



South Durban
Community
Environmental
Alliance



Centre for
Environmental Rights
Advancing Environmental Rights in South Africa



To:

**The Honourable Minister Barbara Creecy
Minister of Forestry, Fisheries and Environment**

For attention: **Department of Forestry, Fisheries and the Environment
Appeals and Legal Review Directorate**

Attention: Director: Appeals and Legal Review

Per Email: appeals@dffe.gov.za

Copy to: **Triplo4 Sustainable Solutions**

Attention: Ms Hantie Plomp

Per E-mail: richardsbayksa@triplo4.com / hantie@triplo4.com

Copy to: **Karpowership SA (Pty) Ltd**

C/O: Mehmet Katmer

Per E-mail: Mehmet.Katmer@kapowership.com

Dear Honourable Minister

APPEAL IN TERMS OF THE SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 106 OF 1998, AGAINST THE DECISION TO GRANT CONDONATION TO KARPOWERSHIP SA (PTY) LTD FOR THE LATE SUBMISSION OF ITS ENVIRONMENTAL IMPACT ASSESSMENT REPORT

DFFE REF NO: 14/12/16/3/3/2/2007

1. This is an appeal against a decision of the Chief Director: Integrated Environmental Authorisations ("Chief Director") dated 3 May 2023 to grant condonation to Karpowership SA (Pty) Ltd, to submit their revised Environmental Impact Assessment Report ("EIA Report") late in respect of its proposed Gas to Power via Powership Project at the Port of Richards Bay, uMhlathuze Local Municipality, KwaZulu-Natal.
2. This appeal is made jointly by the following organisations:
 - 2.1. The South Durban Community Environmental Alliance ("SDCEA") is a non-governmental organisation representing 16 community and environmental organisations concerned with environmental justice and sustainable development in South Durban and KwaZulu-Natal.¹ SDCEA represents vulnerable and disadvantaged persons whose lives and livelihoods depend on the protection of the coastal ecosystems of KwaZulu-Natal, in the vicinity of Durban. The SDCEA has

¹ Its members include the following institutions. Earthlife Africa – Durban; Clairwood Ratepayers Association; Umkomaas Anti-Pollution Watchdogs; Isipingo Environment Committee; Umlazi Unemployed People's Movement; Airport Farmers Association; KZN Subsistence Fishermen Forum; Isipingo Ratepayers Association; Silverglen Civic Association; Wentworth Development Forum; Treasure Beach Environmental Forum; Christ the King Church; Ubunye Bama Hostels; Bluff Ridge Conservancy.

for the last two decades participated in forums for the improvement of environmental management in KZN and in particular in the industrial areas south of Durban.

- 2.2. groundWork is an environmental justice and non-profit organization that works with South and Southern African communities on environmental justice and human rights issues focusing on coal, climate and energy justice, waste and environmental health. groundWork works with a number of community groups throughout South Africa including: the Vaal Environmental Justice Alliance; South Durban Community Environmental Alliance; Mfuleni Community Environmental Justice Organisation; South African Waste Pickers' Association; and Highveld Environmental Justice Network; Support Centre for Land Change; Environmental and Rural Solutions and the South African Water Caucus.
- 2.3. The Green Connection is a registered non-governmental organisation, that believes that economic growth and development, improvement of socio-economic status and conservation of natural resources can only take place within a commonly understood framework of sustainable development. The Green Connection aims to provide practical support to both the government and non-governmental/civil society sectors, which are an integral part of sustainable development.
- 2.4. Natural Justice: Lawyers for Communities and the Environment, a non-profit organisation specialising in environmental and human rights law in Africa – with a focus on the pursuit of social and environmental justice for local and indigenous communities. Natural Justice offers direct support to local and indigenous communities impacted by the ever-increasing demand for land and resources, through legal empowerment.
- 2.5. The Centre for Environmental Rights is a non-profit public interest law organisation that defends the right of communities and civil society organisations to an environment not harmful to health or wellbeing for present and future generations. Through litigation, advocacy and activist support and training, we seek to advance our vision of a more equal society, free of fossil fuels, in which environmental and climate justice is realised and all people and the planet flourish.
3. In terms of regulation 4(2)(a) of the National Environmental Management National Appeal Regulations, 2014 (“the Appeal Regulations”), an appeal submission must be submitted in writing in the form obtainable from the appeal administrator, and must be accompanied by: a statement setting out the grounds of appeal; supporting documentation which is referred to in the Appeal submission; and a statement by the appellant to confirm compliance with regulation 4(1) of the Appeal Regulations.
4. Notification of condonation decision was sent to I&APs on 3 May 2023, a copy of which is attached as Annex B1.
5. We do not have a copy of the list of registered interested and affected parties at the time of submission, but will endeavour to share a copy of the appeal with I&APs, within our available resources.
6. We enclose and hereby submit the following:
 - 6.1. the DFFE’s appeal response form containing the grounds of appeal, in Word format, as **Annex A**; and
 - 6.2. the detailed Grounds of Appeal, together with supporting documentation as **Annex B**;
7. The Appellants have sought, to the best of their ability, to comply with the legal requirements of the National Appeal Regulations.
8. Kindly confirm receipt of this letter and the enclosed annexes comprising the Appeal.

9. Should you have any queries in relation to this Appeal, or require any additional information, please let us know.
10. Kindly also keep us updated on the progress of the Appeal.

Yours faithfully,



NATURAL JUSTICE

Per: Melissa Groenink

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