



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

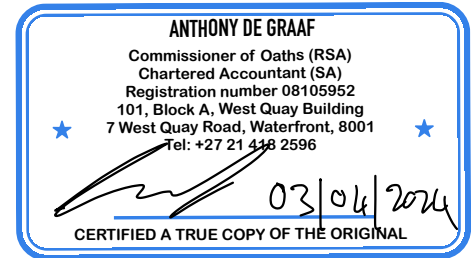
Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko Road · Arcadia · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/820

Enquiries: Ms Thabile Sangweni

Telephone: (012) 399 9409 E-mail: TSangweni@environment.gov.za

Mr David Peinke
AEP Mogobe Solar (Pty) Ltd
101 1st Floor West Quay Building
7 West Quay Road
WATERFRONT
8000



Telephone Number: (021) 418 2596
Email Address: david@atlanticep.com

PER E-MAIL / MAIL

Dear Mr Peinke

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/984/985 FOR THE 75MW AEP MOGOBE PHOTOVOLTAIC SOLAR FACILITY ON PORTION 1 OF THE FARM LEGOKO 460 AND FARM SEKGAME 461, KURUMAN RD SOUTH EAST OF THE TOWN OF KATHU WITHIN THE GAMAGARA LOCAL MUNICIPALITY IN THE 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 (the 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 decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R. 993, which prescribes the appeal procedure to be followed. An appellant must submit an 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.

By post: Private Bag X447,
Pretoria, 0001; or

By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria, 0083

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Jk.

Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website:
(https://www.environment.gov.za/documents/forms#legal_authorisations).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

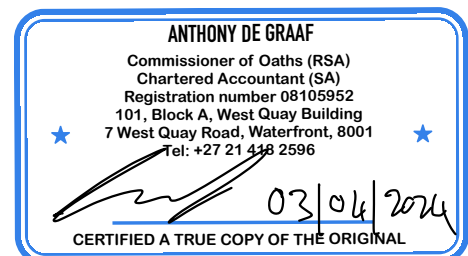
Yours faithfully



Ms Khashiwe Masinga
Chief Director (Acting): Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 24 June 2016

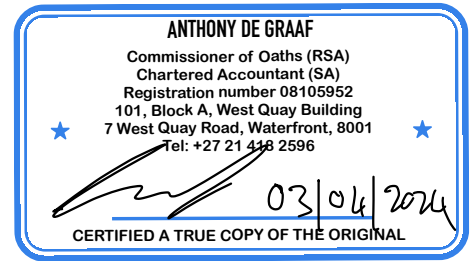
cc:	Mr D Holder	Cape Environmental Assessment Practitioners	Email: dale@cape-eaprac.co.za
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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014

The 75 MW AEP Mogobe Photovoltaic Solar Energy Facility on Portion 1 of the Farm Legoko 460 and the Farm Sekgame 461 south east of the town of Kathu within the Gamagara Local Municipality in the Northern Cape Province

John Taolo Gaetsewe District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/820</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>AEP Mogobe Solar (Pty) Ltd</i>
Location of activity:	<i>Portion 1 of the Farm Legoko 460 Farm Sekgame 461, Kuruman RD Gamagara Local Municipality John Taolo Gaetsewe District Municipality Northern Cape Province</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

J-K

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

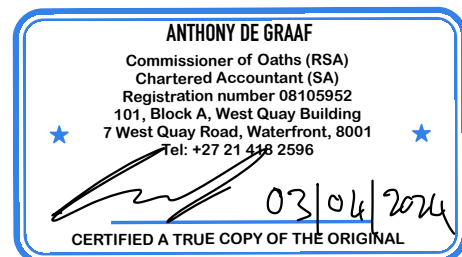
AEP MOGOBE SOLAR (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr David Peinke
101 1st Floor West Quay Building
7 West Quay Road
Waterfront
CAPE TOWN
8000

Telephone Number: (021) 418 2596
Fax Number: (086) 514 8184
Cell phone Number: (084) 401 9015
Email Address: david@atlanticep.com



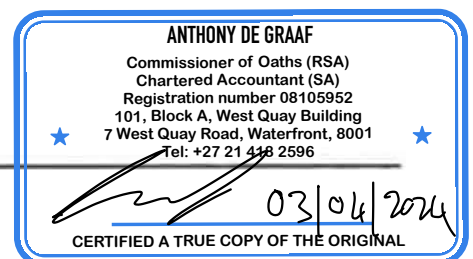
to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 (GN R. 983, 984 and 985):

Activity number	Activity description
<p><u>GN R. 983 Item 11:</u> <i>"The development of facilities or infrastructure for the transmission and distribution of electricity –</i> (i) <i>Outside urban area or industrial complexes with a capacity of more than 33 but less than 275 kilovolts..."</i></p>	<p>The proposed AEP Mogobe Solar PV Energy Facility will connect to the national electricity grid via the proposed Eskom Sekgame Switching Station. The proposed distribution and transmission infrastructure include the construction of an on-site substation and a 132kV overhead powerline from the on-site substation to the proposed Eskom Sekgame Switching Station.</p>
<p><u>GN R. 984 Item 1:</u> <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area."</i></p>	<p>The proposed AEP Mogobe Solar PV Energy Facility will have a maximum generation capacity (contracted capacity) of 75 megawatts and as such exceeds the threshold defined in this activity.</p>
<p><u>GN R. 984 Item 15:</u> <i>"The clearance of an area of 20 hectares or more of indigenous vegetation."</i></p>	<p>The proposed AEP Mogobe Solar PV Energy Facility will have a maximum footprint of 220ha and as such exceeds the threshold defined in this activity.</p>

as described in the Environmental Impact Assessment Report (EIA) dated January 2016 at:

21 SG Code:

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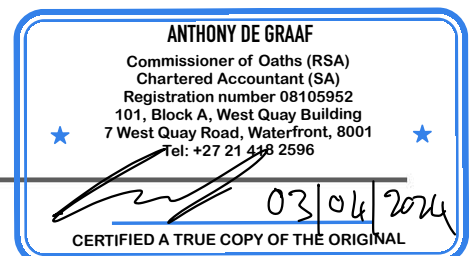
Site (preferred):

Alternative 2 (preferred site)	Latitude	Longitude
North-West Corner	27° 47' 40.14"	23° 05' 03.93"
North-East Corner	27° 46' 40.13"	23° 05' 45.79"
South-West Corner	27° 47' 23.53"	23° 05' 18.67"
South-East Corner	27° 47' 42.48"	23° 06' 18.42"
Substation	27° 46' 58.13"	23° 05' 06.86"
Powerline (Preferred 132kV self-build to Sekgame)		
Start	27° 46' 58.13"	23° 05' 06.86"
Middle	27° 46' 38.60"	23° 04' 35.65"
End	27° 46' 33.02"	23° 03' 56.32"

- for the proposed 75 MW AEP Mogobe Solar Energy Facility and its associated infrastructure located on Portion 1 of the Farm 460 Legoko and the Farm Sekgame 461, Kuruman RD in the Gamagara Local Municipality within the John Taolo Gaetsewe District Municipality in the Northern Cape Province, hereafter referred to as "the property".

The AEP Mogobe Solar PV Energy Facility will comprise the following:

- PV panel arrays with a maximum export capacity of 75MW and a maximum height of 4m with fixed, single or double axis tracking mounting structures;
- On-site switching-station / substation; approximately 120m x 70m in size;
- Auxiliary buildings (gate-house and security, control centre, office, warehouse, canteen and visitors centre, staff lockers etc.);
- Inverter-stations, transformers and internal electrical reticulation (underground cabling);
- Access and internal road network;
- Laydown area;
- Overhead 132kV electrical transmission line / grid connection connecting to the Sekgame Switching Station. The overhead powerline is to be maximum 5km in length, a maximum height of 32m and occupy a servitude width of maximum 40m;
- Rainwater tanks; and,
- Perimeter fencing and security infrastructure.



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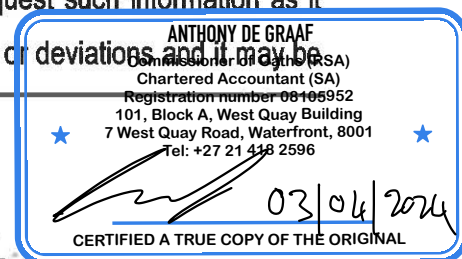
Technical details of the proposed facility:

Component	Description/ Dimensions
Location of the site	Approximately 8km south east of Kathu
PV Panel area	Total footprint of approximately 220ha.
SG Codes	C0410000000004600001 C0410000000004610000
Preferred Site access	Site access will be via the existing farm access from the N14.
Export capacity	75MW
Proposed technology	PV and/or concentrated PV with fixed, single or double axis tracking technology.
Height of installed panels from ground level	PV Structures not more than 4m.
Width and length of internal roads	Main internal road – width: 6m, length: 17km Secondary internal roads – width: 5m, length: 11km.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The 75 MW AEP Mogobe Photovoltaic Solar Energy Facility on Portion 1 of the Farm Legoko 460 and the Farm Sekgame 461, Kuruman RD south east of the town of Kathu within the Gamagara Local Municipality in the Northern Cape Province as described above is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be



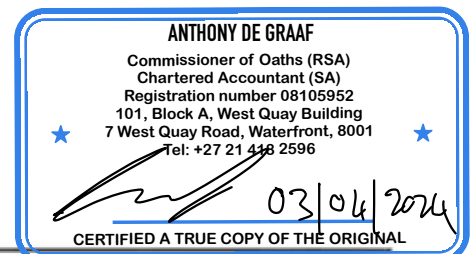
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necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.

6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. 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.
8. Construction must be completed within 5 years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

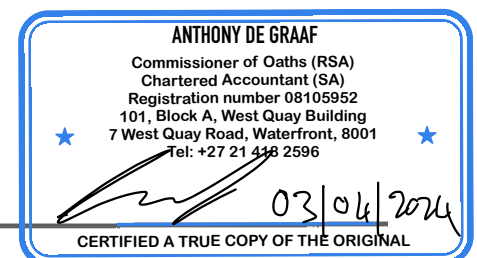


Commencement of the activity

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 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 has been finalised.

Management of the activity

14. The development layout plan titled "PORTION 1 (MOGOBE) FARM NO 460 (Job Description: PORTION 1 FARM NO 460 and produced by Van Dyk Land Surveyors and dated June 2015) is approved.
15. The Environmental Management Programme (EMPr) submitted as part of the application for EA is hereby approved. This EMPr must be implemented and adhered to.
16. The EMPr must be implemented and strictly enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development when approved.
17. Should the holder of this environmental authorisation propose any changes to the EMPr, the holder of this environmental authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.
18. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.
19. A shapefile of the development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 or specify if an alternative scale was used. The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title.



The shape file must be submitted to:

Postal Address:

Department of Environmental Affairs
Private Bag X447
Pretoria
0001



Physical address:

Department of Environmental Affairs
Environment House
473 Steve Biko
Arcadia
Pretoria

For Attention: Mr Muhammad Essop
Integrated Environmental Authorisations
Strategic Infrastructure Developments
Telephone Number: (012) 399 9406
Email Address: MEssop@environment.gov.za

Frequency and process of updating the EMPr

20. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 27 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
21. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
22. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
23. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an

amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.

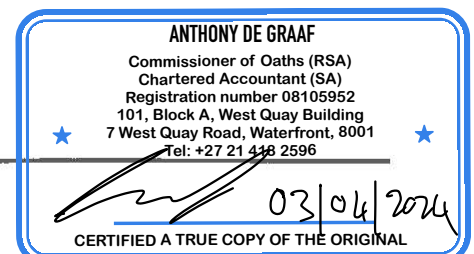
24. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

25. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
- 25.1. The ECO must be appointed before commencement of any authorised activities.
- 25.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 25.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 25.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

26. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
27. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.



28. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
29. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
30. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
31. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

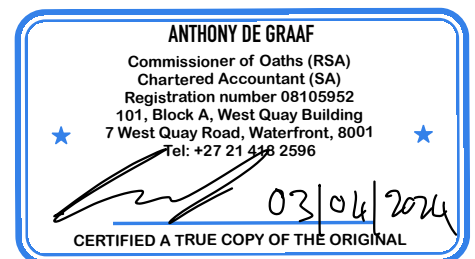
32. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

33. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

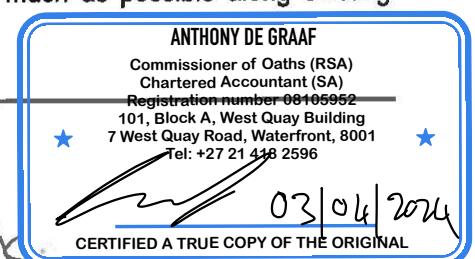
34. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.



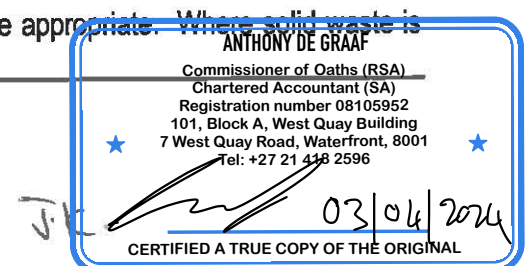
Specific conditions

Conditions for non-operational aspects

35. A 50 meter infrastructure free buffer must be placed around all identified watercourses.
36. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
37. Clearing of vegetation must be restricted to clearing of areas for development of service infrastructure.
38. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
39. Contractors and construction workers must be clearly informed of the no-go areas.
40. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
41. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be made available to this Department on request.
42. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
43. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the EMPr.
44. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
45. Wetlands, rivers and river riparian areas must be treated as "no-go" areas and appropriately demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
46. No discharge of effluents or polluted water must be allowed into any rivers or wetland areas.
47. No spoil material, including stripped topsoil, must be temporarily stockpiled within 30 m of freshwater ecosystems identified to be of low or moderate conservation importance and 50 m of freshwater ecosystems identified to be of high conservation importance.
48. Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.

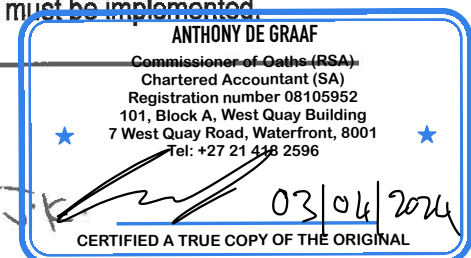


49. Anti-erosion measures such as silt fences must be installed in disturbed areas.
50. No activities will be allowed to encroach into a water resource without a Water Use License being in place from the Department Water and Sanitation.
51. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
52. Workers must be made aware of the importance of not polluting rivers or wetlands and the significance of not undertaking activities that could result in such pollution, and this awareness must be promoted throughout the construction phase.
53. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuters, consideration should be, given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
54. Internal access roads must be located to minimize stream crossings. All structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
55. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
56. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
57. Signage must be erected at appropriate points warning of turning traffic and the construction site.
58. Construction vehicles carrying materials to the site should avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
59. Should abnormal loads have to be transported by road to the site, a permit must be obtained from the relevant authorities.
60. All construction vehicles should adhere to a low speed limit to avoid collisions with susceptible species such as snakes and tortoises.
61. The holder of this authorisation must reduce visual impacts during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques and restoring exposed soil as closely as possible to their original contour and vegetation.
62. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant legislation.
63. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
64. No unsupervised open fires for cooking or heating must be allowed on site.
65. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is

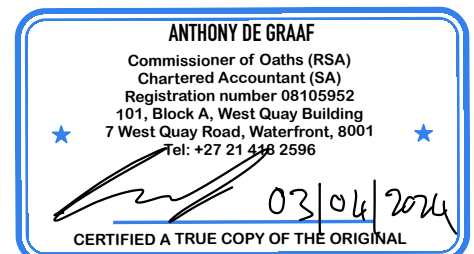


disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

66. The holder of this authorisation must provide sanitation facilities within the construction area and along the road so that workers do not pollute the surrounding environment. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste disposal site.
67. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations.
68. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
69. Borrow materials must be obtained only from authorised and permitted sites. Permits must be kept on site by the ECO.
70. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
71. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
72. A pre-construction survey of the final development footprint must be conducted to ascertain the identity and exact number of individuals of protected species affected by the proposed development. Prior to the commencement of construction, a rescue and rehabilitation operation for these species which could survive translocation must be conducted.
73. No construction activities can commence without having obtained the necessary permits for threatened or protected species (ToPS) listed and provincially protected species within the study area.
74. All construction vehicles must remain on properly demarcated roads. No construction vehicles should be allowed to drive over the vegetation except where no cleared roads are available. In such cases a single track should be used and multiple paths should not be formed. Where temporary access roads are created, they should be rehabilitated as outlined in the rehabilitation plan after completion of construction.
75. Regular monitoring for erosion must take place to ensure that no erosion problems are occurring at the site as a result of the roads and other infrastructure. All erosion problems observed should be rectified as soon as possible as outlined in the erosion management plan within the EMPr.
76. Excavations must be inspected daily in order to rescue trapped animals.
77. An appropriately designed and effective stormwater management system must be implemented.



78. Kerbs and stormwater channels must be designed in such a way that they can allow small animals and reptiles to move freely.
79. Top soil and subsoil must be stockpiled separately and replaced according to the correct profile i.e. topsoil replaced last. Stockpiles should not be situated such that they obstruct natural water pathways and drainage channels.
80. Top soil stockpiles must not exceed 2m in height, stockpiles older than 6 months must be enriched before they can be used to ensure the effectiveness of the topsoil.
81. Any fauna directly threatened by the construction activities should be removed to a safe location by a suitably qualified person.
82. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
83. The collection, hunting, or harvesting of any plants or animals at the site is strictly forbidden.
84. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and should be dark-sky friendly.
85. Electric fencing should not have any strands within 30cm of the ground, which should be sufficient to allow smaller mammals, reptiles and tortoises to pass through (tortoises retreat into their shells when electrocuted and eventually succumb from repeated shocks), but still remain effective as a security barrier.
86. All new power lines must be marked with bird flight diverters along their entire length. To create a net benefit, where possible, the new lines must run parallel to existing marked lines so as to reduce the collision risk posed by the older lines.
87. The poles should be fitted with bird perches on top of the poles to draw birds, particularly vultures away from the potentially risky insulators.
88. All pylons to be constructed should make use of "bird friendly" monopole structures, fitted with a bird perch, as per Eskom standard guidelines.
89. The recommendations of the EAP in the EIAR dated January 2016 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

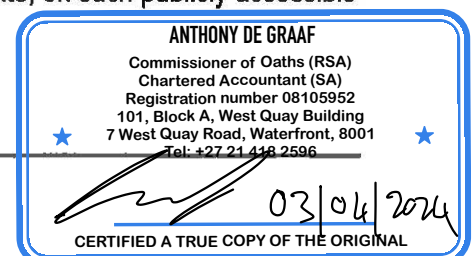


Conditions for operational aspects

90. A 50 meter infrastructure free buffer must be placed around all identified watercourses.
91. Road borders should be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.
92. All declared aliens must be identified and managed in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983). There should be an alien species monitoring and eradication program to prevent encroachment of these problem plants for the duration of the operation.
93. The washing of panels during maintenance must be done with biodegradable soaps to avoid soil contamination and poisoning of small animals.
94. Any vegetation clearing that needs to take place as part of maintenance activities, should be done in an environmentally friendly manner, including avoiding the use of herbicides and using manual clearing methods wherever possible.
95. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and should be dark-sky friendly.
96. During operation, any electrocution and collision events that occur should be recorded, including the species affected and the date. If repeated collisions occur within the same area, then, further mitigation and avoidance measures may need to be implemented.
97. The recommendations of the EAP in the EIAR dated January 2016 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

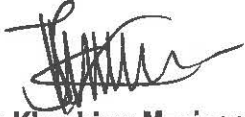
General

98. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 98.1. at the site of the authorised activity;
 - 98.2. to anyone on request; and
 - 98.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.



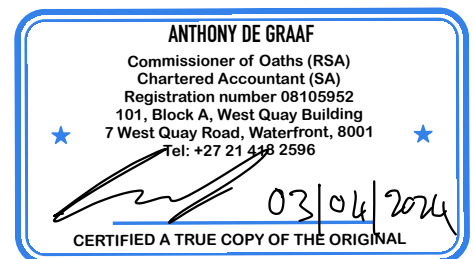
99. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 24 June 2016

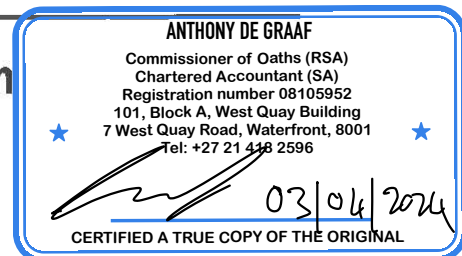


Ms Khashiwe Masinga

**Chief Director (Acting): Integrated Environmental Authorisations
Department of Environmental Affairs**



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 application form received on 24 July 2015;
- b) The information contained in the EIAr dated January 2016;
- c) The comments received from the Northern Cape Department of Environment and Nature Conservation; Telkom; Square Kilometre Array-South Africa; South African National Roads Agency; Eskom; Department of Agriculture, Forestry and Fisheries; Gamagara Local Municipality; Council of Geoscience; the South African Heritage Resources Agency and interested and affected parties as included in the EIAr dated January 2016;
- d) Mitigation measures as proposed in the EIAr and the EMPr;
- e) The information contained in the specialist studies contained within the appendices of the EIAr dated January 2016 and as appears below:

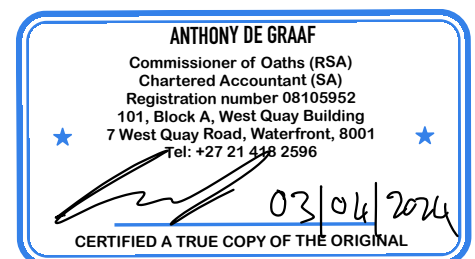
Title	Prepared by	Date
Fauna & flora specialist EIA report	S. Todd of Simon Todd Consulting	November 2015
Agricultural scoping report	C. Lubbe of Auger Trac	April 2015
Phase 1a Archaeological Impact Assessment	Dr Peter Nilssen	August 2015
Palaeontological specialist assessment: desktop study	J. Almond of Natura Viva cc	April 2015
Integrated heritage impact assessment in terms of Section 38(8) of the National Heritage Resources Act, 1999 (Act 25 of 1999)	S. De Kock of Perception Planning	September 2015
Visual impact assessment	Visual Resource Management Africa cc	May 2015
Palaeontological heritage assessment: combined desktop & field study	Natura Viva cc (John E. Almond)	February 2015
Preliminary Water Consumption Study, June 2015	D. Peinke of Atlantic Energy Partners	June 2015

AEP Legoko Solar (Pty) Ltd. Transport study and traffic Management	Aurecon South Africa (Pty) Ltd	July 2015
AEP Legoko Solar (Pty) Ltd. Stormwater, erosion and Washwater management plan	Aurecon South Africa (Pty) Ltd	July 2015
Avifaunal impact study	B. Zoghby of Simon Todd Consulting	January 2016
Water resources assessment study	Scherman Colloty & Associates cc	December 2015
Geotechnical investigation report for AEP Legoko solar PV energy facility - GCS-RP/052/2015	C. de Beer of Geotechnical Consult Services	December 2015
EMPr	D. Holder of Cape Environmental Assessment Practitioners (Pty) Ltd.	November 2015

2. Key factors considered in making the decision

All information presented to the Department was taken into account 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 their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) The EIAr dated January 2016 identified all legislation and guidelines that have been considered in the preparation of the EIAr dated January 2016.
- d) The methodology used in assessing the potential impacts identified in the EIAr dated January 2016 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

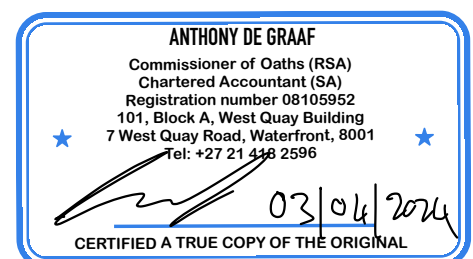


3. Findings

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 January 2016 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 proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIAr dated January 2016 is deemed to be accurate and credible.
- e) 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.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · Cnr Soutpansberg & Steve Biko Roads · Pretoria Tel (+27 12) 399 9000

Enquiries: Ishaam Abader

Tel: 012 399 9330

Email: iabader@environment.gov.za

Ms. Khashiwe Masinga
Director: Coordination, Strategic Planning and Support

Dear Ms Masinga

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD OF 22 – 30 JUNE 2016

I hereby inform you that I have decided to appoint you as Acting Chief Director: Integrated Environmental Authorisations, for the period 22 – 30 June 2016, whilst Mr Sabelo Malaza is on annual leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorisations, must be signed under the Acting Chief Director: Integrated Environmental Authorisations during the above 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 1998), 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 Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely,

Mr. Ishaam Abader
Deputy Director-General: LACE

Date:

22/06/2016

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~

appointment as Acting Chief Director:
Integrated Environmental Authorisations

Signed:

Date:

22/06/2016

ANTHONY DE GRAAF

Commissioner of Oaths (RSA)
Chartered Accountant (SA)
Registration number 08105952
101, Block A, West Quay Building
7 West Quay Road, Waterfront, 8001
Tel: +27 21 448 2596



03/06/2016

CERTIFIED A TRUE COPY OF THE ORIGINAL



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: 14/12/16/3/3/2/820/AM1

Enquiries: Herman Alberts

Telephone: (012) 399 9371 E-mail: HAlberts@environment.gov.za

Mr David Peinke
AEP Mogobe Solar (Pty) Ltd
101, Block A, West Quay Building
7 West Quay Road, Waterfront
CAPE TOWN
8000

Telephone Number: (021) 418 2596
Email Address: david@atlanticep.com

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 JUNE 2016 FOR THE UP TO 138MW AEP MOGOBE PHOTOVOLTAIC SOLAR ENERGY FACILITY ON PORTION 1 OF THE FARM LEGOKO 46 AND FARM SEKGAME 461 SOUTH EAST OF THE TOWN KATHU WITHIN THE GAMAGARA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 24 June 2016, your application for amendment of the EA received by this Department on 22 January 2021 and the acknowledgement letter dated 01 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 (EIA) Regulations, 2014, as amended, has decided to amend the EA dated 24 June 2016 as follows:

Amendment 1: Amendment to the project description to increase the generation capacity of the EA:

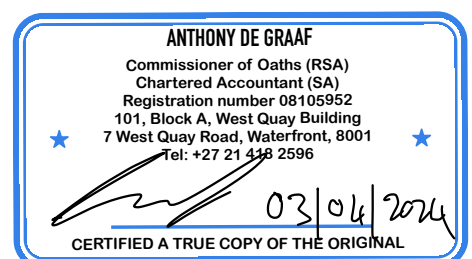
The project title on page 01 of the EA is amended:

From:

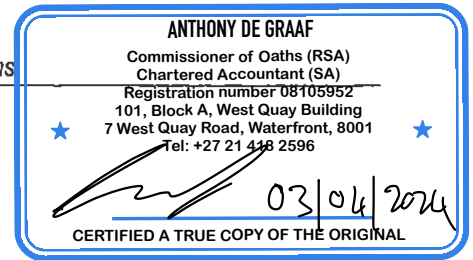
"The 75MW AEP Mogobe Photovoltaic Solar Energy Facility on Portion 1 of the Farm Legoko 460 and Farm Sekgame 461 south east of the town of Kathu within the Gamagara Local Municipality in the Northern Cape Province"

To:

"The up to 138MW AEP Mogobe Photovoltaic Solar Energy Facility on Portion 1 of the Farm Legoko 460 and Farm Sekgame 461 south east of the town of Kathu within the Gamagara Local Municipality in the Northern Cape Province"



M.S



The activities authorised in the table on page 03 of the EA is amended:

From:

<p><u>GN R. 964 Item 1</u> <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area"</i></p>	<p><i>The proposed AEP Mogobe Solar PV Energy facility will have a maximum generation capacity (Contracted capacity) of 75 megawatts and as such exceeds the threshold defined in this activity.</i></p>
---	--

To:

<p><u>GN R. 964 Item 1</u> <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area"</i></p>	<p><i>The AEP Mogobe Solar PV Energy facility will have a maximum generation capacity (Contracted capacity) of 138 megawatts and as such exceeds the threshold defined in this activity.</i></p>
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The project description on page 04 of the EA is amended:

From:

"for the proposed 75 MW AEP Mogobe Solar Energy Facility and its associated infrastructure located on Portion 1 of the Farm Legoko 460 and the Farm Sekgame 461, Kuruman RD in the Gamagara Local Municipality within the John Taolo Gaetsewe District Municipality in the Northern Cape Province, hereafter referred to as "the property"

To:

"for the up to 138MW AEP Mogobe Solar Energy Facility and its associated infrastructure located on Portion 1 of the Farm 460 Legoko and the Farm Sekgame 461, Kuruman RD in the Gamagara Local Municipality within the John Taolo Gaetsewe District Municipality in the Northern Cape Province, hereafter referred to as "the property"

The project components that the facility will comprise of on page 04 of the EA is amended:

From:

"PV panel arrays with a maximum export capacity of 75MW and maximum height of 4m with fixed, single or double axis tracking mounting structures"

To:

"PV panel arrays with a maximum export capacity of 138MW and maximum height of 4m with fixed, single or double axis tracking mounting structures"

M.S

The technical details of the proposed facility on page 05 of the EA is amended:

From:

Export capacity	75 MW
-----------------	-------

To:

Export capacity	Up to 138MW
-----------------	-------------

Condition 1 on page 05 of the EA is amended:

From:

"The 75 MW AEP Mogobe Solar Energy Facility on Portion 1 of the Farm Legoko 460 and the Farm Sekgame 461, Kuruman RD in the Gamagara Local Municipality within the John Taolo Gaetsewe District Municipality in the Northern Cape Province described above is hereby approved"

To:

"The up to 138 MW AEP Mogobe Solar Energy Facility on Portion 1 of the Farm Legoko 460 and the Farm Sekgame 461, Kuruman RD in the Gamagara Local Municipality within the John Taolo Gaetsewe District Municipality in the Northern Cape Province described above is hereby approved"

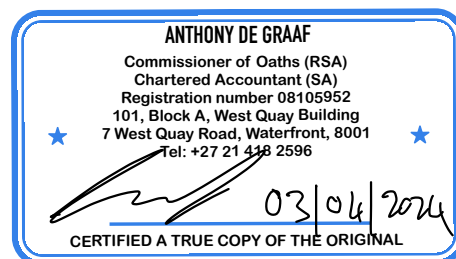
Reason for amendment:

The reason for these amendments provided by the holder of the EA is that due to rapid technological advances in the renewable energy sector it is now possible for AEP Mogobe Solar (Pty) Ltd to construct up to a 138MW solar PV facility using the same physical footprint proposed and permitted for the authorised 75MW solar PV facility.

Amendment 2: Amendment to extend the validity period of the EA:

The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 24 June 2016 (i.e. the EA lapses on 24 June 2026). 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.

Further to the above, 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 EA will have to be lodged.



M.S

Reason for amendment:

The applicant applied to extend the validity period of the EA as there have been several delays in the Renewable Energy Independent Power Producers Procurement (REIPPP) Programme, which have resulted in these projects not being able to bid.

This amendment letter must be read in conjunction with the EA dated 24 June 2016.

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 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.

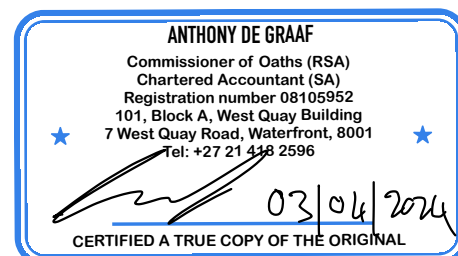
Appeals must be submitted in writing in the prescribed form to:

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;



MS

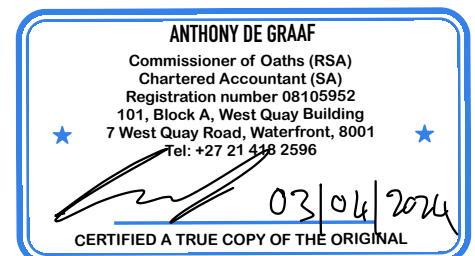
Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence 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: 18/02/2021

cc:	Mr Dale Holder	Cape Environmental Assessment Practitioners (Cape EAPrac)	E-mail: dale@cape-eaprac.co.za
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M.S



forestry, fisheries & the environment

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Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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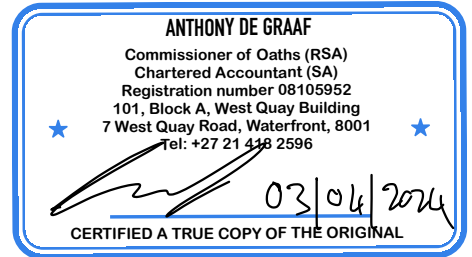
DFFE Reference: 14/12/16/3/3/2/820/AM2

Enquiries: Ms Thabile Sangweni

Telephone: (012) 399 9409 E-mail: TSangweni@environment.gov.za

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7 West Quay Road, Waterfront
CAPE TOWN
8000

Telephone Number: (021) 418 2596
Email Address: david@atlanticep.com



PER EMAIL

Dear Mr Peinke

CORRECTION TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 JUNE 2016 FOR THE UP TO 138MW AEP MOGOBE PHOTOVOLTAIC SOLAR ENERGY FACILITY ON PORTION 1 OF THE FARM LEGOKO 46 AND FARM SEKGAME 461 SOUTH EAST OF KATHU WITHIN THE GAMAGARA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 24 June 2016 and the correction letter received by the Department on 29 July 2021, refer.

In terms of Regulation 27(4) of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended this Department has decided to amend the abovementioned decision to correct a typographical error on Page 3 of the Environmental Authorisation dated 24 June 2016 as follows:

The SG21 Digit Codes have been corrected as follows:

From:

C	0	4	1	0	0	0	0	0	0	0	0	0	0	4	6	0	0	0	0	1
C	0	4	1	0	0	0	0	0	0	0	0	0	0	4	6	1	0	0	0	0

To:

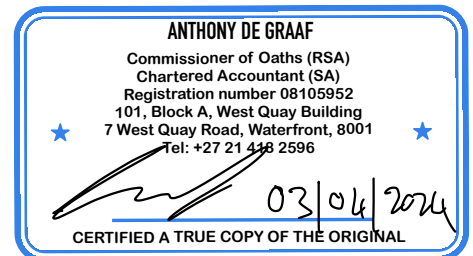
C	0	4	1	0	0	0	0	0	0	0	0	0	4	6	0	0	0	0	0	1
C	0	4	1	0	0	0	0	0	0	0	0	0	4	6	1	0	0	0	0	0

Please note that this letter must be read in conjunction with the Environmental Authorisation dated 24 June 2016, as amended.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 16/08/2021

cc:	Dale Holder	Cape Environmental Assessment Practitioners	E-mail: dale@cape-eprac.co.za
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DFFE Reference: 14/12/16/3/3/2/820/AM2

CORRECTION TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 JUNE 2016 FOR THE UP TO 138MW AEP MOGOBE PHOTOVOLTAIC SOLAR ENERGY FACILITY ON PORTION 1 OF THE FARM LEGOKO 46 AND FARM SEKGAME 461 SOUTH EAST OF KATHU WITHIN THE GAMAGARA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE



forestry, fisheries & the environment

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

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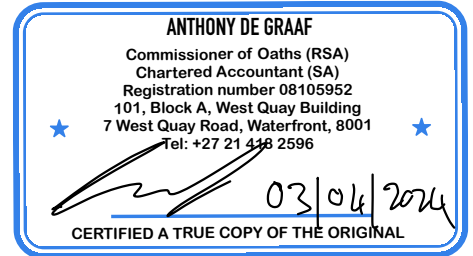
DFFE Reference: 14/12/16/3/3/2/820/AM6

Enquiries: Ms Olivia Letlalo

Telephone: (012) 399 8815 **E-mail:** oletlalo@dfffe.gov.za

Mr David Peinke
AEP Legoko Solar (Pty) Ltd
101, Block A, West Quay Building
7 West Quay Road, Waterfront
CAPE TOWN
8000

Telephone Number: 021 418 2596
Cell phone Number: 084 401 9015
E-mail Address: david@atlanticep.com



PER E-MAIL

Dear Mr Peinke

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 JUNE 2016 FOR THE UP TO 138MW AEP MOGOBE PHOTOVOLTAIC SOLAR ENERGY FACILITY ON PORTION 1 OF THE FARM LEGOKO 460 AND ITS ASSOCIATED INFRASTRUCTURE ON FARM SEKGAME 461 SOUTH EAST OF THE TOWN OF KATHU WITHIN THE GAMAGARA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by the Department on 24 June 2016, the EA amendments dated 18 February 2021 and 16 August 2021, your application for amendment of the EA received by the Department on 01 June 2023 and the acknowledgement letter dated 07 June 2023, 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 24 June 2016, as amended as follows:

Amendment 1: Addition of Battery Energy Storage System (BESS) coordinates on page 4 of the EA as follows:

BESS	Latitude	Longitude
	27°46'43.99"S	23° 5'33.26"E

Amendment 2: Addition of BESS to the project components on page 4 of the EA as follows:

A Battery Energy Storage System of up to 5ha within the footprint of the facility.

M.S

Amendment 3: Addition of BESS to the technical details of the facility on page 5 of the EA as follows:

Components	Description/Dimensions
Battery Energy Storage System (BESS)	A pre-assembled solid state battery energy storage system with a maximum footprint of up to 5ha. Located within the project footprint of the facility. Battery Energy Storage Capacity: Unspecified.

Reason for the above amendments:

The Applicant request an amendment to include the BESS (pre-assembled solid state Lithium battery technology) details and coordinates in the EA. The BESS will be located adjacent to the on-site substation footprint, within the authorised footprint of the facility to accommodate the size required for the IPP Procurement Programme by the DMRE.

This proposed amendment letter must be read in conjunction with the EA dated 24 June 2016, as amended.

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 fourteen (14) 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 EIA Regulations.

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.

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 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.

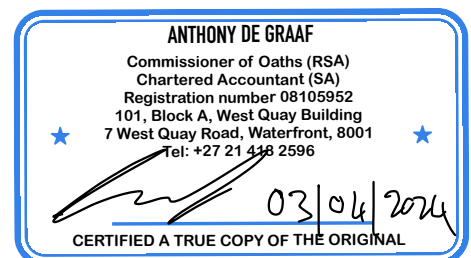
Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within twenty (20) days from the date 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: appealsdirector@dfre.gov.za

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or



M.S

By post: Private Bag X 447
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_authorisations or request a copy of the documents at appealsdirector@dfef.gov.za.

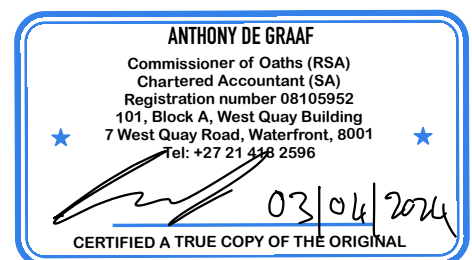
Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Date: 15/06/2023

Cc:	Mr Dale Holder	Cape Environmental Assessment Practitioners	Email: dale@cape-eaprac.co.za
	Mr Mandla Ndzilili	Northern Cape: DENC	Email: mndzilili@denc.gov.za
	Mr Andre Mostert	Gamagara Local Municipality	Email: info@gamagara.co.za





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, Arcadia· PRETORIA

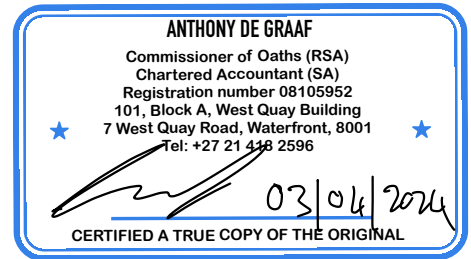
DFFE Reference: 14/12/16/3/3/2/820/AM7

Enquiries: Olivia Letlalo

Telephone: (012) 399 8815 **E-mail:** oletlalo@dfffe.gov.za

Mr David Peinke
AEP Mogobe Solar (Pty) Ltd
101, Block A, West Quay Building
7 West Quay Road, Waterfront
CAPE TOWN
8000

Telephone Number: 021 418 2596
Cell phone Number: 084 401 9015
E-mail Address: david@atlanticep.com



PER EMAIL / MAIL

Dear Mr Peinke

CORRECTION TO THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 15 JUNE 2023 FOR THE UP TO 138MW AEP MOGOBE PHOTOVOLTAIC SOLAR ENERGY FACILITY ON PORTION 1 OF THE FARM LEGOKO 460 AND ITS ASSOCIATED INFRASTRUCTURE ON FARM SEKGAME 461 SOUTH EAST OF THE TOWN OF KATHU WITHIN THE GAMAGARA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The amended Environmental Authorisation (EA) issued for the above application by this Department on 15 June 2023, your letter received by this Department on 19 June 2023 and acknowledged on 21 June 2023, refer.

In terms of Regulation 27(4) in Chapter 5 of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended, this department has decided to correct the amended EA dated 15 June 2023, as follows:

Correction 1: Correction to the holder of the amended EA

From:

AEP Legoko Solar (Pty) Ltd

To:

AEP Mogobe Solar (Pty) Ltd

The reason for the above correction is as follows.

A typographical error of an administrative nature was made as the amendment decision was addressed to the incorrect holder of EA.

This amendment letter must be read in conjunction with the EA dated 24 June 2016 and amended EA dated 15 June 2023.

Yours faithfully



Ms Milicent Solomons
Chief Director (Acting): Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 28/06/2023.

Cc:	Mr Dale Holder	Cape Environmental Assessment Practitioners	Email: dale@cape-eaprac.co.za
	Mr Mandla Ndzilili	Northern Cape: DENC	Email: mndzilili@denc.gov.za
	Mr Andre Mostert	Gamagara Local Municipality	Email: Info@gamagara.co.za

