

ESTABLISHMENT OF 132KV GRID CONNECTION INFRASTRUCTURE FOR THE HYPERION HYBRID FACILITY NEAR KATHU, NORTHERN CAPE

COMMENTS AND RESPONSES REPORT

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The BA process for the 132kV grid connection infrastructure associated with the Hyperion Hybrid Facility Process was announced on Wednesday, 14 October 2020. The announcement letter served to invite Interested and Affected Parties (I&APs) to register their interest in the project and to submit any comments / queries that they might have. All written comments received during the BA process to date have been included in this Comments and Responses Report.

The Basic Assessment (BA) Report was made available for a 30-day review and comment period from **27 October 2020** until **26 November 2020**. The Comments and Responses Report (C&RR) was updated with comments received during the review and comment period and is included in Appendix C6 of the final Basic Assessment Report.

LIST OF ABBREVIATIONS / ACRONYMS

BA	Basic Assessment	C&R	Comments and response
C&RR	Comments and Responses Report	DEFF	Department of Environment, Forestry and Fisheries
I&APs	Interested and Affected Parties	EA	Environmental Authorisation

NC DAEARD&LR	Department of Agriculture, Environmental Affairs, Rural Development and Land Reform	EMPr	Environmental Management Programme
SAHRIS	South African Heritage Resources Information System	NEMA	National Environmental Management Act
		NHRA	National Heritage Resources Act

1. COMMENTS RECEIVED DURING BASIC ASSESSMENT ANNOUNCEMENT PHASE

No comments received

2. COMMENTS RECEIVED DURING BASIC ASSESSMENT REPORT REVIEW PERIOD

2.1. Organs of State

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>a) Listed Activities</p> <p>(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.</p>	<p>Herman Alberts Case Officer DEFF</p> <p>Letter: 11 November 2020</p>	<p>Only activities associated with the proposed PV facility and associated infrastructure have been applied for and assessed within the application and the basic assessment report.</p>
	<p>(ii) 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.</p>		<p>The activities listed in the application form and the final BAR do not differ. There is therefore no requirement to submit an amended application form.</p>
	<p>(iii) 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.</p>		<p>Continuous communication with Authorities such as DAEARD&LR, DWS and SAHRA has been undertaken from the inception of the public participation and basic assessment process. All comments received have been documented and responded to within this comments and responses report and are included within Appendix C8 of the Final BAR.</p>

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	<p>b) <u>Layout & Sensitivity Maps</u></p> <ul style="list-style-type: none"> i. The final report must include an environmental sensitivity map indicating environmental sensitive areas, buffer areas and features identified during the assessment process. ii. A copy of the final layout map must be submitted with the final report and all available biodiversity information must be used in the finalisation of the layout map. iii. Existing infrastructure must be used as far as possible and the layout map must indicate the following: a) All supporting onsite infrastructure; <ul style="list-style-type: none"> a. The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected; b. Buffer areas; and c. All "no-go" areas. 		<ul style="list-style-type: none"> i. A Layout map indicating the proposed 132kV power line infrastructure has been provided in Appendix B of the final BAR. ii. A Sensitivity map highlighting watercourses and ecological sensitive areas identified within and surrounding the power line assessment corridor has been provided in Appendix B of the final BAR.
	<p>c) <u>Alternatives</u></p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 		<ul style="list-style-type: none"> a. Refer to Chapter 3 of the basic assessment report "Project Description and Alternatives" b. Refer to Chapter 4 and Appendix C1 – Appendix C9 of the basic assessment report for the participation process undertaken and the public participation plan followed as approved by DEFF. c. Refer to the Comments and Responses report (Appendix C8) for issues raised prior to and during the 30-comment period. All correspondence with Authorities, Stakeholders, Organs of State and Interested & Affected Parties has been included within Appendices C4- C6 of the basic assessment report.

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	<p>which the issues were incorporated, or the reasons for not including them;</p> <p>d. the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;</p> <p>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—</p> <p>f. can be reversed;</p> <p>g. may cause irreplaceable loss of resources; and</p> <p>h. can be avoided, managed or mitigated;</p> <p>i. 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;</p> <p>j. 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;</p> <p>k. the possible mitigation measures that could be applied and level of residual risk;</p> <p>l. the outcome of the site selection matrix;</p> <p>m. if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and</p> <p>n. a concluding statement indicating the preferred alternatives, including preferred location of the activity.</p>		<p>d. Please refer to Chapter 5 of the basic assessment report for the a description attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects</p> <p>e. Please refer to Chapter 3 of the basic assessment report for 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.</p> <p>f. Please refer to Chapter 3 and Chapter 7 of the of the basic assessment report for the assessment of 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</p> <p>g. Please refer to Chapter 7 of the basic assessment report for details of possible mitigation measures that could be applied and level of residual risk</p> <p>h. A motivation for not considering any alternative development locations is included in section 3.5.1 of the basic assessment.</p> <p>i. A concluding statement indicating the preferred alternatives, including the preferred location of the activity is included in section 3.5.1 to 3.5.4 of the basic assessment report.</p> <p>j. Please refer to Chapter 3 of the basic assessment report for feasible alternatives.</p>

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	<p>ii. Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1</p> <p>d) <u>Policy and legislative context</u></p> <p>i. The department has noted that the legislative context has been identified and included in the report but has not been linked to the project. In the activity description, reference is made to the property being in a protected area but NEMPAA is not included in the identified policies and legislation and how it links to the project. Therefore, you are required to include a description of the policy and legislative context within which the development is proposed including—</p> <ul style="list-style-type: none"> a. an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that are applicable to this activity and have been considered in the preparation of the report; and b. how the proposed activity complies with and responds to the legislation and policy context, plans, guidelines, tools frameworks, and instruments. <p>e) <u>Specialist Declaration of Interest</u></p> <p>(i) 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</p>		<p>(i) According to available NEMPAA data and mapping the proposed development is situated approximately 2km east of the Kathu Forest Nature Reserve and Protected Woodlands Area and 4km west from the Kathu Forest Zone.</p> <p>(a) The project area is not located within a protected area therefore, the need to include policies related to Protected Areas is not relevant to the project.</p> <p>Specialist Declarations are included in Appendix L of the Final Basic Assessment report.</p>

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	<p>Department's website (please use the Department's template).</p> <p>f) <u>Specialist Assessments</u></p> <p>(i) Methodology</p> <p>(ii) The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.</p> <p>(iii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.</p> <p>g) <u>Undertaking of an Oath</u></p> <p>(i) The Department has noted that the submitted application form has an undertaking under oath or affirmation by the EAP. However, the aforementioned oath was not included in the draft BAR, but rather an appendix of the application form attached to the BAR. Please note that the final BAR must also have an undertaking under oath/affirmation by the EAP.</p> <p>(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: <i>"an undertaking under oath or affirmation by the EAP in relation to:</i></p>		<p></p> <p>i. All specialist studies (Appendix D – J) contain detailed descriptions of the methodologies used within each of the reports.</p> <p>ii. All specialist studies (refer to Appendix D-J) contain detailed descriptions of the limitations and gaps. Assessments were undertaken during October 2020 (spring-summer).</p> <p>iii. No contradicting recommendations were provided by the specialist studies for the 132kV infrastructure</p> <p>(i) The undertaking of the affirmation by EAP is included in Appendix M of the Final Basic Assessment report.</p> <p>(ii) The affirmation by EAP is included as appendix M of the Final Basic Assessment report.</p>

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	<p>a) the correctness of the information provided in the reports;</p> <p>b) the inclusion of comments and inputs from stakeholders and I&APs;</p> <p>c) the inclusion of inputs and recommendations from the specialist reports where relevant; and 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".</p>		
	<p>h) <u>Details and Expertise of the EAP</u></p> <p>i) (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.</p>		<p>Refer to Appendix A of the basic assessment report for curriculum vitae details of the EAP and Section 1.3 of the basic assessment report for expertise of the EAP.</p>
	<p>i) <u>Public Participation Process</u></p> <p>i. The following information must be submitted with the final BAR:</p> <p>a. A list of registered interested and affected parties as per Regulation 42 of the NEMA EIA Regulations, 2014, as amended;</p> <p>b. Copies of all comments received during the draft BAR comment period; and</p> <p>c. 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 BAR. Please note that comments received from this Department must also form part of the comment and response report.</p>		<p>Refer to Section 4 and Appendix C of the final Basic Assessment report for all details of the Public Participation process followed.</p> <p>i. A list of registered I&APs is included in Appendix C1 of the final BAR</p> <p>ii. Comments received during the draft BAR review period is included in Appendix C6 of the final BAR</p> <p>iii. A comments and responses report which contains all comments received during the draft BAR review period is contained in Appendix C8 of the final BAR</p>

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	<p>ii. Please ensure that all issues raised and comments received during the circulation of the BAR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the final BAR.</p>		<p>All comments received during the review and comment period of the draft BAR have been included within this Comments and Responses Report and have been addressed as far as possible.</p> <p>Proof of correspondence with the various stakeholders and proof of attempts to obtain comments are included in Appendix C5 of the final BAR.</p> <p>Proof of correspondence with organs of state and proof of attempts to obtain comments are included in Appendix C4 of the final BAR.</p>
	<p>iii. 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. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended</p>		<p>Proof of correspondence with the various stakeholders and proof of attempts to obtain comments are included in Appendix C5 of the final BAR.</p>
	<p>iv. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.</p>		<p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended (GNR 326), as well as in accordance with the approved Public Participation Plan. The approved Public Participation Plan is included as Appendix C9 of the final BAR.</p> <p>I&APs and organs of state were notified of the commencement of the EIA process as follows:</p> <ul style="list-style-type: none"> The BID, accompanied by a cover letter and registration & comment form, was emailed to those I&APs identified and the relevant organs of state on 14 October 2020 (refer to Appendices C4 & C5 of the final BAR).

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			<p>The draft BAR was made available for a 30-day review and comment period from 27 October 2020 until 26 November 2020 and the availability was announced as follows:</p> <ul style="list-style-type: none"> • Advertised in the Kathu Gazette newspaper on 24 October 2020 (tear sheets included in Appendix C2 of the final BAR). • Notification letter was sent to all registered I&APs and Organs of State on the project database (Appendix C1 of the final BAR) informing them of the availability of the draft BAR for review and comment. <p>The draft BAR was also made available for download from Savannah Environmental's website and could also be sent via other file transfer services (i.e. We Transfer, Dropbox, etc.) or on CD, on request.</p> <p>Site notices were placed at the proposed development site and surrounds on 01 October 2020. Proof of the placement of the site notices are included in Appendix C2 of the final SR.</p>
	<p>j) <u>Environmental Management Programme</u></p> <p>i. The EMPr must also include the following:</p> <p>a. 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.</p>		<p>a. A generic EMPr for the overhead power line has been submitted as Appendix K of the BA report.</p> <p>b. It must be noted that no substation will be constructed for the proposed project therefore a generic substation EMPr has not been compiled. The EMPr for the Hyperion hybrid facility has been compiled as part of a separate EIA process.</p> <p>c. The content of the generic EMPr is in line with Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.</p> <p>d. The following is contained in the Generic Power Line Environmental Management Programme (Appendix K):</p>

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	<p>b. There needs to be an EMPr for the facility, the onsite substation as well as the overhead line.</p> <p>c. 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.</p> <p>d. Please be informed that the following content must be incorporated within the EMPrs as indicated in Appendix 4 of the EIA Regulations 2014, as amended:</p> <ul style="list-style-type: none"> i. Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae. ii. 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. iii. 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 — <ul style="list-style-type: none"> (a) Planning and design; (b) Pre-construction activities; (c) Construction activities; (d) Rehabilitation of the environment after construction and where applicable post closure; and (e) Where relevant, operation activities. 		<ul style="list-style-type: none"> i. Details of the EAP (refer to Part B Section 2) ii. Combined Layout and Sensitivity Map (refer to Part B Section 2) iii. Applicable impact management outcomes and management actions (refer to Part B Section 2) iv. Compliance and monitoring mechanisms (refer to Part B Section 1&2)

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	<p>iv. 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 —</p> <p>v. Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;</p> <p>vi. Comply with any prescribed environmental management standards or practices;</p> <p>vii. Comply with any applicable provisions of the Act regarding closure, where applicable; and</p> <p>viii. Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.</p> <p>ix. The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amend</p> <p>x. 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.</p> <p>xi. An indication of the persons who will be responsible for the implementation of the impact management actions.</p> <p>xii. 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.</p>		

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	<p>xiii. The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.</p> <p>xiv. A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.</p>		
	<p>k) <u>Environmental Impact Statement</u></p> <p>i. It is noted that an environmental impact statement is not included in the draft BAR, therefore you are kindly requested to include an environmental impact statement which contains —</p> <ul style="list-style-type: none"> 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. 		<p>i. An environmental impact statement containing the key findings of the environmental impacts of 132kV overhead power line has been included in Chapter 8 (section 8.4) of the basic assessment report.</p> <ul style="list-style-type: none"> a. A summary of key findings is contained in Chapter 8 of the final BA Report b. Sensitive environmental features located within the power line study area and development area, have been identified. A map of sensitivities overlain with the proposed development footprint is included in Figure 8.1 of the basic assessment report. c. A summary of the positive and negative impacts associated with Hyperion-Kalbas 132kV power line has been included in section 8.2 of the Final BA Report.
	<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 as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.</p>		<p>(b) The period for which the Environmental Authorisation is required has been included in Section 8 of the Final Basic Assessment report.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<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 -</i></p> <p><i>(a) a basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, 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 EAP acknowledges the comment from DEFF.</p>
	<p>Should there be significant changes or new information that has been added to the B/ R 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(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 — (b) a notification in writing that the basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, 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 basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised reports or, EMPr or, where applicable, a</i></p>		<p>The EAP acknowledges the comment from DEFF.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<i>closure plan will be subjected to another public participation process of at least 30 days".</i>		
2.	<p>The SAHRA Archaeological, Paleontological and Meteorites (APM) requests that a desktop Paleontological Assessment must be conducted by a qualified paleontologist as the proposed powerline route is located within areas of moderate to high sensitivity for paleontological resources as per the SAHRIS PalaeoSensitivity map.</p> <p>The applicant is advised to extend the BAR process in terms of section 19(1)b of the NEMA EIA regulations in order to comply with this comment.</p>	<p>Natasha Higgitt South African Heritage Resources Agency</p> <p>Letterl: 20 November 2020</p>	<p>A qualified palaeontologist has undertaken a Desktop Palaeontological assessment (refer to Appendix F of the BA report). The findings of the assessment confirmed the findings of the HIA in that the impact on local fossil heritage resources due the development of the proposed 132kV power line will be Low. The assessment recommended that no further paleontological investigations or mitigatory measures are required.</p> <p>The outcome of the Desktop Paleontological assessment confirmed the findings of the HIA and indicated that no further paleontological assessments or mitigatory measures are recommended. Given the outcome of the assessment and the confirmation of the information contained in the draft BAR, no substantive additional information has been included in the report. The BAR has therefore not been extended for further comment.</p>