

**Analysing the factors that influence the
procedural efficiency of the Environmental
Impact Assessment (EIA) Process in the
Western Cape Province**

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ABSTRACT

The Environmental Impact Assessment (EIA) process have been criticised for being costly and time-delaying to the development of countries and service provisions. Internationally, various authors have researched how the efficiency of the process can be improved by refining and streamlining the process. To improve the procedural efficiency of the EIA process, knowledge needs to be gained on what factors challenge the efficiency of the process. This research aims to critically analyse the influencing factors and to determine the efficiency of the EIA process in the Western Cape, South Africa. To achieve the aim, three research objective were set: determining the efficiency of EIA processes in the Western Cape with respect to whether applications submitted were finalised within the timeframes stipulated in the NEMA, 2010 in comparison to the NEMA, 2014 regulations; identifying the factors which may influence the procedural efficiency of the EIA process, either positively or negatively; and identifying means for improving the EIA procedural efficiency. To achieve the research objectives, EIA applications submitted in the Western Cape were compared to the timeframes in the regulations. Thereafter, Environmental Assessment Practitioners and government officials were interviewed and the interviews were analysed to identify themes. This research indicated that 1285 applications were submitted from 2010 to 2014, in terms of the NEMA, 2010 Regulations. Of the approved applications, 31.1% were classed as efficient, 39.7% were mostly efficient and the remaining 29.2% were classed as inefficient. When comparing the applications submitted under the NEMA, 2014 Regulations, it is evident that stipulated timeframes for consultants, and not just for the competent authority as with the 2010 regulations, led to significant improvement in terms of finalising the applications within the stipulated timeframes. The results showed that 98% of the approved applications were efficient, 0% was mostly efficient and the remaining 2% were inefficient. During the interviews with government officials and consultants, communication and cooperation between all parties involved, experience and knowledge of consultants and case officers, stipulated timeframes and the flexibility thereof as well as updated, published interpretations of regulations lead to procedural inefficiencies. Possible improvements by interviewees emphasised combined pre-application meetings with involved authorities, updated guidelines, improved communication between authorities and the integration of application processes. Finally, the outcome of the research is summarised in relation to the three main factors for success, also known as the Efficiency Triangle. The findings are discussed by indicating how the shortcomings influence the different factors and the efficiency of the process, and how it can be improved

Keywords:

EIA process, efficiency, timeframes, delays, improvements

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LIST OF ACRONYMS

Acronym	Description
AIA	Archaeological Impact Assessment
BA	Basic Assessment
BAR	Basic Assessment Report
BGCMA	Breede-Gouritz Catchment Management Agency
DEA	Department of Environmental Affairs
DEA&DP	Department of Environmental Affairs & Development Planning
DEAT	Department of Environmental Affairs and Tourism replaced by DEA
DWA	Department of Water Affairs
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
EIAMS	Environmental Impact Assessment & Management System of South Africa
EM	Environmental Management
EMP	Environmental Management Plan (in terms of NEMA, 2010 regulations or Program (in terms of NEMA, 2014 regulations)
EMS	Environmental Management System
GN	Government Notice
HIA	Heritage Impact Assessment
I&APs	Interested and Affected Parties
IEM	Integrated Environmental Management
IGR	Inter-Governmental Relations
MEC	Member of the Executive Council
NDP	National Development Plan
NEMA	National Environmental Management Act
NSSD	Strategy for Sustainable Development and Action Plan
PP	Public Participation
PPP	Public Participation Process
REE	Review of Efficiency and Effectiveness
S&EIA	Scoping and Environmental Impact Assessment
S&EIR	Scoping & Environmental Impact Assessment Report
SAHRA	South Africa Heritage Resource Agency
SEMA	Sector Environmental Management Act
SPLUMA	The Spatial Planning and Land Use Management Act 16 of 2013

CHAPTER 1 INTRODUCTION

1.1 Background and Problem Statement

Almost all countries, internationally, have adopted Environmental Impact Assessment (EIA) as the main regulatory mechanism to regulate sustainable development since the emergence of EIA in the 1970's in the USA, in the form of the National Environmental Protection Act (NEPA) (Morgan, 2012:5). Partidario *et al.* (2009:1) describe EIA as:

“...forward-looking instrument that is able to proactively advise decision-makers on what might happen if a proposed action is implemented. Impacts are changes that are judged to have environmental, political, economic or social significance to society. Impacts may be positive or negative and may affect the environment, communities, human health and well-being, desired sustainability objectives, or a combination of these.”

Many governmental and private developers see EIA as a time-delaying, costly burden for the development of the country (Bond *et al.*, 2014:47; Jikijela, 2013:27). Many argue that EIA does not perform as it should, and others refer to it as a box ticking exercise that does not achieve the main aim of decision-making with sustainability in mind.

Two measurements of EIA performance include efficiency and effectiveness. The International Association for Impact Assessment (IAIA) defines efficiency as: *“the process should impose the minimum cost burdens in terms of time and finance on proponents and participants consistent with meeting accepted requirements and objectives of EIA”* (Senécal *et al.*, 1999:3). Whereas effectiveness relates to the adding of value to the environment and what is achieved by the Environmental Authorisation (EA) process (Jikijela, 2013:28; Montgomery, 2015:12).

Internationally, various researchers have been doing research to determine how EIA systems perform and how it can be improved or streamlined to contribute to the efficiency of the EIA process (Gibson, 2012; Lulofs, 2000; Petts, 1999; Snell & Cowell, 2006). EIA systems and processes are undergoing constant evaluation and refinement to reduce constraints on the system as can be seen in India, Canada and Turkey (Coskun & Turker, 2011; Gibson, 2012; Kolhoff *et al.*, 2009; Panigrahi & Amirapu, 2012; Zhang *et al.*, 2013b).

In the light of the Review of Efficiency and Effectiveness Report (DEAT, 2010), the need to establish the efficiency of the South Africa EIA process has seen much emphasis (DEA, 2014a:60). The efficiency of the EIA process, as an International Best Practice Principle for Impact Assessment, is closely related to the dire need for development in developing countries since efficiency can also impact the development growth trends of the country (Bond *et al.*, 2014:50; Morrison-Saunders & Retief, 2012:8; Retief, 2010:390; Senécal *et al.*, 1999).

Many governmental and private developers see EIA as a time-delaying, costly burden for the development of a country (Bond *et al.*, 2014:47; Jikijela, 2013:27). In 2012, the Presidential Infrastructure Coordination Commission named time delays related to EIA as one of the three main risks to bulk infrastructure advances (PICC, 2012). Due to the time delays, it also results in cost implications for development to take place and the South African Environmental Authorisation (EA) process has been described as a mechanical straight jacket for sustainable development (Bond *et al.*, 2014:50). Internationally, EIA has been criticised for hindering the development of renewable energy sources and bulk infrastructure development (Coskun & Turker, 2011; Gibson, 2012; Glasson & Bellanger, 2003).

Fragmentation and the unwillingness to implement co-operative governance is seen as only a few of the constraints placed on the efficiency of the authorisation process (Jikijela, 2013; Kotze, 2008; Kotze & De La Harpe, 2008; Kotze, 2004; Kotze, 2005; Middle & Middle, 2010; Steenkamp, 2009; Zhang *et al.*, 2013a). EIA efficiency can either negatively or positively affect development due to the cost or time constraints; therefore, there is an interrelationship between EIA efficiency and development. EIA is under constant pressure to become more efficient to reduce this time and cost constraints to promote development. Although the IAIA definition of efficiency relates to time and cost constraints, this research will measure efficiency in terms of compliance with the timeframes stipulated in relevant regulations. It is assumed that compliance with these timeframes will result in a process that will save time and money.

1.2 Research aim and objectives

The aim of this research, in view of the problem statement outlined in section 1.1 is to:

Critically analyse influencing factors and determine the efficiency of the Environmental Impact Assessment (EIA) process in the Western Cape Province.

To achieve the above-mentioned aim, the following objectives will be answered:

1. Determining the efficiency of EIA processes in the Western Cape with respect to whether applications submitted were finalised within the timeframes stipulated in the NEMA, 2010 in comparison to the NEMA, 2014 regulations;
2. Identifying the factors which may influence the procedural efficiency of the EIA process, either positively or negatively;
3. Identifying means for improving the EIA procedural efficiency.

1.3 Structure of the research

The dissertation is structured in the following manner:

Chapter 1: Introduction

Background information and the problem statements are used to introduce the research. Thereafter the research aim and objectives are defined, and the chapter is concluded by explaining the outline and structure of the mini-dissertation.

Chapter 2: Methodology

This chapter describes the research methodology that was used to address the research aim and objectives as introduced in Chapter 1.

Chapter 3: Legislative framework

The legislative procedural framework for the Environmental Authorisation processes applicable to the EIA process is described. The research only focuses on the National Environmental Management Act (NEMA), Act 107 of 1998 and the NEMA, 2010 and 2014 Regulations (as amended in 2017) to inform the data gathering and analysis presented in Chapter 5. The Basic Assessment and Scoping & EIA procedures for both 2010 and 2014 (amended in 2017) are explained and illustrated by detailed diagrams.

Chapter 4: Literature Review

Various debates related to the efficiency of environmental authorisation processes are explored in Chapter 4, in the national and international context. The chapter explores the legislative, procedural and institutional frameworks, including problems related thereto, and opportunities for integrated environmental management and co-operative governance.

Chapter 5: Data analysis

Excel data from applications submitted under the NEMA, 2010 and 2014 Regulations were compared to stipulated timeframes, analysed and discussed to determine the ratio of projects following an efficient or inefficient process. Thereafter governmental officials from the Department of Environmental Affairs and Development Planning: Western Cape (DEA&DP) and Environmental Assessment Practitioners (EAP's) or consultants in the industry were given the opportunity to indicate problems that might lead to inefficiency of the process. Thereafter, positive aspects of projects they were part of and proposals as on how to improve the process and avoid time delays are discussed.

Chapter 6: Conclusion and Recommendations

The final chapter summarises the results and reaches an overall conclusion to indicate the research aim and objectives were answered. Finally, recommendations are formulated for future research.

CHAPTER 2 METHODOLOGY

2.1 Introduction

Chapter 2 described the methodology used to conduct the research and to address the research aim and objectives introduced in Chapter 1. Firstly, the research design is introduced, followed by the research methods namely: literature review, documentation review and semi-structured interviews. The chapter concludes with the challenges experienced while conducting the research.

2.2 Research Design

The procedural efficiency of the EIA process has not been investigated in much depth in South Africa and only a few methodological methods exist which creates various challenges for the research (Steenkamp, 2009:6). Because of this and to answer the research aim and objectives an appropriate, or a combination of methods, was selected.

When looking at the research aim and objectives as described in the previous chapter, both quantitative (comparing actual timeframes to regulatory timeframes, to achieve Research Objective 1 (RO1)) and qualitative (gauging perspectives and views on efficiency, to achieve RO 2 & 3) research methods was required which was identified as a 'mixed methods design' (Caruth, 2013; Creswell & Plano Clark, 2011; Gray, 2014; Johnson *et al.*, 2007). According to Creswell & Clark (2011), the mixed methods design is used when additional data needs to be gathered if one data source is insufficient, initial results need further explanation, or the study needs to be better by a second method (Creswell & Clark, 2011:9-11). Different methods also complemented each other. By maintaining the strengths of the different methods, it overshadowed the weaknesses. This provided a more enhanced insight into the research (Caruth, 2013:113).

Datasheets, which indicated the start and finalisation dates of EIA applications submitted in Excel form, was obtained from the competent authority or DEA&DP. Due to only minimal explanatory notes on the datasheets, the initial results need to be elaborated on and enhanced by qualitative means. By using both methods, a mixed methods design exists. This was multiphase of nature as the quantitative data was first gathered and analysed and thereafter the qualitative data was gathered to get more insight into the situation of procedural efficiency as a whole (Caruth, 2013:114). Thereafter semi-structured interviews were conducted with various stakeholders, which included department officials and EAPs or consultants to gain insights into their views of procedural efficiency. Section 1.2 provides a detailed description of these above-mentioned methods used.

Another challenge for the research was to measure procedural efficiency and for this research, it was defined as: *“the process should impose the minimum cost burdens in terms of time and finance on proponents and participants consistent with meeting accepted requirements and objectives of EIA”* (Senécal et al., 1999:3). For the purpose of this research, efficiency was measured by comparing the actual timeframes to prescribed timeframes according to relevant legislation. Where no timeframes were stipulated, as the case with the NEMA, 2010 Regulations, section 67 was used as the maximum timeframe for the submission of reports. The competent authority also indicated this as the maximum timeframe to adhere to, to avoid the lapsing of the application (South Africa, 2010a:72).

2.3 Research Methods

This section describes the quantitative and qualitative methods used to address the research aim and objectives as seen below in Figure 2-1.

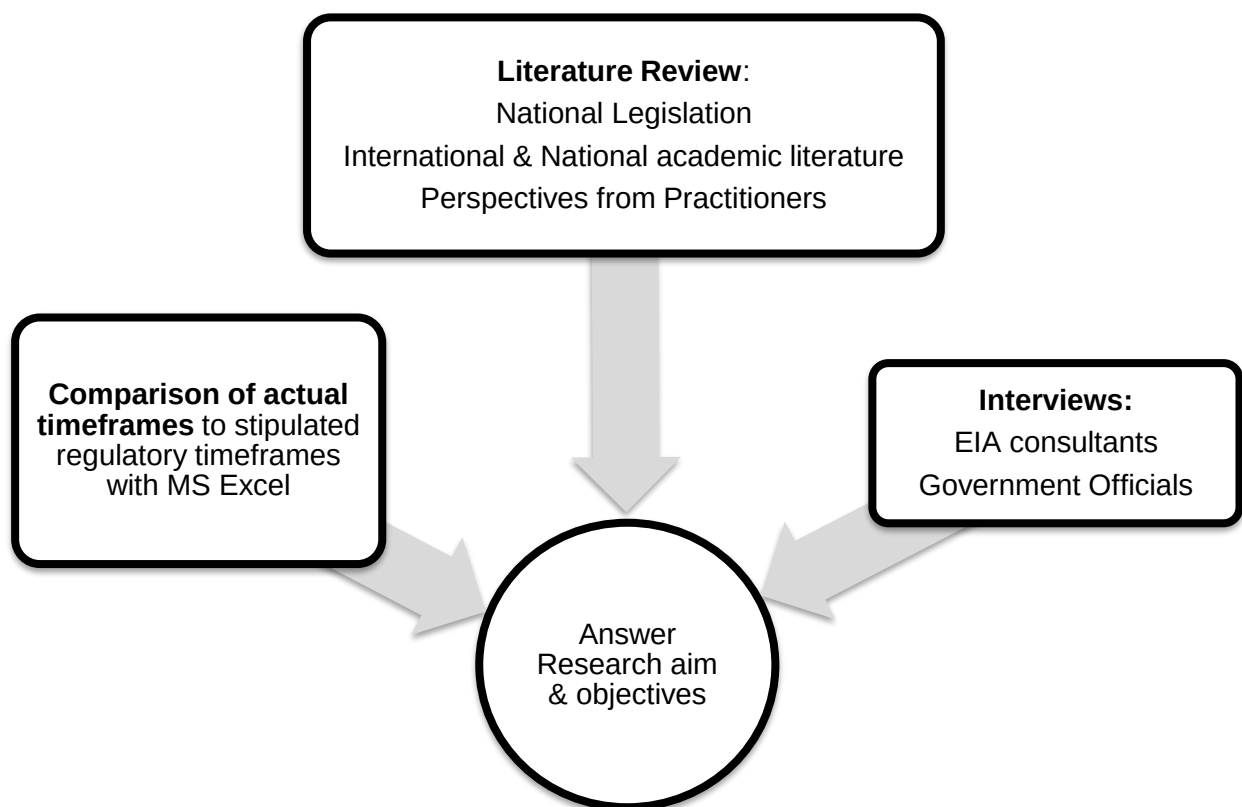


Figure 2-1: Research methods used to reach the research aim and objectives

2.3.1 Document/Datasheet Analysis

The document or datasheet analysis aimed to achieve Research Objective 1.

1. Determining the efficiency of EIA processes in the Western Cape with respect to whether applications submitted were finalised within the timeframes stipulated in the NEMA, 2010 in comparison to the NEMA, 2014 regulations.

The Western Cape (as seen in Figure 2-2) was used as a study province due to the high tourism activities taking place in the province and the exponential influx of people seeking employment in the province. With the higher number of applications in the Western Cape, related to higher fixed capital investments and overall economic activity, the inefficiency of the process can inhibit the amount of international capital invested in the province and country (DEA, 2014a:60; DEAT, 2010:216; Duthie, 2001). Little empirical research exists related to efficiency in South Africa and much of our understanding is based on perceptions or on subjective evidence (Kubayi, 2016; Steenkamp, 2009:2).



Figure 2-2: Map of South Africa, indicating the location of the Western Cape Province.
(Taken from Nations Online Project, 2015)

The two datasheets obtained from DEA&DP, Western Cape consisted of Microsoft Excel sheets that were collected by indirect methods (DEA&DP, 2016; DEA&DP, 2017). The collecting of data by indirect methods refer to data collection for purposes other than research, in this instance, it was collected for record keeping, whereafter it was used for the quantitative component of this research (Bhattacharjee, 2012:39; Molina-Azorin, 2016).

The disadvantages of secondary sources may influence the validity and trustworthiness of the information, personal bias, the availability of data and the format it is gathered in (Kumar, 1999:154-155; Kumar, 2011). This was kept in mind during the analysis.

2.3.1.1 Defining and classifying applications submitted

No specific method exists for the comparison of application timelines. The applications submitted were sorted as either a Basic Assessment (BA) Process or a full Scoping and EIA (S & EIA) process. Thereafter the results were further refined by sorting applications as 'Approved', 'Withdrawn' or 'Lapsed'. Approved applications were analysed further by calculating the difference between the start and end dates for the different projects using a simple Microsoft Excel formula (Lambert & Frye, 2015:255). Thereafter the number of projects that fell within and outside of the stipulated timeframes were calculated and displayed in pie charts in relation to the classes of efficiency as outlined below in sections 2.3.1.1.1 and 2.3.1.1.2.

For purposes of this research, efficiency was measured according to the timeframes stipulated in the NEMA, 2010 and 2014 regulations and whether the approved applications were finalised within the prescribed timeframes (South Africa, 2010a; South Africa, 2014b).

2.3.1.1.1 Classes of efficiency for applications submitted under NEMA, 2010 regulation

When scrutinising the NEMA, 2010 regulations, it was found that timeframes for the competent authorities were clearly stated. Timeframes for the EAPs were not stipulated except for Regulation 67(1), which stated that if the application does not comply with the requirements within 6 months, it would lapse. Regulation 67(2) on the other hand states that sub-regulations 67(1) does not apply if reasons were submitted to the competent authority, and the competent authority accepted these reasons. The competent authority usually extended the process by another 6 months. The basis of how applications are measured in terms of the timeframes may be seen below in Table 2-1 and Table 2-2. No timeframes are stipulated for the acknowledging of reports for the S & EIA process and therefore the stipulated timeframe for the BA report was used, which is 14 days after receipt.

Table 2-1: Timeframes for the Basic Assessment Process as stipulated in the NEMA, 2010 regulations.

Phase in Process	Corresponding Regulation in NEMA, 2010	Length of phase (days)
Submission of application	Regulation 12	0
Submission of BA report within 6 months after submission of an application to avoid lapsing	Regulation 67	6 months x 30 = 180
Acknowledge receipt of BAR	Regulation 23(2)	14
Consideration of application	Regulation 24	30
Decision on application	Regulation 25	30
Total maximum days of the entire application process		254

Table 2-2: Timeframes for the Scoping & EIA Process as stipulated in the NEMA, 2010 regulations.

Phase in Process	Corresponding Regulation in NEMA, 2010	Length of phase (days)
Submission of application	Regulation 12	0
Submission of Scoping report within 6 months after submission of an application to avoid lapsing	Regulation 67	180
Acknowledge receipt of Scoping Report		14
Consideration of Scoping Report	Regulation 30	30
Submission of EIA report within 6 months after submission of an application to avoid lapsing	Regulation 67	180
Acknowledge receipt of EIA report		14
Consideration of EIA report	Regulation 34	60
Decision on application	Regulation 35	45
Total maximum days of the entire application process		523

An approved application, which followed the Basic Assessment process was classed as either one of the three efficiency classes as seen in Table 2-3. The application was deemed efficient if

it was finalised within the maximum of 254 days, less efficient if finalised within 434 days, which means an extension of the timeframes of Regulation 67(1) was granted for extension of 6 months, and approved applications were deemed inefficient if it was finalised only after 434 days.

Table 2-3: Classes of efficiency for applications that followed the Basic Assessment process in terms of the NEMA, 2010 regulations

Level of efficiency	Days
Efficient	254 and less
Less efficient	Between 255 and 434
Inefficient	More than 434 days

Furthermore, concerning applications approved after following the S & EIA process, the applications were classed according to classes indicated in Table 2-4. An application, which followed the S & EIA process, was deemed efficient if it was finalised within the 523 days, inefficient if finalised after more than 523 days.

Table 2-4: Classes of efficiency for applications that followed the Scoping & EIA process in terms of the NEMA, 2010 regulations

Level of efficiency	Days
Efficient	523 and less
Inefficient	More than 523

2.3.1.1.2 Classes of efficiency for applications submitted under NEMA, 2014 regulation

When scrutinising the NEMA, 2014 regulations, timeframes for competent authorities and EAPs are clearly stated. If the requirements were not met, the application would lapse, and extension would only be granted in exceptional circumstances. The basis of how applications are measured in terms of the timeframes may be seen below in Table 2-5 and Table 2-6.

Table 2-5: Timeframes for the Basic Assessment Process as stipulated in the NEMA, 2014 regulations

Phase in Process	Corresponding Regulation in NEMA, 2014	Length of phase (days) if Reg. 19(a) applies	Length of phase (days) if Reg. 19(b) applies
Submission of application	Regulation 16	0	0
Submission of BA report within 90 days after submission of an application to avoid lapsing	Regulation 19(1)	90	140
Acknowledge receipt of BAR	Regulation 23(2)	14	14
Decision on application	Regulation 20(1)	107	107
Total days of the entire application process		197	247

Table 2-6: Timeframes for the Scoping & EIA Process as stipulated in the NEMA, 2014 regulations.

Phase in Process	Corresponding Regulation in NEMA, 2014	Length of phase (days) if Reg. 23(a) applies	Length of phase (days) if Reg. 23(b) applies
Submission of application	Regulation 16	0	0
Submission of Scoping report within 44 days after submission of an application to avoid lapsing	Regulation 21(1)	44	44
Consideration of Scoping Report	Regulation 22	43	43
Submission of EIA report within 6 months after submission of an application to avoid lapsing	Regulation 23(1)	106	156
Decision on application	Regulation 24(1)	107	107
Total days of the entire application process		300	350

When classifying approved applications in terms of the NEMA, 2014 regulations, classes of efficiency for the BA and S&EIA processes was used as indicated below in Table 2-7 and Table 2-8. An approved application, which followed the Basic Assessment process, was deemed efficient if it was finalised within the 197 days (where sub-regulation 19(a) applies), less efficient if finalised within 247 days (where sub-regulation 19(b) applies and deemed inefficient if it was finalised only after 247 days.

Table 2-7: Classes of efficiency for applications that followed the Basic Assessment process in terms of the NEMA, 2014 regulations

Level of efficiency	Days
Efficient	197 and less
Less efficient	Between 198 and 247
Inefficient	More than 248 days

An application, which followed the S & EIA process, was deemed efficient if it was finalised within the 300 days (where sub-regulation 23(a) applies), mostly efficient if finalised between 301 and 350 days (where sub-regulation 23(b) applies) and inefficient if it was only finalised after 351 days.

Table 2-8: Classes of efficiency for applications that followed the Scoping & EIA process in terms of the NEMA, 2014 regulations

Level of efficiency	Days
Efficient	300 and less
Inefficient	More than 300 days

2.3.2 Literature review

A Literature Review was used to achieve Research Objective 2 and Research Objective 3. This was further used to support the semi-structured interviews as outlined in section 2.3.3 below.

2. Identifying the factors which may influence the procedural efficiency of the EIA process, either positively or negatively; and
3. Identifying means for improving the EIA procedural efficiency.

A literature review can be described as examining published, preferably peer-reviewed, material to gather recent or current literature and synthesising them in different forms including, text, tables

or graphs (Grant & Booth, 2009:97). The literature review aimed to provide a basis for the research and to set the background.

By reviewing the literature about the relevant subject, one can see what has been done previously, consolidate information, build on previous information, identify gaps and summarise to avoid duplication (Grant & Booth, 2009:97). Electronic, internet and library resources were obtained by Google Scholar searches and the NWU EBSCO database. The results were investigated as part of the literature review. This included national legislation and policy documents, academic sources including journal articles and books. The prescribed best practices and legislative requirements at a national and international level were reviewed and illustrated in detailed diagrams which indicated timeframe requirements of the NEMA, 2010 and 2014 regulations.

The main themes and keywords used as part of the literature review included:

- Efficiency;
- Cost and time of EIA;
- The legal mandate for EIA;
- Legislative fragmentation;
- Process integration;
- Development delays;
- EIA process;
- Streamlining of the EIA process;
- Alignment of processes; and
- Co-operative governance.

2.3.3 Interviews

Semi-structured interviews and the Literature Review, outlined in section 2.3.2 were used to achieve Research Objective 2 and Research Objective 3.

2. Identifying the factors which may influence the procedural efficiency of the EIA process, either positively or negatively; and
3. Identifying means for improving the EIA procedural efficiency.

Interviews are defined as a method to collect information, beliefs or opinions, from participants through the verbal interchange (Kumar, 1999:137). This can be done in a face-to-face setting or via telephone (Kothari, 2004:97). Semi-structured interviews were used to help reach the main aim and objectives of the research. Semi-structured interviews contain predetermined questions,

but the wording, order and explanations given may be moulded and adapted to different contexts and personalities of respondents (Aleandri & Russo, 2015:519).

Interviews can have several advantages including being more appropriate in complex situations with sensitive issues, in-depth information can be gathered by probing, the information given can be supplemented by observations of non-verbal reactions. Questions can be explained to the respondent and it can be applied to many types of populations including illiterate, children and handicapped due to the flexibility thereof (Kothari, 2004:99; Kumar, 1999:142).

With the many benefits of interviews, several disadvantages needed to be considered when data were obtained by interviews. Interviews can be time-consuming and expensive especially when the respondents are not located closely. The arranging of meeting times and places could also be a burden. The quality of the data obtained depends on the quality of the interaction and the interviewer and the quality may vary when many interviewers are used in the same research. Finally, the interviewer can be biased towards the research (Kumar, 1999:142).

Furthermore, when telephonic interviews are utilised, it can be done in a shorter time with reduced travel time and costs. The respondent can be contacted again at a later stage and the responses can be recorded without embarrassment to the respondent. This also makes contact with respondents, sometimes hard to meet, easier. The disadvantages, on the other hand, are that respondents may have less time to consider their answers, probing is difficult, and the questions cannot be too long (Kothari, 2004:100).

Interviews were conducted to gather insight into what influences the procedural efficiency of the EIA process, and what changes can be made to better the efficiency. The rationale behind selecting interviews was that more in-depth reasons can be gathered, compared to a quantitative survey. Telephonic interviews were used if the person was not available for a formal interview or where geographic locality was a problem. The same set of questions was asked during all the different interviews and the interviewees remained anonymous to facilitate the most objective collection of information. The interview schedule can be seen in Annexure C. The following groups of role players were interviewed:

- Environmental Assessment Practitioners (EAP's) or Consultants;
- Environmental Authorities including directors, assistant directors, department managers and case officers from the Western Cape Department of Environmental Affairs & Development Planning.

The above-mentioned individuals were consulted due to being key stakeholders involved with the applications and were responsible for either obtaining or issuing the authorisations and adhering to the prescribed timeframes. The aim of the interviews was to clarify and obtain data regarding

different views on procedural efficiency. The interviews also gave the opportunity for stakeholders to make recommendations of how the procedural efficiency could be improved for a more streamlined process.

The interviews consisted of the following lines of enquiry or questions posed to interviewees:

- What, in general, has a positive impact on the EIA process about efficiency?
- What factors, in your experience, do you find has a negative influence on the EIA process efficiency?; and
- What practical changes do you think can be made to improve procedural efficiency?

The interview analysis was done according to the six-phase thematic analysis process as described by Braun and Clarke (2006:87) and summarised by Vaismoradi *et al.* (2013:402). Thematic analysis is used to minimally organise data in such a manner that patterns or themes within the data can be identified and analysed (Bruan & Clarke, 2006:87; Vaismoradi *et al.*, 2013:400).

After themes were identified, the responses from the interviewees related to challenges were classified under the factors that directly influence effectiveness and efficiency of EIA processes as set out by Zhang, *et al.* (2013:155). Thereafter the improvements related to procedural efficiency were discussed.

2.4 Limitations to the research design and methods

For future research to be successful, the following should be considered as challenges to the investigation process:

- One of the largest limitations was the lack of prior research studies on the topic of efficiency with a focus on the efficiency of the South African Environmental Authorisation process. This limited the literature available to compare results to as well as methods to assess the efficiency.
- Details of Datasets: datasets provided only stipulated start and finalisation dates of applications. Reasons and the number of extensions of timeframes would be helpful to determine how this affected the efficiency of the EIA process. With the 2014 dataset, the different phases of the process are outlined with corresponding dates, which made the analysis a bit easier.
- Comparing datasets between different competent authorities: only datasets from the Western Cape province were obtained, compared and assessed. If datasets could've been obtained from different provinces, regulated by different competent authorities, this could've been assessed to provide insight into the efficiency of different provinces.

- Access to interviewees: this seemed very challenging due to busy schedules, time and availability. Some consultants were also reluctant to be interviewed. Arranging interviews with department officials should be done a few months ahead of time to ensure all the officials are available in the office. The study group could also have been expanded to include applicants to provide insight from their point of view.
- Interview location: due to financial and time constraints, interviews with government officials were held at the departmental offices. This could have influenced the reluctance of officials to be completely honest and open about their answers. Interviews could also have been replaced with a questionnaire but this would've produced less in-depth responses.
- Clarity of regulations: the NEMA, 2010 regulations only stipulate timeframes for the case officers. These regulations also do not take into consideration public holidays. The regulations also did not stipulate the number of days in which S&EIA reports were to be acknowledged. The NEMA, 2014 regulations have very clear stipulated timeframes for case officers and EAP's and timeframes excluded public holidays.
- The research focussed only on efficiency. But efficiency is also seen as a criterion of effectiveness. Effectiveness criteria are interlinked and other criteria could also affect efficiency. Due to nature, practicality and time of the mini-dissertation, the only efficiency was assessed without investigating the inter-relatedness with effectiveness and other criteria thereof.

As explained above, these challenges were dealt with successfully, but this should be taken into account for the purpose of future research endeavours.

2.5 Conclusion

In summary, the research design included methods of qualitative and quantitative nature. Datasets of applications submitted to DEA&DP in terms of the NEMA, 2010 and 2014 regulations were scrutinised and classified in terms of classes of efficiency determined by timeframes stipulated in the related regulations to achieve Research Objective 1. Thereafter a literature review and interviews, of semi-structured nature, were used to reveal possible causes for efficiencies and inefficiencies of the EIA process and ways of improving these areas. These methods were used to achieve Research Objective 2 and 3. Lastly, the limitations encountered in the research design were outlined which may be possible problems for future research.

CHAPTER 3 LEGISLATIVE PROCEDURAL FRAMEWORK

Chapter 3 aims to achieve Research Objective 1:

1. Determining the efficiency of EIA processes in the Western Cape with respect to whether applications submitted were finalised within the timeframes stipulated in the NEMA, 2010 and in comparison to the NEMA, 2014 regulations.

3.1 Introduction

In 2010, the Department of Environmental Affairs and Tourism (DEAT) published the Review of Efficiency and Effectiveness Report. This report indicated the efficiency of EIA requires improvement to promote development and service delivery in South Africa (DEA, 2014a:60). In answer to this report, the Environmental Impacts Assessment Management System (EIAMS) was developed. South Africa's environmental law history is characterised by various drafted and amended documents which strives to achieve section 24 of the Constitution which places the duty of environmental protection on the state (South Africa, 1996). This duty should be fulfilled to protect the environment for current and future generations, by promoting sustainable development and by drafting and implementing reasonable legislation and other measures. Documents drafted include (amongst others) the National Environmental Management Act (NEMA), the National Strategy for Sustainable Development and Action Plan (NSSD), the National Development Plan (NDP), the 12 Presidential Outcomes and the Environmental Impact Assessment & Management System of South Africa (EIAMS) (DEA, 2014a; South Africa, 2014b).

This chapter aims to describe the legal mandate for EIA in South Africa and set the background for achieving Research Objective 1. Thereafter the Environmental Authorisation (EA) processes in terms of NEMA, 2010 and 2014 (as amended in 2017) are presented in Section 3.2. The Basic Assessment and the Scoping & EIA procedures are presented and illustrated in detailed flow diagrams and this will be used as a basis for the analysis in Chapter 5.

3.2 The legal mandate for Environmental Impact Assessment in South Africa

The Environmental Management System (EMS) of South Africa saw the light as a voluntary practice prior to 1997. The Environmental Conservation Act (ECA) regime came in to effect from 1989 until 1997. The National Environmental Management Act repealed the ECA regime in 1997 and the corresponding EIA regulations were amended in July 2010, December 2014 and April 2017 (South Africa, 2006; South Africa, 2010a; South Africa, 2014b). Chapter 5 of NEMA strives to promote the use of appropriate environmental management tools to achieve an integrated environmental management of activities.

NEMA is built on the principles of giving effect to Chapter 2 of the Constitution by sustainable development, integrated environmental management and decision making by identifying, predicting and evaluating actual and potential impacts, associated consequences, alternatives and mitigation measures to ensure sufficient considerations prior to development. NEMA prescribed the process to follow of how the above considerations should be reported to the organ of state responsible for authorisation and permitting of the activity or development.

3.3 The authorisation processes in terms of NEMA

In terms of Chapter 5 of NEMA (107/1998), the EIA regulations, 2010 consist of four government notices (GN), namely:

- GN R 543 stipulating the process to be followed for authorisation (South Africa, 2010a);
- GN R 544 includes a list of activities, which constitutes the basic assessment process as described in regulation 21 to 25 of GN R543. The list identifies activities that potentially have an impact on the environment (South Africa, 2010d);
- GN R 545 lists activities, which must follow the scoping & IEA process as described in regulation 26 to 35 of GN R543. These impacts might be more severe than the above impacts identified (South Africa, 2010e); and
- GN R 546 lists activities in certain identified geographical areas and provinces with specific environmental attributes, which requires a basic assessment process described in regulation 21 to 25 of GN R543 (South Africa, 2010f).

Furthermore, the above regulations were amended and replaced by the EIA regulations, 2014 and amended in 2017, which consists of the following government notices:

- GN R 982 setting out the authorisation process to follow for the submission of an EA application, amended in April 2017 by GN R. 326 (South Africa, 2017a).
- GN R. 983, as amended by GN. R. 327 stipulating activities, which trigger the undertaking of a BA process as set out in Regulation 19 and 20 of GN R. 982, and GN. 326 (South Africa, 2017b).
- GN R. 984, amended by GN. R 325 is equivalent to GN R. 545 above and describes activities, which must follow the Scoping & EIA process as described in GN. R. 982 and GN. R. 326 regulations 21 to 24 (South Africa, 2017c).
- GN R. 985, amended by GN. R. 324 contain activities in certain geographical areas and provinces, which will also require a BA process for authorisation prior to the commencement of the activity (South Africa, 2017d).

The purpose of the NEMA regulations is to standardise the procedures and criteria as set out in Chapter 5 of NEMA and to regulate the submission, processing, consideration, and decision of

applications for EA (South Africa, 1998a; South Africa, 2006; South Africa, 2010c; South Africa, 2014b; South Africa, 2017a).

In 2006, the regulations were amended to introduce strict timeframes for the authorisation process (South Africa, 2006). The 2010 amendments were made to form “*an integral part of an environmental management system that is effective in enhancing environmental quality and efficient in terms of the timeframes associated with decision-making*” (South Africa, 2010c). The amended regulations have the aim of streamlining the authorisation process and enabling the integration of other authorisations including Water Use Licenses, Air Emissions licenses and mining-related activities (Anon, 2010). The revised streamlined process also includes consequences for the department if timeframes are not met (Davenport, 2010).

The 2006 regime was characterised by abundant applications for activities with insignificant impacts (South Africa, 2006). With the 2010 amendments, activities related to sensitive environments were also included in the considerations which saw the birth of Listing Notice 3 dedicated to predefined sensitive geographical areas to reduce the number of applications submitted (Anon, 2010; Davenport, 2010).

This research focuses on a specific piece of legislation, NEMA, to inform the data gathering and analysis as presented in Chapter 5. The following sections introduce the authorisation processes as set out by NEMA, 2010 EIA Regulations and NEMA, 2014 EIA Regulations as amended on 7 April 2017.

3.3.1 The Authorisation Processes as set out in NEMA, 2010 EIA Regulations

Figure 3-1 and Figure 3-2 illustrates the process to follow for EIA applications, either of Basic Assessment or the comprehensive Scoping & EIA nature. Annexure A includes a detailed discussion of the application and appeal processes in terms of the NEMA 2010, regulations.

3.3.1.1 The Basic Assessment Process

Regulation 21 to 25 of GN No. R543 outlines the steps to follow to comply with for applications which constitute a Basic Assessment Application Process as illustrated in Figure 3-1) (South Africa, 2010a). Timeframes are not stipulated for each step except for timeframes in which the competent authority must acknowledge receipt of documents including applications and reports, considering applications and reaching a decision on the application submitted.

No specific timeframes are stipulated which the EAP must adhere to. The only stipulated timeframe can be found in Regulation 67 which states that the application will lapse if the report

is not submitted within 6 months after the application was submitted. This may be extended if a written notice is submitted with reasons to why this is not possible.

When the process is finalised within the maximum timeframe, without any extension, it would take approximately 254 days.

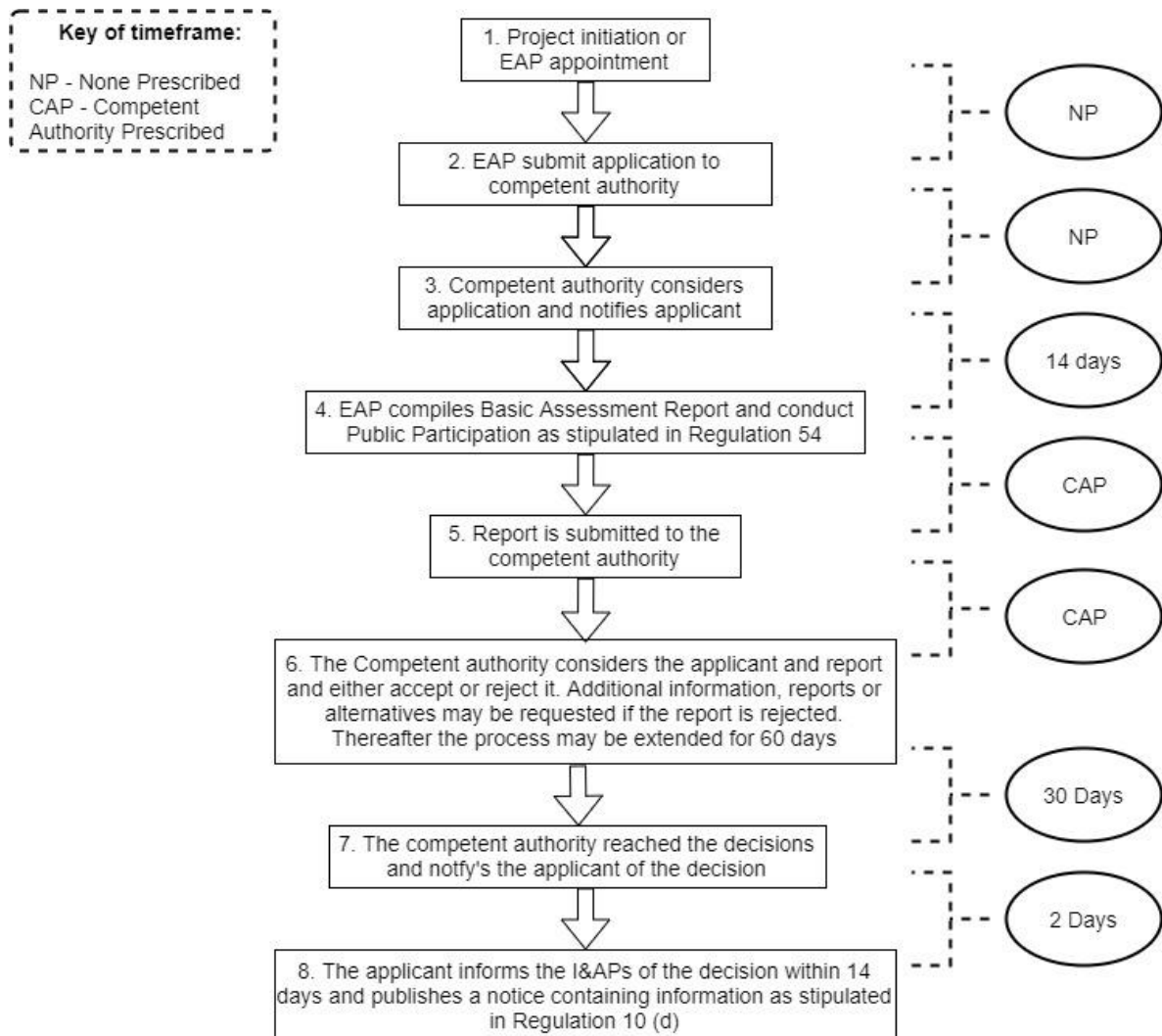


Figure 3-1: The Basic Assessment process in terms of the NEMA, 2010 Regulations.

3.3.1.2 The Scoping and EIA process

Regulation 26 to 35 of GN No R. 543 stipulates the more comprehensive application process, the Scoping and EIA Application Process (see Figure 3-2) (South Africa, 2010a). This process would take a maximum duration of 523 days if no extension is granted.

Similar to the Basic Assessment process as in section 3.3.2.1, timeframes are only stipulated for the competent authority. The EAP only needs to adhere to Section 67 or submit reasons for the extension.

3.3.1.3 The Appeals Process

Provisions for appealing the decision reached by the competent authority are stipulated in Regulation 58 to 66 of GN No R. 543 (South Africa, 2010a). The process may become more lengthy if an appeal panel is appointed, but without the appointment of the panel, the process should take a maximum time of 200 days.

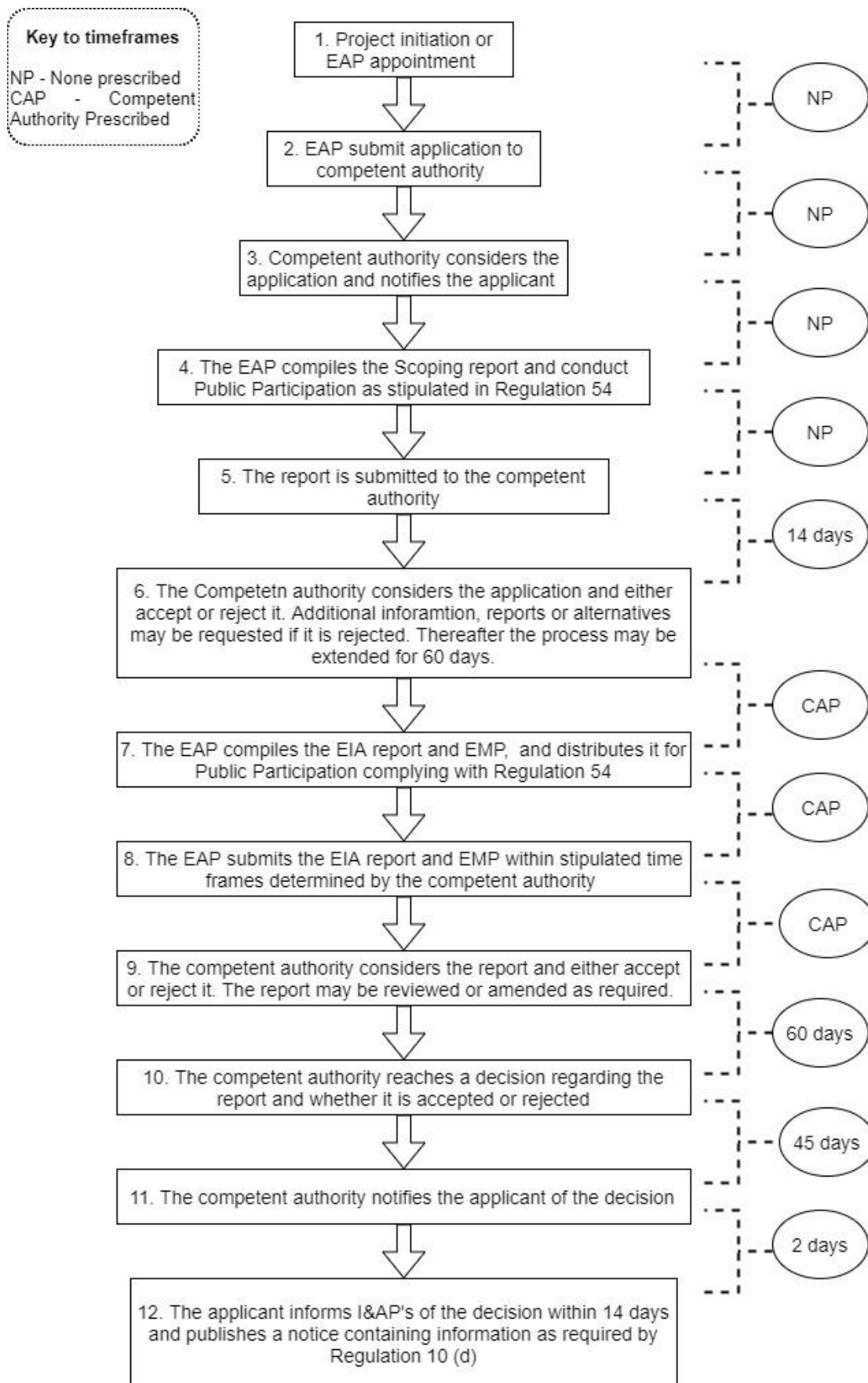


Figure 3-2: The Scoping and EIA process in terms of the NEMA, 2010 Regulations.

3.3.2 The Authorisation Processes as set out in NEMA, 2014 EIA Regulations

Applications submitted in terms of the NEMA, 2014 regulations differ from applications submitted under the NEMA, 2010 regulations. The 2014 regulations stipulate timeframes for not only the competent authority but also the EAP. Timeframes stipulated includes maximum days for acknowledging of applications and reports by the competent authority, maximum days in which the final reports must be submitted to avoid lapsing of the application, exclusion of public holidays and the period between 15 December and 5 January, consideration and decision on the application and notification of the decision by the applicant to I&APS. From this amendment, it is evident that timeframes are stipulated for most of the steps, for both the competent authority and EAP.

The process for the Basic Assessment and Scoping & EIA applications can be seen in Figure 3-3 and Figure 3-4. A detailed description of the processes can be seen in Annexure B. The appeal procedures, now under the National Appeals Regulations, 2014 can be seen in Figure 3-5 with the discussion also in Appendix 2.

3.3.2.1 The Basic Assessment Process

Regulation 19 to 20 of GN No. R982, as amended by GN. No. R326, describes the Basic Assessment Application Process for applications submitted after 2014 (see Figure 3-3) (South Africa, 2017a). This process would take a maximum of 197 days or 247 days if the report needs to be revised and re-distributed.

Many consultants distribute the report prior to the submission of the Application, to make sure most issues are addressed. This reduces the risk of the lapsing of the application but requires more effort, time and resources to be put in prior to the application being official.

3.3.2.2 The Scoping and EIA process

Regulation 21 to 24 of GN No R. 982, as amended by GN. No. R326 and Figure 3-4 stipulate the second application route, the Scoping and EIA process (South Africa, 2017a:26-29).

Compared to the 2010 regulations, this process would take a maximum duration of 300 days and not 523 days. Clear timeframes for the EAP and competent authority is evident with this amendment.

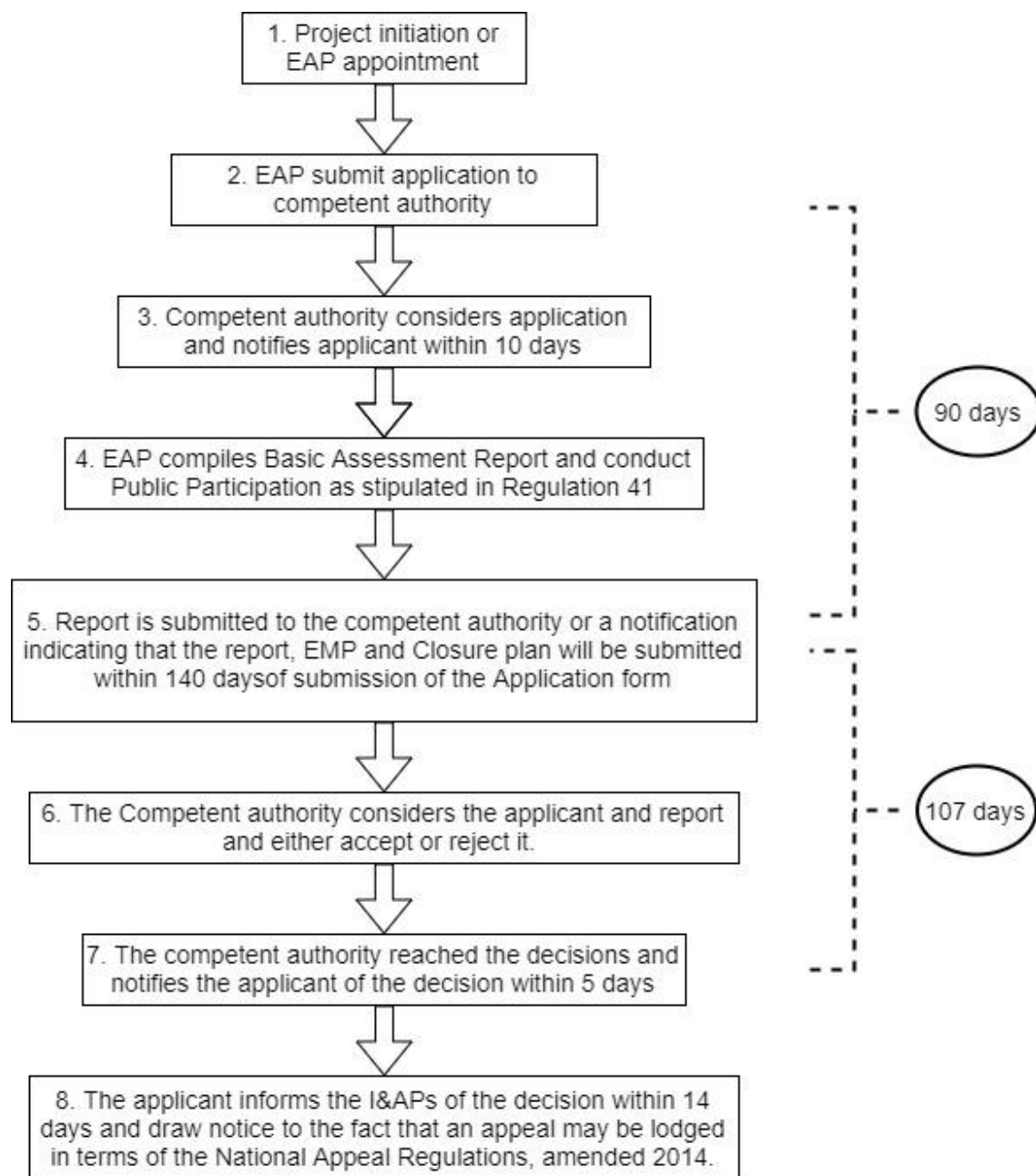


Figure 3-3: The Basic Assessment process in terms of the NEMA, 2014 regulations (without an extension)

3.3.2.3 The Appeals Process

The appeal provisions in NEMA were repealed by the National Appeal Regulations, 2014, which regulates appeals in terms of all applications, submitted in terms of Regulation 43 of NEMA (South Africa, 2014c). The new regulations included the removal of the submission of a Notice of Intent to Appeal prior to submitting the appeal. The process is also much shorter than the appeal regulations of NEMA, 2010 regulations and reduces the Appeal Process from 170 days to 110 days.

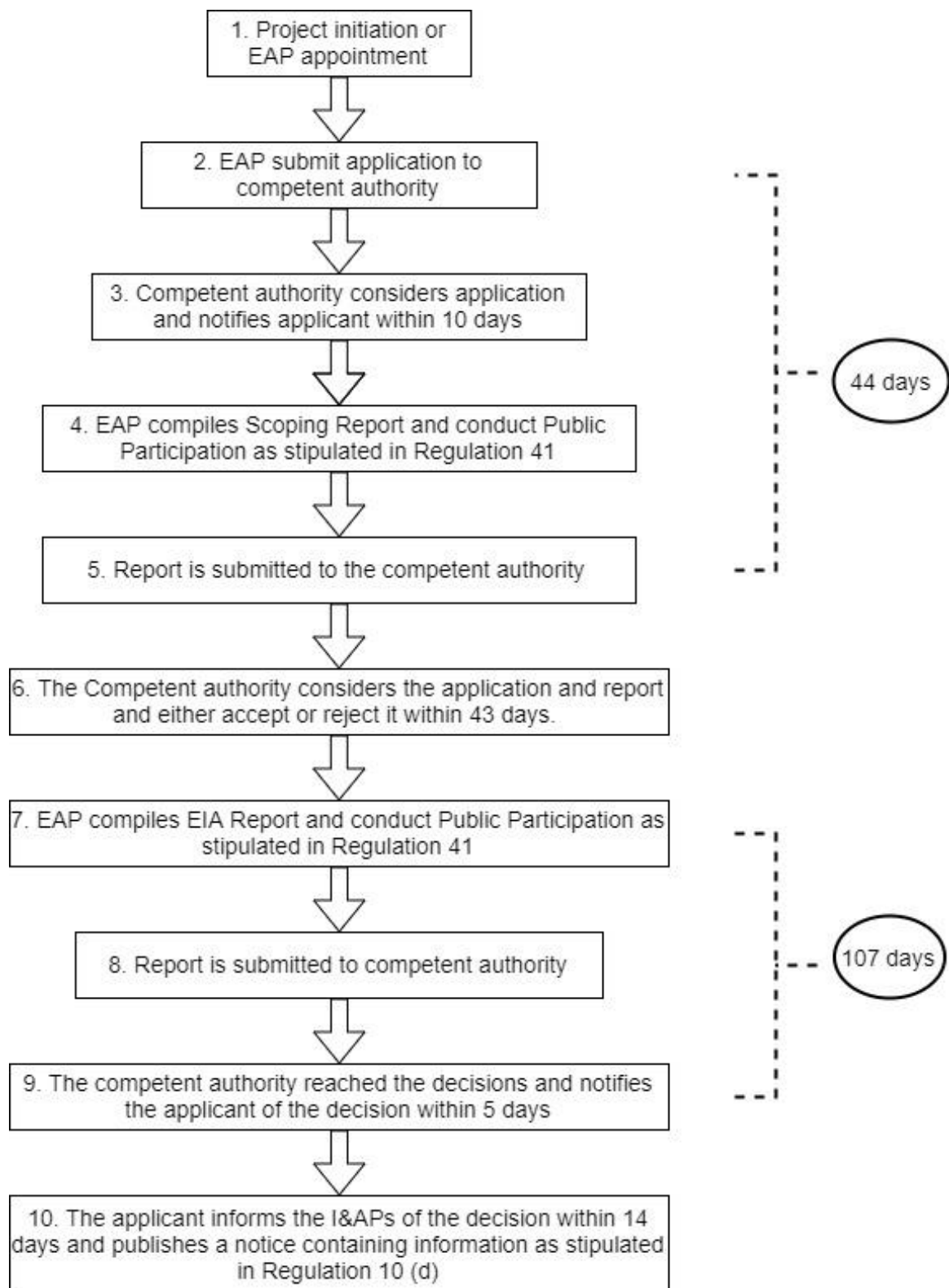


Figure 3-4: The Scoping and EIA process in terms of the NEMA, 2014 Regulations (without an extension)

3.4 Conclusion

The NEMA regulations have been amended several times to streamline the process as it has been criticised for hindering development. Although it has been amended in 2010, no strict timeframes for public participation and the submission of reports are indicated and the competent authority must determine this. Strict timeframes for the acknowledgement of receipt and considerations of applications and reports are stipulated for the competent authority and no specific timeframes other than the lapsing of an application after 6 months in terms of regulation 67 are stipulated for EAPs.

When comparing the NEMA, 2010 Regulations to the NEMA, 2014 Regulations it is evident that the process has been streamlined. NEMA, 2014 Regulations stipulated timeframes for the competent authority and the submission of documents by the EAP on behalf of the applicant. Where an application would have lapsed after 6 months after the application submission under NEMA 2010 regulations, the BAR final report under NEMA, 2014 Regulations must be submitted after 90 days, or about 3 months, to avoid the lapsing of the application. The final SR and EIR must be submitted within 44 days and 106 days irrespectively. This reduced the timeframes by about half for the BA process and by 136 days for the Scoping phase and 74 days for the EIA phase.

Regarding the Appeal regulation, the appeal provisions in NEMA was repealed by the National Appeal Regulations, which regulates appeals in terms of all applications, submitted in terms of Regulation 43 of NEMA. The process is also much shorter than the appeal regulations of NEMA, 2010 regulations and reduces the Appeal Process from 170 days to 110 days.

CHAPTER 4 DEBATES RELATED TO EFFICIENCY IN THE SOUTH AFRICAN AND INTERNATIONAL CONTEXT

This chapter aims to set the background for achieving Research objective 2 and 3:

2. Identifying the factors which may influence the procedural efficiency of the EIA process, either positively or negatively; and
3. Identifying means for improving the EIA procedural efficiency.

4.1 Introduction

South Africa's EIA history started when the EIA Regulations in terms of the Environment Conservation Act (ECA), Act 73 of 1989, were promulgated in 1997, which saw EIA's being conducted in South Africa on a voluntary basis. Thereafter the EIA regulations were revised and the revised EIA regulations are now known as the National Environmental Management Act (NEMA), Act 107 of 1998. These were promulgated in 2006, 2010 and 2014 again amended in 2017. Since the promulgation of NEMA, *"several concerns were raised about these regulations and it became clear that various role-players perceive the EIA process as not addressing critical sustainable development issues necessary for sound development"* (DEA, 2014a:60).

In the light of measuring the performance of EIA and role-players' concerns regarding misplaced EA objectives, the Department of Environmental Affairs and Tourism (DEAT) undertook a review of the South African EA process in 2010 and as a result, the Review of Efficiency and Effectiveness (REE) was compiled (DEAT, 2010). Shortcomings identified in the REE resulted into the further development of the Environmental Impact Assessment and Management Strategy (EIAMS) for South Africa which aims to produce a more effective and efficient Integrated Environmental Management (IEM) system that is supported by a range of Environmental Management Tools and Instruments (DEA, 2014a:60; DEAT, 2010). The Infrastructure Development Act, promulgated in 2013, was also developed to streamline regulatory decision making to benefit major bulk infrastructure development and other 'special projects' for the country (Bond *et al.*, 2014:47). The exact definition of what classifies as a 'special project' is not yet very clear.

When reviewing the international and local literature regarding the efficiency of EIA, three main trends or themes in debates can be identified. Steenkamp (2009:88-89) proposed an Efficiency Triangle (illustrated in Figure 4-1), where these themes are considered as three success factors required in a synergistic manner to achieve an efficient EIA process. The three factors are discussed in this chapter with relation to the South African context, and how it differs from the international situation.

Success factor 1 relates to a strong legislative framework, which is required. This framework forms the basis for the EIA process and should lead to administrative and environmental justice. Success Factor 2, information and competence, relates to the information, as part of the EIA process, which is provided and considered to ensure a well-oiled process. If one stakeholder lags in their part of the process, or do not contribute necessary expertise and knowledge, the process will be less efficient. Lastly, Co-operative Governance is needed as Success factor 3. Co-operative governance leads to good communication between different stakeholders and different authorisation processes influenced by the EIA process, and vice versa (Steenkamp, 2009:88-89).

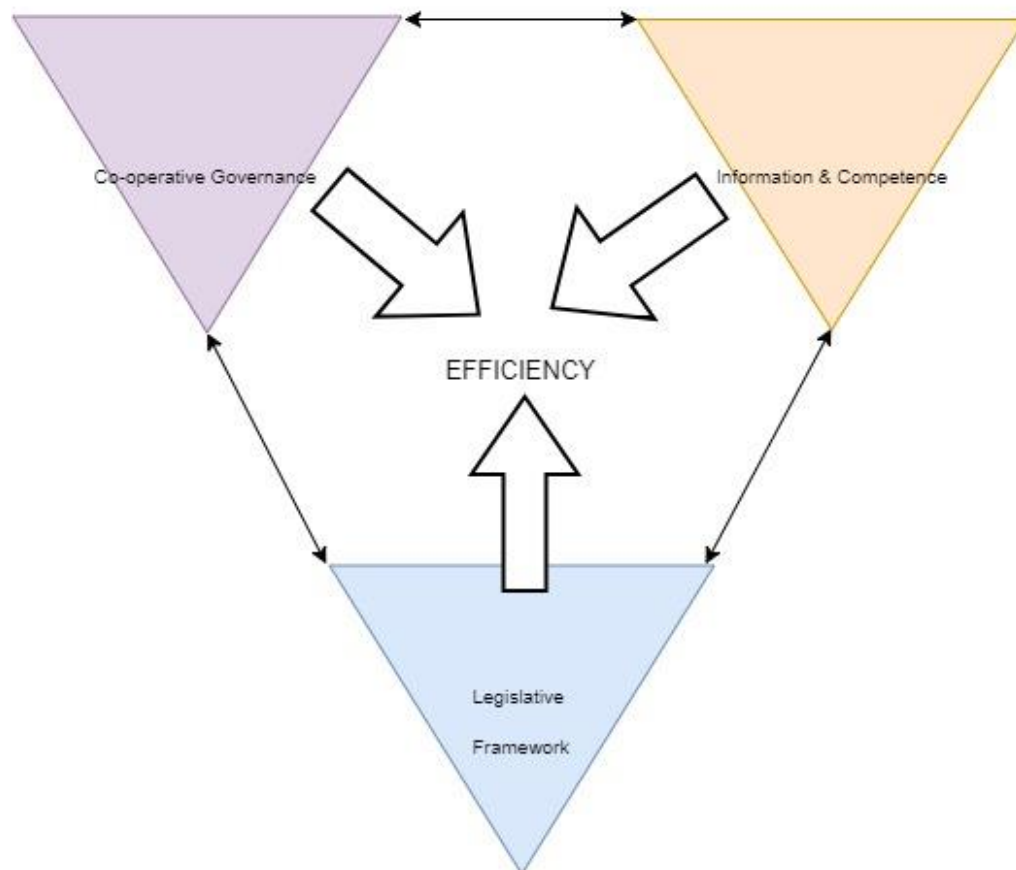


Figure 4-1: The efficiency triangle as proposed by Steenkamp (2009:88-89)

These three success factors and related themes are discussed below. These themes are categorised as identified by Steenkamp (2009:88-89):

1. The Legislative Framework Theme regarding the fragmentation of legislation and the need for integration of the EA process;
2. The Procedural Framework as a theme, which examines issues like timeframes and delays, the cost of EIA, streamlining of the process and the alignment of the EIA process, and;

3. The Institutional Framework theme, which includes challenges for co-operative governance.

The following sections consider the above-mentioned themes. Finally, factors that might challenge EIA procedural efficiency are discussed as identified from the international literature.

4.2 The Legislative Framework

4.2.1 Legislative fragmentation

The South African government regulating the environment, as provided for by the Constitution, is divided into three different spheres, namely: national, provincial and local, which is furthermore divided into nine provinces. Furthermore, the three governmental spheres are divided into regulating bodies, or organs of state, for water, heritage attributes, soil, air, minerals, biodiversity, etc. These spheres all have the duty to promote sustainable development and conservation of our rich environmental diversity while acting individually, co-dependent and interrelated with one another (Du Plessis, 2005:4).

The above mention institutional structure is fragmented in a vertical and horizontal manner, as discussed fully by Kotze (2007), which leads to a diverse spectrum of structurally fragmented applications that needs to be applied for in terms of policies and legislation for a single development (Du Plessis, 2005:4; Kotze, 2007:474). On top of the diverse fragmented application, the application processes are unaligned and laws are regulated and administered in different manners by different provinces, operational levels and spheres of government (Kotze, 2005:3; Kotze, 2007:475).

Fragmentation is evident at the policy level –as seen from fragmented legislation and the different uses of governance tools - and at the operational level – as seen by the various organs of states regulating environmental media (Kotze, 2005:3). An alarming amount of procedures, processes and tools are prescribed for the authorisation of applications (Kotze, 2007:475). These fragmented frameworks in the entire environmental process results in overlapping and duplication of information and applications and these processes utilise precious time and resources of the developer or applicant, the consultant and the organs of state or authorities. In addition, the *White Paper on Environmental Management* of 1998 proposes a single regulating authority for the country's environment. The potential for development of South Africa is hindered by various challenges including miscommunication between stakeholders and organs of state, loopholes in regulations, unclear plans, policies and requirements and uncertainty of the outcome, and various other (Kotze & De La Harpe, 2008:28).

The nature and extent of fragmented authorisation processes in South Africa's Environmental Authorisation process can be described as:

- The authorisation process is regulated by various spheres and departments of the government;
- Different standards are applied for the similar type of authorisation applications;
- Separate authorisations are issued by different departments;
- Duplication of the information required;
- The detail, format and extent of information required may also differ;
- Numerous opportunities for the improvement of co-operation between the different government line functions are available, but only a few are formalised or implemented;
- Many important issues are not controlled at all by our legislation due to organs of state either focussing on environmental components or important issues;
- Unpredictable and inconsistent behaviour from government officials are evident;
- Inefficient and unsustainable administration and resource use;
- Lack of training for officials dealing with applications;
- The conditions stated in various authorisations, issued by different departments, sometimes differ which leads to confusion;
- Different provinces and governmental departments interpret and implement legislation and policies differently over time which result in conflicting behaviour; and
- Loopholes between legislation and policies which creates more confusion (Du Plessis, 2005:4; Kotze& De La Harpe, 2008:6; Kotze, 2007:11).

These challenges stated above all affect the efficiency of the EA process, which is an important component for the regulating of the environment in a sustainable manner by the government (Kotze& De La Harpe, 2008:28; Kotze, 2005:5). Legislative requirements, jurisdictions and mandates need to be defined, aligned and clarified, as the need for sustainability, co-operative governance and efficiency is already clear in the legislation. Furthermore, better integration and regulation of applications should take place to contribute to the efficiency of the EA process.

4.2.2 Integrated Environmental Management

Integrated Environmental Management (IEM), as described in the regulations, may combat inefficiencies in the EA process and fragmentation since various principles of integration for the EA system are defined in the EIAMS. Several Integrated Environmental Governance approaches are visible internationally, including Finland and Netherland and these approaches are based on the European Union Directive on Integrated Pollution Prevention and Control 96/61/EG which aims to integrate regulations regarding pollution prevention and control (DEA, 2014a:19; Kotze, 2005:43; Kotze, 2007).

Integrated Environmental Management can be defined as:

“The management of the activities of people at micro and macro level to ensure achievement of the principles of sustainability, notably to ensure the utilisation of natural resources provided by all environmental media within their carrying capacities, while promoting economic growth as primary objective, by ensuring the implementation of decision-making and management tools for environmental management; based on the Deming-management approach, for the different phases of the project life-cycle through the integration of the activities between the different spheres of government; and within their various line function” (Kotze 2005:45).

From the above definition, it is clear that environmental management is not the management of the environment, but the management of human actions regarding the environment and that integration is an integral part of IEM. Environmental management should take place on governmental (macro level) and corporate level (micro level) with sustainability as the main goal. Different spheres of government, aspects of the environment (air, water, and land), and functioning lines of government, the Deming-management approach, decision cycles and different tools for environmental management should be in an entwined relationship with each other to establish IEM.

Alignment of authorisations within and between different spheres of government should be strived for from the very beginning of the project phase (Kotze, 2005:43-49). IEM should not be confused with the alignment of environmental governance, IEM is the adoptions and use of EIA arrangements by other organs of state and of numerous parameters in the development and decision-cycles (Nel *et al.*, 2007b:128).

Nel, *et al.* (2007:14) prescribes a 4-step plan to result in snowballing-like and progressive advancements of cooperative and integrative actions to make the EA process more efficient. The 4 steps include De-bottlenecking and House in order, Increased Optimisation and Improved Alignment, Streamlining and Mainstreaming and finally leading to a One-Stop Authorisation Shop that coordinates all the necessary applications for development.

4.3 The Procedural Frameworks

4.3.1 Timeframes and delays

In 2012, the Presidential Infrastructure Coordination Commission named time delays related to EIA as one of the three main risks for bulk infrastructure development (PICC, 2012:7). Due to the time delays, it also results in cost implications for development to take place and the South African EA process has been described as a mechanical straight jacket for sustainable development (Bond *et al.*, 2014:50).

“Government is concerned about any delay, costs and associated impacts on economic growth and development. This is why we need to improve efficiency and effectiveness without

compromising basic environmental rights and quality” was a statement made which led to the promulgation of NEMA in 2006 (DEAT, 2005). Since the above statement was made, changes have been made to deal with the time-consuming nature of the EA process, as ECA did not state any time frames as part of the EA process. Timeframes were to be set by the authority and stakeholders, but this did not happen in many cases and application processes dragged out indefinitely. Amendments were then made to the 2006 EIA Regulations and the following 2010, 2014 and 2017 amendments, through which process timeframes became shorter and more explicitly defined.

Delays in the EA process are due to several factors, which do not include the EA regulations itself. Lack of information available, skills of officials dealing with the applications, the capacity of officials available, authorities ignoring deadlines and timeframes, consultants not understanding the process, funding, community views, and many more, can all contribute to time delays (Steenkamp, 2009:32).

Resolving delays can only be done by improving communications between stakeholders and training of officials. Co-operation, and willingness to co-operate, is also needed between specialists, stakeholders and commenting or authorising authorities (Steenkamp, 2009:32).

4.3.2 The costs of EIA

EIA has already been criticised since the 1970's for increasing government spending, impeding economic growth and contributing to unemployment (Hart, 1984:340). Hart identifies four Principle elements of costs (1984:348-349) and expanded on in Wood (2003):

- The preparation, review, circulation of documents and administration of the law
- Delay which includes inflation and foregone opportunity costs
- The uncertainty of completion due to failure or risk
- Mitigation to moderate impacts

Furthermore, Wood (2003:329) found that the EIA process only constitutes 0.1 to 0.5% of the project costs, in the USA, and the benefits outweigh the costs. Montgomery (2015:13) concluded that although EIA is criticised for being costly and time-consuming, *“neither national nor state economic performance have been significantly affected by Environmental Regulation”*. Large organisations have found that Environmental Regulation and EIA have positive effects on business success (Montgomery, 2015:13-14).

Morrison-Saunders & Retief (2012) found that compliance with EIA regulations costs South African business R 796 billion per annum which amounted to approximately 6.5% of annual Gross Domestic Product in 2003. The Basic Assessment process should take about six to twelve

months and the full scoping and EIA process can take between 12 to 18 months. This time and cost delays are a big concern for the government in terms of development and growth, as time is money (Morrison-Saunders & Retief, 2012).

However, as noted earlier, research conducted in South Africa and other countries shows the costs of EIAs to be relatively small in relation to project costs and compare with international norms and standards (Retief & Chabalala, 2009:65-66). Therefore, such widely divergent statements should be substantiated and explored further (Montgomery, 2015:31).

Of the two variables under review, it is apparent that the time delays to the projects were more significantly detrimental to the project. Time delays can have a catastrophic effect on a project and/or on a developer when matters such as loss of profit, loss of reputation and negative market fluctuations during the delay period are incurred that can result in the cancellation of a project or even bankruptcy (Montgomery, 2015:102).

4.3.3 Streamlining of the EIA process

Brazil is planning the downgrading and partially dismantling of the EIA system currently in place. If it is approved, EIA will be downgraded to a presentation of the Environmental Impact Statement. Other proposals relate to dealing with certain projects being seen as strategic for development and the current process will be circumvented. Authorities will also have tighter deadlines for assessing and approving projects. Public Participation requirements will also be reduced for these projects (Brangagnolo *et al.*, 2017:87).

The European Union issued the Directive 2014/52/EU amending the EIA Directive, was adopted in April 2014 and must be implemented by 16 May 2017. This has been amended to implement stricter timeframes on screening, PP and the final decision. This is due to associated costs and delays. Furthermore, to reduce inconsistencies and overlapping, a one-stop shop is proposed which is a coordinated or integrated procedure (Arabadjieva, 2016:160-161).

In South Australia, the EIA process has been made more efficient at the cost of less PP and lowering the scoping standards. In Queensland, the same is evident and the changes are seen as negative due to subordinate follow-up, less effective EIA and subordinate decision-making (Middle *et al.*, 2013). Western Australia also made changes to have weaker PP and scoping, but the changes are found to lead to a better EIA process (Middle *et al.*, 2013:3-5).

In South Africa, (Steenkamp, 2009:79-81) found that the following aspects are causes of inefficiency in the Mpumalanga province:

- Public Participation: obtaining comments from I&APs within specified timeframes;

- Lack of service infrastructure: obtaining a commitment from local authorities on service availability;
- Specialist studies: quoting and obtaining specialist studies are time-consuming;
- Delaying tactics by competitors: competitors register as I&AP to delay the process;
- Lack of co-operative governance;
- Changes in the nature or scope of the project;
- Requests for additional information;
- Vacancies: a shortage of staff and increased workload;
- Staff turnover; and
- The quality of reports.

As part of the study, proposals were made on how the efficiency can be improved for the EIA process. These include the use of strategic frameworks, the integration of EIA's and planning applications, communications between different consultants of a team, assistance from consultants to government officials, alignment of different application processes, project initiation meeting with all relevant departments present, a registration body for EAPs, increased resources in departments, avoiding information duplication, EIA regulation reviews and the integration of Environmental Management and planning into one department (Steenkamp, 2009:81-82).

4.3.4 Alignment of regulatory procedures and processes

For development to take place in South Africa, various applications need to be made, including a water use licence from the Department of Water Affairs (DWA) in terms of the National Water Act (Act 36 of 1998) , Heritage or Archaeological Impact Assessment (HIA or AIA) in terms of the National Heritage Resource Act, 1999 (Act 25 of 1999) through the South Africa Heritage Resource Agency (SAHRA), rezoning in terms of The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) to only name a few, which are all done by various different specialists or professions. Not all of these various departments and application processes function in a co-operative governance manner (Snyman & Brent, 2006:5).

One of the Principles of integration, set out in the EIAMS, is to promote coordination, alignment and/or integration of regulatory processes and decision-making (DEA, 2014a). The intrinsic and complex nature of the content, process and outcomes of various applications need to be understood in order for alignment and integration to take place in an efficient way. Inability or incapacity to properly align processes can affect efficiency and the most common cause can be institutional or due to officials managing the institutions (Jikijela, 2013:28).

Although co-operation and alignment are evident in policies at a strategic level, there is almost no evidence of the successful introduction of this on operational levels between the line of

functions (Nel *et al.*, 2007b:10). This has cost and time implications for the project manager and environmental consultant, which needs to lodge and regulate the different applications and processes. The consultant needs to follow a legally sound strategy or plan which includes the identification of:

- *"all relevant authorisations;*
- *Scientific or technical information;*
- *Overlaps between the required processes;*
- *Opportunities for exemptions;*
- *General or specific requirements imposed by the relevant departments; and*
- *The authorising departments' formal sign-off* (As quoted by Steenkamp (2009:33) from Vermaak, 2006:3).

This can be made more effortless by cooperation between different organs of state and alignment of application processes. The One Environmental Management System of South Africa, which came into effect 4 December 2014, is one of the measures rolled out to assist with alignment of applications and co-operation between departments. This system was developed with mining and related activities in mind and fixed timeframes have been agreed. DEA (2014b) states the following *"The Ministers of Environmental Affairs, Mineral Resources and Water and Sanitation have agreed on fixed time-frames for the consideration and issuing of the permits, licences and authorisations in their respective legislation. It was also agreed to synchronise the process for the issuing of permits, licences and authorisations within a 300-day period. If a decision is appealed, an additional maximum period of 90 days will be required to finalise the process."*

DEA&DP has also recently (October 2017) launched a workshop for the synchronisation of EIA and Water Use License Application with the One Environmental Management System as a basis. This will be implemented and managed by DEA&DP, Department of Water & Sanitation (DWS) and Breede-Gouritz Catchment Management Agency (BGCMA).

4.4 The Institutional Framework

4.4.1 Co-operative Environmental Governance

It is recognised that all environmental components and media are integrally linked and, therefore, an integrated approach should be followed to achieve sustainable development. Sustainable development is emphasised numerous times in the various pieces of legislation and therefore cooperation and coordination of governance of the different applications need to take place. Chapter 3 of the Constitution and NEMA provides for co-operative governance to be put in place for the regulation of resources and development. NEMA is the main vessel through which

coordination of activities and process should be realised. In 2005, the Intergovernmental Relations Framework Act was promulgated to ensure that the principles in Chapter 3 of the Constitution on cooperative governance are implemented (ETU, Unknown).

According to ETU (Date unknown), inter-governmental relations (IGR) refers to the relationships between the three spheres of government. The South African Constitution states that:

“The three spheres of government are distinctive, interdependent and interrelated’. The provincial and local government are spheres of government in their own right and are not a function or administrative implementing arm of national or provincial government. Although the three spheres of government are autonomous, they exist in a unitary South Africa and they have to work together on decision-making and must co-ordinate budgets, policies and activities, particularly for those functions that cut across the spheres.”

This statement clearly states that integration and co-operate governance needs to take place for the EA process to be efficient.

It is important to note that there is a conceptual difference between cooperative governance and intergovernmental relations (IGR). Intergovernmental relations are intended to promote and facilitate cooperative governance. IGR should also promote decision making by ensuring that policies and activities across all spheres encourage service delivery to meet the basic needs of citizens in an effective way. IGR is concerned with the political, financial and institutional arrangements regarding interactions between different spheres of government and the different lines of function within each sphere. Cooperative governance needs to be an institutional expression by the means of for example IGR (Jikijela, 2013:12).

Cooperative governance, on the other hand, means: *“Cooperative governance means that the three spheres of government should work together (cooperate) to provide citizens with a comprehensive package of services. The Constitution states that the three spheres have to assist and support each other, share information and coordinate their efforts”* (ETU, Unknown). Cooperative Governance is an important structure to ensure integrated and sustainable environmental management and it can be used to address fragmentation as part of the EA regime and indirectly or directly efficiency of the EA process (Jikijela, 2013:14).

Co-operative governance, should be cooperation, and should include, amongst others: coordination of activities to avoid competition and duplication; development of a multi-sectored perspective on the interests of all South Africans; effective dispute resolution; collective harnessing of public resources by way of coordination and support; and a clear division of roles and responsibilities so as to minimise confusion and maximise effectiveness, and ultimately improve service-delivery through governance efforts (Jikijela, 2013:14).

As made provision for in the Constitution, an Overarching body is required to facilitate and coordinate applications from different organs of state. Communications between organs of state need to be facilitated regulated and training and capacity building need to be promoted. Improvement needs to be measured according to the speed of decision-making and the qualitative and quantitative improvements (Steenkamp, 2009:34).

In the light of the above, the DEAT has implemented the REE and from that, the EIAMS was born with the following aim:

“To give effect to the framework for integrated environmental management by providing for a diverse range of regulatory and other mechanisms to ensure proactive assessment and management that are implemented through cooperative governance and accountable, transparent and participatory decision making, to achieve sustainable development” (DEA, 2014a:26; DEAT, 2010).

The EIAMS has nine main building platforms, which is supported by pillars that lead to fitting actions, to improve the current root causes of, including the lack of effective cooperative governance. These are to ensure:

1. *“All Integrated Environmental Management (IEM) systems and processes are directed towards achieving sustainability.*
2. *There is effective alignment – and in some instances full integration - between and within all spheres of government and organs of state in giving effect to IEM.*
3. *Monitoring, evaluation of socio-economic, ecological, IEM systems, and processes lead to adaptive management.*
4. *Environmental management instruments and tools are effective in achieving the objectives of IEM.*
5. *Environmental practitioners and specialists are professional, ethical, objective and independent.*
6. *Environmental information and information management systems are credible, up-to-date, accurate and accessible to all role-players in IEM systems and processes.*
7. *All role-players are environmentally aware and are capacitated to engage meaningfully in IEM systems and processes.*
8. *The purpose of public participation is understood and all role-players use the process in IEM systems and processes to inform environmental governance.*
9. *A transformed environmental sector exists”* (DEA, 2014a).

4.5 Challenges for the efficiency of the EIA Process

Abaza, et al. (2004: 42) lists nine general operational principles of good EIA practice. These are summed up here in short. Firstly, EIA should help achieve sustainable development in the form

of an applied tool. EIA needs to be integrated into existing development planning and approvals to minimise disruption caused to institutional arrangements and to maximise the effectiveness of EIA in terms of identifying the appropriate time or areas where EIA can be linked to decision-making. EIA should be integrated into the project life cycle and there needs to be constant interaction and feedback between all stakeholders to minimise the impacts. Environmental management, rather than gaining project approvals needs to be the aim of EIA, and actions that can have an adverse effect on human resources needs to be assessed by EIA. EIA needs to include the analysis of feasible alternatives and should include opportunities for meaningful public participation at various key stages in the process. Finally, EIA needs to be a multi- and an interdisciplinary tool that integrates social, economic and biophysical impacts (Abaza *et al.*, 2004:42). Many challenges in terms of EA efficiency relate to the latter principles. Zhang, *et al.* (2013: 155) did a study to combine the critical factors for EA as well as their different roles in EA implementation (Zhang *et al.*, 2013a).

As seen in Table 4-1, general factors, ascribing to the EA process as a whole, can affect the efficiency and effectiveness. Communications and understanding are crucial for EA implementation and this includes communication with organs of state, the applicant and the public to improve and modify the project layout. Transparency, openness, and the understanding of key stages in the EA process also influence efficiency (Zhang *et al.*, 2013a:152). Resource capabilities can be divided into keeping to timelines and avoiding delays, efficient and effective use of resources, competency and experience of stakeholders and adapting of methods (Zhang *et al.*, 2013a:152).

Timing and organisation is one of the broadest categories and includes cooperation between departments, the use of legal regulations and guidelines and flexibility of the EA process. The will and attitude of politicians and bureaucratic interventions, neutrality, bias, trust and respect for the opinions of consultant are also important factors that can influence the efficiency of the EA process (Zhang *et al.*, 2013a:153).

Many challenges for efficiency and alignment of the EA process can be divided into intrinsic and extrinsic shortcomings. As stated in Steenkamp (2009:35), from Spinks *et al.* (2003:308) intrinsic shortcomings include the lack of commitment to sound environmental management, separation between environmental evaluation and planning, single project level focus, belated timing of implementing EIA, defining significance and bias and confidentiality which may be introduced by developers. These shortcomings need to be addressed by a paradigm shift and legal reform.

Extrinsic shortcomings include capacity shortages resulting in unnecessary delays and inconsistent behaviour, time delays due to great number of applications, inadequate skills and resource capacities, lack of financial and human resources, public participation which can be

expensive and time consuming, lack of co-operative governance, lack of effective screening and unqualified consultants, legislative and administrative problems and finally follow-up monitoring and compliance (Steenkamp, 2009:35; Spinks *et al.*, 2003:308).

Table 4-1: General Factors for direct effectiveness and efficiency of the EA Process.
Adapted from Zhang, *et al.* (2013: 155)

Timing and organisation	Early integration of EIA into decision-making
	Cooperation and networking between different parties involved
	Legal regulations and guidelines of EA
	Institutional framework
	Flexibility
Will and attitude	Political will
	Bureaucratic interference
	The Value of neutrality, bias and trust
	Respecting the opinions of consultants
Communication understanding and	The dialogue between organs of state or authorities, the applicant and public
	Transparency and openness
	Good quality EIA reports
	Theoretical understanding of the EA process
Resources and Capabilities	Keeping to timelines
	Efficient and effective use and allocation of resources
	Competence and experience of EIA actors
	Ample education and training to support stakeholder empowerment
	Tailored or adapted methods

4.6 Conclusion

To summarise this chapter, the main regulatory mechanism to regulate environmental impacts and facilitate sustainable development are the EIA process. The National Environmental Management Act, Act 107 of 1998, regulates South Africa's EIA system. After the REE, the EIAMS was developed to improve effectiveness and efficiency.

Three success factors are necessary for efficiency, which relate to the Legislative Framework, Procedural Framework and Institutional Framework. These three are combined to make an Efficiency Triangle and were discussed in terms of the South African context and how it compares to the global context.

Finally, critical factors were discussed which are necessary for an effective and efficient EIA process. These will be used as part of the qualitative data analysis of the interviews in Chapter 5. Challenges identified relates to intrinsic challenges which necessitate changes to the EIA legislation and in the thinking of EIA, whereas extrinsic challenges can be dealt with by making practical changes. These factors can either be seen as challenges or opportunities to the efficiency of the EIA process.

CHAPTER 5 DATA ANALYSIS

Chapter 5 aims to achieve the following Research Objectives:

1. Determining the efficiency of EIA processes in the Western Cape with respect to whether applications submitted were finalised within the timeframes stipulated in the NEMA, 2010 in comparison to the NEMA, 2014 regulations;
2. Identifying the factors which may influence the procedural efficiency of the EIA process, either positively or negatively;
3. Identifying means for improving the EIA procedural efficiency.

5.1 Introduction

The applicable legislative procedures for the Basic Assessment Process and the Scoping & EIA process in accordance with the NEMA, 2010 and 2014 regulations (amended in 2017) were summarised, illustrated and explained in detailed diagrams in Chapter 3. It was concluded that no timeframes were stipulated for EAPs, for application under the 2010 regulations, except for Regulation 67, which states that the application will lapse after 6 months if no final report is submitted. Timeframes for authorities are stipulated.

The NEMA, 2014 regulations stipulate timeframes for both the competent authority and the EAP clearly. In both regimes, both BA & S&EIA have separate timeframes related to the process. Section 5.2 to 5.4 introduces the data analysis results for the quantitative and qualitative methods. The quantitative data analysis provides the opportunity to determine to what extent applications were efficient in the Western Cape Province within the 2010 and 2014 regimes. Applications will be classified according to the efficiency classes outlined in Chapter 2, section 2.3.1.1. The efficiency of the applications submitted is evaluated and an explanation is given below of the criteria used for the evaluation of efficiency. Efficiency in the NEMA processes was evaluated based on whether authorisations were issued within the prescribed timeframes.

Government officials or case officers and consultant or EAPs provided possible causes for inefficiencies in the processes and recommendations are proposed for improving the efficiency of the EIA authorisation process.

5.2 The Efficiency of Applications submitted in terms of NEMA, 2010 and 2014

This section aims to achieve Research Objective 1:

1. Determining the efficiency of EIA processes in the Western Cape with respect to whether applications submitted were finalised within the timeframes stipulated in the NEMA, 2010 in comparison to the NEMA, 2014 regulations;

5.2.1 The Efficiency of the NEMA, 2010 regulations authorisation process

The efficiency of applications submitted in terms of the NEMA, 2010 regulations were classed according to the classes determined and outlined in Section 2.3.1.1.1.

During the 2010 regime, from 18 June 2010 until 4 December 2014, a total of 1291 Environmental Authorisations were submitted to DEA&DP (DEA&DP, 2016). Of these 1291, 1285 applications followed the Basic Assessment process and 6 the Scoping & EIA process.

5.2.1.1 The efficiency of the Basic Assessment Process in terms of the NEMA, 2010 regulations

As stated previously, the largest portion of the applications that were submitted which followed the Basic Assessment Process. Of 1285, and as shown in Figure 5-1, 630 applications or 49.02% were authorised, 128 were closed by the department, 146 is indicated as the Department awaiting response and eight were refused or rejected. Furthermore, 30 applications were withdrawn.

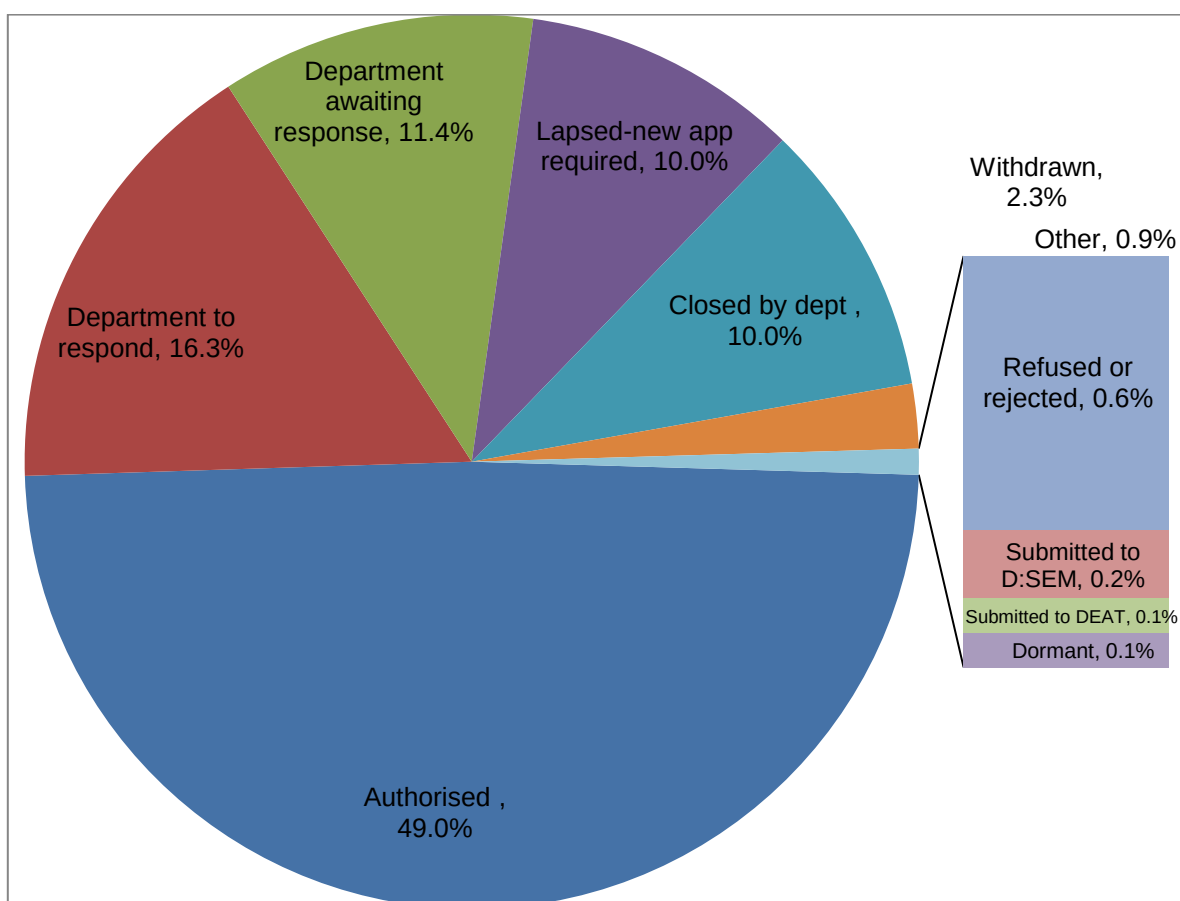


Figure 5-1: Graph indicating the percentages and status of Environmental Authorisation applications, of Basic Assessment nature, submitted to DEA&DP under NEMA, 2010.

When looking at the authorised applications in terms of efficiency, 196 applications (31.1%) were finalised within less than 254 days and is deemed as efficient. 250 of the 630 applications (39.7%) and the larger portion were finalised within more than 254 days and less than 434 days and is classified as mostly efficient. 184 applications (29.2%) took more than 434 days to be finalised and is classified as being inefficient.

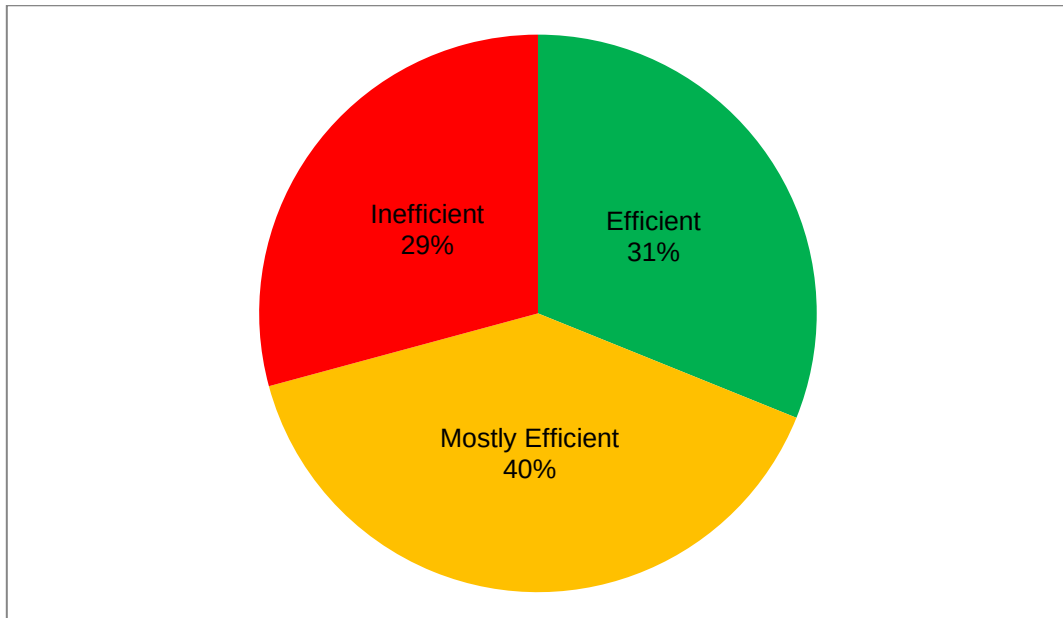


Figure 5-2: Graph indicating the percentages and efficiency of Environmental Authorisation applications, of Basic Assessment nature, submitted to DEA&DP under NEMA, 2010.

5.2.1.2 The efficiency of the Scoping and EIA process in terms of the NEMA, 2010 regulations

Of the 1291 applications submitted, six (6) followed the Scoping & EIA process due to triggering activities described in Listing Notice 2. Four (4) applications were authorised (66.67%), one (1) was withdrawn (16.67 %) and the Department is awaiting information on the remaining application.

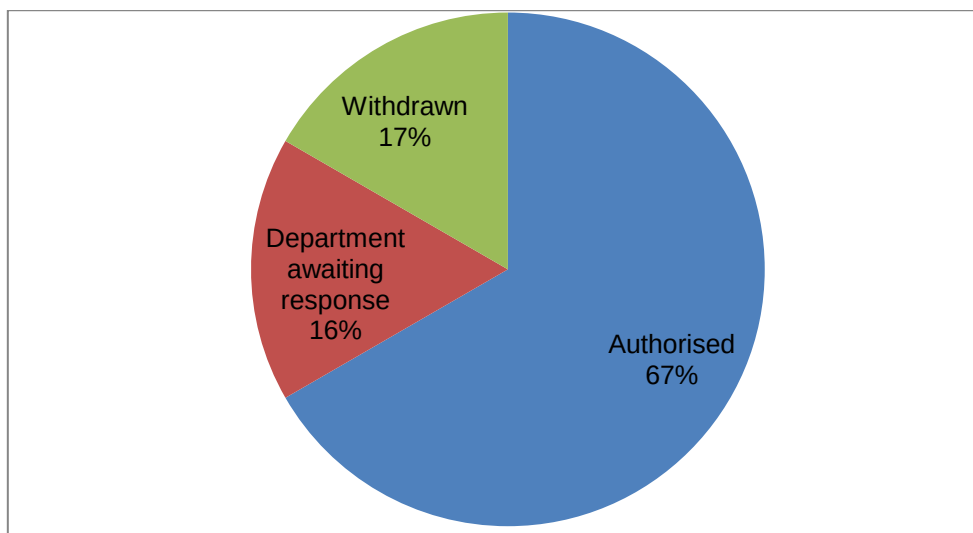


Figure 5-3: Graph indicating the percentages and status of Environmental Authorisation applications, of Scoping & EIA nature, submitted to DEA&DP under NEMA, 2010.

Of the four (4) applications approved which followed a Scoping & EIA process, three (3) applications are deemed as being efficient due to being finalised within 523 days and one (1) application was classified as being inefficient as it was finalised only after 523 days (more than a year).

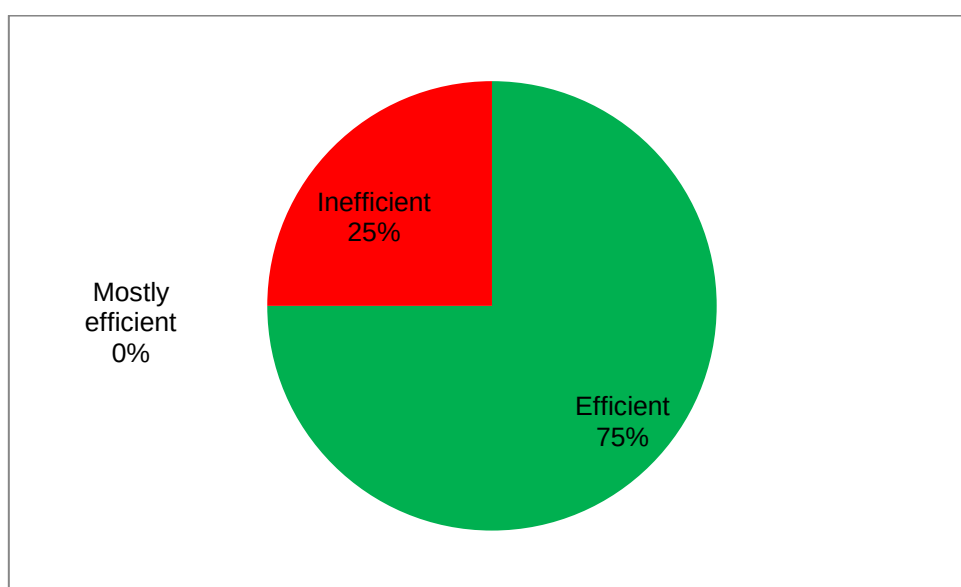


Figure 5-4: Graph indicating the percentages and efficiency of Environmental Authorisation applications, of Scoping & EIA nature, submitted to DEA&DP under NEMA, 2010.

5.2.2 The Efficiency of the NEMA, 2014 regulations authorisation process

The efficiency of applications submitted in terms of the NEMA, 2014 regulations were classed according to the classes determined and outlined in Section 2.3.1.1.2.

Information from 121 applications received by DEA&DP was obtained and analysed to indicate the level of efficiency during the 2014 regime. The data ranges from 16 October 2014 until 12 June 2017 of these 121, 117 followed the Basic Assessment process and 4 the Scoping & EIA process.

5.2.2.1 The efficiency of the Basic Assessment Process in terms of the NEMA, 2014 regulations

Of the 117, and as shown in Figure 5-5, 56 applications or 47.9 % were authorised, two (1.7%) were terminated, 11 (9%) required action from the competent authority, 26 (22.2%) required action from the applicant, and eight (6.8%) applications were withdrawn. Furthermore, 5 (4.3%) of the applications are still in process and 9 (7.7%) applications lapsed.

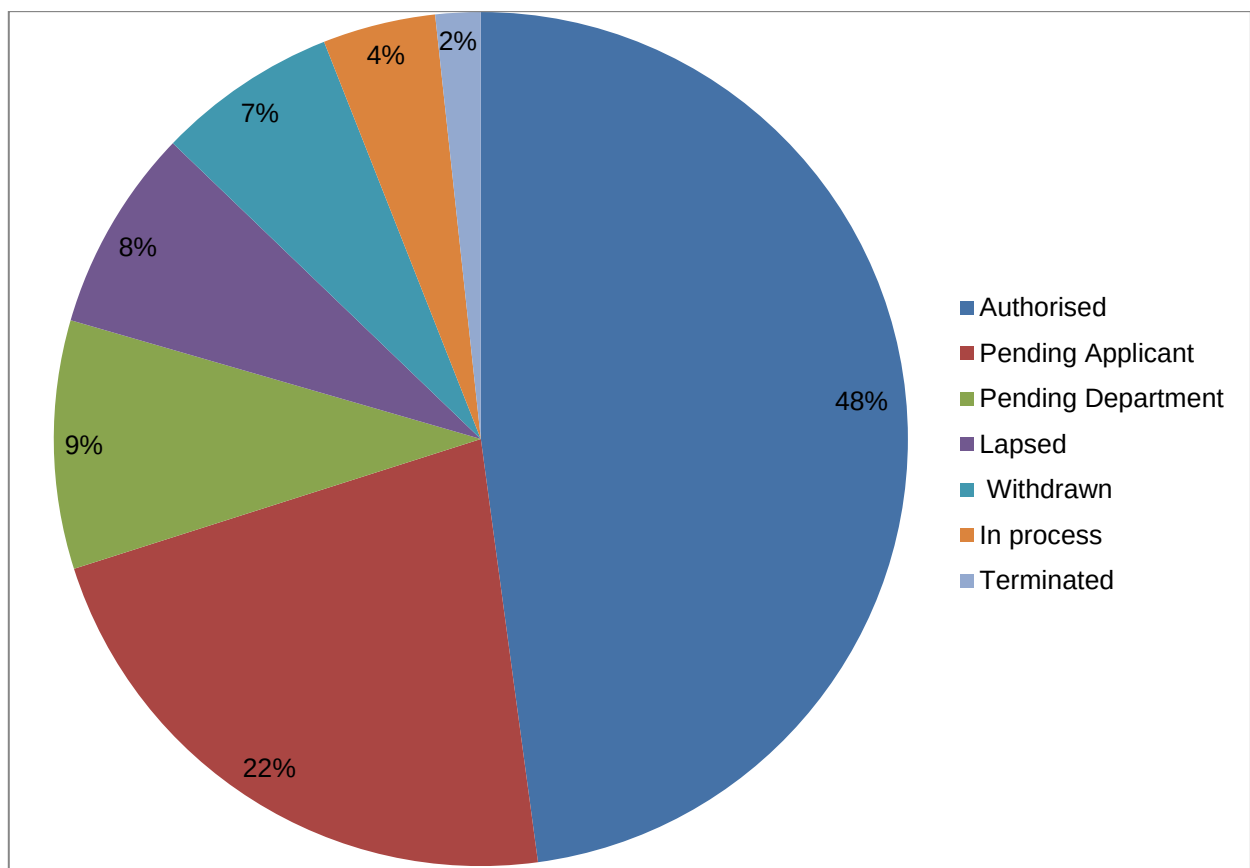


Figure 5-5: Graph indicating the percentages and status of Environmental Authorisation applications, of Basic Assessment nature, submitted to DEA&DP under NEMA, 2010.

When looking at the authorised applications in terms of efficiency, 55 of the 56 applications were finalised within less than 197 days and is deemed as efficient. None of the applications took between 198 and 247 days and only one application was classified as being inefficient due to being finalised only within 332 days.

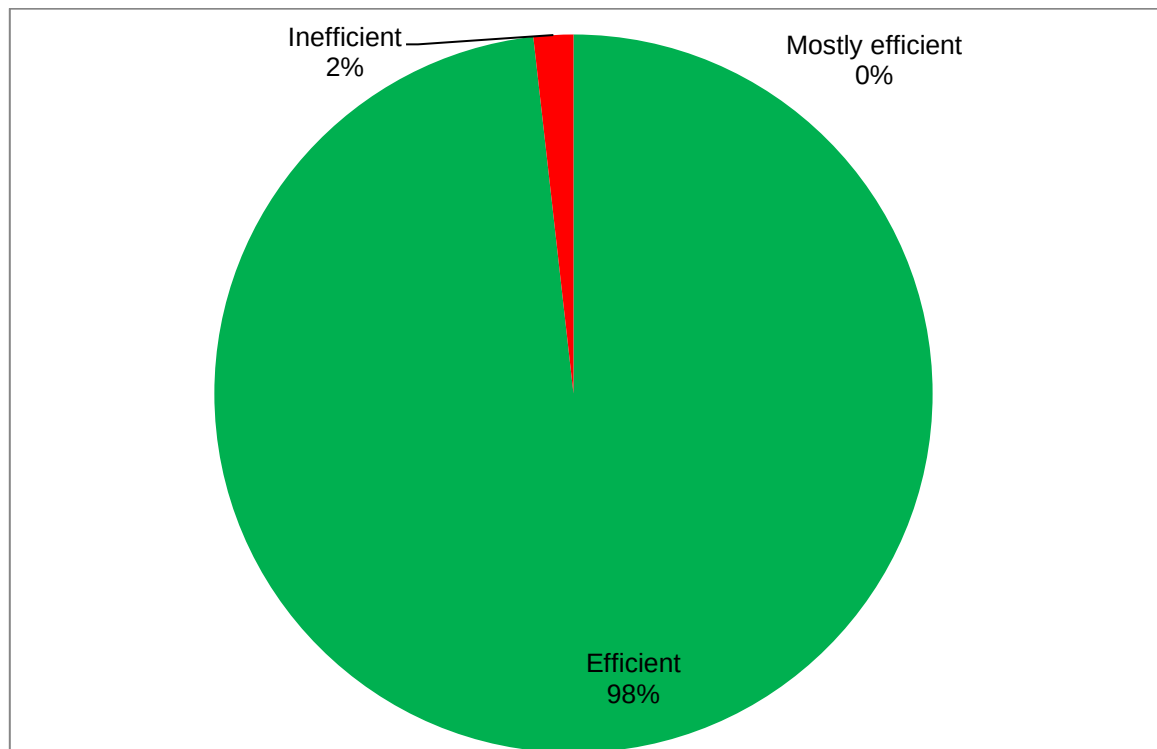


Figure 5-6: Graph indicating the percentages and efficiency of Environmental Authorisation applications, of Basic Assessment nature, submitted to DEA&DP under NEMA, 2014.

5.2.2.2 The efficiency of the Scoping and EIA process in terms of the NEMA, 2014 regulations

Of the 121 applications as part of the data set, four followed the Scoping & EIA process due to triggering activities described in Listing Notice 2. Only 3 were approved (75%), 1 was withdrawn (25 %).

Of the three applications approved which followed a Scoping & EIA process, 1 application is deemed as inefficient due to not being finalised within 351 days. In addition, two applications were classified as being efficient as it was finalised within 300 days. Although one of these two applications was finalised within 306 days, this is seen as being efficient due to numerous public holidays, which are not calculated as official days.

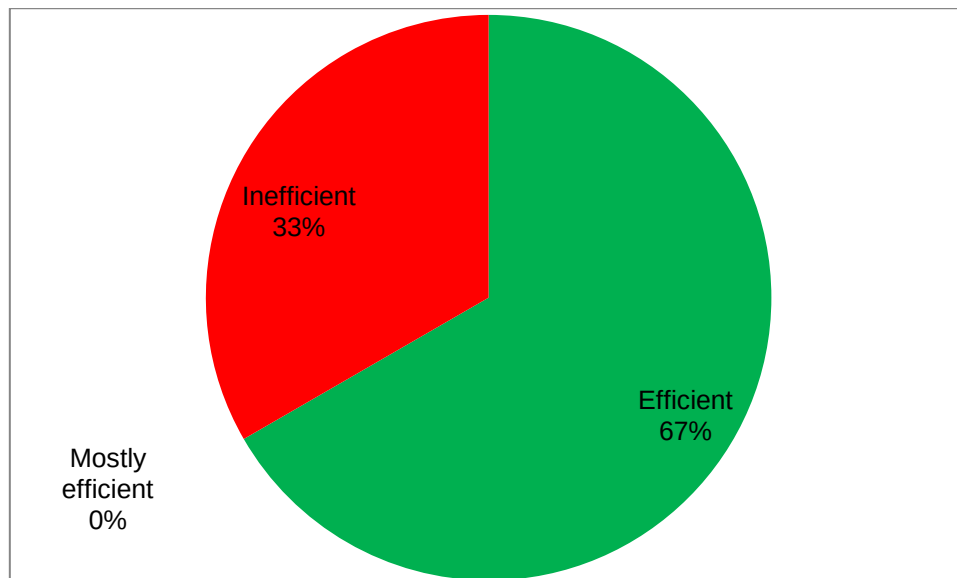


Figure 5-7: Graph indicating the percentages and efficiency of Environmental Authorisation applications, of Scoping & EIA nature, submitted to DEA&DP under NEMA, 2014.

5.3 Possible factors that may influence the procedural efficiency

This section aims to achieve Research Objective 2:

2. Identifying the factors which may influence the procedural efficiency of the EIA process, either positively or negatively;

Interviews conducted between two different role players provided possible causes for inefficiencies in the EIA process. Views of competent authority officials and consultants are presented separately and were classed under the general factors identified by Zhang, *et al.* (2013:155) which affect EIA efficiency and effectiveness. As officials and consultants view applications in a different light, the views are expressed separately to indicate separate views and opinions. It is important to note that the factors don't act independently and is connected to one another.

5.3.1 The department's view

5.3.1.1 Timing and organisation

During interviews, three of the 10 government officials indicated that not all applications consider all three tiers of Sustainable Development. Much emphasis is placed on the environmental impacts, but many reports neglect to consider the social and economic impacts of the proposed project and making an informed decision is hard. The South African EIA system is based on

promoting Sustainable Development and this gap can also lead to poor report quality and requesting additional information.

The view was also expressed that the viability and feasibility are not always thought through which can lead to the refusal or withdrawal of applications. These applications also unnecessarily add to the workload of officials and EAPs.

Secondly, cooperation between state departments influences the efficiency immensely. Different departments have different timeframes and procedures and comment is not always provided within the stipulated timeframes. Requirements also differ between departments and in many cases; information is duplicated where requirements overlap. DEA&DP have Memorandums of Understanding and Standard Operating Procedures in place with departments but this is not always adhered to.

Fifty percent (50%) interviewees felt that other state departments do not share the view that although the environment is regulated by different pieces of legislation, there is a shared responsibility towards sustainable development. Many other state departments shift the responsibility and do not cooperate with providing comments within stipulated timeframes.

Many different applications require the same information to be submitted, this may open up the opportunity for the integration of different applications into one application but this is impossible at this stage as state departments are not willing to integrate the processes. Departments feel that they alone would like to handle their applicable aspect of the environment.

Three case officers indicated that DEA&DP is divided into three different regions. The view was stated that not all regions deal with applications in a consistent manner, which affects the efficiency of the application process. Different departments request different levels of detail of the information provided. This can affect the time needed to compile reports as well as review by case officers.

Thirdly, changes and amendments to legislation make the work of the case officers very difficult. Extended Applications submitted under previous regulations need to be assessed under the relevant regulations and this hinders efficiency. Many times the amended regulations are interpreted differently and no guidelines are issued to accompany the regulations, which make an informed fair decision hard.

When comparing the 2010 and 2014 regulations, the 2010 regulations are less stringent in terms of applying for an extension on timeframes. This led to applications dragging on for months and some applications have asked for extensions on timeframes more than 6 times. With the 2014 regulation, the regulations are very strict and extension may only be applied to extreme situations.

The view was however also expressed that this may also hinder the process, as when the applications have lapsed, a new application must be submitted which requires compliance with the regulations although it may have been done in the previous application. Although the aim would be to reduce application time, a new application would have additional cost implications where the application fee needs to be re-paid, reports need to be redistributed and additional work hours are needed.

Within DEA&DP, internal timeframes are implemented for the reviewing and assessing of applications. Due to these timeframes, the case officer has limited time to assess and understand the application. If the case officer does not comply with the timeframes, it might burden the efficiency, as the following reviewer will receive the report later than planned. Not all applications are of the same complexity and size and the timeframes can be hard to adhere to. The daily tasks of case officers also include many additional administrative tasks, which reduce the time available to be spent on assessing and considering applications. This also contributes to extended timeframes.

It was also mentioned, that DEA&DP has a 98% success rate with keeping to timeframes as stated in regulations and if DEA&DP exceeds the timeframes stipulated in the regulations they need to submit this information to the DEA and a review is carried out.

Finally, timeframes stipulated in the regulations take into consideration public holidays and the period between 15 December and 5 January (In 2010 it was 2 January), but the July school holidays are not taken into consideration. This affects the PPP due to being inflexible.

Timeframes stipulated also create a problem as not all cases are of the same complexity and scale. A one fit timeframe complicates this.

5.3.1.2 Will and attitude & Communication and understanding

Due to the close interaction of Will and Attitude and Communication and Understanding, it is grouped together.

Communication was named as one of the biggest factors to influence the efficiency of the process negatively and all of the officers named this influence. Case officers feel that EAPs do not contact case officers when they have a query, and this leads to gaps in the information and quality of information provided as part of the application. Case officers also feel that applicants and specialists are excluded from the communications and there is a gap between case officers and the applicant.

Getting into contact with other departments to get comments is also a burden on the process as telephones, emails are not answered, and SOP's and MOA are not respected. This relates to political will. Some case officers also feel that EAP's tend to jump high up in ranks with communications to managers, which do not have all the knowledge of the application.

Relating to neutrality, bias and trust, many I&APs have a negative attitude towards the EIA process and do not understand the objective and process and don't trust the Department's judgement and competence. Comments provided are also not always related to the project and they use the opportunity to criticise other matters not related to the application. The public also has a negative attitude towards the EIA process and do not trust the competent authority. Many are against change and have an "old school mentality". As all comments submitted, need to be addressed and taken into consideration, the amount of information submitted increases, and so does the case officers and EAP's workload.

All government officials indicated that the experience and knowledge of consultants affect the efficiency greatly. Not all are trained equally and the regulations are interpreted differently by all EAPs. "*Fly by night*" companies do not have the experience and knowledge of other companies and these applications tend to be difficult to assess and understand. This relates to respecting the opinions of consultants which is hard when many lack knowledge and experience.

The interpretation of the regulations differs between departments, consultants and specialists. This leads to extended discussions and different interpretations, which hinder the efficiency application process.

During the interviews, almost all of the 10 case officers indicated that the quality of the reports has a huge influence on the efficiency of the process. Reports are often submitted with insufficient information, many times the information is of poor quality, and this leads to the continual request for additional information (applicable to the 2010 Regulations only). Without sufficient or good quality information case officers struggle to make an informed decision. Due to weak quality reports, additional information needs to be requested and many times the report needs to be redistributed for Public Participation, which could lead to a less efficient process.

Related to transparency and openness, certain applicants will have the EAP sign a non-disclosure agreement about certain aspects of the project. This leads to government officials not having all the information to assess the applications and make an informed decision. A lack of information will require the competent authority to request the information which may lead to additional specialist studies and an increase in project time.

5.3.1.3 Resources and capabilities

The interviews also revealed that the timeframes stipulated could be a burden for the efficiency of EIA. In some cases, the timeframes are not adequate for a good PPP, but the regulations stipulate this as the norm. This leads to the application being distributed many times for PPP, which leads to further inefficiencies and the missing timeframes. If timeframes are missed, new applications need to be submitted.

Furthermore, NEMA 2010 only stipulated timeframes for the competent authority and not the EAPS. This lead to further inefficiencies of the process. This issue relates to internal timeframes as discussed above in section 5.3.1.1.

Three case officers also stated that due to budget and fund cuts, staff capacities are low, which increases the workload of each case officer. If a case officer resigns, no new personnel are appointed to replace the person and the caseload is divided between existing officers. This reduces the time they have available to spend on applications.

Another aspect of regulation relates to the listed notices published. These notices describe activities, which constitutes an Environmental Authorisation. Many applications submitted have a very small impact but needs to go through the applications process due to triggering a listed activity. This unnecessary increases the workload of officials.

Finally, with changes to the regulations, training is necessary for case officers to interpret and understand the legislation. This is not always given to officials and everyone is responsible to understand the changes on their own.

Applications submitted are also assigned to the case officer by determining the complexity of the case and the experience of the case officer. Without proper training, the new staff is not able to build on basic knowledge of the EIA process. Due to budget cuts, no graduate interns are appointed by the Department and thus leaving a gap in the industry.

Views discussed below which relates to this factor include flexibility of the regulations, experience and knowledge of the consultants and the interpretation of the regulations.

5.3.2 The Consultant's view

5.3.2.1 Timing and organisation

All Consultants felt that different state departments do not want to work together although various components and information requirements of different applications overlap. The integration of

applications is not possible as the processes of the applications differ and different levels of information are required.

Experience by consultants is that different departments and different regions within departments are not consistent with information requirements and applications are not dealt with in a consistent manner. Different departments require different levels of detail which increases time and work put in by the consultants, which increases the project time and costs.

Consultants also feel that it would make the process more efficient if they knew how different applications like WULA and EIA interact with one another and at what level. This relates to guidelines and interpretation of available information.

The South African Environmental Law is very complex and different people interpret it differently. The requirements are also very strict which leads to applications being seen as of poor quality if the requirements are not ticked although it may not be necessary to make an informed decision.

Consultants also identified the stipulated timeframes as influencing procedural efficiency. Public Participation has stipulated timeframes, which may not be deviated from. Consultants feel that not all projects are of the same nature and complexity and some need more intense or in-depth PP, which the regulations do not cater for. Others are very simple in nature but the boxes need to be ticked and therefore all the requirements need to be included in the process.

The main problem identified is the availability of updated guideline documents related to regulations. With new amendments, the guidelines are not updated to correspond with the amendments thus leaving a gap in interpretation and understanding of what is required from departments. Guidelines are available, but it is outdated.

The view was also expressed that the newest versions of administrative forms are not available online and requesting it takes additional time. These forms are also not always editable or in Microsoft Word format which could also affect the efficiency of the process.

Four (4) consultants indicated that the current application process has various administrative hurdles. Boxes need to be ticked although it is not applicable or necessary for the application. Case officers demand the information although it may not make a difference to the understanding of the project. *"Pushing papers"* is a big problem to streamline the process.

5.3.2.2 Will and attitude & Communication and understanding

Many consultants feel that the knowledge and experience of the case officer can affect the efficiency of the process detrimentally. If a case officer is not knowledgeable, the query cannot be attended to immediately as advice needs to be obtained from a more experienced person,

which may lead to time delays. Consultants also identified that there is a shortage of staff within state departments, which leads to an increased workload.

Other state departments are also not as willing to assist and provide comments within the stipulated timeframes, which leads to inefficiencies. This relates to cooperation and management of departments as discussed above in section 5.3.2.2.

During the various interviews with consultants, most identified communication as the main problem for efficiency. Department officials are not always available on landlines or via email and many do not reply to messages. Comments on reports are not provided within the prescribed timeframes and obtaining the comments are time-consuming.

5.3.2.3 Resources and capabilities

The view was expressed that specialist studies take time to be completed. Good quality studies are not always possible within the stipulated timeframes if the studies are requested at a later stage. These studies may also not be budgeted for and the applicant might be hesitant towards it.

Another problem related to the efficient and effective use of resources is the budget for the project provided by the applicant. The EIA process usually is allocated the smaller portion, which hinders the appointment of specialists to conduct the necessary in-depth studies required to include the information in the application.

The view was expressed that clients do not always provide sufficient information to the consultants who lead to the consultants needing to do additional research and studies to gather the information to submit a report of good quality. Proper planning is not always done by the project team, which delays the process. Possible problems are not thought through and when problems arise, the EAP is seen as the one who needs to find solutions with no backup from the project team. Another problem is that the project manager does not know the different processes and timeframes and cannot manage the different processes and project effectively.

5.4 Possible ways for Improving Efficiency

This section relates to achieving Research Objective 3:

3. Identifying means for improving the EIA procedural efficiency.

The Interviews conducted with different role players also shed light on possible ways for improving inefficiencies in the EIA process. The views of competent authority officials and consultants are presented together.

One of the manners, which DEA&DP uses to improve efficiency, is the incorporation of a Pre-Application Process. This includes a meeting with the EAP, applicant, specialists and competent authority case officer after the submission of a Notice of Intent to Apply form, which gives a broad outline of the proposed application. Although this form is not used anymore in other provinces, DEA&DP still requires the submission thereof prior to the submission of an application. This may be improved by including a site visit with all relevant authorities. The process is also extended to where the report is drafted prior to the submission of the application and this draft report is distributed for a Public Participation Process. This helps with identifying possible problems, red flags and shortcomings of information and specialist studies. This also assists the case officer to familiarise themselves with the project team and the proposed development prior to the official process.

Guidelines

Almost all interviewees indicated that available guidelines are outdated and need to be updated to reflect the most recent amendments and information requirements. Clear and concise interpretations of the regulations are also necessary to ensure that there is a “universal” understanding and interpretation of terms, requirements, etc. which will reduce queries and unnecessary discussions regarding different interpretations of the regulations. This also needs to include guidance on best practice.

Department management

A big shortcoming in the South Africa Environmental Management sector is the training and capacity building of competent authority officials. This is also a problem within other departments like DWA and the South African Heritage Resources Agency (SAHRA). If case officers are trained in the same manner, inconsistencies within, between departments will not arise and this would give the consultants clarity of what is required and how it will be assessed. The training could include a procedural manual, which is available to all departments and consultants. To improve efficiency, resources and funds could also contribute positively. Consistency between different departments and levels of departments, like national and provincial, is necessary.

In the Western Cape, DEA&DP has a directorate, which may be contacted to facilitate and mediate communications between state departments if other state departments are not willing to cooperate. Although this exists, it is necessary that this directorate is used more regularly to ensure compliance and cooperation.

Communication – a municipal outreach program

One of the big areas, which could make the process more efficient, relates to communication. This needs to be improved between different departments, stakeholders, consultants, specialists and I&AP's.

Workshops, forums and discussion sessions could assist in this problem and this will allow the different stakeholders to familiarise themselves with each other and the regulations and interpretations thereof.

DEA&DP also partakes in a municipal outreach program where local municipalities are visited monthly and applications are discussed of the region. This could be extended to include consultants and other departments as well as specialists.

Co-operative governance and integration

To improve efficiency the problem of co-operative governance or the lack thereof needs to be addressed. State departments are not willing to work together and cooperate with legislated processes and timeframes. Cooperation can lead to the integration of applications and understanding how these applications interact and affect one another. This may also reduce duplication of information submitted and inconsistent requirements.

Regulation

Most interviewees indicated that the stipulated timeframes are problematic for efficiency. Cases of different complexities cannot be reviewed and dealt with in the same manner and time and the regulations do not make provision for flexibility or adaptation thereof.

Some consultants also felt that the timeframes for Scoping need to be increased, as this does not allow for an efficient process. Others also stated that the Basic Assessment process is only a tick box action, which should be replaced by a full Scoping & EIA process, as the BA process follows no logic. The BA process includes a report, which is compiled by filling out a form template by DEA&DP. This is not a fit for all projects and can seem like a checkbox exercise.

Although the regulations take into consideration public holidays and the period between 15 December and 5 January, it does not take into consideration the long June/July school holiday and this might affect the quality of the PPP as many families are on holiday.

The NEMA, 2014 regulations also have strict requirements for exemptions and extensions of timeframes and this makes the use thereof almost impossible. Extensions are only granted in extreme circumstances. Some people expressed the view that it would be beneficial if every project were allowed one extension of the timeframes if it can be motivated. This might ensure that a new applicant and application fee will not be necessary and if a new application is

submitted, the requirements must be met again for the new application although it was met in the lapsed application. With a new application, PPP needs to be conducted again as part of the new process, which adds to project time and costs.

A big hurdle for the efficiency is the screening process by means of the Listed Notices, which includes activities and not impacts. Many applications are of small and very low impact but due to triggering a listed activity it requires an EIA process. Other tools might be used to regulate these impacts like Maintenance Management Plans, Setback lines, Environmental Management Frameworks, Norms and Standards and other screening tools.

Technological innovations

A manner to improve efficiency would be the accessibility of an online portal. This portal can make the submission of applications in digital format possible as well as the availability of any new regulations, amendments and relevant developments in Environmental Management possible.

This portal could also include universal baseline studies done by specialists. This will reduce the need for specialist studies in regions that are not very sensitive which could lead to project time and cost reduction.

5.5 Conclusion

From the above analysis, it is clear that the majority of applications submitted in terms of the NEMA, 2010 Regulations followed the Basic Assessment application process. Only 6 of the 1291 applications followed the longer, Scoping & EIA application process.

About a third of the Basic Assessment Applications approved were finalised within the vague timeframes stipulated in the 2010 regulations and the larger amount was only finalised after 254 days. This indicates that a written notification would have been submitted to the competent authority in terms of sub-regulation 67(2) with reasons why the final report will not be submitted within the 6-month timeframe. The latter part of the applications was classed as being inefficient in terms of efficiency. Of the four S&EIA applications approved, three were finalised within 450 days, which is deemed as being efficient and one application took 535 days to be finalised, thus it was classified as inefficient.

The overall efficiency of both the BA and S&EIA processes for applications submitted in terms of the NEMA, 2014 regulations, have bettered drastically compared to the applications approved in terms of the NEMA, 2010 regulations. The largest amount of applications was classified as efficient with only a few applications being classified as being inefficient. Concerning the BA

applications, 55 of the 56 applications were finalised within the prescribed timeframes and only one was classed as being inefficient. One (1) S & EIA application was also classed as inefficient and the remaining two (2) were finalised within the prescribed timeframes, and thus efficient.

During interviews with government officials and environmental consultants, possible causes were identified for inefficiencies in the Environmental Authorisation processes. Numerous reasons for inefficiencies were identified and the reasons of both parties were mostly similar and could be classed around certain themes which include: timing & organisation; will & attitude; communication & understanding; and resources & capabilities. It should be noted that some reasons are indirectly linked.

The interviews also gave interviewees an opportunity to present proposals for the improvement of efficiency and valuable suggestions became known. These were mostly similar and were presented in a combined section of ways to improve procedural efficiency. Pre-application consultation, updated guidelines, improved departmental management, communication, cooperative governance, amendments in regulation and the use of technological innovations were identified as opportunities.

The flowing chapter, Chapter 5, will summarise the research results and the overall conclusion of the research conducted. Thereafter recommendations for future research will be made.

CHAPTER 6 CONCLUSION AND RECOMMENDATION

6.1 Introduction

This chapter includes final conclusions and recommendations focussed on the research aim. The aim of the research was to:

Critically analyse influencing factors and determine the efficiency of the Environmental Impact Assessment (EIA) process in the Western Cape Province.

Firstly, a summary of the results will be given in Section 6.2 to indicate that the main aim and objective has been achieved by answering the objective. This is summarised in relation to the three Research Objectives. Section 6.3 will provide conclusions and recommendations on how the efficiency of the EIA process can be improved. These conclusions will be drawn from existing literature and knowledge obtained from the literature review as well as results from the interviews undertaken. Finally, the chapter will conclude with recommendations for future research.

6.2 Summary of results

6.2.1 Summary of results in relation to Research Objective 1

To achieve the main aim, a number of objectives were answered. Research Objective 1,

1. Determining the efficiency of EIA processes in the Western Cape with respect to whether applications submitted were finalised within the timeframes stipulated in the NEMA, 2010 in comparison to the 2014 Regulations;

is summarised below.

Table 6-1 summarises the research results of the quantitative data analysis. Two datasets were analysed, applications submitted under the NEMA, 2010 regulations and applications submitted under NEMA, 2014 regulations. Timeframes were determined by scrutinising the regulations. Applications were classified in terms of efficiency by using the criteria outlined in Chapter 2 Section 2.3.1.1.

Table 6-1: Comparison of the efficiency of Environmental Authorisation applications submitted in terms of the NEMA, 2010 and NEMA, 2014 regulations

	Applications in terms of the NEMA, 2010 regulations	Applications in terms of the NEMA, 2014 regulations
Basic Assessment Process		
Efficient	196 applications (31.1%)	55 of the 56 applications (98%)
Mostly efficient	250 of the 630 applications (39.7%)	0
Inefficient	184 applications (29.2%)	1 of 56 applications (2%)
Scoping & EIA process		
Efficient	3 (75%)	2 (66.6%)
Inefficient	1 (25%)	1 (33.3%)

Applications submitted in terms of the NEMA, 2010 regulations fared considerably worse in terms of efficiency. The majority of BA applications were mostly efficient, followed by efficient and lastly inefficient applications. The results show that the classes of efficiency are almost equal. Applications submitted under the NEMA, 2014 regulations showed an almost three-fold improvement of efficiency compared to the NEMA, 2010 applications. Of the BA applications submitted, 98% were finalised within the stipulated timeframes and only one was found to be inefficient.

When comparing Scoping & EIA applications submitted in terms of NEMA, 2010 and NEMA, 2014, the larger portion of the applications (75% and 66%) was finalised within the efficient timeframe. Only one application in terms of NEMA, 2010 was deemed mostly efficient and only one was deemed inefficient in terms of the NEMA, 2014 regulations.

Therefore, it is pertinent that strict timeframes as set out in the NEMA, 2014 regulations, for consultants and departments, have a big influence on efficiency. The addition of timeframes for EAPs, in the NEMA, 2014 Regulations, played a big role in this regard. If an application is not finalised within the timeframes, the extension is only granted in exceptional circumstances and if the applications lapses and the applicant needs to repay the application fee as well as distribute the report for another round of public participation.

6.2.2 Summary of results in relation to Research Objective 2

This section summarises results related to Research Objective 2,

2. Identifying the factors which may influence the procedural efficiency of the EIA process, either positively or negatively.

From Table 6-2 it is evident that department officials' and consultants' views of factors that influence EIA efficiency are mostly similar.

Table 6-2: Factors influencing the efficiency of the EIA Process, as adapted from Zhang, *et al.* (2013: 155), and how it corresponded with respondents from interviews

		Department's view	Consultant's view
Timing and organisation	Early integration of EIA into decision-making		
	Cooperation and networking between different parties involved	X	X
	Legal regulations and guidelines of EA	X	X
	Institutional framework	X	X
	Flexibility	X	X
Will and attitude	Political will	X	X
	Bureaucratic interference		
	The Value of neutrality, bias and trust		
	Respecting the opinions of consultants		
Communication and understanding	The dialogue between organs of state or authorities, the applicant and public	X	X
	Transparency and openness	X	
	Good quality EIA reports	X	
	Theoretical understanding of the EA process	X	X
Resources and Capabilities	Keeping to timelines	X	
	Efficient and effective use and allocation of resources		X
	competency and experience of EIA actors	X	X
	Ample education and training to support stakeholder empowerment	X	X

6.2.3 Summary of results in relation to Research Objective 3

To achieve Research Objective 3,

3. Identifying means for improving the EIA procedural efficiency.

The following proposals were made:

- Pre-application consultation and site visit;
- Updated guidelines;
- Department management;
- Communication with other spheres of government like local and district municipalities;
- Cooperative governance and integration;
- Regulation amendments; and
- Technological innovations.

6.3 Overall conclusion

Literature was reviewed, related to the research aim, and a significant amount of data was produced related to the procedural efficiency of EIA applications in the Western Cape. To conclude, the research results need to be integrated and triangulated to be presented in a singular conceptual understanding of the problem. This serves as the basis for the recommendations for improving the efficiency of the EIA process.

As evident in the literature review, Chapter 4, efficiency is a crosscutting theme, which is influenced by different factors, which could either lead to the success or failure. As Steenkamp (2009: 88-89) found, three main factors determine the efficiency, and this forms an Efficiency Triangle. The three factors need to act in a synergistic manner to improve each other. These, as discussed in sections 6.3.1 to 6.3.3 are the legislative framework, co-operative governance, and information & competence combined.

If the three factors are all evident in the EIA process, an efficient process will be evident. Currently, as also found by Steenkamp (2009), the lack of expertise is the weakest factor, followed by co-operative governance and communication. The legislative framework is strong in South Africa but is undermined by the other two factors. To validate and support this, the research results are presented in the next sections in relation to the different factors.

6.3.1.1 Success factor 1: The legislative framework

South Africa has a strong, vast legislative framework for the environmental authorisations process. This framework is also characterised by fragmentation and complexity which can influence efficiency negatively (Du Plessis, 2005; Kotze & De La Harpe, 2008; Kotze, 2005; Kotze, 2007; Nel *et al.*, 2007a; Steenkamp, 2009).

When looking at views from the interview respondents, the legislation itself was not a factor of inefficiencies but rather supplementary documents like updated guidelines to interpret legislation in a consistent manner. Also, the interpretation and practical implementation (related to the quality of reports submitted) of legislation is lacking due to outdated guidelines. Respondents

also mentioned that regulations are not very flexible and this leads to a check-box action because the requirements need to be fulfilled although not always applicable to the application.

Timeframes are strictly outlined and no area for flexibility or adaptability is available which makes it not fit for all contexts and applications. In the Western Cape, the regulations are implemented strictly which could lead to inefficiency if the requirements are unnecessary. This is contradictory to what Steenkamp (2009: 90) found in Mpumalanga, where consultants felt that department officials are not willing to commit to adhering to legal requirements (Steenkamp, 2009:88-89).

As possible ways to improve procedural efficiencies, consultant and department officials stated that updated guidelines and amendments to the regulations to allow adaptability and flexibility would support the strong legislative framework in South Africa to make the EIA process more efficient. Integrated Environmental Management (IEM), as described in the regulations, may also combat inefficiencies in the EA process, fragmentation and various principles of integration for the EA system are defined in the EIAMS (DEA, 2014a:19; Kotze, 2005:43; Kotze, 2007).

6.3.1.2 Success factor 2: Information and competence

The research found that there is a lack of competence of officials in the South African EIA system. Timeframes and project delays due to the EIA process, the costs of EIA, streamlining of the process are all interlinked and influenced by competence and the information generated (Arabadjieva, 2016; Bond *et al.*, 2014; Brangagnolo *et al.*, 2017; Hart, 1984; Jikijela, 2013; Middle *et al.*, 2013; Montgomery, 2015; Morrison-Saunders & Retief, 2012; Nel *et al.*, 2007a; Steenkamp, 2009; Wood, 2003).

Interviews conducted indicated that government departments that need to implement the regulations are short staffed and low on funds and resources related to staff capacity, technology and time. This leads to the slow turnaround time of applications and a high workload which all influence efficiency. Training and competence were also highlighted by both consultants and officials. The current regulations also require a lot of information which might not be relevant to the application, this leads to administrative burdens for EAPs and government officials.

Authorities indicated that the quality and extent of the information provided in the applications have a large impact of efficiency from the department's side. On the other hand, the lack of information provided by the project team and applicant leads to additional time and resources required which hinders the consultant's process. Non-disclosure agreements by the applicant are also a problem. This is linked to the quality of information also discussed under Success Factor 1.

Both sides emphasised that the experience and knowledge of the stakeholder are essential to have an efficient process. Training, workshops, technological innovations and willing communication can contribute to this. Updated guidelines with amended regulations will also help with information handling.

6.3.1.3 Success factor 3: Co-operative governance

The lack of co-operative governance in the South African EIA process is clearly evident. From the literature, it is evident that Integrated Environmental Management and Co-operative Governance are required to ensure adequate communication and consultation between different departments and spheres of government. Better communication within departments is also necessary which better management (DEA, 2014a; DEA, 2014b; DEAT, 2010; ETU, Unknown; Jikijela, 2013; South Africa, 1996; South Africa, 1998b; Steenkamp, 2009) can facilitate.

The interviews showed that consultation with other departments is time-consuming and willingness lacks. Co-operative governance in terms of commenting on applications within timeframes, different requirements and the level of detail required as well as the synchronisation of applications are a burden to the EIA process' efficiency. Different departments and regions within the same departments also require different levels of information and the management is not consistent. The before mentioned issues all lead to duplication of information, additional work hours and increased workload for EAPs and department officials.

The areas of weaknesses can be mitigated by the mediation committee which DEA&DP indicated exists. Consistent management between different departments and regions would also better co-operative governance. Communication between DEA&DP, the applicant, EAP and specialists are also essential for efficiency to be positive. DEA&DP also have the municipal outreach program where local municipalities are visited once a month to discuss projects which fall in the area. This can be extended to different departments like the Department of Water Affairs or Breede-Gouritz Catchment Management Agency.

Furthermore, the synchronisation of application processes and timeframes would aid an efficient process and integration of different applications, like planning and Environmental Authorisations would also improve the system. This was also highlighted by Steenkamp (2009).

The importance of a Pre-application meeting, which can be combined with a site visit in conjunction with other state departments, would be ideal to promote efficiency. This might be difficult due to the availability of stakeholders but it can be done if departments are willing to participate. This could further lead to cooperative governance and integrated applications like the proposed One-Stop Authorisation Shop as promoted by literature.

6.4 Take away message

EIA Efficiency in South Africa has been criticised for delaying infrastructure and basic services development. This has led to various changes and amendments to the EIA system, law, regulations and practical implementation to remediate this challenge.

From the research undertaken as part of this mini-dissertation, it is evident that the amendment of the timeframes stipulated, for both government officials and consultants, has made a big difference to the time for finalising of EIA applications when comparing applications submitted under the NEMA, 2010 and 2014 regulations.

Furthermore, both government officials and consultants have identified areas which affect procedural efficiency as well as ways to improve it. Both parties also share the similar view on these and better communication would have a huge positive impact on efficiency and bettering the EIA system.

6.5 Recommendation for future research

The following possible areas for research can contribute to the efficiency debate nationally and internationally:

- Samples from different Environmental Authorisation competent authorities can be compared to determine how the efficiency differs or correlate. Different authorities are managed separately and differently and could shed light on more problems in the system.
- The efficiency and alignment of EIA's and Water Use Licence Applications can be investigated to see if this process can be managed in an integrated manner and whether this will have an impact on efficiency.
- The efficiency of other EIA processes like Waste Permits or Air Emissions Licenses.
- The link between time and cost to the EIA process.
- EIA efficiency is not only affected by timeframes, but other factors also play a role like the costs. These have not been investigated due to research limitations but identifying and linking it to timeframes might shed further light on the subject.

ANNEXURES

ANNEXURE A: THE AUTHORISATION PROCESSES AS SET OUT IN NEMA, 2010 EIA REGULATIONS

6.5.1.1 The Basic Assessment Process

Chapter 3 of GN No R. 543, promulgated in terms of Chapter 5 of NEMA relates to the authorisation process for environmental authorisation applications. The Basic Assessment process is the first applicable route as outlined in Regulation 21 to 25 of GN No. R543. The steps required for compliance are outlined in more detail below (South Africa, 2010b). Refer to Figure 3-1. Projects of smaller, less detrimental nature usually need to follow this Authorisation process.

Step 1: Project initiation

Regulation 16 of GN No R. 543 requires the applicant to assign an independent Environmental Assessment Practitioner (EAP) to conduct the application process for the Environmental Authorisation (South Africa, 2010a:22). The application should be submitted to the relevant competent authority for authorisation as required by Regulation 12 of GN No R. 543 (South Africa, 2010a:20).

Step 2: Submission of the application to the competent authority

Regulation 21 of GN No R. 543 states that the EAP or applicant may complete and submit the application form with relevant information as set out in regulation 12(2)(b), to the competent authority before conducting a basic assessment (South Africa, 2010a:20, 27).

Step 3: Consideration of application

Regulation 13 of GN No R. 543 requires the competent authority to check the application and acknowledge the receipt of the application within 14 days of receipt by issuing a letter stating whether the application is in order and whether it is accepted or rejected (South Africa, 2010a:20).

Step 4: Conducting the Basic Assessment process

According to Regulation 21, the Basic Assessment process is conducted after the submission of the application. The report should contain and take into consideration Regulation 22 which sets out the content of the basic assessment report (South Africa, 2010a:27-30). The report should be part of a Public Participation Process (PPP) as stated in Regulation 54 of GN No R. 543. No specific timeframes for the PPP are set out and the competent authority is responsible for

stipulating timeframes (South Africa, 2010a:60-63). Guidelines on the PPP also stipulates no duration (Department of Environmental Affairs, Unknown:8-9) The only timeframe for the submission can be found in Regulation 67 which states that the application will lapse if the report is not submitted within 6 months after the application was submitted. If a written notice is submitted with reasons to why this is not possible, the timeframe will be extended (South Africa, 2010a:72).

Step 5: Submission of the BA report to the competent authority

After complying with the PPP as in Regulation 21, the report must be submitted to the competent authority within the timeframes stipulated by the competent authority (South Africa, 2010a:30-31). The competent authority must acknowledge the receipt of the report within 14days after receipt by written notice (South Africa, 2010a:31).

Step 6: Consideration of application

Regulation 24 requires the competent authority to consider the application and basic assessment report within 30 days of acknowledging the receipt of the report and the report may be accepted or rejected. If the report is rejected, additional information may be requested about additional specialist studies or feasible and reasonable alternatives (South Africa, 2010a:31-32).

Step 7: Decision on application

After the acceptance of the report, Regulation 25 states that a decision must be reached within 30 days of acceptance of the BA report. The application may be accepted or rejected (South Africa, 2010a:32-33).

Step 8: Notification of decision

The competent authority must, as required by regulation 10(1) of GN No R. 543, in writing and within 2 days notify the applicant of the decision reached on the application, give reasons for the decision and draw the attention of the applicant to the fact that an appeal may be lodged against the decision(South Africa, 2010a:18-19).

The application thereafter needs to inform all I&AP's of the decision within 14days of the decision. This notification should include the outcome of the application, the reasons for the decision and the fact that an appeal may be lodged in terms of Chapter 7 of GN No R. 543. The notice should also include where the decision may be accessed. A notice should be placed with stipulated information as set out in Regulation 10 (d) (South Africa, 2010a:17-18, 67).

When taking the above into consideration the entire process would take a maximum time of 254 days.

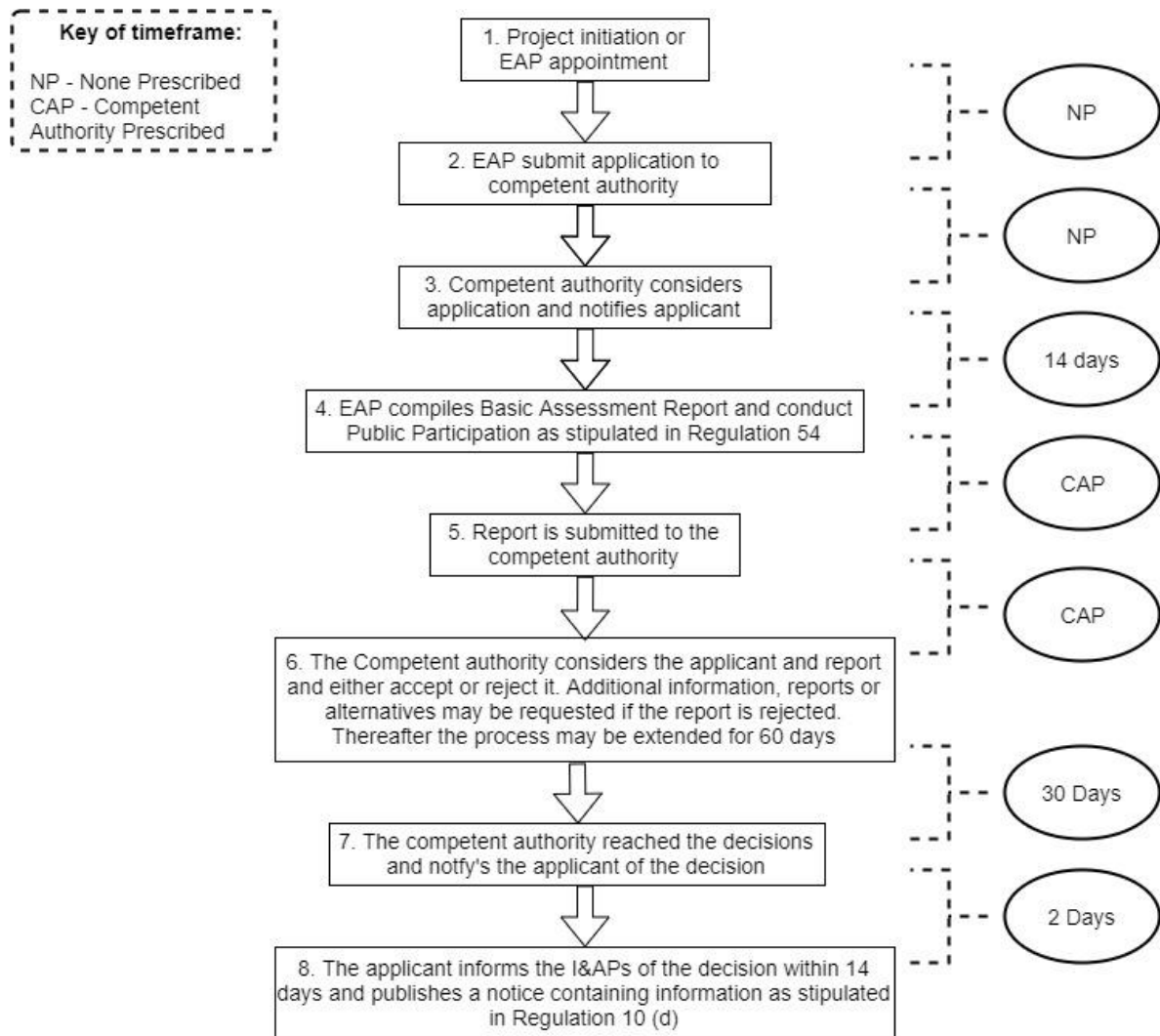


Figure 6-1: The Basic Assessment process in terms of the NEMA, 2010 Regulations.

6.5.1.2 The Scoping and EIA process

Regulation 26 to 35 of GN No R. 543 stipulates the second application route, the Scoping and EIA process. Projects that usually require this application process are of a larger nature with potentially more significant impacts when compared to projects that require the Basic Assessment Process as outlined in Section 6.5.1.1. The steps that need to be complied with are explored in more detail below. Refer to Figure 3-2.

Step 1: Project initiation

Regulation 16 of GN No R. 543 requires the applicant to assign an independent EAP to conduct the application process for the Environmental Authorisation (South Africa, 2010a: 22). The application should be submitted to the relevant competent authority for authorisation as required by regulation 12 of GN No R. 543 (South Africa, 2010a:20).

Step 2: Submission of the application to the competent authority

Regulation 21 of GN No R. 543 states that the EAP or applicant may complete and submit the application form with relevant information as set out in regulation 12(2)(b), to the competent authority before conducting a Scoping &EIA process (South Africa, 2010a:20, 27-28).

Step 3: Consideration of application

Regulation 13 of GN No R. 543 requires the competent authority to check the application and acknowledge the receipt of the application within 14 days of receipt by issuing a letter stating whether the application is in order and whether it is accepted or rejected (South Africa, 2010a:20-21).

Step 4: Requirements after the submission of the application

After submission and acceptance of the application, the Scoping report is compiled by the EAP and distributed for PP as stipulated in Regulation 54. The report should contain as a minimum the information as set out in Regulation 28 of GN No R. 543 (South Africa, 2010a:35-37).

Step 5: Submission of scoping report to the competent authority

After the scoping report was distributed for Public Participation (PP), the report must be submitted to the competent authority within the timeframe stipulated by the competent authority. The report submitted should include information stipulated in Regulation 28 and 29 of GN No R. 543. Again, the only timeframe for the submission can be found in Regulation 67 (South Africa, 2010a:35-37, 72).

Step 6: Consideration of the scoping report

Regulation 30 of GN No R. 543 states that the competent authority has 30 days after receiving the report to consider the report and content and either accept or reject the report in writing. The EAP could also be requested to amend the report and if it is rejected, it may be amended and resubmitted (South Africa, 2010a:38).

Step 7: Environmental Impact Assessment Report

After acceptance of the scoping report, an Environmental Impact Assessment Report (EIA) must be prepared after the plan of study has been proceeded with. The EIA report should as a minimum contain information as stipulated in Regulation 31 (2) (South Africa, 2010a:39-41).

An Environmental Management Plan should also accompany the EIA report which includes information as stipulated in Regulation 33 of GN No R. 543 (South Africa, 2010a:42-43).

Step 8: Submission of the EIA report to the competent authority

After the above-stipulated report has been compiled and distributed for public participation, the report must be submitted to the competent authority within the stipulated timeframes as set out by the competent authority. The only timeframe for submission relates to regulation 67 (South Africa, 2010a:72).

Step 9: Consideration of the EIA report

After the stipulated report has been compiled and distributed for public participation, the report must be submitted to the competent authority within the stipulated timeframes as set out by the competent authority. This report must be considered and either accepted or rejected within 60 days of receipt by the competent authority. If the report is rejected, the report may be referred for specialist review or amendments may be requested. An amended report may be resubmitted if the initial report is rejected (South Africa, 2010a:44).

Step 10: Decision on application

The competent authority has 45 days to make a decision regarding the EIA report, after the acceptance of the EIA report. The competent authority could also decide to send the report for specialist review, the competent authority thereafter has 45 days, after the reviewer's findings, to accept or reject the application. If the timeframe of 60 days is not met, the decision must be granted within 30 days after the lapsing of the 60 days contemplated in regulation 9(2) (South Africa, 2010a:44-45).

Step 11: Notification of decision

The competent authority must, as required by regulation 10(1) of GN No R. 543, in writing and within 2 days notify the applicant of the application decision, give reasons for the decision and draw the attention of the applicant to the fact that an appeal may be lodged against the decision (South Africa, 2010a:18-19).

Step 12: Applicant to notify I&APs of the decision

The application thereafter needs to inform all I&APs of the decision within 14days of the decision. This notification should include the outcome of the application, the reasons for the decision and the fact that an appeal may be lodged in terms of Chapter 7 of GN No R. 543 (South Africa, 2010a:67-72). The notice should also include where the decision may be accessed. A notice should be placed with stipulated information as set out in Section 10 (d) (South Africa, 2010a:18-19).

When taking the above into consideration the entire process would take a maximum time of 523 days. Assuming no Section 67 extension is granted.

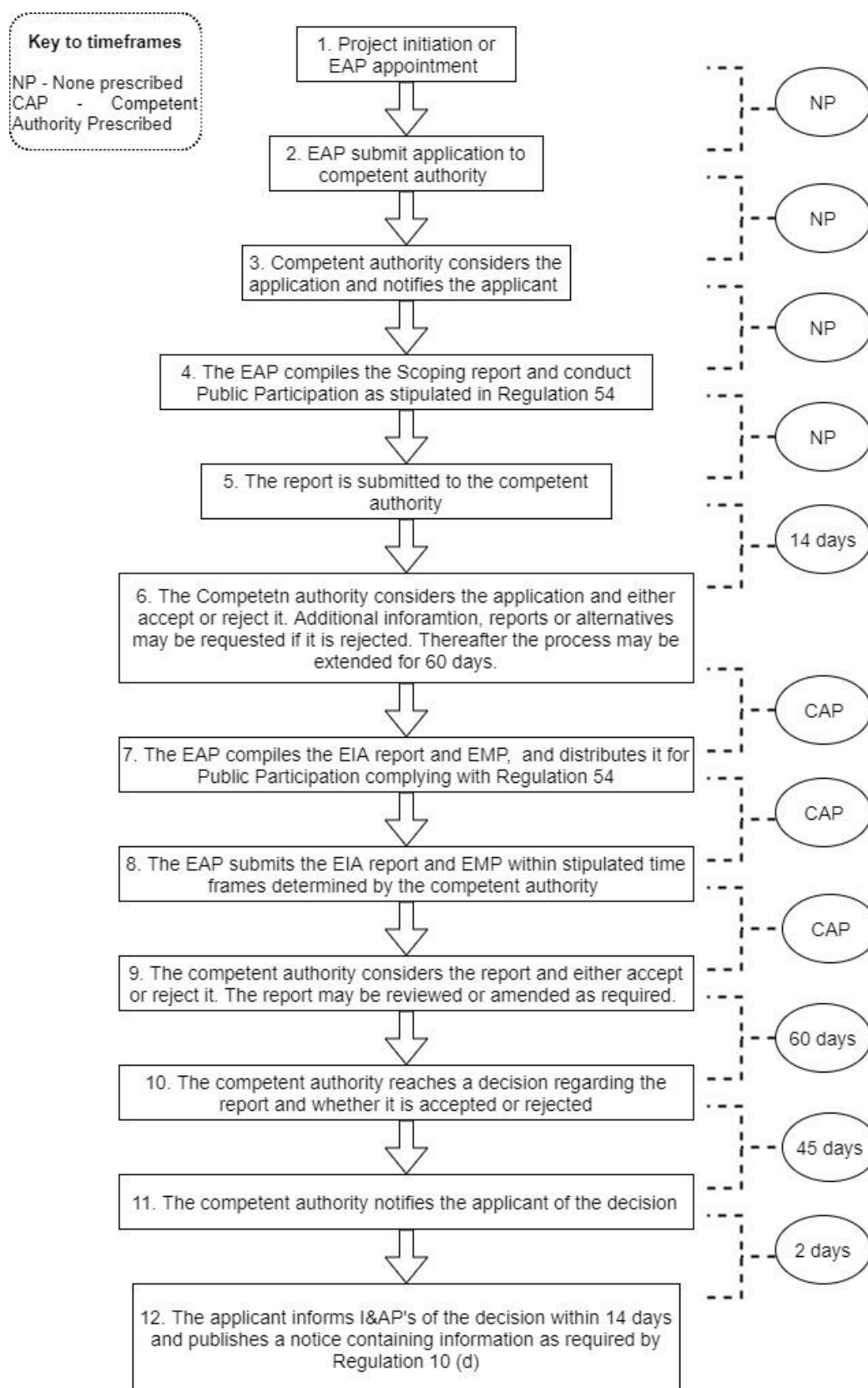


Figure 6-2: The Scoping and EIA process in terms of the NEMA, 2010 Regulations.

6.5.1.3 The Appeals Process

NEMA, 2010 makes provision for appealing the decision made by the competent authority, if the Minister or MEC did not make the decision themselves. Regulation 58 to 66 of GN No R. 543 regulates the appeal procedure for decisions made under NEMA, 2010 and this is discussed below.

Step 1: Notice of intention to appeal

If a person wishes to appeal, a notice of intention to appeal must be submitted to the Minister, MEC, or delegated person within 20 days after the date of the decision. If the applicant appeals, all I&APs must be informed in writing within 10days after the notice has been submitted. If the appellant is not the applicant, the applicant must be notified within 10days of the notice submitted (South Africa, 2010a:67-68).

Step 2: Submission of the appeal

The appeal must be submitted within 30 days after the 20 days after the decision date has lapsed. The Minister, MEC or designated organ of state, may extend this date (South Africa, 2010a:68-69).

Step 3: Responding statement

Any person who received the notice of intent to appeal as submitted in terms of regulation 60(2) or regulation 60(3) may submit a responding statement within 30 days from the date the appeal was submitted. The person issuing the statement must inform the appellant within 10 days after the statement has been submitted (South Africa, 2010a:69-70).

The appellant is allowed submitting an answering statement, if new information becomes known in the above-mentioned statement, within 30days after receiving the responding statement. The appellant must also send the statement to the responding statement respondent within 10days after submission of the answering statement (South Africa, 2010a:69-70).

Step 4: Processing of the appeal

The delegated person dealing with the appeal must acknowledge the receipt of the appeal, responding statement or answering statement within 10days of receipt. The appellant and respondents must also be notified of directions issued or the appointment of the appeal panel. The delegated authority may request additional information (South Africa, 2010a:70-71).

Step 5: Decision on the appeal

The decision on the appeal must be made within 90 days after receiving all the relevant information, including statements, supporting information, reports or additional information and recommendations (South Africa, 2010a:71-72).

Step 6: Notice regarding the appeal decision

The person responsible for reaching the decision must inform the appellant and respondents within 10 days of the decision being reached of the decision and the extent to which the appeal is upheld or overturned. This should also include reasons for the decision (South Africa, 2010a:72).

When taking the above into consideration the entire process would take around 200 days if no appeal panel were appointed. It may take more than 200 days if an appeal panel is appointed, and the process will be extended with the amount of time determined by the panel to submit information.

ANNEXURE B: THE AUTHORISATION PROCESSES AS SET OUT IN NEMA, 2014 EIA REGULATIONS

6.5.1.4 The Basic Assessment Process

Chapter 4 of GN No R. 982, promulgated in terms of Chapter 5 of NEMA relates to the authorisation process for environmental authorisation application. The Basic Assessment process is the first applicable route as outlined in Regulation 19 to 20 of GN No. R982, as amended by GN. No. R326 (South Africa, 2014a:24-26).

The steps required for compliance are outlined in more detail below. Refer to Figure 3-3.

Step 1: Project initiation

Regulation 12 of GN No R. 982 requires the applicant to hire an independent EAP to manage the application process for the Environmental Authorisation (South Africa, 2014a:18-19). The application should be submitted to the relevant competent authority, as determined by Regulation 6, for authorisation as required by regulation 16 of GN No R. 982 (South Africa, 2014a:15-16, 22-24).

Step 2: Submission of the application to the competent authority

Regulation 19 of GN No R. 982 states that the EAP may complete and submit the application form with relevant information as set out in regulation 19(1)(b), to the competent authority before conducting a basic assessment (South Africa, 2014a:24-25).

Step 3: Checking and Consideration of application

Regulation 17 and 18 of GN No R. 982 requires the competent authority to check the application and acknowledge the receipt of the application within 10 days of receipt by issuing a letter stating whether the application is in order and whether it is accepted or rejected (South Africa, 2014a:24).

Step 4: Conducting the Basic Assessment process

According to Regulation 19, the Basic Assessment process is conducted after the submission of the application (South Africa, 2014a:24-25). The report should contain and take into consideration Appendix 1 which sets out the objective and content or scope of the Basic Assessment report (South Africa, 2014a:52-56). The report should be distributed as part of a PPP, which complies with Regulation 41 to 44 of GN No R. 982 (South Africa, 2014a:42-46). Other than the NEMA, 2010 Regulations, specific timeframes for the PPP is stipulated in Regulation 3(8), which states:

“Any public participation process must be conducted for a period of at least 30 days” (South Africa, 2014a:13).

Step 5: Submission of the BA report to the competent authority

After complying with the PPP as in Regulations 41 to 44, the final report, including the specialist reports, EMP and where applicable the closure plan, must be submitted to the competent authority within the 90 day timeframe as stipulated in Regulation 19 (1) stipulated by the competent authority (South Africa, 2014a:24).

If significant changes have been made, a written notice may be submitted indicating the final report will be submitted within 140 days of the receipt of the application and the revised report must be subject to an additional PPP (South Africa, 2014a:24-25).

The competent authority must acknowledge the receipt of the report within 10 days after receipt by written notice as set out in Regulation 3(6) which stipulated that the competent authority must acknowledge the receipt of all applications and reports within 10 days of receipt (South Africa, 2014a:13).

Step 6: Consideration and Decision of application

Regulation 20 requires the competent authority to consider the application and basic assessment report and issue a decision in writing within 107 days of receipt of the final BAR. If the application is refused, the option of requesting and submitting additional information as with the NEMA, 2010 Regulations is no longer available (South Africa, 2014a:26).

Step 7: Notification of decision

After a competent authority has reached a decision on an application, the competent authority must, as required by Regulation 4(1) of GN No R. 982, in writing and within 5 days notify the applicant of the decision, give reasons for the decision and draw the attention of the applicant to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, amended in 2014 (South Africa, 2014a:14).

Step 8: Applicant informs all I&APs of decision

The application thereafter needs to inform all I&AP's of the decision within 14 days of the decision. This notification should include the outcome of the application, the reasons for the decision and the fact that an appeal may be lodged in terms of the National Appeal Regulations, 2014 (South Africa, 2014a:14; South Africa, 2014c).

Concerning applications submitted under the NEMA, 2014 Regulations, the official 90 day time period for submission of the final BAR is requires the project team to plan and put in a lot of work prior to the submission of the application. If the final report is not submitted within the 90 days, the application lapses and a new application has to be submitted. Due to the time specialist studies, PPP and the drafting of the reports take, much of this is completed prior to the application submission to maximise the official time available. The report is also often distributed for a pre-application PPP to gather comments, which can be dealt with prior to the official application process.

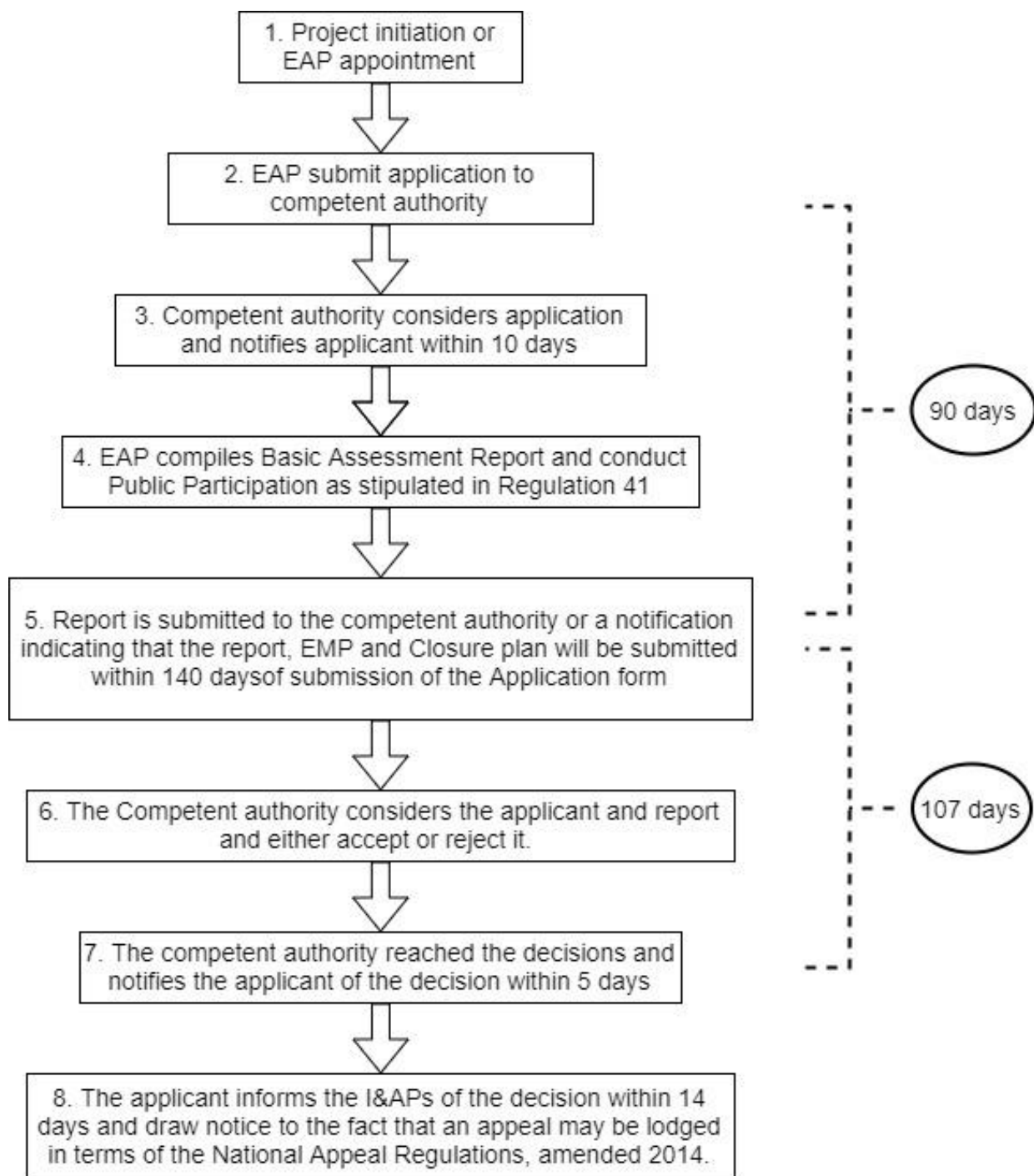


Figure 6-3: The Basic Assessment process in terms of the NEMA, 2014 regulations (without an extension)

6.5.1.5 The Scoping and EIA process

Regulation 21 to 24 of GN No R. 982, as amended by GN No. R326 stipulates the second application route, the Scoping and EIA process (South Africa, 2014a:26-29). The steps that need to be complied with are explored in more detail below. Refer to Figure 3-4.

Step 1: Project initiation

Regulation 12 of GN No R. 982 requires the applicant to appoint an independent Environmental Assessment Practitioner to manage and conduct the application process for the Environmental Authorisation (South Africa, 2014a:18-19). The application should be submitted to the relevant competent authority for authorisation as required by Regulation 6 of GN No R. 982 (South Africa, 2014a:15-16).

Step 2: Submission of the application to the competent authority

Regulation 16 of GN No R. 982 states that the EAP may complete and submit the application form with relevant information as set out in regulation 16(1)(b), to the competent authority before conducting a Scoping & EIA process (South Africa, 2014a:22-24).

Step 3: Consideration of application

Regulation 17 of GN No R. 982 requires the competent authority to check the application and acknowledge the receipt of the application within 10 days of receipt by issuing a letter acknowledging the receipt of the application (South Africa, 2014a:24).

Step 4: Requirements after the submission of the application

After submission and acknowledgement of the application, the Scoping report is compiled by the EAP and distributed for PP meeting the requirements as stipulated in Regulation 41 - 44. The report should contain as a minimum the information as set out in Appendix 2 of GN No R. 982 (South Africa, 2014a:57-60).

Step 5: Submission of Scoping report to the competent authority

After the scoping report was distributed for PP, the report must be submitted to the competent authority within 44 days after the submission of the application form. The report submitted should include information stipulated in Appendix 2 of GN No R. 982 (South Africa, 2014a:57-60).

Step 6: Consideration of the scoping report

Regulation 22 of GN No R. 982 states that the competent authority has 43 days after receiving the report to consider the report and content and either accept or reject the report in writing. If the report is accepted, the process may proceed or continue with the tasks set out in the Plan of Study approved, and if rejected a new application must be submitted (South Africa, 2014a:27).

Step 7: Environmental Impact Assessment Report

After acceptance of the scoping report, an Environmental Impact Assessment Report (EIA) must be prepared after the plan of study has proceeded or continued. The EIA report should as a minimum contain information as stipulated in Appendix 3 of GN. No. R. 982. This report must be distributed for PP of at least 30days as required by Regulation 3(8) and 41 to 44 (South Africa, 2014a:42-46). An Environmental Management Plan should also accompany the EIA report, which includes information as stipulated in Appendix 4 of GN. No. R. 982 (South Africa, 2014a:67-68).

Step 8: Submission of the EIA report to the competent authority

After the final EIA report has been compiled and distributed for public participation, the report must be submitted to the competent authority within 106 days of acceptance of the Scoping Report as set out in Regulation 23 (1) (South Africa, 2014a:27-28).

If significant changes have been made, a written notice may be submitted indicating the final report will be submitted within 156 days of acceptance of the Scoping Report and the revised report must be subject to an additional PPP (South Africa, 2014a:27-28).

Step 9: Consideration& Decision of the EIA report

After the above-stipulated report has been submitted the competent authority must consider and either accepted or rejected within 107 days of receipt by the competent authority. The competent authority must acknowledge the receipt of the report within 10days after receipt by written notice as set out in Regulation 3(6) which stipulated that the competent authority must acknowledge the receipt of all applications and reports within 10 days of receipt (South Africa, 2014a:29).

Step 10: Notification of decision

After a competent authority has reached a decision on an application, the competent authority must, as required by regulation 25 and 4(1) of GN No R. 982, in writing and within 5 days notify the applicant of the decision, give reasons for the decision and draw the attention of the applicant to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014 (South Africa, 2014a:29; South Africa, 2014c).

Step 11: Applicant to notify I&APs of the decision

The application thereafter needs to inform all AP's of the decision within 14days of the decision. This notification should include the outcome of the application, the reasons for the decision and the fact that an appeal may be lodged in terms of the National Appeals regulation, 2014 (South Africa, 2014a:14; South Africa, 2014c).

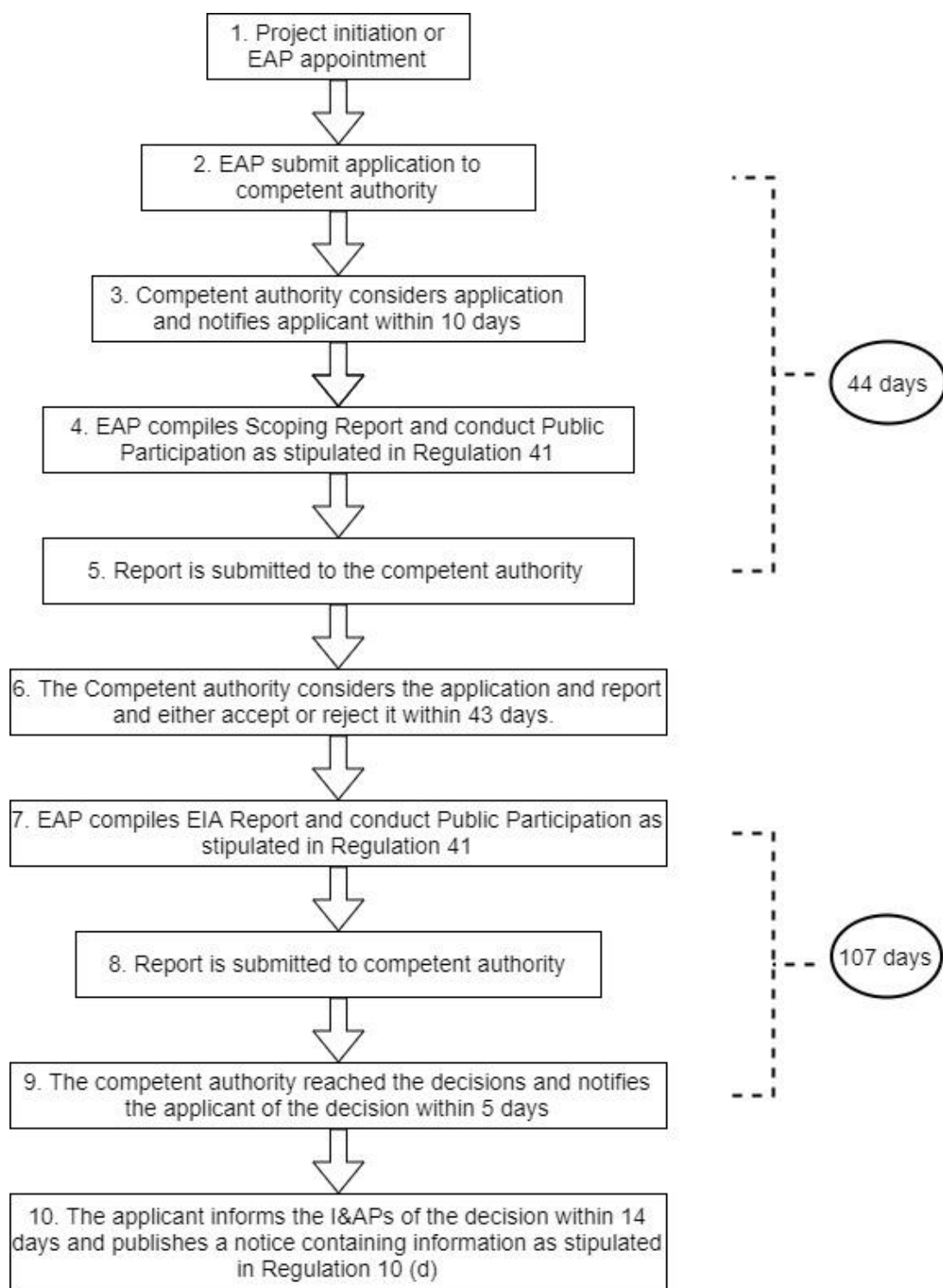


Figure 6-4: The Scoping and EIA process in terms of the NEMA, 2014 Regulations (without an extension)

6.5.1.6 The Appeals Process

NEMA, 2014 Regulations makes provision for appealing the decision made by the competent authority if the Minister or MEC did not make the decision themselves. This is published in terms

of GN No. R 993, the National Appeals Regulation, 2014 as amended by GN. No. R. 205 in 2015 (South Africa, 2014c). *“The National Appeals Regulations, 2014 has repealed the various appeal regulations currently in effect in terms of NEMA and the SEMAs, and provides for a single appeal process under regulation 43 of the National Environmental Management Act, 1998 against a decision taken by any person acting under a power delegated by the Minister or MEC.”* The process is discussed below (South Africa, 2014c:4).

Step 1: Submission of the appeal

The appeal must be submitted within 20 days after the date of notification of the application decision was sent to the I&APs or within 20 days after the date of the notification of the application, the decision was sent to the applicant. The appeal must comply with Regulation 2 of GN. No. R. 993 (South Africa, 2014c:4-5).

Step 2: Responding statement

Any person who received the notice the appeal submitted may submit a responding statement within 20 days from the date of receipt of the appeal submitted. The person issuing the statement must submit the statement to the appeal authority and the appellant (South Africa, 2014c:5).

Step 3: Appeal panel

The appeal authority may appoint an appeal panel within 10 days from the date of receiving the appeal. This panel must provide the required advice within 10 days of receiving instruction from the appeal authority (South Africa, 2014c:5).

Step 5: Recommendation and Decision on the appeal

The appeal administrator must submit recommendations to the appeal authority within 30 days of receiving the responding statement as referred to above if the independent advice in the form of an expert or panel was not sourced (South Africa, 2014c:5-6). If advice were sourced, the recommendations must be submitted within 10 days of receiving the advice. This should also include reasons for the decision.

This appeal process should take a maximum time of 80 days from the receipt of the appeal by the appeal administrator until the decision is finalised and issued.

ANNEXURE C: INTERVIEW SCHEDULE

	Company or Department	Involvement in process	Interviewee	Interview date
1	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	11 June 2017
2	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	10 July 2017
3	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	10 July 2017
4	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	10 July 2017
5	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	10 July 2017
6	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	10 July 2017
7	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	10 July 2017

8	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	23 July 2017
9	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	31 July 2017
10	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	31 July 2017
11	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	31 July 2017
12	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	31 July 2017
13	Department of Environmental Affairs & Development Planning	Official - responsible for the evaluation and approval of environmental assessment applications	Anonymous	31 July 2017
14	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	1 August 2017
15	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	24 August 2017

16	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	28 August 2017
17	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	24 August 2017
18	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	28 August 2017
19	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	30 August 2017
20	Environmental Consultant	EAP - responsible for the preparation of environmental assessment applications.	Anonymous	30 August 2017

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