

APPENDIX C8
COMMENTS & RESPONSES REPORT



HARMONY JOEL SOLAR PV FACILITY, ASSOCIATED INFRASTRUCTURE AND ELECTRICAL GRID INFRASTRUCTURE LOCATED NEAR THEUNISSEN, FREE STATE PROVINCE
(DESTEА Reference No.: EMS/11(i),12(ii)(a)(c),14,19, 24(ii), 1,15, 4(b) (i)(gg), 10(b) (i)(gg)(hh), 12(b)(i), 14(ii)(a)(b)(i)(hh)/22/16
NEAS ref: FSP/EIA/0000492/2022

COMMENTS AND RESPONSES REPORT

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Information regarding the Scoping and Environmental Impact Assessment (S&EIA) and Public Participation processes for the proposed Harmony Joel Solar PV as well as technical project details, was made available with the distribution of the Background Information Document (BID) on **Wednesday, 24 August 2022**. The BID 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.

The Scoping Report has been made available for a 30-day review and comment period from **Monday, 14 November 2022 to Wednesday, 14 December 2022** and the EIA Report is being made available from **Friday, 24 March 2023 to Wednesday, 26 April 2023**. All written comments received on the Scoping Report have been included in this Comments and Responses Report (C&RR) and those received on the EIA Report will be included in this C&RR. The C&RR will be submitted with the final EIA Report to the Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEА) for their informed decision-making.

The C&RR is included as **Appendix C8** as a separate document to the EIA Report.

Note: Comments received have been captured verbatim and have not been edited for typing or grammatical errors.

LIST OF ABBREVIATIONS / ACRONYMS

APM	Archaeology Palaeontology & Meteorite Unit	EIA	Environmental Impact Assessment
CBA	Critical Biodiversity Area	EIM	Environmental Integrated Management
DESTEA	Department of Economic, Small Business Development, Tourism and Environmental Affairs	ESA	Ecological Support Areas
DWS	Department of Water and Sanitation	FSR	Final Scoping Report
Dx	Distribution	SAHRA	South African Heritage Resources Agency
EA	Environmental Authorisation	SAHRIS	South African Heritage Information System

1 COMMENTS SUBMITTED PRIOR TO RELEASE OF EIA REPORT

1.1. Organs of State

No.	Comment	Raised by	Response
1.	<p>The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEА) – "the Department" has reviewed your Draft Scoping Report for the above-mentioned project. Therefore, you may proceed with compiling the Final Scoping Report as there are no comments at the moment.</p> <p>Please note that the activity applied for may not commence prior to an Environmental Authorisation being granted by this Department.</p>	<p>N Molokwane Environmental Officer Production Grade A: EIM DESTEА</p> <p>Letter: 09 January 2023</p>	<p>The Final Scoping Report was finalised and submitted to DESTEА on 06 January 2023 (copy of Waybill included in Appendix C4: Organs of State Correspondence of the EIAR).</p> <p>The applicant is aware that no construction activities can be commenced without the required Environmental Authorisation being granted by the DESTEА.</p>
2.	<p>Based on the information provided in the report, the site for the proposed solar development falls within a Critical Biodiversity Area 2 (CBA 2) and Ecological Support Areas 1 & 2 (ESA 1 & 2) as per the Free State Biodiversity Plan. The site is quite heavily transformed with dryland crop cultivation and mining activities. However, there are natural areas that may have elements of conservation concern on site. In addition, the study site is also located adjacent to the H.J Joel Private Nature Reserve which is proposed to be included as part of the protected areas expansion strategy. The site is also situated adjacent to the Doring River and from the survey it was also evident that the vegetation on the site is much more representative of the Highveld Alluvial Vegetation type which is associated with riparian areas.</p> <p>Considering the above, the development can proceed to the next phase of the EIA process. However, the FSR should consider the following recommendations:</p> <ul style="list-style-type: none"> The detailed Biodiversity Specialist studies must comply with the 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. 	<p>M Rabothata & K Mathetja Case Officers DFFE: Biodiversity Conservation</p> <p>Letter: 19 January 2023</p>	<p>The recommendations of the Department have been considered through the EIA process. The northern portion of the development area (comprising the Doring River and its 500m regulated buffer) has been excluded entirely from the preferred development footprint and the necessary mitigation implemented to ensure no indirect impacts affect the sensitive habitats (refer to Chapters 7 and 9 of the EIA Report). The Biodiversity Specialist studies conducted complied with the 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.</p>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> Comments must be obtained from Department of Forestry, Fisheries and the Environment Directorate: Protected Areas Planning and Management Effectiveness at Email TNethononda@environment.gov.za for attention of Mr Thivhulawi Nethononda and the Management Authority of the nature reserve. 		<p>The contact provided for the Environment Directorate: Protected Areas Planning and Management Effectiveness has been included as a commenting official on the project and will be notified of the availability of the EIA Report for review and comment.</p>
	<ul style="list-style-type: none"> The sensitivity Layout Map overlaid with sensitivities and indicating the final footprint for the proposed development avoiding environmentally sensitive areas must be included in the Final report. 		<p>An optimised facility layout map overlaid with sensitivities and indicating the final facility footprint is included in the EIA report as Figure 3 and Figure 9.1.</p>
	<p>The final report must comply with all the requirements as outlined in the Environmental Impact Assessment (EIA) guideline for renewable energy projects and the Best Practice Guideline for Birds & Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.</p>		<p>The EIA process conducted complied with the EIA Regulations, 2014, as amended and the Best Practice Guideline for Birds and Solar Energy.</p>
	<p>All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota.</p>		<p>The Directorate: Biodiversity Conservation is a registered stakeholder and all public process documents and reports for review and comment are submitted to via email to BCAdmin@environment.gov.za, as requested.</p>

2 COMMENTS SUBMITTED ON SCOPING REPORT

2.1. Organs of State

No.	Comment	Raised by	Response
1.	This office has evaluated the above-mentioned document and the comments that have been sent to your office dated 20 September 2022 still applies. You are welcome to contact Ms B Melato at telephone: 051 405 9000 or on mail melatob@dws.gov.za should you have any enquiries.	B Melato pp Provincial Head: Free State DWS Letter: 09 December 2023	The responses provided to the comments submitted on 20 September 2022 applicable to the previous application is attached as Appendix 1 to this C&RR
2.	Thank you for informing SAHRA of the Scoping and Environmental Impact Reporting (S&EIR) process that is undertaken to obtain Environmental Authorisation (EA) for the development of the PV facility and associated infrastructure. Please submit all Scoping Report along with its appendices to the respective case on SAHRIS (19409) before further comments can be issued.	Sityhilelo Ngcatsha Case Officer SAHRA E-mail: 09 December 2023	The draft and final Scoping Reports were uploaded onto SAHRIS (CaseID 19409) as requested.

2.2. Stakeholders and Interested & Affected Parties

No.	Comment	Raised by	Response
1.	Herewith to request the .KML files for the above applications, as they are not available in the received application mails. It is essential to have the .kml files in order to finalise your requests.	Francois Strydom Lieutenant Colonel Command and Management Information Systems Division Directorate CMIS Static Systems	The requested .kml file was e-mailed to the stakeholder on 16 November 2022 (refer to Appendix C6: Comments Received of the final Scoping Report).

No.	Comment	Raised by	Response
		Radio Spectrum & Communication Site Management SANDF E-mail: 11 November 2022	
2.	<p>Your e-mail dated 14 November 2022 regarding above mentioned project hereby refers. Eskom Distribution (Dx) has no objection to the proposed project. Eskom services are affected as per the attached sketch. However, please adhere to Eskom's conditions and treat Eskom's powerlines as live at all times and keep a building restriction of 9 meters on either side of the power line for 11kV lines, 11 meters on either side of the power line for 88kV lines ,18 meters on either side of the power line for 132kV lines and 27.5 meters on either side of the power line for 132kV lines</p> <ul style="list-style-type: none"> • 11 kV,88kV ,132kV and 400kV lines are affected <p>Please find Eskom's conditions which must always be respected when working near or closer to our services:</p> <ol style="list-style-type: none"> 1. Eskom Dx shall at all times retain unobstructed access to and egress from its servitudes. 2. Eskom Dx's consent does not relieve the applicant from obtaining the necessary statutory, landowner or municipal approvals. 3. The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom Dx as a result of non-compliance will be charged to the applicant. 4. No drilling shall take place within 11 metres from any Eskom Dx power line structure, 5. All work within Eskom Dx's servitude areas shall comply with the relevant Eskom earthing standards in force at the time. 	<p>DJ Monatisa pp Land Development Manager: Free State Operating Unit Eskom Holdings SOC Ltd</p> <p>Letter: 18 November 2022</p>	<p>It is acknowledged that Eskom Holdings SOC Ltd has no objection in principle to the proposed Harmony Joel Solar PV Facility and associated grid connection infrastructure located near Eskom's powerlines. The details as contained in the correspondence have been provided to the Applicant for further action, as may be required.</p> <p>Unobstructed access shall be retained in order for Eskom Dx to egress from its servitudes,</p> <p>Freegold Harmony (Pty) Ltd, the Applicant, has been advised to still obtain the necessary statutory, landowner or municipal approvals.</p> <p>The applicant is aware that they need to adhere to all relevant environmental legislation and has taken note of the cost incurred by Eskom Dx as a result of non-compliance.</p> <p>The recommendations are included within the Environmental Management Programme (EMPr) (Appendix J) for the project.</p>

No.	Comment	Raised by	Response
	<p>6. If Eskom Dx has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the applicant's activities or because of the presence of his equipment or installation within the servitude area, the applicant shall pay such costs to Eskom Dx on demand.</p>		
	<p>7. The use of explosives of any type within 500metres of Eskom Dx's services shall only occur with Eskom Dx's prior written permission. If such permission is granted the applicant 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. If blasting becomes necessary, application in this regard should be made separately.</p>		
	<p>8. 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 Dx's requirements.</p>		
	<p>9. Eskom Dx 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 applicant, his/her agent, contractors, employees, successors in title, and assigns. The applicant indemnifies Eskom Dx 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 Dx's services or apparatus or otherwise. Eskom Dx will not be held responsible for damage to the applicant's equipment.</p>		<p>The Applicant has acknowledged that responsibility relating to the construction and operation of the Harmony Joel Solar PV Facility will fall within their jurisdiction. The Applicant therefore indemnifies Eskom Dx against loss, claims or damages including claims pertaining to consequential damages by third parties in proximity to Eskom infrastructure,</p>
	<p>10. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom Dx's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the applicant</p>		<p>The recommendations are included within the Environmental Management Programme (EMPr) (Appendix J) for the project.</p>

No.	Comment	Raised by	Response
	<p>must give at least seven working days prior notice of the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the relevant Technical Service Centre.</p>		
	<p>11. No work shall commence unless Eskom Dx has received the applicant's written acceptance of the conditions specified in the letter of consent and/or permit.</p>		<p>The applicant notes the requirement to submit written acceptance of the conditions provided prior to commencement of the project.</p>
	<p>12. Eskom Dx'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. Note: Where an electrical outage is required, at least fourteen workdays are required to arrange same.</p>		<p>The recommendations are included within the Environmental Management Programme (EMPr) (Appendix J) for the project.</p>
	<p>13. Under no circumstances shall rubble, earth or other material be dumped within the servitude area. The applicant shall maintain the area concerned to Eskom Dx's satisfaction. The applicant shall be liable to Eskom Dx for the cost of any remedial action which has to be carried out by Eskom Dx.</p>		
	<p>14. The clearances between Eskom Dx's live electrical equipment and the proposed construction work shall be observed as stipulated by <i>Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)</i>.</p>		
	<p>15. Eskom shall be regarded electrically live and therefore dangerous at all times.</p>		
	<p>16. 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 additional safety precaution, Eskom Dx will not approve the erection of houses or structures occupied or frequented by human beings under the power lines or within the servitude area.</p>		
	<p>17. Eskom Dx may stipulate any additional requirements to illuminate any possible exposure to Customers or Public to coming into contact or be exposed to any dangers to Eskom plant</p>		

No.	Comment	Raised by	Response
	<p>18. It is required of the applicant to familiarise him/herself with all safety hazards related to Electrical plant.</p> <p>Should the applicant or his/her contractor damage any of Eskom's services during execution of any work whatsoever, the incident must be reported to Eskom's Technical service centre Pitso Rama-litsi @051-853 9704 and 082495 8144 immediately. The same person must be contacted before commencement of the project as well.</p> <p>For the re-location of any Eskom's services, our customer service centre should be contacted on 051-404 2211.</p> <p>The above conditions should be accepted in writing before any work within Eskom Services commences and the technical service centre must be informed of the future activities.</p> <p>For any further information please contact the writer at the above-mentioned telephone number.</p> <p><u>Wayleave Sketch attached to letter is included in Appendix C6: Comments Received of the EIAR</u></p>		<p>The responsibility and requirement relating to the conditions for construction, as stipulated by Eskom Holdings SOC has been acknowledged and the need to comply with these conditions has been communicated to the applicant. The applicant has been advised to report all incidents to Eskom's Technical Service Centre using the contact information provided.</p> <p>The applicant has been advised to contact the Customer Service Centre for the re-location of any Eskom services, using the contact information provided.</p> <p>The responsibility and requirement relating to the conditions for construction, as stipulated by Eskom Holdings SOC has been acknowledged and the need to comply with these conditions has been communicated to the applicant. The applicant notes the requirement to submit written acceptance of the conditions provided prior to commencement of the project.</p>

APPENDIX 1

DWS Free State: Comments submitted on previous application.

No.	Comment	Raised by	Response
1.	<p>Your e-mail below is noted. Kindly send a hard copy of the scoping reports to this office for comments. The documents must be addressed as follows:</p> <p>Attention: Dr T Ntuli Department of Water and Sanitation Corner Charlotte Maxeke and East Burger 2nd Floor: Bloem Plaza Building Bloemfontein</p>	<p>Boitumelo Melato Administrator DWS</p> <p>E-mail: 31 August 2022</p>	<p>The request for a hard copy of the Scoping Report was acknowledged and the report was couriered on 13 September 2022 (proof included in Appendix C4: OoS Correspondence).</p>
2.	<p>This office has evaluated the Draft Scoping Report and the comments are as follows.</p> <ul style="list-style-type: none"> • The applicant must take note that any development within 500m from the boundary of any wetland requires to be authorised according to the Department's regulation. The authorisation must be obtained prior commencement of the project. • Any activity which is located within 100m of the water resource needs to be authorised by the Department. The authorisation must be obtained prior commencement of the project. • The applicant must clearly state where water for this project will be obtained from and for which stages of the project will it be used. The volumes of water to used must be stated. • Soil and stormwater management must be put in place through all stages of the project. • All sections of the National Environmental Act: Waste Act (Act 59 of 2008) pertaining to the disposal of waste must be adhered to. • All fuel and lubricants must be stored in sealed containers at least 100m from the nearest water course and all reasonable precautions must be taken to prevent any possible pollution. 	<p>Letter: 20 September 2022</p>	<p>The comment has been noted, where applicable the applicant will proceed with obtaining a water use license or general authorization from DWS for any infringement within regulated areas.</p> <p>Water for construction purposes will be sourced from the Joel mining facility, elements such as dust suppression will fall within the scope. More information will be made included within the Environmental Management Programme (EMPr), which will be included as part of the EIAR.</p> <p>A comprehensive storm water management will be included within the Environmental Management Programme (EMPr), which will be included as part of the EIAR.</p> <p>The recommendations will be included within the Environmental Management Programme (EMPr), which will be included as part of the EIAR.</p>

APPENDIX 1

DWS Free State: Comments submitted on previous application.

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> <li data-bbox="212 289 978 378">• Sanitary conveniences which causes or is likely to cause pollution of a water resource should not be located within the 1:50 year flood line or 100m of any watercourse or borehole. <li data-bbox="212 386 978 711">• The applicant shall further note that in terms of Section 19(1) of the National Water Act: Act 36 of 1998 it is stated that: <i>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 is or was performed or undertaken, or (b) any other situation exists, which causes, has caused or likely to cause pollution to a water resource must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring</i>". Therefore, any pollution incident(s) originating from this project shall be reported to Department of Water Sanitation: Free State Operations within 24 hours. <li data-bbox="212 719 978 816">• All the commitments stipulated in the various parts of this report must be adhered to and any deviations must be reported to this Department. <li data-bbox="212 824 978 878">• Further comments, if any, will be provided during the Environmental Impact Assessment process. 		<p data-bbox="1304 719 1997 816">All processes as stated in the Scoping Report, and in the event any water uses as defined in Section 21 of the Water Act will be adhered to as per the legislation.</p> <p data-bbox="1304 824 1997 878">Comment acknowledged. The Department will be provided the opportunity to review and comment on the EIAR.</p>