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Nicole Löser  
Centre for Environmental Rights  
By email: nloser@cer.org.za  
CC: rhugo@cer.org.za

3 May 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 / CLIMATE CHANGE IMPACT ASSESSMENT**

1. The above matter, your letter of 3 April 2017, as well as our subsequent correspondence refer. We have consulted with our clients and are instructed to revert as follows:
  - 1.1. In light of the judgement in the matter of *Earthlife Africa Johannesburg v Minister of Environmental Affairs and Others*, our clients will proceed with a Climate Change Impact Assessment (CCIA), as also confirmed in our letter of 11 April 2017;
  - 1.2. We concur that approaching the High Court for purposes of setting aside the Minister's decision in the appeal on the basis of the absence of a CCIA, and to have the matter remitted to the Minister after completion of the CCIA, is the appropriate course of action;
  - 1.3. In view of the fact that CCIA's and their application within the context of Environmental Impact Assessments is a matter of importance from a regulatory policy perspective, we further propose that the Minister be the applicant in the above application;



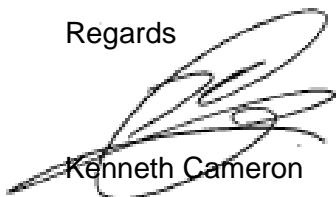
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Your strategic partner at law

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- 1.4. Notwithstanding the above, it remains naturally imperative that all parties, that being our clients, the Minister as well as the CER, are in agreement as to the wording of the said application and the order to be sought;
- 1.5. Our clients therefore propose that the Minister's principle concurrence on the approach be obtained. Should the Minister concur in principle, the parties should thereafter attend to the final wording of the application and other practicalities.
2. We reiterate that other than to agree in principle that the court be approached so as to resolve the procedural matters in remitting the appeal based on duly completed CCIA, our clients' rights remains reserved.
3. We await your response in due course.

Regards



Kenneth Cameron

Director

MacRobert Attorneys