

**FINAL ENVIRONMENTAL IMPACT ASSESSMENT  
REPORT**

**Boulders Wind Farm**

**Vol. 4**

**APPENDIX F-6**

**Proofs of submissions received  
from Other I&APs**

September 2019







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## PROOFS OF SUBMISSIONS RECEIVED FROM I&APs

### Other I&APs

#### *Aurora Wind Power*

From: Tebogo Movundlela <[Tebogo.Movundlela@aurorawind.co.za](mailto:Tebogo.Movundlela@aurorawind.co.za)>

Sent: Thursday, 27 June 2019 13:33

To: Michael Johnson <[m.johnson@cesnet.co.za](mailto:m.johnson@cesnet.co.za)>; Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>

Subject: Boulders Windfarm

Dear Michael and Maura

Please see below our comments relating to the proposed Project or Boulders Windfarm:

- The proposed Project is located in the immediate vicinity of the existing West Coast 1 windfarm. In its current form, the Project would cause significant interferences with West Coast 1 operating conditions;
- The proximity of the Project wind turbines with West Coast 1 wind farm would reduce the energy production of West Coast 1 and increase operating costs:
  - Part of the wind energy would be captured by Project wind turbines, and would contribute to the reduction of the overall energy production of West Coast 1 Project;
  - Wake effect generated by the close Project wind turbines would increase the stress on West Coast 1 wind turbines and therefore accelerate their wear and tear (increasing further operating costs);
  - A wake effect impact assessment is urgently required.
- While the substation is assumed to be on the Project site, the grid connection is implied to transverse over the existing West Coast 1 windfarm:
  - The practicalities concerning the grid connection need to be clarified and agreed including any required outages and losses to West Coast 1 in connecting to the Aurora-Fransvlei line, proximity to West Coast 1 turbines, impact on existing land leases and impact on obligations under the EMP.
- The constraints placed by the Department of Environmental Affairs need to be consistent for all wind farms, given the Project its current form, certain concessions would need to be made for the Project.

Regards

Tebogo Movundlela

Chief Executive Officer

**AURORA WIND POWER**

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*Van der Spuy Andre*

**From:** Andre van der Spuy <[avdspuy@iafrica.com](mailto:avdspuy@iafrica.com)>

**Sent:** Monday, 10 June 2019 14:35

**To:** Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>; [gustav@bexgroup.co.za](mailto:gustav@bexgroup.co.za);  
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**Subject:** RE: Boulders Windfarm PPP Advert

Dear EAP

Below refers.

I am aware of the very specific requirements of the EIA Regulations and NEMA. Please be advised that you will be required to provide I&APs, including our clients, with a further comment opportunity. If, as you seem to suggest, the future comments must be delivered to the DEA as the Competent Authority then you should provide us and the I&APs with confirmation that the DEA will accept and consider such comments at that time – and that you as the EAP will notify I&APs of their rights in this regard, and in good time. It is noted that the Draft EIR is completely silent in this regard.

Rgds

Andre v d Spuy

Critical Review by Andre vd Spuy:

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OBJECTION AGAINST THE PROPOSED *BOULDERS WIND FARM* AND  
ASSOCIATED INFRASTRUCTURE, WEST COAST DISTRICT MUNICIPALITY,  
WESTERN CAPE PROVINCE, BASED UPON A LIMITED REVIEW OF THE  
DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT, DATED MAY  
2019.



Existing DEA Reference No.: 14/12/16/3/3/2/1057

Prepared for:

Mr. Peter Pickford & others

Prepared by:

AVDS ENVIRONMENTAL CONSULTANTS

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14 June 2019

**Acronyms used in this appeal**

EIA Environmental Impact Assessment

DEIR Draft Environmental Impact Assessment Report

FEIR Final Environmental Impact Assessment Report

BAR Basic Assessment Report

SR Scoping Report

C&RR Comments and Responses Report

WEF Wind Energy Facility

BWEF Boulders Wind Energy Facility

I&AP Interested and Affected Party

VIA Visual Impact Assessment (Specialist Study)

HIA Heritage Impact Assessment

SIA Social Impact Assessment

PPP Public Participation Process

EAP Environmental Assessment Practitioner

CA Competent Authority (in this instance the Department of Environmental Affairs)

EA Environmental Authorisation

PAJA Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

PAIA Public Access to Information Act

NEMA The National Environmental Management Act, 1998 (Act 107 of 1998), as amended

DEA Department of Environmental Affairs (National)



DEADP Department of Environmental Affairs and Development Planning (Western Cape Province)

CES CES Environmental & Social Advisory Services

## Introduction

1. AVDS Environmental Consultants has been commissioned to undertake a brief critical review of the DEIR, and its associated documentation, for the proposed Boulders WEF. The reviewer is Andre van der Spuy (Bsc. Hons. Environmental & Geographical Science; MSc. Conservation Biology) of AVDS Environmental Consultants and who has more than 28 years experience. His relevant experience includes the review of approximately 50 environmental applications for onshore renewable energy projects.

2. AVDS Environmental Consultants is appointed by Mr. Peter Pickford who has executive powers to comment on behalf of the Grootpaternoster Home Owners and which organization acts together and with support of the Cape Columbine Conservancy (chaired by Mr. Gustav Bester); the Britannica Heights Home Owners (represented by Ms. Mary Ralphs) and the Shelley Point Home Owners Association (contact person Mr. Chris Silversten). Those represented by these organizations are to be regarded as local community members. It is pointed out that many of the members of these bodies have been born in the area and are thus “indigenous locals” to the extent that the DEIR uses and applies this divisive and discriminatory term in an effort to exclude them.

3. The use of the term “EAP” in this review is used as a convenience and does not amount to the recognition of the appointment of legitimate EAP as defined under NEMA. Its use is more fully explained later in the review.

4. The first version of the proposed BWEF consisted of forty five (45) wind turbines, of which thirteen (13) were located to the west of the Vredenburg-Stompneus Bay Road. Seven (7) of the thirteen (13) wind turbines located to the west of the road were located to the north of Kasteelberg. The remaining five (6) were located to the south of Kasteelberg.

5. The next (and current) version of the proposed BWEF is a revision based on the findings of some specialist studies (VIA, SIA and HIA) and the Applicant’s very limited implementation of same. The total number of wind turbines located to the west of the Vredenburg-Stompneus Bay Road was reduced from thirteen (13) to eight (8). Five (5) of the seven (7) wind turbines located in the area to north of the Kasteelberg were moved across to the eastern side of the road and the other two (2) were relocated southwards but still remain on the western side of the road. The total number of wind turbines remains as forty five (45).

## Procedural Issues Prejudicial and Applicant-biased approach of “the EAP”, and others of CES.

6. Section 1.4 of the DEIR pretends to meet compliance with EIA Regulations, Appendix 3,(3)(a)(i – ii). The DEIR quotes the relevant statute, per:

*“An environmental impact assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include–*

**(a) Details of–**

*(i) The EAP who prepared the report; and*



(ii) *The expertise of the EAP, including a curriculum vitae.*"

(Underlining added)

7. It is clear thus that only a single person is permitted to act and carry out the prescribed duties of "The" EAP. No provision is made for a "study team" of "individual members", as presented in the DEIR, to constitute the EAP or act in the EAP's capacity.

8. In terms of NEMA and the EIA Regulations an EAP is defined as follows: "**environmental assessment practitioner**", when used in Chapter 5, means the individual responsible for the planning, management and coordination of environmental impact assessments, strategic environmental assessments, environmental management plans or any other appropriate environmental instruments introduced through regulations,".

(Underlining supplied)

9. The EAP is therefore required to be a natural person ("individual"). A profit-orientated and client-serving company, such as the CES, or a "study team" from amongst its employees, therefore does not meet the requirements of an EAP.

10. The DEIR, Section 1.4, does not identify who the EAP is and instead describes the professional character of a range of employees from CES and also the business field of operation of the CES. Accordingly, the requirements of EIA Regulations, Appendix 3, (3)(a)(i-ii) have not been met and since we cannot find the signed application form we are unable to establish who the EAP is, or even if there exists an EAP at all.

11. Accordingly, all use of the term "EAP" in this review and elsewhere by the reviewer must be regarded as being merely a reference to the party/s responsible for management of the proposed BWEF application. It would be wrong to assume that the use of the term "EAP" amounts to acknowledgment of legal compliance.

12. Under the circumstances the next version of the EIR would be well advised to include a copy of the signed and dated appointment by the Applicant of the individual who is the EAP.

13. The approach of the DEIR (section 1.4) to not identify who the EAP is, but instead to introduce a profit-orientated, client-focused company (CES) and a number of its employees, is manipulative and fraudulent and takes advantage (to advantage of the Applicant) of I&APs who are unaware of such subtle but critically important matters. The position of the DEIR makes it now seemingly possible and legitimate for any of the listed CES employees to undertake the legislated tasks of a properly constituted EAP but without incurring the strict liability that accompanies the rightful appointment of an EAP. Issues of independence and objectivity (per EIA Regulation 13) in management of the application are thus violated extensively without fear of reprisal. This review reveals that this is indeed the case with the proposed BWEF application and DEIR.

14. Evidence of the Applicant-favoured actions of the CES and its employees involved in managing the EIA and producing the DEIR are everywhere to be seen in the DEIR to the trained eye. It becomes quite clear that the entire EIA process and its documentation such as the DEIR are designed to arrive at a pre-determined outcome of approval of the application irrespective of what the findings may dictate. In this limited review it is not possible to describe all of the illegal and Applicant-favoured actions of the "EAP" but some examples are presented below and throughout this review and suffice to prove the allegation of Applicant-favoured bias. Three examples are given below:



16.1 The impact assessment criteria used between the various specialist studies and the DIER lacks standardization and is open to significant manipulation by the EAP and CES and these parties have not let the situation slip by unattended (and to the advantage of the Applicant's interests). For instance, an impact given as "Air Quality Climate Change" in Appendix C1 "General Impacts Table", and repeated as such in the DEIR, is allocated a "Very High +" rating yet nowhere in the documentation can be found the rational impact assessment for this impact but which happens to be very favourable to the Applicant's interests. In fact, the DEIR lacks a proper specialist climate change impact assessment (as is properly required in order to introduce such a potential impact assessment). The EAP has subjectively introduced this impact without any basis at all and it is clearly designed to place the proposed BWEF in a favourable light. Further to the matter is that real world evidence (such as in Germany) points to the fact that renewable energy programs result in increased carbon emission levels (which is an obvious scientific fact). See Appendix A.

16.2 The later section "*VISUAL IMPACT: PROPOSED BWEF "FATALLY FLAWED"*" of this review dealing with the manipulation by those of CES of the LoGIS VIA's limiting mitigation measures, via introduction of their own non-compliant CES VIA, in order to further the interests of Applicant.

16.3 Appendix F of the DEIR, "Feasibility study letters from stakeholder letters" is a collection of letters of renewable energy favourable organizations and departments in which the interests of the proposed BWEF is advanced. However, no Appendix of equal status is granted to the many existing comments and letters of objection against the proposed BWEF by local community members and organizations. The EAP thus attempts to falsely and dishonestly portray the project as enjoying significant support yet the DEIR data itself (Table 8-6) reveals that **four times as many letters of objection against the BWEF were received than letters of support**. Further, it is the suspicion of this reviewer that the level of opposition is significantly understated by the EAP given his/her/its revealed bias and the EAP's unqualified statement that "*the data was cleaned to remove the duplications*" (DEIR, page 114), made in reference to the number of I&AP submissions.

15. The integrity of the EIA process is protected under law by requiring that all the persons involved in produced information towards production of the required EIR (i.e. the appointed EAP and appointed specialists) all make an oath to act legally and ethically. This then provides I&APs with the assurance that the credibility and inherent rights of the EIA process are protected and that the responsible parties can be easily identified and held accountable if need arises. However, the approach of the CES in managing and producing information for the EIA, via various of its employees who are not bound in the required manner, undermines this assurance that is due to I&APs.

**Incremental development being pursued by Proponent(s).**

16. The DEIR (section 2.4.1) advises that “*Vredenburg Wind Farm (Pty) Ltd proposes to develop a 132kV above-ground electricity distribution line located within and adjacent to the proposed Boulders Wind Farm*” (Underlining supplied). It also briefly advises that a separate environmental application for the required 6 - 10km 132kV powerline to connect the turbine component of the proposed BWEF to the national electrical grid is being undertaken. The powerline route alternatives are provided but the identify of the Applicant is not – whether it is the same Applicant as the project under review here is unknown.

17. The powerline component is an essential component to the proposed BWEF and is therefore an equal part of the proposed BWEF to the turbine layout component. It is intended to be located partially “within” the same properties as the BWEF turbine component. The proposed BWEF cannot function without it. As such it is required to be assessed in the BWEF environmental application too.

18. EIA Regulations, Appendix 3(3)(1)(j) requires *inter alia* that:

*“An environmental impact assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include...an assessment of each identified potentially significant impact and risk, including—*

*(i) cumulative impacts;*

*(ii) the nature, significance and consequences of the impact and risk;*

*(iii) the extent and duration of the impact and risk;*

*(iv) the probability of the impact and risk occurring...”*

(Underlining supplied)

However, the EAP has not considered or even incorporated the potential impacts associated with the powerline component of the proposed BWEF and as such the real potential impacts of the proposed BWEF (as they are presented in the DEIR) are all potentially understated.

19. What is more is that the impacts of large over-head powerlines, such as that intended to serve the BWEF, are known to have very detrimental and highly negative impacts upon some of the same potential high negative impacts that plague the proposed BWEF



application (such as avifaunal and visual impacts and related secondary impacts, amongst others). Especially the cumulative impacts of the proposed BWEF (dealt with later in the review) are definitely understated on this account.

20. The failure of the EAP and the CES to have assessed “each” significant impact that will arise as a result of the proposed BWEF is non-compliant with the EIA Regulations. Given that the powerline component is the subject of a separate application the EAP has still not even considered its impact contribution within the cumulative impact assessments for the proposed BWEF. This is a fatal flaw.

### **No proper assessment of the “No go” alternative.**

21. Under the 2014 EIA Regulations, Section 1, “alternatives” are defined as being: *“in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to the ...and includes the option of not implementing the activity;”*.

(Underlining supplied)

Thus, importantly the consideration of alternatives must be in relation to the purposes and requirements of the “*activity*” and not the “Applicant”.

Also, the consideration of the “no go” option in NEMA environmental applications dealing with “alternatives” is therefore a prerequisite under the 2014 EIA Regulations.

22. The DEIR claims that the “No go” option is “(a)ssessed in this report” yet the reviewer was unable to find any proper comparative impact assessment for the “No go” option anywhere in the DEIR.

23. In the search for the assessment of impacts associated with “No go” option, Section 9 (“Findings of the specialist studies”), Table 10-1 and Appendices C1 and C2 from the DEIR were consulted but no such assessments were to be found. The DEIR, despite is claims otherwise, certainly does not include an assessment of the environmental impacts associated with the “No go” option. Given the revealed Applicant-favoured bias of the “EAP” this must be a calculated omission which is perhaps not surprising given the likely outcome of such assessments (which would undoubtedly reveal a majority of positive impacts associated with the “No go” option) when compared to the overwhelming large number negative potential impacts (87%) associated with preferred BWEF development option which has been assessed.



24. Notwithstanding the obvious picture that would emerge from a proper comparative assessment of the preferred development option against the “No go” option (and which surely would be detrimental to the aspirations of the Applicant in this matter) the EAP is compelled to have done so in order to ensure that the “best practical environmental option” (per NEMA Section 2(4)(b)) is chosen. The EAP’s omission is significant and illustrates once again the extent to which the EAP is prepared to go in order to favour the interests of the Applicant.

25. EIA Regulations, Appendix 3 states that;

*“An environmental impact assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include ...*

*(h) a full description of the process followed to reach the proposed development footprint within the approved site, including...*

*(vii) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects; ...*

*(l) an environmental impact statement which contains...*

*(iii) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives;”*

(Underlining supplied)

26. The DEIR is accordingly not in compliance with Appendix 3 of the EIA Regulations.

**Critical information missing/ withheld.**

27. Critical information is missing from the DEIR (including its associated documentation and specialist studies). This is an important issue in so far as I&APs have the right to review and comment on all information that has the potential to influence a decision that affects them. In this regard EIA Regulation 40(2)(d) refers:

*“The public participation process contemplated in this regulation must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless access to that information is protected by law and must include consultation with... all potential, or, where relevant, registered interested*



*and affected parties*". (Underlining supplied)

28. The actual signed application form is one such critical piece of information which is missing. On it is required to be the signature of the individual as proof of who is the EAP.

We have been unable to establish who the signed EAP is for this application on account of the omission. The issue is significant in so far as various employees from CES are involved in the direct management and production of the DEIR and EIA process itself and the CES is also variously referred as being the EAP1 (the latter is illegal).

29. Another critical piece of information which has been intentionally withheld by the EAP is the radar report undertaken as part of the avifaunal impact assessment for the proposed BWEF. Mr. Peter Pickford, a registered I&AP requested this report on no less than 3 occasions, but without success, per:

24.1 Public meeting held at Paternoster where the request was made directly to Ms. K. Jonas of Savannah Environmental;

24.2 Mr. Pickford's comments (dated 25/3/2018), page 13, on the Scoping Report.

24.3 Email of 29 May 2019 to Ms. M. Talbot of CES.

30. On the occasion of the last request made by Mr. Pickford the EAP responded that the radar information was intellectual property and that it would only be provided to certain parties of the Applicant's choice but which excluded all I&APs, and Mr. Pickford, amongst others.

31. The refusal of the EAP to provide the radar report to Mr. Pickford is a direct violation of EIA Regulation 40(2)(d)(j) in so far as the radar study has presumably, or should have, contributed significant data to the avifaunal information upon which the avifaunal impacts of the proposed BWEF are based. The extent to which this is true is unable to be determined by Mr. Pickford or this reviewer.

32. The failure to produce this requested information is a fatal flaw which can only be undone

by providing it for review and comment by all registered IA&Ps and within a legitimate and "reasonable" comment opportunity. It is pointed out that it is not protected under law.

**Comment opportunity on the Final EIR not accounted for.**

33. The PPP outlined in the DEIR makes no provision for the FEIR to be reviewed and commented on by I&APs. The EAP, Ms. Maura Talbot has also advised in an email of 1 DEIR, page 103: "*CES were then appointed as the new EAP to conclude the EIA*



*and the application for authorization.”*

June 2016 to the reviewer that no comment opportunity will be provided since the EIA Regulations make no provision for such. She has advised that any comment after the submission of the FEIR must be made directly to the DEA.

34. I&APs have the right to review and comment on all information that has the potential to influence a decision that affects them. In this regard, EIA Regulation 40(2)(d) refers:

*“The public participation process contemplated in this regulation must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless access to that information is protected by law and must include consultation with... all potential, or, where relevant, registered interested and affected parties”.* (Underlining supplied)

35. The DEIR advises that responses of the EAP (and others no doubt) to the comments now

made on the DEIR during the current comment opportunity will be included in a Comments and Responses Report which will be submitted to the DEA with the FEIR. However, no comment opportunity on the FEIR, including the final (different) version of the Comments and Responses Report will be provided for. It is thus clear that the EAP has adopted a pre-determined position that the actions that may be necessary to take according to comments of I&APs made now will effectively be ignored irrespective of their nature, and to the extent that no significant changes (in the EAP’s view) will be made to the DEIR. Furthermore, the EAP has also determined that whatever responses are provided to I&AP comments will not constitute material information which may influence the decision on the application. This is an unacceptable prejudicial position of the EAP and which disqualifies EIA Regulation 23(1)(b)2 from potentially having application. The EAP’s view effectively already nullifies the purpose of the current comment opportunity.

36. As already pointed out in this review material information is missing from the DEIR, in the form of the signed application form and the avifaunal radar report, and that it is also necessary to subject this information to public review and comment.

2 The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority— a notification in writing that the □□□□□□□□□□reports, and an EMP, will be submitted



within 156 days of receipt of the application by the competent authority, as significant changes

have been made or significant new information has been added to the environmental impact assessment report or EMPr, which changes or information was not contained in the reports consulted on during the initial public participation process contemplated in subregulation (1)(a),

and that the revised environmental impact assessment report or EMPr will be subjected to another public participation process of at least 30 days.

37. This review also identifies elsewhere other fundamental flaws in the substance and procedure upon which the application is based and which demand that wholesale and substantial changes be made if it is decided by the Applicant not to abandon the proposed BWEF. There can be no way therefore that the FEIR, as it is envisaged by the EAP, will be in a suitable and compliant state fit for its submission.

38. The PPP outlined in the DEIR fails to allow for registered I&APs to undertake the important verification process pertaining to the EAP and others having correctly and honestly recorded their original comments in the CRR. It also denies them the opportunity to contest the responses to such issues even though such responses “*may have the potential to influence any decision*” with regard to the application. The discretion as to what amounts to significant changes to the EIR must surely fall to the registered I&APs and not the EAP since the PPP is the mechanism by which local knowledge is meaningfully incorporated into the proposed development in order for the development to have any chance of being considered to be sustainable in terms of NEMA Section 2(4)(a).

#### **Non-compliance with accepted Plan of Study for EIA.**

39. The EIA Regulations, Appendix 3,(1)(1), state that, “*The environmental impact assessment process must be undertaken in line with the approved plan of study for environmental impact assessment*”.

40. The DEIR (page 118) advises that the Plan of Study for EIA was accepted in June 2018.

41. The DEIR makes the following relevant statements:

“*The key issues are to be comprehensively addressed and assessed in the EIA Phase according to the Plan of Study for EIA (refer to Chapter 8) and the terms of reference for each*”



*specialist study.*" (DEIR, page 169);

*"During the EIA phase detailed environmental assessments will be conducted in line with the Plan of Study contained in Chapter 8 of this Scoping report. These studies will include recommendations for the implementation of avoidance strategies (if required), mitigation and management measures to ensure that the final assessed layout and development footprint retains an acceptable environmental impact and that impacts on the environment are minimised as far as possible."* (DEIR, page 201);

*"The SR Plan of Study states that "The following assessments will inform the findings of the EIA... Visual Impact Assessment to be undertaken by Lourens du Plessis of LoGIS..."*(DEIR, page 205).

42. The Plan of Study for the EIA Phase is an important document as it is based upon the results of the scoping phases and which should be informed by local knowledge. Once accepted by the Competent Authority the EAP is obliged to adhere strictly to it during the EIA phase. The EAP has not adhered to the accepted Plan of Study for EIA in the case of the Proposed BWEF application.

43. The EAP has allowed the introduction of an additional VIA study to that of the one accepted in the Plan of Study for EIA. While the required LoGIS VIA was indeed undertaken the EAP has commissioned another VIA which has been undertaken by the EAP's own firm, CES. Furthermore the EAP has allowed the illegitimate CES VIA to dictate the results and findings in the DEIR and which are significantly different (especially in terms of the recommended mitigation measure efforts) to those of the LoGIS VIA. The details of this significant manipulation effort are discussed later in this review under the issue of the potential visual impact assessment.

44. The DEIR, its findings and the environmental application itself, are accordingly invalidated by the introduction of the CES VIA which was not specified in the "accepted" Plan of Study for EIA.

45. EIA Regulations, Appendix 3(1)(1), has not been complied with. It will be necessary to back-track the EIA process to the Scoping Phase or otherwise dismiss the CES VIA entirely and entirely reassess the findings of the DEIR. Importantly, all the recommended mitigation measures of the LoGIS VIA will need to be implemented but that will still be no guarantee that a fatal flaw will be avoided.



## Substantive Issues

### **VISUAL IMPACT: PROPOSED BWEF “FATALLY FLAWED”.**

46. It is evident from the two VIAs conducted, plus the comments of local community members and organizations, that the proposed BWEF is sited within a visually sensitive area and region and that such is regarded as a very valuable asset underpinning the existing socio-economic value of the community and general area. This is supported by the DEIR (page 114) which states, “(a)s indicated in the table, the most common impact raised by I&APs who did identify impacts was the visual impact (65%).”

47. Inter-related and associated issues of loss of “sense of place”; loss in property value, and, negative impacts on tourism” also featured as main concerns raised by the local community (DEIR, Section 8.1.6). In other words, the potential visual impact of the proposed development has numerous ramifications and far-reaching (potential) and important impacts (sometimes called “secondary impacts”).

48. From review of the DEIR and the two VIAs (Appendices D12 and D13 of the DEIR) it is clear that the visual impact of the proposed BWEF will be of very high negative significance in terms of its intensity and the spatial extent. It is also evident that the socioeconomic “secondary” impacts that will arise (mainly) from the predicted very high negative visual impact will also be significantly negative (although this is understated by the EAP in its impact assessment).

### **LoGIS Visual Impact Assessment (November 2018):**

. A VIA by Mr. Lourens du Plessis of LoGIS is included as Appendix D12 to the DEIR. This VIA is dated November 2018.

50.1 In its impact classification system the greatest achievable level of impact significance (positive or negative) is “High” and where the specialist has determined that this is “*where the impact must have an influence on the decision to develop in the area*”, (LoGIS VIA, Section 6.7). Note that there is no “Very High” significance category. In terms of the LoGIS VIA rating system, a potential impact rated to be of “high” significance “must” profoundly determine whether the subject proposed development should be approved (High positive) or not (High negative).

**50.2 The LoGIS VIA (Section 10) finds that ALL of the identified 10 potential visual impacts of the proposed BWEF development (i.e. the Revised Option**



**with 5 of 13 turbines removed from western side of the Stompneus Bay Road and the other 2 relocated southwards) will be negative and that 6 of these will be High negative, after the very limited mitigation implemented**

(see below). It is important to note that:

50.2.1 The very limited and incomplete mitigation implemented by the Applicant means that the post-mitigation impact ratings for the two impacts related to, respectively, the Kasteelberg heritage area and cumulative impact are not achieved. Thus these 2 impacts must maintain their **pre-mitigation** impact ratings of High negative. This is not reflected in the DEIR.

50.2.2 Two of the listed identified visual impacts are given as being High-Moderate and where no mitigation is possible. The allocation of a dual category is based upon some visual receptors subjectively being very offended (High negative) by the proposed development and others being offended to a lesser extent (Moderate negative). Proper understanding of the NEMA and integrated environmental management would recognize that under *inter alia* the required “*risk averse and cautious approach*” the most severe rating must be recorded alone and this is then mean that only the High negative rating must correctly be presented. These 2 impacts are therefore to be regarded by this reviewer as constituting high negative visual impacts alone.

50.3 All except two of the identified different potential visual impacts are beyond effective mitigation and the post-mitigation impact ratings remain unchanged. It was identified in the LoGIS VIA that the cumulative visual impact of the proposed BWEF (with the West Coast 1 WEF) and the visual impact on the Kasteelberg hill, the cultural landscape and sense of place related to this cultural/historical feature, and views of the Atlantic seaboard at Paternoster from the Vredenburg-Stompneus Bay, can be reduced from High negative. Recommended mitigation by the specialist was:

50.3.1 Relocation or removal of ALL of the turbines located west of the Stompneus Bay Road,

50.3.2 Reduction of the size of the BWEF turbines to equate those of the adjacent West Coast 1 WEF turbines (which are 50% smaller).

50.3.3 Consideration of the recommendations expressed in the final HIA report



should be consulted in order to inform decision-making regarding the potential impact on the Kasteelberg cultural-historical feature.

50.4 Importantly, despite the recommended mitigation measures the LoGIS VIA Specialist warns (page 89) that, “***The relocation of the turbine positions is not expected to influence the overall visual impact of the Boulders WF, due to the fact that the viewshed pattern will largely remain the same, with wind turbines still visible from all of the receptor sites.***”

50.5 The Applicant only partly complied with the LoGIS VIA specialist’s recommended mitigation measures by relocating but five of the 13 turbines from the western side of the Stompneus Bay road. Two turbines were shifted from a northern position near Kasteelberg southwards but remain on the western side of the road. Neither did the Applicant act to have the turbines of the proposed BWEF reduced in size to match those of the West Coast 1 WEF. The LoGIS VIA states that the partial implementation of only one of the mitigation measures “***falls short of meeting all of the visual impact mitigation requirements***” (VIA , page 89)).

This is a critical failure by the Applicant since the specialist has also stated (page 91 of the VIA) in reference to his recommendation that ALL of the turbines west fo the Stompneus Bay road be removed or relocated to the eastern side of the road, that,

*“It is recommended that the project proponent investigate the viability of relocating these wind turbines in light of the conclusions of the VIA, as well as the potential to reduce the overall wind turbine size in order to match the West Coast 1 wind turbine dimensions. Failing this the Boulders Wind Farm may not offer an ideal operating scenario from a visual impact perspective.”*

(Underlining added)

50.6 Given the partial implementation of but a single mitigation measure (moving only 5 turbines across the road) no effective mitigation of all the other remaining high negative visual impacts is possible (a point acknowledged in Section 6.10 and elsewhere in the LoGIS VIA and confirmed in the “post-mitigation” impact ratings). Section 6.10 states;

*“The primary visual impact, namely the appearance of the WF (the wind turbines) is not possible to mitigate. The functional design of the turbines cannot be*



*changed in order to reduce visual impacts,” and*

*“Secondary impacts anticipated as a result of the proposed WF (i.e. visual character and sense of place) are not possible to mitigate. There is also no mitigation to ameliorate the negative visual impacts on roads frequented by tourists and which provides access to tourist destinations within the region.”*

Thus the specialist explicitly confirms that neither the “primary visual impact” nor the anticipated “secondary impacts” of the proposed BWEF are possible to mitigate. This is an exceptionally damning finding to the hopes of the Applicant, (and which was clearly recognized by the EAP and immediately resulted in the production of a second more Applicant-favoured second VIA by CES a thereafter).

50.7 In terms of the LoGIS VIA criteria, the beyond-mitigation High negative potential visual impacts of the proposed BWEF determine that the proposed BWEF should not be approved. The potential high negative visual impacts amount to a “fatal flaw” in the proposed BWEF environmental application. This is clearly recognized by Mr. Du Plessis but he is unwilling to condemn his client’s BWEF project by concluding so. Instead he adopts a “fence-sitting” position by first stating that, *“...it would be difficult to endorse the construction of the Boulders WF from a visual impact perspective. If no mitigation is undertaken the potential visual impacts and especially the potential cumulative visual impacts may exceed acceptable levels within the context of the receiving environment...”*,

but then he goes on to say that,

*“In spite of the above statement this does not imply that the Boulders WF project is fatally flawed.”*

It is clear that Mr. Du Plessis, by the objective criteria set by his own VIA, and then its findings, recognizes that there is indeed a “fatal flaw” situation but he decides instead to indirectly record such as a possibility under the circumstances and then to leave the required final critical conclusion of his findings in the hands of the authorities, per,

*“This does not, however, exonerate the project proponent and authorities from considering the potentially high levels of visual impact associated with the wind farm project (as proposed), when reviewing the desirability of the proposed development within the receiving environment”.*



50.8 The lack of courage of Mr. Du Plessis to condemn outright and clearly the proposed BWEF, as dictated by his very own results and findings, is unacceptable but does nothing to undermine the necessary conclusion: that the proposed BWEF is indeed “fatally flawed” on account of its high negative visual impacts and which are beyond mitigation.

***CES Visual Impact Assessment (December 2018):***

51 In circumstances which are unheard of in this reviewer’s 28 experience the DEIR is accompanied by a second, supposedly equal in weight, VIA to that of the LoGIS VIA. The second VIA has been conducted by the CES, the same firm as that from which the EAP and other employees managing the EIA hail. Most surprisingly is the fact that the CES VIA is dated December 2018 which is a mere month after the LoGIS VIA.

52 The superficial reason given for the CES VIA is alleged, by the DEIR, to be in order “to verify the findings of the Logis VIA”. The reason why the EAP has found it necessary to verify the findings of the LoGIS VIA is not stated anywhere - this omission of reason is a critical “oversight” since the reason for the proclaimed need is unknown to I&APs and others and the existence of the LoGIS VIA, which has already informed the DEIR, is sufficient. The EIA Regulations make no provision for a specialist impact assessment to be verified by another of the same kind.

53 The CES VIA is a brief study that was conducted after the LoGIS VIA, the latter being a much more extensive study that was commissioned in 2017 already. The CES VIA clearly borrows heavily from the data and contents of the LoGIS VIA. The CES VIA notably makes no reference at all to the LoGIS VIA. It is suspected that the intention of the applicant-biased EAP is that the LoGIS VIA will fall away completely from the FEIR that is ultimately intended to be submitted to the DEA (such action would be illegal). I&APs would be well-advised to track the progress of the LoGIS VIA until final submission and with which it must be included.

54 The CES VIA was undertaken by Mr. Michael Johnson (“author”) of CES who was still a student at the time that the LoGIS VIA was already almost complete. A certain Dr. Alan Carter is presented as being the “reviewer”.

55 The EIA Regulations, Appendix 6, item 1, require that the credentials of the specialist



be stated in the specialist report. Review of Mr. Johnson's, the "specialist", credentials reveal a professional who is significantly short of experience in the field of visual impact assessment (or any environmental field for that matter). The Applicant biased CES have attempted to counter this significant failing by appointing a reviewer (Dr. Carter) of Mr. Johnson's work from within their ranks. Appendix 6 provides no provision for such a reviewer and it is expected that the specialist alone will be competent and experienced enough to fulfill the task without the oversight of another person. Mr. Carter has no legal empowerment to participate or interfere in the

Appendix 6 duties of "the specialist" and his involvement has further damaged the credibility of the CES VIA report and its findings.

56 Another critical failure of the CES VIA is that it is not permitted in terms of the "accepted" (by the Competent Authority) Plan of Study for EIA. Section 8 (Plan of Study for EIA) of the Final Scoping Report by Savannah Environmental and dated April 2018 specifically states that:

*"The following assessments will inform the findings of the EIA... Visual Impact Assessment to be undertaken by Lourens du Plessis of LoGIS..."*

According to the DEIR, the Plan of Study for EIA was approved by the DEA in June 2018. We can find no copy of this important documentation but according rely upon the advice of the FSR (which was accepted by the DEA) and the current DEIR. The Plan of Study for EIA cannot therefore be deviated from, as the EAP has allowed in this instance, without reverting back to the scoping stage and undertaking the necessary PPP towards producing a different Plan of Study which is informed by public engagement and would then have to be "accepted" by the DEA.

57 In light of the above serious procedural flaw the CES VIA must be dismissed from all consideration in the EIA. However, the problem for the applicant now arises that the CES VIA has been used to inform the findings of the DEIR to a very significant extent and thus the DEIA itself and its findings are invalidated by this unmandated VIA. The LoGIS VIA is thus the only VIA that has credibility in the proposed BWEF environmental application.

58 Review of the CES VIA reveals that its real purpose is to attempt to neutralise the damning mitigation measures recommended in the LoGIS VIA and which are



required in order to mitigate a few specific negative visual impacts. As the LoGIS VIA specialist concluded in his non-committal manner, even implementing all of the LoGIS VIA mitigation measures may not necessarily be sufficient to allow approval of the proposed BWEF. However, failure to implement all of the recommended mitigation measures will definitely render the BWEF as being “fatally flawed”. The Applicant, with the aid of the EAP and other employees of CES, has attempted to circumvent these limiting conditions by commissioning the CES VIA in order to nullify the unwelcome consequences of the LoGIS VIA recommended mitigation measures. The CES VIA attempts to do this by overstating the real, close to negligible, benefits of the Applicant’s implemented partial mitigation actions (i.e. relocating just 5 of the 13 identified turbines across the road and which Mr. Du Plessis sees as no more than “a step in the right direction”).

59 Comparison of the 10 identified visual impacts of the LoGIS VIA with those of the CES VIA (Table on page iii) show that the CES has manipulated and amalgamated the visual impacts in such a manner as to reduce the number of high negative visual impacts, and more importantly, to create the impression that the recommended mitigation (as suggested by the LoGIS VIA), as partially implemented by the applicant, is indeed sufficiently effective to regard the potential visual impact of the BWEF as not being a fatal flaw. The manipulated efforts of the Mr. Johnson and Dr. Carter of the CES are seen in the following examples from Table on page iii of the CES VIA:

59.1 The impact given as “*2e: Visual impact of wind turbines on Kasteelberg*” is allocated a high negative rating pre- and post-mitigation. In other words mitigation is not possible for this particular impact according to the CES VIA. The implication of this is that there now rests no obligation on the Applicant to implement any mitigation measures. Such is however untrue according to the Logis VIA which has stated that “*(m)itigation of this (high negative) impact is possible and entails the relocation of the wind turbines west of this road to the east of the road*” and consideration of the findings of the HIA and the effectiveness of such mitigation is seen by Mr. Du Plessis to reduce the High negative impact rating to a **Low negative** rating (LoGIS VIA, Section 10, 3rd bullet point).



59.2 Also, the impact given as “*Cumulative Impact 1: Visual impact of facility construction and operation*” is allocated a high negative rating pre- and postmitigation. In other words mitigation is not possible for this particular impact according to the CES VIA. As before, the implication of this is that there now rests no obligation on the Applicant to implement any mitigation measures whatsoever. Such is however untrue according to the Logis VIA which has stated that “(m)itigation of this (**high negative**) impact is possible, and entails the selective removal or relocation of specifically identified wind turbine positions in relation to specified sensitive visual receptors. Additional to this the potential reduction in size of the proposed turbine structures should be considered. The post mitigation cumulative visual impact is expected to be of **moderate-low significance**”, (LoGIS VIA, Section 10, 4th bullet point, page 92).

59.3 The CES VIA is liberally characterized by euphemistic (and inaccurate) statements designed to downplay the real high negative visual impacts of the proposed BWEF whereas the LoGIS VIA states that the “*construction and operation of the proposed Boulders Wind Farm and its associated infrastructure, will have a high visual impact on the study area*”. For instance the CES VIA states that “*the HIGH residual visual impacts cannot be completely mitigated*” – the truth is that they can hardly be mitigated at all! In attempting to protect the Applicant’s interests the Mr. Johnson goes further to unashamedly step outside of its proclaimed field of expertise in an attempt to motivate and justify the proposed BWEF (page iii – iv) according to unsubstantiated ideas but which are anyway irrelevant to the discipline of visual impact assessment. But the CES VIA does not stop there – it claims that these benefits are sufficiently large to justify the “*potential losses of scenic resources*” and then Mr. Johnson and Dr. Carter recommend that the proposed BWEF “proceed”.

60 It must be concluded from the credible evidence (which excludes that produced by the CES VIA) that the Applicant has implemented only one of the recommended mitigation measures, and that only partially. Thus the BWF is definitely fatally flawed from a visual impact (and secondary impact) perspective. It is important to note that



even if the Applicant had implemented all of the recommended mitigation measures the proposed BWEF would still not necessarily be spared the incurrence of a “fatal flaw” from the visual impact aspect

61 This review has established that the Mr. Johnson and Dr. Carter, and CES, have intentionally manipulated the EIA in order to favour the Applicant’s interests. They also have no legal empowerment to be involved in any capacity in the environmental application. Their work lacks any credibility and they have contaminated the environmental application beyond repair.

62 In dealing with the potential visual impacts, the DEIR (Section 9.11.1) itself conveniently (to the Applicant) carries through the basic findings and unjustified motivations of the CES VIA and concludes that “*potential losses of scenic resources are not sufficiently significant to present a fatal flaw to the proposed project*”. The truth and accuracy of this conclusion however relies directly upon the fatally flawed CES VIA. Accordingly, the CES VIA now similarly flaws and discredits the DEIR and its findings. The EAP’s willingness to allow and evidently participate in such a corrupt and unethical manipulation of the EIA process deserves formal redress. The same applies to others of CES who lack the legal mandate to be involved in the management of the application.

### **Heritage Impact Assessment findings significant (but irrational conclusion).**

63 An integrated Heritage Impact assessment by Katie Smuts is included as Appendix D7 of the DEIR.

64 The proposed BWEF receiving environment was found to have significant paleontological deposits and archaeological sites. The Kasteelberg site is of particular concern and which Heritage Western Cape (HWC) has tried to declare a Provincial Heritage Site but without success as yet. The HIA recognizes the scenic and cultural value of the potentially affected landscape.

65 The HIA agrees with most of the impact ratings and findings of the LoGIS VIA and regards the removal of the 7 turbines north of Kasteelberg as being effective in reducing the associated High negative potential impact to “moderate” whereas the LoGIS VIA states that ALL of the turbines to the west of the Stompneus Bay road are



required to be removed in order to reduce the High negative impact rating. This is an important difference and it is relevant to point out that the LoGIS VIA findings must take precedent over the HIA finding in this instance on account of the “*risk averse and cautious approach*” that must be followed in pursuit of achieving sustainable development. In other words the removal of just the 7 turbines may be an “acceptable” mitigation to Ms. Smuts but it is not so to Mr. Du Plessis (it is merely regarded by him as being “*a step in the right direction*”).

66 The HIA states that, “(t)he most important visual impacts to heritage resources will be to the character and sense of place of the region, specifically to the rural cultural landscape and, to a lesser extent, the historic coastal towns. While the VIA notes that the viewer incidence in the project site is low, the intrinsic value of both the cultural landscape and the site of Kasteelberg is of unquestionable significance and not dependent on visual receptors.”

67 Various recommended mitigation measures are derived from the HIA (page vii) and the following pertinent ones are extracted here:

67.1 *The viability of reducing the turbine size to match that of the West Coast 1 turbines should be investigated;*

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67.2 *At the minimum, the seven wind turbines west of the Vredenburg-Stompneus Bay road should be removed or relocated (Turbines 15, 19, 21, 27, 31, 33 and 43);*

67.3 *The relocation or removal of various combinations of the north western turbines should be considered – these are the turbines visible from the historic town of Paternoster and from its beach (Turbines 11, 13, 15, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40, 41, 43, 44, 45);*

67.4 *The viability of reducing the turbine size to match that of the West Coast 1 turbines should be investigated;*

68 Based on the information in the DEIR the Applicant has only implemented the second mitigation measure above and has ignored the rest. It is fair to say then the Applicant has made very limited effort to mitigate the significant high negative visual impacts on cultural resources and the landscape and it is thus difficult to understand how Ms. Smuts can therefore come to an objective conclusion that, “*It is the opinion of this specialist that, provided the recommendations below are implemented and*



*incorporated into the EMPr, that Environmental Authorisation for this project should be awarded.*". Accordingly, we now examine her rationale in reaching such an opinion, bearing in mind that Appendix 6 of the EIA Regulations require that any appointed specialist be objective (and independent).

69 In so far as Ms Smuts' recommends that the HIA mitigations measures be included in the "EMPr" it is pointed out that this is impractical and irrational. For instance, one of the tabled mitigation measures, the reduction of turbine height to match that of the West Coast 1 WEF, is a measure that will have to be decided upon by the Applicant before submission of the FEIR. To reduce the turbine height as part of the EMPr implementation (i.e. after possible approval for the application) will violate the EA that must be delivered by the Competent Authority and which will specify then the height of turbines that will be authorized (or not). The point is that the Applicant has to commit, or not, to the implementation of (some) technical-based mitigation measures now during the current EIA phase and before submission of the FEIR for decisionmaking by the Competent Authority. Failure to do otherwise will constitute incremental development of the proposed BWEF at a known ultimate cost to the environment and local community – this approach is illegal.

70 Under Section 5.3 of the HIA the specialist makes a critical error as she steps outside of her field of expertise and "borrows" the proclaimed social and economic benefits outlined in the SIA (Barbour and van der Merwe, 2018) to justify approval of the

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proposed BWEF over the significant negative impacts determined by her own findings. Under Section 8.1 "Conclusion" Ms. Smuts states:

*"The proposed construction of the Boulders WEF will likely result in local economic growth, job creation and skills transfer, while also contributing much needed clean energy to the national grid."*

The above issues have no place in the consideration of heritage issues and it is rather the duty of the EAP to conduct the final inter-disciplinary weigh-up of potential impact findings. NEMA Section 2 provides specific criteria for consideration in the integration of different disciplinary issues in order to assess the sustainability for a particular proposed activity. It most definitely is not the duty of a specialist such as Ms. Smuts to undertake this task especially as she will have no full knowledge of the



complete range of potential impact findings from amongst other specialist studies.

71 Ms. Smuts has used selected findings, plus her crude and flawed personal views, to justify her reasoning for approving of the proposed development. However, we find no information anywhere as evidence of her being an energy expert or economist. In fact the opposite is can be justifiable said of her personal views and the facts show that wind farms do NOT create permanent jobs and that they ultimately will result in huge electricity costs to the national population and which consequences in South Africa will be most sorely felt by the poorest. As case evidence of these high costs of renewable energy, and its failure to curb carbon emissions, one need look no further than the rapidly failing example of Germany's "Energiewende" (see Appendix A). The real costs (not price) of large-scale renewable energy to South Africans will far exceed (see Appendix B which is an assessment by Rob Jeffery, a credible economist operating in the field of costs of energy generation) those of any other power generation source (in fact they already are).

72 There is no provision in the EIA Regulations for a specialist to operate outside of his/her field of expertise and to use selected outside information in a subjective and unquantified manner such as Ms. Smuts has done. Further more, this review reveals that the proclaimed benefits seen in the SIA are unfounded themselves, and exaggerated for the benefit of the Applicant's interests. Ms. Smuts makes her self complicit in such actions by adopting flawed information, from outside of her discipline, into her analysis. Her final opinion is therefore irrational and not objective and must be dismissed accordingly. Ms. Smuts will no doubt be concerned to see that a rational and objective analysis, in this review, of all the impacts related to the proposed BWEF finds that 87% of all the potential impacts are negative, and this  
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analysis includes the impact assessments made in the SIA and which she has borrowed from.

73 In conclusion, when Ms. Smuts HIA assessment is considered in terms of only the facts and findings of its own discipline (i.e. removing her personal views related to the flawed social, economic and energy information which she has introduced) the proposed BWEF poses in fact a real and significantly high potential negative impact and should probably not be receiving her conditional approval. Whatever the case,



Ms. Smuts will be obliged to revisit her study and reconsider her conclusion properly and rationally.

### **Social Impact Assessment**

74 The DEIR includes a SIA, dated November 2018, by Tony Barbour as Appendix D10.

75 Review of the SIA reveals certain critical omissions of information and assessments which are critical to understanding whether or not the proposed BWEF constitutes properly sustainable development in terms of NEMA Section 2. Tellingly, the missing information is known to be generally unfavourable to assessment of wind farms in general and especially so in terms of social justice and equity. The NEMA Section 2(4)(c) states that :

*“Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons.”*

*(Underlining added)*

76 This important principle of environmental management is not respected by the DEIR and application as they currently exist. The fact that impacts on local community members in terms of, for instance, property value loss and noise impacts, are not dismissed as justified costs for the proposed BWEF yet others such as the remuneration (unquantified) of contracted land owners and community trust beneficiaries are accorded positive impact ratings can hardly be considered to be in line with social and environmental justice. That the Applicant itself stand to make (undeclared) profits at the expense of national social and environmental resources is a violation of environmental justice. Amongst the missing information in the SIA is the following:

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76.1 Determination of a mechanism for compensation for confirmed property owners who stand to suffer the confirmed property value loss (negative potential impact) that would be caused by the proposed BWEF. Given that the SIA unashamedly lauds (positive impact) and selectively presents the financial benefits that the minority selected contracted land owners (farmers) stand to receive the situation demands that environmental justice be enacted for those at whose expense such financial gains will be made. The principle applies even more strongly to the



profit-orientated goals of the Applicant and in relation to whom the same obligation exists.

76.2 The profits that stand to be made by the Applicant, a private profit-orientated entity, should the BWEF be built, have not been declared or quantified anywhere in the DEIR. Therefore, the aspects of social and environmental equity and justice cannot (and have not) been determined as required in order to assess properly whether the proposed BWEF is sustainable development. As Mr. Barbour will be aware, the profits that are being made by wind farm developers, who are mostly of foreign origin and residence, are substantial and arguably unethical in the social context of South Africa. South African Association of Wind Energy Alliance's previous CEO, Johan van den Berg, is quoted as having compared the awarding of a successful bid under the IPPP, as being equivalent to "winning the lottery". It would therefore perhaps be appropriate to describe the situation of the proposed BWEF as being a new form of colonialism, this time economic, since the same principles of exploitation of vulnerable local communities is at play. The exploitation of national resources is specifically guarded against in *inter alia* the NEMA, Section 2(4)(o), per:

*"The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage."*

The EAP and SIA appear to regard some members of the affected local community as not being part of "the people" of South Africa and their costs to be suffered by the proposed BWEF as justifiable.

77 The SIA relies heavily upon general national (and International) surveys and reports, undertaken in most instances by pro-industry entities, and also upon selected National Provincial and Local government policies. It is remarkably deficient in providing BWEF-specific information and thus proper, project-specific impact assessments. Its approach is instead to selectively identify potential impacts; quote

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selected general studies on such potential impacts, and then to apply Mr. Barbour's subjective (BWEF-favourable) interpretation and opinion to the proposed BWEF case. Little to none recent and broad-ranging rigorous local social investigation



informs the SIA and which is a significant deficiency.

78 Mr. Barbour's own personal perspectives on issues, such as proclaimed benefits of renewable energy and matters of climate change, are justified on the basis of very general and selected information (see Section 4.4.1, page 114, as example) which he then simply uses as the point of departure in his subjective rationalization of impact categorization and significance. Despite extensive credible and convincing evidence to the contrary of Mr. Barbour's perspective (for instance, see Appendix A), he proceeds (having already framed the potential impact description so as to deliver a positive impact rating) to then apply his own exaggerated significance to the positive impact (e.g. see impact "*Promotion of renewable energy projects*", (Underlining supplied) Table 5.2). In this way he manages to introduce certain exaggerated positive impacts (benefits) to his SIA without them being substantiated whatsoever by any BWEF-specific impact assessment.

79 Under both Tables 5.1 (construction phase impacts) and 5.2 (operational phase impacts) potential impact description is given as "*Creation of employment and business opportunities*" (Underlining added) by Mr. Barbour instead of a more objective and neutral description such as "Impact on employment and businesses" which would then leave room for negative impacts on existing and future employment creators and businesses to be also factored into the particular impact assessment. Under Mr. Barbour's Applicant-convenient approach the (confirmed) negative potential impacts on, for instance, existing (and future) tourism industry jobs and businesses are not weighed up against the proclaimed employments figures from the proposed BWEF (this is because they are likely to exceed the proclaimed employment benefits of the BWEF and which would then result in a unwanted negative potential overall impact for "impact on employment" on account of the proposed BWEF.

80 It is noted that the SIA struggles to build a case for job employment and in the effort employs the euphemistic term "person-years" as an attempted replacement for real permanent jobs. Various figures of "*full time equivalent person-years*" are quoted but are revealed to amount to, at most, temporary jobs of very short duration (mostly construction stage). Eventually the SIA (page vi) declares that only 17 full-time jobs will be created by the proposed BWEF! These will then exist for the lifetime of the



BWEF contract which, at 20 years, is less than half the time of the average adults  
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working life. These are trivial “benefits” (and probably net losses) given the environmental and social risks posed by the proposed BWEF and simply demand that the proposed BWEF be abandoned or otherwise refused on this point alone.

81 No effort is made by Mr. Barbour or the EAP to assess the potential impact on job loss due to the proposed BWEF. The proposed BWEF is recorded as having numerous negative impacts including upon tourism. Some of these impacts have the very real possibility of ultimately resulting in job losses. The tourism industry is a significant economic driver in the region and no doubt also sustains many other “spinoff” industries . These potential impacts are not assessed in the SIA or the DEIR yet their loss has the potential to destroy entirely the existing socio-economic backbone of the affected area and local community. The omission of such obviously important potential impacts is a fatal flaw and simply indicates an awareness by Mr. Barbour and the EAP of the potential threat (to the applicant’s interests) posed by the findings of such impact assessment to the applicant’s interests.

82 It is concerning to note that the economic impact assessment (dated November 2018) by Urban Econ (Appendix D5 of the DEIR, Section 6(c )) wastes no opportunity to boost the supposed benefit of the proposed BWEF by stating that 17 “permanent” jobs will be created. Apart from the paltry number of 17 jobs, the fact that these are regarded as “permanent” begs the question as to why in almost all other assessments of potential negative impacts in the DEIR and specialist studies the impacts are regarded as being a lesser category than “permanent” (usually “long term”) on the basis of the 20 year life-span of the project. The reason is quite clear – the lesser categories, such as “long term” are allocated lower scores than a “permanent” category in the impact assessment index system and therefore the resultant negative impact significance scores produced from “long term” impacts are of less significance than those for “permanent” negative potential impacts. See Appendix B of the SIA as an example of the applied indexing system. The inherent and manipulated approach to exaggerate positive, and understate negative, potential impacts associated with the proposed BWEF is thus exposed yet again.

83 Despite the subjective and deficient (Applicant-favoured) approach of the SIA, as



outlined above, it is forced to agree with the LoGIS VIA (it would be an obvious conflict if it did not) that the mitigation applied to the proposed BWEF is limited and incomplete and that a residual high negative visual impact remains. The SIA approves of the Applicant's relocation of 7 of the turbines originally located at Kasteelberg to the east of the Stompneus Bay road (5 turbines) and further south (2 turbines, but still west of the road). He justifies his approval on the basis that

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implementation of the full mitigation measure, as recommended by the LOGIS VIA, may compromise the financial viability of the proposed BWEF (although no evidence of this is seen anywhere in the SIA or DEIR documentation) and its proclaimed benefits.

84 It is evident that the SIA has selected, framed and presented certain potential impacts so as to promote the proposed BWEF's approval. These exaggerated and inaccurate positive impact ratings are then liberally used by the EAP in the DEIR and other specialist studies (such as the HIA) to justify and override their significant negative impact findings. The SIA stands as an important study to the undeclared alternative purposes of the EAP/CES and the many other Applicant-favoured consultants who are deriving financial benefits from this project and potentially future wind farm projects too (however Mr. Du Plessis is unlikely to be similarly regarded by the Applicant and CES and has already had his VIA undermined by the introduction of CES VIA).

#### **Avifaunal Impact not properly assessed and considered.**

85 This review has not extended itself to the issue of potential bird impact since the radar report from the earlier bird monitoring program has still not been provided despite numerous recorded request by Mr. Peter Pickford.

86 Once the radar report is received then this critically important issue will be able to be properly reviewed according to all the information which has lead to the presented impact findings. It is appropriate therefore to simply record that critically important information is missing in the EIA and to reserve all rights of review in this regard.

#### **Impact on property values**

87 The DEIR (Appendix C2), based upon the Economic Impact Assessment and the SIA, finds that a potential negative impact on property prices of "low" significance is



“probable”. Thus statement then under Section 12.3 of the DEIR that “*visual intrusion will have no significant effect on property values*” is false. The attributed low significance is probably based upon a perceived small number of property owners being affected but no on the significance of such affect upon them.

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88 Notwithstanding the above we find nowhere in the DEIR any meaningful attempt to mitigate the victims of this “*probable*” negative impact, even if they amount to just a few victims. The DEIR needs to employ the full mitigation hierarchy and ensure that, as a last resort, such parties are suitably compensated (i.e. to a level that satisfies them, not the applicant). Without doing so the proposed BWEF cannot equate to sustainable development in terms of Section 2(4)(a)(viii) of NEMA as the subject negative impacts would not have been “...*prevented, and where they cannot be altogether prevented, are minimized and remedied*”. There exits no option to simply leave such “*negative impacts*” from the proposed BWEF unattended to in the application.

#### **Noise impact assessment incomplete.**

89 A noise impact assessment is included as Appendix D8 to the DEIR. It finds that the proposed BWEF will have noise impacts of an acceptable level that would permit the revised BWEF to be approved (with mitigation).

90 The noise study describes low frequency sound and infrasound and discusses the claimed controversies around the matter. It claims to acknowledge that there are concerns that need to be considered in this regard and then claims that the study will take a precautionous approach. Further review reveals however that it thereafter almost entirely ignores the matter of infrasound and low frequency sound and seemingly makes no effort to assess these aspects in terms of the proposed BWEF. This will need to be addressed and these specific potential impacts assessed.

91 The noise impact study finds that a moderate negative noise impact will result from the proposed BWEF and this could cause disturbance to identified noise sensitive receptors.

92 On account of the potential negative impact the noise impact study (Section 11.2.1) recommends the relocation of one, or alternatively several, turbines so as to reduce the potential cumulative noise impact on identified noise sensitive receptors. It



appears as if the revised BWEF layout presented in the DEIR has however not responded to the change in turbine layout that is recommended as mitigation by the noise specialist and the DEIR does not advise whether it has done so or not. This leads the reviewer to suspect the latter. If this is so, then the proposed BWEF, at the very least, needs to be amended according to the required noise study mitigation

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measures recommended and, if turbine locations have shifted, then the proposed BWEF needs to be reassessed again by all relevant specialists.

93 Evidence of the potential high negative impacts from low frequency sound and infrasound is given in Appendix C to this review. It will be noted that the effects of low frequency noise (i.e. negative impacts) may experienced up to 20km away from the source, such as wind turbines.

**Negative impacts significantly outweigh benefits of the proposed BWEF.**

94 It is required that the DEIR assess all the potential impacts associated with the proposed BWEF. As discussed elsewhere in this review the DEIR has not included the assessment of impacts associated with the essential powerline component of the proposed BWEF and which would substantially increase the associated total number of potential impacts. Nonetheless, objective analysis of the potential impacts assessed for the proposed BWEF, as such are presented in the DEIR and in Appendices C1 and C2, reveals the following critically important facts:

94.1 Over all the development phases (Planning and Design; Construction; Operation; Decommissioning) of the proposed BWEF a total of 139 potential environmental impacts are identified and assessed.

**94.2 Of the total 139 impacts associated with the proposed BWEF 87% are negative potential environmental impacts.**

**94.3 Conversely, only 13% of the total number of potential impacts are positive (i.e. benefits of the proposed BWEF).**

94.4 The potential environmental impacts associated with the “No go” development option have not been assessed, as required in terms of the EIA Regulations, but would surely amount to a considerable majority of positive potential impacts in terms of the proposed BWEF.



95 It is therefore quite clear that the proposed BWEF will result in an unacceptably high number (87%) of associated negative potential impacts and these facts therefore dictate that it clearly constitutes unsustainable development under NEMA. This

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compelling evidence, produced directly from the data generated under management by the CES itself, cannot be overridden by the common argument that the proclaimed positive benefits of renewable energy to the Nation (exaggerated as they are in this matter) supersede the negative impacts since the proclaimed benefits have already been included in the data set and the comparison (i.e. they were assessed and incorporated by the SIA). On this basis alone the DEA will be compelled to refuse the application entirely and the Applicant would accordingly be well advised by the CES to permanently terminate the application.

96 On the other hand, the “No go” development option (although not assessed in the DEIR, as explained elsewhere in this review) will ensure that an exceedingly beneficial quotient of positive environmental impacts will be maintained and that the local community and Nation remain unaffected by the many negative potential impacts. Therefore, when compared to the proposed BWEF the “No go” option is clearly the “*best practical environmental option*” and the Competent Authority will accordingly be forced to ensure that the “no go” option is maintained failing which the proposed BWEF, when constructed, will constitute illegal (unsustainable) development.

97 The EIA Regulations , Appendix 3, (1)(k) require that:

*“An environmental impact assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include... the final proposed alternatives which respond to the impact management measures, avoidance, and mitigation measures identified through the assessment;”*

The DEIR however fails to comply with this requirement since it presents no alternative in which ALL of the specialist recommended mitigation measures are implemented. In fact the critically important LoGIS VIA recommended mitigation measures, which are all required in order for the proposed BWEF to possibly stave of a “fatal flaw” finding, are not incorporated into an assessment where the “*final*



*proposed alternative(s) which respond(s) to the impact management measures, avoidance, and mitigation measures identified through the assessment". This fundamental failure simply confirms that the proposed BWEF, with its implementation of very limited mitigation measures, still definitely constitutes unsustainable development and is inherently "fatal flawed".*

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98 The EAP's weak and brief effort (see DEIR, Section 12.3) to override and justify the proposed BWEF against the overwhelming number of significant negative impacts is noted in DEIR Section 12.3 and where the following struggling quote is extracted from:

*"There are a number of significant positive impacts (benefits) associated with the Boulders Wind Farm. These relate primarily to indirect benefits around climate change mitigation and resource (energy) conservation, and economic benefits for the surrounding communities."*

99 In conclusion the disadvantages and negative potential impacts of the proposed BWEF far outweigh the benefits (positive impacts) which dictates that the EAP was duty bound to recommend that this proposed unsustainable development not be approved in any form. The EAP/ CES however acted differently and has approved the proposed BWEF in the DEIR. The EAP/ CES would also be well advised to inform the Applicant of the correct finding in order for it to abandon its opportunistic development proposal without incurring further wasteful expenditure of authorities limited time and public funds.

**Mitigation of High negative impacts not considered properly in terms of the mitigation hierarchy.**

100 One of the chief failings in this application is the stubborn refusal of the Applicant to implement all of the recommended mitigation measures fully. However, the EAP/ CES have an active hand in facilitating this approach which is variously noncompliant with the EIA regulations (as pointed out in other sections of this review) and are not shy to recommend (DEIR Section 12.6) that the application be conditionally approved (even though information generated from the public participation process is still to be delivered). This flawed and illegal approach must ultimately be to the detriment of the Applicant whose application is now



fundamentally flawed beyond repair.

101 The ultimate mitigation measure for any proposed development is obviously the “No go” development option. As pointed out in this review the EAP has failed to present and assess properly, and in a comparative manner, this obligatory alternative/mitigation measure.

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102 The attempts of the EAP and CES’s Mr. Johnson and Dr. Carter (authors of the CES VIA) to undermine the due and required specific mitigation attempts identified by the LoGIS VIA have been extensively dealt with already. However, the DEIR has a further failing in terms of its general methodology which excludes application of the full mitigation hierarchy where significant potential negative impacts have been identified.

103 According to “*Social Impact Assessment; Guideline for assessing and managing the social impacts of projects*”, by International Association for Impact Assessment, (p. 88, 2015), mitigation is defined as:

**“Mitigation:** *the process of devising and implementing processes, procedures and/or changes to a planned intervention in order to avoid, reduce or minimize, or to compensate (offset) for impacts likely to be experienced.”*

Therefore compensation is clearly defined as a mitigation measure for (negative) impacts. From <http://www.merriam-webster.com/dictionary/compensation> the following two definitions of “compensation” are provided:

“*something that is done or given to make up for damage, trouble, etc.*”; and

“*something good that acts as a balance against something bad or undesirable*”.

Thus compensation is clearly a mitigation measure that can be applied to “*make up for*” any negative impacts.

105. The above definitions and meanings for “compensation” and “mitigation” are noted to be entirely consistent with the criteria and meanings for sustainable development as such are set out under Section 2(4) of NEMA and, in relation to the potential residual high negative impacts associated with the BWEF, especially NEMA Section 2(4)(a)(viii) which states:

*“Sustainable development requires the consideration of all relevant factors including the following...that negative impacts on the environment and on people’s environmental*



***rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.”***

**(Bolding added)**

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106. The EAP/ CES and other appointed consultants do not appear to have had a proper and competent grounding in proper integrated environmental management whereby genuine mitigation of negative impacts is a necessary and critical aspect in order to ensure that sustainable development is achieved. The Section 2 (4) NEMA gives effect to the application of the “mitigation hierarchy” tool and which is otherwise represented in the extracted figure below (note that the Figure 12 title appears to be incorrect but is inconsequential for the purposes of this review), as taken from the “*Social Impact Assessment: Guideline for assessing and managing the social impacts of projects*”; by International Association for Impact Assessment, (2015):

The principle and application of the “mitigation hierarchy” which is illustrated above is entirely consistent with *inter alia*, NEMA Section 2(4)(a)(viii) and where the latter is a nonnegotiable

principle that must be fully applied.

107. In terms of such mitigation hierarchy, negative impacts are to be mitigated through the above-illustrated order of priority and where compensation “*in kind*” or “*by other means*” are considered to be the last mitigation options when negative impacts cannot be avoided, reduced or repaired to acceptable levels. Compensation (offsetting)

is therefore applied to deal with residual negative impacts which cannot be

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avoided, such as those for those whose property values would be negatively impacted from the proposed BWEF (and for which most recommended mitigation would apparently be ineffective and where the Applicant has been unwilling to implement that limited level of mitigation measure that would indeed be at least partially effective).

The BWEF application therefore falls short of properly considering all mitigation options by not having considered *inter alia* the specific options of compensation and off-setting as a remedy for the consequences of its residual high negative impacts.

108. Furthermore, the fact that some existing community members stand to only suffer the costs and inevitable damages (as confirmed *inter alia* by the SIA per



negative impacts on property values) of the proposed BWEF, but no benefits, while a few privileged and select entities, including the Applicant who is neither a member of the local community nor a local tax-payer, stand to (apparently) make substantial financial benefits (at the expense of others), is unjust and is in direct conflict with the “environmental justice” promoted under NEMA Section 2(4)(c).

109. In terms of the costs and damages that will be delivered by the proposed BWEF upon other people, such are non-compliant with the established legal principle that the “*polluter pays*” and which is encompassed under NEMA Section 2(4)(p) and in so far as the Applicant will be among “*those responsible for harming the environment*” (where the environment includes local community members in the case of the proposed BWEF), it will thus be necessary for the Applicant to ensure that the costs to such persons are “*paid*”. It also falls to the EAP to ensure that such mitigation is tabled in the application.

110. Under the EIA Regulations “mitigation” “*means to anticipate and prevent negative impacts and risks, then to minimise them, rehabilitate or repair impacts to the extent feasible*”. The definition therefore makes provision for the implementation of offsetting/compensation and, in fact, requires it to be considered “*to the extent feasible*”. The application has failed to do so and instead the EAP regards it as justifiable that others, suffer the costs of the proposed BWEF on the basis of a proclaimed greater public benefit. The NEMA certainly makes no allowance for people to become for victims of any development activity such as the proposed BWEF would do.

104 In conclusion, the EAP/CES has failed to ensure that all feasible means of mitigation are investigated and implemented and instead has recommended in the DEIR (Section 12.6) that the application be conditionally approved.

37

### **CLIMATE CHANGE IMPACT ASSESSMENT UNFOUNDED AND SPECULATIVE.**

105 The DEIR (Appendix C1) includes a proclaimed “very high” positive impact (benefit) in terms of climate change amelioration for the operational phase of the proposed BWEF. The DEIR extensively uses this argument to justify the proposed BWEF and override its many negative impacts. For example on page 188 of the DEIR attempts to downplay the due consequences to the application on account of the large number



of identified negative impacts and finishes by adding the following justification:

*“There are a number of significant positive impacts (benefits) associated with the Boulders Wind Farm. These relate primarily to indirect benefits around climate change mitigation and resource (energy) conservation, and economic benefits for the surrounding communities.”*

106 Having reviewed the DEIR and the associated documentation we are however unable to find any authoritative and specialist climate change impact assessment and cannot even find a an proper rational argument to justify the inclusion of this impact. The impact is drastically exaggerated since the proposed BWEF will not replace any coal generation capacity and case evidence has shown that National-scale renewable energy programs actually increase the carbon emissions (see Appendix A). This is however anyway obvious from a very basic knowledge of scientific principles.

107 It is to be questioned as to whether the EAP is aware of the real world example of Germany where a concerted effort to engage renewable energy sources in the wake of the Fukushima accident has simply resulted in Germany’s carbon footprint steadily increasing over time and that country and its population being burdened with the highest electricity costs in Europe.

108 The EAP has used flawed and unsubstantiated ideology to present its climate change impact prediction related to the proposed BWEF. No substantiation at all is provided and certainly no effort is found to conduct the assessment specific to the proposed BWEF as is required. This fundamental failure has not stopped the EAP from attributing the highest possible positive impact category to the potential impact (Very High +). Clearly this is yet another fraudulent effort to promote the Applicant’s interests of creating a positive impression of the proposed BWEF.

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109 A proper climate change specialist must be employed to undertake a reasonable, balanced and scientific assessment of this impact, specific to the proposed BWEF, if this potential impact is to be included further in the EIA.

### **Conclusion**

110 This review has necessarily limited itself to certain aspects of the DEIR only. No doubt a full review would reveal more issues of serious concern given the approach and findings



observed. The brief review is however considered sufficient to confidently arrive at the conclusions outlined below.

111. The DEIR and associated documentation is fundamentally flawed and subjectively biased in the interests of the applicant. In this regard the CES contingent (“study team”) involved in the management of the application , as well as most of the specialist work reviewed, are guilty. The findings of the DEIR thus lack credibility.

112. There appears to exist no proper legitimate appointed EAP. A large number of employees from the CES firm have performed tasks which are obliged to be undertaken by “the EAP”. We can find no evidence of who the EAP is or even if such an “individual” exists. The DEIR is accordingly fundamentally contaminated by the involvement of persons who have no legal mandate to manage the application or any aspect thereof. If there does exist an EAP then that person has allowed such an illegal situation to occur under his/ her watch and they should be held accountable.

113. The DEIR findings are hugely misleading and the EAP’s approval of the proposed BWEF is irrational since it relies upon (a very few) exaggerated positive potential impacts and ignores the over-whelming 87% of negative impact findings. Much reliance is placed upon the supposed need and desirability of the project which is deemed to override the many significant negative impacts. This is ill-founded since the overall comparison of positive (13%) to negative (87%) impacts already INCLUDES the issues underlying need and desirability as positive impacts (as were taken from the SIA).

Furthermore, the essential powerline component of the proposed BWEF has been excluded from the impact assessment and would undoubtedly reveal an additional excess of (probably significant) negative impacts associated with overall development plan for the proposed BWEF and thus the cumulative potential impact has not been assessed.

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114. The SIA by Tony Barbour is relied upon heavily to justify the proposed BWEF.

The SIA however is seen to rely upon general pro-wind industry references to build a positive case for renewable energy and wind farms in general. From this position it then largely relies upon PPP information from an old application, some information from the economic impact assessment and otherwise very general assumptions to purport that the proposed BWEF is similarly favourable. The positive impacts ratings are exaggerated while the negative ones are understated. It must, and does, however acknowledge the onerous mitigation measures recommended under the LoGIS VIA but nonetheless creates an argument for the approval of the proposed BWEF even though the mitigation measures have not been implemented by the Applicant (bar the partial implementation of one of them).

115. The potential visual impacts of the proposed BWEF undoubtedly present a fatal flaw despite all the involved professionals failing to acknowledge this. The LoGIS VIA (the only legitimate VIA) leaves space in its conclusion for the fatal flaw to exist, even with full implementation of its recommended mitigation measures, but stops short of actually finding a fatal flaw as it is bound to have done. No doubt considerable pressure was exerted upon the specialist by the CES and applicant to this end. Anyway, full mitigation has not been applied by the applicant (very limited mitigation was implemented) and therefore a fatal flaw has definitely been incurred.

116. This limited review finds that the DEIR and its associated information and findings are fundamentally flawed on a procedural and substantive basis. Fatal flaws have been



identified. It would be our recommendation that the applicant permanently abandon the proposed BWEF which is unlikely to ever achieve the required sustainability criteria required to develop the site as a wind farm. The location is simply unsuitable for any further development of this type.

This review has been produced by:

Andre van der Spuy (MSc. *Conservation Biology*; BSc. Hons. *Environmental & Geographical Science*)

AVDS Environmental Consultants

40

Date: 16 June 2019

Annexure A: Der Spiegel : *A Botched Job in Germany*, May 2019

Annexure B: Rob Jeffrey: *Weaknesses of solar and wind, Myths and Questions that require an answer*, 2019.

Annexure C: *Infrasound: A Growing Liability for Wind Power*, May 2019.

*Mary Ralphs*

FROM: MARY <MARYRALPHS@MWEB.CO.ZA>  
SENT: FRIDAY, 28 JUNE 2019 17:34  
TO: MAURA TALBOT <M.TALBOT@CESNET.CO.ZA>  
SUBJECT: RE: BWF - REQUEST FOR PAPER  
Received and forwarded to Georges Schleger and others.  
Thanks Maura  
Regards, Mary

On 28 Jun 2019, at 15:02, Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)> wrote:

Hi Mary

Attached are the papers on the impact of low frequency waves from Mr Ronald Bach of the BWF development team as promised. One is in English and the rest in German and French. He has provided a summary in English of the studies and their findings in his email below. As per these reports, the 500m distance of turbines from houses/dwellings is considered sufficient to avoid any such impacts. This buffer has been included in the mapping of the sensitive areas in the EIA and used in the design of a layout for the turbines.

Regards  
Maura

Maura Talbot  
Principal Environmental Consultant and Socio-Economic Specialist  
CES - Leaders in environmental and social advisory services  
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*Ronald Bach*

From: Ronald Bach <[bach@energiequelle.de](mailto:bach@energiequelle.de)>  
Sent: Friday, 28 June 2019 11:14  
To: Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>  
Cc: Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>  
Subject: AW: BWF - Request for paper

Hi Maura,

generally the discussion about the issues raised on low frequency noise and infrasound that we have followed over here are conducted for a setting where wind turbines tend to be placed much closer to housings and villages. In France for example where we operate quite a few wind farms, the set distance that we cannot go under is 500 m (ICPE regulation). Obviously the distances of the Boulders Wind Farm are quite different and much larger to that. Also the baseline in Germany is that we have a population of around 80 million people and around 30.000 turbines installed on a much smaller area than SA. In France where there are around 67 million people there are around 7.000 turbines installed. The density of turbines and in proximity to humans is therefore much higher and in none of two countries there is any scientific evidence that infrasound or low frequency noise has any impacts on human health.

So the studies that I have and had mentioned in the meeting are attached and listed below. They are in German and French (might help at least the one guy). Sorry for that ...

- The LUBW study (Landesamt für Umwelt, Messungen und Naturschutz Baden-Württemberg = State agency for the environment, measurements and nature conservation Baden-Württemberg) concludes that at a distance of 700 m there is no significant increase due to wind turbines in the level of infrasound. At these distances the infrasound is dominated by the emissions of the wind itself and not the operation of the wind farm.
- Faktenblatt Windenergie und Infraschall from the state ministry Hessen concludes that the infrasound created by wind turbines is below the levels of perception of humans and therefore does not create any harm. There is no scientific evidence that infrasound below human perception levels has any impact on human health.
- The Umweltbundesamt (=Germany Agency for the environment) says that the infrasound from modern wind turbines can be considered to be very low in comparison to other natural and anthropogenic sources and that this has no negative impact on health. By the way, ocean waves and wind itself are some of the main contributors to the natural source of infrasound.
- Anses – Agence Nationale de securite sanitaire, alimentation, environment, travail = State Agency for Health, Alimentation, Environment and Labor: Relating to the regulations in France (ICPE) that provides that wind farms are not allowed closer to any type of housing, villages of 500 m, Anses conducted this analysis to see whether this regulation was suitable and safeguarding human health related issues. Based on their thorough analysis on noise



immisions including infrasound and low frequency noise Anses concludes that the current regulation providing for a distance of 500 m to houses is suitable. There is no scientific evidence that there is a health impact on humans.

I am also attaching a research conducted by the MIT so that there is at least one piece in English on the matter J.

Greetings,  
Ronald  
Kind regards  
Ronald Bach  
Manager  
International Projects

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Directors: Joachim Uecker, Michael Raschemann

Von: Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>  
Gesendet: Dienstag, 25. Juni 2019 15:46  
An: Ronald Bach <[bach@energiequelle.de](mailto:bach@energiequelle.de)>  
Betreff: BWF - Request for paper

Hi Ronald

The Britannica Heights representative has reminded me of your undertaking to provide a paper on the health impacts of wind farms (re the low frequency waves). Can you source and send that to me please?

Thanks  
Maura

Maura Talbot  
Principal Environmental Consultant and Socio-Economic Specialist  
CES - Leaders in environmental and social advisory services  
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*Hoek Neels*

**From:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>  
**Sent:** Monday, 27 May 2019 11:55  
**To:** Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>  
**Subject:** RE: REQUEST TO REGISTER AS AN IAP IN RESPECT OF DUYKER EILAND WIND FARM PROJECT  
**Importance:** High

Dear Maura

Please can you provide the layout plan with proposed infrastructure such as wind turbines, etc in a KML format.

I would like to overlay the plan to assess the impact on our proposed prospecting area.

Thank you

Regards

**Neels Hoek**

MERA ADVISERS (Pty) Ltd

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Physical: First Floor, One-On-Jameson, 1 Jameson Avenue, Melrose Estate, Johannesburg

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**From:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>  
**Sent:** Sunday, 31 March 2019 20:17



**To:** Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>  
**Cc:** Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>  
**Subject:** RE: REQUEST TO REGISTER AS AN IAP IN RESPECT OF DUYKER EILAND WIND FARM PROJECT

Dear Maura

I refer to my mail dated 12 March 2019

Please advise whether we have been added as an IAP and please can you give indication when the requested documentation may be expected.

**Important Notice:**

*We are pleased to let you know that we (MalanScholes Consulting) have changed our name to MERA Advisers (Proprietary) Limited. It has been just over a year since we started our business and we felt the name change was well-timed as we seek to continue to establish an African mining and environmental regulatory advisory business that is renowned in the industry for its solid expertise and the strength of its advice. For these reasons we have adopted a symbol of the African elephant to reflect our brand and ethos.*

*We remain committed to providing excellent service in mineral rights administration, environmental management, socio-economic development and project management, and our team of business industry experts is ready to be of service.*

*We look forward to working with you.*

Regards

**Neels Hoek**

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**From:** Neels Hoek  
**Sent:** Tuesday, 12 March 2019 2:30 PM  
**To:** [m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)  
**Cc:** [maura.talbot@eoh.com](mailto:maura.talbot@eoh.com)  
**Subject:** REQUEST TO REGISTER AS AN IAP IN RESPECT OF DUYKER EILAND WIND FARM PROJECT

Dear Maura

As you may be aware K2017432278 (SA) (Pty) Ltd applied for a prospecting right for phosphates over certain portions of the farm Duyker Eiland No 6 and Schuitjesklip No 22 in the district of Malmesbury.

We have been informed that you are representing the developers of the Wind farm project in respect of the Environmental studies in terms of NEMA.

Please could you register K2017432278 (SA) (Pty) Ltd as an IAP and provide me with all the relevant information.

Thank you

**Important Notice:**

*We are pleased to let you know that we (MalanScholes Consulting) have changed our name to MERA Advisers (Proprietary) Limited. It has been just over a year since we started our business and we felt the name change was well-timed as we seek to continue to establish an African mining and environmental regulatory advisory business that is renowned in the industry for its solid expertise and the strength of its advice. For these reasons we have adopted a symbol of the African elephant to reflect our brand and ethos.*

*We remain committed to providing excellent service in mineral rights administration, environmental management, socio-economic development and project management, and our team of business industry experts is ready to be of service.*

*We look forward to working with you.*

Regards

**Neels Hoek**

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Postal: Postnet Suite 324, Private Bag X1, Melrose Arch, Johannesburg, 2076

**From:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>**Sent:** Friday, 16 August 2019 16:45**To:** Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>**Cc:** Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>; Ronald Bach <[bach@energiequelle.de](mailto:bach@energiequelle.de)>;  
Thomas Barkmann <[thomas.barkmann@enercon.de](mailto:thomas.barkmann@enercon.de)>**Subject:** RE: BWF Phosphate Prospection Objection Withdrawal

Thanks Jonathan

I confirm receipt.

Regards

**Neels Hoek**

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E: [nhoek@mera.co.za](mailto:nhoek@mera.co.za)

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Postal: Postnet Suite 324, Private Bag X1, Melrose Arch, Johannesburg, 2076





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**From:** Jonathan Visser [<mailto:jonathanv@iwpower.co.za>]  
**Sent:** Friday, 16 August 2019 2:15 PM  
**To:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>  
**Cc:** Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>; Ronald Bach <[bach@energiequelle.de](mailto:bach@energiequelle.de)>; Thomas Barkmann <[thomas.barkmann@enercon.de](mailto:thomas.barkmann@enercon.de)>  
**Subject:** BWF Phosphate Prospection Objection Withdrawal

Hi Neels,

Please see confirmation of your objection withdrawal.

Regards,

Jonathan

**From:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>  
**Date:** Wednesday, 14 August 2019 at 16:04  
**To:** Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>  
**Subject:** Re: Boulders Wind Farm Phosphate Prospection Discussion

Perfect thanks.

Regards

Neels Hoek

MERA ADVISERS

0820717571

**From:** Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>  
**Sent:** Wednesday, August 14, 2019 4:01:44 PM  
**To:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>  
**Subject:** Re: Boulders Wind Farm Phosphate Prospection Discussion

Hi Neels,

I should be able to get you something by the end of the week.

Regards,

Jonathan



**From:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>  
**Date:** Wednesday, 14 August 2019 at 12:22  
**To:** Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>  
**Subject:** RE: Boulders Wind Farm Phosphate Prospection Discussion

Hi Jonathan

Please see attached revised letter.

We can unfortunately not agree at this stage to abandon the entire area west of the road. There may be phosphates in the areas not overlapping the turbines.

We agree with the proposal to only share public available environmental studies.

Regards

**Neels Hoek**

MERA ADVISERS (Pty) Ltd

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**From:** Jonathan Visser [<mailto:jonathanv@iwpower.co.za>]  
**Sent:** Wednesday, 14 August 2019 10:58 AM



**To:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>

**Subject:** Re: Boulders Wind Farm Phosphate Prospection Discussion

Hi Neels,

Please may I request the following changes. I will then get the correct representative to sign as soon as possible.

5.b. ...then K2017432278 (SA) (Pty) Ltd would agree to abandon the area that overlaps with turbines 41, 39, 38, 37, 40, 45 and 44. ~~The exact area to be abandoned will be discussed with the Representatives of Vredenburg Windfarm (Pty) Ltd at that time.~~ That is the entire area of the farm Schuitjes Klip 3/22 which lies West of the Stompneus Bay Road. – The area is well known now, so we are able to define it upfront for this agreement.

5.c. Both parties agree to make available to each other publicly available specialist environmental studies conducted over the target areas in the spirit of co-operation. – We cannot share confidential specialist studies which we have spent millions on. We can commit that we can make available any specialist report which has been provided to the public.

Kind Regards,

Jonathan

**From:** Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>

**Date:** Wednesday, 14 August 2019 at 09:47

**To:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>

**Subject:** Re: Boulders Wind Farm Phosphate Prospection Discussion

Hi Neels,

I have briefly gone over the letter, which seems to be ok but might need some revisions. Will revert with feedback asap.

Regards



Jonathan

**From:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>  
**Date:** Monday, 12 August 2019 at 13:05  
**To:** Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>  
**Subject:** RE: Boulders Wind Farm Phosphate Prospection Discussion

Hi Jonathan

Trust you are well.

Just to check. Are you satisfied with the letter?

Regards

**Neels Hoek**

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**From:** Neels Hoek  
**Sent:** Tuesday, 06 August 2019 2:03 PM  
**To:** Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>  
**Subject:** RE: Boulders Wind Farm Phosphate Prospection Discussion  
**Importance:** High



Hi Jonathan

Please see attached.

If someone from Windfarm can just also sign and return to me please.

Regards

**Neels Hoek**

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**From:** Jonathan Visser [<mailto:jonathanv@iwpower.co.za>]  
**Sent:** Monday, 05 August 2019 8:56 AM  
**To:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>  
**Subject:** Re: Boulders Wind Farm Phosphate Prospection Discussion



Good morning Neels,

I trust that you had a great weekend.

Have your geologists managed to have a look at this? Could we confirm the withdrawal of the objection? I'd like to pass this onto CES as they compile the final reports for the EIA.

Regards,

Jonathan

**From:** Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>

**Date:** Tuesday, 30 July 2019 at 10:01

**To:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>

**Subject:** Re: Boulders Wind Farm Phosphate Prospection Discussion

Hi Neels,

Thank you so much. Following our meeting, I've already informed the team that we will find a solution.

Looking forward to your feedback.

Regards,

Jonathan

**From:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>

**Date:** Tuesday, 30 July 2019 at 08:50

**To:** Jonathan Visser <[jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)>

**Subject:** RE: Boulders Wind Farm Phosphate Prospection Discussion

Hi Jonathan

Trust you are well.



Our geologists are just looking at the area again. We should be giving you something in writing soon.

Regards

**Neels Hoek**

MERA ADVISERS (Pty) Ltd

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**From:** Jonathan Visser [<mailto:jonathanv@iwpower.co.za>]

**Sent:** Wednesday, 17 July 2019 11:22 AM

**To:** Neels Hoek <[nhoek@mera.co.za](mailto:nhoek@mera.co.za)>

**Subject:** Boulders Wind Farm Phosphate Prospection Discussion

Hi Neels,



Great to catch up on the phone. Let's meet Thursday morning at 8am in Midrand.

Kind Regards,

**Jonathan Visser**

Integrated Wind Power (Pty) Ltd.

Tel: +27 (0) 73 268 7797

Email: [jonathanv@iwwpower.co.za](mailto:jonathanv@iwwpower.co.za)

Website: [www.iwwpower.co.za](http://www.iwwpower.co.za)

*Objection Withdrawal Letter from Jonathan Visser*



K207432278 (SA) (PTY) LTD  
Registration No: 2015/268783/07

1 Mountain McKinley Street  
Midstream Estate, Centurion, 1892  
Postnet Suite 238, Private Bag X 1007  
Lyttelton, 0140

Mr Jonathan Visser  
Integrated Wind Power (Pty) Ltd  
(Acting on behalf of Vredenburg Windfarm (Pty) Ltd)

Email: [jonathanv@iwpower.co.za](mailto:jonathanv@iwpower.co.za)

Your ref: WC 30/5/1/1/2/10292 PR  
Our ref:

14 August 2019

Dear Sir

**WITHDRAWAL OF OBJECTION AGAINST THE BOULDERS WINDFARM PROJECT  
(VREDENBURG WINDFARM (PTY) LTD)**

1. I refer to the meeting between Neels Hoek and Jonathan Visser on 25 July 2019.
2. As you are aware, K2017432278 (SA) (Pty) Ltd applied for a prospecting right for phosphates over certain portions of the farm Duyker Eiland No 6 and Schuitjesklip No 22 in the district of Malmesbury.
3. In terms of the proposed project plan submitted by Vredenburg Windfarm (Pty) Ltd, Turbines 41, 39, 38, 37, 40, 45, and 44 fall within the proposed prospecting area.
4. As you are aware, K2017432278 (SA) (Pty) Ltd, formally objected against the windfarm project on 1 July 2019, insofar as certain planned wind turbines overlapped over the proposed prospecting area.
5. After discussions with Mr Visser, a representative of Vredenburg Windfarm (Pty) Ltd, we agree to withdraw our objection subject to the following conditions.
  - a. K2017432278 (SA) (Pty) Ltd shall retain the overlapping area into its proposed Prospecting area and Vredenburg Windfarm (Pty) Ltd and or its Representatives shall not object to the proposed prospecting activities and or future mining activities.
  - b. However, should Vredenburg Windfarm (Pty) Ltd obtain the necessary approvals to construct the infrastructure from the National as well as Provincial Government Departments, as required, then K2017432278 (SA) (Pty) Ltd would agree to abandon the area that overlaps with turbines 41, 39, 38, 37, 40, 45 and 44. The exact area to be abandoned will be discussed with the Representatives of Vredenburg Windfarm (Pty) Ltd at that time.



- c. Both parties agree to make available to each other publicly available specialist environmental studies conducted over the target areas in the spirit of co-operation.
- 6. Upon signature of this letter by the duly authorized representative of Vredenburg Windfarm, the objection by K2017432278 (SA) (Pty) Ltd may be considered as withdrawn.

Yours sincerely,

Director: K2017432278 (SA) (Pty) Ltd

Conditions referred to in paragraph 5 above agreed to:

(Th. Barkmann)

Vredenburg Windfarm (Pty) Ltd

Date: 16.08.2015

---



*Andre van der Spuy*

**From:** Andre van der Spuy [<mailto:avdspuy@iafrica.com>]

**Sent:** 24 May 2019 03:02 PM

**To:** 'Maura Talbot'; 'gustav@bexgroup.co.za'; 'pbpickford@gmail.com'; 'Deon Brand'; 'Alvin Roon'; 'Mary Ralphs Britannica Heights'; 'Lunga Dlova'; 'Limpho Makotoko'; 'sl.cyrus@outlook.com'

**Subject:** RE: Boulders Windfarm PPP Advert



Mr. Pickford is quite correct. You are not. As the EAP it is YOUR obligation to ensure that you competently and fully deliver the notified options.

I am in the Karoo but would also like to have the opportunity to view the document(s). No doubt other I&APs are in similar situations too.

A van der Spuy

AVDSEC

---

**From:** Andre van der Spuy <[avdspuy@iafrica.com](mailto:avdspuy@iafrica.com)>

**Sent:** Friday, 24 May 2019 15:02

**To:** Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>; [gustav@bexgroup.co.za](mailto:gustav@bexgroup.co.za); [pbpickford@gmail.com](mailto:pbpickford@gmail.com); 'Deon Brand' <[deonbrand@yahoo.com](mailto:deonbrand@yahoo.com)>; 'Alvin Roon' <[alvin.roon@gmail.com](mailto:alvin.roon@gmail.com)>; 'Mary Ralphs Britannica Heights' <[maryralphs@mweb.co.za](mailto:maryralphs@mweb.co.za)>; 'Lunga Dlova' <[LDlova@environment.gov.za](mailto:LDlova@environment.gov.za)>; 'Limpho Makotoko' <[lmakotoko@environment.gov.za](mailto:lmakotoko@environment.gov.za)>; [sl.cyrus@outlook.com](mailto:sl.cyrus@outlook.com)

**Subject:** RE: Boulders Windfarm PPP Advert

Mr. Pickford is quite correct. You are not. As the EAP it is YOUR obligation to ensure that you competently and fully deliver the notified options.

I am in the Karoo but would also like to have the opportunity to view the document(s). No doubt other I&APs are in similar situations too.

A van der Spuy

AVDSEC

**From:** Andre van der Spuy <[avdspuy@iafrica.com](mailto:avdspuy@iafrica.com)>

**Sent:** Monday, 27 May 2019 09:24

**To:** Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>

**Cc:** [gustav@bexgroup.co.za](mailto:gustav@bexgroup.co.za); [pbpickford@gmail.com](mailto:pbpickford@gmail.com); 'Deon Brand' <[deonbrand@yahoo.com](mailto:deonbrand@yahoo.com)>; 'Alvin Roon' <[alvin.roon@gmail.com](mailto:alvin.roon@gmail.com)>; 'Mary Ralphs Britannica Heights' <[maryralphs@mweb.co.za](mailto:maryralphs@mweb.co.za)>; 'Lunga Dlova' <[LDlova@environment.gov.za](mailto:LDlova@environment.gov.za)>; 'Limpho Makotoko' <[lmakotoko@environment.gov.za](mailto:lmakotoko@environment.gov.za)>; [sl.cyrus@outlook.com](mailto:sl.cyrus@outlook.com)

**Subject:** RE: Boulders Windfarm PPP Advert

Dear EAP

Your below email refers.

As the EAP your acknowledgment of your error is noted.

The NEMA EIA Regulations specify that:

- a PPP comment period be minimum 30 days
- an EIAR includes inter alia the specialist studies (example Reg 23(1)(a); “an environmental impact assessment report **inclusive of any specialist reports**...which must have been subjected to a public participation process of **at least 30 days**”).



- any information that has the potential to influence a decision that may affect other parties be made available for comment (Reg 40(2)).

As the EAP you have, via one of the advertised options (and which is clearly a popular option of I&APs):

- made available for review an incomplete EIAr for part of the for minimum 30 days
- make available a specialist study for less than 30 days
- make available for less than 30 days information which has the potential (and is intended to) influence the decision on the application

You have also (seemingly) failed to notify all I&APs of your significant error and the prevailing non-compliant situation which you are evidently intend on sustaining.

Therefore, you have violated numerous clear NEMA requirements and your superficial rectification and dismissal of Mr. Pickford's objection do not restore the significant non-compliances.

Above is not my "opinion" but is the law. As the EAP you are obliged to comply with the NEMA in order that the full rights of I&APs are properly presented.

As the EAP you have now been notified of the non-compliances and objection has been lodged so that you proceed with the EIA process, under current circumstances, at your own and the Applicant's own risk. It would probably be remiss of you not to inform the Applicant of your error and calculated risk. For instance, should any I&AP happen to submit (again) comment or objection on grounds of the non-availability of the bat report on the website for the full term then you will need to take responsibility for depriving that party of its right to comment and whatever consequences are delivered upon the application.

Rgds

Andre v d Spuy

---

**From:** Andre van der Spuy [<mailto:avdspuy@iafrica.com>]

**Sent:** 10 June 2019 11:27 AM

**To:** 'Maura Talbot'; 'gustav@bexgroup.co.za'; 'pbpickford@gmail.com'; 'Deon Brand'; 'Alvin Roon'; 'Mary Ralphs Britannica Heights'; 'Lunga Dlova'; 'Limpho Makotoko'; 'sl.cyrus@outlook.com'

**Subject:** RE: Boulders Windfarm PPP Advert

Dear Ms. Talbot

I note from the Draft EIR that the next version of the EIR that will be produced under your management as the EAP will be the Final EIR. I also note however that you do not appear to have planned for a comment period on the Final EIR. Please confirm that a comment opportunity will indeed be provided (on the Final EIR) for I&APs, as required.

Kind regards



Andre van der SPuy

---

**From:** Andre van der Spuy <[avdspuy@iafrica.com](mailto:avdspuy@iafrica.com)>

**Sent:** Monday, 10 June 2019 14:35

**To:** Maura Talbot <[m.talbot@cesnet.co.za](mailto:m.talbot@cesnet.co.za)>; [gustav@bexgroup.co.za](mailto:gustav@bexgroup.co.za);  
[pbpickford@gmail.com](mailto:pbpickford@gmail.com); 'Deon Brand' <[deonbrand@yahoo.com](mailto:deonbrand@yahoo.com)>; 'Alvin Roon'  
<[alvin.roon@gmail.com](mailto:alvin.roon@gmail.com)>; 'Mary Ralphs Britannica Heights' <[maryralphs@mweb.co.za](mailto:maryralphs@mweb.co.za)>;  
'Lunga Dlova' <[LDlova@environment.gov.za](mailto:LDlova@environment.gov.za)>; 'Limpho Makotoko'  
<[lmakotoko@environment.gov.za](mailto:lmakotoko@environment.gov.za)>; [sl.cyrus@outlook.com](mailto:sl.cyrus@outlook.com)

**Subject:** RE: Boulders Windfarm PPP Advert

Dear EAP

Below refers.

I am aware of the very specific requirements of the EIA Regulations and NEMA. Please be advised that you will be required to provide I&APs, including our clients, with a further comment opportunity. If, as you seem to suggest, the future comments must be delivered to the DEA as the Competent Authority then you should provide us and the I&APs with confirmation that the DEA will accept and consider such comments at that time – and that you as the EAP will notify I&APs of their rights in this regard, and in good time. It is noted that the Draft EIR is completely silent in this regard.

Rgds

Andre v d Spuy