

# Planning law within the culture of a new generation of planners

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Planning law is a very crucial tool with the value and potential to assist South Africa in physically and economically restructuring development and growth. Simply put, it is one of the instruments that helps the country avoid chaos and facilitate order.

In the South African context of planning law, it is ironically not planning and its principles, but the laws employed to implement these that are at times improper. This indicates that although planning has noble goals to improve the social, physical, economic and environmental quality of living for communities, the actual strategies and their implementation have not achieved these goals. This is the result of many factors that are feeding the “artificial order” that South Africa seems to be embracing.

A study conducted by a young black researcher in the Department of Town and Regional Planning on young black planners’ experiences of planning practice revealed interesting insights into the way these planners perceived planning law, as well as the impact of culture on the way they viewed planning.

## The significance of planning

Planners were interviewed to obtain information on their experiences. All the planners interviewed acknowledged the significance of planning and the value it could achieve. They all agreed that national policies and powers were a serious culprit in preventing the positive possibilities of planning.

Respondents indicated that national government sometimes released policies without sufficient consultation with the other spheres of government, although these policies would eventually be implemented by local authorities. In African culture, the “father of the house” is the authority figure of the household and whatever he says goes, whether it is correct or not. This means he has no set reason to consult as extensively as might be needed with the rest of the family before he takes a decision.

The problem with this concept in the three spheres of government is

that the policies released by national government may sometimes not match the need identified by the local authorities. According to a report published by the Centre for Policy Studies of the University of the Witwatersrand, these policies eventually work to misdirect resources from the actual need on the ground, thereby ensuring that South Africa is its own enemy.

A practical example offered by one of the respondents was the Reconstruction and Development Programme (RDP). This programme aimed to provide affordable housing to those who needed it. Affordable housing is a key goal in smart growth approaches, which are tools for implementing planning principles. This planner noted that although the RDP had good intentions, it was not well received in a specific village. The residents of the village wanted more traditional housing. This resulted in a conflict between the residents and the local municipality. Time, funds and natural resources were therefore wasted due to a mismatch between local need and national policy.

Another incident noted by a respondent occurred in Limpopo, where informal traders were given a closed-in building similar to a modern shopping complex, while their need was for a shelter to protect them from the rain and the sun. This also led to a wastage of resources because the informal traders didn’t use the structure for its intended purpose, but rather used the roof overhang outside as the shelter they desired.

In these two instances, national government acted like the African “father of the house” by formulating policies that were correct according to itself and its perspective of community needs. The family, in this case the provincial and local government and the community, had to bear the costs of these policies without successful contest.

## Political influence

Government's "father of the house" mentality has been aggravated by the political agenda, which has missed its original target. Politics is generally about the appropriate governance of a nation. Yet, respondents have indicated that politics is a major setback in facilitating good governance through sustainable planning laws.

Many planners mentioned how they were forced to approve particular development applications, regardless of their professional opinion against it, because of political influences.

This need for self-preservation seems to stem from childhood, and includes the *ubuntu* principle of the African culture, in which all people need each other and are in various ways dependent on each other. It could be one of the reasons why inefficient ways of reconstruction were adopted after 1994. It can be argued that the democratic government could have felt the cultural need to ensure that they take care of their own. Most black South Africans had the expectation that they would be taken care of, even if it meant that a minority would have to be responsible for the majority.

## Socialism feeding neoliberalism

The result of such a policy orientation has been a very dependent yet neoliberal nation, which is proving to work against itself. When the local government was attempting to redistribute resources and wealth, the decisions made seem to have been driven by cultural motives. For instance, the black economic empowerment (BEE) policy can be attributed to the collective nature of African culture.

In a national context, this has manifested through the poor implementation strategies of policies like the RDP, local economic development (LED), BEE and rural development, all in the name of helping your own. It would not have been easy for many black individuals to accept any other kind of solution that did not involve being helped by their own people, yet it could have

been better to have taken different steps. Thus, the new ruling party, as a whole, had a responsibility to the rest of the country, more especially black people, while the members also had a responsibility to their own families.

For the African culture, the choice should be clear – individuals have more of a responsibility to their immediate families than they do to the rest of the country, regardless of their position at work. This dilemma led to the policies that created so much dependency, as seen within the relationship of government and its people in South Africa. Moreover, the need to take care of one's own also worsened the drive to economically improve the self.

## A tarnished ambition

Younger planners indicate that within municipalities there is a serious resistance to change. Some town planning schemes that were formulated under the apartheid laws are still being used, even though there is a need for amendment. For instance, applications for certain land uses within an urban context have the same conditions for approval as those of a rural context.

Even the National Spatial Development Perspective (NSDP) of 2006 indicates that there is a need to deal with these areas a little differently to ensure that the necessary development and growth occurs where possible. These planners actually state that at times, the town planning schemes could allow for the approval of development applications that they, as professionals, view as not being appropriate for approval. In these instances, the older planners tend to tell them that they should follow what the scheme states and not try to do anything differently. As a result, the younger planners get initiated into the culture of the old style of planning and their creativity is tarnished. Where planning school could have tried to instill a new way of thinking, which could have triggered the mindset to think more sustainably, the actual planning practice took them back to the limited thinking that they had already learned through their backgrounds.

## Suitable creativity

This situation shows that too many factors are overwhelming the current planner, almost drowning the younger planners in the older system. However, the deeper issue obviously lies in the counterfeit transformation the government professes, yet fails to enforce. This false transformation is being fed and maintained by the very policies and plans that are supposedly meant to reform South Africa. However, if you use incorrect tools, you probably won't attain the correct results. Therefore, South African planning law is seriously in need of amendment, from the structures of systems to the strategies for implementation. The planner needs more leeway to do what is necessary according to planning principles, rather than being tied by irrelevant, misdirected or incorrect politics.

Moreover, it seems suitable to say that individuals ought to examine the extent to which influences of culture and cultural backgrounds still control the way they think. If this way of thinking persists, it will be to the detriment of the state and the entire country, striking first and mostly those who are already poor. 📍

## References

Khosa, MM. 2003. *Towards effective delivery: Closing the gap between policy and implementation in South Africa*. Research Report No. 98, Social Policy Series, Johannesburg: Centre for Policy Studies.

## About the author



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