

ELA goes to court over Thabametsi's environmental impact

Coal-fired power stations are South Africa's single largest source of greenhouse gas (GHG) emissions, and [Earthlife Africa](#) (ELA) argues that the environmental impact assessment (EIA) to construct Thabametsi did not adequately assess the climate change impacts of the facility, and that these impacts should have been assessed before a decision was made on whether to go ahead with the power station.



The impact assessment was made available for public comment in January 2017 following the minister of environmental affairs' decision to order Thabametsi to conduct an assessment of the climate change impacts of the proposed coal-fired power station in water-stressed Limpopo.

At the same time, the minister decided to uphold the proposed power station's environmental authorisation – a decision which ELA will be challenging in court from Thursday.

The case

ELA, represented by the [Centre for Environmental Rights](#) (CER), yesterday submitted [comments](#) on the draft climate change impact assessment for the Thabametsi power station.

ELA's case is based on the fact that climate change impacts are significant environmental impacts, given the impacts that climate change will have and is having on water availability and temperature increases for example, particularly in respect of a proposed coal-fired power station.

Thabametsi and the state however, argue that Thabametsi's EIA did consider climate change; that there is, in any event, no legal obligation to assess climate change impacts; and that the department of environmental affairs (DEA) can subsequently amend the conditions of the authorisation, and the authorisation can be revoked if those conditions are not being met.

The climate change impact assessment released for public comment by independent consultants appointed by Thabametsi states that:

- The magnitude of the power station's emissions (8,2m tons of CO₂ equivalent per year) is very large based on a GHG magnitude scale drawing from various international lender organisation standards;
- The plant does not represent an improvement on the emissions intensity of South Africa's grid, but only represents an improvement (from a GHG emissions perspective) on South Africa's three oldest coal-fired power plants – Camden, Hendrina and Arnot;
- the impacts of climate change particularly on water availability, water quality and temperature increases are likely to pose a high risk to the power station in the short to long-term future; and
- drought conditions have historically negatively impacted local communities, including farmers and other rural residents directly dependent on water supplies for cattle farming and other agriculture in the Lephalale. Increased water stress may bring about increased community concerns and tension, and the increased dry spells/drought events will affect communities and may threaten Thabametsi's "social licence to operate".

Cannot be mitigated or remedied

CER attorney Nicole Löser says: "This assessment shows that Thabametsi's environmental impact report failed at assessing the climate change impacts of the power station and was incorrect in concluding that the GHG emissions of the power station would not be significant. It also shows that the climate change-related risks cannot be mitigated or remedied. In this case, the most cautious and risk-averse recommendation, as required by law, would be that the power station should not proceed."

While ELA has commended Thabametsi for the thorough assessment of the climate change impacts, they have also pointed out that it fails to give adequate consideration to the impacts that the power station will have for communities and the environment, and how these impacts will be exacerbated by the impacts of climate change. The assessment also fails to make adequate or effective recommendations in light of the significant risks that it brings to light.

Water-stressed area

Makoma Lekalakala of ELA says: "With the Waterberg being a water stressed area, we have always had concerns over the mass influx of proposed water-intensive developments, such as power stations, in the area, particularly the impacts that this will have for communities and farmers who depend on the limited water available. This report confirms our long held concerns that water availability is likely to pose a high risk for the Thabametsi power station and communities in the area."

Thabametsi must submit its final climate change impact assessment in March 2017. In the meantime, the question on whether the minister could have upheld the environmental authorisation without the climate change impacts having been assessed, will be argued in SA's first climate change lawsuit on Thursday, 2 and Friday, 3 March in the Pretoria High Court.