

NAMANE GENERATION (PTY) LTD

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The Honourable Ms Edna Molewa
The Minister of Environmental Affairs
By email: minister@environment.gov.za

For attention: Z Hassam
Director: Appeals and Legal Review, Department of Environmental Affairs
By email: appealsdirector@environment.gov.za

Copied to:

Department of Environmental Affairs Sabelo Malaza Chief Director: Integrated Environmental Authorisations By email: smalaza@environment.gov.za	Centre of Environmental Rights Robyn Hugo Attorney and Programme Head: Pollution & Climate Change By email: rhugo@cer.org.za
The Honourable Minister Ms Nomvula Mokonyane Minister of Water and Sanitation By email: ndamasem@dws.gov.za By email: thomass@dws.gov.za	The Honourable Minister Ms Mmamolo Kubayi Minister of Energy By email: kate.dire@energy.gov.za By email: thabo.mothibi@energy.gov.za By email: Bianca.selao@energy.gov.za
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The Honourable Minister Mr Mosebenzi Joseph Zwane Minister of Mineral Resources By email: queen.poolo@dmr.gov.za	

Directors

MJ Madungandaba, JHJ Schoeman

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26 April 2017

The Honourable Ms Edna Molewa

The Minister of Environmental Affairs

By email: minister@environment.gov.za

SUBMISSION OF RESPONDING STATEMENT IN LIEU OF THE APPEAL AGAINST THE ENVIRONMENTAL AUTHORISATION FOR NAMANE GENERATION IPP AND ASSOCIATED INFRASTRUCTURE, DEA REFERENCE # 14/12/16/3/3/3/210 AND NEAS REFERENCE # DEA/EIA/0000202/2015.

Dear Minister,

The above-mentioned appeal from the Centre of Environmental Rights ("CER") on behalf of Earthlife Africa Johannesburg and Groundwork as well as various correspondences between Namane Generation (Pty) Ltd ("Namane Generation"), the CER and the Department of Environmental Affairs (DEA): Appeals Directorate regarding this issue bears reference.

The attached document marked as Annexure A details the Namane Generation responding statement to the grounds of appeal as contained in CER's appeal document submitted on 4 April 2017.

The responding statement seeks to clarify some of the misconceptions about the project and its perceived environmental impacts as stated by CER in particular with reference to the specialist assessments presented in the Environmental Impact Assessment Report (EIR) compiled and submitted by Digby Wells and Associates (South Africa) (Pty) Ltd ("Digby Wells Environmental").

The CER submitted the appeal on 4 April 2017 after receiving a notification of the environmental authorisation by email on 13 March 2017. The submission stated in the notification that appeals must be submitted by 3 April 2017. Given that a public holiday affected the timeframe, the Directorate of Appeals confirmed the submission date to be 4 April 2017 as confirmed in an email sent on 16 March 2017.

The responding statement submission was confirmed with the Directorate of Appeals to be 26 April 2017 due to two public holidays within the 20 day period. We confirm therefore that the responding statement is submitted within 20 days in compliance with regulation 5 of the National Appeal Regulations, 2014.

On the basis of the above, Namane Generation's final recommendation is that the Minister considers the counter-arguments presented in Annexure A, and that the appeal from CER against the Environmental Authorisation for the Namane Generation Project, be set aside and therefore not be upheld.

Directors

MJ Madungandaba, JHJ Schoeman



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However, should the Minister uphold the fourth ground of appeal, in light of the High Court judgment in the case of *Earthlife Africa Johannesburg/the Minister of Environmental Affairs & Others [2017] JOL 37526 (GP)* ("the Thabametsi case"), Namane petitions the Minister not to set aside the environmental authorisation, but rather the de novo appeal should be adjourned, pending the submission of a climate change impact study.

Kindly confirm receipt of the Responding Statement, and should you require any further information please do not hesitate to contact us.

Yours Sincerely,



JHJ Schoeman

Director

Date: 26 April 2017