



## 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

DEA Reference: 14/12/16/3/3/2/760/AM1

Enquiries: Mr Lunga Dlova

Telephone: (012) 399 8524 E-mail: [LDlova@environment.gov.za](mailto:LDlova@environment.gov.za)

Ms. Deidre Herbst  
Eskom Holdings SOC Ltd  
PO Box 1091  
JOHANNESBURG  
2000

Telephone Number : 011 800 3501  
Email Address : [herbstdl@eskom.co.za](mailto:herbstdl@eskom.co.za)

### PER MAIL / EMAIL

Dear Ms Herbst

### **AMENDMENT OF ENVIRONMENTAL AUTHORISATION ISSUED ON 08 MARCH 2016 FOR THE 17.2 MW ESKOM ARNOT POWER STATION PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINDER OF PORTION 24 OF THE FARM RIETKUL 491 JS WITHIN THE STEVE TSHWETE LOCAL MUNICIPALITY IN THE MPUMALANGA PROVINCE.**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 08 March 2016, your application for amendment of the EA received by the Department on 03 February 2021 and the acknowledgement letter dated 04 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 Regulations, 2014 as amended, has decided to amend the EA dated 08 March 2021 as amended, as follows:

#### **Amendment 1: Extension to the validity period - Commencement of Authorised Activities:**

The activity must commence within a period of five (5) years from the date of expiry of the EA dated 08 March 2016, now extended to **08 March 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.

**Reason for the extension of validity period:** The applicant applied to extend the validity period of the EA as Eskom's debt levels and NERSA's decisions to not award cost reflective tariffs have prevented the organization from commencing construction of the project. However, opportunities for partnerships and availability of green financing have made this project a reality. Additionally, the current capacity shortage and Eskom's newly established Just Energy Transition initiative have lent further support for the accelerated delivery of this project. Eskom therefore intends to begin construction of this project within the next two - five years, but the existing EA will expire before commencement of construction. Moreover, the project has advanced in obtaining internal governance approvals and Eskom will, within the current calendar year, seek a Ministerial determination for capacity allocation from Department of Mineral Resources and Energy in terms of section 34 of the Electricity Regulations Act of 2006.

M.S

This proposed amendment letter must be read in conjunction with the EA dated 08 March 2016 as amended

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10 year period, your EA will be deemed to have lapsed and a new application for Environmental Authorisation will have to be lodged.

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 abuse or compromise your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which 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](mailto: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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Environment, Forestry and Fisheries  
Date: 10/02/2021

cc:	Ms. Emmy Molepo	Eskom Holdings SOC Ltd	Email: <a href="mailto:molepome@eskom.co.za">molepome@eskom.co.za</a>
	Mr. WD Fouche	Steve Tshwete Local Municipality	Email: <a href="mailto:mmoffice@stevetshwetelm.gov.za">mmoffice@stevetshwetelm.gov.za</a>
	Dr. Vufanani Diamini	Mpumalanga Department of Economic Development, Environment and Tourism	Email: <a href="mailto:jmarakala@mpg.gov.za">jmarakala@mpg.gov.za</a>
	Mr. Simon Mahlangu	Eskom Holdings SOC Ltd	Email: <a href="mailto:mahlang@eskom.co.za">mahlang@eskom.co.za</a>