

DEVELOPMENT PLANS UNDER THE LAND USE PLANNING ORDINANCE

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Die woord 'ontwikkelingsplan' word net een keer in die Ordonnansie op Grondgebruikbeplanning genoem en daarom is daar verskeie maniere waarop die doel daarvan, soos beoog deur die Wetgewer, geïnterpreteer kan word. Omdat die vermelding in hakies binne die definisie van struktuurplanne aangegee word, is dit duidelik dat ontwikkelingsplanne bedoel is om deel van struktuurbeplanning te wees. Anders as in die geval van Britse beplanning, en in ooreenstemming met strategiese planne soos gebruik deur Port Elizabeth Munisipaliteit, lyk dit asof ontwikkelingsplanne 'n implementeringstrategie is. Dit stem ooreen met ontwikkelingsplanne soos voorgestel in die Pakket van Planne van Natal. Anders kan ontwikkelingsplanne ook gesien word as detail planne vir fisiese ontwikkeling, maar laasgenoemde interpretasie is blykbaar nie die doel soos deur die Ordonnansie beoog nie.

Uit die ondervinding van Port Elizabeth blyk dat 'n ontwikkelingsplan vir elke vlak van beplanning nodig is.

In 'n hiërargiese stelsel kan probleme ontstaan, omdat daar meestal veranderinge plaasvind wanneer van algemene planne na detail-beplanning oorgêgaan word. Elke verandering wat die opstel van 'n detail plan aan 'n statutêre struktuurplan veroorsaak sal eers as 'n wysiging van die struktuurplan geprosesseer moet word, met Provinsiale goedkeuring, wat verdragings kan veroorsaak.

INTRODUCTION

The new Cape Provincial Land Use Planning Ordinance, promulgated on the 1 July 1986, states in section 5(1) that:

'The general purpose of a structure plan shall be to lay down guidelines for the future spatial development of the area to which it relates (including urban renewal, urban design or the

preparation of *development plans*) in such a way as will most effectively promote the order of the area as well as the general welfare of the community concerned.' (My italics.)

Nowhere in the ordinance is the term 'development plan' defined. Nor does the use of 'ontwikkelingsplanne' in the Afrikaans text give a clue as to the precise intent of this term. In what way therefore is the town planner to view the term when preparing his structure plan?

Apart from other issues that this Ordinance attempts to address, its prime function and value is that it enshrines the principle of forward planning in legislation.

For those engaged in forward planning it is abundantly evident that it is difficult, if not impossible, to undertake such planning with any degree of certainty. Circumstances, both political, social and economic, are constantly changing as are the general perceptions of the community and its requirements. Consequently forward planning must be sufficiently flexible to accommodate change and the principle of planning from the broad to the particular is essential in this process. The Land Use Planning Ordinance makes provision for this in the institution of the statutory structure plan, requiring the approval of the Administrator (sect. 4(6)). This is the vehicle for the broad planning of a city or town and the stage when the basic development principles and policies of that city are stated.

This should be followed by a second tier structure plan (sect. 4(10)) which would deal with the more precise issues confronting a specific portion of that city or town as it becomes ripe for development. This plan, provided it complies with the parent statutory structure plan, does not require the approval of the Administrator. It will crystallize some of the general princi-

ples laid down in the statutory structure plan but will not necessarily address such details as will enable a land surveyor to identify a specific portion of ground so that actual development may take place. This should be achieved through a yet more detailed and finite plan which could be described as a 'development plan'. This results in a three tier planning process of which a development plan is the final statement of intent.

The above statement however, implies a specific meaning to the word 'development plan'. The Concise Oxford Dictionary describes 'develop' as 'unfold - reveal - bring or come from a latent to an active or visible state - make progress - become or bring to maturity'. The word 'development' is described as 'gradual unfolding, fuller working out - growth - stage of advancement - more elaborate form.'

In colloquial terms the word development generates the impression of something tangible if not specifically built. For example a field which is ploughed is seen as having been developed, yet if it remained fallow yet fenced, it would also be seen as having been developed. However, it is usually seen as meaning something more substantial, something in bricks and mortar and usually in three dimensions. A development plan can therefore be seen as a proposal to achieve a two or three dimensional form, a plan depicting the spatial arrangement of elements in terms of dimensions, form, colour and texture. It is a precise arrangement, capable of being implemented in practice and put to the intended use. It may be a stage toward that final implementation and in fact may merely be a two dimensional scheme such as a township layout which has, as its final stage, the addition of the third dimension in the form of buildings.

Planning should not be undertaken for planning's sake. Although this

might appear to be an academic statement, unfortunately it must be accepted as a criticism of the planning profession from time to time. Planning should be seen as a positive process leading towards the realisation of specific goals and objectives and it is essential that it must be resource and time related. Too often planners are guilty of having prepared magnificent plans for an area but have disregarded the vital questions of 'how, how much, when and who'. The development plan can therefore also be viewed as a programme or strategy towards the implementation of proposals. Development is undertaken by both the public and the private sector, the former usually provides the infrastructure and the latter the shelter and accommodation and, as it is desirable to minimise costs and maximise returns, it is essential that there be close co-operation between the two sectors. This makes the provision of an implementation (or development) plan probably as important as any other form of planning.

PRECEDENT

Before discussing the above two concepts and how these relate to the structure plan as envisaged in the Land Use Planning Ordinance, it may be as well to see how others have viewed the term 'development plan'.

The British Town and Country Planning Act of 1968 introduced what is termed a 'development plan system' the main components of which are the structure plan and local plans. A structure plan is primarily a written statement illustrating diagrammatically the local planning authority's policies and main proposals for change on a large scale whilst the 'local plan' will be concerned with the more detailed implementation of the policies and proposals of the structure plan (*Development Plans* 1970). Thus in the British context the development plan is seen in its broad sense related to the overall process of development and encompassing the structure plan. The Land Use Planning Ordinance however, in section 5(1) refers to the development plan in brackets and indicates it as a part of the structure plan.

When looking at the British legislation and searching for a definition of

the word 'development' this is defined in very precise terms. It is however related to actions of detail including the digging of a hole or the planting of a pole all of which related rather to planning control than to the forward planning aspect with which we are now concerned.

The term 'local plan' as referred to above would therefore, in my opinion, be synonymous with the term 'development plan' as could be envisaged in section 5(1) of the Ordinance.

It is in this context that the Port Elizabeth Municipality saw the term 'development plan' in its *Systematic Town Planning Procedures* (1981) prepared to document a process that had been adopted by that local authority since 1974 (Port Elizabeth Municipality 1974). The planning process adopted was the preparation of:

- (a) the structure plan (a statement of the Council's broad planning and development policy)
- (b) the strategy plan (a statement indicating the phasing of that policy)
- (c) the master plan (a more detailed indication of proposals in an area ripe for development as defined in terms of the strategy plan above)
- (d) the development plan (a precise plan finalising the elements of the master plan so that portions of land may be identified by the land surveyor and development parameters defined).

Stages (a), (b) and (c) resulted in plans which were non-statutory in that this planning procedure had not been authorised in terms of the then operative Townships Ordinance (33 of 1934). Stage (d), the development plan, was the only statutory document requiring the Administrator's approval, and was ultimately incorporated in the town planning scheme.

This procedure has since been modified by incorporating the strategy plan as an element in each of the phases of planning. The strategy plan therefore fulfils the function of outlining, in sufficient detail depending upon the nature of the plan of which it is a part,

the actions and financial provisions necessary to ensure the implementation of the plan. Such a strategy plan is also time related and can therefore form an integral part of a local authority's financial programme.

It is understood that the Natal Environmental Planning Division has introduced, on an advisory basis, a planning procedure known as the 'Package of Plans'. The package consists of the following:

- The structure plan (policy plan);
- The development plan (implementation and budgeting plan);
- The town planning scheme (control plan).

It is interesting to note in this case that Natal view the 'development plan' in the context of an implementation strategy. It is in essence a written document backed up by maps where necessary and, to assist the local authority's financial planning, includes a financial model for budgeting purposes. The plan comprises a planning programme of all the development projects proposed by the local authority for a maximum period of ten years and includes the budgeting programme for three years. The local authority's capital budget is based on the development plan and this plan is consequently revised annually in accordance with changing circumstances but must constantly be in accord with the structure plan. The purpose of the plan is not only to assist the local authority but developers as well who need to select the right time for commencing major projects in accordance with the provision of infrastructure.

It can be seen therefore that there are three different interpretations of 'development plan'. The first is the British interpretation being the overall planning process of which structure planning and local planning are a part. The second is the concept adopted in Port Elizabeth where the development plan is a highly detailed document, such as a township layout, from which actual development can take place and, thirdly, the concept adopted in Natal where the development plan is in fact the implementation or strategy plan (the latter being the term used in Port Elizabeth).

THE PLANNING PROCESS IN PRACTICE

What then is the intent of the term 'development plan' as used in the Land Use Planning Ordinance; what is its purpose? Is it one of the above functions or all of them?

Firstly, it can be safely accepted that the all embracing concept as used in the British legislation does not apply here. If it were then it would have had a more prominent position in the Ordinance and not merely a bracketed statement in a section of that Ordinance. But as to the other two meanings I believe they could and should both apply and fulfill their individual functions in the overall planning process. These are:

- a 'development plan' illustrating specific physical proposals.
- the implementation 'development plan'.

The Ordinance makes provision for two classes of structure plan, namely the '4(6)' structure plan which is essentially that outlined in the Ordinance and its regulations as well as in the Cape Provincial Administration's guidelines to the preparation of structure plans. It is a broad planning statement supported by firm and diagrammatic illustrations in plan or other form; the former being fixed requirements and the latter provisions which may vary over time. Planning here is seen in its wider sense in that it encompasses the land use plan, the transport plan, the infrastructure plan, the community plan as well as policies related to the socio economic development of the community. The plan covers a wide area and being diagrammatic is subject to alteration as policies and proposals crystallize.

When portions of the structure plan area become ripe for development further crystallization of ideas is necessary and more detailed analysis is required resulting in more detailed provisions. These are reflected in a lower order plan and provision is made for this in the Ordinance by means of the '4(10)' structure plan which, while statutory, need not require the approval of the Administrator provided it is in accordance with the '4(6)' structure plan previously approved. The form and content of

such plans is left to the individual local authority. Consequently it can range from a flexible document also containing some diagrammatic illustration, with specific issues yet to be crystallized, to a more precise document providing all necessary data and parameters for actual development. Within this range would be the development plan illustrating physical proposals. The Ordinance therefore gives the local authority as much flexibility as possible to determine its own planning procedures.

However, difficulty is envisaged, a difficulty borne out of practical experience of the hierarchical planning procedure adopted in Port Elizabeth for the last twelve years. Seldom, if ever, once more detailed analysis of a portion of the structure plan is undertaken, has the second tier of plan (the master plan) been strictly in accordance with the structure plan. For example, it is not practical at structure plan level to precisely determine a major transport route; to do this would be time consuming and expensive. The route is shown in diagrammatic form but when a second order plan (master plan) is prepared this route must be finalised and, as a result of more detailed topographical analysis and geometric design requirements, the actual route may vary considerably from that shown on the structure plan. It has also been experienced, in the planning of low cost housing for instance, that variations in the financial formula for the provision of such housing have necessitated changes in the nature and density of townships as predetermined in the structure plan. In such cases it would, presumably, be necessary to have the structure plan amended with the revised routes or housing requirements shown and then submitted to the Administrator for approval. This may prove time consuming.

Experience has shown similar changes to the second order plan (master plan) being necessary when the third order plan (development plan) is undertaken. This however would not present the same practical problems as both second and third order plans would be '4(10)' structure plans. Such changes would nevertheless require local authority approval and could

also require a review of any public participation exercises which has been undertaken. All in all, this could considerably increase the administrative work load of a local authority.

It has been suggested that the structure plan must be sufficiently 'diagrammatic' to provide for the flexibility necessary. However, caution must be exercised in this respect in that a scheme which is too vague no longer serves its purpose as a guide to development and can also more easily fall prey to the unscrupulous. Furthermore this could again place a considerably increased work load on officials administering the scheme in that the plan may not give sufficient guidance for the prompt assessment of development proposals. Techniques to be used in the preparation and illustration of '4(6)' structure plans will have to be very carefully considered to avoid these pitfalls.

Nevertheless the development plan is seen as an essential stage in the process of development beginning with national planning objectives, the regional guide plan, city or town structure plans, development plans, culminating in the planning and development of individual buildings or structures for human activity.

The development plan as an instrument guiding implementation is probably as important, if not more so, as the physical plan. No specific reference to such a plan is made in the Ordinance although it is known that this requirement was well appreciated by the architects of the Ordinance. Consequently it is my belief that the term used in section 5(1) probably relates to this meaning of the term; the previous meaning having been adequately provided for in section 4(10).

Local authority budgeting for proposed development in an urban area is a highly complicated exercise particularly when viewed against the overall budgetary requirements of the city as a whole. With finance becoming an increasingly scarce resource priorities for development have to be as accurately determined as possible. Gone are the days when this can be assessed on an ad hoc rule of thumb basis and gone are the days when physical planning could be done by the town plan-

ner in isolation and in the belief that 'someone' would see to the implementation of the plan. Today the plan itself must determine the stages and phasing of development together with the cost of such phases and the agency responsible for each element of each phase. This requires a very close liaison and relationship with all disciplines involved in the development process, a relationship which has the added 'spin-off' of ensuring that the plan is in fact practical and viable. The application of this process in Port Elizabeth has had the effect of engendering a greater respect among disciplines and a deeper appreciation of the requirements and problems faced by all involved in development. In short, it has resulted in better planning.

Experience has shown that such an element of such a plan, whether it is called a development plan, an implementation plan or a strategy plan must accompany every stage of the planning process. At a 'section 4(6)' structure plan level it probably only relates to the staging and phasing of the plan whereas at a detailed '4(10)' structure plan level it would include not only financial provisions but also the specific and precise administrative

procedures necessary, as well as who should be responsible to ensure that they are carried out.

In a city area a number of such plans would exist having come into being at varying times with varying objectives and priorities, each demanding a place in the 'budgetary sun'. Satisfactory co-ordination of such a complex set of objectives, particularly when viewed against other financial priorities of a local authority and its scarce financial resources, can only be resolved by the use of a computer. To this end a model for financial planning and control in the provision of urban services has been developed by Professor Boaden at Natal University (1985). I am not competent to discuss this development with any authority, this will no doubt be evaluated by those specialising in computer programming. Suffice it to say that this could be a breakthrough in arriving at a practical method of programming the implementation of physical plans in the context of a complex urban situation.

CONCLUSION

In conclusion I believe that the Land Use Planning Ordinance, although untested at this stage, opens the way

for a new and dynamic approach to planning in this country. It is an approach which is by no means new to planners but one which could not be fully realised under the old Townships Ordinance.

As to the interpretation of the term 'development plan' it may have different meanings to many people but I believe the authors of the Ordinance intended it to mean both the detailed physical plan leading to specific development on the ground, as well as, and by no means the least important, the Implementation or Strategy plan.

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