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THE EIA GUIDE

FOR DEVELOPERS

South Africa 2026

A practical guide to Environmental Impact Assessments,
NEMA listed activities and the authorisation process.

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■ About This Guide

This guide is designed for property developers, project managers, mining companies, farmers and business owners who need to understand South Africa's Environmental Impact Assessment process. It is based on the National Environmental Management Act (NEMA), the EIA Regulations 2014 (as amended) and the Listing Notices 1, 2 and 3. This guide is for general reference only — always consult a registered Environmental Assessment Practitioner (EAP) for project-specific advice.

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Understanding the EIA Process

What is an EIA?

An Environmental Impact Assessment (EIA) is a systematic process used to identify, predict and evaluate the environmental effects of a proposed development or activity. In South Africa, EIAs are governed by the National Environmental Management Act (NEMA), Act 107 of 1998, and the EIA Regulations 2014.

The EIA process ensures that decision-makers — government authorities, developers and communities — have access to information about the potential impacts of a project before it proceeds. It is a legal requirement, not optional, for a wide range of development activities in South Africa.

Why is an EIA Required?

Section 24 of the South African Constitution guarantees every person the right to an environment that is not harmful to their health or wellbeing. NEMA gives effect to this right by requiring that certain activities — called "listed activities" — undergo environmental assessment before they may commence.

Key Legal Framework

- NEMA Act 107 of 1998 — Principal environmental legislation
- EIA Regulations 2014 (GN R982) — Core EIA regulations
- Listing Notice 1 (GN R983) — Basic Assessment activities
- Listing Notice 2 (GN R984) — Scoping & EIA activities
- Listing Notice 3 (GN R985) — Geographically specific activities
- As amended: GN 327/2017, GN 706/2018, GN 517/2021

When Does the EIA Process Apply?

An EIA is required when a proposed activity appears in one of the three Listing Notices under NEMA. These notices list specific activities — such as construction of roads, dams, residential developments, mining operations, and energy infrastructure — that require environmental authorisation before they may begin.

■ ■ Important

Commencing a listed activity without an Environmental Authorisation (EA) is a criminal offence under NEMA and can result in fines, stop-work orders, and prosecution. Even if a project has already started without authorisation, it may still be regularised through a Section 24G process — but this is costly and time-consuming.

02 NEMA Listed Activities — Do You Need an EIA?

The Three Listing Notices

The EIA Regulations contain three Listing Notices that categorise activities requiring environmental authorisation. Understanding which notice applies to your project determines the type of EIA process required.

Listing Notice	Process Required	Competent Authority	Typical Timeline	Examples
LN1 — GN R983	Basic Assessment (BA)	Provincial MEC / DFFE	107 days	Roads, small dams, residential development >9,000m ² , feedlots, cell masts, tourism lodges
LN2 — GN R984	Scoping & EIA (S&EIR;)	DFFE (Minister)	300–600 days	Power plants ≥20MW, national roads, railways, large dams, hazardous waste, smelting
LN3 — GN R985	Basic Assessment (BA)	Provincial MEC	107 days	Activities in sensitive areas — CBAs, wetlands, coastal zones, protected areas

Common Listed Activities by Sector

■ Construction & Development

- Residential, commercial or institutional development with footprint >9,000 m² (LN1)
- Development on land previously used for agriculture, game farming or afforestation (LN1)
- Construction of dams, weirs or impoundments (LN1/LN2)
- Tourism and accommodation facilities sleeping 15+ people outside urban areas (LN1)
- Telecommunication masts >15m on new sites (LN1); >5m in sensitive areas (LN3)

■ Energy & Infrastructure

- Electricity generation 1–19.9 MW (LN1); ≥20 MW (LN2)
- Overhead transmission lines 33kV–275kV (LN1); ≥275kV (LN2)
- Oil, gas or petrochemical pipelines ≥100mm diameter and ≥1km length (LN1)
- Solar or wind energy <1MW in sensitive geographical areas (LN3)

■ Mining

- Any activity requiring a prospecting right, mining right or mining permit under the MPRDA (LN1)
- Primary processing of mineral resources — crushing, screening, washing (LN1)

- Smelting, beneficiation, refining or gasification of minerals (LN2)

■ Agriculture & Land Use

- Irrigation schemes covering more than 10 hectares (LN1)
- Feedlots — large stock 500+, small stock 1,000+, poultry 250,000+ (LN1)
- Clearing of indigenous vegetation of 300+ hectares (LN1)
- Ploughing or tilling >0.5 ha in sensitive areas (LN3)

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Basic Assessment vs Scoping & EIA

The Two EIA Processes

Once you have determined that your project triggers a listed activity, the next step is to identify which process applies. There are two main EIA processes in South Africa — the Basic Assessment (BA) and the Scoping & Environmental Impact Report (S&EIR;) process.

Aspect	Basic Assessment (BA)	Scoping & EIA (S&EIR;)
Triggered by	Listing Notice 1 or 3	Listing Notice 2
Complexity	Lower impact activities	Higher impact / larger scale
Timeline	107 days (statutory)	300–600 days (typical)
Key document	Basic Assessment Report (BAR)	Scoping Report + EIR
Public participation	1 round minimum	2 rounds minimum
Decision maker	Provincial MEC (mostly)	DFFE Minister (mostly)
Cost estimate	R80,000 – R300,000+	R300,000 – R2,000,000+
Appeal period	20 days after decision	20 days after decision

■ Note on Timelines

The 107-day and 300-day timelines are statutory timeframes — the law requires the competent authority to make a decision within these periods. However, in practice, timelines are frequently extended due to requests for additional information, appeals, or capacity constraints at the competent authority. SSK Consulting actively manages these processes to minimise delays.

The Basic Assessment Process — Step by Step

Step 1	Pre-application meeting with competent authority (optional but recommended)
Step 2	Appointment of registered EAP
Step 3	Notification of interested and affected parties (I&APs;)
Step 4	Compilation of Background Information Document (BID)
Step 5	Public participation — 30-day comment period

Step 6	Compilation of Basic Assessment Report (BAR)
Step 7	Second public participation — 30-day comment period on BAR
Step 8	Submission of BAR to competent authority
Step 9	Competent authority review and decision (57 days)
Step 10	Issue of Environmental Authorisation (EA) or refusal

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Key Role Players & Competent Authorities

Who is Involved in an EIA?

A successful EIA requires coordination between multiple parties. Understanding who does what — and who has decision-making authority — is critical for managing timelines and outcomes.

Role Player	Responsibility
Applicant / Proponent	The developer or project owner who initiates the EIA. Responsible for costs and supplying project information.
Environmental Assessment Practitioner (EAP)	Registered professional who manages the EIA process, compiles reports and facilitates public participation. Must be independent.
Competent Authority (CA)	Government body that receives the application and makes the authorisation decision. Usually Provincial MEC or DFFE.
Interested & Affected Parties (I&APs;)	Any person, organisation or authority with an interest in the project. Must be notified and given opportunity to comment.
Specialist Consultants	Specialists in heritage, ecology, hydrology, traffic, noise etc. who conduct specialist studies and compile reports.
DFFE	Department of Forestry, Fisheries and Environment — national competent authority for LN2 activities.
Provincial DEA	Provincial Department of Environment — competent authority for most LN1 and LN3 activities.
SAHRA	South African Heritage Resources Agency — must be consulted on heritage impacts.
DWS	Department of Water and Sanitation — issues Water Use Licences (WUL).

■ The EAP Must Be Independent

The EIA Regulations require that the EAP conducting an EIA must be independent — they cannot have a personal or financial interest in the project outcome. SSK Consulting's EAPs are registered with EAPSA (Environmental Assessment Practitioners Association of South Africa) and operate with full independence and professional integrity.

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Step-by-Step EIA Timeline

From Concept to Environmental Authorisation

Before the formal EIA process begins, there are important pre-application steps that significantly influence project timelines and outcomes. Early engagement with SSK Consulting at the concept stage can save months on your project timeline.

PRE-APPLICATION

- Concept design and site selection
- Listed activity screening with EAP
- Pre-application meeting with competent authority
- Appointment of EAP and specialist team
- Budget and timeline planning

SCOPING / BAR PREPARATION

- Notification of I&APs; — minimum 30-day comment period
- Background Information Document (BID) issued
- Site visit and baseline studies commence
- Specialist studies — ecology, heritage, hydrology, traffic etc.
- Draft Basic Assessment Report or Scoping Report compiled

PUBLIC PARTICIPATION

- Draft report made available for public comment — 30 days
- Responses to comments compiled
- Final report incorporating all comments submitted to CA
- Second round of public participation (S&EIR; process)

DECISION

- Competent authority reviews submission
- Environmental Authorisation (EA) issued or refused
- 20-day appeal period
- EA conditions registered and Environmental Management Programme (EMPr) prepared

→ Project may commence if no appeal or appeal resolved

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Water Use Licences & Other Authorisations

Beyond the EIA — Other Environmental Authorisations

Many developments require additional authorisations beyond the EIA Environmental Authorisation. Failing to identify and obtain these upfront can result in significant project delays and cost overruns.

Authorisation	Legislation	Issuing Authority	When Required
Water Use Licence (WUL)	National Water Act 36 of 1998	DWS	Abstraction, storage, stream reduction, waste discharge, altering watercourses
Atmospheric Emission Licence (AEL)	Air Quality Act 39 of 2004	Municipality / Province	Listed activities emitting air pollutants — boilers, engines, industrial processes
Waste Management Licence	NEMA Waste Act 59 of 2008	Provincial DEA	Waste treatment, storage or disposal facilities
Mining Right / Permit	MPRDA 28 of 2002	DMRE	Any mining, prospecting or related activity
Heritage Permit	NHRA 25 of 1999	SAHRA / PHRA	Alteration or demolition of heritage resources ≥ 60 years old
Coastal Development Permit	ICM Act 24 of 2008	Province	Development within the coastal protection zone

Water Use Licences — A Closer Look

The National Water Act (NWA) defines 11 water uses that require authorisation from the Department of Water and Sanitation (DWS). The most common for developers include:

- Taking water from a water resource (Section 21a)
- Storing water (Section 21b)
- Impeding or diverting the flow of water in a watercourse (Section 21c)
- Engaging in stream flow reduction activities — forestry (Section 21d)
- Discharging waste or water containing waste into a water resource (Section 21f)
- Removing, discharging or disposing of water found underground (Section 21j)

■ ■ WUL Timelines

Water Use Licence applications are processed separately from EIAs and can take 90–300 days. They should be submitted as early as possible — ideally in parallel with the EIA process. SSK Consulting manages WUL applications alongside EIA processes to minimise overall project lead times.

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Common Mistakes That Delay Projects

Avoid These Costly Errors

Based on SSK Consulting's experience managing EIA processes across South Africa, these are the most common mistakes that cause project delays, cost overruns and legal complications.

- 01 Starting construction before obtaining EA**

Commencing a listed activity without an Environmental Authorisation is a criminal offence under NEMA. It triggers a Section 24G rectification process which is expensive, time-consuming and uncertain in outcome.
- 02 Appointing an unregistered EAP**

The EIA Regulations require that the EAP be registered with a recognised professional body. Using an unregistered practitioner renders your application invalid and exposes you to legal risk.
- 03 Inadequate I&AP; notification**

Failure to properly notify all interested and affected parties is grounds for appeal and can result in the EA being set aside by a court. SSK Consulting maintains comprehensive I&AP; databases and notification systems.
- 04 Ignoring specialist study requirements**

Competent authorities routinely request additional specialist studies — ecology, heritage, hydrology, noise, traffic — that were not anticipated upfront. Early identification of study requirements prevents costly delays.
- 05 Failing to apply for other authorisations in parallel**

Many developers focus only on the EIA and forget that Water Use Licences, Atmospheric Emission Licences and other authorisations have their own timelines. Running these in parallel saves months.
- 06 Underestimating public participation**

Objections from I&APs; and appeals can extend project timelines by 6–18 months. Early community engagement, prior to the formal EIA process, significantly reduces the risk of objections.

07 **Scope creep after EA is granted**

Any material changes to a project after the EA has been granted may require an amendment to the EA under Section 24(8) or a new EA application. Always review proposed changes with your EAP before implementing them.

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How SSK Consulting Can Help

Your Environmental Authorisation Partner

SSK Consulting is a registered environmental consulting firm with offices in Pietermaritzburg (KwaZulu-Natal) and Sandton (Gauteng). Our team of registered Environmental Assessment Practitioners (EAPs) manages EIA processes from initial screening to final authorisation.

■ Environmental Consulting

- Listed activity screening and EIA trigger assessment
- Basic Assessment (BA) management
- Scoping & Environmental Impact Report (S&EIR;) management
- Section 24G rectification applications
- Environmental Authorisation appeals and representations
- Environmental Management Programme (EMPr) compilation
- Environmental compliance monitoring and auditing

■ Water Resources

- Water Use Licence (WUL) applications
- Water resource assessments
- Catchment management studies
- Stormwater management plans

■ GIS & Geospatial

- Spatial analysis and mapping
- Drone survey and photogrammetry
- Environmental sensitivity mapping
- Site selection analysis

■ Agricultural Consulting

- Agricultural business plans
- Land capability assessments
- Irrigation scheme design
- Environmental compliance for agriculture

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■ Free Environmental Screening Tools

Visit sskconsulting.co.za/tools/ to access SSK Consulting's free environmental screening tools — including the NEMA Listed Activities Lookup Tool, EIA Compliance Checker, Carbon Calculator, ESG Assessment and more. No registration required.

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