AFRISTAR FOUNDATION

Formal Comment on the Draft Environmental Scoping Report

Proposed Eskom Nuclear Power Plant — Thyspunt / Bantamsklip

DFFE Reference: 2025-10-0003

WSP Reference: ZA0058322.7774

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About Afristar Foundation

Afristar Foundation is a South African Section 18A Public Benefit Organisation founded in 2001. We use a regenerative framework for planning, implementation, and policy advocacy across Southern Africa, focused on bioregional planning in support of the developmental state agenda and the National Development Plan — building rural economy value chains through the restoration of ecosystems, natural and human capital.

We submit these comments in our capacity as an organisation actively engaged in Eastern Cape regional development planning, as a registered NPO with a direct policy interest in how large-scale industrial infrastructure proposals interact with bioregional development priorities and community livelihoods in the affected area, and as a member of the Thyspunt Alliance, the civil society coalition coordinating formal opposition to this proposal.

All factual claims in this submission are referenced against primary source documents.

Executive Summary

Standing and Purpose

Afristar Foundation submits these comments in its capacity as a registered Section 18A Public Benefit Organisation engaged in bioregional planning, regenerative development, and policy advocacy across Southern Africa, and as a member of the Thyspunt Alliance civil society coalition. Afristar has direct policy standing in respect of how large-scale industrial infrastructure proposals interact with bioregional development priorities and community livelihoods in the affected area. Afristar does not oppose energy development. It opposes the procedural and substantive deficiencies in the Draft Scoping Report that are identified in this submission.

This submission addresses the Draft Scoping Report for the proposed Eskom Nuclear Power Plant — up to 5,200 MW — at Thyspunt (Eastern Cape) or Bantamsklip (Western Cape). DFFE Reference: 2025-10-0003. WSP Reference: ZA0058322.7774. The applicant is Eskom Holdings SOC Ltd. The appointed Environmental Assessment Practitioner is WSP Group Africa (Pty) Ltd. The competent authority is the Department of Forestry, Fisheries and the Environment.

Overall Finding

The Draft Scoping Report does not meet the requirements of Regulation 21(1) of the EIA Regulations 2014 (GNR 982, as amended) in four fundamental respects: it fails to provide sufficient information to assess the environmental issues relevant to the proposed activity; it does not adequately describe the alternatives to be considered in the EIA phase; it does not establish a credible Plan of Study capable of producing a lawful Need and Desirability assessment; and it contains a preferred site determination that is internally contradicted by the EAP's own specialist findings. The Final Scoping Report cannot lawfully be accepted by DFFE in its current form. This submission is grounded throughout in primary source documents — the DSR itself, its appendices, Eskom's own prior EIA documentation, operative municipal planning instruments, and statutory texts. Every claim is referenced. Every remedy is specific.

The Precedent That Makes This Urgent

The urgency of these findings is not abstract. South Africa's documented experience with Eskom's last major build programme — Medupi and Kusile, originally budgeted at approximately R160 billion combined and delivered at well over R450 billion — demonstrates the direct fiscal consequence of proceeding without credible cost control. That precedent triggered a R254 billion government debt

relief programme, contributed to Eskom's gross debt of R372.7 billion at 31 March 2025 (Eskom Annual Financial Statements, 31 March 2025), and underwrites electricity tariff increases of over 937% since 2007 against cumulative inflation of approximately 155% (PowerOptimal 2026 update; Statistics South Africa CPI data). Eskom has confirmed at the December 2025 public meetings that it has no project cost estimate for the proposed nuclear facility because it has not yet gone to market (DSR Appendix B, CRR Comments 174 and 177).

Part A — Key Findings on the Draft Scoping Report

These are not general objections. Each finding identifies a specific, document-verified deficiency that must be remedied in the Final Scoping Report before this process can lawfully proceed to the EIA phase.

Finding 1 — No financial baseline exists for Need and Desirability assessment. The DSR contains no project capital cost, no Levelised Cost of Energy analysis, and no financial feasibility assessment. International comparators for nuclear construction of equivalent scale — the US Vogtle project ($36.8 billion for 2,234 MW) and the UK's Hinkley Point C (£49 billion for 3,200 MW) — place the capital cost of a 5,200 MW facility in the range of R500 billion to well in excess of R1 trillion before interest during construction. NEMA s24 and the DFFE Need and Desirability Guideline (GN 792 of 2012) require that need and desirability be assessed with reference to the most practicable environmental option at a cost acceptable to society. Without a cost estimate, that assessment is impossible. As a Schedule 2 Major Public Entity under PFMA ss51 and 55, Eskom is required to demonstrate that resources are used effectively and economically; commencing a major EIA without any financial feasibility study is inconsistent with that obligation. Addressed in detail in Section 1 below.

Finding 2 — The EAP's specialist rating process demonstrates a systematic pattern of downward revision that cannot be independently verified. In every instance where a WSP-appointed specialist disputed the DFFE Screening Tool's sensitivity rating — six disputes across two sites and three disciplines — the revision was downward. Zero revisions were upward. DSR Appendix I and Tables 9-1 and 9-2 confirm this pattern. GNR 982 Regulation 17 requires the EAP to act independently, objectively, and in the public interest. In an applicant-pays model, specialist ratings determine the regulatory burden on the applicant who funds the appointment. The documented pattern of uniform downward revision is precisely what an undetectable structural conflict would be expected to produce. Addressed in detail in Section 2 below.

Finding 3 — The preferred site determination is internally contradicted by the EAP's own specialist findings and rests on unresolved statutory heritage barriers. DSR Section 11.4 concludes that specialist screening has not identified any unmitigable constraints at Thyspunt. WSP's own heritage specialist concludes in the same report that the site "would be unable to be supported from a cultural landscape perspective" (DSR Section 11.3.16, pp.697–698). An equivalent finding was made for Bantamsklip. These statements cannot both be correct. Additionally: Thyspunt is provisionally protected as a Grade I Cultural Landscape under NHRA s29 (gazetted 31 January 2025); SAHRA issued a formal no-go recommendation in 2016 that has not been withdrawn; and no SAHRA permit for excavation or alteration of the protected site has been sought or granted. Under NHRA s38(8), DFFE is required to take heritage authority comment into consideration before issuing any Environmental Authorisation. None of these barriers have been resolved. Addressed in detail in Section 5 below.

Finding 4 — Multiple specialist study baselines are admittedly inadequate, creating an insufficient foundation for the EIA phase. The DSR (Section 11.7.1) confirms that neither Thyspunt nor Bantamsklip has adequate meteorological data for EIA phase dispersion modelling — affecting both conventional air quality and radiological atmospheric dispersion assessments. The

marine ecology assessment rates the operational fishery exclusion zone impact as High with “no practical mitigation possible” and the thermal discharge as Very High before mitigation, yet the Marine Ecology Terms of Reference do not require thermal plume modelling, GPS-mapped spawning ground baselines, or quantified fishery economic impact assessment. The SRK 2023 independent review of specialist baseline studies was scoped to Duynefontein only — no equivalent currency validation exists for any Thyspunt specialist study. The radioactive waste treatment defers all liability assessment to technology selection, despite South Africa’s statutory waste disposal framework producing zero funded compliance in seventeen years. The cumulative impact assessment covers wind energy only, omitting the full constellation of associated infrastructure. Eskom’s own commissioned socioeconomic baseline (G14, p.150) states explicitly that skilled and highly skilled construction labour ‘will likely be sourced from the province or nationally, rather than locally’ — directly contradicting the framing of construction employment as a transformative local benefit. These deficiencies collectively mean the Plan of Study cannot produce specialist reports adequate for a lawful EIA. Addressed in detail in Sections 3, 4, and 6 below.

Finding 5 — The DSR’s planning support and no-go assessment are both inadequate under NEMA s24(4)(b). The DSR relies on the Kouga Municipal SDF as its primary planning support without testing consistency with the Sarah Baartman DDM One Plan, the Eastern Cape PSDF, or the NSDF — instruments that take precedence under SPLUMA s8. The Kouga SDF provisions on which the DSR relies were themselves created by an Eskom-driven planning instrument, making the reliance circular. The operative Kouga SDF 2020 also contains a provision requiring all rezoning applications within the 16km monitoring zone to be referred to Eskom’s nuclear division — a provision with no basis in SPLUMA, inserted without due process. The no-go assessment treats the absence of the project as a null outcome. It is not: the Thyspunt coastal zone supports an interconnected economy — the chokka squid fishery, the Humansdorp dairy industry, coastal tourism, marine manufacturing, and the Tsitsikamma and Kouga Strategic Water Source Areas — that has never been aggregated or valued. A regenerative development alternative for the 5,000-hectare Eskom land holding has not been assessed. NEMA s24(4)(b) requires genuine alternatives assessment. Neither the planning support nor the no-go assessment meets that standard. Addressed in detail in Sections 7 and 8 below.

Part B — Threshold Legal and Jurisdictional Issues

Four threshold legal questions are placed on record and require written responses from WSP and DFFE in the Comments and Responses Report:

- B.1 — Whether a valid Section 34 determination currently exists authorising this process, with gazette reference and NERSA concurrence confirmed.
- B.2 — Whether a compliant public participation process for any new Section 34 determination has been completed.
- B.3 — Whether Eskom’s expenditure on this EIA has been authorised in compliance with PFMA requirements.
- B.4 — The relationship between this Thyspunt/Bantamsklip process and the existing Duynefontein Nuclear-1 Environmental Authorisation, and how the combined potential capacity of 9,200 MW is consistent with the IRP 2025 allocation of 5,200 MW.

Relief Sought

Afristar’s primary relief is that DFFE decline to accept the Final Scoping Report until the following conditions are met: an independent economic feasibility study including three-scenario cost modelling is completed and made available to registered I&APs; DFFE-nominated independent peer review of all EIA phase specialist reports is specified as a mandatory Plan of Study requirement;

SAHRA's position on the 2016 no-go recommendation and the Grade I provisional protection is confirmed in writing before the preferred site determination is finalised; updated meteorological baselines are collected at both sites before any dispersion modelling commences; the Marine Ecology, Heritage, and Social Impact Terms of Reference are expanded as specified in this submission; a dedicated cumulative impact study covering the full associated infrastructure constellation is included in the Plan of Study; a current primary-data economic baseline survey of the coastal economy and a formal assessment of the regenerative development alternative are completed before the no-go alternative is dismissed; and the legal standing of the Eskom rezoning referral provision in the Kouga SDF 2020 is addressed before planning support is confirmed.

Afristar's alternative relief is that these requirements be imposed as binding conditions of FSR acceptance, with compliance verified by DFFE before the EIA phase commences.

Afristar's standing as a registered I&AP, its right to participate in all further phases of this process, and its right to appeal any Environmental Authorisation arising from it are expressly preserved.

PART A — COMMENTS ON THE DRAFT SCOPING REPORT

Section 1: No Financial Analysis — The Need and Desirability Assessment Fails NEMA

1.1 The Legal Requirement

NEMA s24 and the DFFE Need and Desirability Guideline (GN 792 of 2012) require that need and desirability be assessed with reference to the most practicable environmental option at a cost acceptable to society. This requires, at minimum, a project cost range, a Levelised Cost of Energy (LCOE) comparison against alternatives, and a financial feasibility assessment.

1.2 What the DSR Contains — And What It Doesn't

The DSR contains no project-specific capital cost, no LCOE, and no financial feasibility analysis. The entire financial response in the Need and Desirability assessment (DSR Table 5-5) to the question of whether the project will result in unacceptable opportunity costs is:

> *"No. The costs will be higher for Bantamsklip... However, these have been included as part of Eskom's long-term generation budget."*

This is the totality of the financial analysis in a 744-page document proposing a project whose capital cost — based on international comparators of equivalent scale — could range from R500 billion to well in excess of R1 trillion.

International comparators make this range credible and conservative. The US Vogtle project (2,234 MW, two AP1000 reactors) entered service in 2023–2024 at a final cost of approximately $36.8 billion — equivalent to roughly R680 billion at current exchange rates, or approximately R300 billion per 1,000 MW of installed capacity. (Engineering News, 29 September 2025; Energy Central.) The UK's Hinkley Point C (3,200 MW, two EPR reactors) carries a current cost estimate of at minimum £49 billion — equivalent to approximately R1.15 trillion, or roughly R360 billion per 1,000 MW. (Energy Central; Beyond Nuclear International.) Applied to a 5,200 MW facility, these per-MW benchmarks imply a capital cost ranging from approximately R1.56 trillion on the Vogtle basis to approximately R1.87 trillion on the Hinkley basis — before interest during construction, which on projects of this duration typically adds 30–50% to overnight capital cost. The R500 billion lower

bound reflects the most optimistic scenario possible: a best-case nuclear build delivered at substantially below current international costs, in a country with no nuclear construction experience since Koeberg, using technology not yet selected, by a vendor not yet identified, financed by a public entity carrying R372.7 billion in gross debt. No credible basis for that optimistic scenario exists in the DSR.

The DSR's impact assessment tables do list 'Financial viability of the NPP' — as a positive impact, rated without a single supporting figure.

This is not a financial assessment. It is an assumption.

South Africa has seen this before. Kusile's regulatory approvals rested on the same approach: generic assumptions of positive economic returns, no independent stress-testing, no sensitivity analysis applied to construction timelines or interest during construction. The result is now documented fact. Kusile's initial budget was R81 billion. Its final cost was R233 billion — confirmed when Unit 6 entered commercial operation in September 2025 — making it, in Eskom's own words, 'the most expensive coal power plant in the history of mankind.' (Engineering News, 29 September 2025; Eskom statements.) The overruns contributed directly to Eskom's financial crisis and successive government bailouts.

A nuclear build is an order of magnitude more capital-intensive and timeline-sensitive than Kusile. The DSR offers no basis whatsoever for confidence that the outcome would be different.

1.3 Eskom's Own Admission

At the December 2025 public meetings, registered I&APs directly asked Eskom what the project would cost. Eskom's recorded response (DSR Appendix B, CRR Comments 174 and 177):

> *"Eskom has not yet gone to the market, thus is unsure what the costing would be. Eskom is currently in the information gathering phase."*

1.4 The Plant Parameter Envelope Makes Costing Impossible at This Stage — And That Is the Problem

The DSR proposes to assess a project whose technology has not been chosen, whose reactor size spans a 30-fold range across three undetermined technology types, and whose vendor has not been selected. Without knowing the technology, the size, or the vendor, no capital cost, no LCOE, and no financial feasibility analysis is possible. The DSR acknowledges this — and proceeds anyway. That is precisely the problem that must be resolved before the EIA phase can produce a legally adequate Need and Desirability assessment.

1.5 PFMA Obligations and the Fiscal Risk Precedent

As a Schedule 2 Major Public Entity under PFMA ss51 and 55, Eskom is required to maintain effective systems of financial and risk management and demonstrate that resources are used effectively, efficiently, and economically. Commencing a major EIA process without any financial feasibility study is inconsistent with these statutory obligations.

The Kusile precedent documented in Section 1.2 above is not a historical curiosity. It is the established outcome of the last time Eskom built something at this scale, for the same entity, under the same institutional arrangements now proposed for Thyspunt — and it required over R250 billion in National Treasury equity injections and guarantees to prevent Eskom insolvency. Eskom's gross debt stood at R372.7 billion as at 31 March 2025, after receiving R64 billion in government debt relief support in that year alone. (Eskom Annual Financial Statements, 31 March 2025.) This is the fiscal context in which a project whose capital cost could range from R500 billion to well in excess of R1

trillion — based on current international benchmarks for nuclear construction of equivalent scale, as set out in Section 1.2 above — is being proposed without a cost estimate. The Plan of Study must require that the independent economic feasibility study include three-scenario cost modelling — base case, optimistic, and Eskom-risk-adjusted — before Environmental Authorisation can be considered.

1.6 What the FSR Must Do

The Economic Impact Assessment commissioned for the EIA phase must be expanded to include: full project-specific capital cost range and LCOE analysis across all PPE technology options; LCOE comparison against the no-go alternative at equivalent capacity; independent financial feasibility assessment addressing funding sources, tariff implications, and PFMA value-for-money requirements; and three-scenario cost modelling applying the documented Eskom overrun pattern. This study must be commissioned independently of Eskom and WSP.

Section 2: Systematic Downward Bias — Structural Conflict of Interest

2.1 The Legal Obligation

GNR 982 Regulation 17 requires that an EAP (Environmental Assessment Practitioner) act independently, objectively, and in the public interest. Where a conflict of interest exists or reasonably appears to exist, the EAP must disclose it. The DSR does not address the structural conflict inherent in the applicant-pays EAP model for a project of this scale and sensitivity.

2.2 The Documented Pattern

DSR Appendix I and Tables 9-1 and 9-2 record every instance where a WSP-appointed specialist disputed the DFFE screening tool's sensitivity rating:

Specialist Assessment	DFFE Tool Rating	WSP Specialist Rating	Direction
Agriculture (Thyspunt)	Very High	Medium	↓ Downward
Civil Aviation (Thyspunt)	Medium	Low	↓ Downward
Palaeontology (Thyspunt)	Very High	Low to Medium	↓ Downward
Agriculture (Bantamsklip)	High	Low	↓ Downward
Civil Aviation (Bantamsklip)	High	Low	↓ Downward
Palaeontology (Bantamsklip)	Very High	Low	↓ Downward

Six disputes. Six downward revisions. Across two sites, three disciplines, multiple specialists — all appointed through the same applicant-funded process. DSR Appendix I confirms: 'The following environmental themes were disputed against the DFFE Screening Tool Rating, and found to be a lower sensitivity than what was identified by the DFFE Screening Tool.'

2.3 What This Means

Each individual revision may have a defensible technical basis. Afristar does not allege individual misconduct. The point is structural. The applicant pays the EAP. The EAP appoints the specialists. The specialists' ratings determine how rigorously each issue must be studied — and therefore the

regulatory burden on the applicant who pays for their appointment. In that arrangement, independent verification of specialist findings is not possible. Whether bias has occurred cannot be detected. For a project of this scale and consequence, that undetectability is itself the problem — and the documented pattern of six disputes, six downward revisions, zero upward, across two sites and three disciplines, is precisely what an undetectable structural conflict would be expected to produce.

2.4 What the FSR Must Do

The Plan of Study must include mandatory independent peer review of all EIA phase specialist reports by specialists nominated by DFFE — not by Eskom or WSP. Peer review findings must be made available to registered I&APs before the EIA report is finalised. DFFE should specify this peer review mechanism as a condition of FSR acceptance.

Section 3: Marine Ecology — High Impact, No Mitigation, Inadequate Study Scope

3.1 The Fishery Exclusion Zone — High Impact, No Practical Mitigation

The DSR Marine Ecology impact table (Anchor Environmental Consultants, 2025, DSR pp.577–578) rates the operational impact of marine exclusion zones on fisheries at Thyspunt as High before mitigation, with the mitigation column stating explicitly: 'No practical mitigation possible.'

The DSR narrative simultaneously describes fishery impacts as likely to be of 'moderate significance' at the socio-economic level. This internal inconsistency — between a formal High rating with no mitigation and a narrative that minimises socio-economic consequences — is a material gap that must be resolved in the EIA phase.

3.2 The Thermal Discharge — Very High Impact

The DSR rates the operational impact of thermally elevated discharge water under once-through cooling as Very High before mitigation, reduced to High after mitigation (DSR p.571). The mitigation noted requires motivation under the 'exceptional circumstances' clause in the DEA 2014 coastal discharge guidelines — a significant admission that the standard mitigation pathway is not available as of right.

3.3 Why the Marine Study Scope Is Nevertheless Inadequate

Despite these High and Very High ratings, the Marine Ecology specialist study ToR do not specify: independent computational thermal plume dispersion modelling using Delft3D or equivalent; GPS-mapped baseline data for chokka spawning grounds; current velocity and directional measurements at proposed intake and discharge points; or quantified economic impact modelling of fishery exclusion on Port St Francis, Oyster Bay, and Humansdorp dependent communities.

3.4 What the FSR Must Do

The Marine Ecology specialist study ToR must be expanded to include all four elements above. The study must be conducted as primary fieldwork. Community vessel operator data must be formally incorporated into the baseline. The internal inconsistency between the formal impact rating and the narrative assessment must be resolved in the EIA report.

The commercial and artisanal fishing communities directly dependent on the Thyspunt marine zone must be demonstrably identified and reached as a distinct stakeholder category. The Plan of Study must commit to structured engagement with fishing rights holders in Oyster Bay, St Francis Bay, and

Jeffreys Bay, with public meetings conducted in Afrikaans and isiXhosa and plain-language summaries of all specialist reports provided at community level prior to comment periods.

Section 4: Air Quality and Radiological Baseline — Admittedly Inadequate

4.1 What WSP's Own DSR Says

DSR Section 8.1.10 (p.368) confirms the air quality baseline for Thyspunt relies on a three-month meteorological sampling campaign from March to May 2009 — 17 years old and seasonally limited.

DSR Plan of Study Section 11.7.1 states explicitly:

> *"Meteorological data for a period of not older than five years is required for the dispersion modelling. The data provided for Thyspunt is up to 2018 and the data from Bantamsklip is only up to 2011, thus both sites don't have adequate meteorological data for the impact assessment."*

4.2 The Radiological Dispersion Connection

This meteorological inadequacy is not limited to conventional air quality assessment. The Radiological Impact Assessment (DSR Appendix G21, Plan of Study Section 11.7.23) uses the same meteorological data foundation for atmospheric dispersion modelling of radioactive releases. For a coastal site with complex sea-land breeze dynamics and the Tsitsikamma Strategic Water Source Area immediately upstream, data from 2009 and 2011 cannot form a valid baseline for radiological atmospheric dispersion modelling.

4.3 What the FSR Must Do

The FSR must specify updated meteorological and air quality baseline data collection at both sites before modelling commences, confirming compliance with the five-year currency requirement under GN 533. The same updated baseline must apply to both Air Quality and Radiological atmospheric dispersion assessments.

Section 5: The Preferred Site Determination — Internal Contradictions and Unresolved Heritage Barriers

5.1 WSP's Conclusion

DSR Section 11.4 (pp.706–708, Table 11-3, Table 11-4) concludes: 'specialist screening undertaken to date has not identified any unmitigable environmental constraints at Thyspunt.' On this basis, Thyspunt is recommended as the preferred site and Bantamsklip is scoped out.

5.2 WSP's Own Heritage Specialist Contradicts This

WSP’s own heritage specialist (Wiltshire N., CTS Heritage, February 2026) found in the cultural landscape study (DSR Section 11.3.16, pp.697–698):

> *"the entire project site is located in areas of very high and high sensitivity in a natural landscape with very high archaeological and palaeontological significance which has been provisionally protected as a Grade I Cultural Landscape, and would be unable to be supported from a cultural landscape perspective."*

A site that ‘would be unable to be supported from a cultural landscape perspective’ is not a site where ‘specialist screening has not identified any unmitigable environmental constraints.’ These two statements cannot both be correct. It is further noted that WSP’s own heritage specialist made an equivalent finding at Bantamsklip — that it too ‘would be unable to be supported from a cultural landscape perspective’ (DSR p.698) — meaning that on WSP’s own heritage evidence, neither candidate site can be supported from a cultural landscape perspective. The FSR must resolve this contradiction explicitly before the preferred site determination is accepted by DFFE.

5.3 The Grade I Cultural Landscape — Process Timing Problem

Thyspunt is currently provisionally protected as a Grade I Cultural Landscape under NHRA Section 29, gazetted 31 January 2025, lapsing 1 February 2027. The DSR acknowledges no motivation for the nomination is available on SAHRIS and that 'much further engagement with SAHRA must be conducted.' The EIA phase will almost certainly still be underway when protection lapses.

5.4 NEMA Inversion — Community Poverty as a Site Selection Factor

The DSR's socioeconomic assessment (DSR p.695) identifies Thyspunt as the preferred site in part because Kouga Local Municipality has higher unemployment and poverty than Overstrand Municipality. Using the relative poverty of one community as a factor that tips site selection toward the more ecologically sensitive site inverts NEMA's core principle. The obligation under NEMA is to identify the option that minimises environmental harm while meeting the identified need — not to maximise development benefit in a particular location at the cost of greater ecological impact.

5.5 What the FSR Must Do

The FSR must resolve the contradiction between Section 11.4 and Section 11.3.16; confirm SAHRA's position on Grade I renewal before the preferred site determination is finalised; confirm site selection has not been determined by socioeconomic weighting; and address Sections 5.6 and 5.7 below before the preferred site determination is accepted.

5.6 SAHRA's 2016 No-Go Recommendation Has Not Been Withdrawn

G16 (CTS Heritage, Cultural Landscape Study, February 2026, p.67) contains the following passage verbatim:

> *"The following statement of significance is taken from the 2012 HIA (Hart, 2012) which was supported by SAHRA in their recommendation of 'no-go' of the proposed nuclear power station at the Thyspunt site in 2016."*

SAHRA's 2016 no-go recommendation constitutes a formal heritage authority position under NHRA s38(8), which requires DFFE to take heritage authority comment into consideration before issuing any Environmental Authorisation. G16 does not state that this recommendation has been formally withdrawn. The DSR does not acknowledge it exists. Unlike the 2025 provisional protection, this recommendation does not lapse. It remains on record as SAHRA's formal position unless formally revised.

What the FSR must do: The FSR must confirm whether SAHRA's 2016 no-go recommendation has been formally withdrawn, on what grounds, and by what process. If not withdrawn, DFFE must address how it proposes to satisfy NHRA s38(8) in the context of a standing heritage authority no-go. The preferred site determination cannot be finalised without resolving this on the record.

5.7 No SAHRA Permit Has Been Sought or Granted Under NHRA s29

Section 29 of the NHRA requires that no person may — without a permit issued by SAHRA — damage, deface, excavate, alter, remove from original position, subdivide, or change the planning status of a provisionally protected place. The construction of a 5,200 MW nuclear power station would constitute, at minimum, excavation on a massive scale, alteration of the physical landscape, demolition of existing features, and change to planning status of the provisionally protected area. Every one of these actions requires a SAHRA permit under s29 while the provisional protection is in force.

The DSR does not address whether a permit application under s29 has been made or granted. South African courts have demonstrated a consistent pattern of upholding SAHRA heritage protections when challenged on substantive grounds. No reported case has succeeded in overturning a SAHRA heritage significance finding on its merits. The heritage evidence base at Thyspunt — Hart (2012) and G16 (2026) — is extensive, independently produced, and consistent in its findings of exceptional national significance.

What the FSR must do: The FSR must require SAHRA to provide a formal ruling on whether a permit for development of this scale could lawfully be granted under s29 before the preferred site determination is finalised.

Section 6: Specialist Study Scope Expansions and Process Integrity

6.1 Heritage ToR — Fish Traps, Middens, SAHRIS, Living Heritage

The Heritage Impact Assessment ToR must explicitly include: the Thyspunt fish trap complex and associated shell middens — documented by the Albany Museum as among the richest Later Stone Age archaeological landscapes on the southern African coastline — as primary heritage assets; Khoi burial sites and associated living heritage; assessment against NHRA ss27, 28, and 29 obligations before preferred site determination; and SAHRIS registration before EIA phase fieldwork commences. The heritage specialist must be pre-approved by SAHRA and the Eastern Cape Heritage Resources Authority.

6.1(a) G16 No-Development Zones Require Spatial Mapping Against the Proposed Footprint

G16 (CTS Heritage, March 2026, Recommendations p.7) makes the following verbatim recommendations:

> *"At Thyspunt we are recommending that a no development sensitivity zone, graded IIIA, is delineated along the coastline spanning about 10km long by 500m wide."*
>
> *"A grade IIIB sensitivity zone is delineated over the open dune system at Thyspunt which also holds a number of open-air archaeological sites. This area measures around 18km long by 1.2km wide."*

The proposed NPP footprint is approximately 250 hectares. The Grade IIIA coastal no-development zone covers approximately 500 hectares. The Grade IIIB dune sensitivity zone covers approximately 2,160 hectares. The DSR does not include any spatial mapping showing the relationship between these recommended no-development zones and the proposed NPP footprint. Without this mapping, it is not possible to determine whether any viable configuration of the proposed development exists outside these zones.

What the FSR must do: Mandatory spatial mapping of the G16-recommended Grade IIIA and IIIB zones against the proposed NPP footprint and all associated infrastructure. If no viable configuration can be demonstrated outside these zones, this must be disclosed before the EIA phase commences.

6.1(b) UNESCO Tentative World Heritage Nomination — Not Assessed

'The Emergence of Modern Humans: The Pleistocene occupation sites of South Africa' is an active nomination on South Africa's UNESCO World Heritage tentative list, submitted to UNESCO by DFFE in August 2022. The nomination explicitly includes Klasies River Mouth, located 15–36km from the Thyspunt site (G16, February 2026, p.67).

The Outstanding Universal Value of this nomination rests on the continuous, intact nature of the Pleistocene occupation landscape along this coastal zone — the same dune system, shell middens, fish trap complexes, and pre-colonial cultural landscape documented by Hart (2012) and G16 at Thyspunt itself. South Africa incorporated the World Heritage Convention into national law through the World Heritage Convention Act 49 of 1999, which obliges protection of tentative list properties from actions that would affect their potential Outstanding Universal Value.

The DSR does not assess impacts on the UNESCO tentative nomination. DFFE is simultaneously the competent authority for this EIA and the body that submitted the Klasies River nomination to UNESCO. That institutional position creates an obligation to assess compatibility with active World Heritage nomination commitments before Environmental Authorisation is considered.

What the FSR must do: Formal assessment of the proposal's impact on the Outstanding Universal Value of the UNESCO tentative nomination. Formal notification to UNESCO and consultation with ICOMOS South Africa before the EIA phase commences.

6.2 SRK 2023 Validation Gap — Duynefontein Scope Only

The DSR draws on the SRK 2023 Review Report (Report 594280, July 2023) as credibility support for the currency of specialist baseline studies. SRK's own report states: 'As confirmed by DFFE, the reviews and CCIA are required for the Duynefontein Nuclear-1 site only.' (SRK 2023, ss1.1 and 1.2.) SRK reviewed nothing at Thyspunt or Bantamsklip. The FSR must either commission an equivalent independent review of Thyspunt specialist baseline studies, or explicitly acknowledge which studies lack currency validation.

6.3 Radioactive Waste — An Unresolved Generational Liability

No country in the world has an operational permanent deep geological repository for high-level nuclear waste. Finland’s Onkalo facility — the furthest any nation has progressed — is under construction and targeted for closure around 2120. Every other nuclear nation is managing waste in interim storage, deferring permanent disposal to future generations.

South Africa is not an exception to this global failure. It has a specific, documented, statutory failure of its own.

The National Radioactive Waste Disposal Institute Act No. 53 of 2008 created a statutory framework for nuclear waste disposal and required the establishment of a dedicated Radioactive Waste Disposal Fund. Since Koeberg commenced operation in 1984, and since the NRWDI Act was promulgated in 2009, not one Rand has been paid into this Fund. The acting CEO of NRWDI has confirmed: "The Radioactive Waste Disposal Fund falls within the ambit of the DMRE. The Fund has not yet been set up, and therefore no payments can be made to the Fund at this stage." (ESI-Africa, February 2021.) Seventeen years after the Act was passed. Zero rands. No fund.

Eskom's own Koeberg Solid Radioactive Waste Management Plan — published on the NNR website — states explicitly: "An endpoint for HLW has not yet been decided. For the purpose of this document, disposal in a deep geological repository is assumed for this waste category. NRWDI is ultimately responsible for the disposal of high level waste in a deep geological repository. However, until NRWDI accepts the used fuel, Koeberg is responsible for storing the used fuel." (Koeberg Solid

Radioactive Waste Management Plan, Rev 1, NNR, 2024.) Eskom's own plan for its own existing facility has no decided endpoint for high-level waste — after 40 years of operation.

When questioned whether Eskom's decommissioning provision was adequate, the NNR spokesman responded: "The NNR is engaging Eskom in this regard... the NNR is reviewing the regulatory framework including conditions of authorisation with a view to strengthening conditions relating to decommissioning." (ESI-Africa, February 2021.) The regulator's own response confirms the provision is under review for adequacy — which means it is not currently confirmed as adequate.

In 1994, Eskom informed the ANC government that a dry-cask storage facility for Koeberg's high-level waste should be built within four years. Thirty-two years later, the Koeberg Transient Interim Storage Facility — still described as "transient" and "interim" — is only now being constructed on the Koeberg site. The name confirms it is not a solution. It is another deferral. (NewFrame, April 2021.)

The DSR proposes to add 5,200 MW of new nuclear generating capacity — nearly three times Koeberg's output — to this unresolved picture. The statutory framework created specifically to resolve South Africa's nuclear waste problem has produced zero funded compliance in seventeen years. Eskom's own management plan for the existing facility has no decided endpoint for high-level waste after four decades of operation. The NNR has acknowledged the decommissioning provision requires strengthening. The DSR defers waste characterisation entirely to technology selection.

If the NRWDI Act of 2008 has not produced a funded waste disposal pathway for the existing Koeberg facility after seventeen years, on what basis does the DSR assume the problem will be resolved for a facility three times larger? The DSR does not address this question.

What the FSR must do: The Plan of Study must include a standalone Radioactive Waste and Decommissioning Liability Assessment addressing: the current status of Koeberg's waste and decommissioning obligations and the NRWDI Act compliance failure; the projected waste volumes and decommissioning cost for a 5,200 MW facility under each PPE technology option; the funded pathway to permanent disposal; and the long-term liability transferred to the South African public. This assessment must be included in the Need and Desirability financial analysis. Without it, the Need and Desirability assessment is incomplete.

6.4 Pending High Court Review — Omission from Legislative Framework

DSR Chapter 7 does not acknowledge the pending High Court review of the Nuclear-1 Environmental Authorisation for Duynefontein, launched by SAFCEI, Greenpeace Africa, and Earthlife Africa Johannesburg in March 2026 (SAFCEI press release, 9 March 2026), on grounds directly relevant to this application — including adequacy of alternatives assessment and catastrophic accident risk. The FSR must acknowledge this litigation and explain its implications for this parallel process.

6.5 Social Impact Assessment — Independent Monitoring With Binding Performance Standards Required

The DSR's own Table 10-17 rates multiple construction-phase social impacts — including worker influx, pressure on local infrastructure, and community cohesion — as Very High before mitigation. The proposition that mitigation measures will be implemented as written is not supported by South Africa's recent experience with comparable Eskom megaprojects.

The Portfolio Committee on Public Enterprises found during its 2012 oversight visit to Medupi that subcontractors were not adhering to labour legislation, foreign labour was being imported while local workers remained unemployed, and communities had not been meaningfully engaged despite formal commitments. (Parliamentary Monitoring Group, Oversight Visit Report, August 2012.)

SCOPA found during its 2019 oversight visit that only 9 of 23 previously made recommendations had been implemented, that R19.6 billion in irregular expenditure had been incurred, and that the projects were beset by procurement failures, poor record management, and absent accountability. (Parliamentary Monitoring Group, SCOPA Oversight Report, August 2019.)

The Fair Finance Coalition Southern Africa's community research — 'Living in Medupi's Shadow: Stories from Lephalale' (Scher, Choshane, Gabaphethe and Tlale, Centre for Applied Legal Studies, Wits, FFCSA, 2023) — documents: infrastructure under sustained pressure; exclusion of communities from meaningful consultation; gendered socio-economic consequences; and economic benefits flowing overwhelmingly to national and international contractors rather than host communities.

Critically, G14 (WSP, Thyspunt and Bantamsklip Socio-Economic Impact Assessment Baseline Report, March 2026, p.150 of 219) states explicitly: 'Skilled and highly skilled labour will likely be sourced from the province or nationally, rather than locally.' This admission — in Eskom's own commissioned baseline report — directly contradicts the DSR's framing of construction employment as a transformative local benefit.

The Plan of Study Social Impact Assessment ToR must include: independent pre-construction baseline surveys before any construction commences; verifiable, time-bound, independently audited performance indicators for every socio-economic mitigation measure; a mandatory independent third-party monitoring and evaluation mechanism with quarterly public reporting enforceable as EA conditions; and a formal municipal capacity assessment confirming Kouga LM's ability to absorb construction-phase population and infrastructure pressure.

6.6 Cumulative Impacts — The Full Infrastructure Constellation

The DSR's treatment of cumulative impacts is inadequate in two distinct respects.

First, within the energy sector: wind farm development in the Kouga corridor has accelerated significantly since 2015. Multiple wind energy projects are currently operational, under construction, or approved within 50 kilometres of the Thyspunt site. The combined effect alongside a 5,200 MW nuclear facility has not been assessed.

Second, and more fundamentally: the DSR assesses only the NPP footprint itself. A nuclear power station of this scale cannot operate without a constellation of associated infrastructure, each with its own footprint, each requiring its own EIA, and each imposing its own impacts on the same bioregion:

- **Transmission infrastructure** — high-voltage lines running northward through the Gamtoos Valley and Kouga Mountains. The Thyspunt transmission line EIA scoping (Sivest, 2009) is over 15 years old and was never completed.
- **Bulk water supply infrastructure** — the DSR records a freshwater requirement of up to 49.96 litres per second for four units (DSR G.05), requiring bulk abstraction from the Tsitsikamma SWSA Kromme River system or desalination infrastructure. Each option requires a separate EIA.
- **Road and access infrastructure** — construction-phase logistics for 10,000 workers require major upgrades across the N2 corridor, R330, and coastal roads traversing heritage-sensitive, agriculturally productive, and ecologically significant landscapes.
- **Port infrastructure** — nuclear reactor components require heavy lift logistics exceeding Port St Francis capacity. Port upgrades or alternative logistics routes through Gqeberha have not been scoped.

- **Worker accommodation** — G14's own figure of approximately 10,000 construction workers requires accommodation infrastructure creating land use and social impact footprints not assessed in the DSR.

All of these infrastructure components would operate simultaneously across the Kouga and Tsitsikamma Strategic Water Source Areas, the Gamtoos Valley agricultural corridor, the coastal heritage landscape, the chokka fishing grounds, and the communities of Humansdorp, St Francis Bay, Cape St Francis, Sea Vista, and Oyster Bay. Under NEMA and GNR 982, the responsible EIA must assess all reasonably foreseeable associated infrastructure — not only the primary activity.

What the FSR must do: A dedicated cumulative impact study covering the full associated infrastructure constellation with each component assessed for its independent and combined footprint across the Kouga and Tsitsikamma bioregion.

Section 7: The No-Go Assessment — What Is Actually at Risk and What Is Actually Possible

7.1 The No-Go Is Not a Null Outcome

The DSR's no-go assessment (DSR Section 6.4.7.9) states: 'the benefits of the proposed activity will not be realised with the status quo remaining, and neither will the associated negative impacts or risks.' This frames the no-go as a neutral absence of benefit. It is not. The no-go alternative at Thyspunt is the continued operation of an existing coastal economy that this project would materially and permanently damage — and the potential activation of a regenerative development model that the DSR has not assessed at all.

7.2 The Existing Economy at Risk

The Thyspunt coast sits at the heart of an interconnected coastal economy whose components have never been aggregated in the DSR's no-go assessment.

The chokka squid fishery is the most commercially significant inshore fishery on the Eastern Cape coast. Annual catches range between 2,000 and 14,000 tonnes with a 20-year average of 7,000 tonnes, and between 1999 and 2005 an average of 33.2% of the total annual Eastern Cape catch originated in the area between 10 nautical miles east and west of the proposed Thyspunt site (SASMIA data, 2007, cited in GIBB 2015 Revised Draft EIR, p.9-88). In 2005 the Eastern Cape squid industry employed 2,300 fishing crew, 150 management staff, and 1,500 factory staff, and generated approximately R400 million in foreign exchange per annum. WSP rates the operational fishery exclusion zone impact as Very High before mitigation and High after mitigation, with the explicit finding that 'exclusion zones remain an unavoidable impact' for which 'no practical mitigation is possible' (DSR p.613; p.578).

The Port St Francis fleet and Humansdorp processing facility are directly and structurally dependent on these grounds. The Port St Francis industry 'consists largely of small medium and micro enterprises which depend entirely on squid fishing and would not be able to divert their vessels so as to capture trawl and other revenue streams' (GIBB 2015 EIR, p.9-88). The Humansdorp processing factory employs 'mainly women, the number varying between 20 and 140 at any one time depending on the workload' (GIBB 2015 EIR, p.9-89). An estimated 1,000 fishermen from the local St Francis–Humansdorp–Jeffreys Bay area crew the fleet.

The dairy economy around Humansdorp — the largest milk production area in South Africa — comprises approximately 60,000 dairy cows producing 820,000 litres per day, valued at R900 million

per annum (GIBB 2015 EIR, p.9-86). This economy is directly dependent on the catchment water security of the Kouga and Tsitsikamma Strategic Water Source Areas.

The coastal tourism economy was valued at approximately R77.7 million per annum in accommodation turnover across the St Francis area at the time of the 2015 EIR assessment (GIBB 2015 EIR, p.9-87). The Jeffreys Bay economy was estimated at a minimum of R500 million per annum total turnover (ibid.).

The marine manufacturing sector represents a further category entirely absent from the DSR's baseline. St Francis Bay hosts two internationally exporting catamaran manufacturers operating approximately 10–11 km from the proposed site. Nexus Yachts — builder of the award-winning Balance Catamaran range — describes itself as 'a major stakeholder in creating a sustainable economy in the greater St. Francis region' (balancecatamarans.com). St Francis Marine cc builds the St Francis 460 and 500 series (stfranciscatamarans.com). Both are year-round export-oriented advanced manufacturing businesses not captured in the DSR's baseline. The broader Sea Vista industrial zone — centred on Tarragona Road and Fish Eagle Park — has developed since 2015 into a functioning light industrial area supporting marine services, construction, fabrication, hardware supply, and boat storage, none of which is reflected in the DSR's socioeconomic baseline.

These figures are materially understated as a baseline for the current EIA. The economic data underpinning the DSR's socioeconomic baseline derives from assessments conducted prior to 2015. The DSR itself acknowledges that Cape St Francis (8.5 km from Thyspunt) and St Francis Bay (10.8 km) are both 'experiencing significant household growth' (DSR p.442). The Covid-19 pandemic drove a documented wave of semi-permanent migration from metropolitan centres to coastal towns, converting a highly seasonal tourist economy into a substantially year-round residential and economic base. The DSR's 2015 baseline systematically understates what South Africa would permanently lose if this coastal economy is disrupted.

What the FSR must do: The Economic Impact Assessment ToR must require a current, primary-data economic baseline survey of the St Francis Bay–Cape St Francis–Oyster Bay coastal economy before the no-go alternative can be assessed.

7.3 The Water Supply Systems at Risk

The Thyspunt site sits adjacent to two nationally designated Strategic Water Source Areas. The Kouga SWSA covers approximately 51,000–63,000 hectares with approximately 99% natural vegetation — one of 22 nationally designated SWSAs supplying the Algoa water system. The Tsitsikamma SWSA covers the Kromme River system — the primary bulk water source for Humansdorp, St Francis Bay, Cape St Francis, and surrounding Kouga Local Municipality towns. Both SWSAs are classified CBA1 and CBA2 under the Eastern Cape Biodiversity Conservation Plan and carry National Freshwater Ecosystem Priority Area status.

The NPP's confirmed freshwater requirement — up to 49.96 litres per second for four units (DSR G.05) — places direct abstraction demand on the Tsitsikamma SWSA via the Kromme River system. The DSR does not assess the impact of this abstraction volume on the Kromme system's water balance, on the SWSA's nationally designated ecological integrity, or on the water security of existing downstream municipal users.

Under a severe accident scenario — the radiological consequences of which the DSR explicitly defers to the EIA phase — atmospheric radioactive deposition over the Tsitsikamma catchment following a release event creates a direct pathway to the Kromme River municipal supply system. This pathway has not been assessed. A site-specific radiological pathway assessment covering the municipal water supply catchment must form part of the Plan of Study.

7.4 The Regenerative Alternative — An Unassessed Development Possibility

The DSR's no-go assessment does not consider any alternative productive use for the Eskom land holding at Thyspunt. This is a material omission in the alternatives assessment required under NEMA s24(4)(b).

The Eskom land holding comprises approximately 5,000 hectares of coastal land between Cape St Francis and Oyster Bay. It contains South Africa's largest headland-bypass dune system in near-pristine condition, one of the richest Later Stone Age archaeological landscapes on the southern African coastline as documented by the Albany Museum and confirmed by G16, and direct hydrological connection to the marine environment on which the existing coastal economy depends. The inland portion has been leased for dairy farming. The coastal dune field and heritage landscape have remained largely undisturbed because of restricted access.

This land holding sits in a municipal area with a 17,309-unit housing backlog, 21.5% unemployment, and communities including Sea Vista, Umzamawethu, and Oyster Bay that have no significant community-owned economic asset. There is no precedent in the Kouga region for a large publicly held land asset being transferred to community ownership and developed for broad-based economic benefit.

Afristar Foundation has begun preliminary scoping — at desktop level — of a potential regenerative development model for the holding under the no-go scenario. The model as currently conceived has two structurally linked components:

A coastal nature reserve protecting the dune system, heritage landscapes, and marine interface — providing the ecological foundation for low-impact nature-based tourism, heritage interpretation, environmental education, and Khoikhoi cultural heritage programming. This component aligns directly with the SAHRA Grade I provisional protection and the UNESCO tentative nomination corridor.

A community development zone on the arable inland portions of the holding, structured as a community land trust with broad-based ownership by Sea Vista, Umzamawethu, Humansdorp, and Oyster Bay residents — enabling a transition from single-use dairy leasing to a diversified model incorporating regenerative agriculture, watershed restoration and alien clearing (including biochar potential from invasive biomass), fisheries cooperative infrastructure, agro-processing, and skills development. This would represent the first community-owned productive land asset of meaningful scale in the Kouga region.

Afristar is not presenting this as a fully costed investment case. The desktop scoping undertaken to date is preliminary. What Afristar is placing on the record is that a credible, development-oriented, community-benefiting alternative use for this land exists and has not been assessed — and that NEMA s24(4)(b) requires it to be assessed before the no-go alternative can be dismissed.

What the FSR must do: The Plan of Study Alternatives Assessment must include a formal assessment of the productive development potential of the Eskom Thyspunt land holding under the no-go scenario — specifically addressing community land trust models, nature reserve establishment, watershed restoration, and diversified economic use of the arable inland portions. Afristar undertakes to submit a more detailed alternatives concept for consideration in the EIA phase Alternatives Assessment upon request.

Section 8: Spatial Planning Hierarchy — Untested Planning Support and an Unlawful Referral Mechanism

8.1 The Legal Requirement

NEMA s24(4)(b) requires that the Need and Desirability assessment demonstrate that the proposed activity has planning support. The DFFE Need and Desirability Guideline (GN 792 of 2012) requires that planning alignment be assessed against the full planning hierarchy — not only the local instrument. SPLUMA s8 is explicit: where a conflict exists between spatial development frameworks, the higher-order instrument prevails.

8.2 What the DSR Relies On

The DSR (p.152) cites the Kouga Municipal SDF (2020) as its primary planning support at local level: 'The SDF specifically identifies the Thyspunt site as a possible future nuclear power generation site.' The DSR also references the Kouga MSDF March 2026 as confirming this position. These are the only planning instruments cited in support of the proposal at the local and district level.

8.3 The Hierarchy Above the Kouga MSDF

The DSR does not engage with the instruments that sit above the Kouga MSDF in the SPLUMA hierarchy. The Sarah Baartman District Municipality DDM One Plan (November 2025) — the district-level coordinating instrument directly above Kouga — contains no reference to nuclear power, Thyspunt, or any associated land use restrictions. Its energy vision is explicitly renewable throughout. It positions the Kouga coastal strip as a destination for renewable energy investment, eco-tourism, and the oceans economy. The Eastern Cape Provincial Spatial Development Framework makes no provision for nuclear power at Thyspunt. The DSR does not assess whether the Kouga MSDF nuclear provisions are consistent with these higher-order instruments, and does not address which instrument prevails under SPLUMA s8 where conflict exists.

8.4 The Circular Reasoning Problem

The nuclear buffer provisions in successive Kouga SDFs originate from the Kouga Coast Sub-Regional Structure Plan, prepared during the Nuclear-1 EIA process (December 2009) specifically to protect the Thyspunt site for Eskom’s potential future use. Afristar formally requests that WSP confirm the authorship and commissioning party for this instrument in the CRR. The provisions have been carried forward through the 2020 SDF and the 2026 MSDF without a SPLUMA consistency assessment at any stage. The DSR uses the Kouga SDF as evidence that the municipality recognises Thyspunt as a planning reality — but the planning recognition in the Kouga SDF was itself created by an Eskom-driven planning instrument. A planning instrument cannot be used to validate the project that created it. That is circular reasoning and does not constitute adequate planning support under GN 792.

8.5 The Eskom Rezoning Referral — An Unlawful Provision Operative Since 2020

The Kouga Spatial Development Framework 2020 — the formally adopted, legally operative municipal planning document — contains the following provision at Section 6182–6187:

> *"Any proposed changes to current land uses, in terms of standard rezoning procedures within the 16km monitoring and emergency zone, must be brought to the attention of Eskom Nuclear Sites Department at Koeberg Nuclear Power Station, for their consideration and comment."*

And separately in the Oyster Bay section (p.4694):

> *"Future residential development should promote integration and be subject to confirmation from Eskom as per the Thuyspunt policy."*

The provision has no legal basis under SPLUMA. Eskom is not a designated planning authority. It has no statutory role in municipal land use decisions under SPLUMA s35 or s99, the Municipal

Systems Act, or any other planning legislation. The Oyster Bay provision goes further — requiring that residential development be 'subject to confirmation from Eskom.' Confirmation is a veto power granted to a private entity over a statutory planning decision. That has no basis in South African planning law.

The provision was inserted without the necessary process. It originates from the Kouga Coast Sub-Regional Structure Plan prepared during the Nuclear-1 EIA process (December 2009) — before SPLUMA came into force in 2015. When it was carried forward into the 2020 SDF — the first Kouga SDF prepared under SPLUMA — no SPLUMA consistency assessment was conducted. No specific public participation was directed at this provision and its implications for affected landowners. No organ of state with planning authority authorised Eskom's inclusion in the rezoning process. The provision has simply been inherited and copied forward across three successive planning documents without ever being tested against the legal framework that now governs it.

Its impact on landowners and developers is real and ongoing. This is operative planning law in a zone of frequent and ongoing rezoning activity across Cape St Francis, St Francis Bay, Oyster Bay, Sea Vista, and surrounding farms. Agricultural land converting to residential, sectional title developments, density increases, subdivision applications, commercial rezonings — all are subject to this requirement today. Landowners, developers, conveyancers, and estate agents making investment decisions in the zone may be doing so without knowing that their rezoning application is subject to review by Eskom's nuclear division. There is no transparency mechanism, no timeframe for Eskom's response, no criteria for how Eskom's comment must be weighted, and no appeal process if Eskom objects. The affected parties have never been specifically informed this requirement exists.

What the FSR must do: The DSR cannot rely on the Kouga SDF as planning support without acknowledging that the same instrument contains a provision with no statutory basis under SPLUMA, inserted without due process, currently operative without transparency to affected landowners. The FSR must address the legal standing of this provision and its implications for the validity of land use decisions made in the zone since 2020.

8.6 The Plan of Study Must Address the Full Hierarchy

The Plan of Study must include an independent specialist town planning assessment that: verifies whether the Kouga MSDF nuclear provisions are consistent with the Sarah Baartman DDM One Plan, the EC PSDF, and the NSDF under SPLUMA s8; identifies which instrument prevails where conflict exists; assesses the legal standing of the Eskom rezoning referral mechanism under SPLUMA; and confirms whether the Kouga MSDF 2026 has been formally adopted by Council under SPLUMA s28. This assessment must be conducted by an independent town planner not appointed by Eskom or WSP, with findings made available to registered I&APs before the EIA report is finalised.

Conclusion — What We Are Asking For in Section A

NEMA Section 2(4)(a)(vii) establishes the precautionary principle as a binding national environmental management principle: where there are threats of serious or irreversible environmental damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation. The eight categories of gap identified in Section A of this submission — missing financial analysis, unvalidated baseline studies, High and Very High marine impacts without mitigation, admittedly inadequate meteorological data, internally contradicted site determination, unresolved heritage barriers, an uncosted radioactive waste liability, and a local jobs narrative contradicted by Eskom’s own baseline report — each represent areas of material uncertainty in a proposal whose capital cost could range from R500 billion to well in excess of R1

trillion and whose impacts are effectively irreversible over a 60-year operating life. The precautionary principle requires that these uncertainties be resolved — not managed through further assessment — before Environmental Authorisation is considered. The FSR must close each gap, not defer it. Afristar calls on WSP and DFFE to ensure the Final Scoping Report:

- Requires an independent economic feasibility study including LCOE and three-scenario cost modelling applying the documented Eskom overrun pattern, before EIA phase commences (Section 1).
- Requires DFFE-nominated independent peer review of all EIA phase specialist reports (Section 2).
- Expands the Marine Ecology study ToR to include thermal plume modelling, spawning ground baseline, and quantified fishery economic impact; resolves the internal inconsistency between the formal impact table and the narrative assessment; and commits to structured fishing community engagement in Afrikaans and isiXhosa (Section 3).
- Specifies updated meteorological and air quality data collection applying to both conventional and radiological atmospheric dispersion modelling before EIA phase modelling commences (Section 4).
- Resolves the contradiction between the preferred site determination conclusion and the heritage specialist's finding; confirms SAHRA's position on Grade I renewal; and confirms that site selection has not been determined by socioeconomic weighting (Section 5).
- Confirms the status of SAHRA's 2016 no-go recommendation and addresses the NHRA s38(8) obligation before the preferred site determination is finalised (Section 5.6).
- Requires a formal SAHRA ruling on whether a s29 permit for development of this scale could lawfully be granted within the provisionally protected area (Section 5.7).
- Expands the Heritage study ToR, confirms SAHRIS registration, and includes mandatory spatial mapping of G16 no-development zones against the proposed footprint (Sections 6.1 and 6.1(a)).
- Initiates formal UNESCO notification and commissions an OUV impact assessment in respect of the active Klasies River nomination (Section 6.1(b)).
- Commissions an independent validation review of Thyspunt specialist baseline studies equivalent to SRK 2023 (Section 6.2).
- Includes a standalone Radioactive Waste and Decommissioning Liability Assessment covering Koeberg's existing unresolved obligations and the projected liability for the proposed facility (Section 6.3).
- Acknowledges the pending High Court challenge in the legislative framework (Section 6.4).
- Requires binding, independently monitored performance standards for all socio-economic mitigation measures with reference to DSR Table 10-17 (Section 6.5).
- Includes a dedicated cumulative impact study covering the full infrastructure constellation and combined bioregional effect (Section 6.6).
- Includes a current, primary-data economic baseline survey of the coastal economy and a formal no-go economic valuation quantifying the existing coastal economy, the water supply systems at risk, and the regenerative development alternative (Sections 7.2–7.4).
- Addresses the legal standing of the Eskom rezoning referral provision in the operative 2020 SDF and its implications for the validity of planning support relied upon in the Need and Desirability assessment (Section 8.5).
- Includes an independent specialist town planning assessment verifying SPLUMA hierarchy consistency and confirming the adoption status of the Kouga MSDF 2026 (Section 8.6).

- Provides written answers on the relationship between the Thyspunt/Bantamsklip process and the Duynefontein Nuclear-1 EA, and explains how combined capacity of up to 9,200 MW is consistent with the IRP 2025 allocation of 5,200 MW (Section B.4).

PART B — THRESHOLD LEGAL AND JURISDICTIONAL ISSUES NOTED FOR THE RECORD

These matters are placed on record as threshold legal and jurisdictional questions requiring written responses from both WSP as EAP and DFFE as Competent Authority in the Comments and Responses Report and the Final Scoping Report.

B.1 Absence of a Valid Section 34 Determination

The DSR at page 252 confirms that the Section 34(1) Ministerial Determination for 2,500 MW of nuclear capacity, gazetted in January 2024, was withdrawn by the Minister in August 2024. The DSR does not confirm that a replacement determination has been issued, gazetted, or concurred with by NERSA. Without a valid, gazetted determination, neither the quantum of 5,200 MW nor Eskom's role as procurer has confirmed statutory foundation. Afristar formally requests written confirmation from WSP and DFFE of whether a valid Section 34 determination currently exists, its gazette number and date, and whether NERSA has formally concurred.

B.2 Absence of a Section 34 Public Participation Process

The 2024 Section 34 determination was withdrawn specifically because the public participation process was found to be procedurally deficient. The Earthlife Africa v Minister of Energy judgment (2017) established that a Section 34 determination must comply with the requirements of procedural fairness under PAJA. There is no evidence in the DSR that the required public participation process for any new or replacement Section 34 determination has been conducted. Afristar formally requests confirmation from NERSA and the Department of Electricity and Energy that a compliant process has been completed.

B.3 PFMA Compliance for EIA Expenditure

Eskom Holdings SOC Ltd is a Schedule 2 Major Public Entity under the PFMA. In the absence of a confirmed valid Section 34 determination establishing the statutory mandate for this project, the legal basis for EIA expenditure requires explicit justification. Afristar formally requests a written statement from Eskom confirming the legal basis under which expenditure on this EIA has been authorised, and confirmation of compliance with PFMA supply chain management and value-for-money requirements under ss51 and 55.

B.4 The Relationship Between This Process and the Duynefontein Nuclear-1 Environmental Authorisation

The IRP 2025 Balanced Plan allocates 5,200 MW of new nuclear generating capacity. An Environmental Authorisation for 4,000 MW of nuclear capacity at Duynefontein (Nuclear-1) was granted in 2017, upheld on appeal in November 2025, and is currently subject to a High Court review launched by SAFCEI, Greenpeace Africa, and Earthlife Africa Johannesburg in March 2026 (SAFCEI press release, 9 March 2026). The current scoping process covers a further ‘up to 5,200 MW’ at Thyspunt or Bantamsklip.

The DSR does not explain the relationship between these two processes or how their combined potential capacity of up to 9,200 MW is consistent with the IRP 2025 allocation of 5,200 MW. Three specific questions require written answers in the FSR:

- Is the Thyspunt/Bantamsklip process intended to replace the Duynefontein Nuclear-1 EA — in which case what is the status of that EA and when will it be withdrawn or suspended?
- Or are both projects intended to proceed — in which case on what basis does the combined capacity of up to 9,200 MW have IRP authorisation when the IRP allocates only 5,200 MW?
- Or is the Thyspunt/Bantamsklip process contingent on the outcome of the High Court review of the Duynefontein EA — in which case why is a parallel scoping process proceeding while that review is active and unresolved?

The Need and Desirability assessment cannot be finalised without a clear, documented answer to these questions. Furthermore, if the Thyspunt/Bantamsklip process is intended as a replacement for the Duynefontein Nuclear-1 EA, proceeding with this scoping process while that EA is under active High Court review raises distinct procedural fairness concerns for I&APs who participated in the Nuclear-1 process and whose interests are directly affected by a replacement proceeding in parallel without disclosure of that relationship.

Formal Request for Written Responses

Afristar formally requests that WSP and DFFE provide written responses to each of the four matters raised in Section B in the Comments and Responses Report. Failure to respond substantively will itself form part of the record for any subsequent legal proceedings.

Standing Reservation

Afristar Foundation places on record that the legal and procedural basis for this EIA process is subject to active challenge on two parallel tracks. The Section 34 determination authorising nuclear procurement was withdrawn in August 2024 and no confirmed replacement is on record — as addressed in Section B.1 above. A High Court review of the Nuclear-1 Environmental Authorisation for Duynefontein, launched by SAFCEI, Greenpeace Africa, and Earthlife Africa Johannesburg in March 2026 (SAFCEI press release, 9 March 2026), raises questions about the adequacy of alternatives assessments and catastrophic risk evaluation that are directly relevant to this parallel process. Neither matter is acknowledged in the DSR's legislative framework chapter.

Afristar's standing as a registered I&AP, its right to participate in all further phases of this process, and its right to appeal any Environmental Authorisation arising from it are expressly preserved by this submission.

Summary of Comments and Proposed Remedies

#	Issue	DSR Reference	Proposed Remedy
1	No financial analysis — no LCOE, no project cost, no feasibility; international comparators (Vogtle, Hinkley Point C) place capital cost at R500 billion to well in excess of R1 trillion	Table 5-5 p.161; Appendix B CRR 174/177	Independent economic feasibility study including LCOE and three-scenario cost modelling commissioned before EIA phase commences
1a	Kusile precedent — generic financial viability assumption unsupported by any cost data, mirroring failed Kusile approval approach	DSR impact tables; Kusile outcome documented	Feasibility study must include independent stress-testing and sensitivity analysis — not generic viability assumptions
1b	PFMA — Eskom gross debt R372.7bn, R254bn debt relief programme; commencing a project whose capital cost could range from R500 billion to well in excess of R1 trillion without a cost estimate is inconsistent with PFMA ss51 and 55	Eskom AFS 31 March 2025; PFMA ss51/55	Three-scenario cost modelling required before Environmental Authorisation
2	Systematic downward bias — six disputes, six downward, zero upward across two sites and three disciplines	Tables 9-1, 9-2, Appendix I	DFFE-nominated independent peer review of all EIA phase specialist reports
3	Fishery exclusion zone rated High, no practical mitigation; thermal discharge Very High; marine ToR inadequate	pp.577–578; p.571	Marine Ecology ToR expanded; Delft3D thermal plume modelling; GPS spawning ground baseline; quantified fishery economic impact; fishing community engagement in Afrikaans and isiXhosa
4	Meteorological data inadequate at both sites — WSP's own admission; affects both air quality and radiological dispersion modelling	Section 11.7.1; Section 8.1.10; Appendix G21	Updated meteorological baseline collected before Air Quality and Radiological dispersion modelling commences
5	Preferred site determination contradicts heritage specialist finding	Section 11.4 pp.706–708 vs Section 11.3.16 pp.697–698	FSR must resolve contradiction; confirm SAHRA renewal position; confirm site selection on environmental grounds
5a	Grade I Cultural Landscape protection lapses February 2027	Section 11.3.16, p.698	SAHRA confirmation of renewal position required before EIA phase commences
5b	Community poverty used as site selection factor — inverts NEMA	DSR p.695	FSR must confirm site selection determined on environmental grounds
5c	SAHRA 2016 formal no-go recommendation not withdrawn and not acknowledged in DSR	G16 Cultural Landscape Study p.67; NHRA s38(8)	FSR must confirm status of SAHRA 2016 no-go and address NHRA s38(8) obligation before preferred site determination is finalised
5d	NHRA s29 permit required for any excavation or alteration of provisionally protected site — not addressed	NHRA s29; SAHRA Gazette Notice 31 January 2025	FSR must require formal SAHRA ruling on whether s29 permit could lawfully be granted

#	Issue	DSR Reference	Proposed Remedy
6.1	Heritage ToR inadequate — fish traps, middens, Khoi heritage excluded	December 2025 meeting minutes	Heritage ToR expanded; SAHRIS registration confirmed; maritime archaeologist appointed
6.1a	G16 recommends 500ha coastal and 2,160ha dune no-development zones — no spatial mapping against 250ha NPP footprint	G16 Recommendations p.7	Mandatory spatial mapping of G16 no-development zones against proposed footprint
6.1b	UNESCO tentative World Heritage nomination includes Klasies River Mouth 15–36km from Thyspunt — no UNESCO assessment or notification	G16 p.67; DFFE Revised Tentative List August 2022; World Heritage Convention Act 49 of 1999	Formal UNESCO notification and OUV impact assessment required in Plan of Study
6.2	SRK 2023 validation scoped to Duynefontein only — Thyspunt baseline studies have no equivalent independent currency validation	SRK Report 594280, ss1.1–1.2	Independent validation review commissioned for Thyspunt baseline studies
6.3	Radioactive waste — no global permanent storage solution; Koeberg waste unresolved after 40 years; R2.4bn decommissioning provision widely regarded as inadequate; DSR defers waste characterisation to technology selection	Eskom AFS March 2025; DSR Chapter 11	Standalone Radioactive Waste and Decommissioning Liability Assessment required in Plan of Study
6.4	High Court review of Nuclear-1 EA (SAFCEI, Greenpeace Africa, Earthlife Africa, March 2026) not acknowledged in DSR legislative framework	Chapter 7	FSR must acknowledge litigation and explain implications
6.5	Social mitigation commitments not independently monitored; G14 admits skilled labour sourced nationally not locally; Medupi/Kusile track record of mitigation failure documented across Parliamentary record	Table 10-17; Chapter 10; G14 p.150; SCOPA 2019; PMG 2012	Binding independent monitoring with quarterly public reporting as EA condition; pre-construction baseline surveys required
6.6	Cumulative impact assessment covers only wind energy — full associated infrastructure constellation not scoped	Chapter 10.5; DSR G.05; G14 p.150	Dedicated cumulative impact study covering full infrastructure constellation and combined bioregional effect
7	No-go assessment treats no-go as null outcome; outdated 2015 baseline understates current coastal economy; regenerative alternative not assessed	Section 6.4.7.9; DSR p.442; GIBB 2015 EIR	Current primary-data economic baseline survey; formal no-go economic valuation; assessment of regenerative development potential of Eskom land holding
8	DSR planning support relies on Kouga MSDF without testing consistency with DDM One Plan, EC PSDF, or NSDF under SPLUMA s8	DSR p.152; Kouga MSDF s5.8.2.5	Independent specialist town planning assessment of SPLUMA hierarchy consistency as Plan of Study requirement

#	Issue	DSR Reference	Proposed Remedy
8a	Kouga SDF 2020 (formally adopted, operative) requires all rezonings within 16km to be referred to Eskom Koeberg — no statutory basis under SPLUMA; inserted without due process; operative without transparency to affected landowners	Kouga SDF 2020 pp.6182–6187; p.4694; SPLUMA s35, s99	FSR must address legal standing of this provision and its implications for validity of planning support relied upon
8b	Planning support circular — Kouga SDF provisions originate from Eskom-driven instrument and cannot validate the project that created them	DSR p.152; Kouga Coast Sub-Regional Structure Plan (December 2009)	Need and Desirability assessment must establish independent planning support
B.1	No confirmed valid S34 determination on record	DSR p.252	Written confirmation of gazette reference and NERSA concurrence from DFFE
B.2	No evidence of compliant S34 public participation process	DSR p.252	Written confirmation from NERSA and Department of Electricity and Energy
B.3	PFMA compliance for EIA expenditure not confirmed	PFMA ss51/55	Written statement from Eskom confirming legal basis for EIA expenditure
B.4	Combined capacity of Duynefontein (4,000 MW) and Thyspunt (up to 5,200 MW) = up to 9,200 MW against IRP 2025 allocation of 5,200 MW — relationship between two processes unexplained	DSR p.252; IRP 2025 Table 2; Duynefontein EA 2017	Written confirmation of whether projects are parallel, sequential, or alternative, and IRP basis for combined capacity

Appendix A: Fact Verification Table

Claim	Primary Source	Status
Eskom has no project cost estimate	DSR Appendix B, CRR Comments 174 and 177	CONFIRMED — verbatim
DSR Table 5-5 financial response is 'included in long-term budget' only	DSR Table 5-5, p.161	CONFIRMED — verbatim
Kusile initial budget R81bn, final cost R233bn — 'most expensive coal power plant in the history of mankind'	Engineering News, 29 September 2025; Eskom statements	CONFIRMED — multiple primary sources including Eskom statements
Vogtle Units 3&4 (USA): 2,234 MW at final cost $36.8 billion (approx. R680 billion); approx. R300 billion per 1,000 MW	Engineering News, 29 September 2025; Energy Central	CONFIRMED — publicly reported final cost on commercial operation
Hinkley Point C (UK): 3,200 MW at current estimate minimum £49 billion (approx. R1.15 trillion); approx. R360 billion per 1,000 MW; still under construction	Energy Central; Beyond Nuclear International	CONFIRMED — current publicly reported estimate; project incomplete
Eskom gross debt R372.7bn at 31 March 2025; R254bn government debt relief programme; R64bn received FY2025	Eskom Annual Financial Statements 31 March 2025	CONFIRMED — Eskom's own published accounts
6 sensitivity disputes, all downward, zero upward	DSR Tables 9-1, 9-2, Appendix I	CONFIRMED — documented
Fishery exclusion zone: High, no practical mitigation	DSR pp.577–578	CONFIRMED — verbatim
Thermal discharge: Very High before mitigation	DSR p.571	CONFIRMED — verbatim
Once-through cooling requires 'exceptional circumstances' motivation	DSR pp.571–572	CONFIRMED — verbatim
Both sites lack adequate met data for EIA phase	DSR Section 11.7.1	CONFIRMED — WSP's own admission
3-month 2009 air quality baseline at Thyspunt	DSR Section 8.1.10, p.368	CONFIRMED
WSP heritage specialist: site 'unable to be supported from cultural landscape perspective'	DSR Section 11.3.16, pp.697–698	CONFIRMED — verbatim
WSP conclusion: no unmitigable constraints at Thyspunt	DSR Section 11.4, pp.706–708	CONFIRMED — verbatim
Grade I provisional protection lapses 01 February 2027	DSR Section 11.3.16, p.698	CONFIRMED — verbatim
SAHRA issued formal no-go recommendation for Thyspunt NPP in 2016 based on Hart (2012)	G16 CTS Heritage Cultural Landscape Study, February 2026, p.67	CONFIRMED — verbatim from G16

Claim	Primary Source	Status
No withdrawal of SAHRA 2016 no-go recorded in DSR or G16	G16 in full; DSR Chapter 7	CONFIRMED — absence confirmed
Thyspunt provisionally protected under NHRA s29 by SAHRA Gazette Notice 31 January 2025	SAHRA Gazette Notice 31 January 2025; DSR Section 11.3.16 p.698	CONFIRMED
NHRA s29 requires SAHRA permit for any excavation, alteration, or change to planning status of provisionally protected place	NHRA Act 25 of 1999, s29	CONFIRMED — statutory text
G16 recommends 10km x 500m Grade IIIA no-development coastal zone at Thyspunt	G16 CTS Heritage, March 2026, Recommendations p.7	CONFIRMED — verbatim
G16 recommends 18km x 1.2km Grade IIIB sensitivity zone over Thyspunt dune system	G16 CTS Heritage, March 2026, Recommendations p.7	CONFIRMED — verbatim
UNESCO tentative list includes 'The Emergence of Modern Humans: The Pleistocene occupation sites of South Africa' — submitted by DFFE August 2022	DFFE Revised South African Tentative List August 2022	CONFIRMED
Klasies River Mouth 15–36km from Thyspunt, same coastal heritage landscape	G16 CTS Heritage Cultural Landscape Study February 2026 p.67	CONFIRMED
World Heritage Convention Act 49 of 1999 obliges protection of tentative list properties	World Heritage Convention Act 49 of 1999	CONFIRMED — statutory
SRK 2023 scoped to Duynefontein only	SRK Report 594280, July 2023, ss1.1–1.2	CONFIRMED — verbatim
Eskom set aside R2.4bn for nuclear decommissioning at Koeberg by March 2025	Eskom Annual Financial Statements 31 March 2025	CONFIRMED — Eskom's own published accounts
No operational permanent deep geological repository for high-level nuclear waste exists anywhere in the world	IAEA; World Nuclear Association; Finland Onkalo documentation	CONFIRMED — established international fact
Table 10-17 rates multiple construction social impacts as Very High before mitigation	DSR Table 10-17	CONFIRMED
G14 states skilled and highly skilled construction labour 'will likely be sourced from the province or nationally, rather than locally'	G14 WSP Socio-Economic Impact Assessment Baseline Report March 2026, p.150 of 219	CONFIRMED — visually verified
20-year average chokka catch 7,000 tonnes; 33.2% of EC catch from Thyspunt zone 1999–2005	SASMIA data 2007, cited in GIBB 2015 EIR p.9-88	CONFIRMED — Eskom's own prior EIA
Humansdorp factory employs mainly women, 20–140 depending on workload	GIBB 2015 EIR p.9-89	CONFIRMED — verbatim
Dairy economy R900m pa, 60,000 cows, 820,000 litres/day	GIBB 2015 EIR p.9-86	CONFIRMED — Eskom's own prior EIA

Claim	Primary Source	Status
Tourism accommodation turnover R77.7m pa; Jeffreys Bay economy minimum R500m pa	GIBB 2015 EIR p.9-87	CONFIRMED — Eskom's own prior EIA
Cape St Francis 8.5km from Thyspunt; St Francis Bay 10.8km; both 'experiencing significant household growth'	DSR p.442	CONFIRMED — DSR's own text
Nexus Yachts describes itself as 'major stakeholder in creating a sustainable economy in the greater St. Francis region'	balancecatamarans.com craftsmanship page; Boating South Africa directory	CONFIRMED
St Francis Marine cc is a second catamaran builder operating in St Francis Bay	stfranciscatamarans.com	CONFIRMED
S34 withdrawn August 2024 confirmed in DSR	DSR p.252	CONFIRMED — verbatim
High Court review of Nuclear-1 EA launched by SAFCEI, Greenpeace Africa, and Earthlife Africa Johannesburg, March 2026	Case documents	CONFIRMED — SAFCEI press release 9 March 2026; publicly documented
Kouga SDF 2020 operative Eskom rezoning referral provision pp.6182–6187 — verbatim confirmed	Kouga SDF 2020 pp.6182–6187	CONFIRMED — verbatim extracted
Oyster Bay residential development 'subject to confirmation from Eskom as per the Thuyspunt policy'	Kouga SDF 2020 p.4694	CONFIRMED — verbatim extracted
Eskom Nuclear Sites Department has no statutory role in municipal land use decisions under SPLUMA s35 or s99	SPLUMA Act 16 of 2013, ss35 and 99	CONFIRMED — statutory
Sarah Baartman DDM One Plan contains no nuclear references; orients district to renewable energy	Sarah Baartman DDM One Plan, November 2025	CONFIRMED — full document reviewed
Kouga Coast Sub-Regional Structure Plan prepared during Nuclear-1 EIA process (December 2009) to protect Thyspunt site for Eskom	Planning history carried into 2020 SDF and 2026 MSDF	CONFIRMED — Kouga Spatial Development Framework, December 2009, Section 4.3
IRP 2025 allocates 5,200 MW new nuclear; Duynefontein Nuclear-1 EA 4,000 MW; combined up to 9,200 MW	GG No. 53596, 28 Oct 2025; DSR p.252; Duynefontein EA 2017	CONFIRMED — arithmetic from primary sources
NRWDI Act 2008 established statutory framework and fund for nuclear waste disposal — fund never established, zero rands paid in after 17 years	ESI-Africa, February 2021, citing NRWDI acting CEO Alan Carolissen	CONFIRMED — primary source
Eskom's own Koeberg Waste Management Plan states "An endpoint for HLW has not yet been decided"	Koeberg Solid Radioactive Waste Management Plan Rev 1, NNR website, 2024	CONFIRMED — Eskom's own document published on NNR website
Eskom informed ANC in 1994 that dry-cask storage facility should be built within four years — 32 years later Transient Interim Storage Facility only now being constructed	NewFrame, April 2021	CONFIRMED

Abbreviations

Abbreviation	Meaning
CBA / CBA1 / CBA2	Critical Biodiversity Area (grades 1 and 2 = highest protection priority)
CRR	Comments and Responses Report
DFFE	Department of Forestry, Fisheries and the Environment
DSR	Draft Scoping Report
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner — the firm or individual appointed to manage and conduct the EIA on behalf of the applicant. In this process: WSP Group Africa, appointed by Eskom.
EIA	Environmental Impact Assessment
FSR	Final Scoping Report — the document WSP produces after the public comment period closes. It incorporates I&AP submissions, finalises the Plan of Study, and is submitted to DFFE for acceptance before the EIA phase begins.
GNR	Government Notice Regulation
I&AP	Interested and Affected Party
IRP	Integrated Resource Plan
LCOE	Levelised Cost of Energy — total lifecycle cost of a power generation technology divided by total electricity produced (R/MWh). The standard metric for comparing the true cost of different energy options on a like-for-like basis.
MLRA	Marine Living Resources Act
MSDF	Municipal Spatial Development Framework
MW / MWh	Megawatt / Megawatt-hour
NEMA	National Environmental Management Act (Act No. 107 of 1998)
NFEPA	National Freshwater Ecosystem Priority Areas
NHRA	National Heritage Resources Act (Act No. 25 of 1999)
NNR	National Nuclear Regulator
NPP	Nuclear Power Plant
NSDF	National Spatial Development Framework
NWA	National Water Act (Act No. 36 of 1998)
OUV	Outstanding Universal Value (UNESCO World Heritage criterion)
PAJA	Promotion of Administrative Justice Act

Abbreviation	Meaning
PFMA	Public Finance Management Act (Act No. 1 of 1999)
Plan of Study	The planning document within the FSR defining what specialist studies will be conducted in the EIA phase, on what terms, and by whom. If something is not in the Plan of Study, it will not be studied.
PMG	Parliamentary Monitoring Group
PPE	Plant Parameter Envelope — the range of technology types and reactor sizes assessed in the DSR, spanning a 30-fold capacity range across three undetermined technology types.
PSDF	Provincial Spatial Development Framework
SAHRA	South African Heritage Resources Agency
SAHRIS	South African Heritage Resources Information System
SCOPA	Standing Committee on Public Accounts
SDF	Spatial Development Framework
SPLUMA	Spatial Planning and Land Use Management Act (Act No. 16 of 2013)
SWSA	Strategic Water Source Area
ToR	Terms of Reference
TPA	Thyspunt Alliance
WSP	WSP Group Africa (Pty) Ltd — appointed Environmental Assessment Practitioner
FFCSA	Fair Finance Coalition Southern Africa
NRWDI	National Radioactive Waste Disposal Institute

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