
BARLERIA PHOTOVOLTAIC FACILITY, NEAR LICHTENBURG, NORTH WEST PROVINCE
DFFE REF: 14/12/16/3/3/2/2107
COMMENTS AND RESPONSES REPORT

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The Scoping Phase of the Environmental Impact Assessment (EIA) Process for the Barleria PV Facility was initiated on **Thursday, 14 October 2021**. The Background Information Document (BID) was distributed with a notification letter which served to invite Interested and Affected Parties (I&APs) to register their interest in the project and to submit any comments / queries that they may have on the proposed development.

The Scoping Report was made available for a 30-day review and comment period from **Friday, 15 October 2021** to **Monday, 15 November 2021**, and all written comments received have been included in the table below and included in **Appendix C7** of the EIA Report.

The EIA Report is being made available for a 30-day review and comment period from **Monday, 07 February 2022** until **Wednesday, 09 March 2022**, and all written comments received will be included in the table below and in **Appendix C7** to the final EIA Report.

The Comments and Responses Report (C&RR) is included as a separate document to the final EIA Report as **Appendix C9**.

LIST OF ABBREVIATIONS / ACRONYMS

BA	Basic Assessment	EAP	Environmental Assessment Practitioner
BAR	Basic Assessment Report	I&AP	Interested and Affected Party
BID	Background Information Document	SANRAL	South African National Roads Agency Limited
CIPC	Companies and Intellectual Property Commission		

1. COMMENTS RECEIVED DURING THE PUBLIC REVIEW OF THE SCOPING ASSESSMENT REPORT

1.1. Organs of State

NO.	COMMENT	RAISED BY	RESPONSE
1.	No, comments at this stage, I have yet to go through the application. We are a Water Service Authority Municipality.	Collen Mbengo Manager: Town & Regional Planning Ngaka Modiri Molema District Municipality Comment Form: 17 November 2021	The comment was acknowledged and Ngaka Modiri Molema District Municipality's status as a Water Service Authority Municipality was noted.
2.	<p>(a)Application form</p> <ul style="list-style-type: none"> 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. If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. <p>(d)Public Participation Process Comments must be obtained from this Department's Biodiversity Conservation Directorate at the following contact details: BCAdmin@dffe.gov.za.</p> <p>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>	Kevin Mathebula Case Officer DFFE Letter: 15 November 2021	<p>All relevant activities applied for in the application for Environmental Authorisation and included in the Scoping Report are relevant to the Barleria PV Facility and can be linked to the development activity or infrastructure in the project description. An amended application form is not required for final submission of the final Scoping Report.</p> <p>Proof of Correspondence to DFFE: Biodiversity Conservation is included in Appendix C of the Scoping Report.</p> <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), as well as in accordance with the approved Public Participation Plan (included as Appendix C of the Scoping Report).</p>

	<p>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, as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final SR.</p> <p>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</p> <p>Proof of correspondence with the various stakeholders must be included in the final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.</p> <p>The final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development particularly the North West Department of Economic Development, Environment, Conservation and Tourism (DEDECT) and the District and Local Municipalities</p> <p>All issues raised and comments received during the circulation of the draft SR from I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final SR, including comments from this Department, and must be incorporated into the Comments and Response Report (CRR)</p> <p>Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.</p>		<p>All comments received from I&APs and organs of state during the review and comment period of the Scoping Report have been included within this C&RR (Appendix C of the Scoping Report) and have been addressed appropriately.</p> <p>Copies of the original comments received have been included in Appendix C of the Scoping Report.</p> <p>Proof of correspondence with the various stakeholders during the BA process is included in Appendix C of the Scoping Report.</p> <p>Proof of attempts to obtain comments from I&APs, organs of state and key stakeholders is included in Appendix C of the Scoping Report.</p> <p>Proof of attempts to obtain comments from organs of state (DEDECT, and local and district municipalities) is included in Appendix C of the Scoping Report.</p> <p>All comments received during the review period of the draft Scoping Report have been adequately addressed and incorporated in to the CRR.</p> <p>It is confirmed that comments received have not been arranged into categories, but are captured in this CRR according to date received and have been responded to individually.</p>
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	<p>Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied <i>verbatim</i> 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.</p>		<p>A CRR has been drafted and is included as a separate appendix to the Scoping Report (refer to Appendix C). All comments raised and/or submitted are captured verbatim and not summarised.</p>
	<p>(e) Specialist Assessments You are requested to submit copies of original signed Specialist Declaration of Interest forms (witnessed and signed by a Commissioner of Oaths) for each specialist assessment provided.</p>		<p>Signed and commissioned specialist declarations, including scientific organisation registration number, where applicable, are contained in Appendix M of the Scoping Report.</p>
	<p>The Specialist Declaration of Interest forms must also indicate the scientificno-go organisation registration/member number and status of registration/membership for each specialist.</p>		
	<ul style="list-style-type: none"> • It is further brought to your attention that the following protocols have come into effect: <ul style="list-style-type: none"> - <i>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</i> - <i>Protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial plant and animal species, which were promulgated in Government Notice No. 1150 of 30 October 2020 (i.e. "protocols for terrestrial plant and animal species").</i> <p>Please note that applicable specialist assessments must be conducted in accordance with these protocols unless proof is provided that indicates that those specialist studies were commissioned within 50 days from the gazetting of GN320 and prior to the gazetting of GN1150.</p>		<p>The requirements of GN 320 of March 2020 have been noted in the Scoping Report (refer to Section 5.6). Throughout the EIA phase specialist studies will be undertaken in accordance with the required protocols.</p>

	<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 of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No.107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p>		<p>The Scoping Report has been subjected to a 30-day review period and the final Scoping Report is submitted within the prescribed timeframe of the Regulations.</p> <p>The final Scoping Report complies with the requirements of Appendix 2 and Regulation 21(1) of the EIA Regulations.</p> <p>The submission of the final Scoping report complies with the prescribed timeframes of the EIA Regulations.</p> <p>The Applicant acknowledges that no activity may commence prior to receipt of the Environmental Authorisation.</p>
<p>3.</p>	<p>1. The mandate of the Department Forestry, Fisheries and the Environment (DFFE): Forestry Branch as an Environmental Impact Assessment Commenting Authority is responsible for implementing the National Forestry Act, Act 84 of 1998 as amended (NFA)</p> <p>2. The Department therefore comments that if any tree species protected by the NFA is encountered in the proposed area, such</p>	<p>Mr Setshoane Assistant Director DFFE: Forestry</p> <p>Letter: 12 November 2021</p>	<p>It is noted that the Department Forestry, Fisheries and the Environment (DFFE): Forestry Branch is responsible for implementing the National Forestry Act.</p> <p>Should any NFA protected trees need to be removed within the development area for the Barleria PV facility and associated</p>

	trees may not be destroyed, cut or damaged without a license in terms of the Act.		infrastructure, an application for a license will be made through the North West Regional Office.
	3. Please note should there be trees protected in terms of Section 15 of the National Forest Act, a license needs to be applied through the North West Regional Office.		
4.	<p>The recommended section 38(3) HIA must include an assessment of the impact to archaeological and palaeontological resources. The field-based assessment of archaeological resources must be conducted by a qualified archaeologist and the report comply with the SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports.</p> <p>The proposed development is located within an area of very high Palaeontological Sensitivity as per the SAHRIS PalaeoSensitivity map. Therefore, a field-based Palaeontological Assessment must be conducted by a qualified palaeontologist and the report comply with the SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports.</p> <p>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, and graves of victims of conflict must also be assessed.</p> <p>Further comments will be issued upon receipt of the above and draft EIA document inclusive of appendices</p>	<p>Elijah Dumisani Katsetse Heritage Officer SAHRA</p> <p>Letter: 12 November 2021</p>	<p>As per the specialist heritage recommendations (refer to Appendix G of the Scoping Report) a specialist archaeology assessment and specialist palaeontology assessment are completed for integration into the Heritage Impact Assessment. The area proposed for development has not been identified as part of a special or recognised cultural landscape and as such, no further assessment of impacts to the cultural landscape is recommended.</p> <p>It is noted that further comments will be provided during the EIA phase.</p>

1.2. Interested and Affected Parties

NO.	COMMENT	RAISED BY	RESPONSE
5.	I am really interested in to find out if these three projects has approval from the Department of Agriculture.	Stephanie Fasaki Subsolar Energy	The Scoping Report has been made available to the Department of Agriculture, Rural Development, and Land Reform for their comment

NO.	COMMENT	RAISED BY	RESPONSE
		Registration Form: 24 October 2021	and input. Correspondence with DARDLR is contained as part of Appendix C of the final Scoping Report.