



Department of Planning, Monitoring and Evaluation

Report on the Assessment of Government Evaluations

Evaluation Title:	Evaluation of the Implementation and Impact of Environmental Impact Assessment ('EIA') Decision Making
Evaluation Number:	504
Evaluation Completion Date:	10 October 2014
Period of Evaluation:	10 months
Submitted:	05 December 2015 by Cara Hartley
Approved:	08 December 2015 by Mike Leslie

Evaluation Details

Evaluation Title:	Evaluation of the Implementation and Impact of Environmental Impact Assessment ('EIA') Decision Making
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Evaluation Completion Date:	10 October 2014
Created:	14 July 2015 by Mike Leslie
Submitted:	05 December 2015 by Cara Hartley
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Initiated By Internal:	Yes
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Undertaken By Internal:	No

Assessors

Cara Hartley	cara@pdg.co.za
Mike Leslie	mikel@pdg.co.za

Assessment Documents

Document Name:	Document Type:	Added By:	Added On:
Environmental Impact Assessment Final Report.pdf	Evaluation report	Mike Leslie	14 July 2015
EIA Inception Report V4 corrected 23 04 2014.pdf	An inception report	Cara Hartley	17 November 2015
Environment Impact Assessment Terms of Reference.pdf	Terms of Reference (ToR) for the evaluation	Cara Hartley	17 November 2015
Final Report (10oct) v2_clean.pdf	Evaluation report	Cara Hartley	18 November 2015
Presentation to EADP top management_30oct2014.pptx	Presentations of evaluation findings and recommendations	Cara Hartley	18 November 2015
Assessment Report at Moderation.pdf	Assessment Report at Moderation	Mike Leslie	03 December 2015

Quality Assessment Summary

This evaluation was commissioned and conducted based on the Western Cape Department of Environmental Affairs and Development Planning's experience of a high number of High Court challenges, some successful, of its Environmental Impact Assessment decisions and other administrative decision making. It scored 3.4 out of 5 overall in the Quality Assessment, reflecting the fact that, within its focus on an analysis of court cases and internal departmental processes, it was competently executed with good performance across most of the Quality Assessment criteria. It can be seen as a credible response to the evaluation questions.

Although called an "Implementation and Impact Evaluation", there was no element of Impact Evaluation to the work requested by the Department nor in the way that the service provider conducted the evaluation. As an Implementation Evaluation the focus was relatively narrowly on what could be learned from court cases and internal documentation regarding the Department's decision making, why and how it was being challenged in court, and how the Department can improve the defensibility and sustainability of its decisions. The Terms of Reference reflected that this evaluation required highly specialised legal and environmental expertise. The service providers met this criterion and provided an analysis rooted in the legal contexts within which the Department operates. The legal practice area specific nature of the evaluation should be taken into account in a reading of the evaluation reports and was taken into account in this quality assessment. Within this focus a high quality piece of research was conducted with a notably constructive relationship between the Department and the evaluation service provider.

The evaluation progressed well through the Evaluation Phases, with most phases scoring between 3 and 4 out of 5. In particular, the Inception Phase and the Reporting Phase were well executed, with good communication between the service provider and the Department. The Reporting Phase included two workshops which were cited by all interviewed stakeholders as highly engaging and informative to a broad cross-section of departmental stakeholders. The intervening Implementation Phase scores a lower 2.89, reflecting the fact that the planned "diagnostic model" approach to understanding the department's internal processes did not take place as intensively as planned (this is also reflected in the low score of 1.89 on methodological integrity). However it should be emphasised that although in a less structured fashion, there was little doubt that the service provider gained extensive insight into the department's internal processes through close consultation and the workshops, and was able to use this to make credible findings and valuable recommendations.

The evaluation, being narrowly focused on activities within the Department's direct control, did not involve external stakeholders or beneficiaries such as the interested and affected parties to the individual court cases, interested non-profit organisations, etc. Although there was a close partnership between the Department and the service providers, the evaluation therefore scores a relatively low 3.0 on its Partnership Approach.

The evaluation further did well in terms of Ethics - there were limited ethical concerns given the nature of the data analysed - and Quality Control, with the analysis being submitted to internal peer review by the service provider, presented and extensively discussed by departmental stakeholders, as well reviewed by the evaluation Steercom. The reader may also peruse the intermediary steps of the analysis as the case analysis and document analysis reports are provided as annexes.

Contrary to the intent of the standards for government evaluations, the capacity development of departmental and service provider staff was not explicitly called for in the TOR, was not formally structured and scheduled, and was not assessed at the conclusion of the evaluation. For this reason the evaluation scores 2 out of 5 for capacity development. Nevertheless the Department as well as the service provider considered this evaluation a useful capacity development exercise for all concerned, including lower level staff who were deliberately involved in the process.

Although the evaluation has proven highly beneficial to the Department in understanding its shortcomings and performance in court, and although the recommendations were considered useful, practical and feasible, there is limited evidence that they have yet been implemented. There is also room for the Department to share the evaluation findings more widely, for instance with the National Working Group for EIA, for the potential benefit of the Department's counterparts nationally and in other provinces. For now, the evaluation scores 3.17 on Evaluation Follow-up and Use, reflecting the value it has already has conceptually and symbolically within the Department.

Overall, this evaluation provides an insightful, clear analysis of the Department's EIA decisions and other administration decisions and provides valuable recommendations for improving the defensibility and sustainability of its decisions. The evaluation has application for public administrators, civil society and other stakeholders seeking to understand and learn from the Department's internal strengths and weaknesses in giving effect to its duties. It can serve as a credible source for researchers or policymakers interested in the practical implementation of the National Environmental Management Act (NEMA) and the EIA regulations.

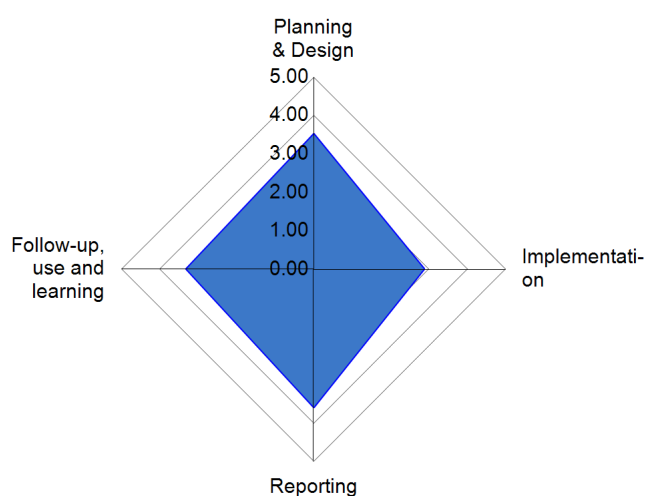
The evaluation reports are well written, integrating the environmental policy framework, legal principles and references to illustrative cases while keeping the report understandable even for those without a background in environmental affairs or law.

Quality Assessment Scores

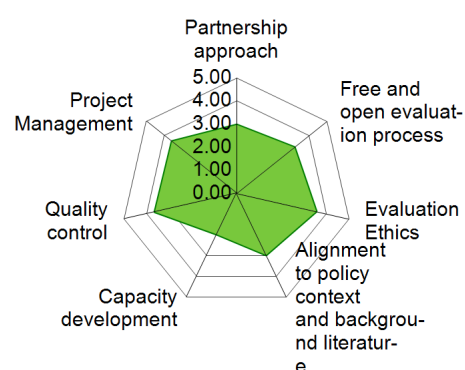
Phase of Evaluation	Score
Planning & Design	3.54
Implementation	2.89
Reporting	3.61
Follow-up, use and learning	3.33
Total	3.40

Overarching Consideration	Score
Partnership approach	3.00
Free and open evaluation process	3.22
Evaluation Ethics	3.57
Alignment to policy context and background literature	3.00
Capacity development	2.00
Quality control	3.66
Project Management	3.62
Total	3.40

Scores: Phases of Evaluation



Scores: Overarching Considerations



Phase of Evaluation	Area of Evaluation	Score
Planning & Design	Quality of the TOR	3.31
Planning & Design	Adequacy of resourcing	3.57
Planning & Design	Appropriateness of the evaluation design and methodology	3.45
Planning & Design	Project management (Planning phase)	5.00
Implementation	Evaluation ethics and independence	3.50
Implementation	Participation and M&E skills development	3.14
Implementation	Methodological integrity	1.93
Implementation	Project management (Implementation phase)	4.00
Reporting	Completeness of the evaluation report	5.00
Reporting	Accessibility of content	3.50

Phase of Evaluation	Area of Evaluation	Score
Reporting	Robustness of findings	3.10
Reporting	Strength of conclusions	3.33
Reporting	Suitability of recommendations	3.50
Reporting	Acknowledgement of ethical considerations	4.00
Follow-up, use and learning	Resource utilisation	4.00
Follow-up, use and learning	Evaluation use	3.17
Total	Total	3.40

Planning & Design

Quality of the TOR

Standard:	The evaluation was guided by a well-structured and complete TOR or a well-structured and complete internal evaluation proposal (e.g. Background, Purpose, Evaluation Questions, Design & Methodology, Deliverables & Timeframes, Resource requirements, Intended Audience & Utilisation, etc).
Comment and Analysis:	<p>The Terms of Reference was concise and thorough, making it clear what was required of the service provider.</p> <p>The background provided the needed information about the legal context as well as the department's experience. It put forward a set of evaluation questions that had been refined following the development of the concept note and were useful for guiding the evaluation focus and methodology. It made clear the specialised nature of the evaluation - focusing on case law and requiring a service provider with expertise in administrative and environmental law.</p>
Rating:	4: The evaluation was guided by a well-structured and complete TOR or internal evaluation proposal of a good standard
Standard:	The approach and type of evaluation was suited to the purpose and scope of the evaluation TOR (or an internal evaluation proposal)
Comment and Analysis:	<p>This was described as an Implementation and Impact evaluation. However the purpose was described in the Terms of Reference as "evaluate the implementation of the environmental impact assessment (EIA) process within the Western Cape, in order to ascertain how to strengthen the current system of EIA related review and decision-making in the Western Cape". This suggests a stronger focus on implementation, with no description of what impact is to be evaluated and in what way. Interviewed stakeholders confirmed that implementation was the primary focus of the initial concept note, the TOR, and the way that the evaluation service provider designed the project. It is unclear why impact is mentioned in the project title - there is some mention of the financial and procedural impact of court cases on the department but this impact was not evaluated. Thus despite the misnomer this evaluation was designed and formulated as an Implementation Evaluation.</p> <p>The TOR proposed an approach that focuses on the analysis of court challenges. It suggested interviewing relevant legal counsel where needed to understand particular cases. The TOR made it clear that the service provider would need to understand the internal processes of the Department in order to make useful recommendations for how these can be strengthened. While it did not propose primary data collection such as qualitative interview with departmental officials, it did mention that there should be a document review, and it made it clear that the department anticipated a consultative processes in which questions about internal processes could be clarified.</p> <p>Taking this into account the approach was suitable for an Implementation Evaluation as long as it is acknowledged that it focuses on the department's internal processes and court cases (not other aspects of NEMA's and EIA regulations' policy intent).</p>
Rating:	3: The approach and type of evaluation was suited to the purpose and scope of the evaluation TOR (or an internal evaluation proposal)

Standard:	The TOR (or an internal evaluation proposal) identified the intended users of the evaluation and their information needs
Comment and Analysis:	<p>The TOR identifies the intended users as "the relevant decision making authorities mandated with environmental impact assessment related decision-making. It is anticipated that the project outcomes will further benefit and be utilised by civil society". The rest of the TOR makes it clear what the information needs of the authorities are - information on trends, lessons learnt, gaps and challenges and recommendations for improvement. The emphasis throughout the evaluation was strongly on the department itself as the key stakeholder of this process.</p> <p>The TOR does not distinguish the information needs of civil society. Instead the stakeholders interviewed for this quality assessment believe that the civil society - the public at large - will benefit indirectly from the evaluation if it succeeds in improving government's EIA decision making.</p>
Rating:	3: The TOR (or an internal evaluation proposal) identified the intended users of the evaluation and their information needs
Standard:	Key stakeholders were involved in the scoping of the TOR and choosing the purpose of the evaluation
Comment and Analysis:	Within the department, the relevant Directorates were involved, including the Directorate responsible for Monitoring and Evaluation. The Directorate: Provincial-wide Monitoring and Evaluation in the Department of the Premier was also involved in developing the concept note. Some comments on evaluation design were received from officials of the Department for Planning, Monitoring and Evaluation in the Presidency.
Rating:	3: Key stakeholders were involved in the scoping of the TOR and choosing the purpose of the evaluation

Adequacy of resourcing

Standard:	The evaluation was adequately resourced in terms of time and budget allocated
Comment and Analysis:	While the time frames and budget were not overly comfortable, they were adequate. Originally intended to take about 8 months, the evaluation concluded early in the tenth month.
Rating:	3: The evaluation was adequately resourced in terms of time and budget allocated
Standard:	The team conducting the evaluation was adequately resourced in terms of staffing and skills sets
Comment and Analysis:	<p>The evaluation team met all the criteria in the TOR: The majority of team members have law degrees (the Director a Masters degree in Environmental Law) and they are all employees of Cullinan and Associates, Inc, an Environmental Law consultancy based in the Western Cape. Since the firm operates in the field of environmental law, the team has the requisite experience and proven knowledge that was called for in the TOR, such as an understanding of case law pertaining to environmental impact assessment and planning, High Court litigation, administrative and environmental law, and particular knowledge of these fields as they pertain to the Western Cape.</p> <p>In addition the team leader has experience of working as a senior manager in provincial departments of Environmental Affairs. This provided additional insight into the Department's operational realities and contributed to the team's ability to add value throughout the process and produce a useful set of findings and recommendations.</p>
Rating:	4: The evaluation was well resourced in terms of staffing and skills sets

Appropriateness of the evaluation design and methodology

Standard:	There was explicit reference to the intervention logic or the theory of change of the evaluand in the planning of the evaluation
Comment and Analysis:	<p>The TOR Background explains that environmental planning and EIA are key planning tools to support decision-making in pursuit of sustainable development in South Africa. EIA Regulations are described as needing to ensure that projects are measured against the required framework. They do so by providing that "the potential consequences for, or impact on the environment of listed or specified activities, must be considered, investigated, assessed and reported on to the competent authority. Based on the assessment the competent authority must then either grant or refuse environmental authorisation for the activities." The Inception Report further articulates the aim of the evaluation as "to ensure more defensible decisions and more sustainable decision making by the Department".</p> <p>The above allows the reader to infer, broadly, the key elements of the intervention logic of the EIA Regulations. The implementation of these regulations in the Western Cape and the defense of implementation of these regulations is then the focus of the evaluation. However this intervention logic was never explicitly spelled out in a Theory of Change or logframe and was not explicitly used to inform the planning of the evaluation.</p>
Rating:	2: There was implied or indirect reference to the intervention logic or the theory of change in the TOR or the Inception Report
Standard:	The planned methodology was appropriate to the questions being asked
Comment and Analysis:	<p>During the Inception Phase, the service provider and the Steering Committee discussed the fact that the original concept note (which was captured in the Provincial Evaluation Plan) had set out a broader set of evaluation questions. The DEADP had simplified and refined these before issuing the TOR. It was agreed in the inception phase (and captured in the Inception Report) that the service provider would conduct an evaluation to respond primarily to the 3 questions as set out in the TOR while the broader set of original questions would be addressed only to the extent that they fall into the scope of the project.</p> <p>The planned methodology was primarily a review of court cases. These were divided into three classes. It was noted that all cases might not be readily available from the courts that decided the matter and that the Department would take responsibility for locating the files for these cases. Additionally there was room for some interviews with relevant legal counsel if the team sought further information about a case. To ensure a proper understanding of the department's decision making processes, it was agreed during the inception phase that the service provider would undertake a simplified "diagnostic model" (a consultative process, informed by systems thinking, as developed by National Treasury's Government Technical Advisory Centre) of departmental processes. Such a review would include a document review as called for in the TOR - specifically a review of relevant Standard Operating Procedures, organograms, and guidelines used in EIA decisions; process mapping; and an analysis of internal and external drivers that may have a bearing on the review of EIA and other administrative decisions by the Department.</p> <p>These three components, which were agreed to in the inception report, would provide a strong basis for answering the evaluation questions as set out in the TOR.</p>
Rating:	4: The planned methodology was well suited to the questions being asked and considered the data available

Standard:	The sampling planned was appropriate and adequate given the focus and purpose of evaluation
Comment and Analysis:	The planned sample of cases was based on cases' potential ability to improve the EIA decision-making process and to make decisions more defensible. Three classes of cases would be selected in order to identify what the Department is doing wrong, what it is doing correctly, as well as principles of administrative law and lessons from other decision-makers. The service provider added the emphasis on general principles of administrative law in order to ensure the evaluation holds up the department's work against broader legal principles where appropriate.
Rating:	4: The sampling planned was good given the focus, purpose and context of the evaluation

Project management (Planning phase)

Standard:	The inception phase was used to develop a common agreement on how the evaluation would be implemented
Comment and Analysis:	The inception report was extensive and all stakeholders agreed that by the end of the phase, there was clarity as to the plan ahead. The plan, including what would not be done, was discussed and articulated in the inception report. For instance, the service provider and Department were able to agree that certain initial expectations, such as the expectation (see TOR) that the evaluation would help the Department to reduce the number of court challenges against it, may not be met, while the evaluation would be able to support more defensible and more sustainable decisions. Regular (bi-monthly) meetings with the evaluation steering committee supported clear communication and agreement around these and other points.
Rating:	5: The inception phase was used to maximum effect to ensure a common agreement between all stakeholders and a shared understanding of how the evaluation would be implemented

Implementation

Evaluation ethics and independence

Standard:	Where data was gathered in contexts where ethical sensitivity is high, informed consent, assurances of confidentiality and appropriate clearance were achieved; e.g. through an ethics review board, in evaluation involving minors, institutions where access usually requires ethical or bureaucratic clearance
Comment and Analysis:	The case data analysed for this evaluation is in the public domain. Because the evaluation did not involve interviews or other formal primary data collection, it was not deemed necessary to obtain ethical clearance. One potential conflict of interest was identified: the service provider is a legal practice which could potentially use the information gleaned from this evaluation to win court cases against the Department. The service providers had no objections to signing a brief "Undertaking Letter" (dated 25 March 2014) according to which they would not take on any cases against the Department for the duration of the contract.
Rating:	3: There was clear evidence that ethical protocols were observed for some data collection instances including: informed consent agreements; confidentiality; documenting and storing data notes, recordings or transcripts; and ethics review board approvals where appropriate

Standard:	Where external, the evaluation team was able to work without significant interference and given access to existing data and information sources
Comment and Analysis:	There is no evidence of interference with the evaluation team's work. Consultation was for the purpose of ensuring a common understanding and providing useful insights about the department's processes. The department made an effort to ensure the service provider obtain all the relevant case law and made available all required internal departmental documentation.
Rating:	4: The evaluation team was able to work freely without interference and was given access to all sought data and information sources

Participation and M&E skills development

Standard:	Key stakeholders were involved in the evaluation through a formalised mechanism or institutional arrangement
Comment and Analysis:	<p>The evaluation steering committee (Steercom) was involved from an early stage. In line with the identification of the Department as the key stakeholder to the evaluation, all of the Steercom members were from the department. They represented several relevant units within the department e.g. Land Management, Appeals, Monitoring and Evaluation, and Policy and Planning Coordination.</p> <p>The Steercom participated in bi-monthly meetings with the service provider and provided comments on the main interim deliverables as well as the draft report. The Steercom as well as a broader grouping of departmental stakeholders participated in two workshops discussing the draft evaluation findings and recommendations.</p> <p>The Steercom did not involve any external stakeholders (e.g. private sector, "interested and affected" members of the public, or civil society) because these stakeholders, although important, are different for each EIA case brought to the court for review. Both the service provider and commissioning department expressed doubt that representation from these broad categories of stakeholders would have improved the quality or objectivity of the evaluation, especially considering the very internal process-oriented nature of the evaluation questions that were to be answered.</p>
Rating:	4: Key stakeholders were regularly, actively involved in the evaluation and contributed through a formalised mechanism or institutional arrangement (e.g. a steering committee or reference group)

Standard:	Where appropriate, an element of capacity building of partners responsible for the evaluand and evaluators was incorporated into the evaluation process
Comment and Analysis:	<p>Although not originally structured as capacity building sessions, the workshops discussing draft findings were deliberately representative of the various departmental units with a role to play in the evaluand (the DEADP's EIA and other administrative decision making) that was being evaluated. Officials of different levels of seniority and all three of the department's regional groupings participated. In this way the workshops exposed a cross-section of the department's officials to the evaluation methodology, the conceptual framework within which the evaluand can be evaluated, and the draft findings and recommendations with regard to improving the evaluand. As a result, interviewed stakeholders saw this as an important capacity building exercise.</p> <p>The service provider made a point of involving several of its junior staff in the analysis of cases and in the team's interactions with the department, and more senior team members reviewed the quality of junior staff's work.</p> <p>Furthermore the close involvement of the departmental M&E unit, from concept note design to project conclusion, helped ensure that this experience developed officials' understanding of M&E.</p>
Rating:	2: There was some evidence of capacity building of partners responsible for the evaluand or evaluators but this was either unstructured or incomplete

Methodological integrity

Standard:	A literature review was developed which informed the analytical framework and findings of the evaluation
Comment and Analysis:	<p>The evaluation did not involve a literature review in the usual sense (nor did the TOR call for one). The extensive review of case law and legal principles was integrated throughout the evaluation, but there was no study of, for instance, literature on other departments' challenges in implementing similar regulations, or research (beyond case law) on the effectiveness of the NEMA and EIA regulations in promoting effective decision making and sustainable development.</p> <p>The analytical framework and findings were based on the legal knowledge of the department and the service provider, the needs of the department, and the stakeholders' general understanding of what issues are relevant to the evaluation questions being asked.</p>
Rating:	1: A literature review was not undertaken or was very poor

Standard:	The methods employed in the process of the evaluation were consistent with those planned and implemented adequately
Comment and Analysis:	<p>As mentioned earlier, the planned methodology (as agreed to in the inception report) included three components: Analysis of case law (the primary focus), some interviews with the legal counsel involved in specific cases as and when needed, and an analysis of internal departmental processes by means of a simplified and adapted "diagnostic model" which included analysis of departmental documents such as standard operating procedures (SOPs) and organograms.</p> <p>The case law took place as planned. Regarding the interviews with legal counsel, the service provider and the Steercom agreed as the process unfolded that the information already available regarding each case was sufficient for the analysis, so that there would be little additional value from interviewing these individuals and that it would incur unnecessary cost to do so.</p> <p>Regarding the analysis of internal departmental processes, the diagnostic method that was originally planned did not take place to the extent that had originally been proposed. However the analysis of internal departmental documents including SOPs and guidelines was conducted; additionally there was close and regular consultation between the service provider and the department as well as in depth discussions on emerging findings at the Steercom meetings. Finally, departmental stakeholders' engagement and discussion of the emerging findings at the workshops provided the service provider with valuable insights as to the realities and challenges relevant to the department's internal processes. The regular consultations and the two workshops - although not explicitly planned as data collection exercises and not as structured as a focus group or semi-structured interview - played served the objectives that the diagnostic method had been intended to achieve. Indeed, interviewed stakeholders suggested that all parties accepted that the diagnostic as originally discussed proved unnecessary given the sufficient understanding the service provider was able to obtain through other means.</p>
Rating:	2: The methods employed in the process of the evaluation deviated somewhat from those planned or implementation was inadequate
Standard:	A pilot of basic data collection instrumentation occurred prior to undertaking data collection and it was used to inform the research process
Comment and Analysis:	There was no formal primary data collection process and therefore no questionnaires, interview guides etc. were piloted. The Steercom did review and approve the template that was used for structured analysis of cases, before it was applied.
Rating:	: N/A
Standard:	Data was collected from key stakeholders (e.g. implementers, governance structures, indirectly affected stakeholders) as data sources
Comment and Analysis:	The evaluation reviewed case law as well as several departmental data sources. The primary data collected from key departmental stakeholders was collected in a less structured way, through regular discussions and consultations and workshops. Because there was a strong emphasis on the department itself as the key stakeholders of the evaluation, no data other than what was recorded in case law was collected from other stakeholders.
Rating:	3: Data was collected from key stakeholders (e.g. Implementers, governance structures, indirectly affected stakeholders) as data sources

Standard:	The methodology included engaging beneficiaries appropriately as a key source of data and information
Comment and Analysis:	The ultimate intended beneficiaries of the department's decision making are the general public of the Western Cape. The public should benefit from defensible and sustainable decisions that lead to sustainable development. The specific beneficiaries of each development decision (the "interested and affected parties" to a development) vary from decision to decision. As touched on above, the evaluation Steercom and service providers were not convinced that seeking out and obtaining data and information from these beneficiaries would add to the quality or objectivity of the evaluation. Their views were indirectly reviewed as part of the records of court cases.
Rating:	2: The methodology included beneficiary representative perspectives but did not include beneficiaries directly as a key source of data

Project management (Implementation phase)

Standard:	The steering committee, technical working group and service provider worked together adequately to facilitate achievement of the objectives of the evaluation
Comment and Analysis:	The working relationship between the service provider and Steercom was flexible and constructive. As noted earlier they were able to communicate clearly and align their expectations. The Steercom was able to (and did, within a reasonable time frame) give input to each important step in the process. The service provider was able to shape the process to be most conducive to an effective evaluation, for instance by asking for the inclusion of a broad cross-section of participants at the workshops. This working relationship is discussed further on page 7 of the full report.
Rating:	4: The steering committee, technical working group and service provider worked together in a flexible and constructive manner facilitating achievement of the objectives of the evaluation

Standard:	Support provided by the evaluation secretariat (e.g. the administrators responsible for the evaluation) facilitated achievement of the objectives of the evaluation (eg turnaround times, addressing problems, preparation for meetings etc)
Comment and Analysis:	Those administering the evaluation from within the department, provided support to ensure regular meetings, optimal dates for workshops, access to documents and cases, feedback on deliverables and payment of invoices within reasonable time frames. This facilitated the achievement of the evaluation's objectives.
Rating:	4: Good support was provided by the evaluation secretariat and facilitates timely and constructive achievement of the objectives of the evaluation

Reporting

Completeness of the evaluation report

Standard:	The first draft evaluation report was of a sufficient quality to go to stakeholders and did not require major changes
Comment and Analysis:	The first draft evaluation was considered of a high quality by the Steercom. Since there had been close engagement with the service provider throughout the process the content of the report was not surprising or confusing. The report was circulated and only limited elaboration on some points and minor editorial revisions were requested.
Rating:	5: A first draft of the evaluation report was of an excellent quality, insightful, and only required very minor changes to content, cosmetic or formatting changes
Standard:	The final evaluation report is well-structured and complete in terms of the following: executive summary; context of the development evaluation; evaluation purpose, questions and scope; methodology; findings and analysis; conclusions and recommendations
Comment and Analysis:	The report is well-structured and includes all the essential report components. It is complete in terms of addressing the evaluation questions, but goes further by presenting a clear and easily understandable explanation of the administrative law which governs decision making as well as the EIA decision making framework. The 12 annexures provide further detail on project management as well as the evaluation content such as a workshop discussion document, case summaries, analysis of case summaries, SOPs, guidelines and circulars reviewed.
Rating:	5: The final evaluation report structure is excellent, complete and makes exceptional use of the appendices to supplement the main report content structure

Accessibility of content

Standard:	The final evaluation report is user-friendly, written in accessible language and adequate for publication (e.g. adequate layout and consistent formatting; complete sentences and no widespread grammatical or typographical errors; consistency of style and writing conventions; levels of formality; references complete and consistent with cited references in reference list and vice versa; etc.)
Comment and Analysis:	The evaluation report is easily readable even by someone without a legal or environmental background. There are no widespread errors.
Rating:	4: The final report is well written, accessible to the common reader and ready for publication with only minor spelling, grammar or formatting mistakes
Standard:	Figures, tables and appropriate conventions are used in presentation of data (e.g. use of appropriate statistical language; reporting of p-values where appropriate; not reporting statistically insignificant findings as significant; clarifying disaggregation categories in constructing percentages; not using quantitative language in reporting qualitative data, etc.) and are readily discernible to a reader familiar with data presentation conventions
Comment and Analysis:	There was only limited quantitative analysis in this evaluation. Where trends were reported (basic, descriptive statistics with no inference of significance or causality), the report carefully noted the small sample size and the fact that judges need only one ground to review a matter so that statistics alone would not be accurate or reliable. The report then elaborates on what can and cannot be concluded based on the trends.
Rating:	3: Figures, tables and appropriate conventions are used in presentation of data and are readily discernible to a reader familiar with data presentation conventions

Robustness of findings

Standard:	Data analysis appears to have been executed to an adequate standard
Comment and Analysis:	A reading of the report suggests that data analysis has been well executed. The data analysis process was agreed on with the Steercom before being implemented. It was subjected to internal peer review by the service provider (see Inception Report timeline; also confirmed in interviews for this assessment) and findings were approved by the Steercom without notable concerns or revisions. The analysis is transparent in that the annexures include all the case summaries that were employed to conduct the analysis as well as summary reports on team's the analysis of departmental SOPs and guidelines.
Rating:	4: Data analysis appears to have been well executed for all datasets
Standard:	Findings are supported by evidence which is sufficiently and appropriately analysed to support the argument, integrating sources of data
Comment and Analysis:	<p>Most of the findings are linked to cases and the relevant facts from these cases are reported in paragraph discussions in the full report. This makes the reasoning behind the findings clear.</p> <p>Some of the findings on departmental internal processes (e.g. the fact that the department's record keeping system did not facilitate quick and accurate preparation of Rule 53 Records; and that not all directorates were made aware of judgments which may affect their decision making processes) were based on what the service provider learned in workshops and consultations with the department. Although these methods of "data collection" were not as structured as focus groups or interviews might have been, they did serve to provide evidence that was deemed valid and appropriate: the source of such findings were clearly noted in the report, and were evidently not disputed by the Steercom (most of whom attended the workshops) when reviewing the reports.</p>
Rating:	3: The evidence gathered is analysed to support the argument to an adequate standard and integrates sources of data
Standard:	There is appropriate recognition and exploration of the possibility of alternative interpretations
Comment and Analysis:	There is limited discussion of the possibility of alternative interpretations, but this paucity is not necessarily inappropriate. The evaluation had the advantage of being focused on case law, in which judges give explicit explanation of their interpretations of the cases. Furthermore the data analysis process was fairly straightforward. However, if the evaluation had been supported by a literature review of similar evaluations elsewhere, the report could make a stronger claim that it has appropriately considered a range of alternative interpretations of the findings.
Rating:	2: There is an implicit or indirect recognition of alternative interpretations

Standard:	The report appears free of significant methodological and analytic flaws
Comment and Analysis:	<p>Firstly, it is important to accept that this is not an impact evaluation. If it is accepted that this is an implementation evaluation with an explicit focus on the implementation processes within the control of the department, then the methodology and analysis is free of significant flaws.</p> <p>The evaluation from the outset clearly delimited the methodology and analytic process to be followed. While one may argue that the evaluation would have benefited from a literature review and/or involvement of some stakeholders outside the department, a reading of the full and abridged reports suggests that the methodology selected and analysis conducted have been done transparently and to a high standard. Furthermore the evaluation was subjected to internal peer review by the service provider, and reviews by the Steercom. Evidence suggests that these reviewers deemed the methodology appropriate and analysis satisfactorily executed. The annexures provide detail on the intermediary analytical steps that led to the final report.</p>
Rating:	4: The report documents some of the methodological and analytical processes used to ensure that it is free of methodological and analytic flaws
Standard:	Limitations of all aspects of the methodology and findings are clearly articulated (e.g. limitations of scope or evaluation design, recommendation for additional research, data collection challenges, etc)
Comment and Analysis:	The report notes limitations on the availability of cases (especially older cases) and the implications of the small sample size for the interpretation of the trends. It also notes limits imposed by the fact that some cases were pending at the time of the evaluation, or were settled before judgment.
Rating:	2: There is some acknowledgment of the limitations of the methodology and findings but these are not clear or exhaustive

Strength of conclusions

Standard:	Conclusions are derived from evidence
Comment and Analysis:	In section 7, the conclusions are presented as "lessons learned", with direct reference to the foregoing discussions on evidence of departmental processes and systems and the rulings of the court. This provides a strong and clear link between evidence and conclusions.
Rating:	4: Conclusions are derived from evidence and well supported by multiple sources of data that has been well analysed
Standard:	Conclusions address the original evaluation purpose and questions
Comment and Analysis:	<p>There are 3 evaluation questions, of which question 2 and question 3 are answered directly in the final section, section 7, on "lessons learned".</p> <p>On question 1, "what are the trends emerging from Court challenges relevant to the Department's decision making in terms of EIA?", section 7.2.1 again points out that the trends should not be taken as indicative of the most significant strengths and weaknesses of the department and therefore should not be the overriding consideration in deciding where to focus departmental energy for improvements. Thus although section 7 does not report on the trends, it does address them and leads the reader to a conclusion as to their value. It proceeds to recommend the "most rational place to start" in making EIA decisions more defensible.</p>
Rating:	4: Conclusions address the original evaluation purpose and questions well

Standard:	Conclusions are drawn with explicit reference to the intervention logic or theory of change
Comment and Analysis:	If, as discussed above, the ultimate objective of EIA decision making and application of NEMA regulations is sustainable development, then it would be useful for the conclusions to put the evaluation into perspective by drawing the link between more defensible and sustainable decision making in the department and more sustainable development in the Western Cape. The department's duty to promote sustainable development, and how to make its considerations in this regard more explicit, is mentioned but it is not a focus of the concluding sections. The focus of the conclusions is strongly on answering the evaluation questions.
Rating:	2: Conclusions make implicit or indirect reference to the intervention logic or theory of change

Suitability of recommendations

Standard:	Recommendations are made in consultation with relevant government officials, stakeholders and sectoral experts
Comment and Analysis:	The recommendations were based on ongoing consultation with departmental officials, as well as the workshops where a cross-section of the department's officials engaged with the draft findings. Thus consultation within the department was extensive and served as a strong basis for the recommendations. The evaluation team leaders themselves are sectoral experts; there is no indication that there was a recognised need for further consultation with experts or stakeholders outside the department.
Rating:	3: Recommendations are made in consultation with relevant government officials, stakeholders and sectoral experts
Standard:	Recommendations are useful- they are relevant, specific, feasible, affordable and acceptable
Comment and Analysis:	The recommendations were considered useful by all interviewed stakeholders. They consider the department's practical realities (e.g. the need to prioritise some improvements) and the broader legislative context and how potential changes will affect the recommendations. Several of the recommendations included an element of explanation of the legal principles underlying them, which can support the department in explaining their importance to those without a legal background.
Rating:	4: Recommendations are well-formulated for use- they begin to differentiate by user and are relevant to the current policy context, specifically targetted, feasible to implement, affordable and acceptable to key stakeholders

Acknowledgement of ethical considerations

Standard:	The full report documents procedures intended to ensure confidentiality and to secure informed consent where necessary (in some cases this is not needed - e.g. evaluation synthesis - in which case N/A should be recorded)
Comment and Analysis:	The evaluation methodology did not entail interviews or other methods that could pose a risk to individuals.
Rating:	: N/A

Standard:	There are no risks to participants or institutions in disseminating the evaluation report on a public website
Comment and Analysis:	The report does note some of the department's weaknesses and shows a summary of grounds of review that were successfully upheld in court. One may infer a risk that those seeking to litigate would use this information to strengthen their case against the department. However this was not noted as a concern by departmental stakeholders. Furthermore, by the time the report is disseminated publicly, the department will have had more than a year to work on implementing the recommendations to address shortcomings highlighted in the report.
Rating:	4: There are no risks to participants or institutions in disseminating the original full evaluation report on a public website

Follow-up, use and learning

Resource utilisation

Standard:	The evaluation was completed within the planned timeframes and budget
Comment and Analysis:	The evaluation did not significantly exceed its timeframes and budget and the stakeholders interviewed noted the additional value added by the evaluation team's insights into the department's internal processes.
Rating:	4: The evaluation was completed within the planned timeframes and budget and allowed for additional value to be achieved

Evaluation use

Standard:	Results of the evaluation have been presented to relevant stakeholders
Comment and Analysis:	The results of the evaluation have been presented at two workshops as well as a smaller high-level project close-out meeting. The evaluation would score more highly here if stakeholders outside of government had been involved.
Rating:	3: Results of the evaluation have been presented to relevant stakeholders in government

Standard:	A reflective process has been undertaken by the steering committee with the service provider (if no steering committee exists then by the evaluation management team or the involved department officials) to reflect on what could be done to strengthen future evaluations
Comment and Analysis:	The steering committee regularly discussed how the process was unfolding, but there was no clear, structured reflection session.
Rating:	2: The steering committee undertook a meeting in which some form of reflection occurred, but not in a clear, reflective process

Standard:	The evaluation study is seen by interviewed stakeholders as having added significant symbolic value to the policy or programme (e.g. raised its profile)
Comment and Analysis:	Being an evaluation of an internal process, the evaluation did not specifically raise the profile of this part of the department's work beyond its own officials. However, interviewed stakeholders expressed the belief that the fact that the department opens itself up to an external evaluation of this nature reflects well on the department. It is also likely that the evaluation resulted in raised awareness, a more coherent understanding, and sense of the importance of this aspect of the department's work among officials - especially through the broad and participatory workshops at which draft findings were discussed.
Rating:	3: The evaluation study is seen by interviewed stakeholders as being of symbolic value to the policy or programme

Standard:	The evaluation study is of conceptual value in understanding what has happened and possibly in shaping future policy and practice
Comment and Analysis:	The evaluation findings and the discussions that took place at the workshops were of benefit to stakeholders at many levels in the department, improving their understanding this aspect of the department's work and how it can be improved. Some of the recommendations have subsequently been implemented; for instance the department has taken steps toward better knowledge management.
Rating:	4: The evaluation study is of conceptual value in understanding what has happened and some interviewed stakeholders indicated the likelihood of it constructively shaping policy and practice

References

Cullinan and Associates Inc. (2014) Western Cape Provincial EIA Evaluation Inception Report.

Cullinan and Associates Inc. (2014), Letter of undertaking regarding appointment as service provider for EADP15/2013.

Western Cape Department of Environmental Affairs and Development Planning (DEADP) (2014), Terms of Reference: Provincial Evaluation Project: Evaluation of the implementation and impact of Environmental Impact Assessment.

Cullinan and Associates Inc. (2014) Evaluation of the Implementation and impact of Environmental Impact Assessment (EIA) Decision Making: Final Report.

Cullinan and Associates Inc. (2014) Evaluation of the Implementation and impact of Environmental Impact Assessment (EIA) Decision Making: Abridged Final Report.

List of Interviewees

Ayoub Mohamed, Chief Director: Environmental Governance, DEADP. Telephonic consultation, 3 December 2015.

Ingrid Coetzee (Consultant) and Greg Daniels (Director), Cullinan and Associates, in-person interview, 1 December 2015.

Rowina Wynford, Directorate: Provincial-wide Monitoring and Evaluation, Department of the Premier, Western Cape. Brief telephonic consultation, 2 December 2015.

Anique Rossouw, Department of Environmental Affairs and Development Planning (DEADP) of the Western Cape, in-person interview, 2 December 2015.