

APPENDIX C8
COMMENTS AND RESPONSES REPORT



FE KUDU WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN CAPE PROVINCE

(DFFE Ref. No.: TBA)

COMMENTS AND RESPONSES REPORT

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The FE Kudu Wind Energy Facility and Associated Infrastructure application for Environmental Authorisation was initiated on Wednesday, 21 June 2023. The Background Information Document served to invite Interested and Affected Parties (I&APs) to register their interest in the project and to submit any comments/queries regarding the proposed project. All written comments received from the initiation of the Basic Assessment Process are included in **Appendix C7: Comments Received**. All written comments received have been captured in this Comments and Responses Report (C&RR) and is included in **Appendix C8: Comments & Responses Report** of the Basic Assessment (BA) Report.

The BA Report will be made available for a 30-day review and comment period from **04 October 2023** to **03 November 2023**.

NOTE:

All comments captured in the C&RR are verbatim and have not been summarised.

NOTE:

In terms of Regulation 44(1) of the EIA Regulations 2014, as amended, please note that the comments raised, and responses provided at the various Meetings held during the 30-day BA Report review and comment period will be included in **Appendix C6: Meeting Notes** of the final BA Report.

LIST OF ABBREVIATIONS / ACRONYMS

AIA	Archaeology Impact Assessment	HIA	Heritage Impact Assessment
APM	Archaeology, Palaeontology and Meteorites	PIA	Palaeontology Impact Assessment
BA	Basic Assessment	SANDF	South African National Defence Force
CMIS	Command & Management Information Systems	Tx	Transmission
ECPHRA	Eastern Cape Provincial Heritage Authority		

1. COMMENTS RECEIVED DURING THE INITIATION OF THE BASIC ASSESSMENT PROCESSES

1.1 Organs of State

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>Please find attached Eskom requirements for works at or near Eskom infrastructure. Please find attached the Eskom setbacks guideline for consideration by the applicant. Please send me KMZ files of the affected properties, proposed development areas and proposed grid connection.</p> <p>Renewable Energy Generation Plant Setbacks to Eskom Infrastructure included in Appendix C7 of the final BA Report</p> <p>Eskom requirements for work in or near Eskom servitudes.</p> <p>1. Eskom's rights and services must be acknowledged and respected at all times.</p> <p>2. Eskom shall at all times retain unobstructed access to and egress from its servitudes.</p> <p>3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals.</p> <p>4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer.</p> <p>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.</p> <p>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</p>	<p>John Geeringh Senior Consultant Environmental Management Land and Rights Eskom Transmission Division Eskom Holdings SOC Ltd</p> <p>E-mail: 13 July 2023</p>	<p>The requested KMZ files were e-mailed to the stakeholder on 13 July 2023 (refer to Appendix C7 for email proof).</p> <p>The requirements for development at or near Eskom infrastructure servitudes are noted. These requirements have been submitted to the developer for their attention and consideration for the development. The developer communicated Eskom in which they came to an agreement regarding a setback distance relaxation on certain turbine positions.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>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.</p>		
7.	<p>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.</p>		
8.	<p>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.</p>		
9.	<p>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</p> <p>Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.</p>		

NO.	COMMENT	RAISED BY	RESPONSE
	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.		

NO.	COMMENT	RAISED BY	RESPONSE
2.	<p>This matter was tabled at the Archaeology, Palaeontology and Meteorites (APM) Committee meeting held on 18 July 2023.</p> <ul style="list-style-type: none"> In terms of Section 38(1), an HIA (Heritage Impact Assessment) which comprises of a Phase I AIA (Archaeology Impact Assessment) and a PIA (Palaeontology Impact Assessment) will be required by the Eastern Cape Provincial Heritage Authority (ECPHRA). 	<p>Ayanda Mncwabe-Mama Case Officer ECPHRA</p> <p>Letter: 20 July 2023</p>	<p>An HIA that comprises of a Phase I AIA and a PIA has been completed by an independent Heritage specialist and incorporated into the Basic Assessment Report. The HIA and its appendices have been attached as Appendix I.</p>
3.	<p>Please be advised that once again, none of your Applications to the Dept of Defence has the required Google Files (.kml / .kmz)</p> <p>These are required in order to successfully process your requirements for Telecommunication and Obstacle Evaluations</p> <p>Without this info, we can unfortunately not respond.</p>	<p>Lt. Col. Francois Strydom Command & Management Information Systems Division Directorate CMIS Static Systems (PSM) Radio Spectrum & Communication Site Management</p> <p>E-mail: 28 June 2023</p>	<p>The requested .kmz was e-mailed to the stakeholder on 29 June 2023 and was informed that the BA Report will be made available to the SANDF for their comments.</p>

1.2 Key Stakeholders and Interested & Affected Parties

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>I would like to introduce myself and our company. Sany Renewable Energy is a global wind turbine supplier, and we are now canvassing the Africa market with Sany Wind Turbines.</p> <p>Over the last 5 to 10 years Sany Renewable Energy has been on a globalization strategy which included moving into North and South America, Europe, other parts in Asia and now Africa.</p> <p>Attached is a scaled down introduction to the company, which also highlights our turbine portfolio. Our 5 leading WTGs for the Africa market are the SI-172-6.25 MW, SI-160-5.0 MW, SI-168-5.0 MW, SI-193-5.0 MW and SI-204-8.0MW, are all in the type certification process, with full DNV-GL type certification available between 2023 and 2024.</p> <p>I'm wondering if you can share the contact details of the developer for these two WEF so that we can push this forward.</p>	<p>Will Stewart Vice Country Manager Sany Group-SANY Renewable Energy</p> <p>E-mail: 14 July 2023</p>	<p>In terms of the POPI Act, the contact details of the Developer can unfortunately not be provided to a third party.</p> <p>The I&AP was requested whether he wanted to register on the FE Kudu Wind Energy Facility's databases to receive project related information in terms of the NEMA EIA Regulations as and when it becomes available.</p>
2.	<p>Hi Savannah, I'm interested in being registered for that, not sure if you need anything from us in order to register.</p>	<p>Will Stewart Vice Country Manager Sany Group-SANY Renewable Energy</p> <p>E-mail: 14 August 2023</p>	<p>The BID was sent to the I&AP as well as the Registration & Comment Form. The I&AP has been registered on the project database.</p>