

**RIPPON WIND FARM, EASTERN CAPE PROVINCE
(DFFE Ref. No.: 14/12/16/3/3/1/2429)**

COMMENTS AND RESPONSES REPORT

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The Basic Assessment (BA) Process for the Rippon Wind Farm was announced together with the Development of a Cluster of Renewable Energy Facilities located between Somerset East and Makhanda, Eastern Cape Province on Tuesday, 17 November 2020. The Background Information Document was distributed together with a notification letter which 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 on any of the proposed developments on 17 November 2020. All written comments received during the BA process to date have been included in the table below and in **Appendix C7** of the Basic Assessment (BA) Report.

The availability of the Basic Assessment (BA) Report was announced on Friday, 10 September 2021 and the 45-day review and comment period was from **Friday, 10 September 2021** until **Tuesday, 26 October 2021**. The Comments and Responses Report (C&RR) has been updated with comments received during the review and comment period and included in **Appendix C7** of the final Basic Assessment Report.

The C&RR is attached as a separate document as **Appendix C9** of the final BA Report.

LIST OF ABBREVIATIONS / ACRONYMS

AIP	Alien Invasive Plant	EWT	Endangered Wildlife Trust
AVDS	André van der Spuy	DEDEA	Department of Economic Development and Environmental Affairs
BA	Basic Assessment	DEDEAT	Department of Economic Development, Environmental Affairs and Tourism
BAR	Basic Assessment Report	SEIA	Socio-Economic Impact Assessment
BID	Background Information Document	SOW	Scope of Work
BLSA	BirdLife South Africa	WEF	Wind Energy Facility
CBA	Critical Biodiversity Area	SEIA	Socio-Economic Impact Assessment
CIPC	Companies and Intellectual Property Commission	SOW	Scope of Work
EAP	Environmental Assessment Practitioner	WEF	Wind Energy Facility
ECHRA	Eastern Cape Heritage Resources Agency	SEIA	Socio-Economic Impact Assessment
ECP&T	Eastern Cape Parks & Tourism Agency	SOW	Scope of Work
EIA	Environmental Impact Assessment	WEF	Wind Energy Facility
EMPr	Environmental Management Programme	SEIA	Socio-Economic Impact Assessment
ESA	Ecological Support Area	SOW	Scope of Work

1. COMMENTS RECEIVED DURING THE BASIC ASSESSMENT REPORT REVIEW AND COMMENT PERIOD

1.1. Organs of State

No.	Comment	Raised by	Response
1.	<p>Please send me KMZ files of the proposed grid connection, MTS site and the 4 x WEF footprints. As well as proposed layouts if available.</p> <p>Have you started a process for the proposed grid connection for Wind garden and Fronteer, i.e. a MTS site and line connecting to the rest of the grid?</p>	<p>John Geeringh Senior Consultant Environmental Management Land and Rights Eskom Transmission Division</p> <p>E-mail: 03 September 2021</p> <p>E-mail: 13 September 2021</p>	<p>The requested .KMZ files were e-mailed to the Stakeholder on 08 September 2021.</p> <p>Although the enquiry does not relate to the Aeolus Wind Farm application, the project team responded to the request at the KSW held on Wednesday, 15 September 2021 and the presentation which includes the proposed grid connections for the wind farm developments was shared with the attendees at the KSW on 15 September 2021.</p>
2.	<p><u>This letter serves to inform you that the following information must be included to the final BAR:</u> <u>Application form and draft BAR</u></p> <p>1. 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>2. The listed activities represented in the BAR and the application form must be the same and correct.</p> <p>3. The BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for, including impacts and mitigation measures.</p>	<p>Lunga Dlova Case Officer DFFE</p> <p>Letter: 13 October 2021</p>	<p>All relevant listed activities have been identified and applied for. The specific aspect of the project activities associated with each Listed Activity is detailed in the application and in the BA Report (refer to Chapter 5).</p> <p>The listed activities represented in the BAR do not differ from those in the application form.</p> <p>Potential impacts are assessed in Chapters 10 and 11 of the BAR, and mitigation measures are recommended. These mitigation measures have been included in the project EMP.</p>

No.	Comment	Raised by	Response
	4. Please provide coordinates of the corner points of the perimeter of the proposed on-site substation alternative 1 area and the on-site substation alternative 2 area and all necessary co-ordinates for the proposed Hamlett Wind Farm project.		There is only one substation location proposed. The co-ordinates of the corner points of the perimeter of this proposed on-site substation location have been included in the final BAR.
	5. If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted.		An amended application is not required as the listed activities represented in the BAR do not differ from those in the application form.
	6. Provide details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies must be indicated.		Details of the future plans for the site and infrastructure after decommissioning are included in Section 2.2.3 of the BAR.
	Specialist Assessments		
	7. 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.		The specialist studies are final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and do not recommend further studies to be completed post EA
	8. Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.		No contradicting recommendations have been made by the specialists.
	9. Ensure that where applicable specialist studies are compiled as per the requirements of GN 320 of 20 March 2020 and GN 1150 of 30 October 2020 unless proof is provided that indicates that those specialist studies were commissioned within 50 days from the gazetting of GN320 and prior to the gazetting of GN1150		Where relevant, specialist studies have been compiled as per the specialist protocols.
	Public Participation Process		
	10. Comments must be obtained from this Department's Biodiversity Conservation Directorate at the following contact details: BCAdmin@environment.gov.za.		The written comments submitted by the DFFE: Biodiversity Conservation Directorate are included in this C&RR and included in Appendix C7 of the final BAR.

No.	Comment	Raised by	Response
	<p>11. 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 (Appendix C1) as follows:</p> <ul style="list-style-type: none"> » Project database: A register of I&APs has been compiled and updated throughout the BA process and is included in the final BAR as Appendix C2. » BA process announcements: <ul style="list-style-type: none"> • The BID, accompanied by a cover letter inviting I&APs to register on the project database, was distributed via email to those I&APs identified and the relevant OoS on 17 November 2020 (refer to Appendices C4 & C5 of the Final BAR.) The BA process announcement was a combined notification for all nine (9) projects which form part of the larger cluster of renewable energy projects proposed. • Advertisements announcing the commencement of the BA process were placed as follows (refer to Appendix C3 of the final BAR): <ul style="list-style-type: none"> ▪ Hartlandnuus – 12 November 2020 ▪ The Herald (Eastern Cape) – 12 November 2020 • Site Notices were placed on the affected properties on 04 December 2020 (refer to Appendix C3 of the final BAR) • Process Notices were placed at various public libraries throughout the study area on 03 December 2020 (refer to Appendix C3 of the final BAR). » BA Report available for review and comment:

No.	Comment	Raised by	Response
			<ul style="list-style-type: none"> • The BA report was made available for public review and comment for a 45-day period from 03 September to 19 October 2021. • Registered I&APs were notified of the availability of the BA Report via e-mail on 03 September 2021 (refer to Appendix C6 of the final BAR). • Commenting authorities, the relevant municipal councillor and local and district municipalities which have jurisdiction in the area, were notified of the availability of the report via email on 03 September 2021 and requested to provide written comments on the BA Report (refer to Appendix C5 of the Final BAR). • Advertisements detailing the availability of the report and review period were placed as follows (refer to Appendix C3 of the Revised BA Report): <ul style="list-style-type: none"> ▪ Hartlandnuus – 02 September 2021 ▪ The Herald (Eastern Cape) – 02 September 2021 <p>» Attempt to obtain comments on the BA Report:</p> <ul style="list-style-type: none"> • Email reminders were sent to all registered I&APs and OoS regarding the end of the review and comment period for the BA Report on 12 October 2021 (refer to Appendices C5 and C6 of the final BA Report). <p>» Meetings (refer to Appendix C8 of the final BAR for meeting notes):</p> <ul style="list-style-type: none"> • Virtual KSW held on 15 September 2021 at 09h00. • Virtual FGM held with Sarah Baartman District Municipality and Blue Crane Route Local Municipality Officials on 15 September 2021 at 12h00 • Virtual FGM held with Eastern Cape DEDEAT Officials on 15 September 2021 at 14h30.

No.	Comment	Raised by	Response
			<ul style="list-style-type: none"> » Virtual public participation process meetings were held on 21 September 2021 at 18h00, 22 September at 14h00 and 22 September 2021 at 18h00 » Consultation: <ul style="list-style-type: none"> • Proof of consultation with I&APs and OoS throughout the BA process is included in Appendices C5 and C6 of the final BAR. • Community / occupiers were consulted on a one-on-one consultation process on 12, 13 & 14 October 2021. A brochure which provided information regarding the development of a wind farm in layman's terms and included pictures of construction of a wind turbine, etc was distributed at these consultations. The information was also shared with the then Ward Councillor Sonkwala Phandulwazi and his Ward Committee Members. » Comments & Responses Report: <ul style="list-style-type: none"> • All comments received regarding the BA process and BAR have been captured in this C&RR, which is attached as a separate document to the final BAR (refer Appendix C9 of the final BAR).
	<p>12. Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state, as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR.</p>		<p>All comments submitted by I&APs and the organs of state who have jurisdiction in respect of the proposed activity are addressed and included in this C&RR (refer to Appendix C9 of the final BAR). All comments submitted have been responded to.</p>
	<p>13. Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR.</p>		<p>The comments received from I&APs and organs of state which have jurisdiction in respect of the application are included in Appendix C7 of the final BAR.</p>

No.	Comment	Raised by	Response
	14. 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.		Proof of correspondence and consultation with the various stakeholders is included in Appendices C5 and C6 of the final BAR, and these Appendices also include the proof of attempts to obtain comments on the BAR.
	15. All issues raised and comments received during the circulation of the draft BAR from I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).		All comments submitted by I&APs, organs of state who have jurisdiction in respect of the proposed activity, and that of the DFFE, are captured in this C&RR and are adequately addressed, where relevant. The C&RR is submitted as a separate document (Appendix C9) with the final BAR.
	16. Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.		Comments submitted by I&APs have not been split and arranged according to categories but according to the date received and each comment submitted has been individually responded to.
	17. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to an I&AP's comments.		Comments submitted have been captured (copied) verbatim and not summarised and no comment has been responded to as "noted" but addressed as applicable.
	<u>Environmental Management Programme (EMPr) for Facility</u> 18. The EMPr must be developed in terms of Appendix 4 of the EIA Regulations, 2014 as amended.		The EMPr for the WEF has been compiled in accordance with the requirements of Appendix 4 of the EIA Regulations, 2014 (as amended). The EMPr for the IPP substation has been compiled using the generic EMPr template.
	19. The decommissioning chapter of the EMPr for the facility must contain information relating to the handling, repurposing or disposal of dysfunctional, severely damaged batteries, module and containers.		The project does not include battery storage. This is therefore not relevant.
	20. The EMPr must distinguish between impact management actions and impact management outcomes.		The EMPr for the facility distinguishes between impact management actions and impact management outcomes.

No.	Comment	Raised by	Response
	21. The EMPr must include all recommendations and mitigation measures recorded in the BAR and specialist studies conducted.		The EMPr includes all recommendations and mitigation measures recorded in the BAR and specialist studies conducted.
	22. The EMPr must include the South African Heritage Resources Agency Change Finds Protocol, as recommended by the Heritage Impact Assessment.		The EMPr includes a Chance Finds Protocol.
	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.		The Final BAR includes the period for which the Environmental Authorisation is required (refer to Section 12.6). This expected date on which the activity will be concluded cannot be provided at this stage of the application. Should this project be selected as a preferred bidder and a PPA concluded, the date will be communicated with the DFFE.
	The EAP must provide detailed motivation if any of the above requirements is not required by the proposed development and not included in the EMPr.		All of the above requirements have been addressed. Where the requirements are not applicable, this has been noted.
	You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: "Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (a) a basic assessment report, inclusive of 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."		The process undertaken for the project complies with the requirements of Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended.
	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(b) of the NEMA EIA		No significant changes or new information have been added to the BAR. Therefore, additional public participation is not required.

No.	Comment	Raised by	Response
	<p>Regulations, 2014, as amended, which states: "the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the 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 closure plan will be subjected to another public participation process of at least 30 days"</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>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 final report will be submitted within the prescribed timeframe.</p> <p>The applicant is aware of this requirement.</p>
3.	<p>The Directorate: Biodiversity Conservation has reviewed and evaluated the report. Based on the information provided in the report and specialists studies also the pre-construction monitoring report, the proposed projects are not considered to result in any fatal flaws and with mitigation measures the proposed projects impacts can be mitigated to acceptable level.</p> <p>Notwithstanding the above the following are recommendations that must be considered to minimize loss of biodiversity:</p>	<p>Aulicia Maifo & Portia Makilla Case Officers DFFE: Directorate Biodiversity Conservation</p> <p>Letter: 26 October 2021</p>	<p>The comment is noted. No response is required.</p>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> • High sensitive areas in close proximity to the development footprint must be demarcated as no-go area i.e. Critical Biodiversity Area (SBA), Ecological Support Area (ESA); • Alien Invasive Plant (AIP) Management and Control Plan must be designed and implemented to prevent further loss of floral habitat and diversity as AIPs displace native species; and • Erosion Management Plan, Maintenance Plan and Rehabilitation Plan of natural vegetation must be developed to mitigate on habitat degradation and consider all phases of the development. <p>NB: The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCAdmin@environment.gov.za for attention of Mr. Seoka Lekota.</p>		<p>Very high and highly sensitive areas have been excluded from the development footprint. An optimised layout has been recommended for implementation (refer to Figures 12.2 and 12.3).</p> <p>An Alien Invasive Plant (AIP) and Open Space Management Plan is included in Appendix C of the facility EMPr (Appendix N1 of the BAR). In addition, the EMPr includes a requirement to develop a detailed method statement for the implementation of the alien invasive management plan and open space management plan for the site, as well as the requirement to develop and implement an alien, invasive and weeds eradication/control plan.</p> <p>The EMPr for the facility includes:</p> <ul style="list-style-type: none"> • Appendix D: Re-Vegetation and Habitat Rehabilitation Plan • Appendix G: Stormwater and Erosion Management Plan <p>In addition, the EMPr includes the requirement that a comprehensive rehabilitation / monitoring plan must be developed in consultation with a specialist, and must be implemented from the project onset i.e. during the detailed design phase prior to construction, to ensure a net benefit to the environment within all areas that will remain undisturbed.</p> <p>It can be confirmed that notification to and correspondence with the DFFE: Biodiversity Conservation Directorate has been submitted via email to BCAdmin@environment.gov.za.</p>
4.	<p>Could you please give me your dates suitable for a 2-4 hr session where we would be dealing with the</p> <ul style="list-style-type: none"> • Hanlett Wind Farm; and • Rippon Wind Farm. 	<p>Siyabonga Gqalangile DEDEA E-mail: 20 October 2021</p>	<p>The project team's availability of 22 October or Monday, 25 October 2021 which falls within the review and comment period was submitted via e-mail to the Task Team for consideration.</p>

No.	Comment	Raised by	Response
	As the province we have established a WEF Task Team to collectively review or listen to presentation and provide consolidated comments, hence I request your suitable dates to give a presentation to this structure as you previously did.		The Task Team was reminded that the Hamlett Wind Farm and Rippon Wind farm were presented to the DEDEA on Wednesday, 14 September 2021 and the meeting notes of the meeting were attached to Savannah Environmental's responding email.
	I recall meetings we had regarding these WEF projects and as a result I do not think the meeting is still necessary		The confirmation is acknowledged.

1.2. Key Stakeholders and Interested & Affected Parties

No.	Comment	Raised by	Response
1.	<p>(I) RECORD OF OBJECTION TO, AND ASSOCIATED COMMENT ON, CURRENT PUBLIC PARTICIPATION PROCESS, AND</p> <p>(II) REQUESTS FOR INFORMATION; EXTENSION TO UNREASONABLE COMMENT PERIOD; AND, A MEETING WITH THE ENVIRONMENTAL ASSESSMENT PRACTITIONER AND SPECIALISTS.</p> <p>1. The email notification of 3/9/2021 from Savannah Environmental refers.</p> <p>2. It is important to understand the overall (undivulged) context of the Wind Relic (Pty) Ltd. project and its development process to which the five (5) subject environmental applications relate and which are:</p> <ul style="list-style-type: none"> i. Hamlett Wind Farm (of up to 333MW and up to 37 turbines; authorization applied for by Hamlet (Pty) Ltd). ii. Ripponn Wind Farm (of up to 324MW and up to 36 turbines; authorization applied for by Ripponn (Pty) Ltd). 	<p>André van der Spuy AVDS Environmental Consultants</p> <p>Letter: 22 September 2021</p>	<p><u>Response by Jo-Anne Thomas via responding letter on 30 September 2021:</u></p> <p>With reference to your contention that you represent certain clients, we note that you did not disclose the details of your clients, making it impossible for us to confirm whether or not they are registered on the Renewable Energy Project databases. You are therefore hereby requested to provide us with the details of your clients so that we can formally register them as interested and affected parties ("I&APs") on the aforementioned databases. This will allow us to properly and fairly consider their specific interests in light of any comments they might submit regarding the impacts of the Renewable Energy Project on their interests.</p> <p>It also appears from your letter that you contrive to imply that there is no transparency in so far as all the projects collectively being undertaken in the Makhanda and Somerset East areas is concerned. In this regard we refer you to the EIA process</p>

No.	Comment	Raised by	Response
	<p>iii. Redding Wind Farm (of up to 576MW and up to 64 turbines; authorization applied for by Redding (Pty) Ltd).</p> <p>iv. Aeolus Wind Farm (of up to 297MW and up to 33 turbines; authorization applied for by Aeolus (Pty) Ltd).</p> <p>v. A Transmission Substation and two 400kV powerlines (authorization applied for by Wind Relic (Pty) Ltd).</p>		<p>advert placed on 12 November 2020 in two newspapers, i.e. an English advert in the regional newspaper, the Herald, and an Afrikaans advert in a local newspaper, the Hartland Nuus. These adverts included the details of all the projects (i.e. 6 wind projects, 2 solar projects and a 400kV Main Transmission Substation ("MTS")) proposed as part of a renewable energy cluster ("Renewable Energy Cluster").</p>
3.	<p>The four Directors of the company Wind Relic (Pty) Ltd are the same 4 individuals who are also the Directors of the 4 different wind energy facility applicants listed above. They are also the same 4 directors of the Fronteer and Wind Garden Wind Farms which are also have being promoted by Wind Relic (Pty) Ltd. They are also the same 4 Directors the two solar farms (Solaris Fields and Sun Garden Solar farms) which are being prepared for environmental application shortly. In essence, all of the mentioned 8 different renewable energy projects within the Cookhouse Renewable Energy Development Zone (REDZ) are under the same directorship as that of the parent company, Wind Relic (Pty) Ltd. The 8 projects, along with the associated massive substation and powerline projects, are therefore merely all components of one massive renewable energy project within the Cookhouse REDZ in which "<i>splitting the whole project site into smaller projects as advised by Environmental Affairs!</i>" has been implemented according to strategic planning objectives and in order to facilitate passage of, and no doubt also reduce overall risk to, the massive Wind Relic project. The extent of the Wind Relic project, Director, Mr. Hylton</p>		<p>Further to this, the Background Information Document ("BID") distributed via email on 17 November 2020 to all registered I&APs included details of all the projects proposed as part of the Renewable Energy Cluster. The Basic Assessment Reports compiled and released for public review to date (i.e. the reports for the 6 wind farms and an MTS) ("Basic Assessment Reports") also all included details of all the projects proposed as part of the Renewable Energy Cluster. The cumulative environmental impacts of all the proposed projects in the vicinity of each development (including those as part of the larger Renewable Energy Cluster) are assessed within each report.</p> <p>It should therefore be clear that the details of all the projects proposed as part of the Renewable Energy Cluster have been public knowledge since the outset of the EIA processes being undertaken for all the various projects.</p> <p>In so far as the public participation process for each project is concerned, this is being undertaken in accordance with the Public Participation Plan approved by the DFFE ("PP Plan"). The PP Plan is included as Appendix C1 to the Basic Assessment</p>

¹ WhatsApp message from Hylton Newcombe of the "Wind Relic Team" , 25/5/2020

No.	Comment	Raised by	Response
	<p>Newcombe, has described as “(providing) the geographic footprint to build one of the largest independent energy assets in the world.”² It is clear that the sole purpose of the Wind Relic venture is a commercial one in which it is expected that the different sub-projects components (and resultant commitments by them to the local affected environment and affected communities) will be ultimately be commercially traded by the four Directors for profit once the required authorisations are to hand, and as is the common course of such business in the renewable energy industry. The fact that Wind Relic had already advised, in a letter dated 23/2/2020, and in a show of confidence, its contracted landowners (being themselves beneficiaries of its “creation of profitable partnerships” with “Eastern Cape Landowners”) that it had made efforts to procure turbines already in “December 2019” casts serious doubt on the associated environmental applications being independently managed, and administrated by the Department of Forestry, Fisheries and Environment (DFFE), towards the required outcome of a fair decision which is free of undue government influence (the influential involvement of the DFFE during the early 2020 planning by Wind Relic having been noted). Unconditional statements³ of confidence to their partnered landowners made after having previously engaged with the Blue Crane Route Municipality⁴, DFFE, Eskom and other government and business stakeholders, “(t)his concept of co-operative engagement shapes the very essence of our strategy” and “(w)e are deeply</p>		<p>Reports, and includes details as to how each requirement of the EIA Regulations, 2014 relating to public participation (i.e. Regulation 40 – 44) is to be met. The approved PP Plan includes, inter alia, provision for a 30-day public review period for the draft Basic Assessment Reports as well as the undertaking of virtual public participation meetings. Notwithstanding the provisions of the approved PP Plan relating to the 30-day period, it was decided to stagger the review periods for the draft Basic Assessment Reports and a 45-day review period is provided for each group of reports available. As previously indicated in our notification letters, the review periods are as follows:</p> <ul style="list-style-type: none"> » Redding Wind Farm, Aeolus Wind Farm and the REDZ 3 Power Corridor 400MTS - Friday, 03 September 2021 until Tuesday, 19 October 2021; and » Hamlett Wind Farm and Rippon Wind Farm - Friday, 10 September 2021 until Tuesday, 26 October 2021. <p>A number of virtual meetings have been arranged and held to date and further meetings are planned. Public participation process meetings have been advertised and notifications have also been provided to all registered I&APs. The various limitations surrounding the use of electronic media by some parties in the area (including occupiers) has also been taken into consideration. Regarding your concern, particularly in relation to the participation of occupiers, we should point out that face-to-face consultation meetings have already been planned to be undertaken (in Xhosa where required) within the</p>

² Letter from Wind Relic (signed by Mr. Hylton Newcombe) dated 23/2/2020

³ Letter from Wind Relic (signed by Mr. Hylton Newcombe) dated 23/2/2020.

⁴ Blue Crane Route Municipality Presentation to Council dated 29/11/2018

No.	Comment	Raised by	Response
	<p><i>committed to the promises we have made to all our partners (and stakeholders) in achieving this positive outcome", give sound reason for non-contracted and negatively affected Interested and Affected Parties (I&APs) to doubt the authenticity of the current Basic Assessment environmental applications. It is therefore quite clear that the current environmental applications and legislated public participation process are merely the culmination of a long-orchestrated planning and engagement process (with selected stakeholders whose support is deemed to be crucial to the success of the Wind Relic project) which has been "set up" to achieve the conditions necessary for the Competent Authority to issue pre-determined decisions of approval – irrespective of what information and views the intentionally limited (evidently with endorsement of the Competent Authority) and exclusive public participation process may yield.</i></p>		<p>aforesaid review periods in order to present the details of the projects and so that their issues and comments can be recorded for inclusion and response in the public participation process.</p> <p>We should, however, point out that considering the limitations (due to COVID-19 considerations) relating to the accessing of some public places (such as schools, libraries and municipal offices) at which hard copies of the draft Basic Assessment Reports would have been placed under pre-Covid circumstances, it is considered that the availability of reports via electronic format provides more accessibility to the majority of I&APs and stakeholders. Although the reports are available electronically on the Savannah Environmental website, copies can also be made available in hard copy or alternative electronic formats as per the specific requirements of I&APs (as was made clear in the notification letter distributed to them on 2 September 2021). This was done in order to address the specific needs of I&APs to ensure their meaningful participation.</p>
	<p>4. This incremental developmental approach being undertaken by Wind Relic and its Directors of the associated companies, under advice of the DFFE, is not endorsed under the National Environmental Management Act, 2014, as amended (NEMA). This is because, apart from its business objectives, it is also designed to compartmentalize and minimize the actual (unacceptable) and extensive negative environmental impacts that the total Wind Relic proposed activity will obviously have on the receiving environment (including the declining Endangered Cape Vulture population) and to enable the different development parcels to be recorded and submitted separately and at different times to the Competent Authority thereby hiding the real total environmental impact of the Wind Relic development.</p>		<p>In this regard, we record that prior to your 22 September 2021 letter, we did not receive any requests from yourself for hard copies of the draft Basic Assessment Reports for the 5 applications currently out for public review. We hereby further place on record that your previous requests for copies of the Wind Garden and Fronteer reports were responded to and that we arranged for CourierIT to deliver copies of them on CD and USB to you on 24 August 2021. You, however, specifically refused the delivery thereof and in this regard we attach a copy of the relevant Tracking Report. As per your request in the 22 September 2021 Letter, hard copies of the 5 reports</p>

No.	Comment	Raised by	Response
	<p>The correct approach, under the guiding principles of integrated environmental management in Section 2 of NEMA which are necessary in order to achieve development which is environmentally sustainable, is for the Wind Relic entire project to be applied for as a whole and to be administered likewise.</p>		<p>currently available for public review were couriered to you on Tuesday 28 September 2021. These reports describe and assess the proposed projects comprising the Renewable Energy Project and include a summary of the specialist studies undertaken. The detailed specialist reports and other supporting information are included in appendices to the report. The reports must be read in conjunction with these appendices which include:</p>
5.	<p>The five (5) wind farm environmental applications which are the subject of the current single public participation process are (some) components of the "Western Cluster" of Wind Relic's overall renewable energy project. Approximately 35 kilometers further east, located north-east of Grahamstown, occurs the "Eastern Cluster" part of Wind Relic's renewable energy project and which consists of 2 wind farm⁵ applications (at present) and for which the final Basic Assessment Reports were submitted to the DFFE last month. However, this still does not describe the full extent of Wind Relic's massive renewable energy project as there remain additional planned renewable energy facility components by Wind Relic, such as the Solaris Fields and Sun Garden Solar Farms which will also require dedicated environmental applications to be submitted to the DFFE after due public participation. The strategically compartmentalized approach employed by Wind Relic in order to achieve their Cookhouse REDZ renewable energy project ambition, which Wind Relic has stated will be the biggest renewable energy project on the continent, thus becomes clear.</p>		<p>Appendix A: EIA Project Consulting Team and Specialist CVs Appendix B: Authority Consultation Appendix C: Public Participation Process Appendix C1: Approved Public Participation Plan Appendix C2: I&AP Database Appendix C3: Site Notices and Newspaper Advertisements Appendix C4: Background Information Document Appendix C5: Organs of State Correspondence Appendix C6: Stakeholder Correspondence Appendix C7: Comments Received Appendix C8: Minutes of Meetings Appendix C9: Comments and Responses Report Appendix D: Ecological Impact Assessment Appendix E: Avifauna Impact Assessment Appendix E(1): Avifauna Peer Review Letter Appendix F: Bat Impact Assessment Appendix G: Aquatic Impact Assessment Appendix H: Soils and Agricultural Impact Assessment Appendix I: Heritage Impact Assessment</p>
6.	<p>It is also important to consider that this development is being squeezed within a the undeveloped remaining (unsuitable) area of the Cookhouse REDZ, which REDZ</p>		

⁵ Fronteer and Wind Garden Wind Energy Facilities for which environmental authorisation has been applied for.

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	<p>already saturated beyond its sustainable threshold⁶ by existing and approved wind farms, and which was from the start significantly environmentally unsuitable for any form of renewable energy development (given that it is the confirmed habitat of Endangered Cape Vulture and many other endangered plant and animal species)⁷. It thus becomes obvious that the Wind Relic development within the Cookhouse REDZ will result in massive pollution of the sensitive environmental environment and will unquestionably amount to unsustainable environmentally unsustainable development. The proposed wind farm development will be damaging beyond meaningful mitigation and simplified justifications (of, for instance, the superseding "need" for renewable energy or the "fight" against climate change). Being located with confirmed vulture habitat it will undoubtedly be the greatest addition yet to the ongoing cumulative killing of Endangered Cape Vultures in the area – an impact that should rightly see prosecutions of the offending existing wind farms being undertaken and the same wind farms being removed entirely from the area. Flawed as this and some other REDZs are (being but the creation of overriding political and business ambitions) it was never intended that the entire Cookhouse REDZ should be developed from boundary to boundary and it is a gross misunderstanding to interpret a REDZ as a zone in which renewable energy</p>		<p>Appendix J: Noise Impact Assessment Appendix K: Visual Impact Assessment Appendix L: Socio-Economic Impact Assessment Appendix M: Traffic Impact Assessment Appendix N: Environmental Management Programme (EMPr) Appendix N(1): Wind Farm EMPr Appendix N(2): Generic EMPr for Overhead Power Lines Appendix N(3): Generic EMPr for Substations Appendix O: Maps (A3) Appendix P: Specialist Declarations Appendix Q: EAP Declaration of Independence and Affirmation Appendix R Additional Information Appendix R(1): DFFE Screening Report Appendix R(2): Preliminary Geotechnical Investigation Appendix R(3): Spatial Development Plan Appendix R(4): Draft Conservation Framework (Socio-economic development) Appendix R(5): Water Feasibility Study Appendix R(6): Water Requirements Appendix R(7): Sanitation Study</p> <p>Further to your request for the reports, we have noted your request for a meeting to discuss the Renewable Energy Projects. As previously indicated, a number of meetings have</p>

⁶ There should be no wind farms or powerline-related developments within the entire Cookhouse REDZ based solely upon the significant presence of the Endangered Cape Vulture. International studies that have long dictated that wind farm development near vulture habitat must be avoided at all costs. Likewise the presence of existing wildlife and ecotourism enterprises should direct all such developments away from the region and even the Cookhouse REDZ itself should rightly not exist.

⁷ The operating Cookhouse & Amakhala wind farms continue to kill endangered Cape Vultures still after many years without effective intervention of the DFFE or the industry and adjacent, newly-constructed Golden Valley Wind Farms do/ will do likewise. A concerted effort by the wind industry, DFFE and other wind farm-friendly conservation organisations (e.g. Birdlife South Africa) is underway to suppress outside knowledge of these killings.

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	<p>is "encouraged" or in which environmental authorisations are a rightful expectation of proponents. Afterall, the Cookhouse REDZ falls within a critically important Albany Centre of Botanical Biodiversity and Endemism (the "Albany Hotspot").</p> <p>7. The public participation process is a critically important aspect of the environmental application process as it is the means by which the proposed activity is amended in order to respond to local (affected) community needs and wishes. It is therefore as equally (or more) important as the applicant's interests and the specialist studies in the application process and <u>the proposed activity itself is required to respond and be amended</u> in order for to achieve "<i>the integration of social, economic and environmental factors...</i>"⁸ necessary to arrive at the "best practical environmental option"⁹ and which will then constitute sustainable development. <u>It is not sufficient for the Environmental Assessment Practitioner (EAP) and specialists to respond to I&APs concerns in mere words</u> (dismissals) put down in a Comments and Responses Report which is then appended to the Basic Assessment Report. This principle is seen under inter alia NEMA Section 2(4)(a)(viii) in which "<i>...negative impacts on the environment and people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimized and remedied.</i>" In other words, <u>no potential impact can be left unattended to</u> and the course of action by the EAP to deal with potential impacts is clearly given with the final option of action being that such impacts be "<i>minimized and</i></p>		<p>already been scheduled and held for the projects for which the reports are currently available for public review, including those advertised in the Herald and Hartland Nuus on 2 September 2021. We therefore further place on record that you have not previously requested a meeting to discuss any of the applications forming part of the Renewable Energy Cluster. We, however, did request a meeting with you to be held in Cape Town in March 2021 after you indicated you were unavailable to attend the meetings held in Grahamstown. You did not respond to our request until after our team had left Cape Town, and did not suggest an alternative date suitable to yourself for such a meeting.</p> <p>We are still available to meet with yourself and your, as yet unidentified clients to discuss the projects and record and respond to any issues and concerns. In the circumstances though, considering the risks associated with spread of COVID-19, arranging for the availability of all parties at an as yet undisclosed location and taking into account the fact that there are prescribed timeframes within which the final reports must be submitted, the meeting will be arranged to be held electronically on a time and date prior to the end of the review period on 26 October 2021 via an appropriate electronic forum (i.e. MS Teams, Zoom, Skype, etc). As you have indicated that you are unable to utilise such electronic fora, it is requested that you possibly make use of your clients' more advanced computer hardware for this purpose. Please advise a suitable date and time for such a meeting as soon as possible so that we can arrange for all the relevant persons to attend, including the specialists you refer to.</p>

⁸ NEMA, Preamble

⁹ NEMA Section 2(4)(b)

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	<p><i>remedied</i>". The current public participation process being conducted by Ms. Venter fails to meet these requirements, and is in essence an expediated box-ticking exercise, with the result that the proposed developments are nothing more than the applicants' and other proponents interests being imposed upon the local affected (non-contracted majority) community members.</p>		
	<p>8. The 5 referenced environmental applications and associated projects directly negatively impact upon the interests of the clients of AVDS Environmental Consultants. It is therefore important that these existing and current negative impacts be assessed <u>specific to such interests</u> and that the impact findings be recorded fairly and honestly in the submitted applications and Basic Assessment Reports by properly independent EAP and specialists, as required by NEMA. <u>Most importantly, it will be necessary that the development proposal itself responds meaningfully to the concerns and objections of I&APs as opposed to mere worded responses in the reports.</u> Proper mitigation of the costs/ negative impacts of the applicants' actions on non-participating community members (i.e. those who do not stand to gain financial or other benefit but instead incur only losses) need to be specifically identified and included and this will only be possible via an accessible and all-inclusive public participation process. Failure to do so will preclude the Competent Authority from arriving at a decision on each separate application which is rational and justifiable. The same requirements and associated rights of</p>		<p>Lastly, we note that you seem to be implying in your letter that the DFFE is not objective in their consideration of these types of applications. We point out that the meetings to which you refer in the 22 September 2021 Letter were held between the applicant and the relevant authorities in the normal course of the project development process. In terms of Regulation 8(a) of the EIA Regulations, 2014, the DFFE is required to "advise or instruct the proponent or applicant of the nature and extent of any of the processes that may or must be followed or decision support tools that must be used in order to comply with the Act and these Regulations".</p> <p>We trust that you will timeously respond to this letter with the details of the clients that you represent and your preferred date and time for the meeting that you have requested.</p>

No.	Comment	Raised by	Response
	<p>representation apply to every other affected party, including those that constitute so-called "occupiers"¹⁰.</p>		
9.	<p>However, in order to obtain and record properly the required representations of I&AP interests it will be necessary to conduct a public participation process that is fully compliant with the NEMA¹¹ and PAJA¹² and that is inclusive of all the sectors of the affected local communities (which are scattered but extensive). Unfortunately the exclusive and abbreviated public participation process currently underway for the subject 5 environmental applications is variously non-compliant and wholly inadequate for the reasons described (some of the specific failings of the public participation process are outlined below). It therefore requires fundamental redesign and expansion, followed by implementation that is inclusive, accessible and relevant to all sectors of the affected community (including so-called "occupiers").</p>		
10.	<p>The public participation process methodology that has been launched is of a highly sophisticated and technical nature and is reliant purely upon electronic gadgetry and remote connectivity and an ability to confidently understand and operate such technology by participants. It is being orchestrated remotely from the desk of Ms. Venter who is located in Johannesburg and who sits approximately 1000km away from the projects' areas and the many affected local communities. Therefore, unless an I&AP is very highly literate and educated; possessed of the most modern and sophisticated computer technology; within an area</p>		

¹⁰ The term "occupiers" is used to describe that element of society described by use of the term in the 2014 NEMA EIA Regulations 41(2)(b)(i) & (ii).

¹¹ NEMA EIA Reg PPP

¹² PAJA

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	<p>having remote communication capability; and able to understand and operate such technology, then they will be entirely excluded from this public participation process. <u>In fact they will not even have received the emailed notification of 3/9/2021.</u> Such technology then requires access to constant electrical power and electronic communication connectivity. Anyone who is familiar with the remote and rural area in which these projects are located (like the writer is) will know that the characteristics, requirements and conditions described here are foreign to most of the affected local inhabitants (being mainly "occupiers") through circumstances and often choice.</p> <p>11. Furthermore, before one is even able to access the reports via the website link that ultimately (presumably) links through to the Savannah Consultants public documents website where the report links are available it is necessary to first undertake some sort of electronic registration process first and which requires a password and some form of electronic authentication – a most complicated and user-unfriendly process of which the implications are unknown¹³. As an alternative Ms. Venter has undertaken to provide some other electronic website link functions by which the reports could be provided (presumably again some sort of electronic verification process is required for access) but these would no doubt require many hours/days of work by the I&AP to simply download all the material for the 5 applications and would also require considerable and reliable internet capacity. This would be impossible to achieve (and then study) on a mobile phone and would only be achievable with the most</p>		

¹³ For instance, would electronic verification automatically be deemed to constitute I&AP registration?

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	<p>modern computer. While the author is reasonably competent with computer technology (as adjudged by the form and delivery by email of this correspondence) it is admitted that he has neither the ability nor knowledge, nor the requisite modern electronic facilities, nor the considerable (non-productive time) required, to attempt to engage with such highly technical electronic processes merely to obtain copies of the information for review purposes which NEMA requires to be freely and easily available to I&APs. As confirmed to Ms. Venter earlier this year, the author's (relatively modern) computer laptop is unable to operate the electronic platforms necessary to participate in the remote, virtual form public meetings ("Zoom" meetings and such like) that are the only form of "live" consultation offered by Ms. Venter in the notification. No publicly available hard copies of the information are provided with the Covid 19 situation being used once again as a convenient excuse, and as has now become entrenched standard practice for environmental applications under administration of the DFFE.</p>		
	<p>12. Turning now to the allotted short 45-day period within which comment is permitted by Ms. Venter and which is evidently condoned by the DFFE by means of the approved public participation process plan¹⁴ to which Ms. Venter refers as justification for the current public participation process. This contrary to the requirements of NEMA Environmental Impact Assessment Regulations (2014, as amended)¹⁵ which requires that "a reasonable opportunity to comment on the application" be</p>		

¹⁴ The public participation plan approved by the DFFE, like the Basic Assessment reports, has not been viewed.

¹⁵ NEMA EIA Regulations 41(6)(a)

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	<p>provided. A total of no less than five environmental applications and associated documentation (all being of relevance to us) undoubtably constitutes a voluminous body of information and will require thorough consideration and probably consultation with other parties prior to the finalization of a properly informed and substantiated comment and/ or objection. The extremely limited 45-day comment period does not allow for these onerous but important tasks to be undertaken and completed in time to meet the deadline. The preposterousness of providing just a 45-day comment period for review of (and reasonable comment on) five (5) environmental application Basic Assessment reports dealing with a huge and complicated, multicomponent project which extends over a massive geographical range will be obvious to any independent practitioner, as it must be to the Competent Authority too. The limitations of accessibility already described simply compound the level of unreasonable consideration.</p>		
13.	<p>Over and above the projects-specific challenges outlined above, with which persons wishing to review the information are shouldered, is the added burden of their everyday normal work and domestic obligations. But that is not yet the limit of priority demands placed upon I&APs generally since, in most cases, the domestic burden on ordinary citizens is now considerably more increased by the consequences of the Covid19 pandemic. It is thus of grave concern to note the flippant regard given by the EAP, Ms. Venter, and apparently the DFFE where no allowance is made to I&APs in recognition of these additional challenges. Yet, on the other hand, the excessive latitude granted to consultant "team" by</p>		

No.	Comment	Raised by	Response
	<p>themselves in order to leverage every opportunity to diminish the public participation process on the same basis (i.e. the Covid 19 situation), even to the extent that the legislated rights of I&APs are knowingly violated in the process, is grossly unethical (evidently facilitated and justified under the DFFE's approved public participation plan to which Ms. Venter defers as justification).</p>		
	<p>14. The current public participation process is an elitist and exclusive one which appears designed to minimize unfavourable comment and objection which could damage the progress of the applicants' and Wind Relic (Pty) Ltd.'s interests. Through its calculated management of multiple environmental applications data¹⁶ simultaneously via a procedurally-condensed single public participation process it clearly seeks to overwhelm affected I&APs (those few that happen to become aware of it) with the sheer number (5) and volume of the Wind Relic promoted environmental applications and documentation. When considered together with the proponent's other "Eastern Cluster" renewable energy environmental applications the mass of applications and documentation creates the unreasonable circumstances within which no I&AP affected by all of these Wind Relic applications is able to react or respond properly and with due consideration, if at all. This is undoubtedly an intended circumstance and outcome created by the EAP and Ms. Venter, and the applicant, and possibly the DFFE too (given our knowledge that considerable planning effort was put into the design and of the launch of this</p>		

¹⁶ The extent of the information remains unknown to the author and clients but, based on experience with similar renewable energy applications, we anticipate a huge record.

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	<p data-bbox="279 287 909 345">multiply-application project by Mr. Newcombe¹⁷ and "Environmental Affairs").</p> <p data-bbox="222 354 909 1268">15. Given the highly exclusive character of the public participation process it is necessary to note that it is estimated (by the writer) that perhaps 90+% of the inhabitants within the "receiving environment" of the Wind Relic (Pty) Ltd projects are so-called "occupiers" NEMA¹⁸ of properties and locations. Their status and rights under law are equal to that of any other citizen of South Africa. Their socio-economic reality on the ground is however drastically different to most others being a sector of society which tends to be of the most marginalized in South African Society. In our experience "occupiers" are as much the victims of their rural circumstances (poor level of education and rural remoteness) as they are the sustained abuse of rights by political (government) and business interests of the urban elite who seek to exploit opportunity in the rural environment. The growing renewable energy industry, and the opportunistic financial institutions in South Africa, are prime culprits in such rural exploitation and the current Wind Relic applications stand as solid testimony to this. It is the duty of the environmental consultant to ensure that the rights of "occupiers" are strongly protected and fully availed and that individuals are properly engaged with during the public participation process in a respectful manner and at an appropriate level. Based on our current knowledge, Ms. Venter has failed to ensure the rights of I&APs (as she also has with the Wind Relic "Eastern Cluster" renewable energy applications).</p>		

¹⁷ Whatsapp communication from "Wind Relic Team" dated 25/5/2020

¹⁸ The term "occupiers" is used to describe that element of society described by use of the term in the 2014 NEMA EIA Regulations 41(2)(b)(i) & (ii).

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	16. The DFFE-approved public participation plan (not yet viewed by the author) but as referred to in the notification letter is used by Ms. Venter to justify the current public participation process. Reliance upon the DFFE-approved plan is unfounded as its short-comings cannot substitute, or in any way minimize, the requirements of the NEMA and the EIA Regulations which govern such matters. Based solely on the requirement for I&APs to be provided with a "reasonable opportunity to comment" the law has already been violated (and it thus appears that the approved public participation plan is non-compliant).		
	17. In light of the above-described limitations and deprivations imposed under the current public participation process the following matters are tabled for your attention:		
	i. It is impossible, for reasons explained, for AVDS Environmental Consultants to participate in the virtual meetings and obtain reviewable copies of the information pertaining to the 5 environmental applications under the current public participation process.		
	ii. Notwithstanding the limitation already imposed and described above, it is impossible for AVDS Environmental Consultants to obtain, properly review and consider, and prepare substantiated comments on, the information for the 5 applications within the allotted 45 day comment period which is too short and thus unreasonable.		
	iii. All considered, objection is hereby recorded against the current public participation process. It will be necessary for the current public participation process to be entirely redesigned (and expanded), and then		

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	<p>implemented, in order for it to meet the requirements of NEMA and the NEMA EIA Regulations for a proper public consultation process in which the rights of all potential I&APs are protected and promoted. Since Wind Relic has chosen to split its massive project into many separate sub-projects and associated environmental applications it will be appropriate to also split the existing public participation process into reasonable separate processes, or perhaps a longer (more "reasonable") one, so that the relevant information can be considered and processed by the potential I&APs and local communities. Sufficient time will need to be allowed for to such ends and a more accessible (non-electronic option must be provided). A plan of the envisaged public participation process, with attached timeframe should be presented to I&APs for approval. The country's recent move on 13 September 2021 to Level 2 under the Disaster Management Act for dealing with the consequences of the current Covid-19 pandemic should be embraced since it creates considerable scope for such changes to be implemented and especially the ability to meet with community members and other I&APs on a face-to-face basis (not that such measures were ever ruled out under the previous emergency status). The public engagement process for these applications must be in line with the recent relaxation to Level 2 alert status. Proper written notification¹⁹ must be sent to all potential I&APs and the I&APs listed for previous</p>		

¹⁹ Or alternative methods as specified under Section 47D of NEMA.

No.	Comment	Raised by	Response
	<p>environmental applications²⁰ for which properties common to the those proposed for the Wind Relic development should be included in the list of potential I&APs for the current projects.</p> <p>iv. Under a new redesigned and legally-complaint public participation process it will be necessary for Ms. Venter to notify, directly in writing or by some other legally-complaint means, all "potential" I&APs as well as all "occupiers" and landowners of (i) properties subject to the proposed development, and (ii) properties adjacent to subject properties. The current public participation process is fundamentally non-complaint with NEMA on this basis.</p> <p>v. In consequence of the above, and notwithstanding the advice proffered elsewhere, it is requested that the comment period be extended to <u>13 November 2021</u> and which would be a justifiable move in the direction of what would amount to the strict NEMA EIA Regulations requirement for a "reasonable opportunity" to be proved to I&APs (including this one) to comment on the five Basic Assessment Reports and their associated specialist study reports. It will however be necessary to thereafter provide a further comment period (at the least) in order for I&APs to review the consequences of their comments and to ascertain how their established interests and knowledge of local matters have been fairly and independently included by Ms. Venter on a basis that is equal to her management of the opportunistic and outside interests of the applicant(s). Please also be</p>		

²⁰ Savannah Environmental will already be in possession of same having been the appointed environmental consultants in many of the previous applications referred to (such as the various different Spitskop Wind Energy Facilities and environmental applications).

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	<p>hereby advised that the author will be out of office for a 10 day period during the current comment period on account of a prior commitment and therefore the 45-day review period, which was launched without warning or notice, is effectively a 35 day one.</p>		
	<p>vi. Furthermore, for the reason mentioned, you are kindly requested to provide the author with two full copies of all of the information submitted for (all) the Wind Relic applications in an easily and generally accessible electronic format (such as on a CD) and/ or to provide hard copies of same. Please note that the request is not restricted to just the current reports pertaining to the 5 environmental applications but would include, for instance, the minutes of meetings held between members of Savannah Environmental and/ or the Applicant(s)/ Wind Relic and/ or the DFFE since 2018. All correspondence related to the Wind Relic project should be included. Amongst other matters, this will enable the procedural correctness of the applications to be ascertained and for the cumulative impact of the Wind Relic projects to be considered. Once the information is received it will be possible to commence the intended review, subject to other standing commitments and obligations. Please ensure that the documents are received at least 3 weeks prior to the requested meeting (see below) in order that we can properly prepare ourselves for that meeting.</p>		
	<p>vii. A meeting is requested with you to communicate our clients concerns directly and to demonstrate the clients long-established interests, and which stand to</p>		

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	<p>be damaged by the applicant(s) proposed activities, and therefore deserve proper and fair consideration in the decision-making processes which will be informed by the Basic Assessment Reports. The meeting should be minuted and should occur at our clients property and it will be important that the visual impact specialist and social impact specialist also please attend. Subject to existing commitments we would need at least 3 weeks notice to plan for the meeting. Please confirm your/ Ms. Venter's in principle agreement to meet with us and that we should proceed with the necessary further arrangements for the meeting once a mutually suitable date for the meeting has been agreed upon.</p>		
	<p>18. It is recorded that the above matters and requests are consistent with Ms. Venter's stated invitation to address to her any matters of clarification and requests for additional information, per her statement in the letter of notification dated 3/9/2021: <i>"Please do not hesitate to contact us should you require additional information and/ or clarification regarding the projects. Our team welcomes your participation and look forward to your involvement throughout this process."</i> It must be noted that the author has not been able to review the information pertaining to the current applications, for reasons already stated, and thus reserves the right to amend the advice given herein and elsewhere.</p>		
	<p>19. Under the circumstances and for the reasons described in this objection, as matters stand the Competent Authority will be unable to make a fair and justifiable decision on the applications that accords with the principles and</p>		

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	<p>requirements of the Promotion of Administrative Justice Act No. 3 of 2000. Therefore, and in the interests of all parties, we look forward to being empowered to participate in a redesigned and legally compliant public participation process(es) alongside other potential I&APs. It is therefore necessary to ensure that a proper and inclusive public participation process is undertaken so as to ensure that the interests of non-contracted I&APs, are properly and honestly reflected in the findings and recommendations of the reports – and most importantly too in the physical design of the proposed massive industrial activity (should it be approved).</p>		
	<p>Please acknowledge receipt of this correspondence.</p>		<p>The email dated 22 September 2021 to which the letter in which AVDS Environmental Consultants submitted their written comments, was acknowledged on the same day and Savannah Environmental's response letter dated, 30 September 2021 was e-mailed to AVDS Environmental Consultants on the same day.</p>
2.	<p>As the country has gone to level 2</p> <p>I would like to have a face to face with the directors Wind Relic and Partners Dimsum</p> <p>Could you please give me a definition of "fatally flawed "</p> <p>Could you please courier me memory sticks with the individual applications on Separate sticks as the sheer information is going to be enormous</p>	<p>Chad Comley I&AP</p> <p>E-mail: 13 September 2021</p> <p>E-mail: 13 September 2021 @ 12h54</p>	<p>The I&AP's request for a meeting was forwarded to the applicant for attention.</p> <p>There is no legal definition in the legislation. Based on the dictionary definition, a flaw is defined as "a mistake or shortcoming in a plan, theory, etc. which causes it to fail or reduces its effectiveness." A fatal flaw would be something that for example, results in non-compliance with a mandatory provision, cannot be corrected and is reason not to approve.</p> <p>The Reports were copied onto a USB (memory stick) and couriered to the I&AP on 22 September 2021.</p>

No.	Comment	Raised by	Response
	<p>I don't have wifi on my farm. the proposed online platform meetings won't be possible for me. I will need to have a more traditional presentation.</p> <p>I am sure some other I&AP might also want a face to face presentation</p> <p>Could you pls get back to me with a solution</p> <p>If you could pls acknowledge my mails as I don't know if you are receiving them</p>	<p>E-mail: 13 September 2021 @ 15h54</p>	<p>The I&AP's request for a face-to-face meeting with the Wind Relic and Dimsum Directors has been forwarded to the applicant for their attention.</p> <p>The Applicant requested that the I&AP please provide them with an Agenda of relevance to the Western Cluster Applications that he would like to discuss with them. To date, no Agenda has been received.</p> <p>E-mail correspondences were acknowledged and it was confirmed that the e-mail regarding the request for a USB was responded to.</p>
	<p>If I could confirm non-compliance with a mandatory provision would apply to the constitution and any legal requirements from any laws or Acts within the Republic of South Africa.</p> <p>If the company breaks any laws or offences of any Act of the Republic of South Africa it would be considered a fatal flaw.</p> <p>Am I correct in saying that ?</p>	<p>E-mail: 22 September 2021</p>	<p>The query submitted to Savannah Environmental falls outside the scope of the EIA process and is not related to the BA for the project. Savannah Environmental can therefore not provide a response to the queries.</p>
	<p>Need advice I am not allowed to participate in the public participation process freely.</p> <p>Is this not defeating the object of having a public participation process.</p> <p>Could you pls help me navigate through the above matter.</p> <p>My constitutional rights are infringed upon.</p>	<p>E-mail: 24 September 2021</p>	<p>All I&APs have been provided with an adequate opportunity to participate in the public participation process for the project as per the requirements of the EIA Regulations and the approved public participation plan. All comments received regarding the proposed project have been included within the Final BA Report submitted to the DFFE for their consideration in the decision-making process for the project.</p>

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	<p>It is my understanding that the department of environmental affairs is an organ of state and should uphold my constitutional right to voice my rights.</p> <p>Your assistance greatly appreciated.</p> <p>I await your response</p>		
3.	<p>The Eastern Cape Parks and Tourism Agency (ECPTA) confirms that Bokdam property is in the process of being declared as a Protected Environment in terms of NEM:PAA, subsequently, the property has been submitted to the MEC: Economic Development Environmental Affairs and Tourism for intention to be declared as a Protected Environment</p>	<p>Malaika Koali-Lebona Manager: Biodiversity Stewardship ECP&TA</p>	<p>The submission of information that Bokdam property is in the process of being declared as a Protected Environment in terms of NEM: PAA was acknowledged and no further action required.</p> <p>It was confirmed by the project team that the Bokdam property is not an affected or adjacent property to the project.</p>
4.	<p>I have worked as surveyor at Hopfield windfarm, Oyster bay windfarm in eastern cape and Karusa/Soetwater windfarm in northern cape. Setting out of roads, bulk earthworks for busses and storm water crossings etc...</p>	<p>Eugene Adams ECS (Pty) Ltd E-mail: 04 October 2021</p>	<p>The I&AP's email was acknowledged and was informed that as construction of renewable energy projects is not Savannah Environmental's scope of work, the information was forwarded to the applicant for attention.</p>
5.	<p>We are wanting to register as I&AP's for the proposed cluster of development. What is the deadline and process to do so?</p>	<p>Gareth Tate Manager: Birds of Prey Programme EWT E-mail: 12 October 2021</p>	<p>The registration of the I&AP was acknowledged and confirmed, and the information regarding the deadline for the review and comment period for the Aeolus, Redding and MTS projects reports was provided as Tuesday, 19 October 2021. The I&AP was advised that the Basic Assessment Reports for the above projects are available for download from the Savannah Environmental website: https://savannahsa.com/public-documents/energy-generation/eastern-cape-cluster-of-renewable-energy-facilities-2/</p> <p>The I&AP was further advised that the review and comment period for the Hamlett Wind Farm and Rippon Wind Farm Basic Assessment Reports is ending on Tuesday, 26 October 2021 and that the Basic Assessment Reports for these two projects are</p>

No.	Comment	Raised by	Response
			available for download from the Savannah Environmental website: https://savannahsa.com/public-documents/energy-generation/eastern-cape-cluster-of-renewable-energy-facilities-3/
6.	<p>When looking at the overall footprint of the proposed Renewable Energy projects within the Cookhouse Renewable Energy Development Zone (REDZ), including the Eastern Strategic Transmission Corridor, projects have been broken up individually and separated into the Eastern and Western Cluster projects between Somerset East and Makhanda. In total 8 projects are proposed for Environmental Authorisation and are made up as follows:</p> <ul style="list-style-type: none"> » Eastern Cluster: <ul style="list-style-type: none"> • Wind Garden Wind Farm • Fronteer Wind Farm » Western Cluster: <ul style="list-style-type: none"> • Hamlet Wind Farm • Ripponn Wind Farm • Redding Wind Farm • Aeolus Wind Farm • Solar Fields Solar Energy Facility • Sun Garden Solar Energy Facility • Including a 400kV Main Transmission Substation and two 400kV Power Lines <p>These projects have been broken up into 8 individual Environmental Authorisation applications which are being evaluated and assessed independently and clustered into three Public Participation Processes for comment by I&AP's. Each project application is being analysed with the use of a Basic Assessments Report for Environmental Authorisation. The analyses on the impacts for each project will purely be associated with</p>	<p>Brent McNamara Chief Executive Officer Agri Eastern Cape</p> <p>Letter: 14 October 2021</p>	<p>Details regarding all projects forming part of the cluster of renewable energy developments have been made available from the outset of the EIA process. In this regard we refer you to the EIA process adverts placed on 12 November 2020 in two newspapers, i.e. an English advert in the regional newspaper, the Herald, and an Afrikaans advert in a local newspaper, the Hartland Nuus. These adverts included the details of all the projects (i.e. 6 wind projects, 2 solar projects and a 400kV Main Transmission Substation ("MTS")) proposed as part of a renewable energy cluster ("Renewable Energy Cluster").</p> <p>Further to this, the Background Information Document ("BID") distributed via email on 17 November 2020 to all registered I&APs included details of all the projects proposed as part of the Renewable Energy Cluster. The Basic Assessment Reports compiled and released for public review to date (i.e. the reports for the 6 wind farms and an MTS) ("Basic Assessment Reports") also all included details of all the projects proposed as part of the Renewable Energy Cluster.</p> <p>The Basic Assessment Reports and associated specialist studies assess the impacts of each project individually and also assess the cumulative environmental impacts of all the proposed projects in the vicinity of each development, including those as part of the larger Renewable Energy Cluster and other operating and proposed projects. The assessment of impacts is summarised in Chapters 10 and 11 of the BA Reports, and</p>

No.	Comment	Raised by	Response
	<p>each project and these individual impacts will be independently managed in order for approval of Environmental Authorisation.</p> <p>The 8 projects, along with their associated substations and powerline projects, are therefore merely all components of one massive renewable energy project within the Cookhouse REDZ. Due to the size of the overall project footprint, the individual analyses of each project will predict a reduced overall risk, compared to the quantitative and cumulative impacts of the entire project when analysed as a whole.</p> <p>Independent specialists should analyse not just the individual impacts of each project but the cumulative impact, indirect impact, and ecological sensitivity for the entire renewable energy project and the vast footprint thereof. Especially as the Cookhouse REDZ falls within the critically important Albany Centre of Botanical Biodiversity and Endemism, also known as the "Albany Hotspot." A study cannot be completed purely on the specialist concluding results for that project and therefore state that the results show that the development "will not result in unacceptable environmental impacts", without taking the cumulative effects and ecological sensitivity into consideration. Vital parts of the ecosystem may be lost which in turn could lead to the collapse of an ecosystem within that area.</p>		<p>included in the specialist reports appended as Appendix D to M.</p> <p>The Basic Assessment Reports and associated specialist studies assess the impacts of each project individually and also assess the cumulative environmental impacts of all the proposed projects in the vicinity of each development, including those as part of the larger Renewable Energy Cluster and other operating and proposed projects. The assessment of impacts is summarised in Chapters 10 and 11 of the BA Reports, and included in the specialist reports appended as Appendix D to M.</p> <p>The ecology specialist report states the following: "<i>In terms of cumulative impacts in and around the Aeolus site, there are several operational and approved facilities in the broader area, most notably east of Cookhouse, with an approximate footprint of 600ha. Apart from the above facilities, the current suite of projects including the Aeolus WEF as well as an additional 4 planned projects adjacent to the Aeolus site (3 wind farms and an MTS). The total cumulative impact of all built and planned projects would amount to approximately 2000 ha in extent. The majority of the footprint of the Aeolus WEF is within the Albany Broken Veld and Kowie Thicket vegetation types. While this is similar to the adjacent planned Redding</i></p>

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			<p><i>WEF, the other projects north of the Aeolus and Redding sites are located largely within the Bedford Dry Grassland and Great Fish Thicket vegetation types. As such, the cumulative impact of wind energy development in the area is spread across numerous vegetation types which reduces the overall cumulative impacts within each vegetation type. The contribution of the Aeolus project to cumulative impact is thus considered acceptable."</i></p>
	<p>The degree of ecological connectivity between systems within the development landscape matrix should be analysed to determine the sensitivity scale for the entire development area. The results hereof should be taken into consideration especially for decision making.</p> <p>In order to obtain a comprehensive understanding of the dynamics of the ecosystem, fauna & flora communities, and the status of endemic, rare, or threatened species within the development footprint, analyses at different times of the year (across seasons/years) should be done. Highlighting the impact on fauna as they are not a static part of the environment and move freely is specifically important. Special consideration and analyses should focus on threatened species inhabiting the desired development area.</p>		<p><i>As part of the ecology impact assessment (Appendix B of the BAR), the project site was visited and sampled over four days from the 30th June to 3rd of July 2020 for the current study. During the site visit, the different biodiversity features, habitat, and landscape units present at the site were identified, mapped and characterised in the field. Specific features visible on the satellite imagery of the site were also marked for field inspection and were verified and assessed during the site visit. Walk-through-surveys were conducted within representative areas across the different habitat units identified and all plant and animal species observed were recorded.</i></p> <p><i>According to the ecology report, the conditions at the time of the site visit were acceptable for the field assessment. Although it was the drier winter months, this followed a late wet season with the result that the vegetation of the site was still in an adequate condition for the field assessment with the majority of species present still identifiable. As a result, the vegetation surveys conducted at the site are considered reliable and the species lists obtained for the site are considered comprehensive, with few species that would not have been present at the time of the field assessment. As a result of the timing and favourable conditions associated with the site visits, there are few significant limitations with regards to the results of</i></p>

No.	Comment	Raised by	Response
			<p><i>the field assessment for vegetation. The presence of some fauna is difficult to verify in the field as these may be shy or rare and their potential presence at the site must be evaluated based on the literature and available databases.</i></p> <p>An ecological sensitivity map of the site was produced by integrating the results of the site visits with the available ecological and biodiversity information in the literature and various spatial databases as described above. As a starting point, sensitive features such as wetlands, drainage lines, rocky hills or quartz outcrops were mapped and buffered where appropriate to comply with legislative requirements or ecological considerations. Additional sensitive areas were then identified and delineated based on the results of the field assessment and satellite imagery of the site. All the different layers created were then merged to create a single coverage. The ecological sensitivity of the different units identified in the mapping procedure was rated according to the scale from Low to Very high. In addition, a further level of impact reduction was applied by using limits of acceptable change within each of these sensitivity ratings. Limits of acceptable change refer to the extent of on-site habitat loss within each sensitivity category that is considered acceptable before significant ecological impact that is difficult to mitigate and which may compromise the acceptability of the development is likely to occur. This provides a guide for the developer in terms of ensuring that the spatial distribution of impact associated with the development is appropriate with respect to the sensitivity of the site. In addition, it provides a benchmark against which impacts can be assessed and represents an explicit threshold that when exceeded indicates that potentially unacceptable impacts may have occurred.</p>

No.	Comment	Raised by	Response
	<p>Integrated environmental management is required as per Section 2(b) and 23 of the National Environmental Management Act (NEMA, No. 107, 1998) for a development such as this. It is therefore further suggested that a Strategic Environmental Analysis (SEA) is carried out for the entire development footprint including the 8 projects and their associated substations and powerline projects. The SEA can address the cumulative impacts and assist in the integration of the concept of sustainability into strategic decision-making through the identification and determination of limits of acceptable change and sustainability targets for a particular area, which will ensure environmental sustainability.</p> <p>As per section 2(4)(a)(viii) of NEMA, no potential impact can be left unattended to, with the final option of action being that such impacts be 'minimised and remedied.' Taking this statement into consideration, along with understanding the cumulative impacts of the total development from the SEA, an understanding of the cumulative impact significance will be obtained, which will allow for actions to be taken to minimise and remedy the potential impacts.</p> <p>Even though the need for renewable energy in South Africa is recognised, understood, and supported, one should abstain from saturating an environments' sustainable threshold regarding renewable energy. There should be a balance between the need for the development, the destruction (both present and future) caused by such developments, and the conservation and preservation of the environment and biodiversity within that desired area.</p>		<p>A Strategic Environmental Assessment (SEA) for the Cookhouse REDZ (within which the project site is located) was undertaken by the DFFE. This included specialist inputs. The studies undertaken further informed the specialist protocols which are required to be followed for specialist studies.</p> <p>The Basic Assessment Reports and associated specialist studies assess the impacts of each project individually and also assess the cumulative environmental impacts of all the proposed projects in the vicinity of each development, including those as part of the larger Renewable Energy Cluster and other operating and proposed projects. The assessment of impacts is summarised in Chapters 10 and 11 of the BA Reports, and included in the specialist reports appended as Appendix D to M.</p> <p>Mitigation measures recommended by the specialist studies have been included within the BAR and the project EMPs, included in Appendix N of the BAR.</p> <p>The assessment of impacts associated with the project has considered the acceptability of the project from an ecological and social perspective through various specialist studies undertaken. This included consideration of the impacts of the project in isolation as well as cumulative impacts of the project together with other proposed and operating projects within the region.</p>

No.	Comment	Raised by	Response
1.	<p>INTRODUCTION</p> <p>1. We represent the Indalo Private Game Reserve Association ("Indalo Association"), the statutory assigned Management Authority in terms of section 38(2)(b) of the National Environmental Management: Protected Areas Act, No. 57 of 2003 ("NEMPAA") of the Indalo Protected Environment ("Indalo PE"), a declared Protected Area ("PA"). The Indalo PE includes nine (9) internationally renowned private game reserves ("member reserves") in the Eastern Cape Province of South Africa which has brought some 76 000 ha of land under formal protection.²¹ The Indalo PE borders and/or is located within the buffer zone of the Addo Elephant National Park ("Addo Park") and Great Fish Provincial Nature Reserve ("Great Fish") and other provincial protected areas, and is a Biodiversity Stewardship site under the National Environmental Management: Biodiversity Act, No. 10 of 2004 ("NEMBA"). Various members of the Indalo PE and/or other nearby declared protected areas or wildlife tourism operators are directly or indirectly affected by the cumulative impacts of various planned and/or constructed Wind Energy Facilities ("WEFs") in this region of the Eastern Cape.</p>	<p>Ernst Basson Ernst Basson Attorneys</p> <p>Letter: 20 October 2021</p>	<p>The information is acknowledged. Specific responses to issues raised are provided in the sections which follow.</p>

²¹ These PGRs are the Amakhala Game Reserve, Hopewell Game Reserve, Kariega Game Reserve, Kwandwe Game Reserve, Oceana Beach and Wildlife Reserve, Pumba Game Reserve, Shamwari Game Reserve, Sibuya Game Reserve, and the Lalibela Game Reserve.

No.	Comment	Raised by	Response
	<p>2. The submissions by the Indalo Association focus on the proposed development of the listed activities for the Redding, Aeolus, Hamlett and Ripponn WEFs and the PV and transmission projects that are, or will be, reported in five (5) Basic Assessment Reports ("BARs") by Savanah Environmental to form the western block (jointly referred to as the "Western Block") of a new mega renewable energy development ("Mega Development") by the same parent company, Wind Relic (Proprietary) Limited ("Wind Relic") within the Cookhouse Renewable Energy Zone ("REDZ") of the Eastern Cape. The environmental impact assessments for the eastern block of this Mega Development were reported to the Competent Authority by Savanah Environmental in the Wind Garden and Fronteer WEF BARs (jointly referred to as the "Eastern Block") about which the Indalo Association have made substantive comments and submissions. According to the public participation Plan ("PP Plan") of Savanah Environmental ("EAP") for the Western Block the below comments should focus on the Redding and Aeolus BARs, but this is not possible for the reasons explained below. The Indalo Association is of the view that the basic assessment process and the PP Plan that were followed by the EAP for the five (5) BARs of the Western Block are materially wrong and unlawful and cannot be supported.</p>		<p>Details regarding all projects forming part of the cluster of renewable energy developments have been made available from the outset of the EIA process. In this regard we refer you to the EIA process adverts placed on 12 November 2020 in two newspapers, i.e. an English advert in the regional newspaper, the Herald, and an Afrikaans advert in a local newspaper, the Hartland Nuus. These adverts included the details of all the projects (i.e. 6 wind projects, 2 solar projects and a 400kV Main Transmission Substation ("MTS")) proposed as part of a renewable energy cluster ("Renewable Energy Cluster").</p> <p>Further to this, the Background Information Document ("BID") distributed via email on 17 November 2020 to all registered I&APs included details of all the projects proposed as part of the Renewable Energy Cluster. The Basic Assessment Reports compiled and released for public review to date (i.e. the reports for the 6 wind farms and an MTS) ("Basic Assessment Reports") also all included details of all the projects proposed as part of the Renewable Energy Cluster.</p> <p>All projects are proposed by separate Special Purpose Vehicles (SPVs), which are specific companies established for the purpose of constructing and operating the specific project under consideration. Further, the MTS and associated 400kV power lines will be handed over to Eskom for operation once construction is completed.</p> <p>As a result of this, separate Environmental Authorisations are required for the different projects. Separate Basic Assessments are required to support these applications, as per the requirements of the EIA Regulations, 2014 as amended. This is</p>

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			<p>a standard approach for renewable energy developments and is not unique to these applications.</p> <p>In so far as the public participation process for each project is concerned, this is being undertaken in accordance with the EIA Regulations, 2014 (as amended) and the Public Participation Plan approved by the DFFE ("PP Plan"). The PP Plan is included as Appendix C1 to the Basic Assessment Reports, and includes details as to how each requirement of the EIA Regulations, 2014 relating to public participation (i.e. Regulation 40 – 44) is to be met.</p>
	<p>3. Indalo is competent to make these representations as an Interested and Affected Party ("I&AP") in terms of sections 1 and 24(4)(a)(v) of the National Environmental Management Act, No. 107 of 1998 ("NEMA") (either directly or through its members), to protect their environmental rights that are guaranteed in section 24(b) of the Constitution. You are hereby requested to include Indalo and its member reserves in your list of registered I&APs (to the extent that each of them has not already been added) and to inform them about the future physical and virtual meetings and other information so that their representatives can attend and respond, where necessary.</p>		<p>To date, representatives from Kwandwe, Amakhala and Shamwari have registered on the project database. Details of other members who attended the Public Participation Process Meetings and contact details not provided, were requested such that they could also be registered on the project database.</p>
	<p>4. The Indalo Association has appointed Mr Theo Fischer from EScience Associates (Pty) Ltd, a registered professional natural scientist and independent environmental consultant ("EScience") along with various specialists to advise it about the environmental and technical aspects of the Draft BARs of the Western Block. Please note that as these are preliminary comments by the Indalo Association, the comments by</p>		<p>Comment noted. No response required.</p>

No.	Comment	Raised by	Response
	<p>EScience are incorporated in these submissions and not attached in separate technical reports.</p>		
5.	<p>The below comments by the Indalo Association are preliminary, and do not currently address each and every statement in the Draft BARs of the Western Block about the impact of the listed activities and our Client's failure to do so does not admit to the correctness of such statements. The Indalo Association reserves its right to make further submissions about the Redding, Aeolus, Hamlett and Ripponn WEFs and the PV and transmission projects of the Western Block to the EAP and/or Competent Authority as and when necessary. This is due to the expansive and integrated nature of the larger Western Block development and the arbitrary manner in which it has been broken up into units and the disproportionate amount of fragmented and incoherent EIA information foisted on I&APs.</p>		<p>Comment noted. It must however be noted that the final BAR will be submitted to the DFFE within the regulated timeframe as per the requirements of the EIA Regulations, 2014 as amended.</p> <p>The allegation that there is a "<i>disproportionate amount of fragmented and incoherent EIA information foisted on I&APs</i>" is disputed. The BAR has been compiled in accordance with the requirements of the EIA Regulations and include a comprehensive assessment of impacts associated with the proposed projects. Specialist studies provide further detailed information from studies undertaken in accordance with the requirements of the specialist protocols and the EIA Regulations.</p>
6.	<p>At the outset, the Indalo Association confirms (as it has stated before in its submissions to the Competent Authority in respect of the Wind Farm and Fronteer applications for development of the Eastern Block), that in principle, the Association supports the decarbonisation of the South African energy sector to combat climate change through the development of renewable energy sources. It specifically confirms that the Indalo Association has no objection to the development of the PV installations forming part of the Western Block. However, the Indalo Association's support of wind energy development is subject to the clear caveat that the WEFs must be ecologically sustainable and may not negatively impact on the conservation of biodiversity and provision of wildlife</p>		<p>All comments raised on the Wind Garden and Fronteer projects have been comprehensively responded to within these respective reports. All information regarding the potential impacts associated with these projects, including all specialist reports, all comments received and a Comments and Responses Report, have been included in the final BARs submitted for the consideration of the DFFE.</p>

No.	Comment	Raised by	Response
	<p>and nature-based (eco-) tourism. The Indalo Association has demonstrated at length in its past submissions in respect to the Wind Garden and Fronteer applications (which we do not presently intend to repeat in detail here), the substantive negative impacts of these WEFs to the environment when inappropriately sited. The Association has specifically highlighted the negative impacts to stewardship-based conservation of biodiversity, and to wildlife and nature-based (eco-) tourism which will be financially disastrous for the game reserves, other tourism operators, and local communities. The Indalo Association has clearly demonstrated that although the development of WEFs may be needed, the proposed locations for Wind Garden and Fronteer are not desirable and should be avoided.</p>		
7.	<p>Since the Redding and Aeolus WEFs form part of the Mega Development by Wind Relic consisting of the Eastern and Western Blocks, the Indalo Association by necessity will refer to some of the concerns raised before with respect to the Wind Garden and Fronteer WEFs.</p>		<p>Comment noted. Specific issues are responded to below.</p>
	<p>7.1.1. defective public participation process followed by the EAP</p>		<p>The comments raised by Dr Basson on the Wind Garden and Fronteer processes indicated that Dr Ernest Basson appears to have confused public participation, a process to be undertaken in terms of the EIA Regulations, and data collection for the SEIA, a process independent of the Public Participation. Details regarding the two processes undertaken are provided below for clarity.</p> <p>Urban-Econ, the specialist consultants appointed to undertake the SEIA, is not mandated or required to undertake Public Participation, but rather undertake necessary primary research</p>

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			<p>to inform the inputs and assumptions used within the SEIA study. To this effect, the Final SEIA report states that attempts were made to contact and obtain required information from directly and indirectly affected owners. The detailed list is presented as an Annexure to the SEIA.</p> <p>Savannah Environmental was responsible for undertaking the public participation process in accordance with 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 (Appendix C1 of the BAR). This process is detailed in Section 7.3.2 of the BAR and is summarised below:</p> <p>» Project database: A register of I&APs has been compiled and updated throughout the BA process.</p> <p>» BA process announcements:</p> <ul style="list-style-type: none"> * The BID, accompanied by a cover letter inviting I&APs to register on the project database, was distributed via email to those I&APs identified and the relevant OoS on 17 November 2020. The BA processes announcement was a combined notification for all nine (9) projects which form part of the larger cluster of renewable energy projects proposed. * Advertisements were placed as follows: <ul style="list-style-type: none"> ▪ Hartlandnuus – 12 November 2020 ▪ The Herald (Eastern Cape) – 12 November 2020 * Site Notices were placed on all affected properties.

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			<ul style="list-style-type: none"> * Process Notices were placed at various public libraries throughout the study area. » BA Report available for review and comment: <ul style="list-style-type: none"> * Reports were available as follows: * Redding Wind Farm, Aeolus Wind Farm and the REDZ 3 Power Corridor 400MTS - Friday, 03 September 2021 until Tuesday, 19 October 2021; and * Hamlett Wind Farm and Rippon Wind Farm - Friday, 10 September 2021 until Tuesday, 26 October 2021. * Registered I&APs were notified of the availability of the BA Reports via e-mail. * Commenting authorities, municipal councillor and local and district municipalities which have jurisdiction in the area received personalised letter requesting written comments on the BA Report (refer to Appendix C6 of the BA Reports). * Advertisements were placed as follows (refer to Appendix C3 of the BA Reports): <ul style="list-style-type: none"> ▪ Hartlandnuus – 02 September 2021 ▪ The Herald (Eastern Cape) – 02 September 2021 » Attempts to obtain comments on the BA Report: <ul style="list-style-type: none"> * Email reminder e-mail to all registered I&APs and OoS regarding the end of the review and comment period for the BA Report. » Meetings: <ul style="list-style-type: none"> * Virtual public participation process meetings were held on 21 September and 22 September. These were advertised on 02 September 2021 together

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			<p>with the BAR notification, and registered parties were informed via email.</p> <ul style="list-style-type: none"> * Virtual Key Stakeholder Workshop held 15 September 2021 * A focus group meeting on 15 September 2021. <p>» Consultation:</p> <p>» Proof of consultation with I&APs and OoS throughout the BA process is included in Appendices C5 and C6 of the final BAR.</p> <ul style="list-style-type: none"> * Community / occupiers were consulted on a one-on-one consultation process on 12, 13 & 14 October 2021. A brochure which provided information regarding the development of a wind farm in layman's terms and included pictures of construction of a wind turbine, etc was distributed at these consultations. The information was also shared with the then Ward Councillor Sonkwala Phandulwazi and his Ward Committee Members. <p>» Comments & Responses Report:</p> <p>All comments received during the BA Report have been captured in this C&RR which is attached as a separate document to the final BA Report (refer Appendix C9 of the BA Reports).</p>
	7.1.2. defective basic assessment process followed by the EAP		The Basic Assessment process has been undertaken in accordance with the requirements of the EIA Regulations. This is detailed in the BA Report, where the requirements in terms of the Regulations are tabulated at the beginning of each chapter, with an indication of where in the report the requirement has been addressed.
	7.1.3. poor visual impact assessment and lack of due consideration of impacts on the sense of place;		Responses to specific issues raised on the VIA are provided in the sections below.

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	7.1.4. failure to perform an independent nature and wildlife tourism impact assessment, and		Impacts on tourism are linked to economic impacts. Therefore, it is considered appropriate that this impact be considered within the SEIA.
	7.1.5. failure of the Draft Socio-Economic Impact Assessment (SEIA) adequately, or at all, to acknowledge the impact of WEFs on wildlife and nature (eco-) tourism when this was explicitly confirmed by Thompson Tours in the Wind Garden and Fronteer Final BARs.		The scope of work for the SEIA is stated in Section 1.2. Reference is made to the fact that the tourism industry and tourism as a topic is referred to 192 times within the final SEIA submission. An entire Chapter, i.e. Chapter 6 deals with POTENTIAL BUSINESS TOURISM IMPACTS AS A RESULT OF THE WIND ENERGY FACILITY. This includes both secondary (academically published) and primary research (undertaken during this study by the SEIA team) on the impacts of wind farms on the broader tourism industry. Of the total impact indicators presented in the report for both the operational and construction phases of the development, a total of four impacts specifically relate to the impact on the tourism industry. These are all found to be negative impacts and are presented and described accordingly in Chapter 9 of the BAR.
	<p>DEFECTIVE PUBLIC PARTICIPATION PROCESS</p> <p>8. The public participation processes that are followed by the EAP for the 5 BARs of the Western Block are unlawful and substantively unreasonable to I&APs. The public participation procedure that is followed by the EAP are manifestly unfair due to the disproportionately contracted time frame within which the public must consider and comment on voluminous documentation that radically prevents effective and meaningful public comment when in fact the development is a cluster development and should be assessed as one development.</p>		Other than the fact that the BAR complies with the EIA Regulations in assessing all the applicable impacts related to the triggered listed activities, Indalo, has in fact, like every other I&AP received reasonable opportunity to provide comment on the said Applications and the draft reports that were made available for a period of 45 days, which is 15 days longer than the prescribed minimum requirements and the timeframe specified in the approved Public Participation Plan. In addition, unless the final BAR submission to the DFFE contains material changes or additional information, there is no

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	<p>9. The Indalo Association has already lodged a formal complaint with the Competent Authority in part due to a similar substantively unfair public participation process that was followed during the Wind Garden and Fronteer BAR's which deprived I&APs from adequate and meaningful consultation during the public participation process for environmental authorisations. As you know, or reasonably should be expected to know as EAP, the South African law and courts requires adequate (i.e., sufficient time) and meaningful (i.e., effective access to all relevant information) consultation with landowners/users whose rights may be affected by new developments (specifically if it involves local or traditional communities and special provision should be made to accommodate the needs of indigent communities to ensure adequate and meaningful consultation).</p>		<p>requirement to conduct a further public participation process on the final BAR submission to the DFFE.</p>
	<p>9.1.1. See in this regard the court decision of Baleni and Others v Regional Manager: Eastern Cape Department of Mineral Resources and Others²² which stated: <i>"Meaningful consultation entails discussion of ideas on an equal footing, considering the advantages and disadvantages of each course and making concessions where necessary."</i>²³</p>		<p>The quote provided by Dr Basson is out of context.</p> <p><i>Dudzile Baleni & Others v Regional Manager: Eastern Cape Department of Mineral Resources & Others Case</i> – The primary issue in this matter was whether interested and affected parties in an application for a mining right are entitled to a copy of the mining right application (which contains proprietary information in terms of financial aspects etc.), in terms of sections 10 and 22(4) of the MPRDA. It further states, as partially included by Indalo in their letter that – “meaningful consultation” [as contemplated in the MPRDA] entails a discussion of ideas on equal footing, considering the advantages and disadvantages of each course and making concessions where necessary and that in terms of the definition</p>

²² JOL Case 96628/2015 NGHC at para [89] 0 [95].

²³ At para [89] and [90].

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			<p>of 'owner', they [the affected tribal community in this case] are in an equal position with the State. In fact, their inputs to the mining application are intended to inform the Minister whether the application meets all the prescribed requirements in terms of the objects of the MPRDA and the necessary consultation processes. This entire case study has bearing to whether the affected landowners (a tribal community) should have been given access to the Application, in addition to the reports they were given access to.</p>
	<p>9.1.2. The High Court in <i>Earthlife Africa v Director General Department of Environmental Affairs and Tourism</i>²⁴ confirmed that the constitutional right to procedural fairness of I&APs in terms of section 24(4)(a)(v) of NEMA means that Indalo must <u>reasonable opportunity</u> to make comments.</p>		<p>Earthlife Africa Johannesburg v. Minister of Environmental Affairs and others case – The Director General of DEAT had granted Eskom an authorisation to construct a nuclear reactor. Earthlife Africa applied for that decision to be reviewed and set aside under the Promotion of Administrative Justice Act (PAJA). The court held on the issue of whether Earthlife had first exhausted its internal remedies that the matter was an "exceptional circumstance" under PAJA and that it was in the interests of justice for it to review the decision. It further held on the merits that Earthlife was entitled to an opportunity to make submissions on the final report preceding the Director General's decision as this final report included information which had not been previously provided to the public for review. Because no opportunity to do so had been given the decision was held to be fatally flawed and that part of the process flawed by the irregularity was set aside.</p> <p>In respect of the current application for Environmental Authorisation, the final report submitted to the DFFE is not substantially different to that which was made available to I&APs for review and comment. Should there have been material changes, the EIA Regulations, 2014 (as amended)</p>

²⁴ 2005 (3) SA (C).

No.	Comment	Raised by	Response
			requires that additional public participation be conducted, including a period of at least 30 days for review and comment on the revised report.
	<p>9.1.3. In <i>Bangwenyama Minerals Pty Ltd and Others v Genorah Resources (Pty Ltd and Others)</i>²⁵ the Constitutional Court confirmed, amongst other, that:</p> <p><i>"The Community was entitled to adequate notice of the nature and purpose of the administrative action that was proposed in relation to the Genorah application. It was entitled to a reasonable opportunity to make representations in relation to the Genorah application. Once the administrative decision was taken the Community was entitled to a clear statement of the administrative action."</i>²⁶</p>		<p>The primary issue in this matter is that the applicants (in this case the community as the landowner and the community Minerals entity) sought to set aside the granting of a prospecting right on their land on several bases. On one level it is simply a dispute between an owner of land and a person who has been awarded a prospecting right over that land and the argument was that the owner of the land is, however, no ordinary owner, it is a community that was previously deprived of formal title to their land by racially discriminatory laws. Add to this the fact that the entity to which the prospecting right has been granted qualifies for treatment as a historically disadvantaged person. The community also submitted a land claim on one of the properties on which they reside, which was successful. This matter also relates to the consultation required under Section 16(4)(b) of the MPRDA which requires that the applicant make an attempt in good faith to accommodate the landowner in the impact of the prospecting on his land, and that the landowner must be informed of the prospecting application in detail sufficient for him to assess the impact prospecting will have on his use of the land. This case also related to the fact that in terms of Section 104 of the MPRDA communities have a preferent right to prospect on community land. The DMR was obligated to notify such communities and afford them a hearing in the event of another prospecting application in respect of the same land. Lastly, the court made it clear that a decision-maker must satisfy himself that prospecting</p>

²⁵ 2011 (4) SA 113 (CC) at para [63]-[70], [75]-[80].

²⁶ At para [80].

No.	Comment	Raised by	Response
			<p>operations will not result in unacceptable pollution, ecological degradation or damage to the environment; i.e. environmental satisfaction is a prerequisite or jurisdictional fact to the approval of a prospecting right.</p> <p>The above case specifically refers to a lack in consultation, by the applicant of an authorisation, with the landowner. It was proven that the landowner (which was the community) was in fact not consulted. This has no bearing on the current applications in which the applicant has engaged with the affected landowners and I&APs and key stakeholders have been awarded the opportunity to comment on the proposed projects and have been consulted through the Basic Assessment process.</p>
	<p>10. Regulations 3(8) and 19(1)(a) of the EIA Regulations, 2014 prescribe a minimum timeframe of 30 days for public comment for each BAR.</p>		<p>The fact that there are separate applications underway concurrently does not result in the prescribed timeframe equating to 150 days. Each process is subject to the requirements of the EIA Regulations, which includes the minimum 30 days for review and comment on reports, and a total of 90 days for the process from the date of submission of the application.</p>
	<p>11. In the present instance the EAP in conjunction with the Competent Authority followed an ill-conceived, unlawful, and unreasonable PP Plan for the EIA process by following an approach for the five (5) separate BARs of the Western Block that effectively reduced the total time for public participation from the prescribed 150 days to 52 days.</p>		
	<p>11.1. I&APs must in terms of the EIA Regulations at least have a total period of 150 days for public comment for the five (5) BARs. Instead of allowing at least 30 days for each BAR, the EAP only allows 45 days for public comment of the BARs in two (2) groups. The EAP at first runs three (3) BARs simultaneously which is then overlapped by two (2) BARs</p>		

No.	Comment	Raised by	Response
	11.2. The public comment period for the Redding and Aeolus BARs and the Power Corridor 400MTS BAR (thus three BARs) ran for 45 days from Friday 3 September 2021 until Tuesday 19 October 2021. ²⁷		The comment period for the Redding and Aeolus BARs and the Power Corridor 400MTS BAR as stated is correct. With reference to the footnote, there is no reference in the letter to Mr van der Spuy dated 30 September 2021 to 7 April 2021.
	11.3. The public comment period for Hamlett and Rippon BARs runs for 45 days from 10 September 2021 until 26 October 2021. ²⁸		The comment period for the Hamlett and Rippon BARs as stated is correct. With reference to the footnote, there is no reference in the letter to Mr van der Spuy dated 30 September 2021 to 7 April 2021.
	11.4. Due to the overlap of the staggered time periods, the I&APs effectively have 52 days from Friday 3 September 2021 until 26 October 2021 to comment on the five (5) BARs.		The approved PP Plan includes, inter alia, provision for a 30-day public review period for the draft Basic Assessment Reports. Notwithstanding the provisions of the approved PP Plan relating to the 30-day period, it was decided to stagger the review periods for the draft Basic Assessment Reports and a 45-day review period is provided for each group of reports available.
	11.5. It follows that the PP Plan is unlawful and substantially procedurally unfair because by allowing the I&APs only 52 days to comment on five (5) BARs instead of the minimum prescribed time of 150 days (30 day for each BAR), it deprives them of nearly 100 days of the prescribed time which prevents them adequate time to make meaningful comments to the five (5) BARs.		The public participation process for each project is being undertaken in accordance with the EIA Regulations, 2014 (as amended) and the Public Participation Plan approved by the DFFE ("PP Plan"). The PP Plan is included as Appendix C1 to the Basic Assessment Reports, and includes details as to how each requirement of the EIA Regulations, 2014 relating to public participation (i.e. Regulation 40 – 44) is to be met.
	11.6. Section 6(2)(b) of the Promotion of Administrative Justice Act 3 of 2000 ("PAJA") stipulates that an administrative action (approval and implementation of the PP Plan) that contravenes a mandatory and material requirement of the empowering provision -		The PP Plan is included as Appendix C1 to the Basic Assessment Reports, and includes details as to how each requirement of the EIA Regulations, 2014 relating to public participation (i.e. Regulation 40 – 44) is to be met. The fact that there are separate applications underway concurrently does not result

²⁷ As explained by the EAP to Mr Van der Spuy in a letter by Savannah Environmental of 30 September 2021. It is noted that the draft BARs for Redding and Aeolus WEFs indicate on p ii, that comments must be submitted to Savanah by 7 April 2021 —which is illogical and confusing.

²⁸ *Ibid.*

No.	Comment	Raised by	Response
	30-day minimum comment period for each BAR in regulations 3(8) and 19(1)(a) - is unlawful and will be set aside by the High Court.		in the prescribed timeframe equating to 150 days. Each process is subject to the requirements of the EIA Regulations, which includes the minimum 30 days for review and comment on reports, and a total of 90 days for the process from the date of submission of the application.
12.	We conclude that the PP Plan fails to comply with the mandatory provisions of regulations 3(8) and 19(1)(a) and request the EAP to repeat the PP Plan from scratch to allow an effective separate time-period of 30 days for each BAR. This means that the EAP must provide I&APs a total period of at least 150 days to comment on the five (5) BARs to ensure the lawful and substantive procedural fairness of the basic impact assessment processes for each of the different applications for the Western Block. Failure to do so, may result in the High Court interdicting and/or setting aside the five (5) BARs.		
	<p>DEFECTIVE BASIC ASSESSMENT PROCESS</p> <p>13. The Indalo Association further submits that the basic assessment processes that the EAP follows with the five (5) BARs are inherently defective for irrationality and unlawfulness.</p>		The Basic Assessment process has been undertaken in accordance with the requirements of the EIA Regulations. This is detailed in the BA Report, where the requirements in terms of the Regulations are tabulated at the beginning of each chapter, with an indication of where in the report the requirement has been addressed.
14.	Energy projects (like agri-industry projects, large-scale property developments, social infrastructure, housing projects and linear developments) are just that, large and complex, and these projects include a variety of activities and usually involve large tracts of land and require a complexity of issues to be addressed in the EIA process. It is thus irrational and unfair for such expansive (and intimately integrated) developments to be broken up into arbitrary units (to what end may one ask?). Given the range of potential environmental issues associated with		<p>All projects are proposed by separate Special Purpose Vehicles (SPVs), which are specific companies established for the purpose of constructing and operating the specific project under consideration. Further, the MTS and associated 400kV power lines will be handed over to Eskom for operation once construction is completed.</p> <p>As a result of this, separate Environmental Authorisations are required for the different projects. Separate Basic Assessments are required to support these applications, as per the</p>

No.	Comment	Raised by	Response
	developments of this nature, the assessment of impacts is complex (due to the range of links and cause-and-effect relationships between impacts).		requirements of the EIA Regulations, 2014 as amended. This is a standard approach for renewable energy developments and is not unique to these applications.
15.	In this respect it is to be noted that all the listed activities in these five (5) BARs are intimately associated (power generation) and are overlapping or bordering or integrating (power generation, roads and transmission). The arbitrary dismembering of the Western Block development along the lines of Special Purpose Vehicle applications does not allow effective and systematic assessment or public participation and cannot provide the Competent Authority with information that is adequate for informed and defensible decision making as it is seldom that there would be a single and linear relationship between an element or aspect of a project and the environmental impact and these cannot be separated in an arbitrary and irrational manner.		The Basic Assessment Reports and associated specialist studies for each project assess the impacts of each project individually and also assess the cumulative environmental impacts of all the proposed projects in the vicinity of each development, including those as part of the larger Renewable Energy Cluster and other operating and proposed projects. The assessment of impacts is summarised in Chapters 10 and 11 of the BA Reports, and included in the specialist reports appended as Appendix D to M.
16.	The EAP (reportedly on instruction of the Competent Authority) thus artificially divides the development of different listed activities for the generation and transmission of renewable energy that are located adjacent to each other in the Western Block into five (5) separate BARs. This division is arbitrary because it is not rationally related to the legislative purpose of the empowering provision NEMA of ensuring integrated environmental management and decision making. This proliferation of a single development into five (5) different applications, and the piecemeal investigation,		All projects are proposed by separate Special Purpose Vehicles (SPVs), which are specific companies established for the purpose of constructing and operating the specific project under consideration. Further, the MTS and associated 400kV power lines will be handed over to Eskom for operation once construction is completed. As a result of this, separate Environmental Authorisations are required for the different projects. Separate Basic Assessments are required to support these applications, as per the requirements of the EIA Regulations, 2014 as amended. This is

No.	Comment	Raised by	Response
	<p>assessment and reporting of cumulative direct and indirect impacts and consequences of the development are in contravention of the principle of, and requirements for, integrated environmental management and decision-making in sections 2(4)(b) and (i), 23(1)(b) and 24 (1) and (2) of the NEMA and the EIA Regulations, 2014.</p>		<p>a standard approach for renewable energy developments and is not unique to these applications.</p> <p>Details regarding all projects forming part of the cluster of renewable energy developments have been made available from the outset of the EIA process. In this regard we refer you to the EIA process adverts placed on 12 November 2020 in two newspapers, i.e. an English advert in the regional newspaper, the Herald, and an Afrikaans advert in a local newspaper, the Hartland Nuus. These adverts included the details of all the projects (i.e. 6 wind projects, 2 solar projects and a 400kV Main Transmission Substation ("MTS")) proposed as part of a renewable energy cluster ("Renewable Energy Cluster").</p> <p>Further to this, the Background Information Document ("BID") distributed via email on 17 November 2020 to all registered I&APs included details of all the projects proposed as part of the Renewable Energy Cluster. The Basic Assessment Reports compiled and released for public review to date (i.e. the reports for the 6 wind farms and an MTS) ("Basic Assessment Reports") also all included details of all the projects proposed as part of the Renewable Energy Cluster.</p> <p>The Basic Assessment Reports and associated specialist studies for each project assess the impacts of each project individually and also assess the cumulative environmental impacts of all the proposed projects in the vicinity of each development, including those as part of the larger Renewable Energy Cluster and other operating and proposed projects. The assessment of impacts is summarised in Chapters 10 and 11 of the BA Reports, and included in the specialist reports appended as Appendix D to M.</p>

No.	Comment	Raised by	Response
	<p>17. The principle of integrated environmental management principle in section 2(4)(b) of NEMA states as follows: <i>"Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option."</i></p>		<p>The BA processes for the projects have included the assessment of all potential environmental impacts, acknowledging that all elements of the environment are linked and interrelated. The Basic Assessment Reports and associated specialist studies for each project assess the impacts of each project individually and also assess the cumulative environmental impacts of all the proposed projects in the vicinity of each development, including those as part of the larger Renewable Energy Cluster and other operating and proposed projects. The assessment of impacts is summarised in Chapters 10 and 11 of the BA Reports, and included in the specialist reports appended as Appendix D to M.</p>
	<p>18. The principle of integrated environmental impact assessment in section 2(4)(i) of the NEMA reads as follows: <i>"The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment"</i>.</p>		<p>An overall conclusion and recommendation is presented in Chapter 12 of the BAR based on consideration of all findings of the studies undertaken. This includes consideration of the impacts associated with the project on its own as well as the impacts of the project together with other similar projects in the region, as well as the costs and benefits of the project under consideration.</p>
	<p>19. According to section 2(1)(a), (c) and (e) of the NEMA the EAP and Competent Authority must apply these principles of integrated decision-making and management during the assessment and decision making of the proposed listed activities for renewable energy generation and transmission in the Western Block pursuant to section 24(1) of the NEMA.</p>		<p>All information regarding the potential impacts associated with these projects, including all specialist reports, all comments received and a Comments and Responses Report, have been included in the final BARs submitted for the consideration of the DFFE.</p>
	<p>20. This legal duty is further supported by the general objectives of integrated environmental management that are prescribed in section 23(2) of the NEMA which must be achieved by the EAP and Competent Authority during the basic asse process of the listed activities in the Western Block: <i>a) Promote the <u>integration of the principles of environmental management set ou in section 2 into</u></i></p>		<p>In so far as the public participation process for each project is concerned, this is being undertaken in accordance with the EIA Regulations, 2014 (as amended) and the Public Participation Plan approved by the DFFE ("PP Plan"). The PP</p>


No.	Comment	Raised by	Response
	<p><i>the <u>making of all decisions which may have a significant effect on the environment</u>:</i></p> <p><i>b) identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximizing benefits, <u>and promoting compliance with the principles of environmental management set out in section 2</u>;</i></p> <p><i>c) ensure <u>adequate and appropriate opportunity for public participation</u> in decisions that may affect the environment." [Our emphasis].</i></p>		<p>Plan is included as Appendix C1 to the Basic Assessment Reports, and includes details as to how each requirement of the EIA Regulations, 2014 relating to public participation (i.e. Regulation 40 – 44) is to be met.</p>
21.	<p>Finally, section 24(1) of the NEMA in express terms give effect to the above provisions of integrated environmental decision-making and management sections 2 and 23 by stating that:</p> <p><i>"In order <u>to give effect to the general objectives of integrated environmental management laid down in this Chapter</u>, the potential consequences for or impacts on the environment of listed activities or specified activities must be considered, investigated, assessed and reported on to the competent authority except in respect of those activities that may commence without having to obtain an environmental authorisation in terms of this Act. "[Our emphasis]"</i></p>		
22.	<p>The present manner in which the EAP and Competent Authority manages the basic impact assessment process as five (5) separate BARs to authorise the development of the listed activities in the Western Block are clearly in contravention of the above stated provisions and principles of the NEMA and are unlawful in terms of section</p>		<p>Each application is undertaken in accordance with the EIA Regulations, 2014 (as amended), and, as detailed above, complies with the provisions and principles of the NEMA. This is detailed in the BA Report, where the requirements in terms of the Regulations are tabulated at the beginning of each</p>

No.	Comment	Raised by	Response
	6(2)(b) of the PAJA and will most likely be set aside on judicial review.		chapter, with an indication of where in the report the requirement has been addressed.
23.	The Indalo Association herewith calls on the EAP and Competent Auth terminate the current unlawful and futile basic assessment process and to start anew by following an integrated impact assessment process that strictly complies with the legal requirements in the NEMA and the EIA Regulations as well as relevant gazetted guidelines and policies as is prudent under the rule of law.		
	<p>POOR VISUAL IMPACT ASSESSMENT</p> <p>24. The Visual Impact Assessment (VIA) <u>omits to illustrate the impact through montage at any vantage points associated with identified sensitive receptors</u>. There is thus no attempt whatsoever to visually communicate the impact on landscape and sense of place which is a fatal flaw and a material mistake on the part of the visual specialist, which is allegedly condoned by the EAP to accept and proceed with the BARs without any view simulations of what the WEF's will look like after development.</p>		<p>There are no specialist protocols relevant to visual impact assessment. There is no legal requirement to include montages within the visual impact assessment. Impacts have been identified and assessed in accordance with the requirements of the EIA Regulations, Appendix 6 as is required in terms of the Regulations.</p>
25.	Considering the fact that there are numerous sensitive receptors within the viewshed, including eco-tourism operations, roads, and homesteads, it is unacceptable that the VIA's do not include view simulations. The Guideline for involving visual and aesthetic specialists in EIA processes (Oberholzer, B. (2005)) indicates in section 8.6 that where a high visual impact is expected, a level 4 assessment should be undertaken.		<p>The guideline referred to is one developed by the Western Cape provincial authority. There are no specialist protocols relevant to visual impact assessment.</p> <p>Impacts have been identified and assessed in accordance with the requirements of the EIA Regulations, Appendix 6 as is required in terms of the Regulations. This includes an assessment of impacts on sensitive receptors such as roads and residences.</p>
26.	The requirements of a level 4 assessment are as follows:		

No.	Comment	Raised by	Response
	26.1. Identification of issues raised in scoping phase, and site visit		
	26.2. Description of the receiving environment and the proposed project;		
	26.3. Establishment of view catchment area, view corridors, viewpoints and receptors;		
	26.4. Indication of potential visual impacts using established criteria;		
	26.5. Inclusion of potential lighting impacts at night;		
	26.6. Description of alternatives, mitigation measures and monitoring programme;		
	26.7. Review by independent, experienced visual specialist (if required); and		
	26.8. Complete 3D modelling and simulations, with and without mitigation.		
	27. The VIA dismisses any visual impact at a distance by stating "> 20km. Long distance view of the facility where the structures are not expected to be immediately visible and not easily recognisable". A study by the University of Newcastle (2002) ²⁹ commissioned by Scottish Natural Heritage (based on their assessment of eight (8) wind farms) recommended a height-distance relationship for Zone of Visual Influence (ZVI) as shown in the following table (with increased heights relevant to Wind Garden and Fronteer WEFs VIA added by extrapolation).		<p>Response from the Lourens du Plessis, VIA Specialist:</p> <p>The VIA states that "<i>this zone constitutes a lower visual prominence for the facility</i>".</p> <p>The results of the Scottish study are noted, but the distance of 74km seems a bit excessive. To place it in perspective: it's basically the line-of-sight distance from PE to Alicedale, or PE to St Francis Bay.</p>

²⁹ University of Newcastle, 2002, *Visual Assessment of Windfarms Best Practice*, Scottish Natural Heritage Commissioned Report F01AA303A.

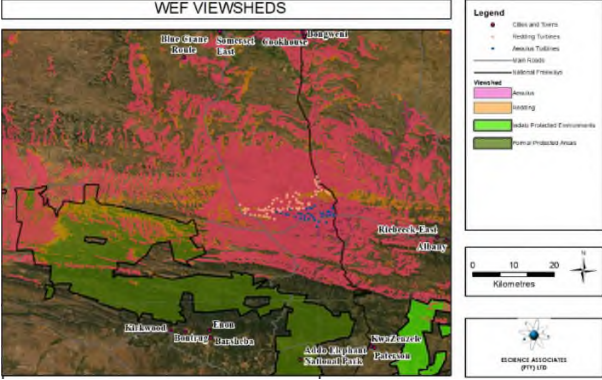
No.	Comment	Raised by	Response												
	<table border="1" data-bbox="226 318 863 521"> <thead> <tr> <th data-bbox="226 318 554 367">Height of turbines (total including rotors) (m)</th> <th data-bbox="554 318 863 367">Recommended ZVI distance (km)</th> </tr> </thead> <tbody> <tr> <td data-bbox="226 367 554 399">50</td> <td data-bbox="554 367 863 399">15</td> </tr> <tr> <td data-bbox="226 399 554 431">70</td> <td data-bbox="554 399 863 431">20</td> </tr> <tr> <td data-bbox="226 431 554 464">85</td> <td data-bbox="554 431 863 464">25</td> </tr> <tr> <td data-bbox="226 464 554 496">100</td> <td data-bbox="554 464 863 496">30</td> </tr> <tr> <td data-bbox="226 496 554 521">246</td> <td data-bbox="554 496 863 521">74 (by extrapolation)</td> </tr> </tbody> </table>	Height of turbines (total including rotors) (m)	Recommended ZVI distance (km)	50	15	70	20	85	25	100	30	246	74 (by extrapolation)		
Height of turbines (total including rotors) (m)	Recommended ZVI distance (km)														
50	15														
70	20														
85	25														
100	30														
246	74 (by extrapolation)														
	<p>28. By way of illustration to the VIA specialist and the EAP the application of the above Guideline for involving visual and aesthetic specialists in EIA processes (Oberholzer, B. (2005)), the Indalo Association refers below to view simulations it had provided as part of its complaint to the EAP about the impact of the proposed Albany WEF on the Great Fish Provincial Reserve. This complaint illustrated the distance of impact during day and night/dusk. It is clear from the images provided below that these visual impacts are not only immediately visible and easily recognisable but also highly obtrusive and should be avoided. (It also illustrates the flawed reliance of the Wind Relic</p>		<p>Savannah Environmental is not the EAP on the Albany WEF to which Dr Basson refers. The VIA for the Aeolus WEF includes an assessment of impacts associated with night-time lighting (refer to Section 7.2.7 of the VIA included as Appendix K of the BAR.</p>												

No.	Comment	Raised by	Response
	<p>applications on a defective Albany WEF SEIA as explained later in these submissions).</p> 		
29.	<p>The VIA specialist and EAP are further referred to a study by the Argonne National Laboratory for US Department of Energy Bureau of Land Management (BLM)³⁰ in 2012 that</p>		<p>Response from Lourens du Plessis, VIA Specialist:</p>

³⁰ Sullivan, Robert G., et. Al., 2012, *Wind Turbine Visibility and Visual Impact Threshold Distances in Western Landscapes*, Argonne National Laboratory and the U.S. Department of the Interior, Bureau of Land Management. USA ("BLM Study").

No.	Comment	Raised by	Response
	<p>reported on the visual impact of wind and guidance on visibility.</p>		<p>The comment submitted is noted and no further action is required.</p>
	<p>29.1. The study was a systematic examination of the visual impact of five (5) existing wind farms in Wyoming and Colorado, with turbines of 90 — 120m in tip height, and most of them were close to 120 m (thus just more than half of proposed WEFs at 200m).</p>		<p>Response from Lourens du Plessis, VIA Specialist:</p>
	<p>29.2. The report found that: "Under favourable viewing conditions, the wind facilities were judged to be major foci of visual attention at up to 19 km and likely to be noticed by casual observers at >37 km. A conservative interpretation suggests that for such facilities, an appropriate radius for visual impact analyses would be 48 km, that the facilities would be unlikely to be missed by casual observers at up to 32km the facilities could be major sources of visual contrast at up to 16 km."</p>		<p>Some studies suggest 20km and even as little as 15km. It would be great if there were accepted, and standardised proximity radii prescribed by DFFE. The closest to that is the 30km radius for cumulative visual impacts (see below).</p>
	<p>29.3. The study further classified situations rated 5 or 6 as being of high impact and, on that basis, specified a limit of visual pre-eminence which was 16 kms for turbines 120 m high such that: <i>"At this distance, the wind facility is a major focus of visual attention, drawing and holding visual attention ... The facility as a whole is likely to be perceived by some viewers as having a large visual impact."</i></p>		

No.	Comment	Raised by	Response
	<p>29.4. This comprehensive study was published, and peer reviewed and confirms the fallacy of the VIA specialist's statement: "> 20km. Long distance view of the facility where the structures are not expected to be immediately visible and not easily recognisable". The study rather confirms the significance of visual impact at s distance and indicates the fatal flaws in the VIA.</p>		
	<p>30. Although the Redding and Aeolus VIAs provide viewshed maps, these maps are framed in such a manner that they cut out the northern most section of Addo Park so that the visibility of the WEFs from within Addo Park is excluded. The below viewshed analysis that doesn't cut off the northern parts of the Addo Park demonstrates that the WEFs will be substantially visible. Although this is at a distance, the mass of turbines (cumulative impact) will be highly visible in the distance from important Park tourist routes both during the day, and especially, at night. (The Addo Park reportedly offers night drives which are particularly popular with foreign visitors).</p>		<p>Response from Lourens du Plessis, VIA Specialist:</p> <p>The maps have not been maliciously framed to exclude any parts of the AENP, it is simply zoomed to a 20km radius of the proposed infrastructure. The first point of departure, when I noted that the park was in the study area, was to consult the SANParks Viewshed Protection Zone (VPZ) for the park. None of the proposed turbines fell within the VPZ.</p> <p>The exposed areas shown left would be at distances exceeding 30km, a threshold determined by DFFE to be used when determining cumulative visual impacts.</p>

No.	Comment	Raised by	Response
	 <p>1.1.</p>		
	<p>31. Apart from total lack of impact illustration, there is further no effort to consider the cumulative visual impact of all the WEFs on Addo Park or Indalo member Shamwari Game Reserve, nor on any of the surrounding wildlife and nature (eco) tourism operations in the immediate vicinity. The VIA thus does not communicate nor consider the cumulative impact of the WEFs generally, from the perspective of wildlife and nature focussed tourists visiting the region (including hunting), and specifically not insofar as it concerns protected areas and their environments and services including tourism products.</p>		<p>The potential cumulative visual impact of the wind farms on the visual quality of the landscape is included in section 7.3.2 of the VIA. This includes consideration of all proposed and operating facilities within a 30km radius of the facility, as per the requirements of the DFFE. It is concluded that the cumulative impact is expected to be of high significance.</p>
	<p>32. The VIA further failed to consider the dynamic nature of the wind turbines and their impact on the unique sense of place of the affected protected areas. The large-scale infrastructure of the wind energy facility, in the form of turbine towers and blades, roads, and crane pads that will be built to allow for the construction and servicing of the turbines, will irrevocably impact the sense of place of the undisturbed African bush/wilderness character for wildlife</p>		<p>The potential impact on the sense of place of the region is included in Section 7.3.1 of the VIA. This section of the report states <i>"The greater environment has a rural, undeveloped character and a natural appearance. These generally undeveloped landscapes are considered to have a high visual quality."</i></p>

No.	Comment	Raised by	Response
	<p>and nature tourism operations by converting the landscape from wilderness and rural to one of industrial production (i.e., and energy landscape).</p>		<p>The significance of the visual impacts on the sense of place within the region (i.e. beyond a 20km radius of the development and within the greater region) is expected to be of low significance. Impacts on areas closer than 20km are assessed as being of moderate to high significance depending on the distance from the facility.</p>
33.	<p>Section 24(1) of the NEMA requires the BARs to consider, investigate, assess, and report to the Competent Authority all the potential consequences for, or impacts on, the environment. Furthermore, regulation 19(3) of the EIA Regulations, 2014 prescribes that the BARs must contain the information specified in Appendix 1, which includes an assessment of all/each potential significant issue, impact and risk including cumulative impacts. The VIA specialist must describe and assess the potential impacts of the WEFs specifically for identified sensitive sites and must also identify areas which must be avoided. These provisions clearly require the EAP and the VIA specialist to have assessed the visual impact of the WEF on the Indalo and Addo Protected Areas.</p>		<p>Visual impacts have been identified and assessed in accordance with the requirements of the EIA Regulations, Appendix 6 as is required in terms of the Regulations. This includes an assessment of impacts on sensitive receptors such as roads and residences.</p> <p>Response from Lourens du Plessis, VIA Specialist</p> <p>The Indalo protected areas and AENP is not expected to be exposed to the project infrastructure within a 30km radius of the wind turbines, due to their locations south of the Suurberge.</p>
34.	<p>Although the BARs and the VIAs made much of the fact that the development would be located within the gazetted Cookhouse REDZ, it should be noted that the REDZ visual sensitivity mapping at a regional scale indicated that the receiving environment of the visual impact of the WEFs was categorised as 'very high visual sensitivity' in this area. This means that it is not ideally suitable for wind farm development where the wilderness character forms the basis for wildlife and nature tourism (and more so if this is the basis for Protected Area and Private Game Reserve establishment and upkeep by biodiversity stewardship).</p>		<p>The visual impact assessment concludes that the impact associated with the project would be of high significance. The VIA further notes that <i>"The fact that these WEFs are located within a REDZ is not likely to mitigate the potential visual impact on affected sensitive visual receptors, but it is expected to at least concentrate WEF developments within the greater region."</i></p>

No.	Comment	Raised by	Response
	<p>35. The Indalo Association submits that the VIA specialist had failed to engage the Eastern Cape Parks and Tourism to obtain their comments with the EAP as part of the basic assessment process (so that it could have been subjected for comment ideally in the form of a conservation and tourism focus group).</p>		<p>Eastern Cape Parks and Tourism is included as a registered party on the project database and was invited to comment on the project. No comments were received. In addition, Eastern Cape Parks and Tourism were invited to attend the various meetings held for the project but no representative attended.</p>
	<p>36. Under Section 9 Impact Statement the VIA's indicate that the cumulative visual impact of the proposed WEFs is expected to be of high significance. The VIA further states that "Even though it is possible that the potential visual impacts may be high within the context of the receiving environment, the proposed WEF development is not considered to be fatally flawed." This reasoning seems to be based on the false assumption that the project is legally compliant, and that it would only be fatally flawed if the majority of stakeholders and decision-makers consider the impacts to be unacceptable. This approach is materially wrong given that the impacts to various sensitive receptors / viewpoints (in particular eco-tourism operations) have not been assessed in the VIA. Consequently, the conclusion that the impact does not constitute a fatal flaw cannot be defensibly arrived at with the information provided in the reports.</p>		<p>The VIA includes the identification of sensitive receptors and provides an assessment of the potential impact on these.</p> <p>The definition of a fatal flaw, as listed (and referenced) in the VIA report is extracted from the Guideline for involving visual and aesthetic specialists in EIA processes: Edition 1.</p>
	<p>37. The Indalo Association concludes that the draft VIA has material scientific information gaps which makes it fatally flawed and not fit for use as a reliable scientific information source for the EAP or Competent Authority to make a rationally defensible and balanced decision about the WEF application(s). Reference is made to the provisions of sections 6(2)(e)(iii) and 6(2)(f)(ii)(cc) of the PAJA for rational and lawful administrative action.</p>		<p>As detailed in the previous responses, visual Impacts have been identified and assessed in accordance with the requirements of the EIA Regulations, Appendix 6 as is required in terms of the Regulations. This includes an assessment of the impacts of the project on its own and the cumulative impact of the project together with other similar developments in the region.</p>

No.	Comment	Raised by	Response
	<p>LACK OF NATURE AND WILDLIFE TOURISM IMPACT ASSESSMENT</p> <p>38. For the effect of wind farms on visitor and business performance, the draft SEIA for Aeolus WEF states on page 52: <i>"All tourism product owners, who were engaged with during the interviews above, stated that they felt there was no impact from the wind farms on their business performance. Additionally, no complaints about the nearby wind farms were received by the owners from customers. In liaison with eco-tourism business operators specifically, none of the respondents indicated any material change in their business operations as a direct result of wind farm developments in their respective areas. It must be stated though that the responses above feedback from game lodges and nature-based establishments that predominantly cater for domestic tourists."</i></p>		<p>Response from Matthew Keeley, SEIA Specialist:</p> <p>The comment is noted, and no further action is required.</p>
	<p>39. It is evident that the SEIA specialist did not consult with Indalo Association members, Shamwari and Lalibela Game Reserves, which are internationally renowned, successful, and established wildlife and nature-based (eco-) tourism business operators, about the likely visual disturbance by the Aeolus and Redding WEFs on the unique sense of place. The affected members of the Indalo Association are Protected Areas that participate in the extremely competitive international market of high-end discerning wildlife nature-based (eco-) tourism with similar business operators in Kenya, Tanzania and Botswana who are not subject to development of large-scale wind energy facilities that will destroy the unique African bush and wildlife character of their game reserves.</p>		<p>Response from Matthew Keeley, SEIA Specialist:</p> <p>Shamwari and Lalibela are not identified within the VIA study as being potentially 'visually impacted' with the construction and operation of the proposed Aeolus WEF. The SEIA study utilizes the VIA study to determine those land portions that could potentially be impacted from a tourism perspective given the predicted visual impacts.</p>

No.	Comment	Raised by	Response
	<p>40. There is no reference in the draft SEIA to the response by the leading international tour operator for wildlife and nature-based tourism, Thompson Africa, that indicated in the Wind Garden and Frontier final SEIAs the significant negative impact of the WEFs developments to international wildlife and nature-based tourism to the area. Instead, as stated, the SEIA specialist simply superficially refers to the general impact to domestic tourism and entry level tourism establishments.</p>		<p>Response from Matthew Keeley, SEIA Specialist:</p> <p>Shamwari and Lalibela are not identified within the VIA study as being potentially visually impacted with the construction and operation of the proposed Aeolus WEF. The SEIA study utilizes the VIA study to determine those land portions that could potentially be impacted from a tourism perspective given the predicted visual impacts. As such Indalo was not recognized as an informant for the Aeolus WEF SEIA.</p>
	<p>41. It is of particular importance that the BARs should properly assess the cumulative visual impact of all the planned and built WEFs in the surrounding area on the unique, unspoilt African wildlife and nature character and sense of place by the visual impact assessment, as well as in a separate tourism impact assessment by an independent expert in international wildlife and nature-based tourism. The present SEIA is a rather a general social and economic assessment that makes generic statements instead of providing a detailed sector specific international assessment of the impact of the development of largescale and mega WEFs.</p>		<p>Response from Matthew Keeley, SEIA Specialist:</p> <p>Reference is made to Section 8.4 of the Aeolus WEF SEIA which presents cumulative socio-economic impacts for the study area based on the various proposed renewable energy projects, this includes cumulative potential tourism impacts which are found to be negative (medium significance).</p>
	<p>42. The SEIA by the same consultants contradict their findings in other SEIAs with respect to the impact of WEFs on wildlife and nature-based (eco) tourism e.g. in their reports on the Plan 8 WEF application of 2013, and the Strategic Impact Assessment Report (SIA) for the gazetting of the REDZ in 2014. In both studies the SEIA specialist clearly indicated the delicate relationship between WEF developments and their negative impact on wildlife and nature based (eco) tourism and consequently the effect on property values. Consequently, it recommended in the REDZ SEIA that no WEF must be developed within or inside the buffer</p>		<p>Response from Matthew Keeley, SEIA Specialist:</p> <p>Both the referred to Plan 8 WEF SEIA study and the current study being referred to (Aeolus WEF SEIA) have found that the respective WEFs will potentially bring about negative impacts on the local tourism industry. Since the compilation of the Plan 8 WEF SEIA study, the team has now been in a position to draw on more up-to-date literature and primary research (undertaken for the Aeolus WEF SEIA) to present a more up-to-date perspective as to the nature of potential negative impacts that WEFs may have on a local tourism industry.</p>

No.	Comment	Raised by	Response
	<p>zones of the protected areas or nature reserves. However, in this instance there is a consistent instance to WEF development not having a significant effect in direct contradiction to previous reports dealing with this subject.</p>		<p>Reference here is made to Section 6.1 of the Aeolus WEF SEIA which presents a literature review of several international academic studies dealing with this topic, at least nine of these studies have been published since the drafting of the Plan 8 WEF SEIA. In addition, the SEIA team have been able to undertake extensive primary research engagements (presented in Section 6.2) with accommodation establishments and eco-tourism products in close proximity to already established wind farms around South Africa. This has also been done in relation to property value impacts, see Section 7.2.</p>
43.	<p>The Indalo Association submits that the absence of a wildlife nature-based (eco) tourism impact assessment is a fatal flaw in these BARs, and it should be undertaken by the Applicants to enable the Competent Authority to make an informed and balanced decision.</p>		<p>Response from Matthew Keeley, SEIA Specialist:</p> <p>The 2020 Terblanche study is one of in excess of 70 'secondary' sources of information presented within the Aeolus WEF SEIA. As such the said reference is utilised to contribute to the range of perspectives that have informed the findings of this SEIA and related SEIAs. The update to the 2020 Terblanche study is noted and will be reviewed by the authors of the Aeolus WEF SEIA to insure that in the Final version of this reference source, is included in this study.</p>
44.	<p>DISCREDITED FALSE SOURCE OF INFORMATION IN SEIA</p> <p>We again bring under the attention of the Competent Authority, that the Draft SEIA and Draft BARs persistently refer to the Albany WEF Draft Social Impact Assessment (March 2020 Terblanche report) as if it is a credible peer referenced scientific journal article, whereas it is a draft report containing false statements upon which the current applications rely. The Aeolus SEIAs state on pages 52-53 that:</p> <p><i>"Research performed by Terblanche (2020) included interviews with game farm owners/representatives from Pumba Private Game Reserve, eZulu Game Reserve and Amakhala Game Reserve. These representatives</i></p>		

No.	Comment	Raised by	Response
	<p><i>had stated that they had received no complaints from guests and have noted no changes to performance of their game farms as a result of the presence of wind farms (Waainek & Cookhouse WEFs). The reason stated for this was that overseas visitors are used to the sight of wind farms and were unlikely to be negatively impacted by their presence. It should be noted that though none of the turbines from Waainek or Cookhouse WEFs are directly visible from any of the lodges at the stated game/hunting farms."</i></p>		
45.	<p>This is a false statement which was also made by the same SEIA specialist repeated by the EAP in the Wind Farm and Fronteer applications which the Indalo Association addressed in its submissions and in the Regulation 14 complaint lodged with the Competent Authority about the EAP and SEA specialist's alleged lack of objectivity and reasonable appreciation of bias.</p> <p><i>"The SEIA Specialist and EAP rely on the discredited study of Terblanche (Socio-economic Impact Assessment Report: Proposed Construction of the Albany Wind Energy Facility, Makana Local Municipality: 2020) prepared as part of a separate environmental authorisation for a different Wind Energy Facility in the region. In this study, Terblanche relied also on alleged one-on-one interviews with game farm owners or representatives from, amongst others, the Pumba Private Game Reserve, the eZulu Game Reserve and the Amakululu Game Reserve. According to Terblanche, these representatives stated that they had received no complaints from guests and have noted no changes to performance of the game farms as a result of the presence of windfarms. However, the Pumba Private</i></p>		

No.	Comment	Raised by	Response
	<p><i>Game Reserve is a member of the Indalo Association and has categorically rejected the credibility of these allegations by Terblanche as false (Refer to Annexure 'CM' hereto). The Pumba Private Game Reserve did not make such a statement; in fact, the experience was a clear negative impact on tourism to the Pumba Private Game Reserve as a result of the development of the Waainek Wind Energy Facility false (Refer to Annexure 'CN' hereto)."</i></p>		
46.	<p>As can be seen on page 298 of the Wind Garden comments and responses report, the EAP and the SEIA specialist were made aware of these falsehoods in the Terblanche report (as far back as in 7 May 2021 by Mr Rob Gradwell of Lalibela Game Reserve in a letter to Savannah) well before the Western Block draft BARs were published, yet they continued to utilise the report as a published literature reference in the Hamlett, Ripponn, Redding and Aeolus SEIA's and substantively in the latter Report, seemingly because its findings are favourable to the WEF developments.</p>		
47.	<p>In fact, the March 2020 Terblanche report was revised in March 2021 after the Indalo Association, as well Pumba and Lalibela submitted complaints about its false content. From a comparison of section 11.2.1 on pages 100 to 105 of both reports it is clear that the report no longer states what the Aeolus SEIA has stated in the quoted paragraph above. Rather, pages 102 and 103 in the revised 2021 report states as follows:</p> <ul style="list-style-type: none"> • <i>"Lalibela Game Farm reported that they have had to change ga routes to avoid turbine visual impact. Certain routes can now only be driven in direction away from Waainek and certain areas can only be</i> 		

No.	Comment	Raised by	Response
	<p><i>traversed in daytime as night drives are spoiled by turbine light flicker;</i></p> <ul style="list-style-type: none"> • <i>Gameston Wildlife Retreat (Pumba) faces the Waainek turbines across the valley. As a result of complaints from visitors, a decision was made to remove the Gameston lodge from the Pumba Reserve offering and to remarket the facility to a different market;</i> • <i>No local research and published surveys could be obtained with regards to WEF impacts on tourism/livelihoods;</i> • <i>Wind farms and tourist destinations abroad (on which the published literature is based) differ from the study area in terms of the tourist product offered, landscapes, communities affected, localities of the wind farms as well as the sizes of the development;</i> • <i>From international literature consulted, no consensus exists with regards to wind farms' actual impacts on tourism (volumes, experiences, and revenue), tourists' destination of choice and so forth;</i> • <i>Some studies show that wind farms may have a negative effect on tourism demand and tourism expenditures in the affected area; whereas others were consistent in their conclusion that wind farms are innocuous in terms of local tourism demand, numbers, revenue and experiences;</i> • <i>Most respondents in the Kwandwe survey indicated a negative response towards such a development and the impact it would have to their experience (Africa and bush experience) and destination of choice;</i> • <i>Impacts that have manifested for game reserves affected by Cookhouse and Waainek WEF's were mostly as a result of visual aspects (especially night light</i> 		

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	<p><i>flicker</i>). Some game reserves have had to implement measures to address visual intrusions, i.e. to change game drive routes, do refurbishments and install lighting that distracts from light disturbances;</p> <ul style="list-style-type: none"> • The tourism industry is highly competitive, sensitive and susceptible to subtle changes in market conditions, and it is recognised that a marginal change in the numbers of tourists could have a significant knock-on economic effect; • Proximity to turbines and their localities (visual impacts on lodges and strategic viewpoints on the game farms) together with impacts on the sense of place, which could be influenced by changes in landscape (scenic resources), could potentially influence the local tourism market and subsequently livelihoods." 		
48.	<p>The Indalo Association submits that the above-mentioned reporting of allegedly false information by the SEIA specialist and confirmation thereof by the EAP in the BAR's, is highly irregular. Moreover, it is extenuating grounds that the SEIA specialist continued to report the alleged misrepresentation despite the fact that the EAP was informed of the correct position by the Indalo Association. This alleged wilful and unlawful contravention of the peremptory requirements of regulation 13 of the EIA Regulations yet again further supports the Indalo Association's complaint to the Competent Authority why the SEIA reports and those parts of the BARs must be rejected for alleged lack of objectivity and a reasonable suspicion of bias by the SEIA specialist and EAP.</p>		

No.	Comment	Raised by	Response
	<p>CONCLUSION</p> <p>49. We remind you that the Indalo Association is exercising its fundamental rights to protect the environment and its members' rights to property, the environment, administrative justice, to receive relevant information, and that a substantively fair process is followed during the five (5) BARs for the Western Block of the development. These rights are protected in sections 24, 25, 32 and 33 of the Constitution read with their statutory provision in section 24 of the NEMA and the EIA Regulations, 2014 and sections 3 and 6 of the PAJA, amongst other.</p>		<p>Comments noted. No response required.</p>
	<p>50. Indalo strictly reserves all its rights, including the right to continue to submit further comments directly to the competent authority at the Department after expiry of the EAPs allocated time for public comment which the latter is obliged to consider before taking a decision. In Earthlife Africa referred to above, the Court confirmed that section 24(4)(a)(v) of NEMA allows Indalo a reasonable opportunity to raise its concerns directly with the DEFF before it takes a decision.³¹ Also refer to the judgement in Escarpment Environment Protection Group and Another v Department of Water Affairs and Others, 2013.³²</p>		<p>Comments noted.</p> <p>It is reiterated that the Earthlife Africa case referred to related Earthlife being entitled to an opportunity to make submissions on the final report preceding the Director General's decision as this final report included information which had not been previously provided to the public for review. Because no opportunity to do so had been given the decision was held to be fatally flawed and that part of the process flawed by the irregularity was set aside.</p> <p>In respect of the current application for Environmental Authorisation, the final report submitted to the DFFE is not substantially different to that which was made available to I&APs for review and comment. Should there have been material changes, the EIA Regulations, 2014 (as amended) requires that additional public participation be conducted,</p>

³¹ Paras [100] and [101], see also paras [95] and [98].

³² 2013 JDR 2700 (GNP).

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			including a period of at least 30 days for review and comment on the revised report.
	51. Please confirm written receipt of this letter by 17h00 on 21 October 2021 , which receipt of same is assumed.		The letter dated 20 October 2021 submitted Ernst Basson Attorneys on behalf of their client Indalo Association which was attached to their e-mail dated 20 October 2021 was acknowledged on 21 October 2021.
2.	<p>Apologies for the delayed response but I have just returned to office after having been away (per notice given to you previously).</p> <p>I will consult with our clients regarding their availability to meet with you and the relevant specialists on their properties and will revert ASAP. I will also need to liaise with our legal counsel regarding availability.</p> <p>Please find attached letter for your information which was submitted to the Competent Authority.</p> <p>You have ignored our request to be provided with all the information and have merely provided us with BAR reports (our request stated inter alia "All correspondence related to the Wind Relic project should be included."). The BAR reports certainly cannot amount to all the information that we have</p>	<p>André van der Spuy Environmental Consultants</p> <p>E-mail: 21 October 2021</p>	<p>Response via e-mail by Jo-Anne Thomas on 28 October 2021:</p> <p>Your emails of 21 October and 26 October refer.</p> <p>We noted in your letter of 21 September 2021 that you are of the view that the 45 day comment period is "too short and thus unreasonable," effectively amounted to a 35 day review period owing to the fact that you were out of office for 10 days of the 45 day review period and that it should therefore be extended. However, the EIA regulations do not provide that the public participation process should be extended in such circumstances. We are required to comply with the regulated timeframes and have continued with our public participation process as planned.</p> <p>As indicated in our previous correspondence to you, you have as yet not disclosed the details of your clients, making it</p>

No.	Comment	Raised by	Response
	<p>requested. Please provide the outstanding information without further delay.</p> <p>Please note that our clients wish to be registered as I&As only by way of submission of their comprehensive comments. The NEMA EIA Regulations make explicit provision for such. The attached letter to the Department confirms this approach. AVDS Environmental Consultants is registered as an I&AP on your database and this is correct.</p>		<p>impossible for us to confirm whether or not they are registered on the Renewable Energy Project databases. Your email dated 21 October states "Please note that our clients wish to be registered as I&APs only by way of submission of their comprehensive comments. The NEMA EIA Regulations make explicit provision for such." This is patently incorrect. The EIA Regulations specifically make reference to registered interested and affected parties being entitled to comment on reports (as detailed in the extract of the Regulations below).</p> <p>Further to the above, regulation 43(1) of the EIA Regulations provides that "[a] registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application." [own emphasis]. This does not refer to any other information being required to be made available for review and comment. In compliance with this requirement, we provided you with a hard copy and CD of all 5 reports which were available for review in September/October, and also previously provided you with hard and soft copies of the Wind Garden and Fronteer Reports (delivery of which you refused as stated in my previous correspondence).</p> <p>In so far as your request for a meeting is concerned, please note that the review periods for the projects have already closed. (We refer to our previous correspondence which</p>

No.	Comment	Raised by	Response
			<p>detailed the dates for these). We will however, accommodate your request for a meeting. In order to ensure that the process still complies with the regulated timeframes, the only available option is to hold these meetings on 08 November 2021. The team is however not available to travel to this meeting and therefore a virtual meeting will need to be arranged to accommodate your requirement for all the specialist consultants to be present. In order to be able to prepare for the meeting and meaningfully deal with your clients' issues and concerns, you are requested to forward you clients' written comments by no later than 1 November 2021.</p>
	<p>Further to below we propose the following dates as options for the 2 X site meetings with our respective clients whose properties are located close to the wind farms and within the Blue Crane Route Municipal Area:</p> <ul style="list-style-type: none"> • Monday, 8 November 2021, 11am (first meeting) and 3pm (second meeting). • Thursday, 2 December 2021, 11am (first meeting) and 3pm (second meeting). • Tuesday, 7 December 2021, 11 am (first meeting) and 3pm (second meeting). <p>At the meetings our clients will outline and demonstrate their concerns with the 5 applications and other associated Wind Relic developments.</p> <p>As mentioned, it will be imperative that the visual impact assessment, avifaunal and socio-economic specialists also attend the meetings, and preferably all other specialists too.</p>	<p>André van der Spuy Environmental Consultants E-mail: 26 October 2021</p>	

No.	Comment	Raised by	Response
	Please advise us which date suits you as soon as possible since travel arrangements will need to be arranged accordingly.		

2. COMMENTS RECEIVED AFTER THE BASIC ASSESSMENT REPORT REVIEW AND COMMENT PERIOD (Review period ended 26 October 2021)

No.	Comment	Raised by	Response
1.	<p>Your below email of 28/10/2021 refers.</p> <p>We and our clients are most disappointed to note that you have fully reneged on your stated intention to arrange at a suitable date for meeting with us and our clients (per your email of 13/10/2021). Based on your statement of intent considerable engagement was undertaken between us and our clients in order to present you with the 3 suitable date options – including the identification of the earliest date, notwithstanding the considerable cost and inconvenience that its choice would have incurred. In our preliminary email response of 21/10/2021, wherein we informed you of our intention to arrange with our clients a suitable meeting date (based upon your advice to propose a suitable date to meet) and revert to you ASAP with an answer, you should then have immediately and honestly informed us of your unwillingness to follow through with a proper meeting. Your irregular and misleading approach makes a mockery of our clients' valuable time and resources and the false expectation that you created fosters a fundamental mistrust of you as the EAP.</p> <p>The "virtual meeting" you offered instead is no more a proper meeting than is a telephone conversation between different</p>	<p>André van der Spuy Environmental Consultants</p> <p>E-mail: 02 November 2021</p>	<p>Response via e-mail by Jo-Anne Thomas on 10 November 2021:</p> <p>We have not responded to each and every allegation contained in your email of 02 November 2021 below and any failure to do so should not be regarded as an admission that such allegations are correct, in fact we explicitly state for the record that we take umbrage at your allegation that we never intended to meet with your clients. We further note that at no time during the public participation process period have you submitted any comments on behalf of AVDS Environmental Consultants or its alleged clients. In fact, there is no way for us to verify that you are in fact acting on behalf of any clients, you also did not register AVDS Environmental Consultants as acting on behalf of anyone (you only requested registration of AVDS Environmental Consultants and Bokdam Private Nature Reserve, Kommadagga (which we are aware is in fact your property) as per your email dated 03 August 2020), and you have still not, despite our repeated requests, provided us with your alleged clients' details.</p> <p>We have not reneged on our intention to hold a meeting with yourself and your clients as is clearly stated in my previous</p>

No.	Comment	Raised by	Response
	<p>parties. As has been explained to you, it is imperative that you properly hear and see our clients concerns in situ and which neither you, nor any specialist has made the effort to do at this time. Without such information the applications are materially deficient. It has become patently clear that you are intent on avoiding proper site meetings with our clients as a way for you to avoid being served with their information fully. No doubt your motivations are so as to exclude this critically important information (that can only be properly demonstrated through proper site visits and face to face meetings) from the applications since you suspect that it may jeopardise the proponent's development interests.</p> <p>You are already aware that we are unable to participate in so-called virtual meetings (for reasons provided to you previously) and our clients are the same. Therefore your persistent effort to enforce a virtual meeting as the only option available to us is regarded with due suspicion. Not that "occupier" clients do not even have computers but should not be excluded by you from participating in the PPP on this basis. You are unwilling to accept the hard fact that we (and our clients) are not able to engage in a so-called virtual meeting yet, as the EAP , it is required by NEMA of you to engage with I&APs (for this is what we and our clients are) at their level of capability. Your request for our clients' comments as a preparatory measure prior to the virtual meeting appears to be another disguised attempt by you to obtain their comment within your own convenient restrictions and purposes and it is rejected (the virtual meeting is an impossibility).</p> <p>You give as one of your reasons for renegeing on the meeting arrangement that the specialists ("team") were unavailable,</p>		<p>email. In our response to your letter of 22 September 2021 in which you requested a meeting (our letter dated 30 September 2021), we stated that we were available to meet with yourself and your clients. The fact that the 8 November 2021 was the only available date (even though it was outside of the approved public review period), is also due to the fact that dates for such a meeting were only proposed by yourself on 26 October 2021, the last day of the public review period for the Hamlett and Ripponn Wind Farms and after the close of the review period for Aeolus and Redding Wind Farms and the MTS.</p> <p>It should also be pointed out that your allegation that neither Savannah nor the specialists have made any effort to consider your clients' concerns in situ does not take into account the fact that we are neither aware of who your clients are, despite our repeated requests for their details, nor do we know exactly where their property/ies are situated. It should further be noted that it would appear that by refusing to disclose such information, you are attempting to hold to ransom the entire public participation process in an attempt to use the correspondence between us to try and prove that the applications are materially deficient.</p> <p>In addition, your allegation that we are avoiding a face-to-face meeting because it would jeopardise the proponent's development interests is totally unfounded, not least because, as is stated above, we know neither who your clients are nor where their properties are situated. In fact your insistence that you and your clients are unable to participate in a virtual meeting can only be regarded with suspicion considering the</p>

No.	Comment	Raised by	Response
	<p>and we therefore kindly ask that you provide us with evidence of their unavailability in order to establish the veracity of your statement in this regard. We also would point out that we and our clients made special efforts to accommodate the necessary travel arrangements and other time costs for the intended site meeting and it would be expected that your "team" could at least do the same especially since you were provided with 3 meeting date options and with a good lead time (extensively more than you have allowed for I&APs).</p> <p>We are also confused and concerned by your reference to yourself and the appointed specialists as being "the team" as we had requested the meeting with you (the EAP) and the specialists but who are all required to act independently and objectively and most certainly not as a "team". Your use of this term raises more suspicions as to what the objectives of your "team" are given that a team, by definition, operates in unity and towards the achievement of a single and unified goal but which is entirely contradictory to the purposes of a specialist and EAP, who is required by NEMA to perform a professional duty in an independent manner. Your "team" approach to management of the applications then leaves no room for any member of the "team" to perform duties or make recommendations which may not be in line with the team's objective and which is seemly actually the objective of the applicant(s).</p> <p>You are correct that registered I&APs must be provided with an opportunity to comment on the reports or plans. However, this right to comment is not limited only to "registered" I&APs and no others. EIA Regulation 42 provides that;</p>		<p>fact that you are quite able to send and receive electronic emails.</p> <p>Regulation 44 of the EIA Regulations makes it clear that interested and affected parties are to submit written comments, unless they suffer a disability, cannot read or write or have any other disadvantage that does not allow for written comments, in which case the EAP must ensure that their comments are recorded using a reasonable alternative manner. Considering your ability to write and send emails and letters, it cannot be said that you or your clients are unable to provide written comments. However, as per Regulation 43, only registered I&APs may comment on the reports submitted as part of the application process. As stated above, you have not indicated that you registered on behalf of your clients, nor that you have any power of attorney to act on their behalf.</p> <p>Lastly, despite your attempt at purposely misinterpreting our use of the word "team", we can and do confirm that not only are the specialists acting independently but so is Savannah, in line with the requirements of the EIA Regulations.</p> <p>We still have not received your clients' comments.</p>

No.	Comment	Raised by	Response
	<p>"A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such register to the competent authority, which register must contain the names, contact details and addresses of – (a) all persons who, as a consequence of the public participation process conducted in respect of that application , have submitted written comments or attended meetings with the proponent, applicant or EAP:...".</p> <p>It therefore becomes clear that an interested and affected party who has not registered previously as an interested and affected party may indeed comment upon the application(s) but must thereafter be recorded in the register of interested and affected parties. It is also made clear that "meetings" are a legitimate alternative means available to interested and affected parties of providing input and whereafter such I&As must be included on the register. The EIA Regulations require that relevant guidelines be considered. You however have ignored substantial guidance in this regard, especially in terms of PPP (i.e. Regulation 41(2)) where the Department of Environmental Affairs (2017) Public Participation Guideline (page 14) asks "Will the project impact on private land other than that of the applicant?" and, where the answer to the question is "yes", it recommends that "Consultation with the private land owner must be done, and all their concerns need to be addressed." Our clients' private land will be impacted yet you have refused all efforts by them to properly engage "face to face" on their private land and have intentionally failed to ensure that "all their concerns are addressed." This is a substantial unresolved matter in these applications.</p>		

No.	Comment	Raised by	Response
	<p>Furthermore, we refer you to the following NEMA EIA Regulations which regard the right to comment of "potential" or "registered" I&APs equally:</p> <ul style="list-style-type: none"> - Reg 40(1): - Reg 40(2)(d) - Reg 40(3) - Reg 41(6)(b) <p>You should note that our clients are, at the very least, rightly regarded as "potential" I&APs under NEMA, and you have been advised of their wishes to participate in the PPP by means of face to face meetings.</p> <p>You will know that our first request for a site meeting was made on 22/9/2021 which was well within your so-called review period (unreasonably short as it was).</p> <p>You also quote EIA Regulation 43(1) as justification for denying us the requested information over and above just the reports and plans yet your narrow (mis)interpretation ignores EIA Regulation 40(2) which states that "(t)he public participation process contemplated in this regulation must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless that information is protected by law..." (Underlining added). Our request for all information is thus entirely legitimate and your denial of our right to this information, and reasons therefore, are patently wrong.</p> <p>In your below email you misrepresent the facts and instance of an unsolicited package in relation to it being delivered by a</p>		

No.	Comment	Raised by	Response
	<p>courier to our address, and our rejection of same. You are quite aware that the necessary verification sought from us by Ms. Venter for its dissemination was intentionally NOT granted by us (as she refused to confirm the full scope of information requested) yet, ignoring this, you/ she chose to evidently send it to us anyway and which was contrary to her own explicit advice to us regarding the incorrectness of doing so under the Protection of Personal information Act. We did not identify the unsolicited package on its arrival at our door and which, based on your own information, was not what we requested anyway. We note that you easily cross-reference matters under the Wind Garden and Fronteer applications to justify your actions in the subject 5 applications – indeed, we confirm identical methods and approach in your management of these and those applications, the latter of which has resulted in a serious complaint against you by another group of I&APs (Indalo). Under the circumstances it is most surprising that the proponent has not immediately terminated your services on the current “Western Cluster” applications and which then indicates an apparent and suspicious condonation by the proponent of your conduct. The Department is similarly regarded since it appears to have made no effort to protect I&APs from your abusive conduct (which is similar across all applications under your management), despite it being aware of the well-grounded complaints I&APs have made against you.</p> <p>As regards your invalidation of our advice regarding extension of the review period and where you have used a quoted extract (per “too short and thus unreasonable”) of our letter as being the “circumstances” (we fail to understand what you mean here) that justify your rejection of the advice I would point out that the quoted extract, when in its proper and full</p>		

No.	Comment	Raised by	Response
	<p>original context, is clear and is different to how you have misrepresented it in your reasoning. Our justified reasoning for regarding the review period as being unreasonably short is made quite clear in its original full statement:</p> <p>“Notwithstanding the limitation already imposed and described above, it is impossible for AVDS Environmental Consultants to obtain, properly review and consider, and prepare substantiated comments on, the information for the 5 applications within the allotted 45 day comment period which is too short and thus unreasonable.”</p> <p>Considering that 5 applications are were open to review the correct minimum review period (subject to such being a “reasonable opportunity” to comment) was 150 days where each application should have been subjected to a minimum of 30 days review period separately and not concurrently.</p> <p>Your sustained efforts to deliberately and unfairly limit and obstruct our clients right to fully present and demonstrate their considerable interests which are threatened by the proposed Wind Relic applications are noted. You have successfully deprived our clients from providing their desired input by way of face-to-face meetings even though face to face meetings are expressly provided for in the approved PPP plan (flawed as that plan is). Accordingly, we and our clients have little faith in you and your “team” to properly represent their interests let alone accommodate their interests correctly in consideration of the proposed activities and in a manner in which integrated environmental management under NEMA allows for, and indeed requires. This paucity of faith in you as the EAP is even more justified by the formidable and convincing complaint tabled against you and some of your “team” by the Indalo</p>		

No.	Comment	Raised by	Response
	<p>Association in the closely associated Wind Relic (Pty) Ltd "Easter Cluster" applications and where the grounds of complaint are very similar to the issues raised by us in relation to your conduct in these 5 applications.</p> <p>Please be advised that the applications will be materially deficient without the critically important information that was to have been demonstrated and presented by our clients' at these real face to face meetings.</p>		
2.	<p>Your response to my information I sent you is not objective and is extremely evasive.</p> <p>The Constitution of South Africa is the supreme law of the Republic ,law or conduct inconsistent with it is invalid ,and the obligations imposed by it must be fulfilled</p> <p>In response to your mail 'as the environmental consultant we are unable to respond to the content of the document as these do not relate to the EIA process or the projects under consideration.'</p> <p>The Cumulative impact (pls find definition in Government Gazette ,4 December 2014) of the information I sent you must be taken into account.</p> <p>Government Gazette ,4 December 2014</p> <p>Combination of applications 11 (3)</p> <p>If a proponent or applicant intends undertaking more than one activity as part of the same development within the area of jurisdiction of a competent authority ,a single application must be submitted for such development and the assessment of</p>	<p>Chad Comley I&AP</p> <p>E-mail: 03 November 2021</p>	<p>The comments submitted were acknowledged and it was noted that the legal matter between the I&AP and Wind Relic Management falls outside the Environmental impact Assessment process and can therefore not be responded to.</p> <p>The properties as per the information provided by the I&AP was determined as not adjacent properties to the Aeolus Wind Farm, Redding Wind Farm and the MTS Substation site or Grid Corridor.</p> <p>The e-mail was forwarded to the Applicant.</p>

No.	Comment	Raised by	Response
	<p>impacts , including cumulative , where applicable, and consideration of the application , undertaken in terms of these Regulations , will include an assessment of all such activities forming part of the development.</p> <p>This development falls under the above category's, the applicant in all the applications is Wind Relic . And not each individual wind farm as you have implied in your applications.</p> <p>My property in relation to the Redding ,Aeolus wind farm and the REDZ 3 Power corridor . I am a neighbour.</p> <p>You can't only justify Wind Relics actions by where they did it ,rather by what they did wrong .Wind Relic must be held accountable for their criminal actions .</p> <p>Appendix 1 (2) The objectives of the basic assessment process is to, through a consultative process –</p> <p>(d) through the undertaking of an impact and risk assessment process inclusive of cumulative impacts which focused on determining the geographical, physical, biological ,social , economic, heritage and cultural sensitivity of the sites and location within sites and the risk of impact of the proposed activity and technology alternatives on the these aspects to determine –</p> <p>(i)the degree to which these impacts - (aa) can be reversed</p>		

No.	Comment	Raised by	Response
	<p>(bb)may cause irreplaceable loss of resources ;and (cc)can be avoided ,managed or mitigated</p> <p>The Competent authority who assesses the information provided must take all factors into account .</p> <p>Consultation between competent authority and organs of state administering a law relating to a matter affecting the environment (7) (2) the competent authority or EAP must consult with every organ of state that administers a law relating to a matter affecting the environment relevant to that application for an environmental authorisation when such competent authority considers the application and unless agreement to the contrary has been reached the EAP will be responsible for such consultation .</p> <p>Every application is going to be different, the information that I have provided ,needs to be distributed to various organs of state as it is relevant to this environment within the proposed application .</p> <p>The environmental guidelines are there to help guide the EAP .the EAP cannot standardise all applications ,the EAP must be objective and take all information and apply it to individual applications .</p> <p>Developers need to be held accountable for the environment within which they are working. Corruption in this environment needs to be identified and dealt with , this is to protect all parties wanting to enter this space the cumulative impact.</p>		

No.	Comment	Raised by	Response
	<p>Developers need to know that they have to work within the confines of the Constitution of the republic of South Africa and the laws pertaining to that .</p> <p>By the EAP simply saying this is not part of the EIA process is unacceptable ,everyone has to be held accountable for their actions within this sphere .</p> <p>Bill of rights 34 -Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or where appropriate another independent and impartial tribunal or forum .</p> <p>BILL OF RIGHTS 12 freedom of security of the person (1)everyone has the right to freedom and security of the person , which includes the right - (c)to be free from all forms of violence from either public or private sources .</p> <p>Freedom of trade ,occupation and profession 22 Every citizen has the right to choose their trade ,occupation or profession freely .the practice of trade , occupation or profession my be regulated by law.</p> <p>My rights to trade freely in this environment was prejudiced by Wind Relics directors actions</p> <p>1. Extortion of my shares Directors stated that if I don't hand over my shares they will start a new company, extortion .it consists of taking from another some patrimonial or non-patrimonial advantage by intentional</p>		

No.	Comment	Raised by	Response
	<p>and unlawfully subjecting that person to pressure which induces him or her to submit to the taking .</p> <p>2.Repudiation of my commission through a fraudulent lawyers letter . It is the unlawful and intentional making of a misrepresentation which causes actual prejudice or which is potentially prejudicial to another .</p> <p>3.Verbal assault by Jonnathan Connellan 'I am going to fuck you up '.</p> <p>4.Threats via lawyers letters and restricting my constitutional rights .</p> <p>5.Defamation insinuating that I am acting unlawful.</p> <p>Put together these constitute criminal harassment in my profession , The actions of Wind Relic directors is in direct contravention of my Constitutional rights to be free in trade ,occupation , profession and my freedom of security .</p> <p>BILL OF RIGHTS 33 (1) everyone has the right to administrative action ,that is lawful ,reasonable and procedurally fair .</p> <p>(3) National legislation must be enacted to give effect to these rights and must (a)provide for review of administrative action by a court or where appropriate an independent and impartial tribunal . (b)impose a duty on the state to give effect to the rights in section (1) and (2) (c) promote an efficient administration .</p>		

No.	Comment	Raised by	Response
	<p>34- everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or where appropriate another independent and impartial tribunal or forum .</p> <p>The Department of Forestry and Fisheries and the Environment has been delegated as the Administrator .</p> <p>The DFFE must take all laws into account when fulfilling their duties as Administrator .</p> <p>Administrators exercise public power .the public has agreed to administrator having power over them ,but in a democratic state ,administrators are expected to use this power for the public benefit .</p> <p>The actions of Wind Relic have a Real Impact on my rights as a citizen of the Republic of South Africa .Wind Relics actions are criminal towards me .</p> <p>The DFFE has a direct decision to make . The DFFE must uphold the Constitution of the Republic .</p> <p><u>Wind Relic repudiation of the regulation</u> is evident in the fact that I did not receive correspondence from the applicant within 7 days ,of the Frontier and Wind Garden projects being suspended .</p> <p>According to the regulation 14 (6)if the application has reached a stage where a register of interested and affected parties has been opened in terms of regulation 42 , the</p>		

No.	Comment	Raised by	Response
	<p>applicant must , within 7 days from the suspension in terms of sub-regulation (1)(a) or decision in terms of subregulation (5) , inform all registered interested and affected parties of such suspension or decision .</p> <p>To date I have only received correspondence from the EAP via a mail ,Informing me that the Frontier and Wind Garden wind farms have been suspended .</p> <p>None from the applicant . This constitutes Disqualification of all applications .</p> <p>Society is governed by the constitution ,legislation ,laws ,regulations and acts .social interaction is regulated by these .</p> <p>As I am a neighbour to the Wind Relic developments I do not want to be subjected to living next to the development where the developers have negatively impacted me , subjected me to extortion ,fraud , verbal and written legal threats and tried to infringe on my constitutional rights .</p> <p>Subjecting me to this is unconstitutional in itself .</p>		

3. COMMENTS RECEIVED DURING THE COMMENCEMENT OF THE BASIC ASSESSMENT PROCESS

3.1. Organs of State

No.	Comment	Raised by	Response
5.	<p>Please find attached Eskom general requirements for works at or near Eskom infrastructure and servitudes. Please also find attached the Eskom setbacks guideline the applicant needs to consider during planning of the layouts and positioning of infrastructure.</p> <p>Renewable Energy Generation Plant Setbacks to Eskom Infrastructure document was submitted and is included in Appendix C7 of the BAR. The requirements listed below forms part of the set of documents attached to the e-mail.</p> <ol style="list-style-type: none"> 1. Eskom's rights and services must be acknowledged and respected at all times. 2. Eskom shall at all times retain unobstructed access to and egress from its servitudes. 3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals. 4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer. 5. If Eskom has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the developer's activities or because of the presence of his equipment or installation within the servitude restriction area, the developer shall pay such costs to Eskom on demand. 6. The use of explosives of any type within 500 metres of Eskom's services shall only occur with Eskom's previous 	<p>John Geeringh Senior Consultant Environmental Management Land and Rights Eskom Transmission Division</p> <p>E-mail: 19 October 2020</p>	<p>The requirements for development at or near Eskom infrastructure servitudes are noted. These requirements have been submitted to the developer for their attention and consideration for the development of the Wind Garden Wind Farm.</p>

No.	Comment	Raised by	Response
	<p>written permission. If such permission is granted the developer must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. It is advisable to make application separately in this regard.</p> <p>7. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom's satisfaction.</p> <p>8. Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the developer, his/her agent, contractors, employees, successors in title, and assignees. The developer indemnifies Eskom against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the developer's equipment.</p> <p>9. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the developer must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the relevant Eskom Manager.</p>		

No.	Comment	Raised by	Response
	<p><u>Note:</u> Where and electrical outage is required, at least fourteen work days are required to arrange it.</p> <p>10. Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with.</p> <p>11. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The developer shall maintain the area concerned to Eskom's satisfaction. The developer shall be liable to Eskom for the cost of any remedial action which has to be carried out by Eskom.</p> <p>12. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).</p> <p>13. Equipment shall be regarded electrically live and therefore dangerous at all times.</p> <p>14. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom will not approve the erection of houses, or structures occupied or frequented by human beings, under the power lines or within the servitude restriction area.</p> <p>15. Eskom may stipulate any additional requirements to highlight any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom plant.</p> <p>16. It is required of the developer to familiarise himself with all safety hazards related to Electrical plant.</p>		

No.	Comment	Raised by	Response
	<p>17. Any third party servitudes encroaching on Eskom servitudes shall be registered against Eskom's title deed at the developer's own cost. If such a servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.</p>		
6.	<p>SANRAL has the following comments, with regards to the proposed above mentioned subject development, within the Blue Crane Local Municipality (R63/N10) and Makana Local Municipality (N2/R67):</p> <ul style="list-style-type: none"> • No installation of any infrastructure inside the Road Reserve. • The wind turbines must be erected at least 200 metres from the National Road Reserve boundary, if this requirement cannot be met, then a good motivation has to be submitted to SANRAL as to why the wind turbines should be erected closer. • All other buildings / structures should be erected at least 60 metres from the National Road Reserve boundary and / or 500 metres from any intersection. • If access is required from the National Road, an approval from SANRAL is required, otherwise access can be obtained from the nearest numbered route. • A formal application together with the plans of the proposed wind farm must be submitted to SANRAL. • Construction of all work may only commence after written approval has been obtained from SANRAL. 	<p>Chumisa Njingana Engineer SANRAL</p> <p>E-mail: 22 November 2020</p>	<p>It can be confirmed that there will be no infrastructure within the National Road Reserve as the development of the wind farm and associated power lines is not planned to take place near any national roads.</p> <p>It can be confirmed that there will be no infrastructure within 200m from a National Road as the development of the wind farm and associated power lines is not planned to take place near any national roads.</p> <p>It can be confirmed that there will be no infrastructure (including buildings) within 60m from a National Road or within 500m of an intersection which includes a national road.</p> <p>It can be confirmed that there will be no intersections required over national roads. Existing accesses will be used.</p> <p>The required applications will be submitted to SANRAL if applicable.</p> <p>The required approvals will be obtained from SANRAL if applicable.</p>
7.	<p>Can you please send a kml/kmz file of the localities for this proposed project?</p>	<p>Shanè Gertze Environmental Planner Eastern Cape Parks & Tourism Agency</p>	<p>The requested KMZ file was submitted to the stakeholder via email on 05 January 2021.</p>

No.	Comment	Raised by	Response
		E-mail: 03 December 2021	

3.2. Key Stakeholders and Interested & Affected Parties

No.	Comment	Raised by	Response
7.	I suggest that your half page advert in The Herald today is possibly not legal. The headline refers to an area between Somerset East and a town that I believe no longer exists. Perhaps you should consult your lawyers on the matter to ascertain the correctness of the issue.	Unknown recipient E-mail: 12 November 2020	The I&AP was contacted to obtain his name and contact details. He informed the project team that there is no need to register him on the project's database (refer to Appendix C7 of the BAR). The use of the name Grahamstown has been rectified in the project documentation, which now refers to Makhanda.
8.	I was just looking at your cluster of renewable energy projects project and was wondering if all the wind farms are being developed by 1 developer or multiple developers?	Jessica Els I&AP E-mail: 12 November 2020	The various renewable energy facilities and MTS that form part of the cluster are proposed by the same umbrella company but are assessed under separate special purpose vehicles as per the list of applicants provided via e-mail to the I&AP on 12 November 2020 (refer to Appendix C6 of the BAR).
9.	As an Eastern Cape resident I have a keen interest in the development of the province and these projects could bring much needed development and jobs to the region.	Stevon Hobson Engineering Advice & Services (Pty) Ltd E-mail: 18 November 2020	The place of residence and interest of the I&AP in the project is noted. It is confirmed that the I&AP has been registered on the project database (Appendix C2). A Socio-Economic Impact Assessment (Appendix L) was undertaken for the project which considers the positive impacts associated with the development, including employment opportunities and economic development.
10.	My company is a specialist piping fabricator and constructor and we, as a team, would like to engage in more renewable energy projects as opportunities present themselves. Our interests lie in wind, Solar and gas to power projects.	Grahame Britchford Project Manager: Arminco Piping Projects E-mail: 18 November 2020	The interest of the I&AP is noted. It is confirmed that the I&AP has been registered on the project database (Appendix C2). The details of the I&AP have been provided to the developer for their records.

No.	Comment	Raised by	Response
11.	Could you please provide details about who the applicant is?	Shaun Taylor Enel Green Power E-mail: 26 November 2020	The information requested, together with the BID, was e-mailed to the I&AP on 26 November 2020 (refer to Appendix C7 of the BAR).
12.	I hope you are well? I presume that BirdLife South Africa is a I&AP for these projects and that our Cape Vulture Guidelines are being applied, but just double-checking?	Samantha Ralston-Paton Birds and Renewable Energy Project Manager BirdLife South Africa E-mail: 30 November 2020	BirdLife SA is a registered stakeholder I&AP on the project's database.
13.	<p>We have received information (two documents) from a farmer about the envisaged projects.</p> <p>Alien invader cacti, predominantly the spiny <i>Opuntia ficus-indica</i> and <i>O. engelmannii</i> have infested to various degrees the Eastern Cape Province.</p> <p>Our Company, Spiny Cactus Pear Processing (Pty) Ltd has been involved in preparing the construction sites for the erection of a wind turbine project near Bedford. We were specifically engaged to clear the invader alien spiny cacti from the access roads and platforms stands for the contractors to erect the wind turbine towers and auxiliary facilities.</p> <p>Considerable competency and expertise have been developed in harvesting and processing alien spiny invader plants as livestock feed.</p> <p>Attached please find a document providing some background in this regard. We assume our expertise will be required to implement the envisaged projects. Please advise how and with whom we can engage to participate</p>	<p>HO De Waal Director: Spiny Cactus Processing (Pty) Ltd Letter: 02 December 2020</p>	<p>The content of the letter dated 02 December 2020 was acknowledged on 02 December 2020 and was submitted to the applicant for record purposes (refer to Appendix C7 of the BAR).</p>

No.	Comment	Raised by	Response
14.	<p>Ek het met Andries Troskie gesels en hy het genoem dat julle besig is met werk aan die groep windplase Wes van Middleton.</p> <p>Soos ek kortliks aan Mnr Chris Buchner genoem het, is ek tans werksaam op die Golden Valley Wind Energy Facility as EPC Site Civil Engineer vir Goldwind Africa. Die projek nader sy einde en ek wil hoor of ek die ontwikkelaar en/of kontrakteur(s) se kontakbesonderhede by u kan kry. Ons projekspan is almal op kontrakbasis aangestel en die kontrakte verstryk in Maart 2021. Indien dit moontlik is, sal ek graag my CV by die HR Departement wou uitkry, sodat ek aansoek kan doen vir 'n moontlike pos.</p> <p>Aangesien ek woonagtig is in Somerset Oos, is ek redelik naby aan die verskillende ontwikkelings wat Dries Troskie aan my genoem het. Sy plaas is blykbaar deel van Hamlet Wind Farm, maar die ander aangrensende ontwikkelings en selfs die in Grahamstad, is bereikbaar naby.</p> <p>Indien ons kan gesels, sal ek baie waardeer.</p> <p><u>Translation:</u> I spoke to Andries Troskie and he mentioned that you are working on a group of wind farms west of Middleton.</p> <p>As briefly mentioned to Mr Chris Buchner, I am currently working at the Golden Valley Wind Energy Facility as EPC Site Civil Engineer for Goldwind Africa. The project is nearing its end and I want to hear if I can obtain the developer and / or contractor (s) contact details from you. Our project team was appointed on a contract basis which will expires in March 2021. If possible,</p>	<p>Francois Havenga I&AP</p> <p>E-mail: 03 December 2020</p>	<p>The BID containing the technical and process related information regarding the proposed development was distributed to the I&AP (refer to Appendix C6 of the BAR). The I&AP has been registered on the project database (Appendix C2).</p> <p>Savannah Environmental has been appointed to conduct the environmental impact studies and is not part of the construction / operational phase of the projects.</p> <p>The I&AP's e-mail and attached CV was forwarded to the Applicant for record purposes.</p>

No.	Comment	Raised by	Response
	<p>I would appreciate it if my CV can be forwarded to the HR Department to apply for a possible position.</p> <p>Since I live in Somerset East, I am quite close to the various developments that Dries Troskie mentioned. His farm is apparently part of Hamlet Wind Farm, and the other adjacent developments and those in Grahamstown, are within easy reach.</p>		
15.	<p>I hereby write to you as an owner of two neat self catering units that are available in Adelaide. The units are in a secure location in the central town of Adelaide. Each unit consists of bedroom, a small lounge, a kitchen and a bathroom with a shower and toilet.</p> <p>Please assist if there are any Windfarm projects which would want to utilize our cosy accommodation.</p> <p>These units are located on my property, which has a 3-bedroomed house that I am willing to rent out. The main house is fully furnished.</p>	<p>Charles Hanyani I&AP E-mail: 10 December 2020</p>	<p>The information received regarding the self-catering facilities was submitted to the Applicant for record purposes.</p>
16.	<p>Please acknowledge the request.</p> <p>I will also appreciate it if you can give me a schedule or time frame for the submission of comments to the process.</p>	<p>Gwen Theron LEAP: Environmental Planner E-mail: 15 December 2020</p>	<p>The registration of Dr Theron and additional stakeholders listed in the email was confirmed and proof of the registrations were attached to the acknowledgement e-mail (refer to Appendix C6 of the BAR).</p> <p>An I&AP on the list could not be registered as no details were provided. Information was requested from the stakeholder and the information has not been received to date.</p> <p>All registered I&APs have been notified of the availability of the BAR for their review and comments (refer to Appendix C6 of the BAR). The availability has also been advertised in the</p>

No.	Comment	Raised by	Response
			<p>Herald (a provincial newspaper) and Hartland Nuus (a local community newspaper) (refer to Appendix C3 of the BAR).</p> <p>The map indicating opposing landowners to the development is noted.</p> <p>All comments received from the I&APs during the 45-day review period of the BAR will be recorded, included and addressed within the final BAR to be submitted to DEFF for decision-making.</p>
17.	<p>This mail is based on a notification for upcoming events at Kommadagga, as per your notification, in the region of the Eastern Cape</p> <p>There is an opportunity to view more farm land, in the Kommadagga region, which I think might be of interest to you. Therefore, I want to invite you and your development Team to investigate the possibilities for a possible wind farm project.</p> <p>We can arrange accommodation, if need be, however it is subjected to confirmation in advance by email and phone call.</p> <p>I'm looking forward to hearing from you, and we'll be in touch</p>	<p>Gerhard Kapp I&AP</p> <p>E-mail: 15 December 2020</p>	<p>The information regarding the availability of farm land for wind energy facilities has been submitted to the applicant (refer to Appendix C7 of the BAR).</p>
18.	<p>Toe hulle hier was einde 2020 het hulle vir ons die 2 plaaskaarte gegee en met die kruisies aangedui waar die turbines sal wees. Die titelaktes van die plaas is Restant van die plaas [REDACTED].</p> <p>Translation:</p>	<p>Lucia Froehlich Landonwer</p> <p>E-mail: 02 February 2021</p>	<p>The properties that were discussed with the landowner is within the study area of the western cluster.</p>

³³ This information is protected by POPI Act and is only submitted to the decision-making authority

No.	Comment	Raised by	Response
	<p>When they were here at the end of 2020, they gave us the 2 farm maps and indicated with crosses where the turbines would be.</p> <p>The title deeds of the farm are Remainder of the farm [REDACTED] [REDACTED] [REDACTED]</p>		
19.	<p>This is to confirm Wind Relic and Dimsum partnership from yesterday question.</p> <p>Pls could you also supply me with answer to the following questions:</p> <ol style="list-style-type: none"> 1. who is the project manager of the clusters of renewable energy facilities 2. who are the directors of wind relic and all the applicants company's 3. could you pls provide me with the shareholders certificates in wind relic and all the other applicant companies 4. it would be appreciated if you could get back to me with a response as soon as possible. Maybe by the end of the week 	<p>Chad Comley I&AP</p> <p>E-mail: 17 February 2021</p>	<p>The queries / requests relating to company information and/or matters do not fall within the ambit of the BA process undertaken for the Wind Garden Wind Farm.</p> <p>The information requested regarding shareholding and directorship can be obtained from the Companies and Intellectual Property Commission (CIPC).</p>
20.	<p>I hope you are well. I wonder if you could please assist me with a development. I came across in a Town Planning Notice for the development of a cluster of renewable energy facility between Somerset East and Grahamstown, Eastern Cape.</p> <p>I do not have any objections, I am an interested party and I wanted to know if you would please provide me with the details of the client or any professionals involved.</p>	<p>Estelle Pillay Regional Content Researcher Projects Leads2Business</p> <p>E-mail: 22 February 2021</p>	<p>Savannah Environmental is the appointed EAP undertaking the various environmental studies for the BA process and is not associated with or responsible for the Town Planning application. Savannah Environmental is also not part of the procurement / construction phase of these projects.</p> <p>The responses to the requested information are:</p> <ul style="list-style-type: none"> • EIA Consultant: Savannah Environmental • Town Planners: Not part of the BA process scope of work

No.	Comment	Raised by	Response
	<p>I am interested in following the progress of the various stages of this development from the town planning stages, through design and construction. I follow all the building and construction projects in South Africa and Africa right from the conceptual stages up until construction is complete.</p> <p>EIA Consultant: ? Town Planners: ? Client: ? Private Developer: ?</p> <p>Please can you provide me with the copy of the Background Information Document for this development.</p>		<ul style="list-style-type: none"> • Client: Information for all the projects are included in the Background Information Document • Private Developer: Yes <p>The BID was e-mailed to the I&AP on 22 February 2021.</p>