

17 March 2021

Dear Stakeholder and Interested & Affected Party,

**AMENDMENT OF ENVIRONMENTAL AUTHORISATION FOR THE CONSTRUCTION OF AGGENEYS 1,
100MW SOLAR PHOTOVOLTAIC (PV) FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR AGGENEYS,
NORTHERN CAPE PROVINCE
(DEFF Reference No.: 14/12/16/3/3/1/2019/AM1)**

NOTICE OF AMENDED ENVIRONMENTAL AUTHORISATION ISSUED

ABO Wind Aggeneys 1 PV (Pty) Ltd obtained Environmental Authorisation (EA) from the Department of Environment, Forestry and Fisheries¹ (DEFF) on 25 July 2019 for the Aggeneys 1, a 100MW Solar Photovoltaic (PV) Facility and Associated Infrastructure near Aggeneys within the Khâi-Ma Local Municipality, Namakwa 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 11 March 2021, and in terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended, that the Department has decided to amend the EA, dated 25 July 2019.

A copy of the amended EA is attached for your perusal, and this amended EA must be read in conjunction with the EA dated 25 July 2019.

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:

¹ Previously known as the Department of Environmental Affairs (DEA)

The Director: Appeals and Legal Review

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 DEFF'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: 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: 14/12/16/3/3/1/2019/AM1

Enquiries: Ms Makhosazane Yeni

Telephone: (012) 399 9400 E-mail: MYeni@environment.gov.za

Mr Robert Wagener
ABO Wind Aggeneys 1 PV (Pty) Ltd
Unit B1
Mayfair Square
CENTURY CITY
7441

Telephone Number: 021 276 3620
Cell phone Number: 076 104 1372
Email Address: capetown@abo-wind.com

PER EMAIL / MAIL

Dear Mr Wagener

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 25 JULY 2019 FOR THE CONSTRUCTION OF AGGENEYS 1, 100MW SOLAR PHOTOVOLTAIC (PV) FACILITY AND ASSOCIATED INFRASTRUCTURE, NEAR AGGENEYS WITHIN KHÂI-MA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 25 July 2019, your application for amendment of the EA received by the Department on 16 October 2020, the acknowledgement letter dated 22 October 2020 and the final amendment report received on 01 December 2020, 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 25 July 2019 as amended, as follows:

Amendment 1: A change to the details of the contact person of the EA Holder:

From:

Robert Wagener
ABO Wind Aggeneys 1 PV (Pty) Ltd
Unit B1
Mayfair Square
CENTURY CITY
7441

Telephone Number: 021 418 2596
Cell phone Number: 064 030 3633
Email Address: Robert.wagener@abo-wind.com.

M.S

To

Robert Wagener
 ABO Wind Aggeneys 1 PV (Pty) Ltd
 Unit B1
 Mayfair Square
CENTURY CITY
 7441

Telephone Number: 021 276 3620
 Cell phone Number: 076 104 1372
 Email Address: capetown@abo-wind.com

Reason: The applicant wants to ensure that the EA lists the correct contact details of the EA Holder.

Amendment 2: An update to the project description of the EA to include the construction and operation of a Battery Energy Storage System (BESS)

EA page reference	Proposed wording to be included
Page 6, Infrastructure associated with this facility include	Battery Energy Storage System (29°16'26.46"S; 18°56'32.12"E)
Page 7, Other Infrastructure Battery Energy Storage System (BESS)	<ul style="list-style-type: none"> • Electrochemical battery storage systems with a maximum height of 3.5m; and • Multi-core 22kV or 33kV underground cables, to follow internal access roads of the PV facility, to connect the battery storage area to the on-site facility substation.

Reason: The applicant is requesting an update to the project description of the EA to include the construction and operation of a Battery Energy Storage System (BESS) with a capacity of up to 500MW/500Wh within the authorised development footprint of the solar energy facility. The BESS will be developed within the authorised development footprint of Aggeneys 1, within the authorised laydown area and with an extent of no more than 5ha. It is understood that the BESS may require the storage of dangerous goods for the operation and maintenance of the systems, however this will be limited and will fall within the capacity of what was authorised for the solar energy facility. The BESS will connect to the authorised on-site facility substation of Aggeneys 1 via multi-core 22kV or 33kV underground cables (to follow the internal access roads of the authorised PV facility).

The general purpose and utilisation of the BESS will be to save and store excess electrical output from the solar energy facility as it is generated, allowing for a timed release to the national grid when the capacity is required. The BESS will therefore provide flexibility in the efficient operation of the electricity grid through decoupling of the energy supply and demand and will allow for longer generating periods of the solar PV facility. Furthermore, the development of the BESS for the project is of importance as the system will ensure that electricity is fed into the national grid when required and excess amounts stored. This will allow for extended hours of generation from the 100MW solar energy facility.

It is the Developer's intention to bid the solar PV facility, including the battery energy storage system, under the Risk Mitigation Independent Power Producer (IPP) Procurement Programme and/or Renewable Energy Independent Power Producer Procurement Programme (REIPPPP) of the Department of Mineral Resources and Energy (DMRE) and/or any future relevant procurement programme.

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.

This proposed amendment letter must be read in conjunction with the EA dated 25 July 2019 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;

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.

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: 11/02/2021

cc:	Jo-Anne Thomas	Savannah Environmental	Tel: 011 656 3237	Email: joanne@savannahsa.com
	Bryan Fischer	Northern Cape: Department Agriculture, Environment Affairs, Rural Development and Land Reform	Tel: 053 807 7431	Email: Bfischer@ncpg.gov.za
	Municipal Manager	Khai-Ma Local Municipality	Tel: 054 933 1000/1021	Email: mmsecretary@khaima.gov.za

