



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/2/914/AM3

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Mr Dick Berlijn  
Protea Solar Power Plant (Pty) Ltd  
PO Box 785553  
SANDTON  
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Telephone Number: (001) 500 3680  
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### PER EMAIL / MAIL

Dear Mr Berlijn

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 NOVEMBER 2016 (AS AMENDED) FOR THE 150MW PROTEA PHOTOVOLTAIC (PV) SOLAR POWER PROJECT NEAR THE TOWN OF VRYBURG WITHIN THE NALEDI LOCAL MUNICIPALITY IN THE NORTHWEST PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 29 November 2016, the amendments to the EA dated 10 May 2017 and 30 June 2021, your application for amendment of the EA received by the Department on 02 August 2021 and the acknowledgement letter dated 16 August 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 29 November 2016 as amended, as follows:

#### **Amendment 1: Amendment to extend the validity period of the EA:**

The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 29 November 2016 as amended (i.e. the EA lapses on 29 November 2026). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10 year period, your EA will be deemed to have lapsed and a new application for EA will have to be lodged.

**The reason for the amendment is as follows:**

The project supports a Photovoltaic Solar Energy Facility; which is Intended to bid into future rounds of the Department of Mineral Resources and Energy (DMRE) Renewable Energy Independent Power Producers Procurement Programme (REIPPPP). It is expected that should the project be selected; construction will only commence after the validity of the EA has expired. Therefore, an extension of the EA validity is requested.

**Amendment 2: Amendment to Condition 14 of the EA:**

Condition 14 of the EA is amended:

**From:**

*"The final development layout map as submitted with the EIAr dated August 2016 is not approved. The preferred development is located in an area with a high number of Camel Thorn trees; as such the layout plan must be submitted to the Department of Agriculture, Forestry and Fisheries for comments to determine adequate micro-siting of the facility."*

**To:**

*"The final development layout map as submitted with the EIAr dated August 2016 is not approved. The preferred development is located in an area with a high number of Camel Thorn trees; as such approval must be obtained from the Department of Forestry, Fisheries and the Environment (DFFE) for the removal of protected trees prior to the approval of the layout."*

**The reason for the amendment is as follows:**

The holder of the EA has received protected tree licenses from the Department of Forestry, Fisheries and the Environment for the removal of Camel Thorn tree on the site. This license is valid until 2025. Camel Thorn trees occur in very low numbers, the specialist noted in the ecological impact assessment undertaken during the EIA process that only 7 individuals taller than 2 meters occur in the entire proposed footprint. It is therefore requested that the wording of condition 14 be updated to reflect the requirement for a permit rather than comment from the DFFE prior to finalisation of the layout.

**Amendment 3: Amendment to Condition 18.8 of the EA:**

Condition 18.8 of the EA is amended:

**From:**

*"This map must reflect the proposed location of the turbine as stated in the EIAr and this authorisation."*

**To:**

*"This map must reflect the proposed location of the PV panel area as stated in the EIAr and this authorisation."*

**The reason for the amendment is as follows:**

Condition 18.18 includes a typographical error referring to a turbine (assuming a wind turbine). As this is a solar PV project, this is not applicable to the project. The wording is therefore requested to be updated.

This proposed amendment letter must be read in conjunction with the EA dated 29 November 2016 as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA 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 as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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: [appeals@environment.gov.za](mailto:appeals@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, Act No. 107 of 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.

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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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**

**Date:** 14/09/2021

cc:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	E-mail: <a href="mailto:joanne@savannahsa.com">joanne@savannahsa.com</a>
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