

Mercury Cluster Solar PV Project: Vlakfontein Solar PV1

Comments & Responses Report

Public Participation Process Followed

The PPP was confirmed with DFFE by DFEE on 26 October 2021 and confirmed during the Pre-Application Meeting held with the DFFE on 5 April 2022.

The Public Participation Programme (PPP) that is followed is described below. The PPP is being conducted in terms of the Sections 39, 40, 41, 42, 43 & 44 of the NEMA EIA Regulations 2014, as amended.

- **IAP Register: Landowner, Government Departments, Municipalities and other IAPs**

An Interested & Affected Party (IAP) register was compiled which includes the directly affected landowners, adjacent landowners, municipalities, government departments and other applicable organisations. This register is being updated throughout the EIA process.

- **Focus Group Meetings with Directly Affected Landowners**

Onsite meetings were held with the relevant directly affected landowners at different locations on Thursday 18 November 2021.

- **Initial Advertising & Communication**

During this initial advertising the newspaper advertisements, onsite notices and Background Information Document (BID) advertised the entire Mercury Solar PV Cluster (5x solar PV facilities as well as the associated grid connections).

Onsite notification

Three A2 laminated onsite notices were placed on 22 March 2022 at the following places:

- Along the S729 (from which road the facility will be accessed) that connects the R76 and the S643
- The Mercury Main Transmission Substation
- The gate of the Viljoenskroon Post Office

Newspaper advertisement

Newspaper advertisements were placed in

- The Citizen (national newspaper) on 30 March 2022
- The Vrystaat Kroon (local newspaper) on 30 March 22

Background Information Document

A BID was distributed to everyone on the IAP Register for a 30-day commenting period (31 March – 4 May 2022).

- **Distribution of the Draft BAR**

The Draft BAR was distributed as follows:

- All IAPs identified in the IAP Register received notification via email that the Draft BAR is available for comment (proof thereof will be provided in the Final BAR).
- The Draft BAR was distributed for a 30-day (excluding public holidays). The commenting period commenced on 4 April 2023 and ended on 10 May 2023.
- All IAPs received an email with the Executive Summary and Draft BAR as an attachment. A link to the Draft BAR and all the Appendices were available on the Landscape Dynamics website (www.landscapedynamics.co.za) – detailed instructions on how to access these documents were provided in the said e-mail.
- A hard copy of the Draft BAR was made available at the Nostalgia Coffee Shop in Viljoenskroon - the availability of the hard copy of the Draft BAR at this location was mentioned in the abovementioned e-mail.
- The Application Form together with the Draft BAR was submitted to DFFE for comment via their online system.

- **Submission of Final BAR**

Comment received on the Draft BAR has now been included in the Final BAR. The Final BAR will not be distributed for a further 30-day commenting because no substantial changes to the BAR have been made that could impact on the rights of any of the IAPs.

The Final BAR has now been submitted to DFFE for their consideration for Environmental Authorisation.

All comments and responses received regarding this project are and will be summarised and addressed on the following pages under the following headings:

- Communication during Focus Group Meetings
- Communication resulting from the Initial Advertising Period
- Communication resulting from the distribution of the Draft BAR

Communication during Focus Group Meetings

Date of Meetings	Focus Group Meetings held with the Directly Affected Landowners	Response from the EAP
<p>Focus Group Meetings were held on 18 November 2021 on site with the respective landowners.</p>	<p>The purpose of the meetings with the farmers was to obtain the following information :</p> <ul style="list-style-type: none"> ▪ Confirm the areas of land on their properties which they want to make available for solar farm development ▪ Obtain their opinion in terms of agricultural potential of the land ▪ Confirm restrictions in terms of agricultural development on specific portions of land. <p>Key notes resulting from discussions with the landowners:</p> <p><i>The Gossayn Family</i></p> <ul style="list-style-type: none"> • They confirmed that sections of land are plantable but not highly producing. • Sections of land have little water retention and are situated on shallow soils and 'oukclip'. • The land suitable for planting is mostly limited to maize farming. Other farm products include peanuts, soya, beans and sunflowers. • They have little rainfall and no formal irrigation in place. • They indicated on the A1 map provided which areas are economically viable to farm and which cannot be economically farmed for the reasons provided above. This information will be considered by Mr Lanz in his agric screening report. • No farm labourers will be replaced, neither will any of the 7 permanent workers lose their jobs as a result of the solar 	<p>The way forward was confirmed as follows:-</p> <p>Mr Johann Lanz (the agricultural specialist) would provide a risk assessment based on his site verification as well as the communication with the farmers. His findings would be integrated with the recommendations of the other specialists and a combined preliminary sensitivity map could then be submitted to Mulilo for consideration. Should Mulilo decide to go ahead with this project, his detailed report will include a soil analysis of the relevant sections of land.</p>

	<p>farms</p> <ul style="list-style-type: none">• No graves occur on the land.• No land claims are registered against the land.• Mr Gossayn said that they could provide offset land, but Mr Lanz confirmed that DALRRD wants to protect land with agricultural potential to be used in the future.• They agreed to obtain evidence in terms of soil tests, depths, classification, etc <p><i>Mr Hans Pretorius</i></p> <ul style="list-style-type: none">• He only farms with maize, but is restricted due to shallow ground and 'ouklip'.• The depth of his soil is less than 120cm.• A large portion of his land (approximately 340ha) has been used only for grazing over the last 10 years.• His land has a relative flat topography and some areas are waterlogged which results in the drowning of the crops.• Mr Lanz confirmed that DALRRD is not as concerned about grazing land as it is about land on which crop cultivation can take place. <p><i>Messrs Peet & Cobus Botha</i></p> <ul style="list-style-type: none">• They indicated on the A1 map provided which areas do not have good agricultural potential.• This is based on the occurrence of lots of sand, limited soil depths, 'ouklip' and a bluegum bush.• They confirmed that the maize either drowns or dies of drought in specific areas	
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Comment resulting from the Initial Advertising Period

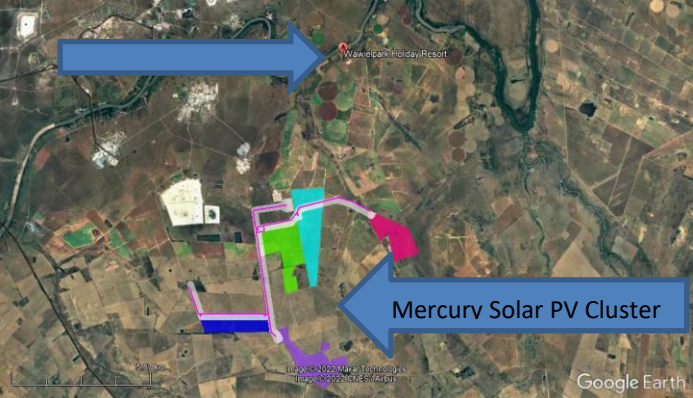
A Background Information Document (BID) was distributed to all IAPs and a 30-day commenting period (31 March – 30 April 2022) applied. Comments received, and responses thereto are supplied in the table below.


Date of comment Format of comment Name of organisation / IAP	Comment	Response from EAP
<p>22 April 2022</p> <p>Comment received via SAHRIS</p> <p>South Africa Heritage Resource Agency: APM Assistant: Sityhilelo Ngcatsha</p>	<ol style="list-style-type: none"> 1. Archaeological sites spanning the Earlier, Middle and Later Stone Age have been found in the region despite the extensive agricultural transformation. Burial grounds were identified within the broader region, therefore, an archaeological field survey is recommended. The archaeological component of the HIA should follow the SAHRA 2007 Minimum Standards: Archaeological Component of Impact Assessment Report. 2. Given the identification of palaeontological sites near part of the study area and the indicators of fossil sensitivity identified during the Screening assessment, it is recommended that a palaeontologist conduct a field survey of the proposed solar PV areas. The report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments. 3. Any other heritage resources as defined in section 3 of the NHRA that may be impacted, such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewsapes must also be assessed. 	<ul style="list-style-type: none"> • An archaeological field survey was undertaken and is discussed under Chapter 6 of this report and attached under Appendix F. Only one, <i>out of context</i>, artefact was found on the Hormah PV site and mitigation is not required. • A Palaeontology desktop assessment was undertaken and it concluded that the palaeontological heritage is extremely low and mitigation is not proposed. • A comprehensive HIA was undertaken and it concluded that no heritage, archaeological or palaeontological findings that require specific mitigation was identified and the project should, from a heritage perspective, proceed. • All NEMA documents will be submitted to SAHRA for their comment and record keeping as part of the public participation programme.

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	4. The NEMA EIA documents and appendices must be submitted at the start of the public review periods in order for an informed comment to be issued that can be incorporated into the final reports for submission to the competent authority.	
Department of Water & Sanitation: Office of the provincial head: Pule Joseph Lenong	The DWS confirmed receipt of the BID document and stated that it is receiving attention.	No further comment from DWS was received.
Department of Police, Roads & Transport: Assistant Director Land Acquisition: Mr Hannes Maree and Directorate Road Asset Management Systems: Mr JPW Maree (Ref P29/4/201/P15/2)	<p>The following conditions of the Department of Police, Roads & Transport must be adhered to</p> <ul style="list-style-type: none"> • The following provincial roads are being affected: <ul style="list-style-type: none"> Vlakfontein Solar PV1 <ul style="list-style-type: none"> ○ Secondary road S643 (statutory road reserve width of 25m) ○ Tertiary road T3762 (statutory road reserve width of 16m) Kleinfontein Solar PV1 <ul style="list-style-type: none"> ○ Tertiary roads T3762 and T4388 (statutory road reserve width of 16m) Zaaiplaats Solar PV1 <ul style="list-style-type: none"> ○ Secondary road S729 (statutory road reserve width of 25m) Hormah Solar PV1 <ul style="list-style-type: none"> ○ Primary road P15/2 (statutory road reserve width of 32m) ○ Secondary road S1294 (statutory road reserve width of 25m) 	All these conditions had been include in the EMPr.

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	<p>Ratpan Solar PV1</p> <ul style="list-style-type: none"> ○ Primary road P15/2 (statutory road reserve width of 32m) ○ Secondary road S1294 (statutory road reserve width of 25m) <ul style="list-style-type: none"> • The Department supports the above-mentioned development subject to the following conditions: <ul style="list-style-type: none"> • No structures may be erected within 95m, measured from the centre line of the provincial road without written approval for the relaxation of the building line (structures include any overhead power line that will be erected parallel with or across the alignment of a provincial road). • The Department will only be able to consider and approve any specific access/es on receipt of a completed application and drawing that shows the geometric layout and exact locality of the access/es. An application form was attached. The application for access can be considered once a formal application has been submitted. • The condition of the provincial gravel roads (secondary roads S642, S643, S729, S1294 and tertiary roads T3762 and T4388) is not in a good condition. The increase in traffic during the construction phase will require more intense routine maintenance and certain sections will have to be re-gravelled. Mulilo Renewable Project Developments (Pty) Ltd will therefore be required to carry out such maintenance at their 	

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	<p>expenditure.</p> <ul style="list-style-type: none"> No provincial borrow pits may be utilised for construction of the development. The Department must be contacted to indicate the positions of the provincial borrow pits (there are no provincial borrow pits and on the properties affected by the Mercury Solar PV Cluster). Applications for wayleave for any other operations, such as power lines, within the 95m measured from the centre line of the provincial roads, must be submitted on the similar application form as attached to their comment. 	
SOLA Group: Jnr Project Developer Ms Abigail Forbes	<ul style="list-style-type: none"> Ms Forbes requested to be registered as a stakeholder for the Mulilo Mercury Cluster PV Projects on the basis that SOLA is developing similar projects in the area. A KML file of the development proposal was requested. 	<ul style="list-style-type: none"> Ms Forbes was added to the IAP register and the relevant KML files were emailed to her. No further comment was received
Environamics: Senior EAP: Ms Lisa Opperman	<ul style="list-style-type: none"> Ms Opperman requested to be registered as an IAP since they are the EAPs for the Phofu Solar Power Plant, which is just south of the proposed Ratpan PV1 facility. The project information and access to any reports which have been released to the public to date were requested. 	<ul style="list-style-type: none"> The IAP Register was updated with the contact details as requested. The BID, which was the only documented distributed to date, was attached for their perusal and comment. Landscape Dynamics requested to be added to the IAP Register for the Phofu Solar Power Plant project.
Adjacent landowner: The Remainder of the Farm	<ul style="list-style-type: none"> Mr Muller has in principle no objection to the development of solar PV facilities in the Viljoenkroon area. 	<ul style="list-style-type: none"> It is noted that Mr Muller has in principle no objection to the proposed solar PV development.

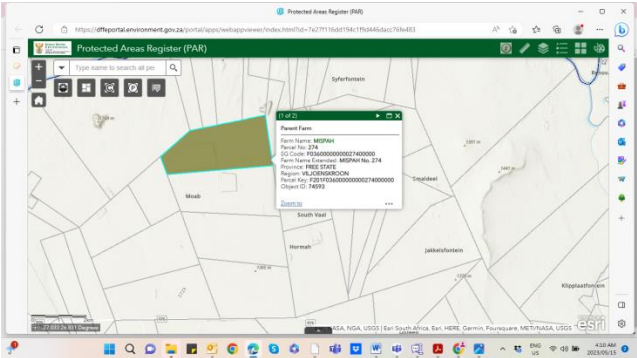
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<p>Kleinfontein, No 369 and the Owner of Wawielpark Holiday Resort: Mr Hansie Muller. Comment written and submitted by Mr Hannes Ollewagen on behalf of Mr Hansie Muller.</p>	<ul style="list-style-type: none"> • It seems as if some of the proposed PV facilities are being planned on high quality crop land, which would most probably not be approved by the Department of Agricultural. Other solar developments in the area use grazing and not crop land for solar developments. • The Wawielpark Holiday Resort is situated to the north of the proposed Mercury solar PV Cluster and it should be determined what the impact of the developments will be on this holiday resort. The resort must be easily accessible at all times and construction of the solar PV facilities must not hinder access to this development at any time. Holiday resorts have suffered greatly during the last 2 years. 	<ul style="list-style-type: none"> • A comprehensive Agricultural Impact Assessment was undertaken for this project and the development proposal as submitted in the BID changed to specifically exclude high quality agricultural land. Further note that application has been made to the Department of Agriculture for No Objection letters, without which Environmental Authorisation will in all probability not be granted. High quality agricultural land will thus not be developed. • The Wawielpark Holiday Resort is approximately 6km away from the closest proposed solar PV facility. The resort is furthermore on the banks of the Vaal River and not in close proximity to the major routes that will be used during either the construction or operational period of the proposed solar PV facilities. A Traffic & Transport Management Plan was compiled by JG Afrika traffic engineers and it was concluded that, with the implementation of mitigation measures, the impact on the traffic during all phases of development will be low and acceptable. It is highly unlikely that access to the Wawielpark Holiday Resort will be hindered during all phases of the Mercury Solar PV Cluster development. 

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<p>Harmony Gold Mining Company: Electrical Engineer – Renewable Energy: Mr Louis Botha</p>	<ul style="list-style-type: none"> Mr Botha requested to be registered as an IAP The kml files of the proposed development was requested Mr Botha phoned Landscape Dynamics and explained that a special procedure needs to be followed when power lines crosses land belonging to a mine. 	<ul style="list-style-type: none"> Mr Botha and the Harmony mine is a registered IAP. The requested kml files were emailed to Mr Botha It is Landscape Dynamics' understanding that the following two properties may be affected (the white blocks on the map below): <ol style="list-style-type: none"> Remainder of the Farm, Moab, No 279 The Farm Zaaiplaats, Portion 2, No 190  <ul style="list-style-type: none"> Landscape Dynamics requested Mr Botha in several emails to raise his concerns in writing or that a meeting with Mulilo can be arranged, but no further reply from Mr Botha was received.

Comment received on the Draft Basic Assessment Report

The Draft BAR was distributed for a 30-day commenting period (31 March 2023 – 5 May 2023). Comments received, and responses thereto are supplied in the table below.

Date of comment Format of comment Name of organisation / IAP	Comment	Response from EAP
<p>5 May 2023 Received via email DFFE Chief Director: Integrated Environmental Authorisations: Ms Olivia Letlalo</p>	<p>Application form and Listed Activities</p> <ul style="list-style-type: none"> • It has been noted that the exclusions on the triggered listed activities applied for are not included. Therefore, you are advised to include in the amended application form as well as final BAR all the relevant exclusions related to the listed activities applied for. For instance, activity 11 of Listing Notice (LN) 1 has been applied for, however the exclusions have not been quoted in the application form. • For both Activities 12 and 19 of LN 1, it is noted that the description provided is that “an old drainage line in the southern block of the PV plan will be developed with PV infrastructure and internal roads.” Therefore, you are requested to indicate the physical footprint in square meters (for activity 12) and cubic meters to be dredged, excavated, and removed (for activity 19) or remove these listed activities in the amended application form and final BAR, if not triggered. • For activity 11 of LN1, main activities (i) and (ii) have been included in the application form and DBAR. Please ensure that the revised application form and final BAR indicate only the applicable main and sub-activity triggered by the proposed development. • For activity 12 of LN 1, main activities (i) and (ii) and sub activities (a), 	<p>Application form and Listed Activities</p> <ul style="list-style-type: none"> • The application form (Version April 2021) had been amended with the following: <ul style="list-style-type: none"> ○ All the exclusions were added to the listed activities in the amended Application Form as well as Final BAR. ○ The list of applicable activities had been re-assessed and corrections were made where required. ○ The applicable main and sub-activities are clearly indicated. ○ The words ‘would’ and ‘could’ were all replaced with ‘will’ in the amended Application Form as well as Final BAR. • According to the National Environmental Management: Protected Areas Act (Act 57 of 2003), the Minister must maintain a register called the Register of Protected Areas. A Register of Protected Areas was therefore developed for reporting and mapping purposes of PROTECTED

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	<p>(b) and (c) have been included in the application form and DBAR. Please ensure that the revised application form and final BAR indicate only the applicable main activity and sub activity/ies triggered by the proposed development.</p> <ul style="list-style-type: none"> For activities 24 and 28 of LN1, main activities (i) and (ii) have been included in the application form and DBAR. Please ensure that the revised application form and final BAR indicate only the applicable main activity. It has been noted that activity 1(a) on LN 2 has been applied for and activity 24 of LN 1, due to the site located within the urban area, however, activity 24 of LN 1 has exclusion where the entire road falls within an urban area. Therefore, you are advised to consider all applicable listed activities, sub-activities and its exclusion and ensure relevant listed activities are applied for in the amended application form and final BAR. In addition, please clarify how is activity 24 of LN 1 triggered by the proposed development. It has been noted that the word “could and should” have been used in the description of activity 15 of LN 2 and activity 10 of LN 3. Please refrain from using such word, since it creates an uncertainty regarding the applicability of the listed activity applied for, for the proposed development. According to the LN 3 activities 4, 10, 14 and 18 applied for, the proposed development is located 1.2km from the Protected Area National Park and Nature Reserve (Mispah Game Farm). You are required to provide proof of approval in terms of Section 50 of NEM: PAA from the relevant management authority of such protected area. 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. In addition, the onus is on the applicant and the Environmental Assessment Practitioner (EAP) to ensure that all the applicable listed activities are included in the 	<p>AREAS and CONSERVATION AREAS in South Africa.</p> <p>This Register uses a database called the Protected and Conservation Areas database (PACA) and comprises of all data required for the Register of Protected Areas (legally declared) as well as data on Conservation Areas (areas responsibly managed for biodiversity conservation but not legally declared as Protected Areas). Confirmation of the protected area in terms of Section 50 of NEM: PAA has this been obtained from the Protected Areas Register Map. The relevant website is: https://eqis.environment.gov.za/protected_and_conservation_areas_database</p> 

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	<p>application and the final BAR. Failure to do so may result in unnecessary delays in the processing of the application.</p> <ul style="list-style-type: none"> If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted for final review and decision making. Please note that the Department's has been amended and can be downloaded from the following link https://www.environment.gov.za/documents/forms <p>Alternatives</p> <ul style="list-style-type: none"> It has been noted on page iii of the draft BAR that the Solid-State Batteries (SSB) is the preferred Battery Energy Storage System (BESS) that will be constructed on approximately 4.5ha. However, it is unclear if the BESS will come to site preassembled or not. Please provide clarity with regard to the above concern in the final BAR. Please note that Appendix 1(3)(1)(h)(x) of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended, requires that "if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such" must be included in the BAR. You are therefore required to provide a motivation should other alternative sites, routes, layouts, and technologies not be considered. A description of the process followed to reach the preferred alternative within the site as per Appendix 1(3)(1)(h)(i) of the EIA Regulations (2014), as amended, must be incorporated into the final BAR. <p>Layout & Sensitivity Maps</p> <ul style="list-style-type: none"> The CA acknowledges the inclusion of Environmental Sensitivity map in Appendix B of the draft BAR. However, you are advised to submit a layout map that indicates the following (but not limited to the below). Please ensure the findings of the specialists advise what needs to be incorporated in the development layout. 	<p>Alternatives</p> <ul style="list-style-type: none"> Solid State Batteries (SSB) as the preferred Battery Energy Storage System (BESS) will get to the site pre-assembled Alternatives have been considered in this application and are described in detail in Chapter 5 of the Final BAR. A description of the process followed to reach the preferred alternative as well as the details of the alternatives considered are described in detail under Chapter 5 of the Final BAR (this document). <p>Layout & Sensitivity Maps</p> <p>The following maps (amongst other) are provided the Final BAR as per the DFFE requirement:</p> <ul style="list-style-type: none"> Project Layout with Combined Environmental Sensitivities

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	<ul style="list-style-type: none"> ○ The PV development area. ○ Position of all infrastructure e.g., BESS, on-site substation and their coordinates. ○ Permanent laydown area footprint. ○ All supporting onsite infrastructure e.g., roads (existing and proposed). ○ Connection routes (including pylon positions) to the distribution/transmission network; and ○ All existing infrastructure on the site. ○ The location of sensitive environmental features on site e.g., CBAs, ESAs, heritage sites, wetlands, drainage lines etc. that will be affected. ○ Buffer areas of the above sensitive areas; and ○ All “no-go” areas. <ul style="list-style-type: none"> ● Please ensure that the above map has a clear legend that communicates with details of the map. ● The above map must be overlain with a sensitivity map and a cumulative map which shows the proposed Solar PV development as well as neighbouring renewable energy developments. ● Images and Google maps will not be accepted for decision-making purposes. <p>Specialist Assessments</p> <ul style="list-style-type: none"> ● According to the screening report, the landscape theme and terrestrial biodiversity theme are both very high sensitivity, agriculture theme have high sensitivity, and palaeontology theme have medium sensitivity, while avian theme, civil aviation theme, defence theme, RFI theme, animal species theme, plant species theme, aquatic biodiversity theme, archaeological and cultural heritage theme all having low sensitivities. Therefore, you are advised to submit a site 	<ul style="list-style-type: none"> ○ A Cumulative Map of Renewable Energy Projects in a 30km radius ○ A Cumulative Map of Renewable Energy Projects in a Focused Area. <ul style="list-style-type: none"> ● Clear legends are included in the Combined Sensitivity Map and the Cumulative Maps as per the DFFE requirement. ● Google maps were not used for the finalisation thereof. <p>Specialist Assessments</p> <ul style="list-style-type: none"> ● Chapter 6, paragraph 6.2 deals exclusively with the DFFE Screening Tool. Motivation is provided why certain specialist studies were not conducted for this project. ● The Site Verification Report has been compiled and is included as Appendix B(1)(b) in the Final BAR. ● All specialist studies were done according to the

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	<p>verification report and motivation for the exclusions of any specialist studies identified by the screening tool.</p> <ul style="list-style-type: none"> It is brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were published in Government Notice No. 320 of 20 March 2020 (i.e., “the Protocols”), and in Government Notice No. 1150 of 30 October 2020, have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols unless proof is provided to demonstrate that the specialist assessments were commissioned prior to 50 days after the promulgation of GN 320 and after promulgation of GN1150 (30 October 2020). <p>In addition to the above, you are hereby drawn to the following:</p> <ul style="list-style-type: none"> The Specialist Declaration of interest forms must be attached for all specialist studies to be conducted in the final BAR. The forms are available on Department’s website (please use the Department’s template). Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of proposed rehabilitation, and all other proposed structures that they have assessed and are recommending for authorisations. The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted. Should the appointed specialists specify contradicting 	<p>applicable protocols of the DFFE.</p> <ul style="list-style-type: none"> Specialist assessments were <i>not</i> commissioned prior to 50 days after the promulgation of GN 320 and after promulgation of GN1150 (30 October 2020). <ul style="list-style-type: none"> Specialist Declaration of interest forms are attached under Appendix I(4). The Department’s template was obtained from the DFFE website. The specialists confirmed that they did provide the methodologies of their assessments and have considered the relevant project components and provided appropriate and clear mitigation. The ecologists confirmed that their site assessments were conducted in the correct season. The relevant specialists’ reports contain a description of limitations where relevant. No contradicting recommendations were made by

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	<p>recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.</p> <ul style="list-style-type: none"> • Please note further that the protocols require certain specialists' to be registered with SACNASP. Refer to the relevant protocols in this regard. • Please include a table in the final BAR summarising the specialist studies required by the Screening Tool, a column indicating whether these studies will be conducted or not, and motivation if any study will not be undertaken. Please note that if any of the specialists' studies and requirements recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report, as per the requirements of the Protocols. • Please also ensure that the final BAR includes the Site Verification Report as required by the relevant environmental themes and assessments. • Should it be determined that there is a need for additional specialist studies to be undertaken based on the outcome of public participation, these must be commissioned and be included in the final BAR reports for public comment. <p>Participation Process</p> <ul style="list-style-type: none"> • Please ensure that comments from all relevant stakeholders are submitted to the Department with the final BAR. This includes but not limited to the Department of Forestry, Fisheries, and the Environment (DFFE): Protected Areas Planning and Management Effectiveness Directorate, Biodiversity Planning and Conservation (BCAdmin@environment.gov.za); Free State Department of Economic Development, Tourism and Environmental Affairs, South African Heritage Resources Agency (SAHRA), South African Civil Aviation Authority, Endangered Wildlife Trust, Birdlife South Africa, 	<p>the specialists.</p> <ul style="list-style-type: none"> • All the required specialists are registered with SACNASP. Their certificates are provided in Appendix I(5). • Chapter 6, paragraph 6.2 deals exclusively with the screening tool. Motivation is provided why certain specialist studies were not conducted for this project. This information is provided in column format. • The Site Verification Report has been compiled and is included as Appendix B(1)(b) in the Final BAR. • The site verification of each specialist is summarised under paragraph 6.2.3 and the detail site verification reports are included in each specialist assessment report, as attached under Appendix E. • No additional specialist studies were identified during the course of the PPP.

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	<p>Department of Human Settlement, Water and Sanitation, South African National Defence Force, Local interest groups, for example: Councillors and Rate Payers associations; Surrounding landowners, Farmer Organisations, Environmental Groups and NGOs; and Grassroots communities and structures as well as the affected district and local municipalities.</p> <ul style="list-style-type: none"> • Proof of correspondence with the various stakeholders must be included in the Final BAR. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments. • The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended and the approved Public Participation Plan. • The comments and response trail report (C&R) must be submitted with the final BAR. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter. • Please ensure that all issues raised, and comments received during the circulation of the BAR from registered I&APs and organs of state which have jurisdiction (including this Department's comments) in respect of the proposed activity are adequately addressed. Comments made by I&APs must be comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments. <p>Cumulative Impact</p> <ol style="list-style-type: none"> 1. It has been noted on page i. of the draft BAR that, the Vlakfontein Solar PV1 is part of the Mercury Solar PV Cluster submitted to the CA within the geographic area of investigation. Further to this it is 	<p>Participation Process</p> <ul style="list-style-type: none"> • Comments received from the relevant stakeholders are all included in this Comments & Responses Report. • Copies of the written comment received and communication is attached in Appendix G(3(f) and G(5). • Proof of attempts made to obtain comment, is attached under Appendix G(3)(e) and G(4)(f). • Public participation was conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended. The PP plan and the DFFE approval thereof are attached as Appendix G(6). • The C&R Report is attached under Appendix H of the Final BAR as a separate document. It contains all comment received. The format of the C&R Report is as per the DFFE request. • All comment is comprehensively captured and adequately addressed in this document.

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	<p>indicated on page 96 and 101 of the draft BAR that, " <i>there are currently three approved renewable energy projects within a 30km radius around the proposed Mercury Solar PV Cluster</i>", therefore, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:</p> <ul style="list-style-type: none"> • Assess the cumulative impacts of the proposed (not yet authorised), authorised (not yet constructed) and existing solar energy facilities. • Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. • The cumulative impacts significance rating must also inform the need and desirability of the proposed development. • A cumulative impact environmental statement on whether the proposed development must proceed. <p>Environmental Management Programme (EMPr)</p> <ul style="list-style-type: none"> • A 132kV IPP substation is being mentioned as part of the infrastructure to form part of the proposed development in activity 11 of Listing Notice 1. Therefore, ensure that the generic EMPr that complies with the GN 435 of March 2022 is submitted in the final report. • The Department acknowledges that generic EMPrs for the substation has been submitted as part of the DBAR, however, Part B: Section 2 is not signed. Therefore, you are advised to submit the signed generic EMPr with the final BAR. • The EMPr that complies with Appendix 4 of the EIA Regulations, as 	<p>Cumulative Impact</p> <ul style="list-style-type: none"> • The cumulative impact is comprehensively addressed in Chapter 9, Paragraph 9.2.3 of the Final BAR. All specialists amended their reports where required to include a detailed cumulative impact description as per the DFFE's comment. • Cumulative impact maps are also included under Paragraph 9.2.3. and are attached as Appendices B(6)(a) and B(6)(b).

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	<p>amended, for the facility must be submitted with the final report and must include all recommendations and mitigation measures recorded in the BAR and the specialist studies conducted.</p> <ul style="list-style-type: none"> The EMPr must distinguish between impact management actions and impact management outcomes as per Appendix 4(1)(1)(d) & (f) of the EIA Regulations 2014 (as amended). The EMPr must not contain any ambiguity. Where applicable, statements containing the word “should” or “may” are to be amended to “must”. <p>General</p> <ul style="list-style-type: none"> 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 - <ul style="list-style-type: none"> 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.” 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 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 	<p>Environmental Management Programme (EMPr)</p> <ul style="list-style-type: none"> The Generic EMPr that complies with the GN 435 of March 2022 and applicable to substations with associated addenda is included as follows: <ul style="list-style-type: none"> <i>Appendix H(2)</i> <ul style="list-style-type: none"> (a) <i>The Gazetted Generic Environmental Management Programme</i> (b) <i>Part B, Section 2 – Site specific information and Declaration for the IPP Substation</i> (c) <i>DFFE Screening Tool Report.</i> Part B: Section 2 of the Generic EMPr has been signed on the last page of the document. The EMPr does distinguish between impact management actions and impact management outcomes as per Appendix 4(1)(1)(d) & (f) of the EIA Regulations 2014 (as amended). The EMPr does not contain any ambiguity and, where applicable, statements containing the word “should” or “may” were amended to “must”. <p>General</p> <ul style="list-style-type: none"> The BA process does comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014 and the final BAR is submitted to the DFFE within 90 days. The BAR includes all specialist reports, an EMPr and was subject to a 30-day commenting period (excluding public holidays) and all comment received is reflected herein.

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	<p>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 sub-regulation (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> <ul style="list-style-type: none"> • 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. • 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. 	<ul style="list-style-type: none"> • No significant changes or new information was added to the BAR or EMPr and it is not required to distribute the BAR for a further 30-day commenting period. • All timelines as stipulated in Regulation 19 have been met. • No activity will commence in the absence of Environmental Authorisation issued by the DFFE.
<p>4 May 2023 Received via the SAHRIS website, Signed by Sityhileo Ngcatsha and Mr Philip Hine</p>	<p>SAHRA confirmed the following:</p> <ul style="list-style-type: none"> • Six heritage resources were identified with the potential development footprint and three of those sites are of scientific value. All of these 	<ul style="list-style-type: none"> • The requirement for a final walk-down had been include in the EMPr. • The requirement in terms of the potential for

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(Reference Nr 21029)	<p>are located outside of the Vlakfontein Solar PV1 area and will not be affected by the development.</p> <ul style="list-style-type: none"> • A pre-construction archaeological walk-down is recommended to identify any unmarked or hidden burials or significant archaeological resources within the development area. • Should any buried archaeological resources or human remains or burials be uncovered during the course of development activities, work must cease in the vicinity of these finds. The South African Heritage Resources Agency (SAHRA) must be contacted immediately in order to determine an appropriate way forward. • A Fossil Chance Find Protocol must be added to the EMPr <p><u>Final Comment and requirement</u></p> <ul style="list-style-type: none"> • 38(4)a – <u>The SAHRA Development Application Unit (DAU) and the Burial Grounds and Graves (BGG) Unit has no objections to the proposed development;</u> • 38(4)b – <u>The recommendations of the specialists are supported and must be adhered to.</u> Further conditions are recommended for the development: • A Heritage Management Plan must be developed for the maintenance of the identified burial sites. In the event that Grave relocation is deemed feasible, the prescribed 60 days consultation process must be initiated to obtain consent for from the next of kin(s); 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, • indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash • concentrations), fossils or other categories of heritage resources are found during the proposed • development, SAHRA APM Unit (Sityhilelo Ngcatsha/Natasha 	<p>uncovering of human remains or burials with communication with SAHARA is included in the EMPr.</p> <ul style="list-style-type: none"> • A Fossil Chance Find Protocol had been included in the EMPr. • The requirement in terms of a Heritage Management Plan for the identified burial sites is not applicable to Vlakfontein Solar PV1. • The remainder of the conditions had been included in the EMPr.

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	<p>Higgitt 021 202 8660) must be alerted</p> <ul style="list-style-type: none"> • 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; • 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) • Unit (Thingahangwi Tshivhase/Ngqabutho Madida 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; • 38(4)d – See section 51 of the NHRA regarding offences; • 38(4)e – The following conditions apply with regards to the appointment of specialists: • 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; • The Final BAR Report and EMPr must be submitted to SAHRA for record purposes; • The decision regarding the EA Application must be communicated to SAHRA and uploaded to the • SAHRIS Case application. 	

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13 May 2023 Comment received via email DFFE: Control Biodiversity Officer Grade B: Biodiversity Conservation: Ms Portia Makitla	DFFE Directorate: Biodiversity Conservation acknowledged receipt of the invitation to review and comment on the project mentioned on the subject line. They confirmed the case officers for the project. They requested that the shapefiles of the development footprints/application site be forwarded to the Case Officers.	A follow-up e-mail was sent on 12 May 2023 to confirm if any comment will be received. No input was received at the date when the Final BAR was finalised for submission on 17 May 2023.
Department of Police, Roads & Transport , Assistant Director Land Acquisition: Mr Hannes Maree and Directorate Road Asset Management Systems: Mr JPW Maree 5 April 2023 Comment received via e-mail Department of Police, Roads & Transport: Assistant Director Land Acquisition: Mr Hannes Maree and Directorate Road Asset Management Systems: Mr JPW Maree	They again provided their comment and specifications supplied in their letter dated <u>6 April 2022</u> (summarised above) and stated that in addition to the comment provided before, they require the following : A Traffic Impact Study (TIA) must be undertaken by a professional traffic engineer who is registered with ECSA. This must be submitted to them for review and comment. The TIA will determine the extent of the effect of the development on the provincial road network and the access requirement. Their Department's final comment will only be provided once the TIA has been reviewed.	All the conditions provided by the Department are included in the EMPr
Harmony Gold Mining Company Limited	For the proposed PV cluster, they requested that the following be considered:	<ul style="list-style-type: none"> • All the conditions are included in the EMPr. • At this stage it is believed that the solar facilities planned will not impact negatively on this Gliding

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<p>17 and 18 April 2028 Received via e-mail Mr Carlo Geel, the Environmental Manager, Harmony (North-West Operations),</p>	<ul style="list-style-type: none"> • make sure about firebreak/ firefighting arrangements (engage with neighboring farmers/ land owners) • make sure about informing affected communities • engage timeously with the local authority regarding authorized general waste disposal and potable water supply • plan for the ultimate disposal of hazardous waste/ material e.g., batteries and solar panels • ensure effective security arrangements (the area have a lot of illegal mining activities) • plan/ ensure for dust mitigation and preferably fall-out dust monitoring (solar farms expose a lot of unprotected land). • ensure a complaints registers/ reporting system • effectively assess/geology the land, as the planned areas might be prone to sinkhole formations (dolomitic areas) <p>They were also concerned about the impact pf the PV farm on the Gliding Club which is situated on the Vaal Reefs (Northwest side) of the Vaal River. The provided an Google Map image to indicate the position of the facility.</p>	<p>Club, due to the nature of the solar facility structures and the nearest distance to the development area being approximately 8km southeast of the gliding club. The powerlines (grid connection) associated with the solar cluster are 132kV lines and all connect to the very nearby existing Mercury MTS - numerous 132kV and 400kV powerline already traverse the macro area.</p> <ul style="list-style-type: none"> • The South African Civil Aviation Authority (CAA), Ms Lizell Stroh (Inspector: Obstacles (Solar and Windfarms) and Ms Evelyn Shogole (Environmental Specialist) who deals with obstacles have also been CC'd on this email and their response if any will be communicated with yourself. • No feedback and/or comment had been received from the CAA.
<p>Department of Water & Sanitation,</p> <p>Dr T Ntuli (Provincial Head: Free State), care of Z. Mathiso (Ref Nr 16/2/7/C702/D8/4)</p> <p>26 April 2023 Received via e-mail</p>	<ul style="list-style-type: none"> • They confirmed the relevant DWS officials for the project. • They provided their conditions in terms of water use authorisation. • They confirmed the following: <ul style="list-style-type: none"> ○ Existing water use rights already in place for irrigation purposes does not necessarily apply to water usage for a solar facility. ○ No water may be discharged into a water resource without the DWS knowledge, even if it is clean. The applicant should apply for Section 21(f) water use authorisation for water that 	<ul style="list-style-type: none"> • The IAP list was amended with the contact details of the responsible officials. • An Application for Water use Authorisation will be made as soon as the project had been awarded Preferred Bidder Status. At that time sufficient consideration will be given to all project components and associated activities that are triggered in terms of Section 21 of the National Water Act, Act 36 of 1998.

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	<p>may be released into a water course after all solids have been removed.</p> <ul style="list-style-type: none"> ○ The applicant must ensure that the water to be used for dust suppression is not polluted and does not pollute the environment. ○ The applicant must ensure that the water to be used in any process at the facility is recycled as far as practical to promote water conservation. ○ In relation to the portable toilets and other hazardous chemical substances on the site: sanitary conveniences, fuel depots, reservoir or depots for any substance which causes or is likely to cause pollution of a water resource should not be located within 100m or within 1:50 year floodline of any watercourse or estuary. ○ All waste on the site should be managed in accordance with the National Environmental Management Waste Act, 2008. ○ Every commitment proposed in the different sections of the report must be implemented and any deviations thereto must be reported to the DWS. Additionally, no water use should commence without any/necessary authorisation. ○ The applicant must at all times take note of the pollution control provisions of Section 19(1) of the NWA which states that: 'An owner of land, a person in control of land or a person who occupies or uses the land on which (a) any activity or process if performed or undertaken; or (b) any other situation exists which causes, has caused or is likely to cause pollution of a water resource, must take all reasonable measures to prevent any such pollution of a water resource from occurring, continuing or recurring.' ○ The Applicant must inform the DWS of any incidents that are 	<ul style="list-style-type: none"> ● All the conditions stated by the DWS are included in the EMPr.

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	likely to have a pollution impact on water resources in relation to the proposed activity, within 24 hours of the occurring of such incidents.	
<p>Eskom Transmission</p> <p>11 April 2023, received via e-mail from Mr John Geeringh, Senior Consultant Environmental Management</p> <p>12 April 2023, received via e-mail Mr Lethonogo Padi, Senior Advisor Land & Rights</p>	<ul style="list-style-type: none"> • Mr Geeringh requested KMZ file of the affected properties for all of the proposed development footprints and proposed grid connections. • Mr Padi provided their depictions of how the 2X 765kV power lines of the Mercury-Umtu 765kV project will be affected by each of the 5 solar plant facilities. He confirmed that the servitude width for both lines will be between 200m to 220m wide and will mostly be running parallel to the existing powerlines. • Two meetings were arranged by Eskom with Mulilo (the Applicant) and the EAPs for both the Merensky-Umtu 765kV project and the Mercury Solar PV Cluster Project. These meetings were held via Teams on 4 May 2023 and 11 May 2023 respectively. • The main issues were confirmed as the following: <ul style="list-style-type: none"> ○ New regulations are currently being drafted to exclude renewable energy facilities within a 2km radius from any Main Transmission Substation (MTS) without approval from Eskom Transmission. This proposed policy directly affects the proposed Zaaiplaats Solar PV1 and the Kleinfontein Solar Part 1 which falls almost entirely within this 2km corridor. ○ The directly adjacent proposed Kleinfontein Solar PV1 restricts future expansion of the MTS towards the east. ○ With the proposed solar farms and their associated grid connections, it will be difficult to enter and exit any additional lines into the MTS. Congestion will take place. ○ The main concerns therefore are the proposed grid connections associated with the solar farms; and the close location of specifically Kleinfontein Solar PV1 and to a lesser extent Zaaiplaats Solar PV1. 	<ul style="list-style-type: none"> • Mr Geeringh was supplied with all the required information. • Mr Warren Morse from Mulilo confirmed that all nine grid connection registrations applications made in terms of the Standard are done because it is at this stage unknown in which order the solar facilities will be built. The planning already accommodates relevant loop-in-loop-out lines from the onsite Eskom Substations to the ultimately one main line to enter the MTS. They trust this will successfully address the concern of congestion. • The applications for Environmental Authorisation for Hormah Solar PV1, Ratpan Solar PV1 and Vlakfontein Solar PV1 will now be submitted as the facility is outside of the 2km radius of any Main Transmission Substation and do therefore not requiring approval. • The layouts for Zaaiplaats Solar PV1 and Kleinfontein Solar PV1 will be amended and finalised in close communication with Eskom, prior to submission of the Final BARs to the DFFE for approval: <ul style="list-style-type: none"> ○ The layouts will be refined by removing the PV fields directly bordering and impacting the MTS and 765kV planned powerlines as well as future MTS expansion. Buffers will be incorporated to

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	<ul style="list-style-type: none"> • Recommendations from the meeting were as follows: <ul style="list-style-type: none"> ○ Eskom will by 19 May 2023 provide their long-term planning (10 years) for the MTS. Mulilo will be advised as to where corridors are required with their widths so that it can be accommodated specifically in the Kleinfontein Solar PV1 layout, and if needed in the Zaaiplaats Solar PV1 layout. ○ They confirmed that there should not be a problem with the applications for Hormah Solar PV1, Ratpan Solar PV1 and Vlakfontein Solar PV1. ○ They recommended that Mulilo consider expanding the Eskom Substation on the Zaaiplaats facility to act as a collector substation for all five proposed solar facilities. From here, double circuit lines could possibly be constructed to connect to the MTS. This will alleviate the problem of congestion at the MTS. 	<p>allow future access to the MTS on top of the 765kV corridor.</p> <ul style="list-style-type: none"> ○ A mutually beneficial agreement will be communicated with Eskom to obtain their written consent, as specified in the Eskom Setback requirements document. plication or appeal an EA descision, Mulilo agrees to assi Mulilo ○ Mulilo agrees to assist Eskom in obtaining the required 765kV and 400kV servitude rights over the land portions Mulilo have secured land rights..

