NEWSLETTER 2021-05-18

**Breaking new ground: SA’s first gas to power appeal decision challenged**

*groundWork and South Durban Community Environmental Alliance (SDCEA) have challenged Minister Barbara Creecy’s decision to grant state owned public entity Eskom an authorisation for a gas to power plant in Richard’s Bay*

South Africa has recognised that a just transition and a just energy transition is needed to respond to the climate and social justice challenges, yet government is still hellbent on pushing fossil fuels, and gas in particular as part of the solution. A classic case of congnitive dissonance.

This landmark litigation marks the first time that a gas to power plant has been challenged in South Africa. Environmental justice organisations groundWork and the South Durban Community Environmental Alliance (SDCEA) appealed the decision to grant Eskom Holdings SoC Ltd (Eskom) an Environmental Authorisation (EA) for the development of a 3000MW Richard’s Bay Combined Cycle Power Plant (CCPP) in January 2020. Minister Creecy rejected the appeal against her decision. In April 2021, represented by attorneys Cullinan and Associates and supported by legal non-governmental organisation Natural Justice, the organisations filed papers in the Pretoria High Court challenging the Department of Forestry, Fisheries and the Environment’s (DFFE’s) in the interests of the public and the environment.

Africa’s biggest polluter, Eskom, proposed that their gas-to-power plant will be fuelled via a fossil gas pipeline from the Richard’s Bay port. The Environmental Impact Report (EIR) did not identify where this gas will be sourced. The extraction and transportation of the gas to be used and their related emissions was not considered. The project failed to assess the extent to which the power plant will contribute to greenhouse gas (GHG) emissions, assess the potential climate change impacts, mitigation measures and the project’s own resilience to climate change. The EIR failed to assess the impacts of emissions from the entire lifecycle of the project. Significant emissions were not accounted for and South Africa is already far behind on its commitment to reduce emissions. In the *Earthlife Africa* case handed down in 2017, the High Court considered how environmental impacts posed by climate change should be assessed. This precedent was not considered.

The Minister’s position that gas is cleaner than coal is misleading and dangerous. The latest science on fossil gas burning suggests that the GHG footprint is far worse than that of either coal or oil, particularly when considered over a 20-year timescale. Polluting methane gas is eighty-four (84) times more powerful than carbon dioxide over this period and will accelerate global warming. Gas, like coal, is a fossil fuel and burning gas has detrimental consequences to health and the environment. It is a hazardous substance that is highly flammable and explosive putting people at risk. The extraction of gas is polluting and responsible for ecosystem loss. Gas is not a safer alternative to coal.

The Richard’s Bay area is experiencing an extreme drought. Water resources are required for agriculture and the area is likely to experience extreme warming. The proposed alternative operational requirement for cooling the combustion turbines was to use sea water. The impact of this is not assessed nor are consideration of alternative water requirements.

Furthermore, the project failed to assess the cumulative environmental impacts of the project in the Richard’s Bay area and identify alternatives including renewable energy. This is in contradiction to Eskom CEO, Andre de Ruyter’s message at the Presidential Coordinating Commission on Climate Change on 30th April emphasising that growing investment in renewable technologies was non-negotiable and that it would have a positive impact on both the country’s electricity and a more sustainable future under the just transition strategy.

Building polluting fossil fuel power plants are expensive and commits South Africa to a costly and regressive climate harming future. Studies have shown that the least-cost pathway includes renewables and avoids the building of expensive gas infrastructure, relying only on existing peaker plants to meet limited hours of peak electricity demand. Gas to power plants are not needed to meet our energy needs because much cleaner, more cost-effective alternatives are available, yet as you will see below, South Africa is awash with proposals.

Box Text:

**NEW AND PROPOSED GAS TO POWER PLANTS**

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| **Project (and environmental assessment consultancy)** | **Capacity** | **Location** | **Status** |
| Eskom Combined Cycle Power Plant  | 3000MW | Richard’s Bay | groundWork and SDCEA litigation in April 2021 challenging appeal dismissal |
| Richards Bay Gas to Power 2 gas to power facility (Savannah Environmental) | 400MW | Richard’s Bay | groundWork appealed the EA on 3rd May 2021 |
| Phinda Power Emergency RMPP (Savannah Environmental) | 450MW | Richard’s Bay | groundWork submitted comments on 2nd November 2020. Due to administrative oversight, Savanna gave Notice of a new application on 30 November 2020. Final EIR submitted 26th April |
| Karpowerships (Trioplo4) | 1200MW | Richard’s BayPort of NgquraSaldanha Bay | Preferred bidder status in the Risk Mitigation Independent Power Producer’s Programme (RMIPPP).  |
| Phinda Power Producers Emergency Risk Mitigation Power Plant (Savannah Environmental) | 320MW | Richard’s Bay | Authorisation granted for 132KV transmission infrastructure Final EIR submitted 13th April |
| Nseleni Independent Floating Power Plant: 700MW floating barges (SE Solutions) | 2800MW up to 8400MW | Richard’s Bay | EIA Comments due 18th May 2021Final EIR submission due 3rd June 2021 |
| Richard’s Bay Gas to Power 3 gas to power facility (Savanna Environmental) | 2000MW | Richard’s Bay | Application not yet submitted. Public Participation not yet commenced |
| Coega Development Corporation (CDC) Integrated Gas-to-Power Project (SRK Consulting) | 3000MW | Port of NgquraCoega Special Economic Zone (SEZ) | Final EIRs submitted on 26 April 2021: 3 x 1000MW gas to power plants, LNG terminal, cryogenic pipeline, storage, electricity transmission powerlines  |
| CB Hybrid Power Risk Mitigation Power Project (SRK). DEFF Ref: 14/12/16/2/2/2/2016 | 200MW | Coega SEZ | Final EIR submitted on 23 April 2021. Awaiting decision |
| IPCA and AMSA gas-fired power plant (ERM) | 1500MW | Saldanha Bay | Status uncertain |
| Assegai LPG-Power Generation (Chand) | 320MW | Saldanha IDZ | EIA withdrawn |