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SECOND EIA PHASE COMMENTS AND RESPONSE REPORT		
<p>COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED ALBANY WIND ENERGY FACILITY (WEF), MAKHANDA, EASTERN CAPE PROVINCE The Application for Environmental Authorisation and Draft Environmental Impact Assessment Report (EIAR) Dated May 2021 and received by the Department on 28 July 2021 refer. This letter serves to inform you that the following information must be included in the final EIAR:</p> <p>(a) Listed Activities Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Only activities applicable to the development must be applied for and assessed. If the activities applied for in the application form differ from those mentioned in the final EIAR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link https://www.environment.gov.za/documents/forms. It is imperative that the relevant authorities are continuously involved throughout the environmental impact assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.</p>	<p>Zamalanga Langa</p> <p>DFFE</p> <p>19/08/2021</p>	<p>Please refer to <i>Section 7: Activities Applied For</i> in the Updated Application Form as well <i>Section 2.3: Environmental Authorisations in South Africa</i> of the Final EIR. The listed activities are specific and have been linked to the development activities and/or infrastructure components, and the assessed in the EIR and by the relevant specialists.</p> <p>The listed activities which have been applied for are the same in the Updated Application Form and the Final EIR. Please note that the latest Application Form template has been used (current as of April 2021).</p> <p>The proposed Albany WEF development triggers Listing Notice 3 (GN R. 985) activities and the relevant authorities have been notified of the proposed development.</p>
<p>(b) Public Participation Process Please ensure that all issues raised and comments received during the circulation of the draft EIAR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed and included in the final EIAR. Proof of correspondence with the various stakeholders must be included in the final EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 and 44 of the EIA Regulations 2014 as amended.</p>		<p>Please refer to this table which includes the comments received during the circulation of the second (amended) Draft EIR as well as the responses to the comments by the EAP, relevant Specialists and/or the Developer. Please refer to <i>Appendix A: PPP Document</i> for the proof of PPP undertaken to date.</p>
<p>(c) Cumulative Assessment Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following: Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.</p>		<p>Please refer to <i>Section 9.1.1: Cumulative Impact Approach, Section 9.2.2: Cumulative General Impacts, Section 9.3.2: Cumulative Specialist Impacts</i> as well as the cumulative impact environmental statement in <i>Section 9.4.12: Cumulative Impact</i> of the Final EIR. Other similar projects within a 30 km radius of the proposed development site include the operation Waaihoek WEF as well as the proposed Grahamstown WEF, Wind Garden Wind Farm, and Fronteer Wind Farm.</p>

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<p>The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</p> <p>A cumulative impact environmental statement on whether the proposed development must proceed.</p>		
<p>(d) Specialist Studies</p> <p>It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. “the Protocols”), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.</p>		<p>Thank you for the notification. All specialist assessments have been undertaken in accordance with the specialist protocols. The following comments are relevant to the specialist assessments, as per the screening tool report result:</p> <ul style="list-style-type: none"> • Agriculture – full assessment included • Visual – full assessment included • Archaeological – full assessment included • Palaeontological – full assessment included • Terrestrial Biodiversity – full assessment included (terrestrial, plant and animal species report as combined “Ecological Report”) • Aquatic Biodiversity – surface water features have been identified and avoided (sensitive surface water features have been classified as high sensitivity in the “Ecological Report”) and a hydrological assessment of the Kap River Catchment included to support this. • Avian – full assessment included • Noise – full assessment included • Flicker – included in Visual full assessment • Traffic – full assessment included • Social – full assessment included • Plant Species – full assessment included (terrestrial, plant and animal species report as combined “Ecological Report”) • Animal Species – full assessment included (terrestrial, plant and animal species report as combined “Ecological Report”)
<p>(e) Environmental Management Programme</p> <p>The EMPr for the WEF must also include the following:</p> <p>All recommendations and mitigation measures recorded in the EIAR and the specialist studies conducted.</p> <p>An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.</p> <p>Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.</p> <p>In addition to the above, the EMPr must comply with Appendix 4 of the EIA Regulations, 2014, as amended.</p>		<p>Please refer to <i>Section 5.2: EIR Mitigation and Management Measures</i> and <i>Section 5.3: Specialist Mitigation and Management Measures</i> of the appended EMPr which contain the recommendations and mitigation measures recorded in the Final EIR and Specialist Reports.</p> <p>Please refer to <i>Appendix F</i> of the EMPr, which includes the overall Sensitivity Map of the site.</p> <p>Measures to protect hydrological features and other environmental sensitive areas from construction impacts (including direct or indirect spillage of pollutants) have been included in the EMPr and include, but are not limited to, the mitigation measures for the following potential direct and indirect issues/impacts:</p>

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		<p><i>Section 5.2: EIR Mitigation and Management Measures</i></p> <ul style="list-style-type: none"> • Management of Construction Waste; • Water Quality; and • Infilling/Excavation in a Watercourse. <p><i>Section 5.3: Specialist Mitigation and Management Measures</i></p> <ul style="list-style-type: none"> • Loss of Amphibian Diversity (associated with surface water habitats); and • Pollution of Surface Water Resources. <p>In addition, please refer to <i>Section 9.2: Open Space Management Plan</i>, <i>Section 9.2.2: Protection of Watercourses and Wetlands</i> and <i>Section 9.5: Stormwater Management, Erosion and Sediment Control Plan</i> in the appended EMPr.</p>
<p>Please also ensure that the final EIAr includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.</p> <p>You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: “The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority -</p> <p>(a) an environmental impact assessment report inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which must have 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.”</p> <p>Should there be significant changes or new information that has been added to the EIAr or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: “The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority –</p> <p>(b) a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised documents contemplated in subregulation 1(a) will be subjected to another public participation process of at least 30 days”.</p>		<p>The Environmental Authorisation is required for a period of up to ten (10) years to allow time for bidding and construction. Once preferred bidder status has been received, the construction period will be up to twenty-four (24) months.</p> <p>Please note that significant changes were made, and new information was added to the EIR between the thirty (30) day public review period on the <u>first</u> Draft EIR. Subsequently, the previous EIR was updated with the information and a <u>second</u> Draft EIR was compiled and released for a thirty (30) day public review period.</p>

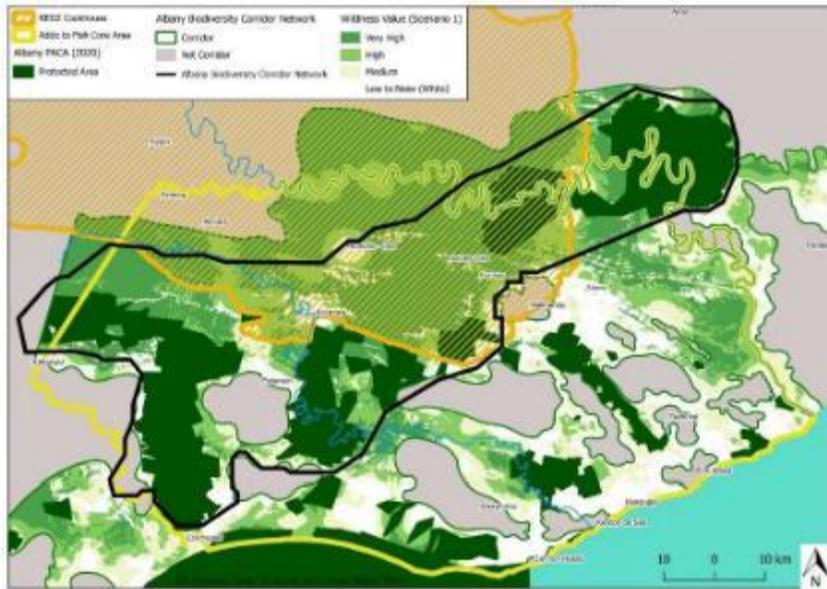
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Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.																		
<p>1. INTRODUCTION</p> <p>1.1 The Indalo Protected Environment (“Indalo”) is made up of the 9 Private Game Reserves (“PGRs”) belonging to different landowners. The 9 PGRs are located over 3 local municipalities in the Sarah Baartman District Municipality of the Eastern Cape Province of the RSA as indicated and form a corridor between the Addo National Park (Addo”) and the Great Fish River Provincial Nature Reserve (“Great Fish”).</p> <p>1.2 Based on government’s Protected Area Expansion Strategy, buffer zones and Biodiversity Stewardship Programme discussed in this Comment, Indalo is currently actively working with local provincial and national partners including the Wilderness Foundation South Africa, Eastern Cape Park and Tourism Agency (“ECPTA”) and SA National Parks (“SANParks”) to expand areas under protection. This includes further amalgamation of the southern, central and northern nodes of Indalo into large agglomerations (>50 000Ha) of private reserves in the central node and private/public reserves by forming public-private partnerships with Addo and the Great Fish (and various provincial nature reserves) in the south and north respectively.</p> <p>1.3 Like Addo and the Great Fish, the Indalo PGRs (as are many others in South Africa and in Africa in general) are concerned with nature and wildlife tourism as a key protected area goods and service. Likewise, the Indalo PGRs are managed according to a Protected Area Management Plan but instead of relying on public funds like Addo and Great Fish, they must secure funding from internal resources.</p> <p>1.4 These resources are derived from nature and wildlife tourism which is dependent on a natural environment largely free from the structures and signs of modern civilisation (often from which the tourists come to get away to find solitude, tranquillity and serenity). Wind energy development characterised by colossal skyline intrusion will impose a significant divestment on Indalo members impacted and curtail wildlife and nature tourism enabled protected area expansion.</p> <p>2. INDALO PROTECTED ENVIRONMENT</p> <p>2.1 HISTORY</p> <p>2.1.1 The Indalo Protected Environment (“PE”) is made up of the 9 PGRs reflected in the Table below.1</p> <p>Table: Private Game Reserves forming part of the Indalo Protected Environment</p> <table border="1" data-bbox="69 1321 1084 1473"> <thead> <tr> <th>No</th> <th>Name</th> <th>Size hectares</th> <th>Local Municipality</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Amakhala Game Reserve</td> <td>9,733.7</td> <td>Sundays River Valley, Makana</td> </tr> <tr> <td>2.</td> <td>Hopewell Game Reserve</td> <td>2,730.94</td> <td>Sundays River Valley</td> </tr> <tr> <td>3</td> <td>Kariega Game Reserve</td> <td>7,936.78</td> <td>Ndlambe, Makana</td> </tr> </tbody> </table>	No	Name	Size hectares	Local Municipality	1.	Amakhala Game Reserve	9,733.7	Sundays River Valley, Makana	2.	Hopewell Game Reserve	2,730.94	Sundays River Valley	3	Kariega Game Reserve	7,936.78	Ndlambe, Makana	<p>Theo Fisher</p> <p>On behalf of Indalo Protected Environments</p> <p>31/08/2021</p>	<p>The background into Indalo is noted. The information provided, specifically the expansion plan, has been introduced at EIR phase. It must be noted that Indalo was registered on the initial Stakeholder and I&AP Database by the EAP due to the various reserves it represents in the area.</p> <p>The proposed Albany Biodiversity Corridor Network includes an area between the Great Fish River Reserve and the Addo Elephant National Park (main game viewing area). The proposed corridor includes a portion of the operational Waainek WEF. The I&AP’s assertion that the Albany WEF would essentially derail the proposed Albany Biodiversity Corridor Network is flawed since an operational WEF has been included WITHIN the proposed corridor. In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW “Wilderness Value” would suggest that this land has been excluded as it would seemingly not be suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners (which include private farmers, previously disadvantaged farmers with commonage rights on the municipal properties, and the beneficiaries of the Community Property Associations) of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair.</p> <p>The proposed expansion, as described in this introduction, is not formally documented or proclaimed in any information available to the EAP. While the conglomeration of all PGMs, NRs and NPs is in discussion by various stakeholders, the land on which it is proposed is not publicly available. Nor have these discussions taken place with the Albany WEF landowners (as far as the EAP is aware). No objections have been received from the WEF site landowners and consent has been received to undertake this EIA process. To state that a proposed WEF, adjacent to an existing substation and on land which is currently used for purposes other than ecotourism, is fatally flawed due to this proposed plan is not rational.</p> <p>The plan, as described in this introduction, would essentially sterilise all land from west of Gqeberha (Port Elizabeth) to east of the Fish River for any industrial development. This would also need to go through a REDZ, which has been assigned as an area earmarked for potential renewable</p>
No	Name	Size hectares	Local Municipality															
1.	Amakhala Game Reserve	9,733.7	Sundays River Valley, Makana															
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4.	Kwandwe Game Reserve	18,988.04	Makana		<p>energy development. Until formalised, developers and public should be provided the opportunity to propose and assess potential developments which could contribute to the Eastern Cape economy.</p> <p>It should also be noted that while the WEF development is rated as having a high visual impact, the impacts related to biodiversity are largely mitigatable and both natural and agricultural (fauna and flora) land uses can continue and traverse the site during the WEF's lifespan.</p> <p>No turbines are situated on Indalo PE land as currently proclaimed.</p>
5.	Oceana Beach and Wildlife Reserve	724.72	Ndlambe		
6.	Pumba Game Reserve	5,837.10	Makana		
7.	Shamwari Game Reserve	20,338.58	Sundays River Valley, Makana		
8.	Sibuya Game Reserve	1,785.23	Ndlambe		
9.	Lalibela Game Reserve	8,001.46	Makana		
TOTAL		76,076.59			
<p>2.1.2 The PGRs that form the Indalo PE are classified as game and natural lodges for tourism purposes. The Tourism Grading Council of South Africa (TGCSA) regards "Private Nature Reserves" as part of "Game or Nature Lodges". The visual and scenic quality of the natural environment of the PGRs (along with wildlife and hotel specifications), are part of the minimum requirements to be a Game or Nature Lodge.</p> <p>"Scenic or natural vista (beyond that of the immediate garden area) e.g.: water view, rural outlook, mountain view or natural bush setting offering some Safari Activity such as Game Drives, Walking, Cycling, Horseback, Canoeing etc."2 [Our emphasis.]</p>					
<p>2.1.3 The unique background, character, nature-based tourism services, and community development by Indalo PGRs are well appreciated by national and regional authorities. Indalo PGRs have made a substantial contribution towards increasing areas under formal protection and contributing to achieve targets set in provincial and national protected area expansion strategies. Indalo PGRs reflect a proud history of financial investment and selfless personal commitment, dedication and service over many years by owners and personnel that have established and developed the different reserves as world class nature-based tourism destinations through ethical management of their biodiversity and natural environments. Protecting the unspoiled scenic and natural vistas of their unique natural environments were and are pivotal for the Indalo PGRs to establish and maintain their international reputation as malaria free wilderness tourism destinations of choice. This Comment demonstrates that the proposed location for the Albany Wind Energy Facility ("WEF") will significantly affect the unique wilderness experience of some of the PGRs, and in particular the Great Fish, which may cause serious economic harm to some parties.</p>					
<p>2.1.4 Indalo is currently actively working with local provincial and national partners including the Wilderness Foundation South Africa, ECPTA and SANParks to expand areas under protection through further amalgamation of southern, central and northern nodes into large agglomerations (>50 000Ha) of private reserves in the central node and private/public reserves by forming public private partnerships with Addo and the Great Fish (and various provincial nature reserves) in the south and north respectively.</p>					

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2.1.5 Based on government’s Protected Area Expansion Strategy, buffer zones and Biodiversity Stewardship Programme, Indalo is currently actively working with local provincial and national partners including the Wilderness Foundation of South Africa, Eastern Cape Park and Tourism Agency and SA National Parks to expand areas under formal protection, inform land-use planning, stimulate economic development and aide thicket restoration in the broader Albany region.

2.1.6 This is will be achieved through further amalgamation of the southern, central and northern nodes into large agglomerations (>50 000Ha) of private nature and game reserves in the central node and private/public nature and game reserves through public-private partnerships with Addo National Park and Great Fish Provincial Reserves in the south and north respectively with common traversing agreements and unified conservation management as part of the so-called Albany Mega-Reserve (also referred to as Albany Biodiversity Corridor or Addo to Great Fish Corridor as set out in below figures).



2.1.7 The environmental and economic benefits associated with the agglomerations (>50 000Ha) of private reserves and expansion through private partnerships with Addo in the south and the Great Fish in the north are considerable. Not only will this form a Mega Eastern Cape Protected Area as larger consolidated areas will lead to improved marketability of the Eastern Cape as a world class safari destination, making it comparable to Kruger, Sabi Sands and Madikwe. As much as wind energy development is necessary in South Africa, we hold wind energy development in Addo, Great Fish, Indalo and their further extended areas to be untenable and undesirable that should be avoided at all cost.

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<p>2.2 LEGAL STATUS</p> <p>2.2.1 Proclamation: Indalo was declared on 13 April 2018 as a Protected Area, Category Protected Environment, in terms of section 28(1)(a)(i) and (b) of the National Environmental Management: Protected Areas Act, No. 57 of 2003 (“NEMPAA”), by the Member of the Executive Council (“MEC”) for Economic Development, Environmental Affairs and Tourism, in the Eastern Cape Province.</p> <p>2.2.2 Indalo Association: The MEC assigned his power as Management Authority of the Indalo PE to the Indalo Association in terms of section 38(2)(b) of NEMPAA.4 The ECPTA, an agency of the Eastern Cape Department of Economic Development, Environmental Affairs and Tourism (“DEDEAT”), entered into an agreement with the Indalo Private Game Reserve Association that the Indalo PE becomes a Biodiversity Stewardship site.</p> <p>2.2.3 Stewardship Agreement: The Indalo Stewardship Agreement with the state forms an important part of the Indalo PE legal framework (read with the national and provincial biodiversity and conservation law, policies and programmes discussed below) that must be taken into consideration by the Department of Forestry, Fisheries and the Environment, (“DFFE”) and the EAP in evaluating the EIA for the Albany WEF development. Section 8 of the Indalo Protected Area Management Plan (“PAMP”) sets out certain restrictions on landowners in Indalo based on legislation and the Biodiversity Stewardship Agreement with the ECPTA. It specifically prohibits the placement of wind turbines for the generation of renewable energy inside Indalo.6 This prohibition on wind turbines inside Indalo addresses the same negative environmental impacts which Indalo demonstrates in this Comment that the location of the Albany WEF outside of the Indalo PE will have on the surrounding Protected Areas (including Indalo) and consequently should be situated elsewhere than the proposed site in the EIR.</p>		
<p>2.3 LEGAL FRAMEWORK</p> <p>2.3.1 The EAP’s recommended in section 12.6 of the EIR that the proposed Albany WEF development be authorised (subject to the conditions). The EAP’s recommendation is wrong, since the EIR is fatally flawed as demonstrated below and thus in contravention of the prescribed legal provisions. The EAP, and the DFFE as the competent authority, are required to consider, evaluate, and respectively recommend or decide, the Albany WEF application for EA against the prescribed legal framework which is summarised below.</p> <p>2.3.2 Constitutional norms: The Constitution is the supreme law in South Africa and hence the starting point in interpreting any legislation.7 Section 39(1) of the Constitution stipulates that the interpretation of the Bill of Rights (environmental rights in section 24 referred to below) must promote the values that underlie an open and democratic society based on human dignity, equality and freedom. International law must, and foreign law may, be considered during interpretation. This Comment demonstrates below that the legal comparison by the EIR (SIA) of the relationship between wind energy facilities and nature-based tourism in</p>		<p>It is submitted that the draft CES VIA followed the Provincial Government of the Western Cape, Department of Environmental Affairs and Development Planning (DEA&DP) Guideline for Involving Visual and Aesthetic Specialists in the EIA Process (Oberholzer, 2005). These are the most widely accepted best practice guidelines for conducting VIA’s in South Africa. The CES VIA was conducted in a systematic and objective manner in accordance with the DEA&DP Guideline and the NEMA EIA Regulations (2014, and subsequent 2017 amendments) and was subjected to I&AP comment and scrutiny during the 30-day draft EIAR review period.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the final VIA. Section 3 of the final VIA addresses the main issues raised by I&APs.</p>

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<p>foreign jurisdiction was poorly done because of factual mistakes that excluded relevant foreign examples and referred to irrelevant foreign examples. Furthermore, section 39(2) requires that the spirit, purport and objects of the Bill of Rights, which is the cornerstone of our society, most be promoted during legal interpretation. Hence the courts prescribe a purposive interpretation of the legal provisions regulating the EIA of the Albany WEF application measured within their larger statutory context and against the fundamental constitutional values. It is submitted that a purposive and contextual value based interpretation of environmental principles and the EIA requirements in NEMA justifies the use of international best environmental practice (“BPEO”) standards for WEFs such as by the World Bank Group (International Finance Corporation (“IFC”)) that will discussed infra.</p>		<p>It should be noted that the EScience report (prepared on behalf of Indalo) is based on limited view simulations and does not assess visual exposure through viewshed analysis at a detailed level.</p> <p>The uniqueness and scenic value of the landscape has been addressed in more detail in the final VIA report. The majority of the landscape in the study area has been transformed to some degree by historical agricultural activities. Man-made structures, activities and effects are present in most views of the landscape such as roads, Eskom powerlines and substation, Telkom towers, mining, etc. The scenic value could be described as HIGH due to presence of good condition Fish Arid and Fish Valley thicket vegetation but not pristine or unique.</p> <p>This Application for Environmental Authorisation and the associated Scoping and EIA Process are being undertaken to determine whether- and by mitigation, ensure that, the Albany WEF development is a sustainable development. The process incorporates and considers social, economic and environmental factors in the planning process. In addition, specialist assessments have been undertaken by suitably qualified specialists to assess whether the proposed site is suitable for the proposed development and to provide measures for the avoidance, management and mitigation of adverse impacts.</p> <p>The aim of the EIR is to ensure that the proposed development is sustainable and to mitigate any negative impacts as far as practically possible. The mitigation and management measures provided in the assessment process (by both the EAP and all specialists) have been incorporated into the EMPr. The EMPr serves to ensure that the development is undertaken in a controlled and environmentally responsible manner.</p>
<p>2.3.3 Various constitutional imperatives are derived from, and is identified in, section 24 of the Constitution of the Republic of South Africa, 1996 (“the 1996 Constitution”). One of the more relevant is the constitutional imperatives is an obligation to protect the environment by promoting conservation (for example, by way of supporting the expansion strategy for Protected Areas or by way of preventing negative impacts on biodiversity), another is the obligation to protect the environment through ecologically sustainable development (by requiring that an industrial development must be environmentally, socially and economically sustainable). The proposed Albany WEF does not demonstrate meeting either of these.</p>		<p>Section 24 of the Constitution provides: <i>“Everyone has the right (a) to an environment that is not harmful to their health or wellbeing; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”</i> Conservation is a constitutional imperative, but it receives no greater weighting than any of the other listed imperatives. The sustainability enquiry is a balancing act that requires social, economic and environmental considerations to be considered. The point needs to be made that South</p>

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<p>2.3.4 Right to well-being and dignity: Section 10 of the Constitution also protects the human dignity of a person. The significant impact of the Albany WEF on the aesthetic quality and well-being of affected persons in section 24(a) of the Constitution by necessary implication also unjustifiably impair their human dignity. Section 24 of the Constitution provides the fundamental normative foundation for environmental protection and conservation in South Africa by guaranteeing specific environmental rights to everyone. Section 24(a) protects the right to an environment that is not harmful to a person's health or well-being. The right to wellbeing is relevant to the Albany WEF because a person's well-being includes protection of the aesthetic quality of human life against nuisances such as odour, noise or visual pollution. This Comment indicates that the Albany WEF will cause significant visual disturbance which will negatively affect the aesthetic quality of the natural wilderness environment and the natural or wilderness experience of persons staying in or visiting the surrounding Protected Areas (Indalo, Great Fish and Addo). The visual disturbance will affect the right to well-being which cannot be justified in an open and democratic society based on human dignity, equality, and individual freedom through the impact to national estate in the form of Indalo Protected Environment and Great Fish Provincial Nature Reserve.</p> <p>Page 165 of Socio-Economic Scoping Assessment Specialist Report Undertaken for the Strategic Environmental Assessment For Wind And Solar Photovoltaic Energy In South Africa indicates: "There is also a possibility that prices of land in some areas of REDZ could actually drop with the development of wind or solar PV projects. This scenario will apply to all the areas and land parcels that are situated in picturesque areas and are currently deriving their income from eco-tourism and hunting. Establishment of wind or solar PV projects in areas that may affect the landscape and aesthetics of the environment that is used to generate revenue from tourists will negatively impact the attractiveness of the area. As a result, the area might no longer be suitable for tourism-related activities or the revenue that could be generated from such activities would be significantly reduced. Since land values are linked to future economic value of revenue that could be derived from it, decline in tourism numbers completely or partially will lead to a decline in revenue, which subsequently results in the decrease of business value and land that is used to derive the revenue. In order to mitigate the potential decline in land prices in selected areas, wind and solar PV projects should not be developed on land parcels that derive their income from ecotourism or commercial game hunting and</p>		<p>Africa is faced with an acute energy crisis. Renewable energy will alleviate that crisis and, unlike coal, will do so in a manner that causes limited pollution. It will use a natural resource (wind) and in so doing promote justifiable economic and social development. These are also constitutional imperatives that are aligned with the proposed development. As noted elsewhere in the document, the site itself is not regarded as having significant conservation value. While visual impacts are acknowledged, it is unreasonable and unsustainable to suggest the sterilisation of land use as proposed by the I&AP.</p> <p>A landowner may proceed with a development within the ambit of what is permitted by applicable law. South African law does not recognise an inherent right to an existing view from a property. The link between human dignity and the right to have an environment that is not harmful to one's wellbeing is not established.</p> <p>Based on the information in the VIA, Great Fish River and Kwandwe (one of eight Indalo reserves) will be impacted on visually. Addo will not be affected.</p> <p>It is because we are in an open and democratic society that Stakeholders and I&APs are given the opportunity to participate in the process in terms of NEMA. The competent authority has to weigh up all of the competing interests as part of the sustainability enquiry. The fact that some parts of the greater area are affected by the views they experience is not the same as all of the greater Addo or Indalo being affected (which it is understood is not the case). The I&APs have the ability to approach the heritage authorities to have their views protected, but only if their areas are national or provincial heritage sites due to their natural attributes. This remedy is available to specific areas as part of an open and democratic society. In this regard, section 28(1) of the NHRA provides that SAHRA may, with the consent of the owner of an area, by notice in the Gazette designate as a protected area (a) such area of land surrounding a national heritage site as is reasonably necessary to protect the view of and from such site. Section 28(2) provides that a provincial heritage resources authority may, with the consent of the owner of an area, by notice in the Provincial Gazette designate as a protected area (a) such area of land surrounding a provincial heritage site as is reasonably necessary to ensure the protection and reasonable enjoyment of such site, or to protect the view of and from such site. In both instances the consent of the landowner is required, which provides an indication of the importance of the competing right to property enshrined in section 25 of the Constitution.</p>

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<p>within the buffer zones of these sites. Consequently, the WEF should not be allowed to be developed on the proposed site but must be moved elsewhere where it does not have a significant impact on people's right to well-being.</p>		
<p>2.3.5 Right to environmental protection: Section 24(b) of the Constitution guarantees the right to environmental protection. It places a constitutional obligation on the state to protect the environment for the sake of present and as well as future generations through reasonable measures that includes legislation that: (i) prevent pollution and ecological degradation; (ii) promote conservation and (iii) secure ecological sustainable development and use of natural resources whilst promoting justifiable economic and social development. Thus, the constitutional principle of inter- and intragenerational conservation trusteeship places a clear legal duty on the DFFE (and other competent authorities e.g. SANParks, SANBI, ECPTA and local municipalities) to act as custodians of the natural environment and conservation by taking the necessary steps that may be required to ensure short and long-term environmental protection of the Indalo, Great Fish and Addo Protected Areas in the Eastern Cape Province. The court confirmed this principle in the Fuel Retailers case: "The importance of the protection of the environment cannot be gainsaid. Its protection is vital to the enjoyment of the other rights contained in the Bill of Rights; indeed, it is vital to life itself. It must therefore be protected for the benefit of the present and future generations. The present generation holds the earth in trust for the next generation. This trusteeship position carries with it the responsibility to look after the environment. It is the duty of the court to ensure that this responsibility is carried out."</p>		<p>It is opportunistic to quote only those aspects of the Fuel Retailers case that suit the position of the I&AP. When read in its entirety the Fuel Retailers case did more than just acknowledge that the environment needs to be protected. This case was a seminal judgment on what the sustainability enquiry involves. In this regard, the Court recognised that environmental considerations carry no greater weighting than the other relevant considerations in the sustainability enquiry. These other two pillars of the enquiry include the social and economic impacts of the enquiry. The Court held that any environmental impacts are to be balanced with socio-economic considerations through the ideal of sustainable development. The Court recognised that socio-economic development invariably brings risk of environmental damage as it puts pressure on environmental resources. However, sustainable development does not require the cessation of development at all costs but seeks to regulate the manner in which it takes place.</p>
<p>2.3.6 The discussion of the viewsheds of the proposed WEF that were prepared by EScience for this submission (as per Appendix C), overwhelmingly demonstrate the short and long term visual degradation of the natural environment. The DFFE's environmental trusteeship requires it to prevent this degrading development so that current and future visitors will continue to enjoy the unspoilt natural environment, moreover so of the planned Eastern Cape Mega Protected Environment through the expansion programme of the Addo, Great Fish, Indalo and other PGRs.</p>		<p>The proposed corridor does not confer rights on the I&AP and does not take away rights of the applicant.</p> <p>The relevant NEMA EIA Regulations (2014, and subsequent amendments) listed activities have been included in this Application for Environmental Authorisation, and include the Listing Notice 3 identified geographical areas such as "...(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed area".</p> <p>It must be noted that proposed developments which trigger listed activities in terms of the NEMA EIA Regulations (2014, and subsequent amendments), which include the Listing Notice 3 identified geographical areas, are not activities which simply may not occur, but rather activities which may not occur without Environmental Authorisation from the identified competent authority.</p>
<p>2.3.7 Sustainable development: Section 24(b)(iii) of the Constitution provides an exception to the right to environmental protection by acknowledging the right of the Applicant to the Albany WEF, but subject to the important proviso that it must be ecological sustainable. The</p>		<p>Further to the legislation mentioned by the I&AP which relates to sustainable development, the Municipal Systems Act (Act No. 32 of 2000) defines "environmentally sustainable" as:</p>

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<p>right to sustainable development is one of the core environmental and economic principles in the Constitution and in South African law and is further guaranteed in the environmental principles in section 2(4) of NEMA that contain fundamental directives of state action, the principle of integrated environmental management in sections 23 and 24 of NEMA and the relevant EIA Regulations as well as various provisions of the specific environmental management acts (“SEMA”) and other legislation that provides environmental regulation of economic development. Sustainable development is defined by NEMA as the “integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations.”</p>		<p>“environmentally sustainable” in relation to the provision of a municipal service, means the provision of a municipal service in a manner aimed at ensuring that –</p> <ul style="list-style-type: none"> (a) the risk of harm to the environment and to human health and safety is minimised to the extent reasonably possible under the circumstances; (b) the potential benefits to the environment and human health and safety are maximised to the extent reasonably possible under the circumstances; and (c) legislation intended to protect the environment and human health safety is complied with <p>In addition, the Municipal Systems Act (Act No. 32 of 2000) defines development as:</p> <p>“development” means sustainable development and includes integrated social, economic, environmental, spatial, infrastructural, institutional, organisational and human resources upliftment of a community aimed at—</p> <ul style="list-style-type: none"> (a) improving the quality of life of its members with specific reference to the poor and other disadvantaged sections of the community; and (b) ensuring that development serves present and future generations; <p>An important component of this Scoping and EIA Process, which is being undertaken in accordance with the requirements of the NEMA EIA Regulations (2014, and subsequent amendments), is to produce a legally binding EMPr subsequent to the assessment of potential impacts to ensure compliance with the regulatory authority stipulations and guidelines which could be local, provincial, national and/or international and which includes measures which aim to eliminate, offset and/or reduce adverse environmental and social impacts as well as measures to enhance the benefits associated with the proposed Albany WEF development.</p> <p>In addition, the National Strategy for Sustainable Development and Action Plan (NSSD 1) (2011-2014) identifies five (5) strategic objectives:</p> <ol style="list-style-type: none"> 1. Enhancing systems for integrated planning and implementation 2. Sustaining our ecosystems and using natural resources efficiently 3. Towards a green economy 4. Building sustainable communities 5. Responding effectively to climate change

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<p>2.3.8 The right to sustainable development requires that both the EAP in the EIR as well as the DFFE through its decision, to strike a fair balance or equilibrium (as explained by the courts) between environmental protection of the affected Protect Areas and the economic development of the Albany WEF. In light of the serious concerns and fatal flaws of the EIR to ensure proper environmental protection, it is clear that the EAP (and some specialists) had failed to comply with the integration requirement of the section 24(b) of the Constitution and section 2(4) of NEMA. Based on the supplementary information provided by Indalo in this follow up submission, an informed and fair balancing of the Applicant’s right to develop the Albany WEF vis-a-vis Indalo’s (and the Protected Areas’) and visitors’ right to environmental protection and ecological conservation clearly shows that the environmental rights outweighs the development right at the proposed location as there is already a substantial number of WEF sites that have been authorised for the purposes of bidding into the REIPPP – in fact the currently authorised projects indicate that there is a multiple of 10.6 times capacity to meet the IRP target over the next 5 years and indeed enough capacity to meet the proposed updated 2030 target. Furthermore the Eastern Cape alone with authorised WEFs of over 3 GW has approximately 2.5 times more wind energy capacity than that which is required to meet the proposed updated IRP 2019 target over the next 5 years and but wind energy in the Eastern Cape is limited by the maximum export or evacuation capacity of the Eastern Cape which currently stands at 1 740 MW as confirmed by Eskom (2019)3. On the evidence explained in this submission, the proposed Albany WEF will not be ecologically sustainable as required by section 24(b) of the Constitution and connote demonstrate desirability, and although the need for renewable energy is beyond dispute, the need for further WEF development in the Eastern Cape in the short to medium term cannot be demonstrated in the face of oversupply and grid capacity constraints. For this reason, the DFFE as custodian of the natural environment of the must reject the Albany WEF application.</p> <p>2.3.9 Neighbour law: The common law regulates the conduct between neighbours to prevent the unlawful and unreasonable impairment of each other’s undisturbed enjoyment of their property due to noise, visual or odour pollution or other conduct by a neighbour. This common</p>		<p>The proposed Albany WEF development is in line with the objectives for sustainable development, as listed above, and will contribute to efforts made to use natural resources efficiently as the proposed development entails the use of a renewable resource to generate energy, to assist in the move towards a green economy because the proposed development is a renewable energy development which will reduce the reliance on non-renewable energy development, to contribute to building sustainable communities through the creation of employment opportunities and the generation of electricity, and to respond effectively to climate change by reducing the reliance on fossil fuels.</p> <p>We disagree with the suggestion that the development of the Albany WEF, if authorised by all applicable laws and if consistent with the applicable land use planning scheme, can give rise to an actionable nuisance in terms of the common law. A view is considered an incidental advantage of property ownership and not an actionable right. South African law does not recognise an inherent right to an existing view from a property.</p> <p>The Municipal Systems Act (Act No. 32 of 2000) defines “<i>environmentally sustainable</i>” as:</p> <p>“environmentally sustainable” in relation to the provision of a municipal service, means the provision of a municipal service in a manner aimed at ensuring that –</p> <ul style="list-style-type: none"> (d) the risk of harm to the environment and to human health and safety is minimised to the extent reasonably possible under the circumstances; (e) the potential benefits to the environment and human health and safety are maximised to the extent reasonably possible under the circumstances; and (f) legislation intended to protect the environment and human health safety is complied with <p>In addition, the Municipal Systems Act (Act No. 32 of 2000) defines development as:</p> <p>“development” means sustainable development and includes integrated social, economic, environmental, spatial, infrastructural, institutional, organisational and human resources upliftment of a community aimed at—</p>

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<p>law duty of care by a landowner or user towards neighbours is based on the sic utere tuo doctrine. Failure by the intruding neighbour to cease the nuisance affecting the neighbouring property can result in interdictory relief by a court of law and in worse cases payment of compensation by Aquilian action for the damages caused by the interference. In the present matter the Protected Areas precede the proposed Albany WEF. Also, the Albany WEF has been duly informed (through this Comment – which should have been done by the EIR, but which was omitted) of the expansion programme to create the Eastern Cape Mega Protected Area. Thus, the WEF must respect the historic rights and legitimate interests of Indalo and the other Protected Areas. (The expansion of Protected Areas and creation of buffer zones are prescribed by the existing law and government have developed and is implementing expansion policies, strategies and plans over many years (discussed below).) It is Indalo’s view that negative environmental impacts of the WEF will cause a significant and permanent impairment of the undisturbed enjoyment of the Indalo and Great Fish Protected Areas as well as of the future Mega Protected Area</p>		<p>(a) improving the quality of life of its members with specific reference to the poor and other disadvantaged sections of the community; and (b) ensuring that development serves present and future generations;</p> <p>An important component of this Scoping and EIA Process, which is being undertaken in accordance with the requirements of the NEMA EIA Regulations (2014, and subsequent amendments), is to produce a legally binding EMPr subsequent to the assessment of potential impacts to ensure compliance with the regulatory authority stipulations and guidelines which could be local, provincial, national and/or international and which includes measures which aim to eliminate, offset and/or reduce adverse environmental and social impacts as well as measures to enhance the benefits associated with the proposed Albany WEF development.</p> <p>In addition, the National Strategy for Sustainable Development and Action Plan (NSSD 1) (2011-2014) identifies five (5) strategic objectives:</p> <ol style="list-style-type: none"> 6. Enhancing systems for integrated planning and implementation 7. Sustaining our ecosystems and using natural resources efficiently 8. Towards a green economy 9. Building sustainable communities 10. Responding effectively to climate change <p>The proposed Albany WEF development is in line with the objectives for sustainable development, as listed above, and will contribute to efforts made to use natural resources efficiently as the proposed development entails the use of a renewable resource to generate energy, to assist in the move towards a green economy because the proposed development is a renewable energy development which will reduce the reliance on non-renewable energy development, to contribute to building sustainable communities through the creation of employment opportunities and the generation of electricity, and to respond effectively to climate change by reducing the reliance on fossil fuels.</p>
<p>2.3.10 NEMA: As required by section 24(b) of the Constitution, various laws were promulgated that ensure protection of the environmental during the Albany Wind Farm development. Primary are NEMA and the EIA Regulations which in the present case provide the overall national legislative framework. Section 2 of NEMA contains fundamental environmental principles, that the EAP must consider when considering the environmental impacts for the EIR and the DFFE when deciding the Wind Farm application to ensure proper environmental protection. Sections 24(4) and 24O of NEMA provide the criteria for the EIR, including</p>		<p>This report and the associated reports have been compiled in accordance with the requirements of the NEMA EIA Regulations 2014, as amended.</p> <p>The “Relevant Legislation” Chapter of this report includes all SEMAs relevant to the Albany WEF, including a statement indicating why each piece of legislation is applicable. The Stakeholders relevant to these Acts and relevant to the provincial, district and local government departments</p>

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<p>compliance with NEMA (integrated environmental management and mainstreaming of conservation management in section 23, the polluter’s duty of environmental care in section 28), EIA Regulations, SEMAS and other regulations and notices as specified below. The EIA Regulations contain detail requirements for EIA studies e.g. to demonstrate the need and desirability of undertaking the proposed activity, assess alternatives (including location, technology and content), public comment, asses direct, indirect and cumulative impacts of the development, and take into account any applicable government policies, plans, guidelines, environmental management instruments, and other decision-making instruments that have been adopted by the competent authorities. No consideration was afforded to the socioeconomic impact is required by the Guideline on Need and Desirability (DEA (2017)) and the proposed Albany WEF has not been demonstrated to be socially sustainable for lack of assessment of the opportunity costs in terms of jobs that may be lost / potential jobs that may be lost in wildlife and nature tourism that is substantially more job intensive, further it has been shown in the economic assessment that whereas the economic contributions of wildlife and nature tourism in the private game reserves and WEFs are similar, employment becomes a drastic distinguishing factor, and the scale is heavily tilted towards PGRs as the investment that would yield the highest socio-economic return. What is even more compelling is that the inverse of this argument is also valid, i.e. if one needs to divest in PGRs or WEFs, the largest socio-economic losses will be incurred in the PGR domain. In this case the proposed development will force divestment and job losses multiples of what the WEF will generate.</p> <p>2.3.11 Various SEMAs apply to important aspects of the Indalo, Great Fish and Addo Protected Areas in the present matter e.g. to conservation (NEMPAA), protection of biological diversity (National Environmental Management: Biodiversity Act, No. 10 of 2004 (“NEMBA”), management of water resources (National Water Act, No. 36 of 1998 (“NWA”)), waste management (National Environmental Management: Waste Act (“NEMWA”), management of coastal areas (National Environmental Management: Integrated Coastal Management Act, No. 24 of 2008 (“ICMA”)), etc. (Not a complete list.) Provincial environmental and conservation legislation in the Eastern Cape Province adds a further layer of legislative control. In addition, national legislation such as for spatial development planning (permission for change of land-use by section 26(4) of the Spatial Planning and Land Use Management Act, No. 16 of 2013 (“SPLUMA”)) and the by-laws and spatial development frameworks (“SDFs”) of the Sundays River Valley, Makana and Ndlambe local municipalities provide additional protection to these Protected Areas.</p>		<p>have been registered and consulted throughout the PPP undertaken during the Albany WEF Scoping and EIA Process.</p> <p>In response to 2.3.11 which contains the SEMAs listed as applicable to important aspects of the Indalo, Great Fish and Addo Protected Areas, please refer to <i>Chapter 4: Relevant Legislation</i> of the Final EIR in which it states that the proposed Albany WEF will be subject to the requirements of various items of South African legislation. The following have been included as relevant to the Albany WEF:</p> <ul style="list-style-type: none"> • The Constitution Act • National Environmental Management Act • National Environmental Management: Protected Areas Act • National Environmental Management: Biodiversity Act • National Environmental Management: Air Quality Act • National Environmental Management: Waste Management Act • National Forests Act • National Heritage Resources Act • Electricity Regulation Act • Occupational Health and Safety Act • Aviation Act • National Water Act • Conservation of Agricultural Resources Act • Subdivision of Agricultural Land Act • Mineral and Petroleum Resources Development Act • National Road Traffic Act • National Veld and Forest Fire Act • Environmental Conservation Act Noise Control Regulations • Telecommunications Act • Provincial Nature and Environmental Conservation Ordinance • Spatial Planning and Land Use Management Act • Local Municipality: Land Rezoning Permit. LUPO Ordinance • National Energy Regulator of South Africa (NERSA): Generation License • Eskom: Connection agreement and Power Purchase Agreement (PPA) • Makhana Local Municipality Spatial Development Framework (SDF), Integrated Development Plan (IDP) and municipal by-laws • Sarah Baartman District Municipality SDF and IDP

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		<p>The above-listed legislation, policies and/or guidelines include most of the legislation listed by Indalo Protected Environments, except for:</p> <ul style="list-style-type: none"> • The National Environmental Management: Integrated Coastal Management Act; and • The by-laws and SDFs of the Sundays River Valley and Ndlambe Local Municipalities. <p>The excluded legislation, policies and/or guidelines were not included in the EIR due to:</p> <ul style="list-style-type: none"> • The limited relevance of the Integrated Coastal Management Act to the inland location of the proposed Albany WEF site; and • The limited relevance of the Sundays River Valley Local Municipality and Ndlambe Local Municipality SDFs and by-laws to the proposed development which is situated within the Makana Local Municipality.
<p>2.3.12 Conservation: The conservation of biodiversity is primarily regulated by NEMPAA and NEMBA which should be interpreted and applied in an integrated manner in support of each other’s legislative purpose and objectives. Both laws emphasise the state’s constitutional obligation as the national trustee for the environment to protect and conserve biological diversity, natural landscapes and seascapes as well as the species and ecosystems therein and ensure the sustainable use of indigenous biological resources.⁹ All state institutions in the national, provincial and municipal spheres of government must comply with the provisions of these Acts, their regulations, norms and standards, frameworks, strategies, conservation policies and management instruments. The provisions of NEMBA and NEMPAA prevail over conflicting provisions of any national, provincial or municipal laws e.g. provincial spatial biodiversity plans, Sara Baartman District Municipality and Makana Local Municipal integrated development plans (“IDPs”) and the Makana Local Municipal SDF.¹⁰ NEMBA and NEMPAA must be interpreted and applied in accordance with the national environmental management principles of NEMA as well as be read with its applicable provisions.¹¹ In the Mabola case the court confirmed the objectives of NEMPAA in section 2 are – “the provision, within the framework of national legislation, including NEMA, for the declaration and management of protected areas, to provide for cooperative governance in the declaration and management of such areas, including the promotion of sustainable utilisation of protected areas for the benefit of people in a manner that would preserve the ecological character of such areas.”</p>		<p>The Mabola Case is distinguishable from the present set of facts and its authority and application to the present matter is disputed. Unlike the Mabola Case, the Albany WEF Scoping and EIA Process, is (a) being subjected to a thorough PPP, (b) is not being proposed within a formally protected area, and (c) is a proposed renewable energy rather than non-renewable energy development (i.e. generally considered to be a more sustainable form of development).</p> <p><i>Chapter 4: Relevant Legislation</i> of the Final EIR includes all SEMAs relevant to the Albany WEF, including a statement indicating why each piece of legislation is applicable. The Stakeholders relevant to these Acts and relevant to the provincial, district and local government departments have been registered and consulted throughout the PPP of the Albany WEF Scoping and EIA Process.</p> <p>It is incorrect to provide that NEMBA and NEMPAA prevail over conflicting provisions of any national, provincial or municipal laws. NEMPA regulates protected areas, NEMBA regulates biodiversity related interests and NEMA regulates, among other things, sustainable development.</p> <p>The administration of different laws falls under different spheres of government which may serve different purposes within the competence of the sphere charged with the responsibility to administer each law. Each sphere would be exercising power within its own competence in terms of each applicable law which each stand on an equal footing.</p>

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		<p>In this regard, in order to give effect to general objectives of integrated environmental management, NEMA lists activities in notices published in the Government Gazette (“EIA Regulations”) that require environmental authorisation. So as to take into account the interests of protected areas that are declared or recognised in terms of the National Environmental Management: Protected Areas Act 57 of 2003 (“NEMPAA”) but also to take into account areas that fall within the National Protected Area Expansion Strategy (“NPAES”) areas, certain listed activities are triggered for activities in the NPAES or within the buffer zones of protected areas. “Buffer area” is defined in the EIA Regulations to mean, unless specifically defined, an area extending 10 kilometres from the proclaimed boundary of a world heritage site or national park and 5 kilometres from the proclaimed boundary of a nature reserve, respectively, or that defined as such for a biosphere. The proposed development is within 5km of the Ecca Nature Reserve and Beggar’s Bush Nature Reserve.</p> <p>In this regard, none of the spatial data available to the EAP (including consulting the DFFE National Screening Tool and BGIS) place the proposed Albany WEF site within NEMPAA buffer zones or within NPAES. The Albany WEF is situated within 5km of nature reserves, triggering Listing Notice 3 of the NEMA EIA Regulations.</p> <p>It is incorrect and inaccurate to provide that the location of the Albany WEF will be in clear violation of NEMPAA as protected by the court. The Albany WEF is not located within a protected area. The Albany WEF is not located within any NPAES. The Albany WEF is not located within any “buffer area” as defined in the EIA Regulations. The landowners of the surrounding protected areas have been invited and have participated in the public participation and their comments and views will be put before the competent authority as part of the weighing up of the various competing interests in the sustainability enquiry.</p> <p>Further, the requirement for consulting every department that administers laws relating to environmental matters guarantees a co-ordinated and integrated environmental governance and management. It ensures that all role players are taken on board before a decision authorising an activity which affects the environment is made.</p> <p>In this regard the following authorities were consulted during the PPP process (as recorded in Chapter 11 and Appendix A of the EIR):- Department of Forestry, Fisheries and the Environment (DFFE),</p>

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<p>2.3.13 The viewshed prepared by Indalo discussed below (Appendix C) clearly illustrates that the Albany WEF will destroy the aesthetic character of the scenic view from Adam’s Krans in the Great Fish Protected Area. Thus, the location of the Albany WEF will be in clear violation of NEMPAA as protected by the court. The provisions of NEMPAA (and NEMBA) trump conflicting economic growth policies in the various strategy documents and spatial planning instruments referred to by the SIA Specialist (para 3.2, 3.3 and 3.4) as justification for the Albany WEF. The legality principle of the rule of law in section 1 of the Constitution requires that all government policies must be consistent with the Constitution and legislation (in this case NEMPAA and NEMBA) otherwise they are unconstitutional and will be set aside to have no force or effect. This means the SIA cannot place more emphasis on government policies for economic (energy) development than on conflicting the environmental legislation when considering the Albany WEF. The EIA Regulations require the SIA specialist and the EAP to adequately assess and disclose information that is detrimental to the WEF. This was not adequately done in the EIR.</p>		<p>Department of Forestry, Fisheries and the Environment: Biodiversity & Conservation (DFFE:BC); Department of Economic Development, Environmental Affairs and Tourism (Eastern Cape) (DEDEAT); Department of Water & Sanitation (DWS) (Eastern Cape); Department of Agriculture Forestry & Fisheries (DAFF); Eastern Cape Parks and Tourism Agency (ECPTA); Eastern Cape Development Corporation (ECDC); Eastern Cape Provincial Heritage Resources Authority (ECPHRA); South African Heritage Resources Agency (SAHRA); BirdLife South Africa; BirdLife South Africa: Birds and Renewable Energy Manager; BirdLife South Africa: Policy & Advocacy Manager; Endangered Wildlife Trust: CEO; Endangered Wildlife Trust: Head of Conservation Science; Endangered Wildlife Trust: African Crane Conservation Programme Manager; Endangered Wildlife Trust: African Crane Conservation Programme Field Officer; Endangered Wildlife Trust: Wildlife & Energy Programme; WESSA EC Regional Representatives; Wildlife Ranching RSA; Indalo and SANParks.</p> <p>It is incorrect to provide that NEMPAA (and NEMBA) trump conflicting economic growth policies as part of the analysis required of the competent authority in terms of NEMA.</p> <p>The competent authority is required to be guided by the sustainability enquiry when considering all of the relevant information that is before it. Sustainable development does not require the cessation of socio-economic development but seeks to regulate the manner in which it takes place. It recognises that socio-economic development invariably brings risk of environmental damage as it puts pressure on environmental resources.</p> <p>What this means is that the competent authority will need to weigh up the economic and social aspects of the development as presented with the environmental impacts.</p> <p>It is submitted that the EScience report (prepared on behalf of Indalo) is based on limited view simulations and does not assess visual exposure through viewshed analysis at a detailed level.</p> <p>The final VIA Report has included an analysis of the Great Fish Nature Reserve including Adam’s Krans located in the Great Fish Protected Area. The assessment looked at the Reserve both at less than and greater than 20 km distances (see Figures 9.7 a & b in Section 9: Viewshed Analysis of the of Selected Sensitive Receptors).</p>

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<p>2.3.14 Conservation obligations: Section 17 of NEMPAA is important for the evaluation of the environmental impact of the WEF with respect to the Indalo, Great Fish and Addo Protected Areas. It specifies the legal purposes which these Protected Areas are obligated to fulfil, i.e. –</p> <ul style="list-style-type: none"> “(a) to protect ecologically viable areas representative of South Africa’s biological diversity and its natural landscapes and seascapes in a system of protected areas; (b) to preserve the ecological integrity of those areas; (c) to conserve biodiversity in those areas; (d) to protect areas representative of all ecosystems, habitats and species naturally occurring in South Africa; (e) to protect South Africa’s threatened or rare species; (f) to protect an area which is vulnerable or ecologically sensitive; (g) to assist in ensuring the sustained supply of environmental goods and services; (h) to provide for the sustainable use of natural and biological resources; (i) to create or augment destinations for nature-based tourism; (j) to manage the interrelationship between natural environmental biodiversity, human settlement and economic development; (k) generally, to contribute to human, social, cultural, spiritual and economic development; or (l) to rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species.” 		<p>Based on the assessment, the overall visual impact of the Albany WEF on the Great Fish River Nature Reserve is considered to be LOW due to distance (ranging from 15 to 50 km form the WEF and about 30 km for Adam’s Krans) but MODERATE due to the potential impact of night lighting.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p> <p>The Ecological Impact Assessment, Bat Impact Assessment, and Avifaunal Impact Assessment have been undertaken by suitably qualified specialists to supplement the Scoping and EIA Process and to assist in the identification of sensitive areas and species. In addition, these specialists provided recommendations and mitigation measures to reduce, manage and/or avoid adverse impacts on biodiversity, including habitats and species which are endemic to the area as well as sensitive faunal and floral species. It must be noted that renewable energy is, by definition, a sustainable use of a natural resource (in this case wind).</p> <p>In addition, and further to the ecological specialists referred to above which focus on the environmental aspects, this Scoping and EIA Process includes input from Heritage, Noise, Palaeontology, Social and Visual Specialists which focus on social/human/cultural aspects.</p> <p>Based on the Indalo PE/ECPTA/SANParks proposed expansion plan “Albany Biodiversity Corridor Network” the area proposed for the Albany WEF is of LOW “Wilderness Value” (see Figure 1 below). In addition to this point all ecological specialist reports (ecological, bat and avifauna) have undertaken numerous site visits to ensure that areas of high ecological value are avoided (NO-GO areas) and mitigated (HIGH and MODERATE areas).</p>

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2.3.15 Protected Area Obligations: Section 28(2) of NEMPAA stipulates that the Indalo PE may only be declared for the following purposes, -
 “(a) to regulate the area as a buffer zone for the conservation and protection of a ... national park, MPA, ... or nature reserve;
 (b) to enable owners of the land to take collective action to conserve biodiversity on their land and to seek legal recognition therefor;
 (c) to protect the area if it is sensitive to development due to its (i) biological diversity, (ii) natural characteristics, (iii) scientific, cultural, historical, archaeological or geological value, (iv) scenic and landscape value, or (v) provision of environmental goods and services;
 (d) to protect a specific ecosystem outside of a national park, or nature reserve;
 (e) to ensure that the use of natural resources in the area is sustainable; or
 (f) to control change in land use in the area if the area is earmarked for declaration as, or inclusion in, a national park or nature reserve.”

2.3.16 All the purposes in section 17 of NEMPAA apply to Indalo, Great Fish and Addo. The underlined provisions of section 17 require that Indalo and the other Protected Areas must, (i) provide environmental goods and services, (ii) create an environment that is conducive for nature-based tourism, and (iii) ensure ecological sustainable social and economic development takes place. Similarly, the purposes in section 28(2) of NEMPAA apply specifically to the Indalo. This means that Indalo must (i) form a buffer zone between the Addo and Great Fish, (ii) enable the different PGRs inside Indalo to conserve their biodiversity, (iii) protect

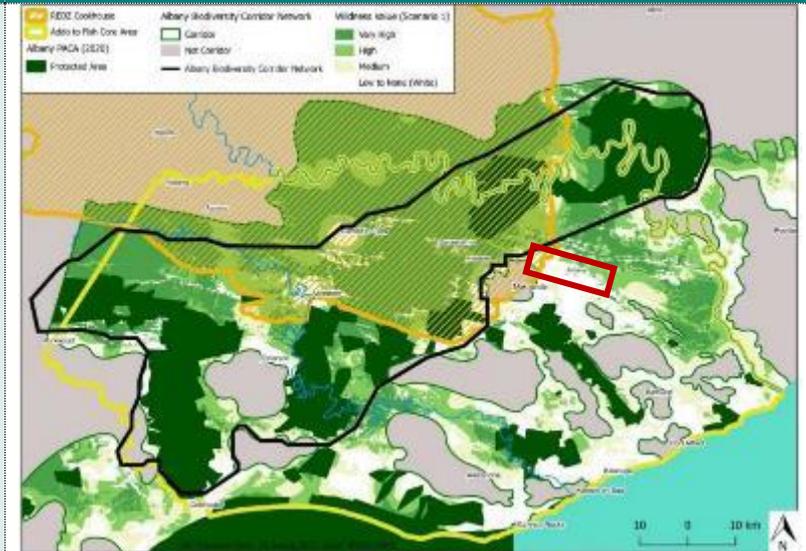


Figure 1: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

The I&AP is suggesting that the Albany WEF would essentially derail the proposed Albany Biodiversity Corridor Network. This assertion is flawed since an operational WEF (Waainek WEF) has been included WITHIN the proposed corridor (see Figure 1 below). In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW “Wilderness Value” would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair. The proposed Albany WEF would not impose on, disrupt or deter the establishment of the “Albany Biodiversity Corridor Network”.

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sensitive areas in respect of economic development e.g. areas with scenic and landscape value, and (iv) provide environmental goods and services.

2.3.17 Legal error: Indalo objects against approval of the Albany WEF because the development will prevent Indalo from fulfilling its statutory obligations (purposes) in sections 17 and 28 of NEMPAA. (This also the case for the Great Fish and Addo in respect of their obligations under section 17.) This is so because the environmental impact of the WEF will affect the ability of the Protected Areas to adequately provide some of the environmental goods and services (e.g. game drives and walks, experiencing wildlife in their natural habitat, nature photography, wildlife education, game cuisine and cultural interaction with local communities), will significantly affect nature-based tourism and is not ecologically, socially and economically sustainable because it will cause the reduction of visitors to some of the Indalo PGRs and Protected Areas. In this regard we refer to the negative effect of the Waaihoek WEF on tourism to Pumba (see Pumba letter attached) which confirm these risks as real and not miniscule or theoretical as appears to be the impression created in the EIR and SIA.

2.3.18 Unlawful and unconstitutional conduct: The recommendation by the EAP in the EIR contains a material legal error that will have an unlawful and unconstitutional legal effect if the DFFE approves the application. The EAP's recommendation to the DFFE to provide conditional environmental authorisation (EA) for the development of the Albany WEF will affect Indalo and the other Protected Areas to comply with their legal obligations under section 17 and 28 of NEMPAA, respectively (as underlined). Indalo members are concerned with nature and wildlife tourism and are managed according to a Protected Area Management Plan and secure funding from internal resources to fund the Protected Area Management Plan in compliance with its obligations, the provisions of conservation and biodiversity legislation and the conditions stipulated by formal management agreements with Government. These

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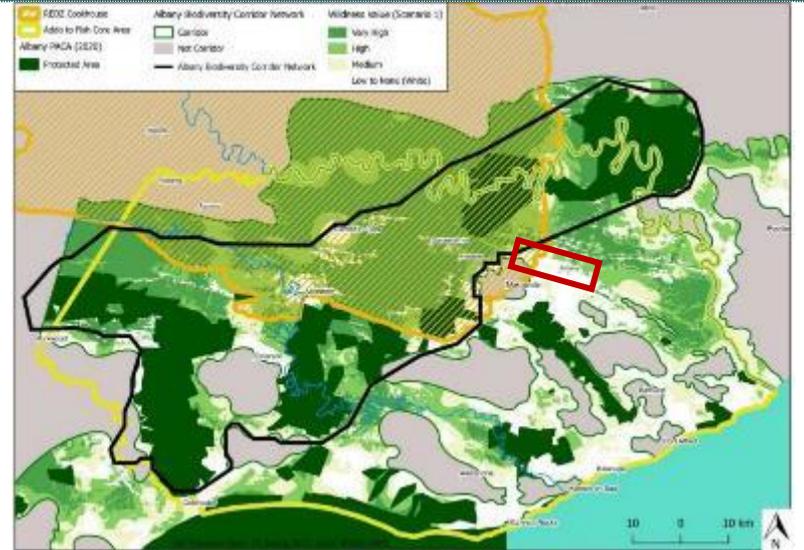
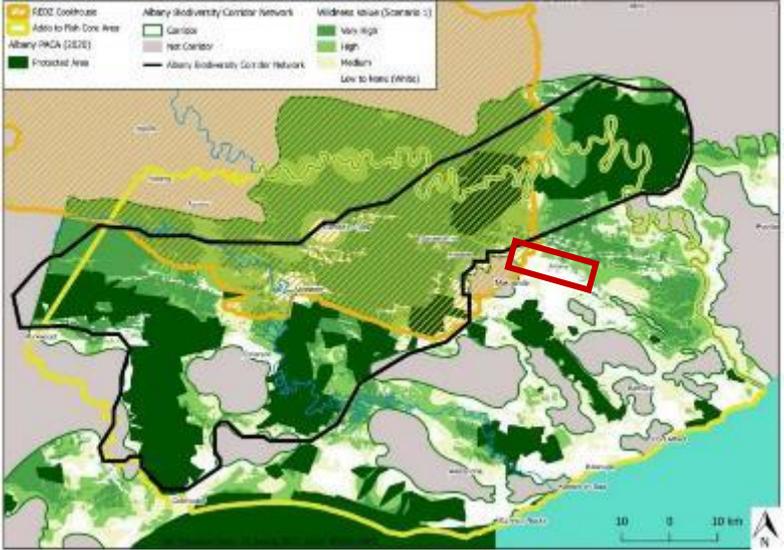


Figure 1: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

The SIA and EIR were updated to reflect the comments submitted by the various Stakeholders and I&APs, including Pumba PNR (on the Waainek project) and the Kwandwe visitor survey. This was done after the previous round of comments.

The criteria for the declaration of a protected environment are set out in section 28 of NEMPAA. However, these criteria are listed in the alternative as opposed to the cumulative as the use of the word “or” is used and not “and”. As a result, it is incorrect to make out as though the Indalo PE will not be established if all criteria listed in section 28 of NEMPAA are not fulfilled. Similarly, the purpose of a protected area are listed in the alternative in section 17 of NEMPAA. This means that the purpose of the protected area may still be fulfilled if one and not all of the listed criteria are met. It is inaccurate to suggest that the applicant will impact on the ability for the Indalo PE to be declared a protected area or for the existing

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<p>resources required to perform the management of the Protected Area are directly derived from nature and wildlife tourism which is dependent on a natural environment largely free from the structures (often from which the tourists come to get away to find solitude, tranquillity and serenity). Wind energy development, characterised by colossal turbines and associated skyline intrusions rotating turbine blades and flashing aviation warning lights, which naturally severely mar the landscape and disturb serenity of the protected area which the applicant’s members fundamentally thrive on for the environment and for their business, the development of wind energy, will impose a significant divestment on the applicant’s members as this significantly impacts and curtails wildlife and nature tourism. Page 165 of Socio-Economic Scoping Assessment Specialist Report Undertaken for the Strategic Environmental Assessment For Wind And Solar Photovoltaic Energy In South Africa indicates: Establishment of wind or solar PV projects in areas that may affect the landscape and aesthetics of the environment that is used to generate revenue from tourists will negatively impact the attractiveness of the area. As a result, the area might no longer be suitable for tourism-related activities or the revenue that could be generated from such activities would be significantly reduced. In order to mitigate the potential decline in land prices in selected areas, wind and solar PV projects should not be developed on land parcels that derive their income from ecotourism or commercial game hunting and within the buffer zones of these sites. The EAP’s recommendation to the DFFE to provide conditional environmental authorisation (EA) will be contrary to the rule of law, and thus unlawful and unconstitutional conduct. If the Applicant receives EA for the Albany Wind Farm development, Indalo reserves its right to have it set aside on internal appeal to the Minister, or on judicial review in terms of sections 6(2)(d) and (i) of the Promotion of Administrative Justice Act, 3 of 2000 (“PAJA”) as well as the right to obtain interdictory relief where necessary.</p>		<p>Addo, Indalo and Great Fish to fail to meet their purpose if any one of the listed criteria in these sections is not met.</p> <p>The I&AP is suggesting that the Albany WEF would essentially stop the establishment and operation of the proposed Albany Biodiversity Corridor Network. This assertion is flawed since an operational WEF (Waainek WEF) has been included WITHIN the proposed corridor (see Figure 1 below). In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW “Wilderness Value” would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair. The proposed Albany WEF would not impose on, disrupt or deter the establishment of the “Albany Biodiversity Corridor Network”.</p>  <p>Figure 1: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.</p>
<p>2.3.19 NEMBA: NEMBA regulates the legal classification and permitting system for the protection of threatened ecosystems and species in South Africa. It also provides the legal framework for integrated and coordinated planning, monitoring of biodiversity conservation</p>		<p>Please refer to the Avifaunal Specialist Responses which have been appended below this table, in Specialist Response H3: Avifaunal Specialist Responses.</p>

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<p>and protection through 3 instruments: (i) the national biodiversity framework (provide national norms and standards to all organs of state, communities and the private sector throughout the country), (ii) bioregional plans (maps for specific geographic areas that identify Critical Biodiversity Areas (“CBAs”) and Ecological Support Areas (“ESAs”) with guidelines for land use, and (iii) biodiversity management plans (to protect listed threatened ecosystems, indigenous species and special categories in specific cases). Indalo has indicated important gaps in the assessment of the avifaunal impact of the WEF which will contravene the statutory obligations of the WEF in terms of NEMBA, the EIA Regulations relevant guidelines specifically the Guidelines for the implementation of the Terrestrial Fauna and Terrestrial Flora Species Protocols for environmental impact assessments in South Africa (GNR 20 January 2020) which the avifaunal assessment does not meet.</p>		
<p>2.3.20 Protected Area Expansion: The National Protected Area Expansion Strategy (“NPAES”) in 2008 provides the national policy framework for the integrated and coordinated expansion and consolidation of the Protected Areas under NEMPAA through ecosystem specific expansion targets. Extended Protected Areas provide important ecosystem goods and services e.g. production of clean water, flood moderation, preventative erosion, carbon storage and protection of the aesthetic value of the landscape. NPAES identified the Baviaans-Addo Area (Focus Area Nr. 3) for protection of 7 biomes in the Eastern Cape as a suitable Protected Area expansion area (and includes the Albany Thicket biome). The Eastern Cape Provincial Areas Expansion Strategy, 2012 (“ECPAES”) was developed by ECPTA to implement the terrestrial objectives of NPAES in the EC Province. ECPAES mapped 20 priority areas and developed a realistic implementation plan over the next 5 years for focus areas of high, medium and low precedence that include the Greater Addo and the Great Fish Protected Areas. The Indalo PE is included in the proposed expansion of the Protected Areas by ECPAES. Thus, the aforesaid national and provincial expansion programs provide the legal basis for the creation over time of a Mega Protected Area in the Eastern Cape. The EIR is deficient because it does not adequately assess and consider how the expansion of the Protected Areas will be impacted by the development of the Albany WEF at the proposed location.</p>		<p>The NPAES and ECPAES do not have expansion areas earmarked which traverse the proposed Albany WEF site. This would also not be the case should the current Indalo PEs be amalgamated as all but one (Kwandwe, situated to the north) are situated west of the proposed Albany WEF site. Since the Albany WEF is a tangible project proposed by Albany Wind Power and registered with DFFE (Ref: 14/12/16/3/3/2/2088) it would become imperative for any potential future expansion of the Protected Area to consider the location of the Albany WEF. Should the proposed WEF be granted authorisation to proceed it would be situated on portions of municipal land with commonage conditions for the benefit of previously disadvantaged farmers, areas currently used as mining and directly adjacent to existing Eskom infrastructure (including numerous distribution powerlines and the Albany Substation).</p>
<p>2.3.21 Buffer Zones: The expansion of Protected Areas is complimented by a strategy to create buffer zones to National and Provincial Parks such as for Addo and Great Fish. The ecological landscapes of the Parks continue into the surrounding region and their viability as Parks depend on their social, economic and ecologic integration into the surrounding region. Once declared and gazetted, the buffer zones will provide legal mechanisms to regulate development in that area e.g. to prevent the negative impacts of intruding developments. As indicated section 28(2) of NEMPAA provides that one of the purposes of the Indalo PE was to form a buffer zone with the Addo and Great Fish. Lalibela in the Indalo PE plans to expand its area to link up with neighbouring Shamwari and Pumba Game Reserves to form part of the proposed Larger Addo - Great Fish Corridor (also referred to as the Albany Corridor). To this effect a formal protected area expansion strategy is under development by various stakeholders including the Wilderness Foundation Africa, ECPTA, SANParks, and the Indalo</p>		<p>As mentioned above, the Albany WEF is not located within any NPAES nor is it situated within the proposed “Albany Biodiversity Corridor Network”. The Albany WEF is not located within any “buffer area” as defined in the EIA Regulations. This notwithstanding, the landowners of the surrounding protected areas have been invited and have participated in the public participation. Further, the visual impact assessment has been reworked to include numerous additional points and assessable areas in response to the PPP process. The fact that the landowners’ properties may or may not fall within a future NPAES or protected area under NEMPAA does not change the potentially applicable listed activities nor the extent of the required public participation. The moment the relevant properties fall within a NPAES or are afforded protected area status under NEMPAA, the potential listed activities relating to “buffer areas’ and NPAES apply but only if the Albany WEF site falls within the NPAES and buffer area. Until that point in the future, it is premature for these potentially applicable listed activities</p>

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<p>Association. The EIR does not adequately assess and consider how the proposed development of the Albany WEF will impact on the proposed Larger Addo - Great Fish Corridor (Albany Corridor).</p> <p>2.3.22 EC Biodiversity Plan: The draft EC Biodiversity Strategy and Action Plan, 2017 for the protection of threatened or protected ecosystems was gazetted in 2018 for comment and is based on a comprehensive technical report known as the EC Biodiversity Conservation Plan, 2017. Once adopted these 2017 Plans will replace the outdated EC Biodiversity Conservation Plan of 2007 which is presently still in force. The 2017 Plans emphasise the importance of private conservation areas to the conservation of biodiversity and their contribution to the regional economy and its further expansion process. The 2017 Plans provide a systematic Spatial Biological Assessment (“SBA”) that generated and mapped (down to district level) spatial terrestrial and aquatic CBA and ESA priorities based on biodiversity patterns, ecological processes, current and future land uses and the PA network. It provides a matrix of guidelines for recommended land use types and activities have been linked to SPLUMA land uses (Spatial Biodiversity Land Use Guidelines” (“SBLUG”)) based on their impacts measured against the management objectives of the CBAs and ESAs.</p> <p>2.3.23 The state’s constitutional duty to ensure intergenerational environmental equity is not limited to climate change adaptation programmes such as the promotion of renewable energy (the Albany WEF), but it has the concomitant fundamental obligation to protect and conserve the environment by ensuring the ecological sustainability of the natural and wilderness environment – even against negative impacts of renewable energy projects such as the WEF. The EIR is one sided because it only focuses on the former and does not strike a fair balance between climate change adaptation and long-term environmental conservation and protection envisaged by the Protected Area expansion programme as discussed above.</p>		<p>to be included within the scope of what is being applied for as part of the environmental authorisation.</p> <p>Even if the Albany WEF fell within a “buffer area” as defined in NEMA, it doesn’t (apart from being within 5km of a nature reserve - Ecca and Begger’s Bush), there is no land use restriction in terms of NEMA or the EIA Regulations that would limit the ability to develop a wind farm within a buffer area, provided an assessment of the related impacts as part of the EIA phase has been undertaken and that the related listed activities are authorised in the environmental authorisation.</p> <p>What the I&AP is referring to are not “buffer areas” as defined in the EIA Regulations, but buffer areas as understood in terms of NEMPAA.</p> <p>However, buffer zones in the context of NEMPAA, are not prescriptive as the mere creation of a buffer zone by a management authority of a protected area in its management plan cannot expropriate or sterilise the property rights of the landowners who find themselves within these buffer areas. In terms of NEMPAA, the only way that buffer areas can be given teeth so as to restrict the land use activities within those is in terms of section 28(1) of NEMPAA which provides for the declaration of protected environments. As the development site of Albany WEF does not fall within any such gazetted protected environments, it would not be subject to any statutory land use restrictions in terms of NEMPAA either.</p>
<p>3. COMMENTS OF SPECIALIST STUDIES</p> <p>3.1 NOISE IMPACT ASSESSMENT</p> <p>3.1.1 Choice of turbine for noise modelling-</p> <p>a) For the purpose of the noise impact assessment the sound power emission levels of the Vestas V136 3.45 MW wind turbine was used. This is a turbine with a rated power output of 3.45 MW and having a rotor diameter of 136m. The reports indicates that the proposed Albany WEF may consist of up to 66 turbines, each capable of generating up to 4.5 MW of power. It is also indicated that each wind turbine may have a rotor diameter of up to 170 m at a hub height of up to 130 m.</p> <p>b) The noise specialist, in the letter dated 11 August 2020, indicates as following, in order to motivate that no updated noise impact assessment is required: “It should be noted that the change in wind turbine specifications such as the wind turbine hub height and rotor diameter does not relate to sound power emission levels, which depends on the model and make of a</p>		<p><u>* Please note that the Noise Specialist Responses have been extracted below but please refer to the full Noise Specialist Response Document and associated appendices below this table, in Specialist Response H1: Noise Specialist Responses.</u></p> <p><i>[Noise Specialist Response to Comment 3.1.1 a – r]</i></p> <p>The noise report considers the sound power emission levels of the wind turbine generator (WTG) that the client indicated they are considering. However, due to various reasons, a developer does not want to reveal the actual WTG that they may consider, whether for commercial/economic reasons, possible Non-Disclosure Agreements etc. However, the details of</p>

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<p>wind turbine. For the same model and make, a change in specifications such as hub-height and rotor diameter have an insignificant impact on sound power emission levels. Therefore, there is no advantage or disadvantage in terms of acoustics by changing the wind turbine specifications such as turbine hub height as well as rotor diameter.”</p> <p>c) We present below the effect of turbine size and rotor diameter on sound power emission levels which show that these parameters do have a significant impact on sound power emissions</p> <p>d) It is a basic fact of physics that (all other things being equal) a larger turbine will emit more sound power. A larger turbine blade is required to extract more power from fluid flow over the blade and a larger object moving through a fluid will be a larger source of sound power emissions.</p> <p>e) We here provide some key points for consideration from a relevant paper titled “Low-frequency noise from large wind turbines” by Møller and Pedersen (2011)¹³. As Møller and Pedersen (2011) found: “a turbine of double size emits more than the double sound power.” They further state that the sound power (in dBA) emitted from the turbines increases proportionally, or more than proportionally, with turbine size, thus indicating that larger turbines will affect potentially larger areas than smaller turbines (Møller and Pedersen, 2011).</p> <p>f) This is demonstrated in the figure below, taken from Møller and Pedersen (2011), which clearly shows that higher MW turbines have higher sound power levels across all but the very highest frequencies.</p>		<p>the actual WTG are totally irrelevant to a noise analyses, as the major factors that determine the noise levels are:</p> <ul style="list-style-type: none"> • The layout of the WEF (which would include the number of WTGs as well as the distance from these WTGs that could individually and cumulatively affect the noise levels at a certain location); and • The sound power emission levels of the WTG (or noise source) selected/that the developer is considering. <p>Minor factors in the noise levels are:</p> <ul style="list-style-type: none"> • The spectral characteristics of the WTG; • Temperature and Humidity; • Noise abatement technologies implemented by the manufacturer; • Topography and wind shear effects; • Ground surface characteristics. <p>Insignificant factors are:</p> <ul style="list-style-type: none"> • The hub height of the WTG; • The rotor diameter of the WTG; • The manufacture of the WTG, the model name or number (the sound power emission levels however relates to a specific make and model and is determined by the manufacturer). <p>The sound power emission levels are provided by the manufacturer either as the maximum warranted sound power levels, a calculated sound power level – for new WTG where the noise levels were not previously measured – or measured sound power levels as reported in terms of IEC 61400-11. It is unique for each make and model and the sound power levels already include the effect of the hub height, rotor diameter and abatement technologies.</p> <p>The Albany Noise Study use a sound power emission level of 105.1 dBA, specifically for the Vestas 136-3.45 (as defined in document no.: 0056-4783 V02, dated 2016-07-08 and Report: V136-3.45 MW Third octave noise emissions, document no.: 0055-9919 V02, dated 2016-03-02).</p> <p>While algorithm and equations exist to estimate sound power levels, these formulae do not consider operating modes, specific isolation designed for the nacelle and blade technologies (such as serrated edges), which all contribute to reduce the noise levels. These measures are specific to a</p>

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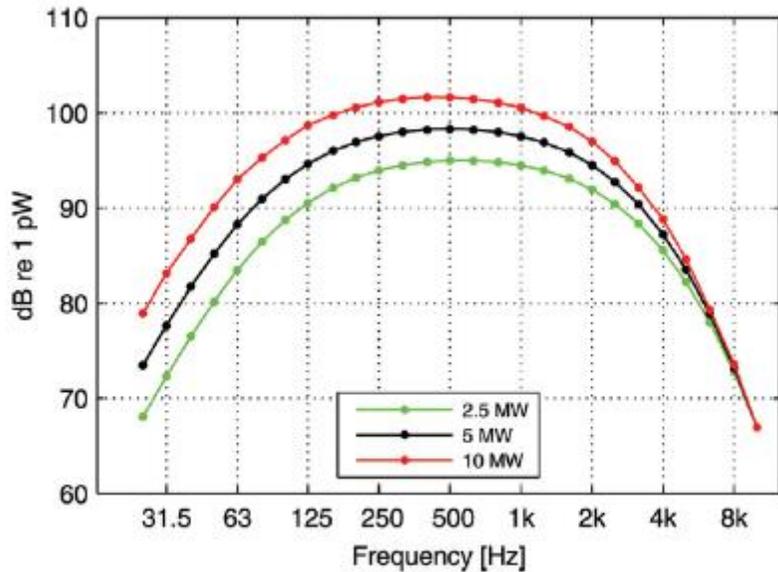


FIG. 19. (Color online) Estimated A-weighted sound power levels in one-third-octave bands for turbines around 2.5, 5, and 10 MW. Values and assumptions are taken from Table III.

g) The above relationship is illustrated below for the case of Albany using the modelled 3.45 MW turbine and a generic 4.5 MW turbine to illustrate the worst case scenario if the maximum rated turbine is chosen for the development. A increase in sound power levels of between 1.79 dB and 2.97db is observed from the highest to the lowest frequencies. This serves to illustrate that increasing the size of the turbine will have a significant impact on sound power emissions.

particular wind turbine make and model and accurately defined using a method as defined by IEC 61400-11.

This illustrated in [see Annexure B in Specialist Response H1: Noise Specialist Responses]:

- reference B.1, Annexure B, where a smaller WTG generate a higher sound power emission level
- reference B.2, Annexure B, where a larger WTG generate a lower sound power emission level
- reference B.3 (and B.7), Annexure B, where the same WTG generate the same sound power emission level (higher wind speeds) at different hub heights (a difference of less than 1 dB is insignificant)
- reference B.4, Annexure B, where WTG with almost double the generating capacity of the Vestas V136 3.45, having a lower sound power emission level
- reference B.4, Annexure B, where WTG with almost double the generating capacity of the Vestas V136 3.45, having a lower sound power emission level
- reference B.6, Annexure B, illustrating the noise-reduction effect of a blade with a serrated edge

Therefore, accurate sound power emission levels are provided by the manufacturers of wind turbines and is specific for a specific make and model. The generating capacity, hub height or rotor diameter does not influence sound power emission levels (for the same make and model wind turbine).

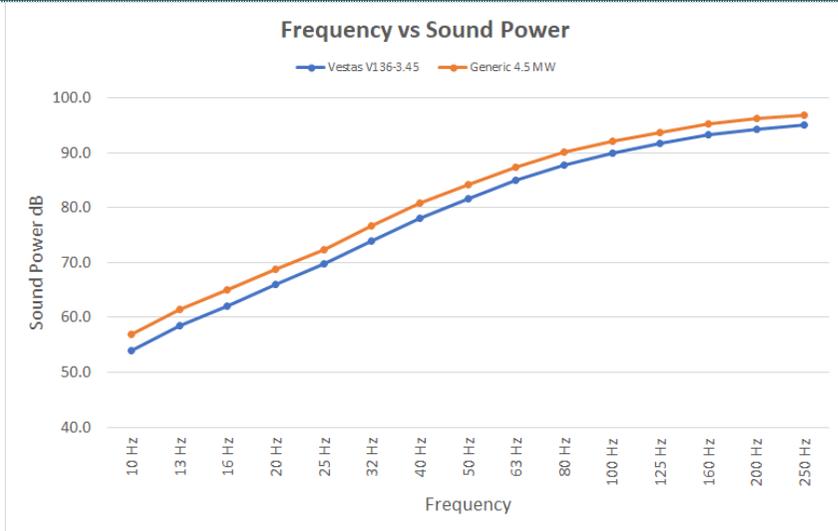
[Noise Specialist Response to Comment 3.1.1 s]

It is disingenuous to extract a portion of a sentence, without including the full sentence. This is repeated in full (from the letter dated 11 August 2020) below which states: *“It should be noted that the change in wind turbine specifications such as the wind turbine hub height and rotor diameter does not relate to sound power emission levels, which depends on the model and make of a wind turbine. For the same model and make, a change in specifications such as hub-height and rotor diameter have an insignificant impact on sound power emission levels. Therefore, there is no advantage or disadvantage in terms of acoustics by changing the wind turbine specifications such as turbine hub height as well as rotor diameter.”*

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h) Additionally, Møller and Pedersen (2011) found that not only does the sound power level increase with turbine size, but the frequencies emitted by larger turbines are inversely related to turbine size, meaning that larger turbines emit more low frequency noise. See the below figure (Figure 1) from Møller and Pedersen (2011) where Lwa is A-weighted noise and LWALF is A-weighted low frequency noise. Note that LWALF increases more sharply than LWA indicating that the relative amount of low-frequency noise emitted increases with larger turbines. This is nicely summarised by Hansen and Hansen (2020)¹⁴, when they said, “As wind turbines become larger, the likelihood of annoyance from excessive infrasound and LFN [low frequency noise] becomes greater, due to the shift to lower frequencies of the wind turbine noise spectrum”.

i) These findings were based on turbines between 2.3 – 3.6 MW, but the authors predict that with increasingly large turbines the results will just be exacerbated (Møller and Pedersen, 2011). However, as there can be fluctuations of several decibels between similarly sized turbines, a safety margin must be considered during the planning stages to ensure that noise guidelines are not exceeded (Møller and Pedersen, 2011). There is an internationally accepted model to incorporate this, but it is frequently overlooked (Møller and Pedersen, 2011).

By changing the wind turbine model and make to a wind turbine with a lower sound power emission level however will have a significant advantage on acoustics (reduced noise emissions). However, changing the wind turbine model or make to a wind turbine with a higher sound power emission level will similarly increase the operational noise levels and the potential noise impact significance.

As discussed under point 1 [see section of the response above or see Point 1 in Specialist Responses H1: Noise Specialist Responses], the sound power emission levels are linked to a certain make and model wind turbine, with the sound power emission levels determined by the manufacturer using internationally recognized protocols (such as IEC 61400-11). Therefore, generating capacity, the hub height and rotor diameter are not the determining factors in the sound emission levels, but the make and model of wind turbine, as well as the noise abatement measures implemented by the manufacturer.

[Noise Specialist Response to Comment 3.1.1 t]

The author of the noise report stands by this finding. As stated in points 1 and 2 above and previous pages [see section of the response above or see Point 1 and Point 2 in Specialist Responses H1: Noise Specialist Responses], the generating capacity, the hub height and rotor diameter are not the determining factors in the sound emission levels. This is specific to a particular make and model of wind turbine, as well as the noise abatement measures implemented by the manufacturer.

As stated in point 2 above [see section of the response above or see Point 2 in Specialist Response H1: Noise Specialist Responses]:

- By changing the wind turbine model and make to a wind turbine with a lower sound power emission level however will have a significant advantage on acoustics (reduced noise emissions).
- Changing the wind turbine model or make to a wind turbine with a higher sound power emission level will similarly increase the operational noise levels and the potential noise impact significance.

[Noise Specialist Response to Comment 3.1.2 a]

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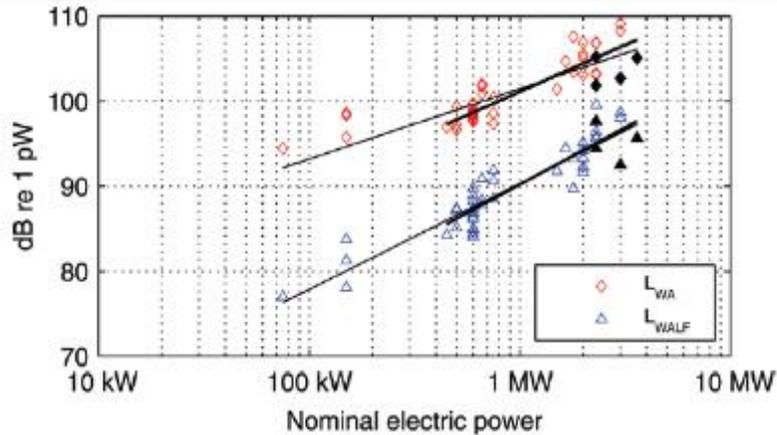


FIG. 1. (Color online) Apparent sound power levels (L_{WA} and L_{WALF}) in the reference direction as a function of turbine size. Wind speed is 8 m/s. Regression lines: all turbines included (thin lines), four turbines below 450 kW excluded (bold lines). Black-filled marks are for turbines 1–4.

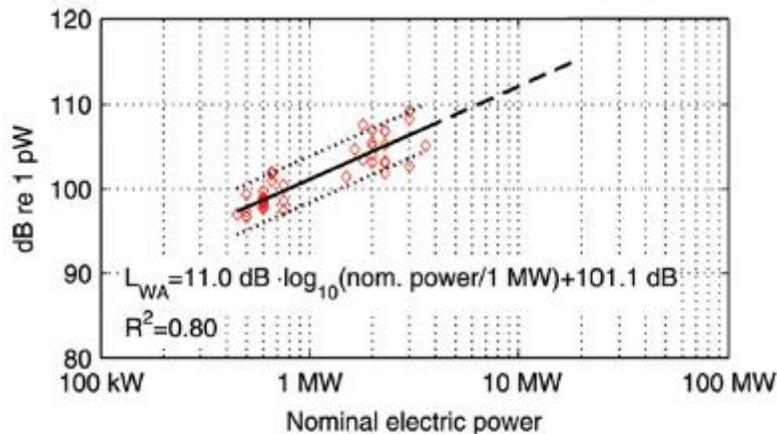


FIG. 13. (Color online) Apparent sound power level (L_{WA}) as a function of turbine size, four turbines below 450 kW excluded, wind speed 8 m/s. Linear regression line, standard error of estimates (s.e.e.) 1.64 dB. Extrapolation dashed, 90 % confidence intervals (dotted) based on s.e.e.

j) It is clear from Møller and Pedersen (2011) that the spread in noise power output is as much as 8dB for three different 3 MW turbines evaluated (and that low frequency noise emissivity is spread similarly). It may be reasonably expected that relative to the reference turbine 3.45

The ENIA discuss relevant legislation in detail in section 2 over 12 pages. It covers all the legislation highlighted, as well as the SANS standards and guidelines as well as International Guidelines.

The report considers both local legislation, regulations and guidelines, as well as international guidelines. Of the more than 340,000 wind turbines operation in the rest of the world (more than 2,000 wind farms), less than 500 are currently operational in South Africa (36 wind farms). The rest of the world have had experience with the effects and impacts of wind farms since 1980, South Africa since 2002.

Almost all the scientific articles, papers, publications and presentations available are based on the research and experiences gained from these international wind farms. As such, discarding the knowledge and experiences gained by the rest of the world would be irresponsible and unwise.

The South African regulations and International experience are also considered and discussed in section 6.3.3, where the regulations and international experience is used to determine and recommend appropriate Zone Sound Levels.

[Noise Specialist Response to Comment 3.1.2 b]

This is a misrepresentation, as measurements were collected at 5 locations, which is not the same as 5 measurements. Machoy fail to highlight that more than 3,000 10-minute measurements were collected, including more than 1,000 10-minute night- and 2,000 daytime 10-minute measurements. This data generally would accurately represent the ambient sound levels in the area, as most of the area have a similar vegetation and developmental character (with vegetation being a significant factor in determining ambient sound levels).

It should also be noted that the report clearly defines the zone sound levels at these locations in section 3, with the zone sound levels ranging between that of a rural to urban noise district (based on the significant sound levels measured).

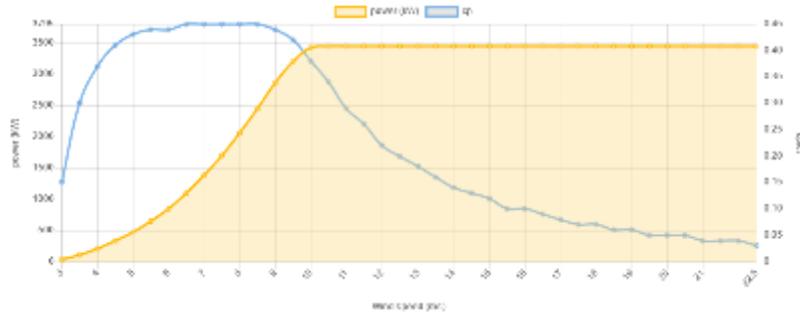
The findings from the noise study determined that “ambient sound levels are low during low wind conditions and the rural zone sound levels is used in section 6.3.3.2, even though the data indicate significantly higher

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<p>MW Vestas (which incidentally falls on the linear regression line), another turbine may be expected to add as much as 4 dB if it falls on the upper limit.</p> <p>k) The requirements of Section 2(4)(a) of NEMA dictate that a risk averse and cautious approach (the precautionary principle) be taken. This requirement, further elaborated by the Guideline on Need and Desirability (DEA 2017), would require the noise impact assessment to increase the noise power used for the assessment by 1 dB for turbine size and 4 dB for turbine type.</p> <p>l) Using the curve fit equation derived from the above graph, the apparent sound power levels <i>LWA</i> are calculated from the equation shown below: $LWA = 11.0 \log_{10}(\text{nominal power} / 1 \text{ MW}) + 101.1$ (1)</p> <p>m) The increase in sound power levels between a 3.45 MW turbine and 4.5 MW turbine at a wind speed of 8m/s is approximately 1.27 dB.</p> <p>n) We herewith provide to the noise specialist the equations that set out increase in sound power as function of increase in swept area (rotor diameter): The power output of a wind turbine is affected by factors such as air density, turbine swept area, air velocity and power coefficient and given by the equation: $P = 0.5 \rho A V^3 C_p$ (2) Where, P = Power (Watts) ρ = Air Density (about 1.225 kg/m³ at sea level) A = Swept Area of Blades (m²) V = Velocity of the wind (ms⁻¹) C_p = Coefficient of performance And where <i>r</i> = the length of the rotor blade the swept area is given by: $A = \pi r^2$ (3) And thus the power is a function of the square of the radius :: $P = 0.5 \rho \pi r^2 V^3 C_p$ (4) And where from Equation (1), the apparent sound power is given by: $LWA = 11.0 \log_{10}(0.5 \rho \pi r^2 V^3 C_p / 1 \text{ MW}) + 101.1$ (5)</p> <p>o) Assumption: Vestas V136-3.45 Turbine (proposed for Albany) By substituting Nominal power = 2058 kW at 8ms⁻¹ from Vestas V136-3.45 turbine power curve shown below into Equation 4, a coefficient of performance of 0.45 is calculated.</p>		<p>ambient sound levels. This is the lowest acceptable rating level (rating level for noise in districts as per SANS 10103:2008) and more data, or more measurement locations provide greater quality data nor provide additional information.</p> <p>In addition, SANS 10103:2008 does not require the measurements of ambient sound levels (the residual noise) at each potential receptor, nor does this guideline define, set or propose locations where sound levels should be measured. Nor are the author aware of any acoustic consultant in South Africa that would measure the ambient sound levels at all identified receptors. In addition, the measurement of future ambient sound levels is normally recommended once a noise study are completed, identifying potential receptors where noise levels may be of concern.</p> <p style="text-align: center;"><i>[Noise Specialist Response to Comment 3.1.2 c]</i></p> <p>There are no noise limits or guidelines that can be used to determine what noise levels will impact on animals. In addition, there are no published studies in reputable journals that provide support for the negative impacts of noise from wind turbines on animals. Animal communication is generally the highest during no and low wind conditions. It has been hypothesized that this is one of the reasons why birds sing so much in the mornings (their voices carry the farthest and there are generally less observable wind). Readers should not ignore the fact that background noise levels in remote areas are not always low in space or time, as can be seen from the ambient sound levels measured onsite and reported in section 3 of the ENIA. The site is windy and this generates significant noise itself and also significantly changes the ability of fauna to hear the environmental noises around them.</p> <p style="text-align: center;"><i>[Noise Specialist Response to Comment 3.1.2 d]</i></p> <p>As discussed under point 1 [see section of the response above or see Point 1 in Specialist Response H1: Noise Specialist Responses], the sound power emission levels are linked to a certain make and model wind turbine, with the sound power emission levels determined by the manufacturer using internationally recognized protocols (such as IEC 61400-11). Therefore, generating capacity, the hub height and rotor diameter are not the determining factors in the sound emission levels, but the make and model of wind turbine, as well as the noise abatement measures implemented by the manufacturer.</p>

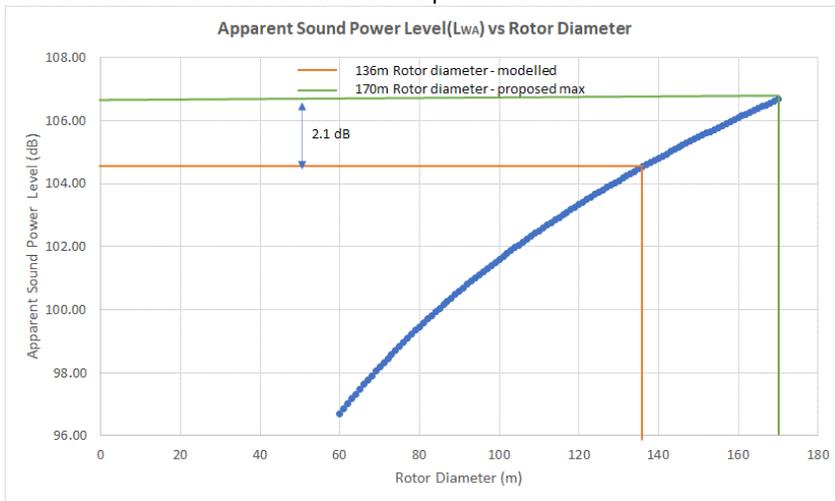
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p) Using Equation 5 and above assumption the relationship between apparent sound power level and rotor diameter is derived and plotted below.



q) The difference in sound power levels between a turbine with a 136m rotor diameter that was modelled and a turbine with the proposed maximum 170m rotor diameter at 8ms-1 is approximately 2.1 dB.

r) Thus, contrary to what is being stated as fact by the noise specialist with respect to rotor diameter i.e. swept area, the power output will be increased with an increase in the turbine's swept area (which is a function of rotor diameter), and an increase in swept area will be accompanied by a corresponding increase in apparent sound power levels

s) "Change in specifications such as hub-height and rotor diameter have an insignificant impact on sound power emission levels" as stated by the noise specialist is false, misleading and raises questions as to the objectivity of the specialist. This has the potential to mislead the authority making the decision.

t) The report states that: "The potential noise impact must again be evaluated should the layout be changed where any wind turbines are located closer than 1,000 m from a confirmed NSD or if the developer decides to use a different wind turbine that has a sound power

It should be noted that the continuous equivalent 8-hour rating level (as defined in SANS 10103) as calculated from the ambient sound level measurements (as defined in GNR 154) is **actually 42.7 dBA** at NSD17, not 35 dBA as assumed. The ambient sound levels at NSD17 was also the lowest ambient sound levels measured in the area, with the 8-hour ambient sound levels ranging between 42.7 and 55.8 dBA (with an arithmetic average of 48.0 dBA).

The report uses a worst-case scenario, assuming:

1. A night-time rural zone sound level of 35 dBA, and as defined in section 6.3.3.2, setting a potential noise limit of 42 dBA, even though ambient sound levels (using the method as prescribed in GNR 154 of 1992).
2. A 75% hard character, a humidity of 70% and temperature of 10 °C, which will result in a higher projected noise level.

[Noise Specialist Response to Comment 3.1.2 e]

The ENIA investigate the potential noise impact up to a distance of up to 2,000 m from the closest WTG, the area generally recognized where there may be acoustical implications (SANS 10328) from wind turbines. Notwithstanding what the anti-wind energy fraternity may claim, there is little evidence that wind turbines have acoustical impacts further than 2,000 m, and, definitely not at 5,000 m.

[Noise Specialist Response to Comment 3.1.2 f]

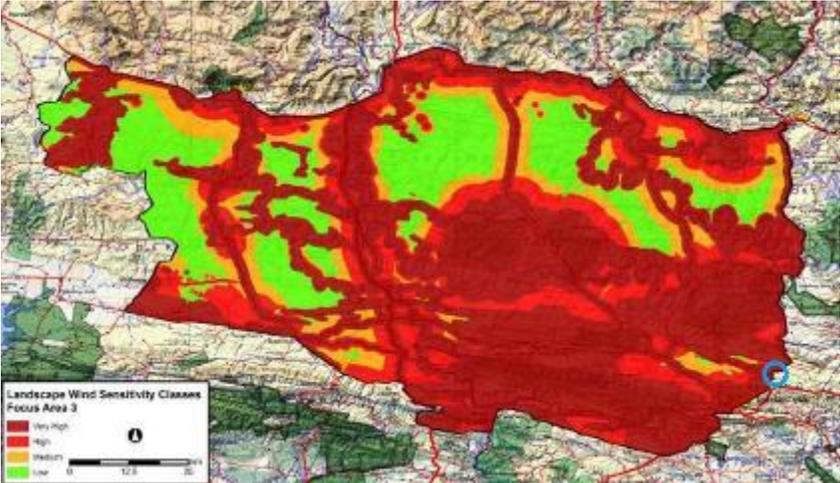
The report uses a worst-case scenario, assuming:

1. A night-time rural zone sound level of 35 dBA, and as defined in section 6.3.3.2, setting a potential noise limit of 42 dBA, even though ambient sound levels (using the method as prescribed in GNR 154 of 1992).
2. A 75% hard character, a humidity of 70% and temperature of 10 °C, which will result in a higher projected noise level.

However, it should be noted that the continuous equivalent 8-hour rating level (as defined in SANS 10103) as calculated from the ambient sound level measurements (as defined in GNR 154) is **actually 42.7 dBA** at NSD17, not 35 dBA as assumed. The ambient sound levels at NSD17 was also the lowest ambient sound levels measured in the area, with the 8-hour ambient sound levels ranging between 42.7 and 55.8 dBA (with an arithmetic average of 48.0 dBA). However, this does not mean that the area is always noisy, as it is only responsible to assume that there will be periods that the wind

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<p>emission level higher than the Vestas WTG used in this report (sound power emission level exceeding 105 dBA re 1 pW)". Based on the analysis above, this renders the whole specialist study meaningless as it is the intention of the developer to use 4,5 MW turbines, as stated in the project description, which will have a sound power emission level higher than the 3.45 MW Vestas WTG used by the report.</p> <p>3.1.2 Please refer to Appendix B for a detailed review, conducted by Mackenzie Hoy Consulting Engineers, of the Noise Impact Assessment. Some of the conclusions are summarised below:</p> <p>a) The report provides a high-level generic overview of noise legislation in South Africa most notably Noise Control Regulations (GN R.154 of 1992) and the Model Air Quality Management By-law for adoption and adaptation by Municipalities (GN 579 of 2010). It would thus appear as if the legal requirements applicable have been delineated but in fact applicable legislation have not been identified such that appropriate noise limits and compliance requirements are derived and stipulated.</p> <p>b) The report records residual / ambient noise measurements at 5 locations. There are however 27 noise sensitive locations (as stated in the report) and thus for 22 of them these is no measurement record of existing conditions.</p> <p>c) The report only superficially deals with noise impact to fauna and otherwise deals exclusively considers noise impact on humans there is a clear lack of consideration to impacts to key faunal species relating to vulnerability, feeding, habitat selection, reproductive success, community structure as well as communication.</p> <p>d) The noise prediction and impact assessment were undertaken using 3,45 MW turbine and not the 4,5 MW turbine proposed for use in the considering that the 4,5 MW turbines have a 20% greater noise generation. this statement brings into disrepute the entire report and is in contradiction with the p106 statement that it is a "worst-case scenario being evaluated".</p> <p>e) The report fails to mention that the turbine area is located within 5 km of a number of protected areas, private game reserves and game farms and study maps fails to indicate protected areas, game reserves and game farms and fails to consider biodiversity economy of the region comprised of formally protected private game reserves (Indalo Protected Environment), game farms and hunting lodges and the diversity of species protected and utilized for nature and wildlife tourism, hunting and otherwise</p> <p>f) The report states that at nine noise sensitive locations the wind turbine noise will be audible and at one location, disturbing. The report suggest that at NSD 17 the occupants can be relocated if they find the turbine noise disturbing. This is constitutionally unacceptable.</p> <p>g) The lack of a description of the methodology used in determining the turbine noise as function of distance, topography and weather leaves the study falling short of normal practice as well as basic scientific principles of reproducibility. Also the report thus do not meet the NEMA EIA Regulations 385 Regulation 33 stipulating the need for "a description of the methodology adopted in preparing the report or carrying out the specialised process".</p> <p>h) The noise contour maps plotted not only offered without any description as to the methodology are largely incorrect (37 dBA contours plotted as 30 dBA).</p>		<p>turbines will be operating, ambient sound levels are lower and that the sound from the WTG will be audible. This does not make it a noise impact.</p> <p>Again, it is considered disingenuous to extract a small section of a paragraph and to change a sentence. The full paragraph from section 10.2 is included below:</p> <p>The significance of noise during the operation phase for such an unmitigated scenario is medium during the night-time period for NSD17. While the projected noise rating levels may be less than the average ambient sound levels, the projected noise levels could result in total noise levels exceeding 45 dBA at NSD17. While the projected noise levels will be acceptable during the day, this may be annoying at night.</p> <p>Mitigation options were discussed, and operation mitigation should involve:</p> <ul style="list-style-type: none"> • The relocation of the people living in these areas where the 45 dBA Noise Limit can be exceeded (NSD17). • Redesign of the layout to allow a larger buffer zone between the potentially affected receptors, especially NSD17. • The use of quieter wind turbines around the potentially affected receptors or developing a noise curtailment programme to manage the noise level for certain wind turbines during certain wind speeds or directions (NSD17). <p>Should the dwellings at NSD17 not be used for residential purposes at night, these mitigation options will fall away.</p> <p>It should also be noted that the latest layout, as evaluated in the letter of opinion, dated August 2020, highlights that the number of WTG close to NSD 17 was reduced, which would also reduce the noise level.</p> <p style="text-align: center;"><i>[Noise Specialist Response to Comment 3.1.2 g]</i></p> <p>It is suspected that the reviewer of the ENIA did not read the report completely because:</p> <ul style="list-style-type: none"> • Section 1.1 states that: <i>"This study considered local regulations and both local and international guidelines, using the terms of reference (ToR) as proposed by SANS 10328:2008 to allow for a comprehensive Noise Report"</i>.

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<p>i) The report is thus substantially flawed and as it stands it hides the severity of the noise impact that the Albany WEF will have on its receiving environment and is oblivious to the exceedance of SANS 10103 noise limits at various sensitive noise receptors (including various formal protected areas) that the development will bring about.</p> <p>j) The report thus only at best meets in part the requirements of Regulation 17 of the EIA Regulations, 2010 (d) comply with the Act, in that it would indicate the project is desirable when in fact it will lead to substantial non-compliance to applicable SANS standards and constitute a major nuisance.</p>		<ul style="list-style-type: none"> • Provides a detailed Terms of Reference in section 1.5 in the ENIA (extracted from SANS 10328). • Completely discuss the way that noise levels were calculated in Chapter 5 of the ENIA, appropriately titled “Methodology: Calculation of future noise emissions due to the proposed project”. • Discuss the effect of weather in section 3.1, where the effect of temperature, humidity as well as wind are discussed in detail. • Highlights the Assumptions and Limitations in detail over 5 pages in Chapter 7 of the ENIA. <p style="text-align: center;"><i>[Noise Specialist Response to Comment 3.1.2 h]</i></p> <p>At no place in the report are noise contours plotted at 37 dBA. It is plotted from 35 dBA (the assumed night-time rural zone sound level) on Figure 8-4, using intervals of 5 dB, and from 30 dBA with 2 dB intervals in Figure 8-5.</p> <p style="text-align: center;"><i>[Noise Specialist Response to Comment 3.1.2 i]</i></p> <p>This statement is incorrect and based on a review that misrepresents the findings of the ENIA.</p> <p style="text-align: center;"><i>[Noise Specialist Response to Comment 3.1.2 j]</i></p> <p>This statement is incorrect and based on a review that misrepresents the findings of the ENIA.</p>
<p>3.2 SENSE OF PLACE AND VISUAL IMPACT ASSESSMENT</p> <p>3.2.1 Requirements: A Visual Impact Assessment (VIA) has to be fit for purpose and needs to determine visual impact “significance” with respect to both the local as well as regional importance of the landscape and features the landscape is comprised of, the relative pristineness of landscape and features comprising and their contribution to sense of place. The VIA in the EIR for the Albany WEF did not meet these objectives, is defective and must be rejected.</p>		<p>It is our opinion that the VIA has adequately and comprehensively assessed the visual impacts of the proposed WEF, where it has been concluded that:</p> <ul style="list-style-type: none"> • The visual intrusion of the proposed wind farm on the surrounding landscape is rated as HIGH; and • The visual impacts for the certain individual receptors are HIGH, including: <ul style="list-style-type: none"> - Kwandwe Private Game Reserve (Indalo); - Kwandwe West Indalo Protected Environment; - Buffalo Kloof Protected Environment; and - Kwandwe Private Game Reserve (none Indalo). <p>The cumulative visual impact of the Albany and Plan 8 WEFs was also determined to be HIGH.</p>

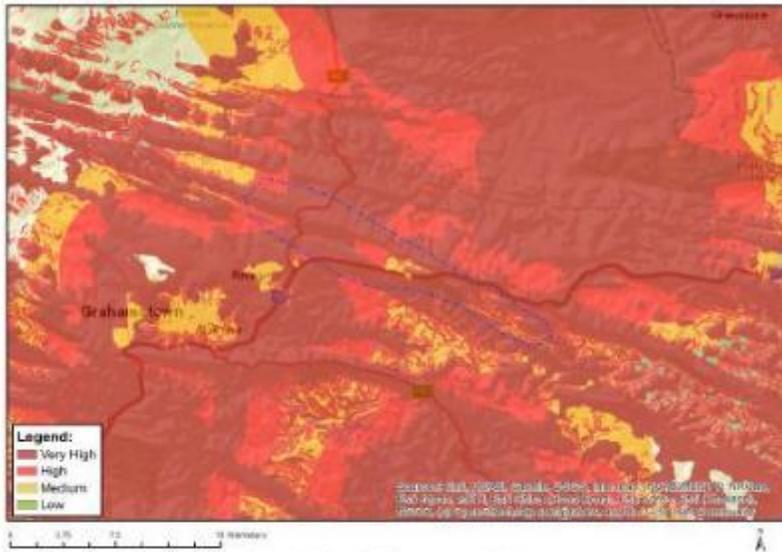
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<p>3.2.2 Landscape sensitivity and Cookhouse REDZ:</p> <p>a) The VIA makes much about the fact that the development is in part located within the Cookhouse REDZ. The VIA states that “The southern and eastern portions [of the cookhouse focus area] should possibly be excluded from the focus area because of their visual and scenic sensitivity.” And “Twelve (12) turbines of the western cluster of proposed Albany WEF are located in a small south easterly portion of the Cookhouse Renewable Energy Development Zone (REDZ) which the Landscape Scoping Report suggests the possible exclusion of this area from the REDZ (although it still remains included in the REDZ per the SEA).” This displays a lack of understanding of what the REDZ is and of the purpose of the Strategic Environmental Assessment was. The REDZ is not an area in which WEFs are encouraged regardless of the receiving environment, but rather it is in area for which a pre-assessment has been done, in the form of the Strategic Environmental Assessment. It should be noted that the REDZ visual sensitivity mapping at the regional scale indicate that the Albany WEF receiving environment is categorised as 'very high visual sensitivity'. (Our emphasis.) This means that it is not ideally suitable for wind farm development where the wilderness character forms the basis for wildlife and nature tourism (and more so if this is the basis for Protected Area establishment and upkeep by biodiversity stewardship).</p> 		<p>In our opinion, the implications and relevance of the nearby REDZ 3 have been adequately considered and addressed in the updated VIA.</p> <p>Also refer to the attached Specialist Response H4, the Visual Specialist Responses, for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3 are unpacked. The criteria used as per the REDZ 3 SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a high level and cannot be regarded as NO-GO areas for individual WEF turbines.</p> <p>In addition, the VIA has adopted the REDZ SEA guidelines for assessing fifteen (15) individual sensitive receptors as provided in Section 9 of the VIA.</p> <p><u>* Please note that the Visual Specialist Responses have been appended below this table, in Specialist Response H4: Visual Specialist Responses.</u></p>
<p>b) Most of the proposed turbines are located outside of the Cookhouse Focus Area, however this does not mean that they fall outside of this area of Very high Visual Sensitivity, in fact, the figure below, from the DFFE National Web based screening tool, shows that most of the development falls within area’s classified as Very high Visual Sensitivity, for reasons, amongst other such as proximity to protected areas and nature reserves.</p>		<p>It is our opinion that the comprehensive VIA has assessed the impacts which concluded that the visual impacts are HIGH for the following sensitive receptors:</p> <ul style="list-style-type: none"> • Kwandwe Private Game Reserve (Indalo); • Kwandwe West Indalo Protected Environment; • Buffalo Kloof Protected Environment; and • Kwandwe Private Game Reserve (non-Indalo).

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MAP OF RELATIVE LANDSCAPE (WIND) THEME SENSITIVITY



Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
x			

Sensitivity Features:

Sensitivity	Feature(s)
High	Between 2 and 4 km of a town or village
High	Slope between 1:4 and 1:10
High	Between 2 and 5 km of a game farm
High	Between 3 and 5 km of a nature reserve, botanical garden or other protected area
Low	Slope less than 1:10
Medium	Between 5 and 10 km of a nature reserve, botanical garden or other protected area
Medium	Between 4 and 6 km of a town or village
Medium	Between 5 and 7 km of a game farm
Very High	Within 2 km of a town or village
Very High	Mountain tops and high ridges
Very High	Slope more than 1:4
Very High	Within 3 km of a nature reserve, botanical garden or other protected area

c) The DFFE’s Strategic Environmental Assessment (SEA) for Wind and Solar Photovoltaic Energy in South Africa of 201515 indicates that:
Very high sensitivity areas are potentially unsuited for large scale development owing to their aesthetic or scenic values. These landscapes contain visually sensitive or scenically valuable resources which include skyline ridges and other prominent topographic features. These landscapes may also be very sensitive due to their close proximity to protected areas (national parks, nature reserves, botanical or biosphere reserves and private reserves), game farms,

However, the VIA concludes that the visual impact will diminish with increasing distance from the WEF for the four receptors with the higher rating being for portions of the properties located closer to the WEF.

Night lighting will in particular, contribute to the HIGH impact and every effort should be made to minimise turbine lighting requirements. Radar activated night lighting will be an important mitigation measure.

Also refer to the Specialist Response H4 for expansion on the application of the REDZ 3 screening guidelines to the Albany WEF VIA.

The SEA identifies high sensitivity areas “potentially unsuited” for wind farms. However, this needs to be assessed further by means of the EIA process, which the current EIA and VIA does and has determined the sensitivity to be HIGH for certain receptors, but not VERY HIGH.

Please refer to Specialist Response H4 for expansion on the application of the REDZ 3 screening guidelines to the Albany WEF VIA.

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<p>cultural landscapes, heritage sites, settlements, scenic routes, tourism facilities and/or other sensitive receptors.</p> <p>Proponents intending to develop a wind or solar PV facility that triggers an environmental impact assessment process in very high sensitivity areas inside adopted REDZs must prove to the relevant competent authority that the proposed development will not have an unacceptable negative impact on sensitive local and/or regional aesthetic and scenic values. In order to do so, a comprehensive Visual Impact Assessment (VIA), integrated into a wider Heritage Impact Assessment (HIA), undertaken by a competent visual specialist, and in accordance with NEMA regulations pertaining to specialist reports and impact assessment, is required. Such a study must be submitted to the relevant heritage authority for comment. Such comment, if provided within stipulated timeframes, will be considered by the relevant competent authority for decision making.</p> <p>In addition to the NEMA requirements the VIA must include:</p> <ul style="list-style-type: none"> • project footprint (including supporting infrastructure) with a 50 m buffered development envelope, overlaid on a sensitivity map prepared in accordance with the sensitivity criteria set out in this study; • calculations of development densities considering all surrounding projects that applied for environmental authorisation prior to the project currently under investigation, and comparison thereof with the limits set out in this study; • a clear and justified opinion statement by the specialist recommending whether the project should from a landscape perspective receive approval. If this statement is subject to any conditions these must also be clearly stated; and • where applicable, proposed mitigation measures for inclusion in the Environmental Management Programme (EMPr). <p>d) The specialist has not proven “to the relevant competent authority that the proposed development will not have an unacceptable negative impact on sensitive local and/or regional aesthetic and scenic values”. Rather the VIA shows and acknowledges that the impact to a number of sensitive receptors, in the form of protected areas, will be high.</p> <p>e) There has been no attempt to integrate the VIA into a wider Heritage Impact Assessment as required by the SEA.</p>		<p>We confirm that the VIA has determined that the visual impact of the WEF will be HIGH for four sensitive receptors. However, the impact has been determined not to be VERY HIGH provided mitigation measures such as radar activated night lighting and limiting lighting to as few turbines as possible, subject to CAA approval.</p> <p>INTEGRATION WITH HERITAGE FEATURES</p> <p>The specialist Heritage Impact Assessment (HIA) identified the following main heritage features:</p> <ul style="list-style-type: none"> • Some age artifacts at various locations; • Several stone packed features such as kraals and farm walls at various locations; and • Various historical ruins, such as farmhouses, other buildings and a church. <p>It is our opinion that the proposed Albany WEF will not have a significant detrimental impact on these heritage resources. The VIA has been updated to make this point Section 13.2.</p>
<p>f) There is no map showing project footprint (including supporting infrastructure) with a 50 m buffered development envelope, overlaid on a sensitivity map prepared in accordance with the sensitivity criteria set out in the SEA;</p>		<p>It should be noted that mapping a 50 metre buffer would not be easily detectable at the scale of the current VIA.</p> <p>It should be further noted that the viewshed analyses at Section 9 of the VIA provides a detailed sensitivity assessment for 15 sensitive receptors.</p> <p>Please refer to Specialist Response H4 for expansion on the application of the REDZ 3 screening guidelines to the Albany WEF VIA.</p>
<p>g) There are no calculations of development densities considering all surrounding projects that applied for environmental authorisation prior to the project currently under investigation, and comparison thereof with the limits set out in the SEA;</p>		<p>The REDZ SEA provides turbine cluster sensitivity severity guidelines based on density limits. The following is applicable with respect to Albany WEF turbine density:</p>

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		Criteria	Albany WEF	Rating per REDZ SEA
		Cluster size	43	MEDIUM – below 60m turbines threshold
		Buffer between clusters	6 km If within same viewshed as another cluster	VERY HIGH – Grahamstown WEF within 4 km of Albany WEF – further assessment required
		Development density		
		- ha/turbine	146 ha/turbine	LOW – below 160 ha/turbine threshold
		- MW/km ²	4.7 MW/km ²	LOW – well below 1.4 MW/km ² threshold
<p>3.2.3 The viewpoint from Adam’s Krans in the Great Fish is particularly severely affected. The independent viewsheds that were prepared by EScience for Indalo clearly demonstrate that the WEF takes up two thirds in the middle of the vista from Adam’s Krans and will amount to a blight on a landscape of national importance. These undisturbed landscape views form part of the unique wilderness experience for ecotourism to the Great Fish and Indalo Protected Areas that would be permanently disturbed by the WEF. For this reason alone, the application to develop the WEF is not desirable at this location and should be refused by the DFFE.</p>		<p>This information has been included at Section 13.2 of the VIA.</p> <p>SITE VERIFICATION</p> <p>The DFFE Screening Report maps are provided at Appendix F of the VIA for 2020 and in 2021. A significant difference in terms of VERY HIGH sensitivity is apparent. Note also that the sensitivity features for 2021 report excluded the following criteria that were included in the 2020 report.</p> <ul style="list-style-type: none"> • High – within 500 m of a river; • Medium – Within 1000 m of a wetland; and • Very high – within 250 metres of a river. <p>The VIA determined that up to twenty (20) turbines will generally be visible at a distance of 30 km looking south west from Adam’s Krantz located in the Provincial Great Fish Nature Reserve.</p> <p>The VIA indicates that the scenic value could be described as HIGH (but not pristine or unique) due to presence of good condition Fish Valley thicket vegetation and probably VERY HIGH relating to the scenic value of the Fish River gorge. At this distance of over 30 km to the nearest turbine, the size and impact of the turbines would be significantly diminished. It is suggested that this viewpoint would probably fit into a category of MODERATE scenic intrusion.</p> <p>At a distance of over 30 km to the nearest turbine, the impact of turbine lighting would be significantly diminished. It is suggested that night lighting from this viewpoint would probably fit into a category of LOW scenic intrusion, but could be MODERATE scenic intrusion, mostly due to the sensitivity of the receptor. Night viewing from the lookout point is also considered to be unlikely.</p>		

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AlbanyWEF - Viewpoint - Adam's Krantz



AlbanyWEF - Viewpoint - Adam's Krantz



3.2.4 Deficiencies in visual impact consideration: Additional the following problems with the veracity of the VIA need to be pointed out:

In addition, mitigation measures such as radar activated night lighting and limiting lighting to as few turbines as possible (subject to CAA approval) would reduce the impact of night lighting.

The impact would also not be permanent due to the expected 20-25 year lifespan of the project.

It is our opinion that the VIA has adequately considered the visibility of turbine blades and towers. Section 9 of the VIA provided detailed viewshed analyses for turbine hubs and blades from fifteen (15) sensitive receptors.

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<p>a) Turbine blade and their dynamics: The dynamic aspect of wind turbine blade motion has not been considered as a contributor to visual impact whereas Sullivan found that contributed significantly to visual prominence of wind turbines at distances of up to 24 km; 16 others have identified wind turbine blade as a significant attractor of visual attention and a factor that increases perceived visual contrast from wind facilities.¹⁷ Moreover, the VIA failed to assess the cumulative impact of the proposed enlargement of the Plan 8 (Grahamstown) WEF turbine blades and towers (and thus the environmental footprint) of the approved facility. (The matter is reportedly presently under appeal after the DFFE rejected the amendment application.) Generally, the VIA failed to adequately assess (e.g. through viewshed simulations from critical view points) and consider the cumulative direct and indirect visual impacts of all the different current and planned WEFs in the region (Waaihoek, Plan 8 (Grahamstown) Albany, Dassiesridge and Cookhouse) on the wildlife and natural visual and aesthetic character and sense of place of the planned Mega Protected Area (Addo - Great Fish Corridor (Albany Corridor)).</p>		<p>In addition, Section 12.5.4 of the VIA has assessed the likely cumulative impacts of all approved wind farms within 30 km radius of the proposed Albany WEF (operational Waaihoek WEF and authorised Grahamstown WEF). The cumulative impact has been determined to be HIGH. Waaihoek WEF is situated in KZN, Cookhouse WEFs are situated >60 km away and Dassiesridge is situated >100 km away.</p> <p>In addition, mitigation measures such as radar activated night lighting and limiting lighting to as few turbines as possible (subject to CAA approval) would reduce the impact of night lighting.</p>
<p>b) Atmospheric perspective: It is well understood that humans judge distance to objects in the landscape in part by assessing the effects of atmospheric perspective, the decrease in contrast between an object and its background as distance increases. As distance increases, the colours of the object become less distinct and shift toward the background colour, usually blue or gray. Atmospheric perspective is an important cue for an observer to determine relative distance of objects in the landscape. The loss of sharpness and lower contrast of photographs relative to in-situ viewing may exaggerate the effects of atmospheric perspective, thus may affect the perception of scale and distance to objects in the landscape, making them appear farther away than they actually are.</p>		<p>The limitation of photographic simulations with respect to the atmospheric perspective, is acknowledged. Reference to atmospheric consideration has been included in Section 4.5 of the VIA.</p>
<p>3.2.5 Lifespan of wind energy facility: Consideration of the likely development lifespan and future of the wind farm indicates a project life of 20-25 years which is flawed. The Report does not consider the reality of turbines and wind energy technology development and turbine tower and blade advances which make application of taller and larger bladed turbines more economical. Typically wind farms are redeveloped during their productive lifespans for example by raising and increasing blade diameter. This means that the expected lifespan of the WEF is longer than 25 years and can even be permanent but with increasing visual impacts as the towers are lifted. Secondly, those protected tourism operators that are negatively affected by the WEF, will suffer economic damages that will last well beyond the 25 year lifespan.</p>		<p>This is an unsubstantiated statement. Wind energy projects built under the REIPPPP (i.e. all wind farms in the EC with preferred bidder status, except for 2 wind turbines in the Coega IDZ) have secured a 20 years Power Purchase Agreement with Eskom. The turbines installed on these sites remain the same throughout the 20 years operation period. It is not economically feasible for wind farms to replace their turbines during the operational period, unless a wind turbine was damaged beyond repair and new equipment needs to be installed inside the turbine to ensure it continues to deliver power during the operational period.</p> <p>Wind farms are required by the IPPO to rehabilitate the sites at the end of the operation period.</p>
<p>3.2.6 Mitigation: With respect to “Impact 2: Impact of wind turbines on visually sensitive receptors” The VIA indicates that “Other than the removal of further turbines from the Albany WEF project (in addition to the 23 turbines already removed since the draft VIA), there are no other feasible mitigation measures that will further reduce the visual intrusion of the wind turbines due to their size, height and visibility, and the lack of screening opportunities in the landscape.” However, the alternatives evaluation is neglected and specifically omits to</p>		<p>The Applicant has considered a hub height and turbine range in its wind resource modelling. Smaller turbines are becoming obsolete and are most likely not available.</p> <p>It should be noted that a lower hub height will change the minimal ground clearance and would, therefore, have a great impact on certain bird and</p>

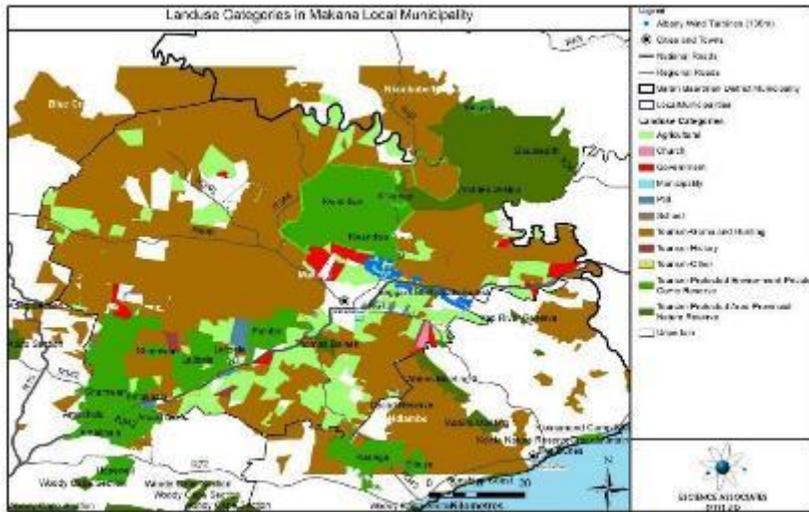
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<p>consider turbines of lower hub-height and hence reduced visibility. A reduced hub height operating at a site of good wind resource may still compete with a turbine of higher hub height at a site with poorer wind resource. The omission to investigate a reduced hub-height means the EIR has not considered the minimum requirements for “alternatives” as prescribed in the EIA Regulations. We submit that proper assessment and consideration of this alternative will most likely have demonstrated that the proposed location for the WEF is not suitable for the development but was avoided to prevent this conclusion from being reached.</p>		<p>bat species. In addition, calculations using shear factor are used to determine the optimal height of the turbine based on the topography and the blades. Therefore, reducing the size to anything other than the calculated values would not be feasible.</p>
<p>3.2.7 Concluding Statement. a) The VIA acknowledges the high visual impact but then attempts to diminish or justify the impact by stating: The Albany WEF will undoubtedly have a HIGH visual impact on the landscape. However, this impact should be considered within the context of the following:</p> <ul style="list-style-type: none"> • The wind farm will not be a permanent development (i.e. 20-25 years life span), after which the turbines and other superstructure will be removed on decommissioning, failing which a new Environmental Authorization will need to be secured; • The landscape can be restored through rehabilitation after decommissioning; <p>As we have detailed in paragraph 3.2.5 above, the lifespan may very well be extended, but even if it were not, 20 to 25 years of reduced tourism revenue will permanently impact the respective tourism operators, and the operations may cease to exist by the time the WEF is decommissioned.</p>		<p>The VIA has applied appropriate and accepted impact assessment criteria, one being the permanence of a project. Refer to Appendix E of the VIA.</p>
<p>Although limited, certain recommended measures can be implemented to mitigate the impacts to some extent; This is in contradiction to an earlier statement that “Other than the removal of further turbines from the Albany WEF project (in addition to the 23 turbines already removed since the draft VIA), there are no other feasible mitigation measures that will further reduce the visual intrusion of the wind turbines due to their size, height and visibility, and the lack of screening opportunities in the landscape.”</p>		<p>It is our opinion that there is no contradiction. Removing further turbines is an option, but this could compromise the feasibility of the project.</p>
<ul style="list-style-type: none"> • The landscape of the immediate study area (farms on which turbines will be located) is not pristine or of very high scenic value; <p>This is misleading and irrelevant in that what is being attempted here by the VIA is a justification of the high impact to sensitive receptors. These are sensitive receptors whose own pristine landscapes and high scenic and wilderness value is being threatened by the proposed WEF. The fact that the farms on which the WEF is proposed is not pristine or of very high scenic value is not relevant. When the receiving environment is considered, not just the land where the turbines are to be constructed should be taken into account, but also the surrounding area, with particular emphasis on national parks, protected areas, heritage sites, and other sites of historical or conservation importance. Due to the proximity to numerous protected areas and game farms, the landscape of the study area can only be described as having a very high or pristine scenic value.</p>		<p>The VIA has assessed the project area (farms on which turbines will be located) and study area (within a radius of 30 km of the project site).</p> <p>The VIA indicates that private and public conservation areas probably account for about 15% to 20% of the total study area with the biggest contributions being the Indalo Protected Environment and the Great Fish Nature Reserve.</p> <p>However, the vast majority of the land within the study area is non-conservation agricultural land or communal (i.e. zoned Agriculture), 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.</p>

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<p>• The wind farm is partially situated within and adjacent to a Renewable Energy Development Zone (REDZ 3 - Cookhouse) and adjacent to the already approved Grahamstown Wind Farm. In no way does the presence of the REDZ excuse or justify environmental impacts or lower the bar for the protection of the environment. As we have detailed in paragraph 3.2.2 above, the REDZ and its associated Strategic Environmental Assessment are merely a pre-assessment or a type of scoping. In this respect specifically note that the SEA determines the area to be of very high visual sensitivity.</p> <p>b) The concluding statement of the VIA states: According to Oberholzer (2005), the criteria that determine whether or not a visual impact constitutes a potential fatal flaw are categorised as follows:</p> <ul style="list-style-type: none"> • Non-compliance with Acts, Ordinances, By-laws and adopted policies relating to visual pollution, scenic routes, special areas or proclaimed heritage sites. • Non-compliance with conditions of existing Records of Decision. • Impacts that may be evaluated to be of high significance and that are considered by stakeholders and decision-makers to be unacceptable. <p>c) The VIA does find impacts of high significance to Protected Environments and nature tourism / ecotourism operators.</p> <p>d) The question as to whether the impacts of high significance constitute a fatal flaw then relies on whether or not they “are considered by stakeholders and decision-makers to be unacceptable”.</p> <p>e) It is clear from the comments from IAPs, Including Indalo and its members, as well as other eco-tourism operators that the affected stakeholders deem the impact to be unacceptable.</p> <p>f) The DFFE’s Strategic Environmental Assessment (SEA) for Wind and Solar Photovoltaic Energy in South Africa of 201519 expressly warns of the potential negative economic impact of these wind energy facilities to wildlife and nature tourism / ecotourism: “There is also a possibility that prices of land in some areas of REDZ could actually drop with the development of wind or solar PV projects. This scenario will apply to all the areas and land parcels that are situated in picturesque areas and are currently deriving their income from eco-tourism and hunting. Establishment of wind or solar PV projects in areas that may affect</p>		<p>The majority of the landscape in the study area has been transformed to some degree by historical agricultural activities. Man-made structures, activities and effects are present in most views of the landscape.</p> <p>Despite this, the VIA has concluded that the visual intrusion of the proposed wind farm on the surrounding landscape is rated as HIGH and the impacts for the following individual receptors are HIGH:</p> <ul style="list-style-type: none"> • Kwandwe Private Game Reserve (Indalo); • Kwandwe West Indalo Protected Environment; • Buffalo Kloof Protected Environment; and • Kwandwe Private Game Reserve (non-Indalo). <p>It is agreed that the presence of the REDZ 3 does not “lower the bar” with respect to impacts, especially given the Very High Screening sensitivity classification within the section of the WEF that is situated within REDZ 3.</p> <p>However, it is our opinion that the VIA has adequately assessed the visual impacts of the proposed WEF where it has been concluded that:</p> <ul style="list-style-type: none"> • The visual intrusion of the proposed wind farm on the surrounding landscape is rated as HIGH; • The visual impacts for the certain individual receptors are HIGH; and • The cumulative impact of the Albany, Waainek and Grahamstown WEFS is rated as HIGH. <p>In addition, mitigation measures such as radar activated night lighting and limiting lighting to as few turbines as possible (subject to CAA approval) would reduce the impact of night lighting.</p> <p>Also refer to the attached Annexure A to the IRT for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3 are unpacked. The criteria used as per the REDZ 3 SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a high level and cannot be regarded as NO-GO areas for individual WEF turbines.</p>

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<p>the landscape and aesthetics of the environment that is used to generate revenue from tourists will negatively impact the attractiveness of the area. As a result, the area might no longer be suitable for tourism-related activities or the revenue that could be generated from such activities would be significantly reduced. Since land values are linked to future economic value of revenue that could be derived from it, decline in tourism numbers completely or partially will lead to a decline in revenue, which subsequently results in the decrease of business value and land that is used to derive the revenue. In order to mitigate the potential decline in land prices in selected areas, wind and solar PV projects should not be developed on land parcels that derive their income from ecotourism or commercial game hunting and within the buffer zones of these sites.”²⁰ [Own emphasis.]</p> <p>g) Based on the above, the decision-makers also deem a high visual impact to receptors that derive their income from ecotourism or commercial game hunting to be unacceptable.</p>		
<p>3.3 SOCIO-ECONOMIC ASSESSMENT</p> <p>3.3.1 International Research: A substantial volume of research concerning wilderness tourism and renewable energy have been performed in Iceland and are relevant for the Albany Wind Farm development.²¹ The finding of the SIA Specialist that “From international literature consulted, no consensus exists with regards to wind farms’ actual impacts on tourism (volumes, experiences, and revenue), tourists’ destination of choice and so forth” is not correct for wilderness tourism because evidence about wilderness tourism in Iceland (as opposed to general tourism) shows the following:</p> <p>a) Visitors have reported satisfaction with “present settings and preferred to protect the area from development to ensure the provision of currently available recreational opportunities”.</p> <p>b) Surveys “indicate that one-third of the travellers would be less likely to visit the Southern Highlands if a proposed wind farm were built, and two-thirds think that wind turbines would decrease the area’s attractiveness”</p> <p>c) A more recent study reporting on a follow-up survey concludes that “[t]he results indicate that residents are more positive than tourists towards wind turbines and consider them less intrusive in the landscape”.²³</p> <p>d) This Icelandic study also found that –</p> <p>i) Wind turbines reduce the naturalness of a landscape and the quality of wilderness.</p> <p>ii) Residents and tourists consider landscape without power plant infrastructure more beautiful.</p> <p>iii) Tolerance level towards landscape change is higher among residents than tourists.</p> <p>iv) Economic reasons are likely to influence residents' opinion on wind energy production.</p> <p>It is suggested that the SIA Specialist, the EAP and ultimately the DFFE, should rather draw parallels from Iceland which is a popular international wilderness tourism destination.</p> <p>3.3.2 Nature Tourism: The SIA Specialist study of 2020 also consider in the Section titled “Land uses and socio-economic background of the Project Area”, factors such as Agriculture land use, Private Game Reserves in the broader district, Residential, Towns and villages but is flawed for the following reasons.</p>		<p>3.3.1. It is noted that studies have been conducted in Iceland with regards to attitudes of local residents and tourism service providers towards Wind Farms, and studies that relate to wilderness tourism land use conflicts with power production have also been done.</p> <p>However, to date, apart from small wind turbines for off-grid use, no large wind turbines and/or Wind Farms have been constructed in Iceland yet. As such, the actual impact on tourism as a result of a Wind Farm development in Iceland has also not been established yet.</p> <p>The SIA Report acknowledges that there may be an impact and also states that “Some studies show that wind farms may have a negative effect on tourism demand and tourism expenditures in the affected area; whereas others were consistent in their conclusion that wind farms are innocuous in terms of local tourism demand, numbers, revenue and experiences”. However, the point remains that no measurable economic impact on tourism locally or abroad could be obtained.</p> <p>3.3.2. Section 7.6 discusses Economic Development and the specific focus areas that have economic potential and that could contribute to economic growth and employment on Municipal level (i.e. IPP Projects, Tourism, Agriculture, Hunting / Game Reserves, SMME Development). Municipal documents such as the IDP was used to extrapolate economic data such as GGP’s.</p> <p>On a more local level, Section 5.3 discusses each of the affected Game Reserves and the tourism product each offers. Where available employment numbers are also reflected. This section further provides information as provided by Indalo in respect of the conservation value of</p>

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a) The discussion of the tourism sector Section 7.6.2 Tourism does not consider to any level of detail the nature of the tourism product and services of the area, nor the wilderness character of the area as basis for nature and wildlife tourism.



3.3.3 Visual Impact:

a) The SIA in Section 11.4.2 Intrusion impacts copies directly from the VIA and states that, “visual impacts are considered to be MODERATE to HIGH for the following four sensitive visual receptors, particularly to the closer western turbine cluster:

- Kwandwe Private Game Reserve North Indalo Protected Environment;
- Kwandwe West Indalo Protected Environment;
- Buffalo Kloof Protected Environment; and
- Kwandwe Private Game Reserve None Indalo Protected Environment”

b) Then it lists a mitigation measure as: “Implement all mitigation and management measures as proposed in the Specialist Noise and Visual Impact Assessment Reports”. However, the VIA, in relation to the impact on these sensitive visual receptor’s states “Other than the removal of further turbines from the Albany WEF project (in addition to the 23 turbines already removed since the draft VIA), there are no other feasible mitigation measures that will further reduce the visual intrusion of the wind turbines due to their size, height and visibility, and the lack of screening opportunities in the landscape.”

c) Thus, indirectly, the SIA is recommending that the further turbines should be removed.

d) Furthermore, a reduced hub-height alternative is not considered as a mitigation measure.

3.3.4 Potential loss in incomes: Tourism/Game/Hunting industries:

a) 11.2.1 of the SIA discusses Potential loss in incomes for Tourism/Game/Hunting industries.

b) The section acknowledges that some game farm owners in close proximity to the Cookhouse (66 turbines) and Waainek (8 turbines) wind farms have been negatively affected by the WEFs.

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the area and statistics with regards to the socio-economic climate of the area, which includes eco-tourism and so forth.

3.3.3. The SIA states that mitigation measures of the VIA should be implemented. The SIA does not state nor imply that further turbines should be removed.

3.3.4. Noted. The formula has been included in the significance rating methodology Section 14.3.

d) The significance of the impact on Security has been corrected to LOW negative in the reviewed SIA Report.

e) Cumulative impacts have been considered. However, assessment of cumulative impacts on receptors and areas such as the Mega Protected Area, which fall outside the SIA study area, would not be judicious nor accurate within the SIA mandate.

3.3.5. The Consultant takes note of the contents of Indalo’s Economic Assessment.

3.3.6. The SEA takes a strategic and integrated approach to identify the geographical areas in which large scale wind and solar PV developments would be most appropriate, taking into consideration environmental, social and economic factors on a regional scale. The Albany WEF is thus partially located within the identified Cookhouse Renewable Energy Development Zone (REDZ).

Once a project, such as the Albany WEF has been identified, the purpose of the EIA and Specialist studies is to determine whether the project is feasible on project spatial level. As such, the SIA assessed impacts mentioned in the SEA as possible impacts, including land values, tourism and impacts on livelihoods.

The Albany WEF is not located on land parcels that derive their income from ecotourism or commercial game hunting. These affected land parcels are located outside the buffers as recommended in the SEA.

3.3.7. The SEA plays a guiding role. The gazetted REDZ’s must give effect to the provisions in terms of NEMA, regarding procedures to be followed when developments occur in geographic areas of strategic importance. As

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<p>c) It goes on to state that the overall significance of the impact is of “moderate negative”. In attempting to understand the calculation of the significance rating methodology used, it is noted that there is no formula provided under section 14.3. A comparison between the impact calculated under 10.5.3 with that calculated under 11.2.1 shows a concerning inconsistency:</p> <table border="1" data-bbox="69 272 1084 459"> <thead> <tr> <th>without mitigation</th> <th>Temporal scale</th> <th>Spatial scale</th> <th>Severity of impact</th> <th>Risk or likelihood</th> <th>Overall significance</th> </tr> </thead> <tbody> <tr> <td>10.5.3</td> <td>Short term</td> <td>Study Area</td> <td>Moderate severe</td> <td>Possible</td> <td>Moderate negative</td> </tr> <tr> <td>11.2.1</td> <td>Long term</td> <td>Municipal</td> <td>Moderate severe</td> <td>Possible</td> <td>Moderate negative</td> </tr> </tbody> </table> <p>d) It is unclear how the Overall significance of Moderate negative is arrived at for both of the impacts as there is no formula provided. However we are of the opinion that the negative local economic impacts on tourism/game/hunting industries will be very high negative.</p> <p>e) In addition, the SIA failed to assess and consider the cumulative direct and indirect effect of the different current and planned WEFs in the region (Waaihoek, Plan 8 (Grahamstown) Albany, Dassenridge and Cookhouse) on wildlife and nature-based tourism of the planned Mega Protected Area (Addo - Great Fish Corridor (Albany Corridor)) due to their significant degradation of the aesthetic character and sense of place.</p> <p>3.3.5 Indalo’s Economic Impact Assessment: Indalo performed an independent Economic Assessment of the proposed Albany WEF development. The report Economic Assessment - Albany Wind Energy Facility (August 2021) makes the following salient findings (see Appendix D):</p> <p>a) The main economic concern of the Indalo Protected Area, Private Game Reserves is the potential devaluation of their tourism offering if wind energy facilities (or any other highly intrusive developments affecting wilderness sense of place) are allowed to encroach on the Indalo Protected Area environmental goods and service offerings and specifically the tourism product which funds Protected Area establishment and management. This concerns not only land that is currently declared as Protected Area or similarly managed as game reserves and game farms but specifically also concerns the sterilization of land suitable for Protected Area expansion).</p> <p>b) Although nature and wildlife tourism services and products don’t constitute the entire tourism product of the of Sundays River, Ndlambe and Makana Local Municipalities, it contributes the majority of tourism products and services (and a large part of this is from Protected Area environmental goods and services, principally from Addo, Indalo and Great Fish Provincial Nature Reserve).</p> <p>c) Degradation of the environmental goods and services upon which tourism is based would imply a certain “disinvestment” in the nature and wildlife sub-sector for the respective regions, the province and even on a national scale. Accordingly, due consideration is to be afforded to the biodiversity stewardship that nature and wildlife tourism affords the national estate.</p>	without mitigation	Temporal scale	Spatial scale	Severity of impact	Risk or likelihood	Overall significance	10.5.3	Short term	Study Area	Moderate severe	Possible	Moderate negative	11.2.1	Long term	Municipal	Moderate severe	Possible	Moderate negative		<p>such, the relevant impacts that could possibly manifest for the identified study area have been assessed in the EIA and Specialist Studies.</p>
without mitigation	Temporal scale	Spatial scale	Severity of impact	Risk or likelihood	Overall significance															
10.5.3	Short term	Study Area	Moderate severe	Possible	Moderate negative															
11.2.1	Long term	Municipal	Moderate severe	Possible	Moderate negative															

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<p>d) The socio-economic assessment in the EIR indicates that there is in terms of Gross Domestic Product (“GDP”) no significant economic difference between WEFs and PGRs – they would contribute equally to the wealth of the region and to the South African economic domain. Investment in either sector would yield an economic improvement if it is to displace extensive agriculture. Marais advises that it is not clear if this statement would also be applicable for the potential case of intensive agriculture displacement as the agriculture multipliers reflect agriculture in general. It is however unlikely that nature and wildlife tourism typical of PGRs will displace intensive agriculture as it requires a natural environment and wilderness setting. This is in contrast with WEFs which could co-exist with intensive agriculture (and an optimal combination would seem to combine WEFs with intensive agriculture and to combine PGRs with a natural environment and wilderness setting).</p> <p>e) Although the WEF contribution to Gross Value Added is notably higher than that of the PGRs, the difference disappears when production taxes and subsidies are incorporated to derive the comprehensive (GDP) view on the economy where these are deemed to be equally desirable.</p> <p>f) There is no significant difference between the labour compensation contributions of the WEF and PGR sectors.</p> <p>g) As investment in wildlife and nature tourism driven PGRs expansion would generate about three times as many employment opportunities than electricity sectors WEFs. From an employment point of view, it would accordingly be distinctly better to promote PGRs than to deploy WEFs and the “disinvestment” argument is equally applicable, i.e. if PGRs should be devalued by the choice to deploy WEFs, it could lead to a significant reduction in net direct, indirect and induced employment in the region.</p> <p>h) Given the fact that the economic contributions of PGRs and WEFs are similar, employment becomes the distinguishing factor when one needs to decide whether to invest in wind farming or game reserves, and the scale is evidently tilted towards PGRs as the investment that would yield the highest socio-economic return. The inverse of this argument is also valid, i.e. if one needs to divest in PGRs or WEFs, the largest socio-economic losses will be incurred in the PGR domain.</p> <p>i) A compromise between PGR and WEF development (investment) could be a desirable solution and alternative best suited economically. It might be opportune to consider the deployment of PV technology rather than wind energy facilities, as this has a significantly lower impact on the wilderness character of the region. Alternatively, if the WEFs could be deployed sufficiently distant from nature and wildlife tourism-based operators, so as to avoid impacting the wilderness character and its tourism value. Combined land use, that does not imply a reduction in environmental goods and services (or quality of environmental goods and services), should ideally be pursued as the most desirable and best economic alternative.</p> <p>j) Wind Energy Capacity Supply and Grid Connection Constraints. The total capacity of authorised WEF options exceeds the IRP target over the next 5 years by a multiple of 9.5. when we consider all currently authorised WEFs at sites where the windspeed exceeds 7 ms-1.</p>		

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<p>k) a large number of high-quality projects have been developed which may adequately compete for limited grid access and project development resources and effort should be allocated to areas that have been under-developed and where gold and coal mining industry is in a decline.</p> <p>l) The total capacity of authorised WEF options in sites with wind speeds exceeding 7ms-1 for the Eastern Cape alone is over 3 GW. The constraint for the WEF development in the Eastern Cape is likely to be the maximum export or evacuation capacity of the Eastern Cape which currently stands at 1740 MW.</p> <p>3.3.6 The DFFE’s Strategic Environmental Assessment (SEA) for Wind and Solar Photovoltaic Energy in South Africa of 2015²⁴ expressly warns of the potential negative economic impact of these wind energy facilities to wildlife and nature tourism / ecotourism, but this warning was seemingly ignored by the SIA. We repeat this warning so eloquently phrased by the SEA. “There is also a possibility that prices of land in some areas of REDZ could actually drop with the development of wind or solar PV projects. This scenario will apply to all the areas and land parcels that are situated in picturesque areas and are currently deriving their income from eco-tourism and hunting. Establishment of wind or solar PV projects in areas that may affect the landscape and aesthetics of the environment that is used to generate revenue from tourists will negatively impact the attractiveness of the area. As a result, the area might no longer be suitable for tourism-related activities or the revenue that could be generated from such activities would be significantly reduced. Since land values are linked to future economic value of revenue that could be derived from it, decline in tourism numbers completely or partially will lead to a decline in revenue, which subsequently results in the decrease of business value and land that is used to derive the revenue. In order to mitigate the potential decline in land prices in selected areas, wind and solar PV projects should not be developed on land parcels that derive their income from ecotourism or commercial game hunting and within the buffer zones of these sites.”²⁵ [Own emphasis.]</p> <p>3.3.7 In conclusion we believe the SIA and therefore the EIR are fatally flawed due to their disregard of the clear policy guidelines in the SEA because of the Applicant’s material failure to properly investigate, assess, and quantify the profound impact that the Albany WEF will have on the wildlife and nature tourism / ecotourism of the surrounding Protected Areas that will become less attractive to tourists and lose income which may affect their economically viability.</p>		
<p>3.4 AVIFAUNAL IMPACT ASSESSMENT</p> <p>3.4.1 Minimum requirements for avifaunal assessments</p> <p>a) In terms of meeting the minimum requirements for avifaunal assessments, the Albany Avifaunal Assessment lacks the following:</p> <p>a) Recon Study is required to be undertaken. It is a requirement that a 2-4 day recon study is to be undertaken to inform the pre-application monitoring programme and it would appear that there was a lack of such a recon and scoping of monitoring plan which may put the findings of the study in question.</p>		<p>Please refer to the Avifaunal Specialist Responses which have been appended below this table, in Specialist Response H3: Avifaunal Specialist Responses.</p> <ol style="list-style-type: none"> 1. Section 3.4.1 – minimum requirements. <ul style="list-style-type: none"> o We assume the authors refer to the “Terrestrial Fauna and Flora Species Protocols”.

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<p>b) Pre-application Avifaunal Monitoring Plan –</p> <p>i) Maps showing the water features, drainage lines, quarries, powerlines or other existing wind energy facilities.</p> <p>ii) Duration of monitoring and number of observers not included it is mentioned that 9 transects walked and some in car (2 per season).</p> <p>iii) Uncertain if pre-application monitoring has been uploaded onto national bird monitoring database.</p> <p>c) Assessment of fatalities from surrounding WEFs in general and specifically not of the nearby Waainek Wind Energy Facility.</p> <p>d) Post construction monitoring plan not included.</p> <p>e) Conditions to which the statement of approval or disapproval are subject is not included.</p> <p>f) We do not see adequate consideration of potential impact to soaring birds and specifically soaring modes in a raptors.</p> <p>3.4.2 Best-Practice Guidelines for Assessing and Monitoring the Impact of Wind-Energy Facilities on Birds in Southern Africa (3rd ed, 2015).</p> <p>a) Unlike smaller raptors, which can readily use flapping flight, large raptors are mainly restricted to soaring flight due to energetic constraints. Whereas thermal soaring occurs in relatively flat areas which are likely to have good thermal uplift availability topography. The technique is called ridge lift or slope soaring. The ridgeline targeted by the Albany WEF will present ideal conditions for raptors and other soaring along area of uplift where turbines will be located.</p> <p>b) Sufficient data should be gathered on bird movements, to enable the use of the data in collision-- risk modelling to provide an indication of the potential mortality rates of priority species.</p> <p>c) The ridgeline that is targeted by the Albany WEF is within the fog belt and the presence of fog and conditions that complicate bird observation including topography, inaccessibility and dense vegetation complicates avifaunal assessment. and accordingly, there are concerns with respect to the veracity of raptor observations.</p> <p>d) Due to the detailed data on bird movements is required, or where movements occur at night or in conditions of poor visibility (e.g. fog) special remote sensing methods should be considered e.g. radar in combination with direct observations (wherever possible).</p> <p>3.4.3 Assessment of fatalities from surrounding Wind Energy facilities</p> <p>a) Understanding the cumulative effect of wind energy fatalities is vital when multiple sites are located in one area. The Albany WEF applicant owns the established Waainek WEF nearby and should have bird fatality monitoring in place, however, the details of avifaunal impact monitoring and reports on fatalities at Waainek other is conspicuously absent from the Albany WEF avifaunal assessment.</p> <p>b) The presence of Waainek WEF nearby can therefore be used as an additional source of data to substantiate the observations of the avifaunal specialists and lack of formal and transparent</p>		<ul style="list-style-type: none"> ○ The avifaunal study was predominantly compiled in 2016/2017 with a minor update to reflect a new layout in 2019 and therefore preceded the above requirements. However specific points made are still relevant and require response: <ul style="list-style-type: none"> ▪ A recon study was conducted as part of the initial assessment and pre-construction bird monitoring design. This was not reported explicitly or separately since it was not a stand-alone requirement at that stage; ▪ Section 2.2 details the methods and duration of the study. The final pre-construction bird monitoring report (which precedes the impact assessment report) gave more detail on these aspects, but this detail was not repeated in the impact assessment report. ▪ A post construction monitoring design was not included but has now been included here – Appendix 1 [see Specialist Response H3: Avifaunal Specialist Responses]. ▪ The assessment of fatalities from surrounding WEF’s is addressed above under Point 1 [see Specialist Response H3: Avifaunal Specialist Responses]. <p>2. Section 3.4.2.</p> <ul style="list-style-type: none"> ○ This is largely addressed in Points 1 to 6 [see Specialist Response H3: Avifaunal Specialist Responses]. One remaining point is “Fog conditions”. Weather conditions during all vantage point observation sessions were noted in data sheets in order to allow analysis of how weather influenced the data. However as standard practice, where visibility was severely compromised the observation sessions were halted and the time made up in better conditions. We do not believe our sampling of bird flight activity on site was compromised by fog conditions. <p>3. Section 3.4.3. Cumulative impacts point</p> <ul style="list-style-type: none"> ○ This was addressed in Point 1 [see Specialist Response H3: Avifaunal Specialist Responses] <p>4. Section 3.4.4. Post construction monitoring plan.</p> <ul style="list-style-type: none"> ○ Addressed in Point 7 and Appendix 1 [see Specialist Response H3: Avifaunal Specialist Responses] <p>5. Section 3.4.5. Conditions of approval or disapproval.</p>

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<p>reporting of Waainek WEF avifaunal mortality monitoring is seen as a glaring omission. There are three components to estimating fatality rates: a) estimation of searcher efficiency and scavenger removal rates, b) carcass searches, and c) estimation of collision rates.</p> <p>a) All turbines should be searched for fatalities, with a search interval determined by scavenger- removal trials and objectives monitoring. Two complementary search protocols should be applied: 1) intensive and regular searches of a minimum of 30% or 20 turbines at a WEF (whichever is greater), and 2) extensive, less frequent sampling of the remaining turbines to record fatalities of large-bodied birds. The search area must be defined and consistently adhered to throughout monitoring. As a minimum, the radius of the search area be should equal to 75% of the turbine height (ground to blade-tip).</p> <p>b) Observed mortality rates must be adjusted to account for searcher efficiency, scavenger removal and the probability that some carcasses may be outside the search area.</p> <p>c) As it stands the cumulative impacts discuss the need for consideration of the overall impact but there is not any investigation as to the current background cumulative effect in terms of fatalities per existing turbine from the operational facilities.</p> <p>3.4.4 Post construction monitoring plan</p> <p>a) Currently the most significant mitigation as per the Avifaunal report is adherence to Appendix 6: sensitivity map. No monitoring requirements are set out within the Avifaunal assessment, however there are monitoring requirements outlined within the EIR, uncertain if these were provided by an avifaunal specialist or by the EAP.</p> <p>b) Monitoring needs to take into consideration various aspects, such as searcher efficiency and scavenger removal. Therefore, without a post construction monitoring plan and actual directives as to what is required to be implemented, it is likely that monitoring will not meet the requirements of the Birds and Wind Energy Best Practice Guidelines.</p> <p>c) Mitigation measures should be implemented to further prevent collisions, various suggestions outlined below:</p> <p>a) Collision detectors to prevent mass fatality of bird flocks;</p> <p>b) Ultrasonic acoustics;</p> <p>c) Make turbines more visible to birds/bats;</p> <p>d) GPS monitoring of critical species to prevent collision when these species are nearby the turbines; and</p> <p>e) Deterrent Strobe Lights.</p> <p>d) Additional offset measures should also be investigated and implemented to prevent a net loss of bird species as a result of the operations of the Wind Energy Facility.</p> <p>3.4.5 Conditions to which the statement of approval or disapproval are subject to -</p> <p>a) In the event of approval, adequate monitoring is required to be implemented as per the Birds and Wind Energy Best Practice Guidelines. The effects of the facility on the surrounding avifauna can only be effectively quantified through appropriate post construction monitoring.</p>		<ul style="list-style-type: none"> ○ This point is a little unclear. We concluded that if the recommendations made in our report are implemented the project can proceed with acceptable levels of impact. This means that approval is conditional on implementation of the recommendations.

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<p>b) The Guidelines set out the minimum requirements for monitoring from a planning to decommissioning phase and with this as a guideline, the impact to Avifauna will be better understood.</p>		
<p>4. COMMENTS OF ENVIRONMENTAL IMPACT REPORT (EIR)</p> <p>4.1 NEED AND DESIRABILITY</p> <p>4.1.1 The EIR offers has a section titled “Need and Desirability” which does little more than list Policy and Legislation. the Environmental Impact Assessment (EIA) regulations require environmental assessment practitioners (EAPs) who undertake environmental assessments, to have knowledge and take into account relevant guidelines, and what is conspicuous in its absence from the Section on Need and Desirability is the consideration of the Need and Desirability Guideline Document (DEA 2017)</p> <p>4.1.2 Need and desirability is based on the principle of sustainability, set out in the Constitution and in NEMA, and provided for in various policies and plans, including the National Development Plan 2030 (NDP). Addressing the need and desirability of a development is a way of ensuring sustainable development – in other words, that a development is ecologically sustainable and socially and economically justifiable</p> <p>4.1.3 Need and Desirability Guideline Document (DEA 2017) sets out a list of questions which should be addressed when considering need and desirability of a proposed development. These are divided into questions that relate to ecological sustainability and justifiable economic and social development. The questions that relate to ecological sustainability include how the development may impact ecosystems and biological diversity; pollution; and renewable and non-renewable resources which it may be reasonably expected that questions will be covered directly or indirectly, however, these are not addressed and it may be noted that a number of key questions concerning need and desirability has been avoided as follows:</p> <p>a) How will this development (and its separate elements/aspects) impact on the ecological integrity of the area? Not answered -in this respect the EAP omits detail the extent to which the development will have significant impact to protected area viability.</p> <p>b) How will this development disturb or enhance landscapes and/or sites that constitute the nation’s cultural heritage? What measures were explored to firstly avoid these impacts, and where impacts could not be avoided altogether, what measures were explored to minimise and remedy (including offsetting) the impacts? Not answered -in this respect the EAP and VIA specialist omits to document impact to the national estate comprised of protected areas and some of the most scenic views of the Eastern Cape.</p> <p>c) Describe the linkages and dependencies between human wellbeing, livelihoods and ecosystem services applicable to the area in question and how the development’s ecological impacts will result in socio- economic impacts (e.g. on livelihoods, loss of heritage site, opportunity costs, etc.)? Not answered - No consideration was afforded to the socioeconomic impact is required by the Guideline on Need and Desirability (DEA (2017)) and the proposed Albany WEF has not been demonstrated to be socially sustainable for lack of assessment of</p>		<p>The Need and Desirability GUIDELINE document has been considered throughout the drafting of the EIR. The Need and Desirability chapter outlines policy and legislation and makes specific reference to the applicability of the policy and legislation in the context of both renewable energy and eco-tourism.</p> <p>a) How will this development (and its separate elements/aspects) impact on the ecological integrity of the area? Not answered -in this respect the EAP omits detail the extent to which the development will have significant impact to protected area viability. <i>This has been outlined and discussed in the Ecological Report and the EIR. Wildlife is highly adaptable, and it has been well documented that once turbines have been constructed wildlife continues to use the landscape as before. The impact on biodiversity has been documented, rated and feasible mitigation measures to reduce the impacts have been provided in detail.</i></p> <p>b) How will this development disturb or enhance landscapes and/or sites that constitute the nation’s cultural heritage? What measures were explored to firstly avoid these impacts, and where impacts could not be avoided altogether, what measures were explored to minimise and remedy (including offsetting) the impacts? Not answered -in this respect the EAP and VIA specialist omits to document impact to the national estate comprised of protected areas and some of the most scenic views of the Eastern Cape. <i>The HIA has assessed local heritage features while the VIA has assessed viewpoints. The layout has been reduced, heritage features on site have been completely avoided by having no-go areas. The Need and Desirability chapter discusses eco-tourism and renewable energy as equally important economic sectors in the province.</i></p> <p>c) Describe the linkages and dependencies between human wellbeing, livelihoods and ecosystem services applicable to the area in question and how the development’s ecological impacts will result in socio-economic impacts (e.g. on livelihoods, loss of heritage site, opportunity costs, etc.)? Not answered - No consideration was afforded to the socioeconomic impact is required by the Guideline on Need and Desirability (DEA (2017)) and the proposed Albany WEF has not been demonstrated to be socially sustainable for lack of assessment of the opportunity costs in terms of jobs that may be lost</p>

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<p>the opportunity costs in terms of jobs that may be lost / potential jobs that may be lost in wildlife and nature tourism that is substantially more job intensive, further it has been shown in the economic assessment that whereas the economic contributions of wildlife and nature tourism in the private game reserves and WEFs are similar, employment becomes a drastic distinguishing factor, and the scale is heavily tilted towards PGRs as the investment that would yield the highest socio-economic return. What is even more compelling is that the inverse of this argument is also valid, i.e. if one needs to divest in PGRs or WEFs, the largest socio-economic losses will be incurred in the PGR domain. In this case the proposed development will force divestment and job losses multiples of what the WEF will generate.</p>		<p>/ potential jobs that may be lost in wildlife and nature tourism that is substantially more job intensive, further it has been shown in the economic assessment that whereas the economic contributions of wildlife and nature tourism in the private game reserves and WEFs are similar, employment becomes a drastic distinguishing factor, and the scale is heavily tilted towards PGRs as the investment that would yield the highest socio-economic return. What is even more compelling is that the inverse of this argument is also valid, i.e. if one needs to divest in PGRs or WEFs, the largest socio-economic losses will be incurred in the PGR domain. In this case the proposed development will force divestment and job losses multiples of what the WEF will generate.</p> <p><i>This has been discussed throughout the SIA, VIA and EIR. No evidence has been provided to support that “the employment scale is heavily titled towards PGRs”. The potential for job losses and job gains has been discussed and assessed. No evidence has been provided (or is evident at Waainek WEF and Cookhouse WEF Cluster) that job losses or disinvestment is a certain.</i></p>
<p>4.2 REVIEW OF ALTERNATIVES</p> <p>4.2.1 EIA Regulations</p> <p>a) Appendix 2, Items 1(d) and 2(1)(g)(i), (iv), (v), (vi), (vii) and (h)(i) of the EIA Regulations and Appendix 3, Items 2 (c), (d)(i); 3(1)(h)(i), (iv), (vii) of the EIA Regulations require, respectively, that the Scoping Report and the EIR must undertake a detailed site selection process in which it ranks the preferred and alternative sites with reference to the cumulative impacts based on the geographical, physical, biological, social, economic, and cultural aspects of the environment.</p> <p>b) Regulation 1 of the EIA Regulations also specifies that “alternatives” refer to the –</p> <p>i) “property on which or location where the activity is proposed to be undertaken;</p> <p>ii) type of activity to be undertaken;</p> <p>iii) design or layout of the activity;</p> <p>iv) technology to be used in the activity; or</p> <p>v) operational aspects of the activity,</p> <p>and includes the option of not implementing the activity.” [Own emphasis]</p> <p>c) Appendix 2, Item 2(1)(x) and Appendix 3, Item (1)(h)(ix) of the EIA Regulations further stipulate that “if no alternative locations for the activity were investigated” the Scoping Report and EIR, respectively, must provide “the motivation for not considering such.”</p> <p>4.2.2 Site and Location Alternatives</p> <p>a) The reasons provided in the EIR (page 87) for not considering any alternative site locations for the Wind Farm other than the proposed Location 1, are as the following: “None identified as the rights to sufficiently large enough contiguous parcels of private land must be sought from local landowners. Location 1 has been agreed to. Alternative sites in the</p>		<p>It must be noted that parts of this comment (4.2.1) refer to requirements in Appendix 2 of the NEMA EIA Regulations (2014, and subsequent amendments), which is relevant to the objectives of the Scoping Process. The Scoping Report and the Plan of Study for Environmental Impact Assessment were approved by the DFFE on the 10th of September 2019.</p> <p>The following sections have been extracted from <i>Section 2 of Appendix 3</i> (Environmental impact assessment process) of the NEMA EIA Regulations (2014, and subsequent amendments). Please note that the items relevant to this comment and the response have been extracted and underlined.</p> <p>“Objectives of the environmental impact assessment process</p> <p>2. The objective of the environmental impact assessment process is to, through a consultative process –</p> <p>(a) ...</p> <p><u>(b) describe the need and desirability of the proposed activity, including the need and desirability of the activity in the context of the development footprint on the approved site as contemplated in the accepted scoping report;</u></p> <p><u>(c) identify the location of the development footprint within the approved site as contemplated in the accepted scoping report based on an impact and risk assessment process inclusive of cumulative impacts and a ranking process of all the identified development footprint alternatives focusing on</u></p>

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<p>area that are close to Eskom electrical infrastructure, do not yield the same wind resource potential.”</p> <p>b) The EIR then further comment about this decision: “Alternative locations for the current project are limited and where not deemed to be either reasonable or feasible due to the following:</p> <ul style="list-style-type: none"> • The available wind resource is the most critical aspect of a wind energy project since a feasible WEF must generate sufficient energy to be financially feasible in terms of REIPPPP. • A feasible WEF must also be located close to a connection point into the Eskom grid and substation. This is a critical factor to the overall technical and financial feasibility of the WEF project. • Therefore, alternative locations for the proposed Albany WEF, were not assessed.” <p>c) The above explanation of the lack of suitable wind conditions as the reason why no alternative site locations were investigated, is not persuasive and must be rejected by the DFFE. The explanation does not provide a coherent, well-reasoned and rational motivation with supporting evidence to proof that no suitable alternative locations elsewhere in the Eastern Cape or in South Africa exist where wind energy may be generated without the same significant environmental impact. No evidence was provided in the EIR of a detailed site selection process in which the EAP ranked the preferred and alternative sites with reference to the cumulative impacts based on the geographical, physical, biological, social, economic, and cultural aspects of the environment as required by the EIA Regulations. It is important to note that we are not referring to layout alternatives.</p> <p>d) The same criticism applies to the Eskom grid connection requirements.</p> <p>e) The first part of the Applicant’s explanation about the absence of available private land is brief, unclear, and not further explained in the comment column of page 99. The statement: “Location 1 has already been agreed to” is problematic. So is the reference in the previous line that “Albany Wind Energy and landowners have formally agreed to the proposed development on the site and are in full support of the use of this area.” It appears to indicate that the Applicant has already secured preferential rights to the land for Location 1. The legal nature of these agreements with landowners were not disclosed but it matters not as this is not a valid ground for failure to perform a proper investigation to alternative sites.</p> <p>f) Although it is important that the applicant has secured the support of the landowners for Location 1 (as it must and which is also the case for any other alternative locations), their approval does not place any legal obligation on the DFFE to accept Location 1. The competent authority cannot be expected to rubber stamp Location 1 regardless of the result of the EIA and notwithstanding the significant environmental impact of the development from that location, because the EIR presents it with a fait accompli. This would clearly be unlawful and an automatic ground for the rejection of the application. The Applicant knows that it carries the risk during the application and that environmental authorisation is subject to the discretion of the DFFE based on the results of the EIA process.</p>		<p><u>the geographical, physical, biological, social, economic, heritage and cultural aspects of the environment;”</u></p> <p>“Scope of assessment and content of environmental impact assessment reports</p> <p>3. (1) An environmental impact assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include –</p> <p>(a) ...</p> <p><u>(b) the location of the development footprint of the activity on the approved site as contemplated in the accepted scoping report, including:”</u></p>

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<p>g) Reasons of convenience for the Applicant (which are subjective) not to have performed the prescribed alternative location assessment should not be confused with objective substantive grounds that would in exceptional cases justify the absence of location alternatives e.g. the location of the ore body for a mining application. The Albany Wind Farm application is not such a case.</p> <p>h) The lack of a proper investigation about alternative site locations in accordance with the prescribed requirements of the EIA Regulations is a material mistake in the EIR and cannot be lawfully condoned by the DFFE. Also, the Applicant's noncompliance with the peremptory requirements of the EIA Regulations to investigate during the Scoping and EIA processes and report in the prescribed manner in Scoping Report and EIR on alternative site locations for the Albany Wind Farm means the EIR is incomplete and forms further ground for the DFFE to reject the application.</p> <p>i) A further concern is that the EIR indicates that layout alternatives were considered which resulted in the reduction from 66 down to 43 turbines, however there is no comparative assessment of the 66-turbine layout versus the new 43-turbine layout and there is no explanation of why each of the 23 turbines were removed.</p>		
<p>4.2.3 Cumulative Impacts</p> <p>a) Although the EIR refers at various instances to the cumulative impacts (in Chapter 9) e.g. on page 164 it assesses the visual impact from the VIA as follows: "As seen in the cumulative viewshed for the 43 Albany WEF turbines (Please see Figures 9.1 and 9.2 in the VIA), turbine hubs and blades will be visible from a wide area surrounding the WEF. Notable features within the viewshed include: the towns of 1) Makhanda, 2) Bathurst and 3) KwaNdwanyana, public nature reserves such as the 4) Great Fish River Nature Reserve, private game reserves such as 5) Kudu Ridge, 6) Bucklands, 7) Kwandwe, 8) Buffalo Kloof and 9) Coleridge, 10) multiple homesteads, 11) the N2 and R67 roads. The most significant cumulative visual impacts will come from the operational Waainek WEF located between over 10-15 km to the south west and the Proposed Plan 8 WEF located between about 5-10km to the north east of the Albany WEF site. The Waainek Wind Farm consists of eight (8) turbines, each with a hub height of 84m and a rotor diameter of 112m, and the Plan 8 facility will host up to 22 turbines, each with a hub height of up to 91.5m and a rotor diameter of up to 117m. Since turbine visibility diminishes with distance, as already described in this VIA, it is suggested that, due to the distances between the three respective wind farms, that the overall cumulative visual impacts will be MODERATE during the daytime. However, the impacts of night lighting could be HIGH, with the proposed Albany WEF making the largest contribution to the impact."</p> <p>b) Firstly, Plan 8 has applied for an increase of its size, height and footprint and the DFFE's refusal is under appeal. This is not mentioned by the EAP.</p> <p>c) Secondly, the EIR, failed to also assess WEFs further away at Dassenridge and Cookhouse and consider the cumulative direct and indirect effect of all five these Facilities on wildlife and nature-based tourism of the planned Mega Protected Area (Addo - Great Fish Corridor (Albany</p>		<p>Section 12.5.4 of the VIA has assessed the likely cumulative visual impacts of all approved wind farms within 30km radius of the Albany WEF (Waainek and Grahamstown WEF). The cumulative impact has been determined to be HIGH.</p> <p>In addition, mitigation measures such as radar activated night lighting and limiting lighting to as few turbines as possible (subject to CAA approval) would reduce the impact of night lighting.</p> <p>Cumulative Assessment requires the assessment of WEFs within 30 km of a proposed site. Dassiesridge WEF and Cookhouse WEF (cluster) are not within this area.</p>

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<p>Corridor)) due to the Wind Farms' significant degradation of the aesthetic character and sense of place.</p> <p>d) Thirdly, based on the specialist VIA these direct cumulative impacts are considered as high significance with no mitigation possible, except the no go option (pages 164 and 165). The EAP confirms this in his/her summary in paragraph 9.4.11 and the conclusion in paragraph 9.4.12: "The Visual Assessment identified a total of 34 impacts. The majority of these impacts related to the visual impact of the proposed WEF on sensitive receptors during the operation of the WEF. There are eight (8) HIGH negative significance impacts that cannot be mitigated due to the fact that they are perception-based (Table 9-16). ...</p> <p>It is concluded that majority of the cumulative impacts are MODERATE in nature and although the most of the cumulative visual impacts of the proposed Albany WEF and existing WEF (e.g. Waainek WEF) and proposed WEFs (Grahamstown, Fronteer and Wind Garden WEFs) in the area will be HIGH, potential losses of scenic resources are not sufficiently significant to represent a fatal flaw, specific to the proposed project, given the LOW/MODERATE significance of the remainder of the impacts and given the environmental and social benefits that such renewable energy projects promote." [Own emphasis.]</p> <p>e) The EAPs overring of his/her own assessment as informed by the VIA, is irrational as it is based on wrong information as pointed out above (mistakes in the VIA and SIA).</p> <p>f) The argument that the WEF is not permanent and the disturbed landscape can be restored is totally irrelevant to the affected Indalo PGR owner that will for 20-25 years suffer damages because of the presence of the WEF.</p> <p>g) It is irrational and arbitrary for the EAP to simply conclude that "although there are local losses in terms of visual impacts, there will also be local gains." Through this statement the EAP simply equate the property rights of the Indalo PGRs with the economic interests of the developer and recommends that the latter should override the former without factually establishing the impact of such decision on the Indalo PGRs. It should be noted that the rule of law in section 1 of the Constitution as in the common law, respects and protects the established rights of property owners such as of the Indalo PGRs. Their property rights cannot simply be ignored by the competent authority (DFFE) on a whim of possible future economic interests of third parties. The law does not equate established rights (of property owners) with potential interests (of the Proponent). In an irreconcilable conflict such as the present application for the Albany WEF, the vested rights of property owners must trump the potential conflicting interests of the WEF developer. Thus, based on the assessment of cumulative direct and indirect impacts in the EIR, it is submitted that the EAP did not engage in a balanced and fair weighing of opposing rights and interests as is contemplated by constitutional jurisprudence.</p>		
<p>4.2.4 Consideration of Guidelines in EIA</p> <p>a) Guidelines for the implementation of the Terrestrial Fauna and Terrestrial Flora Species Protocols for environmental impact assessments in South Africa (GNR 20 January 2020) and Best-Practice Guidelines for Assessing and Monitoring the Impact of Wind Energy Facilities on</p>		<p>The EAP and VIA specialist is very familiar with the IFC Performance Standards on Environmental and Social Sustainability (2012) and the IFC Environmental, Health, and Safety Guidelines: Wind Energy (2015).</p>

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<p>Birds in Southern Africa (3rd Edition, 2015) and neither of these are met by the avifaunal assessment.</p> <p>b) The World Bank Group “Environmental, Health and Safety Guidelines for Wind Energy” (August 2015) provide a useful guideline for the application of “Good International Industry Practice” –</p> <p>a) is required to be applied by any member of the World Bank Group including the International Finance Corporation (IFC); and</p> <p>b) the IFC further prescribes standards of environmental assessment and management to which many financiers (including numerous South African funds of renewable energy subscribe in the form of the IFC standards) who are involved in such a project.</p> <p>4.2.5 World Bank Group Environmental, Health and Safety (EHS) Guidelines</p> <p>a) World Bank Group Environmental , Health and Safety (EHS) Guidelines indicate that where any host country regulations differ from the levels and measures presented in the World Bank Group (WBG) Guidelines then the projects are expected to conform to the whichever are the most stringent.</p> <p>b) Since apart from Avifaunal Assessment no formally adopted Guidelines for wind farm site selection exist in South Africa and numerous of South African renewable energy project funders (e.g Nedbank and RMB) apply IFC standards it is expected that these World Bank Group Guidelines would be appropriate to apply in the Albany WEF EIA.</p> <p>c) The WBG Guidelines repeat the need to consider the choice of site carefully from the earliest stage of planning. “The general approach to the management of EHS issues should consider potential impacts as early as possible in the project cycle, including the incorporation of EHS considerations into the site selection, in order to maximize the range of options available to avoid and minimize potential adverse impacts. Importantly, many EHS impacts associated with wind energy facilities may be avoided by careful site selection.”.</p> <p>d) WBG Wind Energy Guidelines Section 1.1.1, “Landscapes, Seascapes and Visual Impacts”, the Guidelines advise that potential impacts –</p> <p>i) Note 12 “on Legally Protected and Internationally Recognised Areas of Importance to biodiversity and cultural heritage features are also a consideration.” Accordingly it would have been expected that the Proponent of the Albany WEF at the hand of the EIA process would have considered the impact of the WEF on Protected Areas and Provincial Nature Reserves Legally Protected and Internationally Recognised Areas of Importance to biodiversity and cultural heritage and failing consideration of which would not be in line with NEMPAA.</p> <p>ii) Note 13 it is advocated that “...avoidance and minimization measures to address landscape...and visual impacts are largely associated with the siting and layout of wind turbines and associated infrastructure...”. Given that the siting of the turbines on the ridge line overlooking Protected Areas and the Provincial Reserve are intrusive on sensitive landscape that form the basis for wildlife and nature tourism within avoidance of impact through avoidance of turbine placement i.e. the no-go option can be considered both on a per turbine as well as per development basis.</p> <p>e) WBG Wind Energy Guidelines Section 1.1.3 Biodiversity indicate –</p>		<p>The Albany WEF EIA process is consistent with and even more rigorous than the IFC Performance Standard requirements.</p> <p>With respect to specifically Guideline 12, relating to the impacts of wind farms on the character of surrounding landscapes and legally protected areas, the current EIA and VIA adequately and comprehensively addresses this matter.</p>

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<p>i) Note 25 indicates: “Site selection is critical to avoiding and minimizing potential adverse impacts on biodiversity. Site selection should include the following:</p> <ul style="list-style-type: none"> ☑ Consideration of the proximity of the proposed wind energy facility to sites of high biodiversity value in the region. Early screening can improve macro-level project site selection and the scoping of priorities for further assessment, thus reducing unnecessary biodiversity impacts and costs in the future. Sites of local, regional, and international importance may include national and international protected areas (including marine protected areas), Important Bird Areas (IBA), Key Biodiversity Areas (KBAs). ☑ Consultation with relevant national and/or international conservation organizations also helps to inform site selection for both onshore and offshore facilities.” <p>ii) It is patently clear that Protected Areas and Provincial Reserves are affected and the relevant local, provincial and national conservation organizations (Indalo, ECPTA and SANParks) have not been consulted to help to inform site selection.</p>		
<p>4.2.6 International Finance Group Guidelines</p> <p>a) The International Finance Group (IFC) is a member of the World Bank Group which has established a set of “Performance Standards” (January 2012) under its Sustainability Framework. The Sustainability Framework articulates IFC’s strategic commitment to sustainable development (ref: https://www.ifc.org/wps/).</p> <p>i) Standard 6 Guidance Note GN27: In practice, natural and modified habitats exist on a continuum that ranges from largely untouched, pristine natural habitats to intensively managed, modified habitats. Project sites will often be located among a mosaic of habitats with varying levels of anthropogenic and/or natural disturbance. Clients are responsible for delineating the project site as best as possible in terms of modified and natural habitat... Is the project site (or parts of it) an isolated area of natural habitat within a heavily disturbed or managed landscape? Is the project site located near areas of high biodiversity value (for example, wildlife refuges, corridors, or protected areas)? Or, is the project site located in a mosaic of modified and natural habitats that contain biodiversity values of varying importance to conservation?</p> <p>ii) The Albany WEF project site is located near areas of high biodiversity value and is located within mosaic of modified and natural habitats that contain biodiversity values of varying importance forming corridors between protected areas (Buffalo Kloof Protected Environment/Waters Meeting Nature Reserve, Blaauwkrantz Nature Reserve, Kwandwe Protected Environment and Great Fish Nature Reserve).</p> <p>iii) An evaluation of the adherence to IFC Performance Standard 6 - Biodiversity Conservation and Sustainable Management of Living Natural Resources is contained in Appendix: A</p>		<p>The reference to these guidelines is noted. However, the World Bank Group EHS Guidelines have not been drawn on in this report as it follows the NEMA EIA Regulations 2014, as amended.</p> <p>Indalo, ECPTA and SANParks are all registered on the Albany WEF Stakeholder and I&AP database. The purpose of the PPP process is to receive comments and respond accordingly. The change in layout and reduction in the number of turbines proposed for the Albany WEF site is an example of an outcomes of stakeholder engagement.</p>
<p>4.3 OPINION AS TO WHETHER THE ACTIVITY SHOULD OR SHOULD NOT BE AUTHORISED</p> <p>4.3.1 EIA Regulation 31(2)(n) states that: “An environmental impact assessment report must contain all information that is necessary for the competent authority to consider the application and to reach a decision contemplated in regulation 35, and must include ...a reasoned opinion as to whether the activity should or should not be authorised, and if the</p>		<p>The EAP provides a concluding statement, as quoted below: “Based on the contents of this report, and all associated documentation, it is the opinion of the EAP that the proposed Albany WEF be authorised on condition that all conditions stipulated in Section 12.7 of this report be contained within the EA. The ecological, economic and social trade-offs must be factored in by the department during the decision-making process. It is the opinion of</p>

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<p>opinion is that it should be authorised, any conditions that should be made in respect of that authorization;”</p> <p>4.3.2 The EIA Regulation 31(2)(n) is explicit in that it requires that an EIR “must” contain a reasoned opinion (of the EAP) as to whether the activity “should or should not be approved”. In other words, if the Draft EIR fails to provide an opinion as to whether the activity should be approved, or not, then the reasoning of approval cannot be evaluated and Draft EIR does not meet the requirements of EIA Regulation 31(2)(n).</p> <p>4.3.3 The EAP provides a vague and non-committal discussion around his/her views on the various aspects and impact assessment findings of the EIA study but falls short of providing a reasoned opinion as to whether the activity should or should not be authorised.</p>		<p>the EAP that site is sensitive from a visual perspective (social), suitable from an ecological perspective (NO-GO areas have been avoided and HIGH sensitive areas can be suitably mitigated) and both sensitive and suitable from an economic perspective (wind resource +, tourism -)”</p>
<p>5. IMPACTS ON BIODIVERSITY</p> <p>5.1 The following important questions should be asked when considering a project location for a project of this nature:</p> <p>5.1.1 Is the scheme likely to have a significant effect on the integrity of a protected area or nature reserve?</p> <p>Yes - The project site is located near areas of high biodiversity value and is located within mosaic of modified and natural habitats that contain biodiversity values of varying importance forming corridors between protected areas (Buffalo Kloof Protected Environment / Waters Meeting Nature Reserve, Blaauwkrantz Nature Reserve, Kwandwe Protected Environment and Great Fish Nature Reserve).</p> <p>5.1.2 If so, is the project likely to damage (or destroy) any of the features of interest, or disturb any of the wildlife for which the site is protected?</p> <p>Yes – Like the Addo National Park and the Great Fish Provincial Nature Reserve, the Indalo PGRs (like many others in South Africa and in Africa in general) is concerned with nature and wildlife tourism as a key protected area goods and service.</p> <p>a) It is specifically the wildlife and nature tourist’s experience that relies on the wilderness character of both the protected areas and their surrounds and in a way the wilderness character of the reserves which finances protection of ecological, geological, landscape and other features of scientific, cultural and/or historical value (nature and wildlife tourism in reality underpins the protected areas operation and ability to meet biodiversity conservation objectives).</p> <p>b) Like the Addo National Park and the Provincial Nature Reserves (most notably the Great Fish), the Indalo PGRs are managed according to a Protected Area Management Plan, but with the important difference that they do not receive public funds but have to secure funding from internal resources.</p> <p>c) These resources are derived from nature and wildlife tourism which is dependent on a natural environment largely free from the structures and signs of modern civilisation (often from which the tourists come to get away). Wind energy development characterised by colossal skyline intrusion will impose a divestment on Indalo members impacted and curtail wildlife and nature tourism enabled protected area expansion.</p>		<p>In response to 5.1.1 of the I&AP’s comment, the I&AP notes that the project site is located <u>near</u> areas of high biodiversity value, i.e., not within an area of high biodiversity value. In addition to the bird and bat assessments which were undertaken, the need for botanical and faunal specialists’ assessments and input into the Albany WEF Scoping and EIA Process was identified during the initial stages of the process. The findings and recommendations of these assessments have been made available to the I&APs as well as the various Stakeholders and the Competent Authority during more than one public review process.</p> <p>In section 5.1.2, the I&AP implies that the proposed Albany WEF is likely to damage or destroy features of interest and disturb wildlife “for which the site is protected”. It must be noted that the proposed development footprint is not within the formal boundary of a protected area. In addition, the proposed development footprint is not situated within an identified priority focus area in terms of the National Protected Area Expansion Strategy for South Africa (DFFE, 2008 and 2016). Further to this, a number of specialists have assessed the proposed site and recommended mitigation and management measures to be implemented during the various phases of development to mitigate, minimise and/or avoid the potential damage to- or destruction of sensitive features.</p> <p>It is understood that part of the appeal of nature and wildlife tourism is to visit a natural environment which is “largely free from the structures and signs of modern civilisation”, however, the proposed Albany WEF site is situated less than 10 km north, north-east and east of the established town of Makhanda and the adjoining settlements. The land uses to the north, north-east and east of Makhanda currently include existing infrastructure, including infrastructure relating to basic service delivery, such as an operational substation, powerlines, the national route N2 as well as secondary roads and informal roads, mining areas/quarries such as</p>

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5.1.3 Is the scheme likely to have a significant adverse effect on the favourable conservation status of any habitat?

Yes- the scheme will hinder the expansion of areas under formal protection –

a) Based on government’s Protected Area Expansion Strategy, buffer zones and Biodiversity Stewardship Programme, Indalo is currently actively working with local provincial and national partners including the Wilderness Foundation of South Africa, ECPTA and SAN Parks to expand areas under formal protection. This is done through further amalgamation of the southern, central and northern nodes into large agglomerations (>50 000Ha) of private nature and game reserves in the central node and private/public nature and game reserves through public-private partnerships with Addo National Park and the Great Fish (and various provincial nature reserves) in the south and north respectively.

b) One of the main objectives of the expansion plan is to enable common traversing agreements and unified conservation management through the dropping of fences between reserves.

c) To this effect a formal protected area expansion strategy is under development by various stakeholders including the Wilderness Foundation Africa, ECPTA, SAN Parks and the Indalo Association that will guide protected area expansion, inform land-use planning, stimulate economic development and aide thicket restoration in the broader Albany region.

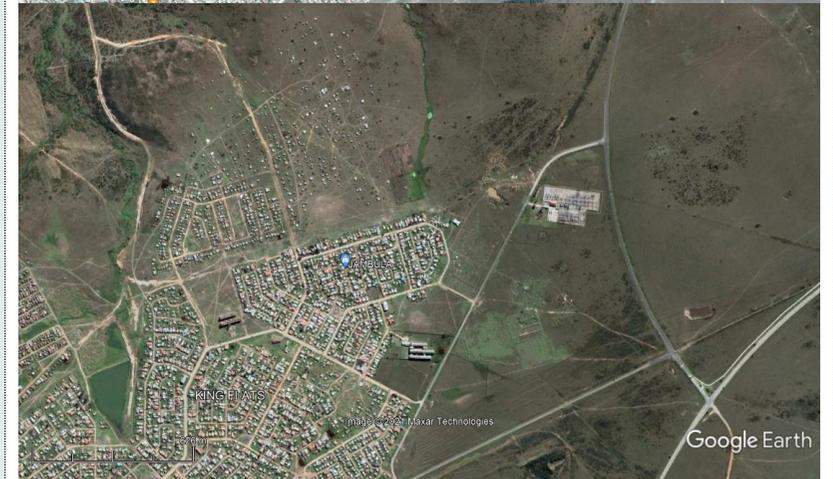
d) The environmental and economic benefits associated with the agglomerations (>50 000Ha) of private reserves and expansion through private partnerships with Addo in the south and the Great Fish in the north are considerable. Not only will this form a mega reserve as larger consolidated areas will lead to improved marketability of the Eastern Cape as a safari destination, making it comparable to Kruger, Sabi Sands and Madikwe. As much as wind energy development is necessary in South Africa, we hold wind energy development that impacts on the Addo, Great Fish and Indalo Protected Areas and their further extended areas to be untenable and undesirable that should be avoided at all cost.

5.2 Accordingly it would have been expected that the Proponent of the Albany WEF, at the hand of the EIA process would have considered impact of the Facility on Protected Areas and Provincial Nature Reserves that are legally protected and internationally recognised areas of importance to biodiversity and cultural heritage as required by NEMPAA. The EIR for the Albany WEF failed to do so which is contrary to the requirements of NEMPAA.

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Makana Brick, the Mayfield Water Treatment Works, etc. In addition, Google Earth imagery between 2013 (first image below) and 2021 (second image below) reveals the northwards extension of the settlement(s) which are situated to the north of Makhanda (and to the south and west of the proposed Albany WEF site).



In response to 5.1.3, which states that the development will hinder the expansion of areas under formal protection. We are aware of the importance of protected areas, the significance of the protected area expansion strategy and the associated short-, medium- and long-term targets for the expansion of protected areas, and their role in nature and

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		<p>wildlife conservation but the I&AP refers to the NPAES and discussions with other parties to expand areas under formal protection – this information does not currently form part of the NPAES information which is available to the EAP and to the Applicant for development planning purposes. According to the National Protected Area Expansion Strategy for South Africa (DFFE, 2008 and updated in 2016), the <u>NPAES is a twenty (20) year strategy</u> for the expansion of protected areas in South Africa.</p> <p>In addition, the National Protected Area Expansion Strategy for South Africa (DFFE, 2008 and updated in 2016) states the following regarding mechanisms for protected area expansion:</p> <p><i>“Once priority areas for protected area expansion have been identified, it is necessary to look at mechanisms for expanding the protected area network in those priority areas. There are three main mechanisms for expanding existing land-based protected areas or establishing new ones:</i></p> <ul style="list-style-type: none"> • <i>Acquisition of land</i> • <i>Contract agreements, including through biodiversity stewardship programmes</i> • <i>Declaration of state or public land”</i> – National Protected Area Expansion Strategy for South Africa (DFFE, 2016) <p>To our knowledge, neither discussions with the affected landowners regarding contract agreements nor efforts made for the acquisition of land on which the Albany WEF is being proposed have taken place to date.</p>

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Priority areas in the Eastern Cape

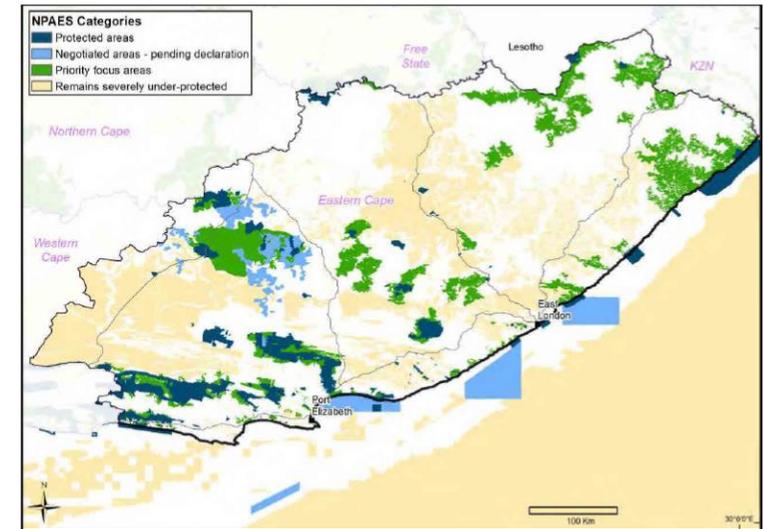


Figure 12: Priority areas for protected area expansion in the Eastern Cape.

It is also noted that:

“Many protected area agencies have developed, and are implementing, their own agency-specific protected area expansion strategies (PAES). The NPAES and these agency specific PAESs need to be closely aligned to ensure that the national targets are met through the collective efforts of the individual protected area agencies.

With multiple agencies implementing protected area expansion, it is also necessary to ensure a level of co-ordination in monitoring and reporting on the implementation of the strategy.” - National Protected Area Expansion Strategy for South Africa (DFFE, 2016)

And that:

“7. Key protected area expansion issues and challenges (2008 – 2014)

Alignment of the NPAES and institutional level plans: Not all institutional PAES plans are aligned with the national plans. This may result in areas being added to the protected area system which contribute little towards target achievement. The need to promote better alignment between the NPAES and the

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		<p><i>institutionally-based PAESs has been highlighted.” - National Protected Area Expansion Strategy for South Africa (DFFE, 2016)</i></p> <p>In response to the I&AP comment in 5.2, which states that: <i>“5.2 Accordingly it would have been expected that the Proponent of the Albany WEF, at the hand of the EIA process would have considered impact of the Facility on Protected Areas and Provincial Nature Reserves that are legally protected and internationally recognised areas of importance to biodiversity and cultural heritage as required by NEMPAA. The EIR for the Albany WEF failed to do so which is contrary to the requirements of NEMPAA.”</i></p> <p>During the Scoping Phase for the proposed Albany WEF, the potential impact that the proposed Albany WEF could have on the nature reserves in the area was identified, highlighted and recommendations for further assessment by the relevant specialists were recommended. See the extract from <i>Section 6.9: Competing Land Uses in the Area</i> in the Final Scoping Report below:</p> <p><i>“The region, within which the Albany WEF is being proposed, area includes a number of properties which form part of the tourism industry. These properties include private game farms, public game reserves, protected areas and consumptive (hunting) properties. As a competing land use, the WEF would have possible visual impacts which could lead to socioeconomic impacts.”</i></p> <p>Further, detailed assessments, in this regard were undertaken by the Social and Visual Specialists during the first and second EIA Phases.</p> <p>In addition, the environmental team has been in communication with the relevant Stakeholders which include but are not limited to the ECPTA, Indalo, Game 4 Africa, DEDEAT, etc. during the Scoping and EIA Process.</p>
<p>6. CONCLUSION</p> <p>6.1 The Indalo Protected Environment places on record that the EIR and specialist studies are deficient to the extent that these inadequacies are covering up fatal flaws in the application,</p>		<p>Concluding statement.</p> <p>The accusation by the I&AP that the EAP and specialists are “covering up fatal flaws in the application” is a serious and unjustified statement.</p>

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<p>if these material deficiencies were to be addressed it would become clear that the development would blight views from Great Fish Reserve (most spectacularly from Adam's Krans view point) and would degrade the scenic value of the area and its unique wilderness tourism product in general. Indalo is unconditionally in favour of the outright refusal of the Albany WEF based upon the grounds set out in this comment on EIR.</p> <p>6.2 In other words, Indalo favours the ultimate, most effective mitigation measure for the Albany WEF and the fatal flaws that it holds in terms of impact to the Protected Areas and their potential for expansion, is by avoiding the WEF through its outright refusal.</p>		<p>It should be noted that the EAP and VIA specialist is a professional member of both SACNASP and EAPASA and is bound by the respective codes of ethical conduct including independence and integrity.</p>
<p>1 Purpose of this Review</p> <p>Further comment on the revised Visual Impact Assessment (CES, March 2021) of the proposed Albany WEF was requested by Richard Summers Inc. The purpose is to determine if the review of 22 April 2021 has been addressed in the current VIA, particularly in relation to flaws that were previously highlighted. The comments contained here refer to Annexure A: I&AP Submissions Relating to the Draft VIA. The Appendix includes responses to comments made by I&APs.</p>	<p>Bernard Oberholzer and Quinton Lawson</p> <p>On behalf of Richard Summers, for Kwandwe Private Game Reserve</p> <p>30/08/2021</p>	<p>Introductory statement</p>
<p>2 Visual Impact Mitigation</p> <p>In response to the comment from I&APs that visual impact avoidance has not been implemented, a total of 23 wind turbines have been removed, including a number adjacent to Kwandwe Nature Reserve, although quite a few turbines would still be visible to Kwandwe and other sensitive receptors. Many of these are within high visual sensitivity areas, (see Para. 7 below).</p>		<p>Agreed. The VIA has concluded that:</p> <ul style="list-style-type: none"> • The visual intrusion of the proposed wind farm on the surrounding landscape is rated as HIGH; • The visual impacts for the certain individual receptors are HIGH; and • The cumulative impact of the Albany, Waainek and Grahamstown WEFS is rated HIGH. <p>In addition, mitigation measures such as radar activated night lighting and limiting lighting to as few turbines as possible (subject to CAA approval) would reduce the impact of night lighting.</p> <p>Also refer to the attached Annexure A to the IRT for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3 and the Albany WEF are unpacked. The criteria used as per the REDZ 3 SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFS at a high level and cannot be regarded as NO-GO areas for individual WEF turbines.</p>
<p>3 Independence of Visual Specialist</p> <p>CES maintain that, although they are the EAP tasked with getting the various permits for the proponent, they also offer independent specialist services, including visual impact assessments.</p> <p>An independent review carried out by visual specialists (Oberholzer and Lawson, April 2020) indicates a number of gaps or flaws in the VIA, (see Paragraphs 4 and 7 below), which do not appear to have been addressed in the Final VIA by CES, or by their External Reviewer, (Nuleaf,</p>		<p>The first draft VIA was comprehensively updated based on the comments received from Oberholzer and Lawson (April 2020). The comprehensive VIA has assessed the visual impacts as required and reviewed by an external reviewer and determined to meet the required standards.</p> <p>In terms of the EIA Regulations, an EAP is not precluded from conducting specialist studies provided that the specialist study is reviewed by an external specialist.</p>

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<p>March 2021). This raises serious questions about the efficacy of the VIA and the review process.</p>		<p>It should also be noted that the EAP and VIA specialist is a professional member of both SACNASP and EAPASA and is bound by the respective codes of ethical conduct including independence.</p>
<p>4 Visual Baseline Information The original Review (Oberholzer and Lawson, April 2020), indicated that the baseline information to inform the layout of the WEF was inadequate, the response by CES being that the baseline information has been enhanced in the current VIA. However, significant gaps still exist in the type of information required to inform a layout, as indicated below, and therefore inadequate for decision-makers.</p>		<p>The revised VIA has been comprehensively updated the baseline information in Section 6 of the VIA, including:</p> <ul style="list-style-type: none"> • Current landcover, land-use and zoning; • Physical environment, such as topography; • Protected area status; • Vegetation conservation status; • Existing built environment; and • Other relevant features.
<p>5 Site Verification The requirement by DFFE that an initial 'Site Sensitivity Verification Report' for a development footprint needs to be included in the VIA Report does not seem to have been met, as there is no evidence of the DFFE screening report in the current VIA.</p>		<p>The screening tool was consulted, and the results thereof are in the VIA. The results of the screening tool are primarily linked to the REDZ SEA which has also been discussed in detail.</p>
<p>6 REDZ Visual Mapping Although reference is now made to the REDZ Landscape Sensitivity Analysis in Section 4.3 of the VIA Report, no map or acknowledgement of the very high sensitivity areas are included in the Report.</p>		<p>In our opinion, the implications and relevance of the nearby REDZ 3 has been substantially addressed in the updated draft VIA.</p> <p>Also refer to the attached Annexure A to the IRT for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3 and the Albany WEF are unpacked. The criteria used as per the REDZ SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a high level and cannot be regarded as NO-GO areas for individual WEF turbines.</p>
<p>7 Visual Sensitivity Mapping Appendix 6(1) of the NEMA 2014 Regulations, a list of which is included in the VIA, specify the following requirement in Paragraph (h): "a map superimposing the activity including the associated structures and infrastructure on the environmental sensitivity of the site including areas to be avoided, including buffers"</p> <p>This required visual sensitivity map is still missing from the current VIA. (The protected areas map and viewshed analysis maps in the VIA are not the same thing). The maps contained in the earlier Oberholzer / Lawson review have therefore again been attached for the updated layout. (Maps 5 to 18).</p>		<p>The draft VIA provides the following explanation comments on page 1:</p> <p>The removal of turbines was largely done to reduce the visual impact on neighbouring game reserves. Out of the 23 turbines that were removed, 15 were removed to reduce the visual impact:</p> <ul style="list-style-type: none"> • Five (5) turbines were removed to reduce the visual impact on Kwandwe (North West turbines on Makana properties); • Seven (7) turbines were removed from the Eastern section of the site to reduce the visual impact; and • Three (3) turbines were removed from the middle southern section to reduce the for visual impact.

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<p>Although 23 wind turbines have been removed in the current layout, the visual sensitivity maps prepared by the Reviewers still indicate a number of turbines within buffers of sensitive or no-go areas as follows:</p> <p>Map 5: Sensitive topographic features (turbine numbers 26, 27, 35, 44 and 55); Map 6: Very steep slopes (>1:4), (turbine numbers 23, 35 and 59); Map 8: Heritage sites, (turbine numbers 01, 02, 05 and 70); Map 9: SAPAD nature areas (turbine numbers 10, 11, 13, 15, 16, 17 and 20); Map 10: SANBI Provincial Reserves, (turbines 35 and 41); Map 11: Guest farms and lodges, (turbines 10, 13, 15, 16, 24, 29, 31 and 32); Map 12: Towns (Makhanda), (turbine 71); Map 15: Scenic routes, (turbines 7, 9, 10, 11, 55 and 59); Map 16: N2 National Road, (turbines 23, 24, 26, 27, 35, 55 and 59); Map 17: Small airfield (as per CAA notification), (turbines 55, 58 and 59). Map 18 provides a summary of wind turbines overlaid on visually sensitive areas.</p> <p>The above sensitivity mapping indicates that a further 27 proposed wind turbines are problematic, but on which CES does not provide an opinion, possibly because they have not prepared similar maps of their own.</p> <p>No clear reasons are given in the current VIA for the removal of 23 wind turbines from the layout. This is mentioned in the External Review by Nuleaf who state: "This Report (the VIA) however does not offer a reason as to why these specific 23 turbines were chosen to be removed".</p> <p>Nuleaf also question the inclusion of 12 turbines within the Very High Landscape Sensitivity Class of the Cookhouse REDZ, and recommend the relocation or removal of these proposed turbines as a possible avoidance mitigation.</p> <p>The fact that an additional 27 problematic turbines, mentioned above, remain a part of the layout indicates that the process has been selective and therefore possibly flawed.</p>		<p>The remaining eight (8) turbines were removed for technical reasons (e.g. topographical challenge or to reduce wake effects).</p> <p>Overall, the Applicant took the decision to reduce the overall number of turbines based on the comments from the I&AP's and the findings of the initial visual report.</p> <p>With respect to the 18 maps, please refer to the attached Annexure A to the IRT for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3 and the Albany WEF are unpacked. The criteria used as per the REDZ SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a high level and cannot be regarded as NO-GO areas for individual WEF turbines.</p> <p>The inclusion of the 12 turbines within the Very High Landscape Sensitivity Class of the REDZ 3, is also explained.</p>
<p>8 Switching Stations and Construction Camp</p> <p>The switching stations, powerline and construction camp are industrial type facilities close to the N2 National Road as indicated in the previous review. The visually intrusive siting of these has not changed, and the visual impact significance has been increased from 'low' to 'moderate' in the current VIA.</p> <p>9 Aviation lights at night</p> <p>The current VIA by CES includes additional information on the impact of aviation lighting at night, and now indicates on Page 152 that the ratings applicable for night lighting will be HIGH both before and after mitigation, particularly from the turbines in the western cluster adjacent to the Kwandwe Reserve and Indalo Protected Environment.</p>		<p>The VIA specialist agrees with statements 8 and 9.</p> <p>With respect to sensitivity maps:</p> <ul style="list-style-type: none"> • The REDZ SEA visual buffers are proposed for screening purposes. • The VIA has adopted certain of the criteria for the detailed site assessment in Section 9 of the VIA (e.g. proximity to Nature Reserves and Private Game Reserves). • Based on the outcome of the VIA, no buffers have been recommended apart from a recommended 200 m buffer from roads.

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<p>10 Conclusion</p> <p>Although a number of gaps identified in the previous review have now been rectified in the current VIA, there is still no detailed visual sensitivity mapping, such as the maps attached below, on which the proposed layout is overlaid, as required by the NEMA Regulations.</p> <p>Based on the visual sensitivity maps in this review, it is clear that there are still a large number of proposed wind turbines that are problematic and that the process lacks credibility.</p> <p>Based on the above, we 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". Our own visual sensitivity analysis, as indicated in the attached maps, produce a significantly different result.</p>		<ul style="list-style-type: none"> An explanation of this issue and nature of the determination of landscape sensitivity per the REDZ SEA and relevance to the Albany WEF is provided in the Annexure A to this IRT. <p>With respect to night lighting, mitigation measures such as radar activated night lighting and limiting lighting to as few turbines as possible (subject to CAA approval) would reduce the impact of night lighting.</p> <p>The opinion of the I&AP and disagreement with the conclusions of the External Reviewer (Nuleaf) are noted.</p> <p>With respect to the "maps attached below" refer to the attached Annexure A to the IRT for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3 and the Albany WEF are unpacked.</p>
<ol style="list-style-type: none"> 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"). 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. It cannot be gainsaid that the game reserves in the project area such as Kwandwe and the eco- 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 ecotourism 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. 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. 	<p>Richard Summers</p> <p>On behalf of Kwandwe Private Game Reserve</p> <p>30/08/2021</p>	<p>1-5 Introduction and statements.</p>

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<p>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.</p>		
<p>SUMMARY OF KEY ISSUES AND CONCERNS</p> <p>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.</p> <p>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.</p> <p>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 an inescapable sense of bias in favour of the project and thus the report falls short of the independent unbiased assessment and specialist opinion that is required by NEMA.</p> <p>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.</p> <p>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.</p> <p>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 have not been quantified (as explained herein). The assessment is deficient in several areas.</p> <p>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.</p> <p>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</p>		<p>6. FATAL FLAW AND MITIGATION</p> <p>While the impact of the Albany WEF on certain sensitive receptors has been determined to be HIGH, the impacts are not deemed to be so high that they represent a fatal flaw.</p> <p>Mitigation options have not been ignored:</p> <ul style="list-style-type: none"> - The applicant has removed a total of 23 turbines mostly to reduce the visual impact on sensitive receptors. - Certain mitigation measures to reduce the impacts of night lighting have been proposed such as radar activated lighting. <p>Refer to the attached Annexure A to the IRT for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3 and the Albany WEF are unpacked. The criteria used as per the REDZ SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a high level and cannot be regarded as NO-GO areas for individual WEF turbines.</p> <p>7. INTEGRATION WITH HERITAGE</p> <p>The specialist Heritage Impact Assessment (HIA) identified the following main heritage features:</p> <ul style="list-style-type: none"> • Some age artifacts at various locations; • Several stone packed features such as kraals and farm walls at various locations; and • Various historical ruins, such as farmhouses, other buildings and a church. <p>It is our opinion that the proposed Albany WEF will not have a significant detrimental impact on these heritage resources. The VIA has been updated to make this point Section 13.2.</p> <p>8. SOCIO-ECONOMIC IMPACTS</p> <p>With respect to the EAP, it should be noted that the EAP and VIA specialist is a professional member of both SACNASP and EAPASA and is bound by the respective codes of ethical conduct including independence and integrity.</p>

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<p>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.</p> <p>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.</p> <p>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.</p> <p>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 socioeconomic 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 groundtruth 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.</p> <p>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.</p> <p>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</p>		<p>The SIA Consultant based her unbiased assessment on literature, research and interviews and used her experience gained over 25 years producing similar studies (including 9 years’ experience on renewable energy projects).</p> <p>9. CUMULATIVE IMPACTS The proposed WEF has been assessed cumulatively. In fact, the concluding cumulative statement (from a need and desirability perspective) reads as follows: “From a cumulative perspective the WEF would both negatively and positively contribute towards existing and proposed WEF impacts within a 30km radius of the proposed Albany WEF. The primarily negative cumulative impact would be from a visual perspective, specifically related to the tourism industry within the area. The primary positive cumulative impact would be a higher renewable energy output from this area and the use of land which is already degraded.”</p> <p>10. WATER AVAILABILITY Water use and availability is dealt with in a separate application to DWS who will determine if the required amounts for construction are available. If not available, then the application will not be allowed to proceed. The Developer has undertaken ground water investigations and has engaged with Makana Local Municipality regarding sourcing option, including trucking in water. Every effort will be made to ensure a sustainable development that does not impact on the water resource, and this will depend on when/if the project receives preferred bidder status in future years. The total water use requirement is 60 000kL per year for the 2-year construction period.</p> <p>11. CUMULATIVE IMPACTS The cumulative impact on eco-tourism has been assessed in all relevant reports. Kwandwe forms part of eco-tourism and is part of these individual impacts. The impact on Kwandwe has also been individually assessed in the SIA and VIA reports.</p> <p>12. DEFICIENT ASSESSMENT Unsubstantiated I&AP opinion.</p> <p>The specialists do what is required with the information available. The studies are based on facts and years of experience. Guidelines, experience and best practice are used to make informed decisions.</p>

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<p>that the cumulative impacts on impacted stakeholders “should be investigated and rated by a Land Valuer / Economist if required”1?</p> <p>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?</p> <p>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.</p> <p>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</p>		<p>13. EXTERNAL REVIEWS In terms of the EIA Regulations, an EAP is not prohibited from conducting specialist studies provided that such a study is reviewed by an external specialist.</p> <p>14. GAPS AND OMISSIONS Unsubstantiated I&AP opinion. Specialists are required, as per Appendix 6, to specifically state when information is not available and to mark impacts as unknown when there is not enough information to present a rating. The specialists have rated impacts as unknown and NOT as low or positive, begging the question as to where the bias is. Ratings have not been fabricated giving the lack of information, they have been clearly marked as unknown.</p> <p>15. DEIR AND SIA DATA The data used in the SIA (and the EIR) is a combination of literature, first-hand interviews and Kwandwe survey results. All information available has been considered and included.</p> <p>16. SOCIO ECONOMIC SPECIALIST The statement has been partially extracted. No literature is available in South Africa, hence the need to draw on international studies. Questionnaires were sent to all eco-tourism I&APs during the scoping phase to allow time to provide as much detail as possible for the specialist phase. Kwandwe’s own survey results were also included in the SIA (and therefore EIA).</p> <p>17. EMPLOYMENT The employment figures in the DEIR and SIA are based on figures received from the developer and on figures received during the questionnaire phase of the SIA information gathering process. Figures are presented as received.</p> <p>18. LAND VALUE and 19. THREAT OF DISINVESTMENT While no literature can be drawn on in South Africa at this stage one can use the example of Waainek WEF as a case study for disinvestment and a change in landuse at a local and regional scale. Waainek WEF, situated approximately the same distance from Makhanda, but on the western side, was constructed in view of a number of Indalo PE reserves as well as a number of other informal protected areas. These reserves have not closed</p>

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		<p>as a result of its construction or operation. Land values, as per the SIAs information based on interviews, have not been impacted by the WEF developments. This is relevant to both the Cookhouse area and the Waainek WEF. This has been considered in the SIA and EIR.</p> <p>20. UNDERSTATED SCORING It is strongly denied that CES has understated the scoring of impacts.</p> <p>22. ANNEXURES Annexure A: Responded to separately Annexure B: Considered, once again, in the update of the EIR Annexure C: Incorporated into the SIA and VIA, where relevant Annexure D: Incorporated into the VIA and HIA, where relevant</p>
<p>INDIRECT, CUMULATIVE AND CONSEQUENTIAL VISUAL IMPACTS</p> <p>23. 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 visually compromised or if the integrity of the visual resource and viewshed is impaired.</p> <p>24. 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. 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.</p> <p>25. 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.</p> <p>26. 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 farms³ on the surrounding</p>		<p>23. IMPAIRMENT OF VISUAL RESOURCE While the impact of the Albany WEF on certain sensitive receptors has been determined to be HIGH, the impacts and impairment of the visual resource is not determined to be so high that they represent a fatal flaw.</p> <p>24. & 25. CUMULATIVE VISUAL IMPACTS The revised VIA assesses all proposed WEFs within a 30km radius of the proposed Albany WEF.</p> <p>Peddie WEF is located over 30 km from the Albany WEF.</p> <p>The cumulative impact of the Albany, Waainek, Fronteer, Wind Garden and Grahamstown WEFS is rated HIGH.</p> <p>In addition, mitigation measures such as radar activated night lighting and limiting lighting to as few turbines as possible (subject to CAA approval) would reduce the impact of night lighting.</p> <p>26. MITIGATION HEIRARCHY With respect to mitigation options:</p> <ul style="list-style-type: none"> - The applicant has removed a total of 23 turbines mostly to reduce the visual impact on sensitive receptors. - Certain mitigation measures to reduce the impacts of night lighting have been proposed. <p>With respect to the visual sensitivity mapping provided by Oberholzer, refer to the attached Annexure A to the IRT for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3</p>

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<p>areas, in addition to the 23 turbine reduction already implemented by the applicant”4 (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.</p> <p>27. 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.</p> <p>28. 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.</p> <p>29. 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 un-spoilt 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 Ecce 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.</p> <p>30. 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.</p>		<p>and the Albany WEF are unpacked with respect to the 18 Oberholzer maps. In addition, the criteria used as per the REDZ SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a high level and cannot be regarded as NO-GO areas for individual WEF turbines.</p> <p>27. OBERHOLZER MAPPING Refer to the attached Annexure A to the IRT for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3 and the Albany WEF are unpacked with respect to the 18 Oberholzer maps. In addition, the criteria used as per the REDZ SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a high level and cannot be regarded as NO-GO areas for individual WEF turbines.</p> <p>The REDZ SEA visual sensitivity criteria have been consistently applied in the VIA.</p> <p>With respect to the mapping recommendation, it is suggested that applying a 50 metre buffered development envelope would not be detectable at the scale at which the VIA and viewshed analysis is conducted and would not be material to the overall VIA conclusions.</p> <p>With respect to sensitivity maps, these are presented in the form of detailed viewshed analyses for turbine hubs and blades provided in Section 9 both for:</p> <ul style="list-style-type: none"> • The entire 30 km radius of the WEF (Figure 9.1 and 9.2); and • The 15 visually sensitive receptors (Figures 9.3 to 9.17). <p>28. VISUAL AND SOCIO-ECONOMIC IMPACTS There is no literature available to support the I&APs assertion that there will be adverse socio-economic impacts on eco-tourism operations in the area. Waainek, as discussed above, can be used as an example. The assessment results are based on information gathered, including questionnaires distributed to all eco-tourism I&APs by the social specialist, and survey results done by Kwandwe. No correlating studies have been provided by the I&AP to substantiate the adverse socio-economic impacts on eco-tourism.</p> <p>29. MODERATE SEVERITY RATING FOR FARMS, ROADS, PASSES ETC</p>

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<p>31. The key findings of the Oberholzer / Lawson Review confirm the following:</p> <p>31.1. 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.</p> <p>31.2. 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.</p> <p>31.3. There is no evidence of the DFFE’s screening report having been employed in the revised VIA relating to site sensitivity verification.</p> <p>31.4. No maps or acknowledgments of the very high sensitivity areas are included in the revised VIA – another glaring omission.</p> <p>31.5. 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.</p> <p>31.6. 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.</p> <p>31.7. 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.</p> <p>32. 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”.</p> <p>33. 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</p>		<p>The severity ratings are based on a detailed review reflected in Section 11 of the VIA.</p> <p>30. NO MEANINGFUL ATTEMPT TO ADDRESS CONCERNS WITH THE VIA The revised VIA has been comprehensively updated, particularly based on the previous comments from Oberholzer and Lawson.</p> <p>31. FINDINGS OF OBERHOLZER / LAWSON Our detailed responses to the submission of Oberholzer and Lawson are provided in a separate response in this IRT.</p> <p>32. VIA APPROACH There are many unsubstantiated statements that have already been addressed above.</p> <p>33. SYSTEMATIC AND OBJECTIVE VIA This has been responded to in the response to Oberholzer and Lawson.</p> <p>34. INHOUSE VIA In terms of the EIA Regulations, an EAP is not prohibited from conducting specialist studies provided that such a study is reviewed by an external specialist.</p> <p>35. INDEPENDENCE OF SPECIALISTS In terms of the EIA Regulations, an EAP is not prohibited from conducting specialist studies provided that such a study is reviewed by an external specialist.</p> <p>It should also be noted that the EAP and VIA specialist is a professional member of both SACNASP and EAPASA and is bound by the respective codes of ethical conduct including independence and integrity.</p> <p>36. WEF FEASIBILITY Refer to the attached Annexure A to the IRT for expansion on this issue and where the SEA visual sensitivity categories in relation to the REDZ 3 and the Albany WEF are unpacked with respect to the 18 Oberholzer maps. In addition, the criteria used as per the REDZ SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a very high level and cannot be regarded as NO-GO areas for individual WEF turbines.</p>

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<p>in key respects (and in connection with at least 27 turbines identified by Messrs. Oberholzer and Lawson in particular).</p> <p>34. 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.</p> <p>35. 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.</p> <p>36. 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.</p> <p>37. 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.</p>		<p>37. FAILURE TO AVOID IMPACTS</p> <p>The mitigation hierarchy does not require one to "adhere to impact avoidance". There are four stages to mitigation, which include:</p> <ul style="list-style-type: none"> • Avoidance; • Minimisation; • Rehabilitation; and • Offset <p>All no-go areas were avoided, this included areas identified by the ecological (including surface water), avifaunal and bat specialists.</p> <p>The reduction of the layout (number of turbines) is another measure which was used to minimise the impact of the proposed WEF. This is relevant to the social (negative impacts), visual, heritage, avifaunal, bat and paleontological impacts.</p> <p>Rehabilitation has also formed part of this mitigation process by reducing the severity of impacts through the EMPr. Rehabilitation is a strategy used by most specialists throughout this process.</p> <p>It is neither practical nor sustainable to remove all turbines from all developments in which I&APs have a perceived impact of high in South Africa.</p>
<p>CONCERNS WITH THE SOCIAL IMPACT ASSESSMENT REPORT</p> <p>38. 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.</p> <p>39. 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.</p> <p>40. 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</p>		<p>38. A Socio-economic Impact Assessment is a social science that investigates how social and economic factors and activities, as a result of a development, could affect local communities, current land uses, cultural cohesions and so forth. The SIA Report assessed all relevant factors relating to a SIA.</p> <p>39. The SIA must not be confused with an Economic Impact Assessment, which should be done by an Economist. The SIA Specialist has the necessary qualifications and 24 years' experience with SIA's and related studies. This SIA study was done within its required mandate.</p>

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<p>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.</p> <p>41. 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.</p> <p>42. 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”⁵ 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.</p> <p>43. 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?</p> <p>44. 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 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</p>		<p>40. Assessment of economic impacts <u>on the study area</u> as a result of the wind farm in its entirety was done. Quantification of economic impacts on specific sensitive receptors and/or quantification of cumulative economic impacts outside the study area is not the mandate of the SIA for EIA purposes.</p> <p>41. The social and economic consequences of the project <u>on the study area in its entirety</u>, was considered, rated and assessed within the scope of a SIA.</p> <p>42. Negative and positive economic and social impacts were assessed and rated in the SIA. Negative economic impacts that were assessed include loss of existing jobs, potential loss in incomes (tourism/hunting industries), impacts on land values and so forth.</p> <p>43. From a socio-economic perspective various negative economic impacts that could potentially manifest for the study area have been assessed in the SIA report. These include impacts on tourism, potential job losses and impacts on livelihoods, which were assessed within the framework of a SIA. Primary and secondary data and literature reviews were used to come to reasonable conclusions. The SIA is not a Tourism and/or Economic Impact Assessment that focuses on specific sensitive receptors but focuses on the study area in its entirety.</p> <p>44. From a socio-economic perspective various negative economic impacts that could potentially manifest for the study area have been assessed in the SIA report. The SIA acknowledges and therefore elaborated on the contribution of game reserves and the tourism industry in the study area (Sections 5.3). As such, potential impacts on tourism, job losses and impacts on livelihoods were assessed within the framework of a SIA (Sections 11.1.3, 11.2.1, 11.2.2).</p> <p>45. A SIA is not an Economic or Regional Tourist study. It uses existing data (where available), literature, primary and secondary data and draws on the experience of the Specialist to make conclusions and assess impacts.</p> <p>46. All the relevant economic impacts (positive and negative) were assessed within the SIA’s mandate.</p> <p>47. A SIA is a social science that investigates how social and economic factors and activities, as a result of a development, could affect local</p>

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<p>conservation value to the province and believes that everything possible should be done prevent adverse impacts on these assets.”⁶ 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.</p> <p>45. 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.</p> <p>46. 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.</p> <p>47. 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-making.</p> <p>48. 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.</p> <p>49. 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.</p>		<p>communities, current land uses, cultural cohesions and so forth. The SIA Report assessed all relevant factors relating to a SIA. Potential impacts on tourism, job losses and impacts on livelihoods were assessed within the mandate of the SIA. An economic and/or tourism study for specific sensitive receptors and the wider region fall outside the scope of a SIA.</p> <p>48. A SIA should not be confused with public participation but does however use information obtained through the public participation process for EIA to establish trends, identify and to rate impacts. In addition, primary research included consultation and questionnaires that were distributed to Game Reserves, Tourism establishments and landowners in the study area and interviews with game farms visually impacted by existing wind farms. Subsequently the results of surveys done by Kwandwe were also incorporated in the SIA (Section 14.1.16). Satellite imagery, photos and specifically the VIA’s imagery were used in the assessment. This information obtained is adequate to orientate the consultant with the receiving environment.</p> <p>49. Section 4.2 of the SIA sets out the Method for the SIA, which is deemed to be sufficient. Literature reviews and primary research, as mentioned in Point 47 above, were implemented. Furthermore, the SIA assessed socio-economic impacts on the study area based on the entirety of the wind farm. The significance rating of possible impacts on specific sensitive receptors, such as Kwandwe, does not form part of its mandate.</p> <p>50. Quality of the maps and figures have been corrected in the amended SIA Report.</p> <p>51. A SIA is a social science that investigates how social and economic factors and activities, as a result of a development, could affect local communities, current land uses, cultural cohesions and so forth. The SIA Report assessed all relevant factors relating to a SIA, listed in Section 4.2.10, which amongst others, includes the impact of a proposed development on public health during the construction and operational phases. All impacts (negative and positive) that relate to a SIA, including economic impacts (tourism, job losses/gains, impacts on livelihoods), influx of jobseekers, skills development, land use impacts and so forth were assessed within the mandate of the SIA.</p> <p>52. The SIA assessed the significance of the impact on job losses and the potential loss in incomes for game reserves in the study area as moderate</p>

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<p>50. 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.</p> <p>51. 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.</p> <p>52. 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.</p> <p>53. 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".7. 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</p>		<p>negative. However, the significance rating and quantification of socio-economic impacts for a specific sensitive receptor is not part of the SIA's mandate.</p> <p>53. The purpose of a SIA is to assess all socio-economic impacts of the development on the study area. Although it is not an Economic Study that calculates/quantifies the impact on the receiving environment, the SIA assessed this impact within its framework and rated it as moderate negative.</p> <p>However, since (i) no consensus exists with regards to wind farms' actual impacts on tourism; (ii) no measurable economic impact on tourism locally or abroad could be obtained; (iii) each tourism market would be sensitive to its own set of circumstances and generalisations cannot be made; and (iv) only 4 of the game farms/protected environments in the study area are regarded as significantly visually impacted (moderate to high), confidence in the rating from a SIA perspective remains 'uncertain'.</p> <p>54. All impacts associated with a SIA and that are usually assessed within a SIA's framework, have been assessed. The number of positive and negative impacts and their significance ratings are not the only determining factors, as the 'certainty' of the impact manifesting also carries weight. Only 4 private game farms are visually impacted and could <i>possibly</i> be affected economically. It is however acknowledged that cumulative impacts could manifest as a result of impacts on the sense of place.</p> <p>However, since no consensus exists in published research with regards to wind farms' actual impact on tourism, confidence in the rating, from a SIA perspective, is 'uncertain'. The SIA is not a Tourism or Economic Study and cannot calculate the impact on the local economy and knock-on effect without reliable data.</p> <p>55. The SIA is not a Tourism or Economic Study and where reliable data is not available, a SIA assesses the impact based on literature research, consultation and community perceptions. The SIA study was executed within its appointed mandate.</p> <p>56. The SIA is not a Tourism or Economic Study and was executed within its appointed mandate.</p>

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<p>type of superficial impact assessment severely curtails the availability of necessary information that is required for the purposes of defensible decision-making.</p> <p>54. 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- 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.</p> <p>55. 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.”⁸ 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.</p> <p>56. 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.</p> <p>57. 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 tourism and job losses. This is not an objective approach to the assessment required.</p> <p>58. The positive effect of the socio-economic development (“SED”) and economic development (“ED”) contributions and community projects associated with the proposed</p>		<p>57. Positive economic impacts of the wind farm will benefit the local municipality and local communities (not only landowners) through ED, SED and community ownership. Impacts on tourism and job losses (and all impacts that are usually associated with a SIA) were assessed within the framework of a SIA.</p> <p>58. Impacts as a result of community projects, SED and ED are ‘certain’ even though monetary values are at this stage unknown. This is illustrated through the fact that the Project is required to report quarterly to the DMRE’s IPPO to ensure that the SED and ED funds are used as committed by the Project.</p> <p>58.1. Even though the exact amount committed by this Project is at this stage unknown, the 17 RE Projects in the Eastern Cape have committed to deliver monetary values of R36.2 billion GDP contribution in the country, R5 239 million committed SED in local communities, R7 035 million community net income and 18 139 job years (IPPPP: An Overview as at June 2020). Credible data is therefore available.</p> <p>58.2. All positive and negative impacts were identified and assessed within the framework of a SIA. Through research and analyses, the Consultant concluded that the positive impacts associated with the operation of the WEF are likely to outweigh the negative effects.</p> <p>58.3. The SIA determined that negative impacts on tourism and job losses are ‘possible’, since no consensus in research and literature to back up this statement could be obtained. Impacts as a result of ED, SED and community ownership are ‘definite’, as illustrated in 57.1 above.</p> <p>59. Section 3.3 (<i>Legal Framework and Policy Guidelines: Provincial Context</i>), Eastern Cape Provincial Development 2030, concludes that “<i>in terms of this renewable energy project, 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</i>”. The SIA therefore acknowledges that this is an impact that needs to be assessed and this was done within the framework of a SIA.</p> <p>60. The SIA assessed the relevant impacts on the entire study area (holistic view) and recognised that impacts on tourism is possible. The public and private nature/game reserves within the study area that have formal and</p>

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<p>Albany WEF cannot at this stage be quantified, as the margins to be spent on this, according to the SIA, are as yet unknown.⁹ 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)¹⁰ 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:</p> <p>58.1. Firstly, the assumed positive effect relied upon by the SIA is not based on credible assessment or data.</p> <p>58.2. 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.</p> <p>58.3. 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.</p> <p>59. 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 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.</p> <p>60. 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</p>		<p>non-formal conservation status account for 15-25% of the total study area. The VIA determined that 4 game reserves/protected environments in the study area are regarded as significantly visually impacted. Even though it is recognised that visual impacts alone are not the only determining factor and changes to the fabric of the landscape (as a result of cumulative impacts) could also influence community perceptions, it would not be judicious of the SIA to recommend the no-go option as the entire study area needs to be considered in the assessment and not only particular role-players.</p> <p>61. Section 11.1.3. (<i>Loss of existing jobs as a result of the Project</i>) determined that a negative impact of moderate significance is possible if negative impacts on tourism is experienced (reduction in tourist volumes and rates charged, resulting in financial losses, which may result in the affected tourist establishments reducing their workforce). This section further states that permanent employment at the game reserves within the local study area (those that completed questionnaires) amount to 347. It is not required of the SIA to calculate and quantify possible future trends as it is not a Tourism Assessment or Economic Study.</p> <p>62. All impacts relevant to a SIA have been assessed within its mandate. The SIA is not an Economic Study and it is not required of the SIA to make calculations of possible future trends.</p> <p>63. All impacts relevant to a SIA have been assessed within its mandate. The SIA is not an Economic Study and it is not required of the SIA to make calculations of possible future trends.</p> <p>64. All impacts relevant to a SIA have been assessed within its mandate. Where available, data was used to quantify impacts, such as for direct employment creation. Where data was not available, the Consultant had to rely on primary and secondary research to make reasonable conclusions. In many of these instances, confidence in the rating was indicated as ‘uncertain’, since the possibility and/or intensity of the impact manifesting is unclear.</p> <p>65. The SIA was executed within its mandate and within the realm of what such a study had to assess. The SIA is not an Economic Study and it is not required of the SIA to make calculations of future trends.</p>

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<p>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.</p> <p>61. 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”.¹¹ 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.</p> <p>62. 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”.¹² 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.</p> <p>63. The limitations of the EIA are evident from the SIA which states that the report provides “an 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.</p> <p>64. 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?</p> <p>65. 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”.¹³ Most of the SIA report focusses on the social fabric of the receiving environment and fails to address or quantify tangible economic impacts.</p> <p>66. 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</p>		<p>66. The purpose of Sections 4 (<i>Methodology</i>) and 4.1 (<i>Purpose of a SIA</i>) is to provide the method and aim of the study and the housing example is merely used to illustrate that the significance of social and socio-economic impacts are not necessarily stagnant due to possible changes in a receiving environment.</p> <p>The assessment of this Project’s impacts on the receiving environment was based on primary and secondary research that relate to this Project and is set out in Section 4 of the report.</p> <p>67. The purpose of Sections 4 (<i>Methodology</i>) and 4.1 (<i>Purpose of a SIA</i>) is to provide the method and aim of the study and the housing example is merely used to illustrate that the significance of social and socio-economic impacts are not necessarily stagnant due to possible changes in a receiving environment.</p> <p>The assessment of this Project’s impacts on the receiving environment was based on primary and secondary research that relate to this Project and is set out in Section 4 of the report.</p> <p>68. The SIA assesses all relevant positive and negative social and socio-economic impacts, regardless whether they have been raised during the public participation process or not. All comments raised during public participation have been considered and included.</p> <p>69. Cumulative impacts within a 30km buffer, as required by DFFE, were assessed. To assess cumulative impacts in the wider area is not part of the SIA’s mandate.</p> <p>The Wind Garden and Fronteer WEF’s EIA studies were conducted in 2021, prior to the writing of the SIA report. Positive EA’s have not been issued and as such these projects have not taken part in the DMRE’s REI4P’s bidding processes yet.</p> <p>70. The aim of the EIA is to ensure a pursuit of sustainable development. The SIA informs this process by highlighting positive and negative social and socio-economic impacts that need to be considered.</p> <p>71. Potential loss in incomes in the tourism/game/hunting industries and potential job losses within these industries have been assessed within the framework of a SIA and with the literature available.</p>

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<p>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?</p> <p>67. 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”.</p> <p>68. 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.</p> <p>69. For the purposes of the SIA, the study area was defined as to only include “this Project’s area of influence”.¹⁴ 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.</p> <p>70. 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.</p> <p>71. 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</p>		<p>72. Comment noted. Since no comparable literature exists on the impact of wind farms on the eco-tourism sectors within the SA context, interviews and questionnaires had to supplement the literature to draw reasonable conclusions.</p> <p>73. Since there are no local literature and data available regarding tourism impacts that resemble the study area, the SIA had to draw on international literature. Section 11.2.1 (<i>Potential loss in incomes: Tourism/Game/Hunting industries</i>) contains an in-depth analysis of appropriate literature, consultation and questionnaire outcomes. Even though the significance rating is ‘uncertain’ due to confining factors and information, it is regarded as a balanced view of this impact.</p>

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<p>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.</p> <p>72. 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.</p> <p>73. 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.</p>		
<p>FAILURE TO ASSESS IMPACTS ON WATER RESOURCES</p> <p>74. 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.</p> <p>75. NEMA requires that the use and exploitation of non-renewable natural resources must be responsible and equitable¹⁵, and take into account the consequences of the depletion of the resource.¹⁶ 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 jeopardised¹⁷. 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;¹⁸ 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.¹⁹</p> <p>76. 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.</p> <p>77. 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 NEMA²⁰ especially when</p>		<p>Water use and availability will be dealt with in a separate application to DWS who will determine if the required amounts for construction are available. If not available, then the application will not be allowed to proceed. The Developer has undertaken ground water investigations and has engaged with Makana Local Municipality regarding sourcing option, including trucking in water. Every effort will be made to ensure a sustainable development that does not impact on the water resource, and this will depend on when/if the project receives preferred bidder status in future years. The total water use requirement is 60 000kL per year for the 2-year construction period.</p>

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<p>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.</p> <p>78. 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”.²¹ 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 achieved in this case.</p> <p>79. Specifically, the amended DEIR fails to:</p> <p>79.1. Identify what the anticipated water volume and water use requirements are for the proposed Albany WEF are;</p> <p>79.2. 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;</p> <p>79.3. 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;</p> <p>79.4. Assess the availability and/or sustainability of proposed water uses and water abstraction rates of available boreholes (if required) for the project;</p> <p>79.5. 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</p> <p>79.6. Assess the sustainability of the potential use on water resources and insofar as groundwater extraction is contemplated, the impact on the ecological reserve.</p> <p>80. 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</p>		

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<p>so the increased pressure on an already-scarce water resource will decrease the water availability, and subsequently increase competition for scarce water resources.</p> <p>81. 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?</p> <p>82. 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.</p> <p>83. The fact that a lawful water use requires a license in terms of the National Water Act²² 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.</p> <p>84. 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.</p> <p>85. 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 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.</p> <p>86. 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.</p>		

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<p>VISUAL SCREENING</p> <p>87. 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.”²³ 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”.²⁴</p> <p>88. 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.</p>		<p>87. and 88. The specialist has repeatedly stated that visual impacts are notoriously difficult to mitigate. The specialist did not recommend the planting of woodlots, the specialist simply stated that the existing woodlots provide vegetation screening along the N2. A fact, not an opinion. With regards to night drives the VIA includes mitigation measures related to radar lighting.</p>
<p>INCOMPATIBILITY OF LAND USE</p> <p>89. The conclusion and specialist statement for the revised VIA that “the majority of the land surrounding the WEF is agricultural land” is misleading.²⁵ 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 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).”²⁶ 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.</p> <p>90. 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.</p>		<p>Game farming is an agricultural use. These land parcels are zoned as Agricultural. This is not an opinion which has been generated, it is a fact. Agriculture is not limited to crop farming and livestock. Game farming and hunting concessions are also considered agricultural uses of land.</p> <p>The land use, with respect to the commonage, will not change. All ward councillors have been engaged throughout the process. The use of the commonage for grazing will not stop due to the proposed turbines. The turbines are being proposed as an additional land use.</p>
<p>HERITAGE IMPACTS</p> <p>91. 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.</p> <p>92. 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.</p> <p>93. 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.</p>		<p>INTEGRATION WITH HERITAGE FEATURES</p> <p>The specialist Heritage Impact Assessment (HIA) identified the following main heritage features:</p> <ul style="list-style-type: none"> • Some age artifacts at various locations; • Several stone packed features such as kraals and farm walls at various locations; and • Various historical ruins, such as farmhouses, other buildings and a church. <p>It is our opinion that the proposed Albany WEF will not have a significant detrimental impact on these heritage resources. The VIA has been updated to make this point Section 13.2.</p>

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<p>INDEPENDENT REVIEW BY GLOBAL GREEN</p> <p>94. 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 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.</p> <p>95. The Global Green review raises the following specific concerns with the amended DEIR:</p> <p>95.1. The impact of the project on eco-tourism operations has not been adequately assessed, despite numerous I&APs raising concerns in this regard.</p> <p>95.2. No comparable international case studies exist to describe the impact on the eco-tourism sector in a South African context.</p> <p>95.3. 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.</p> <p>95.4. The data gathering process is questionable and would fail if subjected to the scrutiny of a peer review process.</p> <p>95.5. 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.</p> <p>95.6. 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.</p> <p>95.7. 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.</p> <p>96. The content of the amended DEIR is intended to enable the relevant competent authority to 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.</p>		<p>94. We maintain that the content of the EIR and the level of assessment meets all requirements. It is up to the DFFE to decide if this has been done in a satisfactory manner for them to make a decision.</p> <p>95.1. Eco-tourism impact and I&AP comments have been considered in detail in the EIR as well as the specialist reports, especially Socio-Economic, Visual and Noise</p> <p>95.2. With respect, this is a South African issue and not a DEIR issue. We agree that literature is limited in the South African context and have highlighted this on numerous occasions throughout the process. The process has relied on interviews, questionnaires and surveys.</p> <p>95.3. There is no literature available to demonstrate the impact of ecotourism. Waainek has been used as an example in which private reserves did not disinvest after its establishment. Addo Elephant National Park has not released any information regarding the impact of Grassridge WEF on occupancy rates.</p> <p>95.4. The data gathering process was done via email (all eco-tourism establishments were asked a number of questions regarding their businesses as well as the perceived threat of the WEF); surrounding landowners, including from other areas with established WEFs were phoned to understand the impact of existing WEFs; all information provided by I&APs (such as the Kwandwe survey results) were included in the assessment. This process has been transparent and fair to all parties involved.</p> <p>95.5. The impact on eco-tourism is covered in detail. This statement is disingenuous.</p> <p>95.6. Avoidance is ONE of the mitigation hierarchy strategies. The mitigation hierarchy does not require one to “adhere to impact avoidance”. There are four stages to mitigation, which include:</p> <ul style="list-style-type: none"> • Avoidance; • Minimisation; • Rehabilitation; and • Offset <p>All no-go areas were avoided, this included areas identified by the ecological (including surface water), avifaunal and bat specialists. The reduction of the layout (number of turbines) is another measure which was used to minimise the impact of the proposed WEF. This is relevant to the social (negative impacts), visual, heritage, avifaunal, bat and paleontological impacts. Rehabilitation has also formed part of this mitigation process by reducing the severity of impacts through the EMPr. Rehabilitation is a strategy used by most specialists throughout this</p>

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		<p>process. It is neither practical nor sustainable to remove all turbines from all developments in which I&APs have a perceived impact of high in South Africa.</p> <p>95.7. These turbines were removed at Scoping Level. But none the less, the reasons for their removal are detailed below. 33 – topography, access constraints and bat buffers; 34 – CAA airstrip restriction and bat buffers; 35, 36, 38 and 39 – vegetation sensitivity, topography and access constraints; 48 was removed to reduce wake losses between other turbines; 49 and 54 – vegetation sensitivity and bat buffers. (Revised bat buffers which stemmed from updated guidelines required not no part of the turbine including the rotor swept area can be in a high sensitivity area. Hence the need to remove some turbines completely).</p> <p>96. The DEIR contains as much information as possible and the limitations of information available has been made clear throughout the process. Should the DFFE require additional information or studies then there are many platforms to request this information.</p>
<p>NEED AND DESIRABILITY</p> <p>97. 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.</p> <p>98. 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.</p> <p>99. The enquiry is entirely skewed insofar as the economic impacts and impacts on eco-tourism operations remain unassessed unresolved.</p> <p>100. 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.</p> <p>101. It should be noted that identical sections on “Site Selection: Wind Capability”²⁸ and “Albany WEF distance from REDZ”²⁹ 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.</p>		<p>The need and desirability chapter was expanded on and the Eastern Cape Provincial Development plan, in particular, speaks to the fact that both eco-tourism and renewable energy are both critical economic sectors in the province. Both have been equally weighted and outlined.</p> <p>The Wind Capability and Albany distance to REDZ was moved to need and desirability chapter. The chapter was also expanded on significantly. Statement 101 is an oversimplification and biased statement regarding the DEIR.</p> <p>It has been stated throughout the report that our recommendation regarding decommissioning is the preparation of a full new EIA assessment as we strongly believe that policy, literature, and legislation will be significantly different in 20 years’ time. While decommissioning impacts have been assessed and rehabilitation plans have been drafted, we maintain that a the best practice and NEMA duty of care approach would be a new assessment at the time of decommissioning in addition to the recommendations made in this set of reports.</p>
<p>COMPOSITE PROJECT ASSESSMENT</p>		<p>The proposed Albany Connection and Associated Grid Infrastructure forms part of a separate Application for Environmental Authorisation. The specialist assessments which are relevant to both the proposal Albany WEF</p>

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<p>102.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.</p> <p>103.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.</p> <p>104.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.</p> <p>105.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.</p>		<p>development and the Albany Connection and Associated Grid Infrastructure, have compiled combined assessments due to the interrelation between these developments. An example of a specialist assessment which is significant to the proposed Albany WEF development is the Bat Impact Assessment, whereas as this assessment has little relevance to the proposed Albany Connection and Associated Grid Infrastructure development.</p> <p>In addition, take note of the comparison in the identified specialist assessments section and the relevant sensitivity theme section included in a National Screening Tool Report for different Application Categories in the same area.</p>
<p>ALTERNATIVES AND SENSITIVITY MAPPING</p> <p>106.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.</p> <p>107.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.</p> <p>108.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.</p>		<p>The VIA and SIA make specific mention of the sensitive I&APs in the discussion of each impact section. The impacts are then specifically categorised into eco-tourism. It has been made clear what the impact on Kwandwe, Buffalo Kloof, Great Fish River Reserve, amongst others, are and each has been rated extensively in the VIA. This is clear and evident.</p> <p>Property values have been assessed with the limited information available and using the reports provided by I&APs. A property value assessment was not a requirement in the plan of Study for the EIA. The SIA does include a response to the comment regarding land value.</p>
<p>SIGNIFICANCE RATINGS</p> <p>109.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:</p> <p>a. 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</p>		<p>SIGNIFICANCE RATINGS</p> <p>Please refer to <i>Section 9.1: Impact Assessment Methodology</i> of the Final EIR as well as the table headings in Appendix C. Mitigation measures are recommended subsequent to the identification of the impact significance. The “reversibility/mitigation” is then classified as “Easy”, “Moderate”, “Difficult” or “Very Difficult”. Please see the descriptions of each of these in <i>Table 9-1: Ranking of Evaluation Criteria</i>. Thereafter, and based on the mitigation measures provided and the reversibility/mitigation classification, the post-mitigation significance is assigned to the impact.</p>

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<p>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.</p> <p>b. There are inconsistent references. Table 10.1 refers to “consequence” which is not addressed in Appendix C.</p> <p>c. The ranking terminology is different. In Table 10.1 extent uses localised, moderate and extensive while Appendix C refers to localised, regional, national.</p> <p>d. Mitigation refers to low, moderate, high, very high while Annex C merely refers to easy.</p>		
<p>VISUAL</p> <p>110. 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”.</p> <p>111. 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.</p> <p>112. 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?</p> <p>113. 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.</p> <p>114. 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.³⁰</p> <p>115. 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.</p> <p>116. The justification for reliance on international studies “since no local data on the subject currently exists” 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.</p>		<p>NIGHT LIGHT POLLUTION</p> <p>Various mitigation measures have been proposed with respect to night light pollution including:</p> <ul style="list-style-type: none"> - Radar activated lighting (subject to CAA approval); and - Limiting lighting to certain turbines. <p>High visual impacts are perception based on the removal of turbines, while it contributes to minimisation does not remove the high impact. This has been clear in the VIA. This is because perception based impacts are difficult to mitigate.</p> <p>The 27 problematic turbines is based on the application of the REDZ SEA criteria to the Albany WEF. Refer to Annexure A to this IRT which unpacks the relevance of the REDZ SEA criteria to the Albany WEF.</p> <p>Primary research and analysis have been drawn upon, Kwandwe is aware of this given that their own surveys have been used and incorporated. The impact on eco-tourism has been assessed and uncertainties have been highlighted. This is the process for specialist assessments as per NEMA. Impacts have neither been avoided nor understated, the lack of local data has been repeatedly stated. While we agree and acknowledge that there will be an impact on eco-tourism the impact cannot be accurately quantified by the specialist (or external specialists commissioned by the I&AP) as local data is limited. Primary research and surveys must therefore be considered along with international literature. This has been done.</p> <p>As per the need and desirability chapter of the EIR the Eastern Cape eco-tourism and renewable energy are two of seven high potential areas. This has been discussed in detail in Chapter 3 of the EIR. Yes, the Eastern Cape relies heavily on the eco-tourism sector, but there are a number of other sectors, including renewable energy, on which the province also relies.</p>

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<p>117. In the face of uncertainty and in the absence of rigorous assessment, the precautionary principle 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.</p> <p>118. 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.</p> <p>119. 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.</p>		<p>1. Goal 1: A growing, inclusive and equitable economy – “The Eastern Cape has a growing, inclusive and equitable economy, which is larger and more efficient, and optimally exploits the competitive advantages of the province, increases employment, and reduces inequalities of income and wealth. This vision will be realised addressing the key constraints to unlocking economic potential: production costs, economic development support, infrastructure, workforce issues, and land and water challenges.”</p> <p>The focus will be on seven high-potential sectors:</p> <ol style="list-style-type: none"> i. Agriculture ii. Mining and energy iii. Construction related to large infrastructure, new property developments and the upgrading of human settlements. iv. Manufacturing v. Tourism, including eco-tourism, heritage, conferences and sports. vi. The social economy, including public works and asset-based community development. vii. Knowledge-based services, including R&D, professional services and business services <p>The economic goal will be achieved through five strategic objectives:</p> <ol style="list-style-type: none"> i. Improved economic infrastructure that promotes new economic activity ii. Stronger industry and enterprise support iii. An accelerated and completed land-reform process iv. Rapid development of high-potential economic sectors v. Rapid economic development of rural areas and all regions. <p>2. Goal 2: An educated, empowered and innovative citizenry</p> <p>3. Goal 3: A healthy population</p> <p>4. Goal 4: Vibrant, equitably enabled communities</p> <p>5. Goal 5: Capable, conscientious and accountable institutions</p>
<p>PUBLIC PARTICIPATION</p> <p>120. 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.</p> <p>121. 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</p>		<p>The comment summary was responded to in the IRT. Recommendations from the full external review (which is a report, and not questions) was incorporated, where CES agreed with the rationale, into the DEIR. The external review was commissioned by Kwandwe to “Rate” the DEIR. According to the algorithm the DEIR scored a “D”. We do not share this view, however, where the reviewer requested additional information in sections of the report we obliged and added information. Upon review of the second DEIR this should have been clear. Changes to the DEIR from first</p>

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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.		review to second were done solely in response to the PPP process and comments from I&APs.
<p>MITIGATION</p> <p>122.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.</p> <p>123.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.</p> <p>124.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.</p> <p>125.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.</p> <p>126.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.</p>		<p>Please see the “Impact Assessment Methodology” and the approved the plan of study for the EIA (which included the proposed Impact Assessment Methodology).</p> <p>To state that the DEIR shows limited evidence of the application of the mitigation hierarchy is disingenuous. This has been applied at a project level and at an individual impact level.</p> <p>The mitigation hierarchy does not require one to “adhere to impact avoidance”. There are four stages to mitigation, which include:</p> <ul style="list-style-type: none"> ● Avoidance; ● Minimisation; ● Rehabilitation; and ● Offset <p>All no-go areas were avoided, this included areas identified by the ecological (including surface water), avifaunal and bat specialists.</p> <p>The reduction of the layout (number of turbines) is another measure which was used to minimise the impact of the proposed WEF. This is relevant to the social (negative impacts), visual, heritage, avifaunal, bat and paleontological impacts.</p> <p>Rehabilitation has also formed part of this mitigation process by reducing the severity of impacts through the EMPr. Rehabilitation is a strategy used by most specialists throughout this process.</p> <p>It is neither practical nor sustainable to remove all turbines from all developments in which I&APs have a perceived impact of high in South Africa.</p> <p>Our detailed responses to the submission of Oberholzer and Lawson and the application of the REDZ SEA criteria to the Albany WEF is provided in Annexure A to this IRT.</p>
<p>IMPACT ON MEGAFUNA IN SURROUNDING RESERVES</p> <p>127.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</p>		<p>The EAP acknowledges that the impact on mega-fauna is poorly documented internationally, and that little research findings is available on which to draw conclusions. It is difficult to mitigate a potential impact which is not quantifiable or for which literature is limited. The noise specialist has drawn conclusion from available literature in countries where wind farms are more mature in their development phases.</p>

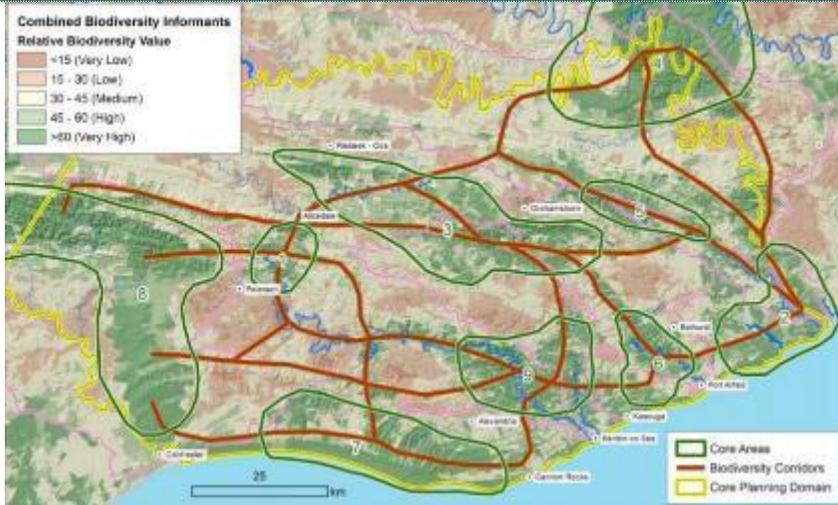
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<p>and Standards for the Management of Protected Areas published in terms of the National Environmental Management: Protected Areas Act needs to be taken into account.</p> <p>128. There is no evidence that this has been done in this case in connection 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.</p> <p>129. 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?</p> <p>130. 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.</p> <p>131. 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.</p> <p>132. 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.</p>		<p>The Noise Specialist has submitted the following in response to this query (information as per Elephant infrasounds: long-range communication, Michael Garstang, 2010)</p> <ol style="list-style-type: none"> 1. Wind turbines do not generate vibration. This is one of the factors which would significantly reduce the operational life of a wind turbine and any manufacturer will ensure that their product does not result in undue vibrations. 2. Elephants communicate at very low frequencies, and they also communicate over significant distances, reportedly up to 10 km. However, elephants (and most faunal species) mainly communicate during calm conditions, when there are low or no winds. It is postulated that this is one of the reasons that avifauna noises are particularly loud in the early mornings, as this is typically the most calm period of the day. As wind speeds increase, wind-induced noises start to increase and faunal communication also appear to reduce. Wind is also a significant source of low-frequency noise, that also significantly increase as the wind speeds increase. Elephant infrasounds: long-range communication, Michael Garstang, 2010 also highlights how wind influences elephant communication. Although there is not a currently a study to confirm this, elephants are unlikely to try significantly communicate during high wind conditions, as wind-induced noises would significantly impact on their communication. It should also be noted that wind turbines does not have a significant impact on low frequency noise in the environment. In February 2013, the Environmental Protection Authority of South Australia published the results of a study into infrasound levels near wind farms. This study measured infrasound levels at urban locations, rural locations with wind turbines close by, and rural locations with no wind turbines in the vicinity. It found that infrasound levels near wind farms are comparable to levels away from wind farms in both urban and rural locations. Infrasound levels were also measured during organized shut-downs of the wind farms; the results showed that there was no noticeable difference in infrasound levels whether the turbines were active or inactive. Therefore: <ol style="list-style-type: none"> a. Elephants mainly communicate during low wind, or no-wind conditions. Wind turbines does not operate during these times. b. Elephants do not communicate during high wind conditions, when the wind turbines operate. And data indicate that wind itself is the main source of low-frequency noise during period with increased winds, when the wind turbines.

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<p>On behalf of the Directors and Partners of the Conservation Landscapes Institute NPC (CLI). I should like to lodge an objection to the location and construction of the Albany Wind Energy Facility Makhanda in the Albany Region of the Eastern Cape.</p> <p>CLI is a registered Non Profit Company, established with the support of the Eastern Cape Parks and Tourism Agency, the Indalo and Buffalo Kloof Protected Environments; the Wilderness Foundation Africa (the Wildlife Ranchers Association, local NGOs and rural communities, to provide a dedicated vehicle to facilitate the process of forming ecologically connect ed Conservation Landscapes, and implementing the range of ecological and socio economic projects in the Albany Biosphere that will expand a Nature Based Economy for the area by “supporting and facilitating the promotion and advancement of nature conversation, rural socio economic development and the sustainable utilisation of renewable natural resources; and more particularly, the establishment of the Albany Biosphere, including Conservation Landscapes, in a manner that ensures environmental and biodiversity conservation at a landscape scale; climate change mitigation, and the optimisation of the socio economic development and economic empowerment of the peoples of the Eastern Cape.”</p> <p>In partnership with the above organisations, local and international academic institutions, and rural communities, the process of amalgamating the private game reserves, game ranches, State Protected Areas and community land into Conservation Landscapes that are of a scale that they can be managed as functional ecosystems, is well under way. Although the various forms of wildlife protected areas already contribute substantially to the conservation of what is a uniquely diverse ecosystem, and to a significant Nature Based Economy, the Albany Biosphere, with its Conservation Landscapes, is, and will be, an internationally significant contribution to the global effort to avert climate change biodiversity loss and alleviate poverty.</p> <p>The construction of the Albany WEF, however, will have a substantial negative influence on one of the most significant economic drivers in the area, namely nature-based tourism and the sustainable utilisation of renewable, wild natural resources. The map below depicts the main core biodiversity nodes in the planning domain linking Addo ENP with the Great Fish River Reserve It should be noted that a portion of the proposed area for the WEF falls within one of the landscapes designated as a core zone of biodiversity importance (Zone 5), and that the proposed land for WEF development clearly shows relative biodiversity values of High and Very High Furthermore, the proposed WEF area that does not fall within this zone is prioritized to serve as a corridor landscape for connection of core biodiversity areas in order to maintain population and ecosystem health. The presence of a wind farm would severely jeopardize and entirely prevent this outcome, and we would again emphasize that this landscape should be protected rather than degraded further through WEF implementation (Albany Biodiversity Corridor. Desmet Vromans 2020)</p>	<p>David Peddie</p> <p>PRGS</p> <p>30/08/2021</p>	<p>Introduction and statements.</p>

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In its impact on tourism, and the potential resulting conversion of land to large scale agriculture, which is particularly destructive of the unique biodiversity of the Albany Region, the WEF will also negatively impact on the growing international interest in investment into ecosystem and biodiversity conservation, carbon sequestration and the attendant mitigation of climate change, that is being generated by the awareness of the state of the global environment, and recurring pandemics.

The loss, or diversion, of foreign and local business investment that will result from the withdrawal of existing investment (as currently contemplated by two international investors in private game reserves should the wind farms be approved and developed) will also have a devastating effect on the opportunities created by a Nature Based Economy to alleviate poverty through employment and entrepreneurial opportunity opportunities that a wind farm most definitely does not create.

With regards to the reduction of proposed wind turbines from 66 to 43, although necessary, reduction in WEF quantity doesn't solve the problem posed by their presence in this specific location. The issue is in their presence and visibility, regardless of density, making the reduction in WEF numbers a step in the right direction but not a quantifiable improvement to the parties at stake.

Renewable energy is central to the philosophy and efforts of CLI, but large scale WEFs, such as this need to be located well away from sites where the option exists for environmentally sensitive and long-term sustainable alternatives. In this case, this is a location where the introduction of WEFs will have a destructive effect on a Nature Based Economy that is already

We agree that that developments need to be sustainable and the focus of the EIR process is to ensure that this is underpinned throughout. While there will be a negative economic impact on eco-tourism in the region, there will also be a number of positive economic impacts.

Wind farms produce clean renewable energy which offsets the energy used to make and transport the turbine components. This is comparable to coal which would use similar components to generate energy produced by fossil fuels.

It's called a Life-cycle analysis which would show the positive benefits of the wind farm. The factors mentioned by the I&AP do come into consideration when addressing climate change and are analysed in the life-cycle analysis which is not part of this scope.

During the cumulative assessment information gathering process, the EAP was able to extract two maps which illustrate the proposed "Albany Biodiversity Corridor Network". These maps were obtained from the Wind Garden and Frontier comments submitted by Indalo PE, amongst others. These maps indicate that the proposed Albany WEF is NOT situated within the proposed corridor which would link the Great Fish River Reserve to the Addo Elephant National Park (encompassing the Indalo PGRs) (Figure 1 and 2 below). In addition to this point, the maps also make it clear that the proposed Albany WEF site is situated on land regarded as having a LOW "Wilderness Value" (Figure 2 below).

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established and progressing rapidly to a level that will benefit both the local region, the country and the Planet environmentally and economically.

Locations such as the Albany Biosphere, which are uniquely biodiverse and a critical cog in the global plan to avoid the damaging effects of climate change and biodiversity loss, also lend themselves to an innovative application of renewable energy that will make an important contribution to the South Africa’s energy supply security. The rural development and land use structure demanded by a Nature Based Economy, offers the option to create numerous small to medium scale hubs of renewable energy with negligible environmental footprints independent of, and relieving demand on, the national grid.

These sort of options, we would submit, are alternatives to this WEF proposal that will certainly have a major negative impact on a large rural area that is currently creating a model of socio economic development that is sustainable; which contributes significantly to the global environmental and economic effort to build resilient systems, and which will attract considerable foreign investment that takes much of its “return on investment” in ecosystem services and biodiversity restoration.

It is also our contention, therefore, that inadequate consideration has been given to the direct impacts on the environment of the construction of large wind turbines of this design. The construction of the components is off-shore and energy intensive; the transport of these components is dependent on large quantities of fossil fuels and the materials of many of the very large components are not reusable nor biodegradable. These are factors which should come into consideration when the implementation of the WEF of the scale proposed and the location selected, have viable alternatives.

I should like to reiterate the opposition of the Conservation Landscapes Institute to this particular WEF in the strongest possible terms. I also wish to express the hope that common sense prevails, and that the optimum land use and socio-economic development model provided by the Nature Based Economy existing, and currently under innovative expansion, within and around the area proposed for this WEF, prevails.

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The proposed Albany Biodiversity Corridor Network includes an area between the Great Fish River Reserve and the Addo Elephant National Park (main game viewing area). The proposed corridor includes a portion of the operational Waainek WEF. The I&APs assertion that the Albany WEF would essentially derail the proposed Albany Biodiversity Corridor Network is flawed since an operational WEF has been included WITHIN the proposed corridor (see Figure 1 below). In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW “Wilderness Value” would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair.

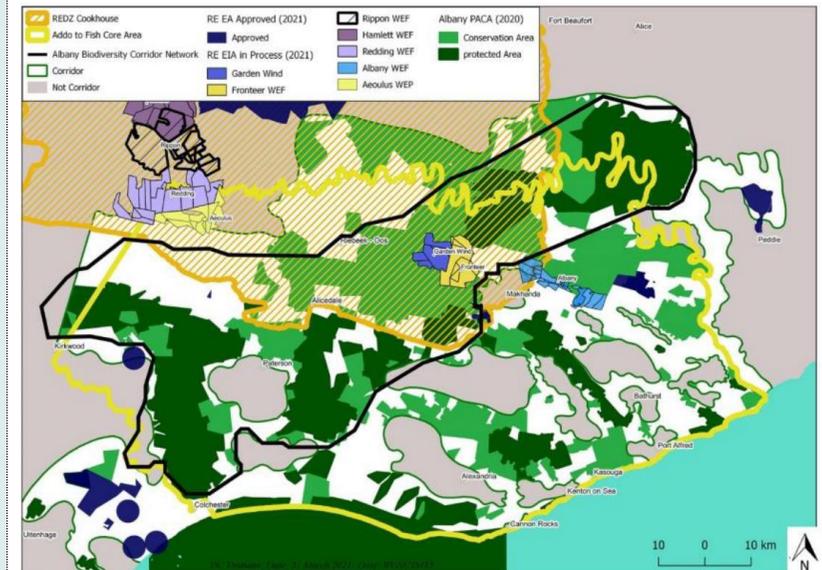


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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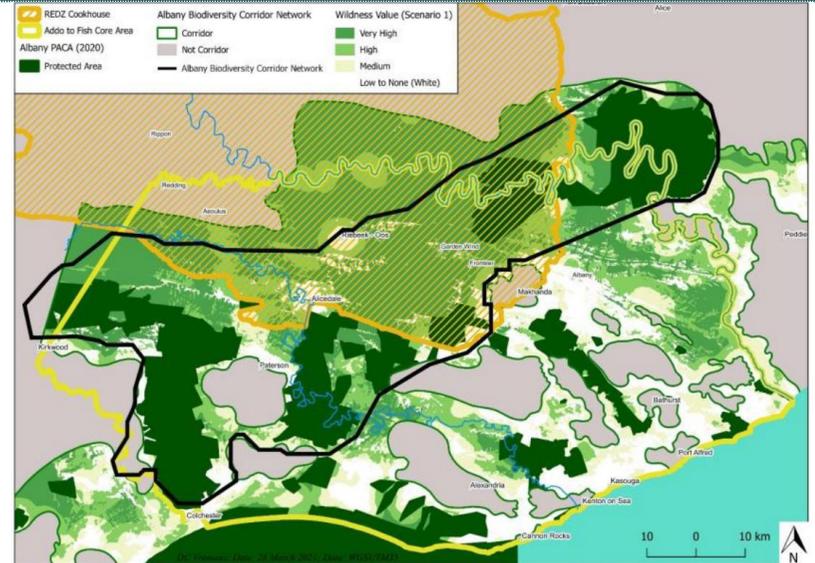


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

The proposed expansion is not formally documented or proclaimed in any information available to the EAP. While the conglomeration of all PGMs, NRs and NPs is in discussion by various stakeholders, the land on which it is proposed is not publicly available. Nor have these discussions taken place with the Albany WEF landowners (as far as the EAP is aware). No objections have been received from the WEF site landowners and consent has been received to undertake this EIA process. To state that a proposed WEF, adjacent to an existing substation and on land which is currently used for purposes other than ecotourism, is fatally flawed due to this proposed plan is not logical.

The Albany Biodiversity Corridor encompasses Waainek WEF (an existing WEF). And to state that no other development should take place within the vicinity of this plan would essentially sterilise all land from west of Gqeberha (Port Elizabeth) to east of the Fish River for any industrial development. This would also need to go through a REDZ, which has been assigned as an area with potential for renewable energy development. Until formalised, developers should be provided the opportunity to propose and implement developments which can contribute to the Eastern Cape economy.

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		It should also be highlighted that while the WEF development is rated as having a high visual impact, the impacts related to biodiversity are mitigatable and both natural and agricultural (fauna and flora) can continue to move and traverse the site during the WEFs lifespan. No turbines are situated on Indalo PE land as currently proclaimed nor are any turbines situated on protected area land.
<p>ARCC is a registered trust, NPO and SARS registered PBO, in operation since January 2017. ARCC is located in the Eastern Cape of South Africa and operates a holistic conservation programme bringing together protection, awareness, wildlife management community participation and law enforcement in a coordinated collaboration of individuals, rural communities, organisations and government to ensure the future of rhino and other wildlife in the wild.</p> <p>We received notification of the second draft EIR published 28 July 2021 for the WEF (DFFE Ref. No.: 14/12/16/3/3/2/1131).</p> <p>The submission below should be taken as preliminary and incomplete with outstanding comments still required following the completion of relevant studies for which significant gaps still exist.</p> <p>To start, we would like to draw your attention to the submissions made by Marchelle Terblanche in the “Socio-Economic Impact Assessment Report” listing amongst others: Gaps, Assumptions & Limitations-</p> <ul style="list-style-type: none"> • “Information required to aid significance ratings of certain impacts are unknown” • “given the competitive nature of the environment the Independent power Producer (“IPP”) operates in, revealing key confidential information in the public domain would be detrimental to the Project’s success. Where detailed information was not available, data of similar projects in the Eastern Cape was used as baseline to determine the significance of the socio-economic impacts” • “Impacts associated with the decommissioning phase are briefly discussed, but are not subject to detail assessment” • “Some of the SIA “soft” impacts, such as ‘sense of place’, are largely framed by people’s perceptions. It is a personal experience, not easily measurable and as such is based on the specialist’s opinion after scrutinizing information obtained from stakeholders and the Visual Impact Assessment.” • “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”. 	<p>Will Folds</p> <p>ARCC</p> <p>30/08/2021</p>	<p>The inclusion of “Gaps, Assumptions and Limitations” in the Socio-Economic Impact Assessment do not make this specialist report “preliminary” or “incomplete”. The inclusion of these “Gaps, Assumptions and Limitations” is a legislated requirement, if such gaps in information/knowledge occur and/if the Specialist has made assumptions or identified limitations. Appendix 6 of the NEMA EIA Regulations (2014, and subsequent amendments) requires that “(1) A specialist report prepared in terms of these Regulations must contain – (i) a description of any assumptions made and any uncertainties or gaps in knowledge”. The inclusion of the listed gaps, assumptions and limitations therefore does not make the specialist report a preliminary report nor an incomplete report.</p>

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<p>These comments highlight the significant lack of data pertaining directly to this proposed WEF and therefore the gamble that the government would be taking by replacing the existing and future socio-economic benefits of nature-based tourism with the perceived and largely unquantified benefits of this WEF.</p> <p>Under these circumstances the process and concluding statement “From a socio-economic perspective no issues have been observed or identified that would stop the Project from being implemented” (SIA Report Page xi) is, in our opinion, prejudiced.</p>		
<p>Nevertheless, the trustees of ARCC would like to express our objection to the proposed Wind Energy Facility (WEF) above for the reasons provided in the statements below and linked to the pertaining relevant literature.</p> <p>Specific reference needs to be made to the document, “A REVIEW OF LITERATURE ON THE IMPACT OF WIND ENERGY FACILITIES ON NATURE BASED TOURISM AND EMPLOYMENT: SOME POLICY KNOWLEDGE GAPS” written by Dr Juniours Marire (PhD) of the Rhodes University Department of Economics and Economic History”.</p> <p>1. The emergent consensus in literature suggests that the optimal location of WEFs ought to be between 10km and 56 km away from landscapes of high wilderness and tourism value;</p> <p>The proposed Albany WEF is sited directly adjacent to landscapes of high wilderness and tourism value of which a significant area is already formally protected These landscapes and protected areas that lie within 20-25km of the proposed wind energy developments and turbine locations and would have dire consequences for the existing ecotourism economy and jobs in this area based in that the sense of place of a very large area will be substantially transformed into an energy landscape These landscapes and their wilderness character forms the basis of biodiversity stewardship based protected area establishment and management.</p>		<p>The EIR, VIA and SIA acknowledge and rate the impact that the proposed WEF may have on eco-tourism. The proposed WEF is situated in an area which will impact 1 of the 8 Indalo PE reserves. This area is largely transformed and is not suitable for eco-tourism. This is supported by the maps provided by the numerous I&APs discussing the proposed Albany Biodiversity Corridor. The impact on jobs (both negative and positive) has been acknowledged and has been rated separately.</p> <p>We acknowledge and agree that there are knowledge gaps and the specialists have noted these gaps in their assessments. The Sarah Baartman region places equal emphasis on the need for eco-tourism and renewable energy development as key economic nodes. The positive and negative impacts of the proposed WEF have been documented throughout the report, with highlights to areas in which knowledge is limited.</p>
<p>2. Depending on landscape specificities, the optimal siting of WEFs might require focusing on already degraded landscapes or landscapes that are not restorable.</p> <p>The proposed Albany WEF is sited on landscapes which are biodiversity rich, and where degraded, are for a large part in process of restoration, and in many areas are fully restorable, and they lie within the strategic footprint of the proposed Albany Mega Reserve and Albany Biodiversity Corridor (also referred to as Addo to Great Fish Corridor as set out in below figures). In fact, the eastern half of this WEF overlaps with one of the “core biodiversity nodes” as identified in the Albany Biodiversity Corridor Network.</p> <p>The development of this WEF would fatally compromise a proposed landscape corridor within the Albany Biodiversity Corridor. See map below showing the priority landscape corridors</p>		<p>During the cumulative assessment information gathering process, the EAP was able to extract two maps which illustrate the proposed “Albany Biodiversity Corridor Network”. These maps were obtained from the Wind Garden and Fronteer comments submitted by Indalo PE, amongst others. These maps indicate that the proposed Albany WEF is NOT situated within the proposed corridor which would link the Great Fish River Reserve to the Addo Elephant National Park (encompassing the Indalo PGRs) (Figure 1 and 2 below). In addition to this point, the maps also make it clear that the proposed Albany WEF site is situated on land regarded as having a LOW “Wilderness Value” (Figure 2 below).</p>

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using combined biodiversity informants relative biodiversity value. Special reference to core biodiversity node 5 and its linking corridor. (iv page 29)

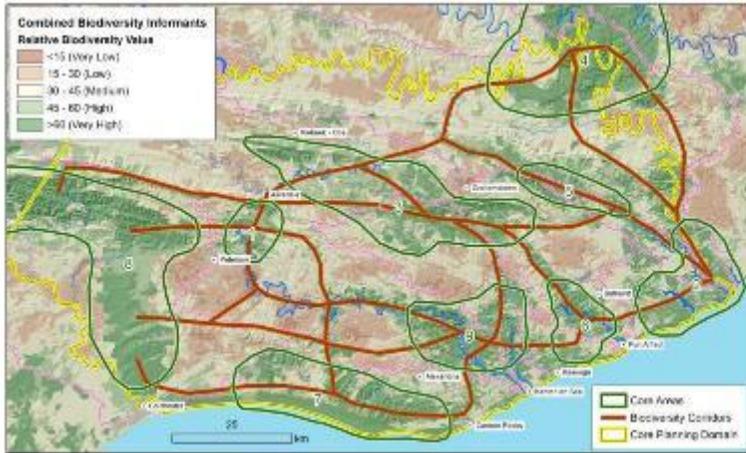


Figure 12. The general alignment of the Albany Biodiversity Corridor network indicating core biodiversity areas and landscape ecological corridor linkages.

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RESPONSE**

The proposed Albany Biodiversity Corridor Network includes an area between the Great Fish River Reserve and the Addo Elephant National Park (main game viewing area). The proposed corridor includes a portion of the operational Waainek WEF. The I&APs assertion that the Albany WEF would essentially derail the proposed Albany Biodiversity Corridor Network is flawed since an operational WEF has been included WITHIN the proposed corridor (see Figure 1 below). In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW “Wilderness Value” would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair.

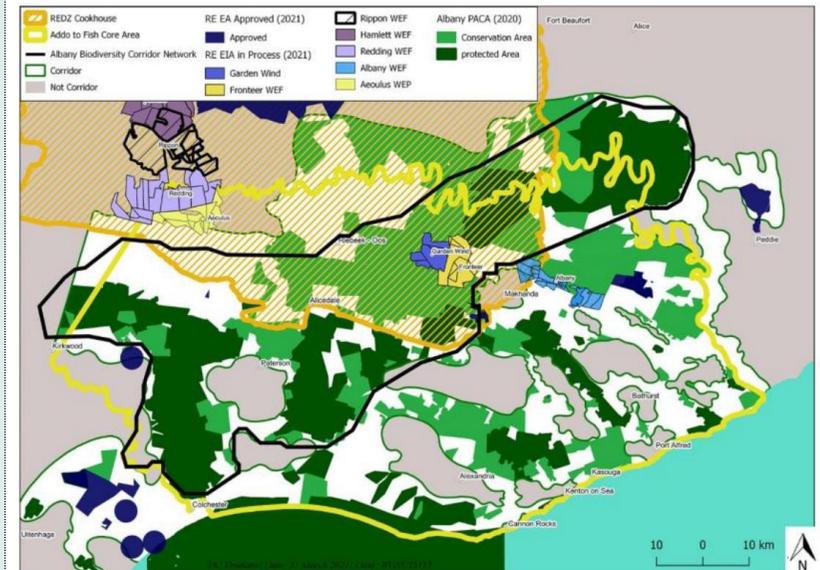


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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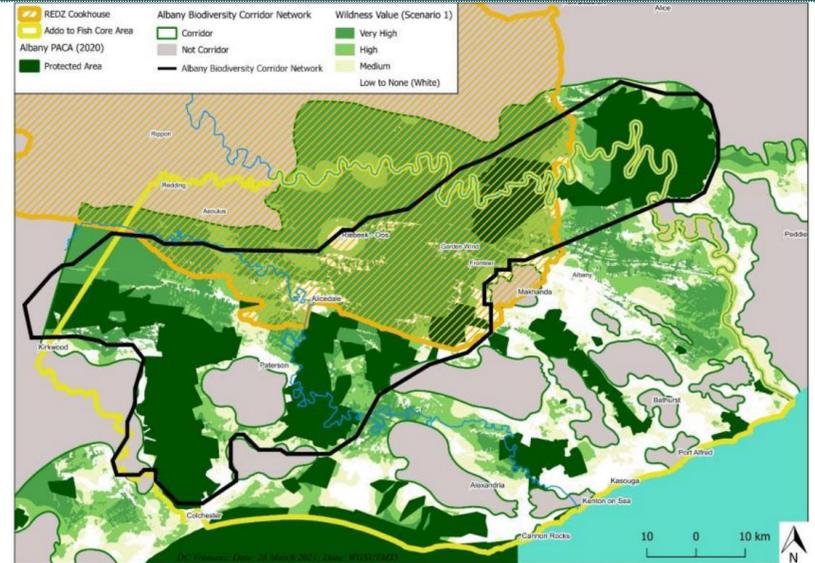


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

The proposed expansion is not formally documented or proclaimed in any information available to the EAP. While the conglomeration of all PGMs, NRs and NPs is in discussion by various stakeholders, the land on which it is proposed is not publicly available. Nor have these discussions taken place with the Albany WEF landowners (as far as the EAP is aware). No objections have been received from the WEF site landowners and consent has been received to undertake this EIA process. To state that a proposed WEF, adjacent to an existing substation and on land which is currently used for purposes other than ecotourism, is fatally flawed due to this proposed plan is not logical.

The Albany Biodiversity Corridor encompasses Waainek WEF (an existing WEF). And to state that no other development should take place within the vicinity of this plan would essentially sterilise all land from west of Gqeberha (Port Elizabeth) to east of the Fish River for any industrial development. This would also need to go through a REDZ, which has been assigned as an area with potential for renewable energy development. Until formalised, developers should be provided the opportunity to propose and implement developments which can contribute to the Eastern Cape economy.

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3. Although findings of studies relating to WEF and nature tourism are mixed, the majority of studies suggest that the economic effects of situating WEFs closer to landscapes of high aesthetic value include loss of ecotourism revenue, reduction in private funding for biodiversity conservation, and loss of current ecotourism jobs as well as future jobs in nature-based tourism and related enterprises.

The proposed WEF is sited on properties directly adjacent to landscapes of high aesthetic value which will undoubtedly result in a loss of existing jobs as well as future sustainable job creation. The Visual Impact report leaves no doubt about the overwhelming amount of moderate to high assessment ratings as summarised below:

Visual Impact Assessment

Table 12.2: Summary of visual assessment ratings for protected areas and game reserves.

Visual Receptors	Visibility – extent of turbine hubs visible to receptor	Visibility – extent of turbine blades visible to receptor	Visual exposure – distance of receptor	Landscape sensitivity – of receptor	Visual intrusion – on receptor daytime	Visual intrusion – on receptor night/lighting	Visual sensitivity – of receptor	VIC – constraint potential	Overall severity of impact
Provincial and Municipal Nature Reserves									
Boon Nature Reserve	MODERATE	HIGH	HIGH	HIGH	MODERATE	HIGH	HIGH	MODERATE/LOW	HIGH
Waters Meeting Nature Reserve	LOW	LOW	MODERATE/LOW	LOW	LOW	MODERATE	HIGH	MODERATE	LOW
Roundhill Oribo Local Authority Nature Reserve	MODERATE	HIGH	MODERATE/LOW	LOW	LOW	MODERATE	HIGH	MODERATE	MODERATE
Kop River Nature Reserve	MODERATE	MODERATE	MODERATE	MODERATE/LOW	MODERATE/LOW	MODERATE	HIGH	MODERATE	MODERATE
Great River Nature Reserve 13-20 km	HIGH	HIGH	LOW	MODERATE/LOW	MODERATE	MODERATE	HIGH	MODERATE	MODERATE
Great River Nature Reserve 20-50 km	LOW	LOW	LOW	LOW	LOW	MODERATE	HIGH	MODERATE	MODERATE/LOW
Magpies Bush State Forest	LOW	LOW	HIGH	VERY HIGH	LOW	LOW	HIGH	LOW	LOW
Private Protected Environment									
Kwandwe Private Game Reserve North (date)	HIGH/VERY HIGH	HIGH/VERY HIGH	MODERATE/LOW	MODERATE/LOW	MODERATE/HIGH	MODERATE/HIGH	HIGH	MODERATE	MODERATE to HIGH
Kwandwe West Indalo Protected Environment (date)	HIGH western cluster	HIGH western cluster	MODERATE/LOW	MODERATE	MODERATE	HIGH western cluster	HIGH	MODERATE	HIGH western cluster

It should also be highlighted that while the WEF development is rated as having a high visual impact, the impacts related to biodiversity are mitigatable and both natural and agricultural (fauna and flora) can continue to move and traverse the site during the WEFs lifespan. No turbines are situated on Indalo PE land as currently proclaimed nor are any turbines situated on protected area land.

The DFFE and DEDEAT need to strike a balance between eco-tourism and renewable energy development. Based on our assessment we do not believe that the impact of the proposed Albany WEF is significant enough to present a fatal flaw. While we acknowledge that impacts are high and difficult to mitigate (particularly visually), nearby established WEFs (such as Waainek and Cookhouse cluster) have not resulted in the closure of PGRs in proximity to these WEFs. We have rated the cumulative impact of the proposed WEF (in conjunction with other proposed WEFs) as HIGH negative.

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Visual Receptors	Visibility – extent of turbine blades visible to receptor	Visibility – extent of turbine blades visible to receptor	Visual exposure – distance of receptor	Landscape sensitivity – of receptor	Visual intrusion – as receptor declines	Visual intrusion – as receptor night lighting	Visual sensitivity – of receptor	WAC – contextual potential	Overall severity of impact
Buffalo Wood Protected Environment	HIGH	HIGH	LOW	LOW	MODERATE	HIGH	HIGH	MODERATE	HIGH
Private reserves and game farms									
KwaZulu Private Game Reserve (Jan Intake)	HIGH	VERY HIGH	VERY HIGH	MODERATE to HIGH	MODERATE/ HIGH waters close	MODERATE/ HIGH waters close	MODERATE	LOW	MODERATE to HIGH
Kudu Ridge Private Game Reserve	MODERATE	HIGH	MODERATE	LOW	MODERATE	MODERATE/ HIGH	MODERATE	MODERATE/ LOW	MODERATE
Stiklenk Private Nature Reserve	HIGH	HIGH	LOW	LOW	LOW	MODERATE/ LOW	MODERATE	LOW	MODERATE
Saltstone Game	HIGH	HIGH	LOW	LOW	LOW	MODERATE	MODERATE	MODERATE	MODERATE to LOW
Cornidge Private Game	LOW	LOW	MODERATE	LOW	LOW	MODERATE	MODERATE	LOW	MODERATE
Huntershoek Lodge	VERY LOW	LOW	LOW	LOW	LOW	LOW	MODERATE	LOW	LOW

In Desmet and Vromans (“The Albany Biodiversity Corridor”, Page 1 of the summary states “The analysis estimates that up to 150 000 ha of mapped biodiversity economy landscape will be visually impaired by the currently proposed WEF projects. The lost economic opportunity as a result of this WEF impact is estimated to be R955 million turnover per annum and 2535 full time jobs. The nature-based tourism resource potential analysis illustrates the importance of the natural sense of place as a valuable economic resource that should be valued as a national asset and considered more prominently in land use planning.”

4. Evidence suggests that business-people in the ecotourism industry might disinvest in an area following an accepted proposal for, or actual development of a WEF.

This statement is locally supported by personal communication with adjacent neighbours of the proposed WEF who have expressed intent to disinvest partially or completely should the proposed WEF be sanctioned. It should be noted that these property owners have already substantially invested in tourism infrastructure and facilities.

5. Evidence is mixed about the impact of WEFs on property prices in already degraded, inhabited or transformed landscapes, but no study has examined the effect of property prices

The EIR process has used information gathered and based its findings on local policy and guidelines. The Eastern Cape has 7 key economic nodes, one of which is eco-tourism and one of which is renewable energy. Given the constraints to the grid capacity in the Northern Cape the Eastern Cape wind resources will be vital to the South African renewable energy requirements. The proposed Albany WEF is situated adjacent to Makhanda (specifically the Albany Eskom Substation). The land on which it is proposed is largely transformed land which is unsuitable for eco-tourism. While the surrounding eco-tourism facilities have been acknowledged and assessed (high negative impact) there is little evidence to show that the establishment of wind energy facilities results in disinvestment. This is evident based on the operation Cookhouse WEFs Cluster and the Waainek WEF. The Eastern Cape needs to strike a balance between eco-tourism and economic development in order to procure jobs and transform the province. There is equal emphasis placed on both sectors. The Albany WEF has avoided pristine land, reduced the layout by 35% and has avoided areas of high sensitivity (such as the adherence to avifaunal, bat and ecological buffer areas).

It is acknowledged in the SIA that there is no consensus with regards to the impact on property prices. However, the SIA’s research indicated that the Cookhouse WEF did not negatively impact the selling price of 2 farms in its

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<p>in landscapes of high wilderness value. Using evidence based on transformed landscapes in deciding to locate WEFs in untransformed landscapes is misleading.</p>		<p>close vicinity. In addition, the former owner of eZulu Game Reserve indicated that the Reserve was sold early 2020 to an overseas buyer “who made an offer that could not be refused”.</p>
<p>In addition, the EIR does not adequately reflect or consider the effect on property prices of WEF’s in landscapes of high wilderness value where livelihoods are supported by wildlife and nature tourism, hunting and other nature activities. Until a proper tourism impact assessment is undertaken that includes impact on current reserves and hunting operations the true socio economic impact cannot be defensibly estimated. The current socio economic impact assessment is flawed and cannot claim to assess the full impact of this proposed WEF development.</p>		<p>Since no evidence could be obtained that surrounding land values would devaluate over the long-term, the SIA came to the conclusion that it is unlikely.</p>
<p>6. The best evidence suggests that where there is a land use conflict, the precautionary principle would require that policymakers avoid siting WEFs in localities whose socio-economic lifeline is ecotourism and whose landscapes are relatively pristine. Tourists are very sensitive to presence of WEFs in landscapes they cherish for recreational activities and spiritual upliftment.vi</p>		<p>While we acknowledge and agree that there is a conflict between eco-tourism and WEFs, we disagree that they are mutually exclusive. This is evident given the establishment of the Waainek WEF in view of Pumba and Lalibela, amongst others. Perceptions of turbines on a landscape are personal and while the majority of tourists (as per Kwandwe survey) are opposed to them, some are indifferent.</p>
<p>There is a devaluation of wildlife and nature tourism offering if WEFs (or any other highly intrusive developments) are allowed to encroach and this will have a substantial impact on livelihoods. There is a known and expressed conflict of interest between the WEF’s and the majority of game farms and protected areas and nature tourism operations within the viewshed of the proposed WEF. WEFs and wildlife and nature tourism are conflicting land uses and are mutually exclusive. Degradation of the environmental goods and services of reserves upon which nature and wildlife tourism product is based would imply a certain “disinvestment” in the nature and wildlife tourism sub sector for the regions, the province and even on a national scale. Due consideration is to be afforded to the biodiversity stewardship that nature and wildlife tourism affords the national protected area estate.</p>		<p>While this statement may be contested, there has been no evidence provided by private game farms that is to the contrary (job losses, etc.). Pumba and Lalibela have expressed having to reroute game drives, particularly in the evening to avoid lighting. The proposed Albany WEF has considered this, and the VIA specialist has recommended radar lighting as a mitigation measure. This statement is based on data collected by the social specialist.</p>
<p>Therefore, the precautionary principle should require the competent authority to reject this WEF application.</p>		
<p>We strongly contest the statement in the conclusions listed in the “Synthesis of specialist impacts as extracted from the specialist report” (page 157) which states, “None of the local private game farms that have been consulted and are visually affected by existing wind farms have experienced negative economic impacts”.</p>		
<p>We can only conclude from this that a select and biased sample of local private game farms has been targeted in the formation of this conclusion. This statement is unfortunate and tarnishes the integrity of the report and EIR process as a whole.</p>		
<p>7. Evidence also suggests that the benefits of WEFs accrue mostly to international and regional economic hubs, but negative effects of WEFs are borne locally, especially in rural economies that are ecotourism dependent.</p>		<p>Unfortunately, the final socio-economic benefits are currently unknown due to the fact that the proposed Albany WEF, if authorised, will be subject to a bidding round in terms of the REIPPP. The requirements and rules will</p>

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<p>The proposed Albany WEF is stated to have little local benefit to permanent job creation and the local economy when compared to the biodiversity-based economy that already exists let alone the growth trajectory pertaining to local employment and economic revenue which is evident in “A study of the conservation, economic and social activities of Indalo Private Game Reserves in the Eastern Cape” by Antrobus Snowball (2019).</p> <p>The comments made in this EIR do not adequately address the points made above and those made specifically pertaining to the socio economic benefits promised by the proponent through a percentage of revenue pledged to communities, carry little weight amongst communities who have observed how local unrest and protests have been fuelled through failure of operational WEF’s to deliver on promises in the nearby Cookhouse and Bedford areas Further to this there is no specific commitment to social percentage benefits so the proponent cannot be held accountable to any social benefits at this stage.</p> <p>Given the volume of science pleading against the proposed WEF, as well as the clear gaps in applicable data that exist in the understanding of the specific impact of these proposed WEF’s, we strongly oppose the application for the development of this WEF for the reasons listed above; as well as for all those reasons pertaining to impacts known and currently unknown on local fauna and flora, and, therefore, the unique and globally valuable natural biodiversity of this area.</p>		<p>only be available when the RFP for the REIPPPP is released. These rules have changed over the previous five rounds and therefore sharing any of this information now would be premature and inaccurate.</p> <p>Assuming that the Albany WEF is R2.6 billion investment value for a for 140MW facility (based on a regional average), the investment equity would equate to 25% and the debt would equate to 75%. EDF Renewable (holder of Albany Wind Power) would have a 50% shareholding while the rest will be South African owned equity. EDF Renewable would bring R325 million as foreign direct investment. These figures are simply to provide an order of magnitude.</p>
<p>Thank you for providing the Eastern Cape Parks and Tourism Agency (ECPTA) with the opportunity to provide comment on the draft Environmental Impact Assessment (EIA) Report for the proposed Albany Wind Energy Facility (WEF) within the Makana Local Municipality. As per the mandate of the ECPTA, the Agency is responsible for developing and managing protected areas and promoting and facilitating the development of tourism in the Province. Relating to the mandate of the ECPTA, the following comments that should be addressed:</p> <p>ECPTA Protected Areas</p> <p>The ECPTA is the management authority of Beggar’s Bush, Kap River Great Fish River Nature Reserves. For Beggar’s Bush Nature Reserve, we note that the Nature Reserve is in the middle of the project area for the proposed WEF. As such, we are concerned about the impact this development would have on the ecological functioning of the Nature Reserve. It is noted that a buffer has been demarcated for Beggar’s Bush Nature Reserve, however its concerning to note that the specialist for the ecological assessment has noted that detailed surveys still needs to be undertaken to the confirm presence of threatened and animal species when finalising the Beggar’s Bush Nature Reserve will be surrounded by the proposed Wind Energy Facilities which can have a negative impact on species movement between the Nature Reserve and the proposed project sites.</p>	<p>Vuyani Dayimani</p> <p>ECPTA</p> <p>30/08/2021</p>	<p>Introduction and statement, no response required.</p> <p>While numerous site visits have been undertaken as part of the Ecological Impact Assessment, the final layout will be subject to ground truthing surveys. This will only be undertaken should the WEF receive Environmental Authorisation and should the WEF be awarded preferred bidder status. The suit of biodiversity reports have all been undertaken in accordance with the specialist protocols and with the various guidelines which govern their processes.</p>
<p>Visual impacts</p>		<p>It is our opinion that the VIA has adequately assessed the visual impacts of the proposed WEF where it has been concluded that:</p>

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<p>The site of the proposed wind farm is in a very high landscape sensitivity class according to the REDZ SEA. This is acknowledged in the Visual Impact Assessment, which states that the southern and eastern portions of the focus area (the proposed site for development) should possibly have been excluded from the focus area due to their scenic sensitivity.</p> <p>Despite the reduction in number of turbines, we remain concerned about the visual impact on the private reserves, especially on Kwandwe which seems to be disproportionately impacted upon by the development. The potential visual impacts relate to the socio-economic impacts, and I expand upon my concerns further in my comments.</p> <p>Although the landscape is impacted on by human activities, an illusion of wilderness is presented from many of the vantage points within the Great Fish Nature Reserve. This is because most of the existing human activities create a scene that blends in (e.g. due to their size, texture and colour) with the surrounding natural features when viewed from a distance (this is evident from the photographs presented in pages 113-114 of the Visual Impact Assessment). The presence of wind turbines, extending above the horizon, greatly impact on this (also evident from the modelled photographs). Considering the prominence of the wind turbines in the viewshed, and that they could result in a change in visitors' perception of a wilderness landscape to a perception of an anthropogenically transformed landscape, we would argue that the turbines represent a high level of scenic intrusion. We do not know what impact this will have on visitor experience of the reserve. The private reserves surrounding the Great Fish River Nature Reserve will be similarly affected.</p> <p>It is incorrect to say that the Great Fish River Nature Reserve is located more than 20 km north of the project site (page 30 Table 6-2 and page 50 Table 7.1 of the Visual Impact Assessment). The closest turbines are less than 15 km from this reserve. As such, the reserve falls within the 16 km threshold for high impact as outlined in Figure 6.16 of the Visual Impact Assessment. The correct distance from the reserve is recorded on page 70 of the Visual Impact Assessment and the impact ratings have considered the correct distance.</p> <p>When considering visual impact, the DEIR states (page 126) that the lifespan of the project is likely to be 20-25 years, after which the infrastructure can be removed, thus restoring the landscape. The DEIR therefore does not fully consider that repowering may be considered after the lifespan of the installed infrastructure, thus resulting in longer term impacts. Full decommissioning of old wind turbines and restoration of a site is costly, therefore wind farms are more often repowered than removed (Szumilas-Kowalczyk et al., 2020). Moreover, due to rapidly evolving technology old wind turbines are usually replaced by higher and more powerful turbines, which impact the landscape even more. The DEIR states that any renewal of the wind farm will be addressed in a subsequent environmental authorisation process, however it must be considered that the existence of an already established wind energy facility will likely influence the decision in favour of renewal.</p>		<ul style="list-style-type: none"> • The cumulative visual impact of the Albany WEF and other WEFs proposed within a 30km radius, is HIGH; • The visual intrusion of the proposed wind farm on the surrounding landscape is rated as HIGH; and • The visual impacts for the certain individual receptors are HIGH. <p>The I&AP is correct. The final VIA will be updated to reflect the correct distance. The vast majority (probably 90%) of the Reserve is located more than 20 km from the WEF. As the I&AP indicates, the correct distances were considered in the impact assessment on the Reserve.</p> <p>Any attempt to extend the life or repower of the WEF beyond 25 years will be subjected to a new independent EIA process. It is speculation that “the existence of an already established wind energy facility will likely influence the decision in favour of renewal”.</p>

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<p>Impact on birds</p> <p>The Agency is concerned about the cumulative impact of the various wind farms in the area on birds, particularly on the long-lived and slow to reproduce species (such as martial eagle and black harrier). Diurnal raptors appear to be the most frequently recorded group amongst wind farm bird mortalities due to collision and they are regarded amongst the most vulnerable birds to wind farm impacts. The numbers and diversity of raptors in Sub-Saharan Africa have declined dramatically over the past few decades (see McPherson et al. 2021). Mortality rates are not comparable amongst taxonomic groups. Long-lived, slow reproducing species are less able to compensate for increases in anthropogenic mortality and are at a higher risk. For example, the Avifauna Specialist Study estimates an annual mortality rate for martial eagle at 0.66 (this estimate only takes the Albany wind farm into consideration, and not the additional mortality caused by the other existing and proposed wind farms in the region). Based on the acknowledged limitations of the data, one must appreciate that the confidence intervals for this estimate are large, and that the true mortality rate could be substantially higher. However, even if the estimated mortality rate were accepted, the annual loss of a single adult martial eagle due to the wind farm could have a significant impact on the population (due to the disruption of breeding cycles and the lag time for recolonization of a breeding site). Although the historic nest near the site was assumed to be unoccupied, the presence of a historic nest site for martial eagle, the possibility of undiscovered nest sites, and the frequent observation of this species on the site is a cause for concern. The presence of several wind farms in the area may result in the region switching from acting as a source area for martial eagles to a sink area, and this may contribute to the decline of this species.</p> <p>The Avifauna Specialist Study states a principal mitigation measure for the impact of collisions was to identify areas that should be avoided for new infrastructure. However, the avifauna specialist has recognised the limitations of the data collected and that the collision risk model presented is crude. As acknowledged in the report, there are biases in the dataset of recorded flight activity patterns, with most of the data centred around the vantage points. Our concern is not so much that these data have been used to identify collision risk areas, but rather that it creates the assumption that other areas, including those that are not represented by data, have lower collision risk. The collision risk for areas not covered by data is unknown. The impact of bird collisions is initially rated as moderate negative, but this is reduced to low negative with mitigation. The further mitigation measures presented in the report are however speculative or based on the development of future knowledge (see next bullet), and therefore it is not clear how it is justified to reduce the impact rating based on mitigation.</p> <p>The Avifauna Specialist Study recommends that a contingency mitigation budget be set aside for the operational phase to allow for adaptive management of impacts, including further research, human based shut down on demand, bird deterrence or other measures. While the need for adaptive management is understood, without a clear presentation of specific</p>		<p>Please refer to the Avifaunal Specialist Responses which have been appended below this table, in Specialist Response H3: Avifaunal Specialist Responses.</p> <p>1. Cumulative effects</p> <ul style="list-style-type: none"> We agree that the impacts at the other nearby operational and authorised wind farms should be included, particularly now that those reports are publicly available. We are aware of the Grahamstown Plan8 Wind Energy Facility (Authorised – approximately 22 turbines) and the Waainek Wind Energy Facility (Operational – 8 turbines). We adapted our crude fatality estimates to include the Grahamstown Plan8 Wind Farm, and we included actual bird fatality data from the Waainek Wind Farm 24 month post construction avifaunal monitoring report (obtained from CES)(EOH-CES, 2018). At the Waainek site 5 Jackal Buzzards, 3 White-rumped Swifts and 1 Cape Robin-Chat fatalities were recorded over two years. It must be noted that for Albany Wind Farm the previous fatality estimates worked on 66 turbines, which has now been reduced to 43 turbines, meaning that the below estimates are high or precautionary. These estimates are also pre-mitigation (for example Jackal Buzzard passage rate included flights recorded in the area around a known nest, which was subsequently avoided by turbines) and represent a worst case scenario as described in the avifaunal report. To follow on from the example used by ECPTA, up to approximately 0.88 Martial Eagles could be killed by these 3 wind farms cumulatively in the area per year before the implementation of any mitigation measures. Please refer to Appendix H3 for the full tables related to avifaunal fatalities In addition a new review paper has subsequently been published in South Africa which is relevant. Perold et al (2020) compiled a more recent review of the bird fatality data across 20 operational wind farms between 2014 and 2018. The overall adjusted fatality rate was 4.6 birds/turbine/year. Thirty families and 130 bird species were affected. Diurnal raptors were killed most often (36% of carcasses, 23 species) followed by passerines (30%, 49 species), waterbirds (11%, 24 species), swifts (9%, six species), large terrestrial birds (5%, 10 species), pigeons (4%, six species) and other near passerines (1%, seven species). The species of

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<p>mitigation measures (such as those recommended for bats), and their effectiveness, there is a reduced justification for down-rating impacts based on mitigation.</p> <p>Additional consideration needs to be given to how birds use the winds and terrain to fly. The turbines at the central and eastern clusters are situated on a ridge. Raptors and other large birds utilise such terrain features for orographic lift (slope soaring). The areas used for orographic lift by birds often correspond to locations selected by wind farm designers for the placement of turbines (due to attractive wind yield). Hanssen et al. (2020) outlined a cost-effective method to model uplift areas in landscapes to support the micro-siting of wind turbines to reduce impacts on raptors. A similar approach should be included in the specialist study. At the very least, the study should acknowledge that this behaviour occurs and that the turbines in the south represent a particular hazard in this regard. The impact ratings should be reassessed based on the increased likelihood of collision by birds utilizing orographic lift.</p> <p>The Avifauna Specialist Study recommends that cumulative impacts on birds be reduced by ensuring that each project in the broader area spares no effort mitigating the impact on avifauna. This idea is supported but needs to be developed further. This could include recommendations on the development of a joint monitoring committee to evaluate the results of monitoring data and to jointly develop strategies to mitigate impacts.</p> <p>The Avifauna Specialist Study presents a map of the site with the Avian Wind Farm Sensitivity Map for South Africa (Retief et al 2011) as an overlay. Is the scale of this assessment useful at the site level?</p> <p>The status of several bird species appears to be incorrectly recorded in the DEIR (see page 67; although these are correct in the Avifauna Specialist Study). Blue crane is recorded as Critically Endangered in Section 5.8.4 of the report, but it is Near Threatened according to the SA Red List Assessment and Vulnerable according to the IUCN assessment. Martial eagle is recorded as Near Threatened in the Table 5-6, but it is listed as Endangered by both the SA and IUCN assessments. Denham’s bustard is recorded as Near Threatened in Table 5-6, but it is Vulnerable according to the SA assessment. Black harrier is recorded as Vulnerable in Table 5-6, but it is listed as Endangered by both the SA and IUCN assessments. Crowned eagle is recorded as Near Threatened in Table 5-6, but it is listed as Vulnerable in the SA assessment.</p> <p>The DEIR states that 16 bird species of special concern occur on site and 10 of these are of high importance with regard to wind energy facilities. These numbers do not appear to correlate to the Avifauna Specialist Study, which reports 55 high risk species (as identified by Retief et al. 2014) recorded on site, 28 of which were considered priority target species by the study. The study also recorded 12 Red Listed species, including four Endangered species.</p>		<p>most conservation concern killed include endangered Cape Vultures and Black Harriers, both of which are endemic to southern Africa.</p> <ol style="list-style-type: none"> 2. Principle mitigation measure for bird collisions was to identify areas to avoid, bias towards areas close to vantage points <ul style="list-style-type: none"> • See Section 7.1.2 of the avifaunal report. Recorded bird flight activity was not the only factor used to identify areas to avoid (precisely because of such biases). Habitats and buffers around them were also used to identify areas to avoid by turbines. These habitats included: drainage lines; dams; and the more significant valley edges (which partially mitigates the collision risk to birds using orographic lift – Point 5). We agree that with a sampling approach such as employed for data collection, it cannot be inferred that all remaining areas hold no or low sensitivity. 3. Reduction of significance of bird collision from moderate to low with mitigation <ul style="list-style-type: none"> • See Point 4 4. Contingency mitigation budget, and the need to specify mitigation measures in detail <ul style="list-style-type: none"> • This point is valid. We did not make firmer recommendations because at that point our confidence in the known operational phase mitigation measures was low. However, the learning curve in the bird-wind energy industry worldwide is steep, and subsequent to the compilation of the avifaunal study two significant relevant advances have been made: <ul style="list-style-type: none"> ○ Painting one blade on each turbine black was shown to have potential for the mitigation of White-tailed Eagle collisions. A recent paper out of Norway has shown that the number of collisions can be reduced significantly by painting one blade on each turbine black (May et al, 2020). We recommend that blade painting be implemented at Albany Wind Farm proactively from the start of operations. It is likely that the CAA may require red to be used rather than black – which would be acceptable in our view. ○ Observer led shutdown on demand has proven effective at a wind farm in the Western Cape. The Excelsior Wind Farm has successfully implemented observer led shutdown on demand for several months now. No raptors have been killed, and the lost productivity as a result of shutdowns has been at an

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
		<p>acceptable level. We recommend that such a programme be budgeted for and if bird – turbine collisions exceed the facilities’ fatality threshold policy in spite of the other mitigation mentioned above, this programme be the next step in the adaptive management programme.</p> <p>To summarise - we make the following additional recommendations in order to further confirm the reduction of the significance of bird-turbine collision from Moderate to Low significance:</p> <ul style="list-style-type: none"> • An avifaunal walk through must be conducted by a suitably qualified and independent ornithologist for all components of the final facility layout to ensure that all avifaunal aspects have been adequately catered for. • At other operational wind farms it is suspected that ground burrowing small mammals such as Ground Squirrel found more favourable burrowing conditions along new road and hard stand verges on site, which resulted in an inflated prey base for raptors close to turbines, and consequent higher turbine collision risk. It is essential that the new wind farm does not create favourable conditions for such mammals in high-risk areas. We therefore recommend that within the first year of operations a full assessment of this aspect be made by the ornithologist contracted for post construction monitoring. If such burrowing is found case specific solutions to exclude these mammals from areas close to turbines will need to be developed and implemented by the wind farm. • A bird fatality threshold and adaptive management policy must be designed by an ornithologist for the site prior to the Commercial Operation Date (COD). This policy should form an annexure of the operational EMP for the facility. This policy should identify most importantly the number of bird fatalities of priority species which will trigger a management response, appropriate responses, and time lines for such responses. Fatalities of priority bird species are usually rare events (but with very high consequence) and it is difficult to analyse trends or statistics related to these fatalities as they occur. It is therefore important to have a threshold policy in place proactively to assist management. • All turbines must be painted according to a protocol currently under development by the South African Wind Energy Association (SAWEA) from the outset. Provision must be made by the

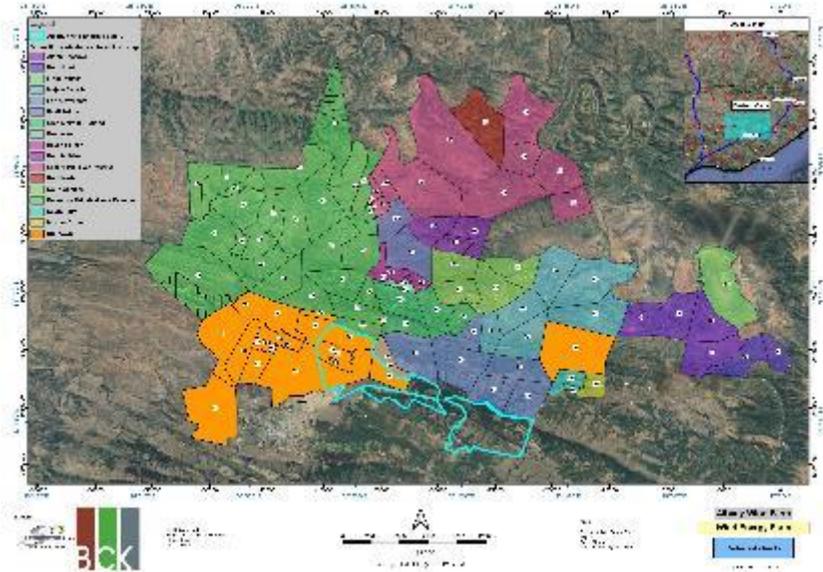
STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
		<p>developer for the resolution of any technical, warranty, supplier challenges that this may present.</p> <ul style="list-style-type: none"> The facility must be monitored once operational in accordance with the most recent version of the best practice guidelines available at the time (Jenkins et al, 2015). A minimum of two years of monitoring must be completed, although if significant impacts are detected this will need to be extended. Fatality estimates should continue for the full life span of the facility. The results of this monitoring should feed into the adaptive management plan for the facility. If the above mitigation measures do not adequately mitigate the risk and bird fatalities still exceed the identified thresholds further mitigation measures will need to be implemented. We recommend that the first of these is an observer led turbine Shutdown on Demand (SDOD) programme. This programme must consist of a suitably qualified, trained and resourced team of observers present on site for all daylight hours 365 days of the year. This team must be stationed at vantage points with full visible coverage of all turbine locations. The observers must detect incoming priority bird species, track their flights, judge when they enter a turbine proximity threshold, and alert the control room to shut down the relevant turbine until the risk has reduced. A full detailed method statement or protocol must be designed by an ornithologist. Any residual impacts after all possible mitigation measures have been implemented will need to be off-set. The facility will need to address other sources of mortality of priority species in a measurable way (according to best practice) so as to compensate for residual effects on the facility itself. <p>5. Orographic lift</p> <ul style="list-style-type: none"> It is correct that orographic lift is an important factor in determining where soaring bird species will fly. The wind farm is partially situated on thin ridge lines which will cause such lift in conditions where wind is from a more or less perpendicular angle to the ridge. We have identified the steeper topography areas (where lift would be greatest) as sensitive in the study and additionally recommended “No turbines should be placed closer to the southern edge of the ridge line than current locations. The southern facing slopes are all sensitive habitat and topography that is used by birds in flight.” We believe that flight activity

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		<p>associated with orographic risk was also represented by vantage point observations.</p> <p>6. Cumulative impact management.</p> <ul style="list-style-type: none"> The suggestion to have a joint monitoring committee to evaluate results and jointly develop mitigation measures is an excellent suggestion which we support. We recommend that such a committee be implemented if the wind farm becomes operational and be comprised of representatives from the respective wind farms, avifaunal specialists, and other relevant stakeholders.
<p>Impact on bats</p> <p>We are satisfied that the Bat Specialist Study has done a good job of identifying and assessing impacts on bats. The mitigation measures presented are clear and practical and, if implemented, will likely reduce the impacts substantially. These should be captured as conditions of the environmental authorisation, should the development be approved. Monitoring of the operational phase should include monitoring of adherence to these mitigation measures.</p>		<p>Statement, no response required.</p>
<p>Socio-economic impact</p> <p>On page 119 of the DEIR, the paucity of research on the impact of wind farms on tourism-based economies in the local context is highlighted. Although no published papers on the local context exist, there are indications that the international experience of limited impact on tourism may not apply here. According to the Socio-Economic Specialist Study, respondents of the Kwandwe survey indicated that the presence of a wind farm would detract from their selection of the area as a destination of choice. The Socio-Economic Specialist Study goes on to rate the impact on nature-based tourism industries as a moderate negative impact, but the specialist admits to a low confidence in this assessment. Research on tourist attitudes to wind farms in the context of the Eastern Cape is urgently needed to reduce uncertainty in the assessment of this impact and to aid decision-making. In the absence of data, the precautionary principle should be applied. In addition, according to the polluter pays principle (the wind turbines can be seen as a source of visual pollution), the wind farms should compensate existing private reserves for loss of revenue, if it can be established through independent research that they are a direct contributor to this.</p> <p>We are concerned that the presence of several wind farms in the region may reduce the potential of the landscape to move to a more sustainable nature-based economy. Historic land-uses in Albany Thicket (e.g. goat pastoralism) have proven to be unsustainable (see for example Kerley et al. 1995; Mills et al. 2007). The recent trend of conversion of agricultural farms to game-based operations has held promise of the region moving toward a more sustainable, biodiversity-based economy, which has greater potential for employment and economic development (see Sims-Castley et al 2005). Considering the high initial costs of establishing private game reserves and the risk associated with the uncertainty of tourist</p>		<p>The majority of respondents in the Kwandwe survey (26) indicated reluctance in returning to Kwandwe should the turbines be visible, 6 indicated that they might still frequent and 5 indicated that they wouldn't mind seeing the turbines at all.</p>

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<p>acceptance of the infrastructure, the development of wind farms in this area may cause investors to look elsewhere.</p> <p>Due to the high rate of Wind energy facilities in the area we are concerned about the cumulative impact on the tourism industry. A threshold needs to be determined to establish when tourist will find the area not appealing. How many wind farms can be accommodated in the landscape before this threshold is reached? In addition, we are concerned about the impact the proposed Wind energy facility on the competitive ability of tourism facilities. If tourists can choose between similar offerings, would they be more likely to select a destination that is not near a wind energy facility? Loss of employment in the tourism sector can occur within the area should tourist decide to visit another destination due to the high volume of wind energy facilities in the area.</p> <p>CONCLUSION Should you wish to discuss the above comments please do not hesitate to contact the ECPTA Environmental Planner, Ms Shanè Gertze (Email: shane.gertze@ecpta.co.za). Note the ECPTA reserves the right to revise initial comment and request further information based on any additional information that may be received. It would be appreciated if ECPTA could be included in all future correspondence relating to this application.</p>		
<p>We are commenting on the Albany Wind Energy Facility, DEFF Ref: 14/12/16/3/3/2/1131 as a concerned landowner, protected area manager and nature and wildlife tourism developer.</p> <p>We would like to bring to your attention that all properties north of the proposed development illustrated in this map, strongly oppose this development.</p> <p>All of these properties make their primary income out of wildlife tourism and the wildlife economy. To industrialize the southern ridge to the extent proposed by the Albany WEF developers, and their attempts at mitigating the visual impact of their turbines in the reviewed report, will be opposed collectively in the strongest possible way to protect the rural livelihoods that depend on our businesses.</p> <p>We appeal to you to please reconsider the site, the impact on the surrounding area will be catastrophic, forcing many of the landowners out of the area as it will be the end of wildlife tourism.</p> <p>Many of us have been in the area for over 50 years, developing the wildlife tourism industry, building a legacy for our children and their children to follow, bring about a mind change for the conservation process. It would be a massive loss to the industry to see all the work and progress made come to a grinding halt.</p>	<p>Colin Coetzee</p> <p>Coetzee Investment Trust</p> <p>30/08/2021</p>	<p>The objections are noted and acknowledged. The EIR, SIA and VIA deal with the visual impact of the proposed WEF and the knock-on effects that this may have on the eco-tourism industry.</p>

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QUERY/COMMENT**

We hope and trust this appeal will be taken into consideration and that the committee will think long and hard about the cause and effect the wind farm will have for the wildlife tourism industry in the area.



This second letter of objection serves to further record the objections of family and staff of Buffalo Kloof Private Game Reserve to the construction of the abovementioned facility.

It is noted with some great concern that there are several significant omissions of the recently presented Environmental Impact Assessment as produced by the consultants CES Environmental and Social Advisory Services, matters that have previously been raised by several interested and effected parties, that have not been addressed in the revised draft EIA.

The area of the proposed development is a rapidly diminishing biodiverse habitat that is being sacrificed for a relatively short-term gain in power production that is neither efficient nor reliable. The availability factor for wind turbines is no better than 30%, thus there is a continued reliance on fossil burning fuels to make the required power generation when the proposed wind turbines are not available for power production. This reliance on fossil fuels to make up the lack of power generation by the wind turbines results in a significant increase in the cost of power generation. In effect it is necessary to pay for a dual power generation. This is demonstrated daily by the elevated carbon dioxide releases from Germany. The longevity of wind turbines is very questionable, and after decommissioning it is impossible to recycle the turbines due to their process of manufacture. The only disposal option available for these constructions is to bury the turbines in already overcrowded disposal facilities.

**STAKEHOLDER /
I&AP**

Warne Rippon
Buffalo Kloof
Private Game
Reserve
30/08/2021

**EAP/SPECIALIST/DEVELOPER
RESPONSE**

As per the 2nd Draft EIR (and as responded to individually below). The draft revised EIR (including the IRT) has responded to each query raised.

The capacity factor of a wind turbine is its average power output divided by its maximum power capability. On land, capacity factors range from 0.26 to 0.52. The average 2018 capacity factor for projects built between 2014 and 2017 was 41.9%. In the U.S., the fleetwide average capacity factor was 35%.

30% is an old and outdated figure. New technology and bigger turbines allow for capacity factors of over 40% and sometimes as high as 50% depending on the wind resource.

The developer has been measuring the wind for years and would not pursue a project with a capacity factor of as low as 30%.

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<p>Due to various comments in the EIA there proves to be a significant lack of data pertaining to the proposed windfarm.</p> <p>1. The concerns about noise pollution during construction and during the operational phase have not been addressed adequately. No effort has been made to consider the impact of turbine vibration on the subsonic communication of elephant herds within the region. It is recognised that this ability to communicate by elephants over long distances has a material impact on the behaviour of these animals.</p>		<p>The Noise Specialist has submitted the following in response to this query (information as per Elephant infrasounds: long-range communication, Michael Garstang, 2010)</p> <ol style="list-style-type: none"> 1. Wind turbines do not generate vibration. This is one of the factors which would significantly reduce the operational life of a wind turbine and any manufacturer will ensure that their product does not result in undue vibrations. 2. Elephants communicate at very low frequencies, and they also communicate over significant distances, reportedly up to 10 km. However, elephants (and most faunal species) mainly communicate during calm conditions, when there are low or no winds. It is postulated that this is one of the reasons that avifauna noises are particularly loud in the early mornings, as this is typically the most calm period of the day. As wind speeds increase, wind-induced noises start to increase and faunal communication also appear to reduce. Wind is also a significant source of low-frequency noise, that also significantly increase as the wind speeds increase. Elephant infrasounds: long-range communication, Michael Garstang, 2010 also highlights how wind influences elephant communication. Although there is not a currently a study to confirm this, elephants are unlikely to try significantly communicate during high wind conditions, as wind-induced noises would significantly impact on their communication. It should also be noted that wind turbines does not have a significant impact on low frequency noise in the environment. In February 2013, the Environmental Protection Authority of South Australia published the results of a study into infrasound levels near wind farms. This study measured infrasound levels at urban locations, rural locations with wind turbines close by, and rural locations with no wind turbines in the vicinity. It found that infrasound levels near wind farms are comparable to levels away from wind farms in both urban and rural locations. Infrasound levels were also measured during organized shut-downs of the wind farms; the results showed that there was no noticeable difference in infrasound levels whether the turbines were active or inactive. Therefore: <ol style="list-style-type: none"> a. Elephants mainly communicate during low wind, or no-wind conditions. Wind turbines does not operate during these times. b. Elephants do not communicate during high wind conditions, when the wind turbines operate. And data indicate that wind itself is the main source of low-frequency noise during period with increased winds, when the wind turbines.

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>2. The biodiversity survey that has been completed makes little or no mention of a range of indigenous animals, birds, reptiles and amphibia. There is little understanding of the diversity of the biota in the region given the omission of animals as large as leopards from the survey work. If this is indicative of the work completed, then this calls into question the completeness and correctness of the work completed. As such then on this basis alone the draft EIA should be rejected.</p>		<p>As per page 82 of the Ecological Report Leopard (<i>panthera pardus</i>) is part of the species list which was generated for the site "APPENDIX A-4 MAMMAL SPECIES WHICH HAVE DISTRIBUTION RANGES WHICH INCLUDE THE PROPOSED SITE". Please revisit the Ecological Report for the full species which were made available in this report.</p>
<p>3. The proposed Albany WEF is sited in the proposed Albany Mega Reserve and Albany Biodiversity Corridor, also referred to as Addo to Great Fish. The construction of this WEF would compromise this landscape corridor (which Buffalo Kloof is a part of) within the Albany and would fatally compromise the possibility of the formation of a massive wilderness/conservancy area in the Eastern Cape. This would be far more financially viable, the jobs this type of formation could create would highly benefit all the local community spread out from Addo to great fish.</p>		<p>The Albany WEF is not situated within the proposed Albany Mega Reserve or Albany Biodiversity corridor, based on the information received from I&APs. Considering the Waainek WEF (which pre-dates the proposed – not yet formal – Albany Biodiversity Corridor) has been included in the proposed corridor. This implies that even if the proposed Albany WEF was within the proposed corridor it would not impair the development and fulfilment of the proposed Albany Mega Reserve / Albany Biodiversity Corridor.</p>
<p>4. Destruction of the visual amenity in the region. The greater Makhanda region relies heavily on the tourism industry for income and both direct and indirect employment of the local population. Many of these visitors to the region come from overseas bringing significant spending power with them. They come to the region expecting to see the genuine wild Africa experience, and not to see the skyline littered with wind turbines. These overseas visitors are prepared to pay significant money for this privilege. It should not be forgotten that these overseas visitors have chosen to visit this area over many other available options both here and on the African continent. Does the short term, short-lived gain in expensive power generation justify the loss of the significant tourist trade, especially in these seriously financially constrained conditions, where unemployment has reached more than 30%? Buffalo Kloof's overall severity of impact from the wind turbine is deemed as HIGH. The turbines will be in full view from both of our main lodges, we cannot express enough how this will adversely affect our livelihoods.</p> <p>In the visual impact assessment, it is stated "The study area to the north and northwest includes a number of public nature reserves (such as the Great Fish River Nature Reserve) and private game reserves (such as Kwandwe Private Game Reserve) which are sensitive receptors in the surrounding landscape. However, the majority of the land in the study area consists of agricultural land, particularly to the north east and east, and towns and villages, which are a less sensitive visual receptors. The majority of the landscape in the study area has been transformed to some degree by historical agricultural activities. Man-made structures, activities and effects are present in most views of the landscape. The scenic value could be described as HIGH (but not pristine or unique) due to presence of good condition Fish Arid and Fish Valley thicket vegetation. It is concluded that the surrounding landscape will have a MODERATE overall visual sensitivity for agricultural and residential areas to HIGH overall visual sensitivity for the nature and game reserves."</p>		<p>The detailed viewshed analysis for Buffalo Kloof Private Protected Environment made the following conclusions:</p> <ul style="list-style-type: none"> • The visibility of the WEF hubs is HIGH – 50% (21) or more turbine hubs are visible for more than 25% of the receptor area (Figure 9.11a). • The visibility of the WEF blades is HIGH – 50% (21) or more turbine blades are visible for more than 50% of the receptor area (Figure 9.11b). • The exposure to the WEF is LOW due to the 10-20 km distance from the WEF. • The landscape sensitivity of the receptor is LOW due to a private reserve being > 7km away from the WEF. <p>The overall visual impact of the Albany WEF on the Buffalo Kloof Private Protected Environment was determined to be HIGH due to protected environment and the potential impact of night lighting.</p> <p>However, these impacts can be mitigated by measures that reduce the impacts of night lighting such as radar activated night lighting and limiting lighting to as few turbines as possible (subject to CAA agreement).</p>

**STAKEHOLDER/I&AP
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**STAKEHOLDER /
I&AP**

**EAP/SPECIALIST/DEVELOPER
RESPONSE**

How can it be that Buffalo Kloof Private Game Reserve is not mentioned in the above write up? It is mentioned in the table below, we are HIGH on the severity of impact visually??

It is projected that the proposed Albany WEF will have a HIGH severity visual impact on the following sensitive receptors.

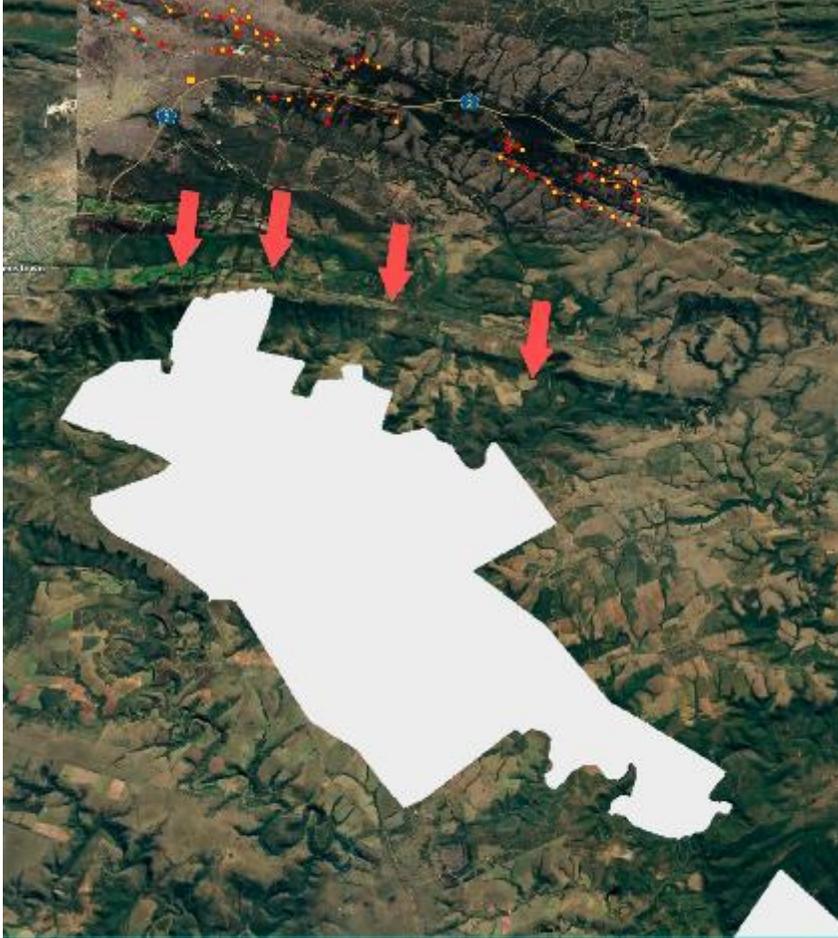
Visual Receptors	Overall severity of impact
Provincial and Municipal Nature Reserves	
Ecca Nature Reserve	HIGH
Private Protected Environment	
Kwandwe Private Game Reserve North (Indalo)	MODERATE to HIGH
Kwandwe West Indalo Protected Environment	HIGH
Buffalo Kloof Protected Environment	HIGH
Private reserves and game farms	
Kwandwe Private Game Reserve (non Indalo)	MODERATE to HIGH

The map below clearly shows Buffalo Kloof (filled in white) will be severely impacted by the visual impact, let alone the impact this will have on our tourism base and larger wildlife such as our elephant. Buffalo Kloof has been, and is adding more land to the existing Buffalo Kloof property, changing land use from agriculture to a wild protected area, making it an even worse HIGH land mass for visual sensitivity.

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EAP/SPECIALIST/DEVELOPER
RESPONSE



Once again, we are highly objecting to the proposition of your windfarm. The presented EIA is a pathetic reply to the objections already raised by multiple landowners. It is just regurgitated pages of non-substantive information that does not satisfy landowners.

I am writing this letter for a second time in objection to the proposed Albany Wind Farm on behalf of all owners, staff and interested parties of Coleridge Game Reserve. Coleridge Game Reserve forms the Northern-most section of Buffalo Kloof Private Game Reserve, which is located closest to the proposed wind farm. Buffalo Kloof is a protected area and also encompasses land owned by the Yendella community and the Waters Meeting Nature Reserve.

Brendan Cole
Coleridge Game Reserve
30/08/2021

DECREASED TOURISM
This has been assessed in the EIR, VIA and SIA. The impact is rated as high.

NOISE POLLUTION DURING CONSTRUCTION
This has been assessed in the EIR and Noise Impact Assessment.

NOISE AND VIBRATIONS FROM THE OPERATIONAL FARM
This has been assessed in the EIR and Noise Impact Assessment.

**STAKEHOLDER/I&AP
QUERY/COMMENT**

It saddens me that the corporate wheels are still turning in this matter and are still trying to find a reason to pave paradise in such a sensitive area. Nevertheless, here are a handful of reasons why this should not be permitted.

Coleridge Game Reserve objects for the following reasons:

- Decreased tourism due to the eyesore
- Noise pollution during construction
- Noise and vibrations from operational farm
- Disturbance due to increased traffic during construction
- Disturbance of delicate fauna and flora which the EIA failed to mention (hottentot buttonquail, king protea, violet-backed starlings, leopard, to name a few)
- The unforgivable eyesore of the turbines and the strobe lights atop each one
- Birds which will be killed by the turbines
- Bats which will be killed by the turbines
- The inevitability that more turbines will be constructed

Nobody from your company has acknowledged the following facts from my previous letter. Not one of the EIA reports mentioned that the operational turbines make significant noise when turning. Additionally, they send vibrations into the ground which disturb the sub-terrain species. During 2013-2014, Health Canada and Natural Resources Canada conducted a study of wind turbine-generated seismic ground vibrations. Their published report, "Analysis of Measured Wind Turbine Seismic Noise Generated from the Summerside Wind Farm, Prince Edward Island", found that seismic vibrations from turbines could be measured up to 10 kilometers away, and concluded that seismic ground waves from operational turbines could affect readings at seismological recording stations at distances of up to 63 kilometers. A similar study in Scotland led to a turbine exclusion zone of 10 kilometers and a consultation zone of 50 kilometers around their Eskdalemuir seismological recording station. Our reserve is home to many species which live beneath the ground, as well as above which may be affected by seismic vibrations.

"Elephants produce low-frequency vocalizations at such high amplitudes that they couple with the ground and travel along the surface of the earth with a separate velocity than their airborne counterparts. There are physical properties of seismic cues that, if detected on their own or in combination with acoustic cues, could enhance the elephant's ability to interpret signals. Elephants respond vigilantly to alarm call vocalizations transmitted through the ground, demonstrating that they can detect seismic information from background noise. In addition, elephants can also discriminate subtle differences between seismic playbacks of the same call type made by different callers. Elephants are well equipped to detect seismic cues through either bone conduction, somatosensory reception, or both (Ref. 6; O'Connell-Rodwell CE, Bouley DM, Hart LA, Arnason B, Hildebrandt T, Ketten D, Hart S, Puria B, unpublished observations)."

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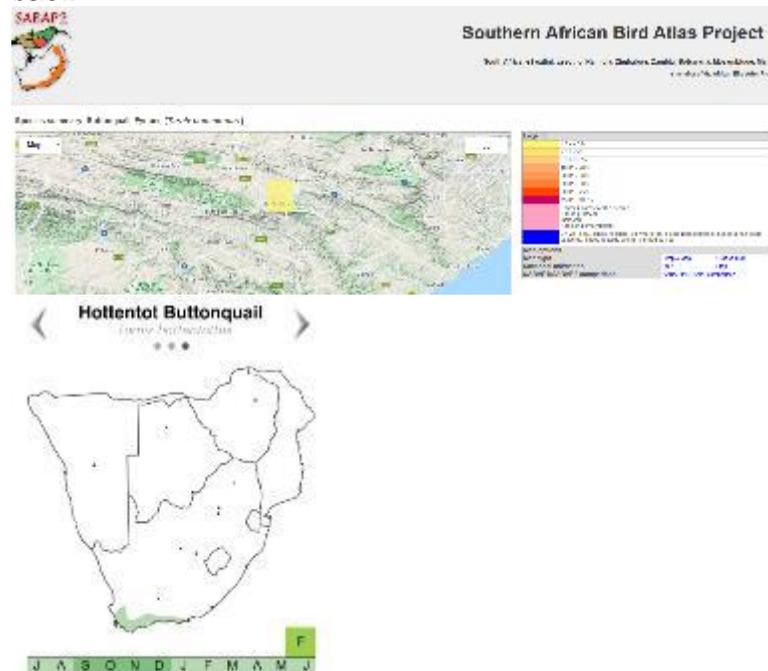
**EAP/SPECIALIST/DEVELOPER
RESPONSE**

DISTURBANCE DUE TO INCREASED TRAFFIC DURING CONSTRUCTION
This has been assessed in the EIR, SIA (human), TIA (traffic) and Ecological Impact Assessment (biophysical).

DISTURBANCE OF DELICATE FAUNA AND FLORA WHICH THE EIA FAILED TO MENTION (HOTTENTOT BUTTONQUIL, KING PROTEA, VIOLET-BACKED STARLINGS, LEOPARD, TO NAME A FEW.

The Bat, Avifaunal and Ecological Impact Assessments includes an assessment on fauna and flora.

Hottentot (Fynbos) Buttonquail (*Turnix hottentottus*) – this species was not recorded on site during the 12 months of monitoring. While incidental reports of sightings on Mountain Drive have been recorded, these are not relevant to this site. Distribution map (Robert's Birds) and SABAP2 map below



Violet-backed Starling (*Cinnyricinclus leucogaster*) – this species was not recorded on site during the 12 months of monitoring. While incidental reports of sightings in Makhanda have been recorded, these are not relevant to this site. Distribution map (Robert's Birds) and SABAP2 map below:

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QUERY/COMMENT

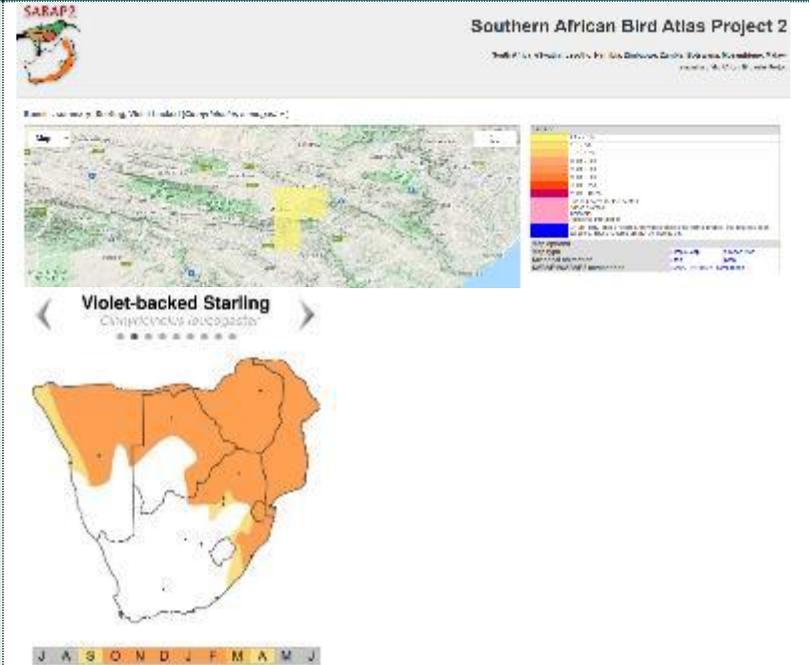
Has there been any study on the potential effects of your turbines on these species which will be within 10km of your proposed site? Research has been done, but this appears to be a major omission in your reports; even after it was raised in my previous objection – are our objections merely a formality?

In a world where our wild spaces and pristine areas are shrinking before our eyes, it is shameful that a beautiful area such as Grahamstown has been earmarked for the destruction of its vistas and dark night skies. The owners of Coleridge and Buffalo Kloof have spent the past 25 years restoring nature, protecting the smaller creatures and rehabilitating the over farmed and degraded land. We have helped uplift a local community, who will also lose out on the tourism benefits that they have worked so hard to secure. Your project will detract from everything that we have built and preserved.

Once again, I encourage you to have a long, hard look at what you are proposing to do to our beautiful part of the world. There will always be more turbines, more money, more construction... but I assure you, the sacred areas in our world are not guaranteed.

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King Protea (*Protea cynaroides*) – this species was not recorded within the proposed development area during the ecological site visits.



Leopard (*Panthera pardus*) – leopard is, and has always been, included in the species list of the Ecological Report. While they weren't observed on site by the ecological team during their site visits they are well known in the area.

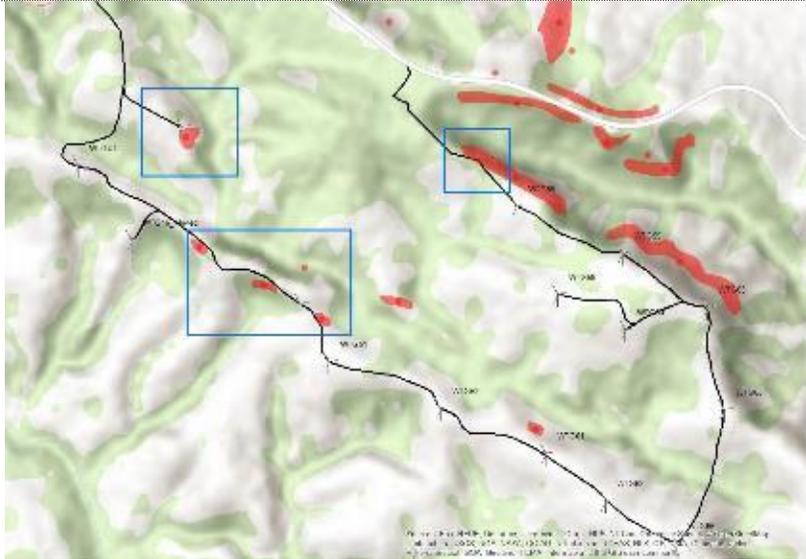
STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
		<p>THE UNFORGIVABLE EYESORE OF THE TURBINES AND THE STROBE LIGHTS ATOP EACH ONE The EIR, VIA and SIA all deal with visual impacts.</p> <p>BIRDS WHICH WILL BE KILLED BY THE TURBINES The Avifaunal impact assessment and associated 12-month monitoring campaign have assessed the impact on avifauna (birds). All sensitivities have been applied to the proposed layout.</p> <p>BATS WHICH WILL BE KILLED BY THE TURBINES The Bat impact assessment and associated 12-month monitoring campaign have assessed the impact on bats. All sensitivities have been applied to the proposed layout.</p> <p>THE INEVITABILITY THAT MORE TURBINES WILL BE CONSTRUCTED This is an unsubstantiated statement for which there is no evidence.</p> <p>NOISE IMPACTS ON MEGA-FAUNA The Noise Specialist has submitted the following in response to this query (information as per Elephant infrasounds: long-range communication, Michael Garstang, 2010)</p> <ol style="list-style-type: none"> 1. Wind turbines do not generate vibration. This is one of the factors which would significantly reduce the operational life of a wind turbine and any manufacturer will ensure that their product does not result in undue vibrations. 2. Elephants communicate at very low frequencies, and they also communicate over significant distances, reportedly up to 10 km. However, elephants (and most faunal species) mainly communicate during calm conditions, when there are low or no winds. It is postulated that this is one of the reasons that avifauna noises are particularly loud in the early mornings, as this is typically the most calm period of the day. As wind speeds increase, wind-induced noises start to increase and faunal communication also appear to reduce. Wind is also a significant source of low-frequency noise, that also significantly increase as the wind speeds increase. Elephant infrasounds: long-range communication, Michael Garstang, 2010 also highlights how wind influences elephant communication. Although there is not a currently a study to confirm this, elephants are unlikely to try significantly communicate during high wind conditions, as wind-induced noises would significantly impact on their

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
		<p>communication. It should also be noted that wind turbines does not have a significant impact on low frequency noise in the environment. In February 2013, the Environmental Protection Authority of South Australia published the results of a study into infrasound levels near wind farms. This study measured infrasound levels at urban locations, rural locations with wind turbines close by, and rural locations with no wind turbines in the vicinity. It found that infrasound levels near wind farms are comparable to levels away from wind farms in both urban and rural locations. Infrasound levels were also measured during organized shut-downs of the wind farms; the results showed that there was no noticeable difference in infrasound levels whether the turbines were active or inactive. Therefore:</p> <ol style="list-style-type: none"> a. Elephants mainly communicate during low wind, or no-wind conditions. Wind turbines does not operate during these times. b. Elephants do not communicate during high wind conditions, when the wind turbines operate. And data indicate that wind itself is the main source of low-frequency noise during period with increased winds, when the wind turbines would typically operate.
<p>The Albany Wind Energy Facility (WEF) Ecological Assessment, (DEFF Ref: 14/12/16/3/3/2/1131) refers.</p> <p>My comments relate specifically to Section 4.1.1 page 24 (Species of Special Concern) of the Ecological Report. The section on Special of Special Concern is disturbingly short and does not mention Makhanda’s iconic species, <i>Oldenburgia grandis</i> (Near Threatened according to an outdated IUCN assessment) as a species of special concern. Populations of <i>Oldenburgia grandis</i> were mapped as part of my MSc thesis in 2008 (Swart, 2008) in order to determine population densities across its range. I overlapped my GIS data with the proposed project infrastructure and found a few areas of concern (see map – blue boxes).</p>	<p>Carin Swart 25/08/2021</p>	<p>The full Ecological Assessment includes full mitigation and management protocols for protected plant species. This is particularly relevant at an EMPr level – which is the construction management document. A number of steps, including micro-siting are done prior to construction. During micro-siting individual plants are located and the specialist recommends either repositioning of infrastructure or applying for permits through the relevant department (either DEDEAT or Dept. of Forestry, depending on the species found).</p> <ul style="list-style-type: none"> • Access roads proposed are predominately existing tracks. Where tracks need to be upgraded, they will do so away from <i>Oldenburgia</i> populations. • Micro-siting will use this, and other recently published, biodiversity information to ensure that turbine placement does NOT impact on the existing <i>Oldenburgia</i> populations and make recommendations with regards to placement to avoid the need to transplant individuals. This is done at a micro-siting phase prior to construction. This phase is only done post preferred bidder status. • Alien Invasive Plant management is a core requirement of all wind energy facility applications and will be implemented on an ongoing basis for the life of the project as a condition of authorisation.

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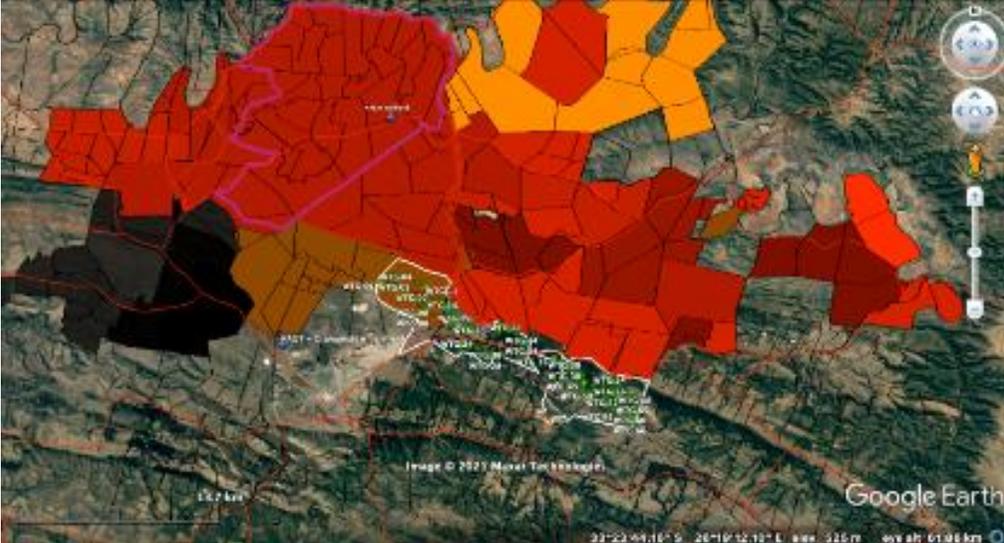
The areas in blue boxes on the map overlap or are very close to *O. grandis* populations and are likely to negatively impact these populations. We had a similar scenario with the Waainek Wind Farm application where the construction of the service road required the removal of adult *O. grandis* plants. There are a number of reasons why this is problematic.

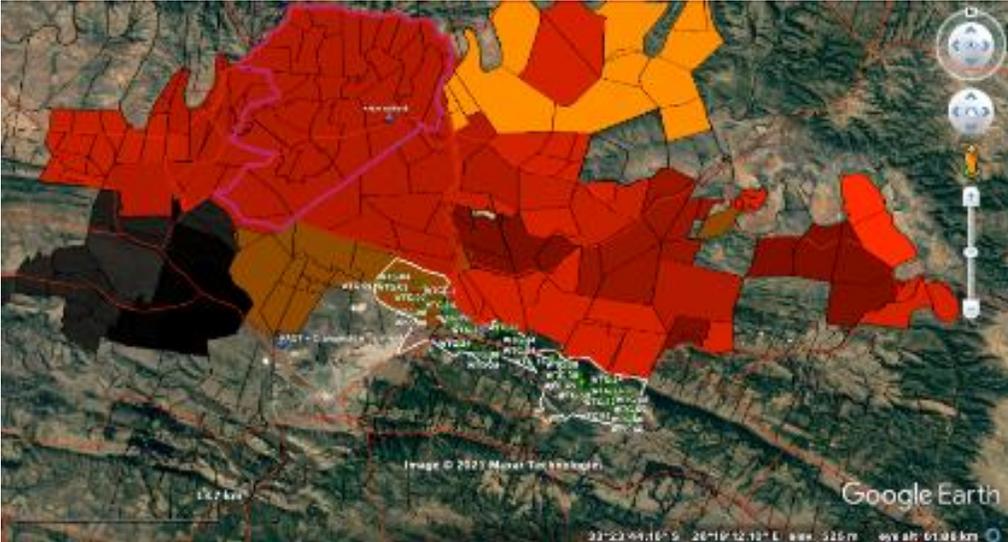
1. The Population Viability Assessment for the species revealed that the survival of adults and mature trees is crucial to population survival and removing or destroying adult trees is likely to result in local extinctions;
2. *O. grandis* is a rare species with a small geographic range and narrow habitat specificity making the species more vulnerable to extinction and less likely to recover from disturbances of this nature;
3. *O. grandis* are long-lived plants with limited recruitment by seed. It is therefore important to save the adult plants rather than re-seed an area where they need to be removed;
4. Page 18 of the report mentions the Suurberg Quartzite Fynbos (vegetation type associated with *O. grandis* populations) are already heavily invaded. The concern is that further disturbance will open areas to more invasions which are a direct threat to *O. grandis* populations. There does not seem to be a long-term plan to remove the aliens (in the future) as a direct result of the disturbance.

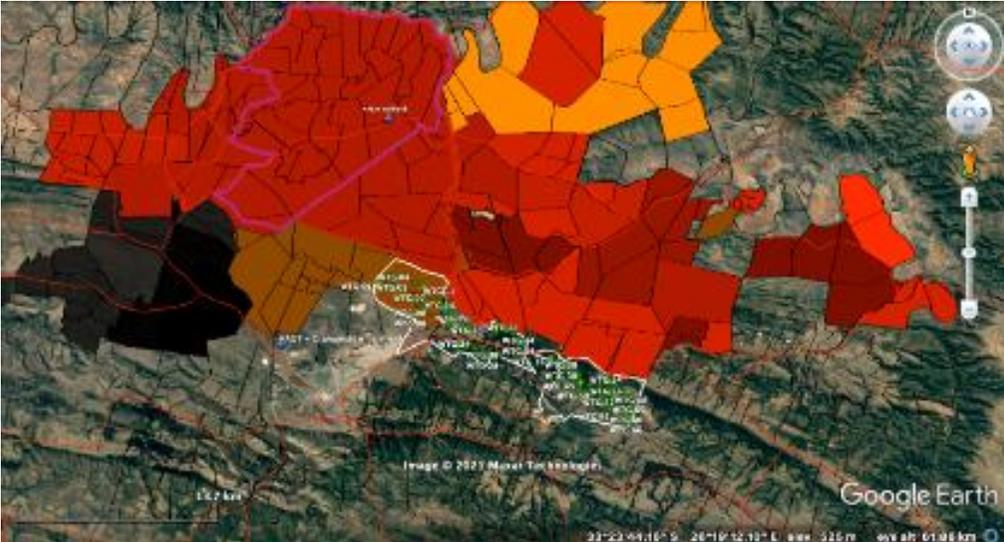
Recommendations:

It is recommended that the adult plants are removed and replanted (this might require the use of heavy machinery to remove the plant with the rock it is attached to). The tree with the rock can then be placed in the immediate vicinity of the road/turbine but out of harm's way in

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>a similar sized hole. The plants can be watered once a week for a month until (and if) they recover. This was done for the Waainek Project when concerns were raised, and survival outcome of the plants at the Waainek Site need further investigating to determine if there is a way this method can be improved.</p> <p>As a side note - historically, this area held a large population of the Critically Endangered <i>Encephalartos latifrons</i> and is still critical habitat for the species. We have previously uncovered unknown <i>E. latifrons</i> populations in the recent past and cannot discount the fact that individuals may still exist in the project area. If any individuals of the Albany Cycad are found, please inform the DEDEA Makhanda office at once.</p>		
<p>With reference to your Public Participation Process for the EIA Phase of your Albany WEF Project; herewith the following comments as our inputs:</p> <p>i) Noting the development of our proposed Governor's Fort WEF bordering your Albany WEF's footprint to the north and south; we request that you consider and confirm the required buffer/s of your Albany turbines from cadastral boundaries of the Governor's Fort's land parcels listed here: 0/217; 1/206; 8/226; 0/233; 4/226; 0/220; 1/220; 0/615; 1/223; 1/359; 2/359; 3/359; 0/224; 1/224; 5/226.</p> <p>ii) We would like to place on record that due to the closeness of your Albany WEF to our proposed Governor's Fort WEF; Wake Effect Impact will be an issue the owners of the two Projects will have to deliberate on at a future date.</p>	<p>Bruce Cleary Genesis Eco Energy Developments 29/08/2021</p>	<ul style="list-style-type: none"> The turbines placement complies with the relevant setback legislation applicable in the Eastern Cape (the Western Cape has a fixed property distance prescribed, which has been applied to this project as a more stringent measure). A minimum prescription of a blade length from the property boundary has been maintained throughout. This project is noted in terms of the EIA process and the information has been relayed to the developer of the proposed WEF. Once more information becomes available on the WEF proposed by Genesis then wake impacts can be explored.
<p>Dear Sir/Madam,</p> <p>Fort Governor's Estate borders directly onto your proposed Albany Wind Project on the northern, western and southern sides, as far as we can ascertain. As an Interested and Affected Party we herewith submit the follow comments as part of your Environmental Impact Assessment process.</p> <p>As an eco-estate offering an African bush experience to visitors both local and international, we are concerned about the visual impact that wind turbines will inevitably have on the unspoilt bush experience; especially your planned turbine positions on the northern side of Fort Governor's Estate. Our lodges look north and the turbines will be intrusively visible to guests at Fort Governor's Estate.</p> <p>Our second concern is the placement of turbines against our southern boundary, which is roughly parallel with the N2, and on the Grahamstown side only a kilometre or two away from the road. If you are erecting turbines here, some may be uncomfortably close to our boundary fence. We strongly object to any turbines being placed within two kilometres of our boundary fence.</p> <p>We would appreciate feedback and response to these two concerns/comments.</p>	<p>Sean van Zyl Fort Governor's Estate 30/08/2021</p>	<p>Based on information received in a separate comment another developer is planning a WEF (no information regarding the process of layout is currently available) on Fort Governor's Estate. Fort Governors Estate lodges are situated north of the proposed Albany WEF, so it is currently difficult to understand how north facing lodges will have a direct view onto the proposed Albany WEF.</p> <p>The proposed WEF has adhered to the building line restrictions as well as the blade overhang restrictions. There is no 2km threshold or requirement, all turbines are placed a minimum of a blade length for all property boundaries. This is the industry standard.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>I wish to object to the proposed wind farm for the following reasons:</p> <ul style="list-style-type: none"> As can be seen on the attached map, all the properties to the north of the proposed development strongly oppose this development. There is a misconception that these properties are agricultural, as they are zoned as such, even if these properties are used for game farming, sustained by wildlife tourism. Having wind turbines on the ridges will compromise our core business. The proposal will have an adverse cumulative visual and ecological impact. The application site comprises of Fynbos and sub-tropical thicket known to be a nesting location for a number of rare protected species of birds. The erection of this windfarm will threaten the range and welfare of internationally important protected bird species. The proposals will detract from the experience of many (local and international) guests to hunting farms and game reserves in the area which are known for their pristine landscapes. The proposal, by adversely affecting the quality of the landscape and local ecology, will adversely impact tourism and existing tourism related jobs and potential future tourism-related opportunities. <p>We therefore suggest that the developers look at alternative areas where rural livelihoods won't be negatively impacted by the development.</p>	<p>France Boucher</p> <p>EFB Farm</p> <p>30/08/2021</p>	<p>The objections are noted and acknowledged. The EIR, SIA and VIA deal with the visual impact of the proposed WEF and the knock-on effects that this may have on the eco-tourism industry.</p>
	<p>Michelle van Jaarsveld</p>	<p>The objections are noted and acknowledged. The EIR, SIA and VIA deal with the visual impact of the proposed WEF and the knock-on effects that this may have on the eco-tourism industry.</p>
<p>I wish to object to the proposed wind farm for the following reasons:</p> <ul style="list-style-type: none"> As can be seen on the attached map, all the properties to the north of the proposed development strongly oppose this development. There is a misconception that these properties are agricultural, as they are zoned as such, even if these properties are used 	<p>Michelle van Jaarsveld</p>	<p>The objections are noted and acknowledged. The EIR, SIA and VIA deal with the visual impact of the proposed WEF and the knock-on effects that this may have on the eco-tourism industry.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>for game farming, sustained by wildlife tourism. Having wind turbines on the ridges will compromise our core business.</p> <ul style="list-style-type: none"> The proposal will have an adverse cumulative visual and ecological impact. The application site comprises of Fynbos and sub-tropical thicket known to be a nesting location for a number of rare protected species of birds. The erection of this windfarm will threaten the range and welfare of internationally important protected bird species. The proposals will detract from the experience of many (local and international) guests to hunting farms and game reserves in the area which are known for their pristine landscapes. The proposal, by adversely affecting the quality of the landscape and local ecology, will adversely impact tourism and existing tourism related jobs and potential future tourism-related opportunities. <p>We therefore suggest that the developers look at alternative areas where rural livelihoods won't be negatively impacted by the development.</p> 	<p>Lakeside Private Reserve</p> <p>30/08/2021</p>	
<p>I wish to object to the proposed wind farm for the following reasons:</p> <ul style="list-style-type: none"> As can be seen on the attached map, all the properties to the north of the proposed development strongly oppose this development. There is a misconception that these properties are agricultural, as they are zoned as such, even if these properties are used for game farming, sustained by wildlife tourism. Having wind turbines on the ridges will compromise our core business. The proposal will have an adverse cumulative visual and ecological impact. 	<p>Michelle van Jaarsveld</p> <p>Lauriston Farm</p> <p>30/08/2021</p>	<p>The objections are noted and acknowledged. The EIR, SIA and VIA deal with the visual impact of the proposed WEF and the knock-on effects that this may have on the eco-tourism industry.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<ul style="list-style-type: none"> The application site comprises of Fynbos and sub-tropical thicket known to be a nesting location for a number of rare protected species of birds. The erection of this windfarm will threaten the range and welfare of internationally important protected bird species. The proposals will detract from the experience of many (local and international) guests to hunting farms and game reserves in the area which are known for their pristine landscapes. The proposal, by adversely affecting the quality of the landscape and local ecology, will adversely impact tourism and existing tourism related jobs and potential future tourism-related opportunities. <p>We therefore suggest that the developers look at alternative areas where rural livelihoods won't be negatively impacted by the development.</p> 		
<p>It is unfortunate that I was unable to attend engagements your team had on this project, however, I have read through the documentation attached on the link regarding the Albany WEF project and am interested in knowing more about the change from the initial proposal. I have noted the following as matters I would like addressed:</p> <ol style="list-style-type: none"> 1. What impact does the longer (size) turbines have on energy generation and what compelled that they be changed from the initial project? 2. What medium-long term threats do the turbines have on game animals and other species on the affected farm portions? 3. From a socio-economic perspective, what medium-long term benefit does the project bring within the immediate communities? 4. Does the increase in size have any impact on low flying airplanes within the region? 	<p>Siphosethu Gwabeni</p> <p>Town Planner Makana Local Municipality</p> <p>19/08/2021</p>	<ol style="list-style-type: none"> 1. The turbine specifications detailed in the report are the same as the previous EIR. The turbines have not increased in size. The proposed turbines are larger than the existing Waainek turbines. This is to accommodate new technology which allows a great power generation. 2. Based on the Ecological Impact Assessment the threat to indigenous fauna is moderate. These impacts include collisions with turbine blades (birds), collision by vehicles during the construction phase (mammals and reptiles), and barotrauma (bat deaths), amongst other impacts. The operational phase will allow game to continue with their activities in the areas surrounding the turbines, once acclimatised.

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
		<p>3. The proposed WEF is situated on Makana Comanage land. The local municipality will benefit as a landowner and in terms of local economic development. The proposed WEF is also situated on private land and land now managed by previously displaced farmers (land claim), these individuals will also receive direct benefits. In terms of social-economic benefits specifically, the project will contribute towards a social-economic development plan. In terms of the REIPPPP process, the following applies:</p> <p>Under the DMRE’s Renewable Energy Independent Power Producer Procurement Programme (“REI4P”), private companies such as EDF Renewables are required to participate in a highly competitive bidding process, in order to be awarded a 20-year long Power Purchase Agreement to sell electricity to Eskom. In order to select winning bids, the DMRE uniformly ranks all projects submitted according to a scorecard which is currently structured as follows:</p> <ul style="list-style-type: none"> ○ 70% of the score is based on the proposed energy tariff of the respective projects; and ○ 30% of the score is based on the Economic Development (“ED”) commitments made by the respective projects on the following seven elements of the ED scorecard: job creation; local content; preferential procurement, Black ownership, Black top management, ED and Socio-economic Development (“SED”). <p>4. The turbines have not increased in size. In addition to this, the project has received Civil Aviation Approval (CAA).</p>

SPECIALIST RESPONSE H1

Noise Specialist Response - Indalo Private Game Reserve Association

SPECIALIST RESPONSE H2

Noise Specialist Response - Mackenzie Hoy Consulting Acoustic Engineers Review

SPECIALIST RESPONSE H3

Avifaunal Specialist Responses

SPECIALIST RESPONSE H4
Visual Specialist Responses



CES
Elta House
Mowbray
Cape Town
7700

Attention: Ms. Caroline Evans

Dear Madam

RE: COMMENTS SUBMITTED ON THE NOISE IMPACT ASSESSMENT REPORT (REPORT CES-IAWEF/ENIA/201904-Rev 0) AS WELL AS THE LETTER OF OPINION, DATED 11 AUGUST 2020 – BY INDALO

The above-mentioned comments raised by Indalo with comments on the report **CES-IAWEF/ENIA/201904-Rev 0** titled – “De Jager, M. (2019): “*Environmental Noise Impact Assessment for the Establishment of the Albany Wind Energy Facility near Grahamstown, Eastern Cape*”. Enviro-Acoustic Research CC, Pretoria” as well as the letter of opinion (regarding the change in wind turbine layout and specifications – is of relevance. In this reply this is referred to as the ENIA.

This letter is divided into two parts, the main part of this letter together with a number of Annexures, that provide more information, should the reader require a more detailed description, evidence or references. This letter only refers to the statements numbered in the letter of comments from Indalo, and it is recommended that the reader peruse this letter together with report **CES-IAWEF/ENIA/201904-Rev 0**, the letter of opinion from EARES (dated 11 August 2020) as well as the comments from **Indalo**. As the requirements of the National Noise Control Regulations, GNR 154 and SANS 10103:2008 may be required, important definitions and clauses are included in [Annexure A](#).

Ref	Comment from Machoy	Reply from EARES
1.	Comment 3.1.1, subpoints a to r covers a motivation on why the noise levels of a larger wind turbine would be higher.	<p>The noise report considers the sound power emission levels of the wind turbine generator (WTG) that the client indicated they are considering. However, due to various reasons, a developer does not want to reveal the actual WTG that they may consider, whether for commercial/economic reasons, possible Non-Disclosure Agreements etc. However, the details of the actual WTG are totally irrelevant to a noise analyses, as the major factors that determine the noise levels are:</p> <ul style="list-style-type: none"> - The layout of the WEF (which would include the number of WTGs as well as the distance from these WTGs that could individually and cumulatively affect the noise levels at a certain location); and <p><i>Continued on the next page.</i></p>

Ref	Comment from Machoy	Reply from EARES
1.	<p>Comment 3.1.1, subpoints a to r covers a motivation on why the noise levels of a larger wind turbine would be higher.</p>	<p><u>Continued from the previous page.</u></p> <ul style="list-style-type: none"> - The sound power emission levels of the WTG (or noise source) selected/that the developer is considering. <p>Minor factors in the noise levels are:</p> <ul style="list-style-type: none"> - The spectral characteristics of the WTG; - Temperature and Humidity; - Noise abatement technologies implemented by the manufacturer; - Topography and wind shear effects; - Ground surface characteristics. <p>Insignificant factors are:</p> <ul style="list-style-type: none"> - The hub height of the WTG; - The rotor diameter of the WTG; - The manufacture of the WTG, the model name or number (the sound power emission levels however relates to a specific make and model and is determined by the manufacturer). <p>The sound power emission levels are provided by the manufacturer either as the maximum warranted sound power levels, a calculated sound power level – for new WTG where the noise levels were not previously measured – or measured sound power levels as reported in terms of IEC 61400-11. It is unique for each make and model and the sound power levels already include the effect of the hub height, rotor diameter and abatement technologies.</p> <p>The Albany Noise Study use a sound power emission level of 105.1 dBA, specifically for the Vestas 136-3.45 (as defined in document no.: 0056-4783 V02, dated 2016-07-08 and Report: V136-3.45 MW Third octave noise emissions, document no.: 0055-9919 V02, dated 2016-03-02).</p> <p>While algorithm and equations exist to estimate sound power levels, these formulae do not consider operating modes, specific isolation designed for the nacelle and blade technologies (such as serrated edges), which all contribute to reduce the noise levels. These measures are specific to a particular wind turbine make and model and accurately defined using a method as defined by IEC 61400-11.</p> <p>This illustrated in:</p> <ul style="list-style-type: none"> - reference B.1, Annexure B, where a smaller WTG generate a higher sound power emission level - reference B.2, Annexure B, where a larger WTG generate a lower sound power emission level - reference B.3 (and B.7), Annexure B, where the same WTG generate the same sound power emission level (higher wind speeds) at different hub heights (a difference of less than 1 dB is insignificant)

		<ul style="list-style-type: none"> - reference B.4, Annexure B, where WTG with almost double the generating capacity of the Vestas V136 3.45, having a lower sound power emission level - reference B.4, Annexure B, where WTG with almost double the generating capacity of the Vestas V136 3.45, having a lower sound power emission level - reference B.6, Annexure B, illustrating the noise-reduction effect of a blade with a serrated edge <p>Therefore, accurate sound power emission levels are provided by the manufacturers of wind turbines, and is specific for a specific make and model. The generating capacity, hub height or rotor diameter does not influence sound power emission levels (for the same make and model wind turbine).</p>
2.	<p>Comment 3.1.1, subpoint s which states: <i>“Change in specifications such as hub-height and rotor diameter have an insignificant impact on sound power emission levels”</i> as stated by the noise specialist is <u>false, misleading and raises questions as to the objectivity of the specialist.</u> This has the potential to mislead the authority making the decision.</p>	<p>It is disingenuous to extract a portion of a sentence, without including the full sentence. This is repeated in full (from the letter dated 11 August 2020) below which states: <i>“It should be noted that the <u>change in wind turbine specifications such as the wind turbine hub height and rotor diameter does not relate to sound power emission levels, which depends on the model and make of a wind turbine. For the same model and make, a change in specifications such as hub-height and rotor diameter have an insignificant impact on sound power emission levels. Therefore, there is no advantage or disadvantage in terms of acoustics by changing the wind turbine specifications such as turbine hub height as well as rotor diameter.”</u></i></p> <p>By changing the wind turbine model and make to a wind turbine with a lower sound power emission level however will have a significant advantage on acoustics (reduced noise emissions). However, changing the wind turbine model or make to a wind turbine with a higher sound power emission level will similarly increase the operational noise levels and the potential noise impact significance.</p> <p>As discussed under point 1, the sound power emission levels are linked to a certain make and model wind turbine, with the sound power emission levels determined by the manufacturer using internationally recognized protocols (such as IEC 61400-11). Therefore, generating capacity, the hub height and rotor diameter are not the determining factors in the sound emission levels, but the make and model of wind turbine, as well as the noise abatement measures implemented by the manufacturer.</p>

<p>3.</p>	<p>Comment 3.1.1, subpoint t which states: The report states that: "The potential noise impact must again be evaluated should the layout be changed where any wind turbines are located closer than 1,000 m from a confirmed NSD or if the developer decides to use a different wind turbine that has a sound power emission level higher than the Vestas WTG used in this report (sound power emission level exceeding 105 dBA re 1 pW)". Based on the analysis above, this renders the whole specialist study meaningless as it is the intention of the developer to use 4,5 MW turbines, as stated in the project description, which will have a sound power emission level higher than the 3.45 MW Vestas WTG used by the report.</p>	<p>The author of the noise report stands by this finding. As stated in points 1 and 2 above and previous pages, the generating capacity, the hub height and rotor diameter are not the determining factors in the sound emission levels. This is specific to a particular make and model of wind turbine, as well as the noise abatement measures implemented by the manufacturer. As stated in point 2 above:</p> <ul style="list-style-type: none"> - By changing the wind turbine model and make to a wind turbine with a lower sound power emission level however will have a significant advantage on acoustics (reduced noise emissions). - Changing the wind turbine model or make to a wind turbine with a higher sound power emission level will similarly increase the operational noise levels and the potential noise impact significance.
<p>4.</p>	<p>Comment 3.1.2, subpoint a which states: The report provides a high-level generic overview of noise legislation in South Africa most notably Noise Control Regulations (GN R.154 of 1992) and the Model Air Quality Management By-law for adoption and adaptation by Municipalities (GN 579 of 2010). It would thus appear as if the legal requirements applicable have been delineated but in fact applicable legislation have not been identified such that appropriate noise limits and compliance requirements are derived and stipulated.</p>	<p>The ENIA discuss relevant legislation in detail in section 2 over 12 pages. It covers all the legislation highlighted, as well as the SANS standards and guidelines as well as International Guidelines.</p> <p>The report considers both local legislation, regulations and guidelines, as well as international guidelines. Of the more than 340,000 wind turbines operation in the rest of the world (more than 2,000 wind farms), less than 500 are currently operational in South Africa (36 wind farms). The rest of the world have had experience with the effects and impacts of wind farms since 1980, South Africa since 2002.</p> <p>Almost all the scientific articles, papers, publications and presentations available are based on the research and experiences gained from these international wind farms. As such, discarding the knowledge and experiences gained by the rest of the world would be irresponsible and unwise.</p> <p>The South African regulations and International experience are also considered and discussed in section 6.3.3, where the regulations and international experience is used to determine and recommend appropriate <u>Zone Sound Levels</u></p>
<p>5.</p>	<p>Comment 3.1.2, subpoint b which states: The report records residual / ambient noise measurements at 5 locations. There are however 27 noise sensitive locations (as stated in the report) and thus for 22 of them there is no measurement record of existing conditions.</p>	<p>This is a misrepresentation, as measurements were collected at 5 locations, which is not the same as 5 measurements. Machoy fail to highlight that more than 3,000 10-minute measurements were collected, including more than 1,000 10-minute night- and 2,000 daytime 10-minute measurements. This data generally would accurately represent the ambient sound levels in the area, as most of the area have a similar vegetation and developmental character (with vegetation being a significant factor in determining ambient sound levels).</p> <p>It should also be noted that the report clearly defines the zone sound levels at these locations in section 3, with the zone sound levels ranging between that of a rural to urban noise district (based on the significant sound levels measured).</p>

		<p>The findings from the noise study determined that “ambient sound levels are low during low wind conditions and the rural zone sound levels is used in section 6.3.3.2, even though the data indicate significantly higher ambient sound levels. This is the lowest acceptable rating level (rating level for noise in districts as per SANS 10103:2008) and more data, or more measurement locations provide greater quality data nor provide additional information.</p> <p>In addition, SANS 10103:2008 does not require the measurements of ambient sound levels (the residual noise) at each potential receptor, nor does this guideline define, set or propose locations where sound levels should be measured. Nor are the author aware of any acoustic consultant in South Africa that would measure the ambient sound levels at all identified receptors. In addition, the measurement of future ambient sound levels is normally recommended once a noise study are completed, identifying potential receptors where noise levels may be of concern.</p>
6.	<p>Comment 3.1.2, subpoint c which states: The report only superficially deals with noise impact to fauna and otherwise deals exclusively considers noise impact on humans there is a clear lack of consideration to impacts to key faunal species relating to vulnerability, feeding, habitat selection, reproductive success, community structure as well as communication.</p>	<p>There are no noise limits or guidelines that can be used to determine what noise levels will impact on animals. In addition, there are no published studies in reputable journals that provide support for the negative impacts of noise from wind turbines on animals. Animal communication is generally the highest during no and low wind conditions. It has been hypothesized that this is one of the reasons why birds sing so much in the mornings (their voices carry the farthest and there are generally less observable wind). Readers should not ignore the fact that background noise levels in remote areas are not always low in space or time, as can be seen from the ambient sound levels measured onsite and reported in section 3 of the ENIA. The site is windy and this generates significant noise itself and also significantly changes the ability of fauna to hear the environmental noises around them.</p>
7.	<p>Comment 3.1.2, subpoint d which states: The noise prediction and impact assessment were undertaken using 3,45 MW turbine and not the 4,5 MW turbine proposed for use in the considering that the 4,5 MW turbines have a 20% greater noise generation. this statement brings into disrepute the entire report and is in contradiction with the p106 statement that it is a “worst-case scenario being evaluated”.</p>	<p>As discussed under point 1, the sound power emission levels are linked to a certain make and model wind turbine, with the sound power emission levels determined by the manufacturer using internationally recognized protocols (such as IEC 61400-11). Therefore, generating capacity, the hub height and rotor diameter are not the determining factors in the sound emission levels, but the make and model of wind turbine, as well as the noise abatement measures implemented by the manufacturer.</p> <p>It should be noted that the continuous equivalent 8-hour rating level (as defined in SANS 10103) as calculated from the ambient sound level measurements (as defined in GNR 154) is actually 42.7 dBA at NSD17, not 35 dBA as assumed. The ambient sound levels at NSD17 was also the lowest ambient sound levels measured in the area, with the 8-hour ambient sound levels ranging between 42.7 and 55.8 dBA (with an arithmetic average of 48.0 dBA).</p>

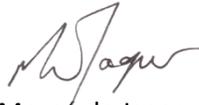
		<p>The report uses a worst-case scenario, assuming:</p> <ol style="list-style-type: none"> 1. A night-time rural zone sound level of 35 dBA, and as defined in section 6.3.3.2, setting a potential noise limit of 42 dBA, even though ambient sound levels (using the method as prescribed in GNR 154 of 1992) 2. A 75% hard character, a humidity of 70% and temperature of 10 °C, which will result in a higher projected noise level
<p>8.</p>	<p>Comment 3.1.2, subpoint e which states: The report fails to mention that the turbine area is located within 5 km of a number of protected areas, private game reserves and game farms and study maps fails to indicate protected areas, game reserves and game farms and fails to consider biodiversity economy of the region comprised of formally protected private game reserves (Indalo Protected Environment), game farms and hunting lodges and the diversity of species protected and utilized for nature and wildlife tourism, hunting and otherwise</p>	<p>The ENIA investigate the potential noise impact up to a distance of up to 2,000 m from the closest WTG, the area generally recognized where there may be acoustical implications (SANS 10328) from wind turbines. Notwithstanding what the anti-wind energy fraternity may claim, there is little evidence that wind turbines have acoustical impacts further than 2,000 m, and, definitely not at 5,000 m.</p>
<p>9.</p>	<p>Comment 3.1.2, subpoint f which states: The report states that at nine noise sensitive locations the wind turbine noise will be audible and at one location, disturbing. The report suggest that at NSD 17 the occupants can be relocated if they find the turbine noise disturbing. This is constitutionally unacceptable.</p>	<p>The report uses a worst-case scenario, assuming:</p> <ol style="list-style-type: none"> 1. A night-time rural zone sound level of 35 dBA, and as defined in section 6.3.3.2, setting a potential noise limit of 42 dBA, even though ambient sound levels (using the method as prescribed in GNR 154 of 1992) 2. A 75% hard character, a humidity of 70% and temperature of 10 °C, which will result in a higher projected noise level <p>However, it should be noted that the continuous equivalent 8-hour rating level (as defined in SANS 10103) as calculated from the ambient sound level measurements (as defined in GNR 154) is actually 42.7 dBA at NSD17, not 35 dBA as assumed. The ambient sound levels at NSD17 was also the lowest ambient sound levels measured in the area, with the 8-hour ambient sound levels ranging between 42.7 and 55.8 dBA (with an arithmetic average of 48.0 dBA). However, this does not mean that the area is always noisy, as it is only responsible to assume that there will be periods that the wind turbines will be operating, ambient sound levels are lower and that the sound from the WTG will be audible. This does not make it a noise impact.</p> <p>Again, it is considered disingenuous to extract a small section of a paragraph and to change a sentence. The full paragraph from section 10.2 is included below:</p> <p>The significance of noise during the operation phase for such an unmitigated scenario is medium during the night-time period for NSD17. While the projected noise rating levels may be less than the average ambient sound levels, the projected noise levels could result in total noise levels exceeding 45 dBA at NSD17. While the projected noise</p>

		<p>levels will be acceptable during the day, this may be annoying at night.</p> <p>Mitigation options were discussed and operation mitigation should involve:</p> <ul style="list-style-type: none"> • The relocation of the people living in these areas where the 45 dBA Noise Limit can be exceeded (NSD17). • Redesign of the layout to allow a larger buffer zone between the potentially affected receptors, especially NSD17. • The use of quieter wind turbines around the potentially affected receptors, or developing a noise curtailment programme to manage the noise level for certain wind turbines during certain wind speeds or directions (NSD17). <p>Should the dwellings at NSD17 not be used for residential purposes at night, these mitigation options will fall away.</p> <p>It should also be noted that the latest layout, as evaluated in the letter of opinion, dated August 2020, highlights that the number of WTG close to NSD 17 was reduced, which would also reduce the noise level</p>
10.	<p>Comment 3.1.2, subpoint g which states: The lack of a description of the methodology used in determining the turbine noise as function of distance, topography and weather leaves the study falling short of normal practice as well as basic scientific principles of reproducibility. Also the report thus do not meet the NEMA EIA Regulations 385 Regulation 33 stipulating the need for “a description of the methodology adopted in preparing the report or carrying out the specialised process”.</p>	<p>It is suspected that the reviewer of the ENIA did not read the report completely because:</p> <ul style="list-style-type: none"> • Section 1.1 states that: <i>“This study considered local regulations and both local and international guidelines, using the terms of reference (ToR) as proposed by SANS 10328:2008 to allow for a comprehensive Noise Report”.</i> • Provides a detailed Terms of Reference in section 1.5 in the ENIA (extracted from SANS 10328) • Completely discuss the way that noise levels were calculated in Chapter 5 of the ENIA, appropriately titled “Methodology: Calculation of future noise emissions due to the proposed project:. • Discuss the effect of weather in section 3.1, where the effect of temperature, humidity as well as wind are discussed in detail • Highlights the Assumptions and Limitations in detail over 5 pages in Chapter 7 of the ENIA
11.	<p>Comment 3.1.2, subpoint h which states: The noise contour maps plotted not only offered without any description as to the methodology are largely incorrect (37 dBA contours plotted as 30 dBA).</p>	<p>At no place in the report are noise contours plotted at 37 dBA. It is plotted from 35 dBA (the assumed night-time rural zone sound level) on Figure 8-4, using intervals of 5 dB, and from 30 dBA with 2 dB intervals in Figure 8-5.</p>
12.	<p>Comment 3.1.2, subpoint i which states: The report is thus substantially flawed and as it stands it hides the severity of the noise impact that the Albany WEF will have on its receiving environment and is oblivious to the exceedance of SANS 10103 noise limits at various sensitive noise receptors (including various formal</p>	<p>This statement is incorrect and based on a review that misrepresent the findings of the ENIA.</p>

	protected areas) that the development will bring about.	
13.	Comment 3.1.2, subpoint j which states: The report thus only at best meets in part the requirements of Regulation 17 of the EIA Regulations, 2010 (d) comply with the Act, in that it would indicate the project is desirable when in fact it will lead to substantial non-compliance to applicable SANS standards and constitute a major nuisance.	This statement is incorrect and based on a review that misrepresent the findings of the ENIA.

Should you require any further details, or have any additional questions, please do not hesitate to call me on the above numbers.

Yours Faithfully,



Morné de Jager
Enviro-Acoustic Research cc

ANNEXURE A:

**Measurement requirements in terms of
GNR. 154 of 1992 and SANS 10103:2008**

Government Notice Regulation (GNR) 154 of 10 January 1992 (as published in the Government Gazette 13717) defines and states that:

Defines:

Ambient sound level means the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes, after such meter had been put into operation

disturbing noise means 'n noise level which exceeds the zone sound level or, if no zone sound level has been designated, a noise level which exceeds the ambient sound level at the same measuring point by 7 dBA or more;

integrating impulse sound level meter means a device which integrates a function of the root mean square value of sound pressure over a period of time while it is set on "I"-time weighting and indicates the result in dBA;

noise level means the reading on an integrating impulse sound level meter taken at a measuring point in the presence of any alleged disturbing noise at the end of a total period of at least 10 minutes, after such meter had been put into operation, and, if the alleged disturbing noise has a discernible pitch, to which 5 dBA has been added;

sound level means the reading on a sound level meter taken at a measuring point;

sound level meter means a device measuring sound pressure while it is set on "F"-time weighting and indicates the result in dBA;

zone sound level means a derived dBA value determined indirectly by means of a series of measurements, calculations or table readings. and designated by a local authority for an area.

In addition:

In terms of Regulation 2 -

"A local authority may –

(d): before changes are made to existing facilities or existing uses of land or buildings, or before new buildings are erected, in writing require that noise impact assessments or tests are conducted to the satisfaction of that local authority by the owner, developer, tenant or occupant of the facilities, land or buildings or that, for the purposes of regulation 3(b) or (c), reports or certificates in relation to the noise impact to the satisfaction of that local authority are submitted by the owner, developer, tenant or occupant to the local authority on written demand";

In terms of Regulation 4 of the Noise Control Regulations:

"No person shall make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, machine, device or apparatus or any combination thereof".

SANS 10103:2008 – “The measurement and rating of environmental noise with respect to annoyance and to speech communication” define or states that:

measurement time interval

time interval over which measurements are made or can be made

residual noise

totally encompassing sound in a given situation at a given time, and usually composed of sound from many sources, both near and far, excluding the noise under investigation

specific noise

component of the ambient noise which can be specifically identified by acoustical means and which may be associated with a specific source

5.1 Measurement procedures

5.1.1 Measuring equipment

5.1.1.1 Integrating sound level meter configuration, that complies at least with the accuracy requirements specified for a class 1 instrument in SANS 656, SANS 658 and SANS 61672-1. A windscreen of a type specified by the manufacturer as being suitable for the particular microphone, and that does not detectably influence the accuracy of the meter under the ambient conditions of the test, shall be used.

5.1.1.2 Sound calibrator, that complies with the requirements prescribed for a class 1 calibrator in SANS 60942.

5.1.2 Calibration of equipment

5.1.2.1 Calibration

All items of the sound measuring equipment used should be calibrated against the requirements of SANS 656, SANS 658, SANS 60942 and SANS 61672-1 (by an accredited laboratory), at intervals not exceeding one year for the sound calibrator, and two years for the rest of the equipment, that they comply with the requirements for accuracy prescribed in 5.1.1.

5.1.3 Microphone positions

5.1.3.1 Outdoor measurements

5.1.3.1.1 Discrete measurement positions

Measuring points that are representative of the noise climate should be selected. At each measuring point, the microphone should be placed at a height of between 1,2 m and 1,5 m for general investigations, and, if practicable, at least 3,5 m away from walls, buildings and other large flat vertical surfaces.

5.1.4 Measurement time intervals

The measurement time intervals should be so chosen that the results are representative of the reference time interval, and that variations in the rating level owing to the variation of the emission at the source, and owing to weather influence on sound propagation, are adequately covered. The choice of the measurement time interval will depend on the method of data acquisition and on the time structure of the noise. If the noise displays a clear periodicity, the measurement time intervals should cover at least three periods, where possible. If continuous measurement over the period is not possible, the time intervals should be so chosen that each represents a part of the cycle and that together they represent a complete sample that is characteristic of the noise radiation being measured. If the sound pressure level varies stepwise, the measurement time intervals should be so selected that each represents a period within which the noise could have been considered to be

approximately steady. If the noise is of a random nature, the measurement time intervals should be so chosen as to give sufficient independent samples to adequately characterize the noise radiation.

5.1.5 Procedures to determine the rating level ($L_{Req,T}$)

5.1.5.1 General

Two alternative procedures are described to permit different types of acoustical measuring instruments to be used. In cases of doubt, the procedure given in 5.1.5.2.1 is preferred.

NOTE 1 If the noise level varies significantly from day to day, enough additional measurements should be taken to cover a full cycle of noise variations.

NOTE 2 In the case of a steady noise without impulsivity, the value of the equivalent continuous A-weighted sound pressure level can be obtained directly by visually averaging the readings on a sound level meter that complies with the requirements prescribed in 5.1.1 and while using S-time weighting, provided that the noise variations do not exceed 5 dBA.

5.1.5.2 Highly impulsive and regular impulsive sound

5.1.5.2.1 Procedure using I-time weighting and integration

This procedure should be used when instrumentation is available that can integrate while using I-time weighting. The procedure should be carried out as follows:

- a) the meter should be set to A-weighting and I-time weighting should be selected;
- b) the equivalent continuous A-weighted sound pressure level ($L_{Aeq,T}$) should be measured directly, using an appropriate microphone position (see 5.1.3), during a suitable measurement time interval (see 5.1.4);
- c) the rating level ($L_{Req,T}$) should be obtained by adding the correction for tonal character C_t (as determined in 5.1.5.4) to the result obtained in (b);
- d) where a number of individual measuring positions have been selected (see 5.1.3), the procedure in (c) should be followed for each position and the average calculated on a mean square pressure basis to obtain the rating level ($L_{Req,T}$); and
- e) for composite measurements, see 3.7(b), the following equation may be used:

$$L_{Req,T} = 10 \log \sum (f_i) 10^{L_{Req,T_i}/10}$$

where

- f_i is the duration of L_{Req,T_i} expressed as a fraction of the total time over which $L_{Req,T}$ is calculated;
- L_{Req,T_i} is the i -th partial level.

NOTE If tonal components are significant characteristics of the sound within a measurement time interval, an adjustment (C_t , as applicable) should be applied to the measured sound level for that time interval only. The time interval for this adjustment should be stated.

5.1.5.2.2 Procedure using integration and an estimated impulse correction (Ci)

This procedure should be used when only a simple integrating sound level meter without appropriate additional functions is available. The procedure should be carried out as follows:

- a) the meter should be set to A-weighting and the integrating mode selected;
- b) the equivalent continuous A-weighted sound pressure level ($L_{Aeq,T}$) should be measured directly, using an appropriate microphone position (see 5.1.3), during a suitable measurement time interval (see 5.1.4);

c) it should be decided whether the noise is of an impulsive nature, i.e. either a highly impulsive sound (see 3.13) or a regular impulsive sound (see 3.20) and, if the noise is either of these, an impulse correction C_i of 5 dBA for a regular impulsive sound and 12 dBA for a highly impulsive sound should be added to the reading obtained in (b), the correction for tonal character C_t should also be determined in accordance with 5.1.5.4 and added to obtain the rating level ($L_{Req,T}$) as follows:

$$L_{Req,T} = L_{Aeq,T} + C_i + C_t$$

where

- $L_{Aeq,T}$ is the equivalent continuous A-weighted sound pressure level, in decibels;
- C_i is +5 dB for a regular impulsive sound, and +12 dB for a highly impulsive sound;
- C_t is 0 in all other cases.

And

5.1.7 Determination of the equivalent continuous rating level ($L_{Req,T}$) of the ambient noise

Using the procedure given in 5.1.5, the equivalent continuous rating level ($L_{Req,T}$) should be determined during a measurement time interval (see 5.1.4) that will give a representative value of the ambient noise.

5.1.8 Determination of the equivalent continuous rating level ($L_{Req,T}$) of the residual noise

Using the procedure given in 5.1.5, when relevant, the equivalent continuous rating level ($L_{Req,T}$) should be determined during a measurement time interval (see 5.1.4) that will give a representative value of the residual noise in the absence of the specific noise under investigation.

ANNEXURE B:

**Sound Power Emission Levels for Various
Wind Turbine Generators**

Suzlon Energy Limited	SOUND LEVEL GUIDELINE S97DFIG-2100kW (TRK)	
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Basic information

- Turbine model: S97DFIG-2100kW
- Operational mode: Normal operation
- Air density: 1.225 Kg/m³
- Turbulence intensity: 10%
- Wind shear: 0.16
- Maximum vertical inflow angle: 10 deg.
- Blade condition: clean/no ice

Measurement standard

All values are given according to IEC 61400-11:ed2.1.

Sound power level

The reference sound power level $L_{WA,ref}$ for the S97- 2100kW turbines shall not exceed:

	6 m/s	7 m/s	8 m/s	9 m/s	10 m/s
LwA @ 80 m hub height	103.3	105.1	105.7	105.4	105.9
LwA @ 90 m hub height	103.5	105.2	105.6	105.5	105.9
LwA @ 100 m hub height	103.7	105.3	105.6	105.6	105.9

All wind speeds are given at the reference height of 10 meters above ground.

Reference B.1: Sound Power Emission Levels of the 2.1 MW Suzlon S97 DFIG WTG (Reference S97DFIG_2100kW_Nov 2011)

Table 6-1 Summary of results at hub height

WS at hub height [m/s]	SPL $L_{WA,k}$ [dB]	Combined uncertainty in the SPL $U_{C,LWA,k}$ [dB]	Audible tone? ¹⁾	Tonal audibility $\Delta L_{a,k}$ [dB]	Frequency of the most prevalent tone [Hz]
7.5	102.0	1.2	Yes	0.52	126
8.0	103.3	1.1	No	-2.09	134
8.5	104.3	0.8	No	-2.43	140
9.0	104.7	0.7	No	-2.97	142
9.5	104.7	0.6	-	-	-
10.0	104.8	0.7	-	-	-
10.5	104.7	0.7	No	-2.16	143
11.0	104.6	0.7	No	-1.66	144
11.5	104.5	0.7	No	-1.11	143
12.0	104.3	0.7	No	-1.62	144
12.5	104.5	0.8	No	-0.98	143
13.0	104.6	0.8	No	-1.93	144
13.5	104.5	0.7	No	-1.74	143
14.0	104.8	0.8	No	-1.70	143

Reference B.2: Sound Power Emission Levels of the 4.2 MW Vestas V150 WTG (Reference 10163788-A-1-A)

Wind speed v [m/s] ⁶	Power P [kW]	Sound power level L_{WA} [dB(A)] ⁷	Thrust coefficient c_T [-]	Power coefficient c_P [-]
3	27	-	0.85	0.140
4	157	-	0.81	0.343
5	363	-	0.79	0.406
6	675	-	0.79	0.436
7	1121	103.3	0.79	0.456
8	1650	104.8	0.75	0.450
9	2231	105.5	0.69	0.427
10	2749	105.5	0.58	0.384
11	2948	105.2	0.44	0.309
11.5	2970	105.1	0.38	0.273
12	2970	104.9	0.32	0.240
13	2970	104.8	0.25	0.189
14	2970	104.8	0.20	0.151
15	2970	104.8	0.16	0.123
16	2970	104.8	0.13	0.101
17	2970	104.8	0.11	0.084
18	2970	104.8	0.09	0.071
19	2970	104.8	0.08	0.060
20	2970	104.8	0.07	0.052
21	2970	104.8	0.06	0.045
22	2970	104.8	0.05	0.039

HH*	V_{10} ⁸ [m/s]	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0
89 m	L_{WA} ⁹ [dB(A)]	103.4	105.2	105.5	105.1	104.8	104.8	104.8	104.8
119 m	L_{WA} ⁹ [dB(A)]	103.9	105.5	105.5	105.0	104.8	104.8	104.8	104.8
139 m	L_{WA} ⁹ [dB(A)]	104.1	105.5	105.4	104.9	104.8	104.8	104.8	104.8

* Hub height depending on foundation design

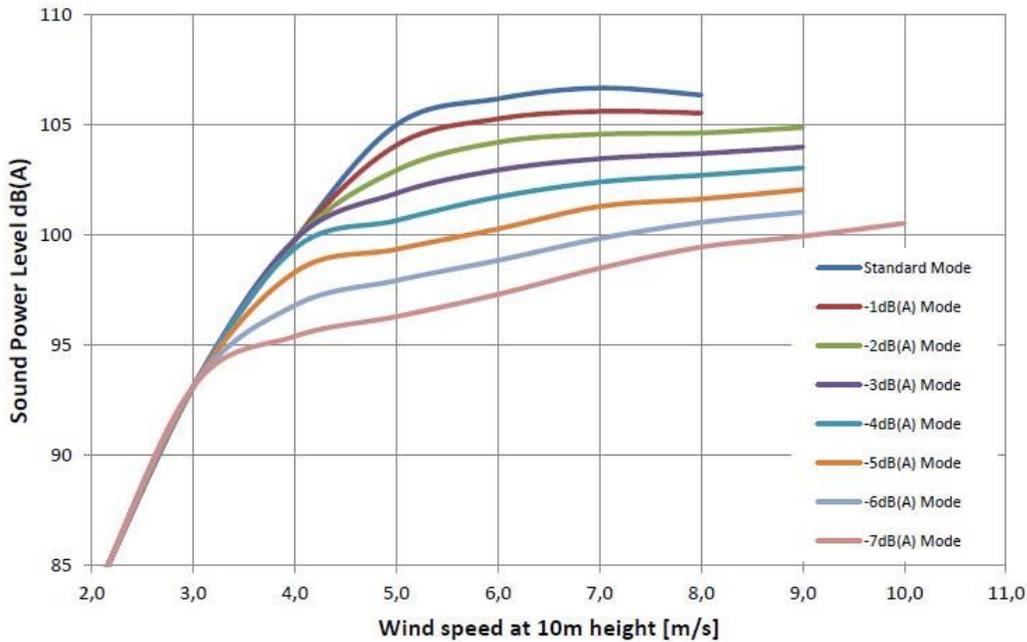
Reference B.3: Sound Power Emission Levels of the 3.0MW Repower 3.0M122 WTG (Reference SD-3.5-WT.PC.00-A-B-EN)

SG 6.0-155 Mode 0, P6000	
Wind Speed [m/s]	LW [dB(A)]
3	92.0
4	92.0
5	94.8
6	98.8
7	102.1
8	105.0
9	105.0
10	105.0
11	105.0
12	105.0
13	105.0
Up to cut-out	105.0

Noise [dB(A)]	Low Noise Operation Mode				
	Wind Speed [m/s]	M3	M4	M5	M6
3.0	92.0	92.0	92.0	92.0	92.0
4.0	92.0	92.0	92.0	92.0	92.0
5.0	94.8	94.8	94.8	94.8	94.8
6.0	98.8	98.8	98.8	98.8	98.8
7.0	102.0	101.0	100.0	99.0	99.0
8.0	102.0	101.0	100.0	99.0	99.0
9.0	102.0	101.0	100.0	99.0	99.0
10.0	102.0	101.0	100.0	99.0	99.0
11.0	102.0	101.0	100.0	99.0	99.0
12.0	102.0	101.0	100.0	99.0	99.0
13.0	102.0	101.0	100.0	99.0	99.0
Up to cut-out	102.0	101.0	100.0	99.0	99.0

Reference B.4: Sound Power Emission Levels of the 6 MW Siemens SG 6.0-155 WTG (Reference D2048746 / 04)

Noise Curve L147-4.3MW



Reference B.5: Sound Power Emission Levels of the 4.3 MW Lagerwey L147-4.3MW SE WTG (Reference SD291ENR0)



Noise level, rated power and available hub heights

Nordex N149/4.0-4.5 – Noise level, rated power and available hub heights

operating mode	rated power [kW]	maximum sound power level over the complete operating range of the wind turbine		available hub heights [m]					
		L _{WA} [dB(A)]	L _{WA} (STE) [dB(A)]	105	125	135	145	155	164
Mode 0	4500	108.1	106.1	●	●	●	●	●	●
Mode 1	4380	107.5	105.5	●	●	●	●	●	●
Mode 2	4280	107.0	105.0	●	●	●	●	●	●
Mode 3	4200	106.6	104.6	●	●	●	●	●	●
Mode 4	4100	106.1	104.1	●	●	●	●	●	●
Mode 5	4000	105.6	103.6	●	●	●	●	●	●
Mode 6	3880	105.0	103.0	●	–	–	–	●	●
Mode 7	3790	104.5	102.5	●	–	–	–	●	●
Mode 8	3720	104.0	102.0	●	–	–	–	–	●
Mode 9	3470	102.5	100.5	●	●	●	●	–	●
Mode 10	3370	102.0	100.0	●	●	●	●	–	●
Mode 11	3300	101.5	99.5	●	●	●	●	–	●
Mode 12	3230	101.0	99.0	●	●	●	●	●	●
Mode 13	3150	100.5	98.5	●	●	●	●	●	●
Mode 14	3080	100.0	98.0	●	●	●	●	●	●
Mode 15	3010	99.5	97.5	●	●	●	●	●	●
Mode 16	2940	99.0	97.0	●	●	●	●	●	●
Mode 17	2870	98.5	96.5	●	●	●	●	●	●

L_{WA} ... A-weighted sound power level

STE ... Serrated Trailing Edge

● mode available

– mode not available

Reference B.6: Sound Power Emission Levels of the 4.0-4.5MW Nordex N149/4.0-4.5 WTG (Reference F008_270_A12_EN, Rev 04)

Sound Power Level for the E-115 with 3000 kW rated power

in relation to standardized wind speed v_s at 10 m height					
hub height V_s in 10 m height		92 m	135 m	149 m	
3 m/s		91.0 dB(A)	91.9 dB(A)	92.2 dB(A)	
4 m/s		96.5 dB(A)	97.5 dB(A)	97.7 dB(A)	
5 m/s		100.6 dB(A)	101.5 dB(A)	101.8 dB(A)	
6 m/s		103.5 dB(A)	104.2 dB(A)	104.2 dB(A)	
7 m/s		104.7 dB(A)	104.8 dB(A)	104.9 dB(A)	
8 m/s		105.0 dB(A)	105.0 dB(A)	105.0 dB(A)	
9 m/s		105.0 dB(A)	105.0 dB(A)	105.0 dB(A)	
10 m/s		105.0 dB(A)	105.0 dB(A)	105.0 dB(A)	
95% rated power		105.0 dB(A)	105.0 dB(A)	105.0 dB(A)	

- The relation between the sound power level and the standardized wind speed v_s in 10 m height as shown above is valid on the premise of a logarithmic wind profile with a roughness length of 0.05 m. The relation between the sound power level and the wind speed at hub height applies for all hub heights. During the sound measurements the wind speeds are derived from the power output and the power curve of the WEC.
- A tonal audibility of $\Delta L_{a,k} < 4$ dB can be expected over the whole operational range (valid in the near vicinity of the turbine according to IEC 61 400 -11 ed. 2).
- The sound power level values given in the table are valid for the **Operational Mode 0_s / OM 0_s**. The respective power curve is the D0377232-0_#_eng_#_PC_E-115_3000kW_OM0s_calculated_V1.0
- Due to the typical measurement uncertainties, if the sound power level is measured according to one of the accepted methods the measured values can differ from the values shown in this document in the range of +/- 1 dB.

Accepted measurement methods are:

- IEC 61400-11 ed. 2 („Wind turbine generator systems – Part 11: Acoustic noise measurement techniques; Second edition, 2002-12“), and
- the FGW-Guidelines („Technische Richtlinie für Windenergieanlagen – Teil 1: Bestimmung der Schallemissionswerte“, published by the association “Fördergesellschaft für Windenergie e.V.“, 18th revision).

If the difference between total noise and background noise during a measurement is less than 6 dB a higher uncertainty must be considered.

- For noise-sensitive sites it is possible to operate the E-115 with reduced rotational speed and reduced rated power during night time. The sound power levels resulting from such operational mode can be provided in a separate document upon request.

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Translation / date			

Reference B.7: Sound Power Emission Levels of the 3 MW Enercon E-155 WTG (Reference D0331018-3)



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Date: 16 September 2021
Ref: 2021/Albany-Machoy

CES
Elta House
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Attention: Ms. Caroline Evans

Dear Madam

RE: COMMENTS SUBMITTED ON THE NOISE IMPACT ASSESSMENT REPORT (REPORT CES-IAWEF/ENIA/201904-Rev 0) BY MACHOY

This reply refers to:

- The Environmental Noise Impact Assessment report with reference: **CES-IAWEF/ENIA/201904-Rev 0** titled – “De Jager, M. (2019): “*Environmental Noise Impact Assessment for the Establishment of the Albany Wind Energy Facility near Grahamstown, Eastern Cape*”. Enviro-Acoustic Research CC, Pretoria” is of relevance. In this reply this is referred to as the **ENIA**; and
- The letter titled “*Re: Review of findings of Environmental Noise Impact Assessment of Proposed Albany Wind Energy Facility Conducted By Enviro Acoustic Research*” from Mackenzie Hoy Consulting Acoustic Engineers, unsigned but with the name of Mackenzie-Hoy in the signature field. This will be referred to as the **Review** in this reply.

It should be highlighted that, based on the comments received:

- The review focussed on certain sections of the ENIA report, with the reviewer completely excluding a number of important sections. This is highlighted in the table below.
- The reviewer misunderstood the role of SANS guidelines and the National Noise Control Regulations when compiling a noise specialist study, in the process referring to the requirements of the Western Cape Noise Control Regulations or Model By-Laws (which the Reviewer himself indicate do not have legal standing).
- Statements made by the Reviewer is duplicitous, and the Author do not know whether this is wilful or due to a misunderstanding of the regulations or SANS guidelines.

This letter only refers to the statements discussed in section 2 and 3 of the review, as section 1 is mainly statements. It is recommended that the reader peruse this reply together with report **CES-IAWEF/ENIA/201904-Rev 0**, the letter of opinion from EARES (dated 11 August 2020) together with the review of Machoy. As the requirements of the National Noise Control Regulations (GNR 154) and SANS 10103:2008 may be required, important definitions and clauses are included in [Annexure A](#).

Ref	Comment from Machoy	Reply from EARES
1.	<p>Comment 2.1.1 of the review, discussing why the noise levels of a larger wind turbine would be higher.</p>	<p>The noise report considers the sound power emission levels of the wind turbine generator (WTG) that the client indicated they are considering. However, due to various reasons, a developer does not want to reveal the actual WTG that they may consider, whether for commercial/economic reasons, possible Non-Disclosure Agreements etc. However, the details of the actual WTG are totally irrelevant to a noise analysis, as the major factors that determine the noise levels are:</p> <ul style="list-style-type: none"> - The layout of the WEF (which would include the number of WTGs as well as the distance from these WTGs that could individually and cumulatively affect the noise levels at a certain location); and - The sound power emission levels of the WTG (or noise source) selected/that the developer is considering. <p>Minor factors in the noise levels are:</p> <ul style="list-style-type: none"> - The spectral characteristics of the WTG; - Temperature and Humidity; - Noise abatement technologies implemented by the manufacturer; - Topography and wind shear effects; - Ground surface characteristics. <p>Insignificant factors are:</p> <ul style="list-style-type: none"> - The hub height of the WTG; - The rotor diameter of the WTG; - The manufacture of the WTG, the model name or number (the sound power emission levels however relates to a specific make and model and is determined by the manufacturer). <p>The sound power emission levels are provided by the manufacturer either as the maximum warranted sound power levels, a calculated sound power level – for new WTG where the noise levels were not previously measured – or measured sound power levels as reported in terms of IEC 61400-11. It is unique for each make and model and the sound power levels already include the effect of the hub height, rotor diameter and abatement technologies.</p> <p>The Albany Noise Study use a sound power emission level of 105.1 dBA, specifically for the Vestas 136-3.45 (as defined in document no.: 0056-4783 V02, dated 2016-07-08 and Report: V136-3.45 MW Third octave noise emissions, document no.: 0055-9919 V02, dated 2016-03-02).</p> <p>While algorithms and equations exist to estimate sound power levels, these formulae do not consider operating modes, specific isolation designed for the nacelle and blade technologies (such as serrated edges), which all contribute to reduce the noise levels. These measures are specific to a particular wind turbine make and model and accurately defined using a method as defined by IEC 61400-11.</p> <p>This illustrated in:</p> <ul style="list-style-type: none"> - reference B.1, Annexure B, where a smaller WTG generate a higher sound power emission level

		<ul style="list-style-type: none"> - reference B.2, Annexure B, where a larger WTG generate a lower sound power emission level - reference B.3 (and B.7), Annexure B, where the same WTG generate the same sound power emission level (higher wind speeds) at different hub heights (a difference of less than 1 dB is insignificant) - reference B.4, Annexure B, where WTG with almost double the generating capacity of the Vestas V136 3.45, having a lower sound power emission level - reference B.4, Annexure B, where WTG with almost double the generating capacity of the Vestas V136 3.45, having a lower sound power emission level - reference B.6, Annexure B, illustrating the noise-reduction effect of a blade with a serrated edge <p>Therefore, accurate sound power emission levels are provided by the manufacturers of wind turbines, and is specific for a specific make and model. The generating capacity, hub height or rotor diameter does not influence sound power emission levels (for the same make and model wind turbine).</p>
2.	Comment 2.1.2 of the review, highlighting that section 1.3.7 of the ENIA refers to ambient noise levels and not potentially noise-sensitive developments.	This is an error in referencing in the ENIA, as it should point to section 1.4 (the paragraph following section 1.3.7).
3.	Comment 2 of the review, highlighting that there are private game reserves within 5 km from the turbines.	The ENIA investigate the potential noise impact up to a distance of up to 2,000 m from the closest WTG, the area generally recognized where there may be acoustical implications (SANS 10328) from wind turbines. Notwithstanding what the anti-wind energy fraternity may claim, there is little evidence that wind turbines have acoustical impacts further than 2,000 m, and, definitely not at 5,000 m.
4.	Comment 2.2.2 of the review, highlighting that control of noise must comply with GNR 154 and SANS 10103	This is incorrect, as GNR 154 precedes SANS 10103 and 10328 by a few decades, and does not refer to the SANS guidelines.
5.	Comment 2.2.4 of the review, claiming that the SANS standards apply.	The national noise standards referred to in Act 39 of 2004 is not the SANS standard, but rather set noise limits (referred to a noise standards). This is slightly clarified when one read section 4.2.4 of the 2017 National Framework for Air Quality Management in the Republic of South Africa. The Model by-laws does refer to the relevant SANS code of practices, and, while the model by-law does not yet have legal standing, the ENIA does consider the requirements in these SANS guidelines.
6.	Comment 2.2.6 of the review, referring to definitions in the Model by-law (GN 579 of 2010) and highlight the need to use SANS 10328	As highlighted in the comment 2.2.5 of the review, the model by-law (GN 579 of 2010) does not have legal standing. The Model by-laws does refer to the relevant SANS code of practices, and, while the model by-law does not yet have legal standing, the ENIA does consider the requirements in these SANS guidelines. However, the noise study clearly stipulates the terms of reference: <ul style="list-style-type: none"> • Section 1.1 states that: <i>“This study considered local regulations and both local and international guidelines, using the terms of reference (ToR) as proposed by SANS 10328:2008 to allow for a comprehensive Noise Report”</i>. • Provides a detailed Terms of Reference in section 1.5 in the ENIA (extracted from SANS 10328)

7.	<p>Comment 2.2.8 of the review highlights that the ENIA refers to a number of international guidelines, yet does not clarify how this is relevant or how it should be applied.</p>	<p>The report considers both local legislation, regulations and guidelines, as well as international guidelines. Of the more than 340,000 wind turbines operation in the rest of the world (more than 2,000 wind farms), less than 500 are currently operational in South Africa (36 wind farms). The rest of the world have had experience with the effects and impacts of wind farms since 1980, South Africa since 2002.</p> <p>Almost all the scientific articles, papers, publications and presentations available are based on the research and experiences gained from these international wind farms. As such, discarding the knowledge and experiences gained by the rest of the world would be irresponsible and unwise.</p> <p>The South African regulations and international experience are also considered and discussed in section 6.3.3, where the regulations and international experience is used to determine and recommend appropriate <u>Zone Sound Levels</u></p>
8.	<p>Comment 2.3.1 of the review states that report (the ENIA) fails to note that SABS Code of Practice, SANS 10103 is referenced in all South African noise control regulations</p>	<p>This is not true, as the GNR154 precedes the SANS 10103 with more than a decade, and GNR154 does not refer to, or reference the SANS guidelines, and only refer to the SABS 0181 and SABS 0117. In addition, while note 6 (as contained within Table 2 of SANS 10103:2008) clearly states that “The noise from individual noise sources produced, or caused to be produced, by humans within natural quiet spaces such as national parks, wilderness areas and bird sanctuaries, should not exceed a maximum A-weighted sound pressure level of 50 dBA at a distance of 15 m from each individual source.” The proposed Albany WEF is not located within a naturally quiet space such as a national park, wilderness area or bird sanctuary.</p>
9.	<p>Comment 2.3.2 of the review that claim that the ENIA “<i>misuses the term "Ambient Noise" when in fact it should refer to "residual noise" as per the definition in of SANS 10103</i>”</p>	<ol style="list-style-type: none"> 1. As previously highlighted by the both the Author of the ENIA and the Reviewer, GNR154 are the relevant Noise Control Regulations of importance. This regulation however does not refer to SANS 10103. 2. GNR 154 () defines ambient sound level, as the reviewer himself defined in sub-note 3 (page 7 of the review), that states: <i>“ambient sound level’ means the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes, after such meter had been put into operation.”</i> 3. SANS 10103:2008 defines the “ambient noise” as referring to indoor ambient as <i>“totally encompassing sound in a given situation at a given time, and usually composed of sound from many sources, both near and far.”</i> 4. SANS 10103:2008 defines the “residual noise” refers to the <i>“totally encompassing sound in a given situation at a given time, and usually composed of sound from many sources, both near and far, excluding the noise under investigation.”</i> <p>Due to the National Noise Control Regulations being the regulation in effect, the ENIA use the term as defined in the regulation for ambient sound level and not the terms as defined in the SANS 10103 Code of Practice.</p>

		The term “Ambient Noise” are only used at 11 locations in the ENIA, each time as it discusses the requirements of SANS 10103, or when quoting statements from this Code of Practice. However, as defined in the Noise Control Regulations, section 6.4 as well as Appendix A of the ENIA, noise is used as the term meaning “unwanted sound”, using the term noise rating level to the calculated noise level.
10.	Comment 2.4.1 of the review that confuses ambient sound with residual sound	As previously highlighted, this report uses the terms as defined in the National Noise Control Regulations (GNR 154 of 1992) and not the terms as used in SANS 10103
11.	<p>Comment 2.4.2 of the review that states that:</p> <p>The report states that " Fast-weighted equivalent sound levels are included in this report as this is the sound descriptor used in most international countries to define the Ambient Sound Level.". This is incorrect. SANS 10103 nowhere refers to "fast-weighting" but instead refers to "slow-weighting". We here provide the relevant section from SANS 10103 paragraph 5.1 Measurement Procedures:</p> <p>"NOTE 2 In the case of a steady noise without impulsivity, the value of the equivalent continuous A-weighted sound pressure level can be obtained directly by visually averaging the readings on a sound level meter that complies with the requirements prescribed in 5.1.1 and while using S-time weighting, provided that the noise variations do not exceed 5 dBA."</p> <p>Thus "S-time" (aka "slow time") is referenced, "fast time" is not. This would indicate an inappropriate and legally non-compliant setting was used all field measurements incorrect. All the residual noise measurements reported are thus likely to be incorrect</p>	<p>This is truly a shocking statement, included as misinformation and considered to be bordering on unethical.</p> <ol style="list-style-type: none"> 1. SANS 10103 clearly defines the Impulse-, Fast- and Slow-time weightings in section 3 (Definitions) 2. SANS 10103 describes two procedures in section 5.1.5.1 to permit the use of different acoustical measuring instruments which clearly states that: <i>“In cases of doubt, the procedure given in 5.1.5.2.1 is preferred”</i> 3. The reviewer erroneously focusses on Note 2 that states that: “In the case of a steady noise without impulsivity, the value of the equivalent continuous A-weighted sound pressure level can be obtained directly by visually averaging the readings on a sound level meter that complies with the requirements prescribed in 5.1.1 and while using S-time weighting, provided that the noise variations do not exceed 5 dBA.” 4. Section 5.1.5.2.1 states that: <i>“This procedure should be used when instrumentation is available that can integrate while using I-time weighting”</i> and <i>“the meter should be set to A-weighting and I-time weighting should be selected”</i> 5. Section 5.1.5.2.2 states that: <i>“This procedure should be used when only a simple integrating sound level meter without appropriate additional functions is available”</i> <ul style="list-style-type: none"> • S-time weighting should never be used to measure ambient sound levels, as ambient sounds consist of highly variable sounds at different levels with high variability. • SANS 10103 clearly highlighted that the impulse setting should be used. • As previously highlighted, the Noise Control Regulations (GNR 154 of 1992) clearly defines that: <i>“‘ambient sound level’ means the reading on an integrating impulse sound level meter ...”</i> <p>Important sections of SANS 10103:2008 was extracted in appended in Annexure B.</p>
12.	Comment 2.4.3 of the review that states that: <i>“Measurements were taken at five locations, four of which are within 5 km of each other and one some 15 km distant. This is not as per the requirements of SANS 10103 and are far too few measurements to establish the residual sound pressure levels of the area.”</i>	This is untrue, as all measurements were collected in the project focus area, at the dwellings of identified noise-sensitive developments and all within 2,000 m of a proposed WTG.

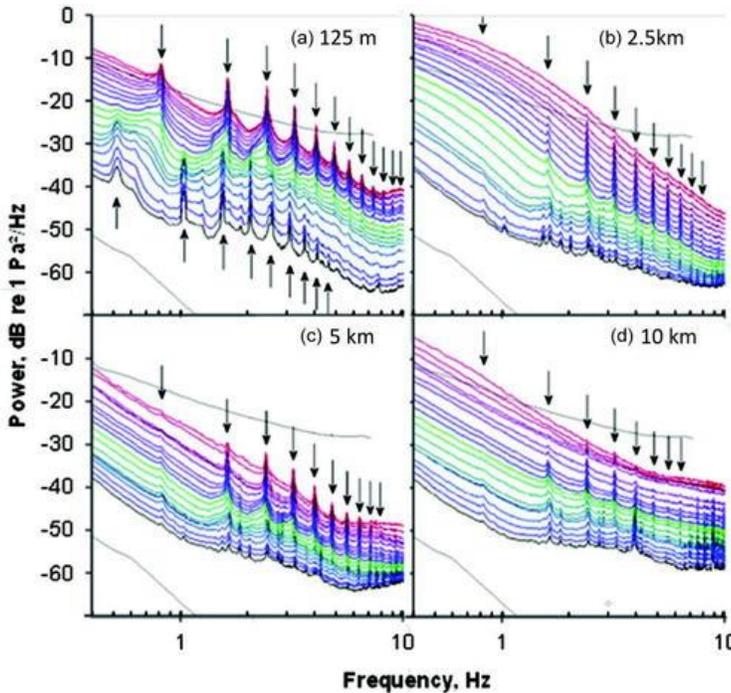
13.	<p>Comment 2.4.4 of the review that states that: <i>“From SANS 10103: 5.1.3.1.2 Grid measurements for noise mapping”</i></p>	<p>This is incorrect and the wrong application of section 5.1.3.1.2., which was meant for noise mapping to manually compile noise contours around an industrial noise project.</p> <p>Noise contours are currently modelled using software and no longer manually drawn considering actual noise level measurements.</p> <p>No acoustic consultant in the world, including the reviewer, would define ambient sound levels in this manner.</p>
14.	<p>Comment 2.4.5 of the review criticises the manner in which ambient sound levels were processed, and again incorrectly stated that impulse- and fast-time weighting <i>“are not defined in SANS 10103 and which are not used in South Africa, if indeed anywhere”</i>. It also states: <i>“It would thus appear as if irrelevant information is offered for reasons that is not clear but is concerning as it will give the layman an impression of authenticity and legitimacy when it is flawed and or irrelevant”</i>.</p>	<p>The reviewer is incorrect. As previously highlighted, the impulse-time weighting is the correct descriptor to use in South Africa (see definition of the Ambient Sound Levels from GNR 154 of 1992) as well as SANS 10103:2008, section 5.1.5.2.1.</p> <p>As highlighted, the fast-time weighting are used as this is the recommended setting highlighted by the World Health Organization (WHO) and the noise limits that they use are based on this setting (most and numerous other standards are also based on the research done by the WHO). As available from: https://www.who.int/docstore/peh/noise/Comnoise-2.pdf, it states that: <i>“Thus, all measurements of sound pressure levels and their variation over time should be made using the Fast response time, to provide sound pressure measurements more representative of human hearing. Sound pressure meters may also include a Slow response time with a time constant of 1s, but its sole purpose is that one can more easily estimate the average value of rapidly fluctuating levels. Many modern meters can integrate sound pressures over specified periods and provide average values. It is not recommended that the Slow response time be used when integrating sound pressure meters are available.”</i></p> <p>In addition, the corresponding spectral graphs were discussed briefly in the last paragraph of sections 3.4.1, 3.4.2, 3.4.3, 3.4.4 and 3.4.5.</p>
15.	<p>Comment 2.4.5 of the review states that: <i>“The report refers frequently to measurements being influenced by road traffic, tractors and domestic animals with special mention of the N2 (and increased traffic during holidays). These are intermittent disturbances and not representative of actual residual noise sources (these would cause noise measurements to be elevated above the true actual residual noise level)”</i>.</p>	<p>The ENIA correctly highlights other noises that influenced the ambient sound level measurements. GNR 154 defines ambient sound level as: <i>“‘ambient sound level’ means the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes, after such meter had been put into operation.”</i></p> <p>Not the Noise Control Regulations or the SANS 10103 states that external noises should be ignored, or excluded, as this is part of the soundscape of the focus area. However, while the study does acknowledge the increased ambient sound levels (as measured using the procedure defines by GNR 154), the zone sound level was still defined as rural, setting a night-time rating level of 35 dBA (considering a potential worst-case scenario).</p>
16.	<p>Comment 2.5.1 of the review claims that the author of the ENIA selected a smaller turbine of lower noise emissivity, which appears suspicious and disingenuous.</p>	<p>The statement is flawed, as the WTG specifications was provided by the developer. This is discussed in more detail under reference point 1.</p> <p>The noise report considers the sound power emission levels of the wind turbine generator (WTG) that the client indicated they are considering. However, due to various reasons, a developer does not want to reveal the actual WTG that they may consider, whether for commercial/economic reasons, possible Non-Disclosure Agreements etc.</p>

17.	Comment 2.6.1 of the review claims that the ENIA did not cover the impact of noise from the WTG on fauna	<p>The report however does briefly discuss Noise Impact on Animals in section 7.1. The following should be noted:</p> <ul style="list-style-type: none"> • There are no noise limits or guidelines that can be used to determine what noise levels will impact on animals. • There are no published studies in reputable journals that provide support for the negative impacts of noise from wind turbines on animals. • Animal communication is generally the highest during no and low wind conditions. It has been hypothesized that this is one of the reasons why birds sing so much in the mornings (their voices carry the farthest and there are generally less observable wind). • Machoy is ignoring the fact that background noise levels in remote areas are not always low in space or time. The site is windy and this generates significant noise itself and also significantly changes the ability of fauna to hear the environmental noises around them.
18.	Comment 2.6.2 of the review provides information about there are studies that found that elephant and rhinoceros use low-frequency to communicate	<p>While the statement is correct, it should be noted that:</p> <ul style="list-style-type: none"> • Animal communication is generally the highest during no and low wind conditions. It has been hypothesized that this is one of the reasons why birds sing so much in the mornings (their voices carry the farthest and there are generally less observable wind). • Infrasound is present in the environment, and is generated by a wide range of natural sources (e.g. wind, waves etc.). In February 2013, the Environmental Protection Authority of South Australia published the results of a study into infrasound levels near wind farms. This study measured infrasound levels at urban locations, rural locations with wind turbines close by, and rural locations with no wind turbines in the vicinity. It found that infrasound levels near wind farms are comparable to levels away from wind farms in both urban and rural locations. Infrasound levels were also measured during organized shut-downs of the wind farms; the results showed that there was no noticeable difference in infrasound levels whether the turbines were active or inactive. • Wind is a significant source of natural noise, with a character similar to the noise generated by wind turbines, with a significant portion of the acoustic energy in the low frequency and infrasound range. • Wind turbines does not emit broad-band sound on a continual basis as the turbines only turn and generate noise when the wind speeds are above the cut-in speed. • The wind turbines will only operate during periods of higher wind speeds, a period when background noise levels are already elevated due to wind-induced noises. • The elevated background noise relating with wind also provide additional masking of the wind turbine noise, with periods of higher winds also correlating with lower faunal activity, particularly with regard to communication. • This fact is also discussed Garstang (2003) that discuss the role that wind play in determining the range and detection of elephant communication.
19.	Comment 2.6.3 of the review request the inclusion of a faunal noise impact assessment	Please see reference point 18 where this was answered in detail.
20.	Comment 2.7.1 of the review claims that the ENIA did not provide a	It is suspected that the reviewer of the ENIA did not read the report completely because:

	<p>description of the methodology used in determining the turbine noise as function of distance, topography and weather leaves the study falling short of normal practice as well as basic scientific principles of reproducibility.</p>	<ul style="list-style-type: none"> • Section 1.1 states that: <i>“This study considered local regulations and both local and international guidelines, using the terms of reference (ToR) as proposed by SANS 10328:2008 to allow for a comprehensive Noise Report”</i>. • Provides a detailed Terms of Reference in section 1.5 in the ENIA (extracted from SANS 10328) • Completely discuss the way that noise levels were calculated in Chapter 5 of the ENIA, appropriately titled <i>“Methodology: Calculation of future noise emissions due to the proposed project”</i>. • Discuss the effect of weather in section 3.1, where the effect of temperature, humidity as well as wind are discussed in detail • Highlight Assumptions and Limitations in detail over 5 pages in Chapter 7 of the ENIA
21.	<p>Comment 2.7.2 of the review claims that the ENIA does not comply with “NEMA EIA Regulations 385 Regulation 33 that stipulates “a description of the methodology adopted in preparing the report or carrying out the specialised process” is to be provided”</p>	<p>As highlighted in reference point 20, the full methodology was provided in the ENIA in full compliance with the NEMA EIA regulations.</p>
22.	<p>Comment 2.8.1 of the review states that noise from wind turbines reduce with 3 dB per doubling of distance and that the statements in the ENIA about cumulative noise impacts cannot be true</p>	<p>The statements made by the reviewer is incorrect and indicate a lack of understanding of noise from Wind Turbines. The reviewer extract information relating to the propagation of low-frequency noise and assume that this would apply with the full spectrum broadband noise from a WTG. This is extremely erroneous and either indicate a shocking misunderstanding on how noise from a WTG propagate, or a willful misrepresentation of information.</p> <p>There are numerous studies available on the internet, where actual noise levels at wind farms were measured. None of these studies support this claim. The author of the ENIA also have done extensive measurements at a number of existing wind farms during operation, with access of more than 12,000 sound level measurements, and none of the actual sound level measurements support this claim. The statement that an operating wind turbine generating 62 dB at 2,000 m is ridiculous, something that anyone with a decent cellphone can disprove with a free sound/noise level measurement application.</p>
23.	<p>Comment 2.8.2 of the review refers to Note 6, included in Table 2 of SANS 10103, stating that: <i>“The noise from individual noise sources produced, or caused to be produced, by humans within natural quiet spaces such as national parks, wilderness areas and bird sanctuaries, should not exceed a maximum A- weighted sound pressure level of 50 dBA at a distance of 15 m from each individual source”</i>.</p>	<ol style="list-style-type: none"> 1. This note refers to noise sources located within the naturally quiet space. The wind farm is not located within national parks, wilderness areas and bird sanctuaries. 2. The calculations done by the reviewer is highly erroneous as discussed on reference point 22
24.	<p>Comment 2.8.3 of the review claims that Figure 8-5 is not correct</p>	<p>Figure 8-5 was included to illustrate the effect of cumulative noises between two noise sources. This is relevant to any stationary noise source, including WTG. It is based on a simple noise model (excluding the effects of topography, weather, surface absorption etc.). Where the reviewer get the value of 32 dBA is unknown, as the conceptual scenario calculate the noise level 33 dBA at around 1,000 m from a</p>

		<p>noise source. Logarithmic addition of another noise source, also around 1,000 m from the same conceptual point will only increase the noise level with 3 dB.</p>
<p>25.</p>	<p>Comment 2.8.4 of the review states that: “ <i>It is clear from the above that at least 29 noise sensitive locations are such that turbine noise will be audible and of these at 13 locations the noise will be 7 dBA or more above existing levels. Again, this is if the turbines chosen are Vestas V136 turbines of 3,45 MW. If the turbines are 4,5 MW turbines as proposed, then all of the 19 noise sensitive locations will be subject to noise levels 7 dBA or more above existing levels</i>“</p>	<p>This incorrect statement is based on the erroneous assumptions of the reviewer. As discussed under reference point 1, the sound power emission levels are linked to a certain make and model wind turbine, with the sound power emission levels determined by the manufacturer using internationally recognized protocols (such as IEC 61400-11). Therefore, the generating capacity are not the determining factors in the sound emission levels, but the make and model of wind turbine, as well as the noise abatement measures implemented by the manufacturer.</p> <p>It should also be noted that the continuous equivalent 8-hour rating level (as defined in SANS 10103) as calculated from the ambient sound level measurements (as defined in GNR 154) is actually 42.7 dBA at NSD17, not 35 dBA as assumed. The ambient sound levels at NSD17 were also the lowest ambient sound levels measured in the area, with the 8-hour ambient sound levels ranging between 42.7 and 55.8 dBA (with an arithmetic average of 48.0 dBA). However, this does not mean that the area is always noisy, as it is only responsible to assume that there will be periods that the wind turbines will be operating, ambient sound levels are lower and that the sound from the WTG will be audible. This does not make it a noise impact.</p>
<p>26.</p>	<p>Comment 2.8.5 of the review states that: “<i>The limitations of ISO 9613-2 are set out in both publications and Keith et al 2016 confirms the requirement for more advanced modelling calculations “for large distances, when there are large numbers of wind turbines, or when investigating specific meteorological classes” which are all applicable in the case of Albany</i>“</p>	<p>Wind turbine sound pressure level calculations at dwellings: The Journal of the Acoustical Society of America: Vol 139, No 3 (https://asa.scitation.org/doi/10.1121/1.4942404#_i2)</p> <p>This study used Manufacturer supplied and measured wind turbine sound power levels were used to calculate outdoor SPL at 1238 dwellings using ISO [(1996). ISO 9613-2–Acoustics] and a Swedish noise propagation method, ultimately to compare the two models. The study concluded that:</p> <ol style="list-style-type: none"> 1. The simplified Swedish noise propagation method was found to give results similar to that obtained using the ISO (1996) method. 2. Over distances less than 1 km, the standard deviation for predicted outdoor sound power levels (SPL) outside dwellings was 4 dB, but at 10 km this uncertainty was estimated to rise to at least 10 dB SD; and 3. In comparing calculated long-term average exposure levels in different studies, it was found that it was important to consider the wind turbine sound power curves as a function of wind speed as well as the variation in the wind speed itself. For a long-term average SPL, the SPL based on 8 m/s wind speed should be reduced by 4.5 dB <p>It should be noted that this study also compared calculated noise levels with measured noise levels at 290 m in Section B. It should be noted that, based on the spectral data, Figure 1 indicate a noise level less than 45 dBA for this scenario. This is in contradiction to the ridiculous claims made in comment 2.8.1 of the review.</p> <p>Wind turbine low frequency and infrasound propagation and sound pressure level calculations at dwellings: The Journal of the Acoustical</p>

		<p>Society of America: Vol 144, No 2 (https://asa.scitation.org/doi/10.1121/1.5051331)</p> <p>This study was developed to estimate wind turbine low frequency and infrasound levels at 1238 dwellings in Health Canada's Community Noise and Health Study. In field measurements, spectral peaks were identifiable for distances up to 10 km away from wind turbines at frequencies from 0.5 to 70 Hz.</p> <p>This study concluded that:</p> <ol style="list-style-type: none"> 1. Favorable propagation conditions could also occur throughout the night and during high winds in the daytime; however, under these conditions, measurement of wind turbine noise is made difficult by wind noise on the microphone and the noise from the wind interacting with vegetation. 2. The ability to measure wind turbine infrasound was influenced by ambient infrasound, the effectiveness of the windscreens, and the presence of shielding vegetation. Wind turbine SPLs are low enough that effective windscreens and narrowband analysis are required to ensure a 95% confidence of being able to distinguish wind turbine noise from ambient infrasound, even at the base of the wind turbines. 3. Infrasound levels were found to be more than 17 dB below perceptible levels at all dwellings. 4. To determine if infrasound is close to perceptible levels it appears that ISO calculations can be extended to approximate the long term average infrasound SPL, provided that the most affected residences are within a few kilometers of the nearest wind turbines. <p>It should also be noted that, while <i>there are studies that highlight that Low-Frequency Noise and Infrasound may be detected up to large distances, it should be noted there is a big difference between detection and audible. There is a massive difference between a research paper and a noise study. This is illustrated below with an extract of such a study that indicate that Low-Frequency Noise and Infrasound can be detected over significant distances (Wind turbine low frequency and infrasound propagation and sound pressure level calculations at dwellings, The Journal of the Acoustical Society of America 144, 981 (2018); https://doi.org/10.1121/1.5051331).</i></p> <p><i><u>SPLs were obtained at four distances, 125, 2.5, 5, and 10 km from the wind turbines using Chaparral Physics model-25 microbarometers (Chaparral Physics, Fairbanks, AK). At the 125 m distance the microbarometer sensors were within 2 m of the transducers used to measure wind turbine sound power (Sec. II G). For isolation from wind noise the microbarometer was mounted inside a 0.5 m diameter x 0.9 m high polyvinyl chloride plenum attached to four 15 m long, 1.9 cm outside diameter garden soaker hoses, which extended radially in 4 directions to form an orthogonal "X" shape. Data were recorded using a Nanometrics Trident 24 bit digitizer (Nanometrics, Ottawa, Canada) with a 200 Hz sample rate.</u></i></p> <p><i>One should note the specialized equipment used, with the barometers mounted within a plenum, isolated from the typical environmental noise associated with increased wind speeds, connected with 15 m</i></p>
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		<p>long hoses, that would act like resonators to “amplify” certain frequencies of interest. With these specialized equipment, methodologies and statistical analysis the harmonics, associated with the wind turbines, were detected as illustrated below:</p>  <p>However, what one should realize is that, apart from the measurements at 125 m, that the levels detected at 2.5, 5 and 10 km distances are very low. In practice these frequencies will be undetectable as environmental noises, induced by the high wind speeds, will completely mask these signatures, as highlighted by the study that the Reviewer himself are referring too.</p>
27.	<p>Comment 2.9.1 of the review claiming that there are two locations within the 50 dBA noise level contours (Figure 8.4)</p>	<p>This is incorrect. The reader is referred to both Figures 8-4, 9-1 and Table 9-3. There are no locations within the 50 dBA noise contour.</p>
28.	<p>Comment 2.10.1 of the review states that: “in effect the facility be constructed and if complaints arise after construction they should be investigated. This will not solve the problem in any way”.</p>	<p>The purpose of the ENIA to investigate the potential noise impact from the proposed facility, using a layout that went through numerous changes. This desired layout is modelled to confirm that the noise levels are within acceptable levels, and therefore the impact is acceptable. If the layout is not acceptable, the developer may make additional changes to minimize any risks of a potential noise impact during the construction or operational phases. However, this does not mean that there may be events that may result in a noise annoyance, whether valid or reasonable. As stated in the ENIA: “Sporadic and legitimate noise complaints could develop. For example, sudden and sharp increases in sound levels could result from mechanical malfunctions or perforations or slits in the blades. Problems of this nature can be corrected quickly and it is in the developer’s interest to do so.”</p>
29.	<p>Comment 2.9.2 of the review claims that the ENIA report is meaningless if the developer is to use a 4.5 MW wind turbine.</p>	<p>This was answered in detail in reference point 1, highlighting that the capacity of the WTG does not determine the sound power emission levels of a WTG. It is unique for each make and model and the sound power levels already include the effect of the hub height,</p>

		rotor diameter and abatement technologies. This is why the ENIA state that <i>“The potential noise impact must again be evaluated should the layout be changed where any wind turbines are located closer than 1,000 m from a confirmed NSD or if the developer decides to use a different wind turbine that has a sound power emission level higher than the Vestas WTG used in this report (sound power emission level exceeding 105 dBA re 1 pW”</i>
30.	<p>Comment 2.9.3 of the review states that: “</p> <p>The proposed Albany WEF may consist of up to 66 turbines, each capable of generating up to 4.5 Mega Watts (MW) of power.” Consequently any prediction based on a 3,5 MW Turbine such as the Vestas used will be a substantial under prediction and is of little value other than perhaps to mislead“</p>	<p>This was answered in detail in reference point 1, highlighting that the capacity of the WTG does not determine the sound power emission levels of a WTG. It is unique for each make and model and the sound power levels already include the effect of the hub height, rotor diameter and abatement technologies. This is why the ENIA state that <i>“The potential noise impact must again be evaluated should the layout be changed where any wind turbines are located closer than 1,000 m from a confirmed NSD or if the developer decides to use a different wind turbine that has a sound power emission level higher than the Vestas WTG used in this report (sound power emission level exceeding 105 dBA re 1 pW”</i></p>

Reply’s to the comments raised under the Conclusions section (section 3) of the Review:

31.	<p>Point 3.1: <i>“It would thus appear as if the legal requirements applicable have been delineated but in fact applicable legislation have not been identified such that appropriate noise limits and compliance requirements are derived and stipulated.”</i></p>	<p>The ENIA discuss relevant legislation in detail in section 2 over 12 pages. It covers all the legislation highlighted, as well as the SANS standards and guidelines as well as International Guidelines.</p> <p>The report considers both local legislation, regulations and guidelines, as well as international guidelines. Of the more than 340,000 wind turbines operation in the rest of the world (more than 2,000 wind farms), less than 500 are currently operational in South Africa (36 wind farms). The rest of the world have had experience with the effects and impacts of wind farms since 1980, South Africa since 2002.</p> <p>Almost all the scientific articles, papers, publications and presentations available are based on the research and experiences gained from these international wind farms. As such, discarding the knowledge and experiences gained by the rest of the world would be irresponsible and unwise.</p> <p>The South African regulations and International experience are also considered and discussed in section 6.3.3, where the regulations and international experience is used to determine and recommend appropriate <u>Zone Sound Levels</u></p>
32.	<p>Point 3.2: <i>“The report records residual / ambient noise measurements at 5 locations. There are however 27 noise sensitive locations (as stated in the report) and thus for 22 of them these is no measurement record of existing conditions.”</i></p>	<p>This is a misrepresentation, as measurements were collected at 5 locations, which is not the same as 5 measurements. Machoy fail to highlight that more than 3,000 10-minute measurements were collected, including more than 1,000 10-minute night- and 2,000 daytime 10-minute measurements. This data generally would accurately represent the ambient sound levels in the area, as most of the area have a similar</p>

		<p>vegetation and developmental character (with vegetation being a significant factor in determining ambient sound levels).</p> <p>It should also be noted that the report clearly defines the zone sound levels at these locations in section 3, with the zone sound levels ranging between that of a rural to urban noise district (based on the significant sound levels measured).</p> <p>The findings from the noise study determined that “ambient sound levels are low during low wind conditions and the rural zone sound levels is used in section 6.3.3.2, even though the data indicate significantly higher ambient sound levels. This is the lowest acceptable rating level (rating level for noise in districts as per SANS 10103:2008) and more data, or more measurement locations provide greater quality data nor provide additional information.</p> <p>In addition, SANS 10103:2008 does not require the measurements of ambient sound levels (the residual noise) at each potential receptor, nor does this guideline define, set or propose locations where sound levels should be measured. Nor are the author aware of any acoustic consultant in South Africa that would measure the ambient sound levels at all identified receptors. In addition, the measurement of future ambient sound levels is normally recommended once a noise study are completed, identifying potential receptors where noise levels may be of concern.</p>
33.	<p>Point 3.3: <i>“The report only superficially deals with noise impact to fauna and otherwise deals exclusively considers noise impact on humans there is a clear lack of consideration to impacts to key faunal species relating to vulnerability, feeding, habitat selection, reproductive success, community structure as well as communication.”</i></p>	<p>There are no noise limits or guidelines that can be used to determine what noise levels will impact on animals. In addition, there are no published studies in reputable journals that provide support for the negative impacts of noise from wind turbines on animals. Animal communication is generally the highest during no and low wind conditions. It has been hypothesized that this is one of the reasons why birds sing so much in the mornings (their voices carry the farthest and there are generally less observable wind). Readers should not ignore the fact that background noise levels in remote areas are not always low in space or time, as can be seen from the ambient sound levels measured onsite and reported in section 3 of the ENIA. The site is windy and this generates significant noise itself and also significantly changes the ability of fauna to hear the environmental noises around them.</p>
34.	<p>Point 3.4: <i>“The noise prediction and impact assessment were undertaken using 3,45 MW turbine and not the 4,5 MW turbine proposed for use in the considering that the 4,5 MW turbines have a 20% greater noise generation. this statement brings into disrepute the entire report and is in contradiction with the p106 statement that it is a</i></p>	<p>As discussed under point 1, the sound power emission levels are linked to a certain make and model wind turbine, with the sound power emission levels determined by the manufacturer using internationally recognized protocols (such as IEC 61400-11). Therefore, generating capacity, the hub height and rotor diameter are not the determining factors in the sound emission levels, but the make and model of wind turbine, as</p>

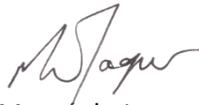
	<p><i>“worst-case scenario being evaluated”.</i></p>	<p>well as the noise abatement measures implemented by the manufacturer.</p> <p>It should be noted that the continuous equivalent 8-hour rating level (as defined in SANS 10103) as calculated from the ambient sound level measurements (as defined in GNR 154) is actually 42.7 dBA at NSD17, not 35 dBA as assumed. The ambient sound levels at NSD17 was also the lowest ambient sound levels measured in the area, with the 8-hour ambient sound levels ranging between 42.7 and 55.8 dBA (with an arithmetic average of 48.0 dBA).</p> <p>The report uses a worst-case scenario, assuming:</p> <ol style="list-style-type: none"> 1. A night-time rural zone sound level of 35 dBA, and as defined in section 6.3.3.2, setting a potential noise limit of 42 dBA, even though ambient sound levels (using the method as prescribed in GNR 154 of 1992) <p>A 75% hard character, a humidity of 70% and temperature of 10 °C, which will result in a higher projected noise level</p>
<p>35.</p>	<p>Point 3.5: <i>“The report fails to mention that the turbine area is located within 5 km of a number of protected areas, private game reserves and game farms”</i></p>	<p>The ENIA investigate the potential noise impact up to a distance of up to 2,000 m from the closest WTG, the area generally recognized where there may be acoustical implications (SANS 10328) from wind turbines. Notwithstanding what the anti-wind energy fraternity may claim, there is little evidence that wind turbines have acoustical impacts further than 2,000 m, and, definitely not at 5,000 m.</p>
<p>36.</p>	<p>Point 3.6: <i>“The report states that at nine noise sensitive locations the wind turbine noise will be audible and at one location, disturbing. The report suggest that at NSD 17 the occupants can be relocated if they find the turbine noise disturbing. This is constitutionally unacceptable.”</i></p>	<p>The report uses a worst-case scenario, assuming:</p> <ol style="list-style-type: none"> 1. A night-time rural zone sound level of 35 dBA, and as defined in section 6.3.3.2, setting a potential noise limit of 42 dBA, even though ambient sound levels (using the method as prescribed in GNR 154 of 1992) 2. A 75% hard character, a humidity of 70% and temperature of 10 °C, which will result in a higher projected noise level <p>As stated, it should be noted that the continuous equivalent 8-hour rating level (as defined in SANS 10103) as calculated from the ambient sound level measurements (as defined in GNR 154) is actually 42.7 dBA at NSD17, not 35 dBA as assumed. The ambient sound levels at NSD17 was also the lowest ambient sound levels measured in the area, with the 8-hour ambient sound levels ranging between 42.7 and 55.8 dBA (with an arithmetic average of 48.0 dBA). However, this does not mean that the area is always noisy, as it is only responsible to assume that there will be periods that the wind turbines will be operating, ambient sound levels are lower and that the sound from the WTG will be audible. This does not make it a noise impact.</p>

		<p>Again, it is considered disingenuous to extract a small section of a paragraph and to change a sentence. The full paragraph from section 10.2 are included below:</p> <p>The significance of noise during the operation phase for such an unmitigated scenario is medium during the night-time period for NSD17. While the projected noise rating levels may be less than the average ambient sound levels, the projected noise levels could result in total noise levels exceeding 45 dBA at NSD17. While the projected noise levels will be acceptable during the day, this may be annoying at night.</p> <p>Mitigation options were discussed and operation mitigation should involve:</p> <ul style="list-style-type: none"> • The relocation of the people living in these areas where the 45 dBA Noise Limit can be exceeded (NSD17). • Redesign of the layout to allow a larger buffer zone between the potentially affected receptors, especially NSD17. • The use of quieter wind turbines around the potentially affected receptors, or developing a noise curtailment programme to manage the noise level for certain wind turbines during certain wind speeds or directions (NSD17). <p>Should the dwellings at NSD17 not be used for residential purposes at night, these mitigation options will fall away.</p> <p>It should also be noted that the latest layout, as evaluated in the letter of opinion, dated August 2020, highlights that the number of WTG close to NSD 17 was reduced, which would also reduce the noise level.</p>
37.	<p>Point 3.7: <i>“The lack of a description of the methodology used in determining the turbine noise as function of distance, topography and weather leaves the study falling short of normal practice as well as basic scientific principles of reproducibility. Also the report thus do not meet the NEMA EIA Regulations 385 Regulation 33 stipulating the need for “a description of the methodology adopted in preparing the report or carrying out the specialised process”.”</i></p>	<p>It is suspected that the reviewer of the ENIA did not read the report completely because:</p> <ul style="list-style-type: none"> • Section 1.1 states that: <i>“This study considered local regulations and both local and international guidelines, using the terms of reference (ToR) as proposed by SANS 10328:2008 to allow for a comprehensive Noise Report”</i>. • Provides a detailed Terms of Reference in section 1.5 in the ENIA (extracted from SANS 10328) • Completely discuss the way that noise levels were calculated in Chapter 5 of the ENIA, appropriately titled “Methodology: Calculation of future noise emissions due to the proposed project:. • Discuss the effect of weather in section 3.1, where the effect of temperature, humidity as well as wind are discussed in detail • Highlights the Assumptions and Limitations in detail over 5 pages in Chapter 7 of the ENIA

38.	Point 3.8: <i>"The noise contour maps plotted not only offered without any description as to the methodology are largely incorrect (37 dBA contours plotted as 30 dBA)."</i>	At no place in the report are noise contours plotted at 37 dBA. It is plotted from 35 dBA (the assumed night-time rural zone sound level) on Figure 8-4, using intervals of 5 dB, and from 30 dBA with 2 dB intervals in Figure 8-5.
39.	Point 3.9: <i>"The report is thus substantially flawed and as it stands it hides the severity of the noise impact that the Albany WEF will have on its receiving environment and is oblivious to the exceedance of SANS 10103 noise limits at various sensitive noise receptors (including various formal protected areas) that the development will bring about."</i>	This statement is incorrect and based on a review that misrepresent the findings of the ENIA.
40.	Point 3.10: <i>"The report thus only at best meets in part the requirements of Regulation 17 of the EIA Regulations, 2010 (d) comply with the Act, in that it would indicate the project is desirable when in fact it will lead to substantial non-compliance to applicable SANS standards and constitute a major nuisance."</i>	This statement is incorrect and based on a review that misrepresent the findings of the ENIA.

Should you require any further details, or have any additional questions, please do not hesitate to call me on the above numbers.

Yours Faithfully,



Morné de Jager
 Enviro-Acoustic Research cc

ANNEXURE A:

**Measurement requirements in terms of
GNR. 154 of 1992 and SANS 10103:2008**

Government Notice Regulation (GNR) 154 of 10 January 1992 (as published in the Government Gazette 13717) defines and states that:

Defines:

Ambient sound level means the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes, after such meter had been put into operation

disturbing noise means 'n noise level which exceeds the zone sound level or, if no zone sound level has been designated, a noise level which exceeds the ambient sound level at the same measuring point by 7 dBA or more;

integrating impulse sound level meter means a device which integrates a function of the root mean square value of sound pressure over a period of time while it is set on "I"-time weighting and indicates the result in dBA;

noise level means the reading on an integrating impulse sound level meter taken at a measuring point in the presence of any alleged disturbing noise at the end of a total period of at least 10 minutes, after such meter had been put into operation, and, if the alleged disturbing noise has a discernible pitch, to which 5 dBA has been added;

sound level means the reading on a sound level meter taken at a measuring point;

sound level meter means a device measuring sound pressure while it is set on "F"-time weighting and indicates the result in dBA;

zone sound level means a derived dBA value determined indirectly by means of a series of measurements, calculations or table readings. and designated by a local authority for an area.

In addition:

In terms of Regulation 2 -

"A local authority may –

(d): before changes are made to existing facilities or existing uses of land or buildings, or before new buildings are erected, in writing require that noise impact assessments or tests are conducted to the satisfaction of that local authority by the owner, developer, tenant or occupant of the facilities, land or buildings or that, for the purposes of regulation 3(b) or (c), reports or certificates in relation to the noise impact to the satisfaction of that local authority are submitted by the owner, developer, tenant or occupant to the local authority on written demand";

In terms of Regulation 4 of the Noise Control Regulations:

"No person shall make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, machine, device or apparatus or any combination thereof".

SANS 10103:2008 – “The measurement and rating of environmental noise with respect to annoyance and to speech communication” define or states that:

F-time weighting

time weighting as specified in SANS 656 and SANS 61672-1

NOTE This characteristic is often indicated on an instrument as "FAST".

I-time weighting

time weighting as specified in SANS 656 and SANS 61672-1

NOTE This characteristic is often indicated on an instrument as "IMPULSE" and is not the same as "PEAK".

measurement time interval

time interval over which measurements are made or can be made

residual noise

totally encompassing sound in a given situation at a given time, and usually composed of sound from many sources, both near and far, excluding the noise under investigation

S-time weighting

time weighting as specified in SANS 656 and SANS 61672-1

NOTE This characteristic is often indicated on the instrument as "SLOW".

specific noise

component of the ambient noise which can be specifically identified by acoustical means and which may be associated with a specific source

5.1 Measurement procedures

5.1.1 Measuring equipment

5.1.1.1 Integrating sound level meter configuration, that complies at least with the accuracy requirements specified for a class 1 instrument in SANS 656, SANS 658 and SANS 61672-1. A windscreen of a type specified by the manufacturer as being suitable for the particular microphone, and that does not detectably influence the accuracy of the meter under the ambient conditions of the test, shall be used.

5.1.1.2 Sound calibrator, that complies with the requirements prescribed for a class 1 calibrator in SANS 60942.

5.1.2 Calibration of equipment

5.1.2.1 Calibration

All items of the sound measuring equipment used should be calibrated against the requirements of SANS 656, SANS 658, SANS 60942 and SANS 61672-1 (by an accredited laboratory), at intervals not exceeding one year for the sound calibrator, and two years for the rest of the equipment, that they comply with the requirements for accuracy prescribed in 5.1.1.

5.1.3 Microphone positions

5.1.3.1 Outdoor measurements

5.1.3.1.1 Discrete measurement positions

Measuring points that are representative of the noise climate should be selected. At each measuring point, the microphone should be placed at a height of between 1,2 m and 1,5 m for general

investigations, and, if practicable, at least 3,5 m away from walls, buildings and other large flat vertical surfaces.

5.1.4 Measurement time intervals

The measurement time intervals should be so chosen that the results are representative of the reference time interval, and that variations in the rating level owing to the variation of the emission at the source, and owing to weather influence on sound propagation, are adequately covered. The choice of the measurement time interval will depend on the method of data acquisition and on the time structure of the noise. If the noise displays a clear periodicity, the measurement time intervals should cover at least three periods, where possible. If continuous measurement over the period is not possible, the time intervals should be so chosen that each represents a part of the cycle and that together they represent a complete sample that is characteristic of the noise radiation being measured. If the sound pressure level varies stepwise, the measurement time intervals should be so selected that each represents a period within which the noise could have been considered to be approximately steady. If the noise is of a random nature, the measurement time intervals should be so chosen as to give sufficient independent samples to adequately characterize the noise radiation.

5.1.5 Procedures to determine the rating level ($L_{Req,T}$)

5.1.5.1 General

Two alternative procedures are described to permit different types of acoustical measuring instruments to be used. In cases of doubt, the procedure given in 5.1.5.2.1 is preferred.

NOTE 1 If the noise level varies significantly from day to day, enough additional measurements should be taken to cover a full cycle of noise variations.

NOTE 2 In the case of a steady noise without impulsivity, the value of the equivalent continuous A-weighted sound pressure level can be obtained directly by visually averaging the readings on a sound level meter that complies with the requirements prescribed in 5.1.1 and while using S-time weighting, provided that the noise variations do not exceed 5 dBA.

5.1.5.2 Highly impulsive and regular impulsive sound

5.1.5.2.1 Procedure using I-time weighting and integration

This procedure should be used when instrumentation is available that can integrate while using I-time weighting. The procedure should be carried out as follows:

- a) the meter should be set to A-weighting and I-time weighting should be selected;
- b) the equivalent continuous A-weighted sound pressure level ($L_{Aeq,T}$) should be measured directly, using an appropriate microphone position (see 5.1.3), during a suitable measurement time interval (see 5.1.4);
- c) the rating level ($L_{Req,T}$) should be obtained by adding the correction for tonal character C_t (as determined in 5.1.5.4) to the result obtained in (b);
- d) where a number of individual measuring positions have been selected (see 5.1.3), the procedure in (c) should be followed for each position and the average calculated on a mean square pressure basis to obtain the rating level ($L_{Req,T}$); and
- e) for composite measurements, see 3.7(b), the following equation may be used:

$$L_{Req,T} = 10 \log \sum (f_i) 10^{L_{Req,T_i}/10}$$

where

- f_i is the duration of $L_{Req,Ti}$ expressed as a fraction of the total time over which $L_{Req,T}$ is calculated;
- $L_{Req,Ti}$ is the i -th partial level.

NOTE If tonal components are significant characteristics of the sound within a measurement time interval, an adjustment (C_t , as applicable) should be applied to the measured sound level for that time interval only. The time interval for this adjustment should be stated.

5.1.5.2.2 Procedure using integration and an estimated impulse correction (C_i)

This procedure should be used when only a simple integrating sound level meter without appropriate additional functions is available. The procedure should be carried out as follows:

- a) the meter should be set to A-weighting and the integrating mode selected;
- b) the equivalent continuous A-weighted sound pressure level ($L_{Aeq,T}$) should be measured directly, using an appropriate microphone position (see 5.1.3), during a suitable measurement time interval (see 5.1.4);
- c) it should be decided whether the noise is of an impulsive nature, i.e. either a highly impulsive sound (see 3.13) or a regular impulsive sound (see 3.20) and, if the noise is either of these, an impulse correction C_i of 5 dBA for a regular impulsive sound and 12 dBA for a highly impulsive sound should be added to the reading obtained in (b), the correction for tonal character C_t should also be determined in accordance with 5.1.5.4 and added to obtain the rating level ($L_{Req,T}$) as follows:

$$L_{Req,T} = L_{Aeq,T} + C_i + C_t$$

where

- $L_{Aeq,T}$ is the equivalent continuous A-weighted sound pressure level, in decibels;
- C_i is +5 dB for a regular impulsive sound, and +12 dB for a highly impulsive sound;
- C_t is 0 in all other cases.

And

5.1.7 Determination of the equivalent continuous rating level ($L_{Req,T}$) of the ambient noise

Using the procedure given in 5.1.5, the equivalent continuous rating level ($L_{Req,T}$) should be determined during a measurement time interval (see 5.1.4) that will give a representative value of the ambient noise.

5.1.8 Determination of the equivalent continuous rating level ($L_{Req,T}$) of the residual noise

Using the procedure given in 5.1.5, when relevant, the equivalent continuous rating level ($L_{Req,T}$) should be determined during a measurement time interval (see 5.1.4) that will give a representative value of the residual noise in the absence of the specific noise under investigation.

ANNEXURE B:

**Sound Power Emission Levels for Various
Wind Turbine Generators**

Suzlon Energy Limited	SOUND LEVEL GUIDELINE S97DFIG-2100kW (TRK)	
------------------------------	-------------------------------------------------------	-------------------------------------------------------------------------------------

Basic information

- Turbine model: S97DFIG-2100kW
- Operational mode: Normal operation
- Air density: 1.225 Kg/m³
- Turbulence intensity: 10%
- Wind shear: 0.16
- Maximum vertical inflow angle: 10 deg.
- Blade condition: clean/no ice

Measurement standard

All values are given according to IEC 61400-11:ed2.1.

Sound power level

The reference sound power level $L_{WA,ref}$ for the S97- 2100kW turbines shall not exceed:

	6 m/s	7 m/s	8 m/s	9 m/s	10 m/s
LwA @ 80 m hub height	103.3	105.1	105.7	105.4	105.9
LwA @ 90 m hub height	103.5	105.2	105.6	105.5	105.9
LwA @ 100 m hub height	103.7	105.3	105.6	105.6	105.9

All wind speeds are given at the reference height of 10 meters above ground.

Reference B.1: Sound Power Emission Levels of the 2.1 MW Suzlon S97 DFIG WTG (Reference S97DFIG_2100kW_Nov 2011)

Table 6-1 Summary of results at hub height

WS at hub height [m/s]	SPL $L_{WA,k}$ [dB]	Combined uncertainty in the SPL $U_{C,LWA,k}$ [dB]	Audible tone? ¹⁾	Tonal audibility $\Delta L_{a,k}$ [dB]	Frequency of the most prevalent tone [Hz]
7.5	102.0	1.2	Yes	0.52	126
8.0	103.3	1.1	No	-2.09	134
8.5	104.3	0.8	No	-2.43	140
9.0	104.7	0.7	No	-2.97	142
9.5	104.7	0.6	-	-	-
10.0	104.8	0.7	-	-	-
10.5	104.7	0.7	No	-2.16	143
11.0	104.6	0.7	No	-1.66	144
11.5	104.5	0.7	No	-1.11	143
12.0	104.3	0.7	No	-1.62	144
12.5	104.5	0.8	No	-0.98	143
13.0	104.6	0.8	No	-1.93	144
13.5	104.5	0.7	No	-1.74	143
14.0	104.8	0.8	No	-1.70	143

Reference B.2: Sound Power Emission Levels of the 4.2 MW Vestas V150 WTG (Reference 10163788-A-1-A)

Wind speed v [m/s] ⁶	Power P [kW]	Sound power level L_{WA} [dB(A)] ⁷	Thrust coefficient c_T [-]	Power coefficient c_P [-]
3	27	-	0.85	0.140
4	157	-	0.81	0.343
5	363	-	0.79	0.406
6	675	-	0.79	0.436
7	1121	103.3	0.79	0.456
8	1650	104.8	0.75	0.450
9	2231	105.5	0.69	0.427
10	2749	105.5	0.58	0.384
11	2948	105.2	0.44	0.309
11.5	2970	105.1	0.38	0.273
12	2970	104.9	0.32	0.240
13	2970	104.8	0.25	0.189
14	2970	104.8	0.20	0.151
15	2970	104.8	0.16	0.123
16	2970	104.8	0.13	0.101
17	2970	104.8	0.11	0.084
18	2970	104.8	0.09	0.071
19	2970	104.8	0.08	0.060
20	2970	104.8	0.07	0.052
21	2970	104.8	0.06	0.045
22	2970	104.8	0.05	0.039

HH*	V_{10} ⁸ [m/s]	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0
89 m	L_{WA} ⁹ [dB(A)]	103.4	105.2	105.5	105.1	104.8	104.8	104.8	104.8
119 m	L_{WA} ⁹ [dB(A)]	103.9	105.5	105.5	105.0	104.8	104.8	104.8	104.8
139 m	L_{WA} ⁹ [dB(A)]	104.1	105.5	105.4	104.9	104.8	104.8	104.8	104.8

* Hub height depending on foundation design

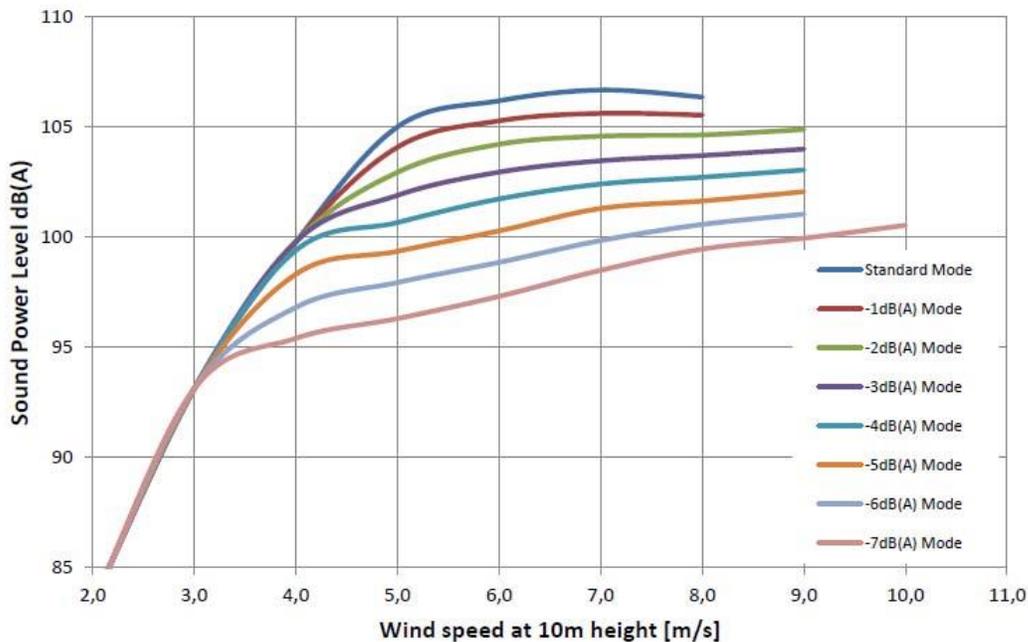
Reference B.3: Sound Power Emission Levels of the 3.0MW Repower 3.0M122 WTG (Reference SD-3.5-WT.PC.00-A-B-EN)

SG 6.0-155 Mode 0, P6000	
Wind Speed [m/s]	LW [dB(A)]
3	92.0
4	92.0
5	94.8
6	98.8
7	102.1
8	105.0
9	105.0
10	105.0
11	105.0
12	105.0
13	105.0
Up to cut-out	105.0

Noise [dB(A)]	Low Noise Operation Mode				
	Wind Speed [m/s]	M3	M4	M5	M6
3.0	92.0	92.0	92.0	92.0	92.0
4.0	92.0	92.0	92.0	92.0	92.0
5.0	94.8	94.8	94.8	94.8	94.8
6.0	98.8	98.8	98.8	98.8	98.8
7.0	102.0	101.0	100.0	99.0	99.0
8.0	102.0	101.0	100.0	99.0	99.0
9.0	102.0	101.0	100.0	99.0	99.0
10.0	102.0	101.0	100.0	99.0	99.0
11.0	102.0	101.0	100.0	99.0	99.0
12.0	102.0	101.0	100.0	99.0	99.0
13.0	102.0	101.0	100.0	99.0	99.0
Up to cut-out	102.0	101.0	100.0	99.0	99.0

Reference B.4: Sound Power Emission Levels of the 6 MW Siemens SG 6.0-155 WTG (Reference D2048746 / 04)

Noise Curve L147-4.3MW



Reference B.5: Sound Power Emission Levels of the 4.3 MW Lagerwey L147-4.3MW SE WTG (Reference SD291ENR0)



Noise level, rated power and available hub heights

Nordex N149/4.0-4.5 – Noise level, rated power and available hub heights

operating mode	rated power [kW]	maximum sound power level over the complete operating range of the wind turbine		available hub heights [m]					
		L _{WA} [dB(A)]	L _{WA} (STE) [dB(A)]	105	125	135	145	155	164
Mode 0	4500	108.1	106.1	●	●	●	●	●	●
Mode 1	4380	107.5	105.5	●	●	●	●	●	●
Mode 2	4280	107.0	105.0	●	●	●	●	●	●
Mode 3	4200	106.6	104.6	●	●	●	●	●	●
Mode 4	4100	106.1	104.1	●	●	●	●	●	●
Mode 5	4000	105.6	103.6	●	●	●	●	●	●
Mode 6	3880	105.0	103.0	●	–	–	–	●	●
Mode 7	3790	104.5	102.5	●	–	–	–	●	●
Mode 8	3720	104.0	102.0	●	–	–	–	–	●
Mode 9	3470	102.5	100.5	●	●	●	●	–	●
Mode 10	3370	102.0	100.0	●	●	●	●	–	●
Mode 11	3300	101.5	99.5	●	●	●	●	–	●
Mode 12	3230	101.0	99.0	●	●	●	●	●	●
Mode 13	3150	100.5	98.5	●	●	●	●	●	●
Mode 14	3080	100.0	98.0	●	●	●	●	●	●
Mode 15	3010	99.5	97.5	●	●	●	●	●	●
Mode 16	2940	99.0	97.0	●	●	●	●	●	●
Mode 17	2870	98.5	96.5	●	●	●	●	●	●

L_{WA} ... A-weighted sound power level

STE ... Serrated Trailing Edge

● mode available

– mode not available

Reference B.6: Sound Power Emission Levels of the 4.0-4.5MW Nordex N149/4.0-4.5 WTG (Reference F008_270_A12_EN, Rev 04)

Sound Power Level for the E-115 with 3000 kW rated power

in relation to standardized wind speed v_s at 10 m height					
v_s hub height in 10 m height		92 m	135 m	149 m	
3 m/s		91.0 dB(A)	91.9 dB(A)	92.2 dB(A)	
4 m/s		96.5 dB(A)	97.5 dB(A)	97.7 dB(A)	
5 m/s		100.6 dB(A)	101.5 dB(A)	101.8 dB(A)	
6 m/s		103.5 dB(A)	104.2 dB(A)	104.2 dB(A)	
7 m/s		104.7 dB(A)	104.8 dB(A)	104.9 dB(A)	
8 m/s		105.0 dB(A)	105.0 dB(A)	105.0 dB(A)	
9 m/s		105.0 dB(A)	105.0 dB(A)	105.0 dB(A)	
10 m/s		105.0 dB(A)	105.0 dB(A)	105.0 dB(A)	
95% rated power		105.0 dB(A)	105.0 dB(A)	105.0 dB(A)	

- The relation between the sound power level and the standardized wind speed v_s in 10 m height as shown above is valid on the premise of a logarithmic wind profile with a roughness length of 0.05 m. The relation between the sound power level and the wind speed at hub height applies for all hub heights. During the sound measurements the wind speeds are derived from the power output and the power curve of the WEC.
- A tonal audibility of $\Delta L_{a,k} < 4$ dB can be expected over the whole operational range (valid in the near vicinity of the turbine according to IEC 61 400 -11 ed. 2).
- The sound power level values given in the table are valid for the **Operational Mode 0_s / OM 0_s**. The respective power curve is the D0377232-0_#_eng_#_PC_E-115_3000kW_OM0s_calculated_V1.0
- Due to the typical measurement uncertainties, if the sound power level is measured according to one of the accepted methods the measured values can differ from the values shown in this document in the range of +/- 1 dB.

Accepted measurement methods are:

- IEC 61400-11 ed. 2 („Wind turbine generator systems – Part 11: Acoustic noise measurement techniques; Second edition, 2002-12“), and
- the FGW-Guidelines („Technische Richtlinie für Windenergieanlagen – Teil 1: Bestimmung der Schallemissionswerte“, published by the association “Fördergesellschaft für Windenergie e.V.“, 18th revision).

If the difference between total noise and background noise during a measurement is less than 6 dB a higher uncertainty must be considered.

- For noise-sensitive sites it is possible to operate the E-115 with reduced rotational speed and reduced rated power during night time. The sound power levels resulting from such operational mode can be provided in a separate document upon request.

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Reference B.7: Sound Power Emission Levels of the 3 MW Enercon E-155 WTG (Reference D0331018-3)

ALBANY WIND FARM

AVIFAUNAL STAKEHOLDER COMMENTS RESPONSE

1 October 2021

ECPTA comments

1. Cumulative effects

- We agree that the impacts at the other nearby operational and authorised wind farms should be included, particularly now that those reports are publicly available. We are aware of the Grahamstown Plan8 Wind Energy Facility (Authorised – approximately 22 turbines) and the Waainek Wind Energy Facility (Operational – 8 turbines).
- We adapted our crude fatality estimates to include the Grahamstown Plan8 Wind Farm, and we included actual bird fatality data from the Waainek Wind Farm 24 month post construction avifaunal monitoring report (obtained from CES)(EOH-CES, 2018). At the Waainek site 5 Jackal Buzzards, 3 White-rumped Swifts and 1 Cape Robin-Chat fatalities were recorded over two years.
- It must be noted that for Albany Wind Farm the previous fatality estimates worked on 66 turbines, which has now been reduced to 43 turbines, meaning that the below estimates are high or precautionary. These estimates are also pre-mitigation (for example Jackal Buzzard passage rate included flights recorded in the area around a known nest, which was subsequently avoided by turbines) and represent a worst case scenario as described in the avifaunal report.
- To follow on from the example used by ECPTA, up to approximately 0.88 Martial Eagles could be killed by these 3 wind farms cumulatively in the area per year before the implementation of any mitigation measures.

Common name	Cons stat	Albany WF (66turbines) Estimated annual fatality rate (98% avoidance)	Plan8 WF (22 turbines) Estimated annual fatality rate (98% avoidance)	Waainek (8 turbines) Annual recorded fatality rate	Total across 3 sites Annual fatality rate
		14.26	4.75	2.50	21.51
African Goshawk		0.08	0.03	0.00	0.11
African Harrier-Hawk		0.08	0.03	0.00	0.11
Amur Falcon		0.01	0.00	0.00	0.01
Black Harrier	EN	0.25	0.08	0.00	0.33
Black Sparrowhawk		0.04	0.01	0.00	0.05
Blue Crane	NT	0.04	0.01	0.00	0.05
Booted Eagle		0.33	0.11	0.00	0.44

Denham's Bustard	VU	0.29	0.10	0.00	0.39
Forest Buzzard		0.29	0.10	0.00	0.39
Jackal Buzzard		9.75	3.25	2.50	15.50
Lanner Falcon	VU	0.08	0.03	0.00	0.11
Long-crested Eagle		0.08	0.03	0.00	0.11
Martial Eagle	EN	0.66	0.22	0.00	0.88
Rock Kestrel		1.48	0.49	0.00	1.97
Rufous-breasted Sparrowhawk		0.12	0.04	0.00	0.16
Secretarybird	VU	0.53	0.18	0.00	0.71
Steppe Buzzard		0.08	0.03	0.00	0.11
Yellow-billed Kite		0.03	0.01	0.00	0.04
Yellow-billed Stork	EN	0.04	0.01	0.00	0,04

- In addition a new review paper has subsequently been published in South Africa which is relevant. Perold *et al* (2020) compiled a more recent review of the bird fatality data across 20 operational wind farms between 2014 and 2018. The overall adjusted fatality rate was 4.6 birds/turbine/year. Thirty families and 130 bird species were affected. Diurnal raptors were killed most often (36% of carcasses, 23 species) followed by passerines (30%, 49 species), waterbirds (11%, 24 species), swifts (9%, six species), large terrestrial birds (5%, 10 species), pigeons (4%, six species) and other near passerines (1%, seven species). The species of most conservation concern killed include endangered Cape Vultures and Black Harriers, both of which are endemic to southern Africa.
2. Principle mitigation measure for bird collisions was to identify areas to avoid, bias towards areas close to vantage points
 - See Section 7.1.2 of the avifaunal report. Recorded bird flight activity was not the only factor used to identify areas to avoid (precisely because of such biases). Habitats and buffers around them were also used to identify areas to avoid by turbines. These habitats included: drainage lines; dams; and the more significant valley edges (which partially mitigates the collision risk to birds using orographic lift – Point 5). We agree that with a sampling approach such as employed for data collection, it cannot be inferred that all remaining areas hold no or low sensitivity.
 3. Reduction of significance of bird collision from moderate to low with mitigation
 - See Point 4
 4. Contingency mitigation budget, and the need to specify mitigation measures in detail
 - This point is valid. We did not make firmer recommendations because at that point our confidence in the known operational phase mitigation measures was low. However the learning curve in the bird-wind energy industry worldwide is steep, and

subsequent to the compilation of the avifaunal study two significant relevant advances have been made:

- Painting one blade on each turbine black was shown to have potential for the mitigation of White-tailed Eagle collisions. A recent paper out of Norway has shown that the number of collisions can be reduced significantly by painting one blade on each turbine black (May *et al*, 2020). We recommend that blade painting be implemented at Albany Wind Farm proactively from the start of operations. It is likely that the CAA may require red to be used rather than black – which would be acceptable in our view.
- Observer led shutdown on demand has proven effective at a wind farm in the Western Cape. The Excelsior Wind Farm has successfully implemented observer led shutdown on demand for several months now. No raptors have been killed, and the lost productivity as a result of shutdowns has been at an acceptable level. We recommend that such a programme be budgeted for and if bird – turbine collisions exceed the facilities’ fatality threshold policy in spite of the other mitigation mentioned above, this programme be the next step in the adaptive management programme.

To summarise - we make the following additional recommendations in order to further confirm the reduction of the significance of bird-turbine collision from Moderate to Low significance:

- An avifaunal walk through must be conducted by a suitably qualified and independent ornithologist for all components of the final facility layout to ensure that all avifaunal aspects have been adequately catered for.
- At other operational wind farms it is suspected that ground burrowing small mammals such as Ground Squirrel found more favourable burrowing conditions along new road and hard stand verges on site, which resulted in an inflated prey base for raptors close to turbines, and consequent higher turbine collision risk. It is essential that the new wind farm does not create favourable conditions for such mammals in high risk areas. We therefore recommend that within the first year of operations a full assessment of this aspect be made by the ornithologist contracted for post construction monitoring. If such burrowing is found case specific solutions to exclude these mammals from areas close to turbines will need to be developed and implemented by the wind farm.
- A bird fatality threshold and adaptive management policy must be designed by an ornithologist for the site prior to the Commercial Operation Date (COD). This policy should form an annexure of the operational EMP for the facility. This policy should identify most importantly the number of bird fatalities of priority species which will trigger a management response, appropriate responses, and time lines for such responses. Fatalities of priority bird species are usually rare events (but with very high consequence) and it is difficult to analyse trends or statistics related to these fatalities

as they occur. It is therefore important to have a threshold policy in place proactively to assist management.

- All turbines must be painted according to a protocol currently under development by the South African Wind Energy Association (SAWEA) from the outset. Provision must be made by the developer for the resolution of any technical, warranty, supplier challenges that this may present.
- The facility must be monitored once operational in accordance with the most recent version of the best practice guidelines available at the time (Jenkins *et al*, 2015). A minimum of two years of monitoring must be completed, although if significant impacts are detected this will need to be extended. Fatality estimates should continue for the full life span of the facility. The results of this monitoring should feed into the adaptive management plan for the facility.
- If the above mitigation measures do not adequately mitigate the risk and bird fatalities still exceed the identified thresholds further mitigation measures will need to be implemented. We recommend that the first of these is an observer led turbine Shutdown on Demand (SDOD) programme. This programme must consist of a suitably qualified, trained and resourced team of observers present on site for all daylight hours 365 days of the year. This team must be stationed at vantage points with full visible coverage of all turbine locations. The observers must detect incoming priority bird species, track their flights, judge when they enter a turbine proximity threshold, and alert the control room to shut down the relevant turbine until the risk has reduced. A full detailed method statement or protocol must be designed by an ornithologist. Any residual impacts after all possible mitigation measures have been implemented will need to be off-set. The facility will need to address other sources of mortality of priority species in a measurable way (according to best practice) so as to compensate for residual effects on the facility itself.

5. Orographic lift

- It is correct that orographic lift is an important factor in determining where soaring bird species will fly. The wind farm is partially situated on thin ridge lines which will cause such lift in conditions where wind is from a more or less perpendicular angle to the ridge. We have identified the steeper topography areas (where lift would be greatest) as sensitive in the study and additionally recommended *“No turbines should be placed closer to the southern edge of the ridge line than current locations. The southern facing slopes are all sensitive habitat and topography that is used by birds in flight.”* We believe that flight activity associated with orographic risk was also represented by vantage point observations.

6. Cumulative impact management.

- The suggestion to have a joint monitoring committee to evaluate results and jointly develop mitigation measures is an excellent suggestion which we support. We recommend that such a committee be implemented if the wind farm becomes operational, and be comprised of representatives from the respective wind farms, avifaunal specialists, and other relevant stakeholders.

Fischer & Basson comments

7. Section 3.4.1 – minimum requirements.

- We assume the authors refer to the “Terrestrial Fauna and Flora Species Protocols”.
- The avifaunal study was predominantly compiled in 2016/2017 with a minor update to reflect a new layout in 2019 and therefore preceded the above requirements. However specific points made are still relevant and require response:
 - A recon study was conducted as part of the initial assessment and pre-construction bird monitoring design. This was not reported explicitly or separately since it was not a stand-alone requirement at that stage;
 - Section 2.2 details the methods and duration of the study. The final pre-construction bird monitoring report (which precedes the impact assessment report) gave more detail on these aspects, but this detail was not repeated in the impact assessment report.
 - A post construction monitoring design was not included but has now been included here – Appendix 1.
 - The assessment of fatalities from surrounding WEF’s is addressed above under Point 1.

8. Section 3.4.2.

- This is largely addressed in Points 1 to 6. One remaining point is “Fog conditions”. Weather conditions during all vantage point observation sessions were noted in data sheets in order to allow analysis of how weather influenced the data. However as standard practice, where visibility was severely compromised the observation sessions were halted and the time made up in better conditions. We do not believe our sampling of bird flight activity on site was compromised by fog conditions.

9. Section 3.4.3. Cumulative impacts point

- This was addressed in Point 1

10. Section 3.4.4. Post construction monitoring plan.

- Addressed in Point 7 and Appendix 1

11. Section 3.4.5. Conditions of approval or disapproval.

- This point is a little unclear. We concluded that if the recommendations made in our report are implemented the project can proceed with acceptable levels of impact. This means that approval is conditional on implementation of the recommendations.

Appendix 1. Albany Wind Farm – operational phase monitoring plan

The work done to date on the Albany Wind Farms site has established a baseline understanding of the distribution, abundance and movement of key bird species on and near the site. However this is purely the 'before' baseline and aside from providing input into turbine micro-siting, it is not very informative until compared to post construction data. The following programme has therefore been developed to meet these needs.

During construction monitoring

There are no particular features requiring during construction monitoring at this site.

Operational phase monitoring

The intention with operational phase bird monitoring is to repeat as closely as possible the methods and activities used to collect data pre-construction. This work will allow the assessment of the impacts of the proposed facility and the development of active and passive mitigation measures that can be implemented in the future where necessary. One very important additional component needs to be added, namely mortality estimates through carcass searches under turbines. The following programme has therefore been developed to meet these needs, and should start as soon as possible after the operation of the first phase of turbines. (Note that this framework is an interim draft. The most up to date version of the best practice guidelines (Jenkins *et al* 2015) should inform the programme design at the time.)

Live bird monitoring

- Sample counts of small terrestrial species (walked transects) – the 9 transects conducted pre-construction should be repeated
- Counts of large terrestrial species & raptors (vehicle transects) – the 3 transects conducted pre-construction should be continued
- Focal site surveys & monitoring. The 10 focal sites surveyed pre-construction should be continued, and any new relevant sites added
- Incidental observations. These records should be made as during pre-construction
- Direct observation of bird movements. The 5 vantage points should be continued
- Control site. Monitoring at the control site should be continued and comprises of 1 vantage point, one driven transect and 3 walked transects.
- Note that the layout of the above may require adjustment post construction based on the positioning of new infrastructure and roads.

Bird Fatality estimates

This is now an accepted component of the post construction monitoring program and the newest guidelines (Jenkins *et al*, 2015) will be used to design the monitoring program. It is important that in addition to searching for carcasses under turbines, an estimate of the detection (the success rate that

monitors achieve in finding carcasses) and scavenging rates (the rate at which carcasses are removed and hence not available for detection) is also obtained (Jenkins *et al*, 2015). Both of these aspects can be measured using a sample of carcasses of birds placed out in the field randomly. The rate at which these carcasses are detected and the rate at which they decay or are removed by scavengers should also be measured.

Fatality searches should be conducted as follows:

- The area surrounding the base of turbines should be searched (up to a radius equal to 75% of the maximum height of turbine) for collision victims.
- All turbines on Albany Wind Farm should be searched at least once a week (Monday to Friday).
- Any suspected collision casualty should be comprehensively documented (for more detail see Jenkins *et al*, 2015).
- A team of carcass searchers will need to be employed and these carcass searchers will work on site every day searching the turbines for mortalities.
- It is also important that associated infrastructure such as power lines and wind masts be searched for collision victims according to similar methods.

The most up to date version of the best practice guidelines (Jenkins *et al*, 2015) should inform the programme design at the time. The above programme should be reported on quarterly to wind farm operator, who should submit these reports to the DEA and BirdLife South Africa. These reports should include a comparison of actual measured fatality rates with those predicted by this study.

Annexure A

Annexure to Albany WEF Issues and Response Trail (IRT) Report

The purpose of this annexure to the Albany WEF Issues and Response Trail (IRT) Report is to provide a response to certain I&AP comments particularly with reference to the application of the visual and landscape sensitivity aspects of the SEA for Wind and Solar Photovoltaic Energy in South Africa (2015) to the proposed Albany WEF.

It should be noted that the proposed Albany WEF includes 12 turbines that are located within an area considered to be a **very high sensitivity area** in terms of the REDZ 3 SEA analysis based on the visual sensitivity criteria per Table 1 below.

Table 1: REDZ SEA visual sensitivity categories with recommended visual buffers (CSIR, 2015).

Scenic Resources/ Sensitive receptors	Very High Sensitivity (No-go areas)	High visual sensitivity	Medium visual sensitivity
Topographic features, ridges, scarps	Identified Features	0-250m	-
Steep slopes	Slopes > 1:4	Slopes > 1:10	-
Water features, wetlands, dams	0-250m	250-500mm	-
Heritage sites Grade I and II	Feature	0-500m	500m-1km
Heritage sites Grade III	Feature	0-250m	250-500m
Nature Reserves	0-3km	3-5km	5-10km
Private reserves/ guest farms	0-1,5km	1,5-3km	3-5km
Game farms (site boundary)	0-1km	1-2km	2-3km
Farmsteads outside the site	0-500m	500m-1km	1-2km
Settlements / towns	0-2km	2-4km	4-6km
Provincial / arterial route	0-500m	500m-1km	1-3km
Scenic routes	0-1km	1-2,5km	2,5-5km
National road	0-1km	1-2,5km	2,5-5km
Small airfields	0-3km	-	-
Farm boundary setback	1,5x turbine height ¹		

It must be emphasised that the visual sensitivity criteria used in the REDZ 3 SEA, are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a high level and for informing the scope of more detailed assessments that should form part of the EIA process.

1. REDZ SEA VIA Requirements

Table 2 below provides the recommended VIA requirements for wind farms that are located in areas considered to be **very high sensitivity areas** in terms of the REDZ SEA visual sensitivity criteria per Table 1 above.

Table 2: REDZ SEA VIA Requirements.

SEA VIA REQUIREMENTS	CES COMMENT
<p>Proponents intending to develop a wind of solar PV facility that triggers an environmental impact assessment process in very high sensitivity areas inside adopted REDZs must prove to the relevant competent authority that the proposed development will not have an unacceptable negative impact on sensitive local and/or regional aesthetic and scenic values.</p>	<p>It is our opinion that the EIA provides the CA with sufficient information to make an informed decision.</p>
<p>In order to do so, a comprehensive Visual Impact Assessment (VIA), integrated into a wider Heritage Impact Assessment (HIA), undertaken by a competent visual specialist,</p>	<p>The VIA for the proposed Albany WEF is comprehensive with detailed assessments of 15 sensitive and other visual receptors and applying the sensitivity categories proposed by the REDZ 3 SEA.</p>
<p>undertaken by a competent visual specialist,</p>	<p>The track record and experience of the VIA specialist is reflected in the VIA. The VIA has also been reviewed by an external specialist and determined to meet the required standards.</p>
<p>and in accordance with NEMA regulations pertaining to specialist reports and impact assessment, is required.</p>	<p>Refer to Specialist Checklist on page xiv of the VIA.</p>
<p>Such a study must be submitted to the relevant heritage authority for comment. Such comment, if provided within stipulated timeframes, will be considered by the relevant competent authority for decision making.</p>	<p>HIA to be submitted to the Eastern Cape provincial heritage authority for comment.</p>
<p>In addition to the NEMA requirements the VIA must include:</p> <ul style="list-style-type: none"> • project footprint (including supporting infrastructure) with a 50 m buffered development envelope, overlaid on a sensitivity map prepared in accordance with the sensitivity criteria set out in this study; 	<p>The SEA visual sensitivity criteria have been consistently applied in the VIA.</p> <p>With respect to the mapping recommendation, it is suggested that applying a 50 metre buffered development envelope would not be detectable at the scale at which the VIA and viewshed analysis is conducted and would not be material to the overall VIA conclusions.</p> <p>With respect to sensitivity maps, these are presented in the form of detailed viewshed analyses for turbine hubs and blades provided in Section 9 both for:</p> <ul style="list-style-type: none"> • The entire 30 km radius of the WEF (Figure 9.1 and 9.2); and • The 15 visually sensitive receptors (Figures 9.3 to 9.17).
<ul style="list-style-type: none"> • calculations of development densities* considering all surrounding projects that applied for environmental authorisation prior to the 	<p>The CES VIA did not originally calculate turbine densities. However, this has now been included in the VIA where densities</p>

SEA VIA REQUIREMENTS	CES COMMENT
project currently under investigation, and comparison thereof with the limits set out in this study;	are relatively low compared with the REDZ SEA criteria (see Section 13.2 of the VIA).
<ul style="list-style-type: none"> a clear and justified opinion statement by the specialist recommending whether the project should from a landscape perspective receive approval. If this statement is subject to any conditions these must also be clearly stated; and 	Such a statement is provided in the conclusion section of the VIA.
<ul style="list-style-type: none"> where applicable, proposed mitigation measures for inclusion in the Environmental Management Programme (EMPr). 	Mitigation measures have been proposed: <ul style="list-style-type: none"> Removal of 23 turbines Night lighting mitigation such as radar activated night lighting or a similar technology approved by the CAA

2. Application of REDZ SEA visual sensitivity criteria

The CES VIA has generally followed the DEA&DP Guideline for Involving Visual and Aesthetic Specialists in the EIA Process (Oberholzer, 2005) and has applied the visual sensitivity criteria recommended in the REDZ SEA throughout the VIA. Table 3 below shows the method adopted for assessing the impacts associated with various sensitive receptors.

Table 3: Approach adopted for assessing impacts on sensitive visual receptors.

CRITERIA	METHOD
<ul style="list-style-type: none"> Visibility – extent of project visible to receptor (hubs with height at 130 metres) 	Viewshed analysis
<ul style="list-style-type: none"> Visibility – extent of project visible to receptor (blades at height of 215 metres) 	
<ul style="list-style-type: none"> Visual exposure – distance of receptor 	
<ul style="list-style-type: none"> Landscape sensitivity – of receptor 	3D simulations
<ul style="list-style-type: none"> Visual intrusion – on receptor daytime 	
<ul style="list-style-type: none"> Visual intrusion – on receptor night lighting 	Proclamation status per SA Protected Areas Database
<ul style="list-style-type: none"> Visual sensitivity – of receptor 	
<ul style="list-style-type: none"> VAC – concealment potential 	Based on a combination of viewshed analysis (topography) and site observations

Visibility

The following broad visibility criteria were adopted from Oberholzer (2005).

- HIGH visibility is where the project is visible from a large area;
- MODERATE visibility is where the project is visible from an intermediate area; and
- LOW visibility is where the project is visible from a small area around the project site.

Table 4.3 in the VIA provides the turbine visibility impact criteria for individual sensitive receptors to the Albany WEF.

Visual exposure

The following broad visual exposure criteria were adopted from Oberholzer (2005).

- High exposure – 0 to 5km from the development – dominant and clearly visible.
- Moderate exposure – 5km to 15km from the development – recognizable to the viewer.
- Low exposure – greater than 15km from the development – not particularly noticeable to the viewer.

Landscape sensitivity

The following landscape sensitivity criteria were adopted from the REDZ SEA (see Table 4 below).

Table 4: Landscape sensitivity features adopted by the SEA and the Landscape Scoping Report (2015).

Sensitivity feature	Potential sensitivity mapping application to wind farms
Ridgelines, scarps, prominent elevations and geological features.	Very high sensitivity – identified areas only.
Other officially protected landscapes (other than National Parks) included in the SA Protected Area Database (SAPAD), including nature reserves.	Very high sensitivity – within 3 km viewshed.
	High sensitivity – between 3 and 5 km viewshed.
	Medium sensitivity – between 5 and 10 km viewshed.
Private reserves and game farms	Very high sensitivity – within 2 km viewshed.
	High sensitivity – between 2 and 5 km viewshed.
	Medium sensitivity – between 5 and 7 km viewshed.
Towns, villages and settlements	Very high sensitivity – within 2 km viewshed.
	High sensitivity – between 2 and 5 km viewshed.
	Medium sensitivity – between 5 and 7 km viewshed.
National roads	Very high sensitivity – within 1 km viewshed.
	High sensitivity – between 1 and 3 km viewshed.
	Medium sensitivity – between 3 and 5 km viewshed.
Scenic routes, passes and ports.	Very high sensitivity – within 1 km viewshed.
	High sensitivity – between 1 and 3 km viewshed.
	Medium sensitivity – between 3 and 5 km viewshed.
Provincial and arterial roads.	Very high sensitivity – within 1 km viewshed.
	Medium sensitivity – between 1 and 3 km viewshed.

Detailed viewshed analysis

Section 9 of the VIA provides a detailed viewshed analysis for:

- The entire 30 km radius of the WEF (Figure 9.1 and 9.2); and
- The 15 visually sensitive receptors (Figures 9.3 to 9.17).

With respect to the 15 sensitive receptor locations (including public nature reserves and private game reserves), the REDZ 3 sensitivity criteria have been consistently applied in assessing the significance of the visual impacts of the Albany WEF. These detailed analyses determined the following:

- The visibility of the WEF hubs – based on the number of visible turbine hubs.
- The visibility of the WEF blades – based on the number of visible turbine blades.
- The exposure to the WEF – based on distance from the WEF.
- The landscape sensitivity of the receptor – based on protection status of the receptor and distance from the WEF.

3. Application of the REDZ SEA criteria to the proposed Albany WEF

As indicated above, the REDZ SEA visual sensitivity categories with recommended visual buffers are high-levelled visual sensitivity guidelines used for the purposes of screening WEFs at a high level and for informing the scope of more detailed assessments that should form part of the EIA process. If a turbine is located within a **high or very high sensitivity area**, this does not represent a NO-GO area for individual WEF turbines but rather that such turbines should be subjected to a more detailed site and project specific assessment.

Oberholzer (2020) provided 18 maps, 14 of which apply the REDZ SEA visual sensitivity categories and recommended visual buffers to the remainder of the Albany WEF site (including the 12 turbines within the REDZ 3 area). Table 5 below provides our assessment of the relevance or applicability of the REDZ SEA visual sensitivity buffers to the Albany WEF based on our site specific and receptor assessments.

Table 6: Assessment of the relevance or applicability of the REDZ SEA visual sensitivity buffers to the Albany WEF.

INDALO MAPS PER REDZ SENSITIVE RECEPTORS	INDALO MAP NO	COMMENT	Relevance to Albany WEF
REDZ 3: Cookhouse – visual sensitivity	1	A detailed process of identifying and approach for assessing sensitive visual receptors is provided in Section 7 of the VIA. This process was informed by the criteria provided in the REDZ 3 SEA.	
Proposed Albany WEF in relation to REDZ 3	2	Map has not been amended to reflect removal of 23 turbines	
Albany WEF layout	3	Map has not been amended to reflect removal of 23 turbines	
Albany WEF visual features	4	Noted	
Topographic features	5	Noted, but this does not preclude placement of turbines.	Limited
Steep slopes	6	Noted, but this does not preclude placement of turbines.	Limited
Water features, wetlands and dams	7	Most, if not all water features, are man-made dams where sensitivity would be low and does not preclude the placement of turbines. Water features have been avoided as far as possible to comply with DWS requirements. WULA's will be submitted where necessary.	Limited
Heritage sites Grade I, II & III	8	Impact on heritage sites have been assessed by the Heritage Specialist.	
Nature reserves - SAPADB	9	This map reflects HIGH and VERY HIGH sensitivity due to proximity to the Ecca Nature Reserve. The detailed viewshed analysis for the Ecca Nature Reserve is provided in Section 9 of the VIA (see Figure 9.3) where the following overall conclusions are made applying the REDZ 3 Visual Sensitivity criteria (Table 3.1 of the SEA): <ul style="list-style-type: none"> The visibility of the WEF hubs is MODERATE – 	Moderate

INDALO MAPS PER REDZ SENSITIVE RECEPTORS	INDALO MAP NO	COMMENT	Relevance to Albany WEF
		<p>25% (11) or more turbine hubs are visible for more than 25% of the receptor area (Figure 9.3a).</p> <ul style="list-style-type: none"> • The visibility of the WEF blades is HIGH – 50% (21) or more turbine blades are visible for more than 50% of the receptor area (Figure 9.3b). • The exposure to the WEF is HIGH due to the 4-5 km distance from the WEF. • The landscape sensitivity of the receptor is HIGH due to a proclaimed reserve being within 3-5 km away from the WEF. <p>The following should be noted:</p> <ul style="list-style-type: none"> • The four closest turbines to the nature reserve within the VERY HIGH range (73, 74, 75 and 76), have been removed, in addition to various other turbines within the HIGH range. • The Ecca Nature Reserve is a Makanda Municipal Nature Reserve and there has been no objection the WEF from the municipality based on visual intrusion. 	
SANBI Provincial Reserves	10	<p>This map reflects HIGH and VERY HIGH sensitivity due to proximity to the Kwandwe Private Game Reserve and Beggars Bush Nature Reserve.</p> <p>The detailed viewshed analysis for the Kwandwe Private Game Reserve and Beggars Bush Nature Reserve is provided in Section 9 of the VIA where the following overall conclusions are made applying the REDZ 3 Visual Sensitivity criteria (Table 3.1 of the SEA):</p> <p>Beggars Bush Nature Reserve (see Figure 9.8) where the following overall conclusions are made:</p> <ul style="list-style-type: none"> • The visibility of the WEF hubs is LOW – 1% (1) or more turbine hubs are visible for more than 25% of the receptor area (Figure 9.8a). • The visibility of the WEF blades is LOW – 1% (1) or more turbine blades are visible for more than 50% of the receptor area (Figure 9.8b). • The exposure to the WEF is HIGH due to 0.5 – 1 km distance from the WEF. • The landscape sensitivity of the receptor is VERY HIGH due to proclaimed reserve < 3 km from the WEF. <p>Kwandwe Private Game Reserve (see Figure 9.12) - <i>Kwandwe North none Indalo portion</i></p>	Moderate

INDALO MAPS PER REDZ SENSITIVE RECEPTORS	INDALO MAP NO	COMMENT	Relevance to Albany WEF
		<ul style="list-style-type: none"> • The visibility of the WEF hubs is HIGH – 50% (21) or more turbine hubs are visible for more than 25% of the receptor area (Figure 9.12a). • The visibility of the WEF blades is VERY HIGH – 75% (31) or more turbine blades are visible for more than 50% of the receptor area (Figure 9.12b). • The exposure to the WEF is VERY HIGH due to the 1-8 km distance from the western WEF cluster. • The landscape sensitivity of the receptor is MODERATE to VERY HIGH due to un-proclaimed reserve being within 2 km and between 2 – 7 km away from the WEF. <p>The following should be noted:</p> <ul style="list-style-type: none"> • The five closest turbines to the nature reserve within the VERY HIGH range (72, 73, 74, 75 and 76), have been removed, in addition to various other turbines within the HIGH range. • This portion of Kwandwe is not part of the Indalo Protected Environment. 	
Guest farms and game lodges	11	<p>This map reflects HIGH and VERY HIGH sensitivity due to proximity to a guest farm/game lodge on Botha’s Hill, Orchards Lodge and Wylie’s Farm Stay.</p> <p>Botha’s Hill While the VIA did not identify this site as a sensitive visual receptor (we are not aware of this site), it is likely that the accommodation is located on a north facing slope overlooking the Ecca Pass area thus views would not overlook the WEF. In addition, the two closest turbines to the VERY HIGH range (75 and 76) and HIGH range (73 and 74) have been removed. Various other turbines in the vicinity of this site have also been removed.</p> <p>Both Orchards Lodge and Wylie’s Farm Stay are project landowners who have not objected to the project.</p>	Limited
Settlements, towns (Makhanda)	12	<p>Section 11.1 of the VIA assesses impacts of the WEF on residents of surrounding towns and villages including Makhanda where the following is provided:</p> <ul style="list-style-type: none"> • Since the WEF is located closer to Makhanda at a distance of 2-5 km to the nearest turbines in the western cluster, it will be more noticeable to residents, particularly those within the 2 km 	Limited

INDALO MAPS PER REDZ SENSITIVE RECEPTORS	INDALO MAP NO	COMMENT	Relevance to Albany WEF
		<p>range. However, it is suggested that the turbines will not be so noticeable from the town that it will result in a material change in the sense of place of the town or be discordant with the surroundings. It is suggested that the visual impact overall on the town will be MODERATE.</p> <p>Note that turbines 08 within the VERY HIGH range and turbine 69 within the HIGH range have been removed.</p>	
Farmsteads outside the site	13	<p>Section 11.1 of the VIA assesses impacts of the WEF on residents on farms hosting and surrounding the wind turbines where the following is provided:</p> <ul style="list-style-type: none"> • There are a number of homesteads on the farms surrounding or hosting the proposed Albany WEF. While some of these farms have been converted to game farms or eco-tourism areas (as already described in previous sections), agriculture is still the main activity for the majority of the study area. <p>Views from farm homesteads and any scenic viewpoints on these farms may be affected by the WEF depending on their location within the study area and the topography of the area (which tends to be highly variable along the Botha's Hill ridge and Ecca Ridge). There also tends to be a great deal of vegetation with good screening potential along Botha's Hill ridge and the N2.</p> <p>The sensitivity of residents on surrounding farms is not expected to be significant and the visual impacts of the Albany WEF on these residents, is considered to be LOW to MODERATE for residents living more than 5 km from the WEF and potentially HIGH for residents living closer than 5 km to the WEF.</p> <p>Residents living closer than 5 km to the WEF would be subjected to higher visual impacts, but in most cases, these would be farms hosting the WEF and who would potentially be deriving some financial compensation for hosting turbines on their farms.</p>	Limited

INDALO MAPS PER REDZ SENSITIVE RECEPTORS	INDALO MAP NO	COMMENT	Relevance to Albany WEF
Provincial/arterial roads	14	<p>Section 11.4 of the VIA assesses impacts of the WEF on main roads in the study area where the following is provided:</p> <ul style="list-style-type: none"> • Motorists using the N2 and the R67 will pass through the Albany WEF. Daytime and night lighting 3D simulations have been conducted for sections of the N2 running through the project site where MODERATE to HIGH visual intrusion is predicted. However, motorists are generally classified as LOW sensitivity visual receptors since they are mobile and only exposed to a landscape feature for short durations and normally are not focused on the landscape for its aesthetic value. • It should also be noted that sections of N2 and R67 have tall trees adjacent to the road which will limit views considerably. The VAC along parts of these roads is, therefore, HIGH, which will further mitigate against visual impacts. • Appropriate buffers should also be imposed along roads to further mitigate the visual impacts. It is suggested that a 200 metre buffer would be appropriate. Also note that the SANRAL have a mandatory buffer of 500m from national roads. The WEF layout also respects this buffer for the R67. 	Limited
Scenic routes	15	<p>Section 11.3 of the VIA assesses impacts of the WEF on residents on passes and scenic routes where the following is provided:</p> <ul style="list-style-type: none"> • The proposed Albany WEF will be visible from Ecca Pass along the R67 entering Makhanda from the north and Botha's Hill along the N2 towards Peddie. Figure 11.1 shows the R67 route near the Ecca Pass. Since these routes are driven by mobile commuters that are generally considered to be low sensitive receptors, it suggested that the visual impact will be LOW or at the very most, MODERATE. <p>In addition, the scenic route along the R67 entering Makhanda cannot be considered as particularly HIGH scenic value since the section overlooks municipal commonage, substation, powerlines and mining activities. It is also our opinion that the section of the N2 to the east of the WEF would also not be considered of having particularly HIGH scenic value.</p>	Moderate
N2 National Road	16	As above	Limited

INDALO MAPS PER REDZ SENSITIVE RECEPTORS	INDALO MAP NO	COMMENT	Relevance to Albany WEF
Small airfields	17	Assessed by ATNS and CAA.	
Very high composite visual sensitivity	18	<p>The VERY HIGH Composite Map shows that there are numerous proposed WEF turbines located in VERY HIGH sensitivity areas. However, the following must be borne in mind:</p> <ul style="list-style-type: none"> • The criteria used as per the REDZ 3 SEA, are visual sensitivity guidelines used for the purposes of screening WEFs at a very high level and cannot be regarded as NO-GO areas for individual WEF turbines. • The VIA has assessed the Albany WEF by applying the REDZ 3 SEA guidelines at a local and individual sensitive receptor level. • The VERY HIGH range is predominantly driven by: <ul style="list-style-type: none"> ○ Proximity to the municipal Ecca Nature Reserve; ○ Proximity to the none Indalo portion of the Kwandwe Private Game Reserve where 5 turbines immediately adjacent to the reserve have been removed.; ○ Proximity to the Provincial Beggar’s Bush Nature Reserve where few turbines are visible; ○ Proximity to Makhanda; ○ Proximity to certain lodges or accommodation; ○ Proximity to Provincial roads; ○ Proximity to the scenic routes where the section of the high scenic route along the R67 entering Makhanda cannot be considered of high scenic value and which overlooks municipal commonage, nor the N2 to the east of the WEF; <p>The relance or application of the above criteria and buffers to the Albany WEF is limited to moderate and does not exclude the placement of turbines including the 12 turbines located in the REDZ 3 area.</p>	Limited to Moderate

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
EIA PHASE COMMENTS AND RESPONSE REPORT		
Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.	Department of Forestry, Fisheries and the Environment (DFFE) Comments on Draft EIR Competent Authority 14/07/2021	Please see table 2-6 of the Draft Amended EIR.
Please ensure that activities applied for in the application form for EA must be the same as those mentioned in the report. If the activities applied for in the application form for EA differ from those mentioned in the EIAr, an amended application form must be submitted with the final EIAr.		Please see table 2-6 and the Updated Applicable Form.
Please ensure that all issues raised and comments received during the circulation of the draft EIAr from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed and included in the final EIAr. Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 and 44 of the EIA Regulations 2014 as amended.		All comments have been recorded and addressed in this IRT. The IRT is a live document and will continue to be updated throughout the process. Please see section 11 of this report for the full PPP process which has been followed, in accordance with Regulations 39-44 of the EIA Regulations 2014, as amended.
It is drawn to your attention that the commenting period of this draft EIAr must take into consideration the timeframe extension as contemplated in the General Notice issued by the Minister of Department of Environment Forest and Fisheries in response to national state of disaster as declared by the President of Republic of South Africa. The Minister of Department of Environment, Forest and Fisheries has issued a General Notice regarding the extension of timeframes prescribed in terms of the Environmental Impact Assessment Regulations 2014, published in terms of section 24(5) of the National Environmental Management Act, 1998. The General Notice states that all timeframes as prescribed in the EIA Regulation 2014 as amended are hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period of the national state of disaster declared for the COVID-19 pandemic, including any extensions to such duration, with effect from 27 March 2020 until the termination of the lockdown period.		Please note that this EIR is being submitted in accordance with Section 21(2) of the EIA Regulations 2014, as amended. The COVID-19 protocols are implemented by the DFFE have been considered in the release of this amended report.
The preferred Layout Plan with the preferred layout of the proposed turbines, existing roads and new internal roads, proposed laydown area, batching plant and construction compound must be indicated in the final EIAr. A map combining the final Layout Plan superimposed (overlain) on the environmental sensitivity map must also be included in the final EIAr.		The final layout will be submitted in the Final EIR. This Draft EIR includes sensitivity maps which take into account the full layout, superimposed on the site sensitivity map. Please see Chapter 10 of this report, including Figure 10-1.
Please ensure that all hardcopy and softcopy maps are clear and legible. Hardcopy maps must be at least A3 size.		Hard copy maps will not be submitted as part of this process due to COVID-19 protocols which have since been introduced by the DFFE. Should hard copy reports or maps be required then these will be submitted with Final EIR and delivered to a suitable address as requested by the DFFE.

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:</p> <ul style="list-style-type: none"> - Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. - Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. - The cumulative impacts significance rating must also inform the need and desirability of the proposed development. - A cumulative impact environmental statement on whether the proposed development must proceed. 		<p>Cumulative Impacts have been assessed throughout the report, including both General and Specialist Impacts. Section 9.1.1 of this report outlines the cumulative assessment process and includes all WEFs which have been considered as part of the assessment.</p> <p>Chapter 3, section 3.6 includes an additional Cumulative section to capture the Need & Desirability in terms of neighbouring WEFs.</p> <p>Chapter 12, section 12.6 includes an additional Cumulative section to capture the EAP statement in terms of neighbouring WEFs.</p>
<p>The EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample of the minimum information required is listed under point 2 of the EIA information required for wind energy facility as requested in the acceptance of the SR.</p>		<p>Please see Tables 2-1 and Tables 2-2 which includes all infrastructure, footprints, dimensions and total calculations. These figures have been used throughout the EIR and the associated Specialist Impact Assessments.</p>
<p>Please note that the final EIAR must comply with all conditions of the acceptance of the scoping report (SR) signed on 10 September 2019, and must address all comments contained in the FSR and this letter.</p>		<p>All comments raised as per the DFFE Scoping Comments and DFFE Scoping Acceptance have been captured in this IRT and addressed as required.</p>
<p>The Department has noted that the draft EIAR had included the EAP Declaration of Interest in an old template. Please note that the Department had amended the EAP Declaration of Interest form and the latest template can be obtained on the Department's website. Please ensure that the final EIAR include the EAP Declaration of Interest in the latest template.</p>		<p>An updated EAP Declaration and Affirmation has been included in Section 13 of this report.</p>
<p>You have indicated that the proposed project will also require grid connection infrastructure and this has been assessed in a separate report as the infrastructure will be owned and managed by Eskom should the project receive an Environmental Authorisations. You are therefore required to provide the Department's reference number if the application has been lodged with the Department.</p>		<p>The BAR for the proposed grid connection infrastructure will be submitted within the second round of EIR PPP to align and overlap the commenting periods. This reference number will be included once received, and prior to the submission of the Final EIR.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>It is noted that the draft EIAr has included the generic EMPr for the development of overhead electricity transmission and distribution infrastructure. The generic EMPr is submitted due to that the proposed project trigger activity 11 of Listing Notice 1 of the EIA Regulations 2014 as amended. This activity is triggered due to that, the proposed project will include a 33kV underground (where possible) electrical cables will be laid to transmit electricity generated by the wind turbines to the onsite switching stations. From the telephonic conversation held on the 03 April 2020 between the EAP (Ms Caroline Evans) and The Department (Ms Nyiko Nkosi), Ms Evans indicated that some parts of the 33kV electrical cables will be overhead and this is what triggered the submission of generic EMPr. Please ensure that this information is reflected on the project description provided for activity 11.</p> <p>You are further requested to also include the Wind Energy Facility EMPr as per the requirements of the EIA Regulations 2014 as amended. Please ensure that the EIAr included two (02) EMPrs for the Wind Energy Facility and a Generic EMPr for overhead powerline as triggered by activity 11 of Listing Notice 1. The EIAr, inclusive of these EMPrs must be subjected to another round of 30 days public commenting period.</p> <p>Environmental Management Programme (EMPr) for the WEF must comply with the requirements of Appendix 4 of the EIA Regulations 2014 as amended and it must include the following:</p> <ul style="list-style-type: none"> (i) Details of the EAP who prepared the EMPr; and the expertise of the EAP to prepare and EMPr, including a curriculum vitae/ (ii) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers. (iii) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including: <ul style="list-style-type: none"> - Planning and design - Pre-construction activities - Construction activities - Rehabilitation of the environment after construction and where applicable post closure; and - Where relevant, operation activities (iv) A description of the proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 3 of the EIA 		<p>Please note that this Draft EIR for the Albany WEF includes two EMPrs, one generic and one general EMPr. The addition of the general EMPr has been done in accordance with Appendix 4 of the EIA Regulations 2014, as amended, as detailed by the DFFE in this comment. Please refer to Appendix G of this report for both EMPr documents.</p>

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<p>Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to –</p> <ul style="list-style-type: none"> (v) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation; (vi) Comply with any prescribed environmental management standards or practices; (vii) Comply with any applicable provisions of the Act regarding closure, where applicable; and (viii) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable. (ix) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended (x) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended (xi) An indication of the persons who will be responsible for the implementation of the impact management actions. (xii) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended (xiii) The mechanisms for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended (xiv) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations. 										
<p>Thank you for providing the Eastern Cape Parks and Tourism Agency (ECPTA) with the opportunity to provide comment on the draft Environmental Impact Report (EIR) for the proposed Albany Wind Energy Facility (WEF) within the Makana Local Municipality. As per the mandate of the ECPTA, the Agency is responsible for developing and managing protected areas, as well as promoting and facilitating the development of tourism in the Province. Relating to the mandate of the ECPTA, we would like to raise the following comments/concerns:</p> <p>Visual Impact: The agency has concerns regarding the visual impact of the proposed facility on ECPTA managed nature reserves. The current visual impact assessment excludes various visual receptors within Great Fish River and Waters Meeting Nature Reserves as selected sensitive receptors. This is a concern for the agency and no indication is provided that necessitated the exclusion of ECPTA nature reserves from the analysis. The turbines will be visible from various key strategic tourism nodes within the Great Fish River Nature Reserve, these include Adams Krans, Grasslands, game-drive loop as well as the bird hide.</p>	<p>Mr Vuyani Dayimani</p> <p>ECPTA</p> <p>14/07/2020</p>	<p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the final VIA. Section 3 of the final VIA address the main issues raised by I&APs.</p> <table border="1" data-bbox="1182 1107 2063 1474"> <thead> <tr> <th data-bbox="1182 1107 1518 1145">Main issues raised by I&APs</th> <th data-bbox="1518 1107 2063 1145">Responses</th> </tr> </thead> <tbody> <tr> <td data-bbox="1182 1145 1518 1305">1. Poor selection of vantage points for visual assessment.</td> <td data-bbox="1518 1145 2063 1305">The selection of vantage points is considered to be adequate in order to assess the visual impacts within the study area. However, the Great Fish River Nature Reserve has been added in the current report.</td> </tr> <tr> <td data-bbox="1182 1305 1518 1374">2. Omission of the Great Fish Nature Reserve.</td> <td data-bbox="1518 1305 2063 1374">The Great Fish Nature Reserve has been included.</td> </tr> <tr> <td data-bbox="1182 1374 1518 1474">3. The visual impact on wildlife and nature tourism in the area</td> <td data-bbox="1518 1374 2063 1474">An unsubstantiated opinion.</td> </tr> </tbody> </table>	Main issues raised by I&APs	Responses	1. Poor selection of vantage points for visual assessment.	The selection of vantage points is considered to be adequate in order to assess the visual impacts within the study area. However, the Great Fish River Nature Reserve has been added in the current report.	2. Omission of the Great Fish Nature Reserve.	The Great Fish Nature Reserve has been included.	3. The visual impact on wildlife and nature tourism in the area	An unsubstantiated opinion.
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STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE	
<p>The turbines will also be visible from key tourism facilities at Waters Meeting Nature Reserve which was also not included in the visual impact analysis.</p>		<p>would be of fatal proportions.</p>	
		<p>4. The 20-25 year lifespan of the WEF as it affects the HIGH impact rating, is questioned.</p>	<p>The WEF is not a permanent structure and will be decommissioned after the end of its useful life. A new application for EA would need to be secured to extend the life of the WEF.</p>
		<p>5. Questions draft VIA statement that the landscape of the study area is not pristine or of very high scenic value.</p>	<p>The uniqueness and scenic value of the landscape has been addressed in more detail in the current report. The majority of the landscape in the study area has been transformed to some degree by historical agricultural activities. Man-made structures, activities and effects are present in most views of the landscape such as roads, Eskom powerlines and substation, Telkom towers, mining, etc. The scenic value could be described as HIGH due to presence of good condition Fish Arid and Fish Valley thicket vegetation but not pristine or unique.</p>
		<p>6. Fails to adequately address the cumulative impacts of WEFs in the area.</p>	<p>Cumulative impacts have been adequately addressed in Section 11 of the current report.</p>
		<p>7. Questions the limited mitigation measures proposed, such as reduced hub height and reduced turbine numbers and the no-go alternative.</p>	<p>The applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the draft VIA relating to the visual impacts.</p>
		<p>8. The VIA did not adequately assess other alternatives.</p>	<p>The VIA assessed the preferred alternative and the no-go alternative. The layout has been reduced from 66 to 43 turbines, this alternative is assessed in all reports.</p>
		<p>9. No attempt to implement the hierarchical approach to impact management through impact avoidance.</p>	<p>The applicant has reduced the number of turbines from 66 to 43. This process included avoidance through the reduction in turbines.</p>

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		10. The VIA fails to ensure that the assessment is undertaken by an independent visual specialist.	CES provides independent EAP and various other independent specialist services including VIAs. In addition, the VIA was reviewed by an external specialist.
		11. Inaccurate baseline information.	The baseline information section has been substantially updated in the current report.
		12. VIA ignores the REDZ visual mapping showing the classification of the relevant portion of REDZ 3 as very high visual sensitivity.	A section on the REDZ has been included in the current report.
		13. The impact of night lighting has not been addressed at all.	The draft VIA did consider the impacts of night lighting. However, the impacts of night lighting has been expanded in the current report.
		14. Limited evidence of project screening to avoid visually sensitive areas.	The screening potential (vegetation and topography) has been addressed in the current report.
<p>Avifaunal Impact: The agency is concerned particularly in regards to the Turbines that are in close proximity to Beggars Bush Nature Reserve. As noted within the Avifaunal Impact Assessment, there are a number of species that utilise the forest as well as the airspace around the nature reserve. It should be noted that there are sightings of the Martial Eagle and Jackal Buzzard around Beggars Bush and adjacent turbines could have direct impact on these species. The fact that the specialists could not determine breeding patterns of Martial Eagle within the area should not be translated as being non-existent as historical breeding is noted. Based on the threat status of the species, care/caution should be taken to avoid known areas used by the species to avoid further decline, particularly adjacent to Beggars Bush. Page 99: On this statement: "Disturbance of birds is rated as "LOW NEGATIVE significance", on account of there being no known breeding sites of sensitive bird species on or near site. No specific mitigation is required." The fact that no breeding sites are known for the area should in no way imply that caution should not be taken and the EMPR should address the approach to be followed should the breeding sites be discovered at a later stage. Further, the avifaunal assessment outlines the limitation of flight height data for each of the noted species and this should have been addressed as part of the assessment particularly for this type of project.</p>		<p>The avifaunal report was compiled based on monitoring results of the required Pre-Construction Seasonal Monitoring, as per the <i>Best practice guidelines for assessing and monitoring the impact of wind energy facilities on birds in southern Africa</i> (Jenkins et al., 2015). The specialist for this assessment is one of the authors of the avifaunal best practice guidelines and is well versed in species behaviour in relation to wind turbines. This includes the review and use of knowledge related to operational monitoring at a number of Eastern Cape WEFs.</p> <p>While the "disturbance of birds" impact, was rated as low by the specialist as per the pre-construction monitoring guidelines, the collision and destruction of bird habitat were both rated as moderate. All avifaunal impacts are subject to specific mitigation measures (as per the Avifaunal Impact Assessment Report) and are subject to the Operational Monitoring Plan.</p> <p>The specialist is required to highlight any uncertainties/limitations/gaps in knowledge, as per Appendix 6 of the EIA Regulations 2014, as amended. Flight height observations are subjective to the observer conducting the monitoring. This is the case in all avifaunal assessments and this limitation has therefore been highlighted, it is something that cannot be addressed with a specific measuring tool and relies on observer judgement.</p>	
<p>1. INTRODUCTION 1.1 The Indalo Protected Environment ("Indalo") is made up of the 9 Private Game Reserves ("PGRs") belonging to different landowners. The 9 PGRs are</p>	<p>Neale Howarth</p>	<p>The background into Indalo is noted. The information provided, specifically the expansion plan, has been introduced at EIR phase. It must be noted that Indalo was registered on the initial Stakeholder and I&AP databased by the EAP due to the various reserves it represents</p>	

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<p>located over 3 local municipalities in the Sarah Baartman District Municipality of the Eastern Cape Province of the RSA as indicated and form a corridor between the Addo National Park (Addo”) and the Great Fish River Provincial Nature Reserve (“Great Fish”).</p> <p>1.2 Based on government’s Protected Area Expansion Strategy, buffer zones and Biodiversity Stewardship Programme discussed in this Comment, Indalo is currently actively working with local provincial and national partners including the Wilderness Foundation South Africa, Eastern Cape Park and Tourism Agency (“ECPTA”) and SA National Parks (“SANParks”) to expand areas under protection. This includes further amalgamation of the southern, central and northern nodes of Indalo into large agglomerations (>50 000Ha) of private reserves in the central node and private/public reserves by forming public-private partnerships with Addo and the Great Fish (and various provincial nature reserves) in the south and north respectively.</p> <p>1.3 Like Addo and the Great Fish, the Indalo PGRs (as are many others in South Africa and in Africa in general) are concerned with nature and wildlife tourism as a key protected area goods and service. Likewise, the Indalo PGRs are managed according to a Protected Area Management Plan but instead of relying on public funds like Addo and Great Fish, they must secure funding from internal resources.</p> <p>1.4 These resources are derived from nature and wildlife tourism which is dependent on a natural environment largely free from the structures and signs of modern civilisation (often from which the tourists come to get away to find solitude, tranquillity and serenity). Wind energy development characterised by colossal skyline intrusion will impose a significant divestment on Indalo members impacted and curtail wildlife and nature tourism enabled protected area expansion.</p> <p>2 INDALO PROTECTED ENVIRONMENT</p> <p>2.1 HISTORY</p> <p>2.1.1 The Indalo Protected Environment (“PE”) is made up of the 9 PGRs reflected in the Table below.1</p> <p>Table: Private Game Reserves forming part of the Indalo Protected Environment</p>	<p>Chairperson: Indalo Private Game Reserve Association</p> <p>July 2020</p>	<p>in the area. Indalo was therefore notified of the availability of all information through the stages of the pre-PPP, Scoping and EIR phases. The proposed expansion strategy has not been raised until this point (Draft EIR PPP). No maps or spatial data were provided in any of their comments.</p> <p>During the cumulative assessment information gathering process, the EAP was able to extract two maps which illustrate the proposed “Albany Biodiversity Corridor Network”. These maps were obtained from the Wind Garden and Fronteer comments submitted by Indalo PE, amongst others. These maps indicate that the proposed Albany WEF is NOT situated within the proposed corridor which would link the Great Fish River Reserve to the Addo Elephant National Park (encompassing the Indalo PGRs) (Figure 1 and 2 below). In addition to this point, the maps also make it clear that the proposed Albany WEF site is situated on land regarded as having a LOW “Wilderness Value” (Figure 2 below).</p> <p>The proposed Albany Biodiversity Corridor Network includes an area between the Great Fish River Reserve and the Addo Elephant National Park (main game viewing area). The proposed corridor includes a portion of the operational Waainek WEF. The I&APs assertion that the Albany WEF would essentially derail the proposed Albany Biodiversity Corridor Network is flawed since an operational WEF has been included WITHIN the proposed corridor (see Figure 1 below). In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW “Wilderness Value” would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair.</p>

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central and northern nodes into large agglomerations (>50 000Ha) of private reserves in the central node and private/public reserves by forming public private partnerships with Addo and the Great Fish (and various provincial nature reserves) in the south and north respectively.

2.1.5 One of the main objectives of the expansion plan is to enable common traversing agreements and unified conservation management through the dropping of fences between PGRs and Protected Areas. This is only realistic if areas expand to the extent that larger areas of reserve become contiguous and objectives have been set for short, medium and long term:

2.1.5.1 Short term:

a. Combining land in the central - between Lalibela and Pumba will require areas of 2500 ha; and

b. Combining land between Lalibela and Shamwari 2x 3500 ha.

2.1.5.2 Medium term:

a. Combining land between Sibuya, Kariega, and Buffalo Kloof Private Reserves and Rivers Meeting Forest Reserve in the southern area will require some more substantive areas of 15 000 ha;

b. Combining land targeted by the National Protected Area expansion strategy between Shamwari, Lalibela, Pumba and Kwandwe of 50 000 ha; and

c. Inclusion of key biodiversity conservation nodes and wilderness areas characterised by high scenic quality and low levels of intrusion –

- i. to the north and east of Addo;
- ii. around Great Fish and south along the Fish River; and
- iii. along the coastal shelf between Kenton and Port Alfred.

2.1.5.3 Long term: Linking with the protected areas in the Amathole Biosphere Reserve.

2.1.6 To this effect a formal protected area expansion strategy is under development by various stakeholders including Wilderness Foundation Africa, ECPTA, SANParks and Indalo Association that will guide protected area expansion, inform land-use planning, stimulate economic development and aide thicket restoration in the broader Albany region.

2.1.7 The environmental and economic benefits associated with the agglomerations (>50 000Ha) of private reserves and expansion through private partnerships with Addo in the south and the Great Fish in the north are considerable. Not only will this form a Mega Eastern Cape Protected Area as larger consolidated areas will lead to improved marketability of the Eastern Cape as a world class safari destination, making it comparable to Kruger, Sabi Sands and Madikwe. As much as wind energy development is necessary in South Africa, we hold wind energy development in Addo, Great Fish, Indalo and their further extended areas to be untenable and undesirable that should be avoided at all cost.

2.2 LEGAL STATUS

**STAKEHOLDER /
I&AP**

**EAP/SPECIALIST/DEVELOPER
RESPONSE**

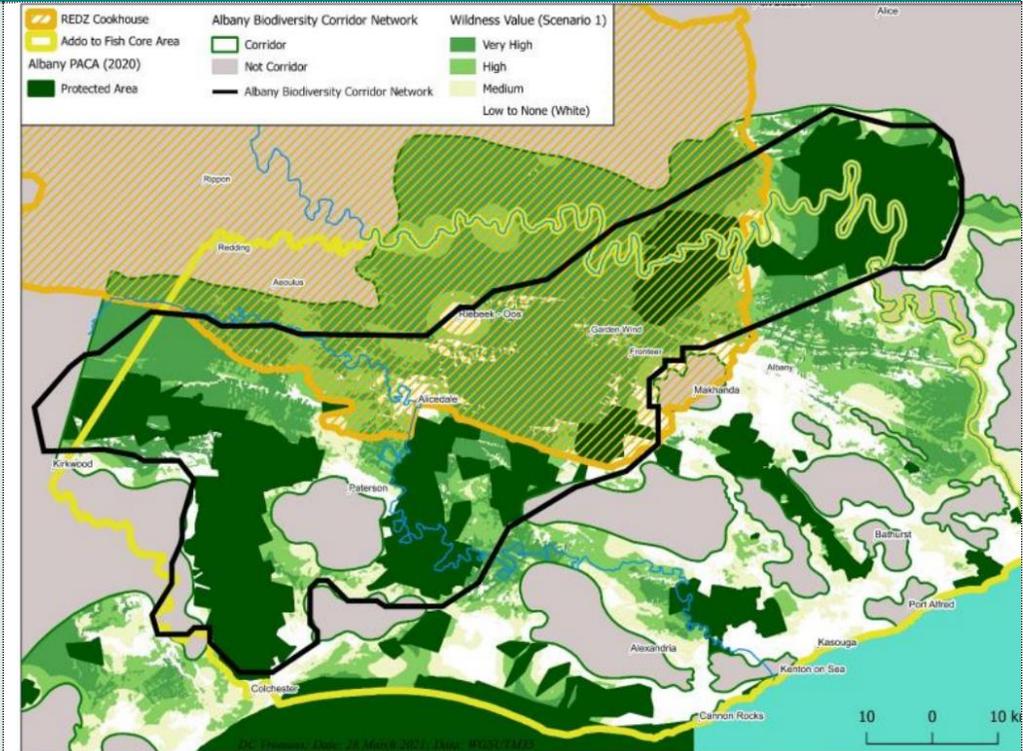


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

The proposed expansion, as described in this introduction, is not formally documented or proclaimed in any information available to the EAP. While the conglomeration of all PGMs, NRs and NPs is in discussion by various stakeholders, the land on which it is proposed is not publicly available. Nor have these discussions taken place with the Albany WEF landowners (as far as the EAP is aware). No objections have been received from the WEF site landowners and consent has been received to undertake this EIA process. To state that a proposed WEF, adjacent to an existing substation and on land which is currently used for purposes other than ecotourism, is fatally flawed due to this proposed plan is not logical.

The plan, as described in this introduction, would essentially sterilise all land from west of Gqeberha (Port Elizabeth) to east of the Fish River for any industrial development. This would also need to go through a REDZ, which has been assigned as an area with potential for renewable energy development. Until formalised, developers should be provided the opportunity to propose and implement developments which can contribute to the Eastern Cape economy.

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<p>2.2.1 Proclamation: Indalo was declared on 13 April 2018 as a Protected Area, Category Protected Environment, in terms of section 28(1)(a)(i) and (b) of the National Environmental Management: Protected Areas Act, No. 57 of 2003 (“NEMPAA”), by the Member of the Executive Council (“MEC”) for Economic Development, Environmental Affairs and Tourism, in the Eastern Cape Province.³</p> <p>2.2.2 Indalo Association: The MEC assigned his power as Management Authority of the Indalo PE to the Indalo Association in terms of section 38(2)(b) of NEMPAA.⁴ The ECPTA, an agency of the Eastern Cape Department of Economic Development, Environmental Affairs and Tourism (“DEDEAT”), entered into an agreement with the Indalo Private Game Reserve Association that the Indalo PE becomes a Biodiversity Stewardship site.⁵</p> <p>2.2.3 Stewardship Agreement: The Indalo Stewardship Agreement with the state forms an important part of the Indalo PE legal framework (read with the national and provincial biodiversity and conservation law, policies and programmes discussed below) that must be taken into consideration by the Department of Environment, Forestry and Fisheries (“DEFF”) and the EAP in evaluating the EIA for the Albany WEF development. Section 8 of the Indalo Protected Area Management Plan (“PAMP”) sets out certain restrictions on landowners in Indalo based on legislation and the Biodiversity Stewardship Agreement with the ECPTA. It specifically prohibits the placement of wind turbines for the generation of renewable energy inside Indalo.⁶ This prohibition on wind turbines inside Indalo addresses the same negative environmental impacts which Indalo demonstrates in this Comment that the location of the Albany WEF outside of the Indalo PE will have on the surrounding Protected Areas (including Indalo) and consequently should be situated elsewhere than the proposed site in the EIR.</p>		<p>It should also be highlighted that while the WEF development is rated as having a high visual impact, the impacts related to biodiversity are mitigatable and both natural and agricultural (fauna and flora) can continue to move and traverse the site during the WEFs lifespan.</p> <p>No turbines are situated on Indalo PE land as currently proclaimed.</p>
<p>2.3 LEGAL FRAMEWORK</p> <p>2.3.1 The EAP’s recommended in section 12.6 of the EIR that the proposed Albany WEF development be authorised (subject to the conditions). The EAP’s recommendation is wrong, since the EIR is fatally flawed as demonstrated below and thus in contravention of the prescribed legal provisions. The EAP, and the DEFF as the competent authority, are required to consider, evaluate, and respectively recommend or decide, the Albany WEF application for EA against the prescribed legal framework which is summarised below.</p> <p>2.3.2 Constitutional norms: The Constitution is the supreme law in South Africa and hence the starting point in interpreting any legislation.⁷ Section 39(1) of the Constitution stipulates that the interpretation of the Bill of Rights (environmental rights in section 24 referred to below) must promote the values that underlie an open and democratic society based on human dignity, equality and freedom. International law must, and foreign law may, be considered during interpretation. This Comment demonstrates below that the legal comparison by the EIR (SIA) of the relationship between wind energy facilities and nature-based</p>		<p>It is submitted that the final CES VIA followed the Provincial Government of the Western Cape, Department of Environmental Affairs and Development Planning (DEA&DP) Guideline for Involving Visual and Aesthetic Specialists in the EIA Process (Oberholzer, 2005). These are the most widely accepted best practice guidelines for conducting VIA’s in South Africa. The CES VIA was conducted in a systematic and objective manner in accordance with the DEA&DP Guideline and the NEMA EIA Regulations (2014, and subsequent 2017 amendments) and was subjected to I&AP comment and scrutiny during the 30-day draft EIA review period.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the final VIA. Section 3 of the final VIA address the main issues raised by I&APs.</p>

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<p>tourism in foreign jurisdiction was poorly done because of factual mistakes that excluded relevant foreign examples and referred to irrelevant foreign examples. Furthermore, section 39(2) requires that the spirit, purport and objects of the Bill of Rights, which is the cornerstone of our society, must be promoted during legal interpretation. Hence the courts prescribe a purposive interpretation of the legal provisions regulating the EIA of the Albany WEF application measured within their larger statutory context and against the fundamental constitutional values. It is submitted that a purposive and contextual value based interpretation of environmental principles and the EIA requirements in NEMA justifies the use of international best environmental practice (“BPEO”) standards for WEFs such as by the World Bank Group (International Finance Corporation (“IFC”)) that will be discussed infra.</p> <p>2.3.3 Right to well-being: Section 24 of the Constitution provides the fundamental normative foundation for environmental protection and conservation in South Africa by guaranteeing specific environmental rights to everyone. Section 24(a) protects the right to an environment that is not harmful to a person’s health or well-being. The right to wellbeing is relevant to the Albany WEF because a person’s well-being includes protection of the aesthetic quality of human life against nuisances such as odour, noise or visual pollution. This Comment indicates that the Albany WEF will cause significant visual disturbance which will negatively affect the aesthetic quality of the natural wilderness environment and the natural or wilderness experience of persons staying in or visiting the surrounding Protected Areas (Indalo, Great Fish and Addo). The visual disturbance will affect the right to well-being which cannot be justified in an open and democratic society based on human dignity, equality, and individual freedom. Consequently, the WEF should not be allowed to be developed on the proposed site but must be moved elsewhere where it does not have a significant impact on people’s right to well-being.</p> <p>2.3.4 Right to dignity: Section 10 of the Constitution also protects the human dignity of a person. The significant impact of the Albany WEF on the aesthetic quality and well-being of affected persons in section 24(a) of the Constitution by necessary implication also unjustifiably impair their human dignity. There is a direct relationship between the quality of the natural environment that a person is exposed to and the quality of that person’s well-being and human dignity. Significant impacts of the former impair the latter. A person cannot have a dignified living (including a touristic experience) in a natural environment that is significantly visually polluted or degraded as will be brought about by the Albany WEF. Moreover, so in the present case where the unique wilderness character of the natural environment of the Indalo and Great Fish Protected Areas will be permanently scarred by the Wind Farm. The negative effect on tourism to Pumba PGR in Indalo caused by the Waaihoek WEF (see letter by the owner of Pumba, attached hereto) overwhelmingly illustrates the significant impact on nature-based and wilderness tourism by WEF developments. It shows a clear</p>		Main issues raised by I&APs	Responses
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		2. Omission of the Great Fish Nature Reserve.	The Great Fish Nature Reserve has been included.
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		4. The 20-25 year lifespan of the WEF as it affects the HIGH impact rating, is questioned.	The WEF is not a permanent structure and will be decommissioned after the end of its useful life. A new application for EA would need to be secured to extend the life of the WEF.
		5. Questions draft VIA statement that the landscape of the study area is not pristine or of very high scenic value.	The uniqueness and scenic value of the landscape has been addressed in more detail in the current report. The majority of the landscape in the study area has been transformed to some degree by historical agricultural activities. Man-made structures, activities and effects are present in most views of the landscape such as roads, Eskom powerlines and substation, Telkom towers, mining, etc. The scenic value could be described as HIGH due to presence of good condition Fish Arid and Fish Valley thicket vegetation but not pristine or unique.
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		7. Questions the limited mitigation measures proposed, such as reduced hub height and reduced turbine numbers and the no-go alternative.	The applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the draft VIA relating to the visual impacts.

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<p>causal link between the reduction of aesthetic environmental quality by the WEF and the concomitant reduction of the visitors' human dignity to Pumba. The statements to the contrary in the SIA and EIR that fail to properly assess Pumba's concerns (which were clearly communicated to the EAP/SIA specialist but undervalued in the EIR) are factually and methodologically wrong and must be rejected by the DEFF as the competent authority.</p> <p>2.3.5 Right to environmental protection: Section 24(b) of the Constitution guarantees the right to environmental protection. It places a constitutional obligation on the state to protect the environment for the sake of present and as well as future generations through reasonable measures that includes legislation that: (i) prevent pollution and ecological degradation; (ii) promote conservation and (iii) secure ecological sustainable development and use of natural resources whilst promoting justifiable economic and social development. Thus, the constitutional principle of inter- and intragenerational conservation trusteeship places a clear legal duty on the DEFF (and other competent authorities e.g. SANParks, SANBI, ECPTA and local municipalities) to act as custodians of the natural environment and conservation by taking the necessary steps that may be required to ensure short and long-term environmental protection of the Indalo, Great Fish and Addo Protected Areas in the Eastern Cape Province. The court confirmed this principle in the Fuel Retailers case:</p> <p>"The importance of the protection of the environment cannot be gainsaid. Its protection is vital to the enjoyment of the other rights contained in the Bill of Rights; indeed, it is vital to life itself. It must therefore be protected for the benefit of the present and future generations. The present generation holds the earth in trust for the next generation. This trusteeship position carries with it the responsibility to look after the environment. It is the duty of the court to ensure that this responsibility is carried out."8 [Own emphasis.]</p> <p>2.3.6 The discussion of the viewsheds of the proposed WEF that were prepared by EScience for this submission (as per Addendum 3), overwhelmingly demonstrate the short and long term visual degradation of the natural environment. The DEFF's environmental trusteeship requires it to prevent this degrading development so that current and future visitors will continue to enjoy the unspoilt natural environment, moreover so of the planned Eastern Cape Mega Protected Environment through the expansion programme of the Addo, Great Fish, Indalo and other PGRs.</p>		8. The VIA did not adequately assess other alternatives.	The VIA assessed the preferred alternative and the no-go alternative. The layout has been reduced from 66 to 43 turbines, this alternative is assessed in all reports.
		9. No attempt to implement the hierarchical approach to impact management through impact avoidance.	The applicant has reduced the number of turbines from 66 to 43. This process included avoidance through the reduction in turbines.
		10. The VIA fails to ensure that the assessment is undertaken by an independent visual specialist.	CES provides independent EAP and various other independent specialist services including VIAs. In addition, the VIA was reviewed by an external specialist.
		11. Inaccurate baseline information.	The baseline information section has been substantially updated in the current report.
		12. VIA ignores the REDZ visual mapping showing the classification of the relevant portion of REDZ 3 as very high visual sensitivity.	A section on the REDZ has been included in the current report.
		13. The impact of night lighting has not been addressed at all.	The draft VIA did consider the impacts of night lighting. However, the impacts of night lighting has been expanded in the current report.
		14. Limited evidence of project screening to avoid visually sensitive areas.	The screening potential (vegetation and topography) has been addressed in the current report.
		<p>It should be noted that the EScience report (prepared on behalf of Indalo) is based on limited view simulations and does not assess visual exposure through viewshed analysis at a detailed level.</p> <p>The uniqueness and scenic value of the landscape has been addressed in more detail in the final VIA report. The majority of the landscape in the study area has been transformed to some degree by historical agricultural activities. Man-made structures, activities and effects are present in most views of the landscape such as roads, Eskom powerlines and substation, Telkom towers, mining, etc. The scenic value could be described as HIGH due to presence of good condition Fish Arid and Fish Valley thicket vegetation but not pristine or unique.</p>	

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<p>2.3.7 Sustainable development: Section 24(b)(iii) of the Constitution provides an exception to the right to environmental protection by acknowledging the right of the Applicant to the Albany WEF, but subject to the important proviso that it must be ecological sustainable. The right to sustainable development is one of the core environmental and economic principles in the Constitution and in South African law and is further guaranteed in the environmental principles in section 2(4) of NEMA that contain fundamental directives of state action, the principle of integrated environmental management in sections 23 and 24 of NEMA and the relevant EIA Regulations as well as various provisions of the specific environmental management acts (“SEMA”) and other legislation that provides environmental regulation of economic development. Sustainable development is defined by NEMA as the “integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations.”</p> <p>2.3.8 The right to sustainable development requires that both the EAP in the EIR as well as the DEFF through its decision, to strike a fair balance or equilibrium (as explained by the courts) between environmental protection of the affected Protected Areas and the economic development of the Albany WEF. In light of the serious concerns and fatal flaws of the EIR to ensure proper environmental protection, it is clear that the EAP (and some specialists) had failed to comply with the integration requirement of the section 24(b) of the Constitution and section 2(4) of NEMA. Based on the supplementary information provided by Indalo in this submission, an informed and fair balancing of the Applicant’s right to develop the Albany WEF vis-a-vis Indalo’s (and the Protected Areas’) and visitors’ right to environmental protection and ecological conservation clearly shows that the environmental rights outweighs the development right at the proposed location. On the evidence explained in this submission, the proposed Albany WEF will not be ecologically sustainable as required by section 24(b) of the Constitution. For this reason, the DEFF as custodian of the natural environment of the must reject the Albany WEF application.</p> <p>2.3.9 Neighbour law: The common law regulates the conduct between neighbours to prevent the unlawful and unreasonable impairment of each other’s undisturbed enjoyment of their property due to noise, visual or odour pollution or other conduct by a neighbour. This common law duty of care by a landowner or user towards neighbours is based on the sic utere tuo doctrine. Failure by the intruding neighbour to cease the nuisance affecting the neighbouring property can result in interdictory relief by a court of law and in worse cases payment of compensation by Aquilian action for the damages caused by the interference. In the present matter the Protected Areas precede the proposed Albany WEF. Also, the Albany WEF has been duly informed (through this Comment – which should have been done by the EIR, but which was omitted) of the expansion programme to create the Eastern Cape Mega</p>		<p>This Application for Environmental Authorisation and the associated Scoping and EIA Process are being undertaken to determine whether- and by mitigation, ensure that, the Albany WEF development is a sustainable development. The process incorporates and considers social, economic and environmental factors in the planning process. In addition, specialist assessments have been undertaken by suitably qualified specialists to assess whether the proposed site is suitable for the proposed development and to provide measures for the avoidance, management and mitigation of adverse impacts.</p> <p>It must be noted that Indalo was registered on the initial Stakeholder and I&AP databased by the EAP due to the various reserves they represent in the area. Indalo was therefore notified of the availability of all information through the stages of the pre-PPP, Scoping and EIR phases. The proposed expansion strategy has not been raised until this point (Draft EIR PPP).</p> <p>The proposed expansion is not formally documented or proclaimed in any information available to the EAP. While the conglomeration of all PGMs, NRs and NPs is in discussion by various stakeholders, the land on which it is proposed is not publicly available. Nor have these discussions taken place with the Albany WEF landowners (as far as the EAP is aware). No objections have been received from the WEF site landowners and consent has been received to undertake this EIA process. To state that a proposed WEF, adjacent to an existing substation and on land which is currently used for purposes other than ecotourism, is fatally flawed due to this proposed plan is not logical.</p> <p>The plan, as described in the introduction, would essentially sterilise all land from west of Gqeberha (Port Elizabeth) to east of the Fish River for any industrial development. Until formalised, developers should be provided the opportunity to propose and implement developments which can contribute to the Eastern Cape economy.</p> <p>The Albany WEF is proposed on land regarded as having a LOW “Wilderness Value” in terms of the Indalo PE/SANParks/ECPTA future expansion plan. This would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerline and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair.</p> <p>The aim of the EIR is to ensure that the proposed development is sustainable and to mitigate any negative impacts as far as practically possible. The mitigation and management measures provided in the assessment process (by both the EAP and all specialists) have been incorporated into the EMPr. The EMPr serves to ensure that the development is undertaken in a controlled and environmentally responsible manner.</p>

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Protected Area. Thus, the WEF must respect the historic rights and legitimate interests of Indalo and the other Protected Areas. (The expansion of Protected Areas and creation of buffer zones are prescribed by the existing law and government have developed and is implementing expansion polices, strategies and plans over many years (discussed below).) It is Indalo’s view that negative environmental impacts of the WEF will cause a significant and permanent impairment of the undisturbed enjoyment of the Indalo and Great Fish Protected Areas as well as of the future Mega Protected Area.

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The proposed Albany WEF is not situated within a Protected Area, nor is the site situated on land which would disrupt the conglomeration of the land between the Great Fish River Reserve and the Addo Elephant National Park. The I&AP suggests that all land surrounding the proposed corridor should be sterilised for any and all opposing developments. This would essentially infringe on the rights of the landowners (of which the Albany WEF landowners are some) to investigate and proceed with alternative developments outside of the ecotourism industry.

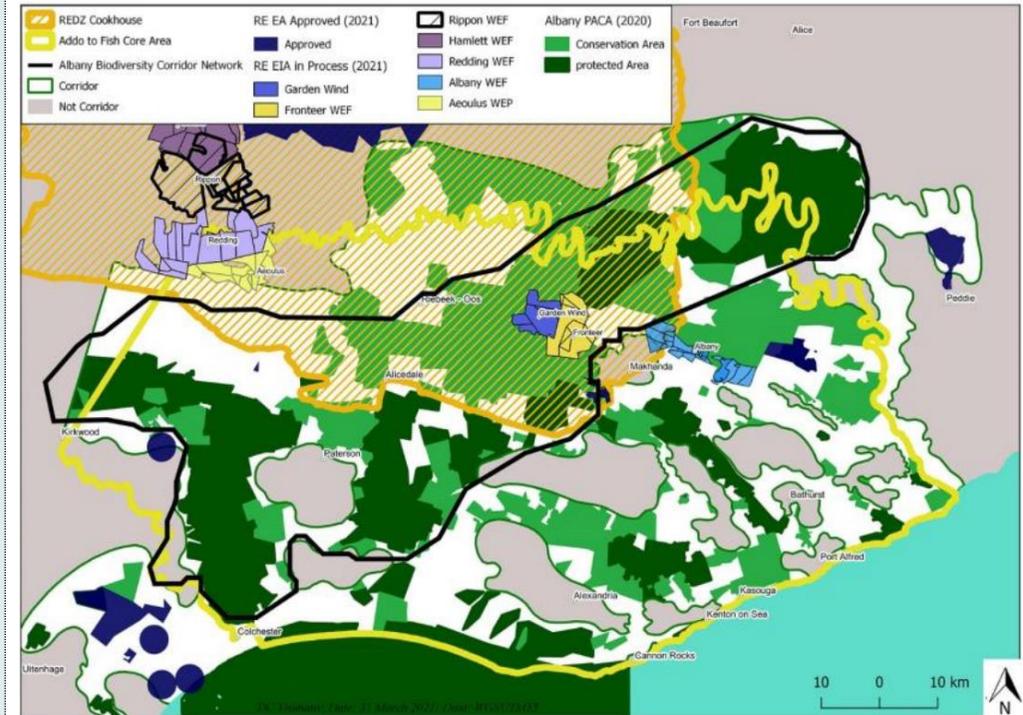


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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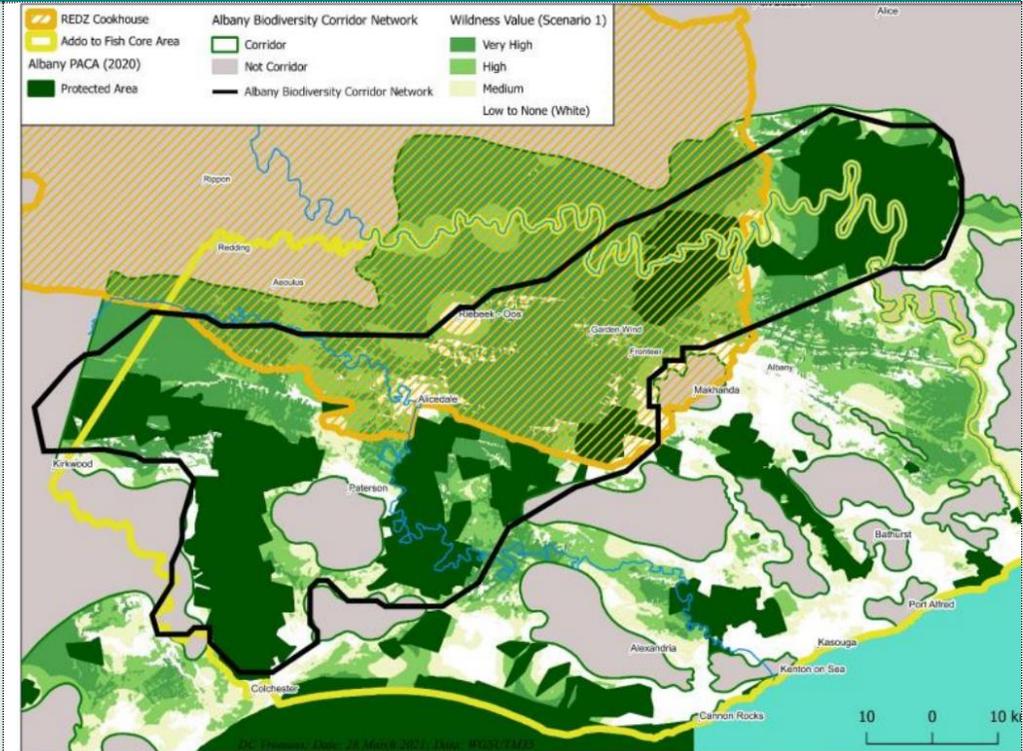


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

It is incorrect to suggest that a landowner may not proceed with a development of his or her own choice on his or her property on the basis that this may affect the rights of owners of neighbouring or nearby properties on the basis of a visual impact. South African law does not recognise an inherent right to an existing view from a property. It is not clear on what basis there is an actionable right to restrict development of the Albany WEF, should the Albany WEF be capable of securing all required authorisations to allow it to develop lawfully. It is disputed therefore that the development of the Albany WEF, if authorised by all applicable laws, can give rise to an actionable nuisance in terms of the common law.

This report has been compiled in accordance with the requirements of the NEMA EIA Regulations 2014, as amended.

The “Relevant Legislation” Chapter of this report includes all SEMAs relevant to the Albany WEF, including a statement indicating why each piece of legislation is applicable. The Stakeholders relevant to these Acts and relevant to the provincial, district and local government departments have been registered and consulted throughout the PPP of the Albany WEF EIA.

2.3.10 NEMA: As required by section 24(b) of the Constitution, various laws were promulgated that ensure protection of the environment during the Albany Wind Farm development. Primary are NEMA and the EIA Regulations which in the present case provide the overall national legislative framework. Section 2 of NEMA contains fundamental environmental principles, that the EAP must consider when considering the environmental impacts for the EIR and the DEFF when deciding the Wind Farm application to ensure proper environmental protection. Sections 24(4) and 24O of NEMA provide the criteria for the EIR, including compliance with NEMA (integrated environmental management and

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<p>mainstreaming of conservation management in section 23, the polluter’s duty of environmental care in section 28), EIA Regulations, SEMAS and other regulations and notices as specified below. The EIA Regulations contain detail requirements for EIA studies e.g. to demonstrate the need and desirability of undertaking the proposed activity, assess alternatives (including location, technology and content), public comment, asses direct, indirect and cumulative impacts of the development, and take into account any applicable government policies, plans, guidelines, environmental management instruments, and other decision-making instruments that have been adopted by the competent authorities. We indicate below the failure by the EIR to comply with specific EIA requirements.</p> <p>2.3.11 Various SEMAs apply to important aspects of the Indalo, Great Fish and Addo Protected Areas in the present matter e.g. to conservation (NEMPAA), protection of biological diversity (National Environmental Management: Biodiversity Act, No. 10 of 2004 (“NEMBA”), management of water resources (National Water Act, No. 36 of 1998 (“NWA”)), waste management (National Environmental Management: Waste Act (“NEMWA”), management of coastal areas (National Environmental Management: Integrated Coastal Management Act, No. 24 of 2008 (“ICMA”)), etc. (Not a complete list.) Provincial environmental and conservation legislation in the Eastern Cape Province adds a further layer of legislative control. In addition, national legislation such as for spatial development planning (permission for change of land-use by section 26(4) of the Spatial Planning and Land Use Management Act, No. 16 of 2013 (“SPLUMA”)) and the by-laws and spatial development frameworks (“SDFs”) of the Sundays River Valley, Makana and Ndlambe local municipalities provide additional protection to these Protected Areas.</p>		
<p>2.3.12 Conservation: The conservation of biodiversity is primarily regulated by NEMPAA and NEMBA which should be interpreted and applied in an integrated manner in support of each other’s legislative purpose and objectives. Both laws emphasise the state’s constitutional obligation as the national trustee for the environment to protect and conserve biological diversity, natural landscapes and seascapes as well as the species and ecosystems therein and ensure the sustainable use of indigenous biological resources.⁹ All state institutions in the national, provincial and municipal spheres of government must comply with the provisions of these Acts, their regulations, norms and standards, frameworks, strategies, conservation policies and management instruments. The provisions of NEMBA and NEMPAA prevail over conflicting provisions of any national, provincial or municipal laws e.g. provincial spatial biodiversity plans, Sara Baartman District Municipality and Makana Local Municipal integrated development plans (“IDPs”) and the Makana Local Municipal SDF.¹⁰ NEMBA and NEMPAA must be interpreted and applied in accordance with the national environmental management principles of NEMA as well as be read with its</p>		<p>The Mabola Case is distinguishable from the present set of facts and its authority and application to the present matter is disputed. Unlike the Mabola Case, the Albany WEF Scoping and EIA Process, is (a) being subjected to a thorough PPP, (b) is not being proposed within a formally protected area, and (c) is a proposed renewable energy rather than non-renewable energy development (i.e. generally considered to be a more sustainable form of development).</p> <p>The “Relevant Legislation” Chapter of this report includes all SEMAs relevant to the Albany WEF, including a statement indicating why each piece of legislation is applicable. The Stakeholders relevant to these Acts and relevant to the provincial, district and local government departments have been registered and consulted throughout the PPP of the Albany WEF EIA.</p> <p>It is incorrect to provide that NEMBA and NEMPAA prevail over conflicting provisions of any national, provincial or municipal laws. NEMPA regulates protected areas, NEMBA regulates biodiversity related interests and NEMA regulates, among other things, sustainable development.</p>

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<p>applicable provisions.¹¹ In the Mabola case the court confirmed the objectives of NEMPAA in section 2 are –</p> <p>“the provision, within the framework of national legislation, including NEMA, for the declaration and management of protected areas, to provide for cooperative governance in the declaration and management of such areas, including the promotion of sustainable utilisation of protected areas for the benefit of people in a manner that would preserve the ecological character of such areas.”¹²</p> <p>[Own emphasis]</p>		<p>The administration of different laws falls under different spheres of government which may serve different purposes within the competence of the sphere charged with the responsibility to administer each law. Each sphere would be exercising power within its own competence in terms of each applicable law which each stand on an equal footing.</p> <p>In this regard, in order to give effect to general objectives of integrated environmental management, NEMA lists activities in notices published in the Government Gazette (“EIA Regulations”) that require environmental authorisation. So as to take into account the interests of protected areas that are declared or recognised in terms of the National Environmental Management: Protected Areas Act 57 of 2003 (“NEMPAA”) but also to take into account areas that fall within the National Protected Area Expansion Strategy (“NPAES”) areas, certain listed activities are triggered for activities in the NPAES or within the buffer zones of protected areas. “Buffer area” is defined in the EIA Regulations to mean, unless specifically defined, an area extending 10 kilometres from the proclaimed boundary of a world heritage site or national park and 5 kilometres from the proclaimed boundary of a nature reserve, respectively, or that defined as such for a biosphere.</p> <p>In this regard, none of the spatial data available to the EAP (including consulting the DFFE National Screening Tool and BGIS) place the proposed Albany WEF site within NEMPAA buffer zones or within NPAES.</p> <p>It is incorrect and inaccurate to provide that the location of the Albany WEF will be in clear violation of NEMPAA as protected by the court. The Albany WEF is not located within a protected area. The Albany WEF is not located within any NPAES. The Albany WEF is not located within any “buffer area” as defined in the EIA Regulations. The landowners of the surrounding protected areas have been invited and have participated in the public participation and their comments and views will be put before the competent authority as part of the weighing up of the various competing interests in the sustainability enquiry.</p> <p>Further, the requirement for consulting every department that administers laws relating to environmental matters guarantees a co-ordinated and integrated environmental governance and management. It ensures that all role players are taken on board before a decision authorising an activity which affects the environment is made.</p> <p>In this regard the following authorities were consulted during the PPP process (as recorded in Chapter 11 and Appendix A of the EIR):- Department of Forestry, Fisheries and the Environment (DFFE), Department of Forestry, Fisheries and the Environment: Biodiversity & Conservation (DFFE:BC); Department of Economic Development, Environmental Affairs and Tourism (Eastern Cape) (DEDEAT); Department of Water & Sanitation (DWS) (Eastern Cape); Department of Agriculture Forestry & Fisheries (DAFF); Eastern Cape Parks and Tourism Agency (ECPTA); Eastern Cape Development Corporation (ECDC); Eastern Cape Provincial Heritage Resources Authority (ECPHRA); South African Heritage Resources Agency (SAHRA);</p>

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		<p>BirdLife South Africa; BirdLife South Africa: Birds and Renewable Energy Manager; BirdLife South Africa: Policy & Advocacy Manager; Endangered Wildlife Trust: CEO; Endangered Wildlife Trust: Head of Conservation Science; Endangered Wildlife Trust: African Crane Conservation Programme Manager; Endangered Wildlife Trust: African Crane Conservation Programme Field Officer; Endangered Wildlife Trust: Wildlife & Energy Programme; WESSA EC Regional Representatives; Wildlife Ranching RSA; Indalo and SANParks (recently added by request).</p>
<p>2.3.13 The views prepared by Indalo discussed below (Addendum 3) clearly illustrates that the Albany WEF will destroy the ecological (aesthetic) character of the scenic view from Adam’s Krans in the Great Fish Protected Area. Thus, the location of the Albany WEF will be in clear violation of NEMPAA as protected by the court. The provisions of NEMPAA (and NEMBA) trump conflicting economic growth policies in the various strategy documents and spatial planning instruments referred to by the SIA Specialist (para 3.2, 3.3 and 3.4) as justification for the Albany WEF. The legality principle of the rule of law in section 1 of the Constitution requires that all government policies must be consistent with the Constitution and legislation (in this case NEMPAA and NEMBA) otherwise they are unconstitutional and will be set aside to have no force or effect. This means the SIA cannot place more emphasis on government policies for economic (energy) development than on conflicting environmental legislation when considering the Albany WEF. The EIA Regulations require the SIA specialist and the EAP to adequately assess and disclose information that is detrimental to the WEF. This was not adequately done in the EIR.</p>		<p>It is incorrect to provide that NEMPAA (and NEMBA) trump conflicting economic growth policies as part of the analysis required of the competent authority in terms of NEMA.</p> <p>The competent authority is required to be guided by the sustainability enquiry when considering all of the relevant information that is before it. Sustainable development does not require the cessation of socio-economic development but seeks to regulate the manner in which it takes place. It recognises that socio-economic development invariably brings risk of environmental damage as it puts pressure on environmental resources.</p> <p>What this means is that the competent authority will need to weigh up the economic and social aspects of the development as presented with the environmental impacts.</p> <p>It is submitted that the EScience report (prepared on behalf of Indalo) is based on limited view simulations and does not assess visual exposure through viewshed analysis at a detailed level.</p> <p>The final VIA Report has included an analysis of the Great Fish Nature Reserve including Adam’s Krans located in the Great Fish Protected Area. The assessment looked at the Reserve both at less than and greater than 20 km distances (see Figures 9.7 a & b in Section 9: Viewshed Analysis of the of Selected Sensitive Receptors).</p> <p>Based on the assessment, the overall visual impact of the Albany WEF on the Great Fish River Nature Reserve is considered to be LOW due to distance (ranging from 15 to 50 km from the WEF and about 30 km for Adam’s Krans) but MODERATE due to the potential impact of night lighting.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p>
<p>2.3.14 Conservation obligations: Section 17 of NEMPAA is important for the evaluation of the environmental impact of the WEF with respect to the Indalo, Great Fish and Addo Protected Areas. It specifies the legal purposes which these Protected Areas are obligated to fulfil, i.e. – “(a) to protect ecologically viable areas representative of South Africa’s biological diversity and its natural landscapes and seascapes in a system of protected areas;</p>		<p>The Ecological Impact Assessment, Bat Impact Assessment, and Avifaunal Impact Assessment have been undertaken by suitably qualified specialists to supplement the Scoping and EIA Process and to assist in the identification of sensitive areas and species. In addition, these specialists provided recommendations and mitigation measures to reduce, manage and/or avoid adverse impacts on biodiversity, including habitats and species which are endemic to the area as well as sensitive faunal and floral species. It must be noted that renewable energy is, by definition, a sustainable use of a natural resource (in this case wind).</p>

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(b) to preserve the ecological integrity of those areas;
(c) to conserve biodiversity in those areas;
(d) to protect areas representative of all ecosystems, habitats and species naturally occurring in South Africa;
(e) to protect South Africa’s threatened or rare species;
(f) to protect an area which is vulnerable or ecologically sensitive;
(g) to assist in ensuring the sustained supply of environmental goods and services;
(h) to provide for the sustainable use of natural and biological resources;
(i) to create or augment destinations for nature-based tourism;
(j) to manage the interrelationship between natural environmental biodiversity, human settlement and economic development;
(k) generally, to contribute to human, social, cultural, spiritual and economic development; or
(l) to rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species.” [Own emphasis.]

In addition, and further to the ecological specialists referred to above which focus on the environmental aspects, this Scoping and EIA Process includes input from Heritage, Noise, Palaeontology, Social and Visual Specialists which focus on social/human/cultural aspects.

Based on the Indalo PE/ECPTA/SANParks proposed expansion plan “Albany Biodiversity Corridor Network” the area proposed for the Albany WEF is of **LOW** “Wilderness Value” (see Figure 1 below). In addition to this point all ecological specialist reports (ecological, bat and avifauna) have undertaken numerous site visits to ensure that areas of high ecological value are avoided (NO-GO areas) and mitigated (HIGH and MODERATE areas).

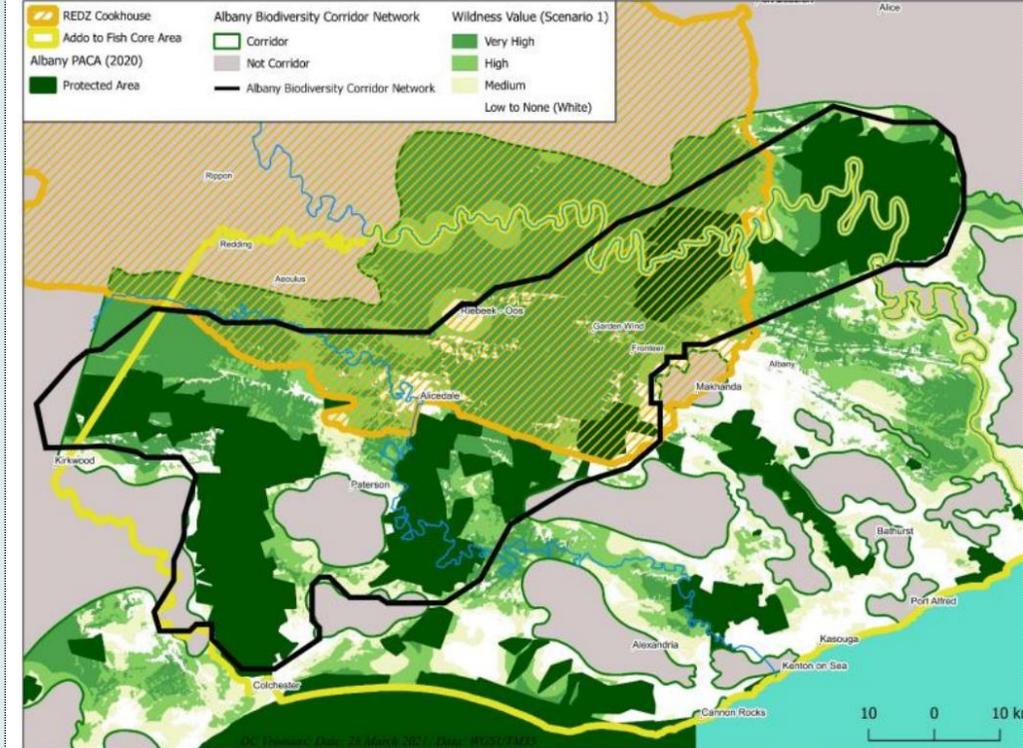


Figure 1: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

2.3.15 Protected Area Obligations: Section 28(2) of NEMPAA stipulates that the Indalo PE may only be declared for the following purposes, -
“(a) to regulate the area as a buffer zone for the conservation and protection of a ... national park, MPA, ... or nature reserve;
(b) to enable owners of the land to take collective action to conserve biodiversity on their land and to seek legal recognition therefor;
(c) to protect the area if it is sensitive to development due to its (i) biological diversity, (ii) natural characteristics, (iii) scientific, cultural, historical,

The I&AP is suggesting that the Albany WEF would essentially derail the proposed Albany Biodiversity Corridor Network. This assertion is flawed since an operational WEF (Waainek WEF) has been included **WITHIN** the proposed corridor (see Figure 1 below). In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a **LOW** “Wilderness Value” would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners

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archaeological or geological value, (iv) scenic and landscape value, or (v) provision of environmental goods and services;
 (d) to protect a specific ecosystem outside of a national park, or nature reserve;
 (e) to ensure that the use of natural resources in the area is sustainable; or
 (f) to control change in land use in the area if the area is earmarked for declaration as, or inclusion in, a national park or nature reserve.” [Own emphasis.]

2.3.16 All the purposes in section 17 of NEMPAA apply to Indalo, Great Fish and Addo. The underlined provisions of section 17 require that Indalo and the other Protected Areas must, (i) provide environmental goods and services, (ii) create an environment that is conducive for nature-based tourism, and (iii) ensure ecological sustainable social and economic development takes place. Similarly, the purposes in section 28(2) of NEMPAA apply specifically to the Indalo. This means that Indalo must (i) form a buffer zone between the Addo and Great Fish, (ii) enable the different PGRs inside Indalo to conserve their biodiversity, (iii) protect sensitive areas in respect of economic development e.g. areas with scenic and landscape value, and (iv) provide environmental goods and services.

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of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair. The proposed Albany WEF would not impose on, disrupt or deter the establishment of the “Albany Biodiversity Corridor Network”.

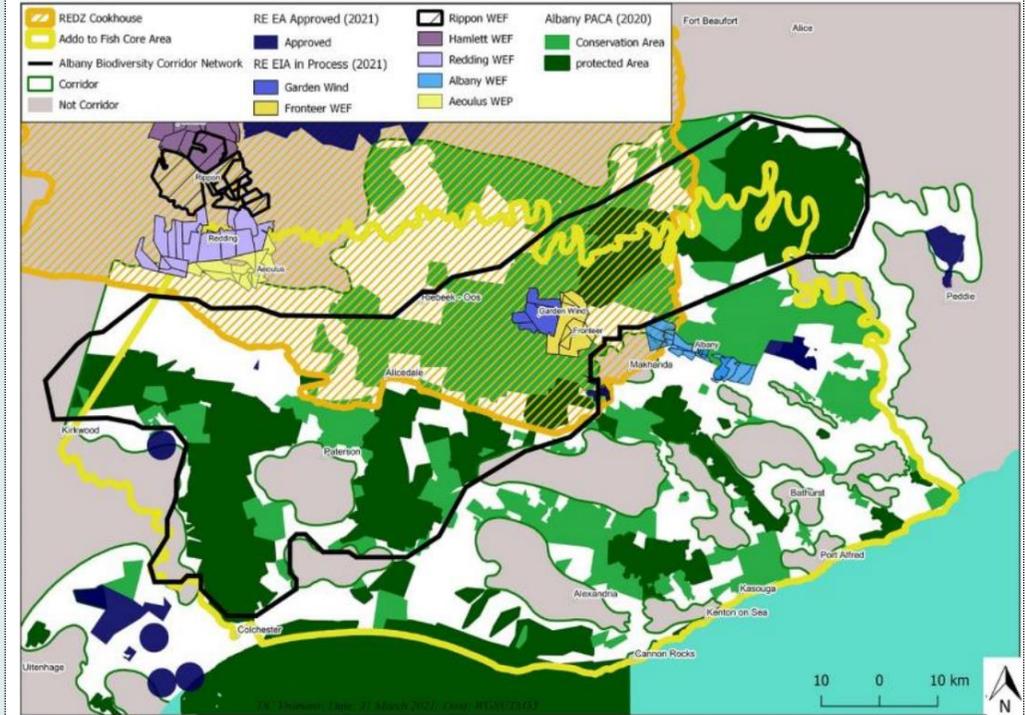


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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recommendation to the DEFF to provide conditional environmental authorisation (EA) for the development of the Albany WEF will affect the ability of Indalo and the other Protected Areas to comply with their legal obligations under section 17 and 28 of NEMPAA, respectively (as underlined). This effect by the environment authorisation will be contrary to the rule of law, and thus unlawful and unconstitutional conduct. If the Applicant receives EA for the Albany Wind Farm development, Indalo reserves its right to have it set aside on internal appeal to the Minister, or on judicial review in terms of sections 6(2)(d) and (i) of the Promotion of Administrative Justice Act, 3 of 2000 (“PAJA”) as well as the right to obtain interdictory relief where necessary.

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(see Figure 1 below). In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a **LOW** “Wilderness Value” would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair. The proposed Albany WEF would not impose on, disrupt or deter the establishment of the “Albany Biodiversity Corridor Network”.

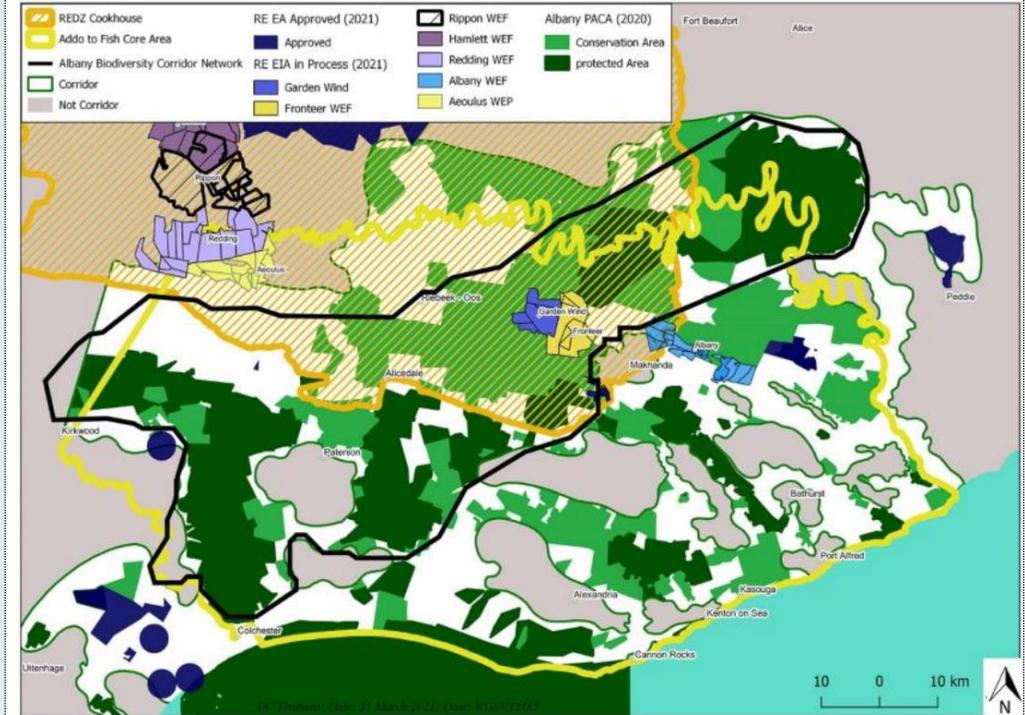


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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<p>production of clean water, flood moderation, preventative erosion, carbon storage and protection of the aesthetic value of the landscape. NPAES identified the Baviaans-Addo Area (Focus Area Nr. 3) for protection of 7 biomes in the Eastern Cape as a suitable Protected Area expansion area (and includes the Albany Thicket biome). The Eastern Cape Provincial Areas Expansion Strategy, 2012 (“ECPAES”) was developed by ECPTA to implement the terrestrial objectives of NPAES in the EC Province. ECPAES mapped 20 priority areas and developed a realistic implementation plan over the next 5 years for focus areas of high, medium and low precedence that include the Greater Addo and the Great Fish Protected Areas. The Indalo PE is included in the proposed expansion of the Protected Areas by ECPAES. Thus, the aforesaid national and provincial expansion programs provide the legal basis for the creation over time of a Mega Protected Area in the Eastern Cape. The EIR is deficient because it does not adequately assess and consider how the expansion of the Protected Areas will be impacted by the development of the Albany WEF at the proposed location.</p> <p>2.3.21 Buffer Zones: The expansion of Protected Areas is complimented by a strategy to create buffer zones to National and Provincial Parks such as for Addo and Great Fish. The ecological landscapes of the Parks continue into the surrounding region and their viability as Parks depend on their social, economic and ecologic integration into the surrounding region. Once declared and gazetted, the buffer zones will provide legal mechanisms to regulate development in that area e.g. to prevent the negative impacts of intruding developments. As indicated section 28(2) of NEMPAA provides that one of the purposes of the Indalo PE was to form a buffer zone with the Addo and Great Fish. Lalibela in the Indalo PE plans to expand its area to link up with neighbouring Shamwari and Pumba Game Reserves to form part of the proposed Larger Addo - Great Fish Corridor (also referred to as the Albany Corridor). To this effect a formal protected area expansion strategy is under development by various stakeholders including the Wilderness Foundation Africa, ECPTA, SANParks, and the Indalo Association. The EIR does not adequately assess and consider how the proposed development of the Albany WEF will impact on the proposed Larger Addo - Great Fish Corridor (Albany Corridor).</p>		<p>imperative for any potential future expansion of the Protected Area to consider the location of the Albany WEF. Should the proposed WEF be granted authorisation to proceed it would be situated on portions of municipal land with commonage conditions for the benefit of previously disadvantaged farmers, areas currently used as mining and directly adjacent to existing Eskom infrastructure (including numerous distribution powerlines and the Albany Substation).</p> <p>As mentioned above, the Albany WEF is not located within any NPAES nor is it situated within the proposed “Albany Biodiversity Corridor Network”. The Albany WEF is not located within any “buffer area” as defined in the EIA Regulations. This notwithstanding, the landowners of the surrounding protected areas have been invited and have participated in the public participation. Further, the visual impact assessment has been reworked to include numerous additional points and assessable areas in response to the PPP process. The fact that the landowners’ properties may or may not fall within a future NPAES or protected area under NEMPAA does not change the potentially applicable listed activities nor the extent of the required public participation. The moment the relevant properties fall within a NPAES or are afforded protected area status under NEMPAA, the potential listed activities relating to “buffer areas’ and NPAES apply but only if the Albany WEF site falls within the NPAES and buffer area. Until that point in the future, it is premature for these potentially applicable listed activities to be included within the scope of what is being applied for as part of the environmental authorisation.</p> <p>Even if the Albany WEF fell within a “buffer area” as defined in NEMA, which it doesn’t, there is no land use restriction in terms of NEMA or the EIA Regulations that would limit the ability to develop a wind farm within a buffer area, provided an assessment of the related impacts as part of the EIA phase has been undertaken and that the related listed activities are authorised in the environmental authorisation.</p> <p>What the I&AP is referring to are not “buffer areas” as defined in the EIA Regulations, but buffer areas as understood in terms of NEMPAA.</p> <p>However, buffer zones in the context of NEMPAA, are not prescriptive as the mere creation of a buffer zone by a management authority of a protected area in its management plan cannot expropriate or sterilise the property rights of the landowners who find themselves within these buffer areas. In terms of NEMPAA, the only way that buffer areas can be given teeth so as to restrict the land use activities within those is in terms of section 28(1) of NEMPAA which provides for the declaration of protected environments. As the development site of Albany WEF does not fall within any such gazetted protected environments, it would not be subject to any statutory land use restrictions in terms of NEMPAA either.</p>
<p>EC Biodiversity Plan: The draft EC Biodiversity Strategy and Action Plan, 2017 for the protection of threatened or protected ecosystems was gazetted in 2018 for comment and is based on a comprehensive technical report known as the EC Biodiversity Conservation Plan, 2017. Once adopted these 2017 Plans will</p>		<p>The original ECBCP (2007) has been updated and gazetted (2019), this is reflected in the EIR and Ecological Impact Assessment.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE						
<p>replace the outdated EC Biodiversity Conservation Plan of 2007 which is presently still in force. The 2017 Plans emphasise the importance of private conservation areas to the conservation of biodiversity and their contribution to the regional economy and its further expansion process. The 2017 Plans provide a systematic Spatial Biological Assessment (“SBA”) that generated and mapped (down to district level) spatial terrestrial and aquatic CBA and ESA priorities based on biodiversity patterns, ecological processes, current and future land uses and the PA network. It provides a matrix of guidelines for recommended land use types and activities that have been linked to SPLUMA land uses (Spatial Biodiversity Land Use Guidelines” (“SBLUG”)) based on their impacts measured against the management objectives of the CBAs and ESAs.</p> <p>2.3.23 The state’s constitutional duty to ensure intergenerational environmental equity is not limited to climate change adaptation programmes such as the promotion of renewable energy (the Albany WEF), but it has the concomitant fundamental obligation to protect and conserve the environment by ensuring the ecological sustainability of the natural and wilderness environment – even against negative impacts of renewable energy projects such as the WEF. The EIR is one sided because it only focuses on the former and does not strike a fair balance between climate change adaptation and long-term environmental conservation and protection envisaged by the Protected Area expansion programme as discussed above.</p>		<p>The Ecological Report assesses and mitigates the proposed impacts. The protected area expansion programme does not extend onto the Albany WEF site (2011, NPAES). From a climate change perspective, renewable energy contributes to the alleviation of coal powered energy sources. While long-term environmental conservation and protection are required, none are proposed on this WEF site and as such the ecological report aims to mitigate and manage the impact associated with the WEF on this site. There are both positive and negative ecological impact associated with the proposed site (as per the Ecological Impact Assessment Report).</p>						
<p>3.1 SENSE OF PLACE AND VISUAL IMPACT ASSESSMENT</p> <p>3.1.1 Requirements: A Visual Impact Assessment (VIA) has to be fit for purpose and needs to determine visual impact “significance” with respect to both the local as well as regional importance of the landscape and features the landscape is comprised of, the relative pristineness of landscape and features comprising and their contribution to sense of place. The VIA in the EIR for the Albany WEF did not meet these objectives, is defective and must be rejected.</p>		<p>It is submitted that the final CES VIA followed the Provincial Government of the Western Cape, Department of Environmental Affairs and Development Planning (DEA&DP) Guideline for Involving Visual and Aesthetic Specialists in the EIA Process (Oberholzer, 2005). These are the most widely accepted best practice guidelines for conducting VIA’s in South Africa. The CES VIA was conducted in a systematic and objective manner in accordance with the DEA&DP Guideline and the NEMA EIA Regulations (2014, and subsequent 2017 amendments) and was subjected to I&AP comment and scrutiny during the 30-day EIA review period.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the final VIA. Section 3 of the final VIA address the main issues raised by I&APs.</p> <table border="1" data-bbox="1182 1238 2063 1501"> <thead> <tr> <th data-bbox="1182 1238 1518 1273">Main issues raised by I&APs</th> <th data-bbox="1518 1238 2063 1273">Response</th> </tr> </thead> <tbody> <tr> <td data-bbox="1182 1273 1518 1437">1. Poor selection of vantage points for visual assessment.</td> <td data-bbox="1518 1273 2063 1437">The selection of vantage points is considered to be adequate in order to assess the visual impacts within the study area. However, the Great Fish River Nature Reserve has been added in the current report.</td> </tr> <tr> <td data-bbox="1182 1437 1518 1501">2. Omission of the Great Fish Nature Reserve.</td> <td data-bbox="1518 1437 2063 1501">The Great Fish Nature Reserve has been included.</td> </tr> </tbody> </table>	Main issues raised by I&APs	Response	1. Poor selection of vantage points for visual assessment.	The selection of vantage points is considered to be adequate in order to assess the visual impacts within the study area. However, the Great Fish River Nature Reserve has been added in the current report.	2. Omission of the Great Fish Nature Reserve.	The Great Fish Nature Reserve has been included.
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		3. The visual impact on wildlife and nature tourism in the area would be of fatal proportions.	An unsubstantiated opinion.
		4. The 20-25 year lifespan of the WEF as it affects the HIGH impact rating, is questioned.	The WEF is not a permanent structure and will be decommissioned after the end of its useful life. A new application for EA would need to be secured to extend the life of the WEF.
		5. Questions draft VIA statement that the landscape of the study area is not pristine or of very high scenic value.	The uniqueness and scenic value of the landscape has been addressed in more detail in the current report. The majority of the landscape in the study area has been transformed to some degree by historical agricultural activities. Man-made structures, activities and effects are present in most views of the landscape such as roads, Eskom powerlines and substation, Telkom towers, mining, etc. The scenic value could be described as HIGH due to presence of good condition Fish Arid and Fish Valley thicket vegetation but not pristine or unique.
		6. Fails to adequately address the cumulative impacts of WEFs in the area.	Cumulative impacts have been adequately addressed in Section 11 of the current report.
		7. Questions the limited mitigation measures proposed, such as reduced hub height and reduced turbine numbers and the no-go alternative.	The applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the draft VIA relating to the visual impacts.
		8. The VIA did not adequately assess other alternatives.	The VIA assessed the preferred alternative and the no-go alternative.

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		9. No attempt to implement the hierarchical approach to impact management through impact avoidance.	The applicant has reduced the number of turbines from 66 to 43.
		10. The VIA fails to ensure that the assessment is undertaken by an independent visual specialist.	CES provides independent EAP and various other independent specialist services including VIAs. In addition, the VIA will be reviewed by an external specialist.
		11. Inaccurate baseline information.	The baseline information section has been substantially updated in the current report.
		12. VIA ignores the REDZ visual mapping showing the classification of the relevant portion of REDZ 3 as very high visual sensitivity.	A section on the REDZ has been included in the current report.
		13. The impact of night lighting has not been addressed at all.	The draft VIA did consider the impacts of night lighting. However, the impacts of night lighting has been expanded in the current report.
		14. Limited evidence of project screening to avoid visually sensitive areas.	The screening potential (vegetation and topography) has been addressed in the current report.
		External Review of VIA by Nuleaf Planning and Environmental (Pty) Ltd	
3.1.2 Identification of sensitive receptors: The VIA indicates that "Based on potential sensitivity, visibility and exposure, the following sensitive receptors (Figure 7) were identified within the study area." However, the identification of		<p>REVIEW CONCLUSIONS</p> <p>Overall, the Visual Impact Assessment arrives at an objective and defensible result. The reviewers are of the opinion that the VIA report has generally adopted a methodology that was sound and in line with best practice. Therefore, it is submitted that the Final Visual Impact Assessment (VIA) by CES for the Albany WEF represents an objective and consistent process that may be repeated by others, and which would produce the same results. The viewsheds generated appear accurate and most mitigation measures recommended are sensible, practical and appropriate to the nature and scale of the proposed development. Additionally, direct, indirect and cumulative impacts were considered and addressed.</p> <p>It is submitted that the EScience report (prepared on behalf of Indalo) is based on limited view simulations and does not assess visual exposure through viewshed analysis at a detailed level.</p>	

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<p>the receptors is totally inadequate as can be gleaned from the below maps prepared by EScience for Indalo.</p> <p>3.1.3 Vantage points: Poor selection of vantage points and complete omission of the Great Fish Provincial Nature Reserve are material deficiencies in the Report. The absence of the Great Fish is conspicuous, and the deficiency is of such a nature that it beggars' belief. The actual impact on the Great Fish and the Adam's Krans view point as determined by independent specialist alone constitutes a fatal flaw, the aggregated visual impact on wildlife and nature tourism operations in the area would be an externality of fatal proportions.</p>		<p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the final VIA as described above.</p> <p>Fifteen (15) sensitive receptors were assessed in the viewshed analyses:</p> <ul style="list-style-type: none"> • Public nature reserves X6 • Private protected environments X3 • Private unprotected game reserves x6 <p>Other sensitive receptors such as town, roads, etc. were also assessed.</p>
<p>3.1.4 Landscape sensitivity and Cookhouse REDZ: The characterisation of the landscape of the study area is flawed and the quality of its visual character is misrepresented. A statement is made that "the landscape of the study area is not pristine or of very high scenic value". Although the EIR makes much about the fact that the development is in part located within the Cookhouse REDZ, it should be noted that the REDZ visual sensitivity mapping at the regional scale indicate that the Albany WEF receiving environment is categorised as 'very high visual sensitivity'. (Our emphasis.) This means that it is not ideally suitable for wind farm development where the wilderness character forms the basis for wildlife and nature tourism (and more so if this is the basis for Protected Area establishment and upkeep by biodiversity stewardship). This is a further example that the EIR is fatally flawed due to its failure to scientifically contextualise the WEF development amidst the existing and planned expansion of Protected Areas.</p>		<p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively address in the second draft VIA as already detailed above.</p> <p>Section 6.2 deals comprehensively with the Cookhouse REDZ 3.</p>
<p>3.1.5 Assessment of Significance of Visual Impact: Firstly, the EIR omits/ hides the impact to views that generally have both a high scenic and wilderness value that may be appreciated from Great Fish and Kwandwe. Secondly, the EIR specifically hides the impact from a viewing deck constructed in Great Fish for the purposes of appreciating the great and largely unspoilt scenery from Adam's Krans. The view from Adam's Krans has been described as "The most beautiful landscape in South Africa"¹³ and "The Adam's Krantz viewpoint over the twisting Fish River canyon is one of the most iconic Eastern Cape vistas"¹⁴</p> <p>a) The failure of the EIR to identify the significant impact of the WEF on the general views of the Great Fish and Kwandwe and specifically on the Adam's Krans view is a material and fatal flaw in the EIR. The proposed WEF is a long linear development spanning 20 km with the Sentech tower having a height of 204 m which creates a significant visual impact on the vistas from surrounding Protected Areas.</p> <p>b) The viewpoint from Adam's Krans in the Great Fish is particularly severely affected. The independent viewsheds that were prepared by EScience for Indalo clearly demonstrate that the WEF takes up two thirds in the middle of the vista from Adam's Krans and will amount to a blight on a landscape of national</p>		<p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the second draft VIA as already detailed above.</p> <p>The second draft VIA Report has included an analysis of the Great Fish Nature Reserve including Adam's Krans located in the Great Fish Protected Area. The assessment looked at the Reserve both at less than and greater than 20 km distances (see Figures 9.7 a & b in Section 9: Viewshed Analysis of the of Selected Sensitive Receptors).</p> <p>Based on the assessment, the overall visual impact of the Albany WEF on the Great Fish River Nature Reserve is considered to be LOW due to distance (ranging from 15 to 50 km form the WEF and about 30 km for Adam's Krans) but MODERATE due to the potential impact of night lighting.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p>

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<p>importance. These undisturbed landscape views form part of the unique wilderness experience for ecotourism to the Great Fish and Indalo Protected Areas that would be permanently disturbed by the WEF. For this reason alone, the application to develop the WEF is not desirable at this location and should be refused by the DEFF.</p>		
<p>3.1.6 Deficiencies in visual impact consideration: The following additional problems with the veracity of the VIA need to be pointed out:</p> <p>a) Turbine blade and their dynamics: The dynamic aspect of wind turbine blade motion has not been considered as a contributor to visual impact whereas Sullivan found that contributed significantly to visual prominence of wind turbines at distances of up to 24 km; 15 others have identified wind turbine blade as a significant attractor of visual attention and a factor that increases perceived visual contrast from wind facilities.¹⁶ Moreover, the VIA failed to assess the cumulative impact of the proposed enlargement of the Plan 8 (Grahamstown) WEF turbine blades and towers (and thus the environmental footprint) of the approved facility. (The matter is reportedly presently under appeal after the DEFF rejected the amendment application.) Generally, the VIA failed to adequately assess (e.g. through viewshed simulations from critical view points) and consider the cumulative direct and indirect visual impacts of all the different current and planned WEFs in the region (Waaihoek, Plan 8 (Grahamstown) Albany, Dassiesridge and Cookhouse) on the wildlife and natural visual and aesthetic character and sense of place of the planned Mega Protected Area (Addo - Great Fish Corridor (Albany Corridor)).</p> <p>b) Atmospheric perspective: It is well understood that humans judge distance to objects in the landscape in part by assessing the effects of atmospheric perspective, the decrease in contrast between an object and its background as distance increases. As distance increases, the colours of the object become less distinct and shift toward the background colour, usually blue or gray. Atmospheric perspective is an important cue for an observer to determine relative distance of objects in the landscape. The loss of sharpness and lower contrast of photographs relative to in-situ viewing may exaggerate the effects of atmospheric perspective, thus may affect the perception of scale and distance to objects in the landscape, making them appear farther away than they actually are.</p>		<p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the second draft VIA as already detailed above.</p> <p>The visibility of turbine blades has been considered in the viewshed analyses in the final VIA (section 9).</p> <p>The cumulative impacts are comprehensively addressed in Section 12.5.4 of the final VIA and considers both the operational Waainek and approved Grahamstown, Spitskop and Peddie Wind Farms within a 30km radius of the proposed Albany WEF.</p> <p>The Cookhouse and Dassiesridge WEFs are both located over 90km from the proposed Albany WEF.</p>
<p>3.1.7 Lifespan of wind energy facility: Consideration of the likely development lifespan and future of the wind farm indicates a project life of 20-25 years which is flawed. The Report does not consider the reality of turbines and wind energy technology development and turbine tower and blade advances which make application of taller and larger bladed turbines more economical. Typically wind farms are redeveloped during their productive lifespans for example by raising and increasing blade diameter. This means that the expected lifespan of the WEF</p>		<p>The WEF is not a permanent structure and will be decommissioned after the end of its useful life. A new application for EA would need to be secured to extend the life of the WEF.</p>

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<p>is longer than 25 years and can even be permanent but with increasing visual impacts as the towers are lifted.</p>		
<p>3.1.8 Mitigation: The VIA indicates that there is limited mitigation potential due to the extreme size of turbines. However, the alternatives evaluation is neglected and specifically omits to consider turbines of lower hub-height and reduced visibility. A reduced hub height operating at a site of good wind resource may still compete with a turbine of higher hub height at a site with poorer wind resource. The omission to investigate a reduced hub-height along with the failure to consider the no-go alternative mean the EIR has not considered the minimum requirements for “alternatives” as prescribed in the EIA Regulations. We submit that proper assessment and consideration of these alternatives will most likely have demonstrated that the proposed location for the WEF is not suitable for the development but was avoided to prevent this conclusion from being reached.</p>		<p>Since the first draft VIA, the Applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the draft VIA relating to the visual impacts.</p>
<p>3.1.9 External reviewer: It is problematic that the external specialist review notes that the “peer reviewer received the VIA report at a very late stage in the process and has had very limited time to produce this peer review report”. This statement confirms that the specialist review cannot be upheld as verification of the veracity of the study. In fact, the external specialist himself admits so much. “The review...may require an additional opportunity and sufficient time to make specific recommendations regarding additions or alterations to the report, or whether the proposed development is acceptable in nature or fatally-flawed”. This statement means the external specialist review report is inadequate, should be rejected and referred back to the specialist to perform a proper independent review that meet independent scientific standards.</p>		<p>The second draft VIA has been reviewed by an external specialist.</p> <p>External Review of VIA by Nuleaf Planning and Environmental (Pty) Ltd</p> <p>REVIEW CONCLUSIONS</p> <p>Overall, the Visual Impact Assessment arrives at an objective and defensible result. The reviewers are of the opinion that the VIA report has generally adopted a methodology that was sound and in line with best practice. Therefore, it is submitted that the Final Visual Impact Assessment (VIA) by CES for the Albany WEF represents an objective and consistent process that may be repeated by others, and which would produce the same results. The viewsheds generated appear accurate and most mitigation measures recommended are sensible, practical and appropriate to the nature and scale of the proposed development. Additionally, direct, indirect and cumulative impacts were considered and addressed.</p>
<p>3.1.10 Perpetuation of omissions into SIA and EIR: The lack of the consideration of impact to formally Protected Areas, most notably impact to the Great Fish Protected Area, is viewed with circumspection. The perpetuation of this material omission throughout the report (and perpetuation downstream into the SIA and EIR) is obfuscating the fact and severity of the matter.</p>		<p>The second draft VIA has comprehensively assessed fifteen (15) sensitive receptors in the viewshed analyses:</p> <ul style="list-style-type: none"> • Public nature reserves X6 • Private protected environments X3 • Private unprotected game reserves x6
<p>3.1.11 Consideration of alternatives: The VIA is deficient in considering alternatives and specifically not considering the no-go option, with the inadequacy being carried over into the SIA and EIR where neither the no-go option or the option (and benefits) of protected area expansion.</p>		<p>Section 8 of the second draft VIA provides a description of the preferred alternative. Since the draft VIA, the Applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the first draft VIA relating to the visual impacts.</p>
<p>3.1.10 Perpetuation of omissions into SIA and EIR: The lack of the consideration of impact to formally Protected Areas, most notably impact to the Great Fish Protected Area, is viewed with circumspection. The perpetuation of this material omission throughout the report (and perpetuation downstream into the SIA and EIR) is obfuscating the fact and severity of the matter.</p>		<p>The Ecological Impact Assessment, SIA, VIA and EIR all include the assessment of protected areas (formal and informal).</p>

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<p>3.1.11 Consideration of alternatives: The VIA is deficient in considering alternatives and specifically not considering the no-go option, with the inadequacy being carried over into the SIA and EIR where neither the no-go option or the option (and benefits) of protected area expansion.</p>		<p>The no-go alternative is extensively discussed in the VIA and the EIR. The protected area expansion is not documented or detailed in any formal documentation, strategy or plan.</p>
<p>3.2 SOCIO-ECONOMIC ASSESSMENT</p> <p>3.2.1 Sense of Place: The study indicates that “Tourism in the study area is associated with the ‘Africa and bush experience’ and the tourism landscape thus differs from studies done in Europe, UK and USA. Parallels can however still be drawn, and it is the opinion of the SIA Specialist that research results can safely be used for this study”. This last statement by the SIA Specialist is wrong because she fails to recognise that the Indalo PGRs (and the Addo and Great Fish) are primarily concerned with wildlife and nature tourism. The unique wilderness experience of tourists is largely defined by the “sense of place” of the area that they visit. It is this unique “sense of place” of these Protected Areas that will be significantly impacted by the Albany WEF development and that the EIR fails to adequately consider. The assessment does not consider that much like the Kruger National Park and the Addo National Park, visitor experiences in Indalo and the Great Fish Protected Areas is concerned with activities and encounters in unspoilt natural and wilderness settings.</p> <p>3.2.2 International Research: A substantial volume of research concerning wilderness tourism and renewable energy have been performed in Iceland and are relevant for the Albany Wind Farm development.¹⁸ The finding of the SIA Specialist indicates that “[n]o evidence is presented to support the assertion that any wind farm development overseas has resulted in any adverse impact on tourism”. This finding is not correct for wilderness tourism because evidence about wilderness tourism in Iceland (as opposed to general tourism) shows the following.</p> <p>a) Visitors have reported satisfaction with “present settings and preferred to protect the area from development to ensure the provision of currently available recreational opportunities”.</p> <p>b) Surveys “indicate that one-third of the travellers would be less likely to visit the Southern Highlands if a proposed wind farm were built, and two-thirds think that wind turbines would decrease the area’s attractiveness”.</p> <p>c) A more recent study reporting on a follow-up survey concludes that “[t]he results indicate that residents are more positive than tourists towards wind turbines and consider them less intrusive in the landscape”.²⁰</p> <p>d) This Icelandic study also found that –</p> <p>i) Wind turbines reduce the naturalness of a landscape and the quality of wilderness.</p> <p>ii) Residents and tourists consider landscape without power plant infrastructure more beautiful.</p> <p>iii) Tolerance level towards landscape change is higher among residents than tourists.</p>		<p>The context of international research and the difference between overseas and local tourism landscapes, tourism product and markets have been emphasised in the amended SIA report (Section 11.2.1 <i>Potential loss in incomes: Tourism/Game/Hunting Industries</i>)</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>iv) Economic reasons are likely to influence residents' opinion on wind energy production. It is suggested that the SIA Specialist, the EAP and ultimately the DEFF, should rather draw parallels from Iceland which is a popular international wilderness tourism destination.</p>		
<p>3.2.3 Nature Tourism: The SIA Specialist study of 2020 also consider in the Section titled "Land uses and socio-economic background of the Project Area", factors such as Agriculture land use, Private Game Reserves in the broader district, Residential, Towns and villages but is flawed for the following reasons.</p> <p>a) This Section omits Nature and Conservation Tourism of formally Protected Areas, Provincial as well as Private Protected Areas. Most notably there is no consideration afforded to Conservation Tourism from the Great Fish and Thomas Baines Protected Areas. See the earlier discussion of the criteria set by the Tourism Grading Council of South Africa which emphasise the visual and scenic quality of the natural environment of the PGRs to be graded as five and four star "Game or Nature Lodges".</p> <p>b) A land use map derived from the Makana Local Municipality property valuation roll in the SIA Specialist study of 2020 indicates that most of all parcels of land use in a radius of 5, 10 and 20 km are tourism related.</p> <p>c) The discussion of the tourism sector Section 7.6.2 Tourism does not consider to any level of detail the nature of the tourism product and services of the area, nor the wilderness character of the area as basis for nature and wildlife tourism.</p> <p>d) The study omits Nature and Conservation Tourism of formally Protected Areas, Provincial as well as Private Protected Areas from the surrounding land uses. Most notably there is no consideration afforded to Conservation Tourism from the Great Fish and Thomas Baines Protected Areas.</p> <p>e) The SIA Specialist indicates that landowners were consulted as the primary sphere of impact (page 21) but does not indicate who those owners are – it appears that the Eastern Cape Parks and Tourism Agency (ECPTA), which is the provincial agency that owns and, or manages Great Fish was not consulted. (As per verbal report by ECPTA to EScience during discussions in May 2020 and confirmed in July 2020.)Had it been done then the EIR would have focussed on the impact on Great Fish Protected Area, and specifically the visual impact such as at Adam's Krans, which is a fatal flaw in this EIR.</p>		<p>The SEIA/SIA is not a Tourism or Economic Impact Assessment. It however investigates the socio-economic impacts that could potentially manifest within the project's impact area of influence (primary sphere of impact). Potential impacts (economy, land uses, visual impacts and so forth) are assessed to determine their impact on social components within the project area of influence.</p> <p>Section 7.6.2 of the SIA provides the district and local municipal tourism figures, including employment opportunities. Section 5.3 of the SIA elaborates on the socio-economic background that includes Private Game Reserves in the broader district and the Game Reserves within the project area of influence (primary impact sphere).</p> <p>The nature of the tourism product and services of the area, as well as the wilderness character of the area as basis for nature and wildlife tourism is discussed in Section 5.3 of the SIA: "<i>Land uses and socio-economic background of the Project area</i>".</p>
<p>3.2.4 Conflation of conservation with sense of place: The SIA in Section 11.4.1 Impacts on the "sense of place" at indicates: "In the study area biodiversity conservation is particularly important, which is exemplified by the Indalo Protected Environment and the supporting land uses of the majority of farms in and around the project area". It then conflates biodiversity conservation with sense of place and indicates with respect to Impact significance: "Impacts on the 'sense of place' is possible and rated with an overall MODERATE negative significance." This is clearly wrong.</p>		<p>The recommendations and impact ratings provided in the revised Visual Impact Assessment have been incorporated into the revised SIA and the conclusions thereof.</p>

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<p>3.2.5 Turbine Height: The SIA in Section 11.4.2 Intrusion impacts description and significance states that, "Intrusion impacts relevant to this SIA report are visual and noise impacts and have been investigated and rated by the respective Specialists and summarised in the section below." It then continues to state, "Visual impacts: Visual impacts cannot be mitigated due to the size and height of the turbines and the lack in screening opportunities in the landscape. Impacts on the three towns/villages are rated as LOW to MODERATE and on five Private Game Reserves as HIGH. Visual impacts on the residents on surrounding farms are LOW to MODERATE and on motorists that use the R67 and N2 MODERATE (Visual Impact Assessment Report)." This statement is wrong because turbine hub height may be reduced, and the no-go option can be considered both on a per turbine as well as per development basis.</p>		<p>The recommendations and impact ratings provided in the revised Visual Impact Assessment have been incorporated into the revised SIA and the conclusions thereof.</p>
<p>3.2.6 Waainek Wind Farm Impact:</p> <p>a) The SIA Specialist refers (on page 130) to the lack of complaints by tourists to the Amakhala Private Game Reserve in the Indalo Protected Area and other game farms about the Waainek Wind Farm as evidence that there will be no significant tourism impact by the Albany Wind Farm: "Indalo, Amakhala and Pumba Game Reserves unsuccessfully appealed the Environmental Authorisation ('EA') of the Waainek Wind Farm in 2011. Now that the project has been operational for four years, Amakhala reported no effect on eco-tourism and none of the game/hunting farms interviewed for this SIA reported that turbines/wind farms have in any way affected their tourism and businesses negatively."</p> <p>b) This statement is disputed and is wrong. This factual error is confirmed by the letter of comment from Pumba Game Reserve in the Indalo Protected Area that clearly states the negative impact that the Waainek WEF has had on tourism to Pumba. It is questioned why did the EIR and SIA underplay the valid concerns and comments raised by Pumba in the above quoted part of the report. Pumba's experience represents best evidence of the actual impact – which it had foreseen (but was ultimately rejected on appeal).</p> <p>c) Although Pumba lodges were sited so as to offer a scenic location with vistas devoid of intrusion by human-made structures and other disturbance, however the Waainek WEF has substantially impacted Gameston Wildlife Retreat as the lodge has a northern aspect (good building design) and whereas it previously had views of an unbroken skyline, it now faces Waainek turbines that mars the landscape across the valley. The impact of the wind turbines of the Waainek WEF on Gameston was deemed excessive and a significant volume of complaints led to a decision to remove the Gameston lodge from the Pumba Reserve offering.</p> <p>d) In addition, as pointed out earlier, the SIA failed to asses and consider the cumulative direct and indirect effect of the different current and planned WEFs in the region (Waaihoek, Plan 8 (Grahamstown) Albany, Dassenridge and Cookhouse) on wildlife and nature-based tourism of the planned Mega</p>		<p>Telephonic discussion with Mr Dale Howarth took place on 29 January 2020.</p> <p>I&APs consulted (as well as Mr. Howarth) were asked questions with regards to visual and tourism impacts due to existing turbines (Waainek and Cookhouse WEFs where relevant) and responses incorporated in the SIA Report.</p> <p>The amended SIA Report however now includes impacts of the Waainek turbines on Kichala Lodge and Gameston Wildlife Retreat.</p> <p>The SEIA/SIA is not a Tourism or Economic Impact Assessment. It however investigates the socio-economic impacts that could potentially manifest within the project's impact area of influence (primary sphere of impact). Potential impacts (economy, land uses, visual impacts and so forth) are assessed to determine their impact on social components within the project area of influence.</p>

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<p>Protected Area (Addo - Great Fish Corridor (Albany Corridor)) due to their significant degradation of the aesthetic character and sense of place.</p> <p>3.2.7 Factual Mistake:</p> <p>a) The conclusion of the SIA that the Albany WEF will not have a significant impact on tourism is wrong because this statement was based on factual mistakes in the VIA that the Albany WEF will not cause significant visual impacts.</p> <p>b) It was indicated above that the VIA is fatally flawed because of its failure to assess the intrusion on vistas from e.g. Adam’s Krans in the Great Fish.</p> <p>c) Section 6(2)(e)(iii) read with section (6)(2)(f)(ii)(cc) of PAJA does not allow the environmental authorisation for the Albany Wind Farm to be based on material factual mistakes otherwise it will be set aside on internal appeal or judicial review for irrationality and unlawfulness.</p> <p>d) Consequently, the SIA Specialist’s own warning in her conclusions (on page ix of the SIA) is relevant and must be followed by the EAP and the DEFF instead of her main findings which are flawed.</p> <p>“It is however not prudent to claim that there would be no negative impact on tourism as aesthetic and visual impacts (proximity to turbines) are strong influences on individuals’ attitudes towards wind power projects; and Proximity to turbines and their localities (visual impacts on lodges and strategic viewpoints on the game farms) could be the determining factors for visitor satisfaction and impacts on visitor volumes.”</p> <p>e) This is precisely Indalo’s concern that there are significant visual impacts that were missed by the VIA, the SIA and the EIR and which will be a determining factor for conservation and nature tourism to the Extended Protected Areas, including the Indalo PGRs (which are declared Protected Areas).</p>		<p>The recommendations and impact ratings provided in the revised Visual Impact Assessment have been incorporated into the revised SIA and the conclusions thereof.</p>
<p>3.2.8 Indalo’s Economic Impact Assessment: Indalo performed an independent Economic Impact Assessment of the proposed Albany WEF development. The report by Marias (2020) Indalo Protected Area Economic Impact Assessment makes the following salient findings (see Addendum 4):</p> <p>a) The main economic concern of the Protected Areas and PGRs (as well as potential Protected Area expansion) is the potential devaluation of their tourism offering if wind energy facilities (or any other highly intrusive developments) are allowed to encroach on the Indalo Protected Area nature tourism and other environmental goods and service offerings.</p> <p>b) Although nature and wildlife tourism services and products don’t constitute the entire tourism product of the Sundays River, Ndlambe and Makana Local Municipalities, it contributes the majority of tourism products and services (and a large part of this is from Protected Area environmental goods and services, principally from Addo, Indalo and Great Fish).</p> <p>c) Degradation of the environmental goods and services upon which tourism is based would imply a certain “disinvestment” in the nature and wildlife sub-sector for the respective regions, the province and even on a national scale.</p>		<p>The contents of the Economic Impact Assessment are noted. The socio-economic specialist has documented all relevant information in the SIA.</p>

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<p>Accordingly, due consideration is to be afforded to the biodiversity stewardship that nature and wildlife tourism affords the national estate.</p> <p>d) The socio-economic assessment in the EIR indicates that there is in terms of Gross Domestic Product (“GDP”) no significant economic difference between WEFs and PGRs – they would contribute equally to the wealth of the region and to the South African economic domain. Investment in either sector would yield an economic improvement if it is to displace extensive agriculture. Marais advises that it is not clear if this statement would also be applicable for the potential case of intensive agriculture displacement as the agriculture multipliers reflect agriculture in general. It is however unlikely that nature and wildlife tourism typical of PGRs will displace intensive agriculture as it requires a natural environment and wilderness setting. This is in contrast with WEFs which could co-exist with intensive agriculture (and an optimal combination would seem to combine WEFs with intensive agriculture and to combine PGRs with a natural environment and wilderness setting).</p> <p>e) Although the WEF contribution to Gross Value Added is notably higher than that of the PGRs, the difference disappears when production taxes and subsidies are incorporated to derive the comprehensive (GDP) view on the economy.</p> <p>f) There is no significant difference between the labour compensation contributions of the WEF and PGR sectors.</p> <p>g) From an employment point of view, it would be distinctly better to promote PGRs than to deploy WEFs. Investment in PGRs would generate about three times as many employment opportunities than WEFs. The “disinvestment” argument is equally applicable, i.e. if PGRs should be devalued by the choice to deploy WEFs, it could lead to a significant reduction in net direct, indirect and induced employment in the region.</p> <p>h) A compromise between PGR and WEF development (investment) could be a desirable solution. It might be opportune to consider the deployment of PV technology rather than wind energy facilities, as this has a lower impact on the wilderness character of the region. Alternatively, if the WEFs could be deployed sufficiently distant from nature and wildlife tourism-based operators, to avoid impacting the wilderness character and its tourism value and sterilising future protected area expansion. Combined land use, that does not imply a reduction in environmental goods and services (or quality of environmental goods and services), should ideally be pursued.</p>		
<p>3.3 AVIFAUNAL IMPACT ASSESSMENT</p> <p>3.3.1 Minimum requirements for avifaunal assessments</p> <p>3.3.1.1 In terms of meeting the minimum requirements for avifaunal assessments, the Albany Avifaunal Assessment lacks the following:</p> <p>a) Recon Study is required to be undertaken. It is a requirement that a 2-4 day recon study is to be undertaken to inform the pre-application monitoring programme and it would appear that there was a lack of such a recon and scoping of monitoring plan which may put the findings of the study in question.</p>		<p>The Avifaunal Impact Assessment (and all pre-construction monitoring) was undertaken in accordance with Best-Practice Guidelines for Assessing and Monitoring the Impact of Wind-Energy Facilities on Birds in Southern Africa (3rd ed, 2015). Jon Smallie is extremely well qualified and has extensive experience in both pre-construction and operational monitoring in the Eastern Cape province. In addition to this he is also one of the co-authors of the Best-Practice Guidelines for Assessing and Monitoring the Impact of Wind-Energy Facilities on Birds in Southern Africa (3rd ed, 2015).</p>

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<p>b) Pre-application Avifaunal Monitoring Plan –</p> <p>i) Maps showing the water features, drainage lines, quarries, powerlines or other existing wind energy facilities.</p> <p>ii) Duration of monitoring and number of observers not included it is mentioned that 9 transects walked and some in car (2 per season).</p> <p>iii) Uncertain if pre-application monitoring has been uploaded onto national bird monitoring database.</p> <p>c) Assessment of fatalities from surrounding WEFs in general and specifically not of the nearby Waainek Wind Energy Facility.</p> <p>d) Post construction monitoring plan not included.</p> <p>e) Conditions to which the statement of approval or disapproval are subject is not included.</p> <p>f) We do not see adequate consideration of potential impact to soaring birds and specifically soaring modes in a raptors.</p> <p>3.3.2 Best-Practice Guidelines for Assessing and Monitoring the Impact of Wind-Energy Facilities on Birds in Southern Africa (3rd ed, 2015).</p> <p>3.3.2.1 Unlike smaller raptors, which can readily use flapping flight, large raptors are mainly restricted to soaring flight due to energetic constraints. Whereas thermal soaring occurs in relatively flat areas which are likely to have good thermal uplift availability topography. The technique is called ridge lift or slope soaring. The ridgeline targeted by the Albany WEF will present ideal conditions for raptors and other soaring along area of uplift where turbines will be located.</p> <p>a) Sufficient data should be gathered on bird movements, to enable the use of the data in collision-- risk modelling to provide an indication of the potential mortality rates of priority species.</p> <p>b) The ridgeline that is targeted by the Albany WEF is within the fog belt and the presence of fog and conditions that complicate bird observation including topography, inaccessibility and dense vegetation complicates avifaunal assessment. and accordingly, there are concerns with respect to the veracity of raptor observations.</p> <p>c) Due to the detailed data on bird movements is required, or where movements occur at night or in conditions of poor visibility (e.g. fog) special remote sensing methods should be considered e.g. radar in combination with direct observations (wherever possible).</p> <p>3.3.3 Assessment of fatalities from surrounding Wind Energy facilities</p> <p>3.3.3.1 Understanding the cumulative effect of wind energy fatalities is vital when multiple sites are located in one area. The Albany WEF applicant owns the established Waainek WEF nearby and should have bird fatality monitoring in place, however, the details of avifaunal impact monitoring and reports on fatalities at Waainek other is conspicuously absent from the Albany WEF avifaunal assessment.</p> <p>3.3.3.2 The presence of Waainek WEF nearby can therefore be used as an additional source of data to substantiate the observations of the avifaunal</p>		<p>It is unclear if the statements made in this section are general observations regarding what best practice avifaunal assessment or queries written by a suitably qualified avifaunal specialist, querying the current impact assessment.</p>

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<p>specialists and lack of formal and transparent reporting of Waainek WEF avifaunal mortality monitoring is seen as a glaring omission. There are three components to estimating fatality rates: a) estimation of searcher efficiency and scavenger removal rates, b) carcass searches, and c) estimation of collision rates.</p> <p>a) All turbines should be searched for fatalities, with a search interval determined by scavenger- removal trials and objectives monitoring. Two complementary search protocols should be applied: 1) intensive and regular searches of a minimum of 30% or 20 turbines at a WEF (whichever is greater), and 2) extensive, less frequent sampling of the remaining turbines to record fatalities of large-bodied birds. The search area must be defined and consistently adhered to throughout monitoring. As a minimum, the radius of the search area be should equal to 75% of the turbine height (ground to blade-tip).</p> <p>b) Observed mortality rates must be adjusted to account for searcher efficiency, scavenger removal and the probability that some carcasses may be outside the search area.</p> <p>3.3.3.3 As it stands the cumulative impacts discuss the need for consideration of the overall impact but there is not any investigation as to the current background cumulative effect in terms of fatalities per existing turbine from the operational facilities.</p> <p>3.3.4 Post construction monitoring plan</p> <p>3.3.4.1 Currently the most significant mitigation as per the Avifaunal report is adherence to Appendix 6: sensitivity map. No monitoring requirements are set out within the Avifaunal assessment, however there are monitoring requirements outlined within the EIR, uncertain if these were provided by an avifaunal specialist or by the EAP.</p> <p>3.3.4.2 Monitoring needs to take into consideration various aspects, such as searcher efficiency and scavenger removal. Therefore, without a post construction monitoring plan and actual directives as to what is required to be implemented, it is likely that monitoring will not meet the requirements of the Birds and Wind Energy Best Practice Guidelines.</p> <p>3.3.4.3 Mitigation measures should be implemented to further prevent collisions, various suggestions outlined below:</p> <p>a) Collision detectors to prevent mass fatality of bird flocks;</p> <p>b) Ultrasonic acoustics;</p> <p>c) Make turbines more visible to birds/bats;</p> <p>d) GPS monitoring of critical species to prevent collision when these species are nearby the turbines; and</p> <p>e) Deterrent Strobe Lights.</p> <p>3.3.4.4 Additional offset measures should also be investigated and implemented to prevent a net loss of bird species as a result of the operations of the Wind Energy Facility.</p> <p>3.3.5 Conditions to which the statement of approval or disapproval are subject to -</p>		

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<p>3.3.5.1 In the event of approval, adequate monitoring is required to be implemented as per the Birds and Wind Energy Best Practice Guidelines. The effects of the facility on the surrounding avifauna can only be effectively quantified through appropriate post construction monitoring.</p> <p>3.3.5.2 The Guidelines set out the minimum requirements for monitoring from a planning to decommissioning phase and with this as a guideline, the impact to Avifauna will be better understood.</p>		
<p>4. COMMENTS OF ENVIRONMENTAL IMPACT REPORT (EIR)</p> <p>4.1 NEED AND DESIRABILITY</p> <p>4.1.1 The EIR indicates that the “Albany Wind Power intends to promote local economic growth and development through direct and indirect employment, as well as the identification and implementation of social development schemes during the project’s operational phase.”</p> <p>4.1.2 This promotion of local economic growth and development through direct and indirect employment could be achieved more effectively through deploying the Albany Wind Farm in a location that would avoid the significant impact to wilderness character and its tourism value as demonstrated in this submission.</p> <p>4.1.3 Appendix 2 (2) (1) (f) of the EIA Regulations indicates that a scoping report must contain “a motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location.” [Our emphasis.]</p> <p>4.1.4 Appendix 3 (3) (1) (f) of the EIA Regulations indicates that an environmental impact assessment report must contain “a motivation for the need and desirability for the proposed development, including the need and desirability of the activity in the context of the preferred development footprint within the approved site as contemplated in the accepted scoping report.”</p> <p>4.1.5 Although both the Scoping Report and EIR provide motivations for the need and desirability of the project, neither of the two reports provide a motivation for the need and desirability in the context of the preferred location. The listed desirable aspects can all be equally achieved through deployment of the Wind Farm in an alternative location than Location 1 with suitable wind resources within the province, or even beyond the province.</p>		<p>These statements are noted. The alternatives and need and desirability sections of this report discuss the suitability of the location based on local policy and planning documentation. Wind resources, current landuse and the proximity to existing grid infrastructure (Eskom Albany Substation) are also discussed.</p>
<p>4.2 REVIEW OF ALTERNATIVES</p> <p>4.2.1 EIA Regulations</p> <p>a) Appendix 2, Items 1(d) and 2(1)(g)(i), (iv), (v), (vi), (vii) and (h)(i) of the EIA Regulations and Appendix 3, Items 2 (c), (d)(i); 3(1)(h)(i), (iv), (vii) of the EIA Regulations require, respectively, that the Scoping Report and the EIR must undertake a detailed site selection process in which it ranks the preferred and alternative sites with reference to the cumulative impacts based on the geographical, physical, biological, social, economic, and cultural aspects of the environment.</p> <p>b) Regulation 1 of the EIA Regulations also specifies that “alternatives” refer to the –</p>		<p>The second draft EIR includes an additional layout alternative (now preferred) which has been designed in response to I&AP comments, located outside of the areas identified as NO-GO by specialists. The no-go/status quo is assessed in the EIR. Each impact identified throughout the impacts tables (specialist and general) considers the no-go alternative, in some cases it is not applicable, while the rest are specifically graded as either positive or negative.</p> <p>From a social perspective, the no-go option was investigated in the SIA. For SIA purposes the project area of influence was considered and impacts on the wider Indalo Project Area fall outside the mandate of the SIA study.</p>

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<p>i) “property on which or location where the activity is proposed to be undertaken;</p> <p>ii) type of activity to be undertaken;</p> <p>iii) design or layout of the activity;</p> <p>iv) technology to be used in the activity; or</p> <p>v) operational aspects of the activity,</p> <p>and includes the option of not implementing the activity.” [Own emphasis]</p> <p>c) Appendix 2, Item 2(1)(x) and Appendix 3, Item (1)(h)(ix) of the EIA Regulations further stipulate that “if no alternative locations for the activity were investigated” the Scoping Report and EIR, respectively, must provide “the motivation for not considering such.”</p> <p>4.2.2 Site and Location Alternatives</p> <p>a) The reasons provided in the EIR (page 87) for not considering any alternative site locations for the Wind Farm other than the proposed Location 1, are as the following:</p> <p>“None identified as the rights to sufficiently large enough contiguous parcels of private land must be sought from local landowners. Location 1 has been agreed to. Alternative sites in the area that are close to Eskom electrical infrastructure, do not yield the same wind resource potential.”</p> <p>b) The EIR then further comment about this decision:</p> <p>“Alternative locations for the current project are limited and where not deemed to be either reasonable or feasible due to the following:</p> <p>The available wind resource is the most critical aspect of a wind energy project since a feasible WEF must generate sufficient energy to be financially feasible in terms of REIPPPP.</p> <p>A feasible WEF must also be located close to a connection point into the Eskom grid and substation. This is a critical factor to the overall technical and financial feasibility of the WEF project.</p> <p>Therefore, alternative locations for the proposed Albany WEF, were not assessed.”</p> <p>c) The above explanation of the lack of suitable wind conditions as the reason why no alternative site locations were investigated, is not persuasive and must be rejected by the DEFF. The explanation does not provide a coherent, well-reasoned and rational motivation with supporting evidence to proof that no suitable alternative locations elsewhere in the Eastern Cape or in South Africa exist where wind energy may be generated without the same significant environmental impact. No evidence was provided in the EIR of a detailed site selection process in which the EAP ranked the preferred and alternative sites with reference to the cumulative impacts based on the geographical, physical, biological, social, economic, and cultural aspects of the environment as required by the EIA Regulations.</p> <p>d) The same criticism applies to the Eskom grid connection requirements.</p>		

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<p>e) The first part of the Applicant’s explanation about the absence of available private land is brief, unclear, and not further explained in the comment column of page 87. The statement: “Location 1 has already been agreed to” is problematic. So is the reference in the previous line that “Albany Wind Energy and landowners have formally agreed to the proposed development on the site and are in full support of the use of this area.” It appears to indicate that the Applicant has already secured preferential rights to the land for Location 1. The legal nature of these agreements with landowners were not disclosed but it matters not as this is not a valid ground for failure to perform a proper investigation to alternative sites.</p> <p>f) Although it is important that the applicant has secured the support of the landowners for Location 1 (as it must and which is also the case for any other alternative locations), their approval does not place any legal obligation on the DEFF to accept Location 1. The competent authority cannot be expected to rubber stamp Location 1 regardless of the result of the EIA and notwithstanding the significant environmental impact of the development from that location, because the EIR presents it with a fait accompli. This would clearly be unlawful and an automatic ground for the rejection of the application. The Applicant knows that it carries the risk during the application and that environmental authorisation is subject to the discretion of the DEFF based on the results of the EIA process.</p> <p>g) Reasons of convenience for the Applicant (which are subjective) not to have performed the prescribed alternative location assessment should not be confused with objective substantive grounds that would in exceptional cases justify the absence of location alternatives e.g. the location of the ore body for a mining application. The Albany Wind Farm application is not such a case.</p> <p>h) The lack of a proper investigation about alternative site locations in accordance with the prescribed requirements of the EIA Regulations is a material mistake in the EIR and cannot be lawfully condoned by the DEFF. Also, the Applicant’s noncompliance with the peremptory requirements of the EIA Regulations to investigate during the Scoping and EIA processes and report in the prescribed manner in Scoping Report and EIR on alternative site locations for the Albany Wind Farm means the EIR is incomplete and forms further ground for the DEFF to reject the application.</p> <p>i) A further concern is that, even if Location 1 is followed, which Indalo does not support (as indicated above), the EIR does not provide alternative locations within Location 1 to mitigate environmental impacts. For example, the SIA states (and EIR at page 110) : “The following operational recommendations from the Socio-Economic Assessment must be implemented: ... Wherever possible, turbines must not be erected in direct view of lodges and strategic viewpoints at the Game Reserves.” [Own emphasis.] The EIR, however, does not assess alternative locations on Location 1 for the placement of the turbines that are proposed within these views.</p>		

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>4.2.3 Cumulative Impacts</p> <p>4.2.3.1 Although the EIR refers at various instances to the cumulative impacts (in Chapter 9) e.g. on page 164 it assesses the visual impact from the VIA as follows:</p> <p>“As seen in the cumulative viewshed (please see Figure 18 of the VIA), most of the turbines will be visible from the surrounding areas. Notable features within the viewshed include: 1) Makhanda, 2) Bathurst, 3) KwaNdwanyana, 4) Kudu Ridge PGR, 5) Bucklands PGR, 6) Kwandwe PGR, 7) Buffalo Kloof PGR, 8) Coleridge PGR, 9) Huntshoek PGR, 10) multiple homesteads, 11) the N2 and R67 roads. The most significant cumulative visual impacts will come from the Operational Waainek WEF and the Proposed Plan 8 WEF. Both these facilities are located within 20km of the Albany site. The Waainek Wind Farm consists of eight turbines, each with a hub height of 84m and a rotor diameter of 117m, and the Plan 8 facility will host up to 22 turbines, each with a hub height of up to 91.5m and a rotor diameter of up to 117m. The cumulative visual impacts of these three facilities will be high, with the proposed Albany WEF making the largest contribution to the impact.” [Own emphasis.]</p> <p>4.2.3.2 Firstly, Plan 8 has applied for an increase of its size, height and footprint and the DEFF’s refusal is under appeal. This is not mentioned by the EAP.</p> <p>4.2.3.3 Secondly, the EIR, failed to also assess WEFs further away at Dassiesridge and Cookhouse and consider the cumulative direct and indirect effect of all five these Facilities on wildlife and nature-based tourism of the planned Mega Protected Area (Addo - Great Fish Corridor (Albany Corridor)) due to the Wind Farms’ significant degradation of the aesthetic character and sense of place.</p> <p>4.2.3.4 Thirdly, based on the specialist VIA these direct cumulative impacts are considered as high significance with no mitigation possible, except the no go option (pages 164 and 165). The EAP confirms this in his/her summary in paragraph 9.4.11 and the conclusion in paragraph 9.4.12:</p> <p>“The Visual Assessment identified a total of 15 impacts. The majority of these impacts related to the visual impact of the proposed WEF on sensitive receptors during the operational of the WEF. These seven (7) HIGH negative significance impacts cannot be mitigated due to the fact that they are perception-based (Table 9-16).</p> <p>It is concluded that majority of the cumulative impacts are MODERATE in nature and although the most of the cumulative visual impacts of the proposed Albany WEF and existing WEF (e.g. Waainek WEF) and proposed WEF (Grahamstown WEF) in the area will be HIGH, potential losses of scenic resources are not sufficiently significant to represent a fatal flaw to the proposed project given the LOW/MODERATE significance of the remainder of the impacts and given the environmental and social benefits that such renewable energy projects promote.” [Own emphasis.]</p> <p>4.2.3.5 The EAPs overruling of his/her own assessment as informed by the VIA, is irrational as it is based on wrong information as pointed out above (mistakes in</p>		<p>The cumulative impacts are comprehensively addressed in Section 12.5.4 of the final VIA including the operational Waainek and proposed Grahamstown, Spitskop and Peddie WEFs within a 30km radius of the Albany WEF and determined the cumulative impact to be of HIGH significance pre and post mitigation.</p> <p>In addition, most other issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the final VIA as detailed above.</p> <p>It should be noted that Dassiesridge and Cookhouse WEFs are both located over 90km from the proposed Albany WEF and are unlikely to contribute significantly to the overall cumulative impacts.</p>

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<p>the VIA and SIA, failure to properly consult Pumba about Waainek and Albany WEFs, wrong international comparison, indefinite lifespan of WEFs, etc.).</p> <p>4.2.3.6 The argument that the WEF is not permanent and the disturbed landscape can be restored is totally irrelevant to the affected Indalo PGR owner that will for 20-25 years suffer damages because of the presence of the WEF.</p> <p>4.2.3.7 It is irrational and arbitrary for the EAP to simply conclude that “although there are local losses in terms of visual impacts, there will also be local gains.” Through this statement the EAP simply equate the property rights of the Indalo PGRs with the economic interests of the developer and recommends that the latter should override the former without factually establishing the impact of such decision on the Indalo PGRs. It should be noted that the rule of law in section 1 of the Constitution as in the common law, respects and protects the established rights of property owners such as of the Indalo PGRs. Their property rights cannot simply be ignored by the competent authority (DEFF) on a whim of possible future economic interests of third parties. The law does not equate established rights (of property owners) with potential interests (of the Proponent). In an irreconcilable conflict such as the present application for the Albany WEF, the vested rights of property owners must trump the potential conflicting interests of the WEF developer. Thus, based on the assessment of cumulative direct and indirect impacts in the EIR, it is submitted that the EAP did not engage in a balanced and fair weighing of opposing rights and interests as is contemplated by constitutional jurisprudence.</p>		
<p>4.2.4 Consideration of Guidelines in EIA</p> <p>4.2.4.1 No formally adopted Guidelines for Environmental Impact Assessment exist in South Africa other than Best-Practice Guidelines for Assessing and Monitoring the Impact of Wind Energy Facilities on Birds in Southern Africa (3rd Edition, 2015) and the DEFF Minimum Requirements for Avifaunal Impact Assessment.</p> <p>4.2.4.2 The World Bank Group “Environmental, Health and Safety Guidelines for Wind Energy” (August 2015) provide a useful guideline for the application of “Good International Industry Practice” –</p> <p>a) is required to be applied by any member of the World Bank Group including the International Finance Corporation (IFC); and</p> <p>b) the IFC further prescribes standards of environmental assessment and management to which many financiers (including numerous South African funds of renewable energy subscribe in the form of the IFC standards) who are involved in such a project.</p>		<p>These guidelines are noted. However, the IFC Guidelines have not been drawn on in this report as it follows the NEMA EIA Regulations 2014, as amended.</p>
<p>4.2.5 World Bank Group Environmental, Health and Safety (EHS) Guidelines</p> <p>a) World Bank Group Environmental , Health and Safety (EHS) Guidelines indicate that where any host country regulations differ from the levels and measures presented in the World Bank Group (WBG) Guidelines then the projects are expected to conform to the whichever are the most stringent.</p>		<p>The reference to these guidelines is noted. However, the World Bank Group EHS Guidelines have not been drawn on in this report as it follows the NEMA EIA Regulations 2014, as amended.</p> <p>Indalo, ECPTA and SANParks are all registered on the Albany WEF Stakeholder and I&AP database. The purpose of the PPP process is to receive comments and respond accordingly.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>b) Since apart from Avifaunal Assessment no formally adopted Guidelines for wind farm site selection exist in South Africa and numerous of South African renewable energy project funders (e.g. Nedbank and RMB) apply IFC standards it is expected that these World Bank Group Guidelines would be appropriate to apply in the Albany WEF EIA.</p> <p>c) The WBG Guidelines repeat the need to consider the choice of site carefully from the earliest stage of planning. “The general approach to the management of EHS issues should consider potential impacts as early as possible in the project cycle, including the incorporation of EHS considerations into the site selection, in order to maximize the range of options available to avoid and minimize potential adverse impacts. Importantly, many EHS impacts associated with wind energy facilities may be avoided by careful site selection.” (Own Emphasis).</p> <p>d) WBG Wind Energy Guidelines Section 1.1.1, “Landscapes, Seascapes and Visual Impacts”, the Guidelines advise that potential impacts –</p> <p>i) Note 12 “on Legally Protected and Internationally Recognised Areas of Importance to biodiversity and cultural heritage features are also a consideration.” Accordingly it would have been expected that the Proponent of the Albany WEF at the hand of the EIA process would have considered the impact of the WEF on Protected Areas and Provincial Nature Reserves Legally Protected and Internationally Recognised Areas of Importance to biodiversity and cultural heritage and failing consideration of which would not be in line with NEMPAA.</p> <p>ii) Note 13 it is advocated that “...avoidance and minimization measures to address landscape...and visual impacts are largely associated with the siting and layout of wind turbines and associated infrastructure...”. Given that the siting of the turbines on the ridge line overlooking Protected Areas and the Provincial Reserve are intrusive on sensitive landscape that form the basis for wildlife and nature tourism within avoidance of impact through avoidance of turbine placement i.e. the no-go option can be considered both on a per turbine as well as per development basis.</p> <p>e) WBG Wind Energy Guidelines Section 1.1.3 Biodiversity indicate –</p> <p>i) Note 25 indicates: “Site selection is critical to avoiding and minimizing potential adverse impacts on biodiversity. Site selection should include the following:</p> <p>☑ Consideration of the proximity of the proposed wind energy facility to sites of high biodiversity value in the region. Early screening can improve macro-level project site selection and the scoping of priorities for further assessment, thus reducing unnecessary biodiversity impacts and costs in the future. Sites of local, regional, and international importance may include national and international protected areas (including marine protected areas), Important Bird Areas (IBA), Key Biodiversity Areas (KBAs).</p>		<p>The change in layout and reduction in the number of turbines proposed for the Albany WEF site is an example of an outcomes of stakeholder engagement.</p>

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<p>Consultation with relevant national and/or international conservation organizations also helps to inform site selection for both onshore and offshore facilities.”</p> <p>ii) It is patently clear that Protected Areas and Provincial Reserves are affected and the relevant local, provincial and national conservation organizations (Indalo, ECPTA and SANParks) have not been consulted to help to inform site selection.</p>		
<p>4.2.6 International Finance Group Guidelines</p> <p>a) The International Finance Group (IFC) is a member of the World Bank Group which has established a set of “Performance Standards” (January 2012) under its Sustainability Framework. The Sustainability Framework articulates IFC’s strategic commitment to sustainable development (ref: https://www.ifc.org/wps/).</p> <p>i) Standard 6 Guidance Note GN27: In practice, natural and modified habitats exist on a continuum that ranges from largely untouched, pristine natural habitats to intensively managed, modified habitats. Project sites will often be located among a mosaic of habitats with varying levels of anthropogenic and/or natural disturbance. Clients are responsible for delineating the project site as best as possible in terms of modified and natural habitat... Is the project site (or parts of it) an isolated area of natural habitat within a heavily disturbed or managed landscape? Is the project site located near areas of high biodiversity value (for example, wildlife refuges, corridors, or protected areas)? Or, is the project site located in a mosaic of modified and natural habitats that contain biodiversity values of varying importance to conservation?</p> <p>ii) The Albany WEF project site is located near areas of high biodiversity value and is located within mosaic of modified and natural habitats that contain biodiversity values of varying importance forming corridors between protected areas (Buffalo Kloof Protected Environment/Waters Meeting Nature Reserve, Blaauwkrantz Nature Reserve, Kwandwe Protected Environment and Great Fish Nature Reserve).</p> <p>iii) An evaluation of the adherence to IFC Performance Standard 6 - Biodiversity Conservation and Sustainable Management of Living Natural Resources is contained in Appendix: A</p>		<p>These guidelines are noted. However, the IFC Guidelines have not been drawn on in this report as it follows the NEMA EIA Regulations 2014, as amended.</p>
<p>4.3 OPINION AS TO WHETHER THE ACTIVITY SHOULD OR SHOULD NOT BE AUTHORISED</p> <p>4.3.1 EIA Regulation 31(2)(n) states that: “An environmental impact assessment report must contain all information that is necessary for the competent authority to consider the application and to reach a decision contemplated in regulation 35, and must include ...a reasoned opinion as to whether the activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorization;”</p>		<p>The EAP provides a concluding statement, as quoted below: “Based on the contents of this report, and all associated documentation, it is the opinion of the EAP that the proposed Albany WEF be authorised on condition that all conditions stipulated in Section 12.7 of this report be contained within the EA. The ecological, economic and social trade-offs must be factored in by the department during the decision-making process. It is the opinion of the EAP that site is sensitive from a visual perspective (social), suitable from an ecological perspective (NO-GO areas have been avoided and HIGH sensitive areas can be suitably mitigated) and both sensitive and suitable from an economic perspective (wind resource +, tourism -)”</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>4.3.2 The EIA Regulation 31(2)(n) is explicit in that it requires that an EIR “must” contain a reasoned opinion (of the EAP) as to whether the activity “should or should not be approved”. In other words, if the Draft EIR fails to provide an opinion as to whether the activity should be approved, or not, then the reasoning of approval cannot be evaluated and Draft EIR does not meet the requirements of EIA Regulation 31(2)(n).</p> <p>4.3.3 The EAP provides a vague and non-committal discussion around his/her views on the various aspects and impact assessment findings of the EIA study but falls short of providing a reasoned opinion as to whether the activity should or should not be authorised.</p>		
<p>5. IMPACTS ON BIODIVERSITY</p> <p>5.1 The following important questions should be asked when considering a project location for a project of this nature:</p> <p>5.1.1 Is the scheme likely to have a significant effect on the integrity of a protected area or nature reserve?</p> <p>Yes - The project site is located near areas of high biodiversity value and is located within mosaic of modified and natural habitats that contain biodiversity values of varying importance forming corridors between protected areas (Buffalo Kloof Protected Environment / Waters Meeting Nature Reserve, Blaauwkrantz Nature Reserve, Kwandwe Protected Environment and Great Fish Nature Reserve).</p> <p>5.1.2 If so, is the project likely to damage (or destroy) any of the features of interest, or disturb any of the wildlife for which the site is protected?</p> <p>Yes – Like the Addo National Park and the Great Fish Provincial Nature Reserve, the Indalo PGRs (like many others in South Africa and in Africa in general) is concerned with nature and wildlife tourism as a key protected area goods and service.</p> <p>a) It is specifically the wildlife and nature tourist’s experience that relies on the wilderness character of both the protected areas and their surrounds and in a way the wilderness character of the reserves which finances protection of ecological, geological, landscape and other features of scientific, cultural and/or historical value (nature and wildlife tourism in reality underpins the protected areas operation and ability to meet biodiversity conservation objectives).</p> <p>b) Like the Addo National Park and the Provincial Nature Reserves (most notably the Great Fish), the Indalo PGRs are managed according to a Protected Area Management Plan, but with the important difference that they do not receive public funds but have to secure funding from internal resources.</p> <p>c) These resources are derived from nature and wildlife tourism which is dependent on a natural environment largely free from the structures and signs of modern civilisation (often from which the tourists come to get away). Wind energy development characterised by colossal skyline intrusion will impose a divestment on Indalo members impacted and curtail wildlife and nature tourism enabled protected area expansion.</p>		<p>The Ecological Impact Assessment, SIA, VIA and EIR include the assessment of the proposed WEF in relation to the surrounding protected areas (formal and informal).</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>5.1.3 Is the scheme likely to have a significant adverse effect on the favourable conservation status of any habitat?</p> <p>Yes- the scheme will hinder the expansion of areas under formal protection –</p> <p>a) Based on government’s Protected Area Expansion Strategy, buffer zones and Biodiversity Stewardship Programme, Indalo is currently actively working with local provincial and national partners including the Wilderness Foundation of South Africa, ECPTA and SAN Parks to expand areas under formal protection. This is done through further amalgamation of the southern, central and northern nodes into large agglomerations (>50 000Ha) of private nature and game reserves in the central node and private/public nature and game reserves through public-private partnerships with Addo National Park and the Great Fish (and various provincial nature reserves) in the south and north respectively.</p> <p>b) One of the main objectives of the expansion plan is to enable common traversing agreements and unified conservation management through the dropping of fences between reserves.</p> <p>c) To this effect a formal protected area expansion strategy is under development by various stakeholders including the Wilderness Foundation Africa, ECPTA, SAN Parks and the Indalo Association that will guide protected area expansion, inform land-use planning, stimulate economic development and aide thicket restoration in the broader Albany region.</p> <p>d) The environmental and economic benefits associated with the agglomerations (>50 000Ha) of private reserves and expansion through private partnerships with Addo in the south and the Great Fish in the north are considerable. Not only will this form a mega reserve as larger consolidated areas will lead to improved marketability of the Eastern Cape as a safari destination, making it comparable to Kruger, Sabi Sands and Madikwe. As much as wind energy development is necessary in South Africa, we hold wind energy development that impacts on the Addo, Great Fish and Indalo Protected Areas and their further extended areas to be untenable and undesirable that should be avoided at all cost.</p> <p>5.2 Accordingly it would have been expected that the Proponent of the Albany WEF, at the hand of the EIA process would have considered impact of the Facility on Protected Areas and Provincial Nature Reserves that are legally protected and internationally recognised areas of importance to biodiversity and cultural heritage as required by NEMPAA. The EIR for the Albany WEF failed to do so which is contrary to the requirements of NEMPAA.</p>		
<p>6. CONCLUSION</p> <p>6.1 The Indalo Protected Environment places on record that the EIR and specialist studies are deficient to the extent that these inadequacies are covering up fatal flaws in the application, if these material deficiencies were to be addressed it would become clear that the development would blight views from Great Fish Reserve (most spectacularly from Adam’s Krans view point) and would degrade the scenic value of the area and its unique wilderness tourism</p>		<p>The opposition to the Albany WEF is noted. As described in the responses above, the EIR and associated specialist studies have been prepared in accordance with the EIA Regulations 2014, as amended.</p> <p>The layout has been reduced and assessed by all specialists. These reports are available for an additional round of PPP.</p>

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<p>product in general. Indalo is unconditionally in favour of the outright refusal of the Albany WEF based upon the grounds set out in this comment on EIR.</p> <p>6.2 In other words, Indalo favours the ultimate, most effective mitigation measure for the Albany WEF and the fatal flaws that it holds in terms of impact to the Protected Areas and their potential for expansion, is by avoiding the WEF through its outright refusal.</p>		
<p>We are commenting on the Albany Wind Energy Facility, DEFF Ref: 14/12/16/3/3/2/1131 as a concerned landowner, protected area manager and nature and wildlife tourism operator and member of the larger Indalo Protected Environment which has experienced impacts from wind energy development.</p> <p>Indalo is working to expand through further amalgamation of southern, central and northern nodes into large agglomerations of private reserves (>50 000Ha) in central area, and public private partnerships with Addo National Park and Great Fish Provincial Reserves in the south and north respectively with common traversing agreements and unified conservation management.</p> <p>The environmental and economic benefits of this prospect are considerable, as larger consolidated areas will lead to improved marketability of the Eastern Cape as a safari destination, making it comparable to Kruger, Sabi Sands and Madikwe.</p> <p>1. HISTORY/BACKGROUND</p> <p>Kariega has been operating as a game reserve from 1990 and was formally declared as part of the Indalo Protected Environment in terms of National Environmental Management Protected Area Act on 31 July 2019 and currently has a total of 7 936.78ha under formal conservation protection.</p> <p>Kariega forms part of Indalo Protected Environment that represents 9 private game reserves which collectively protects 76 000ha under formal protection with an additional hectare that is being added, pending proclamation. Further, Indalo is working to increase its membership to include a wider network of private game reserves in the Eastern Cape.</p> <p>Kariega was formed by the amalgamation of land previously used for stock farming and substantial effort was made to remove human-made structures and to rehabilitate disturbed areas to return the landscape to a natural state.</p> <p>Like the other Indalo reserves (and many others in South Africa and in Africa in general); SPGR focusses on nature and wildlife tourism that relies on the wilderness character of the reserve and surrounding area. Sibuya is accordingly protected and managed so as to conserve its natural untrammelled state which</p>	<p>Mr Graeme Rushmere</p> <p>Kariega Private Game Reserve</p> <p>13/07/2020</p>	<p>The Kariega Private Game Reserve is located over 30 km to the southeast of the proposed Albany WEF and the visual impact are likely to be low due to distance. In addition to distance, the various intervening ridge lines will likely screen the game reserve from the WEF.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the second draft VIA as described above.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p> <p>Based on the Indalo PE/ECPTA/SANParks Albany Biodiversity Corridor Network the proposed Albany WEF is situated outside of the expansion area. Thus, the assertion that the WEF will intrude on the proposed expansion is flawed (see Figure 1 below).</p> <p>In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW "Wilderness Value" would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair. The proposed Albany WEF would not impose on, disrupt or deter the establishment of the "Albany Biodiversity Corridor Network".</p>

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forms the basis for visitors to experience the wilds with ecological, geological, and other features of scientific, and/or historical value in a scenic setting.

Again, like other Indalo reserves SPGR is looking to expand its area under management and is working actively to link up with neighbouring reserves to form part of a larger proposed Addo to Great Fish corridor (also referred to as Albany Corridor). To this effect a formal protected area expansion strategy is under development by various stakeholders including Wilderness Foundation Africa, Eastern Cape Parks and Tourism Agency, South African National Parks and Indalo Association.

Kariega has made a substantial contribution to the conservation of both black rhino and white rhino and protection of landscapes of ecological importance along with contributions to numerous other objectives as set out in the Indalo Protected Area Management Plan. The plan requires each reserve to secure the required financial resources to ensure achievement of the protected area management objectives.

These resources are derived from nature and wildlife tourism which is dependent on a natural environment largely free from the structures and signs of modern civilisation (often from where they and from which they come to get away).

2. TOURIM SERVICES

Kariega offers an African safari experience, and an increasingly rare wilderness experience of being in the bush and experiencing unspoilt scenery characterised by a diversity of landscapes within which to appreciate wildlife and unique vegetation of different biomes.

We offer accommodation in 5 lodges in a scenic setting with game drives and views on upland plains, ravines, over valleys, into kloofs, and with vistas looking over high ground and more distant mountains and the sea.

Lodges have been sited so as to offer a scenic location with vistas devoid of intrusion by humanmade structures and other disturbance. We have taken great effort to use natural materials sourced from the site in the lodge construction and to offer guest a glimpse of a part of South Africa's unspoilt beauty.

The accommodation is as follows and attracts approximately 14 000 foreign tourists to the area each year:

- Main Lodge 60 beds
- Ukhozi Lodge 20 beds
- River Lodge 20 beds

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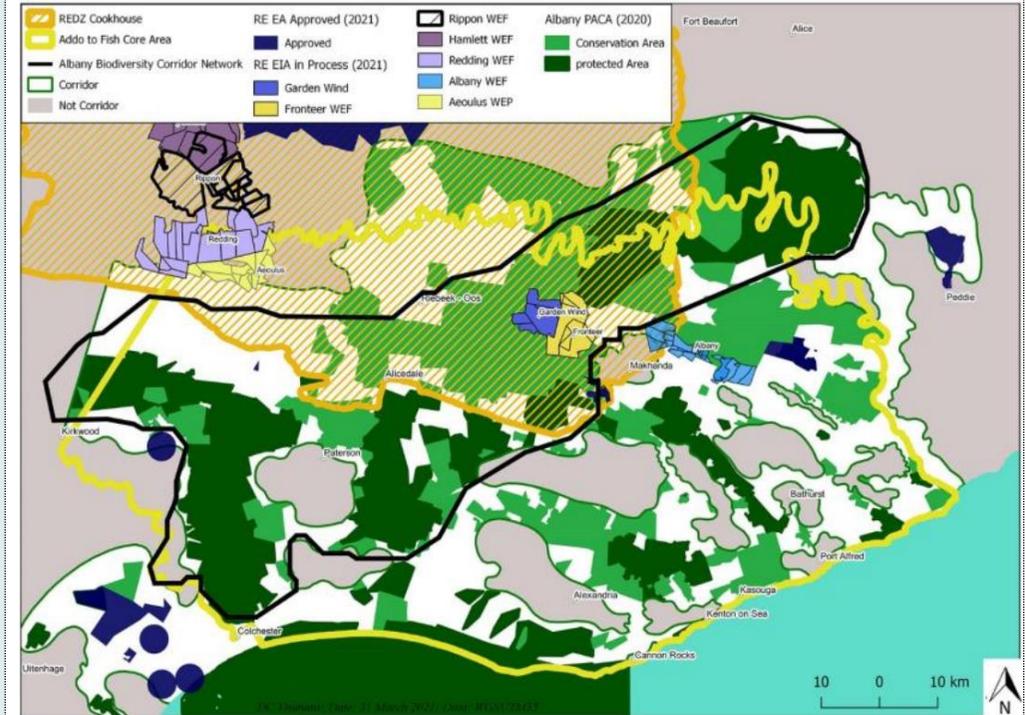
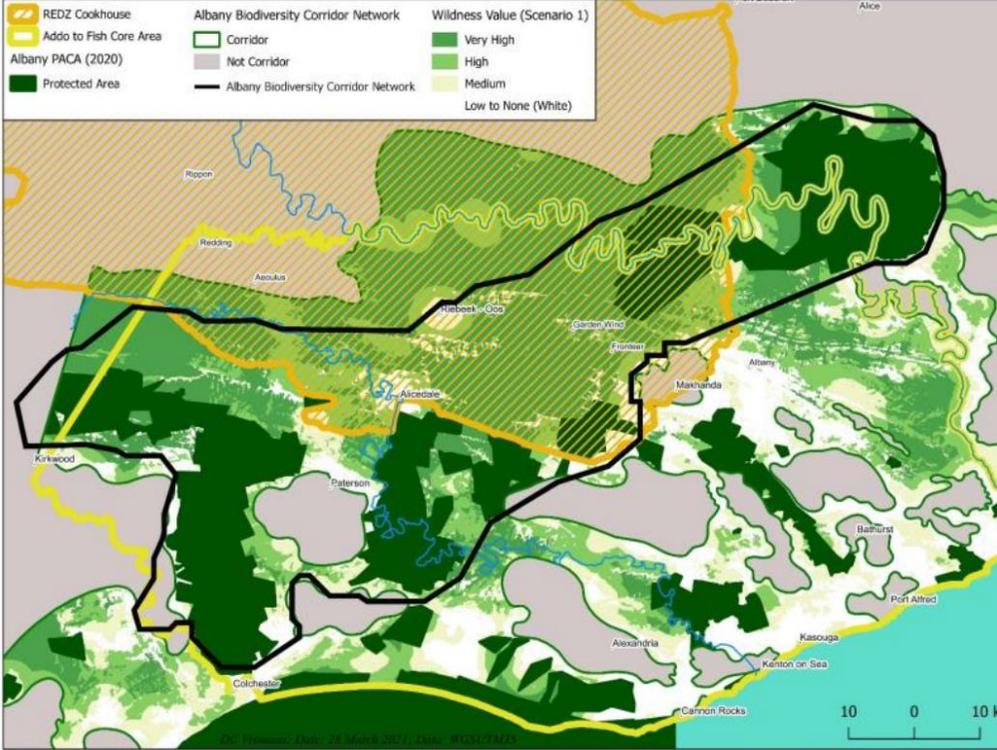


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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<p>Settlers Drift 18 beds Homestead 14 beds</p> <p>We employ approximately 270 staff, most recruited from our local communities.</p> <p>3.2.2 IMPACT OF WIND FARM DEVELOPMENT An important component of an African safari is being in the bush and experiencing the wilderness and the absence of man-made structures such as buildings, telephone lines, electricity pylons, etc.</p> <p>Wind turbines of the Waainek facility have significantly impacted local reserves where turbines now intrude the skyline and at night the pulsing aviation warning lights dominate a part of the landscape.</p> <p>Wind energy development will locally sterilise biodiversity stewardship based protected area expansion and otherwise degrade scenic aspects of land to the extent that potential for inclusion in protected area expansion planning will be substantially curtailed.</p> <p>3.3 OBJECTION Although Indalo strongly supports sustainable renewable energy development, we will object to any development that will prevent the greater Indalo to take its rightful place as a world class African nature and wildlife destination and curtail or intrude potential protected area expansion through partnership with Addo and Great Fish Provincial reserves.</p>		 <p>Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.</p>
<p>We are commenting on the Albany Wind Energy Facility, DEFF Ref: 14/12/16/3/3/2/1131 as a concerned landowner, protected area manager and nature and wildlife tourism operator and member of the larger Indalo Protected Environment which has experienced impacts from wind energy development.</p> <p>Indalo is working to expand through further amalgamation of southern, central and northern nodes into large agglomerations of private reserves (>50 000Ha) in central area, and public private partnerships with Addo National Park and Great Fish Provincial Reserves in the south and north respectively with common traversing agreements and unified conservation management.</p> <p>The environmental and economic benefits of this prospect are considerable, as larger consolidated areas will lead to improved marketability of the Eastern Cape as a safari destination, making it comparable to Kruger, Sabi Sands and Madikwe.</p> <p>1. HISTORY/BACKGROUND Shamwari Private Game Reserve (SPGR) has been operating as a game reserve</p>	<p>Mr Joe Cloete Shamwari Private Game Reserve 13/07/2020</p>	<p>Shamwari is located over 50 km to the south west of the proposed Albany WEF and the impacts are likely to be very low due to distance. In addition to distance, the intervening Mountain View drive ridge south of Grahamstown will likely screen Shamwari from the WEF.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the second draft VIA as described above.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p> <p>Based on the Indalo PE/ECPTA/SANParks Albany Biodiversity Corridor Network the proposed Albany WEF is situated outside of the expansion area. Thus, the assertion that the WEF will intrude on the proposed expansion is flawed (see Figure 1 below).</p> <p>In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW "Wilderness Value" would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution</p>

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from 1992 and was formally declared as part of the Indalo Protected Environment in terms of National Environmental Management Protected Area Act on 31 July 2019 and currently has a total of 18 003ha under formal conservation protection.

SPGR forms part of Indalo Protected Environment that represents 9 private game reserves which collectively protects 76 000ha under formal protection with an additional hectare that is being added, pending proclamation. Further, Indalo is working to increase its membership to include a wider network of private game reserves in the Eastern Cape.

SPGR was formed by the amalgamation of land previously used for stock farming and substantial effort was made to remove human-made structures and to rehabilitate disturbed areas to return the landscape to a natural state.

Like the other Indalo reserves (and many others in South Africa and in Africa in general); SPGR focusses on nature and wildlife tourism that relies on the wilderness character of the reserve and surrounding area. Sibuya is accordingly protected and managed so as to conserve its natural untrammelled state which forms the basis for visitors to experience the wilds with ecological, geological, and other features of scientific, and/or historical value in a scenic setting.

Again, like other Indalo reserves SPGR is looking to expand its area under management and is working actively to link up with neighbouring Lalibela and Pumba to form part of a larger proposed Addo to Great Fish corridor (also referred to as Albany Corridor). To this effect a formal protected area expansion strategy is under development by various stakeholders including Wilderness Foundation Africa, Eastern Cape Parks and Tourism Agency, South African National Parks and Indalo Association.

SPFR has made a substantial contribution to the conservation of both black rhino and white rhino and protection of landscapes of ecological importance along with contributions to numerous other objectives as set out in the Indalo Protected Area Management Plan. The plan requires each reserve to secure the required financial resources to ensure achievement of the protected area management objectives.

These resources are derived from nature and wildlife tourism which is dependent on a natural environment largely free from the structures and signs of modern civilisation (often from where they and from which they come to get away).

2. TOURIM SERVICES

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I&AP**

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RESPONSE**

powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair. The proposed Albany WEF would not impose on, disrupt or deter the establishment of the “Albany Biodiversity Corridor Network”.

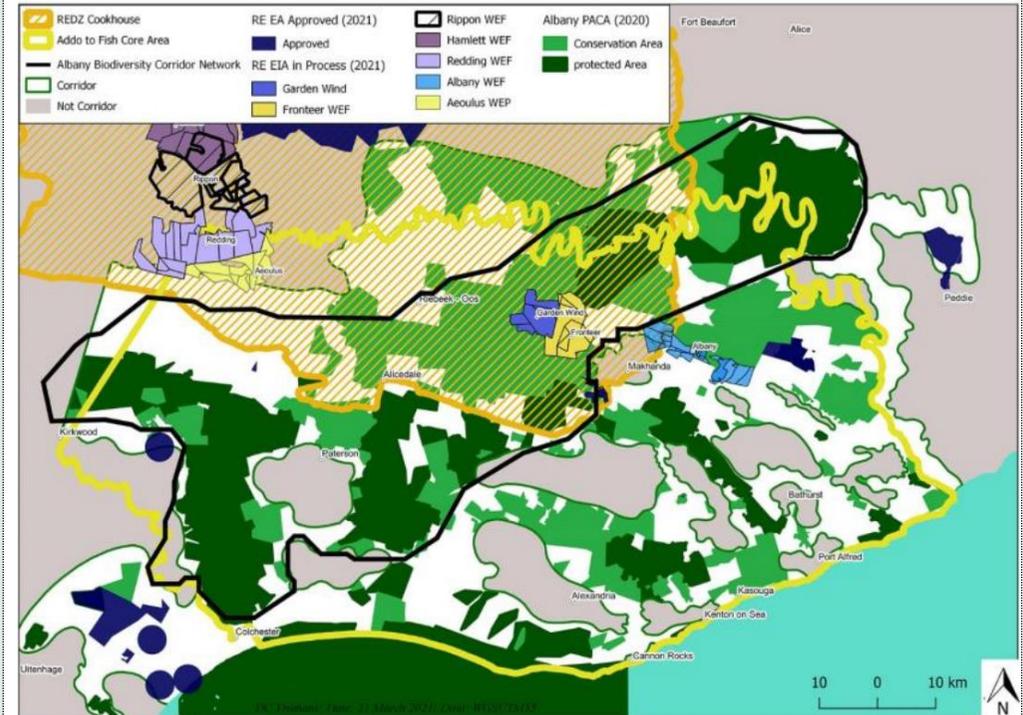


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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QUERY/COMMENT**

SPGR offers an African safari experience, and an increasingly rare wilderness experience of being in the bush and experiencing unspoilt scenery characterised by a diversity of landscapes within which to appreciate wildlife and unique vegetation of different biomes.

We offer accommodation in eight lodges in a scenic setting with game drives and views on upland plains, ravines, over valleys, into kloofs, and with vistas looking over high ground and more distant mountains.

Lodges/camps have been sited so as to offer a scenic location with vistas devoid of intrusion by humanmade structures and other disturbance. We have taken great effort to use natural materials sourced from the site in the lodge construction and to offer guest a glimpse of a part of South Africa's unspoilt beauty.

The accommodation is as follows:

- Long Lee Manor: 17 Luxury Rooms (38 beds); 1 x 2 bedroom ensuite
- Sindile Tented Camp: 9 Luxury Tents (18 beds)
- Eagles Crag Lodge: 9 Suites (18 beds)
- Bayethe Tented Camp: 12 Luxury Tents (24 beds)
- Riverdene Lodge: 9 Suites (18 beds)
- Lobengula Lodge: 6 Suits (12 beds)
- Sarili Lodge: Exclusive Use (10 beds)
- Explora Camp: 3 Tents (6 beds)

As of beginning 2020 SPFR employed 455 staff of the following employment profile:

- African 295
- Coloured 73
- White 83
- Foreign 2

- Male 215
- Female 240

3.2.2 IMPACT OF WIND FARM DEVELOPMENT

An important component of an African safari is being in the bush and experiencing the wilderness and the absence of man-made structures such as buildings, telephone lines, electricity pylons, etc.

Wind turbines of the Albany Wind Energy Facility will impact Kwandwe Private Game Reserve as one of the Indalo Protected Environment reserves directly. The facility will further significantly impact the broader vision for the region in terms

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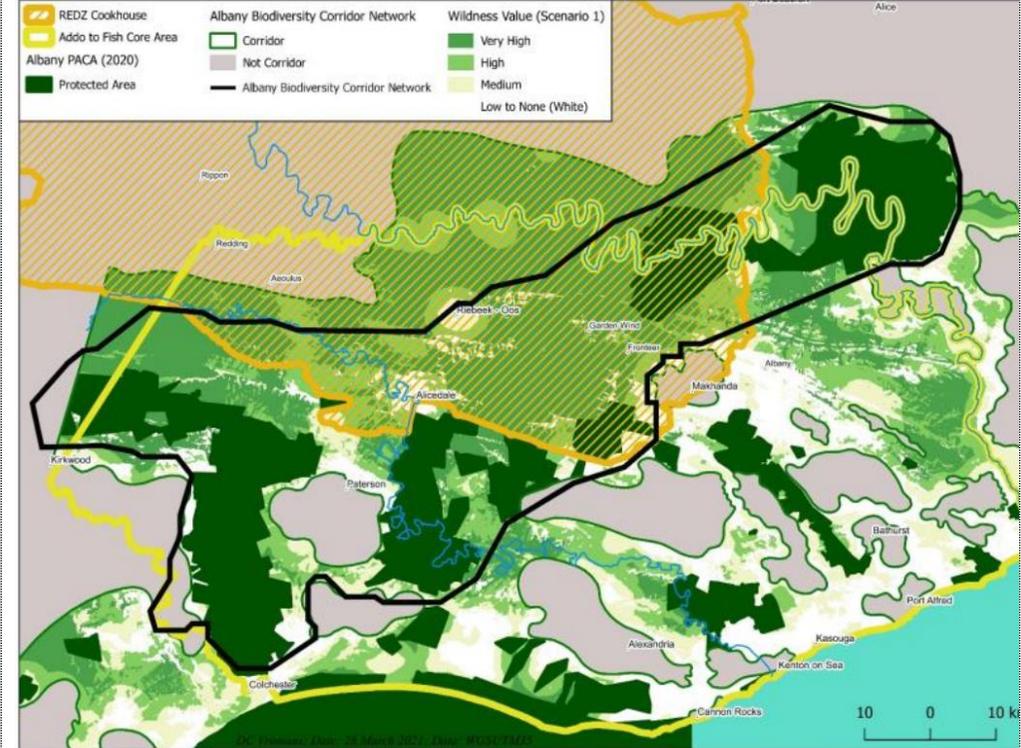
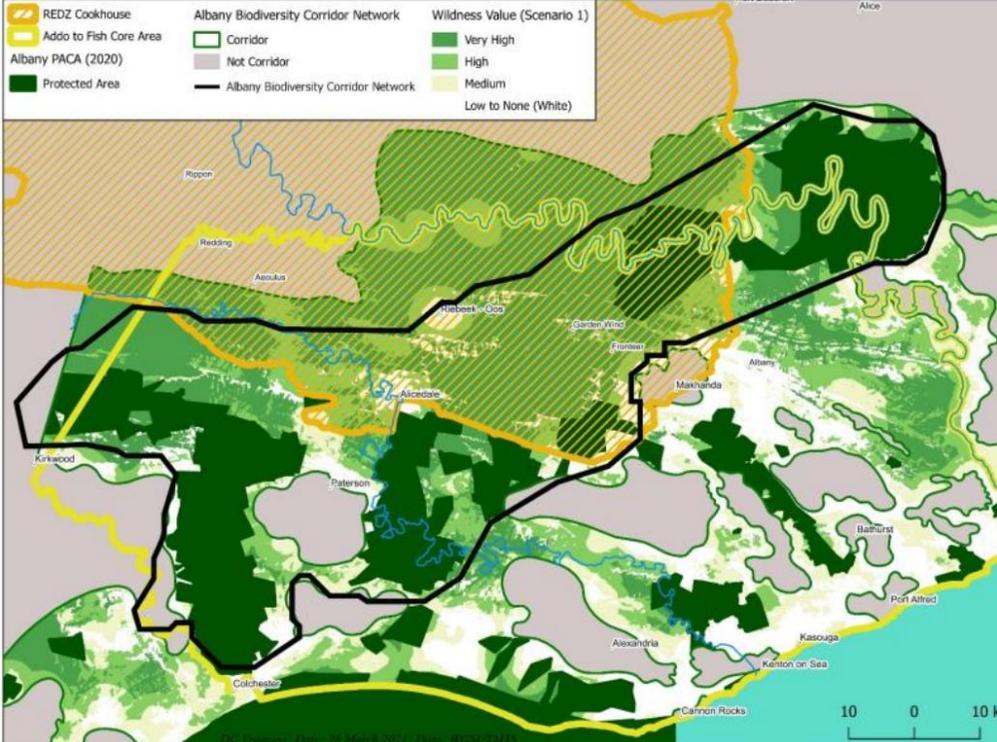


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>of protected area expansion indirectly. The pulsing aviation warning lights which would dominate a part of the landscape at night would be visible from portions of SPFR thereby impacting our business.</p> <p>Wind energy development will locally sterilise biodiversity stewardship based protected area expansion and otherwise degrade scenic aspects of land to the extent that potential for inclusion in protected area expansion planning will be substantially curtailed.</p> <p>3.3 OBJECTION</p> <p>Although SPGR and Indalo Protected Environment as a whole, strongly supports sustainable renewable energy development, we will object to any development that will prevent the greater Indalo to take its rightful place as a world class African nature and wildlife destination and curtail or intrude potential protected area expansion through partnership with Addo and Great Fish Provincial reserves.</p> <p>We are commenting on the Albany Wind Energy Facility, DEFF Ref: 14/12/16/3/3/2/1131 as a concerned landowner, protected area manager and nature and wildlife tourism operator and member of the larger Indalo Protected Environment which has experienced impacts from wind energy development.</p> <p>Indalo is working to expand through further amalgamation of southern, central and northern nodes into large agglomerations of private reserves (>50 000Ha) in central area, and public private partnerships with Addo National Park and Great Fish Provincial Reserves in the south and north respectively with common traversing agreements and unified conservation management.</p> <p>The environmental and economic benefits of this prospect are considerable, as larger consolidated areas will lead to improved marketability of the Eastern Cape as a safari destination, making it comparable to Kruger, Sabi Sands and Madikwe.</p>		
<p>3.1 HISTORY / BACKGROUND</p> <p>Lalibela has been operating as a game reserve from 2004 and was formally declared part of the Indalo Protected Environment in terms of National Environmental Management Protected Area Act on 31 July 2019 and currently has a total of 1461 ha under formal conservation protection and a further 2000 + ha to be added in the near future. Sibuya forms part of Indalo Association that represents 9 private game reserves which collectively protects 76 000ha under formal protection with an additional area of thousands of ha's that is being added, pending proclamation. Further, Indalo is working to increase its membership to include a wider network of private game reserves in the Eastern Cape.</p>	<p>Mr NJ Fox</p> <p>13/07/2021</p> <p>Sibuya Game Reserve</p>	<p>The Sibuya Private Game Reserve is located over 30 km to the south of the proposed Albany WEF and the visual impact are likely to be low due to distance. In addition to distance, the various intervening ridge lines will likely screen the game reserve from the WEF.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the second draft VIA as described above.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p>

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<p>guest a glimpse of a part of South Africa’s unspoilt beauty.</p> <p>Our pre-Covid employment numbers were in excess of 100 staff members, mostly recruited from our local towns and townships.</p> <p>3.2.2 IMPACT OF WIND FARM DEVELOPMENT An important component of an African safari is being in the bush and experiencing the wilderness and the absence of man-made structures such as buildings, telephone lines, electricity pylons, etc. Wind turbines of the Waainek facility have significantly impacted the local reserves where turbines now intrude the skyline and at night the pulsing aviation warning lights dominate a part of the landscape.</p> <p>Wind energy development will locally sterilise biodiversity stewardship based protected area expansion and otherwise degrade scenic aspects of land to the extent that potential for inclusion in protected area expansion planning will be substantially curtailed.</p> <p>3.3 OBJECTION Although Indalo strongly supports all sustainable renewable energy development, we will object to any development that will prevent the greater Indalo to take its rightful place as a world class African nature and wildlife destination and curtail or intrude potential protected area expansion through partnership with Addo and Great Fish Provincial reserves.</p>		 <p>Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.</p>
<p>I am writing this letter of objection to the proposed Albany Wind Farm on behalf of all owners, staff, and interested parties of Buffalo Kloof Private Game Reserve. Buffalo Kloof is a protected area of 20 000ha, protecting a diverse array of fauna and flora, many of which are endangered. It is a privately owned and run business, our key passion is to provide a natural space for critically endangered animals to thrive and roam free. To sustain this model and fund our conservation projects we offer private Safari Experiences, ethical harvesting, photographic safaris, and an opportunity for guests to understand and contribute to first-hand conservation.</p> <p>Our guests travel from far and wide to visit our beautiful reserve and to feel completely immersed in nature. Driving to Buffalo Kloof from either Port Elizabeth or East London they will get visual of the wind turbines. Without the income from tourists, we cannot support our staff, protect our wildlife, or support our neighbouring yendella community, who also have land within Buffalo Kloof and rely on tourism. Many livelihoods depend on the survival of Buffalo Kloof Game Reserve.</p>	<p>Mr Warne Rippon</p> <p>Buffalo Kloof Private Game Reserve</p> <p>10/07/2020</p>	<p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the final VIA as detailed above.</p> <p>A detailed viewshed analysis of Buffalo Ridge Game Reserve is provided at Section 9 Figures 9.11 a & b. The visibility of turbine hubs and blades is HIGH, but LOW due to distance of 10-20 km from the WEF. The overall impact was determined to be HIGH mostly due to night lighting but reduced to MODERATE as certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p>

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<p>Buffalo Kloof Private Game Reserve objects for the following reasons:</p> <p>- Visual amenity</p> <p>Turbines are too close to people's homes and will be alien structures in such a picturesque and rural environment. They will become an immediate eyesore on the natural Eastern Cape landscape and ruin the historical views around Makhanda. The distractions will deter visitors from Makhanda and lose its valuable tourist appeal and onward financial depreciation for local businesses.</p> <p>-Visual Impact</p> <p>The proposed turbines would be visible for a significant distance, seen clearly as you leave Grahamstown along the N2 to Port Elizabeth, Port Alfred and East London, and across the rural areas to Kwandwe Private Game Reserve, Great Fish River, and Beaufort. We can see the current wind turbines Southwest of Buffalo Kloof during the day and the flashing red strobe lights during the night, certainly not aesthetically pleasing.</p>		
<p>- Noise pollution during construction</p> <p>Guests who visit Makanda for big events such as the Arts festival and school sports festivals will be put off by the noise pollution and an increased number of construction vehicles congesting our traffic. Which in turn means fewer day visits to our reserve with less tourism.</p>		<p>Impact is short term in nature and can be mitigated. See Section 10.5.2 of the SIA report (<i>Intrusion impacts at the construction site</i>).</p>
<p>- Disturbance due to increased traffic during construction. As said above, construction vehicles congesting our already damaged roads.</p>		<p>Traffic impact during construction and impacts on road surfaces were assessed and rated in SIA Report. Road surfaces will be upgraded, maintained and repaired where required. Section 10.5.1 (<i>Disruptions in daily living and movement patterns</i>).</p>
<p>- Disturbance of delicate fauna and flora</p> <p>Leopard and other mammals use these undisturbed areas as passageways to neighbouring reserves. We had a large male leopard who we collared with a GPS unit he travelled through the proposed area for wind turbines across to Kwandwe Private Game Reserve, and back to our reserve. We have proof from our GPS unit of his route travelled. Has a fauna and flora assessment/EIA been done by a persons with no bias interest in the windfarm or the landowner where the windfarm will be placed? Have all fauna and flora species been identified in this area?</p>		<p>An Ecological Impact Assessment has been undertaken, which includes details on the plant and animal species found in the area. The proposed site, should it be constructed, will not be fenced off to stop the movement of game and livestock.</p> <p>Specialist studies have been prepared in accordance with Appendix 6 of the EIA Regulations 2014, as amended. All specialists are required to sign an oath and undertaking of independence. In addition to this, the Ecological Report was externally reviewed by another independent professional.</p>
<p>Have the following below been considered?</p> <ul style="list-style-type: none"> • a plant rescue and protection plan; • a re-vegetation and habitat rehabilitation plan; • an alien invasive species management plan; • stormwater and fire management plans; and • traffic and transport management plans for site access roads. 		<p>The following management plans will form part of the final EMPr</p> <ul style="list-style-type: none"> • Plant rescue and protection plan; • Re-vegetation and habitat rehabilitation plan; • Alien invasive species management plan; • Stormwater and fire management plans; and • Traffic and transport management plans for site access roads.
<p>- Bird Species which will be killed by the turbines</p> <p>The blue crane which is a vulnerable bird species on the IUCN list, uses Buffalo Kloof and Kwandwe Game Reserve as nesting and breeding sights, traveling to and from. The wind turbines could contribute and accelerate their vulnerable</p>		<p>A 12-month avifaunal monitoring campaign was undertaken in accordance with the Best Practice Avifaunal Guidelines, 2015. This data, as well as additional data resources as described in the Avifaunal Report informed the impact assessment results and recommendations.</p>

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status to endangered. A study must be done on the impact a wind farm would have on these birds.		
- Bats which will be killed by the turbines		A Bat Impact Assessment has been undertaken in accordance with Best Practice Guidelines. NO-GO and high sensitive BAT areas have been avoided and curtailment of certain turbine has been recommended. These recommendations will become requirements should the project be authorised.
- The inevitability that more turbines will be constructed		The Albany WEF would be limited to the number of turbines authorised in the Environmental Authorisation (EA) issued by the DFFE.
- Possibility of our elephant herds being negatively affected, due to the seismic vibrations according to various studies Dr Brendan Cole has mentioned. Will a study be conducted? Kwandwe Private Game Reserve, Kariega Game Reserve, Pumba Game Reserve have elephants too.		<p>The Noise Specialist has submitted the following in response to this query (information as per <i>Elephant infrasounds: long-range communication, Michael Garstang, 2010</i>)</p> <ol style="list-style-type: none"> 1. Wind turbines do not generate vibration. This is one of the factors which would significantly reduce the operational life of a wind turbine and any manufacturer will ensure that their product does not result in undue vibrations. 2. Elephants communicate at very low frequencies, and they also communicate over significant distances, reportedly up to 10 km. However, elephants (and most faunal species) mainly communicate during calm conditions, when there are low or no winds. It is postulated that this is one of the reasons that avifauna noises are particularly loud in the early mornings, as this is typically the most calm period of the day. As wind speeds increase, wind-induced noises start to increase and faunal communication also appear to reduce. Wind is also a significant source of low-frequency noise, that also significantly increase as the wind speeds increase. <i>Elephant infrasounds: long-range communication, Michael Garstang, 2010</i> also highlights how wind influences elephant communication. Although there is not a currently a study to confirm this, elephants are unlikely to try significantly communicate during high wind conditions, as wind-induced noises would significantly impact on their communication. It should also be noted that wind turbines does not have a significant impact on low frequency noise in the environment. In February 2013, the Environmental Protection Authority of South Australia published the results of a study into infrasound levels near wind farms. This study measured infrasound levels at urban locations, rural locations with wind turbines close by, and rural locations with no wind turbines in the vicinity. It found that infrasound levels near wind farms are comparable to levels away from wind farms in both urban and rural locations. Infrasound levels were also measured during organized shut-downs of the wind farms; the results showed that there was no noticeable difference in infrasound levels whether the turbines were active or inactive. Therefore: <ol style="list-style-type: none"> a. Elephants mainly communicate during low wind, or no-wind conditions. Wind turbines does not operate during these times. b. Elephants do not communicate during high wind conditions, when the wind turbines operate. And data indicate that wind itself is the main source of low-frequency noise during period with increased winds, when the wind turbines would typically operate.

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<p>- Health</p> <p>Several physicians from around the world - e.g., Amanda Harry in England, Robert McMurtry in Ontario, Robyn Phipps in New Zealand - have recorded a common set of ill health effects among people living near industrial-scale wind turbines. The symptoms began when local turbines began to turn, and they are relieved when the victims leave. The symptoms to include: sleep disturbance, panic episodes with sensations of internal pulsation or quivering which arise while awake or asleep, ear pressure, dizziness, vertigo, nausea, racing heartbeat (tachycardia), ringing or buzzing in the ears (tinnitus). Dr. Nina Pierpont of New York has called it "wind turbine syndrome" and determined that its primary cause is the effect of low-frequency wind turbine noise on the organs. Dr. Pierpont's work has led her to recommend that large wind turbines not be sited closer than 2 kilometres (1-1/4 miles) from a home. It is also a severe risk to anyone with epilepsy. Will it affect low-income people living close by?</p>		<p>Noise guidelines in SA have a min distance of 500m from a NSA. No turbines are situated within 550m of an identified NSA.</p> <p>The turbines are situated more than 2 kilometres from the Rhini settlement.</p>
<p>Whilst we are not completely against the harnessing of natural energy in an attempt to lower the carbon footprint, we do feel there is a valuable balance between landowners seeking financial gain on local land against the knock-on effect on local residence, tourism and business. This area should also be protected against such monstrosities being built with no value other than individual landowners' financial gains.</p> <p>I deplore the committee to take into account all local residents' issues and concerns raised.</p> <p>We have poured blood sweat and tears into Buffalo Kloof to get to where we are now, intending to extend Buffalo Kloof to create spaces for wildlife to freely roam where they are protected. We rely solely on tourism, as do all the people we employ. Surely the protection of South Africa's endangered species, ecosystems, and habitats are more important? Our eco-systems and wildlife are detrimental to mankind's survival, without these, the wind farm is a fruitless endeavour. Please reconsider this windfarm, I am sure there are other areas more suited for a wind farm.</p>		<p>In addition to landowners' financial gain, considerable local economic impacts would manifest for communities in the form of 26% local shareholding and SED and ED contributions (which is currently 2.1% of revenue). The project is located on the properties owned by Makana where the land is currently being used by commonage farmers who will benefit from the project as well as land owned by 4 Community Property Associations who will benefit directly from the project.</p>
<p>We are commenting on the Albany Wind Energy Facility, DEFF Ref: 14/12/16/3/3/2/1131 as a concerned landowner, protected area manager and nature and wildlife tourism operator and member of the larger Indalo Protected Environment which has experienced impacts from wind energy development on our operations and tourism experience directly with the development of the Waainek Wind Energy Facility.</p> <p>Indalo is working to expand through further amalgamation of southern, central and northern nodes into large agglomerations of private reserves (>50 000Ha) in central area, and public private partnerships with Addo National Park and</p>	<p>Mr Neale Howarth</p> <p>Pumba Private Game Reserve</p> <p>13/07/2020</p>	<p>The Pumba Private Game Reserve is located over 20 km to the south west of the proposed Albany WEF and the visual impact are likely to be low due to distance. In addition to distance, the various intervening ridge lines will likely screen the game reserve from the WEF.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the second draft VIA as described above.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p>

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contributions to numerous other objectives as set out in the Indalo Protected Area Management Plan. The plan requires each reserve to secure the required financial resources to ensure achievement of the protected area management objectives. Pumba is accordingly protected and managed so as to offer a natural scenic setting.

Resources required for management of reserves are derived from nature and wildlife tourism which is reliant on wilderness setting largely free from the structures and signs of modern civilisation (often from which they come to get away).

2 TOURISM SERVICES

Pumba offers an visitors African safari experience that over and above the wildlife experience includes wilderness walking trails, birding safaris, nocturnal game drives, stargazing and planet watching activities within a wilderness setting characterised as by a diversity of natural landscapes.

We offer accommodation in three lodges each in a scenic namely Water Lodge, Bush Lodge and Gameston Wildlife Retreat.

Our facilities are graded by the Tourism Grading Council of South Africa (TGCSA) which classifies Private Nature Reserves as part of "Game or Nature Lodges".

The accommodation is as follows:

Pumba Water Lodge, Pumba Bush Lodge, Gameston Wildlife Retreat

3. IMPACT OF WIND FARM DEVELOPMENT

Although Pumba lodges were sited so as to offer a scenic location with vistas devoid of intrusion by human-made structures and other disturbance, however the Waainek WEF has substantially impacted Gameston Wildlife Retreat as the lodge has a northern aspect (good building design) and whereas it previously had views of an unbroken skyline, it now faces Waainek turbines that mars the landscape across the valley.

You may not be aware but The Tourism Grading Council of South Africa (TGCSA) classifies Private Nature Reserves accommodation as part of "Game or Nature Lodges". The visual and scenic quality of the natural environment of the private game reserves (along with wildlife and hotel specifications), are part of the minimum requirements to be a Game or Nature Lodge. Specifically it should be noted that it is a requirement to provide a "Scenic or natural vista (beyond that of the immediate garden area) e.g.: water view, rural outlook, mountain view or natural bush setting offering some Safari Activity such as Game Drives, Walking, Cycling, Horseback, Canoeing etc."1

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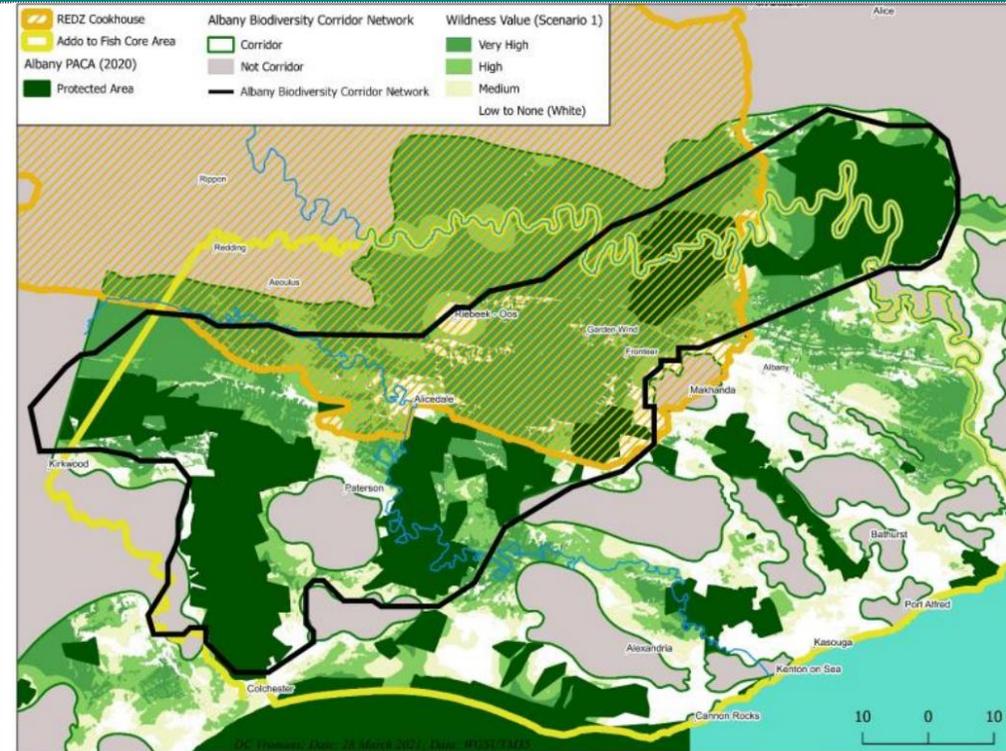


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

Gameston Wildlife Retreat's experience with and impact due to Waainek turbines became known after the draft EIA report was released. These experiences have now been included in the amended SIA Report Section 11.2.1 (*Potential loss in incomes: Tourism/Gaming/Hunting Industries*).

The experience of Pumba Private Game Reserve – Gameston lodge – has been included in the amended SIA Report.

Amended SIA Report elaborates on the role Pumba Game Reserve and other I&APs played in the appeal and subsequent reduction of the number of turbines at Waainek.

Each of the Game Farm representatives interviewed and referenced in the SIA report (during January 2020) was asked whether existing turbines impact them visually. Their responses at that time were that turbines can only be seen from various locations on the farms and not from the lodges. This has been amended in the amended SIA Report to reflect information that became available after the draft EIA Report was circulated for comment.

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<p>The impact of the wind turbines of the Waainek WEF on Gameston was deemed excessive and we further had such a significant volume of complaints that a decision was made to remove the Gameston lodge from our Pumba Reserve offering and that along with a lodge upgrade aimed (in part aimed with the objective to rebalance its TGCSA grading) and to remarket the facility to a different market.</p> <p>We note with utmost concern the statement in the SIA that “In addition to this Indalo, Amakhala and Pumba Game Reserves unsuccessfully appealed the Environmental Authorisation (“EA”) of the Waainek Wind Farm in 2011. Now that the project has been operational for four years, Amakhala reported no effect on eco-tourism”. For the record we would like to point out Pumba Private Game Reserve led the opposition to the original Waainek Wind Farm application proposed for 27 Turbines. After great support from the surrounding interested and affected parties, and substantial legal costs, and presentations and hearing at Provincial Government level had the application reduced to 8 Turbines.</p> <p>We further are shocked with your finding that “Existing turbines do not affect any of the lodges at the game/hunting farms visually” and "No evidence could be found to demonstrate or support the assertion that any wind farm development overseas has resulted in any adverse impact on tourism" and we would like to put it to you that this can be confirmed as false at the hand of our experience at which you reference to interview with our Director Dale Howarth of 29 January 2020 which we dispute.</p> <p>We take exception specifically to your assertion “Existing turbines do not affect any of the lodges at the game/hunting farms visually” and reference to our Director Dale Howarth and state for the record as he was never consulted or made any statement of this nature. We insist that you correct this statement failing which we will be reporting this as misrepresentation to the competent authority and attach hereto our letter of objection ass sent to you on 21 May already and which we haven’t had the courtesy of a response.</p> <p>We further need to make it clear that your statement “Amakhala reported no effect on eco-tourism” is misleading as it fails to qualify that Amakhala which is some 40km away from Waainek (as opposed to Lalibela -with visual impact at 20-25 km away and Pumba -with visual impact 7.5-10km away).</p> <p>4 OBJECTION</p> <p>We object to an EIR that is based on what appears to amount to a misrepresentation of facts to confirm a preconceived position and otherwise ignoring data that may contradict that position. We object to the fact that EIR for the Albany WEF and key specialist studies are deficient to the extent that</p>		<p>None of the literature and research referenced in the SIA report provided evidence that wind farm developments overseas has resulted in adverse impacts on tourism. It was not implied that Mr Howarth made this statement. The statement referenced is one of the bullets that concludes Section 11.2.1 of the SIA Report (<i>Potential loss in incomes: Tourism / Gaming / Hunting industries</i>).</p> <p>The SIA consultant consulted Mr Dale Howarth telephonically on 29 January 2020. Mr Howarth provided a brief background of his involvement in the opposition against Waainek WEF and elaborated on and answered specific questions that the SIA consultant asked with regards to their (Pumba’s) experience with the existing Waainek turbines. During the conversation no mention was made of Gameston Wildlife Retreat.</p> <p>The amended SIA report has however been updated to include the impact that the Waainek WEF turbines have had on Gameston Wildlife Retreat (Pumba) and on Kichaka Lodge (Lalibela).</p> <p>The amended SIA report has been updated to include the impact that the Waainek WEF turbines have had on Gameston lodge (Pumba) and on Kichaka Lodge (Lalibela). It further makes mention of the distances between the game reserves and the existing Waainek turbines.</p> <p>The Pumba Private Game Reserve is located over 20 to the south west of the proposed Albany WEF and the visual impact are likely to be low due to distance. In addition to distance, the various intervening ridge lines (such as the Mountain Drive ridge south of Makana) will screen the game reserve from the WEF.</p> <p>Based on the Indalo PE/ECPTA/SANParks Albany Biodiversity Corridor Network the proposed Albany WEF is situated outside of the expansion area. Thus, the assertion that the WEF will intrude on the proposed expansion is flawed (see Figure 1 below).</p> <p>In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW “Wilderness Value” would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair. The proposed Albany WEF would not impose on, disrupt or deter the establishment of the “Albany Biodiversity Corridor Network”.</p>

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these inadequacies are covering up grave flaws in the assessment and based on our first-hand experience of the impacts of wind energy development we request the competent authority to refuse the application as fatally flawed.

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I&AP**

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RESPONSE**

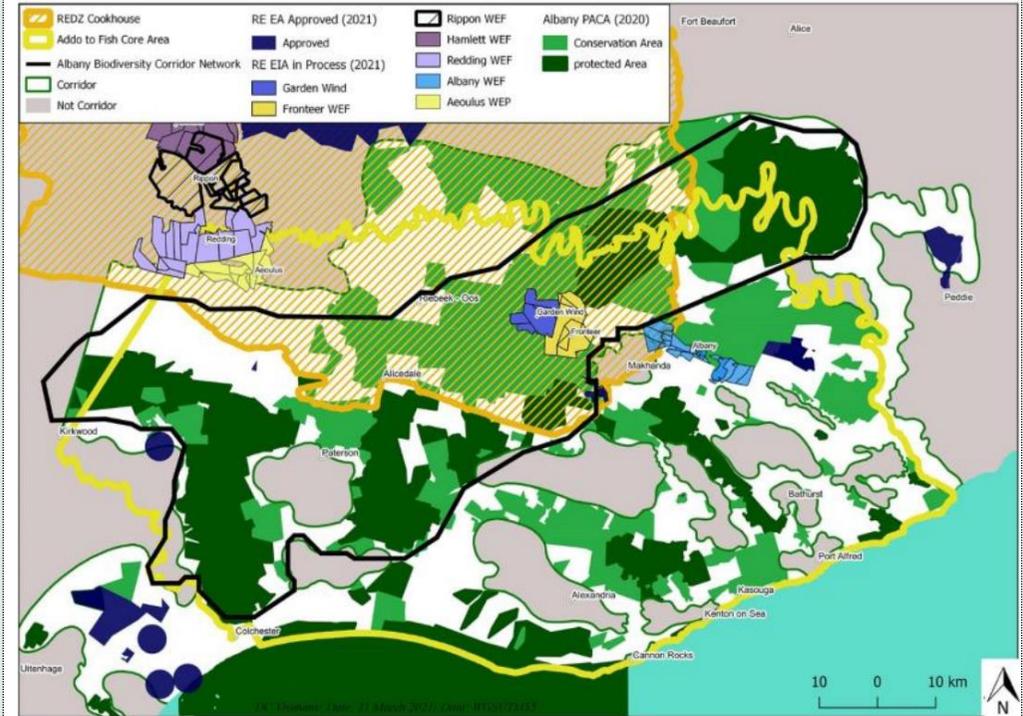
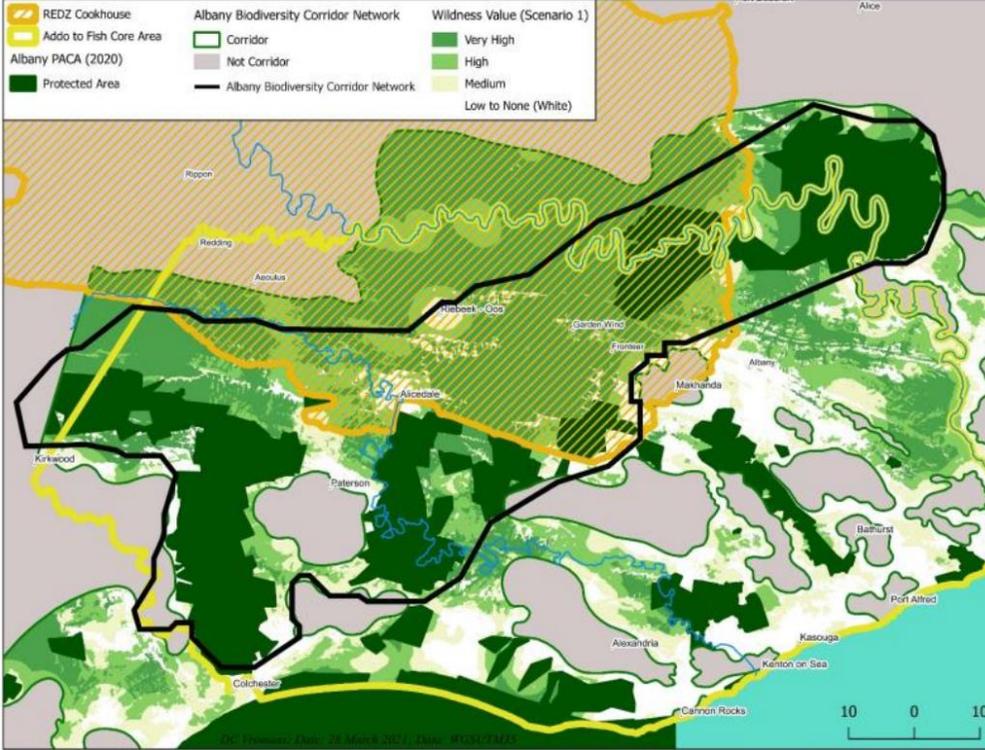


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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		 <p data-bbox="1182 880 2177 938">Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.</p>
<p data-bbox="49 948 250 970">1. INTRODUCTION</p> <p data-bbox="49 979 913 1104">1.1. Richard Summers Inc was appointed by Kwandwe Private Game Reserve (“Kwandwe”) to review and comment on the Draft Environmental Impact Assessment Report (DEIR) for the proposed Albany Wind Energy Facility1 (“proposed Albany WEF”).</p> <p data-bbox="49 1114 913 1299">1.2. The game reserve and ecotourism industry in the Eastern Cape are highly significant sectors that stand to be adversely affected by the proposed Albany WEF and other developments of a similar nature. Kwandwe Private Game Reserve is situated in close proximity to the proposed Albany WEF and has a direct and material interest in the outcome of this application, as it stands to be one of the most directly affected stakeholders.</p> <p data-bbox="49 1308 913 1522">1.3. Kwandwe Private Game Reserve also forms part of the statutorily protected and formally declared Indalo Protected Environment (“Indalo PE”) which is represented by nine Game Reserves (measuring 76 076,59 hectares in extent).2 The Indalo PE was founded with the objective to promote biodiversity conservation and ecological sustainability on a much larger scale than individual reserves, and to present a unified voice on issues affecting the tourism and game reserve industry.</p>	<p data-bbox="949 948 1142 1005">Richard Summers Inc Attorneys</p> <p data-bbox="949 1043 1142 1133">On behalf of Kwandwe Private Game Reserve</p> <p data-bbox="981 1171 1111 1197">13/07/2020</p>	

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>1.4. In terms of the conservation and protection of vegetation biodiversity targets and the wildlife conservation value of Kwandwe and the Indalo PE, and the ecosystem protection and ecosystem services they provide, the contribution made by Kwandwe and the Indalo PE is significant. This conservation value and the environmental, social and economic benefits of Kwandwe and the Indalo PE hinges entirely on the continued, long-term economic viability of the eco-tourism businesses underpinning the sustainability of the existing operations.</p>		
<p>2. SUMMARY OF KEY ISSUES REGARDING THE DEIR</p> <p>2.1. The treatment of alternatives in the EIA process is deficient and fails to satisfy the legal requirements for the investigation and evaluation of alternatives to the activity during the EIA process.</p>		<p>This layout change (from 66 to 43) has been added to the alternative chapter (Chapter 7) of this report.</p>
<p>2.2. The quantification of the socio-economic impact on game reserves and the tourism sector is one of the most significant issues identified during public participation process and this impact remains unresolved. Because of the high level of importance attached to this particular concern in relation to the proposed Albany WEF (evidenced by this concern being raised by numerous I&APs during the Scoping and Assessment phase), this constitutes a fatal flaw.</p>		<p>The impact on Tourism/Game farms/Hunting was assessed and rated with a moderate negative overall significance.</p> <p>The SIA had to rely on international literature/research as well as local interviews with existing game farm representatives, in order to make a reasonable conclusion. Locally only a limited number of game farms are affected by WEF turbines and it is thus not possible to quantify this impact accurately without substantial evidence, which does not currently exist. Quantification of tourism impacts (especially on receptors outside the project area of influence) fall outside the mandate of a SIA.</p>
<p>2.3. The nature of this obligations imposed in terms of the National Environmental Management Act, No 107 of 1998 (“NEMA”) requires the EAP to assess, among other things, the cumulative impact on the environment brought about by the proposed Albany WEF and all other existing and/or proposed WEFs that are in close proximity to the proposed Albany WEF. This in turn requires the EAP to assess the impact on the sustainability of existing game reserves and ecotourism operations. Although the socio-economic impact of the proposed Albany WEF has been identified as a concern in the DEIR and specialist assessments, the direct, indirect and cumulative impacts have not been quantified.</p>		<p>The mandate of the SIA was to investigate the socio-economic impacts that could potentially manifest within the project’s impact area of influence (primary sphere of impact). The SIA investigates the potential economic results of the project on social aspects and does not quantify economic outcomes. Cumulative impacts on existing game farms within the project area of influence are elaborated on in the amended SIA Report.</p>
<p>2.4. The issue of ecosystems and biological diversity cannot be determined with reference to the contents of the biophysical specialist reports alone. The fact that the site is not considered ecologically sensitive is not the only issue of relevance. Absent from the EIA process is any consideration of the impacts on the conservation estate and biodiversity benefits of the Indalo PE where this and other WEFs (directly, indirectly or cumulatively) impact on the viability and sustainability of the existing game reserves and ecotourism operations of the Indalo PE and its constituent members.</p>		<p>The mandate of the SIA is to investigate the socio-economic impacts that could potentially manifest (tourism, economic, land uses, visual impacts and so forth) and to determine their impact on social components within the area of influence. A Regional Tourism Study does not form part of the mandate for a SIA.</p>
<p>2.5. Key stakeholder concerns are unresolved. The Indalo Management Authority consistently raised the concern that the proposed Albany WEF may jeopardise the core eco-tourism business model of any of the game reserves</p>		<p>The wider Indalo PE area falls outside the project area of influence for SIA/SEIA purposes. A Tourism and/or Economic Assessment would be required to quantify this impact on the wider region.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE																		
<p>comprising the Indalo PE and thereby threaten the substantial conservation and socio-economic benefits that these protected areas provide.</p>																				
<p>2.6. The evaluation and consideration of need and desirability of the proposed Albany WEF does not satisfy the EIA best practice, nor does it meet the peremptory requirements prescribed by NEMA in this regard.</p>		<p>The need and desirability chapter (Chapter 3) has been prepared in accordance with the EIA Regulations 2014, as amended. The need and desirability guideline questions have been extracted from the guidelines and answered individually in this report.</p>																		
<p>2.7. None of the questions or issues identified in the 2017 Need and Desirability Guideline has been directly and expressly addressed by the EAP in the DEIR. Section 24O of NEMA has not been complied with as there is no indication that the EAP had regard to relevant guideline published in terms of section 24J of NEMA and associated minimum information requirements.</p>																				
<p>2.8. The indirect, cumulative and consequential impacts on Kwandwe Private Game Reserve, and the Indalo PE (and the individual game reserves comprising the Indalo PE) have not been quantified in circumstances where the proposed Albany WEF and other projects of a similar nature adversely affect the sustainability of these game reserves, statutorily declared protected areas, and ecotourism existing operations.</p>		<p>2.8 Cumulative impacts for the Game Farms within the direct sphere of impact have been listed in the SIA report. A Regional Tourism Study does not form part of the mandate for a SIA.</p>																		
<p>2.9. The scope of assessment is defective as it excludes substations and transmission lines which comprise core infrastructure for the proposed Albany WEF and which infrastructure ultimately dictates the location of the project and the development footprint.</p>		<p>Both the first and second draft EIRs include a full project description, including all information regarding the grid infrastructure, footprint calculations, localities, etc. The specialist reports were also prepared, by design, to include and assess all infrastructure in individual reports which are used for both the EIA and BA processes.</p>																		
<p>2.10. The project specifications of turbines used in the assessment is inconsistent and there is uncertainty regarding the extent to which a change in turbine or technical specifications may impact on the DEIR findings relating to impacts and significance thereof.</p>		<p>The turbine specifications are clear and consistent throughout the report.</p> <table border="1" data-bbox="1189 850 2024 1155"> <tbody> <tr> <td>Number of turbines</td> <td>Up to 43</td> </tr> <tr> <td>Power output per turbine</td> <td>Unspecified</td> </tr> <tr> <td>Facility output</td> <td>Up to 297 MW</td> </tr> <tr> <td>Turbine hub height</td> <td>Up to 130 m</td> </tr> <tr> <td>Turbine rotor diameter</td> <td>Up to 170 m</td> </tr> <tr> <td>Turbine blade length</td> <td>Up to 85 m</td> </tr> <tr> <td>Turbine tip height</td> <td>Up to 215 m</td> </tr> <tr> <td>Turbine platform area</td> <td>3 900 m²</td> </tr> <tr> <td>Turbine road width</td> <td>14 m to be rehabilitated to 8 m</td> </tr> </tbody> </table>	Number of turbines	Up to 43	Power output per turbine	Unspecified	Facility output	Up to 297 MW	Turbine hub height	Up to 130 m	Turbine rotor diameter	Up to 170 m	Turbine blade length	Up to 85 m	Turbine tip height	Up to 215 m	Turbine platform area	3 900 m ²	Turbine road width	14 m to be rehabilitated to 8 m
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<p>2.11. The information required to aid the significance rating of certain impacts are unknown and assumptions were drawn based on previous experiences.</p>	<p>Where the nature of a project limits information it is standard environmental practice to draw from previous experiences and similar projects.</p>																			
<p>2.12. The DEIR and specialist assessments ignore the sensitivity mapping and analysis with the result that the final proposed Albany WEF layout included in the DEIR is not the optimal layout from an environmental perspective, because it fails to respect all environmentally sensitive areas as NO-GO areas.</p>	<p>The reports have been prepared in accordance with best practice guidelines relevant to each specialist field. In terms of development it is not feasible to have all HIGH, MODERATE and LOW sensitive areas graded as NO-GO. Each specialist field has dealt with and demarcated NO-GO areas where relevant. HIGH, MODERATE and LOW sensitive areas include mitigation measures, including avoidance and/or management.</p>																			
<p>2.13. The various information gaps identified in these comments have the combined effect of compromising the ability of stakeholders to engage meaningfully in the EIA process and to be able to comprehend and interpret the</p>	<p>The full impacts tables deal extensively with the nature, severity and duration of all impacts.</p>																			

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nature, severity and duration of project related impacts. This undermines the public participation process and renders it meaningless.		
2.14. The DEIR omits to include an updated comments and response table in order to specifically explain to stakeholders and I&APs how various comments throughout the EIA process have been addressed. This too renders the public participation process meaningless and defective.		The first draft EIR included a full up-to-date issues and response trail which was made available as Appendix H of the report. The second draft EIR includes (this) updated IRT which is, once again, available for all reviewers of reports.
2.15. Two external reviews have been commissioned in order to review the efficacy of the VIA and the EIA process as a whole. Both external reviews have identified that the EIA and the VIA suffer from fatal flaws and material omissions and as a result cannot serve as a basis for accurate impact evaluation and/or defensible decision-making by the competent authority.		<p>It is submitted that the final CES VIA followed the Provincial Government of the Western Cape, Department of Environmental Affairs and Development Planning (DEA&DP) Guideline for Involving Visual and Aesthetic Specialists in the EIA Process (Oberholzer, 2005). These are the most widely accepted best practice guidelines for conducting VIA's in South Africa. The CES VIA was conducted in a systematic and objective manner in accordance with the DEA&DP Guideline and the NEMA EIA Regulations (2014, and subsequent 2017 amendments) and was subjected to I&AP comment and scrutiny during the 30-day EIA review period.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the final VIA. Section 3 of the final VIA address the main issues raised by I&APs.</p> <p>External Review of VIA by Nuleaf Planning and Environmental (Pty) Ltd REVIEW CONCLUSIONS</p> <p>Overall, the Visual Impact Assessment arrives at an objective and defensible result. The reviewers are of the opinion that the VIA report has generally adopted a methodology that was sound and in line with best practice. Therefore, it is submitted that the Final Visual Impact Assessment (VIA) by CES for the Albany WEF represents an objective and consistent process that may be repeated by others, and which would produce the same results.</p> <p>The viewsheds generated appear accurate and most mitigation measures recommended are sensible, practical and appropriate to the nature and scale of the proposed development. Additionally, direct, indirect and cumulative impacts were considered and addressed.</p>
2.16. The gaps and omissions in the assessment are extensive and constitute a material flaw in the EIA process. Due to the high levels of speculation and the categories of relevant information classified by the relevant specialists as unknown, the DEIR fails to comply with minimum legal requirements and cannot support reasonable or rational decision-making by the competent authority.		Where the nature of a project limits information it is standard environmental practice to draw from previous experiences and similar projects. It is also a requirement that specialists explicitly state when there are information gaps. Impacts in which the ultimate impact cannot be quantified have been marked as unknown in impact severity due to the fact that no supporting information exist to draw upon. These impacts, despite being unknown in parts, have been included to be as inclusive and thorough as possible.
2.17. These issues are described in more detail in Sections 3 – 7 of this document, read together with the following Annexures comprising these Comments: ANNEXURE A – EXTERNAL REVIEW OF VISUAL IMPACT ASSESSMENT REPORT DATED APRIL 2020 BY BERNIE OBERHOLZER AND QUINTON LAWSON (INCLUDING VISUAL SENSITIVITY MAPS 1 – 18 ATTACHED TO THE REVIEW)		Kwandwe's Client Survey Results have been incorporated in the amended SIA Report.

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<p>ANNEXURE B – KWANDWE PRIVATE GAME RESERVE CLIENT SURVEY RESULTS ANNEXURE C – EXTERNAL REVIEW OF DRAFT ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT DATED APRIL 2020 BY GLOBAL GREEN.</p>		
<p>3. ALTERNATIVES 3.1. The DEIR recognises that “alternatives”, in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity but the EIA undertaken in relation to the proposed Albany WEF fails to consider any alternatives that could be construed as different means of meeting the general purpose and requirements of the activity. By way of illustration, the Visual Impact Assessment (“VIA”) report claims that the EIA process involved “evaluating the various alternatives associated with the Albany WEF proposal and the identification of the preferred alternative, is provided in the Environmental Impact Assessment Report (EIAR) for this project”. This is highly misleading and incorrect.</p>		<p>Section 8 of the second draft VIA provides a description of the preferred alternative. Since the draft VIA, the Applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the draft VIA relating to the visual impacts.</p>
<p>3.2. This submission focusses on the manner in which “alternatives” has been dealt with in the context of the EIA process for the proposed Albany WEF. The comment regarding alternatives is described in three distinct parts: (1) the manner in which the DEIR deals with alternative technologies; (2) the claim that alternative layouts have been provided by the Applicant; and (3) a brief review of the no-go option. Alternative Technologies 3.3. The reliance on alternative technologies in the DEIR as “alternatives” for the purposes of the EIA Regulations is misleading. The “alternative energy technology” options described in section 7.2.4 of the DEIR are identified as coal fired power plants, biomass and nuclear power. None of these is a true or genuine alternative – or different means of meeting the general purpose and requirements of the activity - for the purposes of satisfying the EIA Regulations. 3.4. Regarding the assessment of technology alternatives, we point out that: 3.4.1. Section 7.2.4 of the DEIR expressly refers to the activity or project as being for a renewable energy development only. 3.4.2. The NEMA listed activities applied for by the Applicant are described in the DEIR as being for the development of facilities/infrastructure for the generation of electricity from a renewable resource. 3.4.3. It is plain from the Applicant’s own description of the project in the DEIR that neither coal fired power plants, biomass nor nuclear power facilities constitute a genuine alternative technology option for the proposed Albany WEF which self-evidently is a renewable energy development. 3.5. Similarly, the options of solar and concentrated solar power identified in the DEIR as alternatives are not genuine alternatives for the purpose of NEMA or the EIA Regulations. This is evident from the following: 3.5.1. The DEIR states that “only the most feasible and competitive developments are selected” for the EIA and that “solar plants will only be</p>		<p>The six (6) energy alternatives (Alternative energy technology 1 – Wind turbines (Preferred alternative); Alternative energy technology 2 – Solar PV; Alternative energy technology 3 – Concentrated Solar Power (CSP); Alternative energy technology 4 – Coal fired power plant; Alternative energy technology 5 – Biomass; Alternative energy technology 6– Nuclear Power) are detailed to demonstrate that wind is the only suitable <u>energy</u> technology which is suitable for the assessed site.</p> <p>If energy alternatives are not investigated or assessed, then how can the EIR dismiss solar or concentrated solar as potential renewable energy options. Without having investigated solar potential of the site in terms of the CSIR data the EAP would not have been able to dismiss it as a viable option. The same applies to biomass, without understanding the availability of biomass fuels in the area the EAP would not have been able to dismiss this energy resource as a viable option.</p> <p>The first draft EIR included 66 turbines, the second draft EIR includes a layout of 43 turbines. The 90 turbine layout was assessed and refined during screening and scoping phase.</p> <p>The 66 turbine layout was, by nature, materially modified to avoid sensitive areas identified by all specialists.</p>

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<p>competitive if they are located in the highest potential areas “in the Eastern Cape.⁵</p> <p>3.5.2. The potential energy production maps reproduced in the DEIR indicate that the study area - where the Applicant wishes to undertake a renewable energy development - is most suitable for wind energy production.</p> <p>3.5.3. The DEIR confirms that the study area would not be competitive with solar plants located in the higher potential areas.</p> <p>3.6. It is evident that neither solar plants, coal fired power plants, biomass nor nuclear power are reasonable or feasible “alternatives” or different means for achieving the project viz a wind farm. This begs the question why these so-called alternative technologies were included and described as “alternatives” in the DEIR when it is plainly clear that they are not alternatives in any sense of the term. The reliance on these ‘options’ does not satisfy the NEMA requirement relating to the evaluation and assessment of alternatives.</p> <p>Alternative layouts</p> <p>3.7. The DEIR incorrectly claims that more than one project layout was assessed in the EIA process. This statement is demonstrably false, as illustrated by the following:</p> <p>3.7.1. The project entails a layout of a maximum of 66 turbines which was the only layout assessed. Although the DEIR misleadingly claims that a 90-turbine layout was also assessed, this is plainly incorrect and misleading. There are only two passing references to a 90-turbine layout in the entire DEIR.</p> <p>3.7.2. The DEIR states that all specialists assessed a 'draft layout' of 90 turbines and the results were assessed by the developer in order to inform the layout described in the DEIR.⁹</p> <p>3.7.3. This so-called "preliminary layout"¹⁰ of 90 turbines and its assessment by the developer was never made available to I&APs at any time during the EIA process. It was rather determined by the proponent based on a “desktop pre-screening”¹¹. In other words, the 90-turbine layout was not assessed at any time during the EIA in accordance with the EIA Regulations but was rather considered by the proponent as an internal exercise.</p> <p>3.7.4. The results of the desktop pre-screening by the proponent were analysed in order to inform the project layout presented in the DEIR. The only layout that was in fact assessed, was the proponent’s preferred option of a 66-turbine layout.</p> <p>3.7.5. There is no evidence that the 66-turbine layout was ever adjusted to respond to the impact assessment during the EIA. The EAP undertook that this (layout adjustment) would take place “based on the outcomes of the specialist assessment during the EIA phase”. It is plainly evident from the DEIR that only the developers preferred layout has been assessed. At no stage was the proponents preferred layout materially modified to respond to environmental constraints.</p>		

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<p>3.7.6. The 66-turbine layout has also not responded to the sensitivity map. This is evident from the fact that there has been no attempt to avoid the turbines that give rise to high impacts. It is particularly concerning that none of the turbines with a VERY HIGH or HIGH negative visual impact identified during the VIA has been avoided to ensure that the layout is optimal from an environmental perspective. The EAP has thus failed to adhere to the undertaking that “all environmentally sensitive areas have been designated as NO-GO areas”¹² in the final proposed layout.</p> <p>3.7.7. The self-stated aim of the Socio-Economic Impact Assessment (“SIA”) report is to provide an appraisal of possible socio-economic consequences and make recommendations for feasible alternatives and realistic mitigation measures.¹³ There is no evidence in the SIA report of any alternatives recommended or assessed by the Social Specialist during the SIA.</p> <p>3.8. In summary, the 90-turbine layout is not a genuine alternative. It was not subject to any independent evaluation / assessment in terms of the EIA Regulations. The correct factual position is that no layout alternatives were investigated, evaluated or assessed. Accordingly, the DEIR states the correct factual position where it records that only “the final proposed WEF” of 66 turbines was included in the EIA.¹⁴</p>		
<p>No-go option</p> <p>3.9. The DEIR indicated that “all feasible alternatives” and the “no-go option” will be equally assessed in order to evaluate the significance of respective impacts. This did not take place.</p> <p>3.10. In the DEIR, the no-go alternative is portrayed only in terms of the negative impacts associated with not undertaking the proposed development. This approach unfairly emphasises only the positive impacts of allowing the project to be undertaken, whilst excluding the full cost benefit analysis required in terms of the EIA Regulations.</p>		<p>Each impact, where relevant, includes information pertaining to the no-go option. No-go option means that the status quo remains. The site is not pristine and is currently being degraded due to two factors, farming practices and alien vegetation. The status quo of the site would therefore be negative in nature.</p> <p>The status quo from a socio-economic perspective (as another example) is two fold. If the WEF does not proceed then the current job market remains as is, this included the employment of people at private reserves. One cannot say that the no-go/status quo of employment is positive as opposed to neutral as there is no evidence to suggest that the private nature reserve as actively growing their staff compliment. However, one can categorically state that should the WEF proceed jobs will be created by the development.</p>
<p>3.11. The selective emphasis on the fact that the benefits of the project will not be realised operates to exclude other relevant considerations. There is no balanced account of the relative assessment of all risks and benefits associated with the status quo i.e. the no-go alternative. This concern is illustrated by the following examples:</p> <p>3.11.1. With regard to the no-go option the VIA report states: “In the case of the Albany WEF, the development can have local job-creation benefits, while at the same time adding to the energy security of the region.” There is no attempt to balance this against the fact the no-go option will not give rise to WEF “high visual impact on the landscape” and “losses of scenic resources” identified in the DEIR.</p> <p>3.11.2. With regard to employment related impacts, the SIA report states that the effect of the no-go option will be that “No employment and associated</p>		<p>Loss of existing jobs due to the Project was assessed in Section 11.1.3 (<i>Loss of existing jobs</i>) of the SIA report. The effect on the no-go option states that: “<i>Status quo in terms of direct and indirect employment by the agriculture, tourism, gaming and hunting sectors would prevail.</i>”</p> <p>This effect on the no-go option (no impact on employment opportunities in the reserve management and hospitality components of the affected game reserves) has also been included in Section 11.1.1 (<i>Direct employment</i>) of the amended SIA report.</p> <p>It is important to note that this developer (Albany Wind Power is a subsidiary of EDF Renewables) has done extensive research (including specialist input) in numerous sites in the Eastern Cape. Examples of projects which have been investigated but not proceeded to EIA phase due to ecological constraints, include:</p>

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<p>benefits will accrue to local communities or the broader Makana LM as a result of this project.” There is no attempt to balance this against the fact that the number of employment opportunities at Kwandwe (in the reserve management and hospitality components) will not be affected by the no-go option as this will not give rise to WEF impacts that threaten the sustainability of the existing ecotourism operations.</p>		<ul style="list-style-type: none"> • Hogsback/Cathcart Area. A proposed WEF in this area was abandoned prior to EIA phase as it was fatally flawed by input from the avifaunal specialist. This project was fatally flawed due to the presence and abundance of the Rudd’s Lark and Yellow -breasted Pipit, amongst others; • Tarkastad Area. A proposed WEF in this area was abandoned prior to EIA phase as it was fatally flawed by input from the avifaunal specialist. This project was fatally flawed due to the presence and abundance of the Verreaux's Eagle; • The former Transkei Region. Numerous proposed WEFs in this area were fatally flawed due to the presence and abundance of the Cape vulture. The EIA processes were abandoned on these grounds; • Stutterheim Area. A proposed WEF in this area was abandoned due to the presence and abundance of Cape vulture. This project was deemed fatally flawed. <p>The data gathered during the pre-scoping phases of these WEFs was shared with BirdLife South Africa by the avifaunal specialist. The data has also been used to inform future potential developments in the areas detailed above.</p>
<p>VIA alternatives 3.12. The VIA report recognises the fundamental importance of alternatives assessment to the EIA as follows: “Integral to the EIA process is the consideration and evaluation of alternatives to a proposed development plan”. The EAP (who also acted as the visual specialist) however failed to carry this through into the assessment.</p>		<p>With respect to visual issues, issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the second draft VIA. Section 3 of the final VIA address the main issues raised by I&APs.</p>
<p>3.13. The fact that various alternatives were not assessed during the EIA process is confirmed by the following: 3.13.1. Paragraph 3.7 (above) illustrates that only one project alternative was assessed during the EIA process. 3.13.2. With regard to the location of alternatives, the VIA report confirms that only one site (the project area) has been considered in the report. 3.13.3. With regard to technological alternatives, the VIA report confirms that only the development of a wind energy facility has been considered in the VIA report. 3.13.4. With regard to layout alternatives, the VIA confirms that only the proponent’s preferred alternative - the turbine layout of 66 turbines — has been assessed.</p>		<p>Section 8 of the second draft VIA provides a description of the preferred alternative. The preferred alternative was arrived at based on an iterative process. Since the draft VIA, the Applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the draft VIA relating to the visual impacts.</p>
<p>3.14. In terms of applicable policy and guidelines 17 Level 4 Visual Assessment ought to consist of inter alia a description of alternatives and mitigation measures as some of its main elements. The investigation and implementation of alternatives in connection with the VIA and the DEIR was simply not done in connection with this project. The failure to investigate alternatives serves as confirmation that the EIA is fatally flawed and specifically the VIA has failed to satisfy the NEMA requirements regarding the evaluation of alternatives.</p>		<p>Section 8 of the second draft VIA provides a description of the preferred alternative. The preferred alternative was arrived at based on an iterative process. Since the draft VIA, the Applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the draft VIA relating to the visual impacts.</p>
<p>Summary of comment on Alternatives in the DEIR</p>		<p>Summary is noted. All individual comments have been addressed above.</p>

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<p>3.15. The references in the DEIR to alternatives is self-serving and does not satisfy the prescribed legal requirements of NEMA. NEMA requires a genuine consideration of a range of alternatives viz different means of achieving the activity by stipulating that the EIA must ensure that reasonable and feasible alternatives are identified, described and evaluated with regard to the objectives of NEMA. The EAP has not assessed a different means of meeting the general purpose and requirements of the activity in question.</p> <p>3.16. The DEIR reference to alternative technologies is misleading. The other technologies listed are not true alternatives to the project, and alternative layouts were not assessed at all.</p> <p>3.17. The approach to alternatives in the EIA process pays lip service to the requirement regarding alternatives assessment. The VERY HIGH and HIGH significance ratings of adverse visual impacts in this case make the consideration of alternative sites especially relevant to this project and this must first be satisfied in order for the NEMA requirement to be addressed.</p> <p>3.18. The DEIR does not satisfy the objective in Item 2(d)(i) of Annexure 3 of the EIA Regulations regarding the obligation to determine the nature, significance, consequence, extent, duration and probability of the impacts occurring to inform identified preferred alternatives.</p> <p>3.19. In the circumstances, no alternatives can be regarded as having been applied for, consulted on during the EIA or its impacts investigated in terms of NEMA or the EIA Regulations. The EAP has effectively bypassed the requirement to identify and confirm the preferred site and final project layout, through a detailed selection process, which ought to have included an identification of impacts and risks inclusive of identification of cumulative impacts and a ranking process of all the identified alternatives focusing on the geographical, physical, biological social, economic, and cultural aspects of the environment.</p>		
<p>4. NEED AND DESIRABILITY</p> <p>4.1. The need for and desirability analysis in the DEIR is superficial and fails to satisfy the NEMA requirements. The purpose of this section is to highlight the primary concerns with the need for and desirability analysis, with emphasis on the following:</p> <p>4.1.1. The DEIR does not specifically and explicitly address project need and desirability throughout the EIA process, nor does it do so specifically in the overall impact summary or in dealing with individual project impacts identified.</p> <p>4.1.2. The DEIR fails to specifically and explicitly address any of the pertinent need and desirability questions listed in the 2017 Need and Desirability Guideline (DEA: 2017).</p> <p>4.1.3. The DEIR does not specifically and explicitly evaluate each impact (both negative and positive) in terms of the criterion of “need and desirability” for each of the aspects of the environment affected by the proposed Albany WEF project.</p>		<p>Chapter 3 of the second draft EIR has been updated to include each question as per the Need and Desirability Guidelines, 2017.</p> <p>The impact mitigation hierarchy was used to inform the 66 turbine layout. In addition to this process, undertaken by both the EAP and the specialists. The EAP used the PPP comments to inform a new 43 turbine layout which is assessed in this second draft EIR.</p>

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<p>4.1.4. The need for and desirability analysis in the DEIR fails to give a balanced account of applicable policy in relation to the project, and instead selectively focuses only on policies regarding green technology and the promotion of renewable energy, thereby ignoring the associated costs and negative impacts of undertaking the development.</p> <p>4.2. As will be described more fully below, these failures ultimately render the assessment lopsided and have the effect of favouring the approval of the project to the exclusion of a considered and balanced assessment of all relevant policies, project costs and negative impacts. The inadequate analysis defeats the foundational aim of the EIA process viz to identify, predict and evaluate the actual and potential risks for and impacts on the environment, including socio-economic considerations. These failures, in turn, contribute to the EAP’s failure to identify alternatives that avoid negative impacts altogether, or minimise and manage negative impacts. In these circumstances, both the EIA process and the project are fatally flawed.</p> <p>Failure to explicitly address the impact mitigation hierarchy</p> <p>4.3. Central to the 2017 Need and Desirability Guideline is the recognition of the importance of the hierarchical approach to impact management. The DEIR falls short in this regard because it singularly fails to implement the Impact Mitigation Hierarchy. This is a critical deficiency in the EIA, which is demonstrated by the following:</p> <p>4.3.1. The DEIR concludes that the proposed Albany WEF “will undoubtedly have a high visual impact on the landscape” and that “the potential losses of scenic resources are high”.¹⁹</p> <p>4.3.2. Despite the findings of VERY HIGH and HIGH negative visual impacts, only one project “alternative” was assessed and that is the proponents’ preferred project alternative.</p> <p>4.3.3. Throughout the Screening, Scoping and Assessment phases of the EIA, the VERY HIGH and HIGH visual impacts identified were neither avoided nor mitigated. There has been no attempt to avoid all environmentally sensitive areas by designating these as NO-GO areas.</p> <p>4.3.4. The EAP has not demonstrated that impact avoidance is not possible either with reference to empirical evidence or in terms of accepted EIA practice.</p> <p>4.3.5. The EAP ignores the obvious conclusion that negative impacts could be avoided altogether by removing turbines that give rise to VERY HIGH and HIGH negative visual impacts, but no such measures were explored or implemented to minimise or remedy these identified impacts.</p> <p>4.4. As a decision-making tool to assist the competent authority (and I&APs) in determining whether the proposed activity satisfies the criterion of need and desirability and constitutes the best environmental option contemplated in NEMA, the EIA process is compromised because the “need and desirability” analysis reported in the DEIR completely ignores the Impact Mitigation Hierarchy. This results in flawed EIA outcomes which favour the project</p>		

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<p>proponent to the exclusion of all other relevant considerations. This failing – the failure to deal with all aspects relevant to need and desirability – represents a clear and manifest breach of the principle of sustainability foundational to NEMA and the EIA process.</p>		
<p>Failure to explicitly address any ecological considerations 4.5. The 2017 Need and Desirability Guideline recognises the importance of national policies and strategies that take cognisance of strategic concerns such as climate change, food security, “as well as the sustainability in supply of natural resources and the status of our ecosystem services”. There is no indication in the DEIR of how project impacts on ecosystem services or conservation value has been considered in the need and desirability analysis (if at all). Chapter 3 of the DEIR (Need and Desirability) is devoid of reference to these ecological considerations or how this project impacts on the ecological integrity of the area and ecosystem services provided by game reserves in the area including specifically the Kwandwe Private Game Reserve and the Indalo PE.</p>		<p>The Ecological Impact Assessment, which forms part of the EIR includes a thorough assessment of ecosystem services. Chapter 3 of the second draft EIR has been updated to include each question as per the Need and Desirability Guidelines, 2017, this includes ecosystem services.</p>
<p>4.6. The DEIR myopically focuses only on certain strategic concerns and the biophysical aspects of the site and ignores that fact that the spatial and temporal context required to be analysed in order to satisfy the need and desirability enquiry is broader than this (DEA: 2017). 4.7. The concern regarding project impacts on ecological integrity was appropriately framed by stakeholders during the public participation process in relation to the following two areas: (1) the impact on the operations of existing game reserves and ecotourism operations; and (2) the impact on the Indalo PE. Neither issues have been addressed in the EIA process and remain unaddressed and unresolved. 4.8. Specifically, the following considerations have not been explicitly taken into account and/or reported on in the DEIR: 4.8.1. The broader potential indirect and consequential impact on Threatened Ecosystems if the sustainability of the Kwandwe Private Game Reserve and the Indalo PE is compromised. 4.8.2. The impact on Critical Biodiversity Areas (“CBAs”), Ecological Support Areas (“ESAs”), and conservation targets currently secured and statutorily protected in the Kwandwe Private Game Reserve and the Indalo PE. 4.8.3. The impact on global and international responsibilities relating to the environment and protected areas management. 4.8.4. The impact on identified vegetation types in the study area (a significantly high proportion of which the EIA recognises are statutorily conserved in the Indalo PE and in a number of private reserves, including Kwandwe). 4.9. The impact on the Indalo PE and its contribution to the above ecological integrity considerations is simply not addressed at all in the DEIR. The comments submitted by Indalo Protected Area Management Authority remain pertinent:</p>		<p>Chapter 3 of the second draft EIR has been updated to include each question as per the Need and Desirability Guidelines, 2017.</p> <p>The issues and impacts listed in this comment are assessed in discussed in second draft SIA, VIA, Ecological Impact Assessment and EIR. The SIA, VIA and EIR have been updated in response to I&AP comments.</p> <p>The socio-economic impacts of the proposed WEF on the surrounding game farms (both eco-tourism and hunting perspective) are assessed in the SIA, VIA and EIR.</p>

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<p>“The Indalo Protected Area Management Authority opposes the proposed location of any wind energy facility that may jeopardize in any way the core eco-tourism business model of any of the game reserves within the Indalo Protected Environment and thereby threaten the substantial conservation and socio-economic benefits that these protected areas provide.”</p> <p>4.10. The DEIR gives no consideration to the potential consequences of impacts on tourism (game reserves and associated ecotourism industry in the area) or the resultant loss or protection of biological diversity that will follow if the feasibility and/or sustainability of these operations is adversely impacted due to the VERY HIGH and HIGH visual impact on the landscape and associated loss of scenic resources that the DEIR and specialist assessments have identified will occur if the project is allowed to proceed.</p> <p>4.11. Despite the EAP admitting (correctly) that it is “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”²¹ this was not done in either the scoping or assessment phase of the EIA. This is a fatal flaw.</p>		
<p>Failure to explicitly address sustainability</p> <p>4.12. The DEIR fails to address sustainability explicitly as a key consideration relevant to the need and desirability evaluation in terms of NEMA. This omission undermines the fact that ultimately the need for and desirability of the project is based on the principle of sustainability (DEA: 2017). This omission is illustrated by the following:</p> <p>4.12.1. The stakeholder comment that the “respective specialist would have to conduct a comparison of the positive economic benefits and sustainability between this development and the tourism industry of the Region where the project is proposed”²² has not been addressed and the relevant concern is unresolved.</p> <p>4.12.2. There is no reference in the Section 3.6 of the DEIR to sustainability as set out in the Constitution and in NEMA, or as provided for in various other relevant policies and plans, including inter alia the National Development Plan 2030.</p> <p>4.12.3. There are only three references to ‘sustainability’ throughout the entire DEIR (cf. Sections 6.5.4; 6.8; and 10 of the DEIR) and none of those references explicitly relate to, or deal with, the economic, social or environmental sustainability of the project. The issue is simply not dealt with.</p> <p>4.12.4. There is a failure to recognise and integrate into the assessment process the principle of sustainability specifically in relation to each identified project impact.</p> <p>4.12.5. The DEIR fails to assess the impact on the sustainability of ecotourism, existing game reserves and the tourism industry which are policy objectives are consistent with Strategic Objective 1.5 of the Eastern Cape Vision 2030 Provincial Development Plan.</p>		<p>The EIR includes nine (9) specialist fields. The impacts assessed by the specialist range from social, to economic, to ecological issues. These three fields and the balance thereof form the cornerstone for sustainable development. The aim of assessing these three fields is to ensure that proposed developments are sustainable by nature. The EAP argues that an EIA, by nature, addresses the question of sustainability.</p>

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<p>4.12.6. The DEIR does not expressly reference or integrate all policies relevant to the principle of sustainability. There is no reference at all in the DEIR to the National Sustainable Development Policy or other strategic policies that promote the principle of sustainability.</p> <p>4.12.7. There is no reference at all to biodiversity and conservation management policies or strategic objectives. There is also no reference at all to protected areas management policies or related protected areas strategic objectives.</p> <p>4.13. The DEIR fails to address the question of need, desirability and sustainability in the manner contemplated in Fuel Retailers Association of SA (Pty) Ltd v Director General, Environmental Management Mpumalanga and Others.</p>		
<p>Failure to address the strategic context</p> <p>4.14. When evaluating need and desirability of project specific applications, such as the proposed Albany WEF, the strategic context of such applications should be considered. The DEIR fails to achieve this for the following reasons:</p> <p>4.14.1. In terms of the overarching strategic context, only a small section of the proposed Albany WEF falls within Renewable Energy Development Zones (REDZ) 3 (Cookhouse). At best for the Applicant, a maximum of 20% of the site falls within this REDZ. The DEIR fails to motivate in terms of the Need & Desirability Guideline why the bulk of the project departs from the REDZ.</p> <p>4.14.2. During the public participation process, stakeholders expressly identified that a motivation is required regarding why the development is being proposed outside the REDZ.²³ The EAP's response to this in the DEIR is inadequate and merely states that the site was selected based on both wind potential and the land use of the properties, and that "other factors will be detailed in the EIR and various specialist studies...".²⁴ The EAP's response does not address the stakeholder concern and nor does it provide the requisite motivation. In fact, neither the DEIR nor the specialist studies convincingly motivate why the development is being proposed outside the REDZ. The concern therefore remains unaddressed and unresolved and is a material flaw in the need and desirability analysis.</p> <p>4.14.3. The DEIR unquestioningly relies on considerations relevant only to the proponent regarding its (i.e. the developer's) decision to undertake the proposed Albany WEF outside of REDZ. This is illustrated by the following response in the DEIR: "...when developers identify wind resources which are economically desirable coupled with sites which are situated within a close proximity to existing Eskom distribution infrastructure. The decision, by Albany Wind Power, to investigate the proposed site stemmed from the high wind potential of the site combined with the available capacity of the Eskom substation".²⁵</p> <p>Failure to address environmental context</p> <p>4.15. In order to improve on the level of integration of social, economic, ecological considerations and its associated impacts, NEMA provides for the</p>		<p>The site selection in terms of REDZ was extensively discussed in Chapter 7 of the first draft EIR. This section has been moved to Chapter 3. Two neighbouring WEFs, namely Fronteer and Wind Garden are currently being proposed within the REDZ 3, yet they have received the same concerns regarding proximity to Kwandwe. The Albany WEF has followed the more rigorous two-tiered approach to assessment to ensure that the site selection is appropriate in terms of all specialist field.</p> <p>The statement that the turbines ignore the sensitivity map is completely misleading. The turbines have been placed outside of all sensitive areas as described and assessed by each specialist.</p>

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<p>compilation of information and maps that specify the sensitive attributes of the affected environment. Appropriately responding to the identified sensitive attributes of the environment is a hallmark of the need and desirability analysis, but in this case the environmental sensitivities have been ignored in this analysis.</p> <p>4.16. The Global Green review confirms this concern by concluding that the “sensitivity map provides the location of high sensitive / constraint zones with little thought seemingly to avoiding these sensitive locations... The impression is that the geographical sensitivity was mapped and then the location of the turbines ignored it.”</p>		
<p>Selective and disproportionate focus on certain policies</p> <p>4.17. The DEIR focuses on high level policies in order to argue that the project is compatible with the policy context such as the South African Integrated Resource Plan with no commensurate focus on directly relevant considerations applicable to project’s need and desirability being identified.</p> <p>4.18. There is universal support for the “need” to be cognisant of climate change in order to promote renewable sources of energy and leveraging a green economy. But this alone is not sufficient to motivate need and desirability for the proposed Albany WEF project in terms of NEMA. Chapter 3 of the DEIR (Need & Desirability) is devoid of any reference to policy objectives relating to the environmental conservation, biodiversity protection and protected areas management.</p> <p>4.19. NEMA requires the principle of sustainability to be addressed from three components (social, economic, and ecological), which the DEIR fails to achieve. NEMA also requires the strategic policy context to be reviewed with direct reference to the bespoke project level considerations and concerns that come to light during the EIA process. Again, the DEIR does not do this. Instead the DEIR singularly focuses on generic policy goals and objectives associated with renewable energy. In doing so the EAP has diverted focus away from the principle of sustainability and issues that are directly relevant to impact assessment at project scale.</p> <p>4.20. In summary, the exclusive reliance in the DEIR on policy in support of green energy and universally applicable high-level policy goals e.g. climate change mitigation does not satisfy the NEMA requirement relating to need and desirability.</p>		<p>Chapter 3 of the second draft EIR has been updated to include each question as per the Need and Desirability Guidelines, 2017.</p> <p>The EIR includes nine (9) specialist fields. The impacts assessed by the specialist range from social, to economic, to ecological issues. These three fields and the balance thereof form the cornerstone for sustainable development. The aim of assessing these three fields is to ensure that proposed developments are sustainable by nature. The EAP argues that an EIA, by nature, addresses the question of sustainability.</p>
<p>Unsubstantiated claims</p> <p>4.21. The DEIR relies on the following misleading and/or unsubstantiated claims:</p> <p>4.21.1. The project “will contribute” to local development objectives and socio-economic benefits but the SIA report expressly acknowledges that those benefits have not been qualitatively assessed.</p> <p>4.21.2. The DEIR cites “significant direct foreign financial investment” and benefits for local communities without substantiating this claim based on data or empirical evidence attributable to the proposed Albany WEF project.</p>		<p>The final socio-economic benefits are currently unknown due to the fact that the proposed Albany WEF, if authorised, will be subject to a bidding round in terms of the REIPPP. The requirements and rules will only be available when the RFP for the REIPPPP is released. These rules have changed over the previous four rounds and therefore sharing any of this information now would be premature and inaccurate.</p> <p>Assuming that the Albany WEF is R2.6 billion investment value for a for 140MW facility (based on a regional average), the investment equity would equate to 25% and the debt</p>

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<p>4.21.3. The DEIR cites generic REIPPP “local content requirements” that “can lead” to socio-economic benefits without in any way quantifying or qualifying this generalisation in relation to the proposed Albany WEF project especially regarding the alleged benefits for local industry, the creation of skilled and unskilled jobs in terms of which no concrete data is provided in the DEIR.</p> <p>4.21.4. Chapter 3 of the DEIR (Need & Desirability) places a heavy emphasis on the United Nations Framework Convention on Climate Change UNFCCC and the Kyoto Protocol as being relevant to the need and desirability enquiry because, so it is claimed in the DEIR, the proposed Albany WEF project will contribute to a reduction in greenhouse gasses (“GHG”). The DEIR expressly relies on several national policies to claim a GHG emission reduction benefit associated with the project.³⁰ The claim that this project will contribute towards a reduction in GHG emissions is not substantiated anywhere in the DEIR. There is no study undertaken of existing emissions or emissions displacement by the project to support the benefit that the EAP alleges will be achieved by the project. There is also no recognition in the DEIR of international literature which shows that the emission displacement in respect of wind farm projects is in any event potentially very low.</p> <p>4.21.5. The DEIR claims that the proposed Albany WEF is consistent with the White Paper on Renewable Energy Policy and the objectives therein, “thus contributing to sustainable development and environmental conservation” The claim that this shows that the project contributes to sustainable development or environmental conservation is superficial and is not substantiated.</p>		<p>would equate to 75%. EDF Renewable (holder of Albany Wind Power) would have a 50% shareholding while the rest will be South African owned equity. EDF Renewable would bring R325 million as foreign direct investment. These figures are simply to provide an order of magnitude.</p>
<p>Irrelevant considerations</p> <p>4.22. The DEIR relies on the following information that is intended to motivate in favour of the proposed Albany WEF project as being compatible with policies promoting renewable sources of energy:</p> <p>4.22.1. The REIPPP is claimed to be relevant to need and desirability (DEIR, section 3.4.6). The fact that the REIPPP has gone through four bidding phases and is entering a 5th bidding phase has no direct bearing at all to the need and desirability enquiry for the purposes of NEMA.</p> <p>4.22.2. The DEIR references the ANC ruling party’s 2019 election manifesto to show that the project is compatible with green energy.</p> <p>4.22.3. The DEIR incorrectly motivates need and desirability for the project as demonstrating South Africa’s commitment to its international obligations in terms of UNFCCC and the Kyoto Protocol. This is inaccurate and misleading. South Africa has no binding obligations in terms of the Kyoto protocol or the UNFCCC.</p> <p>4.22.4. The DEIR also motivates the project with regard to a description of South Africa’s electricity supply constraints without any empirical data to show how the project will resolve those constraints.</p> <p>4.23. In light of the above, the DEIR fails to substantiate and/or motivate how these factors are relevant to need and desirability at project level. The</p>		<p>Although the exact values of the community contributions are not known, monetary values of 16 WEF projects in the Eastern Cape are provided in Section 2.2.2 (<i>SED and ED</i>) of the SIA Report. Data of similar projects in the Eastern Cape is regarded as sufficient to base such claims on.</p> <p>Political policy and energy instability (bidding phases required to improve energy availability) cannot be regarded as irrelevant considerations. The need for new and improved energy resources in South Africa are well known and affect all South Africans. To state that a stable energy supply is not part of the “need and desirability” of the project would be illogical. The project categorically states that this project would contribute 297 MW towards the grid infrastructure.</p>

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<p>suggestion that these considerations are at all relevant to need and desirability is misleading, and serves to underscore that the need and desirability enquiry is based on irrelevant considerations.</p> <p> Ignores relevant policy objectives</p> <p>4.24. Applicable policy is selectively referenced by the EAP. The DEIR highlights only those issues which show compatibility between the proposed Albany WEF project and certain identified strategic policy objectives, with the result that the need and desirability analysis fails to provide a balanced consideration of all relevant social, economic, and ecological considerations.</p> <p>4.25. This concern is illustrated with reference to the Eastern Cape Vision 2030 Provincial Development Plan (“PDP”):</p> <p>4.25.1. The PDP draws on other national planning documents, including the National Infrastructure Plan and the Industrial Policy Action Plan (2014 to 2016) to show that environmental challenges relate not only to climate change, but also include threats to biodiversity etc.³³ The DEIR ignores this as the need and desirability analysis is devoid of any biodiversity-related policy considerations.</p> <p>4.25.2. The DEIR focusses exclusively on climate change and renewable energy policy and ignores equally important objectives such as the objective to nourish and protect the provincial tourism economy. In this regard, the PDP expressly identifies game reserves in the Eastern Cape Province as top attractions for international tourists and that international tourism spending is 40% greater than domestic tourism spending. ³⁴</p> <p>4.25.3. The socio-economic significance of game reserves to the strategic policy objective of growing and developing the tourism industry in the Eastern Cape Province is highlighted by the fact that the rise and success of game reserves “and the lucrative tourism business they attract, point to the potential material and social successes to be realised if a well thought through and ambitious development of the deprived rural parts of the Eastern Cape were to be undertaken.”³⁵</p> <p>4.25.4. The PDP identifies seven sectors with high potential for economic development. One of these is the Tourism Sector (and specifically includes eco-tourism). Whilst the PDP also lists the renewable energy sector, the fact is that both sectors are equally relevant. Notwithstanding, the analysis in the DEIR strongly suggests that the renewable energy is the only relevant consideration, which is clearly not the case if one views applicable policy more holistically.</p> <p>4.25.5. Equally important is the fact that policy strategy identified in the PDP is for the Province to use its competitive advantages to grow the volume and value of eco-tourism in the Province, and to avoid activities that undermine the Tourism Sector through inappropriate and insensitively located development.</p> <p>4.25.6. The assessment in the DEIR falls short of these strategic policy objectives as the VERY HIGH and HIGH negative visual impacts of the proposed Albany WEF directly undermine the very resource upon which the ecotourism in the area derives a significant competitive advantage. The review by Global Green</p>		<p>Policy relevant to the WEF have been highlighted and discussed. Impacts related to all three legs of sustainable development (social, economic and ecological) have been detailed in the impact assessment, including the 7 pages (A3) of general impacts and the 46 pages (A3) of specialist impacts. Issues raised by I&APs were included as impacts and assessed according to the impact assessment methodology in chapter 9 of the draft EIR.</p> <p>Impacts on the tourism industry was rated with an overall MODERATE negative significance in the SIA Report. The impact on the ecotourism industry has been updated across the SIA, VIA and EIR reports.</p>

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<p>confirms Kwandwe’s concern that there will be a negative impact on ecotourism operations, but the DEIR has failed to investigate and quantify this impact.</p>		
<p>Stakeholder concerns remain unaddressed and unresolved</p> <p>4.26. At the outset of this process, key stakeholder concerns identified that the EIA process must be able to show that “the project will not compromise the localised Climate Change Adaptation process for the area. It should be noted that area is within one of the areas identified as a climate change corridor as well as an ecological corridor linking existing protected areas within the Province.”</p> <p>4.27. The EAPs response to this was that the Ecological Specialist Report will assess the impacts of the proposed development on the climate change corridor (and the ecological corridor linking protected areas, including the Indalo PE). The fact that this was not done is illustrated by the following:</p> <p>4.27.1. The scope of study undertaken in the Ecological Impact Assessment is superficial – the assessment is limited to analysing only the direct impacts on the site and it completely ignores the potential indirect and consequential impact of the project (and the cumulative impact) on the ecological integrity and ecosystem services of the broader area, including the Indalo PE.</p> <p>4.27.2. The Ecological Impact Assessment is fatally flawed as it only recognised The Beggars Bush State Forest and the ECCA Local Authority Nature Reserve within the proposed Albany WEF study area, to the exclusion of other statutorily protected areas such as Kwandwe Private Game Reserve and the Indalo PE.</p> <p>4.27.3. Kwandwe forms part of Indalo PE which borders the proposed site. Although no turbines or associated infrastructure are proposed within Kwandwe Private Game Reserve and the Indalo PE, the extent to which the proposed Albany WEF may impact indirectly on the statutorily protected areas has not been considered, evaluated or assessed.</p> <p>4.28. The Ecological Impact Assessment does not analyse any of the above-mentioned aspects and this is a key limitation in the need and desirability analysis in the overall EIA process which is required to consider ALL relevant issues (in this case this refers to impacts on the ecological corridor) to be viewed more holistically There is no consideration of the broader ecological issues at all in the DEIR or the Ecological Impact Assessment and this key stakeholder concern remains unaddressed and unresolved.</p>		<p>The Ecological Report includes the updated ECBCP (2019). This spatial data includes all relevant protected areas. The protected areas have also been mapped and assessed as per the SAPAD 2021 Q1 data. Please refer to chapter 4.1.3 of the Ecological Report.</p> <p>The impact on tourism/game/hunting industries within the primary impact sphere was rated with a moderate negative overall significance. Kwandwe was included in this assessment. Quantification of indirect impacts on protected areas located outside the project area of influence fall outside the mandate of the SIA.</p>
<p>4.29. The DEIR pays lip service to the potential costs of the project especially regarding potential impact on the tourism industry, which remains unquantified and unassessed. The DEIR claims incorrectly that the “potential socio-economic” impact on the tourism industry sector have been “well outlined and assessed as part of the Socio-Economic Impact Assessment”³⁷. This claim is both false and misleading. In fact, section 3.6 of the DEIR relies heavily on the SIA which it claims draws on “evidence” and “conclusions” obtained during an “extensive study”. This fundamentally misrepresents the correct position and overstates the efficacy of the evaluation. The SIA does not assess this impact.</p>		

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<p>Summary of comment on project need and desirability</p> <p>4.30. As demonstrated throughout these comments, the impact assessment for the proposed Albany WEF is deficient, with various key concerns remaining unaddressed and unresolved. The need and desirability analysis – which is a critical component of the EIA process and is intended to serve as a “mirror of the impact summary” (DEA: 2017) – reflects this deficient and incomplete evaluation of the relevant issues.</p> <p>4.31. Need and desirability is critical to the EIA process. It is where the integration of environmental, social and economic considerations relevant to project EIA and the principle of sustainability entrenched in section 2 of NEMA come to the fore. The DEIR undermines the relevance of need and desirability in the EIA process in the following manner:</p> <p>4.31.1. By failing to answer the list of questions in the Need and Desirability Guideline which should be addressed when considering need and desirability of a proposed development.³⁸ This leaves I&APs at a disadvantage by depriving them of the ability to meaningfully understand the cost benefit analysis that NEMA and the EIA Regulations require.</p> <p>4.31.2. By failing to explain how the development serves the principle of sustainability, including explaining: (1) how the development may impact ecosystems and biological diversity; (2) how the development will impact ecological sustainability; and (3) how the development will address the socio-economic impacts of the development. In these circumstances, it is not possible for I&APs to make an informed understanding of how the development will impact on their environmental rights.</p> <p>4.31.3. By failing to explain how the development entails the balancing of the factors identified in the Need and Desirability Guideline and the impacts identified in the DEIR which, in turn, compromises the efficacy of the public participation process.</p> <p>4.31.4. By failing to explain the proposed development in context of the ALL applicable spatial planning tools and policy instruments relevant to applicable to the study area.</p> <p>4.31.5. By a disproportionate and biased focus on national policies and strategies that support renewable energy as a key strategic objective to the exclusion of other relevant policies that promote ecological sustainability; biodiversity and conservation management priorities for expanding the protected area network for ecological sustainability and climate change adaptation (e.g. National Protected Area Expansion Strategy For South Africa 2008).</p> <p>4.31.6. By crudely framing the proposed development as a choice between the status quo (i.e. the no-go alternative) and the positive socio-economic growth the EAP attributes to allowing the proposed Albany WEF to proceed.</p> <p>4.31.7. By the inadequate recognition of the socio-economic benefits and multiplier effects associated with the contribution of existing game reserves to</p>		<p>Summary is noted. All individual comments have been responded to above.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>the local and provincial economy. This is not expressly recognised in a way that the need and desirability of a development entails the objective balancing of all relevant factors.</p> <p>4.31.8. By paying lip service to the potential costs of the proposed Albany WEF and particularly the potential impact on the tourism sector and game reserves in the area.</p> <p>4.32. In summary, the main concerns identified in connection with the need and desirability analysis include the following:</p> <p>4.32.1. Based on the DEIR, it is not possible to determine whether the proposed activity is the best environmental option, because the “need and desirability” component of the EIA fails to be informed by impacts identified and/or the sum of all the impacts considered holistically.</p> <p>4.32.2. The need and desirability evaluation is singularly biased towards motivating for the proposed Albany WEF and fails to address all relevant environmental, social and economic considerations in a balanced and objective manner. The positive project-related aspects are overstated, and the negative consequences of the proposed Albany WEF project are not quantified. Key elements of the analysis are missing (e.g. impacts on land values) and have not been investigated at all.</p> <p>4.32.3. Section 3.2 of the DEIR identifies the main drivers as only those that are compatible with the project (expanding green energy, securing and improving security of electricity supply and the socio-economic benefits associated with the green economy) and ignores other relevant considerations.</p> <p>4.32.4. The DEIR references international conventions and local policy selectively on the basis of highlighting only those that support the drivers that operate in favour of the project as identified by the EAP. The clear impression created is that the EAP supports unequivocally the proposed development irrespective of project specific impacts or the significance and/or severity of impacts.</p> <p>4.32.5. The need and desirability analysis is incomplete because key ecological considerations are unresolved and key impacts are unaddressed. Impacts on ecological conservation targets and ecosystem services are not addressed at all in the DEIR.</p> <p>4.33. The need and desirability analysis categorically fails to satisfy the legal requirement imposed in NEMA and the EIA Regulations to implement a hierarchical approach to impact management.</p>		
<p>5. VISUAL IMPACTS</p> <p>5.1. In terms of significance ratings, the VIA report states: “Negative impacts that are ranked as being of “VERY HIGH” and “HIGH” significance will be investigated further to determine how the impact can be minimised or what alternative activities or mitigation measures can be implemented.... The most effective and practical mitigations measures will then be proposed”.</p>		<p>It is submitted that the CES VIA followed the Provincial Government of the Western Cape, Department of Environmental Affairs and Development Planning (DEA&DP) Guideline for Involving Visual and Aesthetic Specialists in the EIA Process (Oberholzer, 2005). These are the most widely accepted best practice guidelines for conducting VIA’s in South Africa. The CES VIA was conducted in a systematic and objective manner in accordance with the DEA&DP Guideline and the NEMA EIA Regulations (2014, and subsequent 2017</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE														
<p>5.2. This was simply not done. There has been no attempt to implement the hierarchical approach to impact management through impact avoidance to address the negative visual impacts ranked as being of “VERY HIGH” and “HIGH” significance.</p> <p>5.3. The VIA report does not satisfy the requirements of a Level 4 Visual Assessment. Firstly, the VIA fails to describe or assess any genuine project alternatives. Secondly, it fails to prescribe or implement impact avoidance and/or mitigation measures required to address high impacts. Thirdly, it fails to ensure that the assessment is undertaken by an “independent visual specialist.”</p> <p>5.4. Not one of the significance ratings in the VIA report has varied between pre- and post-mitigation, notwithstanding the fact that the negative visual impacts are ranked as being of high significance. This alone serves as confirmation that the EIA is fatally flawed and the VIA – as a critical component of the EIA process - has failed to integrate the findings of high negative visual impacts in the assessment process.</p> <p>5.5. The visual impacts of the project were some of the key concerns identified by stakeholders the public participation process. Given the findings of VERY HIGH and HIGH significance of visual impacts, coupled with the fact that no meaningful attempt has been made to avoid and/or mitigate adverse impacts, Kwandwe commissioned an independent review of the VIA report. The review was undertaken by Bernie Oberholzer and Quinton Lawson both of whom are experts in visual impact assessment and widely recognised leaders in this field. The report by Bernie Oberholzer and Quinton Lawson (attached hereto marked “A”) must be read as if incorporated into and forming part of these comments.</p> <p>5.6. The findings of the Oberholzer / Lawson review include the following:</p> <p>5.6.1. The conclusions in the VIA report are questionable, having not been adequately informed by accurate baseline information.</p> <p>5.6.2. The avoidance of high significance visual impacts is completely ignored.</p> <p>5.6.3. Several findings in the VIA report lack credibility.</p> <p>5.6.4. The DEIR ignores the high scenic value and wilderness quality of the study area and the negative impacts on visual scenic resources are not meaningfully responded to.</p> <p>5.6.5. There is limited evidence of proper screening having been undertaken during the EIA in order to avoid visually sensitive areas.</p> <p>5.6.6. The DEIR ignores the REDZ visual mapping which shows that this portion of the REDZ 3 is classified as very high visual sensitivity.</p> <p>5.6.7. The VIA was conducted ‘in house’ by the EAP and the external peer review report commissioned by the EAP cannot be relied upon as an independent expert peer review.</p> <p>5.6.8. The VIA report is riddled with self-contradiction. For example, on the one hand recognising the integrity and value of scenic resources and the high potential loss of such resources as a result of the proposed Albany WEF, but then</p>		<p>amendments) and was subjected to I&AP comment and scrutiny during the 30-day EIA review period.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively addressed in the second draft VIA. Section 3 of the second draft VIA address the main issues raised by I&APs.</p> <table border="1" data-bbox="1182 355 2067 1505"> <thead> <tr> <th data-bbox="1182 355 1518 387">Main issues raised by I&APs</th> <th data-bbox="1518 355 2067 387">Response</th> </tr> </thead> <tbody> <tr> <td data-bbox="1182 387 1518 555">1. 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<p>failing to implement any measures to avoid and/or mitigate this high adverse impact.</p> <p>5.6.9. The impact of lighting at night from critical viewpoints has not been addressed at all.</p> <p>5.6.10. The EAP’s attempt to justify the high visual impact on the landscape by stating that the lifespan of the project is only 20- 25 years is highly questionable and unscientific.</p> <p>5.6.11. The VIA report contains too many omissions and inaccuracies, and does not serve as a basis for informed recommendations or assessments regarding the visual acceptability of the proposed Albany WEF.</p> <p>5.7. Due to the errors and inaccuracies in the VIA, the findings in the DEIR regarding visual impacts are disputed and not regarded as credible for the purposes of satisfying the national environmental management principles in section 2 of NEMA. It is plainly evident that the concerns previously raised by I&APs about significant adverse visual impacts have been ignored and this constitutes a fatal flaw in the EIA process.</p> <p>5.8. In terms of the implications of the significance ratings, the VIA report states: Negative impacts that are ranked as being of “VERY HIGH” and “HIGH” significance will also “assist decision makers i.e. numerous HIGH negative impacts may bring about a negative decision.”⁴¹ In light of the large number of turbines that gives rise to significant negative impacts ranked as being of “VERY HIGH” and “HIGH” significance, coupled with the material flaws, inaccuracies and omissions in the VIA report, the Department would be justified in refusing the application. The Oberholzer / Lawson review concludes that large portions of the proposed Albany WEF represent a fatal flaw based on the sensitivity maps analysed as part of the review.</p> <p>5.9. The DEIR explicitly states that turbines should not be erected in direct view of lodges and strategic viewpoints on surrounding game reserves such as Kwandwe. Notwithstanding, the proposed Albany WEF layout has not only not undergone any changes in response to the EIA findings, but the impact avoidance option is blatantly ignored. No attempt at all has been made to reduce “high significant” impacts on visual sensitive receptors such as Kwandwe through mitigation in order to avoid adverse impacts.</p> <p>5.10. The concern that the visual impacts (both during day and night) of the proposed Albany WEF on Kwandwe Private Game Reserve gives rise to unacceptably high impacts which will damage the landscape and undermine the integrity of the visual scenic resource is confirmed by the independent assessment by Oberholzer and Lawson. This in turn will have a direct detrimental effect on the tourism experience offered by Kwandwe and will negatively affect the sustainability of its ecotourism and hospitality business and the marketability of the tourism product it is able to offer. In the longer term, this will undermine the financial viability and sustainability of the environmental management of the landholding and its conservation outcomes. On this basis</p>		7. Questions the limited mitigation measures proposed, such as reduced hub height and reduced turbine numbers and the no-go alternative.	The applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the draft VIA relating to the visual impacts.
		8. The VIA did not adequately assess other alternatives.	The VIA assessed the preferred alternative and the no-go alternative.
		9. No attempt to implement the hierarchical approach to impact management through impact avoidance.	The applicant has reduced the number of turbines from 66 to 43.
		10. The VIA fails to ensure that the assessment is undertaken by an independent visual specialist.	CES provides independent EAP and various other independent specialist services including VIAs. In addition, the VIA will be reviewed by an external specialist.
		11. Inaccurate baseline information.	The baseline information section has been substantially updated in the current report.
		12. VIA ignores the REDZ visual mapping showing the classification of the relevant portion of REDZ 3 as very high visual sensitivity.	A section on the REDZ has been included in the current report.
		13. The impact of night lighting has not been addressed at all.	The draft VIA did consider the impacts of night lighting. However, the impacts of night lighting has been expanded in the current report.
		14. Limited evidence of project screening to avoid visually sensitive areas.	The screening potential (vegetation and topography) has been addressed in the current report.

External Review of VIA by Nuleaf Planning and Environmental (Pty) Ltd

REVIEW CONCLUSIONS

Overall, the Visual Impact Assessment arrives at an objective and defensible result. The reviewers are of the opinion that the VIA report has generally adopted a methodology that

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<p>alone, the NEMA application for the proposed Albany WEF should be refused outright.</p>		<p>was sound and in line with best practice. Therefore, it is submitted that the Final Visual Impact Assessment (VIA) by CES for the Albany WEF represents an objective and consistent process that may be repeated by others, and which would produce the same results.</p> <p>The viewsheds generated appear accurate and most mitigation measures recommended are sensible, practical and appropriate to the nature and scale of the proposed development. Additionally, direct, indirect and cumulative impacts were considered and addressed.</p>
<p>6. SOCIO-ECONOMIC IMPACTS</p> <p>6.1. This section counters the evidence and conclusions put forward by the Applicant in the DEIR suggesting that the socio-economic impacts of the proposed WEF on the surrounding game farms and the tourism sector have been assessed. The DEIR misleadingly states the position as follows: “The potential socio-economic sector has been well outlined and assessed as part of the Socio-Economic Impact Assessment. This report draws on evidence and conclusions obtained during an extensive study”</p> <p>6.2. The purpose of this section is to prove that the DEIR’s reliance on the argument that potential socio-economic sector has been well outlined and assessed in the Socio-Economic Impact Assessment Report44 (SIA report) is factually incorrect. In doing so, we address several fundamental and critical limitations to the assessment and findings in the SIA report. In addition, we address the research relied upon by the SIA specialist by inter alia referencing other relevant literature related to impacts on tourism associated with wind farms.</p> <p>Information gaps / omissions</p> <p>6.3. The EAP has submitted the SIA report in support of the overall EIA findings but ignores the fact that the data and methodology used in the SIA report are unsuitable to infer anything about the project socio-economic impacts of the proposed Albany WEF on the surrounding game farms and ecotourism operations. The reasons for this comment include:</p> <p>6.3.1. The SIA report is styled as a socio-economic impact assessment, but the report is prepared by a social specialist. There is no evidence that the specialist is appropriately qualified to undertake a economic impact assessment or has the necessary qualifications and expertise required to compile a specialist economic impact assessment report, or to assess and determine the significance of the socio-economic impacts required by NEMA.</p>		<p>The purpose of a SIA is to investigate the socio-economic impacts that could potentially manifest within the project’s impact area of influence. It investigates the potential economic results of the project on social aspects and does not quantify economic outcomes. The SIA consultant is sufficiently qualified for this study and has conducted numerous SEIA’/SIA’s over the last decade. An Economic Impact Assessment is done by an Economist.</p>
<p>6.3.2. Section 4 of the SIA report recognises the contradiction in the purported scope of the study. It describes the “primary purpose of a SIA is to determine and analyse the likely impacts of a proposed development or event on a specific group of people or a community’s way of life, character and social cohesion.” The self-stated purpose of the SIA report makes no reference to the assessment of economic impacts and reaffirms that the primary focus is on social impacts.</p>		<p>The purpose of a SIA is to investigate the socio-economic impacts that could potentially manifest within the project’s impact area of influence. It investigates the potential economic results of the project on social aspects and does not quantify economic outcomes. The SIA consultant is sufficiently qualified for this study and has conducted numerous SEIA’/SIA’s over the last decade.</p> <p>An Economic Impact Assessment is done by an Economist.</p>

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<p>6.3.3. The SIA report relies on generic benefits (such as those associated with the REIPPP) without providing any project specific information or data about the perceived socio-economic benefits relied upon by the specialist to serve as motivation for the project. Limited project specific data is taken into consideration, as this information is categorised in the SIA report as an “unknown”.⁴⁶</p>		<p>“Assumptions and Limitations” are provided in the SIA report. Details of the DoE’s requirements have not been finalised as it is currently being amended and due to the competitive nature of the environment that the IPP operates in, it would make it detrimental to provide confidential information at this stage. It is however standard environmental practice to use data of similar projects to draw reasonable conclusions and rate impacts where information is not yet available or confidential.</p>
<p>6.3.4. The SIA report relies on other projects to argue that local employment benefits associated with the proposed Albany WEF are “probable”, but the percentage of local employment at other wind farm developments in the area (the SIA only refers to Waainek Wind Farm) is classified as unknown and the SIA report concedes the cumulative impact cannot be rated.⁴⁷ This is a critical information gap which has not been resolved.</p>		<p>The statement is extracted from the SIA report’s construction phase’s impacts, where the percentage of a local workforce at other WEFs are unknown. The cumulative impact could therefore not be rated. This is not regarded as a critical information gap as the impact is short-term in nature (construction phase). However, the cumulative impacts of indirect employment during the operational phase (as a result of ED and SED Projects) of the 3 wind farms in Makana LM was rated with Moderate overall significance. The cumulative impacts of direct employment (permanent and temporary) of the 3 wind farms in Makana LM was rated with Low overall significance, as the WEFs are not labour intensive. It is standard environmental practice to use data of similar projects to draw reasonable conclusions and rate impacts where information is unknown.</p>
<p>6.3.5. The SIA report reveals that the confidence rating is low in many areas of the impact evaluation due to the lack of evidence and absence of key information. Each of these represents a critical information gap in the EIA which has not been resolved:</p> <p>6.3.5.1. Details of the procurement process and strategy for the proposed Albany WEF are unknown.⁴⁸</p> <p>6.3.5.2. Details of specific training and skills development for the proposed Albany WEF are unknown.⁴⁹</p> <p>6.3.5.3. The monetary value of the contribution of the proposed Albany WEF towards the local economy is unknown.⁵⁰</p> <p>6.3.5.4. Regarding potential impact on land values, the SIA report notes “insufficient information is available (monetary values, concrete evidence of farm values, etc.)”⁵¹</p> <p>6.3.5.5. Impacts perceived during the decommissioning phase were not rated in the SIA report, and the specialist concedes that this is due to the limited information available.⁵²</p> <p>6.3.5.6. The percentage of social and economic development contributions to be committed by the proposed Albany WEF is not defined and depends on REIPPP tender documents “which are yet to be released by the DMRE and on EDF Renewables’ bidding strategy”.⁵³</p> <p>6.3.5.7. Where detailed information was not available, data of other projects in the Eastern Cape was used by the SIA specialist as baseline to determine the significance of the socio-economic impacts for this project. There is insufficient data /evidence to show that the reliance on other projects is a credible basis to quantify the impacts associated with the proposed Albany WEF project.</p>		<p>6.3.5.1 A Procurement strategy for construction has not been formulated yet (too early in the process) and for this reason confidence in the rating is low. The impact has thus been rated with a low overall significance (few benefits) for the region (worst case scenario).</p> <p>6.3.5.2 It is too early in the process to formulate training and skills development objectives for the construction phase. Thus the impact was rated with a low overall significance.</p> <p>6.3.5.3 Although the monetary value of the contribution towards the local economy is unknown (calculation thereof falls outside the mandate of a SEIA) the ways that the project will be contributing to the local economy are discussed. The Project is compared with the Waainek WEF (24MW) and the rating, from a socio-economic perspective, was done with confidence (moderate positive).</p> <p>6.3.5.4 The statement refers to Section 11.2.3. (<i>Potential impacts on land values: Farm portions included in the project</i>). Even though monetary values are unknown, the impact could be rated as positive. A standard environmental principle was applied (low positive overall significance). In addition, the SIA discusses potential impacts on surrounding land values (surrounding farms and game reserves; Section 11.2.4). Reference is made to examples and estate agents’ opinions and their experiences in this regard to support the conclusion drawn in the SIA report.</p> <p>6.3.5.5 Decommissioning is at this stage foreseen in 25 years. New technologies, methods to be applied, the number of workers required and so forth are still unknown. The assessment of this phase from a socio-economic perspective would be premature.</p> <p>6.3.5.6 This fact was highlighted in the “Assumptions and Limitations” chapter of the SIA Report.</p>

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		6.3.5.7 Evidence from other projects are sufficient to base the results of Albany WEF’s impact assessments on, as the DoE apply strict measures to the outputs required for wind energy projects.
6.3.6. The SIA report is self-contradictory. On the one hand it acknowledges the need for the details in the Applicant’s Social and Economic Development plans to be transparently available to the local government and the community, but then detailing “exactly what commitments the Albany WEF makes on each element would not be prudent at this stage as they are unknown.”		6.3.6 Should the project be approved and implemented, transparency in terms of ED and SED contributions would be essential. At this stage in the process it is still too early to finalise and reveal these contributions, as the DoE could amend the commitments required and premature community expectations would be created.
6.3.7. The uncertainty regarding key impacts and lack of relevant data is compounded by the SIA report which relies on unsubstantiated statements regarding the perceived project benefits, including: 6.3.7.1. The number of foreigners/expatriates employed on renewable energy projects has decreased over time, as skills have gradually been transferred to South Africans. 6.3.7.2. Skilled professional would be available locally due to experience gained during construction of the Waainek Windfarm and similar projects in the Eastern Cape.		6.3.7.1 SIA consultant’s experience drawn from previous renewable energy projects. 6.3.7.2 SIA consultant’s experience drawn from previous renewable energy projects.
6.3.8. The entire premise upon which perceived value / benefits for the proposed Albany WEF contribute to the local economy is thus inaccurate and unquantified. This severe limitation in the EIA is compounded by the acknowledged relevance of this information to a credible assessment. The SIA report itself recognises that “All SED and ED plans should be transparently available to the local government and the community.” This has not happened. There is no transparent or accountable basis for enabling I&APs to make meaningful and informed representations regarding the relative socio-economic costs and benefits of the project due to the lack of key information.		Once the project is approved and implemented transparency in terms of ED and SED contributions would be essential. At this stage in the process it is still too early to finalise and reveal these contributions, as the DoE could amend the commitments required and premature community expectations could be created. The mandate of a Socio-economic Impact Assessment is to investigate the socio-economic impacts that could potentially manifest within the project’s impact area of influence. It investigates the potential economic results of the project on social aspects and does not quantify economic outcomes.
Conclusions drawn in the SIA report 6.4. Overall, the SIA report cannot be relied upon as a basis for the findings in the DEIR regarding perceived socio-economic impacts for the proposed Albany WEF. The SIA specialist concedes that the assessment is fatally flawed as “currently no direct evidence exists to state the assessment of the unique circumstances as true nor false.”		Even though no direct evidence exists that there will be a definite negative impact on tourism, the SIA consultant has to make a decision based on primary and secondary research results. The conclusion drawn is that there would be a moderate negative impact for receptors within the primary impact sphere.
6.5. There are several reasons why the approach in the SIA is flawed, and thus fails to provide evidence that the proposed Albany WEF’s impact on the tourism sector has been dealt with satisfactorily: 6.5.1. The SIA uses no primary research or empirical data to account for the failure to quantify the impact on tourism in connection with this project, despite the explicit recognition that negative impacts are “possible”.		Kwandwe’s Client Survey Results have been incorporated in the amended SIA Report.
6.5.2. No acceptable methodology was used to test the hypothesis that “initial negative perceptions by tourists (if any) could decline overtime”.		SIA consultants’ experience drawn from previous Infrastructure development projects, and secondary research from international texts.
6.5.3. The SIA report relies heavily on “international research with regards to wind farms impact on tourism” ⁶⁰ but consults only a select and limited number		Currently existing wind farms in SA impact a limited number of game farms and no local research in this regard has been published. International studies on the impact of WEF on

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
of international studies which does not equate to, and is no valid substitute for, robust primary research.		<p>tourism could and should therefore be considered. Consultation/primary research took place with a number of roleplayers and included in the report findings.</p> <p>However, additional information was revealed after the draft EIA Report became available and where relevant included. Kwandwe's Client Survey Results have also been incorporated in the amended SIA Report.</p>
6.5.4. Many of the international studies relied upon by the SIA relate to developments in Europe, some of which are offshore wind farms, and none of which is comparable to the specific project or the study area in terms of its landscape character and the unique aesthetic qualities of the scenic resources. The studies cited by the SIA are not representative of the proposed Albany WEF study area or the specific project-related impacts.		<p>The SIA acknowledges that limited studies relevant to this project are available and no local data/research of the impact of WEFs on local tourism, and specifically game reserves, could be obtained.</p> <p>It was therefore vital that international studies on the impact of WEF on tourism also be considered.</p>
6.5.5. Situations equivalent to the proposed Albany WEF have not been considered or assessed in the SIA report.		<p>Impacts associated with game farms affected by Cookhouse, Waainek and Dassiesridge WEF's were considered and cited in the SIA Report.</p>
6.5.6. In referencing "international research", the SIA report makes no attempt at distinguishing between neutral, peer-reviewed academic papers and those studies which are recognised as biased and commissioned by stakeholders with a vested interest in the outcome viz industry commissioned studies.		<p>No international literature could be obtained to indicate extreme adverse impacts that manifested for tourist establishments over the long term.</p>
6.5.7. The finding that "No evidence has transpired to demonstrate or support the assertion that any wind farm development overseas has resulted in any adverse impact on tourism" is highly questionable.		
6.5.8. The failure to cite any reliable data is not justified by the fact that no development of the same scale as Albany WEF has been approved in this particular location, where landscapes and scenic resources with high tourist potential and attractiveness would be directly threatened and impacted (as proven by the VIA). A precautionary approach is therefore called for in these circumstances.		<p>Comment noted. This fact has been acknowledged in the SIA Report, and posed a significant challenge to the study.</p>
6.6. An objective review of the international literature reveals that there are very few case studies which conclusively demonstrate that tourism is unaffected by developments of this nature. The more pertinent and relevant question is not whether or not there will be an impact (the SIA identifies that such impacts are possible) but rather the extent, severity and duration of the identified impact. This has not been quantified.		<p>From a socio-economic perspective this impact's extent, severity and duration has been rated (Section 11.2.1 of the SIA report). To quantify the impact does not fall within the SIA mandate.</p>
6.7. The studies cited in the SIA report are inadequate for several reasons, including the significance of impact is related to the scale of these projects, and many projects referenced in the international literature is entirely different from the proposed Albany WEF. Further, the location, community affected, and nature of the major tourism activity affected in the case studies is totally different from the proposed Albany WEF.		<p>The unique nature of the Albany WEF's environment is acknowledged and highlighted in the SIA report. Reference has to be made to existing international studies as no alternative source for secondary data research is currently available.</p>
6.8. The SIA report makes sweeping unsubstantiated statements, including (1) that individuals become "desensitised" towards man-made structures; and (2) that communities become more "tolerant" of WEFs as they recognise the		<p>SIA consultants' experience drawn from previous Infrastructure development projects, and secondary research from international texts.</p>

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advantages of green energy. This is speculative and is unsupported by empirical data or primary research. The claim that initial negative perceptions by tourists could decline over time is a crude over-simplification (as illustrated below).		
6.9. A more balanced account of relevant international studies in this field shows:		Possible impacts on the tourism industry is acknowledged in the SIA report and rated with an overall moderate negative significance.
6.9.1. There is no support in the literature for the view that wind farms do not damage the tourism industry.		
6.9.2. The reaction to turbines is affected by the landscape and where they see them. Tourists generally prefer to not see any turbines in pristine, wilderness places or coastal locations (Fialte Ireland, 2008).		Where relevant, citations, conclusions and recommendations as indicated by the I&AP were included in the amended SIA report.
6.9.3. The general consensus in terms of landscape protection and EIA best practice is that turbines must be located away from designated areas (e.g. protected areas, national parks and Areas of Outstanding Natural Beauty, and scenic areas) and rather situated in areas where the visual and environmental impacts on tourism would be minimised (Frantal and Kunc, 2011).		Where relevant, citations, conclusions and recommendations as indicated by the I&AP were included in the amended SIA report.
6.9.4. The premium paid for tourism / hospitality accommodation increases by as much 25% where the view was not compromised.		Where relevant, citations, conclusions and recommendations as indicated by the I&AP were included in the amended SIA report.
6.9.5. The negative socio-economic impacts are not offset or compensated by the suggestion that there is positive interest in turbines. Various studies have shown that the initial positive interest by tourists in WEFs (if any) is short lived as the novelty factor soon wears off (Tourism Co. 2012). There is no evidence that stakeholders become “desensitised” or used to turbines which impact on scenic landscapes.		Where relevant, citations, conclusions and recommendations as indicated by the I&AP were included in the amended SIA report.
6.9.6. If a small minority of tourists are negative about the visual impacts of the proposed Albany WEF and who believe that turbines compromise the landscape and tourism experience, this translates into potentially serious negative socio-economic impacts with far reaching consequences. In a study by VisitScotland (2008), 25% of tourists were concerned by wind farms. In a study by Frantal and Kunc (2011), 27% of tourists would not return to the area affected. In terms of socio-economic impacts, even a minority can equate to a very significant adverse impact and can give rise to significant adverse economic impacts (Riddington et al, 2008: Fialte Ireland, 2007).		Where relevant, citations, conclusions and recommendations as indicated by the I&AP were included in the amended SIA report. The fact that some of the respondents in international studies indicated that they would not frequent areas with visible turbines, were also included in the original SIA report.
6.9.7. Other studies shows that the perception of stakeholders is actually aggravated over time as more projects of a similar scale and nature are developed within the study area / receiving environment. ⁶² This results in an increasing aversion to WEFs and is directly proportional to the number of wind farm developments in the area as the cumulative impacts increasingly negatively affect the integrity of the landscape and the scenic resource.		Where relevant, citations, conclusions and recommendations as indicated by the I&AP were included in the amended SIA report.
6.10. Generic assumptions and perceptions relied upon in the SIA make no provision for project specific details which are central to project specific impacts. We point out the following aspects which have not been taken into the account:		Comments noted and have been elaborated on in the amended SIA report.

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<p>6.10.1. The tourism industry is highly competitive, sensitive and susceptible to subtle changes in market conditions.</p> <p>6.10.2. The nature, severity and significance of the impact depends on the number of turbines, the specific characteristics of tourism activity in each location, and the source of the economic drivers for ecotourism of the sector.</p> <p>6.10.3. The socio-economic impact of any activity detrimental to tourism manifests from a reduction in expenditure from two sources: a reduction in the number of visitors and all of the multiplier effects that follow from that; and a reduction in prices that could be charged for hotel accommodation.</p> <p>6.10.4. The assumptions and conclusions drawn in the SIA makes no account for the highly sensitive nature of tourism sector. It is incontrovertible that in a fragile economy many businesses will fail in times of economic hardship and stress, and the SIA makes no account for this.</p>		
<p>Client survey</p> <p>6.11. There has been no attempt by the SIA specialist to engage tourists with personal experience of Kwandwe about the potential impacts of the proposed Albany WEF. Due to the speculative nature of the SIA report and the EIA regarding impact on tourism and the failure to engage directly with the sector most affected by the development, Kwandwe Private Game Reserve has engaged and consulted its client base in order to offer an insight of how its clients would respond to the construction of the proposed Albany WEF in close proximity to Kwandwe and how that development would be perceived by tourists who are familiar with the landscape and the ecotourism product offered by Kwandwe.</p>		<p>Kwandwe's Client Survey Results have been incorporated in the amended SIA Report.</p>
<p>6.12. The purpose of undertaking the survey is to offer an insight into the views of existing clients which is a critical gap in the EA process. The survey is not intended to be a scientific assessment and nor does it purport to replace the need for the Applicant to undertake an adequate impact evaluation and assessment in accordance with the requirements of the EIA Regulations. It is however a strong indicator of the personal views of various of Kwandwe's clients who have visited the Game Reserve in the past and it offers tangible evidence of how tourists perceive windfarm related impacts as well as how it might influence their behavior and choices in future regarding tourism destinations. The survey results underlie the seriousness of the threat posed by inappropriately located developments (such as the proposed Albany WEF) to the long-term sustainability of Kwandwe's ecotourism operations.</p>		<p>The intention of the survey is noted and the results have been added to the SIA Report.</p>
<p>6.13. A copy of Kwandwe's client survey results is attached hereto marked "B". Summary of comments on the SIA findings</p>		<p>Kwandwe's Client Survey Results have been incorporated in the amended SIA Report.</p>
<p>6.14. In summary, the large number of data categories classified as unknown, the reliance in the SIA on generic assumptions and untested conclusions is problematic and is no substitute for primary research on the project specific impacts in connection with the proposed Albany WEF.</p>		<p>Additional primary research have been included in the amended SIA Report.</p>

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<p>6.15. The failure to assess and quantify the socio-economic impacts on the tourism sector is highly problematic. The case for a detailed evaluation and assessment of this impact is compelling, particularly as the SIA report recognises the significance and importance of the Indalo PE and associated game reserves (such as Kwandwe) in achieving “conservation and protection of vegetation biodiversity targets” and the “wildlife conservation value”, and the ecosystem protection it offers. Moreover, the SIA report identifies that this conservation and ecosystem value “hinges entirely on the continued economic viability of the eco-tourism.</p>		<p>The mandate of the SIA does not include the quantification of economic or regional tourism impacts.</p>
<p>6.16. In conclusion, the SIA fails to provide evidence of no impact on tourism following the construction of the proposed Albany WEF and it fails to quantify this impact although it is recognised as a likely outcome of the project.</p>		<p>The SIA recognises that an impact on tourism is possible, this was and is still captured in the report.</p>
<p>7.1.2. Omissions and inadequacies: The review identifies the following material flaws in the EIA:</p> <p>7.1.2.1. The assessment methodology failed to apply the mitigation hierarchy with the result that avoidance as a mitigation measure is ignored or overlooked.</p> <p>7.1.2.2. The assessment fails to deal with the most significant impact identified by I&APs viz the impact on surrounding ecotourism enterprises and game farms.</p> <p>7.1.2.3. The 2017 Need and Desirability Guideline has not been consulted, and none of the questions in the Guideline has been directly and expressly addressed.</p> <p>7.1.2.4. The assessment is incomplete because the DEIR excludes critical project infrastructure (including substations and transmission line) from the project description and project footprint calculation.</p> <p>7.1.3. Alternatives: There is no evidence to show how the EIA and specialist assessments considered the 90-turbine alternative as is claimed in the DEIR (or how any alternative was assessed). Only one alternative - the 66-turbine alternative - was assessed. The inference being that the 66-turbine alternative was first decided by the Applicant and then the specialists assessed the already preferred alternative only, meaning that the outcome was predetermined and non-complaint with Section 24O of NEMA.</p>		<p>The second draft EIR includes a reduced layout which was designed, within the constraints of the sensitivity of the site, in response to I&AP comments. This includes avoidance.</p> <p>The SIA, VIA and EIR include additional data, viewpoints and assessment in response to I&AP comments.</p> <p>It is important to note that this developer (Albany Wind Power is a subsidiary of EDF Renewables) has done extensive research (including specialist input) in numerous sites in the Eastern Cape. Examples of projects which have been investigated but not proceeded to EIA phase due to ecological constraints, include:</p> <ul style="list-style-type: none"> • Hogsback/Cathcart Area. A proposed WEF in this area was abandoned prior to EIA phase as it was fatally flawed by input from the avifaunal specialist. This project was fatally flawed due to the presence and abundance of the Rudd’s Lark and Yellow -breasted Pipit, amongst others; • Tarkastad Area. A proposed WEF in this area was abandoned prior to EIA phase as it was fatally flawed by input from the avifaunal specialist. This project was fatally flawed due to the presence and abundance of the Verreaux's Eagle; • The former Transkei Region. Numerous proposed WEFs in this area were fatally flawed due to the presence and abundance of the Cape vulture. The EIA processes were abandoned on these grounds; • Stutterheim Area. A proposed WEF in this area was abandoned due to the presence and abundance of Cape vulture. This project was deemed fatally flawed. <p>The data gathered during the pre-scoping phases of these WEFs was shared with BirdLife South Africa by the avifaunal specialist. The data has also been used to inform future potential developments in the areas detailed above.</p>
<p>7.1.4. Key issues raised by I&APs are unresolved - this includes:</p> <p>7.1.4.1. The commitment made during the scoping phase that the visual and socio-economic impacts of the WEF on sensitive visual receptors (including each affected landowner, game farm and nature reserve) and on tourism operations</p>		<p>The second Draft EIR (and associated specialist studies) have assessed a reduced layout (43 turbines) in response to I&AP comments. This is particularly relevant to the SIA and VIA.</p>

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<p>in the area will be assessed has not been addressed and remains unfulfilled. There is no evidence that this was done. The outcome of the DEIR on these key issues is inconclusive and speculative.</p> <p>7.1.4.2. The impact of the WEF on land values remains unresolved despite the SIA report acknowledging that this is an issue. The SIA recommendation that this impact should be investigated and rated separately by a Land Valuer / Economist was never acted on.</p>		
<p>7.1.5. Significance ratings: Neither the Final Scoping Report nor the DEIR explain how significance will be determined and the lack of a clear and systematic (and uniformly applied) method manifests in inconsistencies in the EIA findings. The evaluation criteria presented in the Final Scoping Report is inconsistently applied in the DEIR, which calls into question the rationale as well as accuracy of the significance ratings identified by the EAP.</p>		<p>The impact assessment methodology, including cumulative impact approach and no-go approach are all detailed in section 9.1 of the EIR.</p>
<p>7.1.6. Unsubstantiated claims: The DEIR and specialist assessments contain false and unsubstantiated claims in relation to key issues and impacts, in particular in relation to the impact of the WEF on the eco-tourism industry. No attempt was made in the DEIR to quantify the impacts of WEFs on game reserves or eco-tourism facilities in any meaningful and scientifically valid way. The assessment overwhelmingly relies on the false claim in the SIA report that there is no evidence to support the assertion that any wind farm overseas has resulted in any adverse impact on tourism. This is a false generalisation based on an outdated report on the tourism impact of wind farms in Scotland (Aitchison, 2012).</p>		<p>The amended SIA was updated to include Kwandwe PGR's client survey's. The SIA process also included questionnaires prompting ecotourism facilities to share as much information as possible for inclusion in the SIA. This data is all available in the SIA.</p>
<p>7.1.7. Impacts on game farms and ecotourism sector: As above, this key issue has not been assessed. The failure to evaluate what seems to be the most significant concern with the proposed Albany WEF raised by I&APs, is a fatal flaw in the DEIR. The conclusion that no game farms are visually affected / have experienced negative economic impacts by existing wind farms is highly questionable and based on an unverifiable method and results, rather than robust verifiable and peer reviewed research.</p> <p>7.1.8. Inconsistent findings: The EIA concedes that there will be an impact on lodges and strategic viewpoints on the game farms, but how significant that impact will be has not been answered. This issue is unresolved. These potential impacts are recognised in the DEIR but not consistently addressed or mitigated in any way in the DEIR.</p>		
<p>7.1.9. Public participation: The failure to include an updated version of the comments and response table in the DEIR to explain how the various comments raised throughout the process have been addressed is a serious omission.</p>		<p>This is simply not true. Appendix H of the report has always been the IRT. This IRT has been updated throughout the process.</p>
<p>7.1.10. Mitigation: The DEIR fails to systematically consider and analyse how each particular impact may be avoided, minimised, restored / reversed or compensated. There is no evidence of the mitigation hierarchy actually being applied. There has been no attempt to 'avoid' impacts on sensitive viewpoints,</p>		<p>The second draft EIR includes a reduced layout. The EIR process, with input from specialists, has ensured that sensitive areas on the site are avoided in response to ecological (including bird and bat) constraints. These areas have been avoided to ensure that turbines are placed in less sensitive areas. This is well documented in the EIR and accompanying specialist reports.</p>

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<p>even though the option of relocating or reducing the number of turbines is explicitly recommended by the SIA specialist and the DEIR (see page 110).</p>		
<p>7.1.11. Visual impacts: The visual impact assessment concluded a “high significance” impact on visual sensitive receptors (direct and cumulative impacts) and “moderate significance” rating for impact of night lights before and after mitigation, but there is no indication that avoidance was considered, or the impact mitigation hierarchy applied. It further stems to reason that with a minimum of 35 turbines required to make the development viable, ample scope exists to apply avoidance as a mitigation option to the proponent’s 66-turbine preferred alternative in order to resolve visual impacts of HIGH significance.</p>		<p>The draft VIA did consider the impacts of night lighting. However, the impacts of night lighting has been expanded on in the current report with various mitigation measures proposed including radar activated lighting.</p>
<p>7.1.12. Contradictory statements: The SIA report states that “No mitigation is possible as turbines cannot be screened ...” and seems to suggest that avoidance is not considered a form of mitigation. There has been no attempt to ‘avoid’ impacts on sensitive viewpoints by relocating or reducing the number of turbines, even though this option is explicitly recommended by the specialists.</p>		<p>Since the draft VIA, the Applicant has reduced the number of turbines from 66 to 43 largely based on the comments received on the draft VIA relating to the visual impacts.</p>
<p>7.1.13. Failure to respond to sensitivity mapping analysis: The sensitivity map provides the location of highly sensitive / constraint zones with little thought given to avoiding these sensitive locations. The impression is that the geographical and environmental sensitivity was mapped and then the site layout and location of the turbines ignored the sensitivity mapping during the EIA.</p>		<p>The second draft EIR includes a reduced layout in response to comments raised by I&APs.</p>
<p>Summary of Global Green external review 7.2. The assessment and reporting in the DEIR are not satisfactory with various significant omissions and inadequacies compromising the efficacy of the EIA process as a whole. In the result, the external review by Global Green confirms that neither the DEIR nor the level of assessment undertaken can be viewed as supporting defensible decision-making by the competent authority in terms of NEMA.</p>		<p>Chapter 10 of the EIR includes a mapping exercise in which sensitivity of all environmental sensitivities from all specialist reports are included. The individual specialist assessments informed this process.</p>
<p>8. CONCLUSION 8.1. The EIA process in terms of NEMA and the EIA Regulations promulgated thereunder, if correctly and accurately done, is an acknowledged tool for giving effect to sustainable development. However, achieving a sustainable outcome requires a balanced integration of ALL relevant environmental, social and economic considerations identified during the EIA process. Development that is identified as potentially impacting on the viability of existing operations and/or development which gives rise to unacceptably high visual impacts (which impacts are in no way avoided nor mitigated) does not satisfy the principle of sustainability or the concept of sustainable development contemplated in the Fuel Retailers case.</p>		<p>Summary statement is noted, and individual comments have been responded to above.</p>
<p>8.2. These comments, which must be read together with the external reviews by Global Green and Oberholzer & Lawson confirms that: (1) the proposed Albany WEF gives rise to unacceptably high visual impacts; (2) the socio-economic impact on surrounding game reserves and eco-tourism enterprises</p>		<p>Summary statement is noted, and individual comments have been responded to above.</p>
		<p>The impact on the tourism/game/hunting industries within the primary sphere of impact was assessed. Quantification of the impact would be achieved through a Regional Tourism Study.</p>

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<p>identified is directly linked to the significance and severity of the visual impact; and (3) the DEIR fails to quantify and account for the most significant potential socio-economic impacts of the project, namely the impact of the proposed Albany WEF on existing game reserves and ecotourism operations within the tourism sector. This is a fatal flaw in the EIA process.</p> <p>8.3. The competent authority is called on to exercise its discretion in terms of Regulation 24 of the EIA Regulations by rejecting the DEIR and refusing the application for environmental authorisation.</p>		
<p>We are commenting on the Albany Wind Energy Facility, DEFF Ref: 14/12/16/3/3/2/1131 as a concerned landowner, protected area manager and nature and wildlife tourism operator and member of the larger Indalo Protected Environment which has experienced impacts from wind energy development directly and indirectly.</p> <p>Indalo is working to expand through further amalgamation of southern, central and northern nodes into large agglomerations of private reserves (>50 000Ha) in central area, and public private partnerships with Addo National Park and Great Fish Provincial Reserves in the south and north respectively with common traversing agreements and unified conservation management.</p> <p>The environmental and economic benefits of this prospect are considerable, as larger consolidated areas will lead to improved marketability of the Eastern Cape as a safari destination, making it comparable to Kruger, Sabi Sands and Madikwe.</p> <p>1 HISTORY / BACKGROUND Amakhala Game Reserve has been operating as a game reserve from 1999 was formally declared part of the Indalo Protected Environment in terms of National Environmental Management Protected Area Act on 31 July 2019 and currently has a total land just over 9 733ha under formal conservation protection. Amakhala forms part of Indalo Private Game Reserve Association that represents 9 private game reserves which collectively protects 76 000ha under formal protection with an additional 250 ha to Amakhala that is being added, pending proclamation. Further, Indalo is working to increase its membership to include a wider network of private game reserves in the Eastern Cape. Amakhala was formed by the amalgamation of land owners previously used for stock farming and substantial effort was made to remove human-made structures and to rehabilitate disturbed areas to return the landscape to a natural state.</p> <p>Like the other Indalo reserves (and many others in South Africa and in Africa in general); Amakhala focusses on nature and wildlife tourism that relies on the wilderness character of the reserve and surrounding area. Amakhala is</p>	<p>Mr Dwaine Strydom</p> <p>AMAKHALA GAME RESERVE</p> <p>10/07/2020</p>	<p>Kichaka lodge's experience of and impact due to the three Waainek turbines have been included in the amended SIA Report, Section 11.2.1 (<i>Potential loss in incomes: Tourism/Gaming/Hunting Industries</i>)</p> <p>With respect to visual impacts, the Amakhala Private Game Reserve is located over 40km to the south west of the proposed Albany WEF and the visual impact are likely to be low due to distance. In addition to distance, the various intervening ridge lines (such as the Mountain Drive ridge south of Makana) will screen the game reserve from the WEF.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p> <p>Based on the Indalo PE/ECPTA/SANParks Albany Biodiversity Corridor Network the proposed Albany WEF is situated outside of the expansion area. Thus, the assertion that the WEF will intrude on the proposed expansion is flawed (see Figure 1 below).</p> <p>In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a LOW "Wilderness Value" would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair. The proposed Albany WEF would not impose on, disrupt or deter the establishment of the "Albany Biodiversity Corridor Network".</p>

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accordingly protected and managed so as to conserve its natural untrammelled state which forms the basis for visitors to experience the wilds with ecological, geological, and other features of scientific, and/ or historical value in a scenic setting.

Again, like other Indalo reserves Amakhala is looking to expand its area under management and is working actively to link up with neighbouring Shamwari and Lalibela reserves to form part of a larger proposed Addo to Great Fish corridor (also referred to as Albany Corridor). To this effect a formal protected area expansion strategy is under development by various stakeholders including Wilderness Foundation Africa, Eastern Cape Parks and Tourism Agency, South African National Parks and Indalo Private Game Reserve Association.

Amakhala Game Reserve has made a substantial contribution to the conservation of white rhino and protection of landscapes of ecological importance along with contributions to numerous other objectives as set out in the Indalo Protected Area Management Plan. The plan requires each reserve to secure the required financial resources to ensure achievement of the protected area management objectives.

These resources are derived from nature and wildlife tourism which is dependent on a natural environment largely free from the structures and signs of modern civilisation (often from which they come to get away).

2 TOURISM SERVICES

2.1 SCOPE

Amakhala offers an African safari experience, and an increasingly rare wilderness experience of being in the bush and experiencing unspoilt scenery characterised by a diversity of landscapes within which to appreciate wildlife and unique vegetation of different biomes. We offer accommodation in three lodges each in a scenic setting with game drives and views on upland plains, ravines, over valleys, into kloofs, and with vistas looking over high ground and more distant mountains. Lodges have been sited so as to offer a scenic location with vistas devoid of intrusion by human-made structures and other disturbance. We have taken great effort to use natural materials sourced from the site in the lodge construction and to offer guest a glimpse of a part of South Africa’s unspoilt beauty. The accommodation at Amakhala varies from 3 star up to 5 star lodges.

Our pre-Covid employment profile is as follows: Over 250 staff employed locally and from afar.

2.2 IMPACT OF WIND FARM DEVELOPMENT

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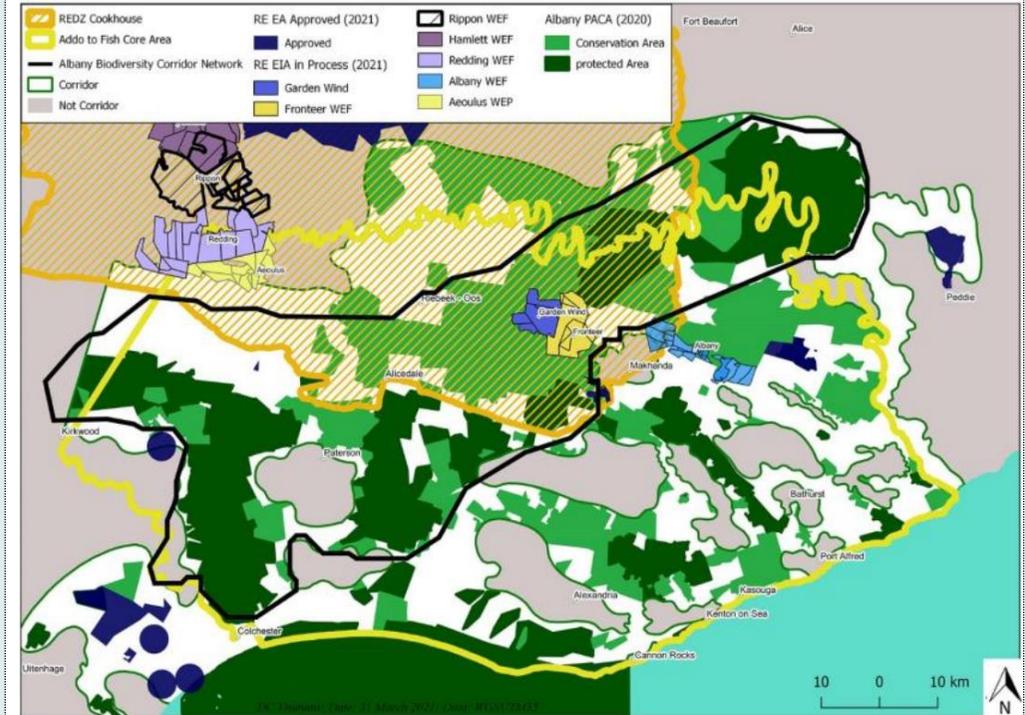
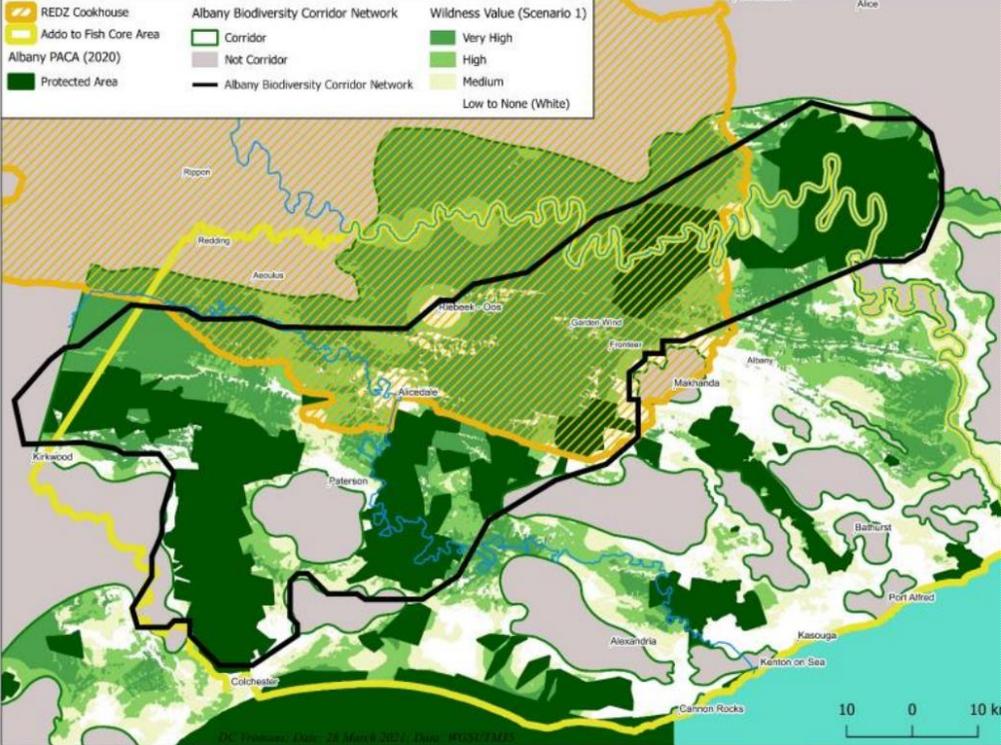


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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<p>An important component of an African safari is being in the bush and experiencing the wilderness and the absence of man-made structures such as buildings, telephone lines, electricity pylons, etc.</p> <p>Wind turbines of the Waainek facility have significantly impacted Kichaka lodge where turbines now intrude the skyline and at night the pulsing aviation warning lights dominate a part of the landscape. Wind energy development will locally sterilise biodiversity stewardship based protected area expansion and otherwise degrade scenic aspects of land to the extent that potential for inclusion in protected area expansion planning will be substantially curtailed.</p> <p>3 OBJECTION</p> <p>Although Indalo strongly supports all sustainable renewable energy development, we will object to any development that will prevent the greater Indalo to take its rightful place as a world class African nature and wildlife destination and curtail or intrude potential protected area expansion through partnership with Addo and Great Fish Provincial reserves.</p>		 <p>Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.</p>
<p>We are commenting on the Albany Wind Energy Facility, DEFF Ref: 14/12/16/3/3/2/1131 as a concerned landowner, protected area manager and nature and wildlife tourism operator and member of the larger Indalo Protected Environment which has experienced impacts from wind energy development directly.</p> <p>Indalo is working to expand through further amalgamation of southern, central and northern nodes into large agglomerations of private reserves (>50 000Ha) in central area, and public private partnerships with Addo National Park and Great Fish Provincial Reserves in the south and north respectively with common traversing agreements and unified conservation management.</p> <p>1 HISTORY / BACKGROUND</p> <p>Lalibela was formed by the amalgamation of land previously used for stock farming and substantial effort was made to remove human-made structures and to rehabilitate disturbed areas to return the landscape to a natural state.</p> <p>Like the other Indalo reserves (and many others in South Africa and in Africa in general); Lalibela focusses on nature and wildlife tourism that relies on the</p>	<p>Mr Robert Gradwell</p> <p>LALIBELA GAME RESERVE</p> <p>10/07/2020</p>	<p>With respect to visual impacts, the Lalibela Game Reserve is located over 30 km to the south west of the proposed Albany WEF and the visual impact are likely to be low due to distance. In addition to distance, the various intervening ridge lines will likely screen the game reserve from the WEF.</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively address in the final VIA as detailed above.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>wilderness character of the reserve and surrounding area. Lalibela is accordingly protected and managed so as to conserve its natural untrammelled state which forms the basis for visitors to experience the wilds with ecological, geological, and other features of scientific, and/ or historical value in a scenic setting.</p> <p>Again, like other Indalo reserves Lalibela is looking to expand its area under management and is working actively to link up with neighbouring Shamwari and Pumba reserves to form part of a larger proposed Addo to Great Fish corridor (also referred to as Albany Corridor).</p> <p>Lalibela has made a substantial contribution to the conservation of both black rhino and white rhino and protection of landscapes of ecological importance along with contributions to numerous other objectives as set out in the Indalo Protected Area Management Plan. The plan requires each reserve to secure the required financial resources to ensure achievement of the protected area management objectives.</p> <p>These resources are derived from nature and wildlife tourism which is dependent on a natural environment largely free from the structures and signs of modern civilisation (often from which they come to get away) and the impact of which is not considered in the Albany WEF EIA.</p> <p>2 TOURISM SERVICES</p> <p>Lalibela offers an African safari experience, and an increasingly rare wilderness experience of being in the bush and experiencing unspoilt scenery characterised by a diversity of landscapes within which to appreciate wildlife and unique vegetation of different biomes.</p> <p>We offer accommodation in three lodges each in a scenic setting with game drives and views on upland plains, ravines, over valleys, into kloofs, and with vistas looking over high ground and more distant mountains.</p> <p>Lodges have been sited so as to offer a scenic location with vistas devoid of intrusion by human-made structures and other disturbance. We have taken great effort to use natural materials sourced from the site in the lodge construction and to offer guest a glimpse of a part of South Africa's unspoilt beauty.</p> <p>The accommodation is as follows:</p> <ul style="list-style-type: none"> Kichaka Luxury lodge – 20 beds 5 Star Lentaba Lodge – 4 Star 20 beds Marks Camps – Family friendly 4 Star 20 beds Tree Tops Lodge – Tented camp 4 Star – 10 beds Mills Manor - Exclusive use 5 Star – 10 beds 		

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>Our pre-Covid employment profile is as follows: 151 permanent Employees of which the overwhelming majority are local. We, amongst the other game Reserves in the area, are the biggest employers of local labour as well as the largest benefactors of the local communities. We generate 95% of our total revenue in Forex, while all our profits are all spent locally, with R 0.00 in profits being exported.</p>		
<p>3 IMPACT OF WIND FARM DEVELOPMENT An important component of an African safari is being in the bush and experiencing the wilderness and the absence of man-made structures such as buildings, telephone lines, electricity pylons, etc. Nature tourism is travel for the purpose of enjoying undeveloped natural areas or wildlife.</p>		
<p>Wind turbines of the Waainek facility have significantly impacted Kichaka lodge as well as on game drives that cross plateau grassland where turbines now intrude the skyline and at night the pulsing aviation warning lights dominate a part of the landscape. Views from Kichaka lodge look straight over a water hole and upslope onto three turbines in the distance. Although the impact to Kichaka lodge is partially ameliorated by the rich landscape scenery during daylight hours the turbine lights is a significant intrusion in the night and have drawn comment from visitors to the extent that we be implementing special lighting around the lodge and on the water hole so as to distract form the turbine light intrusion.</p>		<p>Lalibela Game Reserve (Kichaka lodge) is located outside the project area of influence. However, Kichaka lodge’s experience with and impact due to the three Waainek turbines have been included in the amended SIA Report, Section 11.2.1 (<i>Potential loss in incomes: Tourism/Gaming/Hunting Industries</i>).</p>
<p>We note with utmost concern the statement in the SIA that “In addition to this Indalo, Amakhala and Pumba Game Reserves unsuccessfully appealed the Environmental Authorisation (“EA”) of the Waainek Wind Farm in 2011. Now that the project has been operational for four years, Amakhala reported no effect on eco-tourism”. We interpret the statement to imply that the Waainek WEF has no effect on eco-tourism in the area as “Amakhala reported no effect on eco-tourism” and it is misleading as it fails to qualify that Amakhala which is some 40km away from Waainek (as opposed to Lalibela -with visual impact at 20-25 km away and Pumba -with visual impact 7.5-10km away).</p>		<p>Comment noted and reference to the distances between the lodges and Waainek turbines made in amended SIA Report, Section 11.2.1.</p>
<p>We further take issue with your finding that “Existing turbines do not affect any of the lodges at the game/hunting farms visually” and we would like to put it to you that this can be confirmed as false at the hand of our experience at Kichaka lodge and which the Albany WEF EIA process up to date has avoided to recognise. We can attest to having had to change game drives routes and procedures for avoidance of turbine visual impact, certain routes can now only driven in direction away from Waainek and certain areas can only be traversed in daytime as nigh dives are spoiled by turbine light flicker. We are currently undertaking a major refurbishment of the lodge and one of the primary objectives was an attempt to mitigate and camouflage the intrusive night time lights from Waainek.</p>		<p>Kichaka lodge’s experience with and impact due to Waainek WEF became known after the draft EIA report was released. Kichaka’s impact as a result of the Waainek turbines have now been included in the amended SIA Report Section 11.2.1 (<i>Potential loss in incomes: Tourism/Gaming/Hunting Industries</i>).</p> <p>Kichaka lodge and Gameston Wildlife Retreat’s experience with and impact due to Waainek turbines became known after the draft EIA report was released. These experiences have now been included in the amended SIA Report Section 11.2.1 (<i>Potential loss in incomes: Tourism/Gaming/Hunting Industries</i>).</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively address in the final VIA as detailed above.</p>

**STAKEHOLDER/I&AP
QUERY/COMMENT**

We are gravely concerned about the what appears to be cherry picking in both the Albane WEF VIA and SIA where a fallacy of incomplete evidence is propagated so as to seemingly confirm a particular position with respect to impact to nature and wildlife tourism while ignoring evidence and data that may contradict that position which Lalibela along with Indalo members have first-hand experience of.

4 OBJECTION

Although Indalo strongly supports all sustainable renewable energy development, we object to any development that will prevent the greater Indalo to take its rightful place as a world class African nature and wildlife destination and curtail or intrude potential protected area expansion through partnership with Addo and Great Fish Provincial reserves.

We herewith we object to the Albany WEF EIR as it is materially deficient and various omissions beguiles the assessment to find the proposed development to be acceptable when in fact it is fatally flawed.

**STAKEHOLDER /
I&AP**

**EAP/SPECIALIST/DEVELOPER
RESPONSE**

Certain mitigation options relating to night lighting are proposed including radar activated night lighting.

Based on the Indalo PE/ECPTA/SANParks Albany Biodiversity Corridor Network the proposed Albany WEF is situated outside of the expansion area. Thus, the assertion that the WEF will intrude on the proposed expansion is flawed (see Figure 1 below).

In addition to this point, the fact that the Albany WEF is proposed on land regarded as having a **LOW** "Wilderness Value" would suggest that this land has been excluded as it is not suitable for future expansion purposes. It is assumed that this is due to the conflicting land uses, such as mining, industrial development (such as the Eskom Albany Substation, Eskom distribution powerlines and numerous telecommunication towers). To deprive the current landowners of the economic opportunity of the proposed WEF when their land is not earmarked for inclusion into this plan is neither just nor fair. The proposed Albany WEF would not impose on, disrupt or deter the establishment of the "Albany Biodiversity Corridor Network".

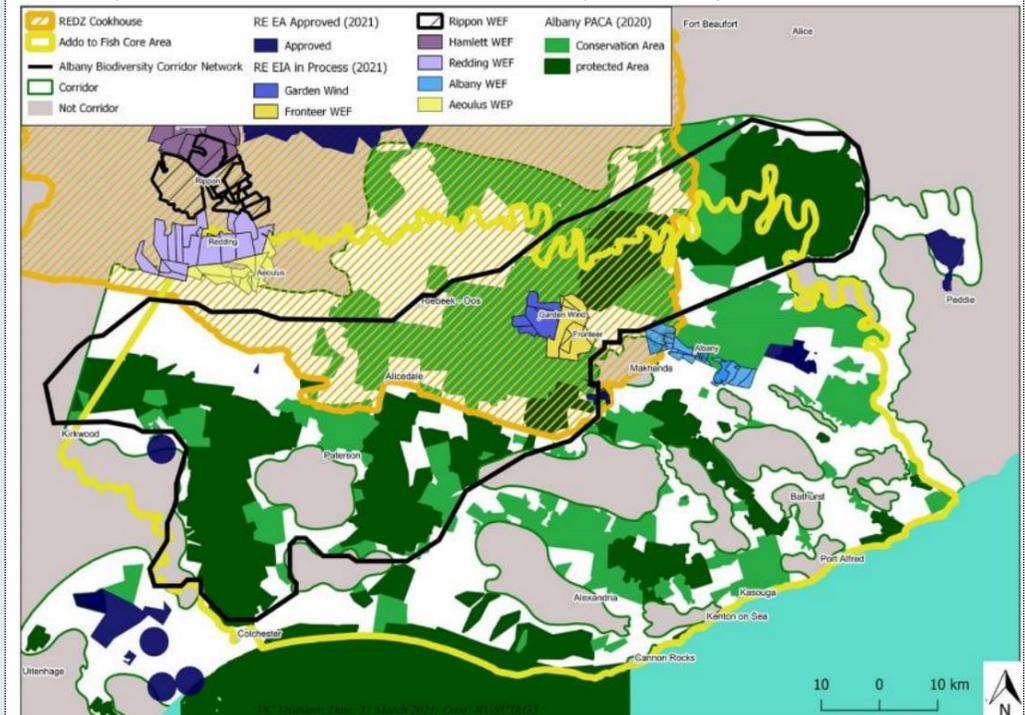
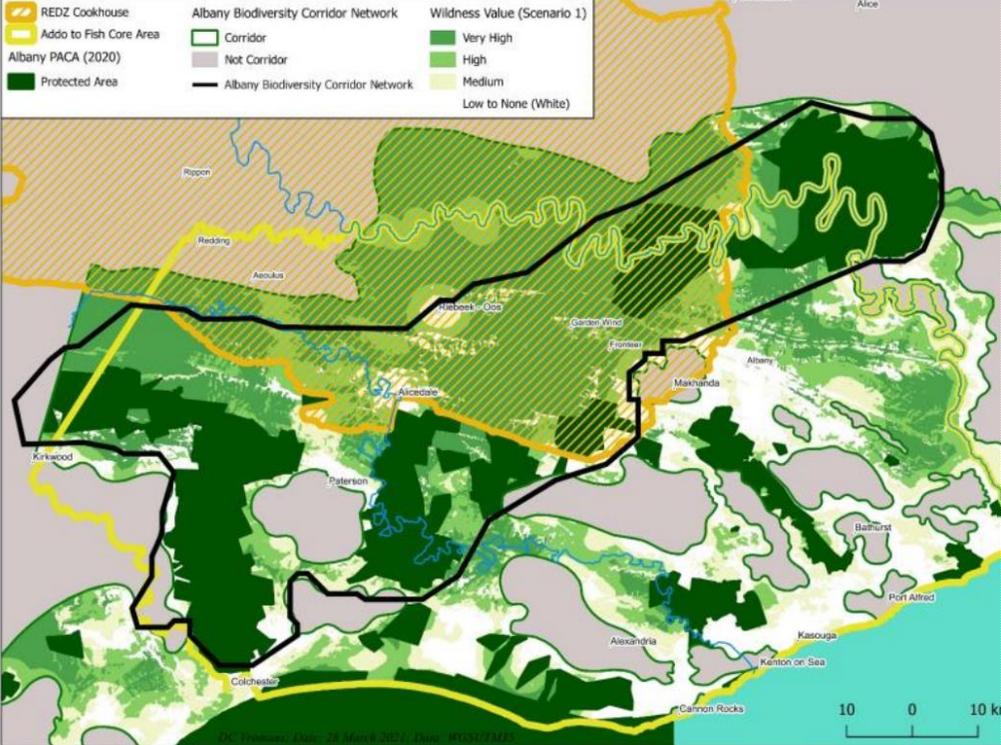


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
		 <p>Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.</p>
<p>It has come to our attention that the Environmental Impact Report for the Albany Wind Farm includes statements attributed to Amakhala Game Reserves that wind farms do not affect game reserves. We object in the strongest possible terms to the conclusions that are attributed to Amakhala Game Reserve.</p> <p>The Report refers to a consultation with Dwain Straydom of Amakhala and records that “Amakhala reported no effect on eco-tourism and none of the game/hunting farms interviewed for this SIA reported that turbines/wind farms have in any way affected their tourism and businesses negatively.” This is unscientific and is not based on any facts of evidence. To the best of our knowledge, the effects of this and other wind farms on ecotourism has never been quantified during the EIA. One conversation with one individual is not a valid basis for claiming that there are no adverse impacts on eco-tourism.</p>	<p>Mr Rodger Gordon Mr Dwain Straydom</p> <p>AMAKHALA GAME RESERVE</p> <p>22/05/2020</p>	<p>The SIA consultant consulted Mr. Dwain Strydom on 29 January 2020. Each of the Game Farm representatives consulted (January 2020) were asked whether any impacts on tourism and their businesses have been experienced since construction of the Waainek and Cookhouse turbines. None reported impacts. The SIA however does not claim that there would be no impact and states that: <i>“It is however not prudent to claim that there would be no negative impact on tourism as aesthetic and visual impacts (proximity to turbines) are strong influences on individuals’ attitudes towards wind power projects; and Proximity to turbines and their localities (visual impacts on lodges and strategic viewpoints on the game farms) could be the determining factors for visitor satisfaction and impacts on visitor volumes.”</i> The impact on tourism/game/hunting industries was rated with an overall moderate negative significance.</p>
<p>Amakhala is also cited as a reference for the following statements in the Social Impact Assessment report:</p> <ul style="list-style-type: none"> - Existing turbines do not affect any of the lodge at the game/hunting farms visually; 		<p>The statements referred to in the SIA report is a summary and conclusion of information obtained through interviews and literature. It is not implied that Amakhala’s representative made each statement.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<ul style="list-style-type: none"> - The distances to the wind farms (approximately 8km or more) does not result in major concerns for game farm owners, but should the turbines be closer visual (and even noise) impacts might spark greater concerns; - None of the game/hunting farms interviewed have received complaints from guests regarding turbines and their visual impacts. It was stated that many of the overseas visitors are from Europe where they have become used to the sight of wind farms; - The game/hunting farms interviewed reported that the turbines/wind farms have not in any way affected their tourism and businesses negatively. 		<p>Impacts on Gameston Wildlife Retreat and Kichaka Lodge have been brought under the SIA consultant's attention, and the impacts of the Waainek turbines have been included in the amended SIA Report.</p> <p>The Waainek turbines are located approximately 8 km from the nearest Game Reserve, and during telephone interviews no major impacts on existing lodges were reported by the representatives interviewed. New information that subsequently emerged have been included in the amended SIA Report.</p> <p>This statement is a summary of the information obtained through interviews. The SIA has been amended to site the specific I&AP that made the comment with regards to European tourists.</p> <p>Each of the local Game Farm representatives interviewed and referenced in the SIA report (during January 2020) was asked whether existing turbines impact them visually and whether they experience impacts on tourism. Mr. Strydom's response was that he started at Amakhala November 2019. He stated that he is not aware of any impacts since there are many hills towards Grahamstown which ameliorates the visual impact of the turbines. Turbines can however be seen from the top of certain hills.</p>
<p>We strongly object to these opinions being attributed to Amakhala. The suggestion that Amakhala Game Reserve does not have serious concerns about the impact of wind farms on the sustainable eco-tourism operations is completely incorrect.</p>		<p>Section 11.2.1 of the SIA provides possible economic impacts based on existing experiences of turbines on Game Farms and tourism. This section in the amended SIA report has been updated to reflect various I&APs concerns and the role Game Reserves played in the appeal and subsequent reduction of the number of Waainek turbines.</p>
<p>We support sustainable development and the green economy, but we are seriously concerned about the sustainable impact of this project and similar developments on eco-tourism operations. As game reserve operators our concern is that the impacts of the Albany project on eco-tourism operation shas never been quantified. Visual impacts are a very real concern to game reserves. Distance alone is ineffective as a measure of the impacts. Turbines are visible during the day and night over much larger distances than 8km.</p>		<p>The SIA had to rely on international literature/research as well as local interviews with existing game farm representatives, in order to make a reasonable conclusion. Locally only a limited number of game farms are affected by WEF turbines and it is thus not possible to quantify this impact accurately without substantial evidence, which does not currently exist. Quantification of tourism impacts (especially on receptors outside the project area of influence) fall outside the mandate of a SIA. The impact on tourism/game/hunting industries within the primary impact sphere was however rated with a moderate negative overall significance.</p>
<p>It is misleading to claim that existing game farms have never received complaints from guests regarding the visual impacts of turbines! How was this assessed and verified? There are many wind farms proposed in the area. Which other game reserves were consulted? Why would guests complain about visual impacts of a project that is not yet built? Why is Amakhala listed as a source for suggesting that European clients are used to the visual impacts of wind farms? Unsubstantiated statements like this – attributed to Amakhala – are unprofessional, misleading and unethical. The claims made in the report prove nothing. Amakhala did not intend to be cited as a source for these claims and we demand that the EIA be corrected to reflect this.</p>		<p>This section/paragraph of the SIA Report provides a summary of the information obtained from game farm representatives (January 2020) with regards to possible impacts that they experience due to the existing Waainek and Cookhouse WEF's. Specific questions with regards to tourism and economic impacts were asked. The sources consulted were listed as a footnote. The purpose of the information obtained through primary and secondary research is to guide the SIA analysis for a project that does not yet exist. The SIA has been amended to site the specific I&AP that made the comment with regards to European tourists.</p>
<p>Positive attitudes towards green energy are irrelevant when it comes to the luxury safari experience and tourism market. This pristine experience of the African wilderness is the primary reason why a large volume of international</p>		<p>The knock-on effect/cumulative impact as a result of the negative impact on tourism - specifically the potential impact on community development projects and contributions - have been included in the amended SIA Report.</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>tourists visits the region. Our clients are highly sensitive to developments that affect the sense of place of landscape. This threatens our product and our marketability.</p> <p>The value-added supply chain of the eco-tourism sector has much wider local socio-economic benefits that need to be recognised. Many of the game reserves in the area make contributions to community development projects, e.g. the Amakhala Foundation. Those are real community benefits. If the eco-tourism market is threatened then the knock-on effect on those community benefits must be highlighted in the EIA.</p> <p>We request that our concerns, and this letter must be brought to the Department's attention as the way the report is written is highly misleading.</p>		
<p>We would like to register our concern about statements made in the EIA report for the Albany WEF. The statement reads as follows: "No evidence could be found to demonstrate or support the assertion that any wind farm development overseas has resulted in any adverse impact on tourism". It further stated that Dale Howard (Pumba Private Game Reserve) on 29 January 2020 was consulted.</p>	<p>Mr Dale Howarth PUMBA PRIVATE GAME RESERVE 21/05/2020</p>	<p>The statement referenced is one of the bullets that concludes the chapter in Section 11.2.1 "Potential loss in incomes: Tourism / Gaming / Hunting industries". The Report does not imply that Mr Howarth made the statement.</p> <p>The SIA consultant consulted Mr Dale Howarth telephonically on 29 January 2020. Mr Howarth provided a brief background of his involvement in the opposition against Waainek WEF and elaborated on and answered specific questions that the SIA consultant asked with regards to their (Pumba's) experience with the existing Waainek turbines.</p>
<p>Firstly, they could not even spell my name correctly.</p>		<p>Spelling of Mr Dale Howarth's name has been corrected.</p>
<p>I take exception to this statement as I was never consulted or made any statement of this nature. We now insist that you correct this statement and that this correction be brought to the Department's attention as the way the report is written is highly misleading.</p>		<p>The SIA does not imply that Mr Howarth made the statement referenced to, as it is one of the bullets that concludes the chapter in Section 11.2.1 "Potential loss in incomes: Tourism / Gaming / Hunting industries".</p>
<p>For the record we as Pumba Private Gamer Reserve led the opposition to the original Waainek Wind Farm application proposed for Turbines. After great support from the surrounding interested and affected parties, and substantial legal costs, and presentations and hearing at Provincial Government level had the application reduced to 8 turbines. The Department is very well aware of the role I played in opposing this development.</p>		<p>Amended SIA Report elaborates on the role Pumba Game Reserve and other I&APs played in the appeal and subsequent reduction of the number of turbines at Waainek.</p>
<p>I am writing this letter of objection to the proposed Albany Wind Farm on behalf of all owners, staff and interested parties of Coleridge Game Reserve. Coleridge Game Reserve forms the Northern-most section of Buffalo Kloof Private Game Reserve, which is located closest to the proposed wind farm. Buffalo Kloof is a protected area and also encompasses land owned by the Yendella community and the Waters Meeting Nature Reserve.</p> <p>Coleridge Game Reserve objects for the following reasons:</p>	<p>Dr Brendan Cole COLERIDGE GAME RESERVE 05/05/2020</p>	<p>Tourism impact assessed in SIA Report, Section 11.2.1 ("Potential loss in incomes: Tourism/Gaming/Hunting industries")</p> <p>Construction noise impact assessed in Noise Impact Assessment and SIA Report, Section 10.5.2 ("Intrusion Impacts at Construction site")</p> <p>Operation noise impact assessed in Noise Impact Assessment and SIA Report, Section 11.4.2 ("Intrusion Impacts during Operational phase")</p>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<ul style="list-style-type: none"> - Decreased tourism due to the eyesore - Noise pollution during construction - Noise and vibrations from operational farm - Disturbance due to increased traffic during construction - Disturbance of delicate fauna and flora which the EIA failed to mention (hottentot buttonquail, king protea, violet-backed starlings, leopard, to name a few) - The unforgivable eyesore of the turbines and the strobe lights atop each one - Birds which will be killed by the turbines - Bats which will be killed by the turbines - The inevitability that more turbines will be constructed <p>Not one of the EIA reports mentioned that the operational turbines make significant noise when turning. Additionally, they send vibrations into the ground which disturb the sub-terrain species. During 2013-2014, Health Canada and Natural Resources Canada conducted a study of wind turbine-generated seismic ground vibrations. Their published report, "Analysis of Measured Wind Turbine Seismic Noise Generated from the Summerside Wind Farm, Prince Edward Island", found that seismic vibrations from turbines could be measured up to 10 kilometers away, and concluded that seismic ground waves from operational turbines could affect readings at seismological recording stations at distances of up to 63 kilometers. A similar study in Scotland led to a turbine exclusion zone of 10 kilometers and a consultation zone of 50 kilometers around their Eskdalemuir seismological recording station. Our reserve is home to many species which live beneath the ground, as well as above which may be affected by seismic vibrations.</p> <p>"Elephants produce low-frequency vocalizations at such high amplitudes that they couple with the ground and travel along the surface of the earth with a separate velocity than their airborne counterparts. There are physical properties of seismic cues that, if detected on their own or in combination with acoustic cues, could enhance the elephant's ability to interpret signals. Elephants respond vigilantly to alarm call vocalizations transmitted through the ground, demonstrating that they can detect seismic information from background noise. In addition, elephants can also discriminate subtle differences between seismic playbacks of the same call type made by different callers. Elephants are well equipped to detect seismic cues through either bone conduction, somatosensory reception, or both (Ref. 6; O'Connell-Rodwell CE, Bouley DM, Hart LA, Arnason B, Hildebrandt T, Ketten D, Hart S, Puria B)."</p> <p>Has there been any study on the potential effects of your turbines on these species which will be within 10km of your proposed site?</p>		<p>Traffic Impact assessed in TIA and SIA Report, Section 10.5.1 ("Disruptions in daily living and movement patterns")</p> <p>The disturbance of flora and fauna has been documented in the Ecological Report, the Avifaunal Report and the Bat Report. The impacts associated with these issues have been captured in the EIA. The Avifaunal and Bat Reports include pre-construction monitoring data (12-months).</p> <p>Issues raised relating to the assessment of visual impacts in the draft VIA have been comprehensively address in the second draft VIA. Section 9 of the second draft VIA provides a detailed assessment of the visual impacts on the Coleridge Game Reserve per Figures 9.16 a&b where it was determined that visibility of both turbine hubs and blades will be LOW with very few locations on the property where all turbines will be visible (over 90%). Overall, the impact was determined to be MODERTAE mostly due to the potential impacts of night lighting.</p> <p>Certain mitigation options relating to night lighting are proposed including radar activated night lighting.</p> <p>This WEF would be limited to the number of turbines which the department authorises, no additional turbines would be permitted outside of this authorisation.</p> <p>The Noise Impact Assessment specifically assesses the impact of both construction and operational noise associated with the WEF.</p> <p>In addition the this, the Noise Specialist has submitted the following in response to this query (information as per <i>Elephant infrasounds: long-range communication, Michael Garstang, 2010</i>)</p> <ol style="list-style-type: none"> 3. Wind turbines do not generate vibration. This is one of the factors which would significantly reduce the operational life of a wind turbine and any manufacturer will ensure that their product does not result in undue vibrations. 4. Elephants communicate at very low frequencies, and they also communicate over significant distances, reportedly up to 10 km. However, elephants (and most faunal species) mainly communicate during calm conditions, when there are low or no winds. It is postulated that this is one of the reasons that avifauna noises are particularly loud in the early mornings, as this is typically the most calm period of the day. As wind speeds increase, wind-induced noises start to increase and faunal communication also appear to reduce. Wind is also a significant source of low-frequency noise, that also significantly increase as the wind speeds increase. <i>Elephant infrasounds: long-range communication, Michael Garstang, 2010</i> also highlights how wind influences elephant communication. Although there is not a currently a study to confirm this, elephants are unlikely to try significantly

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<p>It would appear that the assessments which were carried out by the specialists were merely a formality. In a world where our wild spaces and pristine areas are shrinking before our eyes, it is shameful that a beautiful area such as Grahamstown has been earmarked for the destruction of its vistas and dark night skies. The owners of Coleridge and Buffalo Kloof have spent the past 25 years restoring nature, protecting the smaller creatures and rehabilitating the over farmed and degraded land. We have helped uplift a local community, who will also lose out on the tourism benefits that they have worked so hard to secure. Your project will detract from everything that we have built and preserved.</p> <p>I encourage you to have a long, hard look at what you are proposing to do to our beautiful part of the world. There will always be more turbines, more money, more construction... but I assure you, the sacred areas in our world are not guaranteed.</p>		<p>communicate during high wind conditions, as wind-induced noises would significantly impact on their communication. It should also be noted that wind turbines does not have a significant impact on low frequency noise in the environment. In February 2013, the Environmental Protection Authority of South Australia published the results of a study into infrasound levels near wind farms. This study measured infrasound levels at urban locations, rural locations with wind turbines close by, and rural locations with no wind turbines in the vicinity. It found that infrasound levels near wind farms are comparable to levels away from wind farms in both urban and rural locations. Infrasound levels were also measured during organized shut-downs of the wind farms; the results showed that there was no noticeable difference in infrasound levels whether the turbines were active or inactive. Therefore:</p> <ul style="list-style-type: none"> c. Elephants mainly communicate during low wind, or no-wind conditions. Wind turbines does not operate during these times. d. Elephants do not communicate during high wind conditions, when the wind turbines operate. And data indicate that wind itself is the main source of low-frequency noise during period with increased winds, when the wind turbines would typically operate.
<p>As an interested and affected party, the Makana Local Municipality wishes to express its support towards the proposed Albany wind farm, which is partially located on municipal properties which are subject to commonages conditions.</p> <p>The Albany Wind farm project was presented by the developer to the Makana Council in 2019 and received the support of the Municipality. Subsequently, the Municipality entered into an option to lease agreements with Albany Wind Power for the construction and operation of the wind farm project.</p> <p>The Makana Municipality is excited about the prospects of the Albany wind farm as it will directly benefit both the Municipality and approximately 200 commonages farmers which have grazing rights over the municipal properties. The Makana Municipality has witnessed the positive socio-economic impact the Waainek wind farm has brought to Makhanda, through its Enterprise and Socio-economic Development programme as well as the Makana Winds of Change Community Trust. As such, the Municipality is looking forward to the significant direct and indirect benefits that will accrue to previously disadvantaged commonage farmers as well as Makhanda residents.</p>	<p>Ms Riana Meiring</p> <p>MAKANA MUNICIPALITY LOCAL ECONOMIC DEVELOPMENT AND PLANNING</p> <p>19/03/2020</p>	<p>The Municipality's support for the proposed project is noted and is captured in the social section of this report.</p>
SCOPING PHASE COMMENTS AND RESPONSE REPORT		
<p>The Scoping Report (SR) and Plan of Study for the Environmental Impact Assessment (PoSEIA) dated July 2019 and received by this Department on 30 July 2019 refers.</p>	<p>Department of Forestry, Fisheries and the</p>	

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<p>This Department has evaluated the submitted SR and PoSEIA dated July 2019 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014 as amended. The SR is hereby accepted by the Department in terms of Regulation 22(a) of the EIA Regulations, 2014.</p> <p>You may proceed with the Environmental Impact Assessment process in accordance with the tasks contemplated in the PoSEIA and the requirements of the EIA Regulations, 2014 as amended.</p>	<p>Environment (DFFE)</p> <p>Acceptance of Scoping and PoSEIA</p> <p>Competent Authority</p>	
<p>All comments and recommendations made by all stakeholder and Interested and Affected Parties (I&APs) in the draft SR and submitted as part of the final SR must be taken into consideration when preparing an Environmental Impact Assessment report (EIAR) in respect of the proposed development. Please ensure that all mitigation measures and recommendations in the specialist studies area addressed and included in the final EIAR and Environmental Management Programme (EMPr).</p>	<p>10/09/2019</p>	<p>Please refer to Appendix H of the EIR for the full IRT.</p> <p>Please refer to Appendix G of the Draft EIR for the EMPr, Generic EMPr and associated management plans. The EMPr has taken into account all mitigation measures and recommendations stipulated in each specialist report</p>
<p>Please ensure that comments from all relevant stakeholder are submitted to the Department with the EIAR. This includes but is not limited to the National Department of Environmental Affairs: Directorate Biodiversity and Conservation Management, Eastern Cape Parks and Tourism Agency (ECPTA), the Eastern Cape Department of Economic Development and Tourism (DEDEAT), the Department of Agriculture, Forestry and Fisheries (DAFF), the provincial Department of Agriculture, the South African Civil Aviation Authority (SACAA), the Department of Transport, the Department of Water and Sanitation (DWS), the South African National Roads Agency Limited (SANRAL), Eastern Cape Provincial Heritage Resources Authority (ECPHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, WESSA EC Regional Representative, Square Kilometre Array (SKA) and the South African Astronomy Observation (SAAO). Proof of correspondence with the various stakeholders must be included in the EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.</p> <p>The EAP must, in order to give effect to Regulation 7, give registered I&APs access to, and an opportunity to comment on the report in writing within 30 days before submitting the final EIAR to the Department.</p>		<p>Please refer to the I&AP Database contained in the EIR. In addition, please see Appendix A for all PPP proofs.</p>
<p>In addition, the following additional information is required for the EIAR:</p> <ol style="list-style-type: none"> i. The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for. ii. The listed activities in the EIAR and application form must be the same and correct. iii. The EIAR must provide the technical details for the proposed facility in a table format as well as their descriptions and/or dimensions. A sample for the minimum information required is listed under 		<ol style="list-style-type: none"> i. Please refer to Chapter 9 of the EIR ii. The EIR and Application listed activities have been aligned. iii. Please refer to Chapter 2 of the EIR, Tables 2-1 and 2-2 iv. Please refer to Chapter 2 of the EIR, Table 2-6 v. Please refer to Chapter 2, Section 2.1 and 2.2 vi. Please refer to Appendix H of the EIR vii. Please refer to Chapter 11 and Appendix A of the EIR viii. Please refer to Chapter 12, Section 12.7.4

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<p>point 2 of the EIA information required for wind energy facilities below.</p> <p>iv. The EIAR must provide the four corner coordinate points for the proposed development site (note that if the site have numerous bend points, at each bend point coordinates by be provided) as well as the start, middle and end point of all linear activities.</p> <p>v. The EIAR must provide the following:</p> <ul style="list-style-type: none"> o Clear indication of the envisioned area for the proposed wind energy facility, i.e. placing of wind turbines and all associated infrastructure should be mapped at an appropriate scale. o Clear description of all associated infrastructure. This description must include, but is not limited to the following: <ul style="list-style-type: none"> ▪ Power lines; ▪ Internal roads infrastructure; ▪ All supporting onsite infrastructure such as laydown area, guard house and control room, etc.; and ▪ All necessary details regarding all possible locations and sizes of the proposed satellite substation and main substation. <p>vi. The EIAR must also include a comments and response report in accordance with Appendix 2h (iii) of the EIA Regulations, 2014 as amended.</p> <p>vii. The EIAR must include the details inclusive of the PPP in accordance with Regulation 41 of the EIA Regulations.</p> <p>viii. Details of future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies.</p> <p>ix. The terms of reference (ToR) for the specialist studies area accepted to be assessed in the assessment phase.</p> <p>x. Where specialist studies are conducted in-house or by a specialist other than a suitably qualifies specialist in the relevant field, such specialist reports must be peer reviewed by a suitably qualified external specialist in the relevant field. The terms of reference of the peer review must include:</p> <ul style="list-style-type: none"> o A CV clearing showing expertise of the peer reviewer; o Acceptability of the terms of reference; o Is the methodology clearly explained and acceptable; o Evaluate the validity of the findings (review data evidence); o Discuss the suitability of the mitigation measures and recommendations; o Identify any short comings and mitigation measures to address the short comings; o Evaluate the appropriateness of the reference literature; 		<p>ix. The acceptance of specialist ToRs is noted. Specialist studies have been undertaken in accordance with the PoSEIR</p> <p>x. The Ecological Impact Assessment and Visual Impact Assessment were both undertaken in house. Both studies have been peer reviewed. Please find the peer reviews in Appendix F of this report.</p> <p>xi. All specialist studies include limitations relevant to the studies. No specialist studies took place out of the relevant seasons (specifically relevant to Ecological, Avifaunal and Bat assessments)</p> <p>xii. Please refer to Chapter 3 of the EIR.</p> <p>xiii. Please refer to Chapter 9, in particular Section 9.1.1 and both sets of impacts tables, as per Tables 9.4 and 9.5 and Appendix C</p> <p>xiv. This resources has been used to access relevant cumulative projects in the area.</p> <p>xv. Please see Chapter 1 of the EIR.</p> <p>xvi. Please see Chapter 10 of the EIR.</p> <p>xvii. A final layout will be submitted with the Final EIR.</p>

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<ul style="list-style-type: none"> ○ Indicate whether a site-inspection was carried out as part of the peer review; and ○ Indicate whether the article is well-written and easy to understand. <p>xi. The specialist studies must also provide a detailed description of the limitations to their studies. It must also be noted that all specialist studies must be conducted in the correct season, and conducting a specialist study in the incorrect season and providing that as a limitation will not be allowed.</p> <p>xii. Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons, and where necessary, include further expertise advice.</p> <p>xiii. The EIAR must provide a detailed description of the need and desirability, not only providing motivation on the need for clean energy in South Africa of the proposed activity. The need and desirability must also indicate if the proposed development is need in the region and if the current proposed location is desirable for the proposed activity compare to other sites. The need and desirability must take into account cumulative impact of the proposed development in the area.</p> <p>xiv. The EIAR must include a detailed cumulative impact assessment of the facility if there are other similar facilities within a 30km radius of the proposed development site. The specialist studies, e.g. biodiversity, visual, heritage, etc. in the PoSEIA which is incorporated as part of the SR must also assess the facility in terms of potential cumulative impacts. The cumulative impact assessment for all identified and assessment impacts must indicate the following:</p> <ul style="list-style-type: none"> ○ Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulative transformed land. ○ Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. ○ Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology approved with the acceptance of scoping report. 		

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<ul style="list-style-type: none"> ○ The cumulative impact significance rating must also inform the need and desirability of the proposed development. ○ A cumulative impact environmental statement of whether the proposed development must proceed. <p>xv. Please note that information on location of renewable energy developments can be accessed from https://.environment.gov.za/mapsgraphics</p> <p>xvi. A copy of the final site layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible, e.g. roads. The layout map must indicate the following:</p> <ul style="list-style-type: none"> ○ Wind turbine positions and its associated infrastructures; ○ Permanent laydown area footprint; ○ Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve to make commenting possible; ○ Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of budging structures that will be used; ○ The location of sensitive environmental features on site, e.g. CBAs, heritage sites, wetlands, drainage lines, etc. that will be affected by the facility and its associated infrastructure; ○ Substation(s) and/or transformer(s) site including their entire footprint; ○ Connecting routes (including pylon positions) to the distribution/transmission network; ○ Buffer areas; ○ Buildings, including accommodation; and ○ All no-go areas. <p>xvii. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.</p> <p>xviii. A shapefile of the preferred development layout/footprint must be submitted to this Department.</p>		
<p>The Environmental Management Programme (EMPr) to be submitted as part of the EIAR must include the following:</p> <ul style="list-style-type: none"> i. All recommendations and mitigation measures recorded in the EIAR and specialist studies conducted. ii. A good quality final site layout map with clear legend. iii. Measures as dictated by the final site layout map and micro-siting. iv. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process. 		<p>Please refer to Appendix G of the Draft EIR for the EMPr, Generic EMPr and associated management plans.</p>

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v. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.		
vi. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.		
vii. A plan rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site and be implemented prior to commencement of the construction phase.		
viii. An avifauna monitoring and management plan to be implemented during the construction and operation of the facility. This plan must be drafted by a suitably qualified avifauna specialist.		
ix. A re-vegetation plan and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.		
x. An open space management plan to be implemented during the construction and operation of the facility.		
xi. A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters, e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb retail and commercial operations.		
xii. A transportation plan for the transport of components, main assembly cranes and other large pieces of equipment		
xiii. A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must also include the construction of appropriate design measure that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measure must promote the dissipation of storm water run-off.		

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<p>xiv. A fire management plan to be implemented during the construction and operation of the facility.</p> <p>xv. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.</p> <p>xvi. An effective monitoring system to detect any leakage or spillage of hazardous substances during their transportation, handling, use and storage, this must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.</p> <p>xvii. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.</p>		
<p>I note from the Final Scoping Report ("FSR") that a groundwater impact assessment is planned but not a surface water impact assessment (page 160 of the FSR). This is despite the fact that the FSR records that surface water will be affected by the Project, if it proceeds (page 56 of the FSR). It is not lawful simply to defer the assessment of the impacts of the Project on surface water to the water use licence application process if the Project achieves preferred bidder status in the Renewable Energy Independent Power Producer Procurement Programme and before construction starts (page 56 of the FSR). The DFFE must have before it all relevant information regarding the bio-physical and socio-economic impacts of the Project to make a legally sound decision on the Application. It cannot do so if the impacts of the Project on the surface water in the receiving environment have not been assessed. It is therefore necessary to appoint a surface water specialist to conduct that impact assessment as part of the EIA process.</p>	<p>Ms Terry Winstanley</p> <p>WINSTANLEY INC. ENVIRONMENTAL LAW</p> <p>02/12/2019</p> <p>SUBMITTED ON BEHALF OF THE FOLLOWING CLIENTS:</p> <p>C—SA Properties (Proprietary) Limited and Kwandwe Guest Services (Pty) Ltd</p>	<p>Surface water is assessed in the Ecological Specialist Report. Surface water impacts have been recorded as part of this study and all surface water has been buffered (500m for all wetlands and 32m for all watercourses) in order to protect these resources from being impacted by infrastructure. This information will be available in the Ecological Specialist Report, which will be released for public review with the Draft EIR (please see Appendix D of the EIR).</p>
<p>It is evident from the FSR that no botanist has been appointed to assess the impacts of the Project on the flora currently growing on the Site (pages 159 to 160 of the FSR). Instead, two "ecological specialists" have been appointed (page 159 of FSR). I am doubtful that they could be sufficiently qualified in both flora and fauna to undertake those assessments with the legally required degree of skill. The appointment of a botanist and a faunal specialist is required. It may also be necessary to appoint an entomologist.</p>		<p>The following five (5) specialists have been involved in the Ecological Specialist Report as per page 159 of the FSR: Ayanda Zide, (flora, botanist); Craig Sholto-Douglas (fauna, terrestrial faunal specialist); Luke Kemp (fauna, reptile and amphibian specialist) Greer Hawley, (fauna and flora, specifically with a PhD in botany) and Rosalie Evans (mapping & data review). This document has also been peer reviewed (please see Appendix F of the EIR).</p>
<p>The terms of reference of the socio-economic assessment are (except for visual impacts) silent on the impacts on the receiving environment, including on viable businesses in the area (pages 165 to 166 of the FSR). This a material shortcoming of the terms of reference and will result in deficient information being placed before the DFFE.</p>		<p>The ToR of the Socio-Economic Assessment (page 165 of FSR) states that "Assess the impact of the proposed WEF on the following sensitive visual receptors (on condition that the listed I&APs can provide the relevant information pertaining to their properties in a timeous manner)..." The reference to visual does not refer to a visual assessment (this is being undertaken by the Visual Specialist in the Visual Specialist Report), but rather sensitive visual receptors. The socio-Economic specialist has distributed questionnaires to each I&AP who has identified themselves as potentially adversely affected in order to determine the impact</p>

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<p>The requirement of the EIA Regulations is to compile a report that enables a decision-maker to determine the best alternative. While this doesn't necessarily require a consideration of site alternatives, where the Applicant doesn't own the land on which the Project will be located if it is authorised, there is less justification for choosing only one site. Further, it appears that a decision has been made regarding the preferred layout without instructing each of the specialists comparatively to assess the alternatives (pages 86 to 87 of the FSR). This excludes the option of any meaningful consideration of alternatives and will result in a legally inadequate impact assessment.</p>		<p>of the proposed WEF on these individuals / companies. The question has been distributed to your clients. A copy of the questionnaire has also been attached to the email.</p> <p>The applicant specifically selected this site based on its proximity to the National Grid, the wind resources available on this site and the agreements between the applicant and the landowner. This was concluded prior to the EIA process.</p> <p>The bird and bat assessments had been completed, based on 12-month monitoring, prior to the Scoping Report. In addition to this the Ecological, Noise, Paleontological and Heritage specialists all undertook preliminary site inspections to determine site sensitivity. These sensitivities were used, by the applicant, to design the layout. The Visual assessor then modelled the viewsheds based on this layout. Various alternatives regarding layout were considered prior to the layout contained in the Scoping and EIR reports.</p>
<p>Further, the FSR does not explain why no attempt has been made to explore an alternative site entirely within a Renewable Energy Development Zone ("REDZ"), it is simply stated (and repeated) that part of the site falls within a REDZ, namely Cookhouse, (page 93 of the FSR) but no further explanation is offered, despite it having been raised by another I&AP (pages 152 and 224 of the FSR).</p>		<p>REDZ were designed as pre-screened renewable energy hot-spots in which developers are able to follow a more streamlined EIA process in the form of a Basic Assessment, despite triggering Listing Notice 2 activities. A large portion of South Africa's renewable energy developments fall outside of these zones and these developments are subject to the more rigorous EIA process. The decision to development outside of REDZ is taken when developers identify wind resources which are economically desirable coupled with sites which are situated within a close proximity to existing Eskom distribution infrastructure. The decision, by Albany Wind Power, to investigate the proposed site stemmed from the high wind potential of the site combined with the available capacity of the Eskom substation.</p>
<p>it is noted that in the FSR you have made preliminary determinations of the impacts of the Project (pages 99 to 129 of the FSR). It isn't clear on what basis you are qualified to do that. Further, there is no justification in the EIA Regulations for the EAP to do that; those Regulations mandate specialists to determine the severity of impacts. It is of concern that a preliminary determination of impacts may influence the specialists' findings, which is not the role of the EAP; quite the opposite is required of an EAP.</p>		<p>The specialists do not base their assessments on the Scoping Report, nor are they given a copy of the Scoping Report. The relevant specialists are identified based on the Scoping process and the outcomes thereof, with the exception of the bird and bat specialists (WEFs require pre-construction monitoring which takes place prior to the start of the Scoping process). We draw on progress reports provided by the bird and bat specialists, comments from I&APs and our experience in having undertaken in excess of 30 EIAs for renewable energy projects in the Eastern Cape. This is by no means a complete set of impacts and the ratings of the impacts may change based on specialist outcomes and I&AP input. As per Appendix 2 of the NEMA EIA Regulations an EAP is required to identify and rank potential impacts of the site in the Scoping Report. Pages 99-129 contain tables in which preliminary impacts and risks are identified and ranked, as required.</p>
<p>4. The terms of reference of the heritage impact assessment ("HIA") do not meet the minimum requirements of National Heritage Resource Act, 25 of 1999 (pages 163 to 164 of FSR) and will therefore not produce a legally compliant HIA.</p>	<p>Mr Andre van der Spuy</p>	<p>8. Please refer to the Heritage Impact Assessment Report in Appendix D of the EIR.</p>
<p>9. The DSR is required to be an objective and rational document – however the proposed AWEF DSR is not. In fact the EAP is required to take an oath or affirmation in regard to the “<i>correctness of the information provided in the report</i>” (EIA Regulations; Appendix 2(1)(i)(i)). Tellingly, the affirmation under Chapter 12 of the DSR is vague and unspecific in this regard and none</p>	<p>ANDRE VAN DER SPUY ENVIRONMENTAL CONSULTANTS</p>	<p>5. Please note that the EAP has signed an EAP affirmation (as per the DEA application template). This was submitted with the application form for the proposed Albany WEF (a copy of the fully scanned application form is available on the CES website). This additional affirmation has been included so that each contributor of the report can undertake this affirmation too. Each final report (Scoping, EIR and Specialist Reports)</p>

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<p>of the sworn items address the “<i>correctness of the information</i>”. The EAP has capitalized on this “oversight”.</p>	<p>19/07/2019</p> <p>[SUBMITTED ON BEHALF OF THE FOLLOWING CLIENTS: Mr Angus Sholto-Douglas; Mr Nolan Sparg; Mr Colin Coetzee; Mr Terry Stewart; Mr Aiden Sparrow; Mr Basil Peinke; Ms Bevan Peinke; Mr Sean van Zyl; Mr Hennie Brink; Mr Charles Timm; Mr Kevin Bates; Mr Lionel Wicks; Longwood Trust; Mr Greg Dixon; Mr Murray Crous; Mr Nico Fick; Mr Peter Wood; and Mr Rudi Venter]</p>	<p>will include the official departmental EAP declaration form and Specialist declaration forms as per the legislated requirements.</p> <p>As previously mentioned, the EAP, Dr Alan Carter, is a member of Environmental Assessment Practitioners Association of South Africa (EAPASA); South African Council for Natural Scientific Professions (SACNASP); and International Association for Impact Assessment (IAIA) all of which impose of conduct and ethical behaviour.</p>
<p>10. Under Appendix 2 of the EIA Regulations, which deals with the required purpose and contents of a scoping report, several requirements stipulate the need for the (D)SR to address the “level of risk” associated with all alternatives and also “residual risk” (EIA Regulations, Appendix 2, (1)(g)(viii) and (1)(h)(ix)). Yet nowhere in the DSR is the significant “level of risk” that will be levied against our clients interests and operations even mentioned, despite their obvious location and the very well known local and regional concerns around impacts of wind farms on game reserves and game farm operations. It is likely that the failure of the EAP to identify this obvious risk is intentional given its high significance, and consequences, and the observed propensity of the EAP to favour the Applicant’s interests. In this regard it is quite clear that the (poor) choice of preferred site for the proposed AWEF has not considered at all such risk, or perhaps it has but has then proceeded anyway upon the basis of overriding support that will be forthcoming from the Competent Authority whose political motives have been proven to supersede its legal obligation to protect the national heritage in matters of other wind farm applications. Whatever the case, the DSR has not even identified this large risk (to our clients). In this regard the EAP will be well advised to provide the Competent Authority with a map of our clients’ properties and operations (and those of others such as the Great Fish River Reserve) in order to provide the DEA with a proper understanding of the high level of risk of damage given the close proximity of our clients.</p> <p>11. All impact assessments for this application are advised to assess the specific impacts upon each of our individual client operations. This is very important. Sufficient provision will have to be made by the Applicant, participating landowners, funding institutions and other beneficiaries for compensation of residual impacts and damages that may be suffered by each of the clients. It is pointed out that compensation is an accepted and necessary form of “off-setting” which is a low order mitigation measure within the mitigation hierarchy. The EAP and the Competent Authority must apply the mitigation hierarchy to its full extent which includes off-setting/compensation.</p>		<p>6. The purpose of the Draft Scoping Report public review period is to give all Stakeholders and I&APs the opportunity to review the proposed approach and to raise any concerns which they may have from a personal (visual, financial, etc.) perspective. These issues are then incorporated into the proposed scope of work for the Environmental (and Social) Impact Assessment Phase.</p> <p>Annexure A of Mr van der Spuy’s letter includes a list of clients who have been added to the I&AP database. The clients’ properties will be assessed by both the Socio-Economic and Visual specialists (as per the updated ToR of specialist studies in section 10.3 of this report).</p> <p>At the time of submission, Mr van der Spuy had not provided a complete list of contact details for the clients listed in Annexure A. CES requested this information on Monday, 22nd July. In order to determine the property location, industry, etc. of each client a table of questions will be distributed. A map detailing where the various properties are will be included in the EIR phase (on condition that all client contact details are provided in a timeous manner; and assuming all clients are willing to provide the requested details). The location and assessment of all affected clients, listed in Annexure A, will form part of the EIA Phase of this process.</p> <p>11. As stated above. A questionnaire will be distributed to all clients listed in Annexure A of Mr van der Spuy’s letter. This will be the first step in the assessment of these properties and the associated businesses. The conditions which apply to point 11 are detailed in point 10 above (all client contact details must be provided in a timeous manner, and assuming all clients are willing to respond to the questions posed to them by the relevant specialists).</p>
<p>12. The DSR under Section 6 proclaims hugely exaggerated employment benefits associated with WEFs but these are all general and not based on any real case examples. Another unreferenced and false general statement</p>		<p>12. The data presented under Section 6 of the DSR is based on <i>Liziwe McDaid (2016) Renewable Energy Independent Power Producer Procurement Programme Review 2016: a critique of process of implementation of socio-economic benefits including job</i></p>

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<p>of the DSR is that, “(i)n general the local employment component of the renewable energy projects fares much better than originally anticipated.” Clearly the EAP is not concerned about the implications of breaching his oath. Some true facts regarding real employment by South African wind farms are as follows:</p> <ul style="list-style-type: none"> - Van Stadens WEF, Eastern Cape : 1 permanent employee - Hopefield WEF, Western Cape : 3 permanent employees <p>(Source: personal investigation by the author)</p> <p>These abysmal employment figures are sufficient justification alone to shelve the proposed AWEF which will be no different.</p> <p>13. The term “job years”, one recently adopted by proponents of wind farms in an effort to boost and misrepresent the poor real employment characteristics of wind farms, is used by the EAP in the DSR (and simply confirms the EAP’s bias). The EAP has neglected to explain or qualify the term since it is certainly not the equivalent of real “jobs”. In fact, it is an exponentially poorer denotation which is of almost no real value. Its use is a mere matter of (convenient) interpretation by the user of the term (in this instance, the EAP). The EAP will need to explain and quantify this term in the next version of the DSR.</p>		<p>creation. The socio-economic data presented in the DSR has been extracted from numerous studies, as referenced. Mr van der Spuy’s alternative data is a self-referenced observation. The Socio-economic Impact Assessment will include an assessment of the jobs associated with the proposed WEF as well as a comparative assessment of data gathered for operational WEFs. This will take place during the EIA phase.</p> <p>13. The term “job years” is not a new term, and has been in use in the construction and engineering industry for decades. For Mr van der Spuy to attribute its use as “confirmation of EAP bias” is completely unsubstantiated, please see numerous energy related references to “job years” below. The Socio-economic Impact Assessment will include an assessment of the jobs associated with the proposed WEF as well as a comparative assessment of data gathered for operational WEFs. This will take place during the EIA phase.</p> <p>THE TERM JOB YEARS IS REFERRED TO IN NUMEROUS ENERGY-RELATED MATERIAL</p> <p>SA wind industry: standardised metric to assess energy sector employment (ESI Africa: Africa’s Power Journal, July 2018):</p> <p>“...In keeping with this trend, the Minister of Energy applies the contemporary metrics ‘job-years’ and ‘full-time equivalent’, rather than the old-fashioned and vague metric ‘jobs’, when referring to the employment opportunities being created by the Renewable Energy sector. As recently explained in Parliament by Minister Radebe, a ‘job year’ is equivalent to a full-time employment opportunity for one person for one year.”</p> <p>Renewable Energy: Where are the jobs? A critique of the government’s socio-economic programme (2016): Page 18:</p> <p>“In the international literature and in government job related data regarding renewable energy, job creation is beginning to be standardised in job-years. The term job-year refers to one person’s employment for one year. For example, 40 job years could mean two people employed for twenty years each, or four people employed for 10 years each.”</p> <p>SAWEA Briefing paper: An overview of the employment implications of the South African power sector transition (July 2018): Page 5:</p> <p>“A job could be for a day, a month, a year or more. Internationally and increasingly in South Africa, studies are starting to be formalized around the job year. A job or employment could therefore comprise any number of, or fraction of job years. The concept of ‘Full Time Equivalent’ (FTE) is typically used to qualify absolute employment metrics.”</p>

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		<p>Future skills and job creation through renewable energy in South Africa: Assessing the co-benefits of decarbonising the power sector (March 2019): Pages 7 and 12: “...The model was modified for the South African context. This study defines a ‘job’ or ‘employment opportunity’ in terms of full-time equivalent (FTE) units per annum. This approach accounts for part-time and full-time workers in a comparable way. One job is equivalent to one job year, with the total number of jobs indicating the total number of people employed during a specific year.” “...head count jobs (number of people employed) and job years (total number of jobs multiplied by the (maximum) number of years that those jobs are required) created according to the value chain phase for a typical 86 MW solar PV project.”</p> <p>Department of Energy (DoE): Integrated Energy Plan (Annexure B: Macroeconomic Assumptions):Pages 28 and 29: “Once both direct and supplier jobs have been calculated, it was necessary to normalise across technologies for construction build times, as the different technologies have differing lead time, the construction jobs have been represented as job years per GW of the technology installed.” “Direct jobs-: these are the direct employees responsible for building or running the power plants (or primary energy extraction). The spend in the different value pools is deemed to be direct jobs. Using a standard salary range for each of the different jobs in the different value pools the full number of job years that the total spend per plant would create is calculated.”</p> <p>REIPPPP Focus on Eastern Cape: At a glance (June 2015): Page 11 “Note 5. Employment / Job creation measured in job years (equivalent of a full time employment opportunity for one person for one year).” Contract definitions and terminology (Page A4): “Job years. Employment / Job creation is reported in job years i.e. the equivalent of a full time employment opportunity for one person for one year).”</p>
<p>14. The DSR also wastes no energy in lauding the proclaimed community trust benefits that have allegedly been contributed by WEFs. Contrary to this, Annexure B reveals the true experience of deceit of renewable energy companies and associated “hanger-one’s” in such “community” programmes. In the DSR the EAP has once again presented his selected and Applicant-favoured general view only. No detail specific to the proposed AWEF is provided.</p>		<p>14. The DSR states the following regarding community trusts: “A community trust is a mechanism established for the community to hold ownership of projects, to have control of their future, to make decisions about their needs and to have some resources to implement their decisions. The aim of the Trust is to ensure that a portion of the incomes generated is directed towards local economic development of the affected communities. At this stage 2.5 to 5% equity should be held by communities, yet there are no explicit requirements on how these contributions should be spent. In round three of the bidding windows some projects have however structured 40% local ownership in their projects” (Wlokas, 2015).</p> <p>“The way in which the projects are financed is such that the financing debts must be repaid before money is available for community spend. Communities do not have the capital to invest in renewable energy projects and the community trusts are financed through loans from financial institutions. In general, for each of the community trusts, the loan must be repaid before income flows to the community, although there could be a small dividend that flows to the community earlier on already.”</p>

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		<p>This paragraph, as referenced, is an academically referenced study. Other relevant studies include Holle L. Wlokas, Peter Westoby & Sue Soal (2017) Learning from the literature on community development for the implementation of community renewables in South Africa published in <i>Journal of Energy in Southern Africa</i>.</p> <p>The Socio-economic Impact Assessment will include an assessment of the community trust information proposed for the Albany WEF. This will take place during the EIA phase.</p>
<p>15. It is noted that a number of CES employees are involved in the “preparation” and management of this DSR yet only Dr Carter is the EAP who is bound in terms of the NEMA. Ms. R. Evans and Ms C. Evans are thus free to act in the interests of the CES or Applicant or any other party having not been bound under oath or affirmation yet they play a significant role in the process and preparation of the DSR, including decision making on matters of fundamental importance to our clients. This situation is unacceptable and non-compliant under NEMA.</p>		<p>15. Please note that the EAP has signed an EAP affirmation (as per the DEA application template). This was submitted with the application form for the proposed Albany WEF (a copy of the fully scanned application form is available on the CES website). This additional affirmation has been included so that each contributor of the report can undertake this affirmation too. Each final report (Scoping, EIR and Specialist Reports) will include the official departmental EAP declaration form and Specialist declaration forms as per the legislative requirements.</p>
<p>16. Under Table 8-3 in which potential impacts associated with the proposed AWEF are listed and assigned preliminary impact ratings there is not listed any of the obvious and serious potential impacts of (i) visual impact of the huge turbines and (ii) impact of their obligatory night-lighting. These are obvious and common potential impacts associated with ALL WEFs and are invariably highly negative and beyond mitigation. Given the observed tendencies of the EAP to consistently favour the interests of the Applicant in matters of interpretation and practice the omissions are accordingly explained (but unacceptable and non-compliant with inter alia EIA regulations, Appendix 2, (1)(g)(v) and (vii)1.</p>		<p>16. Tables 8-3 (planning & design phase), 8-4 (construction phase), 8-5 (operational phase) and 8-6 (decommissioning phase) all contain proposed impacts related to the Albany WEF. Table 8-2 can be used as a guide to show Mr van der Spuy where relevant impacts have been identified. The following impacts regarding visual impact and night light have been extracted from Tables 8-3 to 8-6 <i>verbatim</i> (issue and impact extracted). These impacts, as with all impacts, are rated on a preliminary basis and require input from the specialists, as stated in the DSR.</p> <p>Table 8-3, Planning & Design impact 11 states the following: Issue: <i>Shadow Flicker</i> Impact: <i>During planning and design the failure to take shadow flicker into account may have negative health impacts on surrounding landowners. The movement of the turbine blades across the direction of sunlight causes a phenomenon called shadow flicker, which can result in health problems if people are regularly exposed to it.</i></p> <p>Table 8-3, Planning & Design impact 19 states the following: Issue: <i>Change in scenery in the WEF area</i> Impact: <i>During planning and design, incorrect placement of turbines in visually sensitive areas may negatively impact individuals’ perceptions in terms of sense of place.</i></p> <p>Table 8-4, Construction impact 49 states the following Issue: <i>Visual intrusion of construction equipment</i> Impact: <i>During the construction phase the equipment needed to erect the wind turbines may affect the ‘sense of place’ of local residents.</i></p> <p>Table 8-5, Operational impact 2 states the following: Issue: <i>Lighting</i></p>

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		<p>Impact: <i>During operations the facility may be lit at night which could have adverse impacts on the landscape character and sense of place due to long-term visibility of land.</i></p> <p>Table 8-5, Operational impact 22 states the following: Issue: <i>The effect of the WEF of the local sense of place</i> Impact: <i>During operations the visibility of the WEF from Makhanda, surrounding game farms, surrounding farms and informal settlement influencing the local people's sense of place.</i></p> <p>Table 8-6, Decommissioning impact 15 states the following: Issue: <i>Visual intrusion of construction equipment</i> Impact: <i>During decommissioning the visual intrusion of the equipment needed to dismantle the turbines may affect the local residents.</i></p> <p>Again, CES will not entertain Mr van der Spuy's unsubstantiated and defamatory remarks implying that an oversight on his part is somehow proof of his emotive and personalised remarks that "the EAP constantly favours the interests of the Applicant".</p>
<p>17. Another crucial and unacceptable failing of the impact assessment methodology (and interpretation) presented in the DSR is the failure to define, quantitatively and objectively, what level of impact (singularly and cumulatively) will be considered unacceptable. In other words what does the EAP consider to be a so-called "fatal flaw"? The EAP should define this in the next DSR version on an objective basis and according to a clear set of criteria that can be applied and reviewed by all.</p>		<p>17. The impact rating methodology, which will be used by all specialists and the EAP, as per section 10.2 "Impacts Assessment Methodology" of this report. This impacts rating methodology is consistent with industry standards.</p>
<p>18. It is noted with that CES intends to deploy various of its employees as specialists for the:</p> <ul style="list-style-type: none"> - Agricultural and soils impact assessment - The ecological impact assessment - The visual impact assessment <p>This author has had extensive experience in review of CES "specialist" impact assessments and is yet to review a single one which has any real credibility (despite the unwarranted approval of same by the DEA). All of them have shown an overt propensity to make findings in favour of the Applicant irrespective of the true facts and the consequences for the environment and affected local communities.</p> <p>Section 1 of the EIA Regulations defines a "specialist" as follows: "means a person that is <u>generally recognised within the scientific community</u> as having the capability of undertaking, in conformance with generally recognised scientific principles, specialist studies or preparing specialist reports, including due diligence studies and socioeconomic studies". (Underlining supplied)</p> <p>In this author's almost 30 years of environmental consulting I have never heard of Dr. A. Carter or Mr. M. Johnson as VIA specialists who are</p>		<p>18. CES will not be drawn into Mr van der Spuy's personal defamatory statements of its employees and their qualifications. Each specialist report will include the full list of team members, CV's and specialist declarations, as per the regulations. The suitability of the specialists will be determined by the DEA. It is evident from the tone of Mr van der Spuy's remarks that he is using this platform to try to discredit the work that CES has undertaken in this country (and specifically this province). There are regulatory bodies which can be approached to have consultants held to task which are more suitable avenues for Mr van der Spuy's claims of evidence of CES's "overt propensity to make findings in favour of the Applicant irrespective of the true facts and the consequences for the environment and affected local communities". These unsubstantiated remarks do not relate to the content of the DSR. Mr van der Spuy's affirmation or recognition of specialists does not qualify or disqualify them from their respective fields.</p>

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<p>“generally recognized within the scientific community”. They may well be recognized, and indeed favored, within the wind energy development industry for obvious reasons. Likewise Ms. R. Evans and others of CES in their purported roles as specialist impact assessors.</p> <p>19. In terms of the intended ecological impact assessment it is clear that a gross underestimation is being accorded to the ecology and biodiversity of the receiving environment by expecting to cover these diverse fields within a single broad ecological impact assessment. This is inappropriate. It will be necessary to rather appoint proper specialists to each of the different faunal groups (for instance, at least an invertebrate specialist and a vertebrate specialist). Separate bird and bat specialists are already accounted for.</p>		<p>19. The Ecological Impact Assessment field work has been ongoing since 2017. From a faunal perspective site visits have been conducted by Mr Craig Sholto-Douglas (terrestrial faunal specialist) and Mr Luke Kemp (reptilian and amphibian specialist). As per the Ecological Specialist Study scope of work, in section 10.3, it is clear that the Ecological Study has and will continue to include assessments of both the faunal and floral components of the receiving environment.</p>
<p>20. From the available information it is obvious that the chosen location for the proposed AWEF is unsuitable given the high biodiversity value attributed to most of the site, having Terrestrial and Aquatic CBA 1 and 2 statuses. Such habitats are designated as having high biodiversity value and the associated land use recommendations are that they should respectively (CBA1 and CBA 2) be left over for land uses that promote preserve (and restore if necessary) their “natural” and “near-natural” ecological characters. Large scale industrial development such as the proposed AWEF is as far removed a land use as can be from those contemplated in the relevant biodiversity plans. The CBA status of the site is a clear warning that is intended to direct just the sort of development as the proposed AWEF away from such sensitive sites. The Applicant and EAP have failed to heed this warning and the EAP shows every intent on manufacturing convenient arguments designed to justify violation of the sensitive environment. It is beyond dispute that the proposed AWEF will constitute unsustainable development on this preferred location.</p>		<p>20. The Eastern Cape Biodiversity Conservation Plan (ECBCP) has not been formally amended since 2007. All properties which form part of the proposed Albany WEF have been, and are continuing to be assessed by various specialists. The specialists will inform the site sensitivity based on a combination of spatial, literature and site investigation data. Based on initial site visits much of the area listed as CBA1 has been transformed. The various specialist studies will inform the land use changes which have occurred on the proposed site.</p>
<p>21. A fundamental failure of the DRS and the Plan of Study of Scoping is its failing to intend to consider all of the impacts of the proposed AWEF. Give the legal requirement of the proposed AWEF to have to consider all of the potential impacts associated with its development it will be necessary for the proposed AWEF EIA to include all of the potential impacts of its dependant components and auxiliary functions, such as the powerline and the back-up (probably fossil fuel) power facilities. The DSR advises that the powerline component will be the subject of a separate environmental application. If this is so, then the current application will still need to consider the findings of the powerline EIA process as well, even if this requires that its decision-making process is placed on hold until such time as the powerline EIA findings are known and can be considered. Likewise the impacts of the proposed AWEF on existing power supply facilities, Eskom and the distribution network must be assessed and included in the</p>		<p>21. The specialist reports for the proposed Albany WEF and Albany Grid Connection (powerline) will be contained in one shared document. This means that each specialist (where relevant) will be assessing both the WEF and the Grid Connection (powerline) in their reports. While the WEF and the Powerline will be submitted in separate applications, the impacts associated with each will be outlined by both the specialists and the EAP. This means that the WEF EIR will include the specialist and EAP findings of the WEF and Grid Connection (powerline) and the Grid Connection BA will including the specialist and EAP findings of the Grid Connection (powerline) and WEF. The Albany WEF and Albany Grid Connection are being undertaken by separate applicants and cannot be contained within the same application / documentation.</p>

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overall decision-making process. Failure to do so will amount to incremental development which is illegal.		
22. The plan of study of impact assessment fails to include a crucial traffic impact assessment. The next version of the DSR needs to be amended to include provision for such fundamentally important study. The impacts on roads and traffic are significant and well known (and observed daily in the receiving environment). Issues of public road safety and inconvenience are but some of them.		22. A Traffic Impact Assessment has been added to the Final Scoping Report list of Specialist Assessments (10.3). Please see 10.3.11 for the ToR for this specialist study. The main aim of this specialist study is to inform the “Transport Management Plan” which is one of the many management plans which will be included in the EMPr.
23. A proper professional property and operations value impact assessment will need to be conducted for all of our clients operations and assets in order to quantify the potential damages that may result from the proposed AWEF.		23. The potential socio-economic and property impacts of the proposed Albany WEF will be assessed by the Socio-Economic Specialist as per section 10.3 of this report). At the time of submission Mr van der Spuy had not provided a complete list of contact details for the clients listed in Annexure A. CES requested this information on Monday, 22 nd July. In order to determine the property location, industry, etc. of each client a table of questions will be distributed. A map detailing where the various properties are will be included in the EIR phase (on condition that all client contact details are provided in a timely manner; and assuming all clients are willing to provide the requested details). The location and assessment of all clients in Annexure A will form part of the EIA Phase of this process.
24. The VIA must establish the potential visual impact on each of our clients operations. Their entire properties and surrounds must be regarded as visually sensitive environments. There are no limited, individual sensitive locations.		24. Annexure A of Mr van der Spuy’s letter includes a list of clients who have been added to the I&AP database. The clients’ properties will be assessed by both the Socio-Economic and Visual specialists (as per the updated ToR of specialist studies in section 10.3 of this report). At the time of submission Mr van der Spuy had not provided a complete list of contact details for the clients listed in Annexure A. CES requested this information on Monday, 22 nd July. In order to determine the property location, industry, etc. of each client a table of questions will be distributed. A map detailing where the various properties are will be included in the EIR phase (on condition that all client contact details are provided in a timely manner; and assuming all clients are willing to provide the requested details). The location and assessment of all clients in Annexure A will form part of the EIA Phase of this process.
25. Likewise the noise impact assessment must consider the entire properties of our clients as being uniformly very sensitive. The study must assess also the impacts and levels of low frequency sound on humans and fauna. Infrasound is known to travel up to 20km and many species of fauna rely on infrasound to live out their life-cycles.		25. The Noise Specialist will assess the site (and the areas surrounding the site) as per SANS 101 SANS 10103 for “The measurement and rating of environmental noise with respect to land use, health, annoyance and to speech communication.” The Noise Specialist will inform the required buffers for the site and its surroundings based on their experiences as well as a site assessment and modelling.
26. EIA Regulations, Appendix 2 states that; 1. (f) <i>“The objective of the scoping process is to, through a consultative process... agree on the level of assessment to be undertaken, including the methodology to be applied, the expertise required as well as the extent of further consultation to be undertaken to determine the impacts and risks</i>		26. The consultation process (PPP review of Draft Scoping Report) is there to avail the content of the Scoping Report and EIR plan of study to I&APs in order for them to comment on the proposed scope and to raise issues which they may consider impacts. This is then incorporated into the Final Scoping Report, either in the form of additional scope in specialist studies or in the form of new specialist studies. All comments are

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<p><i>the activity will impose on the preferred site through the life of the activity, including the nature, significance, consequence, extent, duration and probability of the impacts to inform the location of the development footprint within the preferred site; ...” ,</i> and 2(1) <i>“A scoping report must contain the information that is necessary for a proper understanding of the process, informing all preferred alternatives, including location alternatives, the scope of the assessment, and the consultation process to be undertaken through the environmental impact assessment process, and must include—</i> <u><i>“(j) an undertaking under oath or affirmation by the EAP in relation to the level of agreement between the EAP and interested and affected parties on the plan of study for undertaking the environmental impact assessment;”</i></u>. (Underlining supplied)</p> <p>From the above requirements it is clear that the EAP needs to consult with I&APs and reach a “level of agreement” with them and that this must be reflected in the DSR, and indeed sworn to by the EAP. At this juncture our clients have had no interaction with the EAP and have not reached any level of agreement with the EAP. The items which need to be agreed upon are listed under Appendix 2(1)(f) and are underlined above. This comment makes it clear that none of these items are addressed in the DSR to our clients satisfaction and this comment further provides advice as to what level provision the EAP needs to proceed in order for our clients to be in a position to consider a level of agreement with the EAP. It is certainly not the right of the EAP to assume any level of agreement with our clients in their capacity as I&APs. We await further consultation with the EAP in order to establish a level of agreement and we confirm that at this point there exists absolutely nil level of agreement between our clients and the EAP.</p> <p>Points 27-28 present the conclusion of the points raised in the Comment and Objection letter, as per Appendix A (13.5)</p>		<p>documented in the Issues & Response Trail in as per the PPP regulations. This process is what acts as the process in which to include additional information from I&APs.</p> <p>With regards to 1(j), the I&APs have the opportunity to review and comment on the plan of study for the EIR. If I&APs do not comment on the plan of study, it is assumed that they are in agreement or approve the study. I&APs cannot be forced to comment and it does not mean that I&APs were not consulted. The PPP Documentation (Appendix A of this document) contains all correspondence between CES and stakeholders/I&APs. Comments received have been responded to within this IRT and clarifications have been made (as referenced in this table) within the Final Scoping Report.</p>
<p>As per Appendix A (13.5), a Position Statement was received from Indalo. The concluding statement reads as follows:</p> <p>“The Indalo Protected Area Management Authority opposes the proposed location of any wind energy facility that may jeopardize in any way the core eco-tourism business model of any of the game reserves within the Indalo Protected Environment and thereby threaten the substantial conservation and socio-economic benefits that these protected areas provide.”</p>	<p>Mr Mark Palmer</p> <p>Indalo</p> <p>19/07/2019</p>	<p>As per section 10.3 of the Final Scoping Report the Visual and Socio-Economic Specialist Studies will include an assessment of each of the consumptive / non-consumptive game industry entities which have identified themselves as having the potential of being visually affected by the proposed development. Each landowner, within 20km of the site and those who have raised individual concerns will be contacted to obtain more information regarding the location of their properties and the activities undertaken on these properties. The various specialists will use this data to inform the overall impact on each landowner.</p>

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<p>As per Appendix A (13.5), an email was received from Ms Shane Gertze with comments on behalf of ECPTA. The following issues have been raised by ECPTA:</p> <p>ECPTA Protected Areas The ECPTA is the management authority of Beggar's Bush and Kap River Nature Reserves. For Beggar's Bush Nature Reserve we note that the Nature Reserve is in the middle of the project area for the proposed WEF. As such, we are concerned about the impact this development would have on the ecological functioning of the Nature Reserve. The project area south of the N2 appears to fall within the catchment area of Kap River, which flows through the Kap River Nature Reserve. A physical change in the landscape of the Kap River's catchment could potentially have a negative impact on the Kap River Nature Reserve downstream. During the scoping period, there needs to be an assessment on the hydrological impact of this development on the Kap River catchment.</p>	<p>Ms Shanè Gertze</p> <p>EASTERN CAPE PARKS AND TOURISM AGENCY [ECPTA]</p> <p>19/07/2019</p>	<p>All specialist studies and reports are undertaken during the EIR phase, and not during the scoping phase. This is to ensure that DEA, DEDEAT, ECPTA and other stakeholders have the opportunity to recommend additional specialist studies. Based on this comment, section 10.3 of the Scoping Report has been updated to include a hydrological study of the Kap River catchment. This additional specialist study will be used to inform the potential impact of the proposed development on this catchment.</p>
<p>Page 22: Section 3.1 What would the percentage contribution of the development be in achieving the targets for renewable energy in South Africa.</p>		<p>The proposed development would contribute a maximum total of 297MW of energy. In terms of the Eastern Cape Renewable Energy target of 1700MW (please see Chapter 3), the proposed Albany WEF would contribute 17% upon completion (provided that the proposed WEF be built as proposed in the initial documentation).</p>
<p>Page 23: Section 3.2 The relevant types of socio-economics impacts (e.g. short vs permanent jobs) and benefits (e.g. employment) needs to be noted and based on research and evidence from similar projects.</p>		<p>The Socio-Economic Specialist Report will include sections outlining the various jobs associated with the phases of the proposed development.</p>
<p>Pages 29, 43 and 97: Respectively Sections 3.5.2., 5.4 and 8.3 The specialists need to inform us if the project will not compromise the localised Climate Change Adaptation process for the area. It should be noted that area is within one of the areas identified as a climate change corridor as well as an ecological corridor linking existing protected areas within the Province.</p>		<p>The Ecological Specialist Report will assess the impacts of the proposed development on the climate change corridor (and the ecological corridor linking protected areas).</p>
<p>Page 33: Section 4.3 A map depicting the proximity of the protected areas managed by the ECPTA (especially, Beggar's Bush, Great Fish River and Kap River Nature Reserves) and other entities (for example Private Game Reserves) need to be included. Also, the proposed visual impact analysis would need to assess the visual impact on these protected areas.</p>		<p>As per Section 10.3 of this report, the specialist studies listed include a Visual, Ecological and Socio-Economic Impact Assessment. These reports will assess the impact on the surrounding public and private nature reserves as well as various consumptive-based game farms in the area.</p>
<p>Page 34: Section 4.4 It should be noted that the project area is within the Albany Centre of endemism as such there are numerous rare and endangered species that need to be thoroughly investigated by a botanist. Areas surrounding the project area has vulnerable species such <i>Eriospermum bracteatum</i>, <i>Faucaria tigrina</i> and a number of Endangered species that only have few living such as <i>Agathos bicornuta</i>. Hence, during the scoping period there also needs to be a very extensive</p>		<p>The Ecological Specialist Study includes both site visits and desktop assessment of the present ecological state of the receiving environment. This is done as part of the EIR phase. The Ecologists will detail the impacts on the receiving environment, both within the report and spatially (in the form of no-go, high sensitivity, moderate sensitivity and low sensitivity areas) to be able to inform suitable mitigation methods.</p>

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<p>search for these threatened species to determine the extent of the impact or the possibility of driving this species to extinction.</p> <p>Pages 44 -49: Section 5.6 The information in this Section should be based on the 2018 vegetation map produced by the South African National Biodiversity Institute.</p>		<p>The information in Section 5.6.1 was (Draft SR) and still is (Final SR) based on the written and spatial data of the 2018 SANBI National Vegetation Map (Mucina and Rutherford, 2018).</p>
<p>Page 70: Section 6.5.4. B The respective specialist would have to conduct a comparison of the positive economic benefits and sustainability between this development and the tourism industry of the Region where the project is proposed.</p> <p>Page 93: Section 7.5 Motivation is required regarding why the development is being proposed outside the Renewable Energy Development Zones.</p>		<p>As per Section 10.3 of this report, the specialist studies listed include a Socio-Economic study. This study will include an assessment of the positive and negative socio-economic impacts on both the receiving environment and the surrounding communities.</p> <p>A section of the proposed site occurs within REDZ 3 (Cookhouse). The remaining site was selected based on both wind potential and the landuse of the properties. Other factors will be detailed in the EIR and various specialist studies, including Avifaunal, Socio-Economic and Visual impacts of developments which have been proposed within the area, some of which occur within the Cookhouse (3) REDZ.</p>
<p>OTHER COMMENTS Lastly, based on the historical events which occurred within the Region, the specialists needs to investigate the potential impacts of this development on heritage.</p>		<p>As per Section 10.3 of this report, the specialist studies listed includes both Archaeological and Paleontological Impact Assessment studies. These studies will assess the impacts on the receiving environment in terms of heritage. All specialist impacts will be incorporated into the overall site sensitivity and will be included in the EIR in order to determine the overall impact of the proposed WEF.</p>
<p>As per Appendix A (13.5), an email was received from Mr Colin Coetzee. The following issues were raised:</p> <ol style="list-style-type: none"> 1. Our main source of income in international hunting, our clients come to us mainly to experience the open spaces and vast spaces without fences and other developments. Having this wind farm in the area will put an end to all of our income. This will leave our 12 staff unemployed. 2. We are concerned that said development will devalue properties in the area. We are substantially dependent on international investors. 3. The turbines will impact the scenic views that the Eastern Cape is well-known for. This will have an adverse effect on tourism in the area, and subsequently mean the loss of revenue and employment opportunities. 4. The Great Fish River Valley and surrounding hills is the confluence of the two Global biodiversity hotspots of Fynbos and Sub-tropical Thicket. The 	<p>Mr Colin Coetzee</p> <p>GAME 4 AFRICA</p> <p>18/07/2019</p> <p>[SUPPORTED BY: Mr Sandile Xakuma; Mr Elliot Embilini; Mr Mfundo Mike Mzizi; Mr Lubabalo Mohzi; Mr Norman Mandaza;</p>	<p>1, 2, 3. As per section 10.3 of the Final Scoping Report the Visual and Socio-Economic Specialist Studies will include an assessment of each of the consumptive / non-consumptive game industry entities which has commented on the Scoping Report as part of their assessments. Each landowner, including Mr Colin Coetzee, will be contacted to obtain more information regarding the location of their properties and the activities undertaken on these properties. The various specialists will use this data to inform the overall impact on each landowner.</p>

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<p>landscapes and scenic splendour of this area are now limited and threatened with a number of proposed and existing wind farm developments around the Eastern Cape. Various forms of wildlife-based tourism initiatives take place in this area of the Eastern Cape, and they will be greatly threatened by this development.</p> <p>5. The construction of said wind farm will have its own challenges, such as:</p> <ol style="list-style-type: none"> Increased risk for poaching and theft. Unavoidable impact on habitat caused by increased traffic and new roads made to turbines; the destruction of vegetation where the turbines will be erected. Erosion at the base of the turbine which can spread. Littering by contractors in the area. <p>6. The flickering and sound of wind farms will affect the animals of the area. There are multiple endangered species, such as the black rhino, which relies heavily on communication. The effect of wind farms has not been properly established on these animals, and we would like to see an independent study be completed.</p> <p>7. The impact on birds and bats, as stated in various studies.</p> <p>8. The noise generated by the wind farms poses a health risk – there are multiple reports of migraines, tinnitus, dizziness, and so forth.</p> <p>9. We are concerned about the effect of the inequitable spread of financial benefit. As we understand only the farms where wind farms will be erected will gain financially. Neighbouring farms, which will be directly affected, will not benefit financially and this may cause discord in the community.</p> <p>10. The environmental impact of the turbines after their lifespan is also concerning. We want to be informed as to what will be happening with the constructions when it reaches the end of its useful life. What will be done to restore the area to its former habitat?</p>	<p>Mr Frazer; Mr Bongiwe Nanto; Ms Clare Rieger; and Ms Ntombekhaya Krolo]</p>	<p>4. The Ecological Specialist Study will include an assessment (including of the cumulative impacts of similar developments) of the impact on the various affected biomes to ensure that a tangible figure can be placed on the impact on vegetation.</p> <p>5. All impacts listed will be assessed in the EIR documentation based on information obtained from both specialists and existing wind energy developments.</p> <p>6. Various studies have been undertaken on the effect of terrestrial fauna within the vicinity of wind energy facilities. An independent study will not be conducted as part of the proposed Albany WEF due to the fact that site is not situated on game farms that includes species such as Black Rhinoceros (<i>Diceros bicornis</i>).</p> <p>7. The proposed Albany WEF site has undergone 12-month pre-construction Avifaunal and Bat monitoring assessments. The EIR phase will include the results of these studies in the form of an Avifaunal Impact Assessment Report and a Bat Impact Assessment Report.</p> <p>8. The Scoping Report (section 10.3) includes a list of specialists who will be undertaking studies during the EIR phase. The Noise Impact Assessment will include the placement of buffers around any current and potential dwellings.</p> <p>9. The Socio-Economic Specialist Study will include an assessment of the financial risks and benefits of the proposed wind energy facility, which will include the associated impacts. These will be rated according to the impacts rating methodology as per section 10.2 “Impacts Assessment Methodology” of this report.</p> <p>10. The EIR includes the assessment of four phases, namely: planning and design phase, construction phase, operation phase and decommissioning phase. The decommissioning phase (which includes the removal of the structures and the associated rehabilitation of the site) will include the impacts and proposed mitigation methods associated with the removal of the structures.</p>

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<p>We support the idea of alternative energy sources and renewable energy, but it could be done in areas where it will have a smaller impact on nature and the local community.</p>		<p>The EIR phase (and its associated specialist impacts) aims to determine the impact on the proposed site from an environmental and socio-economic perspective. Only once the impact on the receiving environment has been assessed will the EAP be in a position to comment on the scale of the impact of the proposed development.</p>
<p>As per Appendix A (13.5), a letter was received from Mr Gerry Pienaar on behalf of DEDEAT. The following issues were raised:</p> <p>The Eastern Cape Department of Economic Development and Tourism [DEDEAT] has perused the Draft Scoping Report and is generally satisfied that it provides an adequate basis for the further phases of the EIA process. The Department would however like to request as follows:</p> <ol style="list-style-type: none"> 1. The visual impact assessment must include all protected areas within a 20km radius of the proposed development as potential visual receptors. This should include Kwandwe Private Game Reserve and the newly established Buffelskloof Protected Environment. The visual impact assessment should pay particular attention to the impact that the proposed WEF could potentially have at night, and if significant impacts are envisaged, what possible mitigation measures could be applied. 2. Similarly 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. 3. 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. 	<p>Mr Gerry Pienaar</p> <p>THE EASTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM [DEDEAT]</p> <p>17/07/2019</p>	<ol style="list-style-type: none"> 1. Both the Visual and Socio-Economic Specialist Studies will include assessments of the protected areas within a 20km radius of the site. Please see section 10.3 of this report for updated ToRs of the relevant specialist studies. These assessments will include both Kwandwe Private Game Reserve and Buffalo Kloof Protected Environment. 2. Both the Visual and Socio-Economic Specialist Studies will include assessments of the protected areas within a 20km radius of the site. Please see section 10.3 of this report for updated ToRs of the relevant specialist studies. These assessments will include both Kwandwe Private Game Reserve and Buffalo Kloof Protected Environment. 3. Relevant specialists will ensure that all impacts are identified, assessed and incorporated into their Reports. The EAP will use these reports to inform the overall impact of the proposed WEF in the EIR documentation.
<p>As per Appendix A (13.5), a letter was received from Ms Zamalanga Langa on behalf of DEA. The following comments were submitted:</p> <ol style="list-style-type: none"> a. It is noted that the listed activities that are applied for in the application form differ from those mentioned in the draft SR, an amended application form must be submitted with the final SR. Please note that the Department's application form template has been amended and can be downloaded from the following link https://www.environmental.gov.za/documents/forms b. The newspaper advert attached to the DSR is not clear. The final SR must include a clear copy of the advert used in terms of Regulation 41. (2)(c) of 	<p>Ms Zamalanga Langa</p> <p>DEPARTMENT OF ENVIRONMENTAL AFFAIRS [DEA]</p> <p>09/07/2019</p>	<ol style="list-style-type: none"> a. CES has checked and double checked the application form and the table of listed activities which appears in the application form and in the Draft Scoping Report are identical. A hard copy of the application form has been included with the submission of the Final Scoping Report for clarification purposes. As per the Department's website, the latest version of the Application Form template is dated September 2018. This is the same version which was submitted to the Department on the 14th June 2019 for the proposed Albany WEF. b. A higher resolution advertisement has replaced the original copy and is now clearly visible.

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<p>the EIA Regulations, as amended. The advert must clearly show the name of the newspaper and the date on which the advert was placed.</p>		
<p>c. Please ensure that all issues raised and comments received during the circulation of SR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the Final SR.</p>		<p>c. All issues and comments received during the circulation of the SR have been detailed (verbatim) in this issues and response trail. All comments have been addressed and/or responded to.</p>
<p>d. Proof of correspondence with the various stakeholders must be included in the Final SR. should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.</p>		<p>d. Please see Appendix A of the Final Scoping Report for all PPP proofs.</p>
<p>e. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.</p>		<p>e. Please see Section 9 and Appendix A of the Final Scoping Report.</p>
<p>f. Due to the number of similar applications in the area, all the specialist assessments must include a cumulative environmental impact statement. All identified impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.</p>		<p>f. Section 10.3 of the Scoping Report has been updated to specifically mention that each identified specialist report will include a cumulative impact of surrounding Wind Energy Facilities.</p>
<p>g. The identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology.</p>		<p>g. All impacts identified by the specialists will be assessed using the CES Impacts Rating Methodology, this methodology can be found in section 10.2 "Impacts Assessment Methodology" of this report.</p>
<p>h. The cumulative impacts significance rating must inform the need and desirability of the proposed development</p>		<p>h. The impacts and cumulative impacts identified and assessed by all specialists will be used to inform the need and desirability chapter of the EIR.</p>
<p>i. Detailed cumulative impact assessments must be provided in the EIAR for all specialist studies conducted. The specialist studies must provide proof that other specialist reports that were conducted for renewable energy projects in the area were reviewed and indicate how the recommendations, mitigation measures and conclusions have been taken into consideration when the conclusion and mitigation measures were drafted for this project.</p>		<p>i. As per the above responses, the specialist ToRs have been updated to reflect this inclusion.</p>
<p>j. The final Scoping Report must indicated and describe the competing land uses in the area. This must further motivate the desirability of locating the Wind Energy Facility at the preferred location.</p>		<p>j. Please refer to section 6.9 of the Final Scoping Report for a section outlining competing landuses, with specific reference to how this has informed the preferred location. Competing land uses will be assessed in both the Agriculture & Soils Specialist Report and the Socio-Economic Specialist Report (during the EIR phase).</p>