

## LICHTENBURG 2, NORTH WEST PROVINCE

(DEA REF: 14/12/16/3/3/2/1092)

### COMMENTS AND RESPONSES REPORT

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The Lichtenburg 2 PV facility Application for Amendment to the Environmental Authorisation and availability of the Motivation Report (MR) for the 30-day review and comment period was announced on Wednesday, 14 October 2020. The notification letter served to invite registered Interested and Affected Parties (I&APs) to submit any comments / queries that they might have on the Application for Amendment to the Environmental Authorisation.

The Motivation Report was made available for a 30-day review and comment period from **Friday, 16 October 2020** until **Monday, 16 November 2020**. The Comments and Responses Report (C&RR) has been updated with comments received during the review and comment period.

#### LIST OF ABBREVIATIONS / ACRONYMS

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| APM  | Archaeology, Palaeontology and Meteorites Unit | BESS  | Battery Energy Storage System                     |
| BGG  | Burial Grounds and Graves                      | DEFF  | Department of Environment, Forestry and Fisheries |
| EAP  | Environmental Assessment Practitioner          | EIA   | Environmental Impact Assessment                   |
| EMPr | Environmental Management Programme             | SAHRA | South African Heritage Resources Agency           |

## 1. COMMENTS RECEIVED DURING THE MOTIVATION REPORT REVIEW PERIOD

| NO | COMMENT   | RAISED BY   | RESPONSE  |
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| 1. | <p>The Department has the following comments on the <u>amendment application</u>:</p> <p>(i) Please ensure that the risks associated with the Battery Energy Storage System technologies are assessed and included in the final BAR. Please note, this does not have to be a specialist assessment. A section in the BAR highlighting the risks and safety specifications of the technology will suffice.</p> <p>(ii) The EAP is to ensure that all the amendments applied for do not trigger any listed or specified activities as outlined in Regulation 31 of the EIA Regulations, 2014 as amended. In this regard, please note that if the change, on its own, triggers a listed activity, a new environmental authorisation will be required, even if the listed activity itself was included in the environmental authorisation.</p> <p>(iii) The report indicates that the battery energy storage system (BESS) "<i>may require the storage of dangerous goods for the operation and maintenance of the system, however this will be limited and will fall within the capacity of what was authorised for the solar energy facility</i>". Please note that installations, facilities or infrastructure related to the development (or expansion) of a battery energy storage system will not trigger any of the activities related to the development and related operation of facilities or infrastructure, for the storage, or storage and</p> | <p>Thulisile Nyalunga<br/>Case Officer<br/>DEFF</p> <p>Letter: 13 November 2020</p> | <p>The risks associated with the development of the proposed Battery Energy Storage System (BESS) has been highlighted in the Motivation Report that was made available for the 30-day review and comment period. Chapter 6 of the Final Motivation Report outlines, assesses and consider the possible risks associated with the construction and operation of the BESS from a technical perspective within the authorised development footprint of Lichtenburg 2 which are limited to health and safety aspects.</p> <p>It is confirmed that no listed activities are triggered with the inclusion of the BESS as part of the Lichtenburg 2 Environmental Authorisation (EA). The change in the project description therefore falls within the ambit of a Part 2 Amendment process. A new environmental authorisation will not be required.</p> <p>It is confirmed that the envisaged development and related operation of facilities or infrastructure, for the storage, or storage and handling of a dangerous goods falls below the listed activity thresholds. No new listed activity will be triggered in this regard.</p> <p>The statement included in the Motivation Report has been updated in the Final Motivation Report to clarify the statement. Refer to sections 2.2 and 3.2.</p> |

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|  | <p>handling of a dangerous good, unless the battery is not fully assembled and the electrolyte (or substances making up such electrolyte) intended for such battery, may potentially be stored on site, in a container (e.g. tanks), prior to filling, and they meet the listed activity thresholds. This is because a battery is not regarded as a facility or infrastructure for the storage, or storage and handling of a dangerous good. In light of the above, please revisit and clarify this statement in the final report, if the intention is to use preassembled battery units, which will not, on its own, constitute a listed or specified dangerous goods activity; or if the envisaged development and related operation of facilities or infrastructure, for the storage, or storage and handling of a dangerous goods falls below the listed activity thresholds.</p> |  |   |
|  | <p>(iv) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations, 2014 as amended.</p>  |  | <p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended (GNR 326), as well as in accordance with the approved Public Participation Plan. The approved Public Participation Plan is included in the Final Motivation Report as <b>Appendix G7</b>.</p> <p>The Motivation Report was made available for a 30-day review and comment period from, Friday, 16 October 2020 until Monday, 16 November 2020. As per the approved Public Participation Plan, the availability of the Motivation Report was:</p> <ul style="list-style-type: none"> <li>» Advertised in the Brits Pos Newspaper and in the Noordwester on 16 October 2020 (tear sheets included in <b>Appendix G4</b> of the final Motivation Report).</li> <li>» Notification letter sent to all registered I&amp;APs (<b>Appendix G2</b>) and Organs of State (<b>Appendix G3</b>) on the project database informing them of the application and that the Motivation Report is available for review and comment.</li> </ul> |

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|  |   |  | <p>The Motivation Report was also made available for download from Savannah Environmental's website and could also be sent via other file transfer services i.e. We Transfer, Dropbox, etc. or on CD, on request, from Savannah Environmental.</p> <p>Site notices were placed at the proposed development site and proof of the placement of the site notices are included in <b>Appendix G4</b> of the final Motivation Report.</p> |
|  | <p>(v) A Comments and Response trail report (C&amp;R) must be submitted with the final report. The C&amp;R report must incorporate all comments received for this application. The C&amp;R report must be a separate document from the main report and the format must be in table format.</p>  |  | <p>All comments received during the 30-day review period of the Motivation Report is included as <b>Appendix G5</b> of the Final Motivation Report. The C&amp;RR contains all comments received and responses from the project team and applicant (where relevant) and is included as <b>Appendix G6</b> of the Final Motivation Report.</p>  |
|  | <p>(vi) Please ensure that all issues raised and comments received during the circulation of the draft report from registered I&amp;APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the C&amp;R. Comments must be responded to fully (copy verbatim if required). Please note that a response such as "noted" is not regarded as an adequate response to I&amp;AP's comments.</p> |  | <p>All comments received on the Motivation Report to date, have been included within this Comments and Responses Report.</p> <p>Comments submitted has been captured verbatim and not summarised and has been responded to accordingly and sufficiently.</p>  |
|  | <p>(vii) Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.</p>  |  | <p>Proof of correspondence with various stakeholders is attached in <b>Appendix G2</b> (Consultation with I&amp;APs) and <b>Appendix G3</b> (Consultation with Organs of State) of the Final Motivation Report. Proof of attempts that were made to obtain comments is attached in <b>Appendices G2</b> and <b>G3</b> of the Final Motivation Report.</p>   |
|  | <p>(viii) The final report must also indicate that the draft report has been subjected to a public participation process.</p>   |  | <p>Chapter 9 of the Final Motivation Report outlines the Public Participation Process which has been undertaken for the project as a whole, which includes the details of notification and advertisement of the Motivation Report. Refer to <b>Appendix G</b> of the Final Motivation Report for proof of notification and advertisements. The Final Motivation Report therefore complies with this requirement.</p>                  |

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| <p>(ix) The final report must include a map, combining the final layout map superimposed (overlain) on the environmental sensitivity map.</p>  | <p>Figure 10.1 of the Final Motivation Report includes an environmental sensitivity map showing the location of the BESS development footprint (within the authorised laydown area) and the PV panel area, overlain with the environmental sensitivities of the site, located outside of areas of high environmental sensitivity.</p>  |
| <p>(x) Please ensure that the final report clearly distinguishes any <u>new</u> mitigations measures recommended to address the additional risks of the proposed amendment, from those already included in the approved EMPr. Ensure that the updated EMPr incorporates all new mitigation measures recommended by the EAP and specialists.</p>  | <p>Chapter 8 of the Final Motivation Report includes all new mitigation measures recommended by the independent specialists and management measures for the construction and operation of the BESS.</p> <p>The updated EMPr (<b>Appendix H</b> of the Final Motivation Report) includes all new mitigation measures required for the construction and operation of the BESS as recommended by the EAP and the independent specialists.</p> |
| <p><u>General</u><br/>Should there be significant changes or new information that has been added to the motivation report or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 32(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: "<i>the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority (b) a notification in writing that the report will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised report will be subjected to another public participation process of at least 30 days. In the event where subregulation (1)(b) applies, the report, which reflects the incorporation of</i></p> | <p>No significant changes or new information has been added to the Final Motivation Report. Therefore, the requirements as stipulated in Regulation 32(1)(b) are not relevant to the Lichtenburg 2 Part 2 Amendment Process.</p>   |

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|           | <p>comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority.</p> <p>Should you fail to meet any of the timeframes stipulated in Regulation 32 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.</p>   |   | <p>The prescribed timeframe stipulated in Regulation 32 is complied with and the Final Motivation Report has been submitted timeously for decision-making.</p> <p>The Application acknowledges that no activity may comment prior to the receipt of an Environmental Authorisation.</p>   |
| <p>2.</p> | <p><b>Final Comment</b><br/>The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final Motivation Report and EMPr:</p> <p>38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed amendment to the authorised development;</p> <p>38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;</p> <p>38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM</p> | <p>Natasha Higgitt<br/>Heritage Officer<br/>SAHRA</p> <p>Letter: 17 November<br/>2020</p> | <p>The comments and requirements provided in the SAHRA final comment are noted and considered within the Final Motivation Report and EMPr of Lichtenburg 2.</p> <p>It is noted that SAHRA has no objection to the proposed amendments of the Lichtenburg 2 Environmental Authorisation.</p> <p>It is noted that the recommendations of the specialist is supported and that not additional conditions are required for development.</p> <p>This mitigation measure is included in Objective 16 of the Construction Management Programme of the EMPr, as included in <b>Appendix H</b> of the Final Motivation Report.</p> |

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| <p>Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;</p>  |  |   |
| <p>38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;</p>  |  | <p>This mitigation measure is included in Objective 16 of the Construction Management Programme of the EMPr, as included in <b>Appendix H</b> of the Final Motivation Report.</p> |
| <p>38(4)d – See section 51(1) of the NHRA;</p>  |  | <p>The Applicant acknowledges the requirements of section 51(1) of the NHRA which relates to offences and penalties.</p>  |
| <p>38(4)e – The following conditions apply with regards to the appointment of specialists:<br/>i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;</p> |  | <p>This mitigation measure is included in Objective 16 of the Construction Management Programme of the EMPr, as included in <b>Appendix H</b> of the Final Motivation Report.</p> |
| <p>The Final Motivation Report and EMPr must be submitted to SAHRA for record purposes;</p>   |  | <p>The Final Motivation Report and EMPr has been submitted to SAHRA via the SAHRIS Case application, as required.</p>   |
| <p>The decision regarding the EA Amendment Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.</p>   |  | <p>The decision regarding the EA Amendment Application will be communicated to SAHRA and uploaded to the SAHRIS Case application once available.</p>                              |