GroenbergEnviro (Pty) Ltd
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DATE: 17 October 2025 DEA&DP EA reference: 16/3/3/1/B4/45/1086/24

Proposed Installation of Solar Panels and Associated Infrastructure on Portion 10 of Farm 502, Stellenbosch

RESPONDING STATEMENT IN TERMS OF REGULATION 5 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT NATIONAL APPEAL REGULATIONS, 2025

HOLDER OF THE ENVIRONMENTAL AUTHORISATION/RESPONDENT:

Spier Farm Management (Pty) Ltd.

APPELLANTS: Hans Eggers on behalf of Friends of Stellenbosch Mountain.

DATE OF APPEAL: 29 September 2025.

DATE OF ENVIRONMENTAL AUTHORISATIONS: 08 September 2025

DEADP REFERENCE NUMBER: 16/3/3/1/B4/45/1086/24 (EA)

PROJECT DESCRIPTION AND LOCATION: Environmental Authorisation (the "EA") Proposed Installation of Solar Panels and Associated Infrastructure ("the Project") on Portion 10 of Farm 502, Stellenbosch ("the Property").

INTRODUCTION

1. This responding statement is conducted on behalf of Spier Farm Management (Pty) Ltd, which is the Holder of the Environmental Authorisation ("EA") that is the subject of the appeal. Spier Farm Management (Pty) Ltd is referred to herein as "the Holder".
2. The EA was granted by the Director: Development Management – Region 2 ("the Director") in the Western Cape Department of Environmental Affairs and Development Planning ("the Department"). The EA was issued on 08 September 2025.
3. This responding statement addresses the submission made on appeal by the appellant delivered to the Directorate: Environmental and Planning Appeals Coordinator of the Department of Environmental Affairs and Development Planning.

STRUCTURE OF RESPONDING STATEMENT

4. The structure of this responding statement is as follows:
   - 4.1 First, it deals with the applicable procedural stipulations pertaining to the delivery of this responding statement;
   - 4.2 Second, it addresses certain general submissions regarding the decision by the Director, and the merits of the appellants' appeal;
   - 4.3 Third, it deals with the contents of the appeal, by summarising the appellants' separate contentions on their appeal grounds, and then setting out the Holder's response thereto;
   - 4.4 Fourth, the responding statement includes a request for an audience at any hearing that the appeal authority might elect to convene; and
   - 4.5 Fifth, the responding statement concludes with reference to the relief sought by the Holder (essentially, that the appeal be dismissed and that the appeal authority confirms the Director's decision to grant the EA *in toto*).

PROCEDURAL STIPULATIONS PERTAINING TO THE DELIVERY OF THIS RESPONDING STATEMENT

5. In terms of Regulation 5 of the National Appeals Regulations, 2025, a responding statement must be submitted within 20 days from the date an appeal was submitted.
6. The 20-day period referred to in the National Appeals Regulations, 2025, is calculated with reference to Regulation 1(2) and 1(3) of the National Appeal Regulations, 2025. Regulation 1(2) provides that the 20-day period must be reckoned as from the start of the day following the date of the Appeal submitted, and if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or a public holiday. In this instance, the responding statement must therefore be delivered by or before Monday, 20 October 2025, in order to meet the requirements as set out in the National Appeal Regulations, 2025.
5. As a general proposition, the Holder submits that the record of decision cannot meaningfully be assailed on appeal. The decision to grant the EA is well-reasoned by the Director and properly takes account of all relevant considerations. As shown by the Holder's responses (below) to the appellants' complaints on appeal, those complaints do not constitute adequate grounds (nor any grounds at all) for the relief sought by the appellants.
6. In summary, the Holder submits that the record of decision of the EA complies with the stipulated substantive requirements prescribed by law for the content required in EAs. The Holder accepts that the substantive reasons given by the decision-maker for granting the EA are clearly articulated and substantively defensible.
7. The Holder is advised that, to the extent that the appeal authority might find that there are any aspects of the EA that he/she intends addressing on appeal, it is trite that the appeal before him is a so-called "wide" appeal. It follows that the relevant authority can make a decision on appeal with reference to any material new information that they might require in the circumstances, because they consider the merits of the application afresh, or anew. The Holder therefore submits that in the event that the appeal authority might require any additional information in order to reach a decision on the merits of the appeal, it would be entirely permissible for them to request such information from the Holder; ensure that it is then circulated among the parties with an interest in the appeal; and the appeal authority can then consider the information in the discharge of his appellate function, and in particular, in respect of rendering his/her decision on the merits of the appeal.

8. The Holder's responses to the various complaints made in the appeal are set out below.

ISSUES RAISED ON APPEAL AND THE RESPONSES THERETO:

APPEAL	RESPONSE
GROUNDS OF APPEAL 1: VINEYARD EA AND S24G PROCESS *1. Don't Worry, Just Plough: In early 2024, an area of about 36 hectares was ploughed as outlined in the first thumbnail. Of those 36 hectares, only 10 hectares had been authorised in 2021 for cultivation, the "Vineyard" (shown in Blue in the second and third thumbnails). There was no authorisation to plough the "Buffer" (Orange) or any other parts of those 26 hectares outside the "Vineyard".* *2. Breaking the law: We do not know if the ploughig ("Clearing of Indigenous Vegetation") was intentional, by negligence or (at a stretch) by some unknown later authorisation. Unless proven otherwise, the Clearing was unlawful and furthermore transgresses specifically the 2021 DEA&DP authorisation (third thumbnail), the 2021 Environmental Management Programme and all related undertakings and conditions in that authorisation.* *3. Sin and repentance: NEMA Section 24G is a mechanism to "correct" unlawful environmental activity ("Sorry, we have sinned!"). In July 2025, a NEMA Section 24G process was very quietly started by the Environmental Assessment Practitioner, Groenberg Enviro. Multiple requests for information on what this is all about have not been addressed. They insist that it has nothing to do with the application for Solar Panels. For details, see Subsection D.2 and Appendices G.3 and G.4. Unless proven otherwise, we believe that this S24G process is related to exactly that unlawful ploughing; if not, things are even worse than we thought, because then there is yet another environmental transgression elsewhere.*	**GROUNDS OF APPEAL 1: VINEYARD EA AND S24G PROCESS** An Environmental Authorisation was issued to Spier Wine Estate Pty Ltd for the establishment of a vineyard (reference number: 16/3/3/1/B4/45/1034/20) on 01 April 2021. The clearance of 2ha of vegetation was conducted to establish the approved vineyard, and some vegetation was erroneously cleared because the approved development area within the EA was not demarcated before the commencement of the vineyard preparation. Therefore, the landowner (Spier Farm Management (Pty) Ltd) is currently conducting a S24G process to rectify the unlawful activity through rehabilitation of the erroneously cleared area of 2ha. The EA Holder and EAP were awaiting the S24G Botanical Assessment before commencing with the S24G process, as all relevant information should be included in the Pre-Consultation Form that was submitted to DEA&DP: Directorate: Environmental Governance – Rectification. A preliminary advert was placed in the Eikestadnuus newspaper (on 10 July 2025) to notify I&APs of the S24G process and to register. The appellant sent an email correspondence to the EAP regarding the newspaper advert and requested information. The EAP responded, stating that the S24G Assessment Report would be made available to I&APs in due course, as illustrated in **Appendix G.3 Correspondence with EAP, July 2025** of the Appeal submitted. The EAP further explained to the appellant that the Basic Assessment (BA) Process for the Solar Panels is a separate process and was done on a different part of the farm from the S24G process, as can be seen under **G.4 Correspondence with EAP, September 2025**, of the Appeal submitted. The area illustrated by the appellant as being cleared was ecologically burnt, and only 2ha of vegetation was cleared outside of the approved vineyard area. As stated, the Basic Assessment Process for the Solar Panels is a separate process done on a different part of the farm, from the S24G process for the unlawful clearance that was conducted as part of the vineyard EA. The solar panel development has no relation to the vineyard. **This Ground of Appeal is found to be without merit and must accordingly be set aside.**
GROUNDS OF APPEAL 2: PHASED ACTIVITY AND FULL SCOPING & EIR PROCESS They are all in the same area: The footprint for "Solar Panels" outlined in White in the second thumbnail above is just a few metres away from the Red ploughed areas. Therefore these are intimately related, and together they constitute a "Phased Activity" as defined in the EIA Regulations. The legal concept of Phased Activities is to ensure that a large development and/or environmental impact is not split into a number of separate processes in time, and that large areas are not split into a number of smaller ones which, for example, each have an area of less than 20 hectares. Impacts are cumulative, both spatially and timewise. For details, see Subsection D.3. 2. One joint process, not three separate ones: Because the ploughing, Vineyard-Buffer-Conservation- Area and Solar-Panel areas are all close to one another and all are impacted, it is not permitted to split them. The 2021 Authorisation and its transgression, the Section 24G process and the 2025 Authorisation must be treated as One Phased Activity. Again see Section D.3 for the technicalities. 3. More than 20 hectares, so full EIA now needed: Together, the total area of affected indigenous vegetation far exceeds 20 hectares: 36 hectares have already been cleared, and more hectares would follow if the Solar Panel project goes ahead. Therefore, Listed Activity 15 of Listing Notice 2 applies. This means that full Scoping and Environmental Assessment must be conducted, not just the Basic Assessment required by Listing Notice 3 which has been done so far.	**GROUNDS OF APPEAL 2: PHASED ACTIVITY AND FULL SCOPING & EIR PROCESS** The EA for the establishment of a vineyard was issued in 2021, whereas the installation of solar panels EA was issued in 2025. Although the two developments are located on the same farm portion, it has no relation to each other (done in different areas of the farm). Activity 15 of Listing Notice 2 is not applicable to either development, as neither development exceeds the threshold of 20ha. It is reiterated that the EA for the establishment of a vineyard was issued in 2021, whereas the installation of solar panels EA was issued in 2025. Although the two developments are located on the same farm (Portion 10 f Farm 502) it has no relation to each other, and therefore, the clearance of vegetation for each separate development area cannot be added together, nor can one Scoping and EIR process be conducted for these two separate developments (they were done years apart and for different reasons). Activity 67 of Listing Notice 1 is only applicable to the solar panel development, as it requires the clearance of vegetation in phases below the thresholds of the listed activity relating to the clearance of indigenous vegetation. As stated, the Basic Assessment Process for the Solar Panels is a separate process from the S24G process for the unlawful clearance that was conducted as part of the vineyard EA. The solar panel development has no relation to the vineyard. **This Ground of Appeal is found to be without merit and must accordingly be set aside.**
GROUNDS OF APPEAL 3: TRUE FOOTPRINT OF THE SOLAR DEVELOPMENT	**GROUNDS OF APPEAL 3: TRUE FOOTPRINT OF THE SOLAR DEVELOPMENT**

1. The true Solar Panel footprint: Even without the ploughed area, the footprint of the "White" Solar Panel areas exceeds 20 hectares anyway, because the total 19.5-hectare footprint as claimed EAP's application is factually incorrect. For details, see Subsection D.4.	The Solar Panel 1st draft Basic Assessment Report (BAR) was made available to DEA&DP: Directorate: Development Management and I&APS, including commenting authorities from 09 December 2024 until 29 January 2025. In the 1st draft BAR an area of 19ha was included for the installation of the solar panels. Refer to Figure as taken from the 1st draft BAR.

The proposed development requires the clearance of approximately 19ha of vegetation for the installation of solar panels and associated infrastructure, which covers an area of more than 1ha. **Figure 2** illustrates the development layout.

The proposed development will require the following:

- Ground Mounted Solar Panels and associated infrastructure.
  - The solar panels are fixed and do not move with the sun.
  - The panel frames are secured to the ground by drilling reinforced poles into the ground.
- A container for inverters will be installed. This will be a heavy-duty aluminium powder-coated container on stilts.
- Underground feeder cables from the inverter building to the areas where electricity is required.
- Security fence (e.g. Clearvu fencing) will be installed around the solar panel site perimeter.

Description	Racking	Orientation	Tilt	Azimuth	Intrarow Spacing	Frame Size	Frames	Modules	Power
Phase 1	Fixed Tilt	Portrait (Vertical)	25°	0°	3.5 m	2x1	1,636	3,272	1.80 MW

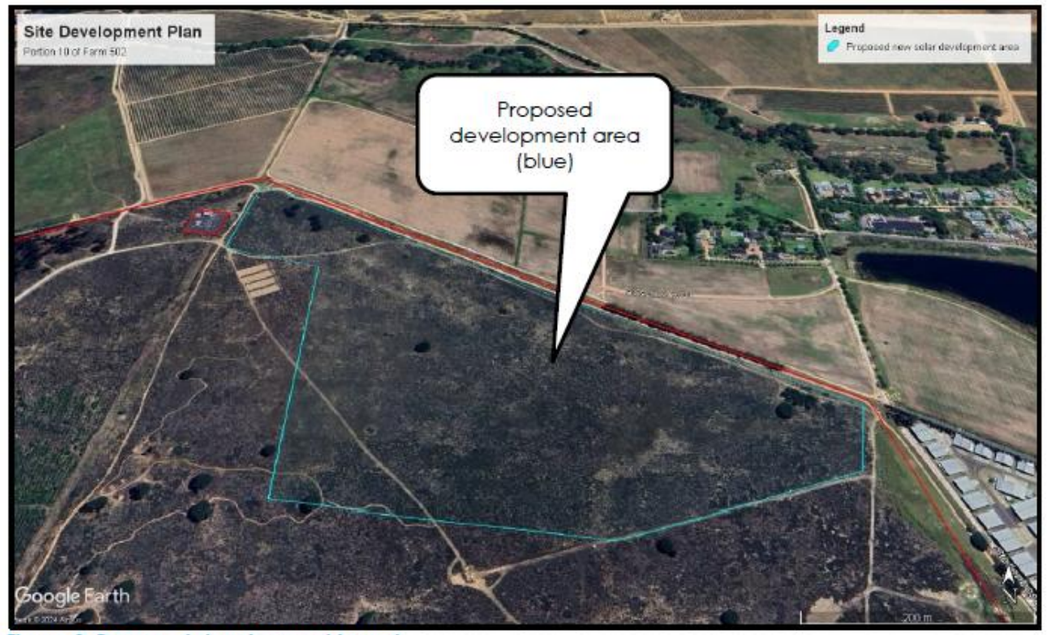

Figure 2: Proposed development layout

Figure 1: Proposed development description and area as per the 1st draft BAR

In order to improve impacts and from comment from Cape Nature, The development footprint for each phase (1 & 2) of the solar panels was rectified in the final report, as can be seen in **Figure *2*** and **Figure *3*** below.

The proposed development, Phase 1 and Phase 2, in total requires the clearance of approximately 0.5ha of vegetation for the installation of solar panels and associated infrastructure. **Figure 2** illustrates the development layout. The proposed development (Phase 1 and Phase 2) will ~~be located within a development area~~ have a development footprint of approximately 14.5ha, due to the wide row spacing ~~19ha~~, but will have a disturbance footprint of approximately 0.5ha. The solar panels (Phase 1 and Phase 2) will cover (provide shade to) a vegetated area of approximately 3ha. ~~(disturbance footprint and shaded area as a result of the panels)~~.

The electricity output of the proposed development will be more than 10 megawatts (Phase 1 – 1.8MWp and Phase 2 – 9MWp), and the electrical transmission and distribution capacity of the underground cables will be less than 33 kilovolts.

The proposed development will require the following:

- Ground Mounted Solar Panels and associated infrastructure.
  - The solar panels are fixed and do not move with the sun.
  - The panel frames are secured to the ground by drilling reinforced poles into the ground.
- A container for inverters will be installed. This will be a heavy-duty aluminium powder-coated container on stilts (100m²).
- Underground feeder cables from the inverter building to the areas where electricity is required.
- Security fence (e.g. Clearvu fencing) will be installed around the solar panel site perimeter.

Description	Racking	Orientation	Tilt	Azimuth	Intrarow Spacing	Frame Size	Frames	Modules	Power
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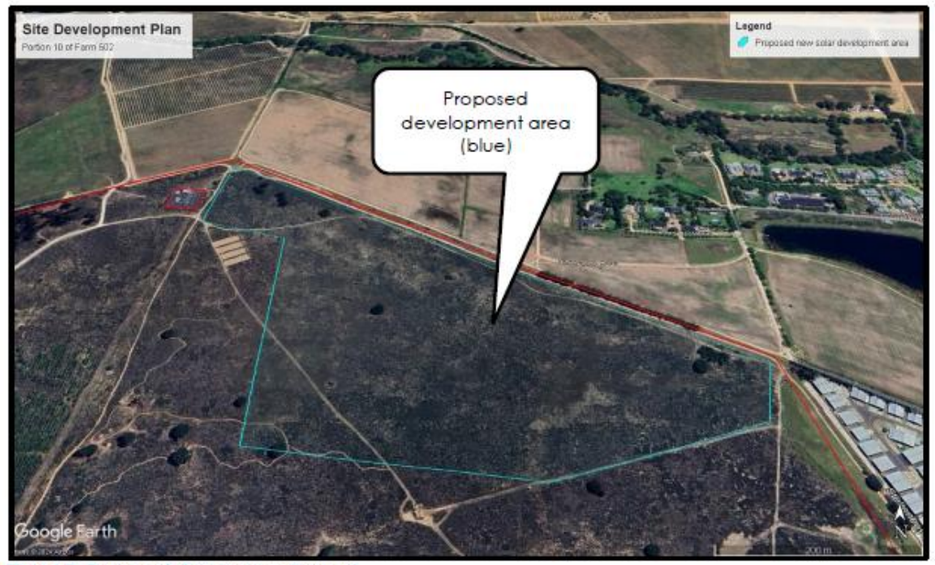

Figure 2: Proposed development layout

Figure 2: Proposed development description and area as per the Final BAR

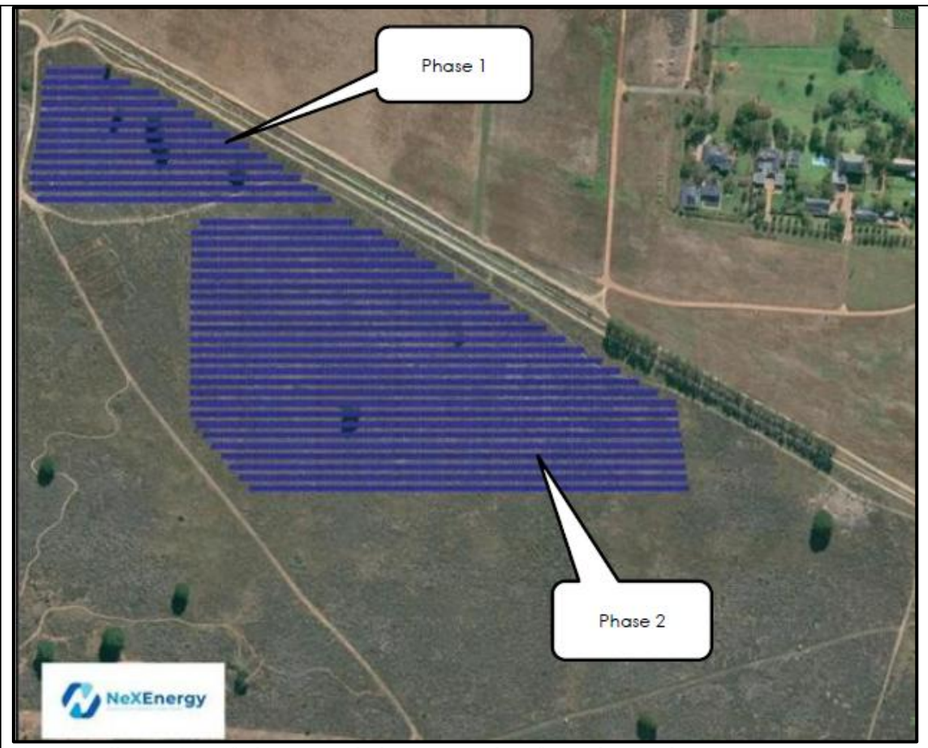

Figure 3: Illustration of Phase 1 and Phase 2 as taken from the Final BAR

The potential impact on the vegetation within the development area has been assessed in the Basic Assessment Process. **Figure *4*** is taken from the EA (dated 2025), which provides motivation on the impact assessment of the vegetation.

Biophysical Impacts
The site is mapped to contain Swartland Granite Renosterveld vegetation, which is classified as endangered. According to the Botanical and Biodiversity Assessment (compiled by Bergwind Botanical Surveys and Tours, dated April 2025) the site has been transformed by historic agricultural activities and the mapped Swartland Granite Renosterveld vegetation no longer remains on the site. Only secondary semi-natural vegetation in a moderate to poor condition is present on the site. No species of conservation concern were found on the site and the secondary vegetation found on site is not regarded to be sensitive. The study concluded that the botanical impacts are regarded to be of very low significance after mitigation. The mitigation measures have been included in the EMPr for implementation.

Figure 4: Biophysical impact assessment as taken from the EA (2025)

This Ground of Appeal is found to be without merit and must accordingly be set aside.

GROUNDS OF APPEAL 4: BOTANICAL ASSESSMENT 1. The Botanical Assessments of October 2024, the later Addendum to it and the 2020 Assessment are inadequate. We pointed this out in January 2025 already, but nothing was done except to get a reply from the botanist. Given that the (unwarranted!) conclusions of this Botanical "Assessment" plays such a central role in the entire BAR motivation, this is not just a little deficiency but goes to the heart of what an environmental assessment should be. See Section D.4 for some (incomplete) details.	**GROUNDS OF APPEAL 4: BOTANICAL ASSESSMENT** The Botanical Assessment conducted for the Vineyard EA (2021) cannot be discussed or criticised in the Solar Development BA process, as it was a separate process done on a separate part of the farm years before the Solar Development BA commenced. The Botanical Assessment conducted for the BA process (solar development 2024/2025) was conducted by a highly qualified and experienced specialist who is registered with SACNASP. The following response was provided by the botanical specialist on the comment made: "*Nowhere is it clearly stated what the deficiencies are in the Biodiversity and Botanical Assessment. No facts or cogent argument are presented to back up the above sweeping statement.*"

	All comments received during the solar development BA process were adequately addressed. The comments received with respect to the botanical assessment and the responses thereto can be seen under **Appendix A**, which includes both commenting periods (1st draft BAR and Amended draft BAR). **This Ground of Appeal is found to be without merit and must accordingly be set aside.**
GROUNDS OF APPEAL 5: ENVIRONMENTAL MANAGEMENT PROGRAMMES 1. Environmental Management Programmes (EMPr) form an integral part of all applications and authorisations. So what happened to the 2021 EMPr? Was it carried out? Did anyone actually verify that the undertakings of that plan were carried out, and did anyone pick up that perhaps the ploughing may not be planned or allowed? Was it reported by the responsible Environmental Control Officer? And what does that imply for the credibility of the 2025 EMPr proposals? See Section D.5.	**GROUNDS OF APPEAL 5: ENVIRONMENTAL MANAGEMENT PROGRAMMES** An ECO was appointed f(end of February 2024) for the establishment of the vineyard in compliance with Condition 12 of the EA (2021). The ECO has been monitoring compliance with the EA and EMPr. There is no requirement in terms of the EA for the ECO reports to be submitted to the DEA&DP: Directorate: Development Management or to make the reports available to registered I&APs. However, the ECO reports have been submitted to DEA&DP: Directorate: Development Management. The unlawful clearance outside of the approved vineyard footprint commenced before the ECO was appointed, at the beginning of February 2024. The ECO reported the unlawful activity to DEA&DP: Directorate: Development Management. Whereafter, the pre-application phase for the S24G process commenced. To be compliant with Condition 11 of the EA (2025), the EA holder must appoint an ECO prior to commencement to monitor compliance with the EA and EMPr. The establishment of the vineyard has not yet commence for this EA. **This Ground of Appeal is found to be without merit and must accordingly be set aside.**

3. CONCLUDING STATEMENT

The decision to grant the EA is well-reasoned by the Director and properly takes account of all relevant considerations. As shown by the Holder's responses to the appellants' complaints on appeal, those complaints do not constitute adequate grounds (or any grounds at all) for the relief sought by the appellants. The appeals are largely repetitive of earlier concerns raised during the Public Participation Process ("PPP"). These concerns were all addressed, where necessary, by the relevant specialist, in the Comments and Responses Report ("CRR") delivered with the final Basic Assessment Report.

The Holder submits furthermore that all relevant and adequate specialist studies were conducted and potential impacts were adequately addressed. The Holder submits that all concerns raised during the initial Basic Assessment Process and now during the Appeal Process were adequately addressed. The Holder accepts that the substantive reasons given by the decision-maker for granting the EA are clearly articulated and substantively defensible.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

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Appendix A – Extraction of the C&R table, which formed part of the Final BAR

Date	Comments from	Comments received	Response from GBE Bergwind Botanical Surveys & Tours CC Engineers	Response received
COMMENTS RECEIVED ON 1st DRAFT REPORT				
29/01/2025	Friends of Stellenbosch Mountain	A Summary A1. Friends of Stellenbosch Mountain (FSM) hereby registers as an Interested and Affected Party for this EIA process. Contact details appear in the letterhead. A2. FSM objects to the development proposal as set out in the Draft Basic Assessment Report (DBAR) under NOI Reference Number 16/3/3/6/7/1/B4/45/1409/24 with respect to the indicated northeastern subportion of Farm SBP502/10 owned by Spier Farm Management (Pty) Ltd ("Spier"). "Northeastern" refers to the proposed development layout shown in e.g. Figure 8 of the DBAR. A3. FSM objects in particular to the Preferred Alternative (Alternative 1). The reasons for objection are, in brief: A3.1 Alternative 1 would result in a Win-Lose outcome where business and profit would win and the critically endangered renosterveld would lose. A3.2 Alternative 1 is literally "Lose" in that yet another very important and large remnant of a critically endangered ecosystem would be lost. See Section E1. A3.3 FSM does not object to the principled and logically sound use and erection of solar panels, photovoltaics or renewable energy as such. A roll-out of renewable energy is important, and FSM supports steps in that direction. A3.4 Win-Win is possible: There is no need to play off photovoltaics against conservation. FSM in this objection sketches alternatives which could create a Win-Win outcome. A "Win" accruing to business, profit, jobs etc is quite possible without destroying the renosterveld remnant. A "Win-Lose" outcome is therefore unnecessary. A3.5 There is "unfinished business" pertaining to the previous (2020/2021) EIA pertaining to an immediately adjacent "southern" portion of SBP502/10 which must be considered and addressed in the present proposal; see Section B and Figures 1 and 2 in Appendix 1. A3.6 The current DBAR choice of alternatives is highly deficient since it has failed to consider and even to perceive those Win-Win alternatives. Some technical motivations for this judgement are set out in Section C.	GBE Bergwind Botanical Surveys & Tours C.	A Summary A1. You have been registered as an I&AP. A2. Your objection is noted. A3. Note that the proposed development area does not consist of the critically endangered Swartland Granite Renosterveld. The proposed solar design is to retain as much of the existing vegetation, therefore the row spacing is 4m. *A3.1. This is not true. The vegetation on the site can no longer be considered or classified as Threatened Swartland Granite Renosterveld. That vegetation was lost long ago when the site was originally ploughed.* *A3.2. No further loss of Swartland Granite Renosterveld would happen because there simply is none of this vegetation type present. The comment is thus flawed.* A3.3 Noted. *A3.4. No renosterveld remnant would be destroyed. The vegetation is secondary and cannot be construed as conservation-worthy.* A3.5. Note that the vineyard development is a separate development from the proposed solar panels. The EA holder for the vineyard development is in contact with the relevant specialists and officials for its EA conditions. Therefore, no detail regarding the vineyard development is required in this separate development application. A3.6. Noted.

Date	Comments from	Comments received	Response from GBE Bergwind Botanical Surveys & Tours CC Engineers	Response received
		A3.7 New Alternatives 3 and 4 proposed in Section D would be much better since (unlike Alternatives 1 and 2) they take into account some of the underlying technical, economic and environmental aspects. They are better for the following reasons: (a). The compact agricultural component would be simpler and cheaper and the agricultural yield would be higher than Alternative 1's Agrivoltaics hybrid solution. (b). The size and footprint of the photovoltaic installation can easily be reduced from 19 hectares to just a few hectares; see Section C1. (c). Cabling between the solar panels and the inverters would be simpler, shorter and cheaper. (d). There are multiple possible locations for those smaller footprints which would have very little impact on the remaining renosterveld, thereby realising a Win-Win situation. (e). Two separate compact photovoltaics sites totalling less than 5ha, one for Spier use and one for the grid, may have significant advantages in shortening transmission distances between the inverters and power offtake points and giving Spier the option of going off-grid when this may become advantageous; see Section D. (f). The DBAR "Alternative 2" of using 19 hectares in the western part of SBP502/10 could likewise be reduced to just a few hectares, so its impact on (for example) egg production would also be reduced. See Alternative 2B.		A3.7. The proposed development area does not consist of the critically endangered Swartland Granite Renosterveld. The proposed solar panel layout is to ensure minimal vegetation is being removed in order to maintain an Agro-voltaic solution which could form part of Spier's own conservation initiative.
		A3.8 The Biodiversity and Botanical Assessment appearing in Appendix G1 ("the BBA") is also highly deficient. Since this BBA is cited extensively by the EAP to motivate Alternative 1, its deficiencies must be rectified and the corresponding implications included in the rewritten DBAR; see Section E2.This implies that a new and expanded BBA must be commissioned and brought to bear on the EIA process. A3.9 Alternative 1 implementation would seriously damage Spier's image, branding and claims to be at the forefront of conservation and sustainability. A4. We therefore propose that additional "New Alternatives" along the lines of Section D must be formulated, included in any DBAR or BAR and compared to the existing Alternative 1 and 2 by the EAP without fear or favour. A5. Sufficient information needed by DEADP and IAPs to make an informed and rational decision is not provided by the DBAR. We motivate in Sections C and ?? why, amongst others, the following additional studies must be commissioned and provided as additional BAR appendices: A5.1 a report on the status and efficacy of offsets promised in the previous 2020/21 EIA and resulting ploughing of about 36 hectares of renosterveld as per Section B, A5.2 a credible second expanded Biodiversity and Botanical Assessment to complement the one appearing in Appendix G1, as already mentioned,	Bergwind Botanical Surveys & Tours C.	A3.8. A Biodiversity and Botanical Assessment by a qualified botanical specialist in order to provide information to the EAP to be used in the report. *Nowhere is it clearly stated what the deficiencies are in the Biodiversity and Botanical Assessment. No facts or cogent argument are presented to back up the above sweeping statement.* A3.9. Refer to point A3.7 above. A4. Note that the proposal is for a dual-use solution which will retain as much of the existing vegetation, provide renewable electricity, as well as create a new form of agriculture for Spier. A5. A5.1. Note that the vineyard development is a separate development from the proposed solar panels. The EA holder for the vineyard development is in contact with the relevant specialists and officials for its EA conditions. Therefore, no detail regarding the vineyard development is required in this separate development application. A5.2. The Biodiversity and Botanical Assessment has been conducted by a suitably qualified specialist, therefore no additional specialist study will be conducted.

Date	Comments from	Comments received	Response from GBE Bergwind Botanical Surveys & Tours CC Engineers	Response received
		A5.3 details of the environmental master plan and integrated management of eastern SBP502/10 according to which Spier has implemented the promised conservation offsets since the 2020/21 EIA for the "southern" part and according to which Spier is making the present "northeastern" application, A5.4 detailed technical and economic studies of Alternative 1's 19-hectare hybrid "Agrivoltaics" layout showing at a minimum panel layouts, land proportion used for agriculture and for photovoltaics respectively, location and footprint of the inverter station, expected agricultural yields and costs, A5.5 additional technical and economic studies for New Alternatives 3 and 4 where 5 or less hectares of compact photovoltaics is combined with 10 hectares of "pure" nonhybrid agriculture, and possibly other alternatives (see Section D). A6. Once the additional and new information and studies have been completed, the DBAR has to be revised extensively, including the quotes from the BBA and assessment of the New Alternatives 3 and 4, and a resulting comparison with Alternatives 1 and 2 of impacts and advantages. A7. Requests to DEADP: Should Spier and GroenvleiEnviro choose to make minimal changes to the DBAR and submit this to DEADP in spite of its demonstrated shortcomings, then FSM requests DEADP to: A7.1 insist that Alternatives 1 and 2 are not the best and that Win-Win alternatives receive their deserved detailed attention, A7.2 direct that a credible Biodiversity and Botanical Assessment be conducted with multiple monthly site visits and significantly more assessment Waypoints. See also Section E2. A7.3 insist that the missing information is provided, including the missing studies and statements sketched in this objection, A7.4 or, if necessary, reject the application out of hand. B Background and context B1. The FSM objection pertains to the unnecessary and easily avoidable high impacts on the receiving environment, the aforesaid northeastern part of the large Farm Portion SBP502/10. This portion of about 365 hectares stretches all the way from Baden Powell Drive and the abutting Spier Hotel and Cellar to the eastern boundary of the Stellenbosch Flying Club, more than 2.5 kilometres to the east.1	Bergwind Botanical Surveys & Tours C. Bergwind Botanical Surveys & Tours C.	*As the Botanical / Biodiversity Specialist, I carried out what was required of me. All the unsubstantiated statements made above by the FSM are dismissed as having no merit. The Botanical / Biodiversity Assessment complies with all the protocols apart from the investigation of alternatives. I submit that is the only shortcoming of my work.* A5.3. Refer to point A5.1. A5.4. and A5.5. Detailed technical and economic studies is not required. All relevant studies were conducted and included in the BAR. A6. No additional studies will be conducted. All relevant studies were conducted and included in the BAR. A7. Additional studies will only be conducted should DEA&DP request it. *In my view this is precisely the type of site that should be developed so that we can conserve sites that ACTUALLY have some conservation value.* B Background and context B1. Your objection is noted.

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		B2. Only one year ago in January 2024, already 36 hectares of this extremely important remnant of this CBA had been ploughed following an EIA process some years earlier. Two Google Earth images showing this "southern" portion before and after ploughing are shown in Appendix 1. B3. An additional separate area of about 0.22ha was also ploughed. It is located outside both the "southern" portion or the "northeastern" one, close to northern corner of the proposed Alternative 1 layout and immediately south of its "Phase 1". See Figure 2 in Appendix 1, Fig. 8 of the DBAR and elseshere. There is no record of this having ever been assessed or even applied for, taking into account also the prohibition of "incremental" activities in the 2014 and 2017 EIA regulations. B4. The present proposal is intimately tied to the previous renosterveld clearing in a number of ways: B4.1 The earlier clearing of renosterveld of about 36 hectares had already substantially reduced the viability of the remaining large portion of this vegetation to the north and west of it. B4.2 During that earlier process, undertakings at "offsets" had apparently been made. Although we do not have details, these "offsets" must be described in the DBAR and in particular what was undertaken during that process and what has since been physically achieved. B4.3 DEADP in turn should verify that those "offsets" have been carried out by Spier before considering the present proposal. B4.4 While that ploughing should never have happened, this "southern" portion now could be the basis of one of the New Alternatives proposed below. B5. Spier has already ploughed 36 hectares of CBA immediately south of the area indicated. The stated during the then EIA process was that this would be used for vineyards. As of 2025, this already-ploughed area is barren and probably used for annual crops and grazing. The environmental impact of siting solar panels on this barren land would be far lower than that of Alternative 1. C Technical considerations C1 Photovoltaic basics C1.1. As low-voltage systems, solar plate configurations should be as compact as possible. Specifically, there is significant loss between the plates and the inverters of the direct electical current (DC), and the loss rises with distance. To compensate for that loss, one can either lay thick and expensive cables or accept low efficency. Both those pseudosolutions are expensive. C1.2. The inverter(s) should be sited as close as possible to the power offtake. The larger the distance between the two, the less efficient and the more expensive the transmission of		B2. The vineyard development is a separate development from the proposed solar panels. The EA holder for the vineyard development is in contact with the relevant specialists and officials for its EA conditions. Therefore, no detail regarding the vineyard development is required in this separate development application. B3. This area does not form part of the application or application area. B4. Refer to point B2. B5. The vineyard development is in process and therefore cannot be used for the solar panel development. C Technical considerations C1.1. Each row or optimal grouping of rows (string) of PV is coupled to a String inverter at the end of the row. The inverter is mounted at the end of the racking

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		alternating current (AC) becomes. Loss decreases with higher voltage but increaseswith distance. Higher voltage are more expensive. Longer distances are also more expensive. C1.3. The above is common knowledge among engineers and practitioners in the field of pholtovoltaics. Any technical and economic study will reflect those basics: you cannot fight or deny basic physics or engineering realities. A typical laymans' explanation can be found on the web, for example https://www.greenlancer.com/post/solar-panel-wattage-output-explained. C1.4. The DBAR General Project Description states on Page 8 that two phases of construction of 1.8 Megawatts (MW) and up to 7 MW is proposed. By the standards of private power generation, those are large systems, and the cost implications of a wrong choice will be large too. C1.5. Photovoltaic technology is advancing rapidly, hence the quick estimates below are conservative: □ Some of the older information available states that peak power per solar panel currently ranges from 350 to 500 W (W stands for "Watt"). A 400W panel is almost certainly smaller than 2m2 (square meters) and this is decreasing all the time. □ A back-of-the-envelope calculation immediately tells you that 10 Megawatt (i.e. 10 million Watt) of peak power at source would need 25,000 panels at most with a total area almost certainly less than 25, 000 × 2 = 50, 000m2 i.e. 5 hectares. □ Depending on average irradiation (which in Stellenbosch is large) and the various choices re panel efficiency, compactness and transmission, the needed footprint could be higher but also lower compared to the above. Also, large 10MW systems may be more efficient than residential ones used in these estimates. □ Whatever those uncertainties may be, it is highly likely that the correct figure for the exact Spier configuration would be closer to 5 hectares and significantly lower than 19 hectares. C1.6. It seems quite feasible to achieve footprints significantly smaller than the proposed 19 hectares; how much exactly will depend on the technical details of the proposed systems and of course the choice of compactness and transmission alternative parameters. C1.7. As a first working hypothesis, we will claim that a compact and well-situated photovoltaic system generating 10MW of power will need not more than 5 hectares. The actual footprintwill depend on exact technical details which the requested additional studies must provide. C2 Implications for DBAR and all Alternatives C2.1. The DBAR and specifically Alternative 1 is irrational from the start because it violates both the above basic principles of compactness and transmission distance. With a footprint	C. Engineers	(row). The distance between PV rows minimises the distance DC power needs to travel. C1.2. It will be designed to be as optimal as possible yes and using step-up/down transformers. C1.3. The plant is designed with all these factors considered and pre-feasibility modelling and simulations were done before the decision was made to pursue the project. The engineers have extensive experience in designing and building large and utility-scale solar and wind farms. C1.4. Extensive modelling and simulations were done during pre-feasibility with these cost factors in mind and based on other similar-sized plants. C1.5. • Preliminary design is based on 550W which has a surface area of +/- 2.7m2 (2.3m x 1.2m) • Fewer panels are therefore required than with >500W panels for the same kWp rating. • The 5ha calculation is not achievable as panels are mounted an angle perpendicular to the sun's rays for the area's winter sun (lowest angle of the year) • Spacing panel rows close together causes shading of panels on the next row which dramatically reduces generation and will require more rows to compensate. • Irradiation drops significantly in winter in the Stellenbosch region, therefore panel angles are optimised for these periods. Consider the cost of grid electricity during winter being substantially higher than in summer months also. • The 19 ha refers to outer border of the area on which the solar plant would be situated (the development area). • The disturbance footprint (within the development area) would be less than 5ha in aggregate but spread over the development area. C1.6. One must consider row shading and therefore spacing between rows. For electricity generation and light and rain penetration to the vegetation. The racking is also raised to allow for light penetration, especially in winter. C1.7. The 5ha is not achievable due to row shading primarily and blocking light to the vegetation. See points above also.

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		of 19 hectares and at least 2.5 kilometres from the Spier hotel and cellars, Alternative 1 is neither compact nor good for transmission efficiency. C2.2. The above rough estimates make clear that it is imperative that the details of any photovoltaic system must be provided for the environmental assessment to even hypothesise various alternatives. The information in the technical studies is not optional but very relevant. C2.3. More expensive systems will be more efficient. A study setting out Return on Investment (ROI) will cast further light on what is best. C2.4. Obviously, there are not only technical and economic considerations but specifically environmental ones. These are treated in Section E. Without doubt, minimisation of development footprint is good for the environment. Minimisation for environmental reasons may outweigh any of the technical and economic factors set out above. C2.5. For the above reasons and from the conclusions of Secion E, we argue strongly that both technical and environmental grounds strongly favour compactness of any photovoltaic installation. C2.6. The DBAR has missed all of the above considerations but keeps touting so-called Agrivoltaics. Some comments: C6.1 It speaks for itself that such hybrid solutions are not compact, so any resulting large footprint is problematic already from a technical point of view. C6.2 Solar panels and the many cables and service roads negatively impact the surrounding agriculture in many ways. From a purely agricultural perspective, Agrivoltaics reduces crop yields as compared to compact crop fields. C6.3 As already set out, the much larger footprint is not necessary and environmentally bad. C6.4 Interspersing solar panels with renosterveld will result in the quick and final demise of the renosterveld, so that has never been an option. C6.5 By default, Agrivoltaics is therefore neither green nor cool nor even economically the best option. The onus is on the application to set out detailed reasons why this should even be considered.		C2.1. Rationale and technical aspects are covered by points in C1. C2.2. Concerns and Rough estimates referred to have been addressed in C1. The plant design is based on experienced engineering and while also focused on eliminating impact on soil and vegetation by the wider spacing. C2.3. Financial models were done extensively. C2.4. The Project brief had a starting point of minimizing disturbance and possible enhancement of vegetation for pollinators such as bees which is crucially under pressure worldwide. Both financial and technical factors were factored in with this conservational starting point. C2.5. Our premise is that Wider spacing allows for solar plants to blend more into the environment. (We are not clearing the vegetation) Technical aspects of suggested compactness are addressed in C1. C2.6. Agrivoltaics is a general term, but in this case, it refers to the conservation of vegetation and possible establishment of pollinators. No real farming will take place between the rows. C6.1 Compactness and technical aspects addressed in C1. C6.2. Cables are run along racking and not trenched. No roads are required between rows. *Statement on impact on surrounding agriculture and crop yields cannot be commented on, unless referred to crops grown under solar panels.* C6.3. Footprint/compactness has already been addressed. C6.4 The following is taken from the Botanical and Biodiversity Assessment: "*No typical Swartland Granite Renosterveld remains and instead a uniform, secondary, species-poor plant community is now present.*"

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		C2.7. The Alternative 1 proposal makes no sense from an engineering or economic perspective. It is neither compact nor close to the hotel and cellar which are at least 2.5 kilometres away. The position of the Eskom substation is not indicated in the DBAR. D New Alternatives 3 and 4, Alternative 2B, No-Go Alternative D1. As demonstrated above, Alternative 1 makes little sense from a technical, environmental and even from an economic point of view. Agrivoltaics were also shown to have few, if any, advantages. D2. One or more alternatives which are compact, technically better and not Agrivoltaic must be therefore be proposed, assessed and compared to Alternatives 1 and 2. D3. As shown above, Alternative 1 is very likely not the best one even from the solar power perspective and probably from a cost perspective. D4. Examples of realistic new alternatives: □ New Preferred Alternative 3: a 2-hectare compact solar panel sited in the west close to the hotel and cellar plus a separate second compact 2-hectare photovoltaic system near the Eskom substation, site on part of the "southern" area already ploughed (see Figure 1). □ New Alternative 4: a single 4-hectare compact solar panel installation sited on that same "southern" area already ploughed in 2024 □ Any and all additional agriculture would not be of the Agrivoltaic type. The agricultural component is easily accommodated in both the western part of SBP502/10 or on the remaining parts of the "southern" area in both Alternatives 3 and 4. □ An additional 5-hectare Alternative 2B would, like the original Alternative 2, be a single western site much closer to the Spier Hotel and Cellar but without the Agrivoltaic's large footprint and associated impacts. D5. The No-Go Alternative as always remains a viable option. D6. See also Item A3.7 in Section A. E Renosterveld and Critical Biodiversity Areas E1 Context E1.1. It is common knowledge and repeated in the DBAR that all forms of renosterveld are critically endangered, that the last remaining vestiges of it enjoy special but insufficient legal protection and that they must be preserved at all cost, no matter what the condition of the veld. E1.2. Not long ago, the eastern half of SBP502/10 was one of the largest and most important remaining privately-owned remnants of Swartland Granite Renosterveld in the entire WC024 municipal area. This is listed as Critically Endangered (CR) on both AI and DI criteria;		C6.5. Agrivoltaics used as a general statement indicating co-existence of vegetation and solar. Perhaps a better word will need to be used to not cause confusion with actual farming activity going on between solar rows. C2.7. Both financial and engineering factors were considered, modelled and simulations done prior to deciding on the project. D1. Disagree. Please see above technical and environmental answers. Agrivoltaics seems to be a misleading term should be revised as stated above. D2. Compactness, technical issues and Agrivoltaics terms have already been addressed. D3. Engineering and financial modelling in pre-feasibility was done. D4. Other possible sites were firstly looked at and Alternative 1 was the best available due to 1. Environmental reasons such as distance from wetlands, water etc. 1a. Possibility of adding conservational component to Green energy (e.g. pollinators). 2. Technical reasons and possible shading from trees and disruptions to other activities on the farm and already existing conservation areas earmarked. 3. Proximity to substation and position of existing powerlines D5 and D6. Noted. E Renosterveld and Critical Biodiversity Areas E1. E1.1. The draft BAR specifically states that Swartland Granite Renosterveld is classified as an endangered ecosystem.

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		see Table 2.2 in the Western Cape Biodiversity Spatial Plan Handbook and the relevant SANBI databases. E1.3. The "clearance" proposed in Alternative 1 is not just an "impact"; it constitutes the irreversible destruction of the indigenous vegetation. Any impact assessment category less severe than "Highly Negative" is inappropriate. E1.4. Size matters. Small remnants of renosterveld are often not viable; large ones are. Spier has already destroyed about 36 hectares of that large area. Further reduction will reduce the viability of whatever is left, including any "offset pieces" to the west of the "northeastern" parts. E1.5. Any mixing of renosterveld with solar panels of the kind proposed in Agrivoltaics is an environmental non-starter. Renosterveld will be strongly and negatively impacted even by low-density interleavening of solar panels: E5.1 Ground is disturbed for substantial areas during construction (renosterveld does not tolerate soil disturbance) E5.2 Extra shade not part of the renosterveld bioniche E5.3 Impact of continual servicing (vehicles, machinery) E5.4 biotic disruption E1.6. Biodiversity corridors are important. The relevant frameworks and plans are well known. Destroying the renosterveld in the "northeastern" area would close yet another corridor, this one across the nearby Stellenbosch Airfield to the municipal nature area east of it (also part of the original Farm 502). E2 Criticism of Biodiversity and Botanical Assessment (DBAR Appendix G1) E2.1. The Biodiversity and Botanical Assessment ("BBA") provided in DBAR Appendix G1 is highly deficient, both in its very limited data, its cursory treatment of Limitations and Assumptions and in the inappropriately confident conclusions.		E1.2. Swartland Granite Renosterveld is classified as Endangered in the Revised National List of Ecosystems Threatened. E1.3. Note that an error occurred in the report and the development footprint will be 19ha, however, the disturbance footprint will be less than 0.5ha. The entire development footprint will not be cleared. Holes will be manually drilled into the ground for the installation of the solar panel frames. As much of the existing vegetation is to be retained for the agri-voltaic solution. Therefore, the solar panel spacing is 4m between each row and to let sunlight through to the vegetation below the solar panels. E1.4. The following is taken from the Botanical and Biodiversity Assessment: "*No typical Swartland Granite Renosterveld remains and instead a uniform, secondary, species-poor plant community is now present.*" The vineyard development is a separate development from the proposed solar panels. The EA holder for the vineyard development is in contact with the relevant specialists and officials for its EA conditions. Therefore, no detail regarding the vineyard development is required in this separate development application. E1.5. Note that an error occurred in the report and the development footprint will be 19ha, however, the disturbance footprint will be less than 0.5ha. The entire development footprint will not be cleared. Holes will be manually drilled into the ground for the installation of the solar panel frames. As much of the existing vegetation is to be retained for the agri-voltaic solution. Therefore, the solar panel spacing is 4m between each row and to let sunlight through to the vegetation below the solar panels. The following is taken from the Botanical and Biodiversity Assessment: "*No typical Swartland Granite Renosterveld remains and instead a uniform, secondary, species-poor plant community is now present.*" E1.6. The following is taken from the Botanical and Biodiversity Assessment: "*No typical Swartland Granite Renosterveld remains and instead a uniform, secondary, species-poor plant community is now present.*" E2 Criticism of Biodiversity and Botanical Assessment

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		E2.2. Any estimates of biodiversity are highly biased. The true number of species will with 100 percent certainty be higher, perhaps much higher. The table of species provided in the BBA provides not a mean but a minimum. The only question is how badly the true species diversity is underestimated. E2.3. As set out in the BBA's section 4.1, data was gathered by the botanical specialist on a single day and based on only five waypoints. The resulting data is completely inadequate for the following reasons: E3.1 The low number of samples taken implies that the degree of biodiversity underestimation could be high. The following points exacerbate this underestimation. E3.2 There is wide spatial variability in the distribution of indigenous species within renosterveld based, for example, on seepage areas and soil type. Gathering data at only five points is simply not enough. Spatial interpolation and extrapolation is not allowed. E3.3 Many smaller species are hidden under the canopies of larger indigenous or nonindigenous species and are hard to spot from even a few metres away. E3.4 Most serious are the strong limitations due to time variability. It is well known that most indigenous species can be identified only when flowering. There is strong variability in flowering times of what will be seen or missed even on the same assessment site. The BBA field survey was conducted over just a few hours on a single day (30 August 2024) and thereby missed a great deal. The many species would by no means all be in flower on the single day of the specialist's visit. E3.5 Some examples of the inherent natural time variability are: □ Flowering times of renosterveld and fynbos species vary over the entire year. Some flower only in summer, autumn or winter. □ While geophyte flowering peaks in spring, their times still varies over many months. Some flower as early as February, others wait until early summer. □ The duration of flowering in wildflowers is short. Some flower for only a few weeks, some for even shorter. A species flowering in July or September may well be missed in August. □ Some renosterveld species do not flower annually but may remain dormant or not flower in a particular year. □ There is also variability from year to year based on climatic conditions such as precipitation and temperature. □ Renosterveld and fynbos diversity is strongly dependent on fire. Any fire is followed by a proliferation of flowering of especially those species which were suppressed by the canopy and those which are especially dependent on fire for germination. It is a regular occurrence that new species are discovered in the post-fire season. To our knowledge, the		E2.1. The Biodiversity and Botanical Assessment was conducted by a qualified botanical specialist with many years of experience. These sweeping statements are not substantiated by any facts and they are rejected out of hand. E2.2. The Biodiversity and Botanical Assessment was conducted by a qualified botanical specialist with many years of experience. I disagree. This statement is made by someone who has not even walked on the site. E2.3. The specialist study was conducted in term of the protocols and relevant legislation. E3.1. I stand by my observations and dispute the statements made. With over 40 years' experience as a vegetation scientist, I do believe that I have some insights into what I am dealing with. E3.2. The 'so called 'renosterveld' is now a collection of secondary weedy plants. It is very well known (but perhaps not by the commentator!) that renosterbos is very weedy and colonizes vigorously on disturbed land. I stand by my observations and dispute the statements made. With over 40 years' experience as a vegetation scientist, I do believe that I have some insights into what I am dealing with. E3.3. The site is degraded. E3.4. These are sweeping statements with no cogent basis. General statements are made that actually have no bearing on the site assessed. E3.5. The veld is secondary and extremely poor in species. I submit that the commentator is trotting out statements/comments with no understanding of the site at all.

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		area in question (western part of SBP502/10) has not burnt for many years. Spier must provide details on its controlled burn management plans for this and all other renosterveld remnants in its possession. These management plans must include details of times, areas and results of wildfires and controlled burns and the resulting assessments (see also Section E2). E2.4. Most importantly, BBA fails to pass the fundamental test of scientific assessments, namely to fully list important factors, parameters, unknowns and even statistical limitations of any study. The BBA's Section 5 (Limitations and Assumption) is bad science: the three-line text of that section reads just The weather at the time was fine. As noted above, the season of the survey was ideal since it was well into spring and [sic] winter with spring-flowering geophytes and annuals, where found, being easily identifiable. The vegetation varied in density but where dense, it did not limit access. E2.5. In other words, the BBA has not even mentioned the very important true Limitations and Assumptions implied by all of the points raised above. E2.6. In particular, a true Limitations and Assumptions statement would have made clear that the list of species provided was very likely well below the true biodiversity of the population. E2.7. The worst transgression from a scientific perspective is the undue confidence and unqualified wording of conclusions made by the specialist based on that deficient data. The false confidence in these conclusions runs counter to normal scientific practice in which the degree of confidence is strongly dependent on the quality (or lack thereof) of the underlying data and methodology. E2.8. The BBA also does not take into account the recommendations of pertinent Management Objectives as set out in the various spatial and biodiversity frameworks and plans (see next subsection). E2.9. In summary, little confidence can be place in the conclusions of the specialist Biodiversity and Botanical Assessment. E2.10. The above considerations form the scientific (!) basis for a strong recommendation to commission a second longer and more thorough Botanical Assessment. To at least partially address the concerns, such study should run over at least one year, with monthly samplings, and the number of sampling points must be increased significantly. E2.11. Footnote: It has not been possible to check the BBA details directly as the public has no access to the "northeastern" CBA on SBP502/10. E3 Resulting criticism of DBAR itself E3.1. Like the Botanical Assessment (BBA), the EAP (GroenEnviro) also makes highly unscientific use of the statements and conclusions of the BBA. The DBAR uses, again and again, the thin and scientifically shaky conclusions (as explained above) of the BBA as the backbone and sole reason for declaring that the "northeastern" area of Alternative 1 can be cleared.		E2.4. The specialist study was conducted in terms of the protocols and relevant legislation. E2.5. and E2.6. The specialist study was conducted in terms of the protocols and relevant legislation. E.2.7., E2.8. and E2.9. I stand by my observations and dispute the statements made. With over 40 years' experience as a vegetation scientist, I do believe that I have some insights into what I am dealing with. E2.10. Additional specialist studies will be conducted should DEA&DP request it. E2.11. Note that the proposed development area is privately owned land, therefore access to the public cannot be expected. The botanical assessment was conducted by a suitably qualified specialist.

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		E3.2. Relevant scientific policies and frameworks such as the Western Cape Biodiversity Spatial Plan of 2017 make clear that the Management Objectives for CBA1, CBA2, ESA1 and ESA2 units vary very little. In all four cases, maintaining of what is left in as natural state as possible, and the restoration and rehabilitation of all four, is the primary goal. Not one of the four classifications even mentions clearance as an option. E3.3. The above is dutifully copied into Section 4.4 of the DBAR — and yet the EAP does not apply these Objectives at all but instead recommends vegetation clearing anyway. E3.4. In failing to make clear the limitations and assumptions of the BBA, the DBAR like the BBA also fails the criterion of scientific assessment. E3.5. The DBAR makes no mention of the previous Basic Assessment Report (BAR) of 2020/21 and its parameters and implications even though that information is very relevant to the present proposal. E3.6. The DBAR does not comment at all on the small 0.22ha area ploughed already in 2022 and whether this was done legally within that 2020/21 BAR and authorisation.		E3. Resulting criticism of DBAR itself E3.1. A Biodiversity and Botanical Assessment by a qualified botanical specialist in order to provide information to the EAP to be used in the report. E3.2. Note that an error occurred in the report and the development footprint will be 19ha, however, the disturbance footprint will be less than 0.5ha. The entire development footprint will not be cleared. Holes will be manually drilled into the ground for the installation of the solar panel frames. As much of the existing vegetation is to be retained for the agri-voltaic solution. Therefore, the solar panel spacing is 4m between each row and to let sunlight through to the vegetation below the solar panels. The following is taken from the Botanical and Biodiversity Assessment: "*No typical Swartland Granite Renosterveld remains and instead a uniform, secondary, species-poor plant community is now present.*" E3.3. Refer to point E3.1 and E3.2 above. E3.4. Refer to point E3.1 and E3.2 above E3.5. and E3.6. The vineyard development is a separate development from the proposed solar panels. The EA holder for the vineyard development is in contact with the relevant specialists and officials for its EA conditions. Therefore, no detail regarding the vineyard development is required in this separate development application.

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COMMENTS RECEIVED ON 2nd DRAFT REPORT				
19/05/2025	Friends of Stellenbosch Mountain	A Criticism and objection of the second DBAR A1. The second Draft Basic Assessment Report (DBAR2) and its appendices refer. DEADP has assigned a Reference number: 16/3/3/1/B4/45/1086/24 which should be used from now on. The most important changes compared to the first DBAR1 of November 2024 are • the inclusion of a new DBAR2 Alternative 3 of a similar solar panel project but sited along the eastern boundary of Farm 502/10 abutting the Stellenbosch Flying Club site;	GBE	A A1. Noted.

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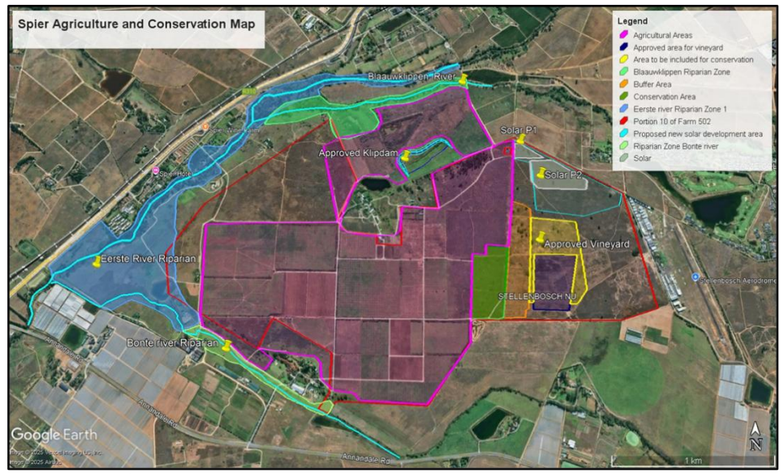
		• comments in Appendix F by IAPs, including CapeNature, DEADP, Stellenbosch Municipality and the comments by Friends of Stellenbosch Mountain (FSM) dated 29 January 2025 ("FSM1") to which we refer below; • an "Addendum" attached to the otherwise unchanged Botanical and Biosiversity Assessment, Appendix G-1; and • An amended Application Form (Appendix M) and NOI application form (Appendix N). A2. FSM once again objects to the DBAR Preferred Alternative (Alternative 1) and the DBAR Alternative 2 which appear in both DBAR versions. With respect to these, FSM again puts forward many of the salient comments of our January 2025 comments in FSM1. The present comments are in addition to those earlier comments and do not replace them. A3. FSM also objects to the new DBAR2 Alternative 3: A3.1 This DBAR2 Alternative 3 is in no way preferable to the preferred Alternative 1 as it also would destroy a CBA of similar size and value. A3.2 Western Bypass Road: Before this Alternative 3 can even be considered, Spier and the EAP must provide full information with respect to the status and planning of the southern segment of the Western Bypass proposed by Stellenbosch Municipality (SM).		A2. As responded to CapeNature's comment on the 1st draft BAR regarding alternatives, the following is reiterated: "*Reasons why the proposed development area has been considered preferred:* - *Alternative sites within the farm have been investigated but were not feasible. This is due to certain areas on the farm being allocated for farming purposes and other areas for conservation purposes, which forms part of the broader farm plan.* - *The proposed development area was carefully selected for its proximity to key energy infrastructure and its ability to function as a dual-purpose site.* - *Figure 1 below provides an illustration of the areas that are allocated for purely agricultural activities and those set aside for conservation.* - *The alternative for a more compact solar development area would defeat the purpose of a dual-purpose initiative. This would require an entire area to be cleared of vegetation, whereas the current development proposal aims to retain as much of the existing vegetation as possible, hence the wide row spacing in order for sunlight to reach the vegetation.*"  **Figure 1: *Spier map*** The 2 alternative sites investigated in the Amended draft BAR are areas that have not been allocated for farming nor conservation purpose. A3. It should be noted that FSM's comment and supporting Appendices relating to the Western Bypass Road does not reflect nor provide the full context as provided in the Stellenbosch Comprehensive Integrated Transport Plan (dated 2023 – Final Draft 2). Also note that the commentor has made reference to a draft report version and not a finalised approved/adopted version by the relevant authority. Note that no approved report is available at the moment.

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		A3.3 As shown in Appendices 1, 2 and 3 below, the SM Comprehensive Integrated Transport Plan of 2023 (CITP) as well as the Roads Master Plan have prioritised construction of this new road. (Appendix 2 is a high-quality reproduction of the same picture shown in the CITP itself and reproduced in Appendix 1). The southern segment of the yellow dashed line is the proposed route of the Western Bypass; it passes right through the eastern part of Farm 502/10. A3.4 Given that the DBAR2 Alternative 3 falls on the same physical area as the Western Bypass, it would be mendacious to propose an Alternative which cannot be executed even hypothetically. If Spier and the EAP is serious about this DBAR2 Alternative 3, the route of the Western Bypass must be included in the present EIA assessment. If the Bypass route overlaps Alternative 3, it is dead. If, on the other hand, the Bypass will later be re-routed to fall either west or east of the new Alternative 3 site, then that must be included in the present maps and assessments since the impacts will be cumulative. Of course the EIA of the Western Bypass itself has not been carried out yet. However, if at present Alternative 3 would be constructed now, then the Western Bypass will necessarily later further impact large swaths of Critical Biodiversity Area. A3.5 The combination of the Spier solar farm with a future Western Bypass EIA will also be a classic case of "salami tactics" where first in early 2024 about 36 hectares were ploughed by Spier (see FSM1), followed by the present loss of a further 20 hectares (Alternative 3, DBAR2) which in turn will be used to motivate even further destruction of CBA by the Western Bypass as there will be little CBA left nearby at that stage. The combination of these three are cumulative impacts.		According to the information provided in FSM's comment, the Western Bypass Road *passes right through the eastern part of Farm 502/10* (taken from FSM's comment) is referred to as Option 1. FSM's supporting Appendices conveniently leaves out the section where it is clearly stated within the CITP that Option 1 "*should be re-evaluated*" and that "*the reduced bypass proposal (Options 2 and 3), is considered more feasible for implementation*". This can be seen on page 93 of the Stellenbosch Comprehensive Integrated Transport Plan (dated 2023 – Final Draft 2). The following is taken from the Stellenbosch Comprehensive Integrated Transport Plan (dated 2023 – Final Draft 2): "*To implement the Western Bypass (Option 1),* ***expropriation and proclamation of the road reserve by the provincial government is required, as well as extensive public participation, funding requirements and approval processes. The possibility of implementing a lower order road, and utilizing existing roads should be investigated, especially since intersection improvements are being planned along the R44 by the Provincial Government. Option 1 should therefore be re-evaluated. The reduced bypass proposal (Options 2 and 3) as shown in Figure 7-2, is considered more feasible for implementation****." **Further comments or responses relating to the Western Bypass Road is therefore irrelevant.** **Please note that the land is privately owned. The landowner can develop the land should the necessary permits, approvals and specialist studies be conducted and obtained.**
		A4. Botanical and Biodiversity Assessment: The Addendum in Appendix G-2 is addressed only to this DBAR2 Alternative 3. None of the issues raised in Section E2 of FSM1 with respect to the general weakness have been addressed. We repeat: The Botanical and Biodiversity Assessment is based on insufficient evidence, only single-day quick site visits, lack of consideration of spatial variabilty of vegetation, neglect to assess or even mention important factors and unknowns in the assessment. We therefore repeat: The Botanical and Biodiversity Assessment is highly deficient and unscientific and its conclusions are therefore unreliable. A5. Refer also to CapeNature's comments of 20 March 2025 that even CBA1 areas must be preserved. The continuing loss of CBAs makes it imperative to preserve whatever is left as CBA2, not to denigrate its status as non-CBA1 or use earlier ploughing as a motivation for further destruction. A6. No-Go Alternative: The EAP also did not include or assess a No-Go alternative and must be required to do so.		A4. The Addendum to the Botanical and Biodiversity Assessment addresses and assessed additional site alternatives (alternatives 2 and 3) and not only Alternative 3 as stated in the comment. Adequate responses were provided to FSM's comments on the 1st draft BAR. A5. The following is taken from CapeNature's previous comments: "*We acknowledge that the site has been degraded by ploughing in the past and is not fully representative of Swartland Granite Renosterveld and rehabilitation to a natural or near-natural state would take a long time and be extremely costly.*" *"In this instance, although the area should probably be reclassified as CBA2 (areas which are degraded but ideally should be rehabilitated) and not CBA 1, we agree that the likelihood of rehabilitating this site to a near-natural condition is low."* A6. Please refer to Section H.3 of the BAR which provides the Impact Assessment Tables. It clearly provides the impact assessment of the No-Go Alternative.

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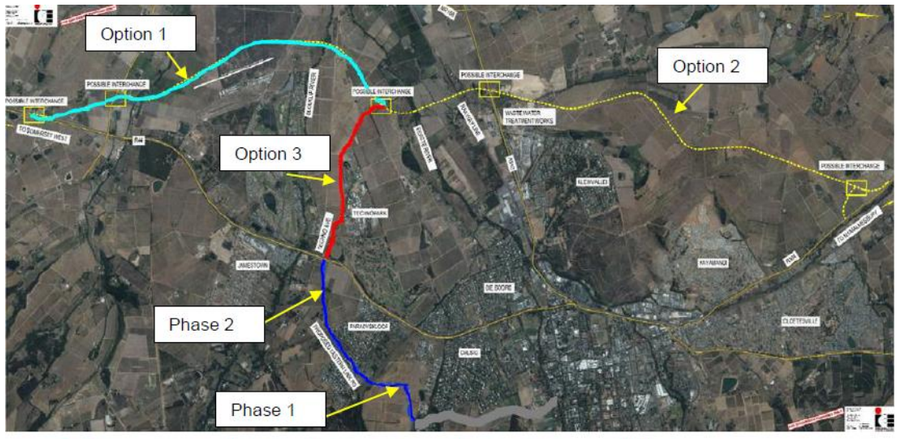
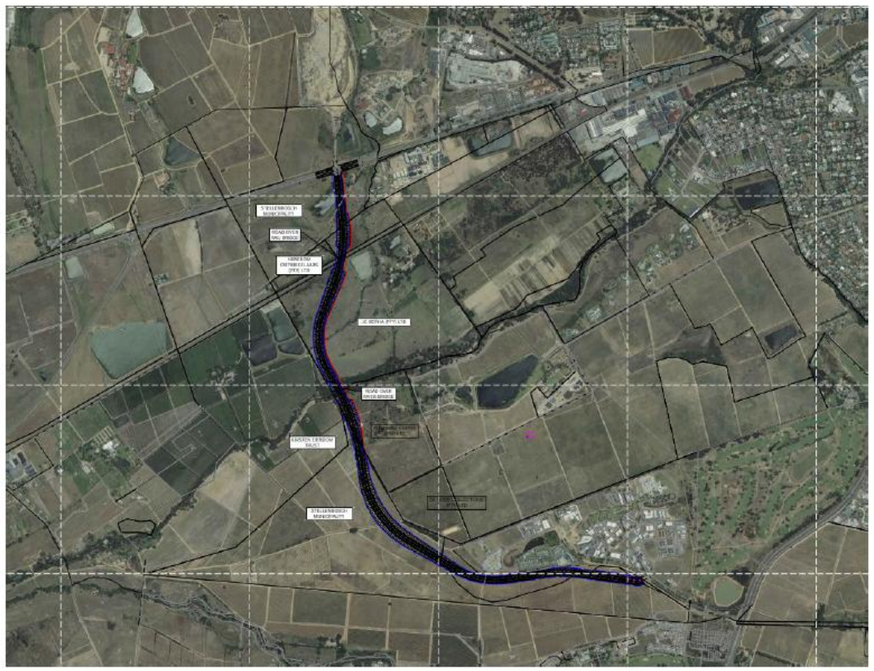
		B The FSM1 Alternatives B1. The DBAR2 does not assess or even mention the three additional alternatives proposed in FSM1. To avoid confusion, we here refer to the FSM1 Alternative 3, the FSM Alternative 4 and the FSM Alternative 2B as opposed to the DBAR2 Alternatives 2 and 3 which are not the same as these proposed FSM1 Alternatives. B2. Section D of FSM1 sets out in detail what these FSM Alternatives are and why they are preferable and have a lower environmental impact than all the current DBAR2 Alternatives. B3. All these FSM Alternatives rely on the fact that the footprint of the DBAR Alternatives is unnecessarily large due to the unnecessary reliance on Agrivoltaics land use. Cape Nature's comments re Agrivoltaics should also be read at this point. B4. The FSM Alternatives show that a smaller footprint can be achieved for the same electrical output, and that the environmental impact of these would be lower than all the present DBAR alternatives. As set out in Sections A3.7 and D of FSM1, even the proximity to the Eskom substation would be improved. B5. Other comment: The correct name of FSM is not "Friends of the Mountain" as used in DBAR2 Appendix F but "Friends of Stellenbosch Mountain". This must be corrected. **Appendices/Supporting information below:** **1 2023 Comprehensive Integrated Transport Plan (CITP)** **Page 2719** The implementation of Option 3 is currently underway, with the upgrading of the R44/Techno Park intersection complete and the planning of the link between Technopark and Adam Tas Road (R310) in progress. The latest preliminary design for the third option is shown in Error! Reference source not found. (source, Bergstedt R, Stellenbosch Municipality). In future the extension northwards (Option 2) partially following the Devon Valley Road and eventually linking with the R304 and the R44 may also be required, considering the proposed developments along the Adam Tas Corridor.  **Figure 7-2: Alignment of Possible Future Western Bypass (yellow) and Eastern Link (blue)**		B. The 2 alternative sites investigated in the 2nd draft BAR are areas that have not been allocated for farming nor conservation purpose. The alternative for a more compact solar development area would defeat the purpose of a dual-purpose initiative. This would require an entire area to be cleared of vegetation, whereas the current development proposal aims to retain as much of the existing vegetation as possible, hence the wide row spacing in order for sunlight to reach the vegetation. Adequate responses were provided (in the comments and responses table) to FSM's comments regarding alternatives. Refer to Appendix F7.1. Please note that the land is privately owned. The landowner can develop the land should the necessary permits, approvals and specialist studies be conducted and obtained. Your correction on the name of FSM is noted.

Date	Comments from	Comments received	Response from	Response received
		(Source: Messrs ICE)  Figure 7-3: Alignment of link road currently being designed between R44 and R310 – basically the third option from the 2019 Stellenbosch RMP – SRMP002 The assignment results (from macroscopic modelling in 2019) shown in the Stellenbosch Roads Master Plan confirms the importance of the proposed Western Bypass to service longer distance traffic, as it is predicted to reduce the traffic on the central part of the R44 by 970 vehicles/hour/direction (which is		

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		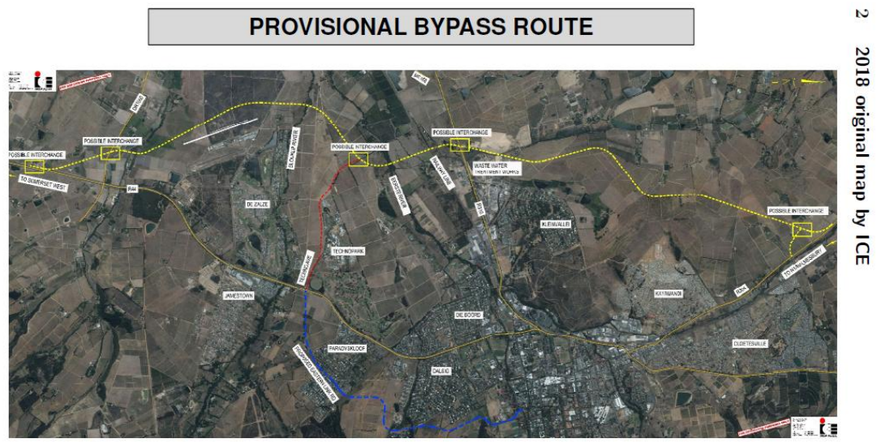 • Upgrades and development of roads should make adequate allowance for all modes of transport (cross-section, servitude boundary to boundary, urban design); • Bypass road options for through traffic should be developed and evaluated through a strategic environmental assessment; • Parking requirements related to new development should be scaled down in favour of public transport and NMT facilities; • Park-&-ride facilities should be developed to serve the Stellenbosch Town and Franschhoek CBDs; • On-street parking should be reduced and/or taken away on certain functionality type streets; • Where possible, on-street parking should be made more expensive to encourage motorists to park-&-ride and/or use NMT, and • Continued and improved road maintenance should always be provided. 7.1.3 Previously Updated Stellenbosch CITP Concepts, Key Strategies, Proposals This chapter defines the context and current realities of the Transport Infrastructure Strategy for the towns in the Stellenbosch Municipal boundary in terms of roadways and parking. It looks into the concepts, key strategies and proposals (projects) as captured in previous and existing documentation which include the previous CITP, IDP and RMP. 7.1.3.1 Major Roadways The overarching trend in the current realities and experiences of the roads network infrastructure indicated that congestion is the primary concern and that a number of sections of the current road network operates at capacity during peak times. The most important links have been identified in Section 5.2.		

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		Whilst the strategy to address the concerns around congestion (at the present time) has to be based on the current congestion levels and the predicted traffic demand in the Stellenbosch Roads Master Plan, it also has to take into account the recent proposals for the redevelopment of the Adam Tas corridor (described in Section 4.5). The Roads Masterplan completed for Stellenbosch in 2019 and approved by the Council in 2022, included the application of the existing Cape Town EMME/4 Metropolitan Transport model. A number of long-term land use scenarios (developed in cooperation with Stellenbosch municipal officials) were used to develop a 2040 Transport Demand Modelling Scenario for Stellenbosch. The 2018 base model includes the latest known residential, industrial and commercial development in the Stellenbosch municipal area. The 2040 scenario included all feasible developments extracted from information provided by Stellenbosch Municipality. The potential projects identified in the Roads Master Plan to address the predicted future demand, including the projects falling under provincial jurisdiction, are provided in Appendix E. In view of all the above, it is concluded that there are at least five major road projects which are required in the medium term to service the expected developments. They are the following (brief description provided below): • Portions of the Eastern Link Road; • Portions of the Western Bypass; • The R44 Upgrade – mostly provincial responsibility; • The Jamestown Links, and • Upgrading of the R304/Bird Street link. Eastern Link Road - This route has a long history. It was proposed many years ago as the north/south link, with the main aim of providing a new link into Stellenbosch midtown as a supplement to the R44. It was originally planned to link to Marais Street west of the Jan Marais Park, and to eventually link with Helshoogte Road, just south of Idas Valley. The original route has been compromised and has two major constraints, namely, passing the Stellenbosch College (originally Denneoord) and crossing the Coetzenburg sports grounds. Although the route has very strong merits from a traffic and transport viewpoint, it was opposed in the past by many, which in effect led to it being excluded from further considerations. Possibly a special class one Non-Motorised Transport (NMT) facility linking suburbs along this route to the CDB would be beneficial.		