



APPENDIX 4: Comments and Responses Report

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT

**SCOPING & ENVIRONMENTAL IMPACT ASSESSMENT (S&EIA) FOR THE
PROPOSED 2 MEGALITRES PER DAY (MLD) SOLAR POWERED SEAWATER
DESALINATION PLANT IN THE PORT OF EAST LONDON, BUFFALO CITY
METROPOLITAN MUNICIPALITY, EASTERN CAPE PROVINCE, BY TRANSNET
NATIONAL PORTS AUTHORITY**

DFFE Pre-Application Reference Number: 2026-04-0038

July 2026



ANCHOR
environmental

PART OF



I COMMENTS AND REPONSES REPORT

I.1 COMMENTS RECEIVED FROM THE PUBLIC AND OTHER I&APs AND ASSOCIATED RESPONSES FROM THE ENVIRONMENTAL ASSESSMENT PRACTITIONER, RELEVANT SPECIALISTS, APPLICANT, AND/ OR THE ENGINEERS DURING INITIAL EIA APPLICATION/ SUBMISSION IN 2025.

Date of comment, format of comment name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
FIRST APPLICATION: 22 AUGUST 2024 TO 31 OCTOBER 2025		
Pre-Application Phase Comments		
13 September 2024		
Email Department of Forestry, Fisheries and the Environment (DFFE): Priority Infrastructure Projects—Integrated Environmental Authorisations (Trisha Pillay)—Competent Authority (CA)	1. Please provide additional information pertaining to the applicability of the Listed Activities mentioning the Ports development footprint: The Elia Regulations define "development footprint" as any evidence of physical alteration as a result of the undertaking of any activity. Can you kindly provide admissible proof that there has been alteration in terms of infilling, depositing, dredging, excavation, removal or moving of material at the proposed site (where the proposed access road is to be placed, and the proposed drilling sites. Or are the specific sites for the access roads and drilling site areas underlain by concrete, a manmade depression.	EAP (Ms Cheruscha Swart): It is important to clarify that this query did not pertain to the actual Scoping and Environmental Impact Assessment (S&EIA) process for the proposed project. Rather, it related to the feasibility study that was conducted prior to the commencement of the S&EIA. This matter, along with supporting evidence, was also presented during the pre-application meeting held on 26 September 2024. Furthermore, a formal letter containing the relevant evidence was submitted to the Department of Forestry, Fisheries and the Environment (DFFE) via email on 17 October 2024. At that stage, it was agreed that the feasibility study would continue to explore alternatives and aim to avoid the creation of an access road over the dune area.
Name: Adv. Radia Razack: Integrated Coastal Management Email Address: RRazack@dffe.gov.za Name: Yazeed Peterson: Director Coastal Pollution Management Email: YPeterson@dffe.gov.za Telephone No.: 0214937054	2. Kindly note to determine whether the proposed site is regarded as a Coastal Public Property DFFE Oceans and Coast would have to be consulted please find details below;	EAP: The EAP continued to engage with the DFFE: Oceans and Coast Directorate using the contact details provided by the Department. A response was received on 4 October 2024. The email correspondence sent by the EAP, along with the response received from the DFFE: Oceans and Coast, is provided in the table below. It is also included as Appendix 5 and Appendix 10 of the Final Scoping Report and an appendix in the draft EIAR.
ORV Permitting: Queries should be directed to the Sub-Directorate: Coastal Protection and Development Telephone No.: 021 819 2598 Email: ORVPermitting@environment.gov.za	3. Kindly be aware since you are proposing to construct an access road on the coastal zone therefore tractor loader backhoe will be used in the coastal zone you may require an ORV Permit as well. Find details below:	EAP: This query did not relate to the formal S&EIA process for the proposed project, but rather to the feasibility study undertaken prior to the commencement of the S&EIA. It was agreed that the feasibility study would continue to investigate alternatives and aim to avoid constructing an access road over the dune area, thereby preventing the need to apply for an Off-Road Vehicle (ORV) permit.

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	Kindly submit the additional information by Tuesday @12pm or sooner if possible	
26 September 2024	Please find attached the transcription for today's meeting as well as a link to access the recording of the meeting below. I have also included the relevant details of the directorates within DFFE to obtain comments from. https://environmentzamy.sharepoint.com/:v/g/personal/tpillay_environment t_gov_za/ER8nhewTtqNCnBtx7 fbbPyoBnhuT72XpO1BcxS6wQTL7w?e=7Gfbqu&nav=eYjZWZlcnJhbEluZm8iOncismVmZXJyYWw6cHAI0JtHdHIjY W1XZWJB cHAI0JyZWZlcnJhbFZpZC0iOjTaGFyZURpYWwvYj1MaW5rliwcmVmZXJyYWw xBcHBQ bGF0Zm9ySi6lIdYlslInJmVycmFstW9kZSI6InZpZCxfX0%3D	EAP: The sharing of the meeting transcription link was acknowledged, received, and used by the EAP to compile the official minutes of the meeting, which were subsequently submitted to the DFFE for review and acceptance.
Email	DFFE contact list of respective units	The DFFE Protected Areas Directorate was contacted to obtain information requested by the CA during the pre-application meeting. In response, Ms T. Leballo advised that Mr Thivhulawi Nethononda was the appropriate official to assist, after which the EAP made direct contact with him. A response from Mr Nethononda, dated 04 February 2025, is included in the table below.
Department of Forestry, Fisheries and the Environment (DFFE): Priority Infrastructure Projects— Integrated Environmental Authorisations (Trisha Pillay)	DFFE Protected Areas Directorate: Name: Mr Rofhiwa Telephone no.: 012 399 8801 Email: RMagodi@dffe.gov.za; and b. Name: Tshwanelo Leballo Telephone no.: 012 399 9561 Email: t.leballo@dffe.gov.za DFFE Oceans and Coast Directorate: Name: Funanani Ditinti Telephone: 0123999847 Email: fditinti@dffe.gov.za / OCEIA@dffe.gov.za DFFE Biodiversity Conservation Directorate: a. Email: BCAdmin@dffe.gov.za	The relevant contacts from the various DFFE units were added to the Interested and Affected Parties (I&AP) database, and the Draft Scoping Report was circulated to them for comment as part of the Scoping Phase public participation process. See Appendix 9 of the Final Scoping Report for proof that correspondence was sent to them. The DFFE Directorate: Biodiversity Conservation acknowledged receipt of the invitation to review and comment on the project on 25 March 2025. Their comment is included in the table below. They also indicated that the project has been allocated to Mrs M Rabothata and Ms Lindiwe Dlamini. Ms Mashudu Mudau from the DFFE Protected Areas Directorate provided an official response on 7 April 2025, which is included in the table below. Proof of comments received from these Directorates are provided in Appendix 5 and Appendix 10 of the Final Scoping Report.
04 October 2024	I hope this email finds you well and please accept my apologies for the late response. There is no delineated CPP boundary for ports as they do not form part of the CPP see the provision from the ICM Act.	EAP: We acknowledge that this is a response to our query addressed to Adv. Razack and Dr Peterson, dated 16 September 2024.
Email		<u>Our query was as follows:</u> "Anchor Environmental Consultants is preparing a Scoping and Environmental Impact Assessment (S&EIA) for a desalination plant development in the Port of East London (for Transnet National Ports Authority, TNPA). We are busy clarifying the environmental Listed Activities potentially triggered by the proposed development, and would like clarity as to whether there is a delineated Coastal Public Property (CPP) boundary within the Port, and if so, where this boundary lies. We were advised by the DFFE case officer, Ms. Trisha Pillay, that you would likely be able to assist us. This boundary is of relevance for the project as it may influence which activities are triggered. Any assistance you could provide would be greatly appreciated."
Department of Forestry, Fisheries and the Environment (DFFE): Oceans and Coasts (O&C)— Coastal Development & Protection (Tabisile Mhlana)	Composition of coastal public property (2) Notwithstanding the provisions of subsection (1), coastal public property does not include- (a) any- (ii) installation or infrastructure located in a port or harbor, whether located on land or the seabed, lawfully constructed by an organ of the state.	

Date of comment, format of comment name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
		In response, the DFFE: Oceans & Coasts – Coastal Development & Protection Directorate confirmed that there is no delineated Coastal Public Property (CPP) boundary within ports. Based on this confirmation, we have determined that the following Listed Activities are not applicable to the proposed development and have therefore been excluded from both the Application Form and Section 4 of the Final Scoping Report: - Activity 15 of the Environmental Impact Assessment (EIA) Regulations Listing Notice 1 of 2014 (GN R983 in GG 38282) - Activity 52 of the EIA Regulations Listing Notice 1 of 2014 (GN R983 in GG 38282)
17 October 2024 Email Department of Water and Sanitation: Water Use Authorisation (Mdhuli Lucrecia Mosobelela)	This Department hereby acknowledges receipt of your inquiry letter regarding the proposed activity mentioned above. The outcome of the analysis of the information as provided by your Office indicates that: Background: The proposed development is for a two (2) megalitre per day (MLD) solar-powered desalination plant within the Port of East London. Water required for the plant will be sourced from the lowest portion of the Buffalo River Estuary (within the Estuarine Functional Zone (EFZ), which will either be abstracted via beach wells (boreholes) on a small beach located near to the harbour mouth (Preferred Intake option) or pumped directly from the estuary via a direct intake pipeline (Alternative Intake Option 1). Water will then be desalinated at the desalination plant which is situated in the EFZ (Preferred Plant Site). Comments from the Department: The proposed activities will occur in an estuarine environment, and according to the National Water Act 36 of 1998 (NWA), estuaries are not classified as watercourses. Consequently, the proposed activity does not require a water use authorisation in terms of Section 21 (c) and (i) of the NWA. Furthermore, the Department does not consider the abstraction of water at the end of the EFZ as a section 21 (a) water use, since this area is marine-dominated with relatively minimal freshwater influence. Therefore the Department concurs with your view, that the proposed activities fall under the NEMA and the ICMA. Should you have any questions or require further guidance, please do not hesitate to contact the Department.	EAP: I acknowledge that this response relates to our query addressed to the Department of Water and Sanitation (DWS) on 10 May 2024. Kindly note that the original query was sent to multiple recipients on 10 May 2024, with follow-up emails sent on 7 June 2024, 19 June 2024, 29 July 2024, 5 August 2024, and 7 October 2024. Based on the response received, it was confirmed that the proposed activity does not trigger a water use authorisation in terms of Section 21(c) and (i) of the National Water Act (NWA). Consequently, an application for a Water Use Licence has not been submitted as part of this project.
13 November 2024 Email DFFE: National Infrastructure Projects. Chief Directorate: Integrated Environmental	Please run the screening tool twice and submit both reports with the request for a pre application meeting and or application for environmental authorisation. Site Sensitivity verification (SSV) will need to be undertaken for all theme to confirm or dispute the findings of the screening tool. The SSV will assist in making a determination regarding which specialist studies are required for the proposed project as per the requirements of the protocols.	EAP: The Screening Tool was run using the same development footprint for two assessment categories: “Services Water Services Desalination” and “Utilities Infrastructure Electricity Generation Renewable Solar PV.” Both Screening Tool Reports were submitted to the CA along with the Draft Scoping Report. A Site Sensitivity Verification (SSV) was conducted by the EAP for all identified environmental themes, with additional input from relevant specialists for certain themes where necessary. The initial SSV report can be found in the Final Scoping Report while an updated SSV is available as Appendix 7 in the draft EIAR.

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Authorisations (Ms Sindiswa (Sindi) Dlomo— Deputy Director)		
13 November 2024 Email Department Forestry, Fisheries and Environment, Directorate: Environmental Spatial Information (Lisa Pretorius)	I am forwarding your query to the EIA section. @ Sindiswa – please look at the mail below for your opinion and advise to Cheruscha	EAP: This response relates to our query addressed to the Screening Department (Screening@dffe.gov.za) of the DFFE: National Infrastructure Projects 12 November 2024. We thanked the respondent and awaited a response from the relevant department (the response, dated 13 November 2024 has been included above). <i>Our query was as follows:</i> <i>Re: Query related to selecting a Category</i> <i>I trust this email finds you well. The project in question will be a desalination plant (this is the main activity). However, the desal plant will be powered by solar power and will therefore also have a solar plant (PV) (see the image of the layout below).</i> <i>My question is, do we select the desalination category (Services Water Services Desalination) or do we select the Solar Power category (Utilities Infrastructure Electricity Generation Renewable Solar PV). The Proposed Development Area Environmental Sensitivity themes and some of the ratings as well as the Specialist assessments identified are different between the two. See below. Or do we run the screening tool twice and use both reports for the EIA?</i>
Application Phase Comments		
04 February 2025 Email Department Forestry, Fisheries and Environment, Directorate: Protected Areas Planning and Management Effectiveness (Mr Thivhulawi Nethononda)	Our yesterday telephone conversation as reference The directorate: Protected Areas Planning and Management Effectiveness would like to advise that you must remove alternative 3 (blue line) from your development proposal. The reason to remove the alternative 3, is that the area is highly sensitive and it include the boundary of the Potters Pass Nature Reserve that is going to be affected by the development. We also support the preferred alternative 1 as suggested by the report. Hope our inputs will provide necessary guidance to your process. Thanks	EAP: I take note that this is a response to our query to The Protected Areas Directorate dated 03 February 2025 (note that the original query was sent to multiple recipients on 28 November 2024, and follow up emails on 29 November 2024 and 09 January 2025. The Directorate was thanked for their response and guidance on the matter. It was recorded in the Draft Scoping Report that Outfall Alternative 3 would be excluded from further consideration as an outfall option, based on the recommendation from the Protected Areas Directorate, due to its proximity to Potters Pass Nature Reserve. However, the EAP noted that this alternative would still be included and assessed in the Draft and Final Scoping Reports, and referenced in the draft EIAR, to ensure transparency and to demonstrate that it was considered. This approach is intended to address any potential questions regarding the availability of an existing pipeline and whether its use could have potentially resulted in a reduced environmental impact. <i>Our query was as follows:</i> <i>“Subject: Query Regarding Potential Overlap of Project’s Outfall Pipeline Alternative with Potters Pass Nature Reserve Protected Area and Permit/Authorisation Requirements</i> <i>Transnet SOC Limited is in the process of applying for Environmental Authorisation for a 2 MLD solar-powered Reverse Osmosis (RO) desalination plant within the Port of East London, Buffalo City Metropolitan Municipality. Anchor Environmental Consultants (Pty) Ltd (Anchor) has been appointed to conduct the Scoping and Environmental Impact Assessment (S&EIA) for this project. We seek your guidance on the following:</i> <i>1. Whether one of the project’s Marine Pipeline & Outfall Alternatives overlaps with the Potters Pass Nature Reserve Protected Area.</i> <i>2. If such an overlap exists, whether permits or authorisations are required from your Directorate.</i> <i>We have attached the project description and details of our query for your review.</i> <i>Your guidance and clarity on this matter would be greatly appreciated. Please let us know if any additional information is required to assist with your review.</i>

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		Thank you in advance"
		26/9/2025: Note, this and other alternatives were screened out following Scoping and was not assessed as part of the EIA.
Scoping Phase Comments (Draft Scoping Report Comments)		
06 March 2025		
Email		
The Sarah Baartman District Municipality and the Nelson Mandela Bay Metropolitan Municipality (Ms Babalwa Layini)	Kindly receive this falls within your area. Cheruscha I am covering the Sarah Baartman District and Nelson Mandela Metro	EAP: It is noted that the original DFFE recipient, Ms Babalwa Layini, is responsible for the Sarah Baartman District and Nelson Mandela Metro. As the project falls within the Amathole District Municipality, she forwarded the invitation to comment email to the appropriate DFFE representatives for that region, namely Luyolo Tayi (LTayi@dffe.gov.za) and Zimvo Mbuyeleni (ZMbuyeleni@dffe.gov.za). These representatives were therefore consulted during the Public participation process.
07 March 2025	Receipt of your email request for comments in respect of the Draft Scoping Report in respect of the proposed two Megalitres per day (MLD) solar powered seawater desalination plant in the Port of East London, BCM, Eastern Cape Province, by Transnet National Ports Authority (TNPA), is hereby acknowledged. The set timeframes for the submission of comments are noted and this office will endeavour to, after scrutiny of the submitted reports, within the stipulated timeframe, submit the requested comments. Trusting this will suffice in the meantime, however, the underwritten may be contacted for any further query or need for information in this regard.	
Email		
Amathole District Municipality: Environmental Affairs (Briant Noncembu)		EAP: The EAP thanked the Amathole District Municipality for acknowledging receipt and noted that no further comments have been received to date.
10 March 2025		
Email		
Grid Planning: Land and Rights National Transmission Company South Africa SOC Ltd (NTCSA) (John Geeringh)	Please send me a KMZ file of the proposed development/development area.	EAP: A KMZ of the project was sent to Mr John Geeringh on 10 March 2025.
11 March 2025		
Email	Thank you so much, we are able to view it now.	EAP: The EAP resolved the website issue as Protea Pipeline Services was able to access the Draft Scoping Report.
Protea Pipeline Services (Dianne Moss)		
11 March 2025	INVITATION TO COMMENT ON THE PROPOSED SOLAR-POWERED DESALINATION PLANT IN THE PORT OF EAST LONDON. DRAFT SCOPING REPORT:	EAP: The EAP resolved the website issue to allow Protea Pipeline Services and other I&APs access to the Draft Scoping Report, as confirmed in their response noted above.
Email		

Date of comment, format of comment name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
Protea Pipeline Services (Dianne Moss)	We have tried to access the Draft Scoping Report online, but the report is not available as yet. Kindly advise.	
14 March 2025		
Email		
DSRAC Museums & Heritage / Eastern Cape Provincial Heritage Authority (EC PHRA) (Ayanda Mncwabe-Mama)	The project has been noted for the inclusion in our upcoming ECPHRA APM committee meeting scheduled for 18 March, will revert thereafter with a heritage comment. Otherwise I have also shared it with the national heritage agency, SAHRA's Marine Underwater Unit.	EAP: The EAP noted that the project would be discussed at the ECPHRA APM committee meeting on 18 March, with a heritage comment to follow. It was also noted that ECPHRA shared the project with SAHRA's Marine Underwater Unit. A formal comment from ECPHRA was received on 4 April, as reflected later in this table. Additionally, the project documents were uploaded to SAHRA's SAHRIS database by the heritage specialist during the public participation process to obtain SAHRA's comments.
25 March 2025	DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation on the 04 March 2025 to review and comment on the project mentioned on the subject line. Kindly note that the project has been allocated to Mrs M Rabothata and Ms Lindiwe Dlamini (Copied on this email). In addition, kindly share the shapefiles of the development footprints/application site with the Case Officers. Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@dffe.gov.za for attention of Mr Seoka Lekota.	EAP: We note that the project has been assigned to case officers Mrs M Rabothata and Ms Lindiwe Dlamini, who have been added to our database, and the KMZ file was subsequently shared with them. It is also noted that all Public Participation Process documents and Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation (Email: BCAdmin@dffe.gov.za) for the attention of Mr Seoka Lekota, whose details have likewise been added to our database. Comments from this department are included further down in this table under the entry dated 14 April 2025.
04 April 2025	ECPHRA had a comment (which is attached) about the proposed development but I also engaged SAHRA (South African Heritage Resources Agency) who deal with maritime heritage, and they have requested a separate application on SAHRIS for the attention of SAHRA where they will issue an official comment with their requirements. (note that the attached comment referred to above is included below)	EAP: The comments mentioned here are addressed in the relevant section of the table below. TerraMare Archaeology (Pty) Ltd (Mr John Gribble—the Heritage specialist for the project) confirms that a separate case for the offshore portion of this project was opened on SAHRIS on 18 March (Case ID 24752).
04 April 2025	ECPHRA (Eastern Cape Provincial Heritage Authority) COMMENTS in terms of Section 38 of the National Heritage Resources Act (25 of 1999). This case was tabled at the Archaeology, Palaeontology and Meteorites (APM) Committee meeting held on 18 March 2025.	EAP: The reports will meet SAHRA (2007) reporting standards and will be compiled by Mr John Gribble, who holds a Master of Arts (MA) in Archaeology and is a registered member of the Association of Southern African Professional Archaeologists (ASAPA) (Membership Number 043).
Email	ECPHRA Interim Heritage Comment: ECPHRA requests the filled NID form (ECPHRA Notice of Intent to Develop) and a Phase 1 Heritage Impact Assessment (HIA) with all aspects of development. The impact assessment should comprise of the ffg: o Phase 1 AIA (archaeological and cultural heritage impact assessment), including a desktop/pre-feasibility and field assessment. o Phase 1 PIA (paleontological impact assessment) including a desktop/prefeasibility and field assessment. o Desktop Maritime and Underwater Cultural heritage (MUCH) assessment.	Response from Mr John Gribble- Heritage Specialist: 20 May 2025 (email in Appendix 5E) REQUEST FOR WAIVER OF REQUIREMENT FOR PALAEOLOGICAL FIELD ASSESSMENT: CASE 24725 <i>Dear Mr Mkosana</i> <i>Thank you for your response of 4 April 2025, to the NID submitted via SAHRIS, for the proposed desalination plant within the Port of East London (Case 24725). I apologize for the delayed response but was awaiting instruction from the client. We have noted the requirements set out in your comment and can confirm that a desktop AIA and a MUCH assessment are underway, and the desktop PIA has been produced. An archaeological site visit will be conducted within the next few weeks to assess the site for archaeology and other cultural heritage resources, after which the</i>
DSRAC Museums & Heritage / EC PHRA (Ayanda Mncwabe-Mama)		

Date of comment, format of comment name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	Please include Proof of Payment (R500 NID & R1 500 HIA). See below application process. Image omitted as irrelevant to comment. NOTE: Heritage reports must meet the SAHRA (2007) reporting standards. Reports must be compiled by specialists (AIA by an archaeologist with a minimum of an Honours degree qualification & a PIA by a palaeontologist with a minimum of a Master's degree qualification).	site visit results and the reports will be integrated into a HIA which will be submitted to both yourselves and SAHRA for comment, via the SAHRIS cases for this project. We did complete the ECPHRA NID form on SAHRIS and made the NID fee payment of R500 at the time we created the case, and both documents are reflected on SAHRIS case. Please let me know if we have missed something in this regard. The main reason for writing to you today, however, is with regard to the palaeontological field assessment requested in the ECPHERA response to the case submission. For the reasons set out below I've been asked to approach you to request a waiver of the need to conduct such a site visit, in light of the results of and recommendations made by Dr Marion Bamford in her palaeontological assessment for the project. Dr Bamford indicates that geologically the development site is underlain by Nanaga Formation aeolianites which are one of six formations which make up the Algoa Group that extends along the entire Eastern Cape coast. The Nanaga Formation is of Quaternary age and is composed of semi-consolidated calcareous sandstone with aeolian crossbedding. Although the SAHRIS palaeo-sensitivity map does indicate a very high sensitivity rating for this formation, this is based, according to Dr Bamford, on very occasional recorded occurrences of oyster beds and invertebrate marine shells in road-cuttings in contexts inland from the coast. She states that in practice, fossil occurrences within the Nanaga Formation are very rare and frequently very weathered due to extensive post-depositional diagenesis due to dissolution and re-precipitation of carbonate by groundwater. The area affected by the proposed development indicated on the mapping provided with the SAHRIS case are either previously developed brownfields land that was subject to disturbance in the past during the development and use of the port or is made ground/reclaim on the water's edge. There is no likelihood of encountering fossil material in the latter, while the low fossil density of the Nanaga Formation and disturbed nature of the brownfields land suggests the chance of a palaeontological site visit producing meaningful results is very low. On this basis Dr Bamford has not recommended a site visit. Instead, she has recommended that the potential for fossils is mitigated through the monitoring of earthworks by the Environmental Compliance Officer and the implementation of a protocol for reporting chance finds of fossils during project activities. These mitigation measures will be recommended in the HIA, for inclusion in the project EMPr. We would therefore like to ask if you would be willing to reconsider the requirement for a palaeontological site visit as part of the heritage assessment process for this project. We look forward to hearing back from you. Response from Prof Marion Bramford- Palaeontologist: 24 May 2025 (email in Appendix 5E) Dear Mr Mkosana RE: REQUEST FOR WAIVER OF REQUIREMENT FOR PALAEOLOGICAL FIELD ASSESSMENT: CASE 24725 I completed a desktop PIA report for Dr John Gribble of TerraMare Archaeology (Pty) on behalf of Anchor Environmental for the Port of East London desalination plant in December 2024. Although the area is indicated as very highly sensitive on the SAHRIS palaeosensitivity map, in my professional opinion I do not believe that a site visit is required for a number of reasons: A) As described in my report, and reiterated in Dr Gribble's letter, the Nanaga Formation has very sporadic occurrences of shell beds and the exposed ones tend to be very weathered, so it is unlikely that any good fossil sites occur in the project footprint. B) The site is already disturbed from previous and current infrastructure thus further reducing the chance of finding good fossils.

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		C) A fossil chance find protocol was included in the original report. This means that when excavations commence there will be fresh exposures of the sediments, and any fossils, if present, can be rescued under the supervision of ECPHRA. If a site visit had been completed and the project was given the go-head then only surface soils will have been assessed and the potential of finding below ground, unweathered fossils, if present, would be ignored. Therefore, I stand by my original recommendation that a desktop PIA study with a fossil chance find protocol added to the EMPr has a much better chance of making sure that the palaeontological heritage is preserved. No site visit is required.
07 April 2025		
Email	Thank you, Nokukhanya Khumalo has also just informed me. Please do share their comments when you receive them.	EAP: This comment is in response to Mr John Gribble's confirmation that a separate SAHRIS case (ID 24752) was opened for the offshore portion on 18 March (see response above). As of 14 April 2025, no comments have been received from SAHRA. These will be shared with ECPHRA once available.
DSRAC Museums & Heritage / EC PHRA (Ayanda Mncwabe-Mama)		
	The Directorate: Protected Area Planning and Management Effectiveness would like to thank you for the opportunity to review the Draft Scoping Report for the proposed development of the Proposed Two (2) Megalitre Per Day (MLD) Solar Powered Seawater Desalination Plant in the Port Of East London, Buffalo City Metropolitan Municipality, Eastern Cape Province. The proposed development is located on Erf 63584, Erf 63586 and Erf 38530.	
07 April 2025		
Email	As per the previous communication with our directorate, we requested that Outfall alternative 3 be diverted away from the Potters Pass Nature Reserve to avoid any degradation in the protected area. As per the scoping report, it is indicated the alternative 3 will eventually be excluded from consideration as an outfall alternative, however, it has been included and assessed in this application form and will also be referenced during the Scoping and EIA phases to demonstrate that it was considered.	EAP: Thank you for your comments. With regard to the instruction that "the EAP must further consult the management authority of the Potters Pass Nature Reserve and the Amathole Marine Protected Area", this has been noted. However, since this alternative has been excluded and the proposed development is located far from the Potters Pass Nature Reserve, it was not considered necessary to contact its management authority. The development footprint is also well removed from the nearest Marine Protected Area. Nevertheless, the DEDEAT Amathole Region's Coastal Management Unit, the Regional Manager: Environmental Affairs (Amathole Regional Office), and other relevant DEDEAT Amathole District representatives have been included in the stakeholder engagement process for the EIA phase.
Department of Forestry, Fisheries and the Environment: Protected Areas Planning and Management Effectiveness (Mashudu Mudau)	The directorate notes that the DFFE Oceans and Coast branches for Coastal Development & Protection, Integrated Coastal Management, and Coastal Pollution Management and the DWS have been consulted.	With respect to: "The applicant must strictly adhere to the mitigation measures and recommendations from other stakeholders, interested and affected parties": this comment is noted, and the EAP will endeavour to ensure that all mitigation measures and recommendations are considered and incorporated into the reports, where appropriate and applicable
	The EAP must further consult the management authority of the Potters Pass Nature Reserve and the Amathole Marine Protected Area.	26/9/2025: Note, Outfall alternative 3 which would have passed Potters Pass Nature Reserve was screened out following Scoping.
	The directorate has no further comments subject to availability of new information.	
	The applicant must strictly adhere to the mitigation measures and recommendations from other stakeholders, interested and affected parties	
09 April 2025	Please find herein the attached letter for the above mentioned date. Please do not respond to this mailbox with any queries related to the decision been issued.	EAP: We acknowledges receipt of the email and attached letter containing the Department's comments. These comments, along with the EAP's response, are included in the table below.
Email		

Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
Department of Forestry, Fisheries and the Environment: Integrated Environmental Authorisations (Lydia Kutu) 09 April 2025	All queries on the attached decision must be directed to official whose contact details is listed as enquiries. I hope you find all in order. Thank you	
Email	(a) Specific Comments (i) The co-ordinates in the SR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the reverse osmosis and solar plant site, reservoir, beach boreholes, and the start, middle and end coordinates for the marine outfall pipelines, and water intake pipelines must be included in the report, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.	EAP: The co-ordinates of all sites and pipeline alternatives were provided in Appendix 3 of the Draft Scoping Report (and now Appendix 3 of the Final Scoping Report). This appendix includes the coordinates of all the vertices for the sites, pipelines, etc. Furthermore, given that the linear activities had many vertices (and bends/ corners), all vertex coordinates were provided, rather than just the start, middle, and end points.
Department of Forestry, Fisheries and the Environment: Integrated Environmental Authorisations (Dr Sabelo Malaza, signed by Mr Coenrad Agenbach)	(ii) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope). This must include a list of all development components and associated infrastructure.	EAP: We provided a concise, but complete, summary and bullet list of the project description and associated infrastructure in the Executive Summary and in Section 3.2 of the Final Scoping Report.
	(iii) Kindly ensure the development footprints (hectares/square metres) and specifications of all proposed infrastructure and associated infrastructure during all phases are included in the final SR	EAP: At present the final specifications of the proposed infrastructure have not been determined. However, the Scoping Report has been updated to include a table which includes the areas of each relevant development footprints (given in m2 and ha). Furthermore, the lengths (in m and km) of each linear element connecting to the preferred site, have also been tabulated, and included in the Executive Summary and in Section 3.2 of the Final Scoping Report.
	(iv) The final SR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was identified in the screening tool report. Kindly take note that this should be in the form of a report and should either confirm or dispute the sensitivity ratings for each theme identified by the screening tool report. Please refer to 1. Site sensitivity verification and minimum report content requirements of the Protocol document.	EAP: The Final SR includes a summary of the outcomes of the Site Sensitivity Verification (SSV) Process (Section 8.3). It also includes a description of the specialist assessments which will be undertaken in Section 12.1. Additionally, a SSV Report was also prepared, and submitted, as Appendix 6 of the draft and Final Scoping Report.
	(v) A motivation must be provided in the final SR as to why particular studies that were identified in the screening tool were not undertaken.	EAP: The requested motivation has been provided in Section 8.3 of the final Scoping Report and in the SSV Report, which is submitted with the Final Scoping Report (Appendix 6).
	(vi) Comments must be obtained from this Department's Biodiversity Conservation Directorate at BCAdmin@dfre.gov.za.	EAP: The Draft BAR was circulated to this Department, with comments received on 25 March 2025 and 14 April 2025. Please refer to the respective sections in this table for the comments and

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		EAP's responses. This Directorate has been included in the I&AP database and will be provided with the draft EIAr for comment during the EIA phase.
	(vii) Page 214 of the draft SR refers to the preparation of a draft Environmental Impact Report, Environmental Management Programme, and Biodiversity Offset Report. Kindly confirm if a Biodiversity Offset Report will be included in the draft EIAr.	EAP: The mention of a Biodiversity Offset Report was included in the Draft Scoping Report in Error. To clarify, a Biodiversity Offset Report will not be prepared or included in the draft EIAr. This mention has been removed from the Final Scoping Report.
	(viii) The development proposes beach wells and marine outfall pipelines. Therefore, comments from this Department's Oceans and Coast unit must be obtained to confirm whether approval is required from this unit since the proposed development will impact the marine environment. Find below the contact details for personnel at this Department's Oceans and Coast Directorate: a) Name: Funanani Ditinti Telephone: 012 399 9847 Email: fditinti@dfre.gov.za/ OCEIA@dfre.gov.za	EAP: Thank you for providing us with the relevant contact details. We have added them to our I&AP database and comment will also be obtained by this DFFE Oceans and Coast Directorate using the email address provided.
	(ix) According to Figure 10 in the draft SR a section of the outfall alternative 3 pipeline falls within the Potters Pass Nature Reserve Area. Kindly note approval from the Management Authority in terms of the National Environmental Management: Protected Areas Act, 2003; Section 50 (5) for commercial and community activities in the National Park, and/or World Heritage Site may be required. Comments from this Department's Protected Areas Directorate must be obtained to confirm whether Approval from the Management Authority in terms of the National Environmental Management: Protected Areas Act, 2003; Section 50 (5) is required. Find below the contact details for personnel at this Department's Protected Areas Directorate: a) Name: Ms Mashudu Mudau Telephone no.: 012 399 9945 Email: mamudau@dfre.gov.za; and b) Name: Thivhulawi Nethononda Telephone: 012 399 9553 Email: Tnethononda@dfre.gov.z (b) Listed Activities	EAP: Comment was sought from the DFFE Protected Areas Directorate and have been included this table. Comments were received on 4 February 2025 and 7 April 2025. Note that Outfall Alternative 3 will be excluded from further consideration as an outfall option, based on the recommendation from the Protected Areas Directorate, due to its proximity to Potters Pass Nature Reserve. However, this alternative is still be included and assessed in the Draft and Final Scoping Reports, and will be referenced in the draft EIAr, to ensure transparency and to demonstrate that it was considered. This approach is intended to address any potential questions regarding the availability of an existing pipeline and whether its use could have potentially resulted in a reduced environmental impact.
	(i) Kindly ensure all activities applied for in the Application Form and the final SR are applicable to the proposed development and are quoted correctly as per the EIA Regulations 2014, as amended.	EAP: Noted, the activities have been reviewed to ensure applicability and to correct quoting, and we will endeavour to ensure that this will also be done for the EIAr.
	(ii) Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.	EAP: Both the Scoping Report and application form clearly link each development activity to the applicable listed activities. Some alternatives will be screened out during the EIA phase, and only feasible, reasonable alternatives will be retained. Thereafter, only the relevant listed activities will be applied for.
	(iii) The listed activities represented in the SR, and the Application Form must be the same and correct.	EAP: Both reports have been reviewed to ensure consistency.

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	(iv) If the activities applied for in the Application Form differ from those mentioned in the final SR, an amended Application Form must be submitted.	EAP: This comment is noted. As mentioned above, some alternatives will be screened out during the EIA phase, and only feasible, reasonable alternatives will be retained. Thereafter, only the relevant listed activities will be applied for. This means that we will submit an amended Application during the EIA phase.
	(v) Please note that the Department's application form template has been amended and can be downloaded from the following link https://www.dffe.gov.za/documents/forms .	EAP: Noted, this link will be utilised should an updated form be required.
	(c) Layout & Sensitivity Maps (i) The final SR must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.	EAP: The requested coordinates were provided in Appendix 3 of the submitted Draft Scoping Report, and are likewise included as appendix 3 of the Final Scoping Report.
	(ii) Please provide a layout map which indicates the following: a) Reverse osmosis and solar plant site; b) Reservoir; c) Beach boreholes; d) Marine outfall pipelines; e) Water intake pipelines; f) Internal roads; g) All supporting onsite infrastructure such as laydown area, guard house and control room etc. (existing and proposed); h) All existing infrastructure on the site, especially railway lines and roads; and i) Buildings, including accommodation.	EAP: The Final Scoping Report includes a map which includes points a–e. However, information pertaining to supporting onsite infrastructure has yet to be finalised (point g), so cannot be included. Likewise, the exact locations of any internal roads (point f) have also yet to be finalised. This will be included in the draft EIAR. With respect to point h: while the site does have some surrounding infrastructure such as roads/ pipelines, etc.) most are not relevant to this application. Likewise, a railway is present on the southern border of the site, however, it is not operational. With respect to point (i), at present, the majority of the proposed development sites/ areas, are devoid of any buildings (with the exception of Alternative Site 3, which has a few old structures, which are described in detail in the SSV). Accommodation is not relevant to this development, as all workers will be based off-site. Given the substantial amount of detail required to update the site map to include all of the requested elements, it is instead proposed that these details be included in the EIAR, when all additional details with respect to internal roads, laydown areas, guard houses, etc. have been finalised.
	(iii) Please provide an environmental sensitivity map which indicates the following: a) The location of sensitive environmental features identified on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines, nest and roosting sites, etc. that will be affected by the facility and its associated infrastructure; b) Buffer areas; and c) All "no-go" areas.	EAP: The Draft and Final Scoping Report and SSV report both include detailed sensitivity maps, including the locations of CBAs, Protected Areas, etc. However, at present, no buffer areas or no-go areas have been identified. It is therefore proposed that these maps instead be updated in the draft EIAR, following completion of all required specialist field surveys.
	(iv) The above layout map must be superimposed (overlain) with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.	EAP: As above, it is proposed that the requested maps instead be updated during the EIA phase, once detailed design elements pertaining to the preferred alternatives, have been confirmed by the project engineering team.
	(v) Google maps will not be accepted.	EAP: This comment is noted, and all maps have (and will) be prepared using discrete Geographical Information Systems (GIS) mapping software.

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	(d) Alternatives (i) Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 2 of GN R.982 of 2014 (as amended). (ii) Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.	EAP: The Scoping Report and SSV Report include detailed discussions of each alternative, with the Scoping Report also including a discrete impact assessment for each of the proposed alternatives pertaining to each identified environmental impact/ benefit. Some alternatives will be screened out during the EIA phase, and only feasible, reasonable alternatives will be retained and included in the Draft EIAR. EAP: This is not applicable, given that detailed descriptions have been provided.
	(e) Public Participation Process (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final SR. This includes but is not limited to the Eastern Cape Department of Economic Development and Environmental Affairs, the Buffalo City Metropolitan Municipality, the South African Heritage Resources Agency (SAHRA) and the DFFE: Directorate Biodiversity and Conservation, DFFE: Directorate Protected Areas and DFFE: Directorate Oceans and Coast.	EAP: All relevant departments were invited to submit comments. Comments received are captured in the Comments and Responses Table, and the corresponding email correspondence is included in Appendix 10 of the Final Scoping Report. However, note that comments were not received from all departments, despite being invited to comment.
	(ii) Please ensure that all issues raised, and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final SR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).	EAP: All relevant departments, registered I&APs and organs of state which have jurisdiction in respect of the proposed activity were invited to submit comments. Comments received, including those received from the DFFE Integrated Environmental Authorisations, are captured in this Comments and Response Report, and the corresponding email correspondence is included in Appendix 10 of the Final Scoping Report. Comments have also been addressed in the Final Scoping Report where applicable.
	(iii) Proof of correspondence with the various stakeholders must be included in the final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.	EAP: Email correspondence is included in Appendix 10 of the Final Scoping Report.
	(iv) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations 2014, as amended	EAP: We take note of this and ensured that the Public Participation Process was conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations 2014, as amended. Please refer to Section 10 and Section 12.3 of the Final Scoping report.
	(v) A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all historical comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments	EAP: All comments received, including historical comments, are captured in this standalone Comments and Responses Report, separate from the Final Scoping Report. The table format follows the structure outlined in Annexure 1 of the DFFE's comments. All comments were copied verbatim and addressed with clear, detailed responses — avoiding generic replies such as "Noted."

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	Annexure 1 Format for Comments and Response Report:						
	<table border="1"> <thead> <tr> <th>Date of comment, format of comment, name of organisation/I&AP,</th><th>Comment</th><th>Response EAP/Applicant/Specialist from</th></tr> </thead> <tbody> <tr> <td>27/03/2021 Email Department of Forestry, Fisheries and the Environment, Prioritised Infrastructure Projects (Joe Soap)</td><td>Please record C&R trail report in this format. Please update the contact details of the provincial environmental authority.</td><td>EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K. EAP: Details of provincial authority have been updated, see page 16 of the Application form.</td></tr> </tbody> </table>	Date of comment, format of comment, name of organisation/I&AP,	Comment	Response EAP/Applicant/Specialist from	27/03/2021 Email Department of Forestry, Fisheries and the Environment, Prioritised Infrastructure Projects (Joe Soap)	Please record C&R trail report in this format. Please update the contact details of the provincial environmental authority.	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K. EAP: Details of provincial authority have been updated, see page 16 of the Application form.
Date of comment, format of comment, name of organisation/I&AP,	Comment	Response EAP/Applicant/Specialist from					
27/03/2021 Email Department of Forestry, Fisheries and the Environment, Prioritised Infrastructure Projects (Joe Soap)	Please record C&R trail report in this format. Please update the contact details of the provincial environmental authority.	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K. EAP: Details of provincial authority have been updated, see page 16 of the Application form.					
	(vi) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final SR.	EAP: No meetings were held as part of the Scoping Phase Public Participation Process.					
	(f) Specialist Assessments						
	(i) The EAP must ensure that the terms of reference for all the identified specialist studies include the following: a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint and all other associated infrastructures that they have assessed and are recommending for authorisation. b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed. c) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas. d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable. e) All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA. f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.	EAP: The EAP has provided all specialists with specific terms of reference to guide their studies. Specialist studies and compliance statements will be conducted in line with the relevant Government Notices, applicable protocols, or Appendix 6 of the EIA Regulations, 2014 where no protocol exists, as well as the Species Environmental Assessment Guidelines (SANBI 2020). The impact assessment methodology is outlined in Section 12.1.1 of the Final Scoping Report, with details on each study's approach provided in Sections 12.1.2 to 12.1.14. The EAP will ensure that sections (a) to (f) are addressed by the specialists and adhered to in the EIA Phase. 26/9/2025: All specialist studies have been conducted in line with the relevant legislation and protocols and have been incorporated into the draft EIAR and as appendices to the draft EIAR.					
	(ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable	EAP: This comment is noted, and the EAP will endeavour to ensure that recommendations are made based on this recommendation.					

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	recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.	26/9/2025: No contradicting recommendations have been made in the draft EIAR or specialist studies.
	(iii) Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.	EAP: This comment is noted, and the EAP will endeavour to ensure that mitigation recommendations are in line with applicable and most recent guidelines. 26/9/2025: Mitigation recommendations are in line with applicable and most recent guidelines in the draft EIAR or specialist studies.
	(iv) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.	EAP: As per the comment above, the EAP has provided all specialists with specific terms of reference to guide their studies. Specialist studies and compliance statements will be conducted in line with the relevant Government Notices, applicable protocols, or Appendix 6 of the EIA Regulations, 2014 where no protocol exists, as well as the Species Environmental Assessment Guidelines (SANBI 2020). The impact assessment methodology is outlined in Section 12.1.1 of the Final Scoping Report, with details on each study's approach provided in Sections 12.1.2 to 12.1.14. The EAP will ensure that sections (a) to (f) are addressed by the specialists and adhered to in the EIA Phase. 26/9/2025: All specialist studies have been conducted in line with the relevant legislation and protocols as part of the EIA.
	(v) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.	EAP: This comment is noted and the EAP will endeavour to ensure that all required specialist declaration forms are included, and that specialist registration numbers are provided. 26/9/2025: This has been done.
	(vi) Please also ensure that the final SR includes the Site Verification Report as required by the relevant environmental themes and assessments.	EAP: The Draft Scoping Report (and Final Scoping Report) include a SSV report, which is attached as Appendix 6 of each report. EAP: This comment is noted and the EAP has ensured that all required specialists are SACNASP registered, where applicable. Furthermore, the EAP will also endeavour to include all relevant specialist certificates.
	(vii) Please note further that the protocols, if applicable, require certain specialists' to be SACNASP registered. Please ensure that the relevant specialist certificates are attached to the relevant reports.	26/9/2025: Specialists are SACNASP registered where relevant.
	(g) Cumulative Assessment	
	(i) The cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following: a) Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. b) Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.	EAP: This comment is noted, and the value of each recommendation is acknowledged. However, given the specific detail still required on the project design, it is not considered appropriate to attempt to be highly spatially specific with respect to cumulative impacts at this stage of the project. It is further important to assert that the assessment of cumulative impacts is subject to much greater levels of inherent uncertainty than other, project-specific, impacts. Consequently, it is instead proposed that the detailed assessment of cumulative impacts be conducted within the EIA phase, and EIAR, which will allow for the inclusion of specific detail pertaining to the preferred alternatives (which will be provided by the project engineering team), as well as specific recommendations provided by each of the identified scientific specialists. The EAP will thereafter be equipped to make much better-informed recommendations with respect to the cumulative significance of this development. 26/9/2025: This has been included in the draft EIAR.

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	d) A cumulative impact environmental statement on whether the proposed development must proceed.	
	(h)General You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that: "If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"	EAP: All potential and relevant I&APs, stakeholders, and government authorities were given 30 days to comment on the Draft Scoping Report, from 11 March 2025 to 10 April 2025. The Final Scoping Report has been updated to reflect and incorporate the comments received. These comments are captured in a separate Comments and Responses Report, which will be submitted alongside the Final Scoping Report. The Final Scoping Report was submitted on 14 April 2025, which is within 44 days of receipt of the application by the competent authority.
	You are reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping Reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.	EAP: The Draft and Final Scoping Reports both comply with all the requirements in terms of the scope of assessment and content of Scoping Reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.
	Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).	EAP: The required timeframes are acknowledged, with the potential lapsing of the application should timeframes not be met, also being acknowledged.
	You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.	EAP: We take note that no activity may commence prior to an Environmental Authorisation being granted by the Department. We have also informed the client and contractors of this.
14 April 2025 Email Department of Forestry, Fisheries and the Environment (DFFE): Biodiversity Conservation (Mmatlala Rabothata and Seoka Lekota)	The Directorate: Biodiversity and conservation has reviewed and evaluated the report and does not have any objections to the draft scoping report and the plan of study. However, the EIA report must comply with the procedures for assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5) and (H) and 44 of the National Environmental Management Act, 1998. All the Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCAdmin@dffe.gov.za for attention of Mr. Seoka Lekota.	EAP: We note that the Department has no objections to the draft scoping report or the plan of study, but that it must comply with the procedures for assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5) and (H) and 44 of the National Environmental Management Act, 1998. We also note that all Public Participation Process documents and Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation (Email: BCAdmin@dffe.gov.za) for the attention of Mr Seoka Lekota, whose details have been added to our database. 26/9/2025: All relevant specialist studies for the EIA have been conducted in accordance with the procedures for assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5) and (H) and 44 of the National Environmental Management Act, 1998.
16 April 2025 Email Dept, Forestry, Fisheries & the Environment Oceans And Coasts - Coastal Development & Protection .	Good day, Cheruscha, I trust this email finds you well. This serves to acknowledge receipt of the Final Scoping Report for the proposed development. As an Interested and Affected Party (I&AP), the Branch: Oceans & Coasts will review the report, and any comments we may have will be submitted to both the Environmental Assessment Practitioner (EAP) and the Competent Authority. For subsequent reports, this Branch will continue to review and provide comments, as necessary. Should a site inspection be required, the assigned case officer will liaise with the EAP to arrange a suitable date for the visit.	EAP: Thank you for your email. We take note that you have received the final scoping report and will respond on this and any other reports as necessary.

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(Tabisile Mhlana)	For any future consultations or coastal development-related applications, please direct correspondence to: OCEIA@dffe.gov.za. Kind Regards Tabisile Mhlana Dept, Forestry, Fisheries & the Environment Oceans And Coasts - Coastal Development & Protection	
25 April 2025 Letter (attached to above email) South African Heritage Resources Agency (SAHRA) (Nokukhanya Khumalo - Senior Heritage Officer)	Interim Comment In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) SCOPING & ENVIRONMENTAL IMPACT ASSESSMENT (S&EIA) FOR THE PROPOSED 2ML/D SOLAR POWERED SEAWATER DESALINATION PLANT IN THE PORT OF EAST LONDON, BUFFALO CITY METROPOLITAN MUNICIPALITY, EASTERN CAPE PROVINCE, BY TRANSNET NATIONAL PORTS AUTHORITY Province(s): Offshore Transnet SOC Limited - Division Transnet National Ports Authority Transnet SOC Limited - Division Transnet National Ports Authority East London Port Hely Hutchinson Road, Quigney East London 5211 Transnet (SOC) Ltd (division Transnet National Ports Authority (TNPA)) is proposing to construct a 2ML/day solar powered reverse osmosis desalination plant on the harbour of Port of East London; East London; Buffalo City Metropolitan Municipality of the Eastern Cape Province. Saline water will be abstracted, either using beach wells (beach boreholes) and land-based boreholes near the marine environment, or directly from the ocean via a direct intake pipeline. The plant will consist of an intake pump station, beach well and intake pipeline, and effluent pipeline. There are 3 proposed alternatives and plant, 4 for the pipelines. The desalinated water will be stored in a 1ML tank before use by TNPA. Anchor Environmental Consultants (Pty) Ltd has been appointed to undertake a Scoping and Environmental Impact Assessment (S&EIA) application process in terms of the National Environmental Management Act, 28 of 1998) (as amended), for listed activities in the 2014 NEMA EIA Regulations as amended. A draft Scoping Report contains an archaeology and palaeontology section and states that the overall heritage significance is low, however the heritage reports have not been submitted to SAHRA for commenting. Interim Comment The SAHRA Development Applications Unit (DAU) notes that a Maritime and Underwater Cultural Heritage Impact Assessment (MUCHIA) and Palaeontological Impact Assessment (PIA) has already been commissioned and carried out, however, we require the submission of said reports to	26/9/2025: EAP: We take note that SAHRA will only provide comment on the MUCHIA and PIA once these reports and the draft EIA report has been submitted to SAHRA for comment. These reports will be uploaded onto the SAHRIS database before the start of the EIA public participation process and commenting period starting on 2 October 2025.

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	SAHRA along with the draft EIA report before providing further comments on the proposed development. Further comments will be issued upon receipt of the above requested reports. Should you have any further queries, please contact the designated official using the case number quoted above in the case header. Yours faithfully Nokukhanya Khumalo Senior Heritage Officer South African Heritage Resources Agency	
28 April 2025		
Email	Hi Zinzile Not sure if you are aware of this application in the Eastern Cape Province. Regards, Jacoline	EAP: No formal response required. EAP was copied into an email sent by this person to a colleague. No further correspondence was received.
Department of Forestry, Fisheries and the Environment		
29 April 2025	Dear Sir/Madam DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation on the 16 April 2025 to review and comment on the project mentioned on the subject line. Kindly note that the project has been allocated to Mrs M Rabothata and Ms Khuliso Khomari (Copied on this email). In addition, kindly share the shapefiles of the development footprints/application site with the Case Officers. Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@dffe.gov.za for attention of Mr Seoka Lekota. Kind Regards Lindiwe Victoria Dlamini Directorate: Biodiversity Mainstreaming and EIA Branch: Biodiversity and Conservation	EAP: We note that the project has been assigned to case officers Mrs M Rabothata and Ms Lindiwe Dlamini, who have been added to our database, and the KMZ file was subsequently shared with them. It is also noted that all Public Participation Process documents and Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation (Email: BCAdmin@dffe.gov.za) for the attention of Mr Seoka Lekota, whose details have likewise been added to our database.
29 April 2025		
Email		
Department of Forestry, Fisheries and the Environment Directorate: Biodiversity Mainstreaming and EIA Branch: Biodiversity and Conservation (Lindiwe Victoria Dlamini)		
28 May 2025	Letter Follows the above response The case has been seen by the committee in March 2025 where a Heritage Impact Assessment (AIA & PIA) and a desktop Maritime Underwater Cultural heritage (MUCH) assessment, were requested. ECPHRA (Eastern Cape Provincial Heritage Authority) COMMENTS in terms of Section 38 of the National Heritage Resources Act (25 of 1999). This case was tabled at the Archaeology, Palaeontology and Meteorites (APM) Committee meeting held on 19 May 2025. ECPHRA Interim Comment: ECPHRA will await the previously requested HIA reports (incl. archaeological, maritime and paleontological), in a formal letter dated	EAP: The EAP and specialist (Mr John Gribble) take note that the case was discussed during the APM Committee meeting held on Committee meeting held on 19 May 2025 and that ECPHRA will await the previously requested HIA reports (incl. archaeological, maritime and paleontological). 26/9/2025: EAP: All relevant studies have been conducted. The AIA & PIA, MUCH and draft EIA report will be uploaded onto ECPHRA's database before the start of the EIA public participation process and commenting period, starting on 2 October 2025, to allow them to provide final comment.
28 May 2025		
Email letter		
DSRAC Museums & Heritage / EC PHRA (Mr. Azola Mkosana ECPHRA: Manager)		

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Date of comment, format of comment name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	(2025/04/04). This will inform the ECPHRA final comment, according to the NHRA Section 38(4). The Letter Follows the above response	
	 No.17 Commissioners Street, 2nd Floor Old Zoo Building, Telephone: 043 682 1940/1/2 Website: www.ecphra.org.za PROJECT: DESALINATION PLANT SAHRIS CASE ID: 24725 Enquiries: Ayanda Mncwabe-Mama Date: 2025/06/25 Email: ayanda.mncwabe-mama@ecsrac.gov.za Consultants: Terramare Archaeology (Pty) Ltd Address: 5 Cannon Road, Plumstead, 7800 Contact Person: John Gribble Tel / Email: 078 616 2961 / john.gribble@terramarearchaeology Environmental Consultants: Cheruscha Swart Email: cheruscha@anchoreenvironmental.co.za	
25 June 2025		26/9/2025: EAP: The EAP takes note that the waiver has been granted and that a desktop PIA will suffice. A desktop PIA, along with the AIA and MUCH has been completed. These studies, along with the draft EIA report, will be uploaded onto ECPHRA's database before the start of the EIA public participation process and commenting period, starting on 2 October 2025, to allow them to provide final comment.
Email letter		
DSRAC Museums & Heritage / EC PHRA (Mr. Azola Mkosana ECPHRA: Manager)	The developer requests an exemption from submitting a Phase 1 PIA (paleontological impact assessment). ECPHRA (Eastern Cape Provincial Heritage Authority) COMMENTS in terms of Section 38 of the National Heritage Resources Act (25 of 1999). This case was tabled at the Archaeology, Palaeontology and Meteorites (APM) Committee meeting held on 10 June 2025. ECPHRA Response: ECPHRA has noted the requested waiver from a submission of a Phase 1 PIA, in a letter dated 20 May 2025. The desktop study compiled by Dr. Marion Bamford, will be acceptable, based on the specified explanation. Therefore, the exemption is granted, provided that a palaeontologist is on site during excavations. However, the ECPHRA request for a Phase 1 AIA (archaeological assessment), still stands. The requested report will inform ECPHRA on the final comment, to be issued in terms of Section 38(4) of the NHRA of 1999.	
30 May 2025	Dear Ms Swart ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED 2ML/D SOLAR-POWERED SEAWATER DESALINATION PLANT IN THE PORT OF EAST LONDON, BUFFALO CITY METROPOLITAN MUNICIPALITY, EASTERN CAPE PROVINCE The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated April 2025 and received by the Department on 14 April 2025, refer. The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated April 2025 and is satisfied that the documents comply with the minimum requirements of the	26/9/2025 Comments below are all addressed by EAP, unless otherwise indicated: Thank you and we take note that the Department has evaluated and accepted the final SR and Plan of Study for Environmental Impact Assessment (EIA) dated April 2025 and that we may proceed with the EIA process in accordance with the Plan of Study for EIA as required in terms of the EIA Regulations, 2014, as amended.
30 May 2025		
Email		
Department of Forestry, Fisheries and the Environment (DFFE): Priority Infrastructure Projects— Integrated Environmental		

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Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
Authorisations (Competent Authority) (Dr Sabelo Malaza; Chief Director: Integrated Environmental Authorisations and signed by: Mr Coenrad Agenbach; Designation: Deputy Director: Prioritised Infrastructure Projects)	Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The final SR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended. You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended. In addition, the following amendments and additional information are required for the Environmental Impact Assessment report (EIAR):	
	(a) Specific Comments	
	(i) The co-ordinates in the draft EIAR must be specific to each activity and infrastructure that is proposed on the site. The co-ordinates for each corner of the reverse osmosis and solar plant site, reservoir, beach boreholes, and the start, middle and end coordinates for the marine outfall pipelines, and water intake pipelines must be included in the report, i.e., we require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.	Coordinates have been provided for each component of the development as prescribed in your comment. This has been attached as Appendix 3 to the EIAR.
	(ii) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope). This must include a list of all development components and associated infrastructure.	This has been provided in Section 1 of the EIAR.
	(iii) Kindly ensure the development footprints (hectares/square metres) and specifications of all proposed infrastructure and associated infrastructure during all phases are included in the draft EIAR.	This has been provided in Section 1 of the EIAR.
	(iv) The draft EIAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was identified in the screening tool report. Kindly take note that this should be in the form of a report and should either confirm or dispute the sensitivity ratings for each theme identified by the screening tool report. Please refer to 1. Site sensitivity verification and minimum report content requirements of the Protocol document.	A site sensitivity verification (SSV) report has been attached as Appendix 6 to the EIAR.
	(v) A motivation must be provided in the draft EIAR as to why particular studies that were identified in the screening tool were not undertaken.	This has been clearly outlined in the SSV report, which has been attached as Appendix 6 to the EIAR.
	(vi) According to page 10 of the final SR in Table 2, reference is made to a "powerline to the preferred site." No other information pertaining to this powerline is provided in the final SR or indicated on the	A new powerline will be constructed. A description of this, along with the kilovolts has now been included in the project description and maps in Section 1 of the EIAR.

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	layout maps. Please provide information relating to the powerline, is it an existing powerline or would a new powerline be constructed. What is the kilovolts that would be transmitted or distributed?	
	(vii) Comments must be obtained from this Department's Biodiversity Conservation Directorate at BCAdmin@dfpe.gov.za.	The Department's Biodiversity Conservation Directorate was emailed for comments, which were received from this department during the Scoping Phase public participation process on 14 April 2025 and during the EIA phase public participation process on 31 October 2025.
	(viii) The development proposes beach wells and marine outfall pipelines. Therefore, comments from this Department's Oceans and Coast unit must be obtained to confirm whether approval is required from this unit since the proposed development will impact the marine environment. Find below the contact details for personnel at this Department's Oceans and Coast Directorate: a. Name: Funanani Ditinti Telephone: 012 399 9847 Email: fditinti@dfpe.gov.za/ OCEIA@dfpe.gov.za	The Department's Oceans and Coast unit was emailed for comments. No comments were received from this department during the Scoping Phase public participation process. Comments were received from this Department on 6 November 2025 during the EIA Phase public participation process.
	(ix) According to Figure 10 in the final SR a section of the outfall alternative 3 pipeline falls within the Potters Pass Nature Reserve Area. Kindly note approval from the Management Authority in terms of the National Environmental Management: Protected Areas Act, 2003; Section 50 (5) for commercial and community activities in the National Park, and/or World Heritage Site may be required. Comments from this Department's Protected Areas Directorate must be obtained to confirm whether Approval from the Management Authority in terms of the National Environmental Management: Protected Areas Act, 2003; Section 50 (5) is required. Find below the contact details for personnel at this Department's Protected Areas Directorate: a. Name: Ms Mashudu Mudau Telephone no.: 012 399 9945 Email: mamudau@dfpe.gov.za; and b. Name: Thivhulawi Nethononda Telephone: 012 399 9553 Email: Tnethononda@dfpe.gov.za	The Department's Protected Areas Directorate was contacted for comment, and feedback was received on 4 February 2025 (prior to submission of the Scoping Report). Based on their recommendation, Outfall Alternative 3 was excluded from further consideration in the Scoping Report due to its proximity to the Potters Pass Nature Reserve. Additional comments from the Directorate were received on 7 April 2025 following submission of the Scoping Report and again on 30 October 2025, following circulation of the draft EIAR. In their latest comments, they noted that they had no further comments as Outfall Alternative has been removed.
	(b) Listed Activities	
	(i) Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.	(i) All relevant listed activities are applied for are addressed in Section 3 of the EIAR.
	(ii) The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.	(ii) An assessment of the impacts and mitigation measures for each of the listed activities applied for is addressed in Section 10 of the EIAR.
	(iii) The listed activities represented in the EIAR and the application form must be the same and correct.	(iii) An amended Application Form has been attached with the EIAR.
	(iv) The EIAR must assess the correct sub listed activity for each listed activity applied for.	(iv) The correct sub listed activity for each listed activity applied for has been assessed in the EIAR.
	(c) Layout & Sensitivity Maps	This has been provided in Section 1, Appendix 3 and Appendix 15 of the EIAR.

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	(i) The draft EIAr must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities. (ii) Please provide a layout map which indicates the following: - Reverse osmosis and solar plant site; - Reservoir; - Beach boreholes; - Marine outfall pipelines; - Water intake pipelines; - Internal roads; - All supporting onsite infrastructure such as laydown area, guard house and control room etc. (existing and proposed); - All existing infrastructure on the site, especially railway lines and roads; and - Buildings, including accommodation. (iii) Please provide an environmental sensitivity map which indicates the following: - The location of sensitive environmental features identified on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines, nest and roosting sites, etc. that will be affected by the facility and its associated infrastructure; - Buffer areas; and - All "no-go" areas. (iv) The above layout map must be superimposed (overlain) with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure. (v) Google maps will not be accepted.	Note that boreholes have since been removed and that a direct intake will be used instead. This has been indicated on the maps. Accommodation is not relevant to this development, as all workers will be based off-site.
	(d) Alternatives (i) Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 2 of GN R.982 of 2014 (as amended). (ii) Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.	This has been discussed in Section 5 of the EIAr.
	(e) Public Participation (i) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.	The Public Participation Process has been conducted in terms of these Regulations. Refer to Section 4 of the EIAr.

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Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	(ii) Comments must be obtained from this Department's Biodiversity Conservation Directorate at BCAdmin@dfpe.gov.za.	The Department's Biodiversity Conservation Directorate was emailed for comments, which were received from this department during the Scoping Phase public participation process on 14 April 2025 and during the EIA phase public participation process on 31 October 2025.
	(iii) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the to Eastern Cape Department of Economic Development and Environmental Affairs, the Buffalo City Metropolitan Municipality, the Eastern Cape Provincial Heritage Resources Authority (ECPHRA), and the DFFE: Directorate Biodiversity and Conservation, DFFE: Directorate Protected Areas and DFFE: Directorate Oceans and Coast.	All these Directorates and Departments have been contacted for comment. All comments received have been included as Appendix 4 and Appendix 5 of the draft EIAr and Appendix 4 and Appendix 5C and 5D of the EIAr. During the EIA phase public participating process, comments were received from the: - Eastern Cape Provincial Heritage Resources Authority (ECPHRA) - DFFE: Directorate Oceans and Coast; - DFFE: Directorate Protected Areas (which noted they had no further comments); and - DFFE: Directorate Biodiversity and Conservation No comments were received from the Eastern Cape Department of Economic Development and Environmental Affairs or the Buffalo City Metropolitan Municipality, despite follow up emails sent on 31 October 2025. (See pages45 -51 of Appendix 5B)
	(iv) Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAr from registered Interested and Affected Parties (I&APs) and organs of state (including this Department's Biodiversity and Protected Area Sections), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final EIAr and are incorporated into a Comments and Response Report (CRR).	All comments received have been included as Appendix 4 (CRR) and Appendix 5C (Pre-application and Scoping Phase Public Participation) and Appendix 5D (EIA Phase Public Participation) of the EIAr. These have also been summarised on Section 4.3 of the EIAr.
	(v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity must be submitted to the Department with the final EIAr.	Copies of original comments received have been included as Appendix 5C (Pre-application and Scoping Phase Public Participation) and Appendix 5D (EIA Phase Public Participation) of the EIAr.
	(vi) Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the EIAr for comment.	Copies of original emails/ correspondence with various stakeholders have been included as Appendix 5A (Scoping phase public participation process) and Appendix 5B (EIA Phase public participation process) of the EIAr. This also includes proof of hardcopy notices displayed, the availability of documents and the public meeting held during the public participation process. Follow up emails were sent to Directorates, which had not submitted any comments, on 31 October 2025. (See pages45 -51 of Appendix 5B).
	(vii) The CRR report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.	The CRR report was attached as a separate document, Appendix 4, to both the EIAr.
	(viii) Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&APs' comments.	We have complied with this requirement. Comments were only summarised in Section 4.3 of the EIAr. All other comments are capture verbatim in this CRR.

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Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	(ix) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.	We have complied with this requirement.
	(x) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final EIAR.	We have complied with this requirement. Although a meeting was held during the EIA Phase public participation process, no people were in attendance. Proof of this has been included in Appendix 5B of the EIAR.
(f) Specialist assessments		
	(i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following: a. A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation. b. Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed. c. Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas. d. Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable. e. All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA. f. Should a specialist recommend specific mitigation measures, these must be clearly indicated.	The EAP outlined all these requirements to the specialists in their terms of reference. Specialist studies complied with and contained all these requirements/ terms of reference where applicable.
	(ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.	No specialists specified contradicting recommendations.
	(iii) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the	The relevant specialist assessments were conducted in accordance with "the Protocols" and the "protocols for terrestrial plant and animal species", as amended.

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Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	Protocols") and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.	
	(iv) Please also ensure that the EIAR includes the Site Verification Report and Compliance Statements (where applicable) as required by the relevant themes.	The SSV Report has been included as Appendix 6 of the EIAR. The following compliance statements were addressed in the EIAR and attached as Appendices: • Flora, Fauna, Terrestrial Biodiversity as Appendix 8; and • Agriculture as Appendix 9.
	(v) Please note further that the protocols, if applicable, require certain specialists' to be SACNASP registered. Please ensure that the relevant specialist certificates are attached to the relevant reports.	SACNASP registration certificates have been attached to the specialist studies where relevant.
	(vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.	The Specialist Declaration forms contain the scientific organisation registration/member details where relevant.
	(vii) The following Specialist Assessments will form part of the EIAR: ➤ Marine and Estuarine Specialist Impact Assessment ➤ Avifauna Specialist Impact Assessment ➤ Socio-Economic Impact Assessment ➤ Terrestrial Biodiversity, Plants and Animals Assessment. ➤ Archaeological, Cultural Heritage and Palaeontology Specialist Impact Assessment ➤ Agricultural Compliance Statement ➤ Landscape/ Visual (Solar) Compliance Statement ➤ Civil Aviation Compliance Statement ➤ Relative Defence Compliance Statement ➤ Noise Impact Compliance Statement ➤ Radio Frequency Interference (RFI) Theme (Solar) ➤ Hydrology Study ➤ Geotechnical Study	• Marine and Estuarine Specialist Impact Assessment—Included as Appendix 7 • Avifauna Specialist Impact Assessment —Refer to the SSV report. Following a site visit by the specialists, they determined that a full impact assessment would not be required for birds. A compliance statement was prepared instead. Avifauna was addressed within the Flora, Fauna and Terrestrial Biodiversity Compliance Statement included as Appendix 8 of the EIAR. • Socio-Economic Impact Assessment —Included as Appendix 10 as a "Socio-Economic, Visual and Noise Assessment". Addressed in one report due to the integrated nature of these themes. • Terrestrial Biodiversity, Plants and Animals Assessment — Refer to the SSV report. Following a site visit by the specialists, they determined that a full impact assessment would not be required for these themes. A compliance statement was prepared instead. Included as Appendix 8. • Archaeological, Cultural Heritage and Palaeontology Specialist Impact Assessment—Included as Appendix 11 and 12 • Agricultural Compliance Statement—Included as Appendix 9 • Landscape/ Visual (Solar) Compliance Statement—Addressed as a separate section in the "Socio-Economic, Visual and Noise Assessment", which has been included as Appendix 10. Addressed in one report due to the integrated nature of these themes. • Civil Aviation Compliance Statement— Refer to the SSV report. After further analysis, it was determined that a Civil Aviation Compliance Statement would not be required. • Relative Defence Compliance Statement— Refer to the SSV report. After further analysis, it was determined that a Relative Defence Compliance Statement would not be required. • Noise Impact Compliance Statement— Addressed as a separate section in the "Socio-Economic, Visual and Noise Assessment", which has been included as Appendix 10. Addressed in one report due to the integrated nature of these themes. • Radio Frequency Interference (RFI) Theme (Solar) — Refer to the SSV report. After further analysis, it was determined that a RFI Theme Assessment would not be required. • Hydrology Study— Refer to the SSV report and Section 9.1.7 of the EIAR. As the beachwells/ boreholes were removed as an alternative, this study was no longer required.

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Date of comment, format of comment name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
		Geotechnical Study— Included as Appendix 13
(g) Cumulative Assessment	(i) The cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following: - Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e., hectares of cumulatively transformed land. - Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar (ii) developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. - The cumulative impacts significance rating must also inform the need and desirability of the proposed development. - A cumulative impact environmental statement on whether the proposed development must proceed.	Cumulative impacts, and where relevant these requirements for a cumulative impact assessment, were addressed in the respective specialist studies and in Section 10.6 and Section 11.2.6 of the EIAR. Cumulative impact environmental statement provided in Section 11.5 of the EIAR.
(h) General	(i) The EIAR must provide the technical details for the proposed development in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under Annexure 2 below. (ii) The EAP must provide landowner consent for all farm portions affected by the proposed project i.e., all farm portions where the development and associated infrastructure are to be located. (iii) A construction and operational phase EMPr that includes mitigation and monitoring measures must be submitted with the final EIAR, including the Generic EMPr for powerlines. The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, with regard to the time period allowed for complying with the requirements of the Regulations. You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.	(i) This has been included in Section 1 of the EIAR. (ii) TNPA is the landowner for all farm portions. Land owner consent and associated documents were attached as Appendix 3, Appendix 3A(1), Appendix 3A(2) and Appendix 3B with the Application Form submitted on 27 February 2025. (iii) A construction and operational phase EMPr, which follows the Generic EMPr, has been drafted and submitted with the EIAR. As per confirmation received from this department on 21 November 2025, a generic EMPr is no longer required as an overhead powerline is no longer being included as part of this development. In addition, the development does not trigger Activities 11 and 47 in Listing Notice 1 or Activity 9 in Lising Notice 2. The required timeframes are acknowledged, with the potential lapsing of the application should timeframes not be met, also being acknowledged. We take note that no activity may commence prior to an Environmental Authorisation being granted by the Department. We have also informed the client and contractors of this.
	Yours faithfully Dr Sabelo Malaza Chief Director: Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment Signed by: Mr Coenrad Agenbach Designation: Deputy Director: Prioritised Infrastructure Projects	

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Date of comment, format of comment name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
Date: 30 May 2025		
cc.	Ms Nosicelo Biyana Mr Briant Noncembu Ms Jane Gallo	Transnet SOC Ltd Eastern Cape Department of Economic Development and Environmental Affairs Buffalo City Metropolitan Municipality Email: Nosicelo.Biyana@transnet.net Email: Briant.Noncembu@dedea.gov.za Email: JaneG@buffalocity.gov.za
Annexure 1: Format for Comments and Response Trail Report		
Date of comment, format of comment name of organisation/I&AP 27/01/2016 Email Department of Forestry, Fisheries and the Environment. Prioritised Infrastructure Projects (John Doe)	Comment Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	Response from EAP/Applicant/Specialist EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form
Annexure 1 was used as a guide to draft the current C&R (or CRR) document (this document)		
Annexure 2: Sample of technical details for the proposed facility		
Component	Description / dimensions	
Location of the site		
The total area of the site		
Total disturbance footprint		
Maximum generation capacity for solar plant		
Footprint of solar plant		
Reservoir Capacity and Footprint		
Footprint of Land Borehole Area		
Footprint of Land Beachwell Area		
Intake Pipelines lengths and footprints for all alternatives		
Outfall Pipelines lengths and footprints for all alternatives		
Annexure 2 was used as a template in Section 1 of the EIAR		
EIA Phase Comments		
26 September 2025		
Email Dept. Water & Sanitation: Eastern Cape (Andrew Lucas Director: Regulation, Compliance & Enforcement)	Greetings Cherusha, Please retain me as a I&AP, both as DWS representative (will retire shortly) and in my private capacity. I am interested in the following concerns: - Water Quality of intake water, - risk of sewage pollution, harbour pollution and oil spills - Re-milneralization / blending - Brine disposal in an area sheltered by break wall & up current of Buffalo Estuary - Potential to upscale & serve the city? Regards	Preliminary response (26 September 2025 via email) EAP: Thank you for your response. I will retain you as an I&AP and also note your preliminary questions/ comments. The report should be available for review on our website at the link provided by 1 October. Hopefully the report will answer some of your question. The rest could be answered by the specialist, engineer and / or TNPA. Main Response (30 October 2025) Desalination Contractors/ Engineers: Water Quality of intake water, - risk of sewage pollution, harbour pollution and oil spills: The current water quality, which currently includes sewage pollution (high E coli & coliforms as well as organic material and suspended solids), has been taken into account in the process design. The estuarine intake has a large strainer as a first barrier. This is followed by a tripartite pre-filtration regime, which includes a 50 micron filtration step, followed by 30 micron filtration step, followed by a 1 micron filtration step, prior to entering the reverse osmosis system. In addition and at the right filtration step, chlorine is dosed for disinfection, as well as coagulant, and the chlorine counteracted with SMRS prior to entering membrane system to protect RO.

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		membranes. Furthermore, given the intake is well below the surface, oil spill influence risk is minimised as it would predominantly be a surface-level phenomenon. Desalination Contractors/ Engineers Re-mineralization / blending: The desalination permeate water is treated as follows: Post-treatment (The following post-treatment process is designed before the water enters a new holding reservoir prior to injection into port hydraulic network) - Remineralization: Calcite filters with Sulfuric acid Injection. - Chlorination: Injection of sodium hypochlorite. - pH adjustment: Injection of sodium hydroxide. Remineralization & Sulfuric Acid Injection The produced drinking water will be sent to a remineralization station through filters to achieve calcium-carbonate equilibrium. The produced drinking water will be sent to a calcite remineralization filter (CaCO₃). This filtering media has self-limiting property and slowly dissolves calcium carbonate. This solution requires dosing of H₂SO₄ upstream neutralizing filters to achieve carbonate equilibrium. The remineralization station will consist of remineralization columns placed in parallel. pH adjustment The pH correction by Sodium hydroxide injection will allow the adjustment of the pH according to the desired pH range. Chlorination Chlorination will ensure water potability in the water distribution network Marine Specialist: Brine disposal in an area sheltered by break wall & up current of Buffalo Estuary Thank you for the comment, this is indeed a scenario that has been given due consideration. The area of proposed discharge is typically subject to significant wave action, as evidenced by the presence of extensive sea defence structures (dolosse) in the area. Indeed, dolosse were invented for the protection of the Port of East London harbour. This wave action results in significant energy and associated mixing. The dispersion modelling results indicate that there is sufficient mixing within the first few meters after discharge to meet water quality guideline limits for salinity and other components of the effluent that may be of concern to the estuary. Therefore, there is little to no risk that brine effluent will be entrained into the estuary at concentrations that may result in environmental harm. Applicant: Potential to upscale & serve the city? (- The main purpose is to make the port and port-dependent factories like (MBSA) less reliant on municipal bulk water, improving operational resilience with TNPA and its tenants. - The plant will act as a local backup during municipal supply failures or imposed water restrictions useful for critical services but it is not large enough to replace municipal supply at scale.

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		3. It will reduce economic vulnerability by ensuring water for the port customers, it will also help to avoid production stoppages, loss of exports, and related economic harm to the BCM metro. 4. The system uses solar generation (and battery/renewable hybrids), therefore it reduces energy costs for TNPA by also reducing the electrical supply load from BCM metro. 5. Create short-term jobs and local procurement opportunities during construction, operations and stimulate local technical capacity for small-scale desalination projects.
29 September 2025		29 September 2025 via email
Agri Eastern Cape	Please could you register us as I&APs for this project, our details are below: {Redacted}	EAP Thank you for your email. I will register you both as I&APs for the project.
30 September 2025		
Email	Good afternoon Cheruscha I would like to attend the public meeting on 14 October. Should anything change, I will notify you. Kind regards	EAP (30 September 2025 via email) Your RSVP has been noted, thank you.
Private individual 1		
7 October 2025		
Email	Good evening Cheruscha. Unfortunately I now have to travel for work, which makes it impossible for me to attend this meeting. My apologies for the change in plans.	EAP (13 October 2025 via email) No problem at all. Thank you for letting me know.
Private individual 1		
2 October 2025		
Email	I cant locate the HIA in the files uploaded...if you don't mind please email soonest, as the cases are being sent today to the committee and I cant get through your phone.	EAP (2 October 2025 via email) Hi Ayanda, Oh ok. I just sent a OneDrive folder in any case. So please ignore that folder. I've attached the HIA (with AIA) and PIA.
ECPHRA (Ayanda Mncwabe-Mama Archaeologist Department of Sport, Recreation, Arts and Culture: Museums & Heritage)	Follow up email in response to EAP: "Much appreciated!!got it."	
3 October 2025	Good afternoon, Cher Hope you are well.	
Email	Firstly, this is a RSVP to attend the meeting on 14 October 2025. Secondly...	EAP (3 October 2025 via email) Thank you for your email and RSVP, which is noted. I am the environmental consultant on the project. To my knowledge, TNPA has already appointed engineers and contractors for the work involved through a tendering process conducted some time ago. You are, however, welcome to raise your question directly with the project manager at the meeting.
Private Individual 2	Do you have a design for your project? We already drafted a design for a similar project, and will you need subcontractors for this project? I hope the above is in order.	
13 October 2025	Dear Sir/Madam DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation on the 25th of September 2025 to review and comment on the	EAP (3 October 2025 via email) Thank you and noted.
Email		

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Department of Forestry, Fisheries and the Environment. B&C: Biodiversity Mainstreaming & EIA (Nompumelelo Lekalakala)	project mentioned on the subject line. Kindly note that the project has been allocated to Mrs P Makitla and Ms Nompumelelo Lekalakala (Copied on this email). Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@dfre.gov.za for attention of Mr Seoka Lekota.	
15 October 2025	Good day Cheruscha	EAP (17 October 2025 via email) We actually had no people in attendance for the meeting.
Email	{I} was unable to attend last night. Would you be emailing any feedback regarding the meeting please? Thank you.	I've attached the presentation which we would have given to give an overview of the project and result of the Environmental Impact Assessment. Please let me know if you have any comments or questions.
Private Individual 3 22 October 2025	BACKGROUND <i>The case was reviewed in June 2025, where a Phase 1 AIA (archaeological impacts assessment incl. maritime & cultural components) was requested.</i> ECPHRA (Eastern Cape Provincial Heritage Authority) COMMENTS in terms of Section 38 of the National Heritage Resources Act (25 of 1999). <i>This case was re-tabled at the Archaeology, Palaeontology and Meteorites (APM) Committee meeting held on 8 October 2025.</i> ECPHRA Final Comment: ECPHRA notes and accepts the submitted Phase 1 AIA (Archaeological Maritime & Cultural Impact Assessment) compiled by Gribble, J. (September 2025). As previously communicated, the desktop Paleontological Impact Assessment (Bamford, M) was acceptable upon review in June 2025. <i>There are no objections to the proposed development. It may proceed as planned provided that the recommendations by specialists and ECPHRA, are adhered to.</i> ECPHRA Recommendations:	
Email	General pre/construction phase requirements: The project proponent/representative must notify ECPHRA of the date of commencement of the project or share the project schedule and Environmental Authorisation (EA). The project proponent/representative must submit a detailed heritage <i>chance finds procedure</i> (CFP), for ECPHRA to approve before development starts. Heritage induction and training for ground crew (Incl. ECO) must be conducted, in identifying heritage resources. SAHRA and ECPHRA must be notified of any shipwreck finds. A palaeontologist must be on site, to monitor, during excavations Heritage monitoring and reports to be shared with ECPHRA. Post Construction phase requirements: Upon completion of the project, a final heritage compliance report to be submitted to ECPHRA.	EAP: (22 October 2025 via email) Good day, Thank you for your email. The comments have been received and noted with thanks. These will be included in the EIAR, EMPr and comments and responses table. Main Response: EAP: We take note that ECPHRA notes and accepts the submitted Phase 1 AIA (Archaeological Maritime & Cultural Impact Assessment) and the desktop Paleontological Impact Assessment. We take note that the ECPHRA has no objections to the proposed development and that it may proceed as planned, provided that the recommendations by specialists and ECPHRA, are adhered to. The "General pre/construction phase requirements" and "HIA Recommendations" submitted by the ECPHRA, has been included in the EMPr.

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	Project payment: R 500 NID fee (paid). R 1 500 HIA assessment fee (paid). HIA Recommendations (page 62-63) 1. Palaeontology: Although it is unlikely that significant fossils or prehistoric archaeological sites and material will be disturbed by the construction of the Port of East London desalination plant, there is a small chance that fossils may occur in the Nanaga Formation aeolianites and the Middleton Formation bedrock. It is recommended, therefore, that a palaeontological Chance Find Protocol is implemented under the EMPr, which will ensure the identification, recovery, curation and reporting to SAHRA of any fossil finds. If fossils are found by the environmental officer, or other responsible person once excavations for foundations have commenced then they should be rescued and SAHRA and ECPHRA notified to determine whether a palaeontologist should be called to assess and collect a representative sample. Any recovered fossils or artefacts are the property of the State will need to be deposited in a suitable curatorial institution. Information on the sources or contexts of the collected items must accompany them, as far as can be determined. 2. Maritime Archaeology: Shipwrecks and shipwreck remain, even in an active marine environment, are generally large and visible on the seabed. If wreck material is present on the seabed in the marine outfall area, therefore, this is likely to become evident in any pre-installation survey or ground investigation and measures can be taken in advance of installation activities to avoid the site or material, thereby mitigating potential impacts to it. It is recommended, therefore, that wreck or related artefacts identified during any preconstruction ground-truthing of the marine outfall site, are reported to a suitably qualified maritime archaeologist and SAHRA notified. It is recommended that any wreck is subject to the implementation of a suitably defined construction exclusion zone, which will ensure that it is not impacted by the installation of the marine outfall. The project maritime archaeologist's advice must be sought on the appropriate size and extent of any such exclusion zone. Any such exclusion zones must be marked on all project mapping as no-go areas for construction contractors. If seabed debris or a previously unknown wreck are encountered during the installation of the marine outfall, the project maritime archaeologist and SAHRA must be notified immediately, and work must cease in the immediate vicinity until the maritime archaeologist and SAHRA have assessed the	

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	significance of the site and a decision has been taken as to how to deal with it. 3. Terrestrial Archaeology: Lastly, should any terrestrial pre-colonial or historical archaeological sites or material be encountered during the construction of the desalination plant, work must immediately cease in that area. The area must be cordoned off and the material made safe but left in situ. A suitably qualified archaeologist must be called to site to assess the significance of the find and SAHRA and the ECPHRA must be notified of the find. In the event of human remains being uncovered during work, all activities in the vicinity must cease and the site made secure until a suitably qualified archaeologist and SAHRA and the ECPHRA have been notified, the significance of the material has been assessed, and a decision has been taken as to how to deal with it. Mr. Azola Mkosana ECPHRA: Manager NOTE: ECPHRA reserves the right to conduct site inspections/monitoring without notification.	
28 October 2025		EAP with assistance from engineers (29 October 2025 via email)
In person- during Site Visit Department of Forestry, Fisheries and the Environment. Oceans And Coasts - Coastal Development & Protection. (Tabisile Mhlana)	Requested detail on the intake and outfall engineering design, such as length of pipeline into estuary, material to be used, anchorage to estuarine/ seabed, whether pipeline will be laid above or below ground, etc.	We spoke with the civil engineers again yesterday, and they are currently in the process of detailed design for the intake pipeline. Their preferred design concept differs slightly from what we discussed during the site visit. Preferred intake design concept - The engineers' current preferred option is a floating pipeline/pontoon system. In this design, the pipeline will extend from the pump station onto the floating pontoon, pass through an opening in the pontoon, and then extend into the water. - The pontoon will be located approximately 13–18 m from the edge of the existing concrete wharf. I've attached an image to help illustrate and provide context for the length of the pipeline in relation to the estuary. - This distance is based on the requirement that the intake must be positioned 0.5 m below the lowest water level (LAT), which equates to roughly –2 m MSL, allowing for some tolerances. - Survey data indicates that the –2 m MSL contour lies about 13–18 m from the wharf edge at the identified site. - The intake will include a strainer barrier to prevent fish and other organisms from being drawn into the pipe. - The main advantage of this floating design is that it avoids disturbing the seabed (no diving required), and that all components can be assembled in a workshop and floated into place. - It also allows for easier access during maintenance. The strainers are prone to clogging and require regular maintenance, which will be much easier with this design.

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		The alternative option (as discussed yesterday), should the pontoon not be selected, is described below. Alternative intake design concept - The pipeline from the pumphouse to the estuary will be above ground. - After passing over the existing concrete wharf, it will slope down and be laid on top of the artificial rocks along the wharf before entering the water. - The intake pipeline will be laid on the estuarine bed and supported by discrete mass concrete blocks. These blocks act as collars, with the pipe resting on the bottom block and a top block fitting into it to secure the pipe. - The use of these blocks will be limited to where necessary, such as at the intake opening. - These blocks will act as mass anchorage and fixing points for the structural steelwork of the intake pipes. - It will be placed on the estuary bed after surface preparation to create a flat, stable base for the supports. - An example of a concrete anchor block is shown on the image below (these blocks are for pipeline anchoring, the supports for other items will differ) - As with the option above, the intake pipeline will extend approximately 13-18m (and not 2–5 m as mentioned yesterday) from the edge of the wharf as it needs to be positioned at 0.5 m below the lowest water level (between 13 and 18 m away from the edge of the wharf). - The intake will have a strainer barrier to prevent fish and other animals from being drawn into the pipe. Additional information pertaining to the development design Pipes will be made from HDPE, not from steel or corrosive materials. Pipeline Route on Land - The pipeline will be buried along its alignment wherever possible. - It is expected that the pipeline will be visible in a few discrete sections where burial is not practically possible, such as at certain servitude crossings. - Final details will only be confirmed during the detailed design stage. Affixing Outfall Pipelines - The outfall pipelines will be laid on the seabed and supported by discrete mass concrete blocks (see image below). - These blocks act as collars, with the pipe resting on the bottom block and a top block fitting into it to secure the pipe. - The use of these blocks will be limited to where necessary, such as at the outfall end. - These blocks will act as mass anchorage and fixing points for the structural steelwork of the outfall pipes.

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		It will be placed on the seabed after surface preparation to create a flat, stable base for the supports. <i>Figure 1. Detail of the riverbed/seabed weight collar supports for the intake and outfall pipes.</i>
30 October 2025 Email Department of Forestry, Fisheries and the Environment— Protected Areas Planning and Management Effectiveness (Mashudu Mudau)	Dear Cheruscha The directorate would like to thank you for the review of the Draft EIR of the aforementioned project. We have noted that the applicant has removed Alternative 3 (Outfall), which was previously located within the Potters Pass Nature Reserve, in order to avoid any potential degradation of the protected area. We have no further comments. Regards, Mashudu Mudau Protected Areas Planning and Management Effectiveness Department of Forestry, Fisheries and the Environment Environment House 473 Steve Biko and Soutpansberg Streets PRETORIA	EAP: (31 October 2025 via email) Thank you for your email and for taking the time to review the Draft EIAr. We take note that you have no further comments.
31 October 2025 Email Department of Forestry, Fisheries and the Environment (DFFE): Integrated Environmental Authorisations (Competent Authority) (Dr Sabelo Malaza; Chief Director: Integrated Environmental Authorisations and signed by: Mr Coenrad Agenbach; Designation: Deputy Director: Prioritised Infrastructure Projects)	COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED 2ML/D SOLAR-POWERED SEAWATER DESALINATION PLANT IN THE PORT OF EAST LONDON, BUFFALO CITY METROPOLITAN MUNICIPALITY, EASTERN CAPE PROVINCE The Application for Environmental Authorisation and the draft Environmental Impact Assessment Report (EIAr) received by the Department on 27 February 2025 and 01 October 2025, respectively, refer. This letter serves to inform you that the following information must be included in the final EIAr: (a) Specific comments (i) The coordinates in the EIAr must be specific to each activity and infrastructure that is proposed on the site. The coordinates for each corner of the reverse osmosis plant, solar plant site, reservoir, pumphouse, water tank, parking, and the start, middle and end coordinates for the marine outfall pipelines, direct estuarine water intake pipeline, permeate pipeline, and the overhead transmission line must be included in the report, i.e., we	13/11/2025 Comments below are all addressed by EAP, unless otherwise indicated: Thank you and we take note that the Department has reviewed the Draft Environmental Impact Assessment Report (EIAr) and provided comments. Coordinates have been provided for each component of the development as prescribed in your comment. This has been attached as Appendix 3 to the EIAr.

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	require that you provide us with the specific development footprints for each development parameter, and not an area outlining the entire site.	
	(ii) Kindly ensure the development footprints (hectares/square metres) and specifications of all proposed infrastructure and associated infrastructure during all phases are included in the EIAr.	This has been provided in Section 1 of the EIAr.
	(iii) The EIAr must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed, as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken, which was identified in the screening tool report. Kindly take note that this should be in the form of a report and should either confirm or dispute the sensitivity ratings for each theme identified by the screening tool report. Please refer to 1. Site sensitivity verification and minimum report content requirements of the Protocol document.	A site sensitivity verification (SSV) report has been attached as Appendix 6 to the EIAr.
	(iv) A motivation must be provided in the EIAr as to why particular studies that were identified in the screening tool were not undertaken.	This has been clearly outlined in the SSV report, which has been attached as Appendix 6 to the EIAr.
	(v) Comments must be obtained from this Department's Biodiversity Conservation Directorate at BCAdmin@dfpe.gov.za.	The Department's Biodiversity Conservation Directorate was emailed for comments, which were received from this department during the Scoping Phase public participation process on 14 April 2025 and during the EIA phase public participation process on 31 October 2025.
	(vi) Reference is made to the development of an overhead powerline in the draft EIAr. No technical details such as the voltage, line length, pole spacing and foundation types of the proposed powerline is included in the draft EIAr. Please provide information relating to the powerline, is it an existing powerline or would a new powerline be constructed. What is the kilovolts that would be transmitted or distributed?	The project will no longer require overhead powerline, but will include the installation of a cable on the same footprint instead. Full details are as follows and have been included in the EIAr. Municipal Grid Connection : - New low-voltage cable line from existing substation to intake pump house. Will power the pumphouse with electricity from the grid (will distribute 230-400V). - New underground cable line that will run from the existing substation to the RO plant site where it will connect to a newly installed mini substation/ transformer. This transformer will be situated adjacent to the RO plant building close to the plant's Motor Control Centre (housed inside the building). The purpose of this cable is to supply power for specific low-voltage components, such as lighting, and to provide backup electricity when solar generation is insufficient (will distribute 11kV). Note that this underground cable line is being proposed instead of the previously proposed overhead electrical transmission line (transmitting 11kV). The transmission line is no longer feasible due to potential height restrictions within this area.
	(vii) The development proposes marine outfall pipelines and an estuarine intake pipeline. Therefore, comments from this Department's Oceans and Coast unit must be obtained to confirm whether approval is required from this unit since the proposed development will impact the marine environment. Find below the contact details for personnel at this Department's Oceans and Coast Directorate: a) Name: Funanani Ditinti Telephone: 012 399 9847 Email: fditinti@dfpe.gov.za / OCEIA@dfpe.gov.za	The Department's Oceans and Coast unit was emailed for comments. No comments were received from this department during the Scoping Phase public participation process. Comments were received on 6 November 2025 during the EIA Phase public participation process. They noted that the Branch O&C has no objections to the proposed development and presented further comments/ requirements/ recommendations for consideration.

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	(viii) The operational phase indicated in the EMP is insufficiently detailed. It must include management actions for: a) Routine inspection and cleaning of intake strainers. b) Verification of brine dispersion and salinity compliance at the Recommended Mixing Zone (RMZ). c) Periodic maintenance of the outfall and intake pipelines. d) Waste management from filter backwash and chemical cleaning processes.	The following has been included in the EMP: (a) Routine inspection and maintenance of intake strainers: - A visual inspection of the intake will be performed daily - Should the intake strainers need to be cleaned due to blockage, either of the following approaches will be followed; - If the component is removable, the component will be removed and mechanically (scrubbing and or pressure hosing) cleaned on land - Non removable components will be cleaned mechanically (scrubbing and/or pressure hosing) either by trained personnel on the pontoon, or by a team of divers - The removed debris will be disposed of as appropriate for the type of waste b) Firstly, the brine holding tank (or treatment tank) has two functions. Its primary role is to act as a treatment and conditioning tank, and its secondary role is to provide additional water head for gravity-assisted discharge to the outfall. Within the tank, natural aeration, hydraulic mixing, dilution and pH equalisation will occur via mixing. The desalination plant operates with two parallel RO trains, and only one undergoes cleaning process (CIP) at a time (and a CIP process occurs once every 3-6 months depending on incoming water quality and current state of RO process). This means that when one train is in CIP mode, the other remains operational, continuously feeding brine into the tank. This incoming brine dilutes any residual CIP chemicals and assists with pH equalisation. Any temporary pH fluctuations from CIP are therefore buffered and stabilised within the holding tank before brine is released to the outfall. The brine tank provides an effective and complete form of treatment before discharge and therefore no additional treatment methods such as addition of chemicals or other activities (mechanical aeration) are required. Secondly, verification of compliance at the RMZ will be undertaken as per CWDP conditions. Typically, this will involve both point source (via CTD profiling as per on ongoing environmental monitoring requirements) and continuous monitoring (through deployment of a suitable instrument at the edge of the RMZ). c) Routine inspection and maintenance of the intake pipelines - The intake system has a chlorine dosing system which helps to minimise marine growth within the intake pipeline - Further mechanical cleaning of the intake pipeline will be performed either by pipeline pigging, or the removal of discrete pipeline segments to be replaced or cleaned in a suitable workshop or area. c) Routine inspection and maintenance of the outfall pipelines - Mechanical cleaning of the outfall pipeline will be performed either by pipeline pigging, or the removal of discrete pipeline segments to be replaced or cleaned in a suitable workshop or area. d) Backwash and the periodic CIP flush (once every 3-6 months) is collected in a sump within the building that goes to the brine tank for mixing with brine (allowing dilution), natural aeration and then ocean discharge.
	(b) Listed Activities (i) Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Only activities applicable to the development must be applied for and assessed.	All relevant listed activities are applied for are addressed in Section 3 of the EIAR.

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	(ii) If the activities applied for in the application form differ from those mentioned in the final EIAR, an amended application form must be submitted.	An amended Application Form has been attached with the EIAR.
	(iii) It is imperative that the relevant authorities are continuously involved throughout the environmental impact assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.	All relevant authorities, Directorates and Departments have been contacted for comment. Copies of original emails/ correspondence with various stakeholders have been included as Appendix 5A (Scoping phase public participation process) and Appendix 5B (EIA Phase public participation process) of the EIAR. This also includes proof of hardcopy notices displayed, the availability of documents and the public meeting held during the public participation process. Follow up emails were sent to Directorates, which had not submitted any comments, on 31 October 2025. (See pages 45 -51 of Appendix 5B). All comments received have been included as Appendix 4 (this document) and Appendix 5C (pre-application and Scoping phase public participation process comments) and 5D (EIA public participation process comments) of the EIAR. During the EIA phase public participating process, comments were received from the: - Eastern Cape Provincial Heritage Resources Authority (ECPHRA) - DFFE: Directorate Oceans and Coast; - DFFE: Directorate Protected Areas (which noted they had no further comments); and - DFFE: Directorate Biodiversity and Conservation No comments were received from the Eastern Cape Department of Economic Development and Environmental Affairs or the Buffalo City Metropolitan Municipality, despite follow up emails sent on 31 October 2025. (See pages 45 -51 of Appendix 5B). See Appendix 16 for a list of all potential and registered Interested and Affected (I&APs) which were informed about and invited to comment on the proposed development. A graphical representation of the proposed development within the respective geographical areas, where applicable, are provided in Appendix 15. These include: - Protected Areas under NEMPAA (such as National Parks, Special Nature Reserves, Nature Reserves (including wilderness areas), Protected Environments, Marine Protected Areas, Forest Nature Reserves, and Forest Wilderness Areas). - World Heritage Sites - Sites identified in terms of an International Convention, e.g., Ramsar Convention on Wetlands sites. - Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs): - Core areas in Biosphere Reserves (UNESCO Biosphere Reserve). - Estuarine Functional Zones: - Coastal Areas - Sensitive areas identified in an Environmental Management Framework (EMF)
	(c) Layout & Sensitivity Maps (i) The EIAR must provide a copy of the final preferred site layout map for the proposed development. All available biodiversity information must be used	This has been provided in Section 1 and Appendix 15 of the EIAR. Accommodation is not relevant to this development, as all workers will be based off-site.

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	in the finalisation of the layout map, including the findings and recommendations made by the specialists. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following: a) Reverse osmosis plant; b) Solar plant site; c) Reservoir; d) Pump house; e) Water tank; f) Parking; g) Marine outfall pipelines; h) Direct estuarine water intake pipeline; i) Permeate pipeline; j) Overhead transmission line k) All existing infrastructure on the site, especially railway lines and roads; and l) Buildings, including accommodation.	
	(ii) Please provide an environmental sensitivity map which indicates the following: a) The location of sensitive environmental features identified on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;	These maps have been provided in Section 1 and Appendix 15 of the EIAR.
	b) Buffer areas; and c) All "no-go" areas.	No buffer areas or "no-go" areas have been demarcated by any of the specialists or are deemed necessary. The development is further required to stay within the boundaries of the development footprint as demarcated on the site layout maps. No-go" or buffer areas might only become applicable in terms of heritage resources, should any such resources be discovered during the preconstruction site preparation or during construction excavations. In this instance, the ECO will be informed and the site maps updated to include these areas.
	(iii) The above layout map must be superimposed (overlain) with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.	See Appendix 15
	(iv) Google maps will not be accepted.	ArcGIS was used to create these maps. Google maps/ Earth was not used.
	(d) Specialist Declaration of Interest (i) Specialist Declaration of Interest forms must be attached to the final EIAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on Department's website (please use the Department's template).	Specialist Declaration of Interest forms have been attached to the respective studies, which are attached as Appendices 7 – 13, to the EIAR.
	(e) Specialist Assessments (i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following: a. A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.	The EAP outlined all these requirements to the specialists in their terms of reference. Specialist studies complied with and contain all these requirements/ terms of reference where applicable. Studies are attached as Appendices 7 – 13 to the EIAR.

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	b. Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed. c. Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas. d. Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable. e. All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA. b) f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.	
	(ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.	No specialists specified contradicting recommendations.
	(iii) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols") and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.	The relevant specialist assessments were conducted in accordance with "the Protocols" and the "protocols for terrestrial plant and animal species", as amended.
	(iv) Please also ensure that the final BAR includes the Site Verification Report and Compliance Statements (where applicable) as required by the relevant themes.	The SSV Report has been included as Appendix 6 of the EIAR. The following compliance statements were addressed in the EIAR and attached as Appendices: - Flora, Fauna, Terrestrial Biodiversity as Appendix 8; and - Agriculture as Appendix 9.
	(v) Please note further that the protocols, if applicable, require certain specialists' to be SACNASP registered. Please ensure that the relevant specialist certificates are attached to the relevant reports.	SACNASP registration certificates have been attached to the respective specialist studies where relevant.
	(vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.	The Specialist Declaration forms contain the scientific organisation registration/member details where relevant.
	(f) Cumulative Assessment (i) A cumulative impact assessment for all identified and assessed impacts must be conducted to indicate the following: a. Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.	Cumulative impacts, and where relevant these requirements for a cumulative impact assessment, were addressed in the respective specialist studies and in Section 10.6 and Section 11.2.6 of the EIAR. Cumulative impact environmental statement provided in Section 11.5 of the EIAR.

Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	b) Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development. d) A cumulative impact environmental statement on whether the proposed development must proceed.	
	(g) Undertaking of an Oath (i) Please note that the final EIAr must have an undertaking under oath/ affirmation by the EAP. (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended, which states that the EIAr must include: <i>"an undertaking under oath or affirmation by the EAP in relation to:</i> a. <i>the correctness of the information provided in the reports;</i> b. <i>the inclusion of comments and inputs from stakeholders and I&APs;</i> c. <i>the inclusion of inputs and recommendations from the specialist reports where relevant; and</i> d. <i>any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties".</i>	This has been included as Appendix 2 of the EIAr.
	(h) Details and Expertise of the EAP (i) You are required to include the details and expertise of the EAP in the EIAr, including a curriculum vitae, in order to comply with the requirements of Appendix 3 of the NEMA EIA Regulations, 2014, as amended.	This has been included as Appendix 1 of the EIAr
	(i) Public Participation Process (i) The final EIAr must comply with all the conditions of the acceptance of the SR signed on 30 May 2025 and must address all comments contained in the final SR, the draft EIAr and this letter.	The EIAr complies with all conditions of the acceptance of the SR signed on 30 May 2025 and addresses all comments contained in the final SR, the draft EIAr and this letter (received 31 October 2025). How and where in the EIAr these have been addressed are discussed in this CRR document next to the respective comments (dated 30 May 2025 and 31 October 2025)
	(ii) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.	The Public Participation Process has been conducted in terms of these Regulations. Refer to Section 4 of the EIAr.
	(iii) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the Eastern Cape Department of Economic Development and Environmental Affairs, the Buffalo City Metropolitan Municipality, the Eastern Cape Provincial Heritage Resources Authority (ECPHRA) and the DFFE: Directorates Biodiversity and Conservation, and Oceans and Coast.	All these Directorates and Departments have been contacted for comment. All comments received have been included as Appendix 4 and Appendix 5 of the draft EIAr and Appendix 4 and Appendix 5C and 5D of the EIAr. During the EIA phase public participating process, comments were received from the: • Eastern Cape Provincial Heritage Resources Authority (ECPHRA) • DFFE: Directorate Oceans and Coast; • DFFE: Directorate Protected Areas (which noted they had no further comments); and • DFFE: Directorate Biodiversity and Conservation

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Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
		No comments were received from the Eastern Cape Department of Economic Development and Environmental Affairs or the Buffalo City Metropolitan Municipality, despite follow up emails sent on 31 October 2025. (See pages45 -51 of Appendix 5B)
	(iv) Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAr from registered Interested and Affected Parties (I&APs) and organs of state (including this Department's Biodiversity unit), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final EIAr and are incorporated into a Comments and Response Report (CRR).	All comments received have been included as Appendix 4 (CRR) and Appendix 5C (Pre-application and Scoping Phase Public Participation) and Appendix 5D (EIA Phase Public Participation) of the EIAr. These have also been summarised on Section 4.3 of the EIAr.
	(v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are to be submitted to the Department with the final EIAr.	Copies of original comments received have been included as Appendix 5C (Pre-application and Scoping Phase Public Participation) and Appendix 5D (EIA Phase Public Participation) of the EIAr.
	(vi) Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the EIAr for comment.	Copies of original emails/ correspondence with various stakeholders have been included as Appendix 5A (Scoping phase public participation process) and Appendix 5B (EIA Phase public participation process) of the EIAr. This also includes proof of hardcopy notices displayed, the availability of documents and the public meeting held during the public participation process. Follow up emails were sent to Directorates, which had not submitted any comments, on 31 October 2025. (See pages45 -51 of Appendix 5B).
	(vii) The CRR report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.	The CRR report is attached as a separate document, Appendix 4, to both the EIAr.
	(viii) Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&AP's comments.	We have complied with this requirement. Comments were only summarised in Section 4.3 of the EIAr. All other comments are capture verbatim in this CRR.
	(ix) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final EIAr.	We have complied with this requirement. Although a meeting was held during the EIA Phase public participation process, no people were in attendance. Proof of this has been included in Appendix 5B of the EIAr.
	(j) Environmental Management Programme (i) The EMPr must comply with Appendix 4 of the EIA Regulations, 2014, as amended.	The EMPr followed Appendix 4 of the EIA Regulations, 2014, as amended.
	(ii) It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in the Regulations must be used and submitted with the final report over and above the EMPr for the facility.	Although the development will include an overhead electricity transmission line, it will not trigger activity 11 or 47 of the EIA Regulations Listing Notice 1 of 2014. Nevertheless, the Generic EMPr has been followed.
	General (i) The EIAr must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample of the	This has been included and updated in Section 1 of the EIAr.

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Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	minimum information required is listed under Annexure 2 of the EIA information required for solar energy facility as requested.	Environmental Authorisation is required for a period of 10 years. Anticipated construction period: Start: 31 July 2026 Finish: 2 August 2027 Current Contractor's "Operations and Monitoring" contract period: Start: 3 August 2027 Finish: 28 July 2031 TNPA will continue to operate the desalination plant beyond the current contractor's operational contract, therefore the Environmental Authorisation is required for at least 10 years to cover the full operational period of the plant.
	(ii) Please also ensure that the final EIAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended. (iii) You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: <i>"The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority - (a) an environmental impact assessment report inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority."</i>	We take note of this. Please note that we have been granted extension for the submission of the final environmental impact assessment report inclusive of any specialist reports, and EMPr, in the letter from the DFFE dated 6 August 2025. <i>"The final EIAR must be submitted on or before 06 January 2026."</i>
	Should there be significant changes or new information that has been added to the EIAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: <i>"The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority – (b) a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised documents contemplated in subregulation 1(a) will be subjected to another public participation process of at least 30 days"</i> .	No significant changes or new information that has been added to the EIAR or EMPr which changes the scope of the project or layout.
	Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.	The required timeframes are acknowledged, with the potential lapsing of the application should timeframes not be met, also being acknowledged.

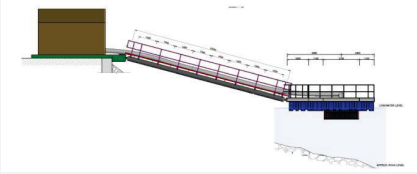
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Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist																						
	You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department. Yours sincerely Dr Sabelo Malaza Chief Director: Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment Signed by: Mr Coenrad Agenbach Designation: Deputy Director: Prioritised Infrastructure Projects Date: 30 October 2025	We take note that no activity may commence prior to an Environmental Authorisation being granted by the Department. We have also informed the client and contractors of this.																						
	<table><tr><td>cc.</td><td>Ms Nosicelo Biyana</td><td>Transnet SOC Ltd</td><td>Email: Nosicelo.Biyana@transnet.net</td></tr><tr><td></td><td>Mr Briant Noncembu</td><td>Eastern Cape Department of Economic Development and Environmental Affairs</td><td>Email: Briant.Noncembu@edea.gov.za</td></tr><tr><td></td><td>Ms Jane Gallo</td><td>Buffalo City Metropolitan Municipality</td><td>Email: JaneG@buffalocity.gov.za</td></tr></table>	cc.	Ms Nosicelo Biyana	Transnet SOC Ltd	Email: Nosicelo.Biyana@transnet.net		Mr Briant Noncembu	Eastern Cape Department of Economic Development and Environmental Affairs	Email: Briant.Noncembu@edea.gov.za		Ms Jane Gallo	Buffalo City Metropolitan Municipality	Email: JaneG@buffalocity.gov.za											
cc.	Ms Nosicelo Biyana	Transnet SOC Ltd	Email: Nosicelo.Biyana@transnet.net																					
	Mr Briant Noncembu	Eastern Cape Department of Economic Development and Environmental Affairs	Email: Briant.Noncembu@edea.gov.za																					
	Ms Jane Gallo	Buffalo City Metropolitan Municipality	Email: JaneG@buffalocity.gov.za																					
	Annexure 1: Format for Comments and Response Trail Report <table><tr><th>Date of comment, format of comment, name of organisation/I&AP</th><th>Comment</th><th>Response from EAP/Applicant/Specialist</th></tr><tr><td>27/09/2025 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)</td><td>Please record C&R trail report in this format Please update the contact details of the provincial environmental authority</td><td>EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form</td></tr></table>	Date of comment, format of comment, name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist	27/09/2025 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form	Annexure 1 was used as a guide to draft the current C&R (or CRR) document (this document)																
Date of comment, format of comment, name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist																						
27/09/2025 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form																						
	Annexure 2: Sample of technical details for the proposed facility <table><tr><th>Component</th><th>Description / dimensions</th></tr><tr><td>Location of the site</td><td></td></tr><tr><td>The total area of the site</td><td></td></tr><tr><td>Total disturbance footprint</td><td></td></tr><tr><td>Maximum generation capacity for solar plant</td><td></td></tr><tr><td>Footprint of solar plant</td><td></td></tr><tr><td>Reservoir Capacity and Footprint</td><td></td></tr><tr><td>Overhead Powerline (Length, width, voltage)</td><td></td></tr><tr><td>Reverse Osmosis Plant Footprint</td><td></td></tr><tr><td>Intake Pipelines lengths and footprints</td><td></td></tr><tr><td>Outfall Pipelines lengths and footprints for all alternatives</td><td></td></tr></table>	Component	Description / dimensions	Location of the site		The total area of the site		Total disturbance footprint		Maximum generation capacity for solar plant		Footprint of solar plant		Reservoir Capacity and Footprint		Overhead Powerline (Length, width, voltage)		Reverse Osmosis Plant Footprint		Intake Pipelines lengths and footprints		Outfall Pipelines lengths and footprints for all alternatives		Annexure 2 was used as a template in Section 1 of the EIAR
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31 October 2025	COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED 2MLD SOLAR POWERED SEAWATER DESALINATION PLANT IN THE PORT OF EAST LONDON, BUFFALO CITY METROPOLITAN MUNICIPALITY, BY TRANSNET NATIONAL PORTS AUTHORITY IN EASTERN CAPE PROVINCE The Directorate: Biodiversity Conservation has reviewed and evaluated the submitted report. The report noted that the proposed development is located within a highly sensitive terrestrial environment, classified as a Critical Biodiversity Area (CBA 1), and encompassing portions of the Umtiza Forest Thicket, which is	We take note that the Directorate: Biodiversity Conservation has reviewed and evaluated the submitted report, have summarised the main points of importance here, and have submitted comments and recommendations for consideration, below.																						
Email																								
Department of Forestry, Fisheries and the Environment (DFFE): Biodiversity Conservation (Mr Seoka Lekota-Control																								

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Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
Biodiversity Officer Grade B: Biodiversity Conservation.) Enquiries: Portia Makitla	listed as Critically Endangered. However, it is noted that the study area has undergone significant historical transformation and is largely isolated from surrounding natural habitats. The site has transformed due to urban, residential, and industrial edge impacts, resulting in the loss of key ecological functions for species movement and ecological connectivity. The development area is affected by invasive alien vegetation, which has further intensified ecological degradation within the site. The adjacent port environment is similarly highly modified and continues to experience ongoing disturbances from industrial and shipping activities. However, the indigenous plant species sensitivity is very low acknowledged from the site verification findings. In addition, the study area is in a marine environment classified as vulnerable due to two relevant hydrological features: the Buffalo Estuary (endangered) and a section of coastline(vulnerable). However, the proposed facility is also not located in a Strategic Water Source Area. To ensure that ecological functioning and connectivity are maintained the Directorate: Biodiversity and Conservation furthermore recommend the following measures to be implemented and adhered to:	
	The marine and estuarine ecosystems in the vicinity of the proposed development could therefore be sensitive to disturbance, pollution, and habitat modification. Develop and implement EMPr that coordinate actions across different sectors, including freshwater allocation, fish resource use, water quality, and land-use planning.	All relevant mitigation measures and actions related to this have been incorporated/ addressed in the EMPr
	Minimize topsoil runoff from construction and development projects and ensure that development considers sensitive ecosystems.	All relevant mitigation measures and actions related to this have been incorporated/ addressed in the EMPr
	Prohibit intentional disposal of substances into the estuarine environment and implement strict protocols for preventing, containing, and reporting accidental spills.	All relevant mitigation measures and actions related to this have been incorporated/ addressed in the EMPr
	Store fuel and oil with adequate spill protection and ensure no leaking vehicles or vessels are allowed on site.	All relevant mitigation measures and actions related to this have been incorporated/ addressed in the EMPr
	Implement and improve stormwater management systems, such as constructed wetlands, to reduce the amount of litter, debris, and sewage entering estuaries.	All relevant mitigation measures and actions related to this have been incorporated/ addressed in the EMPr
	Establish buffer zones to protect water resources from pollution and habitat degradation.	All relevant mitigation measures and actions related to this have been incorporated/ addressed in the EMPr
	Immediately rehabilitate areas disturbed by construction activities by minimizing topsoil runoff and collecting and disposing of polluted soil appropriately.	All relevant mitigation measures and actions related to this have been incorporated/ addressed in the EMPr
	Re-establish conservancies and work towards declaring protected areas to protect critical estuarine habitats.	The site does not overlap with any conservancies or protected areas. However, other mitigation measures have been included to protect critical estuarine habitat.

Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	Implement specific rules for breaching sand berms at high water levels to maintain ecological flow in estuaries, for example, by not breaching berms until they reach a certain height	We understand the purpose of implementing controlled breaching protocols for sand berms to maintain ecological functioning in estuaries. However, the proposed project does not involve any berm breaching activities and will not be situated close to a sand berm.
	An Invasive Alien Plant Management Plan must be developed and implemented in accordance with Section 75 of the National Environmental Management: Biodiversity Act (NEMBA).	All relevant mitigation measures and actions related to this have been incorporated/ addressed in the EMPr
	Adhere to the National Environmental Management: Integrated Coastal Management Act (Act No. 24 of 2008), which requires estuaries to be managed in a coordinated and efficient manner.	All relevant mitigation measures and actions related to this have been incorporated/ addressed in the EMPr
	In conclusion, all Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCAdmin@dffe.gov.za for the attention of Mr. Seoka Lekota. Yours faithfully Seoka Lekota Control Biodiversity Officer Grade B: Biodiversity Conservation	We note that all Public Participation Process documents and Biodiversity EIA queries must be submitted to the relevant contact, whose details have been added to our database.
6 November 2025 (signed comments received 12 November 2025) Department of Forestry, Fisheries, and the Environment) — Coastal Development & Coordination (Mr Ryan Peter Director: Coastal Development & Coordination Sent by (Enquiries: Ms Tabisile Mhlana))	Dear Ms. Swart COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED 2MLD SOLAR POWERED SEAWATER DESALINATION PLANT IN THE PORT OF EAST LONDON, BUFFALO CITY METROPOLITAN MUNICIPALITY, EASTERN CAPE PROVINCE, BY TRANSNET NATIONAL PORTS AUTHORITY. The Department of Forestry, Fisheries, and the Environment (DFFE), Branch Oceans & Coasts (O&C) appreciates the opportunity granted to provide comments on the Draft Environmental Impact Report for the Proposed 2MLD Solar Powered Seawater Desalination Plant in the Port of East London, Buffalo City Metropolitan Municipality, Eastern Cape Province, by Transnet National Ports Authority. The Branch will provide comments as per the National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA") and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICM Act"). The Branch O&C has the mandate to ensure the holistic management of the coast and estuarine areas as an integrated system and promote coordinated coastal management. It ensures that the ecological integrity, natural character, and economic, social, and aesthetic value of the coastal zone are maintained to protect people, properties, and economic activities against the impacts of dynamic coastal processes. Guided by the principles of integrated coastal management, this Branch promotes developments that promote socially justified sharing of benefits derived from a resource-rich coastal area and strives to ensure that the principles of sustainable development are upheld. Based on the submitted Draft Environmental Impact Report with associated reports and the site inspection conducted on the 28th of October 2025. The Branch O&C has no objections to the proposed development and presents the comments stipulated below for consideration.	Comments below are all addressed by EAP, unless otherwise indicated: Thank you for your email and for taking the time to review the draft EIAR. We take note that you have further comments below. We take note that the Branch O&C has no objection to the development, but that further comments/ requirements/ recommendations have been noted below for consideration.

Date of comment, format of comment, name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	1. Noting that final designs are still to be prepared, it is essential to include the possible installation alternatives for the proposed submerged perforated intake pipe, as well as the distance from the banks towards the water channel. Considering that the estuarine banks within the proposed development footprint for the water intake and associated infrastructure are already modified as a concrete wall, the proposed development is not expected to result in significant additional alteration to the Estuarine Functional Zone.	This information has been included/ updated in Section 1 of the EIAr. Preferred intake design concept - The engineers' current preferred option is a floating pipeline/pontoon system. In this design, the pipeline will extend from the RO plant to the pump house and from here, onto the floating pontoon, pass through an opening in the pontoon, and then extend into the water. - The intake point in the estuary will be approximately 13-18m from the edge of the existing concrete wharf. I've attached an image to help illustrate and provide context for the length of the pipeline in relation to the estuary. - The intake will include a strainer barrier to prevent fish and other organisms from being drawn into the pipe. - The advantage of this floating design is that it allows for easier access during maintenance. The strainers are prone to clogging and require regular maintenance, which will be much easier with this design.  Pontoon system, pumphouse and pipeline (indicated in bright green).  Pontoon system from side view The alternative option, should the pontoon not be selected, is described below. Alternative intake design concept - The pipeline from the pumphouse to the estuary will be above ground.

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		- After passing over the existing concrete wharf, it will slope down and be laid on top of the artificial rocks along the wharf before entering the water. - The intake pipeline will be laid on the estuarine bed and supported by discrete mass concrete blocks. These blocks act as collars, with the pipe resting on the bottom block and a top block fitting into it to secure the pipe. - The use of these blocks will be limited to where necessary, such as at the intake opening. - These blocks will act as mass anchorage and fixing points for the structural steelwork of the intake pipes. - It will be placed on the estuary bed after surface preparation to create a flat, stable base for the supports. - An example of a concrete anchor block is shown on the image below (these blocks are for pipeline anchoring, the supports for other items will differ) - As with the option above, the intake pipeline will extend approximately 13-18m (and not 2-5 m as mentioned yesterday) from the edge of the wharf as it needs to be positioned at 0.5 m below the lowest water level (between 13 and 18 m away from the edge of the wharf). - The intake will have a strainer barrier to prevent fish and other animals from being drawn into the pipe. Additional information pertaining to the development design Pipes will be made from HDPE, not from steel or corrosive materials. - The pipeline will be buried along its alignment wherever possible. - It is expected that the pipeline will be visible in a few discrete sections where burial is not practically possible, such as at certain servitude crossings.
	2. The report states that the intake structures should be positioned away from sensitive environments or areas with high species diversity or abundance, such as rocky reefs, and that they should not draw water from the upper meter of the water column. These measures are appropriate and are expected to reduce potential impacts on biota effectively. However, it is unclear whether the intake structure will include an intake screen to prevent entrainment of small organisms, or if maintaining an intake velocity of less than 0.15 m/s is anticipated to be sufficient to minimize impacts on larval and juvenile fishes, considering that their swimming capabilities differ from those of adults	That is correct, the intake is designed to be horizontal and not draw water from the upper or bottom meter of the water column, and we take note that this is appropriate Yes, the intake will have a strainer barrier to prevent fish and other animals from being drawn into the pipe. The project description in the EIAr and EMPr has been updated to reflect this. The 0.15 m/s is as per international best practise. There is inevitable entrainment of larval and juvenile fishes through any intake structure — other mitigation, such as positioning of the intake below 1 m depth, as well as horizontal intake, will mitigate this to some extent, but it will not fully prevent this entrainment/impingement. Given the intake volumes relative to the total available habitat used by these groups in the system, this impact is anticipated to be of Very Low significance after mitigation.
	3. As discussed during the site inspection, the subsequent report should explicitly indicate that the intake pipe will be equipped with a strainer barrier as a mitigation measure to prevent organisms from being drawn into the intake.	This information has been included/ updated in Section 1 of the EIAr and the EMPr.
	4. The Marine Specialist Report states that the brine is either treated further or discharged into the ocean via a diffuser system. Treatment before disposal is essential to minimize potential effects on marine ecosystems.	Outfall design and disposal method

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Date of comment, format of comment name of organisation, name of I&AP/ stakeholder	Comments	Response from EAP/Applicant/Specialist
	The EAP should provide clarity on which disposal method is proposed for this project. If discharge via a diffuser system is planned, further details regarding the design and operational aspects of the diffuser would be appreciated to fully assess potential environmental impacts.	The project proposes to discharge brine through a single-point outlet rather than a multi-nozzle diffuser system. The current outfall concept includes three branches, each ending in its own single discharge point. This approach is considered sufficient because the brine volume is relatively low and the receiving environment has strong natural mixing driven by high wave energy, which ensures effective dispersion without the need for a multi-nozzle diffuser. Note that the brine dispersion modelling also makes no differentiation between whether there is a single branch or multiple branches. Worst-case concentration of effluent exiting the pipe end was modelled. Treatment of brine (brine holding tank): <u>Treatment of brine (brine holding tank):</u> The brine holding tank (or treatment tank) has two functions. Its primary role is to act as a treatment and conditioning tank, and its secondary role is to provide additional water head for gravity-assisted discharge to the outfall. Within the tank, natural aeration, hydraulic mixing, dilution and pH equalisation will occur via mixing. The desalination plant operates with two parallel RO trains, and only one undergoes cleaning process (CIP) at a time (and a CIP process occurs once every 3-6 months depending on incoming water quality and current state of RO process). This means that when one train is in CIP mode, the other remains operational, continuously feeding brine into the tank. This incoming brine dilutes any residual CIP chemicals and assists with pH equalisation. Any temporary pH fluctuations from CIP are therefore buffered and stabilised within the holding tank before brine is released to the outfall. The brine tank provides an effective and complete form of treatment before discharge and therefore no additional treatment methods such as addition of chemicals or other activities (mechanical aeration) are required.
	5. The Coastal Water Discharge Permit will deal with the appropriate/ acceptable effluent discharge concentration levels, volumes, and timing in detail during the CWDP application.	Yes, that is correct and we note that the O&C will therefore not be commenting on these parameters directly as they will be dealt with in the CWDP.
	6. As observed during the site inspection, there were recreational fishing activities around the proposed marine outfall area. How will the applicant accommodate them and any impacts during the operational phase, considering the effluent discharge?	Where feasible, appropriate mitigation measures to minimise the impact of effluent have been outlined in the EMPr. With the implementation of these and given the rapid mixing of the brine effluent, and highly localised area of impact overall, it is anticipated that there will be little to no impact on recreational fisheries during operations. However, please note that no fishing is allowed within port limits.
	7. The site is already modified with no natural vegetation. However, ground-truthing is needed to verify the model's findings on brine dilution, and continuous monitoring, as outlined in the EIA, should be implemented and maintained.	This will be undertaken as per CWDP conditions. Typically, this will involve both point source (via CTD profiling as per on ongoing environmental monitoring requirements) and continuous monitoring (through deployment of a suitable instrument to measure certain parameters at the edge of the RMZ). A CTD is an electronic instrument used in oceanography to measure a water column's Conductivity, Temperature, and Depth (CTD).
	8. The Branch supports that during the operational phase, ongoing monitoring must be done to ensure brine discharge complies with the	Monitoring and frequency thereof will be undertaken as per CWDP conditions. Typically, this will involve both point source (via CTD profiling as per on ongoing environmental monitoring

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	CWDP, meets water quality guidelines, and that any impacts are promptly detected and managed for the life of the plant.	requirements) and continuous water quality monitoring (through deployment of a suitable instrument to measure certain parameters at the edge of the RMZ). Biotic samples will also be collected at the edge of the RMZ. All operations monitoring data will be compared to the baseline data collected as part of the Marine Specialist Assessment to determine impact over time.
	9. Vehicle use in the coastal public property within an operational harbour area that has already been physically modified from its original natural state is permissible in terms of the Control of Use of Vehicles in the coastal area regulations, 2014, thus no permit is required.	It is noted that not permit is required for this activity.
	10. The applicant is reminded of the Duty of Care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: "...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such pollution or degradation of the environment..."	We take note of and are aware of the Duty of Care and the remediation of environmental damage, in terms of Section 28(1) of NEMA. We have also informed the client and contractors of this.
	11. You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no other additional activities outside the scope of this application may commence before an Environmental Authorization is granted by the relevant Competent Authority.	We take note that no activity may commence prior to an Environmental Authorisation being granted by the Department and that no activity may commence which are outside of the scope of this application. We have also informed the client and contractors of this.
	Kindly note that the Branch O&C reserves the right to revise its comments and request further information based on any additional information received. All correspondence, documentation, and/or requests (hard copy and an electronic copy) should be submitted to our office via email to OCEIA@dffe.gov.za / or Physical Address: Department of Forestry, Fisheries & the Environment (DFFE), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001.	We take note of this thank you.
28 November 2025 South African Heritage Resources Agency (Nokukhanya Khumalo Senior Heritage Officer & Natasha Higgitt Manager: Development Applications Unit)	Transnet (SOC) Ltd (division Transnet National Ports Authority (TNPA)) is proposing to construct a 2ML/day solar powered reverse osmosis desalination plant in the Port of East London; East London; Buffalo City Metropolitan Municipality of the Eastern Cape Province. Saline water will be extracted, either using beach wells (beach boreholes) and land-based boreholes near the marine environment, or directly from the ocean via a direct intake pipeline. The plant will consist of an intake pump station, beach well and intake pipeline, and effluent pipeline. There are 3 proposed alternatives and plant, 4 for the pipelines. The desalinated water will be stored in a 1ML tank before use by TNPA. Anchor Environmental Consultants (Pty) Ltd has been appointed to undertake a Scoping and Environmental Impact Assessment (S&EIA) application process in terms of the National Environmental Management Act, 28 of 1998) (as amended), for listed activities in the 2014 NEMA EIA Regulations as amended. The SAHRA issued an Interim Comment dated 25/04/2025 requesting the submission of the Maritime and Underwater Cultural Heritage Impact	We take note that the South African Heritage Resources Agency has reviewed and evaluated the submitted report, have summarised the main points of importance here, and have submitted final comments and recommendations for consideration, below.

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	Assessment (MUCHIA) and Palaeontological Impact Assessment (PIA) as well as the submission of the draft EIA report before providing further comments on the proposed development. The MUCHIA report by TerraMare Archaeology (Pty) Ltd and the PIA report by Prof. M Bamford was submitted on 02/10/2025 for commenting in terms of section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Gribble, J. September 2025. HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED TWO MEGALITRE PER DAY SOLAR POWERED SEAWATER DESALINATION PLANT IN THE PORT OF EAST LONDON, BUFFALO CITY METROPOLITAN MUNICIPALITY, EASTERN CAPE PROVINCE The desktop study noted that there are no known Early Stone Aged (ESA) artefacts around East London, there are some significant Middle Stone Aged (MSA) sites just north of the port, after the Buffalo River at Nahoon point, and some background scatter of MSA lithics that are not in their original position. Later Stone Aged (LSA) sites could be well defined coastal dune sites with potentially significant deposits. However, the desalination plant will be built on a recently upgraded artificial rock revetment and boulder beach and the outfall pipeline will be on the constructed rocky beach, both these locations are considered disturbed, and the likelihood of coastal submerged archaeology is low. The intake pipeline will be constructed on the Buffalo River which has previously been dredged, and the west bank widened. There are records noting the possibility of 90 shipwrecks within 1km radius of the outfall and intake pipelines, but the locations of these wrecks are vague. Due to recent dredging and river widening activities near the intake pipeline, the likelihood of any artefacts or wrecks being impacted in this area is negligible. The outfall pipeline is located close to the area formally known Castle Point which, according to historic records, saw a number of marine casualties but the positions of these wrecks are uncertain and they may have already been impacted by past revetment construction. The outfall pipeline will lie on the surface of the rocky beach and may impact any wreck material present within the surf zone. The author recommends the following: - Any newly confirmed locations of shipwrecks should be avoided during construction and operations of the desalination plant; - If any shipwreck or related artefacts are identified during any pre-construction ground-truthing of the marine - outfall site, they must be reported to a suitably qualified maritime archaeologist and SAHRA must be notified; - The mitigation measures and chance finds procedures must be included in the EMPr; - Bamford, M. September 2025. Palaeontological Impact Assessment for the proposed 2ML/D Solar powered seawater desalination plant at the Port of East London, for Transnet National Ports Authority, Eastern Cape Province.	

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	The southern half of proposed Port of East London desalination plant project site is located mainly on the Nanaga Formation aeolianites, northern half of the project site is underlain by the Permian Middelton Formation. Both are of Very High palaeontological significance. The fossils in the Nanaga Formation are frequently very weathered due to extensive post-depositional diagenesis, the author recommends a low palaeosensitivity for the formation. There are no recorded fossils for the Middelton Formation in this area, the sensitivity rating is more appropriate further inland, therefore, it is recommended to be of low significance. Overall, the potential impacts are low, and the author recommends chance finds procedures.	
	Final Comment The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR: 38(4)a – The SAHRA Development Application Unit (DAU) has no objections to the proposed development; 38(4)b – The recommendations provided by the heritage specialists are supported and must be adhered to. These further additional comments apply: If any shipwrecks and/or artefacts related to shipwrecks in the region are uncovered, the findings must be reported to a maritime archaeologist appointed to inspect potential finds. A report on this inspection must be submitted to SAHRA for further recommendations; The Fossil Chance Finds Procedure must be included in the EMPr; 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA DAU (Nokukhanya Khumalo/Natasha Higgitt 021 202 8660) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule; 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA DAU (Nokukhanya Khumalo/Natasha Higgitt 021 202 8660), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule;	
	38(4)d – See section 51(1) of the NHRA;	Offences and penalties 51. (1) Notwithstanding the provisions of any other law, any person who contravenes— (a) sections 27(18), 29(10), 32(13) or 32(19) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 1 of the Schedule; (b) sections 33(2), 35(4) or 36(3) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 2 of the Schedule;

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		(c) sections 28(3) or 34(1) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 3 of the Schedule; (d) sections 27(22), 32(15), 33(1), 35(6) or 44(3) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 4 of the Schedule; (e) sections 27(23)(b), 32(17), 35(3), 36(3) or 51(8) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 5 of the Schedule; (f) sections 32(13), 32(16), 32(20), 35(7)(a), 44(2), 50(5) or 50(12) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 6 of the Schedule.
	38(4)e – The following conditions apply with regards to the appointment of specialists: i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;	
	The Final BAR and EMP must be submitted to SAHRA for record purposes; The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application. Should you have any further queries, please contact the designated official using the case number quoted above in the case header. Yours faithfully Nokukhanya Khumalo Senior Heritage Officer South African Heritage Resources Agency Natasha Higgitt Manager: Development Applications Unit South African Heritage Resources Agency	

1.2 COMMENTS RECEIVED FROM THE PUBLIC AND OTHER I&APs AND ASSOCIATED RESPONSES FROM THE ENVIRONMENTAL ASSESSMENT PRACTITIONER, RELEVANT SPECIALISTS, APPLICANT, AND/ OR THE ENGINEERS DURING SECOND APPLICATION (REAPPLICATION)

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REAPPLICATION: START 08 APRIL 2026		
Pre-Application Phase Comments		
08 April 2026	Good afternoon	EAP (10 April 2026)
Email	Please note that if a new DFFE number is issued then a new SAHRIS application must be created in order for the SAHRA to provide new comments in terms of section 38(8) for sections of the development located below the Maritime High Water mark.	Good morning Nokukhanya
SAHRA Applications Unit (Nokukhanya Khumalo - Senior Heritage Officer)	Kind Regards, Nokukhanya Khumalo	I hope this email finds you well. Thank you for your comment. Noted.