



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: 12/12/20/2289/AM2

Enquiries: Mr Lunga Dlova

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Mr Mike Mangnall
Banna ba Pifhu Wind Farm (RF) (Pty) Ltd
301 Sunclare Building
21 Dreyer Street
Claremont
SOUTH AFRICA
7708

Cellphone Number: +27 (083) 785 1492
Email Address: Mangnall@wkn-windcurrent.com

PER EMAIL / MAIL

Dear Mr Mangnall

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JULY 2014 FOR THE BANNA BA PIFHU 30.6 MW WIND ENERGY FACILITY ON THE BROADLANDS FARM NEAR HUMANSDORP IN THE KOUGA LOCAL MUNICIPALITY OF THE CACADU DISTRICT MUNICIPALITY, EASTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 21 July 2014, the amendment to the EA dated 21 June 2017, your application for amendment of the EA received by the Department on 04 February 2022 and the acknowledgement letter dated 10 February 2022, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 21 July 2014 as amended, as follows:

Amendment 1: Extend the validity period of the Environmental Authorisation:

The activity must commence within a period of two (2) years from the date of expiry of the EA dated 21 July 2014, now extended to **21 July 2024**. 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 amendment: The applicant, The Banna ba Pifhu Wind Farm (RF) (Pty) Ltd was not awarded preferred bidder status in the latest 5th bidding round of the DoE REIPPPP, hence no activity as authorised in the EA has commenced. It is thus the Applicants intention to bid the Wind Farm into the next REIPPPP bidding round or a private off-take opportunity, and for this reason, the existing EA will need to be extended so that the project can be bid.

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

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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.

This proposed amendment letter must be read in conjunction with the EA dated 21 July 2014 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 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;

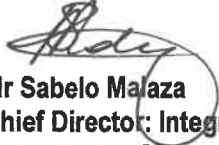
By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria,
0083; or

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



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

Date: *22/02/2022*

cc:	David Masterson	Dave Masterson Family Trust	E-mail: dmasterson@igen.co.za
	Dayalan Govender	Eastern Cape Department of Economic Development, Environmental Affairs and Tourism	E-mail: dayalan.govender@dedefa.gov.za
	Mari du Toit	Kouga Local Municipality	E-mail: mduitoit@kouga.gov.za
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