APPENDIX I

COMMENTS AND RESPONSES REPORT

PROPOSED GROOTVLEI 600MW SOLAR PV PLANT, BESS AND GRID CONNECTION, NEAR VENTERSDORP, DR KENNETH KAUNDA AND NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITIES, NORTH WEST PROVINCE

COMMENTS AND RESPONSES REPORT

DRAFT EIA REPORT

NOVEMBER 2026



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1 INTRODUCTION

Nemai Consulting was appointed by LTM Green Energies (Pty) Ltd (the "Applicant"), to conduct the Environmental Impact Assessment (EIA) for the **Proposed Grootvlei 600MW Solar PV Plant, Battery Energy Supply System (BESS) and Grid Connection, near Ventersdorp, Dr Kenneth Kaunda and Ngaka Modiri Molema District Municipalities, North West Province** (the "Project").

The South African Government ratified the Paris Agreement in 2016, thereby demonstrating the country's commitment to contributing to the global effort to address climate change. Electricity generation sources need to be diversified to ensure security of supply and reduce the carbon footprint created by South Africa's (SA) current heavy reliance on coal for electricity production. Electricity demand is increasing in SA, and to meet that demand, there is a need to supply a diversified power generation mix that includes renewable energy technologies.

On 13 December 2023, the Applicant received Environmental Authorisation (EA) for the development of the Grootvlei 600MW Solar Plant, BESS and Grid Connection Project (DFFE Reference Number: 14/12/16/3/3/2/2386). Upon optimising the layout plan for the Proposed Grootvlei 600MW Solar PV Plant, BESS, and Grid Connection near Ventersdorp, North West Province, the Applicant determined that the previously secured land would be insufficient to accommodate the planned power capacity. To avoid incremental decision-making, as guided by DFFE, the Applicant applied to amend the existing EA to lapse. The amendment was granted on 07 April 2026 (DFFE Reference Number: 14/12/16/3/3/2/2386/AM1). The Applicant is now applying for an EA for the entire Project site, including the originally authorised site and the expansion area.

The Applicant intends to bid for the current and future Renewable Energy Independent Power Producer Procurement Programme (REIPPPP) bid windows and/or other renewable energy markets within SA.

2 SCOPING AND ENVIRONMENTAL IMPACT REPORTING PROCESS

An Application for Environmental Authorisation is being undertaken for the proposed Project according to the process prescribed in the EIA Regulations of 2014, published under Government Notice (GN) No. 982 in Gazette No. 38282 of 4 December 2014 and amended by GN 326 of 7 April 2017 published in Gazette No. 40772 (the "EIA Regulations"). The EIA Regulations were promulgated in terms of the NEMA. In terms of the NEMA, the lead decision-making authority for the environmental assessment is the Department of Forestry, Fisheries and the Environment (DFFE).

Based on the types of activities involved, the requisite environmental assessment for the Project is a Scoping and Environmental Impact Reporting (S&EIR) Process.

Nemai Consulting was appointed by the Applicant's Environmental Specialist, on behalf of the Applicant, as the independent Environmental Assessment Practitioner (EAP) to undertake the S&EIR Process for the proposed Project.

3 COMMENTS AND RESPONSES REPORT

The draft Scoping Report was lodged for public review from 10 July until 11 August 2026. This Comments and Responses Report (CRR) serves to record the comments received from authorities and Interested and Affected Parties (I&APs) during the review of the draft Scoping Report. The CRR also addresses comments received through responses and input from the Applicant, technical team, EAP, and environmental specialists (as relevant). The CRR will be expanded on as the EIA process progresses, and more comments are received related to the Project.

The following is noted:

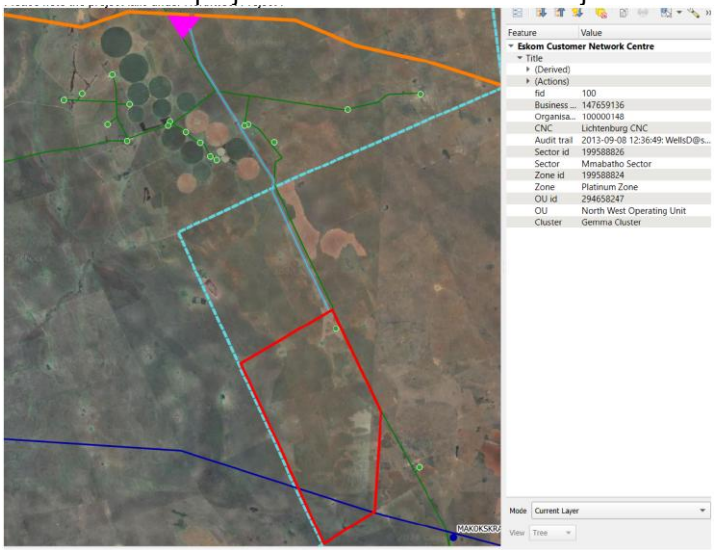
- All written comments received are included verbatim in the CRR.
- In terms of the Protection of Personal Information Act (Act No. 4 of 2013), all contact details of persons provided in the comments received by the I&APs have been redacted.

4 COMMENTS AND RESPONSES – Review of Draft Scoping Report

4.1 Comments Received within the Commenting Period

The draft Scoping Report was lodged for public review from 10 July 2026 until 11 August 2026. The comments received during this review period are captured below.

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
1.	Can you kindly register me as an I&AP for the above-mentioned project? I believe the original EA 14/12/16/3/3/2/2386 has been amended to lapse its validity and the EA process is starting from scratch. Can you please send a copy of 14/12/16/3/3/2/2386/AM1?	D. Nunez – Executive Director, Sirius Power South Africa	Email (08/07/2026)	EAP – Nemai Consulting	The I&AP database was updated accordingly, and the amended EA was shared.
2.	I saw reference to a project called Damara 1 (240MW Solar + 960MWh BESS) on page 29 of the scoping report but I never found any info in the public domain. Was the EA ever granted?	D. Nunez – Executive Director, Sirius Power South Africa	Email (08/07/2026)	EAP – Nemai Consulting	The reference to this Project was in the Candidate EAPs list of selected experience in Table 5 of the Scoping Report. The Damara 1 Project itself is not relevant to this Project.
3.	Please be advised that an application needs to be lodged in terms of the Subdivision of Agricultural Land Act, Act 70 of 1970.	B. Tshikalange – National Department of Agriculture	Email (09/07/2026)	EAP – Nemai Consulting	The requirement to obtain approval in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970) is acknowledged. Where required, the necessary applications and approvals will be obtained from the relevant authority in accordance with the applicable legislative requirements.
4.	Your wayleave application with project reference number 10820 dated 09 July 2026 has reference. Transnet Pipelines, a division of Transnet SOC Limited, is not affected by the proposal.	T Hadebe – Transnet Pipelines	Email (10/07/2026)	EAP – Nemai Consulting	It is noted that Transnet Pipelines is not affected by the Project.

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
	Your awareness of the existence of Transnet's pipeline servitudes and concern for their integrity is highly appreciated. This authorisation shall be valid for 48 months from the date – 10 July 2026.				
5.	Please forward the locality plan in both pdf and kmz file for the proposed project.	D. Monatisa – Eskom	Email (10/07/2026)	EAP – Nemai Consulting	We provided the spatial data for the Project site to Eskom and referred to Appendix A of the Scoping Report, which contains all Locality Maps.
6.	Please note the project falls under Northwest Project. 	D. Monatisa – Eskom	Email (13/07/2026)	EAP – Nemai Consulting	It is noted that the Project falls under Eskom Northwest Projects.
7.	Kindly note that TRIM will not be affected.	B. Mlungu – Transnet Freight Rail	Email (15/07/2026)	EAP – Nemai Consulting	It is noted that TRIM is not affected by the Project.
8.	RE: Department of Forestry, Fisheries and the Environment Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation on the 6th of July 2026 for review and comment on the project mentioned in the subject line. Kindly note that the project has been allocated to Ms M Rabothata and Ms Khuliso Khomari (Copied in this email).	K. Khomari – Directorate: Biodiversity Conservation Sub-Directorate: Policy	Email (31/07/2026)	EAP – Nemai Consulting	It is noted that the application has been allocated to Ms M Rabothata and Ms Khuliso Khomari.

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
	Note, all Public Participation Process documents related to Biodiversity EIA review and Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation by email: [redacted] for attention of Mr Seoka Lekota.	Development Mainstreaming EIA			
9.	RE: Department of Forestry, Fisheries and the Environment Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation on the 9th of July 2026 for review and comment on the project mentioned in the subject line. Kindly note that the project has been allocated to Ms P Makitla and Mr Mthokozese Nsizwane (Copied in this email). Note, all Public Participation Process documents related to Biodiversity EIA review and Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation by email: [redacted] for attention of Mr Seoka Lekota.	K. Khomari – Directorate: Biodiversity Conservation Sub-Directorate: Policy Development Mainstreaming EIA	Email (31/07/2026)	EAP – Nemai Consulting	It is noted that the application has been allocated to Ms P Makitla and Mr Mthokozese Nsizwane.
10.	Please find the attached (letter and sketch) application for the proposed Grootvlei 600MV Solar Plant.	N. Gobeni	Email (06/08/2026)	EAP – Nemai Consulting	It is noted that Eskom Distribution has no objection to the proposed development, subject to compliance with the conditions and requirements contained in its correspondence. The proposed development may affect existing Eskom infrastructure, including the Makokskraal Rural / Omega 1 11kV Feeder Overhead Line and the Whites Lichtenburg / Ventersdorp Municipal 88kV Feeder Overhead Line. Eskom infrastructure, servitudes, clearance requirements, safety requirements and associated restrictions will be respected throughout the planning, construction, operation and decommissioning phases of the Project. Applicable
11.	**PROPOSED GROOTVLEI 600MW SOLAR PV PLANT, BESS AND GRID CONNECTION, NEAR VENTERSDORP, DR KENNETH KAUNDA AND NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITIES, NORTH-WEST PROVINCE** **Your Ref: TBC** **Our Ref: NWOU-259-2026** We refer to your email dated 13/07/2026. This application affects our Eskom North-West Operating Unit. The following Eskom infrastructures are affected: MAKOKSKRAAL RURAL / OMEGA 1 11KV FEEDER MV OVERHEAD LINE WHITES LICHTENBURG / VENTERSDORP MUNIC 1 88KV FEEDER HV OVERHEAD LINE Eskom Distribution will raise no objection to the proposed application, provided Eskom's rights and services are	O.F.M. Moiloe – Land and Rights Manager, Eskom	Letter (06/08/2026)		

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
	acknowledged and always respected. **The response is for EIA process, a wayleave and blasting application to be submitted separately.** 1. There is 9 metres building and tree restriction on either side of the centre line of the 11 kV power lines, which must be adhered to in all future developments. No construction work may be executed closer than 9 meters from any of Eskom's structures and or supporting mechanisms. 2. There is 15.5 metres building and tree restriction on either side of the centre line of the 88 kV power lines, which must be adhered to in all future developments. No construction work may be executed closer than 15.5 meters from any of Eskom's structures and or supporting mechanisms. 3. Eskom Distribution's services and equipment must be always acknowledged and may not be tampered or interfered with. 4. All work within Eskom Distribution reserve area and servitudes must be done in accordance with the requirements of the Occupational Health and Safety Act No.85 of 1993 as amended. Special attention must be given to the clearances between Eskom's conductors, structures, cables and electrical apparatus and the proposed work as stipulated by Regulation R15 of the Electrical Installations Regulations of the afore mentioned Act or any other legal requirement 5. The Applicants and Eskom's cables must be placed in sleeves encased in concrete across the width of the servitude, at the applicant's expense where frequent excavations occur in the cable area. 6. Eskom Distribution shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether because of the encroachment or of the use of the area where Eskom Distribution has its services, by the applicant, his/her agent, contractors, Employees, successors in title and assigns. 7. The applicant indemnifies Eskom against loss, claims or damages including claims pertaining to interference with Eskom Distribution services or apparatus or otherwise. The applicant's attention is drawn to section 27(3) of the Electricity				requirements will be incorporated into the Environmental Management Programme (EMPr), where relevant. It is further noted that any wayleave application and blasting application (should blasting be required) must be submitted separately to Eskom and that the relevant approvals must be obtained prior to commencement of the applicable activities. Eskom's comments, recommendations and conditions will be considered during the EIA Phase and incorporated into the EMPr, where applicable.

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	Act 1987, as amended in 1994, which stipulates that the applicant can be fined and/or imprisoned as a result of damage to Eskom's apparatus. 8. No mechanical equipment, including mechanical excavators, high lifting machinery and drilling equipment, may be used within Eskom's reserve area, or within close proximity of Eskom's services and equipment, without prior permission in writing and supervision of Eskom's authorised area manager for the NWOU Technical Service Centre Area Manager; SIFISO MAPHALALA- [redacted] 9. Permission must be obtained at least 14 (fourteen) working days prior to the commencement of any work within the reserve area. 10. Eskom Distribution shall always have unobstructed access to and egress from its services. 11. It will be required of the applicant to familiarise him/herself with all safety hazards related to electrical plant. 12. Eskom's consent will not relieve the applicant from obtaining the necessary statutory, landowner or municipal approvals. (Eskom is not the landowner). 13. Any third-party servitudes encroaching on Eskom servitudes shall have to be registered against the property at the applicant's own cost. 14. The ineffective management and handling of waste is of crucial importance. No dumping shall be allowed within Eskom Distribution Servitudes. All unwanted waste (gaseous, liquid or solids) should be disposed of at a registered waste disposal site as stipulated under Section 20 of the Environmental Conservation Act (Act 73 of 1989). 15. No blasting is permitted. If blasting is needed, an additional application is to be lodged with Eskom Distribution. 16. Any development, which necessitates the relocation of our services, will be to the account of the developer. For the relocation of any services, please contact Eskom Customer Services at Eskom Contact Centre: [redacted] 17. Eskom will recover costs from the applicant where any damages of Eskom assets and or any penalties suffered by				

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	Eskom occur. Should the applicant or his contractor damage any of Eskom services during commencement of any work whatsoever, then Eskom's 24-hour Contact Centre Tel: [redacted] must be notified immediately to report the incident.				
12.	COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED GROOTVLEI 600MW SOLAR PV PLANT, BESS AND GRID CONNECTION NEAR VENTERSDORP, DR KENNETH KAUNDA AND NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITIES, NORTH WEST PROVINCE The Application for Environmental Authorisation and the draft Scoping Report (SR) date July 2026 and received by the Department on 09 July 2026, refer. This letter serves to inform you that the following information must be included in the final SR : (a) Specific Comments (i) The final SR must identify all shared infrastructure associated with the proposed developments, including but not limited to roads, substations, powerlines, switching stations, water supply infrastructure and laydown areas, and indicate how such infrastructure will be assessed during the EIA phase. (ii) The impact assessment methodology must include an assessment of whether the proposed split may result in the duplication, fragmentation or avoidance of environmental management, monitoring, mitigation, rehabilitation or closure obligations. (iii) The final SR must indicate how layout maps, environmental sensitivity maps and specialist assessments will assess the Grootvlei SEF and Grootvlei EGI independently. (iv) The description of the proposed EGI is insufficient. The final SR must provide the approximate length of the proposed powerline alternative, the associated servitude width and disturbance footprint, as well as a list of all farms and cadastral properties traversed by the EGI corridor.	S. Malaza – Chief Director: Integrated Environmental Authorisations, DFFE Signed by C. Agenbach – Deputy Director: Priority Infrastructure Projects, DFFE	Letter through the National Environmental Authorisation System (NEAS) (06/08/2026)	EAP – Nemai Consulting	(i) Section 9 of the Draft and Final Scoping Report contains the Project Description, including the proposed development and associated infrastructure. Figure 9 illustrates the preliminary Project Layout and the location of the associated infrastructure, while Table 5 provides an overview of the technical details of the proposed Project, including the associated infrastructure. The associated infrastructure, including internal access roads, substations, powerlines, water supply infrastructure, laydown areas and other ancillary infrastructure, forms part of the proposed development and will be assessed as part of the EIA process. The specialist studies and impact assessment undertaken during the EIA Phase will assess the potential impacts associated with all Project components and associated infrastructure, with the findings to be presented in the EIA Report. (ii) Comment noted. The proposed Solar PV Facility, BESS and associated grid connection infrastructure form part of a single Environmental Authorisation

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	This information must be reflected in the project description and carried through to the specialist studies and impact assessment process. (v) The Plan of Study for EIA must clearly define the methodology and study area for the cumulative impact assessment for each specialist discipline. The cumulative assessment must be undertaken per impact pathway and environmental receptor and not merely per project. (vi) The terms of reference for the specialist studies must require the assessment of cumulative impacts associated with similar existing and approved developments and infrastructure within the receiving environment. The assessment must distinguish between cumulative impacts associated with the Grootvlei SEF and cumulative impacts associated with the Grootvlei EGI and identify where cumulative effects arise from the interaction of both developments.				application and are not being assessed through separate SEF and EGI applications. The Grid Connection infrastructure is included in the Project Description and Project Layout and will be assessed as part of the integrated EIA process. As such, no proposed split could result in duplication, fragmentation, or avoidance of environmental management, monitoring, mitigation, rehabilitation, or closure obligations. (iii) Refer to response (ii) above (iv) The approximate length of the proposed grid connection infrastructure is provided in Table 7 of the Draft and Final Scoping Report. Table 2 of the Draft and Final Scoping Report provides details of the affected farms and cadastral properties, including those traversed by the proposed powerline corridor. In response to the comment, Table 7 of the Final Scoping Report includes the servitude width of the proposed powerline corridor. The grid connection infrastructure forms part of the proposed development and will be assessed as part of the EIA process. The specialist studies and impact assessment will consider the powerline corridor, associated servitudes, and disturbance footprint in assessing

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					the potential environmental impacts of the proposed development. (v) The Plan of Study for EIA has been updated to clarify the cumulative impact assessment approach that will be applied during the EIA Phase. Relevant specialists will undertake cumulative impact assessments and consider the combined effects of the proposed development together with existing, approved, and reasonably foreseeable developments and infrastructure within the applicable study area. Each specialist discipline will define the cumulative study area based on the environmental receptor being assessed. Cumulative impacts will be assessed using a receptor- and impact pathway-based approach and will not be limited to a project-based assessment. (vi) Refer to the response to (ii) and (v)
13.	(b) Listed Activities (i) Kindly ensure all activities applied for in the Application Form and the final SR are applicable to the proposed development and are quoted correctly as per the EIA Regulations 2014, as amended. (ii) Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description. (iii) The listed activities represented in the SR, and the			EAP – Nemai Consulting	The listed activities contained in the Application Form and the Draft and Final Scoping Report are applicable to the proposed development, have been correctly applied for, and can be directly linked to the project components and associated infrastructure described in the Project Description.

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
	Application Form must be the same and correct. (iv) If the activities applied for in the Application Form differ from those mentioned in the final SR, an amended Application Form must be submitted. (v) Please note that the Department's application form template can be downloaded from the following link https://www.dffe.gov.za/documents/forms.				The listed activities reflected in the Application Form and the Final Scoping Report are consistent, and no amendments to the listed activities were required between the Draft and Final Scoping Report. The official DFFE Application Form template was used to submit the Application Form. As no changes to the listed activities were required, no amendments to the Application Form have been necessary.
14.	(c) Layout & Sensitivity Maps (i) The final SR must provide coordinate points for the proposed development sites (note that if the sites has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities. (ii) Please provide a layout map which indicates the following: a) PV Panel Array; b) BESS; c) The start, middle and end point of all linear activities to be authorised; d) Electrical reticulation network; e) All supporting onsite infrastructure such as buildings and laydown area etc. f) Location of access and service roads; and g) All existing infrastructure on the site, e.g. power lines. (iii) Please provide an environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process: a) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, conservation areas, drainage lines, nesting and roosting sites, etc. that will be affected; b) Buffer areas; and, c) All "no-go" areas.			EAP – Nemai Consulting	(i) The required coordinates for the proposed development are provided in Section 4.2 of both the Draft and Final Scoping Report. Please refer to Table 3 and Figure 4. (ii) The project layout maps are included in both the Draft and Final Scoping Reports within Appendix A, as well as Figure 4 and Figure 9. These maps illustrate the proposed Solar PV Facility, BESS, grid connection infrastructure, associated access roads and supporting infrastructure. (iii) Environmental sensitivity maps informed by the Specialist Site Sensitivity Verification (SSV) process are included in Appendix A of the Draft and Final Scoping Reports and in Appendix 10 of the Application Form. In addition, Section 11 (Profile of the Receiving Environment) of the

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	(iv) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure. (v) Ensure to include separate maps which shows only the facility and the grid infrastructure layout and sensitivities. (vi) Google maps will not be accepted.				Draft and Final Scoping Reports describes and maps the environmental sensitivities identified through desktop and site-based investigations. Site-specific buffers and no-go areas will be established, where required, during the EIA Phase based on the findings of the specialist assessments and incorporated into the EIA Report. (iv) The project layout has been assessed in relation to the identified environmental sensitivities and existing surrounding infrastructure. The relevant layout and sensitivity maps are provided in Appendix A of the Final Scoping Report. The cumulative assessment of the proposed development in relation to surrounding developments and infrastructure will be undertaken during the EIA Phase and presented in the EIA Report. (v) Refer to the response to (a)(ii). (vi) Google Maps were not utilised in the preparation of the mapping products. The maps were developed using QGIS, with some maps using Google Earth satellite imagery as a basemap for visual reference.
15.	(d) Alternatives (i) Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the			EAP – Nemai Consulting	Section 10 of both the Draft and Final Scoping Report presents the alternatives considered for the proposed development. The section describes the alternatives identified

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	environment and on the community that may be affected by the activity as per Appendix 2 of GN R.982 of 2014 (as amended). (ii) Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.				for the proposed development, including the No-Go Alternative, and discusses the feasibility of the alternatives considered at the Scoping Phase. The section also discusses the potential advantages and disadvantages of the identified alternatives. The identified alternatives and the associated environmental implications will be assessed in further detail during the EIA Phase, and the findings will be presented in the EIA Report.
16.	(e) Public Participation Process (i) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations 2014, as amended. (ii) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final SR. This includes but is not limited to the Provincial Environmental Departments, the Local and District Municipalities, the Heritage Resources Authority, the Department of Mineral Resources and Energy, the Department of Water and Sanitation (DWS), EWT, BirdLife SA, VulPro and the DFFE: Directorate Biodiversity and Conservation at [redacted]. (iii) Please ensure that all issues raised and comments received during the circulation of the draft SR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department's Biodiversity Section), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final SR. (iv) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the			EAP – Nemai Consulting	(i) Refer to Section 12 of the Final Scoping Report, which details the Public Participation Process undertaken in accordance with Regulations 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014 (as amended). (ii) All comments received from stakeholders and organs of state during the public participation process have been submitted with the Final Scoping Report. Refer to: Appendix C: I&AP Database; Appendix G: Proof of Notification; Appendix H: Comments and Responses Report (CRR); and Appendix I: Copies of all comments received. (iii) All comments received during the public participation process have been considered and addressed, where relevant, in this CRR. (iv) Copies of all comments received

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
	final SR and must be incorporated into a Comments and Response Report (CRR). (v) 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. (vi) The CRR report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter. (vii) Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&APs' comments. (viii) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final SR.				from Interested and Affected Parties (I&APs) and organs of state have been incorporated verbatim into the CRR and are included as Appendix I to the Final Scoping Report. (v) Proof of notification and correspondence with stakeholders is included in Appendix G of the Final Scoping Report. Where no comments were received, we provide proof of the notification and consultation undertaken. (vi) The CRR (this report) has been compiled as a separate document in the required tabular format and is included as Appendix H to the Final Scoping Report. (vii) Comments received from I&APs and organs of state have been reproduced verbatim within the CRR (this report) and have been responded to individually. No comments have been summarised. (viii) Interested and Affected Parties were provided with the opportunity to register for and attend a virtual public meeting. No requests to attend the meeting were received and, accordingly, no public meeting was held. Therefore, no meeting minutes or attendance registers were generated.
17.	(f) Specialist Assessments (i) The EAP must ensure that the terms of reference for all the identified specialist studies include the following:			EAP – Nemai Consulting	(i) The Plan of Study for EIA, including the proposed specialist assessments and specialist terms

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
	a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint and all other associated infrastructures that they have assessed and are recommending for authorisation. b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed. c) 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. d) Should the specialist definition of '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. e) Avifauna specialist studies must have support from Birdlife South Africa. f) 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. g) Should a specialist recommend specific mitigation measures, these must be clearly indicated. (ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defendable reasons; and were necessary, include further expertise advice. (iii) Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines. (iv) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental				of reference, is provided in Section 14 of the Draft and Final Scoping Report. The specialist studies to be undertaken during the EIA Phase are outlined in Section 14.4.3 and the terms of reference for the specialist studies is outlined in Section 14 of the Draft and Final Scoping Report. The appointed specialists will undertake their assessments in accordance with the approved terms of reference and applicable legislative requirements. (ii) The findings and recommendations of the specialist studies will be reviewed and integrated into the EIA process. Where differing specialist recommendations are identified, these will be considered, assessed and appropriately addressed within the EIA Report, with supporting motivation provided where necessary. (iii) All specialist assessments and associated mitigation measures will be undertaken and developed in accordance with applicable legislation, protocols, standards and guidelines relevant to the discipline concerned. (iv) The specialist assessments will be undertaken in accordance with the applicable Environmental Impact Assessment Protocols and Environmental Themes requirements, including

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	Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols. (v) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist. (vi) Please also ensure that the final SR includes the Site Verification Report as required by the relevant environmental themes and assessments. (vii) Please note further that the protocols, if applicable, require certain specialists' to be SACNASP registered. Please ensure that the relevant specialist certificates are attached to the relevant reports.				Government Notice No. 320 of 20 March 2020 and Government Notice No. 1150 of 30 October 2020, where applicable. (v) The specialist declarations accompanying the specialist reports will include the relevant registration and/or professional membership details, including registration numbers and status, where applicable. (vi) The required SSV Reports have been included as part of the Scoping Phase documentation and are contained in Appendix F of the Draft and Final Scoping Report. (vii) Where required by the applicable protocols, specialist assessments will be undertaken by suitably qualified and registered specialists. The applicable registrations and supporting documentation will be provided with the specialist reports included in the EIA Report.
18.	(g) Cumulative Assessment (i) A cumulative impact assessment for all identified and assessed impacts must be conducted to indicate the following: a) Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e., hectares of cumulatively transformed land. b) Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into			EAP – Nemai Consulting	(i) Potentially significant environmental issues, including cumulative impacts, have been identified during the Scoping Phase and are presented in Section 13 of the Draft and Final Scoping Report. The Plan of Study for EIA (Section 14) confirms that these impacts will be assessed in greater detail during the EIA Phase through the relevant specialist studies and

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	consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development. d) A cumulative impact environmental statement on whether the proposed development must proceed. (ii) Should there be any other similar infrastructure within a 30km radius of the proposed development site, a cumulative impact assessment for all identified and assessed impacts must be conducted to indicate the above point a to d. (iii) It may be necessary to increase the 30km radius for certain specialist studies e.g. Avifauna to assess the cumulative impact on Critically Endangered Species and other avifaunal Species of Conservation Concern e.g. vultures etc.				impact assessment process. The cumulative impact assessment undertaken as part of the EIA Phase will consider existing, approved and reasonably foreseeable developments and infrastructure within the applicable specialist study area and will include the assessment of cumulative impacts and the effectiveness of proposed mitigation measures. (ii) Existing and proposed renewable energy developments in the surrounding area were identified during the Scoping Phase using the REEA Database and are presented in the Draft and Final Scoping Report (refer to Section 6.6). The cumulative impacts associated with the proposed development and other existing, approved and proposed renewable energy developments identified within the study area will be assessed during the EIA Phase. (iii) The specialist studies will define the appropriate study area based on the environmental receptor being assessed and the nature of the impact being considered. The extent of the cumulative assessment area will be justified within the relevant specialist studies.
19.	(h) General You are further reminded to comply with Regulation 21(1) of the			EAP – Nemai Consulting	The requirements of Regulation 21(1), Regulation 45 and Section 24F of the

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	NEMA EIA Regulations 2014, as amended, which states that: "*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*" You are 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. 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). 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.				National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, are noted. The Final Scoping Report has been prepared in accordance with the requirements of Appendix 2 (refer to Section 2 of the draft and final Scoping Reports for the document Roadmap) and Regulation 21 of the EIA Regulations, 2014 (as amended), and incorporates the comments received during the public participation process, including comments received from the competent authority. The prescribed timeframes associated with the Environmental Authorisation process are acknowledged, and further acknowledged that no listed activities may commence before the competent authority grants an Environmental Authorisation.
20.	PROPOSED GROOTVLEI 600MW SOLAR PV PLANT, BESS AND GRID CONNECTION, NEAR VENTERSDORP, NORTH WEST PROVINCE With boundaries defined hereafter referred to as THE SITE, in accordance with the provisions of Section 29(1) (b) of Electronic Communications Act no. 36 of 2005 ("the Act"). 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: ▪ Take note that the findings made by Telkom are based on	P.K. Mahlangu – Wayleave Management, Open Serve	Email with Letter (07/08/2026)	EAP – Nemai Consulting	The comment and conditions provided by Telkom are noted. It is noted that Telkom has no objection to the proposed development, subject to compliance with the conditions and requirements contained in their correspondence. The Applicant will ensure that Telkom infrastructure, services, servitudes and associated operational requirements are respected throughout the planning, construction,

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	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. ▪ 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 mist 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 revered, 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. ▪ 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)				operation and decommissioning phases of the Project. Where applicable, the relevant clearance requirements, access requirements, safety requirements and infrastructure protection measures will be incorporated into the Environmental Management Programme (EMPr). The Applicant further acknowledges that any amendments to the approved project layout or infrastructure requiring further assessment by Telkom will be communicated to Telkom and the necessary approvals obtained where required. Telkom's recommendations and conditions will be carried forward into the EIA Phase and incorporated into the EMPr, where applicable.

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	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 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. ▪ 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				

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	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.				
21.	***Telephonic Conversation*** *A Telephonic conversation was held with the I&AP and the acknowledgement of receipt of the Application including the draft Scoping Report by DFFE was requested.* **Email:** Please provide an explanation on why the acceptance is in an email format and not in a proper document / letter format from the DFFE? If this is available, please urgently provide us with a copy thereof.	K. Van Zyl – Director, Van Zyl Attorneys inc	Telephonic conversation and email (11/08/2026)	EAP – Nemai Consulting	**Email Response to Telephonic Conversation** Please see the attached acknowledgement of receipt from DFFE, as requested telephonically. **Email Response** Environmental Authorisation Applications to DFFE are submitted through the National Environmental Authorisation System (NEAS) as of April 2026. The system issues a notification of receipt, which serves as proof of submission. The EAP can download it from NEAS or obtain it from the email notification sent to the Registered EAP. Therefore, this acknowledgement of receipt shared is the format used for submissions received through NEAS.
22.	Please find attached our clients' comments on the scoping phase	P. Letebele – Candidate Attorney, Van Zyl Attorneys inc	Email (11/08/2026)	EAP – Nemai Consulting	The comments were received and acknowledged.
23.	RE: COMMENT/OBJECTION – SCOPING PHASE APPLICATION FOR ENVIRONMENTAL AUTHORISATION – S&EIR – FOR PROPOSED GROOTVLEI 600MW SOLAR PV PLANT. BESS AND GRID CONNECTION, DFFE REFERENCE: 14/12/16/3/3/2/2840 1. We hereby enclose the comment/objection report drafted by our office on behalf of interested and affected parties to this	K. Van Zyl – Director, Van Zyl Attorneys inc	Letter (11/08/2026)	EAP – Nemai Consulting	1. The submission received from the legal representatives has been considered as part of the public participation process, and the comments raised have been included in and responded to within this CRR. The Final

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	application a set out in annexure "A". These I&APs are required to be duly registered as I&AP by the EAP and listed as such in the Final Scoping Report 2. We require that this report be attached in its entirety to be attached to the submission made to DFFE with no part thereof being omitted. 3. We request to be provided with a copy of the final submission made to DFFE via email within two (2) weeks after the submission has been made together with an indication of the exact date on which you have made the submission.				Scoping Report includes the Interested and Affected Party database (Appendix C), together with all comments received during the review period (Appendix H). 2. The submission received from the legal representatives has been included in the public participation record and has been attached to the Final Scoping Report in its entirety (Appendix I). All issues raised have been considered and responded to in this Comments and Responses Report. 3. The Final Scoping Report will be uploaded to the Nemai Consulting website (https://nemai.co.za/downloads/) following submission to the Department. Interested and Affected Parties will be able to access the Final Scoping Report and review the manner in which comments received during the public participation process have been addressed.
24.	**A** **INTRODUCTION, MANDATE AND NATURE OF OBJECTION** 1. We act on behalf of the Interested and Affected Parties identified in Annexure "A" hereto and hereby submit their formal comments and objections in respect of the above Environmental Authorisation application. Our clients object both to the granting of Environmental Authorisation and, at this stage of the process, to the acceptance of the Draft Scoping Report and the progression of the application from the Scoping Phase to the Environmental Impact Assessment Phase. 2. Our mandate includes the receipt, perusal and consideration of all documentation forming part of the application and			EAP – Nemai Consulting	The objections and concerns raised by the Interested and Affected Parties and their legal representatives are acknowledged. The purpose of the Scoping Phase is to identify the potential environmental issues, alternatives, opportunities and constraints associated with the proposed development and to define the scope of investigations to be undertaken during the EIA Phase.

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	environmental assessment process, the identification of substantive and procedural deficiencies therein, and the preparation and submission of comments, representations and objections on behalf of our clients. 3. For the avoidance of doubt, although we are duly authorised to submit these written representations on behalf of our clients, our appointment does not relieve the Environmental Assessment Practitioner of the obligation to engage directly, meaningfully and appropriately with registered Interested and Affected Parties as part of the Public Participation Process. Unless separately and expressly authorised, we do not purport to substitute ourselves for our clients in respect of any consultation, meeting, site engagement or other participatory process that ought properly to be conducted with them directly. 4. A schedule of the Interested and Affected Parties represented by our office is attached hereto as Annexure "A". Where any represented Interested and Affected Party is a juristic person, trust, association or other collective body, our mandate extends to such entity and, where specifically authorised, to the relevant directors, trustees, office bearers or members concerned. 5. Our clients are materially and directly affected by the proposed development. Through their agricultural operations, ownership and occupation of land, dependence upon natural resources, participation in local community structures and involvement in the regional economy, they have substantial and legitimate interests in the sustainable management of land, the protection of agricultural production, the conservation and security of water resources, the preservation of environmental integrity and the long-term socio-economic stability of the affected area. 6. Our clients accordingly object to the granting of Environmental Authorisation and, more immediately, to the acceptance of the Draft Scoping Report and the Applicant being permitted to proceed to the Environmental Impact Assessment Phase on the strength of the present Scoping Report and Plan of Study for EIA. The objections arise from extensive procedural, substantive, legislative, environmental, technical and evidentiary deficiencies which, individually and cumulatively,				The Applicant and EAP are of the opinion that the Draft Scoping Report complies with the requirements of Appendix 2 of the EIA Regulations, 2014 (as amended). All comments received during the public participation process have been considered and are responded to individually within this Comments and Responses Report. Where appropriate, amendments have been made to the Final Scoping Report and matters requiring further investigation will be carried forward into the EIA Phase in accordance with the approved Plan of Study for EIA. The detailed comments and objections raised in the submission are addressed under the relevant sections of this Comments and Responses Report.

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	render the present Scoping process inadequate for informed decision making. 7. The objection is not directed at renewable energy development as a category. Our clients recognise the importance of renewable energy within South Africa's energy transition. The question before the competent authority is materially narrower and more exacting: whether this particular application, by this Applicant, on this site, at this scale, with this development footprint, grid connection, alternatives assessment, public participation process and evidentiary record, complies with the requirements of the National Environmental Management Act 107 of 1998 ("NEMA") and the Environmental Impact Assessment Regulations, 2014, as amended ("EIA Regulations"). 8. NEMA requires environmental decision making to be informed by a proper identification and assessment of environmental impacts, socio economic consequences, risks, alternatives, cumulative effects and appropriate mitigation measures. It further requires meaningful public participation and the consideration of the interests, needs and values of affected persons before decisions having potentially significant environmental consequences are taken. The environmental assessment process cannot lawfully be reduced to the subsequent mitigation of a development whose location, scale and essential characteristics have effectively already been predetermined. 9. At the Scoping stage, Regulation 21(3) requires the Scoping Report to contain the information prescribed by Appendix 2, subject to any applicable gazetted protocol or prescribed minimum information requirement. Regulation 22 does not confer an unrestricted discretion upon the competent authority to permit an incomplete Scoping process to advance merely because outstanding matters may potentially be addressed during the EIA Phase. The Scoping Report must first substantially comply with the requirements applicable to the Scoping stage and must be capable of fulfilling the statutory purpose of Scoping. 10. The Interested and Affected Parties recognise the important				

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	distinction between matters that are properly capable of further investigation during the EIA Phase and matters which Appendix 2 requires to have been addressed during Scoping. Appendix 2 does not require every final specialist report contemplated by Appendix 6 or an applicable specialist protocol to have been completed before the conclusion of Scoping. Regulation 23 expressly contemplates that specialist reports may accompany the subsequent EIA Report. Detailed specialist impact assessment may therefore, where appropriate, occur during the EIA Phase. 11. That distinction does not, however, permit matters which are integral to the Scoping enquiry itself to be postponed. Matters which Appendix 2 requires the Scoping Report to identify, consider, assess or conclude cannot simply be deferred to the EIA Phase on the basis that further information will become available later. 12. This distinction is particularly material in the present application. The Applicant's own Appendix 2 compliance roadmap records that substantive requirements associated with paragraphs 2(1)(g)(v), 2(1)(g)(vii), 2(1)(g)(viii), 2(1)(g)(ix) and 2(1)(g)(xi) will only be investigated further or reported upon during the EIA Phase. These requirements concern, amongst other matters, the impacts and risks informing the assessment of alternatives, the positive and negative impacts of the activity and alternatives, possible mitigation measures and residual risk, the outcome of the site selection process and the concluding identification of the preferred alternative and preferred location. These are not merely final specialist deliverables. They lie at the heart of the Scoping exercise itself. 13. The deficiencies identified above do not arise in isolation. They are compounded by, amongst other matters, serious concerns regarding the adequacy of the Public Participation Process; the apparent failure to demonstrate the proper identification and written notification of adjacent landowners; the non receipt of written notices by Interested and Affected Parties represented herein; the existence of prior contractual rights in favour of EDF Renewables which do not appear to have been identified				

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	or meaningfully considered; unresolved questions concerning site, layout, capacity and grid connection alternatives; significant and, in certain instances, very high environmental sensitivities; specialist investigations undertaken before a settled detailed development layout was available; incomplete or potentially inconsistent specialist study coverage; uncertainty concerning the proposed 400/132 kV Main Transmission Substation and the 275 kV grid connection; and numerous material inconsistencies within the application documentation. 14. Those inconsistencies extend, amongst other matters, to the identity and description of the Applicant, the extent of the Project area, geographic coordinates, municipal jurisdiction, the length and configuration of the grid connection, stated generation and connection capacities, BESS technology and configuration, the status and maturity of the Project layout, environmental sensitivity classifications, dates and extent of public participation, and other matters material to an Interested and Affected Party's ability to understand, interrogate and meaningfully comment upon the development presently proposed. 15. The cumulative effect of these shortcomings is not merely technical or administrative. They affect the reliability of the Scoping Report as the instrument upon which the competent authority is required to determine whether the environmental issues have been sufficiently identified, whether the appropriate alternatives and investigations have been scoped, whether Interested and Affected Parties have been afforded a meaningful opportunity to participate, and whether the application is sufficiently coherent and mature to proceed to detailed impact assessment. 16. In the circumstances, the Interested and Affected Parties respectfully submit that the Draft Scoping Report does not presently provide an adequate or sufficiently reliable foundation for progression to the EIA Phase. 17. The Interested and Affected Parties accordingly request that the Department of Forestry, Fisheries and the Environment decline to accept the Scoping Report in its present form and				

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<tr><td></td><td>not permit the Applicant to proceed to the EIA Phase unless and until the material deficiencies identified in these representations have been properly addressed, the necessary information has been disclosed, and the Scoping process has been brought into substantive compliance with NEMA, the EIA Regulations and the applicable statutory requirements.</td><td></td><td></td><td></td><td></td></tr>
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PROCEDURAL HISTORY, PREVIOUS ENVIRONMENTAL AUTHORISATION AND THE PRESENT APPLICATION
18. The procedural history of the Project is material to the proper assessment of the present application. The current development did not originate as an entirely new proposal. Environmental Authorisation had previously been granted for a substantially smaller project footprint. Thereafter, following further optimisation of the proposed development, the Applicant determined that the land originally secured was insufficient to accommodate the intended generation capacity while avoiding identified environmental constraints, including wetlands. The Applicant consequently elected to pursue the lapsing of the previous Environmental Authorisation and to initiate a new environmental authorisation process encompassing both the previously authorised area and the substantial expansion thereof.
19. This history is significant for a further reason. The available documentation indicates that material aspects of the present Project, including its footprint, layout and associated infrastructure, continued to evolve while Site Sensitivity Verification and other specialist investigations were already being undertaken. The chronology therefore raises a legitimate question as to whether each specialist was assessing the same development that is presently placed before Interested and Affected Parties, and whether the specialists had been provided with a sufficiently settled and detailed layout when their respective investigations and conclusions were undertaken.
<table><tr><th>Date</th><th>Event and significance</th></tr><tr><td>13 December 2023</td><td>Environmental Authorisation was granted for the earlier</td></tr></table></td><td></td><td></td><td>EAP – Nemai Consulting</td><td>It is acknowledged that Environmental Authorisation was previously granted for a smaller iteration of the proposed development and that the Applicant subsequently elected to allow that Environmental Authorisation to lapse and undertake a new S&EIR process for the revised project footprint. As described in the Project Background and Motivation (Section 3) and Alternatives (Section 10) of the Scoping Report, the current application is being assessed as a new environmental authorisation process for the entirety of the proposed development footprint, including the Solar PV Facility, BESS, associated infrastructure and grid connection infrastructure. No portion of the current application is excluded from assessment on the basis of the previous authorisation.

The concern regarding the relationship between the project layout and specialist investigations is noted. Section 10.3 of the Scoping Report explains that the Specialist Site Sensitivity Verification process was undertaken to identify environmental sensitivities and constraints within the overall project</td></tr>
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		Grootvlei project under DFFE reference 14/12/16/3/3/2/2386.				area. The findings of these assessments informed the optimisation of the project layout and the avoidance of environmentally sensitive features. The project boundary assessed during the Scoping Phase remained consistent throughout the SSV process, while subsequent mapping refinements reflected layout optimisation and report development. The EIA Phase specialist studies will assess the proposed development footprint and associated infrastructure in greater detail in accordance with the Plan of Study for EIA. The concern regarding public participation is noted. The public participation process undertaken for the current application is described in Section 12 of the Draft and Final Scoping Report. Supporting notification material (Appendix G), the Interested and Affected Party database (Appendix C) and proof of notification (Appendix G) are included in the appendices to the final Scoping report. The Draft Scoping Report was made available for public review from 10 July 2026 to 11 August 2026 and comments received during this period have been considered and responded to in this Comments and Responses Report. With regard to the project schedule and dates reflected in the Scoping
		Following the previous Environmental Authorisation	Further optimisation of the development resulted in the Applicant concluding that the land originally secured was insufficient to accommodate the intended generation capacity, particularly while avoiding environmental constraints identified within the footprint. The development concept was consequently enlarged.			
		Thereafter	The Applicant applied for the existing Environmental Authorisation to lapse and elected to undertake a new environmental authorisation process for the complete revised Project, including the originally authorised area and the additional expansion area.			
		7 April 2026	The amendment associated with the lapsing of the previous Environmental Authorisation was granted under DFFE reference 14/12/16/3/3/2/2386/AM1.			
		April to May 2026	Material Site Sensitivity Verification and preliminary specialist investigations were undertaken, including aquatic, terrestrial, agricultural and heritage			

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		related work.				Report, the indicative S&EIR programme included in the report (Table 14) was intended as a project planning tool and was expressly noted as being subject to change as the process progressed. The public review period undertaken for the Draft Scoping Report was from 10 July 2026 to 11 August 2026 as reflected throughout the public participation documentation and notifications. The Scoping Phase is intended to identify environmental issues, opportunities, constraints and alternatives that require further investigation. The potentially significant environmental issues identified during the Scoping Phase are presented in Section 13 of the Scoping Report, while the specialist studies, investigations and assessments to be undertaken during the EIA Phase are outlined in the Plan of Study for EIA (Section 14). The EIA Phase will therefore provide a detailed assessment of identified environmental impacts, cumulative impacts, mitigation measures and the acceptability of the proposed development and alternatives.
		18 May 2026 onward	Project mapping continued to be prepared and revised.			
		19 June 2026	A client review version of the Draft Scoping Report existed while aspects of the mapping and supporting Project documentation were apparently still being developed or refined.			
		25 June 2026	The EAP oath included in the application documentation was signed before commencement of the public review period reflected in the principal public participation section of the Draft Scoping Report.			
		30 June 2026	The consolidated Site Sensitivity Verification documentation bears a late June 2026 reference date.			
		2 July 2026	Project mapping was still being updated.			
		3 July to 4 August 2026	Table 14 of the Draft Scoping Report records this period as the Scoping Report review period.			
		10 July to 11 August 2026	The document amendment history and substantive public participation section of the Draft Scoping Report instead record this period as the public review period.			
		8 August 2026	The attorneys preparing these objections received instructions to oppose acceptance of the Draft			

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	Scoping Report and progression of the application to the EIA Phase.
11 August 2026	Material information concerning prior contractual rights in favour of EDF Renewables was furnished to the attorneys and was raised at the earliest reasonably practicable opportunity.

20. The represented Interested and Affected Parties who are affected landowners specifically record that they were not aware that the previous Environmental Authorisation had been granted and that none of them recalls receiving written notification providing access to the decision and reasons contemplated in Regulation 4(2) of the EIA Regulations.
21. Regulation 4(2) requires an applicant, within 14 days of the competent authority's decision, to ensure that all registered Interested and Affected Parties are provided with access to the decision and the reasons therefor and are informed that an appeal may be lodged against the decision. Regulation 24(3), in relation to an S&EIR application, expressly invokes Regulation 4(2). Regulation 33(2) similarly invokes Regulation 4 in relation to decisions on amendment applications.
22. The complete Interested and Affected Party register from the previous environmental authorisation process, together with the corresponding proof of notification, has not been made available to the represented Interested and Affected Parties. The consequence is that the present record does not permit them to determine whether the notification obligations arising from the previous decision were properly discharged.
23. The legal position must accordingly be approached on either of two possible bases, neither of which should be assumed in the Applicant's favour without production of the underlying record. If any of the represented Interested and Affected Parties were registered parties in the previous process, but were not

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	provided with the notification contemplated in Regulation 4(2), such omission would constitute non compliance with the notification requirement and would have deprived those parties of the very notice intended to alert them to the decision and their statutory appeal rights. If, alternatively, they were not registered because they had not been identified, notified or afforded an opportunity to register notwithstanding that they were persons who ought properly to have been approached during the earlier public participation process, the absence of registration would not cure the problem. It would instead raise a prior and separate concern regarding the adequacy of that public participation process. 24. The represented Interested and Affected Parties accordingly request that DFFE require the Applicant and EAP to disclose the complete public participation record relating to the previous Environmental Authorisation, including the Interested and Affected Party register, the notices issued following the decision of 13 December 2023, proof of transmission or delivery of those notices, and the equivalent record relating to the subsequent amendment and lapsing decision of 7 April 2026. 25. This history assumes particular importance when considered together with the concerns arising from the present public participation process. The represented Interested and Affected Parties again record that they did not receive the prescribed written notification of the present process, while the Interested and Affected Party database presently available does not demonstrate that all neighbouring and adjacent landowners were properly identified and notified. The earlier and present processes should therefore not be considered in isolation. Taken together, they raise a broader concern as to whether potentially affected landowners have, over successive environmental processes concerning substantially the same development, consistently been afforded the participatory rights contemplated by NEMA and the EIA Regulations. 26. The present application must nevertheless stand or fall on its own merits. The Applicant elected to pursue a new Environmental Authorisation for the complete revised Project.				

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	It follows that the land and infrastructure falling within the previously authorised footprint cannot simply be treated as environmentally settled, previously approved or beyond reconsideration for purposes of the present application. 27. The present Scoping process is required to describe, interrogate and subject to meaningful public participation the entire development now proposed, including the original footprint, the expansion area, the BESS facilities, substations, internal infrastructure, access arrangements and grid connection infrastructure. The fact that a portion of the present footprint was previously authorised does not relieve the Applicant of the obligation to demonstrate, in the present process and on the present evidence, that the complete revised development satisfies the applicable requirements of NEMA and the EIA Regulations. 28. This is especially important because the reason for commencing the present process was itself a material alteration of the development concept. The previous footprint proved insufficient to accommodate the Applicant's intended generation capacity while avoiding identified environmental constraints. The Project was consequently enlarged. The present application therefore does not merely seek reconsideration of the development previously authorised. It seeks authorisation of a materially expanded and reconfigured development which must be assessed as such. 29. Regulation 21 contains a limited mechanism permitting reliance upon a previously accepted Scoping Report in specified circumstances. The present application, however, has been advanced as a new S&EIR process for the complete revised Project. The Applicant cannot simultaneously rely upon the advantages of a new application while treating portions of the former authorised development as effectively exempt from renewed environmental scrutiny. 30. A related concern arises in respect of the scope of the specialist investigations. The Agricultural Site Sensitivity Verification Report records that the agricultural specialist was appointed to undertake verification of the approximately 580 hectare expansion footprint and the new powerline route. That				

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	specialist investigation therefore appears, on its own stated scope, not to have been undertaken as an assessment of the complete approximately 1 200 to 1 300 hectare footprint now forming the subject of the new application. 31. Notwithstanding that limited stated scope, the findings of the agricultural specialist are subsequently relied upon in the Draft Scoping Report and consolidated Site Sensitivity Verification documentation more broadly in support of conclusions regarding the agricultural sensitivity of the proposed Project as a whole. 32. That approach requires clarification. A specialist investigation undertaken for a previous footprint, an expansion area or only a particular component of a development cannot automatically be treated as an assessment of the complete present application merely because portions of the land overlap. The geographical extent assessed, the layout supplied to the specialist, the methodology employed, the date of the investigation and the development components actually considered must correspond sufficiently with the development presently placed before the competent authority. 33. The same principle applies more generally to specialist investigations undertaken while the Project layout was still evolving. Where material mapping, infrastructure positions or development boundaries changed after fieldwork or specialist verification had been completed, the Applicant must demonstrate that the subsequent changes do not undermine the factual basis, spatial coverage or conclusions of those specialist reports. 34. The represented Interested and Affected Parties accordingly request that, before the Draft Scoping Report is accepted, the Applicant and EAP provide a consolidated chronology identifying the version of the development footprint and layout supplied to each specialist, the date upon which it was supplied, the precise geographical area assessed by that specialist, and confirmation as to whether any subsequent change to the Project required reconsideration or supplementation of the specialist's findings. 35. Until these matters have been clarified, the competent				

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	authority and Interested and Affected Parties cannot safely assume that specialist conclusions generated for earlier, partial or materially different iterations of the Project constitute an adequate evidentiary foundation for the complete development now proposed.				
26.	**C** **EXISTING EDF CONTRACTUAL RIGHTS, LAND AVAILABILITY AND EDF'S DIRECT AND MATERIAL INTEREST** 36. The represented Interested and Affected Parties hereby place the Department of Forestry, Fisheries and the Environment, the Applicant and the Environmental Assessment Practitioner formally on notice of a material land use and infrastructure constraint which does not appear to have been identified, investigated or disclosed during the Scoping Phase. 37. Certain of the represented Interested and Affected Parties have concluded existing contractual arrangements with EDF Renewables (Pty) Ltd in relation to renewable energy development and associated infrastructure. Certain properties identified in the Draft Scoping Report as being affected by, or traversed by, the proposed Grootvlei grid connection infrastructure are subject to those contractual arrangements. 38. Owing to contractual and commercial confidentiality obligations, these representations deliberately do not identify publicly which represented Interested and Affected Party is party to a particular agreement, nor which specific cadastral portion is affected by a particular contractual right. The existence of the contractual arrangements is, however, formally disclosed. Relevant executed agreements, suitably redacted extracts or confirmation of the applicable rights can, where legally permissible and subject to appropriate confidentiality safeguards, be furnished to DFFE. DFFE may furthermore require the relevant information directly from EDF Renewables where this is considered necessary for proper determination of the environmental application. 39. The contractual arrangements are material because they extend materially beyond a speculative commercial interest or an informal expectation that another renewable energy project may at some future stage be pursued. On the documentation			EAP – Nemai Consulting	The existence of potential contractual arrangements between landowners and third parties does not form part of the environmental assessment record currently before the Applicant and EAP and no information regarding such arrangements was available during the Scoping Phase. The current application assesses the environmental feasibility of the proposed Project and associated infrastructure. The granting of Environmental Authorisation does not confer any property rights, servitudes or rights of access over land. The concern regarding potential overlap with other renewable energy developments and associated infrastructure is noted. Existing and reasonably foreseeable developments identified during the assessment process will be considered as part of the cumulative impact assessment undertaken during the EIA Phase. Should additional information become available regarding existing or proposed developments relevant to the assessment, such information will be considered during the EIA process where applicable. The public participation process

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	made available to the represented Interested and Affected Parties, the agreements confer substantive contractual rights upon EDF Renewables relating to the investigation, development, construction and operation of renewable energy generation infrastructure and associated infrastructure. 40. 40.Without disclosing commercially sensitive provisions unnecessarily, the agreements include provisions which, amongst other things: 40.1. contemplate that even where generating facilities are ultimately not located on a particular portion of land, EDF may nevertheless require rights for associated infrastructure, including access roads and overhead electrical infrastructure; 40.2. restrict the relevant landowner from dealing with or encumbering the property in a manner which would materially prejudice EDF's project or the rights already granted to EDF; 40.3. restrict the granting of third party rights which are similar to, overlap with, compete with or may otherwise interfere with the rights already granted to EDF; 40.4. regulate the granting of third party servitudes, easements or similar rights for electrical transmission infrastructure and, in the circumstances contemplated by the relevant agreements, require EDF's prior written consent; and 40.5. contemplate that the final location and extent of certain access, electrical and servitudinal rights may only be determined once EDF's final project layout and infrastructure requirements have been established. 41. The relevance of these agreements therefore does not depend upon proof that a registered EDF transmission servitude presently exists over each affected property. The material fact is that pre existing contractual rights capable of crystallising into access, electrical infrastructure and servitudinal rights already exist, while the final spatial requirements of the EDF development remain capable of overlapping with, constraining or being constrained by the proposed Grootvlei grid infrastructure.				remains open and EDF Renewables, should it wish to participate in the process, may register as an Interested and Affected Party and provide comments for consideration during the EIA Phase.

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	42. The represented Interested and Affected Parties equally do not contend that the existence of these private contractual arrangements automatically invalidates the present environmental application. Regulation 39 provides an exemption from the requirement to obtain written landowner consent before applying for Environmental Authorisation in respect of certain linear activities, and a powerline constitutes a linear activity for purposes of the Regulations. 43. The significance of Regulation 39 must, however, not be overstated. The exemption concerns the requirement for landowner consent for purposes of lodging the environmental application. It does not confer upon the Applicant a servitude, right of access, right of construction or any other real or contractual right over privately owned land. Nor does it render a proposed corridor practically available merely because environmental authorisation may be sought without the landowner's prior written consent. 44. There is therefore an important distinction between the Applicant's entitlement to apply for Environmental Authorisation and the environmental and technical feasibility of the route for which authorisation is sought. A powerline corridor which materially conflicts with existing contractual rights, competing infrastructure requirements or reasonably foreseeable renewable energy development cannot simply be assumed to constitute an available or feasible route. 45. The EDF contractual rights are consequently environmentally, technically and procedurally material because they bear directly upon: 45.1. the actual availability and practical implementability of the proposed powerline corridor; 45.2. whether the preferred corridor may sterilise, constrain or materially prejudice land already committed to another reasonably foreseeable renewable energy development; 45.3. whether reasonable alternative grid corridors exist which would avoid or reduce such conflict; 45.4. the cumulative environmental and land use effects of competing renewable energy generation, transmission,				

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	access and associated infrastructure within the same geographical area; 45.5. the technical compatibility of the respective projects and their associated electrical infrastructure; 45.6. the possible requirement for additional servitudes, access roads, construction areas and related infrastructure; 45.7. the true number and identity of properties which may ultimately be affected by the Grootvlei grid connection; and 45.8. whether the route presently advanced as preferred can realistically be implemented without material contractual, spatial or technical conflict. 46. This issue is also directly relevant to cumulative impact assessment. Cumulative effects are not confined to infrastructure which has already been constructed. They extend to the effects of past, present and reasonably foreseeable future activities considered together. A competing renewable energy development supported by existing contractual land rights is plainly relevant to an enquiry into reasonably foreseeable land use and infrastructure within the area. 47. The Applicant and EAP cannot therefore avoid consideration of the EDF development merely by characterising it as a future project which may be dealt with separately at a later stage. Where another development is sufficiently foreseeable to bear upon route availability, infrastructure compatibility, land use, cumulative impacts and the selection of alternatives, it becomes relevant to the environmental assessment of the present Project. 48. EDF Renewables itself also appears to qualify as a directly and materially affected potential Interested and Affected Party. Its contractual rights may be affected by the proposed Grootvlei powerline, access arrangements, servitudes and related infrastructure. Those rights give EDF a direct interest in the route selection, alternatives assessment and environmental consequences of the present application. 49. On the information presently available to the represented				

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	Interested and Affected Parties, no evidence has been produced demonstrating that EDF Renewables: 49.1. was identified as a potential Interested and Affected Party during the Scoping Phase; 49.2. was furnished with the proposed Grootvlei route, corridor, servitude and technical information; 49.3. was afforded an opportunity to assess the compatibility of the proposed Grootvlei infrastructure with its own contractual and development rights; 49.4. granted any contractual consent or waiver in respect of the proposed infrastructure; 49.5. agreed that its relevant contractual rights have expired, terminated or are otherwise incapable of being exercised; or 49.6. confirmed that the proposed Grootvlei infrastructure will not prejudice, constrain or interfere with its existing or contemplated development. 50. Had the represented landowners been properly and directly consulted during the Scoping Phase, the existence of these contractual rights could have been disclosed to the EAP and Applicant materially earlier in the process. The fact that the information became known to the attorneys preparing these objections only at a later stage does not diminish its relevance. Once disclosed, it became material information which must be considered before the route can responsibly be treated as feasible or preferred. 51. The EAP's disclosure obligations are particularly relevant in this regard. Where material information comes into the possession of the EAP and may reasonably influence the competent authority's decision, it cannot be disregarded merely because it arose after preparation of an earlier version of the Scoping documentation. Where access to the underlying contractual material is lawfully protected by confidentiality obligations, the existence and materiality of that information can nevertheless be disclosed to DFFE, with the underlying documents being dealt with through an appropriate confidential process. 52. The represented Interested and Affected Parties accordingly				

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	submit that DFFE should not accept the proposed grid route as technically, spatially or environmentally feasible without further investigation of these rights and their implications. 53. Before any powerline corridor is accepted as feasible or preferred, the Applicant and EAP should be required to: 53.1. identify and formally consult EDF Renewables; 53.2. furnish EDF with sufficient technical and spatial information to permit a meaningful compatibility assessment, including the proposed centreline, corridor width, anticipated servitude width, tower positions where known, construction and maintenance access requirements, Main Transmission Substation location and relevant grid design information; 53.3. undertake a documented spatial and technical compatibility assessment between the Grootvlei infrastructure and the existing EDF contractual development rights; 53.4. identify any areas of actual or potential overlap or conflict; 53.5. disclose to DFFE the existence and basis of any consent, waiver, termination or other arrangement upon which the Applicant relies in contending that no conflict exists; 53.6. assess the cumulative consequences of both projects and their associated infrastructure; 53.7. reconsider the feasibility ranking of the currently proposed corridor in light of the existing EDF rights; and 53.8. investigate and comparatively assess reasonable alternative grid corridors capable of avoiding or materially reducing interference with land subject to the EDF contractual arrangements. 54. Until that exercise has been undertaken, the preferred route cannot properly be treated as an uncontested or practically available infrastructure corridor. The existence of pre existing contractual development rights is not a peripheral private law dispute. It goes directly to the factual assumptions underpinning route feasibility, alternatives, cumulative impacts				

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	and the practical implementability of the Project. 55. Nothing contained in these representations, nor the participation of any of the represented Interested and Affected Parties in the environmental process, constitutes or may be construed as consent to the registration of a servitude, entry upon land, access, surveying, geotechnical investigation, construction activity or any other interference with property rights. Nor does such participation constitute a waiver of any obligation arising from the EDF contractual arrangements, an acknowledgment that the Applicant possesses the necessary civil rights to implement the proposed infrastructure, or acceptance that the presently proposed grid corridor is legally, contractually, technically or practically feasible.				
27.	**D** **NON-COMPLIANCE WITH APPENDIX 2, INABILITY TO CURE THE DEFECTS AT FINAL SCOPING STAGE AND REFUSAL UNDER REGULATION 22(b)(ii)** 56. The Interested and Affected Parties submit that the deficiencies identified in the Draft Scoping Report are of such a nature and magnitude that the appropriate relief is not the acceptance of the Scoping Report subject to conditions, nor an invitation to the Applicant or EAP to supplement the report during the EIA Phase. The relief sought is the refusal of Environmental Authorisation in terms of Regulation 22(b)(ii). 57. Regulation 21(3) is peremptory. A Scoping Report must contain all the information prescribed by Appendix 2, alternatively comply with an applicable gazetted protocol or minimum information requirement. Regulation 22 then prescribes the decision which the competent authority must take upon receipt of the Scoping Report. It may accept a substantially compliant Scoping Report, with or without conditions, or it must refuse Environmental Authorisation where the Scoping Report does not substantially comply with Appendix 2 or an applicable protocol, and the Applicant is unwilling or unable to ensure compliance within the prescribed timeframe. 58. The present objection proceeds on the basis that the second jurisdictional requirement in Regulation 22(b)(ii), namely			EAP – Nemai Consulting	Section 2 of the Draft and Final Scoping Report contains a Document Roadmap that identifies where the requirements of Appendix 2 have been addressed within the report. The Draft Scoping Report made available for public review included information relating to the proposed development, alternatives considered, environmental sensitivities, potentially significant environmental issues, the public participation process and the Plan of Study for EIA. These matters are addressed in Sections 9, 10, 11, 12, 13 and 14 respectively. With specific regard to alternatives, Section 10 of the Draft and Final Scoping Report identifies and discusses the alternatives considered during the Scoping Phase, including the No-Go Alternative, and provides the basis upon which alternatives are proposed to be assessed further

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	inability to ensure compliance within the prescribed timeframe, is also satisfied. The reason is not that every typographical, mapping or administrative defect in the Draft Scoping Report is inherently incapable of correction. 59. Certain discrete errors plainly could be corrected in preparing a Final Scoping Report. The fundamental defects identified herein are materially different. They concern Scoping processes which did not occur before or during the public review process, including the detailed site selection process, meaningful consideration of location alternatives, comparative impact and risk ranking, the determination of residual risk relevant to alternatives, identification of the preferred site and alternative, and meaningful consultation capable of influencing those outcomes. 60. Those processes cannot now be retrospectively manufactured by inserting additional prose, tables, conclusions or specialist material into a Final Scoping Report after the public review period has concluded. Regulation 21(1) requires the Scoping Report submitted to the competent authority to have been subjected to a public participation process of at least 30 days and to reflect the incorporation of comments received. Regulation 40 likewise requires Interested and Affected Parties to be afforded at least 30 days to comment on the Scoping Report and access to information which reasonably may influence the decision. 61. The distinction is decisive. A Final Scoping Report may finalise and record a Scoping process that has actually occurred. It cannot retrospectively create a Scoping process which did not occur and then present the newly created substantive material to DFFE without first affording Interested and Affected Parties the statutory opportunity to interrogate and comment upon it. 62. If, for example, the Final Scoping Report were now to introduce for the first time alternative properties, a regional site selection exercise, a comparative site matrix, alternative 400 MW or 500 MW development scenarios, a materially revised grid corridor, a new preferred site, a new development footprint or new impact and risk rankings, those matters would never have been before the public during the 30 day Scoping review.				during the EIA Phase. The purpose of the Scoping Phase is to identify reasonable and feasible alternatives and determine the investigations required to assess those alternatives in detail during the EIA Phase. Comments received during the public review period have been considered in the preparation of the Final Scoping Report. Amendments incorporated into the Final Scoping Report comprise clarifications, corrections and additional information arising from comments received during the Scoping Phase and do not alter the nature of the proposed development or fundamentally change the alternatives presented for assessment. Matters requiring detailed impact assessment, specialist input and comparative assessment of alternatives will be appropriately carried forward to the EIA Phase through the Plan of Study for EIA.

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	The resulting Final Scoping Report would materially differ from the report which had actually been subjected to public participation. 63. Conversely, if those matters are not introduced into the Final Scoping Report, the express requirements of Appendix 2 remain unmet. 64. The EAP/Applicant is therefore confronted with a difficulty of its own making. The material can either remain absent, in which event there is substantial non-compliance with Appendix 2, or it can be introduced now, in which event a material body of new Scoping information would not have been subjected to the public participation process required by Regulation 21(1) and Regulation 40. Either result prevents the present process from simply progressing to EIA as presently programmed				
28.	**65. Appendix 2 paragraph 1(a): relevant policies and legislation** 66. The Interested and Affected Parties acknowledge that the Draft Scoping Report contains an extensive chapter dealing with legislation, policy and planning instruments. The objection under this paragraph is therefore not that the Applicant omitted the legislative framework entirely. 67. The difficulty is whether the applicable framework has been identified accurately, consistently and comprehensively. The application documents contain inconsistent statements concerning municipal jurisdiction and the Project's relationship with the Northern Strategic Transmission Corridor. Those matters are not merely descriptive. They potentially determine which spatial planning instruments, strategic environmental instruments, infrastructure procedures and governmental authorities are applicable to the Project. 68. The existence of environmental management instruments and strategic procedures applicable to large scale electricity transmission and distribution development makes certainty regarding the Project's spatial status particularly important. The Applicant must establish the applicable statutory and strategic framework by reference to the actual present footprint and infrastructure, rather than referring inconsistently to different municipal or corridor classifications in different parts			EAP – Nemai Consulting	The Draft and Final Scoping Report contain a detailed assessment of the legislative, policy and planning framework applicable to the proposed development. Refer to Section 5 of the Scoping Report. In addition, Section 2 of the Scoping Report provides a Document Roadmap which demonstrates how the requirements of Appendix 2 of the EIA Regulations, 2014 (as amended) have been addressed throughout the report. The legislative, policy and planning framework applicable to the proposed development was determined based on the location and extent of the Project footprint and associated infrastructure as described in Section 4 of the Scoping Report and illustrated on the accompanying locality and project maps. The Project footprint was further subjected to the National Web-Based Environmental Screening

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	of the application. 69. Until the municipal jurisdiction, strategic corridor status and applicable spatial instruments are reconciled, the Draft Scoping Report cannot demonstrate that all relevant policy, legislation and planning instruments have been properly identified and applied. The Final Scoping Report should therefore expressly reconcile these inconsistencies and identify the legal consequence of the correct spatial classification.				Tool process and the relevant environmental themes, sensitivities and planning instruments were considered during the Scoping Phase.
29.	**70. Appendix 2 paragraph 1(b): need and desirability, including the preferred location** 71. The national need for additional renewable energy generation does not, without more, establish the need and desirability of this particular 600 MW development, at this particular location, over this particular extent of land and with this particular grid connection. 72. The Draft Scoping Report relies principally upon favourable solar irradiation, proximity to grid infrastructure, relatively level terrain, site access and land availability. These factors may establish that the site is commercially or technically attractive. They do not establish that it is environmentally preferable, particularly where the same site is associated with material aquatic, terrestrial biodiversity, agricultural, heritage, geological, groundwater and other constraints. 73. The location specific desirability enquiry requires those benefits and constraints to be weighed against reasonable alternatives. In the absence of a meaningful comparative site selection process, the conclusion that the selected location is desirable remains premature. 74. The Applicant should therefore be required to distinguish clearly between the general national need for renewable energy and the specific need and desirability of locating a 600 MW facility on the selected Grootvlei footprint.			EAP – Nemai Consulting	The Need and Desirability assessment contained in Section 8 of the Draft and Final Scoping Report considers both the general need for additional renewable energy generation capacity and the location-specific attributes of the proposed development area. Factors considered include the availability of a suitable solar resource, proximity to existing grid infrastructure, site accessibility, land availability, and the characteristics of the receiving environment. The determination of desirability is not based solely on national energy demand. Accordingly, the Scoping Phase identified environmental opportunities and constraints associated with the proposed development area, which informed the preliminary project layout and the Plan of Study for EIA. Sections 11 and 13 of the Scoping Report describe potential environmental constraints and sensitivities associated with the site, which will be assessed in detail during the EIA Phase.

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					The purpose of the Scoping Phase is to identify opportunities, constraints, alternatives and potentially significant environmental issues requiring further investigation. The EIA Phase will assess the significance of identified impacts, the effectiveness of mitigation measures and the environmental acceptability of the proposed development and alternatives. These assessments will inform the final determination of the preferred alternative.
30.	**75. Appendix 2 paragraph 1(c): identification and confirmation of the preferred activity and technology through impact and risk identification and ranking** 76. The BESS component remains materially unresolved. Different parts of the application documentation contemplate lithium-ion technology, solid state or non-liquid systems, flow battery technology, or the possible use of more than one technology. 77. These technologies do not necessarily present identical environmental, fire, chemical, hazardous material, emergency response, waste, decommissioning or contaminated runoff risks. Technology selection is therefore environmentally material and cannot properly be treated as a purely commercial procurement decision to be made after authorisation. 78. A preferred technology cannot meaningfully be said to have been identified and confirmed through an impact and risk ranking process if the technology class itself remains materially open. 79. The Final Scoping Report should therefore either identify the technology parameters within which meaningful environmental assessment can occur or establish a sufficiently conservative assessment envelope which captures the reasonably foreseeable worst case environmental consequences of the technologies that may ultimately be selected.			EAP – Nemai Consulting	The Battery Energy Storage System (BESS) is described in Section 9 of the Draft and Final Scoping Report. At the current stage of project development, the specific BESS supplier and technology have not yet been selected, as detailed engineering design and procurement have not been finalised. Potential impacts associated with the BESS, including the storage and handling of hazardous substances, waste management, fire risk and emergency response requirements, will be assessed during the EIA Phase and appropriate mitigation measures will be incorporated into the EIA Report and EMPr. The Final Scoping Report has been updated to clarify that the environmental assessment will be undertaken using a precautionary

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					approach that considers the reasonably foreseeable environmental risks associated with utility-scale battery storage technologies. The detailed technology specification will be confirmed during the detailed design and procurement phase of the Project.
31.	**80. Appendix 2 paragraph 1(d): identification and confirmation of the preferred site through a detailed site selection process** 81. This is one of the most material deficiencies in the Draft Scoping Report. Section 10.2 expressly states: "No site alternatives are proposed for this Project." 82. No regional search area, candidate site longlist, environmental exclusion process, shortlist, comparative matrix, comparative property analysis or equivalent site selection exercise has been disclosed. 83. The omission assumes particular importance because paragraph 1(d) does not merely require the Applicant to explain why its chosen site is workable. It requires the preferred site to emerge from a detailed site selection process, informed by impacts, risks, cumulative effects and comparison of alternatives. 84. The Project history makes this deficiency more significant. The previous authorisation related to a materially smaller development area. When that footprint proved insufficient to accommodate the Applicant's intended generation capacity while avoiding environmental constraints, the response was to expand the Project area. The existence of the previous Environmental Authorisation cannot substitute for the site selection exercise required in the present new application. 85. The present site cannot be treated as presumptively preferred merely because part thereof was previously authorised. The present application must independently establish why the enlarged footprint represents the preferred site for the complete development now proposed.			EAP – Nemai Consulting	Section 10 of the Draft and Final Scoping Report addresses the alternatives considered for the proposed development, including site, layout, technology and the No-Go Alternative. The Applicant has not proposed alternative site options for assessment as part of the current application and, accordingly, no comparative site alternative assessment has been undertaken. The proposed development area therefore forms the basis of the environmental assessment process. As clarified in Section 10.2 of the Final Scoping Report, the proposed site was identified based on a combination of technical, environmental and logistical considerations, including the availability of suitably sized land parcels, favourable solar resource, proximity to suitable grid infrastructure, accessibility and the ability to accommodate the proposed development whilst avoiding or minimising impacts to environmentally sensitive features identified through the Environmental Authorisation Application process.

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					The Applicant acknowledges that the current application relates to a revised project footprint and is being assessed as a new Environmental Authorisation process. The entire proposed development footprint, including the areas previously assessed and the expansion area, forms part of the current environmental assessment and has not been excluded from consideration. The Scoping Phase identified environmental opportunities, constraints, and sensitivities associated with the proposed development area, as presented in Sections 11 and 13 of the Scoping Report. These findings informed the preliminary layout and the scope of investigations to be undertaken during the EIA Phase. The EIA Phase will assess the environmental acceptability of the proposed development footprint, associated infrastructure, and the No-Go Alternative in detail.
32.	**86. Appendix 2 paragraph 1(e): identification of key issues requiring assessment during the EIA Phase** 87. The Draft Scoping Report identifies a broad range of environmental issues, but the difficulty is whether the identification process was sufficiently complete. Material affected landowners appear not to have participated meaningfully during the formative Scoping process; existing EDF related contractual and infrastructure interests were apparently not identified; specialist verification was undertaken while aspects of the Project layout remained unsettled; and a			EAP – Nemai Consulting	The purpose of the Scoping Phase is to identify the potentially significant environmental issues, opportunities, constraints and alternatives associated with the proposed development and to define the investigations required during the EIA Phase. Section 13 of the Draft and Final Scoping Report presents the potentially significant environmental

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	number of material environmental and technical uncertainties remain unresolved. 88. Scoping cannot reliably identify the issues requiring detailed EIA investigation where relevant receptors, competing infrastructure interests and materially affected parties have not first been identified. 89. The list of key issues and specialist terms of reference should therefore be reconsidered after the public participation deficiencies and newly disclosed constraints have been addressed.				issues identified during the Scoping Phase, while the Plan of Study for EIA (Section 14) presents the specialist studies and investigations required to assess these issues. The Site Sensitivity Verification process, environmental screening tools, specialist input, desktop assessments, site investigations, and comments received during the public participation process to date informed the identification of key environmental issues. The Scoping Phase identified a range of environmental and socio-economic issues requiring further investigation during the EIA Phase, including terrestrial biodiversity, aquatic ecology, avifauna, agricultural resources, heritage resources, visual impacts, socio-economic impacts and cumulative impacts. Comments received from Interested and Affected Parties during the Scoping Phase, including newly submitted information and concerns regarding existing land uses and infrastructure, have been considered as part of the preparation of the Final Scoping Report and this Comments and Responses Report. Where relevant, such information will inform the specialist investigations and impact assessments undertaken during the EIA Phase.
33.	**90. Appendix 2 paragraph 1(f): agreement on the level of assessment, methodology, expertise and further**			EAP – Nemai Consulting	The identification of the level of assessment, specialist expertise,

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	consultation required 91. This requirement cannot be reduced to the unilateral preparation of a Plan of Study by the EAP. The statutory language contemplates an informed Scoping process through which the appropriate level of assessment, methodology, specialist expertise and further consultation are identified. 92. The represented Interested and Affected Parties state that they did not receive the prescribed written notification in terms of Regulation 41(2)(b)(i) and (ii). Their exclusion from meaningful formative participation necessarily limits the extent to which the Plan of Study can be said to reflect the issues and level of assessment considered necessary by affected parties. 93. The concern is reinforced by the chronology of the EAP oath, which predates the public review period reflected in the Draft Scoping Report. An oath made before public comments have been received cannot establish the subsequent level of agreement or disagreement regarding the Plan of Study. 94. The Plan of Study must accordingly be reconsidered and supplemented after the Scoping participation process has been properly completed.				methodology and consultation requirements for the EIA Phase was informed by the Site Sensitivity Verification process, environmental screening tools, specialist input, desktop assessments, site investigations and comments received during the Scoping Phase. Section 13 of the Draft and Final Scoping Report identifies the potentially significant environmental issues requiring assessment, while the Plan of Study for EIA (Section 14) sets out the specialist studies and investigations to be undertaken during the EIA Phase. Section 12 of the Draft and Final Scoping Report describes the public participation process for the current application, including notification of Interested and Affected Parties, authorities, and other stakeholders in accordance with the EIA Regulations, 2014 (as amended). Comments received during the Scoping Phase were considered during the preparation of the Final Scoping Report and this Comments and Responses Report. The purpose of the Scoping Phase is to identify the issues requiring further investigation and define the scope of the EIA Phase. The Plan of Study for EIA may be refined, where necessary, based on information received during the environmental assessment process.

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34.	**95. Appendix 2 paragraph 1(g): identification of avoidance, mitigation and residual risk** 96. The Draft Scoping Report itself records that material aspects of mitigation and residual risk determination will only be completed during the EIA Phase. 97. The Interested and Affected Parties accept that detailed mitigation design and final residual impact ratings may properly be refined during EIA. That does not eliminate the separate obligation imposed upon the Scoping process to identify suitable measures for avoiding, managing and mitigating identified impacts and to identify the residual risks requiring further assessment and management. 98. The distinction is important. If sufficient information concerning mitigation and residual risk is unavailable even at a preliminary level, then there is equally insufficient information to establish why one alternative should be preferred over another. 99. The present deficiencies are therefore material to both impact identification and the alternatives enquiry.			EAP – Nemai Consulting	The purpose of the Scoping Phase is to identify potentially significant environmental issues, opportunities and constraints associated with the proposed development and to determine the investigations required during the EIA Phase. Section 13 of the Draft and Final Scoping Report identifies potentially significant environmental issues associated with the proposed development, along with the proposed investigations and assessment approach to be undertaken during the EIA Phase. Environmental avoidance has already informed the preliminary project layout by considering identified environmental sensitivities and the findings of the Site Sensitivity Verification process. In addition, the Scoping Report identifies environmental issues requiring detailed assessment, mitigation and management during the EIA Phase. It is acknowledged that the detailed assessment of impact significance, mitigation measures and residual risks forms part of the EIA Phase and will be undertaken through the relevant specialist studies and impact assessment process. The specialist investigations identified in the Plan of Study for EIA will assess the significance of impacts, the effectiveness of mitigation measures and the residual risks associated with

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					the proposed development and alternatives.
35.	**100. APPENDIX 2 MANDATORY CONTENT REQUIREMENTS** **101. Paragraph 2(1): opening requirement** 102. Paragraph 2(1) requires the Scoping Report to contain the information necessary for a proper understanding of the environmental assessment process, the preferred alternatives, including location alternatives, the proposed scope of assessment and the proposed consultation process. 103. This is an overarching requirement. Individual tables, maps and descriptions cannot be considered in isolation from whether the report as a whole presents a coherent, internally consistent and sufficiently settled Project for informed assessment. 104. The combined uncertainty regarding location alternatives, development extent, component specific layout, BESS technology, MTS configuration, grid connection characteristics, municipal jurisdiction and the adequacy of public participation materially undermines that foundational requirement. 105. Interested and Affected Parties cannot meaningfully assess environmental consequences where the development they are being asked to comment upon remains materially inconsistent across the application record.			EAP – Nemai Consulting	The matters raised in this comment have been addressed in the relevant responses to previous comments in this Comments and Responses Report above, including the responses relating to site alternatives, project description, BESS technology, grid connection infrastructure, municipal jurisdiction, legislative framework and the public participation process. The Draft Scoping Report made available for public review described the proposed development, associated infrastructure, identified environmental sensitivities, alternatives considered, potentially significant environmental issues and the Plan of Study for EIA coherently. Comments received during the public participation process have been considered in preparing the Final Scoping Report and, where appropriate, clarifications and additional information have been incorporated.
36.	**106. Paragraph 2(1)(a): EAP details and expertise** 107. The Draft Scoping Report identifies Nemai Consulting and the relevant EAP, sets out qualifications and professional registrations and includes supporting curriculum vitae information. 108. On the documentation presently available, this requirement appears to be substantially complied with. 109. The Interested and Affected Parties deliberately record this			EAP – Nemai Consulting	The acknowledgement that the information relating to the Environmental Assessment Practitioner, qualifications, professional registrations and experience has been provided in the Draft Scoping Report is noted. Refer to Section 6 and Appendix D of the

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	concession. The objection is directed at material deficiencies supported by the record and is not an attempt to characterise every provision of Appendix 2 as non-compliant irrespective of the evidence.				Draft and Final Scoping Report.
37.	**110. Paragraph 2(1)(b): location and cadastral information** 111. The Draft Scoping Report provides cadastral descriptions, Surveyor General identifiers and coordinates for components of the proposed development. 112. There is accordingly formal location information in the report. 113. Its reliability is, however, undermined by conflicting central coordinates and apparent inconsistencies in the presentation of latitude, longitude and directional designations for certain powerline points. 114. For linear infrastructure, coordinate accuracy is fundamental. Small spatial discrepancies may affect the identity of properties traversed, environmental sensitivities intersected, watercourses, servitude requirements, landowner notification and technical feasibility. 115. The Applicant should therefore have provide one verified and controlling set of geographic coordinates and a georeferenced corridor dataset which corresponds exactly with the route being assessed and subjected to public participation, but failed to do so.			EAP – Nemai Consulting	Section 4 of the Draft and Final Scoping Report presents the location of the proposed development, associated infrastructure, cadastral information, and geographic coordinates. Refer specifically to Table 2, Table 3 and Figure 4. These sections provide the cadastral descriptions, Surveyor General information and geographic coordinates applicable to the proposed development and associated infrastructure. The geographic information used to assess the proposed development, including the identification of affected properties and environmental sensitivities, was derived from the project footprint and associated infrastructure assessed during the Scoping Phase and is consistent throughout the report.
38.	**116. Paragraph 2(1)(c): plan locating the activity and coordinates of the linear corridor** 117. Regional, cadastral and Project layout maps have been supplied. The concern is not the complete absence of mapping, but whether the mapping depicts a sufficiently settled and component specific development footprint. 118. The available record indicates that the GIS information made available for scrutiny principally identifies the broader Project boundary, while the precise spatial arrangement of PV arrays, BESS facilities, substations, MTS infrastructure, internal roads, cabling, temporary construction areas and			EAP – Nemai Consulting	Section 4 of the Draft and Final Scoping Report provides the location of the proposed development and associated infrastructure, including the cadastral information, project coordinates and project mapping. Refer specifically to Table 2, Table 3 and Figure 4. Section 9 of the Draft and Final Scoping Report further includes project layout mapping illustrating the proposed Solar PV

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	complete grid infrastructure has continued to evolve. 119. This is materially compounded by the aquatic and terrestrial Site Sensitivity Verification material recording that no detailed layout was available when those investigations were undertaken, while the Draft Scoping Report elsewhere suggests that specialist input was used to develop and finalise a layout avoiding sensitive features. 120. Both propositions cannot simply be accepted or true. The EAP/Applicant has therefore not complied with this requirement.				Facility, BESS, associated infrastructure and grid connection infrastructure (refer to Figure 9). The concern regarding the relationship between the project layout and specialist investigations is noted. As described in Section 10.3 of the Scoping Report, the Specialist Site Sensitivity Verification process identified environmental sensitivities and constraints within the overall project area. These assessments informed the optimisation of the project layout and the avoidance of environmentally sensitive features. The overall project boundary assessed during the Scoping Phase remained consistent throughout the SSV process, while subsequent mapping refinements reflected layout optimisation and report compilation. The EIA Phase specialist studies will assess the proposed development footprint and associated infrastructure in greater detail, including layout refinement where required, in accordance with the Plan of Study for EIA.
39.	**121. Paragraph 2(1)(d)(i): listed and specified activities triggered** 122. The Draft Scoping Report identifies a range of activities under the applicable Listing Notices. 123. The concern is that the Project dimensions are repeatedly described as approximate and certain infrastructure elements remain capable of refinement during EIA. 124. A conservative identification of potentially applicable listed			EAP – Nemai Consulting	The listed activities applicable to the proposed development are identified in Table 4 of the Draft and Final Scoping Report. Table 4 identifies the relevant listed activities, the components of the proposed development that trigger each activity, and the basis on which the activity is

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	activities is not objectionable in itself. The difficulty arises where the physical development description remains sufficiently unsettled that neither the competent authority nor Interested and Affected Parties can verify whether the listed activity schedule corresponds with the development ultimately intended to be authorised. 125. The provided list is therefore unreliable.				triggered. While certain dimensions and infrastructure specifications are approximate, the listed activities are based on the proposed development footprint and associated infrastructure described in the Project Description. Where dimensions are presented as approximate, the extent of the proposed activity substantially exceeds the applicable regulatory thresholds and therefore does not affect the applicability of the identified listed activities. The listed activities identified in the Draft and Final Scoping Report are appropriate to the proposed development and can be directly linked to the Project components described in the Project Description. Any refinement of infrastructure locations or dimensions during the EIA Phase will be undertaken within the assessed development envelope and will not affect the validity of the listed activities applied for.
40.	**126. Paragraph 2(1)(d)(ii): activities and associated structures and infrastructure** 127. The Draft Scoping Report identifies the broad infrastructure suite, including approximately 600 MW of PV generation, inverters, transformers, internal reticulation, roads, BESS facilities, collector infrastructure, the MTS and associated powerlines. 128. The difficulty lies not in the absence of broad categories, but in the unresolved technical configuration of important infrastructure integrate to the EA.			EAP – Nemai Consulting	The Project Description contained in Section 9 of the Draft and Final Scoping Report identifies and describes the major components of the proposed development, including the Solar PV Facility, Battery Energy Storage System (BESS), collector substation, switching station, Main Transmission Substation (MTS) and associated grid connection

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	129. The clearest example is the grid connection. The application documentation refers to 400/132 kV MTS infrastructure, 132 kV components and 275 kV connections to the existing Watershed and Pluto system without providing a sufficiently coherent explanation of how those components interact. 130. The objection is not that such an electrical configuration is necessarily technically impossible. The objection is that the environmental assessment documentation does not adequately explain what is actually proposed. 131. That distinction is important because infrastructure scale and ultimate design influence footprint, visual impact, electromagnetic environment, land requirements, servitude width, future line bays, cumulative infrastructure, operational capacity and the reasonably foreseeable future development of the site as a grid node.				infrastructure. Refer specifically to Section 9.5, Section 9.7 and Table 7 of the Draft and Final Scoping Report. To further clarify the proposed electrical infrastructure, an explanatory paragraph to Section 9.7 of the Final Scoping Report has been added that describes how the various electrical infrastructure components interact to facilitate connection of the proposed Solar PV Facility to the national grid. While detailed engineering design will continue to be refined during the detailed design phase, the Scoping Report identifies and describes the infrastructure components requiring environmental assessment, which form part of the proposed development assessed during the Scoping Phase. The EIA Phase will assess the environmental impacts associated with these components in detail.
41.	**132. Paragraph 2(1)(e): policy and legislative context** 133. An extensive legislative framework is identified, but listing legislation is not equivalent to demonstrating its correct application to the Project. 134. The unresolved municipal jurisdiction, strategic corridor status, water use implications, specialist protocol requirements, heritage process and applicable spatial planning instruments prevent a confident conclusion that the complete legislative and policy framework has been correctly applied. 135. The aquatic investigations identify infrastructure within or potentially affecting regulated wetland areas and record possible water use implications. Those implications must			EAP – Nemai Consulting	Section 5 of the Draft and Final Scoping Report describes the legislative, policy, and planning framework applicable to the proposed development. The identification of applicable legislation, policies, guidelines and approval requirements was informed by the location and nature of the proposed development, the findings of the Environmental Screening Tool, the Site Sensitivity Verification process and the

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	ultimately be determined against the controlling final footprint and not left indefinitely at the level of a generic possibility. 136. The same principle applies to heritage. The final Project footprint and associated infrastructure must be assessed consistently with the requirements applicable to heritage resources, and the competent heritage authority must be furnished with information corresponding to the same development that DFFE is being asked to authorise.				environmental sensitivities identified within the Project area. Potential environmental sensitivities and environmental approvals requiring further investigation during the EIA Phase have been identified in Sections 11 and 13 of the Draft and Final Scoping Report, and the required specialist investigations are set out in the Plan of Study for EIA contained in Section 14. For aquatic ecology, heritage resources, and other environmental themes, the Scoping Phase has identified the relevant environmental sensitivities and potential approval requirements associated with the proposed development. The specialist studies to be undertaken during the EIA Phase will assess the final development footprint and associated infrastructure in detail and will inform any applicable permitting, authorisation, consultation, and mitigation requirements.
42.	**137. Paragraph 2(1)(f): need and desirability in the context of the preferred location** 138. The Draft Scoping Report presents a substantial motivation for renewable electricity generation in South Africa and the Applicants intention to bid on REIPPPP (Renewable Energy IPP Procurement Programme). 139. That establishes the broader policy rationale for renewable energy development. It does not establish that Grootvlei is the environmentally preferable location for the proposed 600 MW facility. 140. Location specific desirability requires consideration of the			EAP – Nemai Consulting	The Need and Desirability assessment is presented in Section 8 of the Draft and Final Scoping Report. The assessment considers both the broader need for renewable energy generation and the location-specific characteristics of the proposed development area, including environmental opportunities and constraints.

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	actual environmental constraints, competing land rights, required grid infrastructure, cumulative development context and reasonable alternatives. 141. Solar irradiation establishes potential energy yield. Grid proximity establishes a technical or commercial advantage. Neither factor, considered alone or together, establishes the best practicable environmental location. 142. The report is compiled in such a way that the EAP/Applicant places Interested and Affected parties under the impression that there is a guarantee that the application will proceed to the EIA Phase despite the non-compliance with the Scoping Requirements due to the fact that a pervious EA had been granted on Grootvlei for a smaller Solar Plant.				The Scoping Report does not assume that the Project will proceed to the EIA Phase. Rather, the purpose of the Scoping Phase is to identify potentially significant environmental issues requiring further investigation during the EIA Phase. The current application is being undertaken as a new Environmental Authorisation application and assesses the complete proposed development footprint. No component of the proposed development is excluded from assessment on the basis of any previous Environmental Authorisation.
43.	**143. Paragraph 2(1)(g)(i): all alternatives considered** 144. 11.9.1. The Draft Scoping Report does not disclose a genuine alternative location process, but refers to certain design, technology and no-go alternatives which leaves more questions than answers. 145. The alternatives enquiry also appears unduly narrow. There is insufficient consideration of reduced generation capacity, phased development, alternative panel densities or technologies, materially different layouts, alternative BESS capacities and locations, alternative MTS configurations, alternative grid corridors, alternative access arrangements and alternative water supply options. 146. The statutory alternatives enquiry is concerned with reasonable and feasible means of achieving the general purpose of the activity. The purpose should not be defined so narrowly as to make the Applicant's preferred commercial configuration the only possible answer. 147. In particular, the Applicant should explain why the general purpose is properly defined as the development of 600 MW on Grootvlei, rather than the generation of renewable electricity at a scale and configuration determined after environmental			EAP – Nemai Consulting	Section 8 of the Draft and Final Scoping Report addresses the need and desirability of the proposed development. The assessment considers both the broader need for renewable energy generation and the location-specific characteristics of the proposed development area. These include solar resource availability, proximity to grid infrastructure, site accessibility, site extent, environmental constraints and the ability to optimise the layout to avoid or minimise impacts to environmentally sensitive features. Refer to Section 8 and Section 9.4 of the Draft and Final Scoping Report. It is acknowledged that need and desirability must be considered in the context of the preferred location, not

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	comparison.				solely in relation to national demand for renewable energy. For this reason, the Scoping Phase identified environmental opportunities, constraints, and sensitivities associated with the proposed development area, as described in Sections 11 and 13 of the Scoping Report. These findings informed the preliminary project layout and will be assessed in further detail during the EIA Phase. The current application is being assessed as a new Environmental Authorisation process for the entire proposed development footprint. The previous Environmental Authorisation is no longer valid, and no part of the proposed development is being excluded from assessment on the basis that it was previously authorised. The entire proposed development area, associated infrastructure, and identified environmental sensitivities form part of the current environmental assessment process.
44.	**148. Paragraph 2(1)(g)(ii): Regulation 41 public participation, supporting documents and inputs** 149. This requirement is materially compromised by the public participation concerns identified elsewhere in these objections. 150. None of the represented Interested and Affected Parties received the prescribed written notice. The available record does not demonstrate systematic identification and notification of all adjacent owners, persons in control and occupiers. EDF Renewables was apparently not identified despite existing contractual rights capable of being materially affected by the			EAP – Nemai Consulting	The public participation process undertaken for the proposed development is described in Section 12 of the Draft and Final Scoping Report. Supporting information, including the Interested and Affected Party (I&AP) Database, proof of notification and comments received during the public participation process, is provided in the appendices

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	proposed grid infrastructure. The Draft Scoping Report also contains contradictory public review dates and no adjacent landowners have been identified in the supplied I&AP list. 151. These defects are material because participation during Scoping is intended to assist in identifying issues, alternatives, receptors and specialist requirements before the scope of the EIA is fixed. 152. The Interested and Affected Parties acknowledge that a Draft Scoping Report cannot contain comments which had not yet been submitted when the draft was published. The objection is accordingly not directed at the absence of comments arising from the present review in the original draft. 153. The requirement is that the Final Scoping Report must incorporate the completed Scoping public participation record and must demonstrate how material comments altered, supplemented or informed the Scoping conclusions and Plan of Study and how affected landowners and adjacent landowners were provided with written notification in terms of regulation 41(2)(b) of the EIA Regulations. This was not done. No I&AP received written notice of this application and the EAP/Applicant's deferral of material aspects in a Scoping Report to the EIA Phase raises serious procedural questions.				to the Final Scoping Report. Landowners and I&APs were notified in accordance with the public participation process undertaken for the Project. Site notices were placed at strategic locations and on the fences of affected properties to maximise awareness of the proposed development. Proof of notification is provided in Appendix G of the Final Scoping Report. EDF Renewables was not identified as an I&AP during the initial Scoping process because the EAP had no information about the alleged contractual interests at that time. After receiving the comment, EDF Renewables has been added to the project stakeholder database and will be given the opportunity to participate further in the environmental assessment process. Comments received during the Scoping Phase have been considered in the preparation of the Final Scoping Report and this Comments and Responses Report. Where appropriate, comments have informed amendments to the Final Scoping Report and will also inform the scope of investigations to be undertaken during the EIA Phase.
45.	**154. Paragraph 2(1)(g)(iii): summary of I&AP issues and incorporation or reasons for exclusion** 155. The Draft Scoping Report indicates that a Comments and			EAP – Nemai Consulting	All comments received during the public participation process have been considered and responded to in this

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	Responses Report will be compiled. 156. The concern arises from any suggestion that material Scoping comments which remain "unattended" may simply be carried forward into the EIA Phase. 157. That approach is impermissible where a comment concerns a matter which must be resolved in order to determine whether Scoping itself is adequate, including the identification of alternatives, site selection, adequacy of specialist terms of reference, material receptors, public participation deficiencies or the content of the Plan of Study. 158. A Scoping comment cannot meaningfully influence Scoping if it is substantively answered only after the competent authority has already accepted the Scoping Report. 159. Every material comment relevant to the statutory Scoping functions must therefore be addressed and responded to before submission and acceptance of the Final Scoping Report.				Comments and Responses Report. Where comments identified matters requiring clarification, correction or amendment to the Scoping Report, these have been incorporated into the Final Scoping Report where appropriate. The purpose of the Scoping Phase is to identify environmental issues, opportunities, constraints and alternatives requiring further investigation and to define the scope of the EIA Phase. Accordingly, issues requiring detailed specialist investigation, impact assessment and mitigation design are carried forward to the EIA Phase in accordance with the Plan of Study for EIA contained in Section 14 of the Draft and Final Scoping Report.
46.	**160. Paragraph 2(1)(g)(iv): environmental attributes associated with alternatives** 161. Chapter 11 of the report provides a description of the receiving environment of the selected Project area. 162. That information provided does not satisfy the comparative function of paragraph 2(1)(g)(iv) where no meaningful location alternatives have been identified. 163. The environmental attributes of a preferred site become meaningful for alternative selection only when they are capable of being compared against the environmental attributes of other reasonable alternatives. 164. In the absence of any alternative site, there is no geographical, physical, biological, social, economic, heritage or cultural comparison capable of demonstrating why the selected location should be preferred besides the Applicant's personal economic benefit and the economic benefit to the landowner and owner of the application area where the substation and			EAP – Nemai Consulting	The environmental attributes of the proposed development area are described in Section 11 of the Draft and Final Scoping Report. The purpose of this section is to identify and describe the receiving environment, environmental sensitivities, opportunities and constraints associated with the proposed development area in support of the Scoping process. Refer to Section 11 of the Draft and Final Scoping Report. As discussed in Section 10 of the Draft and Final Scoping Report, no alternative site options are proposed

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	solar plant will be built and consequently gave permission for the EA to be submitted by the Applicant over its property.				for assessment as part of the current application. The proposed development area therefore forms the basis of the environmental assessment process and is being assessed in its entirety through the S&EIR process. Refer to the responses provided regarding Appendix 2 (1)(d) and site alternatives. The environmental attributes identified within the proposed development area informed the Specialist Site Sensitivity Verification process, the preliminary project layout and the identification of potentially significant environmental issues requiring further assessment during the EIA Phase. These environmental attributes will continue to inform the impact assessment, mitigation measures and environmental acceptability assessment undertaken during the EIA Phase.
47.	**165. Paragraph 2(1)(g)(v): impacts and risks informing each alternative** 166. This is a direct and material statutory deficiency. 167. The Applicant's own Appendix 2 roadmap records that this requirement will be investigated further and reported during the EIA Phase. This statutory requirement set out in appendix 2 of the EIA regulations has therefore been contra-legislatively deferred to the EIA phase. 168. Paragraph 2(1)(g)(v) requires the Scoping Report itself to contain the impacts and risks which informed the identification of each alternative, including their nature, significance, consequence, extent, duration and probability, as well as reversibility, potential irreplaceable loss and the extent to			EAP – Nemai Consulting	As reflected in the Document Roadmap (Section 2), Section 13 of the Draft and Final Scoping Report addresses the impacts and risks identified for the proposed development and alternatives. In addition, Sections 10 and 11 identify the alternatives considered, the receiving environment and the environmental sensitivities and constraints associated with the proposed development. These considerations informed the

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	which impacts can be avoided, managed or mitigated. 169. The Interested and Affected Parties do not contend that every final specialist impact rating must already exist during Scoping. The objection is that there must be sufficient impact and risk information at Scoping stage to explain why alternatives were selected, rejected or preferred. This was not done. 170. If that comparative impact information is only to be generated during EIA, then the conclusion as to the preferred site and alternatives has necessarily preceded the environmental evidence required to justify it and the Applicant has failed to comply with the legislative requirements of Appendix 2.				identification of the potentially significant environmental issues requiring further assessment. The notation in Section 2 of the Scoping Report indicates that these aspects will be investigated further and reported in greater detail during the EIA Phase through the specialist studies and impact assessment process. It does not indicate that impacts and risks have not been identified during the Scoping Phase.
48.	**171. Paragraph 2(1)(g)(vi): methodology used to identify and rank impacts and risks** 172. Sections 13.5 of the Scoping Report and the Plan of Study contain a proposed significance assessment methodology. 173. Formal inclusion of a methodology does not establish that the methodology was actually applied during Scoping to identify and rank the impacts and risks of competing alternatives. 174. The relevant question is therefore not whether a scoring formula appears somewhere in the report, but whether there is an auditable chain of reasoning demonstrating how the methodology informed the rejection or preference of alternatives. 175. No such comparative record is presently apparent in relation to location alternatives.			EAP – Nemai Consulting	The methodology for identifying, assessing, and ranking environmental impacts and risks is described in the Draft and Final Scoping Report and forms part of the Plan of Study for EIA. The purpose of the Scoping Phase is to identify potentially significant environmental issues, opportunities, constraints and alternatives requiring further investigation during the EIA Phase. As described in Section 13 of the Scoping Report, the potentially significant environmental issues associated with the proposed development were identified by considering the legislative and policy context, project components and activities, receiving environment, specialist input, and comments received during public participation. Table 11 presents these issues, which will be assessed in detail during the EIA Phase using the impact

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					assessment methodology identified in the Plan of Study for EIA. Regarding alternatives, Section 10 of the Draft and Final Scoping Report identifies the alternatives considered during the Scoping Phase, including site, layout, technology, and the No-Go Alternative. As described in Section 10.2, no alternative site options form part of the current application, and the identified project area forms the basis of the environmental assessment. The EIA Phase will include a detailed assessment of the environmental impacts associated with the proposed development and alternatives and will inform the determination of the preferred alternative.
49.	**176. Paragraph 2(1)(g)(vii): positive and negative impacts of the proposal and alternatives** 177. The Applicant's Appendix 2 roadmap again indicates that this requirement will be investigated further during the EIA Phase. 178. Detailed quantification may properly occur during EIA. The existence of that later assessment does not remove the requirement for sufficient Scoping level identification of the positive and negative effects of the development and its reasonable alternatives. 179. Broad issue identification is not equivalent to a comparative assessment across geographical, physical, biological, social, economic, heritage and cultural considerations. 180. Without such comparison, the Scoping Report cannot demonstrate that the preferred alternative emerged from environmental evaluation rather than prior Applicant selection.			EAP – Nemai Consulting	Sections 10, 11 and 13 of the Draft and Final Scoping Report identify the alternatives considered, the receiving environment, environmental sensitivities and the potentially significant environmental and socio-economic impacts associated with the proposed development. Section 13 specifically identifies both positive and negative impacts associated with the construction and operational phases of the proposed development and identifies the specialist investigations and EIA provisions required to assess these impacts further. In addition, Section 13 identifies cumulative impacts and records both

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					potential negative cumulative impacts and positive cumulative benefits associated with the proposed development. The purpose of the Scoping Phase is to identify potentially significant environmental issues, opportunities, constraints, impacts and risks requiring further investigation. The detailed comparative assessment of alternatives, specialist findings, significance ratings, mitigation measures and residual risks will be undertaken during the EIA Phase in accordance with the Plan of Study for EIA.
50.	**181. Paragraph 2(1)(g)(viii): possible mitigation and level of residual risk** 182. This requirement is likewise expressly deferred in the Applicant's own compliance roadmap. 183. The Interested and Affected Parties accept that detailed mitigation measures will be developed and refined during the EIA Phase and through specialist assessment. 184. What cannot be deferred is the preliminary identification of whether material impacts are capable of avoidance or mitigation and what residual risk remains after such measures. That information is indispensable to the comparative alternatives exercise. 185. This is particularly important where the Project intersects or is associated with wetlands, biodiversity sensitivities, dolomitic or karst terrain, BESS fire and emergency risks and substantial grid infrastructure. 186. A site cannot rationally be preferred before it is known, even at Scoping level, whether its principal constraints are avoidable, mitigable or potentially unacceptable.			EAP – Nemai Consulting	The purpose of the Scoping Phase is to identify the potentially significant environmental issues, opportunities and constraints associated with the proposed development and to define the investigations required during the EIA Phase. Environmental sensitivities identified through the Site Sensitivity Verification process informed the preliminary Project layout and avoidance of environmentally sensitive features where possible. Section 13 of the Draft and Final Scoping Report identifies the potentially significant environmental issues associated with the proposed development and the specialist investigations required to assess these issues further during the EIA

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					Phase. In addition, Section 13.2.2 identifies the mitigation hierarchy that will be applied during the impact assessment process, including avoidance, minimisation, remediation/rehabilitation and compensation measures. It is acknowledged that the detailed assessment of mitigation measures, impact significance and residual risks forms part of the EIA Phase and will be undertaken through the specialist studies and impact assessment process. The EIA Phase will determine the effectiveness of proposed mitigation measures and the resulting residual risks associated with the proposed development and alternatives.
51.	**187. Paragraph 2(1)(g)(ix): outcome of the site selection matrix** 188. No outcome of a site selection matrix is disclosed, because the EAP/Applicant has made it clear that no alternative was/is considered. 189. The Draft Scoping Report instead states that this matter will be addressed later, while Section 10.2 simultaneously records that no site alternatives are proposed. 190. This is one of the clearest manifestations of the underlying sequencing concern. The process begins with an Applicant selected site, excludes comparison with other locations, and postpones the evidentiary exercise which Appendix 2 contemplates as demonstrating why that site should be preferred. 191. If the Applicant contends that a formal matrix was unnecessary because no reasonable alternative sites existed, the evidentiary process by which that conclusion was reached must itself be disclosed and capable of scrutiny.			EAP – Nemai Consulting	It is acknowledged that no alternative site options are proposed for assessment as part of the current application. As described in Section 10.2 of the Draft and Final Scoping Report, the proposed Project site was identified based on a combination of technical, environmental and logistical considerations, including land availability, solar resource, proximity to suitable grid infrastructure, accessibility and the ability to optimise the layout to avoid or minimise impacts to environmentally sensitive features identified during the environmental assessment process. As no alternative site options form

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					part of the application, a comparative site selection matrix has not been undertaken. The current application relates solely to the identified project area and associated grid connection infrastructure. The S&EIR process will assess the environmental suitability and acceptability of the proposed development area, together with layout alternatives, technology alternatives, and the No-Go Alternative. Refer to previous responses relating to site alternatives, need and desirability, and the identification of impacts and risks associated with the proposed development and alternatives.
52.	**192. Paragraph 2(1)(g)(x): motivation for not investigating alternatives, including alternative locations** 193. The Applicant relies upon favourable irradiation, grid proximity, relatively level terrain, site access and land availability as reasons for selecting the proposed location. 194. Those factors may explain why Grootvlei is attractive. They do not establish that reasonable alternative locations do not exist or more appropriate locations exists within the identified Renewable Energy Development Zones (REDZs). 195. The application area does not fall within a Renewable Energy Development Zones (REDZs). 196. A motivation for excluding alternatives must explain why further comparison would not be reasonable or feasible. It cannot simply repeat the advantages of the preferred site. 197. "Grid proximity" itself requires comparative analysis. A site cannot logically be described as favourably located in relation to the grid without considering whether other technically reasonable sites may offer shorter, less sensitive or less conflicting grid connections.			EAP – Nemai Consulting	As described in Section 10.2 of the Draft and Final Scoping Report, no alternative site options are proposed for assessment as part of the current application. The proposed Project site was identified by the Applicant based on a combination of technical, environmental and logistical considerations, including the availability of land of sufficient extent, favourable solar resource, proximity to suitable grid infrastructure, access considerations, landowner willingness and the ability to avoid or minimise impacts to environmentally sensitive features identified during the environmental assessment process. The current application relates solely

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	198. The Project history strengthens rather than weakens the requirement for alternatives. The previously authorised footprint proved insufficient to accommodate the desired generation capacity while avoiding environmental constraints. That circumstance should have triggered consideration of reduced capacity, different configuration, technological alternatives or alternative locations. 199. It should not operate as a justification for expanding the same site until the predetermined capacity can be accommodated.				to the identified project area and associated grid connection infrastructure and no alternative development sites form part of the application. The S&EIR process will assess the environmental suitability and acceptability of the proposed development area, together with consideration of layout alternatives, technology alternatives, and the No-Go Alternative. The Scoping Phase identified environmental opportunities, constraints, and sensitivities associated with the proposed development area, as presented in Sections 11 and 13 of the Scoping Report. These findings informed the preliminary project layout and the scope of investigations to be undertaken during the EIA Phase.
53.	**200. Paragraph 2(1)(g)(xi): concluding statement identifying the preferred alternatives and preferred location** 201. The Draft Scoping Report's compliance roadmap indicates that the concluding identification of the preferred alternative and preferred location will only be undertaken during the EIA Phase. 202. That sequencing is fundamentally problematic. 203. The statutory structure contemplates that Scoping identifies the preferred site and frames the issues and alternatives which will then undergo detailed assessment during EIA. The EIA Phase is not intended to be the first occasion upon which the competent authority is told whether the site selected by the Applicant is actually the preferred environmental location. 204. This distinction assumes particular importance because the subsequent EIA process focuses detailed investigation			EAP – Nemai Consulting	Refer to the responses provided regarding: • Paragraph 2(1)(g)(ix): Outcome of the Site Selection Matrix; • Paragraph 2(1)(g)(x): Motivation for not investigating alternatives, including alternative locations; • Paragraph 2(1)(g)(i): all alternatives considered; • Paragraph 2(1)(f): need and desirability; and • Paragraph 1(d): identification and confirmation of the preferred activity. As described in Section 10.2 of the

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	within the site emerging from the accepted Scoping process. 205. The preferred site must therefore be established through the Scoping process before that process is accepted, rather than retrospectively justified after progression to EIA.				Final Scoping Report, no alternative site options are proposed for assessment as part of the current application. The proposed Project area was identified based on a combination of technical, environmental and logistical considerations and forms the basis of the current application. The S&EIR process will assess the environmental suitability and acceptability of the proposed development area, together with layout alternatives, technology alternatives, and the No-Go Alternative. Furthermore, as indicated in Section 10.1, the EIA Phase will include a detailed comparative assessment of feasible alternatives to inform the identification of the Best Practicable Environmental Option (BPEO).
54.	**206. Paragraph 2(1)(h)(i): alternatives to be assessed within the preferred site, including no-go** 207. The Plan of Study refers to alternatives and includes the no go option. 208. The difficulty is antecedent. Alternatives within a preferred site can only sensibly be investigated once the site itself has been properly established as preferred through the paragraph 1(d) and paragraph 2(1)(g) process. 209. In addition, the technology and layout alternatives presently contemplated remain insufficiently defined to permit meaningful comparison and the Applicant does not comply with this requirement.			EAP – Nemai Consulting	Refer to the responses provided regarding: • Paragraph 2(1)(g)(i): Alternatives considered; • Paragraph 2(1)(g)(ix): Outcome of the Site Selection Matrix; • Paragraph 2(1)(g)(x): Motivation for not investigating alternatives, including alternative locations; • Paragraph 2(1)(g)(xi): Preferred alternative and preferred location; • Paragraph 2(1)(f): Need and Desirability; and • Paragraph 2(1)(d): Identification and confirmation of the preferred activity and technology through impact and risk identification and

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					ranking. As described in Section 10 of the Draft and Final Scoping Report, the S&EIR process will assess the environmental suitability and acceptability of the proposed development area together with layout alternatives, technology alternatives and the No-Go Alternative. The Plan of Study for EIA (Section 14) further provides for the detailed assessment of these alternatives, including specialist input and impact assessment, to inform the identification of the BPEO.
55.	**210. Paragraph 2(1)(h)(ii): aspects to be assessed during EIA** 211. The Plan of Study identifies a broad suite of environmental aspects for investigation and this requirement appears to be substantially addressed at a formal level. 212. The identified scope must nevertheless be supplemented where new information or Scoping comments reveal material risks not adequately captured when the original Plan of Study was prepared. 213. In particular, the Plan of Study should expressly address groundwater and karst risk, BESS emergency response and contaminated firewater risk, grid compatibility, competing renewable energy infrastructure and the cumulative consequences of the complete Project.			EAP – Nemai Consulting	The Plan of Study for EIA identifies the specialist studies and investigations required to assess the potentially significant environmental issues identified during the Scoping Phase. Refer to Sections 13 and 14 of the Draft and Final Scoping Report. The Scoping Phase identified a range of potentially significant environmental issues requiring further investigation during the EIA Phase, including geology, soils and geohydrology, surface water resources, terrestrial biodiversity, agricultural resources, heritage resources, visual impacts, socio-economic impacts, health and safety, and cumulative impacts. Section 13.4 identifies cumulative impacts associated with existing and proposed renewable energy

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					developments within the area, which will be assessed further during the EIA Phase. The concerns raised regarding groundwater resources, geotechnical constraints and BESS-related risks have been noted and will be considered through the specialist investigations and impact assessment process undertaken during the EIA Phase (refer to Table 11 of the draft and final Scoping Reports). Where appropriate, additional clarification has been incorporated into the Final Scoping Report.
56.	**214. Paragraph 2(1)(h)(iii): aspects to be assessed by specialists** 215. The Plan identifies specialist work relating to agriculture, visual impacts, heritage and palaeontology, terrestrial biodiversity, wetlands, geotechnical conditions and social impacts, amongst other matters. 216. The objection is not that every conceivable environmental discipline must automatically produce a standalone specialist report. 217. The requirement is that the Plan of Study demonstrate a rational and evidence-based determination of the level of specialist investigation required for each material risk identified during Scoping. 218. Where a standalone specialist report is considered unnecessary, the EAP should record the evidentiary basis for that conclusion and identify how the issue will otherwise be competently assessed.			EAP – Nemai Consulting	The selection and scope of specialist studies were informed by the National Web-Based Environmental Screening Tool and the Site Sensitivity Verification (SSV) process undertaken in accordance with the applicable regulations and protocols. Appendix F of the Draft and Final Scoping Report contains the SSV findings and verifies the environmental sensitivities identified by the Screening Tool and the level of specialist assessment required for the Project. The outcomes of the Screening Tool and SSV process have been incorporated into the Scoping Report and specifically inform the specialist studies identified in Section 14 and Table 13 of the Plan of Study for EIA. Table 13 identifies the specialist studies required for the Project and

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					provides the basis upon which those studies have been triggered. In addition, the specialist studies identified in Section 14 were informed by the potential environmental issues identified during the Scoping Phase, including the findings of the receiving environment assessment (Section 11), the identification of potentially significant environmental issues (Section 13), specialist input, environmental screening results and comments received during the public participation process.
57.	**219. Paragraph 2(1)(h)(iv) and (v): assessment methodology, duration and significance** 220. A general impact assessment methodology is provided and the formal requirement appears broadly addressed. 221. That conclusion remains subject to compliance with any applicable discipline specific protocol and to confirmation by the relevant specialists that the proposed methodology is appropriate to the particular environmental theme. **222.** Where a specialist protocol prescribes a different or more specific approach, the generic EIA methodology cannot substitute for the prescribed specialist methodology.			EAP – Nemai Consulting	It is noted that the commentator acknowledges that the impact assessment methodology and associated assessment criteria are included in the Draft and Final Scoping Report and that the requirement has been addressed. The specialist studies identified in the Plan of Study for EIA will be undertaken in accordance with the applicable environmental assessment protocols, specialist requirements and relevant legislative provisions. Where discipline-specific protocols prescribe a particular assessment methodology or reporting requirement, the relevant specialist study will be undertaken in accordance with those requirements.
58.	**223. Paragraph 2(1)(h)(vi): stages of competent authority consultation** 224. The Plan of Study identifies anticipated consultation with DFFE at relevant stages of the environmental assessment			EAP – Nemai Consulting	The Minutes of the Pre-Application Meeting are Appended to the Application Form which is contained in Appendix B of the draft and Final

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	process. 225. On the present documentation, this requirement appears to be substantially addressed. 226. The Interested and Affected Parties nevertheless request that any material directions, conditions or decisions provided by DFFE during pre-application consultation or subsequent engagement be disclosed and incorporated into the Final Scoping Report where relevant.				Scoping Reports. The comments received from the Competent authority are incorporated into the CRR which will be continaed in Appendix H of the Final Scoping Report which will be uploaded to the Nemai website for access by I&APs.
59.	**227. Paragraph 2(1)(h)(vii): public participation during the EIA Phase** 228. The Plan provides for further public review during the EIA Phase and an updated Comments and Responses Report. 229. Future participation does not retrospectively cure exclusion from the Scoping process. 230. Scoping and EIA serve different statutory functions. A party excluded from Scoping loses the opportunity to influence site selection, issue identification, specialist terms of reference, the Plan of Study and the scope of the detailed assessment.			EAP – Nemai Consulting	Minutes of the Pre-Application Meeting held with the Competent Authority are included in the Application Form, which is contained in Appendix B of the Draft and Final Scoping Report. Comments received from the Competent Authority on the Draft Scoping Report have been incorporated into the Comments and Responses Report (CRR), together with the Applicant's responses thereto. The CRR forms Appendix H of the Final Scoping Report. The Final Scoping Report, including the CRR and supporting appendices, will be made available on the Nemai Consulting website (https://nemai.co.za/downloads/) following submission to the Department, thereby providing Interested and Affected Parties access to the comments received from the Competent Authority and the manner in which such comments have been addressed.
60.	**231. Paragraph 2(1)(h)(viii): EIA tasks** 232. The Plan of Study identifies the broad tasks intended to be			EAP – Nemai Consulting	It is acknowledged that the Plan of Study for EIA identifies the tasks to be

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	undertaken during the EIA Phase. 233. This requirement is addressed at a general level only and the adequacy of those tasks nevertheless depends upon the Project description, preferred site, alternatives and specialist scope having first been properly settled during Scoping. 234. An otherwise detailed EIA work programme cannot cure an inadequate Scoping foundation.				undertaken during the EIA Phase and that this requirement has been addressed. Refer to the responses provided regarding: • Paragraph 2(1)(e): Identification of key issues requiring assessment during the EIA Phase; • Paragraph 2(1)(f): Agreement on the level of assessment, methodology, expertise and consultation required; • Paragraph 2(1)(g)(i): Alternatives considered; • Paragraph 2(1)(g)(ix): Outcome of the Site Selection Matrix; • Paragraph 2(1)(g)(x): Motivation for not investigating alternatives, including alternative locations; and • Paragraph 2(1)(g)(xi): Preferred alternative and preferred location.
61.	**235. Paragraph 2(1)(h)(ix): suitable impact management and residual risks** 236. It is legitimate for the Plan of Study to identify how detailed mitigation, impact management and residual risks will be assessed during the EIA Phase. 237. That future work must be distinguished from the separate Scoping requirement under paragraph 2(1)(g)(viii). 238. The latter requires sufficient information regarding possible mitigation and residual risk to inform the Scoping stage alternatives decision. 239. Detailed residual risk may therefore be refined during EIA, but the Applicant cannot postpone all consideration of residual risk until after the site and alternatives have effectively been selected. The Applicant/EAP clearly never intended to consider			EAP – Nemai Consulting	Refer to the responses provided regarding: • Paragraph 2(1)(g)(v): Impacts and risks informing each alternative; • Paragraph 2(1)(g)(viii): Possible mitigation measures and level of residual risk; • Paragraph 2(1)(g)(ix): Outcome of the Site Selection Matrix; • Paragraph 2(1)(g)(x): Motivation for not investigating alternatives, including alternative locations; and • Paragraph 2(1)(g)(xi): Preferred

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	alternatives due to bargaining on the fact that this application will also proceed to the EIA phase and ultimately be granted like the previous application which had a much smaller footprint and as explained and set out by the I&APs represented herein lacked sufficient public participation for a grant.				alternative and preferred location. As described in Section 13 of the Draft and Final Scoping Report, the Scoping Phase identified the potentially significant environmental issues, opportunities and constraints associated with the proposed development, together with the specialist investigations required to assess these issues further during the EIA Phase. Section 13.2.2 further identifies the mitigation hierarchy to be applied during the impact assessment process, including avoidance, minimisation, remediation/rehabilitation, and compensation measures. The detailed assessment of mitigation measures, impact significance and residual risks will be undertaken during the EIA Phase through the specialist studies and impact assessment process. The EIA Report will assess the effectiveness of proposed mitigation measures and determine the residual risks associated with the proposed development and alternatives.
62.	**240. Paragraph 2(1)(i): EAP oath concerning correctness, I&AP inputs and responses** 241. The EAP oath contained in the Draft Scoping Report is dated 25 June 2026, before either of the public review periods recorded elsewhere in the report. 242. As a matter of chronology, an oath executed before public comments were received cannot attest to the subsequent incorporation, consideration and response to those comments.			EAP – Nemai Consulting	The Final Scoping Report has been updated to incorporate comments received during the public participation process and the corresponding Comments and Responses Report. Accordingly, the EAP declaration contained in Appendix E has been updated and re-

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	243. The issue is not necessarily that the oath invalidates publication of the Draft Scoping Report. The material point is that the Final Scoping Report must be supported by an oath corresponding with the completed Scoping record upon which the competent authority is being asked to act.				signed for submission of the Final Scoping Report.
63.	**244. Paragraph 2(1)(j): oath concerning the level of agreement on the Plan of Study** 245. This is a distinct statutory requirement and should not be collapsed into the general oath regarding correctness. 246. The EAP must address the level of agreement between the EAP and Interested and Affected Parties concerning the Plan of Study. 247. An oath predating public review cannot establish the degree of agreement or disagreement emerging from comments that had not yet been submitted. 248. The Final Scoping Report should therefore identify material areas of agreement and disagreement regarding the Plan of Study, explain how disputed issues have been dealt with and contain an updated oath reflecting the completed consultation record.			EAP – Nemai Consulting	The comments received from I&APs regarding the Plan of Study for EIA and the proposed specialist investigations have been recorded and responded to within this CRR. The CRR therefore records matters raised during the Scoping Phase, including areas where Interested and Affected Parties and the Applicant/EAP may hold differing views on the proposed assessment approach. The Plan of Study for EIA contained in Section 14 of the Final Scoping Report has been informed by the Site Sensitivity Verification process, environmental screening results, specialist input, comments received during public participation and the environmental issues identified during the Scoping Phase. The declaration contained in Appendix E has been updated for submission of the Final Scoping Report.
64.	**249. Paragraph 2(1)(k): information required by the competent authority** 250. The Draft Scoping Report reportedly records this requirement as not applicable. 251. That conclusion should not be accepted without reconciliation against the complete DFFE pre-application record, including meeting minutes, written directions,			EAP – Nemai Consulting	The Competent Authority identified no additional project-specific information requirements during the pre-application phase. As such, Paragraph 2(1)(k) of Appendix 2 was correctly identified as not applicable at the time of compilation of the Draft

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	Screening Tool requirements and subsequent correspondence. 252. If DFFE imposed or requested any Project specific information requirements, the Final Scoping Report should expressly identify where and how those requirements have been satisfied.				Scoping Report. The minutes of the pre-application meeting are included in the Application Form contained in Appendix B of the Draft and Final Scoping Report. Any comments received from the Competent Authority during the Scoping Phase have been included in the CRR (this report) (Appendix H) together with the Applicant's responses and, where applicable, have been incorporated into the Final Scoping Report.
65.	**253. Paragraph 2(1)(l): matters required in terms of section 24(4)(a) and (b) of NEMA** 254. Paragraph 2(1)(l) operates as an important substantive safeguard rather than an empty residual provision. 255. Section 24(4) reinforces the need for adequate investigation of environmental impacts, consideration of alternatives, public participation, specialist input and integrated assessment. 256. The deficiencies identified throughout these objections concerning alternatives, cumulative effects, specialist scope, public participation and environmental risk therefore also bear directly upon compliance with this provision. 257. The Applicant cannot rely upon formal treatment of individual Appendix 2 headings if the cumulative process does not satisfy the integrated assessment contemplated by NEMA.			EAP – Nemai Consulting	Refer to the responses provided for all Paragraph 2 comments raised. It is acknowledged that compliance with Appendix 2 must be considered in the context of the Scoping Report as a whole and not solely against individual sections in isolation. The Draft and Final Scoping Report describe the proposed development, receiving environment, alternatives considered, environmental opportunities and constraints, the public participation process, specialist investigations, and the Plan of Study for EIA. The Scoping Phase has identified the potentially significant environmental issues requiring further investigation and established the scope of work to be undertaken during the EIA Phase. The Final Scoping Report provides an integrated assessment of the

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					proposed development, identifies the environmental issues requiring further investigation and substantially complies with the requirements of Appendix 2 of the EIA Regulations, 2014 (as amended) and Section 24(4) of NEMA.
66.	**258. Paragraph 2(2): gazetted protocols and minimum information requirements** 259. Applicable environmental assessment protocols and minimum information requirements are not ancillary guidance. Where applicable, they prescribe the required approach to site sensitivity verification and specialist assessment. 260. Compliance therefore requires substantially more than demonstrating that a document bearing the title "Site Sensitivity Verification" exists. 261. The Applicant must demonstrate that the correct protocol was applied to the correct development component and geographical footprint; that the sensitivity classification was properly verified; that the necessary fieldwork and specialist expertise were employed; and that the resulting specialist response corresponds with the infrastructure now proposed. 262. Particular concern arises where specialists record that no detailed layout was available at the time of their fieldwork, while the Project footprint and mapping subsequently evolved. 263. Similarly, specialist work undertaken only over an expansion area or partial footprint cannot automatically be extrapolated across the entire new application area without a reasoned demonstration that the earlier or partial work remains representative and adequate. 264. A clear example of this is the Agricultural SSV where the specialist included an image of a soil profile not properly depicted without a location of where this sample was taken within the extensive application area. 265. In the premises, the defects identified above are not capable of being dismissed as matters of detail, nor can they lawfully be carried forward for investigation during the EIA Phase or retrospectively repaired by inserting new substantive			EAP – Nemai Consulting	Refer to the responses provided regarding: • Public Participation; • Site Alternatives; • Layout Alternatives; • Site Sensitivity Verification; • Agricultural Site Sensitivity Verification; • Identification of Environmental Issues; • Specialist Studies and Scope of Assessment; • Impacts and Risks Informing Alternatives; • Mitigation Measures and Residual Risks; and • Preferred Alternative and Preferred Location. The Site Sensitivity Verification process was undertaken in accordance with the applicable Environmental Assessment Protocols and that the relevant environmental sensitivities associated with the Project footprint were identified and verified during the Scoping Phase. The SSV findings informed the identification of environmental opportunities and constraints, the development of the preliminary

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	material into the Final Scoping Report after closure of the Scoping public participation process. 266. They concern the very matters which Appendix 2 requires to be identified, investigated, compared, tested through public participation and concluded before the Scoping Report may properly be accepted. The Applicant has, on its own version, deferred the assessment of impacts and risks informing alternatives, the comparative evaluation of positive and negative impacts, mitigation and residual risk, the site selection matrix and the identification of the preferred alternative and location to the EIA Phase, notwithstanding that these are prescribed Scoping requirements. 267. permit the application to proceed in those circumstances would invert the statutory process, allow the preferred site and Project configuration to become effectively fixed before the environmental justification for their selection has been established, and reduce Scoping to a procedural formality rather than the substantive decision-making stage contemplated by NEMA and Appendix 2. 268. The prejudice cannot be cured by allowing the EAP to rewrite the Final Scoping Report because any genuine attempt now to undertake the omitted site selection, alternatives assessment, impact and risk ranking and associated specialist reconsideration would generate materially new information which the Interested and Affected Parties have never been afforded an opportunity to interrogate or comment upon during Scoping. The statutory sequence cannot be reconstructed retrospectively. 269. The present Scoping Report therefore fails to substantially comply with Appendix 2 in respects going to the core purpose of the Scoping process, and the Applicant is unable, within the present process and prescribed timeframe, to cure those failures without effectively conducting a new Scoping exercise. The Interested and Affected Parties accordingly respectfully submit that the jurisdictional basis for progression to the EIA Phase has not been established and that the competent authority should, in accordance with Regulation 22(b)(ii), refuse Environmental Authorisation for the present application				Project layout, and the specialist studies identified in the Plan of Study for EIA. The Scoping Phase identified the environmental issues, opportunities, constraints and alternatives requiring further investigation during the EIA Phase. The specialist studies identified in Section 14 of the Final Scoping Report will undertake the detailed assessment of impacts, mitigation measures, cumulative impacts and residual risks in accordance with the applicable protocols and specialist requirements. Therefore, the Final Scoping Report complies with the requirements of Appendix 2 of the EIA Regulations, 2014 (as amended), and the environmental issues requiring detailed investigation have been appropriately identified and scoped for assessment during the EIA Phase.

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	rather than permit a fundamentally defective Scoping process to be carried forward and legitimised through the subsequent EIA Phase.				
67.	**E** **DEFECTIVE PUBLIC PARTICIPATION, PROCEDURAL UNFAIRNESS AND THE UNRELIABILITY OF THE SCOPING RECORD** 270. The Interested and Affected Parties submit that the defects in the public participation process constitute an independent and substantial ground upon which the present Scoping Report should not be accepted. The defect is not merely that participation could have been better. The evidence presently available indicates that persons whom the EIA Regulations specifically required to be identified and given written notice were not afforded that notice at all. The represented Interested and Affected Parties expressly record that they did not receive the prescribed written notification, while the available Interested and Affected Party database does not demonstrate that all relevant adjacent owners, persons in control and occupiers were properly identified. 271. Public participation under NEMA is not an optional administrative courtesy. It is an integral component of lawful environmental decision making. Regulation 40 requires the public participation process relating to a Scoping Report to afford potential or registered Interested and Affected Parties at least 30 days within which to comment, to provide access to information which reasonably has or may have the potential to influence the decision, and to include consultation with all potential or, where relevant, registered Interested and Affected Parties. 272. Regulation 41 goes materially further than merely requiring general public advertisement. Regulation 41(2) prescribes distinct methods by which notice must be given. It separately requires the placement of site notices, the giving of written notice to specified persons, and newspaper advertisement. Of particular importance, Regulation 41(2)(b)(ii) requires written notice to the “owners, persons in control of, and occupiers of land adjacent to the site” and likewise to corresponding			EAP – Nemai Consulting	Section 12 of the Draft and Final Scoping Report describes the public participation process for the proposed development, with supporting documentation provided in Appendix G of the Final Scoping Report. The public participation process included placing site notices, publishing newspaper adverts, notifying authorities and identified I&APs, maintaining an I&APs Database, and giving I&APs an opportunity to comment on the Draft Scoping Report. In addition to placing general site notices, notices were placed on the fences of directly affected properties traversed by the proposed development and associated infrastructure to bring the proposed development to the attention of potentially affected landowners and occupiers. Proof of the placement of site notices is included in Appendix G. Comments received during the Scoping Phase have been considered and responded to within this Comments and Responses Report and have informed the preparation of the Final Scoping Report. Therefore, the public participation

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	persons in relation to any alternative site. 273. The structure of Regulation 41 is decisive. Newspaper publication and site notices do not substitute for the direct written notification expressly prescribed for adjacent owners, persons in control and occupiers. They are separate statutory mechanisms serving different purposes. General publication seeks to alert the broader public. Direct written notice seeks to ensure that persons whose proximity to the development makes them particularly likely to be affected are individually informed. 274. This distinction is particularly important in the present matter. The proposed development comprises an exceptionally large generation footprint together with linear grid infrastructure extending across several cadastral properties. Adjacent farmers, landowners and occupiers may possess information concerning drainage patterns, wetlands, boreholes, grazing practices, farm infrastructure, access roads, servitudes, fire risks, heritage features, cumulative development, competing renewable energy rights and alternative grid corridors which may not be apparent from desktop information available to the EAP. 275. The statutory requirement of direct notice exists precisely because such persons are not merely members of the general public. They are identifiable persons who may be directly affected by the development and whose information may materially alter the environmental assessment.				process undertaken during the Scoping Phase was undertaken in accordance with the requirements of the EIA Regulations, 2014 (as amended), and provided I&APs with a reasonable opportunity to obtain information regarding the Project and submit comments for consideration.
68.	**276. The Applicant's own description of its notification process exposes the defect** 277. The Draft Scoping Report states that an Interested and Affected Party database was prepared containing authorities, spheres of government, parastatals, ward councillors, stakeholders, landowners, interest groups and members of the public. It then states that notification would occur through newspaper notices, site notices and, importantly: “Emails will be sent to the Authorities and I&APs that are contained in the database.” 278. The consequence is obvious. If an adjacent owner, person in control or occupier was never identified and placed on the			EAP – Nemai Consulting	Section 12 of the Draft and Final Scoping Report describes the public participation process for the proposed development, with supporting documentation provided in Appendix G of the Final Scoping Report. The public participation process included compiling and maintaining an I&APs database, notifying identified I&APs and authorities, placing site notices, publishing newspaper

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	database, that person could not receive the very email notification which the Draft Scoping Report says would be sent to the persons contained in that database. 279. The issue is therefore not whether the database contains some persons described as “landowners”. Nor is the existence of a database proof that Regulation 41 was complied with. The proper enquiry is whether the EAP first identified every relevant adjacent cadastral property, then identified the owners, persons in control and occupiers whom Regulation 41 requires to be notified, and thereafter actually gave each such person the prescribed written notice. 280. The represented Interested and Affected Parties state that they received no such notice. Independent cadastral scrutiny undertaken on their behalf has furthermore identified ownership interests adjacent to affected land which do not appear to have been properly reflected as adjacent owners in the available database. Those allegations are concrete and objectively verifiable. They cannot responsibly be answered by a general statement that advertisements were published or that a database existed. 281. DFFE should therefore require the Applicant and EAP to produce the complete evidentiary audit trail underlying the public participation process. That record should include the cadastral investigation used to identify adjacent land; deeds and ownership information relied upon; the complete schedule of properties regarded as adjacent to the generating site and powerline corridor; the identity of owners, persons in control and occupiers identified for each property; the searches undertaken to obtain contact particulars; copies of every written notification; transmission and delivery records; failed delivery and returned communication records; the newspaper publication record; photographs and locations of site notices; municipal and ward councillor notification; and the complete Regulation 42 register. 282. Without that evidence, DFFE cannot lawfully assume that the mandatory notification process occurred merely because the Draft Scoping Report states that a public participation process was undertaken, and our clients who are landowners				advertisements, and providing opportunities for I&APs to register and comment on the application. In addition to the placement of general site notices, notices were placed on directly affected properties traversed by the proposed development and associated infrastructure to bring the proposed development to the attention of potentially affected landowners and occupiers. Proof of the placement of these notices is included in Appendix G. The I&APs database, copies of notifications, proof of advertisements, site notice records and comments received form part of the public participation record contained in the Final Scoping Report and supporting appendices.

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	and adjacent landowners has proven otherwise.				
69.	**283. The public review dates are themselves contradictory** 284. The reliability of the notification process is further undermined by the fact that the Draft Scoping Report contains materially different public review periods. 285. Section 12.4.1 states that Interested and Affected Parties were afforded an opportunity to comment from 10 July 2026 to 11 August 2026. 286. Table 14, however, records the review of the Draft Scoping Report by authorities and Interested and Affected Parties as running from 3 July 2026 to 4 August 2026. 287. The fact that either period may, arithmetically, exceed 30 days does not render the contradiction immaterial. A public participation process must provide a clear and reliable opportunity to participate. It cannot simultaneously communicate two different closing dates for the same statutory opportunity. 288. A person who was informed that comments closed on 4 August 2026 could reasonably have concluded after that date that the opportunity to participate had expired. Conversely, a person informed that comments remained open until 11 August 2026 would understand that participation remained available. The discrepancy therefore goes directly to procedural certainty and potential prejudice. 289. DFFE should require disclosure of the actual notices, advertisements, emails and site notices used during the process to establish which closing date was communicated through each medium and whether different groups of potential Interested and Affected Parties were given inconsistent information. 290. The contradiction assumes additional significance because the represented Interested and Affected Parties were instructed only late in the purported review period and state that they never received the direct written notice required by Regulation 41. It would be fundamentally unfair to criticise an affected person for participating late where that person was never directly notified and the Applicant's own environmental documentation contains inconsistent statements as to when			EAP – Nemai Consulting	Section 12.4.1 of the Draft and Final Scoping Report correctly records the public review period for the Draft Scoping Report as 10 July 2026 to 11 August 2026. This review period is consistently reflected throughout the public participation documentation, notifications and supporting records contained in Appendix G. The dates referenced in Table 14 relate to the indicative S&EIR programme and overall project schedule. As stated in both the text preceding Table 14 and the table caption itself, these dates were included for project planning purposes and were expressly identified as being subject to change as the S&EIR process unfolds. Table 14 does not constitute the official public participation record or notification of the public review period. The public participation process undertaken for the Draft Scoping Report was conducted between 10 July 2026 and 11 August 2026, as reflected in Section 12 and the associated public participation documentation. I&APs were afforded the prescribed opportunity to review and comment on the Draft Scoping Report.

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	the comment period ended.				
70.	**291. A technically available comment period is not equivalent to meaningful participation** 292. The Supreme Court of Appeal has now spoken directly and emphatically on the substantive character of environmental public participation. 293. It is held that environmental participation requires "meaningful and effective participation" and rejected the proposition that formal opportunities which fail substantively to enable affected persons to participate are sufficient. 294. The factual deficiencies in that matter concerned, amongst other things, language and inadequate engagement with affected communities. The present facts are different. The legal principle is nevertheless directly relevant. Formal availability of documents or a newspaper advertisement does not answer an allegation that persons whom the Regulations specifically required to receive direct notification were omitted from the process. 295. Of particular significance, the courts have rejected reliance upon later participation processes as a cure for exclusion from the environmental authorisation process in which participation was required. It held that the public participation failure independently vitiated the authorisation. 296. The reasoning is especially important here because the present defect has been identified before DFFE accepts the Scoping Report. DFFE therefore has the opportunity to prevent the procedural failure from becoming embedded in the environmental assessment rather than leaving the matter to be challenged after an Environmental Authorisation has been granted. 297. A recent judgment is also important in relation to remedy. The Supreme Court of Appeal ultimately concluded that the defective process required a fresh application once proper participation had occurred and its results had been considered. It rejected a remedy which would merely allow the deficient process to continue on the same foundation.			EAP – Nemai Consulting	Refer to the responses provided regarding: • The Public Participation Process; • Identification and notification of Interested and Affected Parties; • Public review periods; • Public participation records and supporting documentation; and • Compliance with the EIA Regulations, 2014 (as amended). The public participation process included placing site notices, publishing advertisements, notifying authorities and identified I&APs, maintaining an I&AP database, and providing opportunities for I&APs to register and comment on the application. Comments received during the Scoping Phase have been considered and responded to within this CRR and have informed the preparation of the Final Scoping Report.
71.	**298. Participation during EIA cannot restore the opportunity lost during Scoping**			EAP – Nemai Consulting	Refer to the responses provided regarding:

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	299. It cannot properly be contended that any failure to notify affected persons during Scoping can simply be cured by adding them to the database and inviting them to comment during the EIA Phase. 300. That proposition misunderstands the statutory purpose of Scoping. 301. The Draft Scoping Report itself acknowledges that the purpose of Scoping includes identifying and engaging Interested and Affected Parties, considering alternatives, identifying significant issues requiring further investigation, determining the specialist and assessment scope of the ensuing EIA Phase, and enabling informed decision making. 302. The Scoping Report therefore confirms what the Regulations require: Scoping is a formative phase. It determines what issues will be investigated, which alternatives require assessment, which specialists are required, what their terms of reference should contain, and what Plan of Study will govern the EIA. 303. An affected landowner who is first permitted to participate after the Scoping Report and Plan of Study have been accepted has lost the opportunity to influence those decisions at the stage when they were required to be made. 304. The prejudice is not theoretical. The present objections have already identified information which apparently did not emerge from the Applicant's own Scoping process, including existing EDF contractual interests potentially affecting the grid corridor, additional affected ownership interests, concerns regarding specialist coverage, alternative route considerations and material discrepancies within the Project description. 305. Those matters demonstrate why direct participation by affected persons is substantive rather than ceremonial. 306. The Draft Scoping Report itself states: 307. “The Scoping Phase identifies and prioritises issues for further assessment during the EIA Phase.” 308. Once the Applicant accepts that proposition, it cannot simultaneously maintain that persons excluded from Scoping suffer no prejudice because they may participate during EIA. Participation after issues have been identified and prioritised is				The Public Participation Process; • Identification and notification of Interested and Affected Parties; • Identification of environmental issues requiring assessment during the EIA Phase; • The Plan of Study for EIA; • Alternatives considered; and • Specialist studies and scope of assessment. The Scoping Phase is intended to identify environmental issues, opportunities, constraints and alternatives requiring further investigation during the EIA Phase. As described in the Draft and Final Scoping Report, the Scoping Phase informed the identification of potentially significant environmental issues, specialist studies, environmental sensitivities and the scope of assessment to be undertaken during the EIA Phase. Comments received during the Scoping Phase have been considered and responded to within this Comments and Responses Report and have informed the Final Scoping Report and Plan of Study for EIA.

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	not equivalent to participation in deciding what the issues and priorities should be.				
72.	**309. Material Scoping comments cannot simply be postponed to the EIA Phase** 310. An additional concern arises from the Plan of Study. It states that "any unattended comments from the Scoping Phase" may be addressed in the Comments and Responses Report for the EIA Phase. 311. That approach is fundamentally inappropriate insofar as the outstanding comment concerns the adequacy of Scoping itself. 312. A comment concerning whether an alternative site should be investigated, whether the preferred grid route is feasible, whether additional landowners should have been consulted, whether another specialist discipline is required, whether a specialist's terms of reference are adequate, or whether the Plan of Study itself is deficient cannot meaningfully inform the Scoping decision if it is answered only after DFFE has already accepted the Scoping Report and Plan of Study. 313. A response provided during EIA cannot travel backwards in time and influence a Scoping decision which has already been taken. 314. All comments material to the statutory Scoping functions must therefore be substantively considered and addressed before DFFE determines whether the Scoping Report should be accepted.			EAP – Nemai Consulting	It is agreed that comments material to the Scoping Phase should be considered prior to submission of the Final Scoping Report and determination of the Scoping application by the Competent Authority. Comments received during the Scoping Phase have been considered and responded to in this Comments and Responses Report and have informed the preparation of the Final Scoping Report, including the identification of environmental issues, opportunities, constraints, alternatives, specialist investigations and the Plan of Study for EIA where relevant. The reference in the Plan of Study to "unattended comments" relates to comments received during the Scoping Phase which require further specialist investigation or detailed assessment during the EIA Phase before a final response can be provided. Such comments are not disregarded during the Scoping Phase, but rather inform the scope of work, specialist investigations and assessment requirements to be undertaken during the EIA Phase.
73.	**315. Regulation 41 requires relevant facts and a genuine opportunity to participate** 316. Regulation 41(6) independently requires the person			EAP – Nemai Consulting	Refer to the responses provided regarding: • The Public Participation Process;

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	conducting public participation to ensure that information containing all relevant facts concerning the application is made available and that participation is facilitated so that potential and registered Interested and Affected Parties receive a reasonable opportunity to comment. 317. The obligation is therefore not satisfied by proving that an email was technically sent. The information supplied must itself be sufficiently coherent and reliable to permit meaningful participation. 318. That requirement brings the numerous internal contradictions in the present application directly into the public participation enquiry.				• Identification and notification of I&APs; • Project Description; • Alternatives considered; • Layout Alternatives; • Municipal jurisdiction and the applicable legislative framework; and • Site Sensitivity Verification and specialist investigations. The Draft Scoping Report described the proposed development, associated infrastructure, environmental sensitivities, alternatives considered, public participation process, specialist investigations and the Plan of Study for EIA. Comments received during the public participation process have been considered and responded to in this Comments and Responses Report and have informed the preparation of the Final Scoping Report.
74.	**319. INTERNAL CONTRADICTIONS AND THE RELIABILITY OF THE INFORMATION PLACED BEFORE THE PUBLIC** 320. Meaningful public participation presupposes that the public is told, with reasonable consistency, what development is actually proposed. 321. Interested and Affected Parties cannot intelligently assess environmental consequences, identify affected rights, formulate alternatives or challenge specialist conclusions where the environmental documentation materially contradicts itself concerning the identity, location, scale, technology, infrastructure and timing of the development. 322. The cross-document review undertaken on behalf of the represented Interested and Affected Parties has identified a			EAP – Nemai Consulting	Refer to the responses provided regarding: • The Public Participation Process; • Identification and notification of I&APs; • Public review periods; • Public participation records and supporting documentation; and • Compliance with the EIA Regulations, 2014 (as amended). The public participation process included the placement of site notices,

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	substantial number of discrepancies and unresolved inconsistencies. These include differing descriptions of the Applicant; differing total Project areas of approximately 1 180 hectares, 1 200 hectares and 1 300 hectares; inconsistent geographic and municipal descriptions; different central and powerline coordinates; grid connection distances ranging materially depending upon the document consulted; conflicting BESS technologies; inconsistent statements concerning whether the layout is final or remains subject to refinement; specialist reports recording that no detailed layout was supplied while the Draft Scoping Report states that specialist delineation informed finalisation of the layout; differing specialist footprint coverage; inconsistent biodiversity plan years and categories; and contradictory public review dates. The detailed schedule supplied with these objections identifies these matters individually. 323. Certain discrepancies may ultimately prove to be simple typographical errors. The Interested and Affected Parties do not suggest that every incorrect word or number independently renders an environmental assessment invalid. 324. The concern is their number, materiality and cumulative effect. 325. The distinction between a harmless typographical error and a material inconsistency depends upon what the information affects. An error in punctuation may be immaterial. An error identifying the Applicant, development area, municipality, property, coordinate, powerline route, voltage, BESS technology, specialist study area, environmental sensitivity or public participation deadline is qualitatively different because those facts determine what is assessed, who must be notified, which authority must participate, which environmental receptors are affected and what specialist investigation is necessary. 326. The Applicant identity discrepancy is fundamental because an Environmental Authorisation is issued to an identified legal person. DFFE should not be required to infer which juristic entity is in fact the Applicant. 327. The Project extent and layout discrepancies are				publication of advertisements, notification of authorities and identified I&APs, maintenance of an I&AP database and provision of opportunities for I&APs to register and comment on the application. Comments received during the Scoping Phase have been considered and responded to within this CRR and have informed the preparation of the Final Scoping Report. I&APs were provided with access to information regarding the proposed development and afforded an opportunity to participate in the environmental assessment process.

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	environmentally material because impacts are spatial. Whether the development occupies approximately 1 180 hectares or approximately 1 300 hectares is not an abstract accounting issue. The answer potentially changes the extent of vegetation clearance, agricultural land transformation, habitat loss, stormwater requirements, roads, fencing, cumulative impact, affected properties and the relationship between infrastructure and sensitive environmental features. 328. The municipal discrepancies are likewise material because municipal jurisdiction determines the applicable spatial planning framework, the relevant municipal authorities and ward representatives, and potentially the parties requiring direct consultation. 329. The powerline location and grid distance discrepancies are material because the precise corridor determines which properties are traversed, which persons must be notified, which servitudes may be required, which environmental features are intersected, and the visual, avifaunal, heritage and cumulative effects of the connection infrastructure. 330. The BESS technology discrepancies are environmentally material because different battery technologies may present different fire, chemical, waste, emergency response and contaminated runoff risks. The public cannot meaningfully comment upon those risks where different parts of the environmental record describe materially different technologies without clearly defining the technology envelope ultimately sought to be authorised. 331. The layout contradiction is particularly serious. The Draft Scoping Report states that specialists delineated sensitive environmental features before the layout was finalised and that no alternative layouts are presented because the final layout was iteratively developed on the basis of specialist input. Yet the aquatic and terrestrial specialist material records that no detailed layout was provided at the time of those investigations. That contradiction goes directly to the claimed environmental optimisation of the Project. 332. The same concern applies to statements that sensitive areas have been avoided where aquatic material identifies				

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	wetland features within or in close relationship with the development area. An Interested and Affected Party is entitled to know whether avoidance has already occurred, remains an objective for future design, or cannot be achieved for certain components. 333. These are not matters which can responsibly be "tidied up" in the Final Scoping Report without determining their consequences. 334. Correcting the text does not necessarily correct the assessment 335. If the Applicant changes a coordinate in the Final Scoping Report, DFFE must ask whether the specialist assessed the corrected coordinate. 336. If the Project area is changed from 1 200 hectares to 1 300 hectares, DFFE must ask whether the Screening Tool, Site Sensitivity Verification reports and specialist fieldwork covered the corrected area. 337. If the powerline route is corrected, DFFE must ask whether the correct adjacent owners were notified and whether the environmental receptors associated with the corrected corridor were assessed. 338. If the municipality is corrected, DFFE must ask whether the correct municipal planning instruments, officials and ward councillors were consulted. 339. If the BESS technology is corrected, DFFE must ask whether the risks of the technology actually sought have been identified. 340. If a supposedly final layout is changed, DFFE must ask whether the alternatives assessment, specialist findings, listed activities and public participation remain applicable. 341. A textual correction therefore does not necessarily cure the underlying defect. In many instances it may reveal that the public, specialists or authorities were asked to consider materially different information. 342. That is why the deficiencies are directly relevant to Regulation 41(6). Public participation based upon materially inconsistent Project information cannot safely be regarded as informed merely because documents were technically made				

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	available for inspection.				
75.	**343. THE EAP'S INDEPENDENT STATUTORY DUTIES** 344. Regulation 13 imposes independent statutory duties upon the Environmental Assessment Practitioner. These duties exist irrespective of the Applicant's commercial objectives and require the EAP, amongst other things, to ensure compliance with the EIA Regulations, to perform the work objectively, even where the findings may be unfavourable to the application, and to disclose material information which reasonably has or may have the potential to influence the competent authority's decision. 345. The significance of those obligations in the present matter is that the EAP is not merely a conduit for the Applicant's preferred Project description or conclusions. The EAP bears an independent responsibility to ensure that the Final Scoping Report presents a complete, accurate, internally consistent and objectively evaluated account of the Project, the receiving environment, the alternatives considered, the public participation process and the material information arising from comments and objections. 346. Once the matters raised in these objections have been brought to the EAP's attention, they become part of the information which the EAP must objectively consider in finalising the Scoping process. They cannot properly be omitted, minimised or treated as immaterial merely because they were not known when the Draft Scoping Report was prepared. 347. This includes, in particular, the represented Interested and Affected Parties' evidence concerning non receipt of written notification; the apparent omissions from the Interested and Affected Party database; the contradictory public review periods; the existing EDF contractual interests potentially affecting the proposed grid corridor; the inconsistencies concerning Project extent, layout, technology and grid infrastructure; and the concerns regarding the scope and factual basis of certain specialist investigations. 348. The EAP is accordingly required to determine objectively whether any of those matters affect the accuracy or adequacy			EAP – Nemai Consulting	The matters raised in this submission have been considered during the preparation of the Final Scoping Report and this CRR. Where clarification, correction or additional information was considered necessary, the relevant amendments have been incorporated into the Final Scoping Report. Refer to the responses provided throughout this CRR regarding: • Public Participation; • Project Description; • Alternatives Considered; • Site Selection; • Site Sensitivity Verification; • Public Review Timeframes; • Impacts and Risks; • Mitigation Measures and Residual Risks; and • The Plan of Study for EIA. The Final Scoping Report reflects the outcome of the Scoping process, including comments received during public participation, the findings of the Site Sensitivity Verification process, specialist input, environmental screening results and the environmental issues identified for further investigation during the EIA Phase.

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	of the Project description, the identification of affected persons, the assessment of alternatives, the specialist scope, the conclusions reached in the Draft Scoping Report or the adequacy of the Plan of Study for EIA. 349. Where information raised by Interested and Affected Parties demonstrates that a statement or assumption in the Draft Scoping Report may be incorrect, incomplete or materially misleading, the EAP's obligation is not satisfied merely by recording the objection in a Comments and Responses Report. The underlying issue must be properly investigated and the Final Scoping Report must transparently reflect the outcome of that investigation. 350. Similarly, where the information raises a reasonable possibility that specialist work was undertaken on an incomplete footprint, an earlier layout or materially different Project configuration, the EAP must determine whether the specialist findings remain reliable for the application presently before DFFE. The EAP cannot simply assume that previous or partial specialist conclusions remain applicable without an adequate factual basis for doing so. 351. The obligation of objectivity is particularly important where the information received may undermine a conclusion already expressed in the Draft Scoping Report. The fact that the Draft Scoping Report presently characterises the site, layout, route or environmental process in a particular manner does not relieve the EAP of the duty to reconsider that conclusion where subsequent comments or information materially call it into question. 352. The same applies to the Applicant's preferred alternatives. The EAP's statutory function is not to defend a predetermined Project configuration. It is to assess objectively whether the preferred site, layout, technology, grid connection and development scale are supported by the environmental information and by the process required under NEMA and the EIA Regulations. 353. Material information concerning competing land rights or infrastructure interests, including the EDF contractual arrangements identified in these objections, must therefore be				

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	considered to the extent that such information may bear upon route feasibility, alternatives, cumulative impacts, affected properties or the practical implementability of the proposed grid infrastructure. 354. The EAP must also ensure that the Final Scoping Report distinguishes clearly between matters which have been established on the evidence and matters which remain uncertain, disputed or subject to further investigation. Unresolved uncertainty should not be converted into a definitive conclusion merely for purposes of presenting the application as ready to progress to the EIA Phase. 355. In circumstances where the deficiencies identified in these objections affect requirements which Appendix 2 requires to be satisfied during Scoping, the EAP's duty to ensure compliance cannot be discharged by stating that the matters will be addressed later during the EIA Phase. The EAP must first determine whether the Scoping Report itself substantially complies with the requirements applicable at that stage. 356. The Interested and Affected Parties accordingly request that the EAP address each material issue raised herein expressly and substantively in the Final Scoping Report and Comments and Responses Report, identify any consequential changes required to the Project description, alternatives, specialist work or Plan of Study, and disclose clearly to DFFE any matter which remains unresolved and which may affect the competent authority's determination of whether the Scoping Report may lawfully be accepted. 357. The EAP's independent statutory obligations are particularly important in the present application because DFFE will necessarily rely upon the integrity, completeness and objectivity of the Final Scoping Report when determining whether the statutory threshold for progression beyond Scoping has been met. The EAP should therefore not merely present the Applicant's response to the objections, but must independently evaluate whether the matters raised disclose deficiencies which prevent the Final Scoping Report from satisfying Regulation 21 and Appendix 2.				
76.	**358. THE EAP OATH DOES NOT CURE THE PROCEDURAL**			EAP – Nemai	The Final Scoping Report has been

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	DEFECT 359. A further concern arises from the chronology of the EAP oath. The documentation supplied records the oath as having been executed on 25 June 2026, before the public review period stated in the principal public participation section of the Draft Scoping Report. 360. An oath made before Interested and Affected Parties have submitted their comments cannot logically attest to the subsequent incorporation and treatment of those comments or to the level of agreement ultimately reached concerning the Plan of Study. 361. A fresh oath may be capable of correcting the formal chronology in a properly completed process. It cannot, however, retrospectively cure the exclusion of persons who were never notified, nor can it create participation which did not occur.			Consulting	updated to incorporate comments received during the public participation process and the corresponding Comments and Responses Report. Accordingly, the declaration contained in Appendix E has been updated and re-signed for submission of the Final Scoping Report. Refer to the responses provided regarding: • The Public Participation Process; • Identification and notification of I&APs; and • The EAP declaration and oath. The comments received during the Scoping Phase have been considered during the preparation of the Final Scoping Report and this Comments and Responses Report.
77.	**362. THE EARLIER 2023 PROCESS HEIGHTENS THE NEED FOR SCRUTINY** 363. The represented Interested and Affected Parties who are affected landowners have separately recorded that they were unaware of the Environmental Authorisation granted during December 2023 and do not recall receiving the notification contemplated by Regulation 4(2). 364. The complete Interested and Affected Party register and proof of notification relating to that earlier process should therefore be produced. 365. The relevance of the previous process is not that an alleged defect in the 2023 application automatically determines the lawfulness of the present application. The relevance is that the present allegation of non notification does not arise in a vacuum. If the same affected landowners were omitted from successive processes concerning substantially the same			EAP – Nemai Consulting	The current application is being undertaken as a separate environmental assessment process, and the public participation process associated with this application is described in Section 12 of the Draft and Final Scoping Report, with supporting documentation contained in Appendix G of the Final Scoping Report. The concerns raised regarding participation in the 2023 application process are noted. However, the current Scoping Report, public participation process, I&APs database

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	development, that would raise a serious concern regarding the adequacy of the method by which affected parties have been identified over time.				and supporting public participation record relate to the present application and have been compiled independently for the current S&EIR process. Comments received during the current Scoping Phase have been considered and responded to within this CRR and have informed the preparation of the Final Scoping Report. Refer to previous responses regarding: • The Public Participation Process; • Identification and Notification of I&APs; and • Public Participation Records and Supporting Documentation.
78.	**366. THE DEFECT CANNOT BE CURED BY A DATABASE UPDATE AFTER SCOPING** 367. The consequence of the above is not merely that the EAP should add several names to the database before submission of the Final Scoping Report. 368. If persons whom Regulation 41 required to be notified were omitted during the formative Scoping process, the substantive prejudice lies in the lost opportunity to participate before the site, alternatives, key environmental issues, specialist terms of reference and Plan of Study were finalised for submission to DFFE. 369. Adding their names after the event does not restore that opportunity. 370. Nor can the EAP cure the defect by summarising the present objections in the Final Scoping Report while leaving the Scoping outcome materially unchanged. Meaningful participation requires more than recording that an objection was received. It requires that the information furnished through participation be capable of genuinely influencing the			EAP – Nemai Consulting	Refer to the responses provided regarding: • The Public Participation Process; • Identification and notification of I&APs; • Public review periods; • Project Description; • Site Alternatives and Layout Alternatives; • BESS Technology Alternatives; and • Site Sensitivity Verification. The public participation process during the Scoping Phase included providing the Draft Scoping Report and supporting documentation for public review, publishing notices, placing site notices, notifying

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	environmental process. 371. If the present objections require new adjacent owners to be identified, EDF Renewables to be consulted, alternative routes to be examined, specialist terms of reference to be expanded, new environmental information to be gathered, Project descriptions to be reconciled or substantive alternatives to be reconsidered, then the resulting Scoping product is materially different from the product exposed to the public during the purported review period. 372. That cannot properly be transformed into a compliant process merely by inserting the new results into the Final Scoping Report and submitting them directly to DFFE.				authorities and identified I&APs, and giving I&APs the opportunity to submit comments on the proposed development. Comments received during the public participation process were considered when preparing the Final Scoping Report and this CRR. Where clarification, correction or additional information was considered necessary, amendments have been incorporated into the Final Scoping Report. The concerns regarding the accuracy and consistency of project information have been considered and addressed in the relevant responses contained within this CRR. The information made available during the Scoping Phase was sufficient to enable I&APs to understand the proposed development and provide meaningful comment on the application.
79.	**373. CONCLUSION AND RELIEF** 374. The public participation failure must therefore be assessed together with the broader Appendix 2 defects already identified in these objections. Appendix 2 requires the Scoping Report to contain details of the public participation process and a summary of issues raised by Interested and Affected Parties, while the statutory objectives of Scoping require a consultative process capable of influencing the issues, alternatives and further assessment. 375. In the present case there is credible direct evidence that represented affected landowners did not receive the prescribed written notification. The available database does not demonstrate that all adjacent owners, persons in control			EAP – Nemai Consulting	Refer to the responses provided regarding: • The Public Participation Process; • Identification and notification of I&APs; • Public review periods; • Public participation records and supporting documentation; • Alternatives considered; • Project Description; • Site Sensitivity Verification; • Specialist studies and scope of assessment; and

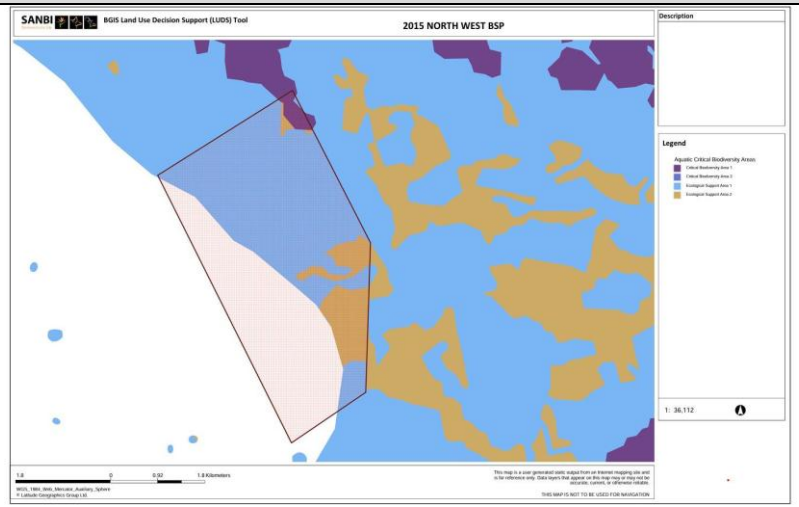
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	and occupiers were identified. The Draft Scoping Report confirms that email notification was confined to persons contained in that database. It communicates contradictory public review dates. Material information concerning competing EDF contractual rights apparently did not emerge from the Applicant's Scoping exercise. At the same time, the underlying Project record contains a substantial number of unresolved inconsistencies affecting the very information upon which meaningful participation depends. 376. These defects are cumulative. They demonstrate more than imperfect administration. They undermine confidence that all persons required to participate were identified, that those persons were properly notified, that they were provided with one coherent and reliable description of the development, and that the Scoping process had the benefit of the information which affected parties could have contributed before the Plan of Study was formulated. 377. The Supreme Court of Appeal has made clear that the statutory enquiry is substantive. A formally available comment period does not rescue a process where meaningful participation has not in fact been achieved, and later participation does not necessarily cure exclusion from the environmental process at the stage when participation was required. 378. The represented Interested and Affected Parties accordingly submit that the present public participation process does not satisfy Regulations 40 and 41, does not provide a reliable basis for the Appendix 2 public participation requirements, and materially undermines the lawfulness and reliability of the Scoping process as a whole. 379. The defect cannot now be repaired merely by updating the database, correcting contradictory text, attaching additional proof of publication or promising fuller consultation during the EIA Phase. A lawful cure would require the omitted affected parties to be properly identified and notified, the material Project information to be reconciled, relevant new information to be disclosed, and those persons to be afforded a genuine opportunity to influence the Scoping outcomes before those				• Compliance with Appendix 2 of the EIA Regulations, 2014 (as amended). Comments received during the Scoping Phase have been considered and responded to in this CRR and have informed the preparation of the Final Scoping Report. Where clarification, correction or additional information was considered necessary, amendments have been incorporated into the Final Scoping Report. The public participation process during the Scoping Phase included notifying identified I&APs and authorities, placing site notices, publishing newspaper adverts, maintaining an I&APs database, and providing opportunities for I&APs to review and comment on the Draft Scoping Report. The concerns regarding the public participation process, project description, alternatives, specialist investigations and environmental assessment process have been considered and are addressed throughout this CRR. The Final Scoping Report identifies the environmental issues, opportunities, constraints, alternatives and specialist investigations requiring further assessment during the EIA Phase and provides the Plan of Study for EIA

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	outcomes are accepted. 380. That would require, in substance, a renewed Scoping process rather than editorial finalisation of the present Draft Scoping Report. 381. In those circumstances, and read together with the fundamental non compliance with Appendix 2 addressed elsewhere in these objections, the Interested and Affected Parties submit that DFFE should not accept the Scoping Report, should not permit the application to progress to the EIA Phase, and should refuse Environmental Authorisation in terms of Regulation 22(b)(ii). To allow the application to proceed would not cure the procedural defect. It would entrench it and shift the consequences of an inadequate Scoping process into every subsequent stage of the environmental assessment. **382.** Public participation cannot be treated as an administrative box to be checked after the substantive direction of a project has already been fixed. It is the mechanism through which information outside the Applicant's own knowledge enters the environmental assessment and through which those who may bear the environmental and socio-economic consequences are afforded a meaningful opportunity to influence the decision before it is made. Where that opportunity was not afforded at the stage prescribed by law, the answer is not to move the process forward and invite participation later. The lawful answer is to refuse progression on the defective record and require any future application to commence from a procedurally sound foundation.				accordingly.
80.	**F** **ENVIRONMENTAL SENSITIVITIES, SSV DEFICIENCIES, WATER RESOURCE CONSTRAINTS AND INADEQUACY OF THE PLAN OF STUDY** 383. The I&APs do not advance the simplistic argument that every final specialist assessment had to be completed before Scoping. The objection is more fundamental. Preliminary Site Sensitivity Verification material is being relied upon to support site suitability, environmental preference and avoidance conclusions that go materially further than the preliminary			EAP – Nemai Consulting	The National Web-Based Environmental Screening Tool Report is appended to the Application Form, which is Appendix B to the Draft and Final Scoping Report. The Screening Tool identified environmental sensitivities, which were subsequently reviewed through the Site Sensitivity Verification (SSV)

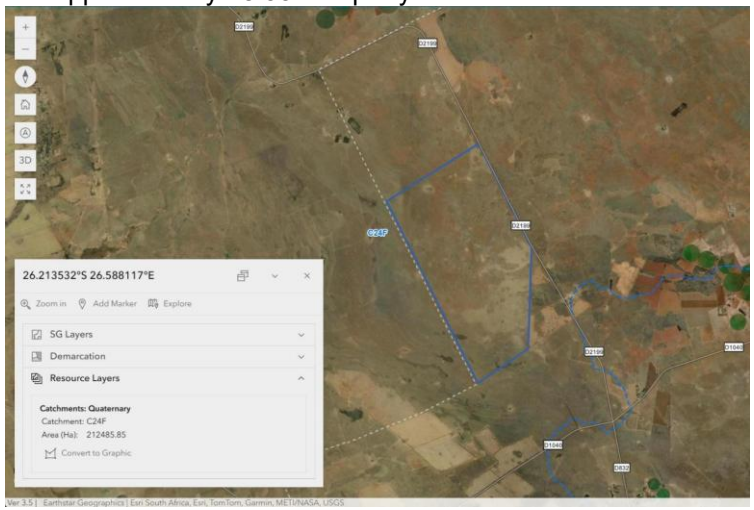
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	evidence can sustain, while the same SSV material records significant sensitivities, material limitations, unresolved impacts and outstanding specialist investigation. 384. DFFE's National Web Based Environmental Screening Tool is intended to identify site specific environmental sensitivity and the related assessment requirements, and Regulation 16 requires a Screening Tool Report with an environmental authorisation application. The applicable gazetted protocols then prescribe the assessment and minimum reporting requirements for identified themes. 385. The environmental constraints identified in the Applicant's own documents must now also be considered together with the additional governmental resource mapping obtained by the I&APs. That mapping identifies significant biodiversity, wetland, agricultural, geological, groundwater, catchment, fire and conservation planning constraints within and around the proposed development area. 386. The significance of these datasets lies not merely in the number of sensitivity layers intersecting the property, but in the manner in which they interact. The site is not simply a parcel of land with isolated ecological features. The available information depicts a functioning grassland, wetland, catchment and karst groundwater system in which surface hydrology, groundwater recharge, geological structure, biodiversity and existing agricultural use are interrelated.				process, undertaken in accordance with the EIA Regulations, 2014 (as amended) and the applicable Protocols. Appendix F of the Draft and Final Scoping Report contains the outcome of the SSV process and identifies environmental sensitivities requiring further assessment during the EIA Phase. The purpose of the Scoping Phase is to identify environmental opportunities, constraints, sensitivities and potentially significant environmental issues requiring further investigation. The SSV process therefore did not seek to conclude that the site is environmentally unconstrained or free of environmental sensitivities. Rather, it identified environmental features and constraints that informed the development of the Project layout and the specialist studies required during the EIA Phase. Section 11 of the Draft and Final Scoping Report describes the receiving environment and identified environmental sensitivities, while Section 13 identifies the potentially significant environmental issues associated with the proposed development. These include biodiversity, surface water, geology, geohydrology, agriculture, heritage, visual, social and cumulative impact considerations.

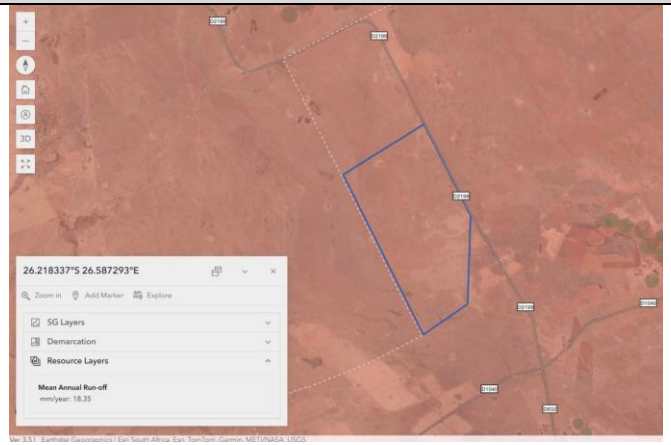
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					The specialist studies identified in Section 14 and Table 13 of the Plan of Study for EIA were informed by the outcomes of the Screening Tool, the SSV process, specialist input, and the environmental issues identified during the Scoping Phase. The detailed assessment of impacts, significance, mitigation measures and residual risks associated with these environmental sensitivities will be undertaken during the EIA Phase.
81.	**387. Absence of a settled development footprint** 388. The first problem is the absence of a settled and sufficiently detailed development footprint when specialists undertook verification. The aquatic and terrestrial SSVs reportedly state that no detailed development layout was available. Yet the DSR later states that the layout was developed iteratively with specialist input and that sensitive areas were avoided. 389. The cross document record therefore contains materially different propositions: 389.1. that the layout is final; 389.2. that it remains capable of refinement following specialist investigation; 389.3. that sensitive features have already been avoided; and 389.4. that the relevant specialists had not been provided with the detailed infrastructure layout when their verification work was undertaken. 390. The GIS information reviewed for the I&APs further appears principally to comprise an outer site polygon of approximately 1 293 ha rather than a complete component specific development footprint. 391. The supplied KML does not transparently delineate all PV blocks, the BESS, collector substation, switching station, MTS, approximately 77.2 km of internal roads, cable trenches, laydown areas, stormwater infrastructure, wetland exclusions,			EAP – Nemai Consulting	The purpose of SSV process is to verify the environmental sensitivities identified by the National Web-Based Environmental Screening Tool and to determine the level of specialist investigation required in accordance with the applicable Protocols. The SSV process was undertaken across the proposed development area and identified environmental sensitivity categories relevant to the Project. These sensitivities informed both: • the level of specialist assessment required during the EIA Phase (i.e. Compliance Statement or Impact Assessment, as applicable); and • the optimisation of the preliminary Project layout to avoid or minimise impacts to environmentally sensitive features where possible. Identifying and verifying

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	fire management infrastructure, temporary works and all overhead grid infrastructure. 392. This is material because a specialist cannot meaningfully confirm that an impact has been avoided where the location of the impact generating infrastructure has not yet been spatially fixed. 393. The latest Screening Tool Report itself records that no development footprint was specified. It therefore reinforces the distinction between an outer cadastral or project boundary and the actual land that will be physically disturbed by the proposed development.				environmental sensitivities is separate from assessing Project-specific impacts. Environmental sensitivities exist independently of the proposed infrastructure layout and therefore require specialist verification prior to the detailed assessment of impacts associated with the final development footprint. The specialist studies undertaken during the EIA Phase, as identified in Section 14 and Table 13 of the Scoping Report, will assess the final Project layout and associated infrastructure, including the significance of impacts, mitigation measures and residual risks associated with the proposed development. Refer also to previous responses regarding: • Specialist Site Sensitivity Verification; • Layout Alternatives; • Identification of Environmental Issues; • Specialist Studies and Scope of Assessment; and • The Plan of Study for EIA.
82.	**394. Aquatic biodiversity and wetlands remain unresolved** 395. Aquatic biodiversity is a major unresolved environmental constraint. 396. The Screening Tool records Very High Aquatic Biodiversity sensitivity and identifies CBA1, ESA1 and ESA2 as sensitivity features.			EAP – Nemai Consulting	The purpose of the Site Sensitivity Verification (SSV) process is to verify environmental sensitivities identified by the National Web-Based Environmental Screening Tool and determine the level of specialist investigation required in accordance

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	 *NWBSP sensitivity mapping showing Very High sensitivity associated with CBA1, ESA1 and ESA2 within and around the proposed development area.* 397. The aquatic SSV is expressly not a full Aquatic Biodiversity or Wetland Impact Assessment. It records the absence of a detailed development layout and identifies natural depression wetlands within the proposed development footprint. 398. The aquatic specialist further concludes that a full Wetland Impact Assessment is required and that the further assessment must determine whether the proposed development may proceed. 399. That qualification is irreconcilable with an unqualified Scoping stage proposition that all material sensitive features have already been avoided or that Grootvlei has already been demonstrated to be environmentally preferred. 400. The DSR also records project components within the regulated area associated with wetlands and identifies potential National Water Act section 21(c) and section 21(i) water uses. 401. The final infrastructure footprint must therefore be assessed against the delineated watercourses and their contributing catchments before the water use implications can				with the applicable Protocols. The Aquatic SSV confirmed that the Project site is characterised by a Very High Aquatic Biodiversity Sensitivity and identified depression wetlands within the Project area. The aquatic specialist specifically concluded that the SSV does not constitute a full Wetland Impact Assessment and recommended that a full Wetland Impact Assessment be undertaken during the EIA Phase. The Scoping Report and SSV Report acknowledge aquatic sensitivities and wetlands within the Project area. Accordingly, the Plan of Study for EIA includes a Wetland Impact Assessment that will assess the delineated watercourses and wetlands, potential impacts, applicable water uses (if applicable, thesse will be applied for through the relevant process as outlined in Section 5 of the draft and final Scoping Reports), mitigation measures, and the significance of impacts associated with the proposed development. The Scoping Report does not conclude that the site has no aquatic constraints. Rather, the Scoping Phase identified aquatic biodiversity and wetlands as potentially significant environmental issues requiring further specialist assessment during the EIA

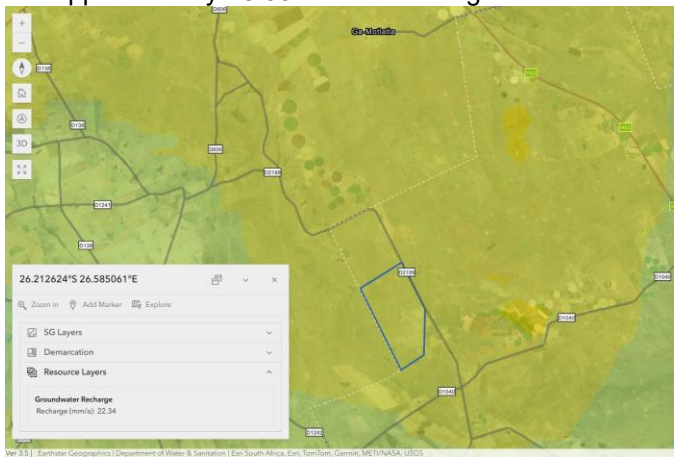
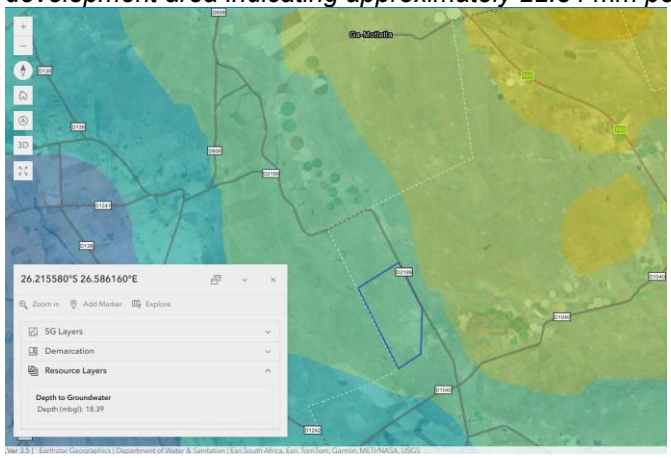
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	reliably be characterised. 402. The relevant inquiry is not limited to direct encroachment into the wetland polygon. Depression wetlands may depend upon the quantity, timing, direction and quality of water delivered from their surrounding catchments. Infrastructure situated outside a wetland can therefore affect its functioning by intercepting, concentrating, accelerating, reducing or redirecting flows that would naturally reach it. 403. Accordingly, a setback line or buffer is not, without supporting hydrological analysis, proof that the wetland impact has been avoided.				Phase. This is reflected in Sections 11, 13 and 14 of the Scoping Report as well as the Aquatic SSV. The detailed assessment of wetland functioning, aquatic impacts, water use requirements, impact significance, mitigation measures and residual risks will therefore be undertaken through the Wetland Impact Assessment during the EIA Phase.
83.	**404. The Applicant itself acknowledges alteration of drainage and increased runoff** 405. The hydrological issue is particularly significant because the Applicant's own project documentation identifies alteration of site drainage, sediment laden runoff, erosion, contamination of water resources, possible groundwater contamination, flood related impacts and possible contamination arising from hazardous materials and BESS related incidents as matters requiring assessment. 406. The Applicant therefore already accepts the underlying proposition that the proposed development is capable of changing the manner in which water moves across and through the property. 407. What remains inadequately addressed is the scale and environmental significance of that change in the particular receiving environment at Grootvlei.			EAP – Nemai Consulting	Refer to the previous response regarding aquatic biodiversity, wetlands and water resource constraints. The Scoping Report acknowledges that the proposed development could alter drainage patterns, increase runoff, contribute to erosion and sedimentation, affect surface water resources, and result in groundwater and water quality impacts if not appropriately managed. Sections 11 and 13 of the Draft and Final Scoping Report identify these potential impacts, which form part of the environmental issues requiring further investigation during the EIA Phase. The purpose of the Scoping Phase is to identify these potentially significant environmental issues and determine the specialist studies required to assess them further. Accordingly, the Plan of Study for EIA includes a Wetland Impact Assessment to assess the delineated wetlands and

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					watercourses, hydrological functioning, potential impacts associated with the proposed development, applicable water uses, mitigation measures, and residual risks. The environmental significance of potential changes to hydrology, drainage patterns, runoff and water resource functioning will therefore be assessed in detail during the EIA Phase based on the final Project layout and specialist investigations.
84.	**408. The project occurs within a wider catchment system** 409. The additional spatial information supplied by the I&APs identifies the project within Tertiary Catchment C24 and Quaternary Catchment C24F. 410. The mapped mean annual runoff in the area is approximately 18.35 mm per year.  *Proposed Grootvlei Solar PV development in relation to Quaternary Catchment C24F.*			EAP – Nemai Consulting	Refer to the previous responses regarding aquatic biodiversity, wetlands, water resource constraints, cumulative impacts and the assessment of impacts during the EIA Phase. The Draft and Final Scoping Report acknowledges the potential for the proposed development to alter drainage patterns, runoff characteristics, erosion processes, and water movement within the broader catchment, and it forms part of the environmental issues identified for further assessment during the EIA Phase. A Wetland Impact Assessment is included in the Plan of Study for EIA and will assess the potential impacts of the proposed development on wetlands, watercourses, and associated hydrological processes. In

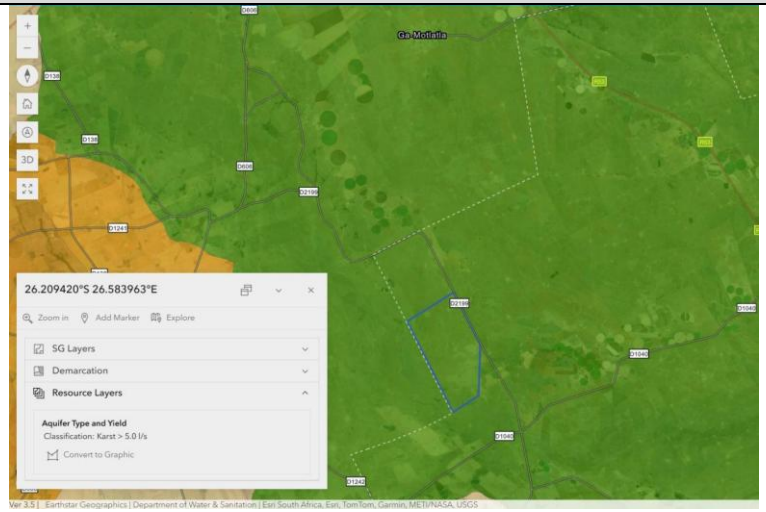
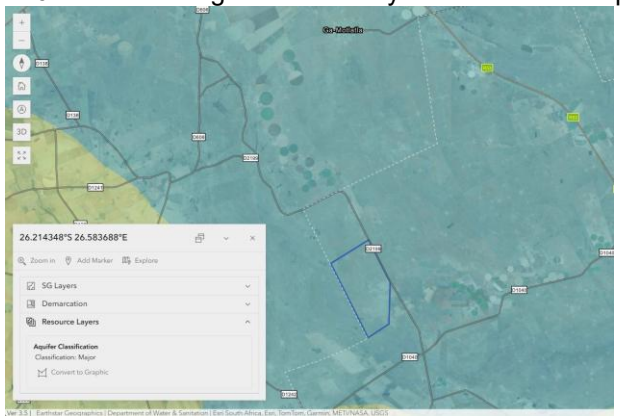
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	 *Mean annual runoff mapping for the proposed development area.* 411. These catchment boundaries are not merely descriptive. Rainfall falling upon Grootvlei forms part of a wider hydrological system. The environmental assessment must therefore consider whether transformation of approximately 1 300 ha alters the timing, location, velocity and concentration with which water moves through the project area and into receiving areas. 412. Water does not observe cadastral boundaries. Where development increases or concentrates flow at particular discharge points, consequences may manifest beyond the project boundary through increased erosion, sediment transport, altered wetland inflows, localised flooding or changes in recharge distribution.				addition, cumulative impacts associated with the Project will be assessed during the EIA Phase. The environmental significance of any potential changes to hydrological functioning, surface water resources and downstream receiving environments will be determined through the detailed specialist assessment undertaken during the EIA Phase.
85.	**413. The hydrological significance of covering application area with PV arrays** 414. The I&APs do not contend that the proposed PV array is hydraulically equivalent to paving approximately 1 060 ha with concrete. Such a proposition would be scientifically overstated. The panels will be elevated and rainfall falling on them will generally continue to reach the ground. 415. The hydrological concern is different and more substantial. 416. Under existing grassland conditions, rainfall is distributed relatively diffusely across the soil surface. Vegetation, soil			EAP – Nemai Consulting	The Draft and Final Scoping Report acknowledges the potential for the proposed development to alter drainage patterns, runoff characteristics, infiltration, erosion processes, and water movement across the site. These potential impacts have been identified as potentially significant environmental issues requiring further investigation

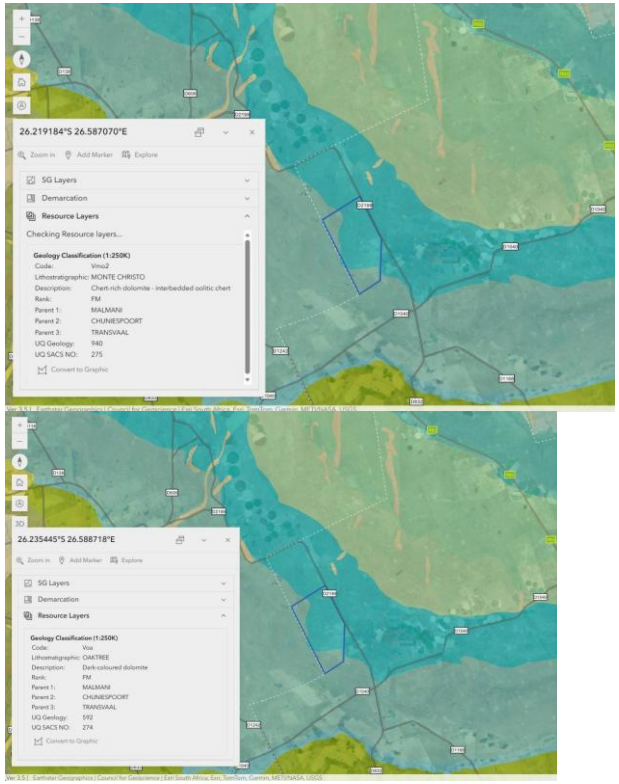
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	roughness, depressions and soil structure influence interception, infiltration, evaporation and runoff. 417. A solar panel intercepts rainfall falling on the panel surface and redistributes much of that water towards its edges and drip lines. 418. Across one individual panel this may appear insignificant. Across an array occupying approximately 1 060 ha, the effect is repeated across many thousands of panels. 419. Rainfall that would otherwise have been distributed more evenly across the soil profile may therefore become spatially redistributed into comparatively wetter drip line areas, drier areas beneath panels and inter row areas receiving a modified rainfall pattern. 420. Whether this results in materially increased runoff depends upon site specific variables including soil infiltration capacity, vegetation cover, soil compaction, panel configuration, row spacing, slope, antecedent moisture, rainfall intensity and the stormwater design. 421. Those variables have not yet been demonstrated sufficiently to support a conclusion that the hydrological effect of the proposed development will be insignificant. 422. The panels must further be considered cumulatively with the remainder of the project. 423. The proposal includes approximately 77.2 km of internal roads, foundations or driven supports, cable trenches, substations, a large BESS, buildings, laydown areas, fencing, temporary construction areas and stormwater infrastructure. 424. These features can disturb soils, remove or modify vegetation, compact the ground, interrupt existing overland flow routes and create new preferential drainage pathways. 425. The hydrological effect of the project is consequently not determined by the permeability of the ground beneath the panels alone. 426. The Applicant must quantify the cumulative change in runoff and infiltration resulting from the complete development footprint.				during the EIA Phase. Refer to the previous responses regarding aquatic biodiversity, wetlands, water resource constraints and hydrological impacts. The Scoping Phase identified potential impacts associated with the Solar PV Facility, internal roads, substations, BESS, electrical infrastructure, and associated construction activities. The environmental significance of these impacts, including potential cumulative changes to runoff, infiltration, erosion, sediment transport and hydrological functioning, will be assessed through the specialist investigations undertaken during the EIA Phase. Accordingly, a Wetland Impact Assessment has been included in the Plan of Study for EIA. The detailed assessment of impact significance, mitigation measures and residual risks associated with the final Project layout and development footprint will be undertaken during the EIA Phase.
86.	**427. Approximately 77.2 km of internal roads is itself a significant hydrological intervention**			EAP – Nemai Consulting	Refer to the previous responses regarding aquatic biodiversity,

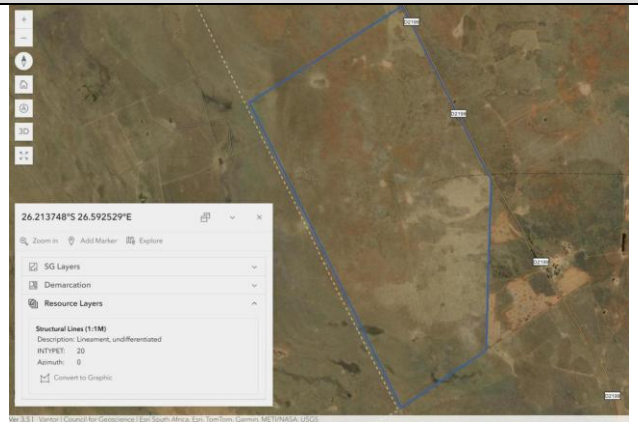
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	428. The internal road network requires particular attention. 429. Approximately 77.2 km of roads across a large grassland catchment will intersect numerous existing micro drainage routes. 430. Roads may function as barriers to diffuse sheet flow, while roadside drains and culverts may collect flows that were previously distributed across a much wider area and discharge them at discrete locations. 431. Compaction caused by road construction and repeated vehicle movements may further reduce local infiltration. 432. Where such infrastructure crosses or runs adjacent to shallow natural drainage depressions, the roads may alter the natural direction, timing and velocity of runoff even in circumstances where no formal river channel is mapped. 433. The Applicant must therefore map all material pre development flow paths and demonstrate how each will function after construction.				wetlands, water resource constraints, hydrological impacts and cumulative impacts. The potential for the proposed development, including internal roads and associated infrastructure, to alter drainage patterns, runoff characteristics, erosion processes and water movement across the site is acknowledged in the Draft and Final Scoping Report and forms part of the environmental issues identified for further assessment during the EIA Phase. The Scoping Phase identified potential impacts associated with the construction and operation of the internal road network, stormwater infrastructure and associated Project components. These impacts have been identified as potentially significant environmental issues requiring further investigation during the EIA Phase. A Wetland Impact Assessment has been included in the Plan of Study for EIA and will assess the potential impacts of the proposed development on wetlands, watercourses and associated hydrological processes. The significance of impacts, mitigation measures and residual risks associated with the final Project layout and development footprint will be assessed during the EIA Phase.

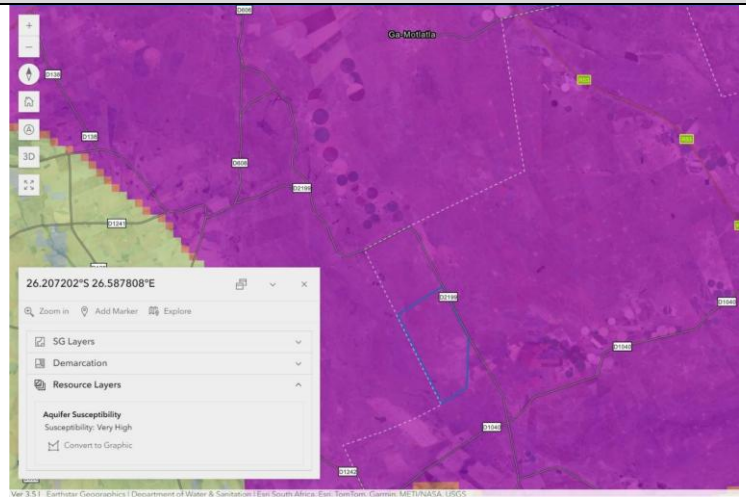
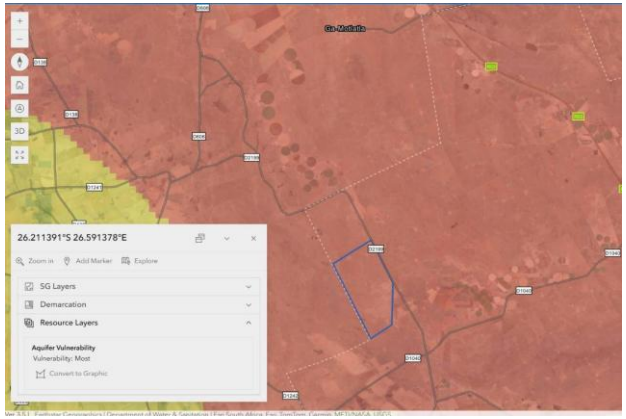
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87.	**434. Groundwater recharge is a material environmental function** 435. The additional DWS derived resource mapping supplied by the I&APs indicates groundwater recharge of approximately 22.34 mm per annum and a mapped groundwater depth of approximately 18.39 metres below ground level.  *Groundwater recharge mapping for the proposed Grootvlei development area indicating approximately 22.34 mm per annum.*  *Depth to Groundwater – 18.39 within application area*			EAP – Nemai Consulting	The information provided regarding groundwater recharge, groundwater depth, aquifer characteristics, aquifer vulnerability and groundwater resources within the Project area has been noted. Groundwater resources and potential groundwater-related impacts are identified in the Draft and Final Scoping Report as environmental issues requiring consideration during the EIA Phase. Potential impacts associated with hazardous materials, hydrocarbons, wastewater, transformer oils, BESS-related substances and other potential contaminants have been identified and will be managed through appropriate mitigation measures and best practice requirements contained in the EMPr. The Project site is acknowledged to be underlain by dolomitic geology and a Geotechnical Assessment has been included in the Plan of Study for EIA to assess geotechnical risks and constraints associated with the proposed development. Refer to previous responses regarding hydrological impacts, dolomitic conditions, aquatic biodiversity, wetlands and water resource constraints. Risks associated with the underlying

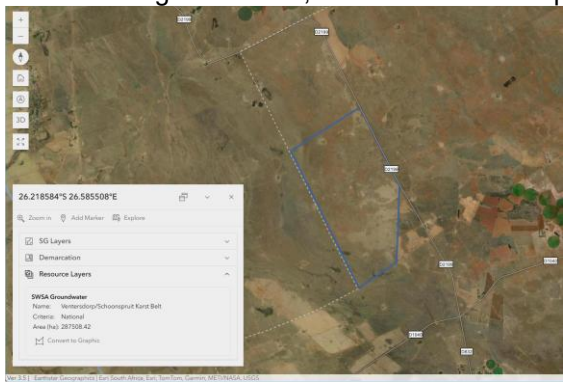
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	436. Information from I&APs represented herein has verified that borehole depth within the application area ranges from 15m – 40m 437. Recharge must be distinguished from runoff. 438. Water that infiltrates through the soil and geological profile may contribute to replenishment of the groundwater system. Water rapidly conveyed from a particular part of the property as concentrated surface runoff does not perform the same recharge function at the same location. 439. The question is therefore not simply whether rainfall remains somewhere within the 1 300 ha boundary. 440. The relevant question is whether the project materially changes where rainfall infiltrates, the rate at which it infiltrates, the volume infiltrating at particular locations and the relationship between infiltration zones, wetlands, geological structures and the underlying aquifer. 441. A development of this scale could conceivably result in some locations receiving greater infiltration while others receive less. The effect cannot responsibly be assumed in advance. 442. That uncertainty itself requires investigation before Grootvlei is accepted as environmentally preferred. **443. The site is mapped over a major karst aquifer** 444. The groundwater concern is materially elevated by the geology and aquifer characteristics shown in the supplied maps. 445. The site is mapped as occurring over a karst aquifer with a mapped yield greater than 5 litres per second.				dolomitic conditions, as well as potential impacts associated with the proposed development, will be assessed further during the EIA Phase and appropriate mitigation and management measures incorporated into the EMPr.

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	 *DWS aquifer type and yield mapping identifying a karst aquifer with mapped yield greater than 5 litres per second beneath the proposed development area.* 446. A further groundwater layer classifies the aquifer as Major.  *DWS aquifer classification mapping identifying the groundwater system beneath the proposed development as a Major aquifer.* 447. These maps materially strengthen the environmental significance of the Applicant's own acknowledgement that the				

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	site is underlain by dolomitic geology. 448. The Council for Geoscience mapping supplied by the I&APs identifies the Malmani Subgroup and includes the Monte Christo and Oaktree dolomitic formations.  *Geoscience mapping showing the dolomitic Malmani Subgroup geology underlying the proposed project area.* 449. Another supplied geological layer identifies a structural lineament in or immediately adjacent to the development area.				

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	 450. The I&APs do not contend that the mapped lineament proves the existence of an unstable cavity or a particular groundwater pathway at a particular point. 451. The significance of the mapping is that geological structure may influence groundwater movement and dolomitic behaviour and must therefore be investigated by appropriately qualified specialists rather than ignored. **452. Very High aquifer susceptibility and the highest mapped vulnerability category** 453. The DWS based resource mapping supplied by the I&APs further identifies the project area as having Very High aquifer susceptibility.				

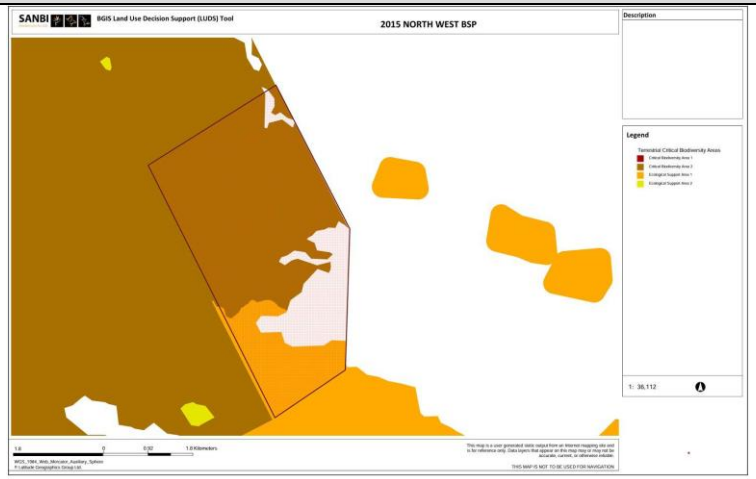
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	 *DWS groundwater mapping identifying Very High aquifer susceptibility over the proposed Grootvlei development area.* 454. A further layer classifies the area within the category described as “Most” vulnerable.  *DWS aquifer vulnerability mapping placing the proposed development within the highest displayed vulnerability category.* 455. These classifications must be considered together with the Applicant's identified pollution sources. 456. Those sources potentially include hydrocarbons,				

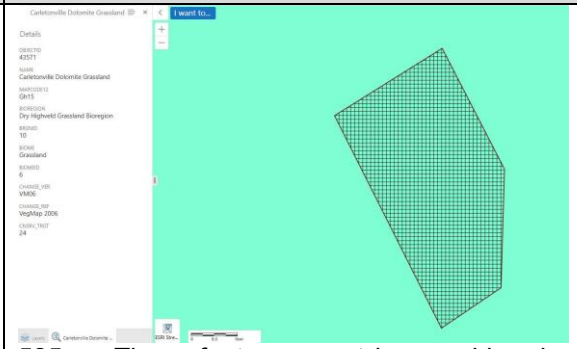
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	construction materials, wastewater, cement related contamination, transformer oils, hazardous materials, BESS related substances and contaminated firewater. 457. In a vulnerable karst environment, the relevant question is not merely whether a spill can be cleaned from the soil surface. 458. A hydrogeological specialist must determine whether fractures, dissolution features or other preferential pathways could permit contaminants to migrate into the underlying groundwater system and, if so, where those contaminants may travel. **459. Nationally important Strategic Water Source Area** 460. Of particular importance, the additional mapping identifies the proposed development within the Ventersdorp/Schoonspruit Karst Belt Strategic Water Source Area for groundwater, with the criterion displayed as National.  *Strategic Water Source Area mapping identifying the proposed development within the Ventersdorp/Schoonspruit Karst Belt groundwater Strategic Water Source Area, identified as being of National significance.* 461. This is one of the most important maps for purposes of the objection. 462. If verified by the competent specialist and relevant authority, it means that the hydrogeological significance of the property cannot be assessed solely by reference to impacts upon Grootvlei itself.				

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	463. The site would form part of a groundwater source area regarded as strategically important beyond the cadastral boundaries of the property. 464. That materially changes the site selection question. 465. The issue is no longer merely whether individual foundations can safely be placed in dolomite or whether a borehole can supply sufficient water to the project. 466. The question becomes whether industrialising approximately 1 300 ha within a nationally important groundwater source area is environmentally defensible when potentially less sensitive alternatives may exist. 467. The I&APs do not request DFFE simply to accept the independently generated GIS representation as conclusive. They request that the underlying authoritative dataset be verified and that an appropriately qualified hydrogeologist expressly assess the compatibility of the project with the Ventersdorp/Schoonspruit Karst Belt groundwater source function. 468. It would be premature to confirm Grootvlei as environmentally preferred before that question has been answered. **469. Geotechnical investigation cannot substitute for hydrogeology** 470. Dolomitic and karst conditions warrant more than a generic geotechnical commitment. 471. The project documents acknowledge dolomitic geology and defer detailed geotechnical investigation. 472. A geotechnical assessment focused upon founding conditions, bearing capacity, cavities, subsidence or sinkhole risk does not necessarily determine: 473. groundwater flow direction; 474. recharge mechanisms; 475. seasonal groundwater variation; 476. aquifer vulnerability; 477. preferential contaminant pathways; 478. groundwater connectivity with wetlands; 479. existing borehole and spring users; 480. the consequences of modified stormwater discharge;				

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	481. the consequences of groundwater abstraction; 482. contaminant migration following an incident; or 483. cumulative impacts upon a nationally important groundwater source area. 484. For a development involving extensive roads and foundations, substations, cable trenches, stormwater infrastructure and a large BESS, geotechnical stability and hydrogeological vulnerability are distinct but interrelated questions. 485. The Plan of Study should therefore expressly require a dedicated hydrogeological assessment. **486. Required integrated catchment and hydrogeological assessment** 487. Before the site can rationally be accepted as preferred, the Applicant should be required to prepare an integrated surface water and groundwater assessment based on the complete final project footprint. 488. That investigation should include, at minimum: 489. a pre-development water balance; 490. a post-development water balance; 491. baseline infiltration conditions; 492. existing groundwater recharge; 493. post development runoff coefficients for the different infrastructure types; 494. the hydrological effect of the approximately 1 060 ha PV array; 495. rainfall redistribution at panel edges and drip lines; 496. the effect of the approximately 77.2 km internal road network; 497. soil compaction resulting from construction; 498. the effects of foundations, trenches and drainage infrastructure; 499. changes to peak discharge during significant rainfall events; 500. all proposed attenuation, swale, culvert, infiltration and discharge structures; 501. existing overland flow paths; 502. the contributing catchment of each depression wetland;				

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	503. the relationship between altered runoff and wetland functioning; 504. the location and significance of groundwater recharge zones; 505. groundwater levels and seasonal fluctuation; 506. groundwater flow direction; 507. groundwater quality baseline conditions; 508. boreholes, springs and existing groundwater users; 509. geological and structural controls on groundwater movement; 510. hydraulic connectivity between wetlands and groundwater; 511. pollution pathways from transformers, fuel, wastewater, BESS infrastructure and hazardous materials; 512. contaminated firewater pathways; 513. cumulative impacts within C24 and C24F; 514. cumulative impacts upon the Ventersdorp/Schoonspruit Karst Belt Strategic Water Source Area; and 515. monitoring and incident response requirements. 516. The purpose of that assessment is not merely to devise mitigation after the site has been accepted. 517. The results must inform whether this site should be selected at all.				
88.	**518. Terrestrial biodiversity remains materially constrained** 519. Terrestrial biodiversity also presents a significant inconsistency. 520. The Screening Tool identifies Very High Terrestrial Biodiversity sensitivity associated with conservation planning features including CBA2, ESA1 and the National Protected Area Expansion Strategy.			EAP – Nemai Consulting	The DFFE Screening Tool identified Very High Terrestrial Biodiversity Sensitivity associated with CBA2, ESA1, ESA2 and National Protected Area Expansion Strategy (NPAES) features. The terrestrial specialist subsequently undertook a Site Sensitivity Verification (SSV) to verify these sensitivities through desktop review and field verification. The terrestrial specialist confirmed that ecological sensitivities within the Project area range from very low to high, with natural grassland habitat having a Medium Site Ecological

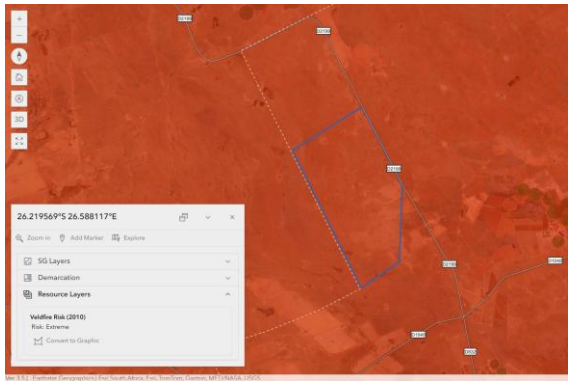
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	 *Terrestrial Biodiversity sensitivity mapping identifying Very High sensitivity associated with CBA2, ESA1 and NPAES features.* 521. The terrestrial SSV identifies natural grassland with Medium Site Ecological Importance and watercourse associated areas with High Site Ecological Importance, while also offering a broader conclusion that much of the site is not associated with significant faunal, botanical or ecological value and that no fatal flaws have been identified, subject to the full assessment. 522. The problem is not that a specialist may legitimately downgrade a Screening Tool sensitivity after field verification. That is one purpose of SSV. 523. The problem is that broad suitability conclusions are qualified by the absence of a final detailed layout and by outstanding full specialist assessment, while the DSR tends to present those conclusions as settled evidence that the site is suitable. 524. The landscape maps supplied by the I&APs further identify the property within Carletonville Dolomite Grassland and within a wider network of ecological support and biodiversity planning areas.				Importance (SEI) and watercourse-associated habitat having a High SEI. Wetlands and associated buffer areas were identified as features to avoid where possible and to assess further during the EIA Phase. The purpose of the terrestrial SSV was to verify environmental sensitivities and determine the level of specialist assessment required under the applicable Protocols. The terrestrial specialist expressly notes that the SSV does not constitute a full Terrestrial Biodiversity Impact Assessment and does not conclude that the site is free of biodiversity constraints or that no further investigation is required. Rather, the SSV identifies ecological sensitivities within the Project area and determines the level of specialist assessment required during the EIA Phase. The verified sensitivity ratings and ecological findings contained within the terrestrial SSV have informed the Scoping Report and the Plan of Study for EIA. The SSV therefore forms part of the broader Scoping process and is not intended to determine the environmental acceptability of the Project in isolation. The environmental significance of impacts associated with the final Project layout will be assessed through the detailed specialist investigations undertaken

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	 525. These features must be considered cumulatively with the hydrological constraints because grassland condition, soil structure, catchment function, recharge and wetland hydrology are not independent environmental processes. **526. Plant, animal and avifaunal themes** 527. Plant and animal themes require similar caution. 528. The supplied SSV analysis identifies instances where field verification records sensitivities up to High even though simplified Screening Tool summaries carried into parts of the Scoping documentation foreground lower classifications. 529. The Final Scoping Report should consistently reproduce the verified sensitivity and should not selectively foreground the lowest available sensitivity classification. 530. The absence of a particular species during a limited field visit cannot, without appropriate seasonal and habitat consideration, establish absence across approximately 1 300 ha. 531. The grid infrastructure also requires appropriate avifaunal assessment because the ecological footprint extends beyond the PV polygon and includes overhead power lines and associated servitudes.				during the EIA Phase. The Scoping Report recognises that terrestrial biodiversity, aquatic biodiversity, wetlands and associated ecological processes are interconnected environmental themes requiring further detailed assessment during the EIA Phase. The presence or absence of individual faunal or floral species observed during the Site Sensitivity Verification process does not replace the requirement for the detailed specialist investigations identified in the Plan of Study for EIA. Accordingly, the Terrestrial Biodiversity Impact Assessment will assess terrestrial ecology, fauna and flora associated with the final Project footprint and associated infrastructure. Furthermore, the Project includes overhead electrical infrastructure and associated servitudes which form part of the development footprint to be assessed during the EIA Phase. Potential biodiversity impacts associated with this infrastructure, including fauna, flora and avifauna impacts where relevant, will be considered as part of the specialist assessments undertaken during the EIA Phase. The Scoping Report acknowledges the terrestrial biodiversity constraints

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					associated with the site and identifies terrestrial biodiversity as a potentially significant environmental issue requiring further investigation. Accordingly, the Plan of Study for EIA includes a Terrestrial Biodiversity Impact Assessment, including assessments of fauna, flora, avifauna and terrestrial biodiversity. Refer to previous responses regarding aquatic biodiversity, wetlands and specialist investigations to be undertaken during the EIA Phase.
89.	**532. Heritage and palaeontology** 533. The heritage record is not "low sensitivity" in any simple sense. 534. Fieldwork identified heritage features including a possible grave and resources warranting avoidance or buffering despite the broadly low Screening Tool classification. 535. Survey visibility was constrained by vegetation, and parts of the overhead line corridor were reportedly not completely surveyed. 536. Those unsurveyed portions must be assessed before conclusions are reached about the complete route. 537. Palaeontology also remains unresolved. 538. The Screening Tool identifies Very High Palaeontological sensitivity across the project area. 539. The Plan of Study must clearly identify and require the appropriate palaeontological investigation rather than allow the theme to disappear into a general heritage assessment.			EAP – Nemai Consulting	The Heritage SSV confirms that the DFFE Screening Tool classified the Project area as generally low sensitivity for the Archaeological and Cultural Heritage Theme. However, the specialist identified several heritage resources during the site inspections, including a stone kraal, a possible informal grave and scattered stone artefacts. Two of these features were identified as having medium heritage significance and are associated with recommended avoidance and buffer requirements. The Heritage SSV further notes that archaeological visibility during the site inspections was generally low due to dense vegetation cover. The Heritage SSV findings informed the determination that a Phase 1 Heritage Impact Assessment is required as part of the EIA Phase.

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					With regard to palaeontology, both the DFFE Screening Tool and the Heritage SSV identify the Project area as occurring within an area of very high palaeontological sensitivity. The Heritage SSV specifically notes that a separate palaeontological assessment is required and will be undertaken by a professional palaeontologist. Accordingly, the Plan of Study for EIA includes both a Phase 1 Heritage Impact Assessment and a dedicated Palaeontological Impact Assessment. The EIA Phase will assess the significance of heritage and palaeontological resources associated with the proposed development and associated infrastructure.
90.	**540. Agricultural sensitivity and existing productive use** 541. The agricultural evidence has both a scope and classification problem. 542. The agricultural SSV appears principally to address the expansion area and new powerline rather than transparently demonstrating equivalent assessment of the complete project footprint. 543. The Screening Tool identifies High agricultural sensitivity, including areas associated with rainfed annual crop cultivation or planted pastures and Moderate and Moderate High land capability classes. 544. Other supplied maps identify existing grazing capacity and a rural agricultural landscape. 545. The issue is not confined to whether the property is suitable for intensive crop cultivation. Grazing land has an existing productive function, and the project will remove or materially alter that function over a substantial area for the duration of the development. 546. Agricultural suitability conclusions must therefore be			EAP – Nemai Consulting	The DFFE Screening Tool identified areas of medium to high agricultural sensitivity within portions of the Project area. As required by the applicable Protocols, an Agricultural Site Sensitivity Verification (SSV) was undertaken to verify the site's agricultural sensitivity through desktop assessment and site verification. The Agricultural SSV considered land capability, soil characteristics, agricultural potential, grazing capacity and existing land use associated with the Project area. The specialist confirmed that livestock grazing is the predominant existing land use and that the Project area is characterised predominantly by shallow soils with

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	mapped against the actual complete development footprint before the loss is characterised.				low agricultural potential and non-arable land capability. The specialist concluded that the site is generally best suited to grazing rather than intensive crop production, with only limited isolated areas identified as having medium agricultural sensitivity. The Agricultural SSV further confirmed that the Screening Tool findings should be refined based on verified site conditions and concluded that none of the identified soil forms is considered to have high agricultural potential. The current grazing land use and agricultural function of the site are acknowledged. The proposed development's potential impacts on agricultural resources and existing land use will be assessed and managed through the Agricultural Compliance Statement and EMPr during the EIA Phase. Refer to previous responses regarding land capability, site sensitivity verification and the assessment of impacts associated with the final Project footprint during the EIA Phase.
91.	**547. BESS risk and veldfire** 548. BESS risk is inadequately settled. 549. The project contemplates a very large storage system, described in the supplied project material as up to approximately 250 MW and 1 000 MWh, with a footprint of roughly 9.2 ha. 550. The DSR itself identifies BESS fire and explosion risk.			EAP – Nemai Consulting	The Scoping Report identifies potential impacts associated with the Battery Energy Storage System (BESS), including fire, explosion, hazardous substances, waste management and emergency incidents. These potential impacts

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	551. Yet the technology remains unresolved between potentially materially different battery technologies. 552. Those technologies do not necessarily present identical emergency, chemical, firewater or end of life risk profiles. 553. The Scoping Report need not contain the final quantitative risk assessment, but the Plan of Study must require an assessment commensurate with the technology actually proposed. 554. The supplied veldfire mapping identifies the area as being at Extreme veldfire risk.  *Veldfire risk mapping identifying the proposed development area within the Extreme risk category. The dataset should be verified against current authoritative information.* 555. That mapping should be verified against current authoritative datasets rather than accepted uncritically. 556. It nevertheless reinforces the need for an integrated veldfire, BESS and groundwater incident assessment. 557. The relevant assessment must consider: 558. external veldfire reaching the BESS; 559. a BESS incident igniting surrounding grassland; 560. emergency access; 561. fire spread; 562. suppression requirements; 563. firefighting water; 564. contaminated firewater containment; 565. possible entry of contaminated water into wetlands or the				have been identified as environmental issues requiring further assessment during the EIA Phase. The Project includes a BESS component and the final technology configuration will be confirmed during the detailed design phase. The environmental issues associated with veldfire risk, hazardous substances, groundwater protection, wetland protection and emergency incidents have been identified during the Scoping Phase and will be addressed through the specialist studies identified in the Plan of Study for EIA, the impact assessment process and the EMPr. Appropriate mitigation and management measures relating to fire prevention, fire detection, emergency response, hazardous materials handling, spill management, contaminated water management, waste management and incident response will be identified and incorporated into the EMPr where required. The purpose of the Scoping Phase is to identify potentially significant environmental issues and determine the specialist investigations required for the EIA Phase. The EIA Phase will therefore assess the environmental significance of the Project components, including potential

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	karst aquifer; 566. emergency response capacity; 567. hazardous decomposition products where relevant; 568. replacement of damaged battery units; and 569. decommissioning and hazardous waste. 570. The combination of a large BESS, Extreme mapped veldfire risk and a highly vulnerable karst groundwater environment is a cumulative site specific risk and should not be divided between isolated specialist reports without integrated assessment.				BESS-related impacts and, where relevant, cumulative impacts, based on the overall Project layout and specialist input. Refer to previous responses regarding groundwater resources, wetlands, geotechnical conditions, and the assessment of impacts during the EIA Phase.
92.	**571. Complete grid system** 572. The complete grid system requires its own environmental logic. 573. The project documentation variously describes materially different grid connection distances, including an 8.4 or 8.5 km corridor, an approximately 14 km connection, an approximately 18 km MTS relationship and a much shorter connection in specialist material. 574. Until those distances are reconciled, neither the specialist footprint, number of affected properties, route impacts nor reasonable alternatives can confidently be established. 575. The proposed 400/132 kV MTS and 275 kV tie in arrangement similarly requires technical clarification. 576. The Applicant should disclose the formal grid connection studies and the relevant NTCSA or Eskom correspondence necessary to explain the selected connection point, capacity, MTS configuration and foreseeable function of the infrastructure. 577. The environmental assessment must consider the full generating and grid system rather			EAP – Nemai Consulting	The proposed development includes a Solar PV Facility, BESS, Main Transmission Substation (MTS) and associated grid connection infrastructure. The grid connection infrastructure forms part of the proposed development and is included within the development footprint assessed as part of the S&EIR Process. The Project Description contained in the Final Scoping Report has been reviewed and updated where necessary to improve clarity regarding the proposed grid connection infrastructure and associated Project components. The environmental assessment does not assess the Solar PV Facility in isolation. The environmental assessment process includes consideration of the associated grid connection infrastructure, including the proposed MTS, powerline infrastructure and associated servitudes. Potential impacts

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					associated with this infrastructure will be assessed as part of the EIA Phase through the relevant specialist studies and impact assessment process. The purpose of the Scoping Phase is to identify the environmental issues, alternatives and specialist investigations required for the EIA Phase. The significance of impacts associated with the final Project layout including grid connection infrastructure will be assessed during the EIA Phase based on the overall Project layout. Refer to previous responses regarding the Project Description, grid connection infrastructure, alternatives considered and specialist studies to be undertaken during the EIA Phase.
93.	**578. Cumulative impacts** 579. Cumulative effects must expressly include other reasonably foreseeable renewable energy and grid developments, including the EDF development interests disclosed by the I&APs and other energy infrastructure in the wider landscape. 580. This is particularly relevant in relation to water because catchment function and aquifer recharge are cumulative resources. 581. An individual project may seek to characterise its incremental change in runoff or recharge as small. 582. That approach is inadequate where multiple large energy developments may cumulatively transform substantial areas within the same catchment or groundwater source area. 583. The cumulative assessment should therefore quantify existing and reasonably foreseeable land cover transformation within C24, C24F and, if confirmed, the			EAP – Nemai Consulting	The Scoping Report identifies cumulative impacts as a key component of the EIA Phase and requires cumulative impacts to be assessed as part of the specialist studies and integrated impact assessment process. The cumulative impact assessment undertaken during the EIA Phase will consider existing and reasonably foreseeable developments within the surrounding area where relevant to the environmental theme being assessed. This includes other authorised, approved, or publicly known developments where sufficient

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	Ventersdorp/Schoonspruit Karst Belt Strategic Water Source Area. 584. Associated and reasonably foreseeable development cannot simply be placed outside the assessment boundary because it is associated with another proponent or may require a later authorisation process.				information is available and where such developments may contribute to cumulative environmental effects. The assessment of cumulative impacts will not be limited to the Solar PV Facility in isolation. Where relevant, the specialist studies will consider cumulative impacts associated with the broader Project footprint, including the Solar PV Facility, BESS, substations, transmission infrastructure and associated servitudes. The EIA Phase will assess potential cumulative impacts on biodiversity, wetlands, water resources, hydrological processes, visual character, sense of place, socio-economic conditions, and other environmental receptors identified during the Scoping Phase. The purpose of the cumulative impact assessment is to determine whether the combined effect of the proposed development together with other existing and reasonably foreseeable developments may result in impacts that are greater than those associated with the Project in isolation. Refer to previous responses regarding cumulative impacts, water resources, wetlands, groundwater resources and specialist investigations to be undertaken during the EIA Phase.

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94.	**585. Revised Plan of Study requirements** 586. The Plan of Study should therefore be revised to ensure, at minimum, equivalent and footprint specific investigation of: 587. aquatic and wetland impacts; 588. catchment hydrology; 589. hydrogeology and groundwater recharge; 590. groundwater quality and existing users; 591. terrestrial biodiversity; 592. plant and animal species; 593. agriculture; 594. heritage; 595. palaeontology; 596. geotechnical and dolomitic risk; 597. visual impacts; 598. social and economic effects; 599. grid and servitude impacts; 600. cumulative renewable energy development; 601. BESS fire, process and emergency risk; 602. integrated veldfire and BESS risk; 603. contaminated firewater pathways; 604. avifaunal interaction with overhead powerlines; 605. traffic and access; 606. noise where relevant; 607. stormwater and erosion; 608. decommissioning and waste; and 609. cumulative impacts upon relevant surface and groundwater catchments. 610. The Scoping Report's present SSV evidence may legitimately identify matters requiring later detailed investigation. 611. It cannot simultaneously serve as conclusive proof that the chosen site has already been shown to be environmentally suitable.			EAP – Nemai Consulting	The purpose of the Scoping Phase is to identify potentially significant environmental and social issues requiring further investigation during the EIA Phase and to determine the specialist studies required to assess those issues. The purpose of the EIA Phase is to undertake the detailed specialist investigations, assess impacts, identify mitigation measures and inform decision-making regarding the proposed development. The SSV process does not replace the detailed specialist investigations required during the EIA Phase. The Plan of Study for EIA includes specialist investigations relating to agricultural resources, biodiversity, fauna, flora, avifauna, wetlands, heritage resources, palaeontology, visual impacts, social impacts and geotechnical considerations. These studies will assess the significance of impacts associated with the final Project footprint, including associated infrastructure and relevant environmental receptors. In addition, the Plan of Study requires specialists to assess direct, indirect, and cumulative impacts; consider issues raised by I&APs; evaluate impacts throughout the Project life cycle; consider spatial and temporal boundaries; engage with other specialists where relevant; and identify appropriate mitigation and

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					monitoring measures. Specialists must also consider interactions between environmental themes and undertake cumulative assessments based on the environmental receptor being assessed. Matters relating to water resources, wetlands, biodiversity, avifauna, geotechnical conditions, agricultural resources, visual impacts, heritage resources, palaeontology, social impacts, traffic, stormwater management, erosion, waste management, hazardous substances, grid infrastructure and cumulative impacts have been identified during the Scoping Phase and will be assessed further during the EIA Phase through the specialist studies, impact assessment process and EMPr, where relevant. The environmental significance of the identified issues, including cumulative impacts and interactions between environmental receptors, will therefore be assessed during the EIA Phase and reflected in the EIA Report and EMPr.
95.	**G** **REASONABLE ALTERNATIVES, CUMULATIVE IMPACTS AND RELIEF SOUGHT** 612. The Applicant's exclusion of site alternatives is not justified merely by identifying favourable characteristics of the selected Grootvlei property. 613. The EIA Regulations require a broader enquiry. The concept of alternatives includes alternatives relating to			EAP – Nemai Consulting	Refer to the previous responses regarding: • Need and Desirability; • Site Alternatives; • Layout and Design Alternatives; • Technology Alternatives; • BESS Technology; • Outcome of the Site Selection

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	property or location, the nature of the activity, the design and layout, technology, operational aspects and the no go alternative. 614. Appendix 2 further requires the preferred site to emerge from a rational and sufficiently detailed site selection process in which reasonable alternatives are identified, investigated and comparatively assessed, including with reference to cumulative environmental impacts. 615. Section 24O of NEMA likewise requires the competent authority, where appropriate, to consider feasible and reasonable alternatives and modifications capable of avoiding or minimising environmental harm. 616. Notwithstanding those requirements, the Draft Scoping Report expressly states: 617. "No site alternatives are proposed for this Project." 618. The Applicant thereafter seeks to justify Grootvlei principally by reference to favourable solar irradiation, proximity to grid infrastructure, relatively suitable terrain, access and the availability of land. 619. Those considerations may demonstrate that Grootvlei is commercially convenient or technically attractive to the Applicant. 620. They do not establish that Grootvlei is environmentally preferable to other reasonable locations. 621. This distinction is particularly important because the selected site is affected by substantial environmental constraints, including Very High aquatic and terrestrial biodiversity sensitivity, wetlands, CBA and ESA areas, dolomitic and karst geology, a vulnerable groundwater environment, and, subject to specialist verification, a nationally important groundwater Strategic Water Source Area. 622. The Applicant cannot lawfully substitute commercial convenience for comparative environmental assessment. 623. The I&APs accordingly submit that Grootvlei is merely the Applicant's selected site. It has not been demonstrated through the statutory environmental assessment process to be the environmentally preferred site. 624. The I&APs do not nominate any particular alternative farm				Matrix; • Motivation for Not Investigating Alternative Locations; • Preferred Alternative and Preferred Location; • Identification of Impacts and Risks; • Environmental Sensitivities and Specialist Assessments; • Grid Connection Infrastructure; • Cumulative Impacts; and • Compliance with Appendix 2 of the EIA Regulations, 2014, as amended. **Site alternatives and site-selection rationale** As described in Section 10.2 of the Final Scoping Report, no alternative site options form part of the current application. The proposed Project area was identified based on a combination of technical, environmental and logistical considerations, including the availability of contiguous land of sufficient extent, favourable solar irradiation, proximity to suitable grid infrastructure, access to existing transport infrastructure, landowner willingness and the ability to optimise the layout to avoid or minimise impacts on environmentally sensitive features identified through the environmental assessment process. The absence of alternative properties from the present application does not

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	or cadastral portion in these objections, nor is it necessary for them to do so. 625. The duty to investigate reasonable and feasible alternatives rests upon the Applicant and its EAP. 626. The Applicant should have undertaken an objective regional alternatives exercise within the immediate project area and, where technically appropriate, across the broader North West Province. 627. Such an exercise should not have been limited to privately owned land already secured by the Applicant. It should have considered all reasonable categories of potentially suitable land, including privately owned land, State owned land and land held through communal or community based ownership structures, subject always to landowner willingness, applicable governance requirements and equivalent environmental assessment. 628. In the North West Province there are significant areas of communal and community owned land, including land associated with established community property and traditional governance structures. Such land cannot simply be assumed to be available or environmentally preferable. However, it plainly constitutes a legitimate category of land that should have formed part of an objective regional search. 629. Where a willing and properly authorised community or communal landowner makes suitable land available, renewable energy development may potentially produce direct socioeconomic benefits through rental income, employment, skills development, procurement opportunities, infrastructure investment and longer term community participation. 630. The same applies to suitable State owned or public entity land, which may potentially generate public revenue and support broader public development objectives. 631. Neither communal ownership nor State ownership automatically renders land environmentally suitable. The point is that a rational site selection process should not have excluded potentially suitable alternatives merely because the Applicant had already secured commercial rights over Grootvlei.				mean that the environmental suitability of the proposed Project area has been assumed. The proposed Project area and all associated infrastructure are subject to the S&EIR process. Sections 11 and 13 of the Final Scoping Report identify the environmental sensitivities, opportunities, constraints and potentially significant impacts associated with the site, while Section 14 defines the specialist investigations and assessment requirements for the EIA Phase. The current application is being undertaken as a new Environmental Authorisation process for the complete proposed development footprint. No portion of the proposed development is excluded from assessment because it formed part of the previous Environmental Authorisation. **Scale, layout, design and technology alternatives** Section 10 of the Final Scoping Report identifies the alternatives considered during the Scoping Phase, including layout and design alternatives, technology alternatives and the No-Go Alternative. The preliminary Project layout was informed by the environmental sensitivities identified through the Site Sensitivity Verification process and remains subject to further refinement

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	632. There may also be substantial practical and environmental advantages to selecting land requiring fewer third party servitudes, shorter access routes or shorter grid connections. Such sites may reduce the number of affected landowners, reduce property disputes, decrease new road construction, reduce vegetation clearance, limit wetland crossings and diminish the overall environmental footprint of the development. 633. A meaningful alternatives exercise should therefore have begun by identifying objective technical criteria, including required land area, realistic generation capacity, solar resource, slope, access, appropriate grid voltage, connection capacity, reasonable maximum grid distance, MTS requirements, water needs and material environmental exclusion criteria. 634. Those criteria should then have been applied across a reasonable geographic search area to identify candidate sites. 635. Each candidate site should have been subjected to equivalent preliminary environmental screening, including wetlands, aquatic biodiversity, terrestrial biodiversity, CBA and ESA areas, agricultural capability, heritage, palaeontology, groundwater, dolomitic and karst conditions, Strategic Water Source Areas, settlements, fire risk, grid infrastructure and cumulative impacts. 636. A shortlist of reasonable candidates should thereafter have been comparatively assessed. 637. The comparison should have addressed not merely energy yield and construction cost, but also the complete grid footprint, the number of affected properties, servitude requirements, internal road requirements, sensitive habitat, wetland impacts, agricultural loss, groundwater sensitivity, heritage impacts, fire risk, cumulative effects, mitigation feasibility, residual risk and socioeconomic consequences. 638. No such exercise is evident from the Draft Scoping Report. 639. The statement that no site alternatives are proposed, followed by a list of advantages associated with Grootvlei, is not a comparative site selection exercise and does not satisfy the purpose of the alternatives requirement.				during the EIA Phase should the detailed specialist assessments identify additional constraints or mitigation requirements. The proposed generation capacity forms part of the Project for which Environmental Authorisation is sought. Its environmental acceptability is not assumed by the Scoping Report. The EIA Phase will assess impacts associated with the proposed capacity, development footprint and infrastructure and will determine whether impacts can be avoided, appropriately mitigated or reduced to an acceptable residual level. Where the specialist findings require changes to the layout or infrastructure configuration, these will be considered through the iterative impact assessment and layout-refinement process. The BESS, PV technology and associated electrical infrastructure alternatives are described in Sections 9 and 10. The Final Scoping Report clarifies that a precautionary assessment approach will be applied to the BESS technology envelope, including consideration of reasonably foreseeable fire, hazardous-material, emergency-response, waste and decommissioning risks. The detailed comparative assessment of feasible alternatives will inform the identification of the BPEO.

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	640. Alternatives must also include project scale, configuration and design 641. The alternatives enquiry cannot be confined to alternative properties. 642. The Applicant was also required to investigate whether the stated project purpose could reasonably be achieved through changes to the scale, design, technology and associated infrastructure of the development. 643. Reasonable alternatives that should have been considered include, at minimum: 644. a reduced generating footprint; 645. a reduced installed capacity; 646. phased development; 647. alternative panel densities; 648. alternative PV block configurations and layouts; 649. alternative BESS technologies; 650. alternative BESS capacity; 651. alternative BESS locations; 652. alternative MTS locations or configurations; 653. shorter or environmentally preferable grid corridors; 654. alternative access arrangements; 655. alternative internal road layouts; and 656. the no go alternative. 657. Location of the application area to the work force 658. socio-economic benefits to communities who include previous disadvantaged groups 659. The history of the project demonstrates why such alternatives were particularly important. 660. The Applicant's previous development area reportedly became insufficient to accommodate the preferred number of PV modules while simultaneously avoiding environmental constraints, including wetlands. 661. The Applicant then elected to expand the development area. 662. That sequence demonstrates that the desired generation capacity and the environmental constraints were already in direct conflict. 663. The proper environmental enquiry was therefore whether				**Complete Project and grid footprint** The assessment is not limited to the Solar PV array. The complete proposed development comprises the Solar PV Facility, BESS, collector and switching infrastructure, internal roads and reticulation, Main Transmission Substation, 132 kV overhead powerlines, 275 kV tie-in infrastructure, access arrangements, servitudes and associated ancillary infrastructure. Section 9 of the Final Scoping Report has been updated to clarify the relationship between the electrical infrastructure components and the applicable grid connection distances. The complete generation and grid connection footprint was considered by the specialists during SSV and will be considered further by the relevant specialists undertaking specialist studies during the EIA Phase. The Environmental Authorisation process assesses environmental feasibility and does not confer property rights, servitudes or rights of access. Matters relating to land rights and the practical implementation of servitudes remain subject to the applicable legal and commercial processes. **Cumulative impacts** Cumulative impacts were identified

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	the Applicant's preferred 600 MW capacity remained reasonable in the circumstances of the receiving environment. 664. The Applicant was not entitled simply to treat the 600 MW capacity as fixed and enlarge the site until sufficient land became available to accommodate the required number of panels. 665. Such an approach reverses the proper environmental decision-making sequence by allowing the commercial project objective to determine the environmental footprint, rather than allowing environmental constraints and reasonable alternatives to determine the appropriate scale and location of the development. 666. This is especially important where expansion materially increases the area over which runoff, groundwater recharge, wetland functioning, biodiversity, agricultural use and other environmental processes may be affected. 667. A reduced project capacity or smaller development footprint could materially reduce the number of panel blocks, kilometres of internal roads, disturbed drainage pathways, stormwater infrastructure, wetland interactions and cumulative impacts upon groundwater recharge. 668. The Applicant has not demonstrated why a smaller, differently configured or differently located project would not reasonably achieve the stated project purpose with materially lower environmental consequences. 669. Cumulative impacts reinforce the inadequacy of the site selection process 670. The failure properly to assess alternatives is aggravated by the inadequate treatment of cumulative impacts. 671. The relevant comparison is not merely between the impacts of the preferred Grootvlei layout and the no go alternative. 672. The competent authority must understand how the proposed development interacts with existing and reasonably foreseeable renewable energy, transmission and other infrastructure within the wider landscape. 673. This includes cumulative transformation of grassland, wetlands and biodiversity corridors, cumulative loss of				during the Scoping Phase and are presented in Section 13.4 of the Final Scoping Report. Other renewable energy developments within the surrounding area were identified using the Renewable Energy EIA Applications database and will be considered during the EIA Phase where relevant. The Plan of Study for EIA requires each specialist to assess the combined effects of the proposed Project together with existing, approved and reasonably foreseeable developments and infrastructure within the relevant specialist study area. The cumulative study area will be defined according to the environmental receptor and impact pathway under assessment and will not be limited to a project boundary or a uniform distance applicable to all disciplines. The cumulative assessment will consider, where relevant, impacts on terrestrial and aquatic biodiversity, wetlands, agricultural resources, water resources, landscape character, avifauna, socio-economic conditions, heritage resources, infrastructure and land use. Information regarding another development will be considered where that development is sufficiently defined and reliable information is available to support its inclusion as an existing, approved or

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	agricultural land, cumulative grid and servitude impacts, cumulative avifaunal exposure, cumulative pressure upon groundwater resources and cumulative alteration of runoff and recharge within the relevant catchment and groundwater system. 674. Other reasonably foreseeable renewable energy interests, including the EDF development interests disclosed by the I&APs, are therefore relevant to the assessment. 675. This does not mean that any such development must be treated as authorised or inevitable. 676. It means that where another development is sufficiently concrete and reasonably foreseeable, its interaction with the Grootvlei project forms part of the environmental context within which cumulative impacts and alternatives must be assessed. 677. The complete generating and grid footprint must also be considered. A site may appear favourable when only the PV polygon is examined, but materially less favourable once the environmental consequences of a lengthy grid corridor, new substations, access roads and multiple servitudes are included. 678. Conversely, a technically suitable site closer to appropriate high voltage infrastructure may materially reduce towers, foundations, access roads, vegetation clearance, wetland crossings, agricultural fragmentation, avifaunal exposure, visual impacts, third party servitudes and land disputes. 679. The correct comparison is therefore between the complete environmental footprints of reasonable alternatives and not merely between the hectares occupied by solar panels. 680. The defect is substantive and warrants refusal 681. The absence of a genuine alternatives assessment is not a minor omission and should not be treated as a defect capable of being repaired after acceptance of the Scoping Report. 682. The purpose of Scoping is to establish the proper scope of the environmental assessment and to demonstrate that the preferred site and project concept emerge from a lawful and rational consideration of reasonable alternatives. 683. That has not occurred. 684. The Applicant selected Grootvlei commercially, identified a				reasonably foreseeable development. **Environmental sensitivities and site acceptability** The Scoping Report does not conclude that the Project area is environmentally unconstrained. The Screening Tool and Site Sensitivity Verification process identified aquatic, terrestrial biodiversity, agricultural, heritage, palaeontological and geotechnical sensitivities requiring further investigation. These findings informed the specialist studies included in the Plan of Study for EIA. The detailed specialist assessments will assess the final Project footprint and associated infrastructure, determine impact significance before and after mitigation, identify no-go areas and buffers where applicable, assess cumulative impacts and provide reasoned conclusions regarding environmental acceptability. The Site Sensitivity Verification process therefore informs, but does not replace, the detailed assessment required during the EIA Phase. **Concluding Remarks** The request that the Scoping Report and Environmental Authorisation application be refused is noted. The detailed grounds supporting that request have been addressed throughout this CRR.

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	desired 600 MW development, expanded the site when the earlier land area proved insufficient to accommodate the project while avoiding environmental constraints, and thereafter excluded site alternatives from further consideration. 685. At the same time, the environmental information identifies substantial site level and landscape level constraints. 686. Those constraints include Very High aquatic biodiversity sensitivity, Very High terrestrial biodiversity sensitivity, natural depression wetlands, CBA and ESA areas, dolomitic and karst geology, a vulnerable aquifer environment, substantial groundwater and catchment concerns, agricultural impacts, palaeontological sensitivity and extensive associated grid infrastructure. 687. The Applicant has therefore not demonstrated that Grootvlei is environmentally preferred. 688. More fundamentally, the Applicant has not demonstrated that the decision to locate a 600 MW development on Grootvlei resulted from the alternatives process required by the EIA regulatory framework. 689. In the I&APs' submission, that failure goes to the foundation of the Scoping Report and cannot properly be cured by permitting the application to proceed to the EIA phase on the assumption that Grootvlei has already been selected. 690. Once the Applicant has elected not to investigate reasonable site alternatives, notwithstanding the environmental constraints already identified, the competent authority is deprived of the comparative information necessary to determine whether the impacts associated with Grootvlei could reasonably have been avoided through another site, another scale or another configuration. 691. The mitigation hierarchy does not begin with the question of how impacts on the selected property can be reduced. 692. It begins, where reasonably possible, with avoidance. 693. Where potentially serious environmental harm may be avoided through a different location, reduced scale, different layout or alternative infrastructure configuration, the Applicant cannot bypass that enquiry and proceed directly to mitigation of impacts on its commercially preferred site.				The Final Scoping Report describes the proposed development, receiving environment, environmental sensitivities, alternatives considered, potentially significant impacts, public participation process and the specialist studies and assessment requirements for the EIA Phase. Comments received during the Scoping Phase have been considered, and clarifications and amendments have been incorporated into the Final Scoping Report where appropriate. The Final Scoping Report therefore provides an appropriate basis for the Competent Authority to determine whether the requirements of the Scoping Phase have been met and whether the application may proceed to the EIA Phase. The determination regarding acceptance of the Final Scoping Report and progression of the application remains with the Competent Authority.

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	694. The previous expansion of the project area is particularly telling. Rather than allowing the environmental constraints to inform the appropriate project scale, the Applicant expanded the site to accommodate the preferred capacity. 695. That approach cannot establish environmental preference. 696. Nor should the absence of a specific alternative farm nominated by the I&APs be used to excuse the omission. 697. Interested and affected parties are not required to perform the Applicant's site selection exercise. 698. It was the Applicant's responsibility to identify and comparatively assess reasonable alternatives before asserting that Grootvlei is preferred. 699. Relief sought 700. In the circumstances, the I&APs submit that the deficiencies in the alternatives assessment are fundamental and that the Draft Scoping Report does not meet the minimum requirements necessary for acceptance. 701. The I&APs accordingly request that DFFE refuse acceptance of the Scoping Report and refuse the environmental authorisation application, rather than permit the Applicant to cure a fundamentally defective site selection process through later assessment. 702. The basis for refusal is not simply that another site might hypothetically be better. 703. It is that the Applicant has deliberately excluded site alternatives despite substantial environmental constraints and has consequently failed to provide the competent authority with the comparative information necessary to determine whether the proposed environmental impacts are reasonably avoidable. 704. The Applicant has also failed to demonstrate that the preferred 600 MW project scale is itself environmentally justified, rather than merely commercially preferred. 705. The site selection process therefore does not establish that Grootvlei is the environmentally preferred location, that the proposed development scale is reasonable, or that the identified environmental impacts cannot reasonably be avoided through another site or project configuration. 706. Permitting the application to proceed to the EIA phase				

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	would effectively allow the Applicant to conduct detailed impact assessment on a site that has never first been demonstrated, through the prescribed alternatives process, to warrant selection. 707. That would reverse the proper regulatory sequence. 708. The deficiencies are compounded by the unresolved aquatic, terrestrial, groundwater, karst, wetland, palaeontological, agricultural, fire, grid and cumulative impact concerns addressed elsewhere in these objections. 709. Considered collectively, those deficiencies demonstrate that this is not an application in which a fundamentally sound Scoping Report merely requires further technical refinement during the EIA phase. 710. Rather, the underlying site selection, project scale, development footprint and environmental preference remain materially unresolved. 711. The competent authority should not authorise the continued progression of an application founded upon those unresolved premises. 712. The I&APs therefore respectfully submit that the appropriate decision is refusal, including refusal in terms of Regulation 22(b)(ii) where the requirements of the regulatory framework and Appendix 2 have not been met. 713. The I&APs further submit that refusal is consistent with the preventive and precautionary purpose of NEMA. Where the Applicant has failed to demonstrate environmental preference and where reasonable avoidance alternatives were not properly investigated, the competent authority should not permit the environmental process to proceed on the basis that the commercially selected site is already preferred. 714. The environmental assessment process is intended to inform the decision whether and where development should occur. It should not be reduced to a process for designing mitigation around a site and project scale already fixed for commercial reasons. 715. For these reasons, the I&APs object to the acceptance of the Draft Scoping Report, object to the proposed development proceeding to the EIA phase, and request that the				

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	environmental authorisation application be refused.				
96.	RE: Proposed Grootvlei 600MW Solar PV Plant, BESS and Grid Connection, near Ventersdorp, DrKenneth Kaunda and Ngaka Modiri Molema District Municipalities, North West Province - Scoping Report (Draft, July 2026) On behalf of Mgeniso Holdings (Pty) Ltd, I would like to register our company as an Interested and Affected Party (I&AP) for the above-mentioned project, prepared for LTM Green Energies (Pty) Ltd. Having reviewed the draft Scoping Report, we would like to raise a specific area of interest regarding the socio-economic benefits associated with the project, particularly the opportunities it may create for Small, Medium and Micro Enterprises (SMMEs) in the surrounding communities. Mgeniso Holdings (Pty) Ltd is an SMME with an interest in participating in the project's supply chain. We would appreciate clarity on the following: 1. Whether the Scoping Report and subsequent Environmental Impact Assessment (EIA) will include a dedicated SMME development or local procurement strategy for the construction and operational phases of the project. 2. What percentage, if any, of construction, logistics, and maintenance contracts are anticipated to be set aside or ring-fenced for local SMMEs based in the Dr Kenneth Kaunda and Ngaka Modiri Molema District Municipalities. 3. Whether there are opportunities for SMME participation in ancillary services such as site security, catering, transport, cleaning, landscaping, and general facilities maintenance during both construction and operation. 4. Whether the project will include any enterprise development, mentorship, or skills transfer programme to help local SMMEs build capacity to participate in the project's supply chain. 5. How Mgeniso Holdings (Pty) Ltd can register its interest or be included in the project's supplier database ahead of the construction phase. We would be grateful if this comment could be formally recorded as part of the public participation process for this project, and if a	M.J. Mpogo – Mgeniso Holdings (Pty) Ltd	Email (12/08/2026)	EAP – Nemai Consulting	Mgeniso Holdings (Pty) Ltd has been registered as an Interested and Affected Party (I&AP) and will be included in future project notifications and correspondence relating to the S&EIR Process. The Scoping Report recognises the potential socio-economic benefits associated with the proposed development, including employment opportunities, local procurement, skills development, and opportunities for local businesses, and will assess these further during the EIA Phase through the Social Impact Assessment. The Social Impact Assessment findings will be incorporated into the EIA Report and will inform appropriate recommendations to enhance the Project's positive socio-economic benefits. At the Scoping Phase, no commitments have been made regarding specific procurement quotas, contract allocations, supplier development programmes, preferential procurement percentages or supplier selection processes. Such matters generally fall within the Applicant's procurement, contracting and project implementation processes and do not form part of the Environmental Authorisation decision-making process.

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	written response addressing the above points could be provided in due course. Please keep us informed of all further public participation opportunities relating to this project, including the release of the draft EIA Report and any registered I&AP updates.				Opportunities for employment, local procurement, skills development and local economic participation associated with the construction and operational phases of the Project will be considered, where relevant, as part of the Social Impact Assessment undertaken during the EIA Phase. The Applicant will determine details relating to supplier registration, procurement processes, and potential opportunities for participation in the Project supply chain at the appropriate stage of Project development. Interested parties are encouraged to monitor future Project communications and engagement processes for information on procurement and supplier registration opportunities.

4.2 Comments Received after the Commenting Period

The draft Scoping Report was lodged for public review from 10 July 2026 until 11 August 2026. The comments received after this review period, but before the submission of the Final Scoping Report, are captured below.

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
97.	Please find the attached comments from the Directorate: Biodiversity Conservation.	M. Nsizwane – Directorate: Biodiversity Conservation, DFFE	Email (17/08/2026)	EAP – Nemai Consulting	The comments were received and acknowledged.
98.	COMMENTS ON THE DRAFT SCOPING REPORT IN SUPPORT OF THE ENVIRONMENTAL AUTHORISATION APPLICATION PROPOSED GROOTVLEI 600MW SOLAR PV PLANT, BESS AND GRID CONNECTION, NEAR VENTERSDORP, DR KENNETH KAUNDA AND NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITIES, NORTH WEST PROVINCE The Directorate: Biodiversity Conservation has reviewed and evaluated the reports. The following aspects must, however, be duly considered: ▪ All specialist assessments must be conducted in accordance with 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 the National Environmental Management Act, 1998, as amended. ▪ The specialist assessments must comply with the applicable assessment protocols, including, but not limited to, those relating to terrestrial biodiversity (flora and fauna). The Environmental Impact Assessment Report must clearly demonstrate compliance with the relevant protocols and provide justification where any protocol requirements are not applicable. ▪ To ensure the continued persistence of ecosystems and that national conservation targets are achieved, impacts on	S. Lekota – Control Biodiversity Officer Grade B: Biodiversity Conservation, DFFE	Letter (10/08/2026)	EAP – Nemai Consulting	The specialist assessments undertaken during the EIA Phase will be conducted in accordance with the applicable protocols and reporting requirements. The relevant specialist reports will demonstrate compliance with applicable protocols, including those relating to terrestrial biodiversity, fauna and flora. The mitigation hierarchy will be applied during the assessment process, with avoidance and minimisation of impacts on sensitive habitats and biodiversity features prioritised where possible. Biodiversity-related Public Participation Process documentation will continue to be submitted to [redacted] for the attention of Mr Seoka Lekota.

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	sensitive and highly localised habitats must be minimized or avoided altogether as per the mitigation hierarchy requirements. The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at email: [redacted] for the attention of Mr Seoka Lekota.				
99.	Please find attached letter for your response.	A. Reddy – Member, VOSDOR 014 CC	Email (20/08/2026)	EAP – Nemai Consulting	VOSDOR 014 CC has been registered as an Interested and Affected Party (I&AP) and its details have been included in the Project I&APs database. The request for continued registration throughout the S&EIR Process is noted, and the party will continue to receive notifications relating to future public participation opportunities associated with the Project. The commenting period for the Draft Scoping Report closed on 11 August 2026. Information relating to the proposed Project, including the Solar PV Facility, BESS, Main Transmission Substation, grid connection infrastructure, associated layouts and specialist studies, is contained within the Draft and Final Scoping Reports and supporting appendices. Nemai Consulting will continue to make project documentation available through the Nemai Consulting website (https://nemai.co.za/downloads/) and as part of the public participation process during the EIA Phase. It is noted that VOSDOR 014 CC has
100.	REGISTRATION AS INTERESTED AND AFFECTED PARTY: PROPOSED GROOTVLEI 600 MW SOLAR PV PLANT, BESS AND GRID CONNECTION, NEAR VENTERSDORP, DR KENNETH KAUNDA AND NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITIES, NORTH WEST PROVINCE We refer to the Draft Scoping Report dated July 2026 in respect of the abovementioned project, and to the accompanying application for environmental authorisation submitted to the Department of Forestry, Fisheries and the Environment. VOSDOR 014 CC hereby applies to be registered as an Interested and Affected Party in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014, as amended. **1. Details of the registering party** • Registering party: VOSDOR 014 CC, Registration Number [redacted] • Represented by: Dr Anushka Reddy, member, duly authorised • Property: Remaining Extent of Portion 1 of the Farm Speculatie 150, Registration Division I.P., North West Province, [redacted] • Postal address: [redacted] • Email: [redacted] • Mobile: [redacted]		Letter (20/08/2026)		

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	2. Basis of interest VOSDOR 014 CC is the registered owner of the property described above, which lies in the immediate vicinity of the proposed project area. Appendix 9 to the application (List of SGIDs and Coordinates) identifies the Farm Houtkop 152, Registration Division I.P., as accommodating both the grid connection powerline route and a new main transmission substation. Speculatie 150 adjoins Houtkop 152. The property is further directly affected by existing and pending electricity transmission infrastructure in the same corridor, namely: • a servitude registered in favour of the Electricity Supply Commission under Notarial Deed No. 505/1973, recorded as condition 3 of Deed of Transfer T39946/2005; and • an Option to Acquire Servitude granted to Eskom on 13 November 2023 and exercised on 25 April 2024, in respect of the Pluto — Watershed B 1 x 400 kV overhead line, over a servitude area of 15,9991 hectares crossing the property. Registration of the notarial deed of servitude in favour of the National Transmission Company South Africa SOC Ltd is currently in progress. VOSDOR 014 CC accordingly has a direct interest in the location, alignment and cumulative effect of the transmission infrastructure proposed in this application. **3. Information requested** So that we may participate meaningfully within the applicable comment period, kindly provide the following: 1. Confirmation of the closing date of the comment period for the Draft Scoping Report, and confirmation that this registration has been recorded. 2. A complete copy of the Draft Scoping Report and all appendices, including the grid connection chapter, or details of where these may be accessed. 3. Layout plans or figures at a legible scale showing the				an interest in the proposed transmission infrastructure and associated cumulative impacts because it owns the Remaining Extent of Portion 1 of the Farm Speculatie 150 and the existing and proposed electricity transmission infrastructure within the broader area. The proposed transmission infrastructure forms part of the Project and will be assessed during the EIA Phase, together with associated cumulative impacts where relevant.

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	proposed position of the new main transmission substation on Houtkop 152, and the alignment of the grid connection powerline route, in relation to the boundaries of the Remaining Extent of Portion 1 of the Farm Speculatie 150. 4. Written confirmation of whether any component of the project — including the powerline route, substation, laydown areas, access roads or construction servitudes — is proposed on, over or immediately adjacent to Speculatie 150. 5. Confirmation of how the proposed grid connection interfaces with the existing and planned Eskom and NTCSA transmission infrastructure in the corridor, including the Pluto — Watershed B 400 kV line, and whether any shared servitude corridor is contemplated. 6. Details of the specialist studies to be undertaken during the impact assessment phase, and the extent of the study area for each. **4. Continued registration** Kindly confirm that VOSDOR 014 CC will remain on the register of Interested and Affected Parties for all subsequent phases of this application, including the impact assessment phase, and that we will be notified of: • the availability of all further reports for comment; • any amendment to the project description, capacity, layout or grid connection alignment; and • the decision of the competent authority, together with the reasons for that decision and the applicable appeal rights. **5. Position at this stage** VOSDOR 014 CC does not raise an objection to the project at this stage. Its purpose in registering is to obtain sufficient information about the location of the proposed infrastructure relative to its property, and to be in a position to comment substantively during the impact assessment phase. All rights of VOSDOR 014 CC are reserved, including the right to				

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	submit further comment once the information requested above has been received.				

The draft Scoping Report was lodged for public review from 10 July 2026 until 11 August 2026. The comments received after this review period and after the submission of the Final Scoping Report, are captured below.

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
101.	Environmental Impact Assessment (S&EIA) application process in support of an Environmental Authorisation (EA) for the development of Grootvlei 600MW Solar Photo Voltaic (PV) Plant, Battery Energy Storage Systems (BESS) on Portion 0 of the farm Grootvlei 161 IP, JB Marks Local Municipality and Distobotla Local Municipality in the North West Province, near Ventersdorp. The project will consist of MTS Substation on Portion 1 of the Farm Houtkop 152, and Grid Connection Project crossing Portion 1, Portion 9, Portion 11, Portion 12 of the Farm Houtkop 152, Portion 1 of the Farm Roodepoortje 154, and Portion 0 of the farm Grootvlei 161 IP. The project has received an EA over 600ha of land for the solar development (the SAHRIS case ID for the first EA is 21386) however, the applicant requires more land to generate the 600MW of land and is proposing to incorporate an additional 580 ha into a new EA Application for the entire Project extent of +1200 hectares. A draft Scoping Report and a Heritage Site Sensitivity Verification (HSSV) Report has been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA) and the NEMA 2014 Environmental Impact Assessment (EIA) Regulations. The HSSV report by Nitai Consulting (Pty) Ltd is submitted to SAHRA for commenting in place of a Heritage Impact Assessment (HIA) report required in terms of section 38 of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Kitto, J. April 2026. HERITAGE SITE SENSITIVITY VERIFICATION REPORT FOR THE PROPOSED GROOTVLEI	N. Higgit - Manager: Development Applications Unit South African Heritage Resources Agency	Letter (21/09/2026)	EAP – Nemai Consulting	The interim comment is noted. The HIA and PIA will be uploaded to SAHRIS during the review period of the draft EIA Report accordingly.

No.	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE BY	RESPONSE
	600MW SOLAR PLANT, BATTERY ENERGY STORAGE SYSTEMS & GRID CONNECTION PROJECT, NEAR VENTERSDORP, JB MARKS LOCAL MUNICIPALITY, NORTH WEST PROVINCE. The author has worked within the area multiple times since 2023 and a desktop study was carried out for the Site Sensitivity verification survey noted that although the DFFE Screening Tool notes that the archaeological sensitivity to low, few heritage resources were identified during the site visit, including historical structures and a possible informal grave (two of which are considered of medium heritage sensitivity. The author recommends a Phase 1 Heritage Impact Assessment to be included in the S&EIAr. **Interim Comment** The SAHRA Development Applications Unit (DAU) notes the submission of the Heritage Site Sensitivity Report and the recommendations provided therein. The SAHRA will process the case further once the Heritage Impact Assessment (HIA) report by a suitably qualified archaeologist is submitted to the case for comments. In addition, the development area is located in a very high palaeontological sensitivity area and a field based Palaeontological Impact Assessment (PIA) by a suitably qualified palaeontologist but conducted and the report submitted to the case for comments. The SAHRA awaits the submission of the draft Environmental Impact Assessment (EIA) report and its appendices, as well as the PIA and HIA reports to the case. Should you have any further queries, please contact the designated official using the case number quoted above in the case header.				