



Appendix G7.2: Comments and Response Table – Draft Assessment Report – 30-day PPP

Date	Comments from	Comments received	Response from	Response received
COMMENTS RECEIVED ON THE DRAFT REPORT				
12/11/2025	DWS	<p>Reference is made to the above-mentioned document dated October 2025 with DEA&DP Reference Number: (14/2/4/1/B4/39/0017/25).</p> <p>This Department has perused the submitted application and has the following comments:</p> <ol style="list-style-type: none"> Note that no abstraction of surface or groundwater may be done or storage of water be created without prior authorisation from this Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act 1998 (Act No. 36 of 1998). No surface, ground or storm water may be polluted as a result of activities on the site. In the event that pollution does occur, this Department must be informed immediately. The person who owns, controls, occupies or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources. The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law. All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be adhered to at all times. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received. <p>Please do not hesitate to contact the above office should there be any queries.</p>	GBE	<ol style="list-style-type: none"> Noted. The development does not require abstraction or storage of water. Noted. The development requires the restoration of vegetation and therefore the potential of impacting ground, surface or stormwater is not affected. Noted. The development requires the restoration of vegetation. Noted. All comments received are included in the report to be submitted to the competent authority. Noted. Noted.
13/11/2025	FSM	<p>A Parameters laid down in 2020 and 2021</p> <p>A.1 The various areas under discussion are reproduced in App 2.1, taken from the 2025 Draft Assessment Report (DAR) Appendix H1. This is a reproduction of the original "Agricultural and Conservation Map" of 2021. They are: Vineyard (blue), Buffer area (orange), Conservation site (green), Additional Conservation Area (yellow) and unlawful ploughing area of 2ha (cyan). The pins show waypoints of the 2025 Biodiversity Assessment which will be discussed separately.</p> <p>A.2 The "orange" Buffer Area and the "yellow" Additional Conservation Area (see App 2.1) are the subject of the "SPECIFIC CONDITIONS" of the April 2021 DEADP authorisation (cf its Section E Item 22) and should by law therefore have been conserved since that time in addition to the "green" original conservation area to the west, while the "development area" constitutes the approved "blue" Vineyard polygon:</p> <p>22. The remainder of the area north and east of the development site, the buffer area, the proposed conservation area and existing conservation areas must be entered into a minimum of a biodiversity agreement with CapeNature within one year of the clearing of the authorised area commencing.</p> <p>A.3 The DEADP condition E22 refers to a conservation agreement between CapeNature and Spier in which the latter apparently undertake to conserve these areas. As the Agreement was never included in any EAP documentation, no specifics are available to us, but there is no doubt that the "green", "orange" and "yellow" polygons fall under this agreement and the conservation undertakings of Spier.</p> <p>A.4 Likewise, the 2020 Environmental Management Programme (EMPr) states on Figure 2 Page 12: The conservation and buffer areas proposed will be undertaken and managed in concert with the conservation initiatives which are currently implemented by Spier Estate, as detailed below . . . , and in Section 10 Item 3: The active conservation of other parts of Spier, Stellenbosch Municipality to actively encourage the return of natural Swartland Granite Renosterveld as opposed to simply leaving the land to lie fallow and to permit the dominance of such species as Stoebe plumosa (slangbos).Fire would be an important tool in this management process and controlled burns are advocated with permission from the relevant authorities.</p> <p>A.5 Rehabilitation and the Holmes Restoration Plan: Also explicitly required by the DEADP is rehabilitation, as mentioned throughout the Authorisation, including implementing the updated 2021 Holmes Restoration Plan (see DEADP Authorisation Heading "Management of Activities", Item 10). The Holmes Plan can be found in Appendix H2 of the October 2025 S24G DAR (incorrectly called "Rehabilitation Plan" by the EAP). Important elements and recommendations of the Plan include:</p> <p>(a) The Plan applies to the "green" Conservation Area, the "yellow" Additional Conservation Area, and the "orange" Buffer Area, which she calls "Corridor Area": See Fig 2 in the Plan.</p> <p>(b) Holmes divides the Buffer Area into three subareas as per the Plan's Figure 1, which are each subject to different restoration measures.</p> <p>(c) Part of the measures are a controlled burn to stimulate regrowth and geophytes.</p>	GBE	<p>A. The comments are addressed in the sections below.</p>

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		<p>(d) App 1 below summarises the Holmes Plan's areawide measures and timeline for restoration, including control of kikuyu and kweek grass, control of alien and invasive trees, sowing and planting of restoration fynbos species after a controlled burn, and monitoring.</p> <p>B Noncompliance: unlawful ploughing, but much more We summarise this section as follows: The Section 24G process must address not only the unlawful ploughing, but the implementation of the other activities and conservation measures which were explicitly required in the 2021 DEADP Authorisation. This section tries to raise some of the required measures which seem to have been implemented not at all or very incompletely. Our assessment is based on the incomplete information provided by the Applicant and EAP, which itself contravenes the rules of Public Participation.</p> <p>B1 Additional areas ploughed</p> <p>B1.1 The S24G application itself merely refers to "2 hectares" which have been unlawfully ploughed, as outlined in the cyan polygon in App 2.1; see also the airphotos in the Appendices below.</p> <p>B1.2 An additional separate area of 0.22ha had been unlawfully ploughed in the northern part of Farm 501 Portion 10 already in October 2022, i.e. after the Vineyard application and authorisation in the south, but well before the 2024/2025 Solar Panel application (Ref No 16/3/3/1/B4/45/1086/24). Since then, it has been planted by something (vines, or by what?). It is visible already in the 2025 BARs for the Solar Panel process (Appendix B Site Development Plan, Fig 2; shown in App 2.2) and falls outside the area approved for that process.</p> <p>B1.3 Listed Activity 12 of Listing Notice does apply to this additional area, because it must be added to the above 2 hectares.</p> <p>B1.4 There has been no independent verification that the remainder of the area burnt in 2024 was not ploughed in other parts too (re the 2024 burn, see item "Fire" in subsection B2).</p> <p>B2 Noncompliance with the 2021 DEADP Special Conditions</p> <p>B2.1 By the DEADP 2021 Authorisation, all of the measures and undertakings set out in Section A were legally required. They should have been implemented by Spier, and should also all have been under continual monitoring by the 2021 Environmental Control Officer (ECO). Any deviations and violations should have been reported and rectified as per DEADP conditions.</p>		<p>B. Note that the unlawful clearance of vegetation outside of the approved vineyard area (within the still applicable EA), triggered a listed activity in the area that was not part of the EA. Only the impact of the unlawful activity is what is addressed in this S24G process.</p> <p>B1.</p> <p>B1.1. Correct, the application relates to the unlawful clearance of approximately 2ha of vegetation outside of the approved vineyard area.</p> <p>B1.2. Note that the area referred to does not form part of this application and was not conducted by the applicant, but rather by Farmer Angus.</p> <p>Also note that the referred to area is approximately 0.16ha. Activity 27 of Listing notice 1 was not triggered, since the cleared area is less than 1ha. Activity 12 of Listing Notice 3 was not triggered since the vegetation within that area is not endangered or critically endangered. According to the botanical specialist (who conducted the botanical assessment for the Solar Development), the proposed development area consists of secondary vegetation which is not classified as endangered or critically endangered.</p> <p>The following is taken from the <i>Botanical and Biodiversity Assessment of a part of Remainder of Portion 10 of Farm Louw's Bos 502, Stellenbosch</i> conducted by Dr Dave McDonald (October 2024): "The area proposed for the development of the Spier Solar Energy facility is part of a larger area of land that has been subject to agricultural practices since early colonial times (1652 onwards). Historically the study area would have supported Swartland Granite Renosterveld, a species-rich shrubland formation. This vegetation was all removed and striations indicative of ploughing were noted around Waypoint SPE0004 (see below).</p> <p><i>The vegetation that is now found on the site is indisputably secondary shrubland. Although most of the area proposed for solar energy infrastructure development is within a CBA1 area, based on my field survey I have concluded that (a) this is old but secondary vegetation and is not undisturbed Swartland Granite Renosterveld; (b) NO threatened species occur; (c) the vegetation consists mainly of common species that are ruderals or common weedy species of very low importance; the species-richness of the site is low to very low and (d) there is an insignificant presence of geophytes (virtually none) even though the survey was done at an optimal time in spring. There is also very low probability that the habitat would restore to renosterveld representative of the original type."</i></p> <p>B1.3. Activity 12 of Listing Notice 3 was not triggered by the unlawful clearance of the 2ha vegetation as the vegetation is deemed secondary vegetation and not critically endangered or endangered. Activity 12 of Listing Notice 3 was not triggered by the clearance of 0.16ha of vegetation since the vegetation within that area is not endangered nor critically endangered.</p> <p>B1.4 The area was not cleared but was burnt as part of the annual ecological burns that Spier conducts. Burn permits are obtained for such events. An ecological prescribed burn was done during April 2023. Special Burn Permit no BPST23022401 was issued by CWDM.</p> <p>B2.</p> <p>B2.1 Note that activities relating to the Vineyard EA (2021), only commenced in February 2024 no monitoring was required prior to commencement of the EA. The unlawful clearance was reported to DEA&DP: Directorate: Development Management in an ECO report. The development area (for the vineyard) was</p>

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		<p>B2.2 We are not referring to promises for the future, as again made by the 2025 DAR, but to implementation since 2021. Very little is said in the DAR on what has actually been done or achieved in the period 2021 to 2025. Implementation of past 2021 requirements is critical for assessment of the present DAR and its components, because nonimplementation of past promises and requirements is not only unlawful but implies that the 2025 DAR undertakings have no credibility.</p>		<p>demarcated and the applicant is in the process of obtaining the biodiversity agreement with CapeNature.</p> <p>B2.2. Note that activities relating to the 2021 EA only commenced in 2024 within the validity period of the EA. The following information is provided by the applicant and serves as responses to the comments relating to the restoration of vegetation, alien clearing and fire:</p> <p>Prescribed burn An ecological prescribed burn was done during April 2023. Special Burn Permit no BPST23022401 was issued by CWDM. Approximately 36 ha were included in the burn supported by CWFPA, Limitless Fire. The picture below indicates start of the controlled burn.</p> <div></div> <p>Areas were prepared with firebreaks, and alien trees were removed before the burn.</p> <p>Alien clearing: Pre- and post-burn alien clearing are done. Post-burn removal of Mature Stone Pines was postponed after allegations of veld clearance due to felling and chipping of these large trees. Management of grasses is ongoing.</p> <p>Rehabilitation and monitoring: Post-burn seasonal monitoring is being done, and the following species have been identified with reference to the rehabilitation plan over the 3x sections (Either self-emergent or introduced via seeding or planting).</p> <p>Tall Shrubs: <i>Dodonaea viscosa</i> var. <i>angustifolia</i>, <i>Chrysanthemoides monilifera</i>, <i>Passerina corymbosa</i>, <i>Searsia angustifolia</i>, <i>S. tomentosa</i> Low Shrubs: <i>Elytropapus rhinocerotis</i>, <i>Eriophalus africanus</i> var. <i>africanus</i>, <i>Aspalathus hispida</i>, <i>Athanasia trifurcata</i>, <i>Chironia baccifera</i>, <i>Lobostemon argenteus</i>, <i>Offia Africana</i>, <i>Stoebe cinerea</i>, <i>Aspalathus alata</i>, <i>Clifortia ruscifolia</i>, <i>Euryops abrotanifolius</i>, <i>Otholobium hirsuta</i> Shrublets: <i>Polygala garcinia</i>, <i>Otholobium decumbens</i>, <i>Carpobrotus edulis</i>, <i>Ruschia macowanii</i>, <i>Hermania almanifolia</i>, <i>Chrysocoma ciliata</i> Herbs: <i>Helichrysem crispum</i>, <i>Helichrysum pandulifolium</i>, <i>Helichrysum teretifolium</i>, <i>Chironia baccifera</i>, <i>Wahlenbergia capensis</i>, <i>Senecio erosus</i>. Geophytic Herbs: <i>Oxalis pes-caprae</i>, <i>O.purpurea</i>, <i>Moraea fugax</i>, <i>Moraea gaweri</i>, <i>Horonthrix villosa</i>, <i>Ceratandra grandiflora</i>, <i>Pterogodium catholicum</i>, <i>Pterogodium orobandicoides</i>, <i>cynella hyacinthoides</i> Graminoids: <i>Restio capensis</i></p>

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		<p>B2.3 We are forced to make inferences on implementation during 2021 to 2025 based on circumstantial evidence such as the physical condition on the ground and the absence of information and references in the S24G DAR.</p> <p>B2.4 We have no insight into the doings and communications of the 2021 Environmental Control Officer; no information was provided. It is unclear what Monitoring, Auditing and reporting to DEADP was done as per Section E Items 12 to 18 of the DEADP Authorisation.</p> <p>B2.5 Based on what information we have, it appears that very little implementation was actually undertaken in 2021 to 2025 as set out below. If the Applicant and EAP want to dispute this, then full details of the ECO reports and audits must be made public.</p> <p>B2.6 Nonimplementation or partial implementation of Holmes, CapeNature Agreement</p> <p>(a) Not one of the documents in the S24G DAR mention or consider any of the specific implementation of restoration measures within the Holmes Plan. Were the Plan's restoration measures of App 1 applied in full? What evidence is there for that? Why were those implementations not mentioned anywhere in the S24G reports? We can only infer that very little or nothing was implemented.</p> <p>(b) Why does the 2025 Biodiversity Assessment not refer to the implementaton of the Holmes Plan and CapeNature agreement and its specific areas and consequences? We infer that much of the Plan was never implemented.</p> <p>(c) The 2025 EMPr likewise makes no mention of implementation of restoration work done under the Holmes Plan in the time 2021 to 2025, as undertaken by the 2020 EMPr and required by the 2021 DEADP authorisation.</p>		<p>Rhizomatous: <i>Aristea africana</i>, <i>Bulbine praemorsa</i></p> <p>The following plants we are propagating in our nursery, earmarked for planting next season, April 2026 onwards.</p> <p>Tall Shrubs: <i>Euclea racemosa</i>, <i>Olea europaea</i>, <i>Putterlickia pyracanta</i>, <i>Seasia laevigata</i>, <i>Diospyros glabra</i>, <i>Dodonaea viscosa</i>, <i>Myrsine Africana</i>, <i>Protea burchellii</i>, <i>Protea repens</i>, <i>Protea neriifolia</i></p> <p>Low Shrubs: <i>Felicia filifolia</i>, <i>Leucadendron lanigerum</i>, <i>Perlagonium capitatum</i>, <i>Salvia africana</i>, <i>Podalyria argentea</i>, <i>Metalasia muricata</i></p> <p>Geophytic Herbs: <i>Watsonia borbonica</i>, <i>W. amabilis</i>, <i>Babiana villosula</i>, <i>Wachendorfia paniculata</i>, <i>Gladiolus maculatus</i>. <i>Chasmanthe Aethopica</i></p> <p>B2.3. Refer to point B2.2.</p> <p>B2.4. Please note that commencement of the EA only occurred in 2024, no activity commenced prior to that. Hence no information is available for that time. ECO monitoring and ECO reports have been conducted since the EA commenced in 2024 and submitted to DEA&DP: Directorate: Development Management, even though it is not a requirement in terms of the Conditions of the EA.</p> <p>B2.5. Note that activities relating to the 2021 EA only commenced in 2024 within the validity period of the EA. ECO reports have been conducted and submitted to DEA&DP: Directorate: Development Management, even though it is not a requirement in terms of the Conditions of the EA. It is not a requirement for ECO reports to be made available to the public. Also refer to point B2.2.</p> <p>B2.6.</p> <p>(a) Refer to point B2.2.</p> <p>(b) The 2025 Biodiversity Assessment assessed the impacts of the clearance on the site at that present time. The restoration plan was not yet implemented at the time when the unlawful clearance commenced (for the 2021 EA). Should the restoration plan (reintroduction of natural vegetation) have been implemented prior to commencement of the 2021 EA then the impact of the unlawful clearance would most-likely have been greater.</p> <p>Refer to point B2.2, for the actions conducted in terms of the restoration plan.</p> <p><i>The scope of the 2025 Terrestrial Biodiversity Assessment was limited to assessing the ecological impacts associated with the unlawful vegetation clearance, as required under the Section 24G process. Our mandate did not include evaluating the effectiveness of past restoration efforts, auditing compliance with the Holmes Plan or CapeNature agreement, or assessing the implementation status of those agreements.</i></p> <p><i>For this reason, while historical context was considered where relevant, the assessment focuses specifically on:</i></p> <ul style="list-style-type: none"><i>Determining the likely ecological status of the impacted area,</i><i>Quantifying the impacts of the unlawful clearance,</i><i>Determining significance,</i><i>Identifying Species of Conservation Concern and sensitive habitats, and</i><i>recommending appropriate mitigation and rehabilitation measures going forward.</i> <p><i>Please refer to Section 1.2. for the detailed objectives of the 2025 Terrestrial Biodiversity Assessment.</i></p> <p>(c) The 2025 EMPr relates to the unlawful clearance of vegetation, measures on how it would be restored and managed. The EMPr is not a report to update implementation and monitoring progress. The restoration plan is being implemented. Implementation</p>

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		<p>(d) The previous 2020 EMPr lists "Rehabilitation Plan" as Section 11 in its Table of Contents and refers to it, but Section 11 itself is missing. Clearly it was not considered important. The 2020 BAR also never provides details of the Spier-CapeNature agreement and its mandatory requirements.</p> <p>B2.7 Nonimplementation of Alien Clearing</p> <p>There is zero information on alien clearing of invasive species in all the S24G DAR reports. The air photos appended below show that even in 2025 many large pines survive in the "conserved" areas. Also, the Biodiversity Assessment makes a big deal of the invasive species still found there, meaning that no measures were taken during 2021-2025 to combat these as per Holmes Plan.</p> <p>The Biodiversity Assessment does not criticise or even notice nonimplementation of the 2021 alien clearing promises, but merely recommends conducting ongoing alien plant control, and integrating the cleared area into the estate's conservation agreement with CapeNature as per the Environmental Authorisation dated April 2021. The same goes for the 2025 EMPr and DAR main report: no mention of the fact that the purported dire state of the area is due to nonimplementation during 2021-2025, followed by promises for the future which therefore have no credibility.</p> <p>B2.8 Fire</p> <p>(a) While the Holmes Plan does recommend that a controlled burn be conducted, the S24G DAR and Appendices does not consider at all the effect of any past fires; again, it only makes promises with regard to future fire management.</p> <p>(b) The S24G DAR and all its appendices fail to even mention that apparently there was a wildfire, just about at the time when the unlawful ploughing was done in January or February 2024. See photos in App 2.4 (Situation in January 2024), App 2.5 and App 2.6 (a month later in February 2024) and App 2.7 (October 2025).</p> <p>(c) In the result, the DAR fails to provide critical information to DEADP and the public. It must explain whether that fire was a controlled burn or an accident. It and the Biodiversity Assessment must then explain the consequences of that fire in relation to the DEADP Special Condition E 22.</p>		<p>of the restoration plan can be seen under point B2.2. The restoration plan has also been included in the 2025 EMPr as measure for restoring the unlawfully cleared area.</p> <p>(d) The Rehabilitation Plain is included in the 2020 EMPr (page 64). The biodiversity agreement is included in the EA. CapeNature was also an I&AP for this process and did not provide more conditions.</p> <p>B2.7. Refer to point B2.2.</p> <p>The 2025 Biodiversity Assessment assessed the impacts of the clearance on the site at that present time. Based on the applicant: Alien clearing:</p> <p>Pre- and post-burn alien clearing are done. Post-burn removal of Mature Stone Pines was postponed after allegations of veld clearance due to felling and chipping of these large trees. Management of grasses is ongoing.</p> <p>Alien clearing in terms of the pine tress will continue once the S24G process has been completed.</p> <p>B2.8.</p> <p>(a) The area was burnt as part of the annual ecological burns that Spier conducts. Burn permits are obtained for such events. Special Burn Permit no BPST23022401 was issued by CWDM</p> <p>(b) & (c) An ecological prescribed burn was done during April 2023. Special Burn Permit no BPST23022401 was issued by CWDM. Approximately 36 ha were included in the burn supported by CWFPA, Limitless Fire. The picture below indicates start of the controlled burn.</p> <div><p>Legend</p><p>Map Center: Lon: 18°48'36.2"E Lat: 33°58'46"S Scale: 1:2257 Date created: 2025/19/11 Western Cape Government FOR YOU</p></div> <p>Areas were prepared with firebreaks, and alien trees were removed before the burn.</p> <p>A fire appears to have occurred on the property in early 2024; however, no information was provided by the landowner regarding whether this was a controlled burn or an accidental wildfire. While the event was noted during desktop imagery review, the findings of the 2025 Terrestrial Biodiversity Assessment were supported by multiple additional information sources including the 2020 botanical assessment by McDonald, a review of historical spatial datasets and literature, and a field survey, which together</p>

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		<p>B2.9 The 2025 Biodiversity Assessment (DAR Appendix H1)</p> <p>(a) To start with the positive: 2025 Biodiversity Assessment is a big improvement over the assessments by Dr McDonald, using, amongst others, a detailed Natural Land Cover Map, the 2021 SANBI Threatened Ecosystems, the Western Cape Spatial Biodiversity Spatial Plan of 2023 and even inaturalist. All of those were missing in Dr McDonald's work.</p> <p>(b) The 2025 Assessment remains deficient in the number of waypoints (see below) and sample days (only one) but at least did their work during spring.</p> <p>(c) It is not incorrect to say that strictly only the cyan polygon (ploughed areas) should be assessed in the Section 24G process, because by definition of ploughing, little or nothing of importance would be found there anyway.</p> <p>(d) The 2025 Assessment fails in the critical issue of awareness of implementation or nonimplementation of the DEADP Special Conditions and taking those as pointers where to look and what to look for in terms of the botany.</p> <p>(e) For example, the 2025 Biodiversity Assessment should have made a point of looking at the restoration plants, including geophytes, and the results of the 2024 fire. Omission of those amounts to failure to answer critical questions on the state of the area.</p>		<p><i>provide a reliable baseline which informed the assessment of impacts associated with the unlawful clearance of vegetation.</i></p> <p>Please note this is not applicable to the 24G process, please ensure your comments refer to the clearance of vegetation outside of the approved EA.</p> <p>B2.9.</p> <p>(a) Note that the 2020 Biodiversity Assessment report did not include maps of 2021 and 2023 as the assessment was conducted in 2020. Furthermore, the findings of the 2025 Biodiversity Assessment confirms the findings of the 2020 report (by Dr. Dave McDonald) by the same specialist. The following is taken from the 2025 Biodiversity Assessment report: " The retrospective ecological assessment of the 2 ha unlawfully cleared area within Spier Wine Estate indicates that the impacts to terrestrial biodiversity, plant and animal species are minimal to low. The project area is ecologically degraded and primarily consists of secondary vegetation."</p> <p>(b) The specialist conducted their assessment, in terms of the relevant legislation, requirements and protocols. The number of waypoints and sample days by which an assessment must be conducted are not legislated. <i>It should be noted that while sample points are shown on Figure 2.1 of the 2025 Terrestrial Biodiversity Assessment, sampling was not restricted to these points alone. Species and vegetation condition were assessed along the full length of the specialist's meander within and outside the clearance areas (see red lines in Figure 2.1). Conclusions regarding the historical condition of the site and the potential impacts of the unauthorised activities were drawn from the best available information, including the 2020 botanical assessment by McDonald (2020) and relevant spatial datasets. Given the scale of the unlawful clearance and the secondary nature of the vegetation within and surrounding the affected area, the specialist is confident that the field survey duration, combined with the desktop assessment, was adequate to determine the ecological status and sensitivity of the site prior to clearance and to assess the likely impacts associated with the unauthorised vegetation removal.</i></p> <p>(c) The S24G process/application relates to the unlawful activity that commenced without obtaining environmental authorisation, therefore it only assessed the unlawfully cleared areas. <i>Please note that while the Section 24G process focuses on the cleared areas, proxy sample sites outside of these areas were also included and assessed to provide context on the likely baseline condition of the vegetation and habitat condition. Conclusions regarding the historical condition of the site and the potential impacts of the unauthorised clearance were drawn from the best available information, including the 2020 botanical assessment by McDonald and relevant spatial datasets.</i></p> <p>(d) The 2021 EA, Rehabilitation plan, and the 2020 Botanical Assessment were provided to the specialist to conduct their assessment. <i>As per the response to comment B2.6(b) above, the 2025 Terrestrial Biodiversity Assessment focused on evaluating the ecological impacts of the unlawful vegetation clearance, rather than auditing implementation or compliance with DEADP Special Conditions. The specialist was fully prepared for the site visit, having conducted a desktop assessment of historical vegetation types, potential Species of Conservation Concern (SCC), and priority biodiversity areas, informed by the 2020 McDonald assessment, iNaturalist, and relevant spatial datasets. Key resources that were consulted are summarised in Section 2.2.1 to 2.2.3 of the 2025 assessment. All plant species observed were systematically recorded during the field survey. App 2.3 of the Friends of Stellenbosch Mountain (Nov. 2025) further supports the findings, confirming that no SCC occur within or near the unauthorised cleared areas.</i></p> <p>(e) Refer to point 2.2.</p> <p><i>The 2025 Terrestrial Biodiversity Assessment systematically recorded all plant species observed on site, including geophytes, during the field survey. While the occurrence of</i></p>

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		<p>(f) Hence: Why did the Assessment not sample those areas inside the orange and yellow polygons in which conservation and restoration were supposed to have been implemented 2021-2025? Compare the Waypoints in App 2.3 and ask why the Biodiversity Assessment bothered to sample the green polygon (which was hardly mentioned by Holmes et al), while completely neglecting the yellow polygon north of the Vineyard area and looking only at Buffer Area (orange polygon) waypoints in the its extreme east?</p> <p>(g) Species List and Species of Conservation Concern: Why did the Biodiversity Assessment not take into account the information within the 2021 CapeNature comments (App 2.8) and complementary species lists (App 2.3? Again, the argument that these did not all fall into the ploughed areas does not invalidate the fact that Species of Conservation Concern were found by these previous assessments, very close to the present assessment's waypoints. The 2025 Assessment claims there are no SCC is biased in not taking such information into account.</p> <p>C Arguments in aggravation of Section 24G fines</p> <p>C.1 We shall repeat our statements on nonimplementation in Section D below. Nonimplementation is a highly aggravating argument which must influence fines (but not only fines).</p> <p>By the DEADP 2021 Authorisation, all of the measures and undertakings set out in Section A were legally required. They should have been implemented by Spier, and should also all have been under continual monitoring by the 2021 Environmental Control Officer (ECO). Any deviations and violations should have been reported and rectified as per DEADP conditions.</p> <p>If all these measures and undertakings by Spier, the EAP and even the ECO were not implemented,</p> <p>C.2 The additional area of 0.22ha referred to in Section B was not mentioned or added to the unlawful ploughing which is the subject of the 2025 Section 24G process. Also its present and future legal status must be determined: is this just the start of an unlawful vineyard or plantation?</p>		<p><i>a fire in early 2024 was noted from desktop imagery, no information was provided by the landowner regarding its origin or extent. Importantly, the findings of the 2025 assessment were supported by multiple sources (please refer to Chapter 2 of the report) including the 2020 McDonald botanical assessment, historical spatial datasets, available literature and consultation of citizen science platforms. It is with a high level of confidence that the specialist can state that the duration of time spent in the field, and the data collected from both the field survey and desktop assessment, were adequate to ascertain the likely ecological status and sensitivity of the study site prior to vegetation clearance/transformation and assess the likely impacts associated with the unauthorised vegetation clearance.</i></p> <p><i>(f) Sample points were located within both the orange and yellow polygons (refer to Figure 2.1 of the 2025 Terrestrial Biodiversity Assessment). The purpose of the assessment was to evaluate the ecological impacts associated with the unlawful vegetation clearance, as required under the Section 24G process. Additional sample points were assessed in the green polygon, which represented intact vegetation and provided a reference for what the vegetation within and surrounding the affected areas would have looked like prior to historical clearance/disturbance. This comparison confirmed the secondary nature and condition of the vegetation within the orange and yellow polygons.</i></p> <p><i>(g) The information contained in the 2021 CapeNature comments was not provided to the specialist and was therefore not known at the time of the assessment . Nonetheless, multiple data sources including citizen science platforms, spatial datasets, the DFFE Screening Tool Report, and the original botanical assessment by McDonald (2020) (see Section 2.2.2 of the 2025 Terrestrial Biodiversity Assessment), were used to identify potential plant Species of Conservation Concern (SCC) present or likely to occur within the project area. Furthermore, App 2.3 of the Friends of Stellenbosch Mountain (Nov. 2025) supports the assessment's findings, confirming that no SCC occurred within or directly adjacent to the unauthorised cleared areas.</i></p> <p>C.</p> <p>C.1. Note that activities relating to the 2021 EA only commenced in 2024 within the validity period of the EA. The non-compliance with the conditions of the EA was reported to DEA&DP: Directorate: Development Management in the ECO report. The development area (for the vineyard) was demarcated and the applicant is in the process of obtaining the biodiversity agreement with CapeNature. Rectification of the unlawful activity (2ha) is currently being conducted. The Applicant was already awaiting the specialist to conduct the assessment before the S24G process commenced.</p> <p>C.2. Note that the area referred to does not form part of this application and was not conducted by the applicant, but rather by Farmer Angus. Also note that the referred to area is approximately 0.16ha. Activity 27 of Listing notice 1 was not triggered since the cleared area is less than 1ha. Activity 12 of Listing Notice 3 was not triggered since the vegetation within that area is not endangered or critically endangered. According to the botanical specialist (who conducted the botanical assessment for the Solar Development), the proposed development area consists of secondary vegetation which is not classified as endangered or critically endangered.</p> <p>The following is taken from the <i>Botanical and Biodiversity Assessment of a part of Remainder of Portion 10 of Farm Louw's Bos 502, Stellenbosch</i> conducted by Dr Dave McDonald (October 2024):</p> <p><i>"The area proposed for the development of the Spier Solar Energy facility is part of a larger area of land that has been subject to agricultural practices since early colonial times (1652 onwards). Historically the study area would have supported Swartland Granite Renosterveld, a species-rich shrubland formation. This vegetation was all removed and striations indicative of ploughing were noted around Waypoint SPE0004 (see below).</i></p> <p><i>The vegetation that is now found on the site is indisputably secondary shrubland. Although most of the area proposed for solar energy infrastructure development is within a CBA1 area, based on my field survey I have concluded that (a) this is old but</i></p>

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		<p>C.3 If on investigation it becomes clear that any one or more of the conditions of the 2021 DEADP authorisation (eg Condition E 22, the Holmes Restoration Plan, the regular ECO reports and audits etc) were not complied with, that must count heavily in determining an appropriate sanction and may even be a criminal transgression.</p> <p>C.4 Fines of up to R10million are allowed. Given the very large annual income of Spier Estates, the maximum fine would be appropriate.</p> <p>D Legal imperative: Environmental remedying of unauthorised environmental activities</p> <p>D.1 To repeat our central claim in these comments: The Section 24G process must address not only the unlawful ploughing, but the implementation of all the other activities and conservation measures which were explicitly required in the 2021 DEADP Authorisation.</p> <p>D.2 A mere fine is not enough, because then noncompliance would in effect be accepted and amount to (ex post facto authorisation of unlawful activities). The DEADP decision and conditions must ensure that the environmental damage is addressed also with environmentally relevant measures.</p> <p>D.3 The above “must” is imperative. Refer specifically to NEMA Section 24G, subsection (1)(c)(aa)(C) which reads (quoting only the relevant passages):</p> <p>(1) On application by a person who . . . (c) is in control of or successor in title to land on which a person . . . (i) has commenced with a listed or specified activity without an environmental authorisation, the Minister (aa) MUST direct the applicant to . . . (C) remedy any adverse effects of the activity on the environment. where DEADP is of course acting under delegation of the Minister or MEC.</p> <p>D.4 Furthermore, the conditions to be imposed by DEADP in this S24G application cannot be limited to just the ploughed areas only, but must encompass the entire eastern area of Portion 10 of Farm 502 and noncompliance with the 2021 Authorisation plus all environmental measures required in it, as per its own 2021 Authorisation. All the items in Section A must be implemented and monitored: Conservation and Restoration on the green, orange and yellow polygons.</p> <p>D.5 If the Applicant and EAP want to dispute our claim that most of the 2021 DEADP Special Condition 22 were never implemented, then full details of the ECO reports and audits must be made public, and the second Public Participation Process must allow for comment on that additional information.</p> <p>E The Vineyard, S24G and Solar Panel applications constitute “phased activities”</p> <p>E.1 We repeat here that the present Section 24G process is linked to the Solar Panel application (Ref No 16/3/3/1/B4/45/1086/24) and that both should be assessed and judged in conjunction as phased activities.</p> <p>E.2 See Item 7 in Section D.3 in our Appeal dated 29 September 2025, where we quoted the definition of phased activity in the 2017 EIA Regulations:</p> <p>“phased activities” means an activity that is developed in phases over time on the same or adjacent properties to create a single or linked entity, but excludes any activity for which an environmental authorisation has been obtained in terms of the Act</p>		<p><i>secondary vegetation and is not undisturbed Swartland Granite Renosterveld; (b) NO threatened species occur; (c) the vegetation consists mainly of common species that are ruderals or common weedy species of very low importance; the species-richness of the site is low to very low and (d) there is an insignificant presence of geophytes (virtually none) even though the survey was done at an optimal time in spring. There is also very low probability that the habitat would restore to renosterveld representative of the original type.”</i></p> <p>C.3. Please note, the non-compliance with the conditions of the EA was reported to DEA&DP: Directorate: Development Management in the ECO report. The development area (for the vineyard) was demarcated and the applicant is in the process of obtaining the biodiversity agreement with CapeNature. Rectification of the unlawful activity (2ha) is currently being conducted. The Applicant was already awaiting the specialist to conduct the assessment before the S24G process commenced.</p> <p>C.4. It is for the competent authority to decide based on the area and level of impact, what applicable fine amount should be issued to EA Holders.</p> <p>D.</p> <p>D.1. The S24G process/application relates to the unlawful activity that commenced without obtaining environmental authorisation only, therefore it only assessed the unlawfully cleared areas. No other illegal activities have been identified.</p> <p>D.2. It is for the competent authority to decide based on the area and level of impact, what applicable fine amount should be issued to EA Holders. DEA&DP conducts environmental monitoring site visits to check whether compliance with the EA and EMPr are being implemented.</p> <p>D.3. Note that this S24G application is to rectify the unlawful activity by restoring/rehabilitating the area.</p> <p>D.4. Incorrect. The non-compliance in relation (unlawful clearing) to the conditions of the 2021 EA was reported to DEA&DP: Directorate: Development Management within the ECO report. The development area (for the vineyard) was demarcated after the first ECO site visit and the applicant is in the process of obtaining the biodiversity agreement with CapeNature. Rectification of the unlawful activity (2ha outside the EA area) is currently being conducted in this application. Note that this S24G application is to rectify the unlawful activity by restoring/rehabilitating the area. All other activities fall within the applicable EA.</p> <p>D.5. Condition 22 refer to the biodiversity agreement, the EA Holder is currently in the process of obtaining the agreement with CapeNature. It is not a requirement nor condition of the 2021 EA that the ECO report must be made available to the public. The EA commenced in 2024 and the applicant is in process to obtain the agreement – the condition is being implemented.</p> <p>E. 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. The two are not linked, one is for agricultural purposes the other for generation of green energy.</p> <p>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</p>

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		<p>E.3 The Solar Panel application area, the Vineyard area and the Section 24G area all fall “on the same property” being Portion 10 of Farm 502. They constitute a “linked entity” in that they are in the same biodiversity area and they are in close physical proximity of one another. And no “ ‘environmental authorisation in terms of the Act” was ever given for any activity except the Vineyard before the Solar Panel application was brought.</p> <p>E.4 We reject the assessment of the claim (as made in the 20 October comments on the FSM Appeal by a DEADP officer) that there is no functional or operational link between the cultivation activity and the development of the solar facility. Of course vines are not solar panels, but the underlying nature areas are very much linked physically. Linking does not refer exclusively to linked land use, but can and does refer to the land itself.</p> <p>E.5 The situation is not changed by the 20 October 2025 Appeal Comments on the interpretation of the term “Geographic Area” in Activity 26 of Listing Notice 3. Both the S24G area and the Solar Panel area fall into the same “geographic area” if that is taken to be “Western Cape”.</p> <p>E.6 We therefore repeat that the footprints of the two 2024/25 activities (ploughing as per S24G and the Solar Panel application) must therefore be considered in unison, that they together exceed 20 hectares.</p>		<p>portion, it has no relation to each other, and therefore, the clearance of vegetation for each separate development cannot be added together, nor can one Scoping and EIR process be conducted for these two separate developments.</p> <p>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.</p> <p>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. and located in a different area The solar panel development has no relation to the vineyard.</p>
20/11/2025	CapeNature	<p>CapeNature would like to thank you for the opportunity to comment on the Section 24G Application or Draft Assessment Report. Please note that our comments pertain primarily to impacts on biodiversity and not to the overall desirability of the project.</p> <p>1. CapeNature provided comment on the Draft Basic Assessment Report for the establishment of a Vineyard on 12 October 2020. These comments still have reference (see comment letter attached in email).</p> <p>2. According to the the South African Vegetation Map (2018), the area supports Swartland Granite Renosterveld, which is listed as an Endangered Vegetation Type. Given that Swartland Granite Renosterveld has less than 12% of its original extent remaining (which is well below the conservation threshold of 26%), this area has been identified as a priority conservation area based on the mapping in the past. The area appears to be transformed through previous cultivation or disturbance; however, no cultivation took place in the past 20 years, and some natural pioneer vegetation seems to be returning. Any area that has not been cultivated for more than 10 years is legally considered as natural vegetation and needs to be treated as such.</p> <p>3. The unlawfully cleared areas are situated within a Critical Biodiversity Area (CBA: Terrestrial) – which include areas that are usually, but not always in a natural condition that are required to meet biodiversity targets for species, ecosystems or ecological processes and ecological infrastructure. The CBA was determined due to the presence of the Threatened Vegetation Type, Threatened Plant Species and Water Source Protection (Eerste River). No further loss of natural habitat should occur in CBAs, degraded areas should ideally be rehabilitated, and only low-impact, biodiversity-sensitive land uses should be allowed. Additionally, the area is situated within a Strategic Water Source Area (SWSA) for Surface Water (Boland).</p> <p>4. According to the Section 24G Report, an Environmental Authorisation (EA) was issued (April 2021) to Spier Wine Estate Pty Ltd for the establishment of a vineyard between the areas that were illegally cleared. Approximately 2 ha of indigenous vegetation were unlawfully cleared outside of the authorized footprint. Apparently, the clearance were done erroneously because the approved development area was not demarcated prior to commencement of the vineyard preparation and the owner is now rectifying the area cleared illegally either side of the approved vineyard area.</p> <p>5. The Terrestrial Biodiversity Assessment indicated that the EA authorized the development of a 10 ha vineyard and identified additional areas to be set aside for conservation under a Biodiversity Agreement with CapeNature. These included a 11 ha Buffer zone, a 10 ha conservation area and an existing conservation area of approximately 10 ha (which amounts to 31 ha in total). The Assessment also indicated that Plant Species and Animal Species Theme have a Medium sensitivity rating, while the Terrestrial Biodiversity Theme sensitivity was Very High. The Very High rating is due to the Endangered Ecosystem (Swartland Granite Renosterveld), Terrestrial CBAs and SWSA for Surface Water. The Specialist disputes these sensitivity ratings due to the small size and low ecological impacts of the 2 ha unlawfully cleared areas. However, areas can be considered important, irrespective of their size and CBA mapping and Vegetation Types are mapped for a reason (depending on remaining extent, and type – like Renosterveld which has less than 5% of the vegetation type left - more than 95% of the original lowland renosterveld habitat has been lost).</p> <p>6. Furthermore, Page 38 of the Terrestrial Biodiversity Assessment states that “Given the disturbed and secondary nature of the vegetation, it is considered unlikely that viable populations of Species of Conservation Concern (SCCs) were present within the areas that were cleared.” CapeNature does not entirely agree with this statement, because individual Plant Species can also be important or valuable and not only entire populations of SCCs. Please see the Plant Species or SCC’s that were encountered during the 2020 CapeNature site visit (Figure 1, 12 October 2020, Comment Letter). We do however agree with the recommendations made by the Specialist: To implement the approved Restoration Plan; To conduct ongoing alien plant control and monitoring – to ensure that alien species do not establish and that secondary</p>	GBE	<p>1. Noted, the EA holder is in the process of obtaining the Biodiversity Agreement with CapeNature.</p> <p>2. Noted, therefore the S24G process is being conducted to rectify the unlawful clearance of vegetation.</p> <p>3. Noted.</p> <p>4. Agreed.</p> <p>5. Noted, therefore the S24G process is being conducted to rectify the unlawful clearance of vegetation.</p> <p>6. The applicant is in the process of obtaining the required Biodiversity Agreement with CapeNature. The following information is provided by the applicant relating to the restoration plan actions: Prescribed burn An ecological prescribed burn was done during April 2023. Special Burn Permit no BPST23022401 was issued by CWD. Approximately 36 ha were included in the burn</p>

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		vegetation recovers and that the cleared areas should be incorporated into the existing Conservation commitments under the Biodiversity Agreement with CapeNature as per the EA dated April 2021.		<p>supported by CWFPA, Limitless Fire. The picture below indicates the start of the controlled burn.</p> <div></div> <p>Areas were prepared with firebreaks, and alien trees were removed before the burn.</p> <p>Alien clearing:</p> <p>Pre- and post-burn alien clearing are done. Post-burn removal of Mature Stone Pines was postponed after allegations of veld clearance due to felling and chipping of these large trees. Management of grasses is ongoing.</p> <p>Rehabilitation and monitoring:</p> <p>Post-burn seasonal monitoring is being done, and the following species have been identified with reference to the rehabilitation plan over the 3x sections (Either self-emergent or introduced via seeding or planting).</p> <p>Tall Shrubs: <i>Dodonaea viscosa</i> var. <i>angustifolia</i>, <i>Chrysanthemoides monilifera</i>, <i>Passerina corymbosa</i>, <i>Searsia angustifolia</i>, <i>S. tomentosa</i></p> <p>Low Shrubs: <i>Elytropapus rhinocerotis</i>, <i>Eriophalus africanus</i> var. <i>africanus</i>, <i>Aspalathus hispida</i>, <i>Athanasia trifurcata</i>, <i>Chironia baccifera</i>, <i>Lobostemon argenteus</i>, <i>Ottia Africana</i>, <i>Stoebe cinerea</i>, <i>Aspalathus alata</i>, <i>Clifortia ruscifolia</i>, <i>Euryops abrotanifolius</i>, <i>Otholobium hirsuta</i></p> <p>Shrublets: <i>Polygala garcinia</i>, <i>Otholobium decumbens</i>, <i>Carpobrotus edulis</i>, <i>Ruschia macowanii</i>, <i>Hermania almanifolia</i>, <i>Chrysocoma ciliata</i></p> <p>Herbs: <i>Helichrysum crispum</i>, <i>Helichrysum pandulifolium</i>, <i>Helichrysum teretifolium</i>, <i>Chironia baccifera</i>, <i>Wahlenbergia capensis</i>, <i>Senecio erosus</i>.</p> <p>Geophytic Herbs: <i>Oxalis pes-caprae</i>, <i>O.purpurea</i>, <i>Moraea fugax</i>, <i>Moraea gaweri</i>, <i>Horonthrix villosa</i>, <i>Ceratandra grandiflora</i>, <i>Pterygodium catholicum</i>, <i>Pterogodium orobandicoides</i>, <i>cynella hyacinthoides</i></p> <p>Graminoids: <i>Restio capensis</i></p> <p>Rhizomatous: <i>Aristea africana</i>, <i>Bulbine praemorsa</i></p> <p>The following plants we are propagating in our nursery, earmarked for planting next season, April 2026 onwards.</p> <p>Tall Shrubs: <i>Euclea racemosa</i>, <i>Olea europaea</i>, <i>Putterlickia pyracanta</i>, <i>Seasia laevigata</i>, <i>Diospyros glabra</i>, <i>Dodonaea viscosa</i>, <i>Myrsine Africana</i>, <i>Protea burchellii</i>, <i>Protea repens</i>, <i>Protea neriifolia</i></p> <p>Low Shrubs: <i>Felicia filifolia</i>, <i>Leucadendron lanigerum</i>, <i>Perlagonium capitatum</i>, <i>Salvia africana</i>, <i>Podalyria argentea</i>, <i>Metalsia muricata</i></p> <p>Geophytic Herbs: <i>Watsonia borbonica</i>, <i>W. amabilis</i>, <i>Babiana villosula</i>, <i>Wachendorfia paniculata</i>, <i>Gladiolus maculatus</i>. <i>Chasmnthe Aethopica</i></p>

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		<p>7. The Rehabilitation Plan (Appendix H2) or Restoration Plan (Holmes 2021) was written before clearing took place. CapeNature supports this Rehabilitation Plan, and the same principles should apply for the rehabilitation and restoration of the unauthorized/illegally cleared areas, even if it's not considered "true" Renosterveld. Furthermore, the impacts of the new vineyard (i.e. edge effects) should be considered with regard to rehabilitation and restoration success. Success of the rehabilitation and restoration should also be monitored for a minimum of 3 years.</p> <p>8. Please note that conditions linked to other Environmental Authorizations (EA) for the same property is still relevant. Cumulative impacts for the entire property should be considered and remediation measures, such as rehabilitation, as well as protective measures such as biodiversity stewardship should be implemented for existing authorised projects before further disturbance is authorised. Additionally, please provide us with a detailed update regarding the stewardship processes (that have arisen not only out of the vineyard application but out of previous development applications on the property as well).</p> <p>9. CapeNature recommends that the Biodiversity Agreement (for the Conservation areas) is finalized within one year of the Environmental Authorization (EA) being issued and that Rehabilitation of the area must commence immediately.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>		<p>7. Refer to point 6. Implementation of the restoration plan is being conducted by the applicant.</p> <p>8. The applicant only has one Biodiversity Agreement (EA holder is in the process of obtaining it) for the vineyard, refer to Appendix F2. The other conservation areas on the applicant's property form part of the applicant's own conservation initiative, and there's no biodiversity agreement with CapeNature for those areas.</p> <p>9. The EA holder is in the process of obtaining the Biodiversity Agreement. Rehabilitation and monitoring measures will be implemented, as per the restoration plan.</p>

Appendix G7.3: Comments and Response Table – Draft Assessment Report – 21-day PPP

Date	Comments from	Comments received	Response from	Response received
COMMENTS RECEIVED ON DRAFT REPORT				