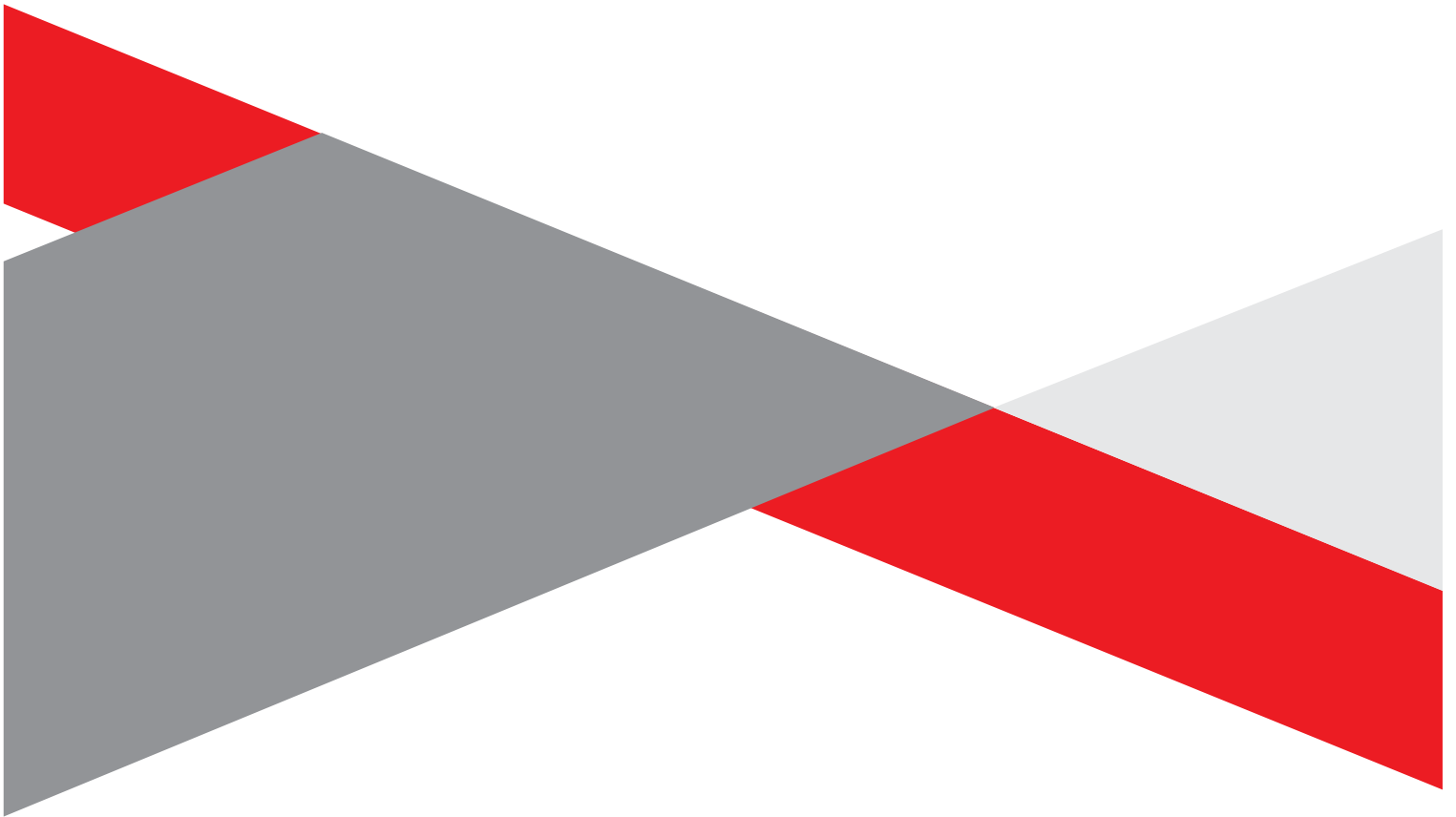


APPENDIX C8

COMMENTS & RESPONSES REPORT



**MUTSHO SOLAR PV2,
(DFFE Reference No.:14/12/16/3/3/2/2181)**

COMMENTS AND RESPONSES REPORT

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Information regarding the Scoping and Environmental Impact Assessment (S&EIA) and Public Participation processes for the proposed Mutsho Solar PV2 as well as details of the project, was made available with the distribution of the Background Information Document (BID) on **Monday, 25 July 2022** together with that for Mutsho Solar PV1, Mutsho PV3 and Mutsho PV4. The BID served to invite Interested and Affected Parties (I&APs) to register their interest in the project and to submit any comments / queries that they might have.

The Scoping Report was made available for a 30-day review and comment period from **Tuesday, 26 July 2022** until **Friday, 26 August 2022**. The Environmental Impact Assessment (EIA) Report has been made available for a 30-day review and comment period from **Friday, 13 January 2023** until **Monday, 13 February 2023**. All written comments received during the EIA process have been included in **Appendix C6** and captured in this Comments and Responses Report (C&RR) which is submitted to the Department of Forestry, Fisheries and the Environment (DFFE) with the final EIA Report for decision-making. The C&RR is included as **Appendix C8** to the final EIA Report as a separate document.

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

Note: Comments received have been captured verbatim and have not been edited for typing or grammatical errors.

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

LIST OF ABBREVIATIONS / ACRONYMS

AEP	Environmental Assessment Practitioner	I&AP	Interested and Affected Parties
BC	Biodiversity Conservation	LEDET	Limpopo Department of Economic Development, Environment and Tourism
BESS	Battery Energy Storage System	MMSEZ	Musina-Makhado Special Economic Zone
BID	Background Information Document	NEMA	National Environmental Management Act
BLSA	BirdLife South Africa	NWA	National Water Act
CBA	Critical Biodiversity Area	PAOI	Protected Area of Interest
C&RR	Comments and Response Report	PV	Photovoltaic
DFFE	Department of Forestry Fisheries & the Environment	REIPPP	Renewable Energy Independent Power Producer Procurement
DMRE	Department of Mineral Resources and Energy	SACNASP	South African Council for Natural Scientific Professions
DWS	Department of water and Sanitation	SAHRIS	South African Heritage Resources Information System
EGI	Electrical Grid Infrastructure	SCC	Species of Conservation Concern
EIA	Environment Impact Assessment	SR	Scoping Report
EIAr	Environmental Impact Assessment Report	S&EIA	Scoping and Environmental Impact Assessment
EMPr	Environmental Management Programme	UNESCO	The United Nations Educational, Scientific and Cultural Organization
FSR	Final Scoping Report	WESSA	The Wildlife and Environment Society of South Africa
GHG	Greenhouse Gas	WUL	Water Use License
IRP	Integrated Resource Plan		

1 COMMENTS RECEIVED ON THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT

1.1 Organs of State

No.	Comment	Raised by	Response
1.	<p>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:</p> <p>1. The applicant shall take note of Section 22(1) of the National Water Act, 1998 (Act 36 of 1998), "Permissible water use", <i>a person may only use water-</i></p> <p>a) <i>without a license-</i></p> <p>I <i>if that water use is permissible under Schedule.1 ;</i></p> <p>II <i>If that water is permissible as a continuation of existing lawful use (section 32); or</i></p> <p>III <i>If that water use is permissible in terms of general authorisation issued under section 39;</i></p> <p>b) <i>If the water use is authorised by a license under this Act; or</i></p> <p>c) <i>If the responsible authority has dispensed with a license requirement under subsection (3), (of the same Act).</i></p> <p>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.</p> <p>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.</p>	<p>TP Ndlhovu DWS: Limpopo</p> <p>Letter: 26 January 2023</p>	<p>The applicant is aware of the requirements of Section 22(1) of the National Water Act, 1998 (Act 36 of 1998) and have been advised to initiate an application for a Section 21 (c) and (i) water use which requires authorisation in terms of the National Water Act, 1998 (Act 36 of 1998). This is detailed within the EIA Report (Chapter 7).</p> <p>The applicant is aware that the project is located within the 1:100-year flood-line and within a horizontal distance of 100 metres from watercourses and that encroachment on freshwater /drainage features constitutes a Section 21 (c) and (i) water use which requires authorisation in terms of the National</p>

No.	Comment	Raised by	Response
			Water Act, 1998 (Act 36 of 1998). This is detailed within the EIA Report (Chapter 7).
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.		<p>Water required for the construction phase will be sourced either from drilling wells or supplied by the municipality by water tankers. Water will be used for sanitation and potable water on site as well as for construction works. Communication between the applicant and the Municipality has been initiated.</p> <p>During operation, water consumption would include:</p> <ul style="list-style-type: none"> » Domestic water for camp and site office will be approximately 20m³/month. » A water tanker will be used for panel washing, using approximately 1200m³/month.
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.		The applicant is aware that encroachment on freshwater /drainage features constitutes a Section 21 (c) and (i) water use which requires authorisation in terms of the National Water Act, 1998 (Act 36 of 1998). This is detailed within the EIA Report (Chapter 7).
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		The Applicant is aware of the public participation process to be conducted for a Water Use License Application process in line with the required Regulations regarding Procedural Requirements for a Water Use License Application and Appeals

No.	Comment	Raised by	Response
	Regarding Procedural Requirements for Water Use License Applications and Appeals."		process, and the public participation process will be conducted accordingly.
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.		The Applicant is aware that the use of a septic tank for sanitation systems is a water use activity 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 will provide the Department with a copy of the signed service agreement.
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.		Requirements and mitigation measures for the storage of dangerous goods (such as oil, diesel, hydraulic fluids, and grease) are provided in Sections 7.8 and 9.3 of the final EIA Report as well as the facility EMPr attached as Appendix K .
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.		The requirement for appropriate waste management, including those specified by DWS, is included within the EMPr for the facility, which is included as Appendix K of the EIA Report.
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.		The requirement for management of water and soil contamination as well as for appropriate stormwater management, including those specified by DWS, is included within the EMPr for the facility, which is included as Appendix K of the EIA Report.
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		This requirement has been included within the project EMPr included within Appendix K of the EIA Report.

No.	Comment	Raised by	Response
	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.		
2.	<p>This letter serves to inform you that the following information must be included in the final EIAR:</p> <p>General Comments</p> <p>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.</p> <p>2. The EMPr must include all recommendations and mitigation measures recorded in the EIAR and specialist studies conducted.</p> <p>3. The project description on page 16 of the draft EIAR includes an on-site Substation and a Battery Energy Storage System (BESS), however, the layout map in appendix L of the draft EIAR do not display an on-site substation, nor a BESS. If a substation and BESS are part of this application,</p> <p>a. A signed Generic EMPr must be included a part of the EIAR;</p> <p>b. The layout map must be amended to show the location of the substation and BESS;</p> <p>c. The EIAR must include corner coordinates of the substation and BESS; and</p> <p>d. The activity description for Activity 11 of Listing Notice 1 must refer to PV2 and not PV1.</p>	<p>Bathandwa Ncube Case Officer DFFE</p> <p>Letter: 13 February 2023</p>	<p>The final EIAR complies with all conditions as provided in the acceptance of scoping report (refer to Table 7.4 of the Final EIA Report) and addresses all comments received for the FSR and draft EIAR.</p> <p>The EMPr includes all recommendations and mitigation measures recorded in the EIA Report and the specialist studies conducted.</p> <p>The on-site substation and Battery Energy Storage System (BESS) is included in the application for Mutsho Solar PV1 but not for Mutsho Solar PV2. This is also stated in the project description provided on page 16 of the EIA Report.</p> <p>Subsequently, the listed requirements are not applicable to Mutsho PV2. A correction has been made to Activity 11 of Listing Notice 1 in the EIA Report and an amended application form has been submitted.</p>

No.	Comment	Raised by	Response
	4. Please provide a locality map of the proposed project, which does not include the proposed powerline, as it is not part of this application.		A locality map without the proposed power line is included as Figure 1 and Figure 1.1 in the final EIA Report.
	<u>Public Participation Process (PPP)</u>		
	5. 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.		All comments received from I&APs and Organs of State have been incorporated in this C&RR and have been adequately addressed, as applicable (refer to Appendix C8: Comments and Responses Report of the final EIA Report).
	6. 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.		All comment received and issues raised from I&APs during the circulation of the EIAR, including those of Organs of State, are included in Appendix C6: Comments Received of the final EIA Report.
	7. 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.		Proof of correspondence with the various stakeholders are included in Appendix C4: Organs of State Correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report. Proof of attempts to obtain comments are also included in the above-mentioned Appendices.
	<u>General</u>		
	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.		The period for which the Environmental Authorisation is required is included in Section 11.6 of the final EIA Report. The date on which the activity will be concluded will only be confirmed once the details of the procurement programme for renewable energy projects are provided by government or through a similar programme. As detailed in Section 2.2.3 of the final EIA Report, following selection of the project as Preferred Bidder, construction is expected to take 15-18 months depending on the

No.	Comment	Raised by	Response
			choice of technology and the lead time for equipment at the time. Operation of the facility is expected to be 25 years.
	You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: <i>"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."</i>		The Final EIA Report will be submitted in accordance with the timeframes specified in Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended.
	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: <i>"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"</i> .		No significant changes or new information has been added to the final EIAR or the EMPr.
	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.		The requirements of Regulation 23 have been noted and it is confirmed that the final EIA Report will be submitted within these regulated timeframes.

No.	Comment	Raised by	Response
	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.		The applicant is cognisant of the fact that the activity may not commence prior to an Environmental Authorisation being granted by the Department.
3.	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.	M Rabothata & K Mathetja Case Officers DFFE: BC Letter: 13 February 2023	The comment is noted. As stated in the EIA Report " <i>Although the proposed layout overlaps with areas of sensitivity, the specialists have concluded that the project as proposed can be authorised on condition that the recommended mitigation measures are implemented. As such, the impact of this proposed Facility Layout is considered to be acceptable and the layout is recommended for approval. Final micro-siting must however be undertaken prior to construction considering all mitigation measures recommended within this EIA Report and associated specialist studies.</i> "
	The application area has recorded occurrence of protected species namely, <i>Boscia albitrunca</i> (Shepard's tree), <i>Adansonia digitate</i> (Baobab), <i>Scierocarya birrea</i> subsp. <i>caffra</i> (Marula) and species protected under schedule 12 of LEMA namely, <i>Adansonia digitate</i> and <i>Adenium multiflorum</i> . In case of removal or disturbance of such protected species or any Species of Conservation Concern (SCC), permits from relevant authorities must be obtained.		The applicant has been advised to apply for all relevant permits for the removal or disturbance of protected species or any Species of Conservation Concern (SCC) from relevant authorities.
	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.		Appropriate buffers around sensitive freshwater resource features have been recommended by the aquatic ecology specialist (refer to Appendix D of the EIA Report). The current layout (Figure 9.3 of the EIA Report) avoids all no-go areas.
	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.		The comment is acknowledged, and the current layout of the Solar PV Facility avoids very high sensitivity areas. All recommendations as previously mentioned are adhered to in the final EIA Report as well as the facility EMP.

No.	Comment	Raised by	Response
	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.		The final report complies with the requirements of the EIA Regulations and all relevant guidelines. The EIA phase specialist studies were undertaken in accordance with the specialist protocols as well as all relevant guidelines, and the EIA Report was compiled in accordance with the requirements of the EIA Regulations.
	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.		The Directorate: Biodiversity Conservation received personal notification of the availability of the EIA Report and any further consultation and/or communication will take place as requested.

1.2 Interested and Affected Parties

No.	Comment	Raised by	Response
1.	<p>I own the farm adjacent to the proposed development.</p> <p>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.</p> <p>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.</p>	<p>Dean McGee Landowner</p> <p>E-mail: 07 February 2023</p>	<p>The comments received during the scoping phase of the process were included in the Comments and Responses Report which was issued with the Draft EIA Report (refer to Section 3.2 of the CRR). A response was sent by the Savannah Public Participation Team on the email dated 23 August 2022. These comments, including the objection have been recorded in the Comments and Responses Report that is attached as Appendix C8 to the EIA report.</p> <p>A response and impact assessment to this landowner is also included in the Social Impact Assessment attached as Appendix I to the final EIA Report.</p> <p><i>"It is recognised that the majority farms in the area practice a combination of commercial tourism (trophy hunting) and</i></p>

No.	Comment	Raised by	Response
	None of my concerns have been addressed.		<p><i>livestock activity. As such, most farms are involved in both land uses as indicated previously.</i></p> <p><i>...</i></p> <p><i>The landowners that were engaged and responded are listed in Annexure B. However, one landowner specifically mentioned that he will not be able to continue with his commercial tourism operations due to the sense of place being affect by the planned infrastructure.</i></p> <p><i>...</i></p> <p><i>However, according to the landowners in the area, the proposed project will have a high significant impact on the sense of place/visual impacts, due to the physical characteristics of the study area.</i></p> <p><i>According to the landowner's survey's one landowner mentioned that "the allure for the eco-tourist or hunter is to experience the unspoilt natural beauty, solitude and animal life of the area. Noise and light pollution will make this impossible. The unspoilt skyline and remoteness are what an African experience is all about."</i></p>
2.	<p>I have the following comments regarding the Environmental Impact Assessment Report (EIARs) for the four Solar PV Energy Facilities:</p> <ul style="list-style-type: none"> • 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. 	<p>Lynne Ras</p> <p>Email: 12 February 2023</p>	<p>The comment is acknowledged, and all recommendations and mitigation measures are included in Chapter 7 of the final EIA Report as well as the facility EMPr attached as Appendix K to the final EIA Report.</p>

No.	Comment	Raised by	Response																																
3.	<p>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:</p> <p>Table 1: A summary of literature showing growth and potential of the mopane worm industry (Source: Dzerefos in press)</p> <table border="1"> <thead> <tr> <th>Economic indicators</th><th>Year</th><th>Location of study</th><th>Source</th></tr> </thead> <tbody> <tr> <td>Valued at USD 188 million in South Africa</td><td>1996</td><td>Southern Africa</td><td>Gardiner et al. (2012)</td></tr> <tr> <td>Price per kilogram was USD 5.42 to 6.02</td><td>1998</td><td>Alldaya, Musina, Polokwane, Limpopo Province, Carletonville and Pretoria, Gauteng Province</td><td>Rebe (1999)</td></tr> <tr> <td>Price per kilogram was USD 6.50 to 13.00 One person reported an annual selling turnover of USD 2 980.63</td><td>2004/5</td><td>Greater Giyani Municipality, Limpopo Province</td><td>Makhado et al. (2009)</td></tr> <tr> <td>Harvesters cannot access enough. Poaching from protected areas or trespassing on private land occurs. People come from Johannesburg, Gauteng Province in buses. Many camp in the harvesting area.</td><td>2016/7</td><td>North of Makhado (Louis Trichardt), Thohoyandou and Giyani, Limpopo Province</td><td>Sekoma et al. (2020)</td></tr> <tr> <td>Annual mopane worm crop worth USD 59 million</td><td>2018</td><td>Southern Africa</td><td>van Huis (2020)</td></tr> <tr> <td>Traders reported an annual income of about USD 1 400</td><td>2019</td><td>Buba, Elim, Makhado, Musina, Sibasa and Thohoyandou, Limpopo Province</td><td>Hlongwane et al. (2021)</td></tr> <tr> <td>Price per kilogram was USD 14.60 but some harvesters preferred to barter for school shoes and stationery. A church group collected mopane worms in exchange for musical instruments</td><td>2022</td><td>Limpopo Province</td><td>Wendy Vesela, Ntshona owner and founder of Matomani. Pers. Com 2023</td></tr> </tbody> </table>	Economic indicators	Year	Location of study	Source	Valued at USD 188 million in South Africa	1996	Southern Africa	Gardiner et al. (2012)	Price per kilogram was USD 5.42 to 6.02	1998	Alldaya, Musina, Polokwane, Limpopo Province, Carletonville and Pretoria, Gauteng Province	Rebe (1999)	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 Municipality, Limpopo Province	Makhado et al. (2009)	Harvesters cannot access enough. Poaching from protected areas or trespassing on private land occurs. People come from Johannesburg, Gauteng Province in buses. Many camp in the harvesting area.	2016/7	North of Makhado (Louis Trichardt), Thohoyandou and Giyani, Limpopo Province	Sekoma et al. (2020)	Annual mopane worm crop worth USD 59 million	2018	Southern Africa	van Huis (2020)	Traders reported an annual income of about USD 1 400	2019	Buba , Elim, Makhado, Musina, Sibasa and Thohoyandou, Limpopo Province	Hlongwane et al. (2021)	Price per kilogram was USD 14.60 but some harvesters preferred to barter for school shoes and stationery. A church group collected mopane worms in exchange for musical instruments	2022	Limpopo Province	Wendy Vesela , Ntshona owner and founder of Matomani. Pers. Com 2023	<p>Cathy Dzerefos WESSA</p> <p>E-mail: 13 February 2023</p>	<p>The mopane worm is not identified as an endangered or protected species in South Africa, is not listed as a species of concern in the DFFE screening tool report and was not identified by the appointed ecological specialists as being a species which could be affected by the proposed project. In addition, the impact of the project on this species was not raised as an issue by the communities or stakeholders consulted as part of the EIA process.</p> <p>These species feed on the leaves of the mopane tree (<i>Colophospermum mopane</i>). According to the ecology assessment, this habitat was assigned a medium sensitivity. Loss of habitat was determined to be of medium significance following the implementation of mitigation. Considering the limited size of the area affected by the development compared to the larger area where these worms occur within the Limpopo Province, it is not expected that there would be any impact on food security as a result of the project.</p>
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Price per kilogram was USD 5.42 to 6.02	1998	Alldaya, Musina, Polokwane, Limpopo Province, Carletonville and Pretoria, Gauteng Province	Rebe (1999)																																
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 Municipality, Limpopo Province	Makhado et al. (2009)																																
Harvesters cannot access enough. Poaching from protected areas or trespassing on private land occurs. People come from Johannesburg, Gauteng Province in buses. Many camp in the harvesting area.	2016/7	North of Makhado (Louis Trichardt), Thohoyandou and Giyani, Limpopo Province	Sekoma et al. (2020)																																
Annual mopane worm crop worth USD 59 million	2018	Southern Africa	van Huis (2020)																																
Traders reported an annual income of about USD 1 400	2019	Buba , Elim, Makhado, Musina, Sibasa and Thohoyandou, Limpopo Province	Hlongwane et al. (2021)																																
Price per kilogram was USD 14.60 but some harvesters preferred to barter for school shoes and stationery. A church group collected mopane worms in exchange for musical instruments	2022	Limpopo Province	Wendy Vesela , Ntshona owner and founder of Matomani. Pers. Com 2023																																
4.	<p>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").</p> <p>Both parties referred to above have a direct interest in or are affected by this proposed power project to the extent that:</p> <ul style="list-style-type: none"> - 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: 	<p>Lauren Liebenberg Living Limpopo and the Herde Reserve</p> <p>Letter: 13 February 2023</p>	<p>Comment acknowledged and no further action required.</p>																																

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> 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. 		
	<p><u>Inadequate notice and commenting period</u></p> <p>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.</p> <p>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.</p> <p>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</p>		<p>The public participation process has been conducted in terms of the EIA Regulations, Regulations 39 – 44. The public participation process commenced on 25 July 2022 with the distribution of the BID to all identified I&AP (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report), site notices placed at the development site and by placing process notices at public places (refer to Appendix C2: Site Notices and Newspaper Advertisement of the final EIA Report). The EIA process and the availability of the Scoping Report was announced on 26 July 2022 by distributing the notification letter via e-mail to I&AP on the project database (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report), and placing an advertisement in the Limpopo Mirror, a local community</p>

No.	Comment	Raised by	Response
	<p>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".</p> <p>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.</p>		<p>newspaper (refer to Appendix C2: Site Notices and Newspaper Advertisement of the final EIA Report).</p> <p>Meetings were held during the 30-day review and comment period of the Scoping Report where the project was presented, including a summary of the key environmental findings as documented in the Scoping Report (refer to Appendix C7: Meeting Notes of the final EIA Report).</p> <p>The notification letter announcing the availability of the EIA Report was sent to all registered I&APs on the project database on 12 January 2023 (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report), and an advertisement was placed in the Limpopo Mirror, a local community newspaper (refer to Appendix C2: Site Notices and Newspaper Advertisement of the final EIA Report).</p> <p>A reminder e-mail notifying all registered I&APs on the project database regarding the review and comment period for the EIA Report was sent on 07 February 2023 (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report).</p> <p>Meetings were held during the 30-day review and comment period of the EIA Report where an overview of the project was presented, including a summary of the key environmental findings as documented in the EIA Report (refer to Appendix C7: Meeting Notes of the final EIA Report). This included an in-person meeting with the Mulambwane CPA.</p>

No.	Comment	Raised by	Response
			<p>Timeframes provided for review are in accordance with the requirements of the EIA Regulations. No request for extension of timeframes was received prior to 13 February 2023, the last day of the 30-day review period. As the regulated timeframes for the EIA process end on 24 February 2023, there is no opportunity to extend the public review period. Due to the late request for extension, it is not possible to request an extension of the regulated timeframes from the DFFE, as at least 30 days is required for a response.</p> <p>Should additional comments be received after the submission of the final EIA Report to the DFFE, these will be submitted to the DFFE as late comments.</p> <p>Regarding the splitting of the application into 4 phases, this is a standard approach by renewable energy developers in order to meet the requirements of the government bidding programmes, considering capacity of projects to be procured.</p>
	<p><u>Misrepresented Economic Rationale and Need & Desirability</u></p> <p>With respect to the Need and Desirability of the project given in the dElAr, 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.</p> <p>According to the Executive Summary,</p> <p><i>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</i></p>		<p>As stated in the EIA Report, Savannah Environmental (Pty) Ltd is appointed as the independent Environmental Consultant responsible for managing the Application for EA and supporting Scoping and Environmental Impact Assessment (S&EIA) process. Neither Savannah Environmental, the Environmental Assessment Practitioners (EAPs) employed by the company nor any of the specialists responsible for undertaking studies for this project are subsidiaries or are affiliated to the applicant. Furthermore, Savannah Environmental does not have any interests in secondary developments that may arise out of the authorisation of the proposed facility. All information presented within the report, including the Need and Desirability, is factually correct.</p>

No.	Comment	Raised by	Response
	<p><i>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)" (dElAr at piii).</i></p>		<p>In order to make the intention regarding the projects clear, the final EIA Reports have been updated to state that "It is the developer's intention to bid the proposed project in terms of a regulated power purchase procurement process (e.g., the Department of Mineral Resources and Energy's (DMRE's) Renewable Energy Independent Power Producer Procurement (REIPPP) Programme) to evacuate the generated power into the national grid"</p>
	<p>We note however that the developer, Mutsho Power (Pty) Ltd (Reg # 2016/163694/07), is closely connected to MC Mining Ltd (MCM):</p> <ul style="list-style-type: none"> - Mutsho Power (Pty) Ltd, MC Ming 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 <u>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.</u> <p>It is thus reasonable to assume that the Mutsho Power Plant is intended to serve the broader strategic interests of MC Mining, <u>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</u></p>		<p>The applications for the four Mutsho Solar PV Facilities are entirely independent of previous applications for Environmental Authorisation on Farm Vrienden 589MS. These projects has no affiliation with MC Mining Ltd or the SEZ.</p>

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

No.	Comment	Raised by	Response
	<p>assets, and to which the company plans to supply coal according to numerous public statements by MCM² and the MMSEZ sponsors.</p> <ul style="list-style-type: none"> - 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 <i>fall within the SEZ boundaries</i> (Steenbok 565MS; Somme 611MS and Antrobus 566MS). <p>In the initial iteration of the Mutsho Power Project – a coal-fired power station to be built on the same site, Vrienden 589MS (DEA Ref14/12/16/3/3/2220) – <u>the proximity of the SEZ is openly given as the motivation</u> for the construction of a power plant on the site.</p> <p>According to the April 2018 dElAR, also produced by Savannah Environmental:</p> <p>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 pxxxi)</p> <p>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”:</p>		<p>The applications for the four Mutsho Solar PV Facilities are entirely independent of previous applications for Environmental Authorisation on Farm Vrienden 589MS. These projects have no affiliation with MC Mining Ltd or the SEZ.</p>

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

No.	Comment	Raised by	Response
	<p>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... <u>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</u> (Mutsho Power Project dElAR, April 2018 at p119)</p> <p>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.</p> <p>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.</p>		
	<p>Musina-Makhado SEZ risks and impacts</p> <p>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 are located – ranging from catastrophic water resource depletion, extremely high CO₂ and greenhouse gas (GHG)</p>		<p>The applications for the four Mutsho Solar PV Facilities are entirely independent of previous applications for Environmental Authorisation on Farm Vrienden 589MS. These projects have no affiliation with MC Mining Ltd or the SEZ.</p>

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 impact of the Mutsho Power Project to the extent that it support the hyper-carbon-intensive MMSEZ.

No.	Comment	Raised by	Response
	<p>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:</p> <ol style="list-style-type: none"> 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 <u>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</u>, 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 <u>specifically for site clearance of the EMSEZ South Site (with reference to the overlap with the Mutsho Power Project site)</u> declared unlawful. 		
	<p>Mutsho Power Project – Site Sensitivity</p> <p>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.</p> <p>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 "<u>aims to inform land-use</u></p>		<p>The applications for the four Mutsho Solar PV Facilities are entirely independent of previous applications for Environmental Authorisation on Farm Vrienden 589MS. These projects have no affiliation with MC Mining Ltd or the SEZ.</p> <p>All impacts on terrestrial and freshwater ecology have been assessed in Chapter 7 and Appendix D and E of the final EIA report. Mitigation measures to reduce the significance of these impacts on the environment are included in the facility EMPr</p>

No.	Comment	Raised by	Response
	<p><u>planning and development</u> on a provincial scale and to aid in natural resource management" (dElAr at p119-120). With reference to the dElAr Site Sensitivity Verification Report (Appendix O) and its informant specialist reports, the dElAr expressly concedes the following in this regard:</p> <p><u>Terrestrial Ecology</u></p> <p>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.</p> <p>During the field assessment 3 species of protected trees were observed: <i>Boscia albitrunca</i> (Shepard's tree), <i>Adansonia digitata</i> (Baobab), and <i>Sclerocarya birrea</i> subsp. <i>caffra</i> (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 <i>B. albitrunca</i>.</p> <p>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.</p>		<p>attached as Appendix K to the final EIA Report. A complete Ecological Impact Assessment is included as Appendix D to the final EIA Report.</p>

No.	Comment	Raised by	Response
	<p>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)</p> <p><u>Conclusion</u></p> <p>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 Natural⁴ will be irreversibly impacted and that no mitigation is possible⁵ 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.</p> <p>Accordingly, we reject entirely the fallacious conclusion on the grossly inadequately-assessed cumulative impacts of the project that <i>inter alia</i> “There will be no unacceptable loss or impact on ecological aspects (vegetation types, species and ecological processes) due to the development” (dEIAr at pviii).</p>		<p></p> <p>All impacts associated with the project have been assessed in Chapter 7 of the final EIA report. Mitigation measures to reduce the significance of these impacts on the environment are included in the facility EMPr attached as Appendix K to the final EIA Report. Full specialist studies are included in Appendix D to I of the EIA Report. In addition, all comments received are included within Appendix C. All information is presented for the DFFE to make an informed decision.</p> <p>The objection raised has been recorded as part of the process.</p> <p>All impacts associated with the project have been assessed in Chapter 7 of the final EIA report. Mitigation measures to reduce the significance of these impacts on the environment are included in the facility EMPr attached as Appendix K to the final EIA Report. Full specialist studies are included in Appendix D to I of the EIA Report. In addition, all comments received are</p>

⁴ dEIAr at p116

⁵ dEIA at pxv

No.	Comment	Raised by	Response
	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.		included within Appendix C. All information is presented for the DFFE to make an informed decision.
	Kindly acknowledge receipt of these comments.		The objection raised has been recorded as part of the process.
			Receipt of the written comments submitted was acknowledged. (refer to Appendix C6: Comments Received of the final EIA Report)
5.	General concerns	Kirsten Day Advocacy Officer BirdLife South Africa	
	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.	Letter: 13 February 20232	The applications for the four Mutsho Solar PV Facilities are entirely independent of previous applications for Environmental Authorisation on Farm Vrienden 589MS. These projects have no affiliation with MC Mining Ltd or the SEZ.
	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		The application for the previously proposed coal-fired power station was withdrawn by the applicant. The applications for the four Mutsho Solar PV Facilities are entirely independent of previous applications for Environmental Authorisation on Farm Vrienden 589MS. These projects have no affiliation with MC Mining Ltd or the SEZ. As stated in the EIA Report "It is the developer's intention to bid the proposed project in terms of a regulated power purchase procurement process (e.g., the

No.	Comment	Raised by	Response
	<p>was circulated for public comment in 2018. According to the original report:</p> <p><i>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.</i></p> <p><i>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.</i></p> <p>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.</p>		<p><i>Department of Mineral Resources and Energy's (DMRE's) Renewable Energy Independent Power Producer Procurement (REIPPP) Programme) to evacuate the generated power into the national grid"</i></p>
	<p>Specific concerns</p> <p>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:</p>		<p>Timeframes provided for review are in accordance with the requirements of the EIA Regulations. No request for extension of timeframes was received prior to 13 February 2023, the last day of the 30-day review period. As the regulated timeframes for the EIA process end on 24 February 2023, there is no opportunity to extend the public review period. Due to the late request for extension, it is not possible to request an extension of the</p>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> 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 <p>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.</p> <p>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:</p>		<p>regulated timeframes from the DFFE, as at least 30 days is required for a response.</p> <p>The results listed are acknowledged and form part of the Avifaunal Impact Assessment included as Appendix E to the final EIA Report.</p> <p>Despite the medium to high sensitivity rating identified by the specialist, it was recommended that the project may continue if the prescribed mitigation measures are adhered to. Where avoidance is not possible, minimization will be implemented.</p>
			<p>The concern on the recommendation for a search and rescue operation is acknowledged. However, this operation forms part of various management plans and mitigation measures recommended by the specialists in order to minimize the impacts this project will have on the biological integrity of the area.</p>

No.	Comment	Raised by	Response
	<p><i>'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:</i></p> <ul style="list-style-type: none"> <i>• does not negate or decrease the net habitat and biodiversity loss within the PAOI;</i> <i>• is almost never truly successful because it is usually not possible to locate and translocate all individuals of an SCC;</i> <i>• may potentially erode the genetic integrity of the species; and</i> <i>• 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.</i> 		<p>This search and rescue operation will not be solely used to mitigate impacts. All mitigations recommended by the specialists have been included in the project EMPr (included as Appendix K of the Final EIA Report) and will be required to be implemented to minimise impacts on all aspects of the environment.</p>
	<p>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):</p> <p><i>Sustainable development requires the consideration of all relevant factors including the following:</i></p> <p><i>(i) That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied.</i></p> <p>Another relevant principle in section 2 of NEMA includes:</p>		<p>The project site was identified by the applicant following a broader screening of a larger area. During the screening study it was identified that the larger area is sensitive. The surrounding area consists of a CBA1 and it was determined that the areas where the projects are proposed are the most feasible areas for the facilities. As stated in the EIA Report <i>"The indicative facility layout/development footprint assessed within this EIA Report (Figure 11.2) was designed by the project developer in order to respond to and avoid the sensitive environmental and social features located within the project site, which were identified by the specialists during the Scoping Phase of the EIA process. This approach ensured the application of the mitigation hierarchy (i.e., avoid, minimise, mitigate, and offset) to the proposed project, which ultimately ensures that the development is appropriate from an environmental perspective and is suitable for development within the project site.</i></p>

No.	Comment	Raised by	Response
	<p><i>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.</i></p>		<p><i>Although the proposed layout overlaps with areas of sensitivity, the specialists have concluded that the project as proposed can be authorised on condition that the recommended mitigation measures are implemented. As such, the impact of this proposed Facility Layout is considered to be acceptable and the layout is recommended for approval. Final micro-siting must however be undertaken prior to construction considering all mitigation measures recommended within this EIA Report and associated specialist studies."</i></p>
	<p>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.</p>		<p>Comment acknowledged and no further action required. All information regarding the environmental impacts of the solar facilities and the comments received from I&APs and stakeholders has been presented for the DFFE to make an informed decision.</p>
	<p>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).</p>		<p>The applications for the four Mutsho Solar PV Facilities are entirely independent of previous application for Environmental Authorisation on Farm Vrienden 589MS. These projects have no affiliation with MC Mining Ltd or the SEZ.</p> <p>The competent authority for these projects is the National Department of Forestry, Fisheries and the Environment (DFFE) and not LDEDET.</p>
6.	<p>PART 1: INTRODUCTION</p> <p>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</p>	<p>Lauren Nel Head of Defending Rights Program and Litigation Natural Justice</p> <p>Letter: Undated</p>	<p>The Introduction of Natural Justice and its taking on renewable energy (solar PVs) is acknowledged and no further action required.</p>

No.	Comment	Raised by	Response
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>(Received via e-mail on 13 February 2023)</p>	
	<p>5. This submission is set out in the three following sections:</p> <p>5.1. Extension to comment and lack of notification;</p> <p>5.2. Relevant legislation;</p> <p>5.3. General Comments; and</p> <p>5.4. Conclusion.</p> <p>PART 2: EXTENSION TO COMMENT AND LACK OF NOTIFICATION</p>		

No.	Comment	Raised by	Response
	<p>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.</p> <p>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.</p> <p>8. As set out below, public participation is a Constitutional right which is available to all and should be protected.</p>		<p>The public participation process has been conducted in terms of the EIA Regulations, Regulations 39 – 44. The public participation process commenced on 25 July 2022 with the distribution of the BID to all identified I&AP (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report), site notices placed at the development site and by placing process notices at public places (refer to Appendix C2: Site Notices and Newspaper Advertisement of the final EIA Report). The EIA process and the availability of the Scoping Report was announced on 26 July 2022 by distributing the notification letter via e-mail to I&AP on the project database (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report), and placing an advertisement in the Limpopo Mirror, a local community newspaper (refer to Appendix C2: Site Notices and Newspaper Advertisement of the final EIA Report).</p> <p>Meetings were held during the 30-day review and comment period of the Scoping Report where the project was presented, including a summary of the key environmental findings as documented in the Scoping Report (refer to Appendix C7: Meeting Notes of the final EIA Report).</p> <p>The notification letter announcing the availability of the EIA Report was sent to all registered I&APs on the project database on 12 January 2023 (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report), and an advertisement was placed in the Limpopo Mirror, a local community newspaper (refer to Appendix C2: Site Notices and Newspaper Advertisement of the final EIA Report).</p>

No.	Comment	Raised by	Response
			<p>A reminder e-mail notifying all registered I&APs on the project database regarding the review and comment period on the EIA Report was sent on 07 February 2023 (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report).</p> <p>Meetings were held during the 30-day review and comment period of the EIA Report where an overview of the project was presented, including a summary of the key environmental findings as documented in the EIA Report, including an in-person community meeting with the Mulambwane CPA (refer to Appendix C7: Meeting Notes of the final EIA Report).</p> <p>Timeframes provided for review are in accordance with the requirements of the EIA Regulations. No request for extension of timeframes was received prior to 13 February 2023, the last day of the 30-day review period. As the regulated timeframes for the EIA process end on 24 February 2023, there is no opportunity to extend the public review period. Due to the late request for extension, it is not possible to request an extension of the regulated timeframes from the DFFE, as at least 30 days is required for a response. Should additional comments be received after the submission of the final EIA Report to the DFFE, these will be submitted to the DFFE as late comments.</p>
	<p>PART 2: RELEVANT LEGISLATION AND LEGAL BACKGROUND</p> <p>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:</p>		<p>Comment acknowledged and no further action required.</p>

No.	Comment	Raised by	Response
	<p>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.</p>		
	<p>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.</p>		<p>Comment acknowledged and no further action required.</p>
	<p>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).</p>		<p>Comment acknowledged and no further action required.</p>
	<p>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.</p> <p>9.2.1. The preamble of NEMA states that:</p> <p>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.</p>		<p>Comment acknowledged and no further action required.</p>

No.	Comment	Raised by	Response
	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.		Comment acknowledged and no further action required.
	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.		Comment acknowledged and no further action required.
	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.		Comment acknowledged and no further action required.
	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."		Comment acknowledged and no further action required.
	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.		Comment acknowledged and no further action required.
	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		Comment acknowledged and no further action required.

No.	Comment	Raised by	Response
	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.		Comment acknowledged and no further action required.
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.		Comment acknowledged and no further action required.
9.7.	In the Presidential Climate Commission Report "A Framework for a Just Transition in South Africa" the term Just Transition is defined as <i>"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."</i>		Comment acknowledged and no further action required.
	PART 3: PRELIMINARY COMMENTS		
10.	Importance of Public Participation and Communities' Rights		

No.	Comment	Raised by	Response
	<p>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 <i>Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others</i>⁶ in the Makhanda High Court, where Impact Africa and Shell's exploration right was set aside.</p>		<p>The public participation process has been conducted in terms of the EIA Regulations, Regulations 39 – 44. The public participation process commenced on 25 July 2022 with the distribution of the BID to all identified I&AP (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report), site notices placed at the development site and by placing process notices at public places (refer to Appendix C2: Site Notices and Newspaper Advertisement of the final EIA Report). The EIA process and availability of the Scoping Report was announced on 26 July 2022 by distributing the notification letter via e-mail to I&AP on the project database (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report), and placing an advertisement in the Limpopo Mirror, a local community newspaper (refer to Appendix C2: Site Notices and Newspaper Advertisement of the final EIA Report).</p> <p>Meetings were held during the 30-day review and comment period of the Scoping Report where the project was presented, including a summary of the key environmental findings as documented in the Scoping Report (refer to Appendix C7: Meeting Notes of the final EIA Report).</p> <p>The notification letter announcing the availability of the EIA Report was sent to all registered I&APs on the project database on 12 January 2023 (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report), and an advertisement was placed in the Limpopo Mirror, a local community</p>

⁶ (3491/2021) [2022] ZAECMKHC 55.

No.	Comment	Raised by	Response
			<p>newspaper (refer to Appendix C2: Site Notices and Newspaper Advertisement of the final EIA Report).</p> <p>A reminder e-mail notifying all registered I&APs on the project database regarding the review and comment period on the EIA Report was sent on 07 February 2023 (refer to Appendix C4: Organs of State correspondence and Appendix C5: Stakeholder Correspondence of the final EIA Report).</p> <p>Meetings were held during the 30-day review and comment period of the EIA Report where an overview of the project was presented, including a summary of the key environmental findings as documented in the EIA Report, including an in-person community meeting with the Mulambwane CPA. To ensure that the community understand and could fully participation in the process, a translator from the local area was available at the meeting (refer to Appendix C7: Meeting Notes of the final EIA Report).</p> <p>Timeframes provided for review are in accordance with the requirements of the EIA Regulations. No request for extension of timeframes was received prior to 13 February 2023, the last day of the 30-day review period. As the regulated timeframes for the EIA process end on 24 February 2023, there is no opportunity to extend the public review period. Due to the late request for extension, it is not possible to request an extension of the regulated timeframes from the DFFE, as at least 30 days is required for a response.</p> <p>Should additional comments be received after the submission of the final EIA Report to the DFFE, these will be submitted to the DFFE as late comments.</p>

No.	Comment	Raised by	Response
	<p>11. Environmental Impacts</p> <p>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.</p>		<p>Comment acknowledged and no further action required.</p>
	<p>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.</p>		<p>All environmental impacts identified are assessed in Chapter 7 of the final EIA report. Mitigation measures to reduce the significance of these impacts on the environment is included in the facility EMPr attached as Appendix K to the final EIA Report. Complete specialist studies are included as Appendix D-I to the final EIA Report.</p>
	<p>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</p>		<p>All environmental impacts identified are assessed in Chapter 7 of the final EIA report. Mitigation measures to reduce the significance of these impacts on the environment is included in the facility EMPr attached as Appendix K to the final EIA Report. Complete specialist studies are included as Appendix D-I to the final EIA Report. All information is presented to the DFFE for informed decision-making.</p>

No.	Comment	Raised by	Response
	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.		Cumulative impacts are assessed in Chapter 8 of the final EIA report. Complete specialist studies, including the assessment of cumulative impacts, are included as Appendix D-I to the final EIA Report.
	12. Infringement on Land Rights		Landowner consent was received to undertake the EIA process in accordance with the requirements of the EIA Regulations. The Mulambwane CPA has been consulted as part of the EIA process and have indicated that they own other portions of the Farm Vriendin. No claims to the affected property were raised through the process.
	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.		The EIA Process and public participation has been undertaken in accordance with the requirements of the EIA Regulations. In order to ensure participation of the local community members, an in-person community meeting with the Mulambwane CPA. To ensure that the community understand and could fully participation in the process, a translator from the local area was available at the meeting (refer to Appendix C7: Meeting Notes of the final EIA Report).
	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.		Comment acknowledged and no further action required.
	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.		The applicant is aware that water usage constitutes a Section 21 water use which requires authorisation in terms of the National Water Act, 1998 (Act 36 of 1998). This is detailed within the EIA Report (Chapter 7).

No.	Comment	Raised by	Response
	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".		Comment acknowledged and no further action required.
	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.		Comment acknowledged and no further action required.
	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.		Comment acknowledged and no further action required.
	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.		Comment acknowledged and no further action required. The cumulative impacts associated with biodiversity loss in the broader region have been assessed within the Ecology Impact Assessment included in Appendix D of the EIA Report.
	14.3. The EIA report, states that <i>"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</i>		Comment acknowledged and no further action required.

No.	Comment	Raised by	Response
	<i>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.</i>		
14.4.	<i>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".</i>		Comment acknowledged and no further action required.
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 <i>Sustaining the Wild Coast</i> case where the court held that <i>"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."</i> ⁷ 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.		Comment acknowledged and no further action required. The conclusion of the specialist states <i>"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"</i> The sensitivity is therefore acknowledged within the report. This information is presented to the DFFE, who is responsible for making a decision regarding the proposed project.

⁷ Para 109-110

No.	Comment	Raised by	Response
	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.		The applications for the four Mutsho Solar PV Facilities are entirely independent of previous applications for Environmental Authorisation on Farm Vrienden 589MS. These projects have no affiliation with the SEZ.
	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.		Comment acknowledged and no further action required.
	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. ⁸ Right-of-ways for railroads and highways are other excellent options for installing		Comment acknowledged and no further action required.

⁸ Peter Whitbread-Abrutat 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 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>

No.	Comment	Raised by	Response
	extensive solar without competing with other valuable land uses. ⁹ 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. ¹⁰ 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. ¹¹		
	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.		Comment acknowledged and no further action required.
7.	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.	Lauren Nel Head of Defending Rights Program and Litigation Natural Justice E-mail: 13 February 2023	Timeframes provided for review are in accordance with the requirements of the EIA Regulations. No request for extension of timeframes was received prior to 13 February 2023, the last day of the 30-day review period. As the regulated timeframes for the EIA process end on 24 February 2023, there is no opportunity to extend the public review period. Due to the late request for extension, it is not possible to request an extension of the regulated timeframes from the DFFE, as at least 30 days is required for a response. Regarding the request for extension to submit more substantive comments, Natural Justice can still submit their written

⁹ 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>

¹⁰ 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>

¹¹ 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>

No.	Comment	Raised by	Response
			comments which will then be submitted to the DFFE as late comments.

2 COMMENTS RECEIVED DURING THE ENVIRONMENTAL IMPACT ASSESSMENT PHASE

2.1 Organs of State

No.	Comment	Raised by	Response
4.	<p>You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended. The Environmental Impact Assessment Report (EIAR) must comply with the requirements of Appendix 3 of the EIA Regulations, 2014, as amended.</p> <p>In addition, the following amendments and additional information are required for the EIAR:</p> <p><u>Application form</u></p> <ol style="list-style-type: none"> 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. Please confirm that Activity 14, Listing Notice 1 and Activity 10 of Listing Notice 3 are not triggered by the proposed development. It is noted that the proposed solar PV facility does not fall within any strategic corridors or development zones, therefore the application will be considered as a normal EIA Application. If the EIAR contains listed activities and/or other information that differs from the application form, the application form must be amended accordingly and submitted to the Department with the EIAR. <p><u>Battery Energy Storage System (BESS)</u></p>	<p>Vusi Skosana Case Officer DFFE</p> <p>Letter: 19 October 2022</p>	<p>The landowner consent for the Solar Energy Facility is included as Appendix 3 to the amended EA Application form submitted on 13 January 2023.</p> <p>Mutsho PV2 does not include any storage of dangerous goods with a capacity of more than 30m³ as the substation and BESS are to be associated with Mutsho PV1.</p> <p>It is correct that the site is not located within any strategic corridors or development zones.</p> <p>The listed activities applied for in the application form submitted to the DFFE on 26 July 2022 are the same as those included in this EIA Report.</p>

No.	Comment	Raised by	Response
5.	BESS technologies must be included in the Technology Alternatives section of the EIAR.		BESS technologies are included in the Technology Alternatives section (Section 4.2 of Chapter 4) of the EIA Report.
6.	A Risk Assessment is not required for the Battery Energy Storage System (BESS), however, impacts associated with the risks must be identified, considered and assessed as part of the EIAR.		Impacts associated with the risks of the BESS are identified, considered and assessed as part of the EIA Report (refer to Chapter 9)
<u>Public Participation</u>			
7.	The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.		<p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended (GNR 326) (refer to Appendix C: Public Participation Process and Table 7.3 of the EIAR).</p> <p>All relevant activities applied for in the application for Environmental Authorisation (EA) and included in this EIA Report are relevant to the Mutsho Solar PV2 and its associated infrastructure as described in the project description (refer to Section 7.2.1, Table 7.1).</p> <p>All comments received to date have been included within the Comments and Responses Report (Appendix C6: Comments Received). Where comments have not been obtained, proof that attempts were made to obtain comments have been included in Appendix C4: Organs of State Correspondence and Appendix C5: Stakeholder Correspondence.</p> <p>The database detailing registered I&APs is included as Appendix C1: I&AP Database to the EIA Report.</p>
8.	Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to this Department's World Heritage Management section, regarding the Vhembe Biosphere Reserve (Ms Thumeka Ntloko at tntloko@dffe.gov.za), Department of Agriculture, Land Reform, and Rural Development (DALRRD), Department of Communications and Digital Technologies, South African Civil Aviation Authority (SACAA), South African Heritage Resources Agency (SAHRA), Telkom SA SOC Limited, Transnet SA SOC Limited, Limpopo Department Economic Development, Environment and Tourism (LDEDET), Limpopo Department of Transport and Community Safety, The Limpopo Provincial Heritage Resources Authority (LIHRA), Vhembe District Municipality, Musina Local Municipality, BirdLife South Africa, Endangered Wildlife Trust		

No.	Comment	Raised by	Response
	(EWT), Wildlife and Environment Society of South Africa (WESSA), SANParks, and Interested & Affected Parties I&APs.		
9.	All issues raised and comments received must be incorporated into the Comments and Response Report.		<p>Comments received and issues raised from I&APs to date on the project have been arranged according to date received and not in categories, and comments from each submission have been responded to individually, as applicable (refer to Appendix C8: Comments and Responses Report).</p> <p>Comments received during the 30-day review and comment period of the EIA Report will be captured and addressed in the Comments and Responses Report (Appendix C8: Comments and Responses Report) and will be submitted with the final EIA Report to the DFFE for decision-making. Proof of additional correspondence with the various stakeholders will be included in the final EIA Report in Appendix C4: Organs of State and Appendix C5: Stakeholder Correspondence. Where comments have not been obtained, proof that attempts were made to obtain comments will be included in Appendix C4: Organs of State and Appendix C5: Stakeholder Correspondence of the final EIA Report.</p>
10.	Proof of correspondence with the various stakeholders must be included in the EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.		<p>Proof of correspondence with the various stakeholders are included in the EIA Report in Appendix C4: Organs of State and Appendix C5: Stakeholder Correspondence.</p> <p>Where comments have not been obtained during the 30-day review and comment period of the EIA Report, proof of attempts made to obtain comments will be included in Appendix C4: Organs of State and Appendix C5: Stakeholder Correspondence of the final EIA Report.</p>
	<u>Layout & Sensitivity Maps</u>		
11.	Please provide a Layout Map which indicates the following:		

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> a. Solar panel positions and its associated infrastructure; b. Permanent laydown area footprint; c. Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible); d. The location of any sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure; e. Substation(s) and/or transformer(s) sites, including their entire footprint; f. Buffer areas; g. Buildings, including accommodation if any; and h. All "no-go" areas. 		The facility layout is included in this EIA Report as Figure 9.1 . The layout includes all the infrastructure associated with the facility as required. A map showing the layout overlain on the identified environmental sensitivities is included in this EIA Report as Figure 11.1 .
12.	An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process must be submitted in the EIAR.		A map showing the layout overlain on the identified environmental sensitivities is included in this EIA Report as Figure 11.1 .
13.	A map combining the layout map superimposed (overlain) on the environmental sensitivity map must be submitted in the EIAR.		A map showing the layout overlain on the identified environmental sensitivities is included in this EIA Report as Figure 11.1 .
	<u>Specialist assessments</u>		
14.	In addition to the preliminary specialist studies contained in the final SR, it is noted that a Avifauna Impact Assessment will be included in the EIAR, as per Section 7.6 of the final SR.		An Avifauna Impact Assessment is included in the EIA Report, as per Section 7.6 of the final SR, as Appendix E .
15.	The Heritage Impact Assessment must be submitted to the South African Heritage Resources Agency (SAHRA) for comments, via the South African Heritage Resources Information System (SAHRIS). These comments must be addressed and incorporated in the EIAR.		A Heritage Impact Assessment is included in the EIA Report Appendix G and the EIA Report will be submitted to the Limpopo Provincial Heritage Resources Authority (LIHRA) and the South African Heritage Resources Agency (SAHRA) for comments, via the South African Heritage Resources Information System (SAHRIS). The comments from SAHRA will be captured and

No.	Comment	Raised by	Response
			addressed in the Comments and Responses Report (Appendix C8) to be submitted with the final EIA Report to the DFFE for decision-making.
16.	Specialist assessments must be conducted in accordance with the Government Notice No. 320 of 20 March 2020 (i.e. 'the Protocols'), and Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species).		The specialist studies have been conducted in accordance with Government Notice No. 320 of 20 March 2020 (i.e., "the protocols"), and Government Notice No. 1150 of 30 October 2020 (i.e., protocols for terrestrial plant and animal species). The report compilers/reviewers are registered with SACNASP.
17.	The avifauna! specialist study must be conducted according to the latest <i>BirdLife South Africa Best Practice Guideline for Birds and Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa</i> .		An Avifauna Impact Assessment was conducted according to the latest BirdLife South Africa Best Practice Guideline for Birds and Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa and are included in the EIA Report, as per Section 7.6 of the final Scoping Report, as Appendix E .
18.	Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.		The Department's definition of 'no-go' area is noted and has been considered within this EIA Report. The 'no-go' areas identified by the specialists have been considered by the developer when designing the facility layout.
19.	Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.		The specialist's definition of 'no-go' area is the same as that of the Department and various 'no-go' areas, including their associated buffer areas, have been recommended by the specialists and have been considered by the developer when designing the facility layout.
20.	All specialist studies must be final and provide detailed/practical mitigation measures for the preferred alternative and recommendations and must not recommend further studies to be completed post environmental authorization.		All specialist studies attached to this EIA Report (refer to Appendix D – I) are final and provide detailed and practical mitigation measures and recommendations.
21.	Should the specialist studies provide more detail regarding any of the project activity thresholds, please ensure that the project activity descriptions are amended accordingly in the application form and EIAr.		Project activity descriptions was amended in the application form and EIA Report according to the specialist studies after they provided more detail regarding any of the project activity thresholds.

No.	Comment	Raised by	Response
	22. Should a specialist recommend specific mitigation measures, these must be clearly indicated.		The mitigation and enhancement measures proposed by the specialists are included in Chapters 9 and 10 of the EIA Report, as well as the project EMPs which are attached as Appendix K to the EIA Report.
	23. Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.		The appointed specialists do not specify contradicting recommendations.
	24. Please ensure that the Specialist declarations of interest are completed in full and that they are signed.		All specialist declarations of interest are completed in full and that they are signed and included as Appendix J to the EIA Report.
	<u>Cumulative Assessments</u>		
	25. Regarding the identified similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must indicate the following: <ul style="list-style-type: none"> a. Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e., hectares of cumulatively transformed land. b. Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process. c. Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. 		Several renewable energy facilities within a 30km radius of the proposed development have been identified and are detailed in Chapter 10 of the EIA Report. An evaluation of potential cumulative impacts is included in Chapter 10 of the EIA Report as well as within the specialist reports included in Appendix D to I .

No.	Comment	Raised by	Response
	<p>d. The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</p> <p>e. A cumulative impact environmental statement on whether the proposed development must proceed.</p>		
	<p><u>PV Facility Environmental Management Programme (EMPr)</u></p> <p>26. A construction and operational phase EMPr for the PV facility, which includes mitigation and monitoring measures must be submitted with the EIAR.</p>		<p>The EMPr for the solar energy facility is included as Appendix K1 to the EIA Report. The generic substation EMPr is included as Appendix 22 to the EIA Report. Both EMPrs include mitigation and monitoring measures for the construction and operational phases.</p>
	<p>27. The EMPr must be developed in terms of Appendix 4 of the EIA Regulations, 2014 as amended and must include (but not limited to) the following plans and measures:</p> <ol style="list-style-type: none"> Re-vegetation and habitat rehabilitation plan; Weed and invader plant management plan; Traffic management plan; Noise management; Stormwater management; Emergency response; Fire management; Erosion management; Dust management; and All recommendations and mitigation measures recorded in the EIAR and the specialist studies conducted. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems. 		<ul style="list-style-type: none"> » A re-vegetation and habitat rehabilitation plan is included as Appendix D to the facility EMPr and will be implemented during the construction and operational phases. » An alien invasive management plan is included as Appendix C to the facility EMPr. » A traffic management plan is included as Appendix F to the facility EMPr. » Noise mitigation measures are included in the facility EMPr. » A stormwater management plan is included as Appendix G to the facility EMPr. » An emergency response plan is included as Appendix J to the facility EMPr. » A fire management plan for implementation during the construction and operation of the facility is included as Appendix I to the facility EMPr. » An erosion management plan is included as Appendix G to the facility EMPr. » Dust management and mitigation measures are included in the facility EMPr. » The facility EMPr is included as Appendix K1 to the EIA Report. The facility EMPr has been compiled in accordance

No.	Comment	Raised by	Response
			<p>with Appendix 4 of the EIA Regulations, 2014, as amended, and includes all mitigation measures specified in the EIA Report and specialist reports.</p> <p>» This comment is noted and has been included as a mitigation measure in the facility EMPr (refer to Chapter 7, Objective 16 and Chapter 8, Objective 7).</p>
28.	The decommissioning phase section of the EMPr for the facility must contain information relating to the handling, repurposing or disposal of dysfunctional, severely damaged batteries, module and containers.		The decommissioning phase section of the EMPr for the facility contains information relating to the handling, repurposing or disposal of dysfunctional, severely damaged batteries, module and containers.
29.	The EMPr must distinguish between impact management actions and impact management outcomes.		The EMPr clearly distinguishes between impact management actions and impact management outcomes.
30.	The EMPr must include all recommendations and mitigation measures recorded in the EIAr and specialist studies conducted.		The facility EMPr is included as Appendix K1 to the EIA Report. The facility EMPr has been compiled in accordance with Appendix 4 of the EIA Regulations, 2014, as amended, and includes all mitigation measures specified in the EIA Report and specialist reports.
31.	The EMPr must not contain any ambiguity. Where applicable, statements containing the word "should" or "may" are to be amended to "must".		The EMPr does not contain any ambiguity.
	<u>Generic Environmental Management Programme (EMPr)</u>		
32.	<p>The proposed development triggers Activity 11 of Listing Notice 1 as amended for an on-site substation. The following generic EMPr must be included in the EIAr, over and above the EMPr for the PV facility:</p> <p>a. <i>Generic EMPr for the development and expansion of substation infrastructure for the transmission and distribution of electricity.</i></p>		The facility EMPr is included within Appendix K of the EIA Report. The substation is associated with Mutsho PV1. No additional substation is included for Mutsho PV2. Therefore, a generic EMPr is not applicable.
33.	Part B: Section 2 of the generic EMPs must be completed, and a copy of an originally signed EMPs must be submitted with the EIAr.		

No.	Comment	Raised by	Response
	Please note that Point 7.1.1 in Part B: Section 2 needs to match the details of the applicant as contained in the application form.		
34.	If any specific environmental sensitivities/attributes are present on the site which require more specific impact management outcomes and impact management actions, not included in the pre-approved generic EMPr template, to manage impacts, those impact management outcomes and actions must be included in Part C of the generic EMPr.		
	General		
35.	Information on services required on the site, e.g. sewage, refuse removal, water and electricity; agreements with suppliers and confirmation of capacity been obtained must be provided.		Information on services required on the site, e.g. sewage, refuse removal, water and electricity and confirmation of capacity has been obtained and are included in Chapter 2 of the EIA Report. As the project is still in the planning phase, no agreements have yet been reached regarding services.
36.	The EAP must provide detailed motivation if any of the above requirements is not required by the proposed development and will not be included in the EMPr.		All requirements for the EMPr as stated by the DFFE have been included. No motivation in this regard is required.
	The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, with regard to the time period allowed for complying with the requirements of the Regulations.		The submission of the final EIA Report will comply with the prescribed timeframes of the EIA Regulations, 2014, as amended.
	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.		The applicant is aware of this requirement.

2.2 Key Stakeholders and I&APs

No.	Comment	Raised by	Response
Comment applicable to the EGI			
5.	<p>We act herein on behalf of the Maitazwitoma CPA who handed us your recent notice dated July 2022 of which we attach hereto for your ease of reference.</p> <p>Our clients are the owners of Portion 2 of the Farm Scott 567MS.</p> <p>Our clients leases the aforesaid property to a certain company, S & W Safaris (Pty) Ltd, represented by Mr Johannes Willem Venter.</p> <p>In terms of clause 7 of the lease agreement with S & W Safaris (Pty) Ltd, the lessee may not cede any rights or sign any obligations under the lease, sublet the premises or any portion thereof or part with possession of the premises or any portion thereof without prior written consent of the lessor.</p> <p>We note from the publication dated July 2022 that your client, Mutsho Power (Pty) Ltd intends developments on inter alia our clients' property, Portion 2 of the Farm Scott 567 MS. Any agreement with S & W Safaris (Pty) Ltd will be without our clients' written consent, and as such null and void.</p> <p>As a matter of urgency kindly furnish us with the following information/documents:</p> <ol style="list-style-type: none"> 1. Full information of any agreements between S & W Safaris (Pty) Ltd / Johannes Willem Venter and your client, Mutsho Power (Pty) Ltd; 2. Copies of any such documents intended to get permission to Mutsho Power (Pty) Ltd for developments on/over our client's property, Portion 2 of the Farm Scott 567 MS. 	<p>HM Erwee Attorney Erwee Incorporated</p> <p>E-mail: 31 October 2022</p>	<p>It is confirmed that the Maitazwitoma CPA is a registered I&AP on the project's database as an impact landowner for the Electrical Grid Infrastructure (EGI) for the Mutsho Solar Photovoltaic (PV) Energy Facilities consisting of four (4) solar PVs.</p> <p>The Applicant confirms that no agreements have been signed between Mutsho Power (Pty) Ltd and the lessee of Portion 2 of the Farm Scott 567MS, S&W Safaris (Pty) Ltd in terms of the proposed grid corridor from the proposed four (4) solar PV facilities connecting to the existing 132kV Nzhelele Substation. Negotiations for a grid route will take place between Mutsho Power (Pty) Ltd and the registered landowner/s of the property/ties as and when such agreements are required to be signed for the EGI project.</p> <p>The proposed solar PV facilities are not proposed on the Portion 2 of the Farm Scott 567MS and therefore no discussions and/or negotiations will take place regarding the development of the solar PV facilities.</p> <p>it is confirmed that no documents, as requested, are available as none were discussed and/or signed between Mutsho Power (Pty) Ltd and S&W Safaris (Pty) Ltd.</p> <p>A copy of the BID was e-mailed to the I&AP which provides information regarding the five (5) applications (e.g. four (4) solar PVs and the EGI Facility).</p>

No.	Comment	Raised by	Response
	Kindly revert to us as a matter of urgency.		The Scoping Reports which were made available for review and comment from 26 July 2022 to 26 August 2022 are still available for download from our website: https://savannahsa.com/public-documents/energy-generation/mutsho/ and the release code was provided.

3 COMMENTS SUBMITTED ON THE SCOPING REPORT

3.1 Organs of State

No.	Comment	Raised by	Response
1.	<p>What is the facility's estimated water annual requirement (expressed in million m³/annum or Ml/annum)?</p> <p>I do, however, assume that the facility's water requirements will be minimal.</p>	Johan Enslin Chief Engineer: Water Resources Development Planning DWS	<p>During operation, water consumption would include:</p> <ul style="list-style-type: none"> » Domestic water for camp and site office will be approximately 20m³/month. » A water tanker will be used for panel washing, using approximately 1200m³/month.
	<p>From where will the facility receive its water?</p> <p>I assume that the facility will receive its water from a local borehole</p>	E-mail: 26 July 2022	<p>Water required for construction and operation will either be sourced from drilling wells or supplied by the municipality by water tankers.</p>
	<p><u>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.</u></p>		<p>As stated in the Scoping Report, in the event any water uses as defined in Section 21 of the Water Act are applicable, then a water use authorisation would be required.</p>
	<p>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.</p>		<p>Water required for construction and operation will either be sourced from drilling wells or supplied by the municipality by water tankers, and not from a DWS scheme.</p>
2.	<p>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.</p>	M Rabothata & T Sekonko Control Biodiversity Officer Grade B: Biodiversity Conservation DFFE	<p>The EIA phase specialist studies will be undertaken in accordance with the specialist protocols as well as all relevant guidelines.</p>

No.	Comment	Raised by	Response
	<p>Notwithstanding the above, the following recommendations must be considered in the final report:</p> <ul style="list-style-type: none"> » 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. » Weed and Invader Plant Management Plan must be developed to control and monitor weeds within the sensitive areas to avoid erosion and invaders. 	<p>Letter: 25 August 2022</p>	<p>The recommendations will be included within the Environmental Management Programme (EMPr) for the project.</p>
	<p>The final report must comply with all the requirements as outlined in the Environmental Impact Assessment (EIA) guideline for renewable energy projects and the Best Practice Guideline for Birds & Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.</p>		<p>The final report complies with the requirements of the EIA Regulations and all relevant guidelines. The EIA phase specialist studies will be undertaken in accordance with the specialist protocols as well as all relevant guidelines, and the EIA Report will be compiled in accordance with the requirements of the EIA Regulations.</p>
	<p>In conclusion, please note that all Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity</p>		<p>The comment is noted. All Public Participation Process documents related to Biodiversity EIA review and any other</p>

No.	Comment	Raised by	Response
	EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdminenvironment.gov.za for attention of Mr Seoka Lekota.		Biodiversity EIA queries will be submitted to the Directorate: Biodiversity Conservation at Email: BCAdminenvironment.gov.za for attention of Mr Seoka Lekota.
3.	The South African National Roads Agency SOC Limited (SANRAL) has not objection to the application as no national roads or interchanges under the jurisdiction of SANRAL will be affected.	J Oliver Statutory Control Manager: Northern Region Letter: 25 August 2022	SANRAL's no objection regarding the application is acknowledged and no further action is required.
4.	<u>This letter serves to inform you that the following information must be included to the Final Scoping Report:</u> <u>Application form</u> 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.	Bathandwa Ncube Case Officer DFFE Letter: 29 August 2022	Written consent of the landowner is submitted together with the Final Scoping Report.
	2. It is understood that Mutsho Solar PV2 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 PV2, as well as the associated coordinate points.		The location of Mutsho Solar PV2 is included in Figure 1.2. Co-ordinate points are included in Table 1.1.
	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.		It is confirmed that the 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.		The activities applied for in the application form do not differ from those mentioned in the final SR. Therefore, no amended application form is required.

No.	Comment	Raised by	Response
	<u>Specialist Assessments</u>		
	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.		The Specialist Declaration of Interest form for the Landscape and Visual Impact Baseline Report dated June 2022, prepared by Environmental Planning and Design cc. is included in Appendix J .
	<u>Public Participation Process</u>		
	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.		The Public Participation Process has been conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended, as detailed in Chapter 7 of the Scoping Report. The process commenced after the withdrawal of the requirement to submit a Public Participation Plan for approval in May 2022. Therefore, a PP Plan is not applicable to this process.
	7. Comments must be obtained from this Department's Biodiversity and Conservation Section. The contact details are as follows: BCAdmin@dffe.gov.za.		Comments have been obtained from DFFE's Biodiversity and Conservation Section. These comments are included in Appendix C6 of the final Scoping Report, and within the Comments and Responses Report included as Appendix C8 of the Final Scoping Report.
	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.		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 have been adequately addressed and included in the final SR where applicable.
	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.		Copies of comments received during the EIA process to date are included in Appendix C6 of the final Scoping Report.
	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.		Proof of correspondence with stakeholders, I&APs and relevant Organs of State, as well as proof of attempts to obtain comments are included in Appendix C5 of the Final Scoping Report.
	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		All comments received are included within the Comments and Responses Report included as Appendix C8 of the Final Scoping Report. All comments have been responded to adequately.

No.	Comment	Raised by	Response
	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.		Comments have not been split and arranged into categories. Comments from each submission have been 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.		Comments have been captured verbatim and not summarized. All comments have been responded to clearly and none have been 'noted'.
	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.		Notes of meetings held including the attendance registers are included in Appendix C7 of the final Scoping Report.
	<p>General</p> <p>You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:</p> <p><i>"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"</i></p> <p>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.</p> <p>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</p>		<p>The Scoping Report has been subjected to a 30-day review period and is submitted to the DFFE within the prescribed timeframes. As detailed in the report, the report complies with the requirements of Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.</p>


No.	Comment	Raised by	Response
	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.		The applicant is aware of the requirements of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended. No activity will commence prior to an Environmental Authorisation being granted by the Department.

3.2 Key Stakeholders and Interested and Affected Parties

No	Comment	Raised by	Response
1.	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.	Karin Marais I&AP WhatsApp Message: 01 August 2022	In accordance with the mitigation hierarchy, impacts will be avoided as a first option. This includes avoidance of protected trees such as the baobabs present on the site.
	We are hoping that your positive recommendations concerning these giant trees will ensure their preservation.		Recommendations made within the EIA process will be included within an Environmental Management Programme (EMPr) for the project, which will become binding on the Applicant should the project be authorised.
	Besides my personal concern with regards to: i. the negative impacts on biodiversity, and especially that on endangered and protected species, to be brought about by terrain clearing on the proposed site and ii. how it will be avoided or mitigated, I do not have any business, financial or other interest in the approval or refusal of the application.	Karin Marais I&AP Reg&Comm Form: 03 August 2022	The concerns regarding negative impacts on biodiversity, and especially that on endangered and protected species are noted. Recommendations made within the EIA process, including those relating to avoidance and mitigation of impacts, will be included within an Environmental Management Programme (EMPr) for the project, which will become binding on the Applicant should the project be authorised.
2.	I approve of the application for the Solar Project	Lynne Ras I&AP	The comment is noted. No response is required.
	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	Reg&Comm Form: 11 August 2022	The concerns are noted and have been provided to the ecologist for consideration in the EIA Phase of the process.

No	Comment	Raised by	Response
3.	I do not have any direct business, financial, personal or other interest which may have in the approval or refusal of the application	Rambau Osedza I&AP Reply Form: 11 August 2022	The comment is noted. No response is required.
	<p>MY CONCERN TO THE MPVF ABOUT THE DEFORESTATION</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>I sincerely hope that you will concede my area of interest about the trees and save all trees like marula and other baobab trees.</p>		<p>The concerns are noted and have been provided to the ecologist for consideration in the EIA Phase of the process.</p> <p>In accordance with the mitigation hierarchy, impacts will be avoided as a first option. This includes avoidance of protected trees such as the baobabs present on the site. Recommendations made within the EIA process will be included within an Environmental Management Programme (EMPr) for the project, which will become binding on the Applicant should the project be authorised.</p>
4.	I disclose that I do not have any direct business, financial, personal or other interest in the approval or refusal of the application	Livhuwani Matsila I&AP	The comment is noted. No response is required.

No	Comment	Raised by	Response
	<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 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Reply Form: 12 August 2022</p>	<p>The concerns are noted and have been provided to the ecologist for consideration in the EIA Phase of the process.</p> <p>In accordance with the mitigation hierarchy, impacts will be avoided as a first option. This includes avoidance of protected trees such as the baobabs present on the site. Recommendations made within the EIA process will be included within an Environmental Management Programme (EMPr) for the project, which will become binding on the Applicant should the project be authorised.</p>
5.	<p>I wondered if you knew more regarding the power line that would be running along or close to my farm's eastern border in a northerly direction. How high will this power line be? Also how close to the actual border?</p>	<p>Dean McGee Landowner</p> <p>Email: 23 August 2022</p>	<p>A separate Basic Assessment process will be undertaken for the proposed power line and more details can be provided through this process.</p> <p>The details of the power line are as follows:</p> <ul style="list-style-type: none"> » 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.

No	Comment	Raised by	Response
			<ul style="list-style-type: none"> » 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). 
	<p>Also I assume there will be noise generated in the construction of these plants but if you knew what the noise impact would be afterward once up and running. And then if the plant would be lit at night and the impact on the neighbouring farms.</p>		<p>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."</p> <p>Solar PV facilities do not generate significant noise during operation.</p>

No	Comment	Raised by	Response
			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.

APPENDIX A: Living Limpopo & Herd Reserve abstracts

Included under Conclusion of written comments on EIA Report received – pages 7 & 8

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

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

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