

Appendix A: Defining EIA in South Africa

1. Purpose and objectives of EIA in terms of current legislation

Section 24 of the Bill of Rights (chapter 2 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)) states: “*Everyone has the right – (a) to an environment that is not harmful to their health or wellbeing; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that – (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.*” known as the “environmental right” of South Africans.

The National Environmental Management Act, 1998 (Act 107 of 1998), as amended (NEMA), that gives effect to the “environmental right”, does not provide an explicit definition of EIA. The National Environmental Management Principles (NEMP) in NEMA however states that “*Development must be socially, environmentally and economically sustainable*”. This has the implication that EIA, together with other measures, has the primary purpose to ensure that development is sustainable¹. In addition there are several other requirements (objectives) for EIA that stem from the NEMP, including, but not limited to:

- The distribution of environmental impacts may not discriminate against any person;
- all aspects of the environment must be regarded as linked and interrelated;
- decisions must take account of all effects on the environment and all people by pursuing the best practicable environmental option; and
- decisions must take the interests, needs and values of all interested and affected parties into account.

The Environmental Impact Assessment Regulations, 2006, as amended (EIA Regulations), defines EIA in relation to the application as “*...the process of collecting, organizing, analyzing, interpreting and communicating information that is relevant to the consideration of that application*”. It also provides definitions for Scoping, Scoping Report (SR), Basic Assessment (BA), Basic Assessment Report (BAR) and EIA Report (EIAR). These processes and reports all form part of what should collectively be understood as legislated EIA in South Africa (excluding the

¹ Sustainable development is discussed later in this appendix.

requirements for mining which is not dealt with in any detail in this report) and includes the following basic requirements:

- Public participation in a prescribed format;
- description of the proposed activity;
- description of the property and its location;
- description of the environment that may be affected by the proposed activity;
- indication and taking into account all legislation and guidelines that have been considered;
- the description of the need and desirability of the proposed activity;
- the identification and consideration of alternatives to the proposed activity that are feasible and reasonable;
- description and assessment of the significance of identified environmental impacts, including cumulative impacts;
- environmental management and mitigation measures; and
- specialist inputs where necessary.

1.2 International definitions of EIA

Internationally there are a large number of definitions for EIA. A few of these have been selected, and is included below, in order to illustrate certain subtle variations in emphasis (underlined) that affect approaches to EIA but also contribute to defining what effective and efficient EIA should be.

(a) *“The purpose of EIA is to:*

- *provide information for decision-making on the environmental consequences of proposed actions; and*
- *promote environmentally sound and sustainable development through the identification of appropriate enhancement and mitigation measures.”²*

(b) *“Environmental Impact Assessment is a planning tool ... [with] ... its main purpose ... to give the environment its due place in the decision-making process by clearly evaluating the environmental consequences of a proposed activity before action is taken. The concept has ramifications in the long run for almost all development*

² United Nations University online learning course on EIA.

activity because sustainable development depends on protecting the natural resources which is the foundation for further development³

(c) “The purpose of the environmental assessment process is to:

- Support the goals of environmental protection and sustainable development;
- integrate environmental protection and economic decisions at the earliest stages of planning an activity;
- predict environmental, social, economic, and cultural consequences of a proposed activity and to assess plans to mitigate any adverse impacts resulting from the proposed activity; and
- provide for the involvement of the public, department of the Government and Government agencies in the review of the proposed activities.⁴

(d) The purpose of EIA’s is to “... assess the impacts of a proposed activity on the environment before making the decision on whether to carry it out ... [and] ... to develop and assess measures to avoid or minimise those impacts if it is decided to carry out the activity.”⁵

(e) “The purpose of EIA is to identify, predict, evaluate and mitigate the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made.”⁶

(f) The purpose of EIA is to “...encourage productive and enjoyable harmony between man and his environment ... [,] ... to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man ... [and] ... to enrich the understanding of the ecological systems and natural resources important to the Nation....”⁷

(g) The purpose of EIA is “... to implement a strategy of sustainable development, prevent adverse impact on the environment after the implementation of plans and construction projects, and promote coordinated development of the economy, society, and environment.”⁸

³ Alan Gilpin (1995) Environmental Impact Assessment - Cutting Edge for the twenty-first century, Cambridge University Press.

⁴ Alberta Environmental Assessment and Enhancement Act (38).

⁵ New South Wales Government.

⁶ IAlA definition.

⁷ National Environmental Policy Act of 1969, (NEPA) Section 2, as enacted by the Congress of the United States of America.

⁸ Environmental Impact Assessment Law, 1600/20002.10.28, adopted at the 30th Meeting of the Standing Committee of the 9th National Peoples Congress, Peoples Republic of China.

- (h) The purpose of EIA is “...to allow government officials, business leaders, and all concerned citizens to understand the likely environmental consequences of proposed actions, and to cooperate in making wise decisions that restore and maintain the quality of our shared environment for future generations.”⁹

1.3 Specific objectives of EIA

Specific objectives from two sources are clearly illustrated in the two sources below.

- (a) IAIA's Principles of environmental impact assessment best practice lists the following “... objectives of EIA:
- *To ensure that environmental considerations are explicitly addressed and incorporated into the development decision-making process;*
 - *To anticipate and avoid, minimise or offset the adverse significant biophysical, social and other relevant effects of development proposals;*
 - *To protect the productivity and capacity of natural systems and the ecological processes which maintain their functions; and*
 - *To promote development that is sustainable and optimizes resource use and management opportunities.”*
- (b) The aims and objectives as described by the UNU Online Learning Course on EIA, divides EIA objectives into two categories. “*The immediate aim of EIA is to inform the process of decision-making by identifying the potentially significant environmental effects and risks of development proposals. The ultimate (long term) aim of EIA is to promote sustainable development by ensuring that development proposals do not undermine critical resource and ecological functions or the well being, lifestyle and livelihood of the communities and peoples who depend on them.*”

Immediate objectives of EIA are to:

- *Improve the environmental design of the proposal;*
- *ensure that resources are used appropriately and efficiently;*
- *identify appropriate measures for mitigating the potential impacts of the proposal; and*

⁹ Smythe, R. B. 2005. *Environmental Impact Assessment: A way for NGO's to be effective*. Presentation.

- *facilitate informed decision making, including setting the environmental terms and conditions for implementing the proposal.*

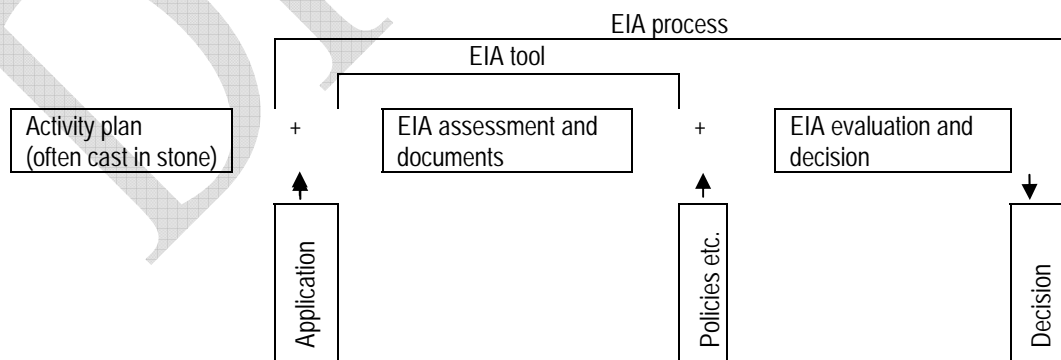
Long term objectives of EIA are to:

- *Protect human health and safety;*
- *avoid irreversible changes and serious damage to the environment;*
- *safeguard valued resources, natural areas and ecosystem components; and*
- *enhance the social aspects of the proposal.”*

1.4 The project team’s perception of the effective use of the EIA “tool”¹⁰

The intention of the EIA tool is to provide adequate objective information to enable the authority to make an informed decision on activities identified as having a potential significant detrimental impact on the environment. The EIA tool is therefore only part of the process, which determines the extent of eventual residual impacts that could occur as a result of activities that are authorised by the competent authority. The EIA tool (old ECA) and new (NEMA) processes is usually used within one of two basic scenarios. Depending on the scenario used in any particular instance the results of the process within which it functions is also significantly different. The basic scenarios are:

Scenario A (normally followed):



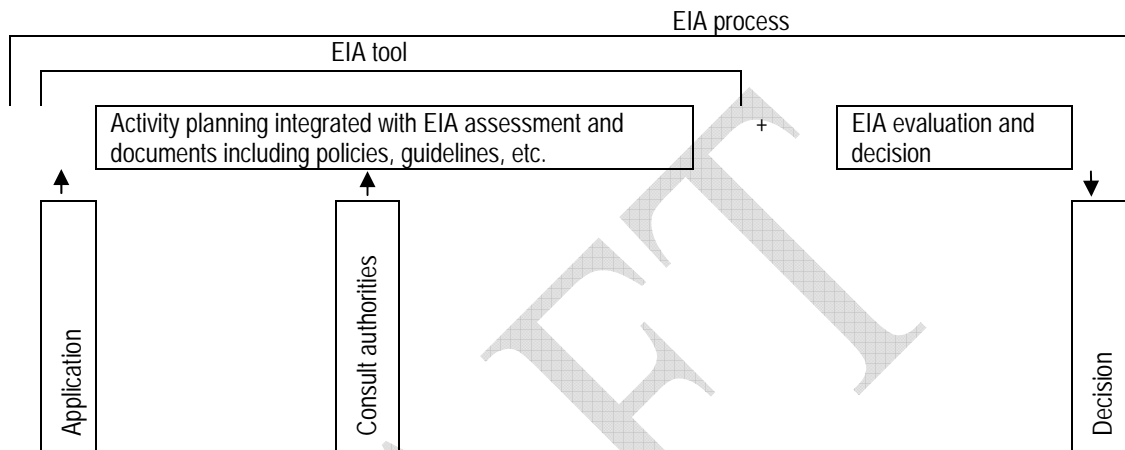
Key characteristics of this scenario include:

- Alternatives are dealt with as superficial additions to meet legal requirements.

¹⁰ From the Mosakong Project Proposal.

- The process is confrontational in respect to environmental impacts with the independent consultant that often acts as the facilitator between a demanding applicant and a risk averse authority.
- Outcomes focus on mitigation of the preferred alternative and pedantic adherence to legal aspects.

Scenario B (preferred):



Key characteristics of this scenario:

- Alternatives are developed and optimised in the assessment process as a positive interaction between the independent consultant and the applicant with her/his design team.
- The process is accommodating in respect to environmental impacts and both the applicant and the authority regard it with a sense of achievement while the consultant's role becomes that of facilitating the process with the applicant and her/his team instead of with the authority.
- Outcomes focus on optimising activities with the environmental conditions of the site and area surrounding it.

1.5 Key concepts

(a) Sustainable development

Sustainable development is the key concept that underpins EIA in South Africa. South Africa's definition of sustainable development is influenced by the globally accepted definition provided by the Brundtland Commission "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their

own needs." and is entrenched in section 24 (b) (ii) of the Constitution that guarantees everyone the right to having *"the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development."*¹¹

NEMA defines it as *"Sustainable development means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations."* According to the NEMP *"Sustainable development requires the consideration of all relevant factors including the following:*

- (i) That the disturbance of ecosystems and loss of biological diversity are avoided, or where they cannot be altogether avoided, are minimised and remedied;*
- (ii) that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;*
- (iii) that the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied;*
- (iv) that waste is avoided, or where it cannot be altogether avoided, minimised and reused or recycled where possible and otherwise disposed of in a responsible manner;*
- (v) that the use and exploitation of non-renewable natural resources is responsible and equitable, and takes into account the consequences of the depletion of the resource;*
- (vi) that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised;*
- (vii) that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions; and*

¹¹ A Strategic Framework for Sustainable Development in South Africa.

(viii) *that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.*"

In a paper *A Mechanism for Responsible Decision-making*¹² the authors states that "... NEMA first and foremost promotes environmental protection and ecologically sustainable development." and that "This is confirmed by the definition of the environment, which gives pre-eminence to ecological issues and almost as an afterthought makes allowance for aesthetic and cultural properties and conditions."

The trend to focus more strongly on the ecological sustainability aspect and less on the human equity aspect of sustainable development in South Africa is clear.

The traditional concept of sustainable development is based on two major premises¹³:

- *Equity* within generations and between generations. Firstly, there is an intra-generational objective, which should strive to improve the well being of the current population through equitable allocation and utilisation of resources. Secondly, there is an inter-generational objective, which should strive to ensure that future generations will be better off than existing ones. The two equity objectives are linked in the sense that the distribution of rights and assets across generations are determined by their current allocation and utilisation; and
- *integrity* of natural, financial and human capital, to ensure that economic and social development is reconciled with environmental protection.

Since the early 1990s the concepts of weak and strong sustainability developed in the field of environmental economics and introduced the term "no net loss" to the debate. From work done by Professor David Pearce¹⁴ and

¹² Thornhill, M. & Bulman, R. 2008. *A Mechanism for Responsible Decision-making*. Paper presented at the annual conference of the IAIAA held on 13 August 2008, Bela-Bela, Limpopo, South Africa.

¹³ United Nations Development Programme (2003).

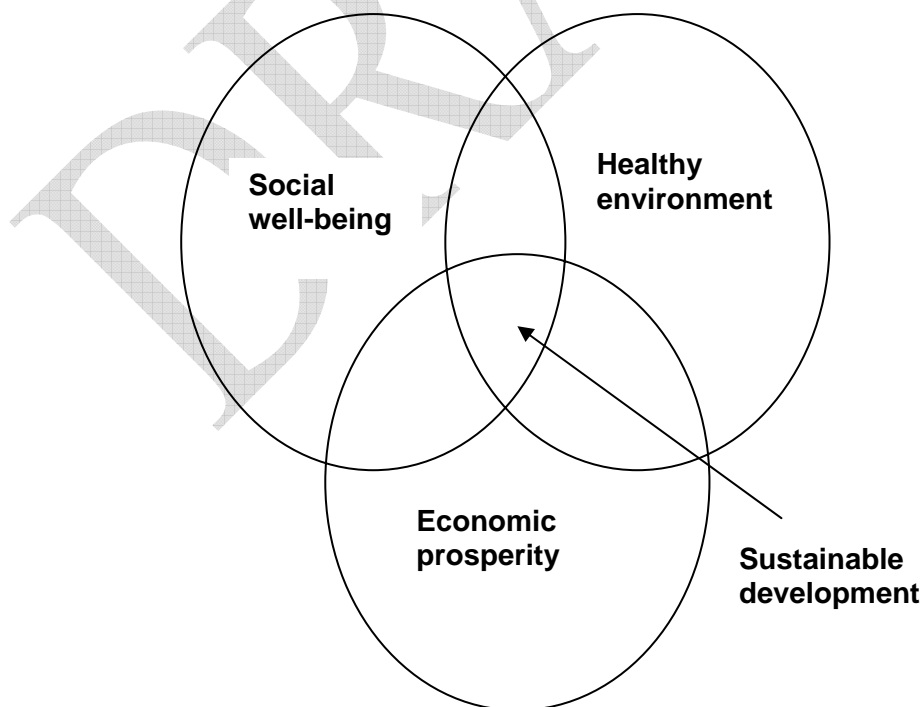
¹⁴ The late Professor David W. Pearce OBE was an Emeritus Professor at the Department of Economics in the University College London (UCL), an esteemed pioneer in the field of environmental economics with over 50 books and 300 academic articles including the renowned 'Blueprint for a Green Economy' series and co-director of the environmental economic research centre, CSERGE.

Dr Roland Mirrilees¹⁵ for DEAT, as inputs into the CONNEP process, the following suggestion for sustainable development in South Africa emerged:

Now	Time	Distant future
UNSUSTAINBLE	WEAK SUSTAINIBILITY	STRONG SUSTAINIBILITY
Current reality	Intermediate phase	Long term target
No or very little national asset management.	No net loss in overall asset base of the country.	No net loss in natural assets.
	Asset exchange between natural and non natural assets are permitted provided that there is no net loss in overall national asset value.	Asset exchange between natural and non natural assets are not permitted. Stock of natural assets (natural capital) must be maintained.
	“Triple bottom line” model	“Inclusive” model

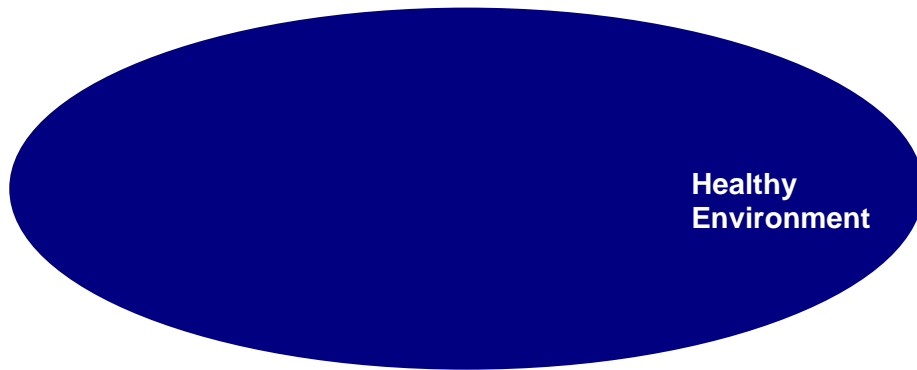
They linked this model to the implementation of the Reconstruction and Development Programme (RDP) and later the Growth, Employment and Redistribution (GEAR) strategy in South Africa.

The “triple bottom line” model for sustainable development is illustrated in the diagramme below:



¹⁵ The late Dr Roland Mirrilees was a lecturer in Environmental Economics at UNISA during the eighties and nineties, administered research funding for USAID through Nathan Associates and also consulted widely on the subjects of environmental, resource and transport economics, specialising in carbon trading during the latter years of his life.

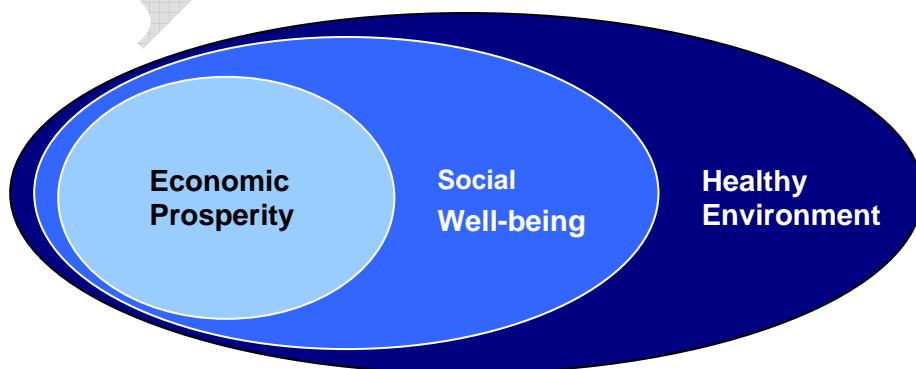
In illustrative terms, the inclusive model contends that a healthy environment,



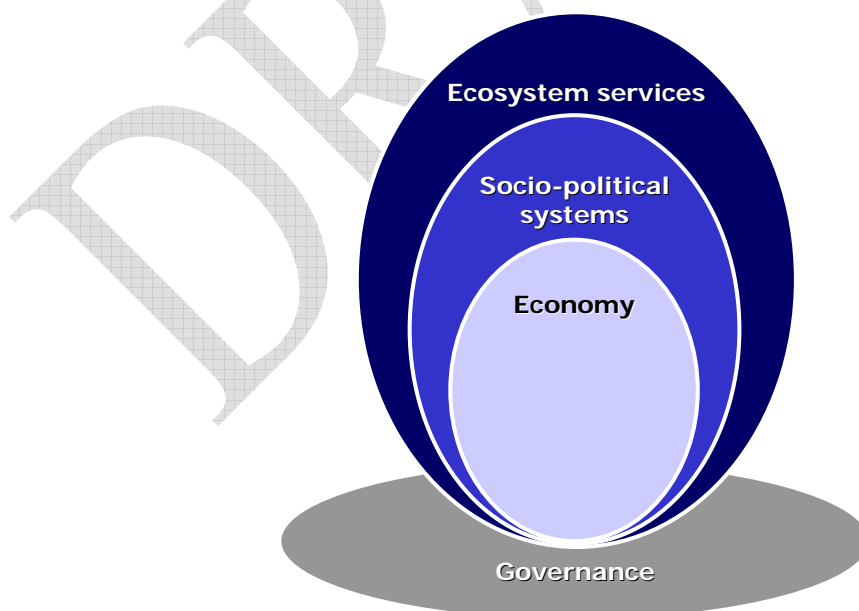
is necessary for social well-being,



which is a prerequisite for economic prosperity and together it represents sustainable development.



The National Framework for Sustainable Development in South Africa¹⁶ (NFSD) states that *“In South Africa, as in the rest of the world, the situation of continuing inequality, accompanied by a deteriorating resource base, makes it imperative for us to go beyond thinking in terms of trade-offs and the simplicity of the ‘triple bottom line’. We must acknowledge and emphasise that there are non-negotiable ecological thresholds; that we need to maintain our stock of natural capital over_time; and that we must employ the actions and interventions to eradicate poverty and severe inequalities. This is preferable to the more commonly used image of the three separate intersecting circles which depict sustainable development as limited to a fragile space where all three circles intersect.”* The NFSD therefore propose a *“systems approach definition to sustainability because the economic system, socio-political system and ecosystem are seen as embedded within each other, and then integrated via the governance system that holds all the other systems together within a legitimate regulatory framework. Sustainability implies the continuous and mutually compatible integration of these systems over time; sustainable development means making sure that these systems remain mutually compatible as the key development challenges are met via specific actions and interventions to eradicate poverty*



and severe inequalities.” This is preferred to the “triple bottom line” model and is illustrated in the diagram below:

¹⁶ Department of Environment Affairs and Tourism. 2008. *People – Planet – Property: A National Framework for Sustainable Development in South Africa.*

This definition builds on the NEMA definition and further emphasises ecological sustainability as the key desired outcome of sustainable development.

The NFSD provide the following national vision for sustainable development:

“South Africa aspires to be a sustainable, economically prosperous and self-reliant nation state that safeguards its democracy by meeting the fundamental human needs of people, by managing its limited ecological resources responsibly for current and future generations, and by advancing efficient and effective integrated planning and governance through national, regional and global collaboration.”

It also sets out the principles that will guide government and its strategic partners in achieving the national vision in three categories of principles:

“The ‘first order’ or fundamental principles relate to those fundamental human rights that are guaranteed in the Constitution, and underpin the very nature of our society and system of governance. These principles affirm the democratic values of:

- *Human dignity and social equity;*
- *justice and fairness; and*
- *democratic governance.*

The substantive principles address the content or conditions that must be met in order to have a sustainable society. These principles are based on sustainable development principles already enshrined in South African law (notably the national environmental management Principles set out in section 2 of NEMA, but also other legislation such as the National Heritage Resources Act, The National Forest Act and the Development Facilitation Act). The substantive principles underscore a cyclical and systems approach to achieving sustainable development and are as follows:

- *Efficient and sustainable use of natural resources;*
- *socio-economic systems that are embedded within, and dependant upon, eco-systems; and*
- *basic human needs must be met to ensure resources necessary for long-term survival are not destroyed for short term gain.*

The process principles establish a few clear principles that apply specifically to the implementation of the national framework for sustainable development. These include:

- *Integration and innovation;*
- *consultation and participation; and*
- *implementation in a phased manner.”*

While the NFSD establishes a short cut to a strong sustainability scenario in South Africa, it acknowledges that it cannot happen overnight. It provides a new context for measuring effectiveness and efficiency of EIA that should be applied in future.

(b) The term significance in EIA

The evaluation of the significance of environmental impacts is a critical but poorly understood component of EIA theory and practice. The following extract from Wood¹⁷ illustrates the difficulties in this respect:

“... significance evaluation is an inherently dynamic activity, with the nature of significance evolving through the EIA process. As an EIA progresses from project screening (deciding whether or not a development proposal should be subject to EIA), to scoping (determining the focus of the EIA), and through to impact prediction, monitoring and mitigation, the detail and availability of environmental information increases and there are changes in the decision-processes surrounding the evaluation and communication of significance, the decision consequences, and the nature of related uncertainties.

The complexity of impact significance is exacerbated by context, comprising issues surrounding spatial scale, temporal change, social and ethical values, ecological sensitivity, economic considerations, and institutional arrangements. The spatial context concerns whether the proposal's potential impacts should be considered significant at the local, regional, national, or international scale. The temporal context concerns the relationship with past, present and potential future development that could cumulatively affect the same environment.

¹⁷ Wood, G. 2008. *Thresholds and criteria for evaluating and communicating impact significance in environmental statements: 'See no evil, hear no evil, speak no evil'*. Environmental Impact Assessment Review, Volume 28 Issue 1, Pages 22-38.

Arguably environmental quality is subjectively experienced with the significance of impacts dependent upon the value society places upon a particular environmental receptor at a particular point in time. However, social values are characterised by plurality, not simply in terms of the different perspectives of individuals and agencies regarding the desirability of change, but also with respect to values that surround different ethical positions. For example, the protection of habitat from development may be considered from a purely utilitarian or welfare perspective, from the point of view that the habitat has intrinsic value, or simply that it is morally correct regardless of the consequences.

The ecological context plays a further role on a site-specific basis in the sense that a small development proposal in an ecologically sensitive environment may be considered to have a more significant impact than a far larger development located in a more 'robust' setting. Similarly, from an economic perspective, a community dominated by high unemployment may be more supportive of controversial development proposals than comparable areas with full employment. Finally the institutional context defines the formal and informal rules or procedures within which decision-making occurs and at different points within the EIA process. The institutional context serves to invest certain rights and responsibilities upon stakeholders, and shapes the degree of power and influence that interest groups exert upon decisions." and;

"The intricacies of significance evaluation are further aggravated by uncertainty surrounding the information available for decision-making. During screening, uncertainty will often surround the exact detail of the project proposed, including its precise 'footprint' and the technical processes involved. During scoping there may be uncertainty regarding knowledge and understanding of the existing environment, the relevance of available baseline information, and subsequent divergence of opinion on the key impacts for investigation. As the EIA progresses to impact prediction phase, measurement error and uncertainty surrounding the accuracy and performance of predictive methods compound the problem of interpreting impact significance (Sadler, 1996). Uncertainty can therefore appear in many forms: in the description or measurement of the project or the environment, in

the understanding of how the environment will react, and in the assessment of the importance of the anticipated effects.”

In South Africa the screening process has been replaced by lists of activities which require EIA. NEMA, in section 24(2)(b) and (c), however, also makes provision for the identification of geographical areas and the specification of activities. This enables the different competent authorities to “streamline” the national lists by allowing them to exclude activities on the national list from assessment that will take place in areas that are deemed not to be sensitive to those activities and to include additional activities in areas that are deemed to be sensitive to those activities. This in effect creates a matrix system for deciding which activities require EIA in which environments, which to a large extent makes significance a potential determinant factor in the screening phase of EIA in South Africa. These sections of the NEMA have however not been implemented to date.

The way in which significance should be determined is prescribed in the EIA Regulations for EIARs as well as in the prescribed format for BARs. Significance is not addressed in the scoping requirements of the EIA Regulations as the SR is reduced to a precursor of the EIAR with a specific limited function. The EIA regulations require “... *an assessment of each identified potential significant impact including:*

- *cumulative impacts;*
- *the nature of the impact;*
- *the extent and duration of the impact;*
- *the probability of the impact occurring;*
- *the degree to which the impact can be reversed;*
- *the degree to which the impact may cause irreplaceable loss of resources; and*
- *the degree to which the impact can be mitigated.”*

1.6 Understanding of terminology in this report

In terms of current legislation in South Africa, as indicated in paragraph 1.1, EIA means the process of collecting, organizing, analyzing, interpreting and

communicating information that is relevant to the consideration of project specific applications for authorisation. This includes BA's as well as Scoping and EIA's as defined in the EIA Regulations and is how the project team interpreted EIA in the proposal that was submitted in response to the tender that was advertised by DEAT.

The proposal¹⁸ that was made to the department by IAIA and ELASA has a different and much more extensive interpretation of EIA that regard it as the overall process of assessment of impacts including the broader policy, institutional and contextual aspects in a South African as well as the international context that is also often referred to under other terms such as EA, EIM or IEM.

¹⁸ Appendix ...

Appendix B: Evaluation criteria used in assessment of case files

Criteria to Assess EIA's

1. Quality of assessment

a. Assessment of alternatives

- For a rating of "Good" there should at least be a clear **comparative assessment** between two or more alternatives (excluding the no-go option).
- For a rating of "Average" there should at least be **an assessment** of two or more alternatives (excluding the no-go option).
- For a rating of "Poor" there should at least be **a mention** of two or more alternatives (excluding the no-go option).
- For a rating of "Not Applicable" there will be no mention of alternatives.

Note: The relevance of the assessment of alternatives is different for the different types of assessment that are reviewed. During the assessment phase this relevance will be considered for each of the different types of assessment.

b. Assessment of direct impacts

- For a rating of "Good":
 - There should at least be a methodology that indicates the source (origin or cause) of each impact, the nature of the impact, the magnitude of the impact, the significance of the impact and affected stakeholders.
 - Impacts should be considered for all environmental elements on or surrounding the affected site(s), including at least physical, biological, historical and social elements.
 - The activity should be described in enough detail to identify potentially impacting aspects.
 - The environment should be described in enough detail to identify negative effects.

- For a rating of “Average”:
 - Impacts should be considered for all environmental elements on or surrounding the affected site(s), including at least physical, biological, historical and social elements.
 - The activity should be described in enough detail to identify potentially impacting aspects.
 - The environment should be described in enough detail to identify negative effects.

- For a rating of “Poor” if any one of the following have not been **covered adequately**:
 - Impacts should be considered for all environmental elements on or surrounding the affected site(s), including at least physical, biological, historical and social elements.
 - The activity should be described in enough detail to identify potentially impacting aspects.
 - The environment should be described in enough detail to identify negative effects.

c. Assessment of indirect impact

- For a rating of “Good” the potential for indirect impacts (or not) should be :
 - Assessed or summarised clearly in a separate section.
 - A methodology that indicates the source (origin or cause) of each impact, the nature of the impact, the magnitude of the impact, the significance of the impact and affected stakeholders.
 - Impacts should be considered for all environmental elements that will not directly be affected on the site(s), especially environmental resources that provide services to the activity.
 - The activity should be described in enough detail to identify potentially impacting aspects.
 - The environment should be described in enough detail to identify negative effects.

- For a rating of “Average” the potential for indirect impacts (or not):
 - Should be assessed.

- Impacts should be considered for all environmental elements that will not directly be affected on the site(s), especially environmental resources that provide services to the activity.
 - The activity should be described in enough detail to identify potentially impacting aspects.
 - The environment should be described in enough detail to identify negative effects.
- For a rating of “Poor” the following have not been adequately covered:
 - Impacts have not been considered for all environmental elements that will not directly be affected on the site(s), especially environmental resources that provide services to the activity.
 - The activity has not been described in enough detail to identify potentially impacting aspects.
 - The environment has not been described in enough detail to identify negative effects.

d. Assessment of cumulative impacts

- For a rating of “Good” the potential for cumulative impacts (or not) should be :
 - Assessed or summarised clearly in a separate section.
 - A methodology that indicates the source (origin or cause) of each impact, the nature of the impact, the magnitude of the impact, the significance of the impact and affected stakeholders.
 - Impacts should be considered for all environmental elements that might be affected especially environmental resources that accumulate emissions, effluent or discharges and that act as aesthetic or sense of place determinants.
 - The activity should be described in enough detail to identify potentially impacting aspects.
 - The environment should be described in enough detail to identify negative effects.

- For a rating of “Average” the potential for cumulative impacts (or not):
 - Should be assessed.

- Impacts should be considered for all environmental elements that might be affected especially environmental resources that accumulate emissions, effluent or discharges and that act as aesthetic or sense of place determinants.
- The activity should be described in enough detail to identify potentially impacting aspects.
- The environment should be described in enough detail to identify negative effects.
- For a rating of “Poor” the following have not been adequately covered:
 - Impacts have not been considered for all environmental elements that will not directly be affected on the site(s), especially environmental resources that provide services to the activity.
 - The activity has not been described in enough detail to identify potentially impacting aspects.
 - The environment has not been described in enough detail to identify negative effects.
 - For a rating of “Not Applicable” or “Unknown” is case specific and where relevant.

e. Assessment of implications for policies, plans and guidelines

- For a rating of “Good” the assessment must consider and clearly indicate the policies, plans and guidelines in respect to the management of the environment that have been taken into account.
- For a rating of “Average” the assessment must consider the policies, plans and guidelines in respect to the management of the environment that have been taken into account.
- For a rating of “Poor” the policies, plans and guidelines in respect to the management of the environment have not been consciously addressed in the assessment.

f. Avoidance of impacts

- For a rating of “Good” there must be a clear indication that the potential impacts that have been identified have been avoided to the extent possible.
- For a rating of “Average” there must at least be an indication that some of the more significant impacts that have been identified have been avoided.
- For a rating of “Poor” there is no or little indication that there was any attempt to avoid impacts.

Note: Determining whether impacts have been avoided are often best identified by comparing maps and plans that indicate sensitive environments with activity layout plans or in the comparative assessment of alternatives.

g. Minimisation of impacts

- For a rating of “Good” there must be a clear indication that the magnitude and significance of the impacts that could not be avoided have been minimised to the extent possible.
- For a rating of “Average” there must at least be an indication that some of the more significant impacts that could not have been avoided, have been minimised to some extent.
- For a rating of “Poor” there is no or little indication there was any attempt to minimise impacts.

h. Maximisation of positive impacts

- For a rating of “Good” there must be clear indication that positive impacts have been maximised to the extent possible.
- For a rating of “Average” there must at least be some mention of the positive impacts and how these have been maximised to the extent possible.
- For a rating of “Poor” there is no or little indication that the positive impacts were addressed.

i. Meeting the requirements of EIA legislation

- For a rating of “Good” the process and product requirements of the relevant EIA legislation have clearly been met.

- For a rating of “Average” it is unclear whether all the processes and product requirements of the relevant EIA legislation have been met.

- For a rating of “Poor” it cannot be determined from the documentation whether the process and product requirements of the relevant EIA legislation have been met.

Note: The above ratings can only be based on the information and documentation provided in the files.

j. Independence of the practitioner

- For a rating of “Good” the reports that were submitted illustrated that:
 - The applicant did not intervene in the assessment of impacts.
 - As far as can be ascertained there are no omissions in the description of the activity that may influence the identification of potential impacts.
 - As far as can be ascertained there are no omissions in the description of the environment that may influence the identification of potential impacts.
 - The EIA and especially the description of the activity is unbiased and does not market or motivate the activity in a manner that is clearly biased.

- For a rating of “Average” the reports that were submitted illustrated that:
 - The applicant did not intervene in the assessment of impacts.
 - The EIA and especially the description of the activity is unbiased and does not market or motivate the activity in a manner that is clearly biased.

- For a rating of “Poor” where the report submitted illustrated that:
 - The applicant did intervene in the assessment of impacts.

OR

- The EIA and especially the description of the activity is biased and does market or motivate the activity in a manner that is clearly biased.

k. General quality of work presented

- For a rating of “Good” the report(s) submitted should be:
 - Clear in their purpose.
 - Complete and well structured.
 - Easily readable and decipherable.
- For a rating of “Average” the reports(s) submitted should be:
 - Complete and structured.
- For a rating of “Poor” the report(s) submitted is incomplete or unstructured to the extent that it makes the effective and efficient evaluation thereof almost impossible.

2. Public Participation

a. Meeting EIA legislation

- For a rating of “Good” the relevant legal requirements have been met and presented in a clear and structured manner.
- For a rating of “Average” the relevant legal requirements have been met as far as can be ascertained from the documentation presented.
- For a rating of “Poor” it is not clear whether the relevant legal requirements have been met based on the documentation presented.

b. Advertisements

- For a rating of “Good” the advertisement was conducted in a manner that encouraged participation of I&APs.
- For a rating of “Average” the advertisement was conducted in a manner that met the minimum legal requirements.

- For a rating of “Poor” the advertisement was conducted in a manner that did not meet the minimum legal requirements.

c. Comments and responses

- For a rating of “Good” the documentation should at least contain a comments and responses report or section as well as an indication of how it was considered in the assessment process and a clear indication of all participants including their contact details.
- For a rating of “Average” the documentation should as a minimum contain a comments and responses and a clear indication of all participants including their contact details.
- For a rating of “Poor” the comments and responses are absent and incomplete or the information and contact details of the I&APs were not recorded or incomplete.

d. Role of comments and responses in identifying impacts and formulating alternatives

- For a rating of “Good” there must be a clear indication in the documentation of how specific inputs from I&APs have contributed to the identification of impacts and formulation of alternatives.
- For a rating of “Average” there must be some indication that inputs from I&APs have contributed to the identification of impacts and formulation of alternatives.
- For a rating of “Poor” there will be no or little indication that inputs from I&APs have contributed to the identification of impacts and formulation of alternatives.

Note: The issues raised by I&APs should be compared to the list of identified impacts and the proposed alternatives in the EIA documentation.

3. Authority interpretation assessment

a. Taking account of information in the EIA

- For a rating of “Good” the decision and/or record of decision should clearly indicate how it took account of the results of the assessment as well as the issues raised by I&APs.
- For a rating of “Average” the decision and/or record of decision should at least indicate that the results of assessment and the issues raised by I&APs have been considered.
- For a rating of “Poor” the decision and/or record of decision does not present a clear indication of considerations of the results of the assessment or the issues raised by I&APs.

b. Taking account of policies affected by the application

- For a rating of “Good” the decision and/or record of decision must support all environmental policies that are in place to protect the environment against negative impacts.
- For a rating of “Average” the decision and/or record of decision must at least consider all environmental policies that are in place to protect the environment against negative impacts.
- For a rating of “Poor” there is no clear indication that environmental policies that are in place to protect the environment against negative impacts have been considered.

c. Taking account of quality of assessment

- For a rating of “Good” there must be a clear indication in the decision and/or record of decision about the quality of assessment and how it was considered in the decision.

- For a rating of “Average” there must be some indication in the decision and/or record of decision that the quality of assessment was considered in the decision.
- For a rating of “Poor” there is no clear indication that the decision and/or record of decision have considered the quality of assessment in the decision.

d. Making an informed decision

- For a rating of “Good” the decision and/or record of decision must clearly indicate how the results of assessment informed the decision.
- For a rating of “Average” the decision and/or record of decision must indicate that the results of assessment informed the decision to at least some extent.
- For a rating of “Poor” the decision and/or record of decision shows no or little indication that the results of assessment informed the decision.

e. Setting conditions

- For a rating of “Good” the authorisation and/or record of decision must clearly provide conditions of authorisation that at least take account of:
 - The phases of the authorised activity.
 - Waste, effluent and emissions that will be produced by the authorised activity.
 - Monitoring and enforcement of the decision and conditions.
- For a rating of “Average” the authorisation and/or record of decision must at least provide clear conditions of the authorisation.
- For a rating of “Poor” the authorisation and/or record of decision does not provide clear conditions of authorisation.

4. Authority Implementation

a. Monitoring and enforcement of conditions

- For a rating of “Good” there must be an indication of how monitoring and enforcement of conditions are to be performed in the authorisation and/or record of decision as well as evidence in the file that the monitoring and enforcement by the authority has commenced.

- For a rating of “Average” there must be an indication of how monitoring and enforcement of conditions are to be performed in the authorisation and/or record of decision.

- For a rating of “Poor” there is no indication that monitoring and enforcement has been considered in the decision and/or record of decision.

5. Effectiveness Assessment

a. Confidence in the methodology of the assessment of impacts

In rating this, the criteria for 1.b.c. and d. needs to be applied in your judgement.

b. Did the assessment succeed in creating a situation where:

- i. Impacts were avoided to the extent possible?

In rating this, the criterion 1.f. needs to be applied in your judgement.

- ii. Impacts were mitigated to the extent possible?

In rating this, the criterion for 1.g. needs to be applied in your judgement.

- iii. The benefits from positive impacts were maximised?

In rating this, the criterion for 1.h. needs to be applied in your judgement.

c. Did the assessment succeed in implementing/promoting relevant policies, plans and guidelines?

In rating this, the criterion for 1.e. and i. needs to be applied in your judgement.

Appendix C: Specific questionnaires

1. Officials questionnaire

Official's Questionnaire

We have been contracted by the Department of Environmental Affairs and Tourism (DEAT) to conduct a survey on the Effectiveness and Efficiency of the Environmental Impact Assessment process. The information gathered from this survey is important as it will assist DEAT in assessing the current process and help in the future development of environmental impact management in South Africa. Your department has agreed that its officials may participate in this exercise.

The survey requires you to answer a few questions on a number of pre-selected applications for authorisation that you have worked with as indicated on the attached list. These questionnaires should take approximately 45 minutes each to complete.

Thank you for taking the time out from your busy schedule to assist us in filling out this questionnaire.

The answers to this questionnaire are confidential and none of the answers that you provide will be made available to any other party in a form that links it to you or the specific application. You should not consider the questions to be a test of your knowledge and your responses will be captured along with a large number of other questionnaires that are being completed across the country.

It is very important that you answer all questions honestly. Please try and answer all questions to the best of your ability as you remember the circumstances of the specific application. This is not a test and there are no wrong answers.

Project reference number:

1. What is your current position in the organisation?

Jnr Official Snr Official Asst. Director Dep. Director Snr. Management

2. What was your position at the time of the assessment?

Jnr Official Snr Official Asst. Director Dep. Director Snr. Management

3. How long were you in that position at the time of the assessment?

Less than 2 yrs 2-4 yrs 4-8 yrs more than 8 yrs

4. What was your role in the review, evaluation or decision-making in respect of the assessment?

review evaluation specialist review recommendation decision

5. How would you rate the quality of the content of documents that was prepared by the practitioner?

excellent good average below average poor

6. If your response to 5 above was below average or poor, please explain your response.

7. With regards to the readability and clarity of the documentation submitted by the practitioner, how would you rate it?

excellent good average below average poor

8. To what extent did the documentation submitted by the practitioner help you make an informed recommendation/decision? Provide graded response

a lot somewhat a bit not at all

9. Were your recommendations and the conditions that you imposed substantially similar to those made by the practitioner?

yes no

10. If your response to 9 above was no, please explain.

11. If you had the opportunity, would you change your recommendation/decision or components thereof in this particular case?

yes no

12. If your response to 11 above was yes, please explain,

13. Were alternatives considered as required by law?

yes no Applied and was given exemption from considering alternatives

14. If your response to 13 above was that you have given exemption from considering alternatives, please explain why.

15. In your opinion, how would you rate the assessment of alternatives?

excellent good average below average poor

16. If your response to 15 above was below average or poor, please explain.

17. Did the proposal as reflected in the documentation, including the assessment of alternatives, explicitly try to **avoid** negative environmental impacts?

fully to a large extent somewhat at a little not at all

18. Please explain your answer of 17 above.

19. Did the activity/project proposal as reflected in the documentation, including the assessment of alternatives, explicitly try to **minimise** negative environmental impacts?

fully to a large extent somewhat a little not at all

20. Please explain your answer in 19 above.

21. In your opinion, was the potential negative impacts identified?

fully to a large extent to a reasonable extent to some extent not at all

22. Please explain your answer in 21 above.

23. In your opinion, to what extent were the identified issues considered?

fully fairly well to a reasonable extent to some extent not at all

24. In your opinion, were there issues and impacts that were not addressed by the assessment process?

yes no

25. If your response to 24 above was yes, please indicate which ones.

26. As far as you know, did the practitioner act independently or was there significant interference from the applicant (proponent)?

yes no

27. In your opinion, was there too little or too much public participation in this case? Please explain your answer?

enough too little too much

28. Please explain your answer in respect to 27 above.

29. If the project was authorised and conditions imposed to manage environmental impact -

(a) were the conditions adhered to?	yes <input type="checkbox"/>	no <input type="checkbox"/>	don't know <input type="checkbox"/>
(b) have the activity been inspected?	yes <input type="checkbox"/>	no <input type="checkbox"/>	don't know <input type="checkbox"/>
(c) were the conditions successful in managing impacts?	yes <input type="checkbox"/>	no <input type="checkbox"/>	don't know <input type="checkbox"/>

30. If the response to 29(c) above is no or don't know, please explain.

31. In your opinion, to what extent was cumulative impacts considered?

excellent well average poorly not at all

32. In your opinion, how was mitigation addressed in the assessment documents?

excellent well average poorly not at all

33. In your opinion, to what extent was sustainable development aspects taken into account in the assessment documents?

excellent good average Below average poor

34. How long (nearest month) did it take from when the application was received by the department until the decision was made?

 months

35. In your view, what percentage of time did each of the following take?

- (a) Review of the correctness of facts in the documents provided
- (b) Evaluating the findings of the documents provided
- (c) Circulation for review to other sections/departments
- (d) Assessing the implications of the proposal against policies and guidelines
- (e) Making recommendations to management
- (f) Drafting conditions
- (g) Referring the documents up and down the internal departmental structure
- (h) Making the decision
- (i) Processing the appeal (if any)

	%
	%
	%
	%
	%
	%
	%
	%
	%

36. If environmental authorisation was given, did the legal section in your department review the environmental authorisation?

yes no don't know

37. Do you think that the time it took to process the application is reasonable?

yes no don't know

38. Did your senior manager agree with your recommendations?

yes no don't know

39. If the response to 38 above is no, please explain.

40. Was the matter appealed?

yes no don't know

41. If the response to 40 above is yes, was the appeal upheld, partly upheld or dismissed?

upheld partly upheld dismissed

42. Did anyone try to influence your recommendation or decision in a certain way. If so, who?

no yes who?

43. Did you, or your department take any court judgments into account in making your recommendation/decision.

yes no

44. If the response to question 43 is yes, please explain.

Thank you for your time.

2. Practitioners questionnaire

Practitioner's Questionnaire

We have been contracted by the Department of Environmental Affairs and Tourism (DEAT) to conduct a survey on the Effectiveness and Efficiency of the Environmental Impact Assessment process. The information gathered from this survey is important as it will assist DEAT in assessing the current process and help in the future development of environmental impact management in South Africa. You have been selected to participate in this exercise. Your participation is, however, voluntary and you may decline to participate.

The survey requires you to answer a few questions on one or more randomly selected applications for authorisation that you have been involved in as an environmental practitioner. You are requested to complete the questionnaire and return it to the project leader at the address indicated below. The completion of the questionnaire should take approximately 45 minutes.

Thank you for taking the time out from your busy schedule to assist us in filling out this questionnaire.

The answers to this questionnaire are confidential and none of the answers that you provide will be made available to any other party in a form that links it to you or the specific application. You should not consider the questions to be a test of your knowledge and your responses will be captured along with a large number of other questionnaires that are being completed across the country.

It is very important that you answer all questions honestly. Please try and answer all questions to the best of your ability as you remember the circumstances of the specific application. This is not a test and there are no wrong answers.

Project reference
number:

1. What is your current position in the organisation?

Jnr practitioner Snr practitioner Associate Owner/part. small firm Director of large firm

2. What was your position at the time of the assessment?

Jnr practitioner Snr practitioner Associate Owner/part. Small firm Director of large firm

3. How long were you in that position at the time of the assessment?

Less than 2 yrs 2-4 yrs 4-8 yrs more than 8 yrs

4. What was your role in respect of the assessment?

Information gathering assessment specialist review Public participation Documenting

5. How would you rate the quality of the content of documents that was prepared?
excellent good average below average poor

6. If your response to 5 above was below average or poor, please explain your response.

7. With regards to the readability and clarity of the documentation submitted by you, how would you rate it?
excellent good average below average poor

8. To what extent do you believe the documentation you submitted helped the authority to make an informed decision?
a lot somewhat a bit not at all

9. Were your recommendations and the conditions that you proposed substantially similar to those adopted by the authority in the decision?
yes no

10. If your response to 9 above was no, please explain.

11. If you had the opportunity, would you change your recommendation or components thereof in this particular case?
yes no

12. If your response to 11 above was yes, please explain,

13. Were alternatives considered as required by law?
yes no Applied and was given exemption from considering alternatives

14. If your response to 13 above was that you have been given exemption from considering alternatives, please explain why you applied.

15. In your opinion, how would you rate your assessment of alternatives?

excellent good average below average poor

16. If your response to 15 above was below average or poor, please explain. If your response was excellent, good or average, please indicate how you considered the alternatives in comparative manner.

17. Did the proposal as reflected in the documentation, including the assessment of alternatives, explicitly try to **avoid** negative environmental impacts?

fully to a large extent somewhat at a little not at all

18. Please explain your answer of 17 above.

19. Did the activity/project proposal as reflected in the documentation, including the assessment of alternatives, explicitly try to **minimise** negative environmental impacts?

fully to a large extent somewhat a little not at all

20. Please explain your answer in 19 above.

21. In your opinion, was all the potential negative impacts identified?

fully to a large extent to a reasonable extent to some extent not at all

22. Please explain your answer in 21 above.

23. In your opinion, to what extent were the identified issues considered?

fully fairly well to a reasonable extent to some extent not at all

24. In your opinion, were there issues and impacts that were not addressed by the assessment process?

yes no

25. If your response to 24 above was yes, please indicate which ones.

26. Did you act independently in conducting the assessment or was there significant interference from the applicant (proponent)?

yes no

27. In your opinion, was there too little or too much public participation in this case?

enough too little too much

28. Please explain your answer in respect to 27 above.

29. If the project was authorised and conditions imposed to manage environmental impact -

(a) were the conditions adhered to?	yes	<input type="checkbox"/>	no	<input type="checkbox"/>	don't know	<input type="checkbox"/>
(b) have the activity been inspected?	yes	<input type="checkbox"/>	no	<input type="checkbox"/>	don't know	<input type="checkbox"/>
(c) were the conditions successful in managing impacts?	yes	<input type="checkbox"/>	no	<input type="checkbox"/>	don't know	<input type="checkbox"/>

30. If the response to 29(c) above is no or don't know, please explain.

31. In your opinion, to what extent was cumulative impacts considered?

excellent well average poorly not at all

32. In your opinion, how was mitigation addressed in the assessment documents?

excellent well average poorly not at all

33. In your opinion, to what extent was sustainable development aspects taken into account in the assessment documents?

excellent good average Below average poor

34. How long (nearest month) did it take from when you were appointed as the consultant/practitioner until the decision was made by the competent authority? months

35. In your view, what percentage of time did each of the following take.

(a) Appointment of consultant/practitioner	%
(b) Developing the proposed activity and its alternatives	%
(c) Identification and assessment of impacts and alternatives	%
(d) Fieldwork	%
(e) Specialist input	%
(f) Public participation	%
(g) Liaison with authorities by your consultant/practitioner	%
(h) Assessment of impacts and alternatives	%
(i) Report compilation	%
(j) Submission of reports etc. to authorities	%
(k) Evaluation and decisions by officials	%
(l) Other, please specify: <input style="width: 300px;" type="text"/>	%

36. Did you consider the legal implication of the application?

yes no don't know

37. Do you think that the time it took to process the application was reasonable?

yes no don't know

38. Was the matter appealed?

yes no don't know

39. If the response to 38 above is yes, was the appeal upheld, partly upheld or dismissed?

upheld partly upheld dismissed

40. Did anyone try to influence your recommendations in the EIA in a certain way. If so, who?

no yes who?

41. Did you take any court judgments into account in making your recommendations.

yes no

42. If the response to question 41 is yes, please provide details.

Thank you for your time.

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3. Applicants questionnaire

Applicant's Questionnaire

We have been contracted by the Department of Environmental Affairs and Tourism (DEAT) to conduct a survey on the Effectiveness and Efficiency of the Environmental Impact Assessment process. The information gathered from this survey is important as it will assist DEAT in assessing the current process and help in the future development of environmental impact management in South Africa. You have been selected to participate in this exercise. Your participation is, however, voluntary and you may decline to participate.

The survey requires you to answer a few questions on one or more randomly selected applications for authorisation that you have been involved in. You are requested to complete the questionnaire and return it to the project leader at the address indicated below. The completion of the questionnaire should take approximately 45 minutes.

Thank you for taking the time out from your busy schedule to assist us in filling out this questionnaire.

The answers to this questionnaire are confidential and none of the answers that you provide will be made available to any other party in a form that links it to you or the specific application. You should not consider the questions to be a test of your knowledge and your responses will be captured along with a large number of other questionnaires that are being completed across the country.

It is very important that you answer all questions honestly. Please try and answer all questions to the best of your ability as you remember the circumstances of the specific application. This is not a test and there are no wrong answers.

Project reference number:

1. What was your role in respect of the assessment?

Private applicant Public applicant

2. How would you rate the quality of the content of documents that was prepared by the environmental practitioner (independent and in-house in cases where there was exemption from using an independent practitioner)?

excellent good average below average poor

3. If your response to 2 above was below average or poor, please explain your response.

4. With regards to the readability and clarity of the documentation submitted by the practitioner, how would you rate it?

excellent good average below average poor

5. To what extent do you believe the documentation that was submitted helped the authority

to make an informed decision?

a lot somewhat a bit not at all

6. Did you agree with the findings of the reports/document that were submitted to the authority?

yes no

7. If your response to 6 above was no, please explain.

8. Do you believe that alternatives were considered adequately as required by law?

yes no

9. If your response to 8 above was no, please explain.

10. In your opinion, were there issues and impacts that were not addressed by the assessment process?

yes no

11. If your response to 10 above was yes, please indicate which ones.

12. Did the independent environmental practitioner you used to undertake the application act independently in conducting the assessment without any interference from yourself?

yes no

13. In your opinion, was there too little or too much public participation in this case?

enough too little too much

14. Please explain your answer in respect to 13 above.

15. If the project was authorised and conditions imposed to manage environmental impact -

(a) were the conditions adhered to?

yes no don't know

(b) have the activity been inspected?

yes no don't know

(c) were the conditions successful in managing impacts?

yes no don't know

16. If the response to 15(c) above is no or don't know, please explain.

17. In your opinion, to what extent was cumulative impacts considered?

excellent well average poorly not at all

18. In your opinion, how was mitigation addressed in the assessment documents?

excellent well average poorly not at all

19. In your opinion, to what extent was sustainable development aspects taken into account

in the assessment documents?

excellent

good

average

Below average

poor

20. How long (nearest month) did it take from when the application was submitted to the competent authority until the decision was made? months

21. In your view, what percentage of time did each of the following take?

(a) The development of your proposal and alternative proposals	<input type="text"/>	%
(b) The production of EIA documents including all aspects of the assessment	<input type="text"/>	%
(c) The evaluation and decision making of the authority	<input type="text"/>	%
(d) Other, please specify: <input type="text"/>	<input type="text"/>	%

22. Do you think that the time it took the authorities to process the application was reasonable?

yes

no

don't know

23. What did the EIA procedure cost you in consultant's fees, or in salaries and other cost if it has been done internally?:

R10 000.00 to R49 000.00	<input type="checkbox"/>
R50 000.00 to R99 000.00	<input type="checkbox"/>
R100 000.00 to R149 000.00	<input type="checkbox"/>
R150 000.00 to R199 000.00	<input type="checkbox"/>
R200 000.00 to R249 000.00	<input type="checkbox"/>
R250 000.00 to R299 000.00	<input type="checkbox"/>
R300.000.00 to R349 000.00	<input type="checkbox"/>
R350 000.00 to R399 000.00	<input type="checkbox"/>
R400 000.00 to R449 000.00	<input type="checkbox"/>
R450 000.00 to R499 000.00	<input type="checkbox"/>
R500 000,00 to R549 000.00	<input type="checkbox"/>
R600 000.00 to R1 000 000.00	<input type="checkbox"/>
More that R1 000 000.00	<input type="checkbox"/>

24. Do you believe that the cost of the EIA procedure was reasonable?

Yes No

25. If your response to 24 is no, please explain:

26. Did the EIA procedure contribute positively to the development of your project

Yes No

27. Please explain the response you gave to 26:

Thank you for your time.

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4. Stakeholders questionnaire

Stakeholders Questionnaire

We have been contracted by the Department of Environmental Affairs and Tourism (DEAT) to conduct a survey on the Effectiveness and Efficiency of the Environmental Impact Assessment process. The information gathered from this survey is important as it will assist DEAT in assessing the current process and help in the future development of environmental impact management in South Africa. You have been selected to participate in this exercise. Your participation is, however, voluntary and you may decline to participate.

The survey requires you to answer a few questions on one or more randomly selected applications for authorisation that you have been involved in. You are requested to complete the questionnaire and return it to the project leader at the address indicated below. The completion of the questionnaire should take approximately 45 minutes.

Thank you for taking the time out from your busy schedule to assist us in filling out this questionnaire.

The answers to this questionnaire are confidential and none of the answers that you provide will be made available to any other party in a form that links it to you or the specific application. You should not consider the questions to be a test of your knowledge and your responses will be captured along with a large number of other questionnaires that are being completed across the country.

It is very important that you answer all questions honestly. Please try and answer all questions to the best of your ability as you remember the circumstances of the specific application. This is not a test and there are no wrong answers.

Project reference number:

1. What was your role in respect of the assessment?

Interested party Affected party

2. How would you rate the quality of the content of documents that was prepared by the environmental practitioner (independent and in-house in cases where there was exemption from using an independent practitioner)?

excellent good average below average poor

3. If your response to 2 above was below average or poor, please explain your response.

4. With regards to the readability and clarity of the documentation submitted by the practitioner, how would you rate it?

excellent good average below average poor

5. To what extent do you believe the documentation that was submitted helped the authority

to make an informed decision?

a lot somewhat a bit not at all

6. Did you agree with the findings of the reports/document that were submitted to the authority?

yes no

7. If your response to 6 above was no, please explain.

8. Do you believe that alternatives were considered adequately as required by law?

yes no

9. If your response to 8 above was no, please explain.

10. In your opinion, were there issues and impacts that were not addressed by the assessment process?

yes no

11. If your response to 10 above was yes, please indicate which ones.

12. Did the independent environmental practitioner that undertook the application act independently in conducting the assessment without any interference from the applicant?

yes no

13. In your opinion, was there too little or too much public participation in this case?

enough too little too much

14. Please explain your answer in respect to 13 above.

15. If the project was authorised and conditions imposed to manage environmental impact -

(a) were the conditions adhered to?

yes no don't know

(b) have the activity been inspected?

yes no don't know

(c) were the conditions successful in managing impacts?

yes no don't know

16. If the response to 15(c) above is no or don't know, please explain.

17. In your opinion, to what extent was cumulative impacts considered?

excellent well average poorly not at all

18. In your opinion, how was mitigation addressed in the assessment documents?

excellent well average poorly not at all

19. In your opinion, to what extent was sustainable development aspects taken into account

in the assessment documents?

excellent

good

average

Below average

poor

20. How long (nearest month) did it take from when the application was submitted to the competent authority until the decision was made? months

21. Do you think that the time it took to process the application was reasonable?

yes

no

don't know

22. Did you appeal the matter?

yes

no

don't know

23. If the response to 22 above is yes, was the appeal upheld, partly upheld or dismissed?

upheld

partly upheld

dismissed

Thank you for your time.

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Appendix D: General questionnaire

The Effectiveness and Efficiency of South Africa's Environmental Impact Assessment Process

General Questionnaire

The purpose of this questionnaire is to examine the experiences and perceptions of relevant stakeholders as part of a larger review of the effectiveness and efficiency of South Africa's current Environmental Impact Assessment (EIA) process. The Department of Environmental Affairs and Tourism (DEAT) would like to know your views to help identify weak points and areas that can be improved.

Your participation in answering this questionnaire is voluntary. The information that you provide will be treated confidentially. The answers that you give cannot be identified as yours. Your answers will be put together with that of hundreds of other people who will complete the questionnaire, so please feel free to indicate what you really think.

Notes:

- The "EIA process" means the processes as described in the Environmental Impact Assessment Regulations, 2006, and includes Basic Assessment, Scoping, and Environmental Impact Assessment.
- Where questions have grey boxes, mark the appropriate box with an "X".
- Where questions have white boxes, type your answer into the MS Word version, or write it in by hand.
- Please provide additional comment or explanation in the blocks provided, where indicated.

INTRODUCTION

1. Personal information (Confidential)

Name:	Title	(optional)	First	(optional)	Last:	(optional)
Organisation:	(optional)					
Position:						
Years of experience:						
E-Mail:	(optional)					
Telephone:	(optional)					
Fax:	(optional)					
Postal address:	(optional)					

2. Please indicate the kinds of involvement you have had in EIA processes (Check all that apply)

As an:		As a member or official of a:	
Applicant or proponent	<input type="checkbox"/>	Community	<input type="checkbox"/>
Consultant that conducted all / part of an assessment	<input type="checkbox"/>	Non-governmental body (NGO)	<input type="checkbox"/>
Expert providing a professional opinion	<input type="checkbox"/>	Professional body	<input type="checkbox"/>
Official reviewing / evaluating documents	<input type="checkbox"/>	Company or corporation	<input type="checkbox"/>
Official making decisions in the process	<input type="checkbox"/>	Industry-wide body	<input type="checkbox"/>
Specialist providing input into the process	<input type="checkbox"/>	Government agency	<input type="checkbox"/>
Researcher working in this field	<input type="checkbox"/>	International organisation	<input type="checkbox"/>
News journalist covering this field	<input type="checkbox"/>	Lobbyist representing any of above	<input type="checkbox"/>
Educator or trainer working in this field	<input type="checkbox"/>		
Other Stakeholder (specify):	<input type="text"/>		

3. In how many EIAs have you been involved?

0	1	2 to 5	6 to 10	11 to 20	21 - 50	50 +
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Please indicate the geographical areas where you are familiar with EIA processes:

National	<input type="checkbox"/>	Northern Cape	<input type="checkbox"/>
Mpumalanga	<input type="checkbox"/>	Eastern Cape	<input type="checkbox"/>
KwaZulu-Natal	<input type="checkbox"/>	Limpopo	<input type="checkbox"/>
Free State	<input type="checkbox"/>	North West	<input type="checkbox"/>
Western Cape	<input type="checkbox"/>	Gauteng	<input type="checkbox"/>
All of the above	<input type="checkbox"/>		

Where a view or experience is relevant to only certain areas indicated above, please mention that in the spaces provided for explanation.

PURPOSE AND OBJECTIVES OF EIA

5(a) What do you believe should be the overall *purpose* of the Environmental Impact Assessment (EIA) process in South Africa today (for example, should it be to provide information, assist decision-makers, ensure the protection of the environment, etc...)?

5(b) To what extent does the current EIA process in South Africa serve these purposes?

Completely	Mostly	Only partially	Not at all	Do not know

5(c) Please explain why or why not?

6(a) What do you believe should be the primary, tangible *objectives* of EIA (for example, should it be to assess impacts, assess alternatives, facilitate public participation etc...)?

6(b) To what extent does the current EIA process in South Africa meet these objectives?

Completely	Mostly	Only partially	Not at all	Do not know

6(c) Please explain why or why not?

MAIN LIMITATIONS AND BENEFITS OF EIA

7. What do you believe are the main *limitations* of current EIA processes in South Africa (please list in order of importance)?

1st Most Important:

2nd Most Important:

3rd Most Important:

4th Most Important:

5th Most Important:

8. What do you believe are the main *benefits* of current EIA processes in South Africa (please list in order of importance)?

1st Most Important:

2nd Most Important:

3rd Most Important:

4th Most Important:

5th Most Important:

LISTED ACTIVITES

9(a) Would you say that the number of activities that require authorisation is:

Far Too Many	Too Many	Just Right	Too Few	Far Too Few	Do Not Know

9(b) Comments / Explanation

10. What do you believe are the activities that should be removed from the current lists of activities (2006), if any (please list in order of importance)?

1st Most Important:

2nd Most Important:

3rd Most Important:

4th Most Important:

5th Most Important:

11. What do you believe are the activities that should be added to the current lists of activities (2006), if any (please list in order of importance)?

1st Most Important:

2nd Most Important:

3rd Most Important:

4th Most Important:

5th Most Important:

12(a) Should activities on the current lists of activities (2006) be rephrased:

All	Most	Some	A Few	None	Do Not Know

12(b) Comments / Explanation

13. Do you believe that there are other ways than lists that can be used to identify activities that require EIA processes before they are considered for authorisation by competent authorities (please list in order of importance)?

1st Most Important:

2nd Most Important:

3rd Most Important:

13(a) The EIA documentation provided by applicants or environmental assessment practitioners fails to contain enough detail information about the activity to facilitate the identification of potential impacts that may result from it

Always	Most cases	Some cases	Few cases	Never	Do Not Know

13(b) Comments / Explanation

14(a) The purpose and need for a given activity is clearly investigated by the EIA process

Always	Most cases	Some cases	Few cases	Never	Do Not Know

14(b) Comments / Explanation

15(a) The establishment of the desirability of and activity in terms of its scale and type within its proposed broader locality context is important in the EIA process

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

15(b) Comments / Explanation

SCREENING AND SCOPING

16(a) Proposed activities, including their need and desirability, should go through early "screening" for compatibility with plans, standards and guidelines in the areas they are proposed, prior to the identification and assessment of impacts and alternatives

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

16(b) Comments / Explanation

17(a) The comprehensiveness of the EIA process should be determined by the scale and value of the activity

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

17(b) Comments / Explanation

18(a) The comprehensiveness of the EIA process should be determined by the sensitivity of the environment

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

18(b) Comments / Explanation

19(a) EIA processes for activities that are small in scope or in environments that are not sensitive should be limited to completing forms or questionnaires, supported by confirmations of specialists where needed

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

19(b) Comments / Explanation

20 At what stage of the EIA process (including Basic Assessment, Scoping and EIA) is specialist involvement most appropriate?

ALTERNATIVES

21(a) The identification of alternatives must be limited to feasible alternatives (alternatives that meet the purpose and need of the applicant)

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

21(b) Comments / Explanation

22(a) Alternatives should consider and be appropriate to the broader context of the site

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

22(b) Comments / Explanation

23(a) The EIA process gives adequate attention to the identification and assessment of alternatives

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

23(b) Comments / Explanation

24(a) Existing requirements to identify and assess alternatives have made real contributions to protecting South Africa's environment.

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

24(b) Comments / Explanation

25(a) The identification and assessment of alternatives should be a mandatory part of the process

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

25(b) Comments / Explanation

26(a) Alternatives should only be required in instances where significant impacts are anticipated or identified

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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26(b) Comments / Explanation

27(a) The need to identify alternatives should be left to the discretion of the competent authority

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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27(b) Comments / Explanation

28(a) The need to identify alternatives should be left to the discretion of the independent practitioner

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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28(b) Comments / Explanation

29(a) The need to identify alternatives should be left to the discretion of the applicant

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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29(b) Comments / Explanation

ASSESSMENT OF IMPACTS

30(a) Environmental assessment practitioners usually conduct inadequate assessment of the information that is supplied in specialist studies and other specialist inputs in considering potential impacts of activities

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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30(b) Comments / Explanation

31(a) "Full" specialist studies are a cumbersome and often unnecessary part of the EIA process and should be replaced by focussed specialist inputs

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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31(b) Comments / Explanation

32(a) The concept of "cumulative impact" is adequately integrated into the EIA process

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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32(b) Comments / Explanation

33(a) The concept of "cumulative impact" should be limited to the potential effect of indirect impacts of the activity on off-site environmental/service resources that can be measured

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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33(b) Comments / Explanation

34(a) Every EIA process must address cumulative impacts

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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34(b) Comments / Explanation

35(a) The consideration of cumulative impacts is important for sustainable development

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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35(b) Comments / Explanation

36(a) Cumulative impacts should be addressed at a strategic level, and not in individual EIA processes

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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36(b) Comments / Explanation

37(a) Cumulative impacts should only be considered in EIAs where the proposed activity is inconsistent with the surrounding broader context of the area in which it is proposed

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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37(b) Comments / Explanation

PUBLIC PARTICIPATION

38(a) EIA requirements for public participation are excessive

Always	Most cases	Some cases	Few cases	Never	Do Not Know
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38(b) Comments / Explanation

39(a) Statutory public participation requirements are ambiguous: they do not sufficiently define what kinds of meetings should take place or what type of communication should occur at those meetings

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know
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39(b) Comments / Explanation

40(a) Practitioners fail to record or respond to comments from the public in sufficient detail

Always	Most cases	Some cases	Few cases	Never	Do Not Know

40(b) Comments / Explanation

41(a) Environmental authorisations provide reasons for accepting or rejecting comments from the public

Always	Most cases	Some cases	Few cases	Never	Do Not Know

41(b) Comments / Explanation

42(a) Public participation rarely contributes to the quality of an EIA process

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

42(b) Comments / Explanation

NATURE OF EIA DOCUMENTS AND PROCESSES

43(a) EIA processes generally serve to motivate projects rather than assess whether or not activities should be permitted

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

43(b) Comments / Explanation

44(a) EIA processes tend to generate mitigation measures rather than assess whether or not activities should be permitted

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

44(b) Comments / Explanation

DECISION-MAKING

45(a) Officials usually do not deviate from the findings of the EIA process in their decisions

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

45(b) Comments / Explanation

46(a) Competent authorities often use the EIA process to manipulate local development decision-making

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

46(b) Comments / Explanation

47(a) Competent authorities never approve activities that have significant unmitigated or residual impacts on the environment

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

47(b) Comments / Explanation

48(a) The appeal authority (Provincial Member of the Executive Council or the Minister) often interferes in the duties of the competent authority (the official(s) to which decision-making has been delegated)

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

48(b) Comments / Explanation

49(a) Environmental authorisations contain sufficient conditions to ensure that the environmental impacts of an activity are managed appropriately

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

49(b) Comments / Explanation

50(a) Competent authorities rarely, if ever, conduct inspections to ensure that the conditions of environmental authorisations are followed

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

50(b) Comments / Explanation

51(a) Similar applications for environmental authorisations will tend to receive similar decisions

Always	Most cases	Some cases	Few cases	Never	Do Not Know

51(b) Comments / Explanation

52(a) The EIA process should be integrated more closely with other licensing or authorisation processes

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

52(b) Comments / Explanation

EIA PROCESS IN GENERAL

53(a) EIA processes have outlived their usefulness; there are other instruments that are more appropriate for the purpose

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

53(b) Comments / Explanation

54(a) EIA processes tend to focus on administrative requirements rather than ensuring sustainable development

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

54(b) Comments / Explanation

55(a) Government uses the EIA process to collect information that it needs for other functions but which is not necessary to assess environmental impact

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

55(b) Please indicate the authorities (if any) that do this, and the types of information requested.

56(a) The EIA process is flexible enough to result in an appropriate level of assessment consistent with the level of predicted impact

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

56(b) Comments / Explanation

57(a) The EIA process succeeds to inform decision-making by authorising appropriate developments and turning down inappropriate development proposals

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

57(b) Comments / Explanation

QUALIFICATIONS, EXPERIENCE AND APPROACH OF ROLE PLAYERS

58(a) Officials responsible for processing applications for environmental authorisation are not sufficiently qualified or experienced for this type of work

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

58(b) Comments / Explanation

59(a) Practitioners are not sufficiently qualified or experienced for the types of assessments they conduct

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

59(b) Comments / Explanation

60(a) Practitioners "recycle" (cut-and-paste) their work for multiple applications, thereby not applying their minds to the real impacts of individual applications

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

60(b) Comments / Explanation

61(a) Applicants / proponents interfere in the assessment process, undermine the independence of practitioners, and prevent an objective evaluation by officials

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

61(b) Comments / Explanation

EFFECTIVENESS OF EIA

62(a) Reflecting on your responses to points 3 to 42 above, please indicate your view in respect to the effectiveness of the EIA process in South Africa in meeting the goals and objectives of EIA

Highly effective	Effective	Neither	Ineffective	Very Ineffective	Do Not Know

62(b) Comments / Explanation

63. What do you believe are the main things that must be done to make EIA processes in South Africa more effective (please list in order of importance)?

1st Most Important:

2nd Most Important:

3rd Most Important:

4th Most Important:

5th Most Important:

EFFICIENCY

For the purpose of this questionnaire, efficiency means the time and cost of conducting an EIA process. Here are a number of statements about the efficiency of EIA processes. Based on your experience, please indicate whether you agree or disagree with each statement.

64(a) Most applicants can afford the costs of an EIA

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

64(b) Comments / Explanation

65(a) The EIA process ensures that external costs of activities are largely borne by applicants and not by the environment and society ("THE polluter pays" principle)

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

65(b) Comments / Explanation

66(a) The length of EIA processes results in severe time delays and has subsequent significant negative impacts on economic development

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

66(b) Comments / Explanation

67(a) There is an unnecessary hierarchy of officials involved in the review-evaluation-decision process

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

67(b) Comments / Explanation

68(a) The officials who review and evaluate EIAs do not possess the requisite skills or experience to manage the complexity of the EIA process

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

68(b) Comments / Explanation

69(a) The application processes of some of the competent authorities are too complex and onerous

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

69(b) Comments / Explanation

70(a) The EIA process prevents quick pre-reviews of activities even in cases where there is readily available information or obvious circumstances that will clearly be the main assessment criteria

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

70(b) Comments / Explanation

71(a) Applications for environmental authorisation take much longer than comparable applications, such as mining permits, water permits or planning approvals

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

71(b) Comments / Explanation

72(a) Applications for authorisation take longer than necessary because other departments require environmental authorisations to be completed before processing an application

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

72(b) Comments / Explanation

73(a) Competent authorities are very good at coordinating applications for environmental authorisation with the requirements of other regulatory departments

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

73(b) Comments / Explanation

74(a) Competent authorities have sufficient staff to deal with applications efficiently

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

74(b) Comments / Explanation

75(a) Competent authorities have insufficient experience due to high level of staff turnover

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

75(b) Comments / Explanation

76(a) It is more important to improve EIA practice than to create more manpower capacity in government

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

76(b) Comments / Explanation

77(a) The current application format contributes to efficiency by providing consistency and certainty in the requirements of competent authorities

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

77(b) Comments / Explanation

78(a) Authorities, other than the competent authority, cause major delays because they do not provide their inputs and comments within reasonable timeframes

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

78(b) Comments / Explanation

79(a) Applications for environmental authorisation take longer than necessary because officials ask for information on a piecemeal basis

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

79(b) Comments / Explanation

80(a) Applications for environmental authorisation take longer than necessary because practitioners are slow to respond to official requests for information

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

80(b) Please indicate the authorities (if any) that do this, and the types of information requested.

81(a) Applications for environmental authorisation take longer than necessary because information provided by practitioners is inadequate and has to be supplemented

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

81(b) Comments / Explanation

82(a) Other government decision-making processes undermine or conflict with the EIA process.

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

82(b) Please indicate such decision-making processes (if any) in the space provided below.

83(a) Requiring the independence of environmental practitioners ensures that EIA processes are unbiased

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

83(b) Comments / Explanation

84(a) Professional registration of environmental practitioners will greatly increase the quality of EIAs

Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Do Not Know

84(b) Comments / Explanation

GENERAL

85. Which, if any, provisions of the South African Constitution (especially the division of responsibilities amongst different spheres of government), do you think limit the effectiveness and efficiency of the EIA process?

86. Which, if any, provisions or regulations of the National Environmental Management Act, 1998 (Act No. 107 of 1998) do you think limit the effectiveness and efficiency of the EIA process?

87. Which, if any, activities on the Lists of Activities (Government Notices No. R. 386 and 387 of 21 April 2006) should be removed, and why?

88. Which, if any, activities should be added to the Lists of Activities (Government Notices No. R. 386 and 387 of 21 April 2006), and why?

89. Are there any other instruments that could potentially replace all or part of the current EIA process, while maintaining or increasing the level of environmental protection? If yes, please explain and list the instruments and provide details of the way in which such instruments should be applied.

90. Is there anything else you would like to add?

91. Have you been asked, advised or instructed by any individual or organisation to give any specific opinion on any matter in this questionnaire?

Yes

No

If yes, please provide details

THANK YOU FOR YOUR PARTICIPATION!

Please return this questionnaire:

By **E-Mail** to: admin@environomics.co.za

By **Fax** to: 086 632 5546

By **Post** to:

EIA Effectiveness and Efficiency
PO Box 400
Midstream Estate
1692

DRAFT

Appendix E: A selection of pertinent views from the responses to the general questionnaire

The full unedited General Questionnaire Comments Register is also available on request.

A “small” selection of pertinent views that relate to some of the questions that were asked in the general questionnaire are reflected below. The selection tries to portray a range of views and not necessarily the most dominant views. For those interested, the full verbatim record of views can be made available by DEAT on request. There is a wealth of information in the responses to the questionnaire that should be tapped in development of the EIM future strategy.

Pertinent views in respect of: 5a “What do you believe should be the overall purpose of the Environmental Impact Assessment (EIA) process in South Africa today (for example, should it be to provide information, assist decision-makers, ensure the protection of the environment, etc.)?” include:

- *“The Constitution of South Africa makes the environment a concurrent competency between central and provincial government. EIAs gives effect to the constitutional obligation of ensuring “...ecologically sustainable development....”*
- *It provides a legal framework that explicitly focuses on the protection of natural resources, environmental quality and social needs (including public health), by –*
 - *proactively identifying environmental consequences, and*
 - *mitigating negative and enhancing positive impacts, while giving effect to the NEMA principles.*
- *It provides for a systematic identification and assessment of reasonable alternatives to ensure the implementation of the least damaging alternative/ the best practical environmental option.*
- *It allows for open and full disclosure of all consequences of proposed actions (positive and negative) in an objective manner.*
- *It establishes a uniform and qualitative/quantitative basis for the evaluation of consequences in a consistent manner to inform decision making.*

- *It allows for public participation throughout the process and empowers community to take ownership of their living environment, while building accountability at all stakeholder levels.*
- *It is one of the only legislative tools that has a “problem solving” approach to decision making.*

Note that the objective is not to “push”, or “speed up”, or “facilitate”, or “expedite decision making”, or expedite economic growth”, but to sure that development is sustainable.”

- *“In my view the main purpose of EIA should be to proactively plan to avoid and pre-empt adverse environmental impacts that might be caused or experienced by the proposed development. Therefore, in my view it should be a bit of everything*

(i.e. provide information, assist decision making and ensure protection of the environment) EIA must facilitate any effort to enhance the environmental performance of the proposed development at the beginning of the project planning stage rather than at the later stage of the project development. It is often better to pre-empt adverse impacts at the early stage of the project implementation. It should further:

- *ensure for a living process throughout the project cycle that involve a course of dynamic actions to identify and predict the possible adverse environmental impacts from the proposed development, to develop measures to avoid, pre-empt, prevent and reduce environmental problems, and to manage and control environmental impacts to within established limits or criteria.*
- *make sensible, practical and effective recommendations, (i.e. what mitigation measures would be implemented, by whom, when, where and to what requirements) and with clear definition of the responsibility for implementing the recommended mitigation measures. The recommended measures should be easy to enforce and can prevent environmental problems from occurring, rather than relying on remedial measures after problems occur.*
- *be transparent and take into account public participation, but should be flexible to adapt to changing circumstances without compromising the environmental requirements.*

- *deliver and communicate practical environmental outcomes for the environment and the community.*

- *timeously focus on major adverse environmental consequences which could save a large amount of efforts or costs that may otherwise arise from expensive or time-consuming remedial works at a later stage.*

In my experience, EIA should also ensure for an environment in which transparent agreement among relevant parties, clear expectations of what need to be done and what the performance will be, and explicit resolution of any conflicts agreements, expectations, performance requirements and any conflict resolutions etc. are fully communicated among relevant parties in an open and frank manner to avoid misunderstanding and to enhance better management of EIA follow up works”.

- *“At the outset of this questionnaire it is important to state that the EIA is seen as a specific tool within the toolbox of Integrated Environmental Management and Sustainable Development and is specifically focussed at the project level to determine the impact of a project on the environment. Since the EIA has been the only legal requirement after 1994 to look at environmental impacts and issues, it has been abused for other purposes than what it was meant for. Due to the lack of proper integration of environmental issues at the strategic planning level in SA, the EIA has been and is often abused to address these. Strategic Environmental Assessments (SEA) for example, can assist us to determine the constraints and opportunities of environment on development at the policy, strategy and programme level, so that when a project is proposed, the EIA process can focus on the specific impacts, so as to inform decision-making.*

The general lack of baseline information about environmental thresholds, the general state of the environment and environmental no-go areas, has often resulted in the EIA process being used to collect this information, otherwise the potential impact of a project cannot be measured properly. The Environmental Management Frameworks that DEAT has provided for in NEMA and the EIA regulations, are starting to address some of these concerns, but in itself, is perhaps bias towards the biophysical aspects. Other tools under the Protected Areas and Biodiversity Acts are also emerging that could assist in this regard.

Given the above, the overall purpose of an EIA process should therefore be to effectively & efficiently ensure that the Biophysical, Social and Economic impacts of a project are assessed, so as to provide sufficient information for rational decision making by the competent authority.

Given the context of sustainable development (including National, Provincial & Local strategies and development imperatives) and the Court ruling that social, economic and environmental issues should be equally considered, decision makers need to determine whether a development is appropriate in the receiving environment, that its benefits exceed negative impacts and that there is no nett loss of endangered ecosystem services. The problem is often that government strategies and imperatives do not necessarily align, due to reasons mentioned above, thus leading to conflict at a project level. The EIA should assist the decision maker to take the decision in the best interest of society as a whole, therefore within the context of sustainable development as understood at that time”.

- *“EIAs should ensure that development takes place on a sustainable basis, ensuring that the triple bottom line (i.e. environment, social & economic) is reached in the process. EIAs should ensure that sound environmental decisions are made”.*
- *“Not all developments in South Africa require EIA’s and on the other hand many developments that are required to follow EIA processes should not have been. EIAs are regarded by developers as a burden as opposed to rather using it as an informant to the development The EIA practioner (EAP) is always the last of the consultancy team (Planning consultant, engineers, etc) to be appointed and the EAP has very little to say into the development. The EAP is given a product already practically finalised and is required to get the environmental approval of the project. The EIA process is regarded by many and is conducted in a manner by many only as a tool to provide mitigation measures for negative impacts identified i.o.w. it is not regarded to be a decision making tool but more a mitigation tool”.*

Pertinent views in respect of: 5b. “To what extent does the current EIA process in South Africa serve these purposes?” include:

- *“In all my experiences, the EIAs were conducted as window dressing and stakeholder views were largely ignored. The applicant got what they wanted,*

despite strenuous objections, based on the implementation of current environmental laws and regulations. The EIAs actually served to provide a legitimising platform for applicants to circumvent the prevailing municipal and provincial authorities and regulations”.

- *“Developers have a powerful sway with the approving authorities. They have long pockets able to withstand any argument. The little man has no protection from authorities. Government, provincial and municipal policies are ignored either because they are not understood or for some other reason. There is some times a confusion of objectives between legislating authorities”.*
- *“There is no system in place that quantitatively weights the environmental or social advantages/disadvantages of proposed activities”.*
- *“Not all developments in South Africa require EIA’s and on the other hand many developments that are required to follow EIA processes should not have been. EIAs are regarded by developers as a burden as opposed to rather using it as an informant to the development The EIA practitioner (EAP) is always the last of the consultancy team (Planning consultant, engineers, etc) to be appointed and the EAP has very little to say into the development. The EAP is given a product already practically finalised and is required to get the environmental approval of the project. The EIA process is regarded by many and is conducted in a manner by many only as a tool to provide mitigation measures for negative impacts identified i.o.w. it is not regarded to be a decision making tool but more a mitigation tool”.*
- *“The EIA process certainly provides the framework that makes provision for all of the above objectives. However, implementation of the EIA process does not always serve the objectives. However, the latter part of the comment must also be clarified, because it is not all doom and gloom. We tend to be negative about the EIA system in SA because we measure it against the 100% goal. The fact of the matter however is that although not perfect, EIA is still the best available tool (compared to any of the other legislative tools)”.*
- *“Firstly, the EIA process is administered by ...[deleted name of department]... for the rich – the plight of the poor is not adequately represented/considered. Developments are largely out of the price ranges of ‘general’ South Africans and become elitist developments often catering for the overseas market. There is no equity in the developments that I’ve seen with... [deleted name of department]... over the past 4 years. I can honestly say that I’ve only*

processed 2 applications (of the many) where the applicants were people of colour. The principles of BEE are not considered important. As a result, space is running out and resources are dwindling – by the time people of colour are able to apply for developments, it will just be too late. The wealthy and previously advantaged would have already developed where it was possible to develop. In addition, the more money a developer has, the more influence he has on politicians and people of influence, the more likely his development is approved”.

- *“Too much time is spent on nonsensical small EIAs”.*
- *“Often the legal & administrative processes and controlling the EIA, become the focus & consume significant resources of the developer & consultants, as opposed to the focus being on the substantive research and findings that come out of the study process, where generally more value can be added. (for example an EIA too often becomes bogged down in legal and administrative complications, and can too easily be manipulated by sometimes extreme or irrational I&AP’s. It is often the case that the EIA process (especially appeals, are used by I&APs to address other issues/gripes that they might have with the developer or related bodies. They are then abusing their rights to appeal to serve a different purpose, at the expense of the project)”.*
- *“Many environmental consultants are biased towards their clients. EIA procedures are often not followed properly by consultants and their clients, and this is not always rectified. Corruption is a real problem – between consultants and proponents, as well as officials and proponents (have real experience of this, but am not sure how widespread the problem is). The authorizing bodies often lack capacity (they especially lack of experienced staff). Recommendations by staff on EIAs are sometimes ignored at management level, where decisions may be taken for other than technical reasons. Officials are sometimes not experienced enough to stand up to specialist scientists during site visits. Decisions appear to be taken for political reasons... [example deleted]..., and many people are suspicious about the processes. This is especially problematic in the Eastern Cape and KZN. I myself have experienced threats and abuse by proponents standing much to loose. Powerful companies can bring pressure to bear on officials and pull political strings to influence decision-making (in one case where we obtained a refusal of environmental authorization, the matter was taken out of the*

hands of the officials, objections against the development was withdrawn at high level, and the authorization granted). Such incidents tend to make NGOs and the public sceptic about the EIA process, and demoralize officials. The most serious concern is about DME retaining the right to decide on the authorization of mining projects (a department responsible for promoting mining can not objectively decide on environmental authorizations). In general EIAs are still fulfilling its function and we would be much worse off without it. A big problem remains that consultants are paid by the developers, and therefore have influence over them. The system for environmental auditing which removes this direct dependence on the developer should be applied to EIAs as well. There are also too many fly-by night consultants doing sub-standard work”.

Pertinent views in respect of: 6. “What do you believe should be the primary, tangible objectives of EIA (for example, should it be to assess impacts, assess alternatives, facilitate public participation etc...)?” include:

- *“Decisions that will ensure sustainable living i.e. decisions that don’t misuse resources, that don’t repeat mistakes of the past, that result in improved communities with access to facilities, that treat the environment and especially natural resources with respect and that will result in a physical change in the way we live and develop our world. Ever improving our ways and striving to live in harmony with the natural environment”.*
- *“To provide methods and practices of environmentally sound construction. To identify sensitive areas and to ensure that the development does not impact on this area”.*
- *“To comply with NEMA, by facilitate public participation assessing of impacts and alternative, it’s a good procedure”.*
- *“Mitigate negative impacts and optimize positive impacts”.*
- *“To assess cumulative impacts, to ensure that water, electricity, roads, infrastructure in general can properly cope with the development, and ensure that areas of properly functioning representative examples of all our biodiversity remains intact for future generations”.*
- *“The consideration of alternatives (the best practical environmental option) should be the primary objective of EIA. EIA as an IEM tool, however, share the general objective of IEM, in that EIA should: (a) promote the integration of the principles of environmental management set out in section 2 into the*

making of all decisions which may have a significant effect on the environment,(b)identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities. with a view to minimising negative impacts, maximising benefits and promoting compliance with the principles of environmental management set out in section 2(c)ensure that the effects of activities on the environment receive adequate consideration before actions are taken in connection with them d)ensure adequate and appropriate opportunity to public participation in decision that may affect the environment:(e)ensure the consideration of environmental attributes in management and decision making which may have a significant effect on the environment(f) ensure that a particular activity is pursued in accordance with the principles of environmental management set out in section 2 of NEMA”.

- *“Should:*
 - *Supply adequate information objectively.*
 - *Identification and assessment of alternatives*
 - *Analysis of information to clarify impacts (provide answers) (proper scoping of issues and thereafter, assessment of impacts)*
 - *Mitigate negative impacts and enhance positive impacts*
 - *Ensure public involvement*
 - *Transparent decision making”.*
- *“The ultimate objective of the EIA should be to assess social, biophysical and economic impacts of a project so as to promote sustainable development and in the process, allow for reasonable public participation”.*
- *“Should:*
 - *Provide information for authorization decision making*
 - *Promote environmentally sound and sustainable developments (i.e. minimize negative impacts and maximize benefits).*
 - *Protect human health and safety*
 - *Ensure resources are use optimally and efficiently*
 - *Enhance the social aspects of the project/development*

- *Enable multi stakeholders to partake in decision making".*

Pertinent views in respect of: 6.b. "To what extent does the current EIA process in South Africa meet these objectives?" include:

- *The very broad basket of activities needing an EIA assessment has in recent times lead to a plethora of EIA applications and there is now a real danger that both the public and officials are becoming stale, disinterested and/or are losing interest with "Yet another EIA application to consider, attend meetings and make comments on!". This could ultimately lead to important issues be missed in what is a really significant environment impacting activity!"*
- *"For the South Africa to have a good environmental progress we need skill, professionals and good relationship concerning environmental issues among the Environmental managers".*
- *"Impact assessments are often biased, not sound and scientific, mostly assume that all mitigation measures will be implemented when more often then not it is not feasible to do so, and therefore impacts ranked as low with mitigation turn out to be higher than expected because mitigation is not implemented. Therefore impacts are underestimated, and these EIAs are not protecting the environment nor ensuring sustainable development. Public participation is usually inadequate, only some concerns and issues raised (usually the easiest or cheapest) are addressed".*
- *"Ag please! Just see what is happening in the E Cape, the development of the PWV9/PWV5 the K56 roads, ESKOM pylons in Kyalami, new shopping malls in Crowthorne – even the way in which public opinion is trampled in the case of the dissolution of the Scorpions – the public is treated with the utmost contempt by politicians and officials".*
- *"Points:*
 - *Developers have deep pockets and good political connections which ensure that contentious applications sail through the 'system' with little or no resistance. Developers continue to dictate the way our cities are formed instead of policy dictating the way development should occur. This is both an environmental and infrastructure disaster*
 - *Environmental interventions and remediations are usually short-sighted and are seldom enforced over long periods.*
 - *Constitutional rights are not upheld*

- *EIA documents and specialist reports are seldom user friendly to the general public, making it difficult for meaningful public participation*
- *Public participation is currently viewed as a hinderance to the developer and in many instances valid comments and input by the public are brushed aside as inconsequential.*
- *Policy, bylaw and law enforcement (including inspections) is almost non-existent across all levels of the EIA process*
- *Government officials are not easily contacted. They seldom return calls or emails and are not trained/able to deal with the general public. Information is very difficult to obtain, making it even more difficult for meaningful public participation*
- *Suggested alternatives are often used as threats to scare the public and are seldom intelligent, considered alternatives. Many suggested alternatives are outdated by today's standards and requirements".*
- *"...we must guard against over pessimism:*
 - *Poor quality of information in the EIA process and the poor analysis thereof*
 - *Low objectivity of all stakeholders*
 - *Inappropriate influences on information and findings*
 - *Capacity (knowledge) of EAPs and officials*
 - *Rigidity of the EIA process".*
- *"EIA for the most part seem to only be concerned with ensuring that the negative impacts associated with the development under consideration are reduced to "acceptable" levels, as appose the having to ensure that specific sustainability objectives of an area are achieved. One of the main reasons being the reactive ad hoc project-level nature of EIA, the inadequate consideration of alternatives in EIAs and the inadequate linkages with /consideration of the planning for the area under consideration and not being objectives-led".*
- *"EIA should not be the only IEM tools applied to assess the environmental impacts, SEA, EMFs should come first then EIA. Spatial Development Framework should be developed in such a way that it also identifies sensitive and not sensitive environments".*

- *“Highly fragmented environmental legislations administered, implemented and enforced by various ministries. Inadequate number of experienced persons within the regulatory system dealing with EIAs. Co-operative governance principles as enshrined in the constitution for issuance of environmental authorizations are not fully adhered to. The decision making process is highly influenced by the political agenda of senior government officials with no or less focus on environmental and social issues. The major drive for approvals or disapprovals of major projects (projects with economic values) rely heavily on political pressures to achieve certain targets, the political agenda and less focus will be given to social and environmental aspects”.*
- *“The onus vest and rest with the EAP to continuously “prove” certain arguments. The assessing authority (in most situations where I have worked in) normally blames “under capacity” or “staff shortage” for non-performance. Certain processes have, by law, a deadline or target date. The EAP's have to meet with these but it appears that, from authority side, these timeframes do not count.”*
- *“...often EIA’s facilitate a resurgence of historical disputes between developer and I&AP’s. Even if based on valid grounds, the EIA process should limit Public Participation to the project in question. Developers and IAP’s need to be encouraged to resolve disputes outside of the EIA process”.*
- *“Other planning focused mechanisms & tools are better suited to looking at alternatives at a high level. Unless there is strong evidence of a high impact, assessment of alternatives should not be compulsory. If the developer has only one feasible alternative than that should be the focus of the study. The creation of “sacrificial alternatives” in order to satisfy regulative requirements does not add value to the EIA process”.*
- *“EIA’s tend to focus too much on minimising negative impacts, in stead of weighing up the social, economic and environmental issues”.*

Pertinent views in respect of: 7. “What do you believe are the main limitations of current EIA processes in South Africa (please list in order of importance)?” include:

- *“Lack of competence & capacity in the EIA sector as a whole (Regulators, Authorities, Consultants & Specialists active in the field) resulting in poor quality products and processes”.*
- *“Lack of experienced staff to properly evaluate EIAs”.*

- *“Political influence in decisions”.*
- *“The lack of enforcement behind the process”.*
- *“Lack of communication between competent authorities and I&APs”.*
- *“Lack of precise and in-depth information”.*
- *“Expensive – and caters to rich members of society while largely overlooking the plight of the poor”.*
- *“Insufficient number of government staff to review and evaluate EIAs resulting in delays. Not enough experienced staff in government dealing with EIAs”.*
- *“EIAs are only undertaken at the last minute once the proposed development is at an advanced stage of planning and is ‘ready to roll’, instead of being run alongside the conceptualising stages”.*
- *“No provision for exemption from the entire process”.*
- *“Too many insignificant activities are captured by listing notices”.*
- *“Timelines for approval of strategic projects can be too long and the open appeal process is very problematic. The fact that there is no difference between large projects in brown field sites versus projects in green field sites, do not make sense”.*
- *“Fragmented responsibility for certain aspects of the EIA amongst government departments causes confusion and competition for “political turf” (National, Provincial & Local government departments) i.e. the notion of cooperative governance is not effective in dealing effectively with substantive issues. The developer often gets caught in the middle”.*
- *“Misalignment between government policies and legislation problematic”.*

Pertinent views in respect of: 8. “What do you believe are the main benefits of current EIA processes in South Africa (please list in order of importance)?” include:

- *“Protection of poor communities”.*
- *“EIAs highlight the importance and sensitivity of areas that were not previously well known. If these developments are refused these areas may be protected”.*

- *“Improved design and location of a project / ensure sustainable development”.*
- *“The public participation, where done correctly”.*
- *“Gathering of information in areas previously disregarded”.*
- *“Allow for informed and improved decision making at project level”.*
- *“Environmental protection (bio-physical and socio-economic environments)”.*
- *“Gives a holistic plan for development.”*
- *“The public participation regulations at least forces projects to be made public”*
- *“Informed decision making about environmental management.”*
- *“Provision for a basic assessment and the full EIA process.”*
- *“Timeframes guarantees the efficiency of the process both by the decision-makers and the applicants/ EAPs.”*
- *“Still the best legislative tool to systematically and objectively assess environmental consequences of actions”.*
- *“Improve sustainability of development proposal”.*
- *“Increase environmental awareness (public, developers, politicians)”.*
- *“Contribute to building accountability of actions and decisions at all levels”.*
- *“Grossly inappropriate developments are curbed or tailored to more acceptable”.*
- *“Brings conservation to the forethoughts of people in positions of influence”.*
- *“If correctly applied, a good process with muscle under legislation’.*
- *“The fact that it requires that the impact of activities is assessed to ensure sustainable development, and hence large projects are starting to address that and in the process more environmentally friendly technology and design comes to the fore”.*
- *“Ensures that minimum environmental standards are adhered to”.*
- *“The EIA process does force developers to consider the impacts of their developments on the environment and results in legal conditions that they are obliged to adhere to”.*

Pertinent views in respect of: 14. "The purpose & need for a given activity is clearly investigated by the EIA process" include:

- *"EIAs are mostly undertaken for projects that have already been defined".*
- *"This is heavily prejudiced by the fact that the environmental consultant is employed by the applicant/developer. They cannot guarantee to be operating independently".*
- *"This is one of the weakest elements of the EIA process. The need and desirability of developments are often overlooked in the "greater scheme of things". It's easy to motivate the need and desirability of even the most unsustainable developments. Unfortunately, it is often not comparatively investigated to the need and desirability of other potential activities".*
- *"The question of the need and desirability needs to be taken seriously as the authorities often do not request specialist input in these aspects".*
- *"No – in most cases it is poorly understood and end up being motivational statements based on information supplied by applicants and planning consultants (even cut and past jobs)".*
- *"The consideration of "need and desirability" in EIA decision-making...requires the consideration of the strategic context of the development proposal along with the broader societal needs and the public interest. The government decision-makers, together with the environmental assessment practitioners and planners, are therefore accountable to the public and must serve their social, economic and ecological needs equitably. This requires a long-term approach to decision-making in order to ensure that limits are not exceeded and that the proposed actions of individuals are measured against the long-term public interest. Sustainable development therefore calls for the simultaneous achievement of the triple bottom-line."*
- *"The object of the EIA should be to assess the impact of the activity on the environment and not to assess its purpose and need. Only Government and local authorities spend money purely to satisfy a need. Commercial developers undertake an activity to make an acceptable return on the investment. If they are prepared to invest it helps to boost the economy, provide jobs etc".*

- *“When making an assessment of the potential for adverse human health effects to arise from the operation of an installation it is important to consider the source-pathway-receptor model for exposure. Using this model, definite risk to a population can be identified if all three factors are present. If any of the factors are removed or nullified through various means (e.g. if the sources of contamination is negligible or low, and/or the applicants abatement techniques have removed the pathway, or environmental pathways do not exist, or there are no local human receptors for some distance) then the risk for adverse health effects can be deemed to be low. However, in the absence of a legal obligation for a Health Impact Assessment to respond to the regulator, or any official guidelines regarding the nature / content of the response, the purpose and need for a given activity is not clearly investigated by the EIA process”.*
- *“The need for this requirement is not clear. Should be scrapped”.*
- *“The purpose and need of an activity should consider the benefit of a development more broadly than only the benefit to the developer, if the decision is to be taken within the context of broader sustainability”.*

Pertinent views in respect of: 15. “The establishment of the desirability of an activity in terms of its scale & type within its proposed broader locality context is important in the EIA process” include:

- *The capacity of the receiving environment to assimilate the negative impacts as well as the sensitivity of the receiving environment must be taken into account.*
- *This in my view is a very important part in informing the decision. Certain environmental Departments have checklist to aid them in deciding on this aspect (i.e. filling station guidelines-no station supported within 3km of another one, no n=mast to be erected within 600m of another mast-Gaucons)Where such guidelines do not exist, feasibility studies should be requested to assess this aspect.*
- *The type and location of the activity will often guide the authorities towards the type of conditions that need to go into authorizations and licenses.*
- *The proponent should be able to prove that the activity is desirable.*
- *The project must not only be useful to the proponent, it must benefit the people in the surrounding areas as well.*

- *One should not allow activities to take place that are not necessary or that have no potential of significantly enhancing the natural, social or economic environment.*
- *Essential that all activities be placed within a wider strategic context.*
- *Fundamental to addressing alternatives and cumulative impacts*
- *That is one of the pillars of sustainable development*
- *This is important since Strategic planning is a necessary component of ensuring that undesirable change does not occur & that the cumulative impacts associated with developments are assessed in EIA Processes.*
- *I agree with this statement, but EIAs does not assess activities at this broader locality context, which again highlight the shortcomings of EIAs as a strategic tool, in the absence of SEAs or EMFs.*
- *If this means that an SEA (although not of the type so fondly espoused by the CSIR) then yes I agree.*
- *Once the Study has been done and found feasible, the EMP further provides for strict control on such development. Desirability is subjective. If there is no market for a certain development in an area, there will be no developer wishing to spend so much money just for the sake of development.*
- *The desirability of an activity should also be guided by regional and local planning initiatives. . The application of spatial development tools should not be confused with the role of an EIA*

Pertinent views in respect of: 16. "Proposed activities, including their need & desirability should go through early "screening" for compatibility with plans, standards & guidelines in the areas they are proposed, prior to the identification & assessment of impacts & alternatives" include:

- *"Strategic Environmental Assessments (SEA) must be made compulsory (legal) to save time and money in the EIA process".*
- *"The EIA process should not be allowed to become a duplication of the planning process, which it is currently tending to become. This only leads to confusion with the public who often use the EIA process to raise planning issues when there are existing appropriate venues to raise such issues! Alternatively it may be more appropriate to run parallel process with similar timelines for comment so that all issues may be simultaneously addressed".*

- *“This in my view adds value to the EIA process and adds another phase to the assessment process (on a macro level) on what the location or type of a proposed activity should be”.*
- *“If these issues are not addressed at the start, it is very difficult to bring it into play during the EIA phase or even deny authorisation based on issues not addressed early on in the process”.*
- *“Such early screening can eliminate much unnecessary work, where it is found at a later stage that activities do not comply with plans, standards and guidelines, and it can also steer studies in a better direction”.*
- *“If the ‘screening process’ lengthens the timeline for a project then it is not feasible. However if the screening process decides the detail within which the rest of the application must follow then this will save time”.*
- *“This would save the applicant time and costs to formally evaluate the feasibility of the activity and the propose alternatives if necessary”.*
- *“Sometimes it is unnecessary to even enter an EIA process – the decision is obvious right from the outset”.*
- *“This step is often overlooked as the many EIA’s for developments that are clearly unsustainable and out of line with various plans, standards and guidelines still get done. This is often a waste of resources for both stakeholders and decision-makers”.*
- *“This is fundamental to identification and addressing of alternatives. Again, persisting with inappropriate project proposals within the EIA process without highlighting it as a problem (and reflecting this in the assessment of impacts), is one of the major problems in the EIA process”.*
- *“This will avoid unnecessary costly EIA’s to be undertaken where it is clearly shown upfront that the development is inappropriate”.*
- *“This will ultimately save time and money. There will be no waste of resources on assessing something that is not compatible with the plans and surrounding land use”.*
- *“It is a problem when the activity was never considered in the plans/guidelines. The timelines associated with the development and adoption of spatial development frameworks, land use schemes etc, can be problematic in some cases. A specific project might be required today in a specific place, but the broader plans for that area have not been updated.*

Screening should take place during the early phases of the project life cycle (planning and pre-feasibility)".

Pertinent views in respect of: 19. "EIA processes for activities that are small in scope or in environments that are not sensitive should be limited to completing forms or questionnaire supported by confirmation of specialists where needed" include:

- *"To expend the same amount of attention on (say) an upgrading of an existing road in a "trashed" pre-urban area as on (say) a new road going through a pristine wetland or forest is clearly a waste of scarce human and financial resources!"*
- *"Should always be supported by specialists because not all sensitive environments are known yet. Should rather be at the level of a Basic Assessment Report".*
- *"The scope extent and non-sensitive areas should in the identification thereof be based on scientific information and Provincial conservation targets".*
- *"All applications must be treated fairly according to set criteria in policy documents. If you provide for different scenarios, based on economic value and scale, you open the system to abuse at all levels! The scale of the activity is not necessarily the most important criteria when considering the environmental impact".*
- *"Every activity that could potentially affects the natural environment should be subjected to a comprehensive and detailed EIA".*
- *"Agree, but then only if the cut-off points of scale and the sensitivity of the environments are very clearly determined".*
- *"Who decides whether it is sensitive or not? A unique plant can occur within a city".*
- *"Provided strong evidence is provided for the claim that the area is not environmentally sensitive and the applicant confirms that the development will adhere to environmentally sound construction practices".*
- *"All EIA's should be in as much detail as possible. There are hidden impacts that will be overlooked if the process is rushed".*
- *"Provided that cumulative impacts have not been identified as a concern".*

- *“The strategic contexts in terms of developments need to be determined by provinces and local authorities. Should rather read: “EIA processes for activities that are small in scope AND in environments that are not sensitive should be limited to completing”.*
- *“A short report should rather be submitted. Checklists often don’t tell a story”.*
- *“I’m not sure if forms are the only tools that can be used in this case, but it could be useful”.*
- *“I agree, but there should be sufficient and substantive evidence (e.g. reference to previous research or similar studies conducted), which can support these statements and it should not merely be thumb suck opinions”.*
- *“The nature of the activity may not allow. This could only be possible with activities whose environmental impacts are negligible or known on less sensitive environment. An EMP supported by specialist confirmation may suffice”.*
- *“It may be a good practice to involve an accredited EAP to do a baseline study at relative low cost. The EAP has the knowledge base to identify certain issues that the developer or applicant will merely “disregard” or does not have the knowledge to identify such issues. The EAP may then assist the applicant with completion of such documents. It is a fact and was already experienced that some applicants will enter into an argument whether phenomena e.g. traditional graves are present or not. Based on an experience-base the EAP has that kind of knowledge for the region operating in, knowing what to look for and what not”.*
- *“... the purpose and objective of the regulations should be considered here. Can an informed decision be taken on the basis of the information at hand? Not appropriate...”.*
- *“More or less on the right track”.*

Pertinent views in respect of: 21. “The identification of alternatives must be limited to feasible (alternatives that meet the purpose and need of the applicant)” include:

- *“The purpose and need of the applicant may just be financial/economic, which then would not consider the “No-Go- alternative”.*
- *“If there are no other logical alternatives, inventing obviously non-feasible alternatives achieves nothing and is a waste of time and effort for all*

concerned, e.g. mining a mineral found only in a limited area as compared to alternative road routes through a sensitive forested area and/or where there may be different social (noise and visual) impacts”.

- “There are alternatives to be considered which meet the needs of communities but maybe not the applicant”.
- “The alternative of “do nothing” is almost always best for the environment, but is never best for the developer. He would not see this as a “feasible” alternative, but of course it is. The environment should always be considered as the top priority (and thereby the other 42 million of us in the country), and the developer’s needs should NEVER be considered. I mean this is just obvious”.
- “No – the identification of alternatives must also be based on societal needs. This is why so many EIA’s does not add value, because the project proposal is inappropriate and alternatives do not address the strategic context of the project. In other words, an applicant must explain why his/her alternatives are inconsistent with societal needs. This is integrally linked to the need and desirability of a proposal”.
- “Why 3 alternatives if, for instance, there is but one alternative available e.g. one owner, one property, one idea, one locality. This aspect is one of the major most debatable ones. The NIMBY (Not In My Back Yard) argument is quite regularly quoted. There is no objection to the proposed development but “please, not close to or near me”. EAP’s generally refers to the BANANA acronym for these objectors – Build Absolutely Nothing Anywhere Near Anything. This is particularly relevant to developments in CBD’s e.g. filling stations. There is but one spot owned by the applicant who wishes to do the development there and not elsewhere where he does not own property”.
- “See earlier comment re concerns about alternatives and the fact that it is sometimes just used to slow down processes, create more work for specialists, whom has to respond to questions posed by the I&APs. The main concern here is that I&APs can table an alternative which then has to be investigated by the developer, irrespective of whether it is feasible for them or not. This can result in undue delays. Competent authorities become quite sticky on the issue of alternatives. If environmental issues are addressed at the strategic planning level of government, then many of the issues surrounding alternatives at the project level, would have been dealt with.

Robust and well documented planning on the part of the developer should ensure that only feasible alternatives are assessed in an EIA process.

Alternatives for a Greenfield development are normally considered during a feasibility study. In the case of an expansion there is generally no room for an alternative”.

Pertinent views in respect of: 22. “Alternatives should consider and be appropriate to the broader context of the site” include:

- *“Development impacts can be far reaching and are not limited to the site and its immediate surrounds”.*
- *“EIA is a decision-making tool that must balance the need of the individual developer with that of broader society in pursuit of the best practical environmental option. Broader need and desirability considerations in terms of the local community’s needs and desires must be considered as well as the specific sustainability objectives to be achieved in the area”.*
- *“Yes, and although applicants cannot be forced to evaluate alternatives they are not interested in assessment of alternatives must clearly consider the inappropriate nature of the application (and highlight this fact as part of the EIA process). This problem is also linked to the Need and Desirability of development proposals (i.e. the proper use of the need and desirability criteria will highlight the problem of inappropriate proposals and must be more prominently used in the evaluation of applications)”.*
- *“Depending the scale and extend of the impact, small activities not really so but with large impact project it should be looked at wider. Should be reasonable and feasible”.*
- *“In general a developer is looking to undertake an activity that is in line with business objectives etc. If this activity or type of activity is not appropriate to the site then a mechanism has to exist to prevent the EIA process going forward. A developer cannot be expected to consider alternatives that have no relevance to his/her business. Although it is understood that the activity should be desirable within the broader context, the investigation of alternatives have become a major issue of contention in many EIA’s.
The reality is that the EIA is being used as a catch all tool, which is expected to deal with issues better dealt with by other instruments”.*

Pertinent views in respect of: 26. "Alternatives should only be required in instances where significant impacts are anticipated or identified" include:

- *"Alternatives should be considered where any negative impact is identified, irrespective of the scale of the impact".*
- *"Forcing developers to pay more attention to possible alternatives instead of writing them off straight away will encourage developments that not only meet the authorities' specifications but go beyond that. For example using alternative power sources etc".*
- *"Agreed that if adequate planning (informed by SEA's and EMF's) are done and the development inline with the planning then maybe site and activity alternatives maybe need not be considered. As already mentioned the consideration of alternatives is the "heart" of EIA must always be considered. Also about positive impact enhancement and the consideration of opportunity costs. Not about mitigation of negative impacts to "acceptable" levels only".*
- *"In principle I agree but rather link to insignificance, not the lack of significance. In other words, it leave more room for misuse when a motivation has to be given for an impact not being significant than for an impact to be insignificant".*
- *"Alternatives should not be impact driven, since there is a need to give effect to principle of sustainability and this means improving and balancing development with environmental, socio-economic, heritage and cultural historic conditions and needs of the day/people. Some developments may not have a significant impact on the environment, but it could fail to address other sectors (socio-economic, cultural historic etc.) of the environment, which also requires growth and development, thus to create jobs, transfer skills or promote tourism".*
- *If significant impacts are identified, the developer should be given the opportunity to propose alternatives. Failing to do so would naturally increase the risk of not receiving a positive authorisation.*
- *"This depends on a number of factors, let's take an example of a fuel pipeline from Cape Town to Gauteng. This is the safest and quickest way to get large volumes of fuel transported. Alternative means are a ship to Durban or Richards Bay or Maputo and then a pipeline to Gauteng or Road or Rail transport. Road and Rail transport means more road and rail trucks and increased fuel costs. The feasibility study would have evaluated these alternatives why redo in an EIA?".*

Pertinent views in respect of: 33. "The concept of "cumulative impact" should be limited to the potential effect of indirect impacts of the activity on off-site environmental/service resources that can be measured" include:

- *"Often it may be that the cumulative impact cannot be measured however there is an obvious eventual cumulative impact. The EAP should give a considered opinion, which may in turn then be considered by the competent authority that may then refer it back to the EAP for further consideration if necessary".*
- *"Should also include a measure of the cumulative impact of adding more developments to sensitive areas that are already surrounded/reduced by previous developments i.e. fragmenting, isolating and reducing the particular area to a non-functional unit".*
- *"Disagree. Direct impacts on the fragmentation of a forest habitat for example may be more serious when those forests are already fragmented by coastal development. The more development happened around the site, the more serious could the impact be on remaining habitat".*
- *"Cumulative impacts can be defined as: Additive the simple sum of all the impacts (e.g. the accumulation of ground water pollution from various developments over time leading to a decrease in the economic potential of the resource. Synergistic effects occur where impacts interact with each other to produce a total effect greater than the sum of individual effects. These effects often happen as habitats or resources approach capacity (e.g. the accumulation of water, air and land degradation over time leading to a decrease in the economic potential of an area)Time crowding effects occur when frequent, repetitive impacts occur on a particular resource at the same time (e.g. boreholes decreasing the value of water resources)Space crowding effects occur where we have a high spatial density of impacts on a particular ecosystem (e.g. rapid informal settlement). Externalization of disadvantages occurs when there is no or insufficient consideration given to the associated social costs that will be borne by the public".*
- *"Cumulative impacts cannot be measured unless a measurable baseline can be determined".*
- *"Cumulative impacts are an integral part of determining the sustainability of a development. The environment cannot be broken down into 'bite size chunks'. The whole IS greater than the sum of the parts!".*

Pertinent views in respect of: 36. "Cumulative impacts should be addressed at a strategic level and not in individual EIA processes" include:

- *"While this may be the ideal situation, there may not be an overall strategic environmental assessment (SEA) available or alternatively the matter may not have originally been considered in the SEA. In any event it is likely that individual cases will still need to be individually considered for cumulative impacts".*
- *"It should be addressed at strategic level, but also taken account in individual EIA processes. Often EIA's are done in areas where no overall strategic process has been done, or where the strategic process could have been inadequate".*
- *"NO! As already said, every EIA should ask the question, but the strategic context should be clear so as to provide the framework for understanding, answering and evaluating the cumulative impact question".*
- *"This is important in order to understand the development context. However, this may be an impossible task to adequately assess cumulative impacts at the strategic level only. Further detail must be gathered in individual EIA processes based on the nature and scale of proposed developments. Norms and standards would also provide invaluable information here".*
- *"Should be done by both levels (i.e. inform each other)".*

Pertinent views in respect of: 37. "Cumulative impacts should only be considered in EIAs where the proposed activity is inconsistent with the surrounding broader context of the area in which it is proposed" include:

- *"While an activity may be consistent with surrounding broader context of an area, a threshold may be exceeded or the scale of the activity may be such that it may lead to unsustainable development."*
- *"Should always be considered".*
- *"This might depend on whose definition of "surrounding broader context" is used. If surrounding habitats have been developed, this may make the remaining one all the more important".*
- *"No, not all cumulative questions and linked to development proposals that as inconsistent with the strategic contexts (e.g. intensive water use activities could still be consistent with the strategic context but are unsustainable and will have significant cumulative impact problems".*

- *“Resource availability is always applicable and cumulative impact on resources is always an issue even when developments are consistent with the broader planning context”.*
- *“An activity may well be consistent with the surrounding broader context but could still have a cumulative impact. It depends on the cumulative impact that you are assessing – there are various cumulative impacts that could arise. For eg. impact on a river-downstream users affected or traffic impacts etc. the activity is fine in the broader context as it is compatible but may well have direct or indirect cumulative impacts if more of the same activity is allowed etc”.*
- *“Also within the context BUT such an extremity and inconsistency should have been identified by the EAP in the real starting phases of the study and the applicant must be aware of the possibility of the application not being fit for the area and that decline may be a possibility. If the applicant then persists in the application, these cumulative impacts can be used for authorisation or decline”.*

Pertinent views in respect of: 52. “The EIA process should be integrated more closely with other licensing or authorisation processes” include:

- *“These various processes, in particular planning, should as far as possible run in parallel with the environmental assessment. The danger exists that when the one is approved before the other (normally the environment authority should be given first), the other process tends to be automatically approved, which should not be the case. Consequently, there is a need for prior consultation to take place between the competent authority and the other process approval authorities to ensure there is a relative degree of consensus before the final decision is taken, although cases may arise where they both take totally divergent views”.*
- *“All these processes should run parallel to ensure that no condition for example set by DWAF goes against a condition set by for example GDACE. In addition, this can also add value to the environmental authorisation and subsequent conditions”.*
- *“Policy and law must be consistent across all spheres of government and law enforcement. It must be clear and unambiguous. Where it is not consistent or clear, it creates opportunity for applicants/developers to exploit ‘loopholes’.*

The Urban Development Boundary and Urban Edge is only one example of intergovernmental policy confusion. Many others exist”.

- *“Yes – it is difficult not to answer “yes” based on the criticism of time delays etc. However, I want to highlight the following. Due to the fragmented legislative landscape in SA, it will be very difficult to integrate, and there is an inherent risk of the EIA process being watered down in an effort to integrate (i.e. compromising the quality of the EIA process but not the other legislative process)(a bit what is happening now in the NEMA Amendment Bill with the proposal of introducing integrated authorisations. Unfortunately most people that say yes blames the EIA process for delays (in decision making and development) They forget however that the EIA process is the only decision making process that incorporates other information requirements of other statues (and in most cases rightly so based on the environmental mandate),resulting in any complicating factors in other processes or in those authorities (such as capacity constraints staff turnover, expertise, etc.) delaying the EIA process and guess who or what is blamed!!!-the EIA process or anyone linked to it!!! The best we can achieve in the current fragmented situation is a 1 stop process (as oppose to a 1 stop shop A prerequisite however, is adequate capacity and expertise in all authorities, and commitment to a 1 stop process approach”.*
- *“Often the same type of information is required from different authorisation processes. If these requirements could be made known up front then EAP’s could strive to satisfy all these questions together at one time in the process. This would save time and allow for authorities to take informed decisions”.*
- *“EIA’s have long been blamed to delaying projects etc. By aligning permitting process, time delays, costs etc are reduced. Public participation processes should be combined as opposed to holding separate PPP’s as this reduces time delays, costs and is also less confusing to the public who has to comment on the same development proposal several times into the different legislative requirements. It will also result in better informed decisions as authorities will cooperate more closely and inform each others decisions”.*
- *“Such as with*
 - *Town planning applications*
 - *Building permits*
 - *Applications to dump dredge material*

The requirement to obtain multiple authorisations from different agencies for the same activity results is often an inefficient duplication of effort and can result in onerous cost and schedule implications for developers. This also results in an overburdening of the various agencies and results in less effective decisions or inputs”.

Pertinent views in respect of: 53. “EIA processes have outlived their usefulness: there are other instruments that are more appropriate for the purpose” include:

- *“Some people advocate that IDPs and SDFs are alternative tools to the EIA process. BUT there is no guarantee that these tools, in the process of being formulated, have adequately assessed the potential environmental impacts of the suggested development types. They are also usually at a broader scale and in less detail than EIAs”.*
- *“They have never been implemented properly – so how can one tell?”.*
- *“EIA still serve a purpose provided all players play their respective roles in accordance with the requirements. Project specific EIA process does provide very useful and necessary information for decision making which is not provided by any other process. It should however not be the only tool used”.*
- *“This will be throwing out the baby with the bathwater!! There is a place for EIA, by: It can only operate within a clear strategic process under objective independent circumstances. It is not the answer for every environmental problem”.*
- *“They only have to be inline with other policies (e.g. IDP reviews) and some other staff such as being more policy driven than just project focused need to be incorporated in order to ensure EIA effectiveness”.*
- *“Whilst there are many other tools each of these have a different functions, the amount of EIAs can certainly be reduced due to other tools such as SEAs and EMFs but these deal on a macro scale and most often will not be able to address the on the ground issues. There will always be a need and a place for EIAs, it just has to done for those projects that really require it and the legislative requirements must also be satisfactory”.*
- *“As indicated earlier, EIAs do still have their place, but they should not be used where more suitable instruments would be more effective. EIAs are useful in certain circumstances, but Environmental Risk assessment or just EMPs are more suitable in other instances”.*
- *“Include environmental screening.”*

Pertinent views in respect of: 55. "Government uses the EIA process to collect information that it needs for other functions but which is not necessary to assess environmental impact" include:

- *"Competent authorities require this information for sustainable environmental planning".*
- *"No comment".*
- *"In Gauteng, only relevant information is requested to assess biodiversity issues and only on sites deemed potentially sensitive".*
- *"Perhaps this happened in the past, but recently this is mostly an unsubstantiated complaint. Mostly the critics are unable to motivate why the "unnecessary" information is not environmental in nature (and therefore belongs in the EIA process). The weak argument is also that there is duplication with other statutory processes. But then we can do away with most EIA's and leave environmental decision to other authorities (and note that none of these mandates are environmental management!!)"*
- *"Heritage Western Cape request that archaeological sites be shovel tested and records kept of these sites but the sites are often far away from the development footprint, i.e. will not be directly impacted by the development proposal. This is merely an information gathering exercise at the cost of the developer".*
- *"Environmental issues are so scattered as a result most other government line functions that are not environmental in nature eg DWAF, Mining, Housing and Heritage have to adhere to environmental matters when conducting their daily duties, EIA is therefore not used unnecessary to assess environmental impact (One has to consider the broadness of environment when taking that decision".*

Pertinent views in respect of: 63. "What do you believe are the main things that must be done to make EIA processes in South Africa more effective (please list in order of importance)?" include:

- *"Link with other assessment tools".*
- *"Improve expertise and understanding of the purpose of EIA process".*
- *"Build capacity in environmental authorities".*
- *"Protect objectivity and independence".*
- *"Create flexibility without watering down or weakening the EIA process".*

- *“Increase the focus on sustainability and strengthening the strategic”.*
- *“Improved planning, IDPs, SDFs, SEAs and EMFs to provide a framework for project-level EIAs”.*
- *“More focus on the indirect and cumulative impacts of developments”.*
- *“Concentrate on what is required for sustainable development. Sustainable development for a developing nation like South Africa may not be the same as for a developed nation. A move towards development that will lead to a lift in living standard for all people of South Africa must for example be at the forefront of defining sustainable development for this country”.*
- *“Improve expertise and understanding of the purpose of EIA process”.*
- *“Enforce compliance by performing spot checks on every site and impose fines on non-complying offenders. This approach would depend on solving the problem in understaffing”.*
- *“Mechanisms to deal with environmental issues (usually higher level planning aspects) that should not be dealt with in an EIA process should be implemented, so as not to bog down the EIA process from achieving what its intended”.*
- *“Increasing capacity within Government departments as opposed to ever increasing reliance on EAP’s. Improve resource utilisation and cooperation between government departments”.*
- *“Stop requiring nonsensical and small EIAs”.*
- *“Train officials”.*
- *“EIAs to be conducted for appropriate projects / environments and revisit the activity based approach. Put more emphasis on permits (air quality, water use etc.) which focuses on the key environmental issues. Often the small issues that are not significant take a lot of effort, time and resources”.*

Pertinent views in respect of: 85. “Which, if any, provisions of the South African Constitution (especially the division of responsibilities amongst different spheres of government), do you think limit the effectiveness and efficiency of the EIA process?” include:

- *“The local authority should be able to assume authority for environmental matters, subject to having competence in this field and subject to appeal to a provincial body”.*
- *“I am of the view that in light of the developmental duties of a Municipality – 153(a) of the constitution (social and economic), environment should also be*

here as the local sphere of government is (in my view) the most appropriate level where this can be realized and incorporated through adequate environmental planning and the implementation (at ground level) of strategic decision making tools”.

- *“Don’t know provisions well enough to comment accurately/fairly”.*
- *“Don’t know the constitution that well, but any provisions that makes it possible for an authority to decide on licenses for an activity, should not be the competent authority to decide on environmental authorization for that activity as well. There should be clear distinction in powers (can’t make the wolf the shepherd as well – that potentially conflicts with the right to a better environment)”.*
- *“Principles of co-operative government and intergovernmental relations – this reduces accountability and allows departments not to perform at optimal levels with the knowledge that they will not really be held accountable. DME for example does not adequately consider the EIA regulations and even if an activity is listed, DME often ignores this”.*
- *“The local authorities, mainly because their role are two-fold and they have an obligation to also render or deliver a service, often to the expense of the environment, but mainly to meet political obligations and mandates. The interference of politics in the EIA process and the pressure placed on decision-making authorities to expedite EIA decision-making processes to meet targets and deadlines, which often compromises the outcome and quality of environmental studies that require specific timeframes to draw sound conclusions, in order to inform EIA decisions”.*
- *“The bigger problem in respect to environment is that the Constitution makes this a concurrent competency. Water for example is a national competency, but environment (which is a far broader concept in SA law), is not. This does not make sense. It makes the application of any legislation, including the EIA regulations, highly problematic, because provinces have different interpretations of the legislation and can issue their own directives etc.*
The intention of the concept of co-operative governance has not necessarily been effectively realised.
Concurrent jurisdictions are entry point”.

Pertinent views in respect of: 86. "Which, if any, provisions or regulations of the National Environmental Management Act, 1998 (Act No. 107 of 1998) do you think limit the effectiveness and efficiency of the EIA process?" include:

- *"None. But if the new NEMA amendment bill B36B is passed and
 - some current mandatory requirements for EIAs become discretionary, these will be a step backwards, and
 - if the Minister of Minerals and Energy becomes the competent authority i.t.o. issuing environmental authorisations for mining, this will be a serious conflict.*

The Minister of Environmental Affairs and Tourism should be the competent authority for issuing all environmental authorisations including mining".

- *"The extent of public participation required, particularly the stipulated time frames for public comment".*
- *"Addressed in the NEMA Amendment Act, but I do not believe that SA is ready for Integrated Authorisations (referring only to the provision where approvals issued in terms of other statutes, can replace environmental authorisations). This borders onto abdicating our constitutional mandate".*
- *"Lack of discretion provided in the NEMA and EIA Regulations".*
- *"It is rather the practice that impacts on effectiveness and efficiency. Regulation 58(1) is however very onerous. Should read that the reports (drafts) as well as if substantive amendments are made also the final report must be made available for comment".*
- *"The activity lists are the problem and need to be replaced by screening".*

Pertinent views in respect of: 89. "Are there any other instruments that could potentially replace all or part of the current EIA process, while maintaining or increasing the level of environmental protection? If yes, please explain and list the instruments and provide details of the way in which such instruments should be applied." include:

- *"I do not believe there are".*
- *"SEA, Risk assessments etc".*
- *"In my view EIA will always be a requirement to ensure sustainable development. There are however certain decision support tools that can be utilised to decide on whether an EIA should be undertaken or not (SIP inclusions & exclusions) informed by EMFs etc".*
- *"No instrument to replace, just to add to the process such as development control guidelines".*

- *“Environmental Management Frameworks providing they are drawn up properly with sufficient input and then strictly enforced”.*
- *“IDP, SDF, SEA and EMFs to formulate a framework for project-level EIA”.*
- *“Can never do away with EIA’s!!, but we can develop other complementary tools (e.g. risk assessments, EMPs as a stand alone decision making tool, etc) In addition, definitely improve the strategic environmental context within which EIA’s must operate”.*
- *“I think other tools can be used to support EIA’s such as SEA’s, etc. planning policies need to incorporate key environmental resources into SDFs and PSDFs. GIS must be implemented as a tool in vegetation maps, water resources data, etc”.*
- *"Less centralised regional offices with certain powers to authorisation limited by the nature of activities e.g. a huge power station may need assistance from provincial/national offices but a local lodge development only needs regional offices etc. A competent, accredited and skilled practitioner can perform aspects such as fauna & flora surveys, basic heritage assessments, geotechnical and hydro-geological assessments, stormwater etc – basically the full range of aspects and ONLY in areas where sensitive phenomena occur or where uncertainty emanate, can the practitioner be requested to obtain professional input from other disciplines or, as a minimum, submit the surveys done by the practitioner to such specialist for verification. This will imply far less costs to the applicant with basically the same outcome."*
- *“All other tools in the IEM toolbox”.*