

**AGGENEYS 1 PV FACILITY, NORTHERN CAPE PROVINCE
(DEA Refs: 14/12/16/3/3/1/2019/AM1)**

COMMENTS AND RESPONSES REPORT

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The Aggeneys 1 PV Facility application for amendment to the Environmental Authorisation and availability of the Motivation Report (MR) was announced on Wednesday, 15 October 2020. The notification letter served to invite registered Interested and Affected Parties (I&APs) to submit any comments / queries that they might have on the application for amendment to the Environmental Authorisation.

The Motivation Report was made available for a 30-day review and comment period from **Friday, 16 October 2020** until **Monday, 16 November 2020** and all written comments received during the 30-day review and comment period of the Motivation Report have been included in the table below.

BESS	Battery Energy Storage System	DEFF	Department of Environment, Forestry and Fisheries
EA	Environmental Authorisation	EMPr	Environmental Management Programme
I&APs	Interested and Affected Parties	SAHRA	South African Heritage Resources Agency
SAHRIS	South African Heritage Resources Information System		

1. COMMENTS RECEIVED

No.	Comment	Raised by	Response
1.	<p><u>The Department has the following comments on the abovementioned amendment application:</u></p> <p><u>Amendments applied for</u></p> <ul style="list-style-type: none"> The EAP must ensure that all the amendments applied for does not trigger any listed or specified activity as outlined in Regulation 31 of the EIA Regulations, 2014 as amended. The co-ordinates for the BESS position must be included in the final report. The type of technology to be used must be indicated in the final report. <p><u>Draft EMPr</u></p> <ul style="list-style-type: none"> The draft EMPr to be submitted with the final amendment motivation report must be updated to include and incorporate all mitigation measures recommended by the specialists as well as the relevant commenting authorities <p><u>Specialist studies and Impact assessment</u></p> <ul style="list-style-type: none"> The declarations of independence from all the specialists that have given their expert opinion in this draft amendment motivation report are required to comply with Appendix 6 of EIA Regulations 2014, as amended and this must form part of the final amendment motivation report. 	<p>Makhosazane Yeni Case Officer DEFF</p> <p>Letter: 13 November 2020</p>	<ul style="list-style-type: none"> It is confirmed that the amendments applied for do not trigger any listed or specified activity as outlined in Regulation 31 of the EIA Regulations, 2014 as amended. The co-ordinates for the BESS position have been included section 2.2 of the final Motivation Report. The type of technology to be used for the BESS has been indicated in the final report in section 2.2. The BESS will comprise of a contained electrochemical battery system. The specifics of the battery are not available at this time, but it is confirmed that the battery will be electrochemical. <p>The EMPr (Appendix L of the final Motivation Report) includes and incorporates all mitigation measures recommended by the specialists as well as the relevant commenting authorities. Management measures for the operation of the BESS is also included in the EMPr.</p> <p>The declarations of independence from all specialists that provided input into the Motivation Report are included as Appendix M of the final Motivation Report.</p>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> Ensure that the risks associated with the preferred Battery Energy Storage System technology is assessed and included in the final amendment motivation report. On page 22 of the motivation report, it has been indicated that the damaged and used batteries would be removed for recycling or disposal. Please indicate if there is any disposal site identified and attach the agreement for such. It has been mentioned that the on-site substation is up to 10m, higher than the proposed battery storage elements which will be 3.5m (same as the PV array). Please make reference or provide such proof from the initial EIA application. Note that if such cannot be submitted, you are advised to undertake visual assessment for the battery storage system. 		<p>The risks associated with the Battery Energy Storage System has been assessed and is included in the final Motivation Report in Section 7.</p> <p>A preferred disposal site has not been identified as yet. However, a site will be identified and secured prior to construction.</p> <p>The Final Basic Assessment Report (Aggeneys 1, Northern Cape Province, Basic Assessment Report, April 2019) which was submitted to the Department for decision-making included reference to the height of the on-site substation being 10m. Refer to pages 157 to 159 of the Final Basic Assessment Report. The Visual Impact Assessment submitted as part of the Final Basic Assessment Report considers a height of 10m for the on-site substation (page 8 of this report).</p> <p>Therefore, considering the assessment of the on-site substation with a height of 10m within the Visual Impact Assessment of the Basic Assessment process no further assessment is required in this regard.</p>
	<p><u>Public Participation Process</u></p> <ul style="list-style-type: none"> Please ensure that comments from all relevant stakeholders are submitted to the Department with the final motivation report. This includes but not limited to the Department of Environment, Forestry and Fisheries (DEFF); Biodiversity Planning and Conservation; Northern Cape Department of Environment and Nature Conservation; Department of Water and 		<p>Proof of correspondence with the various stakeholders are included in Appendix H2 of the final Motivation Report and proof of correspondence with organs of state are included in Appendix H3 of the final Motivation Report.</p>

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	<p>Sanitation (DWS) Northern Cape; Khai-ma Local Municipality; Eskom Holdings SOC Ltd; Agri Northern Cape; Department of Economic Development and Tourism: Northern Cape; Namakwa District Municipality; South African Heritage Resource Agency (SAHRA); Department of Mineral Resources and Energy:Northern Cape Region.</p> <ul style="list-style-type: none"> • Furthermore, please ensure that all issues raised and comments received during the circulation of the draft Motivation Report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed and included in the final motivation report. • Proof of correspondence with the various stakeholders must be included in draft motivation report and must indicate that this draft motivation report has been subjected to 30 days public participation process, stating the start and end date of the PPP. 		<p>Proof of attempts made to obtain comment from I&APs and Organs of State is included in Appendix H2 and Appendix H3.</p> <p>All comments received during the availability of the Motivation Report for the 30-day review and comment period have been included within this Comments and Responses Report (Appendix H6 of the final Motivation Report). Where relevant, changes have been included in the final Motivation Report to address the required comments.</p> <p>Comments submitted have been captured verbatim and not summarised and have been responded to adequately, and not simply 'noted'.</p> <p>Comments received on the Motivation Report is included in Appendix H5 of the final Motivation Report.</p> <p>Proof of correspondence with the various stakeholders and proof of notification of the availability of the Motivation Report for review and comment are included in Appendices H2, H3 and H4 of the final Motivation Report.</p> <p>Chapter 9 of the final Motivation Report outlines the Public Participation process undertaken for the project as well as confirms the dates of the 30-day review and comment period.</p>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. 		<p>Proof of attempts to obtain comments on the Motivation Report from stakeholders are included in Appendix H2 and the proof of attempts from Organs of State are included in Appendix H3 of the final Motivation Report.</p>
	<ul style="list-style-type: none"> 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>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended (GNR 326), as well as in accordance with the approved Public Participation Plan. The approved Public Participation Plan is included as Appendix H7 of the final Motivation Report.</p> <p>I&APs and organs of state were notified of the availability of the Motivation Report as follows:</p> <ul style="list-style-type: none"> an advertisement was placed in the Gemsbok newspaper 16 October 2020 (tearsheet included in Appendix H4 of the final Motivation Report). Notification letter was distributed to all registered I&APs and Organs of State on the project database (Appendix H1 of the final Motivation Report) informing them of the availability of the Motivation Report for review and comment. <p>The Motivation Report was also made available for download from Savannah Environmental's website and could also be sent via other file transfer services (i.e. We Transfer, Dropbox, etc.) or on CD, on request.</p> <p>Site notices were placed at the proposed development site and surrounds on 02 October 2020 and proof of the placement of the site notices are included in Appendix H4 of the final Motivation Report.</p>

No.	Comment	Raised by	Response
	<p><u>Layout map</u></p> <ul style="list-style-type: none"> The map indicating the location of the BESS and the 22kV or 33kV underground cables. 		<p>A layout map indicating the location of the BESS and the 22kV or 33kV underground cables has been included as Figure 2.1, page 8, of the Final BAR.</p>
	<ul style="list-style-type: none"> It has been noted that the on-site substations 1 and 2 are shown on the layout map, please indicate only one substation that has been authorised, linked to the proposed battery storage system. 		<p>As per the approved Environmental Authorisation, substation alternative 1 is authorised and linked to the proposed battery storage system.</p>
	<p><u>General</u></p> <p>You are further reminded to comply with 32(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: <i>"The applicant must within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority –</i></p> <ol style="list-style-type: none"> a) a report reflecting – <ol style="list-style-type: none"> i. an assessment of all impacts related to the proposed change; ii. advantages and disadvantages associated with the proposed change; and iii. measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and iv. any changes to the EMPr; <p>which report- (aa) had been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and</p>		<p>The final Motivation Report submitted to the Department complies with Regulation 32(1)(a). The prescribed timeframes for submission of the final Motivation Report have been adhered to.</p>

No.	Comment	Raised by	Response
	<p><i>(bb) reflects the incorporation of comments received, including any comments of the competent authority.</i></p>		
	<p>Should there be significant changes or new information that has been added to the motivation report 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 32(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: <i>"the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority — (b) a notification in writing that the report 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 report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised report will be subjected to another public participation process of at least 30 days"</i>.</p> <p>In the event where subregulation (1)(b) applies, the report which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority.</p>		<p>It is confirmed that no significant changes or new information has been added to the final Motivation Report or EMPr. Therefore Regulation 32 (1)(b) will not be applicable.</p>
	<p>Should you fail to meet any of the timeframes stipulated in Regulation 32 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</p>		<p>It is confirmed that the project complies with the prescribed timeframes.</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</p>		<p>The Applicant acknowledges that no activity may commence prior to receipt of the Environmental Authorisation.</p>

No.	Comment	Raised by	Response
	environmental authorisation being granted by the Department.		
2.	<p>Final Comment</p> <p>The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final Motivation Report and EMPr:</p> <ul style="list-style-type: none"> • 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed amendment to the authorised development; • 38(4)b – The recommendations of the specialists are supported and must be adhered to. The specific conditions provided in the Final Comment (https://sahris.sahra.org.za/node/523431) issued on SAHRIS Case ID 13728 are still valid and must be adhered to; • 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule; 	<p>Natasha Higgitt Heritage Officer and Phillip Hine Manager: Archaeology, Palaeontology and Meteorites Unit SAHRA</p> <p>Letter: 17 November 2020</p>	<p>It is noted that SAHRA has no objection to the proposed amendment.</p> <p>The need to comply with the recommendations of the specialists and the conditions of the Final comment are noted and will be adhered to by the applicant.</p> <p>The requirement is noted. The measure is included under Objective 9 of the EMPr (Appendix L of the final Motivation Report).</p>

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	<ul style="list-style-type: none"> 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule; 		<p>The requirement is noted. The measure is included under Objective 9 of the EMPr (Appendix L of the final Motivation Report).</p>
	<ul style="list-style-type: none"> 38(4)d – See section 51(1) of the NHRA; 		<p>Section 51(1) of the NHRA is noted. No further response is required</p>
	<ul style="list-style-type: none"> 38(4)e – The following conditions apply with regards to the appointment of specialists: i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA; 		<p>The requirement is noted. The measure is included under Objective 9 of the EMPr (Appendix L of the final Motivation Report).</p>
	<ul style="list-style-type: none"> The Final Motivation Report and EMPr must be submitted to SAHRA for record purposes; 		<p>The final Motivation Report has been uploaded onto SHARIS under Case ID 15639.</p>
	<ul style="list-style-type: none"> The decision regarding the EA Amendment Application must be communicated to SAHRA and uploaded to the SAHRIS Case application. 		<p>The EA, when issued, will be uploaded onto SAHRIS under Case ID 15639.</p>