Relationship between Environment and Planning in KwaZulu-Natal

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Background

- Concern about disjuncture and divide between environmental management and planning, and its consequences for (sustainable) development

- Research sought to analyse/unpack the problem and explain why disjunctures/divides exist

- Commissioned by the KZN PPDC

Methodology

- Reference group meeting:
  - conceptualising environmental management and planning and their relationship;
  - problems in the relationship
  - how they might be addressed

  – Literature review
  - SA literature, and some international

  – Focus groups
  - 4 sessions with environmentalists, planners and developers.
  - key issues/problems/concerns in the relationship between environmental management and planning in KZN
  - nature of environmental management and planning - differences and similarities in orientation, approach, activities.
  - Issues analysis and discourse analysis

Methodology

- Legal review
- Provincial analysis
  - interviews and document review considering:
  - strategic planning and environmental management
  - processing of site level development applications through planning and environmental systems

- 4 local municipal case studies:
  - eThekwini
  - Okhahlamba
  - Umkhanyakude
  - Hibiscus Coast
  - document review and interviews, considering:
  - institutional context, strategic planning/environmental management; and processing of site level applications

Analysis and Synthesis: Framework

- Draws on 'institutional' accounts, so

- examines the 'hard infrastructure' or formal elements of planning and environmental systems (rules, tools, laws, procedures, institutional responsibilities, competencies)

- and the 'softer elements': practices, relationships, actors, networks, conceptual understandings and discourses that shape policy on the ground.

Analysis and Synthesis: Framework

- Purposes of planning and environmental management

- Tools and mechanisms of planning and environmental management

- Distribution of responsibilities

- Resources and capacity

- Networks, practices and discourses

Purposes of Planning and Environmental Management

- Both have evolved in terms of their purposes, nature and identity, so current practice reflects influence of both past and present

- There are areas of overlap, but also conflict and divergence

- Planning has shifted from physical planning and land use regulation, to a facilitative and developmental approach.

- Strategic planning is emphasised, while land use regulation has been relatively marginalised, remaining largely unreformed.

Purposes of Planning and Environmental Management

- Scope, nature and purpose of planning has been debated, but two main strands in SA legislation:

  - planning as 'managing change in the built and natural environment... towards human development and environmental sustainability' ie. land development

  - planning as integrated development planning - addressing the development legacy, through collaborative planning processes

Purposes of Planning and Environmental Management

- Environmental management emerged later than planning in the 70s, and in parallel to it

- Initially focused on 'green' issues and on project level environmental assessments

- Ecological modernisation as the dominant conceptual framework

- NEMA is integrated and holistic, and emphasises sustainability as not only 'green' issues, but an integration of social, economic and ecological dimensions

- However practice is more technically based

Purposes of Planning and Environmental Management

- The purpose of environmental management is to give effect to NEMA principles

- Introduces new proactive approaches (EIPs), although the emphasis on reactive site-level decision-making remains

Purposes of Planning and Environmental Management: Overlaps and Conflicts

- Policy principles in legislation use similar definitions of sustainability

- But environmental management has stronger focus on ecological issues, while planning has to balance and integrate diverse concerns.

- Planning in IDP processes is collaborative, with political decisions - can't ensure sustainable outcomes.

- Dominance of 'forward' planning vs environmental management as site level assessment (with weak strategic environmental base) leads to conflicts on the ground

Purposes of Planning and Environmental Management: Overlaps and Conflicts

- Brown versus green agenda is evident, but both planners and environmentalists are increasingly broadening their scope

- differences in the purposes of planning and environmental management, but core areas of overlap in the 'management of change in the built and natural environment'.

- Ironically, integrated understandings and more holistic approaches also extends the possibility of overlap and duplication

- complex relationship

Tools of Planning and Environmental Management

- Regulatory system for planning and environmental management in relation to land development
  - EIAs and HIAs
  - Planning Applications in terms of the Ordinance
  - Township establishment in terms of LFTE
  - Development applications in terms of DFA
  - PTOs and development applications in Ingonyama
- Strategic plans at a provincial and municipal level
  - PGDS
  - IDPs, SDFs and LUMs
  - some strategic environmental plans

Tools: Regulatory Machinery

- Parallel systems (mainly EIAs/planning) causing duplication and inefficiency

- Policy is aligned, but overlaps in assessment processes

- Dual assessments in some areas combined with almost no assessment in others (history of fragmentation)

- Little attention to enforcement

Tools: Regulatory Machinery

- Different purposes? Planning applications as proposals vs EIAs as assessments?

- Overlaps may be less common than generally assumed

- But where there is overlap, processing times increase significantly, and there is pressure on DFA processes

- Initiatives to streamline processes (DAEA/DTLGA) face problems

- Better decisions? Different perspectives? Or partial assessment and leveraging of approval?

Tools: Regulatory Machinery

- Quality of assessment falling short of policy principles

- Dual process is confusing and costly for developers and IAPs

- Potential for contradictory outcomes: different decision-making authorities and appeal processes

- Draft new EIA regulations to rationalise?

Tools: Strategic Plans

- Legally defined system of plans

- Intention to embed environment/sustainability in planning and initiatives to assist

- But generally environmental dimensions of strategic plans are poorly developed and sustainability is weakly represented

- Will reflect political processes and interests, and planners' focus

- But IDPs are relatively new, and cross-cutting issues are generally poorly represented

Tools: Strategic Plans

- IDPs and SDFs often poorly linked to implementation/operational issues

- Existing strategic environmental plans not necessarily drawn into IDPs (eg. coastal management)

- Environmental plan/mapping of assets/conditions would be invaluable, but problems with existing resources

Distribution of Responsibilities

- Institutional divides between planning and environment are a problem

- Poor intergovernmental relationships

- Environment as national and provincial, planning as provincial and local.

- Relationships between environmental authorities and DTLGA are co-operative

- But streamlined process for EIAs and planning applications have broken down

Distribution of Responsibilities

- Marginalisation of strategic environmental elements in DAEA, but still seen as their mandate

- Divides within environmental sector: careful about assumption that a single department is a solution

- Overlapping mandates: Best Practices Commission and eThekwini hub and spoke system as solutions? Requires high level overall abilities and judgement

Capacities and Resources

- Insufficient people with the necessary skills, knowledge and experience

- Lack of capacity worse in smaller municipalities and in environmental sector

- Raises serious questions about sustainability of systems - what really can be supported?

Networks, Practices and Discourses

- Role of individuals

- Different policy communities and nodes of identity
  - professional bodes
  - registration requirements
  - links to national and international discourses
  - languages and discourses
  - education and training
  - methodologies
  - culture of work and effect of past practices

Networks, Practices and Discourses

- Discourse analysis of focus groups showed:
  - Suspicion and hostility by some planners and environmentalists who see each other in stereotyped ways
  - But others see convergence around sustainability
  - Significant areas of agreement around need for integration and problem areas to be addressed:
    - duplication of processes
    - time delays
    - poor communication and co-operation between authorities
    - capacity constraints and lack of resources
    - lack of baseline environmental information
    - poor integration of environmental issues in plans
    - lack of connection between strategic plans and assessments
    - conflicting interests and agendas

Networks, Practices and Discourses

- Different interpretations of sustainability

- Ecological, economic, social and governance dimensions receive different emphasis

- Can be real conflicts between different dimensions

- And different interests and sources of power

- Contradictory imperatives in government policy

- Will play out however the relationship is structured

Consequences for (Sustainable) Development

- Weak incorporation of environmental concerns in development

- Environmental issues seen narrowly: social and economic dimensions neglected

- Limited real impact of sustainability ideas

- Duplicated participatory processes alienate public

- Lengthy and uncertain processes engender costs and frustration - undermines business confidence

- De facto illegal development

- Paradox of fragmented systems remains

- Limited capacity ineffectively used