



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

David Scrooby

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By email: DScrooby@justice.gov.za

Att:

The Honourable Minister Gwede Mantashe
Minister of Mineral Resources and Energy

Nomalanga Sithole

Acting Chief Executive Officer

National Energy Regulator SA

By email: Nomalanga.Sithole@nersa.org.za

Copied to

Saandhri Naidoo

Director: Legal Services

Department of Mineral Resources and Energy

By email: Saandhri.Naidoo@dmre.gov.za

Our ref: CER61/NL
9 July 2021

Dear Sirs

INTEGRATED RESOURCE PLAN 2019 AND THE MINISTERIAL DETERMINATION ON THE PROCUREMENT OF NEW GENERATION CAPACITY FROM RENEWABLES, STORAGE, GAS AND COAL

- 1 We address you on behalf of our clients, groundWork,¹ Vukani Environmental Justice Movement in Action,² and the African Climate Alliance.³
- 2 We refer to the previous correspondence in this matter on behalf of groundWork. We record that, as is detailed in that previous correspondence for groundWork, our clients:
 - 2.1 strongly object to the inclusion of any new fossil fuel generation capacity, including provision for 1500 MW of new coal capacity, in the Integrated Resource Plan for Electricity, 2019 (IRP) and the ministerial

¹ groundWork is a non-profit environmental justice campaigning organisation working primarily in South Africa, in the areas of Climate & Energy Justice, Coal, Environmental Health, Global Green and Healthy Hospitals, and Waste; www.groundwork.org.za.

² Vukani Environmental Justice Movement in Action is a non-profit environmental justice organisation that seeks to create unity amongst environmental and social justice, faith, labour, youth and other relevant organisations based in the Highveld, in order to have a common voice on environmental justice issues.

³ The African Climate Alliance is a non-profit organisation and youth-led group advocating for climate, ecological and social justice in South Africa; <https://africanclimatealliance.org/>.

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determination published on 25 September 2020,⁴ and request that these allocations be removed entirely; and

- 2.2 do not consider the written reasons provided by the Department for the determination, and NERSA for its concurrence with the determination, to be reasonable, rational, and/or lawful.
- 3 The purpose of this letter is to request clarity as to whether the Minister intends to update the IRP 2019 and revise the 2020 determination in light of recent developments.
- 4 The IRP itself acknowledges that it is meant to be a “living plan”, to be revised regularly in light of economic, technological, and environmental shifts. The current IRP was published in October 2019.⁵ It is now almost two years since the promulgation of the IRP 2019, in which time much has changed.
- 5 Further, we note that during a virtual press briefing held on 10 June 2021,⁶ President Ramaphosa announced that Schedule 2 under the Electricity Regulation Act, 2006 (ERA) will be amended to allow projects up to 100 MW to generate electricity without a NERSA generation licence.
- 6 We understand from the above briefing note, and other sources, that this could unlock over 5000 MW of embedded generation capacity that is not currently accounted for in the IRP 2019. This increase in the exemption threshold will impact the configuration of the proposed energy mix under the IRP 2019, to a degree that warrants an IRP update.
- 7 In light of these developments, our clients respectfully request the Minister to respond, in writing, to the following issues:
 - 7.1 We request confirmation whether Department will commence with the process of updating the IRP, in consultation with NERSA, before the end of 2021.
 - 7.2 In the event of a refusal to do so, what are the reasons for the decision not to update the IRP 2019?
 - 7.3 Does the Minister have any intention to revoke or amend his section 34 determination, published on 25 September 2020, which provides for 1500 MW of new coal-fired power?
- 8 Our clients’ instructions are to oppose the 1500 MW of new coal in the determination and the IRP 2019 in the event that it is to proceed.
- 9 Our clients await your response.

Yours faithfully

CENTRE FOR ENVIRONMENTAL RIGHTS

per: 

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⁴ https://www.gov.za/sites/default/files/gcis_document/202009/43734gon1015s.pdf.

⁵ See for example: https://cer.org.za/wp-content/uploads/2016/08/CER-Letter-to-DoE-re-IRP_11-Aug-2017.pdf.

⁶ The press briefing recording is available here: <https://www.youtube.com/watch?v=7NcoAqm4OvY>.