

SECTION B: OBJECTIONS

NO.	NAME	COMMENT	RESPONSE BY	RESPONSE
1.	Andrew Charter 16/11/2021 Chief Executive Officer Nanodyn Systems Pty Ltd	For some reason I have not been included on the most recent of your circulations relating to the Mrs. Stassen's malintent insofar as Poole Bay are concerned. Please be sure to include me in future circulations.	Ecosense response via email 07/11/2021	We were not provided with your email address before, hence you were not included. We did however have Ms Janet Charter's email address as contact person for Erf [REDACTED] and Mr Danie Jooste (representing Pool's Bay rate payers) was also sent correspondence. We will ensure that your details are on the list for future correspondence, but please bear in mind that in terms of the Protection of Personal Information Act, participating interested and affected parties should be aware that by taking part, they are entering a public authorisation process for the proposed project. By registering as an interested and affected party, you agree that your details, including name, contact and comment may be used in the application process. Our Privacy policy applies to any personal information collected or used during the process. It is required by the Regulations that any interested and affected party that register as part of the process to comment also disclose any direct business, financial, personal or other interest they may have in the approval or refusal of the application. If you do not disclose any direct business, financial, personal or other interest we will assume that you have none.
1.1		Furthermore, in my opinion a public open day scheduled both at such short notice and mid-week when many homeowners or interested may not be available to attend is poor form, although this has been reflective of the general conduct of the parties you represent from the outset.		The public open day is an optional event where visual presentations of the proposal will be displayed (not a public meeting) and is not a legal requirement in terms of our EIA process. We will make the materials presented available after the event. Please note that neither Ecosense, nor me in person represent the Cliff Path Action Group. Ecosense was appointed as independent consultants to conduct the EIA process and we have no interest in the project other than fair remuneration for facilitation of the process – whichever the outcome.
1.2		I shall be commenting via the link you provided in your email. In advance of the completion of the commenting process via the link, what I would like to formally lodge as reference for the Public Open Day are the attached images which demonstrate only certain examples of the defacement of natural environment within Poole Bay, as performed by Mrs. Stassen and her gang of brigands.		We are aware of the markings on the rocks and have been informed that it will be removed. These were markings for the drone survey that was conducted in June this year to provide data for informing the layout. It will be appreciated if you would comment via the form provided. Comments received will be recorded and responded to in the comments and responses report, which will be updated after completion of the Nov-Dec 2021 comment period.
1.3	18/11/2021	I am under no illusion as to the underlying reality concerning Ecosense's independence insofar as this process is concerned. The conclusions of EIA reporting	Ecosense (additional response)	Ecosense has conducted the process without any vested interest in the proposed project. According to the EIA Regulations:

		<p>generated by your organization that I have read make that quite clear. With the greatest respect, they were as fallible and absent environmental concern as was the uncultivated marking of rocks, irregular clearing of coastal bush, littering of the beaches with large painted stakes, and an encouragement of pedestrian activity that has materially impacted upon the populations of Black Oystercatchers in amongst other coastal wildlife.</p> <p>I have completed the relevant form.</p>		<p>Independence in relation to an EAP, a specialist or the person responsible for the preparation of an environmental audit report, means—</p> <p>(a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or</p> <p>(b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work;</p> <p>excluding—</p> <p>(i) normal remuneration for a specialist permanently employed by the EAP; or</p> <p>(ii) fair remuneration for work performed in connection with that activity, application or environmental audit;</p> <p>It remains our opinion that the views and opinions of the specialists involved were accurately reflected in the BAR and where any of these are pointed out to be misconstrued, it will be corrected.</p>
1.4	16/11/2021 Google form	I wholly oppose this initiative to develop a public path in Poole Bay.	Ecosense (additional response)	Noted.
2.	Paul Slabbert 09/12/2021	Hereby find comments on the current DBAR on behalf of the Poole's Bay Residents Association.	Ecosense response via email 09/12/2021	Thank you for the comments, which is hereby acknowledged.
2.1		<p>We hereby provide the following objections to the aforementioned proposed activities:</p> <p>1. Pre-Application Basic Assessment Report (BAR) Page 6 the summary of impacts and mitigation measures needs to be comprehensive, which it is not.</p>	Ecosense (additional response)	The summary of impacts on page 6 is part of the executive summary of the report and is not required to be detailed. The detailed assessment can be found in Section H4.
2.1.1		SECTION A: Under the landowner details the following was stated: "Not applicable – Coastal public property below the High-Water Mark". However, in Appendix F: Comments and Response report it was indicated that this should be the Republic of South Africa and that Cape Nature has been added as the contact entity, which has not been undertaken? This is an administrative shortcoming and comment from CN is required in this regard.	Ecosense (additional response)	<p>Agreed to be an administrative error and it has been corrected to reflect RSA and Cape Nature.</p> <p>Consultation with CapeNature already indicated in their first comment that a Seashore lease needs to be issued, as was indicated in Section F6 of the BAR.</p> <p>Due to requirement to obtain EA first, A Seashore lease cannot be applied for yet.</p>

2.1.2		SECTION B: Point 3.3: “The only material considered strong enough to withstand rough sea conditions is concrete (e.g. tidal pools and harbour walls) and the path would be built mainly of concrete, but where less exposed, natural, it would be finished with a rough aggregate, to encourage staining and seaweed/mussel shell growth.” The Marine Specialist recommends that more eco-friendly alternatives to concrete should be included. The investigation of alternatives needs to be included in the assessment.	Ecosense (additional response)	<p>This section is understood to require an overall description of the proposal. The section on Alternatives, as well as design phase requirements in the EMPr has been updated to include the following mitigation / recommendations from the MIA:</p> <ul style="list-style-type: none"> • Designing the path to be as natural and unobtrusive as possible; and • Using natural materials such as rock, wood and/ or an eco-friendly alternative, such as green concrete. <p>Green concrete was discussed with the engineers its practicality, and research done on availability and types. It appears not to be locally available, but it has nevertheless been included in the design phase requirements in the EMPr to be considered if practical.</p> <p>The Marine Specialist report recommendation was revised to indicate use if practical in project context.</p> <p>The recommendations from the visual study correspond with those from the MIA regarding the design to be as natural and unobtrusive as possible and to make use of natural materials such as rock and wood.</p>
2.1.3		SECTION C: Page 16: “A General Authorisation may have to be applied for from the Breede Gouritz Catchment Management Agency, pending the outcome of a risk assessment from a Freshwater Ecologist.” It is our understanding that a General Authorisation would definitely be applicable, however, depending on the outcome of the risk assessment a Water Use Licence Application might be required. The Freshwater Specialist states: “Construction within 500m of either wetland (unavoidable in this case) would require authorisation in terms of the NWA. Seeing as both wetlands extend below the high-water mark the proposed footpath would need to cross the delineated wetland areas. If the wetland areas can be traversed in such a way to ensure that there would be no wetland loss (e.g. using a boardwalk without any excavation into the wetland area) then there is a possibility that the proposed development would have a LOW Risk Rating (based on the DWS risk matrix) and would therefore qualify for a General Authorisation. If the risks are determined to be greater than LOW then a WULA would be required.” It is important that BGCMA comment on this aspect before the application proceeds, because the implication of the WULA	Ecosense (additional response)	<p>At the time of writing, consultation with BCGMA was in progress.</p> <p>Comment was then received from BGCMA during the past PP comment period (see Appendix E3) confirming a risk assessment to be the next step in the process as part of the water use authorisation process, which would run concurrent to the NEMA application process.</p> <p>An assessment to inform this application further and to determine the risk has been completed and is included with Appendix G2.</p> <p>The risk class was low, hence only a General Authorisation is required and not a Water Use License. Accordingly no consultation into the Water Use Regulations are required.</p>

		relate to the duration of public and authority consultation and the influence on the application in general.		
2.1.4		SECTION E: 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 continues by stating that: “Predicted sea level rise is acknowledged and it is accepted that the proposed path alignment may need to be changed in the medium term as a result.” Considering this we are of the opinion that the proposal is not an environmentally sustainable option.	Ecosense (additional response)	<p>The quote has been taken from the Municipal EMF to illustrate how it was considered in the proposal. The EMF aims to provide environmental parameters for development. We are of the opinion, that in the context of the proposed project, environmental sustainability will not be compromised. Environmental sustainability is concerned with whether environmental resources will be protected and maintained for future generations not whether a project would exist in perpetuity. There are many examples of development along the coast, which will only have a medium-term lifespan as a result of climate change and sea level rise, but which would also not compromise environmental sustainability, i.e. environmental resources would not cease to exist should the project cease to function into the future.</p> <p>The following was included in Section 15 of the BAR:</p> <p>Coastal engineering input was obtained to inform the concept design of Alternative 2, where the following was indicated in terms of the potential impact on coastal structures as a result of sea level rise along the South African Coastline:</p> <ul style="list-style-type: none"> • For those sections of the path located at ground level or slightly above ground level it is suggested that within the next 20 years sea level rise may have a low impact causing some inconvenience. It is suggested that provision be made for 0,3m higher sea level in the planning of such structures. • For the proposed elevated sections, which would rely on more permanent concrete structures the impact of sea level rise may be more significant, especially if concrete pillars were to be considered for the elevated sections. It is suggested that provision be made for 0,6m rise in sea level, as SLR may have a medium to high impact on such structures within the next 20 to 50 years. <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. The above considerations will be taken into account in the detail design phase and is to be signed off by a coastal engineer (which is proposed to be a condition of authorization) to ensure maximum durability and lifetime of the proposed structures.</p>

2.1.5		<p>Page 22: Point 5: “Explain how comments from the relevant authorities and/or specialist(s) with respect to biodiversity have influenced the proposed development.”</p> <p>The response from the EAP does not unpack the Marine Impact Assessment mitigation measures in this regard which is regarded as a major shortfall.</p>	Ecosense (additional response)	The relevant sections in the BAR have been revised to elaborate further on biodiversity aspects and it is not necessary to repeat under this section.
2.1.6		<p>SECTION F: Point 6: “The issues trail has been divided into three sections for ease of reference:</p> <ul style="list-style-type: none"> • Section A - Authority Comments • Section B - Objections • Section C – Comments in Support” <p>Section C however also includes all I&APs simply requesting to register not necessarily supporting the application. Including I&APs requesting to be registered ONLY in the ‘support’ table summary is very misleading. Furthermore, certain comments made by I&APs walk a fine line between either supporting or objecting to the proposal and dividing these is dependent on personal opinion. Whether the comment is in support or not is subjective in certain instances and should be left up to the reader of the document. Section C need to be noted as comments and the word support be omitted it appears as if the project is being “marketed” to the reader.</p>	Ecosense (additional response)	<p>Agreed that this may be misconstrued, although it was not intended to be misleading. It was also an error as it referred to the electronic file name and not the actual heading of the Section. This has been corrected.</p> <p>The heading of the table read ‘comments in support and Requests to register’. The electronic file name was shorter and read ‘comments in support’, but have now been changed to ‘other comments with responses’.</p> <p>For the Nov-Dec 2021 comment period, comments other than those from Authorities or specifically indicated to be objections have been organised to include a separate section for those IAPs who only requested to register or had general comments.</p>
2.1.7		<p>SECTION G:</p> <p>Point 2.3. The following needs to be included here as this explains how the presence of watercourses/ wetlands have influenced the proposed development:</p> <ul style="list-style-type: none"> • The wetland areas must be traversed in such a way to ensure that there would be no wetland loss (e.g. using a boardwalk without any excavation into the wetland area). • The boardwalk is permeable (e.g. is constructed with gaps between the planks) so that direct sunlight can pass through. • The base of the boardwalk must also be raised sufficiently to allow the wetland vegetation sufficient space to grow. A height above ground level of approximately 600mm would be sufficient in this regard. • No temporary structures are to be located within the wetland areas (i.e. that the construction access route is aligned across the beach or over the rocks seaward of both 	Ecosense (additional response)	Agreed and included updated mitigation measures from the Freshwater Ecology assessment that was undertaken to inform the WUA risk assessment.

		<p>wetland areas) to ensure that wetland vegetation is not trampled or damaged in any way.</p> <ul style="list-style-type: none"> • In addition, a barrier must be erected that prevents workman access and spills of construction materials into the wetland area • If it is deemed necessary to construct a bridge over the stream which flows over the rocky beach seawards of Wetland 1 then it is essential that the bridge does not interrupt the current flow over and through the pebbles. 		
2.1.7.7		<p>Furthermore, it is unclear how the following final point made by the Freshwater Specialist is addressed or applicable to the proposal:</p> <ul style="list-style-type: none"> • “It is noted that bridges are susceptible to wave damage during storms therefore an acceptable alternative would be to construct a concrete causeway directly through the pebbled area with concrete pipes inlaid such that the pathway allows uninterrupted flow from the wetland towards the sea.” 	Ecosense (additional response)	<p>The report has been updated with the mitigation as proposed by the Freshwater Ecology assessment, undertaken to inform the WUA. It would not be practical to construct a causeway in this location, due to access constraints in getting materials (concrete culverts and pipes) onto site. Therefore, the design of the bridge would not interrupt the current flow over and through the pebbles.</p> <p>The Developer is aware of susceptibility to damage and regular maintenance would be undertaken in accordance with the Maintenance Management Plan.</p>
2.1.7.8		<ul style="list-style-type: none"> • Similarly, to the point above, Point 4.7 has not been adequately answered. Not incorporating specialist recommendations is regarded as a major shortfall in this application. 	Ecosense (additional response)	<p>Section G is understood to provide a description of the receiving environment. Considerations of the various specialist input and how it influenced the design of the development does not need to be unpacked here through discussing recommendations. Instead, specialist recommendations were included as required in the BAR in Section I.</p> <p>Our understanding of incorporating specialist recommendations, is to ensure that they are considered in the planning and design of the project as applicable, as well as subsequent development phases (e.g. construction and post development, or operation).</p> <p>The recommendations of the specialists were therefore incorporated into the requirements of the EMPr to ensure their implementation.</p>
2.1.8		<p>SECTION H:</p> <p>Point 1.4. The marine specialist recommends more eco-friendly alternatives to concrete. “The path should be designed to be as natural and unobtrusive as possible. It is suggested that natural materials such as rock, wood and/ or an eco-friendly alternative to concrete be used. Green concrete is considered eco-friendly and manufactured using waste materials. It requires less energy to produce and produces less carbon dioxide when compared to traditional concrete. It is also a cheaper and more durable</p>	Ecosense (additional response)	<p>Agreed. The only aspect of the recommendations not considered previously was the use of green concrete. Green concrete was discussed with the engineers its practicality, and research done on availability and types. It appears not to be locally available, but it has nevertheless been included in the design phase requirements in the EMPr to be considered if practical. The Marine Specialist report recommendation was revised to indicate use if practical in project context.</p> <p>The alternatives were assessed by the specialist, who concluded that the construction of the proposed path will not greatly impact the integrity of</p>

		option. Examples include ashcrete, blast furnace slag, micro silica and timbercrete. The path should further be kept simple, avoiding large steps and elevations that could create barriers to the movement of species. Signs should be placed at the entrances of the path to encourage people to stay on the path and so mitigate potential impacts such as trampling.”		the surrounding environment, the Fernkloof Nature Reserve or the biodiversity contained therein, but is, instead, expected to add value to the area. The specialist therefore recommended that the proposed development be permitted to proceed with the implementation of strict environmentally responsible practices as outlined in the mitigation measures, with the second design alternative as the preferred alternative.
2.1.8.1		This statement made by the Marine Specialist should form the bedrock of any preferred alternatives going forward and yet has not been addressed anywhere in the BAR? For example, 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 and in accordance with the Marine Specialist.	Ecosense (additional response)	It is assumed that the statement being referred to is the natural and unobtrusive design and that the path should be kept simple, avoiding large steps and elevations. The specialist has assessed both alternative designs and found no reason for the preferred alternative not to be implemented. The assessment has been included in the impact assessment (see impact no 13) with a very low significance rating and no mitigation deemed necessary. To state that it has not been addressed anywhere in the BAR is incorrect. Note that concrete slabs and stepping stones with areas of subtle demarcation was part of the first alternative. The visual study showed that a formalised path in the pebbled section would not have significant impact and the MIA also indicated the preferred alternative to be acceptable.
2.1.8.2		This point relates to PHS Consulting opinion that the Poole’s Bay coastline should remain undeveloped that people should traverse it as its been done for many years, by means of a “scramble path”. It is not necessary at all cost to force access that requires intrusive construction, some areas should remain natural with access only during certain times when the tide is low during all sea conditions.	Ecosense (additional response)	We are aware of the opinion of some members of the public that there should not be a formalised path in Poole’s Bay. As has been shown through the comments received, there is also a desire from some members of the public to have better access to the area.
2.1.9		SECTION I: Point 1: Under Marine Impact Assessment, no impact management measures were noted.	Ecosense (additional response)	The impact management measures were included under section I (2), but have been repeated under Section I (1) for completeness as Section I 2 refers to the measures included in the EMPr.
2.1.9.1		Point 2: This is an insufficient list. All recommended mitigation measures proposed by the Visual, Freshwater and Marine Specialist needs to be addressed here.	Ecosense (additional response)	Section I2 requires the impact management measures that was included in the EMPr. In order to avoid confusion, this section has been revised to include all proposed mitigation measures.
2.1.9.2		Point 3 needs to be completed. For example: the Marine Specialist states that: “It is the specialist’s reasoned opinion that the construction of the proposed path will not greatly impact the integrity of the surrounding	Ecosense (additional response)	Section I (3) requires listing of specialist investigations that will not be implemented. The example provided does not make sense.

		environment, the Fernkloof Nature Reserve or the biodiversity contained therein, but is, instead, expected to add value to the area. It is therefore recommended that the proposed development be permitted to proceed with the implementation of strict environmentally responsible practices as outlined in the mitigation measures, with the second design alternative as the preferred alternative.”		
2.1.9.3		Point 6: Conflicting recommendations are made between the Visual specialist and the Marine Specialist: According to the Visual Specialist: “In terms of visual impact criteria, Alternative 1 is expected to have a lower Visual Impact than Alternative 2, notwithstanding successful implementation of the mitigation measures recommended for Alternative 2. Alternative 1’s proposed structures do not challenge the dominance of the natural environment as the visual setting in any way, while Alternative 2’s approach is slightly more heavy handed – introducing new patterns and structures that may be more visible above the existing topography.” According to the Marine Specialist: “It is therefore recommended that the proposed development be permitted to proceed with the implementation of strict environmentally responsible practices as outlined in the mitigation measures, with the second design alternative as the preferred alternative.”	Ecosense (additional response)	Different disciplines would not necessarily have the same outcome. According to the Marine impact study, the second alternative is acceptable from a Marine ecology perspective. According to the visual study, the second alternative’s impacts would reduce with implementation of mitigation and would then be acceptable from an impact point of view, even if the rating is higher. The specialist statement was revised as follows to be clearer: "In terms of visual impact criteria, Alternative 1 is expected to have a lower Visual Impact than Alternative 2 overall. Alternative 1’s proposed structures do not challenge the dominance of the natural environment as the visual setting, while Alternative 2’s approach is slightly more heavy-handed – introducing new patterns and structures that may be more visible above the existing topography. The successful implementation of the mitigation measures recommended for Alternative 2 will not result in visual impact lower than that of Alternative 1, but will reduce the overall impact of Alternative 2 nevertheless. Notwithstanding the above, both Alternatives are expected to result in Minimal/Low visual impact."
2.1.9.4		Point 7: The BAR asks the following question: “Explain how the findings and recommendations of the different specialist studies have been integrated to inform the most appropriate mitigation measures that should be implemented to manage the potential impacts of the proposed activity or development.” The EAPs response to the aforementioned question is: “The recommendations on mitigation have been incorporated into the EMPr in order to limit impacts.” This response is inadequate considering the enormity of the question.	Ecosense (additional response)	The EMPr provides background to the receiving environment and the possible impacts drawn from the specialist reports. The planning phase specifically looked at timing as recommended by the marine study. The design phase requirements incorporate the mitigation measures as proposed by the visual, marine and freshwater ecologist to ensure the design have the least impact on the receiving environment. The project must therefore be designed accordingly. The construction phase requirements draw through on the above requirements, especially on timing, but also addresses the avian recommendations and heritage findings. See SEMP inserted as CEMP Appendix 1 for details. The Complete EMPr must be implemented as part of the project to manage potential impacts through the various phases of the project.

2.1.10		SECTION J: Point 2.3: Should include all mitigation measures recommended by the Marine, Freshwater, Avian and Visual Specialist, as conditions, to ensure that these are implemented. To state under point 2.2 that none are conditional at this stage is irresponsible of the EAP. To ensure the best practicable environmental option is achieved ALL mitigation measures need to be addressed and to ensure this – it is standard practice to include them as 'conditions of approval'.	Ecosense (additional response)	The statement under 2.2 should be seen in the context of where the process was at the time of writing, i.e. pre-application phase. It is therefore not an irresponsible statement as the process have not been concluded. The conditions of the authorisation are deemed adequate as the EMPr is very specific on implementation of mitigation measures by the specialists. For clarity, these have been repeated as sub-items to the EMPr condition. Although is our opinion that the EMPr includes the recommendations and the condition is to implement the EMPr.
2.2		2. Annexures:		
2.2.1		APPENDIX K: NEED AND DESIRABILITY The current informal 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 term?	Ecosense (additional response)	Agreed - the current informal path is least disruptive to the coastal environment. However, the intention of the project is to ease movement in the area in order to reduce the risk of injury to users of the area. The negative environmental impacts can be mitigated to an acceptable level through the proposed mitigation. Cost and liability remain the responsibility of the Applicant, who is prepared to undertake the project at their cost, even if it will not have a long term lifetime.
2.2.2		APPENDIX F: PUBLIC PARTICIPATION Public Open House: Environmental Impact Assessment (according to the EIA Regulations definition): "means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity...". Providing an unbiased/ independent summary of the environmental impacts in this regard to the public provides the cornerstone of undertaking EIAs. When attending the Public Open House or reviewing the advertisements in this regard this 'cornerstone' was heavily questioned and it appeared that these EIA tools were only being used by the Applicant to market the proposed extension of the Cliff	Ecosense (additional response)	Ecosense has always prided itself in being objective and independent consultants, which is proven through our track record with the Authorities. It is common practice to use events organised by developers as an opportunity to further the EA process. We did notify IAPs of the Public Open Day, but failed to indicate that it was being arranged by the Applicant and that we would only be available for questions regarding the EA process. Our wording re the public open day was... "A Public Open Day where visual material regarding the proposed path will be displayed for discussion, will be held on Wednesday 24 November 2021 between 13h00-18h00 at the Municipal Auditorium in Hermanus." We submit that our independence was not compromised through the Open day or advertisements and articles published by the Applicant.

		Paths rather than as information sharing gatherings by the EAP.		However, we will endeavour to provide a clear separation of roles going forward.
2.2.3		This thread has been noted throughout the process in the form of heavily biased articles, in favor of the proponent, which were frequently published in The Village News. Note, the latest article below which appeared on the front page of the aforementioned newspaper (Figure 1). Furthermore, please note the various additional “adverts” that were placed in the same edition of the newspaper, which are clearly biased statements and are grossly misleading towards the public (Figure 2). Please note that this article was laminated and posted up at three different locations within the venue of the Public Meeting alongside other information (Figure 3). Furthermore, a number of flags (Figure 4) and ‘adverts’ advertising the Cliff Path Action Group (CPAG) was located outside and inside the venue. Note that when you visit the Facebook Page associated with the CPAG (which was widely advertised) a very biased viewpoint is portrayed with regard to the proposed Pooles Bay extension of the cliff paths.	Ecosense (additional response)	Ecosense cannot be held liable for bias or articles placed by the Applicant or any marketing of the project. Advertisements as per requirement of the Regulations were only placed once by Ecosense in the Village News and Hermanus Times during November 2020. No additional adverts were placed by Ecosense. Reference to the process and to contact Ecosense were in articles and adverts placed by the CPAG. It is not against any regulation for a developer to market their project during the EA process.
2.2.4		The advertisement actually states that the CPAG will host the Public Open House/ Meeting which was most definitely the case considering the number of CPAG members speaking to members of the public at the meeting. As a result, the Public Meeting CANNOT be considered part of the independent Public Participation Process of the EIA as it is not hosted by the EAP but rather a marketing campaign utilized by the Applicant.	Ecosense (additional response)	CPAG did host the Open Day and there is no law or regulation against it. Ecosense was asked to distribute notices, as we were not willing to provide contact details of the IAPs directly to the CPAG. It is standard practice for EAPS to attend meetings and open days arranged by applicants so they may be available to answer questions on the EA process.

The Hermanus Cliff Path is not only a landmark tourism attraction but an artery through town that connects us all. It came into being thanks to visionary men like Eric Jones and Ion Williams who, along with the Hermanus Botanical Society, took on the task of constructing the Cliff Path in the late 1950s. The first Cliff Path was shorter and more informal than the present Path, and since the beginning of the 2000s the Cliff Path Management Group, founded by the late David Beattie and now chaired by Anina Lee, has spent more than R3 million on improving, extending and maintaining the Path. Now only one last piece of the puzzle remains, with the community-driven and privately-funded Cliff Path Action Group (CPAG) taking on the mission of completing the Cliff Path along the only interrupted section left at Poole's Bay. PHOTO: Caelum Technologies

Cliff Path - closing the gap

Writer
Hedda Mittner

The Cliff Path Action Group, which has been campaigning tirelessly for the extension of the Hermanus Cliff Path along the Poole's Bay section for four years, is positive that the project is moving closer to becoming a reality.

Acting as a Public Benefit Organisation, the Cliff Path Action Group (CPAG) appointed Ecosense CC as the independent consultant responsible for facilitating the Pre-Application Draft Basic Assessment Report (BAR), which is now open for public comment.

The BAR is an important step forward in the application process, which is being undertaken by CPAG according to the provisions of the National Environmental Management Act (NEMA, Act 107 of 1998) and the Environmental Impact Assessment Regula-

tions as promulgated in December 2014, to gain an Environmental Authorisation (EA) for the project by the Department of Environmental Affairs & Development Planning (DEA&DP).

"CPAG has been driving a very clear message – the Cliff Path is one of the defining assets of this town and is there for all of us to enjoy; it is what makes Hermanus special. It should be one continuous path along the sea from Grotto Beach to the New Harbour," says Jobre Stassen of CPAG.

At the moment the pathway comes to an abrupt end at Sea Road on the western side. Walkers are forced to turn away from the sea to continue walking along Main Road until the path begins again at Mickey Way near Mollergren Park Retirement Village, on the eastern side.

As set out in the BAR, the proposal is to have a concrete pedestrian path built just below the high watermark

(HWM) in Poole's Bay, to connect that section with the existing Hermanus Cliff Path. This will enable users of the path to remain on a demarcated pathway and refrain from entering private property. An informal trodden path has already formed due to current usage by people who are sufficiently agile to negotiate the more difficult areas.

The NEMA EIA Regulations require a consideration of alternatives to achieve the best practical environmental option for the proposed development. Layout, design and technology alternatives were therefore investigated, and for the preferred alternative (Alternative 2), access to the development site is on the western side from just below the lookout bench when entering the western Cliff Path section from Protea Road and on the eastern side from the historical steps at Mickey.

According to the BAR, the preferred

alternative would consist of a concrete pathway of approximately 1.2m wide, finished with a rough aggregate to encourage stairing and seaweed/mussel shell growth. The path would accommodate the landscape, and the design would allow sea water to flow back and under the path. Bridge-like structures would be erected along sections of the path where steep cliffs are present, or where the path would be mostly submerged under normal conditions, seeing that it would be constructed below the HWM.

Other sections would be stepped or level, depending on the topography. A small wetland and stream would be crossed by a boardwalk. On the eastern side, the path would connect to the existing Cliff Path through the historical steps at Mickey which would remain unchanged. The path after completion would be approximately 850m long, but some deviation may be required in areas

and is allowed for.

The Revised Pre-application Draft Basic Assessment Report (BAR) is now open for public comment from 15 Nov - 15 Dec 2021. During this 30-day comment period the BAR is available on the Ecosense website at: <http://www.ecosense.co.za/documents-for-public-review/> and a hard copy of the report will be made available in the Hermanus public library.

Please note that all comments must be submitted in writing, and must include the DEA&DP Reference Number of 16/3/3/6/7/1/E2/15/1265/20. Send your comments to kozette@ecosense.co.za.

CPAG will host a Public Open Day, where visual material regarding the proposed path will be displayed for discussion, on Wednesday 24 November 2021 between 13:00 – 18:00 at the Municipal Auditorium in Hermanus.



Figure 1: Advertisement/ article on the front page of The Village News (edition: 19 November 2021).

2.2.5	Comments & Response Report: As indicated under Section F above, the C&R Report was divided into Section B ("Objection Comments with Responses") & Sections C ("Support Comments with	Ecosense (additional response)	Agreed that this may be misconstrued, although it was not intended to be misleading.
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		Responses”). Section C however also includes all I&APs simply requesting to register, which is misrepresentation. Including I&APs requesting to be registered ONLY in the ‘support’ table summary is misleading. Furthermore, certain comments made by I&APs walk a fine line between either supporting or objecting to the proposal and dividing these is dependent on personal opinion. Whether the comment is in support or not is subjective in certain instances and should be left up to the reader of the document to interpret - not the EAP.		The heading of the table read ‘comments in support and Requests to register’. The electronic file name was shorter, but have now been changed to ‘other comments with responses’ For the Nov-Dec 2021 comment period, comments other than those from Authorities or specifically indicated to be objections have been organised to include a separate section for those IAPs who only requested to register.
2.2.6		Furthermore, under Section C, numerous negative comments were made towards the Property Owners along the stretch of Pooles Bay being the reason access is ‘denied’ or the Cliff Paths have never been extended. The EAPs response: “Please note that Ecosense is independent (note this acknowledgment was not reflected during the recent public open day, that was operated as a marketing campaign) from the Applicant (the Cliff Path Action Group) in accordance with the regulatory requirements and that in order to remain objective, we can unfortunately not respond to comments regarding conduct of property owners or other individuals. The project location is proposed to be below the high-water mark, which is on public land.”	Ecosense (additional response)	We did not address negative comments against property owners, neither did we address negative comments received from property owners against the Applicant. The EIA process is not the appropriate forum for addressing derogatory comments.
2.2.7		This response is insufficient and can mislead the public to assume that their assumptions are correct. Biased reporting, by the Applicant, is a big reason for the public's inaccurate understanding of the lack of a ‘formal’ Cliff Paths extension in this specific location. Furthermore, there are reasons that the Cliff Paths have not been extended along this stretch to date and it is NOT as a result of the Property Owners. The Pooles Bay stretch is one of the few (if not only) places along the coast in Hermanus in which the residential properties end (legally) at the HWM. The HWM is ambulatory and therefore “continually changing its position as time goes on”. Any contention in this regard is simply to ensure that any public walkway	Ecosense (additional response)	We cannot comment on the Applicant’s reporting or the public’s assumptions. The purpose of the EIA process is to present the facts, to identify impacts to avoid or mitigate, address issues through public participation and to present this information to the Authorities for a final decision. The objective of the Applicant is to pursue the development. The Applicant is aware of the possibility that the project may not be approved and is campaigning for the project at their risk. The public walkway will not traverse private land as it will always have to be located below the HWM.

		does not traverse private property. The Poole's Bay owners purchased the land with the defined boundary.		
2.2.8		<p>Furthermore, any "recent" signage in this regard is to prevent direct access onto private property NOT to prevent thoroughfare access to members of the public walking below the HWM.</p> <p>Furthermore, the path below the HWM is within the Littoral Active Zone (LAZ) which is, amongst others characterised as "unstable and dynamic as a result of natural processes...". It has been this complex, unstable and dynamic nature of this particular stretch of coastline that has prevented such an ambiguous task (an all but wheelchair friendly walkway) being undertaken to date. Informal access has always been accorded freely along this 850m stretch of coastline within Pooles Bay (as is evident throughout the report). As a fellow resident of Hermanus I have traversed this hike with friends and family on numerous occasions.</p> <p>The comments made regarding "Right to Access" therefore needs to be responded to in an independent manner by presenting the facts to the public. This is the EAP's role to fulfill.</p>	Ecosense (additional response)	<p>The explanation regarding recent signage is noted.</p> <p>The dynamics of the coast here is acknowledged, hence the type of construction proposed and clearly indicated in the report NOT to be wheelchair friendly.</p> <p>The Coastal access audit indicated that access was not accorded freely in the past, which was also a reason for such a project not being concluded in the past.</p> <p>Right to access was a common issue raised by members of the public as there is a perception that access is denied, which was also recorded in the coastal access audit.</p>
2.2.9		<p>Furthermore, the EAP states on Page 41 (Section G) of the BAR that "Historical restriction of access in this particular area has also mostly been driven by property ownership and until very recently, access has been denied." If the EAP "in order to remain objective" cannot respond to "comments regarding conduct of property owners or other individuals" then this statement in the BAR is considered biased and highly contentious contributing to the misinformation being circulated in this regard. People traversed the informal route for many years it has not just recently made accessible.</p>	Ecosense (additional response)	<p>It was stated in a public document published by the Western Cape Government in December 2018 that "This conflict area [HER12] is a short stretch in which private properties run down to the high-water mark thereby cutting off the cliff path to the east and west. This is a conflict area and has attracted much publicity recently. Public coastal access is denied along this stretch".</p> <p>We are aware that since 2018, the area has become accessible, hence the statement that access has been denied until recently. The statement has been revised to only reflect the findings of the Government report.</p>
2.2.10		<p>Comment 31.4.15 in Section B of the C&R Report states: "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". The EAPs response to this is inadequate: "Formalisation and proper demarcation of the path would increase safety of people using the area."</p>	Ecosense (additional response)	<p>The response was intended to show that currently there is a greater risk of injury and if the path is formalised there would be better opportunity to avoid the risk.</p> <p>We agree that there would always be a risk but liability will only be assigned once there is a formalised path.</p>

		During high tide or high seas if you are on a demarcated path, it doesn't mean that the user will not be protected or safe, the ocean does not ask questions, the mere fact that the area below the HWM and even above the HWM gets smashed is reason enough to avoid this risk and not to formalise the path. Who will be liable for loss of life or injuries? You'll find it would be the Poole's Bay residents that will come to people's aid.		
2.2.11		APPENDIX K: "Negative impacts associated with the development are limited and of low significance, and most can be avoided altogether or limited to acceptable levels." Clarity as to whether this is after or before mitigation needs to be indicated...the Marine Impact Assessment identifies impacts of Medium significance?	Ecosense (additional response)	Section J 1.3 in the BAR includes a summary table of all the assessed impacts which indicates significance rating with and without mitigation. The negative impacts are all rated as low - negligible after mitigation. This point in the Need and Desirability statement has been revised to reflect such.
2.2.12		APPENDIX G2: FRESHWATER SCREENING REPORT: The Freshwater Screening Report indicates that it is possible that a WULA is required. If a water use licence application (WULA) is required in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA"), the "One Environmental System" is applicable, specifically in terms of the synchronisation of the consideration of the application in terms of the NEMA and the NWA. The decision on the Environmental Authorisation and the decision on the Water Use Licence Application (WULA) must all be made within the legislated timeframes in terms of the NEMA EIA Regulations. Furthermore, a parallel Public Participation Process must be undertaken in accordance with the requirements of the NEMA EIA Regulations advertising both the Basic Assessment Report (BAR) as well as the WULA together. Refer to this Department's Circular EADP 0028/2014: One Environmental Management System.	Ecosense (additional response)	Correct. The Freshwater ecologist was only asked to undertake the risk assessment to confirm the applicable Water Use Authorisation, after comment from BGCMA was received. Recommendations by the specialist to inform the design is intended to achieve a low risk, which would only require a GA. We are aware of the One Environmental System requirements, should a WULA be applicable and have consulted with BGCMA and DEA&DP in this regard. The parties were satisfied that the requirements of the agreement have been met, given the extended time over which the application process was undertaken. It was also noted that the One environmental system only applies when there is a requirement for a WULA, and in this case there is not. Please see meeting notes in Appendix F4. The Freshwater Ecologist completed a risk matrix to inform the required Water Use Authorisation. The risk class was low, hence only a General Authorisation is required and not a Water Use License.
2.2.13		APPENDIX G5: VISUAL STATEMENT According to the Visual Statement future designs should take the needs of the physically disabled into consideration. This statement seems bizarre considering the threatening and generally inaccessible environment within which the activity is located. Certain restrictive geographical areas remain inaccessible to most people except if you are equipped or	Ecosense (additional response)	The specialist study was revised to remove mention of disabled access, as we agree that this is not appropriate. The mitigation measures included in Section 7 must be applied to the authorised alternative during the planning and design phase, as stipulated in the EMPr.

		agile. It is not disrespectful to physically disabled people and many areas along the Hermanus coastline is accessible, but the cliff path itself is very inaccessible for handicapped people due to steps, inclines and declines, rough surface etc. and this particular stretch is considered an even higher risk area. Section 7 includes the visual mitigation measures – the Preferred Alternative needs to address these mitigation measures, which at this stage it does not.		
2.2.14		APPENDIX H The SEMP (Appendix H2) needs to be updated i.e., under Birds it states that: “Construction area should be checked for nesting sites within 50m radius during November - January. Construction should not take place within this area while birds are nesting.” This is not the understanding from the following response in the C&R Table - in which the EAP states that:	Ecosense (additional response)	We acknowledge that the statement could be misunderstood and it has been revised. What it intended to say is that the construction area should be checked for nesting sites within 50m radius during November - January while no construction takes place. Construction should not commence after January within this area if nests were found and may only commence after the birds have left the nesting sites.
2.2.15		“Nevertheless, to ensure that no potential breeding birds or nesting sites are disturbed during the breeding season, no construction would be allowed from Nov-Jan. Construction would only be allowed from Feb-October with no drilling or other actions causing vibrations to be sensitive to whales.” The EAP goes on to state that: “Should any nesting sites be observed during Nov-Jan, construction should be halted until the birds have left.” This and the statement made in the SEMP is in contradiction to the first statement and should be corrected. This also needs to be reflected in Appendix H1: EMPr.		
2.2.16		Furthermore, the following statement made by the EAP in the EMPr is a gross understatement: “For user safety, warnings shall be posted regarding the danger during high tide, since the path is located just below the HWM of the sea.”	Ecosense (additional response)	Liability for the proposed connection path will fall onto the Applicant, who is prepared to accept this responsibility. Negligence on the part of the Applicant would be the only criteria for concern.
2.2.17		This factor should play a significant role in formalising any kind of path along this stretch of coastline however it seems highly unlikely that warnings, in the form of signage alone, would be sufficient in this regard. People by nature will follow the route irrespective of the danger (particularly teenagers/ young adults) and most people do not		

		understand the tides and dangers of the ocean. The liability of this aspect has not been addressed sufficiently.		
2.2.18		There is various conflicting information between the BAR, Specialist Reports and responses in the form of the C&R Report as indicated above and with the additional points below:	Ecosense (additional response)	We don't believe that the reports contain conflicting information and where there were inconsistencies, we have asked for it to be revised.
2.2.18.1		<ul style="list-style-type: none"> A 18 month construction period is indicated but in C&R Eco sense states that "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." 	Ecosense (additional response)	Correct. As construction would be restricted to Feb-April and September-October at best, it would add up to 5 months per year. However, should construction not be completed within 15 months over 3 years, it may need to be extended into a fourth year, hence 18 months. It is not possible to be exact and the construction time can only be indicative. Unpredicted circumstances may influence the construction time. As such, we have recommended that construction be completed within five years, as was indicated in Section J 2.5 of the BAR. Reference to 15 or 18 months should therefore not be taken as a definite timeframe.
2.2.18.2		<ul style="list-style-type: none"> The area above the HWM in certain instances are referred to as no-go areas yet certain maps indicate a 3.5m landside buffer zone which is confusing? 	Ecosense (additional response)	The maps of the first alternative indicate these buffers. The preferred alternative stays off private land completely - private land and outside the construction buffer are the no-go areas. The description of the alternatives has been revised to reflect this difference more clearly.
2.2.18.3		<ul style="list-style-type: none"> According to the Marine Impact Assessment (Appendix G4) it states the presence of the "Near Threatened" African Black oystercatcher and yet Appendix G3b refers to the African Black oystercatcher as being LEAST CONCERNED. Furthermore, Point 32.2.3 of the Comments and response Report: Section B the EAP responds by stating that the "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." 	Ecosense (additional response)	Correct. This was stated in the MIA and the Avian report. The Avian Specialist was consulted to clarify. He indicated that at the time of writing the report (March 2020) the Black Oystercatcher was globally classified as Least Concern, which is also the reason for it being noted as such in the MIA. Now, in 2022 the species has been down-listed to Least Concern following the South African red list down-listing (Taylor et al. 2015). So globally and regionally it is now <i>Least Concern</i> . This has now been indicated as such in both the Avian and Marine reports.
2.3		<p>3. Conclusion:</p> <p>In our opinion, there are three main issues, as summarised below, which are considered major shortcomings in the proposal:</p>		
2.3.1		<ul style="list-style-type: none"> Public Safety & Liability: Signage is NOT enough to protect the public from a volatile high risk zone found below the HWM. Risk taking or thrill seeking individuals will not be stopped by simple signage and most would probable not even take the time to read the signage. Not all geographical areas should be developed by humans, 	Ecosense (additional response)	Liability for the proposed connection path will fall onto the Applicant, who is prepared to accept this responsibility. Negligence on the part of the Applicant would be the only criteria for concern. The risk will remain, whether there is a path or not.

		some areas should remain undeveloped and yet be accessible during selected times even though it is challenging or adventurous. The beauty is that the Poole's Bay path, as it is now, is a natural route as it was for thousands of years, as such the experience is so much more enjoyable opposed to a forced development with uncontrollable risks. The Republic of South Africa cannot place its citizens and those of other countries from around the world at risk, will RSA and its managing partner Cape Nature be prepared to manage this risk?		
2.3.2		<ul style="list-style-type: none"> • Medium Term Lifespan: The project is clearly unsustainable in the long term due to climate change, sea level rise etc. In Section I: Point 5: the EAP states that "Eventually the path alignment would need to be reconsidered and amended when the HWM have moved sufficiently, and the current alignment is no longer usable." During the public open house numerous photographs were displayed of the dangerous sea conditions supposedly an attempt to justify the development, but ironically it is a reflection of the forces the infrastructure would face, it will require constant maintenance. If sea level rise takes place, as predicted, development below the HWM and the Coastal Management Lines should be avoided for these exact purposes. The coastal risk lines were drafted to avoid unsustainable development in a high-risk zone. On this point alone the development should be rejected by the RSA who instructed the development of the CML. 	Ecosense (additional response)	<p>As stated above, we are of the opinion, that in the context of the proposed project, environmental sustainability will not be compromised. Environmental sustainability is concerned with whether environmental resources will be protected and maintained for future generations not whether a project would exist in perpetuity.</p> <p>There are many examples of development along the coast, which will only have a medium term lifespan as a result of climate change and sea level rise, but which would also not compromise environmental sustainability, i.e. environmental resources would not cease to exist should the project cease to function into the future.</p> <p>It is acknowledged that the project location is within the immediate hazard zone as indicated in the Overberg District studies (refer to Section 3.3 in the BAR), but it is not our understanding that these lines necessarily prohibit any further development. Also to be taken into account is that existing rights can be exercised, albeit with the knowledge of the associated risks.</p> <p>It remains the decision of the authorities to authorise the project by taking into account all the presented factors and issues and not only the coastal risk lines.</p>
2.3.3		<ul style="list-style-type: none"> • Bias Reporting: Bias reporting, specifically from the Applicant, on which a number of comments are incorrectly based, is continuous. It's a known fact that EIA's should not be used as a marketing tool for projects. This has been a trend throughout the project as the EIA and the marketing material of the applicant has gone hand in hand. Calling for peer review of the EAP's EIA work might become a real possibility. 	Ecosense (additional response)	<p>Ecosense is not in control of what the Applicant reports to the public through their campaign for the project, nor how the public understand and comment accordingly.</p> <p>Ecosense has been following due process with continual consultation with DEA&DP its public participation and we have at no point used the EA process to market the project.</p> <p>Ecosense has no vested interest in the outcome of the authorisation process and the possibility of the project not being approved has been communicated to the Applicant on numerous occasions.</p>

2.		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 are strongly of the opinion that a more informal pathway (as it is now) would be the preferred alternative along this stretch of coastline. We reserve our rights to provide further comment on the application after receipt of further documentation.	Ecosense (additional response)	Objection noted.
3.	Charles Lloys Ellis 15/12/2021 Director of SACAP (Pty) Ltd	Herewith my comments on the Poole's Bay Application.		
3.1		I am writing to you in my capacity as a director of SACAP (Pty) Ltd, the registered owner of [REDACTED] 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. The current application is fatally flawed for the following reasons:	Ecosense (additional response)	Mr Lois Ellis was registered as interested and affected party.
3.1.1		1.It appears as if the High-Water Mark, which is critical to this application, and which is shown on numerous of your plans, is blatantly incorrect taking into account the vegetation line, and has been adjusted to suit the applicant's needs. It is also clear from the vegetation line that the High-Water Mark which you propose encroaches onto privately owned land and has not been approved by the Surveyor General.	Ecosense (additional response)	We have addressed this issue extensively during the previous comment period. 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) The SG has indicated that the land survey act does not enable him the approve the HWM survey (see correspondence in Appendix E23) The HWM survey is therefore a reference to determine the position of the path.
3.1.2		2.The management of the pathway once it has been completed has not been resolved. This aspect should be fundamental to the application as it will create a huge responsibility for the "Managing Agency", both from a financial as well as a public liability point of view---will Cape Nature or the Overstrand Municipality assume this role? CPAG may be able to raise some funds to undertake the construction however will they be there to pick up the pieces when the pathway is destroyed by wave action or people are injured? The application should not be considered until this issue is resolved and approved by the proposed "Managing	Ecosense (additional response)	The Applicant, the Cliff Path Action Group will be the Managing Agency for the proposed connection path. The issue of sustainability of funding has been raised and it has been included as a condition that the applicant provides a financial guarantee for construction costs and projected 5 year maintenance (to be reviewed every 5 years thereafter). See BAR section J 2.4 and planning phase requirements specified in the EMPr Section 3.1. The implementation of the EMPr would also be a condition of Authorisation.

		Agency", who in turn would need to have a sufficient source of on-going funding to assume such responsibility.		
3.1.3		3.The Avian study only covered a couple of days and did not witness the thousands of birds which use Bird Island as a resting spot. The Avian specialist stated that the path would not disturb the birds, however when I moved along the route of the proposed path all the birds were disturbed and moved to the far end of the island. The study needs to cover a much longer period of time and the specialists need to understand the proximity and the elevation of the proposed pathway in relation to the island.	Ecosense (additional response)	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). We submit that a knowledgeable and experienced specialist was approached to undertake a survey who has adequately qualified the limitations of the survey. We do not deny the presence of birds or their numbers but the statement implies that the specialist is not aware of this, which is incorrect as many of the species are migratory. 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.
3.2		I reiterate the point that 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, management and maintenance of the pathway against a backdrop of rising sea levels and a constantly changing High Water Mark, the only option to choose would be one of "NO-GO".	Ecosense (additional response)	Noted.