

# Houthaalbomen North 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. Euphorbia PV – 14/12/16/3/3/2/2141
- 2. Hillardia PV - 14/12/16/3/3/2/2142
- 3. Verbena PV - 14/12/16/3/3/2/2143

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 08 March 2022 – 08 April 2022.

Comment	Response
<b>John Geeringh - Senior Consultant Environmental Management Eskom Transmission Division: Land &amp; Rights – 11 April 2021</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</li> </ol>

Comment	Response
	<p>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 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>

Comment	Response
	<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>A KMZ of the footprints, grid connection was sent to Mr Geeringh.</p>
<b>Mariette Liefferink - CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT – 09 March 2022</b>	
Noted, with thanks	No Response Required
<b>Ms. Tsholofelo Sekonko, Intern:Biodiversity Mainstreaming EIA. Department of Forestry, Fisheries and the Environment – 110 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 Euphorbia, Hillardia and Verbena PV facilities on Portions 2, 3 and 4 of the Farm Houthaalboomen 31 near Lichtenburg in the Northwest Province. 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 – 07 April 2022</b>	
The mandate of the Department of Forestry, Fisheries and the Environment: Forestry Branch as an Environmental Impact Assessment Commenting Authority is Responsible for implementing the National Forest Act, Act 84 of 1998 as Amended.	Noted. No response necessary.
Vachellia erioloba (Camel Thorn) tree species were identified in Euphorbia PV, Hillardia PV and Verbena PV sites.	The Terrestrial Biodiversity Specialist, as part of the impact assessment phase will quantify the approximate number of protected trees that may be affected by the development.
A licence application for Protected Trees must be completed and forwarded to the NW office for further processing to issue a licence to remove, destroy, cut, disturb and or damage trees as per section 15 (1A and B), of the Act, 84 of 1998.	The licence in terms of the NFA will only be lodged once the proposed projects are selected as preferred bidders and the detailed biodiversity walk through has been undertaken to determine the exact number and positions of any protected trees.
A copy of the licence application will be attached with the comments.	A copy of the licence application form was received by Cape EAPrac.

Comment	Response
<b>Department of Forestry, Fisheries and the Environment – Biodiversity and Conservation Directorate – 11 April 2022</b>	
The Final Sensitivity Map overlaid with sensitivities and indicating the final footprint for the proposed development must avoid environmentally sensitive areas and be included in the Final Scoping Report.	Kindly note that some of the specialists will still be undertaking their second surveys after the submission of the Final Scoping Report. The final sensitivity plan overlaid onto the layout will thus only be included in the Draft Environmental Impact Report
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 an opportunity to comment on these.
Guideline for the review of specialist input into Environmental Impact Assessments must be consulted in order to include the findings of the specialist studies in the final report	Noted – this will be incorporated into the Draft EIR.
All the environmental impacts must be evaluated in terms of its significance ratings.	The assessment methodology outlined in section 6.4 of this report will be applied to the impact assessments that will take place during the EIAR phase of the environmental process.
Pre construction walk through of the approved development footprint must be conducted to ensure that sensitive habitats and species are avoided where possible.	This will be included as a recommended condition of approval.
Alien Invasive Plant Management Plan and Rehabilitation Plan must be developed and submitted as part of the final report to mitigate habitat degradation due to erosion and alien plant invasion.	This will be included in the Environmental Management Programme that will be appended to the Draft Environmental Impact Assessment Report.
The final report must comply with all the requirements outlined in the Environmental Impact Assessment guideline for renewable energy projects and the Best Practice Guidelines for Birds and Solar Energy for assessing and monitoring the impact of solar energy facilities on Birds in Southern Africa.	The avifaunal specialist will be undertaking a regime 2 assessment in compliance with the Best Practice Guidelines for Birds and Solar Energy.
<b>Department of Forestry, Fisheries and the Environment – Integrated Environmental Authorisations – 04 April 2022</b>	
i. 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.
ii. For each listed activity, where possible, provide the proposed threshold/footprint and as much detail associated with the listed activity i.e. the footprint of infrastructure in m2, number of BESS on site (each individual unit, if applicable), the storage of hazardous goods in m3, the clearance of land in m2 etc.	Table 3 in section 3 of this final scoping report has been updated to reflect the total threshold and footprint of the development and infrastructure for each of the listed activities.
iii. 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.

Comment	Response
<p>iv. Please elaborate Section 1. Competent Authority which asks for a Reason(s) in terms of S24C of NEMA, please the correct wording and not only the Government number. Indicate whether the proposed project will form part of the Integrated Resource Plan (IRP) or the Renewable Energy Independent Power Producer Procurement programme (REIPPP).</p>	<p>It is the intent of the project to participate in the Renewable Energy Independent Power Producers Procurement Programme (REIPPPP) as contemplated in the IRP. As such the project has national competence.</p>
<p>i. Please provide a layout map which indicates the following:</p> <ol style="list-style-type: none"> <li>The proposed Euphorbia PV, Hillardia PV and Verbena PV with associated infrastructure for each development;</li> <li>The proposed grid infrastructure for each of the above PV facilities, overlain by the sensitivity map;</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> </ol>	<p>The preliminary layout plan is included in appendix D of the Final Scoping Report. This plan includes the associated infrastructure, which at this stage includes:</p> <ul style="list-style-type: none"> <li>- Internal Roads</li> <li>- Access Roads</li> <li>- Auxilliary Buildings</li> <li>- BESS</li> <li>- Laydown</li> <li>- PV Arrays</li> <li>- Substation</li> </ul> <p>The proposed grid connection infrastructure does not form part of this environmental process and will be subject to a separate Basic Assessment Report which will be made available to the Department and Registered I&amp;AP's at the same time as the Draft Environmental Impact Report for this Facility (i.e. the Draft BAR for the Grid connection and the Draft EIR for the Facility will be aligned).</p> <p>The desktop level sensitive features (i.e. CBA's Vegetation, NFEPA's, Protected Areas and NPAES, are reflected in the Maps attached in Appendix B. Once the specialists have all completed their detailed assessments during the EIAr stage, additional maps which reflect the site specific sensitive environments and all no go and buffer areas will be produced and included in the Draft EIR.</p>
<p>ii. The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure.</p>	<p>As mentioned above, the sensitivity map will only be included in the Draft EIR, once all the specialists have finalised their detailed site assessments.</p> <p>A cumulative map is attached sheet three of Appendix A of the Final Scoping Report</p>
<p>iii. Google maps will not be accepted.</p>	<p>All maps included in appendix A, B and D are GIS level maps that only use the google earth image as the base layer.</p>
<p>i. 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.</p>	<p>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</p>

Comment	Response
ii. 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.	Correspondence with stakeholders is included in Annexure F4 and Annexure G1.
iii. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.	Please refer to table 16 in section 5 where demonstration with the requirements of these regulations is includes.
iv. 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 comments and Responses Trail is attached in Annexure F2.
v. 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 (if applicable), the North West Provincial Department, the District and Local Municipalities.	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 SARA0 (although the site falls outside the Astronomy Geographic Advantage Area), Provincial, municipal, and district authorities.
i. 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.	Noted – During the impact assessment phase, the specialists will consider and assess the preliminary layout (i.e. that which has been presented in this scoping exercise) as well as the final preferred layout that has been informed by all the site sensitivities.
ii. 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.	This will be included in the various specialist impact assessment reports that will form part of the Draft EIR. 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.
iii. 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.	This will take place, should the specialist outcomes during the impact assessment phase contain contradicting recommendations.
iv. Original signed Specialist Declaration of Interest forms (completed in full) for each specialist study conducted. The forms have been updated and are available on Department's website (please use the Department's template).	These will be included in the Draft Environmental Impact Report, as the specialist reports at this stage constitute scoping level studies and not impact assessments as contemplated in terms of the regulations.

Comment	Response
<p>v. 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>i. 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:</p> <p>a. 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.</p> <p>b. 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.</p> <p>c. The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</p> <p>d. 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>i. A generic EMPr is required for the substation as per GG No.435. Please consult the gazette to determine the requirements thereof.</p>	<p>Noted. This will be included as part of the overall Environmental Management Programme that will form part of the Draft Environmental Impact Report.</p>
<p>ii. For the facility and associated infrastructure, the EMPr must fully comply with all the requirements as stipulated in Appendix 4 of the Environmental Impact Assessment Regulations (2014), as amended. It must include the following:</p> <p>a. All recommendations and mitigation measures recorded in the BAR and the specialist studies conducted.</p> <p>b. An environmental sensitivity map indicating environmentally sensitive areas and features identified during the assessment process.</p> <p>c. Measures to protect hydrological features such as streams, rivers, pans, wetlands, etc. and other environmentally sensitive areas from construction impacts including the direct or indirect spillage of pollutants.</p> <p>d. A detailed fire management and protection plan.</p>	<p>All specialists have been requested to outline Environmental Management Impact Outcomes and Actions for their specific discipline. These will then be incorporated into the Draft Environmental Management Programme that will form part of the Draft EIR.</p> <p>The sensitivity map as outlined in (b)(i) above will be included in the EMPr.</p> <p>Environmental Impact Management Outcomes and Actions to protect hydrological features will be provided by the Aquatic Biodiversity Specialise during the impact assessment phase and will be incorporated into the EMPr.</p> <p>A fire management and protection plan will be included in the EMPr.</p>

Comment	Response
iii. In addition to the above, the EMPr must comply with Appendix 4 of the EIA Regulations, 2014, as amended.	The EMPr will include a tabulated checklist to show compliance with Appendix 4 of the EIA regulations, 2014.