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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.

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<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>

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<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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<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

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**EAP/SPECIALIST/DEVELOPER
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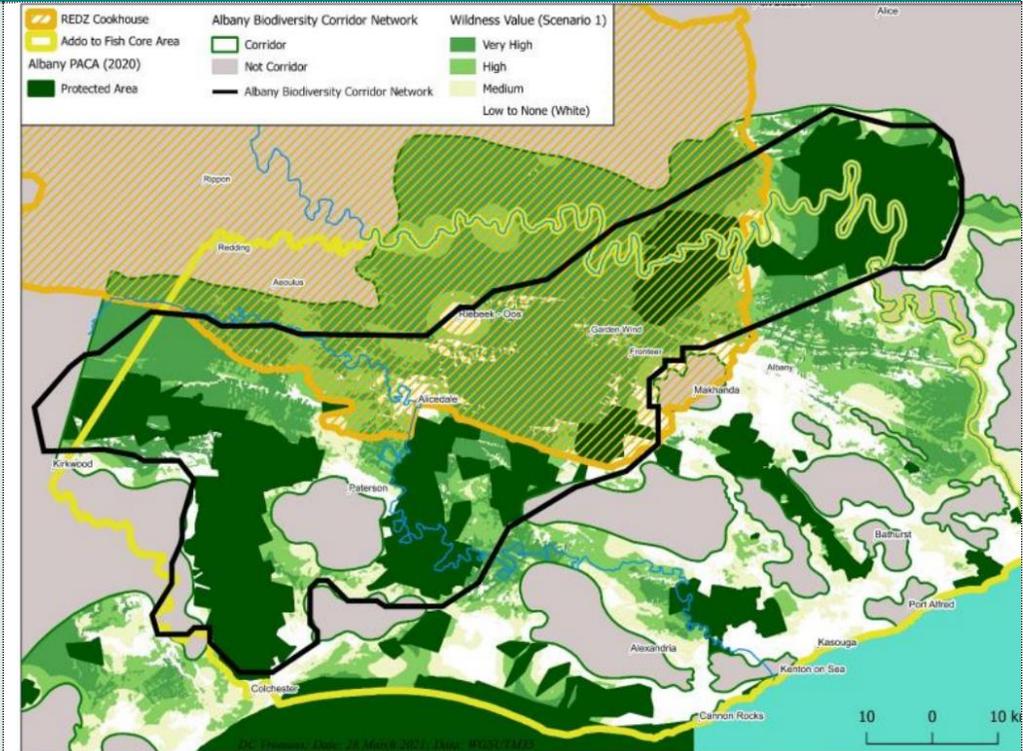


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

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, 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>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
		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 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.

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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.

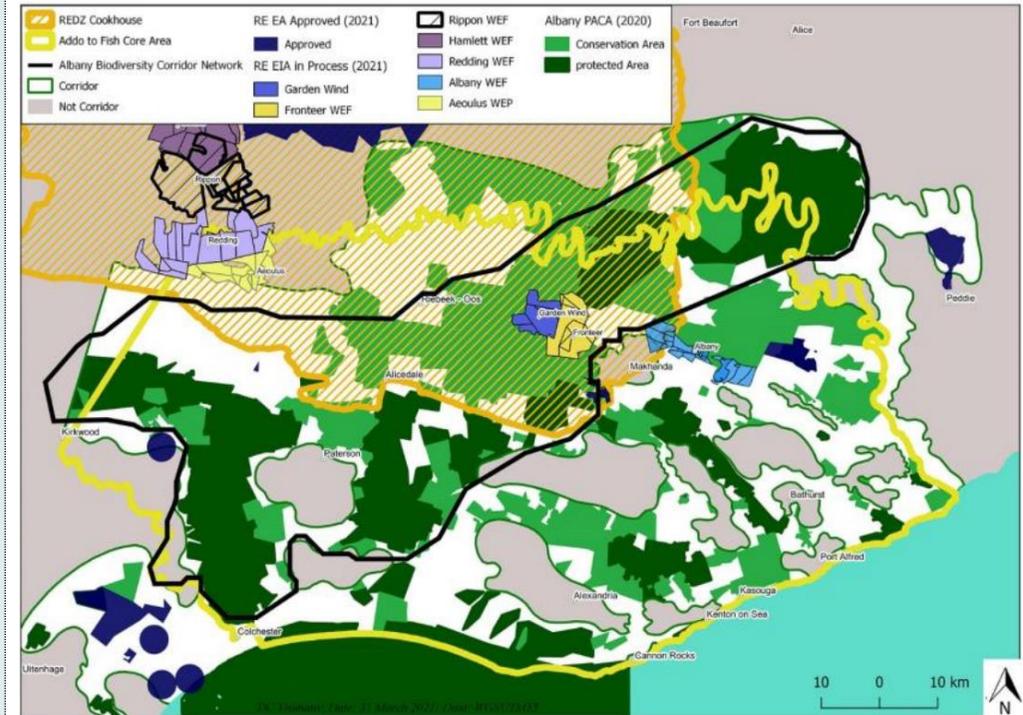


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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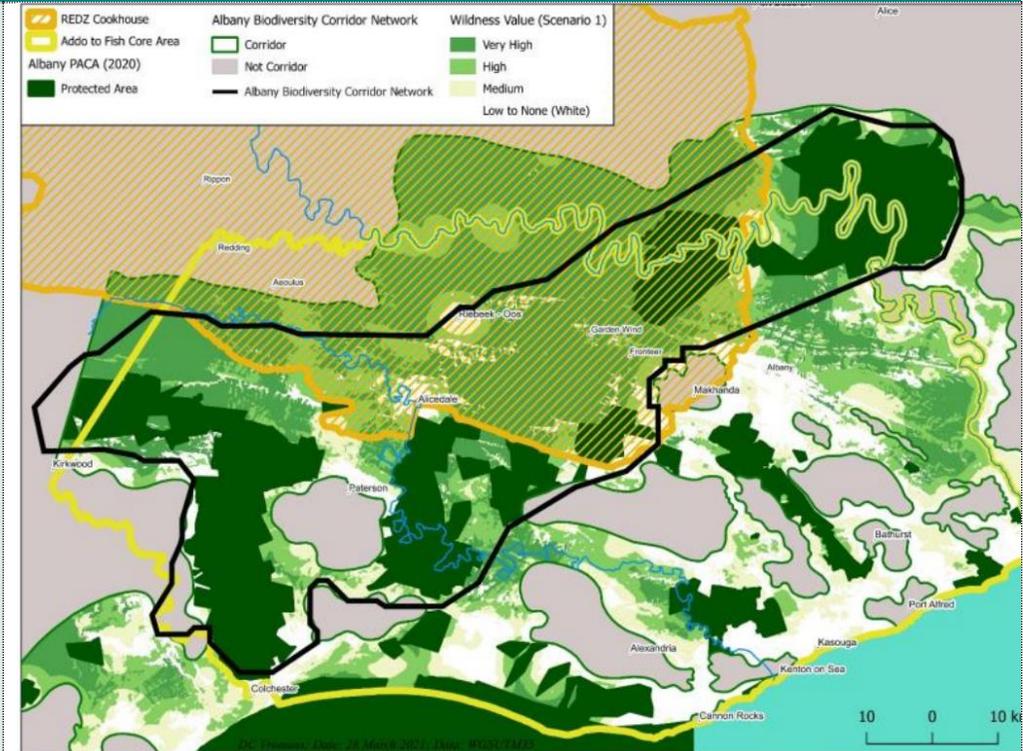


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

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).

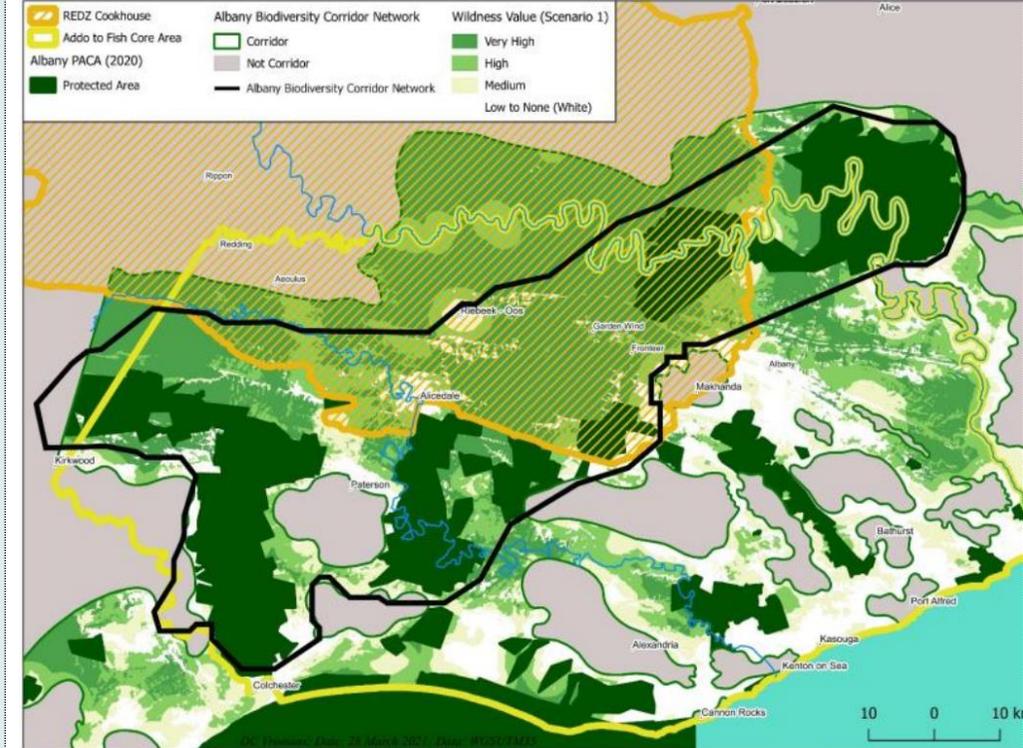


Figure 1: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

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”.

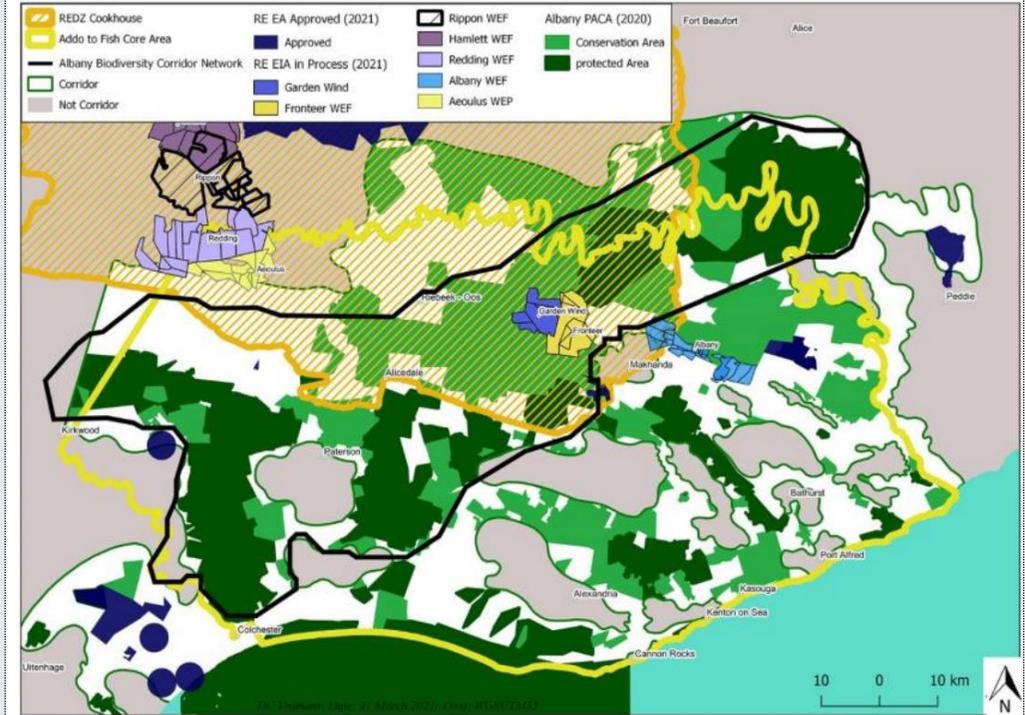


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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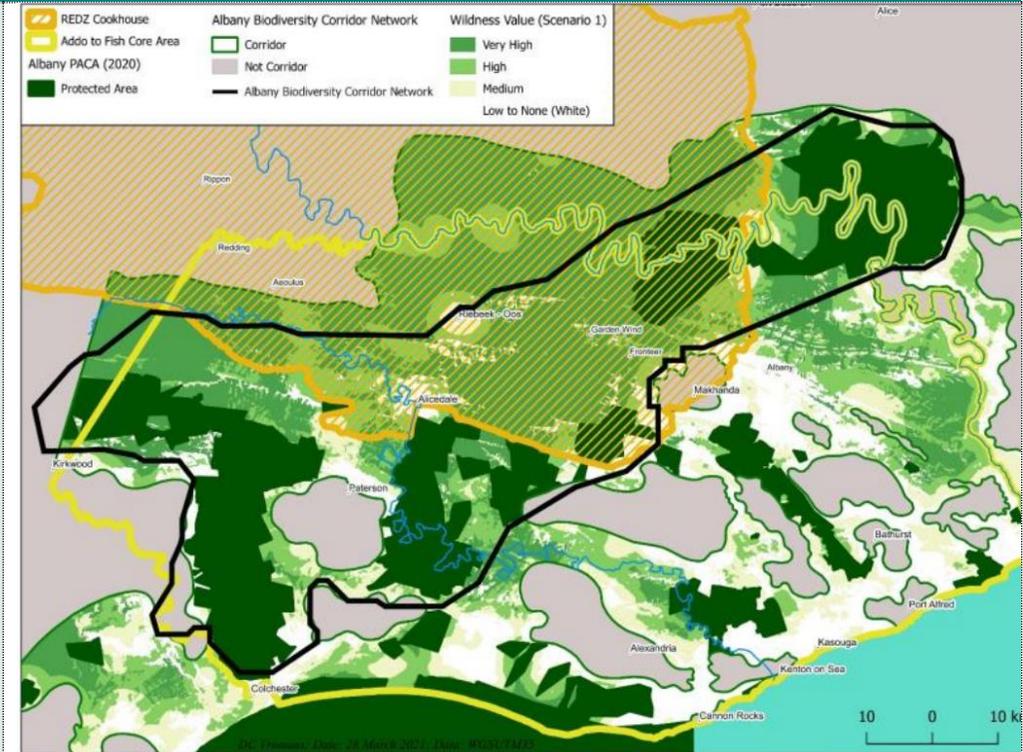


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

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 is 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 DEFF approves the application. The EAP's

The SIA and EIR have been updated to reflect the comments submitted by the various Stakeholders and I&APs, including Pumba PNR and the Kwandwe visitor survey.

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 (Waaihoek WEF) has been included **WITHIN** the proposed corridor

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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”.

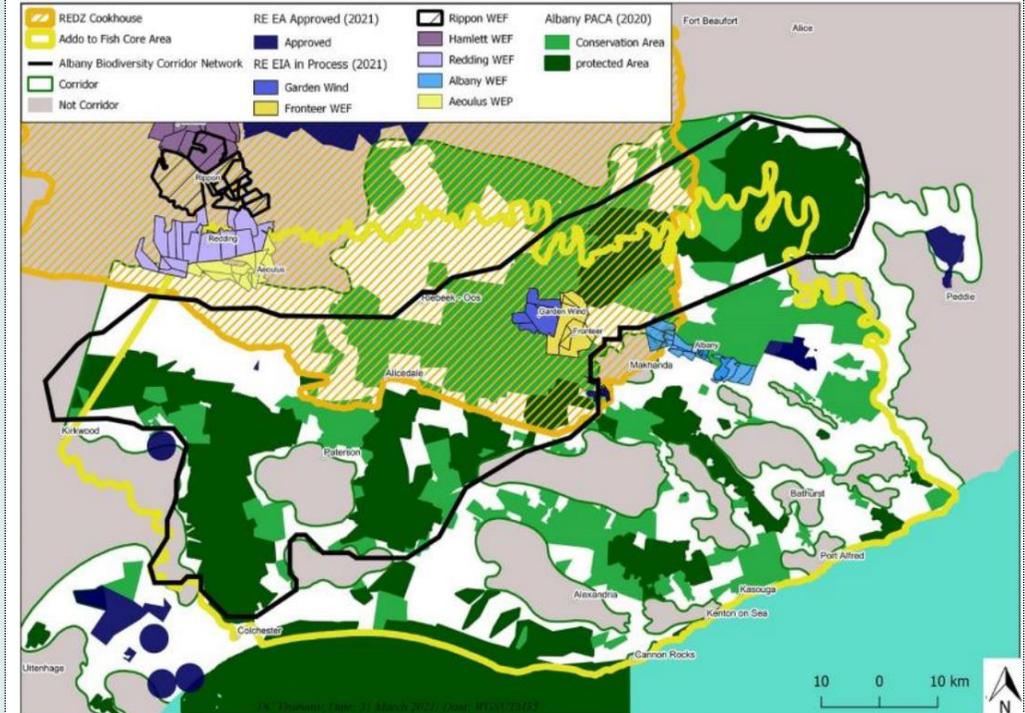


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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RESPONSE

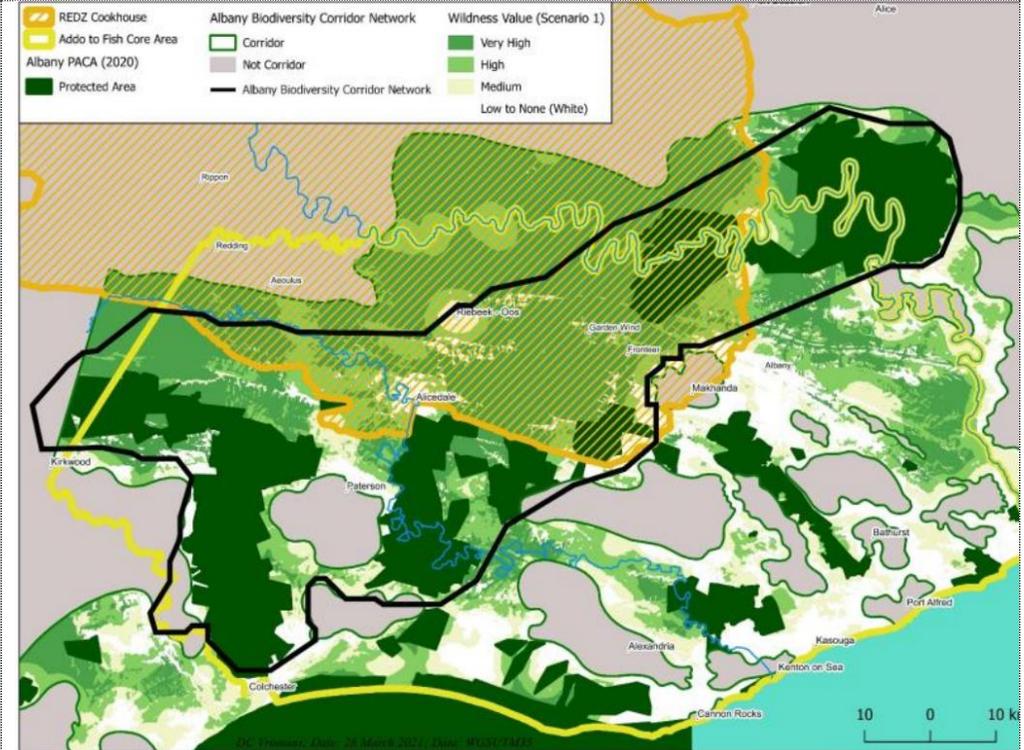


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

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 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 indicates below 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 and its regulations.

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.

The Ecological Impact Assessment and EIR have been updated to reflect the latest ECBCP (2019) CBA classifications.

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: 14/12/16/3/3/2/1131) it would become

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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>

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<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>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<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>

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<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 should be 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>		

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<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 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</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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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).

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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”.

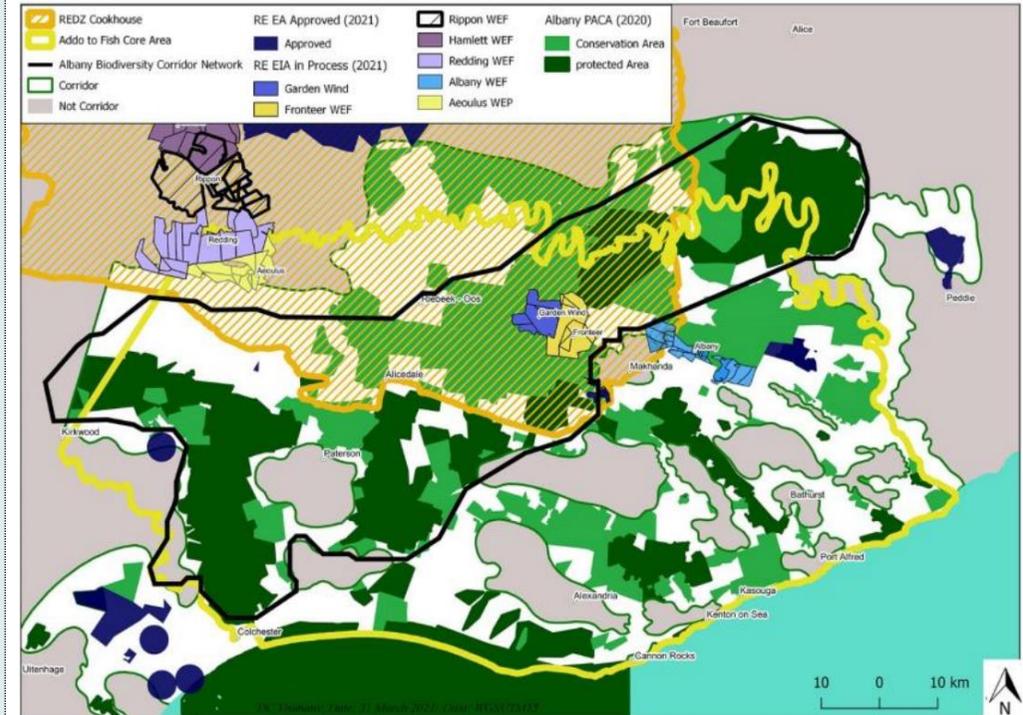


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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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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RESPONSE**

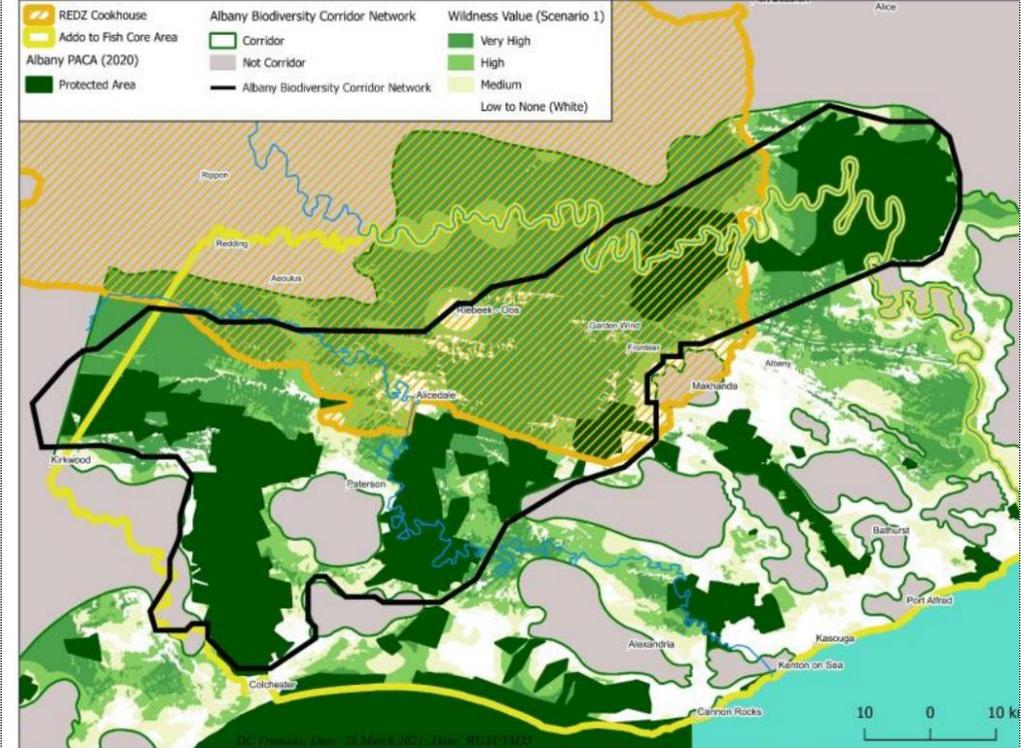
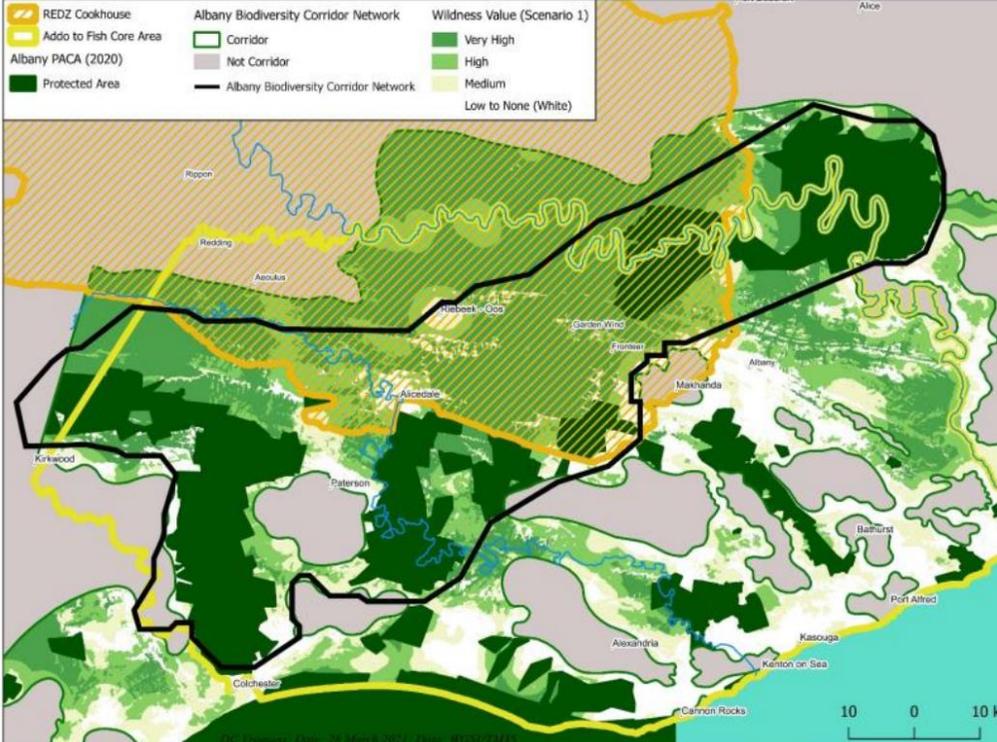


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

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>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<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>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<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>

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
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.

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<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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Great Fish Provincial Reserves in the south and north respectively with common traversing agreements and unified conservation management.

1 HISTORY / BACKGROUND

Since opening in 2004, Pumba Private Game Reserve has not only grown as a nature reserve and nature and wildlife tourism business, but has also in supporting the surrounding community and over its 15-year long existence Pumba has played a significant role in the socioeconomic development of the area as one of the main employers of the Seven Fountains area. Since its launching in 2004, Pumba Private Game Reserve is committed to responsible nature-based tourism, conservation, education, as well as community and social upliftment. The initial focus on conservation programs has steadily grown to support projects specifically designed to bring cooperation and support to the entire area.

Like the other Indalo reserves (and many others in South Africa and in Africa in general); Pumba focusses on nature and wildlife tourism that relies on the wilderness character of the reserve and surrounding area. Legacy land management failures have left large areas of Makana overrun with alien vegetation, such as black wattle, blue gum (eucalyptus) and various others. Pumba has persistently worked to remove these species amongst others with the local community and Working for Water. For almost 15 years, this partnership has cleared large swathes of land throughout the reserve and continues to play an important role in maintaining the environment to its natural state. Pumba has made a substantial contribution to the conservation of rhino and lion, and more specifically white rhino and white lion. Pumba has worked with Indalo and other partners including the Wilderness Foundation and others to ensure the survival of the black rhino. Ever since the devastating loss of 6 white rhino to poaching in 2014 Pumba is not making public disclosures about its black rhino which along with other Indalo members it is working to protect with ever increasing cost and effort. In 2007, the white lion project was started in association with the Global White Lion Protection Trust (based in the Timbavati area), we have played a key role in ensuring the survival of white lions in the wild (lions that carry the leucistic, gene) whilst maintaining healthy genetic diversity of a very small population of these rare animals. Today Pumba is home to the second known free-ranging, self-sustainable population of White Lions in Southern Africa.

Pumba along with other Indalo reserves SANParks (Addo National Park) and Eastern Cape Parks and Tourism Agency (Great Fish and other provincial nature reserves) are looking to expand its area under management and is working actively to link up with neighbouring Lalibela to the east to form part of a larger proposed Addo to Great Fish protected areas corridor (also referred to as Albany Corridor). The protection of landscapes of ecological importance along with

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RESPONSE**

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".

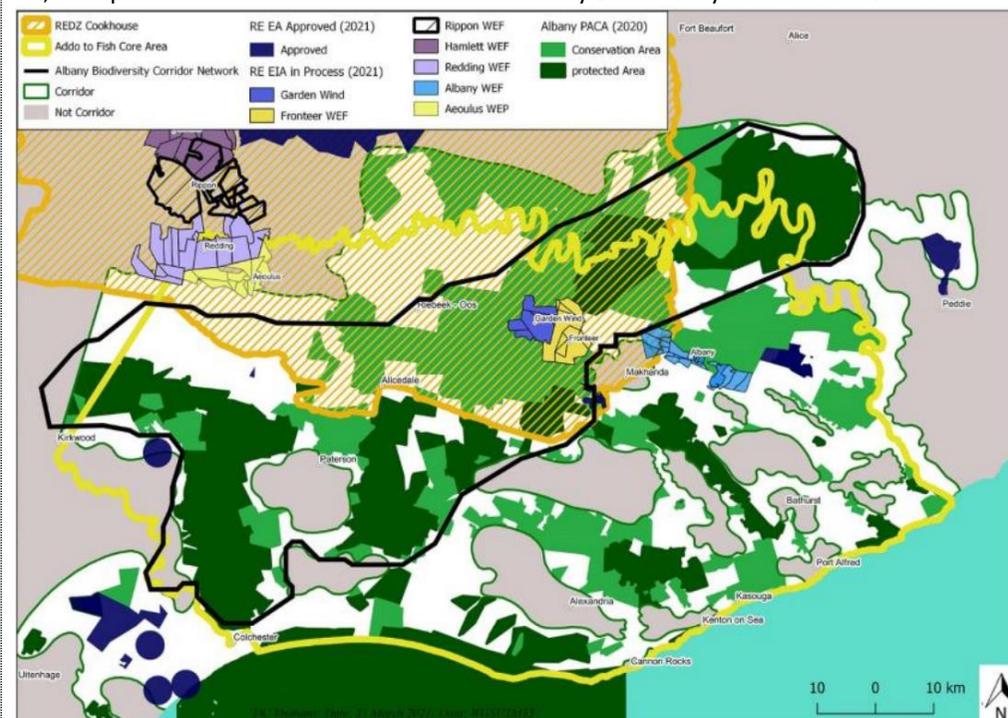


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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QUERY/COMMENT**

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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I&AP**

**EAP/SPECIALIST/DEVELOPER
RESPONSE**

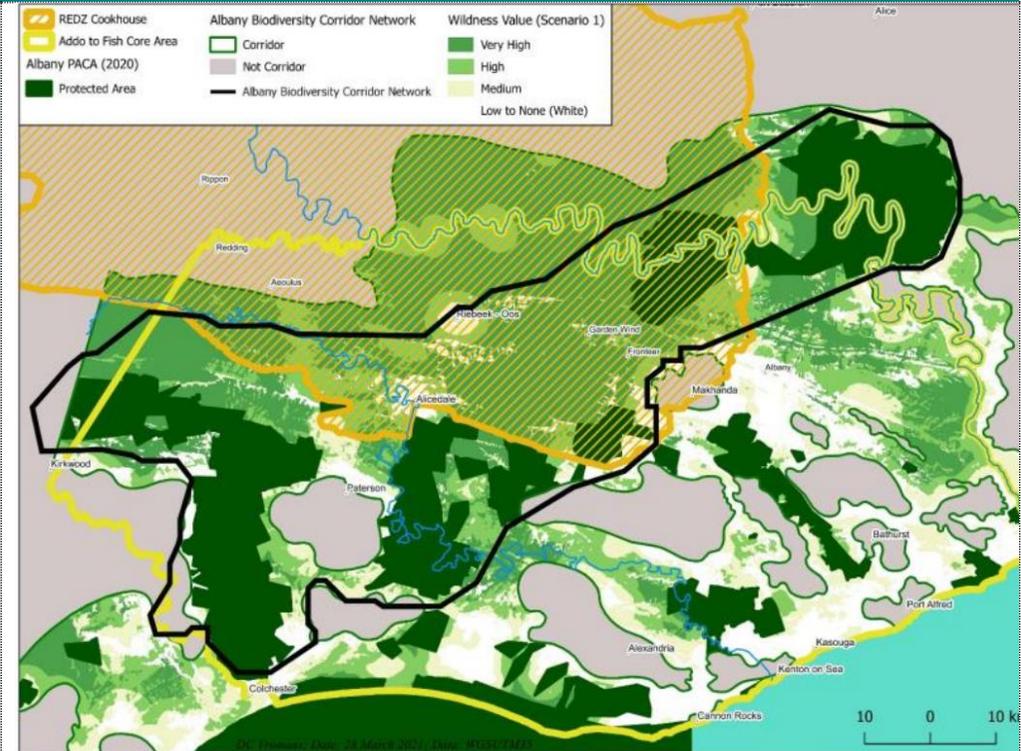


Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.

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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RESPONSE**

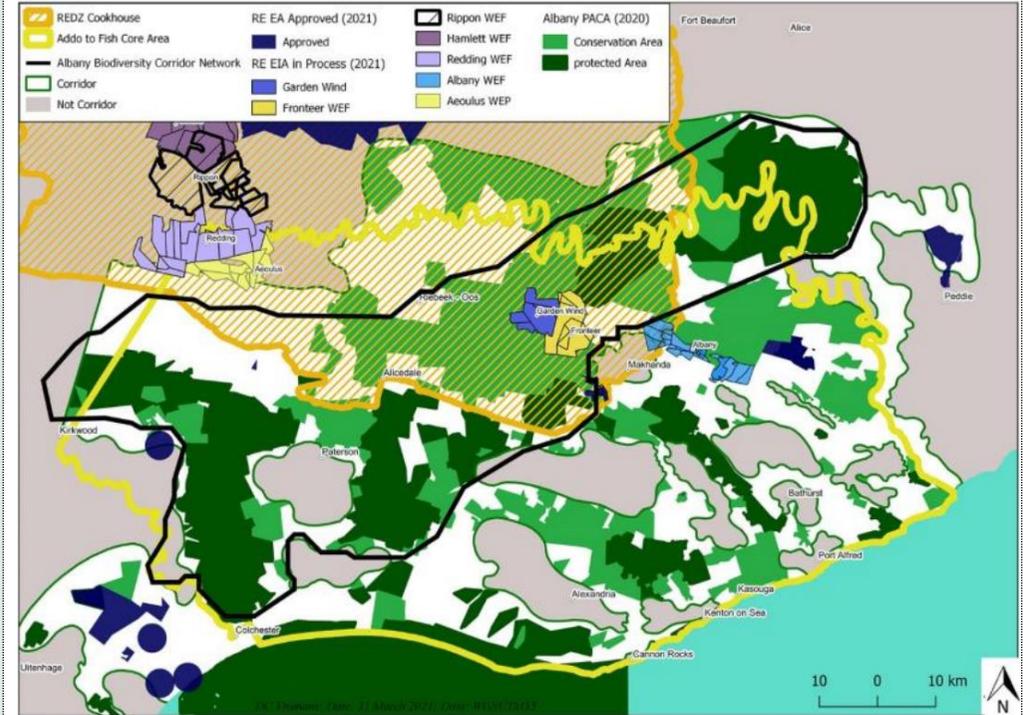
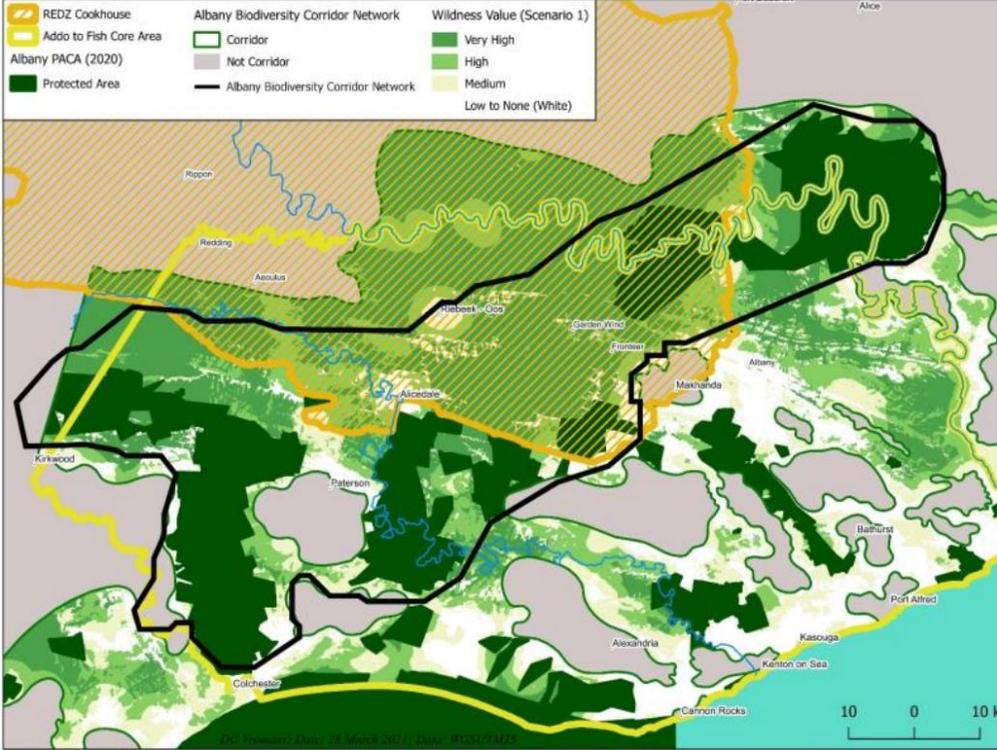


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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		 <p data-bbox="1176 885 2184 941">Figure 2: Indalo PE proposed expansion in relation to the Wilderness Value ratings of the region.</p>
<p data-bbox="56 949 257 973">1. INTRODUCTION</p> <p data-bbox="56 981 907 1109">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="56 1117 907 1300">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="56 1308 907 1524">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="952 949 1153 1013">Richard Summers Inc Attorneys</p> <p data-bbox="952 1045 1153 1141">On behalf of Kwandwe Private Game Reserve</p> <p data-bbox="974 1173 1131 1204">13/07/2020</p>	

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<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>

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<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 847 2024 1158"> <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> </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</p>		
<p>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.</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>Alternative Technologies</p>		
<p>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.</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>3.4. Regarding the assessment of technology alternatives, we point out that:</p>		
<p>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.</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>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.</p>		<p>The 66 turbine layout was, by nature, materially modified to avoid sensitive areas identified by all specialists.</p>
<p>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.</p>		
<p>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:</p>		
<p>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>		

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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>		

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<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:</p> <p>"...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>		

STAKEHOLDER/I&AP QUERY/COMMENT	STAKEHOLDER / I&AP	EAP/SPECIALIST/DEVELOPER RESPONSE
<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>

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<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 354 2065 1505"> <thead> <tr> <th data-bbox="1182 354 1518 386">Main issues raised by I&APs</th> <th data-bbox="1518 354 2065 386">Response</th> </tr> </thead> <tbody> <tr> <td data-bbox="1182 386 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.		Impacts associated with game farms affected by Cookhouse, Waainek and Dassiesridge WEF's were considered and cited in the SIA Report.
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.		No international literature could be obtained to indicate extreme adverse impacts that manifested for tourist establishments over the long term.
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.		Comment noted. This fact has been acknowledged in the SIA Report, and posed a significant challenge to the study.
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.		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.
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.		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.
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		SIA consultants' experience drawn from previous Infrastructure development projects, and secondary research from international texts.

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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.		Where relevant, citations, conclusions and recommendations as indicated by the I&AP were included in the amended SIA report.
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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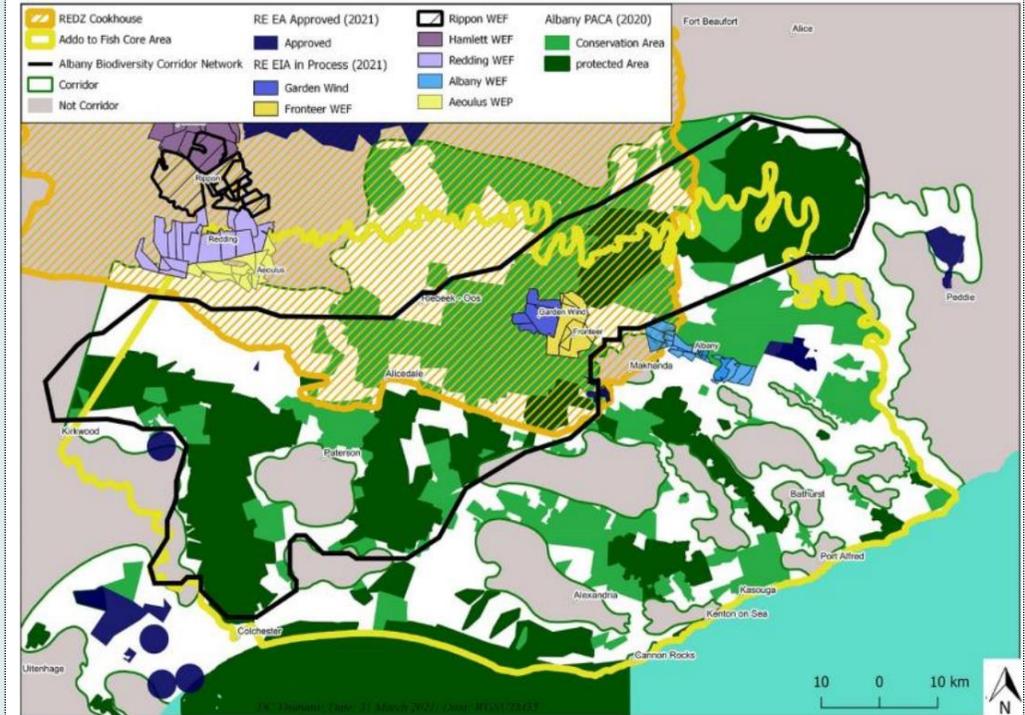
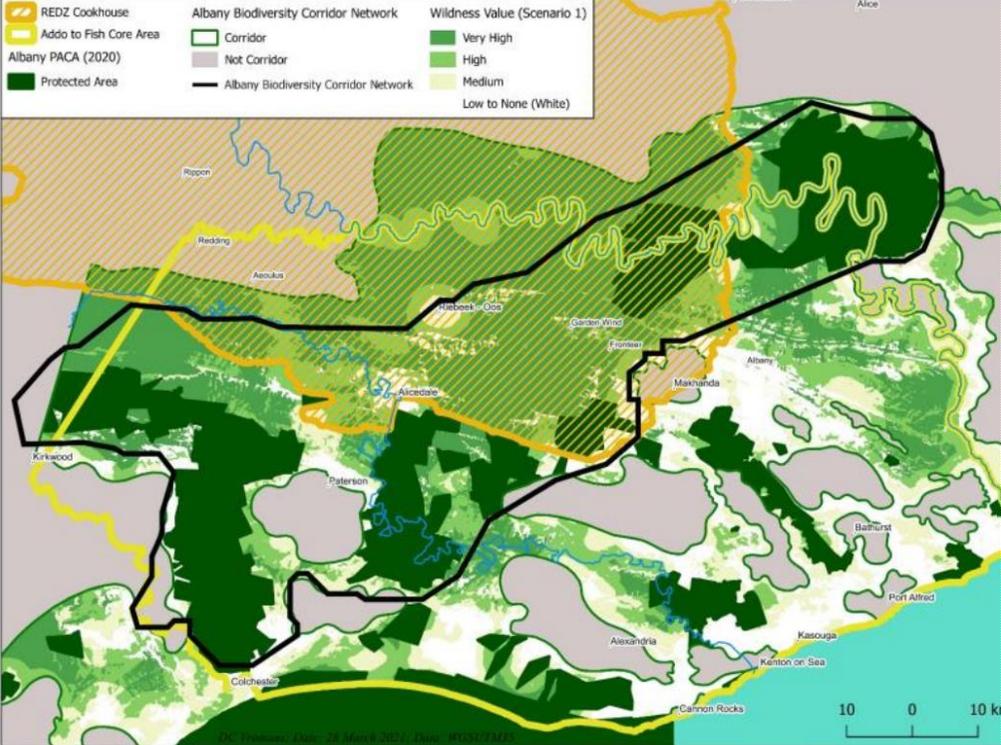


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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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".

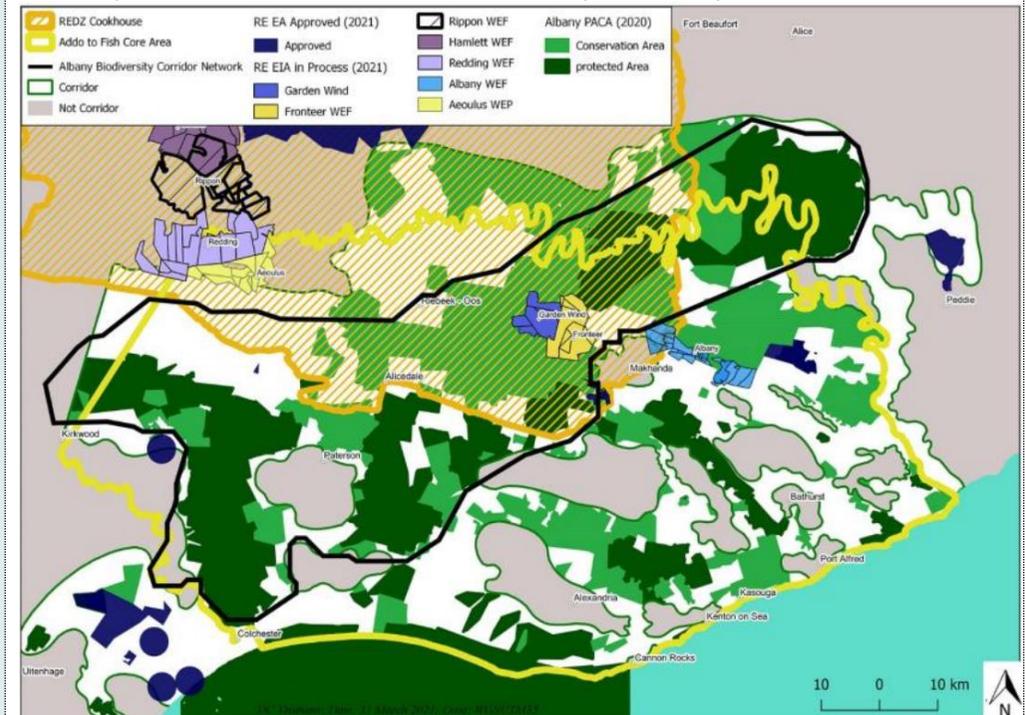
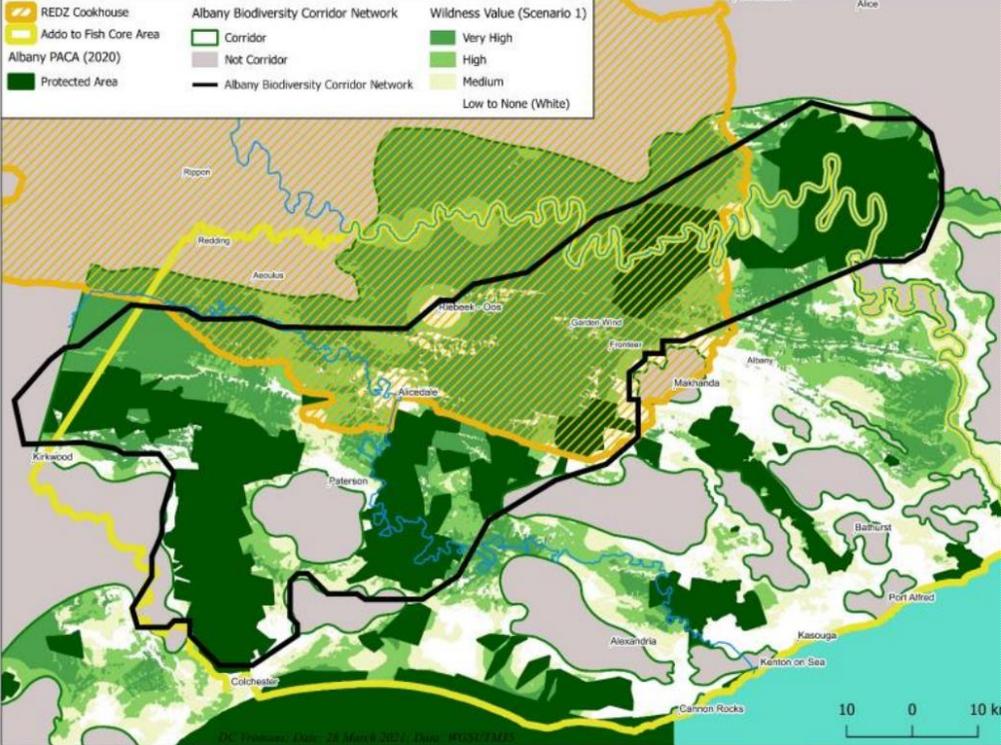


Figure 1: Indalo PE proposed expansion in relation to proposed renewable energy developments in the region.

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>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>SUBMITTED ON BEHALF OF THE FOLLOWING CLIENTS:</p> <p>C—SA Properties (Proprietary) Limited and Kwandwe Guest Services (Pty) Ltd</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>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. 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>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>“(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;”</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>