

APPENDIX C9
COMMENTS AND RESPONSES REPORT



DEVELOPMENT OF THE UMBILA EMOYENI SOLAR ENERGY FACILITY, MPUMALANGA PROVINCE

(DFFE Ref. No.: 4/12/16/3/3/2/2161)

COMMENTS AND RESPONSES REPORT

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Emoyeni Renewable Energy Farm (Pty) Ltd proposes the development of a cluster of renewable energy facilities, which include a 666MW Wind Energy Facility and a 150MW Solar Energy Facility, as well as Electrical Grid Infrastructure, ~6km southeast of Bethal and ~1km east of Morgenzon in the Mpumalanga Province. 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 all written comments received during the Scoping and Environmental Impact Assessment (S&EIA) process to date have been included in the table below.

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	KSW	Key Stakeholder Workshop
BID	Background Information Document	NHRA	National Heritage Resources Agency
CBA	Critical Biodiversity Area	OoS	Organs of State
C&RR	Comments and Response Report	SAHRA	South African Heritage Resources Agency
EIA	Environmental Impact Assessment	SAHRIS	South African Heritage Resources Information System
FGM	Focus Group Meeting	SR	Scoping Report
HIA	Heritage Impact Assessment	S&EIR	Scoping & Environmental Impact Report
I&AP	Interested and Affected Parties	OoS	Organs of State

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

1.1. Organs of State

No.	Comment	Raised by	Response
1.	<p>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.</p> <p>Renewable Energy Generation Plant Setbacks to Eskom Infrastructure included in Appendix C8 of the final Scoping Report</p>	<p>John Geeringh Senior Consultant Environmental Management Grid Planning: Land & Rights Eskom</p> <p>E-mail: 12 May 2022</p>	<p>The requested .KMZ file was e-mailed to Mr Geeringh on 17 May 2022 (refer to Appendix C6 of the final Scoping Report).</p>
	<p>Eskom requirements for work in or near Eskom servitudes.</p> <ol style="list-style-type: none"> 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. 4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer. 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. 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 		<p>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.</p> <p>In addition, the need to comply with Eskom requirements (as applicable) will be included into the EMP for the project.</p>

<p>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 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</p>		

<p>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>		
2.	<p><u>This letter serves to inform you that the following information must be included to the Final Scoping Report:</u></p> <p>a) Layout & Sensitivity Maps Please provide a layout map which indicates the follow:</p> <ul style="list-style-type: none"> • location of the proposed solar energy facility including associated infrastructure • The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected; • Buffer areas; and • All "no-go" areas. • The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure. • Google maps will not be accepted. <p>b) Public Participation Process</p> <ul style="list-style-type: none"> • Please ensure that all issues raised and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity 	<p>Juliet Mahlangu Case Officer DFFE</p> <p>Letter: 08 June 2022</p>	<p>An appropriate facility layout map indicating the location of the Solar Energy Facility and associated infrastructure is not available at this stage of the process. A layout map will however be included as part of the EIA Report to be submitted during the EIA Phase of the process. A map indicating the facility layout superimposed on the identified sensitive features will also be included in the EIA Report.</p> <p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended (GNR 326), as follows:</p> <ul style="list-style-type: none"> • Project database:

	<p>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 & 44 of the EIA Regulations 2014, as amended.</p>		<ul style="list-style-type: none"> ○ A register of I&APs has been compiled and will be updated throughout the EIA process (Appendix C1). • S&EIA and Public Participation Process announcements: <ul style="list-style-type: none"> ○ The Background Information Document (BID), accompanied by a cover letter inviting I&APs to register on the project database, was distributed via email to identified I&APs and relevant Organs of State (OoS) on 12 May 2022 (refer to Appendices C3, C5 & C6 of the final Scoping Report.) ○ An advertisement was placed in the Ridge Times Newspaper on Friday, 13 May 2022 (refer to Appendix C4 of the final Scoping Report). ○ 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 Appendix C2 of the final Scoping Report). ○ Process notices were placed at various public places in Bethal and Morgenzon (refer to Appendix C2 of the final Scoping Report). • Scoping Report available for review and comment: <ul style="list-style-type: none"> ○ Registered I&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 Appendix C5 and C6 of the final Scoping Report). ○ 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 Appendix C6 of the final Scoping Report). • Attempt to obtain comments on the Scoping Report: <ul style="list-style-type: none"> ○ An e-mail to all registered I&APs and OoS as a reminder that the review and comment period of the Scoping
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			<p>Report would be ending soon was e-mailed on 06 June 2022 (refer to Appendix C5 and C6 of the final Scoping Report).</p> <ul style="list-style-type: none"> • Meetings: Various Meetings were held during the 30-day review and comment period of the Scoping Report (refer to Appendix C7 of the final Scoping Report for the meeting notes). The following meetings were scheduled: <ul style="list-style-type: none"> ○ 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&APs on the project database on 12 May 2022. ○ In-person Focus Group Meeting (FGM) with adjacent landowners held on 14 June 2022 at 10h00. ○ Virtual FGM on 15 June 2022 with Provincial Authority Officials at 09h00 – No attendance ○ Virtual Key Stakeholder Workshop (KSW) was held on 15 June 2022 at 11h00. ○ Virtual FGM with District & Local Municipal Officials was held on 15 June 2022 at 14h00 – No attendance. • Consultation: <ul style="list-style-type: none"> ○ Proof of consultation with I&APs and OoS throughout the scoping phase is included in Appendix C5 and C6 of the final Scoping Report. • Comments & Responses Report: <ul style="list-style-type: none"> ○ All comments received from the announcement of the S&EIA process and those submitted during the 30-day review and comment period of the Scoping Report have been captured in this C&RR which is attached as Appendix C9 to the final Scoping Report.
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	<ul style="list-style-type: none"> • A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all historical comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments. • The 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. <p>c) Specialist Assessments</p> <ul style="list-style-type: none"> • 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. • 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 		<p>All comments received during the Scoping Phase (included in Appendix C8), 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&RR (Appendix C9) and submitted with the final Scoping Report to the DFFE for the review and acceptance.</p> <p>Comments have been captured verbatim as submitted and have not been summarised or corrected for grammatical errors.</p> <p>Responses, as applicable, have been provided and no comment has been responded to as "noted".</p> <p>All identified and relevant competent authorities have been given an opportunity to comment on the proposed development, including the South African Astronomical Observatory & 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 Appendix C6 of the final Scoping Report.</p> <p>The specialist studies compiled in support of this project provide detailed descriptions of the different methodologies followed (refer to Appendix D - K). The locations and descriptions of the turbine positions, and all other associated infrastructure, will be included and assessed in the EIA Report.</p> <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 Appendix D - K).</p>
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<ul style="list-style-type: none"> 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>This comment is noted and will be taken into consideration during the EIA Phase of the process.</p>
<ul style="list-style-type: none"> 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. Please note that specialist assessments must be conducted in accordance with these protocols. 		<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>d) Cumulative Assessment</p> <ul style="list-style-type: none"> 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"> ➤ 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. ➤ Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments 		<p>Three (3) authorised renewable energy facilities within a 30km radius of the proposed development have been identified as detailed in Section 9.4 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>

	<p>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.</p> <ul style="list-style-type: none"> ➤ The cumulative impacts significance rating must also inform the need and desirability of the proposed development. ➤ A cumulative impact environmental statement on whether the proposed development must proceed. 		
	<p>General You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:</p> <p><i>"If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"</i></p> <p>You are 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</p>		<p>All timeframes as per regulations Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, will be adhered to.</p> <p>The Scoping Report has been prepared in accordance with Appendix 2 of the EIA Regulations, 2014, as amended (GNR 326).</p>

	<p>prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p>		
<p>3.</p>	<p>Interim Comment</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>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.</p> <p>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.</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> <p>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.</p> <p>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.</p>

	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 of conflict, and cultural landscapes or viewsapes must assessed.		Should any of the heritage resources listed in this comment be identified within the development footprint of the Solar Energy Facility, impacts on these heritage resources will be assessed in the HIA and included in the EIA Report.
	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.

1.2. 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 during as part of the S&EIA process.