

**25 March 2022**

Dear Interested and/or Affected Party (I&amp;AP) / Stakeholder,

## **AMENDMENT OF ENVIRONMENTAL AUTHORISATION (EA) FOR THE AUTHORISED 100 MEGAWATTS (MW) KLIPFONTEIN PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY AND ITS SUPPORTING ELECTRICAL INFRASTRUCTURE, NEAR DEALESVILLE IN THE FREE STATE PROVINCE - 14/12/16/3/3/2/722/AM2**

### **1. INTRODUCTION & BACKGROUND**

This notification serves to inform you, as an I&AP / stakeholder, of the amendment of the Environmental Authorisation (EA) for the authorised 100 Megawatts (MW) Klipfontein Photovoltaic (PV) Solar Energy Facility (SEF) and its Supporting Electrical Infrastructure (Originally Authorised Under: 14/12/16/3/3/2/722, and as amended under: 14/12/16/3/3/2/722/AM1), near Dealesville in the Free State Province, which was granted by the Department of Forestry, Fisheries and the Environment (DFFE) on **15 March 2022 (issued under Reference: 14/12/16/3/3/2/722/AM2)**, in terms of the National Environmental Management Act (Act No. 107 of 1998) (NEMA) and the Environmental Impact Assessment (EIA) Regulations, 2014 (Government Notice No. R982 of 4 December 2014) (as amended).

SLR Consulting (South Africa) (Pty) Ltd ('SLR') was appointed by South Africa Mainstream Renewable Power Developments (Pty) Ltd ('Mainstream'), as the independent Environmental Assessment Practitioner (EAP), to undertake the Part 1 EA Amendment application process for the authorised 100MW Klipfontein PV SEF and its supporting electrical infrastructure. The Part 1 EA Amendment application was subsequently submitted to the DFFE on 15 February 2022.

The amendments are administrative in nature and involve the following:

- Amending the Holder of the EA:
  - The Holder of the EA needed to be amended from "**South Africa Mainstream Renewable Power Developments (Pty) Ltd**" to "**Klipfontein Solar Facility (Pty) Ltd**"

South Africa Mainstream Renewable Power Developments (Pty) Ltd is the company responsible for the Development Phase of the proposed SEF and associated infrastructure. On 28 October 2021, the Minister of Mineral Resources and Energy announced that the proposed SEF has received Preferred Bidder Status as part of the Fifth Bid Submission of the Renewable Energy Independent Power Producer Procurement Programme (REIPPPP). Having reached Preferred Bidder Status, the project moves to the Construction Phase and is required to have all documentation in place prior to Financial Close, which includes being registered in its Project Company Name. Failure to have the project EA in the Project Company Name, will deem the Applicant and project Non-Compliant and thus the project will not be able to feed electricity into the national grid.



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There are no anticipated negative environmental impacts anticipated since the amendment requested is purely administrative i.e., changing the holder of the EA from South African Mainstream Renewable Power Developments (Pty) Ltd to Klipfontein Solar Facility (Pty) Ltd. The findings of the specialist reports and original Environmental Impact Assessment (EIA) remain unchanged. There is no change to the project specifications and thus no change to the impact significance ratings or mitigation requirements contained in the EIA. In addition, the administrative amendment will in no way compromise the rights of interested and affected parties.

The Solar Energy Project with its Strategic Infrastructure Project (SIP) Status confirmation will support sustainable green energy initiatives on a national scale and will expand the transmission and distribution network to address historical imbalances, provide access to electricity for all and support economic development.

## 2. GRANTING OF AMENDMENT / ISSUING OF AMENDED EAs

After reviewing the relevant documentation, the DFFE granted the amendment to the EA for the 100MW Klipfontein PV SEF and supporting electrical infrastructure (i.e., amending Holder of EA, as described above) on **15 March 2022 (issued under Reference: 14/12/16/3/3/2/722/AM2)**. **It should be noted that the Amended EA dated 15 March 2022 must be read in conjunction with the Original EA dated 06 June 2016 (14/12/16/3/3/2/722) as well as the subsequent amendment granted in May 2021 (14/12/16/3/3/2/722/AM1).**

The Amended EA outlines the decision, the amendment which has been authorised, conditions of authorisation and reasons for the decision. **Should you wish to receive a copy of Amended EA, this can be provided upon request. Please formally request this in writing from SLR using the contact details below.**

Your attention is drawn to Chapter 2 of the NEMA National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 8 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Should any person wish to lodge an appeal against the decision, he / she must submit the appeal to the **appeal administrator (details provided below)**, 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 twenty (20) days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant (i.e. within 20 days from 25 March 2022).

### **Appeals must be submitted in writing in the prescribed form to -**

The Director: Appeals and Legal Review of the DFFE at the below mentioned addresses:

By e-mail: [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za)

By Hand: Environment House  
473 Steve Biko Road  
Arcadia  
Pretoria  
0083

By Post: Private Bag X447  
Pretoria  
0001

Please note that appeals should not be sent solely to SLR or the Applicant. For further information, please contact SLR as follows:

**SLR Consulting:** Stephan Jacobs or Liandra Scott-Shaw

Tel: (011) 467 0945

Email: [sjacobs@slrconsulting.com](mailto:sjacobs@slrconsulting.com) / [lscottshaw@slrconsulting.com](mailto:lscottshaw@slrconsulting.com)

Please refer to the National Appeal Regulations, 2014, attached herewith, for details pertaining to the appeal process. To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the DFFE's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za). A copy of the prescribed appeal form has however been attached to the notification email.

For any further queries please do not hesitate to contact SLR at the contact details below.

Yours faithfully

A handwritten signature in cursive script that reads 'Liandra Scott-Shaw'.

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Liandra Scott-Shaw  
**Senior Environmental Consultant**  
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## GOVERNMENT NOTICES

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### DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. R. 993

8 December 2014

#### NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

#### NATIONAL APPEAL REGULATIONS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF ENVIRONMENTAL AFFAIRS**

**SCHEDULE**

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## CHAPTER 1

## INTERPRETATION AND PURPOSE OF REGULATIONS

## Interpretation

1. (1) In these Regulations any word or expression to which a meaning has been assigned in the Act, and unless the context requires otherwise—

“**appeal administrator**” means a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

“**appeal authority**” is the Minister, the MEC or a person delegated the power to decide on appeals by the Minister or MEC, as the case may be;

“**appellant**” means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of these Regulations;

“**decision-maker**” means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

“**applicant**” means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

“**independent**”, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6 of these Regulations, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

“**the Act**” means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

- (2) When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but 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 public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days.
- (3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

### **Purpose of Regulations**

2. The purpose of these Regulations is to regulate the procedure contemplated in section 43(4) of the Act relating to the submission, processing and consideration of, a decision on an appeal.

### **Application of Regulations**

3. (1) These Regulations are applicable to an appeal in terms of section 43 of the Act to the Minister or MEC against a decision taken in terms of the:

- (a) Environment Conservation Act, 1989 (Act No. 73 of 1989);
- (b) National Environmental Management Act, 1998 (Act No. 107 of 1998);
- (c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
- (d) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); or
- (e) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

and subordinate legislation made in terms of any of these Acts.

- (2) No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority.
- (3) An appeal against a decision by an official or municipal manager acting under delegated authority from a metropolitan, district or local municipality must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

## **CHAPTER 2**

### **ADMINISTRATION AND PROCESSING OF APPEALS**

#### **Appeal submission**

4. (1) An appellant 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:

- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
  - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be—
- (a) submitted in writing in the form obtainable from the appeal administrator; and
  - (b) accompanied by—
    - (i) a statement setting out the grounds of appeal;
    - (ii) supporting documentation which is referred to in the appeal submission; and
    - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

### **Responding statement**

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

### **Appeal panel**

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.
- (2) The appeal panel contemplated in subregulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.



### **Recommendations and decisions on appeals**

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

### **Communication**

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

## **CHAPTER 3**

### **GENERAL MATTERS**

#### **Repeal of regulations**

9. The regulations mentioned in the Table in Annexure 1 to these Regulations are hereby repealed or amended to the extent set out in the third column of the Table.

**Transitional arrangements**

10. (1) An appeal lodged prior to the commencement of these Regulations, and which is still pending when these Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the appeal was lodged.
- (2) An appeal lodged after the commencement of the Environmental Impact Assessment Regulations, 2014 must be submitted, processed and considered in terms of these Regulations.

**Short title and commencement**

11. These Regulations are called the National Appeal Regulations, 2014, and take effect on the date of publication in the *Gazette*.

## ANNEXURE 1

REGULATIONS REPEALED		
Date and year of publication	Short title	Extent of repeal
Government Notice No. R.543, <i>Gazette No. 33306</i> of 18 June 2010.	Environmental Impact Assessment Regulations, 2010.	Chapter 7.