

NOTIFICATION OF APPLICATION FOR A PROTECTED TREE PERMIT, AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND FINALISATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 (Ref. No.: 14/12/16/3/3/1/2985)

Comments and Response Register (PPP: 17 April 2025 – 23 May 2025)

#	Name, Org & Date	Comment Received	Response
1	Helezé Williams ATM Group Email Dated: 17/04/2025	Hi Zinzi, Please register Kalahari Golf Estate (Pty) Ltd (Previously Kalahari Golf & Jag Pty Ltd) as an interested and affected party. Email address: heleze@atmg.co.za donovan@atmg.co.za and christine@atmg.co.za Contact number: 021 xxx xx84 Thank you Helezé Williams Office Manager ATM Group	Good day Helezé Your email below is noted, and Kalahari Gold Estate will be added as an Interested and Affected Party. Kind regards, Zinzi Portia Xakayi
2	Johann van Schalkwyk Department of Economic Development & Tourism, Northern Cape Province Email Dated: 17/04/2025	Zinzi Thank you for the invitation to provide input. I would like to register that Kathu and surrounds is an important tourist destination with much of its attraction influence driven by the presence of the Camel Thorn Tree Forest and related biodiversity, especially birding. The area is also an important hunting destination and hunter decisions are also influenced by the pristine and unique state of the hunting environment. The tree-rich aspect of this area as a birding and hunting destination plays an important part in it being a popular hunting destination and efforts need to be made to preserve this. The two tree species mentioned in your communication, especially the Camel Thorn Tree, is already adversely impacted by mining activities in the Kathu area and indications of removing a further 347 trees from this tourist destination is of great concern to us that are responsible for destination development and marketing. It should be noted that the Northern Cape tourism industry generates just over R1 billion as contribution to the provincial economy. It is also one of the big employment drivers in the province. We as the government-based destination developers and marketers see it	Good day Johann, Thank you for your detailed email. Your concerns have been noted and are sincerely appreciated. You have been registered as an Interested and Affected Party (I&AP) for the project. We fully acknowledge the ecological and tourism value of the Camel Thorn Tree Forest in the Kathu area, particularly its importance to birding, hunting, and the regional economy. Please find attached the Terrestrial Biodiversity Impact Assessment Report. For the locations of the identified tree species, kindly refer to pages 36 and 37. While we share your concern regarding the potential environmental and tourism impacts, the identified protected trees are in the direct footprint of the proposed photovoltaic facility, and as such, their removal is unfortunately unavoidable. That said, where avoidance is possible, it will be the preferred mitigation approach. In addition, the specialist report outlines a series of mitigation measures and rehabilitation commitments to manage the ecological impact as far as practically feasible. Note that the Kathu Forest Nature Reserve, which was established on the eastern side of the existing Concentrated Solar Project (CSP), will remain and will be buffered by 175m from the proposed solar PV plant by a naturally vegetated area.

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		as our key responsibility to protect this tourism economic and job creation contribution and the potential to further grow it. We lack more precise details of where the intended tree removal is to take place but in light of the above, we want the adverse tourism impact concern to be noted and registered. Our preference would be to make a bigger effort to remove much less than 347 trees from the Kathu area. With kind regards Johann van Schalkwyk DIRECTOR: TOURISM DEVELOPMENT UNIT, TOURISM PROGRAMME Department of Economic Development & Tourism, Northern Cape Province, South Africa xxx.dtec@gmail.com (E-Mail) / +27-53-xxx-xxxx (Office) / +27-79-xxx-xxxx (Mobile) / +27-86-xxx-xxxx (Fax)	We remain committed to a balanced and responsible process that considers environmental and socio-economic considerations. You will be kept informed of any developments as the project progresses. Best regards, Zinzi Portia Xakayi
3	Ms. Trisha Pillay Department of Forestry, Fisheries and the Environment Email Dated: 30/04/2025	DFFE Reference: 14/12/16/3/3/1/2985/AM1 Enquiries: Ms Trisha Pillay Telephone: (012) xxx xxxx E-mail: xxxxxxxx@dffe.gov.za Mr Reuben Heydenrych Zutari (Pty) Ltd PO Box 74381 LYNWOOD RIDGE 0040 Telephone Number: (012) xxx xxxx Email Address: Reuben.Heydenrych@zutari.com PER EMAIL Dear Mr Heydenrych ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 03 SEPTEMBER 2024 FOR THE DEVELOPMENT OF 12MW KATHU SOLAR PV AUGMENTATION FACILITY ON THE	Dear Trisha Please see our responses to your questions below. As discussed in the call yesterday, the applicant wishes to <u>withdraw the application for amendment of the EA</u>. However, we do wish to continue with the finalisation of the EMPr, submission of final layout plans, and associated plans required by the EA (14/12/16/3/3/1/2985). Best wishes, Reuben

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		FARM KATHU NO. 465 WITHIN GAMAGARA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE The Department confirms having received the application for amendment of the Environmental Authorisation for the abovementioned project on 17 April 2025. Please note that your application for amendment of the environmental authorisation falls within the ambit of amendments to be applied for in terms of Part 1 of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended. You are therefore referred to Regulation 30 of the EIA Regulations, 2014 as amended. Kindly note that you are requested to submit the following additional information in terms of Regulation 30(1)(a) of the EIA Regulations, 2014 as amended for the Department to be able to process your application for amendment: The memorandum document refers to the following: - The EA (12/12/20/1994) for the Concentrated Solar Plant (CSP) issued in 1994 included a requirement for the establishment of the Kathu Forest Nature Reserve (KFNR) as a biodiversity offset area, primarily for the conservation of protected tree species, specifically Camel Thorn <i>Vachellia erioloba</i> and Shepherd Trees <i>Boscia albitrunca</i>. The KFNR was accordingly created, fenced, and managed. However, a Management Plan for the KFNR has to date not been approved. The Solar Photovoltaic Augmentation (SPA) is a new project that will support the Concentrated Solar Plant (CSP) and has a separate EA (14/12/16/3/3/1/2985)." - Kindly provide clarity to the Department as to where the requirement of the biodiversity offset originated from. Please provide a certified copy of the EA (12/12/20/1994) and highlight where the requirement for the establishment of the Kathu Forest Nature Reserve (KFNR) as a biodiversity offset area is mentioned. "Note that the approval of the KFNR Management Plan remains a condition of the original EA (12/12/20/1994) for the CSP facility. This enables the environmental Competent Authority to continue to enforce compliance regarding the approval of the KFNR Management Plan. Removal of Condition 16.1 from the EA for the SPA does not in jeopardise their right to take such enforcement action, should they wish to do so.	<i>The EA (12/12/20/1994) for the Concentrated Solar Plant (CSP) mentions the establishment of the Kathu Forest Nature Reserve by implication, if not verbatim.</i> <i>Condition 2 of this EA (see Annexure 1) states: "The proposed development must be confined within point A, B, C, D, E and F as indicated with the coordinates on a map attached as annexure 2 of this authorisation to maintain the buffer zone from the Kathu Forest⁽¹⁾ as required. Annexure 2 must always be read in conjunction with this authorisation." – see figure below from the EA.</i> <i>Item 33 also states: "The applicant must ensure that no development take place on the eastern side of the fence as indicated by a red line on the locality map attached as annexure 2 of this authorisation".</i> <i>With respect to the last requirement regarding the boundary of development, note that protected of the KFNR has been further reinforced by imposition of a 170m buffer outside (west of) the specified fence, as requested by Ms Mans of the DFFE: Forest Resource Protection during the Basic Assessment process for the solar PV plant.</i> <i>The Kathu Forest Nature Reserve was officially declared as such in 2018 (see attached Notice 294 of 2018). Therefore, the protected status of the KFNR is beyond question. It is only approval of the management plan for the KFNR that is currently at stake.</i>

⁽¹⁾ Meaning the Kathu Forest Nature Reserve

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		Can you provide a certified copy of the EA (12/12/20/1994) and highlight where the approval of the KFNR Management Plan is a condition of the EA. As per the draft minutes of the pre-application meeting kindly provide the confirmation from Jacoline Mans in writing that she has no objections to the amendment that will be required. Kindly take note the EMPr should only be submitted once a decision has been made regarding the request for the removal of Condition 16.1 from the EA (14/12/16/3/3/1/2985). This is due to the fact that the EMPr is to be submitted in fulfilment of the conditions stipulated in the EA (14/12/16/3/3/1/2985), currently the applicant is requesting the removal of Condition 16.1 as they cannot comply with this condition “<i>The Kathu Forest Nature Reserve Management Plan approved by the Minister or MEC.</i>” Therefore, the submission of the draft EMPr to the department for comments should only be submitted once a decision is reached on the request for the removal of Condition 16.1 of the EA. The outstanding information must be submitted on or before the 13 May 2025. The requested information must be sent via email to eiaapplications@environment.gov.za as per point 10 of the “Process for uploading of files to the Department of Forestry, Fisheries and the Environment – August 2023” document. Kind Regards, Ms. Trisha Pillay Environmental Officer: Priority Infrastructure Projects Registered Environmental Assessment Practitioner: 2021/3791 Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment Private Bag X447 Pretoria 0001 (066) xxx xxxx xxxxxx@dffe.gov.za	Department of Environmental Affairs Environmental Authorisation Reg. No. 12/12/20/1994 & DEAT/EIA/12268/2011 Annexure 2: Locality Map (Farm Kathu 465) Locality Map of Farm Kathu 465 2011-015_CP_Kathu465

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			<i>The establishment of the KFNR offset is primarily required by permit for removal of protected trees (ref. NCU 6171115) issued on 2 December 2015 (see attached Annexure 2).</i> <i>The applicant has agreed to withdraw the application for amendment of Condition 16.1. They will pursue the approval of the Management Plans for the KFNR through other channels. However, we provide the information below for your benefit so that you have all the relevant information regarding the project.</i> <i>As indicated above, the EA for the CSP (12/12/20/1994) and the permit for removal of protected trees (ref. NCU 6171115) contain enforceable legal requirements for the establishment of the KFNR and the KFNR has been legally declared as a nature reserve under the National Forests Act, 1998. The draft Management Plan was subjected to extensive stakeholder engagement and all stakeholder comments have been thoroughly addressed (see Annexure 3). The stakeholder engagement process for the KFMP took place from 12 April to 14 June 2024. Comments submitted by interested and affected parties including government departments were considered when finalising the management plan. In view of this, it is unlikely that further substantive editing of the Management Plan will be needed prior to final approval by the MEC – an approval that is primarily administrative in nature.</i> <i>The Management Plan was submitted to the Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (DAEARDLD) on 12 August 2024. The DAEARDLD held a site meeting with KSP on 28 August 2024 to validate the progress that KSP achieved during the year. The DAEARDLD arranged for final assessment and verdict to be determined during the Northern Cape Protected Areas Expansion Review Committee in November 2024, but this meeting was postponed.</i> <i>Please see Annexure 1.</i> <i>We have requested Ms. Mans' written confirmation that she does not object to the removal of this condition (see Annexure 4).</i> <i>We take note of the DFFE's administrative decision and confirm that the applicant has requested us to withdraw the application for amendment.</i>

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	Ms. Trisha Pillay Department of Forestry, Fisheries and the Environment Email Dated: 13 May 2025	Dear Reuben Kindly provide clarity are you withdrawing the entire application so the application for amendment to remove Condition 16.1 and the submission of the draft EMPr and Layout Plan for comments. Kind Regards, Ms. Trisha Pillay Environmental Officer: Priority Infrastructure Projects Registered Environmental Assessment Practitioner: 2021/3791 Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment +Private Bag X447 Pretoria 0001	Hi Trisha As discussed telephonically, I have not yet received a written response from Jacoline Mans regarding the request to amend Condition 16.1 of the EA. Kindly grant an extension for us to submit this response to you. Best regards, Reuben Heydenrych
	Ms. Trisha Pillay Department of Forestry, Fisheries and the Environment Email Dated: 13 May 2025	Dear Reuben Your request is hereby acknowledged, and the outstanding information must be submitted on or before the 12 June 2025. The requested information must be sent via email to eiaapplications@environment.gov.za as per point 10 of the "Process for uploading of files to the Department of Forestry, Fisheries and the Environment – August 2023" document. Kind Regards, Ms. Trisha Pillay Environmental Officer: Priority Infrastructure Projects Registered Environmental Assessment Practitioner: 2021/3791 Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment Private Bag X447 Pretoria 0001 (066) xxx xxxx xxxxxx@dffe.gov.za	

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	Ms. Trisha Pillay Department of Forestry, Fisheries and the Environment Email Dated: 13 May 2025	Dear Reuben Kindly provide clarity are you withdrawing the entire application so the application for amendment to remove Condition 16.1 and the submission of the draft EMPr and Layout Plan for comments. Kind Regards, Ms. Trisha Pillay Environmental Officer: Priority Infrastructure Projects Registered Environmental Assessment Practitioner: 2021/3791 Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment Private Bag X447 Pretoria 0001 (066) xxx xxxx xxxxxx@dffe.gov.za	Hi Trisha Please see the highlighted text below. We are continuing with the EMPr finalisation. Regards, Reuben Heydenrych 13 May 2025
	Ms. Trisha Pillay Department of Forestry, Fisheries and the Environment Email Dated: 16 May 2025	Dear Reuben Thank you, your request for withdrawal of the EMPr is hereby acknowledged. Kind Regards, Ms. Trisha Pillay Environmental Officer: Priority Infrastructure Projects Registered Environmental Assessment Practitioner: 2021/3791 Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment Private Bag X447 Pretoria 0001	Hi Trisha Thank you for the response. We particularly appreciate your confirmation of having met with the Northern Cape authorities and DFFE Forestry to address the management plan approval. May we please request clarification of two items: - Can you please clarify your wording regarding the EMPr? As I understood our conversation on Monday, it is not procedurally possible to approve the EMPr in parallel to the amendment. Therefore, as I understand we have no option other than withdrawing the EMPr. The applicant client would like clarification of the word "recommend" in your email. - Condition 16.1 may be "replaced with a condition enabling the approval of the Kathu Forest Management Plan and complying with Biodiversity Offset". Without wanting to pre-judge the content or outcome of the

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			DFFE's decision, may we ask for clarification about what this means? Would it have time implications for the PV plant? Lastly, the applicant requests whether it would be possible to have a short meeting to discuss these issues. Best regards, Reuben
	Ms. Trisha Pillay Department of Forestry, Fisheries and the Environment Email Dated: 19 May 2025		Hi Trisha Thanks again for the meeting this morning. We will draft minutes in due course. We hereby <u>withdraw the request for finalisation of the EMPr</u>. We will deal with final approval of the EMPr after DFFE's decision on the amendment. Best regards, Reuben 19 May 2025
4	Mr Jan Burger (neighbouring landowner) In-Person Meeting Held on 15/05/2025		Please refer to the attached minutes of the meeting with Mr Burger.
5	Elsabé Swart Department Agriculture, Environmental Affairs, Rural Development and Land Reform Email Dated: 22/05/2025	Dear Trisha, Attached herewith please find our perspective and recommendation regarding the application DFFE received for amendment of EA condition 16.1, regarding the Kathu Solar Park development. Should you have any questions or need clarity on our communication, please do not hesitate to contact us. We trust that our communication will receive due consideration. Kind regards,	Noted

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		Elsabè Scientific Manager: Gr B Research (Environmental) Head Office Kimberley Long Street 90 Mobile: xxx xxx xxxx (if I am unable to answer your call, please send a WhatsUp) e-mail: xxxxxxx@daerl.co.za	

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		 agriculture, environmental affairs, rural development and land reform Department: agriculture, environmental affairs, rural development and land reform, NORTHERN CAPE PROVINCE REPUBLIC OF SOUTH AFRICA RESEARCH 90 Long Street, Kimberley, Northern Cape, South Africa, 8300, Tel: (053) 807 7300, E-mail: sdelafontaine@daerl.co.za web: www.agric.gov.za <table border="1"> <tr> <td>Date:</td><td>20/5/2025</td><td>Reference:</td><td>14/12/16/3/3/1/2985</td></tr> <tr> <td>To:</td><td>Trisha Pillay at tpillay@dfre.gov.za</td><td>From:</td><td>S. de la Fontaine (sdelafontaine@daerl.co.za)</td></tr> </table> RE: Recommendation for revision of Condition 16.1 – Kathu Solar Park (Reference: 14/12/16/3/3/1/2985) Ms. Trisha Pillay Environmental Officer: Priority Infrastructure Projects Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment Private Bag X447 Pretoria 0001 Please cc the following: jmans@dfre.gov.za, aabrahams@daerl.co.za, mmanyala@daerl.co.za, jonathan.brenchley@kathusolarpark.co.za, CAGENBACH@dfre.gov.za, Reuben.Heydenrych@zutari.com, Zinzi.Xakayi@zutari.com Dear Trisha, RE: PART 1 EA AMENDMENT APPLICATION: RECOMMENDATION FOR REVISION OF CONDITION 16.1 – KATHU SOLAR PARK (REFERENCE: 14/12/16/3/3/1/2985) 1. Background Zutari (Pty) Ltd, acting as the Environmental Assessment Practitioner (EAP) on behalf of Kathu Solar Park (RF) (Pty) Ltd (KSP), has submitted an application in terms of Part 1 of the EIA Regulations, 2014 (as amended), under the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), to amend Condition 16.1 of the Environmental Authorisation (EA) issued on 3 September 2024. Condition 16.1 currently reads: <i>"The EMP amendment must include the following:</i> <i>16.1. The Kathu Forest Nature Reserve Management Plan approved by the Minister or MEC."</i> 	Date:	20/5/2025	Reference:	14/12/16/3/3/1/2985	To:	Trisha Pillay at tpillay@dfre.gov.za	From:	S. de la Fontaine (sdelafontaine@daerl.co.za)	
Date:	20/5/2025	Reference:	14/12/16/3/3/1/2985								
To:	Trisha Pillay at tpillay@dfre.gov.za	From:	S. de la Fontaine (sdelafontaine@daerl.co.za)								

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		The Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (DAERL), as the competent authority for the declaration and management of protected areas under the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA) in the Northern Cape province, was consulted on the amendment application. 2. <u>Legal and Institutional Considerations</u> The Kathu Forest Nature Reserve (KFNR) was designated as an offset for the loss of protected tree species due to the Kathu Solar Park (CSP) project's impact and has been declared under the National Forests Act (84 of 1998) as a Forest Nature Reserve. However, this declaration does not guarantee perpetual protection, nor does it constitute formal designation under NEMPAA, which is required to fully meet biodiversity offset obligations. The NEMPAA process and approval of its management plan falls within the DAERL's jurisdiction, while the Environmental Authorisation and its conditions fall under the DFFE. Furthermore, the current wording of Condition 16.1 creates a dependence on administrative processes (NEMPAA declaration and plan approval) that lies outside DFFE's jurisdiction and therefore cannot be enforced by DFFE directly. 3. <u>DAERL Recommendation</u> The DAERL supports the removal of Condition 16.1, on the basis that it is not implementable as currently written. However, to ensure that the intent and function of the condition, namely the delivery of the biodiversity offset and legal protection of the KFNR, are preserved, this department propose the inclusion of the following replacement condition: <i>Proposed Replacement Condition:</i> <i>"The holder of the Environmental Authorisation must ensure that the Kathu Forest Nature Reserve is progressed through the NEMPAA declaration and management plan approval process, in collaboration with the DAERL, within five (5) years of the date of this amendment, or within such extended period as may be agreed to in writing by the DAERL. Proof of engagements and progress reporting must be submitted to the DFFE annually, and upon request, until such time as the reserve is formally declared and managed in accordance with NEMPAA requirements."</i> 4. <u>Justification</u> This proposed condition:	

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		• Respects the distinction of legal competencies between DFFE (under NEMA) and DAERL (under NEMPAA). • Preserves the enforceability of the EA by allowing DFFE's Compliance Directorate to monitor and enforce progress and engagement obligations. • Ensures continuity and accountability in implementing the biodiversity offset as required by the Environmental Authorisation. We trust that this recommendation will assist in amending the EA in a manner that is both legally sound and ecologically meaningful. Please do not hesitate to contact us should you require further clarification or engagement on this matter. Yours sincerely  _____ E. Swart Scientific Manager Grade B (Research) Department of Agriculture, Environmental Affairs, Rural Development & Land Reform Date: 21/5/2025	

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6	Elsabé Swart Department Agriculture, Environmental Affairs, Rural Development and Land Reform Email Dated: 22/05/2025	Dear Zinzi, Attached herewith please find our comments and recommendations on the EMPr for the Kathu Solar PV development. We trust that it will receive the needed attention and due consideration. Should you need any further clarity, please do not hesitate to contact Samantha de la Fontaine. Kind regards, Elsabé Scientific Manager: Gr B Research (Environmental) Head Office Kimberley Long Street 90 Mobile: xxx xxx xxxx (if I am unable to answer your call, please send a WhatsUp) e-mail: xxxxxxx@daerl.co.za	Noted. The necessary amendments will be made to the EMPr before it is re-submitted for approval.

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		 agriculture, environmental affairs, rural development and land reform Department: agriculture, environmental affairs, rural development and land reform, NORTHERN CAPE PROVINCE REPUBLIC OF SOUTH AFRICA RESEARCH 90 Long Street, Kimberley, Northern Cape, South Africa, 8300, Tel: (053) 807 7300, E-mail: sdelafontaine@daerl.co.za web: www.agrinc.gov.za <table border="1"> <tr> <td>Date:</td><td>20/5/2025</td><td>Reference:</td><td>EMPr for Kathu Solar PV</td></tr> <tr> <td>To:</td><td>Zinzi Portia Xakayi at Zinzi.Xakayi@zutari.com</td><td>From:</td><td>S. de la Fontaine (sdelafontaine@daerl.co.za)</td></tr> </table> RE: The Environmental Management Programme (EMPr) for the proposed Kathu Solar PV augmentation facility on the Farm Kathu No. 465 Zinzi Portia Xakayi Riverwalk Office Park 41 Matroosberg Road, Ashlea Gardens Extension 6 Pretoria 0040 cc: ec@endemicvision.co.za, jmans@dfre.gov.za, aabrahams@daerl.co.za, mmanyala@daerl.co.za, jonathan.brenchley@kathusolarpark.co.za, tpillay@dfre.gov.za, CAGENBACH@dfre.gov.za, Reuben.Heydenrych@zutari.com Dear Zinzi, RE: FINALISATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465, WITHIN THE GAMAGARA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE Following a detailed review of the Environmental Management Programme (EMPr – dated 25 April 2025) and its appendices for the Kathu Solar PV Plant development, including the Alien Invasive Management Plan (Appendix C1) and the Rehabilitation Management Plan (Appendix C2), several issues were identified that require improvement. These revisions are essential to ensure effective implementation, particularly given the site's close proximity to the Kathu Forest Nature Reserve (KFNR) and other ecologically sensitive areas. <u>Below are the consolidated recommendations:</u> 	Date:	20/5/2025	Reference:	EMPr for Kathu Solar PV	To:	Zinzi Portia Xakayi at Zinzi.Xakayi@zutari.com	From:	S. de la Fontaine (sdelafontaine@daerl.co.za)	
Date:	20/5/2025	Reference:	EMPr for Kathu Solar PV								
To:	Zinzi Portia Xakayi at Zinzi.Xakayi@zutari.com	From:	S. de la Fontaine (sdelafontaine@daerl.co.za)								

NOTIFICATION OF APPLICATION FOR A PROTECTED TREE PERMIT, AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND FINALISATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 (Ref. No.: 14/12/16/3/3/1/2985)

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		1. The EMPr must be updated to clearly and accurately reflect the full 175-meter buffer between the proposed development and the Kathu Forest Nature Reserve (KFNR). a. Issues identified: i. Figure 2-1 shows the buffer in yellow, but it does not extend along the full eastern boundary of the KFNR. It must be extended to the fence line of Kalahari Golf and Jag Landgoed No. 775. ii. Figure 2-4 displays the buffer in white but incorrectly shows it as 170 meters instead of the required 175 meters. b. Corrections required: i. All relevant maps must: - Accurately show the entire 175-meter buffer from the KFNR fence line to the project footprint. - Extend the buffer along the full eastern boundary up to Kalahari Golf and Jag (Landgoed No. 775)'s fence line. ii. The buffer must be geospatially verified. iii. The EMPr must include a clear commitment to maintaining the buffer, with monitoring by the ECO. iv. Corrected maps and text must be submitted for approval. 2. Given the close proximity of the development to the KFNR, it is highly recommended that the EMPr incorporate edge-effect mitigation measures with clearly defined responsibilities, e.g.: a. Establishment of dense, indigenous vegetation (e.g., <i>Vachellia erioloba</i>, <i>Boscia albitrunca</i>) along the eastern boundary to: i. Filter dust, light, and noise, ii. Reduce visual impact, iii. Stabilize soil and prevent erosion, iv. Serve as a natural barrier against invasive species. b. Install wildlife-friendly barriers to: i. Prevent unauthorized access by people, vehicles, and domestic animals. ii. Include features like artificial passageways (e.g. old tyres at the bottom of fences) to facilitate the movement of wildlife (e.g., tortoises, rodents) where appropriate.	

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		c. Use low-spill, downward-facing lights (e.g., LED cones) and avoid activities that generate noise activities near the edge of the KFNR during sensitive times (e.g., dawn, dusk, breeding seasons). 3. The Alien Invasive Management Plan (AIMP – Appendix C1) should: a. Include a map overlaying Alien Invasive Plant (AIP) hotspots with ecologically sensitive zones (i.e., buffer areas, ephemeral pans, KFNR buffer, etc.). This overlay is essential for prioritising management areas and allocating resources efficiently. Currently, no distribution maps are provided in Appendix C1, despite mapping being a key requirement outlined in Table 6-3 of the EMPr. b. Replace vague monitoring terms like “<i>ongoing monitoring</i>” with defined timeframes, e.g. monthly during the growing season, quarterly during dormant periods, etc. Specific intervals create accountability, ensure early detection of invasive regrowth, and support data-driven adaptive management. “Ongoing” is too open-ended and may lead to inconsistent application or lack of follow-through. c. Specify restoration strategies (e.g., mulching, reseeded with indigenous species) and link to Appendix C2 (Rehabilitation Management Plan) for implementation details. Control without restoration creates bare, disturbed soil that is prone to rapid recolonisation by invasives. d. Explain how invasive species control contributes to the functional integrity of the 175-meter buffer adjacent to the KFNR. 4. The Rehabilitation Management Plan (RMP – Appendix C2) should: a. Define clear, measurable targets for vegetation cover, species diversity, erosion control, and soil health (e.g., “70% indigenous cover within 2 years”). Measurable indicators are critical for monitoring progress, triggering corrective actions, and demonstrating compliance with environmental commitments. b. Add a comprehensive list of Species of Conservation Concern (SCC) and protected species expected on-site. Include photos, illustrations, or an identification field guide. This is essential for planning effective search and rescue as well as re-establishment efforts. It will also assist construction and ECO teams in correctly identifying SCC and protected species on-site, like what was done for the Alien Invasive Management Plan (AIMP – Appendix C1).	

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		c. Point 7.1.3 (page 16) refers to the establishment of a link/corridor with surrounding natural areas (e.g., woodland, ephemeral pans). This linkage has already been incorporated into the Management Plan for the broader KFNR area. Please add or provide an updated version of the relevant map here to visually illustrate this connection. d. Recommend drought-tolerant species for rehabilitation success in this semi-arid environment. e. Define what will be monitored (e.g., cover percentage, erosion, species composition), how often (e.g., quarterly), and by whom (e.g., ECO, third-party auditor). The same applies to search-and-rescue operations. Should you require any clarification or support in addressing these recommendations, please do not hesitate to contact our office. Yours sincerely  _____ E. Swart Scientific Manager Grade B (Research) Department of Agriculture, Environmental Affairs, Rural Development & Land Reform Date: 21/05/2025	

NOTIFICATION OF APPLICATION FOR A PROTECTED TREE PERMIT, AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND FINALISATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 (Ref. No.: 14/12/16/3/3/1/2985)

Comments and Response Register (PPP: 17 April 2025 – 23 May 2025)

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7	Lerato Mokhoantle Department of Water and Sanitation Email Dated: 23/05/2025	Good day This office acknowledges receipt of the notification of the amendment of the EA for Kathu Solar Park (RF) Pty Ltd (KSP). Please take note of Section 21 water uses in the NWA, 1998 (Act 36 of 1998), and if there is no water use authorization in place for this activity, please apply for it electronically via the Electronic Water Use Licence Application and Authorisation (EWULAA) system (www.dws.gov.za/ewulaas). And feel free to use this e-mail as an official communication from this office in relevant platforms. Regards	Noted. There is no new water use involved in the current application.
8	Jacoline Mans Department of Forestry, Fisheries and the Environment Email Dated: 23/05/2025	Dear Zinzi, Attached herewith please find comments from the Branch: Forestry Management in the DFFE on the Final EMPr for the Kathu Solar PV development. We trust that it will receive the necessary attention and due consideration. Yours sincerely Jacoline Mans Directorate: Forest Resource Protection (NC) Department of Forestry, Fisheries and the Environment	Email Dated: 23/05/2025 Good day Jacoline, I hereby acknowledge receipt of the Department's comments. Kind regards, Zinzi Portia Xakayi

NOTIFICATION OF APPLICATION FOR A PROTECTED TREE PERMIT, AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND FINALISATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 (Ref. No.: 14/12/16/3/3/1/2985)

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		 forestry, fisheries & the environment Department: Forestry, Fisheries and the Environment REPUBLIC OF SOUTH AFRICA 29 Olen Street, Louisvale Road, Uppington, 9801 Contact Number: 060 973 1660 Enquiries: Ms. J. Mans, Cell 060 973 1660, E-mail: jmans@dffe.gov.za COMMENTS-NC-JT-0001-2024-25 (2025) RE: COMMENTS ON THE FINAL ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) OF THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 WITHIN GAMAGARA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE (EA REF: 14/12/16/3/3/1/2985) ON FARM KATHU 465 WITHIN GAMAGARA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE DATE: 23 May 2025 Zinzi Portia Xakayi / Reuben Heydenrych Zutari (Pty) Ltd P.O. Box 74381 Lynnwood Ridge 0040 PER E-MAIL: Zinzi Portia Xakayi (Zinzi.Xakayi@zutari.com); cc ppp@zutari.com cc Reuben Heydenrych (Reuben.Hydenrych@zutari.com) cc Trisha Pillay (tpillay@dffe.gov.za) Please receive comments from the Branch: Forestry Management, Directorate: Forest Resource Protection in the Department of Forestry, Fisheries and the Environment (DFFE) on the above-mentioned proposed development. The due date for comments is 23 May 2025. <u>ENVIRONMENTAL AUTHORISATION (EA) REF: 14/12/16/3/3/1/2985 CONDITION 16.1</u> 1. The Branch: Forestry Management supports the removal of Condition 16.1 from the Environmental Authorisation (Reference Number: 14/12/16/3/3/1/2985), subject to the following proposed replacement condition: Kathu Solar Park (KSP) must apply to the relevant provincial authority to declare the Kathu Forest Nature Reserve (the 644-ha Biodiversity Offset) as a Nature Reserve (NR) in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA). The amended, updated Management Plan for the NR must be submitted to the relevant provincial authority for approval by the MEC in terms of Section 39 of the NEMPAA within twelve (12) months of the date of this EA amendment, and a copy of the <u>approved plan</u> must be submitted to the DFFE before the authorization lapses. Proof of engagements with the relevant provincial authority (DAERL) and annual progress reports must be submitted to the DFFE, until such time that the reserve is formally declared and managed in accordance with NEMPAA requirements. 2. In the final approved layout, a <u>175-meter buffer area</u> must be maintained between the PV project (this application) and the Kathu Forest Nature Reserve, <u>not 170 meters as proposed in EPC Drawing Nr. AZAE142-A2-EN-DWG-2101</u> (dated 15 April 2025).  Batho pele - putting people first The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.	DFFE: COMMENTS AND RESPONSES TO THE LETTER DATED 23 MAY 2025 COMMENTS-NC-JT-0001-2024-25 (2025) COMMENTS ON THE FINAL ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) OF THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 WITHIN GAMAGARA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE (EA REF: 14/12/16/3/3/1/2985) ON FARM KATHU 465 WITHIN GAMAGARA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE <table border="1"> <thead> <tr> <th>No.</th><th>DFFE Comment</th><th>No.</th><th>Response</th></tr> </thead> <tbody> <tr> <td align="center" colspan="4">ENVIRONMENTAL AUTHORISATION (EA) REF: 14/12/16/3/3/1/2985 CONDITION 16.1</td></tr> <tr> <td align="center">1</td><td> The Branch: Forestry Management supports the removal of Condition 16.1 from the Environmental Authorisation (Reference Number: 14/12/16/3/3/1/2985), subject to the following proposed replacement condition: Kathu Solar Park (KSP) must apply to the relevant provincial authority to declare the Kathu Forest Nature Reserve (the 644-ha Biodiversity Offset) as a Nature Reserve (NR) in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA). 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According to the amendment of the solar PV Environmental Authorisation issued by the DFFE on 25 May 2025 (ref. 14/12/16/3/3/1/2985/AM1), "<i>The Kathu Forest Nature Reserve Management must be submitted to the Minister of Forestry, Fisheries and the Environment via the Directorate: Forest Resource Protection in the Northern Cape for approval within twenty-four (24) months of the date of this EA amendment</i>". </td></tr> </tbody> </table>	No.	DFFE Comment	No.	Response	ENVIRONMENTAL AUTHORISATION (EA) REF: 14/12/16/3/3/1/2985 CONDITION 16.1				1	The Branch: Forestry Management supports the removal of Condition 16.1 from the Environmental Authorisation (Reference Number: 14/12/16/3/3/1/2985), subject to the following proposed replacement condition: Kathu Solar Park (KSP) must apply to the relevant provincial authority to declare the Kathu Forest Nature Reserve (the 644-ha Biodiversity Offset) as a Nature Reserve (NR) in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA). 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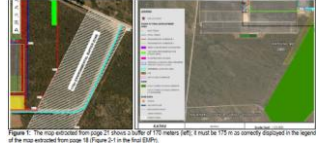
#	Name, Org & Date	Comment Received	Response			
		<u>COMMENTS ON KATHU SPA FACILITY FINAL ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr), REVISION 1, DATE 2025/04/15:</u> 3. Page 19 states that "a portion of the project footprint is still zoned agriculture" and page 29 in respect of SALA, "if required, an application will be submitted to DALRRD for authorisation following the conclusion of the BA process." The re-zoning matter is also mentioned under SPLUMA. Kindly confirm the zonation of the proposed project footprint and illustrate it on a map, clearly showing the portions zoned agriculture versus industrial zone. If the development footprint is still zoned agriculture, has the process commenced for the re-zoning applications under SPLUMA and SALA? If not, the developer should note that the NFA Regulations states that all other approvals must be in place, before a licence for protected tree removal can be considered. Thus, the re-zoning matter may cause further delays if it was not attended to. 4. The map on page 21 of the final EMPr, displayed as Figure 2-4: Kathu SPA Final Layout <u>cannot be approved</u>, because it shows a reduced environmental buffer of 170-meters. This needs to be amended and changed to 175m as agreed upon during online meetings, as well as per final recommendations by the Forestry Branch after the site visit of August 2024. The map displayed as Figure 2-1: Kathu SPA Facility Locality Map, correctly reflects the buffer as 175m in its legend. Please <u>amend the final layout plan to comply with the required 175-m buffer</u>.  Figure 1: The map extracted from page 21 shows a buffer of 170 meters (left); it must be 175 m as correctly displayed in the legend of the map extracted from page 18 (Figure 2-1 in the final EMPr). 5. Page 23 of the final EMPr states the "Kathu Camelthorn/Kameeldoring Forest is a proclaimed <u>national</u> heritage site, since it constitutes the largest Camelthorn (<i>Acacia erioloba</i>) forest in southern Africa." It is a <u>natural</u> heritage site. 6. The EMPr fails to refer to the required 175m buffer adjacent to the 644-ha Kathu Forest Nature Reserve offset area as per condition 14.1 of the EA, which was an offset required to compensate for the unavoidable medium to high impacts on protected trees to facilitate the KSP developments. The 175m buffer needs to be clearly delineated during the construction phase. This requirement is not reflected or addressed in EMPr, except under 6.1 in Table 6-4, but there the buffer width is not specified. It only states: "Avoid ingress into proclaimed biodiversity offset area by maintaining a buffer between the planned development and the biodiversity offset area." The EMPr is generic, containing vague statements such as "ensure that the proposed development footprint area remain as small as possible" and "the width of the construction footprint must be agreed upon by the ECO and the Engineer and as far as possible must be kept to a minimum." This is not acceptable. The 175m required buffer should be strictly implemented. The ECO and Engineer should not be allowed to decide on the width of the construction footprint, because it carries a risk that they may intrude into the 175m buffer. Table 5-2: Flora and Fauna and Water, under impact on flora		2 In the final approved layout, a <u>175-meter buffer area</u> must be maintained between the PV project (this application) and the Kathu Forest Nature Reserve, <u>not 170 meters as proposed in EPC Drawing Nr. AZAE142-A2-EN-DWG-2101 (dated 15 April 2025).</u> <u>COMMENTS ON KATHU SPA FACILITY FINAL ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr), REVISION 1, DATE 2025/04/15:</u>	2	The buffer has been amended to 175m.
			3 Page 19 states that "a portion of the project footprint is still zoned agriculture" and page 29 in respect of SALA, "if required, an application will be submitted to DALRRD for authorisation following the conclusion of the BA process." The re-zoning matter is also mentioned under SPLUMA. Kindly confirm the zonation of the proposed project footprint and illustrate it on a map, clearly showing the portions zoned agriculture versus industrial zone. If the development footprint is still zoned agriculture, has the process commenced for the re-zoning applications under SPLUMA and SALA? If not, the developer should note that the NFA Regulations states that all other approvals must be in place, before a licence for protected tree removal can be considered. Thus, the re-zoning matter may cause further delays if it was not attended to.	3	Macroplan applied for, and secured approval for the rezoning of the solar farm and the rights applied for are over the entire property. The subsequent revision of the Gamagara Land Use Scheme reduced the "Industrial" zoned area to the current solar farm (Concentrated Solar) footprint. This reduction was never agreed upon with the client and never underwent a formal process to reduce the zoning. KSP then submitted a letter to the local municipality and subsequently received the updated Zoning Certificate that confirms the entire farm is zoned "Special" for the purpose of a solar park.	
			4 The map on page 21 of the final EMPr, displayed as Figure 2-4: Kathu SPA Final Layout <u>cannot be approved</u>, because it shows a reduced environmental buffer of 170-meters. This needs to be amended and changed to 175m as agreed upon during online meetings, as well as per final recommendations by the Forestry Branch after the site visit of August 2024. The map displayed as Figure 2-1: Kathu SPA Facility Locality Map, correctly reflects the buffer as 175m in its legend. Please amend the final	4	The buffer has been amended to 175m.	

Batho pele- putting people first

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		during the PV facility construction, also made no reference to the required 175m buffer. The same applies to Table 5-1: Site Environmental Management. These are critical omissions that must be addressed. 7. Number 3.1 refers to relevant legislation. In reference to the management of alien invasive species, the EMPr only mentions the Conservation of Agricultural Resources Act, No. 43 of 1983 (CARA). It fails to refer to the Alien Invasive Species (AIS) Regulations under the National Environmental Management: Biodiversity Act, No. 10 of 2004 (NEMBA), nor does it mention Schedule 6 of the Northern Cape Nature Conservation Act, No. 9 of 2009, which also contains lists of provincially listed alien invasive species. 8. Page 33, number 3.4 under the heading National Heritage Resources Act, No. 25 of 1998 (NHRA), the following statement is made: "During this BA process, <u>consultations will be conducted</u> with SAHRA and the NCPHRA." Since the EA was granted, can the EMPr be amended to reflect whether the consultation was conducted with SAHRA, or must it still be conducted? 9. The EMPr refers to the National Environmental Management: Protected Areas Act, No. 57 of 2003 (NEMPAA), stating that "No Critical Biodiversity Area (CBA) areas are located within the development footprint. The closest CBA 2 area is located 1,3 km to the <u>southwest</u> of the proposed development and the closest CBA 1 area 1,9 km to the southwest. This CBA1 area consists of the declared protected woodland in terms of Section 12(1)(c) of the NFA, No. 84 of 1998, namely the Kathu Forest, where CBA 2 act as a buffer area for this woodland." The statement is incorrect. The site is in an Ecological Support Area (ESA) and the CBA 1 and CBA 2 areas (the 644-ha Kathu Forest Nature Reserve and the ± 4000 ha Kathu Protected Woodland) are <u>southeast</u> of the proposed development.  Figure 2: The CBA Map showing the PV site outlined in blue, is almost completely in an Ecological Support Area (ESA) yellow (left); with the CBA 2 (orange) and CBA 1 (red) to the southeast of the proposed development (right). 10. The EMPr does not adequately address potential impacts on lowering of the groundwater table. It states that "the proposed development will not affect the water quality or quantity of this water resource since no additional abstraction is planned" and refers to the existing Water Use Licence which will be amended. What mitigation measures will be implemented to ensure that existing groundwater resources will not be over-utilized? Accelerated and excessive lowering of the groundwater table may have detrimental impacts on deep-rooted protected Camel thorn trees in the Kathu Forest Nature Reserve and Protected Woodland. Under dust suppression, the EMPr mention "frequent water spraying during low rainfall periods", thus implying that more water will be used than what is currently required. 11. Some of the construction mitigation measures under removal of vegetation is: "Should any SCC or other protected plant species be encountered within the subject property in the future, the following should be ensured: If any threatened species will be disturbed, ensure effective relocation of individuals to suitable offset areas." Not all SCC are threatened. Does this mean only <u>threatened</u> species will be relocated? Not protected species nor other classes of SCC such as vulnerable or critically endangered. The statement should rather be rephrased to ensure that all plant species that can be relocated successfully be included (after obtaining the necessary permits or licences to do so). <i>Batho pele- putting people first</i>	layout plan to comply with the required 175-m buffer.  Figure 1: The map indicates that the proposed development footprint is within the required 175m buffer. The buffer is indicated by a green line, and the development footprint is outlined in red. The map also shows the surrounding landscape and the location of the development. 5 Page 23 of the final EMPr states the "Kathu Camelthorn/Kameeldoring Forest is a proclaimed <u>national</u> heritage site, since it constitutes the largest Camelthorn (<i>Acacia erioloba</i>) forest in southern Africa." It is a <u>natural</u> heritage site. 6 The EMPr fails to refer to the required 175m buffer adjacent to the 644-ha Kathu Forest Nature Reserve offset area as per condition 14.1 of the EA, which was an offset required to compensate for the unavoidable medium to high impacts on protected trees to facilitate the KSP developments. The 175m buffer needs to be clearly delineated during the construction phase. This requirement is not reflected or addressed in EMPr, except under 6.1 in Table 6-4, but there the buffer width is not specified. It only states: "Avoid ingress into proclaimed biodiversity offset area by maintaining a buffer between the planned development and the biodiversity offset area." The EMPr is generic, containing vague statements such as "ensure that the proposed development footprint area remain as small as possible" and "the width of the construction footprint must be agreed upon by the ECO and the Engineer and as far as possible must be kept to a minimum." This is not acceptable. The 175m required buffer should be strictly implemented. The ECO and Engineer should not be allowed to decide on the width of the construction footprint, because it carries a risk that they may intrude into the 175m buffer. Table 5-2: Flora and Fauna and Water, under impact on flora during the PV facility construction, also
			5 Noted. Thank you for the correction. 6 The EMPr has been updated to refer to the buffer from the Kathu Forest Nature Reserve.

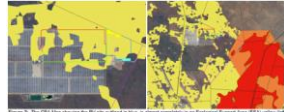
NOTIFICATION OF APPLICATION FOR A PROTECTED TREE PERMIT, AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND FINALISATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 (Ref. No.: 14/12/16/3/3/1/2985)

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		12. The suggested mitigation measures on page 49 are concerning, <u>stating under mitigation</u> that "suitable mitigation measures must be implemented." 13. Page 63 states: "at least 2.6 ha are set aside for long term topsoil storage". Page 64 states the total area required for topsoil stockpiling is 4.43 ha if the stack height is 1.5m or 3.49 ha at a stack height of 2 m. The final layout map does not show where the topsoil will be stored, especially the long-term top-soil storage. It should not intrude into the 175m buffer area should as far as possible be in previously disturbed areas, to avoid additional impacts on the natural vegetation. Are the required areas for top-soil storage included in the total surface area of 27 ha of the development footprint? 14. Page 66 refers to vegetation clearance along the construction footprint of the servitude. What servitude? <u>COMMENTS ON APPENDIX C2: REHABILITATION MANAGEMENT PLAN:</u> 15. Number 7.2 Objective 2 – Search, Rescue, Harvest and re-establishment of protected species, Table 8, Column 2 under the heading "Parameters" states the following: "<i>Vachellia erioloba</i> and <i>Boscia albitrunca</i> trees should be <u>transplanted</u>," Forestry does not support such a costly, impractical and unrealistic effort to transplant deep-rooted <i>V. erioloba</i> and <i>B. albitrunca</i>. Where will the trees be transplanted to? We do not support artificial re-planting of the species in the Kathu Forest Nature Reserve. Forestry can only support this if trees will be planted to rehabilitate disturbed areas or upon closure of the facility and rehabilitation should the CSP and PV facilities ceased to operate in 15 to 20-years' time. <u>RECOMMENDATIONS:</u> 16. The final layout plan must be amended to reflect the required 175m buffer (not 170 meters). No development activities may intrude into the buffer and the EMPr must clearly mention the 175m buffer to be maintained between the PV development and the Kathu Forest Nature Reserve to comply with Condition 14.1 in the Environmental Authorisation. <u>Should you require further information and/or clarification on the matter, please do not hesitate to contact Ms. Jacoline Mans at Jmans@dfre.gov.za, Cell 060 973 1660.</u>  Department of Forestry, Fisheries and the Environment Letter signed by: Jacoline Mans Designation: Deputy Director: Forest Resource Protection (Northern Cape) Branch: Forestry Management Date: 23 May 2024 <i>Batho pele- putting people first</i>	made no reference to the required 175m buffer. The same applies to Table 5-1: Site Environmental Management. These are critical omissions that must be addressed. 7 Number 3.1 refers to relevant legislation. In reference to the management of alien invasive species, the EMPr only mentions the Conservation of Agricultural Resources Act, No. 43 of 1983 (CARA). It fails to refer to the Alien Invasive Species (AIS) Regulations under the National Environmental Management: Biodiversity Act, No. 10 of 2004 (NEMBA), nor does it mention Schedule 6 of the Northern Cape Nature Conservation Act, No. 9 of 2009, which also contains lists of provincially listed alien invasive species. 8 Page 33, number 3.4 under the heading National Heritage Resources Act, No. 25 of 1998 (NHRA), the following statement is made: "<i>During this BA process, consultations will be conducted with SAHRA and the NCPHRA.</i>" Since the EA was granted, can the EMPr be amended to reflect whether the consultation was conducted with SAHRA, or must it still be conducted? 9 The EMPr refers to the National Environmental Management: Protected Areas Act, No. 57 of 2003 (NEMPAA), stating that "<i>No Critical Biodiversity Area (CBA) areas are located within the development footprint. The closest CBA 2 area is located 1,3 km to the southwest of the proposed development and the closest CBA 1 area 1,9 km to the southwest. This CBA1 area consists of the declared protected woodland in terms of Section 12(1)(c) of the NFA, No. 84 of 1998, namely the Kathu Forest, where CBA 2 act as a buffer area for this woodland.</i>" The statement is incorrect. The site is in an Ecological Support Area (ESA) and the CBA 1 and CBA 2 areas (the
			The alien invasive plan addresses NEMBA and NCNCA requirements. SAHRA approved the heritage impact assessment for the application on 19 August 2024. A copy of this is attached to the EMPr as appendix G. The EMPr has been corrected in line with your comments.

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				644-ha Kathu Forest Nature Reserve and the ± 4000 ha Kathu Protected Woodland) are <u>southeast</u> of the proposed development. 		
			10	The EMPr does not adequately address potential impacts on lowering of the groundwater table. It states that “<i>the proposed development will not affect the water quality or quantity of this water resource since no additional abstraction is planned</i>” and refers to the existing Water Use Licence which will be amended. What mitigation measures will be implemented to ensure that existing groundwater resources will not be over-utilized? Accelerated and excessive lowering of the groundwater table may have detrimental impacts on deep-rooted protected Camel thorn trees in the Kathu Forest Nature Reserve and Protected Woodland. Under dust suppression, the EMPr mention “frequent water spraying during low rainfall periods”, thus implying that more water will be used than what is currently required.	10	The proposed solar PV augmentation facility will not use more groundwater than is currently the case. No additional groundwater abstraction is planned. Groundwater is only used when the municipal water supply is interrupted.
			11	Some of the construction mitigation measures under removal of vegetation is: “<i>Should any SCC or other protected plant species be encountered within the subject property in the future, the following should be ensured: If any threatened species will be disturbed, ensure effective relocation of individuals to suitable offset areas.</i>” Not all SCC are threatened. Does this mean only <u>threatened</u> species will be relocated? Not protected species nor other classes of SCC such as vulnerable or critically endangered. The statement should rather be rephrased to ensure that all plant species that can be relocated successfully be included (after obtaining	11	We clarified this issue by referring to Listed Species and having listed species defined. Listed species are NCNCA, NFA protected species as well as SANBI red list species – Species of Conservation Concern (SCC) that occur or are expected to occur on site.

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				the necessary permits or licences to do so).		
			12	The suggested mitigation measures on page 49 are concerning, <u>stating under mitigation</u> that "suitable mitigation measures must be implemented."	12	
			13	Page 63 states: "at least 2.6 ha are set aside for long term topsoil storage". Page 64 states the total area required for topsoil stockpiling is 4.43 ha if the stack height is 1.5m or 3.49 ha at a stack height of 2 m. The final layout map does not show where the topsoil will be stored, especially the long-term top-soil storage. It should not intrude into the 175m buffer area should as far as possible be in previously disturbed areas, to avoid additional impacts on the natural vegetation. Are the required areas for top-soil storage included in the total surface area of 27 ha of the development footprint?	13	Topsoil storage areas are located immediately east of the solar PV area footprint. None of these topsoil storage areas intrude into the buffer area. Please see the amended layout map to confirm. The storage areas have been amended to ensure that sufficient storage volume is available.
			14	Page 66 refers to vegetation clearance along the construction footprint of the servitude. What servitude?	14	This has been amended to read: "Vegetation clearance must be minimised by fencing off the work area and restricting vehicular access outside this area".
			<u>COMMENTS ON APPENDIX C2: REHABILITATION MANAGEMENT PLAN:</u>			
			15	Number 7.2 Objective 2 – Search, Rescue, Harvest and re-establishment of protected species, Table 8, Column 2 under the heading "Parameters" states the following: " <i>Vachellia erioloba</i> and <i>Boscia albitrunca</i> trees should be <u>transplanted</u> ." Forestry does not support such a costly, impractical and unrealistic effort to transplant deep-rooted <i>V. erioloba</i> and <i>B. albitrunca</i> . Where will the trees be transplanted to? We do not support artificial re-planting of the species in the Kathu Forest Nature Reserve. Forestry can only support this if trees will be planted to rehabilitate disturbed areas or upon closure of the facility and rehabilitation	15	This item was one cell in an extended table that specifically talked to transplantation of saplings. We are familiar with this species and would not recommend transplantation of adults. We updated this section so that even if one cell is isolated from the table it will not be unclear.

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				should the CSP and PV facilities ceased to operate in 15 to 20-years' time.		
			<u>RECOMMENDATIONS:</u>			
			16	The final layout plan must be amended to reflect the required 175m buffer (not 170 meters). No development activities may intrude into the buffer and the EMPr must clearly mention the 175m buffer to be maintained between the PV development and the Kathu Forest Nature Reserve to comply with Condition 14.1 in the Environmental Authorisation.	16	The layout map has been amended accordingly.
9	Orefemetse Ramantsi Department of Forestry, Fisheries and the Environment Email Dated: 22/05/2025	Good day Ms Zinzi Xayaki, Kindly find the attachment of the comments for Proposed Kathu Solar PV augmentation facility on the farm Kathu no. 465 within Gamagara local municipality, Northern Cape province. Best regards, Orefemetse Ramantsi Branch: Biodiversity and Conservation Directorate: Biodiversity Conservation Chief Directorate: Biodiversity Management and Permitting Sub Directorate: Policy Development and EIA Mainstreaming	Email Dated: 03/06/2025 Good day Orefemetse, I hope you are well. Thank you for your comments. Kindly note that the EMPr application has been withdrawn. However, we will refer to and implement your comments where necessary to avoid delays when we resubmit it for public review. Kind regards, Zinzi Portia Xakayi			

NOTIFICATION OF APPLICATION FOR A PROTECTED TREE PERMIT, AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND FINALISATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 (Ref. No.: 14/12/16/3/3/1/2985)

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		 forestry, fisheries & the environment Department: Forestry, Fisheries and the Environment REPUBLIC OF SOUTH AFRICA Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: +27 86 625 1042 Reference: 14/12/16/3/3/1/2985 Enquiries: Portia Makitla/Orefenise Ramantsi Telephone: 012 399 9411 E-mail: pmakitla@dfre.gov.za Attn: Ms Zinzi Portia Xakayi Zutari (Pty) Ltd Email Address: Zinzi.Xakayi@zutari.com PER EMAIL COMMENTS ON THE DRAFT ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 WITHIN GAMAGARA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE The Directorate: Biodiversity Conservation reviewed and evaluated the draft Environmental Management Programme report. The Directorate Biodiversity Conservation indicates the EMPr discusses habitat buffers and avoidance, clear biodiversity offset planning for residual impacts (especially on SCC or thicket ecosystems) is not fully developed. Northwest Guidelines encourage formal offset areas, particularly where loss of ecosystem services is irreversible. A formal biodiversity offset plan must be included. The plan mentions facilitating faunal escape during clearing but lacks detailed measures for long-term wildlife corridors, which are essential in fragmented habitats like Kathu Bushveld and would align with North West's Bioregional Plans. Faunal corridors to preserve movement between habitat patches must be included. The site is near a Strategic Water Source Area and ephemeral pans. While indirect impacts are discussed, buffer distances, hydrological monitoring, and stormwater control require clearer performance thresholds, matching both National Freshwater Ecosystem Priority Area (NFEPA) and Northwest conservation protocols. Wetland buffer and stormwater management plans with clear metrics must be included in the final EMPr. The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@dfre.gov.za for the attention of Mr. Seoka Lekota. Yours faithfully  Mr Seoka Lekota Control Biodiversity Officer Grade B: Biodiversity Conservation Department of Forestry, Fisheries & the Environment Date: 22/05/2025  2030 NDP Batho pele- putting people first   The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.	DFFE - Biodiversity: COMMENTS AND RESPONSES TO THE LETTER DATED 22 MAY 2025 REF.: 14/12/16/3/3/1/2985 COMMENTS ON THE DRAFT ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE PROPOSED KATHU SOLAR PV AUGMENTATION FACILITY ON THE FARM KATHU NO. 465 WITHIN GAMAGARA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE <table><tr><td> The Directorate: Biodiversity Conservation reviewed and evaluated the draft Environmental Management Programme report. </td><td> The Directorate Biodiversity Conservation indicates the EMPr discusses habitat buffers and avoidance, clear biodiversity offset planning for residual impacts (especially on SCC or thicket ecosystems) is not fully developed. Northwest Guidelines encourage formal offset areas, particularly where loss of ecosystem services is irreversible. A formal biodiversity offset plan must be included. </td><td> Thank you for the reference to the NW guidelines. We apply the national biodiversity offset policy. KSP has a biodiversity offset management section within its Kathu Forest Nature Reserve Management Plan linked to the biodiversity offset of the greater KSP. The residual impacts of the expansion are not irreplaceable in this instance. Please note that we are referring to Bushveld Thicket habitat and not the National Thicket Vegetation Types which are threatened ecosystems. The ecological study risk assessment for the expansion project concludes that the project does not have a fatal flaw and does not trigger a formal biodiversity offset. The current mitigation plan addresses all residual impacts. </td></tr><tr><td> The plan mentions facilitating faunal escape during clearing but lacks detailed measures for long-term wildlife corridors, which are essential in fragmented habitats like Kathu Bushveld and would align with North </td><td> In terms of corridors and habitat buffers the rehabilitation plan was updated to include the improvement, monitoring and maintenance of a corridor buffer between woodlands, and the development of a wetland </td><td></td></tr></table>	The Directorate: Biodiversity Conservation reviewed and evaluated the draft Environmental Management Programme report.	The Directorate Biodiversity Conservation indicates the EMPr discusses habitat buffers and avoidance, clear biodiversity offset planning for residual impacts (especially on SCC or thicket ecosystems) is not fully developed. Northwest Guidelines encourage formal offset areas, particularly where loss of ecosystem services is irreversible. A formal biodiversity offset plan must be included.	Thank you for the reference to the NW guidelines. We apply the national biodiversity offset policy. KSP has a biodiversity offset management section within its Kathu Forest Nature Reserve Management Plan linked to the biodiversity offset of the greater KSP. The residual impacts of the expansion are not irreplaceable in this instance. Please note that we are referring to Bushveld Thicket habitat and not the National Thicket Vegetation Types which are threatened ecosystems. The ecological study risk assessment for the expansion project concludes that the project does not have a fatal flaw and does not trigger a formal biodiversity offset. The current mitigation plan addresses all residual impacts.	The plan mentions facilitating faunal escape during clearing but lacks detailed measures for long-term wildlife corridors, which are essential in fragmented habitats like Kathu Bushveld and would align with North	In terms of corridors and habitat buffers the rehabilitation plan was updated to include the improvement, monitoring and maintenance of a corridor buffer between woodlands, and the development of a wetland	
The Directorate: Biodiversity Conservation reviewed and evaluated the draft Environmental Management Programme report.	The Directorate Biodiversity Conservation indicates the EMPr discusses habitat buffers and avoidance, clear biodiversity offset planning for residual impacts (especially on SCC or thicket ecosystems) is not fully developed. Northwest Guidelines encourage formal offset areas, particularly where loss of ecosystem services is irreversible. A formal biodiversity offset plan must be included.	Thank you for the reference to the NW guidelines. We apply the national biodiversity offset policy. KSP has a biodiversity offset management section within its Kathu Forest Nature Reserve Management Plan linked to the biodiversity offset of the greater KSP. The residual impacts of the expansion are not irreplaceable in this instance. Please note that we are referring to Bushveld Thicket habitat and not the National Thicket Vegetation Types which are threatened ecosystems. The ecological study risk assessment for the expansion project concludes that the project does not have a fatal flaw and does not trigger a formal biodiversity offset. The current mitigation plan addresses all residual impacts.							
The plan mentions facilitating faunal escape during clearing but lacks detailed measures for long-term wildlife corridors, which are essential in fragmented habitats like Kathu Bushveld and would align with North	In terms of corridors and habitat buffers the rehabilitation plan was updated to include the improvement, monitoring and maintenance of a corridor buffer between woodlands, and the development of a wetland								

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			West's Bioregional Plans. Faunal corridors to preserve movement between habitat patches must be included. The site is near a Strategic Water Source Area and ephemeral pans. While indirect impacts are discussed, buffer distances, hydrological monitoring, and stormwater control require clearer performance thresholds, matching both National Freshwater Ecosystem Priority Area (NFEPA) and Northwest conservation protocols. Wetland buffer and stormwater management plans with clear metrics must be included in the final EMPr. The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCAdmin@dfpe.gov.za for the attention of Mr. Seoka Lekota. corridor buffer post-closure. Hedge areas have also been demarcated to improve buffering between the existing plant and the biodiversity offset area (see transplantation area map in the Rehabilitation Plan).
		Good day Zinzi, Thank you for the update. I appreciate your consideration of my comments, and I trust that their implementation will contribute positively to the process when the EMPr application is resubmitted. Wishing you all the best with the upcoming submission. Best regards, Orefemetse Ramantsi	

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		Branch: Biodiversity and Conservation Directorate: Biodiversity Conservation Chief Directorate: Biodiversity Management and Permitting Sub Directorate: Policy Development and EIA Mainstreaming	
10	Dr Gerrie van der Westhuizen John Taolo Gaetsewe District Municipality Email Dated: 2025/06/13	Good morning Ms Taljaard, Thank you for your email. Please be advised that all planning legislation must be adhered to. Please engage Mr Melokwe at Gamagara Local Municipality for information in this regard. It will be much appreciated if you can provide us with your geodatabase, so that we can incorporate it into our GIS. Trusting that you will find the above in order Dr Gerrie van der Westhuizen Manager: Strategic Planning Department: Development and Planning	Email Dated: 2025/06/17 Good day Mr van der Westhuizen Herewith a summary of zoning information for the property provided by my colleague @Rowan Albertyn. Macroplan applied for, and secured approval for the rezoning of the solar farm and the rights applied for are over the entire property. The subsequent revision of the Gamagara Land Use Scheme reduced the “Industrial” zoned area to the current solar farm (Concentrated Solar) footprint. This reduction was never agreed upon with the client and never underwent a formal process to reduce the zoning. KSP then submitted a letter to the local municipality (see attached) and subsequently received the updated Zoning Certificate that confirms the entire farm is zoned “Special” for the purpose of a solar park. (See Attached <i>Kathu 465 Zoning Certificate</i>). I trust this clarifies the issue. Feel free to liaise with Rowan if you have any queries in this respect. I have copied the Gamagara officials whom he liaised with. Regards, Reuben
			Email Dated: 2025/06/17 Hallo Gerrie, Ek hoop dit gaan goed by jou. Ek sien jy is klaar met daai PhD van jou. Baie geluk. Ek is tans in Zambia, so ek het slegs wi-fi as ek naby beskawing is. Laat my weet as jy wil gesels oor die aangeleentheid soos hieronder genoem deur my kollega

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			Reuben Heydenrych. Beste is om 'n whatsapp te stuur en dan kan ons afsprek wanneer om te bel. In kost – Macroplan het aansoek gedoen en goedkeuring gekry vir Sonplaas oor die hele eiendom. Maxim het daarna die skema opgedattee en die slegste die bestaande footprint as sonplaas erken en die res van die plaas as “Landbou” genoteer in die skema. Dit was 'n fout en op grond van die goedkeuringsbrief aan Macroplan, soos uitgereik deur Gamagara, kon ons die zoneringsregstel oor die hele plaas is dus gezoneer as “Special” vir die doeleindes van 'n sonplaas. Ek hoop dit help. Baie groete. Ps. Ons Hotazel aansoek sal eersdaags daar by jou verby kom. Ons is tans besig met die openbare deelname Rowan Albertyn TRANSLATION TO ENGLISH Hello Gerrie, I hope you're doing well. I see you've completed your PhD—congratulations! I'm currently in Zambia, so I only have Wi-Fi when I'm near civilization. Let me know if you'd like to chat about the matter mentioned below by my colleague Reuben Heydenrych. The best way is to send a WhatsApp message, and then we can arrange a time to call. In short – Macroplan applied for and received approval for a solar farm over the entire property. Maxim then updated the scheme and only recognized the existing footprint as a solar farm, listing the rest of the farm as “Agricultural” in the scheme. This was a mistake and based on the approval letter issued to Macroplan by Gamagara, we were able to correct the zoning. The entire farm is now zoned as “Special” for the purposes of a solar farm. I hope this helps.

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			Kind regards. P.S. Our Hotazel application will be coming your way soon. We are currently busy with the public participation process. Rowan Albertyn
	Dr Gerrie van der Westhuizen John Taolo Gaetsewe District Municipality Email Dated: 2025/06/17	Good afternoon Rowan and Reuben, Thank you for the congratulations, Rowan, it is much appreciated. Thank you for the feedback. My comment is a more or less standard comment related to land use and since we are also building our own GIS, I usually also add the request for datasets. Travel safely and thank you again for your respective responses. Trusting that you will find the above in order Dr Gerrie van der Westhuizen Manager: Strategic Planning Department: Development and Planning	