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Robyn Hugo  
Centre for Environmental Rights  
By email: rhugo@cer.org.za

11 April 2017

Dear Madam

**RE: ENVIRONMENTAL AUTHORISATION FOR THE CONSTRUCTION OF A 600 MW COAL-FIRED INDEPENDENT POWER PLANT AND ASSOCIATED INFRASTRUCTURE FOR KIPOWER (PTY) LIMITED SOUTH AFRICA**

- 1) The above matter and your letter of 3 April 2017 addressed to, amongst others, our clients refer. We act for KiPower (Pty) Ltd (KiPower) and Kuyasa Mining (Pty) Ltd in this matter and were instructed to respond to your letter.
- 2) We have consulted with our clients and were advised that KiPower is set to proceed with a climate change impact assessment, in light of the judgement in the matter of *Earthlife Africa Johannesburg v Minister of Environmental Affairs and Others*, cited in your letter under reply.
- 4) However, you will appreciate that the matter is of relevance also to the Department of Environmental Affairs (DEA). Moreover, there appears to be a number of ways in which the regulatory matter may be addressed. To this end, the DEA had already approached our clients so as to discuss various alternatives, in addition to those proposed in your letter. We are also advised that the DEA had requested to revert to you by 2 May, so as to enable the DEA to finalise their internal deliberations on the matter.



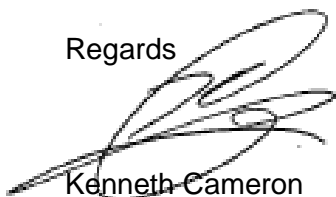
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- 5) We have further instructed counsel to assist with our discussions with the DEA and for purposes as to any agreement regarding the issues raised in your letter.
- 6) As such, we will appreciate leeway to also revert by 2 May in order to decide on an appropriate way ahead and to respond meaningfully to your letter. Please be assured that this request is solely aimed at arriving at an expedient and collaborative approach to the regulatory matter at hand, by agreement between your client, our client and the DEA.
- 7) In the meantime, our client's rights remain fully reserved and our failure to address any issue raised in your letter under reply does not constitute any acknowledgement or concession.

Regards



Kenneth Cameron

Director

MacRobert Attorneys