

BENYA SOLAR PV AND ELECTRICAL GRID INFRASTRUCTURE DEVELOPMENT

COMMENTS & RESPONSES REPORT¹

DFFE REFERENCE NUMBER	DFFE Case Officer
14/12/16/3/3/2/2719	Ms Matlhodi Mogorosi

The comments and responses reflected in this report, include all comments received during the comment period on the Draft Scoping Report and Final Scoping Report.

Date of comment, format of comment, name of organization/I&AP	Comment	Response from EAP
COMMENTS RECEIVED ON THE FINAL SCOPING REPORT		
17/09/2025 Comment Letter Via Email Department of Forestry, Fisheries & the Environment (DFFE)	(a) Listed Activities (i) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for. (ii) The listed activities represented in the EIAr, and the application form must be the same and correct.	Kindly refer to Section 6 and 7 of the Draft Environmental Impact Report which includes the Assessment of Impacts as well as the Management and Mitigation of Impacts for the listed activities applied for. An amended Application Form will be submitted with the submission of the Final Environmental Impact Report to include the complete list of Listed Activities applied for. The EAP will ensure that the listed activities represented in the Final Environmental Impact Report and amended application form are the same and correct.

¹ As per DFFE requirements, all comments received have been captured “verbatim” and in the format provided by the Department in their comment on the Draft Scoping Report.

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	(iii) Please also ensure that the potential impacts on the affected Critical Biodiversity Areas indicated in Listing Notice 3 are fully assessed in the EIAr.	The EAP and relevant specialists have ensured that the potential impacts on the affected Critical Biodiversity Areas indicated in Listing Notice 3 have been fully assessed. Kindly refer to Section 6 of the Draft Environmental Impact Report which includes the Assessment of Impacts associated with Critical Biodiversity Areas indicated in Listing Notice 3.
	(b) Public Participation	
	(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 Limpopo Department of Economic Development, Environment & Tourism; the Limpopo Department of Agriculture & Rural Development; Limpopo Department of Public Works, Roads and Infrastructure; the Limpopo Department of Transport & Community Safety; the Department of Water and Sanitation; the Thabazimbi Local Municipality; the Waterberg District Municipality; the South African National Roads Agency Limited (SANRAL); the South African Civil Aviation Authority; the Roads Agency Limpopo (RAL) SoC Ltd; Limpopo Economic Development Agency (LEDA); the South African Heritage Resources Agency (SAHRA); the Department of Agriculture, Forestry and Fisheries: Biodiversity & Conservation Directorate; Department of Mineral Resources and Energy; the Endangered Wildlife Trust (EWT); and the Birdlife Africa.	<p>All comments received to date from all relevant stakeholders have been submitted to the Department with this report. Kindly refer to Appendix F2 of the Draft Environmental Impact report for the most up to date Comments & Responses Report, as well as Appendix F5 for all the comments received on the Draft Scoping Report. All comments and correspondence received on the Draft Environmental Impact Report will be included as Appendix F7 in the Final Environmental Impact Report.</p> <p>Proof of notification of availability of the Draft Scoping Report and the Draft Environmental Impact Report will be included as Appendix F4 and F6 respectively with the submission of the Final Environmental Impact Report.</p>
	(ii) Please ensure that all issues raised, and comments received on the draft SR and draft EIAr from registered I&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 must be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of the approved public participation	All issues raised, and comments received on the draft SR and draft EIAr from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity have been adequately addressed. Proof of correspondence with the various stakeholders to date has been included in this report. Proof of correspondence with the various stakeholders following the submission of this report will also be included in the final EIAr. Where the EAP was unable to obtain comments, proof of the attempts that were made to obtain comments has been

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	<p>plan and Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.</p>	<p>submitted to the Department. Kindly refer to Appendix F2 of the Draft Environmental Impact report for the most up to date Comments & Responses Report.</p> <p>The EAP can confirm that the Public Participation Process has been conducted in terms of the approved public participation plan and Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended. Section 41 in Chapter 6 of Regulation 982 details the public participation process that has to take place as part of an environmental process. The table provided in Section 8 of the Draft Environmental Impact Report provides a quick reference to show how this environmental process has or intends to comply with these legislated requirements relating to public participation.</p> <p>Please also refer to Appendix F, where all evidence of public participation is included.</p>
	<p>(iii) A comments and response trail report (C&R) must be submitted with the final EIAR. The C&R report must incorporate all comments (pre-submission and post-submission of the draft EIAR) received 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 which reflects the details of the I&APs and date of comments received, actual comments received, and response provided. Please ensure that all comments made by I&APs are comprehensively captured (copy verbatim if required) and responded to clearly and fully (i.e., each and every bullet point raised). Please note that a response such as “Noted” is not regarded as an adequate response to I&APs comments.</p>	<p>A Comments & Responses report has been compiled and submitted with the Draft Environmental Impact Report. The EAP can confirm that the Comments & Responses report incorporates all comments received to date, both pre- and post-submission of the Scoping Report and is a separate document from the main report and in the format as per the DFFE’s requirements. In addition, comments made by I&APs are captured verbatim and responded to clearly and fully, with adequate responses provided.</p> <p>Kindly refer to Appendix F2 of the Draft Environmental Impact report for the most up to date Comments & Responses Report.</p>
	<p>(c) Alternatives</p> <p>(i) Please describe each of the preferred alternative types and provide a detailed motivation on why it is preferred.</p>	<p>Each of the preferred alternative types has been described and a detailed motivation on why it is preferred has also been provided. Kindly refer to Section 2.11 of the Draft Environmental Impact Report for the full Consideration of Alternatives.</p>

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	(ii) If no alternative locations for the activity were investigated, please motivate for not considering such.	Motivation for not considering alternative locations for the activity has been provided in this report. Kindly refer to Section 2.11 of the Draft Environmental Impact Report for the full Consideration of Alternatives.
	(d) Project Scope and Coordinates	
	(i) The EIAr must provide the following: <ul style="list-style-type: none"> • Clear indication of the envisioned area for the proposed Benya Solar Photovoltaic Facility, the BESS, Electrical Grid Connection Infrastructure, and all associated infrastructure should be mapped at an appropriate scale. • Clear description of all supporting onsite infrastructure such as roads, existing and proposed (locations, lengths, widths and/or capacities). 	Kindly refer to the Technical Checklist and Location Coordinates provided at the beginning of this report which clearly indicates the proposed development footprint (with coordinates) as well as a description of all supporting onsite infrastructure. The Site Layout Plan of the Preferred Alternative is attached in Appendix D1.
	(ii) The EIAr must provide the corner coordinate points for the proposed development site, the BESS, the on-site substation complex/hub, as well as the start, middle and end point of the route for the overhead powerline and any project related linear infrastructure.	Kindly refer to the Location Coordinates provided at the beginning of this report which clearly indicates the proposed development footprint (with coordinates). This includes corner coordinate points for the proposed development site, the BESS, the on-site substation complex/hub, as well as the start, middle and end point of the route for the overhead powerline alternatives (including the preferred alternative).
	(e) Layout & Sensitivity Maps	
	(i) A copy of the preferred 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. The layout map must indicate the following: <ul style="list-style-type: none"> • Permanent laydown area footprint; • 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); 	The copy of the final preferred layout as well as the preferred layout overlaid onto a sensitivity map is attached in Appendix D1 of the Draft Environmental Impact Report. All proposed infrastructure as well as relevant existing infrastructure on the properties is shown in these layout plans. Please note, that should the outcome of the public participation process require the need for this preferred layout plan to be revised, such a revised plan will be included in the Final EIR.

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	<ul style="list-style-type: none"> • Wetlands, drainage lines, rivers, streams and water crossing of roads and cables indicating the type of bridging structures that will be used; • 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; • Substation(s) and/or transformer(s) sites including their entire footprint; • Location of access and service roads; • All existing infrastructure on the site, especially railway lines and roads; • Buffer areas; • Buildings, including accommodation; and • All “no-go” areas. 	
	(ii) An environmental sensitivity map indicating environmentally sensitive areas and features identified during the assessment process e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure.	The environmental sensitivity map, which includes all no-go areas and buffers identified by the specialists overlain onto the final preferred layout map, is attached in Appendix D1 of the Draft Environmental Impact Report.
	(iii) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.	The environmental sensitivity map, which includes all no-go areas and buffers identified by the specialists overlain onto the final preferred layout map, is attached in Appendix D1 of the Draft Environmental Impact Report.
	(f) Specialist Assessments	
	(i) 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.	The EAPs understanding of a “no-go” area is the same as that of the Competent Authority. The final Preferred Layout attached as Appendix D1 to the Draft Environmental Impact Report incorporates all environmental sensitive No-Go areas as identified through specialist studies. Where a “no-go” area has been identified by a specialist, this has been avoided by the proposed layout, with the relevant buffer area implemented.
	(ii) Should the specialist definition of a ‘no-go’ area differ from the Department’s definition; this must be clearly indicated. The specialist must also indicate the ‘no-go’ area’s buffer if applicable.	

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	(iii) 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.	All specialist studies provide detailed/practical mitigation measures for the preferred alternative and recommendations. None of the specialist studies have recommend further studies to be completed post EA. Kindly refer to Appendix E1-E7 of the Draft Environmental Impact Report for all the specialist studies undertaken for the proposed development. Please also refer to Section 7 of the Draft Environmental Impact Report for the Management and Mitigation of Impacts as identified through specialist studies.
	(iv) 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.	No contradicting recommendations were made by the appointed specialists.
	(v) Please ensure that ALL specialist studies as listed in the Plan of Study for EIA (PoSEIA) are undertaken and are in compliance with the requirements of the Protocols. Alternatively, sufficient motivation must be provided for the assessment not being undertaken, including the site sensitivity verification required by the Protocols.	<p>Kindly refer to the following appendices to the Draft Environmental Impact Report:</p> <ul style="list-style-type: none"> • Appendix 1: Agricultural Compliance Statement; • Appendix 2: Aquatic Biodiversity Impact Assessment; • Appendix 3: Avifaunal Impact Assessment; • Appendix 4: Heritage Impact Assessment (including Archaeology and Palaeontological Assessments); • Appendix 5: Social Impact Assessment; • Appendix 6: Terrestrial Biodiversity Impact Assessment (including Botanical and Faunal Assessments); and • Appendix 7: Visual Impact Assessment. <p>The applicant has submitted an obstacle investigation to the South Africa Civil Aviation Authority (SACAA) and is awaiting feedback.</p> <p>The EAP will continue to actively engage with the Department of Defence regarding the Defence Theme.</p>

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		A detailed geotechnical assessment can only be undertaken prior to construction, once the final equipment suppliers have been selected and the detailed designs completed.
	<p>(g) Cumulative Assessment</p> <p>(i) Regarding cumulative impacts:</p> <ul style="list-style-type: none"> • 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. • A detailed process flow 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. • Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process. • The significance rating must also inform the need and desirability of the proposed development. • A cumulative impact environmental statement must be provided on whether the proposed development must proceed. 	<p>Duly noted. According to the latest version of the South African Renewable Energy EIA Application Database (REEA_OR_2025_Q2), the only other similar development proposed within a 30km radius of the proposed development site is the PPC Dwaalboom Cement Plant Heat Recovery Plant located approximately 8.9km south of the project site (DFFE reference number: 14/12/16/3/3/1/1112). This has been mentioned in the Scoping Report and shown in the cumulative map mentioned above.</p> <p>Please refer to Appendix D2 of the Draft Environmental Impact Report for the cumulative map showing the proposed Benya Solar PV and Integrated Electrical Grid Infrastructure project in relation to any other similar developments within a 30km radius.</p> <p>Kindly refer to Section 6.10 of the Draft Environmental Impact Report for the assessment of Cumulative Impacts.</p>
	<p>(h) General</p>	
	(i) Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies must be indicated.	Kindly refer to Appendix I attached to the Draft Environmental Impact Report for the Environmental Management Programme which addresses two possible scenarios for the decommissioning of the proposed development.
	(ii) Should a Water Use License be required, proof of application for a license needs to be submitted.	The Aquatic specialist has confirmed that a General Authorisation (GA) will be required. The Applicant/Developer will ensure that this application is submitted and that the relevant approval is obtained prior to construction commencing. In addition,

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		<p>The Department of Water and Sanitation (DWS) has been included as a stakeholder for this EIA process and has been provided with an opportunity to comment on the project.</p>
	<p>The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amended, with regard to the time period allowed for complying with the requirements of the Regulations.</p>	<p>The EAP and applicant take note of the DFFE's comment and acknowledge that the application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of Regulation 45 of the EIA Regulations 2014, as amended, unless an extension has been granted in terms of Regulation 3(7). The EAP can confirm that no extension has been granted in terms of Regulation 3(7), however, the relevant timeframes have been met.</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 applicant can confirm that no activity will commence prior to an Environmental Authorisation being granted by the Department, as per Section 24F of the National Environmental Management Act, Act No. 107 of 1998.</p>
<p>23/10/2025 Via Cellphone Call and Email Mr Maxwell Magetse – Ward Councilor (Ward 5)</p>	<p>Telephonic call from Cape EAPrac to Mr Maxwell Magetse to confirm the following:</p> <ul style="list-style-type: none"> • Local community language to be used in Ward 5 of the Thabazimbi Local Municipality. • Public place to leave a physical hard copy of the Draft Environmental Impact Report to promote access to the local community. • Confirmation of registration as an I&AP for the proposed Benya Solar PV Facility and Associated Electrical Grid Connection Infrastructure. 	<p>Thank you very much for taking my call earlier and for your assistance.</p> <p>As discussed, we have included you on the stakeholder register for this project and will be sure to inform you of the availability of the reports when they become available.</p> <p>As discussed, we will also translate any notifications and advertisements into Setswana to promote access in the Ward 5 community. We were also able to arrange with the Dwaalboom Clinic to leave a physical copy of the report available to the public.</p> <p>Thank you again for your assistance.</p>
<p>23/10/2025 Via Cellphone call and Email SAPS Dwaalboom</p>	<p>Telephonic call from Cape EAPrac to SAPS Dwaalboom to confirm the following:</p>	<p>Thank you very much for taking my call earlier as well as for your assistance.</p> <p>As discussed, we have included you on the stakeholder register for this project and will be sure to inform you of the availability of the reports when they become available.</p>

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	<ul style="list-style-type: none"> Public place to leave a physical hard copy of the Draft Environmental Impact Report to promote access to the local community. Confirmation of registration as an I&AP for the proposed Benya Solar PV Facility and Associated Electrical Grid Connection Infrastructure. 	Thank you again for your assistance.
<p>21/10/2025 Via Email Gunn Attorneys</p>	<p>Thank you for the update. We await the Draft Environmental Impact Report for comment.</p> <p>Please may you provide us with any updates on the status of the EA application for the proposed Benya Solar PV project?</p>	<p>Duly noted.</p> <p>Thank you for the email. There are still a number of assessments that are currently underway by various specialists. These are nearing completion, and it is likely that we will be able to provide the latest information for review and comment (in the form of the Draft Environmental Impact Report and associated specialist studies) in early November.</p>
<p>13/08/2025 Email Gunn Attorneys on behalf of</p> <ul style="list-style-type: none"> Pro-Es Investments (Pty) Ltd - Remainder of Farm Bloemhof 201 KP, Farm Stellenbosch 222 KP, Farm Uitsig 230 KP, Remainder of Farm Bokplaats 200 KP and Portion 3 of Farm 	<p>Great, thank you so much - I appreciate the swift response.</p> <p>We just wanted to clarify something. We understand that the 30-day comment and review period ran from 30 June - 29 July 2025. Regulation 21(1) of the EIA Regulations states that <i>"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>We have assumed that the application was made on 27 June 2025 (the date of the DSR), in which case the 44 days expired on 10 August. Are you able to advise as to whether the FSR has been submitted to the DFFE yet?</p>	<p>Duly noted.</p> <p>Your assumption is correct in that the application was made on 27th June 2025 and that the 44 day period in terms of 21(1) came to an end on 10 August 2025. However in line with Regulation 3(1) this moved to Monday 11 August 2025. We can confirm that the FSR has been submitted to the DFFE.</p> <p>Kindly find attached comment and responses report that was submitted to the DFFE with the FSR. We also confirm that your comment received on 29 July 2025 was included in it's entirety in the FSR.</p> <p>Please feel free to let me know if you have any further questions, and we look forward to further engagement in the next stage of the Environmental Process.</p>

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<p>Welgevonden 223 KP;</p> <ul style="list-style-type: none"> • Ria Potgieter t/a Motsomi Safaris – Farm Kameelhoek 174 KP; • Drikus Verster – Farm Napoleon 216 KP; • Riaan Cilliers – Farm Westindie 221 KP; • Purple Rain Properties (Pty) Ltd – Portion 1 of Farm Port Elizabeth 199 KP, Farm Kromdraai 114 KP, Portion 2 and Remainder of Farm Kameelboom 91 KP, and Portion 2 and Remainder of Farm Middelpoort 93 KP; and • Andrew Webb – Portion 1 of Farm Bloemhof 201 KP. 		
<p>COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT</p>		

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<p>29/07/2025</p> <p>Comment Letter Via Email</p> <p>Department of Forestry, Fisheries & the Environment (DFFE)</p>	<p>This letter serves to inform you that the following information must be included to the Final Scoping Report:</p>	
	<p>(a) Listed Activities</p> <p>a) 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. Only activities applicable to the development must be applied for and assessed. The onus is on the EAP and applicant to ensure that no other activities are triggered, and the correct activities are applied for.</p>	<p>Duly noted. The EAP and applicant have ensured that all relevant listed activities have been applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Only activities applicable to the development have been applied for and assessed.</p> <p>Please refer to Table 7 in Section 3.1.2. of the Final Scoping Report for the full list of listed activities applicable to the proposed Benya Solar PV Facility and Integrated Electrical Grid Infrastructure project.</p>
	<p>b) It is imperative that the relevant authorities are continuously involved throughout the assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments 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.</p>	<p>Duly noted. The EAP has ensured that all relevant authorities have been involved in the assessment process undertaken to date and will continue to involve these authorities throughout the remainder of the assessment process. All relevant authorities were included in the stakeholder register for this project. Please refer to Appendix F1 of the Final Scoping Report for the stakeholder register for this project, inclusive of all authorities.</p> <p>The EAP has also endeavored to obtain written comments from the relevant authorities, by notifying these authorities of the availability of the Draft Scoping Report for review and commenting (with a timeframe for commenting) and providing a link to download the relevant documentation from Dropbox. Proof of all notifications is provided in Appendix F4 of the Final Scoping Report. Comments received to date have been submitted to the Department as part of Appendix F5 of the Final Scoping Report and provided as part of the Comments & Responses report (with responses to comments provided). Where comments have not yet been obtained, the EAP will endeavor to obtain these during the review and comment period of the Draft EIA Report.</p> <p>In addition, a graphical representation of the proposed development within the respective geographical areas has been provided as part of the Scoping Report.</p>

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	<p>c) 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 can be downloaded from the departmental website.</p>	<p>Please also refer to Appendix A of the Final Scoping Report for the locality maps, depicting the proposed development within the respective geographical areas.</p> <p>Duly noted. The activities applied for in the application form are the same as the activities included in the Final Scoping Report. Should any changes be required to the listed activities applied for as part of the Scoping Report, these changes will be reflected in the Draft EIA Report (with changes struck through and/or underlined) and an amended application form reflecting these changes will be submitted.</p> <p>Please refer to Table 7 in Section 3.1.2. of the Final Scoping Report for the full list of listed activities applicable to the proposed Benya Solar PV Facility and Integrated Electrical Grid Infrastructure project.</p>
	<p><u>(b) Participation Process</u></p>	
	<p>a) Please ensure that all issues raised, and comments received during the circulation of the Scoping Report (SR) from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the Final SR.</p>	<p>Duly noted. All issues raised, and comments received during the circulation of the Scoping Report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity have been adequately addressed in the Final Scoping Report and have also been responded to (where required) as part of the Comments & Responses report. Please refer to Appendix F2 of the Final Scoping Report for the full Comments & Responses report inclusive of all comments/inputs received on the Draft Scoping Report circulation.</p> <p>Please also refer to Appendix F5 of the Final Scoping Report for copies of all comments received from I&APs and Authorities on the Draft Scoping Report.</p>
	<p>b) 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.</p>	<p>Duly noted. Proof of correspondence with the various stakeholders has been included in the Final Scoping Report. All stakeholders listed in the stakeholder register for this project received notifications regarding the availability of the Draft Scoping Report for review and commenting (with a timeframe for commenting) and provided with a link to download the relevant documentation from Dropbox.</p> <p>Please refer to Appendix F4 and F5 of the Final Scoping Report which includes proof of notification of availability of the Draft Scoping Report as well as all correspondence with I&APs and/or stakeholders respectively.</p>

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		Where comments have not yet been obtained, the EAP will endeavor to obtain these during the review and comment period of the Draft EIA Report.
	c) The Public Participation Process (PPP) must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.	<p>Duly noted. The EAP can confirm that the Public Participation Process has been conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended. Please refer to Appendix F1 - F5 of all documents/correspondence associated with the public participation process undertaken thus far.</p> <p>In addition, Table 31 on page 102 in the Final Scoping Report details where the public participation requirements have been met in terms of S41 of R982.</p>
	d) A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all comments received (pre- (if any) and post-submission of draft SR) 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 which reflects the details of the I&APs and date of comments received, actual comments received, and response provided. Please ensure that comments made by I&APs are comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments.	<p>A Comments & Responses report has been compiled and submitted with the Final Scoping Report. The EAP can confirm that the Comments & Responses report incorporates all comments received to date, both pre- and post-submission of the Draft Scoping Report and is a separate document from the main report and in the format as per the DFFE's requirements. In addition, comments made by I&APs are captured verbatim and responded to clearly and fully, with adequate responses provided.</p> <p>Please refer to Appendix F2 of the Final Scoping Report for the Comments & Responses report.</p>
	e) The final SR must provide evidence that all identified and relevant commenting authorities have been given an opportunity to comment on the proposed development.	<p>Duly noted. The EAP can confirm that all identified and relevant commenting authorities and registered I&APs/stakeholders have been given an opportunity to comment on the proposed development. Please refer to Appendix F4 of the Final Scoping Report which provides evidence that all identified and relevant commenting authorities have been notified of the availability of the Draft Scoping Report and given an opportunity to comment on the proposed development.</p> <p>Further opportunity to comment on the proposed development will be provided to relevant commenting authorities and registered I&APs/stakeholders during the EIA Phase and the relevant proof will be provided.</p>

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	<p>(c) Specialist Assessment</p> <p>a) It is 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 published in Government Notice No. 320 of 20 March 2020 (i.e., “the Protocols”), and in Government Notice No. 1150 of 30 October 2020, have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.</p> <p>b) The site sensitivity verification for each of the recommended studies as per the screening tool must be attached. If there are themes that were combined into one site sensitivity verification report such as combining the Animal and Plant Species Themes into the Terrestrial Biodiversity Theme, this must be indicated.</p> <p>(d) Layout & Sensitivity Maps</p> <p>a) Please provide a layout map which indicates the following:</p> <ul style="list-style-type: none"> • Positions of the proposed facility, the associated grid connection infrastructure, the BESS, as well as all other associated infrastructure; • Permanent and temporary laydown area footprints; • All supporting on-site infrastructure e.g., roads (existing and proposed); and • All existing infrastructure on the site. <p>b) The above map must be overlain with an environmental sensitivity map which indicates the following:</p> <ul style="list-style-type: none"> • The location of sensitive environmental features on site, e.g. CBAs, protected areas, conservation areas, heritage sites, 	<p>Duly noted. The EAP can confirm that all relevant specialist assessments are and will be conducted in accordance with Government Notice No. 320 of 20 March 2020, where required. This has been confirmed and detailed in the respective specialist assessment reports provided in Appendix E1-E7 of the Final Scoping Report. The site sensitivity verification is also summarised in section 5.11 of the DSR and FSR.</p> <p>Duly noted. The EAP can confirm that the site sensitivity verification for each of the recommended studies, as per the screening tool, has been attached to the Final Scoping Report. Where themes were combined into one (1) site sensitivity verification report, this has been indicated accordingly. Please refer to Appendix E1 – E7 of the Final Scoping Report for all site sensitivity verifications undertaken as part of this Environmental Authorisation application process.</p> <p>A preliminary layout map indicating the criteria listed by the DFFE has been provided as part of the Final Scoping Report. The preliminary layout presented in the Final Scoping Report has been informed by specialist input received to date and will be reviewed and assessed further in the EIA Phase. Please refer to Appendix D1 of the Final Scoping Report for the Preliminary Site Layout Plans, as requested. This layout will be refined during the impact assessment phase, taking into account specialist input and comments received (if required), and a Final Site layout map for approval will be provided with the Final EIR.</p> <p>A preliminary layout map indicating the criteria listed by the DFFE and overlain with identified environmental sensitivities has been provided as part of the Final Scoping Report. This map indicates the location of sensitive environmental features on site that will be affected by the facility and its associated infrastructure, which includes CBAs, ESAs, drainage lines, dams and all applicable “no-go” areas (monument,</p>

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	<p>wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;</p> <ul style="list-style-type: none"> • Buffer areas; and • All “no-go” areas. 	<p>wetland and highly sensitive terrestrial biodiversity & visual areas) and their relevant buffers. It should be noted that no protected areas or conservation areas are affected by the facility and its associated infrastructure.</p> <p>Please refer to Appendix D1 of the Final Scoping Report for the Preliminary Site Layout Plans overlain with identified environmental sensitivities, as requested.</p>
	<p>c) A cumulative map showing the proposed development in relation to similar neighbouring renewable energy developments and existing infrastructure must be provided.</p>	<p>A cumulative map showing the proposed development in relation to similar neighbouring renewable energy developments and existing infrastructure has been provided as part of the Final Scoping Report. Please refer to Appendix D2 of the Final Scoping Report for the cumulative map, as requested.</p>
	<p>d) Please note that Google maps will not be accepted.</p>	<p>The EAP can confirm that the preliminary layout and cumulative maps requested by the DFFE have been created using geographic information system (GIS) software (namely QGIS) and Google maps have not been used for these.</p>
<p><u>(e) Cumulative Assessments</u></p>		
	<p>Should there be any other similar developments proposed 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. 	<p>Duly noted. According to the latest version of the South African Renewable Energy EIA Application Database (REEA_OR_2025_Q1), the only other similar development proposed within a 30km radius of the proposed development site is the PPC Dwaalboom Cement Plant Heat Recovery Plant located approximately 8.9km south of the project site (DFFE reference number: 14/12/16/3/3/1/1112). This has been mentioned in the Scoping Report and shown in the cumulative map mentioned above.</p> <p>Please refer to Appendix D2 of the Final Scoping Report for the cumulative map showing the proposed Benya Solar PV and Integrated Electrical Grid Infrastructure project in relation to any other similar developments within a 30km radius.</p> <p>The assessment of cumulative impacts is included in the Plan of Study (section 6.4.7 of Scoping Report) and will be assessed in the EIR stage of this application process. The EAP will ensure that the cumulative impact assessment will meet the requirements as per the DFFE’s comments.</p>

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	<ul style="list-style-type: none"> A cumulative impact environmental statement on whether the proposed development must proceed. 	
	<p>General</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>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>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>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may</p>	<p>The EAP can confirm that Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, has been complied with. The application form and Draft Scoping Report was submitted to the DFFE on 27 June 2025, with the DFFE acknowledging via an email dated 30 June 2025 that the documents were received on 27 June 2025. As part of the public participation process, the Draft Scoping Report and accompanying documentation was made available for comment and review for a period of 30 days, from 27 June 2025 to 29 July 2025. Following the completion of the scoping phase public participation process, the Draft Scoping Report was updated, taking into account the comments received, including any comments of the competent authority, and the Final Scoping Report was submitted to the DFFE on 11 August 2025, which falls within 44 days of receipt of the application by the competent authority.</p> <p>The EAP can confirm that the Final Scoping Report that has been submitted to the Department has complied 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. This is detailed in the table that can be found on page 8 – page 9 of the Final Scoping Report.</p> <p>The EAP and applicant take note of the DFFE’s comment and acknowledge that the application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of Regulation 45 of the EIA Regulations 2014, as amended, unless an extension has been granted in terms of Regulation 3(7). The EAP can confirm that no extension has been granted in terms of Regulation 3(7), however, the relevant timeframes have been met.</p> <p>The applicant can confirm that no activity will commence prior to an Environmental Authorisation being granted by the Department, as per Section 24F of the National Environmental Management Act, Act No. 107 of 1998.</p>

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	commence prior to an Environmental Authorisation being granted by the Department.	
<p>29/07/2025 Comment Letter Via Email Gunn Attorneys on behalf of</p> <ul style="list-style-type: none"> • Pro-Es Investments (Pty) Ltd - Remainder of Farm Bloemhof 201 KP, Farm Stellenbosch 222 KP, Farm Uitsig 230 KP, Remainder of Farm Bokplaats 200 KP and Portion 3 of Farm Welgevonden 223 KP; • Ria Potgieter t/a Motsomi Safaris – Farm Kameelhoek 174 KP; • Drikus Verster – Farm Napoleon 216 KP; 	<p><u>1. Introduction</u> 1.1 We refer to the above matter where we act for a consortium of landowners (“our Clients”) who own the directly adjacent properties, east, west and south of the proposed development. The consortium of landowners consists of several landowners, all of which are interested and affected parties (“I & APs”) in the matter referred to above.</p> <p>1.2 The proposed Benya Solar Photovoltaic (“PV”) Facility (up to 500mw) and Integrated Electrical Grid Connection Infrastructure on the Remainder of Farm Portugal 198 KP and Farm Napoleon 216 KP (“the proposed development”) is located in the Thabazimbi Local Municipality, Waterberg District Municipality, Limpopo Province.</p> <p>1.3 WKN Windcurrent SA (Pty) Ltd (“the Applicant”) has appointed Cape Environmental Assessment Practitioners (Pty) Ltd (“the EAP”) to facilitate the Scoping and Environmental Impact Reporting (“S&EIR”) process for the proposed development, as required in terms of the National Environmental Management Act 107 of 1998 (“NEMA”) and the Environmental Impact Assessment Regulations, 2014 (as amended) (“2014 EIA Regulations”).</p> <p>1.4 Our Clients are the respective surface rights owners of various land portions which are adjacent to and surround the proposed development to the east, west and south. All of these landowners object to the proposed development and do not consent to it, based on the high biodiversity impact, impact on the sense of place, visual impact and impact on property values</p>	<p>Noted. We acknowledge that the comments received are provided on behalf of a consortium of landowners who own adjacent and nearby properties. It is also confirmed that Gunn Attorneys, representing these landowners, have been registered as an interested and affected part (“I&AP”) for the remainder of this environmental process.</p> <p>Noted. It is important to further note that the PV facility, BESS and associated infrastructure is contained on Remainder of Farm Portugal 198 KP and only a short Loop-in/Loop-out powerline (linear infrastructure) is proposed on Farm Napoleon 216 KP in order to connect to an existing Eskom overhead powerline situated on Farm Napoleon 216 KP and feed the electricity generated by the solar PV facility into the national electrical network.</p> <p>Noted. Please be advised that Cape Environmental Assessment Practitioners (Pty) Ltd act independently (as required under the National Environmental Management Act: Act No. 107 of 1998) and are appropriately registered with the relevant professional body (namely EAPASA), which ensures a regulated, consistent, and improved standard of environmental impact assessment in South Africa.</p> <p>The comments and concerns of the surface right owners of these properties are acknowledged and are responded to in the sections below. Further engagement with these parties regarding the concerns raised will take place as part of the environmental impact assessment phase of the environmental process.</p>

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<ul style="list-style-type: none"> • Riaan Cilliers – Farm Westindie 221 KP; • Purple Rain Properties (Pty) Ltd – Portion 1 of Farm Port Elizabeth 199 KP, Farm Kromdraai 114 KP, Portion 2 and Remainder of Farm Kameelboom 91 KP, and Portion 2 and Remainder of Farm Middelpoort 93 KP; and • Andrew Webb – Portion 1 of Farm Bloemhof 201 KP. 	<p>1.5 Our Clients, as referred to above, along with their respective properties, are listed below:</p> <p>1.5.1 Pro-Es Investments (Pty) Ltd - Remainder of Farm Bloemhof 201 KP, Farm Stellenbosch 222 KP, Farm Uitsig 230 KP, Remainder of Farm Bokplaats 200 KP and Portion 3 of Farm Welgevonden 223 KP;</p> <p>1.5.2 Ria Potgieter t/a Motsomi Safaris – Farm Kameelhoek 174 KP;</p> <p>1.5.3 Drikus Verster – Farm Napoleon 216 KP;</p> <p>1.5.4 Riaan Cilliers – Farm Westindie 221 KP;</p> <p>1.5.5 Purple Rain Properties (Pty) Ltd – Portion 1 of Farm Port Elizabeth 199 KP, Farm Kromdraai 114 KP, Portion 2 and Remainder of Farm Kameelboom 91 KP, and Portion 2 and Remainder of Farm Middelpoort 93 KP; and</p> <p>1.5.6 Andrew Webb – Portion 1 of Farm Bloemhof 201 KP.</p>	<p>Chapter 6 (41)(2) of GNR.982 of 4 December 2014: Environmental Impact Assessment Regulations, 2014 (Government Gazette No. 38282) (as amended) states that “<i>The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of an application or proposed application which is subjected to public participation by –</i></p> <p><i>(b) giving written notice, in any of the manners provided for in section 47D of the Act, to –</i></p> <p><i>(ii) – owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;”.</i></p> <p>The following property owners were included in the I&AP register for the Benya Solar PV and Integrated Electrical Grid Infrastructure Project and were notified of the availability of the Draft Scoping Report for review and comment:</p> <ul style="list-style-type: none"> • Pro-Es Investments (Pty) Ltd. Registered as an I&AP due to Remainder of Farm Bokplaats 200 and Remainder of Farm Bloemhof 201 being directly adjacent to Remainder of Farm Portugal 198. • Mr Drikus Verster as landowner of Farm Napoleon 216. • Mr Riaan Cilliers as landowner of Farm West Indie 221. Registered as an I&AP as requested by Mr Cilliers via email on 08/05/2025. • Mr Andrew Webb. Registered as an I&AP due to Portion 1 of Farm Bloemhof 201 being directly adjacent to Remainder of Farm Portugal 198 and Farm Napoleon 216 as well as in response to a registration request received from Mr Cilliers via email on 08/05/2025.

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		<p>Please note that the following property owners were not included in the register for the Benya Solar PV and Integrated Electrical Grid Infrastructure Project prior to the submission and distribution of the Draft Scoping Report:</p> <ul style="list-style-type: none"> • Ria Potgieter t/a Motsomi Safaris as landowner of Farm Kameelhoek 174 KP. • Purple Rain Properties (Pty) Ltd as landowner of Portion 1 of Farm Port Elizabeth 199 KP, Farm Kromdraai 114 KP, Portion 2 and Remainder of Farm Kameelboom 91 KP, and Portion 2 and Remainder of Farm Middelpoort 93 KP. <p>Ria Potgieter t/a Motsomi Safaris and Purple Rain Properties (Pty) Ltd were not automatically included in the stakeholder register for this project as the properties owned by the respective parties are not directly adjacent to the Remainder of Farm Portugal 198 or Farm Napoleon 216 (the proposed development), nor has any request been received by Cape EAPrac or WKN Windcurrent SA (Pty) Ltd for these parties to be registered as I&APs. These property owners have however now been included in the stakeholder register for this project in light of the comments received and will receive all relevant notifications and/or project information related to the EIA process going forward and provided further opportunity to provide comments.</p> <p>All further correspondence to these parties will be directed through their legal representative, Gunn Attorneys.</p>
	<p>1.6 A map of our Client's properties in relation to the proposed development is attached as Annexure "A". The key for the map is:</p> <ul style="list-style-type: none"> • Light blue - Farm Portugal 198 KP (location of the proposed PV panels for the proposed Project). • Green - Farm Napoleon 216 KP (Drikus Verster) – location of the proposed grid connection point (Against the Project). 	<p>The map of the landowners' properties in relation to the proposed development, attached as Annexure "A", is duly noted.</p> <p>Please refer to the response on comment #1.5 above regarding the registration of these individuals in the stakeholder register for this project.</p>

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	<ul style="list-style-type: none"> • Pink - Remainder of Farm Bloemhof 201 KP, Farm Stellenbosch 222 KP, Farm Uitsig 230KP, Remainder of Farm Bokplaats 200 KP and Portion 3 of Farm Welgevonden 223 KP. Pro-Es Investments (Pty) Ltd (Against the Project). • Dark blue -Farm Kameelhoek 174 KP Ria Potgieter t/a Motsomi Safaris (Against the Project). • Red – Farm Westindie 221 KP Riaan Cilliers (Against the Project). • Purple – Portion 1 of Farm Port Elizabeth 199 KP, Farm Kromdraai 114 KP, Portion 2 and Remainder of Farm Kameelboom 91 KP, and Portion 2 and Remainder of Farm Middelpoort 93 KP. Purple Rain Properties (Pty) Ltd (Against the Project). • Orange – Portion 1 of Farm Bloemhof 201 KP Andrew Webb (Against the Project). 	
	<p>1.7 As is apparent from the above, included in our Clients, is the surface rights owner of Farm Napoleon 216 KP. Farm Napoleon 216 KP is critical for the proposed development as it contains the existing 132Kv line and grid connection point. Without the support of the owner of Napoleon 216 KP, the proposed development is fatally flawed.</p>	<p>It is acknowledged that the grid connection point is proposed on the Farm Napoleon 216 KP, which is noted to be one of the clients listed in the submission.</p> <p>The Applicant has been engaging with the landowner regarding the proposed powerline on the Farm Napoleon 216 KP since 2024. While it is noted that a formal servitude agreement has not yet been concluded, the landowner is aware of the proposed solar development and has been consulted extensively regarding the placement of the proposed powerline.</p> <p>Discussions between the landowner and the Applicant has therefore been ongoing and the Applicant has furthermore confirmed that a meeting is being arranged to present the relevant documentation and negotiate the terms of the servitude agreement.</p> <p>It must however be noted that, due to the linear activities proposed on the Farm Napoleon 216 K, in terms of Regulation 39 (1) of the EIA Regulations 2014</p>

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		<p>[published in Government Notice No. R326 under Section 24(5) and 44 of the National Environmental Management Act (Act No. 107 of 1998)], <i>“If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land.</i></p> <p><i>(2) Subregulation (1) does not apply in respect of—</i></p> <p><i>(a) linear activities;”</i> and therefore written consent of the landowner (in the form of an EIA consent document) is not strictly required as part of the Environmental Process</p> <p>Due to the legislated timeframes, the Applicant is continuing with the environmental process while these discussions/negotiations are underway and aims to formalise the servitude agreement as soon as possible.</p>
	<p>1.8 According to NEMA and the 2014 EIA Regulations, in order for an applicant to be granted an environmental authorisation (“EA”), the Draft Scoping Report (“DSR”) must conform to certain standards and contain particular information. There is a specified Public Participation Process that must be followed, especially regarding landowner consultation. According to the DSR, it is confirmed that the proposed development is within a critical biodiversity area (“CBA”) and ecological support area (“ESA”) and is situated adjacent to a protected area (the Madikwe Game Reserve). The proposed development will have an extremely high negative environmental impact. Over one thousand five hundred hectares of pristine bushveld will be wiped out destroying thousands of trees, hundreds of thousands of insects and reptiles and displacing or destroying other fauna, all in the name of making a profit for the developer. The argument used in the DSR to justify this slaughter is that solar is a low carbon green energy source. With respect this cannot succeed. Solar is a valuable contributor to the energy mix required for</p>	<p>The DSR does conform to the requirements of Appendix 2 of the 2014 EIA regulations, as amended. Please refer to the checklist on page 8 of the DSR detailing how the requirements of Appendix 2 have been met and incorporated into the document.</p> <p>Kindly note that the competent authority cannot grant authorisation based on the content and outcome of a Draft Scoping Report. The environmental application process must first progress to the next phase (impact assessment phase), where the potential impacts and issues identified in the Scoping Phase are thoroughly assessed. During the impact assessment phase, the layout will be refined, taking into account input/recommendations from the specialists, and the specialists will assess the significance of the impacts identified in the Scoping Phase, including those identified by I&AP’s. Environmental Management Outcomes and Actions to further reduce these impacts will be determined and incorporated into a Draft Environmental Management Programme (EMPr) which forms part of the environmental authorisation and is considered a legally binding document that needs to be implemented and adhered to.</p>

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	<p>the grid, but the site selected by the Applicant is appalling. The mass slaughter of wildlife is therefore not necessary if the correct site is selected.</p>	<p>Further engagement with all I&APs will take place during the impact assessment phase of the environmental process.</p> <p>Kindly note, that according to the latest South African Protected Areas Database (SAPAD) published on 30 June 2025, the Madikwe Game Reserve is not adjacent to the proposed project but is situated approximately 12.5km from the study site. Given the distance of the Madikwe Game Reserve from the proposed development and the fact that the impacts associated with the proposed development are not expected to extend into the boundaries of the Madikwe Game Reserve, it is not anticipated to be impacted by the proposed development.</p> <p>Please also note that the 1500ha refers to the total extent of the study site and not the total development footprint, which will be much smaller. The solar PV infrastructure will be restricted to a part of Remainder of the Farm Portugal 198 KP and will not cover the entire extent of the property. As highlighted in the Draft Scoping report, the development footprint (size and position) will be determined and presented in the impact assessment phase of the environmental process, taking into account site sensitivities and the outcome of the initial stakeholder engagement.</p> <p>This development footprint will be reviewed by the specialists and used as part of their impact assessment to determine the significance of the impacts anticipated. It must be noted that an EMPr will be prepared to address the management of impacts for all phases of the proposed development.</p>
	<p>1.9 Our Clients challenge the Applicant, the EAP and the Specialists to be honest in the EIA phase. The EAP and the Specialists have a legal obligation to do so. Currently the practice is to manipulate the parameters and method of study to greenwash the proposed development and to inevitably arrive at a positive recommendation in favour of the proposed development. The EAP and the Specialists should provide concrete numbers and information in the EIA phase, such as: 1.9.1 How many trees will be wiped out?</p>	<p>Kindly note that the EAP and specialists all act independently and are appropriately registered with the relevant professional bodies (namely EAPASA and SACNASP) which ensure professionalism and that they act in the best interest of the environment, sustainable development and the public good. In addition, the EAP and specialists are required as part of the environmental impact assessment process to sign declarations confirming/declaring that:</p> <ul style="list-style-type: none"> • they act independently;

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	<p>1.9.2 How many spiders, insects and reptiles will be slaughtered?</p> <p>1.9.3 How many bird's nests will be destroyed?</p> <p>1.9.4 If these true, massive and negative biodiversity impacts are presented it then becomes clear that the impacts of the proposed development are diabolical.</p> <p>1.9.5 It must also be noted at the outset that the DSR does not demonstrate compliance with the core environmental management principles contained in section 2 of NEMA. In particular, it fails to substantively address the precautionary principle, which is mandatory when irreversible environmental harm is possible in sensitive areas. The proposed development is therefore not compatible with existing land uses, nor is it desirable, as will be shown in the paragraphs that follow.</p>	<ul style="list-style-type: none"> • will perform their work in an objective manner, even if this results in views and findings that are not favourable to the applicant; • there are no circumstances that may compromise their objectivity in performing such work; • have the relevant expertise, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity; • will comply with the Act, Regulations and all other applicable legislation; • they have no, and will not engage in, conflicting interests in the undertaking of the activity; and • undertake to disclose to the applicant and the competent authority all material information in their possession that reasonably has or may have the potential of influencing – <ul style="list-style-type: none"> ○ any decision to be taken with respect to the application by the competent authority; and ○ the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority. • will perform all obligations as expected from an EAP in terms of the EIA Regulations and S24H of NEMA. <p>The EAP has also disclosed that they do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the EIA Regulations. Any false declaration is deemed an offence and is punishable in terms of the NEMA Act. These declarations are submitted to the DFFE along with the relevant assessment reports.</p> <p>It is not possible to provide exact numbers of all species that could be directly affected or displaced. The specialists will however assess these impacts in detail and provide management actions and outcomes to further minimise the impacts identified during the scoping phase. Should it be found that residual impacts remain</p>

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		<p>high after the implementation of management and mitigation measures, it is unlikely that the competent authority will authorise the project.</p> <p>Kindly also note that PV infrastructure is being proposed within an area deemed to be acceptable by the avifaunal, terrestrial biodiversity, aquatic biodiversity, heritage and visual specialists. The proposed footprint of the development (to be presented in the impact assessment phase of the environmental process) will focus on utilising degraded or transformed areas as far as possible.</p> <p>It is important to note that Vulpro (a vulture conservation NGO) and Birdlife South Africa (a registered non-profit, public benefit organization and the only dedicated bird-conservation organisation in South Africa) are being consulted with and have been given an opportunity to provide comments during the impact assessment process.</p> <p>Engagement has also taken place with DFFE's Biodiversity Conservation directorate who have not raised any objections at this stage (as confirmed via a letter issued).</p> <p>It is common practice that a biodiversity walk-down of the final footprint is done prior to construction to confirm the presence of any fauna and protected species that may require translocation (subject to appropriate permits).</p> <p>The only nests of protected bird species identified after two (2) surveys is the single vulture nest on the existing Eskom powerline on the eastern boundary of the solar PV land parcel, which does not appear to be active (as confirmed by the avifaunal specialist). In this regard, the specialist has provided a 1km seasonal buffer which is avoided by the solar PV infrastructure and substation & O&M complex. The powerline will also be allowed within this buffer if an avifaunal specialist confirms there is no activity at the nest outside the May–August breeding season, and the appropriate permits have been obtained for the removal/relocation of the nest. To mitigate this impact/risk, an alternative powerline route that avoids this buffer entirely, is also under consideration.</p>

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	<p><u>2. The Application for EA in a sensitive environment is fatally flawed for the reasons below:</u></p> <p>2.1 The proposed development is due to occur in a CBA and ESA:</p> <p>2.1.1 The DSR describes the property intended to be used for the proposed development as “<i>sparsely developed and considered rural in character. Various farmsteads/homesteads and agricultural field are located throughout the proposed development properties with associated fences and access roads.</i>” This is misleading as the site of the proposed development is situated within a CBA and ESA. This is confirmed on page 91 of the DSR where it is acknowledged that the entire development area is located within a CBA 2 and ESA 2. On page 92 of the DSR, it is stated that “<i>the specialist confirmed the “Very High” sensitivity with CBA 2 and ESA 2 being present.</i>”</p> <p>2.1.2 The extent of the proposed development area is classified as a CBA 2 and ESA 2 in terms of the Limpopo Conservation Plan v2, 2013 (“LCPv2”). The LCPv2 is the current systematic biodiversity plan for the Limpopo Province and has been undertaken by the Limpopo Department of Economic Development, Environment and Tourism. The purpose of the LCPv2 is to develop the spatial component of a bioregional plan (i.e. a map of CBAs and associated land-use guidelines), while bioregional plans themselves are used to facilitate biodiversity conservation in priority areas outside the protected area network.</p> <p>2.1.3 Areas designated as CBA 2 must be maintained in a natural or near-natural state that maximises the retention of biodiversity patterns and ecological processes. This includes:</p> <ul style="list-style-type: none"> • Ecosystems and species that are fully or largely intact and undisturbed; • Areas with intermediate irreplaceability or some flexibility in terms of meeting biodiversity targets. There are options for loss 	<p>None of the specialists have identified any fatal flaws that would prevent this project from being considered further (i.e. progressing to the next phase of the environmental process).</p> <p>Although a CBA 2 is present within the project site and it overlaps a small portion of ESA 2, the Terrestrial Biodiversity specialist has indicated that it is not deemed irreplaceable as vegetation unit is widespread and not under threat. The project site would not be considered a pinch point and due to the extensive coverage of the vegetation unit and relatively low levels of transformation, the relevance of a CBA or ESA designation of the site would be questionable, as the site is not required to meet conservation targets, nor would it be considered to be irreplaceable habitat. Furthermore, it will not increase habitat fragmentation within the ESA. As such, impacts on the management objectives of these features is not expected.</p> <p>This statement is not misleading. The status of the areas in terms of the Limpopo Conservation plan and verified site sensitivity are independent from the current land use description. Please refer to input provided from the appointed Terrestrial Biodiversity Specialist (Mr Jamie Pote) below:</p> <p>“The Limpopo Conservation Plan v2, 2013 (referred to as the LCPv2, 2013) stipulates the following (underline is our emphasis):</p> <p><i>“Incomplete biodiversity datasets and generally coarse mapping of biodiversity features impose limitations on this plan, which although they do not restrict the application of the plan, need to be recognized and appropriately accommodated when it is used.</i></p> <p><u>1. The conservation plan does not replace the need for site assessments, particularly for Environmental Impact Assessments. Although it is based on a systematic conservation plan using best available data, this does not remove the need for on-site verification of the identified Critical Biodiversity Areas. Further, due to incomplete knowledge of the distribution of biodiversity features, it is likely that additional or</u></p>

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	<p>of some components of biodiversity in these landscapes without compromising the ability to achieve biodiversity targets, although loss of these sites would require alternative sites to be added to the portfolio of CBAs; and</p> <ul style="list-style-type: none"> • Biodiversity features within a CBA2 that are impacted but are not fully degraded. <p>2.1.4 Areas designated as ESA 2 are areas that are currently in severely modified ecological condition (e.g. cultivated areas in riparian zones) but that nevertheless retain sufficient ecological functioning to fulfil the purpose for which the ESA was selected. The objective is to prevent further deterioration in ecological condition and includes:</p> <ul style="list-style-type: none"> • Areas with no natural habitat and which are important for supporting ecological processes (i.e. maintaining landscape connectivity); • Areas where additional impacts on ecological processes should be avoided. In transformed areas, which are important for maintaining ecological processes, current land uses should be maintained, intensification of use (e.g. a transition from agriculture to urban) should be avoided, and where possible areas should be rehabilitated; • The maintenance of connectivity between CBAs, continued ecosystem functioning within the CBA corridors, and the prevention of degradation of adjacent CBAs must be achieved; and • In some cases, the rehabilitation of ESA 2s may be suitable for land care initiatives to direct their conservation projects, programmes and activities. <p>2.1.5 Furthermore, the LCPv2: Technical Report, September 2013 ("Technical Report"), sets out the land management objectives</p>	<p><i>alternative areas will need to be identified in the future as we gain a better understanding of rare, threatened, cryptic and understudied species.;</i></p> <p><i>2. This conservation plan is designed to be used at a scale of approximately 1:50 000. Although it can be used at a finer scale, <u>this requires specialist interpretation of the specific biodiversity features identified in the systematic biodiversity plan;</u>"</i></p> <p>Regarding areas designated as CBA 2, the LCPv2 (2013) Development Guidelines stipulates (underline is our emphasis) "<i>Where development proposals other than the preferred biodiversity compatible land uses are submitted in terms of the NEMA: EIA regulations or Land Use Planning Ordinance (LUPO):</i></p> <ul style="list-style-type: none"> • <i>A <u>Screening Exercise should be undertaken by a Biodiversity Specialist or Ecologist to verify the CBA map category on site;</u></i> • <i><u>If the site is verified as a CBA, developments other than the preferred biodiversity-compatible land-uses should be investigated in detail and the mitigation hierarchy applied in full;</u></i> • <i><u>If the application is pursued they should be informed by a specialist biodiversity assessment.</u>"</i> <p><i>And for ESA 2 areas, "</i></p> <p><i>Where infrastructure is proposed, the following guidelines should be implemented:</i></p> <ul style="list-style-type: none"> • <i>Infrastructure should be designed to avoid additional impacts on ecological processes.</i> <p><i>In transformed areas which are still important for supporting ecological processes, the following guidelines should be implemented:</i></p> <ul style="list-style-type: none"> • <i>Current land uses should be maintained, intensification of use (e.g. a transition from agriculture to urban) should be avoided, and where possible areas should be rehabilitated;</i>

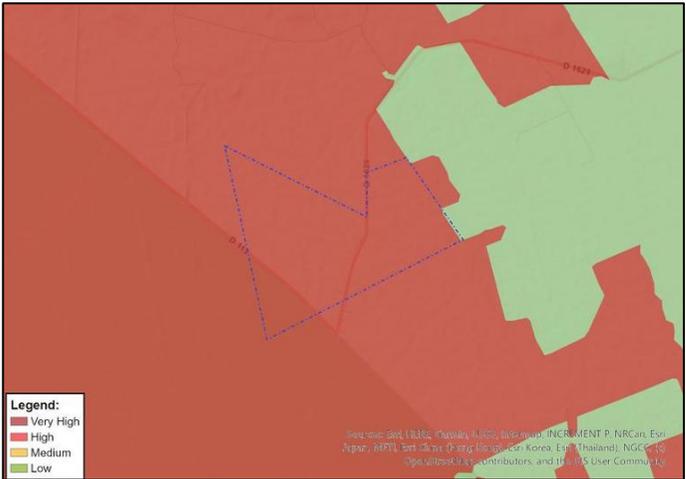
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	<p>applicable to each type of CBA and ESA map category. Specifically, on page 52 of the Technical Report, CBA 2 areas are to be maintained “<i>in a natural state with limited or no biodiversity loss. Maintain current agricultural activities. Ensure that land use is not intensified and that activities are managed to minimize impact on threatened species</i>”. It also provides that CBA 2 areas must “<i>avoid conversion of agricultural land to more intensive land uses, which may have a negative impact on threatened species or ecological processes</i>”. On page 54 of the Technical Report, additional / new impacts on ecological processes must be avoided on ESA 2 areas. Additionally, efforts must be made to maintain current land use and avoid intensification of land use which may result in additional impacts on ecological processes.</p> <p>2.1.6 The Technical Report further provides for compatible and incompatible land uses for CBA 2 and ESA 2. In the case of compatible land-uses for CBA 2, “<i>current agricultural practices including arable agriculture, intensive and extensive animal production, as well as game and ecotourism operations</i>” are permitted. However, in the case of incompatible land-uses, “<i>urban land-uses including Residential (including golf estates, rural residential, resorts), Business, Mining & Industrial; Infrastructure (roads, power lines, pipelines)</i>” do not fall within the land-uses intended on areas designated as CBA 2. In terms of ESA 2, existing activities (e.g. arable agriculture or game farming) should be maintained, but where possible a transition to less intensive land uses or ecological restoration should be favoured. Additionally, “<i>any land use or activity that results in additional impacts on ecological functioning mostly associated with the intensification of land use in these areas (e.g. Change of floodplain from arable agriculture to an urban land use or from recreational fields and parks to urban)</i>” is incompatible with ESA 2.</p> <p>2.1.7 Therefore, it would contravene the recommendations of the LCPv2 to allow for the proposed development to occur on the site concerned as</p>	<ul style="list-style-type: none"> • <i>Developments should be screened to ensure that they do not have an unacceptable impact on ecological processes.</i>“ <p>The purpose of the Scoping Phase of the EIA process is to identify the potential risks pertaining to a specific field (in this case terrestrial biodiversity) and determine the respective approach required in order to investigate. These are then assessed in the next phase of the environmental process (i.e. the Impact Assessment Phase).</p> <p>The LCPv2, 2013 is very clear as indicated above, that specialist input and analysis is required where activities are proposed that do not align with the plan. As part of this environmental application process the respective terrestrial biodiversity specialist will be assessing all of the comments raised in the correspondence of Gunn Attorneys dated 29 July 2025, as would anyway be the norm for the respective specialist’s assessment.”</p>

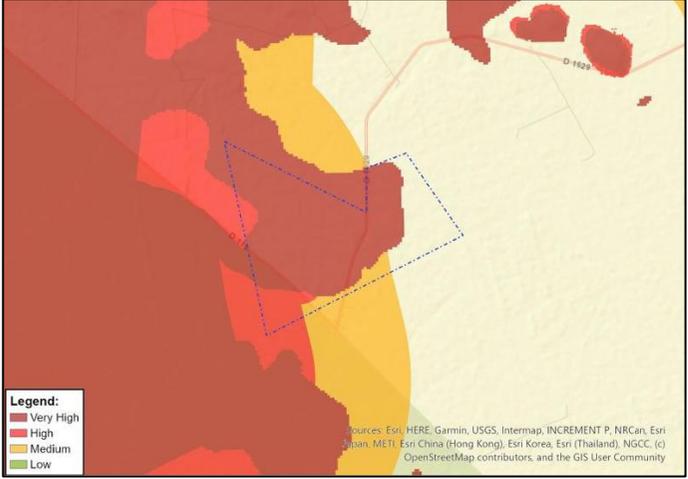
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	<p>any such activities in the area would cause devastating and irreversible impacts and damage to the natural environment, which, in its current state, is not deemed irreversibly modified or heavily degraded. Furthermore, any land use or activity that results in additional impacts on ecological functioning mostly associated with the intensification of land use in these areas, is incompatible. The proposed development is naturally more intensive than the current land uses and any development of this nature will result in additional impacts on the ecological functioning of the site.</p>	
	<p>2.1.8 In this regard, the EAP has, from the available information, not truly considered the surface rights land use in the DSR, nor has the EAP truly considered the impact of the proposed development on the site. This is perhaps because the EAP has at this stage not yet adequately engaged with the surface rights owners of the Farm Napoleon 216 KP and adjacent landowners (including our Clients), either to understand the true land use or to properly study the impacts of proposed prospecting activities on adjacent and other landowners situated in close proximity to the proposed development.</p>	<p>The land use of the two (2) properties that form part of the proposed development and the impact of the proposed development on the site have been considered and investigated in the DSR through the specialist assessments that are being undertaken as part of the environmental impact assessment process.</p> <p>The land use of adjacent properties and potential impacts of the proposed development on these properties will be further investigated as part of the impact assessment phase, taking the comments received into account. Stakeholder engagement, including affected and surrounding landowners' perspectives on the proposed development, will be included in the Social Impact Assessment (SIA) report that is to be submitted with the Draft EIA report. This would provide more insight into the affected and surrounding landowners' perspectives on the proposed development and would be incorporated into the findings of the SIA report. The EAP and Applicant are also willing to engage further with the adjacent landowners during the next public participation phase to better understand the land use on these properties and to discuss the concerns raised.</p> <p>It is important to note that the EMPr will require the development of a Job site security plan to address security concerns relating to the construction of the proposed project.</p>

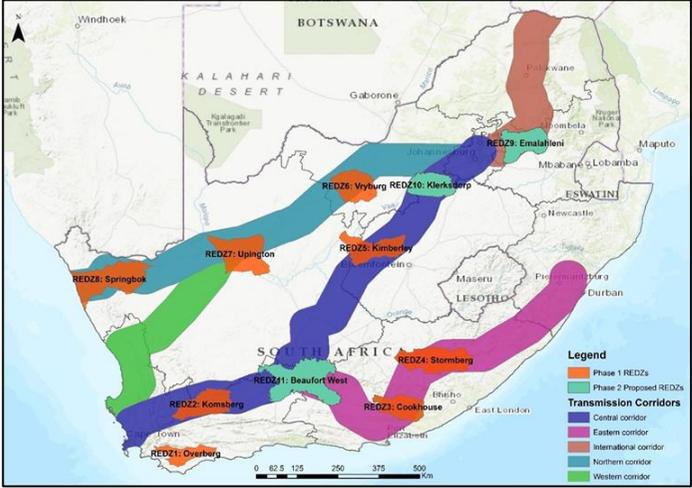
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	<p>2.1.9 Our Clients undertake a variety of agricultural-based activities on their respective properties. Specifically, these activities comprise farming and game breeding, as well as the operation of trophy hunting and game lodges. These activities are not only carried out as businesses and a source of income for our Clients, but are also responsible for the much-needed employment of numerous members of the local communities in the area.</p>	<p>It should however be noted that the Applicant is not proposing or planning prospecting activities. The impact of the proposed Solar PV development with its associated infrastructure will however be assessed on adjacent and other landowners situated in close proximity to the proposed development during the EIA phase. To reiterate, the proposed Solar PV infrastructure and related activities will be restricted to Remainder of the Farm Portugal 198 KP and powerline infrastructure to the Farm Napoleon 216 KP.</p> <p>The proposed solar PV development is not expected to impact on the activities of the adjacent landowners and would not prevent agricultural-based activities, game breeding or the operation of trophy hunting and game lodges. The proposed development will be fenced off and all activities will be restricted to the development footprint (once determined).</p> <p>In terms of visual impacts, the restricted height of the project infrastructure and dense vegetation and tree cover is expected effectively block views of the solar PV development from surrounding areas and limit visibility of project infrastructure. According to the Visual specialist (Donaway Environmental), based on their extensive experience in conducting Visual Impact Assessments (VIAs) for solar PV projects, the Bushveld consistently presents some of the most favourable conditions for such solar PV developments from a visual perspective. The dense vegetation and mature tree cover provides effective visual screening. Their assessments are consistently conducted within a 10 km radius using a conservative, worst-case scenario approach. However, in the Bushveld context, actual visibility of the infrastructure is typically limited to within 1 km of the site, often even less. This results in a significantly reduced visual intrusion compared to other bioregions.</p> <p>The proposed solar plant is also expected to contribute to employment of members of the local communities in the area. Please see extract from the Social Impact Assessment Scoping Report undertaken by Donaway Environmental below pertaining to possible employment opportunities associated with the proposed</p>

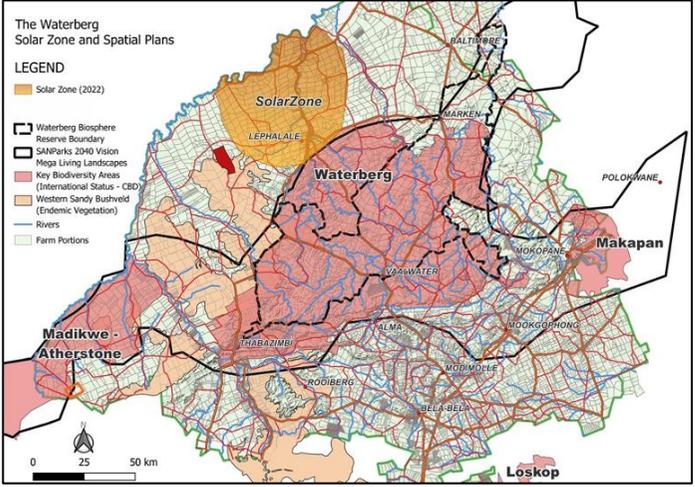
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		<p>Benya Solar PV and Integrated Electrical Grid Connection Infrastructure (Appendix E7 of the DSR):</p> <ul style="list-style-type: none"> • <i>“The development of the Benya Solar PV Facility and grid connection infrastructure will generate employment opportunities for individuals from the Dwaalboom/Northam and surrounding communities. Specifically, this would benefit the Thabazimbi LM as a large proportion of the population is not economically active (34.4%) or is unemployed (13.1%).</i> • <i>The implementation of the Benya Solar PV Facility is expected to enhance skill development in the community and lead to better employment opportunities. This, in turn, will equip the workers with valuable knowledge and skills that can be beneficial for their future professional endeavours.</i> • <i>The Thabazimbi LM's economy has the potential to benefit from the proposed project by fostering entrepreneurial growth and opportunities, particularly for local businesses in Dwaalboom/Northam. These businesses, involved in the provision of general materials, goods, and services during both the construction and operational phases, are likely to experience positive impacts. Furthermore, the cumulative effects of developing additional solar facilities to the currently proposed facilities could amplify these benefits.”</i>
	<p>2.2 Biodiversity Impacts have not been properly considered as required by the 2014 EIA Regulations: 2.2.1 The following represents the results of the screening for environmental sensitivity of the proposed site for various relevant environmental themes associated with the project classification. It is the duty of the EAP to ensure that the environmental themes provided by the National Web based Environmental Screening Tool (“the Screening Tool”) are comprehensive and complete for the proposed development. The majority of the environmental sensitivity themes for the proposed</p>	<p>The Terrestrial Biodiversity Assessment has been undertaken in accordance with the requirements per the 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 NEMA (GNR 320), as gazetted on 20 March 2020.</p> <p>The <i>“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 Act, when applying for Environmental Authorisation”</i>, as published on 20 March, 2020 in National Gazette, No. 43110 in terms of NEMA (Act 107 of 1998) sections 24(5)(a), (h) and 44, lists protocols and minimum report requirements for</p>

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	<p>development are regarded as “Very High” according to the Screening Tool.</p>	<p>environmental impacts on terrestrial biodiversity and provides the criteria for the assessment and reporting of impacts on terrestrial biodiversity for activities requiring environmental authorisation. This is detailed in Section 4.6: Appendix F: Site Sensitivity Verification Report of the Terrestrial Biodiversity Report and is also explained in further detail below.</p> <p>On 20 March 2020 the Minister of Forestry, Fisheries and the Environment (DFFE) published the general requirements for undertaking site sensitivity verification for environmental themes for activities requiring environmental authorisation (Government Gazette No. 43110). In terms of these requirements, prior to commencing with a specialist assessment, the current land use and environmental sensitivity of the site under consideration by the screening tool, must be confirmed by undertaking a site sensitivity verification by either an EAP or a specialist.</p> <p>In accordance with the applicable protocols or minimum information requirements, the Site Sensitivity Verification Report (SSVR) must confirm or dispute the site sensitivities for each of the themes identified in the Screening Tool Report. The SSVR must include a motivation for the exclusion of any of the specialist assessments identified in the Screening Tool Report which in the opinion of the EAP or specialist are not considered relevant or required.</p> <p>The report uses national datasets to identify site sensitivities and potential specialist studies that may be required for any particular development. Since the datasets are not necessarily ground-truthed, there are instances where the required specialist study confirms different sensitivities to those depicted in the screening tool.</p> <p>The verification of these sensitivities by the participating specialists is included in the Draft Scoping Report (DSR) under section 5.11.2. Please also refer to the site sensitivity maps included in section 2.11. of the DSR as well as the specialist SSVRs in appendices E1 – E6.</p>

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	<p>2.2.2 The Screening Tool identifies the Terrestrial Biodiversity sensitivity theme for the proposed development site as “Very High” sensitivity, as indicated in the image below, found on page 21 of the DSR:</p>  <p>2.2.2.1 The designation of “Very High” Terrestrial Biodiversity sensitivity theme is due to the entire development area being within a CBA 2 and ESA 2. This is noted and confirmed by the relevant specialist on page 92 of the DSR. Furthermore, as can be seen from the image above, the “Very High” designated portions of land stretch into the adjacent Madikwe Game Reserve, which further signifies the critical and sensitive environment of the site, both in terms of its own ecological value as well as to the greater surrounding area.</p>	<p>For the purpose of clarity, please note that the figure included under comment #2.2.2 is found on Page 91 of the DSR and not Page 21 as stated.</p> <p>Please see extract from the Terrestrial Biodiversity Scoping Report (Appendix E1 of the DSR) undertaken by Mr Jamie Pote who is registered as a Professional Natural Scientist in the field of Ecological Science with the South African Council For Natural Scientific Professions (SACNASP):</p> <p><i>“The proposed development site would not be considered irreplaceable, nor a critical connectivity corridor based on its position within the designated CBA areas and due to the vegetation unit not having an elevated conservation status”.</i></p>
	<p>2.2.3 The Screening Tool also identifies the Visual and Landscape sensitivity theme for the proposed development site as “Very High” sensitivity, as indicated in the image below, found on page 88 of the DSR. According to the DSR, several sensitivity features were identified in the Screening Tool associated with the Landscape Theme. The DSR states</p>	<p>Seven (7) sensitivity features were identified in the DFFE Screening Tool associated with the Landscape Theme. The Screening Tool identifies the Visual and landscape sensitivity theme as “Very High”, in parts, but with portions of the study area consisting of “High” and “Medium” sensitivity areas. The “Very High” sensitivity is related to mountain tops and high ridges as well as within 250m of a river.</p>

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	<p>that the “Screening Tool identifies the Visual and landscape sensitivity theme as “Very High”, in parts, but with portions of the study area consisting of “High” and “Medium” sensitivity areas. The “Very High” sensitivity is related to mountain tops and high ridges as well as within 250m of a river”.</p>  <p>2.2.3.1 The visual specialist confirmed the High sensitivity in the Screening Tool due to the steep slopes and mountain tops. The Applicant states that these areas will be avoided by the proposed development footprint and that the Medium sensitivity for areas between 3 and 5 km of a nature reserve was also confirmed.</p>	<p>The Visual Impact Assessment: Scoping Report (Appendix E6 of the DSR) confirmed the High sensitivity in the Screening Tool for the steep slopes and mountain tops. These areas will be avoided by the proposed development footprint. The Medium sensitivity for areas between 3 and 5 km of a nature reserve was also confirmed, while the remainder of the sensitivities were disputed.</p> <p>The statement made under comment #2.2.3.1 that “The visual specialist confirmed the High sensitivity in the Screening Tool due to the steep slopes and mountain tops” is therefore misleading, as the High Sensitivity confirmed by the specialist is only associated with slopes between 1:4 and 1:10 which is shown on Figure 5.16 of the Visual Impact Assessment: Scoping Report (Appendix E6 of the DSR). The remainder of the proposed development site has a Landscape Sensitivity ranging between Low-Medium. The High Sensitivity area for the steep slopes and mountain tops confirmed by the specialist will be avoided and no project infrastructure will be placed in this area, which will be confirmed in the preliminary site layout that will be presented in the Draft EIA Report and made available to registered I&APs and commenting authorities as part of the next round of public participation.</p> <p>Please also refer to Table 24 of the DSR summarising the confirmed/disputed sensitivity ratings associated with the Landscape Theme.</p>
	<p>2.3 The proposed development is not within the designated Solar Industrial Development Zone or Renewable Development Zones in Limpopo Province</p> <p>2.3.1 The DSR, on page 55, refers to the Strategic Environmental Assessment (“SEA”) for wind and solar PV energy in South Africa which has identified, to date, a total of 11 Renewable Energy Development</p>	<p>Correct. The proposed Benya Solar PV Facility and Integrated Electrical Grid Connection Infrastructure project is located outside the identified Renewable Energy Development Zones. The regulatory framework does, however, not prohibit development outside these zones, provided environmental compliance is met. GN145 of 26 February 2021: National Environmental Management Act, 1998 (Act No. 107 of 1998) (Government Gazette No. 44191) Schedule No. 8 states “If the</p>

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	<p>Zones (“REDZs”) across several provinces. The REDZs are areas where wind and solar PV activities can be incentivised and where deep grid expansion can be directed, with regulatory processes fast-tracked such that the REDZs align with South Africa’s energy strategy and climate goals by channelling most renewable investment into the best-suited areas, identified by SEAs. This, in turn, reduces regulatory burdens by fixing key approvals in advance (via SEAs and government gazettes). The Applicant notes on the same page of the DSR that the proposed development is not situated within a REDZ. For reference, the following map indicates the various REDZ in South Africa:</p> 	<p><i>greater part of the facility contemplated in this Notice falls outside of a Renewable Energy Development Zone as identified in this Notice, the requirements as prescribed in the Environmental Impact Assessment Regulations, 2014, as amended, apply”.</i></p> <p>In alignment with GN145 of 26 February 2021 outlined above, a full Scoping and Environmental Impact Reporting process is followed in accordance with Chapter 4 (3)(1) of GNR.982 of 4 December 2014: Environmental Impact Assessment Regulations, 2014 (Government Gazette No. 38282) to apply for Environmental Authorisation for the proposed development.</p> <p>Although Solar Industrial Development and Renewable Development Zones are typically targeted, is not always possible to acquire land within these zones if the sites are not suitable from a development perspective (as detailed in the response to comment #2.3.2 below), especially if there is no existing Eskom distribution or transmission infrastructure within close proximity to the sites under consideration or if capacity within the existing electrical network (to allow the electricity generated to be fed into Eskom's electrical network) is not available.</p> <p>The Applicant selected a site deemed suitable from a development perspective due to a number of factors, but mainly given the solar irradiance of the area and as it allowed for sufficient space for the placement of project infrastructure and access to the national electrical network as a result of the two (2) existing Eskom powerlines which are found on the eastern boundary of the solar PV land parcel. In addition, the required Scoping and Environmental Impact Reporting process is being undertaken to identify environmental site sensitivities to be avoided and to determine the impact of the proposed development on the environment. The site selection process is detailed/explained in the response to 2.3.2 below.</p>
	<p>2.3.2 As can be seen from the map above, no applicable REDZ exists in Limpopo aside from the international transmission corridor which runs through the central part of Limpopo Province. The applicant should</p>	<p>As mentioned in response to comment #2.3 above, is not always possible to acquire land within a Solar Industrial Development zone. The site would especially not be deemed suitable if it is not possible to feed the electricity generated into Eskom's</p>

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	<p>instead have applied for authorisation for the proposed development in the Solar IDZ. The Solar IDZ is located north of Lephalale and is indicated on the Map, below:</p> 	<p>electrical network (either due to insufficient capacity being available within the existing electrical network or if no Eskom distribution or transmission infrastructure is situated within close proximity to the sites under consideration). In addition, the sites under consideration need to be suitable in terms of various factors (as detailed below) and if found to be unsuitable, a solar project would not be deemed feasible in these areas. The site selection process followed in detailed in the DSR and below.</p> <p>The site selection process followed a two-stage approach; firstly, to select the property for the proposed development (Remainder of Farm Portugal 198 and Farm Napoleon 216) and secondly, to select the footprint of the proposed development within the farm portion. Three (3) grid connection alternatives, which include three (3) alternatives for the substation location (including operational and maintenance infrastructure) as well as three (3) alternatives for a power line corridor (to connect to the existing Eskom OHL), are under consideration as part of this environmental process. The following main criteria were utilised to determine the position of the grid connection alternatives.</p> <ul style="list-style-type: none"> • Positioning along landscape and cadastral divides; • Positioning adjacent to existing infrastructure such as existing Eskom power lines and existing roads. <p>The grid connection alternatives are positioned on both the Remainder of Farm Portugal 198 and Farm Napoleon 216.</p> <p>The findings of the specialist studies and outcome of the public participation process will be taken into consideration and used to further inform the grid connection alternatives as well as the layout of the solar PV Facility. A layout for the solar PV Facility with preferred grid connection alternatives will be presented in the Draft Environmental Impact Report.</p> <p>The process undertaken by the Applicant for the identification of the project site was through an investigation of prospective sites and properties in the area. The</p>

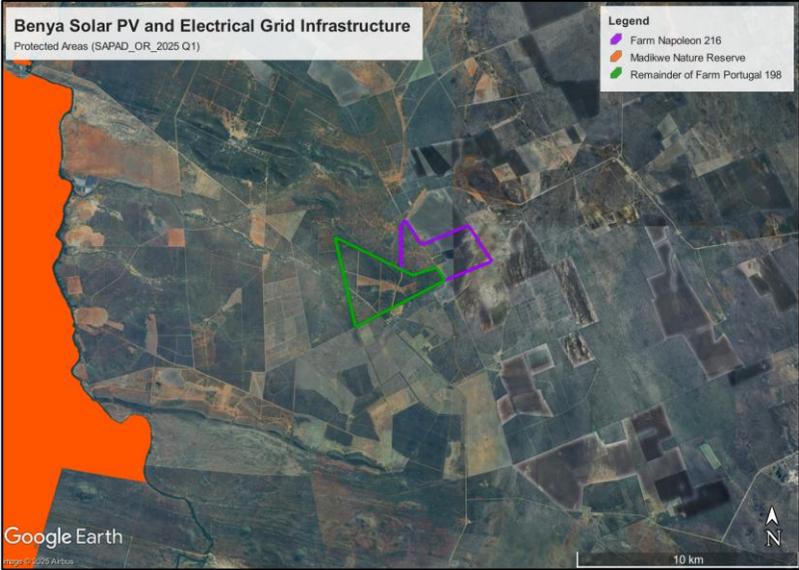
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		<p>investigation involved the consideration of specific characteristics within the Limpopo Province and specifically within the current study area.</p> <p>The criteria considered were identified by the Applicant as the main aspects that play a role in the opportunities and limitations for the development of a PV solar facility. The Applicant considered that should these criteria not be favorable for the development of a solar PV facility, then some limitations and challenges may be expected. The following criteria were taken into account by the applicant when selecting the properties for the proposed development of the Benya Solar PV Facility:</p> <p><u>The solar irradiation:</u> The economic viability of a solar PV facility is directly dependent on the annual solar irradiation at the site. As outlined in Section 2.9.2 of the DSR, the solar irradiation at the proposed site is favourable for commercial energy generation from solar PV.</p> <p><u>Land Availability:</u> To allow for the development of the Benya Solar PV Facility with a contracted capacity of up to 500MW, sufficient space for the placement of project infrastructure is required. The project site within the Limpopo Province and relatively close to the area of Dwaalboom was identified following the confirmation of the solar resource. The properties included as part of the project site/assessment area are privately-owned parcels available in the area that can be developed. The extent of the affected properties enables the consideration of a large area (i.e., 863ha) for assessment and for the placement of the development footprint. Furthermore, the willingness of the respective landowners to consent to the development on the affected properties was also considered by the Applicant.</p> <p><u>Proximity to towns with a need for socio-economic upliftment:</u> The proposed Benya Solar PV Facility is situated approximately 22km west of Dwaalboom and approximately 72km north-west of Northam in the Limpopo Province. Northam is a relatively large centre and consequently, local labour would be easy to source, which fits in well with the Renewable Energy Independent Power Producer Procurement</p>

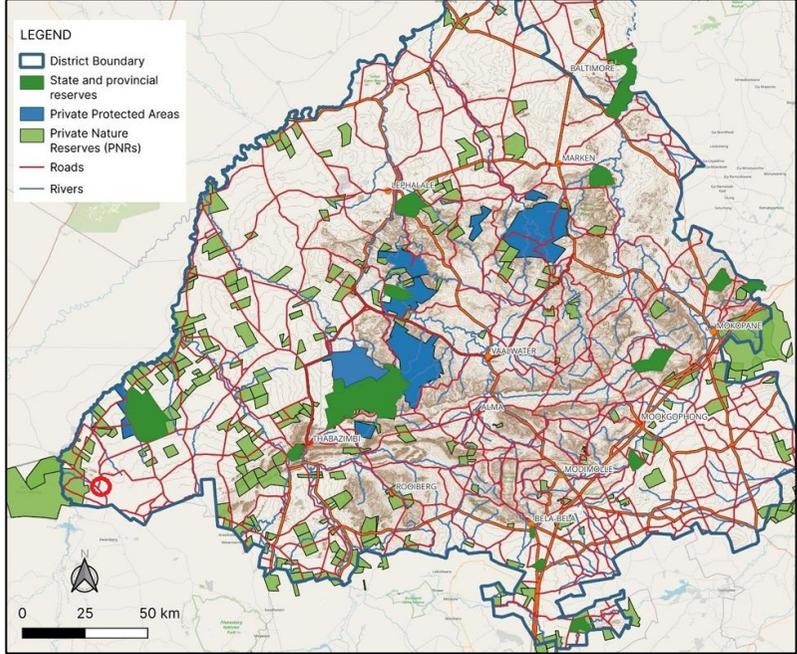
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		<p>Programme (REIPPPP) economic development criteria for socio-economic upliftment.</p> <p><u>Access to national electrical grid:</u> Ease of access into the Eskom electricity grid is vital to the viability of a solar PV facility. Projects which are in relatively close proximity to a connection point and/or demand centre are favourable, and reduce the losses associated with power transmission. The project site is within very close proximity of the existing Spitskop-Gaborone South 2 132kV OHL on Farm Napoleon 216, which makes a Loop-In Loop-Out (LILO) connection possible.</p> <p><u>Current land use:</u> The Agricultural specialist has confirmed that the cropping potential of the project site is limited to the corridors that will be utilised for the LILO connection to the existing Spitskop-Gaborone 2 132kV OHL. Due to the LILO corridor consisting of linear infrastructure, it will have negligible agricultural impact. The entire proposed PV development will be placed outside the high agricultural sensitivity land. The rainfall is very marginal for crop production. The soils are very shallow and consequently have very low water and nutrient holding capacity. The low water holding capacity, in combination with the rainfall, provides an insufficient moisture reservoir to reliably carry a crop through the season. The climate and soil constraints mean that the assessed area is not suitable for continuous, profitable crop production.</p> <p><u>Proximity to access road for transportation of material and components:</u> The proximity of the site to the well-maintained existing road network (including existing D113 and D1629 roads) decreases the impact on secondary roads from traffic during the construction and operation phases.</p> <p><u>Landowner support:</u> The selection of a site for the PV development where the landowner is supportive of the development of renewable energy is essential for ensuring the success of the project. The landowner of the solar PV property does not view the development as a conflict with the current land use practices and has provided written consent for the proposed Benya Solar PV Facility (please refer to</p>

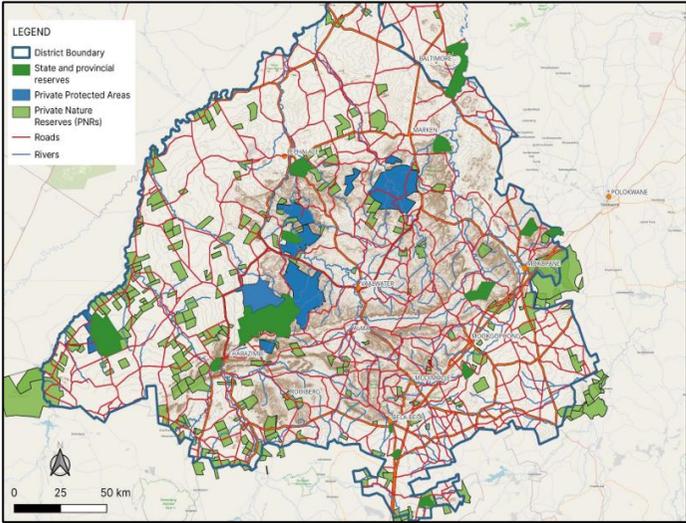
Date of comment, format of comment, name of organization/I&AP	Comment	Response from EAP
		<p>Appendix G2 of the DSR). The Applicant has also been in discussions with the landowner of the Farm Napoleon 216 to formalise an agreement allowing a servitude for a powerline over his property. Further to these consents and in compliance with the EIA regulations, the landowners where the proposed power line corridor alternatives are situated have been engaged with directly by the Applicant and have been given an opportunity to provide input in this environmental process to ensure any concerns relating to the position of the substation and power lines are considered and addressed. Adjacent landowners have also been provided an opportunity to provide input in the environmental process through the public participation process.</p>
	<p>2.3.3 Under the National Spatial Development Framework 2022 (“NSDF”), some parts of Limpopo are areas designated to host a solar-focused industrial development zone (“Solar IDZ”). This is a spatial-planning requirement aimed at promoting renewable-energy-based industrial clusters within certain provinces. The NSDF spatially earmarks certain parts of Limpopo for solar industrial growth corridors within the provincial and regional planning framework. This merges with REDZ practice, where high-potential renewable energy zones are predefined to expedite permitting processes and ensure grid connectivity with both types of development zones relying on SEAs.</p>	<p>As mentioned in 2.3 above, is not always possible to acquire land within a Solar Industrial Development Zone or REDZ due to the reasons provided. If sites under consideration are not found to be suitable due to the factors/criteria detailed in the response to comment #2.3.2, a solar project would not be deemed feasible despite being located within a Solar Industrial Development Zone or REDZ. Please also refer to response provided on comment #2.3.2 above.</p> <p>The National Spatial Development Framework 2022 (NSDF) states under Section 5.5.1:</p> <p><i>“Energy-transmission networks: Maintenance of the national electricity grid infrastructure is crucial, and timeous expansion of the network must be done, as and where required, from a national development perspective. Where new sources of energy are to be introduced to the national energy mix, the following should be observed:</i></p> <ul style="list-style-type: none"> • <i>Solar and wind: Production is to be located in close proximity to the national grid or users, and in off-grid micro-networks in low density areas/small remote towns/areas where it should ideally be delivered, operated and serviced/maintained by small-scale, local operators;”</i>

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		<p>The proposed development within very close proximity of the existing 132kV Spitskop-Gaborone South 2 Eskom powerline further supports the objectives outlined in the NSDF (2022).</p>  <p>It is noted from the NSDF 2022 that the area in which the proposed Benya Solar PV Facility project is located (red circle in figure above), is situated with a <i>Agri-Enterprise and Small-scale Farming Resource Region</i>. Please note that the red circle</p>

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		<p>identifying the proposed project location in the figure above is an approximation and enlarged for easy identification.</p> <p>The proposed development site is not considered to be in contradiction to the NSDF as the Agricultural specialist has confirmed that the cropping potential of the project site is limited to the corridors that will be utilised for the LILO connection to the existing Spitskop-Gaborone 2 132kV OHL. Due to the LILO corridor consisting of linear infrastructure, it will have negligible agricultural impact. The entire proposed PV development will be placed outside the high agricultural sensitivity land. The rainfall is very marginal for crop production. The soils are very shallow and consequently have very low water and nutrient holding capacity. The low water holding capacity, in combination with the rainfall, provides an insufficient moisture reservoir to reliably carry a crop through the season. The climate and soil constraints mean that the assessed area is not suitable for continuous, profitable crop production.</p>
	<p>2.3.4 The positioning of the proposed development in one of the REDZ or Solar IDZs, instead of near a protected area (the Madikwe Game Reserve), would avoid several fatal flaws associated with the proposed development.</p>	<p>Although the project site is not situated within one (1) of the REDZs or Solar IDZs, the required Scoping & EIA process is being undertaken to assess the impacts of the proposed development on the environment and inform the DFFE's (competent authority) decision-making process. All relevant commenting authorities (including the DFFE's Biodiversity Conservation Directorate) are also being involved in the process and provided an opportunity to review the findings and provide comments, where required. All the necessary specialist assessments have been undertaken as part of the Scoping & EIA process (including site sensitivity verifications), and no fatal flaws have been identified by the specialists during the scoping phase. The impacts identified during the scoping phase will be further investigated and assessed during the impact assessment phase, through the rating of significance of impacts and the recommendation of applicable mitigation measures to reduce identified impacts. Any areas deemed to be highly sensitive or deemed to be "no-go" areas according to the specialists will be avoided by the solar PV infrastructure, with further assessment of the project layout/development footprint being undertaken during the</p>

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	<p>2.3.5 It is also vitally important that the development of the Waterberg Region takes place in accordance with legislated development zones and that there is not random encroachment of inappropriate development into sensitive areas used for eco-tourism, wildlife breeding and game farming. The importance of sustainable development and the potential impact of the wrong development in sensitive areas is highlighted by the fact that the proposed development could have a high impact on key biodiversity fauna and flora, including rare and protected species.</p>	<p>impact assessment phase. Through this process, potential impacts that have been identified can be adequately mitigated and reduced.</p> <p>Please refer to response provided on comment #2.3.2 above.</p> <p>Please note that according to the latest South African Protected Areas Database (SAPAD) published on 30 June 2025, the Madikwe Nature Reserve is located approximately 12.5km to the west of the proposed Benya Solar PV project site (Remainder of Farm Portugal 198). Please refer to figure below. Given the distance of the Madikwe Game Reserve from the project site and the fact that the impacts associated with the proposed development are not expected to extend into the boundaries of the Madikwe Game Reserve, this is not anticipated to be impacted by the proposed development.</p> 

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	<p>2.3.6 The DSR does not adequately describe the context of the area, including the regional land use and significance of this part of the Waterberg bushveld to conservation and biodiversity preservation in South Africa. We refer to the report prepared by Landscape Alliance and Waterberg Conservation, the 2023 Waterberg Conservation Report (“the 2023 Waterberg Conservation Report”) (attached as Annexure “B”) which provides a more accurate report on the status quo of such land and its value as a conserved area. The Foreword states as follows:</p> <p><i>“Over the past 40 or so years, the Waterberg has been recognised as one of South Africa’s most biodiverse landscapes, which continues to absorb, recover from and survive the ecological brunt of commercial developments that occurred within its precinct over the past century. The Waterberg’s rich biodiversity and ecosystems, including its many endemic plant species, threatened mammals, birds, reptiles, insects and fish species was recognised by the UNESCO in its proclamation of the Waterberg Biosphere Reserve in 2001</i></p> <p><i>The Waterberg’s immense ecological capacity, its proximity to South Africa’s main commercial, financial and industrial hubs together with its malaria-free status, have proven prime catalysts in its ongoing survival. The Waterberg is now home to many game-ranches, game reserves, nature reserves, local communities and businesses into which their respective owners / custodians/ residents have invested their blood, sweat and tears.”</i></p> <p>Then, in the foreword at page 2, it goes on to state:</p> <p><i>“The Waterberg has a wealth of biodiversity that has largely been restored during the past 30 to 40 years of rewilding, undertaken by many landowners in the region. The Waterberg is also heavily dependent on its biodiversity due to the local economy being based towards the wildlife</i></p>	 <p>LEGEND</p> <ul style="list-style-type: none"> District Boundary State and provincial reserves Private Protected Areas Private Nature Reserves (PNRs) Roads Rivers <p>0 25 50 km</p> <p>According to the 2023 Waterberg Conservation Report, the proposed development properties (red circle in figure above) do not fall within any State and provincial reserves, Private Protected Areas or Private Nature Reserve.</p> <p>Please note that the red circle identifying the proposed project location in the figure above is an approximation and enlarged for easy identification. The context of the site in relation to the Waterberg Conservation Report has been considered by the Terrestrial Biodiversity Specialist and the impact in terms of meeting the objectives of this plan will be further assessed in the next phase of the environmental process.</p>

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	<p><i>industry, with wildlife based tourism, hunting and game-breeding dominating the business sector.”</i></p> <p>The map on page 17 of the 2023 Waterberg Conservation Report Report provides a graphic representation of the area and the conserved areas therein:</p>  <p>2.3.7 It is important to reiterate that the proposed development is positioned within the designated portion of the Madikwe Game Reserve. Had the applicant applied in the correct zone (i.e. north of Lephalale), the impacts of the proposed development may be potentially acceptable.</p>	<p>As previously mentioned, it is not always possible to acquire land within a Solar Industrial Development Zone or REDZ, while the regulatory framework does also not prohibit development outside these zones, provided environmental compliance is met. Please also refer to response provided on comment #2.3.4 above.</p> <p>Please note that according to the latest South African Protected Areas Database (SAPAD) published on 30 June 2025, the Madikwe Nature Reserve is located approximately 12.5km to the west of the proposed Benya Solar PV project site (Remainder of Farm Portugal 198). Please refer to figure provided in the response to comment #2.3.4 above.</p>

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	<p><u>3. Further concerns with the DSR and the negative impact of the proposed development</u></p> <p>3.1 Impacts of the proposed development on adjacent landowners:</p> <p>3.1.1 The DSR, on page 28, states that “the landowners do not view the development as a conflict with their current land use practices”. On the same page, the DSR also notes that “<i>landowners have provided written consent for the proposed Benya Solar PV Facility (please refer to Appendix G2)</i>”.</p> <p>3.1.2 In the first instance, it is claimed that landowners have provided written consent for the proposed development. While it is noted that consent for certain properties of the proposed development has been obtained (Remainder of Farm Portugal 198 KP), consent for the remaining property is still required from the landowner of the Farm Napoleon 216 KP. Our Client’s properties are either directly adjacent to the proposed development or in close proximity to the site. One of our Clients is the surface rights owner of Farm Napoleon 216 KP.</p> <p>3.1.2.1 In terms of the proposed development, and according to the DSR, Farm Napoleon 216 KP contains critical grid connection infrastructure required for the proposed development. It is specifically noted in the DSR, on page i and page 1, that “<i>both the PV and BESS facilities will input into the national Eskom electricity grid via the existing nearby Spitskop-Gaborone South 2 132kV Eskom overhead power lines located on Farm Napoleon 216</i>”. On page 23 of the DSR, it is specifically shown that the existing Eskom Grid Infrastructure required for purposes of connecting to the Solar PV Facility (located on Farm Portugal 198 KP), is located on Farm Napoleon 216 KP.</p> <p>3.1.2.2 The DSR, on page 9, notes several power line corridor alternatives. These various alternatives for connecting the proposed development’s substation and other Solar PV Facility infrastructure to the 132kV Eskom overhead power lines, propose different corridor routes</p>	<p>This statement in the DSR is in the context of the need and desirability for the PV development on the remainder of the farm Portugal 198 KP, for which landowner consent has been obtained in the form of a formal agreement between the Applicant and Landowner as well as a signed EIA consent document.</p> <p>According to Regulation 39 (1) of the EIA Regulations 2014 [published in Government Notice No. R326 under Section 24(5) and 44 of the National Environmental Management Act (Act No. 107 of 1998)], “<i>If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land.</i>”</p> <p><i>(2) Subregulation (1) does not apply in respect of—</i></p> <p><i>(a) linear activities;</i>”</p> <p>Since only linear activities are being proposed on the Farm Napoleon 216 KP, written consent of the landowner (in the form of an EIA consent document) is not strictly required before applying for an environmental authorisation.</p> <p>As detailed in the response above in section 1.7, relating to the engagements that have taken place with the owner of the farm Napoleon 216 KP, the Applicant has been engaging with the landowner regarding the proposed powerline on the Farm Napoleon 216 KP since 2024, with discussions on-going. While it is noted that a formal servitude agreement has not yet been concluded, the landowner is aware of the proposed solar development and has been consulted extensively regarding the placement of the proposed powerline. Furthermore, a meeting is currently being arranged with the landowner to present the relevant documentation and negotiate the terms of the servitude agreement.</p> <p>It is confirmed that the PV facility, BESS and associated infrastructure is wholly contained on Remainder of the Farm Portugal 198 KP and only an overhead powerline is being proposed on the Farm Napoleon 216 KP to allow a Loop-in/Loop-</p>

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	<p>which all require grid connection points on the Farm Napoleon 216 KP and one of which (Option 2) traverses Napoleon 216 KP.</p> <p>3.1.2.3 It is a specific requirement, in terms of regulation 39(1) of the 2014 EIA Regulations, that where an activity is to be undertaken on land owned by a person other than the proponent (the Applicant), such a person must obtain the written consent of the landowner or person in control of the land in order to undertake such an activity on that land.</p> <p>3.1.2.4 Based on the above, the written consent and cooperation of the surface rights landowner of Farm Napoleon 216 KP is a critical requirement for purposes of the proposed development. However, the surface rights owner of Farm Napoleon 216 KP, Mr Drikus Verster (i.e. one of our Clients), does not consent to the proposed development.</p> <p>3.1.2.5 Failure to obtain such consent, prior to the submission of an application for EA, would not only contravene the procedural requirements of the NEMA, but would also amount to a violation of the landowner's lawful rights and interests. It is trite that the use of land for purposes of a listed activity, without the informed and voluntary agreement of the lawful surface rights holder, renders the application fundamentally flawed and susceptible to legal challenge. Consequently, any attempt by the Applicant to proceed in the absence of this prerequisite would be premature, unlawful, and subject to legal challenge.</p>	<p>out connection to the existing Eskom powerline located on this property. The Applicant initially planned a short powerline over the solar PV land parcel (Remainder of the Farm Portugal 198 KP), running from the solar PV facility substation to the eastern boundary of the land parcel to connect to the existing Eskom powerline on the Farm Napoleon 216 KP, however, a vulture nest was discovered on the Eskom powerline with a seasonal 1km buffer proposed by the avifauna specialist². Considering this seasonal buffer, two (2) additional powerline routes are being assessed to allow an alternative connection point should encroachment into this buffer not be allowed. It should be noted that only one (1) powerline route will be required for the project. The results of the updated avifauna impact assessment (following the second survey) will be presented in the Draft Environmental Impact Assessment Report, which will be made available to I&APs for review and commenting, and the preferred powerline alternative will be presented in the Impact assessment phase of the environmental process after further engagement with the relevant specialists and the landowner.</p> <p>Due to the legislated timeframes, the Applicant is continuing with the application for Environmental Authorisation while these discussions/negotiations are underway and aim to formalise the servitude agreement as soon as possible.</p>
	<p>3.1.3 In the second instance, the claim that the landowners do not view the development as a conflict with their current land use practices, is premature to say at the current stage of the application for the proposed development. Our Clients, are concerned that the proposed development</p>	<p>The claim that the landowners do not view the development as a conflict with their current land use practices was made in relation to the two (2) land parcels which form part of the proposed development and is not meant to refer to the adjacent landowners. The potential conflict with current land use practices will be further</p>

² Two (2) site surveys were conducted by the avifauna specialist, and the nest was not found to be active during either of these surveys. The specialist has therefore proposed a 1km seasonal buffer which will allow for a powerline if an avifaunal specialist confirms there is no activity at the nest outside the May–August breeding season, and the appropriate permits have been obtained for the removal/relocation of the nest.

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	<p>and the carrying out of the activities associated with the proposed development could materially negatively impact inter alia their respective properties, the value of these properties, their privacy and the use and enjoyment thereof.</p>	<p>investigated and assessed in the impact assessment phase, with the results presented in the Draft EIA Report that will be made available for review to registered I&APs and commenting authorities.</p> <p>Response provided with input from the appointed Social Specialist (Donaway Environmental):</p> <p>Stakeholder engagement, including affected and surrounding landowners' perspectives on the proposed development, will take place as part of the Social Impact Assessment report that is to be submitted with the Draft EIR. This would provide more insight into the affected and surrounding landowners' perspectives on the proposed development and would be incorporated into the findings of the SIA report.</p>
	<p>3.1.4 The 2014 EIA Regulations, under section 41(2)(b)(ii), specifically require that adjacent landowners are informed in writing of the proposed development. There is no proof of this consultation or that the landowners have consented.</p>	<p>Regulation 41(2)(b)(ii) requires that adjacent landowners be given written notice and does not require adjacent landowners to give written consent.</p> <p>The following measures were implemented in order to inform adjacent landowners of the proposed development:</p> <ul style="list-style-type: none"> • Site Notice Boards placed at various locations on 29 January 2025 as well as 01 May 2025. Site Notice Boards included information of the proposed development, the proposed properties as well as procedures to follow in order to register as Interested & Affected Parties for the project. Proof of Site Notice Board placements included in Appendix F3 of the DSR. • Advertisement Placed in the Platinum Bushveldier which was printed and distributed on 27 June 2025. Advertisement included information of the proposed development, the proposed properties, Notification of Availability of the DSR as well as procedures to follow in order to provide comment and/or to register as Interested & Affected Parties for the project. • Notification of the availability of the Draft Scoping Report sent via email to adjacent landowners as well as any I&APs that registered in response to Site Notice boards on 27 June 2025 and 30 June 2025.

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		<ul style="list-style-type: none"> All key stakeholders, State Departments and Organs of State were notified and provided with an opportunity to provide comment and input into the proposed activity. <p>Please also refer to the response for comment #1.5 outlining which surrounding landowners have been included in the stakeholder register at the time of distribution of the DSR.</p>
	<p>3.1.5 On page 76 of the DSR, it is stated that a Visual Site Sensitivity Verification of the proposed development has been undertaken and that a Level 3 Landscape and Visual Impact Assessment will be undertaken and included in the Environmental Impact Reporting phase of this EA process. The Visual Site Sensitivity Verification states that <i>“The area encompasses a distinct sense of place that is shaped by its unique blend of agriculture and breathtaking Bushveld surroundings. The allure of the bushveld captivates visitors (mostly hunters) and locals alike. The picturesque scenery, characterised by sprawling plains, dense vegetation, and an abundance of wildlife, draws frequent hunters seeking thrilling adventures in the bushveld wilderness”</i> and that <i>“the study area is characterised by some landscape features that possess a visual or scenic value”</i>.</p>	<p>As mentioned, the proposed development would not prevent game breeding or the operation of trophy hunting and game lodges. The proposed development will be fenced off, preventing access or encroachment into adjacent properties, and all activities will be restricted to the two (2) affected land parcels. In terms of visual impacts, the restricted height of the project infrastructure and dense vegetation and tree cover is expected effectively block views of the solar PV development from surrounding areas and limit visibility of project infrastructure. Please see below response from the appointed Visual Specialist (Donaway Environmental):</p> <p><i>“While it is acknowledged that the Bushveld holds a unique sense of place and aesthetic appeal, this does not automatically translate to a high visual impact from the proposed development. Based on our extensive experience in conducting Visual Impact Assessments (VIAs) for solar PV projects, the Bushveld consistently presents some of the most favourable conditions for such solar PV developments from a visual perspective.</i></p> <p><i>The dense vegetation and mature tree cover, provides effective visual screening. Our assessments are consistently conducted within a 10 km radius using a conservative, worst-case scenario approach. However, in the Bushveld context, actual visibility of the infrastructure is typically limited to within 1 km of the site, often even less. This results in a significantly reduced visual intrusion compared to other bioregions”</i>.</p>
	<p>3.1.6 The DSR, on pages 78 and 79, also refers to various Landscape Features which, as noted above, possess visual and scenic value. These</p>	<p>Please refer to the response provided on comment #3.1.5 above.</p>

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	<p>include water features in the form of rivers and tributaries with one of the most prominent rivers in the Waterberg District being that of the Marico River. Vegetation Features are also noted, with the DSR referencing “open plains used for crop cultivation and mostly lush, beautiful Bushveld vegetation”. It is worth noting that aside from certain aspects of crop cultivation, game-breeding and trophy hunting is also a common tourism attraction and form of business for many landowners in close proximity to the proposed development site, including our Clients. Game / trophy hunting is specifically noted in the context of the Cultural Landscapes feature on page on the same page of the DSR, and is a significant attraction for international tourists to the area.</p>	
	<p>3.1.7 Page 78 of the DSR also refers to Potential Sensitive Receptors and notes the presence of certain nature reserves and national parks in the area. However, the DSR contains no adequate reference to the Madikwe Game Reserve, a portion of which in fact lies on the Remainder of Farm Portugal 198 KP. The DSR, again, fails to mention the presence of the Madikwe Game Reserve when it refers to Tourism Facilities / Sites on page 79, and incorrectly states that “no significant tourist facilities are situated within the 10km POAI [Project Area of Influence]”.</p>	<p>According to the latest South African Protected Areas Database (SAPAD) published on 30 June 2025., the Madikwe Nature Reserve is located approximately 12.5km to the west of the proposed project site (Remainder of Farm Portugal 198 KP) and therefore a portion of the Madikwe Game Reserve does not fall within the Remainder of Farm Portugal 198 KP.</p> <p>Please also refer to the response provided on comment #2.3.4 above.</p> <p>Please see below response from the appointed Visual Specialist (Donaway Environmental):</p> <p><i>“The private nature reserves located within the 10 km radius are Weltevrede and Doornlaagte (refer to attached documentation). No evidence could be found indicating that these reserves are formally integrated with the Madikwe Game Reserve”.</i></p>
	<p>3.1.8 As mentioned above, the Screening Tool indicated “Very High” Landscape Sensitivity due to features such as proximity to rivers, wetlands, nature reserves, steep slopes, mountains and ridges. These impacts will directly negatively affect the ability of various adjacent property owners and landowners to use and enjoy their property, both</p>	<p>Please see below response from the appointed Visual Specialist (Donaway Environmental):</p> <p><i>“This is just the results of the DFFE screening tool. These results are confirmed or disputed in Section 5.3 of the Visual Impact Assessment, after a site visit was conducted”.</i></p>

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	<p>during the development and construction phase of the proposed development and after.</p>	<p>The Site Sensitivity Verification undertaken by the visual specialist was used confirm or dispute the current land use and environmental sensitivity identified by the national environmental screening tool (DFFE Screening Tool), as well as to provide evidence supporting the verified or different land use and sensitivity. Additionally, the DFFE Screening Report and the Visual Impact Sensitivity Verification specifically address the visual impacts associated with a Solar Energy Facility as identified by the DFFE Screening Tool.</p> <p>Upon specialist review, three (3) features (slope, proximity to 3–5 km of a reserve, and steep slopes) were confirmed, while four (4) features (proximity to water bodies, nature reserves, wetlands, and ridges) were disputed due to low visual appeal or minimal tourism/recreational value. The results are based on the actual on-site features (e.g., minor creeks rather than rivers) and effective natural screening. A detailed Visual Impact Assessment will be undertaken in the impact assessment phase to assess the potential visual impacts of the proposed development and ensure that any changes to the landscape will not significantly disrupt its visual integrity or impact sensitive receptors.</p> <p>As part of the Visual Impact Assessment Report presented during the Scoping Phase, measures have been proposed which can be put in place to reduce the possible visual impact, most notably:</p> <ul style="list-style-type: none"> • It is recommended that vegetation cover (i.e., either natural or cultivated) immediately adjacent to the development footprint, which includes the firebreak, be maintained, during both the construction and operational phases. This will minimise the visual impact through the presence of a buffer screen between the visual receptors and the development. • Existing roads should be utilised wherever possible. New roads should be planned to take due cognisance of the topography to limit cut and fill requirements. The construction/upgrade of roads should be undertaken

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		<p>properly, with adequate drainage structures in place to minimise the risk of erosion.</p> <ul style="list-style-type: none"> • In terms of onsite associated infrastructure and buildings, it is recommended that proper planning is implemented to minimise vegetation clearing. Consolidating infrastructure as much as possible and making use areas that already disturbed, where possible. • Mitigation of lighting impacts include the pro-active design, planning and specification of lighting for the development. The correct specification and placement of lighting fixtures for the proposed development will go far in containing, rather than spreading the light. As far as practically possible, mitigation measures include: <ul style="list-style-type: none"> ○ Shielding the sources of light by physical barriers (walls, vegetation, or structures). ○ Limiting mounting heights of lighting fixtures or alternatively using footlights or bollard level lights. ○ Making use of minimum lumen or wattage lights. ○ Making use of downlighters or shielded fixtures. ○ Making use of motion detectors for security lighting. This will allow the site to remain in relative darkness, until lighting is required for security or maintenance purposes.
	<p>3.1.9 The “Very High” impacts on the social environment and visual and aesthetic quality of the adjacent and nearby properties will be experienced consistently and at all times of the day. The use of significant illumination produced at night by the security lights on the perimeter of the proposed development site could also negatively impact the surrounding environment and ‘natural’ feel of the bushveld.</p>	<p>As mentioned above, measures have been proposed by the Visual specialist which can be put in place to reduce the possible visual impact, with measures to mitigate lighting impacts specifically noted (see above). Monitoring requirements during the Construction, Operational and Decommissioning phases have also been recommended to be included as conditions in the Environmental Authorisation to ensure the visual impact of the proposed development is limited, which includes the appointment of an Environmental Control Officer (ECO) during the construction and decommissioning phase to oversee environmental compliance. Please see below response from the appointed Visual Specialist (Donaway Environmental):</p>

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		<p><i>“Donaway Environmental is also actively involved in conducting Environmental Compliance Audits for operational solar PV and wind energy facilities. Based on our experience, the majority of these facilities mostly utilise CCTV night vision systems, significantly reducing the need for artificial lighting and thereby minimising associated visual impacts”.</i></p>
	<p>3.1.10 The DSR, on page 21, refers to the supply of water during the construction and operation phases of the proposed development. It is listed, in order of priority, where the required water will be sourced from. The options available are, firstly, supply from the Thabazimbi Local Municipality (via trucks or collection directly from the Thabazimbi Local Municipality Water Treatment Plant). Secondly, water supply from a third-party water supplier and, thirdly, drilling a borehole on the site of the proposed development.</p>	<p>It should be noted that the relevant groundwater studies will be done prior to construction, to confirm the most viable option for the provision of water. This includes a borehole census/study to confirm whether existing boreholes can supply water for development as well as the viability of new boreholes. Should water provision via boreholes not be deemed viable, this will not be pursued.</p> <p>Should the utilization of groundwater be considered at a later stage, this would be subject to further approvals in terms of the National Water Act. As part of this application process, the applicant would be required to ensure that the groundwater usage does not negatively affect any other parties that are lawfully using the groundwater resource.</p> <p>Should water be sourced from the local municipality, the Applicant / Developer will approach the municipality to enquire whether they can provide all or part of the total water requirements of the Project. Specific arrangements will be agreed with the local municipality in a Service Level Agreement (SLA), following the appointment of preferred bidder status during the financial close period.</p> <p>Should water supply from a Private Contractor be deemed the most viable option, this may include extraction from any bulk water supply lines nearby to the project site.</p> <p>Further information regarding the provision of water will be provided in the Draft EIA Report.</p>
	<p>3.1.12 The proposed development will inevitably result in the degradation and loss of a significant amount of indigenous and non-indigenous</p>	<p>It is not clear how the 1500ha purported loss of vegetation has been calculated by the I&AP, as the potential total footprint of the facility and associated grid connection</p>

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	<p>vegetation as the proposed development spans over 1500 hectares in total, including both the PV Site and the Electrical Grid Connection Site. While it is noted, on page 58 of the DSR, that re-vegetation of the degraded sites with appropriate indigenous species will be carried out, no further information is provided.</p> <p>3.1.13 It is also important to note that while re-vegetation might aid in an apparent reduction of the negative visual impact brought about by the proposed development, no amount of re-vegetation / landscaping will be able to replicate the naturally occurring vegetation that currently occupies the proposed development site. A PV solar plant, especially one with such a significant size and situated within pristine natural bushveld, will be visually unavoidable and will significantly detract from the natural environment that is enjoyed by the adjacent landowners, tourists and visitors alike in the area. This will permanently and significantly affect the sense of place of nearby properties and will therefore negatively impact property values in the area.</p>	<p>is significantly smaller than 1500ha. This might be as the I&AP assumes that the entire footprint of the two (2) properties that form part of the project site will be cleared and covered by project infrastructure.</p> <p>The total extent of the study area is approximately 1500ha, however, the solar PV infrastructure will be restricted to a part of Remainder of the Farm Portugal 198 KP and will not cover the entire extent of the property, and will be informed by the identified site sensitivities and the outcome of the initial stakeholder engagement. In addition, limited vegetation clearing will be required for the proposed powerline, as clearing will only be required for the powerline pylons and “brush-cutting” taking place beneath the powerline to allow for maintenance activities to be undertaken. The final development footprint will thus be significantly less than this and will be presented in the Draft EIR.</p> <p>As mentioned above, a detailed Visual Impact Assessment will be undertaken in the impact assessment phase to assess the potential visual impacts of the proposed development and ensure that any changes to the landscape will not significantly disrupt its visual integrity or impact sensitive receptors. Measures will also be proposed which can be put in place to reduce the possible visual impact, such as maintaining vegetation cover (i.e., either natural or cultivated) immediately adjacent to the development footprint; utilising existing roads wherever possible and planning new roads to take due cognisance of the topography to limit cut and fill requirements; minimising vegetation clearing; consolidating infrastructure as much as possible and making use areas that are already disturbed, where possible.</p> <p>The proposed footprint of the development will focus on utilising degraded or transformed areas as far as possible, thereby limiting vegetation clearance. The appropriate measures aimed at reducing the possible impact on indigenous vegetation will also be proposed by the Terrestrial Biodiversity specialist. These measures will be presented in the Draft EIR as part of the formal impact assessment process.</p>

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	<p>3.2 Individual Specialist Reports are already not being done in accordance with the law</p> <p>3.2.1 It has unfortunately become common practice to manipulate the Specialist Report findings to justify an acceptable impact in support of the proposed development.</p> <p>For example, the Avifauna report states at page 20:</p> <p><i>“A White-backed Vulture (Gyps africanus) nest was found during the survey, which has a 1 km No-Go buffer for power line development. This will directly affect the proposed placement of the LILO connection for the power line. It is recommended that the second survey to be conducted in the vulture’s breeding season in June, to confirm if the nest is still active. If the nest is found to still be active a 1 km No-Go buffer where no power lines can be constructed will be placed around the nest. If the nest is confirmed to be inactive, the nest should be removed, and the nest buffer will not be put in place. If the nest buffer is to be put in place, an alternative route will be required. A proposed alternative route is indicated in Figure 5-1.”</i></p> <p>This is shocking and embarrassing. If the vulture is not found on the nest, then the nest will be removed and if it’s on the nest, only a 1-kilometre buffer will be implemented? In other words, the vulture is condemned either way. White backed Vultures are critically endangered mainly due to deaths from poisoning and electrocution (Roberts Bird Guide 2) and the critically endangered status of the White backed Vulture has been exacerbated by recent large-scale poisoning events.</p> <p>Nothing is mentioned of the other hundreds (possibly thousands) of bird species nesting on the site. This could be misrepresentation by omission.</p>	<p>This example does not demonstrate any purported manipulation of the specialist findings but merely states that the respondent does not agree with the findings and recommendations of the independent specialist.</p> <p>As outlined in the Draft Scoping Report, a number of grid connection alternatives are under consideration and will be assessed by the relevant specialists in the impact assessment phase of the environmental process. The key reason for the consideration of alternatives is to avoid the risk associated with this nest. The buffers (both no-go and seasonal buffers²) have been determined by an avifaunal expert and are in line with best practice.</p> <p>The EAP has furthermore specifically engaged with Vulpro (a Vulture Conservation NGO) in this instance and have also provided BirdLife South Africa (a registered non-profit, public benefit organization and the only dedicated bird-conservation organisation in South Africa) with an opportunity to comment on the EIA process. Any further requirements identified by Vulpro and BirdLife South Africa will be considered by the specialist and the proposal adapted where necessary in order to mitigate any risk to this species.</p> <p>The I&AP is incorrect in stating that the Avifaunal Assessment does not consider other bird species. The Avifaunal SSVR in appendix E2 of the Draft Scoping Report did consider all potential species via a detailed desktop and field assessment. The field assessment included point counts, transects, water resource assessments, nest surveys and incidental observations. It must furthermore be noted that a second seasonal field assessment (in line with the Birdlife South Africa Guidelines) has subsequently been completed by the avifaunal specialist. The results of this second survey will be presented to I&AP’s for review during the impact assessment phase of the environmental process.</p> <p>It should further be noted that the habitat areas identified as acceptable for development by the Avifauna specialist (in consultation with the Terrestrial Biodiversity Specialist) will be targeted for the placement of solar PV infrastructure,</p>

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	False representations made by Specialists in the EIA process are a criminal offence, according to the 2014 EIA Regulations and confirmed in the case of <u>S v Frylinck North Gauteng Regional Court 14/1740/2010 (6 April 2011)</u> (judgment attached as Annexure "C").	as will be demonstrated in the development footprint to be presented in the Draft EIR. Figure 5-1 of the Avifauna Assessment Report provided in the DSR shows the advised "avoidance" area.
	3.3 Failure to assess site alternatives 3.3.1 In terms of Appendix 2 to the 2014 EIA Regulations, an applicant is required to present a comparative analysis of reasonable site, technology and no-go alternatives. According to the DSR, <i>"three (3) grid connection alternatives (substation locations and power line corridors) are under investigation as part of this environmental process, however, all alternatives are located on the Remainder of the Farm Portugal 198 and Farm Napoleon 216."</i> Therefore, these are not site alternatives but merely different layout options.	Site (or property) alternatives are only one (1) of several types of alternatives that can be considered in the environmental process. The regulations require that as a minimum, the no-go alternative (the option of not implementing the activity) be assessed, which will be done as part of the impact assessment phase. In addition to this, layout and technology alternatives are being considered and will be assessed in the next phase of the environmental process.
	3.3.2 Later in the DSR (on page 29), it is stated that "no site alternatives are under consideration as part of the Scoping & EIA process as a site selection process has been undertaken by the Applicant for the identification of the assessment area. The assessment area is large in extent (863ha) and thus provides an opportunity to consider and avoid the sensitive environmental areas and features through the careful planning and placement of the development footprint."	Site alternatives were considered in the early stages of development when the Applicant identified a site deemed suitable for a proposed solar PV development, as demonstrated as part of the site selection process outlined in the DSR. These site alternatives will not be presented as part of this environmental process. The Applicant is also undertaking the required Scoping and Environmental Impact Assessment process and will ensure that all reasonable measures will be taken to avoid highly sensitive areas identified and reduce impacts to levels deemed acceptable.
	3.3.3 The applicant has therefore not considered site alternatives, as required by the 2014 EIA Regulations, but has instead limited the site selection to the Farm Portugal 198 and the Farm Napoleon 216. The applicant has not adequately taken into consideration the Solar IDZ, as detailed above, which is land designated to host developments such as the proposed development.	The presence of the IDZ and REDZ do not preclude the applicant from considering properties outside of these areas. Please refer to the detailed response in section 3.2 above. It should be further noted that the proposed footprint of the development will focus on utilising degraded or transformed areas as far as possible (as deemed acceptable by the specialists), thereby limiting the impact on the receiving environment. The appropriate measures aimed at reducing the possible impacts will also be incorporated into the EMPr for implementation during all phases of the project.
	3.3.4 The DSR's alternatives assessment is therefore inadequate, particularly in its failure to consider viable locations within established	

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	<p>REDZ or Solar IDZs that favour such developments. This omission breaches regulatory requirements and undermines the approach prescribed by NEMA and the 2014 EIA Regulations.</p>	<p>These measures will be presented in the Draft EIR as part of the formal impact assessment process.</p>
	<p>3.4 Additional specialist assessments to be undertaken for the proposed development: 3.4.1 The DSR, on pages 92 and 93, provides for a list of various specialist assessments to be undertaken in the next stage of the environmental assessment process. The provided current list is inadequate to effectively assess and advise on the negative impacts of the proposed development on environmental and socio-economic aspects. Therefore, the following additional specialist reports should be conducted for the next stage of the environmental process, including those already mentioned in the DSR:</p>	<p>The DFFE's Environmental Screening Tool Report generated for the proposed development (as is required for each application) identifies specialist assessments for inclusion in the assessment report, based on the selected classification (in this case a solar PV development) and the known impacts associated with the proposed development. The EAP has used the results of the Environmental Screening Tool Report to inform the specialist assessments to be undertaken as part of the application for environmental authorisation. None of the assessments listed below were deemed a requirement according to the results of the Screening Tool Report. The Environmental Screening Tool Report was provided in Appendix H of the DSR, with the specialist assessments identified listed on page 6 & 7 of the Screening Tool Report.</p> <p>Please also refer to sections below.</p>
	<p>Hydrology and Stormwater Management Assessment – Should the site intersect with drainage lines or catchment areas; this will ensure that runoff from the site is managed sustainably and does not cause downstream impacts.</p>	<p>An Aquatic Biodiversity assessment was undertaken as part of the EIA process, as identified by the Environmental Screening Tool Report. This was provided in Appendix E3 of the DSR. The Aquatic Biodiversity specialist confirmed that the site does not intersect with any drainage lines. All hydrogeomorphic depressions identified by the Aquatic Biodiversity specialist (one depression wetland) will be avoided by the preferred layout alternative, with a 32 m watercourse buffer recommended, which is also the regulated area of a watercourse according to the National Environmental Management Act. Off-channel dams and artificial features do not qualify for a wetland buffer as they are not representative of natural freshwater resources and sensitivity. Measures for the protection of the wetland to ensure adequate ecological functioning have been proposed by the specialist and will be incorporated into the EMPr for implementation during the construction and operational phases.</p>

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		<p>The EMPr will also outline the environmental impact management outcomes and actions associated with stormwater management to ensure that stormwater run off does not result in erosion or siltation of areas outside of the development footprint.</p>
	<p>Noise Impact Assessment – The proposed Solar PV Facility will likely involve inverters, battery storage systems or substations close to noise-sensitive receptors such as private residences, schools, or lodges. Additionally, the proposed development is situated in a sensitive environment (CBA and ESA, as discussed above) and any noise emanating from the development and construction phases, as well as the operational phase of the proposed development, has the potential to disturb the surrounding natural environment and must be properly assessed.</p>	<p>Solar PV developments are generally considered low-noise infrastructure projects as the systems lack moving mechanical components that typically generate significant noise. The primary sources of sound in PV installation are inverters, transformers, and energy storage systems, which emit low-frequency hums during operation. These sounds are usually minimal and well below typical environmental noise thresholds, especially at sites such as Benya PV which is situated in a sparsely populated rural area.</p> <p>Notwithstanding this, the impact will be assessed by the terrestrial biodiversity specialist during the environmental impact assessment phase of the environmental process.</p>
	<p>Air Quality Assessment / Dust Generation Assessment – The construction phase activities, particularly in dry environments such as the Waterberg District, require an assessment of the potential harm caused to the environment via the generation of dust. Nearby sensitive receptors (e.g. farms, private residences game reserves, and other tourism-related facilities) will be impacted by the generation of dust. Conducting such a study will ensure that adequate measures are put in place to mitigate these issues.</p>	<p>Dust Fall out during construction will be managed in terms of the National Dust Control Regulations (GN R. 822). The EMPr for the facility (which is required to be presented on in the Impact Assessment Phase of the Environmental Process) will define the mitigation and management measures for dust control during the construction phase. The EMPr will furthermore outline the requirements for dust monitoring during the construction phase.</p>
	<p>Tourism Impact Assessment – Areas such as the Waterberg District, where eco tourism and game lodges are prominent and form a significant aspect of the Waterberg’s appeal, possess a significant number of tourist-driven business operations. These business operations in turn attract large numbers of tourists, many of which are international. Such an assessment will consider the visual, noise, and wilderness character impacts of the proposed development on tourism in and around the area.</p>	<p>The scope of works of the Social Specialist is to also consider impact on tourism as part of the Social Impact Assessment. This has been reported on in the Social Impact Assessment. Potential impacts on tourism will be investigated further and presented in the impact assessment phase of the environmental process.</p>

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	<p>Cumulative Impact Assessment – This will consider how the proposed development, in combination with other existing or proposed developments in the area (e.g. mining, other renewables projects), may impact the environment and socio-economic systems.</p>	<p>All possible impacts are required to be assessed by the specialists, which include the direct, in-direct as well as cumulative impacts. As confirmed in section 6 of the Draft Scoping Report (Plan of Study for Environmental Impact Assessment), a cumulative impact assessment will take place as part of the Impact Assessment Phase of the Environmental Process. Please be advised that cumulative impacts on mining projects will not be assessed, as the DFFE's requirement is to assess all similar facilities (other renewables projects) within a 30km radius using the latest version of the DFFE's Renewable Energy EIA Application Database (REEA_OR_2025_Q1).</p>
	<p>Waste Management Assessment – Outlines how the waste derived from the construction and operational phases of the proposed development (especially any hazardous or electronic waste) will be managed, especially in remote and sensitive environments.</p>	<p>The Environmental impact management outcomes and actions to ensure that the management of all waste streams are lawful and sustainable will be included in the EMP, which will be included in the impact assessment phase of the environmental process.</p>
	<p>Groundwater Impact Assessment – This is necessary where the proposed development may impact existing aquifers, boreholes, or shallow groundwater systems and is particularly relevant in arid or water-scarce areas such as the Waterberg District. This assessment is also crucial given the context of the need for supply of water for the proposed development. Although the least favourable option, as set out above, is the abstraction of ground water from boreholes for the proposed development, this will likely have a significant impact on the availability of water to other existing users who depend on the consistent supply of groundwater for their personal use and business operations, should this option be selected.</p>	<p>The utilisation of groundwater is not applied for as part of the current application and will require further consideration and approval in terms of the National Water Act. As mentioned, the relevant groundwater studies will be done prior to construction to determine the most suitable option for the provision of water for the proposed development.</p>
	<p><u>4. Conclusion</u> 4.1 The DSR is fatally flawed and the proposed development cannot be authorised by the decision maker for various reasons, such as: 4.1.1 The anticipated impact on biodiversity is overall very high and the site is not the correct or most suitable site for the proposed development.</p>	<p>Such a statement is premature and unfounded, as the footprint of the facility has not yet been determined, nor has the impact on biodiversity been assessed in full extent through the impact assessment to be undertaken. These activities take place in the next phase of the environmental process with the results to be presented in the Draft</p>

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	<p>In this regard, the DSR should be objective and provide concrete numbers, for example state exactly how much biodiversity will be slaughtered- how many trees? How many spiders? How many insects and reptiles? How many bird's nests will be destroyed?</p>	<p>EIR. No fatal flaws have however been identified from Ecological, Agricultural, Heritage, Avifaunal, Social and Visual perspectives during the scoping phase.</p>
	<p>4.1.2 The proposed development site remains in close proximity to the Madikwe Game Reserve and is also situated within a CBA and ESA, thus the EA cannot be granted;</p>	<p>As previously mentioned, the Madikwe Nature Reserve is located approximately 12.5km to the west of the proposed project site (Remainder of Farm Portugal 198) according to the latest South African Protected Areas Database (SAPAD) published on 30 June 2025.</p> <p>CBA's and ESA's are identified in bioregional plans and spatial biodiversity assessments. These areas are flagged for potential conservation importance, but development can be considered in these areas as long as it does not compromise the biodiversity objectives of the area. The Guideline on Biodiversity in EIA and SEA Processes emphasizes that broad scale programmes cannot be the only factor considered and that site-specific assessments and application of the mitigation hierarchy is required to determine the impact of a particular project.</p> <p>The Terrestrial Biodiversity specialist has also indicated the project site would not be considered a pinch point and due to the extensive coverage of the vegetation unit and relatively low levels of transformation, the relevance of a CBA or ESA designation of the site would be questionable, as the site is not required to meet conservation targets, nor would it be considered to be irreplaceable habitat. Furthermore, it will not increase habitat fragmentation within the ESA. As such, impacts on the management objectives of these features is not expected. The significance of potential impacts on the CBA and ESA will however be assessed further in the next phase of the environmental process.</p>
	<p>4.1.3 Alternative site options for the proposed development are not considered as required by the 2014 EIA Regulations. The site is a fait accompli and the EIA is a sham in this regard;</p>	<p>The 2014 EIA Regulations define "alternatives" as: "Alternatives", in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to the—</p>

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		<p>(a) property on which or location where the activity is proposed to be undertaken; (b) type of activity to be undertaken; (c) design or layout of the activity; (d) technology to be used in the activity; or (e) operational aspects of the activity; and includes the option of not implementing the activity.</p> <p>This means that site (or property) alternatives are one (1) of several types of alternatives that can be considered in the environmental process. The regulations require that as a minimum, the no-go alternative (the option of not implementing the activity) be assessed, which will be done as part of the impact assessment phase. In addition to this, layout and technology alternatives are being considered and will be assessed further in the next phase of the environmental process.</p> <p>Please refer to the site selection criteria outlined in section 2.10 of the Draft Scoping Report for details on the criteria that were applied for the selection of this site.</p> <p>Claiming the site is a "fait accompli" does not invalidate the EIA process. The EIA process is designed to assess the environmental viability and impact of a proposed development at a particular spatial location.</p>
	4.1.4 Alternative site options for the proposed development are not considered in the context of the Solar IDZ and REDZ;	Please refer to response provided to comment #3.3.3 above.
	4.1.5 One of our Clients, the surface rights owner of Farm Napoleon 216 KP has not consented in any way to the proposed development on its property. Furthermore, the Applicant is prohibited, under the 2014 EIA Regulations, from applying for an EA for the proposed development, without the written consent from the landowner of Farm Napoleon 216 KP;	Please refer to response provided to comment #1.7 as well as #3.1.2.3 above.
	4.1.6 The proposed development would have an unacceptable negative visual impact and impact on the sense of place and on our Clients	Such a broad statement of presumed visual impacts is premature, as the preferred layout alternative has not yet been determined, nor has the significance of visual impacts been assessed at this early stage of the environmental process.

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	<p>properties, resulting in reduction in the value of our Clients' properties and the use and enjoyment thereof; and</p> <p>4.1.7 Additional and objective specialist assessments must be conducted in the next stage of the environmental process as indicated above.</p> <p>4.2 For these and other reasons the DSR is fatally flawed and, with respect, must be rejected by the decision maker if submitted in its current form.</p>	<p>Please refer to Section 6 of the Draft Scoping Report, outlining the next stage of the environmental process (environmental impact assessment), which will assess the significance of the potential impacts identified to further refine the layout/preferred alternatives. Section 6.3 of the Draft Scoping Report also outlines the specialist studies required (as identified by the DFFE's Environmental Screening Tool Report) and those that will be undertaken as part of the environmental impact assessment.</p> <p>All specialist studies are independent and objective and further assessment will be presented in the next phase of the environmental process.</p> <p>None of the specialists have indicated fatal flaws at this stage of the environmental process and further detailed impact assessments will be undertaken in the EIA phase using the proposed preliminary layout and the results will be presented in the Draft EIA report that will be made available to registered I&APs and key stakeholders for review and comment. Additionally, as mentioned, the competent authority cannot grant authorisation based on the content and outcome of a Draft Scoping Report. The environmental application process must first progress to the next phase (impact assessment phase), where the potential impacts and issues identified in the Scoping Phase are thoroughly assessed.</p>
<p>28/07/2025 Comment Letter via Email Department of Forestry, Fisheries & the Environment: Biodiversity Conservation</p>	<p>The Directorate: Biodiversity Conservation has reviewed and evaluated the report and does not have any objections to the draft Scoping Report and the Plan of Study. However, the EIA report must comply with the procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of section 24(5) and (H) and 44 of the National Environmental Management Act, 1998.</p>	<p>Noted, The Directorate: Biodiversity Conservation will be provided with a further opportunity to provide input in the environmental impact assessment phase of the environmental process once the preferred development footprint is determined and assessed by the EAP and specialists.</p>

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<p>28/07/2025 Comment Letter via Email Vulpro</p>	<p>Vulpro's vulture tracking data supports the specialists' findings on the presence of White backed Vultures (<i>Gyps africanus</i>), but also confirms activity by Cape Vultures (<i>Gyps coprotheres</i>) and Lappet-faced Vultures (<i>Torgos tracheliotos</i>) within both the proposed area of influence (POAI) and the wider 30 km buffer. Our data show that these species not only forage in the area, but also roost overnight in trees within the POAI. In addition, Vulpro monitors numerous White-backed Vulture nests to the north and north-east of the site, within the 30 km buffer, with the closest monitored nest located just 8 km away. These vultures often nest in loose aggregations (commonly referred to as colonies), and the presence of other nesting birds significantly influences nest site selection (Bamford et al., 2009). Breeding activity in close proximity to the site is therefore highly likely.</p> <p>The Birds and Solar Energy Guidelines (BirdLife South Africa, 2017) highlight that avifaunal sensitivity is influenced by habitat features such as wetlands, roosts, and nesting sites. In light of this, we request that the avifaunal specialists clarify which guidelines or references were used to justify the use of a 1 km buffer. White-backed Vultures are highly sensitive to both direct and indirect disturbance (Bamford et al., 2009), and the loss of nesting habitat is a key concern (Murn et al., 2017). Their known use of pylons for nesting further increases their vulnerability to electrocution and underscores the risks posed by this type of infrastructure. The addition of further power line infrastructure in this area could significantly exacerbate these risks.</p> <p>Given the sensitivity of this region, it is important to highlight the risks already posed by existing power lines and to request that these be thoroughly assessed as well. Electrocution and collision with power lines remain among the most severe threats to vultures. The Birds and Solar Energy Guidelines (BirdLife South Africa, 2015) recommend that "Power lines should be checked for signs of bird collisions and electrocutions;</p>	<p>Thank you for your participation and engagement in this process. We can confirm that we have provided Vulpro's comment to the avifaunal specialist who has acknowledged the comment and confirmed that this will be considered and addressed in the impact assessment phase of the environmental process.</p>

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	<p>the findings should be recorded as per post-construction phase mortality reports.”</p> <p>While solar PV facilities generally pose minimal direct risk to vultures, aside from potential loss of foraging habitat, the proximity of this development to Critically Endangered White backed Vulture nesting colonies raises serious concern. Disturbance from construction and associated infrastructure, including increased human activity and noise, could negatively affect breeding success. Given the presence of priority species and the regional significance of these colonies, we request that the avifaunal specialist thoroughly assess these risks, apply appropriate buffers, and ensure that all avifaunal mitigation measures are carefully considered.</p>	
<p>23/07/2025 Via Email Boitshoko Setlhabi</p>	<p>I would like to register as an interested and affected party on the proposed Benya Solar PV project. Please send me all the documentation you can.</p>	<p>I confirm that we have registered you as an interested and affected party for the Benya Solar PV project. The Draft Scoping Report along with all relevant specialist reports are available on our website at www.cape-eaprac.co.za.</p>
<p>12/07/2025 Approval Letter via Email OpenServe</p>	<p>Telkom has analysed the information provided by the Applicant in accordance with the provisions of Section 29(1)(c) of the Act, and specifically the location of the site. Telkom SA hereby grants the Applicant the approval to proceed with the construction of its energy project at the site subject to the following terms and conditions:</p> <ul style="list-style-type: none"> • Take note that the findings made by Telkom are based on simulation and calculated on a theoretical model, using available data and assumptions where no data was provided. Therefore, such findings may change at any time should any further information be made available to or come to Telkom’s attention. 	<p>I hereby kindly acknowledge receipt of the response letter from OpenServe for the proposed Benya Solar PV development in the Limpopo Province dated 12 July 2025 on behalf of the Applicant. Thank you very much for the feedback provided. PNE South Africa (formerly WKN Windcurrent SA) acknowledge that Telkom SA has granted approval to proceed with the construction of the energy project and will ensure that the terms and conditions are adhered to.</p>

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	<ul style="list-style-type: none"> • At any time after the approval, and during construction of the project, should any radio transmissions be affected by construction activities, Telkom will give the Applicant 30 (thirty) days' written notice to minimise or reduce and/or remove the cause of the interference. Under no circumstances will Telkom be liable to the Applicant or any other third party for any damages, of any nature whatsoever, suffered as a consequence of the aforementioned request. • Construction activities underneath, along, across or within close proximity to Telkom infrastructure must comply to the applicable Telkom guidelines relating to clearances between equipment and the proposed construction activity. Furthermore, the Applicant must strictly adhere to and all installations must be fully compliant with the Occupational Health and Safety Act, 1993 (Act 85 of 1993). • This approval is further subject to the submitted application's boundaries or structures listed in annexure 1 below, the materials used as well as the size and positioning of structures declared in the application. If any radio system is compromised by a deviation of this submission and the deviation cannot be reversed, the Applicant shall be liable for the cost to re-establish or relocate the service and under no circumstances will Telkom be liable to the Applicant or any other third party for any damages, of any nature whatsoever, suffered as a consequence. • This approval is valid and applicable to and between Telkom and the Applicant. It does not include approval by other electronic communication operators that have a co-sharing agreement for use on Telkom radio masts. 	

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	<ul style="list-style-type: none"> • Any additions, amendments, additional structures to be built or change to the energy farm boundaries will require a fresh application to Telkom. • The validity of this approval is for a period of 12 (twelve) months. If construction of the designed project commences after the expiry of the twelve month period, the application must be re-submitted to Telkom for evaluation and approval. • This approval does not imply any right of access to Telkom property or use of Telkom's access roads for construction or maintenance of the design project. Permission must be obtained from Telkom in this regard. Furthermore Telkom reserves the right to claim damages in terms of Section 108 of the Post Office Act No. 44 of 1958, for any loss sustained as a result of damage to our electronic communications infrastructure. • the Applicant shall, in the carrying out of any work or project take all necessary precautions for the safety of Telkom's employees, contractors, representatives and its property including the radio links on or near the Site against damages as result of construction of the Applicant's energy project. the Applicant shall be liable for all and any direct and / or indirect, and / or consequential damages or injury that may be caused by the Applicant, its contractors, subcontractors, employees or representatives to any employee, contractor, representative or property of Telkom including radio links or land which may have been disturbed. • Any work in connection with the construction of the Applicant's energy project shall be carried out by the Applicant, in such a way as to avoid any possible loss or inconvenience to the 	

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	<p>Telkom, its customers or the public, and on completion of such work, any property of Telkom, including radio links or land which may have been disturbed shall be restored to the same condition which it was in before commencement of the construction of energy project.</p> <ul style="list-style-type: none"> In no event will Telkom, its employees, contractors, subcontractors or representatives be liable to the Applicant or anyone else for special, collateral, exemplary, direct, indirect, incidental, consequential or any other damages (including without limitation, loss of goodwill, loss of profits or revenues, loss of savings, loss of use, interruptions of business, and claims of the Applicant or injury) whether or not such damages or injury occurred prior or subsequent to, or are alleged as a result of any Telkom radio links approved and/or not approved in terms of this letter or as result of delict, even if Telkom SA has been advised of the possibility of such damages or injury. 	
COMMENTS RECEIVED PRIOR TO SUBMISSION OF THE DRAFT SCOPING REPORT		
<p>27/06/2025 Via Online Website Registration Poon Liebenberg</p>	<p>Registration only.</p>	<p>Thank you very much for your online registration for the proposed Benya Solar PV project. Your contact details have been added to the stakeholder register for this project and we will be sure to keep you updated throughout the environmental authorisation application process. Should you have any comments on the Draft Scoping Report, kindly provide these in writing to Cape EAPrac by no later than 29 July 2025.</p>
<p>08/05/2025 Via Online Website Registration Andrew Webb</p>	<p>As the Owner of Farm Bloemhof KP 201 Dwaalboom I am an interested & Affected Party</p>	<p>Thank you very much for your online registration for the proposed Benya Solar PV project. Your contact details have been added to the stakeholder register for this project and we will be sure to keep you updated throughout the environmental authorisation application process.</p>

Date of comment, format of comment, name of organization/I&AP	Comment	Response from EAP
<p>08/05/2025 Via Email Drikus Verster</p>	<p>Will you please register the following person/company as an interested/affected party for the project in Dwaalboom area. On Farm 198 & Farm216 Will you please forward the full scope and EIA Process when it is ready?</p>	<p>I confirm that we have registered Mr Drickus Verster from A Verster Properties (as per the above email) as an Interested and Affected Party for the proposed Benya PV. We will notify both yourself and Mr Verster via email once the Draft Scoping report is completed and available for review and comment.</p>
<p>08/05/2025 Via Email Riaan Cilliers</p>	<p>I would like to register as an interested/affected party for the project in Dwaalboom area. On Farm 198 & Farm216 Will you please forward me the full scope and EIA Process?</p>	<p>Thank you for your registration. I confirm that I have registered you as an interested and affected party for the project. We will notify you via email once the draft scoping report is completed and available for review and comment.</p>
<p>07/05/2025 Via Online Website Registration Brian Webb</p>	<p>Please register me as an interested & affected party in relation to the proposed Benya Solar PV and Electrical Grid Connection project and advise where I can access the Draft Scoping & Environmental Impact Assessment.</p>	<p>Thank you for your online registration for the proposed Benya PV Project and associated Grid Connection (Powerline). I confirm that I have registered you as an interested and affected party. We will notify you once the Draft Scoping Report is completed and available for review and comment.</p>
<p>15/03/2025 Via Online Website Registration Motshewa Matimolane</p>	<p>Registration only.</p>	<p>Thank you very much for your online registration for the proposed Benya Solar PV project. Your contact details have been added to the stakeholder register for this project and we will be sure to keep you updated throughout the environmental authorisation application process.</p>
<p>11/02/2025 Via Online Website Registration Peter Smith</p>	<p>Registration only.</p>	<p>Thank you very much for your online registration for the proposed Benya Solar PV project. Your contact details have been added to the stakeholder register for this project and we will be sure to keep you updated throughout the environmental authorisation application process.</p>
<p>31/01/2025 Via Online Website Registration David Nunez</p>	<p>Registration only.</p>	<p>Thank you very much for your online registration for the proposed Benya Solar PV project. Your contact details have been added to the stakeholder register for this project and we will be sure to keep you updated throughout the environmental authorisation application process.</p>

