

# Elandsfontein PV Projects - Comments and responses on Draft Scoping Report

It must be noted that a joint public participation was undertaken encompassing the following projects:

1. Aristida PV – 14/12/16/3/3/2/2148
2. Themeda PV - 14/12/16/3/3/2/2149

As such, all comments referred to below are applicable to all the abovementioned projects, unless explicitly stated otherwise. The draft Scoping Reports for the abovementioned projects were available for a 30 day comment period extending from 24 March 2022 – 26 April 2022.

Comment	Response
<b>John Geeringh - Senior Consultant Environmental Management Eskom Transmission Division: Land &amp; Rights – 11 April 2022</b>	
<p>Please find attached Eskom requirements for renewable development activities at or near Eskom infrastructure and servitudes. Please send me KMZ files of the proposed layouts as well as the proposed grid connection points and power line routes.</p>	<p>A KMZ was submitted to Mr Geeringh.</p> <p>The Eskom Requirements for working at or near Eskom Infrastructure will be included in the EMPr for the proposed projects. The following Eskom Requirements will be included in the EMPr for the projects:</p> <ol style="list-style-type: none"> <li>1.Eskom’s rights and services must be acknowledged and respected at all times.</li> <li>2.Eskom shall at all times retain unobstructed access to and egress from its servitudes.</li> <li>3.Eskom’s consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals.</li> <li>4.Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer.</li> <li>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.</li> </ol>

Comment	Response
	<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 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>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>

Comment	Response
	<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>A KMZ of the footprints, grid connection was sent to Mr Geeringh.</p>
<b>Dr Sean Phillips – Department of Water and Sanitation – 28 March 2022</b>	
On behalf of the Director-General, Dr Sean Phillips, this email serves to acknowledge receipt of your correspondence below which will receive the necessary attention by the Department of Water and Sanitation (DWS).	No Response Required
<b>Ms. Tsholofelo Sekonko, Intern:Biodiversity Mainstreaming EIA. Department of Forestry, Fisheries and the Environment – 28 March 2022</b>	
<p>DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the Draft Scoping Report for the proposed Aristida and Themeda PV portion 7 of the farm Elandsfontein 34. Kindly note that the project has been allocated to Ms Rabothata and myself (both copied on this email).</p> <p>Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries will be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota</p>	Noted. No response required.
<b>Itumeleng Setshoane – Department of Forestry, Fisheries and the Environment – Forestry Regulation and Support – 28 March 2022</b>	
I received the documents and will make comments and submit.	Noted, No response required
<b>Department of Forestry, Fisheries and the Environment – Biodiversity and Conservation Directorate – 26 April 2022</b>	
The detailed Biodiversity Specialist studies must be conducted, updated and submitted in your final report	The Specialist impact assessment reports will be included in the Draft Environmental Impact Report and the department will be provided a further opportunity to comment on these.
Preconstruction walk-through of the approved development footprint to ensure that sensitive habitats and species are avoided where possible	This requirement will be included in the Environmental Management Programme that will be appended to the Draft Environmental Impact Assessment Report.

<b>Comment</b>	<b>Response</b>
Permits from relevant authorities must be obtained for the removal or disturbance of any Tops, Red Data listed or provincially protected species/ trees.	This requirement will be included in the Environmental Management Programme that will be appended to the Draft Environmental Impact Assessment Report.
Rehabilitation Plan that guide planting and seeding with indigenous perennial shrubs and succulents from the local area to avoid erosion and alien invasion must be developed	This will be undertaken and will form part of the Environmental Management Programme that will form part of the Environmental Impact Assessment Report. The Department will be provided with a further opportunity to comment on this document.
Pre and Post construction monitoring must be conducted under the guidance of an avifaunal specialist to assess collision rates.	The Avifaunal Impact Assessment Report will include an Avifaunal Monitoring programme. This programme developed by the Avifaunal specialist will be incorporated into the EMPr and will be available for further review and comment as part of the Draft Environmental Impact Report.
Suitable bird repelling structures and bird diverters must be considered to avoid collision of birds with the PV facility.	The recommendations of the avifaunal specialist regarding any bird repelling structures will be incorporated into the EMPr.
In conclusion please note that all Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota	It is confirmed that Mr Seoka Lekota, will remain registered and will be provided with a further opportunity to comment on the Draft Environmental Impact Report.
<b>Department of Forestry, Fisheries and the Environment – Integrated Environmental Authorisations – 28 April 2022</b>	
<b>(a) Listed Activities</b>	
Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description	Please refer to table 3 in section 3, where the second column of the table outlines which infrastructure is applicable to each of the listed activities.
If the activities applied for in the application form differ from those mentioned in the final SR, 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> .	The activities applied for in the Application form and those included in the Final Scoping Report are the same. As such, a revised application form will not be submitted along with this Final Scoping Report. Depending on the outcome of the specialists impact assessments that will take place in the EIAR phase, some of the listed activities may no longer be applicable. If this is the case, a revised application form will be submitted along with the Draft Environmental Impact Report.
<b>(b) Public Participation Process</b>	
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 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.	During the Comment Period, comments were received from the Competent Authority, the DFFE Biodiversity and Conservation Directorate as well as the DFFE forestry branch. These are included in Annexure F5 and the responses thereto included in the comments and responses trail in Annexure F2. Correspondence with stakeholders including the proof of attempts made to obtain comment is included in Annexure F4 and Annexure G1. Please refer to table 16 in section 5 where demonstration with the requirements of these regulations is included.

Comment	Response
<p>A comments and response trail report (C&amp;R) must be submitted with the final SR. The C&amp;R report must incorporate all comments for this development including this Department's comments. The C&amp;R report must be a separate document from the main report and the format must be in the table format. 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>The comments and Responses Trail is attached in Annexure F2.</p>
<p>The final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development; particularly the South African Astronomical Observatory, the North West Environmental Department, the District and Local Municipalities.</p>	<p>Please refer to annexure F4, where it has been demonstrated that the relevant competent authorities have been provided with an opportunity to comment on the Draft Scoping Report. This includes SARAO (although the site falls outside the Astronomy Geographic Advantage Area), Provincial, municipal, and district authorities.</p>
(c) Specialist Assessments	
<p>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>	<p>This will be included in the various specialist impact assessment reports that will form part of the Draft EIR ( the current specialist studies constitute scoping level studies and will be supplemented by the detailed impact Assessment Studies). It should be noted that many of the specialists have undertaken two separate site investigations during different seasons to ensure that seasonality is not a limitation to the study.</p>
<p>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>This will take place, should the specialist outcomes during the impact assessment phase contain contradicting recommendations.</p>
<p>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>	<p>Thank you for the advice. The Terms of reference for the specialist impact assessment specifically require compliance with the Minimum Reporting Criteria as per Government Notice 320 and 1150.</p>
<p>Please ensure that the final SR also includes a table, which summarises the specialist studies required by the Department's Screening Tool, a column indicating whether these studies are to be conducted or not, and a column with motivation for any studies not to be undertaken. Please note that if any of the specialists' studies and requirements/protocols recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report per the requirements of the Protocols (which requires site sensitivity verification and compliance statements, where applicable).</p>	<p>Please refer to the table in section 3.7.19 showing which studies identified in the screening tool were undertaken and which were not. A motivation is included where studies have not been undertaken. This motivation is based on a site sensitivity verification by the EAP.</p>
(d) Cumulative Assessment	

Comment	Response
<p>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:  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 in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.  The cumulative impacts significance rating must also inform the need and desirability of the proposed development.  A cumulative impact environmental statement on whether the proposed development must proceed.</p>	<p>The plan of study for cumulative assessments outlined in section 6 of this report has been expanded to include these requirements outlined by the competent authority.</p>
<p>(e) Undertaking under oath</p>	
<p>The final Scoping Report must include an undertaking under oath or affirmation by the EAP in relation to-</p> <ul style="list-style-type: none"> <li>(i) the correctness of the information provided in the report;</li> <li>(ii) the inclusion of comments and inputs from stakeholders and interested and affected parties; and</li> <li>(iii) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested or affected parties;</li> </ul>	<p>This has been included in Annexure G3</p>
<p>In addition, the final scoping report must also include an undertaking under oath or affirmation by the EAP in relation to the level of agreement between the EAP and interested and affected parties on the plan of study for undertaking the environmental impact.</p>	<p>This has been included in Annexure G3. The Plan of study for the environmental impact assessment formed part of the Draft Scoping Report which was available to all Interested and Affected Parties for review and comment. During this comment period, no issues or concerns were raised by any interested and affected parties regarding the Plan of study for the Environmental Impact Assessment.</p>