

ST FRANCIS BAY PROPERTY OWNERS NPC

Registration No: 2016/098430/08

FORMAL OBJECTION AND SUBMISSION

in response to the

Draft Environmental Scoping Report

Proposed Eskom Nuclear Power Plant, Thyspunt

Kouga Local Municipality, Eastern Cape

DFFE Reference	2025-10-0003
WSP Project No.	ZA0058322.7774
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Abbreviations and Defined Terms

The following abbreviations and defined terms are used in this submission:

Abbreviation	Meaning
AQIA	Air Quality Impact Assessment
DEDEAT	Eastern Cape Department of Economic Development, Environmental Affairs and Tourism
DFFE	Department of Forestry, Fisheries and the Environment
DSR	Draft Environmental Scoping Report
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EPZ	Emergency Planning Zone (under the National Nuclear Regulator Act, 1999)
ETE	Evacuation Time Estimate
GNR	Government Notice (Regulation)
I&AP	Interested and Affected Party
ICM Act	Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
IDP	Integrated Development Plan (Kouga Local Municipality)
LTCPS	Long Term Coastal Protection Scheme operated by the SFPO NPC
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
NNR	National Nuclear Regulator
NPC	Not for Profit Company
NWA	National Water Act, 1998 (Act No. 36 of 1998)
PAJA	Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)
PAZ	Precautionary Action Zone (5km, under NNR requirements)
PM2.5	Fine particulate matter, 2.5 micrometres or less in diameter
SAHRA	South African Heritage Resources Agency
SDF	Spatial Development Framework
SFPO NPC	St Francis Bay Property Owners Not For Profit Company (the author of this submission)
SPLUMA	Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)
SRA	Special Ratings Area (the demarcated area approved by Kouga Local Municipality)
UPZ	Urgent Protective Action Zone (16km, under NNR requirements)
WSP	WSP Group Africa (Pty) Ltd, the appointed Environmental Assessment Practitioner

In addition, two defined terms are used throughout this submission:

- "the affected area" refers collectively to St Francis Bay and the surrounding settlements within the 16km monitoring and emergency zone confirmed by the applicant's town planning specialist;
- "the core property-owner impacts" refers collectively to those impacts on property values within the SRA demarcated area, the ability to insure properties in the SRA against material risk, access to bond finance for property owners in the SRA, the right to develop and subdivide properties in the SRA, the municipal rates base from which the SRA additional levy is calculated, and the SFPO NPC's institutional capacity to discharge its mandate to its members and to operate the LTCPS.

Executive Summary

This submission is a formal objection by the St Francis Bay Property Owners Not For Profit Company (SFPO NPC) to the Draft Environmental Scoping Report (DSR) for the proposed Eskom Nuclear Power Plant at Thyspunt. The DSR is materially incomplete and cannot, on the current record, support the recommendation that Thyspunt be carried forward as the preferred site.

The SFPO NPC is the funder and operator of the Long Term Coastal Protection Scheme (LTCPS), a R142 million, privately funded, coastal sediment management programme currently under construction in the same coastal sediment cell that the proposed development will disturb. The SFPO NPC represents more than 1,600 property owners within the demarcated area of the St Francis Bay Special Ratings Area (SRA). Its objection is grounded in the direct and foreseeable consequences of the proposed development for the LTCPS, because the proposed development directly affects the SFPO NPC's ability to deliver its statutory and contractual obligations to its members within the SRA demarcated area, including the protection of property values, the ability of members to insure their properties on reasonable terms, access to bond finance, the right to develop and subdivide land, the rates base from which the SRA levy is calculated, the residential amenity expected within the SRA, and the operating environment of the Long Term Coastal Protection Scheme.

The principal grounds of objection are as follows:

- The applicant proposes to disturb the coastal sediment system in which the SFPO NPC's Long Term Coastal Protection Scheme operates, without modelling or quantifying the interaction. The applicant's own specialists confirm the impact has not been quantified.
- The applicant's own town planning specialist confirms that St Francis Bay lies within the 16km monitoring and emergency zone of the proposed facility, yet the economic consequences for property owners within that zone, including property values, insurance, development rights and the rates base, have not been assessed in any specialist report.
- The applicant's own visual specialist rates the visual impact HIGH and confirms that no effective mitigations exist.
- The negative impact of the proposed development on the tourism, holiday rental and retirement market of St Francis Bay has not been substantively assessed.
- Emergency planning has been carried forward without an Evacuation Time Estimate, without a confirmed Emergency Planning Zone for the proposed capacity, and without specifying the peak holiday population on which evacuation feasibility must be tested.
- Construction phase impacts on the residential amenity of the affected area, including dust over the expected construction period, sustained construction noise and traffic routing through residential areas, have not been adequately assessed at receptor level.

- The Health Risk assessment omits radiological risk entirely from a nuclear facility, which is a fundamental gap that materially affects the assessment of insurability, marketability and property value impacts.
- The DSR carries Thyspunt forward as the preferred site without engaging with the Nuclear-1 outcome that Thyspunt was not selected, and without comparative assessment against Bantamsklip on current data.
- The public participation process failed to deliver to the SFPO NPC, as the funder and operator of the LTCPS and as the representative body for SRA property owners, a meaningful opportunity to instruct expert advice and to engage substantively with the specialist appendices that bear on the SFPO NPC's mandate. Key specialist reports were only released on a staged basis from 10 April 2026 onward and public meeting minutes were not made available within the review period.

The SFPO NPC requests that the competent authority decline to accept the Final Scoping Report on the current record, refuse to issue a Scoping Opinion permitting the EIA phase to proceed in respect of the Thyspunt site, and direct that the No-Go alternative be adopted for the Thyspunt site. In the alternative, and without prejudice to that primary objection, the SFPO NPC requests that a defined set of corrections be made before any Final Scoping Report is accepted, and that the Plan of Study for EIA be amended to include the assessments and public review requirements set out in Section 8 of this submission.

1. Identity and Standing of the SFPO NPC

The SFPO NPC is a non-profit company incorporated under the Companies Act, 2008 (Act No. 71 of 2008). Its membership comprises all property owners within the demarcated area of the St Francis Bay Special Ratings Area (SRA). The SRA was established by resolution of the Kouga Local Municipality, under Section 22 of the Local Government: Municipal Property Rates Act 6 of 2004 read with sections 85 and 86 of the Local Government: Municipal Systems Act 32 of 2000, and commenced on 1 July 2018 following a majority member in favour. The SFPO NPC currently represents more than 1,600 property owners. It is governed by an elected Board of Directors and produces audited annual financial statements.

The SFPO NPC's mandate is to protect and enhance the value, amenity, safety and long term investment proposition of properties within the SRA demarcated area. The SRA business plan funds three programmes: the Long Term Coastal Protection Scheme, arterial road resurfacing, and a CCTV security network. The SFPO NPC operates in a formal public/private partnership with the Kouga Local Municipality.

This submission is made pursuant to Board Resolution No.15.05.26 passed 15 May 2026, by which the Board of Directors resolved to object formally to the DSR and authorised the Chairperson to sign and file this submission on behalf of the SFPO NPC and its members.

The SFPO NPC's standing to object is both legal and financial. It is legal in that the SFPO NPC is a registered non-profit company representing affected property owners within the demarcated SRA area. It is financial in that the SFPO NPC has committed R142 million to the Long Term Coastal Protection Scheme, a permitted and actively constructed coastal infrastructure programme operating in the same coastal sediment cell that the applicant proposes to disturb.

2. Legal and Procedural Framework

The SFPO NPC submits that the DSR must contain sufficient information to allow the competent authority and interested and affected parties to understand the key issues raised by the proposed development, to assess reasonable and feasible alternatives, to identify material impacts, and to determine properly the scope of the EIA phase. Where the DSR identifies Thyspunt as the preferred site, the information before the competent authority must be sufficient to support that preference. Material issues that affect property owners, ratepayers, municipal services, emergency planning, land-use rights, tourism, property values and local infrastructure cannot be deferred to the EIA phase in a manner that predetermines the site-selection outcome.

This objection is brought, and the adequacy of the DSR is to be measured, against the framework provided by:

- the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), and in particular the principles set out in section 2 thereof;
- the Environmental Impact Assessment Regulations, 2014 (Government Notice R982 of 2014, as amended) issued under NEMA;
- the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), in respect of emergency planning zones and licensing;
- the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA), together with the Kouga Local Municipality Spatial Development Framework and Integrated Development Plan;
- the Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), in respect of development within the coastal protection zone;
- the National Water Act, 1998 (Act No. 36 of 1998), in respect of water use authorisations and the protection of water resources;
- the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA), and the requirements of procedurally fair, lawful and reasonable administrative action;
- the Constitution of the Republic of South Africa, 1996, in particular Section 24 (the right to an environment that is not harmful to health or wellbeing, and to have the environment protected for the benefit of present and future generations) and Section 25 (the protection of property rights); and
- the protection of established property rights and land-use interests.

The SFPO NPC reserves the right to develop these grounds further in any subsequent appeal, review or judicial proceeding.

3. Scope of the SFPO NPC's Submission

This submission is filed by the SFPO NPC in its specific corporate capacity. It is not, and is not intended to be, a general environmental objection to the proposed development or to nuclear energy. The SFPO NPC's mandate, as set out in its founding documents and given effect by its Special Ratings Area approval, is to protect and enhance the value, amenity, safety and long term investment proposition of properties within the demarcated area of the SRA. This submission is brought in furtherance of that mandate and is constrained by it.

Two features distinguish this submission from objections lodged by other interested and affected parties. First, the SFPO NPC is the funder and operator of the Long Term Coastal Protection Scheme, a R142 million coastal infrastructure programme currently under construction in the same coastal sediment cell that the proposed development will disturb. The SFPO NPC therefore has a direct, current and quantifiable financial exposure to the proposed development that no other interested and affected party shares. Second, the SFPO NPC is a non-profit company with audited annual financial statements, an elected Board of Directors, and a formal public/private partnership with the Kouga Local Municipality. It speaks for more than 1,600 owners of property within a defined geographic area whose financial interests are directly and identifiably affected by the matters raised in this submission.

The submission is therefore confined to the property-owner, ratepayer and infrastructure consequences of the DSR's omissions, and the implications of those omissions for the long term residential, tourism, retirement and property-based economy of the affected area. The SFPO NPC does not address every environmental, heritage, marine, energy-policy or national fiscal issue raised by the proposed development. Other interested and affected parties may deal with those issues in detail.

The SFPO NPC notes that several specialist reports within the DSR record material impacts that are difficult to mitigate, including impacts on heritage and cultural landscape, marine and coastal ecology, dune geomorphology and broader environmental matters. To the extent that those findings bear on the SFPO NPC's property-owner mandate, they are referenced in this submission. The SFPO NPC does not seek to lead the specialist environmental objection to the proposed development, and reserves the right to support and rely on the submissions of other interested and affected parties on those matters.

4. Context: What is at Stake for the SFPO NPC and its Members

4.1 The Long Term Coastal Protection Scheme

The LTCPS is the primary capital programme of the SFPO NPC. It is a coastal sediment management scheme designed to arrest and reverse beach erosion at St Francis Bay through the construction of a groyne field and the nourishment of eroded beach areas with sand dredged from the Kromme River. The scheme has been approved by the Department of Environment, Development and Tourism of the Eastern Cape (DEDEAT) and is currently under active construction.

As at the date of this submission, the position is as follows. Three of four planned groynes (NG1, NG5 and NG6) are at or near full length. A purpose-built hydraulic dredger has been designed, constructed, launched and commissioned by Miller Engineered Solutions. Five kilometres of nourishment pipeline have been installed. The revetment at the Spit has been extended. The project is managed by Prodigious, engineered by Worley, constructed by WBHO, and monitored by an Environmental Monitoring Committee chaired by Professor Justin O'Riain. No National or Provincial Government funding has been received. Total funding committed as at November 2025 was R135 million against a programme budget of R142 million, drawn from the SRA rates levy, property owner donations and loans, Section 12J structured funding, and contributions from home owners associations within the affected area.

The LTCPS operates within the same coastal sediment cell as the proposed Thyspunt development. DSR Chapter 4 records that the proposed development will generate approximately 6.4 million cubic metres of excavation spoil, of which approximately 4.5 million cubic metres is proposed for disposal at sea offshore of Thyspunt. The applicant's Oceanography Scoping Report (Appendix G13, Part 1) acknowledges that the impact of this disposal on longshore drift patterns and on sediment supply to St Francis Bay beaches has not been quantified. The applicant's Dune Geomorphology Scoping Report (Appendix G01) records that beach erosion at St Francis Bay is a documented, existing condition and notes that historical dunefield stabilisation in this coastal system caused considerable erosion at St Francis Bay. The project's potential to exacerbate that erosion through disruption of sediment transport pathways is not assessed. The LTCPS is engineered around the existing sediment supply regime. A perturbation of that regime, of the volumetric scale proposed, unmodelled and unquantified, poses a direct and material financial risk to the SFPO NPC and its members.

4.2 Property Values, EPZ Designation and Financial Risk to Members

The SFPO NPC was established in 2018 following a period in which real-term property values in St Francis Bay fell by approximately 60 percent over a decade, driven by infrastructure deterioration, rising crime, and beach erosion. The SRA was the mechanism by which property owners chose to invest in their own area's recovery. Since 2018, the SFPO NPC has, in partnership with the Kouga Local Municipality, completed a number of capital projects, and commenced the LTCPS. Property values and development activity have recovered materially across the Village, Canals and The Links. St Francis Bay is now one of a small number of

coastal towns in South Africa that has experienced sustained growth in both property values and development activity over the past five years.

The applicant's own town planning specialist confirms in Appendix G24, Section 6 (page 16), that the St Francis Bay settlement cluster lies within the 16km monitoring and emergency zone of the proposed facility. The same specialist reproduces, at Section 3.3.3 of Appendix G24, the Draft Municipal Spatial Development Framework Review (2024/2025), which records that any rezoning application or change in land use within the 16km zone must be submitted to Eskom Nuclear Sites Department for review and comment before approval, and that the development of new residential estates within the high-risk zone should be strongly discouraged. These restrictions apply to the existing demarcated area of the SFPO NPC's SRA and they are already inscribed in the planning instruments governing St Francis Bay.

Despite this confirmed designation, no specialist report in the DSR quantifies the impact of EPZ status on the market value of existing properties within the zone. The Socio-Economic Scoping Report rates the devaluation of property as HIGH in the operational phase before mitigation, reducing to Moderate after mitigation, but provides no quantification of the effect, no affected-area-specific analysis, and no assessment of the property-value consequences of EPZ designation specifically. A generic High-to-Moderate rating, unquantified and not specific to the affected area, cannot support a preferred-site recommendation.

Nuclear-incident exclusions are a common feature of South African insurance policies, including life, funeral, medical and short-term property cover. This means that, in the event of a nuclear incident, properties within the EPZ would not be covered for nuclear-event losses under standard policy terms. The existence of an uninsured tail risk against the most catastrophic plausible event at a property location is, however, a recognised factor in buyer decision-making and therefore in market valuations. No assessment of this effect appears in any specialist report. No compensation framework is proposed for property owners whose values or development rights are adversely affected by EPZ designation.

The SFPO NPC's members have invested their own resources over eight years to rebuild the value of their properties. The DSR proposes, through EPZ designation, to impose a suite of economic and planning constraints on those properties without acknowledging, quantifying, or addressing the financial consequences for the owners who will bear them.

4.3 Population Profile and Seasonal Character

The St Francis Bay area within and adjacent to the SRA carries a permanent residential population of approximately 10,000 to 11,000. During the December and January peak holiday period, the area is estimated to host an additional in-bound population such that total population reaches approximately 30,000 to 50,000 people. The coastal frontage protected by the SFPO NPC's LTCPS lies within this densely occupied seasonal footprint. The SFPO NPC raises this population profile as directly relevant to the assessment of EPZ population, emergency planning, evacuation and the cumulative tourism and property economy that the LTCPS exists to protect.

The SFPO NPC submits these figures as reasonable planning estimates based on available local information and the known seasonal character of the affected area. They should be verified through the EIA process using transparent source data, including municipal records, dwelling counts, water and electricity consumption patterns, traffic counts, accommodation occupancy and seasonal visitor data. The seasonal increase is directly relevant to evacuation feasibility, road capacity, municipal services, emergency response, tourism, public safety and the assessment of whether Thyspunt can responsibly be treated as the preferred site.

5. Summary of Primary Objection

The SFPO NPC objects to the acceptance of the DSR in its current form. The DSR is materially incomplete and does not provide sufficient information to support the recommendation that Thyspunt should be carried forward as the preferred site for the EIA phase.

The deficiencies identified in this submission are not minor information gaps that can simply be deferred to the EIA phase. They go to site suitability, to the LTCPS, to the core property-owner impacts, to development rights, to emergency planning, to municipal capacity, to construction disruption, to the tourism and retirement market that drives property values in the affected area, and to the basic question whether Thyspunt can be responsibly preferred at this stage.

The classification applied to the grounds of objection in Section 7 is defined as follows:

- **Fatal Flaw in the Assessment:** the DSR is so materially incomplete on this point that it cannot, on the current record, support a recommendation to carry Thyspunt forward as the preferred site for the EIA phase.
- **Material Defect:** the DSR is incomplete on a matter that must be addressed before it can be relied upon as the basis for a site selection decision.
- **Fatal Finding on the Applicant's Own Evidence:** a complete specialist finding, made by the applicant's own specialist, of an adverse impact that cannot be mitigated and that on its own weighs decisively against carrying the site forward as preferred.

The central objection is that the DSR recommends Thyspunt as preferred while leaving unresolved matters that are material to whether Thyspunt is suitable at all. A preferred-site recommendation cannot be rationally or procedurally supported where the report has not yet quantified the interaction between the proposed development and the SFPO NPC's existing R142 million coastal protection scheme; has not assessed the economic consequences of EPZ designation for property owners within the confirmed 16km zone; has not demonstrated evacuation feasibility; has not specified the population on which evacuation must be tested; has not assessed receptor-level impacts on residential amenity over a 10 to 15 year construction period; and has not assessed radiological health risk.

The SFPO NPC requests that the Final Scoping Report not be accepted on the current record and that Thyspunt not be confirmed as the preferred site. The detailed relief sought is set out in Section 8.

6. Without-Prejudice Fallback Position

The SFPO NPC's primary position is that the Final Scoping Report should not be accepted unless the material deficiencies identified in this submission are corrected, and that Thyspunt should not be confirmed as the preferred site on the current record. In the alternative, and without prejudice to that primary objection, if the competent authority allows the process to proceed to the EIA phase, the Plan of Study for EIA must be amended to include the mandatory assessments, corrections and public review requirements identified in this submission.

Any requests made in this submission for matters to be included in the EIA phase are made in the alternative and without prejudice to the SFPO NPC's primary objection that the DSR should not be accepted in its current form.

7. Grounds of Objection

7.1	LTCPS, Coastal Sediment and Shoreline	FATAL FLAW IN THE ASSESSMENT
DSR / Appendix Reference: DSR Chapter 4; Appendix G13 (Oceanography); Appendix G01 (Dune Geomorphology); Appendix G12 (Marine Ecology); DSR Chapter 7		Legal Basis: NEMA s 24 and s 2; Integrated Coastal Management Act 24 of 2008; PAJA

The proposed development will disturb the coastal sediment system in which the SFPO NPC's Long Term Coastal Protection Scheme operates, without modelling or quantifying that interaction.

What the DSR and its appendices state

DSR Chapter 4 records that the proposed development will generate approximately 6.4 million cubic metres of excavation spoil, of which approximately 4.5 million cubic metres is proposed for disposal at sea offshore of Thyspunt. Significant marine infrastructure, including cooling water intake and outfall structures, is also proposed. The Oceanography Scoping Report (Appendix G13, Part 1) addresses the potential effect of these works on coastal sediment dynamics but expressly acknowledges that the impact on longshore drift patterns and on sediment supply to St Francis Bay beaches has not been quantified. The same report acknowledges that the cumulative effect of adding spoil-derived material to the coastal system, alongside existing nourishment volumes, has not been assessed. The Dune Geomorphology Scoping Report (Appendix G01) records that beach erosion at St Francis Bay is an established and documented condition, and notes that historical dunefield stabilisation in this coastal system caused considerable erosion at St Francis Bay. The project's potential to exacerbate that erosion through disruption of sediment transport pathways is not assessed. The DSR does not address compliance with the Integrated Coastal Management Act, 2008, in respect of the proposed marine infrastructure or the disposal of 4.5 million cubic metres of sand at sea within the coastal protection zone.

Why this is a fatal flaw

The SFPO NPC has committed R142 million to the LTCPS. The scheme is approved, permitted, and actively under construction in the same coastal sediment cell that the Thyspunt development will disturb. The LTCPS groynes are structural works engineered to function within the existing sediment supply regime. The commissioned hydraulic dredger and nourishment pipeline are calibrated to that same regime. The applicant's own specialists have acknowledged, in Appendices G13 and G01 respectively, that the impact of Thyspunt's marine works and sand disposal on sediment supply to St Francis Bay has not been modelled, and that the project's contribution to an existing, documented erosion condition at St Francis Bay has not been assessed.

The financial exposure of the SFPO NPC and its members to an unmodelled perturbation of this sediment system is current and material. The LTCPS is not a proposed future scheme. It is under construction, with R135 million committed, contractors on site, groynes in the water, and a commissioned dredger operating. The applicant proposes to introduce a competing intervention of vastly larger volumetric scale into the same system without any modelling of the interaction, and without engagement with the SFPO NPC regarding the existing scheme.

A scoping report which acknowledges, through its own specialist appendices, that it has not quantified the impact on an adjacent, permitted and actively funded coastal protection scheme cannot support a recommendation to carry the site forward. This is a fatal flaw in the assessment.

7.2	EPZ, Property Values, Financial Risk and Insurance	FATAL FLAW IN THE ASSESSMENT
DSR / Appendix Reference: Appendix G24 (Town Planning), ss 3.3.2, 3.3.3 and s 6 (p 16); Appendix G14 s 9.1.2 (p 177); DSR s 3.10.3		Legal Basis: NEMA s 24; National Nuclear Regulator Act 47 of 1999; SPLUMA; Constitution s 25

The applicant's own town planning specialist confirms St Francis Bay lies within the 16km monitoring and emergency zone, yet the economic consequences for property owners within that zone have not been assessed.

What the DSR and its appendices state

The Town Planning Scoping Report (Appendix G24) is the only specialist report that addresses the relationship between the proposed development and the existing settlement fabric of St Francis Bay. The specialist confirms, at Section 6 (page 16), that the St Francis Bay settlement cluster lies within the 16km monitoring and emergency zone of the proposed facility. The specialist further reproduces, at Section 3.3.3, the Draft Municipal Spatial Development Framework Review (2024/2025), which records that, within the 16km zone, all rezoning applications and changes in land use must be submitted to Eskom Nuclear Sites Department for review and comment before approval, and that the development of new residential estates or settlements within the high-risk zone should be strongly discouraged.

The Kouga Spatial Development Framework (February 2021), reproduced in Appendix G24 at Section 3.3.2, already requires that any proposed changes to land uses within the 16km zone be brought to the attention of Eskom Nuclear Sites Department for consideration and comment before approval, and provides that institutional land uses such as prisons, old age homes and hospitals that may result in the concentration of a resident population should not be developed within 16km of the site, because of potential evacuation difficulties.

The town planning specialist rates the significance of these planning restrictions as Very Low, on the basis that the SDF already accommodates the nuclear site and that future urban proposals within the zone are unlikely. No quantification of the economic consequences for existing property owners is provided. The Socio-Economic Scoping Report rates the devaluation of property as HIGH in the operational phase before mitigation, reducing to Moderate after mitigation, but provides no quantification of the effect, no affected-area-specific analysis, and no assessment of the property-value consequences of EPZ designation specifically. A generic High-to-Moderate rating, unquantified and not specific to the affected area, cannot support a preferred-site recommendation. Beyond that generic devaluation rating, no specialist report assesses the EPZ-designation-specific impact on property market values, on development rights, on subdivision rights, on insurance exposure or on the municipal rates base, and no compensation framework is proposed.

Why this is a fatal flaw

The Very Low significance rating applied by the town planner in Appendix G24 measures only spatial planning compliance, namely whether future development proposals will be consistent with the SDF. It does not measure, and does not purport to measure, the market value effect on existing properties of being required to route all rezoning and development applications through Eskom Nuclear Sites Department as a condition of approval, of being subject to population density restrictions, and of having future densification and subdivision options constrained. These are economic impacts on existing owners, not forward planning considerations.

The consequence for the SFPO NPC is direct. The SRA levy that funds the LTCPS, the security network and road maintenance is calculated as a percentage of each property's annual municipal rates assessment. If property values within the SRA demarcated area decline as a result of EPZ designation and associated market perception effects, the rates base declines proportionally and the SRA levy declines with it. The programmes the SFPO NPC operates, which were established precisely because municipal service delivery had deteriorated to an unacceptable level, are directly exposed to the same fiscal erosion that the applicant has not assessed.

On the insurance position, nuclear-incident exclusions are a common feature of South African insurance policies, including life, funeral, medical and short-term property cover. Properties within the EPZ therefore carry an uninsured tail risk against nuclear events under standard policy terms. Outside a nuclear event, properties remain insurable in the normal way. However, the existence of an uninsured tail risk against the most catastrophic plausible event at a property location is a recognised factor in market valuations and in buyer decision-making. The DSR does not acknowledge or quantify this effect.

On development rights, EPZ designation can effectively restrict subdivision, second-dwelling rights, guesthouse use, retirement-village development, commercial use and other land-use rights in the affected area. The result is a form of land-use restriction imposed on existing properties, with consequences for property value, saleability and market confidence, but without the procedural protections that ordinary down-zoning under SPLUMA would attract and without any compensation mechanism.

On compensation, no compensation framework is proposed for property owners whose values or development rights are adversely affected. No buy-out mechanism is proposed. No rates rebate framework is proposed. The DSR is entirely silent on how the private financial costs of EPZ designation are to be borne, allocated or addressed.

A scoping report which confirms, through its own specialists, that St Francis Bay lies within the nuclear monitoring zone, yet fails to assess the economic consequences for existing property owners within that zone, cannot support a recommendation to carry the site forward. This is a fatal flaw in the assessment.

7.3	Visual Impact	FATAL FINDING ON THE APPLICANT'S OWN EVIDENCE.
DSR / Appendix Reference: Appendix G15 (Visual Scoping Report); DSR Chapter 10		Legal Basis: NEMA s 24; mitigation hierarchy

The applicant's own visual specialist rates the visual impact HIGH and expressly confirms that no effective mitigations exist.

What the DSR and its appendices state

The Visual Scoping Report (Appendix G15), incorporated into DSR Chapter 10, rates the visual impact of the proposed development as HIGH. The specialist expressly acknowledges that no effective mitigations exist for a nuclear power facility of this scale in a coastal landscape. Reactor buildings, cooling towers, transmission infrastructure and ancillary structures of the size proposed cannot be screened, reduced in height, or materially concealed within the affected viewshed.

Why this is fatal to the recommendation

St Francis Bay's economy, and with it the property values of the SFPO NPC's members, is substantially dependent on the town's character as a clean, scenic and unspoilt coastal destination. This character underpins property demand, tourism activity, the holiday rental market, and the retirement migration that the town's Vision 2030 strategy identified as the foundation of its economic model. Coastal amenity and scenic quality are not peripheral concerns in this market. They are primary drivers of demand and of price.

The applicant's own specialist has produced a finding that admits of no mitigation: the visual impact is HIGH and it cannot be reduced. Where a specialist engaged by the applicant

concludes that an impact on a tourism-dependent coastal area is HIGH and unmitigable, the appropriate response at the scoping stage is to identify the site as unsuitable. There is no EIA phase process by which this finding can be resolved. It can be documented in greater detail, but it cannot be remedied.

This is not a gap in the assessment. It is a complete finding by the applicant's own visual specialist that the impact is HIGH and cannot be mitigated. A scoping report cannot rationally carry forward, as preferred, a site that its own specialist has found to carry an unmitigable HIGH visual impact on a tourism-dependent coastal economy.

7.4	Tourism, Holiday Rental and Retirement Market	MATERIAL DEFECT
DSR / Appendix Reference: Appendix G14 (Socio-Economic Scoping Report)		Legal Basis: NEMA s 24; need and desirability

The negative impact on the tourism, holiday rental and retirement market of the affected area has not been substantively assessed.

What the DSR and its appendices state

The Socio-Economic Scoping Report (Appendix G14) addresses tourism primarily as a source of positive economic opportunity arising from construction-phase spending in the local economy. There is no dedicated assessment of the negative impact on the tourism and lifestyle economy of the affected area. There is no destination competitiveness analysis. There is no assessment of how nuclear association affects visitor perceptions and demand. There is no comparison with the performance of comparable nuclear-adjacent coastal communities. There is no assessment of the impact on the holiday rental market. There is no assessment of the impact on the retirement and lifestyle property market that drives a material portion of economic activity in the affected area. The DSR also acknowledges that local economic activity will contract when the construction workforce leaves but does not model the transition from a large construction workforce to a much smaller operational workforce, or the consequences of that transition for accommodation, retail, hospitality, professional services and commercial property in the affected area.

Why this is a material defect

The affected area's property market is closely linked to tourism, retirement, holiday-home ownership and coastal lifestyle value. A significant proportion of properties in the affected area earn income from short-term holiday letting, agency lettings and online platforms. That income forms part of the value of those properties. Construction noise, traffic, prolonged disruption and the perception of nuclear proximity are all foreseeable risks to rental yield, occupancy rates and the willingness of holiday-makers to book. The DSR does not assess this rental-income channel at all.

The retirement market is similarly central. The affected area competes for retirement and lifestyle migration with Plettenberg Bay, Hermanus and Knysna. None of those competing destinations carries a nuclear industrial association. The DSR does not assess how the introduction of a nuclear power station of up to 5,200 MW combined capacity, together with a 10 to 15 year construction period, would alter the affected area's competitive positioning as a retirement and lifestyle destination.

An assessment that frames tourism only positively, that omits the most obvious negative impacts on a destinations-based economy, and that does not model the transition from construction to operational phase, is not a balanced or complete assessment. It cannot support a site selection recommendation.

The DSR's tourism, rental and retirement market assessment is incomplete in respect of the very impacts that are most material to the affected area. This is a material defect that must be addressed before the Final Scoping Report is accepted.

7.5	Emergency Planning, Evacuation and Safety	MATERIAL DEFECT
DSR / Appendix Reference: DSR s 3.10.3 and Chapter 12; Appendix G20 (Traffic Scoping Report); Appendix G19 (Health Risk)		Legal Basis: NEMA s 24; National Nuclear Regulator Act 47 of 1999

Emergency planning has been carried forward without an Evacuation Time Estimate, without a confirmed Emergency Planning Zone for the proposed capacity, and without specifying the population on which evacuation feasibility must be tested.

What the DSR and its appendices state

DSR Section 3.10.3 references the Koeberg EPZ structure, comprising a 5km Precautionary Action Zone and a 16km Urgent Protective Action Zone, but expressly states that the exact delineation of the Thyspunt EPZ is yet to be determined. The DSR records evacuation timeframes drawn from Koeberg requirements and states that evacuation must be demonstrated through a traffic evacuation model accepted by the National Nuclear Regulator. No Evacuation Time Estimate modelling is presented. The DSR does not specify the peak holiday population to be used for evacuation planning. The Traffic Scoping Report (Appendix G20) does not identify the R330 two-lane bridge as a capacity constraint. The DSR does not address the consequence that, in a radiological emergency, evacuation of the affected area would rely on a single road with a two-lane bridge bottleneck. The Health Risk Scoping Report (Appendix G19) does not address the single-access constraint in the health risk context. There are no nuclear emergency medical facilities in the Eastern Cape, and the DSR does not assess how radiological medical emergencies would be managed.

Why this is a material defect

Emergency planning and evacuation are not only public safety concerns. They are also central to property market confidence, to insurance, to access to bond finance, to development restrictions and to the long term residential and tourism character of the affected area. A site cannot be treated as preferred while the most basic emergency planning question remains unanswered: can the affected population actually get out in time?

Any evacuation model that does not test the peak holiday population would materially understate the population at risk. The SFPO NPC's planning estimate, set out in Section 4.3, is that the normal out-of-season population is in the order of 10,000 to 11,000 people, increasing to between approximately 30,000 and 50,000 people during the December and January peak holiday period. Evacuation must be tested against both scenarios, against the capacity of the R330 and the two-lane bridge, and against a credible failure scenario for the bridge. The absence of any of these analyses at scoping stage is not a deferrable gap. It is a foundational omission that goes directly to whether Thyspunt can be supported as a preferred site.

Emergency planning has been treated by the DSR as a future technical exercise rather than as an integral part of site suitability. That treatment is incorrect. This is a material defect that must be addressed before the Final Scoping Report can be relied upon.

7.6	Construction Phase Impacts on Residential Amenity	MATERIAL DEFECT
DSR / Appendix Reference: DSR Chapter 4 and Chapter 10; Appendix G19 (Health Risk); Appendix G20 (Traffic)		Legal Basis: NEMA s 24; receptor-specific assessment requirements

Construction phase impacts on the residential amenity of the affected area, including dust, noise and traffic over the expected construction period, have not been adequately assessed at receptor level.

What the DSR and its appendices state

DSR Chapter 4 records that construction will involve excavation of 7.9 million cubic metres of sand and will extend over a 10 to 15 year period. The Health Risk Scoping Report (Appendix G19) acknowledges that the Air Quality Impact Assessment is incomplete, and identifies that construction dust from excavation of this scale will be carried by dominant wind patterns toward residential areas, but does not provide a receptor-specific dust impact assessment for the affected area. DSR Chapter 10 confirms that the construction noise impact will not be quantified at scoping stage. The Traffic Scoping Report (Appendix G20) relies on 2010 traffic count data prepared for the previous Nuclear-1 project. It does not identify the R330 two-lane bridge as a capacity constraint, does not provide updated traffic counts for the proposed 5,200 MW facility, and does not assess construction traffic routing through residential areas for safety, noise, dust and amenity impacts on residents.

Why this is a material defect

The affected area is a residential, tourism and retirement community in which residential amenity is a foundational driver of property value. Sustained dust, noise and traffic over a 10 to 15 year construction period would fundamentally degrade that amenity. The DSR identifies these impacts in concept but does not assess them at the receptor level necessary to inform a site selection decision. The reliance on 2010 traffic data for a 5,200 MW facility that will not break ground for years is not a defensible baseline. The deferral of construction noise quantification to the EIA phase is not a deferrable gap when the question being answered at scoping stage is whether Thyspunt is a suitable site at all.

For the SFPO NPC's members, these impacts affect daily life, the quality and saleability of properties, the confidence of holiday rental tenants and the overall functioning of the area as a residential and tourism destination.

Receptor-specific assessment of dust, noise and construction traffic, based on current project-specific data, is essential before any preferred-site recommendation can be supported. This is a material defect.

7.7	Health and Radiological Risk	MATERIAL DEFECT
	DSR / Appendix Reference: Appendix G19 (Health Risk Scoping Report, INFOTOX (Pty) Ltd); DSR Chapter 4	Legal Basis: NEMA s 24; National Nuclear Regulator Act 47 of 1999; Constitution s 24

The Health Risk assessment omits radiological risk entirely from a nuclear facility. This is a fundamental gap that materially affects the assessment of insurability, marketability and property value impacts.

What the DSR and its appendices state

The Health Risk Scoping Report (Appendix G19), prepared by INFOTOX (Pty) Ltd, is structured as a Rapid Appraisal Health Impact Assessment confined to PM2.5 particulate matter. The report does not address radiological health risk at any point. There is no assessment of radiological exposure pathways, no assessment of population dose, no assessment of cumulative or chronic radiological exposure, and no assessment of the radiological risk implications of the single-access road constraint or the absence of nuclear emergency medical facilities in the Eastern Cape. The receptor population is given as 12,234 (Census 2022 for Wards 1 and 12), which omits the seasonal population peaks identified in Section 4.3 of this submission. The report's foundational assumption of no significant population influx contradicts DSR Chapter 4, which describes a workers' village housing approximately 9,000 to 10,000 construction workers.

Why this is a material defect

For a nuclear power facility, a health impact assessment that addresses only PM2.5 particulate matter and does not address radiological risk is not a complete assessment. The omission is fundamental. It cannot be cured by the existence of a separate nuclear safety regulatory

regime, because the EIA process is required to assess all material health impacts on potentially affected communities. Radiological risk is the principal residual health risk associated with a nuclear facility, and its omission from a health risk appendix prepared specifically for this development is not an oversight that can be deferred.

The omission has a direct property-owner consequence. The marketability of properties within the EPZ, the willingness of buyers to enter the market, the willingness of insurers to write policies without nuclear-incident exclusions, and the long term confidence of the property market all depend on the existence of a credible, transparent and complete radiological health risk assessment. The DSR does not contain one.

A health risk assessment for a nuclear facility that addresses only PM2.5 particulate matter and omits radiological risk entirely is not a complete assessment. This is a material defect that must be addressed before the Final Scoping Report can be relied upon as a basis for a site selection decision.

7.8	Site-Selection Reversal Without Reasons	MATERIAL DEFECT
DSR / Appendix Reference: DSR Chapter 2 (project history); DSR Chapter 4; cross-reference to Nuclear-1 EIA outcomes		Legal Basis: NEMA s 2 and s 24; 2014 EIA Regulations (alternatives consideration); PAJA

The DSR carries Thyspunt forward as the preferred site without engaging with the Nuclear-1 finding that Thyspunt was not selected as the preferred site, and without providing a comparative assessment against Bantamsklip on current data.

What the DSR and its appendices state

The Nuclear-1 Final Environmental Impact Report identified Thyspunt as the preferred site, but the competent authority authorised Duynefontein instead. The current DSR carries Thyspunt forward as the preferred site for a substantially larger facility without engaging with that reversal, without explaining what has changed environmentally, socially, technically or legally to justify it, and without a reasoned comparative assessment against Bantamsklip on current data. The applicant's preference for Thyspunt is recorded in the DSR without the comparative analysis that would justify it.

Why this is a material defect

The National Environmental Management Act, 1998, sets out the principles applicable to environmental decision-making, including the requirement that alternatives be properly considered. The 2014 EIA Regulations require a Scoping Report to identify and assess reasonable and feasible alternatives. A Scoping Report that advances Thyspunt as the preferred site while bypassing the substantive reasons that previously weighed against it, and without comparative analysis of the only remaining alternative site on current data, is not the

alternatives analysis that NEMA and its Regulations require. It is a justification exercise, not a comparative assessment.

For the SFPO NPC, this defect compounds the standing position set out in Section 7.1. The financial exposure of the SFPO NPC and its members to the proposed development is being incurred on the basis of a site selection that reverses a prior outcome without explanation. The Final Scoping Report must engage with the Nuclear-1 record on its merits, must demonstrate why the considerations that previously weighed against Thyspunt no longer apply, must demonstrate why the larger scale of the proposed facility intensifies rather than alleviates those considerations, and must provide a genuine comparative assessment against Bantamsklip on current data, before any preferred-site conclusion can be confirmed.

A Scoping Report that advances a preferred-site recommendation by reversing a prior site-selection outcome without engaging with the reasons for that reversal, and without comparative assessment of the only remaining alternative site, does not meet the alternatives requirement of NEMA. This is a material defect that must be addressed before the Final Scoping Report can be relied upon as a basis for a site selection decision.

7.9	Procedural Unfairness and Public Participation Defects	FATAL FLAW IN THE ASSESSMENT
DSR / Appendix Reference: Appendix B (Public Participation Report); the public participation process generally		Legal Basis: NEMA s 2; PAJA; Constitution s 33

The public participation process for the DSR has materially constrained the ability of Interested and Affected Parties, including the SFPO NPC and its members, to engage meaningfully with the specialist material on which the DSR’s preferred-site recommendation depends.

What the DSR and its appendices state

The DSR was released for public review on 1 April 2026 for a period of 30 days, subsequently extended on application. The Socio-Economic and Oceanographic Scoping Reports were not available for download from the start of the public review period and were only made available, on a split-file basis, on or after 10 April 2026. Further specialist files, including parts of the Public Participation Report and other supporting material, were either not available for download at all during the original review period or were available only intermittently. The public meetings convened during the review period did not present the substantive content of the specialist reports to attendees. Minutes of the public meetings have not been made publicly available within the review period, with the consequence that questions raised at those meetings remain unanswered on the record.

Why this is a fatal flaw

The National Environmental Management Act, 1998, requires the participation of all Interested and Affected Parties in environmental decision-making. The Promotion of Administrative Justice Act, 2000, requires that administrative action be procedurally fair. Section 33 of the

Constitution entrenches the right to just administrative action. A public review period of 30 days for a Draft Scoping Report of more than 700 pages together with more than 20 specialist appendices was insufficient on its own. The further reduction of available time through the staged or absent release of key specialist files materially compromised the ability of the affected community to engage with the substantive material. The non-presentation of specialist content at public meetings, and the non-release of public meeting minutes, compound the constraint.

For the SFPO NPC, this is not a peripheral procedural complaint. The substantive content of the Socio-Economic, Oceanographic and Public Participation Reports is central to the grounds set out at Sections 7.1, 7.2 and 7.4 of this submission. The withholding or staged release of those documents during the original review period prevented full and timely engagement with the very matters this submission addresses. The Final Scoping Report cannot lawfully be accepted on a record where Interested and Affected Parties were denied a meaningful opportunity to participate in the scoping of a development of this scale and consequence for the affected area.

The public participation process for the DSR did not give Interested and Affected Parties a meaningful opportunity to engage with the specialist material on which the preferred-site recommendation depends. This is a fatal flaw in the assessment.

8. Relief Sought

The relief sought is set out in three parts: primary relief, required corrections before any acceptance of the Final Scoping Report, and alternative relief, without prejudice.

8.1 Primary Relief

The SFPO NPC requests that the competent authority:

8.1.1 Decline to accept the Final Scoping Report and refuse to issue a Scoping Opinion permitting the EIA phase to proceed in respect of the Thyspunt site, on the basis that the DSR is materially incomplete on matters that go to site suitability.

8.1.2 Direct that Thyspunt not be confirmed as the preferred site on the current record, because the DSR does not provide sufficient information to support that conclusion.

8.1.3 Direct that the No-Go alternative be adopted for the Thyspunt site.

8.2 Required Corrections Before Acceptance of the Final Scoping Report

If the competent authority does not direct that the No-Go alternative be adopted, the SFPO NPC requests that the following matters be corrected, completed or assessed before the Final Scoping Report is accepted:

8.2.1 A quantified model of the interaction between the proposed sand disposal volumes of approximately 4.5 million cubic metres, the proposed marine infrastructure, and the St Francis Bay Long Term Coastal Protection Scheme, including the effect on longshore drift and on sediment supply to St Francis Bay beaches, prepared in consultation with the SFPO NPC.

8.2.2 Confirmation or scenario-based assessment of the Emergency Planning Zone boundaries for the proposed 5,200 MW facility, with mapping of affected properties and populations within the demarcated SFPO NPC SRA area.

8.2.3 An affected-area-specific property value assessment, conducted by independent valuation expertise, with peer review and transparent methodology, segmented by property type (residential, holiday letting, commercial, retirement, vacant erven), with engagement with insurers, reinsurers and bond-finance providers, and with a defined geographic reach covering the Emergency Planning Zone and an appropriate buffer.

8.2.4 A review of available international evidence on property-value impacts in communities adjacent to nuclear installations, applied to the affected area as part of the property-value assessment.

8.2.5 A quantified assessment of the impact of EPZ designation on development rights, subdivision rights and the municipal rates base within the SFPO NPC SRA demarcated area, together with a proposed compensation framework for property owners whose values or development rights are adversely affected.

8.2.6 A dedicated negative tourism impact assessment for the affected area, including a destination competitiveness analysis, a holiday rental market assessment and a retirement and lifestyle property market assessment.

8.2.7 Preliminary Evacuation Time Estimate modelling, including normal and peak seasonal population scenarios using a planning range of approximately 10,000 to 11,000 people out of season and approximately 30,000 to 50,000 people during the December and January peak holiday period, together with explicit modelling of the R330 two-lane bridge bottleneck, a credible failure scenario for the bridge, and public disclosure of all assumptions.

8.2.8 Updated construction traffic estimates based on the current 5,200 MW project, not the 2010 Nuclear-1 traffic assumptions, together with receptor-specific assessment of dust, noise and construction traffic on residential and tourism communities within the affected area.

8.2.9 A radiological health risk assessment for the proposed 5,200 MW facility addressing exposure pathways, population dose, the implications of the single-access road constraint, the absence of nuclear emergency medical facilities in the Eastern Cape, and the seasonal population profile of the affected area.

8.2.10 Disclosure in the Final Scoping Report of the Nuclear-1 EIA findings on Thyspunt and a reasoned explanation of what has changed environmentally, socially, technically or legally to justify the current preferred-site recommendation, given that the Nuclear-1 Final Environmental Impact Report identified Thyspunt as the preferred site but the competent authority authorised Duynefontein instead.

8.2.11 Public release for comment of all new or materially revised assessments produced in response to this submission, for a period of not less than thirty (30) days, before the Final Scoping Report is accepted or any preferred-site conclusion is confirmed.

8.2.12 Public release of all specialist appendices and supporting documents that were unavailable or only partially available during the original public review period, together with public release of the minutes of all public meetings held during that period, and a further public participation period of not less than thirty (30) days from the date of full document availability.

8.2.13 Direct engagement with the SFPO NPC as the funder and operator of the LTCPS and as an organised property-owner and ratepayer body on coastal sediment, property values, development rights, insurance, access to bond finance, municipal services, emergency planning, tourism impacts and local infrastructure implications.

8.3 Alternative Relief, Without Prejudice

If the competent authority nevertheless allows the process to proceed to the EIA phase, and without prejudice to the SFPO NPC's primary objection, the SFPO NPC requests that the Plan of Study for EIA be amended to include all assessments, corrections and public review requirements set out in Section 8.2 above.

9. Reservation of Rights

The SFPO NPC expressly reserves all rights arising from or in connection with this EIA process, including:

- the right to make further written submissions during any subsequent public participation phases of this or any related EIA process;
- the right to attend, make representations at, and cross-examine specialists at any public hearing convened in connection with this development;
- the right to appeal any environmental authorisation granted in respect of this development under section 43 of NEMA;
- the right to seek judicial review of any decision arising from this EIA process under the Promotion of Administrative Justice Act, 2000, NEMA, the Constitution of the Republic of South Africa, 1996, and any applicable common law grounds;
- the right to participate in, support or institute, alone or jointly with other affected parties, any litigation or other proceedings necessary to protect the interests of its members; and
- the right to supplement or amend this submission as further information becomes available, including the results of additional specialist studies, any revised or final Scoping Report, or any decision in related proceedings.

This submission does not constitute acceptance of the adequacy of the DSR, the preferred-site recommendation, or the deferral of material issues to the EIA phase. Any requests made for matters to be included in the EIA phase are made in the alternative and without prejudice to the SFPO NPC's primary objection that the DSR should not be accepted in its current form.

The SFPO NPC records that the public review period of 30 days for a document of this volume, comprising the main DSR and more than 20 specialist appendices totalling several hundred pages, was inadequate for a thorough response. The SFPO NPC reserves the right to raise the adequacy of the public participation process as a ground in any subsequent proceedings.

10. Signature and Contact Details

This submission is made by the St Francis Bay Property Owners Not For Profit Company, for and on behalf of its more than 1,600 members, pursuant to Board Resolution No. 15.05.26 passed 15 May 2026.

Wayne Furphy

Chairperson

St Francis Bay Property Owners NPC

Date: 28 May 2026

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This submission is filed within the public review period for the Draft Environmental Scoping Report (DFFE Reference: 2025-10-0003; WSP Project No: ZA0058322.7774), which closes on 29 May 2026.