

An exploration of the social justice framework to development appropriate land use planning tools/mechanisms for a post-apartheid redistributive context

Neil Klug

School of Architecture and Planning at the University of the Witwatersrand

neil.klug@wits.ac.za

This paper broadly responds to the apparent lack of planning efficacy in South Africa in addressing the apartheid spatial legacy. In particular the paper focuses on land use management mechanisms and their failure to address the apparent disjuncture between the prescribed normative redistributive principles to guide planning and the actual developments on the ground, that have largely exacerbated the spatial inequalities in South African cities (Berrisford, 2011:255).

Now twenty-one years post-apartheid the growing inequality in South Africa, is keenly reflected in the persistent apartheid spatial legacy illuminated by the ongoing social imbalances situated in the spatial patterns of our cities. Evidence over the past fifteen years suggests that despite the normative principles, and strategic spatial frameworks for guidance, planners and policy makers have not been clear on how to respond to planning development applications at the local level, in order to adhere to the principles.

In South Africa, the challenge appears to be how to apply these principles to achieve more equitable spatial outcomes on the ground, in light of the contradictory economic and political forces at play within the local government sphere. An example of the type of challenges facing municipal planners and policy makers in South African cities is the need to balance stark, opposing financial demands against their relatively limited resources. On the one hand to provide infrastructure for new low cost housing developments in poor areas, in order to address apartheid generated backlogs, while on the other hand, being pressured by the private real estate sector to provide new

infrastructure for up-market developments and to maintain the high quality infrastructure of existing developments in the wealthier areas. The current town planning scheme regulations and ‘development taxation’ mechanisms do not appear to be addressing these issues adequately. Attempts have been made by government to introduce more socially just tools, such as ‘inclusionary housing mechanisms’. These attempts have generally been fiercely opposed by the real estate sector, based on arguments that they already provide adequate public goods in terms of infrastructure contributions and ultimately higher property rates, in a risky economic environment. Essentially, the question comes down to what is the appropriate balance between the extent of public goods extracted from the developer and the profit yielded on a development, importantly, within the context of a highly inequitable society and spatial terrain.

The current global literature on defining a clear societal mandate for planning (Carmon & Fainstein, 2013) and the Planning Rights / Rights to the City debates (Lefebvre, 2003; Alexander, 2007; Marcuse, 2014) provide useful insights and approaches to formulating a social justice framework, at the macro level, to support the formulation of more redistributive land use planning tools. However, there appears to be a dearth of literature addressing how these concepts and approaches would assist in practically devising the appropriate land use tools. More specifically, what types of tools or mechanisms would contribute to a more just social and spatial realm or promote ones right to the city?

Therefore the intention of this paper is to utilise a social justice framework to explore possible criteria, to be used to determine the appropriate types and parameters of such mechanisms, i.e. tentative guidelines on where an appropriate balance could be achieved between the extent of exactions and profit yield.

The methodology to be adopted would be a literature review of social justice and rights to the city approaches in formulating a framework. A case study of a recent large scale approved development application will be selected, with the intention of identifying a range of appropriate redistributive mechanisms that could have been applied to the developer. These mechanisms will be assessed in the context of the selected case study to establish their potential redistributive impacts for the city and financial impacts

on the developer. These findings will then be used to qualitatively engage with both the developer and city officials to obtain their views. In this manner the positive and negative aspects of each land use management mechanism could be extracted and used to determine tentative criteria, for their appropriate application.

This paper is intended to contribute to the existing body of empirical evidence and qualitative data to assist local planning agencies and policy makers in formulating and supporting the implementation of land use planning mechanisms that would promote greater spatial equity.

Bibliography

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