

17 March 2021

Dear Stakeholder and Interested & Affected Party,

**APPLICATION FOR AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION:
1000MW ARIES II PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY NEAR KENHARDT,
NORTHERN CAPE PROVINCE
(DEA Ref.No.: 12/12/20/2430/AM44)**

NOTICE OF AMENDED ENVIRONMENTAL AUTHORISATION ISSUED

BioTherm Energy (Pty) Ltd submitted an application for an Environmental Authorisation (EA) to the Department of Environment, Forestry and Fisheries (DEFF) on 28 March 2013, the amendments issued by the Department on 15 August 2013, 26 January 2016 and 02 February 2018 and the application for amendment of the EA on 23 February 2021 for the 100MW Aries II Photovoltaic (PV) Solar Energy Facility located near Kenhardt within the Kai !Garib Local Municipality, ZF Mgcawu District Municipality, Northern Cape Province.

The applicant hereby notifies all registered interested and affected parties, as instructed by the decision issued by the Department on 03 March 2021, and in terms of Regulation 4(2) of the Environmental Impact Assessment Regulations (EIA), 2014, as amended, that the Department has granted the application for Amendment to the EA.

In terms of the EIA Regulations, 2014, as amended, Regulation 3.(3) the notification of the amendment of the EA is being distributed to all registered interested and affected parties on the project database.

This amendment to the EA must be read in conjunction with the EA dated 28 March 2013, as amended.

NOTICE OF APPEAL PROCESS

As an interested and affected party, your attention is drawn to Chapter 2, Regulation 4(2) of Government Notice No. 993, which prescribes the appeal procedure to be followed. Should you wish to appeal the decision, or any part of the decision, by the Department, you must submit your 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 registered interested and affected parties by the applicant (i.e. Wednesday, 17 March 2021).

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

The Director: Appeals and Legal Review
Department of Environment, Forestry and Fisheries

E-mail: appeals@environment.gov.za

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

By post: Private Bag X447, Pretoria, 0001

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

A copy of the appeal Regulations is included with this notification letter.

Please note that **appeals should be submitted to the DEFF and not to the consultant** (Savannah Environmental).

Kind regards



Nicolene Venter

Public Participation and Social Consultant

Document Attached: Amendment to the Environmental Authorisation
National Appeals Regulations, 2014
National Appeal Amendment Regulations, 2015



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

DEFF Reference: 12/12/20/2430/AM4

Enquiries: Ms Azrah Essop

Telephone: (012) 399 8529 E-mail: AEssop@environment.gov.za

Mr Werner Engelbrecht
BioTherm Energy (Pty) Ltd
Building 1, Leslie Ave East
Design Quarter District
FOURWAYS
2021

Tell number: 060 966 9234
Email address: [eiaadmin@biothermenergy.com/](mailto:eiaadmin@biothermenergy.com)
wengelbrecht@biothermenergy.com

PER EMAIL / MAIL

Dear Mr Engelbrecht

AMENDMENT OF ENVIRONMENTAL AUTHORISATION ISSUED ON 28 MARCH 2013 FOR THE 100MW ARIES II PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY ON PORTION 1 OF THE FARM KLEIN ZWART BAST 188 NEAR KENHARDT WITHIN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above-mentioned application by this Department on 28 March 2013, the amendments issued by this Department on 15 August 2013, 26 January 2016 and 02 February 2018 and your application for amendment of the EA received by the Department on 23 February 2021 and acknowledged on 25 February 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 28 March 2013 as amended, as follows:

Amendment to extend the validity period of the EA:

The activity must commence within a period of **two (02) years** from the date of expiry of the EA issued on 28 March 2013 expiring on 28 March 2021, now extended to **28 March 2023**. 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.

Reasons the amendment:

The Applicant wishes to extend the period of commencement of the activity for another 2 years to meet the requirements of the IPP programs and to allow for the project's future inclusion into the DMRE's REIPPPP.

This proposed amendment letter must be read in conjunction with the EA dated 28 March 2013 as amended.

M.S

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 Environmental Authorisation will have to be lodged.

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

By hand: Environment House
473 Steve Biko Road,
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.

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 appeals@environment.gov.za.

Yours faithfully,


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations,
Department of Environment, Forestry and Fisheries
Date: 03/03/2021

CC:	Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
	Dineo Moleko	Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform	Email: dmoleko@ncpg.gov.za