



Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

GREEN PAPER: SPATIAL PLANNING & LAND USE MANAGEMENT IN THE EASTERN CAPE

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Executive Summary

In line with the provisions of the national Spatial Planning & Land Use Management Act (Act 16 of 2013, known as SPLUMA), the Province of the Eastern Cape has embarked on a formal process to develop a provincial law on spatial planning and land use management so as to provide for the specific and sometimes differing planning and developmental requirements of all people residing in the Eastern Cape.

The formal process to develop an appropriate law in the Eastern Cape requires a step-by-step approach to be followed with, firstly, a Green Paper being prepared to serve as a policy framing discussion document.

Thereafter, a White Paper will be compiled, which will serve to flesh out the policy and technical directives that will guide the drafting of the Eastern Cape's Provincial Spatial Planning & Land Use Management law.

This document, the Green Paper on Spatial Planning & Land Use Management in the Eastern Cape, is the outcome of a number of phases of work.

The Green Paper states the basic findings of a process of analysis and research undertaken to better understand the current status and performance of planning (Spatial Planning and Land Use Management) in the Eastern Cape.

It then moves to set out the key themes and focus areas of policy that the Department of Cooperative Governance & Traditional Affairs wishes to further develop into a White Paper and then into a law fit for purpose to guide and administer spatial planning and land use management in the Eastern Cape.

The Need to Reform Spatial Planning & Land Use Management in South Africa

It is today well understood that Spatial Planning and Land Use Management (SPLUM) in South Africa has a complex history that is, to a large extent, intertwined with the country's post-colonial and Apartheid history.

Whilst care must be taken not to demonise the profession and discipline of SPLUM, it must also be acknowledged that SPLUM was used, especially by the Apartheid state, as an important tool to manipulate the use of space (land) at national, regional and local scales to assist in achieving the spatial, socio-economic and cultural objectives of a racially segregated society.

In the post-World War II period, SPLUM, as it was done in South Africa at national, regional and local scales was characterised by a number of distinctive features: -

- The discipline of SPLUM was very much embedded in the state and it was undertaken as a top-down, deterministic administrative action;
- SPLUM (“planning”) itself was portrayed as an objective, technical action that, when done correctly, could plan future arrangements for settlement development and land use as well as manage land uses in a way that was scientific and would lead to the best outcomes for the greater public and society in general;
- This view of SPLUM, meant that it was easier to conceptualise planning challenges as largely technical problems and underplay (or even overlook) the often significant human consequences of decisions that were made;
- From a legislative point of view, the state’s approach to Separate Development also resulted in SPLUM being undertaken in different ways in areas that were racially classified differently, based on different (and differing) laws.
- This resulted in a complex and fragmented legal environment for SPLUM across South Africa and, especially so, in regions such as the Eastern Cape Province, which had complicated divisions of land based on historical processes at the provincial, district and local levels.

The above situation necessitated that the new democratic state, in 1994, needed to embark on a process of rationalising the legal framework for SPLUM as well as reforming the practise of planning in general, so that it could be undertaken in accordance with the evolving constitutional democratic order.

SPLUMA: A New System for Spatial Planning & Land Use Management

Following a protracted period of policy and legislative development, a new Spatial Planning & Land Use Management Act (Act 16 of 2013 *aka* SPLUMA) was promulgated in 2013 and introduced into application as law on 1 July 2015.

SPLUMA is described as “framework legislation” in that it sets in place the foundation of a new SPLUM system that will apply throughout South Africa but also provides for Provinces to enact their own legislation to refine provincial SPLUM systems to better meet their specific circumstances, within the framework set by SPLUMA.

The new Spatial Planning System in South Africa is described in Section 4 of SPLUMA:

4. The spatial planning system in the Republic consists of the following components:
- (a) Spatial development frameworks to be prepared and adopted by national, provincial and municipal spheres of government;
 - (b) development principles, norms and standards that must guide spatial planning, land use management and land development;
 - (c) the management and facilitation of land use contemplated in Chapter 5 through the mechanism of land use schemes; and
 - (d) procedures and processes for the preparation, submission and consideration of land development applications and related processes as provided for in Chapter 6 and provincial legislation.

In the above System, SPLUM is described within the context of 3 categories: -

1. Municipal Planning, which is described as comprising of:
 - *The compilation, approval and review of integrated development plans;*
 - *the compilation, approval and review of the components of an integrated development plan prescribed by legislation and falling within the competence of a municipality, including a spatial development framework and a land use scheme; and*
 - *the control and regulation of the use of land within the municipal area where the nature, scale and intensity of the land use do not affect the provincial planning mandate of provincial government or the national interest.*
2. Provincial Planning, which is described as comprising of:
 - *The compilation, approval and review of a provincial spatial development framework;*
 - *monitoring compliance by municipalities with this Act and provincial legislation in relation to the preparation, approval, review and implementation of land use management systems;*
 - *the planning by a province for the efficient and sustainable execution of its legislative and executive powers insofar as they relate to the development of land and the change of land use; and*
 - *the making and review of policies and laws necessary to implement provincial planning.*
3. National Planning, which is described as comprising of:
 - *The compilation, approval and review of spatial development plans and policies or similar instruments, including a national spatial development framework;*

- *the planning by the national sphere for the efficient and sustainable execution of its legislative and executive powers insofar as they relate to the development of land and the change of land use; and*
- *the making and review of policies and laws necessary to implement national planning, including the measures designed to monitor and support other spheres in the performance of their spatial planning, land use management and land development functions.*

The following are highlighted as key provisions of SPLUMA: -

- SPLUMA legislates Development Principles that are to be adhered to in the practice of Spatial Planning and Land Use Management in South Africa, in line with a principle-led approach to SPLUM that is now a legally binding feature of the South African system.
- SPLUMA is intended to position itself at the centre of a range of other legislation and activities that make up the overall processes of SPLUM. As such, it is aligned with and gives effect to the provisions related to planning and associated activities of the state, as set out or prescribed in a range of core legislation, starting with the Constitution and including the Municipal Systems Act and numerous Acts dealing with cooperative governance, environmental conservation and management etc.
- The SPLUM process, then, is not subordinate to the dictates of any one Department. All government Departments have a responsibility to add value to developmental processes in and across the national, provincial and local government spheres.
- Accordingly, it sets in place processes and institutional structures and provides for Regulations and Municipal By-Laws to:
 - render support and monitoring with regard to the planning function on a cooperative governance basis;
 - prepare SDFs at National as well as Provincial, Regional and Local levels;
 - give effect to land use management processes and the formulation of Land Use Management Schemes;
 - make provision for Land Use Scheme Amendments;
 - carry out the removal of restrictive conditions of title endorsed on individual property title deeds; and
 - deal with appeals against decisions on Land Use Scheme Amendments.

Why the Need for an Eastern Cape Spatial Planning & Land Use Management Act?

In the light of the above new system for SPLUM in South Africa, the question needs to be answered: why develop an Eastern Cape Provincial SPLUM law?

To begin to answer this question, it must first be established that Spatial Planning & Land Use Management (SPLUM) must today again be recognised as a crucial activity that is vital to assist both the state (government) as well as communities (people) to respond to some of the most pressing challenges facing our society (and the human race as a whole). These include: -

- **At a global and national scale:**

- The globally applicable challenge of climate change in the 21st century, which will have national, regional and local consequences ranging from:
 - Changes in weather patterns and more severe weather events (disasters) leading to changes in the natural environment, and threats to water and energy supplies and safe and healthy human environments;
 - Economic impacts, including impacts on agriculture (food supplies);
 - Vulnerability of human settlements, including the threat to coastal settlements of rises in sea levels and surge tides;
 - Large scale migrations of people seeking better (safer and healthier) living environments and access to opportunities.
- The impacts of globalisation and the technological revolution on human economies and associated land use and settlement patterns. Such effects are typified by rapid changes in societies (based on increasingly rapid flows of information and the shifting of resources across the globe) and impacts include an apparently deepening and speeding up in the growth of economic inequality at global, national, regional and local scales.

- **At a national, provincial and local scale: -**

- The need to continue addressing the core challenges of transformation and the revitalisation of the economy to enable more equitable socio-economic development going forward;
- The need to transform inequitable urban and rural human settlement formations into more functional, sustainable and productive use patterns (in terms of enabling human development, economic progress and better managed impacts on the natural environment).

Within the Eastern Cape, specifically, it is the unique history and the socio-cultural and developmental consequences thereof that provide the motivation for taking the new system provided by SPLUMA and working to extend it and make it function more effectively in the varying contexts of different areas (communities) in the cities, towns and rural areas of the Province.

Simply put, these unique challenges include: -

- The complexities of undertaking SPLUM (an administrative action) in a diverse socio-cultural society with varying norms and standards related to land, its use and development as well as its ownership (and the purpose thereof);
- Dealing with the consequences of impoverished urban and rural communities that have been marginalised due either to historical factors but also, often, due to factors related to poor access to opportunities (in turn, related to aspects such as geographic isolation, poor roads and tele-communication networks, inadequate education and health facilities etc.);
- The reality that the Eastern Cape is socio-culturally and economically marginalised within the national space economy and, consequently, many of its government institutions as well as the majority of its communities are not optimally-resourced and well-capacitated.

VISION and Goals for Eastern Cape Spatial Planning & Land Use Management

In seeking, then, to respond to the need to develop an Eastern Cape Spatial Planning & Land Use Management System that would assist the government and communities resident in the Province to respond to the many unique challenges facing them, **the Eastern Cape Government has formulated a VISION that is guided by the Back to Basics Programme** to inform its further steps in this direction, as follows: -

The system of Spatial Planning & Land Use Management (SPLUM) to be developed in the Eastern Cape Province will include the following functions and characteristics: -

- Over and above the technical aspects of IDP and SDF formulation, Scheme compilation and land use management, planning must be carried out in such a way that it gives material effect to the provisions of Chapter 4 of the Municipal Systems Act in respect of community capacitation (enabling an informed constituency), and citizen involvement in governance activities and developing locally-based inputs (future visions, strategies and proposals) for their communities.

- From the perspective of oversight, this informed constituency shall become a principle driver of and participant in the planning endeavours of the state, and must hold the state accountable for achieving agreed upon outcomes;
- While placing citizen participation (consensus) at its heart, SPLUM in the Eastern Cape shall furthermore be an integrating discipline, bringing together technical aspects of environmental management (wise land use), service delivery (how and where to develop and maintain infrastructure, roads and pedestrian networks, social facilities), economic development and human settlement (how best to facilitate and to manage where or how people live, work and play) and the key linkages between all these aspects.
- This will require SPLUM and integrated planning to take centre stage and play a co-ordinating and integrating role with and between different sectors within government as well as with and between the public and private sectors;
- In all its undertakings, planning in the Province shall be characterised by an approach that is sensitive to the cultural and economic contexts of the area(s) where the planning activity is taking place, as well as the norms, standards and expectations of the communities who are resident in such area(s);
- Plans and Schemes to be formulated in terms of SPLUM activities in the Province must be informed by and take account of the expressed needs of all stakeholders but must also remain realistic about the availability of resources in the public and private sectors (human resources, financial resources and environmental capacities to support proposed activities) and how this may impact on their ability to achieve the desired outcomes.
- A social compact approach shall underpin the new system of planning in so far as all stakeholders will be enjoined to commit to its ongoing development.

Based on the foregoing, **three clear goals** are held to direct the proposals of the Green Paper on Spatial Planning and Land Use Management:

1. The first overarching goal is to re-establish planning (integrated development planning, spatial planning and land use management) as a crucial administrative action and discipline that is central to the successful achievement of integrated development and developmental local government;
2. The second goal is to achieve the restructuring and revitalisation of the planning profession in such a way that it performs its constitutional mandate and, accordingly, takes its place as a crucial occupation that plays a fundamentally important role in bringing people together to a better understanding of each other's worldviews and, along with this, to a better understanding of the key decisions that need to be taken to ensure that our culturally diverse society endures and prospers in a way that is more equitable, sustainable and resilient.

3. Finally, it is an explicit goal that the spatial planning system, together with applicable standards, shall be maintained as a primary responsibility of local government (municipalities). Should a municipal spatial planning post be vacated and be unable to be filled in good time, the relevant municipality will inform the MEC in order for the MEC to ascertain the level of support required in the given instance, and hence what actions need to be taken.

It is asserted that a planning system (both the public and private sectors) that is well-supported and resourced would be able to regain its legitimacy as a profession and discipline that is integral to successful societies.

Key Focus Areas for Refining an Eastern Cape Spatial Planning & Land Use Management Act

In the light of the above Vision and Goals, **the Green Paper proposes several Focus Areas where it is suggested that the Provincial legislation on spatial planning and land use management should provide guidance that is supplementary and/or complementary to the provisions contained in SPLUMA.**

1. Operationalising the SPLUMA Principles in the EC-SPLUM System

This deals with the fact that the SPLUMA Development Principles mean that, in the Eastern Cape, a new planning system must cater for processes and protocols to address a range of issues and functions including Social, Cultural, Economic, Spatial and Environmental processes.

This will require the Province and Municipalities to prioritise the proper resourcing and operation of the Provincial and Municipal Planning functions.

2. The Need to Clarify Roles & Functions of Different Spheres of Government in Relation to Planning

This Focus Area deals with two important aspects: Firstly, the need to clarify further the operational definition of, and how to manage the roles and functions included under the terms “Provincial Planning” and Municipal Planning” and to provide for a better understanding of how to deal with “regional planning”, which may entail planning for an area that is not Province-wide but rather crosses municipal boundaries and is functionally based (e.g. an agricultural region).

Secondly, this Focus Area emphasises the need to clarify how best to organise and manage the relationship between Province and Municipalities in relation to Integrated Development Planning (IDP), Spatial Planning and Land Use Management.

3. Dealing with Cultural Diversity and Customary Law

This Focus Area highlights the profound aspects of cultural diversity and how central it (diversity) is to enabling any prospects of sustainable development.

Also highlighted are the challenges presented to the planning discipline in dealing with the realities of socio-cultural diversity in urban and rural areas. The need is noted for the Provincial SPLUM legislation to give effect to a more appropriate way of dealing with cultural diversity in planning processes and recognising the importance of customary law, indigenous (or local) cultural norms and standards and local leadership.

The importance of developing appropriate Protocols to inform planning processes is emphasised, as is the need to ensure that forward planning (Spatial Planning) is done in a manner that will ensure that subsequent planning proposals and Land Use Management Schemes are seen to be consensus-based and valid.

4. The Need for Thorough and Sustained Consultation in Planning

This Focus Area highlights the need to revitalise the processes applied to community participation in all planning and governance activities, as provided for in the MSA. Promoting dialogue in a planning process (that is, either an Integrated Development Planning or Spatial Planning process) will contribute to the “humanisation” of an activity that has come to seem distant and peripheral to many.

Such dialogue, however, should not be seen as being limited to being between a planning agency and a community. Rather, in terms of the constitutional imperative of cooperative governance, there is an injunction on all state departments that engage in planning or service delivery to communicate their intentions and wishes and to engage with their governance counterparts toward achieving clarity and alignment in the efforts of the state. The objective, however, remains the same: all agencies are delivering services to a specific area/space in line with one consensual development code, in an integrated and coordinated manner.

In all cases, the fundamental principle of Free, Prior and Informed Consent (FPIC) shall be held to apply but, most especially, in any case where spatial

planning or any form of land development affects land that is held or occupied by a community under informal or old order tenure rights (e.g. Permission to Occupy [PTO] certificates).

5. Ensuring Administrative Justice (Fair Administrative Processes) in Planning & Land Development Processes

This Focus Area deals with the need to ensure that all stakeholders have access to procedures that ensure administrative justice and access to proper avenues of redress must be open to anyone whose rights have been affected by a planning process or planning decision.

The basis for this is section 33 of the Constitution, which provides for “Just administrative action”, as well as section 34, which also guarantees a right of access to courts of law and also the resolution of disputes in another tribunal or forum, provided that such tribunal or forum is independent and impartial.

Administrative action without prejudice is viewed as an inextricable part of Social Justice.

In summary, the Green Paper proposes that conciliation and mediation constitute perfectly legitimate and viable alternative dispute resolution (ADR) measures that should be introduced into provincial legislation to resolve disputes that arise from the interpretation or application of SPLUM legislation. It is considered appropriate that provincial SPLUM legislation provide for a Minister, MEC or a municipal council to consider the desirability of referring a matter to conciliation when a difference or disagreement has arisen, before reaching a decision.

6. Ensuring Accessible and Fair Avenues for Appeal

This Focus Area deals with the subject of internal appeals, which is addressed in section 51 of SPLUMA and has been the source of some controversy as to (1) whether an appeal body contemplated in SPLUMA could be seen as an impartial body; and (2) as to whether the right of appeal has been framed too narrowly in SPLUMA.

Based on the fact that section 51(6) of SPLUMA permits a municipality to authorise an outside body or institution to assume the obligations of an appeal authority and indicates that the manner in which this is done may be regulated in terms of provincial legislation (which is reinforced by regulation 20(c) and 28 of the SPLUMA Regulations), it is proposed that this provides a useful opportunity for provincial legislation to deal with concerns about the impartiality of the executive authority of a municipality.

Thus, provincial legislation could provide for the establishment of a single umbrella appellate tribunal. This would have jurisdiction to deal with all appeals against decisions taken by Municipal Planning Tribunals (MPT) in the Eastern Cape, enjoying similar functions and powers as the erstwhile town planning appeal board, provided that the tribunal would fall under the authority and responsibilities of local government.

The last point emphasises that a provincial Appellate Tribunal would only be able to operate in place of the executive authority, where so authorised by the municipality in question, but not as a substitute therefor where no such authorisation existed. In other words, the executive authority would function as a default appeal body in the absence of specific authorisation from the municipality for the tribunal to deal with any appeal against a decision taken by the MPT.

Finally, considering the narrow right of appeal against a decision made by a MPT provided for by SPLUMA, it is submitted that provincial legislation is necessary to address this shortcoming.

In particular, the qualifications attached to the meaning of an interested party under sections 51(4) and (5) of SPLUMA require modification to ensure that the recognition of customary law is given effect and that the principles of Free, Prior and Informed Consent are protected. This also means that provisions need to be considered to include Traditional Councils and duly-legitimated community representatives as having the right to give input on relevant matters as well as having representation on Appeals bodies, where relevant.

7. Institutional Development & Appropriate Institutional Configuration

This Focus Area addresses the contention that, in order to secure the vision of a revitalised and inclusive (more human) planning system in the Eastern Cape that is able to strive for the achievement of social justice, spatial transformation and the SPLUMA Principles, it is crucial to acknowledge the need for a reconfigured institutional arrangement to enable more effective and responsive planning to inform development management and delivery.

In this regard, it is proposed that: -

- A Provincial Planning Board should be established that will advise the MEC of COGTA on a range of matters affecting SPLUM.
- The Provincial Planning Board may also provide research, guidance and advice upon request by any provincial department or the House of Traditional Leaders, or a municipality or a Traditional Council on a range of SPLUM and human settlement issues.

- The provincial mandate to support and monitor spatial planning and land use management must be given “flesh” and a clear institutional home with provision for capacity to be set in place to enable the Province to render the function at an appropriate level to assist the municipal sphere as per the obligations of Province in terms of Section 139 of Constitution and Section 10 of SPLUMA.
- Finally, whilst remaining consistent with the provisions of SPLUMA, it is proposed that Provincial Planning must at least undertake the following activities:
 - The formulation of a Provincial SDF
 - The formulation of Provincial Policy on matters of interest and/or concern for spatial planning and land use management in the Province
 - Representing the Province in different forums on matters of interest to planning in the Eastern Cape
 - Provincial-based research and the development of knowledge databases and GIS data
 - Assisting in conflict-resolution between stakeholders, where so requested
 - Establishing appropriate protocols to guide planning and land use management processes as well as participatory methods need to inform and guide such processes
 - Facilitating and/or participating in Implementation Protocols as provided for in Section 35 of the Intergovernmental Relations Framework Act (Act 13 of 2005)
 - Establishing technical support structures as provided for in Section 30 of the Intergovernmental Relations Framework Act (Act 13 of 2005)
 - Collaborate with and advise on request the Eastern Cape House of Traditional Leaders and/or Traditional Councils
 - Where deemed vital, and following due process, to undertake work for and on behalf of a municipality that is unable to perform its functions.

8. Professional Development

As it is a key submission of the Green Paper that SPLUM and integrated planning are crucial activities, it is considered that the planning profession needs also to be revitalised from an educational standards point of view as well as a professional ethics and standards point of view.

Therefore, it is proposed that measures be provided for in provincial legislation and/or related regulations to set minimum standards in relation to planning education and training, and to identify areas of work that may be carried out by different categories of planners, as provided for in the Planning Profession Act (Act 36 of 2002).

The effort to revitalise the profession of planning should further place great emphasis on: -

- Developing a new ethos and morality of planning in the Province that questions prevailing planning rationalities (schools of thought) in the context of socio-economic and cultural diversity.
- The development of broader and deeper skill sets to deal with the scope of the work that planners are called upon to do, as it concerns not only land (space) but also people, infrastructure, the environment and the economy.
- Putting in place support mechanisms to underpin continuing professional development (CPD) and knowledge development. Such mechanisms could include formalising support of SA Council of Planners (SACPLAN) and SA Planning Institute (SAPI) structures in the Province.
- Putting in place a Peer Review mechanism that could be accessed on request by any client of a registered professional planner, or by any stakeholder concerned about the quality of work of such a planner.

9. Addressing Omissions and Problematic Aspects of SPLUMA

As SPLUMA is in the process of being implemented in the Eastern Cape Province and it is possible that there may well be provisions made in law by the Act that will prove to be a challenge, either in the context of the Provincial realities or in general application, it is proposed that the EC-SPLUM process must ensure that ways and means are put in place to enable unforeseen legal difficulties to be dealt with in a practical manner that is not out of line with the prescripts of SPLUMA.

10. Providing Transitional Measures for the Bridging of the Old and the New Planning System

In order to ensure a smooth transition from the system existing at the time of implementation of the new Provincial SPLUM Act, there will be a need to provide guidance on measures needed to ensure that the planning system continues to function smoothly as it transitions from the previous system to the new.

- Any relevant Planning Advisory Board, Land Use Planning Board and/or Townships Board will remain functioning until such time as they are disestablished by Notice in the Provincial Gazette
- Actions taken in terms of a previous law that is repealed by the P-SPLUM Act will need to be considered as having been done in terms of the Act and, as such, maintain their legality until such time as an affected action is expressly repealed or withdrawn in terms of the Act or subsequent by-laws.
- Any action taken in terms of an Act or by-law repealed by the new P-SPLUM Act and which has not been finalised at the date of enactment of the new Act may be finalised as determined by the relevant Regulatory Authority of legal standing.

11. Providing for Emergency Measures

Given the reality that planning will most likely be required to play a central role in assisting the society to deal with the implications and consequences of unforeseen events, including natural and human-made disasters, it is proposed that EC-SPLUM must make provision for emergency measures in spatial planning and land use management matters.

These would foreseeably include needs relating to:

- The need for temporary accommodation of communities as a result of natural disaster;
- The need to seek alternative land for settlement;
- The need for transitional arrangements related to the upgrading of informal settlements.

The Way Forward

This Green Paper sets out the Eastern Cape Department of Cooperative Governance & Traditional Affairs' views on how to move forward in dealing with the issues at hand related to the need for provincial legislation on Spatial Planning & Land Use Management.

As such, whilst the compilation of the Green Paper has been done in a consultative manner, it will not lead to adoption by Legislature but only by the Department itself.

Consequently, once the Green Paper has been endorsed as stating the Department's policy, the next step will be the drafting of a White Paper that shall serve as the platform for the drafting of legislation, in due course.

As the White Paper is the document that links to the drafting of legislation, it has a more formal route to travel to be adopted by Legislature, as follows: -

1. The White Paper draft goes firstly to the Governance & Administration Cluster (Heads of Departments of COGTA, the Office of the Premier and Treasury) under cover of a Cluster memo;
2. It will then be introduced to the Cabinet Committee for Governance & Administration (MECs of relevant departments) under cover of a Cabinet Committee memo;
3. If it successfully traverses those structures, the White Paper is then taken to the Executive Council for adoption;
4. Once EXCO has adopted the White Paper, the MEC for COGTA shall introduce it into the Legislature who will refer the item to the relevant Portfolio Committee, which will be briefed on the item by a COGTA delegated official;
5. At this point, the Portfolio Committee can refer the White Paper to be subject to Public Hearings;
6. Once those processes are complete, the White Paper is submitted to the Legislature for adoption.
7. The process to draft legislation (draft Bill) can then be proceeded with.
8. In this regard, it is recommended that use be made of the available ways and means to draft a Bill in parallel to the White Paper and reach the end-goal of legislation sooner.

Structure of the Green Paper

Chapter 1: Introduction

This chapter sketches out the background to the current processes of rolling out SPLUMA and focuses on establishing why planning (spatial planning and land use management as well as integrated development planning) is a crucial activity that contributes to the prospects of success of developmental government.

It also addresses the issues currently affecting the planning system in the Eastern Cape and clarifies why it is important for the Province to proceed with developing its own legislation to guide SPLUM in the Eastern Cape.

Chapter 2: Developing a New Eastern Cape Spatial Planning and Land Use Management System

This chapter focuses on the core of the Green Paper and sets out what SPLUMA has put in place as the basis for the new planning system in South Africa. This is important as SPLUMA sets the framework for the provincial legislation to be developed.

Thereafter, the chapter moves to address the importance of the Development Principles contained in SPLUMA and how these direct a new planning system.

This forms the platform for establishing a vision for a new, revitalised and transformative planning system and planning profession in the Eastern Cape.

Chapter 2 of the Green Paper concludes by detailing the Focus Areas that have been identified to guide the further work to develop a White Paper and a draft Bill on Spatial Planning & Land Use Management in the Eastern Cape.

Chapter 3: Outline of Next Steps

This chapter concludes the Green Paper by pointing the way forward to the next steps to be taken in the drive to develop appropriate legislation to guide and direct Spatial Planning & Land Use Management in the Eastern Cape.