

16 August 2017

Dear Interested and Affected Party

**RE: NOTICE OF RE-ISSUE OF THE ENVIRONMENTAL AUTHORISATION AND APPEAL PROCEDURE FOR THE PROPOSED DEVELOPMENT OF THREE SOLAR PHOTOVOLTAIC FACILITIES (REFERRED TO AS KENHARDT PV 1, PV 2 AND PV 3) AND ASSOCIATED INFRASTRUCTURE, NORTH-EAST OF KENHARDT, NORTHERN CAPE PROVINCE (CSIR REFERENCE: EMS0102/SCATEC/2015; AND DEA REFERENCE: 14/12/16/3/3/2/837 (KENHARDT PV 1), DEA REFERENCE: 14/12/16/3/3/2/838 (KENHARDT PV 2) AND DEA REFERENCE: 14/12/16/3/3/2/836 (KENHARDT PV 3))**

As a registered Interested and Affected Party (I&AP) on the project database, you have been informed that the Project Applicant intends to develop three 75 Megawatt (MW) Solar Photovoltaic (PV) power generation facilities, located on the remaining extent of Onder Rugzeer Farm 168, approximately 80 km south of Upington and 30 km north-east of Kenhardt within the !Kheis Local Municipality, Northern Cape Province. The proposed 75 MW Solar PV projects are referred to as: Kenhardt PV 1, Kenhardt PV 2 and Kenhardt PV 3 respectively. The Project Applicant is Scatec Solar SA 330 (PTY) Ltd for Kenhardt PV 1, Scatec Solar SA 350 (PTY) Ltd for Kenhardt PV 2 and Scatec Solar SA 370 (PTY) Ltd (hereinafter referred to as Scatec Solar) for Kenhardt PV 3.

As previously noted, Scatec Solar appointed the Council for Scientific and Industrial Research (CSIR) to undertake the Environmental Assessment Process required for the abovementioned proposed projects. The proposed projects were assessed in terms of the National Environmental Management Act (Act 107 of 1998, as amended) (NEMA) and the 2014 NEMA Environmental Impact Assessment (EIA) Regulations promulgated in Government Gazette 38282 and Government Notice (GN) R982, R983, R984 and R985 on 8 December 2014. The finalised EIA Reports for the abovementioned Kenhardt PV 1, PV 2 and PV 3 projects were submitted to the Competent Authority (i.e. the National Department of Environmental Affairs (DEA)) for decision-making in April 2016. The National DEA refused the Environmental Authorisation (EA) for the abovementioned Kenhardt PV 1, PV 2 and PV 3 projects in August 2016. In line with this, the Project Applicant, in consultation with the CSIR, lodged an appeal against the Refused EAs in September 2016. In an appeal decision dated 16 March 2017, the Minister of Environmental Affairs decided to uphold the appeal against the initial refusal of the EAs (dated 4 August 2016).

Linked to the above, the DEA has accordingly decided to grant EA for the proposed Kenhardt PV 1, PV 2 and PV 3 projects, and as a registered I&AP on the database and in accordance with Regulation 4 (2) of the 2014 NEMA EIA Regulations, you are hereby notified in writing of these decisions. The EA is signed and dated 7 August 2017 and was issued to the Project Applicant via email on 11 August 2017. The reasons for the decision are detailed in Annexure 1 of the EA, and attached as Appendix 1 of this correspondence. The EA (including the reasons for decision) can be downloaded from the project website (<https://www.csir.co.za/environmental-impact-assessment>). A copy of the EA can also be provided to I&APs upon request, by contacting the CSIR Project Manager using the contact details provided above.

Your attention is drawn to Chapter 2 of the National Appeal Regulations published in GN R993 on 8 December 2014 in terms of Section 44 (1) (a) of NEMA, and as amended in GN R205 on 12 March 2015, which prescribes the appeal procedure to be followed. Should you wish to appeal any aspect of the decision, an appeal must be submitted to the Appeal Administrator by the Appellant, and a copy of the appeal must be submitted to the Applicant, any registered I&AP and any Organ of State that has interest in the matter, within 20 days from the date that the notification of the decision was sent to the registered I&APs by the Applicant (i.e. within 20 days from 16 August 2017), via one of the following methods:

By Email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);  
By Hand: Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083; or  
By Post: Private Bag X447, Pretoria, 0001.

Appeals must be submitted in writing (in the prescribed form obtainable from the Appeal Administrator), including all required supporting documents, to: Mr. Z Hassam, Director: Appeals and Legal Review, of the National DEA, using the addresses provided above. All appeal documentation must include the abovementioned relevant DEA Reference Numbers. For additional information regarding the appeal procedure, to obtain the prescribed appeal form, or for guidance on the submission and administration of appeals, kindly access the following DEA website ([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 via email using the following email address: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za). A copy of the National Appeal Regulations (GN R993 and GN R205) can be accessed on the DEA website (<https://www.environment.gov.za/>) or requested from the CSIR Project Manager using the contact details provided above.

Should you have any queries or require additional information please do not hesitate to contact the undersigned using the contact details provided above.

Sincerely,



Surina Laurie  
Project Leader  
CSIR Environmental Management Services



Rohaida Abed  
Project Manager  
CSIR Environmental Management Services

**Kenhardt PV 1 - DEA Reference: 14/12/16/3/3/2/837**

Department of Environmental Affairs  
Environmental Authorisation Reg. No. 14/12/16/3/3/2/837

**Annexure 1: Reasons for Decision**

**1. Information considered in making the decision**

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the application form submitted on 02 October 2015 and acknowledged by the Department on 23 October 2016.
- b) The information contained in the Environmental Impact Assessment Report (EIAR) dated April 2016 and received by this Department on 18 April 2016.
- c) The comments received during the Scoping and EIA phases of the application and submitted as part of the EIAR dated April 2016.
- d) Mitigation measures as proposed in the EIAR dated April 2016 and the EMPr submitted as part of the EIAR dated April 2016.
- e) Specialist studies submitted as part of the EIAR dated April 2016 and received by this Department on 18 April 2016.
- f) The initial refusal of Environmental Authorisation dated 04 August 2016 and the subsequent appeal decision by the Minister dated 16 March 2017.
- g) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

**2. Key factors considered in making the decision**

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The EIAR dated April 2016 identified all legislation and guidelines that have been considered in the preparation of the EIAR dated April 2016.
- b) A sufficient Public Participation Process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.
- c) The findings of all the specialist studies conducted as part of the EIA process and their recommended mitigation measures.
- d) The appeals decision against the initial refusal of Environmental Authorisation dated 04 August 2016.

Department of Environmental Affairs  
Environmental Authorisation Reg. No. 14/12/16/3/3/2/837

**3. Findings**

After consideration of the information and factors listed above, the Department made the following findings -

- a) The procedures followed for impact assessment is deemed adequate for the decision-making process.
- b) The Minister has decided to uphold the appeal against the initial refusal of Environmental Authorisation dated 04 August 2016 and grant approval of the project.
- c) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAR and must be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

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