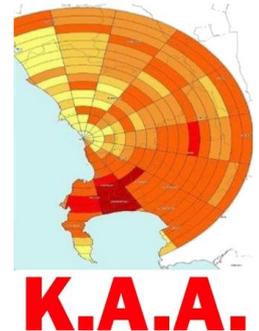


Guideline for Writing an Effective Appeal

Against the Authorisation of New Cape Town Nuclear Plant
22 November 2017

Introduction

On 11 October 2017, the Department of Environmental Affairs issued an Authorisation for a new nuclear plant and a radioactive waste disposal facility at Koeberg, about 26km North of Cape Town. The public may appeal this decision, with a revised deadline of 5 March 2018.



If you did not send a notice of intention to appeal, don't worry. At the start of your appeal just write "I ask for condonation for not submitting a notice of intention to appeal." You could also explain that the first deadline (before it was extended) gave you too little time to write an appeal.

The following provides guidelines for writing an effective appeal. Good luck!

Overview

All appeals should be submitted **near the end of the appeal period, which 5th March 2018**. Of course, don't leave it till then! Get it ready in the meantime, so that the deadline doesn't just make a **whooshing sound** as it rushes past you...

Firstly, the appeal **must contain the following**:

<i>Project Name</i>	Nuclear-1
<i>Project location</i>	Duynefontein
<i>Project Reference Number</i>	12/12/20/994
<i>Date Authorised</i>	11 October 2017

There is a form the department sent out, but it is small and inconvenient to use. If you do use it, there is **no need to stay within the form** they sent you. You could just say "See attached, point 1", "In attached document, refer to point 2" etc. in each block, and then attach a doc file with numbered points. Or you can add numbered sections below the form in the same document. Or you could use the form, and make the block as big as you like. Or don't use it at all, and just write a letter, addressed to the Minister of Environmental affairs.

Name the document something like **Appeal-Nuclear1-YOURNAME.doc** and if you would like to please **Bcc** info@koebergalert.org so that we can count the number of appeals submitted. The appeal should be emailed to Appeals@environment.gov.za, and you should prompt them until you receive an acknowledgement of receipt.

The rest of this guide is written in three sections.

The first section is for people who have very little time, but do not want to let this go by without doing something. See “**You have no time at all...**” below.

The second section is for those who are able to spend an hour or three doing some reading, and then writing a good appeal. You will probably learn a lot by doing this, and become even more determined! See “**You have an hour or three ...**” below.

The third section is for those with a specific academic qualification or appropriate field of expertise, and are willing to use that knowledge in writing an appeal. See “**Dive in deeply...**” below.

The more horrors we learn about how and why decisions have been made in our country in the past, the more relevant it becomes that the price of a participatory democracy is ... participation!

Good luck! I am happy to advise you if you have any questions you would like to email me, and to hear from you if you have any suggestions.

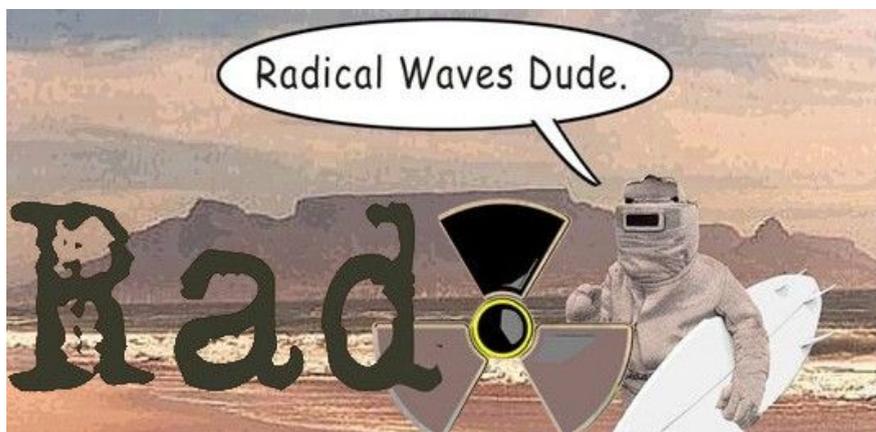
You have no time at all...

If you have no time at all, then you can write to the minister saying just that. **Please put it in your own words**, but you could use the facts

- Overall length of the report (thousands of pages)
- Number of specialists reports (35)
- Doing this is not your job, so spare time needs to be found
- There are issues/problems/criticisms of the report which have not been/are not addressed well enough/adequately/satisfactorily. If there was only more time...
- To detail/describe/specify/find/locate these would take time

Please do not copy and paste, Write in your own words. Its also important for legal reasons to keep it simple, so **don't feel tempted to add any emotional extras**, like “I think nuclear power is dangerous”. This will actually make you submission **less valuable**. Since you have *no time at all*, there is no time to explain in more detail. Just keep it simple!

You could add a sentence about an area of concern, for example, that you didn't see advertising of the public meetings, so key finding 5 (see below for list of key findings) is not true. Or that the plant would be too close to Cape Town. Or to a earthquake fault line. Or your own major concern with a new very large nuclear power plant at Koeberg.



You have an hour or three ...

To write an effective appeal, it's important to understand that the appeal must be related to the **key factors** of the authorisation. They were as follows:

1. The need for increased baseload electricity generation capacity in particular in the Eastern or Western Cape to underpin the economic prosperity and development objectives of South Africa.
2. Generation of electricity by means of nuclear power (as well as energy efficiency advancements and the development of renewable generation capacity) is supported by South African government policy including the Integrated Resources Plan.
3. The final EIR is considered adequate and meets the requirements of section 32(2) of NEMA and GNR 385 of the EIA Regulations.
4. The Specialist studies undertaken were of high standard and satisfy the requirements of the Plan of Study for EIR as approved by the Department.
5. The public participation process undertaken was comprehensive, allowed all stakeholders the opportunity to raise issues and concerns, included substantive responses from the EAP/applicant and exceeded the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.
6. All legal and procedural requirements have been met.

An appeal must give reasons why one or more of these points are incorrect, or reasons why a key factor is missing from this list.

Here are some examples. It is important to write in your own words. **Please do not copy and paste.** Read through the list below quickly, then pick one of these and write a bit about it, giving references as to where you have sourced information wherever possible. Keep it factual - statements like "I don't like the idea of nuclear power" are meaningless at this stage of the process. If you have written about one of these, and still have time, pick a second one, and write about that too. Keep going as long as you can or dare!

Key factor	Possible points for appeal
1	Google baseload myth or baseload fallacy , and try and find recent article(s) from reputable website(s) which you can quote. You could also search for information about South African electricity demand forecasts, from universities are the CSIR.
2	Read a short description of the Integrated resource Plan (IRP) here: http://www.energy.gov.za/files/irp_frame.html . This authorisation was based on the 2010 IRP. Here are some questions, but remember that an appeal cannot be questions - you need to make statements! <ol style="list-style-type: none"> 1. Has it been updated frequently enough? 2. Is it wise to base a long term decision like nuclear on a 7 or 8 year old planning document? 3. Should this authorisation wait for the updated 2016 IRP, which is nearly ready? It should be released within a month or two.
4	This is a big subject! Here are some areas why you may think the EIR report is not valid:

	<ol style="list-style-type: none"> 1. The seismic risk report was criticised by many, including those paid by Eskom. You can read one review here: https://projects.gibb.co.za/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=3564&language=en-US&PortallId=3&TabId=452. Strangely, there is another, very similar review as well: https://projects.gibb.co.za/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=3565&language=en-US&PortallId=3&TabId=452 2. Many other peer reviews were not complimentary. You can pick some from the section "FEIR APP E37" here: https://projects.gibb.co.za/NUCLEAR_1_-_Final_EIR?EntryId=3541. Search for things like "not adequate". If the peer review found a study not adequate, how can any authorisation be based on it? Again, remember an appeal cannot be questions. Make a statement, and back it up by quoting from a peer review. 3. Both the plan of study and the authorisation include permission to for "<i>disposal of nuclear fuels, radioactive products, and waste</i>" at the Koeberg site. [Page 9 of the Authorisation]. The public were not informed that this was part of the plan during the public participation, and the specialist studies did not cover the impact of this activity.
5	<p>Here are some questions to consider. Again, remember that an appeal cannot be questions- - you need to make statements, and back them up as much as possible.</p> <ol style="list-style-type: none"> 1. Did you participate at any of the meetings? 2. Did you see meetings in your area were advertised? 3. Were these meetings at a place and time that was convenient or possible for you to get to? 4. If you asked a question at a meeting, or wrote one in, was it accurately recorded here? https://projects.gibb.co.za/NUCLEAR_1_-_Final_EIR?EntryId=3220 5. If it was recorded, was the response given satisfactory? 6. Were you ever given the impression Thyspunt was the preferred site, so there was no need for you as a Capetonian to participate? If so, was there a press article you read that gave that impression? 7. For the first revised draft, only one public meeting was arranged in the Cape Town area, because Thyspunt was the preferred site. This may have given you the impression that there was no further need to engage, as a decision had in effect been taken.

Remember to end each point by referring back to a key factor (1-6), and why that factor is not actually valid.



Dive in Deeply ...

So you have a particular area of expertise, such as seismic modelling, hydrology, economics, agriculture, environmental ethics, town planning, tourism etc. and would like to see what the report said about that. You will find the details here https://projects.gibb.co.za/NUCLEAR_1_-_Final_EIR under the section FEIR APP E Specialist Studies.

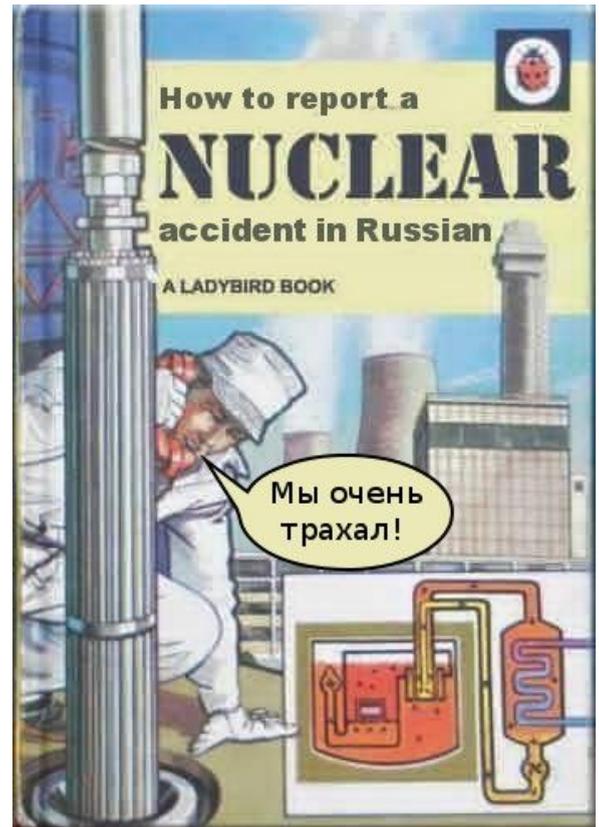
Each specialist has a CV there, and each study has a peer review. Find the study you are interested in and do a bit of reading. One way is to start with the peer review, which is much shorter than the study. Note that some studies overlap, such as the Hydrological, and Geohydrological studies, and also the Seismic Risk, Geotechnical suitability, and Beyond Design Accident reports.

Many of these reports are of poor quality, and if you can point that out, and back up your statements with academic references, that makes your appeal all the more powerful. This study started in 2008, so some studies use very old references, and are based on old data. That is a good basis for criticising them.

Once the specialist studies were written, they were summarised into the main report. Sometimes this 'summarising' does not reflect the overall findings of the technical study. If you can find places where the Main Report and or Executive summary does not fairly reflect a technical report or peer review, that is a very good basis for an appeal, since the relevant data was in effect not presented to the decision maker.

You may also find it useful to read the section above for some more general guidelines.

Relevant references to scientific journal articles carry weight, so include as many as possible. Also, please mention your own academic position or qualifications, particularly if you have a post-grad degree.



Last words

It is all quite an effort I know! If we do nothing however, those with a vested interest in this going ahead can only succeed.

But if we all do what we can, I am convinced we can show our government there is enough **determined, rational opposition** to this new nuclear plant (and radioactive waste dump) that eventually the plans will be dropped!

You can follow our blog at <https://koebergalert.org/>, find us on Facebook and [@koebergalert](https://www.facebook.com/koebergalert)