

SECTION C: OBJECTION COMMENTS

NO.	NAME	COMMENT	RESPONSE BY	RESPONSE	Issue
1.	Charles Lloys Ellis 06/01/2021	I have perused your application and there are a number of matters I need to get specialist input on in order to formulate a meaningful comment.	Ecosense (additional response)	Noted	
1.1		As your application was only received on the 30th November, just as offices were shutting down for the long festive season, and as it closes for comment on the 20th January, a few days after offices reopen, it would only be fair and reasonable to request that the period for comment be extended by 30 days . I tried to contact you by phone but I was advised by your house sitter that you will only be back in your office on the 18th January ---the very same day most of the consultants I use also return to work. Also it is not normal practice to advertise applications for comment over the festive period---it is in fact prohibited in a City such as Tshwane! I look forward to your positive response.	Ecosense (additional response)	Mr Lois Ellis was granted extension until 28 January, and then subsequently informed again that a further 30 days were granted (see 1.2 below) Note that a public participation plan (which was included in the report under Appendix F) was approved by the DEA&DP. With Hermanus being a holiday destination (other than the City of Tswane), it was deemed acceptable to have public participation over this period as the likelihood of notifying more people of the process would be higher. The comment period was extended as required by the EIA Regulations by 15 days over the Christmas holiday period, thus initially providing 45 days for comment and then another 30 days until 19 February 2021.	Request extension for comment period
1.2	19/01/2021	My mail below refers. In your absence your office granted me an extension of only seven days which is insufficient time to consult with various specialists—most of whom, like you, only returned to work yesterday. I believe that you have granted other interested parties a 30 day extension and I request that you treat everyone equally and inform the general public of a general extension period by placing a notice in the local Hermanus newspapers as well as on site.	Ecosense (via email) 19/01/2021	I have just sent out an email to all IAPs (including yourself) to notify them of an official extension of the comment period to 19 February.	Process
1.3		I would also like to enquire if you provided all the residents on the Protea Road side and at Kraal Rock with details about the location of the long term construction camps which will be in close proximity to their homes . I look forward to your positive response.	Ecosense additional response	We have distributed notices to all residents in Protea Road, as well as in the Kraal rock area previously. I trust you will find this in order.	Process
2.	On behalf of SACAP Charles Lloys Ellis Director	Herewith my comments on the Poole's Bay application. Kindly acknowledge receipt.	Ecosense (via email) 19/02/2021	Thank you for your comment, which is hereby acknowledged. It will be included in our follow up reports with all other comments received. We will also be responding	

	19/02/2021			in more detail to the specific comments received in our comments and responses report, which will form part of the assessment reports. Therein we highlight the issues raised and how these have been / will be addressed. This will then be available for further comment at a time which will be announced to registered interested and affected parties.	
2.1		I am writing to you in my capacity as a director of SACAP (Pty) LTD, the registered owner of Erf 1277 Hermanus situated adjacent to the cliff path entrance to the east of Mollegren Park. We would like to be registered as an interested and affected party in this matter.	Ecosense additional response	Mr Lloys Ellis has been registered as an interested and affected party.	Request to register as I&AP
2.2		Applications of this nature are meant to be dealt with purely on their merits. Unfortunately, in this instance, the applicant has adopted an aggressive "Bell Pottinger" style approach aimed at vilifying property owners along Poole's Bay by placing notices, such as the example attached, in the local press. In addition, they have already commenced with the activity applied for, contrary to legislation, by cutting back indigenous vegetation and defacing rocks with blue paint.	Ecosense additional response	Ecosense, although appointed by the Applicant, cannot respond to inappropriate comments on people's demeanor or actions. Our mandate is to investigate impacts associated with the proposed project and to address associated issues raised through the process. Pruning of vegetation does not constitute commencement. Blue whale tail marks were intended to direct pedestrians so they may stay off private property.	Vegetation clearance
2.3		Initially this proposal sounds like a good idea, but when you see the thousands of seabirds resting on Bird Island and all the rocks in Poole's Bay, away from any human interference, you come to realize how fragile this ecosystem is and how it will be desecrated by the proposed activity which is both ill-conceived and impractical. No tourist has ever been put off from visiting Hermanus because there is a break in the existing cliff path.	Ecosense additional response	The status of the ecosystem was investigated by specialists (marine biologist, avian specialist as well as freshwater ecologist) and was found not to be of such sensitive / fragile nature as it is being perceived. The island would not be interfered with, it is not accessible, even during low tide - see drone images - Fig 38 and 40 in Appendix C taken during low tide. The Marine biology study site visit was conducted on 27 February 2021, during spring low tide. It was noted that the island is isolated from the mainland even during spring low tide thereby offering roosting birds protection from terrestrial predators and other forms of disturbance, including that from people.	Birds
2.4		The current application is fatally flawed for the following reasons: 1. The applicant given as the "Cliff Path Action Group" (CPAG) is not the owner of the land which forms part of the	Ecosense additional response	The application is not fatally flawed. Any person or entity may apply for Environmental Authorisation on the land on which the activities are to be undertaken, but in accordance with Regulation 39, which states:	Landowners consent

		<p>application and as such it has no Locus Standi. The application site is below the High-Water Mark (HWM) which area belongs to the State in trust for the people of South Africa. NOT IN MY NAME-----CPAG do not have the right to apply on my behalf or on behalf of all the other South Africans who are opposed to their plans.</p>		<p>39 (1) If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land.</p> <p>(2) Subregulation (1) does not apply in respect of—</p> <p>(a) linear activities;</p> <p>“Linear activity” is defined in the Regulations an activity that is arranged in or extending along one or more properties and which affects the environment or any aspect of the environment along the course of the activity.</p> <p>We submit that a pathway of approximately 850m is a linear activity according to the above definition and therefore written consent from the State is not required. However, in terms of the Seashore Act No 21 of 1935, land for any structures under the HWM, must be leased from the State and a Seashore lease will be applied for through CapeNature. This lease can only be applied for once Environmental Authorisation has been received.</p> <p>Furthermore, <i>locus standi</i> is not applicable in this context as it refers to the right or capacity to bring an action or to appear in a court and not to make an application.</p>	
2.4.1		<p>2. There is currently no application site as everything relates to the position of the HWM which has, as yet, not been approved and designated by the Surveyor General. Consequently no one has any idea where the activity will take place.</p>	<p>Ecosense additional response</p>	<p>The site has been defined in the layout plans as attached in Appendix B. The path is to be built as close as possible to the HWM which has, apart from information available on adjacent property SG Diagrams, also been surveyed 3 times during the past four years.</p> <p>The Surveyor General is mandated by the Land Survey Act.</p> <p>The Land Survey Act only makes provision for the SG to become involved when there is subdivision of a property of which the seaward boundary is the HWM (i.e. through site inspection for endorsement of a new SG diagramme).</p>	<p>Site layout HWM</p>

				<p>For this development, where there is no private property owner or subdivision of a property, the Land Survey Act does not apply and the SG is not compelled to do a site inspection. A NEMA application will therefore not require the SG to do a site inspection or confirm the HWM, as no SG diagramme will be needed.</p> <p>The above was indicated by the Chief Professional Land Surveyor for the Western Cape, Mr Andrew Ballantyne (see email correspondence in Appendix E23).</p>	
2.4.2		<p>The importance of Bird Island and all the surrounding rocks, where thousands of sea birds regularly come to rest, has been brushed over by a very superficial Avian Report conducted over only two days. The report also stated that cormorants were not disturbed by people walking along the proposed route of the path which is not true. The introduction of easy access into the area will mean that people and their dogs (often unleashed regardless of municipal regulations) will have a devastating effect on this piece of coastline.</p>	<p>Ecosense additional response</p>	<p>When referring to Bird Island, it is assumed to be the Island located at the Eastern entry to the proposed connection path, which is the only small island rock situated along the area where the path is proposed (indicated as the Island on our figures).</p> <p>We do not deny the presence of birds or their numbers but to state that thousands of sea birds regularly come to rest is incorrect, as many of the species are migratory.</p> <p>We submit that a knowledgeable and experienced specialist was approached to undertake a survey who has adequately qualified the limitations of the survey. The alignment of the preferred alternative will not be located as close to the island as per the previous alternative (Alternative 1). It must also be noted that the island is not accessible, even during spring low tide - see drone images - Fig 38 and 40 in Appendix C, taken during June 2021, low tide.</p> <p>The Marine biology study site visit was conducted on 27 February 2021, during spring low tide. It was noted that the island is isolated from the mainland even during spring low tide thereby offering roosting birds protection from terrestrial predators and other forms of disturbance, including that from people.</p> <p>Birds are found all along the coast and existing path in co-existence with the users of the area and an 850m section in a 12km stretch is not expected to be different.</p>	<p>Birds</p>

			Dr Rob Simmons (Avian Specialist) additional response	It was noted via email by Dr Simmons that if any nests were found that construction should avoid the breeding season of whichever species are found. Oystercatchers or White-fronted plover that do breed will adapt to a walkway, especially if it keeps humans on a path rather than walking all over the beach. In other words, disturbance is likely to be temporary.	
2.4.3		The cliff path was never built along Poole's Bay owing to the topography and inhospitable terrain. It has always been difficult to clamber and climb over rocks to traverse the area beneath the HWM but public access to this part of the coast has never been restricted. It is disingenuous of the applicant to use photos of signage restricting access on private property above the HWM to claim that property owners have restricted access to the land beneath the HWM belonging to the people of South Africa.	Ecosense additional response	Historical restrictions were highlighted though the various public engagements undertaken for the coastal access audit undertaken by the DEA&DP during 2018. Photos of signage was used in the context of access (understood to be referring to private property and restriction of thoroughfare though the bay)	Access
2.4.4		The concept that a formalized path will improve security for adjacent property owners cannot be further from the truth. The construction of the proposed path will expose all the sea front properties to criminal activity by providing easy access, which currently does not exist. Numerous muggings still occur along the existing Hermanus cliff path and a friend of ours was murdered by criminals entering his property from the cliff path	Ecosense additional response	Crime linked to the path cannot be predicted. On the contrary, law enforcement and security patrols could have increased presence, which may discourage criminal activities in the area.	security crime
2.4.5		If the path was built most owners would erect walls and fences along their seafront boundaries which, together with the proposed monstrous concrete walkway, would have a severe visual impact on Poole's Bay.	Ecosense additional response	Any walls to be built would be the choice of the particular property owner and would need to conform to the building restrictions as imposed by the Municipality. Refer to Section on policy / guidelines which sets out the municipal requirements for structures, which the proposed path, as well as any private property must adhere to	Visual impact
2.4.6		Poole's Bay is famous amongst the surfing fraternity for its large winter waves but the application does not contain a wave action study which should be critical for the consideration and design of the proposed concrete structures to be built below the HWM.	Ecosense additional response	It is conditional that a coastal engineer signs off on the final design	Wave Action study
2.4.7		The physical construction of the path also poses huge challenges due to the limited access to the site and how large volumes of concrete are to be moved over long distances.	Ecosense additional response	Agreed, it would be challenging but not impossible. The path would be constructed by using manual labour. Concrete would need to be brought onto the	Construction

				demarcated construction zone by wheelbarrow as required.	
2.4.8		The proposed construction camps located at Kraal Rock and Protea Road are close to numerous homes and would cause extreme nuisance to residents, many of whom have no knowledge of this application. The camps will be required for a considerable length of time and the existing cliff path from Kraal Rock to the site will have to be widened.	Ecosense additional response	This has been changed. No construction camps will be located on either side of the connection path. Materials would be stored in an appropriate location away from the residential area and required materials and workers would be brought in on a daily basis.	Site camp
2.4.9		The walkway will be a danger to unsuspecting members of the public who use it during high tides- Who will be liable if people are injured? Who will maintain the walkway and Who will reinstate the coastline if the walkway is irretrievably damaged by wave action?	Ecosense additional response	CPAG as the applicant would need to take full responsibility for the path and its maintenance while under their management, including any rehabilitation of as a result of damage to the path.	Safety Maintenance
2.4.10		In an ideal world it would be wonderful to have an extended cliff path. However, when one considers the impact it will have on the environment as well as practical considerations relating to the construction and maintenance the only option to choose would be one of "NO-GO".	Ecosense additional response	Noted. The impacts have been assessed and are regarded to be at acceptable levels, provided that appropriate mitigation as suggested, is implemented.	Ecological sensitivity impracticality
3.	Andrew Collins 07/01/2021	I am opposed to the cliff path extension for the following reasons:	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public.</p> <p>Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial,</p>	Objection,

				<p>personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
3.1.1		1. Poole's Bay is one of the last protected bays along the Hermanus coast and if you put a path through this area you will be driving large numbers of people into the sensitive intertidal zone.	Ecosense additional response	<p>The investigations conducted by the various environmental specialists indicated that the coastline is not in fact pristine and that the intertidal zone is not as sensitive as perceived to be.</p> <p>The purpose of this impact assessment process is to investigate if there would be any destructive actions, which there will not be. The impacts as a result of the development can be mitigated to an acceptable level.</p>	Ecological sensitivity
3.1.2		2. Poole's Bay is known for the large surf. It is foolhardy to be encouraging tourists to enter a dangerous area especially when many of them will not understand the sea, wave patterns, tidal changes, spring and neap tides. There is no doubt there will be serious injuries and possibly even death.	Ecosense additional response	<p>It is acknowledged that these conditions exist, but they do not prevail all of the time.</p> <p>Apart from appropriate warning signage the path could be closed during extreme sea conditions.</p>	safety
3.1.3		3. This path will make it extremely easy for poachers to access and escape Poole's Bay. We should be doing everything we can to protect the marine environment, not making it easier for criminals to destroy it.	Ecosense additional response	<p>Crime linked to the path cannot be predicted. On the contrary, law enforcement and security patrols could have increased presence, which may discourage criminal activities in the area.</p>	Poaching Environmental protection
3.1.4		4. The sea level is rising and internationally there is expected to be a 0.3m rise by 2050 and another 0.7m by 2100. This would put the path underwater all the time. Why build a path in a sensitive marine environment that will have a limited life span.	Ecosense additional response	<p>The applicant is prepared to invest in the infrastructure so the area can be accessed more safely at least in the short-medium term. Since the path alignment is linked to the HWM, the alignment could be amended in the future, should it become necessary due to too frequent inundation.</p> <p>The marine environment in the context of the path has been investigated by a specialist and found not to be as sensitive as perceived.</p>	Sea level rise Ecological sensitivity
3.1.5		5. Hermanus has real issues relating to poverty. It is unethical to spend tens of millions of rands on a short section of path in an area that should be kept as pristine as possible. All this just for the comfort of a handful of people who don't want to walk for a short section along the Main road.		<p>It is the prerogative of the applicant (CPAG) to use their funding for the project. The applicant is not responsible for addressing socio-economic problems through use of private funding.</p> <p>The area is not as pristine as is perceived, there are several examples of human disturbance within the</p>	Cost

				<p>area, including exotic landscaping right up to the HWM.</p> <p>The project is supported by a large number of people, as can be seen in Section C of this table. It would be privately funded and would not make use of public funding. It would furthermore become a public asset for the use of any person wanting to do so, as well as upholding the objectives of national legislation (Integrated Coastal Management Act) to facilitate access to the coast for all.</p>	
3.1.6		6. The path will affect the privacy and property values of people living on that section as it will pass extremely close to their properties in certain places. It will also impact their security by making it easy for criminals to access their properties. This may cause them to build unsightly walls and fences to the detriment of the attractive Poole's Bay.	Ecosense additional response	The path would be close to property boundaries, but houses are set back quite far back on properties, or atop cliffs where the path would run below and therefore mostly not visible from properties.	Privacy Property values Security Crime
3.1.7		7. The high water mark indicated in your diagrams is above where the surveyor general will most likely determine it to run. This will dramatically impact the path and most likely make it unfeasible.	Ecosense additional response	We cannot speak on behalf of the SG. Moreover, the SG will not confirm the HWM, as he is not mandated so by the Land Survey Act. Refer to correspondence in Appendix E23.	HWM
3.1.8		8. The municipality upgraded the pedestrian path along the Main Road and it is now an easy stroll around Poole's Bay.	Ecosense additional response	Noted. However, it is the desire of CPAG to avoid the sidewalk next to the R43, hence the application for the connection path through Poole's Bay	Main Road
3.1.9		9. The deadline of 20 January is disingenuous and seems to be deliberately timed to take advantage of people being on holiday and therefore not being able to comment. You need to extend the deadline.	Ecosense additional response	The deadline was not deliberately timed to take advantage of people being on holiday in a negative sense, rather ensuring that more people, who are perhaps not at their holiday homes during other times of the year will also get an opportunity to participate. This principle was also communicated and agreed to by the authorities. The deadline was extended by 30 days nevertheless.	Request extension for comment period
3.1.10		10. If this path ever does get approval, no construction should be allowed until every single cent of the construction cost has been placed in a trust together with a 20% extra amount to cover contingencies and cost escalations. The architect not he project has claimed it will take three years to build.	Ecosense additional response	<p>The cost of the project will be determined by the final design. Currently, it is being investigated what impact the proposals would have on the affected environment.</p> <p>The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose.</p>	cost

				A financial guarantee would be provided to ensure that funding for the project as well as future maintenance is available.	
3.1.11		11. Where will the building materials be stored for three years? This will be a long, disruptive process.	Ecosense additional response	The building materials will be stored offsite at an appropriate site and not in the vicinity. Construction would only be possible during certain times of the year / week / day to take into consideration whale and bird breeding seasons and tidal movement hence construction of 18 months over a minimum period of three years has been suggested.	Site camp
3.1.12		12. Any construction in the tidal zone will deteriorate over time. Who will be responsible for the maintenance? The people who maintain the current cliff path have indicated they do not want anything to do with this path extension.		Maintenance of the path is being prescribed in an Environmental Management programme, which will be enforceable through authorisation, should this be granted. The structures to be built will be mainly of concrete, which is robust in this type of environment (e.g. harbour walls, tidal pools etc). Assuming that by “people who maintain the current cliff path” is meant the Cliff path management group, we can confirm that we have not received any comment stating that they do not want anything to do with this path extension.	maintenance
3.1.13		13. The municipality have already shown they are not in favour of the path and this means they will not support it when things go wrong.	Ecosense additional response	According to the correspondence received from the Municipality (see Appendix E15), there is no indication that they are not in favour of the path.	Municipal support
3.1.14		14. In the press it has been claimed that Mollergren support the path going over their property. This is not true at all and has been confirmed by a member of their board, Mr van der Sluys.	Ecosense additional response	Ecosense is not aware of what was said in the press nor has Mollergren or any of their board members formally commented as part of the EIA process. Therefore we cannot regard this comment to be informative to the EIA process. The Erf boundaries have since been confirmed and the path would not traverse Erf 6088, as was previously indicated.	Incorrect information
			Ecosense (via email) 08/02/2021	Thank you for your comments and questions and apologies that I have not yet responded. All comments received will be considered and responded to further as appropriate in the next round of public participation for the environmental authorisation process for the proposed project, the date of which	

				will be announced to registered interested and affected parties (we have registered you). We will certainly also look into the Eastern Cape's Surveyor General article you referred to.	
3.2.1	11/01/2021	I was in Hermanus this last weekend and was given a physical copy of the brochure that has been distributed by the CPAG. The high water marked on there is dated 2 Sep 2020. Why is this date used? Is it because there was one of the biggest wave actions ever seen in Hermanus on that day that caused the waves to run extremely high up the beach?	Ecosense (additional response)	The SG indicated that the best times for measuring the HWM is during March and September of any year. Three surveys of the HWM have been completed with similar results. For the purpose of this application, the HWM determination of RvB Geomatics, 2021 will be used (see Appendix G6 and Section G3.2 of the BAR).	HWM
3.2.2		In Section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008, Act no. 24 of 2008 it states that the high water mark is defined as the highest line reached by coastal waters, but excluding any line reached as a result of exceptional or abnormal floods or storms. The Eastern Cape's Surveyor General has written an article with practical examples of the legal position of the high water mark in which he quotes this section.	Ecosense (additional response)	The survey undertaken by RvB Geomatics used the same methodology as described in the article being referred to, which also adheres to the definition as described in the Act.	HWM
3.2.3		It is very clear from his article that the position of the high water mark is very different to that which is claimed in the brochure. The cliff path extension will need to be moved much closer to the sea, in some cases by many, many metres. The CPAG have painted markers onto rocks in front of our property which are well above the high water mark. There is vegetation growing to the sea side of the markers. This means they are directing people to walk on our private property and we will not tolerate this. On Saturday afternoon we had people walk across our pool area despite the fact we have put up private property signs.	Ecosense (additional response)	According to the Article being referred to, there is certain vegetation that will occur below the HWM. The HWM should not be confused with high tide. The Marine impact assessment also explains that the HWM is above the splash zone, indicating that wave action does not always come up to the HWM, hence some vegetation can occur below the HWM. The HWM determination was on the seaside of the pool - <i>"the survey indicted that in areas where manmade structures were erected, these structures were considered like seawall structures which act as barriers to the water run-up. The HWM was therefore surveyed around these structures (see Erf 6337)."</i> A dedicated path seaside of the pool would prevent people from walking over the pool area.	Vegetation
3.2.4		Until such time as the high water mark is defined and it becomes clear exactly where the path could be built, if it ever gets approval and funding, the CPAG should stop misleading the public, publishing false information and encouraging people to trespass on private property.	Ecosense (additional response)	The determination of the HWM by Geomatics is to be used going forward in this application process.	HWM

3.2.5		I noticed that every time people walk down from the cliff path at the eastern side of Poole's Bay and approach the rock outcrop where there are hundreds of birds resting, these birds all fly off. This never used to be an issue and it is only since the CPAG started to encourage people to walk over the rocks that these birds are being disturbed on a regular basis. The cliff path extension would be very detrimental to one of the last protected bays along the Hermanus coast.	Ecosense (additional response)	Your observation is noted, although the Avian specialist did not regard this as an issue. Birds are present all along the existing Cliff path that is frequented by large numbers of people daily.	Birds
4.	Rob Hersov 06/01/2021	I am against this project for many reasons, some of which are:	Ecosense (via mail) 24/01/2021	Thank you for your comment, which is hereby acknowledged. Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application. We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.	Objection
4.1.1		1. Poole's Bay is a special place as it is protected from large numbers of people walking through it and disturbing the fauna and flora. It is important that this last undisturbed	Ecosense (additional response)	It is indeed important to protect any natural features. It is submitted that the impacts associated with the	Ecological sensitivity

		small bay remains that way to protect the sensitive inter-tidal zone.		development of the path would be manageable and would not lead to any unacceptable effects. The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant to use their funding for the project	
4.1.2		2. Poaching is rife and by building a path down to the water's edge, you will make it even easier for poachers to access the kelp beds and make a quick escape.	Ecosense (additional response)	Poachers are present all along the coast. On the contrary improved access, increased presence of people and visible policing would discourage criminal elements.	Poaching
4.1.3		3. The path will cost tens of millions to build – you have significantly underestimated the cost. This money could be far better spent on other parts of Hermanus, particularly areas where there is a far greater need such as Zwelihle. The money to build the path will come from donations and it is critical that, if the path were allowed to be built, no construction begins until every last cent required has been collected, plus a buffer. It will be a disaster for Hermanus if a half-built eyesore (such as the flyover in Cape Town) is allowed to ruin pristine Poole's Bay.	Ecosense (additional response)	The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant to use their funding for the project. A financial guarantee would be provided to ensure that funding for the project as well as future maintenance is available	Pristine coast Cost
4.1.4		4. Poole's Bay is known for the very large surf that occurs there. Your path will be built below the high water mark encouraging people to walk in this dangerous area. Hermanus is a tourist town with large numbers of foreign (and local) visitors who do not know about the dangers of the sea. It is not a clever idea to encourage people to walk across these rocks and there is bound to be a serious injury (or even death) and your associated insurance costs have been underestimated.	Ecosense (additional response)	It is acknowledged that the path may not be accessible during extreme storm events or high surf. It is proposed to have access control during such times. During other normal tides, the high tide would not come up all the way to the path (refer to section on the HWM, where it has also been indicated by the Marine specialist that the high watermark is about 5m above the splash zone, which is the average reach of waves during high tide)	Safety Liability Cost
4.1.5		5. Although CPAG claim the path will be maintenance free, this is impossible in such a harsh environment as the inter-tidal zone. Sections of the path are planned to be dowelled with steel bolts being drilled into the rock. These will rust and the path will collapse in time.	Ecosense (additional response)	It has not been claimed that the path would be maintenance free. Provision is being made for maintenance in the Environmental Management Programme, which also includes a maintenance management plan. Also note that there is now an alternative proposal, of which the design would not require dowelling.	Maintenance
4.1.6		6. There is also the issue of this plan impinging on private property, affecting the value of coastal properties, in addition to the impact on the privacy of those who live on Poole's Bay.	Ecosense (additional response)	The proposed path would not be located on private property. The path would have low visual impact and would further ease access in Poole's Bay for the immediate properties as well to be able to have a	Privacy Property values

				continued walkway along the beach and ocean from their individual properties to town centre.	
4.1.7		7. I have studied several surveying articles on the determination of the high water mark which is a very complex matter. I believe that the applicant (CPAG) may have submitted their survey to the Surveyor General for approval in which case the SG must be made aware that there are objections to their survey methodology and that I would like to have sight of their survey records	Ecosense (additional response)	The SG have indicated that the land survey act does not enable him to approve the HWM survey (see correspondence in Appendix E23). The HWM survey is therefore a reference to determine the position of the path. A third survey of the HWM has been undertaken, which does not differ substantially from previous surveys. A section on the methodology is included in the BAR - see Section 3.2	HWM
4.1.8		I also notice that the applicant has not signed many of the applications, rendering much null and void.	Ecosense (additional response)	That is correct. The process is in pre-application phase and reports are still in draft form. Once an application is formally submitted, all required forms and declarations will be duly signed.	Missing information - signatures
4.1.9		8. The "deadline of January 20th" is a cheap legal trick and won't hold water as this is the holiday period and many of the consultants, applicants and complainants aren't available – some don't reopen their offices until January 18th. I will be contesting that issue as well. 9. More to come. I oppose the proposal. As do many others who will be posting soon	Ecosense (additional response)	The deadline was extended by 30 days.	Request extension for comment period
4.2	07/01/2021	Internationally scientists are working on a 0.3m rise in sea level by 2050 and another 0.7m by 2100. This means the path would be well under water by 2100. It seems pointless to build it when it will have a limited lifespan. Realistically the earliest the CPAG could expect the path to be finished would be close to 2030.	Ecosense (via email) 24/01/2021	Noted and added with your previous comment, thank you.	Sea level rise
			Ecosense additional comment	The applicant is prepared to invest in the infrastructure so the area can be accessed more safely at least in the short-medium term.	
4.3		you haven't confirmed my prior messages	Ecosense (via email) 24/01/2021	Your comments have been acknowledged as per my earlier message. Thank you.	
5.	Kate Charter 06/01/2021	I was wondering if you were able to consult in Hermanus?	Ecosense (via email) 06/01/2021	Yes, we do. Will need some details / discussion. You can either give me a ring or send me your contact details.	Consulting inquiry

5.1		It is regarding the application for extension of the Cliff Path Hermanus into Poole's Bay. We would like to have someone come and analyse the potential environmental impacts of such construction. Feel free to contact me on 0824528252.	Ecosense (via email) 07/01/2021	I have reread your request and must get clarity. Ecosense Consulting Environmentalists CC are the current appointed environmental consultants for the application to extend the Cliff Path to Pools Bay. As such we are not in a position to offer services that may conflict or undermine our independent objective reporting of the existing application process. Please advise if your intention is to appoint environmental consultants to evaluate our current application process or if you have an additional alignment or extension to that of the current application information as issued to I&Ap's on or about the 30 November 2020 that may need to be evaluated?	Analysis of potential impacts
5.2	07/01/2021	We wanted to gather a greater understanding for the environmental damage of proposed extension and as you have worked on the project it seems most appropriate to ask for greater clarification from you.	Ecosense (via email) 07/01/2021	As we are currently appointed by Cliff Path Action Group to assess their proposal for this path and we would welcome comment or issues of concern you may have or identify. We can however not take on an appointment separately on this project as this will be considered a conflict of interest and affect our independence required. The closing date for comment from I&AP's is 20th January but we will allow comments up to and including 27th January 2021. Please do register your intent, as an individual or group, to comment to Kozette (copied in here also) ASAP so that we can include you in the official distribution database.	Project clarification
5.3	07/01/2021	The proposal to build the Poole's Bay cliff path connection is truly terrible – it is frighteningly expensive, in a dangerous position below the high watermark, fiercely destructive to the environment and without a doubt will require ongoing and costly maintenance. This proposal should be unequivocally condemned!	Ecosense (via web comment) 24/01/2021	Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their	Objection, cost HWM Ecological sensitivity

				<p>names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
			Ecosense (additional response)	<p>Costs for construction and maintenance will be carried by the applicant. The structures proposed is intended to provide safer access.</p> <p>Please see Marine Impact Assessment which describes the environmental status of the area.</p> <p>A decision will be made by the Department of environmental Affairs and Development Planning based on the facts contained in the Basic Assessment report and supporting specialist studies.</p>	
5.4	08/01/2021	I am opposed to the cliff path extension for the following reasons:	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also</p>	Objection

				<p>required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
5.4.1		1) It is one of the untouched coves along this coastline and construction will disrupt species in their habitats and wreck biodiversity in this precious bay. Allowing such human disruption in this area of nature reserve sets a precedent for further areas of nature reserve to be destroyed for selfish reasons.	Ecosense (additional response)	<p>It is our opinion that since some of the properties have been developed and landscaped right up to the high water mark that the Bay has therefore been transformed from its natural state over many years. Many manmade structures are visible - storm water pipes, tidal pools, built steps and other broken structures.</p> <p>There is no natural habitat left in this 850m, but the species that occurs there has adapted to the transformation and lives and functions alongside the human interference.</p> <p>Please see Marine Impact Assessment which describes the status of the area.</p>	Ecological sensitivity
5.4.2		2) It is a dangerous area to consider for walkers due to the infamous rough tides in this area. Furthermore, such tides and the rising sea level will result in the path being under water frequently and constant maintenance being required.	Ecosense (additional response)	<p>The purpose of the path is to improve access and reduce the risk to pedestrian safety.</p> <p>Maintenance is addressed in the Environmental Management Programme and Maintenance Management Plan</p>	Safety sea level rise maintenance
5.4.3		3) The Cliff Path and Municipality have emphasised they will not pay for maintenance at all along the Poole's Bay stretch.	Ecosense (additional response)	Noted. The Cliff Path Action Group as the applicant will be responsible for maintenance	Maintenance
5.4.4		4) There is already an upgraded pedestrian walkway from each entrance to the path paid for by the municipality-making is a safe and easy stroll (which is actually more accessible for walkers than the extension that will be constructed which does not allow access for disabled persons)	Ecosense (additional response)	There are a number of sections on the existing Cliff path that is inaccessible by disabled persons. The purpose of the connection path would not be to provide access to all persons, but to provide access to most, as is the case of the Cliff path.	Alternative
5.4.5		5) 3 years of construction will be long and destructive- and where will the building materials be stored?		The building materials will be stored offsite at an appropriate site and not at a site camp close to the site as previously indicated.	Site camp Construction duration

				Construction would only be possible during certain times of the year / week / day to take into consideration whale and bird breeding seasons and tidal movement hence construction of 18 months over a minimum period of three years has been suggested.	
5.4.6		6) There will be increased crime in the bay as a result- which will cause homeowners to have to build large fences and walls. This further disrupts ecosystems and nature in the bay and is not an attractive sight.	Ecosense (additional response)	Crime linked to the path cannot be predicted. On the contrary, law enforcement and security patrols could have increased presence, which may discourage criminal activities in the area.	Crime Ecological sensitivity visual
5.4.7		7) Tens of millions of rands would be far more beneficial to the community in other places. Such funding is hugely needed in the Zwelihle community, and could be used to create far more jobs in Hermanus than would be created through cliff path construction. Hermanus locals would definitely like to see this money elsewhere: healthcare, education, reduced taxes for elderly etc.	Ecosense (additional response)	It is the prerogative of the applicant (CPAG) on what their funds are being allocated for. The applicant is not responsible for addressing socio-economic problems through use of private funding.	Funding
5.4.8		8) The deadline of 20 January is disingenuous and seems to be deliberately timed to take advantage of people being on holiday and therefore not being able to comment. You need to extend the deadline.	Ecosense (additional response)	The deadline was not deliberately timed to take advantage of people being on holiday in a negative sense, rather ensuring that more people, who are perhaps not at their holiday homes during other times of the year will also get an opportunity to participate. This principle was also communicated and agreed to by the authorities. The deadline was extended by 30 days nevertheless.	Request extension for comment period
5.4.9		9) Mollergren have not indicated their support for the path at all.	Ecosense (additional response)	Mollergren was given the opportunity to comment but have not submitted any comment of support or objection.	
6.	Gerrit 07/01/2021	This pristine coastline needs to be protected and you oppose the expensive and destructive plans put forward by CPAG. May I please ask for a 30 day extension on the January 20th deadline.	Ecosense (via web comment) 24/01/2021	Thank you for your comment, which is hereby acknowledged. Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal	Pristine coastline cost Request extension for comment period

				<p>Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
			Ecosense (additional response)	<p>The investigations conducted by the various environmental specialist indicated that the coastline in this area is not in fact pristine.</p> <p>The purpose of this impact assessment process is to investigate if there would be any destructive actions, which there will not be. The impacts as a result of the development can be mitigated to an acceptable level. Cost would be the prerogative of the CPAG, who will be solely responsible for raising funds for the development and maintenance of the proposed connection path.</p>	
7.	Annette Barrett 07/01/2021	I am against this project for many reasons – Poole’s Bay is a special place and we need to protect the fauna and flora, the path will cost millions to build and this money should be used better especially in these Covid times.	Ecosense (via web comment) 24/01/2021	<p>Thank you for your comment, which is hereby acknowledged.</p> <p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected</p>	<p>Objection</p> <p>Ecological sensitivity</p> <p>Cost</p>

				<p>parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
			Ecosense (additional response)	<p>It is indeed important to protect any natural features. It is submitted that the impacts associated with the development of the path would be manageable and would not lead to any detrimental effects.</p> <p>The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant to use their funding for the project.</p>	
8.	Martin Ryman 07/01/2021	This proposal is ridiculous, this pristine coastline really needs to be protected and I oppose the expensive and destructive plans put forward by CPAG wholeheartedly Please give a 30 day extension on the January 20th deadline for us to build a case for preservation.	Ecosense (via web comment) 24/01/2021	<p>Thank you for your comment, which is hereby acknowledged.</p> <p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the</p>	Objection, Pristine coastline Request extension for comment period

				<p>authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
			Ecosense (additional response)	<p>The investigations conducted by the various environmental specialist indicated that the coastline is not in fact pristine.</p> <p>It is indeed important to protect any natural features. It is submitted that the impacts associated with the development of the path would be manageable and would not lead to any detrimental effects.</p> <p>The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant to use their funding for the project.</p>	
9.	Nicholas Ferguson 07/01/2021	"I am against this project for many reasons, some of which are:	Ecosense (via web comment) 24/0/2021	<p>Thank you for your comment, which is hereby acknowledged.</p> <p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested</p>	Objection

				<p>and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
9.1		1. Poole's Bay is a special place as it is protected from large numbers of people walking through it and disturbing the fauna and flora. It is important that this last undisturbed small bay remains that way to protect the sensitive inter-tidal zone.	Ecosense (additional response)	<p>It is indeed important to protect any natural features. It is submitted that the impacts associated with the development of the path would be manageable and would not lead to any detrimental effects.</p> <p>The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant to use their funding for the project</p>	Ecological sensitivity
9.2		2. Poaching is rife and by building a path down to the water's edge, you will make it even easier for poachers to access the kelp beds and make a quick escape.	Ecosense (additional response)	<p>Poachers are present all along the coast. On the contrary improved access, increased presence of people and visible policing would discourage criminal elements.</p>	crime
9.3		3. The path will cost tens of millions to build – you have significantly underestimated the cost. This money could be far better spent on other parts of Hermanus, particularly areas where there is a far greater need such as Zwelihle. The money to build the path will come from donations and it is critical that, if the path were allowed to be built, no construction begins until every last cent required has been collected, plus a buffer. It will be a disaster for Hermanus if a half-built eyesore (such as the flyover in Cape Town) is allowed to ruin pristine Poole's Bay.	Ecosense (additional response)	<p>The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant to raise and use their funding for the project.</p> <p>A financial guarantee would be provided to ensure that funding for the project as well as future maintenance is available.</p>	Cost Pristine coastline
9.4		4. Poole's Bay is known for the very large surf that occurs there. Your path will be built below the high water mark encouraging people to walk in this dangerous area. Hermanus is a tourist town with large numbers of foreign (and local) visitors who do not know about the dangers of the sea. It is not a clever idea to encourage people to walk across these rocks and there is bound to be a serious injury (or even death) and your associated insurance costs have been underestimated.	Ecosense (additional response)	<p>It is acknowledged that the path may not be accessible during extreme storm events or high surf. It is proposed to have access control during such times.</p> <p>During other normal tides, the high tide would not come up all the way to the path (refer to section on the HWM, where it has also been indicated by the Marine specialist that the high watermark is about 5m above the splash zone, which is the average reach of waves during high tide)</p>	Physical safety

9.5		5. Although CPAG claim the path will be maintenance free, this is impossible in such a harsh environment as the inter-tidal zone. Sections of the path are planned to be dowelled with steel bolts being drilled into the rock. These will rust and the path will collapse in time.	Ecosense (additional response)	It has not been claimed that the path would be maintenance free. Provision is being made for maintenance in the Environmental Management Programme, which also includes a maintenance management plan. Also note that there is now an alternative proposal, of which the design would not require dowelling.	maintenance
9.6		6. There is also the issue of this plan impinging on private property, affecting the value of coastal properties, in addition to the impact on the privacy of those who live on Poole's Bay.	Ecosense (additional response)	The proposed path would not be located on private property. The path would have low visual impact and would further ease access in Poole's Bay for the immediate properties as well to be able to have a continued walkway along the beach and ocean from their individual properties to town centre.	Property value Privacy
9.7		7. I have studied several surveying articles on the determination of the high water mark which is a very complex matter. I believe that the applicant (CPAG) may have submitted their survey to the Surveyor General for approval in which case the SG must be made aware that there are objections to their survey methodology and that I would like to have sight of their survey records. I also notice that the applicant has not signed many of the applications, rendering much null and void.	Ecosense (additional response)	The SG have indicated that the land survey act does not enable him to approve the HWM survey (see correspondence in Appendix E23) The HWM survey is therefore a reference to determine the position of the path. The process is in pre-application phase and reports are still in draft form. Once an application is formally submitted, all required forms and declarations will be duly signed.	HWM
9.8		8. The "deadline of January 20th" is a cheap legal trick and won't hold water as this is the holiday period and many of the consultants, applicants and complainants aren't available – some don't reopen their offices until January 18th. I will be contesting that issue as well. 9. More to come.	Ecosense (additional response)	Note that a public participation plan (which was included in the report under Appendix F) was approved by the DEA&DP. With Hermanus being a holiday destination, it was deemed acceptable to have public participation over this period as the likelihood of notifying more people of the process would be higher. The comment period was extended as required by the EIA Regulations by 15 days over the Christmas holiday period, thus initially providing 45 days for comment and then another 30 days until 19 February 2021	Request extension for comment period
10.	Dylan Mackenize 07/01/2021	Please extend the deadline from the 20th. This will be for such a destructive cause to an incredibly pristine coastline. The expensive and expansive destruction. Is uncalled for	Ecosense (via web comment) 24/01/2021	The deadline was extended by 30 days.	Ecological sensitivity Pristine coastline Cost
11.	James Ronald Hersov 07/01/2021	I am opposed to the cliff path extension for the following reasons:	Ecosense (via web)	Thank you for your comment, which is hereby acknowledged.	Objection

			comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
11.1		1. Poole's Bay is one of the last protected bays with dense kelp beds along the Hermanus coast and if you put a path through this area you will be driving large numbers of people into the sensitive intertidal zone.	Ecosense (additional response)	<p>The investigations conducted by the various environmental specialists indicated that the coastline is not in fact pristine and that the intertidal zone is not as sensitive as perceived to be.</p> <p>The purpose of this impact assessment process is to investigate if there would be any destructive actions, which there will not be. The impacts as a result of the development can be mitigated to an acceptable level.</p>	Ecological sensitivity
11.2		2. Poole's Bay is known for the large surf. It is foolhardy to be encouraging tourists to enter a dangerous area especially when many of them will not understand the sea, wave patterns, tidal changes, spring and neap tides. There is no doubt there will be serious injuries and possibly even death.	Ecosense (additional response)	<p>It is acknowledged that the path may not be accessible during extreme storm events or high surf. It is proposed to have access control during such times.</p> <p>During other normal tides, the high tide would not come up all the way to the path (refer to section on</p>	Safety

				the HWM, where it has also been indicated by the Marine specialist that the high watermark is about 5m above the splash zone, which is the average reach of waves during high tide)	
11.3		3. This path will make it extremely easy for poachers to access and escape from Poole's Bay. We should be doing everything we can to protect the marine environment, not making it easier for criminals to destroy it.	Ecosense (additional response)	Poachers are present all along the coast. On the contrary - improved access, increased presence of people and visible policing would discourage criminal elements.	Poaching
11.4		4. The sea level is rising. This would put the path underwater all the time at some point in the future. Why build a path in a sensitive marine environment that will have a limited life span.	Ecosense (additional response)	It is acknowledged that sea level rise must be considered (See Section I 5 of the BAR).The design is to take this into account and would be signed off by a coastal engineer	Sea level rise
11.5		5. Hermanus has very real and current pressing issues relating to poverty. It is unethical to spend tens of millions of rands on a short section of path in an area that should be kept as pristine as possible. All this just for the comfort of a handful of people who don't want to walk for a short section along Main road. Rather put the money into Zwelithle and in so doing help to protect the future of Hermanus as a whole	Ecosense (additional response)	This is acknowledged, however, the project is not a publicly funded project. Since it would be funded privately, it is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose.	Cost Pristine coastline
11.6		6. The path will affect the privacy and property values of people living on that section as it will pass extremely close to their properties in certain places. It will also impact their security by making it easy for criminals to access their properties. This may cause them to build unsightly walls and fences to the detriment of the attractive Poole's Bay.	Ecosense (additional response)	Any walls to be built would be the choice of the particular property owner and would need to conform to the building restrictions as imposed by the Municipality. Refer to the municipality's Draft Environmental Management Overlay Zone Regulations which sets out the municipal requirements for structures, which the proposed path, as well as any private property must adhere to (Quoted from Filia Visual, 2021): Residential properties, gardens and infrastructure may not encroach on coastal public open space and the Municipality may issue notices for the restoration/rehabilitation of any such encroachment in coastal public open space; (Draft Environmental Management Overlay Zone Regulations, item 20.7.4.2) Council may prohibit the relaxation of building lines or the placement of buildings, structures, and infrastructure within building lines on properties located adjacent to coastal reserves or coastal development nodes. (Draft Environmental	privacy, property values, security

				Management Overlay Zone Regulations, item 20.7.4.3)	
11.7		7. The high water mark indicated in your diagrams is above where the surveyor general will most likely determine it to run. This will dramatically impact the path and most likely make it unfeasible.	Ecosense (additional response)	The HWM has been surveyed by a land surveyor. The SG doesn't determine this. Please refer to Appendix G6 for the HWM determination done by RvB Geomatics during September 2021. The SG will not determine or approve the HWM survey unless it forms part of a land use application and therefore in terms of the Land Survey Act. This project does not require a land use application. Should any person contest the HWM survey, it may be challenged in a court of law.	HWM
11.8		8. The municipality upgraded the pedestrian path along the Main Road and it is now an easy stroll around Poole's Bay.	Ecosense (additional response)	It is the premise by the applicant (and part of their motivation for the proposed project) that the sidewalk on main road is not comfortable, safe, nor pleasant as an alternative to a walk along the coast.	Main Rd deviation
11.9		9. The deadline of 20 January is disingenuous and seems to be deliberately timed to take advantage of people being on holiday and therefore not being able to comment. You need to extend the deadline.	Ecosense (additional response)	The deadline was not deliberately timed to take advantage of people being on holiday in a negative sense, rather ensuring that more people, who are perhaps not at their holiday homes during other times of the year will also get an opportunity to participate. This principle was also communicated and agreed to by the authorities. The deadline was extended by 30 days nevertheless.	Request extension for comment period
11.10		10. If this path ever does get approval, no construction should be allowed until every single cent of the construction cost has been placed in a trust together with a 20% extra amount to cover contingencies and cost escalations. The architect on the project has claimed it will take three years to build.	Ecosense (additional response)	We note that the process to obtain approval is still in the pre-application phase and alternatives are still being investigated. The cost and time required for construction has not been confirmed yet. A financial guarantee will be provided for construction as well as future maintenance costs.	Financial guarantees
11.11		11. Where will the building materials be stored for three years? This will be a long, disruptive process.	Ecosense (additional response)	An offsite location will be secured for storage of materials will be sourced. Construction would only be possible during certain times of the year / week / day to take into consideration whale and bird breeding seasons and tidal movement, hence construction of 18 months over a minimum period of three years has been suggested.	Site camp
11.12		12. Any construction in the tidal zone will deteriorate over time. Who will be responsible for the maintenance? The	Ecosense (additional response)	Maintenance of the path is being prescribed in an Environmental Management programme, which will	Maintenance Management

		people who maintain the current cliff path have indicated they do not want anything to do with this path extension.		be enforceable through authorisation, should this be granted. The structures to be built will be mainly of concrete, which is robust in this type of environment (e.g. harbour walls, tidal pools etc). Assuming that by “people who maintain the current cliff path” is meant the Cliff path management group, we can confirm that we have not received any comment stating that they do not want anything to do with this path extension.	
11.13		13. The municipality have already shown they are not in favour of the path and this means they will not support it when things go wrong.	Ecosense (additional response)	According to the correspondence received from the Municipality (see Appendix E15) there is no indication that they are not in favour of the path.	Municipality Objection
12.	Alix Llewellyn Palmer 07/01/2021	this pristine coastline needs to be protected and I strongly oppose the destructive and expensive plans put forward by CPAG. I request a 30-day extension on the Jan 20th 2021 deadline.	Ecosense (via web comment) 24/01/2021	Thank you for your comment, which is hereby acknowledged. Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application. We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has	Pristine coastline Ecological sensitivity Cost

				been extended by another 30 days until 19 February 2021.	
12.1		This coastline needs to be protected and I strongly oppose the destructive plans put forward by CPAG. I request a 30-day extension on the Jan 20th 2021 deadline.	Ecosense (additional response)	Noted and added with your previous comment.	Objection
12.2		I totally oppose the plans. they would look awful and be destructive, in addition to being very expensive.	Ecosense (additional response)	Noted with your previous comment, thank you.	Visual Cost
13.	Elisabeth Hersov 07/01/2021	I am opposed to the cliff path extension for the following reasons:	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public.</p> <p>Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	Objection
13.1		1. Poole's Bay is one of the last protected bays along the Hermanus coast and if you put a path through this area you will be driving large numbers of people into the sensitive intertidal zone.	Ecosense (additional response)	The investigations conducted by the various environmental specialists indicated that the coastline is in fact not pristine and that the intertidal zone is not as sensitive as perceived to be.	Ecological sensitivity

				The purpose of this impact assessment process is to investigate if there would be any destructive actions, which there will not be. The impacts as a result of the development can be mitigated to an acceptable level.	
13.2		2. Poole's Bay is known for the large surf. It is foolhardy to be encouraging tourists to enter a dangerous area especially when many of them will not understand the sea, wave patterns, tidal changes, spring and neap tides. There is no doubt there will be serious injuries and possibly even death.	Ecosense (additional response)	It is acknowledged that these conditions exist, but they do not prevail all of the time. Apart from appropriate warning signage the path could be closed during extreme sea conditions.	safety
13.3		3. This path will make it extremely easy for poachers to access and escape Poole's Bay. We should be doing everything we can to protect the marine environment, not making it easier for criminals to destroy it.	Ecosense (additional response)	Poachers are present all along the coast. On the contrary - improved access, increased presence of people and visible policing would discourage criminal elements.	poaching
13.4		4. The sea level is rising and internationally there is expected to be a 0.3m rise by 2050 and another 0.7m by 2100. This would put the path underwater all the time. Why build a path in a sensitive marine environment that will have a limited life span.	Ecosense (additional response)	The applicant is prepared to invest in the infrastructure so the area can be accessed more safely at least in the short-medium term. The marine environment in the context of the path has been investigated by a specialist and found not to be as sensitive as perceived.	Sea level rise Ecological sensitivity
13.5		5. Hermanus has real issues relating to poverty. It is unethical to spend tens of millions of rands on a short section of path in an area that should be kept as pristine as possible. All this just for the comfort of a handful of people who don't want to walk for a short section along the Main road.	Ecosense (additional response)	Poverty issues are certainly acknowledged. However, the project would be privately funded and would not make use of public funding. It is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose.	Pristine coastline Socio-economic
13.6		6. The path will affect the privacy and property values of people living on that section as it will pass extremely close to their properties in certain places. It will also impact their security by making it easy for criminals to access their properties. This may cause them to build unsightly walls and fences to the detriment of the attractive Poole's Bay.	Ecosense (additional response)	The path would be close to property boundaries, but houses are set back quite far back on properties, or atop cliffs where the path would run below and therefore mostly not visible from properties. Any walls to be built would be the choice of the particular property owner and would need to conform to the building restrictions as imposed by the Municipality. Refer to Section on policy / guidelines which sets out the municipal requirements for structures, which the proposed path, as well as any private property must adhere to	Privacy, Property values, Security visual
13.7		7. The high water mark indicated in your diagrams is above where the surveyor general will most likely determine it to run. This will dramatically impact the path and most likely make it unfeasible.		The SG does not determine the HWM. Three surveys of the HWM have been completed with similar results. For the purpose of this application, the HWM determination of RvB Geomatics, 2021 will be	HWM

				used (see Appendix G6 and Section G3.2 of the BAR). The applicant would invite any owner to discuss the line used. Should any owner dispute this, they would have the right to do so.	
13.8		8. The municipality upgraded the pedestrian path along the Main Road and it is now an easy stroll around Poole's Bay.		It is the premise by the applicant (and part of their motivation for the proposed project) that the sidewalk on main road is not comfortable, safe, nor pleasant as an alternative to a walk along the coast.	Alternative
13.9		9. The deadline of 20 January is disingenuous and seems to be deliberately timed to take advantage of people being on holiday and therefore not being able to comment. You need to extend the deadline.	Ecosense (additional response)	The deadline was not deliberately timed to take advantage of people being on holiday in a negative sense, rather ensuring that more people, who are perhaps not at their holiday homes during other times of the year will also get an opportunity to participate. This principle was also communicated and agreed to by the authorities. The deadline was extended by 30 days nevertheless.	Request extension for comment period
13.10		10. If this path ever does get approval, no construction should be allowed until every single cent of the construction cost has been placed in a trust together with a 20% extra amount to cover contingencies and cost escalations. The architect not he project has claimed it will take three years to build.	Ecosense (additional response)	The cost of the project will be determined by the final design. Currently, it is being investigated what impact the proposals would have on the affected environment. The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose. A financial guarantee would be provided to ensure that funding for the project as well as future maintenance is available.	Cost Construction time
13.11		11. Where will the building materials be stored for three years? This will be a long, disruptive process.		Building materials will be stored in an appropriate location off-site and not on the public areas next to Erf 12257 or Kraal Rock as previously indicated. Construction would only be possible during certain times of the year / week / day to take into consideration whale and bird breeding seasons and tidal movement hence construction of 18 months over a minimum period of three years has been suggested.	Site camp
13.12		12. Any construction in the tidal zone will deteriorate over time. Who will be responsible for the maintenance? The people who maintain the current cliff path have indicated they do not want anything to do with this path extension.		Maintenance of the path is being prescribed in an Environmental Management programme, which will be enforceable through authorisation, should this be granted.	maintenance

				<p>The structures to be built will be mainly of concrete, which is robust in this type of environment (e.g. harbour walls, tidal pools etc).</p> <p>Assuming that by “people who maintain the current cliff path” is meant the Cliff path management group, we can confirm that we have not received any comment stating that they do not want anything to do with this path extension.</p>	
13.13		13. The municipality have already shown they are not in favour of the path and this means they will not support it when things go wrong.	Ecosense (additional response)	According to the correspondence received from the Municipality (see Appendix E15 there is no indication that they are not in favour of the path.	Municipality Objection
13.14		14. In the press it has been claimed that Mollergren support the path going over their property. This is not true at all and has been confirmed	Ecosense (additional response)	Ecosense is not aware of what was said in the press nor has Mollergren or any of their board members formally commented as part of the EIA process. Therefore, we cannot regard this comment to be informative to the EIA process.	
13.15		15. I request a 30-day extension of the deadline on 20th January.	Ecosense (additional response)	An extension was granted	Request extension
14.	Dino Peros 07/01/2021	My partner and I walked/climbed/staggered along the proposed cliff path extension the other day and noted that the CPAG blue markers were in many cases far higher than the orange lichen on the rocks and some growing plants — this means that their designated path is much higher than the High Water Mark as lichen only grows above it.	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business,</p>	HWM

				<p>financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
15.	Beverley Schafer 07/01/2021	This is pristine coastline that needs to be protected. I therefore oppose the expensive and destructive plans put forward by CPAG. I am also requesting a 30 day extension on the January 20th deadline.	Ecosense (via web comment) 2401/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	<p>Objection</p> <p>Pristine coastline</p> <p>Ecological sensitivity</p> <p>Cost</p> <p>Request extension for comment period</p>
16.	Toby Chance 07/01/2021	This is a pristine piece of coastline in Hermanus and one of the last remaining in the town that does not have a footpath. There are more than adequate footpaths along the Hermanus coastline and it would be unwise to subject this stretch to unwarranted interference as proposed by the CPAG.	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p>	<p>Objection</p> <p>Pristine coastline</p> <p>Request extension for comment period</p>

		I also think the deadline of 20th January should be extended to allow for more comment		<p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
17.	Aristy 07/01/2021	<p>I strongly object to this “pathway” in Hermanus. It is not feasible practically and also in general from a eco view. There are way more issues that need funds in Hermanus than building a risky walkway that will open itself up to more poachers and impact the value of private property in that section.</p>	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business,</p>	<p>Objection Practicality Poaching Property values</p>

				financial, personal or other interest they may have in the approval or refusal of the application. We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.	
18.	Sally Ferguson 07/01/2021	I am against this project for these reasons, some of which are:	Ecosense (via web comment) 24/01/2021	Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application. We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.	Objection
18.1		1. Poole's Bay is a special place as it is protected from large numbers of people walking through it and disturbing the fauna and flora. It is important that this last undisturbed small bay remains that way to protect the sensitive inter-tidal zone.	Ecosense (additional response)	It is indeed important to protect any natural features. It is submitted that the impacts associated with the development of the path would be manageable and would not lead to any detrimental effects. The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant to use their funding for the project	Ecological sensitivity

18.2		2. Poaching is rife and by building a path down to the water's edge, you will make it even easier for poachers to access the kelp beds and make a quick escape.	Ecosense (additional response)	Poachers are present all along the coast. On the contrary - improved access, increased presence of people and visible policing would discourage criminal elements.	Poaching
18.3		3. The path will cost tens of millions to build – you have significantly underestimated the cost. This money could be far better spent on other parts of Hermanus, particularly areas where there is a far greater need such as Zwelihle. The money to build the path will come from donations and it is critical that, if the path were allowed to be built, no construction begins until every last cent required has been collected, plus a buffer. It will be a disaster for Hermanus if a half-built eyesore (such as the flyover in Cape Town) is allowed to ruin pristine Poole's Bay.	Ecosense (additional response)	The cost of the project will be determined by the final design. Currently, it is being investigated what impact the proposals would have on the affected environment. The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose. A financial guarantee would be provided to ensure that funding for the project as well as future maintenance is available.	Cost
18.4		4. Poole's Bay is known for the very large surf that occurs there. Your path will be built below the high water mark encouraging people to walk in this dangerous area. Hermanus is a tourist town with large numbers of foreign (and local) visitors who do not know about the dangers of the sea. It is not a clever idea to encourage people to walk across these rocks and there is bound to be a serious injury (or even death) and your associated insurance costs have been underestimate	Ecosense (additional response)	It is acknowledged that these conditions exist, but they do not prevail all of the time. Apart from appropriate warning signage the path could be closed during extreme sea conditions.	Safety Cost
19.	Adam Chaskalson 07/01/2021	This pristine coastline needs to be protected and I oppose the expensive and destructive plans put forward by CPAG. And ask for a 30 day extension on the January 20th deadline.	Ecosense (via we comment) 24/01/2021	Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the	Objection Ecological sensitivity Cost

				<p>authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
20.	Janet Charter 08/01/2021	I am opposed to the cliff path extension for the following reasons:	Ecosense (Via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	Objection
20.1		1) It is one of the untouched coves along this coastline and construction will disrupt species in their habitats and wreck biodiversity in this precious bay. Allowing such human disruption in this area of nature reserve sets a precedent for	Ecosense (additional response)	<p>The area is not untouched as private property reaches up to the HWM, which includes manicured gardens and built structures. A number of structures have also been built below the HWM.</p>	Pristine coastline Ecological sensitivity

		further areas of nature reserve to be destroyed for selfish reasons.		The path would not be located inside a nature reserve.	
20.2		2) It is a dangerous area to consider for walkers due to the infamous rough tides in this area. Furthermore, such tides and the rising sea level will result in the path being under water frequently and constant maintenance being required.	Ecosense (additional response)	It is acknowledged that dangerous conditions exist, but they do not prevail all of the time. Apart from appropriate warning signage the path could be closed during extreme sea conditions. The applicant is prepared to invest in the infrastructure so the area can be accessed more safely at least in the short-medium term and would be responsible for the maintenance thereof.	Safety Sea level will rise, Maintenance
20.3		3) The Cliff Path and Municipality have emphasised they will not pay for maintenance at all along the Poole's Bay stretch.	Ecosense (additional response)	No formal comment has been received from the Cliff Path Management Group or Municipality in this regard.	Maintenance
20.4		4) There is already an upgraded pedestrian walkway from each entrance to the path paid for by the municipality-making is a safe and easy stroll (which is actually more accessible for walkers than the extension that will be constructed which does not allow access for disabled persons)	Ecosense (additional response)	The option of walking along Main Rd will still be available for anyone not willing or able to use the proposed connection path. We note that there are some sections of the existing Cliff path that is also not accessible to all disabled persons.	Main Rd alternative Disabled persons
20.5		5) 3 years of construction will be long and destructive- and where will the building materials be stored?	Ecosense (additional response)	Construction would only be possible during certain times of the year / week / day to take into consideration whale and bird breeding seasons and tidal movement hence construction of 18 months over a minimum period of three years has been suggested. The building materials will be stored offsite at an appropriate site and not at a site camp close to the site as previously indicated.	Construction
20.6		6) There will be increased crime in the bay as a result- which will cause homeowners to have to build large fences and walls. This further disrupts ecosystems and nature in the bay and is not an attractive sight.	Ecosense (additional response)	It cannot be predicted with certainty that crime would increase as the path would also create the opportunity for more visible policing and easier access for law enforcement and security officials. It can furthermore not be predicted if homeowners will erect large walls. There are numerous examples along the existing Cliff path of properties without any walls (refer to Visual Specialist study section 7.2, Appendix G5). Any owner who decides to do so will need to adhere to municipal requirements that limits the visual impact of such walls.	Crime Ecological sensitivity Visual impact

				Untransformed ecosystems do not exist in the urban context and the ecosystems within Poole's Bay is not of such sensitive nature as is being perceived, as was confirmed by the various specialists that investigated impacts of the proposed project.	
20.7		7) Tens of millions of rands would be far more beneficial to the community in other places. Such funding is hugely needed in the Zwelihle community, and could be used to create far more jobs in Hermanus than would be created through cliff path construction. Hermanus locals would definitely like to see this money elsewhere: healthcare, education, reduced taxes for elderly etc.	Ecosense (additional response)	This is acknowledged and certainly true for public funding. However, the project would be privately funded and would not make use of public funding. It is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose.	Cost
20.8		8) The deadline of 20 January is disingenuous and seems to be deliberately timed to take advantage of people being on holiday and therefore not being able to comment. You need to extend the deadline.	Ecosense (additional response)	The deadline was not deliberately timed to take advantage of people being on holiday in a negative sense, rather ensuring that more people, who are perhaps not at their holiday homes during other times of the year will also get an opportunity to participate. This principle was also communicated and agreed to by the authorities. The deadline was extended by 30 days nevertheless.	Request extension for comment period
20.9		9) Mollergren have not indicated their support for the path at all.	Ecosense (additional response)	Mollergren was given the opportunity to comment, but have not submitted any comment of support or objection.	
21.	Josie Palmer 08/01/2021	<p>Hi there</p> <p>This path construction has come to my attention and I wish to oppose the draft put forward.</p> <p>I believe that this natural and unspoiled coastline needs to be protected and left to its current tranquility and peace. What is more is that this looks to be a costly and invasive plan put forward, and I think there needs to be a halt to this.</p> <p>Please consider this a strong vote against these plans.</p>	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also</p>	Objection, Pristine coastline, Cost

				<p>required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
22.	Nicholas Llewellyn Palmer 10/01/2021	This would completely ruin our seaside.	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	Objection
23.	Mark Winkler 11/01/2021	I write on behalf of the Winkler Family to express our opposition to the proposed construction of the intertidal cliff path between Mollergren Park and Protea Road.	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be</p>	Objection Path is easy to access

				<p>announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	Path has been open for public use
23.1		The argument that property owners along the Poole's Bay coastline deny members of the public access to the area is both dishonest and deceitful. The Bay is easily accessible from the east, and fisherman, walkers, surfers, families exploring rockpools, and others who have made use of it over many decades have never been denied access by residents.	Ecosense (additional response)	Reference was made to the Coastal Access audit, where it was revealed during the public participation process for this strategy that people in the area was under the general impression that access was denied to this part of the coast. In addition, reference to Provincial documents and photographic evidence provided by the applicant proved that until recently access to this part of the coast was in fact restricted.	
23.2		Private properties begin at the high-water mark, and as with any private property ownership, residents have every right to have their private land respected.	Ecosense (additional response)	Agreed. The path is proposed on public land below the HWM.	Respect private property
23.3		The high-water mark defined by those employed by the Hermanus Cliff Path Action Group and the methodology used is disputed and must be independently assessed and verified before any construction can begin.	Ecosense (additional response)	<p>A discussion on determination of the WHM is included in Section xx of the BAR.</p> <p>Three surveys of the HWM have been completed with similar results. For the purpose of this application, the HWM determination of RvB Geomatics, 2021 will be used (see Appendix G6 and SectionG3.2 of the BAR. The applicant would invite any owner to discuss the</p>	HWM

				line used. Should any owner dispute this, they would have the right to do so.	
23.4		But however this point is ultimately defined, it is disingenuous to seek permanent construction of any sort below it. The intertidal zone is ecologically sensitive. Any construction below the high-water mark will not only disfigure this last pristine stretch in Hermanus, it will certainly have a negative effect on fauna and flora. This is likely why there is no precedent for such a construction in Walker Bay: no other part of the formal cliff path, from Grotto Beach to the New Harbour, has been built to intrude into the intertidal zone – I can only assume to protect nature and humans alike.	Ecosense (additional response)	Refer to the Marine Impact Assessment (Appendix G4, which indicates that the HWM is about 5m above the splash zone. This means that the path may only be inundated occasionally during spring tides or storm events. The Marine Impact Assessment further indicated that the study area (defined as the footpath itself, a 5 – 10 m study area on either side of the path, and the Island) was not found to be ecologically sensitive or of high conservation concern. The study area is situated outside of the Fernkloof Nature Reserve and any Protected or Critical Biodiversity Area, except for The Island which lies in the seasonal Marine Protected Area. The study area was found to be frequented by many people, degraded or physically transformed along much of its length, and to be largely devoid of natural vegetation alongside the path.	Pristine coastline Ecological sensitivity
23.5		The notion of a “high-water mark” is an intellectual construct, and as far as safety is concerned, far from a practical one. It assumes some kind of objective median level for all high tides, concluded under perfect theoretical conditions, and consequently assumes that the ocean will behave accordingly. This is nothing less than sheer arrogance. I have personally witnessed driftwood posts, football-sized stones and boulders with the diameter of an average car tyre being driven well past any theoretical “high water mark” by storm surges, coming to rest well within the bounds of private properties situated on Poole’s Bay. The destructive power of the storm surges and the debris they throw about cannot be underestimated.	Ecosense (additional response)	The HWM was surveyed on numerous occasions with similar results. For the purpose of this application, the HWM determination of RvB Geomatics, 2021 will be used (see Appendix G6 and Section G3.2 of the BAR.	HWM Storm surges
23.6		It is clear that those supporting the extension of the cliff path along this stretch of coastline have a rather naïve understanding, if any at all, of the variability and danger of local conditions.	Ecosense (additional response)	As a resident of Hermanus and regular user of the area, Applicant is fully aware of the local conditions. Hence a proposal which includes elevated sections at the most dangerous areas.	Safety
23.7		To imagine that these dangers will be mitigated by warning signs is disingenuous and glib. Not only is a reliance on the good sense of the public to heed these signs beyond	Ecosense (additional response)	Signage is proposed as mitigation but is acknowledged that it may not be 100% effective. A number of fairly accurate information sources are	Safety

		unrealistic, it will be impossible to provide objective, clear and accurate information as to when the path is safe to use or not with signage alone.		available such as Surf Forcast as well as Magic Seaweed according to which access can be managed. Possibly in collaboration with HPP who are already doing patrols and can take necessary action. There are only two access points, ie it can be easily managed.	
23.8		This raises important questions of accountability – most crucially, who will be accountable for injury (or worse) that will inevitably occur on an intertidal cliff path?	Ecosense (additional response)	CPAG as the applicant would need to take full responsibility for the path and liabilities while under their management.	Liability
23.9		Who would be responsible for the extensive and ongoing maintenance of a construction built in such a hostile and destructive environment?	Ecosense (additional response)	CPAG as the applicant would need to take full responsibility for the path maintenance while under their management.	Maintenance
23.10		The proposed development also raises questions of security. Given the easy public access, Poole's Bay is already a poaching hotspot. The fact that it is accessible only from the east end of the bay at present provides some measure of control. A cliff path would not only create easier access for poachers, but also provide alternate escape routes.	Ecosense (additional response)	Poachers are present all along the coast. On the contrary - improved access, increased presence of people and visible policing would discourage criminal elements.	Security, poaching
		The same will hold true for other criminal elements. It would be ironic if the construction of the cliff path forced property owners to erect unsightly walls with razor wire and electric fences between themselves and the coastline to ensure their security – which by the logic of the CPAG they would surely be allowed to erect along the very same high-water mark.		Any walls to be built would be the choice of the particular property owner and would need to conform to the building restrictions as imposed by the Municipality. Refer to the municipality's Draft Environmental Management Overlay Zone which sets out the municipal requirements for structures, which the proposed path, as well as any private property would have to adhere to. Any walls to be built would be the choice of the particular property owner and would need to conform to the building restrictions as imposed by the Municipality: (Quoted from Filia Visual, 2021): Residential properties, gardens and infrastructure may not encroach on coastal public open space and the Municipality may issue notices for the restoration/rehabilitation of any such encroachment in coastal public open space; (Draft Environmental Management Overlay Zone Regulations, item 20.7.4.2)	Visual impact

				Council may prohibit the relaxation of building lines or the placement of buildings, structures, and infrastructure within building lines on properties located adjacent to coastal reserves or coastal development nodes. (Draft Environmental Management Overlay Zone Regulations, item 20.7.4.3)	
23.11		There has been substantial negative press levelled at the property owners along this stretch of coast (verging on the defamatory, but that is separate issue) in which their “privilege” and “entitlement” is invoked as the primary barrier to preventing the public from enjoying this stretch of coastline. As I mention above, this is dishonest – members of the public, from all walks of life, have never been denied access to Poole’s Bay, or any other part of this coastline beyond the boundaries of private property. It is a fact that most users of the existing cliff path are themselves privileged – those who can afford to live in Hermanus itself, or who have the means to holiday in the town. The CPAG sees fit, then, to spend tens of millions to extend the privilege of the already privileged (and to put them in danger at the same time). Surely the vast amounts of money required for the construction could be better spent for the upliftment of those who sorely need it – those who so vociferously protested their basic conditions of living during the 2019 riots, for example.	Ecosense (additional response)	Ecosense, although appointed by the CPAG, cannot respond to inappropriate comments on people’s demeanor or actions, nor do we have any input on what is printed in the press. Our mandate is to investigate impacts associated with the proposed project and to address associated issues raised through the process. The project would be privately funded and would not make use of public funding. It is the prerogative of CPAG to use their funding for the project and not their responsibility to address societal issues.	Access was never denied, dangerous fruitless expenditure,
23.12		In short, the proposal for the construction of an intertidal cliff-path between Mollergren Park and Protea Road is misdirected. The project is nothing more than the expensive, dangerous and environmentally destructive hobby-horse of a select few who themselves are too entitled to be able to identify where the true needs of the greater Hermanus community lie.	Ecosense (additional response)	It is the prerogative of the applicant (CPAG) to use their funding for the project. The project is seen as a need in the community and supported by a large number of people, as can be seen in Section A of this table. It would be privately funded and would not make use of public funding. It would furthermore become a public asset for the use of any person wanting to do so, as well as upholding the objectives of national legislation (Integrated Coastal Management Act) to facilitate access to the coast for all.	Cost
24.	Ruth Kirkland 12/01/2021	I have been visiting Hermanus since the 1940’s and care deeply for its	Ecosense (via web	Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the	Ecological harm

		unique ecology. Hermanus has over time suffered much ecological harm as a result of thoughtless and unsustainable manmade intrusions.	comment) 24/01/2021	<p>proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
24.1		The plans for the extension to the Cliff Path through Poole's Bay will be destructive of the natural beauty of this sensitive intertidal area and likely end up as yet another man-made eyesore such as the Markus Jooste property nearby.	Ecosense Additional response	The Marine and coastal impact assessment, as well as the Visual impact statement has proven that the impact from the path would be low.	Environmental sensitivity visual
24.2		In Hermanus, where poverty and related issues are so patently obvious it is simply plain wrong – for the comfort of a few strollers – to incur great expense on an alternative to a short and perfectly pleasant detour along the Main Road. We need to keep a sense of balance in our socio-economic planning rather than make the comfort of the privileged sector of our society our automatic priority.	Ecosense Additional response	Poverty issues are certainly acknowledged. However, the project would be privately funded and would not make use of public funding. It is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose.	Poverty
24.3		I have read several submissions which have been sent to you to oppose this extension to the cliff path and I endorse them all. Please don't hesitate to contact me if you would like any further information.	Ecosense (additional response)	Noted and included in this issues table.	Endorse opposition

24.4		Finally, I would like to ask you kindly to grant a 30-day extension on your January 20 2021 deadline.	Ecosense (additional response)	Extension was granted.	Request extension for comment period
25.	Lawrence rose 12/01/2021	The coastline does not need more pathways and additional pathways will only damage the ecosystem. Please give a 30 day extension on the January 20th deadline to allow this issue to be fully reviewed. Thank you.	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	Ecological sensitivity Request extension for comment period
26.	Elisabeth 12/01/2021	I am opposed to the cliff path extension for the following reasons:	Ecosense (via web comment) 24/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected</p>	Objection

				<p>parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	
26.1		1. Poole's Bay is one of the last protected bays along the Hermanus coast and if you put a path through this area you will be driving large numbers of people into the sensitive intertidal zone.	Ecosense (additional response)	<p>The investigations conducted by the various environmental specialists indicated that the coastline is not in fact pristine and that the intertidal zone is not as sensitive as perceived to be.</p> <p>The purpose of this impact assessment process is to investigate if there would be any destructive actions, which there will not be. The impacts as a result of the development can be mitigated to an acceptable level.</p>	Pristine coastline Ecological sensitivity
26.2		2. Poole's Bay is known for the large surf. It is foolhardy to be encouraging tourists to enter a dangerous area especially when many of them will not understand the sea, wave patterns, tidal changes, spring and neap tides. There is no doubt there will be serious injuries and possibly even death.	Ecosense (additional response)	<p>It is acknowledged that these conditions exist, but they do not prevail all of the time.</p> <p>Apart from appropriate warning signage the path could be closed during extreme sea conditions.</p>	Posing danger for hikers
26.3		3. This path will make it extremely easy for poachers to access and escape Poole's Bay. We should be doing everything we can to protect the marine environment, not making it easier for criminals to destroy it.	Ecosense (additional response)	<p>Crime linked to the path cannot be predicted. On the contrary, law enforcement and security patrols could have increased presence, which may discourage criminal activities in the area.</p>	Poaching
26.4		4. The sea level is rising and internationally there is expected to be a 0.3m rise by 2050 and another 0.7m by 2100. This would put the path underwater all the time. Why build a path in a sensitive marine environment that will have a limited life span.	Ecosense (additional response)	<p>The applicant is prepared to invest in the infrastructure so the area can be accessed more safely at least in the short-medium term.</p>	Sea level rise

26.5		5. Hermanus has real issues relating to poverty. It is unethical to spend tens of millions of rands on a short section of path in an area that should be kept as pristine as possible. All this just for the comfort of a handful of people who don't want to walk for a short section along the Main road.	Ecosense (additional response)	<p>It is the prerogative of the applicant (CPAG) to use their funding for the project. The applicant is not responsible for addressing socio-economic problems through use of private funding.</p> <p>The area is not as pristine as is perceived, there are several examples of human disturbance within the area, including exotic landscaping right up to the HWM.</p> <p>The project is supported by a large number of people, as can be seen in Section A of this table. It would be privately funded and would not make use of public funding. It would furthermore become a public asset for the use of any person wanting to do so, as well as upholding the objectives of national legislation (Integrated Coastal Management Act) to facilitate access to the coast for all.</p>	Socio-economic Pristine coastline
26.6		6. The path will affect the privacy and property values of people living on that section as it will pass extremely close to their properties in certain places. It will also impact their security by making it easy for criminals to access their properties. This may cause them to build unsightly walls and fences to the detriment of the attractive Poole's Bay.	Ecosense (additional response)	<p>The path would be close to property boundaries, but houses are set back quite far back on properties, or atop cliffs where the path would run below and therefore mostly not visible from properties.</p> <p>Any walls to be built would be the choice of the particular property owner and would need to conform to the building restrictions as imposed by the Municipality. Refer to Section on policy / guidelines which sets out the municipal requirements for structures, which the proposed path, as well as any private property must adhere to</p>	Affect privacy, property values, safety and security,
26.7		7. The high-water mark indicated in your diagrams is above where the surveyor general will most likely determine it to run. This will dramatically impact the path and most likely make it unfeasible.		<p>The SG does not determine the HWM. The SG will not approve the HWM survey unless it forms part of a land use application and therefore in terms of the Land Survey Act. This project does not require a land use application.</p> <p>Three surveys of the HWM have been completed with similar results. For the purpose of this application, the HWM determination of RvB Geomatics, 2021 will be used (see Appendix G6 and SectionG3.2 of the BAR. The applicant would invite any owner to discuss the line used. Should any owner dispute this, they would have the right to do so.</p>	HWM

26.8		8. The municipality upgraded the pedestrian path along the Main Road and it is now an easy stroll around Poole's Bay.	Ecosense (additional response)	It is the premise by the applicant (and part of their motivation for the proposed project) that the sidewalk on main road is not comfortable, safe, nor pleasant as an alternative to a walk along the coast.	Main road deviation
26.9		9. The deadline of 20 January is disingenuous and seems to be deliberately timed to take advantage of people being on holiday and therefore not being able to comment. You need to extend the deadline.	Ecosense (additional response)	The deadline was not deliberately timed to take advantage of people being on holiday in a negative sense, rather ensuring that more people, who are perhaps not at their holiday homes during other times of the year will also get an opportunity to participate. This principle was also communicated and agreed to by the authorities. The deadline was extended by 30 days nevertheless.	Request extension of comment period
26.10		10. If this path ever does get approval, no construction should be allowed until every single cent of the construction cost has been placed in a trust together with a 20% extra amount to cover contingencies and cost escalations. The architect not he project has claimed it will take three years to build.	Ecosense (additional response)	The cost of the project will be determined by the final design. Currently, it is being investigated what impact the proposals would have on the affected environment. The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose. A financial guarantee would be provided to ensure that funding for the project as well as future maintenance is available.	Raise enough funds prior commencement
26.11		11. Where will the building materials be stored for three years? This will be a long, disruptive process.		Building materials will be stored in an appropriate location off-site and not on the public areas next to Erf 12257 or Kraal Rock as previously indicated. Construction would only be during certain times of the year / week / day to take into consideration whale and bird breeding seasons and tidal movement, hence a period of three years is suggested.	Site camp
26.12		12. Any construction in the tidal zone will deteriorate over time. Who will be responsible for the maintenance? The people who maintain the current cliff path have indicated they do not want anything to do with this path extension.		Maintenance of the path is being prescribed in an Environmental Management programme, which will be enforceable through authorisation, should this be granted. The structures to be built will be mainly of concrete, which is robust in this type of environment (e.g. harbour walls, tidal pools etc). Assuming that by "people who maintain the current cliff path" is meant the Cliff path management group, we can confirm that we have not received any	Maintenance

				comment stating that they do not want anything to do with this path extension.	
26.13		13. The municipality have already shown they are not in favour of the path and this means they will not support it when things go wrong.	Ecosense (additional response)	According to the correspondence received from the Municipality (Appendix E15), there is no indication that they are not in favour of the path.	Municipal support
26.14		14. In the press it has been claimed that Mollergren support the path going over their property. This is not true at all and has been confirmed by a member of their board, Mr van der Sluys	Ecosense (additional response)	Ecosense is not aware of what was said in the press nor has Mollergren or any of their board members formally commented as part of the EIA process. Therefore we cannot regard this comment to be informative to the EIA process.	
27.	Bridgid Hamilton Russell 13/01/2021	I think security of the houses bordering the Cliff Path is already compromised and now you want to add to this with even more access to the sea-front properties? Not a good idea.	Ecosense (via web comment) 24/01/2021	Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application. We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.	Objection Security
28.	Danie Jooste 14/01/2021	We act on behalf of the Poole Bay Residents Association. It has come to our clients' attention that your client has filed an amended pre-application draft assessment report. It appears that the notice requires comments by no later than	Ecosense (via email) 18/01/2021	Our discussion of this morning refers. I would like to confirm that we have received 36 comments on our website so far. I will send acknowledgements of receipt in due course.	Requested extension of comment period

		20 January 2020. Although we participated pursuant to receiving a previous version, our clients may want to again make use of the opportunity to raise concerns.		As discussed, I will see what we can do about extension and let you know.	
28.1.		Our office only opened on Monday 11 January 2021 and the same applies to our colleague assisting us, Mr Cormac Cullinan. Neither of us, has had the opportunity to peruse the amended version. In order to avoid any unnecessary objection, we kindly request that the period for the filing of comments be remanded with a further 30 days.	Ecosense additional response	Extension was granted	Request extension of comment period
28.2		In addition, we were informed by our members and other members of the public, that they were unable to leave a comment on your website under the relevant section or to register as interested and affected parties. We kindly await your reply.	Ecosense additional response	A number of comments were received on our website, which have been recorded here as well. We indicated alternative means of communication via email etc. which could have been utilised also.	PPP
29.	Paul Slabbert 19/01/2021	I had an opportunity to read through the documentation and studies and what the proponent actually proposes to construct came as a surprise. Access along this stretch of coast is obviously an attractive prospect for the public in general but considering the extent of the infrastructure proposed, the expected impact along this currently undeveloped stretch of coastline at exuberant construction cost and knowing the size of the swell coming into this bay during winter that will necessitate constant maintenance I'm of the opinion that a project of this nature below the high water mark of the sea is not sustainable. I therefore withdraw my initial support for this project and hereby object to the proposal. As surfing community we have a good relationship with the landowners and at this junction it provides us with a renewed opportunity to have direct discussion to address our safety concerns. We don't need an elaborate walkway that will destroy the natural ambience of this bay forever to achieve emergency access. Protection of environmental resources in the inter tidal zone is more important than developing concrete structure that needs to withstand the ocean energy, storm events are getting more intense and sea level rise is real, knowing how other structures along this coastline that are below the HWM or just above it have been washed away it is evidently impossible for any structure to stay intact below the HWM.	Ecosense (via email) 08/02/2021	Thank you for your comment and apologies that I have not yet responded. Although we have referred to issues raised during the previous public participation process in 2019, the time lapse was too great and we were requested by the authorities to start a new process. All comments received as part of the new process will be considered and responded to further as appropriate in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, that by participating in the process, they are entering a public process. We will provisionally register you as interested and affected party to receive future correspondence, but please let me know if you do not wish to. Please note further that it is also required by the EIA Regulations that any interested and affected party that registers as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.	Objection Access Cost Wave action HWM Safety Environmental sensitivity Sealevel rise

		<p>This development will not attract more tourist it will just be a luxury that will cause a major safety risk to users that have no knowledge of the coast. The Hermanus coastline does have a reputation of claiming lives, this will expose the public to a high risk zone where the topography does not lend itself to natural access as per the case with other parts of the cliff path.</p> <p>Please confirm receipt of my objection.</p>			
			Ecosense Additional response	It is noted that the above issues were raised again in more detail in the section that follows.	
30.	Danie Jooste on behalf of Poole's Bay Residents Association 19/02/2021	<p>We act on behalf of the Poole's Bay Residents Association.</p> <p>Our client appointed PHS Consulting, an environmental consultant to assist with commentary and possible objections to your client's report. We attach the said report and kindly advise that our client's advises are as indicated in the report of PHS Consulting.</p> <p>Please confirm receipt of our clients comments and objections.</p>	Ecosense (via email) 19/02/2021	We hereby confirm receipt of your clients' comments and objections and will also register PHS Consulting as an interested and affected party as requested in their letter.	Objection
31.	Paul Slabbert 15/02/2021 PHS Consulting	<p>We hereby formally register PHS Consulting (ATT: Paul Slabbert via paul@phsconsulting.co.za [note further contact details in the footer below]) as an Interested and Affected Party (I&AP) considering that we and our client believe the proposal should not be approved because it will have a detrimental effect on the environment. We hereby provide the following objections to the aforementioned proposed activities:</p>	Ecosense additional response	PHS Consulting has been registered as IAP	Detrimental environmental effect Objection
31.1		<p>A - Site Sensitivity Verification Report</p> <p>1. Downplay of restrictions and prohibition.</p> <p>- Poole's Bay is a geographic area along the Hermanus coastline where the development is proposed. We're of the opinion that the sea-shore (where the development is proposed) forms part of the Bay. The sea shore is the area between the low water mark (LWM) and the high water mark (HWM) that is directly connected with the sea and therefore connected to the declared Marine Protected Area (MPA).</p>	Ecosense additional response	In discussions with the Coastal Authorities, it was indicated that the boundary of the MPA, since it is a whale sanctuary is regarded as the low water mark. It has since also been confirmed through mapping provided by the DEFF O&C GIS department. Refer to collection of correspondence in Appendix E24 on the matter.	Marine Protected Area


31.1.1		<p>-Furthermore, the Marine Recreational Activity Information Brochure 2014/15 published by the Department of Agriculture, Forestry and Fisheries clearly states that there are several types of areas in the marine and coastal environment where special regulations apply for conservation, fishery management and the promotion of tourism. These include: Marine Protected Areas declared under Section 43 of the Marine Living Resources Act (MLRA). In general, no fishing (at least in certain zones), construction work, pollution, or any form of disturbance is allowed here unless written permission (which could be in the form of a permit or exemption issued by the Department of Environmental Affairs) has been granted by the Minister. It must be noted that the proposed activity includes a 5m Construction zone below the HWM. However, even if construction is not below the LWM there will be construction pollution affecting the area below the LWM and as such the National Minister should grant approval for this.</p>	Ecosense additional response	<p>The MPA was declared a seasonal MPA and Published under Government Notice 473 in Government Gazette 22335, dated 29 May 2001. Commencement date: 29 May 2001. The provisions and stipulations of this notice applies only for the period 1 July to 30 November in any year, both dates included. The MPA consists of two zones, of which the Whale Sanctuary Area abuts the proposed project area. It must further be noted that the MLRA was amended by the NEMPAA in June 2016, which have been governing MPAs since 2014. The provisions noted here have been removed from the MLRA and is regulated under NEMPAA. The NEMPAA states in Section 14: "Any marine protected area which had been declared as such in terms of section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), and which exists when the National Environmental Management: Protected Areas Amendment Act, 2014, takes effect, must be regarded as a marine protected area declared as such in terms of section 22A"</p> <p>The MLRA is intended to regulate the <u>utilisation</u> of marine resources, such as fishing etc. It is correctly noted that the MLRA has the objective to minimise pollution, but not in the context of the proposed project.</p> <p>The National Minister is however not the competent authority for the proposed project as it is not located in the MPA.</p>	Competent Authority
31.1.2		<p>-The Hermanus Walker Bay Whale Sanctuary MPA also restricts vessels from entering the area of Walker Bay north and east of the new Harbour at Hermanus from July to November each year. These 'Closed Areas' are declared under Section 77 of the Marine Living Resources Act. Fishing is restricted or prohibited entirely within these areas as follows: in Hermanus only shore angling (and no other type of fishing) is allowed between the beacons at Kraal Rock (HR1), Walker Bay, and Rietfontein (HR2), Hermanus (where Poole's Bay is located) extending 500 m seawards from the</p>	Ecosense additional response	<p>The restrictions are correctly noted. The sensitivity of the area 500m seawards is not disputed or underplayed. The proposal is for a pathway and not for fishing.</p> <p>The Marine Impact Assessment has investigated the specific site to determine local sensitivity in the project context, which was found to be of low significance.</p>	In this area below HWM is sensitive in terms of the MLRA.





		HWM. In this instance it is a clear indication that the area below HWM is sensitive in terms of the MLRA.			
31.1.3		-In terms of the MLRA regulations and the Seals and Seabirds Protection Act the following marine fauna are protected nationally: Whales, Dolphins, Turtles, White Sharks, Seals and Seabirds. Whales cannot be approached within 300m except by a permitted Boat Based Whale Watching Operator. Seals and Seabirds may not be harassed or unnecessarily disturbed. The construction phase will last for a minimum of 18 months and falls below the HWM which will, directly or indirectly, disturb the aforementioned sea life.	Ecosense additional response	The method and daily time of construction (mostly possible during low tide only) would be limited as a result of the type of terrain, hence the long duration. A Construction management plan will be enforced which stipulated measures to ensure that Seals and Seabirds are not harassed or unnecessarily disturbed. During the whale season, no construction that could cause vibrations (e.g. drilling) would be undertaken and construction would be limited to land activities only.	Sea life will be disturbed during construction phase
31.1.4		-Furthermore, the path below the HWM is within the Littoral Active Zone (LAZ). The LAZ as defined by the Integrated Coastal Management Act (ICMA) means: any land forming part of, or adjacent to, the seashore that is — (a) unstable and dynamic as a result of natural processes; and (b) characterised by dunes, beaches, sand bars and other landforms composed of unconsolidated sand, pebbles or other such material which has a direct connection to the coastal waters. It is evident that birds and seals will potentially be subjected to disturbance considering the long period of construction (± 18 months). Any pollution of cement work or the cement work of the activity itself would change the seawater quality and composition of living organisms within the littoral active zone. Considering whales are sometimes 50m or less from the shore, the construction activity like noise, drilling (galvanised dowels into bedrock) and chemical changes in seawater could impact on the whales. Construction in the summer time, when the African Black Oystercatchers are breeding, will furthermore change their breeding pattern, which has been evident with the current ad-hoc works in which the birds have already been disturbed along the HWM zone.	Ecosense additional response	The Marine Impact Assessment has considered the factors noted. The study identified ten potential negative impacts, five which would occur during construction and the other five during operation (post development) phase. Out of the ten, eight were rated as low and two as medium significance. Significant impacts associated with construction of the path includes alteration, fragmentation or destruction of habitat; creating a barrier to the movement of species; disturbance and/or displacement of biota due to noise and frequent movement through the area; the generation of waste and pollution; a decrease in water quality and the restriction of public access. Pollution, should this occur, would be localised, thus low impact. Drilling would not be allowed during the whale season (July-November) As a result construction period is more likely to be 15 months over a period of three years to have minimal activities during whale and bird breeding seasons.	Ecological sensitivity
31.1.5		2. Protected Area and Competent Authority - According to the Site Sensitivity Verification Report (Appendix I): "The proposed development is located adjacent to Walker Bay Whale Sanctuary Marine Protected Area and the Fernkloof Nature Reserve according to the Protected Areas Register." Furthermore it states that, "The	Ecosense additional response	The boundary of the MPA was queried with Oceans and Coasts and does not correspond with the HWM. See map provided by O&C included in 4.6 under Section G4. Statements to the contrary have been corrected.	Site falls within Marine Protected Area


		DEA: Oceans and Coasts are of the opinion that the applicable Protected Area (Walker Bay Whale Sanctuary Marine Protected Area), where the path is triggering a listed activity relates to the seasonal occurrence of whales in the bay and thus the boundary to the MPA is likely the low water mark.” The word “likely” means that it has not been confirmed and indicates a lack of confidence in this statement. Furthermore, a portion of the pathway along its eastern most section, again according to the Basic Assessment, will “most likely” fall within the Fernkloof Nature Reserve which is also a Protected Area. There are numerous statements throughout the application which highlights the uncertainty around this topic.		It has since been confirmed that the path will not fall within the Fernkloof Nature Reserve and statements in this regard has been corrected.	
31.1.6		-In addition, it must be understood that the HWM is ambulatory and therefore “continually changing its position as time goes on”. Although the HWM was surveyed and a submission made to the Surveyor General it was rejected and therefore the exact location of the HWM has not yet been confirmed. Regardless, Appendix B indicates the HWM, as surveyed, with the proposed pathway located within a distance of 3m on the seaward side of the HWM at a width of 1.4m. In addition there is a 5 meter construction zone on the sea side of the line to accommodate the rocky and irregular landscape and as indication of the limit of construction activity. Furthermore, on the land side of the HWM there is a 3.5 meter buffer zone to block access to private property during the construction phase. This indicates an approximate strip of 10 metres all along this section of the coast (at least for an 18 month construction period). The application site should therefore be considered as the entire length of the approximate 10m wide strip.		The submission was not rejected on the basis of its accuracy. It was not accepted, because there is no legal mechanism for the SG to confirm it, other than in terms of the land survey act, which is applicable to land use applications, which this project doesn’t require. It must be noted that there is a new preferred alternative. The construction zone is not intended to be completely transformed, it is an area to be demarcated within which construction staff could move around and within which the alignment can be adjusted if necessary (e.g. to go around a big boulder)./ the width of the preferred alternative is proposed to be 1.2m. The impacts were certainly not only considered for a 1.2m width.	HWM
31.1.7		-As stated above, the sea-shore where the development is proposed forms part of the Bay. The sea shore is the area between the LWM and HWM that is directly connected with the sea that is declared a MPA.	Ecosense additional response	As per confirmation by DEFF O&C (See correspondence in Appendix E24), the proposed pathway does not fall within the MPA, therefore the statement regarding the connection of the seashore with the MPA is irrelevant.	
31.1.8		-Considering all the information above, it would be irresponsible to assume therefore that the proposed activity and site does not fall within a Protected Area (in this case two). In our opinion, the proposed activity will fall within the	Ecosense additional response	Our assumptions have since been confirmed. The proposed path would not fall within any Protected Area.	Protected Areas

		Marine Protected Area as well as the Fernkloof Nature Reserve Protected Area.			
31.1.9		-In terms of Section 24C of NEMA (procedure for identifying competent authority) subsection (2) states that “The Minister must be identified as the competent authority.....if the activity - (e) will take place within a national proclaimed protected area or other conservation area under control of a national authority.” In this instance therefore the Competent Authority would not be the Western Cape Department (known as “DEA&DP”) but the National Department of Environmental Affairs (DEA). The BAR submission would therefore need to be made to the National Department of Environmental Affairs in Pretoria. Clarity in this regard needs to be obtained otherwise the current process is flawed.	Ecosense additional response	This is correct. Therefore, since the proposed project does not fall within a Protected Area under Provincial or National Control, the correct Competent Authority for the Application is DEA&DP.	Get clarity on competent authority
31.2		B. Environmental Themes 1. Animal species theme - The report statement that “No terrestrial animal habitat was observed below the HWM” is incorrect. The Cape clawless otter lives along the Poole’s Bay shoreline in the vicinity of Wetland 1. This species moves between terrestrial, aquatic and marine habitats.	Ecosense additional response	Statement has been revised.	Animal Species
31.2.1		- The report states that “None of the birds on the beach, where the cliff path would pass through, were threatened Red Data species”. It further states that: “The Avian Specialists concluded that no fatal flaws were found that may compromise the birds’ presence or possible breeding. Even though endangered species occur, these should not be significantly affected by the proposed path and the high sensitivity in site and project specific context is therefore refuted”.	Ecosense additional response	Correct as stated in the sensitivity verification report dated April 2020	Birds
31.2.2		-We have studied the Avian report which states the following: “We rely on SABAP data to provide an insight into the birds likely to occur. A short site visit such as this can only ever give a snapshot of what species may occur, as rarer birds, by definition, may be missed. Shorebirds are generally sedentary at this time of year and the palearctic birds leave our shores towards the end of March and early April (Hockey and Douie 1995). Resident birds such as the African Black Oystercatcher would have bred in November- January	Ecosense additional response	We believe that the specialist has substantiated their statements sufficiently and that the study is not flawed. The specialist is well experienced to be able to make a judgement call on the presence of breeding birds on the specific site. Nevertheless, to ensure that no potential breeding birds or nesting sites are disturbed during the breeding season, no construction would be allowed	


		(Hockey 2005), so a March visit would have missed this peak breeding season. To judge breeding activity, we searched for young/immature birds (with dull plumage and brown bills) during our observations.” The fact that the breeding season was missed is considered a fatal flaw.		from Nov-Jan. Construction would only be allowed from Feb-October with no drilling or other actions causing vibrations to be sensitive to whales. Should any nesting sites be observed during Nov-Jan, construction should be halted until the birds have left.	
31.2.3		-- Firstly, the Avian report confirms the presence of two African Black Oystercatchers spotted on Kraal Rock Island and in Table 2, which refers to the “rate of usage of the path by human visitors and birds on 8th and 9th March 2020”, stipulates that the African Black Oystercatcher was spotted 15 times along the path. Therefore the EAPs statement that no birds along the path were threatened Red Data Species is false. Secondly, for the author to state that no fatal flaws exist is irresponsible, because the African Black Oystercatchers were observed through the years along the rocky shoreline of Poole’s bay especially during Nov to Jan. However, their activity was reduced due to the commencement of construction of the informal path. More and more people traversed the area irresponsibly especially along the HWM where the African Black Oystercatchers lay their eggs. These birds are found living on rocky, sandy and mixed rock and sandy coasts along the mainland and islands, and to a lesser extent, in estuaries and lagoons. Nests are simple shallow holes in the ground excavated in sandy soil, lined with rocks and shells. If the ground is too hard to dig into, shells and rocks are placed by parents around the rim of the nest. The nests are typically placed near the high-water mark, concealed by rocks or kelp.	Ecosense additional response	<p>Presence of African Black Oyster Catchers are not denied and in fact, local residents testified to regular observations. These birds are listed as species of least concern (not threatened) on the IUCN Redlist - https://www.iucnredlist.org/species/22693627/118385157</p> <p>The EAP did not state that no birds were threatened Red data species. The statements in the Draft BAR of December 2020 were that two red data species were observed.</p> <p>The presence of humans on private property extending right to the HWM, where oystercatchers nest, may also be the reason for no nesting sites being observed here.</p>	Incorrect and contradicting information about Oystercatchers between EAP opinion and Avia report

31.2.4		-Irresponsible clearance down to the HWM, marking of the route with blue whale tails along the HWM, without taking account for traversing over oystercatcher breeding ground is a blatant violation of the applications duty of care and an oversight by the specialist.	Ecosense additional response	<p>No vegetation was removed - it was pruned to provide access over an old pipe as per photo below</p>  <p>It has not been proven that the area is a breeding ground for Black Oyster Catchers. No evidence of nests was observed.</p>	Birds
31.2.5		-The bird island at the eastern entrance to the Bay is undisturbed and unique. The lengthy construction of an elevated, buttressed concrete walkway in such close proximity to the island will disturb the activities of the endangered Cape Cormorants that regularly visit the island and rocky outcrops in their thousands.	Ecosense additional response	<p>The layout has been revised for the second alternative (no elevated buttressed concrete walkway in proximity to the island) and will not be in such close proximity to the island, nor will construction be continues for a lengthy time.</p> <p>We note that the island is not accessible, even during low tide, please see drone images - Fig 38 and 40 in Appendix C taken in June 2021, during low tide. The Marine biology study site visit was conducted on 27 February 2021, during spring low tide. It was noted that the island is isolated from the mainland even during spring low tide thereby offering roosting birds</p>	Birds

				protection from terrestrial predators and other forms of disturbance, including that from people.	
31.2.6		<p>-As such the theme is relevant and a high sensitivity is applicable. A detailed faunal impact assessment is required not just an avi-faunal report. Furthermore, it is our opinion that the avi-faunal report needs to be updated to include the impact on all faunal species and the African Black Oystercatchers during the breeding season.</p>  <p>Figure 1: Bird island and rocks at the eastern entrance to the Bay are packed with Cape Cormorants.</p>  <p>Figure 2: Area below the HWM opposite erf 6088 are packed with Cape Cormorants.</p>	Ecosense additional response	<p>Our refute of the high sensitivity stands, especially considering the Avian survey and report from the Marine biologist, which also considered marine and shore birds.</p> <p>Note that the photos provided by the commenting person is not representative of all times (e.g. photo taken by EAP on 12 June 2019 shows no birds on the Island and photo taken on 3 December 2018 shows no birds opposite Erf 6088). Please also see Marine Impact Assessment and Avian survey for photos at different times showing birds.</p>  	Fauna

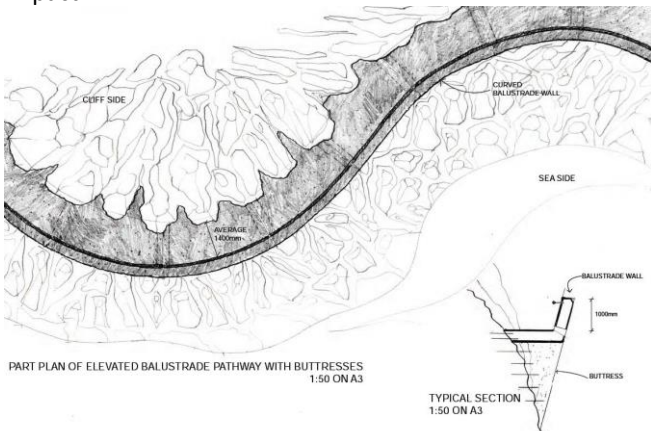
31.2.7		2. Aquatic biodiversity theme - The screening study was conducted in April 2020 at the end of summer during the driest period. It's possible that more small seep wetlands exist during the wetter periods. A botanical assessment (more comment on this discipline later in the report) is required to assist the wetland specialist to determine where these seeps are likely to occur.	Ecosense additional response	A follow-up screening was done in September 2021 just after the rainy season, which confirmed that there are no additional wetlands to consider. We are confident that the wetland specialist knows wetland vegetation and doesn't need confirmation from a botanist.	Botanical
31.2.8		3. Archaeological and Cultural Heritage Theme - According to the NID: 'The extent of the property' is depicted as 650m long but the BAR refers to 850m long. The NID is incorrect from the start.	Ecosense additional response	The measurements are relative to the investigated site and whether a straight line was drawn or a precise path line was followed. However, the NID is no longer required but still attached to serve as enrichment to the BAR.	Layout
31.2.9		- The following statement is incorrect "The site abuts the Marine Protected Area and is within the coastal belt. This will positively affect the cultural heritage of the area as the path is on public property allowing for free access for all. According to a heritage specialist investigation, the proposed cliff path will not have any effect on the two heritage features, the tidal pool, and the hotel pool, situated along the route. High sensitivity in the site-specific context is therefore refuted."	Ecosense additional response	Refer to responses above re the MPA. The structures are located below the HWM and thus falls under the jurisdiction of SAHRA. Where structural alteration to these are required as a result of the path, a permit in terms of NHRA will be applied for	Heritage resources
31.2.10		- The heritage resources of Poole's Bay relate to a unique cultural landscape as it was when first developed where no fences exists and where large open areas provide for unobstructive views of the bay, heritage structures, mature trees and interconnectivity of the ocean and land all integrated into one landscape theme. It's the last remaining stretch of urban Hermanus where there is no cliff path logically due to it being topographically not suitable for a cliff path. - Furthermore, the tidal pools are not the only heritage features. There are middens at the eastern entrance to the bay that will host archaeological significance that was missed in the heritage assessment. A small cave exists at the western entrance to the bay that was not mentioned or assessed in the NID which forms part of the strandloper heritage. The historical steps are also not mentioned.	Ecosense additional response	The cave will not be affected in any way as no construction is required that will impact the cave, which is being used by vagrants as per photo below: 	heritage resources
31.2.11		- The path was always open to the public for many years but it related to bolder hopping during low tide. Recent vegetation removal, stone packing and marking of the route	Ecosense additional response	Access is still not easy and only certain sections can be negotiated fairly easy. On occasion there may be more people using the path, but similarly on occasion	Access


		has resulted in easy access. Public access has been highlighted on numerous occasions in the BAR albeit that the path can only be used by agile users. The Avian Specialist even pointed out that during their site visit an average of 31 people/ hour traverses along the path.		there might be less. On at least six occasions when the EAP visited the site over the past three years, there were no other people using the path. A count on one day does not represent the average usage of the current path. Agility is relative, for some people access and movement may be easier and for some less easy. See photos of more difficult areas of the route at the Western promontory, Baleen Cliffs and Bayview Pool where structures would facilitate movement in Appendix C (e.g. Figures 5, 8, 11, 14, 16, 18, 19, 28, 29)	
31.2.12		- Due to the cultural landscape (and the fact that the site is located within two Protected Areas) and existence of more archaeological resources along this stretch than was disclosed in the NID results in the high sensitivity of the area in our opinion.	Ecosense additional response	The site is not located within protected areas as mentioned above and the archaeological resources noted in the study will not be impacted significantly.	cultural sensitivity
31.2.13		- The NID on the EAPs website is flawed because no signature's of any land owner reflects on the NID. The NID states that erf 6088 is owned by Hermanus Rotary Club. The coastline is owned by the Republic of South Africa. The landowner's signature is required. The NID states that: "Under NEMA, landowner permission is not required for linear activities such as this project; please see attached letter from the EAP". The aforementioned letter was not available on the EAPs website. Furthermore, Erf 6088 is not included in the EIA application area in the BAR which highlight administrative shortfalls in the NID application.	Ecosense additional response	The NID was accepted by HWC and it is the prerogative of the authority to question administrative shortfalls. However, after further investigation and discussions with authorities, it has been confirmed that the Competent Authority for Heritage is SAHRA. The NID is therefore irrelevant and will only be used for enrichment of the BAR as it covers archaeological and historical aspects of the area.	Missing information NID
31.2.14		- Under Section C in the NID Form, the 'Section 38' box was not ticked which is in fact applicable. Section 38 refers to a linear activity greater than 300m and is applicable in this application.	Ecosense additional response	Since the project is subject to a basic assessment process under NEMA, the NID was submitted under S38(8).	Missing Information NID
31.2.15		- In terms of "Section D: Landscapes and natural features", the only feature raised is the existing cliff paths which is insufficient. The area falls within a Marine Protected Area as well as a section of the Fernkloof Nature Reserve, which in itself is a Protected Area. As mentioned, a small cave exists at the western entrance to the bay which forms part of the strandloper heritage.	Ecosense additional response	The site does not fall within a protected area, as per explanation above. The cave will not be affected in any way as no construction is required that will impact the cave, which is being used by vagrants as per photo below:	MPA, PA, heritage

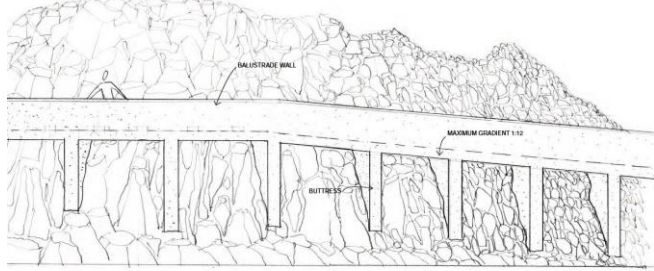
					
31.2.16		- The images included in the Annexure to the NID (Appendix G1: Page 2) form are outdated or certain images have been excluded (namely Figures 3 & 4 below). The description of the proposed activity is also outdated and refers nowhere to the balustrade/ buttressed sections. It also refers to no use of hand rails - which is incorrect. The exclusion of these images and the reference to the balustrades is considered a fatal flaw. HWCs decision is therefore considered, outdated and irrelevant in terms of the Preferred Alternative.	Ecosense additional response	HWC has been included in all correspondence subsequent to the submission of the NID to inform them of changes to the proposal. Comments received on this follow up correspondence confirmed that they do not wish to change their comment. Even so, HWC is not the commenting Authority for structures below the HWM. Comment received from SAHRA has been included in Appendix E(1) 2	NID
31.2.17		- It is incorrect to state that no heritage resources will be impacted on, considering the time since the previous NID and the new information on the table (incl. public comment) a new NID must be drafted by, preferably a generalist heritage specialist with a better analysis of the cultural landscape significance of the site. Revised comment from HWC is required.	Ecosense additional response	HWC is not the commenting authority on proposals below the HWM and the NID has subsequently been withdrawn. SAHRA has commented and will comment again after the revised reports have been uploaded to the SAHRIS system.	heritage
31.2.18		- Furthermore, Section 34 of the NHRA applies and a permit is required for altering structures older than 60 years (e.g. Tidal pool and stone steps).	Ecosense additional response	Agreed, although the stone steps would not be altered. This will be applied for as applicable to the tidal / swimming pool. SAHRA has indicated that it	Permit for altering over 60 year old structures


				needs not be submitted now, only after detailed design.	
31.2.19		- Considering the extent of heritage resources we would request a full Heritage Impact Assessment (HIA) to be conducted that include a Visual Impact (cultural landscape) Assessment.	Ecosense additional response	Not agreed. Comment from Heritage authorities and subsequent discussions indicated that a full HIA is not likely to be required as there is no reason to believe that heritage resources would be significantly affected. However, a visual impact statement, which also considers the heritage aspects of the area has been completed and is included in Appendix G5 for further consideration by the Authorities.	Heritage visual
31.2.20		4. Plant Species Theme - The EAP seems to rely on the freshwater ecologist to identify the plant species in Poole's Bay. - An area of approx. 70 – 100 sqm at the western entrance was cut open recently by the applicant. No reference is made in the SSVR of the need for vegetation removal and this area and type of vegetation is not part of the wetland area. The Overberg Sandstone Fynbos that relates to the terrestrial cover in the area is regarded as critically endangered. - To ignore the need for a Botanical Assessment is regarded as a critical flaw in the EIA.	Ecosense additional response	The Marine Impact Assessment also covers coastal biodiversity, including vegetation in the area. The verification still stands - the area where the path is proposed has been transformed and is largely void of natural vegetation and therefore it is not regarded as necessary to do a botanical assessment, hence the provision for an EAP to do verification.	botanical

		<p>- The DEA Screening Tool identifies that the site is of Medium Sensitivity and according to the Protocols: “An applicant intending to undertake an activity identified in the scope of this protocol, on a site identified by the screening tool as being of “medium sensitivity” for terrestrial plant species, must submit either a Terrestrial Plant Species Specialist Assessment Report or a Terrestrial Plant Species Compliance Statement, depending on the outcome of a site inspection undertaken in accordance with the following:</p> <ul style="list-style-type: none"> o The presence or likely presence of the SCC identified by the screening tool, must be confirmed through a site inspection by a specialist registered with the SACNASP in a field of practice relevant to the taxonomic group (“taxa”) for which the assessment is being undertaken. o The assessment must be undertaken within the study area. o The site inspection to determine the presence or likely presence of SCC must be undertaken in accordance with the Species Environmental Assessment Guideline. o The site inspection is to confirm the presence, likely presence or confirmed absence of a SCC within the site identified as “medium” sensitivity by the screening tool.” 	Ecosense additional response	The Terrestrial Plant Species Specialist Assessment Report or a Terrestrial Plant Species Compliance Statement is only required if the verification agrees with the sensitivity. The sensitivity is still refuted since the area below the HWM where the path would be located (study area - defined as the footpath itself, a 5 – 10 m area on either side of the path, and the Island) was not found to be ecologically sensitive or of high conservation concern, and is degraded or physically transformed along much of its length, and largely devoid of natural vegetation alongside the path.	botanical
31.2.21		<p>5. Terrestrial Biodiversity Theme</p> <p>- The statement is not complete and neglects to describe the contextual terrestrial ecology of the site. “The proposed site is adjacent to a degraded Terrestrial Critical Biodiversity Area, according to the WCBSP on Cape Farm Mapper. The cliff path would be low-impact and would not have a significant effect on remaining biodiversity in the area. The path would cross a small stream into the ocean (described as Aquatic Ecological support area). However, where the stream enters the HWM, there is no further functionality in terms of terrestrial biodiversity. The path will also not impede faunal movement, thus the high sensitivity is therefore refuted within the project and site specific context.”</p>	Ecosense additional response	The Marine Impact Assessment also covers coastal biodiversity aspects and the report has been revised to incorporate these aspects to provide additional context of the coastal terrestrial ecology, which is applicable to the project and is regarded to be sufficient.	terrestrial biodiversity
31.2.22		<p>- Considering the extent and elevated sections of the path in three areas, the aim is to keep users safe from ocean action, a buttressed wall will be built, resulting in an overhang that can’t be negotiated by any faunal species except birds, this will most definitely impede movement. It’s not just a path, it</p>	Ecosense additional response	After further consideration of coastal conditions and with input from a coastal engineering specialist, the alignment was changed at the western connection point to allow for a more simplified bridge structure on pillars anchored to prominent rocks below. Other	Concrete construction will have a high impact

		<p>is a R 20 million worth concrete construction project that will take 18 months to complete through the littoral active zone within a Protected Area - as such it will not have a low impact.</p>  <p>Figure 3: Part plan of elevated balustrade pathway with Buttresses.</p>		<p>elevated sections along the route would have similar structures that would be supported from below instead of being buttressed against the cliffs</p>	
31.2.23		<p>- The EIA neglected to note that an otter family lives in Poole's Bay and also numerous smaller faunal species, like owls, snakes, small buck, mongooses etc.</p>	Ecosense additional response	<p>The present fauna was described in Section G 4.7. It has been noted in more detail in the Marine Impact Assessment, which includes coastal biodiversity.</p>	Fauna
31.2.24		<p>- The ecosystem threat status relates to Critically Endangered vegetation, it borders or lies within two proclaimed protected areas, the Fernkloof Nature Reserve and the Walkerbay Marine Protected Area. The site has connectivity with a wetland system to the north as such the DEA screener is accurate when it indicated a very high sensitivity in this theme.</p>	Ecosense additional response	<p>Not agreed as per reasons given above.</p>	Terrestrial biodiversity
31.2.25		<p>- A specialist biodiversity impact assessment is required as a minimum.</p>	Ecosense additional response	<p>A Marine Impact Assessment covering coastal biodiversity aspects was undertaken in accordance with the Protocols, which adequately addresses this issue.</p>	Terrestrial biodiversity

		 <p>Figure 4: Red areas confirm critically endangered ecosystems.</p>			
31.3		<p>C. Specialist Studies</p> <p>1. Landscape/Visual Impact Assessment</p> <ul style="list-style-type: none"> - The images selected and used in certain instances (e.g Figure 19 in the SSVR) in the EIA is misleading, in three areas an elevated concrete walkway (with buttresses and balustrades) will be constructed as per below (Figure 3 & 4). The proposed cliff path along these sections will definitely not be “low-key” as indicated in the description. 	Ecosense additional response	<p>Please refer to visual impact statement in Appendix G5. We note also that a second alternative is being considered and the SSVR has been revised in accordance.</p> <p>. It is acknowledged that “low-key” may be a relative concept not interpreted the same by all parties. Note that the specialist assessment of the visual impact of Alternative 1 was ‘low’.</p>	visual
31.3.1		<ul style="list-style-type: none"> - Currently views over Poole’s Bay are open and a true reflection of the Hermanus coastal cultural landscape. Imposing structures that will result in an overall cost of R 20 million will have a high expected visual impact. 	Ecosense additional response	<p>The visibility of the path from the properties along Poole’s Bay would be minimal, as has been proved in the Visual Impact study (see Appendix G5).</p> <p>The cost of the project will be determined by the final design. Currently, it is being investigated what impact the proposals would have on the affected environment.</p> <p>The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose.</p> <p>A financial guarantee would be provided to ensure that funding for the project as well as future maintenance is available.</p>	Path of this cost is expected to have high visual impact
31.3.2		<ul style="list-style-type: none"> - It is argued that the Cliff Paths is a significant tourist attraction within the area however, even more so are the Whales. Various tourist activities use Walker Bay to view whales from and in terms of Figure 1-4, the pathway would 	Ecosense additional response	<p>Correct. However, the visual study found that the impact of both alternatives with mitigation would be low.</p>	visual impact

		have a significant visual impact of the coastline for people on the water (whale watching tours via boat, canoe etc.)			
31.3.3		<p>- To rely on a NID conducted by an Archaeologist not skilled to assess visual impact is a flaw in the assessment. Relying on HWC Heritage Officers meeting for a decision is irresponsible by Heritage Western Cape, this case needs to be presented at IACom.</p>	Ecosense additional response	<p>The NID is no longer required. SAHRA is the appropriate commenting authority for development below the HWM and they do not require a NID. All the information presented previously are however still included with the documentation for reference and a meeting was also held with SAHRA to clarify any issues.</p> <p>Please see comments received from SAHRA in Appendix E1. Note that this will be updated after each comment period, thus that which is currently included is not their final comment since we are still in the pre-application phase of the process.</p>	NID
31.3.4		<p>- It is not only HWC that calls for a VIA as such this is an oversight and a complete Landscape/Visual Impact Assessment is required to understand the impacts to be experienced.</p>  <p>TYPICAL ELEVATION OF ELEVATED BALUSTRADE PATHWAY WITH BUTTRESSES 1:50 ON A3</p> <p>Figure 5: Typical elevation of elevated balustrade pathway with buttresses.</p>		<p>The municipality did request a VIA and according to the project context and DEA&DP guidelines on VIA's, a full VIA is not required. However, a visual Impact Statement has been done and included as Appendix G5.</p>	Landscape/Visual

		 <p>Figure 6: Showing a section of the proposed elevated balustrade walkway within the landscape.</p>			
31.3.5		<p>6. Points raised under section B3 and section C1 above clearly justify the need for a HIA that involves a comprehensive public participation process in terms of the NHRA.</p>	Ecosense additional response	<p>It is not believed that heritage resources would be affected in such a way that warrants an HIA, and since the Visual study also touches on heritage aspects with reference to the Overstrand Heritage Survey Draft Report (full reference included in the Visual Impact Statement, Appendix G5), the information presented is regarded to be sufficient (note - the context here is that the heritage significance of heritage features in the area is related to “Natural scenic beauty” and “Dramatic views over Walker Bay”. The proposal has been considered in the above context through the visual study and it was found that the visual impact would be low after mitigation (design, coloration etc). Local heritage resources (only Erf 1249 (Grade II), Erf 1247 (Grade IIIB), Erf 1236 (Grade IIIC) and Erf 12257 (completely degraded) & Erf 12193 (Grade IIIA) will have sight of the proposed development. These would however not be physically altered in any way, thus not actually affected. The cave used by vagrants would be left as is, thus not affected.</p>	Heritage Impact Assessment
31.3.6		<p>7. Points raised under section B1, 2, 4 and 5 above clearly justify the need for a full terrestrial ecological impact assessment that includes botanical and faunal specialist input.</p>	Ecosense additional response	<p>There is no terrestrial component to the proposed development as the path alignment is below the HWM. The assessment within the marine context includes the area that would likely be affected by the path - see Appendix G4.</p>	Fauna Botanical

31.3.7		<p>8. The Freshwater screener needs to be extended to an aquatic impact assessment that also relies on information from the botanical study and terrestrial study.</p> <p>Points raised under Section A clearly illustrates why the marine environment is regarded as highly sensitive and considering that the proposal is within the littoral active zone and below the HWM impacts are highly likely. The lack of a Marine Ecological Assessment is a major oversight and needs to be conducted. The EAP's statement that "The proposed connection path will be located between the HWM and LWM (intertidal zone). Due to the relevant small scale of the project no significant impacts on the marine system is expected and therefore a specialist study is not warranted." This is very irresponsible considering the surrounding context, the extent of the infrastructure proposed and the lack of a Marine Specialist. A 20 million rand project, with significant engineering structures proposed, cannot be considered small scale.</p>	Ecosense additional response	<p>The Freshwater Screening would be extended to include an assessment, should a Water Use Authorization be required by the BGCMA. We are currently awaiting comment in this regard.</p> <p>A Marine Impact Assessment has since been undertaken.</p> <p>The detail project design has not been finalised and the cost of the project cannot be confirmed. the cost of Alternative 2 is however considered to be significantly lower than what was originally proposed (Alternative 1).</p> <p>The project is still considered to be of small scale in the context of the 13km existing Cliff path and relatively unobtrusive structures which is proposed to blend into the natural context.</p>	Aquatic impact Marine impact Project Scale Cost
31.3.8		<p>9. Points raised under Section A1 and B1 refers. The report states that "No evidence of threatened species breeding was present along the proposed site". The EAP does not further state that the specialist confirmed that the study was conducted outside the breeding season of the African Black Oystercatcher. As per communication from owners and users of the Poole's Bay coastline the African Black Oystercatcher used to be present along the HWM of the Bay during their peak breeding season Dec-Jan. This activity has diminished over the last two years due to the frequented activities of commencement of path making and uninformed path users traversing along the HWM. The Avian specialist report needs to be updated to include the study of the phenomena during the breeding period of this Red Data species.</p>	Ecosense additional response	<p>The BAR did and still states that the avian survey was undertaken in March 2019, towards the end of the breeding season for <u>most birds</u> in the area. The BAR doesn't need to repeat all the findings and the important fact that was stated was that there was no <u>evidence</u> of African Black Oystercatcher breeding, as the specialist did search for nesting sites, which would still have been present if they had bred there in the first place due to an incubation and fledging period of over two months (according to Roberts Birds of Southern Africa).</p> <p>It is not agreed that it is necessary for the Avian report to include a study of the phenomena during the breeding period of this bird as this information is freely available. See IUCN assessment attached with Appendix G3, which lists these birds as near threatened now due to the continued increase in their numbers.</p> <p>These birds occur all along the urban coastline and they would not be restricted to Poole's Bay. Breeding success would depend on many factors including exposure to predators and domestic pets. We submit</p>	Update Avian specialist report

				that Poole's Bay is not isolated from predators and it would be a fair assumption that the occurrence or success of nesting sites would therefore be very low, if at all present.	
31.3.9		10. As per the terrestrial impact assessment motivation above, it needs to include plant and animal species assessment. The littoral active zone as per definition above spans beyond the area between the LWM and HWM. The path also traverses over areas above the HWM where it needs to connect with the existing path. Vegetation removal has been commenced with and this needs to be assessed by a specialist. Later in this document we address the issue of commencement of the project before Environmental Authorisation (EA) and the legal position it places the applicant in.	Ecosense additional response	It is submitted that the Marine Impact Assessment adequately covers the coastal environment in which the proposed path would be located. All property above the HWM in Poole's Bay are private property with landscaped gardens and transformed habitat down to the HWM. It is reiterated that no vegetation has been removed, but simply cut back from an old sewer pipe down the gully on the western side.	Fauna Botanical Commencement
31.3.10		11. Section 4 of Appendix I is therefore misleading and incorrect in terms of the aspects highlighted above.	Ecosense additional response	It is submitted that Section 4 is not misleading in terms of the responses as given above.	Misleading information
31.4		D. Pre-Application Basic Assessment Report (BAR) SECTION A: 1. Page 8: Appendix A2 must be included and is applicable.	Ecosense additional response	The information that must be included in Appendix A2 has already been included in Section G3 of the BAR and is not necessary to repeat in an Appendix.	Coastal Management Lines
31.4.1		2. The BAR states that Erf 6088 is owned by Hermanus Rotary Club and that the possible alternative of crossing this property will be included in the application as a possible future option. The construction site is to be located on the Public Open Space (POS) adjacent to Erf 1233. A temporary builder's walkway will also be constructed in the existing gully at the southerly corner of Erf 1233. Furthermore, the land below the HWM is owned by the state. However, in terms of the landowners details (Page 10) the applicable government department (below HWM), the municipal landowner in terms of the POS, Hermanus Rotary Club (Erf 6088) and possibly Erf 1233 have been excluded in the BAR form.	Ecosense additional response	The area where it was indicated that Erf 6088 was to be crossed also falls below the HWM and therefore landowners consent is not required. Public Open space will no longer be utilized for site camps, neither will a temporary builder's walkway as indicated before be necessary down the gully. The landowner's details have been updated to reflect Republic of South Africa. Note that a seashore lease is applicable in this context and the relevant contact details of CapeNature that administer's these leases have been added here.	Landowner
31.4.2		SECTION B: 3. Page 13: states that the "path is already informally in use" however the description refers to "linked public access" when this is already the case albeit in a more informal manner. The objective would therefore be not to link the two paths but purely to make it more accessible to the less	Ecosense additional response	There is not a formal constructed path in Poole's Bay linking the two sides of the existing Cliff path, which is the purpose of this application. A formally constructed path would make it easier for most people to walk over rocks and along cliffs, which is not currently the case for less agile persons. Less	Access cost



		agile community? However the proposal fail to make it accessible to less agile people due to the nature of the battered concrete construction and the bollard demarcated walkway, therefore investing over R 20 million is irrational.		<p>agile was not intended to mean disabled. Most people can still negotiate steps or inclines and declines.</p> <p>An informal trodden path has already formed due to usage by people who are sufficiently agile to negotiate the more difficult areas.</p> <p>It was not indicated in the BAR, nor has it been confirmed for any of the alternatives. The cost will only be finalised once detailed design has been undertaken.</p> <p>The cost of the path is for the Applicant to bear and since it is private funding, regarding it as irrational is irrelevant.</p>	
31.4.3		<p>SECTION C:</p> <p>4. Page 15 (point 2) states that:</p> <ul style="list-style-type: none"> - The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) ("NEMPAA") is not applicable. For reasons discussed in section A2 above, it is clear that the NEMPAA is in fact applicable. 	Ecosense additional response	The project would not fall within a protected area and therefore NEMPAA is not applicable.	NEMPAA
31.4.4		<ul style="list-style-type: none"> - Furthermore, point 2 states that The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA") is not applicable. The ICMA is the primary legislative tool aimed at the protection and integrated management of South Africa's coastal environment. According to the ICMA the land between the HWM and the LWM is considered the 'Seashore'. Furthermore, all coastal protected areas, the littoral active zone and coastal wetlands are considered part of the Coastal Protection Zone. The proposed pathway therefore falls within the Coastal Protection Zone. The ICMA is for obvious reasons applicable to the application. - The ICMA also makes provision for the establishment of coastal set-back lines to be drawn up. Set-back lines will assist in controlling development along an ecologically sensitive or vulnerable area, or any area that poses a hazard or risk to humans (DEAT, 2000). In effect, coastal set-back lines prohibit or restrict the construction, extension or repair of structures that are either wholly or partly seaward of the line. The intention of the coastal set-back line is to protect or preserve: 	Ecosense additional response	<p>The applicability in this context was in relation to the reclamation of land, which will not be required. The ICMA is indeed applicable and the statement has been changed to refer to the relevant applicable sections of ICMA (which includes Coastal Access according to Section 18).</p> <p>A detailed discussion of S63 of ICMA and how applicable to the project follows in Section G, 3.3.</p> <p>In this discussion, the provisions of NEMICMA are already noted as noted here by Mr Slabbert and the provision of Section 15(2) is explicitly stated as follows:</p> <p>..."that no person may construct, maintain or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act (NEMICMA), the National Environmental Management Act or any other specific environmental management Act". It was added, that "<u>This implies an Application for Environmental Authorisation under NEMA</u>".</p>	NEMICMA


		<ul style="list-style-type: none"> o Coastal public property such as beach amenities and other infrastructure such as parking ; o Coastal private property such as private residences and business properties; o Public safety in the face of extreme climate and other natural events; o The coastal protection zone as described in Section 16 & 17; and o The aesthetics or “sense-of-place” of the coastal zone. 		It is therefore not denied that the NEMICMA is applicable, on the contrary, the NEMA basic assessment process being undertaken is one of the requirements of NEMICMA, if development is to be undertaken in the Coastal Protection Zone.	
31.4.5		<p>- The statement under point 7 (page 20 of the BAR) that “The proposed path would fall seaward side of the Coastal Management Lines (CMLs) as promoted in the coastal management plan of the municipality” is confusing. Surely this statement is incorrect?</p> <p>The point of the CML is to determine sensitive areas that fall seaward of these lines. The ICMA CML therefore does not encourage development seaward of the CML.</p>	Ecosense additional response	<p>The statement was incorrectly worded and placed and has been revised and moved to Section G3.3 of the BAR.</p> <p>Section E 7 of the BAR now refers to the “Coastal zone”, which means the area comprising coastal public property, the coastal protection zone, coastal access land, coastal protected areas, the seashore and coastal waters, and includes any aspect of the environment on, in, under and above such area.</p> <p>The Proposed project would be located within the Coastal public property. Section G 3.3 addresses the requirements to Coastal public property.</p> <p>CMLs are discussed in greater detail under Section G3.3. It is acknowledged that NEMICMA does not encourage development seaward of the CMLs, but it is also our understanding that the provision was intended for urban residential development.</p> <p>Section 25 (3) of NEMICMA states that a local municipality within whose area of jurisdiction a coastal management line has been established must delineate the coastal management line on a map or maps that form part of its zoning scheme in order to enable the public to determine the position of the coastal management line in relation to existing cadastral boundaries. We submit that the area below the HWM does not form part of the municipal zoning scheme in the context of cadastral boundaries.</p>	Coastal Management Lines
31.4.6		<p>SECTION D:</p> <p>5. Page 18: “Although Activity 12 was considered, it is our opinion that it would not be required, as the path would be</p>	Ecosense additional response	According to the Marine impact assessment (which also considers vegetation within the marine context below the HWM), patches of natural vegetation	Vegetation clearance

		located below the HWM of the sea, where there is no vegetation to be cleared.” This statement is incorrect. Just because the proposed activity is located below the HWM does not mean that there is no vegetation within it. Furthermore, when including the width of the pathway (1.4m), the 5m construction zone below the HWM and the 3.5m buffer above the HWM, this depicts an almost 10m wide strip along the HWM for approximately 850m. Furthermore, under the impact table on page 50, the “destruction of vegetation” is listed as an impact of MEDIUM significance. A Botanical Study is required to assess the vegetation found within the 10m wide ‘development’ zone and whether Activity 12 is listed or not. The western link was recently made by removing indigenous vegetation, confirming that the path is above the HWM as well.		surrounding the path and bordering the residential properties was noted to be severely fragmented and degraded. It is therefore still the opinion that Activity 12 will not be applicable. Due to the length of the path however, the total sum of vegetation to be cleared may just exceed 300m ² and the activity will therefore be included since the ecosystem is listed as Critically Endangered.	
31.4.7		SECTION E: 6. Page 19 (Point 1): The statement “the path would not require municipal services” is potentially false as no water source has been established for the proposed construction activity and sea-water cannot be used.	Ecosense additional response	Municipal services entails water, sewage, waste removal, electricity, stormwater infrastructure etc, which is not required for an 850m path. Water required for construction purposes can be provided by the contractor.	Municipal services
31.4.8		7. Page 22: Point 4.4 states that “Land-use planning must also consider the predicted effects of climate change in terms of, disaster risk reduction strategies and programmes, and in terms of safeguarding and promoting ecosystem resilience (Cilliers and Withers, 2013:80).” The EAP responds by stating that “the location, nature and scale of the proposed connection path would not significantly impact, or be impacted by these factors”. However, it is the exact opposite in that, due to the location, nature and scale of the activity, these impacts need to be carefully considered.	Ecosense additional response	Our statements have been revised to indicate the effects of climate change. See Section I 5 of the BAR.	Climate change
		8. Page 20 (Point 5): Comment from the relevant authorities (i.e Cape Nature) and input from a Botanical Specialist is required.	Ecosense additional response	Comment from Cape Nature is included in Appendix E2. Due to the limited occurrence of vegetation and severely fragmented and degraded state of it along the path, the input from a botanist is not warranted.	Authority comment Botanical input
31.4.9		SECTION G: 9. Page 31 (Point 3) states that the CML has been indicated on the site plans in Appendix B however the CML is not depicted on the plans.	Ecosense additional response	The statement has been corrected, the CMLs are included under Fig 9 and 10 in the BAR	Coastal Management Lines

31.4.10		10. Furthermore, point 3.5 (page 33) asks: "Explain how the modelled coastal risk zones, the coastal protection zone, littoral active zone and estuarine functional zones, have influenced the proposed development." The EAP responds that it is not applicable as the activity "falls on the seaward side of the HWM and therefore these zones are not applicable." As identified in section D3 above, all these zones (other than the estuarine functional zone) are applicable and pertinent to the proposed activity. The point of the CML and the coastal risk zones are to determine sensitive areas that fall seaward of these lines. The proposed activity therefore falls within the identified sensitive/ risk areas.		Put explanation from DEADP here that the CMLs were developed to protect terrestrial property	Site falls within identified sensitive risk areas
31.4.11		11. Point 4.6 is incorrect. As per section A2 above the site falls within two Protected Areas.	Ecosense additional response	The site does not fall within any PA's as per explanations above.	Incorrect point made on point 4.6
31.4.12		12. Point 4.7 is vague at best. The presence of fauna has been very briefly touched on, if at all, and there is no explanation as to how the proposed activity has been influenced with regard to the fauna found on site, particularly how the movement of fauna will be accommodated along the balustrade/ buttress sections of the pathway.	Ecosense additional response	The Marine Impact Assessment sufficiently addresses this aspect and the BAR has been updated with information from the specialist report. Due to the differences in the design of the two alternative walkways, this impact was assessed separately for each. The first design alternative proposes a walkway only in sections where it is needed to facilitate walking. As such, the impact for alternative one will be restricted to specific sections and is not expected to be extensive. Even in areas where the walkway will be constructed, the path is not expected to severely impede the ability of species to move around in the area. There are sections on the western side of the path that extend into the intertidal zone and over rocky terrain. To facilitate crossing in these areas, alternative one proposes a solid concrete walkway supported by buttresses, elevated and mounted against the cliff walls. As these cliffs are occupied by the southern periwinkle <i>Affrolittorina knysnaensis</i> , the walkway could create a temporary barrier to the movement of this and other species in this area. The periwinkle is, however, expected to eventually occupy the balustrade wall, while other species such as the hyrax will move around these obstacles. It should be noted that the steep boulders and houses	Faunal movement

				in the area is already a barrier to the movement of many marine and terrestrial fauna, while the habitat surrounding the path is degraded and fragmented. In light of these observations, alternative one is not expected to create a barrier to the movement of animals or fragment the habitat.	
31.4.13		13. Point 8.3: The statement "It would improve health, safety and general sense of place through avoiding a narrow sidewalk along the R43" is false. The 'health and safety' factor of the proposed Poole's Bay cliff path would pose a much higher risk in terms of the public's well being with regard to	Ecosense additional response	The statement on improvement of health and safety has been removed as it doesn't relate to social initiatives.	Health and safety
31.4.14		1) the secluded nature of the walk in terms of criminal activities and	Ecosense additional response	As stated before, crime linked to the path cannot be predicted. On the contrary, law enforcement and security patrols could have increased presence, which may discourage criminal activities in the area.	Crime
31.4.15		2) the fact that the path will be located below the HWM and will be declared unsafe for use during certain times of the year (dependant on the weather conditions) as a result of wave action and storm surges.	Ecosense additional response	Formalisation and proper demarcation of the path would increase safety of people using the area.	Safety
31.4.16		The motivation used by the Engineers/Architect to justify the materials used constructing the pathway is noted as follows in Appendix B: "...has proven to be hardy enough to withstand the extremes of stormy weather and high tides, plus the corrosive effect of seawater and the abrasive and destructive action of heavy seas". Gulley's are also incorporated within the balustrade sections to allow sea water from wave action to wash back out to sea.	Ecosense additional response	Many examples of concrete structures which have endured stormy weather and high tides exist. It will therefore be conditional that a coastal engineer signs off on the final design to ensure structural integrity against these elements.	Design
31.4.17		Furthermore, the existing sidewalk along the Main Road is well maintained and is approximately 1.7m in width (wider than the proposed cliff pathway) and has a bicycle lane running adjacent to it (Refer to Figures 5 below). The statement in the executive summary which refers to the existing cliff path running "for almost a kilometre along [the] Main Road" is misleading as it is in fact only ±715m in length.		(Note that Figure 5 in the submitted comment refers to the typical elevated balustrade pathway burtesses and not a bycycle lane) The statement is not meant to be misleading and hence approximates are used. The distance along the tarred section of main Rd as stated is precisely measures and correct. The detour from the existing path is however almost 1 km taking into account that an open space area must be traversed to reach the western section of the existing Cliff path again.	

				The width of the pathway would conform to the current Cliff path and to have minimal footprint on the shore.	
31.4.18		Furthermore, it is careless to state that the proposed cliff paths would improve the sense of place of Poole's Bay. The scale of the proposed pathway would alter the sense of place of the area from a pristine natural environment to that - at best - of a disturbed area of $\pm 8500\text{m}^2$ (in the short term) and in the long term to having a manmade structure (unsympathetic in certain sections) inserted within it of approximately 1190m^2 .	Ecosense additional response	The disturbed area would not cover 8500m^2 . Even if the entire construction buffer zone was transformed, which will not be the case as it is intended for movement and limitation of disturbance, this would result in just over 5000m^2 . The development footprint would be as stated, approximately 1200m^2 , to allow for deviations.	Project Scale Pristine coastline
31.4.19		 <p>Figure 7: Showing two sections of the Main Road diversion of the Cliff Paths.</p>	Ecosense additional response	 <p>The figure above shows why there is motivation for not using the Main Road diversion.</p>	Main Road diversion
31.4.20		<p>SECTION H:</p> <p>1. The lack of alternatives (page 37) is questioned. It is hard to comprehend that the Applicant is willing to spend over R20 million on a recreational pathway, in order to ensure that the Cliff paths (that stretch for 13kms along the coast) can avoid the portion that runs for only 715m adjacent to the Main Road, at a time when our communities socio-economic needs are high. Furthermore, that the Applicant is willing to permanently scar the pristine natural environment for a structure that would be a safety hazard - not only in the short term but progressively deteriorating as time goes on. It is evident that structures like the Marine Pool steps protected by a tidal pool wall did not survive the 2020 winter</p>	Ecosense additional response	<p>A new alternative is being proposed after consideration of the issues raised. It is often the case in an assessment process that new alternatives are only developed after initial input from authorities, specialists or the public.</p> <p>Please refer to earlier discussion of best practical environmental option - When it is necessary to undertake any action with environmental impacts, the different options that could be considered for the purpose must be identified and defined. The impacts considered are not only ecological and holistically the proposal is evaluated in terms of all potential negative and positive impacts.</p>	Alternatives Pristine coastline


		storms, it was merely ripped apart. The 'best practicable environmental option', in our opinion, would be to have two options for users of the Cliff Paths crossing the Poole's Bay area. This is as it stands and is used today. The first option would be to utilize the section along the Main Road and the second option would be to utilize the existing trail along the coast. The coastal trail could be used, as it is used today (and historically) by the more agile/ adventurous community.		The project goal is to connect the two existing section of the Cliff path by providing safer access along this section of coast, which would improve access in accordance with the NEMICMA, enhance the experience and indirectly contribute to tourism and therefore the local economy.	
31.4.21		2. Currently it would appear that the applicant already marked out 3 x routes at the western entrance a reflection that there are alternatives available.	Ecosense additional response	<p>Only one route has been marked on rocks by small unintrusive blue whale tails as per Figure 15 in Appendix C of the Pre-application draft BAR (Dec 2020) and as per figure below. Additional removable markers have been placed along the route.</p> 	Alternatives
31.4.22		3. The following statement (Page 42) has reference: "The proposed would provide the most logical and safest access, which is already in informal use. Since it would not require significant disturbance of any of the features located along the route, it would provide the best practical environmental option for the proposed development. The NEMA defines the "best practicable environmental option" as "the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term," The proposed 'connection' portion of the existing Cliff Paths cannot be considered the 'best practicable environmental option'. The preferred alternative does not provide ANY benefit to the environment and, as discussed above, will	Ecosense additional response	<p>When it is necessary to undertake any action with environmental impacts, the different options that could be considered for the purpose must be identified and defined. The impacts considered are not only ecological and holistically the proposal is evaluated in terms of all potential negative and positive impacts.</p> <p>The proposal will not irreversibly cause damage to a largely pristine coastal belt, as it has been proven through the various specialist studies and evidence presented that the site area is limited to a coastal stretch of 850m below the HWM, located in the urban context with habitat that has been fragmented and transformed.</p>	Alternatives Ecological Sensitivity Pristine coastline Scale Cost

		irreversibly cause damage to a largely pristine coastal belt that forms a vital link between the coast from east to west and which connects to the Fernkloof Nature Reserve (Protected Area) and beyond. As residents of Hermanus, we can confirm that the greater public are generally misguided in terms of the environmental impacts associated with and the immense scale of the proposed activity. It cannot be argued that the negative impacts associated with the preferred alternative are at an acceptable cost to society. The pathway will be utilized by tourists as well as locals - albeit purely for recreational activities. There is no societal need for the activity being proposed. Furthermore, the 'best practicable environmental option' needs to be applicable for the short and long term. The BAR (page 67) actually states that the path can be accessed safely at least for the short - medium term. In the long term the safety and usability of the path cannot be guaranteed. Even if a R20 million path is built it will not be safe to use during the winter months during high seas when the whales are in the Bay.		The Scale of the project is not as immense as is perceived by the commentor if put into context with a 12km long existing Cliff path and it is wrongly stated that the general public is being misguided - sufficient information is being presented to inform the public of the project and its potential impact. The cost of the path has not been confirmed and it is misleading to present the high cost as unacceptable. The cost for the path remains privately funded and therefore there would not be a cost to society. Whether the path is purely for recreational activities is irrelevant. The fact that the connection path would be accessible to all does provide benefit to society. The benefit it may add to enhance the current cliff path and indirectly result in increased tourism to the area, more revenue to be spent locally etc. by offering an uninterrupted coastal walk must be considered in terms of providing benefit to the wider society.	
31.4.23		It regularly happens that oversees tourists run into trouble at South African parks or nature areas. Table Mountain is a good example of tourists undertaking hikes in adverse weather conditions, simply because it is available and the tourists expect it to be safe. This proposed route would be no different. The unsafe nature of the proposed pathway cannot be disputed and the lack of an escape route would result in a person committing to the walk running a high risk of getting into trouble.	Ecosense additional response	The current unsafe nature of the informal path and safety considerations of a formalised path is not disputed. The purpose of formalising the path is to improve safety.	Safety
31.4.24		4. There is an error at the top of page 45.	Ecosense additional response	No error was found at the top of page 45 of the pre-application draft BAR (2020).	
31.4.25		5. Construction Impacts (Page 51): - The impact "Disruption of marine/ aquatic ecology, including birds" is identified as having a LOW – NEGLIGIBLE impact. Firstly, this impact is too broad and the impact thereof is underestimated. The impact has 3 components and should be assessed separately: the coastal marine environment, freshwater aquatics and lastly, Avian impacts.	Ecosense additional response	The aspect is biological, hence the grouping of impacts considered to have the same level of impact. Impacts have been revised to reflect separate impacts and have been done in accordance with the individual specialist reports.	Marine and coastal Freshwater aquatics Birds

		- Furthermore, under “destruction of archeological resources” the old steps are assessed but not the impact on the tidal pool (older than 60 years), the shell middens or the strandloper cave found along the path.	Ecosense additional response	The only element not considered was the cave which is being occupied by vagrants on a regular basis. However, no construction is proposed that would affect the cave. Should any of the structures older than 60 years (swimming pool, tidal pool, steps) be altered, a permit to the NHRA would be applied for. This has been included as a management requirement for the design phase.	Archaeology
31.4.26		- With regard to construction noise this should not only be limited to people but the impact on birds and wildlife within the area.	Ecosense additional response	Noise impact has been addressed in the Marine impact assessment.	Noise
31.4.27		6. Operational Impacts (Page 57): - The POSITIVE impact of “increased security and privacy for the local land owners through the formalisation of the path” could be debated to have as many NEGATIVE connotations as positive.	Ecosense additional response	Agreed, hence the statements under probability also indicating the opposite. It is however common knowledge that security is improved in areas with more visible policing and areas frequented with more people.	Security and privacy
31.4.28		- The visual impact as described above cannot be considered LOW with regard to the balustrade/ buttress sections of the pathway. Figure 3 & 4 above depict the magnitude of certain sections of the pathway which will permanently alter the face of the coastline in the Poole Bay Area. The impact cannot be “fully reversible”, as stated by the EAP, but will rather be irreversible. Furthermore, when asked the “degree to which the impact can be avoided” the EAP states that it is a positive impact – no avoidance needed. This is incorrect. It would be a negative impact.	Ecosense additional response	Please refer to Visual Impact statement which has rated Alternative 1 presented previously to have low impact. Alternative 2 (preferred Alternative) would also have low impact after mitigation.	Visual Impact
31.4.29		7. Construction & Operational Waste/ Litter: the remainder of the cliff path is relatively easy to maintain and clean as any littering can be collected by cleaning staff. The inevitable littering by tourists along the elevated sections or in fact all sections will cause the litter to blow directly into the sea (or onto neighbouring private property). Litter clean-ups along this section would be inconsequential and impossible in terms of the sea/ private property restrictions.	Ecosense additional response	Formalisation of the connection path through Poole’s Bay would extend the service of cleaning into the Bay as well. It is noted that litter pollution from the sea must also be taken into account and that the area is not currently free of it. The statement implies that littering is not a problem elsewhere, which is not true. Having a formalised path would increase the opportunity for waste management along this section of coastline where access for cleaning services is currently limited.	Waste pollution

31.4.30		8. Furthermore, two construction camps are proposed for the duration of the construction phase (a minimum of 18 months). The impacts associated with these need to be assessed in detail in the BAR. As far as we can understand the one construction site is to be located on the Public Open Space adjacent to Erf 1233 and at the Kraal Rock parking area. A temporary builder's walkway will be constructed in the existing gully at the southerly corner of Erf 1233. The construction camp at Kraal Rock will gain access to the development area over the Fernkloof Nature Reserve that is regarded as a Protected Area. The impacts on the natural environment, the residents next to the construction camps and the users of these open spaces (tourists and locals alike) and the existing Cliff Paths need to be considered and assessed.	Ecosense additional response	Noise and visual impacts of construction camps were assessed in the pre-application Draft BAR (2020) Construction camps are, however, no longer proposed on the areas previously indicated. The building materials will be stored offsite at an appropriate site and delivered to the site as required from day to day. Only temporary site toilets would be erected on the western side next to the vacant Erf 12257 as per Construction Regulation requirements. See updated Site Environmental Management Plan in the Environmental Management Programme included under Appendix H to the BAR. Construction would only be during certain times of the year / week / day to take into consideration whale and bird breeding seasons and tidal movement. The 18 months proposed would have to be distributed over at least three years as a result	Site camps
31.4.31		SECTION I: 9. Heritage NID Summary: It states that "The Cliff Path is a resource valued by the local community for its aesthetic significance. The existing pathway will not be affected but by linking the west and east sections there will be a significant positive impact." This is not the Heritage specialist's opinion, but rather the EAPs, and is therefore misleading.	Ecosense additional response	The EAP did not compile the NID, therefore stating that the statements made are not those of the Heritage Specialist is incorrect and offensive.	NID
31.4.32		10. Avian Survey Summary: The Specialist name is omitted. Furthermore, the summary is misleading for reasons highlighted in section B1 above.	Ecosense additional response	Omission noted and corrected. Summary is not regarded to be misleading - findings were copied word for word from the specialist report.	Missing information
31.4.33		11. Page 70 (Point 2.4): "Provide a description of any assumptions, uncertainties and gaps in knowledge that relate to the assessment and mitigation measures proposed." - Specialist's uncertainties need to be included – particularly the Avian Specialist i.e. missing the breeding season of the rare African Black Oystercatcher. - The HWM was surveyed but has not been approved by the Surveyor General as yet and therefore the HWM line is an assumption at this point and a flaw.	Ecosense additional response	The specialist assumptions and uncertainties are already included in the respective reports. It must be assumed that all information on which the BAR is based is truthful and correct. And we rely on specialist information to inform certain aspects of the BAR where we lack expertise. The SG will not approve the HWM survey unless it forms part of a land use application and therefore in terms of the Land Survey Act. This project does not require a land use application. Should any person contest the HWM survey, it may be challenged in a court of law.	Birds HWM



31.5		E - Annexures APPENDIX C: - Figure 7: correct yellow line depicting path.	Ecosense additional response	Figures have been updated and re-arranged. New images have been included since the original images were taken over two years ago.	
31.5.1		- Figure 21: On the pebble beach stretch (as well as past the Tidal Pool) it refers to concrete slabs or stepping stones to ease walking. Considering the nature of the path in this area, any further aid seems excessive and an unnecessary disturbance. Subtle markings/ signage depicting the route along 'open' stretches should be considered sufficient. The commenced path includes a significant amount on markings on prominent rocks as such the intent of subtle is not reflected in the current attempts.		The path was not commenced. Regular use of the area by larger numbers of people have resulted in a trodden path during the course of the last four years. The CPAG has initially marked the route with small blue whale tails and recently with removable pole markers to direct people away from private property. The proposal is for a path similar to the existing Cliff path and therefore Alternative 2 is being proposed, which would be less conspicuous than the first proposed alternative.	Signage Commencement
31.5.2		- Figure 24: Confirms that there is vegetation along the proposed path. The BAR makes a number of contradictory statements in this regard.	Ecosense additional response	Figures 12, 15, 23 and 24 showed vegetation along the path. The BAR notes sparse occurrence of vegetation below the HWM where it would be located, and as confirmed by the Marine Impact Assessment, which considered aspects within the marine context, including coastal vegetation, the patches of natural vegetation surrounding the path and bordering the residential properties was noted to be severely fragmented and degraded. Impacts associated with the loss of natural vegetation due to the construction of the path is therefore anticipated to be of low significance. It is also noted that in many areas, vegetation consist of exotic garden vegetation and listed alien invasives such as Statice (Sea lavender):	Vegetation

					
31.5.3		<p>APPENDIX G:</p> <ul style="list-style-type: none"> - The Freshwater Study and the Avian Study have no impact tables, assessment of impacts, recommendations or alternatives that are assessed. The contents of the specialist studies need to either follow the requirements of the newly published Protocols or Appendix 6 of the EIA Regulations. 	Ecosense additional response	The studies were screenings to determine if further assessment was required and were undertaken before the requirements of the protocols. The requirement for such assessments has been refuted based on the screenings.	EIA protocols
31.5.4		<p>APPENDIX K: NEED AND DESIRABILITY</p> <ul style="list-style-type: none"> - Numerous inaccuracies can be identified under the list included in Appendix K. • The assumption that there are no impacts on biodiversity or conservation targets due to the simple fact that the site falls below the HWM is incorrect for numerous reasons. • The statement that there is “no recorded ecological sensitivities of significance on or in the immediate site surrounds” is incorrect. • The fact that the pathway is below the HWM makes it an ecologically sensitive environment. The site falls within a Marine Protected Area as well as the Fernkloof Nature Reserve which in itself is a Protected Area. The site borders on CBAs and falls partly within an ESA. The site falls within an area of vegetation that is classified as Critically Endangered (refer to Figure 3 in the Freshwater Study (Appendix G2)). Various heritage resources are found along and within close vicinity to the path. The pathway falls below the HWM within some of the last remaining pristine coastal ecological areas within Hermanus. 	Ecosense additional response	<p>The need and desirability statement has been updated after further studies have been undertaken. It is noted that biodiversity considerations were taken into account in the marine impact assessment which confirmed the low ecological sensitivity of the site and not an untouched and pristine state as is the perception of a number of people.</p> <p>The site does not fall within a Marine Protected Area or nature reserve as is incorrectly perceived and emphasized.</p> <p>The WCBS only includes terrestrial areas, i.e up to the HWM. However, the DFFE coastal viewer Faunal movement would not be restricted, especially not by Alternative 2 (preferred alternative) as this alternative does not entail solid concrete balustrades. This aspect has been reviewed in the Marine impact assessment.</p> <p>The BAR claimed that a ‘whale watching destination’ would be created. The formalised connection path would be a continuation of the existing path, which</p>	<p>Ecological sensitivity and biodiversity</p> <p>Marine protected area</p> <p>Pristine coastline</p> <p>Faunal movement</p> <p>Heritage resources</p> <p>Security</p> <p>Crime</p>

		<ul style="list-style-type: none"> • The site has not been excluded from identified / mapped biodiversity areas due to its lack of importance but rather due to the simplicity of the GIS tool ending along a certain mapped co-ordinate along the coast. • The restricted access of faunal movement within areas that will consist of balustrades has been excluded from the assessment. • Furthermore, from a socio-economic perspective, creating a 'whale watching destination' essentially along this stretch of the coast will have a severe impact as a result of the number of people that would visit the area considering its close proximity to the CBD of Hermanus. The area is not suitable for high volumes of tourists considering a number of factors: the sensitive ecological nature of the area being below the HWM, the public liability risk associated with the pathway below the HWM, the close proximity to private property with residential zonings running up until the HWM within this area, the secluded nature of the area and the security risks associated with tourists and criminal activities. The need for a whale watching outlook point is sufficiently catered for along the coast and within areas that the municipality easily access. 		<p>has many lookout points along the way. No lookout points have been included in the proposal.</p> <p>The current path has numerous point where it runs right along private property, therefore there is no specific reason why this should be different in this location.</p> <p>Crime and security risks are a reality everywhere (evidence of poachers was by a resident of Bay view apartments- see and it is submitted that formalisation</p>	
31.5.5		The current commenced and constructed path, to access Poole's Bay would be the least disruptive to the coastal environment within which the path is to be located. Irrespective of the intervention this path would still only be accessible to agile people, however considering the unforgiving nature of the location (below the HWM in low lying bay with extreme winter wave action and along rugged cliffs) this is probably for the best as safety along this section of the cliff paths cannot be guaranteed (particularly in winter months). This is why a formal path never existed along this stretch of coastline. Are the negative environmental impacts and the significant financial costs associated with the proposed pathway worth undertaking, for a structure that is considered a safety hazard in terms of public liability - at best in the medium to long term?	Ecosense additional response	There has been no commencement or construction.	Safety Environmental sensitivity Costs Liability
31.6		<p>F. Maintenance:</p> <p>The EIA does not address maintenance management aspects sufficiently. Considering the high cost to construct the path</p>	Ecosense additional response	A comprehensive environmental Management Programme, including a Maintenance management plan has been compiled (Appendix H).	Maintenance Cost

		and the location of the path in proximity to the sea it is highly likely that maintenance will be a requirement. Many examples exist of how the sea damages coastal infrastructure and considering that the path forms part of a scenic and cultural landscape, deterioration and a lack of maintenance should not be allowed. A detailed Maintenance Management Plan with associated budget needs to be presented in the EIA disclosing who will fund the maintenance work. Such a plan will determine the amount that needs to be secured annually. Considering that the expected maintenance cost will most probably be high there is a risk that funds might dry up over time, therefore a bank guarantee must be presented to be kept in Trust to either ensure the upkeep or the rehabilitation of the path if required. It is highly likely, considering the cost to construct and maintain the path below the HWM, that the project is not feasible to implement.		The issue of sustainability of funding has been raised and it is recommended that the applicant provides a financial guarantee for construction costs and projected 5 year maintenance (to be reviewed every 5 years thereafter). See planning phase requirements specified in the EMPr Section 3.1.	
31.7		G. Commencement of the Activity: As pointed out in this document, we assessed the proposed site and were able to walk the entire path unhindered with other tourists as opposed to a year ago when we really had to scramble over the wild landscape. A new entrance to the coastal path was cut open on Municipal land, numerous routes have been marked with blue whale tails painted on prominent rocks and stones were moved and placed to direct walkers allowing for a more comfortable hike/ walk. During our site visit a father and his two children (± 6 and 8 years old) walked the path with great ease.	Ecosense additional response	The current access that was cut open is over an existing old sewer pipe and no vegetation was removed - it was only pruned. The blue whale tail markers were, according to the applicant, already painted four years ago. It indicates only one route, which is to direct pedestrians to in fact avoid numerous trodden paths from forming. The applicant did not move nor instruct anyone to move rocks - this has happened unintended over time and the persons who are responsible are unknown. The path has at least three areas which is more difficult to negotiate for most people, depending on the tide - at the western entry, Baleen cliff, and Bayview (see Site layout Plan in Appendix B, which clearly indicate these areas). Photos of the areas are also included in Appendix C.	Commencement
31.7.1		In our opinion the proposed 'construction' of the path has clearly commenced. The aim of the Applicant in the application is to make the Poole's Bay path more accessible to a more agile community. It therefore cannot be disputed that the activity (the construction of the path) has commenced as it is clear that the first phase of the activity	Ecosense additional response	The definition of commencement, as amended by the National Environment Laws Second Amendment Act, 2013 (Act 30 of 2013) reads: " when used in Chapter 5, {commence} means the start of any physical implementation in furtherance of a listed activity or specified activity, including site preparation and any other action on the site or the physical	Commencement

		(making the path more accessible to the agile) has been achieved.		implementation of a plan, policy, programme or process, but does not include any action required for the purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity". The listed activities that are being applied for therefore have not 'commenced' There has been no site preparation and no listed activity threshold has been exceeded. Users of the route are mainly recreational, but the investigations for the project has also required numerous site visits by the project team and specialists.	
31.7.2		In accordance with the NEMA EIA Regulations Listing Notices, phased activities: "where any phase of the activity may be below a threshold" (as per recently cutting of vegetation, marking of the path and packing of rocks) "but where a combination of the phases, including expansions or extensions", (as per the proposal) "will exceed a specified threshold" the Applicant needs to obtain Environmental Authorisation prior to implementing the first phase.	Ecosense additional response	The project is not phased. It is likely that the listed activities being applied for will all be triggered (i.e. reaching the specified threshold) during construction phase.	Phased activities

31.7.3		<p>As such, we are of the opinion, that the path in its current format is unlawful as commencement has already taken place prior to obtaining Environmental Authorisation. The competent authority should investigate and serve a Directive on the Applicant to cease the activity and to either rehabilitate or to conduct a retrospective EIA in the form of a Section 24G application.</p>  <p>Figure 8: Commencement of path at western entrance</p>	Ecosense additional response	<p>Note that in a public space, one entity cannot be held accountable for combined actions by individuals which may trigger a listed activity.</p> <p>Another example of why this is not enforceable would be a public beach where crowds may move more than 5m³ sand every day.</p> <p>The objector failed to show that the area where the vegetation was cut open is located over an old sewer pipe:</p> 	Objection
--------	--	---	------------------------------	--	-----------

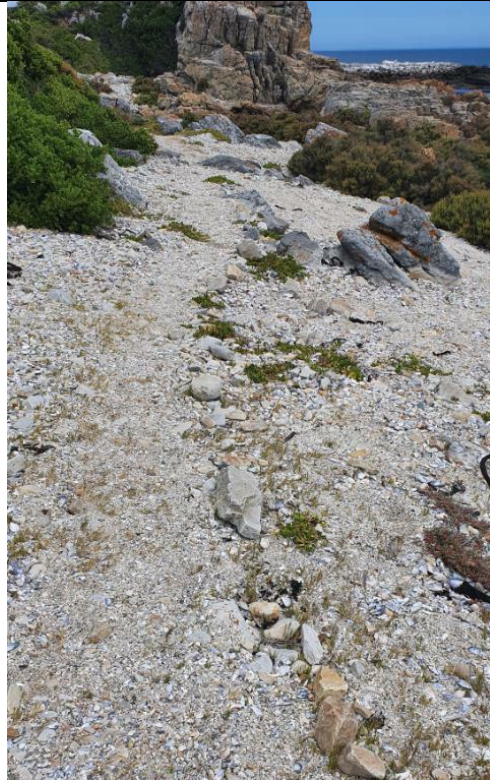


Figure 9: Part of bollard section already aligned and pack with stones

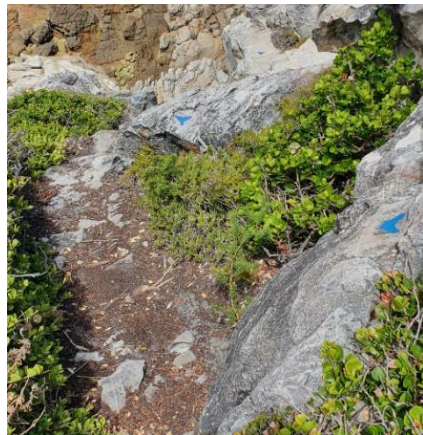


Figure 10: Entire path is well marked with blue whale tails.

31.7.4		Based on the above we hereby formally object to the proposed new pedestrian path to connect the Hermanus cliff path via Poole's Bay in Hermanus. We reserve our rights to provide further comment on the application after receipt of further documentation. Should you have any queries, please do not hesitate to contact us.	Ecosense additional response	Your objection is noted and we trust that additional studies and revisions to the report will adequately address the comments provided.	
32.	Lynn Rowand 18/01/2021	Having built/ lived/ holidayed at 212 Baleana Crescent (used to be Main Road) since 1974 I believe I'm very aware of the coast line of Poole's Bay. The cliff path, as it stands today is no different to what it was when we built our house. It has certainly been upgraded over the years and security guards are now visible – that, of course comes with the territory.	Ecosense (via web comment) 24/01/2021	Thank you for your comment, which is hereby acknowledged. Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application. We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.	
32.1		When the path was initially built I don't think anyone would have objected had they continued across Poole's Bay so long as they kept below the highwater mark.	Ecosense additional response	Oral history indicates that there have been previous attempts at continuing the path across Poole's Bay, but that these were opposed and given up on.	HWM

32.2		Obviously it was then, and still is today not a feasible proposition. Since then nothing has changed other than the high water mark possibly rising due to the melting of the icebergs further south.	Ecosense additional response	Based upon engineering input, the proposed design would be feasible.	Sea level rise Project feasibility
32.3		If it was too dangerous to do it then it is too dangerous to do it now. The expense, insurance, life risk and accessibility of this project seems fated from the start.	Ecosense additional response	It is not denied that conditions can become unsafe, hence a formalised pathway with elevated structures in dangerous sections are being proposed. the applicant would be liable for the cost, insurance and risk associated with the proposed project.	safety
32.4		Whilst on holiday over the Festive Season I had numerous intrepid hikers clambering up onto Johnny Bouwer's and our lawn in order to avoid an accident...slipping, falling or being washed away! Continuing this walkway is just NOT feasible.	Ecosense additional response	The path would allow people to remain safe and not have to climb up onto private property	Privacy
32.5		It is an outright dangerous proposal and would be totally irresponsible of the Council to let something of this nature slip past.	Ecosense additional response	The proposal intends to improve safety of users in the area. The Council is not the decision making authority on this matter.	Safety Competent authority
33.	Nick French 18/01/2021	I am very much against this. There are REAL world problems in Hermanus that can benefit from a R30 – R50million rand garden path. It is shocking that this has actually come this far. WAKE UP!	Ecosense (via web comment) 24/01/2021	Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.	Objection Cost

				We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.	
33.1	07/01/2021	Internationally scientists are working on a 0.3m rise in sea level by 2050 and another 0.7m by 2100. This means the path would be well under water by 2100. It seems pointless to build it when it will have a limited lifespan. Realistically the earliest the CPAG could expect the path to be finished would be close to 2030.	Ecosense (via email) 24/01/2021	Noted and added with your previous comment, thank you.	Objection Sea level rise
33.2		you haven't confirmed my prior messages	Ecosense (via email) 24/01/2021	Your comments have been acknowledged as per my earlier message. Thank you.	
34.	Rowena Putter 19/01/2021	I wish to register my OPPOSITION to the Poole's Bay connection path as it will take the footpath along an ecologically fragile area.	Ecosense (via web comment) 19/01/2021	<p>Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such.</p> <p>In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p> <p>We also wish to inform you that the comment period on the Pre-application Basic Assessment Report has been extended by another 30 days until 19 February 2021.</p>	Objection Ecological sensitivity

34.1		In addition, the placement of the path along the high tide line is dangerous for pedestrians and damaging to the environment. Encroachment of the path on private property is also totally unacceptable, and violates the property owners' rights to privacy as well as compromising their security.	Ecosense additional response	Formalisation of the path would improve safety. The path is proposed below the HWM on public land and would not encroach on private property. It has not been stated how security would be compromised. The path would assist in providing access for security and law enforcement personnel, thus improving security in the area.	Safety privacy Security
34.2		Further, it will make access to the Marine Reserve so much easier for poachers who already pillage that area for perlemoen, so why facilitate this crime.	Ecosense additional response	Poachers are present all along the coast. On the contrary - improved access, increased presence of people and visible policing would discourage criminal elements.	Poaching
34.3		This objection is not about keeping walkers happy but to protect a fragile ecosystem. The existing cliff paths are more than sufficient to satisfy all walkers without the need for an ugly eyesore that will have no benefits for the wildlife, landscape or the ecosystem at all.	Ecosense additional response	The environment and landscape in the context of the path has been investigated by specialists and found not to be as sensitive as perceived.	Ecological sensitivity
35.	Runette Louw 08/02/21	I am totally against this cliff path extension as per the current proposal for the following reasons:	Ecosense (via web comment) 16/02/21	Comments received will be considered and responded to in the next round of public participation for the environmental authorisation process for the proposed project, the date of which will be announced to interested and affected parties who have registered as such. In order to register you as interested and affected party, please send us your name and contact details. Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, participating interested and affected parties are entering a public process and that their names, comments and objections will be made public. Contact details which may appear on submitted emails for instance will however be hidden as far as possible and only made available to the authorities for proof. Please note further that it is also required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.	Objection

35.1		We live in an unequal society as it is. We would be better off putting money and energy into poorer areas or educating poorer communities about the environment. Solutions:	Ecosense additional response	It is the prerogative of the applicant (CPAG) to use their funding for the project. The applicant is not responsible for addressing socio-economic problems through use of private funding.	Socio-economic needs
35.1.1		1. Make a high-quality interpretive walk on the section of the Main Rd where the cliff path is not accessible. Themes of the ocean and history of the town, the fishermen etc come to mind. This will be interesting for both tourists and locals.	Ecosense additional response	Noted.	education
35.1.2		2. The public and adventurous hikers should however not be denied access. Warning posters about the danger must be shown prominently, plus the addition of chains, climbing rings, steps or supports similar to what they have at Vogelgat and top section of Lion's Head. This will not be invasive to the environment but will add safety to the existing path.	Ecosense additional response	Warning signage would be erected along the path in any event as per EMPr, Section 3.2.	safety
36.	Carol van Hoogstraten 16/02/2021	I am in full support of Save our Shores. Humans have done enough damage to the environment, let us not destroy the last bit of undisturbed coastline in our town.	Ecosense (via email) 17/02/2021	Thank you for your comment , which is hereby noted. It will be included in our follow up reports with all other comments received. We wish to note that we are not co-ordinating a petition and do not act on behalf of either the Cliff path Action Group or Save our Shores. As are the requirements of environmental legislation, Ecosense has been appointed as independent Environmental Assessment Practitioner and is facilitating the Environmental Impact Assessment process for the proposed project, which includes investigating the significance of environmental impacts, as well as obtaining input from the public regarding the proposed project. This input then needs to be incorporated and presented to the Provincial and National Authorities in order to make an informed decision about the proposal. We will be responding in more detail to the specific comments received in our comments and responses report, which will form part of the assessment reports. Therein we highlight the issues raised and how these have been / will be addressed. This will then be available for further comment at a time which will be announced to registered interested and affected parties.	Objection Ecological sensitivity

				<p>Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, that by participating in the process, they are entering a public process. We will provisionally register you as interested and affected party to receive future correspondence, but please let me know if you do not wish to.</p> <p>Please also be aware that it is required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p>	
37.	Antony van Hoogstraten 16/02/2021	I strongly object to the extension of the cliff path along that precarious section of the coast. Let us leave it to Nature.	Ecosense (via email) 17/02/2021	<p>Thank you for your comment, which is hereby noted. It will be included in our follow up reports with all other comments received.</p> <p>The project needs to be authorised in terms of the National Environmental Management Act. As are the requirements of this environmental legislation, Ecosense has been appointed as the independent Environmental Assessment Practitioner and is facilitating the Environmental Impact Assessment process for the proposed project, which includes investigating possible environmental impacts, as well as obtaining input from the public regarding the proposed project. This input then needs to be incorporated and presented to the Provincial and National Authorities in order to make an informed decision about the proposal.</p> <p>We will be responding in more detail to the specific comments received in our comments and responses report, which will form part of the assessment reports. Therein we highlight the issues raised and how these have been / will be addressed. This will then be available for further comment at a time which will be announced to registered interested and affected parties.</p> <p>Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, that by participating in the process,</p>	Objection

				<p>they are entering a public process. We will provisionally register you as interested and affected party to receive future correspondence, but please let me know if you do not wish to.</p> <p>Please also be aware that it is required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p>	
38.	Florian Shaefer 19/02/2021	This is to confirm that Eastcliff Property Holdings, Erf 1234 on 200 Main Road, Hermanus, has been registered as interested party in the below matter. We would like to express the following concerns regarding the suggested extension of the cliff path:	Ecosense (via email) 19/02/2021	<p>Thank you for your comments, which are duly noted. They will be further responded to in our Comments and responses report together with all other comments received. Therein we highlight the issues raised and how these have been / will be addressed. The Comments and responses report will form part of a revised basic assessment report, which we will make available for further comment at a time that will be announced to registered interested and affected parties.</p>	Request to register
38.1		- can it be warranted that the proposed extension would have no impact on the sensitive environment and ecosystem in Poole's Bay, both during construction and thereafter?	Ecosense additional response	Any development has impacts. The purpose of this process is to identify and avoid or mitigate associated impacts. The overall negative impact during construction and thereafter would be low. The project, once complete, would also have positive socio-economic impact.	Environmental sensitivity
38.2		- With crime levels mounting in Hermanus, can it be warranted that the extension will not negatively impact security of any affected residents?	Ecosense additional response	Crime linked to the path cannot be predicted. On the contrary, law enforcement and security patrols could have increased presence, which may discourage criminal activities in the area.	Security and crime
38.3		- can it be warranted that poachers would not use the cliff path to gain easy access to Poole's Bay?	Ecosense additional response	Poachers are present all along the coast in any event. Improved access, increased presence of people and visible policing would discourage criminal elements.	Poaching
38.4		- can it be warranted that the cliff path would withstand the extreme weather and sea conditions? Would any long run maintenance and possible reinstatement be ensured and sufficiently funded? There are examples where similar projects have failed and dilapidated over time due to continued damage by weather and sea.	Ecosense additional response	<p>The structures to be built will be mainly of concrete, which is robust in this type of environment (e.g. harbour walls, tidal pools etc).</p> <p>A maintenance management plan must be adopted in order to avoid impact associated with lack of maintenance. The CPAG would be legally obligated and liable to maintain the path.</p>	maintenance


38.5		- In order to safeguard the pristine marine life in the Poole's Bay area, please identify any sensitive bird and marine life that would be affected by this project and any potential impact to the affected species as a result of the proposed extension. For instance, have impact studies on any migratory birds been conducted?	Ecosense additional response	The marine life is not as pristine and sensitive as is perceived. Please refer to Appendix G3 and G4 for specialist input in this regard.	Pristine coastline Birds Marine life
38.6		- confirm that the high water mark is accurate and in accordance with the surveyor general.	Ecosense additional response	<p>The path is to be built as close as possible to the HWM which has, apart from information available on adjacent property SG Diagrams, also been surveyed 3 times during the past four years.</p> <p>The Surveyor General is mandated by the Land Survey Act.</p> <p>The Land Survey Act only makes provision for the SG to become involved when there is subdivision of a property of which the seaward boundary is the HWM (i.e. through site inspection for endorsement of a new SG diagramme).</p> <p>For this development, where there is no private property owner or subdivision of a property, the Land Survey Act does not apply and the SG is not compelled to do a site inspection. A NEMA application will therefore not require the SG to do a site inspection or confirm the HWM, as no SG diagramme will be needed.</p> <p>The above was indicated by the Chief Professional Land Surveyor for the Western Cape, Mr Andrew Ballantyne (see email correspondence in Appendix E23).</p>	HWM
38.7		- confirm that the cost estimate is accurate and caters for storage, inflation, future maintenance, and contingencies for construction overruns and potential reinstatement. Confirm that any cost would be fully funded and the projects maintenance be ensured for the long-term.	Ecosense additional response	<p>The cost of the project will be determined by the final design. Currently, it is being investigated what impact the proposals would have on the affected environment.</p> <p>The project would be privately funded and would not make use of public funding. It is the prerogative of the applicant (CPAG) to raise and use their funding for the cause they choose.</p> <p>A financial guarantee would be provided to ensure that funding for the project as well as future maintenance is available.</p>	cost


38.8		- confirm that hikers would be protected against the risks of sudden sea surges, challenging terrain etc.	Ecosense additional response	It is acknowledged that these conditions exist, but they do not prevail all of the time and objective of the path is to mitigate the challenging terrain. Apart from appropriate warning signage the path could be closed during extreme sea conditions.	safety
38.9		Also, given the perilous nature of the terrain, confirm that rising sea levels have been factored in the planning of the path, both for its future maintenance, usability and safety of hikers.	Ecosense additional response	The effects of climate change may put the structure at risk as it may become more regularly submersed over time. More frequent storm events would pose a risk of damage to infrastructure. The design and materials to be used however considers this and caters for severe sea conditions. Pedestrian safety would also be at risk during severe storm events. Use of the current informal path is however already subject to this risk. Safety warnings and informative information and temporary closure of the path during high storm events are all ways to limit this risk. This cannot currently be implemented as there is no formalised path through Poole's Bay	sea level rise
38.10		- due to easy access to many of the affected residences along the proposed path, can it be warranted that there will be no trespassing by hikers or otherwise?	Ecosense additional response	A designated path would lower the incidences of trespassing by hikers or otherwise as people would see where to go and the presence of people / visible policing would discourage criminal elements	Trespassing / privacy
39.	Lisa Krisch 19/02/2021	I was concerned to realise that I am not registered as an IAP in the Pooles Bay cliff path extension. Since I am the home owner (otherwise known as Wild Waters), which lies directly adjacent to Kraal Rock, this is an issue of serious consequence to me. Nor have I received any notification of opportunity to comment on the matter.	Ecosense (via email) 21/02/2021	Thank you for your email and we note your concern. We have registered you as interested and affected party to receive future correspondence regarding the assessment process for the proposed project. We are required to notify potential Interested and Affected Parties whose properties border onto the proposed project that they may register as interested and affected parties. In addition for this project, we distributed notices by hand delivery to all mailboxes of properties further away from the project (including east of Kraal Rock parking area, not only immediately adjacent in Poole's Bay, so we could also inform those property owners such as yourself who might be affected by issues such as laydown areas. In addition we placed advertisements in the local newspapers and put up a number of signs in the area, also at the parking areas. We try to use all reasonable means to	Objection Request to Register as IAP

				<p>notify all potential stakeholders, but do apologise if you have not received a delivered notice.</p> <p>There will be more opportunity to comment and the current draft report is still available on our website, should you wish to read it:</p> <p>http://www.ecosense.co.za/2020/11/pooles-bay-connection-path-hermanus/ .</p> <p>This report will be revised in the coming weeks to reflect the comments and address the identified issues and you will be notified when it will again be available for further comment. We will also then respond further to your concerns.</p>	
39.1		<p>Thankfully, Charles Lloyd Ellis has notified me of the issue at hand. Of particular concern is the plan to use the municipal car park adjacent to our home as one of two construction camps. I can only imagine how this will negatively impact our ability to reside in peace and security in this area, which is magnificently serene and safe. We have resident owls, mongooses, and recently received a visit from a Cape Genet. The idea of construction noise emanating from alongside our home, not to mention the security concern of having a barrage of construction crew on our doorstep, with clear visibility of our home and garden from this area, is devastating.</p>	Ecosense additional response	<p>The use of the parking area for a construction camp has been reconsidered and will no longer be so.</p>	<p>Site camp security concern, construction noise, privacy</p>
39.2		<p>Please add my dissent to those of other residents and Save our Shores parties. Please also ensure that I am registered as an interested and affected party, and receive all relevant notification in the future.</p>	Ecosense additional response	<p>Noted, you have been registered.</p>	<p>Objection Request to register</p>
39.3		<p>Please ensure that this unnecessary cost and invasion does not occur alongside our pristine shore.</p>	Ecosense additional response	<p>A decision will be made by the Department of environmental Affairs and Development Planning based on the facts contained in the Basic Assessment report and supporting specialist studies.</p>	<p>Pristine coastline Cost</p>
40.	Lyn Melfi 19/02/2021	<p>As the owner of Kraalrock, we would strongly object to having a construction depot and delivery point on the Kraalrock parking lot for an extended time. We were informed by neighbours about this proposal, and feel strongly that this info should have been provided to us directly and earlier.</p>	Ecosense (web comment) 21/02/2021	<p>Thank you for your comments and we note your concern. We have registered you as interested and affected party to receive future correspondence regarding the assessment process for the proposed project.</p> <p>We are required to notify potential Interested and Affected Parties whose properties border onto the proposed project that they may register as interested</p>	<p>Site camp Process</p>

				<p>and affected parties. In addition for this project, we distributed notices by hand delivery to all mailboxes of properties further away from the project (including east of Kraal Rock parking area, not only immediately adjacent in Poole's Bay, so we could also inform those property owners such as yourself who might be affected by issues such as laydown areas. In addition we placed advertisements in the local newspapers and put up a number of signs in the area, also at the parking areas. We try to use all reasonable means to notify all potential stakeholders, but do apologise if you have not received a delivered notice.</p> <p>There will be more opportunity to comment and the current draft report will remain available on our website, should you wish to read it. This report will be revised in the coming weeks to reflect the comments and address the identified concerns. You will be notified via email when it will again be available for further comment. We will also then respond further to your concerns.</p>	
40.1		<p>Reasons for objection include:</p> <p>Security</p> <p>Invasion of privacy</p> <p>Noise</p> <p>Lack of ablution facilities</p> <p>Dust</p> <p>It will also hinder local and visitor "walkers" who use this parking lot extensively for their cars while walking, as well as the destruction of the lawn that was planted and irrigated by ourselves and the neighbouring house.</p> <p>Please keep us informed via this email</p>	Ecosense additional response	<p>Although they can be addressed through proper management, these are real concerns associated with a construction camp. As noted above, however, the use of the parking area for a construction camp has been reconsidered and will no longer be so.</p> <p>Ms Melfi has been registered as a stakeholder for future correspondence on the process</p>	<p>Security</p> <p>Privacy</p> <p>Noise</p> <p>ablution facilities</p> <p>Dust</p> <p>Stakeholder registration</p>
41.	Nico Blignault 21/02/2021	<p>Hi, Why would you waste time and energy on a walkway when crime is so high. Are you people stupid, why don't you sort out the crime first. Stop being stupid please.</p>		<p>Your comment is noted and will be recorded.</p> <p>However, I would like to clarify our roles. It is not the Cliff Path Action Group (CPAG), nor Ecosense's responsibility to sort out crime. The CPAG is proposing a project and we are investigating the impacts of it.</p> <p>The project needs to be authorised in terms of the National Environmental Management Act. As are the requirements of this environmental legislation,</p>	Crime

				<p>Ecosense has been appointed as the independent Environmental Assessment Practitioner and is facilitating the Environmental Impact Assessment process for the proposed project, which includes investigating impacts and obtaining input from the public regarding the proposed project. This input then needs to be incorporated and presented to the Provincial and National Authorities in order to make an informed decision about the proposal.</p> <p>We will be responding in more detail to the specific comments received in our comments and responses report, which will form part of the assessment reports. Therein we highlight the issues raised and how these have been / will be addressed. This will then be available for further comment at a time which will be announced to registered interested and affected parties.</p> <p>Interested and affected parties wishing to register must note that in terms of the Protection of Personal Information Act, that by participating in the process, they are entering a public process. We will provisionally register you as interested and affected party to receive future correspondence, but please let me know if you do not wish to.</p> <p>Please also be aware that it is required by the EIA Regulations that any interested and affected party that register as part of the process to comment must disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application.</p>	
41.1	21/02/2021	That's great, but at the end of the day, nobody can enjoy nature if they get mugged and raped.	Ecosense additional response	This comment was not responded to further as it has already been stated that it is not the Cliff Path Action Group (CPAG), nor Ecosense's responsibility to sort out crime. Crime linked to the path cannot be predicted. On the contrary, law enforcement and security patrols could have increased presence, which may discourage criminal activities in the area.	Crime
42.	Hanlie Allan via Whatsapp after	I have had the pleasure of staying in Bayview apartments since November and watch weekly as perlemoen poachers brazenly dive right in front of my window . Zoom in and you'll	Ecosense via Whatsapp 18/03/2021	<p>Thank you for your message.</p> <p>We (Ecosense) are conducting the Environmental Impact Assessment (EIA) for the project that will</p>	

	<p>close of comment period 18/03/2021</p>	<p>see. They come in bands of 4-6 and openly poach perlemoen right in front of Bayview where you want to extend the Cliff Path</p>  <p>If you want to give easy access to these poachers then the extension of the Cliff path is a good idea. Not only will it ruin the view of everyone residing in Bayview and create a security risk but it will disturb sea life and enhance poaching. Best to spend those funds on a refreshment station and toilets for tired Cliff Path walkers</p>		<p>determine if the project can go ahead or not under environmental legislation, so we consider these aspects too as we need to address any issues raised. The EIA application for the project will ultimately be considered by the Provincial Department of environmental Affairs and Development Planning for a decision.</p> <p>I will record your comment (including photos) in our report. I will also provisionally register you as Interested and Affected party unless you prefer not to. Please note that by registering, in terms of the Protection of Personal Information Act, you will be entering a public process and your name and comments will be made public in our reports. If you do register however, you will receive follow-up correspondence on the EIA process which includes detailed information about the project, specialist reports, detailed responses to the comments we receive.</p>	
--	---	--	--	--	--

					
			Ecosense additional comment	Poachers are present all along the coast in any event. Improved access, increased presence of people and visible policing would discourage criminal elements.	