



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: 14/12/16/3/3/2/2248

Enquiries: Ms Azrah Essop

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Mr Du Toit Malherbe
Kudu Solar Facility 5 (Pty) Ltd
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Century City
CAPE TOWN
7441

Tel number: 021 276 3620
Email Address: Du-Toit.Malherbe@abo-wind.com
Petrus.Scheepers@abo-wind.com

PER E-MAIL

Dear Mr Malherbe

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: THE DEVELOPMENT OF AN UP TO 350MW SOLAR PHOTOVOLTAIC (PV) FACILITY (KUDU SOLAR FACILITY 5) AND ASSOCIATED INFRASTRUCTURE, NEAR DE AAR, NORTHERN CAPE PROVINCE.

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

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 as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 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, 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.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 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.

M.S

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 twenty (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@dfef.gov.za

By hand: Environment House
473 Steve Biko Road
Arcadia
PRETORIA
0083

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.dffe.gov.za/documents/forms#legal> or request a copy of the documents at appeals@dfef.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries & the Environment
Date: 06/09/2023

Cc:	Natalie Uys	Northern Cape: DAEARD&LR	Email: nuys.denc@gmail.com
	Elsabè Swart	Northern Cape: DAEARD&LR	Email: elsabe.dtec@gmail.com
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	Paul Lochner	Council for Scientific and Industrial Research	Email: PLochner@csir.co.za
	Rohaida Abed	Council for Scientific and Industrial Research	Email: RAbed@csir.co.za

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the amended application form received on 13 July 2023.
- b) The information contained in the EIAR dated July 2023.
- c) The comments received from Northern Cape DAEARDLR, SACAA, DFFE Biodiversity and Conservation, DFFE Protected Areas Planning and Management Effectiveness; SAHRA, Dept of Defence, DWS, Eskom, Northern Cape PHRA, Telkom, Africoast, Sola Group, SAWS, SARAO and other general I&APs., and Affected Parties and Interested and Affected Parties as included in the EIAR dated July 2023.
- d) Mitigation measures as proposed in the EIAR and the EMPr's.
- e) The information contained in the specialist studies contained within the appendices of the EIAR dated July 2023 and as appears below:

Name	Company	Report Title and Date
Johann Lanz (<i>Pr.Sci.Nat.</i>)	Private	Agriculture and Soils Compliance Statement – July 2023
Corne Niemandt (<i>Pr.Sci.Nat.</i>) Samuel Laurence (<i>Pr.Sci.Nat.</i>) Luke Verburgt	Enviro-Insight cc	Terrestrial Biodiversity, Terrestrial Plant Species, and Terrestrial Animal Species – July 2023
Toni Belcher (<i>Pr.Sci.Nat.</i>) Dana Grobler (<i>Pr.Sci.Nat.</i>)	Private	Aquatic Biodiversity Impact Assessment - July 2023
Chris van Rooyen Albert Froneman (<i>Pr.Sci.Nat.</i>)	Chris van Rooyen Consulting	Avifauna Impact Assessment – 26 April 2023
Quinton Lawson (SACAP, 3686) Bernard Oberholzer (SACLAP, 87018)	QARC and BOLA	Visual Impact Assessment – July 2023
Dr Jayson Orton (<i>APHP: Member 43; ASAPA CRM Section: Member 233</i>)	ASHA Consulting (Pty) Ltd	Heritage Impact Assessment (Archaeology and Cultural Landscape) – May 2023
Dr John Almond (<i>PSSA and APHP Member</i>)	Natura Viva cc	Palaeontology Site Sensitivity Verification Report – April 2023

Name	Company	Report Title and Date
Tony Barbour and Schalk van der Merwe	Private	Socio-Economic Impact Assessment – July 2023
Annebet Krige (<i>Pr Eng</i>)	Sturgeon Consulting	Traffic Impact Assessment – March 2023
Debbie Mitchell (<i>Pr Eng</i>)	Ishecon cc	Battery Storage High Level Safety, Health and Environment Risk Assessment
Dale Barrow (<i>Pr.Sci.Nat.</i>) Christel van Staden (<i>Cand.Sci.Nat.</i>) Shane Teek (<i>Cand.Sci.Nat.</i>) Louis Jonk (<i>Pr.Sci.Nat.</i>) Julian Conrad	GEOSS South Africa (PTY) Ltd	Geohydrology Assessment – July 2023
Shane Teek (<i>Cand.Sci.Nat.</i>) Hardy Luttig Julian Conrad	GEOSS South Africa (PTY) Ltd	Geotechnical Assessment
Rohaida Abed (<i>Pr.Sci.Nat.</i> and <i>Registered EAP (2021/4067)</i>) Helen Antonopoulos Lizande Kellerman (<i>Pr.Sci.Nat.</i>)	CSIR	Civil Aviation Site Sensitivity Verification
Rohaida Abed (<i>Pr.Sci.Nat.</i> and <i>Registered EAP (2021/4067)</i>) Helen Antonopoulos Lizande Kellerman (<i>Pr.Sci.Nat.</i>)	CSIR	Defence Site Sensitivity Verification

2. Key factors considered in making the decision

All information presented to the Department was considered in the Department's consideration of the application.

A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and the EIA recommended mitigation measures.
- b) The need and desirability of the Kudu Solar PV5 facility, from an international perspective, can be described through the project's alignment with internationally recognised and adopted agreements, protocols and conventions. South Africa is a signatory to a number of international treaties and initiatives, including the United Nations Development Programme's (UNDP's) Sustainable Development Goals

(SDGs). The SDGs address global socio-economic challenges such as poverty, hunger, health, education, climate change, gender equality, water, sanitation, energy, urbanisation, environment and social justice. The SDGs consist of 17 global goals set by the United Nations. The 17 SDGs are characterised by 169 targets and 304 indicators. Goal 7 of the SDGs relates to "Affordable and Clean Energy", with the aim of the goal being to ensure access to affordable, reliable, sustainable and modern energy for all. The following targets and indicators have been set for Goal 7.

- c) The EIAr dated July 2023 identified all legislations and guidelines that have been considered in the preparation of the EIAr.
- d) The location of the proposed project in relation to the larger cluster.
- e) The methodology used in assessing the potential impacts identified in the EIAr dated July 2023 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the EIAr dated July 2023 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the EIAr dated July 2023 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) The comments and responses report adequately catered for all comments received and responses were deemed sufficient.
- f) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. **The environmental authorisation is accordingly granted.**