

14 April 2023

Project No. 21465149\_LETT

**NOTIFICATION OF REFUSAL OF AN AMENDMENT TO THE EXISTING ENVIRONMENTAL AUTHORISATION IN TERMS OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT 1998, AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 (AS AMENDED) FOR NEW LARGO COAL (REF: MP 30/5/1/1/3/2/1 (511) EM), SITUATED NEAR OGIES, WITHIN THE EMALAHLENI LOCAL MUNICIPALITY, NKANGALA DISCTRICT: MPUMALANGA PROVINCE**

Dear Stakeholder,

Notice is hereby given that the Department of Mineral Resources and Energy (DMRE) has refused to authorise an amendment to the existing environmental authorisation (EA) for New Largo Coal (Pty) Ltd. Based on the contents of the refusal letter, received on 31 March, and follow-up clarification meetings held with the DMRE (on 6 and 12 April), the reasons for the refusal are as follows:

- The DMRE is of the view that most of the activities applied for do not require further authorisation, and hence should not have been included in the amendment application. New Largo can therefore proceed with the mining related activities because the mine already has an existing environmental authorisation (EA) and environmental management programme (EMP); and
- The DMRE is however of the view that some of the activities applied for constitute a listed activity in terms of the EIA Regulations (specific reference was made to the construction of pollution control dams), and hence an application for a new EA should be submitted, and not a Part 2 EA amendment application process, as provided for in Regulation 31 of the EIA Regulations, 2014 (as amended), unless these triggering activities can be designed out.

An electronic copy of the refusal letter is available on the WSP website: <https://www.wsp.com/en-za/services/public-documents>.

In going forward, New Largo will commence with mining within the bounds of the existing approvals and revisit the mining plan. Should it not be possible to design out the activities which require further permitting, a new EA application process for these activities will be undertaken when required.

**Opportunity to Appeal:**

WSP Group Africa (Pty) Ltd (WSP) (the Environmental Assessment Practitioner (EAP)) hereby notifies all registered I&APs of their right to appeal the decision in terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, (Government Notice Regulation (GNR) 982 of 2014). Furthermore, WSP hereby provide I&APs with information regarding the process of lodging an appeal. The appeal procedure described in the National Appeal Regulations, 2014, and outlined below, must be followed should an I&AP want to submit an appeal. The National Appeal Regulations, 2014 have been included in Appendix A. A copy of the official appeal form can be obtained from the Department of Forestry, Fisheries and the Environment.

Please note that anyone who wishes to appeal the decision has until **Thursday, 04 May 2023** to submit an appeal, on the official appeal form, to the **Department of Forestry, Fisheries and the Environment**. Appeals must be submitted as follows:

**Department of Forestry, Fisheries and the Environment**

Attention: Directorate Appeals and Legal Review  
By Email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)  
By Post: Private Bag X 447, Pretoria, 0001  
By Hand: Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0083  
Reference: MP 30/5/1/1/3/2/1 (511) EM

**Copy of the lodged appeal must be submitted to the Department of Mineral Resources and Energy:**

Attention: Regional Manager: Mpumalanga Region  
By Facsimile: (013) 690 3288  
By Email: [Lydia.maphoha@dmre.gov.za](mailto:Lydia.maphoha@dmre.gov.za)  
By Post: Private Bag X 7279, eMalahleni, 1035  
By Hand: Saveways Crescent Centre, Nelson Mandela Drive, eMalahleni, 1035

In terms of the National Appeal Regulations of 2014, as amended, the appellant must also provide a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter. Contact details of the applicant (also the EA holder) are as follows (please note the contact person has changed since the submission of the initial application and hence differs to those on the refusal letter):

Attention: Mzoxolo Mafuza  
By Email: [mzoxolo.mafuza@seritiza.com](mailto:mzoxolo.mafuza@seritiza.com)  
By Hand: 15 Chaplin, Cnr Oxford and Chaplin Roads, Illovo, 2196

Should you require any additional information, please contact the WSP Public Participation Office as follows:

By post: PO. Box 6001, HALFWAY HOUSE, 1685  
By phone: (011) 254 4800  
By fax: 086 582 1561  
By email: [gld.pp@wsp.com](mailto:gld.pp@wsp.com)

Sincerely

**WSP Group Africa (Pty) Ltd**



Tumelo Mathulwe  
*Senior Consultant*

TM/BM/tm



Brian Magongoa  
*Principal Associate*

Attachments: Copy of the Refusal Letter Ref No. MP 30/5/1/1/3/2/1 (511) EM

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