

**APPENDIX C8**  
**COMMENTS AND RESPONSES REPORT**



# KIARA PV 7 FACILITY AND ASSOCIATED INFRASTRUCTURE, NORTH WEST PROVINCE

## COMMENTS AND RESPONSES REPORT

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The Scoping and Environmental Impact Assessment (S&EIA) process for the Kiara PV Cluster and associated infrastructure was announced on **Friday, 24 June 2022**. A Background Information Document (BID) was distributed and served to invite Interested and Affected Parties (I&APs) to register their interest in the project and to submit any comments / queries regarding the proposed project. The notification of the availability of the Scoping Report for review and comment was included in the notification of the distribution of the BID. All written comments received from the commencement of the Scoping phase to date have been included in the table below.

The Scoping Report was made available for a 30-day review and comment period from **Friday, 24 June 2022** until **Monday, 25 July 2022**. All written comments received during the announcement of the S&EIA process, as well as the 30-day review and comment period have been included in this Comments and Responses Report (C&RR) to be submitted with the final EIA Report to the Department of Forestry, Fisheries and the Environment for their acceptance.

The C&RR is included in **Appendix C8** of the final Scoping Report.

#### NOTE:

All comments captured in the C&RR are verbatim and have not been summarised nor edited for typing or grammatical errors

#### LIST OF ABBREVIATIONS / ACRONYMS

APM	Archaeology, Palaeontology and Meteorites	EIA	Environmental Impact Assessment
C&RR	Comments and Response Report	NHRA	National Heritage Resource Agency
BID	Background Information Document	PIA	Palaeontological Impact Assessment
BA	Basic Assessment	PV	Photovoltaic
DSR	Draft Scoping Report	SAHRA	South African Heritage Resources Agency
EA	Environmental Assessment		

## 1. COMMENTS SUBMITTED DURING THE SCOPING PHASE (INITIAL CONSULTATION & 30-DAY REVIEW PERIOD)

### 1.1. Organs of State

No.	Raised by	Comment	Responded by	Response
1.	<p>Milicent Solomons</p> <p>Department of Forestry, Fisheries and the Environment (DFFE)</p> <p>Letter dated: 25 July 2022</p>	<p><u>This letter serves to inform you that the following information must be included to the Final Scoping Report:</u></p> <p><b><u>Listed Activities and Application Form</u></b></p> <ul style="list-style-type: none"> <li>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. Please provide the details, capacities and thresholds of the specific project infrastructure, not a repetition of the listed activity thresholds (i.e., a description of the dangerous goods facility infrastructure, capacity and location, and the length and width of the main access roads.</li> </ul>		<p>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 have been applied for and assessed. All listed activities applied for are indicated in <b>Chapter 7, Table 7.2</b>, of the Final Scoping Report.</p> <p>Appendix C of the final Scoping Report contains all evidence of relevant authorities that have been consulted as part of this EIA process to date. A preliminary sensitivity map indicating all preliminary sensitivities identified during the scoping phase is included as <b>Figure 10.1</b> and in <b>Appendix K</b> of the final Scoping Report.</p> <p>Furthermore, the potential impacts on the affected Critical Biodiversity Areas and Ecological Support Areas will be fully assessed in the EIAr phase.</p>
		<ul style="list-style-type: none"> <li>It is imperative that the relevant authorities are continuously involved throughout the environmental impact assessment process, as the development property possibly falls within geographically designated areas in terms of Listing Notice 3 Activities. Written comments must be obtained from the relevant authorities (or proof of consultation if no comments were received) and submitted to this Department. 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 Critical Biodiversity Areas and Ecological Support Areas are fully assessed in the final EIAr.</li> </ul>		

No.	Raised by	Comment	Responded by	Response
		<ul style="list-style-type: none"> <li>If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <a href="https://www.environment.gov.za/documents/forms">https://www.environment.gov.za/documents/forms</a>.</li> </ul>		<p>An amended application form is not required for final submission of the final Scoping Report.</p>
		<p><b>Layout &amp; Sensitivity Maps</b></p> <p>Please provide a layout map which indicates the following:</p> <ul style="list-style-type: none"> <li>The proposed location of the PV arrays and associated infrastructure of the proposed 130MW Kiara PV1, PV2, PV3 and PV4 Photovoltaic Solar Energy Facilities.</li> <li>The location of the proposed Kiara PV1, PV2, PV3 and PV4 solar PV facilities in relation to the cluster of the 3 additional planned PV facilities (i.e., Kiara PV5, PV6 and Kiara PV7).</li> <li>The proposed grid infrastructure connecting the PV facilities to the existing Watershed Substation, overlain by the sensitivity map.</li> <li>All supporting onsite infrastructure e.g., roads (existing and proposed).</li> <li>The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected.</li> <li>Buffer areas; and</li> <li>All "no-go" areas.</li> <li>The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure.</li> <li>Google maps will not be accepted.</li> </ul>		<ul style="list-style-type: none"> <li>Please refer to <b>Figure 10.1</b> of the final scoping report indicating all preliminary sensitivities identified during the scoping phase and <b>Figure 9.6</b> for a cumulative map. It should be noted that the full extent of the development area has been considered within this final scoping report with the aim of determining the suitability from an environmental and social perspective and identifying the areas that should be avoided in the development planning. Within the identified development area, a facility layout detailing the proposed infrastructures will be defined for assessment in the EIA phase. The layout map will be prepared in accordance with the relevant requirement as stated.</li> <li>Please note that the proposed grid connection infrastructure will</li> </ul>

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				<p>be submitted as a separate BA process</p> <ul style="list-style-type: none"> <li>Please refer to <b>Figure 1.1</b> and <b>Figure 1.2</b> and <b>Appendix K</b> for the location of the proposed Kiara PV facilities.</li> </ul>
		<p><b>Public Participation Process</b></p> <ul style="list-style-type: none"> <li>Please ensure that all issues raised, and comments received on the draft SR from registered I&amp;APs and organs of state which have jurisdiction (including this Department's Biodiversity Section: <a href="mailto:BCAdmin@environment.gov.za">BCAdmin@environment.gov.za</a> ) in respect of the proposed activity are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof must 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 &amp; 44 of the EIA Regulations 2014, as amended.</li> </ul>		<p>A record of all the raised comments is appended to the final Scoping Report; <b>Appendix C7</b>.</p> <p>All correspondence with various stakeholders is appended to the final Scoping Report – <b>Appendix C5</b> is the Organs of State correspondence and <b>Appendix C6</b> is the Key Stakeholders and I&amp;APs.</p>
		<ul style="list-style-type: none"> <li>A comments and response trail report (C&amp;R) must be submitted with the final SR. The C&amp;R report must incorporate all historical comments (pre and post submission of the draft SR) for this development. The C&amp;R report must be a separate document from the main report and the format must be in the table format which reflects the details of the I&amp;APs and date of comments received, actual comments received, and response provided. Please ensure that comments made by I&amp;APs</li> </ul>		<p>A record of all the comments received and reference engagement material is included in <b>Appendix C7</b> of the final Scoping Report.</p>

No.	Raised by	Comment	Responded by	Response
		<p>are comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&amp;AP's comments.</p>		
		<p><b><u>Specialist Assessments to be conducted in the EIA Phase</u></b></p> <ul style="list-style-type: none"> <li>• Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of turbine positions, and all other associated infrastructures that they have assessed and are recommending for authorisations.</li> <li>• The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.</li> <li>• 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.</li> <li>• 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</li> </ul>		<p>The identified specialist studies include a detailed description of the methodology followed as well as an indication of the location and description of the development and all other associated infrastructure.</p> <p>All specialist reports compiled for the Final Scoping Report include a detailed description of the limitations of the studies. All specialist studies have been conducted in the correct season.</p> <p>No contradicting recommendations were provided by the specialists as part of the scoping process. This comment is noted and will be taken into consideration during the EIA Phase of the process.</p> <p>The specialist studies have been conducted in accordance with Government Notice No. 320 of 20 March 2020 (i.e., "the protocols"), and Government Notice No. 1150 of 30 October 2020.</p>

No.	Raised by	Comment	Responded by	Response
		<p>animal species), have come into effect. <b>Please note that specialist assessments must be conducted in accordance with these protocols.</b> Please note further that the protocols require the specialists' to be registered with SACNASP.</p>		
		<ul style="list-style-type: none"> <li>Please include a table in the report, summarising the specialist studies required by the Department's Screening Tool, a column indicating whether these studies were conducted or not, and a column with motivation for any studies not conducted. Please note that if any of the specialists' studies and requirements/protocols recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report per the requirements of the Protocols.</li> </ul>		<p>Refer to <b>Chapter 7, table 7.2</b> for a table which summarizes the specialist studies required by the Department's Screening Tool and an indication of which studies were undertaken. Where studies have not been undertaken, a motivation has been provided.</p>
		<p><b>Cumulative Assessment to be conducted in the EIA Phase</b></p> <ul style="list-style-type: none"> <li>Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following: <ul style="list-style-type: none"> <li>➤ 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.</li> <li>➤ 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.</li> </ul> </li> </ul>		<p>A scoping level evaluation of potential cumulative impacts is provided in <b>Section 9.4</b> of the Final Scoping Report. Renewable energy facilities within a 30km radius of the proposed development have been identified as detailed in <b>Section 9.4</b> of the Scoping Report. An assessment of potential cumulative impacts will be undertaken during the EIA Phase of the process in accordance with these requirements.</p>



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		<p>➤ The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</p> <p>➤ A cumulative impact environmental statement on whether the proposed development must proceed.</p> <p><b><u>Environmental Management Programme</u></b></p> <ul style="list-style-type: none"> <li>• The EMPr must include the following:</li> <li>• It is drawn to your attention that for <u>substation and overhead electricity transmission and distribution infrastructure</u>, 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.</li> <li>• Further to the above, 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.</li> </ul> <p><b><u>General</u></b></p> <p>You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:</p> <p>"If S&amp;EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"</p>		<p>Where required the generic Environmental Management Programme, contemplated in Regulations 19(4) will be used and submitted with the final report over and above the EMPr for the PV facility.</p> <p>The Scoping Report has been subjected to a 30-day review period and the final Scoping Report is submitted within the prescribed timeframe of the Regulations.</p> <p>The final Scoping Report complies with the requirements of Appendix 2 and Regulation 21(1) of the EIA Regulations.</p>

No.	Raised by	Comment	Responded by	Response
		<p>You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.</p> <p>Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).</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>The Applicant acknowledges that no activity may commence prior to receipt of the Environmental Authorisation.</p>
2	<p>Elijah Katsetse Heritage Officer and Phillip Hine Manager: Archaeology, Palaeontology and Meteorites Unit SAHRA</p> <p>Letter: 28 July 2022</p>	<p><b>Interim Comment</b></p> <p>The SAHRA's APM Unit acknowledges receipt of the DSR and Heritage Screener and the recommendations contained therein. SAHRA supports the recommendations of the specialist and requests that the following is undertaken in terms of section 38(3) of the NHRA (25 of 1999):</p> <p>The specialist has recommended a field-based archaeological impact assessment. A field-based assessment of the impact to archaeological resources must be conducted by a qualified archaeologist. The report must comply with section 38(3) of the NHRA and the SAHRA 2006 Minimum Standards: Archaeological and Palaeontological Component of Impact Assessments, and the 2012 Minimum Standards: Archaeological Component of Heritage Impact</p>		<p>A full field-based Archaeological Impact Assessment (AIA) that complies with section 38(3) of both the NHRA and SAHRA minimum standards will be undertaken by a qualified Cultural Heritage Specialist and will be submitted as part of the EIAR.</p>

No.	Raised by	Comment	Responded by	Response
		<p>Assessments. The Minimum Standards provides allowance for a Letter of Recommendation for Exemption that can be submitted by a qualified archaeologist should they deem it appropriate</p> <p>The proposed development footprint is located in an area of Very High sensitivity for palaeontological resources as per the SAHRIS PalaeoSensitivity map. As such, a field-based Palaeontological Impact Assessment (PIA) is required to be conducted as part of the EA process. The desktop PIA must be compiled by a qualified palaeontologist and must comply with the SAHRA 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments.</p> <p>Further comments will be issued upon receipt of the above requested reports and the submission of the draft EIA with appendices.</p> <p>Should you have any further queries, please contact the designated official using the case number quoted above in the case header.</p>		<p>A full Palaeontological Impact Assessment (PIA) that complies with SAHRA's minimum standards will be undertaken by a qualified Palaeontologist and will be submitted as part of the EIAr.</p>

### 1.2 Key Stakeholders and Interested and Affected Parties (I&APs)

No.	Comment	Raised by	Response
1	No comments received		