



forestry, fisheries & the environment

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

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DFFE Reference: 12/12/20/2513/1/AM6

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Mr. Mike Levington
Vaal River Solar 2 (Pty) Ltd
PO Box 2940
CRAIGHALL
2024

Telephone Number: (010) 593 3211
Email Address: mike.levington@kabisolar.co.za

PER EMAIL / MAIL

Dear Mr Levington

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 OCTOBER 2012 FOR THE VAAL RIVER SOLAR 2 PV FACILITY NEAR ORKNEY IN THE NORTHWEST PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 10 October 2012, the amendments to the EA dated 23 February 2015, 13 April 2015, 11 October 2017, 18 December 2018 and 25 October 2019, your application for amendment of the EA received by the Department on 04 May 2022 and the acknowledgment letter dated 10 May 2022, 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 10 October 2012 as amended, as follows:

Amendment 1: Increase of total generation capacity of the facility in the EA dated 10 October 2012, as amended:

1.1. The subject title of the EA cover letter dated 10 October 2012 (as amended in 2019):

"ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, GN R543, GN R544 AND GN R545: PROPOSED CONSTRUCTION OF A **100MW** PHOTOVOLTAIC FACILITY ON PORTION 3 OF THE FARM VAALKOP, THE FARM VAALKOP AND PORTION 200 OF THE FARM NOOITGEDACHT, ORKNEY, NORTH WEST PROVINCE"

Is hereby amended to:

"ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, GN R543, GN R544 AND GN R545: PROPOSED CONSTRUCTION OF A **250MW** PHOTOVOLTAIC FACILITY ON PORTION 3 OF THE FARM VAALKOP, THE FARM VAALKOP AND PORTION 200 OF THE FARM NOOITGEDACHT, ORKNEY, NORTH WEST PROVINCE"

1.2. The title of the project page of the EA dated 10 October 2012, as amended:

“Proposed Construction of Vaal River Solar 2 - a **100MW** photovoltaic facility on Portion 3 of the Farm Vaalkop, the Farm Vaalkop and Portion 200 of the Farm Nooitgedacht, Orkney, Northwest Province”

Is hereby amended to:

“Proposed Construction of Vaal River Solar 2- a **250MW** photovoltaic facility on Portion 3 of the Farm Vaalkop, the Farm Vaalkop and Portion 200 of the Farm Nooitgedacht, Orkney, Northwest Province”

1.3. The activity table on page 3 of the EA dated 10 October 2012, as amended:

<p>GN R544 Item 11 (ii)(xi): Construction of infrastructure or structures covering 50 square meters or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse. Excluding where such construction will occur behind the development setback line.</p>	<p>Proposed generation of electricity with an output of <u>100MW</u>. It is proposed to construct 132kV power line.</p>
<p>GN R544 Item 18(i): The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from a watercourse.</p>	<p>Proposed generation of electricity with an output of <u>100MW</u>. It is proposed to construct 132kV power line.</p>
<p>GN R545 Item 1: The construction of facilities or infrastructure for the generation of electricity where the electricity outputs is 20 megawatts or more</p>	<p>Proposed generation of electricity with an output of <u>100MW</u>. It is proposed to construct 132kV power line.</p>

Is hereby amended to:

<p>GN R544 Item 11 (ii)(xi): Construction of infrastructure or structures covering 50 square meters or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse. Excluding where such construction will occur behind the development setback line.</p>	<p>Proposed generation of electricity with an output of <u>250MW</u>. It is proposed to construct 132kV power line.</p>
<p>GN R544 Item 18(i): The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from a watercourse.</p>	<p>Proposed generation of electricity with an output of <u>250MW</u>. It is proposed to construct 132kV power line.</p>

<p>GN R545 Item 1: The construction of facilities or infrastructure for the generation of electricity where the electricity outputs is 20 megawatts or more</p>	<p>Proposed generation of electricity with an output of <u>250MW</u>. It is proposed to construct 132kV power line.</p>
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1.4. The project description on Page 4 of the EA dated 10 October 2012, as amended:

“- for the construction of a **100MW** Photovoltaic facility with associated infrastructure on Portion 3 of the Farm Vaalkop, the Farm Vaalkop and Portion 200 of the Farm Nooitgedacht, Orkney, North West Province, known as Vaal River Solar 2, hereafter referred to as “the property”

Is hereby amended to:

“- for the construction of a **250MW** Photovoltaic facility with associated infrastructure on Portion 3 of the Farm Vaalkop, the Farm Vaalkop and Portion 200 of the Farm Nooitgedacht, Orkney, North West Province, known as Vaal River Solar 2, hereafter referred to as “the property”

Reason for the amendments: Solar PV technology has advanced dramatically over the past 5 years with far high efficiency levels than when the Vaal River Solar 2 PV Facility was originally developed. South Africa is facing an energy crisis where solar PV and other renewable energy technologies will make up a greater percentage of new generation capacity procured by Eskom, and future rounds of REIPPP have increased the maximum capacity of solar PV generation facilities from the current 100 MW cap.

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

The applicant requests an addition of Battery Energy Storage System (BESS) to the existing approved infrastructure on page 4 of the EA dated 10 October 2012, as amended from:

- Photovoltaic solar panels;
- Foundation to support the photovoltaic panels;
- Cabling between the project components;
- Internal access roads;
- Workshop area for operations, maintenance and storage; and
- The construction of a 132kV powerline to connect the proposed PV facility with Eskom grid via the existing Jouberton- Hermes 132kV powerline

Is hereby amended to:

- Photovoltaic solar panels;
- Foundation to support the photovoltaic panels;
- Cabling between the project components;
- Internal access roads;
- Workshop area for operations, maintenance and storage;
- A Battery Energy Storage System (BESS), and
- The construction of a 132kV powerline to connect the proposed PV facility with Eskom grid via the existing Jouberton- Hermes 132kV powerline

Reason for the amendment: The general purpose and utilisation of the BESS will be to store excess electrical output from the solar energy facility as it is generated, allowing for a notified release into 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 250MW solar energy facility.

Amendment 3: Extension of the validity of the Environmental Authorisation on the EA dated 10 October 2012, as amended:

"The activity must commence within a period of three (3) years from the date of expiry of the EA issued on 10 October 2012, as amended (i.e. the EA lapses on 10 October 2025). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for the environmental authorisation must be made in order for the activity to be undertaken."

Reason for amendment: Due to various reasons, outside of the Applicant's control, the planned announcements and roll-out of bidding rounds have not occurred as previously planned for. As a result, the REIPPP Programme has been delayed, resulting in the project not yet being selected as a preferred bidder, further necessitating the need for the EA validity period to be extended. Extension of the validity of the EA will ensure that the EA remains valid for the undertaking of the authorised activities such that the project can be bid into future bidding rounds of the REIPPP or similar programmes.

The following conditions are being added to the EA dated 10 October 2012 under specific conditions, as amended

- 33 (a) The development footprint must be kept to a minimum and natural vegetation must be encouraged to return to disturbed areas.
- 33 (b) An open space management plan must be developed for the site, which must include management of biodiversity within the fenced area, as well as that in the adjacent rangeland.
- 33 (c) Preconstruction walk-through of the final development footprint for protected species that would be affected and that can be translocated must be conducted. The individuals of protected plant species listed provincially within the development footprint that would be affected, should be counted, and marked and translocated where deemed necessary and possible by the ecologist conducting the pre-construction walk-through survey, and according to the recommended ratios. Permits from the relevant provincial authorities, will be required to relocate and/or disturb listed plant species.
- 33 (d) An Archaeological and Palaeontological walk-downs must be undertaken for the final layout prior construction. A report on the outcomes of the walk-down must be submitted to SAHRA for comment, construction may not commence without feedback from SAHRA on the report. A Chance Fossil Finds Procedure must be added to the EMPr.

Should the conditions stated above require the approved EMPr be amended, the EA holder must submit an amended EMPr to the Department for approval.

This proposed amendment letter must be read in conjunction with the EA dated 10 October 2012, 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 stipulate 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 abuse or compromise 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 prescribes 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@dffe.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@dffe.gov.za.

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 06/09/2022.

cc:	Karen Jodas	Savannah Environmental (Pty) Ltd	E-mail: karen@savannahsa.com
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Ms. Milicent Solomons
Director, Prioritized Infrastructure Projects

Dear Mrs Solomons

**APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORIZATIONS
FOR THE PERIOD OF 25 APRIL 2022 UNTIL 31 OCTOBER 2022**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated Environmental Authorizations for the period of 25 April to 31 October 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms Devnagie Bendaman
Deputy Director-General: RCSM (Regulatory Compliance and
Sector Monitoring)

Date 20 April 2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorizations

Signed:

Date: 20/04/2022