



RICHARD SUMMERS INC.  
A T T O R N E E Y S

CES - Environmental and Social Advisory Services  
Grahamstown  
**Attention:** Ms. Caroline Evans

Our ref: RWS/cfa/CSP20-001  
DEA Ref. No.: 14/12/16/3/3/2/1131

Per email: [c.evans@cesnet.co.za](mailto:c.evans@cesnet.co.za)

30 August 2021

Dear Caroline

**RE: COMMENT ON AMENDED DRAFT ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT FOR THE PROPOSED ALBANY WIND ENERGY FACILITY (DEA REFERENCE NUMBER: 14/12/16/3/3/2/1131)**

#### INTRODUCTION

1. These comments are prepared on behalf of Kwandwe Private Game Reserve (“Kwandwe”) in connection with the amended Draft Environmental Impact Assessment Report (“amended DEIR”) for the proposed Albany Wind Energy Facility (“WEF”).
2. As a directly affected interested and affected party, Kwandwe is situated in close proximity to the proposed Albany WEF and will bear the brunt of adverse visual impacts. The project will also give rise to other potential unquantified impacts, such impacts on megafauna and specifically the subsonic impacts of noise on elephants. Kwandwe has a direct and material interest in the project, as Kwandwe stands to be one of the most directly and adversely affected stakeholders.
3. It cannot be gainsaid that the game reserves in the project area such as Kwandwe and the eco-

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tourism sector in the Eastern Cape in general is a highly significant stakeholder and its competitive advantages as a flagship game reserve should not be undermined by competing land uses which affect or erode the sustainability of its continued operations and contribution to the sector and local economy. The sector and indeed the sustainability of Kwandwe's eco-tourism operations and associated contribution massively to employment and the local economy. This now stands to be materially and adversely affected by the proposed Albany WEF and, cumulatively, other developments of a similar nature.

4. In terms of the conservation and protection of vegetation biodiversity targets and the wildlife conservation value of Kwandwe's properties, and the ecosystem protection and ecosystem services the properties provide, the contribution made by Kwandwe is significant. We have stated previously that the conservation value and the environmental, social and economic benefits of our client's respective eco-tourism / conservation initiatives hinges entirely on the continued, long-term, sustainability and economic viability of the eco-tourism businesses underpinning the reserve.
5. Despite previous comments regarding how the project impacts on our client, and specifically the impact on the long-term viability (sustainability) of its eco-tourism businesses and related operations, Kwandwe remains deeply concerned that one of the most significant potential negative impacts has not been assessed. The omission is perplexing and inexcusable.

#### **SUMMARY OF KEY ISSUES AND CONCERNS**

6. A significant majority of the proposed wind turbines represent a fatal flaw according to a considered analysis of visual sensitivity mapping. The mitigation hierarchy is ignored - at best, selectively applied, in connection with HIGH NEGATIVE visual impacts.
7. There is a lack of integration of assessment and findings. For example, the inter-relatedness with respect to visual issues and heritage issues is superficial and fails to properly account for impacts at the landscape scale.
8. The quantification of the socio-economic impacts and specifically the adverse impact on property values on neighbouring farms and overall effect on the eco-tourism sector is misleading. The studies lack objectivity. The flaws and omissions create and inescapable sense

of bias in favour of the project and thus the report fall short of the independent the unbiased assessment and specialist opinion that is required by NEMA.

9. The indirect, cumulative and consequential impacts have not been quantified in circumstances where the proposed Albany WEF and other projects of a similar nature adversely affect the sustainability of game reserves, statutorily declared protected areas, and eco-tourism related operations.
10. The assessment of adequate water availability and the impact of the proposed Albany WEF on the sustainability of the water resource and the ecological groundwater reserve have not been assessed. The sustainability of water use, and water abstraction cannot be divorced from the requirements of NEMA to assess all project related impacts.
11. The nature of the obligations imposed in terms of NEMA requires the EAP to assess, among other things, the cumulative impact on the environment brought by the proposed Albany WEF and all other existing and/or proposed WEFs that are in close proximity to the Albany WEF. This in turn requires the EAP to assess the impact on the sustainability of existing game reserves and eco-tourism operations. Although the socio-economic impact of the proposed Albany WEF has been identified as a relevant concern in the amended DEIR, the direct, indirect and cumulative impacts on Kwandwe has not been quantified (as explained herein). The assessment is deficient in several areas.
12. The deficient assessment does not enable I&APs to engage meaningfully in the assessment process and it does not enable them to comprehend and interpret the nature, severity and duration of project related impacts. This undermines the public participation process and renders it meaningless. In several key respects, there is no evidence or data in the reports or specialist studies to support key assertions made by the specialists made in favour of the project.
13. Given the above concerns, various external reviews have been commissioned in order to review the efficacy of the assessment process as a whole as well as the specialist inputs relied on in support of the proposed Albany WEF. All external reviews have identified that the amended DEIR and specialist reports suffer from material omissions and as a result cannot serve as a basis for accurate impact evaluation and/or defensible decision-making by the competent authority.

14. The gaps and omissions in the assessment are extensive. Due to the high levels of speculation and the “missing” categories of relevant information classified by the relevant specialists as unknown, the amended DEIR fails to comply with minimum legal requirements and cannot support reasonable or rational decision-making by the competent authority.
15. The data relied upon in the amended DEIR and the SIA in particular is grossly inaccurate and misleading. The inaccuracies taint the objectivity of the reporting as a whole, resulting in an unavoidable perception of bias.
16. According to the socio-economic specialist *“no published literature of the impact of wind turbines and WEFs on the South African tourism market was available”*. Why, in the absence of critical information, was it considered as remotely acceptable to dismiss the potential impacts on an established eco-tourism industry in circumstances where no accurate baseline of socio-economic impacts has been established? This flaw is so pervasive in the findings that it cannot be resolved through further revisions or adjustments of the report. A critical threshold requirement for NEMA compliance is that the reports are prepared by independent specialists. The conclusions adopted reflect a clear bias for and outcome in favour of the development proceeding. This concern - held by many I&APs - is justified given the abject failure to ground-truth the receiving environment. There is no comprehensive attempt at accurate research and no accurate data. Kwandwe rejects the reports and put on record that the objectivity of the process is questioned.
17. The impact on employment associated with the project is grossly exaggerated and in respect of the potential negative impact on existing operations it is grossly underestimated. Once again, the manner in which information is reported in the amended DEIR underplays the importance of existing game reserves and eco-tourism operations and formally protected nature reserves (such as Kwandwe) and the net benefit these existing operations have on employment and the supply of housing in the area.
18. The amended DEIR raise more questions than they provide answers: How were the comments of Kwandwe integrated into the assessment and formulation of the findings? A full explanation is required. How has the potential impact between High Negative Visual Impact, impact on tourism product and investment on adjacent and/or neighbouring game reserves been

evaluated with regard to the Albany WEF and similar WEFs proposed for the area? This is particularly relevant given the social specialist's assertion that *"the detailed assessment of possible cumulative impacts on land/market values of farms fall outside the scope of this SIA study"*. How have existing investments into the wildlife tourism across the sector been quantified in circumstances where the EAP have recorded that the cumulative impacts on impacted stakeholders *"should be investigated and rated by a Land Valuer / Economist if required"*<sup>1</sup>?

19. How has the threat or risk of disinvestment (should the proposed Albany WEF be approved) been scoped, quantified and a significance rating assigned? Has this impact been discounted completely from the cost benefit analysis by mistake or by design? How have the long-term consequences in an enforced change in land use patterns been assessed at local and regional scale?
20. The combined effect of the repeated understated scoring of and unreasonably low significance ratings materially influence the overall accuracy and credibility of the finding of the amended DEIR and specialist studies.
21. These comments highlight several shortcomings of the amended DEIR and the specialist studies. These issues and concerns are described in more detail below in these comments which must read and responded to independently with the following Annexures forming part of these comments:

**ANNEXURE A: MESSRS OBERHOLZER AND LAWSON REVIEW**

**ANNEXURE B: GLOBAL GREEN REVIEW**

**ANNEXURE C: APPRAISAL CORPORATION REVIEW**

**ANNEXURE D: SARAH WINTER REVIEW**

**INDIRECT, CUMULATIVE AND CONSEQUENTIAL VISUAL IMPACTS**

22. The consideration of potential visual impacts requires an assessment of the "visible" effect on the surrounding areas. It follows that high-end eco-tourism operations (such as those of Kwandwe) which are marketed for their scenic beauty, would lose their appeal if they are

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<sup>1</sup> Page 177 of the amended DEIR.

visually compromised or if the integrity of the visual resource and viewshed is impaired.

23. The revised VIA prepared by CER dated March 2021 indicates that the cumulative visual impact of the proposed Albany WEF, in the context of the operational Waainek WEF and proposed Plan 8 WEF is expected to be of “MODERATE” significance during the day and “HIGH” significance due to the negative impact of night lighting. No reference is made to the cumulative impacts of the proposed Fronteer and Wind Garden WEFs, which according to the amended DEIR have been assessed as part of the revised VIA.<sup>2</sup> This is incorrect. There is a clear contradiction between the amended DEIR and the revised VIA in terms of what supposedly informed the cumulative impact assessment in terms of visual impacts.
24. Based on the above, the significance ratings of the anticipated cumulative impacts of the proposed Albany WEF on the receiving environment is questionable and weighted in favour of the project proceeding. The revised VIA does not assess all proposed WEFs in the immediate vicinity of the proposed Albany WEF. Section 12.5.4 of the revised VIA clearly excludes the Fronteer and Wind Garden WEFs from the scope of assessment. These two projects contribute a further 85 turbines into the project area and the cumulative impact of this is considerably larger than the limited assessment in the revised VIA. This discrepancy is even more stark in light of the proposed Fronteer and Wind Garden WEF’s VIAs, which took into account the cumulative impacts of the proposed Albany WEF and found that the cumulative impacts is expected to be of “HIGH” significance.
25. In terms of significance ratings, the revised VIA report states that *“there are no feasible mitigation measures that the Albany WEF is able to implement to further reduce its contribution to the cumulative impacts of the three wind farms<sup>3</sup> on the surrounding areas, in addition to the 23 turbine reduction already implemented by the applicant”<sup>4</sup>* (emphasis supplied). The impact mitigation hierarchy has been applied selectively and without a defensible reason as to why only certain of the turbines giving rise to High negative adverse visual impacts have been removed but not others. The appropriate response to an already High negative cumulative impact assessment would be to avoid / eliminate all turbines from visually sensitive areas. A strict application of the visual sensitivity mapping is required.

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<sup>2</sup> Page 192 of the amended DEIR.

<sup>3</sup> Reference to three wind farms only is further confirmation that there was no meaningful consideration of the proposed Fronteer and Wind Garden WEFs in the visual impact assessment process.

<sup>4</sup> Page 158 of the revised VIA.

26. We note that the reduction in the number of turbines is an appropriate preliminary response to turbine placement in areas of high visual sensitivity. But not all turbine placements in the revised layout respect the visual sensitivity mapping undertaken by Oberholzer (2020), which mapping was provided to the EAP under cover of our client's comments dated 13 July 2020 and which mapping appears to have been ignored during the revision of the VIA. This is particularly problematic given that Appendix 6(1) of the NEMA 2014 EIA Regulations requires a visual sensitivity map to be relied upon, which mapping is still ominously absent from the revised VIA.
27. In addition, the revised VIA fails to describe or assess the high correlation between negative visual impacts and adverse socio-economic impacts on viable businesses and eco-tourism operations in the area. This key concern has previously been raised by Kwandwe and remains unresolved. The failure to address and integrate key concerns stem from the inadequate attempt to quantify adverse economic impacts on game farms and eco-tourism operations and the direct causal nexus between high negative visual impacts and adverse impacts on the sustainability of those operations. This is a material shortcoming in the impact assessment process which is still inexplicably unaddressed.
28. Linked to the above is the absence of any meaningful assessment of the ancillary impacts of the proposed Albany WEF on Kwandwe and other eco-tourist operations in the immediate surrounds, namely the impact of the WEFs on tourists' routes which are at present is an unspoilt and undeveloped landscape. In this regard, we note that although the revised VIA indicates that *"there are various game and nature reserves within the wider study area, particularly to the north of the WEF, including the Indalo Private Game Reserve Association (including the Kwandwe Game Reserve and Ecca Nature Reserve), that do have HIGH to VERY HIGH scenic value that could potentially be negatively affected by the WEF"*, the overall severity visual assessment rating for residents and farms, roads, passes and scenic routes have been rated as "MODERATE". This rating is speculative, unsubstantiated.
29. The shortcomings in the visual study were raised as a key concern by various stakeholders in comments on the previous DEIR during 2020. Notwithstanding the numerous concerns raised, no meaningful attempt has been made by either the specialists or the EAP to address these concerns. As a result, Kwandwe has re-commissioned an independent external review of the revised VIA by Messrs. Oberholzer and Lawson, both of whom are experts in visual impact

assessment and widely recognised leaders in this field to undertake an independent peer review of the findings of the revised VIA.

30. The key findings of the Oberholzer / Lawson Review confirm the following:
- 30.1. That the methodology and impact assessment evaluation in the revised VIA is deficient. This raises serious questions about the efficacy of the revised VIA and the external review by NuLeaf.
  - 30.2. There are significant gaps in the baseline information required to inform a layout from a visual sensitivity mapping perspective and therefore the revised VIA is not suitable for defensible decision-making.
  - 30.3. There is no evidence of the DFFE's screening report having been employed in the revised VIA relating to site sensitivity verification.
  - 30.4. No maps or acknowledgments of the very high sensitivity areas are included in the revised VIA – another glaring omission.
  - 30.5. A visual sensitivity map superimposing the proposed Albany WEF and associated infrastructure remains absent from the revised VIA. This is highlighted by the fact that the external NuLeaf review similarly questioned the inclusion of 12 turbines within the Very High Landscape Sensitivity Class of the Cookhouse REDZ.
  - 30.6. An additional 27 proposed wind turbines in the current revised layout have been identified by Messrs. Oberholzer and Lawson as located within buffers of sensitive and no-go areas based on the 2020 Oberholzer visual sensitivity map. The revised VIA does not provide an opinion regarding the impacts of these 27 wind turbines, nor does the revised VIA tender an explanation for why 23 wind turbines were removed from the layout but that the additional 27 turbines with High visual sensitivity are considered acceptable.
  - 30.7. Based on the above, the inclusion of the additional 27 problematic wind turbines and the absence of detailed sensitivity mapping suggests that the turbine layout process has been selective and therefore possibly flawed.

31. In light of the above, the EAP's repeated claims that the revised VIA was done in a 'systematic and objective' manner is therefore rejected. The notion that the revised VIA is an impartial, objective and accurate assessment of visual impacts is also rejected. Given the persistent gaps, flaws and omissions, the revised VIA does not serve as a valid basis for decision-making. Similarly, the EAP's reliance on the argument that the revised VIA has followed DEADP's Guidelines for Visual and Aesthetic Specialists (2005) is meaningless. The lead author of those Guidelines (Oberholzer) has identified flaws in the visual impact methodology and assessment as reported in the revised VIA. The review by Messrs. Oberholzer and Lawson concluded that they "*disagree with the conclusion by the External Reviewer (NuLeaf) that the VIA represents an objective and consistent process that may be repeated by others, and which would produce the same results*".
32. The omissions and flaws in the revised VIA cannot be 'cured' or justified by the external peer review undertaken by NuLeaf, in this case. The reason being that the underlying assessment is flawed and that alone taints the relevance of the peer review process. Neither the revised VIA, nor the peer review by NuLeaf provide any reasoned explanation as to why the visual sensitivity mapping and/or the impact mitigation hierarchy is ignored in key respects (and in connection with at least 27 turbines identified by Messrs. Oberholzer and Lawson in particular).
33. We repeat our previous concerns that it is not appropriate for the visual impact assessment to be undertaken 'in-house' by the same company as the EAP. This holds true irrespective of whether or not it is argued that the EAP has the requisite technical skills 'in-house' to assess visual impacts (which suggestion is not borne out by the quality of the revised VIA). The EAP has a particular role to play in terms of the EIA Regulations in order for the impact assessment process to be objective and credible to both stakeholders and the competent authority. So too do the external specialists appointed fulfil a particular role in identifying project-related impacts. The perception here is that the blurring of these lines has compromised the efficacy of the EIA process.
34. The independence of the specialists is central to the integrity of the impact assessment process. The EAP is directly contracted by the developer / applicant and has a direct interest in the project being approved. All too often the line between the EAP's motivation in favour of a project proceeding versus an objective impact assessment and analysis becomes blurred to the

detriment of an impartial assessment process. This is exactly what has transpired in this case as is evidenced by the fact that the visual impact assessor has failed to apply visual sensitivity mapping / visual impact avoidance uniformly in connection with all turbines that are classified as giving rise to High negative visual impacts.

35. The developer and/or the applicant's imperative regarding project feasibility cannot be construed as providing the EAP with carte blanche to override or ignore High negative visual impacts simply because the developer considers what is feasible for the project. Approaching the assessment through the prism of the developer's criterion of feasibility of the proposed Albany WEF is self-serving and defeats the objective analysis of impact assessment. It precludes the impact assessment process from concluding that some sites are not suitable for development due to High negative impacts.
36. The failure to implement and adhere to impact avoidance in connection with all High negative visual impacts renders the entire assessment process nugatory and constitutes a fatal flaw.

#### **CONCERNS WITH THE SOCIAL IMPACT ASSESSMENT REPORT**

37. The Social Impact Assessment (SIA) purports to be a Socio-Economic Impact Assessment report, but in reality, and substance is at best limited to a Social Impact Assessment only.
38. The author of the SIA report is a Social Impact Assessment Practitioner and is not qualified to identify, quantify or assess economic impacts to the degree required by NEMA and/or with the requisite level of certainty.
39. Primary and directly relevant research into, and an assessment of, the economic impacts of the proposed Albany WEF is absent from the assessment and by implication, this critically relevant information does not feature in the SIA report or the amended DEIR. This falls short of satisfying the primary purpose of the EIA process mandated under NEMA *viz* to quantify all project impacts during the assessment process and before a decision is taken by the competent authority. The information is deficient and the amended DEIR – in its current form – cannot serve as a basis for decision-making.
40. The scope of the assessment obligation imposed by NEMA on the EAP / specialists includes the

obligation to ensure that the environmental, social and economic consequences of a project are taken into account by the competent authority, with reference to all relevant information pertaining to project-related impacts. The SIA report does not address the full social or economic consequences of the project.

41. Given the deficient assessment, the implication of statements in the amended DEIR such as the project “*intends to promote local economic growth and development through direct and indirect employment*”<sup>5</sup> are highly problematic. It presupposes only one economic effect viz that the project outcomes will be positive only. This myopic approach excludes negative effects from the decision-making process.
42. The amended DEIR states that “*...it is still vital to consider the socio-economic impacts of the proposed WEF on the surrounding game farms which form part of the Eastern Cape’s tourism industry from both an eco-tourism and hunting perspective. The potential socio-economic sector has been well outlined and assessed as part of the Social Impact Assessment (please refer to Appendix D for the Social Impact Assessment). This report draws on evidence and conclusions obtained during an extensive study.*” We agree with the first statement as this has been a key concern raised throughout the process. The second aspects of the statement is blatantly untrue. The Social Impact Assessment is not and cannot be construed as an assessment of the full socio-economic impacts of the proposed Albany WEF, let alone the direct or indirect impacts on the surrounding game farms. Having regard to the content of the SIA itself and its limited scope, on what basis does the EAP conclude that the study is relevant or that it has assessed this key impact?
43. The SIA’s failure to identify or integrate economic considerations and factors into the assessment renders the process flawed and incapable of determining whether the project achieves sustainable development or gives rise to unsustainable impacts. Given the concerns raised repeatedly by I&APs that the economic impacts of this project must be assessed thoroughly, it is worrying that the issue (and the impact) continues to be evaded. This omission (failure to identify or integrate economic considerations and factors into the assessment) persists as a serious shortcoming in the EIA. That this potential impact remains of utmost importance to directly affected stakeholders including Kwandwe is highlighted by Kwandwe’s previous comments, along with the comments of other I&APs including the Eastern Cape

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<sup>5</sup> Section 3 of the amended DEIR.

Department of Economic Development, Environmental Affairs and Tourism. We refer in particular to DEDEAT's comment dated 17 July 2019 which requested that "*the socio-economic assessment should pay particular attention to any adverse impacts that the proposed WEF might have on the business operations of major private game reserves, such as Kwandwe. The socio-economic assessment should not only reflect the undoubted benefits of a WEF, but should also consider the economic contribution that private conservation areas already make. DEDEAT regards the cluster of major private game reserves in the Albany area as of very significant economic and conservation value to the province and believes that everything possible should be done prevent adverse impacts on these assets.*"<sup>6</sup> The conclusion in the amended DEIR that the issue has been assessed is simply not correct. That assertion is contradicted by the SIA report. The failure to quantify and assess economic impacts remains unresolved and is seriously problematic.

44. The SIA report itself indicates outright that economic outputs are not quantified – how is it expected that the socio-economic impacts of the proposed Albany WEF on the surrounding game farms is addressed in these circumstances. The fact that the SIA report itself identifies this shortcoming of the assessment (i.e. the admission in the report that this exercise fall outside the scope of the specialist terms of reference) is deeply concerning.
45. Economic sustainability is one of the three pillars of sustainability and sustainable development encapsulated in section 2(4) of NEMA. All economic impacts, considerations and factors must be assessed and quantified by a suitably qualified specialist. This has not been done. As identified in the external reviews by Global Green (August 2021) and Appraisal Corporation (August 2021), this key issue remains unassessed and unresolved.
46. Despite the admissions that economic impacts are not quantified, the SIA attempts – albeit in a very limited way - to engage with certain aspects that are relevant to economic factors. For example, the SIA report purports to quantify the effect on employment etc. This attempt is superficial. There is no attempt to quantify the negative economic effects of the proposed Albany WEF on the community, in so far as the potential for the proposed Albany WEF to give rise to a loss of income for game reserves due to reduced tourism demand on Kwandwe etc. is completely ignored. Without undertaking a full assessment of economic and tourism impacts as required by NEMA, neither the current SIA nor the amended DEIR support informed decision-

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<sup>6</sup> Page 121 of the Issues and Responses Trail.

making.

47. No site visit or primary research has been undertaken to substantiate the findings in the SIA report. There has been no direct engagement with Kwandwe or the surrounding community in compiling the SIA report. Relying exclusively on literature and desktop studies is not considered adequate and contributes to the omissions described herein. Without direct engagements with all directly affected stakeholders, it is not possible to determine what the receiving community comprises of and/or how a project such as the proposed Albany WEF will affect the area in which it is to be located.
48. There is insufficient evidence to suggest that an array of mixed methods have been utilised in the preparation of the SIA or that an in-depth and direct study of Kwandwe and other game reserves was undertaken. Nor are the qualitative methods employed justifiable or enable representative data to be relied upon. The potentially severe adverse impacts on Kwandwe and other game reserves cannot be sacrificed on the basis of logistical or resource constraints which rule out effective surveys and assessment. In short, both the representativeness of the data relied upon, and depth of the studies undertaken are inadequate.
49. The quality of the maps and figures in the SIA report is inadequate (the images are blurred and of very poor quality) thus rendering this information of little or no use to I&APs. I&APs cannot be expected to engage meaningfully with the SIA report without having the benefit of clearly legible maps and figures relied upon by the specialist to inform the findings in the SIA report.
50. A disproportionate amount of the SIA is devoted to discussion of issues that do not relate directly to project related impacts e.g. health issues. The SIA report does not make clear how or why this background 'social' information is relevant to the assessment required in terms of NEMA. Notwithstanding this concern, the author of the SIA report seemingly nevertheless relies on this information to motivate in favour of the project proceeding. In the very least, such information should have been balanced by a similar detailed discussion of the economic consequences of the project. But as indicated above, this did not take place.
51. The SIA report states a number of considerations relevant to Kwandwe, most likely because the author recognises that Kwandwe stands to be directly affected by the proposed Albany WEF due to, among other things, the very high negative visual impacts and the close proximity of

Kwandwe to the project area. Other reasons which justify the need to pay serious attention to Kwandwe are recognised including that Kwandwe employs some 282 permanent workers (which far exceeds the number of persons that the proposed Albany WEF will permanently employ). The “high visual impact” on Kwandwe and its contribution to community development projects established by Kwandwe is therefore, to some degree, acknowledged in terms of likelihood of impact. The reference to the large value-added supply chain with local businesses, from food suppliers to building contractors also gives some sense of the potential for indirect and consequential impacts to reverberate throughout the local economy. Yet despite these “economic” considerations being acknowledged in the SIA, the actual assessment is inexplicably avoided. Simply put, there is no detailed assessment or quantification of the adverse impact on the sustainability of Kwandwe’s operations and/or the knock-on socio-economic effects for the community and local community at large.

52. A concern raised by I&APs repeatedly throughout this process is the need to assess impacts on viability (sustainability) of existing operations in the receiving environment (including private game reserves and hunting farms and associated operations). This has not been done and remains a key flaw in the assessment process. With reference to the actual, tangible assessment of economic impacts as a result of the proposed Albany WEF, the SIA report is damning – the report concludes that this *“cannot be done with certainty due to confining factors and information”*.<sup>7</sup> This lack of information – and resultant deficient impact assessment – is a serious oversight that jeopardises the objectivity of the assessment. The default position in the case of the project impacts that are poorly calculated and, in this case, inexplicably avoided is that the assessment process leans unashamedly towards motivating in favour of the project proceeding. This is Kwandwe’s perception of the current process and the apparent absence of impartial assessment. This type of superficial impact assessment severely curtails the availability of necessary information that is required for the purposes of defensible decision-making.
53. It is evident from the SIA that the negative impacts exceed the positive consequences of the project. During the construction phase, 7 Positive impacts are identified, all being “Low to Moderate” and 10 Negative impacts are identified, again all being “Low to Moderate”. For some reason during the operational phase there are 4 Positive impacts, “Low” and 3 Positive impacts, “Moderate” and 5 Negative impacts, “Low” and 5 Negative impacts, “Moderate”. As the socio-

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<sup>7</sup> Section 11.2.1, page 99 of the SIA.

economic impact on the existing eco-tourism operations in the area (including the impact on tourism, game and hunting industries, as well as job losses, devaluation of land and impact on business and the knock-on effect) have not been quantified in the SIA report, both the number of impacts identified in the SIA and the accuracy of the significance ratings are disputed and questionable.

54. Despite the negative impacts exceeding the positive impacts, the SIA report inexplicably concludes that *“no issues have been observed or identified that would stop the Project from being implemented, provided that the social and socio-economic related mitigation and management measures, as proposed in the SIA Report, be implemented and included in the EMPr where required.”*<sup>8</sup> As the impacts that are Moderate Negative (including the impact on tourism, game and hunting industries, as well as job losses, devaluation of land and impact on business) were not economically quantified, they are indicated to be *“uncertain”*. How any impact or severity rating can be applied in the instance where – by the specialist’s own admission – the impact has not been assessed is disputed. The net effect of this approach is that this means that the comparison of benefits and costs in the SIA report is based entirely on speculation and assumptions. The assessment is deeply flawed. An impact that was not investigated or quantified cannot simply be disregarded. Similarly, the potential impact cannot be relied upon as having been assessed when the objective factual matrix shows that the economic impact has not been assessed at all.
55. We reiterate that Kwandwe employs a significant number of people and adds a great deal to the local economy. The visual assessment proves that Kwandwe stands to be directly and materially adversely affected by the project. Despite this the critically relevant issue – that of economic impact with attendant long-term environmental and social consequences - has not been quantified. Despite the reduction in number of turbines – the adverse Very High / High negative visual impact remains unchanged, not avoided and unmitigated. That is the nature of Very High / High negative visual impacts and the incompatibility of the proposed land use for the proposed Albany WEF.
56. The SIA relies on the positive effect that the proposed Albany WEF will have on a small portion of the affected community (most notably the owners of the properties on which the development is proposed) and disregarded the more direct and measurable adverse effect on

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<sup>8</sup> Page xi of the Executive Summary of the SIA.

tourism and job losses. This is not an objective approach to the assessment required.

57. The positive effect of the socio-economic development (“SED”) and economic development (“ED”) contributions and community projects associated with the proposed Albany WEF cannot at this stage be quantified, as the margins to be spent on this, according to the SIA, are as yet unknown.<sup>9</sup> Despite this serious omission, the SIA report does not ascribe this impact to be categorised as “uncertain”, and instead indicates that SED and ED contributions (2.1% of revenue) will manifest (Moderate significance)<sup>10</sup> thus resulting in subtle motivation in favour of the project proceeding. This smacks of bias and casts doubt on the objectivity of the findings of the SIA report. DFFE’s reliance on this supposed positive effect of the socio-economic development in its decision-making process will be problematic in the following circumstances:
- 57.1. Firstly, the assumed positive effect relied upon by the SIA is not based on credible assessment or data.
- 57.2. Secondly, the default interpretation in the SIA is in favour of the project proceeding, in the face of uncertainty regarding project specific impacts and clear gaps in the assessment as pointed out by several I&APs. In the absence of relevant data pertaining to adverse economic impacts which shows that the project will have no impact, the SIA’s unreserved support for the project is both irrational and inexplicable.
- 57.3. This approach achieves the opposite intended effect of the precautionary principle and the SIA’s outright lack of impartiality in favour of the Project – despite having failed to quantify the positive effect of the SED and ED contributions and community projects associated with the proposed Albany WEF – is questionable.
58. The SIA engages in selective reporting (which approach operates in favour of the project being implemented). For example, where the SIA deals with the Eastern Cape Provincial Development Plan 2030, the SIA concludes that the use of wind energy will enhance the economy – a clear statement which favours project implementation. The SIA however ignores that the Plan states that the province must focus on using its competitive advantage to unlock growth. The natural landscape, aesthetic beauty of the area and malaria free game farms give the area a significant

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<sup>9</sup> Section 2.2.4, page 12 of the SIA.

<sup>10</sup> Page xi of the Executive Summary of the SIA.

competitive advantage, yet these offerings (advantages) that could well be obliterated by the development of the proposed Albany WEF are not addressed. Unfortunately, proposed Albany WEF's and nature orientated eco-tourism in practice tend to be mutually exclusive, its either one or the other. The inevitable result of a failing tourism industry is job losses.

59. Game reserves such as Kwandwe are fulfilling the exact vision of the Eastern Cape Vision 2030 policy document, i.e. optimally exploiting the competitive advantage offered by the area. With a project such as the proposed Albany WEF, the tourism industry (despite its significant positive effect and very limited negative effects on the surrounding community) is treated as being of secondary importance, with the proposed Albany WEF project seemingly getting preference in terms of the relative assessment of project impacts. The SIA fails to address the economic realities that a positive decision to approve the proposed Albany WEF could have. This is not acceptable. The EIA should ultimately recognise both the positive and negative impacts, even to such a degree where the "no go" option is the preferred result. The SIA fails to grapple with this as a possible eventuality or outcome that should be considered as part of the EIA process.
60. The potential negative economic consequences have not been assessed. To the extent that they are dealt with by implication, the SIA does so only remotely or indirectly. For example, the SIA indicates that *"the predicted advantages of employment, equity and financial growth need to be measured against existing employment and economic contributions tourism and the private game and hunting industries currently make in the study area"*.<sup>11</sup> The SIA does not refer to the possibility of job losses, with the proposed WEF project both giving employment and resulting in increased unemployment. This is one of the major shortfalls of the report, as the very important economic consequences of the proposed Albany WEF are not fully investigated.
61. As noted, *"the aim is for the developer or proponent to realise and optimize the project's positive impacts and to implement mitigation measures that would minimize the possible negative impacts of the proposed development"*.<sup>12</sup> If that is the case, then how is it conceived that this objective is satisfied based on the limited regard to the social impacts, but also the fact that economic impacts have not been quantified.
62. The limitations of the EIA are evident from the SIA which states that the report provides *"an*

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<sup>11</sup> Section 3.3, page 16 of the SIA.

<sup>12</sup> Section 4.1, page 19 of the SIA.

*appraisal of possible socio-economic consequences of a project on stakeholders within the study area and does not aim to quantify economic outputs*". This statement is not borne out by the scope of study actually undertaken in this case.

63. There is a superficial attempt to engage with some economic outputs (e.g. the number of jobs to be created by the proposed Albany WEF) which in connection with the positive project impacts are clearly quantified, whereas others such as the negative project impacts (e.g. the number of jobs lost due to a reduction in tourism) are not addressed at all. What is the reasoning behind this selective reporting? Is this considered to be a balanced and objective impact assessment?
64. It should be readily clear from I&AP input throughout the EIA process that the economic impacts of the project, both negative and positive, is of critical importance and must be evaluated in detail – and quantified. This cannot be achieved by a selective focus on social impacts only or by analysing the likely impact on a specific group's *"way of life, character and social cohesion"*.<sup>13</sup> Most of the SIA report focusses on the social fabric of the receiving environment and fails to address or quantify tangible economic impacts.
65. In terms of the severity of project impacts on the receiving environment and with reference to the example of a housing development by way of analogous argument, the SIA predicts that the severity of impacts on the receiving environment - as perceived by the affected community - could decrease over time, to the extent that such impacts become accepted as the "norm". This is disingenuous and baseless as a legitimate or meaningful comparison. There is a material and distinct difference between the example relied upon by the SIA and the distinct project-related impacts that a project of this nature will give rise to in this landscape and on the sensitive receptors of the type identified in the revised VIA. In this case, a private nature reserve such as Kwandwe will be affected to such a degree (which conclusion is justified by the Very High and High significance ratings assigned to negative visual impacts) that Kwandwe would likely lose bed nights as a result of negative visual impacts, and as a result it will have to cut jobs and maybe even close some accommodation facilities. There is no possibility that this outcome can ever be accepted or justified as "the norm". Again, on what basis is this considered to be a balanced and objective impact assessment?

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<sup>13</sup> Section 4.1, page 19 of the SIA.

66. The receiving environment is incomparable to a housing development or residential context. The inferences drawn by the SIA are highly inappropriate and of no relevance whatsoever in making a meaningful assessment of project specific impacts. The SIA either deliberately ignores or conveniently sidesteps the fundamental underlying concern that once the proposed Albany WEF is constructed and operational, that visitors / international guests may actively avoid Kwandwe due to the High negative adverse visual impacts. Further, repeat guests will be unlikely to return. There is thus no chance of them *“accepting it as the norm over time”*.
67. In section 4.2.3 of the SIA report, the issues that emerged from the public participation process are listed. The majority of comments received are generally negative / opposed to the proposed Albany WEF. In this case, not a single positive issue is listed. This begs the question – how has the SIA report interpreted and integrated the absence of positive comments received into the findings of the assessment. This is not explained at all.
68. For the purposes of the SIA, the study area was defined as to only include *“this Project’s area of influence”*.<sup>14</sup> Although the SIA recognises that *“the cumulative impacts are possible to manifest beyond the local and regional study areas”*, the SIA seemingly fails to take this into account adequately in practice. The issue of *“cumulative impacts”* is one of the key prescribed criteria required to be assessed in terms of NEMA and EIA Regulations. Cumulative impacts must be considered as part of the significance rating. Given the large number of other WEF projects proposed for this project’s area of influence, there is a greater responsibility on all specialists to recognise cumulative effects on the area. A key flaw and omission is the failure to list ALL other WEF projects proposed for the surrounding area / receiving environment. Those WEFs listed on page 35 of the SIA report do not include the Wind Garden or Fronteer WEFs which are currently pending, and which have been submitted to the DFFE for decision-making. The impartiality and objectivity of the specialist in having ignored other similar developments - which have a clear and direct, and cumulative impact - is questioned.
69. Having regard to the deficiencies in the SIA report, a core component of the sustainability enquiry does not form part of the SIA report. The SIA report cannot under any circumstances be construed as meeting the necessary standards required for objective, unbiased and informed decision making in connection with all socio-economic impacts or pursuit of sustainable development.

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<sup>14</sup> Footnote 8, page 22 of the SIA.

70. The external review by Global Green Environmental Consultants confirms that the assessment must be considered unsatisfactory because of material omissions or inadequacies. The SIA report therefore does not support reasonable decision making. The main reason for this is that report fails to deal with and mitigate what is the most significant potential impact of the proposed Albany WEF raised by I&APs, namely on surrounding eco-tourism enterprises. This remains a fatal flaw in the amended DEIR.
71. The SIA states that *“at the time of compilation of the SIA report no published literature of the impact of wind turbines and WEFs on the South African tourism market was available. The consultant makes reference to international studies, did interviews and extrapolated information from questionnaires to draw reasonable conclusions.”* The depth of interviews and representativity and validity of the information gleaned from questionnaires is questioned. The international literature relied upon clearly differs on the extent to which wind energy facilities impact tourism, depending on the particular context (i.e. landscape and tourism product). No comparable international literature exists on the impact of wind farms on the existing and future eco-tourism sectors within the South African context.
72. The relevance and efficacy of the data gathering, and research conducted as part of the EIA and SIA is highly questionable and would not withstand a scientific peer review process. The upshot of this is that the uncertainty regarding the impact on the eco-tourism industry is unacceptably high. The current information does not provide a valid basis for informed and reasonable decision making.

#### **FAILURE TO ASSESS IMPACTS ON WATER RESOURCES**

73. Unsustainable water use and collective impacts on limited water resources has become a serious concern to stakeholders in the area, with water scarcity and prevailing drought conditions being a key constraint in the broader project area. Against that backdrop, the availability of water and the potential impacts of the proposed Albany WEF on the proposed use and exploitation of water resources within the Makana Local Municipality area has not been assessed.
74. NEMA requires that the use and exploitation of non-renewable natural resources must be

responsible and equitable<sup>15</sup>, and take into account the consequences of the depletion of the resource.<sup>16</sup> The development, use and exploitation of renewable resources (and the ecosystems of which they are a part) should not exceed the level beyond which their integrity is jeopardised<sup>17</sup>. NEMA advocates that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions;<sup>18</sup> and that the negative impacts on the environment and people's environmental rights be anticipated and prevented, and where they cannot altogether be prevented, are minimised and remedied.<sup>19</sup>

75. It is anticipated that high levels of water usage will emanate from the construction of the proposed Albany WEF. The impact on the sustainability of the proposed water uses associated with the proposed Albany WEF, both directly and cumulatively with other similar uses and water users, on waters resources is unquantified. This is a fatal flaw.
76. This means that the failure to assess this impact as part of the impact assessment process is in direct opposition to various NEMA Principles stated above. More specifically, the failure to assess an identified impact directly contravenes NEMA<sup>20</sup> especially when considering the lack of specialist studies undertaken during the impact assessment process to determine geohydrological impacts; and the absence of any information regarding water requirement needs / impacts associated with the project.
77. The purpose of the EIA Regulations is to *“regulate the procedure and criteria as contemplated in Chapter 5 of the Act relating to the preparation, evaluation, submission, processing and consideration of, and decision on, applications for environmental authorisations for the commencement of activities, subjected to environmental impact assessment, in order to avoid or mitigate detrimental impacts on the environment, and to optimise positive environmental impacts, and for matters pertaining thereto”*.<sup>21</sup> The impact assessment process envisages that all potential harm to the environment will be thoroughly evaluated and assessed in order to, as a first choice, prevent potential detrimental impacts on the environment. This has not been

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<sup>15</sup> Section 2(4)(a)(v) of NEMA.

<sup>16</sup> Section 2(4)(a)(v) of NEMA.

<sup>17</sup> Section 2(4)(a)(vi) of NEMA.

<sup>18</sup> Section 2(4)(a)(vii) of NEMA.

<sup>19</sup> Section 2(4)(a)(viii) of NEMA.

<sup>20</sup> Sections 3; 4 (a) vi; vii; viii; 4 (g); 4 (i); 4 (n) and 4 (o) of NEMA.

<sup>21</sup> Regulation 2 of the EIA Regulations.

achieved in this case.

78. Specifically, the amended DEIR fails to:

78.1. Identify what the anticipated water volume and water use requirements are for the proposed Albany WEF are;

78.2. Identify whether water will be sourced from a water services provider (i.e. from the Municipality) or from groundwater abstraction (i.e. boreholes) or some other source;

78.3. Assess whether the Municipality and/or other water services providers will be in a position to provide for the sustainable water requirements envisaged for the proposed Albany WEF and, if not, whether suitable boreholes have been identified and assessed to determine yield abstraction rates;

78.4. Assess the availability and/or sustainability of proposed water uses and water abstraction rates of available boreholes (if required) for the project;

78.5. Confirm that the Municipality can cater for (and supply) the entire range of anticipated water requirements of the proposed Albany WEF in a sustainable manner. This is particularly important as the Makana IDP has confirmed that the *“inadequate catchment area to Makana West... could result in possible water shortages to the community in the future”*; and

78.6. Assess the sustainability of the potential use on water resources and insofar as groundwater extraction is contemplated, the impact on the ecological reserve.

79. In light of the absence of materially relevant information, stakeholders are unable to engage meaningfully with the substance of the project impacts on water resources and/or whether the envisaged use of water is sustainable. This oversight is a concern to Kwandwe which – as with many other members of the community in the area – are increasingly concerned about water scarcity in the area and the absence of impact assessments pertaining to water use for this and similar developments. The assessment process has failed to provide any meaningful or credible information regarding the feasibility of the water use requirements or needs of the proposed Albany WEF. This is particularly problematic given the fact that the Makana area is known to

experience severe droughts so the increased pressure on an already-scarce water resource will decrease the water availability, and subsequently increase competition for scarce water resources.

80. In particular, the following aspects of the proposed Albany WEF are unclear: (1) Will borehole / groundwater be utilised for the construction and/or operational phase of the project? (2) If so, is/are the borehole(s) located within the project site boundaries or will it be sourced from a different property or a different source altogether? (3) Has the availability of borehole water been assessed and tested with reference to relevant geohydrological surveys to confirm whether there is sufficient and/or sustainable water yield to meet the anticipated water needs of the proposed Albany WEF?
81. In light of the uncertainty regarding not only the water requirements of the proposed Albany WEF and the envisaged source of the water, the direct impact of the proposed Albany WEF, and the cumulative impacts of other water abstraction-related activities (i.e. the Waainek WEF, the proposed Plan 8 WEF, the proposed Fronteer and Wind Garden WEFs) on water resources has not been fully assessed in terms of the requirements of the EIA Regulations.
82. The fact that a lawful water use requires a license in terms of the National Water Act<sup>22</sup> is not determinative and is a separate statutory issue unrelated to the NEMA mandated assessment of impacts of exploitative use on a nature resource. The amended DEIR fails to identify and assess the impact on the resource and seeks to explain this material omission with reference to the Department of Water and Sanitation's requirements regarding water use licensing. The impact is unresolved and unaddressed.
83. The content of the amended DEIR show that neither the water impact / availability has been assessed from the perspective of sustainability of the water source itself and/or the impact on the ecological reserve of groundwater in the area affected. The assessment fails to adopt and implement a risk-adverse and cautious approach, based on the limits to current knowledge and that key information is unknown and the issue is in need of further investigation.
84. Ironically the amended DEIR acknowledge the importance of the Kap River Catchment and appointed SRK Consulting to undertake a groundwater investigation / hydrological study of the

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<sup>22</sup> Act No. 36 of 1998.

Kap River Catchment. In this regard, the primary purpose of the hydrological study was to determine whether the placement of the wind turbines will influence the Kap River Catchments system (i.e. to determine the effect that the wind turbines may have on the infiltration of groundwater into the groundwater system and potentially the Kap River). No quantification of impacts of extraction of water on the sustainable use of the water resource or the cumulative impact of potential water abstraction by other users / WEFs have been provided.

85. In summary, the failure to assess, predict and evaluate the water requirements and/or availability of boreholes / water supply is contrary to the provisions of NEMA. Given the critical importance of the potentially impacted resource, this is a serious shortcoming in the assessment.

### VISUAL SCREENING

86. From a visual screening perspective, it is absurd to claim that the presence of exotic vegetation or the rerouting of game drives will be able to abate the visual impact of the turbines. As demonstrated in terms of the revised VIA, *“from a vegetation screening potential, the mixed alien tree species woodlots will provide some (our emphasis) screening potential for commuters on the N2.”*<sup>23</sup> Furthermore, game reserves (such as Lailbela Game Farm) who have had to reroute game drives are limited to driving in a *“direction away from Waainek”* and *“certain areas can only be traversed in daytime as night drives are spoiled by turbine light flicker”*.<sup>24</sup>
87. The suggestion that these methods are feasible from a mitigation perspective is flawed. The pre-existing game drive routes have been determined with reference to topography, sense of place and enhanced landscape visual / aesthetic experience.

### INCOMPATIBILITY OF LAND USE

88. The conclusion and specialist statement for the revised VIA that *“the majority of the land surrounding the WEF is agricultural land”* is misleading.<sup>25</sup> At page 118 of the amended DEIR, it is stated that *“There are also a number of private game reserves that do not have formal*

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<sup>23</sup> Figure 6.14 at page 40 of the revised VIA (Part 2).

<sup>24</sup> Page 174 of the amended DEIR.

<sup>25</sup> Page 123 of the amended DEIR.

*protected status (i.e. zoned Agriculture) and these private nature reserves probably contribute in the order of a further 5% to the total study area (VIA, February 2021)."*<sup>26</sup> This statement – indicating that the vast majority of the properties, particularly in the Fish River valley north and north east of the project area and to the east and south east of the project area, are zoned for agriculture, and used as conservation agricultural land or communal land – is incorrect. The properties referred to are actually games farms that derive their income through the wildlife economy.

89. Regarding the issue of municipal commonage, it is unknown whether there was opportunity for public participation in respect of the change in land use. It is argued that affected parties should have been given appropriate notice and opportunity to comment.

#### **HERITAGE IMPACTS**

90. Given the critical relevance of landscape and visual issues, it is imperative that the impact on the landscape as a heritage /cultural resource is assessed properly. There is degree of integration of the heritage and visual assessments that is therefore required, which integration is currently absent.
91. It is noted that that the review of the revised VIA has identified numerous problematic turbines in terms of visual sensitivity mapping taking into account heritage related issues such as topographical conditions, scenic routes and historical farmsteads. Notwithstanding this, the relevant visual and landscape related impacts are selectively addressed.
92. It is essential that landscape impacts including cultural landscape related assessments and the visual impact assessment are addressed. Currently they are not. The review by Sarah Winter confirms that the assessment is deficient. The comments therein are to be read as forming part of these comments.

#### **INDEPENDENT REVIEW BY GLOBAL GREEN**

93. The results of an external independent review of the DEIR were prepared by Global Green, indicates that the amended DEIR has a "D Rating" when assessed using the North West

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<sup>26</sup> Page 118 of the amended DEIR.

University Report Quality Review Package. The implication of the “D Rating” means that *“parts of the EIA are well attempted but must, as a whole, be considered just unsatisfactory because of omissions or inadequacies.”* The practical application of this rating means that the amended DEIR does not place sufficient information before the competent authority in terms of NEMA in order for the DFFE to render a reasonable and defensible decision regarding all project impacts.

94. The Global Green review raises the following specific concerns with the amended DEIR:
- 94.1. The impact of the project on eco-tourism operations has not been adequately assessed, despite numerous I&APs raising concerns in this regard.
  - 94.2. No comparable international case studies exist to describe the impact on the eco-tourism sector in a South African context.
  - 94.3. Similar landscape and tourism product are crucial factors that need to be compared when considering tourism impact and this aspect is lacking in the amended DEIR.
  - 94.4. The data gathering process is questionable and would fail if subjected to the scrutiny of a peer review process.
  - 94.5. Neither the amended DEIR nor the SIA demonstrate what the impact on the eco-tourism sector is. In the absence of this crucial information, this impact – which was raised as a key concern by numerous I&APs— a decision-maker cannot render a “reasonable” decision.
  - 94.6. Avoidance as a mitigation option has not been properly applied. It is unclear why certain turbine locations were avoided, while others of similarly high visual impact, were not.
  - 94.7. The sensitivity rating for certain turbines numbers were omitted from the amended DEIR without explanation. Specifically, the sensitivity ratings for the following turbine numbers were excluded: 33, 34, 35, 36, 38, 39, 45, 48, 49 and 54.<sup>27</sup>
95. The content of the amended DEIR is intended to enable the relevant competent authority to

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<sup>27</sup> Table 10:2 “Turbine Sensitivities: 66-Turbine Layout vs 43-Turbine Layout” at pages 196-197 of the amended DEIR.

render a “reasonable” decision which is “rational” and “proportional”. The “D Rating” of the amended DEIR demonstrates that both the quality and the content in the report does not satisfy minimum legal requirements and the report (and by implication the assessment) contains insufficient information and cannot sustain defensible decision-making.

#### *Need and Desirability*

96. The *Need and Desirability Guideline* seeks to balance issues of ecological sustainability and justifiable socio-economic development. In the amended DEIR some of the questions posed in terms of the *Need and Desirability Guideline* had been addressed more thoroughly than the previous report which was inexplicably inadequate and heavily weighted in favour of the project proceeding.
97. The assessment and enquiry into Need and Desirability remains problematic. The emphasis, tone and content display an unequivocal bias towards aspects that promote the renewable energy sector to the exclusion of other considerations.
98. The enquiry is entirely skewed insofar as the economic impacts and impacts on eco-tourism operations remain unassessed unresolved.
99. Furthermore, crucial land use planning tools and spatial planning policies have not been considered. A crucial aspect of need and desirability which was not considered was the socio-economic impacts at the time of decommissioning.
100. It should be noted that identical sections on “*Site Selection: Wind Capability*”<sup>28</sup> and “*Albany WEF distance from REDZ*”<sup>29</sup> were moved from the “Alternatives” to “Project Need and Desirability” section in the latest iteration of the amended DEIR. This hardly indicates a credible approach to the issue of need and desirability assessment – if the high-water mark of the assessment equates to simply cutting and pasting entire sections verbatim from one chapter in the DEIR to another, this calls into question the efficacy of the entire EIA process.

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<sup>28</sup> Section 7.4. in 2020 DEIR moved to Section 3.6 in the amended DEIR.

<sup>29</sup> Section 7.5 in 2020 DEIR moved to Section 3.7 in the amended DEIR.

*Composite project assessment*

101. Substations and transmission line were excluded from the project description in the previous DEIR (2020) and an assessment of the project is incomplete without it. This concern has not been addressed in terms of the amended DEIR.
102. There is also a level of inconsistency insofar as some of the specialist studies did include substations and transmission lines in the project descriptions. While the Avifaunal Report appears to have considered the transmission line, the revised VIA did not do so. This degree of inconsistency brings into question the assessment as a whole.
103. The proposed Albany WEF and transmission line are not two independent projects. The proposed Albany WEF consists of a transmission line and hence, the transmission line should form part and parcel of the project description and assessment of the proposed Albany WEF project.
104. While the project description has improved in the amended DEIR in terms of describing the number of turbines, the absence of reference to relevant infrastructure is a crucial gap.

*Alternatives and sensitivity mapping*

105. The current layout does not respect the sensitivity mapping and the visual sensitivity mapping, in particular. We support the reduction in the number of turbines so as to limit certain significant adverse project impacts, but it calls into question the objectivity and impartiality of the process when this was not done from the outset in the original draft EIA Report given that the comments raised by I&APs and the input from specialists are essentially the same.
106. Key concerns previously raised regarding conformance to the Plan of Study are not addressed. There is no evidence that the visual and socio-economic impacts of the proposed Albany WEF on each affected landowner were assessed.
107. Moreover, the issue of the impact of the proposed Albany WEF on property values was acknowledged but dismissed for being beyond the scope. The recommendation that property values be assessed by an economist or land valuer was not implemented. This remains a

material omission and fatal flaw.

*Significance ratings*

108. At the heart of EIA lies significance determination. Determining significance necessitates a clear methodological description and consistency in the application of the method and line of argumentation. Various weaknesses are evident in the amended DEIR when it comes to determining significance and these have not been resolved. The amended DEIR clarify how significance will be determined. The absence of a systematic approach has resulted in inconsistencies throughout the report. For example:

108.1. The direct impacts from dust nuisance is rated localised, short term, probable, moderate = low significance (before mitigation) while water quality direct impacts with exactly the same ratings = moderate significance. Then, it is stated that the cumulative impacts for dust nuisance (before mitigation) rates localised, short term, possible, moderate = moderate significance while cumulative impacts related to infilling of a water course with exactly the same ratings = low significance. Secondly, evaluation criteria presented in Table 10.1 in the amended DEIR is inconsistently applied in section 9 and Appendix C of the amended DEIR.

108.2. There are inconsistent references. Table 10.1 refers to “consequence” which is not addressed in Appendix C.

108.3. The ranking terminology is different. In Table 10.1 extent uses localised, moderate and extensive while Appendix C refers to localised, regional, national.

108.4. Mitigation refers to low, moderate, high, very high while Annex C merely refers to easy.

*Visual*

109. Much more can be done in respect of assessing the impact of night light pollution by applying avoidance as a mitigation option to limit visual impact. Suffice to state that turbines should not be erected in direct view of lodges and strategic viewpoints on Kwandwe. If this avoidance option is applied, then logically the “high significant” impact on visual sensitive receptors after

mitigation would reasonably be reduced to “low significance”.

110. Presently 27 turbines remain problematic in terms of visual sensitivity mapping. There is no rational basis for this selective application of impact avoidance. The only rational conclusion is that the proponent’s feasibility for the project is being allowed to entertain or accommodate High adverse impacts.
111. It remains the case that international case studies are applied without circumspection. When drawing comparisons between tourism impacts in Africa versus tourism impacts in Europe, UK and USA, the SIA specialist concludes that while the tourism landscape differs, *“research results can be safely used for this study”*. It is unclear how this conclusion is rational or defensible?
112. The approach is simplistic and crude. It makes no account for project specific variables and the various factors relevant to specific contexts – including but not limited to tourism product, natural landscape, turbine numbers and size – play a role in what the impact a development has on tourism.
113. The SIA has been revised superficially and merely acknowledges that *“reference... made to international research... findings need to be used with caution”* since the receiving environment is different.<sup>30</sup>
114. Notwithstanding the removal of some acontextual quotes in the latest version of the amended DEIR, the failure to provide a valid assessment of the impact on eco-tourism remains the critical weakness of the amended DEIR which permeates and compromises the entire assessment methodology and approach.
115. The justification for reliance on international studies *“since no local data on the subject currently exists”*<sup>31</sup> is an oversimplification and no excuse for avoiding primary research and analysis. The reliance on international studies of no direct bearing or correlation is a hallmark of uncertainty regarding project specific assessment and project impacts.
116. In the face of uncertainty and in the absence of rigorous assessment, the precautionary principle

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<sup>30</sup> Page 100 of the SIA.

<sup>31</sup> Page 100 of the SIA.

in NEMA should be applied. The impact that the proposed Albany WEF will have on the eco-tourism industry in the Eastern Cape region cannot continue to be ignored in this assessment.

117. The local economy in the Eastern Cape heavily relies on the tourism sector and thus, rigorous investigation is important, if not a critical prerequisite. There has been no attempt to meaningfully engage with this issue in a scientifically valid manner.

118. The conclusions drawn in the SIA are not convincing and level of uncertainty does not allow for informed analysis of project impacts or defensible decision making.

#### *Public Participation*

119. The comments which Kwandwe submitted previously were to be read alongside the specialist report submitted by Global Green. The comments raised by Global Green in 2020 were not obviously responded to directly and it is not readily ascertainable whether those comments have been meaningfully addressed.

120. It should be noted that it is unreasonable, in the face of Kwandwe procuring specialist reviewers to consider the EIA reports, to blatantly ignore said input. The process of submitting comments in a truncated period is taxing on Kwandwe and we take issue with the fact their attempt to voice their concerns were not transparently responded to.

#### *Mitigation*

121. The assertion in the amended DEIR that some impacts are both easy to mitigate and reverse is nonsensical. The impact mitigation hierarchy needs to systematically follow a particular order namely: avoidance, minimisation, restoration and then compensation or offsetting. There has been a categorical failure to implement this approach with regard to visual impacts.

122. The assessment conflates the concept of “mitigation” with “reversibility” (which specifically deals with the lower tiers of the mitigation hierarchy) and is methodically confused. The amended DEIR does not address this issue which was raised in connection with the previous draft EIR.

123. There is limited evidence to show the application of the mitigation hierarchy in terms of the amended DEIR apart from the selective application with regard to High negative visual impacts. Avoidance as the first option in the mitigation hierarchy has been side-stepped or sacrificed on the altar of achieving the proponent's threshold of feasibility.
124. While the turbine numbers have been reduced, avoidance has been selectively applied, Oberholzer confirms that 27 turbines remain seriously problematic in terms of deviation from visual sensitivity mapping. The consideration of impact avoidance as a first option, especially in order to address visual impacts on sensitive receptors such as Kwandwe, in accordance with the NEMA principles, has been applied partially.
125. In conclusion, the amended DEIR does not comply with minimum legal requirements, and it provides insufficient information to support responsible decision making in accordance with constitutional, administrative and environmental law principles.

#### **IMPACT ON MEGAFUNA IN SURROUNDING RESERVES**

126. What happens outside of protected areas and reserves, very often impacts what happens in them. A particular concern is the impact on megafauna and the extent to which current knowledge supports the construction of WEFs in such close proximity to protected areas. Buffer zone planning, implementation and management in accordance with the Norms and Standards for the Management of Protected Areas published in terms of the National Environmental Management: Protected Areas Act needs to be taken into account.
127. There is no evidence that this has been done in this case in connection with the proposed Albany WEF. The proposed Albany WEF overlooks Kwandwe and the Great Fish River Reserve which hosts a Key 1 Black Rhino population. Kwandwe contains elephant and it is planned that elephants will be introduced into the Great Fish River Reserve.
128. The ECPTA plans to reintroduce elephants to the Great Fish River Nature Reserve, primarily to reinstate the ecological processes associated with this keystone species, but also to support other objectives, such as tourism development. It should be noted that species which use low frequency and infrasound (known species in the area are rhinoceros, lion, hippo, elephant, giraffe, leopard, brown hyena and otter), and predators like leopards who have a greater

hearing sensitivity and show a greater response to disturbance by humans, are most likely to be affected in a greater radius from the turbines. The compatibility between the proposed Albany WEF and wildlife predominant uses associated with Kwandwe and other protected areas in the receiving environment has not been established. Impacts on megafauna are not known and not assessed. On what basis is this concern dismissed?

129. The only response to this concern appears in the Issues and Responses Trial, where the EAP's response confirms that the issue is simply dismissed without having been assessed.
130. The reference to Environmental Protection Authority (South Australia) published results of a study into infrasound levels near wind farms is absurd. This study measured infrasound levels at urban locations, rural locations in Australia. The concern raised relates to the potential impact on elephant. There are no (wild) elephant populations in Australia. The issue raised is whether facilities such as the proposed Albany WEF have a negative impact on elephants. The EAP's response - in a crude summary - is that elephants mainly communicate during low wind, or no-wind conditions. And that wind turbines do not operate during these times? Is the reference to *Michael Garstang, 2010* supposed to be construed as the equivalent of an independent specialist assessment? We submit that it is not.
131. It beggars belief that this is the sum total response on this issue. The response on this issue is with respect completely facile and meaningless. The minimum statutory period provided to I&APs for commenting on the DEIR (30 days) does not allow sufficient time for this response to be engaged with let alone responded to. One had expected that more would be done but the issue is dismissed in the most speculative terms. This constitutes a fatal flaw in the impact assessment process.

**Yours sincerely**

**Richard Summers Inc**



Per RW Summers