



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

The Honourable Ms Edna Molewa
The Minister of Environmental Affairs
Environment House
473 Steve Biko Road
Arcadia, Pretoria, 0083

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

Copied to:

Department of Environmental Affairs
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Chief Director: Integrated Environmental Authorisations
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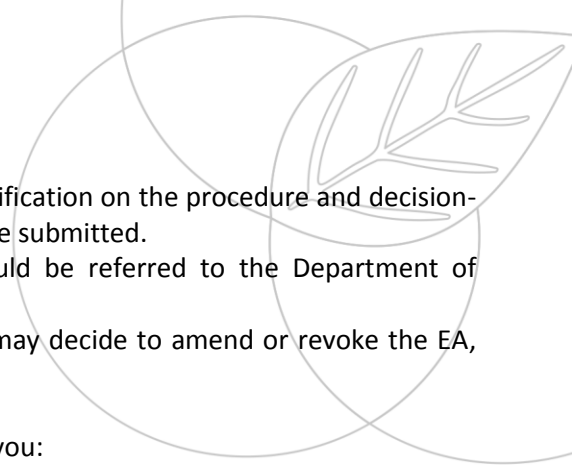
Your ref: LSA 142346
Our ref: CER12.4
20 April 2016

Dear Minister

DECISION ON THE APPEAL OF THE ENVIRONMENTAL AUTHORISATION GRANTED TO NEWSHELF 1282 (PTY) LTD FOR THE PROPOSED THABAMETSI POWER STATION

1. We refer to your decision on the appeal of the integrated environmental authorisation (EA) granted to Newshelf 1282 (Pty) Ltd (now Thabametsi Power Project (Pty) Ltd), dated 7 March 2016 ("appeal decision").
2. Your appeal decision upheld the EA, but imposed further conditions requiring a climate change impact assessment (CCIA) and a paleontological impact assessment report (PIAR) to be conducted within 6 months of the decision.

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3. On 13 April 2016, we met with the Appeals Directorate to request clarification on the procedure and decision-making process to be followed when the outstanding CCIA and PIAR are submitted.
 - 3.1. The Appeals Directorate advised that these assessments would be referred to the Department of Environmental Affairs (“the Department”).
 - 3.2. The Appeals Directorate further advised that the Department may decide to amend or revoke the EA, depending on the findings of the CCIA and the PIAR.
 4. In light of this meeting, we wish to address the following questions to you:
 - 4.1. Do you agree that the Department or relevant officials would be entitled to amend or revoke the EA, assuming that the findings of the CCIA and the PIAR justify this course of action?
 - 4.2. Which legal provisions, in the National Environmental Management Act, 1998 or otherwise, confer on the Department or relevant officials the power to amend or revoke the EA in these circumstances?
 - 4.3. What procedures would be followed in determining whether to amend or revoke the EA?
 5. We ask for this clarity with full reservation of our client’s rights.
 6. Please respond to us by no later than Tuesday 26 April 2016.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per: 

Robyn Hugo

Attorney and Programme Head: Pollution & Climate Change

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