

Comments and Responses Report

Draft Scoping Report for the Hotazel 2 PV Development on The Remaining Extent (Portion 0) of the farm York A 279, and associated infrastructure on Portion 11 of Farm York A 279, Remaining Extent of Portion 3 of the Farm York 279 and the Remaining Extent (Portion 0) of the Farm Hotazel 280 situated in the District of Hotazel in the Northern Cape Province

Applicants : Hotazel Solar Facility 2 (Pty) Ltd

DEFF Reference : 14/12/16/3/3/2/2017

Comment Period : 14 October 2020 – 16 November 2020.

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| John Geeringh Eskom 16 october 2020. | Please send me a KMZ file of the affected property, proposed development area and proposed grid connection. Please find attached Eskom general comments for developments at or near Eskom infrastructure and servitudes. Please also find attached the Eskom setback guideline that the applicant must consider during the development. | <p>A KMZ of the proposed facility and grid connection was provided to Mr Geeringh via email.</p> <p>The Eskom Requirements for working at or near Eskom Infrastructure have been included in the EMPr for the proposed projects. The following Eskom Requirements have been included in the EMPr for the projects:</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. |

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| | | <p>3.Eskom’s consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals.</p> <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</p> |

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| | | <p>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</p> |

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| | | <p>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>A KMZ of the footprints, grid connection as well as the entire Basic Assessment Report and appendices were sent to Mr Geeringh.</p> |

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| Mathlodi Mgorosi, DEFF, 11 November 2020. | <p>(a) Listed Activities</p> <ul style="list-style-type: none"> 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. | Table 3 in section 2.1.2 of this Final Scoping Report includes a table that links the activities applied for to the various activities and infrastructure included in the project description. |
| | <ul style="list-style-type: none"> If the activities applied for in the application form differ from those mentioned in the final Scoping Report, 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 https://www.environment.gov.za/documents/forms. | The listed activities applied for do not differ from those reflected in this Final Scoping Report. A revised application form is thus not included in this submission. |
| | <p>(b) Layout & Sensitivity Maps</p> <ul style="list-style-type: none"> Please provide a layout map which indicates the following: <ul style="list-style-type: none"> The proposed location of the PV arrays with associated infrastructure of the proposed development; The proposed grid infrastructure for the above PV facility, overlain by the sensitivity map; All supporting onsite infrastructure e.g. roads (existing and proposed); 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>The site layout plan is attached in Appendix D of this report. This site layout plan clearly shows the following:</p> <ul style="list-style-type: none"> - Site boundary; - PV Array; - Access road; - Internal roads; - Laydown area; - O&M Block; - On site / collector substation; and - Grid connection. <p>This plan furthermore shows all relevant existing infrastructure such as existing Eskom infrastructure, existing roads and railway.</p> <p>It must be noted that none of the specialists identified any specific no go areas within the proposed footprint of the development. The site sensitivity plan showing the proposed footprint and grid connection corridor is included in figure 2 of Annexure E1 as well as in figure 17 of this report. A cumulative map showing neighbouring projects is included in Appendix B. None of the maps included in Appendix A, B and D are Google Maps (although Google Aerial Imagery is used on some of these).</p> |

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| | <p>(c) Public Participation Process</p> <ul style="list-style-type: none"> Please ensure that all issues raised and comments received during the circulation of the Scoping Report 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 Scoping Report. Proof of correspondence with the various stakeholders must be included in the final Scoping Report. 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>All comments received from State Departments (including comment From DEFF's Biodiversity Directorate) are attached in Annexure F5. The responses thereto are included in Annexure F2. A table demonstrating compliance with regulations 39, 40, 41, 42, 43 and 44 is included in section 12 of this report.</p> |
| | <ul style="list-style-type: none"> A comments and response trail report (C&R) must be submitted with the final Scoping Report. The C&R report must be a separate document from the main report and must be in a table format. Please ensure that comments made by I&APs are comprehensively captured and responded to fully (copy verbatim if required). Please note that a response such as "Noted" is not regarded as an adequate response to I&APs comments. | <p>The comments and responses report is included in Annexure F2. All comments have been captured verbatim and have all been responded to.</p> |
| | <ul style="list-style-type: none"> The final Scoping Report must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development. | <p>Please refer to Annexure F4 for evidence in this regard. Comment has been received from the competent authority in terms of NEMA and NEMBA. Comment from the competent authority in terms of the National Forest Act, National Heritage Act and Northern Cape Nature Conservation Act, has not yet been received.</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 the PV arrays, and all other associated infrastructures that they have assessed and are recommending for authorisations. | <p>The same assessment area was provided to all the participating specialists. This included an assessment of the entire cadastral unit as well as the grid connection corridor to the Eskom Hotazel Substation. The relevant maps showing the areas assessed are included in the individual specialist reports included in Appendix E (more specifically, annexures E1 to E8)</p> |
| | <ul style="list-style-type: none"> 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>The limitations of each specialist study are detailed in each of the respective reports in Appendix E.</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 where necessary, include further expertise advice. | <p>Seasonality was not identified as a major limitation in any of the studies.</p> <p>None of the participating specialists provided contradicting recommendations.</p> |
| | <ul style="list-style-type: none"> ▪ Please include a summary table of the specialist studies identified by the Department's Screening Tool in the final scoping report. Indicate in the table, which specialist studies were commissioned and provide motivation for those any studies not undertaken. | <p>This table is included in section 2.4.14 of the Final Scoping Report.</p> |
| | <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:</p> <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 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>The details regarding potential cumulative impacts are included in section 10.8</p> |
| | <p>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>The submission of this Final Scoping Report is within the allowable 44 day period as per regulation 21(1).</p> |

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| | <p>You 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>Details of compliance with regulation 21(1) and Appendix 2 of the 2014 EIA regulations is detailed in the table above.</p> |
| <p>Sue Parkin, Marketing consultant, 19 November 2020.</p> | <p>Registered as an interested and affected party, provided various marketing material.</p> | <p>Confirmed registration, added to I&AP register.</p> |
| <p>Mr Seoka Lekota, DEFF Biodiversity Directorate, 15 November 2020</p> | <p>The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned draft report. From the findings of the specialists the potential impact on protected tree species (<i>Vachellia erioloba</i> and <i>Vachellia haematoxylon</i>).is a concern. Although, the majority of the Hotazel 2 footprint is within an area with lower than average density of these protected trees. As a result, the negative impact on the local populations of these species would be relatively low. The majority of the site is considered medium sensitivity.</p> <p>Notwithstanding the above, the following recommendation must be considered in the final report:</p> | |

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| | Pre-construction walk-through to locate species of conservation concern that can be translocated or avoided must be undertaken with an ecologist, | This objective, including relevant actions to achieve this will be included in the Environmental Management Programme that will form part of the Draft Environmental Impact Assessment Report. |
| | Search and rescue plan for the identified plant Species of Conservation Concern (SCC) must be developed, | A search and rescue plan will be included in the Environmental Management Programme that will form part of the Draft Environmental Impact Assessment Report. |
| | Sensitive habitats in close proximity to the development footprint must be avoided or demarcated and regarded as No-Go area, | The details regarding the demarcation of no-go areas in proximity of the proposed footprint will be included in the Environmental Management Programme that forms part of the Draft Environmental Impact Assessment Report. |
| | Permits from relevant authorities must be obtained for the removal or disturbance of any TOPs, Red Data listed or provincially protected species, | Such application will only be made to the relevant authorities once the project receives preferred bidder status and once the required ecological walk through (to quantify the number of affected species). This requirement will form part of the Environmental Management Programme that is to be included in the Draft Environmental Impact Report. |
| | Erosion and Alien Invasive plant species Management Plan and Rehabilitation Plan must be developed and submitted as part of the final report to mitigate on habitat degradation due to erosion and alien plant invasion. | A stormwater management plan with a key objective of minimising erosion was included in Annexure E13 of the Draft Scoping Report. A habitat restoration and rehabilitation plan compiled by the ecological specialist will form part of the Environmental Management Programme that is included in the Draft Environmental Impact Report. |

