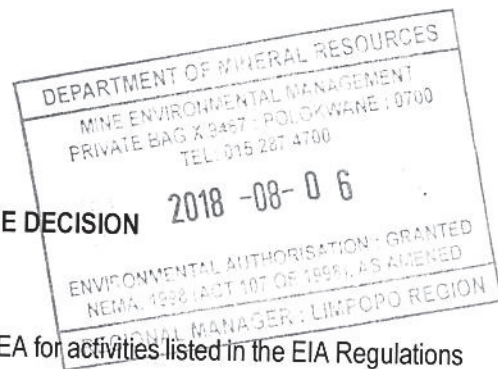


ANNEXURE 1: REASONS FOR THE DECISION



1. Background

The applicant, **Ledjadja Coal (Pty) Ltd** submitted an application for EA for activities listed in the EIA Regulations of 2014 as:

Listed in the EIA Regulations R. 983 of 2014 as:-

Activity 21- "Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the mineral and petroleum resources development Act, 2002 (Act 28 of 2002), including –

- (c) associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource; or
- (d) the primary processing of a mineral resource including winning, extraction, classifying, concentration, crushing, screening or washing;

but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.

Activity 22 -"The decommissioning of any activity requiring –

- (i) a closure certificate in terms of section 43 of the mineral and petroleum resources development Act, 2002 (Act 28 of 2002); or
- (ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput the activity has been reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agree that such reduction does not constitute closure;

Activity 27 -"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –

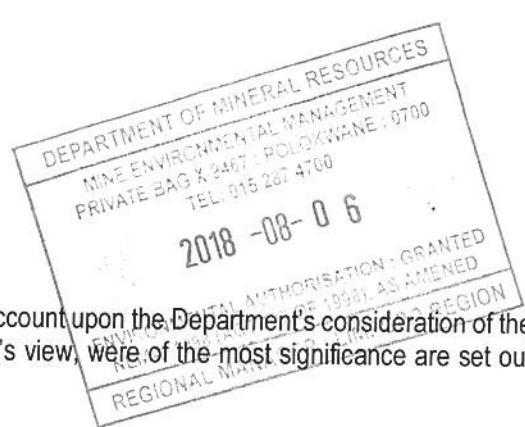
- (j) the undertaking of linear activity; or
- (ii) maintenance purposes undertaken in accordance with maintenance management plan.

Ledjadja Coal (Pty) Ltd appointed Digby Wells Environmental to undertake Environmental Impact Assessment process and submit the Basic Assessment process as required by Regulation 19 of the EIA Regulations.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR and EMP received by the Department on 13 March 2018;
- b) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- c) Public Participation Process (PPP) attached to BAR and EMP;
- d) The Environmental Awareness Plan Report attached to the BAR and EMP.
- e) The Closure and Rehabilitation Plan during the decommissioning of the project it is outlined in the BAR;



3. Key factors considered in making the decision

All the information presented to the Department was taken into account upon the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance are set out below.

- a) A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations R 982 of 2014 for public involvement;
- b) The environmental impacts associated with the proposed activity will be addressed by the implementation of proposed mitigation measures outlined in the BAR and EMPr compiled by Anita Gutu of Digby Wells Environmental;
- c) The Closure and Rehabilitation Plan included in the BAR and EMP dated 13 March 2018; compiled by Anita Gutu of Digby Wells Environmental;
- d) Financial provision submitted on 08 June 2018.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings –

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process complied with Chapter 6 of the EIA Regulations R.982 of 2014. The Public Participation Process included, *inter-alia*, the following:
 - Ledjadja Coal (Pty) Ltd is the lawful occupier of the property and they are owned by Resgen South Africa (Pty) Ltd
 - Press advertisement
 - Site notices
 - Stakeholder notification letter
 - Background Information Document.