

APPENDIX C6:
Comments Received

Comments received during EIAr Review and
Comment period

(Friday, 12 March 2021 until Thursday, 15 April 2021)

Organs of State



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House 473 Steve Biko Road, Arcadia · PRETORIA

DFFE Reference: 14/12/16/3/3/2/2027

Enquiries: Mr Herman Alberts

Telephone: (012) 399 9371 E-mail: HAlberts@henvironment.gov.za

Ms Karen Jodas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Telephone Number: (011) 656 3237
Email Address: karen@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Jodas

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED KOTULO TSATSI ENERGY PV1 FACILITY IN THE NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The draft Environmental Impact Assessment Report (EIAr) dated March 2021 and received by this Department on 12 March 2021, refers.

This Department has the following comments on the abovementioned application:

(a) Listed Activities

- (i) The application form must be amended to include the specific and correct sub listed activity for each listed activity applied for. The amended signed application form must be submitted with the EIAr.
- (ii) Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms.+>
- (iii) The listed activities represented in the EIAr and the application form must be the same and correct.
- (iv) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

(b) Public Participation

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform, the provincial Department of Agriculture, the Provincial Department of Transport, the local and district municipalities, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), the Department of Rural Development and Land Reform (DRDLR), and the Department of Forestry, Fisheries and the Environment: Directorate Biodiversity.

JK

- (ii) Please ensure that all issues raised and comments received during the circulation of the draft EIAr from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAr.
- (iii) Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (iv) A Comments and Response trail report (C&R) must be submitted with the final EIAr. 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 Appendix 1 of this letter. 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 I&AP's comments.
- (v) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- (vi) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.

(c) Alternatives

- (i) Please provide a clear description of each of the preferred alternatives and provide a detailed assessment and motivation on why it is preferred. This must include the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community.

(d) Layout & Sensitivity Maps

- (i) The EIAr must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- (ii) A copy of the final layout map must be submitted with the final EIAr and all available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible and the layout map must indicate the following:
 - a) Positions of the facility and its associated infrastructure;
 - b) Permanent laydown area footprint;
 - c) All supporting onsite infrastructure e.g. roads (existing and proposed);
 - d) Substation(s) and/or transformer(s) sites including their entire footprint;
 - e) Connection routes (including pylon positions) to the distribution/transmission network; and
 - f) All existing infrastructure on the site.
- (iii) Please provide an environmental sensitivity map which indicates the following:
 - a) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
 - b) Buffer areas; and,
 - c) All "no-go" areas.
- (iv) The final EIAr must contain a map combining the final layout map superimposed (overlain) on the environmental sensitivity map.
- (v) The final EIAr must contain a cumulative map which shows neighbouring energy developments and existing grid infrastructure should there be any.

(e) Specialist assessments

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:

- a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations.
 - b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
 - c) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
 - d) Should the specialist definition of 'no-go' area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
 - e) 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.
- (ii) 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 expertise advice.

(f) Cumulative Assessment

- (i) Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:
- (a) Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
 - (b) 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.
 - (c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - (d) A cumulative impact environmental statement on whether the proposed development must proceed.

(g) The Environmental Management Programme (EMPr) must include the following:

- (i) The EMPr must comply with Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.
- (ii) All recommendations and mitigation measures recorded in the EIAR and the specialist studies conducted.
- (iii) The final site layout map.
- (iv) Measures as dictated by the final site layout map and micro-siting.
- (v) An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- (vi) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.
- (vii) An alien invasive management plan to be implemented during construction and operation. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
- (viii) A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site and be implemented prior to commencement of the construction phase.

- (ix) A re-vegetation and habitat rehabilitation plan to be implemented during construction and operation. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- (x) A traffic management plan to ensure that no hazards would result from the increased traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters.
- (xi) A storm water management plan to be implemented during construction and operation. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows.
- (xii) A fire management plan to be implemented during the construction.
- (xiii) An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- (xiv) Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.

General

Please also ensure that the final EIA includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *"The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority -*

(a) an environmental impact assessment report inclusive of any specialist reports, and an EMP, which must 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 EIA or EMP 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 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *"The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority - (b) a notification in writing that the reports, and an EMP, will be submitted within 156 days of acceptance of the scoping report by the competent authority, or where regulation 21(2) applies, within 156 days of receipt of application by the competent authority, as significant changes have been made or significant new information has been added to the environmental impact assessment report or EMP, 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 environmental impact assessment report or EMP will be subjected to another public participation process of at least 30 days"*.

Should you fail to meet any of the timeframes stipulated in Regulation 23 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.

Yours sincerely



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Signed by: Ms Milicent Solomons
Designation: Director: Priority Infrastructure Projects
Date: 13/04/2021 .

cc:	Adriaan Botha	Kotulo Tsatsi Energy (Pty) Ltd	Email: AttieBotha@KotuloTsatsiEnergy.com
	Bryan Fisher	NC DENC	Email: Bfisher@ncpg.gov.za
	Jl Swartz	Hantam Local Municipality	Email: Jiswartz@hantam.gov.za

Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (John Soap)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form

Our Ref:



an agency of the
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Natasha Higgitt
Tel: 021 462 4502
Email: nhiggitt@sahra.org.za
CaseID: 16202

Date: Wednesday March 31, 2021
Page No: 1

Interim Comment

In terms of Section 38(3), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Savannah Environmental (Pty) Ltd

PO Box 148
Sunninghill
2157

The Applicant, Kotulo Tsatsi Energy (Pty) Ltd, is proposing the construction of a photovoltaic (PV) solar energy facility (known as the Kotulo Tsatsi Energy PV1) located on a site located approximately 70km south-west of the town of Kenhardt and 60km northeast of Brandvlei in the Northern Cape Province. The solar energy facility will comprise several arrays of PV panels and associated infrastructure and will have a contracted capacity of up to 200MW. The facility will be located within the farm Portion 3 of Farm Styns Vley 280. The PV facility is planned to be located adjacent to the authorised 100MW Kotulo Tsatsi PV2 facility, and within an area previously authorised for CSP project infrastructure. The project site 1 falls under the Hantam Local Municipality which is part of Namakwa District Municipality. The site is accessible via an existing gravel farm road (known as Soafskolk Road) which provides access to the farm off of the R27 which is located east of the project site. The PV infrastructure assessed in this application is in response to the Applicant's need to change the authorised generation technology for the facility located on the farm Portion 3 of Farm Styns Vley 280. That is, a technology change from the previously authorised CSP project infrastructure to PV project infrastructure. In this regard, the solar PV facility will be connected to the grid via a previously authorised grid connection solution 2, which consists of a collector substation, switching station and a power line to the Eskom Aries Substation located north-east of the project site. Kotulo Tsatsi Energy PV1 is planned to be bid into the Department of Mineral Resources and Energy's (DMRE) Renewable Energy Independent Power Producer Procurement (REIPPP) Programme with the aim of evacuating the generated power into the national grid. This will aid in the diversification and stabilisation of the country's electricity supply with Kotulo Tsatsi Energy PV1 set to inject up to 200MW AC into the national grid. A development envelope of ~847ha was defined through the Scoping evaluation of the site, and has now been assessed for the project which includes the PV infrastructure required to generate 200MW of electricity. The infrastructure to be developed within the development envelope will be known as the development footprint and will have an extent of ~810ha. The infrastructure associated with this PV development includes: » Solar PV array footprint comprising of: PV modules

PROPOSED DEVELOPMENT OF KOTULO TSATSI ENERGY PV 1 NEAR KENHARDT, NORTHERN CAPE

Our Ref:



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Department of Arts and Culture

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Enquiries: Natasha Higgitt
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Email: nhiggitt@sahra.org.za
CaseID: 16202

Date: Wednesday March 31, 2021
Page No: 2

and mounting structures Inverters and transformers Integrated Energy Storage System (IESS) Cabling between the project components Internal access roads » Access roads, internal distribution roads and fencing around the development footprint » Admin block comprising of: Site offices and maintenance buildings, including workshop areas for maintenance and storage. Assembly plant Laydown areas The assessment of the PV facility on the site is to support the technology change from the previously authorised CSP project infrastructure to PV project infrastructure. In this regard, the following previously authorised infrastructure will be retained for use for the planned PV facility, and the associated footprint areas of the following previously authorised infrastructure have not been reassessed in this EIA: » Complete grid connection to Aries Substation: Grid connection via a previously authorised grid connection solution, which consists of internal grid reticulation, a collector substation, switching substation and a power line to the Eskom Aries Substation located north-east of the project site.

Savannah Environmental (Pty) Ltd has been appointed by Kotulo Tsatsi Energy (Pty) Ltd to conduct an Environmental Authorisation (EA) Application for the proposed Kotulo Tsatsi Energy PV 1, Portion 3 of Farm Styns Vley 280, near Kenhardt, Northern Cape Province (DEFF Ref no: 14/12/16/3/3/2/2027).

A draft Environmental Impact Assessment (EIA) Report has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 NEMA Environmental Impact Assessment (EIA) Regulations. It must be noted that SAHRA was not provided an opportunity to provide comments during the Scoping Phase of the EA application. The proposed development will include a solar array of PV modules, inverters and transformers, Integrated Energy Storage System, cabling between the projects components, internal access roads, fencing, admin block comprising of site officers, maintenance buildings, workshop areas, assembly plant and laydown areas. The development will cover 810 ha and will be located adjacent to the authorised 100MW Kotulo Tsatsi PV2 facility, and within an area previously authorised for CSP project infrastructure.

SAHRIS Case ID 8681 has reference (<https://sahris.sahra.org.za/cases/solarreserve-kotulo-tsatsi-concentrated-solar-plant-1>). In a Final Comment issued on the 05/04/2016, SAHRA noted no objections to the proposed development and provided conditions for the development. This is reiterated in a Final Comment issued on the 16/05/2016.

CTS Heritage (Pty) Ltd was appointed to provide heritage specialist input as required by section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

PROPOSED DEVELOPMENT OF KOTULO TSATSI ENERGY PV 1 NEAR KENHARDT, NORTHERN CAPE

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CaseID: 16202

Date: Wednesday March 31, 2021
Page No: 3

Lavin, J. 2021. Heritage Impact Assessment in terms of Section 38(8) of the NHRA for the proposed development of Kotulo Tsatsi Energy PV 1 near Kenhardt, Northern Cape.

The HIA is based off the results of a recent Archaeological Impact Assessment and a previous Palaeontological Impact Assessment (2015).

Lavin, J. 2021. Archaeological Specialist Study In terms of Section 38(8) of the NHRA for a proposed development of Kotulo Tsatsi Energy PV 1, PV3 And PV4 Near Kenhardt, Northern Cape

*Only the results pertaining to PV 1 will be discussed below.

A total of nine heritage resources were identified within PV 1. These include surface scatters of Stone Age lithics, farming infrastructure of negligible heritage significance and two Palaeontological sites of low heritage significance. No other heritage resources were identified. A Chance Finds Procedure and a Chance Fossil Finds Procedure are recommended to be implemented.

Interim Comment

The SAHRA APM unit notes the previous PIA study referenced in the HIA and will accept a letter from the specialist confirming that the results of the previous study are valid for the current activities under application.

SAHRA advises the applicant to extend the EA process in terms of section 23(1)b of the NEMA EIA regulations in order to comply with this comment.

Further comments will be issued upon receipt of the above letter.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

**PROPOSED DEVELOPMENT OF KOTULO TSATSI ENERGY PV 1 NEAR
KENHARDT, NORTHERN CAPE**

Our Ref:



an agency of the
Department of Arts and Culture

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CaseID: 16202

Date: Wednesday March 31, 2021
Page No: 4

Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

Phillip Hine
Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:
Direct URL to case: <https://sahris.sahra.org.za/node/561926>

Savannah Public Process

From: Savannah Public Process
Sent: Monday, March 15, 2021 1:09 AM
To: Wayleave Management Section CR
Cc: Lisa Opperman
Subject: RE: KOTULO TSATSI PV1: Availability of Environmental Impact Assessment Report
Attachments: PV1 Development Area.kml

Tracking:	Recipient	Delivery	Read
	Wayleave Management Section CR		
	Lisa Opperman	Delivered: 3/15/2021 1:10 AM	Read: 3/15/2021 7:21 AM

Dear Chris,

Please find attached as requested.

Kind regards,



t: +27 (0)11 656 3237
f: +27 (0) 86 684 0547

Nicolene Venter
Public Process

e: Publicprocess@savannahsa.com
c: +27 (0)60 978 8396

SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

From: Wayleave Management Section CR <WayleaCR@telkom.co.za>
Sent: Friday, March 12, 2021 10:27 AM
To: Savannah Public Process <publicprocess@savannahsa.com>
Subject: RE: KOTULO TSATSI PV1: Availability of Environmental Impact Assessment Report

Good day

Please provide us with sketches for this project.

Kind regards

Chris Schutte
Mvelaphande Trading
SchutCE5@telkom.co.za
078 741 5862

From: Savannah Public Process [<mailto:publicprocess@savannahsa.com>]
Sent: 11 March 2021 03:28 PM
To: Wayleave Management Section CR <WayleaCR@telkom.co.za>
Subject: KOTULO TSATSI PV1: Availability of Environmental Impact Assessment Report

**KOTULO TSATSI ENERGY PV1 SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR KENHARDT,
NORTHERN CAPE PROVINCE
(DEFF Reference No.: 14/12/16/3/3/2/2027)**

Dear Interested and Affected Party,

Kotulo Tsatsi Energy (Pty) Ltd is proposing the development of the Kotulo Tsatsi Energy PV1 consisting of a 200MW solar photovoltaic (PV) facility and associated infrastructures on Portion 3 of Farm Styns Vley 280, located approximately 70km south-west of Kenhardt in the Hantam Local Municipality, Namakwa District Municipality, Northern Cape Province.

This email serves to inform you, as a registered Interested and Affected Party (I&AP), that the Environmental Impact Assessment Report (EIAR) is available for a 30-day review and comment period from **Friday, 12 March 2021** until **Thursday, 15 April 2021**.

The report is available for downloading from our public participation platform at [click here](#).

The attached notification letter also provides further details regarding the project and availability of the EIAR.

Kind regards,



t: 011 656 3237
f: 086 684 0547

Nicolene Venter
Public Process

e: publicprocess@savannahsa.com
c: +27 (0) 60 978 8396

SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

Savannah Public Process

From: Lizell Stroh <Strohl@caa.co.za>
Sent: Tuesday, April 6, 2021 12:31 PM
To: Savannah Public Process; Nicolene Venter
Cc: Nicolene Venter
Subject: RE: KOTULO TSATSI PV1: Availability of Environmental Impact Assessment Report
Attachments: Site.xls; Pylon Geographic co ordinates.xls

Good day, Please follow the SACAA obstacle application process.

<http://www.caa.co.za/Pages/Obstacles/Urgent-notice.aspx>

- Kindly provide a **.kml (Google Earth) file reflecting the footprint of the proposed development site including the proposed overhead electric power line route that will evacuate the generated power to the national grid.**
- Also indicate the **highest** structure of the project & the Overhead electric power transmission line.

Kind regards



Lizell Stroh
Obstacle Inspector
PANS-OPS Section
Air Navigation Services Department
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Email: Strohl@caa.co.za | www.caa.co.za
Foll us on    



“We spend most of our waking lives at work, so it's important that we do what we love and love what we do.”

Richard Branson

From: Public Process <publicprocess@savannahsa.com>
Sent: Friday, 12 March 2021 04:28
To: nicolene@savannahsa.com
Cc: Nicolene Venter <nicolene@savannahsa.com>
Subject: KOTULO TSATSI PV1: Availability of Environmental Impact Assessment Report

**KOTULO TSATSI ENERGY PV1 SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR KENHARDT,
NORTHERN CAPE PROVINCE
(DEFF Reference No.: 14/12/16/3/3/2/2027)**

Dear Stakeholders,

Kotulo Tsatsi Energy (Pty) Ltd is proposing the development of the Kotulo Tsatsi Energy PV1 consisting of a 200MW solar photovoltaic (PV) facility and associated infrastructures on Portion 3 of Farm Styns Vley 280, located approximately 70km south-west of Kenhardt in the Hantam Local Municipality, Namakwa District Municipality, Northern Cape Province.

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Kind regards,



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SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

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forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, Tel: +27 12 399 9000, Fax: +27 86 625 1042

Reference: Kotulo Tsatsi PV 1

Enquiries: Ms Aulicia Maifo / Ms. Portia Makitla

Telephone: 012 399 9411 **E-mail:** pmakitla@environment.gov.za

Ms Nicolene Venter
Savannah Environmental
P. O. Box 148
SUNNINGHILL
2147

Telephone Number: (+27) 11 656 3237
Email Address: publicprocess@savannahsa.com

PER E-MAIL

Dear Ms. Venter

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT (DEIAR) FOR THE PROPOSED KOTULO TSATSI ENERGY PV 1 SOLAR FACILITY DEVELOPMENT WITHIN PORTION 3 OF THE FARM STYNS VLEY 280, NORTHERN CAPE PROVINCE

The Directorate: Biodiversity Conservation has reviewed and evaluated the aforementioned report.

According to the information provided in the DEIAR, the study area lies entirely within the Bushmanland Basin Shrubland vegetation type which is classified as Least Threatened. The site lies entirely outside of any Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) and does not fall within any National or Provincial Protected Area Expansion Strategy Focus Area (PAES) and as such is not currently considered significant for meeting conservation targets, either at the national level or within the province. Therefore, there are no potential impacts associated with the proposed development that are considered to be of high significance and which cannot be mitigated to an acceptable level.

Notwithstanding the above, the following recommendations must be taken into consideration in the final report:

- An appropriate buffer stipulated by avifauna specialist must be maintained around the identified Martial Eagle nest;
- Erosion management plan and rehabilitation plan must be developed to mitigate on the habitat degradation and consider all phases of the development;
- Vegetation clearing must be limited to the footprint of the proposed development;



Batho pele- putting people first

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT (DEIAR) FOR THE PROPOSED KOTULO TSATSI ENERGY PV 1 SOLAR FACILITY DEVELOPMENT WITHIN PORTION 3 OF THE FARM STYNS VLEY 280, NORTHERN CAPE PROVINCE

- Rehabilitation plan must include the ongoing monitoring and maintenance of the surrounding natural vegetation;
- Alien Invasive Plant (AIP) species Management and Control Plan must be designed and implemented to prevent further loss of floral habitat and diversity as AIPs displace native species and
- The final report must comply with the requirements as outlined in the EIA guideline for renewable energy projects and the Revised Best Practice Guideline for Birds & Wind Energy for assessing and monitoring the impact of wind energy facilities on birds in Southern Africa.

Yours faithfully



Mr Seoka Lekota
Control Biodiversity Officer Grade B: Biodiversity Conservation
Department of Forestry, Fisheries & the Environment
Date: 20/04/2021

Interested and Affected Parties



2021-04-15

REF: KOTULO TSATSI ENERGY: PV 1

Savannah Environmental (Pty) Ltd
Po Box 148
Sunninghill
Gauteng
2157

Attention: Nicolene Venter per e-mail: publicprocess@savannahsa.com and nicolene@savannahsa.com

**COMMENT: EIA REPORT KOTULO TSATSI SOLAR DEVELOPMENT PROJECTS; PV 1:
ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION PROCESS**

PHS Consulting act on behalf of **Mr Basson of Leopont 340 Properties Proprietary Limited t/a Dagab Boerdery** (called Leopont for the purpose of this objection).

The Competent Authority (DEFF) and EAP need to take note of a major change in the environmental context of the application site. As per information received from Francois van der Merwe, a large group of vultures of three species is currently in the Brandvlei area of the Northern Cape. The species are the white-backed vulture (WBV) of which there are at least 100 to 120, the lappet-faced vulture (LFV) (estimated 10 to 15 birds) and Cape vulture (CV) of which single birds only have been seen. The official conservation status of the WBV in South Africa is “critically endangered” and the CV and LFV is “endangered”. Vulture populations of all species have plummeted over the past 40 to 50 years, in some cases by as much as 85% (Botha et al 2017).

The vultures in the Brandvlei area were first noticed towards the end of 2019. The highest number counted together at a single roosting site was 130 in February 2021 near the application area. Vultures forage over large areas and often in smaller groups so an exact number will be difficult to determine. The Brandvlei area is in the grip of a long drought and as a result high mortality amongst livestock and wildlife were the likely drawcard that brought the vultures to the area (Van der Merwe 2021).

Van der Merwe counted 102 vultures at the end of February 2021 on the pylons right in the middle of the Kotulo Tsatsi Solar Reserve, please refer to Figure 1 in this regard. As such the development area proposed for PV1 and the associated infrastructure like transmission lines to the Eskom substation will negatively affect these birds directly.

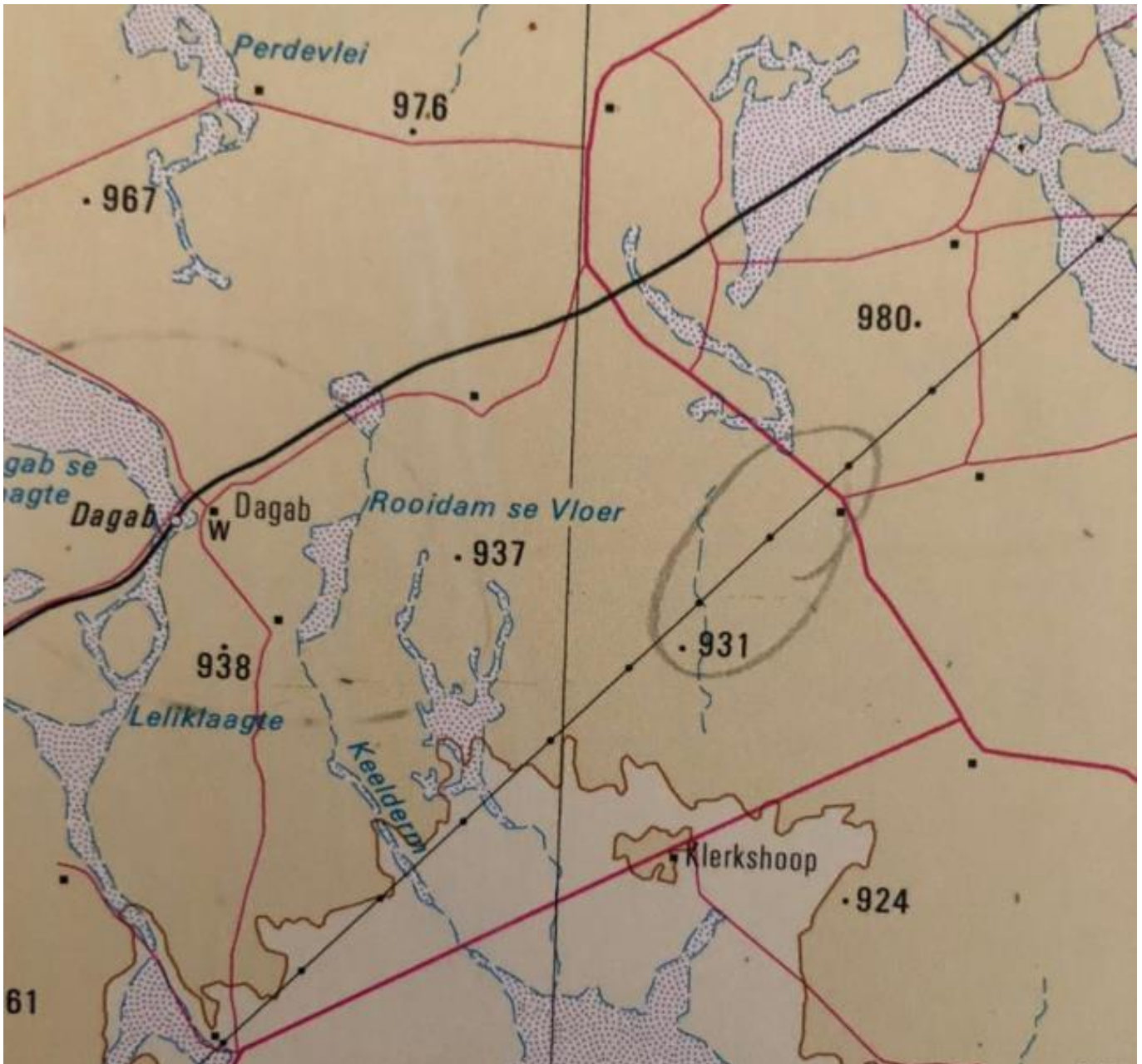


Figure 1: Van der Merwe vulture count of 102 birds on pylons in February 2021; position in circled area.

As per BirdLife SA the critically endangered WBV has declined severely in parts of its range. Overall, it is suspected to have undergone a very rapid decline owing to habitat loss and conversion to agro-pastoral systems, declines in wild ungulate populations, hunting for trade, persecution, collisions and poisoning. These declines are likely to continue into the future. Recently published data suggests these declines are even more serious than previously thought.

As per BirdLife SA the endangered LFV; only a small, very rapidly declining population remains, owing primarily to poisoning and persecution, as well as ecosystem alterations. Recently published data suggests that the population in Africa is declining extremely rapidly, and future population assessments may lead to further uplisting.

As per BirdLife SA the endangered CV population is declining rapidly, however, recent increases in parts of its South African range mean declines are not thought to be sufficiently strong to warrant listing as Critically Endangered. Its small population is likely to continue declining unless ongoing conservation efforts, including public awareness programmes and supplementary feeding, as well as efforts to reduce the threat from powerlines, are successful (Collar and Stuart 1985).

Leopont the owners of a game farm with a hunting lodge have been involved in eco-tourism and conservation in the area for many years. The owners regard the conservation of these vultures of utmost importance and the existence of a Solar Reserve with new transmission infrastructure and approved CSP components will be lethal to these critically endangered and endangered species. These species require protection at all costs.

As such Leopont is in the process of establishing a vulture restaurant. A vulture restaurant is a stationary regularly supplied feeding station for vultures. Instead of vultures having to search for food over a very large area and thus visiting many farms and be subject to many threats including being persecuted, poisoned, colliding with man-made structures such as fences and power lines and drowning in farm reservoirs, a vulture restaurant could keep them relatively safe in a smaller area. All over the world in farming areas vulture restaurants are deemed good for the safety and conservation of vultures (Brink et al 2020). They may also help to mitigate farmer and vulture conflict.

The Leopond farms northwest of Brandvlei in an area where large numbers of vultures have been observed to roost on power line pylons. These pylons are of a design that provide relatively safe roosting sites to vultures. Establishing a vulture restaurant in this area may be an excellent eco-tourism development to keep the vultures safe, well provided and away from other farms where their presence may not be welcome or where they may face various threats.

If this were to be done, it would be important that landowners over a wider surrounding area also be encouraged to keep the area safe for vultures so that a “vulture safe zone” (VSZ) is in effect brought about. At the vulture restaurant, clean and safe drinking water could also be provided for the vultures. This would help further to keep them safe. No man-made infrastructures that create threats to the vultures should then be placed in the general area of the vulture restaurant. A vulture restaurant with an observation hide may attract visitors (birdwatchers, photographers etc) and thus add to the tourism potential of the area. Such facilities are popular amongst visitors elsewhere. (Van der Merwe 2021).

Only the Avi-Faunal Report made some mention of the vultures in the “last minute” but it has not been carried forward into the EIA report. The EIA Report state that no environmental flaws were identified in the various specialist studies but considering the clear late inclusion of the vultures in the Avi-Faunal study without a Regime 3 study attached and clear omission in the EIA report relate to a critical flaw.

Vultures are of particular concern in this case because they have assembled on the overhead power lines directly in line with PV 1 and between CSP 2 & 3 that was previously approved. The Best Practice Guidelines Birds & Solar Energy (2017) are mentioned in the EIA Report and considering that the vultures are critically endangered and endangered species, the scale of the development and the natural area that they have frequented a Regime 3 scenario exist that require data collection, distribution and movement studies over a 12-month period at least.

However the EIA Report confirmed that a Regime 2 classification exist at this site but as per table 6.6 of the EIA Report the development size is larger than 150 ha and considering the critically endangered and endangered vultures that is regarded as highly sensitive a Regime 3 classification is required. The reference under *** state that an area would be considered to be of high avifaunal sensitivity if the following is found in the broader impact zone:

- A population of a priority species that is of regional and national significance (all three species are listed as Globally and National Threatened Species. This category refers to species classified as globally threatened with extinction according to the IUCN criteria for threatened status. See www.iucnredlist.org and www.birdlife.org/datazone/home for a complete and updated list of threatened species. The regular presence of a Critically Endangered or Endangered bird species at a site, irrespective of population size, is regarded as sufficient to propose the site as an Important Bird and Biodiversity Area (IBA). The regular presence of a Vulnerable or Near-Threatened bird species at a site, subject to population size, is also sufficient to propose the site as an IBA)

- A bird movement corridor of regional and national significance (this area has always been identified as an ecological corridor in the Namaqua District Municipal EMF that was later conveniently changed in the past)

Some vultures will go back north to the Kgalagadi and Namibia for the winter to breed other might stay considering the current food source but considering the current drought status and new pattern they will most likely return in the spring of 2021. As such an extended study period is essential for the protection of these species considering that the proposed development and associated infrastructure will be deadly if developed. The Avian specialist confirms on pg that the receiving environment has now changed.

We evaluated the Avian Assessment revised 24 July 2016, 20 January 2021 and 8 March 2021. The vultures arrived end of 2019 and the specialist visited the site in December 2020 whereby it was noticed that the Martial Eagle was found dead poisoned. During his site visit and in his reports executive summary he does not even refer to the presence of the vultures. This explains why the EIA Report does not refer to the vultures either. It's a major omission to say the least and a confirmation of the flaw in the EIA Report because it does not deal with the vultures at all, but rather generic aspects of birds previously observed.

Poisoning on its own is a shocking revelation made in the Avian Assessment and a confirmation that some landowners disregard the importance of eagles in this ecosystem. It happened once and it will happen again especially now with vultures in the area that could easily be misunderstood for their role in the ecosystem considering that droughts will occur more and more due to climate change. It's widely known that landowners are uncomfortable with the presence of the vultures especially farmers who become aware of vultures when they are seen feeding on sheep carcasses even though the vultures are highly unlikely to have caused the death in the first place. If the vultures are not protected in this area poisoning is highly likely. A solution to this is the vulture restaurant at the Leopont game farm to curb poisoning and the rejection of a solar reserve with distribution powerlines of more than 50 km to the Aries substation in the area where the vultures occur. The current large 400 kv OHL as per above does not pose a treat due to design that provide relatively safe roosting sites to vultures, but the private distribution lines from the solar reserve to the Eskom substation is extremely lethal to large birds and vultures alike as underlined in the sections above.

Even tough the Avian Assessment indicate that many days and hours were spend on the site in the past the current occurrence of important birds require more study and attention. Their occurrence is due to climate change and the occurrence of artificial habitat in the form of pylons and water. The author on pg 11 of his report does not even mention the vultures or map the location they were recorded on pg 12. Under point 3 of the Avian Assessment the vultures are still not recognised or mentioned, but a young martial eagle is referred to that was observed in March 2021. Its an indication that birds of prey frequent this area because it's regarded as an avian movement corridor. Under point 4 impact assessment the vultures are not mentioned or assessed. In this impact assessment section, the impact of the private distribution lines are not clearly assessed and we assume it form part of the cumulative impacts. Its clear that the mortality rate is high and if birds of national and international importance occur in an area where new man-made infrastructure are proposed it can only be detrimental to the species, considering the small amount of energy the project will generate.

Only at the end of pg 27 under point 4 vultures are mentioned for the first time briefly, presumably a very late inclusion before the release of the EIA Report to the public and authorities. The different font types and repeat of words and the fact that the vultures were not included throughout the report confirms that it was included at the "last minute". The study is not complete and it does not adhere to the requirement as per NEMA, further study is required within the context of a Regime 3 to resolve the current critical flaw. In the table 7 the author admits that the mortality rate could be higher for vultures but no clarity is provided.

The Avian Assessment point 5 conclusion and reconditions does not even include the vultures as such no vulture information are caried over to the EIA Report. Considering the presence of the vultures in the area since late 2019 and the intent of the development of a vulture restaurant in the study area the Avian specialist report needs to be revised to focus and incl the vultures throughout the study that needs to be bumped up to a Regime 3 as per required. This will mean the EIA Report need to be revised and recirculated to the I&AP's in order to review the findings of the Avian Assessment.

The EIA Report on Pg 139 state that there are no conservation areas or major tourism attractions or resorts present within the study area. The Leopont property is a private conservation concern and eco-tourism farm with potential not recognised in the EIA Report. The fact that the occurrence of the vultures in the area and the intent to establish a vulture restaurant on Leopont property in the study area point towards the strong possibility of declaring an IBA. Such a development has the potential to unlock further conservation and eco-tourism development not assessed or considered in the EIA Report or specialist reports.

The above strengthens the previous Leopont objections and appeals since the initial CSP application regarding the proposed development, construction and operation of a Solar Reserve in this preselected sensitive location. The current DEFF case officer should take note and investigate the application history of this Solar Reserve (larger site) and the previous rejection of the studies by DEA at the time due to a lack of site alternative investigations and the location of to the Namaqua District Municipal ESA (find the previous DEA letter attached under **Appendix 1**).

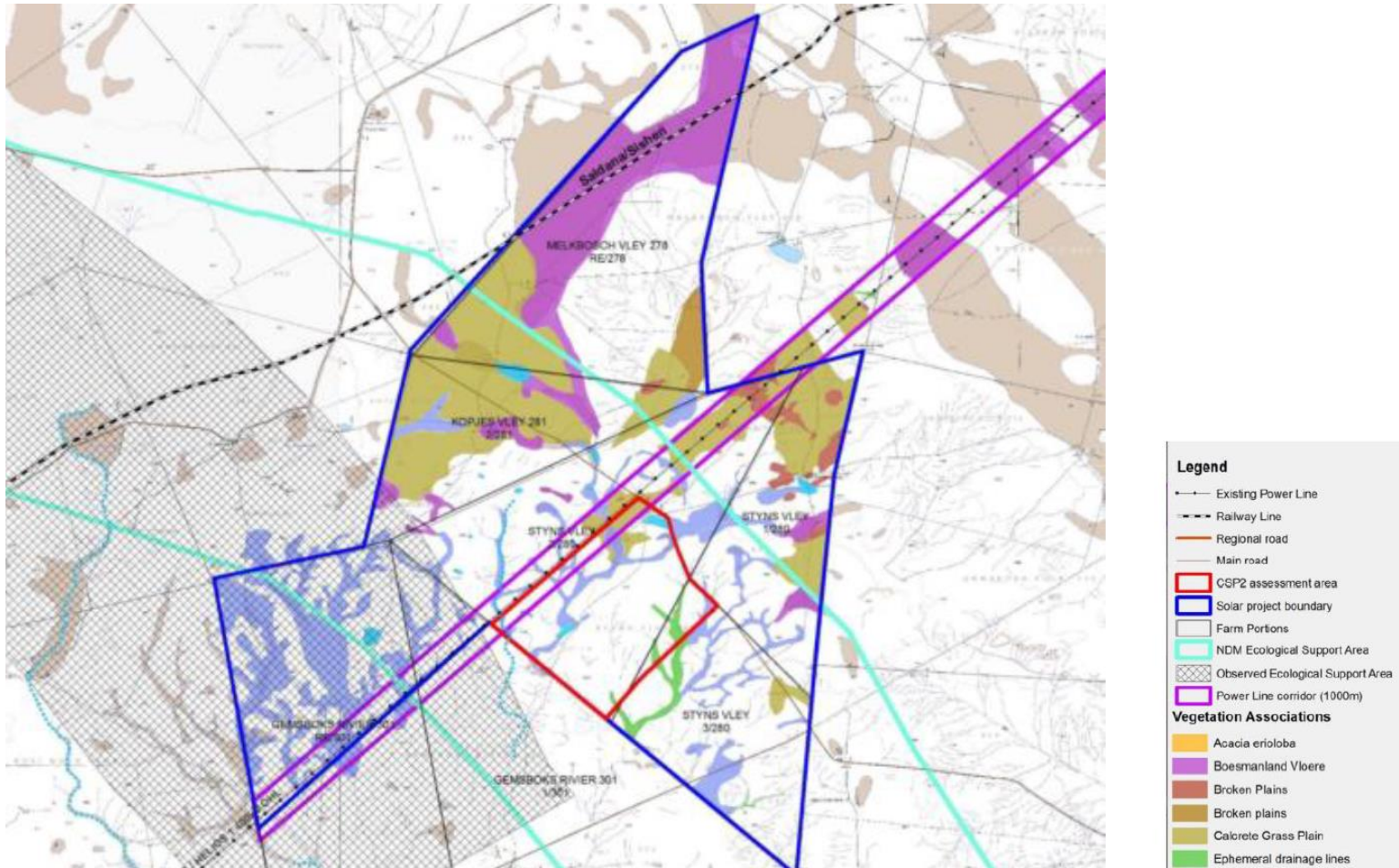


Figure 1: Savannah Source Map ; NDM ESA (macro regional corridor) between turquoise lines and "observed" during the previous EIA as hashed grey.

DEFF should take note how this regional corridor that runs through the middle of the site was initially ignored when the 55 000 ha site was selected for the development of a Solar reserve only to be changed as an observed corridor. Again it emphasis our reasoning that the natural environment did not receive priority in site selection, and the EIA is just an administrative process that the applicant is going through. The consultants at a very late stage became creative through micro analysis and "moved" the ESA south, to conveniently exclude the preferred development footprint from the corridor and to unlocking the potential for further solar farm develop in the Solar reserve area. Now the vultures have been observed right in the middle of this corridor isn't it ironic?

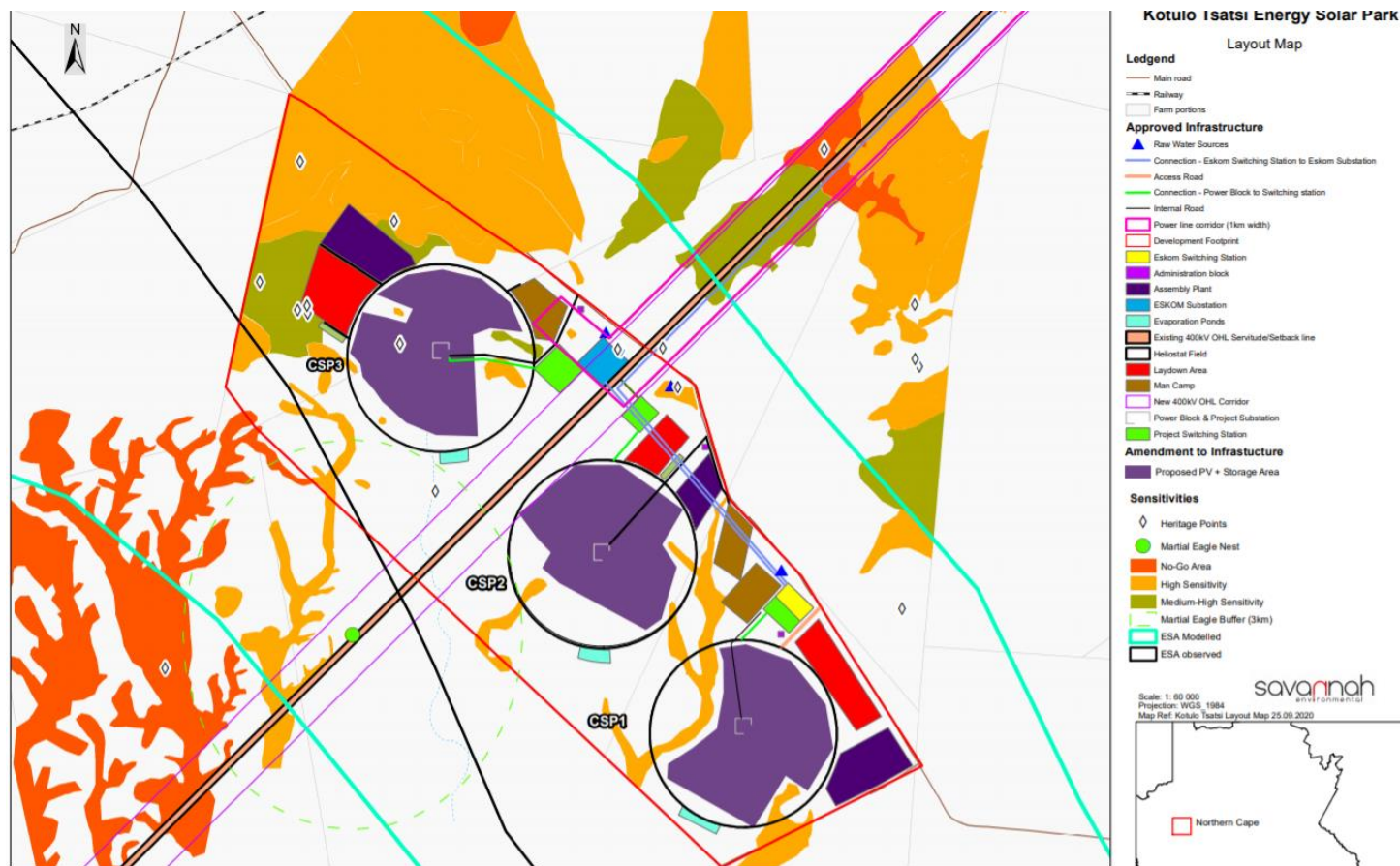


Figure 2: Map Presented by Savannah during the pre-application meeting in Sept 2020, it show the ESA in turquoise, the martial eagle nest is inside this corridor and the pylons between CSP 2 & 3 is where the vultures were observed as per Figure 1.

The EIA for the development of PV 3 and PV 4 in place of CSP 2 and CSP 3 respectively was withdrawn for business reasons. We requested more clarity but none was provided as such we can only speculate why it was withdrawn. With CSP no longer part of the energy mix of the country as indicated in the IRP it can't be developed unless converted to PV. It would appear as if ad-hoc conversions are taking place in the area most likely to be approved (PV1 area) to see if it's worth investing in PV in this location. This site is approx. 50 km from the Aries substation therefore it needs to tap into new overhead lines compared to approved solar development right next to Arries. Notwithstanding that its is stated in table 2.4 that water supply need to be provided via pipelines of 95 km (we thought it was 70 km). We are of the opinion that due to the location of PV 1 and the rest of the development as per Figure 9.1 its not sustainable due to the high cost compared to other solar development 50 km north. Transmission loss over the distance to Arries substation is not assessed in detail begging the question if this development is feasible from a REIPPP point of view.

We have stated numerous times that development of this nature should take place on a less sensitive site. It needs to be in a low sensitivity index area which will be more sustainable. It is a virgin site, with high sensitivity area, next to watercourses (washes), critically endangered birds and it is outside the REDZ zone.

There is no clear section in this EIA that addresses the objectives of the Strategic Environmental Assessment (SEA) for Wind and Solar Photovoltaic Energy in South Africa (CSIR, 2015). The SEA has identified Priority Areas for wind and solar PV energy development. This SEA process was initiated by the Department of Environmental Affairs. A product of the SEA was the identification of Renewable Energy Development Zones (REDZ) for PV and Wind Energy development.

With the previous EIA's for CSP it was noted that the REDZ only apply to PV and not CSP and therefore it was justified to develop CSP outside the REDZ. The CSP approvals were granted for the solar reserve that paved the way for the conversion to PV.

Below is a map extracted from the CSRI & DEA SEA, the red star is the approximate location of the proposed PV1. It is clearly outside of high development potential areas and within an exclusion area.

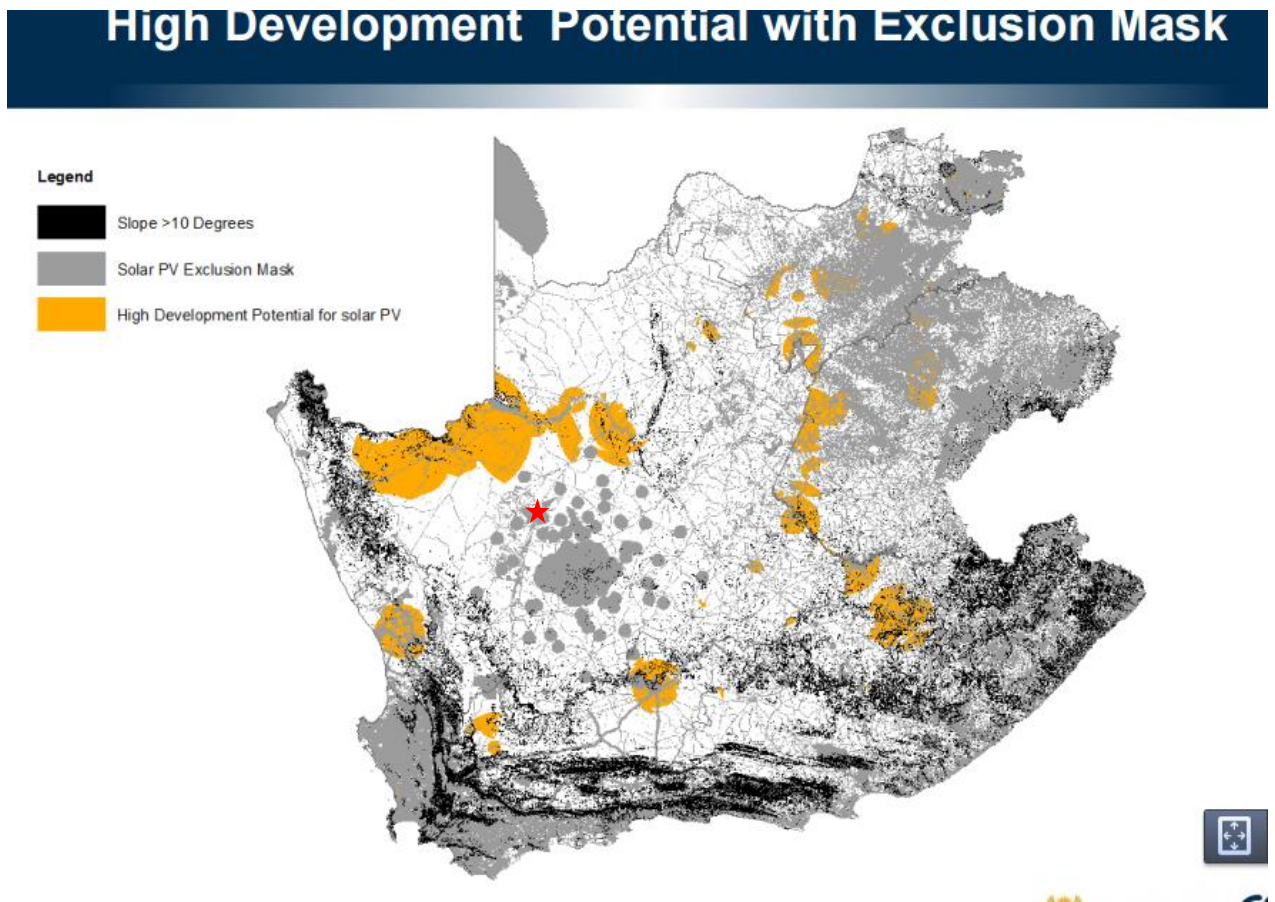


Figure 2: Source - SEA www.csir.co.za & DEA

With reference to **safety and security** in the area many landowners and organisations commented on these potential risks and impacts. The Socio-Economic Specialist recommended a very wide range of mitigating measures. Its good on paper but it essential that it is funded by the developer and implemented in cohesion with a safety forum if the development gets off the ground at all.

The EIA Report contradicts itself its clarity regarding **service infrastructure**. One moment it states that due to the location of the site it is proposed that the project will utilise and develop its own water provision services based on the fact that these services do not reach the project site and the next it refers to a water pipeline of 95 km from Kenhardt. This after we raised a concern that water is a scarce resource it does not seem like it's clear cut where water will come from even after approval of all the CSP components in the past. Without a valid or approved water supply the project is not sustainable and it can't be implemented. Developed areas closer to water, major roads, airstrip and infrastructure seems more suitable for this type of development. The SEA for solar development shows that nodes closer to town centres is preferred, therefore reducing the distance that water needs to be piped and infrastructure like transmission lines be constructed. The water pipeline route was not assessed adequately during previous EIA's. We would like to see written confirmation of the fact that the Municipality will provide water along a very long pipeline (70 or 95 km?)

We've noticed that the DEFF case officer also pointed out the **process issues** wrt to the National Water Act (No. 36 of 1998) (NWA) and that General Authorisation and Water use licence application proof of application. The EAP keeps on referring that this aspect will be addressed once a positive EA has been received and the project selected as Preferred Bidder and that his is line with the requirements of the Department of Human Settlements, Water and Sanitation.

Considering that the report as per point 4 above will develop its own supply ie. groundwater abstraction it is irrational to only address the requirements of the Water Act after the EA. The EA will be flawed if there is no guaranteed or authorised water supply on the site and if the GA or WULA is not feasible or sustainable ito the risk involved.

DEFF (reason for the case officer to also request this) has introduced the One Environmental System to address the issue of a GA or WULA being applied for after an EA is issued because without the certainty that such authorisation is possible an EA can't be executed otherwise a vacuum or expectation is created. We are of the opinion that the GA or WULA process must run concurrent to the EA process as per the norm in the EIA industry. If water supply can't be guaranteed from the Municipality and groundwater abstraction in this water scares region is not feasible or comprehensively tested and if the risk for the watercourse and wetland network is high and the WULA process takes years to complete then the project can't go ahead.

DEFF during the pre-application meeting in September 2020 stated that a new application should be lodged for the conversion of CSP to PV because the scope will change. However, throughout this EIA Report a case is made out that all service infrastructure will remain as per CSP approval like transmission lines, other infrastructure etc, as such it does not need to be assessed. We are of the opinion that PV will require different supporting infrastructure than that of CSP and that the associated infrastructure required assessment as part of the new EIA process especially now with new variables like vultures and the impact of private transmission lines.

In conclusion the EIA Report refer to the 8 key energy planning objectives, and it's clear that the objective of minimising environmental impacts and minimise water consumption is required. Without knowing the impact that the development and the greater Solar Reserve will have on the vultures that has now changed the "playing field" a decision can't be reached because the impacts are not addressed in the Avian Assessment and EIA Report and therefore its unknown at this stage. The occurrence of the vultures and the return of a new martial eagle is no coincidence, the site its clearly part of a larger functional ecological corridor as per initial identification of the site as part of the NDM regional ecological corridor. The EIA Report is flawed without the vultures being studied and one will not know what the impact will be and if it can be mitigated. Further without knowing the facts around water supply and the risk to watercourses without following a process ito the NWA its not possible to gage how the development and solar reserve will minimise water consumption and the risk to water resources. These shortcomings will mean the EIA Report needs to be rejected, revised and recirculated to the I&AP's in order to review the findings of the Avian Assessment and clear detail regarding the service infrastructure and associated infrastructure.

It needs to be monitored by DEFF if all the conditions of the various EA's (off-sets etc.) were adhered to up to date for the greater Solar Reserve in order to gage if the applicant is compliant in general and if it warrants further approvals.

Please acknowledge receipt of this letter.

Kind Regards,



PAUL SLABBERT



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road · PRETORIA
Tel (+ 27 12) 310 3911

DEA Reference: 14/12/16/3/3/2/694

Enquiries: Ms. Mmamohale Kabasa

Telephone: (012) 399 9420 **E-mail:** MKabasa@environment.gov.za

Ms Karen Jodas
Savannah Environmental (Pty) Ltd.
PO Box 148
SUNNINGHILL
2157

Telephone Number: (011) 656 3237
Email Address: karen@savannahsa.com

PER EMAIL / MAIL

Dear Ms Jodas

REJECTION OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED 200MW SOLAR-RESERVE KOTULO TSATSI CONCENTRATED SOLAR POWER FACILITY ON PORTION 2 OF THE FARM STYNS VLEY 280 AND PORTION 2 OF THE FARM KOPJES VLEY 281 NEAR KENHARDT IN THE HANTAM AND KAI! GARIB LOCAL MUNICIPALITIES IN THE NORTHERN CAPE PROVINCE

The Environmental Impact Assessment Report (EIAr) received on 01 June 2015 for the abovementioned activity, which was submitted in terms of the requirement of the Environmental Impact Assessment (EIA) Regulations, 2010 refers.

Following a review of the amended application form received on 07 July 2015 and the EIAr received on 01 June 2015, this Department rejects the EIAr in accordance with Regulation 34(1)(a) of the EIA Regulations, 2010. This Department requests that the EIAr be amended to include the following as a matter of urgency:

- a) The amended EIAr must investigate alternative less sensitive sites, and this must be included in the amended EIAr.
- b) The Namakwa District Municipal Environmental Management Framework (NEMF) locates the preferred location of the proposed development inside the Ecological Support Area (ESA). The ESA has been designated a sensitivity index of C (high). The NEMF acknowledges the need for sustainable energy provision and recommends that energy generation projects must be located outside areas of very high and high sensitivity index. The Northern Cape Department of Environment and Nature Conservation (DENC) in its comments dated 06 May 2015 requested that a research biodiversity offset agreement be in place to remedy the residual negative impacts associated with the proposed development.
- c) This Department requires that the applicant negotiate a biodiversity offset¹ with the DENC and not a research biodiversity offset as stated by the DENC.
- d) The offset agreement referred to above must fit the definition of a protected area in terms of the National Environmental Management: Protected Areas Act, Act No 57 of 2003.
- e) The offset agreement must be submitted to this Department for consideration with the amended EIAr.
- f) This Department requires that Bird and Bat monitoring must be undertaken and provided as part of the amended EIAr.

¹ **Biodiversity offsets** are defined as measurable conservation outcomes resulting from actions to compensate for residual negative impacts on biodiversity. A biodiversity offset must secure and manage the same biodiversity as that residually impacted.

- g) The bird monitoring must be conducted over 12 months.
- h) Whilst it is noted that the EAP stated that the monitoring will be conducted once the project is approved, this Department requires the monitoring to be conducted as part of the EIA process to enable it to make an informed and defensible decision.
- i) The EAP must arrange a site inspection between the Directorate: Strategic Infrastructure Developments, the Sub-directorate: Biodiversity Policy Development Mainstreaming and EIA (both of this Department) and the Department of Environment and Nature Conservation (Northern Cape Province).
- j) The amended EIAR must include all copies of any representations, and comments received in connection with the application or the EIAR from interested and affected parties in accordance with Regulation 31(e) (iii) of the EIA Regulations, 2010.
- k) The amended EIAR must include all copies of the minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants.
- l) The amended EIAR must include all responses made by the EAP to those representations and comments and views raised by registered interested and affected parties.
- m) The Public Participation Process must be in accordance with Regulation 54 to 57 of the GN R543 of EIA Regulations, 2010.
- n) The EIAR must meet the requirements of the acceptance of SR letter, this rejection letter and the requirements of Regulation 31 of the EIA Regulations, 2010.

Copies of the amended EIAR must be circulated to all key stakeholders, Organs of State and registered I&APs for a duration of 30 days for comment. The issues raised by I&APs must be addressed in a table format indicating the issue/concern raised and the EAP's response thereto and must include copies of the I&APs' correspondence as well as a copy of this Department's rejection letter.

The EAP must provide proof that all registered I&APs have been notified of the availability of the amended EIAR. On receipt of the abovementioned information, this Department will reconsider the report in accordance with Regulation 30(1) of the EIA Regulations, 2010.

This Department further advises that according to Regulation 67 of the EIA Regulations, 2010, an application in terms of the EIA Regulations lapses if the applicant after having submitted the application fails for a period of **six (6)** months to comply with a requirement in terms of the EIA Regulations relating to the consideration of the application. As such, the amended EIAR must be submitted to this Department within six (06) months of the date of this correspondence.

Please note that the activities applied for may not commence prior to an Environmental Authorisation being granted by this Department. 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.

Should you have any queries or wish to discuss the points raised above, please do not hesitate to contact the writer.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Mr Coenrad Agenbach

Designation: Deputy Director: Strategic Infrastructure Developments

Date: 23/07/2015

cc	Ms A Botha	Solar-Reserve Kotulo Tsatsi Energy	Email: attie@exheredo.com
	Ms N Ranuhulu	NC DENC	Email: nranuhulu@ncpg.gov.za
	Mr C du Plessis	Hantam Local Municipality	Email: municipalmanager@hantam.gov.za
	Mr A Vosloo	Kai! Garib Local Municipality	Email: voslooa@kaigarib.gov.za
	Ms E Swart	NV DENC	Email: elsabe.dtec@gmail.com

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W www.cellc.co.za

Registration Number: 1999/007722/06

16 March 2021

For attention: Nicolene Venter

Re: Request to Cell C for the Approval / No Objection for the establishment of the Kotulo Tsatsi Solar PV Facility

1. The above matter refers.
2. Cell C has reviewed your request and in consideration of the provisions of Section 29(1) (b) of the Electronic Communications Act no. 36 of 2005 ("**the Act**"). There is no possible impact of the Kotulo Tsatsi Solar PV Facility on the Cell C network and services.
3. From the information provided by yourselves and the Cell C analysis, Cell C does not have any objection with the construction of the proposed power plant as Cell C does not have any infrastructure at the location of the proposed Kotulo Tsatsi Solar PV Facility.
4. Cell C trust you find the above in order.

Yours sincerely,



17 March 2021

Marius Claassen
Executive Head: Networks
Cell C

Savannah Public Process

From: Savannah Public Process
Sent: Monday, March 22, 2021 3:30 PM
To: Sales 2
Subject: RE: IS:KOTULO TSATSI FV1 SONKRAGAANLEG, NOORD KAAP

Beste Karin,

Dankie vir ondergenoemde e-pos. Neem asseblief kennis dat konstruksie en aanverwante aangeleenthede nie deel is van Savannah Environmental se omgewingstudies nie.

Net ter inligting, die projek is nog in die vroeë beplanning stadium is en sou die projek as 'n "preferred bidder" aangewys word, sal die aansoeker met konstruksie kan begin.

Julle e-pos is aangestuur na die aansoeker vir hulle kennisname.

Vriendelike groete



t: +27 (0)11 656 3237
f: +27 (0) 86 684 0547

Nicolene Venter
Public Process

e: Publicprocess@savannahsa.com
c: +27 (0)60 978 8396

SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

From: Sales 2 <sales2@poortbeton.co.za>
Sent: Thursday, March 18, 2021 4:17 PM
To: Savannah Public Process <publicprocess@savannahsa.com>
Subject: IS:KOTULO TSATSI FV1 SONKRAGAANLEG, NOORD KAAP

Goeie dag

Ons neem kennis van die kennisgewings, soos gepubliseer in die Gemsbok van 12/3/2021.
Ons stel belang in die datum wat beplan word om met die skema te begin.

Poort Beton beskik oor mynregte en ons crusher bied verskeie klip en sand produkte.
Poort Beton kan ook Ready Mix Concrete verskaf, en produseer onder andere hul eie stene,plaveistene,randstene en ander concrete produkte.

Kontak ons gerus in hierdie verband.

Groete
Karin

Groete/Regards
Verkope
054 338 6449



P.O. Box 216, Upington 8800 / Posbus 216, Upington 8800, South Africa
8 Tin Street, Upington 8801 / Tinstraat 8, Upington 8801, Suid-Afrika
Tel: +27 (0) 54 338 6449 • Fax / Faks: +27 (0) 54 338 6448 • www.it5.co.za

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2020/11/19

*Me Nicolene Venter & Bestuur
Kotulo Tsatsi Sonkragontwikkeling*

nicolene@savannahsa.com

Geagte Me Venter & Bestuur

KENHARDT: INSTALLERING / OPRIGTING VAN SEKURITEITS KAMERAS

Die oprigting van die sonkragontwikkeling sal beslis heelwat werksgeleenthede skep, en sal 'n groot aanwinst vir ons omgewing wees. Dit kan egter ook 'n toename in misdaad in ons area te weeg bring.

Met verwysing na die sonkragontwikkeling te Kenhardt, rig ons hiermee 'n vriendelike versoek tot u maatskappy vir die installering/oprigting van sekureitskamas in ons area omdat ons bekommerd is oor die toename van die volgende:

- 1) Plaasaanvalle*
- 2) Werkers & hul gesinne wat nie meer op die plase wil woon a.g.v. plaasaanvalle*
- 3) Vergiftiging van honde – sodat kriminele vrylik kan beweeg*
- 4) Diefstal van sonkrag toerusting, (pompe, panele, krag drade, batterye, omsetters, ens.).*
- 5) Veediefstal*
- 6) Diefstal van voertuie*
- 7) Bewing van vreemdelinge in ons area*

Met die huidige voortslepende knellende droogte in ons gebied is dit egter onmoontlik vir ons boere om sodanige sekuriteitskamas op te rig.

Graag wil ons dus 'n vriendelike dog dringende versoek doen tot u goedgunstige oorweging om sodanige sekuriteitskamerastelsel in ons omgewing op te rig, wat terselfdertyd beslis ook u belegging van die sonkrag toerusting en personeel sal beskerm.

Beste wense vir voorspoed & sukses met hierdie groot sonkragontwikkeling in ons omgewing.

Ons verneem graag van u.

Namens al die bekommerde Boere in Kenhardt Distrik.

MICHAEL VAN NIEKERK

Cell : 073 1700 907

Savannah Public Process

From: Savannah Public Process
Sent: Friday, March 12, 2021 5:41 AM
To: 'du Toit,Japie'
Subject: RE: SolarReserve Kotulo Tsatsi CSP I&AP Response

Dear Japie,

Thank you for the confirmation below.

Kind regards,



t: +27 (0)11 656 3237
f: +27 (0) 86 684 0547

Nicolene Venter
Public Process

e: Publicprocess@savannahsa.com
c: +27 (0)60 978 8396

SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

From: du Toit,Japie <Japie.duToit@lifehealthcare.co.za>
Sent: Thursday, March 11, 2021 12:17 PM
To: Savannah Public Process <publicprocess@savannahsa.com>
Subject: RE: SolarReserve Kotulo Tsatsi CSP I&AP Response

Dear Nicolene

The adjustment to the agreement with the developers has now been concluded to my satisfaction and the concerns raised in my mail dated 29 January 2021 further down on this mail, has been addressed as requested.

Kind regards,

Japie du Toit

From: Savannah Public Process [<mailto:publicprocess@savannahsa.com>]
Sent: 11 Mar 2021 6:45 AM
To: du Toit,Japie <Japie.duToit@lifehealthcare.co.za>
Subject: RE: SolarReserve Kotulo Tsatsi CSP I&AP Response

Dear Japie,

Thank you for the information provided below.

Kind regards,



t: +27 (0)11 656 3237
f: +27 (0) 86 684 0547

Nicolene Venter
Public Process

e: Publicprocess@savannahsa.com
c: +27 (0)60 978 8396

From: du Toit,Japie <Japie.duToit@lifehealthcare.co.za>
Sent: Wednesday, March 10, 2021 3:38 PM
To: Savannah Public Process <publicprocess@savannahsa.com>
Subject: RE: SolarReserve Kotulo Tsatsi CSP I&AP Response

Dear Nicolene

Thank you for your mail. I have agreement with Mr Botha on the revised document but we just need the quotes that was the basis of the current agreement. I am trying to source it from him and then we can sign the agreement accordingly.

Kind regards,

Japie

From: Savannah Public Process [<mailto:publicprocess@savannahsa.com>]
Sent: 09 Mar 2021 5:06 PM
To: du Toit,Japie <Japie.duToit@lifehealthcare.co.za>
Subject: RE: SolarReserve Kotulo Tsatsi CSP I&AP Response

Dear Japie,

With reference to your e-mail below, we have been informed by the Applicant, Mr Attie Botha, discussed the matter with you and that it has been resolved.

Please do not hesitate to submit any other comments / concerns regarding the application.

Kind regards,



t: +27 (0)11 656 3237
f: +27 (0) 86 684 0547

Nicolene Venter
Public Process

e: Publicprocess@savannahsa.com
c: +27 (0)60 978 8396

From: du Toit,Japie <Japie.duToit@lifehealthcare.co.za>
Sent: Friday, January 29, 2021 4:07 PM
To: Savannah Public Process <publicprocess@savannahsa.com>
Subject: FW: SolarReserve Kotulo Tsatsi CSP I&AP Response
Importance: High

Dear Nicolene

As discussed telephonically, I was in discussion with the DEA and the developers during 2015 when the first application for the project took place. I subsequently reached a settlement with the developers reflected in a letter and offer they made to me dated 27 November 2015.

In terms of a confidentiality clause in the agreement, I cannot share it with third parties.

13. The parties further agree confidential and shall not save where such disclosure

In essence, the offer is based on the cost of putting certain measures in place to mitigate the risk to my property during construction of the project. I was comfortable with the offer at that stage (2015). My concern at this point is that the offer from the developers, does not make provision for inflation over time. If the project is now postponed beyond the initial period, the amount of the offer will not be adequate to fund the measures described in the offer, due to inflation over a period of more than 5 years.

I therefore request that the offer from the developers be adjusted for inflation from the time when the cost calculations were done to the point when the project starts. Alternatively, new quotations for the same measures agreed should be obtained at that point to adjust the relevant funding.

I am looking forward to a response from the developers.

Kind regards,

Japie

Japie du Toit
Owner Klaasiobsvley farm

From: Leanna Rautenbach [<mailto:Leanna.Rautenbach@solarreserve.com>]
Sent: 28 Aug 2015 4:20 PM
To: du Toit, Japie <Japie.duToit@lifehealthcare.co.za>
Cc: Rienie Burger (Contractor) <Rienie.Burger@solarreserve.com>
Subject: SolarReserve Kotulo Tsatsi CSP I&AP Response
Importance: High

Dear Dr Du Toit

I trust you are keeping well.
Our telephone conversation of this afternoon refers.

A letter of response was issued by SolarReserve Kotulo Tsatsi to you with respect to the meeting held on the 02nd of July 2015 and the letter you sent to Savannah in response to the EIA Report you reviewed.

Please find attached:

- Proof of the letter mailed to you (registered mail – tracking number); and
- an electronic copy of the letter for your perusal.

I would like to request written confirmation of receipt of this email to both us and Savannah Environmental.

We trust you will find this in order.

Best Regards,

Leanna Rautenbach
Director of Development: Africa Region
SOLARRESERVE SOUTH AFRICA

Web: www.solarreserve.com

Tel: +27 11 582 6880 Fax: +27 11 7847549 Cell: +27 79 503 1323 Fax2Email: 086 733 8849

Address:

Office 11C, 11th Floor, SinoSteel Plaza,
159 Rivonia Rd,
Sandton, Gauteng
South Africa,
2196

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Wear a mask. Wash your hands. Adhere to social distancing.
#flattenthecurve #strongertogetherbystayingapart #makinglifebetter
For more information visit www.lifehealthcare.co.za



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From: Leanna Rautenbach [<mailto:Leanna.Rautenbach@solarreserve.com>]

Sent: 28 Aug 2015 4:20 PM

To: du Toit, Japie <Japie.duToit@lifehealthcare.co.za>

Cc: Rienie Burger (Contractor) <Rienie.Burger@solarreserve.com>

Subject: SolarReserve Kotulo Tsatsi CSP I&AP Response

Importance: High

Dear Dr Du Toit

I trust you are keeping well.

Our telephone conversation of this afternoon refers.

A letter of response was issued by SolarReserve Kotulo Tsatsi to you with respect to the meeting held on the 02nd of July 2015 and the letter you sent to Savannah in response to the EIA Report you reviewed.

Please find attached:

- Proof of the letter mailed to you (registered mail – tracking number); and
- an electronic copy of the letter for your perusal.

I would like to request written confirmation of receipt of this email to both us and Savannah Environmental.

We trust you will find this in order.

Best Regards,

Leanna Rautenbach
Director of Development: Africa Region
SOLARRESERVE SOUTH AFRICA

Web: www.solarreserve.com

Tel: +27 11 582 6880 Fax: +27 11 7847549 Cell: +27 79 503 1323 Fax2Email: 086 733 8849

Address:

Office 11C, 11th Floor, SinoSteel Plaza,
159 Rivonia Rd,
Sandton, Gauteng
South Africa,
2196

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Wear a mask. Wash your hands. Adhere to social distancing.
#flattenthecurve #strongertogetherbystayingapart #makinglifebetter
For more information visit www.lifehealthcare.co.za



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From: Savannah Public Process [<mailto:publicprocess@savannahsa.com>]

Sent: 09 Mar 2021 5:06 PM

To: du Toit, Japie <Japie.duToit@lifehealthcare.co.za>

Subject: RE: SolarReserve Kotulo Tsatsi CSP I&AP Response

Dear Japie,

With reference to your e-mail below, we have been informed by the Applicant, Mr Attie Botha, discussed the matter with you and that it has been resolved.

Please do not hesitate to submit any other comments / concerns regarding the application.

Kind regards,

savannah
environmental

t: +27 (0)11 656 3237

f: +27 (0) 86 684 0547

Nicolene Venter
Public Process

e: Publicprocess@savannahsa.com

c: +27 (0)60 978 8396

SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

Key Stakeholders

Savannah Environmental Pty (Ltd)
First Floor, Block 2
5 Woodlands Drive Office Park
Cnr Woodland Dr & Western Service Road
Woodmead
2191

Email: niclene@savannahsa.com

Date: 09 December 2020

To whom it may concern

RE: SARAO'S COMMENTS ON KOTULO TSATSI ENERGY PV1 SCOPING REPORT, NORTHERN CAPE PROVINCE.

SARAO has completed the preliminary risk assessment with regard to the electromagnetic emissions of the for the above mentioned solar PV facilities and its possible impact on the SKA radio telescope.

The proposed project is located about 52km from the nearest SKA Infrastructure Territory and also located inside the Karoo Central Astronomy Advantage Areas 1. As a result, the project represents a **medium to high risk** of interference to the SKA radio telescope. This level of risk, will require that the developer of the facility to determine the anticipated level of radiated electromagnetic emissions in order for SARAO to undertake a compliance assessment.

In the case where the determined radiated emissions exceed the compliance limits and interferes with the SKA radio telescopes, the developer will be required to develop an EMC control plan and implement mitigation measures prior to construction, to ensure that the levels do not produce harmful interference to the SKA radio telescopes.

SARAO does not object to the development of Kotulo Tsatsi Energy PV1, however, commitment to determine radiated emissions, develop EMC control plan and implement mitigation measures must be included in the EMPr.

www.ska.ac.za

The South African Radio Astronomy Observatory (SARAO) is a National Facility managed by the National Research Foundation and incorporates all national radio astronomy telescopes and programmes. SARAO is responsible for implementing the Square Kilometre Array (SKA) in South Africa.

We apologise for late submission and our office remains open to discuss any matter relating to the above.

Regards,



Mr Selaelo Matlhane
Spectrum & Telecommunication Manager
South African Radio Astronomy Observatory (SARAO)
Tel: 011 442 2434
Email: smatlhane@ska.ac.za

Organs of State



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DEFF Reference: 14/12/16/3/3/2/2027

Enquiries: Mr Herman Alberts

Telephone: (012) 399 9371 E-mail: HAlberts@henvironment.gov.za

Ms Karen Jodas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Telephone Number: (011) 656 3237
Email Address: karen@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Jodas

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED KOTULO TSATSI ENERGY PV1 FACILITY IN THE NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated November 2020 and received by the Department on 01 December 2020, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated November 2020 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The final SR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the EIAr:

(a) Listed Activities

- (i) Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.
- (ii) If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted.
- (iii) Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.
- (iv) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

(b) Public Participation

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the Northern Cape Department of Environment & Nature

Conservation (DENC), the provincial Department of Agriculture, the Provincial Department of Transport, the Hantam Local Municipality, the Namakwa District Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), the Department of Rural Development and Land Reform (DRDLR), and the Department of Environment, Forestry and Fisheries: Directorate Biodiversity.

- (ii) Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAR.
- (iii) Proof of correspondence with the various stakeholders must be included in the final EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (iv) A Comments and Response trail report (C&R) must be submitted with the final EIAR. 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 Appendix 1 of this letter. 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 I&APs' comments.
- (v) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- (vi) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.

(c) Layout & Sensitivity Maps

- (i) The EIAR must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- (ii) A copy of the final layout map must be submitted with the final EIAR and all available biodiversity information must be used in the finalisation of the layout map.
- (iii) Existing infrastructure must be used as far as possible and the layout map must indicate the following:
 - All supporting onsite infrastructure;
 - The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
 - Buffer areas; and
 - All "no-go" areas.
- (iv) The final EIAR must include an environmental sensitivity map indicating environmental sensitive areas, buffer areas and features identified during the assessment process.
- (v) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.

(d) Specialist assessments

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
 - A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations.
 - Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
 - Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
 - Should the specialist definition of 'no-go' area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.



- 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.
- (ii) 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 expertise advice.

(e) General

- (i) Should a Water Use License be required, proof of application for a license needs to be submitted.

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amended, with regard to the time period allowed for complying with the requirements of the Regulations.

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.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environment, Forestry and Fisheries

Signed by: Mr Coenrad Agenbach

Designation: Deputy Director: Priority Infrastructure Projects

Date: 06/01/2021

cc:	Adriaan Botha	Kotulo Tsatsi Energy (Pty) Ltd	Email: AttieBotha@KotuloTsatsiEnergy.com
	Bryan Fisher	NC DENC	Email: Bfisher@ncpp.gov.za
	Jl Swartz	Hantam Local Municipality	Email: Jiswartz@hantam.gov.za

Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment, name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form

SCOPING PHASE

DEFF



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia,· PRETORIA

DEA Reference: 14/12/16/3/3/2/2027

Enquiries: Mr Herman Alberts

Telephone: (012) 399 9371 E-mail: HAlberts@environment.gov.za

Ms Karen Jodas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Telephone Number: (011) 656 3237
Email Address: karen@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Jodas

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED KOTULO TSATSI ENERGY PV1 FACILITY IN THE NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The draft Scoping Report (SR) dated October 2020 and received by this Department on 26 October 2020 refer.

This letter serves to inform you that the following information must be included in the final SR:

(a) Listed Activities

- i. Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.
- ii. If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted.
- iii. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.

(b) Alternatives

- i. Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 2 of GN R.982 of 2014 (as amended).
- ii. Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.

(c) Public Participation Process

- i. Please ensure that all issues raised and comments received during the circulation of the draft SR from registered I&APs and organs of state (including this Department's Biodiversity Section), which have jurisdiction in respect of the proposed activity are adequately addressed in the final SR.

- ii. Proof of correspondence with the various stakeholders must be included in the final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- iii. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- iv. A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all historical 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.
- v. 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 I&AP's comments.
- vi. The final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development particularly the Northern Cape Department of Environment and Nature Conservation, and the District and Local Municipalities.

(d) Layout & Sensitivity Maps

- i. A copy of the final layout map must be submitted with the final report and all available biodiversity information must be used in the finalisation of the layout map.
- ii. The layout map must indicate the following:
 - a) Position of all infrastructure e.g. panels, BESS, substations, grid connection etc.;
 - b) Permanent laydown area footprint;
 - c) All supporting onsite infrastructure e.g. roads (existing and proposed);
 - d) Substation(s) and/or transformer(s) sites including their entire footprint;
 - e) Connection routes (including pylon positions) to the distribution/transmission network; and
 - f) All existing infrastructure on the site.
- iii. Please provide an environmental sensitivity map which indicates the following:
 - a) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
 - b) Buffer areas; and,
 - c) All "no-go" areas.
- iv. The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring energy developments and existing grid infrastructure.

(e) Specialist Assessments

- i. The SR makes mention that the proposed development falls with CBA areas. As such, an assessment of the impact of the proposed development on the CBA areas must be addressed in the final SR.
- ii. If the proposed development has an impact on the CBA's, this Department requires that a biodiversity offset plan detailing all necessary information which will include inter alia the total loss of biodiversity versus the net gain, where the loss will occur and where it will be replaced, be provided in order to be able to make an informed decision on the application.
- iii. Furthermore, this Department requires that legal agreements between the applicant and the management authority that will manage the offset area be signed before a decision can be made on the application.
- iv. This Department will be guided by colleagues from this Department's Protected Area Management and Biodiversity & Conservation units, as well as the DENC on the offset process. As such, the EAP must ensure that all documents related to this project are also submitted to these commenting authorities.
- v. Specialist studies to be conducted must provide a detailed description of their methodology, as well as all other associated infrastructures that they have assessed and are recommending for the authorisation.

- vi. 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.
- vii. 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 expertise advice.
- viii. Specialist Declaration of Interest forms must be attached to the final SR. The forms are available on Department's website (please use the Department's template).
- ix. The EAP must ensure that all applicable guidelines are taken into consideration in the preparation of the final SR.
- x. The final SR must include specialist input, as well as a risk assessment for the battery energy storage system.

(f) Cumulative Assessment

- i. If there are other similar facilities proposed within a 30km radius of the proposed development site, a cumulative impact assessment must be conducted for all identified and assessed impacts which must be refined to indicate the following:
 - a) Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
 - b) 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.
 - c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - d) A cumulative impact environmental statement on whether the proposed development must proceed.

You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:

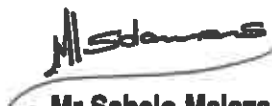
"If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"

You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping Reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.

Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).

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.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries
Letter signed by: Ms Millicent Solomons
Designation: Director: Priority Infrastructure Projects
Date: 11/11/2020

cc:	Adriaan Botha	Kotulo Tsatsi Energy (Pty) Ltd	Email: AttieBotha@KotuloTsatsiEnergy.com
	Bryan Fisher	NC DENC	Email: Bfisher@ncpg.gov.za
	Jl Swartz	Hantam Local Municipality	Email: Jiswartz@hantam.gov.za

Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Soap)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format; see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Reference: Kotulo PV 1

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Ms Jo-Anne Thomas
Savannah Environmental
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2147

Telephone Number: +27 (11) 656 3237

Email Address: publicprocess@savannahsa.com

PER E-MAIL

Dear Ms Thomas

COMMENTS ON THE DRAFT SCOPING REPORT FOR KOTULO TSATSI PV 1, NORTHERN CAPE PROVINCE

The Directorate: Biodiversity Conservation has reviewed and evaluated the aforementioned report.

Based on the information provided the majority of the development area of Kotulo Tsatsi PV1 is located within Other Natural Areas (ONA) with the southern portion of the development area, demarcated as Critical Biodiversity Area 1 (CBA1) and Critical Biodiversity Area 2 (CBA2).

In overall there are no potential impacts associated with the proposed development that are of high sensitive and which cannot be mitigated to the acceptable level. Therefore, the Directorate Biodiversity & Conservation is of the opinion that the information provided is adequate to proceed with the next stage of the EIA. However, the cumulative impacts is of concern considering the number of renewable energy development proposed in the surrounding area.

The final report must comply with all the requirements as outlined in the Environmental Impact Assessment (EIA) guideline for renewable energy projects and the Revised Best Practice Guideline for Birds & Solar Energy for assessing and monitoring the impact of solar power generating facilities on birds in Southern Africa.

Yours faithfully

Mr Seoka Lekota
Control Biodiversity Officer Grade B: Biodiversity Conservation
Department of Environmental affairs
Date: 23/11/2020

ESKOM

TO WHOM IT MAY CONCERN

Eskom requirements for work in or near Eskom servitudes.


1. Eskom's rights and services must be acknowledged and respected at all times.
2. Eskom shall at all times retain unobstructed access to and egress from its servitudes.
3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals.
4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer.
5. If Eskom has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the developer's activities or because of the presence of his equipment or installation within the servitude restriction area, the developer shall pay such costs to Eskom on demand.
6. The use of explosives of any type within 500 metres of Eskom's services shall only occur with Eskom's previous written permission. If such permission is granted the developer must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. It is advisable to make application separately in this regard.
7. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom's satisfaction.
8. Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the developer, his/her agent, contractors, employees, successors in title, and assignees. The developer indemnifies Eskom against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the developer's equipment.
9. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the developer must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements

to be made for supervision and/or precautionary instructions to be issued by the relevant Eskom Manager

Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.

10. Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with.
11. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The developer shall maintain the area concerned to Eskom's satisfaction. The developer shall be liable to Eskom for the cost of any remedial action which has to be carried out by Eskom.
12. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by *Regulation 15* of the *Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)*.
13. Equipment shall be regarded electrically live and therefore dangerous at all times.
14. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom will not approve the erection of houses, or structures occupied or frequented by human beings, under the power lines or within the servitude restriction area.
15. Eskom may stipulate any additional requirements to highlight any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom plant.
16. It is required of the developer to familiarise himself with all safety hazards related to Electrical plant.
17. Any third party servitudes encroaching on Eskom servitudes shall be registered against Eskom's title deed at the developer's own cost. If such a servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.

John Geeringh (Pr Sci Nat)(EAPASA)
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	SCOT	Technology
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Title: **Renewable Energy Generation Plant Setbacks to Eskom Infrastructure** Unique Identifier: **240-65559775**

Alternative Reference Number: **N/A**

Area of Applicability: **Power Line Engineering**

Documentation Type: **Guideline**

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Disclosure Classification: **CONTROLLED DISCLOSURE**

Compiled by



J W Chetty
Mechanical Engineer

Date: *23/11/2018*

Approved by



B Ntshuntsha
Chief Engineer (Lines)

Date: *24/11/2018*

Authorised by



R A Vajeth
Snr Manager (Lines) and SCOT/SCI Chairperson

Date: *16/11/2018*

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EXECUTIVE SUMMARY

In recent decades, the use of wind turbines, concentrated solar plants and photovoltaic plants have been on the increase as it serves as an abundant source of energy. This document specifies setbacks for wind turbines and the reasons for these setbacks from infrastructure as well as setbacks for concentrated solar plants and photovoltaic plants. Setbacks for wind turbines employed in other countries were compared and a general setback to be used by Eskom was suggested for use with wind turbines and other renewable energy generation plants.

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1. INTRODUCTION

During the last few decades, a large amount of wind turbines have been installed in wind farms to accommodate for the large demand of energy and depleting fossil fuels. Wind is one of the most abundant sources of renewable energy. Wind turbines harness the energy of this renewable resource for integration in electricity networks. The extraction of wind energy is its primary function and thus the aerodynamics of the wind turbine is important. There are many different types of wind turbines which will all exhibit different wind flow characteristics. The most common wind turbine used commercially is the Horizontal Axis Wind Turbine. Wind flow characteristics of this turbine are important to analyse as it may have an effect on surrounding infrastructure.

Wind turbines also cause large turbulence downwind that may affect existing infrastructure. Debris or parts of the turbine blade, in the case of a failure, may be tossed behind the turbine and may lead to damage of infrastructure in the wake path.

This document outlines the minimum distances that need to be introduced between a wind turbine and Eskom infrastructure to ensure that debris and / or turbulence would not negatively impact on the infrastructure.

Safety distances of wind turbines from other structures as implemented by other countries were also considered and the reasons for their selection were noted.

Concentrated solar plants and photovoltaic plants setbacks away from substations were also to be considered to prevent restricting possible power line access routes to the substation.

2. SUPPORTING CLAUSES

2.1 SCOPE

This document provides guidance on the safe distance that a wind turbine should be located from any Eskom power line or substation. The document specifies setback distances for transmission lines (220 kV to 765 kV), distribution lines (6.6 kV to 132 kV) and all Eskom substations. Setbacks for concentrated solar plants and photovoltaic plants are also specified away from substations.

2.1.1 Purpose

Setbacks for wind turbines and power lines / substations are required for various reasons. These include possible catastrophic failure of the turbine blade that may release fragments and which may be thrown onto nearby power lines that may result in damage with associated unplanned outages. Turbulence behind the turbine may affect helicopter flight during routine Eskom live line maintenance and

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inspections that may lead to safety risk of the aircraft / personnel. Concentrated solar plants and photovoltaic plants setback away from substations were required to prevent substations from being boxed in by these renewable generation plants limiting line route access to the substations.

2.1.2 Applicability

This document is applicable to the siting of all new and existing wind turbines, concentrated solar plants and photovoltaic plants near power lines and substations.

2.2 NORMATIVE/INFORMATIVE REFERENCES

2.2.1 Normative

1. <http://www.envir.ee/orb.aw/class=file/action=preview/id=1170403/Hiiumaa+turbulence+impact+EMD.pdf>.
2. <http://www.energy.ca.gov/2005publications/CEC-500-2005-184/CEC-500-2005-184.PDF>
3. <http://www.adamscountywind.com/Revised%20Site/Windmills/Adams%20County%20Ordinance/Adams%20County%20Wind%20Ord.htm>
4. http://www.dsireusa.org/incentives/incentive.cfm?Incentive_Code=PA11R&RE=1&EE=1
5. <http://www.wind-watch.org/documents/european-setbacks-minimum-distance-between-wind-turbines-and-habitations/>
6. <http://www.publications.parliament.uk/pa/ld201011/ldbills/017/11017.1-i.html>
7. http://www.caw.ca/assets/pdf/Turbine_Safety_Report.pdf
8. Rogers J, Slegers N, Costello M. (2011) A method for defining wind turbine setback standards. Wind energy 10.1002/we.468

2.2.2 Informative

None

2.3 DEFINITIONS

Definition	Description
Setback	The minimum distance between a wind turbine and boundary line/dwelling/road/infrastructure/servitude etc.
Flicker	Effect caused when rotating wind turbine blades periodically cast shadows
Tip Height	The total height of the wind turbine ie. Hub height plus half rotor diameter (see Figure1)

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2.3.1 Disclosure Classification

Controlled disclosure: controlled disclosure to external parties (either enforced by law, or discretionary).

2.4 ABBREVIATIONS

Abbreviation	Description
None	

2.5 ROLES AND RESPONSIBILITIES

All personnel involved in the positioning wind turbines, concentrated solar plants and photovoltaic plants near power lines/substations must follow the setbacks outlined in this guideline.

2.6 PROCESS FOR MONITORING

Approval by Eskom in writing.

2.7 RELATED/SUPPORTING DOCUMENTS

None

3. DOCUMENT CONTENT

3.1 INTERNATIONAL SETBACK COMPARISON

Wind Turbine setbacks employed by various countries were considered. It was found that setbacks were determined for various reasons that include noise, flicker, turbine blade failure and wind effects. The distances (setbacks) varied based on these factors and were influenced by the type of infrastructure

Wind turbine setbacks varied for roads, power lines, dwellings, buildings and property and it was noted that the largest setbacks were employed for reasons of noise and flicker related issues [1-7]. Very few countries specified setbacks for power lines.

The literature survey [1-7], yielded information about studies and experiments were conducted to determine the distance that a broken fragment from a wind turbine might be thrown. Even though of low probability of hitting a power line [5.0×10^{-5}]^[8], the distances recorded were significant [750m]^[8]

Setbacks were thus introduced to prevent any damage to Eskom infrastructure.

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Wind turbines may also cause changes in wind patterns with turbulent effects behind the hub. These factors dictate the wind turbine setbacks specified in this document.

Concentrated solar plants and photovoltaic plants also can limit access into the substation for power lines of all voltages. A setback distance must therefore be employed to prevent the substation from being boxed in by these generation plants. These setback distances are specified in this document.

3.2 ESKOM REQUIRED SETBACKS

A formal application must be sent to and accepted by Eskom if any of the below mentioned setback distances are infringed upon:

- Eskom requires a setback distance of 3 times the tip height of the wind turbine from the edge of the closest Eskom servitude (including vacant servitudes) for transmission lines (220kV to 765kV) and Substations.
- Eskom requires a setback distance of 1 times the tip height of the wind turbine from the edge of the closest Eskom servitude (including vacant servitudes) for distribution lines (66 kV to 132 kV) and Substations.
- An application must be sent to Eskom regarding any proposed wind turbine, concentrated solar plants and photovoltaic activity within a 5 km radius of a substation for Eskom to comment on the application.
- Where concentrated solar plants and photovoltaic structures fall within a 2 km radius of the closest point of a transmission or distribution substation (66kV to 765kV), Eskom should be applied to for approval in writing during the planning phase of such plant or structures.
- Applicants must not position any wind turbine in the line of site between and two Eskom Radio Telecommunication masts. It must be proven that Eskom radio telecommunication systems (mainly microwave systems) will not be affected in any way by wind turbines.
- If the position or size of any turbine changes and subsequently infringes on any of the above stated setbacks, an application must be sent through to Eskom as per the point mentioned above.

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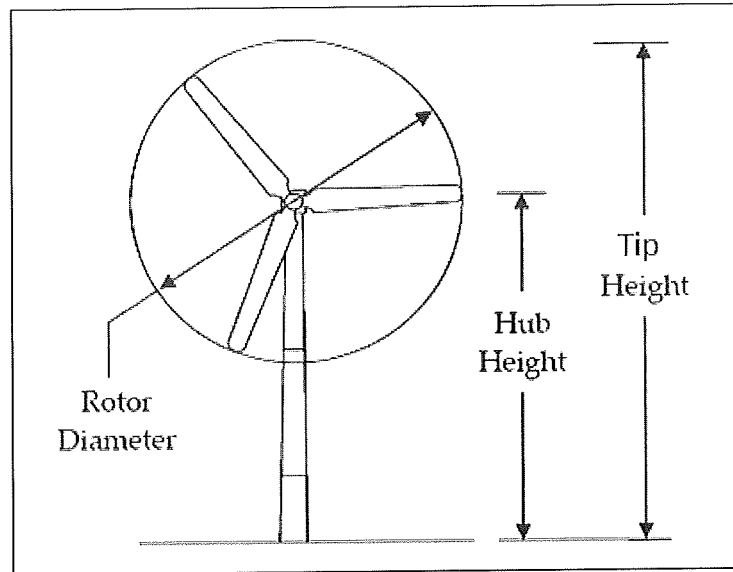


Figure 1: Horizontal Axis Wind Turbine ^[2]

4. AUTHORISATION

This document has been seen and accepted by:

Name & Surname	Designation
V Naidoo	Chief Engineer
Dr P H Pretorius	Electrical Specialist
J Geeringh	Snr Consultant Environ Mngt
B Haridass	Snr Consultant Engineer
R A Vajeth	Acting Snr Manager (Lines)

5. REVISIONS

Date	Rev.	Compiler	Remarks
November 2013	0	J W Chetty	First Publication - No renewable energy generation plant setback specification in existence
October 2018	1	JW Chetty	Modification to sub-section 3.2 to provide more clarity for application procedure

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6. DEVELOPMENT TEAM

The following people were involved in the development of this document:

Jonathan W Chetty (Mechanical Engineer)

Vivendhra Naidoo (Chief Engineer)

Dr Pieter H Pretorius (Electrical Specialist)

John Geeringh (Snr Consultant Environ Mngt)

Bharat Haridass (Snr Consultant Engineer)

Riaz A Vajeth (Acting Snr Manager (Lines))

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PHS CONSULTING



2020-11-19

REF: KOTULO TSATSI ENERGY: PV 1, PV 3 & PV4

Savannah Environmental (Pty) Ltd
Po Box 148
Sunninghill
Gauteng
2157

Attention: Nicolene Venter per e-mail: publicprocess@savannahsa.com and nicolene@savannahsa.com

COMMENT: DRAFT SCOPING REPORT KOTULO TSATSI SOLAR DEVELOPMENT PROJECTS; PV 1; PV 3 & PV 4: ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION PROCESS

PHS Consulting act on behalf of **Mr Basson of Leopont 340 Properties Proprietary Limited t/a Dagab Boerdery** (called Leopont for the purpose of this objection).

Leopont has the following objections regarding the proposed development, construction and operation of the PV1, PV3 & PV 4 electricity generating facility.

OBJECTIONS

- 1) Unclear approval status of previous applications on the same properties.
- 2) Development of this nature should take place on a less sensitive site, within a low sensitivity index area, not inside an ecological corridor and not outside the REDZ zone.
- 3) Safety and security of farm communities.
- 4) Adequacy of service infrastructure, especially water and access.
- 5) Process issues.
- 6) Shortcomings in Terms of Reference for Specialist.

DETAIL REGARDING OBJECTION

- 1) **Unclear approval status of previous applications on the same properties**

The Scoping Report needs to include a dedicated section on how the previous approvals fit in with the new applications. As per the information received during the interest group meeting it was explained that some components of the previous Environmental Authorisations (EA's) will remain and that others will fall away. We also need to understand the validity term of the current EA's and at what stage will amendment applications take place to remove certain infrastructure. Currently there is a clash of approved CSP development components with the proposed PV. We are of the opinion that the amendments of previous EA's need to take place simultaneously to the PV1, PV2 and PV3 applications in order for I&AP's to understand the full extent of the proposed Solar Park.

Please include as part of this section a combine illustrative plan of how the larger Solar Park will look like in future in order to understand the full extent of the proposal.

The approval status of the Eskom corridor that was previously subjected to an EIA process needs to be clarified and if it will impact on this proposal in detail.

2) Development of this nature should take place on a less sensitive site outside of the identified constraints. It needs to be in a low sensitivity index area which will be more sustainable. It is a virgin site, in the SKA zone, inside an ecological corridor and outside the REDZ zone.

Please clarify if the required land-use rights for the Solar Park were obtained?

Components of the project was approved in the past, as such the Scoping Report makes the following statement "As a result of the affected property being previously authorised for a development of a similar nature, the suitability of the land for the development of solar PV facilities has, therefore, been confirmed."

We are of the opinion that the project was authorised in the past as part of the South African Governments "solar rush" drive to develop renewable energy projects at all costs even if the location is in a sensitive area opposed to locating intrusive large scale development in less sensitive areas as per the Namakwa District Municipal Environmental Management Framework (NEMF).

There is a lack in the scope where less sensitive alternative sites are addressed. Site selection is the most important aspect when considering long term large scale developments. Within the vast landscape of the Northern Cape certain areas should be regarded as no-go areas for solar farm developments. Various criteria should be used to eliminate areas and this approach should form part of the assessment to determine possible sites.

We need a clear section in this EIA that addresses the objectives of the Strategic Environmental Assessment (SEA) for Wind and Solar Photovoltaic Energy in South Africa (CSIR, 2015). The SEA has identified Priority Areas for wind and solar PV energy development. This SEA process was initiated by the Department of Environmental Affairs. A product of the SEA was the identification of Renewable Energy Development Zones (REDZ) for PV and Wind Energy development.

Therefore site selection should have taken place in line with the SEA. The SEA process considered both negative and positive mapping to identify RE development areas. This site is outside of the proposed areas.

Positive key factors including transmission loss, local municipalities with high social need and high potential for development, priority areas for renewable energy manufacturing and import activities, and existing transmission infrastructure were considered.

We could not find a reference to transmission loss in the scoping report. How do the sites for PV1, PV3 and PV4 relate to this aspect?

Negative mapping entail environmental and technical constraints to eliminate areas with highly sensitive features consisting of environmental features (e.g. protected areas and areas of known bird and bat sensitivity), existing and future planned land uses (e.g. agriculture), existing infrastructure (e.g. electricity grid), existing national plans (e.g. Square Kilometre Array electromagnetic telescope project).

The idea was to identify large clusters of land with the lowest environmental sensitivity, overlaid with the highest development potential areas per province. The priority development areas were then identified. Specialist scoping level pre-assessments were then undertaken in the REDZ for agriculture, landscape, heritage, terrestrial and aquatic biodiversity, birds, bats, and socio-economic sensitivities.

Below is a map extracted from the CSRI & DEA SEA, the red star is the approximate location of the proposed PV1, PV2 & PV3. It is clearly outside of high development potential areas and within an exclusion area. The grey exclusions in this case relate to SKA reserve area, sensitive wetland drainage patterns and ecological corridors.

High Development Potential with Exclusion Mask

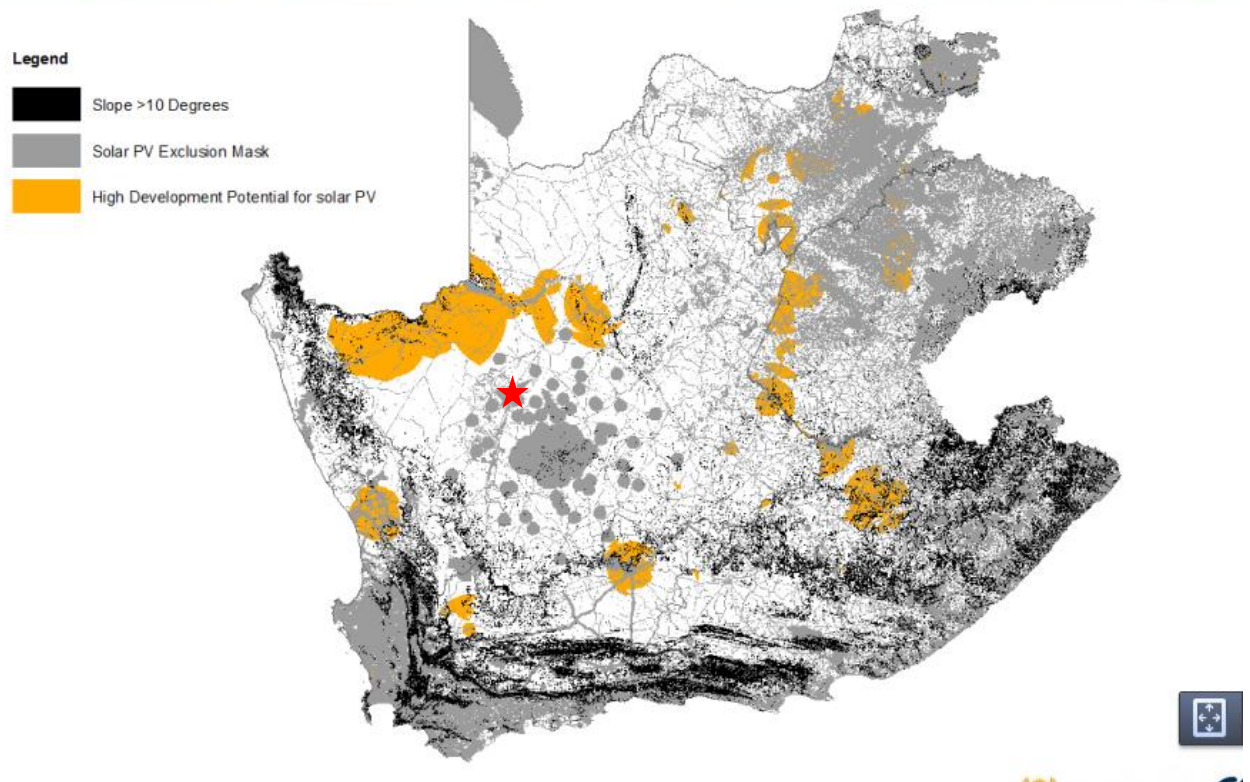


Figure 1: Source - SEA www.csir.co.za & DEA

Figure 2 below is extracted from the CSRI & DEA SEA. It illustrates the Pofadder potential development area in relation to the approved site (red star). Clearly the site is outside of the area amongst exclusion mask criteria.

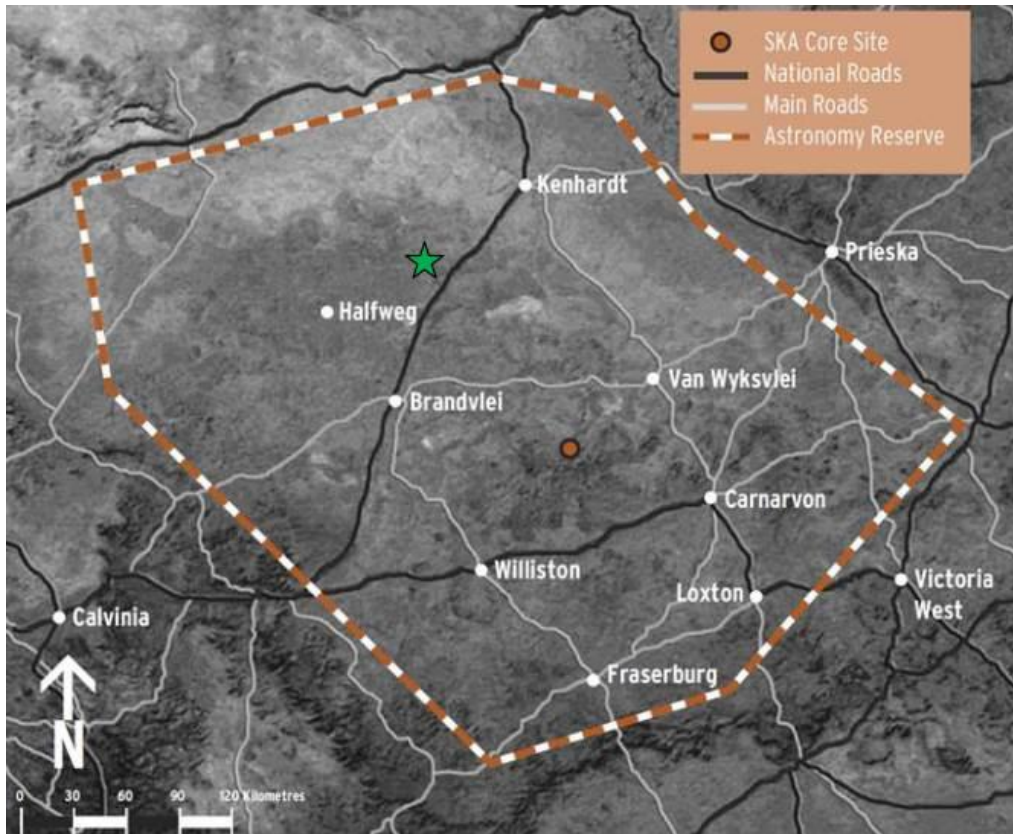


Figure 3: SKA Astronomy Reserve

We are very concerned that the approach of three separate EIA's is not presenting the full impact of the entire scheme and that the separate EIA's downplay the actual extent. As far as we understand the applications have been split in order for the developer to bid the projects as "stand-alone" projects each with their own EA under the Department of Energy's Renewable Energy Independent Power Producers Procurement (REIPPP) programme.

Due to REIPPP requirements the NEMA principles are jeopardized and bended in the interest of the "Solar Rush" and meeting RE development targets. By splitting it, the extent of the real impacts is avoided. All impacts will multiply and the I&AP especially the community in the area does not realize this. Please ensure that the scale of the Solar Farm is communicated in all the EIA reports under the cumulative impact section.

Please stipulate the findings of the NEMF, SEA, REDZ and NDM Ecological Support Area in the EIA documentation and how does this proposal fit into the long term vision of these documents.

3) Safety and security of farm communities

Currently the farming community in South Africa is vulnerable to increased crime that relates to murder and violence towards farmers and their workers. Stock theft is an ever increasing issue in rural areas especially on large farming units. The South African Police Service has confirmed that they don't have the resources to conduct pro-active visible policing in rural areas where the farming communities are the most vulnerable. As soon as rural areas are in the process of development an influx of migrant workers take place with the hope of finding work. This exposes an area to any form of unlawful actions especially if it is regarded as soft targets. Considering that this large scale development will unlock many jobs during the construction period opposed to the operational phase it is highly likely that migrant workers and their families and friend will remain behind with inside knowledge of the countryside and its inhabitants. From when the construction process starts and during the operation the developer will have to take responsibility for this increase in security risks and stock theft. In order to mitigate the impact the developer should establish a private security force to deal with this aspect over the short medium and long term. The socio-economic impact assessment needs to address safety and security and also

procurement of labour and management of migratory labour to the area. With the road network being upgrade for the development it will allow easier access into rural areas opening up the opportunity for criminal elements to thrive.

4) Adequacy of service infrastructure

The Scoping Report confirm that the development will need Approximately 10 000m³ of water per year over a 12 to 18-month period during construction, and approximately 50 000m³ of water per year may be required per year over the 25- year operational lifespan of the project.

It is further stated that “Due to the location of the site it is proposed that the project will utilise and develop its own water provision services based on the fact that these services do not reach the project site. Accordingly, construction water may need to be sourced from municipal supply (by truck or via pipeline) or groundwater abstraction.”

As per interest group meeting it was confirmed that there is no need to abstract groundwater and that water will be supplied from Kenhardt more than 70 km from the development. This contradicts the Scoping Report statement. Please clarify this by confirming the water supply and if the pipeline that is proposed has a valid Environmental Authorisation in place and also provide the I&AP's with an updated written confirmation from the Municipality that there is capacity to supply this water.

Without a valid or approved water supply the project is not sustainable and it can't be implemented. Developed areas closer to water, major roads, airstrip and infrastructure seems more suitable for this type of development. The SEA for solar development shows that nodes closer to town centres is preferred, therefore reducing the distance that water needs to be piped and infrastructure like roads to be upgraded. The pipeline route was not assessed adequately during previous EIA's. Now the Scoping Report is silent on this matter. If water can't be sourced from Kenhardt then groundwater needs to be abstracted.

The water supply needs to be addressed as part of this EIA process and not afterwards. See procedural comments under point 5 below.

This scoping report does not clarify the scope for site access, road conditions and the proposed changes to road surface and access to the site.

5) Process issues

The scoping report refers to the requirement for certain activities to be subjected to the National Water Act (No. 36 of 1998) (NWA) and that General Authorisation and Water use licence applications will be required. The scoping report further states that “The water use authorisation process for Kotulo Tsatsi PV1 will only be completed once a positive EA has been received and the project selected as Preferred Bidder. This is line with the requirements of the Department of Human Settlements, Water and Sanitation.”

Considering that the report as per point 4 above will develop its own supply ie. groundwater abstraction it is irrational to only address the requirements of the Water Act after the EA. The EA will be flawed if there is no guaranteed or authorised water supply on the site and if the GA or WULA is not feasible or sustainable.

DEFF has introduced the One Environmental System to address the issue of a GA or WULA being applied for after an EA is issued because without the certainty that such authorisation is possible an EA can't be executed otherwise a vacuum or expectation is created. We are of the opinion that the GA or WULA process must run concurrent to the EA process as per the norm in the EIA industry. If water supply can't be guaranteed from the Municipality and groundwater abstraction in this water scarce region is not feasible or comprehensively tested then the project

can't go ahead. Groundwater abstraction relates to a comprehensive application that require specialist input and studies that is not currently part of the scope.

If DEFF allows the three EIA's to proceed without an Water Act application running concurrent it needs to be confirmed in writing by DEFF and included in the scope in order for us to have clarity in this matter.

6) Shortcomings in Terms of Reference for Specialist

Some studies conducted in the previous EIA's were omitted from the PV1, PV3 and PV3 EIA scope. These include a geo-hydrological assessment to inform the impact on water supply, freshwater resources, drainage lines and wetlands and it's connectivity with the larger sensitive environment. The change in the traffic impact scope and the change in the socio-economic landscape especially wrt safety and security needs to be assessed. These studies need to be refreshed to address the revised application even if it means that the development will not change the impacts previously assessed. The I&AP's are looking at the application afresh and needs to understand the entire scope in order to provide comment.

All the ecological specialists need to interpret the forward planning documents (NEMF, SEA, REDZ and NDM Ecological Support Area) and ecological corridors in their scope of study.

It is interesting how the ESA corridor that runs through the middle of the site was initially ignored when the site was selected for the development of a Solar Park only to be changed as an observed corridor during the previous EIA's. Again it emphasis our reasoning, that the natural environment did not receive priority in site selection, but rather economic reasons.

When DEA highlighted in their previous rejection letter during the CSP 3 application that the development of energy generation projects must be located outside of these area, the consultants at a very late stage became creative through micro analysis and "moved" the ESA south, to conveniently exclude the preferred development footprint from the corridor and to unlocking the potential for further solar farm develop in the Solar Park. Why this "move" was not identified early in the assessments is concerning. Basically DEA (now DEFF) accepted this move and also opened the door for approval of the other applications. This action shows total disregard for the NEMF and NEMA Duty of Care.

We would appreciate it if our comments are adopted and addressed in the three EIA process for PV1, PV3 and PV4. Please acknowledge receipt of this letter.

Kind Regards,



PAUL SLABBERT

SAHRA



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CaseID: 15671

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Interim Comment

In terms of Section 38(3), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Kotulo Tsatsi Energy Pty Ltd

2 Michelen Street
Vanderbilkpark, 1900

The development of a solar photovoltaic (PV) facility of up to 200MW and associated infrastructure is proposed by Kotulo Tsatsi Energy (Pty) Ltd on a site located approximately 70km south-west of the town of Kenhardt in the Northern Cape Province. The solar PV facility is to be known as Kotulo Tsatsi Energy PV1.

Savannah Environmental (Pty) Ltd has been appointed by Kotulo Tsatsi Energy (Pty) Ltd to conduct an Environmental Authorisation Application for the proposed Kotulo Tsatsi Energy PV 1 Solar facility near Kenhardt, Northern Cape Province.

A draft Scoping Report (DSR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 Environmental Impact Assessment (EIA) Regulations. The proposed development will include a solar PV array, inverters and transformers, cabling between project components, on-site substation, battery energy storage system, site offices and maintenance buildings, laydown areas and temporary man camp, access roads and fencing around the development with an area previously authorised for a CSP solar facility. The previous CSP EA application was commented on by SAHRA in 2016 i.e. SAHRIS Case ID 8681 (<https://sahris.sahra.org.za/cases/solarreserve-kotulo-tsatsi-concentrated-solar-plant-1>). SAHRA noted no objections to the proposed development and provided conditions for the development.

The DSR notes a Heritage Impact Assessment will be conducted as part of the EIA phase of the application process, however, states that it will be based on desktop results only and that no surveys will be conducted (page 120). It must be noted that the HIA submitted on SAHRIS Case ID 8681 shows that the current application area was not surveyed (see page 13 of the previous HIA).

Interim Comment

The SAHRA Archaeology, Palaeontology and Meteorites (APM) unit requests that an assessment of the impact to heritage resources be conducted as part of the EIA phase of the EA application. The assessment of

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heritage resources must comply with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). A field-based assessment of the impact to archaeological resources must be conducted by a qualified archaeologist and the report comply with the SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports (see www.asapa.co.za or www.aphp.org.za for a list of qualified archaeologists).

A desktop Palaeontological Impact Assessment is required to be completed as part of the HIA as the proposed development footprint is located within an area of moderate and high sensitivity for palaeontological resources as per the SAHRIS PalaeoSensitivity map. The desktop PIA must be completed by a qualified palaeontologist and the report must comply with the 2012 SAHRA Minimum Standards: Palaeontological Components of Heritage Impact Assessment Reports. For a list of qualified palaeontologists, please see the following link <https://www.palaeosa.org/heritage-practitioners.html>.

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.

Further comments will be issued upon receipt of the requested heritage reports and the draft EIA documents inclusive of appendices.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

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Phillip Hine
Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:
Direct URL to case: <http://www.sahra.org.za/node/543184>
(DEA, Ref:)