Building Capacity on Integrated Land-Use Planning Law

Module 2

Legal Tools & Integration Options
Overview of the Seminar

Recap on ‘ILUPL’ Context & Concepts

Land-Use Planning Tools

- Integrated Dev’ment Plans
- Spatial Plans
- Zoning
- Subdivision
- Form & Nature
- Title Deed Conditions
- Content
- Development Permit Areas
- Legal Role & Status
- Environmental Assessment
- Institutional Home
- Integration Options
- Protected Areas

Summary of Key Lessons
Objectives

- Introduce the main land-use planning tools.
- Build an appreciation of the characteristic form, nature and content of each land-use planning tool.
- Foster awareness of the legal role and status of each of land-use planning tool.
- Provide clarity on the characteristic institutional home of each land-use planning tool.
- Advance knowledge of potential role of each land-use planning tool to integrate biodiversity and climate change issues.
- Construct insights on the prerequisites and opportunities for improved integration.
Outcomes

1. Understanding of the main land-use planning tools.
2. Appreciation of the characteristic form, nature and content of each land-use planning tool.
3. Awareness of the legal role and status of each of land-use planning tool.
4. Clarity on the characteristic institutional home of each land-use planning tool.
5. Knowledge of the potential role of each land-use planning tool to integrate biodiversity and climate change issues.
6. Insights on the prerequisites and opportunities for improved integration.
Overview of the Seminar

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Legal Role & Status
- Institutional Home

Integration Options
- Protected Areas

Summary of Key Lessons
Remembering the Disclaimers

acknowledge
diversity
complexity
scale
Remembering Relevant Terms

- 'integrated land-use planning'
- 'biodiversity' terms?
- 'climate change' terms?
- 'land-use planning' terms?
- 'other' terms?

inform content of law
enabled by the law
Remembering what is ‘ILUPL’?

breaking it down into concepts

‘land use’?

‘planning’?

‘land-use planning’?

‘integrated’?

‘law’?
Remembering ‘Land-Use Planning’

‘land-use planning’

- inform
- guide

‘spatial planning’

- decision makers

land-use planning

- regulate
- control

‘land-use management’

- landowners
Remembering ‘Integration’

Integration of what parts/elements?

- ‘combined to form a single thing’
- ‘to put together parts’

**Scale**
- international
- national
- province/district
- local/village
- urban
- rural
- temporal

**Substance**
- social
- economic
- environmental
- land use
- biodiversity
- climate change

**Process**
- state
- individuals
- communities
- Cos, CBOs & NGOs
Remembering What is ‘ILUPL’

‘the area of law that provides for the creation of an integrated sustainable spatial planning framework as well as for the legal mechanisms and processes relating to the management of current land use and land development or change with the purpose of ensuring the health, safety and welfare of society as a whole’
Remembering the ‘Legal Tools’

‘land-use planning tools’

- Integrated Dev’ment Plans
- Spatial plans
- Spatial Dev’ment frameworks
- Protected Area Designation
- Enviro Mgmt Frameworks
- Conservation Agreements
- Coastal Management Plans

- Biodiversity Plans
- Protected Areas Plans
- Fresh Water Plans
- Climate Change Plans
- Development Permit Areas
- Zoning
- Coastal Setback Lines

- Urban Edge Delineation
- Title Deed Conditions
- Compulsory Acquisition
- Market-Based Incentives
- EIA & SEA
- Subdivision
- Planning Principles

diversity of options
diversity of names
Remembering the Categorisation

categorising land-use planning tools

decision makers

‘spatial planning’

land-use planning

‘land-use management’

zoning

subdivision

title deed conditions

others tools

development permit areas

environmental assessment

protected areas

land-use plans

other relevant plans

environment management frameworks

biodiversity plans

coastal plans

climate plans

PA management plans

integrated development plans

spatial planning frameworks

enviro management frameworks

landowners

inform

guide

regulate

control
Remembering Int’al Law & Policy

inform domestic action

provide political impetus
Remembering Int’al Law & Policy…

CBD

Convention on Biological Diversity

Aichi Targets

SDGs

UNFCCC’s Paris Agreement
Remembering Governance

‘governance’?

three interrelated dimensions

- quality of governance
  - good governance
- who makes decisions & how
  - types of governance
- degree of integration & cooperation
  - cooperative governance
Remembering Governance…

why so relevant to ILUPL?

- good governance
- cooperative governance

- many actors
- many sources of authority
- many types of authority
- many types of decisions
- many levels/spheres

spatial planning

land-use management
Remembering Governance…

promoting good governance

- identification of actors
- public participation procedures
- decision-making criteria
- decision-making process
Remembering Governance…

promoting cooperative governance

- planning principles/objectives
- intergovernmental consultation
- harmonising plans
- decision-making criteria
- Integrated permitting

spatial planning

land-use management
Overview of the Seminar

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Land-Use Planning Tools

- Form & Nature
- Title Deed Conditions
- Content
- Development Permit Areas
- Legal Role & Status
- Environmental Assessment
- Institutional Home
- Integration Options
- Protected Areas
- Other Legal Tools

Integrated Dev’m’t Plans
Spatial Plans
Zoning
Subdivision
Integrated Development Plans

Form & Nature

- strategic
- integrated
- long-term
- ‘wordy’ plan
- informing
- development
- at different scales
  - national/federal
  - regional/provincial
  - local/municipal
Integrated Development Plans…

Content

VISION

FIVE PILLARS

- Guiding principles

VISION

FIVE PILLARS

- Guiding principles

context

vision & mission

strategic plan

planning alignment

implementation plan

dev’ment priorities

11 OBJECTIVES

objectives & indicators

actors

timeframes

OPPORTUNITIES

CAPABILITIES

RISKS

PRIORITIES

transformed into

GOAL

IMPLEMENTATION PLAN
Integrated Development Plans...

**Legal Role & Status**

- **Legal Role**
  - Policy aimed at promoting the integrated development and management of an area.

- **Legal Status**
  - Generally persuasive/informative
    - ‘guides and informs’ all decision making
    - ‘must be taken into account’
  - Sometimes prescriptive/binding
    - ‘binding on the exercise of executive authority’
    - ‘decision must be consistent with...’
Integrated Development Plans…

Institutional Home

planning/development authorities

national/federal

regional/provincial

local/municipal
Integrated Development Plans…

Integration Options

- **alignment**
  - IDPs with other IDPs
  - IDPs with other plans

- **integration**
  - IDPs in other plans
  - other plans in IDPs

- **consultation**
  - between spheres
  - between sectors

- **approval**
  - between spheres
  - between sectors

** creation **

** implementation **

- **decision making**
  - planning authorities
  - planning context
  - other authorities
  - other sectors

- **monitor & review**
  - frequency
  - responsibility
Overview of the Seminar

Recap on ‘ILUPL’ Context & Concepts

Land-Use Planning Tools

- Integrated Dev’ment Plans
- Spatial Plans
- Form & Nature
- Content
- Legal Role & Status
- Institutional Home
- Integration Options
Spatial Plans

Form & Nature

- future spatial plan
- integrated
- long-term
- guide land use
- informing
- development
- at different scales

national/federal
regional/provincial
local/municipal
Spatial Plans...

Content

- current land use
- development drivers
- development edges
- transport infrastructure
- activity route
- growth nodes/zones
- ecological infrastructure
- future desired land use

narrative text

mapping & models
Spatial Plans…

**Legal Role & Status**

**Legal Role**
- Policy aimed at the integrated development and management of an area.

**Legal Status**
- Sometimes persuasive/informative
  - ‘guides and informs’ all decision making
  - ‘must be taken into account’
- Sometimes prescriptive/binding
  - ‘binding on the exercise of executive authority’
  - ‘decision must be consistent with’

Implications for administrative/review challenges

Generally do not confer or take away land-use rights
Spatial Plans…

Institutional Home

planning/development authorities

national/federal

regional/provincial

local/municipal
Spatial Plans...

Integration Options

- **alignment**
  - SPs with other SPs
  - SPs with other plans

- **integration**
  - SPs in other plans
  - Other plans in SPs

- **consultation**
  - Between spheres
  - Between sectors

- **approval**
  - Between spheres
  - Between sectors

**creation**

**implementation**

**decision making**
- Planning authorities
- Planning context
- Other authorities
- Other sectors

**monitor & review**
- Frequency
- Responsibility
Overview of the Seminar

Recap on ‘ILUPL’ Context & Concepts

Land-Use Planning Tools

- Integrated Dev’m’t Plans
- Spatial Plans
- Zoning

Form & Nature
Content
Legal Role & Status
Institutional Home
Integration Options
Zoning

Form, Nature & Content

informed by

integrated development plan

spatial planning

zoning map

zoning rules
### Zoning...

#### Form, Nature & Content...

**Zoning rules**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Development Parameters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Use</td>
<td>Land Unit Area (m²)</td>
</tr>
<tr>
<td>Single Residential Zone 1: Conventional Housing (SR1)</td>
<td>&gt;2,000</td>
</tr>
<tr>
<td></td>
<td>&gt;1,000 up to 2,000</td>
</tr>
<tr>
<td></td>
<td>&gt;650 up to 1,000</td>
</tr>
<tr>
<td></td>
<td>&gt;350 up to 650</td>
</tr>
<tr>
<td></td>
<td>&gt;200 up to 350</td>
</tr>
<tr>
<td></td>
<td>≤200</td>
</tr>
<tr>
<td>Consent Uses</td>
<td></td>
</tr>
</tbody>
</table>

*Other rules*
Zoning...

Form, Nature & Content...

- Environmental overlay
- Increased restrictions

- Zoning overlays
- Reduced restrictions

- Development overlay
Zoning...

Role & Legal Status

Legal Role
- Reflected in town planning/zoning schemes
- Control land-use
- Regulate changes in land use

Legal Status
- Prescriptive/binding
- Confers land-use rights and imposes restrictions
- Different types zones
- Require permission to change land-use rights
  - rezoning – major/permanent changes
  - departures – minor/temporary changes
Zoning...

Institutional Home

local planning/development authority

- prepare zoning map
- prescribe zoning rules
- issue land-use approvals
- impose/remove overlays
Zoning...

Integration Options

- **scale**: span urban/rural areas
- **alignment**: with spatial plans
- **consultation**: between spheres
- **approval**: between spheres

**creation**

**implementation**

- **decision making**: prescribed criteria, cross-consultation, EIA
- **permitting**: content, cross-approval, integrated
- **amendment**: frequency, responsibility
Overview of the Seminar

Recap on ‘ILUPL’ Context & Concepts

Land-Use Planning Tools

- Form & Nature
- Content
- Legal Role & Status
- Institutional Home
- Integration Options

- Integrated Dev’ment Plans
- Spatial Plans
- Zoning
- Subdivision

Content

Legal Role & Status

Institutional Home

Integration Options
Subdivision

Form, Nature & Content

divide one property

create many properties
Subdivision...

Role & Legal Status

- **Legal Role**
  - Regulate density
  - Control urban expansion

- **Legal Status**
  - Prescriptive/binding
  - Require permission to subdivide
Subdivision…

Institutional Home

- urban context
- local planning/development authority
- rural context
- national authority
Subdivision...

Integration Options

implementation

decision making

prescribed criteria

cross-consultation

EIA

permitting

content

cross-approval

integrated
Overview of the Seminar

Recap on ‘ILUPL’ Context & Concepts

Land-Use Planning Tools

- Integrated Dev’m’t Plans
- Spatial Plans
- Zoning
- Subdivision

Form & Nature
Content
Legal Role & Status
Institutional Home
Integration Options
Title Deed Conditions
Title Deed Conditions

Form, Nature & Content

- creation
- self imposed
- sale
- self imposed
- will
- conservation agreement
- agreement
- statute
- register against deed
- long-term

[Image of a certificate with the text: "GENUINE" and "REPUBLIC OF KENYA THE REGISTERED LAND ACT (Chapter 300)"]

The text on the certificate indicates that the land titling system should exist and details the specific legal actions and agreements necessary for various purposes such as creation, subdivision, sale, will, conservation agreement, and long-term register against deed.
Title Deed Conditions…

Role & Legal Status

Legal Role
- Regulate land use
- Provide long-term rights/restrictions
- Can promote voluntary conservation objectives
  - Conservation easements
  - Conservation servitudes

Legal Status
- Prescriptive/binding
- Binding on successive owners in title
- Have to follow process to create and remove
Title Deed Conditions…

Institutional Home

registration

generally national function

creation/removal

can be local/regional/national function
Title Deed Conditions...

Integration Options

alignment
informed by spatial plans
informed by other plans

consultation
between spheres
between sectors

approval
between spheres
between sectors

creation

incentives
qualification

implementation

remove/amend
cross consultation
cross approval

This is to certify that

...
Overview of the Seminar

Recap on ‘ILUPL’ Context & Concepts

Land-Use Planning Tools

- Form & Nature
- Title Deed Conditions
- Content
- Dev’t Permit Areas
- Legal Role & Status
- Institutional Home
- Integration Options
- Institutional Home

Integrated Dev’t Plans
Spatial Plans
Zoning
Subdivision
Development Permit Areas

Form, Nature & Content

- Define area
- Create rules
- List activities
- Permit required
Development Permit Areas…

Role & Legal Status

- **Legal Role**
  - Regulate activities and development in specific sensitive or vulnerable areas.
  - Generally do not freeze development but subject it to extra scrutiny before allowing it to proceed.

- **Legal Status**
  - Prescriptive/binding
  - Binding on landowners whose property is situated in the demarcated area
  - Need to secure permit in order to undertake listed activities or types of development
Development Permit Areas…

Institutional Home

planning/development authority

local/municipal

regional/provincial
Development Permit Areas…

Integration Option

- alignment with spatial plans
- with other plans
- consultation between spheres
- between sectors
- approval between spheres
- between sectors

creation

implementation

- decision making prescribed criteria
- cross-consultation
- EIA
- permitting content
- cross-approval
- integrated
Overview of the Seminar

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Land Use Planning Tools - Content

- Form & Nature
- Title Deed Conditions
- Dev’t Permit Areas
- Environmental Assessment
- Institutional Home
- Integration Options
Environmental Assessment

Form, Nature & Content

SEA

forms

prospective

retrospective
Environmental Assessment...

Form, Nature & Content

process

- screening
- application
- scoping
- specialist studies
- compile report
- decision
- monitoring

public participation

IUCN
Environmental Assessment…

Role & Legal Status

Legal Role
- Identify likely environmental, social and economic impacts of an activity
- Inform and facilitate integrated decision making
  - whether to allow/disallow
  - what mitigation measures to impose (conditions)

Legal Status
- The collation of information - informative
- The outcome - prescriptive/binding
Environmental Assessment...

Institutional Home

- screening
- generally national/regional function
- decision maker
- monitoring
- generally national/regional function
- generally national/regional function
Environmental Assessment...

Integration Option

- screening
- identifying activities/areas
- area and activity based
- informed by spatial/other plans
- cross-consultation
- cross-approval
- application
- prescribed information
- pre-application process
- sector guidelines
Environmental Assessment...

Integration Option

- Scoping
- Mandatory information
- Cross-consultation
- Cross-approval
- Specialist studies
- Compile report
- Mandatory information
- Mandatory assessments
- Climate risk assessments
- Vulnerability assessments
Environmental Assessment...

Integration Option

- decision
- mandatory criteria
- alignment
- spatial plan alignment
- other plan alignment
- cross-consultation
- cross-approval
- integrated permitting
- monitoring
- temporal reporting & review

Flowchart:
1. Identification of Need
   - Proposal Description
   - Screening
   - EIA Required
     - Scoping
       - Assessing (Impact identification, impact analysis/prediction, impact significance)
       - Mitigation (Redesign, planning for impact management)
     - Reporting
     - Reviewing (Document quality, stakeholders input, proposal acceptability)
       - Decision-making
         - Not approved
         - Approved
           - Monitoring (Impact management)
           - EIA audit and evaluation

- *Public involvement typically occurs at these points, it may also occur at any other stage of the EIA process.
- Information from this process contributes to effective future EIA.
Overview of the Seminar

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Land \- Use Planning Tools

Content

- Institutional Home
- Integration Options
- Development Permit Areas
- Environmental Assessment
- Protected Areas
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- Integrated Dev’tment Plans
- Spatial Plans
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- Subdivision
Protected Areas

Form, Nature & Content

identify the area

demarcate the area

develop a plan

regulate land use

value for nature

value for people

‘A clearly defined geographical space recognised, dedicated and managed, through legal and other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.’

IUCN (2008)
## Protected Areas…

### Form, Nature & Content…

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition of Management Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category Ia Strict Nature Reserve</td>
<td>Strictly protected areas set aside to protect biodiversity and also possibly geological or landform features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values. Such protected areas can serve as indispensable reference areas for scientific research and monitoring.</td>
</tr>
<tr>
<td>Category Ib Wilderness Area</td>
<td>Protected areas are usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.</td>
</tr>
<tr>
<td>Category II National Park</td>
<td>Protected areas are large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.</td>
</tr>
<tr>
<td>Category III Natural Monument/Feature</td>
<td>Protected areas are set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value.</td>
</tr>
<tr>
<td>Category IV Habitat/Species Management Area</td>
<td>Protected areas aim to protect particular species or habitats and management reflects this priority. Many category IV protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category.</td>
</tr>
<tr>
<td>Category V Protected Landscape/Seascape</td>
<td>A protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation/other values.</td>
</tr>
<tr>
<td>Category VI Protected Area with Sustainable Use of Nature Resources</td>
<td>Protected areas conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area.</td>
</tr>
</tbody>
</table>
**Protected Areas…**

**Form, Nature & Content…**

<table>
<thead>
<tr>
<th>Governance Type</th>
<th>Sub-types</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type A. Governance by government</strong></td>
<td>• Federal or national ministry or agency in charge</td>
</tr>
<tr>
<td></td>
<td>• Sub-national ministry or agency in charge (e.g., at regional, provincial, municipal level)</td>
</tr>
<tr>
<td></td>
<td>• Government-delegated management (e.g., to an NGO)</td>
</tr>
<tr>
<td><strong>Type B. Shared governance</strong></td>
<td>• Transboundary governance (formal arrangements between one or more sovereign States or Territories)</td>
</tr>
<tr>
<td></td>
<td>• Collaborative governance (through various ways in which diverse actors and institutions work together)</td>
</tr>
<tr>
<td></td>
<td>• Joint governance (pluralist board or other multi-party governing body)</td>
</tr>
<tr>
<td><strong>Type C. Private governance</strong></td>
<td>• Conserved areas established and run by:</td>
</tr>
<tr>
<td></td>
<td>▪ individual landowners</td>
</tr>
<tr>
<td></td>
<td>▪ non-profit organisations (e.g., NGOs, universities)</td>
</tr>
<tr>
<td></td>
<td>▪ for-profit organisations (e.g., corporate owners, cooperatives)</td>
</tr>
<tr>
<td><strong>Type D. Governance by indigenous peoples and local communities</strong></td>
<td>• Indigenous peoples’ conserved territories and areas – established and run by indigenous peoples</td>
</tr>
<tr>
<td></td>
<td>• Community conserved areas and territories – established and run by local communities</td>
</tr>
</tbody>
</table>
Protected Areas…

Role & Legal Status

- **Legal Role**
  - Identify areas requiring protection.
  - Prohibit or regulate certain activities and types of land use within the area.

- **Legal Status**
  - Prescriptive/binding
Protected Areas…

Integration Option

- **alignment**
  - with spatial plans
  - with other plans

- **consultation**
  - between spheres
  - between sectors

- **approval**
  - between spheres
  - between sectors

**establishment**

**implementation**

**connectivity**

**OECMs**

**decision making**
- prescribed criteria
- cross-consultation
- EIA

**permitting**
- content
- cross-approval
- integrated
Protected Areas…

Other Materials & Resources

2011

Guidelines for Protected Areas Legislation
Barbara Lausche, Francois Burthe

Legal Guidance

2013

The Legal Aspects of Connectivity Conservation
A Conceptual Paper

2013-2015

Building Capacity on Protected Areas Law & Governance
Module 5

The Case Study: Lagoon Bay Area

Capacity Building
Protected Areas...

module outlines

presentations

short films

exercises

readings

Overview of the Seminar

Recap on ‘ILUPL’ Context & Concepts

Land-Use Planning Tools

- Integrated Dev’ment Plans
- Spatial Plans
- Zoning
- Subdivision
- Other Legal Tools

Form & Nature

Content

Legal Role & Status

Institutional Home

Integration Options

Title Deed Conditions

Development Permit Areas

Environmental Assessment

Protected Areas
Other Legal Tools

- Planning Principles & Objectives
- Compulsory Acquisition
- Market-Based Incentives
- Biodiversity Offsets

Form, Nature & Legal Status

Integration Options
Other Legal Tools…

Planning Principles & Objectives

- **Form, Nature & Legal Status**
  - Prescribe set of planning principles/objectives in the planning law.
  - Generally inform and guide the exercise of all powers and functions relating to spatial planning and land-use management.
  - Provide a useful tool to promote consistency and certain desired/strategic policy options.

- **Integration Options**
  - Blend biodiversity and climate-related principles, objectives and concepts into the principles and objectives in the planning law.
  - Ensure planning principles and objectives aligned across sectors.
  - Promote cross-sphere/level/sector application.
Other Legal Tools...

Compulsory Acquisition

Form & Nature & Legal Status
- Enable the government to forcibly acquire/take the property belonging to a private landowner.
- The law generally outlines the process to be followed, decision-making criteria and compensation requirements.

Integration Options
- Include biodiversity and climate change issues in decision-making criteria.
- Ensure selection of property for acquisition aligned with relevant spatial, biodiversity and climate change plans.
- Promote cross-sphere/level/sector consultation/approval.
Other Legal Tools…

Market-Based Incentives

Form & Nature & Legal Status

- What are ‘market-based incentives’?
- Use tax benefits and charges to encourage and discourage certain types of activity and behaviour.

Integration Options

- Introduce tax benefits to promote biodiversity & climate change objectives.
- Align tax benefits and spatial, biodiversity and climate change planning instruments.
- Promotes cross-sphere/level/sector consultation/approval.
Other Legal Tools...

# Biodiversity Offsets

- **Form & Nature & Legal Status**
  - What is a ‘biodiversity offset’?

- **Integration Options**
  - Introduce biodiversity offset scheme to promote biodiversity & climate change objectives.
  - Align biodiversity offset scheme with spatial, biodiversity and climate change planning instruments.
  - Promotes cross-sphere/level/sector consultation/approval.
Overview of the Seminar

Recap on ‘ILUPL’ Context & Concepts

Land-Use Planning Tools

Form & Nature
- Integrated Dev’t Plans
- Title Deed Conditions

Content
- Spatial Plans
- Development Permit Areas

Legal Role & Status
- Zoning
- Environmental Assessment

Institutional Home
- Subdivision
- Protected Areas

Integration Options

Summary of Key Lessons
Summary of Key Lessons

understanding links

- advanced scientific understanding
- improved information technology
- growth of global information sharing networks

conservation
land-use planning
climate change
Summary of Key Lessons…

benefits of creating the links

- broad scale planning
- integrated planning
- varied temporal planning
- harmonised & participatory planning
- improved legal certainty
- improved planning efficiency
Create multi-sphere/level/scale integrated development plans to inform government decision making.

Ensure social, economic and environmental considerations are blended into their development and review.

Identify cross-cutting development planning objectives, priorities and strategies (including strong objectives for climate change mitigation and adaptation and biodiversity conservation) and include these in the plans.

Make provision for alignment, integration, consultation and potentially cross-approval processes between different spheres/levels/sectors of government when:

- Preparing the integrated development plans.
- Implementing the integrated development plans.
Summary of Key Lessons...

Spatial Plans

- Develop multi-sphere/level/scale spatial planning frameworks and governance models to inform government decision making.
- Require regional and local governments to develop climate change plans and biodiversity plans and integrate these within their spatial planning frameworks.
- Make provision for alignment, integration, consultation and potentially cross-approval processes between different spheres/levels/sectors of government when:
  - Preparing the spatial plans.
  - Implementing the spatial plans.
Summary of Key Lessons...

Use zoning to:
- Contain urban growth, group similar land-use and regulate impacts.
- Protect areas necessary to conserve, rehabilitate and restore natural systems and protect them against climate impacts.
- Align zoning schemes with spatial plans and other sector plans (including those relating to climate change & biodiversity).
- Require local planning authorities to update zoning schemes regularly to incorporate evolving threats & risks.
- Ensure decisions relating to zoning are:
  - Undertaken in consultation with other relevant sector authorities.
  - Are informed by prescribed decision-making criteria that cover a range of issues, including biodiversity and climate change.
Avoid urban and rural landscape fragmentation by regulating subdivision.

Avoid urban expansion into rural areas adjoining urban areas through promoting subdivision in the former and not latter context.

Align regulation of subdivision with other land-use and sectoral permitting procedures.

Ensure decisions relating to subdivision are:
- Undertaken in consultation with other relevant sector authorities.
- Are informed by prescribed decision-making criteria that cover a range of issues including biodiversity and climate change.
Summary of Key Lessons...

*title deed conditions*

- Use title deed conditions to:
  - Prevent settlement in vulnerable/risk areas.
  - Protect areas of conservation value.
  - Protect areas requiring rehabilitation or restoration.
- Prescribe clear and secure procedures for the creation and removal of title deed conditions.
- Align procedures relating to title deed conditions in conservation, climate change and land-use planning laws.
Summary of Key Lessons…

- Use development permit areas to regulate activities undertaken in sensitive and vulnerable areas.
- Ensure that the identification of the area and the list of activities/types of development are informed by relevant spatial plans and other relevant sector plans.
- Promote cross-consultation between all relevant authorities when:
  - Identifying the area and list of activities/types of development.
  - Considering permit applications.
- Promote cross-approval or integrated permitting processes where the permit application triggers certain thresholds.
Summary of Key Lessons…

- Develop a comprehensive EIA regime that is informed by and aligned with relevant spatial plans and other sector plans.
- Ensure cross-consultation and/or cross approval with all relevant authorities in both the development of the EIA regime and its implementation.
- Integrate the consideration of climate change and biodiversity impacts as compulsory components of the EIA regime.
- Develop guidelines that inform decision making relating to biodiversity and climate change.
- Promote the use of SEA to provide a broad consistent and integrated sustainability framework that informs project level decision making.
Summary of Key Lessons…

- Ensure alignment and integration between protected area system plans and management plans, spatial plans and other relevant sector plans (including biodiversity and climate change plans).
- Promote cross-consultation between all relevant sector authorities when:
  - Establishing protected areas.
  - Considering applications to undertake certain activities/types of development in protected areas.
- Promote cross-approval or integrated permitting processes where the permit application triggers certain thresholds.
- Use spatial planning and land-use management tools to promote connectivity between protected areas and the recognition of OECMs.
Summary of Key Lessons...

other tools

- **Planning Principles & Objectives**
  - Blend biodiversity and climate-related principles, objectives and concepts into the principles and objectives in the planning law.
  - Ensure planning principles and objectives are aligned across sectors.
  - Promote cross-sphere/level/sector application.

- **Compulsory Acquisition**
  - Include biodiversity and climate change issues in decision-making criteria.
  - Ensure selection of property for acquisition aligned with relevant spatial, biodiversity and climate change plans.
  - Promote cross-sphere/level/sector consultation/approval processes.
Summary of Key Lessons…

- **Market-Based Instruments**
  - Introduce tax benefits to promote biodiversity & climate change objectives.
  - Align tax benefits and spatial, biodiversity and climate change planning instruments.
  - Promote cross-sphere/level/sector consultation/approval processes.

- **Biodiversity Offsets**
  - Introduce biodiversity offset scheme to promote biodiversity & climate change objectives.
  - Align biodiversity offset scheme with spatial, biodiversity and climate change planning instruments.
  - Promote cross-sphere/level/sector consultation/approval processes.
Summary of Key Lessons…

some final general issues

- Invest in technology and institutions generating information.
- Ensure land-use planning tools address both near-term and long-term horizons/perspectives.
- Adopt an ecosystems approach to spatial planning as political and administrative boundaries are unlikely to match ecological boundaries.
- Integrate flexibility into the land-use planning legal framework to ensure that it is able to adapt to change and improved scientific information and understanding.
- Promote cooperative governance by building coordination mechanisms across spheres, levels and sectors.
Summary of Key Lessons…

some final general issues…

- Ensure legal frameworks promote the imperative of good governance: public participation, transparency, predictability, equity and access to justice.

- Design(review)/review legal frameworks to tailor to:
  - Available resources.
  - Available capacity.
  - Land tenure arrangements.
  - Traditional authority structures & institutions.

- Embrace and recognise diversity (laws, legal tools, institutions, context, tenure) and seek to promote integration and harmonisation.
Objectives

- Introduce the main land-use planning tools.
- Build an appreciation of the characteristic form, nature and content of each land-use planning tool.
- Foster awareness of the legal role and status of each of land-use planning tool.
- Provide clarity on the characteristic institutional home of each land-use planning tool.
- Advance knowledge of potential role of each land-use planning tool to integrate biodiversity and climate change issues.
- Construct insights on the prerequisites and opportunities for improved integration.
Outcomes

Understanding of the main land-use planning tools.

Appreciation of the characteristic form, nature and content of each land-use planning tool.

Awareness of the legal role and status of each of land-use planning tool.

Clarity on the characteristic institutional home of each land-use planning tool.

Knowledge of the potential role of each land-use planning tool to integrate biodiversity and climate change issues.

Insights on the prerequisites and opportunities for improved integration.
Building Capacity on Integrated Land-Use Planning Law

Module 2

Seminar Presentation
- Knowledge transfer

Practical Exercise
- Skills development

Legal Tools & Integration Options