](mailto:Shehaam.Brinkhuis@westerncape.gov.za); Tel.: (021) 483 8309):
  - 6.1. The implementation of 50m buffers along the identified drainage systems present within the project site is strongly supported.
  - 6.2. Reference is made to the establishment of a panel maintenance and cleaning area. The utilisation of cleaning chemicals on solar panels poses a risk of contamination and pollution to water resources. It is noted that the Draft BAR include the proposal to use non-hazardous biodegradable cleaning products, with wastewater allowed to run off into the surrounding area below the panels. Care should be taken to ensure that only these non-hazardous biodegradable products are used, and that excessive wastewater is not generated that will result in localised erosion.
  - 6.3. The Draft BAR refers to approximately 5000m<sup>3</sup> of water being required for the cleaning of panels, as well as any additional water needs on-site, which is to be sourced from either the municipality or existing boreholes. In the event boreholes are to be used, it is requested that proof of sufficient existing water rights is provided from the mandated water authority, the DWS, for the anticipated water requirements for all four (or six) of the solar PV energy facilities for use at the separate facilities. If the

water is to be sourced from the municipality, it is recommended that the local municipality provide confirmation of water supply to the proposed facilities.

- 6.4. It is supported that the storm water management plan (Appendix G of the Montana 2 solar PV energy facility EMPr) is updated and refined once the construction and civil engineering plans are finalised. Once this has been finalised, it is recommended that the EMPr is updated to demonstrate that the recommended mitigation measures have been considered and stormwater management accounted for on-site.
- 6.5. It is essential that the storm water management plan is adhered to, in conjunction with the recommendations of the erosion management plan.
- 6.6. The Montana 2 solar PV energy facility EMPr refers to "*Soil stockpiles must be dampened with a dust suppressant or an equivalent*" during both the construction and operational phases, with the reduction and control of dust using approved dust suppression techniques mentioned throughout the EMPr. Please note that the use of potable water for dust suppression purposes is not supported and should be avoided. Where non-potable or treated water is to be used, this should be of a suitable quality so as not to cause any severe/repeated pollution to soil or water resources.
- 6.7. During the construction phase, reference is made to the collection of sewage by a contractor and disposed of at a licensed wastewater treatment works ("WWTW"). Conservancy tanks are proposed to be installed, with the intention that the municipality will provide this service "*when required during the operational phase*". Written confirmation must be obtained from the local municipality indicating that sufficient treatment capacity exists at the relevant WWTW to treat the anticipated wastewater volume from the proposed development.
- 6.8. The placement of conservancy tanks below the 1: 100-year flood line must be avoided, to prevent potential pollution incidents during flood events.
- 6.9. The following recommendations are provided with respect to the BESS, to prevent and manage potential contamination of water resources, including groundwater, emanating from the site during the construction, operational and decommissioning phases:
  - 6.9.1. Compilation and adherence to a procedure for the safe handling of battery cells.
  - 6.9.2. Lithium-ion batteries must have battery management systems (containment, automatic alarms and shut-off systems) to monitor and protect cells from overcharging or damaging conditions.
  - 6.9.3. Compilation of an emergency response plan for implementation in the event of a spill or leakage.
  - 6.9.4. Provision of spill kits on site for clean-up of spills and leaks.
  - 6.9.5. Immediate clean-up of spills and disposal of contaminated absorbents and materials or soil at a licensed hazardous waste disposal facility.
  - 6.9.6. Recording and reporting of all electrolyte spills or leaks so that appropriate clean-up measures can be implemented. A copy of these records must be made available to authorities on request throughout the project lifecycle.
  - 6.9.7. Frequent and appropriate disposal of both general and hazardous waste to a licensed waste disposal facility to prevent pollution of soil and groundwater.

- 6.9.8. On-site battery maintenance should only be undertaken on impermeable surfaces with secondary containment measures. Any resulting hazardous substances must be disposed of appropriately.
- 6.9.9. Provision of suitable emergency and safety signage on-site, and demarcation of any areas which may pose a safety risk (including hazardous substances). Emergency numbers for the local police, fire department, Eskom and the Beaufort West Municipality must be placed in a prominent, clearly visible area on-site.
- 6.10. In the event of a significant spill or leak of hazardous substances (petrol, diesel, etc.) during the proposed construction and operational phase, such an incident(s) must be reported to the relevant authorities, including the Directorate: Pollution and Chemicals Management, in accordance with section 30 of the NEMA, 1998 pertaining to the control of incidents. Please amend the Draft EMPr for the Montana 2 solar PV energy facility to include this provision specifically in addition to informing DFFE, as stated in the EMPr.
7. Directorate: Waste Management – Mr Waleed Galvaan (Email: [Waleed.Galvaan@westerncape.gov.za](mailto:Waleed.Galvaan@westerncape.gov.za); Tel.: (021) 483 8788):
- 7.1. This Directorate is generally supportive of this development because it will be established in the Renewable Energy Development Zone and will aid the shortage of electrical energy supply in the Republic of South Africa. The project will also stimulate the economy by creating jobs and increase the demands for goods and services in the area.
- 7.2. Although some information was included in the Waste Management Plan (Appendix H of the Draft solar PV energy facility EMPr), it should discuss more about the relevant waste management norms and standards, so that the applicant is generally aware of the limits for innovative waste management. This is also important for the storage of battery waste.
- 7.3. Generally, waste management aspects were adequately addressed in the Draft BAR and EMPr, and no comments are thus necessary. It should be noted that construction, assembling and maintenance of the solar PV energy facility and associated infrastructure may lead to spills of soaps, grease, lubricants and oils, etc. The Draft BAR and EMPr addressed the management of such waste, but the applicant must be mindful of the fact that the management of waste must, under all circumstance, be done in accordance with section 16 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008): the "*general duty in respect of waste management*". Furthermore, section 16(1)(d) states that "*A holder of waste must, within the holder's power, take all reasonable measures to manage waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.*"
- 7.4. Any vegetation that is removed during the construction activities may be chipped for reuse or be taken to a waste management facility that will process the waste prior to further reuse or disposal. The waste management hierarchy must be implemented as far as possible, and disposal of waste must be considered as a last resort. Any resulting waste that cannot be reused or recycled, must be disposed of at a duly authorised waste management facility. The applicant must also be aware of the requirements for the storage of waste as per the National Norms and Standards for the Storage of

Waste, published in Government Notice ("GN") No. 926 on 29 November 2013. This may require registration with this Department and/or adherence to the conditions of operation if the thresholds for storage of waste will be exceeded.

8. Directorate: Air Quality Management - Mr Sibusiso Sinuka (Email: [Sibusiso.Sinuka@westerncape.gov.za](mailto:Sibusiso.Sinuka@westerncape.gov.za); Tel.: (021) 483 3463):
  - 8.1. It is noticed in the Draft BAR that dust may be created from cleared, bare and excavated areas, as well as from large vehicles and equipment traversing and operating on-site during the construction phase. As such, this Directorate recommends that:
    - 8.1.1. Measures to monitor and prevent fugitive dust emissions be implemented strictly as per the Montana 2 solar PV energy facility Draft EMPr and the Generic Substation EMPr; and
    - 8.1.2. Construction activities be limited on days where there are extreme high winds.
  - 8.2. Dust generated during the various stages of the proposed development must comply with the National Dust Control Regulations (GN No. R. 827 of 1 November 2013) promulgated in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004). These regulations prohibit a person from conducting any activity in such a way as to give rise to dust in such quantities and concentrations that the dust, or dust fallout, has a detrimental effect on the environment, including human health.
  - 8.3. Operational activities on-site in the form of large vehicles and machinery being used may cause significant noise on site during construction and operational phases; these activities may become a noise nuisance and/or disturbance to the surrounding communities. This Directorate recommends that during the construction phase, measures be put in place to minimise any nuisance and/or disturbing noise emissions. Furthermore, measures stipulated in the EMPr's should be implemented strictly during all phases of the proposed development.
  - 8.4. Noise generated on-site from all the proposed activities must comply with the Western Cape Noise Control Regulations gazetted in Provincial Notice 200/2013.
  - 8.5. Potential air quality impacts may be in the form of dust pollution, exhaust fumes from vehicles and machinery, and other equipment used on-site. All potential air pollutants on-site need to be monitored and if causing significant emissions, must be mitigated strictly as per the recommendations stipulated in the EMPr's.
  - 8.6. Please note that the abovementioned recommendations do not pre-empt the outcome of the application. No information provided, views expressed and/or comments made by this Directorate should in any way be regarded as an indication or confirmation that additional information or documents will not be requested.
9. The applicant is reminded of its "*general duty of care towards the environment*" as prescribed in section 28 of the NEMA, 1998 which states that "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the*

*environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

Please direct all enquiries to the commenting officials should you require any clarity on any of the comments provided.

The Department reserves the right to revise initial comments and request further information based on any or new information received.

Yours sincerely

**Thea Jordan** Digitally signed by Thea Jordan  
Date: 2022.07.08 13:55:30 +02'00'

pp **HEAD OF DEPARTMENT**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Letter signed by:

**Thea Jordan**

Director: Development Facilitation

**Date: 8 July 2022**





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**References:**

18/2/3/2022-2023 (Development Facilitation)

16/3/3/6/4/1/1/C3/14/0100/22 (Development Management)

19/3/2/4/C3/1/DDF024/22 (Pollution and Chemicals Management)

19/2/5/3/C3/14/WL0077/22 (Waste Management)

19/4/4/1/BC4 – Poortjie Wes Solar Energy Facilities, Central Karoo District Municipality (Air Quality Management)

**Attention:** Ms Nondumiso Bulunga

Savannah Environmental (Pty) Ltd

P.O. Box 148

SUNNINGHILL

2157

[publicprocess@savannahsa.com](mailto:publicprocess@savannahsa.com)

Dear Madam

**COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED 230MW MONTANA 3 SOLAR PHOTOVOLTAIC ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF THE FARM BELVEDERE NO. 73, NELSPOORT, BEAUFORT WEST MUNICIPALITY**

1. The email notification of 03 June 2022 containing a Background Information Document and notifying potential interested and affected parties ("I&APs") of the availability of the Draft Basic Assessment Report ("BAR") for comments, the Department's acknowledgement of receipt and response to the environmental assessment practitioner ("EAP") sent via email on 06 June 2022, the EAP's responses to the Department's comments received via email on 08 June 2022, the email notification to I&APs on 08 June 2022 regarding the extension of the commenting period on the Draft BAR to 07 July 2022, the email correspondence of 15 June 2022 inviting the Department to participate in a Focus Group Meeting ("FGM") to present key environmental impacts and mitigation measures of the Draft BAR, and the FGM held on 29 June 2022, refer.
2. Thank you for the opportunity to provide comments on the Draft BAR. The Department further acknowledges the thorough manner how public consultation has been managed to date, including the provision of the virtual FGM.

3. The Department expresses its appreciation to the EAP for graciously allowing a one-day time extension to submit comments on the Draft BAR. Please find consolidated comment from various directorates within the Department on the Draft BAR dated June 2022 that was available for download from the EAP's website.
4. Directorate: Development Facilitation – Ms Adri La Meyer (Email: [Adri.LaMeyer@westerncape.gov.za](mailto:Adri.LaMeyer@westerncape.gov.za); Tel: (021) 483 2887):
  - 4.1. Please confirm the installed capacity of the proposed Montana 3 solar photovoltaic ("PV") energy facility as there are inconsistencies in the Draft BAR, which must be corrected. It is understood that the solar PV energy facility is to *"be developed with a maximum installed capacity of 230 MW and will have a generating capacity of 200 MW"*; however, section 4.1, page 86 of the Draft BAR refers to *"By generating up to 220MW of affordable and clean energy"* and page 99 refers to an installed capacity of 220MWac.
  - 4.2. The preferred layout for the proposed Montana 3 solar PV energy facility and associated infrastructure must be checked for accuracy. Figures 2.7 and 2.8 depict the preferred location for the proposed 500MW battery energy storage system ("BESS") in the north-western corner of the development footprint, whereas Figure 2 and 3 of the Executive Summary and the second and fourth figure in Appendix M indicate the location of the BESS in the middle of the northern boundary.
  - 4.3. Please further ensure that the legends in the various layout plans/maps correspond with the symbols on the maps. For instance, the various maps depict the proposed 500MW BESS and a rectangle adjacent to it, without any description of the rectangle in the legend of the map. It is assumed to be the on-site substation building, as page 61 of the Draft BAR states that the *"BESS will be constructed as part onsite substation"* (sic).
  - 4.4. Please ensure that all the mitigation measures and recommendations of the various specialists are included in the Draft Environmental Management Programme ("EMPr") for the Montana 3 solar PV energy facility. For instance, the mitigation measures that *"Cattle grids should be modified to not allow for any chicks that fall in to escape"* and *"Prior to commencing work each day, two individuals should traverse the working area in order to disturb any fauna so that they have a chance to vacate"* do not appear to have been included in the EMPr.
  - 4.5. Table 5.1 of the Draft BAR lists both Activity 14 of Listing Notice 1 and Activity 10 of Listing Notice 3 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended) as being applied for. Please be advised that only one of the activities is applicable to the proposed development. Activity 10 of Listing Notice 3 would only be applicable if more than 30m<sup>3</sup>, but less than 80m<sup>3</sup> of dangerous goods will be handled and stored. Activity 14 of Listing Notice 1 will be triggered if more than 80m<sup>3</sup> of dangerous goods will be handled and stored within the development site. Please indicate the estimated volume (< or > 80m<sup>3</sup>) of dangerous goods to be handled and stored and amend the Application Form to apply for only the applicable listed activity pertaining to the handling and storage of dangerous goods. (In this regard, please also refer to paragraph 5.7. below.)

- 4.6. Please include CapeNature as a key stakeholder in Table 5.2 of the BAR.
- 4.7. Please correct the acronym for the Department of Forestry, Fisheries and the Environment ("DFFE") on page xx of the Draft BAR.
- 4.8. Please correct the acronym for the Department of Environmental Affairs and Development Planning ("DEA&DP") in the Draft EMPr for the Montana 3 solar PV energy facility.
5. Directorate: Development Management (Region 3) – Ms Dorien Werth (Email: [Dorien.Werth@westerncape.gov.za](mailto:Dorien.Werth@westerncape.gov.za); Tel.: (044) 814 2005):
  - 5.1. It is noted that potential alternatives were considered, but the alternatives were not comparatively assessed. Please be advised that all reasonable and feasible alternatives must be comparatively assessed and reported on in the Final BAR that will be submitted to the competent authority for decision-making. Per regulation 3(1)(g) of Appendix 1 of the NEMA EIA Regulations, 2014 (as amended), a BAR must contain a motivation for the preferred site, activity and technology alternatives. Furthermore, regulation 3(1)(h) of Appendix 1 requires that a BAR must contain a full description of the process followed to reach the proposed preferred alternative within the site, including details of all the alternatives considered. It is not clear from the Draft BAR what process has been followed to eliminate the unsuitable alternatives.
  - 5.2. It is noted that the biodiversity impact management actions for the proposed Montana 3 solar PV energy facility identified in the Biodiversity Impact Assessment compiled by The Biodiversity Company dated May 2022 have not been included in the Montana 3 solar PV energy facility Draft EMPr. The biodiversity impact management actions indicated in Table 5-3 of the Biodiversity Impact Assessment must be included in the Draft EMPr.
  - 5.3. The Visual Impact Assessment prepared by LOGIS dated April 2022 recommended that the assessed layout be supported from a visual perspective, subject to the implementation of the suggested best practice mitigation measures provided. These mitigation measures must be included in the Draft EMPr for the Montana 3 solar PV energy facility.
  - 5.4. The Heritage Impact Assessment compiled by CTS Heritage dated April 2022 recommended that no solar PV infrastructure should be located within 500m of the historic access route. This recommendation is supported.
  - 5.5. It is noted that several non-perennial drainage features are present within the development area and within proximity of the project site. In addition, it is also noted that groundwater may be abstracted from existing on-site boreholes during both the construction and operational phases. These water uses are likely to require a water use licence or a general authorisation with the Department of Water Affairs and Sanitation ("DWS"). It is recommended that the water use authorisation process(es) run concurrently with this EIA process.

- 5.6. It is noted that water will be required for the construction and operation phases of the Montana 3 solar PV energy facility, which may be obtained from municipal supply. Confirmation of water availability from the local municipality should be obtained. In addition, please investigate other water supply alternatives such as a rainwater harvesting system, which should be reported on in the Final BAR.
- 5.7. According to the Draft BAR, the proposal requires the construction and operation of facilities and infrastructure for the storage and handling of dangerous goods associated with the on-site substation where such storage will occur inside containers with a combined capacity exceeding 80m<sup>3</sup>, but not exceeding 500m<sup>3</sup>. Please clarify the exact storage capacity and location of the storage facilities in the Final BAR.
- 5.8. Please further take note of the following aspects that should also be considered in the environmental cost estimates for rehabilitation:
- 5.8.1. Where re-vegetation work will be done on the disturbed areas, only locally indigenous vegetation must be used that occurs naturally in the immediate area and no "alien plant" species is to be introduced into the area.
  - 5.8.2. Roles and responsibilities of parties that will be responsible for the implementation of the proposed rehabilitation measures should be clearly articulated in the EMPr.
  - 5.8.3. Specific and detailed storm water management measures that will be implemented to mitigate potential erosion of loose soil.
  - 5.8.4. Remediation and management of latent or residual environmental impacts, which may become known in the future.
  - 5.8.5. Final rehabilitation, decommissioning and closure at the end of the life of the facility.
6. Directorate: Pollution and Chemicals Management – Ms Shehaam Brinkhuis (Email: [Shehaam.Brinkhuis@westerncape.gov.za](mailto:Shehaam.Brinkhuis@westerncape.gov.za); Tel.: (021) 483 8309):
- 6.1. The implementation of 50m buffers along the identified drainage systems present within the project site is strongly supported.
- 6.2. Reference is made to the establishment of a panel maintenance and cleaning area. The utilisation of cleaning chemicals on solar panels poses a risk of contamination and pollution to water resources. It is noted that the Draft BAR include the proposal to use non-hazardous biodegradable cleaning products, with wastewater allowed to run off into the surrounding area below the panels. Care should be taken to ensure that only these non-hazardous biodegradable products are used, and that excessive wastewater is not generated that will result in localised erosion.
- 6.3. The Draft BAR refers to approximately 5000m<sup>3</sup> of water being required for the cleaning of panels, as well as any additional water needs on-site, which is to be sourced from either the municipality or existing boreholes. In the event boreholes are to be used, it is requested that proof of sufficient existing water rights is provided from the mandated water authority, the DWS, for the anticipated water requirements for all four (or six) of the solar PV energy facilities for use at the separate facilities. If the water is to be sourced from the municipality, it is recommended that the local municipality provide confirmation of water supply to the proposed facilities.

- 6.4. It is supported that the storm water management plan (Appendix G of the Montana 3 solar PV energy facility EMPr) is updated and refined once the construction and civil engineering plans are finalised. Once this has been finalised, it is recommended that the EMPr is updated to demonstrate that the recommended mitigation measures have been considered and stormwater management accounted for on-site.
- 6.5. It is essential that the storm water management plan is adhered to, in conjunction with the recommendations of the erosion management plan.
- 6.6. The Montana 3 solar PV energy facility EMPr refers to "*Soil stockpiles must be dampened with a dust suppressant or an equivalent*" during both the construction and operational phases, with the reduction and control of dust using approved dust suppression techniques mentioned throughout the EMPr. Please note that the use of potable water for dust suppression purposes is not supported and should be avoided. Where non-potable or treated water is to be used, this should be of a suitable quality so as not to cause any severe/repeated pollution to soil or water resources.
- 6.7. During the construction phase, reference is made to the collection of sewage by a contractor and disposed of at a licensed wastewater treatment works ("WWTW"). Conservancy tanks are proposed to be installed, with the intention that the municipality will provide this service "*when required during the operational phase*". Written confirmation must be obtained from the local municipality indicating that sufficient treatment capacity exists at the relevant WWTW to treat the anticipated wastewater volume from the proposed development.
- 6.8. The placement of conservancy tanks below the 1: 100-year flood line must be avoided, to prevent potential pollution incidents during flood events.
- 6.9. The following recommendations are provided with respect to the BESS, to prevent and manage potential contamination of water resources, including groundwater, emanating from the site during the construction, operational and decommissioning phases:
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  - 6.9.2. Lithium-ion batteries must have battery management systems (containment, automatic alarms and shut-off systems) to monitor and protect cells from overcharging or damaging conditions.
  - 6.9.3. Compilation of an emergency response plan for implementation in the event of a spill or leakage.
  - 6.9.4. Provision of spill kits on site for clean-up of spills and leaks.
  - 6.9.5. Immediate clean-up of spills and disposal of contaminated absorbents and materials or soil at a licensed hazardous waste disposal facility.
  - 6.9.6. Recording and reporting of all electrolyte spills or leaks so that appropriate clean-up measures can be implemented. A copy of these records must be made available to authorities on request throughout the project lifecycle.
  - 6.9.7. Frequent and appropriate disposal of both general and hazardous waste to a licensed waste disposal facility to prevent pollution of soil and groundwater.
  - 6.9.8. On-site battery maintenance should only be undertaken on impermeable surfaces with secondary containment measures. Any resulting hazardous substances must be disposed of appropriately.

- 6.9.9. Provision of suitable emergency and safety signage on-site, and demarcation of any areas which may pose a safety risk (including hazardous substances). Emergency numbers for the local police, fire department, Eskom and the Beaufort West Municipality must be placed in a prominent, clearly visible area on-site.
- 6.10. In the event of a significant spill or leak of hazardous substances (petrol, diesel, etc.) during the proposed construction and operational phase, such an incident(s) must be reported to the relevant authorities, including the Directorate: Pollution and Chemicals Management, in accordance with section 30 of the NEMA, 1998 pertaining to the control of incidents. Please amend the Draft EMPr for the Montana 3 solar PV energy facility to include this provision specifically in addition to informing DFFE, as stated in the EMPr.
7. Directorate: Waste Management – Mr Etienne Roux (Email: [Etienne.Roux@westerncape.gov.za](mailto:Etienne.Roux@westerncape.gov.za); Tel.: (021) 483 8378):
- 7.1. On page 63 of the EMPr it stated that "*Ensure that no litter, refuse, wastes, rubbish, rubble, debris and builders wastes generated on the premises are placed, dumped or deposited on adjacent/surrounding properties, and that the waste is disposed of at a dumping site as approved by the Council.*" Please note that the sentence should also indicate that no burial of any waste on-site is allowed.
8. Directorate: Air Quality Management - Mr Sibusiso Sinuka (Email: [Sibusiso.Sinuka@westerncape.gov.za](mailto:Sibusiso.Sinuka@westerncape.gov.za); Tel.: (021) 483 3463):
- 8.1. It is noticed in the Draft BAR that dust may be created from cleared, bare and excavated areas, as well as from large vehicles and equipment traversing and operating on-site during the construction phase. As such, this Directorate recommends that:
- 8.1.1. Measures to monitor and prevent fugitive dust emissions be implemented strictly as per the Montana 3 solar PV energy facility Draft EMPr and the Generic Substation EMPr; and
- 8.1.2. Construction activities be limited on days where there are extreme high winds.
- 8.2. Dust generated during the various stages of the proposed development must comply with the National Dust Control Regulations (Government Notice No. R. 827 of 1 November 2013) promulgated in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004). These regulations prohibit a person from conducting any activity in such a way as to give rise to dust in such quantities and concentrations that the dust, or dust fallout, has a detrimental effect on the environment, including human health.
- 8.3. Operational activities on-site in the form of large vehicles and machinery being used may cause significant noise on site during construction and operational phases; these activities may become a noise nuisance and/or disturbance to the surrounding communities. This Directorate recommends that during the construction phase, measures be put in place to minimise any nuisance and/or disturbing noise emissions. Furthermore, measures stipulated in the EMPr's should be implemented strictly during all phases of the proposed development.

- 8.4. Noise generated on-site from all the proposed activities must comply with the Western Cape Noise Control Regulations gazetted in Provincial Notice 200/2013.
- 8.5. Potential air quality impacts may be in the form of dust pollution, exhaust fumes from vehicles and machinery, and other equipment used on-site. All potential air pollutants on-site need to be monitored and if causing significant emissions, must be mitigated strictly as per the recommendations stipulated in the EMPr's.
- 8.6. Please note that the abovementioned recommendations do not pre-empt the outcome of the application. No information provided, views expressed and/or comments made by this Directorate should in any way be regarded as an indication or confirmation that additional information or documents will not be requested.
9. The applicant is reminded of its "*general duty of care towards the environment*" as prescribed in section 28 of the NEMA, 1998 which states that "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"

Please direct all enquiries to the commenting officials should you require any clarity on any of the comments provided.

The Department reserves the right to revise initial comments and request further information based on any or new information received.

Yours sincerely

**Thea Jordan** Digitally signed by Thea Jordan  
Date: 2022.07.08 13:56:20  
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pp **HEAD OF DEPARTMENT**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Letter signed by:

**Thea Jordan**

Director: Development Facilitation

**Date: 8 July 2022**



Ref: TPW/CFS/RP/LUD/REZ/SUB-09/03 (Job 29597)

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Savannah Environmental  
PO Box 148  
**SUNNINGHILL**  
2157

Attention: Ms N Bulunga

Dear Madam

**PROPOSED DEVELOPMENT OF POORTJIE WES CLUSTER OF SOLAR ENERGY FACILITIES, CENTRAL KAROO DISTRICT MUNICIPALITY, WESTERN CAPE PROVINCE**

1. The following refer:
  - 1.1 Savannah Environmental's background information document dated May 2022.
  - 1.2 Savannah Environmental Public Process' e-mail of 3 June 2022 to Mr S Bain at this Branch.
  - 1.3 A virtual meeting with Interested & Affected Parties on 30 June 2022.
2. This Branch offers no objection to the issuing of an Environmental Authorisation in favour of any of the four solar energy facilities (Brakpan 1, Montana 1, Montana 2 & Montana 3) and their associated infrastructure, provided that this Branch is offered the opportunity to comment on the land use application, at which stage this Branch will issue its approvals in terms of Act 21 of 1940 (building restrictions, if applicable) and Roads Ordinance 19 of 1976 (accesses and construction activities within the road reserves and adjacent building lines).
3. The following (Public) Provincial Roads (but not limited to the only roads that might be used during the construction and / or operational phases), all for which this Branch is the Road Authority, are either in the immediate vicinity or traversing the affected solar energy facility farms and / or the associated electrical infrastructure:
  - 3.1 Main Road 587 (MR00587) – Affected by Brakpan 1, Montana 1, Montana 2 & Montana 3.
  - 3.2 Divisional Road 2383 (DR02383) - Affected by Montana 1 & Montana 2.



- 3.3 Divisional Road 2396 (DR02396) - Affected by Brakpan 1.
- 3.4 Minor Road 9211 (OP09211) - Affected by Brakpan 1 & Montana 2.
- 3.5 Minor Road 9212 (OP09212) - Affected by Brakpan 1.
- 3.6 Minor Road 9213 (OP09213) – Affected by Brakpan 1.
4. All the abovementioned Provincial Roads' Public accessibility must be retained (if not closed / de-proclaimed to become private or servitude roads) and they must be evaluated for the purposes of construction, operation and decommissioning.
5. This Branch, for now, will ultimately require the following:
  - 5.1 Indication of all the access(es) to each respective farm portion, ownership thereof and application for any changed access to the Provincial Road Network - in line with this Branch's Access Management Guidelines, 2020. It will be required to clearly state which access will serve what purpose (e.g., solar energy and / or farming).
  - 5.2 Construction applications, including wayleaves for third party services, when building restrictions, building lines and road reserves are affected.
  - 5.3 Abnormal load transportation implications, which will require a route clearance report and prior application for any geometric and materials designs for approval before construction. It is recommended to commence with these planning in this regard once detail of solar infrastructure and transportation equipment are known.
  - 5.4 A geotechnical and geometric design report, including improvement proposals, must be compiled to ensure that all the roads that will be affected by this development during the construction phase are adequately improved and maintained before any other construction activity may commence on any of the farm portions. This is to ensure that no more than normal deterioration and additional maintenance costs are experienced by the Road Authority during the construction and operating phases. It will be required that any design affecting any Proclaimed Provincial Road must carry this Branch's Chief Directorate Road Design's approval before implementation thereof may commence.
  - 5.5 Confirmation that a similar geotechnical proposal (as per paragraph 5.4) will be compiled, and approval obtained prior to commencing with any major upgrade or decommissioning phase, whenever that may be.

Yours Sincerely



**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: ROADS**

**DATE: 5 JULY 2022**

## ENDORSEMENTS

1. Savannah Environmental  
Attention: Ms N Bulunga (e-mail: [publicprocess@savannahsa.com](mailto:publicprocess@savannahsa.com))
  
2. Central Karoo District Municipality  
Attention: Mr A Koopman (e-mail)
  
3. District Roads Engineer  
Oudtshoorn
  
4. Mr E Burger (e-mail)
  
5. Mr SW Carstens (e-mail)