

## P17102\_Musina-Makhado SEZ – Comments & Responses Report – August 2020

NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
Notification Phase / Initial Registration August 2018 to September 2018							
1	Erika Helm	Waterpoort Farmers Union Bobrakrivier Farmers Union	Email	21-Sep-18	I&AP Registration	We refer to the above project and wish to inform you that the agricultural union hereby request to be registered as an interested and affected party in this regard as members of the agricultural union foresee to be affected by the project.	Noted and registered
2	Vhutshilo Theo Muthurwana	King Makhado Investment Holdings (Pty) Ltd	Email	25-Sep-18	I&AP Registration	Is Interested and Affected party by virtue of holding shares on behalf of the 14 communities who are claimants in terms of Restitution of Land Rights Act of 1994 as amended and Mineral & Petroleum Resource Development Act of 2004 as amended. We request your office to forward to us the Master Plan for the complex as to allow us to consult with our stakeholders. Alternatively, you can advise us to get hold of all the documents pertaining to the Project. Your cooperation will be highly appreciated for the mutual benefit and sustainability of the project.	A copy of the currently available SEZ plan is attached to the scoping report that will be availed. Available documentation will be shared as part of the ENVIRONMENTAL IMPACT ASSESSMENT available documentation and these are now contained in the EIA report. The internal master plan is also attached to the EIA Report as an appendix.
3	George Mbulaheni		Email	25-Sep-18	I&AP Registration	Showed interest in the development of the Makhado Musina Project	Noted and registered
4	Christo Rheeders	Vhembe Mineral Resources Stakeholders	Email	26-Sep-18	Objection / Support	Registration and he has led the appeals against the Coal of Africa mining license and water use licenses in the area.	Noted and registered
5a	Jacob Hendrik Lyon / David Reese Rowling	Ramprotest Trading / Mopani Game Safaris	Reply Form	27-Sep-18	I&AP Registration	They own the farm Jan van Rensburg 525 MS	Noted and registered
5b					Professional Registration	Concerns are the loss of income, business clients and loss of property	Noted and registered. These matters have been addressed and is included with the EIA report under the appendices for socio-economic and tourism and food security.
5c					Objection / Support	I do not agree with the proposed project and therefore wish to express my objection to the proposed application for environmental authorisation. I am going to lose my clientele for hunting and tourism.	Noted and registered. These matters have been addressed and is included with the EIA report under the appendices for socio-economic and tourism and food security.
5d					Water Uses	I am going to lose my water that I need to give my animals as there is no strong water in this area.	Noted and registered. These matters have been updated and is now included as part of the EIA report.
5e					Public Participation	I request a suitable location within in the Louis Trichardt, Musina area for an information session.	Noted and registered. Thank you for the suggestion. This will be carried forward and all Interested and Affected Parties will be notified once the public meeting or meeting session has been arranged. A public meeting will be held in September 2020 to discuss the EIA and process thus far.
6a	Sam Malaudzi	Mulambwane CPA	Reply Form	01-Oct-18	Public Participation	Has the land use been approved by the community	Noted. LIMPOPO ECONOMIC DEVELOPMENT AGENCY engaged with and obtained a lease agreement for the land for the proposed project from the Communal Property Association, the registered landowner. Land use rights are primarily managed by the respective municipalities. Separate applications for the changing of land use rights are to be submitted to the municipalities.
6b					Impact Assessment	Land use change should not be done before other applications	Noted and registered

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6c					<b>I&amp;AP Registration</b>	Please register me as an I&AP	Noted and registered
7	Cath Vise	Vhembe Biosphere Reserve	Email	04-Oct-18	<b>I&amp;AP Registration</b>	Could you please register the UNESCO Vhembe Biosphere Reserve as an I&AP	Noted and registered
8a	Louise Agenbag	Polygon Environmental Planning	Email	18-Oct-18	<b>Project Description</b>	Could you please provide us with information pertaining to the proposed project?	Noted and registered. Please refer to the EIA report for further information on the developments on the EIA and Process thus far.
8b					<b>Impact Assessment</b>	Are you doing only a component of the SEZ or the entire development?	This application for environmental authorisation is for the clearance of land to enable the SEZ project. Authorisation for external bulk infrastructure services as well as for specific industrial activities in the SEZ, such as a specific smelter plant or industrial plant must still be applied for in the future.
8c					<b>I&amp;AP Registration</b>	I know the registration period ended, but would appreciate it if you could register me as an I&AP.	Noted and registered
9a	John Sparrow	Fumaria Investments (Pty) Ltd	Reply Form	18-Oct-18	<b>I&amp;AP Registration</b>	I own the property Vriendin 589 MS	Noted and registered
9b					<b>Impact Assessment</b>	I want to be kept fully informed on the process and development in this project	Noted and registered. You will be kept informed of all developments regarding the ENVIRONMENTAL IMPACT ASSESSMENT process.
9c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. You will be informed of arrangements pertaining to information sessions.
10a	Muraga Mudau	Mulonga Capital (Pty) Ltd	Reply Form	18-Oct-18	<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. You will be informed of arrangements pertaining to information sessions.
10b					<b>Supporting Services</b>	My main interest in the area is prospecting / mining	Noted and registered
10c					<b>Supporting Services</b>	What would happen to the holders of prospecting / mining rights within the SEZ farms?	Noted and registered. An enquiry has been lodged with the Department of Mineral Resources (DMR). The applicant will engage with the holders of mining rights within the SEZ area to address the way forward.
11a	Tshifiliwa Aubrey Luvha	Mulambwane CPA	Reply Form	19-Oct-18	<b>Impact Assessment</b>	All farms where the SEZ is to be implemented belongs to our Farms CPA Mulambwane	Noted and registered
						We are supporting all activities for the purposes of economic growth etc.	Noted and registered
11b					<b>Impact Assessment</b>	All areas are of interest to us.	Noted and registered
11c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. You will be informed of arrangements pertaining to information sessions. A meeting during the EIA phase will be undertaken in September 2020 at the Delta BEC offices in Pretoria.
12	Thanyani Mariba	Mulambwane CPA	Email	22-Oct-18	<b>I&amp;AP Registration</b>	Thank you I have received the notice and information	Noted and registered

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13a	Louise Agenbag	Polygon Environmental Planning	Reply Form	19-Oct-18	Impact Assessment	What are the potential environmental impacts (bio-physical) - refer to email	Please refer to the scoping report and scoping level assessment in the scoping report that indicates the potential impacts. These impacts were assessed and are now contained in the EIA report. Appendices containing specialist investigations accompany the EIA.
13b					Impact Assessment	Potential socio-economic impacts of the proposed industries, and enquiry as to where people working on the project will be sourced (local / foreign)	Noted and registered. Please refer to the scoping report as well as the SEZ plan provided by the operator attached to the Scoping Report. These impacts were assessed and are now contained in the EIA report. Appendices containing specialist investigations accompany the EIA.
13c					I&AP Registration	I want to be registered as an I&AP	Noted and registered
13d					Objection / Support	I do not object as such, but there are several environmental issues that will have to be addressed.	Noted and registered. These impacts were assessed and are now contained in the EIA report. Appendices containing specialist investigations accompany the EIA.
13e			Email		Impact Assessment	My queries / comments in relation to the proposed development are for two main reasons: (a) I live in Tzaneen, which is not too far from Makhado, and given the large scale of the proposed project I feel that the area where I live might also be affected by some of the potential impacts of the project; and (b) Like you, I'm an environmental consultant, and some of my projects (past, current and potential future projects) are based in the Makhado area. I therefore need to be up to date on issues / developments that might affect the projects I'm working on, or that I might need to take into account in my BAs/ENVIRONMENTAL IMPACT ASSESSMENTS/WULAs/etc. I'm not involved in any projects that might conflict with the SEZ, but where aspects like the local water resources, air quality etc may be affected, I'd like to know what's in the pipeline.	Noted and registered. These matters will be assessed and reported during the ENVIRONMENTAL IMPACT ASSESSMENT phase of the project. These will be included within the EIR and all will be rated in terms of the impact ratings. Specialist studies will also be undertaken by the relevant specialists which will inform the EIR. This information will be shared with the sub-sequent ENVIRONMENTAL IMPACT ASSESSMENT phase and matters raised.  These impacts were assessed and are now contained in the EIA report. Appendices containing specialist investigations accompany the EIA.

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13f					Impact Assessment	<ul style="list-style-type: none"> <li>• Why is there a small portion in the centre of the SEZ that appears to have been cut out? Is this a farm that won't form part of the SEZ? Just out of curiosity.</li> <li>• Do any new mines form part of this project, or is the plan for the industries as part of the proposed SEZ to process minerals from existing mines? There have been rumours in the media of a new coal mine associated with this development; is this the case, and if so, do the applications and investigations around this form part of your scope?</li> <li>• Which area do you anticipate the main supply of ore etc to come from? I'm asking this specifically to know where trucks are anticipated to be travelling most of the time.</li> <li>• Will trucks bringing in ore etc use public roads? Between Phalaborwa and Hoedspruit, a section of the R40 suffered enormous damage from mining trucks (which continue using the road) hence my concern for increased maintenance costs on public roads leading to the SEZ, which might be borne by tax payers.</li> <li>• I've heard a figure of 21 000 workers being bandied about. Will most of these be accommodated onsite in the township development you are applying for?</li> <li>• How will solid waste generated within the SEZ be handled, and to what extent is provision being made for recycling? Will the development include a landfill and/or recycling facility, or can the municipal landfill site accommodate the waste that will be generated here?</li> </ul>	<p>Noted and registered. Your enquiries will be taken into consideration. The small section referred to is a separate inactive mining operation. It currently does not form part of the SEZ. The land on which the SEZ falls currently excludes this section. There is no new mining operation that directly forms part of SEZ. The plan is for the industries to process minerals sourced from available mining sources, an aspect that the investors in the SEZ will establish through their own agreements. The MMC (Coal of Africa) project initiatives is separate from the SEZ and has merely been referred to in the draft scoping report (desktop researched reference) as a benchmark case study on local environmental conditions. It is likely that investors may engage with this mine company and any other mining companies concerning available mineral resources regarding offtake agreements. These impacts were assessed and are now contained in the EIA report. Appendices containing specialist investigations accompany the EIA.</p>

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13g					<b>Water Uses</b>	<ul style="list-style-type: none"> <li>Where will water be sourced to supply the development, and is an investigation being done into the availability of water and the potential impact on other water users? I'm concerned that the development will greatly increase pressure on available water resources.</li> <li>Are potential water quality impacts being investigated?</li> <li>How will treated effluent from the wastewater treatment plant(s) be disposed of, and are there plans to re-use treated effluent, e.g. for cooling at the industries, to reduce total water usage?</li> <li>Is a WULA being undertaken for the various water uses likely to be triggered?</li> </ul>	<p>Various options for the sourcing of water are being investigated including to source water from Zimbabwe. The Department of Water and Sanitation are leading these investigations. The potential water quality impacts will be addressed by the aquatic specialist. It must be noted that the bulk supply of water to the SEZ will require a separate ENVIRONMENTAL IMPACT ASSESSMENT and water use license process. Each of the separate developments (i.e. metallurgical plants, and / or manufacturing operations/ businesses) who will use water for cooling and / or manufacturing purposes will require separate ENVIRONMENTAL IMPACT ASSESSMENT applications for authorisation and necessary licenses and permit for the operation. Separate water treatment plants will be developed, whilst the current development concept documents indicate that wastewater will be used for recycling and reused in order to reduce water usage. As indicated above several WULAs will have to be applied by the respective developers / investors.</p> <p>A water study forms part of the EIA report and is contained in an appendix accompanying the EIA report. Reference to the DWS water study is also made.</p>
13h					<b>Air Quality</b>	<ul style="list-style-type: none"> <li>Is an AEL application being undertaken?</li> <li>Will the industries in the SEZ be held to the NEMAQA emissions standards, or will they be exempted or subjected to less stringent standards?</li> <li>Are you looking at the potential impacts of air pollution on agriculture? Particularly to the east of Makhado, the Levubu area is used intensively for production of a variety of crops. Will emissions and particles from the SEZ's industries impact on this?</li> </ul>	<p>An Air Quality Impact Assessment is currently being undertaken for purposes of this application. It must be noted that separate ENVIRONMENTAL IMPACT ASSESSMENT applications including air quality impact assessment and emissions licensing must be applied for, for each of the metallurgical and manufacturing plants by the respective developers / investors. These impacts were assessed and are now contained in the EIA report. Appendices containing specialist investigations accompany the EIA for air quality and climate change.</p>
13i					<b>Supporting Services</b>	<ul style="list-style-type: none"> <li>There have been rumours in the media that a lot of the workers in the SEZ will be brought in from China by the Chinese operators. Will this be the case? If so, do you know what proportion of employees (construction phase as well as operational phase) will be hired locally (South African and especially in the greater Makhado and Musina areas)?</li> <li>There have also been rumours that the industries within the SEZ will receive tax incentives, which could give some of these industries an unfair advantage over established South African industries, for instance steel manufacturers, which could lead to existing firms closing down, leading to job losses and knock-on negative financial impacts, as well as loss of tax revenue from these firms. Is any investigation being done in this regard, or are the rumours not the full story?</li> <li>Is an assessment being done of potential impacts of the SEZ on the local tourism industry? There are several game farms and hunting farms in the Huntleigh area, and many visitors to the Kruger National Park pass through Makhado.</li> </ul>	<p>These matters are noted and addressed in the Socio-Economic Impact Assessment. The planned SEZ development needs to comply with relevant government legislation, policies and plans.</p>
14a	Mbavhalelo	Ndalamo	Reply	24-Oct-	<b>Impact Assessment</b>	Physical Address is Maseque farm 714 Ms	Noted and registered

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14b	Tshiovhe	Management Group and Musekwa CPA	Form	18	Impact Assessment	We would like to be consulted and we have claimed properties around the area where SEZ activities will be happening	Noted and registered
14c					I&AP Registration	I would like to register as an I&AP and would like to attend an information session at the Delta Head Office	Noted and registered. You will be informed of arrangements pertaining to information sessions. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
14d					Impact Assessment	What opportunities may arise within the proposed activities (economic opportunities)	The socio-economic impact assessment was developed and be reported. The purpose of the SEZ inter alia includes: investment opportunities and job creation along the economic value-chains of the respective main mineral cluster investments that are being planned.
14e					Public Participation	We would like to be consulted in the whole process and informed on the progress of the establishment of the project.	Noted and registered
15a	Michael Kerileng Motswasele	Mountain View Place (Pty) Ltd	Reply Form	24-Oct-18	Supporting Services	My interest is building and engineering and contractors	Noted
15b					I&AP Registration	Please register me as an I&AP and I want to attend an information session at the Delta BEC head office in Pretoria	Noted and registered. You will be informed of arrangements pertaining to information sessions. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
16a	Abraham Maphari	Alilali Angela (Pty) Ltd	Reply Form	25-Oct-18	Supporting Services	My interest is the coke plant, construction and engineering	Noted and registered. Please refer to the scoping report as well as the SEZ plan provided by the operator attached to the Scoping Report. These aspects have been addressed and are now contained in the EIA report. Specialist studies have been undertaken which accompanies the EIA report.
16b					Public Participation	Waterpoort and Mopane Community never consulted about the project	Delta BEC have notified the immediate and surrounding land owners and various methods were utilised to communicate the initial registration for instance newspapers, onsite notices, delivery of notices and electronic methods. We also confirm the meetings held at our offices in Pretoria with your community leaders and email correspondences.
16c					I&AP Registration	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. You will be informed of arrangements pertaining to information sessions. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
17a	Richman Isaac Setene Ketelele	MAB Trading and Projects	Reply Form	24-Oct-18	Supporting Services	My interest is machinery and fleet supply and management, health and safety material supply and construction	Noted and registered. Please refer to the scoping report as well as the SEZ plan provided by the operator attached to the Scoping Report. These aspects have been addressed in the EIA report together with specialist studies and investigations which form part of the EIA report.

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17b					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
18a	Malose Onismus Ramolobeng	Siliki Building Construction and Multi-purpose Primary	Reply Form	27-Oct-18	<b>Supporting Services</b>	My interest is construction and general maintenance and services	Noted and registered. Please refer to the scoping report as well as the SEZ plan provided by the operator attached to the Scoping Report. The EIA report with specialist studies has been compiled and the information is available in these.
18b					<b>Supporting Services</b>	Service delivery and all general services and supplier is what we offer and much more.	Noted and reported
18c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
19a	Rachel Radzilane	Rachel Hotel and Conference	Reply Form	22-Oct-18	<b>Supporting Services</b>	Our interest is on hospitality hotel and lodging	Noted and reported
19b					<b>Supporting Services</b>	Local entrepreneurs need to be skilled before the commencement of physical activities as it has impact on local economy not forgetting the participation of the locals in all processes.	Noted. The socio-economic impact assessment has been prepared and provides more detail.
19c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
20a	Livhuwani Shadrack Muthurwana	Clouds End Hotel and Resort (Pty) Ltd	Reply Form	22-Oct-18	<b>Supporting Services</b>	Our interest is in accommodation, hospitality and tourism as well as participation of local business people and project beneficiation.	Noted. The socio-economic impact assessment has been prepared and provides more detail.
20b					<b>Impact Assessment</b>	We fully support the initiative as it promotes local economy. The major issue is for the initiative to create enabling working environment whereby local entrepreneurs be afforded an opportunity to own stake in the business in the form of BBBE as described by the South African Constitution.	Noted. The socio-economic impact assessment has been prepared and provides more detail.
20c					<b>Public Participation</b>	MCCI is the voice of voiceless entrepreneurs within Makhado Local Municipality partnering with Developed Business / Companies in South Africa with the aim of advancing the issue of Broad Based Black Economic Interests is to see to it that the proposed activities is benefitting locals without prejudiced, our concern is that the local initiative is not promoted, localised (Public Participation)	Noted. The socio-economic impact assessment has been prepared and provides more detail.
					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
21a	William Masindi	Waterpoort Community Development	Reply Form	27-Oct-18	<b>Impact Assessment</b>	Interest is in better future / better life development and un-poverty	Noted. The socio-economic impact assessment has been prepared and provides more detail.

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21b		Trust			<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
22a	John Kabini	Magwa Group Link Debt Construction & PCP Security	Reply Form	19-Oct-18	<b>Supporting Services</b>	Infrastructure Development, Fleet supply, transport and mineral and security service provision	Noted. The socio-economic impact assessment has been prepared and provides more detail.
22b					<b>Supporting Services</b>	Building Construction up to 9GB CIDB grading, security services up to 500 physical security guarding, fleet transport of mineral up to 70 trucks (32 ton)	Noted. The socio-economic impact assessment has been prepared and provides more detail.
22c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings
23a	Nditsheri Albert Dzombe	Waterpoort Community Development Trust	Reply Form	31-Oct-18	<b>Public Participation</b>	Job creation in our area. BBBEE	Noted. The socio-economic impact assessment has been prepared and provides more detail.
23b					<b>Impact Assessment</b>	I agree with the process due to fight against unemployment	Noted. The socio-economic impact assessment has been prepared and provides more detail.
23c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
24a	Muladelo Mashila	Waterpoort Community Development Trust	Reply Form	30-Oct-18	<b>Impact Assessment</b>	I agree with the process due to fight against unemployment and to develop the area	Noted. The socio-economic impact assessment has been prepared and provides more detail.
24b					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
24c					<b>Impact Assessment</b>	My interest is job creation in the area; BBBEE	Noted. The socio-economic impact assessment has been prepared and provides more detail.
25a	Elisa Nematshema	Waterpoort Community Development Trust	Reply Form	27-Oct-18	<b>Supporting Services</b>	My interest is in jobs/business, procurement and social investment plan	Noted. The socio-economic impact assessment has been prepared and provides more detail.
25b					<b>Impact Assessment</b>	We are proud of the proposed projects, but it must empower poor people, special people who are still staying in different farms	Noted. The socio-economic impact assessment has been prepared and provides more detail.
25c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
26a	Mc Manenzhe A	Waterpoort Community Development Trust	Reply Form	27-Oct-18	<b>Impact Assessment</b>	Part of employment, business, social investment, procurement and other benefits	Noted. The socio-economic impact assessment has been prepared and provides more detail.
26b					<b>Impact Assessment</b>	We are still staying inside farming communities. We want to be relocated to a place where the development, building of clinics, schools, houses	Noted. The socio-economic impact assessment has been prepared and provides more detail.
26c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an



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							opportunity to join in these meetings.
27a	Tshililo Maphari	Waterpoort Community Development Trust	Reply Form	27-Oct-18	<b>Supporting Services</b>	Employment, business, social labour plan, procurement and other benefits	Noted. The socio-economic impact assessment has been prepared and provides more detail.
27b					<b>Public Participation</b>	Be part of all activities, consulted be part of meetings, relocated, build houses for our communities, schools and clinics	Noted. The socio-economic impact assessment has been prepared and provides more detail.
27c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
28a	Elsie Maphari	Waterpoort Community Development Trust	Reply Form	27-Oct-18	<b>Supporting Services</b>	Employment, business, social investment plan, be part of the BBBEE procurement	Noted. The socio-economic impact assessment has been prepared and provides more detail.
28b					<b>Impact Assessment</b>	People who residing in farming community are suffering with no houses, schools, clinics and other infrastructure, we ned to be preferences. Because this community is a disadvantaged community.	Noted. The socio-economic impact assessment has been prepared and provides more detail.
28c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
29a	Tshianeo Lizzy Maphari	Waterpoort Community Development Trust	Reply Form	27-Oct-18	<b>Public Participation</b>	Employment and other benefits, procurement	Noted. The socio-economic impact assessment has been prepared and provides more detail.
29b					<b>Public Participation</b>	First preference is farm dweller, people who are residing within farming community they are disadvantaged communities	Noted. The socio-economic impact assessment has been prepared and provides more detail.
29c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
30a	Joseph Mushambo	Waterpoort Community Development Trust	Reply Form	28-Oct-18	<b>Public Participation</b>	We want to be part of all businesses	Noted and reported.
30b					<b>Supporting Services</b>	We want to be relocated to a better place, because where we stay the is no development, no schools, clinics, infrastructure, shops etc.	Noted. The socio-economic impact assessment has been prepared and provides more detail.
30c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
31	Nicholas Maphari	Waterpoort Community Development Trust	Reply Form	01-Nov-18	<b>I&amp;AP Registration</b>	Please register me as an I&AP	Registered and added on the I&AP register
32a	Kwena Cholo	Cholo Trading	Reply	01-Nov-	<b>Supporting Services</b>	Building Construction and Civil Engineering	Noted and reported

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
32b		Enterprise (Pty) Ltd	Form	18	<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
33a	Takalani Maphari	Waterpoort Community Development Trust	Reply Form	07-Nov-18	<b>Supporting Services</b>	Employment, business interest, social development	Noted. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
33b					<b>Public Participation</b>	Consults the mephem community interest to address the issues of the mephem land in Waterpoort area	Noted. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
33c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
34a	Abraham Maphari	Waterpoort Community Development Trust	Reply Form	08-Nov-18	<b>Public Participation</b>	Construction, coal and power plant interest	Noted and reported
34b					<b>Public Participation</b>	Not consulted from the start until today. No one came to the community and addressed us about the project areas.	Noted, Delta BEC have notified the immediate and surrounding land owners and various methods were utilised to communicate the initial registration for instance newspapers, onsite notices, delivery of notices and electronic methods. We also informed the local municipalities and district municipalities in which jurisdiction the project falls under.
34c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
34d					<b>Objection / Support</b>	I object against the project	Noted. Please provide reasons for your objection.
35a	Sakie Chaane	Waterpoort Community Development Trust	Reply Form	08-Nov-18	<b>Impact Assessment</b>	Construction and engineering and coal plant	Noted and reported
35b					<b>Public Participation</b>	No consultation to the community of Waterpoort and Mopane	Noted, Delta BEC have notified the immediate and surrounding land owners and various methods were utilised to communicate the initial registration for instance newspapers, onsite notices, delivery of notices and electronic methods. We also informed the local municipalities and district municipalities in which jurisdiction the project falls under.
35c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
35d					<b>Objection / Support</b>	I object against the project	Noted. Please provide reasons for your objection.
36a	Siphiwe Skhosana	Waterpoort Community Development Trust	Reply Form	08-Nov-18	<b>Impact Assessment</b>	Coal plant, power plant including construction	Noted and reported
36b					<b>Public Participation</b>	Not consulted as interested and affected parties	Noted, Delta BEC have notified the immediate and surrounding land owners and various methods were utilised to communicate the initial registration for instance newspapers, onsite notices, delivery of notices and electronic methods. We also informed the local municipalities and district municipalities in which jurisdiction the project falls under.
36c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
36d					<b>Objection / Support</b>	I object against the project	Noted. Please provide reasons for your objection.

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
37a	Fortune Moeng	Fortunes Urban Projects (Pty) Ltd	Reply Form	12-Nov-18	Supporting Services	My interest is in the construction infrastructure	Noted and reported
37b					Supporting Services	Building constructions, and surveying, electrical plumbing works, landscaping, office works, welding etc.	Noted. The socio-economic impact assessment has been prepared and provides more detail.
37c					I&AP Registration	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
38a	Julian Dreyer	Curoidam Estates (Pty) Ltd	Reply Form	10-Sep-18	Impact Assessment	My interest is in the farming activities, inclusive of game farming, hunting and tourism will be severely impacted upon.	Noted. The socio-economic impact assessment has been prepared and provides more detail. Other specialist impact assessments and findings are contained in the EIA report and reported.
38b					I&AP Registration	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria.	Noted and registered. Information sessions will be held in September 2020 at various localities and all registered I&APs will be provided an opportunity to join in these meetings.
38c					Objection / Support	I object against the project	Noted. Please provide reasons for your objection.

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
38d					Specialist Studies	<p>The Musina-Makhado Special Economic Zone (SEZ) will cause major negative impacts and consequences such as:</p> <ul style="list-style-type: none"> <li>• No socio-economic upliftment;</li> <li>• Severe negative impact on the environment, game farming, agriculture and tourism which not only forms a major part of the local communities' livelihood and subsistence but serves the country as a whole;</li> <li>• Surface and groundwater resources which are inadequate will be depleted and the quantity thereof severely affected by the proposed activities in an already water stressed area with no identifiable adequate water resources to sustain this proposed project much less any of the other projects i.e. the Makhado Mining project and the Musho Power Station project, all of which are currently proposed in tandem although by different parties;</li> <li>• Disturbance of archaeological and burial sites;</li> <li>• Dust;</li> <li>• Noise and air pollution;</li> <li>• Skyline/view pollution;</li> <li>• Traffic and road safety on an extremely busy part of the N1 and on the Huntleigh gravel roads.</li> </ul>	These matters are noted. These matters have been scoped within this Scoping Report and the issues identified with potential impacts on the bio-physical and socio-economic environments have been included and indicated in the EIA report together with specialist studies undertaken as part of the EIA.
38e					Specialist Studies	1. The SEZ will by and largely destroy a vast area of pristine bushveld with all its constituent fauna and flora.	These matters are noted and are included with the EIA report. Specialist studies form part of the EIA report which looks at these aspects.
38f					Specialist Studies	2. Furthermore, rehabilitation to the land's present pristine condition will be impossible. The activities sought to be established and transport will have a further major impact on biodiversity, land use and safety of inhabitants of the area concerned.	These matters are noted and are included with the EIA report. Specialist studies form part of the EIA report which looks at these aspects.

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
38g					<b>Specialist Studies</b>	3. In short, the sense of place will be destroyed and the constitutional demand of a right to have the environment and the right to access to sufficient water protected for the current generation and future generations, would be rendered nugatory by embarking on the proposed project.	These matters are noted and are included with the EIA report. Specialist studies form part of the EIA report which looks at these aspects.
39a	Jonas Petja	Afrika Menia Ltd	Reply Form	13-Sep-18	<b>Public Participation</b>	Supply of goods and services	Noted and reported
39b					<b>Public Participation</b>	Request to be registered as a potential supplier to developers	Noted. The socio-economic impact assessment was undertaken and forms part of the EIA report.
39c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
40	Dane Cresswell	Syferfontein Dolomite (Pty) Ltd	Email	14-Sep-18	<b>I&amp;AP Registration</b>	Please register us as an Interested and Affected Party to this SEZ Musina Makhado rezoning initiative. We are the Owners of the Syferfontein Dolomite and Syferfontein Carbonates Processing Plant situated at Mopane. Please also register Syferfontein Dolomite (Pty) Ltd as an interested and affected party.	Noted, both parties' details have been captured in the I&AP database.
41	Thabela Azwifaneli		Email	15-Sep-18	<b>I&amp;AP Registration</b>	Please register me as part of the Interested and Affected Parties	Noted and registered
42a	Nkhangweni Musekwa	Tshivhidzo Royal Community	Reply Form	17-Sep-18	<b>Supporting Services</b>	Partnership with SEZ, recognition for royalties as land owners, our communities involved in terms of employment. Trucking business (engineering transport) public participation and any other matters relating to the development of this area	Noted. The socio-economic impact assessment was undertaken and forms part of the EIA report.
42b					<b>Public Participation</b>	The Tshivhidzo Royal Community are the Land owners of the areas where the SEZ will be developed.	Noted, ownership of all Farms vests in the name of the Mulamwane Communal Property Association (Reg 08/1105/A)
42c					<b>Public Participation</b>	We feel that partnering with the SEZ should be considered to be the highly placed priority	Noted. The socio-economic impact assessment was undertaken and forms part of the EIA report.
42d					<b>Public Participation</b>	The community will benefit the most when employment will be made available to them including the public participation	Noted, all registered interested and affected parties will be communicated with regarding progress and all the steps that is part of this application process for environmental authorisation.
42e					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
43a	Tshamano Sebola	Collins Sebola Incorporated	Reply Form	18-Oct-28	<b>Public Participation</b>	I am interested in supply, security and farming	Noted and registered
43b					<b>Public Participation</b>	The residents are residing within the farms and are in need of proper infrastructure in order to improve their way or standard of living.	Noted
43c					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
44a	Nhlanhla	Dietsheni Pty	Reply	10-Nov-	<b>Impact Assessment</b>	I am interested in coal plant and constructions	Noted and registered

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
44b	Mdletshe	Ltd	Form	18		Need to explain who owns the land and were they consulted when the project was started.	The registered land owner is Mulambwane Communal Property Association. The Limpopo Economic Development Agency has entered into a long-term lease with the registered landowner. The CPA as well as surrounding landowners and municipalities within the area have been informed of the proposed development.
44c					<b>I&amp;AP Registration</b>	Showed interest in the development of the project.	Noted and registered
45a	Strike Basaya	Waterpoort	Reply Form	12-Nov-18	<b>Public Participation</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
45b						I am interested in property and infrastructure	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues. The socio-economic assessment has been undertaken and forms part of the EIA report.
46a	Solly Mtsimeni	Waterpoort	Reply Form	12-Nov-18	<b>Public Participation</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	
46b						I am interested in mining and property	Noted and registered. This is not a mining project, but rather focus on the beneficiation of mineral resources.
46c					<b>Objection / Support</b>	Objects against the project	Your objection has been noted. Please provide reasons for the objection.
47a	Tiego Nwokoro	Ahia Advisory	Reply Form	05-Nov-18		Interested in economic involvement of the community in a sustainable and environmentally friendly way.	The socio-economic assessment has been undertaken and forms part of the EIA report.
47b					<b>I&amp;AP Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
48a	Thabo Fisha	Flyfofa Airways	Email	21-Nov-18	<b>Services</b>	Interested in the planned Special Economic Zone to have Airport next to the planned area and operate cargo operations and passenger transporting between Musina and OR Tambo/Lanseria. Please advise who can I discuss this proposal with.	Noted, your details will be forwarded to the operator / developer. The Limpopo Economic Development Agency can be contacted in this regard.
48b					<b>I&amp;AP Registration</b>	Showed interest in the development of the project.	Noted and registered
49a	Lucas Moleya	Waterpoort Community Development Trust	Reply Form	26-Oct-18	<b>Supporting Services</b>	Interested in employment, social and labour plan. Procurement and other community benefits.	Noted and registered
49b					<b>Public Participation</b>	Empower disadvantaged communities. More especially, around Waterpoort and Mopane	The socio-economic assessment has been undertaken and forms part of the EIA report.
49c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
50a	Daniel Mafela	Waterpoort Community Development Trust	Reply Form	27-Oct-18	Supporting Services	Interested in employment, housing for the poor and procurement.	The socio-economic assessment has been undertaken and forms part of the EIA report.
50b					Public Participation	We are still residing within farming community - but with no proper housing, clinics, schools and other infrastructure	The socio-economic assessment has been undertaken and forms part of the EIA report.
50c					Professional Registration	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
51a	Peter Muleya	South African Communist Party	Reply Form	02-Nov-18	Supporting Services	Interested in employment, business, so current investigation to be part of triple BEE procurement	The socio-economic assessment has been undertaken and forms part of the EIA report.
51b					Project Description	People residing on property are suffering with no shelter, schools, clinics and other infrastructure	The socio-economic assessment has been undertaken and forms part of the EIA report.
51c					Professional Registration	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
52a	Piet Maphari	Waterpoort Community Development Trust	Reply Form	29-Oct-18	Supporting Services	Interested in employment, procurement, BBBEE and other benefits	The socio-economic assessment has been undertaken and forms part of the EIA report.
52b					Project Description	This project must empower our community because they still residing within farming community, they need to be relocated	The socio-economic assessment has been undertaken and forms part of the EIA report.
52c					Professional Registration	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. You will be informed of arrangements pertaining to information sessions.
53a	Mavhungu Maphari	Waterpoort Community Development Trust	Reply Form	28-Oct-18	Professional Registration	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
54a	Takalani Masinsi	Waterpoort Community Development Trust	Reply Form	27-Oct-18	Supporting Services	Interested in being part of all activities - including business, social investment plan, procurement	The socio-economic assessment has been undertaken and forms part of the EIA report.
54b					Supporting Services	We want schools, clinics, house and other infrastructure that can help our communities because we are a disadvantaged community.	The socio-economic assessment has been undertaken and forms part of the EIA report.
54c					Professional Registration	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
55a	Ndesene Godfrey Maphari	Waterpoort Community Development Trust	Reply Form	27-Oct-18	<b>Supporting Services</b>	Interested in business (social labour plan, BBBEE Procurement)	The socio-economic assessment has been undertaken and forms part of the EIA report.
55b					<b>Project Description</b>	There are communities within farming areas which still reside	The socio-economic assessment has been undertaken and forms part of the EIA report.
55c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
56a	Tuwani Mudau	Waterpoort Community Development Trust	Reply Form	28-Oct-18	<b>Public Participation</b>	Interested in being a part of all activities, including business	The socio-economic assessment has been undertaken and forms part of the EIA report.
56b					<b>Public Participation</b>	All residents near the project are interested in business, and to be part of social labour plan	The socio-economic assessment has been undertaken and forms part of the EIA report.
56c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
57a	Dovhani Nicholas Leshivha	Waterpoort Community Development Trust	Reply Form	28-Oct-18	<b>Public Participation</b>	Interested in employment, procurement, social labour plan, community investment plan and other benefits	The socio-economic assessment has been undertaken and forms part of the EIA report.
57b					<b>Project Description</b>	The project must invest in poor communities like the Waterpoort community, which are still residing in farms, people who still stay in the Mopani area build them schools, clinics and others	The socio-economic assessment has been undertaken and forms part of the EIA report.
57c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
58a	Selinah Maphari	Waterpoort Community Development Trust	Reply Form	28-Oct-18	<b>Public Participation</b>	Interested in our children must be employed, get business opportunities, be involved in procurement, BBBEE	The socio-economic assessment has been undertaken and forms part of the EIA report.
58b					<b>Public Participation</b>	People who are staying in various farms must get houses, schools, clinics, be part of the project, be consulted, attend meetings.	The socio-economic assessment has been undertaken and forms part of the EIA report.
58c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
59a	Prince Lishivha	Waterpoort Community Development Trust	Reply Form	26-Oct-18		Interested in procurement, BBBEE, social investment plan, labour and any benefit	The socio-economic assessment has been undertaken and forms part of the EIA report.
59b					<b>Public Participation</b>	We are still residing within farming community since 1800 and we want to be considered and properly informed about the projects. To have quality houses, clinics and schools.	The socio-economic assessment has been undertaken and forms part of the EIA report.



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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
59c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
60a	Solomon Bologo	Waterpoort Community Development Trust	Reply Form	29-Oct-18	<b>Supporting Services</b>	Interested in employment, business, BBBEE, social investment, procurement	The socio-economic assessment has been undertaken and forms part of the EIA report.
60b					<b>Public Participation</b>	The project must develop our community still residing in farms where there is no development, no schools and other infrastructure	The socio-economic assessment has been undertaken and forms part of the EIA report.
60c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
61a	Kgabo Maphari	Waterpoort Community Development Trust	Reply Form	28-Oct-18	<b>Supporting Services</b>	Interested in procurement, social and labour plan and to be part of BBBEE	The socio-economic assessment has been undertaken and forms part of the EIA report.
61b					<b>Public Participation</b>	Give the youth a chance and empower them in business and other social benefit	The socio-economic assessment has been undertaken and forms part of the EIA report.
61c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
62a	Solomon Maphari	Waterpoort Community Development Trust	Reply Form	28-Oct-18	<b>Supporting Services</b>	Interested in jobs, business, all activities procurement	The socio-economic assessment has been undertaken and forms part of the EIA report.
62b					<b>Supporting Services</b>	Create jobs, build houses for poor people, consult, give them opportunities in procurement	The socio-economic assessment has been undertaken and forms part of the EIA report.
62c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
63a	Petrus Mohcaba	Waterpoort Community Development Trust	Reply Form	27-Oct-18	<b>Public Participation</b>	Interested in BBBEE, procurement, social labour plan	The socio-economic assessment has been undertaken and forms part of the EIA report.
63b					<b>Public Participation</b>	I am residing 30km away from the projects, I want any information regarding these projects and attend any meetings	Noted and registered
63c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
64a	Nkhumeleni Maphapi	Waterpoort Community Development Trust	Reply Form	30-Oct-18	<b>Public Participation</b>	Interested in employment, business, procurement, social and labour plan	The socio-economic assessment has been undertaken and forms part of the EIA report.
64b					<b>Public Participation</b>	We are still residing within farming communities and we are historically disadvantaged community, you must build schools and health facilities and relocate the community	The socio-economic assessment has been undertaken and forms part of the EIA report.

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
64c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
65a	Maria Mudau	Waterpoort Community Development Trust	Reply Form	28-Oct-18	<b>Supporting Services</b>	Interested in employment, business, procurement and any other interests	The socio-economic assessment has been undertaken and forms part of the EIA report.
65b					<b>Public Participation</b>	Building houses for poor, schools, clinics	The socio-economic assessment has been undertaken and forms part of the EIA report.
65c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
66a	Phuravhathu Maphari	Waterpoort Community Development Trust	Reply Form	27-Oct-18	<b>Project Description</b>	Interested in social labour plan, BBBEE, procurement and other related businesses	The socio-economic assessment has been undertaken and forms part of the EIA report.
66b					<b>Public Participation</b>	There are communities within farming areas, which still reside, we believe that the project will employ them, build schools, clinics and other infrastructure. Proper consultation and be part of procurement and other benefits. The secretary of trust please direct any queries home.	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
66c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
67a	Charles Mandobe	Waterpoort Community Development Trust	Reply Form	31-Oct-18	<b>Supporting Services</b>	Interested in social labour BBBEE procurement, any other related business	The socio-economic assessment has been undertaken and forms part of the EIA report.
67b					<b>Public Participation</b>	Please inform us about any development and residents on the farms constantly and I want to attend any meetings	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
67c					<b>I&amp;AP Registration</b>	Showed interest in the development of the project.	The socio-economic assessment has been undertaken and forms part of the EIA report.
68a	Takalani Sioga	Waterpoort Community Development Trust	Reply Form	28-Oct-18	<b>Supporting Services</b>	I am interested in labour, BBBEE. Any business procurement.	The socio-economic assessment has been undertaken and forms part of the EIA report.
68b					<b>Public Participation</b>	I am still residing at Waterpoort. We want to know, what kind of development it's going to bring to the community.	The socio-economic assessment has been undertaken and forms part of the EIA report.
68c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria.	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
69a	Sipel James Maphari	Waterpoort Community Development	Reply Form	27-Oct-18	<b>Public Participation</b>	Interested in social labour, BBBEE procurement and any other related business	The socio-economic assessment has been undertaken and forms part of the EIA report.

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
69b		Trust			<b>Professional Registration</b>	Please inform us about any development, I reside at farm conistone and I want to attend any meetings.	The socio-economic assessment has been undertaken and forms part of the EIA report.
69c					<b>Professional Registration</b>	Please register me as an I&AP and I want to attend to an information session at the Delta BEC head office in Pretoria.	Noted and registered. Information sessions will be undertaken in September 2020 at various localities and all I&APs will be notified of these venues.
70a	Kenneth Maphari	Waterpoort Community Development Trust	Reply Form	28-Oct-18		Interested in employment, business, social labour plan and other interests.	The socio-economic assessment has been undertaken and forms part of the EIA report.
70b					<b>Supporting Services</b>	Empower disadvantage communities especially those who are still residing in farming communities, no school, no clinics, no proper housing.	The socio-economic assessment has been undertaken and forms part of the EIA report.
70c					<b>I&amp;AP Registration</b>	Showed interest in the development	The socio-economic assessment has been undertaken and forms part of the EIA report.
Comments received - Draft Scoping Report Review							
1a	Department of Water and Sanitation	Department of Water and Sanitation (Limpopo Provincial Operations)	Email	18-Mar-19	<b>Water Uses</b>	<p>The following are the Section 21 water uses which requires authorization prior any water use can take place:</p> <p>a) taking water from a water resource;</p> <p>b) storing water;</p> <p>c) impeding or diverting the flow of water in a watercourse;</p> <p>d) engaging in a stream flow reduction activity contemplated in section 36;</p> <p>e) engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1) ;</p> <p>f) discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;</p> <p>g) disposing of waste in a manner which may detrimentally impact on a water resource;</p> <p>h) disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process;</p> <p>i) altering the bed, banks, course or characteristics of a watercourse;</p> <p>j) removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and</p> <p>k) using water for recreational purposes.</p>	Noted. The proposed Musina-Makhado SEZ requires water use licencing and environmental authorisation for the bulk water supply. There will also be several water use activities within the SEZ relating to each specific development i.e. mineral beneficiation plant and / or manufacturing plants. Each of these plants will require plant specific water use license applications and Environmental Impact Assessment authorisations. Delta BEC is currently only applying in terms of the National Environmental Management Act, 1998 ENVIRONMENTAL IMPACT ASSESSMENT regulations, 2014 (as amended) for Listing Notice 2 Activity no. 15 which is the clearance of more than 20 ha of land. Other potential listed activities in the SEZ development are also listed in order to indicate the potential impacts associated with such developments. These matters have been included with the EIA report and a specialist study on water has been included.

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1b						The activities involve development of a metallurgical cluster and associated bulk infrastructure within the Musina - Makhado Local Municipalities in the Vhembe District of the Limpopo Province. In light of the above, the development is likely to trigger water uses listed under section 1 and therefore a triggers application for an Integrated Water Use Licence (IWULA).	Noted. The proposed Musina-Makhado SEZ requires water use licencing and environmental authorisation for the bulk water supply. There will also be several water use activities within the SEZ relating to each specific development i.e. mineral beneficiation plant and / or manufacturing plants. Each of these plants will require plant specific water use license applications and Environmental Impact Assessment authorisations. Delta BEC is currently only applying in terms of the National Environmental Management Act, 1998 ENVIRONMENTAL IMPACT ASSESSMENT regulations, 2014 (as amended) for Listing Notice 2 Activity no. 15 which is the clearance of more than 20 ha of land. Other potential listed activities in the SEZ development are also listed in order to indicate the potential impacts associated with such developments. These matters have been included with the EIA report and a specialist study on water has been included.
1c						This office reserves the right to inspect this project for compliance at any given time during construction and implementation.	Noted.
1d						Please be advised that no development can be undertaken within 1: 100-year floodline/riparian vegetation (whichever is the greatest) and 500m distance of a wetland without authorization by this Department.	Noted
2	Morne' Brummer	Corea Game Ranch	Email	22-Feb-19	I&AP Registration	Please add me to your mailing list as a I&AP	Noted and registered
3a	Andre du Preez.	Goosenolharding 530MS & Pretorius 531 MS (nou Du Preez 834MS).	Email	23-Feb-19		Ek is geregistreer as 'n "I&AP" LA du Preez van die plase Goosen / Volharding 530 MS en Pretorius 531 Ms (Nou Du Preez 834 MS) Soutpansberg en die meegaande Limpopo vallei is 'n SONDERLINGE EN SONDER TWYFEL 'n EKOLOGIESE BAIE SENSITIEWE & BROSE gebied ! Dit is sonderling omdat dit 'eie-en-enigste' van sy soort in die RSA is wat betref topografie, klimaat, plante, insekte, voels & diereryk. Daar is 'n wye verskeidenheid baie skaars en bedreigde fauna & flora, wat streng deur landswette beskerm word, behalwe as die regering van die dag skielik anders besluit, deur ondeurdragte, oningeligte en dalk populisties-roekelose-beplanning aan die orde te bring, veral nog in samewerking met landsvreemde mense (die Chinese) as besigheids vennote ... mense wat nog minder weet van omstandighede, landswette ens. EN NOG MINDER OMGEE OOK! Dit is duidelik dat ons Provinsie (en ook die Staat) nie gebore instaat is (of die geld het, om verskeie goeie redes) om enige projekte 'self aan te pak nie en moet dus altyd 'uitverkoop' aan ander. Dit sou goedkoper en meer sin gemaak het, veral met die toename in die VERSTEDELIKING van vandag, om sodanige beplanning te vestig waar die nodige INFRASTRUKTUUR, DIENSTE, WERKSMAG/OPLEIDING, HUISVESTING, INTERNASIONALE LUGHAWE ENS. noem maar op!!, reeds bestaan, bv. POLOKWANE ... Maar helaas, wil ons leiers/politici graag "gesien" word om populariteit as enigste oorweging en maak wel deurdragte & finansieele besluite min daarvan uit. .daarom sommer 'n "nywerheidstad" inni bos! Daar word op die verhoog/podium en in die pers na verwys as "the flagship project" ...	Hierdie aangeleenthede word van kennis geneem en sal geevalueer word gedurende die Omgewingsimpakstudie proses en sal die bevindinge beskikbaar stel in antwoord op hierdie kwessies. Die omgewingsimpak verslag bevat nou meer inligting aangaande die projek, insluitend 'n evaluasie van al die impakte en kumulatiewe impakte, sowel as 'n gevolgtrekking aangaande of die omgewingsimpak studie in die area sal werk of nie.
3b						Die WERKLIKE WATERKWESSIE & ALLE VORME VAN MOONTLIKE	Hierdie aangeleenthede word van kennis geneem en sal geevalueer

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						BESOEDELLING in die Limpopo vallei is 'n ou bekende. Prof. Willem van Riel ("Conservationist") se studie en bevindinge van 'n tydjie gelede (in opdrag van "Coal of Africa"), veral oor WATER, moet nageslaan en ter tafel gele word.	word gedurende die Omgewingsimpakstudie proses en sal die bevindinge beskikbaar stel in antwoord op hierdie kwessies. Die omgewingsimpak verslag bevat nou meer inligting aangaande die projek, insluitend 'n evaluasie van al die impakte en kumulatiewe impakte, sowel as 'n gevolgtrekking aangaande of die omgewingsimpak studie in die area sal werk of nie.
3c						Ten slotte: die 'Psalm skrywer' verwys in die 'WOORD' na "my erfenis wat vir my mooi is", en Ja, dit is vir my mooi. ... die vraag is wat ons regering van die dag daaraan gaan doen .. of dit ook so vir ons nageslag gaan wees?	Hierdie aangeleenthede word van kennis geneem en sal geëvalueer word gedurende die Omgewingsimpakstudie proses en sal die bevindinge beskikbaar stel in antwoord op hierdie kwessies. Die omgewingsimpak verslag bevat nou meer inligting aangaande die projek, insluitend 'n evaluasie van al die impakte en kumulatiewe impakte, sowel as 'n gevolgtrekking aangaande of die omgewingsimpak studie in die area sal werk of nie.
4a	Julian Dreyer	Circle Chambers Advocates	Email	25-Feb-19	<b>Objection / Support</b>	I refer to my comments of record which in principle remain the same. The report is replete with identified challenges which speak to the non-viability of the suggested development. I remain opposed thereto.	The matters raised and the opposing of the planned development of the SEZ is noted. The Scoping Report aimed at introducing the project and to identify the anticipated impacts as well as the studies required to inform the ENVIRONMENTAL IMPACT ASSESSMENT process. All comments were captured in this Comments and Responses Report.
4b					<b>Objection / Support</b>	I furthermore subscribe to the views expressed on behalf of the Vhembe Mineral Resources Stakeholders Forum dated 25 February 2019 filed of record.	Noted and you will be notified of all future correspondence pertaining to this ENVIRONMENTAL IMPACT ASSESSMENT process of the project.

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5a	Christo Reeders Attorneys	Representative of the Vhembe Mineral Resources Stakeholders Forum ("VMRSF").	Email	25-Feb-19	Legislation & Policies	<p>This communication is preceded by an upfront cautionary statement. It is apparent from multiple press releases and statements made by various government authorities, politicians, ministers and businessmen that the establishment of the SEZ is a foregone conclusion. The financing that is required as having been obtained from the Chinese Government was announced in the media with great fanfare late last year already. To all intents and purposes, the establishment of the SEZ is a <i>fait accompli</i>. On this basis, and given the extent of state capture and rampant corruption that have emerged from a number of commissions of enquiry that are presently in progress; certain of which have a tenure extending for approximately 2 years, we will in the interest of environmental justice and in ensuring the protection of the environment, as we are entitled to and indeed, obliged to do as socially aware and responsible citizens, insist that:</p> <ul style="list-style-type: none"> <li>all processes are rigorously, fairly and properly conducted;</li> <li>all processes are subject to the necessary transparency and public scrutiny;</li> <li>decisions taken are, as a minimum, lawful, appropriate, properly reasoned and informed by relevant considerations. as contemplated in the Promotion of Administrative Justice Act ("PAJA").</li> </ul> <p>In this regard, we recommend that it would be prudent for all relevant reports to be subjected to independent peer review.</p>	<p>The matters raised pertaining to the planned development of the SEZ are noted. This application for authorisation is for site clearance under Listing Notice 2 Activity 15 for the clearance of vegetation of more than 20ha in terms of NEMA, 1998 ENVIRONMENTAL IMPACT ASSESSMENT regulations, 2014 as amended. Each individual planned development within the SEZ by prospective investors will have to apply for their own environmental authorisations, licenses and permits in the future prior to commencement of any such development. It is the intent that this ENVIRONMENTAL IMPACT ASSESSMENT authorisation will set a framework and reflect on the cumulative impacts for the anticipated development within the SEZ. The initial public notice and associated background information document pertaining to the planned project was advertised during August 2018, inviting interested and affected parties to register their interest in the planned project. We continued to register interested parties up to December 2018 and captured all of the registrations and comments made. We subsequently issued a draft scoping report for comments in January 2019 to all registered interested and affected parties. All parties registered as well as the further comments received on the draft scoping report will be included in the final scoping to be submitted to the competent authority. The concerns raised is noted and will be conveyed to the competent authority and the applicant. The final Scoping report was accepted by LEDET on 30 May 2019 and thereafter the EIA process with detailed specialist studies were undertaken. The covid 19 pandemic pushed the release of the draft EIA report out due to limited travel, congregations etc.</p>

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5b					<b>Legislation &amp; Policies</b>	We note, <i>inter alia</i> , the fact of the purported first draft of the scoping report having been prepared and issued for comments on 6 September 2018 already, yet the application process does not appear to be undertaken in accordance with the prescribed and mandatory time periods set forth in the Environmental Impact Assessment Regulations, 2014 (the "ENVIRONMENTAL IMPACT ASSESSMENT Regulations"). In this regard, in addition to the information requested below, kindly provide us with confirmation of the date of submission and acceptance by the authorities of the application, allied to the reasons for the prescribed time frames not being followed in this instance; alternatively, the basis upon which the applicant might have been exempted from compliance. We remind you, and the competent authority, of the content and importance of regulation 45 of the ENVIRONMENTAL IMPACT ASSESSMENT Regulations.	A first draft of the Scoping report was not issued for comments on the 6th of September 2018. The initial public notice and associated background information document, the purpose of which was to introduce the planned project and was advertised during August 2018, inviting interested and affected parties to register their interest in the planned project. The application form was submitted to the competent authority on 25 January 2019 and the acknowledgement of the application was received on 8 February 2019 from LIMPOPO ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM. The timeframes were correctly followed as indicated in Regulation 45. The application form along with the draft scoping report was submitted once all information was in order on 25 January 2019. All registered Interested and Affected Parties were notified of the submission and requested to provide input on the draft scoping report by way of comments. The prescribed timeframes and procedures have been followed.
5c	Christo Reeders Attorneys	Representative of the Vhembe Mineral Resources Stakeholders Forum ("VMRSF").	Email	25-Feb-19	<b>Public Participation</b>	The present status of the report is unclear, as are the applicant's understanding or intentions regarding the next steps in the process. Although we have access to the ENVIRONMENTAL IMPACT ASSESSMENT Regulations, for interested and affected parties who do not have this access or a general understanding of the process, the incumbent process must inevitably be very confusing and does not meet the requirements of proper public participation. Compliance with these tenets is even more important in a project of this size and the failure to follow the prescripts we shall in due course argue is a fatal flaw.	The status of the report that was issued for comments on 25 January 2019 was indicated as being a draft report for comments. The statement pertaining to the nature of the process is noted. We have indicated in the report that as part of the process a roadshow (information sessions) will be held as part of the ENVIRONMENTAL IMPACT ASSESSMENT phase of the project to ensure that there is no confusion regarding the process and that proper public participation takes place. We refer to the Plan of Study for ENVIRONMENTAL IMPACT ASSESSMENT in the Scoping Report and invite any further comments on the proposed participation process to assist in ensuring that proper public participation will take place.
5d					<b>Public Participation</b>	We note that with the annexures, the report is roughly 613 pages. This notwithstanding and despite the apparent delay, only 30 days has been made available for comment. We submit that given the magnitude of the project, its associated impacts as well as the length of the report, the environmental assessment practitioner ought, in the interest of ensuring fair and reasonable public participation, to have requested permission which enabled a longer time period for commenting.	The comment is noted. The process will be addressed in a fair and reasonable manner. The Public participation process is continuing during the ENVIRONMENTAL IMPACT ASSESSMENT phase with opportunity to provide further comments on the ENVIRONMENTAL IMPACT ASSESSMENT documentation. The report is now available and the comments, specialist studies, impact assessment and conclusions of all these and cumulative impacts have been assessed, to overall rate whether this project will be feasible or not.

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Se						<p>Bearing in mind regulation 40(2) of the ENVIRONMENTAL IMPACT ASSESSMENT Regulations, in addition to the details regarding the date of submission and acceptance of the application, kindly provide us with the following information which we believe reasonably has or may have the potential to influence the decision and which we will consider as part of further submissions to be made in relation to this application:</p> <p>7.1 Confirmation of the Competent Authority to which the application is being submitted;</p> <p>7.2 Confirmation of consultation with the Vhembe Biosphere Reserve NPC;</p> <p>7.3 Proof of landowner consent;</p> <p>7.4 All correspondence between the applicant, the Environmental Assessment Practitioner and Coal of Africa, particularly inasmuch as there is significant attention in the Report on Coal mining projects despite the fact that they ostensibly fall outside of the SEZ;</p> <p>7.5 Minutes of all meetings conducted hitherto with the Competent Authority;</p> <p>7.6 Information regarding the decision to select Musina over Tubatse;</p> <p>7.7 Information regarding the steel production facility (particularly inasmuch as these are apparently contemplated as foregone conclusions despite no apparent regulatory approvals);</p> <p>7.8 Information regarding the energy generation facility (particularly inasmuch as these are apparently contemplated as foregone conclusions despite no apparent regulatory approvals); and</p> <p>7.9 Details of any international funding to be made available subject to the above projects being granted regulatory approvals and the SEZ proceeding. In this regard, we refer to the delegation which recently visited China and which made reference to the existence of the SEZ (notwithstanding that at the time no environmental authorisation had yet been obtained).</p>	<p>7.1 Confirmation of the competent authority is contained in Appendix G of the final Scoping Report. The competent authority is the Limpopo Department of Economic Development, Environment and Tourism (LEDET).</p> <p>7.2 Consultation with the Vhembe Biosphere Reserve was included in Appendix D2. Delta BEC has notified the Vhembe Biosphere Reserve representatives of the availability of the draft Scoping Report in January 2019 subsequent to their registration of interest in the project.</p> <p>7.3 Land owner consent has been included in Appendix G of the Scoping report.</p> <p>7.4 There is no correspondence between Coal of Africa (MCM) and the Environmental Assessment Practitioner other than the public notices concerning the notice of the planned SEZ project. References in the draft scoping report to the activities of Coal of Africa (MCM) was done as part of desktop studies in order to determine potential local environmental conditions and impacts as gleaned from reports and studies conducted for Coal of Africa's (MCM) ENVIRONMENTAL IMPACT ASSESSMENT authorisation applications that is in the public domain. Should any correspondence or information regarding Coal of Africa (MCM) relating to the SEZ become known, this will be incorporated / reflected in the ENVIRONMENTAL IMPACT ASSESSMENT documentation. The applicant confirmed that it has engaged with Coal of Africa (MCM) in the past regarding the potential supply of coal to the SEZ and also introduced potential investors to Coal of Africa (MCM). Some of the investors took samples of the available coal resources available for analysis.</p> <p>7.5 Meeting minutes with the competent authority have been included in Appendix D2. Relevant minutes will be incorporated in the documentation of the scoping report.</p> <p>7.6 The Tubatse's SEZ designation application is currently being undertaken by LIMPOPO ECONOMIC DEVELOPMENT AGENCY. One of the key determinants will remain the securing of interested investors.</p> <p>7.7 and 7.8. The facilitation of a potential investment pipeline comprising of investors in the energy and metal clusters are being pursued by LIMPOPO ECONOMIC DEVELOPMENT AGENCY and the SEZ operator. Any such investors will have to ensure compliance with relevant legislation including environmental authorisations and permits to address their operational needs.</p> <p>7.9. The applicant confirmed that there is no international funding made available to the South African government for the SEZ. Each potential investor will source their own funding subject to its own due diligence and financial viability investigations concerning their potential investment in the SEZ.</p> <p>Please refer to the EIA report as it evaluates the detailed information available, and assesses the viability of such a development in terms of specialist findings and EAP evaluation of available information.</p>



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5f					Specialist Studies	We do not believe that the assessment adequately satisfies the requirements for a proper scoping report as set out in Appendix 2 and consequently it should be rejected as contemplated in Regulation 22(b) of the ENVIRONMENTAL IMPACT ASSESSMENT Regulations. It is not sufficient simply to include reference to the chapter of the report in which this is addressed. What is required is that it is properly and substantively addressed in the applicable chapter. In making its decision to approve or reject the Scoping Report, we require that the Competent Authority provides reasons for why it concludes that each of the requirements set out in Appendix 2 has been properly addressed.	The comment is noted. The report that was issued was a draft report for comments by interested and affected parties. The structure of the report is such that Appendix 2 in the ENVIRONMENTAL IMPACT ASSESSMENT Regulations 2014 is reflected in the introductory parts of the report with cross referencing (for ease of reference to the relevant chapter where the relevant aspect is properly and substantively described.  For more information, please refer to the EIA report with specialist studies.
5g					Specialist Studies	By way of example, we are of the view that the following objectives of the scoping process have not been met: - <b>1 (a): motivate the need and desirability of the proposed activity, including the need and desirability of the activity in the context of the preferred location;</b> This is particularly lacking inasmuch as the preferred site was selected out of two options prior to the undertaking of the impact assessment process. Moreover, the activities which are proposed to fall within the SEZ itself have also not been considered from this perspective. It is also our view that not all listed activities have been properly identified and described. An extensive list is included in the report but the notification of the Scoping Report refers, most confusingly, to the SEZ site clearance and township development; - <b>1 (d): identify and confirm the preferred site, through a detailed site selection process, which includes an identification of impacts and risks inclusive of identification of cumulative impacts and a ranking process of all the identified alternatives focusing on the geographical, physical, biological, social, economic, and cultural aspects of the environment;</b> This is particularly lacking inasmuch as the preferred site was selected out of two options prior to undertaking of the the impact assessment process; - <b>1(e): identify the key issues to be addressed in the assessment phase;</b> This is particularly lacking inasmuch as there are a number of specialist reports which ought to have been identified as being necessary as is discussed below.	1(a). The comment is noted. This application for authorisation is for the clearance of the site of 20ha or more. Each potential investor will subsequently have to undertake their own environmental impact assessments and licensing for its operations that extend beyond the site clearance. The potential activities of such investments indicate that several other activities listed in the ENVIRONMENTAL IMPACT ASSESSMENT Regulations will have to be authorised by way of application by the investors. The external bulk engineering infrastructure services will also require separate environmental authorisations. These activities have been listed in the scoping report in an endeavour to establish the framework on the potential overall impact of the SEZ development on the environment and for which specific specialist studies will be conducted as part of the ENVIRONMENTAL IMPACT ASSESSMENT phase of the project. The need and desirability of the proposed SEZ is provided in the scoping report based on the guidelines by the Department of Environmental Affairs (DEA), 2016. 1(d). The identified site has not been selected from two alternative sites. The site was identified as part of the initial feasibility studies conducted by the applicant. The economic analysis report compares Musina-Makhado SEZ to Tubatse SEZ. Refer to the EIA report. 1(e). The key issues to be addressed has been identified including the listing of specialist studies to be conducted during the ENVIRONMENTAL IMPACT ASSESSMENT phase as indicated in the plan of study for ENVIRONMENTAL IMPACT ASSESSMENT. Please refer to the EIA report.
5h					Project Description	In relation to the content, the following is lacking: 2(d): a description of the scope of the proposed activity, including (i) all listed and specified activities triggered; (ii) a description of the activities to be undertaken, including associated structures and infrastructure; This is particularly inasmuch as the listed activities are not properly enunciated;	Please refer to the final scoping report under Section 6. Your comments were noted and addressed within the Final Scoping Report.

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					<b>Legislation &amp; Policies</b>	2(e): a description of the policy and legislative context within which the development is proposed including an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks and instruments that are applicable to this activity and are to be considered in the assessment process; This is particularly relevant inasmuch as the Vhembe Biosphere Reserve Biodiversity Conservation Strategy for the reserve based on a revision of zonation, January 2019 has not been considered.	Please refer to the final scoping report under Section 6. Your comments were noted and addressed within the Final Scoping Report.
					<b>Site Selection / Alternatives</b>	2(f): a motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location; Without a proper cost benefit analysis or details of why Musina was selected over Tubatse, this cannot be properly addressed.	Please refer to the final scoping report under Section 7. Your comments were noted and addressed within the Final Scoping Report.
					<b>Site Selection / Alternatives</b>	2(g): a full description of the process followed to reach the proposed preferred activity, site and location of the development footprint within the site; This is particularly lacking inasmuch as the preferred site was selected from two options (Tubatse or Musina) prior to the impact assessment process being conducted.	Please refer to the final scoping report under Section 1, Section 3 and Section 4. Your comments were noted and addressed within the Final Scoping Report. More information will be provided with the ENVIRONMENTAL IMPACT ASSESSMENT reports in due course. The exact development footprint within the site has not been finalised and will be addressed within the ENVIRONMENTAL IMPACT ASSESSMENT phase.  Please refer to the EIA report for more information. The internal master plan under Appendix Z and the main report provides information of the site and reasons why it was selected, even though it was designated prior to undertaking any NEMA EIA.
					<b>Site Selection / Alternatives</b>	2(i): details of all the alternatives considered This is particularly lacking inasmuch as the preferred site was selected out of two options prior to the undertaking of the impact assessment process. Moreover, the activities which are proposed to fall within the SEZ itself have also not been considered from this perspective.	Please refer to the final scoping report under Section 9. Your comments were noted and addressed within the Final Scoping Report.
51					<b>Site Selection / Alternatives</b>	We have noted this concern in our assessment of the Report's compliance with Appendix 2. In our view, the two alternative sites for the SEZ ought both to have been considered as part of the alternative's analysis required to inform the environmental impact assessment. The decision to select Musina over Tubatse ought to have been informed by the environmental impact assessment. It is required that this exercise be conducted now as part of the alternatives impact assessment, particularly bearing in mind the significant biodiversity impacts likely to be suffered.	Please refer to the final scoping report under Section 9. Your comments were noted and addressed within the Final Scoping Report. Please also refer to the Plan of Study for ENVIRONMENTAL IMPACT ASSESSMENT under Section 11.  The EIA report is now available and includes an assessment and specialist studies as well as recommendations. Please refer to the economic rationale under Section 5 of the EIA report.

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5j					Impact Assessment	<p>Although a very rudimentary paragraph on cumulative impact assessments is included in the Scoping Report, it is plainly inadequate. A comprehensive regional strategic and / or cumulative impact assessment which takes account of the activities contemplated to be conducted both within the SEZ and outside of the SEZ is required. Coal of Africa, has, for example, in an affidavit filed in October 2016 committed on oath to undertaking/ participating in an initiative of this nature.</p>	<p>Cumulative impacts will be addressed and provided in more detail during the ENVIRONMENTAL IMPACT ASSESSMENT phase of the project.</p> <p>Cumulative impacts and the impacts of such have been included in the EIA report. Limitations on certain specialist studies and the overall cumulative impacts have been included and assessed in the EIA report.</p>

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NO.	NAME	AFFILIATION	FORM	DATE	CATEGORY	COMMENT	RESPONSE
5k					Impact Assessment	<p>It bears mention that although a response to an access to information request submitted to the Department of Mineral Resources had been forthcoming, the discussion on the apparently multiple prospecting, exploration and related rights in the area focuses solely on Coal of Africa. Patently the impact of all of these activities, were they to reach finality, must be comprehensively considered as part the above assessment. We fear greatly that the Limpopo Province will, if all of these activities proceed, be left in the dire and desperate environmental situation that has become the Mpumalanga wasteland. It is submitted that it is up to the environmental authorities and the independent environmental assessment practitioners to ensure that their recommendations are sufficiently robust to ensure that this does eventuality does not materialise. As a bare minimum, we remind both the authorities and the EAP's of, the necessity to act with a cautious and risk averse approach.</p>	<p>Noted and reported. Your comments will be investigated during the ENVIRONMENTAL IMPACT ASSESSMENT phase of the project.</p> <p>Please refer to the EIA report with specialist studies.</p>

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5l					<b>Water Uses</b>	This assessment ought to consider the very real possibility that there is inadequate water available for projects currently in the pipeline. This is likely to become an even greater concern in the future as climate change impacts are realised, particularly now that a material dispute has arisen with regard to Coal's New Water Project Agreement dated October 2012. It has become plainly apparent the "new water" that would be created has not been created at all and is unlikely to be created at any future point. On Coal's own version, the Makhado Project cannot proceed without significantly prejudicing commercial farmers downstream of the Nzelele dam unless the new water is created. This is a materially significant consideration and the outcome of the proposed dispute resolution process ought to be taken into account in relation to any decision that might be made regarding environmental authorisation.	<p>Please refer to Appendix G of the scoping report for information regarding the sources of water in the Development Plan. The applicant and operator are investigating the sources of water for the SEZ which includes water sources in the Limpopo Province as well as water from the Zhovhe Dam in Zimbabwe.</p> <p>A full water assessment has been prepared by Matukane and Associates and forms part of the EIA report. Please refer to it.</p>
5m					<b>Site Selection / Alternatives</b>	At least a cost benefit analysis ought to have preceded the decision to select Musina over Tubatse as the development area. However, in its absence, it is submitted that an analysis of this nature ought to be conducted in any event. This is even more important in light of, for example, the prominence of agriculture in the region and its contribution to food security.	<p>Please refer to Appendix G of the scoping report for the information as per the request.</p> <p>The economic rationale why Musina and not Tubatse was utilised is provided in the EIA report.</p>
5n					<b>Impact Assessment</b>	We note that notwithstanding the apparent purpose of the SEZ as being one which is earmarked for the development of energy and a metallurgical cluster for the production of high-grade steel, no climate change assessment has been proposed. This is more alarming given the prevailing case law which confirms the relevance of these impact assessments to the environmental impact assessment process as well as the fact that greenhouse gas emissions from the proposed industries have been captured as high/ medium.	<p>A climate change impact assessment specialist study will form part of the proposed development and has been commissioned. The climate change will look into the greenhouse gas emissions from the industries. Please note however, that this application is only for site clearance and the establishment of the SEZ. Site specific ENVIRONMENTAL IMPACT ASSESSMENTS will have to be undertaken for each investor within the SEZ. All permits and licenses will have to be obtained for each investor.</p> <p>Please refer to the climate change specialist study which forms part of the EIA for more information.</p>
5o					<b>Impact Assessment</b>	In our view, a health impact assessment is required to consider not only the potential impacts of the SEZ itself but its long-term implications from a climatechange perspective, particularly given the water scarcity noted in the region.	<p>A climate change impact assessment specialist study will form part of the proposed development and has been commissioned. The climate change will look into the greenhouse gas emissions from the industries. Please note however, that this application is only for site clearance and the establishment of the SEZ. Site specific ENVIRONMENTAL IMPACT ASSESSMENTS will have to be undertaken for each investor within the SEZ. All permits and licenses will have to be obtained for each investor. The health assessment was mentioned to the applicant. LIMPOPO ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM will confirm this study.</p> <p>Please refer to the health specialist study which forms part of the EIA for more information.</p>

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5p					<b>Air Quality</b>	It is unclear why environmental authorisation for activity 6 of GNR. 984, 2014 is being applied for. We base our comment which follows on the assumption that this is the intention behind the triggering of listed activity 6 of GNR. 984, 2014. It is submitted that no environmental authorisation can validly be granted in support of an application for what appears to be a generic approval of atmospheric emission licences for activities falling within the SEZ in terms of the National Environmental Management: Air Quality Act ("AQA"). Applications pertaining to atmospheric emissions require not only clarity on which categories of activities are triggered under the Listing Notice published in terms of AQA but moreover, a careful analysis of the impacts of the emissions profile applicable to that activity. The information regarding the activities which will be regulated by the licence is simply not available and it would therefore be improper to grant a "blanket" type approval in this regard. Moreover, any environmental authorisation granted would, on the basis of the information presented, be unable to be relied on for purposes of an application for an atmospheric emission licence since that Act requires the application for a licence of that nature to be made within 60 days of the granting of environmental authorisation.	<p>Thank you for your comment regarding the air quality permit and the inclusion of Activity 6 under the ENVIRONMENTAL IMPACT ASSESSMENT regulations, 2014 (as amended). Please note Activity 15 of Listing Notice 2 is the only activity this application is being applied for. Delta BEC has included the other activities with Listing Notices to illustrate potentially all activities which may be possible after successfully authorising the Musina-Makhado SEZ site clearance application with township establishment.</p> <p>Please refer to the air quality specialist study which forms part of the EIA for more information.</p>
5q					<b>Impact Assessment</b>	We note this by way of example only and require that the EAP and the Competent Authority conducts a careful analysis of the listed activities for which it is appropriate to grant environmental authorisation in light of the prevailing requirements of the National Environmental Management Act as informed by the Constitutional right to an environment that is not harmful to health or wellbeing. It is our considered view that the Special Economic Zones Act cannot supersede the requirements for conducting appropriate environmental impact assessment in relation to each activity to be undertaken within the proposed economic zone. This is not a justifiable limitation of section 24 of the Constitution.	<p>Noted, cumulative impacts are being taken into consideration at this early onset for the Musina-Makhado SEZ project. A noise impact assessment has been conducted for the proposed development and the cumulative impacts associated not only at the site, but also the surrounding environments have also been investigated. Cognisance of the Special Economic Zones Act and the Constitution of South Africa mention that all noise requirements and impacts not harmful to health or wellbeing has been adequately taken into consideration and undertaken.</p> <p>Please refer to the EIA report which outlines the legislation and EIA process.</p>
5r						Apart from the fact that there is insufficient information available to properly consider the impacts of the SEZ and the activities which will be conducted within its boundaries, we note that the Makhado Strategic Development Framework does not yet provide for the establishment of the SEZ. It is submitted that the inclusion of the SEZ in that plan following the prerequisite consultation process is a prerequisite to its ultimate approval.	<p>Noted, a scoping report introduces the public and Interested and Affected Parties to the general project, the alternatives and site. Specialist scoping reports are included and the plan of study for ENVIRONMENTAL IMPACT ASSESSMENT is provided. The Makhado SDF is currently being updated.</p> <p>The EIA report utilised a town planning impact assessment which looks at the SDFs as a way whether the SEZ will fit into such an environment.</p>
5s					<b>I&amp;AP Registration</b>	Kindly ensure that for all future purposes our client and we are recorded as interested and affected parties and therefore, that we receive all further communication and notifications regarding this matter.	Noted, you are registered on our project database and will be notified of all future happenings on the project.

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						<p>We are constrained to record our dismay at what clearly is a deeply flawed process as matters stand presently. We sincerely hope that where it is readily apparent that the CoAL coal mining projects, the Mutsho Power Project (which has escalated from an initial 600 mW project to a proposed 4 400 mW project and in which CoAL holds an interest of at least 10%), the SEZ, the smelter project and allied activities are all interconnected and components of an overarching whole that is being presented as yet another project "too big to fail"; the establishment of which appears to be a <i>fait accompli</i> (as we have said earlier), that the entire system of environmental management as embodied in the applicable legislative matrix does not stand to be ridden roughshod over for the mere sake of expedience, and that you are a party to this type of abuse.</p>	<p>Noted, as indicated this is a scoping report which introduced the public, stakeholders etc of the project and the plan of how the project will be carried forward in the ENVIRONMENTAL IMPACT ASSESSMENT phase and all specialist studies to be conducted. The ENVIRONMENTAL IMPACT ASSESSMENT process for the township establishment and the site clearance of the SEZ is currently underway. Investors within the SEZ will have to apply for their own site-specific ENVIRONMENTAL IMPACT ASSESSMENTS and permitting.</p> <p>Please refer to the EIA report for further information.</p>
5t					Public Participation	<p>Kindly acknowledge receipt of this letter, provide us with your considered response and confirm that copies of this letter and your response have been made available to the Competent Authority.</p>	<p>Noted, the information will be forwarded in due course. This information will be included during the ENVIRONMENTAL IMPACT ASSESSMENT phase of the project.</p> <p>It was resolved that the Competent Authority for this application is LEDET. Please refer to the EIA report for proof of the Competent Authority.</p>
6	Tiego Nwokoro		Email	04-Mar-19	Public Participation	<p>In the Scoping Report you make reference to a business's plan by the Chinese, could we have a copy of the said business plan?</p>	<p>The business plan is still in development and will be made available to the public in due course. The masterplan will be attached with the ENVIRONMENTAL IMPACT ASSESSMENT which is part of the next phase of the project.</p>
7a	Department of Economic Development, Environment and Tourism	Limpopo Provincial Government	Email	28-Feb-19	Project Description	<p>The Department request for clarity to be provided regarding the current application for environmental authorisation:</p> <p><b>a)</b> The application form on page 4 indicates the applicant's intention is to apply for environmental authorisation for township establishment and the industrial park with its associated mixed use urban development.</p> <p><b>b)</b> The consultation Scoping Report on page 13 indicates the report is only limited to metallurgical cluster.</p> <p><b>c)</b> The newspaper advert reflect that the nature of the proposed development entails a change of land use for the Musina-Makhado Special Economic Zone.</p> <p><b>d)</b> On page 61 and 62 the title of the section 7.2.2 "Public participation required as part of the application for township establishment" and details make reference to township establishment".</p> <p>In light of the above points (township establishment, industrial park, metallurgical cluster and change of land use), the Department request for clarity on what this application entails.</p>	<p>The proposed development entails the development of a heavy industrial zone / park between the town of Musina and Makhado. The majority of the industries within the SEZ will encompass a metallurgical nature, however other infrastructures will also form part of the SEZ. Please note however, that Delta BEC is only applying for site clearance and township development. Each investor within the SEZ will have to apply for their own site-specific ENVIRONMENTAL IMPACT ASSESSMENT and permitting.</p>

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7b					<b>Project Description</b>	The Department has noted the identified "potential" listed activities in terms of the ENVIRONMENTAL IMPACT ASSESSMENT Regulations 2014 within the SR. Since the listed activities are currently identified as potential to be triggered by the proposed development, the Department is unable to provide comments as to whether they are listed or not as still need clarity with regard to description of the activity that will detail out the scope of work of the proposed development.	This application is only for Listing Notice 2 Activity 2 for removal of vegetation of more than 20ha. Other potential associated activities and listings are mentioned and these will be addressed for each site-specific ENVIRONMENTAL IMPACT ASSESSMENTS by different investors. The specialists have included the cumulative impacts associated with the proposed SEZ.
7c					<b>Specialist Studies</b>	Inconsistency regarding envisaged specialist has been observed which must be addressed. The executive summary section of the SR reflects 13 specialist studies while the plan of study reflects 14 specialist studies (addition of Topographical Survey).	This has been addressed in the final scoping report. The specialist studies to form part of this scope of work is: • Soil classification and land capability• Biodiversity Assessment• Wetland and Aquatic Assessment• Noise Impact Assessment• Air Quality Assessment• Climate Impact Assessment• Socio-Economic Assessment• Heritage Impact Assessment• Paleontological Impact Assessment• Visual Impact Assessment• Geotechnical Assessment• Flood line Assessment• Cadastral Assessment• Traffic Impact Assessment• Topographical Survey• Engineering Studies• Geo-hydrological Survey  Additional specialist studies which were commissioned included health, food security, economic rationale, tourism, water, waste.
					<b>Specialist Studies</b>	The Department recommends that an Air Quality Assessment study should not be considered as an alternative (as denoted by the forward slash sign) to Climate Impact Assessment. A climate impact study must be considered as a stand-alone recommended study that will further incorporate associated green-house-gases (GHS).	Noted and reported.  Please refer to the climate change specialist study forming part of the EIA report.
					<b>Specialist Studies</b>	As part of the specialist studies listed, the department recommends for the Engineering Study and Geo-hydrological study.	Noted and reported.  Please refer to the internal master plan, traffic and water study contained in the EIA report.
7d					<b>Legislation &amp; Policies</b>	The Department recommends the incorporation of the Special Economic Zone of 2014 (Act 16 of 2014) as well as the Special Economic Zone Regulation and Policy under the applicable legal framework to this proposed development.	Noted and reported.
7e					<b>Project Description</b>	The actual size of the proposed development area must be provided. The Department has noted that the combined total of the property sizes provided (8 048ha on page 37 of the SR exceed that Gazetted by the minister of Department of Trade and Industry in GN. 1324 of 1 December 2017.	Noted and reported. The cadastral size (study area) of the Proposed SEZ is 8 048,223 hectares, while the designated site is 7 262,691 hectares. Please refer to Section 4 of the Final Scoping Report for more information.  Please refer to the EIA report.
7f					<b>Project Description</b>	According to response given to one of the Interested and Affected Parties, the area bound by the farms Somme 6116 MS, Steenbok 565 MS and Antrobus 566 MS is excluded from the area considered for the proposed development of the Musina-Makhado SEZ. For ease of identification, the Department recommends the locality map to clearly distinguish the excluded area.	Noted and reported. These farms were designated and form part of the proposed SEZ. Please refer to Figures 4.6 and 4.7 of the socpng report for clarity on this matter.



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7g						Please note there is no facility illustration map/site development appended to the SR for the proposed development.	Noted and reported. The master plan will be included during the ENVIRONMENTAL IMPACT ASSESSMENT phase of the project. The current facility illustration is shown in Figure 4.8 and an enlargement in Appendix C of the scoping report.
						In addition, the SR has no Appendix C "Hazardous metals in mineral processing plants in South Africa - the risk of occupational exposure SIMRAC - Safety in mine research advisory committee September 2000".	Noted and reported in Appendix G of the scoping report.
7h					Public Participation	A proof of distribution of the SR must be appended to the forthcoming SR.	Noted and reported. Refer to Appendix D.2 and the comments received in Appendix D.8 during the draft Scoping Phase.
					Public Participation	The BID failed to reach majority of the stakeholders about eleven (11) in total, according to the proof of email submission. The Department recommends for the consideration of other means of reaching out the stakeholders such as hand-delivery and/or mails.	Noted and reported. The report was available as indicated in Appendix D.2 to respective I&AP and send registered mail to these. Hard and soft copies were also delivered to stakeholders. Refer to Appendix D.
					Public Participation	According to page 142, it has been indicated that Eskom will be able to supply 5MW/Year. However, in the public participation section, no records or correspondence regarding such a commitment was identified.	Noted and reported. Please refer to Appendix G for confirmation LIMPOPO ECONOMIC DEVELOPMENT AGENCY received pertaining to this question. This is now included in the EIA report with specialist studies.
					Public Participation	The Department request that a register of interested and affected parties be compiled in accordance with regulation 42 of the ENVIRONMENTAL IMPACT ASSESSMENT Regulation 2014. The current appended register did not incorporate all the individuals requested to be registered as Interested and Affected parties.	Noted and reported. Please refer to Appendix D.7 of the scoping report
7i						Please note an arrangement for site visit/inspection will be arranged in due course. The Department reserve the right to provide comments based on the findings of the site inspection/visit.	Noted and reported. A site visit was undertaken.
8a	Mr Maphari Solomon	Waterpoort community development trust (WCDT 12/2014)	Letter	05-Mar-19	Public Participation	<i>We started participating in your ENVIRONMENTAL IMPACT ASSESSMENT through delta built environmental consultant but we still need more proper consultation, we need delta built environmental consultant and representative from SEZ to visit our community at waterpoort. We receive an email stating that Ronald Retief need a meeting with our community but it is enough for us to call meeting in few days since many of our community are farm workers and they are residing in different farms so it will need more time to inform our community.</i>	Noted, meetings / road shows will be held and the Applicant to respective stakeholders and the tribal communities in due course.  Meetings with the tribal communities, municipalities and stakeholders will be undertaken during September 2020.
8b					Public Participation	<i>The only date that can fit our community is the 16<sup>th</sup> of March 2019 at the waterpoort and we need to agree on time and venue.</i>	Noted, meetings / road shows will be held and the Applicant to respective stakeholders and the tribal communities in due course. Meetings with the tribal communities, municipalities and stakeholders will be undertaken during September 2020.

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8c					<b>Objection / Support</b>	<i>We also appreciate your cooperation since the community start engaging with you using your comments sheets and since this proposed project SEZ is big and brode our community to discuss issue relating to social labour plan, BBB, EEE, procurement and others and we are not against the project it will empower our historical disadvantages community and we believe that this will done under the guidance of our constitution and the south African mining charter.</i>	Noted and reported. Please refer to the Socio-economic specialist study which will be made available during the ENVIRONMENTAL IMPACT ASSESSMENT phase of the project.
8d					<b>Public Participation</b>	<i>Therefore, all information, correspondence must be directed to the following people secretary of the trust, chairperson and coordinator to avoid future incontinence.</i>	Noted and reported. All information pertaining to meetings will be communicated to all registered Interested and Affected Parties.
<b>FINAL SCOPING REPORT COMMENTS FROM CENTRE FOR ENVIRONMENTAL RIGHTS</b>							
1	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		We address you as the Centre for Environmental Rights (CER) <sup>1</sup> on behalf of our clients groundWork <sup>2</sup> and Earthlife Africa <sup>3</sup> – who have particular interest and expertise in environmental justice issues, and a long-standing history of working with, and representing, the interests of historically disadvantaged communities within the Limpopo Province.	Noted and reported. You are registered on the project I&AP database.
2	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		We submit these comments on the final scoping assessment report (FSR) <sup>4</sup> for an environmental impact assessment (EIA) process in respect of the proposed Musina-Makhado Special Economic Zone (SEZ), to be managed and facilitated by the Limpopo Economic Development Agency (LEDA), also called the Energy Metallurgical Special Economic Zone (EMSEZ), which the Minister of Trade and Industry designated as a SEZ in 2016.	Noted and reported.
3	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>We refer to our letter to you of 4 September 2019, a copy of which is attached as “A”, wherein werecorded:</p> <ol style="list-style-type: none"> <li>3.1. our concerns in relation to the EMSEZ project proponent’s failure to register the CER and its clients as interested and affected parties (I&amp;APs) despite our repeated requests;</li> <li>3.2. the inadequate public participation held to date in relation to the EIA process; and</li> <li>3.3. our clients’ preliminary concerns about the impacts of the EMSEZ to human health, wellbeing, and the environment, and reserved all rights to submit formal, detailed objections in relation to this process at a later stage.</li> </ol>	<p>You are registered on the I&amp;AP database. Your request to be registered was received late from the operator, however you are now on the project database.</p> <p>Please note that the public participation has been undertaken as stipulated in terms of NEMA, 1998. This was only the scoping phase of the project and the EIA phase is the next phase in the project. Public meetings and other focus groups will be handled and mentioned in due course.</p> <p>Noted, these aspects have been included as part of the EIA phase of the project. This is one of the main reasons why the EIA process has been delayed, is to adhere and the specialist requests and conditions.</p>
4	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>We record that we initially requested to be registered as I&amp;APs as far back as 7 December 2018 upon first becoming aware of the EMSEZ project, but were not registered until 28 July 2019, on confirmation from the appointed environmental assessment practitioners (EAP), Delta Built Environmental Consultants (“Delta BEC”). As such:</p> <ol style="list-style-type: none"> <li>4.1. we were not made aware of the scoping assessment process or provided with any information in relation to</li> </ol>	<p>The notice for registration by CER only came through to Delta BEC on 28 July 2019. The initial registration for the Public Participation was held in 2018 and during this 30-day period, the CER never registered directly with Delta BEC.</p> <p>Unfortunately Delta BEC was appointed to run the EIA process. It is unfortunate that the CER did not register to be aware of the EIA</p>

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						<p>the developmental status of the EMSEZ, until July 2019 – despite this being requested in December 2018;</p> <p>4.2. we were not provided with a copy of the draft scoping assessment report or any opportunity to comment thereon prior to its approval; and</p> <p>4.3. it was only after numerous attempts at following up with Delta BEC and LEDA, that we were notified, on 19 August 2019 – almost 8 months after our initial enquiry – that the FSR had already been approved by the Limpopo Department of Economic Development, Environment &amp; Tourism (LEDET) on 31 March 2019. A copy of the approval is attached as “B”.</p>	<p>process. Delta has however accommodated the CER by providing them with the final Scoping report and also adding them onto the project database.</p> <p>As mentioned CER never registered directly with Delta BEC during the Scoping phase initial registration or during the review of the draft Scoping report. The CER was only registered during the transition between the Scoping and EIA phases of the project.</p> <p>This statement is incorrect. Delta BEC have accommodated the CER and adhered to all their requests. If LEDA did not adhere to these, then this is a different aspect.</p>
5	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>Given the nature of our clients and the interests we collectively represent, a failure to provide for an opportunity to consider and comment on the FSR undermines the right to an adequate, fair and reasonable public participation process, as enshrined in section 33 of the Constitution of the Republic of South Africa, 1996 (“the Constitution”) in relation to crucial planning documents that will have far-reaching implications for the people of South Africa.</p>	<p>This statement is not true. The release of the draft scoping report was made available for the public longer than the initial 30-days review from September 2018 to December 2018. The CER never registered directly with the EAP until July 2019 and thereafter all the information the CER requested was provided.</p>
6	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>Although the deadline for commenting on the scoping phase for the EMSEZ EIA has passed. For the above stated reasons, and in light of the significant and far-reaching human health, climate and environmental impacts of the EMSEZ, we request that:</p> <p>6.1. our comments on the FSR herein and below be considered despite the time period for comment on the FSR having lapsed;</p> <p>6.2. the FSR be withdrawn;</p> <p>6.3. both the scoping and EIA for the EMSEZ be postponed until a thorough Strategic Environmental Assessment (SEA) is conducted with full and proper public participation, taking into account our clients’ comments made herein, and any comments by other I&amp;APs; and</p> <p>6.4. the Minister of Environment, Forestry and Fisheries must be designated as the competent decision-making authority for any EMSEZ EIA processes</p>	<p>Thank you for your comments. Your comments have been taken into account during the EIA phase of the project. This is one of the main reasons why the release of the draft EIA report has been delayed so considerably. Unfortunately, the FSR cannot be withdrawn as this was an approved document by the competent authority. Regarding the SEA, this is a decision-making tool and does not form part of the NEMA, 1998 regulations. It is good to have reviewed and assessed a few areas or sites, however the SEA is thus not compulsory for any EIA process. Please also note that the site for the SEZ was designated by the minister and the competent authority, however Delta BEC have enquired numerous times between LEDET and DEA, the resolution was the competent authority is LEDET.</p> <p>As indicated above, the competent authority for the Musina-Makhado SEZ is LEDET and this was resolved by DEA and Minister Creecy.</p>
7	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>A failure to take the above steps would, render the current EIA process, for which the FSR has been approved, unlawful and inadequate given the fatal flaws of the FSR and public participation process followed thus far.</p>	<p>Noted and reported. All the processes and information was provided to CER upon their request.</p>
8	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>In summary, our clients’ key concerns in relation to EMSEZ and FSR process are as follows:</p> <p><b>8.1 an SEA for the Musina-Makhado region<sup>5</sup> must be completed prior to the scoping and EIAs for the listed activities of each individual facility associated to the EMSEZ due to its massive scale and the far-reaching</b></p>	<p>This statement is wrong as an SEA even though it is a decision-making tool is not a requirement of NEMA, 1998.</p>

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						<p>implications that the many projects associated with it would have. Without an SEA, this EIA, which purportedly focuses only on the clearing of land, should not proceed because it is not capable of assessing the full breadth of cumulative impacts of EMSEZ and its associated projects;</p> <p><b>8.2</b> the <b>incorrect competent authority has been appointed to oversee the scoping assessment and the other EIA processes</b> in relation to the EMSEZ. We submit that this is a matter of national importance and one which cannot proceed without the consultation and approval of the Department of Environment, Forestry and Fisheries (DEFF). Further, the EMSEZ EIA process falls within the scope of section 24C(2)(d)(iii) of the National Environmental Management Act, 1998 (NEMA) by virtue of the fact that the activities are being undertaken by a statutory body i.e. the LEDA. Therefore, it is the Minister of Environment, Forestry and Fisheries – and not LEDET – which must be regarded as the competent authority for the EIA process currently being undertaken for the EMSEZ, and for all future EIA processes for EMSEZ;</p> <p><b>8.3</b> EMSEZ is <b>not in the public interest</b> as it will have severe and irreversible impacts on water resources, climate change, food security, agriculture, air quality and soil quality. There is also no discussion of – or proposal to assess in the EIA – the risk that the entire EMSEZ and all of its associated infrastructure will become a <b>stranded asset</b>;</p> <p><b>8.4</b> the FSR's discussion of <b>need and desirability</b> for EMSEZ is narrow and flawed, as it fails to take into account the potential significant environmental and human rights impacts of EMSEZ;</p> <p><b>8.5</b> the FSR does not adequately provide for an assessment and consideration of the <b>climate change impacts</b> of EMSEZ, or the impacts of climate change <i>on</i> EMSEZ. We submit that the EIA must calculate direct, indirect and cumulative greenhouse gases (GHG) emissions from construction, operation and decommissioning of EMSEZ and associated activities arising from the EMSEZ. This will undoubtedly impact significantly on South Africa's international commitments under the Paris Agreement and Constitutional obligations to reduce GHG emissions and the impacts of climate change. Adequate assessment must include the full life-cycle of fuels, and the environmental, ecological and social costs of GHG</p>	<p>Refer to point 7 above. The matter was taken up with both the provincial and national environmental departments and the resolution was that the provincial environmental department LEDET is the competent authority for this application.</p> <p>These aspects have now been addressed within the EIA report and more than the mentioned 17 specialist studies in the final Scoping report Plan of Study for EIA has been undertaken to ensure that the project addresses all the concerns for such a big and large magnitude development.</p> <p>The FSR has a section for need and desirability, however the scoping report is only an indication of what the client intends to do and during the EIA phase these are assessed in more details. A need and desirability study was undertaken and has been included with the EIA.</p> <p>A complete climate change specialist study was undertaken and has been included in the EIA report. The climate change specialist study provides mitigation and the anticipated levels of each of the proposed plants within the SEZ.</p>

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						<p>emissions from the EMSEZ. The EIA must also evaluate the impacts of climate change on the EMSEZ, including severe water shortages, heatwaves, and flooding over the anticipated lifespan of EMSEZ, and how these impacts will affect its operations;</p> <p><b>8.6</b> the FSR's analyses of <b>water use and water availability</b> in the region are extremely flawed;</p> <p><b>8.7</b> the FSR lacks <b>basic facts</b> about the proposed projects that will be part of EMSEZ, including: what each component will entail; the amount and type of fuel to be used; annual water requirements during construction and operation; wastewater volumes; solid waste volumes; and annual air pollution emissions, including mercury and other heavy metals, and it fails to include an adequate baseline assessment of air, soil and water quality in the region;</p> <p><b>8.8</b> the FSR <b>fails to sufficiently consider the various EMSEZ projects' impacts on biodiversity, heritage and ecological function.</b> In particular it fails to assess impacts in the Vhembe Biosphere Reserve (a United Nations Educational, Scientific and Cultural Organization (UNESCO) Biosphere Reserve), Kruger National Park, Nzelele Nature Reserve and Mapungubwe National Park (a UNESCO World Heritage site);</p> <p><b>8.9</b> the FSR does not adequately provide for the assessment of <b>alternatives</b> to the EMSEZ, including the "no-go" option, which is legally required to be assessed during the EIA process;</p> <p><b>8.10</b> the FSR fails to consider the <b>cumulative impacts</b> of the project including the environmental, health and climate impacts of the <b>many new coal and mineral mines</b> that will supply EMSEZ. According to the FSR, over 104,000 ha of new coal mines are proposed for the region, including Mopane Project, Chapudi Project, Makhado Project, General Project, and Vele Project, with no assessment of, or reference to, their environmental impacts. The SEA and EIA processes must assess the impacts of these new coal mines that will supply EMSEZ – in particular no provision is made for the assessment of impacts of these mines and associated projects on <b>protected areas, endangered species, and ecosystems</b>;</p> <p><b>8.11</b> the FSR's <b>assessment and evaluation of impact significance and risk is wholly inadequate</b> as it seeks to draw conclusions on impacts prior to any assessments actually being done, and is therefore speculative at</p>	<p>A specialist study has been undertaken and forms part of this EIA phase of the project. Please refer to the specialist study.</p> <p>Please note that although this EIA is only for the clearance of an area of 20ha or more of indigenous vegetation the entire SEZ with proposed investors have been included in the EIA. Delta BEC have done their utmost best to obtain all the quantities and values, etc. for the entire development and a master plan has been developed showing the Musina-Makhado SEZ site with all the activities and water needs etc.</p> <p>This statement is wrong as the EIA does not exclude any of these areas. Each specialist study has undertaken a cumulative impact assessment in their respective fields of practice.</p> <p>The FSR provides details of possible alternatives to be assessed during the EIA phase of the project. Alternative sites are not possible, however configuration of the plants and layout alternatives has been considered.</p> <p>A specialist study has been undertaken to oversee all the mining and coal projects for the entire Vhembe area. This has been included with the draft EIA report.</p> <p>This aspect is analysed and addressed in more detail during the impact assessment of this EIA process. Please refer to the Impact Assessment in the EIA report for more details.</p>



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						<p>best;</p> <p><b>8.12</b> the FSR <b>failed to adequately identify the scope of specialist studies required</b> to comprehensively assess the EMSEZ's impacts and promote informed decision-making; and</p> <p><b>8.13</b> the <b>public participation</b> process related to the FSR has been wholly inadequate. Many people, particularly those who will potentially be impacted by the project, did not have access to the scoping assessment records, or an adequate opportunity to consider and comment on these records, which are in any event, very technical in nature and would require additional expertise, resources and assistance for meaningful participation. The EMSEZ will have significant implications in terms of its scale and range of harmful impacts for communities living within the areas where the project will be based. In the circumstances, we also note that the EMSEZ's proponents failed in the legal duty to provide meaningful opportunities for public participation as, despite several requests made in this regard and a clear expression of our interest in the EMSEZ, we were not afforded any notification as to the project's developmental status and opportunities for engagement.</p>	<p>Specialist studies formed part of the EIA and mentioned in the plan of study for EIA. The applicant has seen the need for additional specialist studies and these have been undertaken and forms part of the EIA phase of the project.</p> <p>This statement is incorrect. As mentioned above, Delta BEC had an initial registration for the EIA and this process ran from September 2018 to December 2018. Thereafter the draft scoping report was made available for public review and although it was set out for 30-days, the period was extended on request from the general public due to the size of the scoping report.</p>
9	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		On 21 October 2019, we wrote to the Minister of Environment, Forestry and Fisheries to raise some of the above concerns, in particular the requirements for an SEA to be conducted and for the Minister to be appointed as the competent authority for this, and other, EIA processes relating to the EMSEZ. A copy of this letter is attached as "C".	Noted and reported
10	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>The 2014 EIA Regulations<sup>6</sup> under NEMA, state that the purpose of the scoping process is, <i>inter alia</i>, to:</p> <p>10.1 "identify the relevant policies and legislation relevant to the activity";</p> <p>10.2 "motivate the need and desirability of the proposed activity, including the need and desirability of the activity in the context of the preferred location";</p> <p>10.3 "identify and confirm the preferred activity and technology alternative through an identification of impacts and risks and ranking process of such impacts and risks";</p> <p>10.4 "identify and confirm the preferred site, through a detailed site selection process, which includes an identification of impacts and risks [assessment process]</p>	Noted and reported. The scoping report only introduces the public to the proposed development, while the EIA report provides an in-depth analysis of the entire process with direct, indirect and cumulative impacts analysed as well as the input of various specialist studies to ensure that the EAP can make an informed decision of the overall project and the significant issues of a project of this magnitude.

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						<p><i>inclusive of identification of cumulative impacts and a ranking process of all the identified alternatives focusing on the geographical, physical, biological, social, economic, and cultural aspects of the environment”;</i></p> <p>10.5 <i>“identify the key issues to be addressed in the assessment phase”;</i></p> <p>10.6 <i>“agree on the level of assessment to be undertaken, including the methodology to be applied, the expertise required as well as the extent of further consultation to be undertaken to determine the impacts and risks the activity will impose on the preferred site through the life of the activity, including the nature, significance, consequence, extent, duration and probability of the impacts to inform the location of the development footprint within the preferred site”; and</i></p> <p>10.7 <i>“identify suitable measures to avoid, manage or mitigate identified impacts and to determine the extent of the residual risks that need to be managed and monitored”.</i></p>	
11	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		In light of the above, we submit that the FSR, in its current form and based on processes currently undertaken by the EAP, does not meet these regulatory requirements. Without addressing the above concerns, the FSR is flawed, and any further environmental review based on the FSR would be similarly flawed.	<p>This statement is incorrect. The scoping report introduced the public to the project and all the aspects not known at the stage of submission to LEDET have now been incorporated and included in the EIA report.</p> <p>Please refer to the EIA report with specialist studies and impact assessments.</p>
12	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>These comments are structured under the following headings:</p> <ul style="list-style-type: none"> <li>A. Background;</li> <li>B. South Africa’s overarching environmental framework;</li> <li>C. The need for an SEA to precede any EIA for the EMSEZ;</li> <li>D. The Minister of Environment, Forestry and Fisheries must be designated as the competent decision-making authority for any EMSEZ EIA processes;</li> <li>E. Objections to the Scoping Report and the EMSEZ more broadly;</li> <li>F. Inadequate, unreasonable, unfair public participation and stakeholder engagement; and</li> <li>G. Conclusion</li> </ul>	Noted and reported.
13	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>On 8 July 2019, the CER received access to the Background Information Document (BID) of the project (attached as “D”) for the proposed SEZ, which highlighted the following:</p> <p>13.1 <i>“the Limpopo Economic Development Agency (LEDA) has appointed Delta Built Environment Consultants</i></p>	Noted and reported. The BID was forwarded to CER as requested with all the information send to LEDET after they granted approval of the final scoping report. The registration of the CER was only done on 8 July 2019 as this was the date that the request reached Delta BEC. The initial registration was undertaken in 2018 and thereafter the draft scoping report was set out for public review and it was published in



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						<p>(Delta BEC) to undertake the environmental authorisation process and the change of land use for the proposed Musina-Makhado SEZ. The proposed Musina-Makhado SEZ is situated within the Makhado and Musina local municipalities under jurisdiction of the Vhembe District Municipality within the Limpopo Province”;</p> <p>13.2 “the main strategic objective of the LEDA is to accelerate industrial diversification through strategic economic development interventions. The metallurgical cluster zone of the SEZ’s primary focus will be the beneficiation of minerals endowed in the Vhembe district and its neighbouring areas. Coking coal and other minerals, which are key inputs into the steel and iron production process will be part of the upstream and downstream value adding process, in line with the country’s national industrialisation objectives and mineral beneficiation strategy”;</p> <p>13.3 “other land uses envisaged to complement the energy and metallurgical complex will comprise bulk infrastructure, light industries, intermodal facilities, housing, retail centres, business uses, community facilities and telecommunication services. The zone will generate job opportunities for the skilled, semi- skilled and skilled labour market”;</p> <p>13.4 “the proposed Musina-Makhado SEZ is located on eight farms across the Makhado and Musina local municipalities, which fall under jurisdiction of the Vhembe District Municipality in the Limpopo Province. The nearest towns are Makhado (located 31 km south) and Musina (located 36 km north) of the proposed SEZ”;</p> <p>13.5 “the Musina-Makhado SEZ will comprise an offering of mixed land uses and infrastructure provision to ensure the optimal manufacturing operations in the SEZ”; and</p> <p>13.6 “it is envisaged that the energy and metallurgical complex shall consist of various industrial components’ which includes a 3 300 MW thermal power station that will rely primarily on coal”.</p>	<p>reputable sources and to all I&amp;APs who registered on the project database. The registration of the CER was sent through the DTi.</p>
14	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>Although the FSR purportedly concerns the EMSEZ’s application for environmental authorisation for clearance of the southern EMSEZ site and a change in land use, the FSR also discusses (in general terms), the various projects associated with the EMSEZ and the potential benefits of a fully operating industrial zone.</p>	<p>Noted and reported. This is correct, as although the application is only for site clearance, the EAP had to introduce the public to the overall SEZ and proposed industries. This is to determine the cumulative impacts associated with such a development. Should the SEZ development be granted authorisation by LEDET, each industry and /or</p>



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							investor will have to undertake their own licensing and EIA to comply with NEMA, 1998 and other laws govern by South Africa and Internationally sound legislative requirements.
15	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>Some of the key environmental concerns around the EMSEZ include that:</p> <p>15.1 it proposes using, and will require, vast amounts of water in a water-scarce area;</p> <p>15.2 its various components are likely to emit significant GHGs – with irreversible climate impacts and would also impact South Africa’s international climate commitments;</p> <p>15.3 it will exacerbate the Limpopo area’s current vulnerability to the impacts of climate change by using and polluting already-limited water and land, clearing natural vegetation and carbon sinks;</p> <p>15.4 throughout its lifespan, it will pollute the surrounding area’s air and water – with related impacts for health and the surrounding environment; and</p> <p>15.5 it will irreversibly impact on natural ecosystems and species, as well as cultural heritage sites.</p>	<p>Noted, specialist studies have been undertaken to identify the sources of water. The Limpopo province is water scarce area.</p> <p>A climate change specialist study was undertaken and the impacts of the anticipated investors / plants have been determined, i.e. the overall cumulative impacts.</p> <p>Noted, these aspects are addressed in the EIA report and the EAP thus can make an informed decision about the EIA process based on the specialist studies and cumulative impacts being assessed.</p> <p>A health specialist study was undertaken and forms part of the EIA report. Cumulative impacts have also been assessed and included.</p> <p>Ecological, Biodiversity Offset, Palaeontological and heritage specialist studies were undertaken by specialists and these have been included with the EIA report.</p>
16	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		In light of the above, it is expected that each industrial component and related infrastructure under the EMSEZ will require its own scoping report and EIA process, if, after an SEA has been conducted it is recommended and decided that the EMSEZ should proceed. We herein reserve our clients’ rights to comment on all of those assessments as and when they become available, and request that we be duly notified.	Noted and reported. Each industrial component will have to undertake their own EIA and licensing. This EIA even though is only for site clearance of indigenous vegetation of more than 20 ha, has taken into account the entire plant with cumulative impacts and surroundings.
17	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		As a project with far-reaching impacts for health, climate, well-being, and the environment, the EMSEZ will impact numerous fundamental rights enshrined in the Bill of Rights in the Constitution. Government must therefore ensure that the proposed development – along with its associated activities and requisite EIA processes – respects, protects, promotes and fulfils these rights.	Noted and reported. Specialist studies have been carried out by specialists in their respective fields of practice. The specialists have to comply with the constitution and NEMA, 1998 and therefore they have to declare that all information they provide is accurate and according to law.
18	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		In particular, the Constitution guarantees a right to an environment that is not harmful to health or well-being; and to have the environment protected, for the benefit of present and future generations. <sup>8</sup> The state has a duty to take reasonable legislative and other measures to give effect to that right. Therefore, all law – which includes EIA-related activities taken in terms of environmental legislation – must be consistent with and give effect to the right to an environment that is not harmful to human health and well-being.	Noted and reported. Specialist studies have been carried out by specialists in their respective fields of practice. The specialists have to comply with the constitution and NEMA, 1998 and therefore they have to declare that all information they provide is accurate and according to law.

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19	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		We point out that the Freedom Charter of the African National Congress also recognises the need to protect the well-being of the people of South Africa from the harmful impacts of industrial activity, stating that "(a) // other industry and trade shall be controlled to assist the well-being of the people".	Noted and reported.
20	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		Other Constitutional rights that are relevant include: the right of access to water; <sup>10</sup> the right to equality; <sup>11</sup> the right to human dignity; <sup>12</sup> to just administrative action; <sup>13</sup> and of access to information. <sup>14</sup> The state has a clear legal obligation to ensure that there is adequate public consultation and engagement with the public at all stages of the project.	Noted and reported. The initial registration was from September 2018 to December 2018. The draft Scoping report was set out for a 30-days public review in 2019.  The EIA public participation in September 2020 will consist of public meetings.
21	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>The overarching environmental legislation which gives effect to section 24 of the Constitution is the NEMA.<sup>15</sup> The National Environmental Management (NEM) Principles in NEMA's section 2, must be adhered to by any organ of state in all decision-making and when exercising its functions. Some of these binding directive principles are as follows:</p> <p>21.1 the <b>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</b> ("public trust doctrine");<sup>16</sup></p> <p>21.2 <b>a risk-averse and cautious approach must be applied</b>, which takes into account the limits of current knowledge about the consequences of decisions and actions<sup>17</sup> ("precautionary principle");</p> <p>21.3 <b>negative impacts on the environment and on people's environmental rights must be anticipated and prevented, and where they cannot be altogether prevented, must be minimised and remedied</b> ("preventive principle");<sup>18</sup></p> <p>21.4 <b>environmental justice must be pursued</b> so that adverse environmental impacts shall not be distributed in such a manner as <b>to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons</b>;<sup>19</sup></p> <p>21.5 <b>responsibility for the environmental health and safety consequences</b> of a policy, programme, project, product, process, service or activity <b>exists throughout its lifecycle</b>;<sup>20</sup></p> <p>21.6 <b>"sensitive, vulnerable, highly dynamic or stressed ecosystems ... require specific attention in management and planning procedures, especially where they are subject to significant</b></p>	Noted. The EIA report considers the entire development with all investment opportunities, the social, environment and economical aspects of the Musina-Makhado SEZ. Various specialist studies have been undertaken and the cumulative impacts of the overall proposed development as well as impacts on climate change, water sourcing, pollution, impacts on the water and groundwater, impacts on biodiversity, wetlands and watercourses have been included in the EIA report. These and other aspects are addressed in the impact assessment and all the aspects are addressed in the environmental management programme which is a legal document which needs to be kept onsite by the applicant and adhered to. Mitigation measures proposed by the EAP and specialist studies will be enforced and should be adhered to. Each industrial component inside the SEZ will have to comply to having their own EIA and licensing and comply with international and South African Standards.

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						<p><i>human resource usage and development pressure"</i> (emphasis added);</p> <p>21.7 <b>the cost of remedying the pollution,</b> environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects <b>must be paid for by those responsible for harming the environment ("polluter pays" principle);</b><sup>22</sup></p> <p>21.8 use and exploitation of non-renewable natural resources must be responsible and equitable;<sup>23</sup> and</p> <p>21.9 the participation of all I&amp;APs in environmental governance must be promoted</p>	
22	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		It is therefore evident that the Constitution recognises the interrelationship between the environment and development, and envisages that all environmental considerations be balanced with justifiable socio-economic considerations through the principles of sustainable development. Therefore, socio-economic development that does not adequately account for environmental considerations can neither be deemed consistent with the Constitution nor with NEMA's principles of sustainable development.	Noted. The EIA report considers the entire development with all investment opportunities, the social, environment and economical aspects of the Musina-Makhado SEZ. Various specialist studies have been undertaken and the cumulative impacts of the overall proposed development as well as impacts on climate change, water sourcing, pollution, impacts on the water and groundwater, impacts on biodiversity, wetlands and watercourses have been included in the EIA report. These and other aspects are addressed in the impact assessment and all the aspects are addressed in the environmental management programme which is a legal document which needs to be kept onsite by the applicant and adhered to. Mitigation measures proposed by the EAP and specialist studies will be enforced and should be adhered to. Each industrial component inside the SEZ will have to comply with having their own EIA and licensing and comply with international and South African Standards.
23	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		In the context of giving effect to section 24 of the Constitution, and the NEM Principles, EIAs are meant to facilitate environmentally-sound and informed decision-making in relation to proposed activities and their environmental impacts. <sup>25</sup>	Noted and reported. Various specialist studies have been undertaken and the cumulative impacts of the overall proposed development as well as impacts on climate change, water sourcing, pollution, impacts on the water and groundwater, impacts on biodiversity, wetlands and watercourses have been included in the EIA report. These and other aspects are addressed in the impact assessment and all the aspects are addressed in the environmental management programme which is a legal document which needs to be kept onsite by the applicant and adhered to. Mitigation measures proposed by the EAP and specialist studies will be enforced and should be adhered to. Each industrial component inside the SEZ will have to comply with having their own EIA and licensing and comply with international and South African Standards.
24	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		Section 24 of NEMA – which explicitly deals with environmental assessments and authorisations – lays down the general rule that in order to give effect to the objectives of integrated environmental management (described above) <b>"...the potential consequences for or</b>	Noted. That is the main reason why the EAP did not only consider the clearance of more than 20ha listed activity, but also all the potential activities in the listed activities for listing notices 1 to 3 to obtain the potential impacts of each industry and the cumulative impacts of

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						<i>impacts on the environment of listed activities or specified activities must be considered, investigated, assessed and reported on to the competent authority</i> (emphasis added).	these.
25	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The EIA Regulations <sup>26</sup> set out the procedure and criteria for carrying out EIAs. The objective of the EIA regulations is to establish the procedures that must be followed in the consideration, investigation, assessment and reporting of the activities that have been identified.	Noted and reported. That is the main reason why the EAP did not only consider the clearance of more than 20ha listed activity, but also all the potential activities in the listed activities for listing notices 1 to 3 to obtain the potential impacts of each industry and the cumulative impacts of these.
26	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The purpose of the scoping process, according to the EIA Regulations, is already set out above at paragraph 10. It includes: to motivate the need and desirability of the proposed activity – including the need and desirability of the activity in the context of the preferred location; to identify and confirm the preferred activity and technology alternatives through an identification of impacts and risks and ranking process of such impacts and risks; to identify the key issues to be addressed in the assessment phase; to agree on the level of assessment to be undertaken, including the methodology to be applied; and to identify suitable measures to avoid, manage or mitigate identified impacts and to determine the extent of the residual risks that need to be managed and monitored.	The scoping report sets out the plan of study to be carried forward during the EIA phase of the project. The scoping report thus introduces the public to the proposed development and anticipates impacts that the development will have on the environment in terms of the social, environmental and economic.
27	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		As described below in our submissions, the FSR fails to satisfy the legal requirements for a scoping report, as set out above.	This statement is incorrect. The EAP has attempted to ensure the scoping report was addressed as accurately as possible with the information that was available at the stage of submission of the Final Scoping report.
28	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>The FSR purports to be limited to an EIA for the site clearance of the southern EMSEZ site. It makes clear that each project under the EMSEZ will have its <b>own separate</b> EIA, and that technical details about these specific projects are not available for this environmental review process. In other words, the FSR is limited to the assessments of the impacts of the site clearance and intended only to provide a limited assessment of potential impacts of the EMSEZ, yet at the same time attempting to receive authorisation to clear the entire EMSEZ site, without first assessing the impacts of the various EMSEZ components and necessary approvals for them to go ahead. The FSR specifies:</p> <p>“This EIA is only applicable to site clearance for the Musina-Makhado SEZ southern site. Each investor within the Musina-Makhado SEZ southern site will require their own site-specific EIA and application to the relevant Competent Authority for authorisation, permits and licensing. Considering the development approach cognisance must be taken of the fact that the proposed SEZ development will take place in stages or phases. The first phase primarily involves the external bulk services provision, as well as the onsite land development infrastructure development. The subsequent phases will involve further bulk services upgrades as well as the development of site-specific land uses such as temporary human settlement or industrial activities. These activities will in its own right trigger the need for infrastructure and site-specific environmental authorisations, requirements that will need to be implemented at the time. The detail design of the respective phases and</p>	Noted and reported. The final scoping report only assesses the impacts of site clearance; however the EAP has included all aspects and cumulative impacts of such a magnitude project in the draft EIA report which will be set out for public review of at least 50-days from 1 September 2020 to 22 October 2020.

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						infrastructure is not available yet and remain a function of the specific project phasing and investor confirmation and designs information that is not known or available at this stage of the process". <sup>27</sup>	
29	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The FSR only broadly and generally discusses the various projects under the EMSEZ, and the EIA will likely do the same. In light of the massive scale of the EMSEZ and the potential for significant harm throughout the region, such an approach is flawed and unlawful. We therefore submit that the EMSEZ must undertake an SEA prior to any EIA processes for EMSEZ, and before any further steps under this EIA process are taken.	The EIA report discusses the entire SEZ with the industries and the cumulative impacts of all these impacts together on the environment, based on the social, environment and economic impacts for sustainable development.
30	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		Although NEMA does not address SEAs in great detail, it does enable the Minister to make regulations prescribing the procedures to be followed for an SEA. <sup>28</sup>	Noted and reported. An SEA is a decision-making tool and not prescribed by NEMA, but a matter of good practice. The SEZ was designated and various sites were assessed before gazetting the current site. A specialist study was undertaken and forms part of the EIA report.
31	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		In 2004, the then Department of Environmental Affairs and Tourism (DEAT) issued an information document on SEAs, which followed its 2000 guideline document on SEAs. <sup>29</sup> The information document noted several other bases for an SEA in South African laws and policy, noting <i>"role of SEA ... is to allow for the decision maker to proactively determine the most suitable development type for a particular area, before development proposals are formulated"</i> ... [an] EIA is used to evaluate the impacts of development on the environment and socio-economic conditions, while SEA can be used to evaluate the opportunities and constraints of the environment and socio-economic conditions on development" (emphasis added). <sup>30</sup>	Noted and reported. An SEA is a decision-making tool and not prescribed by NEMA, but a matter of good practice. The SEZ was designated and various sites were assessed before gazetting the current site.
32	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The International Union for the Conservation of Nature (IUCN) is an Advisory Body to the United Nations Educational, Scientific and Culture Organization's (UNESCO) World Heritage Committee (WHC). In its guidance document on Environmental Assessment & World Heritage, the IUCN defines an SEA as a tool that <i>"applies to policies, plans and programmes (i.e. multiple or very large projects) [that] have the advantage of assessing impacts at a strategic level and at a landscape scale before individual projects are decided upon"</i> (emphasis added). <sup>31</sup>	Noted an SEA is a decision-making tool and not prescribed by NEMA, but a matter of good practice. The SEZ was designated and various sites were assessed before gazetting the current site. These include the designated site, Lephalale and Tubatse. The only designated site is Musina-Makhado SEZ (southern site). Tubatse is in process to be gazetted and so too the northern Musina-Makhado SEZ site, which already has environmental authorisation and is adjacent to Eco-Industrial.
33	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		An Environmental and Social Impact Assessment (ESIA), on the other hand - according to the IUCN guidance document - <i>"applies to individual projects – because ESIs generally apply to individual projects that have already been designed, they often focus on assessing different design options for a particular project and are therefore not well suited to assess the cumulative impacts of multiple projects (existing and planned) at a landscape scale or to identify strategic alternatives"</i> (emphasis added). <sup>32</sup> The IUCN's guidance notes:  <i>"IUCN strongly recommends that Strategic Environmental Assessments are undertaken for large-scale proposals, proposals comprised of multiple projects or landscape-scale land use proposals (e.g. large dams, multiple road development proposals, and large-scale commercial agriculture"</i>	Noted an SEA is a decision-making tool and not prescribed by NEMA, but a matter of good practice. The SEZ was designated and various sites were assessed before gazetting the current site. These include the designated site, Lephalale and Tubatse. The only designated site is Musina-Makhado SEZ (southern site). Tubatse is in process to be gazetted and so too the northern Musina-Makhado SEZ site, which already has environmental authorisation and is adjacent to Eco-Industrial.

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						<i>development). The cumulative impacts of these types of proposals may have a serious negative effect [...] and are best assessed early on through a process that is designed to consider 'high-level' strategic alternatives. For example, multiple proposals for the development of a regional road network are best assessed through a single comprehensive SEA than through several project-specific ESIA's, which are unlikely to consider the cumulative effects of the proposals as a whole, or alternative routes for the road network."</i> 33	
34	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The same applies here. The EMSEZ is a large-scale proposal comprised of multiple polluting projects that could each and cumulatively have serious negative effects on the environment and human rights. It is proposed in a highly water sensitive region and could have disastrous consequences on water and food security in the area. In addition, a large amount of mining will be associated with the EMSEZ, potentially wreaking havoc on air and water quality, and human health. Moreover, the region surrounding the EMSEZ is an intact and ecologically critical ecosystem, which has the potential to provide economic development and valuable services in a sustainable way. The area also has cultural and heritage significance. Yet despite these widespread potential harms, the current FSR and environmental review is limited to only clearance of one of two sites for EMSEZ, and does not and will not consider thoroughly the potential impacts of all actions associated with the EMSEZ. In other words, the project proponents are seeking to begin site clearance for a potentially disastrous project without first holistically assessing the true risks of the EMSEZ.	Noted an SEA is a decision-making tool and not prescribed by NEMA, but a matter of good practice. The SEZ was designated and various sites were assessed before gazetting the current site. These include the designated site, Lephalale and Tubatse. The only designated site is Musina-Makhado SEZ (southern site). Tubatse is in process to be gazetted and so too the northern Musina-Makhado SEZ site, which already has environmental authorisation and is adjacent to Eco-Industrial.
35	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		NEMA provides for the development of procedures for the assessment of the impact of policies, plans and programmes, <sup>34</sup> and requires that <i>"environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option"</i> (added emphasis). <sup>35</sup>	Noted an SEA is a decision-making tool and not prescribed by NEMA, but a matter of good practice. The SEZ was designated and various sites were assessed before gazetting the current site. These include the designated site, Lephalale and Tubatse. The only designated site is Musina-Makhado SEZ (southern site). Tubatse is in process to be gazetted and so too the northern Musina-Makhado SEZ site, which already has environmental authorisation and is adjacent to Eco-Industrial.
36	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		In light of the above, due to the sheer scale of the EMSEZ and its cumulative and anticipated harmful impacts, we submit that a SEA would be the <i>"best practicable environmental option"</i> here as EMSEZ is broader than a 'single project'. The SEA process would enable the proactive consideration of the objectives of sustainability at the earliest and most important stages of decision-making, and allow for the full assessment of EMSEZ and all its associated activities against the Constitution and NEM principles. <sup>36</sup>	Noted an SEA is a decision-making tool and not prescribed by NEMA, but a matter of good practice. The SEZ was designated and various sites were assessed before gazetting the current site. These include the designated site, Lephalale and Tubatse. The only designated site is Musina-Makhado SEZ (southern site). Tubatse is in process to be gazetted and so too the northern Musina-Makhado SEZ site, which already has environmental authorisation and is adjacent to Eco-Industrial. The EIA report assessed the cumulative impacts and various specialist studies form part of the EIA report than mentioned in the Plan of Study for EIA. This is in light of various concerns raised by I&APs and the CER. Please refer to the EIA report.
37	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		Indeed, many other similar large-scaled projects have undertaken SEAs at early stages, pursuant to the 2000 DEAT guidelines. <sup>37</sup> A notable example includes the Tubatse SEZ <sup>38</sup> where it was stated that <i>"[t]he introduction of SEA has resulted from the limitations of project specific [EIA's] and the need to ensure that environmental issues are proactively addressed in policies, plans and programmes."</i>	Noted and reported. The Tubatse SEZ has undergone an SEA.

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38	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		In the letter to the Minister of 21 October 2019, referred to above and attached as “C”, we asserted that LEDET was <b>the incorrect competent authority appointed to oversee this and other EIA processes</b> in relation to the EMSEZ, and that the Minister of Environment, Forestry and Fisheries should instead be designated as the competent authority. We reiterate this submission.	The EAP has been in communication with DEA and LEDET long before the draft scoping report was set out for public review. The EAP directed correspondence to both Departments, and DEA confirmed that they are the Competent Authority; however LEDET also confirmed that they are the Competent Authority. Upon consultation with DEFF, they informed Delta BEC that a MoA was undertaken whereby LEDET is the Competent Authority for the Musina-Makhado SEZ. The EAP has confirmation from LEDET that they are the Competent Authority for the proposed project. The CER is in possession of an official letter from DEFF whereby it is stated that DEFF is not the competent authority and it was also published in the Daily Maverick.
39	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The EMSEZ EIA process falls within the scope of section 24C(2)(d)(iii) of NEMA by virtue of the fact that LEDA, the project proponent, is a statutory body governed by the Limpopo Economic Development Agency Act 5 of 2016. In this regard, section 24C(2)(d)(iii) NEMA states that “[t]he Minister must be identified as the competent authority ... if the activity ... (d) is undertaken, or is to be undertaken, by ... (iii) a statutory body, excluding any municipality, performing an exclusive competence of the national sphere of government”.	The EAP has been in communication with DEA and LEDET long before the draft scoping report was set out for public review. The EAP directed correspondence to both Departments, and DEA confirmed that they are the Competent Authority; however LEDET also confirmed that they are the Competent Authority. Upon consultation with DEA, they informed Delta BEC that a MoA was undertaken whereby LEDET is the Competent Authority for the Musina-Makhado SEZ. The EAP has confirmation from LEDET that they are the Competent Authority for the proposed project. The CER is in possession of an official letter from DEFF whereby it is stated that DEFF is not the competent authority and it was also published in the Daily Maverick.
40	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		On this basis alone, the Minister must be the competent authority with respect to the EMSEZ EIA processes, including this EIA process in respect of which the scoping has been conducted.	The EAP has been in communication with DEA and LEDET long before the draft scoping report was set out for public review. The EAP directed correspondence to both Departments, and DEA confirmed that they are the Competent Authority; however LEDET also confirmed that they are the Competent Authority. Upon consultation with DEA, they informed Delta BEC that a MoA was undertaken whereby LEDET is the Competent Authority for the Musina-Makhado SEZ. The EAP has confirmation from LEDET that they are the Competent Authority for the proposed project. The CER is in possession of an official letter from DEFF whereby it is stated that DEFF is not the competent authority and it was also published in the Daily Maverick.
41	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		Notwithstanding the legal requirements of section 24C(2)(d)(iii), we submit that given its far-reaching environmental and human rights impacts, the EMSEZ and the industrial development plans associated with it are a matter of national importance, which cannot proceed without the consultation and express approval of the DEFF, among other Departments, at a national level.	The EAP has been in communication with DEA and LEDET long before the draft scoping report was set out for public review. The EAP directed correspondence to both Departments, and DEA confirmed that they are the Competent Authority; however LEDET also confirmed that they are the Competent Authority. Upon consultation with DEA, they informed Delta BEC that a MoA was undertaken whereby LEDET is the Competent Authority for the Musina-Makhado SEZ. The EAP has confirmation from LEDET that they are the Competent Authority for the proposed project. The CER is in possession of an official letter from DEFF whereby it is stated that DEFF is not the competent authority and it was also published in the Daily Maverick.
42	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		Notwithstanding the requirements that an SEA precede this EIA process and the Minister be appointed as competent authority, there are numerous additional reasons why the FSR should not have been approved and why, we submit, it would be in the interests of justice for	The EAP has been in communication with DEA and LEDET long before the draft scoping report was set out for public review. The EAP directed correspondence to both Departments, and DEA confirmed that they are the Competent Authority; however LEDET also confirmed that they

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						the scoping approval to be set aside and the scoping phase to begin afresh. These reasons are set out below as objections to the FSR.	are the Competent Authority. Upon consultation with DEA, they informed Delta BEC that a MoA was undertaken whereby LEDET is the Competent Authority for the Musina-Makhado SEZ. The EAP has confirmation from LEDET that they are the Competent Authority for the proposed project. The CER is in possession of an official letter from DEFF whereby it is stated that DEFF is not the competent authority and it was also published in the Daily Maverick.
43	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		EMSEZ is not in the public interest due to the extensive negative impacts it will have on, <i>inter alia</i> : the climate and water availability; air quality and health; and the social wellbeing and livelihoods of communities in the area and the economy.	Noted and reported. The impacts have been assessed in the EIA report. Various specialists studies, far and beyond the ones mentioned in the plan of study for EIA have been commenced and undertaken to assess the cumulative impacts of the proposed development. Mitigation measures were provided and these will be enforced and should be adhered to as these have been included in the EMPr.
44	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		3. Government has confirmed the urgent need to reduce South Africa's GHG emissions <sup>39</sup> and the country's extreme vulnerability to the impacts of climate change. <sup>40</sup> The industrial components of the EMSEZ would individually and cumulatively emit significant GHG emissions, given the intensive nature of their processes, such as coal boilers and the indirect emissions of the supplying coal mines.	Noted and reported. Please refer to the Climate Change Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together.
45	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		In addition to our obligations under the Paris Agreement, the UN Secretary General (Mr Antonio Guterres) has climate for the future, as per the findings and recommendations of the UN Intergovernmental Panel on Climate Change (IPCC) in its October 2018 Special Report, <sup>42</sup> which include that: <ul style="list-style-type: none"> <li>45.1 the risks and consequences of allowing temperature increases to reach even 1.5 degrees Celsius are dire;</li> <li>45.2 limiting global warming to 1.5°C would require rapid and far-reaching transitions in land, energy, industry, buildings, transport, and cities;</li> <li>45.3 the global net human-caused emissions of carbon dioxide ("CO<sub>2</sub>") must fall by about 45% from 2010 levels by 2030, reaching 'net zero' around 2050; and</li> <li>45.4 a 60-80% reduction in the use of coal by 2030 and negligible use of coal by 2050 are necessary.</li> </ul>	Noted and reported. Please refer to the Climate Change Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together.
46	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		We have, in many instances, pointed out that the reduction of South Africa's GHG emissions is not merely an international obligation but a Constitutional imperative. We submit that allowing the EMSEZ to go ahead would be a flagrant violation of, <i>inter alia</i> , the Constitutional rights: to human dignity; to life; and to an environment not harmful to health or well-being and to have the environment protected for the benefit of present and future generations, on the basis of the immense climate change impacts that the EMSEZ will have.	Noted and reported. Please refer to the Climate Change Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together.





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47	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The international community, including South Africa, has committed to limiting the global average increase in temperature to <i>"well below 2°C above pre-industrial levels"</i> and to <i>"pursue efforts to limit the temperature rise to 1.5 °C above pre-industrial levels"</i> . This requires South Africa to take urgent action to drastically reduce its fossil fuel emissions, not ramp them up. The EMSEZ would move South Africa very far in the wrong direction, particularly with a proposed 3 300MW coal-fired power station, cement plant, other proposed industrial processes, and associated mining activities.	Noted and reported. Please refer to the Climate Change Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together.
48	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The EMSEZ, with its heavily carbon polluting projects is clearly out-of-line with mitigation pathways to prevent global warming of more than 1.5 °C.	Noted and reported. Please refer to the Climate Change Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together.
49	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The EMSEZ developments would also likely significantly exacerbate South Africa's extreme vulnerability to the impacts of climate change, and climate change impacts could have serious consequences on the EMSEZ and its project components. <sup>43</sup> For example, investigations at a national level have confirmed that climate change will reduce the water yield throughout the region.	Noted and reported. Please refer to the Climate Change Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together.
50	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>According to the 2016 LEDET Provincial Climate Change Response Strategy<sup>44</sup> ("LEDET Strategy"):</i>  <i>"...the region is likely to experience greater variability in rainfall, and will almost certainly witness an increase in evaporation rates, implying a drier future even in the presence of greater rainfall and heavy rainfall events. Limpopo Province would therefore experience regular droughts and heat intensity, water shortages, spread of diseases with adverse effects on the economy, natural resources, infrastructure, human health and community livelihoods. Water shortages are already a key feature in the drier Limpopo Province and the situation is going to become even more severe as a result of climate change. Important water use sectors such as agriculture and electricity generation (i.e. the energy sector) will face severe effects from climate change" (emphasis added).<sup>45</sup></i>	Noted and reported.
51	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>Furthermore, the LEDET strategy finds:</i>  <i>"[a] detailed climate change vulnerability assessment for Limpopo revealed that sectors such as human health, agriculture, plant and animal biodiversity, water resources, and water and road infrastructure, livelihoods as [sic] areas showing the highest vulnerability to climate change mainly because the Province comprises predominantly rural areas that are dependent on rain-fed agriculture with a low economic development, low levels of human and physical capital, poor infrastructure standing, and therefore very low adaptive capacity."<sup>46</sup></i>	Noted and reported.
52	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>The strategy concludes: "in most climate change scenarios projected for the Limpopo river basin in South Africa, future water supply availability will 'worsen considerably' by 2050."<sup>47</sup></i>	Noted and reported.
53	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>A May 2017 report by the Academy of Science of South Africa entitled 'First Biennial Report to Cabinet on the State of Climate Change Science and Technology in South Africa' highlights the key climate change challenges</i>	Noted and reported.

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						<i>and impacts in South Africa over the next 30 years.<sup>48</sup> The report states that “[t]he strongest impacts of climate change in South Africa in the first half of the 21st century will be on the security of freshwater supplies to industry, towns and agriculture; on crop and livestock agriculture, due to less favourable growing conditions; on human health, due to heat stress and disease spread, particularly in urban areas; and on biodiversity, due to shifting habitat suitability.”<sup>49</sup></i>	
54	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The project would be built in an area of Limpopo that is already so water-stressed that the Department of Human Settlements, Water and Sanitation, and the FSR concede that a “definite source of sustainable water for the SEZ is still under investigation”. <sup>50</sup> As shown from the reports above, climate change will exacerbate the stress on water resources in the region. Without a guaranteed supply of water, the EMSEZ would not be able to function, nor would it be able to contribute towards long-term regional “development” goals without having severe consequences for other water-users and ecosystems. This could have country-wide repercussions, particularly if water resources from other parts of the country are to be relied on.	Noted and reported. Please refer to the Climate Change Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together.
55	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		The EMSEZ will be located within a province where the government has declared much of the area as a non- attainment priority area under the National Environmental Management: Air Quality Act, 2004. The threat assessment for the Waterberg-Bojanala Priority Area published by the then Department of Environmental Affairs (DEA) in April 2015, as part of the draft air quality management plan for the priority area, pointed out that the planned expansion of energy-based projects and coal mining in the region threatens ambient air quality, and poses threats to human and environmental health.	Noted and reported. Please refer to the Air quality Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together. Various other specialists studies far and beyond the ones mentioned in the Plan of Study for EIA have been commenced and undertaken. Please refer to the EIA report.
56	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		Already parts of the Waterberg in the Limpopo province are exceeding ambient air quality standards as a result of industrial and mining activities in the area. <sup>51</sup>	Noted and reported. Please refer to the Air quality Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together. Various other specialists studies far and beyond the ones mentioned in the Plan of Study for EIA have been commenced and undertaken. Please refer to the EIA report.
57	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		It is certain that the EMSEZ will contribute to the worsening of air quality and human health impacts in the area.	Noted and reported. Please refer to the Air quality Specialist study which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together. Various other specialists studies far and beyond the ones mentioned in the Plan of Study for EIA have been commenced and undertaken. Please refer to the EIA report.
58	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		Industrial emissions, particularly from coal-fired power generation, are major sources of South Africa’s air pollution – and its attendant health impacts. The proposed industrial components of the EMSEZ, as well as its associated mining operations, will emit harmful air pollutants such as particulate matter, sulphur dioxide, nitrogen oxides, poly-aromatic hydrocarbons, dioxins and heavy metals which including chromium, mercury, cadmium and lead.	Noted and reported. Please refer to the Air quality Specialist study and climate change specialist study, which assesses the entire SEZ, industries and sets out mitigation measures and the cumulative impacts of the SEZ together. Various other specialists studies far and beyond the ones mentioned in the Plan of Study for EIA have been commenced and undertaken. Please refer to the EIA report.

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59	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p><i>The FSR gives highly incomplete lists of pollutants by facility type. It fails to describe best available technologies or to adequately discuss the health impacts of the project. In this regard, the EIA must:</i></p> <p>59.1. <i>estimate the amount of air pollutants generated by type from each proposed facility;</i></p> <p>59.2. <i>assess wind and weather patterns that would affect dispersal and deposition of pollutants; and</i></p> <p>59.3. <i>address best available technologies to control air pollutants by facility type, and how captured pollutants would be disposed of safely without harming local surface or ground water. We submit that an EIA would need to address this deficiency.</i></p>	The EIA report and the specialist studies undertaken especially the air quality and climate change specialist studies have incorporated all the anticipated emissions and pollutants for each industry in the proposed SEZ. Please refer to the EIA report.
60	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>The FSR also fails to discuss the health impacts of any pollutants, either individually or cumulatively, and the EIA would need to thoroughly assess such impacts.</i>	A health assessment specialist study together with air quality and climate change specialist studies have been undertaken and these form part of the EIA report.
61	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>The World Health Organisation has confirmed that air pollution, both ambient and indoor, is one of the largest causes of death worldwide. Poor air quality is closely correlated with non-communicable diseases – as approximately a quarter of all heart attack deaths, and about a third of all deaths from stroke, lung cancer, and chronic obstructive pulmonary disease are due to air pollution exposures. Health impacts are largest among women, children, older people, and the poor.<sup>52</sup></i>	Noted and reported. A health assessment specialist study together with air quality and climate change specialist studies have been undertaken and these form part of the EIA report.
62	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p><i>Coal-fired power stations are a significant contributor to these negative health impacts. The 2017 study commissioned by groundwater, conducted by Dr Mike Holland<sup>53</sup> finds that air pollution from Eskom's coal-fired power stations:</i></p> <p>62.1. <i>costs (in terms of quantifiable economic impacts)<sup>54</sup> South Africa around R35.7 billion<sup>55</sup> each year;</i></p> <p>62.2. <i>causes a total equivalent of 2 239 attributable human deaths each year; and</i></p> <p>62.3. <i>causes approximately 12 314 attributable cases of bronchitis and related respiratory diseases in adults and children each year.</i></p>	Noted, please refer to the EIA report. An energy information study was undertaken and provides more information.
63	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>Outside of air quality, these emissions also threaten water resources and sensitive ecosystems, as, criteria pollutants (such as sulphur, oxides of nitrogen and particulate matter) which are released into the atmosphere lead to: excess amounts of acid in water resources (lakes and rivers); damage to trees and forest soils; and harm to fish and other aquatic life when deposited on surface waters.</i>	Noted and reported. A health assessment specialist study together with air quality and climate change specialist studies have been undertaken and these form part of the EIA report.
64	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>64. Industrial facilities and coal-fired power plants are disproportionately located in low-income communities— making this an environmental justice issue.<sup>56</sup></i>	Noted and reported. The main reason why the SEZ site was selected in the area was to support the Limpopo area with economic growth and development.
65	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>65. The negative health and environmental impacts are therefore typically disproportionately borne by poor and marginalised communities living in these areas – as are the negative costs of these impacts. This is in contravention of the NEMA 'polluter pays' principle,<sup>57</sup> as referenced at</i>	Noted and reported. A health assessment specialist study together with air quality and climate change specialist studies have been undertaken and these form part of the EIA report.

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						<i>paragraph 21.7 above</i>	
66	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		66. Further, the failure to regulate, and ensure timely, speedy clean-up, and prevention of hazardous waste at coal- fired power plants and other industrial facilities places the health and safety of these communities at disproportionately higher risk.	Noted and reported. A health assessment specialist study together with air quality and climate change specialist studies have been undertaken and these form part of the EIA report.
67	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		67. The above issues – particularly the anticipated impacts on health and water availability and exacerbation of climate change impacts – mitigate strongly against any public benefits of the EMSEZ. We submit that, instead of being beneficial, the EMSEZ would:  67.1. negatively affect the livelihoods of local communities – through affecting land and/or water use of key sectors and not delivering sustainable jobs or alternate forms of sustained employment; and/ or  67.2. have major negative impacts on public health and wellbeing – as a consequence of pollution of air, land and/ or water resources and climate change.	Noted and reported. A health assessment specialist study together with air quality and climate change specialist studies have been undertaken and these form part of the EIA report.
68	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		68. The FSR fails to discuss the impacts of the EMSEZ on existing and potential tourism in the region, which is the main economic activity along with agriculture. <sup>58</sup>	Noted and reported. A health assessment specialist study together with air quality and climate change specialist studies have been undertaken and these form part of the EIA report.
69	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		69. In light of the above, the EMSEZ would aggravate - rather than improve - the wellbeing of local communities, reducing their resilience and adding pressure on local resources and governmental capacity to support people who have migrated to or settled in the vicinity of the SEZ in search of work.	Noted and reported. A health assessment specialist study together with air quality and climate change specialist studies have been undertaken and these form part of the EIA report.
70	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		70. Since the purpose of the EMSEZ is to deliver long-term benefits, and employment is a top priority of government, <sup>59</sup> it is not clear why – and highly inadequate that – the FSR only considers employment during the construction phase of the EMSEZ. <sup>60</sup> This approach provides a skewed and short-term view of socio-economic expectations from the EMSEZ. Moreover, an influx of people settling in the area during the construction phase is expected. These people would need to be employed or their employment sustained post-construction	Noted and reported. A health assessment specialist study together with air quality and climate change specialist studies have been undertaken and these form part of the EIA report. A socio-economic specialist study and social assessment specialist study was also undertaken and these specialist studies assess the entire SEZ in terms of social and socio-economic impacts, both positive and negative. This is included as part of the EIA report.
71	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		71. Within the context of employment, the EIA must also address the extent to which employment will be sourced locally and skills training will target local people, rather than skilled personnel being brought into the area. In this regard, the FSR states that:  71.1. the development of the SEZ southern site 'will improve' the unemployment situation, without providing any supporting information; <sup>61</sup> and 71.2. 'jobs, internships and bursaries' are – without supporting information – assessed as having 'high' 'significant' 'regional' and 'permanent' benefits. <sup>62</sup> On this basis, skills development is questionably assumed to target local communities and South African nationals.	A socio-economic specialist study and social assessment specialist study was also undertaken and these specialist studies assess the entire SEZ in terms of social and socio-economic impacts, both positive and negative. This is included as part of the EIA report and the EIA report will include the number of job opportunities for the province, national and international opportunities and ways to improve skills and the transfer of skills to local communities.
72	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		72. The EIA Regulations state that the objective of the scoping process is to, inter alia, motivate the need and desirability of the proposed activity, including the need and desirability of the activity in the context of	With the information available at the time of compiling the scoping report, the need and desirability was prepared. A comprehensive need and desirability chapter is included in the EIA report and need and

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						<i>the preferred location.<sup>63</sup> The FSR does not do this.</i>	desirability specialist study for the SEZ was also undertaken in terms of the social aspects.
73	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>73. <i>The FSR explains that the EMSEZ is needed and desirable for the following reason:</i></p> <p><i>Musina-Makhado SEZ Project is proposed in specific response to a national government initiative, namely the Department of Trade and Industry (DTI) in an effort to reposition itself in the world economy, established the Industrial Development Zones (IDZ) programme. The Programme's main focus was to attract Foreign Direct Investment and export of value-added commodities. Although there are major achievements with the IDZs there were weaknesses that led to the policy review and the new SEZ policy. As a result, the need and desirability of the project from a national perspective can largely be assimilated from the project's alignment with national government policies, plans and programme which have relevance to planning and production.<sup>64</sup></i></p>	<p>Noted and reported.</p> <p>The need and desirability has been updated and included in the EIA report from national to provincial to site level.</p>
74	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>74. <i>This is in no way a motivation of the need and desirability of the EMSEZ. Alleged alignment with policy is not evidence of necessity, nor of desirability for a particular project.</i></p>	With the information available at the time of compiling the scoping report, the need and desirability was prepared. A comprehensive need and desirability chapter is included in the EIA report and need and desirability specialist study for the SEZ was also undertaken in terms of the social aspects.
75	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>75. <i>The FSR seeks to base the need and desirability of the project on national development policies – such as South Africa's National Development Plan (NDP) 2030.<sup>65</sup> This limited and narrow and fails to assess many factors that should also be considered in a project-specific need assessment.</i></p>	With the information available at the time of compiling the scoping report, the need and desirability was prepared. A comprehensive need and desirability chapter is included in the EIA report and need and desirability specialist study for the SEZ was also undertaken in terms of the social aspects.
76	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>76. <i>For example, DEA's 2017 Guideline on Need and Desirability ("the DEA Guideline") sets out a list of questions that should be answered when considering need and desirability of a proposed development. These questions include:</i></p> <p>76.1. <i>how will this development (and its separate elements/aspects) impact on the ecological integrity of the area, including how will this development impact on non-renewable resources? What measures were explored to firstly avoid these impacts?<sup>66</sup></i></p> <p>76.2. <i>how were the global and international responsibilities relating to the environment i.e. RAMSAR sites, climate change etc. taken into account?<sup>67</sup></i></p> <p>76.3. <i>what is the socio-economic context of the area, and in considering the socio-economic context, what will the socio-economic impacts be in relation to the development (and its separate elements/aspects), and specifically also on the socio-economic objectives of the area?<sup>68</sup></i></p>	Noted and reported. These questions by DEA's 2017 Guideline on Need and Desirability will be utilised to assess its needs and desirability based on all environmental, social and economic aspects.
77	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>77. <i>The DEA Guideline further states that:</i></p> <p><i>"[d]uring screening and "scoping" the abovementioned questions must be used to identify the key issues to be addressed as well as to identify alternatives that will better respond to the considerations (i.e. that will</i></p>	Noted and reported. These questions by DEA's 2017 Guideline on Need and Desirability will be utilised to assess its needs and desirability based on all environmental, social and economic aspects.

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						<i>firstly avoid the negative impact or better mitigate the negative impact, or that will better enhance the positive impact). The “scoping” process might find that many of the questions have clear answers and that no further information has to be gathered related to the specific question. In this regard [what] would be required is for the relevant report (first part of the Basic Assessment Report or the Scoping Report) to clearly answer all the questions including a clear indication which questions do not require further information to be generated during the assessment.”<sup>69</sup></i>	
78	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		78. <i>The FSR does not evaluate the need and desirability of the EMSEZ considering any of the above factors, particularly around ensuring ecological sustainability and integrity. On this basis alone, the FSR should not have been approved, as it does not meet the requirements of the law.</i>	Noted and reported. These questions by DEA’s 2017 Guideline on Need and Desirability will be utilised to assess its needs and desirability based on all environmental, social and economic aspects. With the information available at the time of compiling the scoping report, the need and desirability was prepared. A comprehensive need and desirability chapter is included in the EIA report and need and desirability specialist study for the SEZ.
79	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		79. <i>In any event, the NDP itself recognises that South Africa’s market and policy failures have resulted in the global economy entering a period of ‘ecological deficit’ as natural resources – such as groundwater, terrestrial biodiversity, freshwater ecosystems, crop land and grazing – are being degraded, destroyed, or depleted faster than they can be replenished.<sup>70</sup> Towards this end, the NDP 2030 recognises that, the country needs to:</i> <ul style="list-style-type: none"> <li>• <i>“Protect the natural environment in all respects, leaving subsequent generations with at least an endowment of at least equal value.</i></li> <li>• <i>Enhance the resilience of people and the economy to climate change.</i></li> <li>• <i>Extract mineral wealth to generate the resources to raise living standards, skills and infrastructure in a sustainable manner.</i></li> <li>• <i>Reduce greenhouse gas emissions and improve energy efficiency.”<sup>71</sup></i></li> </ul>	Noted and reported. Relevant international, provincial and national legislation was consulted and included in the EIA report.
80	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		80. <i>Moreover, we submit that the FSR cannot sufficiently consider the need and desirability of EMSEZ without considering, in detail, compliance with the NEM Principles. Table 6-4 of the FSR, which purports to demonstrate compliance with the NEM Principles, only speaks to compliance with these principles in general and broad terms. Other statements in the FSR cannot be supported by the evidence. For example, the FSR states that “SEZ will make use of green technology and green infrastructure that will reduce emissions, conserve water, reduce waste and consume less energy, resulting in a reduced level of impact on the environment.”<sup>72</sup> However, this statement has no support and is contradicted by the nature of the proposed noxious industries operating under the EMSEZ and their wide range of potentially significant environmental, human rights, and social impacts. Likewise, the FSR fails to address the issue of ecological resilience entirely, focusing solely on job creation and economic benefits.</i>	With the information available at the time of compiling the scoping report, the need and desirability was prepared. A comprehensive need and desirability chapter is included in the EIA report and need and desirability specialist study for the SEZ was also undertaken in terms of the social aspects. These questions by DEA’s 2017 Guideline on Need and Desirability will be utilised to assess its needs and desirability based on all environmental, social and economic aspects.
81	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		81. <i>Furthermore, the FSR makes numerous general assertions concerning the economic benefits of the EMSEZ, however, it does not specify:</i>	This aspect has been addressed in the EIA report. Various specialist studies have been undertaken and these have assessed and weighed negative and positive impacts of the SEZ and the cumulative impacts.

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						<p>81.1. <i>what these benefits actually are and how they will be quantified; and</i></p> <p>81.2. <i>how the alleged benefits weigh up against the negative external impacts.</i></p>	
82	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>82. <i>In light of the above, we submit that the need and desirability for the EMSEZ must consider more than just the general economic benefits of the EMSEZ projects, and must consider any such benefits in light of the climate change, human rights, environmental, social and other impacts. In this respect, the following points are also noted:</i></p> <p>82.1. <i>cognisance must be taken of strategic concerns such as climate change, food security, as well as sustaining the limited supply of natural resources and preserving the status of our ecosystem. In other words, to achieve our Constitutional goal of a better quality of life for all now and in future, through equitable access to resources and shared prosperity, it is essential that society improves on the efficiency and responsibility with which we use resources – which involves a complete transition away from using fossil fuels;</i><sup>73</sup></p> <p>82.2. <i>South Africa faces urgent developmental challenges in terms of poverty, unemployment and inequality, and will need to find ways to “decouple” the economy from fossil fuels, to break the links between economic activity, environmental degradation and carbon-intensive energy consumption as recent economic reports have stated that “the economic results show that it is possible to both meet climate change targets and grow the economy” (emphasis added);</i><sup>74</sup> and</p> <p>82.3. <i>considering the merits of a specific application in terms of the need and desirability considerations, it must be decided which alternatives represent the “best practicable environmental option”, which in terms of the definition in NEMA and the purpose of the EIA Regulations is that option that provides the most benefit and causes the least damage to the environment as a whole, at a cost acceptable to society, in the long- term as well as in the short-term. The EMSEZ would not be aligned with this requirement.</i></p>	With the information available at the time of compiling the scoping report, the need and desirability was prepared. A comprehensive need and desirability chapter is included in the EIA report and need and desirability specialist study for the SEZ was also undertaken in terms of the social aspects. These questions by DEA’s 2017 Guideline on Need and Desirability will be utilised to assess its needs and desirability based on all environmental, social and economic aspects.
83	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>83. <i>In summary, the FSR has not given adequate and full regard to these considerations, and has not satisfied the requirements for a “need and desirability assessment” through, inter alia, failing to adequately identify key issues<sup>75</sup> and questions to be addressed in the EIA. The FSR cannot reasonably make, nor has it made any determinations on need and desirability<sup>76</sup> – as required by the NEMA EIA Regulations. For this reason, the FSR is flawed and must be withdrawn.</i></p>	Noted and reported. With the information available at the time of compiling the scoping report, the need and desirability was prepared. A comprehensive need and desirability chapter is included in the EIA report and need and desirability specialist study for the SEZ was also undertaken in terms of the social aspects. These questions by DEA’s 2017 Guideline on Need and Desirability will be utilised to assess its needs and desirability based on all environmental, social and economic aspects.
84	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>84. <i>We note further that the submissions above at paragraphs 43 to 71, highlight that in considering the impacts of EMSEZ for human health; livelihoods; the climate and the environment more broadly, the project would not be in the public interest. It is therefore unlikely that – on proper and holistic consideration – it could be found to be necessary or desirable.</i></p>	Noted and reported.  Please refer to the health impact assessment forming part of the EIA report.



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85	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		85. <i>Alarming, the FSR makes no mention of the need for a climate change impact assessment (CCIA).</i>	This statement is incorrect. The Plan of Study for EIA clearly identifies the need for one. Please refer to the scoping report and the climate change specialist study in the EIA report.
86	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		86. <i>In line with the judgment in Earthlife Africa Johannesburg v the Minister of Environmental Affairs &amp; Others,77 the EIA process for EMSEZ must ensure that a thorough CCIA is conducted, which analyses the direct climate impacts from the GHG emissions of the EMSEZ as well as indirect and cumulative climate change impacts from the growth in coal mines and other industries that would be enabled by, and linked to, the proposed EMSEZ project. The FSR, however, does not address climate change or even identify it as an area requiring further assessment under the EIA. A major and unacceptable shortcoming.</i>	This statement is incorrect. The Plan of Study for EIA clearly identifies the need for one. Please refer to the scoping report and the climate change specialist study in the EIA report.
87	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		87. <i>The EIA must provide for a CCIA, which must be a comprehensive and accurate assessment of the climate change impacts of the proposed NEMA activities. The CCIA must consider several aspects of the relationship between the proposed project and climate change, including:</i>  87.1. <i>the project's direct impacts on climate change, specifically, a full assessment of EMSEZ's GHG emissions. In addition to simply considering the extent of GHG emissions to arise from the project, this must include an assessment of: indirect and full lifecycle emissions; cumulative emissions; and the environmental and social cost of the project's GHG emissions;</i>  87.2. <i>the ways in which the effects of climate change will impact on the project, including the effect on the water resources necessary for the project and the likelihood of the project being unable to operate for its full expected lifespan; and</i>  87.3. <i>how predicted climate change effects on the environment and society – at both national level and at the scale of Musina and Makhado – will be aggravated by the project's impacts. This would include the ways in which the proposed project would impact on the area's own capability of adapting to a changed climate. This is a particularly fundamental consideration, given the area's high vulnerability to the impacts of climate change as outlined above.</i>	The Plan of Study for EIA clearly identifies the need for a climate change specialist study. Please refer to the scoping report and the climate change specialist study in the EIA report. The climate change specialist study has identified impacts associated with each industry in the SEZ and also looks at the cumulative impacts of the SEZ. Water supply and need for water is also mentioned and considered in the climate change specialist study.
88	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		88. <i>LEDA proposes a 3 300 MW power station which – notwithstanding its associated infrastructure – would emit significantly high volumes of GHG emissions. We submit that the only means to substantially avoid these unacceptable GHG emissions would be through carbon capture and storage technology, which is neither technically nor financially feasible for South Africa.</i>	Noted and reported. Various specialist studies far and beyond the list mentioned in the Plan of Study for EIA have been undertaken. A climate change and air quality assessment as well as visual impact study especially looks at the power station and the other infrastructure proposed.
89	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		89. <i>It is therefore imperative that the EIA assesses the direct, as well as indirect and cumulative, GHG emissions associated with the project, and make this information available so that I&amp;APs, authorities and relevant decision- makers can properly consider these significant impacts and provide appropriate comments.</i>	The impact assessment looks at the direct, indirect and cumulative impacts of the entire SEZ site. Specialist studies undertaken also looked at the cumulative, direct and indirect impacts. Mitigation measure proposed by the specialist studies have been incorporated in the EIA report and the EMPr. The EAP with all the information available was able to make an informed decision on the viability of the SEZ based on if the developed will be sustainable by looking at the environment, social and economic aspects.



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90	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		90. As stated above, this is particularly important considering that South Africa has committed to reduce its GHG emissions through its ratification of the Paris Agreement. <sup>78</sup> Taking steps to guard against the harmful impacts which climate change has on our environment and human health is required by our international obligations under the Paris Agreement as well as the national obligations to realise the environmental right in our Constitution and the duty of care contained in section 28 of NEMA. <sup>79</sup>	Noted and reported. Please refer to the Climate Change and Air Quality Specialist studies together with the EIA report.
91	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		91. Further, there is a real risk that the new coal-fired power plant or other high-emitting facilities forming part of the EMSEZ, will be unable to operate for their intended operational lifespans as South Africa's commitments would require significant GHG emission reductions by 2035. South Africa's Nationally Determined Contribution (NDC) under the Paris Agreement recognises that "near zero" GHG emissions are required by the second half of the century to avoid even greater impacts that are beyond adaptation capability.	Noted and reported. Please refer to the Climate Change and Air Quality Specialist studies together with the EIA report.
92	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		92. The EMSEZ will be based in a water-scarce area – where water availability is predicted to be severely impacted by climate change. This is a fundamental consideration, which needs to be considered in all the project's EIA processes.	Noted and reported. Please refer to the Climate Change and Air Quality Specialist studies. The fact that the SEZ falls within a water scarce area has been taken into account. Water related specialist studies form part of the EIA report. Please refer to these.
93	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		93. The FSR fails to consider predicted climate change trends in relation to potential water sources, both in South Africa and with regard to apparent plans to obtain water from Zimbabwe. There is no proposed analysis of how climate change scenarios will impact water availability in the region. Surface temperatures are projected to increase, and precipitation is projected to possibly become heavier but less frequent in the region.	Noted and reported. Please refer to the Climate Change and Air Quality Specialist studies. The fact that the SEZ falls within a water scarce area has been taken into account. Water related specialist studies form part of the EIA report. Please refer to these.
94	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		94. According to the IPCC Fourth Assessment Report (2018), water stress in Southern Africa is projected to increase under at least six different climate change scenarios, with significant loss of runoff in parts of South Africa. <sup>80</sup> The Department of Human Settlements, Water and Sanitation's report, entitled, "Climate Change Risk and Vulnerability Assessment of Water Resources in the Limpopo WMA" states that:  "Water resources are key to socio-economic development and environmental sustainability for South Africans livelihood. Despite remaining uncertainties regarding the exact nature, magnitude and pattern of future rainfall changes in South Africa, it appears likely that water resources will be under pressure. This is a result of growing water demand in relation to a finite and limited supply, added to the expected climate change impacts. This is a result of three factors:  <ul style="list-style-type: none"> <li>the projected decrease in rainfall over much of the country,</li> <li>increased evaporation resulting from higher temperatures, and</li> <li>the amplifying effect that the hydrological cycle has on climate change".(emphasis added)<sup>81</sup></li> </ul>	Noted and reported.
95	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		95. Moreover, given the existing crisis with water resources in South Africa, shifting available water from such sectors as agriculture, as proposed by the EMSEZ, i.e. reducing food security as well as cutting back on people's and ecosystems' basic water needs, would increase vulnerability	Noted and reported.

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						<i>to climate change instead of improving resilience to such impacts – which would be inconsistent with the NDP 2030, the NEM Principles and the Constitution.</i>	
96	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>96. <i>In light of the above, and in an effort to avoid placing the burden and costs associated with the EMSEZ's contributions to the climate crisis, on the general public, we submit and recommend that:</i></p> <p>96.1. <i>the externalities of the EMSEZ and its various projects must be internalised to ensure that neither the public nor government bears the costs of mitigating and remedying the negative impacts that climate change will have; and</i></p> <p>96.2. <i>the climate change effects of the associated GHG emissions of all the projects and activities under the EMSEZ will need to be rigorously assessed in the EIA, together with all carbon tax implications.</i></p>	The impact assessment looks at the direct, indirect and cumulative impacts of the entire SEZ site. Specialist studies undertaken also looked at the cumulative, direct and indirect impacts. Mitigation measure proposed by the specialist studies have been incorporated in the EIA report and the EMPr. The EAP with all the information available was able to make an informed decision on the viability of the SEZ based on if the developed will be sustainable by looking at the environment, social and economic aspects. The fact that the SEZ falls within a water scarce area has been taken into account. Water related specialist studies form part of the EIA report.
97	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>97. <i>It is clear that an adequate and stable water supply is crucial to the EMSEZ; however, the FSR states that a "definite source of sustainable water for the SEZ is still under investigation".<sup>82</sup> Without a guaranteed supply of water, the EMSEZ – which is intended to be located within a water scarce region – would not be able to:</i></p> <p>97.1. <i>function adequately or at all;</i></p> <p>97.2. <i>meet the requirements of so-called ecologically "sustainable development"; and</i></p> <p>97.3. <i>contribute towards long-term regional "development" goals without having severe consequences for other water-users and ecosystems.</i></p>	Noted and reported. Please refer to the water specialist studies undertaken as part of the EIA process. A water study on the need and supply of water for the SEZ has been undertaken. A desktop groundwater and detailed groundwater specialist study by Matukane and Associates was undertaken and forms part of the EIA report.
98	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>98. <i>In general, the FSR's estimations of water availability in the region are inaccurate, vague, and significantly overstated. There is a very strong likelihood that there will not be sufficient water to meet the EMSEZ's water needs.</i></p>	Noted and reported. Please refer to the water specialist studies undertaken as part of the EIA process. A water study on the need and supply of water for the SEZ has been undertaken. A water study on the need and supply of water for the SEZ has been undertaken. A desktop groundwater and detailed groundwater specialist study by Matukane and Associates was undertaken and forms part of the EIA report.
99	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>99. <i>The FSR includes incorrect or incomplete information in relation to the water requirements of the EMSEZ, that must be corrected or reconciled in the EIA, as:</i></p> <p>99.1. <i>the FSR contains typographical errors within the water requirement estimate. The values for water use for construction alone over 9 years is written as 13 910.5 10k m3.83 If this number is for construction alone, water use of 139,105 m3 for 12 facilities seems theoretically plausible. However, this value is written incorrectly in three other places in the report, as 13 910.5 10km3. 84 Water requirements for industrial facilities are commonly expressed in million cubic meter units or less, not km3, let alone 10km3. Divided over 9 years, that means over 15 trillion m3 of water each year for construction. To illustrate, Lake Tanganyika is 17 trillion m3.85 On page 60, the report states the water requirement for the construction period is 13 910,5 km3, or 1.5 trillion m3 per year for 9 years. Considering that the Limpopo River's annual flow is only 153 million m3</i></p>	Noted and reported. Please refer to the water specialist studies undertaken as part of the EIA process. A water study on the need and supply of water for the SEZ has been undertaken. A water study on the need and supply of water for the SEZ has been undertaken. A desktop groundwater and detailed groundwater specialist study by Matukane and Associates was undertaken and forms part of the EIA report.

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						<p><sup>86</sup> this value is also clearly an error and must be addressed;</p> <p>99.2. the FSR provides no supporting evidence that the “Musina-Makhado SEZ [...] requires a total of 123 million m<sup>3</sup> of water for its operation”.<sup>87</sup> This appears to be the only place in the FSR that water for operations is estimated, and it does not specify the timeframe. Assuming the report meant to state 123 million m<sup>3</sup> of water per year, there is simply no identified source of such water volumes anywhere in the region. The FSR states that total permissible surface and groundwater abstraction available for the SEZ is 0.377 million cubic meters per year,<sup>88</sup> leaving a shortfall of 122.6 million m<sup>3</sup> of water needed per year. Even if 30 million m<sup>3</sup> of water is provided by the Limpopo Department of Water Affairs<sup>89</sup> and an additional 30 million m<sup>3</sup> per year is taken from below the Zhove Dam in Zimbabwe,<sup>90</sup> over 62.6 million m<sup>3</sup> of water are still needed, with no identified source;</p> <p>99.3. it is inexplicable why the FSR would include only water use for construction over a 9-year period and not include water use during operations by facility type. Thus, the estimate of 123 million m<sup>3</sup> (presumably annual) water requirement<sup>91</sup> is not credible. The EMSEZ electricity resources webpage states that a 1 200 MW coal-fired power plant will use 76 million m<sup>3</sup> of water per year. If the 3 300MW plant is built, as proposed,<sup>92</sup> the thermal plant alone could use 209 million m<sup>3</sup> water/year. So, shortfalls far greater than 62 million m<sup>3</sup> of water per year seem likely even without any other facilities; and</p> <p>99.4. there is no estimation of water requirements during the operation of at least 5 new coal mines that will extend over 1 000 km<sup>2</sup> in the region (Mopane, Chapudi, Makhado, Generaal and Vale).<sup>93</sup> Despite taking up a large part of the FSR, there is no analysis of the mines’ potential impacts to groundwater and surface water in the region, which could alter the amount of water available for use in EMSEZ facilities, as well as all other uses.</p>	
100	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>The EMSEZ webpage “Hydraulic Resources” lists water sources—although it is not clear that these are intended to supply EMSEZ—that are not described in the FSR, including Limpopo Province Woke Mountain Area, Mutara, Mutare Luvuvhu, Luvuvhu Limpopo River, Leita Taba, and Fragrance Lake (“one of South Africa’s largest freshwater lakes”).<sup>94</sup> The website goes on to state, “[p]lans are under way to further import water to the Limpopo River in support of mining development.”<sup>95</sup> If these water resources would supply EMSEZ, they need to be assessed in the EIA.</p>	<p>Noted and reported. Information published by the operator and applicant is out of the EAPs control. The EAP followed NEMA, 1998 and various specialist studies have been undertaken which anticipates to answer the questions and concerns posted by the Centre for Environmental Rights.</p> <p>Please refer to the EIA report for more details.</p>
101	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>101. The Executive Summary of the FSR notes that the “[h]igh water requirements of the development in a water scarce area where much of the existing water resources are required for agriculture and thus food security”. Therefore, any sale or transfer of water rights from agriculture to industry will have irreversible implications for future water allocations – which will also negatively impact food security. The EIA must thoroughly assess impacts on existing water uses.</p>	<p>A specialist study was undertaken assessing the water uses in the area and need for water in the area and SEZ.</p>
102	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>102. Zimbabwe is proposed as a ‘potential water supply source’. The FSR states that “[r]aw water could also be purchased from the Zimbabwe National Water Authority Zimbabwe, which has available at least 30 million</p>	<p>Noted and reported. Please refer to the water specialist studies undertaken as part of the EIA process. A water study on the need and supply of water for the SEZ has been undertaken. A water study on the</p>

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						<i>m<sup>3</sup> per annum, when agreements are in place”.<sup>96</sup> However, the FSR remains largely silent on the need to assess potential impacts of taking water from a neighbouring state, other than from a legal and practical perspective, it merely notes that this action would necessitate cross-border water transfers and international water user agreements, and that “the implications of sourcing water from across the border in terms the health and safety, contamination and carrying capacity as well as the exact position above or below the soil surface for the laydown of the pipeline or channel to the southern site”<sup>97</sup> would need to be addressed.</i>	need and supply of water for the SEZ has been undertaken. A desktop groundwater and detailed groundwater specialist study by Matukane and Associates was undertaken and forms part of the EIA report
103	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		103. The FSR goes on to state that the project envisages taking water from the Zhove Dam in Zimbabwe, <sup>98</sup> where water is abstracted from a tributary of the Limpopo. This requires a full study of the effects on: the Limpopo River; the Reserve; <sup>99</sup> water users in Zimbabwe and downstream users. The potential impacts of taking water from Zimbabwe – on land use, people’s livelihoods and ecosystems – must be addressed before any such assumption on water availability, and its acceptability, can be made.	Noted and reported. Please refer to the water specialist studies undertaken as part of the EIA process. A water study on the need and supply of water for the SEZ has been undertaken. A water study on the need and supply of water for the SEZ has been undertaken. A desktop groundwater and detailed groundwater specialist study by Matukane and Associates was undertaken and forms part of the EIA report
104	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>104. The FSR fails to include basic facts around the EMSEZ and its associated industrial projects, which limit the scope of issues that have been identified and will be needed to inform the EIA. In this regard we point out the following:</p> <p>104.1. nature of fuel sources: the FSR fails to include any estimates of the fuel use by type for each EMSEZ facility. The many coal mines described in the FSR are presumably to provide fuel to EMSEZ facilities, but no estimate of fuel use is provided;</p> <p>104.2. existing status of air, soil and water quality in the region: the FSR fails to include an adequate baseline assessment of air, soil and water quality in the region. Without a baseline assessment, it is unlikely that the EAP would be able to accurately assess, identify and mitigate against potentially significant environmental impacts – this must be addressed;</p> <p>104.3. annual water requirement during construction and operation: as stated above, the FSR fails to adequately discuss the annual water requirements for the EMSEZ during key phases of its development and operation. This oversight is deeply problematic as the region is already water-scarce, the proposed operations are water-intensive and without a stable supply of water the EMSEZ would not be able to function;</p> <p>104.4. waste management: the FSR fails to include basic facts around the volumes of waste water to be produced each year or the volume of solid waste that will be produced each year, including from each project under the EMSEZ. This includes coal ash, which contains toxic metals and radioactive elements, and poses significant public health risks. By failing to do so, the scoping assessment process has neglected a serious consideration that will have lasting impacts on the surrounding environment if not managed properly; and</p> <p>104.5. annual air pollution emissions: the FSR lacks basic information in relation to the projected annual air emissions for the EMSEZ and its associated infrastructure. This is an important consideration as air quality</p>	Specialist studies have been undertaken which assesses the minerals and water availability in the area. The status of the air quality was assessed by the air quality specialist. The water, electricity, labours for the entire development was included in the scoping report and will be included in the EIA report. A waste specialist has also looked at the types of waste to be generated and the quantities of each plant in terms of domestic, hazardous, construction, etc.

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						<i>has been flagged as a threat to human health and an air quality “priority area” has already been established within the region. Without an assessment of the expected emissions nor any baseline assessment of existing air quality within the development region/site, it would be impossible to accurately determine the individual and cumulative impacts that the EMSEZ (as well as its associated infrastructure) would have on human health and the issues that the EIA process would need to consider in further detail.</i>	
105	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		105. <i>The FSR fails to consider the impacts of the EMSEZ on biological diversity, conservation of endangered species, and ecological processes. The EMSEZ and its associated mines would carve up the very centre of the Vhembe UNESCO Biosphere Reserve, called “land of the baobab”, which is home to 250 species of butterfly, 44 species of amphibians, 140 species of reptiles, 542 species of birds and 152 species of mammals.<sup>100</sup> The Biosphere Reserve includes a UNESCO World Heritage Site, the Mapungubwe Cultural landscape and a RAMSAR site, the Makuleke Wetlands. The FSR recognizes that the area includes protected areas known for baobab trees (Musina Nature Reserve), endangered Cape Vultures (Blouberg Nature Reserve), gemsbok (Langjam Nature Reserve), and giraffe, antelope, and white rhino (Nwanedi Nature Reserve).</i>	A baseline ecological study, comprehensive ecological study, freshwater resources, soil and land capability and biodiversity offset specialist studies have been undertaken and form part of the EIA report. These mitigation measures have been included in the EIA report and EMPr. Furthermore, a protected trees study and a biodiversity offset strategy plan forms part of the EIA report.
106	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		106. <i>According to the website of Vhembe Biosphere Reserve:</i>  <i>Within the context of a Biosphere Reserve, “development” is defined as: “the fostering of economic and human development which is socio-culturally and ecologically sustainable”. This is a fundamental objective of any Biosphere Reserve and particularly relevant in the case of the Vhembe Biosphere Reserve. The challenge is to establish a development framework and strategy that is aimed at conserving the bio-diverse environment while at the same time creating socio- economic opportunities for the people of the area.”<sup>101</sup></i>	Noted and reported. The current SEZ site falls within the Vhembe Biosphere Reserve. The applicant has registered with LEDET on the draft Vhembe Biosphere Plan as well.
107	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		107. <i>The FSR notes that EMSEZ is located in the “transitional zone” of the Biosphere Reserve, which “support/contains a diversity of sustainable activities”.<sup>102</sup> But there is no analysis in the FSR that defines “sustainable activities” and whether EMSEZ meets that definition.</i>	Noted and reported. The study site falls in terms of the Limpopo Biodiversity Sector Plan on CBA and ESA areas.
108	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		108. <i>EMSEZ would affect a Critical Biodiversity Area 2,<sup>103</sup> and Ecological Support Area 2,<sup>104</sup> and – depending on the area of influence of EMSEZ activities – the project could also negatively affect one of the world’s largest Cape Vulture colonies,<sup>105</sup> as well as a number of protected and priority biodiversity areas, including areas earmarked for Protected Area Expansion.</i>	Noted and reported. A biodiversity offset specialist study has been undertaken for the tree species and biodiversity offset study for wetlands and drainage is currently being proposed as part of the EIA process.
109	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		109. <i>These potential impacts are of national and international importance, given that they relate directly to South Africa meeting its global conservation commitments and national biodiversity targets. The EIA must thoroughly address all of the above potential impacts.</i>	Noted and reported. A biodiversity offset specialist study has been undertaken for the tree species and biodiversity offset study for wetlands and drainage is currently being proposed as part of the EIA process.
110	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		110. <i>With specific reference to heritage resources and objects of cultural significance, we submit that the potential impacts of the EMSEZ to the UNESCO World Heritage Site: Mapungubwe Cultural Landscape<sup>106</sup> has not been considered. We find this deeply concerning, as:</i>  110.1. <i>the Mapungubwe Cultural Landscape is legally protected</i>	Cumulative impacts of the SEZ on the surrounding environments have been incorporated in the freshwater specialist study and the biodiversity specialist studies. Furthermore, the offset specialist studies have been undertaken and suitable land of the same vegetation type and consultation with DEFF has to be undertaken.

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						<p>through the World Heritage Convention Act 49 of 1999 – which incorporated the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage<sup>107</sup> (The World Heritage Convention) into South African Law. The World Heritage Convention recognises that the Mapungubwe Cultural Landscape is “...of outstanding interest and therefore need[s] to be preserved as part of the world heritage of mankind as a whole” (emphasis added). We submit, with such interests in mind, that this should necessitate - at the bare minimum - a basic assessment of the EMSEZ’s potential impacts on the Mapungubwe Cultural Landscape given its status as an object of international significance;<sup>108</sup></p> <p>110.2. NEMA’s definition of the “environment” encompasses not only components of the natural environment (air, land and water)<sup>109</sup> but also “the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human-health and well-being”(emphasis added);<sup>110</sup> and</p> <p>110.3. the NEM Principles specifically refer to the “nations cultural heritage” in applying the ‘preventative principle’<sup>111</sup> and that “[d]ecisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge” (emphasis added).<sup>112</sup></p>	
111	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>111. In light of the above, we submit that destruction or deprivation of cultural properties and heritage resources – especially in instances where such impacts were not assessed adequately or at all – would be unconstitutional, as international and national legal mechanisms demand the protection of world heritage sites for the benefit of the international public. Therefore, a comprehensive assessment of any potential impacts to this area must be included in the EIA process.</p>	Noted and reported. Various specialist studies have been undertaken, far and beyond the ones initially mentioned in the Plan of Study for EIA. The Specialists looked at the site as well as cumulative impacts associated when one or more impacts are imposed together. A heritage specialist study was also undertaken.
112	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>112. The EIA process is intended to shape and influence the proposed development in a way that ensures that it meets the requirements of the Constitution and NEMA.</p>	Noted and reported. Various specialist studies have been undertaken, far and beyond the ones initially mentioned in the Plan of Study for EIA. The Specialists looked at the site as well as cumulative impacts associated when one or more impacts are imposed together.
113	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>113. The identification and confirmation of alternatives is a critical element of the scoping phase, and is at the heart of EIA – ensuring that sustainable development is achieved. The DEAT’s “Criteria for determining alternatives in the EIA” states that “[d]ue consideration of alternatives ensures that the EIA is not reduced to defence of a single project proposal that is the desire of the proponent. Rather, it provides the opportunity for an unbiased, proactive consideration of options, to determine the optimal course of action”.<sup>113</sup></p>	<p>The designation process looked at various sites before the designation of the current site. A specialist study with motivation and the negative and positive impacts associated with each site, has been included as part of the EIA report.</p> <p>Please refer to the economic rationale specialist study contained in the EIA report for more information.</p>
114	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>114. The FSR states:</p> <p>“The following alternatives have been mentioned throughout this Consultative Scoping Report and will be further investigated during the EIA phase of the proposed development:</p> <ul style="list-style-type: none"> <li>• Design or Layout alternatives (based on the Hoi-mor Master plan)</li> <li>• Demand alternatives (Demand and need in terms of socio-</li> </ul>	Noted and reported. The alternative types were based on the information available at the time of the compilation of the scoping report.

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						<p>economic and job creation)</p> <ul style="list-style-type: none"> <li>Technology Alternatives (There are different technologies involved as well relating to the plants itself but, we are not applying for that now and hence it is not discussed here – it is however important since the ultimate development will have these technologies aimed at better environmental mitigation</li> <li>'No-Go' Option"<sup>114</sup></li> </ul>	
115	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>115. The description of these alternatives is vague and general, and without additional information, it is impossible to determine the scope of alternatives that will be addressed in the EIA. For example, it is unclear as to why the layout design alternatives are limited to, and constrained by, the Hoi-mor Master plan, and/or what this master plan comprises, as it is not described in the FSR.</p>	Noted and reported. The alternative types were based on the information available at the time of the compilation of the scoping report.
116	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>116. The FSR also fails to adequately identify site alternatives or alternative industrial components or activities within the EMSEZ. Furthermore, it does not present alternatives that respond to the range of potentially "highly significant" negative impacts that have been identified, such as:</p> <p>116.1. the irreplaceable loss of agricultural land, wetlands, river, groundwater, GHG emissions<sup>115</sup> (assumed to recognise that climate change effects will lead to irreplaceable loss); and</p> <p>116.2. Critical Biodiversity Areas, fauna and flora, and soil erosion (assumed to mean that there would be irreplaceable loss of soils) and cultural heritage.<sup>116</sup></p>	Noted and reported. The alternative types were based on the information available at the time of the compilation of the scoping report. The site selection alternatives was verified by a specialist study and have been included as part of the EIA report.
117	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>117. In summary, any alternatives – including any "no-go" options – that could feasibly be supported in this particular landscape and satisfy the need to create employment through the leveraging of lower-impact industries, technologies and components must be thoroughly considered, considering the significant potential harms of the project, as this could meet the overarching objectives of the EMSEZ without undermining the long term social ecological resilience of the region.</p>	<p>Noted and reported. The alternative types were based on the information available at the time of the compilation of the scoping report. The site selection alternatives was verified by a specialist study and have been included as part of the EIA report.</p> <p>Please refer to the Economic Rationale Specialist study which forms part of the EIA report.</p>
118	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>118. We submit that without an adequate consideration of alternatives, neither the EAP nor the competent authority is in a position to advise or reach an informed decision in relation to a project of this magnitude and the significant socio-economic, environmental and human health impacts likely to be suffered.</p>	<p>Noted and reported. The alternative types were based on the information available at the time of the compilation of the scoping report. The site selection alternatives was verified by a specialist study and have been included as part of the EIA report.</p> <p>Please refer to the Economic Rationale Specialist study which forms part of the EIA report.</p>
119	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>119. The FSR has a short section on cumulative impacts and recognizes that this EIA process "should be considered along with all other applications and activities in the area."<sup>117</sup> Other language through the FSR contradicts this statement, however, noting that because each project under the EMSEZ will develop its own EIA. Therefore, the current FSR and EIA process cannot adequately assess these other potential impacts.<sup>118</sup></p>	The EIA report addresses the cumulative impacts in detail. Various specialist studies in relation to the SEZ and cumulative impacts associated have been assessed.
120	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>120. As mentioned, the EIA must thoroughly consider cumulative impacts of all actions and projects associated with the EMSEZ, along with other existing and proposed activities in the region. Without doing so, the EIA would present a significantly flawed and incomplete assessment of the</p>	The EIA report addresses the cumulative impacts in detail. Various specialist studies in relation to the SEZ and cumulative impacts associated have been assessed.



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						<i>potential harms of the EMSEZ.</i>	
121	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>121. <i>The accurate assessment of impact significance and risk involves deciding whether a project is likely to cause significant negative environmental impacts and is therefore central to the practice, administration and decision making processes of the EIA.<sup>119</sup> In this regard, Table 10.1 of the FSR presents a “preliminary impact assessment” of the EMSEZ, which, among other things:</i></p> <p>121.1. <i>describes the nature, duration, significance, extent and probability of various impacts;</i></p> <p>121.2. <i>provides a significance rating for each impact (e.g. medium low, medium high, high, etc.);</i></p> <p>121.3. <i>determines the degree to which the impacts can be reversed;</i></p> <p>121.4. <i>determines the degree to which the impact may cause irreplaceable loss of resources;</i></p> <p>121.5. <i>determines the degree to which the impacts can be avoided, managed, or mitigated; and</i></p> <p>121.6. <i>concludes with a determination of risk, taking into account the preceding three factors (e.g. low, medium, high, etc.).</i></p>	<p>Noted and reported.</p> <p>Please refer to the EIA report under section 6 and section 7 for more information of the assessment and ratings of each impact. Furthermore, the EMPr provides details on how to possibly mitigate each aspect if possible.</p>
122	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>122. <i>We submit that Table 10.1 and the FSR’s approach for assessing preliminary impacts is highly flawed and all conclusions should be disregarded. This is so for the following reasons:</i></p> <p>122.1. <i>the FSR has presented only a general assessment of potential impacts, with vast amounts of missing information about the EMSEZ associated projects. It has not considered major areas of concern, such as climate change impacts or harm to human health. Nor has it accurately submitted any information on baseline conditions in the region, including on air quality or water availability or quality. Without this vital information, any assessment on potential risks and impacts is fatally flawed, and presents a substantially incomplete and misleading assessment;</i></p> <p>122.2. <i>the impact assessment inappropriately does not consider the cumulative impacts of all the projects in the EMSEZ;</i></p> <p>122.3. <i>impact reversibility is a separate concept from irreplaceable loss of resources, and should therefore be addressed separately;</i></p> <p>122.4. <i>the FSR inappropriately groups ‘avoidance’, ‘mitigation’ and ‘management’ together. Since these are three very different concepts and no measures are actually specified in the FSR, this approach is misleading and has limited valid application;<sup>120</sup></i></p> <p>122.5. <i>the criteria for assessing the ‘likelihood of impact’ is incorrect</i></p>	<p>Noted and reported. The scoping report is only an introduction of the proposed intention by the applicant. In-depth specialist studies and investigations have been undertaken and these have been provided in the EIA report. The impact assessment of each specialist study is included in the EIA report and this let the EAP make an informed decision whether the project is sustainable and feasible in the area.</p>



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						<p>as it includes the “sensitivity of the receiving environment”, which we understand to be a consideration that is taken into account when assessing the “severity” of impact rather than its “likelihood”; and</p> <p>122.6. the table’s conclusions are not rationally connected to or supported by any facts or evidence. For example, the table describes the probability of pollution and disruption of the ecological integrity of groundwater as highly likely, significant and permanent. It is also “likely” to cause irreplaceable loss of resources. Yet, the FSR conveniently determines the risk to groundwater after avoidance, mitigation, and management as “low”. In many other instances, the table identifies impacts as irreversible and definite, yet the risk after avoidance, mitigation, and management is medium. In no instance has the FSR observed a high risk of any potential impact, despite impacts being identified as irreversible and definite. With respect to projects at the scale of the EMSEZ, these outcomes are unlikely and cannot be supported by evidence.</p>	
123	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>123. In summary, the failure to adequately ascribe and quantify impacts – through a flawed and improper assessment, which seeks to draw conclusions on impacts prior to any assessments actually being done – is arbitrary, speculative and threatens the integrity of the EIA process by promoting uninformed decisions.</p>	Noted and reported. The scoping report is only an introduction of the proposed intention by the applicant. In-depth specialist studies and investigations have been undertaken and these have been provided in the EIA report. The impact assessment of each specialist study is included in the EIA report and this let the EAP make an informed decision whether the project is sustainable and feasible in the area.
124	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>124. We maintain that the scope of specialist studies set out in section 11, entitled “Plan of Study for EIA” is inadequate. We submit that:</p> <p>124.1. a “human health impact assessment” must be carried out, given the spectrum of likely harmful emissions and toxic wastes associated with the projects associated (noxious) industries;</p> <p>124.2. the “socio-economic assessment” should be separated into a social and economic assessment,<sup>121</sup> in which the social component of the impact assessment specifically includes an assessment of impacts on land use, both directly and indirectly i.e. through pollution and other pathways such as through the sale of water rights;</p> <p>124.3. all information in relation to employment during the construction phase and the operational phase of the SEZ must be made available, specifically, information on skills development and target groups as this information is critical to properly evaluating the project’s alleged benefits;</p> <p>124.4. all information in relation to waste management<sup>122</sup> must be made available to enable assessment of associated impacts on water, air, land, biodiversity and human health;</p> <p>124.5. the proposed ‘wetland and aquatic assessment’ should be conducted as a separate study as it addresses the fundamental issue of water supply;</p> <p>124.6. the potential impacts of water supply options must be</p>	<p>A human health impact assessment was undertaken and is part of the EIA report. As required, a socio-economic assessment and social and economic assessment has been carried out and forms part of the EIA report. Employment opportunities and job seekers etc. have been included in the EIA report. A waste specialist study has been undertaken and the types of waste generation and disposal has been included as part of the EIA report. Freshwater Specialist study and wetland assessment was undertaken, as well as water specialist studies (groundwater, geo-hydrological, geotechnical, etc.) and form part of the EIA report. A soil and land capability specialist study was undertaken and has been included also as part of the EIA report.</p> <p>Furthermore a biodiversity offset specialist study was undertaken at the site and a biodiversity offset plan prepared for the wetlands / drainage and other sensitive features at the site especially the critically biodiversity areas.</p> <p>A climate change specialist study and air quality assessment was undertaken and forms part of the EIA report.</p> <p>The biodiversity assessment has looked at the aquatic birds.</p> <p>Lastly, remedial / mitigation measures were proposed by all specialist studies and have been included in the EIA report and EMP and should be enforced and adhered to. These will set the basis for the plant specific specialist studies and EIAs to be undertaken for each industry within the SEZ.</p>

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						<p>assessed; taking into account predicted climate change effects on water resources, along with the associated impacts on land use, people's livelihoods and ecological impacts;</p> <p>124.7. the 'soil classification and land capability' specialist study must address the land use issues as part of an independent specialist assessment;</p> <p>124.8. separate hydrological and geo-hydrological specialist studies should be carried out – as the 'water' specialist study<sup>123</sup> conflates surface water and groundwater issues and impacts. These must be separated in light of the potential for groundwater extraction as a water source and consequences for local groundwater-dependant users/ecosystems, and the potential pollution from the project's industries' waste management practices;</p> <p>124.9. the 'critical biodiversity areas' specialist study<sup>124</sup> must also assess the impacts associated with solid waste pollutants, ground pollutants, ecological process impacts, and changes in water flow and quality due to alterations and disturbances;</p> <p>124.10. further information must be provided on "aquatic bird studies". As it stands, little is provided in relation to terrestrial birds, including highly threatened species such as the Cape Vulture that lives, nests and breeds in close proximity to the project site. The associated impacts of the proposed development i.e. pollution, expanding settlements and edge effects that will impact on their flight paths, roosting and feeding areas presents an increased risk to their survival and must be addressed;</p> <p>124.11. as stated above, an extensive CCIA must be undertaken, ensuring that the study, satisfies the requirements of NEMA and section 24 of the Constitution, whilst comprehensively assessing the project's climate change impacts;</p> <p>124.12. the requirement to remedy impacts through compensation or offsets must also be addressed by specialists; and</p> <p>124.13. an epidemiological baseline survey must be undertaken to monitor and manage future impacts.</p>	
125	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>125. We note with concern that the public consultation and participation process conducted to date in relation to EMSEZ has been woefully inadequate. This is highly problematic as it threatens I&amp;APs' rights to a fair process and access to information. These issues and concerns include, inter alia:</p> <p>125.1. "national" advertisements of the EIA process were only placed in the Citizen newspaper on one date – 24 August 2018 (distributed mainly in Gauteng, but also in Mpumalanga, Limpopo and the North West provinces) and on two dates in the Limpopo Mirror (24 August and 31 August 2018). This limits notification to a restricted pool of I&amp;APs, and considerably curtails input into the EIA process. We submit that an advertisement should have also been placed in an official Gazette that is</p>	<p>The initial project registration was scheduled for a 30-days public participation process, however due to the magnitude and scale of the proposed project, the registration lasted 4-months. With the release of the draft Scoping report a 30-days public review period was announced, however this was also exceeded due to the size of the document and requests from the public for consultations and CD copies.</p> <p>The EIA report will be set out for at least 50-days and public meetings, in newspaper; media etc. will be communicated at least 14 days prior to having the meetings. A community liaison officer was appointed by LEDA.</p>

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						<p>published specifically for the purpose of providing public notice in terms the EIA Regulations.<sup>125</sup> We submit further that the proposed placement of only one English advertisement and one Venda advertisement to notify potential I&amp;APs of the availability of the EIA Reports is wholly inadequate for this SEZ, given its scale, range of potentially significant impacts, and national, if not global significance.</p> <p>125.2. there appears to have been little to no representation of affected landowners and civil society organisations in the public participation processes conducted to date for the EIA; and</p> <p>125.3. it is recorded that only two purported “civil society organisations” participated in the consultation process for the FSR, namely Anglo-American Platinum and representatives of the Tubatse Municipality. Clearly Anglo-American is not a civil society organisation nor is the Tubatse Municipality. There has thus been no civil society organisation participation to date.</p>	
126	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>126. In addition, many people, particularly those who will be impacted by the project, do not have access to the resources and expertise required to access, consider and comment on the records relating to the project, which are voluminous and technical in nature. Yet this project will have significant implications in terms of its scale and range of potentially significant impacts - which include climate change and health impacts – particularly for communities living in the areas where the project will be based. In order to ensure access to a reasonable, adequate and fair public participation process, the project’s proponents should have used (and must in future use) reasonable alternative methods to inform affected communities of the significant adverse health, climate and environmental impacts that this project could have on them.</p>	<p>The initial project registration was scheduled for a 30-days public participation process, however due to the magnitude and scale of the proposed project, the registration lasted 4-months. With the release of the draft Scoping report a 30-days public review period was announced, however this was also exceeded due to the size of the document and requests from the public for consultations and CD copies.</p> <p>The EIA report will be set out for at least 50-days and public meetings, focus group meeting and consultations in newspaper; media etc. will be communicated 14 days having the meetings. A community liaison officer was appointed by LEDA.</p>
127	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>127. We remind you that the proposed development is situated across historically disadvantaged areas. These people must be afforded a reasonable opportunity to consider, understand, and provide input into the proposed development and its associated processes, which will undoubtedly have a direct impact on their daily lives, health and well-being. These are the people who bear the brunt of the impacts of proposed development and we submit that environmental justice demands that their voices be heard. A process which does not provide for this or does not adequately consider their input will be unfair and flawed.</p>	<p>The initial project registration was scheduled for a 30-days public participation process, however due to the magnitude and scale of the proposed project, the registration lasted 4-months. With the release of the draft Scoping report a 30-days public review period was announced, however this was also exceeded due to the size of the document and requests from the public for consultations and CD copies.</p> <p>The EIA report will be set out for at least 50-days and public meetings, focus group meeting and consultations in newspaper; media etc. will be communicated 14 days prior to having the meetings. A community liaison officer was appointed by LEDA.</p>
128	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>128. In light of the above, we remind you that NEMA’s section 2 principles; in particular section 2(4)(f), make clear that “[t]he participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured” (emphasis added).</p>	Noted and reported.
129	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>129. We remind you that the CER has, since its establishment in 2010, advocated for greater transparency in environmental governance and for swift and easy access to environmental information, and accordingly</p>	Noted and reported.

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						<p><i>disputes the failures to register our clients as I&amp;APs and make information available despite repeated requests. In this regard, we refer you to the following judgments that confirm that there is no room for secrecy in relation to the environment:</i></p> <p>129.1. <i>Uzani Environmental Advocacy v BP Southern Africa (Pty) Ltd<sup>126</sup> – “NEMA not only requires a transparent administration but recognised the contribution that can be made to the protection of the environment by a vigilant and committed public which has most to lose...[s]ecuring protection is therefore no longer the exclusive preserve of those engaged in these activities, nor of an opaque administration or an under capacitated and potentially inhibited law enforcement agency which cannot claim the number of successful convictions one would have expected despite clear evidence of historic degradation to our environment.”; and</i></p> <p>129.2. <i>Company Secretary of Arcelormittal South Africa and Another v Vaal Environmental Justice Alliance<sup>127</sup> – where the court confirmed that civil society organisations are entitled to exercise and protect the right to a healthy environment by seeking information to enable them to assess environmental impacts, and to exercise a watch-dog role. The Supreme Court of Appeal went on to hold that “...industrial activities, impacting as they do on the environment, including on air quality and water resources, has an effect on persons and communities in the immediate vicinity and is ultimately of importance to the country as a whole. Translated, this means that the public is affected and that ... activities and effects thereof are matters of public interest” and “Corporations operating within our borders, whether local or international, must be left in no doubt that in relation to the environment .there is no room for secrecy and that constitutional values will be enforced.”<sup>128</sup></i></p>	
130	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>130. <i>It is therefore essential that adequate public participation takes place early in the process – when key options are still open. This will ensure that all perspectives are captured and can be properly assessed at the outset. It will also ensure that all stakeholder groups have equal opportunities to convey their views.</i></p>	<p>The initial project registration was scheduled for a 30-days public participation process, however due to the magnitude and scale of the proposed project, the registration lasted 4-months. With the release of the draft Scoping report a 30-days public review period was announced, however this was also exceeded due to the size of the document and requests from the public for consultations and CD copies.</p> <p>The EIA report will be set out for at least 50-days and public meetings, focus group meeting and consultations in newspaper; media etc. will be communicated 14 days prior to having the meetings. A community liaison officer was appointed by LEDA.</p>
131	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<p>131. <i>We note that, with the annexures, the FSR (in its current form) is approximately 600 pages. Given the magnitude of the project, its associated impacts as well as the length of the report, I&amp;APs should have been initially afforded a longer period of time for commenting. Although now passed, the one-month time period allowed for the public to comment on the scoping report was in any event too short to allow the public to meaningfully evaluate and comment on the contents.</i></p>	<p>The initial project registration was scheduled for a 30-days public participation process, however due to the magnitude and scale of the proposed project, the registration lasted 4-months. With the release of the draft Scoping report a 30-days public review period was announced, however this was also exceeded due to the size of the document and requests from the public for consultations and CD copies.</p> <p>The EIA report will be set out for at least 50-days and public meetings,</p>

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							focus group meeting and consultations in newspaper; media etc. will be communicated 14 days prior to having the meetings. A community liaison officer was appointed by LEDA.
132	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		132. <i>The CER has long contested the Constitutionality of the short timeframes prescribed by NEMA's EIA Regulations for commenting on EIA documents. The requirement for an applicant to, within 44 days of receipt of the application, submit to the competent authority a scoping report, which has been subjected to a public participation process of at least 30 days<sup>129</sup> – is too short to allow for adequate and meaningful assessment and participation, as required by the Constitution and the Promotion of Administrative Justice Act, 2000 (PAJA). We submit that arrangements should have been made for more time for both comment, and consideration of the comments, before submission of the scoping report.</i>	The initial project registration was scheduled for a 30-days public participation process, however due to the magnitude and scale of the proposed project, the registration lasted 4-months. With the release of the draft Scoping report a 30-days public review period was announced, however this was also exceeded due to the size of the document and requests from the public for consultations and CD copies.  The EIA report will be set out for at least 50-days and public meetings, focus group meeting and consultations in newspaper; media etc. will be communicated 14 days prior to having the meetings. A community liaison officer was appointed by LEDA.
133	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		133. <i>In the light of the significant negative impacts that the proposed EMSEZ stands to have on the climate as well as on the health and well-being of the people of South Africa, we and our clients oppose, and will continue to oppose, the development in order to protect Constitutional rights and the realisation of environmental and social justice in South Africa.</i>	Noted and reported. Please refer to the EIA report and various specialist studies addressing the impacts associated with climate change, human health etc.
134	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		134. <i>We submit that, the FSR does not meet the requirements of NEMA and the EIA Regulations, and as the EMSEZ fails to satisfy the basic principles of sustainable development – at its earliest stage of impact assessment – any socio-economic benefits perceived are short-sighted, likely to dissipate in the long term and significantly outweighed by its negative impacts. This would cause irreplaceable harm to the environment, human health and well-being – which would be inconsistent with the Constitution.</i>	Noted and reported. The EIA report addresses the concerns raised by the Centre for Environmental Rights in terms of the specialist studies and impact assessment and mitigation measures proposed by the specialists.
135	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		135. <i>In light of the above, it is our recommendation that:</i>  135.1. <i>our comments above regarding the need for a SEA and the appropriate competent authority as well the objections on the FSR are duly considered;</i>  135.2. <i>the FSR be withdrawn on this basis;</i>  135.3. <i>both the scoping and EIA for the EMSEZ be placed in hold until a thorough SEA is conducted with full and proper public participation, taking into account our clients' comments made herein, and any comments by other I&amp;APs; and</i>  135.4. <i>the Minister of Environment, Forestry and Fisheries must be designated as the competent decision-making authority for this, and any further EMSEZ EIA processes.</i>	Noted and reported. As indicated a MoA was issued whereby DEA confirmed that LEDET is the Competent Authority for the proposed SEZ. The SEA is a tool for good practise and the current SEZ site was designated by the South African Government. The final Scoping Report has been approved by LEDET and it can't be withdrawn as the EIA report is basically ready for release. The concerns raised by CER have been incorporated in the EIA report and various specialist studies have been undertaken to alleviate negative impacts associated with such a big industrial development in the bushveld.
136	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		136. <i>Please ensure that adequate consideration is given to these comments.</i>	Noted and reported.
137	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		<i>A failure to take the above steps would render the EIA process fatally flawed and susceptible to legal challenge.</i>	Noted and reported.

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138	Ruchir Naidoo	CER	EMAIL	1 Nov 2019		138. We reserve our clients' rights fully, including the right to supplement these comments and/or to make further submissions.	Noted and reported.
Comments received after Final Scoping Report 30 May 2019 to 28 August 2020							
1	Tonderai Makoni	Vhembe Biosphere Reserve	Email	29 August 2019		We refer to the above report and request the Vhembe Biosphere Reserve be registered as an interested and affected party.	Noted and you are registered on the I&AP database
2	Peta A. Jones	Donkey Power  Facilitation and Consultancy Services	Email	15 September 2019		<ol style="list-style-type: none"> <li>1. This 246-page document is badly in need of proper editing, being poorly written and rather haphazardly organized, robbing it of much authority. The map appendix is empty, but it turns out that maps do appear in the text, the most important probably being on p.48 wherein "Musina-Makhado SEZ southern site – designated area (7 262.691 ha)" is delineated. This report is therefore meant to refer generally to the area between the N1 on the east and the railway line on the west, with the Huntleigh road as its southern boundary, and to the north projecting just a little beyond the R525.</li> <li>2. Very little of the information is specific to this particular area, however, and most was acquired second-hand from the much earlier scoping and other reports circulated by Coal of Africa (apparently now morphed into "MC Mining"). Coal of Africa focused on mining and its impacts, whereas the current proposal concerns mineral processing, energy generation and the creation of a permanent residential community. As a result, it is not as up to date as it might be, and important changes are not taken into account.</li> <li>3. <u>Mining</u>. Although on p.89 various mining projects are shown surrounding the SEZ southern site, only the Syferfontein dolerite mine currently exists, and the others may never do so, depending on the prevailing economic picture and also the doubtful availability of water.</li> <li>4. <u>Water</u> is discussed on pp 59-66, 92-93 and p 233. There seems little acknowledgement of the possible effects of climate change, already discernible, and the fact that bad land use practices over the last several decades have resulted in the drying out of rivers, the virtual disappearance of aquifers and the poisoning of soils. All the same, one does get the impression that the most reliable source of water will be Zimbabwe.</li> <li>5. <u>Education</u> does not seem to be one of the amenities proposed for residents (see p.42). Perhaps such a thing is not deemed to be necessary, in view of the existence of Mopane Intermediate School just outside the north-west boundary of the proposed development site. It is, however, a secondary-level boarding school, having environmental problems of its own, and there is no nearby primary school.</li> <li>6. <u>Emissions</u>. At several points it is acknowledged that the various forms of processing will result in the formation of dangerous and uncomfortable chemicals and particulate</li> </ol>	Noted and the draft EIA report is now available for public review. The issues mentioned and referred to here have been included in it and specialists were appointed to undertake respective specialist studies.

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						<p>matter, and it is recommended (e.g. p.231) that “Waste disposal areas are to be planned down-wind of villages and townships”. Unfortunately, the whole of the present settlement of Mopane and its school is situated neatly UPWIND of the proposed scheme, to judge by the wind rose (p.55).</p> <p>7. <u>Alternative economic activities.</u> Nothing for this little SEZ southern site area is in fact considered, but for Vhembe generally only two alternatives are considered at all viable: tourism and game farming, somewhat interconnected. It needs to be remembered that tourism can have devastating effects on both environments and people, and would have to be very carefully regulated in such a vulnerable area. The provincial government has so far shown little acknowledgement of this. Game farming in Vhembe has already been as badly managed as the other forms of farming, as witnessed by the signs of overgrazing everywhere, and would need even more strict regulation.</p> <p>GENERAL REMARKS:</p> <p>A. It is perfectly true that the unusual geological past of the area has resulted in the deposit of some interesting and valuable minerals, quite apart from coal. It would be naïve to suppose that this will remain neglected for long, especially given the mining background of South Africa’s current president.</p> <p>B. It is also true that the processing of the minerals can make the mining much more worthwhile, and South Africa is capable of doing this.</p> <p>C. The demographics of the province (p.94) paint a dismal picture of a predominance of unemployed, undereducated youth with nowhere to go, and this is likely to persist for another generation or so. Existing cities, however, are already absorbing much of this, however unhappily.</p> <p>D. Absorption and recycling of wastes (p.231) is naturally recommended, but if the focus on this is intensified so as create not just a processing and residential area creating minimal damage, but a MODEL CITY in which absolutely everything is recycled and nothing escapes, not even water, this can put South Africa on an entirely different tourist map, focusing on the future and not just a decaying heritage. The techniques and designs for all varieties of re-use and recycling already exist, if not in South Africa, but elsewhere, and South Africa can bring such things together. The existence of the SEZ southern site on one of the main continental transport routes – road and rail – just where very little else is possible, would be an excellent choice for demonstrating South Africa’s ability to handle the problems of an uncertain future. However, it will take considerable political will to achieve it, and probably a great deal of money. If investors can be found ...</p>	

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3	John Rosmarin		Email	18 September 2019		I refer to the above report and request that I be registered as an interested and affected party.	Noted and registered
4	Evert van Wyk	Drilling Developments	Email	21 November 2019		Please see attached my company profile, as a possible service provider, and contractor on the proposed Musina-Makhado Economic Developments Zone	Noted and reported
5	Derek Muller	Leger Risk Management	Email	6 May 2020		Please register Leger Risk Management (represented by Derek Muller) as I&AP i.r.o. the above	Noted and registered
6	Sally Archibald	University of Witwatersrand	Email	7 May 2020		Please can you register me as an IAP for this EIA process?	Noted and registered
7	Nokhuthala Hlongwana.		Email	6 May 2020		Please register me as an I&AP for the Musina-Makhado Special Economic Zone EIA	Noted and registered
8	Lorraine Botha	Smile Business Creation	Email	5 May 2020		Please may I register as an IAP for the MM SEZ.  Please confirm receipt of this email.	Noted and registered
9	Riaan Smit	EVN Africa Consulting Services	Email	9 June 2020		We EVN Africa Consulting Services are requesting Registration as an I&AP for the above Musina Makhado SEZ	Noted and registered
10	Greg Matthews	Archon	Email	15 June 2020		Greg Matthews would like to recall the message, "LEDET REF:12/1/9/2-V79 - Registration as I&AP for MUSINA-MAKHADO SPECIAL ECONOMIC ZONE EIA".	Noted and registered
11	Catherine Keene	Tabacks	Email	17 June 2020		Please register Taback & Associates (Pty) Limited as an Interested and Affected Party in connection with the above matter.  All correspondence in this regard is to be furnished to the writer, Catharine Keene, at the email address referred to below (ck@tabacks.com).  Physical Address: 13 Eton Road, Parktown, Johannesburg 2193.	Noted and registered
12	MICHEL DE BRUIN	DE BRUIN OBERHOLZER ATTORNEYS	Email	17 June 2020		Kindly register DE BRUIN OBERHOLZER INCORPORATED as an interested and affected party.	Noted and registered
13	Hermanus Schoeman	Eco-Industrial Solutions	Email	19 June 2020		Please kindly register me as a Interested and Affected Parties (IAPs) in above.  <i>Eco-Industrial Solutions (Pty) Ltd (EIS) objects to the Scoping and Environmental Impact Assessment (EIA) Process undertaken by Delta BEC Consultants with Ronaldo Retief as the Environmental Assessment Practitioner (EAP) on behalf of the Limpopo Economic Development Agency (LEDA) as the Applicant, for the following reasons:</i> <ul style="list-style-type: none"> <li><i>EIS has entered a Memorandum of Understanding (MoU) with LEDA on 23 July 2018. However, EIS was not identified as a</i></li> </ul>	Noted and registered  Noted and the draft EIA report is now available for public review. The issues mentioned and referred to here have been included in the EIA report and specialists were appointed to undertake respective specialist studies.  Noted



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						<p>stakeholder for the Scoping and EIA Process for the MMSEZ Development and was thus excluded from participating in the public participation process (PPP) until after EIS became aware of the existence of the Scoping and EIA Process following an article published by the Daily Maverick on 1 April 2020.</p> <ul style="list-style-type: none"> <li>The competent authority for the Scoping and EIA Process should have been the Department of Environment, Forestry and Fisheries (DEFF) because: <ul style="list-style-type: none"> <li>the water transfer from the Zovhi Dam in Zimbabwe proposed to the MMSEZ site is a listed activity;</li> <li>the consideration of the MMSEZ as part of a Zimbabwean initiative, the Trans-Limpopo Spatial Development;</li> <li>the Background Information Document (and thus the EAP) identified the DEFF as the competent authority; and</li> <li>the MMSEZ Technical Feasibility Report of 2016 undertaken by a separate consultant, Mott MacDonald, also identified the DEFF as the competent authority.</li> </ul> </li> <li>The Scoping and EIA Process includes only one listed activity, i.e. Listed Activity 15 of Listing Notice 2 (i.e. the clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of vegetation is required for the undertaking of a linear activity (such as roads, railway lines, power lines) to be able to establish a township (for the ultimate development of the MMSEZ).</li> <li>The EAP was aware of the existence of EIS and the LEIP, but did not include EIS or the LEIP apparently because EIS did not register as an interested and affected party (I&amp;AP), yet no BID was sent by the EAP to EIS.</li> <li>The EAP incorrectly claims that “the approach adopted when compiling this FSR was based on the information and data available and accessible at the time of compiling the report”, because the following information was not included in the FSR: <ul style="list-style-type: none"> <li>Musina Special Economic Zone (MSEZ) Application for Designation Pre-Feasibility Report (2015), compiled by Mott MacDonald;</li> <li>MSEZ Application for Designation Technical Feasibility Report (2016), compiled by Mott MacDonald;</li> <li>MSEZ Application for Designation Business Plan (2015), compiled by Mott MacDonald;</li> <li>Draft Limpopo Water Management Area North Reconciliation Strategy. Report compiled by AECOM for the Department of Water and Sanitation (DWS) in September 2016;</li> <li>Final EIA Reports for the eco-industrial park, the bulk water storage facilities and the Musina Eco-</li> </ul> </li> </ul>	<p>No, this is not true. DEFF provided confirmation to CER regarding this. Delta BEC is also in possession of confirmation that LEDET is the competent authority. We agree that it may have international ties.</p> <p>Yes, as this EIA is only for clearance of the site and removal of trees and species, therefore a biodiversity offset strategy is suggested. But all specialists have assessed cumulative impacts associated with such a development and the magnitude based on the internal master plan layout of the proposed SEZ.</p> <p>This is not true. LEDA informed the EAP that the Antonvilla site (northern site) has authorisation and the contact details were requested. The initial registration period was open and no one from the LEIP registered for the designated (southern site)</p> <p>This is not true. This was the only information available at the time and further planning and development of the EIA had to be undertaken. Specialist studies informed the EAP to conclude their opinion whether the site would be feasible or not.</p>

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						<p>housing Estate by AGES Environmental on behalf of EIS (2012);</p> <ul style="list-style-type: none"> <li>○ Notice in terms of Section 23(7) of the Special Economic Zones Act (Act 16 of 2104): Objection to Intention to Designate the South African Energy and Metallurgical Special Economic Zone in Musina/Makhado in the Province of Limpopo by EIS (2016);p and</li> <li>○ Final EIA Report for the Mutsho Power Station by Savannah Environmental (2018).</li> </ul> <ul style="list-style-type: none"> <li>• The EAP states in Section 1.1.2 of the FSR that “the SEZ Programme focuses on much more than just building world-class industrial infrastructure but includes building robust industrial eco-systems in the host regions (DTI, 2016)”. If this were the case, the LEIP should have been included as it is the only industrial eco-park in the Limpopo Province that has gone through all the required government, including environmental, approvals from the LEDET.</li> <li>• Sufficient water has been allocated to the LEIP in the Draft Limpopo Water Management Area North Reconciliation Strategy by the DWS, while the proposed MMSEZ requires more water than the entire Limpopo Province is able to provide.</li> <li>• The FSR is fatally flawed because: <ul style="list-style-type: none"> <li>○ Only one listed activity (i.e. Listed Activity 15 of Listing Notice 2) is being applied for to establish a township (for the ultimate development of the MMSEZ);</li> <li>○ Phase 1 of the township development includes bulk infrastructure services that will trigger listed activities that are not being applied for, which would not be subjected to a full PPP;</li> <li>○ No alternatives sites have been identified, described and assessed;</li> <li>○ The LEIP has been authorised by LEDET to build identical factories proposed in the FSR;</li> <li>○ Unavoidable impacts are identified, which is not in line with Section 2 of NEMA; and</li> <li>○ The impact assessment methodology proposed (and in some cases used in all the specialist reports) is inconsistent with that used by the EAP in the FSR in terms of rating criteria to be used in determining the significance of any specific impact.</li> </ul> </li> <li>• The competent authority, LEDET, has: <ul style="list-style-type: none"> <li>○ approved a draft Scoping Report;</li> <li>○ authorised the EAP to continue with the EIA Phase prior to approving the FSR;</li> <li>○ has not considered the Need and Desirability questionnaire in the DEFF Integrated</li> </ul> </li> </ul>	<p>Delta BEC did utilise the Mutsho Power Station report by Savannah Environmental</p> <p>True, but the intension of the EIA was for the development of the southern site and not the northern site, adjacent to LEIP.</p> <p>A water specialist study has been undertaken and forms part of the EIA Report for the southern site.</p> <p>As explained the southern site EIA application is for site clearance. Each investor inside the southern site will have to apply for their own EIA and specialist studies and will require permits and licenses to operate.</p> <p>30 May 2019 Correct</p> <p>In the EIA Report which is now available, this has been incorporated.</p>

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						<p><i>Environmental Management Guideline on Need And Desirability (2017) when approving the draft Scoping Report, alternatively the FSR;</i></p> <ul style="list-style-type: none"> <li>○ <i>not applied its mind in ensuring that the FSR uses the correct terminology in the impact assessment methodology;</i></li> <li>○ <i>not applied its mind in determining the correctness of the draft Scoping Report, alternatively the FSR.</i></li> <li>• <i>The EAP has contravened Regulations 13(1)(a), (d), (e) and (f), the latter which is a criminal offence in terms of Regulation 48(1) of the 2014 EIA Regulations (as amended).</i></li> <li>• <i>The Biodiversity Specialist has contravened Regulation 13(1)(d) and (f), the latter which is a criminal offence in terms of Regulation 48(1) of the 2014 EIA Regulations (as amended).</i></li> </ul>	<p>This statement is not true.</p> <p>The EAP utilised information which was available at the time to develop the report.</p> <p>The EAP is independent and not affiliated with LEDA or Musina-Makhado SEZ whatsoever. The EAP utilised the information available at the time to prepare the scoping report to the best of their abilities in compliance with NEMA.</p> <p>The biodiversity specialist has undertaken a complete assessment of the southern site. The protected trees assessment and biodiversity offset strategy plan forms part of the EIA report.</p>
14	Sydney Kloppers	Gunda Imports and Distribution	Email	19 June 2020		To the Environmental Assessment Practitioner (EAP), I request to register "Gunda Imports and Distribution CC" as an IAP.	Noted and registered
15	Sean Brunke	Green Code Designs	Email	20 June		I would like to register as an Interested and Affected Party (IAP). Regarding the MUSINA-MAKHADO SPECIAL ECONOMIC ZONE EIA Please can you send proof of receipt of this email?	Noted and registered
16	Peter Teurlings	Freelance Environmental Scientist	Email	9 April 2020		<p>On behalf of my client, Eco-Industrial Solutions (Pty) Ltd (hereinafter referred to as EIS), I would like to register as an I&amp;AP in terms of Regulation 42(b) of the 2014 EIA Regulations (as amended) for the Scoping and EIA Process for the Musina-Makhado Special Economic Zone (MMSEZ) Development. In this regard, you can also register Mrs Deshika Kathawaroo, CEO of EIS, Tel: (010) 590-1256; PO Box 3318, Modimolle, 0510; e-mail address: dk@eco-industrialsolutions.org as an I&amp;AP.</p> <p>EIS has been granted Environmental Authorisations (see attached) from the Limpopo Department of Economic Development, Environment and Tourism (LDEDET) for eco-housing estates on the Farm Uitenpas 2MT, chalets on the Farm Maryland 1MT, a dam and pipeline on the Farm Uitenpas 2MT and for the Limpopo Eco-Industrial Park on the Farms Uitenpas 2MT, Maryland 1MT and Munnichshausen 151MS. These properties border the proposed Musina part of the SEZ on the Farm Antonvilla.</p> <p>I was surprised to read that you did not include EIS as an I&amp;AP into your Final Scoping Report, and I was equally surprised to see that you did not mention the LEIP in the description of the affected environment for the Musina part of the MMSEZ or identified the LEIP as a potential socio-economic impact on the MMSEZ.</p>	<p>Please see below the link to the Appendices for the Musina Makhado SEZ. The Final Scoping Report link was shared directly with Dropbox to your email address. Thank you too for the Environmental Authorisations as indicated on the attached PDFs.</p> <p><a href="https://www.dropbox.com/sh/a9yt5i1twy9hmgj/AABMBs7sZ4nvLTFdBRK3cMIKa?dl=0">https://www.dropbox.com/sh/a9yt5i1twy9hmgj/AABMBs7sZ4nvLTFdBRK3cMIKa?dl=0</a></p> <p>You will be registered on the I&amp;AP database as well as the two representatives you indicated. All future correspondence will be sent to all registered I&amp;APs.</p> <p>Trust that you will find this in order and be safe during this Covid 19 time.</p> <p>Kind regards</p>

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						<p>Note that I reserve my right to add comments and concerns at any time during the Scoping and EIA process. In this regard and although the commenting period for the Final Scoping Report has already lapsed, note that I will still review the Final Scoping Report in preparation for any appeal that may sprout out of this project.</p> <p>Could you forward to me the link to the Draft and/or Final Environmental Impact Assessment Reports, which is not included in the projects list on your company's website?</p>	
						<p>5 May 2020</p> <p>I only saw today that you are working for NCC Environmental Services. This raises a number of questions, such as:</p> <ul style="list-style-type: none"> <li>Does this mean that Delta BEC has been closed? No Delta BEC is still in operation.</li> <li>Are you continuing as EAP for the EIA Phase of the Musina-Makhado SEZ?</li> <li>With regard to the latter, can you please forward to me the letter from the LEDET accepting the FSR?</li> <li>When do you expect the Draft EIA Report to be submitted to the I&amp;APs for public review?</li> </ul>	<p>Yes the EAP will be continuing as the EAP for the Musina-Makhado SEZ.</p> <p>The letter has been attached to this email.</p> <p>The initial public review was intended for April 2020, however the National Disaster and Covid-19 Pandemic was declared and there can't be any public meetings, nor social gatherings of people should the draft EIA report be released. The DEFF also have issued a directive where they indicate that no EIA reviews may be undertaken up to 15 June 2020, where after if the lockdown is to be extended they will issue a subsequent directive to make provision for the timeframe. As soon as there is more clarity in terms of social distancing which prevents meetings and social gatherings (public meetings / open days) the report will be made available for review and a 50-days review period will be granted due to the magnitude of the southern site draft EIA report and request from various stakeholders.</p>
17	Theo Pieterse	Prof Planners	Email	11 June 2020		<p>Please register me as an Interested and Affected Party for the above EIA process.</p> <p>Details will be provided for my objection against the MUSINA-MAKHADO SPECIAL ECONOMIC ZONE EIA in terms of the public participation process that still needs to be followed.</p> <p>Please confirm receipt of this email.</p>	Noted and registered
18	Santie Pieterse	PC Wireless	Email	11 June 2020		Please register me as an Interested and Affected Party for the above EIA process.	Noted and registered
19	Greg Matthews	Delta Blue Investments	Email	15 June 2020		<p>Please register Delta Blue Trading 765 (Pty) Ltd as an IAP</p> <p>Please register the following companies as IAP's:</p> <ul style="list-style-type: none"> <li>Archon Projects (Pty) Ltd;</li> <li>Delta Blue Tradig 765 (Pty) Ltd</li> <li>Closeprops 82 CC</li> </ul>	<p>Noted and registered</p> <p>Noted and registered</p>

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						<ul style="list-style-type: none"> <li>Praxos 750 CC</li> </ul>	
20	Greg Matthews	<p>Archon Projects (Pty) Ltd;</p> <p>Delta Blue Tradig 765 (Pty) Ltd</p> <p>Closeprops 82 CC</p> <p>Praxos 750 CC</p>	Email	15 June 2020		<p><i>Eco-Industrial Solutions (Pty) Ltd (EIS) objects to the Scoping and Environmental Impact Assessment (EIA) Process undertaken by Delta BEC Consultants with Ronaldo Retief as the Environmental Assessment Practitioner (EAP) on behalf of the Limpopo Economic Development Agency (LEDA) as the Applicant, for the following reasons:</i></p> <ul style="list-style-type: none"> <li><i>EIS has entered a Memorandum of Understanding (MoU) with LEDA on 23 July 2018. However, EIS was not identified as a stakeholder for the Scoping and EIA Process for the MMSEZ Development and was thus excluded from participating in the public participation process (PPP) until after EIS became aware of the existence of the Scoping and EIA Process following an article published by the Daily Maverick on 1 April 2020.</i></li> <li><i>The competent authority for the Scoping and EIA Process should have been the Department of Environment, Forestry and Fisheries (DEFF) because:</i> <ul style="list-style-type: none"> <li><i>the water transfer from the Zovhi Dam in Zimbabwe proposed to the MMSEZ site is a listed activity;</i></li> <li><i>the consideration of the MMSEZ as part of a Zimbabwean initiative, the Trans-Limpopo Spatial Development;</i></li> <li><i>the Background Information Document (and thus the EAP) identified the DEFF as the competent authority; and</i></li> <li><i>the MMSEZ Technical Feasibility Report of 2016 undertaken by a separate consultant, Mott MacDonald, also identified the DEFF as the competent authority.</i></li> </ul> </li> <li><i>The Scoping and EIA Process includes only one listed activity, i.e. Listed Activity 15 of Listing Notice 2 (i.e. the clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of vegetation is required for the undertaking of a linear activity (such as roads, railway lines, power lines) to be able to establish a township (for the ultimate development of the MMSEZ).</i></li> <li><i>The EAP was aware of the existence of EIS and the LEIP, but did not include EIS or the LEIP apparently because EIS did not register as an interested and affected party (I&amp;AP), yet no BID was sent by the EAP to EIS.</i></li> <li><i>The EAP incorrectly claims that “the approach adopted when compiling this FSR was based on the information and data available and accessible at the time of compiling the report”, because the following information was not included in the FSR:</i> <ul style="list-style-type: none"> <li><i>Musina Special Economic Zone (MSEZ) Application for Designation Pre-Feasibility Report (2015), compiled by Mott MacDonald;</i></li> <li><i>MSEZ Application for Designation Technical Feasibility Report (2016), compiled by Mott</i></li> </ul> </li> </ul>	<p>Noted and the draft EIA report is now available for public review. The issues mentioned and referred to here have been included in the EIA report and specialists were appointed to undertake respective specialist studies.</p> <p>Noted</p> <p>No, this is not true. DEFF provided confirmation to CER regarding this. Delta BEC is also in possession of confirmation that LEDET is the competent authority. We agree that it may have international ties.</p> <p>Yes, as this EIA is only for clearance of the site and removal of trees and species, therefore a biodiversity offset strategy is suggested. But all specialists have assessed cumulative impacts associated with such a development and the magnitude based on the internal master plan layout of the proposed SEZ.</p> <p>This is not true. LEDA informed the EAP that the Antonvilla site (northern site) has authorisation and the contact details were requested. The initial registration period was open and no one from the LEIP registered for the designated (southern site)</p> <p>This is not true. This was the only information available at the time and further planning and development of the EIA had to be undertaken. Specialist studies informed the EAP to conclude their opinion whether the site would be feasible or not.</p>

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						<p>McDonald;</p> <ul style="list-style-type: none"> <li>○ MSEZ Application for Designation Business Plan (2015), compiled by Mott McDonald;</li> <li>○ Draft Limpopo Water Management Area North Reconciliation Strategy. Report compiled by AECOM for the Department of Water and Sanitation (DWS) in September 2016;</li> <li>○ Final EIA Reports for the eco-industrial park, the bulk water storage facilities and the Musina Eco-housing Estate by AGES Environmental on behalf of EIS (2012);</li> <li>○ Notice in terms of Section 23(7) of the Special Economic Zones Act (Act 16 of 2104): Objection to Intention to Designate the South African Energy and Metallurgical Special Economic Zone in Musina/Makhado in the Province of Limpopo by EIS (2016);p and</li> <li>○ Final EIA Report for the Mutsho Power Station by Savannah Environmental (2018).</li> </ul> <ul style="list-style-type: none"> <li>• The EAP states in Section 1.1.2 of the FSR that “the SEZ Programme focuses on much more than just building world-class industrial infrastructure but includes building robust industrial eco-systems in the host regions (DTi, 2016)”. If this were the case, the LEIP should have been included as it is the only industrial eco-park in the Limpopo Province that has gone through all the required government, including environmental, approvals from the LEDET.</li> <li>• Sufficient water has been allocated to the LEIP in the Draft Limpopo Water Management Area North Reconciliation Strategy by the DWS, while the proposed MMSEZ requires more water than the entire Limpopo Province is able to provide.</li> <li>• The FSR is fatally flawed because: <ul style="list-style-type: none"> <li>○ Only one listed activity (i.e. Listed Activity 15 of Listing Notice 2) is being applied for to establish a township (for the ultimate development of the MMSEZ);</li> <li>○ Phase 1 of the township development includes bulk infrastructure services that will trigger listed activities that are not being applied for, which would not be subjected to a full PPP;</li> <li>○ No alternatives sites have been identified, described and assessed;</li> <li>○ The LEIP has been authorised by LEDET to build identical factories proposed in the FSR;</li> <li>○ Unavoidable impacts are identified, which is not in line with Section 2 of NEMA; and</li> <li>○ The impact assessment methodology proposed (and in some cases used in all the specialist reports) is inconsistent with that used by the EAP</li> </ul> </li> </ul>	<p>Delta BEC did utilise the Mutsho Power Station report by Savannah Environmental</p> <p>True, but the intension of the EIA was for the development of the southern site and not the northern site, adjacent to LEIP.</p> <p>A water specialist study has been undertaken and forms part of the EIA Report for the southern site.</p> <p>As explained the southern site EIA application is for site clearance. Each investor inside the southern site will have to apply for their own EIA and specialist studies and will require permits and licenses to operate.</p>

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						<p><i>in the FSR in terms of rating criteria to be used in determining the significance of any specific impact.</i></p> <ul style="list-style-type: none"> <li><i>The competent authority, LEDET, has:</i> <ul style="list-style-type: none"> <li><i>approved a draft Scoping Report;</i></li> <li><i>authorised the EAP to continue with the EIA Phase prior to approving the FSR;</i></li> <li><i>has not considered the Need and Desirability questionnaire in the DEFF Integrated Environmental Management Guideline on Need And Desirability (2017) when approving the draft Scoping Report, alternatively the FSR;</i></li> <li><i>not applied its mind in ensuring that the FSR uses the correct terminology in the impact assessment methodology;</i></li> <li><i>not applied its mind in determining the correctness of the draft Scoping Report, alternatively the FSR.</i></li> </ul> </li> <li><i>The EAP has contravened Regulations 13(1)(a), (d), (e) and (f), the latter which is a criminal offence in terms of Regulation 48(1) of the 2014 EIA Regulations (as amended).</i></li> <li><i>The Biodiversity Specialist has contravened Regulation 13(1)(d) and (f), the latter which is a criminal offence in terms of Regulation 48(1) of the 2014 EIA Regulations (as amended).</i></li> </ul>	<p>30 May 2019 Correct</p> <p>In the EIA Report which is now available, this has been incorporated.</p> <p>This statement is not true.</p> <p>The EAP utilised information which was available at the time to develop the report.</p> <p>The EAP is independent and not affiliated with LEDA or Musina-Makhado SEZ whatsoever. The EAP utilised the information available at the time to prepare the scoping report to the best of their abilities in compliance with NEMA.</p> <p>The biodiversity specialist has undertaken a complete assessment of the southern site. The protected trees assessment and biodiversity offset strategy plan forms part of the EIA report.</p>
21	Gideon Parsons	Gianpar	Email	20 June 2020		<p>I herewith request to be registered as an interested and effected party (IAP), pertaining to the Musina-Makhado Special Economic Zone – LEDET REFERENCE NUMBER: 12/1/9/2-V79 that is currently in process.</p> <p>Could you please assist me in this regard?</p>	<p>Noted and registered</p>
22						<p>1. <b><i>The EIA Application is Fundamentally Flawed</i></b></p> <p><i>The Applicant is the Limpopo Economic Development Agency (LEDA), which is the implementation agency of the Limpopo Economic Development Environment and Tourism (LEDET). LEDA submitted its application for environmental authorisation to the provincial government, LEDET, instead of the national Department of Environment Fisheries and Forestry (DEFF). In terms of Section 24C of the National Environmental Management Act 107 of 1998 (NEMA), the competent authority should be national government, not the provincial government.</i></p> <p><i>The Background Information Document distributed by the EAP correctly identified the national department of environmental affairs as the competent authority but in contrast, the application was submitted to LEDET.</i></p> <p><i>Furthermore, the MMSEZ will be linked to the Trans-Limpopo Spatial Development, which is a Zimbabwean initiative that requires national</i></p>	<p>The EAP had various information sessions with LEDET and DEFF. A MoA was reached and confirmed that the competent authority for the proposed Musina-Makhado SEZ southern site (designated site) is LEDET. The CER received a confirmation letter from DEFF indicating this, while the EAP has written confirmation from LEDET that they are the competent authority for the project.</p>

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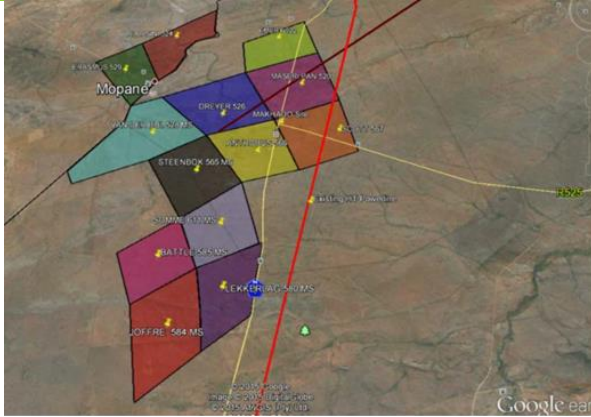
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						<p>approval, and the water requirements for the MMSEZ will be sourced from either the Limpopo River, which forms an international boundary, or the Zhove Dam located in Zimbabwe. Thus, the EIA application should be submitted and processed on a national level, i.e. with the DEFF.</p> <p>To avoid self-regulation, and in compliance with section 24C of the NEMA, the competent authority should therefore be the national DEFF.</p> <p>2. <i>Public Consultation Process is Fatally Flawed</i></p> <p>The EAP conducted the public consultation process in a way that defeats the intention and purpose of the Public Participation Process (PPP) as prescribed by the National Environmental Management Act. Brief points are highlighted here below while further technical details are outlined in Annexure A.</p> <p>2.1. <i>Minimal public input</i></p> <p>It can be considered a failure by the public participation consultant and the EAP, in terms of Regulation 41(6)(a) of the 2014 EIA Regulations (as amended), that only two stakeholders and one IAP made comments on the DSR submitted for public review on 25 January 2019. Nevertheless, LEDET approved this DSR, one of many flaws in the process as outlined in Section 4 of this letter.</p> <p>2.2. <i>Lack of public meetings</i></p> <p>The EAP is incorrect to state that public meetings and/or roadshows should only be held if there is substantial public interest in such events. A project of this nature and magnitude, coupled with the controversy around the Chinese investors and concerns by citizens of both Makhado and Musina, demands the inclusion of at least one public meeting in both Makhado and Musina.</p> <p>2.3. <i>Failure to consult with project developers who have authorisation from LEDET</i></p> <p>EIS and the LEIP are significant investors in the Musina local economy with three positive environmental authorisations issued by LEDET as well as a Memorandums of Understanding (MOU) with the Musina Local Municipality and LEDA.</p> <p>The LEIP has also formed part of the Musina Spatial Development Framework and Integrated Development Plan since 2012 and is currently listed as project number 2 on the Public Private Growth Initiative list of top 17 national priority projects.</p> <p>By the EAP's own admission over email (Annexure B), he was aware of the existence of EIS and the LEIP and therefore should have sent EIS and the LEIP a Background Information Document from the very outset of the</p>	<p>LEDET as indicated above.</p> <p>An initial registration period was allowed for more than 30-days, longer than prescribed by NEMA. Thereafter the draft Scoping report was set out for 30-days public review. However due to the magnitude of comments and responses the EAP accepted correspondence and replies for 4 months after the release of the Scoping Report. All comments received due to the timeframes running out, were included in the scoping report which was sent to LEDET for authority review and acceptance. The EAP did follow NEMA as prescribed for public participation.</p> <p>Correct, however due to legislated timeframes in terms of NEMA the public meetings will be held now during the EIA phase of the project. Meetings are scheduled from 14 to 16 September 2020 at various localities in the project area. These are advertised in printed media and will be communicated to all registered I&amp;APs. The draft EIA report will be set out for 50-days from 1 September 2020 to 22 October 2020.</p> <p>Noted.</p> <p>Noted</p> <p>The EAP only knew about Eco-Industrial through the town planning representative as the town planning representative had to take both northern and southern sites into consideration for the township</p>



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						<p>environmental authorisation process.</p> <p>2.4. <i>Failure to consult with affected landowners</i></p> <p><i>Other interested and significantly affected parties such as the landowners in Musina namely, Mr Jako Lee and Mr Hermanus Schoeman were not consulted. Mr Jako Lee owns the truck stop located in Musina – Gateway Holdings – the “proposed Leekor SEZ site”. Mr Schoeman jointly owns the LEIP farm properties to the east of the N1, which is located directly adjacent (contiguous) to the “proposed Antonvilla SEZ site”. The proposed sites in Musina are shown in Figure 41 of the MSEZ Technical Feasibility Report, namely the “Leekor SEZ Site” and the “Antonvilla SEZ Site” and can be viewed as Figures 1 and 2 below.</i></p> <p>3. <i>Confusion about the Proposed SEZ Sites</i></p> <p><i>According to the MSEZ Technical Feasibility Report “there are two potential sites proposed for the SEZ development, one is in the vicinity of the town of Musina, whilst the other is in the vicinity of Makhado”. However, the EAP states that the Department of Trade, Industry and Competition (the DTIC) “evaluated the submission and approved two of the areas for further feasibility investigation including Musina and Tubatse”. The EAP states that “the Limpopo province subsequently motivated that the proposed Musina SEZ will include two components situated at two different locations”, which EIS assumes are the two sites shown in Figure 1 (Leekor and Antonvilla) and Figure 2 (Makhado).</i></p>  <p><i>Figure 1: Proposed Leekor and Antonvilla SEZ sites located in Musina (taken from the MSEZ Pre-Feasibility and Technical Feasibility Reports).</i></p>	<p>establishments. LEIP did not register for the southern site when the registration was opened and the EIA application is only for the southern SEZ designated site.</p> <p>Noted, however the current EIA application is for the southern site (designated site) and during the initial registration or even on release of the scoping report, these entities did not register or ask to be registered on the project database. Furthermore, the Antonvilla site already has environmental authorisation and does not form part of this EIA nor included in the EIA scope.</p> <p>This statement was made from the Mott MacDonald report. The Antonvilla site (northern site) is excluded from the EIA for the southern site (designated site). Both sites will once operational be utilised. The Antonvilla SEZ already has environmental authorisation, but not designated, while the southern site has been designated and this EIA is applying for environmental approvals.</p> <p>An Economic Rationale Study forms part of the application for the southern SEZ site and provides reasons why the southern site, is preferred over Tubatse.</p>

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						 <p>Figure 2: Proposed Makhado SEZ Site (taken from the MSEZ Pre-Feasibility and Technical Feasibility Reports)</p> <p>To add to the confusion, the site shown in the FSR for the Makhado site differs from the actual designated site, shown in Government Notice 41827 of 1 December 2017 (Annexure 1 of Annexure A).</p> <p>According to the project description in the specialist report - Appendix D of the FSR, “the Musina SEZ will include two components: a light industrial and agro-processing component to the north (i.e. on the Farm Antonvilla in Musina, also referred to as the northern site in the FSR [own insertion]) and the Project, which will focus on metallurgical and mineral beneficiation activities, to the south (i.e. the MMSEZ southern site as described in the FSR [own insertion]). These will complement each other in terms of logistics and their product value chains. However, the FSR impact assessment chapter focuses on the southern site only i.e. Makhado.</p> <p>The EAP refers to the Antonvilla site, located in Musina, numerous times in the text:</p> <ul style="list-style-type: none"> <li>“these sectors have immediate potential and the establishment of a Logistics and secondary Metallurgical production based SEZ is deemed as feasible at Antonvilla in Musina, whilst there is an immediate potential for primary production in the Metallurgical sector in Makhado”.</li> <li>“The metallurgic cluster will be placed at Site 2 and all their secondary services will be located at Site 1” without defining what these secondary services are.</li> <li>“the essence of the Musina-Makhado SEZ is”, inter alia, “the creation of a new industrial hub at the Musina-Makhado SEZ, which is part of the Trans-Limpopo Spatial Development Initiative, situated at two locations each with its own unique industrial focus, as described in more detail later on”.</li> </ul>	<p>Noted</p> <p>Noted</p> <p>These refinement and finer details will be undertaken once operational at the Antonvilla site. The heavy industrial processes will be undertaken at the southern designated site.</p>

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						<p>However, the proposed northern sites located in Musina do not form part of the impact assessment. The EAP states a “short overview of the site, different types of operations that characterise the energy and metallurgical complex, and proposed infrastructure services for the MMSEZ southern site”. Furthermore, the descriptions provided do not cover all the proposed plants, as specified in Table 4.1 of the FSR. Major omissions are related to the logistics sector, the agro-industrial and the petrochemical sectors i.e. the northern sites located in Musina.</p>	Noted
						<p>Based on a Sponsored article published in the Mail &amp; Guardian of 6 - 12 December 2019 (Annexure C), Richard Zitha of LEDA, states the following “The MMSEZ is among the biggest in the country in terms of land mass availability, divided into a North (Musina) and South (Makhado) site each having a defined focus...The 3500 hectare North site’s main focus will be on light and medium industries. The following are examples of investment opportunities around a logistics hub, warehousing and distribution, agro-processing, automotive, pharmaceutical and many others. Based on initial studies, upgrading the infrastructure on the northern and southern sites will require approximately R1.2 billion and R2.8 billion respectively. The Environmental Impact Assessment (EIA) for the northern site is approved and its poised to proceed with critical infrastructure construction on or before June 2020.”</p>	Noted
						<p>Considering that the farm Antonvilla is located directly adjacent to the LEIP farm properties and EIS was unable to obtain a copy of the Environmental Authorisation that LEDA has purportedly obtained, EIS commissioned a PAIA-application to ascertain whether LEDA had in fact applied for environmental authorisation for the MMSEZ northern site i.e. Antonvilla. Based on the outcome of the PAIA investigation, there is no evidence of any EIA application for the farm Antonvilla (Annexure D) even though the FSR repeatedly refers to agricultural and logistics hubs located on the northern sites i.e. Musina.</p>	Environmental Authorisation was issued to LEDA by LEDET for the Antonvilla site. Noted.
						<p>Even if environmental authorisation is issued, in spite of the highly irregular EIA process undertaken and a biased EAP, the Applicant will be not be able to commence with the construction of basic infrastructure as these listed activities have not been applied for and therefore cannot be authorised.</p>	Noted and correct. The EIA is only for site clearance and every investor inside the SEZ (southern site) will need to apply for their own EIA for their respective plant with permits and licenses. The statement of the EAP being biased (unfair) is not correct.
						<p>Furthermore, and of major significance, the authorisation cannot apply to the farms located in Musina (Leekor and Antonvilla) since the impact assessment was limited to the southern site only i.e. the Makhado site despite the misleading statements contained in the FSR and news articles.</p>	As indicated the Antonvilla SEZ (it is not designated yet and the northern site near Musina town) does not form part of this EIA application for the southern site (Musina-Makhado SEZ designated site) where heavy industrial processes is to occur.
						<p>4. LEDET’s Fatal Flaws</p>	
						<p>4.1. Approval of DRAFT Scoping Report instead of a FINAL Scoping Report</p>	
						<p>LEDET approved the DSR on 31 March 2019 (Annexure E) and authorised the EAP to continue with the EIA Phase prior to approving a FSR. This means</p>	Unfortunately this is incorrect. The final Scoping Report was accepted by LEDET on 30 May 2019 and the EAP commenced with the EIA phase

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						<p><i>that impacts identified during the public consultation process will not be incorporated into the Plan of Study for EIA defeating the intention and purpose of meaningful public participation in terms of the NEMA.</i></p> <p><i>Best practice dictates that IAPs are given the opportunity to review the FSR to ensure that their comments on the DSR have been incorporated in the FSR to inform the Plan of Study for EIA. Comments must be submitted directly to the LEDET, after which the LEDET should have approved the FSR, not the DSR.</i></p> <p>4.2.           Irregular process</p> <p><i>The scoping phase of the application commenced in September 2018 with at least three versions of the scoping reports drafted since then. It is unclear which report was made available for public review and how the various drafts differ. This has made the EIA process very confusing for IAPs.</i></p> <p><i>The first FSR was submitted for "Authority Review" in May 2019, after the DSR was already approved by LEDET on 31 March 2019! Nevertheless, a second FSR was issued by the EAP on 5 June 2019, while Mr Teurlings reviewed a third FSR issued in August 2019. The findings of which are outlined in Annexure A.</i></p> <p><i>According to the EAP and Table 8.1 in the FSR the "public review of the DSR was undertaken in January 2019 as part of the proposed SEZ". However, the first draft of the DSR was issued for comment on 6 September 2018 (it is not clear to whom as IAPs were not notified thereof) as shown on page ii of the FSR and a second draft was issued on 25 January 2019, which was submitted to the IAPs for a 30 day review.</i></p> <p><i>Not all the IAPs were provided with an opportunity to comment on all the three FSRs to determine what had changed and why. The public participation process followed therefore lacks in transparency and clarity.</i></p> <p>4.3.           LEDET did not apply its mind</p> <p><i>LEDET did not apply its mind based on the following:</i></p> <ul style="list-style-type: none"> <li>• <i>It should have informed LEDA that the competent authority is in fact DEFF, from the very outset, in terms of Section 24C of NEMA</i></li> <li>• <i>It should have considered the DEFF Integrated Environmental Management Guideline on Need and Desirability (2017) prior to approving the DSR</i></li> <li>• <i>It should have approved a Final Scoping Report and not a Draft Scoping Report to ensure that IAPs comments and concerns were incorporated into the Plan of Study for EIA</i></li> <li>• <i>Lastly, it should have ensured that the EAP and the specialists used the correct terminology and standard impact assessment rating tools in the impact assessment methods.</i></li> </ul>	<p>of the EIA process.</p> <p>The I&amp;APs did get a chance to review the scoping report and they had almost 3 months.</p> <p>The report which was released in January 2019 was the report which was set out for public review.</p> <p>This is not correct. The EAP released the draft Scoping report dated January 2019 and LEDET granted approval on 30 May 2019. The confusion here is that the template utilised to prepare the report automatically updates monthly and with every request for certain details or sections, this is the reason for the different dates. There was never a report to LEDET on 31 March 2019.</p> <p>The initial public registration was in September 2018. The release of the draft scoping report was in January 2019.</p> <p>The PP process is clear.</p> <p>LEDET is the competent authority and this had been resolved by DEFF.</p> <p>The EIA report utilises this guideline on need and desirability.</p> <p>Noted.</p> <p>Noted</p>

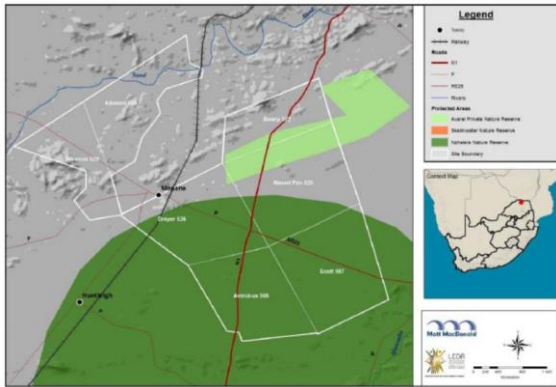
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						<p>5. EAP did not Apply his Mind and has Shown Bias towards the Applicant</p> <p>5.1. Contravention of Regulations</p> <p>The EAP has contravened Regulations 13(1)(a), (d), (e) and (f), the latter is a criminal offence in terms of Regulation 48(1) of the 2014 EIA Regulations (as amended). The EAP lists standard impacts which can be applied to any site and EIA process. The EAP states that the impacts listed are unavoidable, which is not the purpose of a Scoping and EIA process and is not aligned with Section 2 of the NEMA. Please refer to Annexure A for further details.</p> <p>5.2. Exclusion of available information</p> <p>The EAP claims that “the approach adopted when compiling this FSR was based on the information and data available and accessible at the time of compiling the report”, but the following available information was not included in the FSR:</p> <ul style="list-style-type: none"> <li>Musina Special Economic Zone (MSEZ) Application for Designation Pre- Feasibility Report (2015), compiled by Mott McDonald</li> <li>MSEZ Application for Designation Technical Feasibility Report (2016), compiled by Mott McDonald</li> <li>MSEZ Application for Designation Business Plan (2015), compiled by Mott McDonald</li> <li>Draft Limpopo Water Management Area North Reconciliation Strategy. Report compiled by AECOM for the Department of Water and Sanitation (DWS) in September 2016</li> <li>Final EIA Reports for the eco-industrial park, the bulk water storage facilities and the Musina Eco-housing Estate by AGES Environmental on behalf of EIS (2015)</li> <li>Notice in terms of Section 23(7) of the Special Economic Zones Act (Act 16 of 2104): Objection to Intention to Designate the South African Energy and Metallurgical Special Economic Zone in Musina/Makhado in the Province of Limpopo by EIS (2016)</li> <li>Final Scoping and/or EIA Report for the Mutsho Power Project by Savannah Environmental (June 2018).</li> </ul> <p>5.3. Exclusion of Interested and Affected Parties</p> <p>The EAP did not include the LEIP and other obviously affected landowners. The LEIP was considered in the MSEZ Pre-Feasibility Report and Feasibility Reports) and the Draft Limpopo Water Management Area North Reconciliation Strategy and thus the EAP should have sent a Background Information Document to EIS and LEIP. In fact, the EAP admits that he was aware of EIS and LEIP (Annexure B). This begs the question, why didn't the EAP consult with EIS and LEIP?</p> <p>The exclusion of the LEIP and affected landowners means that the EAP has not identified any of the impacts that the proposed MMSEZ will impose on</p>	<p>These impacts listed here were anticipated impacts which were prepared for the Musina-Makhado SEZ screening by the ex EAP and utilised by myself in preparing a list of potential impacts anticipated with such a large industrial complex. The EAP did not contravene the environmental law. The EAP has undertaken oaths for writing the EIA reports, under EAPASA and SACNASP.</p> <p>As indicated already, these information pieces were utilised in preparation of the draft Scoping Report.</p> <p>Now with the release of the draft EIA report, detailed specialist studies were prepared for the southern site and the cumulative impacts associated with the heavy industrial complex anticipated forms part of the EIA Report.</p> <p>As indicated, the scope of the EIA was to obtain EA for the southern site (designated site) and not for Antonvilla (northern site) as the northern site already has EA. No official registrations were received from LEIP with the initial or draft Scoping Report releases.</p>

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						<p><i>the LEIP and vice versa. Of major significance, these impacts were therefore not incorporated into the FSR and the Plan of Study for EIA.</i></p> <p>5.4. <i>The EAP's impact assessment rating tools do not comply with the Regulations</i></p> <p><i>The EAP does not use the acceptable terms specified in Appendix 2 Section 2(1)(g)(v) and Appendix 3 Section 3(1)(j)(i) to (vii) of the 2014 EIA Regulations (as amended), namely nature, significance, extent, duration, and probability of impacts. Instead the EAP uses terms such as sensitivity in Table 11.3, and severity and spatial scope in Table 11.4 of the FSR.</i></p> <p><i>Furthermore, the EAP should have stated that the specialists have not used the same impact assessment methodology as proposed by the EAP in the Plan of Study for EIA in Chapter 11. Since the specialists use different methodologies than the EAP, the risk exists that impacts are differently assessed which shows bias towards specific impacts, thereby making a mockery of the actual impact assessment process.</i></p> <p><i>The EAP should thus align his methods with the requirements of the 2014 EIA Regulations (as amended) and ensure that the specialists use standard impact assessment rating tools.</i></p> <p>5.5. <i>Lack of assessment of cumulative impacts</i></p> <p><i>The EAP did not ensure that the specialists use the same impact assessment rating tools thereby making it impossible to determine cumulative impacts. It is up to the EAP to determine the cumulative impacts and request the specialists to assess these from their individual specialist perspective. Thereafter, the EAP needs to assess the cumulativeness of the impacts taking the combined specialists' views into account. That is why it is imperative to ensure that all the specialists use the same impact assessment rating tool, which was not the case in the EIA for the MMSEZ.</i></p> <p>5.6. <i>Lack of consideration of the no-go alternative</i></p> <p><i>The no-go alternative is the basis against which the acceptability of the environmental issues as well as technical and socio-economical alternatives have been identified and assessed. However, the EAP did not assess the alternatives and did not consider the no-go from an impact on the receiving social and natural environmental perspective, which implies that the EAP is biased towards the Applicant.</i></p> <p><i>The EAP should assess the viability of the project in relation to internationally respected protocols such as the Sustainable Development Goals, the Paris Agreement as well as the Equator Principles.</i></p> <p>5.7. <i>Failure to Incorporate Key Stakeholder's Concerns</i></p> <p><i>The heritage and cultural attributes in Section 5.3.4 of the FSR described do</i></p>	<p>Please refer to the Impact Assessment Methodology utilised in the compilation of the EIA report contained in Chapter 4.</p> <p>Noted</p> <p>Noted, the specialists all who prepared specialist reports for inclusion in the draft EIA report were provided with the standard EIA impact rating methodology.</p> <p>Noted, the specialists all who prepared specialist reports for inclusion in the draft EIA report were provided with the standard EIA impact rating methodology. Cumulative impacts were mentioned in the scoping report, while these were assessed by each specialist and the EAP in the EIA Report.</p> <p>The no-go alternative was assessed in detail in the EIA report. The scoping report highlighted risks anticipated at that stage on the information available.</p> <p>Noted, these were taken into account, especially for the climate change and air quality assessments and included with the EIA report.</p>

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						<p>not correspond with the Heritage Impact Assessment included in the FSR in Appendix D. Of major significance, it does not include the comments that the South African Heritage Resources Authority (SAHRA) made in its letter of comment in Appendix E, namely that the “region has significant provincial heritage sites like the Machemma Ruins, Verdun Ruins, Dzata Ruins and the Nzhelele ruins”. Failure to incorporate key stakeholder concerns into the FSR defeats the purpose and intention of meaningful public participation as outlined in the NEMA.</p> <p>6. The Biodiversity Specialist has not applied his mind and has shown bias towards the Applicant</p> <p>The Biodiversity Specialist has contravened Regulation 13(1)(d) and (f), the latter which is a criminal offence in terms of Regulation 48(1) of the 2014 EIA Regulations (as amended). The Biodiversity Specialist has erred significantly when stating that the “the project area does not traverse a nature reserve”. The MSEZ Technical Feasibility Study (Figure 87 on page 344) shows clearly that the proposed MMSEZ crosses the Nzhelele Nature Reserve, the Limpopo Province’s very own protected area, and at the time of the compilation of the MSEZ Technical Feasibility Report, the Avel Private Nature Reserve was also directly affected. The Nzhelele Nature Reserve is 2,122.07 ha in extent (reference <a href="http://www.ncc-group.co.za">www.ncc-group.co.za</a>) and coincides with approximately half of the proposed Makhado site at the time of the Technical Feasibility Report in 2015 (Figure 3). Further details are provided in Annexure A.</p>  <p>Figure 3: Location of Nzhelele Nature Reserve/Avel Private Nature Reserve in relation to the proposed Makhado site. Source: <a href="http://bgisviewer.sanbi.org">http://bgisviewer.sanbi.org</a>; <a href="http://www.protectedplanet.net">www.protectedplanet.net</a></p> <p>7. Discrepancy between Listed Activity applied for and the Proposed Listed Activities</p>	<p>The comments from SAHRA or LHIRA will be included with the EIA report. The comments if any which was available with the scoping report is based on desktop work and not physically being to the site.</p> <p>Noted, however the study the biodiversity specialist presented was a scoping desktop study and not based on fact and ground work. They have undertaken an in-depth detailed specialist study based in terms of NEMA and EIA Regulations, 2014 (As amended) and these are included with the EIA report.</p> <p>Noted</p>



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						<p><i>The EAP acknowledges in Section 6.1 that Phase 1 of the proposed MMSEZ development “primarily involves the external bulk services provision, as well as the on-site land development infrastructure development”. However, the Scoping and EIA Process includes one listed activity only, i.e. Listed Activity 15 of Listing Notice 2 i.e. the clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of vegetation is required for the undertaking of a linear activity (such as roads, railway lines, power lines) to be able to establish a township for the ultimate development of the MMSEZ.</i></p> <p><i>The BID is an unlawful document as it includes listed activities that are not applied for, which makes the Scoping and EIA Process unlawful in terms of the 2014 EIA Regulations (as amended).</i></p> <p><i>The EAP mentions in Section 6.1 (Requirements of the EIA Process) that “Chapter 5 of this Scoping Report contains the detailed list of activities contained in R327, R325 and R324 which may be triggered for developments such as the Musina-Makhado SEZ southern site with thresholds and thus form part of this Scoping and EIA Process” [own emphasis]. This means that not only Listed Activity 15 of Listing Notice 2 should apply, but also all listed activities that are applicable to the establishment of a township for the installation of basic infrastructure and services.</i></p> <p><i>The proposed list of activities relevant to the establishment of the township is not included in Chapter 5 as stated by the EAP but has been included in Section 6.8 of Chapter 6, and more specifically in Table 6.5. The statement by the EAP that “these activities form part of this Scoping and EIA Process” implies that the application form should be changed to include all listed activities relevant to the establishment of a township. Importantly, the listed activities must exclude specific industrial plants that must be subject to separate EIAs for plant-specific activities, each to be undertaken by an independent EAP to avoid a conflict of interest.</i></p> <p><i>This means that even if environmental authorisation is issued, in spite of the contraventions and highly irregular EIA process followed, the Applicant will not be able to commence with the construction of basic infrastructure as these listed activities have not been applied for and therefore cannot be authorised. The authorisation will be limited to the clearing of vegetation on the southern site only i.e. Makhado.</i></p> <p><i>If the EIA process continues, despite the above-mentioned contraventions and irregularities, the comments on the FSR encapsulated in Annexure A must be incorporated and addressed in the Draft EIA Report. The EAP should ensure that both the Draft EIA Report and the Final EIA Report are subject to a public review, with changes in the Final EIA Report highlighted in a colour to show IAPs where their comments have been incorporated, if any, as required by Regulation 23(1)(a) of the 2014 EIA Regulations (as amended). If the comments were not incorporated, the EAP can explain the reasons for this decision in the Comment and Responses Report. The EAP</i></p>	<p>Noted. This EIA and EIA report acknowledges possible listed activities with such a heavy industrial park for the southern site, which this application is for in obtaining environmental authorisation. The cumulative impacts are thus assessed, however this application is only for site clearance and each investor in the southern SEZ will be required to obtain EA and permits and licenses for their respective plants.</p> <p>The BID is not unlawful and was for information purposes at the stage of registration by I&amp;APs of what is proposed in concept to be located at the site if Environmental Authorisation is granted by LEDET.</p> <p>Noted</p> <p>Please refer to the town planning impact assessment for the southern site which forms part of the EIA Report.</p> <p>Noted, and correct. The applicant LEDA only seeks site clearance. The operator of the SEZ will have to obtain environmental authorisations for the investor plants inside the SEZ; each entity will require their own licensing, permits and authorisations.</p> <p>Noted and the draft EIA report will be set out for a public review of 50-days.</p>



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						<p><i>can simultaneously submit the Final EIA Report to both the DEFF and registered IAPs. DEFF, the competent authority should approve the Final EIA Report, not the Draft EIA Report.</i></p> <p><i>In conclusion, the EIA process for the MMSEZ, currently in progress, is fundamentally and fatally flawed as both the EAP and LEDET have not complied with the requirements of the National Environmental Management Act. Thus, the Applicant should be instructed to start the entire application process again.</i></p>	<p>Noted, please refer to the draft EIA Report. The EIA Report seeks to clarify items and issues which were unclear at the stage of the scoping report and remediate confusion.</p>