



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/2/296/AM3

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PER EMAIL / MAIL

Dear Mr Ndebele

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 20 MARCH 2013 FOR THE ESTABLISHMENT OF THE 100MW CONCENTRATING SOLAR POWER (CSP) FACILITY USING LINEAR FRESNEL, PARABOLIC TROUGH OR TOWER (LFPT 1) TECHNOLOGY ON SITE 4, FARM PORTION 2 OF MATJIESRIVIER 41, AS PART OF THE LARGER KAROSHOCK SOLAR VALLEY DEVELOPMENT, LOCATED 30KM EAST OF UPINGTON WITHIN THE KHARA HUIS LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 20 March 2013, the amendments to the EA issued on 11 November 2015 and 09 April 2018, and your application for amendment of the EA received by the Department on 30 January 2020, refer.

The applicant wishes to amend the EA for the abovementioned project by increasing the generating capacity of the facility from 100MW to 350MW.

Based on a review of the application for amendment as indicated above and the supporting documentation to amend the above EA, this Department, in terms of Regulation 33(1) of the Environmental Impact Assessment Regulations, 2014, as amended, has decided to **refuse the application for amendment** of the EA dated 20 March 2013 as amended. The reasons for the decision are provided below:

Regulation 31 of the EIA Regulations, 2014 states that "An environmental authorisation may be amended by following the process prescribed in this Part if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or nature of impact where such level or nature of impact was not-

- (a) assessed and included in the initial application for environmental authorisation; or
- (b) taken into consideration in the initial environmental authorisation;

and the change does not, on its own, constitute a listed or specified activity."

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Following a review of the information provided by Savannah Environmental (Pty) Ltd, the applicant intends to amend the EA for the abovementioned project by increasing the generating capacity of the facility from 100MW to 350MW.

This change on its own, constitutes a listed or specified activity, and triggers *inter alia* activity 1 of GN R. 984 of the EIA Regulations, 2014 as amended, which is "*The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area.*"

As a result of the above, and due to Regulation 31 of the EIA Regulations, 2014 as amended, this Department refuses the increase in the generation capacity and therefore to amend the project description in the EA.

Furthermore, it is worth noting that a pre-application meeting was held with the EAP on the 04 July 2019 to discuss the best method to deal with an increase in generation capacity and the EAP was duly advised that an amendment will not be the a suitable approach.

Should you wish to proceed with the proposed development as outlined the in the application for amendment, the applicant is required to lodge a new application under the National Environmental Management Act (NEMA) Environmental Impact Assessment (EIA) Regulations applicable at the time, and obtain environmental approval **prior** to any development commencing.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za

By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X447,
Pretoria,
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998 as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached

thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director, Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 08/03/2020

cc	J Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
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