

**APPENDIX C9**  
**COMMENTS AND RESPONSES REPORT**



**DEVELOPMENT OF THE UMBILA EMOYENI ELECTRICAL GRID INFRASTRUCTURE, MPUMALANGA PROVINCE  
(DFFE Ref. No.: 14/12/16/3/3/2/2162)**

**COMMENTS AND RESPONSES REPORT**

**TABLE OF CONTENTS**

	<b>PAGE</b>
1. COMMENTS SUBMITTED DURING THE 30-DAY REVIEW PERIOD OF THE EIAr.....	1
1.1. Organs of State.....	1
2. COMMENTS RECEIVED AFTER FINAL SCOPING REPORT SUBMISSION AND BEFORE EIAr REVIEW .....	11
2.1. Organs of State.....	11
3. COMMENTS SUBMITTED DURING THE SCOPING PHASE (INITIAL CONSULTATION & 30-DAY REVIEW PERIOD OF THE SCOPING REPORT) .....	23
3.1. Organs of State.....	23
3.2. Key Stakeholders and I&APs .....	34

Emoyeni Renewable Energy Farm (Pty) Ltd proposes the development of Electrical Grid Infrastructure (EGI) ~6km southeast of Bethal and ~1km east of Morgenzon in the Mpumalanga Province. The EIA process for the project was announced on **Thursday, 12 May 2022** via distribution of a notification letter. The notification letter 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 **Thursday, 12 May 2022** until **Monday, 13 June 2022**, and the Environmental Impact Assessment Report (EIAR) was made available for a 30-day review and comment period from **Friday, 14 October 2022** until **Monday, 14 November 2022**. All written comments received during the EIA process have been included in **Appendix C8: Comments Received** and captured within this Comments and Responses Report (C&RR) and is attached as **Appendix C9: Comments and Responses Report** to the Final EIA Report.

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

**NOTE:**

All comments captured in the C&RR are verbatim and have not been summarised or corrected for grammatical errors.

**LIST OF ABBREVIATIONS / ACRONYMS**

APM	Archaeology, Palaeontology and Meteorites	MW	Mega Watt
BID	Background Information Document	NEMA	National Environmental Management Act
CBA	Critical Biodiversity Area	NHRA	National Heritage Resources Agency
CMIS	Command Management and Information Services	OoS	Organs of State
C&RR	Comments and Response Report	SACAA	South African Civil Aviation Authority
DOD	Department of Defense	SACNASP	South African Council For Natural Scientific Professions
EMPr	Environmental Management Programme	SAAF	South African Air Force
EWT	Endangered Wildlife Trust	SAHRA	South African Heritage Resources Agency
FGM	Focus Group Meeting	SAHRIS	South African Heritage Resources Information System
HIA	Heritage Impact Assessment	SANDF	South African National Department of Defense
I&AP	Interested and Affected Parties	SANRAL	South African National Roads Agency Ltd
KSW	Key Stakeholder Workshop	SR	Scoping Report

## 1. COMMENTS SUBMITTED DURING THE 30-DAY REVIEW PERIOD OF THE EIAR

### 1.1. Organs of State

No.	Comment	Raised by	Response
1.	<p>The following procedures are applied by the DOD to evaluate the potential impact of the intended development on the DOD:</p> <p>a. <u>Potential Impact on Landwards Activities</u>. The potential impact of the intended development on landwards force preparation, employment and support is evaluated at the hand of the proximity of the intended development to military training areas and base areas; and possible limitations on the landwards movement and deployment of forces.</p> <p>b. <u>Potential Impact on DOD Communication Installations</u>. The potential impact of the intended development on DOD communication installation is evaluated by ascertaining whether the intended development intrudes into the DOD specified buffers around communication installations, as specified by the DOD Command Management and Information Services (CMIS) Division.</p> <p>c. <u>Potential Impact on DOD Aviation Routes and Flight Safety</u>. The potential impact of the intended development on military aviation is discussed and evaluated amongst applicable specialists from the South African Civil Aviation Authority (SACAA) and the South African Air Force (SAAF) as part of the proceedings of the Obstacle Evaluation Committee (OEC).</p> <p>The following was concluded after conducting the various evaluations:</p> <p>a. <u>Potential Impact on Landwards Activities</u>. The location of the proposed solar and wind energy facility is not in the proximity of military infrastructure and it is therefore not expected to have any impacts on the landward activities. Thus, there is no objection on the part of DOD landwards activities.</p>	<p>Maj Gen XB Ndlovu Chief Logistics: Lieutenant General SANDF</p> <p>Letter: 14 October 2022</p>	<p>The submissions and that SANDF has no objection to the project are noted.</p>

No.	Comment	Raised by	Response
	<p>b. <u>Potential Impact on DOD Communication Installations.</u> The proposed solar and wind energy facility does not intrude into the DOD specified buffers around communication installations and communication links and therefore, there is no objection on the part of DOD communication installations.</p> <p>c. <u>Potential Impact on DOD Aviation Routes and Flight Safety.</u> The proposed solar and wind energy facility is located beyond the bounds of any aviation related buffers and holds no implication for the SAAF. Thus, there is no objection on the part of DOD aviation routes and light safety.</p> <p>The letters of no objection on the part of the DOD should not be deemed to supersede or replace any other statutory authorization.</p>		
2.	<p><u>This letter serves to inform you that the following information must be included in the final EIAR:</u></p> <p><b>a) Specific comments</b></p> <ul style="list-style-type: none"> <li>• Recommendations provided by specialist reports must be considered and used to inform the layout.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• The final EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Please ensure that all softcopy maps are clear and legible.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Please ensure that the final EIAR complies with the requirements of Appendix 3 of the NEMA EIA Regulations,</li> </ul>	<p>Juliet Mahlangu Case Officer DFFE</p> <p>Letter: 03 November 2022</p>	<p>Recommendations provided by specialist reports have been considered and used to inform the layout. Section 10.3 of the EIA states "<i>Based on the findings as documented in this EIA report, it was concluded that this layout avoids areas of sensitivity and therefore no further optimisation was recommended. 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> <hr/> <p>All mitigation recommendations are in line with applicable and most recent guidelines.</p> <hr/> <p>The technical details for the project are provided in table format in Chapter 2 of the Final EIA Report.</p> <hr/> <p>All softcopy maps included in the final EIA Report are clear and legible.</p> <hr/> <p>The final EIA Report complies with the requirements of Appendix 3 of the NEMA EIA Regulations, 2014, as amended,</p>

No.	Comment	Raised by	Response
	<p>2014, as amended, <u>all conditions of the acceptance of the scoping report, and this letter.</u></p> <p><b>b) Listed Activities</b></p> <ul style="list-style-type: none"> <li>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 <a href="https://www.environment.gov.za/documents/forms">https://www.environment.gov.za/documents/forms</a>.</li> <li>The relevant authorities with jurisdiction in respect of geographically designated areas in terms of GN R. 985 (Listing Notice 3) Activities must be continuously involved throughout the environmental impact assessment process. Written comments (or proof of consultation) must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided. Please also ensure that the potential impacts on the affected geographical areas are fully assessed in the EIAR.</li> </ul> <p><b>c) Public Participation</b></p> <ul style="list-style-type: none"> <li>Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to the provincial Department of Agriculture, SANRAL, Local Municipality, the District Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, the Department of Mineral Resources, the Department of Rural Development and Land Reform, and the Department of Forestry, Fisheries</li> </ul>		<p>as detailed within the EIA Report. All conditions of the acceptance of the scoping report and DFFE's letter dated 04 August 2022 has been complied with as detailed in Table 6.4 of the EIA Report.</p> <p>The listed activities applied for in the application form submitted to the DFFE on 24 June 2022 are the same as those included in the final EIA Report.</p> <p>The relevant authorities have been consulted throughout the EIA process. Records of this consultation are included within <b>Appendix C6: Organs of State Correspondence</b> of the final EIA Report. Maps showing the location of identified geographical areas in relation to the location of the project are included in the EIA Report (<b>Chapters 8 and 9</b>) and the specialist reports (<b>Appendix D to M</b>).</p> <p>Comments received from Organs of State and key stakeholders during the EIA process are captured in this C&amp;RR and included in <b>Appendix C9: Comments Received</b> of the final EIA Report.</p> <p>The written comments received are included in <b>Appendix C8: Comments Received</b> of the Final EIA Report.</p>

No.	Comment	Raised by	Response
	<p>and the Environment: Directorate Biodiversity and Conservation.</p> <ul style="list-style-type: none"> <li data-bbox="264 308 1008 655">• Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAR from registered I&amp;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.</li> <li data-bbox="264 662 1008 1046">• A Comments and Response trail report (C&amp;R) must be submitted with the final EIAR. The C&amp;R report must incorporate all comments for this development including Department's comments included in the acceptance of scoping report as well as these comments on the draft EIAR. The C&amp;R report must be a separate document from the main report. Please refrain from summarising comments made by I&amp;APs. All comments from I&amp;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&amp;AP's comments.</li> <li data-bbox="264 1053 1008 1155">• Comments from I&amp;APs must not be split and arranged into categories. Comments from each submission must be responded to individually.</li> <li data-bbox="264 1193 1008 1295">• The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations, 2014, as amended.</li> </ul>		<p></p> <p>All written comments received from registered I&amp;APs and Organs of State during the EIA process are included in <b>Appendix C8: Comments Received</b> and the various correspondence with stakeholders is included in <b>Appendix C5: Correspondence Stakeholders</b> and <b>Appendix C6: Correspondence Organs of State</b>.</p> <p><b>Appendix C5</b> and <b>Appendix C6</b> includes the attempts to obtain written comments from registered I&amp;APs and Organs of State.</p> <p>All comments received during the EIA process have been captured and addressed, as applicable, in this C&amp;RR (<b>Appendix C9: Comments and Responses Report</b>) and submitted as a separate document with the final EIA Report to the DFFE for decision-making.</p> <p>All comments submitted have been responded to as applicable and the comments have not been summarised and have been captured verbatim. No comment has been responded to as "noted".</p> <p>Comments submitted have not been split or arranged according to categories but according to date received and where applicable, comments have been responded to individually.</p> <p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended (GNR 326), as follows:</p> <ul style="list-style-type: none"> <li data-bbox="1395 1337 1644 1362">• <b>Project database:</b></li> </ul>

No.	Comment	Raised by	Response
			<ul style="list-style-type: none"> <li>○ A register of I&amp;APs has been compiled and will be updated throughout the EIA process (<b>Appendix C1: I&amp;AP Database</b>).</li> <li>● <b>Project Announcement:</b> <ul style="list-style-type: none"> <li>○ The Background Information Document (BID), accompanied by a cover letter inviting I&amp;APs to register on the project database, was distributed via email to identified I&amp;APs and relevant Organs of State (OoS) on 12 May 2022 (refer to <b>Appendices C3: Background Information Document, Appendix C5: Correspondence Stakeholders &amp; Appendix C6: Correspondence Organs of State</b> of the final EIA Report)</li> <li>○ An advertisement was placed in the Ridge Times Newspaper on Friday, 13 May 2022 (refer to <b>Appendix C4: Newspaper Advertisement</b> of the final EIA Report).</li> <li>○ Site notices announcing the EIA process were placed at visible points the along the boundary of the proposed project area in accordance with the requirements of the EIA Regulations on 29 April 2022 (refer to <b>Appendix C2: Site Notices Placed</b> of the final EIA Report).</li> <li>○ Process notices were placed at various public places in Bethal and Morgenzon (refer to <b>Appendix C2: Site Notices Placement</b> of the final EIA Report).</li> </ul> </li> <li>● <b>Scoping Report available for review and comment:</b> <ul style="list-style-type: none"> <li>○ Registered I&amp;APs, stakeholders and Organs of State were notified of the availability of the Scoping Report for a 30-day review and comment period via e-mail on 12 May 2022 (refer to <b>Appendix C5:</b></li> </ul> </li> </ul>



No.	Comment	Raised by	Response
			<p><b>Stakeholder Correspondence and C6: Organs of State Correspondence</b> of the final EIA Report).</p> <ul style="list-style-type: none"> <li>○ An e-mail to all registered I&amp;APs, stakeholders and OoS as a reminder that the review and comment period of the Scoping Report would be ending soon was e-mailed on 06 June 2022 (refer to <b>Appendix C5: Stakeholder Correspondence</b> and <b>C6: Organs of State Correspondence</b> of the final EIA Report).</li> </ul> <ul style="list-style-type: none"> <li>● <b>Scoping Phase Meetings:</b> Various Meetings were held during the 30-day review and comment period of the Scoping Report (refer to <b>Appendix C7: Meeting Notes</b> of the final EIA Report for the meeting notes). The following meetings were scheduled: <ul style="list-style-type: none"> <li>○ Virtual Public Participation Process Meeting held on Tuesday, 31 May 2022. The invitation for attendance was included in the Scoping Report notification letter that was distributed to all registered I&amp;APs on the project database on 12 May 2022.</li> <li>○ In-person Focus Group Meeting (FGM) with adjacent landowners held on 14 June 2022 at 10h00.</li> <li>○ Virtual FGM on 15 June 2022 with Provincial Authority Officials at 09h00 – No attendance</li> <li>○ Virtual Key Stakeholder Workshop (KSW) was held on 15 June 2022 at 11h00.</li> <li>○ Virtual FGM with District &amp; Local Municipal Officials was held on 15 June 2022 at 14h00 – No attendance.</li> </ul> </li> <li>● <b>EIA Report available for review and comment:</b> <ul style="list-style-type: none"> <li>○ Registered I&amp;APs, stakeholders and Organs of State were notified of the availability of the EIA Report for</li> </ul> </li> </ul>

No.	Comment	Raised by	Response
			<p>a 30-day review and comment period via e-mail on 08 September 2022 (refer to <b>Appendix C5: Stakeholder Correspondence</b> and <b>C6: Organs of State Correspondence</b> of the final EIA Report).</p> <ul style="list-style-type: none"> <li>○ An advertisement was placed in the community newspaper Ridge Times on 14 October 2022 announcing the availability of the EIA Report</li> </ul> <ul style="list-style-type: none"> <li>• <b>EIA Phase Meetings:</b> Various Meetings were held during the EIA phase of the process (refer to <b>Appendix C7: Meeting Notes</b> of the final EIA Report for the meeting notes). The following meetings were held: <ul style="list-style-type: none"> <li>○ In-person Focus Group Meeting (FGM) with landowners held on 05 October 2022 at 10h00 and 14h00.</li> <li>○ Virtual Key Stakeholder Workshop (KSW) was held on 07 October 2022 at 10h00.</li> </ul> </li> <li>• <b>Ongoing Consultation:</b> <ul style="list-style-type: none"> <li>○ Proof of consultation with I&amp;APs and OoS throughout the EIA process is included in <b>Appendix C5: Stakeholder Correspondence</b> and <b>C6: Organs of State Correspondence</b> of the final EIA Report.</li> </ul> </li> <li>• <b>Comments &amp; Responses Report:</b> All comments received during the EIA process have been captured in this C&amp;RR which is attached as <b>Appendix C9: Comments and Responses Report</b> as a separate document to the final EIA Report.</li> </ul>
	<ul style="list-style-type: none"> <li>• The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIAR.</li> </ul>		<p>It was confirmed by the Case Officer that a combined site visit for the Ummbila Emoyeni Wind Energy Facility, Ummbila Emoyeni Solar Energy Facility and the Electrical Grid Infrastructure can be undertaken after the final EIA Report for the Ummbila Emoyeni Grid Energy Facility has been</p>

No.	Comment	Raised by	Response
	<p data-bbox="210 304 524 331"><b>d) Specialist assessments</b></p> <ul style="list-style-type: none"> <li data-bbox="264 341 1014 475">• Please ensure that specialist studies conducted provide a detailed description of their methodology, as well as all other associated infrastructures that they have assessed and are recommending for the authorisation.</li> <li data-bbox="264 485 1014 619">• 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.</li> <li data-bbox="264 628 1014 794">• 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.</li> <li data-bbox="264 1018 1014 1289">• Please include a table in the BAR summarising the specialist studies required by the Screening Tool including the sensitivity rating of Screening Tool (very high, high, medium low), a column indicating the sensitivity of the site after the EAP/Specialist has conducted the Site Verification Assessment and a column with indicating whether these studies were conducted, or compliance statement attached.</li> <li data-bbox="264 1299 1014 1361">• It is further brought to your attention that the Procedures for the Assessment and Minimum Criteria for Reporting on</li> </ul>		<p data-bbox="1384 236 2101 298">submitted to the DFFE for decision making (Refer to <b>Appendix B: Authority Consultation</b> of the final EIA Report).</p> <ul style="list-style-type: none"> <li data-bbox="1384 308 2101 474">» The identified specialist studies (<b>Appendix D to M</b>) include a detailed description of the methodology followed as well as an indication of the location and description of the development and all other associated infrastructure.</li> <li data-bbox="1384 483 2101 545">» The specialist studies provide a detailed description of the limitations to the studies.</li> <li data-bbox="1384 555 2101 689">» 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.</li> <li data-bbox="1384 699 2101 896">» 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.</li> <li data-bbox="1384 906 2101 1008">» All specialist studies attached to this EIA Report (refer to <b>Appendix D – M</b> are final and provide detailed and practical mitigation measures and recommendations.</li> </ul> <p data-bbox="1384 1018 2101 1184">Table 6.6, which is included under Section 6.5 of EIA Report, details all the specialist studies required by the Screening Tool and a column indicating whether these studies were conducted or not, relevant reasons and the verified sensitivity as per the specialist study undertaken.</p> <p data-bbox="1384 1299 2101 1361">The specialist studies have been conducted in accordance with Government Notice No. 320 of 20 March 2020 (i.e., "the</p>

No.	Comment	Raised by	Response
	<p>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 (i.e. protocols for terrestrial plant and animal species) have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols, except where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned before the date on which the protocols came into effect, in which case Appendix 6 of the Environmental impact Assessment Regulations, 2014, as amended, will apply to such applications. Please indicate in the EIAr whether the protocols were applied.</p>		<p>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.</p>
	<ul style="list-style-type: none"> <li>Please also ensure that the specialist studies conducted as per requirements of the protocols also include the Site Verification Report that confirms the level of sensitivity from what has been identified by the screening report.</li> </ul>		<p>The specialist studies include site sensitivity verification as per requirements of the protocols.</p>
	<ul style="list-style-type: none"> <li>Please note that the Protocols require the specialists to be SACNASP registered. Proof of registration in the form of valid SACNASP certificate must be submitted for each specialist conducted.</li> </ul>		<p>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.</p>
	<ul style="list-style-type: none"> <li>For the themes that have been identified as medium which requires compliance statements, please ensure that these compliance statements are attached to the EIAr and that they comply with the requirement of the protocols.</li> </ul>		<p>All specialist reports are attached to the final EIA Report within Appendix <b>D to M</b>.</p>
	<p><b>General</b></p>		<p>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.</p>

No.	Comment	Raised by	Response
	<p>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, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, 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></p>		
	<p>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 documents contemplated in sub-regulation 1(a) 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 the application by the competent authority, as significant changes have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in sub-regulation (1)(a), and that the revised documents contemplated in sub-regulation 1(a) will be subjected to another public participation process of at least 30 days"</i>.</p>		<p>No significant changes or new information have been included within the Final EIA Report. There is therefore no requirement for additional public participation.</p>

No.	Comment	Raised by	Response
	Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.		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.
	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.

## 2. COMMENTS RECEIVED AFTER FINAL SCOPING REPORT SUBMISSION AND BEFORE EIAR REVIEW

### 2.1. Organs of State

No.	Comment	Raised by	Response
1.	<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.</p> <p>In addition, the following amendments and additional information are required for the EIAR:</p> <p><b>a) <u>Listed Activities</u></b></p> <ul style="list-style-type: none"> <li>i. The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.</li> <li>ii. The listed activities represented in the EIAR and the application form must be the same and correct.</li> <li>iii. The EIAR must assess the correct sub listed activity for each listed activity applied for.</li> </ul>	<p>Juliet Mahlangu Case Officer DFFE</p> <p>Letter: 03 August 2022</p>	<ul style="list-style-type: none"> <li>i. An assessment of impacts and recommended mitigation measures is included in this EIA Report (refer to Chapter and 10).</li> <li>ii. The listed activities applied for in the application form submitted to the DFFE on 24 June 2022 are the same as those included in this EIA Report.</li> </ul>

No.	Comment	Raised by	Response
	<p><b>b) <u>Public Participation</u></b></p> <p>i. Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to the Eskom, the provincial Department of Agriculture Rural Development, Land and Environmental Affairs, Mpumalanga Tourism and Parks Agency, Govan Mbeki Local Municipality, Lekwa Local Municipality and Msukaligwa Local Municipality, Gert Sibande District Municipality, the South African Heritage Resources Agency (SAHRA), The South African Civil Aviation Authority (SACAA), The Department of Transport, The Department of Water and Sanitation (DWS), The South African National Roads Agency Limited (SANRAL), the Endangered Wildlife Trust (EWT), The Endangered Wildlife Trust (EWT), and the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation.</p> <p>ii. Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAR from registered I&amp;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.</p>		<p>iii. The EIA Report assesses the correct sub listed activities for each listed activity applied for (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 C9). Where comments have not been obtained, proof that attempts were made to obtain comments have been included in Appendix C4 and Appendix C5.</p> <p>The database detailing registered I&amp;APs is included as Appendix C1 to the EIA Report.</p> <p>Comments received during the 30-day review and comment period of the draft Scoping Report have been captured and addressed in the Comments and Responses Report attached as Appendix C9 to this EIA Report.</p> <p>Comments received during the 30-day review and comment period of the draft EIA Report will be captured and addressed in the Comments and Responses Report (Appendix C9) to be submitted with the final EIA Report to the DFFE for decision-making. Proof of correspondence with the various stakeholders will be included in the final EIA Report in Appendix C4 and Appendix C5. Where comments have not been obtained,</p>

No.	Comment	Raised by	Response
	<p>iii. A Comments and Response trail report (C&amp;R) must be submitted with the final EIAR. The C&amp;R report must incorporate all comments for this development. The C&amp;R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&amp;APs. All comments from I&amp;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&amp;AP's comments.</p> <p>iv. Comments from I&amp;APs must not be split and arranged into categories. Comments from each submission must be responded to individually.</p> <p>v. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations, 2014, as amended.</p> <p>vi. The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIAR.</p> <p><b>c) Alternatives</b></p> <p>i. Please provide a description of each of the preferred alternative type and provide detailed motivation on why it is preferred.</p>		<p>proof that attempts were made to obtain comments will be included in Appendix C4 and Appendix C5.</p> <p>All comments received during the Scoping Phase, and the 30-day review and comment period of the draft EIA Report, including those of the DFFE, will be included within the Comments and Responses Report (to be included as Appendix C9 to the final EIA Report). All comments received from I&amp;APs to date have been copied verbatim and responded to clearly (refer to Appendix C9). Comments received during the 30-day review and comment period of the draft EIA Report will also be copied verbatim and responded to clearly within the Comments and Responses Report to be submitted with the final EIA Report.</p> <p>Comments received from I&amp;APs to date on the project have not been split and arranged in categories, and comments from each submission have been responded to individually (refer to Appendix C9).</p> <p>The public participation process to date is being conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations 2014, as amended (GNR 326). Details of the public participation process undertaken to date are included in detail in Chapter 7 of the EIA Report.</p> <p>As agreed with the case officer, this will be arranged following submission of the Final EIA Report and will be combined with that for the wind energy facility and the grid connection infrastructure.</p> <p>An overview of the various alternatives (i.e., property/location alternatives, design and layout alternatives, activity alternatives, and technology alternatives) considered for the Ummbila Emoyeni Wind Energy Facility is included in Chapter 3 of the EIA Report. An assessment of the 'do-nothing' alternative is included in Chapter 9 of the EIA Report.</p>



No.	Comment	Raised by	Response
	<p><b>d) <u>Layout &amp; Sensitivity Maps</u></b></p> <p>i. The EIAR must provide the four corner coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.</p> <p>ii. The EIAR must provide the following:</p> <ul style="list-style-type: none"> <li>– Clear indication of the envisioned area for the proposed facility;</li> <li>– Clear description of all associated infrastructure. This description must include, but is not limited to the following: <ul style="list-style-type: none"> <li>➤ Internal roads infrastructure; and;</li> <li>➤ All supporting onsite infrastructure such as laydown area, guard house and control room etc.</li> <li>➤ All necessary details regarding all possible locations and sizes of the proposed satellite substation and the main substation.</li> </ul> </li> </ul> <p>iii. A copy of the final preferred route layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads.</p> <p>iv. The layout map must indicate the following:</p> <ul style="list-style-type: none"> <li>➤ Grid position and its associated infrastructure;</li> <li>➤ Permanent laydown area footprint;</li> </ul>		<p>The EIA Report includes coordinate points of the proposed project site (refer to Chapter 1, Table 1.1)</p> <p>The facility layout is included in this EIA Report as Figure 9.1, under Chapter 9. A clear description of the infrastructure associated with the Ummbila Emoyeni Wind Energy Facility is included in Chapter 2.</p> <p>The facility layout is included in this EIA Report as Figure 9.1. Potential sensitive areas were identified through specialist desktop and in-field studies. The sensitivity shapefiles were shared with the project developer and were used to inform the design of the facility layout considered within this EIA Report. Existing roads will be used to access the project site as far as possible. Only the establishment of new internal roads to provide access to the wind turbines and other infrastructure associated with the facility is proposed.</p> <p>The facility layout is included in the EIA Report as <b>Figure 9.1</b> and the revised Optimised Layout is included in Figure 11.3. The layout includes the positions of the wind turbines and other infrastructure associated with the facility. A map showing the</p>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> <li>➤ 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);</li> <li>➤ Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;</li> <li>➤ The location of 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;</li> <li>➤ Substation(s) and/or transformer(s) sites including their entire footprint;</li> <li>➤ Location of access and service roads;</li> <li>➤ Connection routes (including pylon positions) to the distribution/transmission network;</li> <li>➤ All existing infrastructure on the site, especially railway lines and roads;</li> <li>➤ Buffer areas;</li> <li>➤ Buildings, including accommodation; and</li> <li>➤ All "no-go" areas.</li> </ul>		<p>layout overlain on the identified environmental sensitivities is included in this EIA Report as <b>Figure 11.3</b>.</p>
	<p>v. An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.</p>		<p>A map showing the layout overlain on the identified environmental sensitivities is included in this EIA Report as <b>Figure 11.3</b>.</p>
	<p>vi. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.</p>		<p>A map showing the revised optimised layout overlain on the identified environmental sensitivities is included in this EIA Report as <b>Figure 11.3</b>.</p>
	<p><b>e) <u>Cumulative Assessment</u></b></p> <p>i. Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative</p>		<p>Several renewable energy facilities within a 30km radius of the proposed development have been identified as detailed in Chapter 10 of the EIA Report. An evaluation of potential cumulative impacts is included in Chapter 10 of the EIA Report.</p>

No.	Comment	Raised by	Response
	<p>impact assessment for all identified and assessed impacts must be refined to indicate the following:</p> <ul style="list-style-type: none"> <li>➤ 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.</li> <li>➤ 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.</li> <li>➤ The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</li> <li>➤ A cumulative impact environmental statement on whether the proposed development must proceed.</li> </ul>		
	<p><b>f) <u>Specialist assessments</u></b></p> <p>i. The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:</p> <ul style="list-style-type: none"> <li>➤ 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.</li> <li>➤ 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.</li> </ul>		<ul style="list-style-type: none"> <li>» The identified specialist studies (<b>Appendix D to M</b>) include a detailed description of the methodology followed as well as an indication of the location and description of the development and all other associated infrastructure.</li> <li>» The specialist studies provide a detailed description of the limitations to the studies.</li> <li>» 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.</li> <li>» 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</li> </ul>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> <li>➤ 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.</li> <li>➤ 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 if applicable.</li> <li>➤ <b>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.</b></li> <li>➤ Should a specialist recommend specific mitigation measures, these must be clearly indicated.</li> <li>➤ Regarding cumulative impacts: <ul style="list-style-type: none"> <li>- Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.</li> <li>- A detailed process flow 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.</li> <li>- Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.</li> </ul> </li> </ul>		<p>considered by the developer when designing the facility layout.</p> <ul style="list-style-type: none"> <li>» All specialist studies attached to this EIA Report (refer to <b>Appendix D – M</b> are final and provide detailed and practical mitigation measures and recommendations.</li> <li>» The mitigation and enhancement measures proposed by the specialists are included in <b>Chapters 9 and 10</b> of the EIA Report, as well as the project EMPs which are attached as <b>Appendix O</b> to the EIA Report.</li> <li>» Several renewable energy facilities within a 30km radius of the proposed development have been identified as detailed in <b>Chapter 10</b> of the EIA Report. An evaluation of potential cumulative impacts is included in <b>Chapter 10</b> of the EIA Report.</li> </ul>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> <li>- The significance rating must also inform the need and desirability of the proposed development.</li> <li>- A cumulative impact environmental statement on whether the proposed development must proceed.</li> </ul>		
	<p>ii. Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.</p>		<p>The appointed specialists do not specify contradicting recommendations.</p>
	<p>iii. Please include a table in the EIAR summarising the specialist studies required by the Screening Tool, a column indicating whether these studies were conducted or not, and a column with motivation for any studies not conducted.</p>		<p>Table 7.6, which is included under Section 7.5 of this EIA Report, details all the specialist studies required by the Screening Tool and a column indicating whether these studies were conducted or not.</p>
	<p>iv. It is further 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 (i.e. protocols for terrestrial plant and animal species), have come into effect. Should this study be required, the specialist assessments must be conducted in accordance with these protocols. Please note further that the Protocols require the specialists to be SACNASP registered.</p>		<p>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.</p>
	<p>v. Please be reminded that section 2(3) of NEMA requires developments to be socially, environmentally and economically sustainable, while section 2(4)(i) of NEMA requires the social, economic and environmental impacts of</p>		<p>Specialist studies that focus on the biophysical environment (terrestrial biodiversity, aquatic biodiversity, avifauna, bats) and the socio-economic environment have been undertaken as part of the S&amp;EIA process for the proposed Ummbila Emoyeni Wind Energy Facility. This EIA Report considers and</p>

No.	Comment	Raised by	Response																				
	<p>activities, including disadvantages and benefits, to be considered, assessed and evaluated</p> <p>vi. The following Specialist Assessments will form part of the EIAR:</p> <table border="1" data-bbox="232 475 987 866"> <thead> <tr> <th>Specialist Study</th> <th>Company</th> </tr> </thead> <tbody> <tr> <td>Terrestrial Ecology (Fauna and Flora)</td> <td>Gerhard Botha of Nkurenkuru Ecology and Biodiversity (Pty) Ltd</td> </tr> <tr> <td>Freshwater resources (including all waterbodies and wetlands)</td> <td>Gerhard Botha of Nkurenkuru Ecology and Biodiversity (Pty) Ltd</td> </tr> <tr> <td>Bats</td> <td>Jonathan Aronson of Camissa</td> </tr> <tr> <td>Avifauna</td> <td>Owen Davies of Arcus Consulting</td> </tr> <tr> <td>Soils and Agricultural Potential</td> <td>van Baker/Andrew Husted of the Biodiversity Company</td> </tr> <tr> <td>Heritage (including Cultural Landscape, Archaeology and Palaeontology)</td> <td>Jenna Lavin of CTS Heritage</td> </tr> <tr> <td>Visual</td> <td>Jon Marshall of Environmental Planning &amp; Design CC</td> </tr> <tr> <td>Traffic</td> <td>Iris Wink of JG Afrika</td> </tr> <tr> <td>Socio-Economic</td> <td>Pierre van Jaarsveld of Urban-Econ Development Economist (Pty) Ltd</td> </tr> </tbody> </table> <p><b>g) Environmental Management Programme (EMPr)</b></p> <p>i. It is drawn to your attention that for substation infrastructure and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme (EMPr), contemplated in Regulations 19(4) must be used and submitted with the EIAR over and above the EMPr for the wind facility. Please ensure that any specific mitigation measures identified in the EIAR and specialist</p>	Specialist Study	Company	Terrestrial Ecology (Fauna and Flora)	Gerhard Botha of Nkurenkuru Ecology and Biodiversity (Pty) Ltd	Freshwater resources (including all waterbodies and wetlands)	Gerhard Botha of Nkurenkuru Ecology and Biodiversity (Pty) Ltd	Bats	Jonathan Aronson of Camissa	Avifauna	Owen Davies of Arcus Consulting	Soils and Agricultural Potential	van Baker/Andrew Husted of the Biodiversity Company	Heritage (including Cultural Landscape, Archaeology and Palaeontology)	Jenna Lavin of CTS Heritage	Visual	Jon Marshall of Environmental Planning & Design CC	Traffic	Iris Wink of JG Afrika	Socio-Economic	Pierre van Jaarsveld of Urban-Econ Development Economist (Pty) Ltd		<p>assesses the social, economic and environmental impacts of the proposed activity, including disadvantages and benefits, as documented within the specialist reports included as <b>Appendix D – M</b> to this EIA Report.</p> <p>All specialist assessments listed in the table form part of this EIA Report (refer to <b>Appendix D – M</b>).</p> <p>The generic substation EMPr is included as <b>Appendix O2</b> to the EIA Report. Section C of the EMPr includes specific mitigation measures identified in the EIA Report and specialist reports.</p>
Specialist Study	Company																						
Terrestrial Ecology (Fauna and Flora)	Gerhard Botha of Nkurenkuru Ecology and Biodiversity (Pty) Ltd																						
Freshwater resources (including all waterbodies and wetlands)	Gerhard Botha of Nkurenkuru Ecology and Biodiversity (Pty) Ltd																						
Bats	Jonathan Aronson of Camissa																						
Avifauna	Owen Davies of Arcus Consulting																						
Soils and Agricultural Potential	van Baker/Andrew Husted of the Biodiversity Company																						
Heritage (including Cultural Landscape, Archaeology and Palaeontology)	Jenna Lavin of CTS Heritage																						
Visual	Jon Marshall of Environmental Planning & Design CC																						
Traffic	Iris Wink of JG Afrika																						
Socio-Economic	Pierre van Jaarsveld of Urban-Econ Development Economist (Pty) Ltd																						

No.	Comment	Raised by	Response
	reports for the on-site substations are incorporated into the generic EMPr.		
	ii. Please ensure that the mitigation measures specified in the EIAR and specialist reports are also incorporated into the EMPr. In addition, ensure that the EMPr complies with the content of the EMPr in terms of Appendix 4 of the EIA Regulations, 2014, as amended.		The facility EMPr is included as <b>Appendix O1</b> 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.
	iii. Please also include in the EMPr, a recommended frequency for the auditing of compliance with the conditions of the EA and EMPr, and for the submission of such compliance reports to the competent authority.		A monitoring programme for the construction phase is included under Chapter 7, Section 7.4 of the facility EMPr attached as Appendix O1 to the EIA Report. The monitoring programme includes details on the frequency of auditing of compliance with the conditions of the EA and EMPr and the frequency of submission of such compliance reports to the competent authority.
	iv. EMPr must include an environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.		The environmental sensitivity map is attached as Appendix A to the facility EMPr which is included as Appendix O1 to the EIA Report.
	v. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.		A map showing the layout overlain on environmental sensitivities is attached as Appendix A to the facility EMPr which is included as Appendix O1 to the EIA Report.
	vi. EMPr must include measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.		Measures to protect hydrological features during construction are included under Chapter 7, Objective 7.
	<b>h) General</b>		
	i. The EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions.		The technical details of the proposed facility, in table format, are included under Chapter 2 of the EIA Report (refer to Table 2.2).
	ii. Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of		Details of the future plans for the site after decommissioning are included under Chapter 2 of the EIA Report (refer to Table 2.3).

No.	Comment	Raised by	Response
	<p>upgrading the proposed infrastructure to more advanced technologies must be indicated.</p> <p>iii. Should a Water Use License be required, proof of application for a license needs to be submitted.</p>		<p>The site considered for the establishment of the Ummbila Emoyeni Wind Energy Facility is associated with the presence of freshwater/drainage features. During the construction and operation phases, sewage may be collected and treated using septic or conservancy tanks, and water required for construction and operation may be sourced from boreholes. In the event that the flow of water in the freshwater/drainage features is affected and the bed, banks or course characteristics are altered, and should septic tanks be used, and water be abstracted from boreholes then a water use authorisation would be required. The process of applying for a WUL or GA registration will only be completed once a positive EA has been received and the project selected as Preferred Bidder under the REIPPPP or similar programme. This is in line with the requirements of DWS.</p>
	<p>iv. The EAP must provide landowner consent for all farm portions affected by the proposed project, whether the project component is linear or not, i.e. all farm portions where the access road and associated infrastructure is to be located.</p>		<p>The landowner consents for the wind energy facility were included as an Appendix 3 to the EA Application form submitted on 24 June 2022.</p>
	<p>v. A construction and operational phase EMPr that includes mitigation and monitoring measures must be submitted with the final EIAR.</p>		<p>The EMPr for the wind energy facility is included as Appendix O1 to the EIA Report. The generic substation EMPr is included as Appendix O2 to the EIA Report. Both EMPrs include mitigation and monitoring measures for the construction and operational phases.</p>
	<p>vi. 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.</p>		<p>The EA is required for a period of 10 years as detailed under Chapter 11, Section 11.6 of the EIA Report.</p>



No.	Comment	Raised by	Response
	<p>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.</p> <p>Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</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 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.</p> <p>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.</p>
2.	<ol style="list-style-type: none"> <li>1. The subject matter has reference.</li> <li>2. The department has received an application submitted in fulfilment of the National Environmental Management Act, Act 107 of 1998 (NEMA).</li> <li>3. The application is for the proposed Emoyeni Renewable Energy Farm (Pty) Ltd development which is a cluster of renewable energy facilities and associated infrastructure, including grid connection infrastructure and battery energy storage.</li> <li>4. The department also notes the regional impact and potential positive socio-economic and infrastructure development more so given the countries energy supply.</li> <li>5. The department supports the application subject to the following conditions: <ol style="list-style-type: none"> <li>5.1. The application must comply with all provision of the municipal Spatial Planning and Land Use Management By-law and town planning scheme.</li> <li>5.2. Consent and conditions imposed by the Local Municipality be adhered to.</li> </ol> </li> </ol>	<p>TB Sebogodi Co-Operative Governance &amp; Traditional Affairs</p> <p>Letter: 08 August 2022</p>	<p>The Department's acknowledgement of the application was acknowledged, and no further action required.</p> <p>The support of the Department for the project is noted. The specific conditions of this support have been noted by the applicant. The project will be constructed and operated in compliance with all legislation and site-specific assessment recommendations.</p>

No.	Comment	Raised by	Response
	5.3. Compliance with that the National Water Act, No 36 of 1998 and an Environmental Authorisation (As required by National Environmental Management Act, 1998)).		
	5.4. All site specific assessment recommendations be strictly adhered to mitigate impacts.		
	5.5. All other laws that may be triggered must be complied with relevant departments.		

### 3. COMMENTS SUBMITTED DURING THE SCOPING PHASE (INITIAL CONSULTATION & 30-DAY REVIEW PERIOD OF THE SCOPING REPORT)

#### 3.1. Organs of State

No.	Comment	Raised by	Response
1.	Please send me a KMZ file of the affected properties. Please find attached Eskom general requirements for works at or near Eskom infrastructure, as well as the Eskom setbacks guideline for renewable energy developments. <b>Renewable Energy Generation Plant Setbacks to Eskom Infrastructure included in Appendix C8 of the final Scoping Report</b>	John Geeringh Senior Consultant Environmental Management Grid Planning: Land & Rights Eskom  E-mail: 12 May 2022	The requested .KMZ file was e-mailed to Mr Geeringh on 17 May 2022 (refer to <b>Appendix C6</b> of the final Scoping Report).
	Eskom requirements for work in or near Eskom servitudes.  1. Eskom's rights and services must be acknowledged and respected at all times.  2. Eskom shall at all times retain unobstructed access to and egress from its servitudes.  3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals.		The requirements for development at or near Eskom infrastructure servitudes are noted. These requirements have been submitted to the developer for their attention and consideration for the development.  In addition, the need to comply with Eskom requirements (as applicable) will be included into the EMP for the project.

<p>4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer.</p>		
<p>5. If Eskom has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the developer's activities or because of the presence of his equipment or installation within the servitude restriction area, the developer shall pay such costs to Eskom on demand.</p>		
<p>6. The use of explosives of any type within 500 metres of Eskom's services shall only occur with Eskom's previous written permission. If such permission is granted the developer must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. It is advisable to make application separately in this regard.</p>		
<p>7. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom's satisfaction.</p>		
<p>8. Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the developer, his/her agent, contractors, employees, successors in title, and assignees. The developer indemnifies Eskom against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or</p>		

<p>interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the developer's equipment.</p>		
<p>9. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the developer must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the relevant Eskom Manager</p> <p>Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.</p>		
<p>10. Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with.</p>		
<p>11. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The developer shall maintain the area concerned to Eskom's satisfaction. The developer shall be liable to Eskom for the cost of any remedial action which has to be carried out by Eskom.</p>		
<p>12. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).</p>		
<p>13. Equipment shall be regarded electrically live and therefore dangerous at all times.</p>		

	<p>14. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom will not approve the erection of houses, or structures occupied or frequented by human beings, under the power lines or within the servitude restriction area.</p> <p>15. Eskom may stipulate any additional requirements to highlight any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom plant.</p> <p>16. It is required of the developer to familiarise himself with all safety hazards related to Electrical plant</p> <p>17. Any third party servitudes encroaching on Eskom servitudes shall be registered against Eskom's title deed at the developer's own cost. If such a servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.</p>		
<p>2.</p>	<p><u>This letter serves to inform you that the following information must be included to the Final Scoping Report:</u></p> <p><b>a) Layout &amp; Sensitivity Maps</b></p> <p>The layout map submitted under appendix of the SR does not show the location of the proposed Grid infrastructure and only shows the project area to be covered by the proposed Umbila Emoyeni Renewable Energy Project. Appendix 2 (1) (c) (i) requires that the SR must include a plan which locates the proposed activity or activities applied for at an appropriate scale, or, if it is a linear activity, a description and coordinates of the corridor in which the proposed activity or activities is to be</p>	<p>Juliet Mahlangu Case Officer DFFE</p> <p>Letter: 08 June 2022</p>	<p>At this stage of the process, the detail of the grid layout has not been finalised as the location of the 400/132kV Main Transmission Substation (MTS) associated with the Ummbila Emoyeni EGI still needs to be confirmed with Eskom. The location of the MTS will be included in the EIA Report. The sensitivities identified during the Scoping Phase will also be considered in the location of the MTS within the project area. The 300m corridors associated with the 132kV power lines from the Wind and Solar Energy Facilities, as well as the 300m corridor associated with the two 400kV loop-in loop-out power lines from the MTS will be included in the layout and sensitivity map as part of the EIA Report.</p>

<p>undertaken. You are therefore requested to provide a layout map which indicates the following:</p> <ul style="list-style-type: none"> <li>• location of the proposed grid infrastructure</li> <li>• All supporting onsite infrastructure e.g. roads (existing and proposed);</li> <li>• The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;</li> <li>• Buffer areas; and</li> <li>• All "no-go" areas.</li> <li>• The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure.</li> <li>• Google maps will not be accepted.</li> </ul>			<p>The layout and sensitivity map will include the information as detailed in the Department's comment.</p>
<p><b>b) Public Participation Process</b></p> <ul style="list-style-type: none"> <li>• Please ensure that all issues raised and comments received during the circulation of the SR from registered I&amp;APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the Final SR. 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. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended.</li> </ul>			<p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended (GNR 326), as follows:</p> <ul style="list-style-type: none"> <li>• <b>Project database:</b> <ul style="list-style-type: none"> <li>○ A register of I&amp;APs has been compiled and will be updated throughout the EIA process (<b>Appendix C1</b>).</li> </ul> </li> <li>• <b>S&amp;EIA and Public Participation Process announcements:</b> <ul style="list-style-type: none"> <li>○ The Background Information Document (BID), accompanied by a cover letter inviting I&amp;APs to register on the project database, was distributed via email to identified I&amp;APs and relevant Organs of State (OoS) on 12 May 2022 (refer to <b>Appendices C3, C5 &amp; C6</b> of the final Scoping Report.)</li> <li>○ An advertisement was placed in the Ridge Times Newspaper on Friday, 13 May 2022 (refer to <b>Appendix C4</b> of the final Scoping Report).</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>○ Site notices announcing the EIA process were placed at visible points along the boundary of the proposed project area in accordance with the requirements of the EIA Regulations on 29 April 2022 (refer to <b>Appendix C2</b> of the final Scoping Report).</li> <li>○ Process notices were placed at various public places in Bethal and Morgenzon (refer to <b>Appendix C2</b> of the final Scoping Report).</li> <li>● <b>Scoping Report available for review and comment:</b> <ul style="list-style-type: none"> <li>○ Registered I&amp;APs were notified of the availability of the Scoping Report for a 30-day review and comment period via e-mail on 12 May 2022 (refer to <b>Appendix C5</b> and <b>C6</b> of the final Scoping Report).</li> <li>○ Commenting authorities, municipal councillors and local and district municipalities which have jurisdiction in the area were requested to submit written comments on the Scoping Report via email on 12 May 2022 (refer to <b>Appendix C6</b> of the final Scoping Report).</li> </ul> </li> <li>● <b>Attempt to obtain comments on the Scoping Report:</b> <ul style="list-style-type: none"> <li>○ An e-mail to all registered I&amp;APs and OoS as a reminder that the review and comment period of the Scoping Report would be ending soon was e-mailed on 06 June 2022 (refer to <b>Appendix C5</b> and <b>C6</b> of the final Scoping Report).</li> </ul> </li> <li>● <b>Meetings:</b> <p>Various Meetings were held during the 30-day review and comment period of the Scoping Report (refer to <b>Appendix C7</b> of the final Scoping Report for the meeting notes). The following meetings were scheduled:</p> <ul style="list-style-type: none"> <li>○ Virtual Public Participation Process Meeting held on Tuesday, 31 May 2022. The invitation for attendance was included in the Scoping Report notification letter that was</li> </ul> </li> </ul>
--	--	--	--

			<p>distributed to all registered I&amp;APs on the project database on 12 May 2022.</p> <ul style="list-style-type: none"> <li>○ In-person Focus Group Meeting (FGM) with adjacent landowners held on 14 June 2022 at 10h00.</li> <li>○ Virtual FGM on 15 June 2022 with Provincial Authority Officials at 09h00 – No attendance</li> <li>○ Virtual Key Stakeholder Workshop (KSW) was held on 15 June 2022 at 11h00.</li> <li>○ Virtual FGM with District &amp; Local Municipal Officials was held on 15 June 2022 at 14h00 – No attendance.</li> </ul> <ul style="list-style-type: none"> <li>● <b>Consultation:</b> <ul style="list-style-type: none"> <li>○ Proof of consultation with I&amp;APs and OoS throughout the scoping phase is included in <b>Appendix C5</b> and <b>C6</b> of the final Scoping Report.</li> </ul> </li> <li>● <b>Comments &amp; Responses Report:</b> <ul style="list-style-type: none"> <li>○ All comments received from the announcement of the S&amp;EIA process and those submitted during the 30-day review and comment period of the Scoping Report have been captured in this C&amp;RR which is attached as <b>Appendix C9</b> to the final Scoping Report.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>● A comments and response trail report (C&amp;R) must be submitted with the final SR. The C&amp;R report must incorporate all historical comments for this development. The C&amp;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 refrain from summarising comments made by I&amp;APs. All comments from I&amp;APs must be copied verbatim and responded to clearly. Please note that a response such as “Noted” is not</li> </ul>		<p>All comments received during the Scoping Phase (included in <b>Appendix C7</b>), including those received during the 30-day review and comment period of the Scoping Report, have been captured and addressed, as applicable, in the C&amp;RR (<b>Appendix C9</b>) and submitted with the final Scoping Report to the DFFE for the review and acceptance.</p> <p>The DFFE: Directorate Biodiversity Conservation informed the project team during the Key Stakeholder Workshop held on Wednesday, 15 June 2022, from 11:00 – 12:30 that they will be submitting their comments on the final Scoping Report. Comments</p>



<p>regarded as an adequate response to I&amp;AP's comments.</p>		<p>received from the DFFE: Directorate Biodiversity Conservation will be included in the EIA Report.</p>
<ul style="list-style-type: none"> <li>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 South African Astronomical Observatory, the Mpumalanga Environmental Department, the District and Local Municipalities.</li> </ul>		<p>Correspondence with the various stakeholders, including Organs of State (OoS), has been included in <b>Appendix C5</b> and <b>Appendix C6</b> of the final Scoping Report.</p>
<p><b>c) Specialist Assessments</b></p> <ul style="list-style-type: none"> <li>Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of turbine positions, and all other associated infrastructures that they have assessed and are recommending for authorisations.</li> </ul>		<p>All identified and relevant competent authorities were given an opportunity to comment on the proposed development, including the South African Astronomical Observatory &amp; Mpumalanga Environmental Department, the District and Local Municipal Officials. Evidence that all identified and relevant competent authorities were given an opportunity to comment on the proposed development is included in <b>Appendix C6</b> of the final Scoping Report.</p>
<ul style="list-style-type: none"> <li>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</li> </ul>		<p>It should be noted that this project entails the development of Electrical Grid Infrastructure to connect the proposed Wind and Solar Energy Facilities to the national grid and not the development of a Wind Energy Facility. The specialist studies compiled in support of this project provide detailed descriptions of the different methodologies followed (refer to <b>Appendix D - J</b>). The locations of the infrastructure proposed as part of the Umbila Emoyeni EGI will be included and assessed in the EIA Report.</p>
<ul style="list-style-type: none"> <li>Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice</li> </ul>		<p>All specialist studies, with the exception of the heritage screener, provide a detailed description of the limitations to the studies. The full Heritage Impact Assessment (HIA) to be submitted as part of the EIA Report will however include limitations to the study (refer to <b>Appendix D - J</b>).</p> <p>This comment is noted and will be taken into consideration during the EIA Phase of the process.</p>

<ul style="list-style-type: none"> <li>It is further 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 (i.e. protocols for terrestrial plant and animal species), have come into effect. <b>Please note that specialist assessments must be conducted in accordance with these protocols.</b></li> </ul>		<p>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).</p>
<p><b>d) Cumulative Assessment</b></p> <ul style="list-style-type: none"> <li>Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:                     <ul style="list-style-type: none"> <li>➤ 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.</li> <li>➤ 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.</li> </ul> </li> </ul>		<p>Three (3) authorised renewable energy facilities, including their associated grid connection infrastructure, have been identified within a 30km radius of the proposed development as detailed in Section 8.4 of the Scoping Report. An evaluation of potential cumulative impacts will be undertaken during the EIA Phase of the process in accordance with these requirements.</p>

<ul style="list-style-type: none"> <li>➤ The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</li> <li>➤ A cumulative impact environmental statement on whether the proposed development must proceed.</li> </ul>		
<p><b>General</b>                  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&amp;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 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>All timeframes as per regulations Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, will be adhered to.</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.		
3.	<p><b>Interim Comment</b></p> <p>The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit notes the pending assessment of the impact to heritage resources. The HIA must 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.</p>	<p>Natasha Higgitt Heritage Officer SAHRA</p> <p>Letter: 10 June 2022</p>	<p>As part of the Scoping Phase, a heritage screener was produced for the proposed development which indicated the project area and the area more broadly have not been subjected to many HIAs and therefore substantial gaps in knowledge exist. The specialist has recommended that a full HIA with a detailed field component be undertaken.</p> <p>The full HIA will be submitted as part of the EIA Report during the EIA Phase of the process. As per this requirement, the HIA will comply with section 38(3) of the NHRA as required by section 38(8) of the NHRA and include an archaeological and palaeontological component.</p>
	The 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 archaeological component of the HIA will be prepared in accordance with the SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Report and will be undertaken by a qualified by archaeologist.
	The proposed development footprint is located in areas of moderate and very high sensitivity as per the SAHRIS PalaeoSensitivity Map. Therefore, a field-based Palaeontological Impact Assessment must be undertaken by a qualified palaeontologist. The report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments.		The palaeontological component of the HIA will be prepared in accordance with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments. The field-based Palaeontological Impact Assessment will be undertaken by a qualified palaeontologist.
	Any other heritage resources as defined in section 3 of the NHRA that may be impacted, such as built structures over 50 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims		Should any of the heritage resources listed in this comment be identified within the development footprint of the Wind Energy Facility, impacts on these heritage resources will be assessed in the HIA and included in the EIA Report.

	of conflict, and cultural landscapes or viewsapes must assessed.		
	Further comments will be issued upon receipt of the draft EIA documents inclusive of appendices and the above pending heritage specialist reports.		The draft EIA Report and HIA will be uploaded on the South African Heritage Resources Information System (SAHRIS) for comment by SAHRA.

### 3.2. Key Stakeholders and I&APs

No.	Comment	Raised by	Response
1.	I saw a post notice on our fence Vaalbank and wanted to find out more on the project.	Joseph Masego Land Occupier of Vaalbank  Telephonic Call: 11 May 2022	There was a discussion on what the project entails and the activities that will be undertaken as part of the S&EIA process.