

Appendix C6
Comments Received

The bottom portion of the page features a decorative graphic consisting of several overlapping geometric shapes. On the left, a red triangle points downwards. A large grey trapezoidal shape overlaps this and extends towards the center. On the right, a light grey trapezoidal shape overlaps the grey one. At the bottom right, a red triangle points upwards, overlapping the light grey shape.



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

LIMPOPO

Private Bag X9605, POLOKWANE, 0700. AZMO Place, 49 Joubert Street, Tel: 015 290 1200 Fax: 015 290 3756

Enquiries: T.P Ndlhovu **Telephone:** 015 290 1200 **Reference:** DFFE Reference Nos

Savannah Environmental Pty Ltd
P O Box 148
SUNNINGHILL
2157

Attention: Nicolene Venter E-mail address: publicprocess@savannahsa.com

MUTSHO SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE NEAR MUSINA, ON THE REMAINING EXTENT OF FARM VRIENDEN 589 MS, WITHIN THE MUSINA LOCAL MUNICIPALITY AND VHEMBE DISTRICT MUNICIPALITY IN LIMPOPO PROVINCE.

APPLICANT: MUTSHO SOLAR (PTY) LTD

The Department of Water and Sanitation (DWS) has assessed the above-mentioned application dated 16 January 2023, prepared by Savannah Environmental Pty Ltd with reference number: DFFE Reference Nos: 14/12/16/3/3/2/2180, 14/12/16/3/3/2/2181, 14/12/16/3/3/2/2182 & 14/12/16/3/3/2/2183 and the comments are as follows:

1. The applicant shall take note of Section 22(1) of the National Water Act, 1998 (Act 36 of 1998), "Permissible water use", *a person may only use water-*
 - a) *without a license-*
 - I. *if that water use is permissible under Schedule 1;*
 - II. *If that water is permissible as a continuation of existing lawful use (section 32); or*
 - III. *If that water use is permissible in terms of general authorisation issued under section 39;*
 - b) *If the water use is authorised by a license under this Act; or*
 - c) *If the responsible authority has dispensed with a license requirement under subsection (3), (of the same Act).*
2. Therefore, any other water uses related activities associated with this project that are not permissible as indicated in Section 22(1) of the National Water Act, 1998 (Act No. 36 of 1998) shall have to be authorised by the DWS prior to such water use activities taking place.



NATIONAL DEVELOPMENT PLAN
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3. **Food-lines:** The applicant must note that, no activity may be undertaken within 1:100-year flood-line or within a horizontal distance of 100 metres from any watercourse (whichever is the greatest), unless authorised.
4. **Water Supply:** an indication shall also be provided on the source of water during construction of Solar Photovoltaic Energy Facilities, if water will be brought by tanks the applicant is requested to provide the Department with the quantity of water, and a signed copy of the service agreement shall be submitted to the DWS to demonstrate that provision will be made to render such service. The applicant is therefore referred Section 21(a) of the National Water Act, 1998 (Act No. 36 of 1998), ***“taking water from a water resource”***, is a water use activity that requires an authorisation by the Department. Unless if the use is permissible as outlined in paragraph 1 above.
5. **Wetland and Streams:** an indication shall also be provided on the availability of any wetland or river within the proposed area as these are regarded as water resources in terms of NWA and requires full protection from any possible impacts. The applicant shall note that any activity or infrastructure located within 1: 100-year flood line of a water resource is a water use activity in terms of section 21 (c) and (i) ***“impeding or diverting the flow of water in a watercourse; altering the bed, banks, course or characteristics of a watercourse”*** of the National Water Act, 1998 (Act No.36 of 1998) and shall have to be authorized by DWS before the commencement of the such activity. Furthermore, wetlands should be delineated in accordance with the DWS Guideline: A Practical Filed Procedure for Identification and Delineation of Wetlands and Riparian Areas.
6. **Public Participation:** The applicant should note that this is one of the critical requirements when processing a water use authorisation application and it must be done as per “Regulations Regarding Procedural Requirements for Water Use License Applications and Appeals.”
7. **Ablution facilities:** The applicant shall note that the use of a septic tank or chemical toilets for sanitation systems are water use activities in terms of section 21(g) ***“disposing of waste in a manner which may detrimentally impact on a water resource”*** of the National Water Act, 1998 (Act 36 of 1998) and requires authorisation by the DWS. The applicant shall provide DWS with a copy of the signed service agreement with the service provider of where the effluent of the toilets will be disposed of.
8. **Storage of oil, diesel, hydraulic fluids, and grease:** The storage areas for these fluids should also be bunded with concrete. The applicant shall ensure that are stored and handled properly on concrete or cement-lined surfaces with berm walls to avoid any seepage into the groundwater resources and ensure that the design of the storage area is such that any leakages or spillages can be contained.
9. **Waste management:** The applicant must note that Waste disposal must take place at a registered and licensed waste disposal facility; A signed copy of the service agreement shall be submitted to the DWS to demonstrate that provision will be made to render such service.

10. **Water and soil contamination:** this shall be avoided by implementing proper stormwater management during the entire life of the operation. The applicant must ensure that stormwater is diverted away from all the working areas. The stormwater leaving the construction areas must not be contaminated by any substance, whether that substance is a solid, liquid, vapor, or any combination thereof. The soil must be stabilised to prevent the resulting washdowns into any water resource.
11. The applicant shall note that in terms of section 19(1) of the National Water Act, 1998 (Act 36 of 1998), It is stated that “ *An owner of the land, a person in control of the land or a person who occupies or uses the land on which-(a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which causes, has caused or is likely to cause pollution of water resources must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring*”. Any pollution incident(s) originating from the proposed project shall be reported to the Provincial Head of the DWS within 24 hours.

Should you have any queries, kindly contact Ms. Tshilidzi Ndlhovu on the contact details listed above, alternatively e-mail: NdlhovuT@dws.gov.za.

Yours faithfully,



DIRECTOR: LIMPOPO PROTO - CMA

DATE: 26/01/2023



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: 14/12/16/3/3/2/2180

Enquiries: Ms Bathandwa Ncube

EAPASA Registration: 2021/3238

Telephone: 012 399 9368 **E-mail:** BNcube@dfpe.gov.za

Ms Jo-Anne Thomas
Savannah Environmental (Pty) Ltd
PO Box 148
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2191

Telephone Number : 011 656 3237/3256/3251
Cellphone Number : 082 775 5628
Email Address : joanne@savannahsa.com

PER MAIL / E-MAIL

Dear Ms Thomas

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF THE MUTSHO SOLAR PV 1, NEAR MOPANE, WITHIN THE MUSINA LOCAL MUNICIPALITY, LIMPOPO PROVINCE

The amended Application for Environmental Authorisation and draft Environmental Impact Assessment Report (EIAr) received by the Department on 13 January 2023 refer.

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

General Comments

1. The final EIAr must comply with all conditions of the acceptance of the scoping report signed on 19 October 2022, as well as these comments on the draft EIAr, and must address all comments received for the FSR and draft EIAr.
2. The EMPr must include all recommendations and mitigation measures recorded in the EIAr and specialist studies conducted.
3. Please provide corner point coordinates of the on-site substation and Battery Energy Storage System (BESS).
4. Part B: Section 2 of the Generic EMPr for the proposed development of the on-site substation must be signed by the applicant and submitted with the final EIAr. An unsigned Generic EMPr is regarded as incomplete.
5. Please provide a locality map of the proposed project, which does not include the proposed powerline, as it is not part of this application.

Public Participation Process (PPP)

6. All issues raised and comments received during the circulation of the draft EIAr from I&APs and organs of state which have jurisdiction in respect of the proposed activity must be adequately addressed in the final EIAr, including comments from this Department, and must be incorporated into Appendix C8: Comments & Responses Report.
7. Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final EIAr.

MEM

8. Proof of correspondence with the various stakeholders must be included in the final EIAR. This must indicate that this draft EIAR has been subjected to 30 days public participation process, stating the start and end date of the PPP. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.

General

Please also ensure that the final EIAR 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 -*

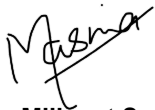
(a) an environmental impact assessment report inclusive of any specialist reports, and an EMPr, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.”

Should there be significant changes or new information that has been added to the EIAR 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 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 EMPr, 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 EMPr, 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 EMPr will be subjected to another public participation process of at least 30 days”.*

Should you fail to meet any of the timeframe 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



Ms Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Signed by: Ms Masina Morudu

Designation: Control Environmental officer: National Integrated Authorisations

Date: 13/02/2023.

cc:	Yi (Christine) He	Mutsho Power (Pty) Ltd	Email: Christine@erieagle.co.za
	Ngoasheng Thagala	Limpopo DEDET	Email: NgoashengTR@ledet.gov.za



forestry, fisheries & the environment

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Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

Ref: 14/12/16/3/3/2/2180; 14/12/16/3/3/2/2181; 14/12/16/3/3/2/2182 & 14/12/16/3/3/2/2183

Enquiries: Ms M Rabothata / Mr K Mathetja

Telephone: (012) 399 9174 **E-mail:** MRabothata@environment.gov.za

Ms. Nicolene Venter
Savannah Environmental
P.O. Box 148
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Email Address: publicprocess@savannahsa.com

PER E-MAIL

Dear Ms. Venter

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT (DEIA) REPORT FOR MUTSHO SOLAR PV1, PV2, PV3 AND PV4 WITHIN LIMPOPO PROVINCE

The Directorate: Biodiversity Conservation reviewed and evaluated the reports.

Based on the information provided in the report, four habitat units were identified during the assessment and included closed woodland, a rocky area, watercourses, and mopane bushveld. The sensitivity of these habitats ranged from high to medium with the closed woodland, rocky area and watercourses regarded as high sensitivity due to the species recorded and the role of this intact unique habitat to biodiversity, whilst the mopane bushveld is regarded as having a medium sensitivity. The final layout facilities must not be located within highly sensitive areas. Thus, must be refined to avoid such areas.

The application area has recorded occurrence of protected species namely, *Boscia albitrunca* (Shepard's tree), *Adansonia digitata* (Baobab), *Sclerocarya birrea* subsp. *caffra* (Marula) and species protected under schedule 12 of LEMA namely, *Adansonia digitata* and *Adenium multiflorum*. In case of removal or disturbance of such protected species or any Species of Conservation Concern (SCC), permits from relevant authorities must be obtained.

A network of ephemeral drainage lines that cannot be defined as wetland or riparian resources were delineated within the project area. In addition to the buffer zones, all the relevant plans must be developed and submitted with the final report to protect the integrity of the watercourses.

The Directorate Biodiversity Conservation does not support any development within a very highly sensitive area and that will result with significant negative residual impacts after mitigation.



COMMENTS ON THE DRAFT EIA REPORT FOR MUTSHO SOLAR PV1, PV2, PV3 AND PV4 WITHIN LIMPOPO PROVINCE

Therefore, the development may proceed to the next final stage of the EIA process provided the recommendations mentioned above and measures included in the report are adhered to.

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

All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of **Mr Seoka Lekota**.

Yours faithfully



Mr. Seoka Lekota
Control Biodiversity Officer Grade B: Biodiversity Conservation
Department of Forestry, Fisheries & the Environment
Date: 13/02/2023

Savannah Public Process

From: Savannah Public Process
Sent: Wednesday, 22 February 2023 04:40
To: Dean Mc Gee
Subject: RE: SE2897-MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE: Environmental Impact Assessment Reports review and comment period ending soon
Attachments: Dean McGee.pdf

Good day Mr McGee,

Thank you for your comments below on the Mutsho PV Projects. Your objection is recorded as part of the EIA process.

Your email dated 23 August 2023 in which you requested additional information has been responded to on 07 September 2023 (see attached for ease of reference). These comments, including your objection in your e-mail below have been recorded in the Comments and Responses Report that is attached as Appendix C8 to the EIA reports. This is in line with Regulation 44(1) of the EIA Regulations, 2014, as amended, which states that *“The applicant must ensure that the comments of interested and affected parties are recorded in reports and plans and that such written comments, including responses to such comments and records of meetings, are attached to the reports and plans that are submitted to the competent authority in terms of these Regulations”*.

The social specialist conducted surveys among the landowners in which their comments on the project were recorded, of which you, as an adjacent landowner was part of this survey and had a similar comment which is recorded in the social reports. There is a separate impact table for the comment he had on the project and the effect it will have on tourism and hunting activities in the area. The original impact rating was high, but the specialist changed this to medium since it is the opinion of only one landowner.

These comments, along with the EIA reports will be submitted to the Department of Forestry, Fisheries and the Environment (DFFE) who is required to issue an informed decision on the Environmental Authorisation of these projects.

As a registered I&APs, we will send you the final Comments & Responses Reports as submitted to the DFFE.

Kind regards,



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Nicolene Venter
Public Participation and Social
Consultant

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

Processing of personal Information / POPIA compliance

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This email has been scanned for viruses and malware, and automatically archived by **Mimecast SA (Pty) Ltd**, and is believed to be clean

From: Dean Mc Gee <deanmcgee123@gmail.com>

Sent: Tuesday, 07 February 2023 14:46

To: Savannah Public Process <publicprocess@savannahsa.com>

Subject: Re: SE2897-MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE: Environmental Impact Assessment Reports review and comment period ending soon

Good day Nicolene

I own the farm adjacent to the proposed development.

As I have written before, I oppose the construction of the solar generating plant. The area where this is proposed is unspoilt natural bushveld. The surrounding properties are utilised for eco-tourism and hunting. An industrial scale infrastructure would be visible from my property which would detract from the unspoilt nature and would ruin any prospective clients visit to the farm. My second concern is noise pollution especially in the building of the plant but also in the maintenance thereof. Thirdly there would be light pollution at night as far as the security lights are concerned.

A proposal was made for electrical power lines to cross my property. This I am strongly against for the same reasons above as an eyesore would be created. Bush would have to be removed from my property also in order to enable this.

None of my concerns have been addressed.

Dean McGee

On Tue, 7 Feb 2023 at 10:35, Savannah Environmental Public Process <publicprocess@savannahsa.com> wrote:

**MUTSHO SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE NEAR MUSINA,
LIMPOPO PROVINCE**

**(DFFE Reference Nos.: Mutsho Solar PV1 - 14/12/16/3/3/2/2180; Mutsho Solar PV2 - 14/12/16/3/3/2/2181;
Mutsho Solar PV3 - 14/12/16/3/3/2/2182 & Mutsho Solar PV4 - 14/12/16/3/3/2/2183)**

Dear Stakeholder and Interested & Affected Party,

Mutsho Power (Pty) Ltd proposes the construction and operation of four (4) Solar Photovoltaic (PV) Energy Facilities, each with a contracted capacity of up to 100MW, and Electrical Grid Infrastructure comprising a 132kV onsite substation (for the entire 4 x 100MW project), and a 132kV double circuit overhead power line from the onsite substation to the Nzhelele Substation to enable the connection of the four (4) Solar PV Energy Facilities to the national grid for the evacuation of the generated power. It is the developer's intention to develop the projects in a phased approach (i.e., 100MW at a time).

The four (4) Solar PV Energy Facilities and grid connection infrastructure are proposed on a site located approximately 8km south-west of Mopane and 39km south-west of Musina, within the Musina Local Municipality and the Vhembe District Municipality in the Limpopo Province on Remaining Extent of Farm Vrienden 589 MS.

Our letter dated 12 January 2023 in which we notified registered Interested and Affected Parties (I&APs) that the Environmental Impact Assessment Reports (EIARs) for the four (4) Solar PV Energy Facilities are available for review and comment from **13 January 2023** to **13 February 2023**, has reference.

We would like to take this opportunity to thank those Stakeholders and I&APs who submitted their written comments on the EIARs and we kindly urge those who have not yet submitted their written comments on the EIARs to please do so

before or on **13 February 2023**.

The EIAs can be downloaded from our website: [CLICK HERE](#)

Please do not hesitate to contact us should you require any additional information.

Kind regards,

[Unsubscribe this type of email](#)



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Nicolene Venter

Public Process

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

Savannah Public Process

From: Lynne Ras <lynne.ras68@gmail.com>
Sent: Sunday, 12 February 2023 12:18
To: Savannah Public Process
Subject: RE: SE2897-MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE: Environmental Impact Assessment Reports review and comment period ending soon

Good Afternoon,

COMMENTS RE ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

I have the following comments regarding the Environmental Impact Assessment Reports (EIARs) for the four Solar PV Energy Facilities:

- The EIARs are very thorough and seem to cover all aspects that may be impacted by the Solar PV Energy Facilities
- However, it is of the utmost importance that ALL Suggestions and Mitigations, as per all four EIARs, are strictly adhered to during construction and operation of the sites

Thank you

Kind regards

Lynne Ras



Mobile: (+27) 833021408
E-mail: lynne.ras68@gmail.com
Website: www.ftawe.co.za

From: Savannah Environmental Public Process <publicprocess@savannahsa.com>
Sent: Tuesday, 07 February 2023 10:35
To: Lynne Ras <lynne.ras68@gmail.com>
Subject: SE2897-MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE: Environmental Impact Assessment Reports review and comment period ending soon

MUTSHO SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE NEAR MUSINA, LIMPOPO PROVINCE

(DFFE Reference Nos.: Mutsho Solar PV1 - 14/12/16/3/3/2/2180; Mutsho Solar PV2 - 14/12/16/3/3/2/2181; Mutsho Solar PV3 - 14/12/16/3/3/2/2182 & Mutsho Solar PV4 - 14/12/16/3/3/2/2183)

Dear Stakeholder and Interested & Affected Party,

Mutsho Power (Pty) Ltd proposes the construction and operation of four (4) Solar Photovoltaic (PV) Energy Facilities, each with a contracted capacity of up to 100MW, and Electrical Grid Infrastructure comprising a 132kV onsite substation (for the entire 4 x 100MW project), and a 132kV double circuit overhead power line from the onsite substation to the

Nzhelele Substation to enable the connection of the four (4) Solar PV Energy Facilities to the national grid for the evacuation of the generated power. It is the developer's intention to develop the projects in a phased approach (i.e., 100MW at a time).

The four (4) Solar PV Energy Facilities and grid connection infrastructure are proposed on a site located approximately 8km south-west of Mopane and 39km south-west of Musina, within the Musina Local Municipality and the Vhembe District Municipality in the Limpopo Province on Remaining Extent of Farm Vrienden 589 MS.

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We would like to take this opportunity to thank those Stakeholders and I&APs who submitted their written comments on the EIARs and we kindly urge those who have not yet submitted their written comments on the EIARs to please do so before or on **13 February 2023**.

The EIARs can be downloaded from our website: [CLICK HERE](#)

Please do not hesitate to contact us should you require any additional information.

Kind regards,

[Unsubscribe this type of email](#)



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[SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015](#)

Savannah Public Process

From: Cathy Dzerefos <cathy@dzerefos.com>
Sent: Monday, 13 February 2023 14:18
To: Savannah Public Process
Cc: jwesson@wessanorth.co.za
Subject: MMSEZ - Appeal for I&AP comment on power supply plans - Mutsho Power Projects

Dear Nicolene

I am disappointed that you have not commissioned a mopane worm survey done for this area as there are historical records this species does occur there. I do feel that this is a serious gap in your study as it means that you have not considered food security, alternatives for the site or rural livelihood strategies in the Limpopo province. Below is a table from a paper that is in press showing some of the literature on this subject as it is noted that specialists did not do a recent literature review:

Table 1: A summary of literature showing growth and potential of the mopane worm industry

Economic indicators	Year	Location of study
Valued at USD 188 million in South Africa	1996	Southern Africa
Price per kilogram was USD 5.42 to 6.02	1998	<u>Alldays</u> , Musina, Polok Province <u>Carltonville a</u> Province
Price per kilogram was USD 6.50 to 13.00 One person reported an annual selling turnover of USD 2 980.63	2004/5	Greater Giyani Municipi Province
Harvesters cannot access enough. Poaching from protected areas or trespassing on private land occurs. People come from Johannesburg, Gauteng Province in buses. Many <u>camp</u> in the harvesting area.	2016/7	North of Makhado (Lo <u>Thohoyandou</u> and Giya
Annual mopane worm crop worth USD 59 million	2018	Southern Africa
Traders reported an annual income of about USD 1 400	2019	<u>Biaba</u> , <u>Elim</u> , Makhado, Thohoyandou, Limpopo
Price per kilogram was USD 14.60 but some harvesters preferred to barter for school shoes and stationary. A church group collected mopane worms in exchange for musical instruments.	2022	Limpopo Province

Best regards
Dr C.M. Dzerefos on behalf of WESSA



Comment on Draft Environmental Impact Assessment for Mutsho Solar PV1-4 project

Submitted on behalf of Living Limpopo and the Herd Reserve

13 February 2303

by Lauren Liebenberg

Living Limpopo NPC Registration no. 2022/583794/08 (South Africa)
The Herd Reserve Malaladrift Road Musina LM Vhembe District Limpopo 0900

 www.livinglimpopo.org  +27 (0)83 327 4784

Directors: L Liebenberg A Liebenberg K Liebenberg

13th February 2023

Dear Ms Geyer,

Please accept these comments submitted on behalf of **Living Limpopo** and **The Herd Reserve**, Limpopo, in respect of the draft Environmental Impact Assessment Report (dEIAR) for “Mutsho Solar PV1-4”, DFFE Ref No. 14/12/16/3/3/2/2180-3 inclusive, (hereafter collectively referred to as “Mutsho Power Project”).

Both parties referred to above have a direct interest in or are affected by this proposed power project to the extent that:

- The Herd Nature Reserve NPC (Reg # 2022/298747/08) is the acting management authority of the Philip Herd Nature Reserve (portion 1) located in the Vhembe District of Limpopo Province where the Mutsho Power Project and the Musina-Makhado Special Economic Zone (see below) are located.
- Living Limpopo NPC (Reg # 2022/583794/08) is a community-based organisation which advocates on behalf of its members to:
 - o promote the growth of the biodiversity-based economy in the Vhembe District of the Limpopo Province by supporting the roll-out of the National Biodiversity Economy Strategy in the region and the programmes developed under the "Operation Phakisa for the Biodiversity Economy".
 - o support the implementation of the Limpopo Protected Areas Expansion Strategy, the Vhembe Biosphere Reserve's Conservation Strategy and the Vhembe District Bioregional Plan.
 - o oppose coal and other mining and industrial development in the Vhembe Biosphere Reserve and Vhembe District, including the Musina-Makhado Special Economic Zone, which threatens biodiversity and the potential of the biodiversity-based economy in the region.

Inadequate notice and commenting period

At the outset we record that due to the deficiencies, in our view, of the Public Participation Process followed in respect of the Mutsho Power Project, we have had inadequate time to properly consider the contents of the dEIAR and prepare comment.

We note in this regard that you have employed the tactic of “project-splitting” (a practice which deliberately aims to obfuscate cumulative impact of a project by splitting its impact assessments into sub-components). Re-combining the dEIAR for each the 4 x inseparable sub-projects – “PV1”; “PV2”; “PV3” and “PV4” – is one thousand and seventy seven (1,077) pages, excluding Appendices A-O for each EIAR, which include twenty four (24) specialist reports, all of which require review and comment.

Even if we had received timeous notice of the release of the dEIAR, the thirty-day (30-day) commenting period afforded I&APs is insufficient in our view, to meet *inter alia* the principles and objectives of NEMA and the public participation required by the EIA Regulations; including those pertaining to environmental justice in terms of Section 2(4)(c) of NEMA as read with Regulation 41(6)(b), which require that public participation must be “facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application”.

Accordingly, please consider these initial comments on the dEIAR which we trust you will permit us to supplement by granting a reasonable extension for commenting on the draft report.

Misrepresented Economic Rationale and Need & Desirability

With respect to the Need and Desirability of the project given in the dEIAR, we submit that neither the developer, Mutsho Power Pty Ltd, nor Savannah Environmental in its capacity as the appointed Environmental Impact Assessment Practitioner (EAP) have been transparent with regard to the developer’s interests or the project’s history, deliberately obscuring the true rationale for this project.

According to the Executive Summary,

the commercial Photovoltaic (PV) Solar Energy Facility and associated infrastructure on the Remaining Extent of Farm Vrienden 589 MS, located approximately 8km south-west of Mopane and 39km south-west of Musina, within the Musina Local Municipality and the Vhembe District Municipality in the Limpopo Province is proposed in response to the identified objectives of national and provincial government and local and district municipalities to develop renewable energy facilities for power generation purposes. It is the developer's intention to bid the proposed project under the Department of Mineral Resources and Energy's (DMRE's) Renewable Energy Independent Power Producer Procurement (REIPPP) Programme or a similar private 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, in line with the objectives of the Integrated Resource Plan (IRP)" (dEIAr at piii).

We note however that the developer, Mutsho Power (Pty) Ltd (Reg # 2016/163694/07), is closely connected to **MC Mining Ltd** (MCM):

- Mutsho Power (Pty) Ltd, MC Mining and its subsidiary, **Baobab Mining and Exploration** (Pty) Ltd, which owns the **Makhado Colliery** located 20Km from the Mutsho site, are connected through cross-holdings and directors, and the site of the Mutsho Power Project – the Farm Vrienden 589MS – is owned by Fumaria Property Holdings (Pty) Ltd, which is a Special Purpose Vehicle (SPV) wholly owned by MC Mining Ltd according to prior disclosures¹.

It is thus reasonable to assume that the Mutsho Power Plant is intended to serve the broader strategic interests of MC Mining, which include supporting the development of the planned heavy industrial zone known as the **Musina-Makhado Special Economic Zone** (MMSEZ), whose coal-intensive energy-metallurgical zone is situated in close proximity to MCM's Greater Soutpansberg Projects and Makhado assets, and to which the company plans to supply coal according to numerous public statements by MCM² and the MMSEZ sponsors.

- The MC Mining-owned site of the Mutsho Power Project, the farm Vrienden, is in fact located immediately adjacent to the boundary of the MMSEZ South Site (the designated energy-metallurgical zone). Several of the other farms that form part of the Mutsho Solar PV development footprint *fall within the SEZ boundaries* (Steenbok 565MS; Somme 611MS and Antrobus 566MS).

In the initial iteration of the Mutsho Power Project – a coal-fired power station to be built on the same site, Vrienden 589MS (DEA Ref14/12/16/3/3/3/2220) – the proximity of the SEZ is openly given as the motivation for the construction of a power plant on the site.

¹ Initial Mutsho Power Project dEIAr, April 2018 at p.14 and p.388

² See for example latest Annual Report 2022 which states that "The GSP projects contain over 7.0 billion gross tonnes in situ of inferred coal resources, positioning the GSP to be a potential long-term coal supplier to the planned SEZ".

According to the April 2018 dElAR, also produced by Savannah Environmental:

The project site is considered favourable given its proximity to 8 000ha Mopane site which comprises one of two sites which make up the designated Musina-Makhado SEZ. Once developed the SEZ will include several energy intensive industrial users, including mineral beneficiation and base metal refineries. (Mutsho Power Project dElAR, April 2018 at pxxxii)

Furthermore, in the chapter on Need and Desirability (Chapter 5), the proximity to the MMSEZ is again cited in support of the “receptiveness of the site to the development of a power plant”:

Proximity to Musina and Makhado SEZs: Locating a power station close to such a load centre enables the potential for development and reduces the risk of the traditionally long distance supply constraints in Eskom's radially connected transmission system... In addition, the development of the Mutsho Power Project at the proposed site (i.e. in close proximity to the designated Musina-Makhado SEZ) would allow for the increased availability of electricity to support and encourage future development within and of the Musina-Makhado SEZ (Mutsho Power Project dElAR, April 2018 at p119)

The switch from coal to renewable energy in no way alters the benefit to and *as articulated by* MCM/Mutsho Power of developing a power plant to supply the adjacent coal-dependent industrial zone, thereby improving its feasibility.

On this basis, we refute the claim that the motive for developing a power plant at this highly sensitive and remote site – a site that is otherwise wholly inappropriate and unsuited for industrial activities, including solar power generation for the national grid³, even from the perspective a power producer – is anything but the proximity of the power plant to the MMSEZ.

Musina-Makhado SEZ risks and impacts

The MMSEZ for its part is highly controversial and the subject of intense opposition on the grounds of the extremely negative environmental impacts that this megaproject and its attendant coal mines will unleash on the UNESCO Vhembe Biosphere Reserve in which it and Mutsho Power Project

³ See comments submitted by Prof. Patrick Bond on the dElAR for Mutsho Solar PV dated 13th February 2023, which emphasize the downstream climate related impacts of the Mutsho Power Project to the extent that it supports the hyper-carbon-intensive MMSEZ.

are located – ranging from catastrophic water resource depletion, extremely high CO₂ and greenhouse gas (GHG) emissions in the context of the climate crisis, biodiversity loss from air, water and soil pollution, with severe ramifications for other sectors of the economy and human health – and the frankly risible arguments for its feasibility and net socio-economic benefits put forward by its backers. Given the time constraints imposed by the commenting deadline, suffice it to say that:

1. the Scientific Group on Emergencies (SAGE) – the Academy of Science South Africa’s branch of the internationally-affiliated SAGE – on 18th of January 2023 issued an [Advisory](#) on the MMSEZ on the basis that it represents a severe and imminent threat to people and planet and thus constitutes an environmental emergency that warrants urgent intervention, which is presently being considered by *inter alia* UNESCO, and
2. the environmental authorisation granted in connection with the MMSEZ is at present the subject of no less than three pending High Court judicial review applications, which seek to have the decision to grant environmental authorisation specifically for site clearance of the EMSEZ South Site (with reference to the overlap with the Mutsho Power Project site) declared unlawful.

Mutsho Power Project – Site Sensitivity

As documented in just these sources but also in dozens of others submitted by I&APs in the course MMSEZ EIA process, the same site sensitivity concerns attached to the MMSEZ apply to the adjacent and overlapping site of the Mutsho Power Project.

The dEIAR for the Mutsho Power Project recognises that the project area falls within an Ecological Support Area (ESA) and on the boundary of a critical biodiversity area (CBA2) as per the Limpopo Conservation Plan v2 mapping, whose purpose the dEIAR notes “aims to inform land-use planning and development on a provincial scale and to aid in natural resource management” (dEIAR at p119-120). With reference to the dEIAR Site Sensitivity Verification Report (Appendix O) and its informant specialist reports, the dEIAR expressly concedes the following in this regard:

Terrestrial Ecology

Four habitat units were identified during the assessment and included closed woodland, a rocky area, watercourses, and mopane bushveld. The sensitivity of these habitats ranged from high to medium with the closed woodland, rocky area and watercourses regarded as high sensitivity due to the species recorded and the role of this intact unique habitat to biodiversity, whilst the mopane bushveld is regarded as having a medium sensitivity.

...

During the field assessment 3 species of protected trees were observed: *Boscia albitrunca* (Shepard's tree), *Adansonia digitata* (Baobab), and *Sclerocarya birrea subsp. caffra* (Marula). It is of vital importance that a search a rescue along with permit applications be done prior to the commencement of the development. **The density of the trees is regarded a very high especially in the case of *B. albitrunca*.**

Biodiversity maintenance is one key ecological service provided by the identified terrestrial biodiversity areas through their ecological integrity, importance and functioning. As such the preservation of these systems is an important aspect to consider for the proposed project.

Any development in high sensitivity areas must be avoided as far as possible, which will occur with the selection of the project area. Development within the high sensitivity areas within the project area will lead the direct destruction and loss of functional habitats; and the faunal species that are expected to utilise this habitat. Thus, if these areas are not maintained in a natural or near natural state, destroyed or fragmented, then meeting targets for biodiversity features will not be achieved. (dEIAr at pvii)

Conclusion

Despite referencing policy and plans and their premises of the importance of maintaining the functioning of intact ecosystems of the savannah biome, the incomplete and flawed specialist studies fail to assess or even openly acknowledge the biodiversity loss that will certainly result from proceeding with this development in a sensitive area. However, the concession that the **“sense of place”** in an area where the main land cover type is still **Natural**⁴ will be **irreversibly impacted** and that **no mitigation is possible**⁵ by default extends to the ecological integrity and biodiversity of the entire area. Mutsho Solar PV and the recommendations of Savannah Environmental are in violation of the Limpopo Conservation Plan and an entire architecture of adopted and binding integrated multi-sectoral spatial planning and policy that seeks to ensure development takes place on a sustainable basis.

⁴ dEIAr at p116

⁵ dEIAr at pxv

Accordingly, we reject entirely the fallacious conclusion on the grossly inadequately-assessed cumulative impacts of the project that *inter alia* “There will be no unacceptable loss or impact on ecological aspects (vegetation types, species and ecological processes) due to the development” (dEIAr at pviii).

In sum, the Mutsho Power Project site is entirely inappropriate for any form of industrial development. Its selection is entirely motivated by its backers’ vested interest in the Soutpansberg coal deposits and their profitable exploitation. Their pursuit of stimulating local coal demand via the development of a cluster of coal-burning ore smelters adjacent to its colliery and the power plant they propose developing, is in flagrant disregard of the site and region’s sensitivity and the legal requirement to respect same. The EIA process for both site selection and consideration of project alternatives is revealed to have been deeply flawed and betrays underlying bias in its premises.

We urge the reconsideration of this entire project which will ultimately come at the expense of natural capital in the Vhembe. In contrast to the false choice presented in the alternatives scenario, the destruction of natural capital, loss of biodiversity and degradation of the landscape which industrialization will precipitate, also comes at the expense of the biodiversity economy, which could to a far greater extent deliver the socio-economic benefits falsely purports to offer (see Living Limpopo).

If Mutsho Power Pty Ltd is a legitimate independent power producer not connected to the MMSEZ, we encourage them to consider re-submitting an application for a solar PV power generation facility on trashed land in closer proximity to existing urban and industrial areas where site establishment doesn’t require clearance of thousands of acres of densely wooded pristine bushveld, where electricity demand is higher and more consistent and connection to the national grid is far cheaper⁶.

For its part, we encourage Savannah Environmental to re-read the following two comments we noted in Appendix C6, lest you missed the significance in terms of your own role and obligations under NEMA and the EIA Regulations:

To whom it may concern

MY CONCER TO THE MPVF ABOUT THE DEFORESTATION

I am Rambau Osedza a sixteen-year-old girl, doing grade ten. I am in a science class and I get to learn about the beneficiaries of us having trees. I get to learn how they help us as human beings, well not only humans and animals too. [So I find the case of deforestation as a very bad thing, especially when it](#)

⁶ Ref again Prof. Patrick Bond comments

comes to big trees like baobab trees because they are the once that cannot be transplanted which means they will die and we will be having a huge loss as Limpopo province.

Deforestation can be a huge impact of soil erosion, not forgetting the case of climate change. It can also increase greenhouse gases in the atmosphere. We cannot cut giant trees like baobab trees because they clean our air, the air we breath by absorbing carbon dioxide and the carbon that is absorbed by their woods helps to slow the rate of global warming.

We have baobab trees which are shelters to some animals and food to some. Well some trees like marula and moringa bear fruits and provide medication for some humans and when it come to the Zulu culture the marula trees symbolize women's fertility, softness and tenderness.

I am very worried that your company will destroy the big trees in the site, so please I humbly ask you to protect these trees, build around them or put a fence around them then you can transplant the small ones.

I sincerely hope that you will concede my area of interest about the trees and save all trees like marula and other baobab trees.

Yours faithfully

**Osedza
rambauosedza
@gmail.com**

Dear Madam/Sir

My name is Livhuwani Matsila and I'm one of the science students. I'm in grade 10 and also 16 years old. I've been taught in science about deforestation and it's not a very good thing to do. This does not only affect us as humans, it also affects animals living in that ecosystem. Trees are important to us and also to animals. People need trees in order for them to be able to breath. Animals get food from trees and some of them live in trees.

Burning of trees and habitats affects animals because they would have to find new shelter, causes the soil to lose its minerals and it adds up to one of the causes of **Global warming.**

When removing the trees it also causes soil erosion, since the trees are next to the N1 road when it rains soil will be washed away and water will not be absorbed by the sand. And this may cause cars to be washed away by water when it heavily rains, which puts human lives at risk.

You can transplant the smaller baobab trees to another area instead of burning them down or cutting them down. **I would kindly like to ask you not to remove the bigger baobab trees, but rather build a small fence around the bigger trees that cannot be transplanted and build the solar panels in a better area.**

Yours

faithfully

Livhuwani

Matsila

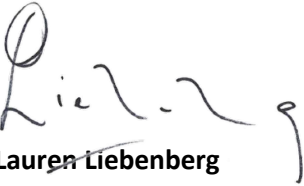
Email:

livhuwanimatsila55@gmail.c

om Cell: 076 569 2493

Kindly acknowledge receipt of these comments.

Sincerely,



Lauren Liebenberg

Living Limpopo and the Herd Reserve

13 February 2023

Savannah Environmental
Att: Nicolene Venter
By email: publicprocess@savannahsa.com

Comment on the proposed Mutsho Solar Project with particular focus on the Avifunal Specialist Study for PV1

Dear Nicolene,

Please see below a brief list of BirdLife South Africa's (BLSA) general and more specific concerns about the proposed Mutsho Solar Project.

General concerns

Whilst BirdLife South Africa is generally supportive of solar energy initiatives, we do have several concerns about this application and its location in a relatively pristine area of biodiversity. We have also noted, that the proposed locality is in proximity to the contentious site of the Musina-Makhado Strategic Economic Zone (MMSEZ). As you are aware, there are numerous conservation and community groups who have expressed their opposition to this proposal. There is a case pending in the High Court which will consider, among other things, the environmental consequences and risks associated with this proposal.

It is clear that the relatively large scale solar plant being proposed is linked to the MMSEZ. BirdLife South Africa strongly opposes the proposal on this basis. In the interests of transparency it needs to be made explicit in the EIA Reports who the power purchasers for this installation will be. More information also needs to be made available about the proponent for the proposal. It would appear to be the same as the proponent for the original coal-fired "Power Project", an EIA for which was circulated for public comment in 2018. According to the original report:

The Mutsho Power Project will be fuelled by coal mined from MC Mining Ltd's (MCM) (previously known as Coal of Africa Limited (CoAL)) Makhado Project to be developed approximately 20km south-east of the proposed project site. The Makhado Project comprises a new coal mine (i.e. the Makhado Colliery) to be located north of the Soutpansberg Mountains in the Makhado Local Municipality of Vhembe District.

There would also appear to be an overlap in the data sets and information gathered for the original Mutsho Power Project and the current proposal for a solar park.

Specific concerns

Unfortunately due to the number of applications we receive and our resource constraints, BLSA has not had the time and capacity to study the EIA report in detail. In this regard, we would welcome an extension to the commenting timeframe. We have, nonetheless, considered the avifaunal specialist study. The results of this study point to several concerns which the specialist has highlighted. Among these are:

- The location of the site overlapping with the Vhembe Biosphere Reserve
- The potential occurrence of eleven avifaunal species regarded as threatened
- The proximity of the site to the Soutpansberg IBA (Important Bird Area) which is home to an important colony of Cape Vulture *Gyps coprotheres*: larger avifaunal species are vulnerable to collisions overhead infrastructure
- The very high sensitivity rating for the faunal theme indicated by the results of the web-based screening tool
- The location of the project area approximately 3.7 km from a priority focus area for the National Protected Area Expansion Strategy 2016

Overall, the avifaunal specialist designates a high sensitivity rating for much of the area that comprises the various stages of development of the solar park. According to the Species Environmental Assessment Guideline that supports the gazetted Species Protocols (GN 1150 in GG 43855 of 30 October 2020), sites of high ecological importance must be avoided wherever possible. In the alternative minimisation mitigation must be practiced including changes to project infrastructure design to limit the amount of habitat impacted. In this instance, there would be relatively few opportunities to minimise the impacts on biodiversity and species habitats, and still generate anticipated the power yields. It is, therefore, imperative that avoidance take precedence.

An additional concern in respect of the terrestrial ecology study, is the recommendation for a "search and rescue" operation as a mitigation strategy. The Species Environmental Assessment Guideline is explicit in its warnings about this not being an appropriate strategy to prevent loss of biodiversity. On page 50 of the guideline, the reasons are explained as follows:

'Search and rescue' – this is a term often applied for the ex situ conservation of SCC and is often erroneously suggested as an environmental impact mitigation measure. Removal of SCC from their natural habitat through search and rescue operations followed by translocation of these subpopulations is unacceptable as a minimisation mitigation measure because it:

- *does not negate or decrease the net habitat and biodiversity loss within the PAOI;*
- *is almost never truly successful because it is usually not possible to locate and translocate all individuals of an SCC;*
- *may potentially erode the genetic integrity of the species; and*
- *substantially increases risk to the receiving populations (where the 'rescued' species are being translocated to), through deleterious genes, parasite and pathogen introduction, and excessive competition for resources.*

An overarching concern for BLSA is the lack of proper consideration of alternatives, despite the requirement for avoidance. The factors listed on pages 25 and 26 of the draft EIR are hardly unique to this site. There are many areas in the general vicinity that could be developed for renewable energy which would not require the removal of pristine vegetation, resulting in associated impacts on habitats and ecological infrastructure. The requirement to avoid sensitive areas is supported by the decision-making principles in the National Environmental Management Act (107 of 1998) (NEMA). According to Principle 4(a):

Sustainable development requires the consideration of all relevant factors including the following:

(i) That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied.

Another relevant principle in section 2 of NEMA includes:

That a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions.

Given the high levels of uncertainty about the future of this area and considerable risk attached to the consequences of decisions and actions related to the proposal, linked as it is to the proposed MMSEZ, BirdLife South Africa believes it would be unreasonable and irrational for the solar project to be authorised.

In conclusion we would urge that this application is not submitted to the provincial competent authority. We are concerned that the Limpopo Department of Economic Development, Environmental and Tourism (LEDET) has a vested interest in the proposed MMSEZ, which would inhibit their ability to make an objective and balanced decision about this proposal. Our apprehensions are shared by a number of other conservation and community groups who have voiced their opinion that all decisions affecting, or affected by, the proposed MMSEZ ought to be escalated to the national Department of Forestry, Fisheries and the Environment (DFFE).

Yours sincerely



Dr Kirsten Day
Advocacy Officer
BirdLife South Africa
E-mail: kirsten.day@birdlife.org.za



NATURAL JUSTICE

63 Hout Street,

Mercantile Building,

Cape Town, 8000,

South Africa.

Tel: +27 21 426 1633

Att: **Jacqueline Rukanda and**

Lauren Nel

jacqueline@naturaljustice.org

lauren@naturaljustice.org

TO: NICOLENE VENTER
Savannah Environmental

BY EMAIL: publicprocess@savannahsa.com

**RE: NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION
PROCESS FOR THE PROPOSED DEVELOPMENT OF THE MUTSHO SOLAR
PHOTOVOLTAIC (PV) ENERGY FACILITIES NEAR MUSINA, LIMPOPO PROVINCE**

PART 1: INTRODUCTION

1. Natural Justice is a non-profit organization, registered in South Africa since 2007. Our mission is to facilitate the full and effective participation of Indigenous peoples and local communities in the development and implementation of laws and policies that relate to the conservation and customary uses of biodiversity and the protection of associated cultural heritage. Natural Justice works at the local, national, regional, and international levels with a wide range of partners. We strive to ensure that community rights and responsibilities are represented and respected on a broader scale and that gains made in international fora are fully upheld at lower levels.
2. We applaud the increasing of the installations of solar photovoltaic (PV) systems and associated infrastructure for renewable energy in South Africa towards a just energy transition.

3. Solar power and solar PV are of importance in combatting energy poverty and phasing out fossil fuels. In appropriate circumstances, it has a much less harmful impact on people's health and the environment than the generation of energy from coal and gas power plants. Although solar energy projects generally have fewer negative effects than fossil fuel projects, they may still cause unacceptable impacts on human rights. This is especially true for medium- or large-scale projects or when there are many projects in a single area.
4. Natural Justice submits these comments in the interests in the public interest, in the interests of the environment, and particularly in the interests of protecting indigenous and local communities' rights.
5. This submission is set out in the three following sections:
 - 5.1. Extension to comment and lack of notification;
 - 5.2. Relevant legislation;
 - 5.3. General Comments; and
 - 5.4. Conclusion.

PART 2: EXTENSION TO COMMENT AND LACK OF NOTIFICATION

6. Natural Justice only became aware of this project proposal and the notice of environmental impact assessment and public participation process for the proposed development of the Mutsho solar photovoltaic (PV) energy facilities near Musina, Limpopo Province (EIA Reports) on 13 February 2023.
7. We accordingly request an extension of 7 days to enable us to study the documents in detail and to submit more substantial comments. We kindly request that the deadline for submissions be extended to 20 February 2023.
8. As set out below, public participation is a Constitutional right which is available to all and should be protected.

PART 2: RELEVANT LEGISLATION AND LEGAL BACKGROUND

9. The Constitution of South Africa, 1996 (the Constitution) affords all people in South Africa fundamental justiciable rights. In respect of this submission, the following rights must be emphasised:
 - 9.1.1. The preamble of the Constitution states that the aims of the Constitution include to *"lay the foundations for a democratic and open society in which government is*

based on the will of the people and every citizen is equally protected by the law; improving the quality of life of all citizens; and freeing the potential of each person." Public participation is an expression of the will of the people.

- 9.1.2. Section 24 of the Constitution in the Bill of Rights guarantees that everyone has a right to an environment that is not harmful to their health or wellbeing; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.
- 9.1.3. The Constitution also affords other rights which relate to public participation. These rights are the right to equality (section 9), the right to dignity (section 10), the right to language and culture (section 30), the right to cultural, religious, and linguistic communities (section 31), the right to access to information (section 32), and the right to just administrative action (section 33).
- 9.2. The National Environmental Management Act 107 of 1998 (NEMA) stems from Section 24 of the Constitution and its function is to legislate the right to a healthy environment for all.
 - 9.2.1. The preamble of NEMA states that:
 - 9.2.1.1. Sustainable development requires the integration of social, economic, and environmental factors in the planning, implementation, and evaluation of decisions to ensure that development serves present and future generations.
 - 9.2.1.2. It is desirable that the law develops a framework for integrating good environmental management into all development activities and that it should establish procedures and institutions to facilitate and promote public participation in environmental governance.
 - 9.2.2. NEMA defines "sustainable development" as the integration of social, economic and environmental factors into planning, implementation and decision-making to ensure that development serves present and future generations.

- 9.2.3. NEMA defines “public participation process” as being in relation to the assessment of the environmental impact of any application for an environmental authorisation, means a process by which potential interested and affected parties are given an opportunity to comment on or raise issues relevant to the application.
- 9.2.4. In section 2(4)(c), the principles of NEMA state that "environmental justice must be pursued so that adverse environmental impacts are not distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons."
- 9.3. The Environmental Impact Assessment Regulations, 2014 (the EIA Regulations) provide the guidelines for EIAs and, more specifically, the standards for public participation in EIAs. The purpose of the EIA Regulations, at Section 2, includes that an environmental authorisation is done in order to avoid or mitigate detrimental impacts on the environment and increase positive environmental impacts.
- 9.4. Regulation 43 of the Environmental Impact Assessment Regulations (EIA Regulations) states that I&APs are entitled to comment, in writing, on all reports or plans submitted during the public participation process and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application.
- 9.5. Public participation is described in Chapter 6 of the EIA Regulations and the purpose is for potential or registered interested or affected parties to be able to access information about the proposed project and an opportunity to comment.
- 9.6. The Promotion of Administrative Justice Act 3 of 2000 (PAJA) protects the right to just administrative action through protecting the right to administrative action that is lawful, reasonable, and procedurally fair and the right to written reasons for administrative action, especially that affecting a person.
- 9.7. In the Presidential Climate Commission Report “A Framework for a Just Transition in South Africa” the term Just Transition is defined as “*A just transition aims to achieve a quality life for all South Africans, in the context of increasing the ability to adapt to the adverse impacts of climate, fostering climate resilience, and reaching net-zero greenhouse gas emissions by 2050, in line with best available science. A just transition contributes to the goals of decent work for all, social inclusion, and the eradication of poverty. A just transition puts people at the centre of decision making, especially those most impacted, the*

poor, women, people with disabilities, and the youth—empowering and equipping them for new opportunities of the future. A just transition builds the resilience of the economy and people through affordable, decentralised, diversely owned renewable energy systems; conservation of natural resources; equitable access of water resources; an environment that is not harmful to one’s health and well-being; and sustainable, equitable, inclusive landuse for all, especially for the most vulnerable.”

PART 3: PRELIMINARY COMMENTS

10. Importance of Public Participation and Communities’ Rights

10.1. EIA processes have been shown to improve project acceptance and minimise project derailment. Transparent procurement and sitting processes that allow for acceleration of clean energy and electricity planning that prioritises renewable energy should be the priority for the projects. To date, in South Africa, activities that have lacked public participation and/or transparency have slowed investment and deployment of solar PV. This results in uncertainty in policy and regulation and a high cost of capital. It also often results in projects being stopped by the courts. This can be seen in examples of the lack of public participation in *Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others*¹ in the Makhanda High Court, where Impact Africa and Shell’s exploration right was set aside.

11. Environmental Impacts

11.1. Though PV solar projects are sometimes less harmful to communities and the environment compared to non-renewables, impacts can still be substantial, especially in terms of medium or large-scale projects, and especially where multiple projects in an area have cumulative impacts. These impacts include projects that use large portions of cleared lands, maximizing sunlight for panels prior to installation. Further land clearing and space are required should the PV project connect to distribution or transmission lines.

11.2. Large quantities of solar panels can affect the temperatures in a region and have climatic impacts. Reflection from the solar panels can attract water birds who believe them to be lakes. There are toxic materials and elements in most solar panels today, which can contaminate soil and water should they not be properly handled and recycled at the end of their useful lifespan.

¹ (3491/2021) [2022] ZAECMKHC 55.

- 11.3. While PV solar projects often have significantly fewer impacts on surrounding communities than fossil fuel projects, such as coal or gas extraction or generation, they require a lot of land, which will inevitably reduce the availability of land for alternative livelihood activities and impact the environment, especially when these solar projects accumulate within a given region. PV solar generation generally requires 2 to 4 hectares of land per MW of electricity generated (depending on type and efficiency rating). In certain settings, solar facilities can be beneficial for some aquatic ecosystems and some agricultural and livestock systems. However, they can also displace other productive uses of land and destroy or fragment animal habitats. Additionally, most medium and large-scale projects will be grid-connected, hence requiring the build out of distribution and possibly transmission grids. Transition and distribution lines can have large footprints.
- 11.4. The EIA process and conclusion are critical to evaluating the cumulative impacts of multiple projects in the same area and projects that require land for transmission and distribution line construction. Individually, a project may not have a significant impact, but collectively, they could be devastating.
12. Infringement on Land Rights
 - 12.1. Not only can environmental harm occur, but due to the land requirements of solar projects, the land rights of communities can be affected. Land ownership and contested claims over land in South Africa should have been assessed in the EIA process.
 - 12.2. Through colonialization and Apartheid, South Africa has a dark history of land being appropriated from the indigenous and local communities. The EIA process should ensure rights to public participation and security of tenure and access to traditionally used lands of local communities.
 - 12.3. Should land issues not be dealt with sufficiently and cautiously, and community rights not respected, the proposed renewable energy facilities will result in development which contravenes NEMA and section 24 of the Constitution.
13. Issues of Water
 - 13.1. Medium and large solar PV projects require water to clean the solar panels for optimal usage. That water usage should be regulated under a water use license under the National Water Act, 36 of 1998.

- 13.2. This water usage is acknowledged in the EIA report stating that “the water requirement for a solar facility is negligible compared to the levels of water used by coal-based technologies. This generation technology is therefore supported in dry climatic areas”.
- 13.3. It must be stated that even if a project requires less water, the impact on surrounding communities and water supply must still be considered and avoided and/or mitigated.

14. Biodiversity

- 14.1. Biodiversity is essential for human existence and good quality of life. Maintaining the integrity of ecosystems does not only help achieve climate adaptation and mitigation responses, but also enables all life to flourish and evolve. Indigenous communities derive their livelihoods, directly or indirectly, from Nature (including food, air, water, medicines, clothing and shelter). Access to wild and natural places is also important to human psychological health and wellbeing.
- 14.2. Even though this is the case, in South Africa, biodiversity loss continues to threaten the health of ecosystems and the survival of species, and results in the negative impacts for livelihoods and for the economy. Global change and habitat loss and degradation, invasive alien species, overharvesting and illegal harvesting of species all threaten South Africa’s biodiversity and have been identified as the main drivers of biodiversity loss. Further, it is 25 years into democracy, and unfortunately our biodiversity sector remains largely untransformed and there is inequality to access benefits arising from biodiversity and associated to ecosystem services.
- 14.3. The EIA report, states that “*the main impacts identified to be associated with the proposed project are the loss of habitat, including the loss of nest sites in larger trees such as the Baobabs that will be lost in the area, disturbance, collision and electrocution risk. These impacts are expected to have a large impact on the avifauna community and more specifically the SCCs that has been found and could likely occur in the area. Mitigation measures as described in this report can be implemented to reduce the risk but there is still a possibility of impacts.*
- 14.4. *Considering that this area has been identified as being of significance for biodiversity maintenance and ecological processes (Moderate and High Sensitivity) development may proceed but with caution and only with the implementation of mitigation measures”.*
- 14.5. The EIA Reports recognise the risk and harm that will occur to the environment. In our view these risks and harm to the environment are unacceptable in this context, particularly

where alternative sites are available, with less impact on the environment and affected communities. It is suggested that land with less risks and damage to the environment is instead prioritized. There is need to apply the precautionary principle as was done in the *Sustaining the Wild Coast* case where the court held that “*because of the apparent dispute between the experts as to the adequacy of the mitigation measures minimising the known effects of seismic surveys, it would have been incumbent on the decision maker to invoke the precautionary principle... The onus rests on the party refuting the applicability of the precautionary principle to establish that the principle is of no application.”² The precautionary principle is enshrined in NEMA and requires that a risk-averse and cautious approach is applied, which considers the limits of current knowledge about the consequences of decision and actions. This principle must be strictly applied.*

- 14.6. In terms of the solar radiation map placed in the EIA reports, there are much higher levels of radiation in other areas moving towards Northern Cape. The reason for the areas chosen in terms of the EIA Reports seems to be for use in the Musina Makhado Special Economic Zone as the previous proposal for a Coal fire plant has not succeeded. Transparency in the purpose of any solar PV projects should be transparent and clear.

PART 4: CONCLUSION AND RECOMMENDATIONS

15. Solar photovoltaic projects need to comprehensively assess alternative, less impactful sites that can be used where just transition policy considerations would steer its deployment, like in the case of unrehabilitated mining sites, landfills, land where there is soil destruction, and other similar lands. These designations of land should include local land use planning and approval. They should also ensure constitutionally required and meaningful public consultations.
16. The need to strike a balance between accelerating renewables deployment and allowing for meaningful community engagement in the siting of medium- and large-scale solar projects is driving the development of careful and creative regulatory solutions worldwide. There are many sites where solar energy generation has a minimal impact or even generates benefits to the landscape, such as on brownfield sites that previously housed industrial activity but are not currently in use, including old mines, coal plant sites, or landfills.³ Right-of-ways for railroads and

² Para 109-110.

³ Peter Whitbread-Aburutat and Nick Coppen ‘Renewables Revive Abandoned Mines’ Renewable Energy World, available at <https://www.renewableenergyworld.com/baseload/renewables-revive-abandoned-mines/#gref>; United States Environmental Protection Agency ‘Shining Light on a Bright Opportunity: Developing solar energy on abandoned mine lands’ available at <https://semspub.epa.gov/work/11/176032.pdf>; Sarah Johnson ‘Sitting a solar

highways are other excellent options for installing extensive solar without competing with other valuable land uses.⁴ Many analyses have shown that it is possible to meet much if not all, renewable energy needs by prioritizing these and other degraded or unused non-urban sites when combined with solar installations in the built environment, including on rooftops of residential, commercial, and industrial buildings.⁵ Research has shown that even in prime agricultural regions, there is often plenty of land for renewables energy sitting that need not compete with food production.⁶

17. In conclusion, Natural Justice supports renewable energy and a “just transition” as defined by the Presidential Climate Change Commission. All renewable energy projects should be aligned and promote the values of a just transition which include access to energy to communities, protection of the environment and sustainable, equitable, inclusive land use for all.

farm on brownfields, landfills and former industrial sites’ BARR 22 August 2022 available at <https://www.barr.com/Insights/Insights-Article/ArtMID/1344/ArticleID/393/Siting-a-solar-farm-on-brownfields-landfills-and-former-industrial-sites>

⁴ ESP equity research ‘A new use for solar energy – highway right of way’ Seeking Alpha, available at <https://seekingalpha.com/article/110509-a-new-use-for-solar-energy-highway-right-of-way>

⁵ Arnulf Jager-Waldau ‘The Untapped Area Potential for Photovoltaic Power in the European Union’, available at <https://www.mdpi.com/2571-8797/2/4/27/pdf>

⁶ The Conversation ‘Farmers shouldn’t have to compete with solar companies for land. We need better policies so everyone can benefit’ available at <https://theconversation.com/farmers-shouldnt-have-to-compete-with-solar-companies-for-land-we-need-better-policies-so-everyone-can-benefit-173333>

Savannah Public Process

From: Savannah Public Process
Sent: Friday, 17 February 2023 08:17
To: Lauren Nel
Cc: Jacqueline Rukanda; Chantelle Geyer
Subject: RE: NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION PROCESS FOR THE PROPOSED DEVELOPMENT OF THE MUTSHO SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITIES NEAR MUSINA, LIMPOPO PROVINCE

Tracking:	Recipient	Delivery	Read
	Lauren Nel		
	Jacqueline Rukanda		
	Chantelle Geyer	Delivered: 2023/02/17 08:17	Read: 2023/02/17 08:27

Dear Lauren,

Regarding the request for extension to submit more substantive comments, Natural Justice can still submit their written comments which will then be submitted to the DFFE as late comments.

Kind regards,



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

Nicolene Venter

Public Participation and Social
Consultant

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

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

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From: Lauren Nel <lauren@naturaljustice.org>
Sent: Tuesday, 14 February 2023 15:05
To: Savannah Public Process <publicprocess@savannahsa.com>
Cc: Jacqueline Rukanda <jacqueline@naturaljustice.org>
Subject: RE: NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION PROCESS FOR THE PROPOSED DEVELOPMENT OF THE MUTSHO SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITIES NEAR MUSINA, LIMPOPO PROVINCE

Dear Nicolene

Thanks for the acknowledgement. Please can you also advise on the extension asked for.

Kind regards
Lauren Nel

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

Sent: Tuesday, February 14, 2023 5:36 AM

To: Lauren Nel <lauren@naturaljustice.org>

Cc: Jacqueline Rukanda <jacqueline@naturaljustice.org>

Subject: RE: NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION PROCESS FOR THE PROPOSED DEVELOPMENT OF THE MUTSHO SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITIES NEAR MUSINA, LIMPOPO PROVINCE

Dear Ms Nel,

Please receive herewith acknowledgement of the written comments received on the EIAs.

Kind regards,



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f: +27 (0) 86 684 0547

Nicolene Venter

Public Participation and Social
Consultant

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From: Lauren Nel <lauren@naturaljustice.org>

Sent: Monday, 13 February 2023 17:45

To: Savannah Public Process <publicprocess@savannahsa.com>

Cc: Jacqueline Rukanda <jacqueline@naturaljustice.org>

Subject: NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION PROCESS FOR THE PROPOSED DEVELOPMENT OF THE MUTSHO SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITIES NEAR MUSINA, LIMPOPO PROVINCE

Dear Sir/Madam

Please find attached hereto.

Please take note that there is also a request for an extension to make more substantive comments to the notice. Please advise whether this is in order.

Kind regards
Lauren Nel

Head of Outlying Rights Program and Litigation

SCOPING PHASE

Nondumiso Bulunga

From: Enslin Johann <EnslinJ@dws.gov.za>
Sent: Tuesday, 26 July 2022 10:50
To: Savannah Public Process
Subject: RE: SE2897 - MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE

Good morning:

My name is **Johann Enslin from the DWS Directorate: Water Resources Development Planning, and I am the responsible Chief Engineer for the Northern Planning Area.** My colleague Mrs. Sanet van Jaarsveld forwarded your email below to me.

From my side, I just need to check the following with you:

1. **What is the facility's estimated water annual requirement (expressed in million m³/annum or MI/annum)? I do, however, assume that the facility's water requirements will be minimal.**
2. **From where will the facility receive its water? I assume that the facility will receive its water from a local borehole.**

Please keep in mind that A Water Use License (WUL) will be required in terms of the National Water Act (NWA), which can be applied for on the WARMS on the DWS Website. The DWS Limpopo Regional Office deals with WULs in the Northern Planning Area. The reason is that the water use for the facility is regarded as water use for commercial purposes, even if it is minimal. So please, register the facility as a Water User and apply for a WUL to be on the safe side of the NWA.

The **reason why I'm asking the two (2) questions above** is that if just in case the facility requires water from a DWS Scheme then we have to incorporate the facility's water requirements into our planning. I do, however, assume that this is not the case, but please confirm. Many thanks.

Yours sincerely:

Johann Enslin, PrEng
26 July 2022

*Johann Enslin, PrEng
BEng(Civil), BEng(Hons)(Urban Eng.), BEng(Hons)(Water Resources Eng.)*

*Chief Engineer: Water Resources Development Planning (North)
Department of Water and Sanitation: Republic of South Africa*

*Tel: (012) 336-8600 (DWS Office)
Cell: 071-382-3255
Email: enslinj@dws.gov.za*

Proverbs 14:23 - In any labor is an advantage, but talk is only for lack.

From: Van Jaarsveld Sanet <VanJaarsveldS@dws.gov.za>

Sent: Tuesday, 26 July 2022 09:28

To: Enslin Johann <EnslinJ@dws.gov.za>

Subject: FW: SE2897 - MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE

FYI

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

Sent: 25 July 2022 12:11

To: Van Jaarsveld Sanet <VanJaarsveldS@dws.gov.za>

Subject: SE2897 - MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE

**MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE
(DFFE Reference Nos.: To be Issued)**

Dear Stakeholder and Interested & Affected Party,

Mutsho Power (Pty) Ltd proposes the construction and operation of four (4) Solar Photovoltaic (PV) Energy Facilities, each with a contracted capacity of up to 100MW, and Electrical Grid Infrastructure comprising a 132kV onsite substation (for the entire 4 x 100MW project), and a 132kV double circuit overhead power line from the onsite substation to the Nzhelele Substation to enable the connection of the four (4) Solar PV Energy Facilities to the national grid for the evacuation of the generated power.

The four (4) Solar PV Energy Facilities and grid connection infrastructure are proposed on a site located approximately 8km south-west of Mopane and 39km south-west of Musina, within the Musina Local Municipality and the Vhembe District Municipality in the Limpopo Province.

Kindly find attached a Background Information Document containing details of the project.

Please do not hesitate to contact us should you require any additional information.

Kind regards,

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Nicolene Venter
Public Process

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forestry, fisheries & the environment

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

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

Reference: Mutsho PV1

Enquiries: Ms M Rabothata/Ms. T Sekonko

Telephone: (012) 399 9174 **E-mail:** MRabothata@environment.gov.za

Ms. Mmakoena Mmola
Savannah Environmental
P.O. Box 14805
SUNNINGHILL
2157

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

PER E-MAIL

Dear Ms. Mmola

COMMENTS ON THE DRAFT SCOPING REPORT FOR MUTSHO SOLAR PV1, LIMPOPO PROVINCE

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

Based on the information provided in the report, there is a wetland located within the project site. However, this wetland is considered to be in a seriously modified ecological state. Therefore, the development may proceed with the next stage of the EIA phase provided that all relevant National and Provincial biodiversity guidelines will be considered in the final report.

Notwithstanding the above, the following recommendations must be considered in the final report:

- Preconstruction walk-through of the approved development footprint must be undertaken to ensure that sensitive habitats and species are avoided where possible.
- The detailed Biodiversity Specialist studies must be conducted, updated, and submitted in your final report.
- A detailed facility layout that avoids all sensitive areas within the project site must be submitted in your final report.
- Sensitive habitats in close proximity to the development footprint must be avoided or demarcated as No-Go area (i.e. wetlands and watercourses).
- Permits from relevant authorities must be obtained for the removal or disturbance of any TOPS, Red Data listed or provincially protected species/ trees.
- A detailed site Rehabilitation Plan must be developed and all disturbed and cleared areas must be rehabilitated with indigenous perennial shrubs and grasses from the local area; to ensure that these areas do not become subject to erosion or invasive alien plant growth.



COMMENTS ON THE DRAFT SCOPING REPORT FOR MUTSHO SOLAR PV1, LIMPOPO PROVINCE

- Weed and Invader Plant Management Plan must be developed to control and monitor weeds within the sensitive areas to avoid erosion and invaders.

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

In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of **Mr Seoka Lekota**.

Yours faithfully



Mr. Seoka Lekota
Control Biodiversity Officer Grade B: Biodiversity Conservation
Department of Forestry, Fisheries & the Environment
Date: 25/08/2022

N/A
11/8/2022

Ria Barkhuizen (NR)

From: Savannah Public Process <publicprocess@savannahsa.com>
Sent: Monday, July 25, 2022 12:07 PM
To: NR Statutory Control
Subject: SE2897 - MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE
Attachments: SE2987_Mutsho_Solar_BID_Eng_D1.pdf

1282
AUG

**MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE
(DFFE Reference Nos.: To be Issued)**

Dear Stakeholder and Interested & Affected Party,

Mutsho Power (Pty) Ltd proposes the construction and operation of four (4) Solar Photovoltaic (PV) Energy Facilities, each with a contracted capacity of up to 100MW, and Electrical Grid Infrastructure comprising a 132kV onsite substation (for the entire 4 x 100MW project), and a 132kV double circuit overhead power line from the onsite substation to the Nzhelele Substation to enable the connection of the four (4) Solar PV Energy Facilities to the national grid for the evacuation of the generated power.

The four (4) Solar PV Energy Facilities and grid connection infrastructure are proposed on a site located approximately 8km south-west of Mopane and 39km south-west of Musina, within the Musina Local Municipality and the Vhembe District Municipality in the Limpopo Province.

Kindly find attached a Background Information Document containing details of the project.

Please do not hesitate to contact us should you require any additional information.

Kind regards,

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Nicolene Venter
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Reference: N11/1/R
Date: 25 August 2022
Email: nrstat@nra.co.za

Contact Person: Mr J Oliver
Direct Line: +27 (0) 12 426 6200
Website: www.nra.co.za



Savannah

By email: publicprocess@savannahsa.com

Dear Sir / Madam

MUTSHO SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND ASSOCIATED INFRASTRUCTURE

Your application dated 25 July 2022 has reference.

The South African National Roads Agency SOC Limited (SANRAL) has no objection to the application as no national roads or interchanges under the jurisdiction of SANRAL will be affected.

Yours sincerely

A handwritten signature in black ink, appearing to read "B. Baerhuizen", is written over a horizontal line.

STATUTORY CONTROL OFFICER: NORTHERN REGION



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: 14/12/16/3/3/2/2180

Enquiries: Ms Bathandwa Ncube

Telephone: 012 399 9368 **E-mail:** BNcube@dffe.gov.za

Ms Jo-Anne Thomas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2191

Telephone Number : 011 656 3237/3256/3251
Email Address : joanne@savannahsa.com

PER MAIL / E-MAIL

Dear Ms Thomas

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED DEVELOPMENT OF THE MUTSHO SOLAR PV 1, NEAR MOPANE, WITHIN THE MUSINA LOCAL MUNICIPALITY, LIMPOPO PROVINCE

The Application for Environmental Authorisation and Draft Scoping Report (SR) dated July 2022 and received by the Department on 27 July 2022, refer.

This letter serves to inform you that the following information must be included to the Final Scoping Report:

Application form

1. You are required to provide written consent of the landowner identified in Section 3 of the application form, as per the requirement of Regulation 39 of the NEMA EIA Regulations, 2014, as amended.
2. It is understood that Mutsho Solar PV1 is part of a cluster of 4 proposed 100MW Solar PV energy facilities and all the projects are proposed for development on the Remaining Extent of Farm Vrienden 589 MS. It is important to note however, that the EIA process is project specific therefore, the maps must demarcate the boundary of the development site specific to Mutsho Solar PV1, as well as the associated coordinate points.
3. Please confirm that even though the locality map of the proposed project includes a 300m grid corridor, this grid infrastructure will be applied for and assessed as part of a separate basic assessment process.
4. If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted with the final SR.

Specialist Assessments

5. You are requested to submit the Specialist Declaration of Interest form for the Landscape and Visual Impact Baseline Report dated June 2022, prepared by Environmental Planning and Design cc.

MEM

Public Participation Process

6. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended and as specified in the approved Public Participation Plan.
7. Comments must be obtained from this Department's Biodiversity and Conservation Section. The contact details are as follows: BCAdmin@dffe.gov.za.
8. Please ensure that all issues raised and comments received during the circulation of the draft SR from registered Interested and Affected Parties (I&APs) and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed and included in the final SR.
9. Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the Final SR.
10. Proof of correspondence with the various stakeholders must be included in the final SR. This must indicate that this draft SR has been subjected to 30 days public participation process, stating the start and end date of the PPP. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments.
11. All issues raised and comments received during the circulation of the draft SR from I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final SR, including comments from this Department, and must be incorporated into the Comments and Response Report (CRR).
12. Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
13. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied *verbatim* and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to an I&AP's comments.
14. The attendance register and minutes of any meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final SR.

General

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

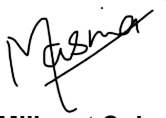
"If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation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



Ms Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Letter signed by: Ms. Masina Morudu

Designation: Control Environmental Officer: National Infrastructure Projects

Date: 29/08/2022.

cc:	Yi (Christine) He	Mutsho Power (Pty) Ltd	Email: Christine@crieagle.co.za
	Ngoasheng Tlhagala	Limpopo DEDET	Email: NgoashengTR@ledet.gov.za

2022/08/01, 08:17 - +27 83 553 4571: Hi Madam! Herewith my details: Karin Marais,
kmarinmarais@gmail.com Cell 083 553 4571.

2022/08/01, 08:23 - +27 83 553 4571: Our school is a LEDET Green School and was a member of the Wessa/ International Ecoschools -all Tshivenda scholars. I am the project coordinator and a few years back we won the first prize in the National Green Schools for the Earth competition. We are all hoping so badly that the giant Baobabs will not be sacrificed.

2022/08/01, 08:58 - +27 83 553 4571: We are hoping that your positive recommendations concerning these giant trees will ensure their preservation.

2022/08/01, 10:18 - +27 83 553 4571: I will register this afternoon

2022/08/05, 14:00 - +27 83 553 4571: Hi Madam-are high school scholars allowed to register and comment

2022/08/06, 14:30 - Savannah Environmental (Pty) Ltd: Absolutely

2022/08/06, 14:31 - +27 83 553 4571: Thank you very much

2022/08/06, 14:31 - +27 83 553 4571: is there an age limit?

2022/08/06, 20:12 - Savannah Environmental (Pty) Ltd: No, any person with an interest in the project can register

2022/08/06, 20:13 - +27 83 553 4571: thanks so much - have a nice weekend

ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION PROCESS

MUTSHO SOLAR PV, LIMPOPO PROVINCE

Registration & Comment Form

July 2022

Return completed registration and comment form to: **Nicolene Venter** of **Savannah Environmental**

Phone: 011 656 3237 / **Mobile (incl. 'please call me')**: 060 978 8396 / **Fax:** 086 684 0547

E-mail: publicprocess@savannahsa.com

Postal Address: PO Box 148, Sunninghill, 2157

Your registration as an interested and/or affected party will be applicable for this project only and your contact details provided are protected by the POPI Act of 2013

Please provide your complete contact details:

Name & Surname:	Lynne Ras		
Organisation:	Private (Land owner)		
Designation:	Farm Vera 61		
Postal Address:	Mopane, Musina		
Telephone:	083 302 1408	Fax:	
Mobile:			
E-mail:	lynne.ras68@gmail.com		

I would you like to

register as an interested and affected party (I&AP) on the project's database (please tick the relevant box)

Mutsho PV Facility	<input checked="" type="checkbox"/>
--------------------	-------------------------------------

In terms of EIA Regulations, 2014, as amended, Regulation 43(1), you are required to register as an I&AP to receive further correspondence regarding the BA process for the projects and to disclose any direct business, financial, personal or other interest which you may have in the approval or refusal of the application (add additional pages if necessary):

I approve of the application for the Solar Project
--

Please list your comments regarding your project selection above (add additional pages if necessary):

Although I approve of the Solar Project, I do have concerns about protected and endangered fauna and flora species, which occur in the area. For example, but not limited to the following – Baobab and Tamboti trees, Impala lilies, Wild Dogs and Pangolins
--

Please provide contact details of any other persons who you regard as a potential interested or affected party:

Name & Surname:

Postal Address:

Telephone:

Mobile:

E-mail:

ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION PROCESS

MUTSHO SOLAR PV, LIMPOPO PROVINCE

Registration & Comment Form

July 2022

Return completed registration and comment form to: **Nicolene Venter** of **Savannah Environmental**

Phone: 011 656 3237 / **Mobile (incl. 'please call me'):** 060 978 8396 / **Fax:** 086 684 0547

E-mail: publicprocess@savannahsa.com **Postal Address:** PO Box 148, Sunninghill, 2157

Your registration as an interested and/or affected party will be applicable for this project only and your contact details provided are protected by the POPI Act of 2013

Please provide your complete contact details:

Name & Surname:	RAMBAU OSEDZA		
Organisation:	SECONDARY SCHOOL		
Designation:	LEARNER/SCHOLAR		
Postal Address:	136 B urger street ,Louis trichardt		
Telephone:	0814287332	Fax:	
	0814287332		
Mobile:	0814287332		
E-mail:	rambauosedza@gmail.com		

I would you like to register as an interested and affected party (I&AP) on the project's database (please tick the relevant box)

Mutsho PV Facility	<input checked="" type="checkbox"/>
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In terms of EIA Regulations, 2014, as amended, Regulation 43(1), you are required to register as an I&AP to receive further correspondence regarding the BA process for the projects and to disclose any direct business, financial, personal or other interest which you may have in the approval or refusal of the application (add additional pages if necessary):

I do not have any direct business, financial, personal or other interest which may have in the approval or refusal of the application

Please list your comments regarding your project selection above (add additional pages if necessary):

**136 Burger street
Louis Trichardt
0920
08 August 2022**

To whom it may concern

MY CONCER TO THE MPVF ABOUT THE DEFORESTATION

I am Rambau Osedza a sixteen-year-old girl, doing grade ten. I am in a science class and I get to learn about the beneficiaries of us having trees. I get to learn how they help us as human beings, well not only humans and animals too. So I find the case of deforestation as a very bad thing, especially when it comes to big trees like baobab trees because they are the once that cannot be transplanted which means they will die and we will be having a huge loss as Limpopo province.

Deforestation can be a huge impact of soil erosion, not forgetting the case of climate change. It can also increase greenhouse gases in the atmosphere. We cannot cut giant trees like baobab trees because they clean our air, the air we breath by absorbing carbon dioxide and the carbon that is absorbed by their woods helps to slow the rate of global warming.

We have baobab trees which are shelters to some animals and food to some. Well some trees like marula and moringa bear fruits and provide medication for some humans and when it come to the Zulu culture the marula trees symbolize women’s fertility, softness and tenderness.

I am very worried that your company will destroy the big trees in the site, so please I humbly ask you to protect these trees, build around them or put a fence around them then you can transplant the small ones.

I sincerely hope that you will concede my area of interest about the trees and save all trees like marula and other baobab trees.

Yours faithfully

**Osedza
rambauosedza@gmail.com**

**Please provide contact details
of any other persons who you
regard as a potential
interested or affected party:**

Name & Surname:

Postal Address:

Telephone:

Mobile:

E-mail:

ENVIRONMENTAL IMPACT ASSESSMENT AND PUBLIC PARTICIPATION PROCESS

MUTSHO SOLAR PV, LIMPOPO PROVINCE

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Your registration as an interested and/or affected party will be applicable for this project only and your contact details provided are protected by the POPI Act of 2013

Please provide your complete contact details:

Name & Surname:	Livhuwani Matsila		
Organisation:	Secondary School		
Designation:	Grade 10 Learner		
Postal Address:	PO BOX 05, MUDIMELI, 0991		
	0765692493		
Telephone:	0765692493	Fax:	
Mobile:	livhuwanimatsila55@gmail.com		
E-mail:			

I would you like to

register as an interested and affected party (I&AP) on the project's database (please tick the relevant box)

Mutsho PV Facility	<input checked="" type="checkbox"/>
--------------------	-------------------------------------

In terms of EIA Regulations, 2014, as amended, Regulation 43(1), you are required to register as an I&AP to receive further correspondence regarding the BA process for the projects and to disclose any direct business, financial, personal or other interest which you may have in the approval or refusal of the application (add additional pages if necessary):

I disclose that I do not have any direct business, financial, personal or other interest in the approval or refusal of the application
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Please list your comments regarding your project selection above (add additional pages if necessary):

<p>Dear Madam/Sir</p> <p>My name is Livhuwani Matsila and I'm one of the science students. I'm in grade 10 and also 16 years old. I've been taught in science about deforestation and it's not a very good thing to do. This does not only affect us as humans, it</p>
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also affects animals living in that ecosystem. Trees are important to us and also to animals. People need trees in order for them to be able to breath. Animals get food from trees and some of them live in trees.

Burning of trees and habitats affects animals because they would have to find new shelter, causes the soil to lose its minerals and it adds up to one of the causes of **Global warming**.

When removing the trees it also causes soil erosion, since the trees are next to the N1 road when it rains soil will be washed away and water will not be absorbed by the sand. And this may cause cars to be washed away by water when it heavily rains, which puts human lives at risk.

You can transplant the smaller baobab trees to another area instead of burning them down or cutting them down. **I would kindly like to ask you not to remove the bigger baobab trees, but rather build a small fence around the bigger trees that cannot be transplanted and build the solar panels in a better area.**

Yours faithfully

Livhuwani Matsila

Email: livhuwanimatsila55@gmail.com

Cell: 076 569 2493

Please provide contact details of any other persons who you regard as a potential interested or affected party:

Name & Surname:

Postal Address:

Telephone:

Mobile:

E-mail:

Savannah Public Process

From: Savannah Public Process
Sent: Wednesday, 07 September 2022 13:16
To: Dean Mc Gee
Subject: RE: MUTSHO SOLAR PROJECT

Dear Mr McGee,

A separate Basic Assessment process will be undertaken for the proposed power line and more details can be provided through this process.

The details of the power line are as follows:

- » The overhead power line will be a 132kV double circuit power line, up to a length of 12km, and will connect to the existing Nzhelele Substation.
- » The height of a 132kV double circuit overhead power line is typically between 26 – 29m.
- » The servitude width for a 132kV overhead power line is typically 32 – 35m.
- » For the purposes of the grid connection project, we will be assessing a grid corridor of 300m, and the power line will be suitably placed somewhere within the 300m wide corridor.
- » It is proposed that the power line will run immediately adjacent to the existing gravel road along the border of the property (see screenshot below – the power line route is represented by the blue line).



As detailed in the Scoping Report, *“Noise impacts are expected to be associated with the construction phase of the project. Considering the location of the project site in relation to residential areas and provided that appropriate mitigation measures are implemented, construction noise is unlikely to present a significant intrusion to the local community.”*

Solar PV facilities do not generate significant noise during operation.

During construction and operation, the facility will be lit by security lights to a level sufficient to ensure that security cameras can operate at night. Lighting impact will be assessed in the Visual Impact Assessment during the EIA Phase of the process and appropriate mitigation measures will be provided by the specialist.

Kind regards,



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Nicolene Venter
Public Participation and Social
Consultant

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c: +27 (0)60 978 8396

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

Processing of personal Information / POPIA compliance

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This email has been scanned for viruses and malware, and automatically archived by **Mimecast SA (Pty) Ltd**, and is believed to be clean

From: Dean Mc Gee <deanmcgee123@gmail.com>
Sent: Tuesday, 23 August 2022 09:08
To: Savannah Public Process <publicprocess@savannahsa.com>
Subject: MUTSHO SOLAR PROJECT

Good day

I own the farm Grootpraat 564 MS situated next to the proposed development.

I would like more information on the visual impact of the power line running along my eastern border. What is the proposed height of this line? Also how close to the actual border would it be?

Furthermore would the plant be lit at night as this would impact the ambience for eco-tourism clients. Would there be noise generated by the system when running?

Kind regards
Dean McGee

NOTICE OF SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT, BASIC ASSESSMENT AND PUBLIC PARTICIPATION PROCESSES

PROPOSED DEVELOPMENT OF THE MUTSHO SOLAR PHOTOVOLTAIC (PV) ENERGY FACILITIES AND ASSOCIATED ELECTRICAL GRID INFRASTRUCTURE NEAR MUSINA, LIMPOPO PROVINCE

Applicant: Mutsho Power (Pty) Ltd.

Proposed Activity: Establishment of four (4) Solar Photovoltaic (PV) Energy Facilities, each with a contracted capacity of up to 100MW, and Electrical Grid Infrastructure comprising a 132kV onsite substation (for the entire 4 x 100MW project), and a 132kV double circuit overhead power line from the onsite substation to the Nzhelele Substation to enable the connection of the four (4) Solar PV Energy Facilities to the national grid for the evacuation of the generated power. It is the developer's intention to develop the projects in a phased approach (i.e., 100MW at a time). Infrastructure associated with each project includes:

Solar PV Energy Facilities	Electrical Grid Infrastructure
<ul style="list-style-type: none"> » Solar PV array comprising PV panels and mounting structures. » Inverters and transformers. » Cabling between the project components. » 33/132kV onsite substation (IPP Portion), including associated equipment and infrastructure – the onsite substation will be completely constructed as part of phase 1 but only equipped for the first 100MW. When such a time comes that the next 100 MW is constructed, the existing substation will be equipped for the additional 100MW generation capacity (i.e., additional transformers, extending the busbars, etc.). This approach will be followed as each 100MW facility is added to the cluster. » Battery Energy Storage System (BESS) - In a similar manner to the onsite substation, one BESS will be constructed for the entire 400MW project. The BESS will be added in a phased approach as required. Each project phase may or may not require a BESS, depending on the Power Purchase Agreement requirements. » Site offices, warehouses, and guardhouses. » Water storage tanks at admin block for human consumption. » Laydown areas. » Internal gravel distribution roads. 	<ul style="list-style-type: none"> » Onsite substation which consists of: <ul style="list-style-type: none"> • 33/132kV onsite substation (Eskom Portion). • Associated equipment, infrastructure, and buildings. • Laydown areas. » Distribution Line: <ul style="list-style-type: none"> • A 132kV double circuit overhead power line to connect the 132kV onsite substation to the existing Nzhelele Substation.

Water plan

Project Location: Located approximately 8km south-west of Mopane and 39km south-west of Musina within the Musina Local Municipality and the Vhembe District Municipality in the Limpopo Province

Solar PV Facilities		Electrical Grid Infrastructure	
Project	Property/ies	Project	Property/ies
Mutsho Solar PV1 (100MW)	Farm Vrienden 589 MS – Solar PV Facilities and associated infrastructure.	Mutsho EGI (132kV)	» Remaining Extent of Farm Vrienden 589 MS
Mutsho Solar PV2 (100MW)			» Grootpraat 564 MS
Mutsho Solar PV3 (100MW)			» Remaining Extent of Farm Steenbok 565 MS
Mutsho Solar PV4 (100MW)			» Farm 617 MS
			» Remaining Extent of Farm Somme 611 MS
			» Groot Endaba 581 MS
			» Remaining Extent of Farm Antrobus 566 MS
			» Portion 2 of Farm Scott 567 MS
Savannah Environmental website: https://savannahsa.com/public-documents/energy-generation/		Savannah Environmental website: https://savannahsa.com/public-documents/grid-infrastructure/	

Applications for Environmental Authorisation: In terms of Sections 24 and 24D of the National Environmental Management Act (No 107 of 1998), as read with Government Notice R324 – R327, as amended, a Scoping and Environmental Impact Assessment (S&EIA) process is required for each Solar PV Facility. Similarly, a Basic Assessment (BA) process is required for the Electrical Grid Infrastructure. Savannah Environmental is undertaking the required S&EIA, BA, and public participation processes for these projects.

To obtain further information and register on the project database, please submit your name, contact information and interest in the project to:

Nondumiso Bulunga of Savannah Environmental
P.O. Box 148, Sunninghill, 2157
Tel: 011 656 3237
Mobile: 060 978 8396
Fax: 086 684 0547
Email: publicprocess@savannahsa.com
Website: www.savannahsa.com

savannah
environmental

July 2022

This notice is **not** for **job applications** but rather an opportunity to **register/comment** on the project.

Should you know of any **vulnerable person** that needs to be informed of and be part of this proposed project, please contact us.