

STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN THE ASIA-PACIFIC : DEVELOPING ENVIRONMENTAL LAW CHAMPIONS

Cebu, 22-26 August, 2016

**SESSION 4: ENVIRONMENTAL (SPATIAL) PLANNING AND EIA
LAW**

**Presented by Prof Alexander Paterson
University of Cape Town**



OVERVIEW OF THE SCOPE/CONTENT SESSIONS

- Introduction for environmental law
- Environmental (spatial) planning & EIA law 
- Environmental protection law
- Biodiversity and cultural heritage law
- Natural resources management law
- Climate change/clean energy law
- Environmental dispute resolution
- Rights in environmental law
- Regional environmental law
- International environmental law

PURPOSE OF THIS SESSION

Environmental (Spatial) Planning Law

overview

CONTENT

insight

Environmental Impact Assessment Law

Contextual Reflection

formats

SKILLS

methodology

Case Study

CONTENT

2 MAIN PARTS

Environmental (Spatial) Planning Law

Environmental Impact Assessment Law

ENVIRONMENTAL (SPATIAL) PLANNING LAW

- Historical development
- Planning policy instruments
- Development control mechanisms
- Appeal mechanisms
- Related measures
- Alignment with other measures

HISTORICAL DEVELOPMENT

Restrictive Covenants



Statutory Controls

(health and building regulations)



Industry

Residential

Commercial

Zoning

Recreational



National/Provincial Planning



Integrated Planning

Economic

Social

Environment

PLANNING POLICY INSTRUMENTS

zoning maps

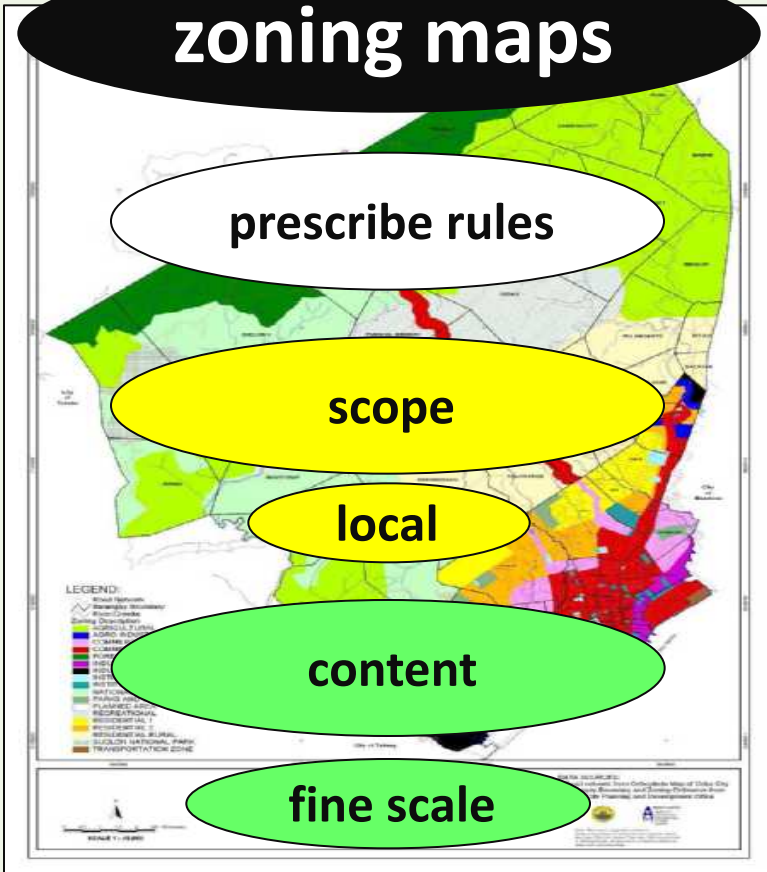
prescribe rules

scope

local

content

fine scale



strategic plans

provide strategic guidance

scope

local

national

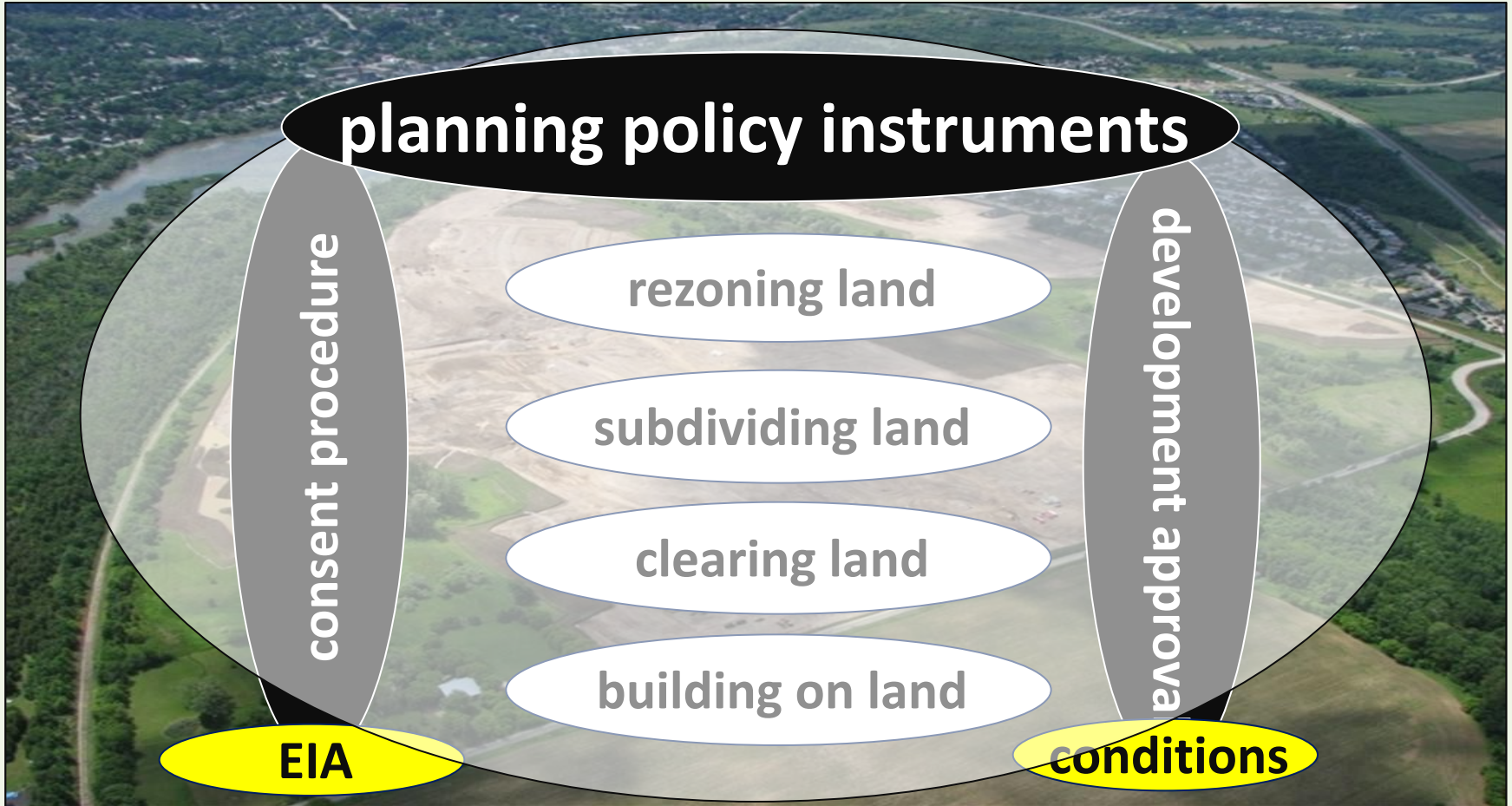
provincial

content

broad scale



DEVELOPMENT CONTROL MECHANISMS



APPEAL MECHANISMS

decision/approval

appeal

applicant

who

3rd party

grounds

for what

on the merits

higher authority

to whom

specialist court

RELATED MEASURES

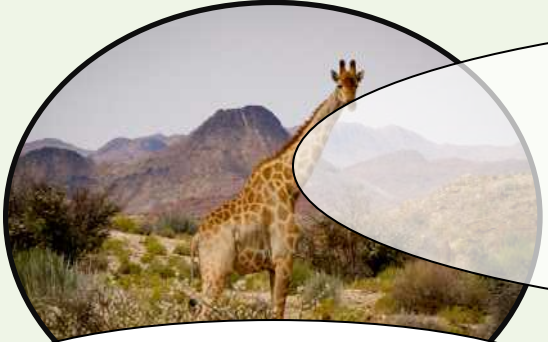
coastal management



dev'ment facilitation



agriculture

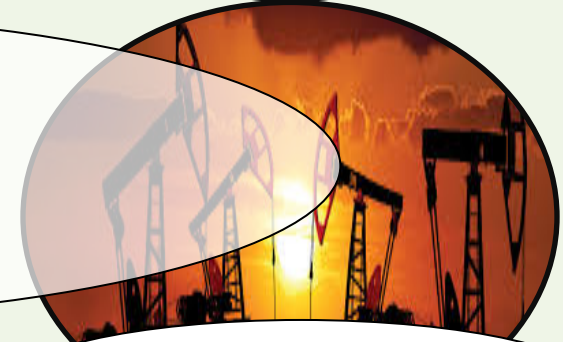


biodiversity

undermine

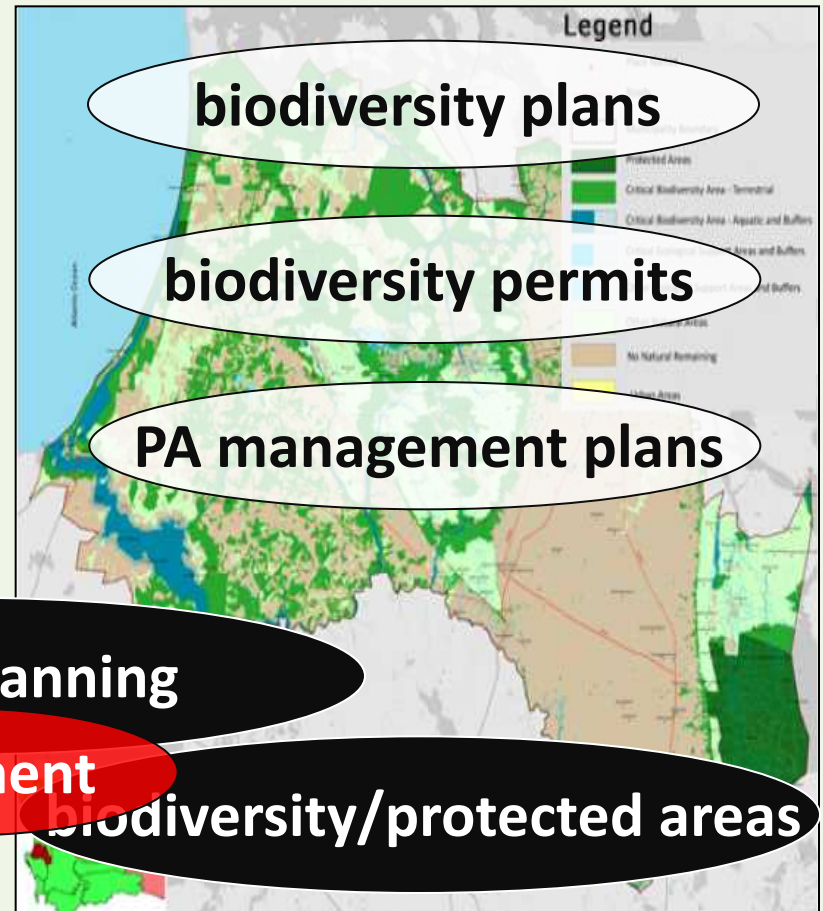


mining



Oil & gas

ALIGNMENT WITH OTHER MEASURES (EG)



spatial planning

alignment

coastal management

biodiversity/protected areas

CONTENT

2 MAIN PARTS

Environmental (Spatial) Planning Law

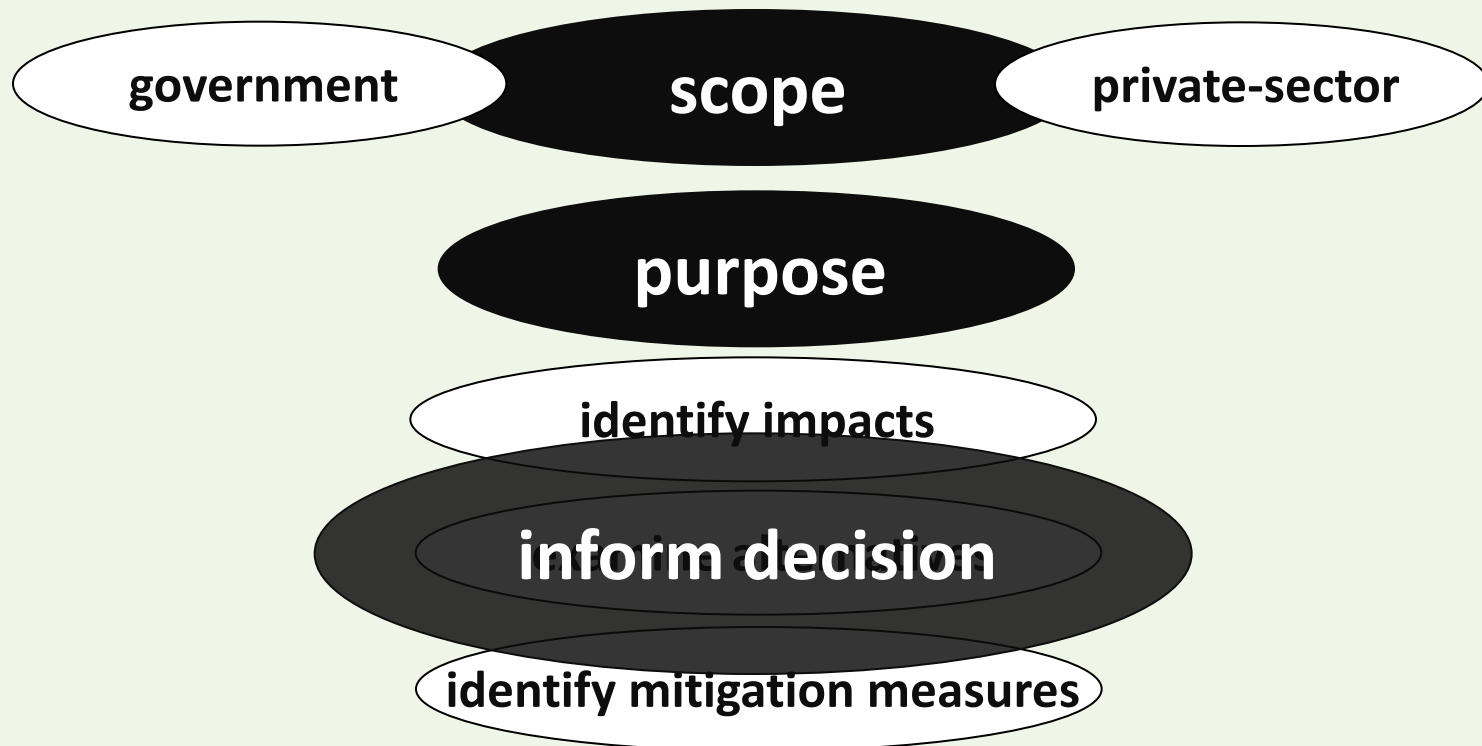
Environmental Impact Assessment Law

ENVIRONMENTAL IMPACT ASSESSMENT LAWS

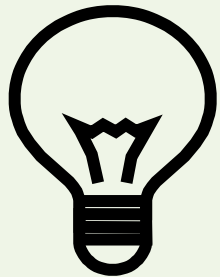
- What is EIA
 - Definition
 - Scope
 - Purpose
- Procedural Elements
- Public Participation
- Substantive Mandate
- Judicial Oversight
- Strategic SEA

WHAT IS EIA?

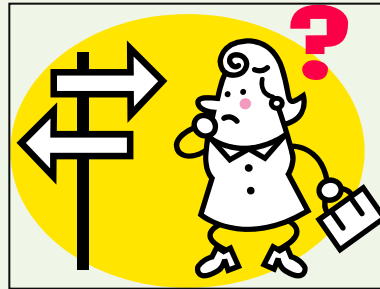
“systematic process to identify potential positive and negative impacts on the environment associated with a proposed activity/development”



WHAT IS EIA...



EIA



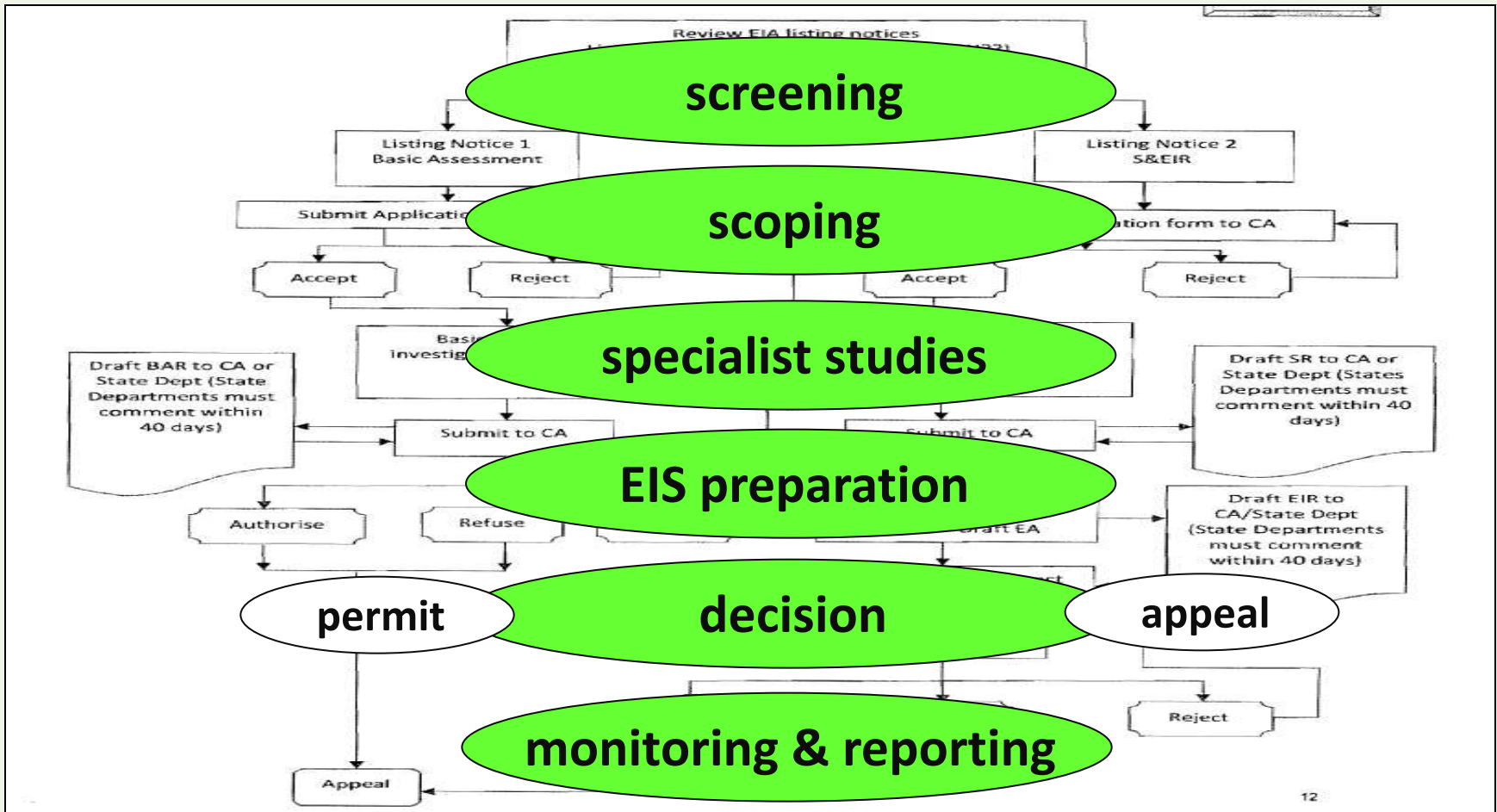
PERMIT



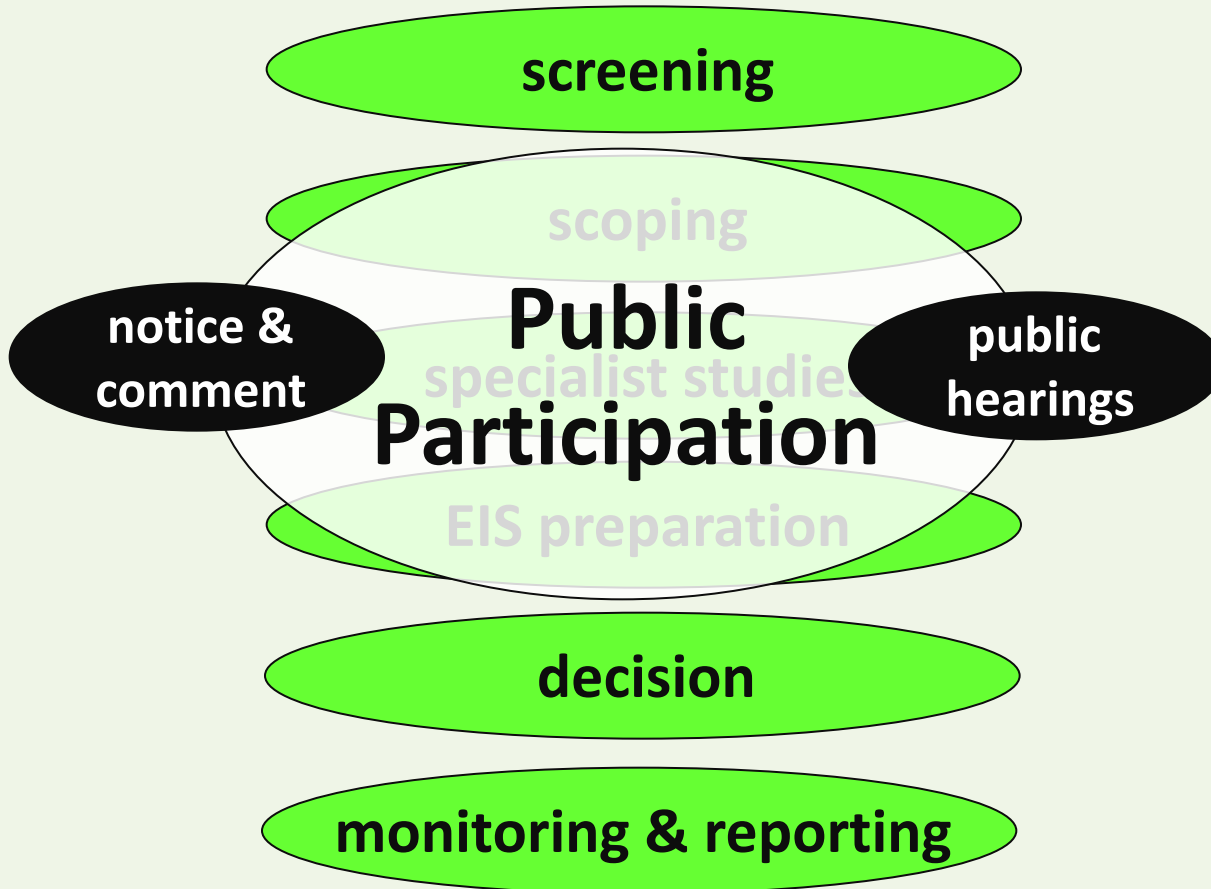
• Objective

- Identify likely environmental, social and economic impacts of an activity
- Inform and facilitate integrated decision-making
 - Allow/disallow
 - Mitigation measures (conditions)

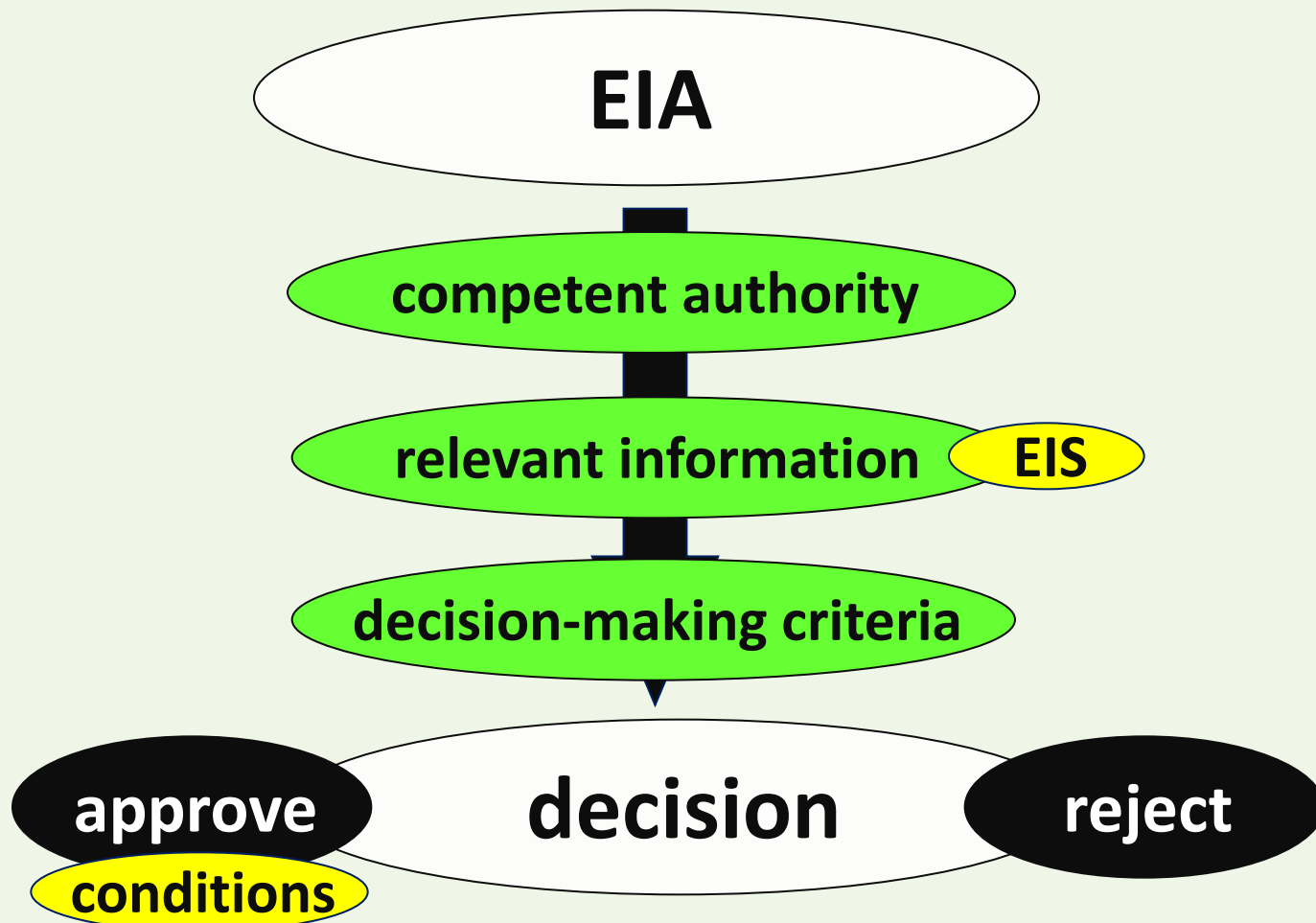
PROCEDURAL ELEMENTS



PUBLIC PARTICIPATION



SUBSTANTIVE MANDATE



JUDICIAL OVERSIGHT OF EIA PROCESS

approve

conditions

decision

reject

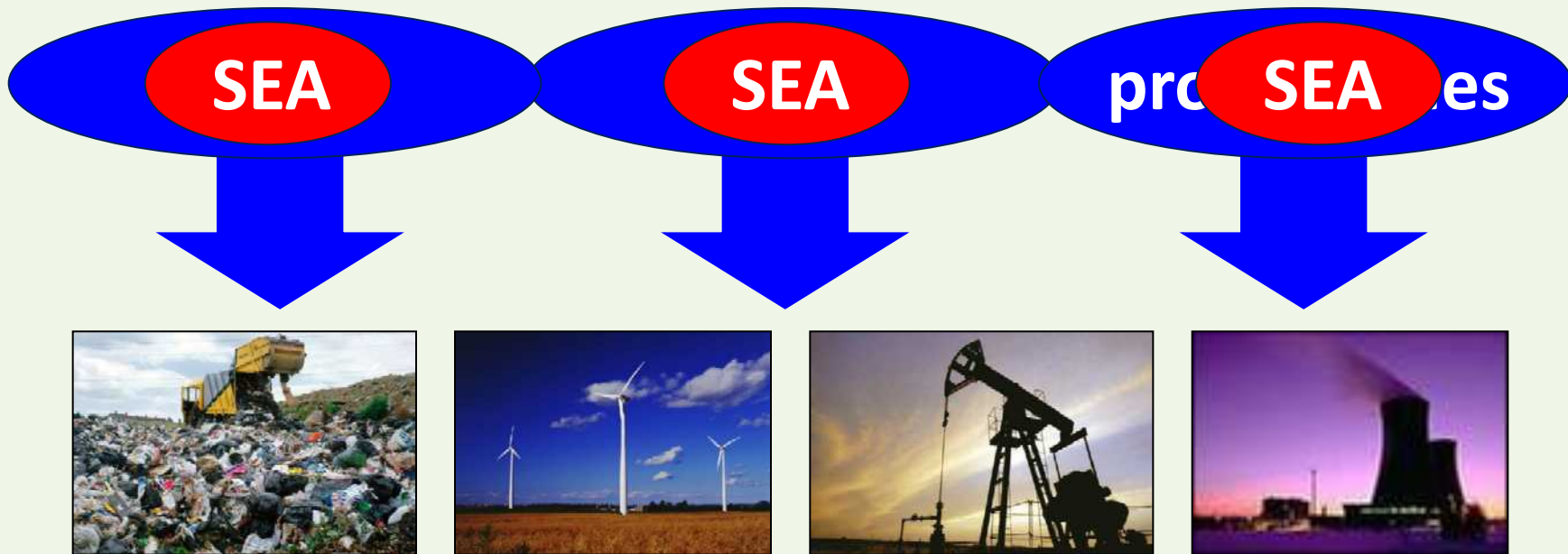


courts

procedure

substantive merits

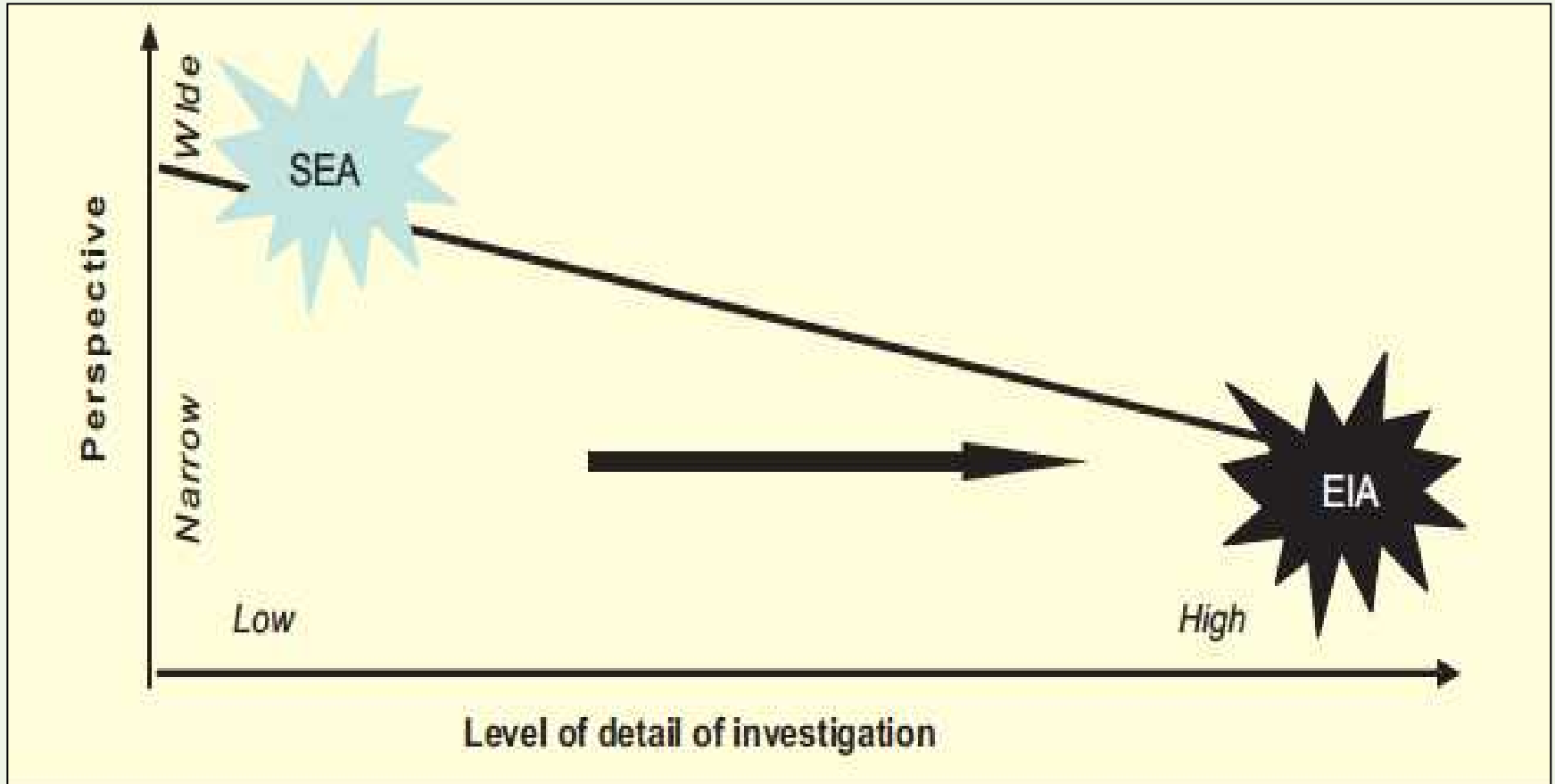
STRATEGIC EIA (SEA)



- **objective**

- Integrate environmental, social and economic considerations into policies, plans and programmes
- Inform integrated decision-making at project level

EIA vs SEA



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