

APPENDIX C8
COMMENTS & RESPONSES REPORT



HIGHVELD SOLAR PHOTOVOLTAIC FACILITY, NORTH WEST PROVINCE

(DFFE Ref. No.: 14/12/16/3/3/1/2671)

COMMENTS AND RESPONSES REPORT

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The Highveld Solar Photovoltaic (PV) Facility application for Environmental Authorisation was initiated on Tuesday, 01 November 2022. The Background Information Document (BID) Letter served to invite Interested and Affected Parties (I&APs) to register their interest in the project and to submit any comments / queries regarding the proposed project. All written comments received from the initiation of the Basic Assessment Process have been included in this Comments and Responses Report (C&RR) and included in **Appendix C8** of the Final Basic Assessment (BA) Report.

The BA Report has been made available for a 30-day review and comment period from **11 November 2022** to **12 December 2022** and all comments received during the review and comment period are included in **Appendix C7** of the Final BA Report, and the C&RR has been updated with the comments received.

The C&RR is attached as a separate document to the final BA Report as **Appendix C8**.

NOTE:

All comments captured in the C&RR are verbatim and have not been summarised. Notes for the Record of all meetings held are included in **Appendix C6** and are not repeated here.

NOTE:

In terms of Regulation 44(1) of the EIA Regulations 2014, as amended, please note that the comments raised and responses provided at the various virtual Meetings held during the 30-day review period of the Scoping Report are attached as **Appendix C7** of the final Scoping Report.

LIST OF ABBREVIATIONS / ACRONYMS

AMP	Archaeology, Palaeontology and Meteorites Unit	HIA	Heritage Impact Assessment
BAR	Basic Assessment Report	ICASA	Independent Communications Authority of South Africa
BGG	Burial Grounds and Graves	NEMA	National Environmental Management Act
BID	Background Information Document	NHRA	National Heritage Resources Act
CBA	Critical Biodiversity Area	NW	North West
DWS	Department of Water and Sanitation	PPP	Public Participation Process
DFFE	Department of Forestry, Fisheries and the Environment	SAHRA	South African Heritage Resources Agency
EMPr	Environmental Management Programme	SAHRIS	South African Heritage Resources Information System
EIA	Environmental Impact Assessment	TOPS	Threatened or Protected Species

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

1.1. Organs of State

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>Transnet Pipelines, a division of Transnet SOC Limited, has no objection in principle to the proposed Highveld Solar PV Facility and associated grid connection infrastructure crossing the Ø219, 1mm pipeline servitude across R502 Main Road east of Khuma Township in Stilfontein, North West Province as indicated on your Stilfontein Locality and Project/Site Layout Plans, subject to compliance with our standard crossing conditions and requirements (attached). Safety protocols shall be observed during the execution of the work.</p> <p>This authority is valid for forty-eight (48) months from the date of this letter. If this proposal has not been performed within the specified period, an extension of time must be requested 2 months before the validity period expires.</p> <p>CONDITIONS</p> <p>Prior to commencement of the work it is required that a representative of Transnet Pipelines be present to indicate the position of the pipeline(s) and to undertake any work on Transnet's pipeline(s) that may be necessary. In this connection our Servitude Supervisor, Mr Vusani Ramathikhithi must be contacted at (011) 978 2687 or 083 791 1644/067 809 3850 least 14 days before the date on which you wish to commence the work in the vicinity of the pipeline. Arrangements will also be made to visit the site periodically whilst the work is in progress.</p> <p>Should the work be undertaken without Transnet Pipelines' representative being contacted as mentioned above, Transnet Pipelines reserves the right to request that you expose the</p>	<p>Thami Hadebe Servitude Manager Transnet Pipelines Ref.No.: PYPAA/1/07/05/24/44657</p> <p>Letter: 23 November 2022</p>	<p>It is acknowledged that Transnet SOC Limited has no objection in principle to the proposed Highveld Solar PV Facility and associated grid connection infrastructure crossing the Ø219, 1mm pipeline servitude across R502 Main Road east of Khuma Township in Stilfontein. The details as contained in the correspondence have been provided to the Applicant for further action, as may be required.</p>

	<p>pipeline/s at your cost in order that an examination can be made for possible damage.</p> <p>The attached standard crossing conditions and requirements for overhead cables and underground cables must be complied with.</p> <p>An Excavation Permit shall be issued by Transnet Pipelines' Servitude Supervisor to the competent person of the applicant's Contractor, should excavation work be required within or in close proximity of Transnet Pipelines' servitudes.</p> <p>Heavy plant or mechanical driven equipment (for example, excavator) shall not be used in the pipeline servitudes. All excavations must be done by hand. Hand-held compactors shall be used in the servitude area. Heavy tonnage mechanical driven equipment shall not be used in the servitude to prevent point loading on the pipeline.</p> <p>It is imperative that our representative must be contacted before work commencement to determine our pipeline levels and also assist you with our pipeline related information. It is also important that our representative must witness and approve all the crossings/works. Please be informed that in the event of damage of our pipeline/s, repair costs will be to your account.</p> <p>On completion of the work you are required to return a copy of this letter to our office, duly endorsed and signed by your site representative as well as Transnet Pipelines' representative that e work was satisfactorily completed and conditions adhered to.</p>		
<p>2.</p>	<p>Your communication dated 11 November 2022 has reference. This consent is issued in terms of the Advertising on Roads and Ribbon Development Act No 21 of 1940 and Roads Ordinance No 22 of 1957 as amended.</p> <p>There is no objection to the proposed development, subject to the strict adherence of the attached Specific and Special Conditions and should form part of the proposed planning/ development,</p>	<p>KA Sitase NW Department of Public Works & Roads Transport Infrastructure Ref.No.: R32_11-1-1-3-1_SE3330-Highveld Solar PV</p>	<p>It is acknowledged that NW Department of Public Works & Roads: Transport Infrastructure have raised no objection to the proposed development. The details as contained in the correspondence have been provided to the Applicant for further action, as may be required.</p>

	<p>also that the conditions/requirements listed below are imposed and met in all respects by the applicant:</p> <p>NOTE: A written confirmation of acceptance of the attached conditions is required. In the event of not receiving a written acceptance of conditions, the approval is withdrawn and this approval is cancelled.</p> <p>Document: Specific and Special Conditions; General: Propose Access and General Conditions for proposed Development attached to letter and available in Appendix C7: Comments Received</p>	<p>Letter: 01 December 2022</p>	
<p>3.</p>	<ul style="list-style-type: none"> • It is noted that the Highveld Solar PV Facility will have a contracted capacity of up to 240MW and is to be constructed over an area of approximately 433ha in extent. • It has been indicated that 150 ML and 300 ML volumes of water will be required for the construction and operation respectively. The water will be used for washing of equipment, earthworks/dust suppression and civil works, and it will be sourced from a registered water service provider (municipality). However, in a meeting that we had on 29/11/22 it was mentioned that getting water from the municipality is not yet finalised, another option may be to get water from boreholes. • The applicant should consult with DWS with regards to water use authorization and relevant registration of water uses for any water that will be obtained from the water resources. Water resources refers to water bodies such as rivers, streams, wetlands, estuaries and groundwater. • Since the development area is within a farm; authorization that may already be in place on the property for purposes of irrigation does not necessarily apply to water usage for construction and operation of a solar facility. 	<p>Z Mathiso DWS</p> <p>Letter: 09 December 2022</p>	<p>The comment has been noted, where applicable the applicant will consult with DWS and proceed with an application for a water use license for any water uses.</p> <p>The recommendations are included within Sections 5.2 and 5.7 of the final BA Report and the Environmental Management Programme (EMPr) (Appendix J) for the project.</p>

<ul style="list-style-type: none"> The applicant is requested to note that the following activities are defined as water uses in terms of Section 21 of the National Water Act, 1998: <ul style="list-style-type: none"> (a) taking water from a resource; (b) storing water; (c) impeding or diverting the flow of water in a watercourse; (t) discharging waste or water containing into a water resource through a pipe, canal, sewer, sea outfall or other conduit; (g) disposing of waste in a manner which may detrimentally impact on a water resource; (i) altering the bed, banks, course or characteristics of a watercourse; (j) removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people. 		<p>The responsibility and requirement relating to the requirements of the National Water Act have been detailed, as required in the final BA Report and EMPr. The need to comply with the requirements of the NWA has been communicated to the Applicant.</p>
<ul style="list-style-type: none"> The applicant should apply for section 21(c) and (i) water use authorization because the proposed development of an access road is within a wetland as outlined on page 37 (figure 5-1 of the volume 1 report document). 		
<ul style="list-style-type: none"> The applicant should also apply for section 21 (g) water use authorisation for the storage of contaminated water that will be collected, stored and either treated or disposed off-site. 		
<ul style="list-style-type: none"> Water uses may be generally authorized or a full Water Use License Application may be required. 		
<ul style="list-style-type: none"> It is noted that the applicant will ensure water used in any process of the project is recycled as far as practicable, to promote water conservation. 		<p>The recommendations are included within the Environmental Management Programme (EMPr) (Appendix J) for the project.</p>

<ul style="list-style-type: none"> • It is noted that the applicant will ensure that water quality tests are undertaken prior to the discharge of the natural stormwater runoff (and/or any other water) into the resource, to verify that the water is not polluted and does not pollute the watercourse. • With regards to the portable toilets and other hazardous chemical substances on the site: Sanitary facilities, domestic waste and deposits of any substance which causes or is likely to cause pollution of a water resource should not be located within the 1:50 year flood-line of any watercourse or estuary. • All waste on the site should be managed in accordance with the National Environmental Management: Waste Act 2008. • Every mitigation measure proposed in the different sections of the report must be implemented, and any deviations must be reported to DWS. Furthermore, no water use should commence without any/necessary authorisation. 		<p>Objectives 12 and 13 of Appendix J – Facility EMPR includes appropriate measures for the handling, management and storage of waste. This requirement has been expanded to ensure that these conditions are also contained in the waste management plan to be developed by the contractor prior to commencement of construction.</p>
<p>In conclusion it is recommend that the applicant should, at all times, take note of the pollution control provisions of the Section 19 (1) of the National Water Act 1998, which states that:</p> <p><i>19 (1) An owner of land, a person in control of land or a person who occupies or uses the land on which —</i></p> <p><i>(a) any activity or process is or performed or undertaken;</i></p> <p><i>or</i></p> <p><i>(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.</i></p>		<p>Comment acknowledged and all deviations from current mitigation measures will be reported to DWS. The applicant notes the requirement to wait for necessary authorisations prior to commencement of the project.</p>
<p>The applicant is requested to inform the DWS of any incidents that are likely to have a pollution impact on water resources in relation to the proposed activity, within 24 hours of the occurrence of such incidents</p>		<p>The responsibility and requirement relating to the requirements of the National Water Act have been detailed, as required in the final BA Report and EMPr. The need to comply with the requirements of the NWA has been communicated to the Applicant.</p>

<p>4.</p>	<p>The SAHRA's APM Unit has received the draft BAR as part of the Environmental Authorisation process, attached to the BAR are heritage specialist studies. SAHRA supports the recommendation made in the reports by respective specialists and has no objections to the project.</p> <p>SAHRA inserts the following comments 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 BAR 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 expansion; • 38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development; • 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 (Elijah Katsetse/Phillip Hine 021 462 4502) 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; • 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Ngqalabutho 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; 	<p>Elijah Dumisani Katsetse Heritage Officer and Phillip Hine Manager: Archaeology, Palaeontology and Meteorites Unit SAHRA</p> <p>Letter: 12 December 2022</p>	<p>It is noted that the SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the development of Highveld Solar PV Facility.</p> <p>It is noted that the SAHRA support the recommendations of specialists, and that no further additional specific conditions are provided for the development. The current footprint has been designed to avoid all heritage sites.</p> <p>The recommendation made by SAHRA has been included in the EMPr (Appendix J of the final BA Report).</p> <p>The recommendation made by SAHRA has been included in the EMPr (Appendix J of the final BA Report).</p>
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	<ul style="list-style-type: none"> • 38(4)d – See section 51(1) of the NHRA • 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; • The Final BAR 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. 		<p>Section 51(1) of the NHRA regarding offences is noted. No further response is required.</p> <p>The conditions with regards to the appointment of specialist is noted and has been included in the EMPr (Appendix J of the final BA Report).</p> <p>The final BA Report and EMPr will be uploaded onto SAHRIS CaseID 20104.</p> <p>Once the EA has been issued, the EA will be uploaded onto SAHRIS CaseID 20104.</p>
<p>5.</p>	<p>This letter serves to inform you that the following information must be included to the final BAR:</p> <p><u>Application Form</u></p> <ol style="list-style-type: none"> 1. In section 1 of the application form, the reason that this Department is the Competent Authority must refer to Highveld Solar PV Facility as the proposed development being applied for. 2. Activity 23 of Listing Notice 3 (as amended) is included in the application form but not in the draft BAR. The listed activities represented in the BAR and the application form must be the same and correct. 3. Written landowner consent for Portion 10 and Portion 11 of Farm Rietfontein 388 has not been provided and must be included in Appendix 3 of the application form. 	<p>Bathandwa Ncube Case Officer DFFE</p> <p>Letter: 13 December 2022</p>	<p>The amended application form will be submitted along with the final BA Report. The correction has been made in section 1 of the application form.</p> <p>The listed activities included in the BAR and the application form are the same and correct. Activity 23 of Listing Notice 3 (as amended) has been excluded from both the amended application form as well as the final BA Report.</p> <p>The written landowner consent for Portion 10 and Portion 79 (Portion 11 has changed to Portion 79 as per the updated Surveyor General</p>

			<p>Cadastral dataset) is included in Appendix 3 of the updated application form submitted with the final BA Report. The Application and the BAR are updated to reflect Portion 79 is the correct portion for this Application of Environmental Authorisation.</p>
	<p>4. If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted.</p>		<p>An amended application form is submitted with the final BA Report.</p>
	<p>5. It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property falls within geographically designated areas in terms of the Listing Notice 3 activity(ies).</p>		<p>All relevant authorities have been continuously involved throughout the BA process. Comments and/or proof of consultation are included in the final BA Report.</p> <p>A map indicating the development area within the respective geographical areas has been included as Figure 1.1 and Appendix L of the final BA Report.</p>
	<p>Specialist Assessments</p> <p>6. The Heritage Impact Assessment (HIA) must be submitted to the South African Heritage Resources Agency (SAHRA) for comments, via the South African Heritage Resources Information System (SAHRIS). These comments must be addressed and incorporated in the final BAR.</p>		<p>The HIA has been uploaded onto SAHRIS as CaseID 20104 was allocated to the report. Comments received from SAHRA are included in this C&RR under number 4 above, and are address in the BAR and EMPr, as required.</p>
	<p>7. Should the comments from SAHRA (or any other MAP) propose significant changes or new information to be added to the BAR (or EMPr), you are advised to refer to Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended.</p>		<p>The recommendations made by SAHRA has been included in the EMPr (Appendix J of the final BA Report).</p>
	<p>8. You are requested to submit copies of original signed Specialist Declaration of Interest forms (completed in full) for the following specialist studies conducted:</p> <ol style="list-style-type: none"> i. Avifauna Baseline and Impact Assessment Report dated October 2022, prepared by Pachnoda Consulting CC; and the 		<p>Copies of original signed Specialist Declaration of Interest forms (completed in full) are included as Appendix N to the final BA Report. This includes:</p> <ul style="list-style-type: none"> • Avifauna Baseline and Impact Assessment Report dated October 2022, prepared by Pachnoda Consulting CC; and the • Social Impact Assessment dated September 2022, prepared by Eco Thunder Consulting.

	<p>ii. Social Impact Assessment dated September 2022, prepared by Eco Thunder Consulting.</p> <p>9. The Specialist Declaration of Interest form attached as Appendix 1 of the Agricultural Impact Assessment dated November 2022, must be signed by a Commissioner of Oaths.</p> <p>10. All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.</p> <p>11. Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.</p> <p>Public Participation Process</p> <p>12. Comments must be obtained from this Department's Biodiversity Conservation Directorate. Further to that, these comments must be addressed and incorporated in the final Basic Assessment Report. The contact details are as follows:</p> <p>i. Biodiversity Conservation Directorate Attention: Mr. Seoka Lekota Email: BCAdmin@dfre.gov.za</p> <p>13. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.</p>		<p>The Specialist Declaration of Interest form attached as Appendix 1 of the Agricultural Impact Assessment dated November 2022 is signed by a Commissioner of Oaths and is included as Appendix F of the final BA Report.</p> <p>All specialist studies are final, and provide detailed/practical mitigation measures for the preferred alternative of the Highveld Solar PV Facility and recommendations, and do not recommend further studies to be completed post-EA.</p> <p>The appointed specialists do not specify contradicting recommendations.</p> <p>Comments received from the DFFE: Biodiversity Conservation Directorate are captured below in number 6 of this C&RR and included in Appendix C7: Comments Received of the final BA Report.</p> <p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended (GNR 326) as follows:</p> <p>» Site notices were placed on the boundaries of the development site on 22 September 2022 (refer to Appendix C2: Site Notices & Newspaper Advertisements of the final BA Report).</p>
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		<ul style="list-style-type: none"> » Process notices were placed on the community notice board at the OK Foods Stilfontein Shopping Centre on 22 September 2022 (refer to Appendix C2: Site Notices & Newspaper Advertisements of the final BA Report). » The Background Information Document (BID), accompanied by a cover letter and a registration and comment form was submitted via email to those I&APs identified and the relevant organs of state on 01 November 2022 (refer to Appendix C4: Organs of State Correspondence and Appendix C5: Stakeholder Correspondence of the final BA Report.) » An advertisement announcing the BA process and availability of the BA Report for review and comment was placed in the Klerksdorp Record on 11 November 2022 (word text as submitted to the newspaper and tearsheet are in Appendix C2: Site Notices & Newspaper Advertisements of the final BA Report) » The availability of the BA Report for review and comment was announced by a notification letter sent to all registered I&APs and organs of state on the project database on 11 November 2022 (refer to Appendix C4: Organs of State Correspondence and Appendix C5: Stakeholder Correspondence of the final BA Report.) » A reminder e-mail notifying the registered I&APs and Organs of State that the review and comment period is ending soon was e-mailed on 06 December 2022. <p>A meeting was held with various stakeholder groups on 29 November 2022, and notes of the meeting is included in Appendix C6: Minutes of Meetings of the final BA Report.</p> <p>The BA Report was made available for download on 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 (refer to Appendix C4: Organs of State Correspondence and Appendix C5: Stakeholder Correspondence of the final BA Report.)</p>
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	<p>14. Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered Interested and Affected Parties (I&APs) and organs of state, as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR.</p>		<p>All comments received from registered I&APs and organs of state which have jurisdiction in respect of the application during the commencement of the BA process and those received on the BA Report that was made available for a 30-day review and comment period have been included within this Comments and Responses Report, and have been responded to, as required.</p>
	<p>15. Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR.</p>		<p>Copies of all written comments received from registered I&APs and organs of state are included in Appendix C7: Comments Received of the final BA Report.</p>
	<p>16. Proof of correspondence with the various stakeholders must be included in the final BAR. This must indicate that this draft BAR has been subjected to 30 days public participation process, stating the start and end date of the PPP.</p>		<p>Proof of correspondence with organs of state, which include the review and comment period of the BA Report (11 November 2022 to 12 December 2022) and proof of attempts to obtain comments are included in Appendix C4: Organs of State Correspondence of the final BA Report.</p> <p>The PPP for this application started on 01 November 2022 with the distribution of the BID.</p>
	<p>17. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.</p>		<p>Proof of attempts made to obtain written comments on the BA Report are included in Appendix C4: Organs of State Correspondence and Appendix C5: Stakeholder Correspondence of the final BA Report.</p>
	<p>18. All issues raised and comments received during the circulation of the draft BAR from I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).</p>		<p>All issues raised and comments received from registered I&APs and organs of state which have jurisdiction in respect of the application during the commencement of the BA process and those received on the BA Report that was made available for a 30-day review and comment period (11 November 2022 to 12 December 2022) have been included within this Comments and Responses Report, and have been responded to, as required</p>

<p>19. The CRR 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.</p>	<p>It can be confirmed that the C&RR is included as a separate document to the final BA Report as Appendix C8: Comments and Responses Report, and in the applicable table format.</p>
<p>20. Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.</p>	<p>Comments received from I&APs have not been split or arranged into categories in the C&RR and have been captured according to date received. Responses were provided individually, as applicable.</p>
<p>21. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to an I&AP's comments.</p>	<p>All comments received from I&APs are captured verbatim and have not been summarised and responded to as applicable. No responses have been provided as "noted".</p>
<p>Environmental Management Programme (EMPr) for Facility</p> <p>22. The EMPr must be developed in terms of Appendix 4 of the EIA Regulations, 2014 as amended.</p>	<p>The facility EMPr comply with Appendix 4 of the EIA Regulations, 2014, as amended and has been included in the final BA Report.</p>
<p>23. The decommissioning chapter of the EMPr for the facility must contain information relating to the handling, repurposing or disposal of dysfunctional, severely damaged batteries, module and containers.</p>	<p>High-level waste management information is included in the decommissioning chapter of the facility EMPr. The EMPr will be updated prior to the commencement of the decommissioning phase of the Highveld Solar PV Facility. A Waste Management Plan is included as Appendix 10 to the facility EMPr.</p>
<p>24. The EMPr must distinguish between impact management actions and impact management outcomes.</p>	<p>The EMPr clearly distinguishes between impact management actions and impact management outcomes.</p>
<p>25. The EMPr must include all recommendations and mitigation measures recorded in the BAR and specialist studies conducted.</p>	<p>The facility EMPr is included as Appendix J to the final BA Report. The facility EMPr has been compiled in accordance with Appendix 4 of the EIA Regulations, 2014, as amended, and includes all mitigation measures specified in the final BA Report and specialist reports.</p>

<p>26. The EMPr must include the Chance Find Protocol, included in the Heritage Impact Assessment.</p>		<p>The Chance Find Protocol is included as Appendix 12 to the Facility EMPr (Appendix J of the final BA Report).</p>
<p>Generic Environmental Management Programme (EMPr) for Substation</p> <p>27. Part B: Section 2 of the Generic EMPr for the proposed development of the substation must be signed by the applicant and submitted with the final BAR. An unsigned Generic EMPr is regarded as incomplete.</p>		<p>A copy of an originally signed generic substation EMPr are included as Appendix 1 to the Facility EMPr (Appendix J of the final BA Report).</p>
<p>General</p> <p>Please provide coordinates of:</p> <ol style="list-style-type: none"> i. The corner points of the perimeter of the proposed on-site substation area. ii. The bend points for the proposed access road (upgrade). 		<p>Coordinates of the perimeter of the proposed on-site substation area as well as the bend points for the proposed access road (upgrade) are included in Chapter 2 of the final BA Report.</p>
<p>Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.</p>		<p>The Final BA Report includes the period for which the Environmental Authorisation is required (refer to Chapter 9, Section 9.6).</p> <p>The expected date on which the activity will be concluded cannot be provided at this stage of the application. Should this project be selected as a preferred bidder and a PPA concluded, the date will be communicated with the DFFE.</p>
<p>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 -</p> <ol style="list-style-type: none"> (a) a basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and 		<p>The process undertaken for the project complies with the requirements of Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended.</p>

	<p>which reflects the incorporation of comments received, including any comments of the competent authority."</p> <p>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 be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised reports or, EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days".</p> <p>Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p>		<p>No significant changes or new information have been added to the BA Report. Therefore, additional public participation is not required.</p> <p>The final BA Report will be submitted within the prescribed timeframe.</p> <p>The applicant is aware of this requirement.</p>
6.	<p>Based on the information provided in the report, the larger project area mostly overlaps within terrestrial CBA 2 areas, with a small portion overlapping within terrestrial CBA 1 in the west. In addition, the project area overlaps with an aquatic CBA 1 in the central region, and a small portion of an aquatic CBA 1 in the west. The</p>	<p>M Rabothata & K Mathetja Case Officers DFFE: BC</p>	<p>Sensitive habitats are entirely avoided by the optimised development footprint included in the final BA Report (refer to Figure 3 and Figure 9.2.in the final BA Report).</p>

<p>project area overlap with a Critically Endangered classified river and wetland in the far west. These systems are close to collapse and should be protected as far as possible with appropriate buffers and mitigations for close-by developments.</p> <p>It should be highly noted that the Directorate does not support any development within a very highly sensitive area and that will result with significant negative residual impacts after mitigation.</p> <p>Notwithstanding the above, the following recommendations must be considered in the final report:</p> <ul style="list-style-type: none"> • Sensitive habitats in close proximity to the development footprint must be avoided or demarcated as No-Go area (i.e. Riverine areas). • Final walk-through to locate Species of Conservation Concern that can be avoided must be undertaken with a qualified specialist. • Alien Invasive Plant Species Management Plan and Rehabilitation Plan must be developed and submitted as part of the final report to mitigate on habitat degradation due to erosion and alien plant invasion. • Appropriate buffer must be established around medium sensitive habitats (i.e. River). • Stormwater Management Plan must be developed and submitted with the final report to ensure that the integrity of the waterbody is maintained. 	<p>Letter: 15 December 2022</p>	<p></p> <p>A final walk-through survey to locate Species of Conservation Concern will be conducted by a qualified ecologist prior to commencement of construction. This is a pre-construction requirement, and is stated as a recommendation in Section 9.6 of the FBAR and in Section 2.6 of the EMPr.</p> <p>An Alien Invasive Plant Species Management Plan is included as Appendix 5 to the facility EMPr.</p> <p>An appropriate buffer of 500m has been placed around the Kromdraaispruit River and has been avoided entirely by the development footprint (refer to Figure 3 and Figure 9.2. in the final BA Report).</p> <p>A Stormwater Management Plan is included as Appendix 9 to the facility EMPr.</p>
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<ul style="list-style-type: none"> Permit from relevant authorities must be obtained for the removal or disturbance of any TOPs, Red Data listed or provincially protected species. 		<p>A Terrestrial Ecology Impact Assessment has been undertaken as part of the BA process. Ground truthing confirmed 16 Species of Conservation Concern expected to be present within the study area (refer to Appendix D of the final BA Report). These were protected species from a provincial perspective, and one of them are Red List species. A permit from the relevant authorities will be obtained prior to the removal or disturbance of any protected species.</p> <p>During the survey no TOPS species were recorded on site.</p>
<ul style="list-style-type: none"> The final 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>A map showing the layout overlain on the identified environmental sensitivities is included in the final BA Report as Figure 3 and Figure 9.2.</p>
<ul style="list-style-type: none"> The EMPr must include recommendations and mitigation measures recorded in the terrestrial and avifaunal specialist studies. 		<p>The facility EMPr is included as Appendix J to the final BA Report. The facility EMPr has been compiled in accordance with Appendix 4 of the EIA Regulations, 2014, as amended, and includes all mitigation measures specified in the BA Report and specialist reports (including terrestrial and avifaunal specialist studies).</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 final BA Report complies 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>In conclusion, please note that 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>All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA are submitted as requested.</p>

1.2. Stakeholders and Interested and Affected Parties

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>MTN hereby confirms that presently, there would be no foreseeable interference or obstructions to MTN's network caused by the above-mentioned Solar PV facility.</p> <p>MTN has no objection to the construction of the aforementioned facility, subject to the project conforming to the relevant ICASA regulations as it relates to radio frequency emissions.</p>	<p>Tessa Smith Property: Central Region MTN SA</p> <p>Letter: 18 November 2022</p>	<p>It is acknowledged that MTN has no objection to the development, and MTN's confirmation that no foreseeable interference or obstruction to their network would be caused by the proposed Highveld Solar PV facility.</p>
2.	<p>Please will you send me the Afrikaans version of the Highveld PV Solar development, which is not accessible on your website. The contact us functionality is also not working.</p>	<p>Theunis Meyer I&AP</p> <p>E-mail: 22 November 2022</p>	<p>The link to the Afrikaans Background Information Document on Savannah Environmental's website was provided to the I&AP, and the technical constraint on the Savannah Environmental general website was attended to.</p>