



forestry, fisheries & the environment

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

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DFFE Reference: 14/12/16/3/3/2/2280

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PER MAIL / E-MAIL

Dear Ms Thomas

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED RUSPOORT 1 SOLAR PV FACILITY AND ITS ASSOCIATED ELECTRICAL INFRASTRUCTURE ON PORTION 5 OF THE FARM BOKKEN KRAAL 81 (OPTION A) AND PORTION 4 ON THE FARM KNOFFELFONTEIN 74, PORTION 1 ON THE FARM 78, PORTION 2 ON THE FARM LEEUWBERG 79 (OPTION B) IN THE RENOSTERBERG LOCAL MUNICIPALITY IN THE GREATER PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The application for Environmental Authorisation (EA) and draft Scoping Report (SR) dated January 2023 and received by the Competent Authority (CA) on 18 January 2023, refer.

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

Application form

- Please note that the Minister is the CA for applications for the development of facilities or infrastructure which relates to the Integrated Resource Plan (IRP) 2010 - 2030 and any updates thereto, for technologies in which the Applicant will bid the project in the Department of Minerals Resources and Energy (DMRE) IPP bidding rounds. It is noted that page 8 of 34 of the application form mentioned that "it is the developer's intention to bid the Ruspoort 1 Solar PV Facility under the Department of Mineral Resources and Energy's (DMRE's) Renewable Energy Independent Power Producer Procurement (REIPPP) Programme, or similar renewable energy programme organized by public or private commercial & industrial customers through tenders or bilateral consultations, with the aim of evacuating the generated power into the national grid". Therefore, you are advised to be clear on whether this project will bid as part of the DMRE IPP bidding rounds or not.
- In addition, please ensure that the need and desirability of the proposed development are aligned to the abovementioned plan.

Specific comments

- It has been noted that the assessment is focusing on the whole Hydra B development, however the projects have been submitted separately. You are advised to ensure each report adequately address relevant issues

of concern considering the environmental sensitivity on each site (in this case Ruspoort 1 Solar PV Facility), the activities that will take place and provide relevant mitigation measures in the EIAr.

Screening report

- It has been noted that the screening report for the abovementioned application has been included in the draft SR, however, there is no compiler signature on the aforesaid report. Therefore, you are advised to sign the abovementioned report to be submitted with the final SR.

Project Description and Listed Activities

- The portion numbers in the project description are Portion 5 of the Farm Bokken Kraal 81 (Option A) and Portion 4 on the Farm Knoffelfontein 74, Portion 1 on the Farm 78, Portion 2 on the Farm Leeuwberg 79 (Option B), whereas page 4 of 20 of the screening report indicated Portion 0 and Portion 5 of the Farm Bokken Kraal 81 as the property details for the proposed development. You are advised to clarify the following in the amended application form and final SR:
 - The property description or Portion numbers to be affected by the proposed development. Please ensure that the project description refers to only applicable property details for the proposed development.
 - The meaning of option A and B in relation to the proposed development.
 - Ensure the sensitivity of all the proposed sites as mentioned above (should they be affected by the proposed development) are presented and assessed in the final SR.
- It has been noted in Section 5 of the application form, on page 8 of 34, that *“the exact location of the development area within the project site for the Ruspoort 1 Solar PV Facility is not defined at this stage of the process.”* Therefore, you are advised to ensure that the project description and the exact location is well defined and clear on what is being proposed in the final SR.
- It has been noted that the exclusions on the triggered listed activities applied for are not included. Therefore, you are advised to include in the amended application form as well as final SR all the relevant exclusions related to the listed activities applied for. For instance, activity 11 of Listing Notice (LN) 1 have been applied for, however the exclusions have not been quoted in the application form.
- It has been noted that the words **“may, likely and could”** have been used in the description of activities 12, 19, 24 and 56 of Listing Notice (LN) 1, and activities 18 of LN 3. Please refrain from using such word/s, since it creates an uncertainty regarding the applicability of the listed activity applied for, for the proposed development. In addition, please note that the Project Description and Listed Activities are not based on a precautionary approach.
- Activity 15 of LN 2 and 12 of LN 3 for the clearance of an area more than 20ha and 300 square metres, (respectively) of indigenous vegetation are applied for without specifying the total amount of vegetation to be cleared. You are advised to include this information in the application form and final SR.
- Under activity 56 of LN 1 and 4 of LN 3, the CA acknowledged that the access roads to be widened or upgraded have been provided. However, the length of the aforesaid access roads has not been included in the application form and draft SR to determine the applicability of the abovementioned activity. You are advised to include the relevant details to determine if the said activity is triggered by the proposed development or not.
- It has been noted that activities 4, 10, 12, 14, and 18 of LN 3 have been applied for. Critical Biodiversity Areas (CBAs) has been indicated as the area to be affected by for the proposed development and the description of the portion of the proposed project to which the applicable listed activity relates indicated the area to be affected as Ecological Support Areas (ESA). However, the listed activities under Listing Notice 3 does not include ESA in order for the development to trigger a listed activity. Therefore, you are requested to explain and provide evidence why the above-mentioned listed activities are triggered for the proposed development. In addition, the description of the proposed project must make reference to the systematic biodiversity plans adopted by the CA or in bioregional plans and proof of such must be obtained from the relevant CA and be part of the amended application form and final SR.

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- This CA has noted that the description given under activity 4 of LN 3 is that “*the project area does not overlap with a NPAES protected area.*” This is further supported by the statement under section 4 of the Visual Scoping report, which indicated that “*there are no formally protected or conservation areas within the study area*”. However, activity 10 of Listing Notice 3, the sub-activity refers to Protected areas has been applied for. Please clarify this in the final SR.
- Noting that under activity 10 of Listing Notice 3, the project area is within 3.25km of Platberg–Karoo Conservancy, this information is in contradiction to what is specified in other LN 3 activities, applied for, for example, activity 4 of LN 3. Therefore, you are required to ensure that correct sub-activities are specified for all the activities triggered.
- Further to the above, you are reminded to submit with the final report a Section 50 approval in terms of NEM:PAA. **This must be done for all Hydra B projects that trigger these sub-activities.**
- Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. In addition, the onus is on the applicant and the Environmental Assessment Practitioner (EAP) to ensure that all the applicable listed activities are included in the application and the final SR. Failure to do so may result in unnecessary delays in the processing of the application.
- If the activities applied for in the application form differ from those mentioned in the draft SR, an amended application form must be submitted with the final SR. Please note that the Department’s application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.

Alternatives

- Noting that there are two options (Option A and Option B) for this project, you are expected to provide a clear assessment comparing the two options and in providing the preferred alternative, there must be clear reasons in support of the preferred.
- It has been indicated on page 24 of the draft SR that “*the project could include Battery Energy Storage System (BESS). The BESS capacity will depend on technology to be used and total installed capacity of solar, and it is expected to be up to 1MWh per MW of solar PV facility*”. Please be informed that the above statement shows uncertainty regarding the BESS being part of the proposed development, therefore, you are required to clarify the above in the amended application form and the final SR.
- It has been noted on page 27 of the draft SR that three BESS technologies will be considered for the proposed development. You are advised to indicate if the abovementioned technologies would or not trigger any listed activity and ensure the impacts that might be generated by the technologies are adequately assessed in the final report.
- You are further required to provide details of the all the alternatives considered for this development and indicate the preferred alternatives as per Appendix 2 (2) (1) (g) (i) (v) (vi) of the NEMA EIA Regulations, 2014, as amended in the final report.
- Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.

Cumulative Impact

- It has been noted on page iii and 1 in the draft SR that the proposed project is one (1) of 9 projects (in-process application submitted) in batch 1, summing up all 3 batches into a total of 21 projects. Further to this there are other similar projects or renewable projects within a 30km radius of the proposed development site, therefore, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:
 - Assess the cumulative impacts of the proposed (not yet authorised), authorised (not yet constructed) and existing solar energy facilities.
 - 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.

- The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
- A cumulative impact environmental statement on whether the proposed development must proceed.

Specialist Assessments

- The specialist reports submitted refers to Hydra B, which is the umbrella body of the entire development, this helps in giving the full scope of what is proposed and its associated developments. However, for ease of reference you are advised to make sure that the maps provided in the reports clearly name and highlight the individual projects.
- The Terrestrial Ecology scoping report states on page 18 that “*Ecological Support Areas (ESAs) are not essential for meeting biodiversity targets but play an important role in supporting the ecological functioning of Critical Biodiversity Areas and/or in delivering ecosystem services*”. As such you are expected to elaborate on why the ESA is deemed suitable for this project, since ESAs play an important role in supporting the ecological functioning of the CBAs. In addition, elaborate on why ESAs are not important for meeting biodiversity targets whereas ESAs *play an important role in supporting the ecological functioning of Critical Biodiversity Areas*.
- It is also noted on figure 5.4 on page 20 of the Terrestrial Ecology scoping report that the whole site falls within the Platberg–Karoo Conservancy Important Bird Areas (IBA) and on page 19 of the terrestrial ecology scoping report, it is stated that “*this IBA is important because it contributes significantly to the conservation of large terrestrial birds as well as raptors. These birds include Blue Crane (Anthropoides paradiseus), Ludwig’s Bustard (Neotis ludwigii), Kori Bustard (Ardeotis kori), Blue Korhaan (Eupodotis caeruleus), Black Stork (Ciconia nigra), Secretarybird (Sagittarius serpentarius), Martial Eagle (Polemaetus bellicosus), Verreaux’s Eagle (Aquila verreauxii) and Tawny Eagle (A. rapax) (Birdlife South Africa, 2015)*”. Based on the above, you are advised to undertake the assessment of the above-mentioned species, cumulative impacts and indicate the practical mitigation measures based on the findings of the specialist. In addition, you are advised to include in the final report the development layout map overlaid by the sensitive features.
- According to the heritage assessment, there is the potential for the cumulative impact of proposed solar energy facilities to negatively impact the cultural landscape due to a change in the landscape character from rural and mining to semi-industrial. However, due to the density of mining activities in the area, the impact on the experience of the cultural landscape is not foreseen to be significant. You are expected to ensure that this is assessed and included in the final SR.
- According to the screening report, the aquatic, landscape, paleontology and terrestrial biodiversity themes are very high, while agriculture, animal, and RFI themes have medium sensitivities as well as low sensitivities on archaeological, and cultural heritage, avian, civil aviation, defense, and plant species themes. Therefore, you are advised to submit a site verification report and motivation for the exclusions of any specialist studies identified by the screening tool.
- In addition to the above, you are hereby drawn to the following:
 - Specialist Declaration of interest forms must be attached for all specialist studies to be conducted in the final SR. The forms are available on Department’s website (please use the Department’s template).
 - Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of proposed rehabilitation, and all other proposed structures that they have assessed and are recommending for authorisations.
 - The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
 - 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.

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- Ensure that specialist studies as identified in the screening tool, comply with the requirements of GN 320 of 20 March 2020 and GN 1150 of 30 October 2020, unless proof is provided that indicates that the specialist study was commissioned within 50 days after the date of gazetting of the notice i.e., 20 March 2020 and was commissioned prior to 30 October 2020 respectively. Failure to comply with the abovementioned notices presents a risk to this application.
- Please note further that the protocols require certain specialists' to be registered with SACNASP. Refer to the relevant protocols in this regard.
- Please include a table in the final SR summarising the specialist studies required by the Screening Tool, a column indicating whether these studies will be conducted or not, and a column with motivation for any studies that will not be undertaken. Please note that if any of the specialists' studies and requirements recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report, as per the requirements of the Protocols.
- Please also ensure that the final SR includes the **Site Verification Report** as required by the relevant environmental themes and assessments.
- Should it be determined that there is a need for additional specialist studies to be undertaken based on the outcome of public participation, these must be commissioned and be included in the draft EIA reports for public comment.

Layout & Sensitivity Maps

- Figure 5.12 on page 28 of the terrestrial ecology scoping report shows the respective farm portions in consideration of the ecological features. However, this refers to Hydra B project and projects are not named making difficult to identify projects individually. You are advised make sure that individual Hydra B developments are named while making sure that the specific development (Ruspoot 1 Solar PV Facility) is highlighted preferably in a different colour to other proposed PVs that form part of Hydra B.
- You are advised to submit a layout map that indicates the following (but not limited to the below, however, the findings of the specialists must advise on what needs to be incorporated in the layout).
 - the PV development area.
 - Position of all infrastructure e.g., panels, BESS, substations, grid connection etc.
 - Permanent laydown area footprint.
 - All supporting onsite infrastructure e.g., roads (existing and proposed).
 - Substation(s) and/or transformer(s) sites including their entire footprint.
 - Connection routes (including pylon positions) to the distribution/transmission network; and
 - All existing infrastructure on the site.
 - The location of sensitive environmental features on site e.g., CBAs, protected areas, wetlands, drainage lines etc. that will be affected.
 - Buffer areas of the above sensitive areas; and
 - All "no-go" areas.
- Please ensure that the above map has a clear legend that communicate with details of the map.
- The above map must be overlain with a sensitivity map and a cumulative map which shows all Hydra B development as well as neighbouring renewable energy developments and existing grid infrastructure. All available biodiversity information must be used in the finalisation of the map and infrastructure must not encroach on highly sensitive areas as far as possible.
- Ensure that similar colours are not used to differentiate between infrastructure. i.e., items must be easily distinguishable in the Legend.
- Google maps will not be accepted for decision-making purposes.

Generic EMPr

- The on-site substation has been mentioned as part of the infrastructure to form part of the proposed development in activity 11 of LN 1. Therefore, ensure that the generic EMPr that complies with the GN 435 of March 2022 is submitted in the final report.

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- The EMPr that complies with Appendix 4 of the EIA Regulations, as amended, for the facility must be submitted with the final report.

Public Participation Process

- Comments received from various stakeholders, not limited to the Department of agriculture, environmental affairs, rural development, and land reform must be addressed and this must be clear in the assessments to be conducted and the information must be included in the final SR.
- Please ensure that comments from all relevant stakeholders are submitted to the Department with the final SR. This includes but not limited to the Department of Forestry, Fisheries, and the Environment (DFFE): **Protected Areas Planning and Management Effectiveness Directorate, Biodiversity Planning and Conservation** (BCAdmin@environment.gov.za); Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform, Northern Cape Tourism Authority, Telkom, South African Heritage Resources Agency (SAHRA), South African Civil Aviation Authority, Endangered Wildlife Trust, Birdlife South Africa, Department of Human Settlement, Water and Sanitation, South African National Defence Force, Local interest groups, for example: Councillors and Rate Payers associations; Surrounding landowners, Farmer Organisations, Environmental Groups and NGOs; and Grassroots communities and structures as well as the affected district and local municipalities.
- Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments.
- The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended and the approved Public Participation Plan.
- The comments and response trail report (C&R) must be submitted with the Final SR. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.
- Please ensure that all issues raised, and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction (including this Department's comments) in respect of the proposed activity are adequately addressed. Comments made by I&APs must be comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments.

General

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

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

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

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

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You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



Ms Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries, and the Environment

Letter signed by: Olivia Letlalo

Designation: Deputy Director: Priority Infrastructure Projects

Date: 13/02/2023

cc	Maxime Savinelli	Akuo Energy Afrique	Tel: +33 671 090600	Email: savinelli@akuoenergy.com
	Bryan Fisher	Northern Cape Department of Economic Development and Tourism	Tel: 083 270 8323	Email: Bfisher@ncpg.gov.za
	Mr M Hoogbaard, Municipal Manager	Westerberg Local Municipality	Tel: 053 6630041	Email: email abbek@msn.com

Annexure 1

Format for Comments and Response Report:

Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
27/03/2021 Email Department of Forestry, Fisheries, and the Environment: Priority Infrastructure Projects (Joe Soap)	Please record C&R trail report in this format. Please update the contact details of the provincial environmental authority.	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K. EAP: Details of provincial authority have been updated, see page 16 of the Application form.

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PER MAIL / E-MAIL

Dear Mr Lochner

ACCEPTANCE OF THE FINAL SCOPING REPORT FOR THE PROPOSED RUSPOORT 1 SOLAR PV FACILITY AND ITS ASSOCIATED INFRASTRUCTURE ON PORTION 5 OF THE FARM BOKKEN KRAAL 81 (OPTION A), PORTION 4 OF THE FARM KNOFFELFONTEIN 74, PORTION 1 OF THE FARM 78, AND PORTION 2 OF THE FARM LEEUWBERG 79 (OPTION B) WITHIN THE RENOSTERBERG LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment (PoSEIA) dated February 2023 and received by the Competent Authority (CA) on 28 February 2023, refer.

The CA has evaluated the submitted FSR and the PoSEIA dated February 2023 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the PoSEIA as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the Environmental Impact Assessment Report (EIAR):

a) Project description

- It has been noted that two options A and B are identified as locations for the proposed Ruspoort 1 Solar PV, when submitting the draft EIAR please ensure that you indicate the preferred option for the proposed development.
- It has been noted on page 3 of Appendix C8 (comments and Response Report), that *“the specific location of the development footprint within the property will be provided by the applicant in the EIA phase of the process.”* Please ensure that the exact location for the Ruspoort 1 Solar PV and its associated is provided in the final EIAR.

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- It is noted that the final SR on page 6 indicated that the development area for option A is 203ha and option B is 370ha, whereas page 12 refers 390ha area to be occupied by the solar array. Please ensure that these discrepancies are rectified in the EIA phase.

b) Listed Activities

- As indicated on page 4 to 5 of Appendix C8 (comments and Response Report), that the *“the expected amount of vegetation to be cleared, the length of the road will be dependent on the proposed facility design, and the evidence and confirmation of CBA and ESA areas will be provided in the EIA Phase”*. Please ensure that for both Application Form and final EIAR include the aforementioned information to the relevant listed activities applied for.
- It is noted that certain listed activities applied for will be confirmed during the EIA Phase. Please ensure that only listed activities that are triggered by the proposed development are applied for, in the amended application form and draft EIAR for the proposed development
- Activity 15 of LN 2 and 12 of LN 3 for the clearance of an area more than 20ha and 300 square metres, (respectively) of indigenous vegetation are applied for without specifying the exact total amount of vegetation to be cleared. You are advised to include this information in the amended application form and draft EIAR. In addition, please specify the type of vegetation to be cleared for activity 15 of LN 2.
- Under activity 56 of LN 1, the CA acknowledged that the access roads to be widened or upgraded have been provided, however, the length of the aforesaid access roads has not been included in the application form and final SR to determine the applicability of the abovementioned activity. You are advised to include the relevant details to determine if the said activity is triggered by the proposed development or not.
- Activity 19 is hereby applied for, quoting the infilling or depositing of any material of **more than 5 cubic metres**, however, the Regulations refer to **more than 10 cubic meters**. You are expected to quote the correct activity and indicate how this activity is triggered.
- It has been noted that activities 4,10, 12, 14, and 18 of LN 3 have been applied for because Critical Biodiversity Areas (CBAs) will be affected by the proposed development, however, the description of the portion of the proposed project to which the applicable listed activity relates indicate that Ecological Support Areas (ESA) will be affected. The listed activities under Listing Notice 3 does not include ESA specifically for the Northern Cape Province in order for the development to trigger a listed activity. Therefore, you are requested to explain and provide evidence why the above-mentioned listed activities are triggered for the proposed development. In addition, the description of the proposed project must make reference to the systematic biodiversity plans adopted by the CA or in bioregional plans and proof of such must be obtained from the relevant CA and be part of the amended application form and final EIAR.
- Activity 11 of LN 1 has been applied for, however, page 13 of 34 of the application form indicated that ***“the switching station forming part of the 132kV collector substation and the new 132kV double circuit will be assessed as part of a separate Environmental Impact Assessment process in support of an application for Environmental Authorisation”***. As such, you are requested to clarify why this activity is triggered for the proposed development.
- The CA has noted that Battery Energy Storage System (BESS) will form part of the proposed development and it is not applied for and it is unclear whether BESS will trigger activity 14 of LN 1. Therefore, you are required to explain whether the BESS will trigger or not trigger the listed activity in terms of EIA regulations and confirm whether BESS will be assembled on site or pre-assembled. This information will assist the CA to determine the applicability of activity 14 of LN 1.
- The EIAR must provide an assessment of the impacts and mitigation measures for each of the Listed Activities applied for.
- Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. In addition, the onus is thus on the applicant and the environmental assessment practitioner (EAP) to ensure that all the applicable listed activities are included in the application. Failure to do so may result in unnecessary delays in the processing of the application.

- If the activities applied for in the application form differ from those mentioned in the final EIAr, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.

c) Public Participation

- Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the Department of Forestry, Fisheries, and the Environment (DFFE): Protected Areas Planning and Management Effectiveness Directorate, **Biodiversity Planning and Conservation** (BCAdmin@environment.gov.za); Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform, Telkom, South African Heritage Resources Agency (SAHRA), South African Civil Aviation Authority (SACAA), Endangered Wildlife Trust, Birdlife South Africa, Department of Human Settlement, Water and Sanitation, South African National Defence Force, Local interest groups, for example: Councillors and Rate Payers associations; Surrounding landowners, Farmer Organisations, Environmental Groups and NGOs; and Grassroots communities and structures as well as the affected district and local municipalities.
- Please ensure that all issues raised, and comments received during the circulation of the draft SR and FSR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAr. Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- A Comments and Response trail report (CRR) must be submitted with the final EIAr. The CRR must incorporate all comments for this development. The CRR must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter in chronological order. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&AP's comments.
- The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.

d) Alternatives

- The final SR indicates that three technologies, i.e., Lithium-Ion BESS, Lithium-LiC and Redox Flow BESS are being considered and that *"these alternatives will be further described and assessed in the EIA Phase of the process"*. Please note the EAP is required to present a preferred technology in terms of BESS. The CA will not grant authorisation for combined technologies i.e., one technology for BESS must be chosen in the final EIAr. You are required to further provide clear motivation and reasons as to why the preferred alternative proves to be the preferred compared to other alternatives. This applies to all other alternatives assessed.
- You are advised to provide details of the all the alternatives considered for this development and indicate the preferred alternatives as per Appendix 2 (2) (1) (g) (i) (v) (vi) of the NEMA EIA Regulations, 2014, as amended in the final report.

e) Layout & Sensitivity Maps

- Please provide a layout map which indicates the following:
 - The PV development area.
 - Position of all infrastructure e.g., panels, BESS, on-site substations, grid connection etc.
 - Permanent laydown area footprint.
 - All supporting onsite infrastructure e.g., roads (existing and proposed).
 - The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected.
 - Buffer areas; and

- All “no-go” areas.
 - The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure. All available biodiversity information must be used in the finalisation of the map and infrastructure must not encroach on highly sensitive areas as far as possible.
 - Ensure that similar colours are not used to differentiate between infrastructure. i.e., items must be easily distinguishable in the Legend.
 - Google maps will not be accepted for decision-making purposes.
- f) **Specialist assessments**
- Please note that the signed comments dated 14 February 2023, are still valid for the acceptance of the final scoping report.
 - The following Specialist Assessments will form part of the EIA:
 - ✓ Agriculture and Soils Impact Assessment;
 - ✓ Terrestrial Biodiversity, Terrestrial Plant Species, and Terrestrial Animal Species Assessment;
 - ✓ Aquatic Biodiversity Impact Assessment;
 - ✓ Avifauna Impact Assessment;
 - ✓ Visual Impact Assessment;
 - ✓ Heritage Impact Assessment (Archaeology and Cultural Landscape);
 - ✓ Socio-Economic Impact Assessment;
 - ✓ Traffic Impact Assessment; and
 - ✓ Battery Storage High Level Safety, Health and Environment Risk Assessment.
 - It is brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e., “the Protocols”), and in Government Notice No. 1150 of 30 October 2020, have come into effect. Please note that specialist assessments (for all environmental themes identified by screening tool) must be conducted in accordance with these protocols unless proof is provided to demonstrate that the specialist assessments were commissioned prior to 50 days after the promulgation of GN 320 and after promulgation of GN1150 (30 October 2020).
 - Additionally, the protocols specify that an assessment must be prepared by a specialist who is an expert in the field and is SACNASP registered for e.g.an aquatic assessment must be prepared by a specialist registered with SACNASP, with expertise in the field of aquatics sciences.
 - The EAP must ensure that the terms of reference for all the identified specialist studies include the following:
 - ✓ A detailed description of the study’s methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations. You are advised to provide a table listing all the specialist studies undertaken with the recommendation for the proposed development.
 - ✓ Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
 - ✓ Please note that the Department considers a ‘no-go’ area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the ‘no-go’ areas.
 - ✓ Should the specialist definition of ‘no-go’ area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the ‘no-go’ area’s buffer.
 - ✓ All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternatives and recommendations, and must not recommend further studies to be completed post EA.
 - ✓ Should a specialist recommend specific mitigation measures, these must be clearly indicated.
 - ✓ 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.

- ✓ It is the responsibility of the EAP to confirm the list of specialist assessments and to motivate in the assessment report, the reason for not including any of the identified specialist studies including the provision of photographic evidence of the site situation. The site sensitivity verification for each of the recommended studies, as per the protocols, must be compiled and attached.
- ✓ Please include a table that shows the proposed studies and the relevant specialists carrying out the study. In addition, a summary should be included of the specialist's recommendations in terms of the alternatives that are preferred based on the findings of their study.
- ✓ All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.

g) Cumulative Impact Assessment

- It has been noted on page iii and 1 of the final SR that the proposed project is one (1) of 9 projects (in process application submitted) in batch 1, summing up all 3 batches into a total of 21 projects. Further to this there are other similar projects or renewable projects within a 30km radius of the proposed development site, therefore, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:
 - Assess the cumulative impacts of the proposed (not yet authorised), authorised (not yet constructed) and existing solar energy facilities.
 - 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.
 - The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - A cumulative impact environmental statement on whether the proposed development must proceed.

h) Environmental Management Programme (EMPr)

- Page 13 of 34 of the application form indicated that "the switching station forming part of the 132kV collector substation and the new 132kV double circuit will be assessed as part of a separate Environmental Impact Assessment process in support of an application for Environmental Authorisation". However, it is unclear whether the abovementioned infrastructures will form part of the proposed development. Therefore, should these infrastructure form part of the proposed development, ensure that the generic EMPr (for both 132kV collector substation and 132kV double circuit) that complies with the GN 435 of March 2022 is submitted in the final report.
- Ensure that the EMPr in terms of Appendix 4 of the EIA Regulations includes mitigation and monitoring measures for the Solar PV is submitted with the final EIAR.

General

The EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under Annexure 2 below.

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

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Signed by: Mr Mahlatse Shubane

Designation: Acting Deputy Director: Priority Infrastructure Projects

Date: 13 April 2023

cc:	Maxime Savinelli	Akuo Energy Afrique	Tel: +33 671 090600	Email: savinelli@akuoenergy.com
	Bryan Fisher	Northern Cape (DED&T)	Tel: 082 270 8323	Email: Bfisher@ncpg.gov.za
	Mr M Hoogbaard	Renosterberg Local Municipality	Tel: 053 663 0041	Email: abbek@msn.com

Annexure 1: Format for Comments and Response Trail Report:

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

Annexure 2: Sample of minimum technical details for the proposed facility

Component	Description / dimensions
Area occupied by inverter/transformer stations/substations	
Capacity of on-site substation	
Area occupied by both permanent and construction laydown areas	
Area occupied by buildings	
Length of internal roads	
Width of internal roads	
Proximity to grid connection	
Height of fencing	

Our Ref:



an agency of the
Department of Arts and Culture

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

Enquiries: Natasha Higgitt
Tel: 021 202 8660
Email: nhiggitt@sahra.org.za
CaseID: 20520

Date: Wednesday February 15, 2023
Page No: 1

Interim Comment

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

Attention: Savannah Environmental (Pty) Ltd

PO Box 148
Sunninghill
2157

Ruspoort 1 Solar PV Facility, Northern Cape Province application by Akuo Energy Afrique. A consortium consisting of Akuo Energy Afrique, Africoast Investments and Golden Sunshine Trading propose to develop the Ruspoort 1 Solar PV Facility and its associated electrical infrastructure on Portion 5 of the Farm Bokken Kraal 81 in the Renosterberg Local Municipality in the greater Pixley ka Seme District Municipality in the Northern Cape Province. The project site is located approximately 20km north of Phillipstown and 30km west of Petrusville and within the Central Transmission Corridor. The Project (Ruspoort 1 Solar PV Facility Solar PV Facility) is part of a cluster known as the Hydra B Renewable Energy Cluster. The Cluster entails the development of up to Twenty-one (21) solar energy facilities. A technically suitable project site of ~1355ha has been identified by Akuo Energy Afrique for the establishment of the PV facility. The proposed facility will have a contracted capacity of 100MW.

Savannah Environmental (Pty) Ltd has been appointed by Akuo Energy Afrique to conduct an Environmental Authorisation (EA) Application for the proposed Ruspoort 1 Solar PV Facility, near Petrusville, Northern Cape Province.

A draft Scoping Report (DSR) was submitted in terms of the National Environmental Management Act, Act 107 of 1998 (NEMA) and the NEMA EIA Regulations (As amended). The proposed development will include the construction of PV panels, transformers and inverters, cabling between the project components, Battery Energy Storage System (BESS), on-site substation and powerline (separate EA process), site offices, security office, operations and control buildings, maintenance and storage laydown areas, access roads and internal distribution roads within two alternative application areas of 203 and 370 ha respectively.

CTS Heritage has been appointed to provide heritage specialist input as part of the EA process in terms of section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

Lavin, J. 2022. Desktop Heritage Screening Assessment for the Proposed Ruspoort 1 Solar PV Facility near

PROPOSED RUSPOORT 1 SOLAR PV FACILITY NEAR PETRUSVILLE, DE AAR & PHILLIPSTOWN IN THE NORTHERN CAP

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Enquiries: Natasha Higgitt
Tel: 021 202 8660
Email: nhiggitt@sahra.org.za
CaseID: 20520

Date: Wednesday February 15, 2023
Page No: 2

Petrusville, De Aar & Phillipstown in the Northern Cape

The screening assessment recommends that a field-based archaeological impact assessment be conducted due to the likelihood of heritage resources present within the development footprint. Additionally, it is recommended that a desktop Palaeontological Impact Assessment be conducted as part of the HIA.

Interim Comment

The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit requests that the pending assessment of the impact to heritage resources comply with section 38(3) of the NHRA as required by section 38(8) of the NHRA. The HIA must include an archaeological and palaeontological component.

The field-based archaeological component of the HIA must be conducted by a qualified archaeologist and must comply with the SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports.

The proposed development is located within an area of moderate and high Palaeontological Sensitivity as per the SAHRIS PalaeoSensitivity map. As such, a desktop based Palaeontological Impact Assessment (PIA) must be undertaken by a qualified palaeontologist. The report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments.

Any other heritage resources as defined in section 3 of the NHRA that may be impacted, such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewsapes must also be assessed.

Further comments will be issued upon receipt of the pending heritage reports and the Draft EIA inclusive of appendices.

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

Yours faithfully

PROPOSED RUSPOORT 1 SOLAR PV FACILITY NEAR PETRUSVILLE, DE AAR & PHILLIPSTOWN IN THE NORTHERN CAP

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Email: nhiggitt@sahra.org.za
CaseID: 20520

Date: Wednesday February 15, 2023
Page No: 3

Natasha Higgitt
Manager: Development Applications Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/611924>

Carina de Ornelas

From: Makhosi Yeni <MYeni@dffe.gov.za>
Sent: Wednesday, 04 May 2022 09:49
To: Tamryn Lee Goddard; Jo-Anne Thomas
Cc: Mahlatse Shubane; Olivia Letlalo; Ephron Maradwa
Subject: RE: 2022-04-0009

Dear Tamryn

Our telephonic conversation earlier yesterday, refers. Kindly confirm if the pre application meeting is still necessary since you had confirmed that the main point for discussion was the combined public participation.

Your response will be appreciated.

Regards
Makhosazane Yeni

*Department of Forestry, Fisheries and the Environment
Environmental House
473 Steve Biko Road
Arcadia, 0083
Pretoria
Tel: 012 -399 9400
Cell: 072 7591825*

From: EIA Applications <EIAApplications@dffe.gov.za>
Sent: Tuesday, 12 April 2022 14:08
To: Makhosi Yeni <MYeni@dffe.gov.za>
Cc: Mahlatse Shubane <MSHUBANE@dffe.gov.za>; Olivia Letlalo <OLetlalo@dffe.gov.za>; Tamryn Lee Goddard <tamryn@savannahsa.com>
Subject: 2022-04-0009

Dear Makhosi.

Please note that you have been allocated an application:

Type of Application: Pre-Application Meeting Request;
Reference Number: 2022-04-0009;
Date Received: 11/04/2022;
Action Required: Decide on meeting request.

Kindly let Ephron know which date the meeting is to be held, if it will be set.

*EAP/Applicant: please use this reference number when submitting the application for EA/amendment application (page 1 of the application form), as well as attach the approved PP Plan if the application requires a PP process.

EIA Applications
Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Please note that this email is for the receipt and processing of online applications only, and is not monitored for responses. All queries must be directed to EIAAdmin@dffe.gov.za.

You are advised that this mailbox has a 48 hour response time.

Please note that this mailbox has a 5mb mail limit. No zip files are to be attached in any email.

From: Tamryn Lee Goddard <tamryn@savannahsa.com>
Sent: Monday, 11 April 2022 12:21
To: EIA Applications <EIAApplications@dffe.gov.za>
Cc: Ephron Maradwa <EMaradwa@dffe.gov.za>; Muhammad Essop <MESSOP@dffe.gov.za>
Subject: FW: Hydra B Solar Renewable Energy Development - Request for Pre-Application Meeting

Dear Ephron,

Thank you so much for your assistance.

As per our discussion, herewith the pre-application meeting request for Hydra B renewable energy cluster sent out on the 31st March 2022 with no response. Please kindly assist me with assigning a case officer.

Mant thanks and kind regards,



t: +27 (0)11 656 3237
f: +27 (0) 63 936 8434

Tamryn Lee Goddard
Environmental Consultant
c: +27 (0) 63 936 8434
e: tamryn@savannahsa.com

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

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From: Tamryn Lee Goddard
Sent: Thursday, 31 March 2022 16:05
To: EIA Applications <EIAApplications@dffe.gov.za>
Cc: EIAApplications@environment.gov.za; Jo-Anne Thomas <joanne@savannahsa.com>
Subject: Hydra B Solar Renewable Energy Development - Request for Pre-Application Meeting

Good day,

Please find attached pre-application meeting request and public participation plan for the proposed Hydra B Renewable Energy Development in the Northern Cape Province. Please

advise a convenient method of sending the DFFE Screening reports as the project consists of 30 projects and the file is too large to submit via email.

Please do not hesitate to contact me should you have any queries regarding the project or the application.

Thank you and kind regards,



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

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