

Phofu Solar Power Plant Project: Comments and Response Report (Appendix C6)

Comments received during the 30-day review and commenting period of the Draft Basic Assessment Report

Organisation	Person	Issue or comment raised (see Appendix C4 & C5 of the Final Basic Assessment report)	Addressing or incorporation of issue or comment
DFFE Directorate: Biodiversity and Conservation	Tsholofelo Shalot Sekonko	<p>In an email dated 09 May 2022, the following feedback was received on the Draft Basic Assessment Report from DFFE Directorate: Biodiversity and Conservation. The content of the email is as follows:</p> <p>DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the Draft Basic Assessment Report for the proposed Phofu Solar Power Plant, located near Vierfontein, in the Free State Province. Kindly note that the project has been allocated to Ms Rabothata and myself (both copied on this email).</p> <p>Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries will be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota.</p>	<p>The feedback from the Biodiversity Directorate is acknowledged, as well as the process of the Directorate for the submission of Public Participation Documents.</p> <p>The documents of the Draft Basic Assessment Report were submitted to the Department via email on 06 May 2022. A reminder email was also sent on 30 May 2022.</p>
ESKOM	John Geering	<p>In an email dated 09 May 2022, the following feedback was received on the Draft Basic Assessment Report from Eskom. The content of the email is as follows:</p> <p>Please find attached Eskom requirements for works at or near Eskom infrastructure and servitudes, as well as the Eskom setbacks guideline for renewable developments. Please send</p>	<p>It can be confirmed that the Eskom general requirements for work near or at Eskom Servitudes and Infrastructure and the Eskom setback guideline have been submitted to the Applicant for their consideration and implementation.</p>

		me KMZ files of the affected properties and proposed development areas and grid connection.	The KMZ (Google Earth) file requested of the affected property, the proposed development area and the proposed grid connection was submitted to Mr. Geeringh via email by Ms. Christia van Dyk on 09 May 2022.
DFFE Directorate: Protected Areas	Rofhiwa Magodi	<p>In an email dated 13 May 2022, the following feedback was received on the Draft Basic Assessment Report from DFFE Directorate: Protected Areas. The content of the email is as follows:</p> <p>The Directorate: Protected Areas Planning and Management Effectiveness, would like to thank you for the opportunity to review the Draft Basic Assessment reports and supporting documents for the above-mentioned projects.</p> <p>After conducting the review of the above-mentioned documents, we have noted that the proposed developments will not take place within any kind of protected areas in terms of Section 9 of the National Environmental Management: Protected Areas Act (NEMPAA), Act No. 57 of 2003. Subsequently, this directorate provides comments or input on the projects which are affecting the protected areas. The protected areas and activities proximity to the proposed sites are briefly discussed as follows:</p> <p>The proposed development of Phofu Solar Power Plant:</p> <p>There is Mahemsvlei Private Nature Reserve situated approximately 11km southeast of the study area.</p>	<p>From the feedback it is noted that the Mahemsvlei Private Nature Reserve is situated approximately 11km southeast of the study area. Therefore, there are no protected areas located within 5km of the proposed development.</p> <p>The Biodiversity and Conservation Directorate was notified and consulted during the initial public participation process, as well as the 30-day review and commenting period of the Draft BAR. Proof of correspondence is included under Appendix C4 and C5 of the Final BAR.</p> <p>All identified stakeholders, including municipality and provincial departments, were notified and consulted during the 30-day review and commenting period. Proof of correspondence is included under Appendix C4 and C5 of the Final BAR.</p> <p>No further comments or issues were raised as part of the BA process.</p>

		<p>Consequently, the Directorate of the Protected Areas, Planning and Management Effectiveness does not have any further comments on the proposed project as it does not affect the protected area.</p> <p>However, kindly notify and gets comments (if not yet consulted) from the Biodiversity and Conservation Directorate which can be contacted at BCAdmin@environment.gov.za for the attention of Mr. Seoka Lekota. Further, also notify the provincial departments, municipality, and associated entities for comments.</p>	
<p>Mulilo Renewable Project Developments</p>	<p>Jessie Yuill</p>	<p>In an email dated 17 May 2022, the following feedback was received from Mulilo Renewable Project Developments. The content of the email is as follows:</p> <p>May you please register myself as an I&AP for the proposed development of a PV solar facility and associated infrastructure on Portion 3 of the Farm Tweepunt No.14.</p> <p>I have the following queries:</p> <ul style="list-style-type: none"> • Is there confirmed grid capacity for this project? • Is this project part of a cluster? • Is there a reason this project has opted for monofacial PV facilities? • Are there alternative assessment areas for the PV facilities and associated grid infrastructure? • Is this project dependent on a self-build substation onsite? 	<p>In an email dated 18 May 2022, Environamics responded to Mulilo by providing a copy of the Draft Basic Assessment report and confirming that a formal response will be provided in due course. A confirmation of registration as an I&AP was sent in email dated 19 May 2022.</p> <p>In an email dated 26 May 2022, formal feedback was provided to Mulilo on the queries submitted on 17 May 2022. The content of the email is as follows:</p> <p>Please see the responses provided below (in green) to your queries submitted on the Phofu Solar Power Project on 17 May:</p> <ul style="list-style-type: none"> • Is there confirmed grid capacity for this project? The Applicant has advised that they are awaiting grid capacity confirmation from

			<p>Eskom. Therefore, this information will only be available at a later date.</p> <ul style="list-style-type: none">• Is this project part of a cluster? Yes there are various projects in the general area (not directly adjacent) being proposed by the Applicant that form part of a cluster, but the Phofu Solar Power Plant can also function as a standalone solar project.• Is there a reason this project has opted for monofacial PV facilities? Various options are being considered for the development. Refer to Section 5 of the draft Basic Assessment report for more details in this regard.• Are there alternative assessment areas for the PV facilities and associated grid infrastructure? Only one development footprint for the solar power plant is being assessed and optimized for the project within the affected property. However, four grid connection corridors are being considered for the placement of the power line. Refer to Section 5 of the draft Basic Assessment report for more details in this regard.• Is this project dependent on a self-build substation onsite? Yes <p>No further comments or issues were raised as part of the BA process.</p>
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<p>Mulilo Renewable Project Developments</p>	<p>Lloyd Barnes</p>	<p>In an email dated 17 May 2022, the following feedback was received from Mulilo Renewable Project Developments. The content of the email is as follows:</p> <p>May you please register myself as an I&AP for the proposed development of a photovoltaic solar facility and associated infrastructure on Portion 3 of the Farm Tweepunt No. 14</p> <p>I have the following points:</p> <ul style="list-style-type: none"> • What battery storage technology are you proposing as your preferred alternative? • Do your proposed line routes traverse any areas under assessment for development which may be authorised before this development? What measures have you followed to identify this? • Why is no Bat study being conducted? • Why is no Radio Frequency interference study conducted? • Why is no Safety Health and Environmental Risk Assessment associated with battery storage conducted? What impact does the presence of this solar facility have on the local microclimate? • What percentage of materials will be locally sourced (within SA) and what percentage will be imported from other countries? • Is the developer a South African company or foreign company? 	<p>In an email dated 18 May 2022, Environamics responded to Mulilo by providing a copy of the Draft Basic Assessment report and confirming that a formal response will be provided in due course. A confirmation of registration as an I&AP was sent on email dated 19 May 2022.</p> <p>In an email dated 26 May 2022, formal feedback was provided to Mulilo on the queries submitted on 17 May 2022. The content of the email is as follows:</p> <p>Please see the responses provided below (in green) to your queries submitted on the Phofu Solar Power Project on 17 May:</p> <ul style="list-style-type: none"> • What battery storage technology are you proposing as your preferred alternative? - Lithium Ion is the preferred alternative being considered by the Applicant. • Do your proposed line routes traverse any areas under assessment for development which may be authorised before this development? What measures have you followed to identify this? Four connection options are being considered and assessed for the development. Two of these options might traverse areas under assessment, but was identified before the area came under assessment as the Applicant did not expect any proposed development on currently
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			<p>cultivated land and therefore proposed the route for minimum disturbance where agricultural activities are undertaken.</p> <ul style="list-style-type: none">• Why is no Bat study being conducted? The DFFE Screening report (Appendix B of the draft Basic Assessment Report) was considered. The undertaking of a Bat Impact Assessment was not identified within the Screening report as a study required to be undertaken. Generally, Bat studies do not form part of the EIA processes for solar PV projects, it is more relevant to Wind Energy Facilities.• Why is no Radio Frequency interference study conducted? The impact on RFI is identified as low within the DFFE Screening Report. Furthermore, the South African Radio Astronomy Observatory (SARAO) has provided comment on the project confirming the low risk of interference. Please refer to Appendix C5 of the draft Basic Assessment Report.• Why is no Safety Health and Environmental Risk Assessment associated with battery storage conducted? A risk assessment for the development associated with the Battery Energy Storage System (BESS) has been included in Table 6.3 of the draft Basic Assessment Report. And appropriate mitigation measures for the development and management of the BESS has been included in the EMP of the project
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			<p>(Appendix F1 of the draft Basic Assessment Report).</p> <ul style="list-style-type: none">• What impact does the presence of this solar facility have on the local microclimate? - As this proposed facility is not part of a large cluster the impacts on the local microclimate is expected to be negligible. Furthermore, Bifacial panels might be used and these types of panels can absorb light from both sides of the panel, therefore, the sunlight that penetrates through the Bifacial panels together with the single axis tracking system will allow for constant vegetation growth under the panels. This vegetation growth will aid in the amount of cooling due to transpiration and in turn lessen the impacts on the local microclimate.• What percentage of materials will be locally sourced (within SA) and what percentage will be imported from other countries? – The Applicant has advised that this is dependent on the tender requirements within which the project will be bid. This information is therefore not available at this time.• Is the developer a South African company or foreign company? It is a South African Company. <p>No further comments or issues were raised as part of the BA process.</p>
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South African Heritage Resources Agency (SAHRA)	Sityhilelo Ngcatsha	<p>In a letter dated 19 May 2022, the following feedback was received on the Draft Basic Assessment Report from SAHRA. The content of the letter is as follows:</p> <p>The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:</p>	The comments received from SAHRA are noted and responded to below.
		38(4)a – The SAHRA Archaeology, Palaeontology, Meteorites (APM) and the Burial Grounds and Graves (BGG) Units have no objections to the authorised development;	It is noted that SAHRA has no objection to the proposed development.
		38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;	It is noted that the recommendations made by the specialists are supported and that no additional specific conditions are provided.
		38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Sityhilelo Ngcatsha/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;	The additional specific conditions provided by SAHRA is noted. The EMPr of the solar power plant (Appendix F1 of the Final BAR) has been updated to reflect these requirements.
		38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi	The additional specific conditions provided by SAHRA is noted. The EMPr of the solar power

		<p>Tshivhase/Ngqalabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA.</p> <p>Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;</p>	<p>plant (Appendix F1 of the Final BAR) has been updated to reflect these requirements.</p>
		<p>38(4)d – See section 51(1) of the NHRA with regards to offences;</p>	<p>Section 51(1) with regards to offences is noted and will be considered by the Applicant.</p>
		<p>38(4)e – The following conditions apply with regards to the appointment of specialists:</p> <p>i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;</p>	<p>The additional specific conditions provided by SAHRA is noted. The EMPr of the solar power plant (Appendix F1 of the Final BAR) has been updated to reflect these requirements.</p>
		<p>The Final BAR and EMPr must be to the case on SAHRIS;</p>	<p>The Final BAR and EMPr(s) have been submitted to the case file on SAHRIS for the project.</p>
		<p>The decision regarding the Environmental Authorisation (EA) must be submitted to the case on SAHRIS for recorded purposes.</p>	<p>The decision on the Application for Environmental Authorisation will be submitted to the case on SAHRIS once available.</p>
<p>Mulilo Renewable</p>	<p>Lloyd Barnes</p>	<p>In a call received from Lloyd Barnes, on behalf of Mulilo, on 23 May 2022, Mr. Barnes requested a copy of the KMZ pertaining to the grid connection options for the Phofu Solar Power Plant.</p>	<p>In an email dated 23 May 2022, Environamics provided the requested KMZ. The content of the email is as follows:</p>

<p>Project Developments</p>			<p>Thank you for the call pertaining to the Phofu solar Power Plant.</p> <p>As requested please find attached a KMZ file showing the grid connection corridor alternatives under assessment for the proposed project.</p> <p>Four grid connection point options are being considered, which includes the existing Eskom Mercury – Parys Rural 132 kV power line, the proposed new Eskom 132 kV Marseilles Switching Station, the Grootkop–Mercury 1 132 kV power line, Grootkop – Mercury 2 132 kV power line and the Bothaville Munic – Mercury 1 132 kV power line. Four grid connection corridors, each with a width of between 100-150m and up to 600m, have been identified for the assessment and placement of the power line (i.e., the power line will be developed within one of the four proposed corridors) to connect to one of the grid connection points mentioned above. More details of the alternatives are included in the draft Basic Assessment</p> <p>Report (refer to Chapters 2 and 5 of the report) which has been submitted to all registered I&APs for review. Kindly note that Grid connection option 1 is preferred from an environmental perspective and is recommended for approval as</p>
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			part of the EA, as indicated in the draft Basic Assessment Report.
Department of Forestry, Fisheries and the Environment (DFFE)	Ms. Thulisile Nyalunga	<p>In a letter dated, 02 June 2022, the following feedback was received from Department of Forestry, Fisheries and the Environment (DFFE) in response to the Draft Basic Assessment Report for the project:</p> <p>Comments on the draft basic assessment report for the Phofu solar power plant near Vierfontein, Free State province.</p> <p>The application for environmental authorisation and the draft Basic Assessment Report (BAR) dated May 2022 and received by this Department on 06 May 2022, refer.</p> <p>This letter serves to inform you that the following information must be included to the final BAR:</p>	The comments received from DFFE are noted and responded to below.
		<p>(a) <u>Listed Activities, Application Form and Project Description</u></p> <ul style="list-style-type: none"> • 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 latest application form template can be downloaded from the following link https://www.environment.gov.za/documents/forms. • It is imperative that the relevant authorities with jurisdiction in respect of geographically designated areas in terms of GN R. 985 (Listing Notice 3) Activities are continuously involved throughout the basic assessment 	<ul style="list-style-type: none"> • An amended application form has been submitted with the Final BAR. • All the relevant authorities with jurisdiction in respect of the geographically designated areas in terms of GN R. 958 were notified of the proposed development and the draft basic assessment report was circulated to the relevant authorities. Proof of correspondence has been included in Appendix C4 (including further attempts to obtain comment) and all the written

		<p>process. Written comments (or proof of consultation) must be obtained from the relevant authorities and submitted to this Department. These activities must be verified with the relevant management authority. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided. Please also ensure that the potential impacts on the affected areas (i.e., critically endangered, or endangered ecosystem and land zoned as conservation) are fully assessed.</p>	<p>comments received can be viewed in Appendix C5. The comments made have been responded to in the comments and responses report included as Appendix C6.</p> <p>Furthermore, graphical representation of the proposed development within the respective geographical areas was made available to the DFFE and all other commenting authorities for review and comment as part of the 30-day review and comment period of the draft BAR. These representations were included as Figures F and H1-H6 in the draft BAR and are also submitted to the DFFE as part of the Final BAR for decision-making.</p>
		<p>(b) <u>Specialists' declaration</u></p> <p>You are reminded to attach the specialist's declaration forms for the visual, heritage and social impact assessments</p>	<p>The specialist declaration forms have been included in Appendix D of the Final BAR. The declarations included are for all specialists who provided input as part of the Basic Assessment process.</p>
		<p>(c) <u>Specialist and Cumulative Assessments</u></p> <ul style="list-style-type: none"> Specialist studies to be conducted must provide a detailed description of their methodology, as well as all other 	<ul style="list-style-type: none"> Detailed description of the methodologies used by the specialist in the respective studies are included in the respective

		<p>associated infrastructures that they have assessed and are recommending for the authorisation.</p> <ul style="list-style-type: none"> • Specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted. • 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 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. • It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on 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. Please indicate whether the Protocols have applied. 	<p>specialist studies (Appendix D1 – D8). Each specialist study also provides a project description of what was assessed as part of the study.</p> <ul style="list-style-type: none"> • Detailed descriptions of the limitations for the studies have been included in the respective specialist studies (Appendix D1 – D8). • All specialist studies included in Appendix D of the Final BAR are final and provide appropriate detailed/practical mitigation measures. No further studies are required to be completed, only monitoring requirements are specified that must be completed during the pre-construction phase, which is relevant following receipt of Environmental Authorisation for the project. • No contradicting recommendations have been made by the specialists. Therefore, no recommendation in this regard is needed. • The requirements of GN 320 of 20 March 2020 and GN 1150 of 30 October 2020 have been made available to the specialists. The specialist studies comply with these requirements as relevant to the site under assessment. Where a specialist study is undertaken in terms of GNR320 this is indicated in the respective specialist studies (Appendices D1 – D9).
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		<ul style="list-style-type: none">• Please note that if any of the specialists' studies and requirements/protocols recommended in the Department's Screening Tool are not commissioned, motivation (including site sensitivity verification reports and specialist compliance statements in certain instances) must be provided in the report per the requirements of the Protocols. For example, where the screening tool has identified the site as being of very high sensitivity for agricultural resources, an agricultural specialist assessment is required unless certain exclusions in the Protocols apply, in which case, both a site sensitivity verification report and an Agricultural Compliance Statement (prepared by a SACNASP registered specialist) must be provided to support the motivation for not undertaking the full agricultural impact assessment.• Please ensure that cumulative impacts are considered and assessed in the final BAR.	<ul style="list-style-type: none">• Section 1.5 of the Final BAR provides a list of the specialist studies identified by the DFFE Screening Tool Report (Appendix B of the Final BAR), as well as an indication of whether the studies were undertaken or not and a motivation or confirmation of the studies being included or not.• The cumulative impacts of the proposed development have been considered in Chapter 7 of the Final BAR as a whole. Cumulative impacts have been afforded increased attention in the Basic Assessment process and for each impact a separate section has been added which discusses any cumulative issues, and where applicable, draws attention to other issues that may contextualise or add value to the interpretation of the impact. Chapter 7 of the Final BAR analyses the proposed project's potential cumulative impacts in more detail by: (1) defining the geographic area considered for the cumulative effects analysis; (2) providing an overview of relevant past and present actions in the project vicinity that may affect cumulative impacts; (3) presenting the reasonably foreseeable actions in the geographic area of consideration; and (4) determining whether
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			<p>there are adverse cumulative effects associated with the resource areas analysed.</p>
		<p>(d) <u>Undertaking of an Oath</u></p> <ul style="list-style-type: none"> • Please ensure that the final BAR includes 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. 	<p>A signed undertaking under oath by the EAP is included under Appendix A of the Final BAR. This was also included in the draft BAR that was made available to the DFFE for the 30-day review and comment period.</p>
		<p>(e) <u>Public Participation Process</u></p> <p>The following information must be submitted with the final BAR:</p> <ul style="list-style-type: none"> • A list of registered interested and affected parties as per Regulation 42 of the NEMA EIA Regulations, 2014, as amended. • Copies of all comments received during the draft BAR comment period; and • A comment and response report which contains all comments received and responses provided to all comments and issues raised during the public participation process for the draft BAR. Please note that comments received from this Department must also form part of the comment and response report. • Please ensure that all issues raised, and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have 	<ul style="list-style-type: none"> • A list of registered interested and affected parties have been included as Appendix C3 of the Final BAR. • Copies of all comments received have been included as Appendix C4 and C5 of the Final BAR. • All comments received during the public participation process have been included in this comments and responses report included as Appendix C6 of the Final BAR. The comments received by the DFFE are also included. • All comments received from registered I&APs as well as Organs of State have been included and addressed in the Final BAR and included and responded to in this Comments and Responses report (Appendix C6).

		<p>jurisdiction in respect of the proposed activity are addressed in the final BAR.</p> <ul style="list-style-type: none"> • Proof of correspondence with the various stakeholders (including this Department’s Directorate: Biodiversity Conservation, and the relevant heritage and agricultural authorities) 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. The Public Participation Process must be conducted in terms of the approved public participation plan and Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended. Please ensure that the BAR includes a copy of the approved public participation plan. 	<ul style="list-style-type: none"> • Proof of correspondence with various stakeholders, including SARHA, DFFE Directorate: Biodiversity Conservation, Free State Department of Agriculture and Rural Development and DFFE Directorate: Protected Areas have been included in Appendix C4 of the Final BAR. <p>The Public Participation Process has been conducted in terms of the approved public participation plan and Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.</p> <p>A copy of the approved public participation plan is included as Appendix C7 of the Final BAR. The proof of approval of the public participation plan is also included in Appendix C7 of the Final BAR.</p>
		<p>(f) <u>Environmental Management Programme</u></p> <ul style="list-style-type: none"> • Kindly ensure that the EMPr complies with the content of the EMPr in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended. Please ensure that any specific mitigation measures identified in the BAR and specialist reports are incorporated into the EMPr. 	<ul style="list-style-type: none"> • The content of the EMPr complies with Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended. Refer to Section 1.5 of Appendix F1 of the Final BAR which indicates where in the EMPr the various requirements of Appendix 4 have been complied with. All mitigation measures

		<ul style="list-style-type: none"> • Please also include in the EMPr, a recommended frequency for the auditing of compliance with the conditions of the EA and EMPr (for the construction and post-construction monitoring phases), and for the submission of such compliance reports to the competent authority. • Page 121 of the Generic EMPr for the Powerline and Page 115 for the Substation Generic EMPr has not been signed and the reason provided is as follows: <p>“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.”</p> <p>Kindly refer to Page 2 -3 of the Generic EMPrs: 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 for Overhead Electricity Transmission and Distribution Infrastructure, and the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity Generic EMPrs is signed before submission of the final BAR for review and decision making. Failure to submit the above will be deemed as non-compliance with the requirements of the generic EMPrs.</p> 	<p>identified in the BAR and specialist studies have been incorporated in the EMPrs included as Appendix F1 – F4 of the Final BAR.</p> <ul style="list-style-type: none"> • The frequency for the auditing of compliance with the conditions is included in Chapter 4 of the facility EMPr (Appendix F1). This was also made available for review and comment to the DFFE as part of the draft BAR. • The Generic EMPr for the Power line and the Substation Generic EMPr have been signed by the applicant. Both EMPrs are included as Appendix F2 and F3 of the Final BAR.
		<p><u>General</u></p>	

		<p>Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded (for activities without operational aspects) as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.</p>	<p>The period for which the Environmental Authorisation is required has been included in Chapter 8, section 8.4, of the Final BAR.</p> <p>It is not possible to provide the date on which the activity will be concluded as the project has not received preferred bidder status as yet.</p>
		<p>You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: <i>“Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority- (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.”</i></p>	<p>The submission of the Final BAR to the DFFE for decision-making falls well within the prescribed timeframe of 90 days from submission of the Application for EA to the Department. The Final BAR includes all the relevant specialist reports and the EMPr(s) as required for the development.</p> <p>This requirement has therefore been complied with.</p>
		<p>Should there be significant changes or new information that has been added to the BAR or EMPr, which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: <i>“the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority –</i></p>	<p>No significant changes or new information has been added to the Final BAR which was not made available for the 30-day review and comment period from 06 May – 06 June 2022. Therefore Regulation 23(1)(b) is not relevant.</p>

		<p><i>(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 sub regulation (1)(a) and that the revised documents will be subjected to another public participation process of at least 30 days.”</i></p>	
		<p>Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</p>	<p>The submission of the Final BAR to the DFFE for decision-making is within the prescribed timeframe of the EIA Regulations.</p>
		<p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p>	<p>It is noted and acknowledged by the Applicant that no activity may commence prior to obtaining an Environmental Authorisation.</p>
<p>Surrounding Landowner</p>	<p>Mr. Hans Pretorius (Ratpan 441)</p>	<p>In an email dated 06 June 2022, the following feedback was received from Mr. Hans Pretorius. The content of the email is as follows: (Original message was in Afrikaans) “Verwys na ons telfoon gesprek vanoggend. Die voorgestelde netwerk koppeling van jul beoogde solar ontwikkeling op die plaas Tweepunt het betrekking.</p>	<p>The feedback and comments received from Mr. Pretorius is acknowledged. The power line options that traverses his property (Ratpan 441) includes option 3 and option 4. From an environmental perspective, option 1 is put forward as the preferred option in the final</p>

		<p>Twee van die voorgestelde opsies gaan die kraglyn oor my plaas, Ratpan, loop en plaas ek hiermee op rekord my beswaar daarteen. Dit is my mening dat die lyn n negatiwe invloed op my boerdery sal bring en versoek ek Hiermee dat die oorblywende verbindings opsie voorkeur sal geniet.”</p> <p><u>English translation:</u></p> <p>Refer to our cellphone conversation this morning. The proposed power line connection of your proposed solar development (Phofu Solar Power Plant) on the farm Tweepunt has reference.</p> <p>Two of the proposed power line options are going to run across my farm, Ratpan, and I hereby place on record my objection to it. It is in my opinion that the line will have a negative impact on my farming and I hereby request that the remaining connections option be given priority.</p>	<p>BAR for environmental authorisation. Therefore, the preferred power line option will not traverse his property.</p> <p>The recommendation has been made by the EAP for option 1 to be authorised.</p>
<p>DFFE Directorate: Biodiversity and Conservation</p>	<p>Ms. M Rabothata</p>	<p>In a letter dated 06 June 2022, the following feedback was received on the Draft Basic Assessment Report from SAHRA. The content of the letter is as follows:</p> <p>COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED PHOFU SOLAR POWER PLANT NEAR VIERFONTEIN, FREE STATE PROVINCE</p> <p>The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned draft report.</p>	<p>The comments received from DFFE Directorate: Biodiversity and Conservation are noted and responded to below.</p>

		<p>Based on the information provided in the report, the proposed site for the development varies from being in a completely modified to slightly degraded state. The site has a low to medium sensitivity and development can be supported on the majority of the site. The proposed Phofu Solar Power Plant (SPP) is located within a Renewable Energy Development Zone (REDZ). Therefore, no fatal flaws are to be anticipated regarding the proposed development.</p> <p>Notwithstanding the above, the following recommendations must be considered in the final report:</p>	<p>It is noted that there are no objections or fatal flaws from a biodiversity conservation perspective on the development of the Phofu Solar Power Plant</p>
		<p>Alien Invasive Plant Species Management and Rehabilitation Plans must be developed to mitigate on habitat degradation due to erosion and alien plant invasion and submitted as part of the final report</p>	<p>An alien invasive plant species management plan is included as Appendix F4 of the Final BAR. This was also included in the draft BAR that was made available to the DFFE for the 30-day review and comment period.</p>
		<p>Appropriate buffer must be established around medium sensitive habitats (i.e. Wetlands and drainage channels)</p>	<p>The recommended site-specific buffers identified by the specialists based on the confirmed environmental sensitivities will be adhered to. The mitigation measures proposed by the specialist have been included in the Final BAR as well as the Final EMPR (Appendix F1)</p>

		<p>Sensitive habitats in close proximity to the development footprint must be avoided or demarcated as No-Go area (i.e. Wetlands and drainage lines).</p>	<p>Sensitive habitats surrounding the development footprints will be avoided and marked as No-Go areas. The measures have been included in the Final EMPR (Appendix F1)</p>
		<p>Permits from relevant authorities must be obtained for the removal or disturbance of any Tops, Red Data listed or provincially protected species.</p>	<p>Permits will be obtained from the relevant authorities for the removal or disturbance of any Tops, Red Data listed or provincially protected species.</p>
		<p>Suitable bird repelling structures and bird diverters must be considered to avoid collision of birds with the PV facility.</p>	<p>Suitable bird repelling structures and bird diverters will be utilized to avoid collision of birds with the PV facility and power lines as recommended by the Avifaunal Specialist (see appendix D2) and is included in the final EMPR.</p>
		<p>The final report must comply with all the requirements as outlined in the Environmental Impact Assessment (EIA) guideline for renewable energy projects and the Best Practice Guideline for Birds & Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.</p>	<p>The final BAR complies with all the requirements as outlined in the Environmental Impact Assessment (EIA) guideline for renewable energy projects and the Best Practice Guideline for Birds & Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.</p>

Comments received prior to the release of the Draft Basic Assessment Report and during the initial Public Participation 30-day comment period

Organisation	Person	Issue or comment raised (see Appendix C4 & C5 of the Final Basic Assessment report)	Addressing or incorporation of issue or comment
Commission on Restitution of Land Rights	Geraldine Booysen & L. Bogatsu	<p>In a letter to the Applicant, dated 01 March 2022, the following feedback was received from the Office of the Regional Land Claims Commissioner: Free State. The content of the letter is as follows:</p> <p>Land Claims Enquiry:</p> <p>PORTION 3 OF THE FARM TWEEPUNT NO. 14, DISTRICT VIJJOENSKROON, PROVINCE FREE STATE</p> <p>We refer to you letter dated 01 March 2022.</p> <p>We confirm that as at the date of this letter no land claims appear on our database in respect of the Property. This includes the database for claims lodged by 31 December 1998; and those lodged between 1 July 2014 and 27 July 2016 in terms of the Restitution of Land Rights Amendment Act, 2014.</p> <p>Whilst the Commission takes reasonable care to ensure the accuracy of the information it provides, there are various factors that are beyond the Commission's control, particularly relating to claims that have lodged but not yet been gazetted such as:</p> <ol style="list-style-type: none"> 1. Some Claimants referred to properties they claim dispossession of rights in land against using historical 	<p>It is noted that no land claim currently exists for the property. No further response required.</p>

		<p>property descriptions which may not match the current property description; and</p> <p>2. Some Claimants provide the geographic descriptions of the land they claim without mentioning the particular actual property description they claim dispossession of rights in land against.</p> <p>The Commission therefore does not accept any liability whatsoever if through the process of further investigation of claims it is found that there is in fact a land claim in respect of the above property.</p> <p>If you are aware of any change in the description of the above property after 19 June 1913 kindly supply us with such description so as to enable us to do a further search.</p>	
<p>South African Heritage Resources Agency (SAHRA)</p>	<p>Ms. Natasha Higgitt</p>	<p>In an email dated, 07 March 2022, the following feedback was received from SAHRA in response to the Notification of the BA process for the project:</p> <p>Please note that all development applications are processed via our online portal, the South African Heritage Resources Information System (SAHRIS) found at the following link: http://sahra.org.za/sahris/. We do not accept emailed, posted, hardcopy, faxed, website links or DropBox links as official submissions.</p> <p>Please create an application on SAHRIS for each EA application and upload all documents pertaining to the Environmental Authorisation Application Process. As per section 24(4)b(iii) of</p>	<p>The feedback on the required process received from SAHRA was acknowledged by Environamics in an email dated 07 March 2022.</p> <p>It was confirmed that a case has been created for the Phofu Solar Power Plant on the SARHIS system with CASE ID: 18065. The relevant documentation was loaded to the system and the status of the file updated.</p> <p>The draft BAR has also been uploaded to the case file on SAHRIS for the 30-day review and comment period.</p>

		<p>NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA), an assessment of heritage resources must form part of the process and the assessment must comply with section 38(3) of the NHRA.</p> <p>Once all documents including all appendices are uploaded to each case application, please ensure that the status of each case is changed from DRAFT to SUBMITTED. Please ensure that all documents produced as part of the EA process are submitted as part of each application.</p>	
South African Heritage Resources Agency (SAHRA)	Sityhilelo Ngcatsha	<p>In a letter, dated 07 March, and interim comment was submitted by SAHRA for the project. The content of the comment is included below:</p> <p>Thank you for notifying the SAHRA on the proposed development of a photovoltaic solar facility and associated infrastructure on the Portion 3 of the Farm Tweepunt No. 14 in Viljoenskroon, within the Moqhaka Local Municipality, Free State Province.</p> <p>The project entails the generation of up to 100MW electrical power through photovoltaic (PV) panels. The total footprint of the project including the associated infrastructure will be approximately be 245 hectares.</p> <p>As the proposed development is undergoing an EA Application process in terms of the National Environmental Management Act, 107 of 1998 (NEMA) and NEMA Environmental Impact Assessment (EIA) Regulations, it is incumbent on the developer</p>	<p>The requirements of SAHRA for the proposed Phofu Solar Power Plant is noted.</p> <p>A Heritage Impact Assessment and Palaeontological Impact Assessment, which are in line with all requirements and guidelines, has been undertaken for the project and included as part of the draft BAR that has been made available for the 30-day review and comment period. Refer to Appendices D5 and D6 of the draft BAR.</p> <p>The Palaeontological Impact Assessment includes a field survey as required.</p> <p>Where sites or structures related to heritage, archaeology and palaeontology have been identified specific mitigation measures have been recommended by the independent specialists and included in the draft BAR and EMPs (Appendix F).</p>

		<p>to ensure that a Heritage Impact Assessment (HIA) is done as per section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). This must include an archaeological component, palaeontological component and any other applicable heritage components. The HIA must be conducted as part of the EA Application in terms of NEMA and the NEMA EIA Regulations.</p> <p>The archaeological component of the HIA should follow the SAHRA 2007 Minimum Standards: Archaeological Component of Impact Assessment Report. The quickest process to follow for the archaeological component would be to contract a qualified archaeologist (see www.asapa.co.za or www.aphp.org.za).</p> <p>The proposed development area is located mostly within an area of very high sensitivity in terms of palaeontological resources as per the SAHRIS PalaeoSensitivity map. As such, a field based Palaeontological Impact Assessment (PIA) must be undertaken by a qualified palaeontologist (See https://www.palaeosa.org/heritage-practitioners.html for a list of qualified palaeontologists). The report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments.</p> <p>Any other heritage resources as defined in section 3 of the NHRA that may be impacted, such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of</p>	<p>The NEMA EIA documents and appendices have been uploaded to the SAHRIS case file at the commencement of the 30-day review and comment period.</p>
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		<p>conflict, and cultural landscapes or viewsapes must also be assessed.</p> <p>The NEMA EIA documents and appendices must be submitted at the start of the public review periods in order for an informed comment to be issued that can be incorporated into the final reports for submission to the competent authority.</p>	
<p>Department of Forestry, Fisheries and the Environment (DFFE) Directorate: Biodiversity Conservation</p>	<p>Biodiversity Conservation, Mainstreaming EIA (Admin)</p>	<p>In an email dated 09 March 2022, the following feedback was received from DFFE Directorate: Biodiversity and Conservation in response to the notification of the BA process for the project:</p> <p>Hope you are well.</p> <p>DFFE Directorate: Biodiversity Conservation would like to register as the I&AP for the mentioned project. Kindly notify and email us the link containing the report as soon as it becomes available.</p> <p>Please note that all Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr. Seoka Lekota.</p>	<p>The feedback on the submission of documents for the BA process from DFFE Directorate: Biodiversity Conservation is noted.</p> <p>The Draft Basic Assessment Report has been distributed to the DFFE Directorate: Biodiversity Conservation according to the measures stipulated.</p>
<p>South African Radio Astronomy Observatory (SARAO)</p>	<p>Mr. Selaelo Matlhane</p>	<p>In a letter to the Applicant, dated 16 March 2022, the following feedback was received from the South African Radio Astronomy Observatory (SARAO). The content of the letter is as follows:</p>	<p>It is noted that the Phofu Solar Power Plant is identified as being of a low risk of interference to the SKA radio telescope. No further response required.</p>

		<p>This letter is in response to the proposed solar development and its possible impact on the Square Kilometre Array radio telescopes.</p> <p>SARAO has undertaken a high – level impact assessment and based on the information provided it was determined that the project represents a low risk of interference to the SKA radio telescope with a compliance surplus of 121.00 dBm/Hz.</p> <p>As such, we do not have any objection to the proposed development.</p>	
Richters Attorneys	Arnold Richter on behalf of Mr. Jerome Gossayn	<p>In an email dated 30 March 2022, Mr. Arnold Richter on behalf of Mr. Jerome Gossayn provided the following feedback in response to the notification of the BA process for the project:</p> <p>With refence to the telephonic discussion writer hereof had with Christia Van Dyk of your offices on the 8th instant we confirm the following:</p> <p>1.1 We act on behalf of Mr. Jerome Gossayn regarding the abovementioned Basic Assessment Process.</p> <p>1.2 Our client (either personally or in his representative capacity) is the owner of property(ies) adjacent to Portion 3 of the Farm Tweepunt Viljoenskroon.</p> <p>1.3 Accordingly, our client is an I & AP, and you are registering him as such.</p>	<p>The feedback from Mr. Arnold Richter was acknowledged by Environamics in an email dated 30 March 2022.</p> <p>It was confirmed that The Draft Basic Assessment Report will be release in due course. We will notify you and your client of the availability of the Draft Basic Assessment Report via email, which will include a link to a document sharing platform where the report and all relevant appendices will be accessible.</p> <p>The Draft Basic Assessment Report has been made available to Mr. Arnold Richter and Mr. Jerome Gossayn.</p> <p>No comment has been received on the project as yet. Should comment be received following the submission of the final BAR to the DFFE for</p>

		<p>1.4 We need not furnish you with our comments at this stage and in this regard:</p> <p>1.4.1 You will furnish us with the DBAR as soon as it is ready and we will then have the opportunity to furnish you with our client's comments.</p> <p>2. Kindly acknowledge receipt.</p>	<p>decision-making, these comments and an appropriate response will be submitted to the case officer as a late comment for consideration as part of the decision on the Application for Environmental Authorisation</p>
Landscape Dynamics	Susanna Nel	<p>In an email dated 12 April 2022, Susanna Nel on behalf of Landscape Dynamics requested to be registered as an I&AP for the project.</p>	<p>The request to register as I&APs was acknowledged by Environamics in an email dated 12 April 2022.</p> <p>It was also confirmed by Environamics that the relevant I&APs have been registered on the project database. Refer to Appendix C3 of the draft BAR.</p>
SENTECH	Mr. Serame Motlhak	<p>In a letter to the Applicant, dated 14 April 2022, the following feedback was received from SENTECH. The content of the letter is as follows:</p> <p><u>PROPOSED PHOFU SOLAR POWER PLANT</u></p> <ol style="list-style-type: none"> 1. The above matter refers. 2. We wish to advise that SENTECH SOC Ltd ("SENTECH") has received an application from Phofu Solar Power Plant (RF) (Pty) Ltd("the applicant"), which plans to construct one solar PV facility as described in annexure 1, hereafter referred to as "the site", in accordance with the provisions 	<p>The approval provided by SENTECH and the terms and conditions stipulated are noted by the Application and will be complied with.</p>

		<p>of Section 29(1)(b) of the Electronic Communications Act no. 36 of 2005 (“the Act”).</p> <p>3. SENTECH has analysed the information provided by the applicant in accordance with the provisions of Section 29(1) (c) of the Act, and specifically the location of the site and confirm that there would be limited degradation of SENTECH transmitted Terrestrial UHF/VHF Television (TV), and/or FM radio services in the planned deployment area, as indicated in annexure 1.</p> <p>4. SENTECH hereby grants the applicant approval to proceed with the construction of its energy project at the site subject to the following terms and conditions:</p> <p>4.1 Due to the fact that the findings made by SENTECH are based on simulations and calculated on a theoretical model, using available data and assumptions where no data was provided, such findings may change at any time should any further information be made available to or come to SENTECH’s attention;</p> <p>4.2 At any time after the approval, and during construction of the project, should any radio transmissions be affected by construction activities, SENTECH will give the applicant 7 (seven) day’s written notice to remove the cause of the interference.</p> <p>4.3 Under no circumstances whatsoever will SENTECH be liable to the applicant or any third party for any damages, loss or costs, of any nature whatsoever or howsoever arising, suffered as a consequence of the aforementioned request and the applicant fully indemnify SENTECH;</p>	
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		<p>4.4 SENTECH prior written consent must first be obtained before any construction activities underneath, along, across or within close proximity to SENTECH infrastructure can begin and shall comply with the applicable SENTECH guidelines relating to clearances between equipment and the proposed construction activity. Furthermore, the applicant shall clearly adhere to, and ensure all installations shall be fully compliant with the Occupational Health and Safety Act No. 85 of 1993.</p> <p>5. This approval is further subject to the submitted applications boundaries or structures listed in annexure 1 hereto, the materials used, as well as the size and positioning of structures declared in the application. If the services of SENTECH or its clients is in any way compromised by a deviation or change of this submission, the applicant shall be liable for all costs to re-establish, or relocate the services, and under no circumstances whatsoever will SENTECH be liable to the applicant or any other third party for any damages, loss or costs, of any nature whatsoever or howsoever arising, suffered as a consequence.</p> <p>6. This approval is valid and applicable between SENTECH and the applicant only. It does not include any approval for any of the other electronic communication operators which have current co-sharing agreements to utilise Sentech's radio masts.</p>	
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		<ol style="list-style-type: none">7. Any additions, amendments, additional structures to be built, or any change to the energy farm boundaries, will require a new application to Sentech.8. The validity of this approval is for a period of 12 (twelve) months. If construction of the designed project commences after the expiry of the twelve months period, the application must be re-submitted to SENTECH for further evaluation and approval.9. This approval does not imply any rights of access whatsoever to SENTECH property or use of Sentech's access roads for construction or maintenance of the design project. Separate permission must be obtained from SENTECH in this regard. Furthermore, SENTECH reserves the right to claim damages in terms of Section 29 of the Act, for any loss or damages sustained as a result of damages to any of Sentech's electronic broadcast and communications infrastructure.10. The applicant shall, in carrying out any work or project, take all the necessary precautions for the safety of SENTECH's employees, contractors, representatives and its property, including the radio transmitters and links on or near the site against damages as a result of construction of the applicant's energy project.11. The applicant shall be liable for all and any direct and/or indirect, and/or consequential damages or injury that may be caused by the applicant, its contractors, subcontractors, employees, agents or representatives to any employee, contractor, representative or property of SENTECH including radio network transmitters and/or links or land	
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		<p>which may have been disturbed shall be restored to the same condition in which it was before commencement of the construction of the energy project.</p> <p>In no event will SENTECH, its employees, contractors, or representatives be liable to the applicant or any third party whatsoever for special, collateral, exemplary, direct, indirect, incidental, consequential or any other damages of any nature whatsoever or howsoever arising (including without limitation, loss of goodwill, loss of profits or revenues, loss of savings, loss of use, interruptions or noisiness, or injury) whether or not such damages or injury occurred prior or subsequent to, or are alleged as a result of any SENTECH radio network approved and/or not approved in terms of this letter, even if SENTECH has been advised of the possibility of such damages or injury.</p>	
Liquid Intelligent Technologies	Faizel Khan	<p>In a letter to the Applicant, dated 19 April 2022, the following feedback was received from the Liquid Intelligent Technologies. The content of the letter is as follows:</p> <p>We refer to your letter of 14 April 2022.</p> <p>We have no objection to the proposed development of a solar plant and associated infrastructure.</p> <p>Our “no objection” as set in this letter is subject to Phofu Solar Power Plant (RF) (Pty) Ltd (“Phofu”) hereby indemnifying Liquid Telecommunications South Africa (Pty) Ltd t/a Intelligent Technologies (“LIT”) for any damage caused to any LIT</p>	The approval provided by Liquid Intelligent Technologies and the terms and conditions stipulated are noted by the Application and will be complied with.

		<p>infrastructure. Phofu shall remain liable to repair at its cost any damage to LIT infrastructure or reimburse LIT for such repairs.</p> <p>This “no objection” letter shall remain valid for 6 months from the date hereof whereafter it shall lapse without the need to give any further notice in that regard.</p> <p>Unless you advise to the contrary, you accept the terms as set out in this letter.</p>	
<p>Openserve (Telkom)</p>	<p>Gary Heslop</p>	<p>In a letter to the Applicant, dated 21 April 2022, the following feedback was received from Openserve. The content of the letter is as follows:</p> <p>I hereby inform you that the proposed services are approved in terms of section 22 of the Electronic Communications Act 36 of 2005.</p> <p>Underground crossing(s)/pipelines marked BLUE are important, and require supervisions by this Company.</p> <p>Your attention is particularly directed to the marked paragraph(s).</p> <p>1. Approved on conditions that, should if later be found necessary to deviate the existing communication line due to existing noise interference, the cost of such remedial action shall be repayable.</p>	<p>The approval provided by Openserve and the terms and conditions stipulated are noted by the Application and will be complied with.</p>

		<p>2. Crossing(s) marked BLUE do not meet these requirements, and the existing communication lines will have to be deviated to eliminate excessive noise interference and the cost will be for the power provider.</p> <p>3. Paragraph 2.4.1 of the Code of Practice stipulates the minimum acceptable horizontal separation between power and the communication lines and where this cannot be met, the design of the power line is also stipulated. This could apply between the attached plan and these requirements should strictly be adhered to.</p> <p>4. Calculations have shown that earth fault on the high voltage power lines will induce excessive low frequency induction into the communication line. As a result of this, the cost to deviate / alter the communication lines to prevent this induction will be for the power provider.</p> <p>5. At the points where this Company's existing or projected underground communication cable will be crossed by an underground cable, the latter should be laid at a depth of at least 300 mm below the communication cable - normally laid at depth of + 600 mm. If the power cables is not enclosed in a suitable pipe, protection in the form of a concrete slab should be provided immediately above the power cable for a minimum of 2 (two) meter on either side of the crossing.</p>	
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		<p>because above mentioned stipulations have not been met, the costs of such alterations will be for the account of the power provider.</p> <p>9. Approval of the proposed route is valid for 6 months. If construction has not yet commenced within this time period the file must be resubmitted for approval. Any changes / deviations from the original planning during or prior to construction must be immediately communicated to this office.</p> <p>10. Repayable estimated cost would be provided within 21 days of notification to proceed with the proposed service.</p> <p>11. In order to minimize noise induction into the telecommunication System, the angle of crossing between the overhead power line and all communication lines, should be as near to a right angle as possible -the following deviation from the right angle as possible - the following deviation for the right angle being permitted at:</p> <p>Power voltage of 48 kV and higher - 30 degrees</p> <p>Power voltage of lower than 48 kV - 45 degrees</p> <p>12. Suitable protection as laid down in section 5 of the Code of Practice should be provided at all important crossings.</p> <p>13. At points of crossing, the overhead power lines should cross over the overhead communication lines with a minimum vertical separation of Meter(s).</p>	
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		<p>14. Any damage to Telkom infrastructure please contact Cable Network Services.</p> <p>Please acknowledge receipt of this letter and inform this Company in writing of the approximate date on which this work will commence and confirm on completion that this Company's requirements have been met.</p>	
Midvaal Water Company	Mpheteng Mokubung	<p>In a letter to the Applicant, dated 25 April 2022, the following feedback was received from Midvaal Water Company. The content of the letter is as follows:</p> <p>I acknowledge receipt of your correspondence dated 14th April 2022 and titled Request for water services for the proposed Phofu Solar Power Plant (RF) (Pty) Ltd. Midvaal Water Company hereby wishes to confirm that it is a registered Water Services Provider (WSP) as per requirements of Chapter IV Sections 22 and 23 of the Water Services Act No. 108 of 1997 of the Republic of South Africa. Midvaal Water Company currently supplies potable water as per these requirements to the City of Matlosana Local Municipality as a Water Services Authority (WSA) as well as Mining Customers in the area of Klerksdorp, Orkney, Stilfontein and Hartebeesfontein (KOSH). Midvaal Water Company has been in operation for the past 67 years since it was established in 1954 serving Municipal and Mining customers in these areas. There is also potable water supply to Vierfontein which is near Viljoenskroon under Moghaka Local Municipality. Midvaal Water Company NPC is registered with CIPC with a Registration Number 1954/002224/08.</p>	It is noted that there will be adequate water provision for the Phofu Solar Power Plant. No further response required.

		<p>We can further confirm that Midvaal Water Company will be able to supply Phofu Solar Power Plant during Construction Phase and as well as during Operation Phase with the volumes indicated i.e. 20 000 m3 per annum during construction with a span of 12 to 18 Months and 4 200 m per annum during operation which is estimated to last approximately 20 years. Midvaal Water Company operates Water Treatment Plant which has design capacity of 320 MI/d whilst being currently being operated at 130 MI/d because of the decline in water sales due to closure of the Mines.</p>	
Cell C	Tiyani Hlongwane	<p>In a letter to the Applicant, dated 26 April 2022, the following feedback was received from Cell C. The content of the letter is as follows:</p> <p>We acknowledge receipt of your request regarding the abovementioned subject matters.</p> <p>Cell C HAS NO SERVICES IN THE AREA.</p> <ul style="list-style-type: none"> • This letter will be valid for a period of 6 months from date of issue. • Should the 6 months period expire without any work being completed, a new application must be submitted to wayleave@cellc.co.za. • Should an extension be necessary beyond the 6-month period, such application must be submitted 14 working days prior to the expiration of the 6 months period to wayleave@cellc.co.za. 	The approval provided by Cell C and the terms and conditions stipulated are noted by the Application and will be complied with.

		<ul style="list-style-type: none">• If any damage is caused to Cell C infrastructure, you will be liable for the repair cost associated with the damage.	
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