



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEAT/EIA/4622/2009

DEA Reference: 12/12/20/1439

Enquiries: Sindiswa Dlomo

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Ms. Mmamoloko J Seabe
Eskom Transmission SOC Limited
P.O. Box 1091
JOHANNESBURG
2001

Fax no: (011) 800-3917

PER FACSIMILE / MAIL

Dear Ms Seabe

ENVIRONMENTAL AUTHORISATION ISSUED ON 11 JULY 2012: PROPOSED DEVELOPMENT OF THE NEPTUNE-POSEIDON 400kV POWERLINE, WITHIN THE BUFFALO CITY, NGQUSHWA, NKONKOBE, NXUBA AND BLUE CRANE LOCAL MUNICIPALITIES IN THE EASTERN CAPE PROVINCE

The abovementioned Environmental Authorisation issued by this Department on 11 July 2012 refers.

The Department hereby instruct Eskom to issue a written notification to all registered interested and affected parties (I&APs), outlining its failure to notify them of the approval of the application for environmental authorisation (EA) for the abovementioned development. Furthermore, Eskom should clearly indicate the reasons for their failure to notify I&APs in the aforementioned notification.

The Department recommends the following in order to rectify the situation:

- i. Eskom must draft a letter to all registered I&APs informing them of the EA and Eskom's failure to notify them of the decision and the appeal process;
- ii. Eskom must provide reasons for their failure to notify I&APs in the aforementioned letter;
- iii. The letter must clearly indicate the Department's decision to grant additional time for I&APs to lodge appeals: i.e. 20 days from the date of Eskom's notification to lodge a notice of intent to appeal;
- iv. Eskom must advertise the availability of the EA dated 11 July 2012 in the same newspapers used during the EIA process;
- v. Eskom must take all necessary action to ensure that the notification and the EA dated 11 July 2012, reach all the registered I&APs within the 12 days from the date of signature on this letter;
- vi. Proof of notification to all registered I&APs must be submitted to this Department, as well as proof of the abovementioned newspaper advert; and
- vii. Ensure that the letter from the Department and the EA dated 11 July 2012 is appended to the notification letter

Based on the above, the Department has decided to extend the period within which an appeal can be submitted. The appeal period will be calculated from the date of notification from Eskom; i.e. a notice of intent to appeal must be submitted within 20 days from the date of Eskom's notification to I&APs. Any appeals submitted hereafter, and within the newly calculated time frame, will be considered to have been submitted in time and will be processed accordingly by the Directorate. Appeals and Legal Review.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations. Based on the circumstances related to this matter, the 12 days stated in Regulation 10 (2) will commence from the date of this letter.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA. In this regard, the 20 days will commence from the date of Eskom's notification letter. The notice of intent to appeal can be submitted by means of one of the following methods:

By facsimile: 012 320 7561;

By post: Private Bag X447,
Pretoria, 0001; or

By hand: 2nd Floor, Fedsure Building, North Tower,
cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,
Pretoria

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

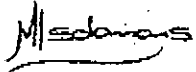
Mr Z Hassam, Director: Appeals and Legal Reviews, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: AppealsDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of this letter. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Mark Gordon

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Ms Millicent Solomons

Designation: Director: Integrated Environmental Authorisations

Date: 22/03/2013

CC:	Mr D Henning	Nemai Consulting (EAP)	Tel: 011-781-1730	Fax: 011-781-1731
	Mr G. Pienaar	Eastern Cape Provincial Department	Tel: 040-609-7151	Fax: xxx-xxx-xxxx
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744