

**SUN GARDEN SOLAR PHOTOVOLTAIC, EASTERN CAPE PROVINCE
(DFFE Ref. No.: 14/12/16/3/3/1/2455)**

COMMENTS AND RESPONSES REPORT

Comments received after commenting period ended on Monday, 13 December 2021

This Comments and Responses Report contains the correspondence received and responses provided after the commenting period for the Solaris Fields Solar Photovoltaic Basic Assessment Report which ended on **Friday, 13 December 2021**, and submitted to the Department of Forestry, Fisheries and the Environment as [late comments](#).

LIST OF ABBREVIATIONS / ACRONYMS

BAR	Basic Assessment Report	MTS	Main Transmission Substation
DFFE	Department of Forestry, Fisheries and the Environment	POPI	Protection of Personal Information

No.	Comment	Raised by	Response
1.	<p>Below request for verification, as required i.t.o. POPI Act, refers.</p> <p>Please note that my cellphone does not work here (office/home) due to very poor signal. Therefore I cannot retrieve your voicemail message. Please use email as the means of further communication. Please make record too of my Whatsup relies.</p> <p>Before the verification i.t.o. the POPI Act is considered further it is necessary for us to properly understand the way forward. Our request (of 13/12/2021) for all information was accompanied by equal and associated requests for extension of the review period and for opportunity for our clients to deliver their comments directly to the EAP at the same face to face site meetings requested for the same purposes for the "Western Cluster" wind farm applications. Ms. Thomas/ you provided a reply on 14/12/2021 but, amongst her/ your many inaccurate justifications of the fatally flawed public participation process, she failed to answer our other 2 requests: (i) for extension for the comment period and (ii) for our clients to meet face to face with the EAP to deliver their comments directly at the same time as the landowner and occupier "face to face" meetings that must be held for the wind farm applications. Our request for the information obviously goes hand in hand with these two other requests. You have neither answered these latter 2 requests but have already made arrangements to send us the BARs (subject to POPI Act verification being provided by us). The situation creates some confusion. Given that you have undertaken to provide the BARs for purposes of review are we to assume then that our clients have been granted an extension of the review period and that they will be granted opportunity to meet the EAP face to face to deliver their comments? If however you are not willing to grant our clients the opportunity to deliver their</p>	<p>André van der Spuy AVDS Environmental Consulting</p> <p>E-mail: 17 December 2021</p>	<p>E-mail response: Nicolene Venter, 22 December 2021</p> <p>Your email of 17 December 2021 refers.</p> <p>We would like to advise you that in terms of regulation 3(3), we must refrain from conducting any public participation process during the period of 15 December to 5 January. In light thereof and the fact that the public review period for the solar farm applications (as well as the Western Cluster projects) have closed, this correspondence will not form part of the public participation process.</p> <p>In so far as you maintain that we have not answered your question for an extension, we refer you to our previous email of 14 December 2021 where we stated as follows:</p> <p>"With regard to your request for hard copies of the applications, although this is the first time that you are requesting them and the review period has already closed, we will arrange for them to be sent to you tomorrow or Friday". We sent you the BARs as you requested them but clearly stated that (as is evident in bold above), that the review period is closed. Although not registered with EAPASA, you continue to advise us on the interpretation of the EIA Regulations and relevant guidelines and should therefore know that we are required to submit the BARs within the legislated timeframes.</p> <p>Regarding your request for a face-to-face meeting with your clients, had you provided us with their details prior to the meeting that we suggested be held on 8 November 2021, so that we could have ensured compliance with the PP Plan in so far as maintaining sanitary conditions is concerned, and further</p>

No.	Comment	Raised by	Response
	<p>comments to the EAP "face to face" (as the approved PPP allows for) then for what purpose are you sending us the BARs?</p> <p>It would be appreciated if you could answer the above questions in a conclusive manner.</p> <p>Also please respond to our 2 outstanding requests which have been ignored thus far.</p> <p>Please also confirm that all information, as requested, relating to the applications will be send to us and which includes that beyond the mere BARs themselves. Records of meetings between you and the applicant and the DFFE should be included , being information that will influence the decisions on matters that impact our clients.</p> <p>Once we have clarity on the above matters then we will be in a position to properly consider your POPI Act-related request for verification. We do note that in a previous instance you did not bother to wait for our verification but proceeded with the use of our address for your purposes nonetheless.</p> <p>It is noted that you advise that you will only be able to attend to this in January 2022 given that we are only able to respond now. Please note that in January first week I will not be back at work. It would be best to please contact me after the 16th January 2022 by email.</p> <p>We look forward to receiving your answers to our requests in order to properly understand your intention.</p>		<p>provided us with their comments or, at the very least, an indication of the nature of their concerns, then at least your client(s?) would have been able provide their inputs into the process, whether in a face-to-face or a virtual meeting.</p> <p>Lastly, with regard to your misguided reference to the so-called verification request in terms of POPIA, note that you provided us directly with your physical address on 06 August 2021 when you requested a CD copy of the Wind Garden & Fronteer Wind Farms and when you submitted written comments on the Western Cluster of Wind Farms, MTS Substation & Grid Connection applications dated 22 September 2021. We merely wanted to confirm that you were still residing at the same place – it was not a verification request in terms of POPIA.</p>
2.	Below refers.	E-mail: 22 December 2021	E-mail response: Nicolene Venter, 06 January 2022

No.	Comment	Raised by	Response
	<p>1. Our requests of 13/12/2021 for (i) extension of the review period and (ii) face to face meetings were made within the comment period. It was therefore not closed as you claim. You continue in your approach to avoid directly refusing our requests but instead persist in manufacturing excuses to invalidate them (both in these and the associated wind farm applications) - but which is effectively a refusal of our requests.</p> <p>2. You have not answered other of our queries put to you: (i) what are your expectations given that you have agreed to send us the BARS. (ii) does the information that you intend to send (have sent) to us constitute all of the information per our request. Your ongoing dismissal of our requests is recorded now.</p> <p>3. We note that you will not include your below correspondence in the record since it is outside of the comment period. For sake of consistency in your advice , we trust then that all other input from other parties, delivered before onset of the 30 day comment period, will also be excluded from the application, including the virtual meeting(s) that were apparently held (but were beyond our capabilities) . Should this not be the case however then that will have to stand as further evidence of your prejudice towards us and our clients.</p> <p>4. You continue to beat the same drum in your desperate efforts to justify your effective refusal to meet, and renegeing on meeting, our clients face to face at the properties. Your belated and exaggerated attempts to rely on our not</p>		<p>Your laborious and tedious attempts to discredit the PPP and your ongoing defamatory correspondence refer.</p> <p>Our failure to respond to each and every disingenuous and calculating allegation in your latest email shall not be regarded in any way, as an admission as to the truth thereof.</p> <p>With reference to your steadfast doggedness to deliberately misunderstand and obfuscate the meaning of our responses to you, we clearly answered your questions in our email of 22 December 2021 and have nothing further to add.</p> <p>And finally, we are still awaiting confirmation of your physical address to deliver the already printed (hard copies) of the Solaris Fields and Sun Garden Solar PVs BA Reports.</p>

No.	Comment	Raised by	Response
	<p>having assured you of sanitary conditions for the face to face meetings as justification of your refusal (and renegeing) are frivolous and contrived. Your stretched attempt to belatedly associate same to your request for our clients details is rejected on the facts.</p> <p>5. It is noted that you now acknowledge that you had indeed agreed to a 8/11/2021 meeting (but which you then renegeed upon) which is interesting since you/ the EAP actually denied it thereafter. It is becoming extremely difficult for us to keep track of your ever changing versions of the facts and your invented after the fact excuses.</p> <p>6. We professionally advise you that any comment submitted on an application must be included within the application/ relevant reports. The competent authority's attention was drawn to the correspondence and he cannot ignore it.</p> <p>7. It is noted that you have presumptuously sent the BARs to us but without even awaiting our reply to your enquiry "Please confirm that you will be available to receive the parcel..." (your Whatsapp message of 15/12/2021). You are clearly very eager for us to receive the BARs yet have still not answered to what purpose since you have disqualified any further opportunity for us to provide comment. Again, we struggle to understand your actions and advice in any rational manner.</p> <p>8. It is clear to us that you do not, and have never welcomed proper site-based comment and evidence as input from our clients to your PPP. You continue to use every available (and unavailable) method to prevent such from happening</p>		

No.	Comment	Raised by	Response
	<p>and which brings into question your wish to ensure that these applications are properly informed by all available local information including that of directly abutting property owners, as they must be (the onus for this falls now to the competent authority). It is for this and other reasons that no trust can be given to you or the EAP.</p> <p>9. It is noted that you regard our letter of 22/9/2021 as constituting our comments Western Cluster of Wind Farms, MTS Substation & Grid Connection applications. This does not surprise us but you are mistaken in your thinking. While you have considered that letter to be the scope of AVDS Environmental Consultant's ("you submitted") comments you must not consider them to the actual comments of our clients which include occupiers and private land owners. You do not know the scope of our mandate given by our clients (and which is not your business) and as was stated therein, "A meeting is requested with you to communicate our clients concerns directly". Your desperate attempts to regard any I&AP objections and queries (as distinguishable from actual "comments") as constituting comments, while obstructing the opportunity for real comments to be delivered, so as to try to validate your improper PPP is unethical practice. We have anyway advised our clients that there anyway exists an unlimited and currently valid opportunity for all I&APs to comment using the comment sheet provided in your notification of 2020 but that they nonetheless have the right to address all their concerns directly to the EAP and that this right is not waived in any way by your/ the EAP's concerted efforts and limited application of selected regulations designed to deprive them of same. They look forward to exercising this right even</p>		

No.	Comment	Raised by	Response
	if such burden is transferred to the competent authority due to your obstructive actions. 10. Thank you for acknowledging that I am not a member of EAPSA. As an environmental consultant I consider it a credit.		