



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

DEFF Reference: 14/12/16/3/3/2/2513/2/AM5

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Mr. Mike Levington
Vaal River Solar 1 (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 CONSTRUCTION OF VAAL RIVER SOLAR 1- A 250MW PHOTOVOLTAIC FACILITY ON PORTION 3 OF THE FARM VAALKOP, ORKNEY, NORTHWEST PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 10 October 2012 as amended, your application for amendment of the EA received by the Department on 04 May 2022 and the acknowledgement letter dated 10 May 2022, and the additional information received on 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: Amendment to increase of total generation capacity of the facility:

The title of the project on page 01 of the EA dated 10 October 2012 as amended, is amended:

From:

"Proposed Construction of Vaal River Solar 1 - a 100MW photovoltaic facility on Portion 3 of the Farm Vaalkop, Orkney, Northwest Province"

To:

"Construction of Vaal River Solar 1- a 250MW photovoltaic facility on Portion 3 of the Farm Vaalkop, Orkney, Northwest Province"

The activity/description of the activities authorised in the table on page 03 of the EA dated 10 October 2021 as amended, is amended:

From:

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.	Proposed generation of electricity with an output of 100MW. It is proposed to construct 132kV power line.
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.	Proposed generation of electricity with an output of 100MW. It is proposed to construct 132kV power line.
GN R545 Item 1: The construction of facilities or infrastructure for the generation of electricity where the electricity outputs is 20 megawatts or more	Proposed generation of electricity with an output of 100MW. It is proposed to construct 132kV power line.

To:

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.	Generation of electricity with an output of <u>250 MW</u> . It is proposed to construct 132kV power line.
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.	Generation of electricity with an output of <u>250MW</u> . It is proposed to construct 132kV power line.
GN R545 Item 1: The construction of facilities or infrastructure for the generation of electricity where the electricity outputs is 20 megawatts or more	Generation of electricity with an output of <u>250MW</u> . It is proposed to construct 132kV power line.

The project description on page 04 of the EA dated 10 October 2021 as amended, is amended:

From:

"- for the construction of a 100MW Photovoltaic facility with associated infrastructure on Portion 3 of the Farm Vaalkop, Orkney, North West Province, Known as Vaal River Solar 1 hereafter referred to as "the property"

To:

"- for the construction of a 250MW Photovoltaic facility with associated infrastructure on Portion 3 of the Farm Vaalkop, Orkney, North West Province, Known as Vaal River Solar 1, hereafter referred to as "the property"

Amendment 2: Amendment to include the construction and operation of a Battery Energy Storage System (BESS)

The infrastructure associated with this facility on page 04 of the EA dated 10 October 2021 as amended, is amended:

From:

"The infrastructure associated with this facility includes:

- *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"*

To:

"The infrastructure associated with this facility includes:

- *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"*

Amendment 3: Extension of the validity of the Environmental Authorisation

"The activity must commence within a period of three (03) 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."

The following conditions has been added to the list of specific conditions on page 08 of the EA:

33A. A 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 according to the recommended ratios.

33B. Permits must be obtained from the relevant provincial authorities to relocate and/or disturb listed plant species.

33C. Archaeological and Palaeontological walkdowns must be undertaken for the final layout prior construction. A report on the outcomes of the walkdown must be submitted to SAHRA for comment. Construction may not commence without feedback from SAHRA on the report.

Should any of the above conditions or conditions identified from the cumulative assessment, or the input from the specialists in the "Site Verification and Motivation for Amendment of the Environmental Authorisation" report dated August 2022 require an amendment to the approved EMP, the EA holder is required to apply for an amendment of an EMP.

Reason for amendments:

The Applicant indicated that Solar PV technology has advanced dramatically over the past 5 years with far high efficiency levels than when the Vaal River Solar 1 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.

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.

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.

This 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 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 decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of the 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



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 30/08/2022.

cc:	Karen Jodas	Savannah Environmental (Pty) Ltd	Email: karen@savannahsa.com
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