
**REALIGNMENT OF A SECTION OF THE MN73 TO ACCOMMODATE SOLAR ENERGY FACILITIES NEAR PAULPUTS SUBSTATION,
NORTHERN CAPE PROVINCE**

COMMENTS AND RESPONSES REPORT

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COMMENTS RECEIVED:

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ROADS CONSTRUCTION AND REALIGNMENT PROCEDURE			
1.	The name of the road referred to as "MR73" in the Abengoa's letter of intent dated 24 April 2016 was incorrect. It was confirmed that the road is identified as OG73 and that it is declared a public road providing access to the farms in the area.	Mr M Sithole Civil Technician Northern Cape Department of Roads and Public Works Meeting: 26-05-2016	MR73 is the official name of the road as confirmed by the Northern Cape Department of Roads and Public Works. OG73 is the Afrikaans version of the road name. Jaco Roelofse, Director of Roads Planning and Design at the Northern Cape Department of Roads and Public Works has confirmed that the road should be referred to as the MN73, which is the official name.
2.	Although the MR73 is declared a public road, it is considered the lowest class of road and that maintenance of the road is done on request.	Mr R Matsoso Roads Engineer Northern Cape Department of Roads and Public Works Meeting: 26-05-2016	It is noted that during the operation phase of the road, the maintenance of the road is not routinely scheduled, and is done on request.
3.	It is confirmed that the MR73 falls under the jurisdiction of the DRPW.	Mr M Sithole Civil Technician Northern Cape Department of Roads and Public Works Meeting: 26-05-2016	Comment noted, no response required. The DRPW is the application for the Application for Authorisation for the realignment of the section of the MN73.

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4.	How long will the section of the road that will decommissioned be?	Mr R Matsoso Roads Engineer	Approximately 3km of the road would be decommissioned. The realigned section of the road would be approximately 4km and that the road would be 7m wide within a road reserve of 20m.
5.	What will the displacement be from the existing route alignment?	Northern Cape Department of Roads and Public Works (NC DR&PW)	The route would be realigned around the heliostat field of the planned Paulputs CSP project. The realigned road would be approximately 1km longer than the current alignment.
6.	The wayleave application for the requested road deviation would need to be undertaken by the DRPW in terms of Roads Ordinance (19/1976) – Closing and proclamation of roads.	Meeting: 26-05-2016	It is acknowledged that the NC DR&PW would undertake the wayleave application for the road realignment in terms of Roads Ordinance (19/1976) – Closing and proclamation of roads.
7.	A public participation process is required to be undertaken in terms of this process. Written notices will be issued to the affected property owner/s as well as property owners located along the MR73 south of Abengoa’s property. In addition, a newspaper advertisement announcing the process will be placed in a local newspaper. Interested & Affected Parties (I&APs) would have 21-days to lodge objections on the application.		The public participation process required for the wayleave application will be undertaken by DRPW. Savannah Environmental has provided the DRPW with the contact details of the affected road users and have also engaged with them as part of this Basic Assessment Process. To date no objections have been received regarding the planned realignment.
8.	The realigned road would be declared and gazetted if no objections are lodged by I&APs.		Comment noted, no response required.
9.	Abengoa’s letter of intent will be acknowledged. Further, Abengoa will be required to pay a R10 000 application fee for the processing of the wayleave application and the account details would be provided with the DRPW’s acknowledgment letter.		It is noted that Abengoa will be requested to make the payment of the wayleave application fee.
10.	The environmental assessment process can run concurrently with the wayleave application process. The Northern Cape Department of Environment and Nature Conservation is the competent authority for the application.		The basic assessment process required for the road realignment has been undertaken. The draft Basic Assessment Report is currently available for review for a 30-day comment period from 25 January 2017 – 24 February 2017. The application for the wayleave will be made as and when required.

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11.	<p>Refer to your letter dated 25 April 2016 with its attachment.</p> <p>The Department of Roads and Public Works (DRPW) does not have objections towards your application to realign Provincial Road (OG/ MN73) as proposed.</p> <p>The applicant is hereby advised of the following administrative process: Proclamation: The new alignment must be proclaimed in accordance with the Road Ordinance, 19 of 1976. The proclamation process includes the public participation. The intention to realign the concerned road must be advertised for public comments.</p> <p>Administration fee: A non-refundable administration fee of R10 000 (Ten Thousand Rands) will be payable by the applicant to initiate the proclamation process.</p> <p>The applicant is further advised to liaise with the directly affected road users to eliminate the undue objections that may be raised during public comments period.</p> <p>The following standard conditions must be complied with at all times in the case of any work undertaken within the statutory road reserve or within a distance of 95 meters from the centreline of any building restriction road (Advertising on Roads and Ribbon Development Act, No. 21 of 1940) and within the statutory road reserve or within 5 meters from the statutory boundary of any public road (Roads Ordinance, 19 of 1976).</p>	<p>Jaco Roelofse Director: Roads Planning and Design</p> <p>Northern Cape Department of Roads and Public Works</p> <p>Letter: 09-06-2016</p>	<p>The section of the MN73 to be realigned is in accordance with the Road Ordinance, 19 of 1976 and the relevant administrative process including the public participation process which has been undertaken.</p> <p>The public participation process has included liaison with the directly affected road users to record any objections that may have been raised. No objections have been received to date. Any further comments received during public comments period will be noted.</p> <p>Final design and standard conditions for compliance with the relevant legislation will be confirmed following the receipt of an environmental authorisation for the planned realignment.</p>

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	<ol style="list-style-type: none"> 1. For the relocation requirements; the applicant must investigate and relocate all existing services within the statutory road reserve. 2. Detailed design produced by an ECSA registered engineer must be submitted to the DRPW for approval prior to any construction activities. 3. The applicant will bear all costs in-connection with his proposal. 4. Any alterations and/or additional proposals post this consent letter must be communicated to the DRPW for approval prior to implementation. 5. The applicant must liaise with all affected authorities and service providers. 6. The applicant indemnifies the Department against, and holds it harmless from, any claim or damage which may be instituted or suffered by any person, including legal costs incurred, as a result of: <ul style="list-style-type: none"> • Non-compliance of the applicant with any condition to which this approval relates; • The amendment or cancellation of any condition pertaining thereto or the imposition of any new condition. 7. This approval in principle does not exempt the applicant from complying with any other law that may be applicable to the proposed work and related activities. 8. The work shall only be carried out provided the foregoing conditions are accepted in full. 		
WATER			
12.	Will drainage lines be impacted on by the proposed road realignment?	Chantel Schwartz	An ephemeral drainage line (wash) will be traversed by the road corridor but is considered to be of low significance as

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		Department of Water and Sanitation Meeting: 25-05-2016	this system is highly fragmented by the existing MN73 and other road and past land use practices, and the adjacent Kaxu and Xina CSP facilities have now disrupted any flows within this system.
13.	What environmental studies will be undertaken for the road realignment? When will the studies be undertaken?	Mr M Cebekhulu Department of Water and Sanitation Meeting: 25-05-2016	The studies which have been undertaken for the road realignment include: <ul style="list-style-type: none"> • Ecological Assessment • Heritage Assessment • Social Assessment • Traffic Impact Assessment Several of these studies were undertaken at the same time as the special investigations for the Paulputs CSP facility EIA and therefore the Heritage Assessment and the Traffic Assessment considers both the realignment of the MN73 and the Paulputs CSP Facility. The Social Assessment and the Ecological Assessment considers only the road realignment.
14.	Who owns the property where the proposed road realignment is to be undertaken?		The property belongs to Abengoa Solar Power South Africa (Pty) Ltd.
15.	When will the public participation process for the draft Basic Assessment take place?		Focus group meetings and interviews have been held with the adjacent landowners and other road users, and further opportunity for participation in the process is afforded during the 30-day comment period of the Basic Assessment Report.
CONSULTATION WITH ADJACENT LANDOWNERS AND ROAD USERS			
16.	I do not have an objection to the road being realigned. It is important that the construction of the new road be done properly and that it is adequately maintained. We are currently experiencing issues regarding stormwater runoff	Fanie van der Heever Adjacent Landowner	Abengoa are investigating ways in which to address the stormwater runoff on their existing sites.

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	from the existing Abengoa project which floods the Paulputs road when it rains. Proper stormwater management systems must be constructed.	Farm Scuitklip 1/92 Meeting: 26-05-2016	A stormwater management plan will form part of the design documents prepared prior to the construction of the realigned section of road.
17.	I have no issues with the development. Will the realigned road remain within the applicant's property? When will construction start? The OG73 is in a very poor state at the moment.	Willem Burger Adjacent Landowner Farm Scuitklip 1/92 Meeting: 26-05-2016	The road would remain within Portion 4 of the Farm Scuitklip 92. Construction will commence with the construction of the Paulputs CSP Project. After the realignment, the MN73 will be maintained by the DR&PW.