

**UNIVERSITY OF KWAZULU-NATAL**

**THE INTEGRATION OF THE SOCIAL  
ENVIRONMENT INTO THE DEVELOPMENT  
PLANNING PROCESS: A CASE STUDY OF  
PETROL FILLING STATIONS (PFS)**

**2010**

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# **THE INTEGRATION OF THE SOCIAL ENVIRONMENT INTO THE DEVELOPMENT PLANNING PROCESS: A CASE STUDY OF PETROL FILLING STATIONS (PFS)**

by

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of Masters in Environmental Management in the Faculty of Science and Agriculture, School of  
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As the candidates supervisor I have approved this thesis for submission

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# FACULTY OF SCIENCE AND AGRICULTURE

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## **PREFACE**

The work described in this dissertation was carried out in the School of Environmental Sciences, University of KwaZulu-Natal, Durban, Howard College Campus, under the supervision of Ms C. Oelofse and for a brief period under the supervision of Professor Tim Quinlan.

The study represents original work by the author and has not been submitted previously in any form to another University. Where use was made of work of others, it has been duly acknowledged in the text.

Signed: \_\_\_\_\_  
**Ms. K.Gounden (Candidate)**

I hereby certify that the above statement is correct

Signed: \_\_\_\_\_  
**Ms. C. Oelofse (Supervisor)**

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## **ABSTRACT**

The aim of this dissertation is to examine the integration of social issues into the Development Planning Process through environmental assessment procedures. A Case Study of Petrol Filling Stations (PFS) was examined in order to assess the level of integration of the social environment into the development planning process.

It is often the case that developments, especially large developments, are conceptualized at a scale that marginalises the needs of local communities. The indirect cost and benefits of these developments on the community is not adequately researched prior to the implementation of these developments.

Local concerns from the social environment are often marginalized in the decision making process. The literature in the study indicates that public involvement is often seen as anti-development, reflecting self-interest and being typical of the NIMBY (Not in my backyard) Syndrome.

This dissertation comprises two main parts. The first part provides the theory and methodology employed by the researcher to gather data to explore the topic. International and national literature is analysed in relation to the Development Planning Process, Environmental Impact Assessments (EIA) and its evolution, Public Participation, The NIMBY Syndrome, Social Impact Assessments (SIA) and relevant case studies are explored.

The second part of this research analyses in detail the case study in relation to the development planning process and the EIA process. The intention of the analysis of the case studies was to establish at exactly what point the social environment is included in the development planning process and EIA process. The intention was to further establish if the process and its practice is adequate in ensuring the assessment and inclusion of the social environment into the decision making process.

The second part of this research also analyses the interviews that were undertaken in order to assess how practitioners consider and include the social environment into the decision making process. The research confirms that in this particular instance the social environment was not adequately included early enough in the decision making process. Often social concerns are considered by developers to be a mechanism to delay development and are viewed as a “stumbling block” to development. However, the recognition of social issues and good public participation have been recognized as an important factor in ensuring quick decision-making and successful implementation of projects. Social screening is critical at the outset, prior to a development application being lodged with the relevant approval authority. Developers have recognized the importance of SIA and thorough public involvement in projects. Social screening can be used as a tool outside of, or prior to, the formal Development Planning and EIA application processes.

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## **ABBREVIATIONS**

<b>CONNEPP</b>	<b>Consultative National Environmental Policy Process</b>
<b>EA</b>	<b>Environmental Assessment</b>
<b>ECA</b>	<b>Environment Conservation Act</b>
<b>EIA</b>	<b>Environmental Impact Assessment</b>
<b>EIR</b>	<b>Environmental Impact Report</b>
<b>DAEA</b>	<b>Department of Agriculture and Environmental Affairs</b>
<b>DTLGA</b>	<b>Department of Traditional and Local Government Affairs</b>
<b>DPU</b>	<b>Development and Planning Unit</b>
<b>NEMA</b>	<b>National Environmental Management Act</b>
<b>NIMBY</b>	<b>Not In My Back Yard</b>
<b>PPDC</b>	<b>Provincial Planning and Development Commission</b>
<b>TPO</b>	<b>Town Planning Ordinance</b>
<b>TRPC</b>	<b>Town and Regional Planning Commission</b>
<b>RoD</b>	<b>Record of Decision</b>
<b>SA</b>	<b>Social Assessment</b>
<b>SIA</b>	<b>Social Impact Assessment</b>

# CHAPTER 1

## INTRODUCTION

This chapter provides the motivation and sets the context for this research, the aims and objectives, and the scope of the study.

### 1.1 Motivation for the Research

Environmental Impact Assessments (EIA) are a legal requirement in terms of the National Environmental Management Act No. 107 of 1998, (NEMA) for certain listed development project applications. NEMA was a result of the CONNEPP (Consultative National Environmental Policy Process). NEMA reflects and embodies the values of environmental rights and environmental justice as captured in the Constitution of the Republic of South Africa Act No. 108 of 1996. NEMA provides the overarching legislative framework that is required for environmental governance in South Africa. At the time that this research was undertaken, Section 24 of NEMA was used in conjunction with the Environmental Conservation Act No.73 of 1989; listing activities that may have substantial detrimental effect on the environment were identified ([http://www.enviropaedia.com/topic/default.php?topic\\_id=163](http://www.enviropaedia.com/topic/default.php?topic_id=163) April, 2010).

This study focuses on Petrol Filling Station (PFS) developments because they are developments that are often surrounded with controversy and regularly go through the appeal process during the approval procedures. The case studies serve a deeper aim, namely to expand the limited research that has been done to evaluate the effectiveness of, and relationship between an EIA and the Development Planning process in terms of the integration of social concerns into both processes. In this instance, the focus is on development planning in the Ethekwini Municipality.

For the purpose of this research the term environment will be referred to in its context as defined in the National Environmental Management Act No. 107 of 1998:8, (NEMA) i.e. “environment refers to the natural environment and the physical chemical, aesthetic and cultural properties of it that influence human



health and well being". According to Vanclay (2003) the term environment should be defined broadly to include social and human dimensions, and in such inclusion, care must be taken to ensure that adequate attention is given to the realm of the social. The reason this study begins with defining the word environment is due to the contentious arguments that sometimes surround proposed developments in terms of what aspects the term environment should include when assessing the impact of proposed developments within the development planning process<sup>1</sup>. It is for this reason that the development planning process needs to be fully understood, in order to evaluate if the development planning process adequately addresses social concerns. Once the development planning process has been fully understood, the environmental assessment process needs to be understood, in order to determine where the problem lies regarding the assessment of the impacts on the social environment of proposed developments.

The focus of this study is to assess how *social issues* are incorporated into the development assessment process and whether they are incorporated adequately (systematically) in terms of the existing processes. Petrol Filling Station (PFS) applications were selected as the case study for the proposed developments for the purpose of this research, as these applications tend to generate the greatest number of objections from a social impact perspective. This research will therefore discuss, in detail, two case studies and draw briefly on a third case study to evaluate the extent to which social concerns are integrated into development processes and decisions.

Chapter 3 of the research will highlight the functioning of a PFS and associated risks of PFS as well as the main planning and environmental issues associated with PFS. The reason that three case studies were chosen was because the relevant authorities approved one PFS application, and the other two PFS applications did not materialise. The case studies were chosen to illustrate a range of challenges and issues, such as planning management issues, general problems and social issues, which will be elaborated on later

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<sup>1</sup> It must be noted that the rezoning process is one of the planning application processes in terms of the Town Planning Ordinance No 27 of 1949. It is for this reason the rezoning process is sometimes referred to as a planning process in the research.

in this research. The general problems experienced in the case studies will highlight how social issues can become marginalised in terms of current processes. Together the case studies chosen will highlight a range of problems experienced in the submission of PFS applications. The details of these case studies will be elaborated in Chapter 5 of this research.

The new found importance placed on the term “environment” has led to more Environmental Impact Assessment (EIA’s) being requested in terms of the Environment Conservation Act No. 73 of 1989, which has now been replaced by NEMA (1998) in relation to EIA regulation, and administered within the power of the Department of Agriculture and Environmental Affairs (Kwa-Zulu Natal Provincial Environmental Regulatory body). Ideally an EIA should address all spheres of the environment, namely the social, economic and biophysical. In keeping with these environmental procedures the Town Planning approval<sup>2</sup> process now considers proposed developments in a broader light and uses EIA decisions from DAEA to assist development planners to make informed decisions that are in the best interests of the people. This research therefore tries to establish the extent to which social issues are included in these informed decisions.

## **1.2 Aim and Objectives**

The aim of this research is to assess whether social issues are integrated into the development planning process, particularly at the early phases of project applications, focusing on particular PFS applications.

The following aspects have been identified as the overall objectives for this research:

1. To understand the legislative process and range of policy options that can be used for PFS applications in terms of social impact concerns.

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<sup>2</sup> The Town Planning Approval Process is legislated in terms of the Town Planning Ordinance No. 27 of 1949

2. To examine the extent to which the development application assessment process deals with social “environmental” issues, as acknowledged in the accepted definition of the word environment.
3. To determine the level and nature of social assessment being undertaken in the case studies
4. To make recommendations as to how social issues should be addressed for future proposed developments.

### **1.3 The outline of this Study**

Chapter 1 of this research gives reasons for the choice of topic and outlines the scope of the study. A review of literature relating to the environmental management process, social assessments and impact assessments follows in Chapter 2. Chapter 2 pays particular attention to the literature relating to the process and procedures within the current South African context and also addresses the perceptions of the public and their attitudes towards developments that are associated with potential risk. This chapter draws attention to the public’s involvement and resistance to developments during the impact assessment and development planning process. There is particular focus on Social Impact Assessments, Public Participation and the NIMBY (Not in my Back Yard) Syndrome. The case studies selected for this research are introduced and a brief description of these case studies is provided in Chapter 3. A detailed description of the methodology and data used in this study is discussed in Chapter 4.

Chapter 5 is the first ‘results’ chapter which focuses on the analysis of the case studies. It explores the extent to which social concerns were integrated in to the development planning process and the current EIA process.

Chapter 6 provides an analysis and discussion of the research findings and field work undertaken and this chapter draws on the literature review from Chapter 2. This is followed by Chapter 7 which provides the conclusion to the

study. It makes recommendations for future studies and possible ways to improve the development planning process and EIA process to include the social environment into these processes.

## **CHAPTER 2**

### **THEORETICAL FRAMEWORK**

#### **2.1 Introduction**

This chapter presents the theoretical framework that will inform the analysis of the social assessment and planning processes, which is the focus of this thesis. Literature that reflects best practice in social and environmental assessments internationally is drawn upon. The international context sets the background for the research which enables a review of environmental assessments locally, i.e. in the South African context. It is important at this point to highlight that this research focuses primarily on the process of social assessment within the legislative framework of South Africa, specifically relating to development planning processes and the EIA process. This chapter is divided into two parts:

Part 1 considers the theory and practice of Impact Assessments (IA), Social Assessments (SA), Environmental Impact Assessment (EIA) and the effectiveness of current public participation practices. It focuses on what social assessments are and what the theory states in relation to how social assessment should be integrated into the decision-making process as part of an environmental management tool.

Part 2 focuses on people's response to developments that impact on their living environment and it reveals how they react to locally 'undesirable proposals', i.e. the NIMBY (Not in My Back Yard) syndrome.

#### **2.2 Environmental Impact Assessments**

According to Thomas (1998) the concern for the environment began in the 1960's in a movement that swept the USA. This led to the promulgation of the USA's National Environmental Policy Act (NEPA) in 1970 and resulted in the EIA procedure being adopted in the USA to ensure that environmental concerns were included in the political decision making process. EIA's then

spread to other developed and developing countries as a result of the approach that had been developed in the USA. Environmental Assessments are now “a critical component of modern environmental management” (Kidd and Retief, 2009). Initially EIA's were reactive and aimed to critically investigate environmental implications of proposed developments that were often partially or sometimes even fully developed. This resulted in the production of voluminous reports and conflicting debates. For this reason current attitudes by developers towards EIA's can be negative, as a result of them being expensive and time consuming. According to Kidd and Retief, (2009:971) “EA, is, however, under close scrutiny as it is seen, arguably with some justification, as an impediment to development”. South Africa's EIA process took cognisance of these limitations that occurred in other parts of the world, resulting in the development of an EIA process that addressed environmental concerns at the outset of the process and which attempted to achieve a more integrated approach to environmental assessment (Kidd and Retief, 2009). In South Africa, the environmental process was formalised in 1984 by the Council for Environment so that environmental concerns could be incorporated into public and private decision making (Thomas, 1998).

The Integrated Environmental Management (IEM) process is a systematic approach that ensures that the environment should be included at all stages of the development process. It is not the intention of the IEM process to impede development but rather to recommend more appropriate environmental decisions to meet the proposed needs and identify actions that will be in the best overall interest of society (Council for Environment, 1989). This focus on IEM framed the initial development of EIA in South Africa. However, more recently the distinction between IEM and EIA has become much more evident, with environmental management and EIA moving away from an IEM approach which was considered too broad for environmental assessment and too narrow for environmental management (Kidd and Retief, 2009).

According to Vanclay (2004) an EIA is a process used to identify and predict potential environmental impacts of proposed developments and is used as a

tool to communicate information to decision makers in making a decision regarding a proposed development. Kidd and Retief (2009:981) state that “EA is not a decision making tool, but rather a decision aiding tool that only serves to provide information to decision-makers on the consequences of their decisions thereby authorizing actions in the full knowledge of their environmental consequences”. Social Impact Assessment (SIA) is a specialist study that forms part of the EIA process and focuses on the social impacts of development

This study focuses on the process of social assessment and reflects on the appropriate point at which public input into the process should be received. Consultation and participation by the public usually occurs once the proposal for the development has been developed into a robust concept, with weaker or less well researched options being proposed as alternatives. This is because despite the move towards greater consultation and participation in the EIA process and improved communication of Environmental Assessment, research indicates that both consultation and participation in EIA are still underdeveloped (Scott and Oelofse, 2006; Kidd and Retief, 2009). Effective public participation processes are often not conducted to gain the public’s view and input before submitting EIA reports for authorization. In addition few authorities have the time or resources to gauge public opinion adequately before making a decision (Glasson *et al*, 1999). International trends indicate that the British system of decision making has been characterized by administrative discretion and secrecy and limited public input (McCormick, 1991).

However it is evident that the trend has changed in allowing greater public participation in decision making and increased public access to information previously considered confidential.

### 2.2.1 Environmental Impact Assessments (EIA's)

According the International Association of Impact Assessment Guidelines (IAIA, 1999) the intention of the EIA process is to:

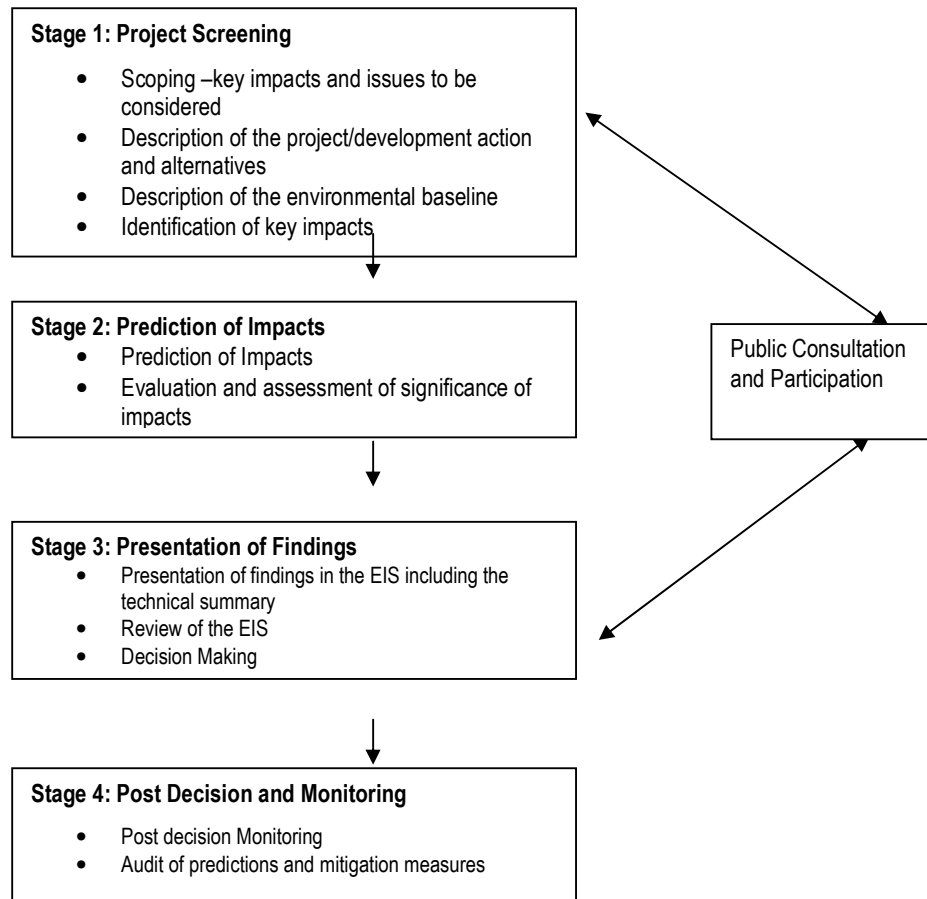
- Ensure that environmental impacts are addressed, considered and incorporated into the development decision-making process
- Mitigate, anticipate and avoid, and minimise adverse impacts on the biophysical, social and other effects of the development proposal.
- Promote sustainable development and optimize resource use and management opportunities.

(<http://www.iaia.org/principles/>, 2007)

According to Selman (1992) an EIA examines the key impacts of a project and both obtain and provides information to the stakeholders. The EIA process is therefore a systematic process that examines the environmental consequences of development actions in advance (Harvey (1998:2) in Vanclay, 2004). The internationally recognized EIA process comprises of a number of stages. These stages are diagrammatically presented in Figure 1 below.



According to Glasson *et al* (1999:4) the EIA process consists of the following stages:



Source: Glasson *et al* (1999:5), Introduction to Environmental Impact Assessment

**Figure 1: Steps within the EIA process**

These stages ensure that environmental issues are taken into account at all levels of planning. In South Africa, environmental and planning processes often occur simultaneously in a development application, resulting in dual processes, with dual participation processes. At other times the environmental process is used to lever the planning process and vice versa (Todes *et al*, 2005). EIAs are sometimes used as a tool to assist in planning decisions, which should ultimately protect the biophysical and social environment (Clarke and Herington, 1998).

### **Stage 1: Project screening**

Project screening is determined by the EA regulations operating in a country at the time of the assessment. The screening process narrows the application of the EIA to those projects that may have significant environmental impacts. In terms of the EIA process screening usually determines whether or not a project requires an EIA. Experience indicates that some activities are not likely to have adverse environmental impacts. Whilst other activities may have significant impacts and will require a comprehensive environmental assessment.

The scoping phase within Stage 1 is a crucial part of the impact assessment and intends to identify at an early stage all possible impacts identified in the public participation exercise pending a full SIA from all alternatives that could be addressed as well as the significant and crucial issues. The scoping phase will focus the impact assessment on the focuses on key issues that will help the decision making process. This phase provides the opportunity to involve the local people and interested and affected parties in determining the scope and impact of a proposed development.

This phase includes the consideration of alternatives which seek to ensure that the proponent has considered all feasible options that include alternative project locations, scales, processes, layouts, operating conditions and the “no-action” option. The scoping exercise will indicate detailed information that can be used to assess the alternative options and can assist authorities to make and informed decision on the project.

The description of project development action includes a clarification of the purpose and rationale of the project and understanding of its various characteristics that include the stages of development, and the location and process to be followed in the establishment of the development.

The description of the environmental baseline includes the establishment of both present and future state of the environment, in the absence of the project, taking into account changes resulting from natural events and human activities.

The identification of the putative range of main impacts merges the previous steps with the intention of ensuring that all potentially significant environmental impacts, both adverse and beneficial, are identified and taken into account in the process i.e. placing issues on the agenda/table.

### **Stage 2: Prediction of Impacts**

The prediction of impacts aims to identify the magnitude and other dimensions of identified change in the environment with a project/action, by comparison with the situation without that project/action.

The evaluation and assessment of significance assesses the relative significance of the predicted impacts to allow a focus on the main adverse impacts.

Mitigation involves the introduction of measures to avoid, reduce or compensate for any significant adverse impacts.

Public consultation and participation aims to ensure the quality, comprehensiveness and effectiveness of the EIA and that public's views are adequately taken into consideration in the decision making process.

### **Stage 3: Presentation of findings in the EIS**

EIS presentation is a vital step in the process. If this is not done thoroughly, a great deal of the work in the EIA process may be negated.

#### **Stage 4: Post-decision Making and monitoring.**

Decision making in the EIA process involves the relevant Authority reviewing the EIA including the consultation response together with other material considerations.

Post decision monitoring involves the recording of outcomes associated with the development impacts after a decision to proceed. This can contribute to effective project management.

Auditing follows from monitoring and involves the comparison of factual outcomes with the predicted outcomes and can be used to assess the quality of predictions and the effectiveness of mitigation. It provides a vital step in the EIA learning process.

In terms of the process described above it is ideal for consultation and public participation to occur from stage 1 to 4 of the process. The Social Assessment forms part of stage 1, 2 and 3 in terms of Figure 1 on Page 9. The specialist studies that include the technical studies form part of Stage 3 of the EIA process.

The EIA process has evolved significantly and the South African process has been informed by the experiences of other parts of the world. The environmental process began to be formalised in South Africa in 1984 by the formation of a national committee to recommend how environmental concerns could be incorporated into public and private decision-making. The Council for the Environment's Report on IEM in 1989 "provided a description of the environmental evaluation philosophy for South Africa and included the first proposed procedure for assessment of policies and programmes, plus definitions (Kidd and Retief, 2009:976). There were therefore a number of initiatives in the 1980's and 1990's to guide the development of environmental assessment in South Africa. In 1992 the Department of Environmental Affairs published booklets on IEM which have since been revised and updated. (<http://www.environment.gov.za>, 2002).

The Environmental Conservation Act<sup>3</sup> (ECA) (Act 73 of 1989) (RSA, 1989) part 5 Section 21 gave effect to the EIA regulations in terms of which activities require an EIA to be conducted. A Petrol Filling Station requires an EIA to be undertaken as it is an activity which is related to the listed activities that require an EIA as *per* the ECA. According to Clark and Herington (1998) EIA comprises a number of stages. Figure 1 diagrammatically represents the generic steps within the EIA process.

The current EIA process aims to collect, analyse and disseminate information about a proposed development detailing the likely environmental impacts, in order for better decisions to be made. Environmental legislation has been transformed from an elite preservationist approach to a socially acceptable management approach. The current legislation has been strengthened in a number of aspects, an important one being *locus standi* and the ability for Interested and Affected Parties (I&AP's) to become involved in environmental decision making processes (NEMA, 1998). The intention of consultation in the EIA process is to ensure that all relevant stakeholders' views are taken into account and that the concerns of the various stakeholder groups are addressed in the decision making process (Glasson *et al*, 1999). The evolution of the EIA regulations, as described in section 2.2.1.1, 2.2.1.2 and 2.2.1.3, will demonstrate that public participation is now more effective and that the current regulations may have resolved some of the public participation issues that were encountered in the research conducted on the case studies explored in this thesis.

In South Africa, the environmental assessment is commissioned and funded by the applicant and in most cases is conducted by environmental consultants. The competent authority for assessing the EIA and making a decision about the proposed development is the environmental authority in the province in which the development is to be undertaken and to whom authority has been delegated by the Minister (Kidd and Retief, 2009). In KwaZulu-Natal, the EIA, once produced, is submitted to and reviewed by the

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<sup>3</sup> This research was undertaken when the ECA was in effect and the EIA was requested in terms of the old regulations. The ECA has since been repealed. EIA's are now requested in terms of NEMA and the new regulations.

Provincial decision making authority called the Department of Agriculture and Environmental Affairs (DAEA.). DAEA issues a Record of Decision (RoD) based on the information submitted in the EIA. It is common practice for a SIA to form part of the EIA, as the social consequences of development form a core part of environmental assessment in South Africa. Figure 4 in Chapter 5 describes the path the EIA application process follows in terms of the EIA approval process.

Chapter 5 of this research will discuss the EIA approval process used in the South African context for development applications and shows the relationship between the EIA process and the development planning approval process, in relation to addressing the concerns of the social issues that transpire during the EIA process.

#### **2.2.1.1 Public Participation in the EIA process: 1997 EIA Regulations**

The minimum requirements for undertaking an EIA when investigating, assessing and communicating the potential impact of activities that had to be adhered too were outlined in Section 24 (7) (a)-(i) of NEMA. In terms of the old EIA regulations the Environmental Conservation Act (ECA) of 1989 provides the details of the EIA process that had to be adhered to and these processes were incorporated into the EIA regulations. In terms of the ECA Section 26 (a) an Environmental Impact Report (EIR) must identify the social and economic interests that may be affected by the proposed activity as well an estimation of the extent of the effect of the proposed activity on these interests. However in terms of this regulation there were no specified criteria that had to be used to assess the extent of the impact of the activity. The 1997 EIA regulations were supplemented by the EIA guidelines (DEAT, 1998). These guidelines assisted in the implementation of sections 21, 22 and 26 of the ECA (Wood, 1998).

The 1997 EIA regulation process was a fairly linear process with limited opportunity for feedback. The regulation allowed for the application to be further considered if the application followed the appeal process or if the application required further assessment in order for the competent authority to make a decision.

The 1997 regulations did allow for participation at various points in the EIA process, namely through the pre-application consultation process, advertising of the EIA, participation of the I&APs in the scoping phase and the full EIA phase, reviewing and commenting on reports by I&APs and through the appeal process (DEAT, 1998). However this process was very broad and allowed for reporting on all aspects of the participation process.

#### **2.2.1.2 Public Participation in the EIA process: 2006 EIA Regulations**

Following the extensive amendments of the 1997 EIA regulation in 2006, the 2006 EIA regulations appeared to be much less rigid and did not follow a linear process. These amendments were a consequence of a large number of EIA applications that were subjected to the full EIA process in terms of the 1997 regulations, primarily due to the lack of criteria to determine the scope of the EIA. The amended regulations in 2006 provided criteria to separate the environmental assessment process into minor and major activities. The minor activities were then subject to a basic assessment which allowed “for a complete but concise assessment of the activity” (DEAT, 2006:8). The full scoping and EIA comprised of a “comprehensive assessment of activities that are likely to have a more significant environmental impacts” (DEAT, 2006:8).

The amended 2006 regulations resulted in fewer EIAs being produced for activities that had minor impacts. The timeframes in 2006 regulations sped up the completion of the EIA process. The

accelerated timeframes assisted in the backlog of EIA authorisation which was seen to be slowing down the development process in South Africa (Swanepoel, 2008).

The basic assessment in terms of the 2006 regulations for EIAs required that regulation 22 of NEMA had to be adhered to for an application that was subject to a basic assessment. This ensured that there was adequate public participation and a proper participation process had to be followed.

The 2006 regulation process amended the public participation process by stipulating the minimum requirements for the participation that need to be followed for an EIA despite the size of the EIA. This process is stipulated in regulations 56 (2) for the 2006 NEMA regulations (DEAT, 2006).

Therefore the 2006 EIA regulation allowed for active interaction with the people that would be affected by a proposed activity. The 2006 regulation would therefore address a number of the participation problems that are evident in the case studies in this research (DEAT, 2006).

Whilst the public participation in the 2006 regulations was similar to the 1997 regulations, the 2006 regulations emphasises regulation 57 “that a register of I&APs be opened and maintained” as well as in regulation 58 (5) where comments may be made on final reports submitted by specialist review (DEAT, 2006:48). The public participation process in terms of the 2006 EIA regulations clearly stipulates the minimum participation requirements, including advertising requirements, commenting and decision making time frames and the responsibilities of role players (Hoosen, 2010). Thus the 2006 regulations proved to be a much more structured participation process as compared to the 1997 regulations (Hoosen, 2010).



### **2.2.1.3 Public Participation in the EIA process: 2010 EIA Regulations**

The latest EIA regulations came into effect on the 2 August 2010 as a result of a substantial consultative process. The latest regulation aims to streamline the EIA process and includes an approach where impacts associated with sensitivity of the receiving environment are treated with more care. This has been achieved through the introduction of a listing notice dedicated to the activities planned for predefined areas (<http://www.led.co.za/content/environmental-impact-assessment-eia-regulations-2010>).

Public Participation in the new regulations ensures a fair process. As an example the period from the 15 December to 2 January has been excluded from public participation and consultation and in the counting of days for the decisions and lodging of appeals. The new regulations also ensure that the decisions taken by the competent authority to approve or refuse an application has to be published in the same newspaper that was used during the public participation process. (<http://www.led.co.za/content/environmental-impact-assessment-eia-regulations-2010>).

### **2.2.2 Social Impact Assessment (SIA)**

According to Vanclay (2000), Social Impact Assessment (SIA), sometimes referred to as Social Assessment (SA) is relatively well established in many countries. However, the issues and concerns in developing countries are different from those of developed countries in degree if not in kind. The definition of SIA is the “process of assessing or estimating in advance, the social consequences that are likely to follow from specific policy actions or project development, particularly in the context of appropriate national, state, or provincial environmental policy legislation” (Burdge and Vanclay, 1995:32 cited in Vanclay, 2000:32).

SIA's are much more than a prediction step within the environmental assessment framework. SIA's are not the same thing as public participation. According to Vanclay (2000) participation is a constituent of SIA. Participation and forms of participatory approaches aim to achieve the following:

- They provide a better understanding of local knowledge and experience;
- They create understanding and knowledge about the proposed development for stakeholders;
- They attempt to resolve any conflict that may be at hand with the proposed development;
- They determine the impacts of the proposed development on stakeholders;
- They assist the community that will be impacted upon by a development to plan for the change that a proposed development will bring about, and
- Participation is done to gain insight from stakeholders and local people about how they feel about a development and what their values and intentions are.

Difficulties associated with participation relate to the fact that in some countries there is a lack of culture of participation for two reasons, namely:

- in some instances participation is not part of the social culture, and
- participation has not been part of the political culture.

Participation is very much part of the political and legal culture in South Africa. Participation, however, cannot guarantee the success and smooth process of any particular development application. This is evident in the Chatsworth case study described in this study, despite evidence indicating that successful projects are those that had substantial participation (Bass *et al*, 1995, cited in Vanclay, 2000). According to Peiris (1997, cited in Vanclay, 2000) the reality of participation in development processes is usually one of limited or token consultation whereby participation does not materially influence the outcomes of the project which can result in local people becoming disillusioned with the process for future projects.

According to Vanclay (2003) describing social impacts is about reflecting on changes in one or more of the following aspects:

- *People's way of life*, whereby people's life, work and play interaction is affected on a daily basis;
- *people's culture*, whereby their shared beliefs and customs and values are affected;
- *their community*, whereby the stability, character, and cohesion within the community is impacted upon;
- *the environment* whereby the quality of the air, water and access to the quality of food is affected and their access to and control over resources is impacted upon;
- *political systems*, in terms of the extent people are able to participate in decisions that affect their lives;
- *their personal property rights*, where people are economically affected, or experience personal disadvantage which may include violation of their civil rights; and
- *their fears and aspirations* in relation to the community's perception about their safety, their fears about the future of their community and their aspirations for the future of their children.

The above list of impacts is comprehensive and will therefore enable all types of impacts to be included in the assessment process. However, a full consideration of social issues and social impacts is not easy to categorise or quantify, especially since participation practices are time consuming and costly. In addition, participation cannot guarantee acceptable results. However it is necessary for long-term sustainable development (Vanclay, 2000).

According to Vanclay (2003), good practice of SIA recognises that social, economic and biophysical impacts are inherently and inextricably interconnected. Change in any of these spheres will result in change in the other spheres. It is therefore critical for SIA's to understand the "impact pathway" that is created when change in any of the spheres triggers change across another sphere as well as the follow-on consequence within each of these spheres. Thus consideration must be given to the higher order impacts

and the cumulative impacts. It must be remembered that the intention of SIA's is not only to bring about amelioration of negative or unintended outcomes but it is a proactive stance to development and better development outcomes.

According to Vanclay (2000), it is the intention of SIA's to maximize benefits and minimize development costs, especially costs that are borne by people in the present and in the future. This intention is often not taken into account by developers and regulatory authorities, especially as it is difficult to quantify or measure social costs and benefits. However, impact identification at the outset of a project will result in two important outcomes, namely: -

- Better decision making indicating which interventions should be allowed and how they should proceed, and
- Inclusion of mitigation measures and how they should be implemented in order to minimise the negative impacts and maximise the benefits from a planned intervention or related activity.

The role of SIA's goes well beyond the "ex-ante" prediction of adverse impacts and the determination of who wins and who loses. A professional value system by the practitioners is a key factor for SIA's. Amongst other things, the SIA should ideally encompass the empowerment of local people and stakeholders, enhance the position of women and minority groups of society, develop capacity building and should ideally complement the technical and economic models that typify the thinking of many development professionals (Vanclay, 2000).

SIA's serve many different purposes in different contexts. SIA's undertaken by a multinational corporation as part of a company's internal procedures may well be different to an SIA undertaken by a professional in compliance with regulatory or funding agency requirements. These SIA's will in turn vary from SIA's undertaken by staff or students at a local university on behalf of or for the local community or SIA's undertaken by the local community itself. Therefore, the evaluation of a SIA needs to consider the intended purpose and outcomes of the SIA (Vanclay, 2000).

Some conflicts in SIA's are related to the protection of individual property rights, with the noting of adverse impacts being undertaken to ensure that the individual's rights are not transgressed. If these rights are violated then the SIA could be seen as contributing to mitigation and compensation mechanisms, focusing on the negative impacts in these instances. In developing countries there should be less emphasis on negative impacts on small groups of people or on individual property rights, but rather concern should be placed on maximising social utility and development potential while ensuring the development is acceptable, equitable and sustainable (Vanclay, 2000). The objective of planned interventions should be the improvement of social well being of the wider community and this should be an indicator for any form of assessment (Vanclay, 2000). SIA's should also focus on the reconstruction of livelihoods. Of prime concern is the awareness of the differential distribution of impacts among different groups in society and impact burden experiences by vulnerable groups in the community (Vanclay, 2000).

According to Vanclay (2003:6) the following are principles specific to SIA practice:

- Equity considerations should be a fundamental element of impact assessment and development planning;
- many social impacts of planned interventions can be predicted;
- planned interventions can be modified to reduce their negative social impacts and enhance the positive ones;
- SIA should be integral in the development process, being included in all stages from inception to follow up audit;
- there should be a focus on sustainable social development with the SIA contributing to the determination of best development alternatives and SIA (and EIA) being more than just an arbiter between economic benefit and social cost;
- in planned interventions and their assessments, avenues should be developed to build the social and human capital of local communities to strengthen democratic processes;

- SIA must give consideration to alternatives of any planned intervention especially where there are unavoidable impacts;
- full consideration should be given to mitigation measures of social and environmental impacts, even where impacted communities may approve the planned intervention and where they may be regarded as beneficiaries;
- there should be no intimidation or undue force in connection with the assessment or implementation of planned intervention;
- development processes that infringe the human rights of any section of society should not be permitted; and
- local knowledge, experience and acknowledgement of different local cultural values should be incorporated in any assessment

Further, according to Vanclay (2003), even in International Agreements and Declarations, as in Principle 1 of the 1992 Rio Declaration on Environment and Development which calls for the undertaking of impact assessments, social issues are often implied but rarely given sufficient emphasis.

International principles that have been rewritten and apply more directly to social issues include the precautionary principle, uncertainty principle, intragenerational equity, intergenerational equity, principle of multi-sectoral integration, polluter pays principle, the prevention principle, and the protection for the promotion for health and safety. Fortunately in South Africa, NEMA (1998) and the Constitution (1996), encompass these principles and provide the mechanism by which it is possible to uphold these principles in the struggle for sustainable development.

### **2.2.3 Social Probe**

A social probe is in essence a desktop study which gives insight into the community that will be impacted by a proposed development and should form an essential part of an SIA (Scott and Oelofse, 1998). The data sources for a social probe is gathered from maps, survey of settlement areas, population and informal dwellings, and other background reports that are relevant to the

study area and community that will be impacted upon. Proposed developments that may have implications for the existing community has to be considered as part of the social probe prior to any formal application being initiated with the relevant authorities. In South Africa, an SIA forms part of an EIA and is an established process in terms of NEMA (1998). However, despite the established process the mainstream practices of environmental management applies to the developed world and does not always take into account the social context for the development. EA has to be more participatory and equitable process and shift away from the technocratic procedural practices an EA (Scott and Oelofse, 2005). In the case study of locating landfill sites in the Durban Metropolitan Area, an alternative method of EA, namely a social probe, was used to explore how “invisible stakeholders”<sup>4</sup> can be included in the assessment process (Scott and Oelofse, 2005).

A social probe is ideally undertaken with a conceptual framework that ensures social and environmental justice. A social probe was undertaken for the location of the landfill sites in the Durban Metropolitan Area (Scott and Oelofse, 1998). This proved to be a very useful tool to establish and understand the nature of the community dynamics in the specific landfill locations at the various proposed landfill sites. The social probe also identified the primary and secondary stakeholders as well as the socio-economic status of the affected communities. The details of what should be contained in a social probe are captured in Chapter 5.

## **2.3 Public Participation**

It is important to understand the meaning of public participation and its application in order to understand the problems associated with public participation in EIA and Development Planning Processes.

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<sup>4</sup> Invisible stakeholders are defined as poor and marginalized black people who potentially suffer the impacts of development but have historically been excluded from assessment procedures due to conventional methodologies of assessment (Scott and Oelofse, 2005:447).

According to Bisset (2000) the term participation refers to collaboration and partnerships whereby the public is considered as a partner in the development initiative and in carrying out the EA. Ideally there should be shared decision-making and control in the EA process, and joint responsibilities for the EA results. Participation also includes empowerment and local control whereby control over the scope and content of the EA should be shared with the local community and is exercised through community representatives. However, in practice participation usually occurs in the form of consultation and information dissemination (Bisset, 2000)

According to the World Bank, public consultation during the EA process should reflect the right of people that may be affected by a proposed development to be included in decision-making. It should be used to improve the project design, the smoothness of implementation and the sustainability of the outcomes. Despite evidence showing that the practice of public participation is deficient in a number of areas, this gap has decreased since consultation was first introduced as requirement in the EA process. (<http://www.art.man.ac.uk/eia/n118.htm>, 2008).

Environmental Practitioners continue to experience problems with public participation in the EA process. There is often a gap between the demands of those affected by a proposal who would like to have their concerns heard and addressed and the expectations of the developer for a cost effective process (The World Bank, 1993)

It has been recognized by Godschalk *et al* (2003) that it is crucial for there to be active participation in governmental planning and decision making in order to further public interest. The participatory process is equally as important as the outcome.

According to Scott *et al* (2001), a range of mechanisms exist in the newly democratised South Africa that allow stakeholders to engage in the decision making process. However they are not always fully implemented.



### **2.3.1 Consultation and participation in the EIA process**

According to Glasson *et al* (1999:163) consultation and participation in the EIA process is useful in almost all of the following stages of the EIA process:

- Determining the scope of the study
- Providing specialist knowledge about the project (policy, plan or programme);
- Evaluate the significance of likely impacts
- Propose mitigation measure for likely impacts
- Ensure objective, truthful and complete reporting and
- Monitor conditions of the development agreement

The following section will detail how the public participation and consultation process can be administered and how the information gained from these processes can be used to fast track the approval process and improve the proposed project. Focus is placed on Best Practice for public participation. The advantages and disadvantages of public participation are discussed. Requirements for effective public participation and a review of the methods of public participation are considered in order to establish what constitutes effective public participation.

### **2.3.2 Advantages and Disadvantages of Public Participation**

Firstly the advantages and disadvantages of the public participation process will be considered. This insight into the public participation process will assist in understanding the reluctance for developers to engage in effective public participation during the development process.

#### ***Disadvantages of Public Participation***

Public participation is usually not favoured by developers because it is seen as elevating the social status of a project and is both time and cost consuming. International literature indicates that many developers only come into contact with the public at the planning appeal stage of development and it

is usually at this stage that the public have already embarked on a “systematic” attempt to stop the project. It is for this reason that developers fail to see the positive side of public participation because they do not allow for the public process to be included at the outset of the project (Glasson *et al*, 1999).

Public Participation has been associated with confrontations, delays, blocked development and connotations of extremism. In the United States of America, for example, NEPA related lawsuits have stopped major developments, including gas and oil developments in Wyoming, a ski resort in California and logging projects in Alaska (Turner, 1988).

In Japan in the late 1960’s and 1970’s riots delayed the construction of the Narita Airport near Tokoyo by five years. In the UK people protested wearing gas masks at nuclear power station sites and threatened to lie down in front of the bulldozers working on the M3 highway at Twyford Down and they had to be forcefully removed from tunnel and tree houses at the Newbury bypass route, resulting in an estimated six million pound cost for policing before construction even began (Glasson *et al*, 1999). Therefore public participation may provide the legal means to intentionally obstruct development and the protracted method can be an effective method in terms of defeating it (Glasson *et al*, 1999).

### ***Advantages of Public Participation***

In a positive light, public participation can be used positively to convey information about a development, clear up misunderstandings and provide better understanding of important local issues and means of addressing them. It also includes and addresses issues of controversy while a project is still in the early stages of the planning process. In order to avoid local opposition and environmental problems a developer can consider and respond to contributions of local people or special interest groups and suggest measures that can be taken at the design stage of the project. These measures can prove to be more innovative, publicly acceptable and viable than the measures proposed solely by the developer (Glasson *et al*, 1999).

Modifications to a project early in the process before plans are finalised tend to be more easily and cheaply accommodated than changes made much later at the end of the project cycle. Projects that do not go into appeal or an inquiry process tend to be much cheaper than projects that do (Glasson *et al*, 1999).

Early public participation will prevent the intensification of frustration and anger from the public and it helps to avoid “forceful” participation. The implementation of projects proceeds more smoothly if the local community supports the development (Glasson *et al*, 1999).

Despite the associated delays with full public participation, the total benefits can exceed the costs, despite the expenditure associated with public participation. This is explained by a case whereby Europe’s conservation manager for a former leading Zinc and Lead mine stated that they have entered in to an era where the public decides. He states further that it is in the interest of developers to ensure that people have confidence that their concerns are recognized and their future lifestyles are protected (Dallas, 1984).

However, some developers still see public participation as a counterproductive exercise that brings little gain at great cost (Glasson *et al*, 1999). The case study of the Grande-Bleine hydropower complex in Canada proves the aforementioned point to be incorrect (Glasson *et al*, 1999). Hydro Quebec applied for permission to construct a hydro-power complex in northern Quebec province. The local community was consulted from the outset of the project which ran for the period from 1977 to 1981. The community was consulted during studies taken for the project and informed of the results of the studies as well. This consultation led to Hydro Quebec revising one of it’s scenarios in the design of the diversion the Petite Riveiere de la Baleine to eliminate environmental impacts on the drainable basin of the Riviere Nastapoka, further north. Hydro Quebec worked with the Quebec Government to establish a framework for public consultation that aimed to integrate the expectations and concerns of the Quebec society into its

development plan. From the outset Hydro Quebec endeavoured to clarify facts and explain the complex issues surrounding the development. In the public participation process Hydro Quebec took people on helicopter tours, held information campaigns and had a number of meetings. Hydro Quebec held conferences, set-up a toll free line in Vermont, and opened information offices in New York and Brussels as a means of communicating with the public. Hydro Quebec aimed from the outset to prevent the Grande-Baleine project from becoming a symbol of conflict between environmental protection and economic development. Efforts were made to explain how impacts on the environment would be avoided and the employment opportunities associated with the project were discussed with the public. Hydro Quebec showed the same commitment during the construction and operational phase of a project. This case study indicates the possible methods available to communicate crucial information to the host community and I&AP's (Glasson *et al*, 1999).

According to Clarke (1994, cited in Glasson *et al*, 1999) there are five requirements for effective public participation:

- Identify groups or individuals that may have an interest or be impacted upon by the proposed development;
- information relating to the development is to be provided in a manner that is accurate, accessible, pertinent and timeous;
- there must be “dialogue” between those that are involved in the development and those that are impacted upon by the development;
- there must be integration of the public views in the overall decision;
- feedback about actions taken and how the public information influenced the decision must be given.

One of the challenges in public participation is how to deal with representative democracy. In most EA processes there is representation by established groups and forums, new environmental groups that emerge as a result of the development threat identified by stakeholders through the EIA process, and by individuals. Representation of a group of people by one person may lead to disparity as that person may not have represented the group accurately

(DEAT, 2002). This is evident in the Chatsworth case study which is evaluated in this thesis, where the ratepayers did not represent the interests of the people that lived in the immediate vicinity of the proposed PFS.

The following section focuses on the NIMBY syndrome which is often held responsible for most of the negative response an applicant receives from the public in relation to a development proposal.

## **2.4 Not in my Backyard Syndrome (NIMBY)**

According to Kraft and Clary (1991), the NIMBY syndrome is a response from a community that believe a proposal at a particular location is detrimental to the community's welfare and the community then strongly opposes the proposal. According to Wolsink (1994), this is the attitude that is thought to be behind a great deal of the local opposition to proposed developments i.e. we can endorse a project but not its location in close proximity to us. Many NIMBY responses relate to civil society's concerns about hazardous facilities being located in areas where people live. According to Kates (1978) an environmental hazard is the potential threat of an event, which is posed by humans or nature, and originates or is transmitted by the natural or built environment. A hazard has the potential to cause loss (Smith, 1996). In the case of this research, the public do view Petrol Filling Stations as a hazardous activity. The possibility of the PFS exploding and the subsequent loss that could result from this disaster resulted in the people living in the immediate vicinity of the PFS site objecting to the development. People either adapt, which is a long-term response to a hazard, or adjust which is a short-term response to a hazard when faced with an environmental hazard (Kates, 1978).

According to Lober (1993) studies in the US revealed that personal cost and benefits influence locational preferences for hazardous landfill sites in the State of Connecticut. This case study is pertinent to this thesis as it reflects on the public's response to the location of a landfill site, which generates a

very similar response and similar bundle of fears to that of the location of a petrol filling station.

Environmental policy makers and planners face difficult decisions about “the location of facilities that have potentially harmful environmental effects or that are perceived by the general public to cause considerable risk.”

The landfill research in the US further reveals that public risk perception seems to be at first out of proportion to the evidence supplied by scientific risk assessments which in the case of most solid waste disposal facilities, often indicate extremely small health risks (Levin, *et al*, 1991, cited in Lober, 1993). This is because perceptions of risks vary along many dimensions (Slovic, 1987, cited in Lober, 1993). It is evident that when risks are new, not well known, not equitable and are perceived to have catastrophic potential then the public acceptance is likely to be lower than for risks which are older and more familiar, more fairly imposed and of less serious consequences. Lindell and Earle (1983, cited in Lober, 1993) concluded that “public perceived risk” gradients vary by type of facility and with distance. Portney (1991, cited in Lober, 1993) found that perception of health risk was the strongest determinant of attitudes towards hazardous waste facility siting and that those more likely to oppose the siting were female, low income, and with shorter residence time in the community, and less knowledgeable about waste.

Perceptions and self-interest motivation, according to Lober (1993:90), influences attitudes towards landfill siting. He further states that a self-interest attitude is “one that is instrumental to the individual's attainment of valued goals”. Lober (1993) restricts the term goals to those which bear directly on the material well-being of individual's private lives that pertain to their financial status, domicile, and family's well being.

Research in SIA's has tended to concentrate on tangible and quantifiable negative impacts on the community. The analysis of impacts on people need to be expanded to a wider scope of independent variables, including perceptions of distributional, intergenerational and procedural equity as well

as the perceived need for a facility and the familiarity of the people with the facility (Lober, 1993).

## **2.5 Conclusion**

This Chapter has discussed the theory of EIAs and SIAs in the international and local context. Public participation and, best practice for effective public participation has been explored using literature on public participation processes and case studies on the engagement of the public in decision making processes. It is evident that public participation is important, but not adequately carried out during the EIA process. The advantages and disadvantages of the public participation process were discussed highlighting case studies. Public participation is often viewed as an obstruction to the development process. The NIMBY syndrome, which is perceived to drive the public's negative response to development proposals, was reviewed as this is a common argument used against the public when they resist the development of a hazardous facility like a petrol filling station in their area.

## CHAPTER 3

### CASE STUDIES

#### 3.1 Introduction

This chapter will briefly introduce the case studies that are used in this research. The case studies will be analysed in further detail in Chapter 5. The reason for the choice of three case studies is to evaluate the level of social involvement in each case study and to compare the end results of the social involvement in terms of influencing the decision making process. The first case study is located in Chatsworth, Durban. The exact location is Lot 260 Arena Park Drive (as reflected in Appendix 1). This application for a Petrol Filling station (PFS) was approved. The second case study is located at the corner of Northway and Tyne Place in Durban North, Durban (as reflected in Appendix 2), and did not result in the construction of a PFS. A third case study, which was analysed by Dray (2005) is located in Morningside, Durban will be drawn upon as it reveals similar trends in participation to the two case studies that make up the primary research of this thesis (as reflected in Appendix 3).

Petrol is a highly flammable liquid that gives off flammable vapour even at low temperatures. When this vapour is mixed with air in proportions between one percent and eight percent the risk of fire or explosion exists. Petrol can have an acute or chronic effect if inhaled ([www.devonline.gov.uk/index/info](http://www.devonline.gov.uk/index/info), 2007). Petrol Filling Stations usually have well-established ancillary activities operating in conjunction with the petrol sales component. The majority of PFS have at least a “convenience” shop. A PFS site could include the sale of used cars and spares and some have a shopping and commercial functions included on the site, such as ATMs, a car wash facility and a bakery. The negative effect on the amenity of the neighborhood is obvious in relation to the all night operation of the associated uses. With a twenty-four hour service being provided at most PFS the possible amenity impact on the residents in the immediate vicinity is greater than would be associated with other commercial uses, which operate within conventional office hours.



Petrol Filling Stations are usually located and designed to cater for a substantial volume of traffic movement to and from the site. According to research undertaken by the Town and Regional Planning Commission (TRPC), it was revealed that many of the shops associated with the PFS cannot be merely termed convenience shops, as these shops can be fully operational chain stores such as Woolworths or Spar. The trend for mini shopping centres associated with PFS is growing (TRPC, 2000).

According to the Guyana Environmental Protection Agency (2000) PFS are associated with the potential for pollution as a result of when the storage tanks are being refilled, the washing of vehicles, the disposing of brake fluid and other wastes, and oil and fuel waste from the fuelling of vehicles. Petrol fumes contribute to the hole in the ozone layer in the atmosphere, and are also a CFC that contributes to global warming and photochemical smog. The seepage of petrol into the groundwater supply and into rivers is particularly harmful to flora and fauna.

According to Bradt *et al* (1999) petrol fumes can escape from a vehicle's fuel tank when the tank is being refuelled at the petrol pump, from a petrol tanker when it is refilling a petrol storage tank at the PFS, and from the storage tank. The inhalation of petrol fumes may cause irritation to the respiratory system, irritation to the eyes and possibly conjunctivitis, headaches, nausea, dizziness and mental confusion (Guyana Environmental Protection Agency, 2000). Historically the aforementioned associated risks of petrol filling stations did not take into account the impact on the resident's health and the primary intention was to ensure that a PFS was economically viable. According to Mallows and Croft (1967) the trend for the construction of smaller PFSs was intended to disperse the traffic and not concentrate the traffic into a few large petrol stations. Petrol stations have been known to be an essential part of the functioning of an area. However, there are strict controls imposed by the Municipality when approving a PFS, due to their impact on the amenity of the area.

The application for the proposed PFS for the first case study in Arena Park, Chatsworth, was proposed on council owned land and the application to

rezone the land was submitted on behalf of a displaced trader by Council. In this instance, Council was both the applicant as well as the authorising authority. In such instances Council sells land at discounted prices for unjust acquisition of land that took place during the apartheid era. The second case study was a private application on private land, initiated by a petroleum company and highlights a range of social issues.

The third case study was a site which was located in the suburb of Morningside at the corner of Argyle and Montpelier Roads. The site was sold by the eThekweni Municipality by Private Treaty to a Black Empowerment Company. Appendix 3 shows the location of this site. The site was zoned Public Open Space Reservation and had to be rezoned in order for a PFS to be developed on the site (Dray, 2005)

### **3.2 Case Study 1: Lot 260 Arena Park Drive**

Lot 260 Arena Park Drive was initially zoned as Public Open Space in terms of the Town Planning Scheme for the Chatsworth area, which lies to the south of Durban. The site formed part of DMOSS (Durban Metropolitan Open Space System). The site was predominantly surrounded by residential units in a dense settlement pattern in a residential area that was designed and planned for the Indian community that was forcefully removed from other areas, such as Cato Manor during the implementation of the Group Areas Act (1950, 1955) as amended under apartheid. The application procedure for the development of the PFS in the Chatsworth case study began on the 20 July, 2000. It must be noted that this case study was approved prior to the new EIA regulations being promulgated in 2006.

Photographs 1 and 2 illustrate the storm water catchment area on the site in relation to the remainder of the site. Photographs 3 and 4 illustrate the proximity of the road to the site as well as the proximity of the residential units to the site.

## Various Pictures illustrating Lot 260 Arena Park Drive

Photograph 1



Photograph 2



Photograph 3



Photograph 4



The Municipality allocated Lot 260 Arena Park to a displaced trader. It is not uncommon for the Municipality to allocate land to people who were not only forcefully removed as a result of the Group Areas Act (1950) but who also lost businesses during this period. In such instances the Municipality enters into agreements whereby sites that are owned by the Municipality are sold at discounted prices to these displaced traders for business purposes. The restitution to the victims is the discounted price in the sale of the land.

The EIA application, if necessary in such instances, is prepared by a consultant at the cost of the Municipality's Real Estate Department, who is appointed through a tender process by the Town Planning Division of Council. However, in this particular instance the Petroleum Company undertook the responsibility to appoint the EIA consultant and pay all expenses in an attempt to 'fast track' the development process.

The Council's tender process is a lengthy time consuming process due to the advertising period for tender applications. The Municipality undertakes all the procedures, and bears all the costs involved in ensuring that the land is rezoned for the proposed use should the need arise. Thus the Municipality becomes an interested and affected party in the rezoning of the allocated piece of land. In such instances the application is made in terms of Section 47 *bis* (a) of the Town Planning Ordinance No. 27 of 1949. Figure 2 in Chapter 5 illustrates the approval process that a Section 47 *bis* (a) application should follow in terms of the Town Planning Ordinance No. 27 of 1949. Section 47 *bis* (a) applications are applications that are submitted by the Municipality *themselves* making them "The Municipality" the "applicant".

### **3.3 Case Study 2: Corner of North Way and Tyne Place**

In this particular case study the site for the proposed PFS was a proposed amalgamated site occupied by residential homes and owned by private persons in the suburb of Durban North. It was the intention of the developer to purchase all of the sites from the respective owners, consolidate the sites and then rezone the site appropriately to allow for the establishment of a PFS. The developer began conducting the research to acquire the sites by means

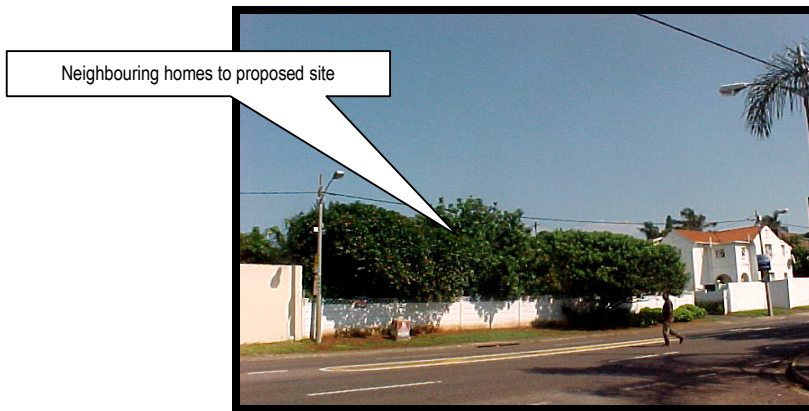
of an estate agent and had no intention of informing the landowners of the land use that was proposed on the sites. The investigation process began in 2001 during the old EIA regime, prior to the 2006 EIA regulations. It is evident that the proposed PFS site is ideally located in terms of meeting the threshold in terms of the amount of litres of petrol that has to be sold and accessibility requirements to make the business viable. However, as a result of estate agents contacting property owners about their land value, other residents in the area became very concerned about what might be happening to their local area. As no formal development application had been lodged, these residents were unable to find out what development was being proposed. This created a great deal of concern, mistrust and suspicion in the area. This case study has been used as it reveals that as soon as development “noises” are made in an area, whether there is an application in or not, people begin to react and respond to what they perceive is going on. This raises questions about how developers manage social concerns in their very earliest investigations.

However, the difference between the Durban North case study and that of the Chatsworth case study is that private persons owned the land in question in the Durban North case study. In such instances, where private persons own the land, the application process to have the land rezoned to permit the use of a PFS is made in terms of Section 47 *bis* (b) of the Town Planning Ordinance No. 27 of 1949.

Figure 3 in Chapter 5 illustrates the rezoning process that a Section 47 *bis* (b) application should follow in terms of the Town Planning Ordinance No. 27 of 1949. The Durban North case study did not follow the Section 47 *bis* (b) process.

Photograph 5 illustrates the residential sites that would have been affected by the proposed PFS. Photograph 6 indicates the location of the PFS in relation to an intersection and another PFS which is directly opposite the proposed PFS site. Photograph 7 illustrates the proposed site in relation to the road and some of the residential sites that would be affected by the development of the PFS along that specific road.

**Sites located at the corner of Northway and Tyne place for the proposed PFS (picture) that are currently occupied by residential buildings**

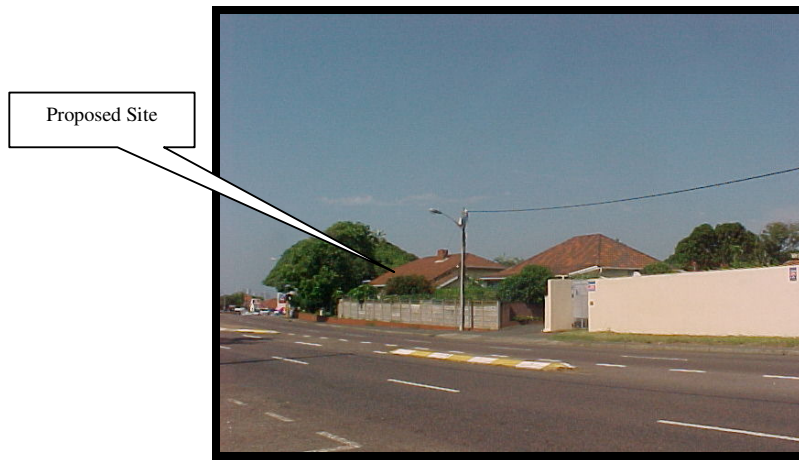


**Photograph 5**



**Photograph 6**





Photograph 7

### 3.4 Case Study 3: Corner of Argyle and Montpelier Roads, Morningside

This particular case study, which was researched in 2005 by Dray (2005), will be drawn upon to assess the importance of social screening at the outset of the development application process. The site is located at the intersection of Argyle and Montpelier Roads. With this particular case study the site was zoned Public Open Space Reservation. The site was occasionally used by the Shembe Church for their prayer gatherings (Dray, 2005).

The site was originally owned by the eThekweni Municipality and was sold by Private Treaty to a Black Empowerment Company, eThekweni Africa Holdings for the development of a PFS. The site would need to be rezoned in order for the PFS use to be permitted on the site. The developer intended to have ancillary uses that are usually associated with PFS on the site. These included a convenience store, an ATM, a bakery, two staff offices and a kitchen area (Dray, 2005). This case study will not be discussed in detail, as it is secondary data, but it will be drawn upon to highlight similar or key issues in relation to the research topic. This case study followed a similar route to the approval process as that of the Durban North case study, because a private entity owned the land in question.

The following section provides the background to the application process followed by the applicant for the PFS.

### 3.5 The Application Procedure

In all three cases being evaluated in this research, the land had to be rezoned to accommodate the new function of the PFS in a local area.

The change of land use can be achieved *via* pieces of legislation such as the Development Facilitation Act of 1997 and also in terms of Section 67 *bis* of the Town Planning Ordinance No 27 of 1949 which is commonly referred to as a Special Consent procedure. But for the purpose of this study only Section 47 *bis* (a) and Section 47 *bis* (b) in terms of the Town Planning Ordinance No. 27 of 1949 will be discussed due to the relevance of these Sections of the Town Planning Ordinance to the case studies.

All three of the case studies were proposed in a predominantly residential area. Therefore Clause 15 of the Town Planning regulations for the eThekweni area is important, specifically for case study 2 and 3. Condition (ix) states that if a petrol filling station is proposed for a residential area, it will only be approved if it can be proved that the area needs a petrol filling station (eThekweni online, 2005). However a needs and desirability motivation does not equate with an EIA.

The appeal process is also important here as the Chatsworth case study went to appeal. The Town Planning appeal procedure plays an important role in the decision making process. The appeal procedure for rezoning applications was followed for the Chatsworth case study because an objector appealed the decision that was taken by the Municipality. Figure 4 in Chapter 5 illustrates this appeal procedure and discusses this procedure in detail and relates the relevance of the appeal procedure to the Chatsworth case study. The relevance of the appeal procedure to the topic is analysed in Chapter 5.



### **3.6 Conclusion**

This chapter has briefly introduced the case studies that were selected for this research. This chapter also alluded to the application process that would have to be followed to rezone the sites in order for the proposed PFS use to be permitted on the site. These application processes will be elaborated upon in Chapter 5 of the research. This chapter has also introduced the legislative mechanisms that are available for the change of land uses from a town planning perspective and the methods available for land acquisition which will be fully explored in Chapter 5.

## CHAPTER 4

### RESEARCH METHODOLOGY

#### 4.1 Introduction

This chapter sets out the way in which the research was conducted, and includes the data gathering tools that were used to furnish information from the key role players and the analytical approach to ensure the appropriate analysis of the data.

This study adopted a qualitative approach to assess the involvement of stakeholders in the development planning process associated with the location of petrol filling stations in Durban. Data were collected in two forms, namely, primary and secondary sources of data.

The purposive sampling method was used as it targets a particular group of people specifically when it is difficult to locate a desired population for the study. The sample is selected subjectively by the researcher in this type of sampling(<http://www.socialresearchmethods.net/kb/samprnon.php>, December, 2006).

Purposive sampling is a method of non-probability qualitative research. This method is used when the researcher has predefined groups that will be targeted for data collection. In this research it was the specific decision making authorities and key role players that were involved in the case studies that were targeted (<http://www.socialresearchmethods.net/kb/samprnon.htm>, March, 2010).

Qualitative research allows for the gathering of information that cannot be obtained by quantitative techniques. Qualitative methods allow for the establishment of patterns in the data collected to be identified and analysed. In this method of research the conceptual framework is shaped by the data, which reflects an inductive approach, rather than from a preconceived hypothesis that would be tested using deductive methods ([http://symptomresearch.nih.gov/chapter\\_7/sec2/cmss2pg1.htm](http://symptomresearch.nih.gov/chapter_7/sec2/cmss2pg1.htm), December,

2006).

Snowball sampling was also used as a method of research in this dissertation. In this method of sampling respondents were asked by the researcher to recommend other people that the researcher could interview that would contribute to the data collection process. This method of sampling is a non-probability method of sampling that relies on referrals from initial respondents that were interviewed (<http://www.statpac.com/surveys/sampling.htm>, March, 2010).

Interviews were used as the chosen method for obtaining data as they allow for a thorough examination of experiences and feelings and so they provide rich data (Kitchen and Kate, 2000). This method was useful in establishing the views of the stakeholders which assisted the researcher in grouping the different perspectives of respondents.

The qualitative analysis in the study utilises Kitchen and Tate's (2000) approach whereby the data collected was broken down into three parts, namely, a description of the data, classification of the data, and the interconnections of the data.

The description phase, which is important, involved the depiction of the data in a manner that could be easily interpreted. In this research the interviews were transcribed and common themes were drawn from them (Kitchen and Tate, 2000).

The classification of the data involved the interpretation of the data in order to understand the data and make it meaningful. The data was divided into groups of key ideas and then was positioned into similar themes. The final step was the analysis phase which involves the identification of the interconnections between the data. This involves identifying and understanding the different relationships between the various stakeholders

and then establishing the relationships between the stakeholders and the underlying factors or themes influencing the decisions made in relation to the theory of social assessment developed for this study.

## **4.2 Case Study Methodology**

The case study methodology was used for this research. In this method case studies are selected in order to focus on issues that are fundamental to understanding the system being examined. In this research the system that was examined was the Development Planning and Environmental approval Processes. Yin defines the case study research method “as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used” (Yin, 1984:23).

The case study method involves using multiple sources and techniques in the data gathering process. The researcher determines in advance what evidence to gather and what analysis techniques to use with the data to answer the research questions. Data gathered is normally largely qualitative, but it may also be quantitative. Data collection for this method of research is done *via* interviews, documentation review, and observation. The researcher took the qualitative data that was collected and grouped them in to themes for discussion and analysis.

The advantages of the case study method are its applicability to real-life, contemporary, human situations and its public accessibility through written reports. Case study research facilitates the understanding of complex real-life situations by relating the findings to daily experiences of the common reader. This method also allows for the application of solutions to problems identified in the process that was researched, and in this instance it was the Development Planning Process and the Environmental approval process (<http://www.ischool.utexas.edu/~ssoy/usesusers/l391d1b.htm>, March, 2010).

### 4.3 Primary Sources of Data

The research began by identifying case studies that were suitable for the selected topic. Three case studies were selected. One case study is located in the Durban North Area (hereafter referred to as the “Durban North case study”), and the second case study is located in Arena Park, Chatsworth (hereafter referred to as the “Chatsworth case study”), to the south of Durban. Both the case studies are located in residential suburbs. A third case study conducted by Dray (2005) in the Morningside area is referred to. The PFS locations and their specific physical and social environments were then assessed in terms of the literature review in Chapter 2 and the responses received from the respondents. The description of these case studies is contained in Chapter 3.

The research design of this study was based on snowballing sampling and purposive sampling. It was a purposive sample as it targeted particular groups that had an interest in the case studies. The stakeholders that lived in the immediate vicinity of the proposed developments were surveyed by means of a semi-structured open-ended interview that was administered by the researcher. The people (objectors) that were identified in the Durban North case study were the people whose properties would have adjoined the proposed PFS. The people that were identified in the Chatsworth case study were the people that signed the petition list as a list of objectors to the proposed development. Interviews were conducted with various interested parties that influenced the decision making process and that had an impact on the chosen case studies that were selected for this research. Table 1 below provides a list of stakeholders that were interviewed and their interest in the proposed PFS applications.

Interviews were conducted using open-ended questions to target and gain the perceptions of various interested and affected parties and specific role players. The interview method was also used to gain answers from key political stakeholders that were involved in the two case studies. The researcher conducted the interviews with the identified stakeholders. The interview method was controlled by the researcher and was designed to allow

the respondents to converse freely and not feel constrained (Kitchen and Tate, 2002). The same questions were asked to all respondents to allow for a fair comparison and analysis of answers (Kitchen and Tate, 2002).

The study categorised stakeholders in the following way:

- Person initiating the application-i.e. The applicant
- People objecting to the proposed development i.e. Interested and Affected Parties (I&APs)
- The Local Government Decision Making Planning Department i.e. Development and Planning Unit (D&PU)
- Provincial Environmental Decision Making Department i.e. Department of Agriculture and Environmental Affairs (DAEA)
- Politicians who tried to influence the outcome of the decision making process
- The consultants who undertook the EIA application for the Chatsworth case study
- The consultant who represented the appellants or objectors for the Chatsworth case study
- A representative from the PFS company that was involved in the Durban North case study and in the location of PFS in general.

**Table 1: Stakeholders interviewed in the case study**

STAKEHOLDER	INTEREST	INTERVIEW DATE
<b>Durban North Case Study</b>		
<b>Residents</b>	Reside adjacent to proposed PFS site. The development would affect their lives.	27 November 2002
<b>Local Councillor</b>	Represented interests of community and addressed their concerns with the Council.	29 November 2002
<b>PFS Representative</b>	Economic benefit by the construction of PFS	27 November 2002
<b>Chatsworth Case Study</b>		
<b>Member of Parliament</b>	Represented the displaced trader who was to be the owner of proposed PFS site	29 November 2002
<b>Official for the Local Municipality</b>	Facilitated Rezoning application for the PFS	4 December 2002
<b>Provincial Authority Official for EIA decision-making.</b>	Neutral Body, responsible for assessing EIA and issuing RoD. No vested interest in the development.	2 September 2002
<b>DTL&amp;G official</b>	Assesses decisions of the Municipality and produces Appeal report to TRPC. Neutral body with no interest in the PFS.	2 September 2002
<b>Consultant that represented the objectors</b>	Represented group that opposed development. Interest to ensure that the objectors' interests are met and that the PFS is not constructed and the application is refused.	26 November 2002
<b>Consultant that prepared the EIA</b>	Neutral person who represented the Municipality who was the applicant. Consultant had to present the findings of the assessment so that the DAEA could make a decision based on unbiased information presented.	6 December 2002
<b>Residents living in the vicinity of the site</b>	Supported the development of the PFS	25 October and 27 November 2002
<b>Objectors to development</b>	Opposed the development of the PFS	25 October and 27 November 2002

The questions that were asked during the interview sessions are attached in Appendix 4. The same set of questions in Appendix 4 was used in both case studies and for the different stakeholders in order to have an accurate reflection of concerns raised by the various interested and affected parties. The following section will highlight the intentions of the researcher when asking the stakeholders the specific questions during the interview session.

The questions presented to the officials aimed to understand and establish their level of skills and expertise in assessing the development applications when making decisions, and to determine their views on the particular case study PFS applications. Questions to the residents and objectors to the proposed developments aimed to establish the reasons for their objections as well as their understanding of the development approval process. Questions to the politicians aimed to establish their involvement in the case study, and their influence in the decision making process.

#### **4.4 Secondary sources of data**

The gathering of secondary sources of data included the collection of literature on impact assessment, planning processes, environmental management, relevant Town Planning and environmental legislation, all documents submitted by the various interested and affected parties (including letters, appeal documents, EIA assessments) and social assessment. The details of these documents will be discussed in detail in Chapter 5. Additional information was sought from journals, the internet, books, and application documents so that the researcher could to gain a concise understanding of appropriate integration of the social environment and their concerns into the decision making process and assist in the formulation of an appropriate theoretical framework for this research.

Relevant documents that related to the development application for Lot 260 Arena Park were sought from the Ethekwini Municipality and utilised to understand the procedure that the application followed and to establish the effectiveness of the development planning and environmental assessment



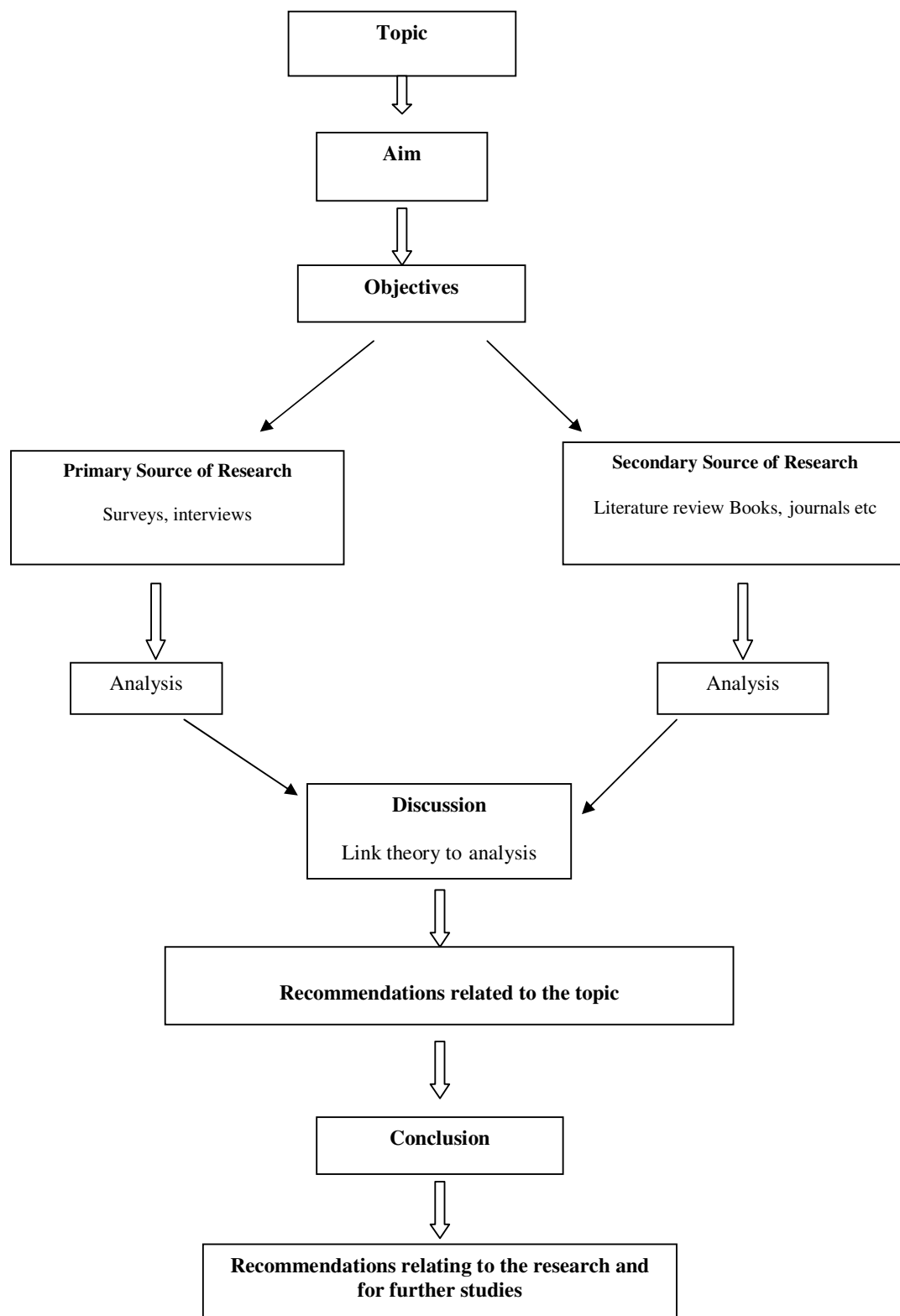
procedures. This information provided insight into the dynamics surrounding this particular application.

#### **4.5 Problems experienced during data collection**

The main problem experienced by the researcher related to the case study in Chatsworth. Difficulty was experienced with accessing the signatories on the petition list that was submitted to the Municipality as a list of objectors to the proposed development of a PFS. The person that initiated the petition who is also part of the Ratepayers Association also refused to meet with the researcher. Some signatories responded via telephonic interviews. In addition, it was exceptionally difficult to obtain responses from key interviewees. An added problem was that interviewees from the Arena park case study wished to remain anonymous. Furthermore it was discovered that some of the signatories that objected did not live in the immediate vicinity of the proposed development, which leads to the questioning of the validity of social concerns and involvement in the process. It was also established that the signatories that did not live within close proximity to the application site have been living at their residence for a number of years and did not relocate as a result of the proposed PFS development.

#### **4.6 Data Analysis**

The primary data obtained by means of the semi-structured interviews was interpreted against the framework comprising certain key themes that were developed from the literature review for this study. These themes were derived from the theoretical framework of this research in Chapter 2 and are discussed and analysed in Chapter 5 and Chapter 6. The vital link between the theory and the empirical data has been demonstrated in this part of the research.



**Figure 2: Flow diagram showing path of study**

## 4.7 Conclusion

This chapter has set out the methodology that was utilised to conduct this research. In addition this Chapter explained the researcher's primary and secondary sources of data and the problems that were encountered whilst conducting the research. The research methodology is also diagrammatically represented as Figure 1. Despite there being limitations to the study, the methodology employed was reliable and the interviews were done consistently. The different themes will be formed and used to deconstruct the data collected, in Chapter 6 of this research.

## **CHAPTER 5**

### **ANALYSIS OF THE DEVELOPMENT**

#### **PLANNING PROCESS FOR PETROL FILLING STATIONS**

##### **5.1 Introduction**

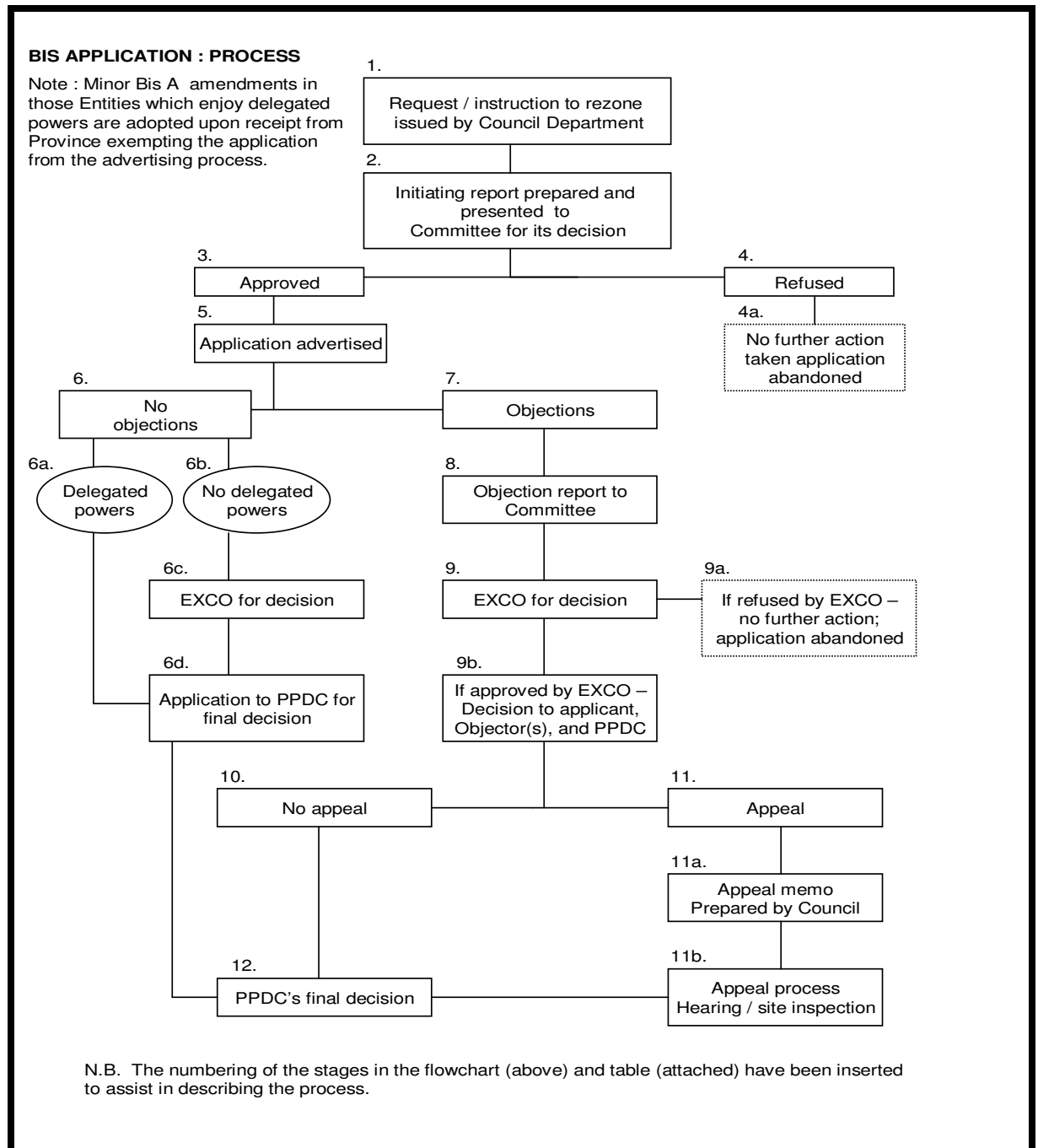
This research focuses on two main areas of interest in the development application process related to Petrol Filling Stations (PFS). The first part describes each proposed development, identifies the key stakeholders and examines how, when and why they became involved in the Development Planning process. The second part discusses the development planning processes that these PFS applications are evaluated through and evaluates how the application for each case study followed the stipulated development planning process. Finally each case study is reviewed in terms of the EIA process and how this impacted on the decisions made about each case. The intention of analysing both the development planning and EIA processes is to establish when, how, and if the social environment is adequately addressed in these processes. The latter part of this research chapter analyses and deconstructs the field research and data collected for this thesis, in relation to the theory developed in Chapter 2.

##### **5.2 The development planning process relevant to each case study**

The relevant *bis* (a) and *bis* (b) procedures in terms of the Town Planning Ordinance No. 49 of 1949 (TPO) are discussed and analysed and the route the relevant case studies followed is detailed. The Appeal procedure in terms of the TPO is discussed. In this instance parallels are drawn between the appeal process and the Chatsworth case study as this case study followed the appeal process in terms of the development application process as *per* the TPO.

### 5.2.1 Lot 290 Arena Park: Chatsworth

Table 2 and the flow diagram in Figure 3 below, highlights the application rezoning process followed by the Chatsworth Case Study.



(Source: Ethekwini Municipality, Development and Planning, unpublished, 2003)

**Figure 3: Bis A Application Process in terms of the TPO**

**TABLE 2: BIS A PROCEDURE ELABORATED**

STAGE	STEPS	TIME	COMMENT
1.	Request / instruction to rezone issued by Council Department	6 weeks	Application details recorded and allocated to staff
2.	Initiating report prepared and presented to Committee for its decision		
3.	Approved	4 weeks	Proceed to 5 - advert placed in relevant papers
4.	Refused		Application abandoned
4a	No further action taken		
5.	Application advertised	4 weeks	
6.	No objections		Inform City Secretariat of no objections and put application to EXCO for decision
6a.	Delegated powers	1 week	Proceed to 6d - all relevant documents to be sent to PPDC
6b	No delegated powers	1 week	Application to EXCO - 6c
6c	EXCO for decision	1 week	Subject to EXCO meeting
6d	PPDC's final decision	Proceed to 12. Time frame dependant on PPDC Secretariat	
7	Objections	4 weeks	Objections evaluated and report prepared for Committee
8	Objection report to Committee		Subject to Town Planning agenda closing and meeting
9	EXCO for decision	1 week	Subject to EXCO meeting
9a	If refused by EXCO - no further action	No further action, application abandoned	
9b	If approved by EXCO - decision to applicant, objector(s), and PPDC	5 weeks	N.B. : Applicant can also refer to internal departments (Real Estate), Land Transactions). All relevant documents to be sent to PPDC (subject to finalization of EXCO minutes).
10	No appeal (Application submitted to DTLGA for noting)	If appeal, await PPDC's final decision	
11	Appeal	4 weeks	Within 28 days
11a	Appeal memo prepared by Council	4 weeks	Within 28 days
11b	Appeal process hearing / site inspection	Time frame dependant on PPDC Secretariat setting date for hearing / inspection	
12	PPDC decision	Time frame dependant on PPDC Secretariat	

(Source: Ethekwini Municipality, Development and Planning, unpublished, 2003)

N.B. The numbering of the stages in Table 2 and the flowchart (Figure 3) have been inserted to assist in describing the development application process.

In the application to locate a PFS in Chatsworth the complete *bis* (a) process was followed, including the provisions made for the appeal process in terms of the current legislation, the TPO. The Municipality (which is the local sphere of government, hereinafter referred to as Council) as part of the land restitution process, initiated the application and Respondent 5, December 2002, (a Provincial MP at the time) supported this process (Respondent 5, December 2002) In this instance the Real Estate Department within the Municipality initiated the application process as the land belonged to Council. The application was then sent to the town planners in the Development and Planning Unit (D&PU) for assessment.

D&PU drafted a report detailing the proposal for the rezoning of land and a recommendation was made to the Town Planning Committee to advertise the application for the statutory 21-day advertising period in terms of the TPO. It is usually at this point that a simultaneous process is initiated whereby the D&PU will state whether an EIA is necessary, after consulting with the Environmental Branch within the Council. If an EIA is required, the D&PU will appoint a consultant to undertake the EIA application and the Real Estate Department will bear the cost thereof.

In the Chatsworth case study, an EIA was required (in terms of the old EIA regulations as required in terms of the ECA) because of the rezoning of land from Public Open Space to another land use zoning. The proposed use of a PFS also required a detailed environmental assessment in terms of the EIA legislation. In the interim a DP&U report was submitted to the Town Planning Committee recommending the advertisement of the proposed rezoning. When the Town Planning Committee agreed to take a resolution that supported the recommendation as per the D&PU's recommendation, the application was advertised for the statutory 21 day period in terms of the TPO. It was at this point that notices were put up on and around the application site so that the surrounding land users were informed of the proposed change of land use and the proposed development of a PFS. In addition letters were sent *via* registered mail informing people in the immediate vicinity of the rezoning application and the proposed development of the site. This

particular application therefore followed the process detailed above as stipulated in the TPO.

The public were given 21 days to comment or object to the development proposal. In this case study a number of objections were received. In most applications that require environmental assessments, whilst the planning process runs its course, the EIA process runs a parallel process and usually involves more public participation than the planning process. The rezoning cannot be tabled at the Executive committee at Council for a recommendation for approval or refusal, without a Record of Decision (RoD) as required in terms of the EIA process from the Provincial Department of Agriculture and Environmental Affairs (DAEA). However, in this particular case study a resolution was issued approving the rezoning without an RoD being issued because there was pressure from the applicant to 'fast-track' the approval of the application. The resolution had to be then withdrawn, pending the outcome of the EIA, which was undertaken by an environmental consultant, as instructed by the Environmental Branch as soon as this was identified. In addition, this particular application had a number of objectors to the proposal during the rezoning process, and highlighted to the relevant authorities and other key stakeholders that the proposed development was contentious.

Once the RoD was received which was positive and in support of the development, the rezoning application was then re-tabled with the Town Planning Committee, with a recommendation of approval for the proposed rezoning. The application was approved by Council and the provincial authority, namely the Department of Traditional and Local Government Affairs (DTLGA) was notified of the adoption, which then informed the Town and Regional Planning Commission (PPDC), now called the Provincial Planning and Development Commission (PPDC) of the approval and proposed change in landuse. The DTLGA considered the application and was tasked with making a recommendation to support or refuse the Municipality's (Council's) recommendation for approval of the application. After the application was considered by the DTLGA, objectors had another opportunity to object to the proposed development in the form of an appeal process with the PPDC. This



has to take place within 28 days from the date that the notice of the DTLGA's decision was received by the I&AP's detailing the DTLGA's resolution on the application.

### **The Development Planning Appeal Process**

The Appeal process is initiated in terms of Section 20 of the TPO. In this case study the DTLGA approved the application and supported the recommendation for approval by the Ethekwini Municipality. The then PPDC were notified of the rezoning adoption by DTLGA. The objectors then had 28 days, from the date of notice of the resolution, within which to appeal the decision taken by DTLGA. When the application was approved by DTLGA the objectors who were represented by Respondent 6 lodged an appeal with the PPDC appealing the decision of DTLGA. As a result the DTLGA (Respondent 7, DTLGA official) had to produce an appeal report for the PPDC and arrange a site inspection and a hearing so that the DTLGA decision on the application could be reviewed by the PPDC. The Municipality's D&PU had to prepare an appeal report as well, indicating their reasons for the approval and support for the rezoning application and proposed development of the PFS. A member of the PPDC chaired the hearing and two other PPDC members sat in on the hearing as panel members, which happen in all cases where there is an appeal hearing process. Table 2 highlighted the timeline for this case study process and it reveals the lengthy process that is followed and the time taken to reach decisions on applications, especially when they go into the appeal process. In addition to the development application process, the EIA process is a parallel process which usually takes a longer time to get an approval.

In this particular case study the hearing was held by the PPDC and the appeal by the objectors was dismissed, i.e. the application to rezone the land was approved and authority to proceed with the construction of the PFS granted.

In this case study the following key persons were interviewed in order to establish the practical functioning of the EIA and Development Planning process:

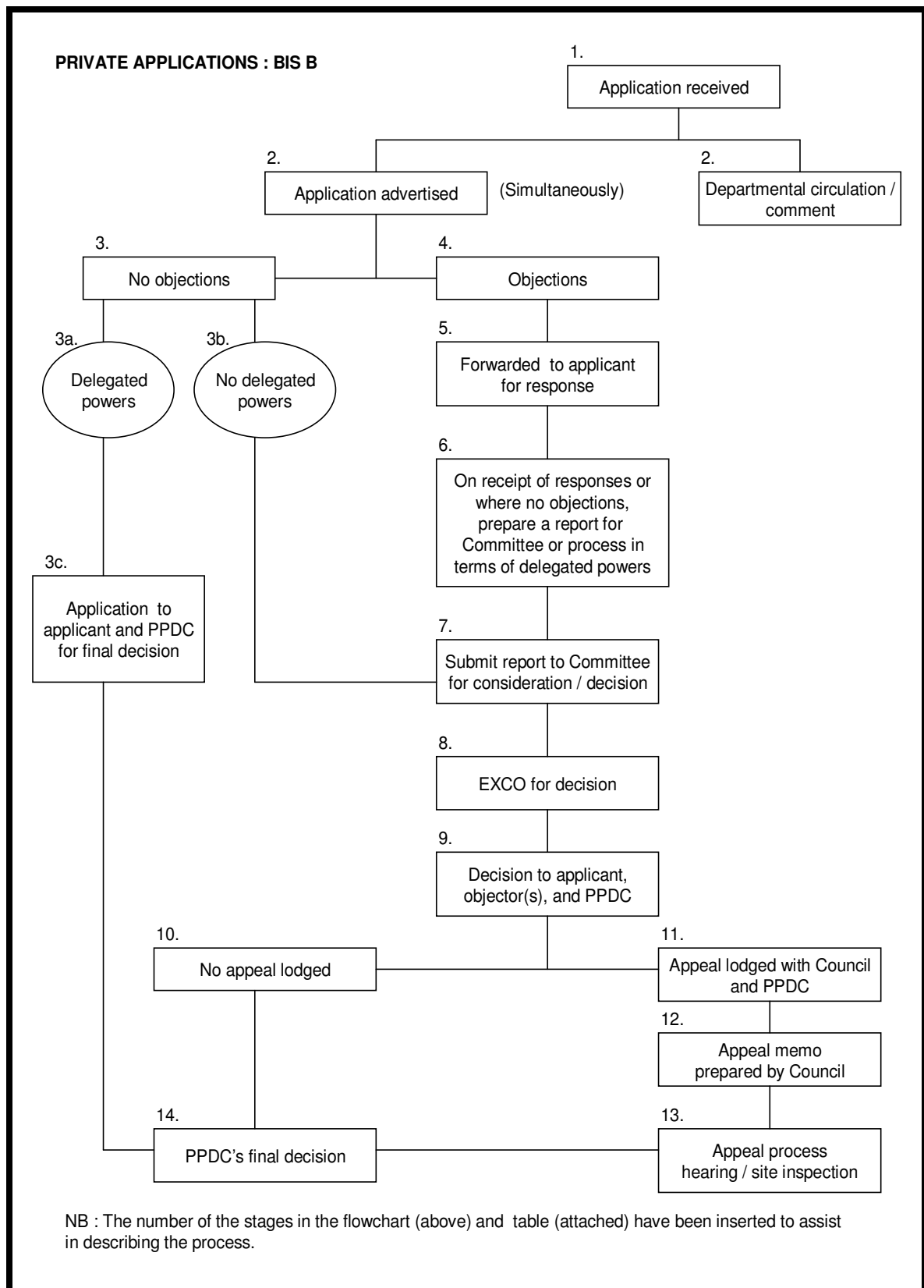
- Respondent 1 (Municipal official)
- Respondent 4 ( EIA consultant for the applicant - in this case the Municipality)
- Respondent 5, December 2002, (Provincial Member of Parliament (MP) who supported the application and followed up continuously with the Municipality on the status of the application)
- Respondent 6 (consultant that represented the Chatsworth objectors)
- Respondent 7 (Provincial Authority official)
- Respondent 9 (DAEA, Head of Department)
- I&APs as per the list of objectors submitted in response to the rezoning application.

The interviews with the aforementioned people aimed to establish the benefits and costs of the current approval system, assess the inclusion of the social environment in terms of the current approval system, and make recommendations from a practical process point of view on how the problems that are experienced within various approval stages, if any, could be resolved. These interviews will be analysed in Chapter 6 of this research.

### **5.2.2 The Bis B Application Process in terms of the TPO in relation to the Durban North Case Study**

The investigation into the siting of a PFS on Northway, Durban North, did not follow any prescribed legislative process because this application was never submitted to the Municipality. However, this particular case study was selected to explore the social impacts of this proposal and also to evaluate the reason why the PFS proposal was abandoned. This case study also aimed to ascertain at which point the public were involved in the development process. It raises the question of the problem of stakeholders only being formally involved once an application has been lodged, even though they could become informally involved, as was the case in this situation, before a formal process has been initiated. The flow diagram illustrated in Figure 4 and

described in Table 3 below, highlights the application process that would have been followed by the Durban North case study as a *bis* (b) application in terms of the TPO.



(Source: EtheKwini Municipality, Development and Planning, unpublished, 2003)

**Figure 4: Bis B Application Process**

**TABLE 3: BIS B APPLICATION PROCESS ELABORATED**

	STEPS	TIME	COMMENT
1.	Application received	2 weeks	Application details recorded and allocated to staff. Acknowledgement letter sent to applicant. Advert placed in relevant papers.
2.	Application advertised and departmental circulation commenced		
3.	No objections		
3a.	Delegated powers	1 week	Proceed to point 3c - all relevant documents to be sent to PPDC
3b.	No delegated powers	1 week	Proceed to point 7 - submit report to Committee for consideration
3c.	Application to applicant and PPDC for final decision	Time frame dependant on PPDC Secretariat	
4	Objections	1 week	Compile covering letter to applicant
5	Forwarded to applicant for response	2 weeks	Advise applicant that a response to the objections must be received within 2 weeks of the date of this letter
6	On receipt of responses or where no objections, prepare a report for Committee or process in terms of delegated powers	4 weeks	This time period allows for inter-departmental liaison to resolve matters of concern before preparing the report
7	Submit report to Committee for consideration / decision	4 weeks	Subject to Town Planning agenda closing and meeting
8	EXCO for decision	2 weeks	Subject to EXCO meeting
9	Decision conveyed to applicant, objector(s), and PPDC	5 weeks	All relevant documents to be sent to PPDC (subject to finalization of EXCO minutes)
10	No appeal lodged	If no appeal, await PPDC's final decision	
11	Appeal lodged with Council and PPDC	4 weeks	Within 28 days
12	Appeal memo prepared by Council	4 weeks	Within 28 days
13	Appeal process hearing / site inspection	Time frame dependant on PPDC Secretariat setting date for hearing / inspection	
14	PPDC's final decision	Time frame dependant on PPDC Secretariat	

(Source: Ethekeini Municipality, Development and Planning, unpublished, 2003)

NB. The numbering of the stages in the table (above) and flowchart (Figure 4) has been inserted to assist in describing the development application process.

In this particular case study, property owners were first approached by an Estate Agent who was assigned to facilitate the purchase of their properties. Three sites were selected (as reflected Annexure 2). All three sites were going to be developed for the PFS. One of the sites at 21 Northway is currently occupied by a medical practice. The other two sites are residential sites and zoned as Special Residential which permits the use of a residential building and structures associated with residential use for other activities. Number 23 Northway the second site after the medical practice was the home of the key interviewee for this research because it was this landowner that began to object to the proposed PFS, which will be elaborated upon in the second part of Chapter 6. The property owner of Number 4, Tyne Place was also interviewed. This landowner (No. 4 Tyne Place) does not reside in the area and his property is used for the purpose of a legal practice.

The local Councillor, Respondent 10, was also interviewed as he was the key instrument in terms of communication between the objectors and the Municipality. The details of Respondent 10's involvement in this process will be elaborated upon later in this chapter.

Respondent 3, who is a representative of the PFS company that was exploring the option of locating a petrol station on this site, was also interviewed in this case study. Respondent 1 a Town and Regional Planner at the Municipality was interviewed to discuss his involvement in this particular proposal, notwithstanding the fact that this application did not materialise and the development process was not formally initiated.

Ideally this application should have followed the process as set out in the *bis* (b) process in terms of the TPO in Figure 4.

### **The Bis B Application Process in detail**

A rezoning application is submitted to the Municipality by the applicant detailing the proposed change in land use. The rezoning application is processed by the D&PU administratively and an advert is drafted for

publication in the Local Newspaper and the Government Gazette in two official languages, namely English and isiZulu, to inform all interested and affected parties of the proposed development. The advert is then published. Any interested and affected party has 21 days to submit any comments to the Municipality in respect of the advertised application. Notices are displayed on and around the application site so that the surrounding land users are informed of the proposed change of land use and the proposed development. In addition letters are sent *via* registered mail informing people in the immediate vicinity of the rezoning application and of the proposed development of the site. In terms of the TPO, Council has 56 days to reach a decision on the application from the date the application is advertised. Whilst the application is being advertised, the relevant motivation reports are circulated to the various Sector Departments, such as the Traffic and Transportation, Environmental Branch, Parks Department, by the D&PU within the Municipality for comment. If an EIA is required then a RoD is required from DAEA, prior to D&PU finalising their report with the recommendation to either approve or refuse the application. Any conditions stipulated in the RoD are stipulated in the recommendation in the rezoning report as well. I&AP's are consulted during the EIA process, usually in the form of a public meeting, to discuss the proposed application. Upon receipt of comments from the various line function departments, D&PU will submit a report to the Council's Town Planning Committee, either recommending approval or refusal of the application. The Town Planning Committee will take a decision to either approve or refuse the application. The Town Planning Committee decision will then be endorsed by the Council's Executive Committee and the resolution together with the supporting documents are sent to the DTLGA informing them of Council's decision. The DTLGA would then consider the application and make a recommendation to support or refuse the Municipality's recommendation for approval of the application. Whilst the application is being considered by the DTLGA, objectors are given another opportunity to object to the proposed development and in the form of an appeal process with the PPDC within 28 days from the date they (the objectors) receive the notice informing them (objectors) of the DTLGA's resolution in respect of the application.

The Appeal process for *bis* (b) applications will follow the exact process as detailed above.

### 5.3 The EIA Procedure

In South Africa Environmental Impact Assessment “is considered to include both the collection of information and the communication of the information to decision makers” (Kidd and Retief, 2009:982). Under the Environmental Conservation Act (Act 73, 1989) activities that were considered to have a detrimental impact on the environment were required to undergo an EIA and authorisation for the activity had to be granted by the delegated authority. The applicant had to appoint an environmental consultant to carry out the procedure. The EIA process allowed for a scoping phase, where a plan of study for scoping had to be submitted. The scoping report had to include

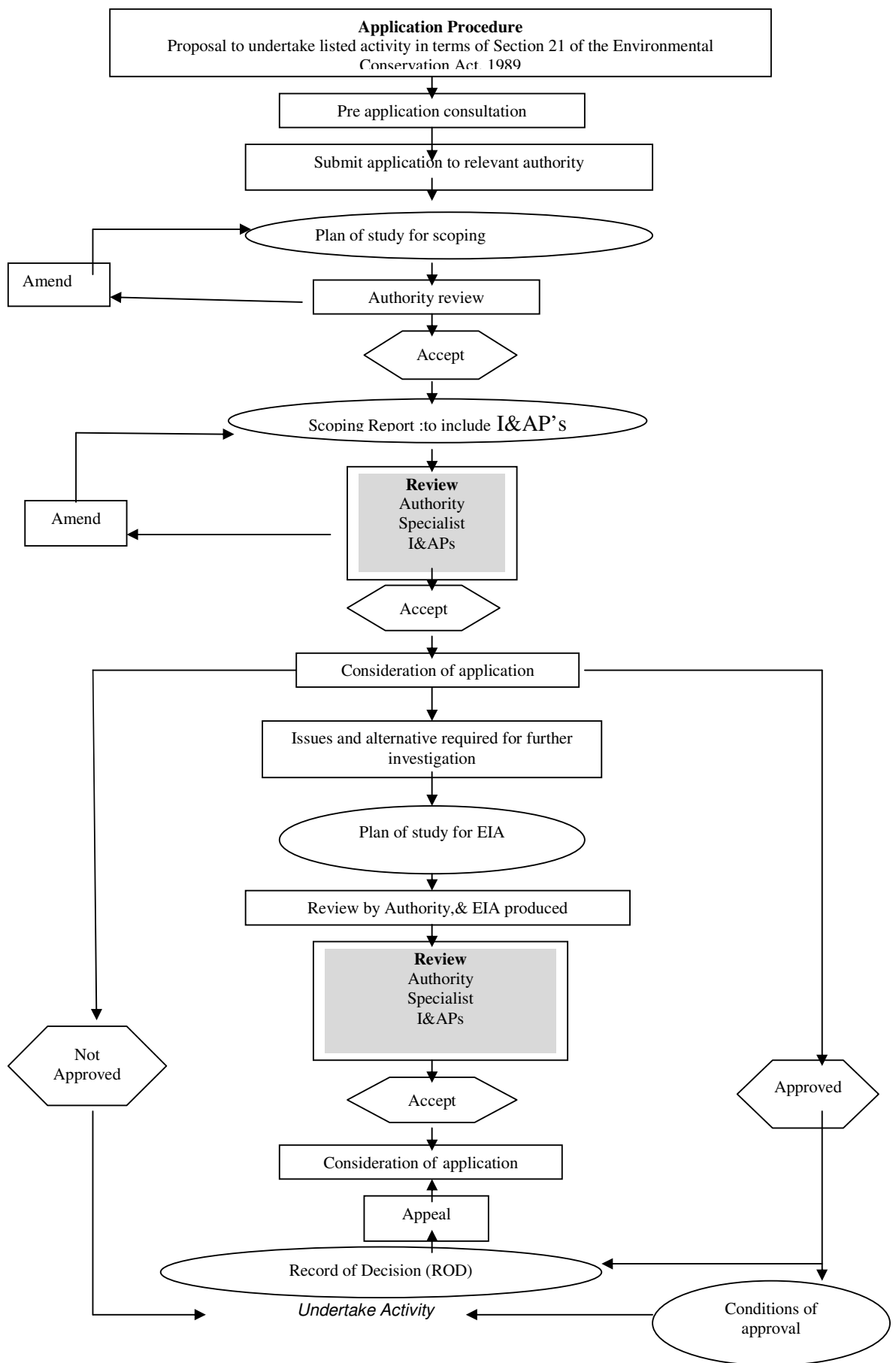
“a brief project description; a brief description of environmental issues identified; a description of all alternatives identified; and an appendix containing a description of the public participation process followed, including a list of interested parties and their comments” (Kidd and Retief, 2009: 988)

Based on the scoping report, the authority then decided whether a decision about the project could be made, or whether a more detailed environmental assessment needed to be undertaken. In the case of the Chatsworth Filling Station, a detailed EIA was not undertaken, as the RoD was issued on the scoping report (Respondent 1, 4 December, 2002).

The development planning process and the environmental assessment process run in parallel in South Africa and this complicates the decision making process (Todes *et al*, 2005). The EIA procedure ideally should be initiated prior to the rezoning process being formally initiated. However it has become common practice for applicants to submit the rezoning application to Council and thereafter begin the EIA process. This results in the stipulated 56 days by which Council should reach a decision in terms of the TPO, from the date the application is advertised, being exhausted. D&PU would then have to



apply for an extension of time from the PPDC to allow for Council to wait for the RoD from DAEA prior to them (Council) submitting the report with their recommendation to the Town Planning Committee. On occasion a further extension of time is required from PPDC if the EIA process, i.e. the scoping phase, takes a long period to be approved, especially if development applications are contentious and generate public opposition to the proposed development. Figure 5 illustrates the path an EIA application would follow. The grey box indicates the point at which the public is involved in the EIA process. The process clearly indicates that the I&APs are brought into the process, well after the formal application process begins. The EIA process has been identified as a tool to achieve sustainable development. Practice indicates that the EIA process aims to conserve the environment, as part of the development process, but its role in sustainable development is unclear. Generally a large amount of focus tends to be placed on the biophysical environment during the EIA process and mitigating the negative impacts on the natural environment, but social issues and impacts on the social environment are frequently not sufficiently addressed in the EIA process (Scott *et al*, 2001).



(Source: Wamsley Environmental Consultant (2003) unpublished training manual Page 8)

**Figure 5: EIA Application Process**

The involvement of the public in the EIA process occurs once a formal application has been made in terms of the Environmental Regulations. Similar to the development application process, the public tends to react more forcefully after they become aware of the EIA process, once it has entered into the formal authorizing stage during the scoping phase. This is despite the literature which indicates that, in terms of good practice, the interested and affected parties likely to be impacted upon by a potentially adverse impact should be able to participate from the outset in the assessment and the decision as per the Rio Declaration, which is supported by Local Agenda 21 ([Http://www.art.man.ac.uk/eia/n118.htm](http://www.art.man.ac.uk/eia/n118.htm)) accessed in December, 2007).

#### **5.4 Key elements when conducting a social probe**

Key to implementing a social probe in an SIA is the principles of social justice that determines what “should be”. The principles that determine what “should be” are those of procedural, distributional and intergenerational equity (Lober, 1993, Scott and Oelofse, 1998 in Scott and Oelofse, 2005:452).

“Procedural equity ensures a fair process of environmental decision making’ (Scott and Oelofse, 2005:452). Procedural equity principles aims to ensure that the public are included at all stages of the development plan and that the process is an open and transparent process that “is subject to public scrutiny” Scott and Oelofse, 1998:3).

Distributional equity aims to ensure a fair spatial location and distribution of impacts and benefits that result from the development process. Distributional equity also aims to ensure that the communities that are impacted by proposed developments are not already bearing the costs of other injustices and is achieved by a process of social analysis of the affected community that includes participation and data collection (Scott and Oelofse, 1998). Some relevant information that is required to ensure distributional equity includes, the historical background of the area, communities that live adjacent to the development political structures, communities’ knowledge of the proposed development. Primary and secondary stakeholders that will be impacted by a

development have to be identified. Primary stakeholders are those people that are likely to be impacted upon by the direct impacts of the development on their living environments, such as smoke, odour, noise, visibility and a change in the sense of place (Scott and Oelofse, 1998). Secondary stakeholders are usually concerned about the development in the broader context and include representatives of constituencies, such as politicians, local authority planners, private consultants, etc.

Intergenerational equity is a more difficult principle to apply to social justice. The basic principle for intergenerational equity is to ensure that the location of a development does not have any detrimental effects on the future generations whilst benefiting the present generation (Scott and Oelofse, 2005). The notion of “futuraity” implies that the development site has to have sound management and procedures in place to mitigate impacts must be guaranteed for the future (Scott and Oelofse, 1998). These principles provide a framework of what “should be”. This principle will involve the analysis of the long term impacts of the proposed development (Scott and Oelofse, 2005:452).

## **5.5 Conclusion**

This chapter has detailed the legislative framework, specifically the *bis* (a) and *bis* (b) procedures in terms of the TPO, that PFS applications follow when the application is submitted by a private person or a developer, and when an application is submitted by the Local Municipality if the land is owned by the Municipality. This procedural description of the legislative framework informed the analysis and discussion of the application process in relation to the case studies by establishing when and how effectively the I&APs are included in the decision making process. The appeal process for rezoning applications, as well as the EIA process, was also documented in this chapter. In addition the key elements that has to be considered when undertaking a social probe was captured in this chapter.

## **CHAPTER 6**

### **ANALYSIS AND DISCUSSION**

#### **6.1 Introduction**

This chapter discusses the findings from the field research that was undertaken for this study and integrates these results with the theory and literature presented in Chapter 2. This chapter will refer back to the process followed by development planning applications and the EIA process as documented in the previous Chapter. Thereafter the strengths and weaknesses of both the development planning and environmental assessment processes will be highlighted in order to determine how the social environment could be more suitably addressed in these processes. In addition this chapter will analyse the processes followed by the two case studies as compared to the legislative process that was described in Chapter 5. This chapter will also attempt to answer the research questions as set out in Chapter 1 by grouping the data according to various themes.

#### **6.2 Analysis of the case studies**

The Chatsworth case study did not produce an EIA until a member of the public objected, saying that Council insists on EIA's being undertaken for private (*bis* (b) in terms of TPO) applications, so therefore Council must produce an EIA for its own applications. It is for this reason that subsequent to the formal rezoning process being initiated, an EIA had to be undertaken, before the final rezoning decision could be made. This clearly illustrates that the EIA procedure for this particular proposal diverged from normal due process (Respondent 1, 4 December, 2002).

In the Durban North Case study there was no formal social scoping undertaken before the proposed development application process was initiated. The results indicate that the only reason the application was withdrawn was because it became financially unfeasible for the developer to proceed with this application, as one of the property owners was asking too high a price for the purchase of his land. The outcome of this case study

indicates that as soon as people start to hear about possible developments that are going to affect their area, they become concerned and stressed. They tend to react with opposition to the proposed change, due to a lack of knowledge and consultation. This is a common trend which has been identified by Glasson *et al* (1999) in his work on participation theory. Research has shown that it can be in the interest of the developer to include the community that will be most affected in the development in the initial investigation or SIA process (Glasson, *et al*, 1999). A good example of this reaction was in a case whereby a developer submitted an application to the Council to rezone a piece of land so that duplexes could be built on the site in an established residential area. Once the application was advertised in terms of Section 47 *bis* (b) of the Town Planning Ordinance No. 27 of 1949, almost all the surrounding property owners objected to the proposed development. The reasons for the objections clearly indicated that the people that would be most affected by this development were not adequately informed nor were their concerns addressed early enough in the process. However, had the developer undertaken a social feasibility exercise (or social probe), with adequate consultation providing full details of the proposed development, the public may not have objected as forcefully to the proposed development. In most large scale development proposals a range of feasibility studies will be conducted prior to the developer making an application to obtain development rights. Economic, technical and transport studies are done to investigate whether the proposed development is feasible from the developers perspective. This research is reflecting on the value of including a social feasibility study, or social probe, in the initial investigations, so as to reveal the potentials social conflict that may arise from the development. Glasson *et al* (1999) provides further evidence of the need to engage the public and conduct a social probe to reduce public opposition and facilitate the smooth implementation of a project.

From a planning point of view risk associated with the development, noise, the impact on quality of life are the key issues that need to be addressed with the impacted community prior to a formal application being initiated and these key issues are usually only addressed much later on in the process in detailed

reports in technical language which is often not easily understood by the general public.

### **6.3 Common themes in the case studies**

In drawing out social issues, people's interest in the proposed PFS revealed some personal interest when they objected to the development of the PFS. In the Durban North case study, a resident was initially willing to sell her property for the proposed use, but as soon as her property was no longer required she rallied not to have the PFS adjacent to her home (Respondent 8, 27 November, 2002). This is typical of the NIMBY syndrome, as identified by Glasson *et al* (1999), where people object not specifically to a particular facility being placed in a neighbourhood but rather to how it directly affects them. In the Chatsworth case study, a trader in the vicinity objected to the development, as he felt this would impact on his business (Respondent 5, 25 November, 2002). According to Respondent 4, 6 December, 2002, the residents in Chatsworth who lived adjacent to the proposed site for the PFS did not object to the proposed development of the PFS, but rather it was people from outside the area who objected.

This raises the issue that distance or proximity to a perceived hazardous facility does not necessarily determine the impact of the facility but rather how it impacts on people's lives and activities. This suggests that social assessments need to consider those impacted as a result of the nature of the activity, rather than just in terms of distance from the site. However stakeholders who live far from the site and have no direct interest in the impacts can also manipulate the participation process. As identified in Chapter 4, some of the signatories on the petition in the Chatsworth case study did not want to be interviewed and it was discovered that a number of the signatories lived more than 10 km away from the site and had no primary interest in the proposed development. These objectors have a business interest and their objections are based on related competition that will arise from a competing PFS in close proximity to their PFS and are not based on

the possible impacts of the proposed PFS directly on their quality of life (Respondent 5, 25 November, 2002).

According to Respondent 5, 25 November, 2002, who phoned thirty objectors from the petition list, a large number of the people who signed the petition were children. One of the objectors revealed that he signed the petition list just to appease the opposing garage owner, who was objecting for trade reasons. According to Respondent 5, 25 November, 2002, it was discovered that some of the protesters revealed that they were paid R500 to carry placards and demonstrate against the development of a PFS in the area.

These issues clearly distort the public participation process as part of the EIA research and in turn misinform the planning process, as evident in the Chatsworth case study. This in turn led to an appeal route being followed that is very expensive and time consuming, and is a point that was raised by Glasson *et al* (1999).

The NIMBY syndrome, as described in the theoretical review is evident in the Durban North case study. It was also revealed in the field research for both case studies that there was little understanding of PFS and their operations. The lack of knowledge about hazardous facilities led to people objecting on the grounds that the facility could “blow-up like in the movies”. Lober (1993) provides an explanation that the less the public know about a use the more likely they will find it unacceptable. Glasson *et al* (1999) also supports this view. In addition the analysis of the interview data show that the myth surrounding PFSs influence people’s perceptions of living next door to these facilities. The Durban North case study showed that even a professional person who had his legal practice in the vicinity of the PFS stated that he would not like to live next door to the PFS because it could “blow-up” (Respondent 2, 27 November, 2002). The reason for the resistance by some individuals in the “host community” is primarily driven by the reluctance of individuals to accept and understand perceived risks (Lober, 1993) especially if the risk has been imposed by others on the local community and the



benefits to the developer outweigh the costs to the community of hosting that facility. Glasson *et al* (1999) supports this view.

In addition self-interest was evident in the Durban North case study and this influenced the respondents' attitudes towards the proposed PFS. An individual who was initially going to benefit financially was supportive of the proposed PFS, until the developers realised that it was not financially feasible to purchase this person's land and decided to decrease the number of properties required for the PFS. This led to the individual involving the local Councillor to prevent the PFS being established because "she did want to live next door to the PFS and all the elements that were associated with it" (Respondent 3, 27 November, 2002). This response further supports the NIMBY phenomenon and personal interest associated with development. In this case the person could not move from her home as she was not going to be bought out by the developer and so she would experience the impacts of the PFS and also the impact on her property value, which would decrease. She therefore had valid concerns with regard to the siting of the PFS. The NIMBY syndrome is exemplified in the resident's response of not supporting the proposed PFS, after hearing that her site was no longer required by the developer as part of the development, as the primary site at the corner of Northway and Tyne Place was not purchased as the owner was asking 'too much' for their site (Respondent 3, 27 November, 2002). People's perception of risk results in their opposition to a development, as well as their understanding of the individual costs and benefits they will incur. Such opposition can be characterised as reflecting the NIMBY syndrome (not in my back yard) (O'Hare *et al* (1983); Morell and Magarian, (1982); Popper (1981 cited in Lober 1993)).

The NIMBY argument relates to communities and individuals not wanting hazardous facilities in close proximity to them, or where it is perceived that the facility will negatively impact on the community or individual. This means that there is a probable correlation between the perceptions of the costs and benefits and the distance from the proposed development. The further away a resident lives from an undesired land use, the less the costs that the resident

will have to bear. The field research for the Arena Park PFS revealed that residents that lived far away from the site were not concerned about the development. This concurs with Lober's (1993) argument that opposition frequently decreases with distance.

Similarly a resident who objected to the Arena Park PFS based his objection on a trade objection. He was concerned, justifiably so, that the location of another PFS in close proximity to his site would impact on his profits and his business, due to the increased competition. The person who was strongly opposing the Arena Park PFS was protecting his financial interest.

As pointed out by Lober (1993:346), in relation to both the PFS sites in both case studies, it was the people's perception that resulted in public opposition. The reason is the resistance that the public project is primarily driven by the reluctance of individuals to accept perceived risks (Lober, 1993), especially risks imposed by others (Slovic, 1987 cited in Lober, 1993).

#### **6.4. Key issues and concerns**

Interviews were conducted with the major stakeholders in order to allow for the investigation of a range of key issues and concerns related to the social component of the development planning process and EIA to emerge. The main issues that emerged from the data were transparency, integration, sense of place and economic growth.

##### **6.4.1 Transparency**

It is important for the stakeholders, including the officials, to be aware of the EIA and rezoning processes. This was a critical point for the Durban North case study, where the residents discovered via the 'grapevine' of the intentions for the development of the PFS in their area.

In the Chatsworth Case study it was evident that some of the objectors objected to the proposed PFS for business reasons and had a hidden agenda

for objecting to the proposed PFS. Had a social probe been undertaken it would have revealed at the outset that the residents living in the immediate vicinity of the PFS site had no objection to the proposed PFS.

With regard to the Durban North case study, the developer felt that had a social probe been undertaken prior to an estate agent being employed some of the residents' concerns and dissatisfaction would have been revealed (Respondent 3, 27 November, 2002). A social probe would have saved both time and money for the developer and should have been conducted along with the other pre-feasibility studies. The common feeling amongst the residents in the Morningside case study (Dray, 2005) and the Durban North case study was that the residents believed that they were not consulted at the outset of the proposed development of the PFS. "When the Corporation is at a point of putting up notices on the poles it is more or less a done deal" (Respondent 8, 27 November, 2002). This statement clearly demonstrates people's perception and lack of trust and faith in the application approval system. They believe that once an application has entered into the approval system, then there is not much chance of the application being refused on the grounds of social concerns. The residents further expressed that they would like to know about any proposed development that would affect an area as soon the developer begins the process to purchase the property for the development (Respondent 8, 27 November, 2002). "I don't like it at all, they must tell us straightaway" (Respondent 8, 27 November, 2002). The residents once again reveal that they should be made aware of any development prior to it being officially submitted to Council. This supports the recommendation that a social probe must be done at the outset even before the application is submitted for approval. The official at DTLGA Mr Singh supported this view (Respondent 7, 2 September, 2002).

The local Councillor in Durban North stated that residents must be informed of proposed developments that would affect their lives. In the Durban North case study the resident who approached the Councillor, was faced with his largest capital investment, his property, being put at risk with the proposed development of the PFS (Respondent 10, 29 November, 2002)

Transparency is a crucial theme through all of the interviews. A general assertion is that transparency is lacking in most controversial developments for fear of objections to the development. However the lack of transparency results in objectors 'de-railing' the approval process once it has begun because their concerns are not addressed at the outset. The objectors tend to believe that there is always a component of a development that will affect them negatively, therefore the objectors believe they were not informed at the outset of the project, as they would probably reject the proposal.

In the Chatsworth case study the objectors raised the issue about the protection of the retention pond on the site. However, according to the developer, EIA consultant and the politician involved, there was never any intention to place the biophysical environment at risk. According to the Municipality's Town Planner (Respondent 1, 4, December, 2002) the Environmental Management Department (EMD) ensured that the biophysical environment was not compromised. "Durban has some of the toughest officials, especially the Environmental Department, especially, Debra Roberts, she is very tough" (Respondent 5, 25 November, 2002)". Clearly it was felt that the Municipality was not going to compromise the biophysical environment for the development of the PFS. The EIA consultant further confirmed that all biophysical aspects were mitigated to the satisfaction of the Municipality and DAEA. But the objectors stated that the "impact on the natural environment was critical". Clearly the objectors used the natural environment as a point of objection to further their own interests in delaying the approval process. Delays in the approval process could result in huge cost implications to the developer, which often leads to the abandonment of some proposed developments. This point further highlights the importance of undertaking a social probe at the outset of the development process to gain an understanding of the interested and affected parties concerns, even prior to the application process, in order to avoid unnecessary cost and time delays. This would enable the developer to identify fatal social flaws that may have an impact on the process. Technical and economic fatal flaws in the proposal are identified in the pre-feasibility studies and this research suggests that the same approach should be adopted for the social environment.

### 6.4.2 Integration

According to Respondent 3, 27 November, 2002, a social probe should be conducted at the outset of a project cycle and should encompass social issues and concerns 'upfront'. In addition the insight the developer gains from a 'quick' assessment of the primary stakeholders and their concerns will result in less time and money being wasted.

Respondent 1, 4 December, 2002, the planner at the Municipality who was responsible for assessing the Chatsworth PFS application stated that he did not have the skill nor did he understand the environmental issues and had discovered through the application process, that "environment means more than just the trees and birds and bugs" (Respondent 1, 4 December, 2002). According to the planner the application was approved prior to the RoD being issued by DAEA, because "we were under pressure to get the application approved" (Respondent 1, 4 December, 2002). This clearly shows the lack of integration between the planning and environmental department within the Municipality.

It is therefore important for greater integration of processes to occur within the Municipality in order for the development of PFS applications to be processed efficiently resulting in good environmental decision making. Respondent 9, 9 September, 2002, from the DAEA prefers the use of the broader definition of the word environment, because it is "integrated and all encompassing"

### 6.4.3 Sense of Place

The notion of sense of place as discussed in Chapter 2, is a very important concept which reflects the residents' identification with their neighbourhood. The concept of sense of place was used by the Durban North residents and the Morningside residents (Dray, 2005) to object to the proposal. They argued that they did not want the PFS at the proposed location as it would impact on the character of their suburb. Both the politicians who represented the Chatsworth residents and the Durban North residents expressed their own personal satisfaction with living in their suburbs, and stated that they enjoyed

the respective “living environments”. Respondent 8, 27 November, 2002, stated that she enjoyed living in her suburb and that her home was well located in relation to her daily activities. She believed that the construction of the PFS would bring with it the “bad elements and increased risk of crime into the area” (Respondent 8, 27 November, 2002). This was also the concern that was expressed by the residents living in the Morningside area (Dray, 2005). “The residents did not want the PFS in their area and mobilized the community and got me involved to represent their concerns” (Respondent 10, 29 November, 2002). Clearly the negative impacts that would have been brought into the suburb by the PFS and the impact on the residents’ sense of place resulted in the Durban North residents approaching the local Councillor for assistance. “The residents in Durban North objected to and felt strongly about the construction of the PFS” (Respondent 3, 27 November, 2002). Some Durban North residents felt that there was no benefit to them and the only benefit would be to the developer and “they did not want to be living next door to a PFS” (Respondent 8, 27 November, 2002) and those that sold their properties for a higher price. Similarly in the Morningside case study, the residents wrote letters to both the town planning consultant and the environmental consultant expressing their dissatisfaction for the proposed PFS, also getting their local councillor to represent them. In the Chatsworth case study the objectors employed the professional service of a town-planning consultant to represent their concerns.

However in the Chatsworth case study, the developer, Municipality, EIA consultant, and the politician representing the displaced trader, viewed the concerns and issues raised by the objectors as unfounded, and stated that there was not a single genuine objection (Respondent 4, 6 December, 2002). The EIA process was used as a tool to delay the application approval process in this particular case study, given the primary objectors fear of a competing PFS being located in the area.

A social probe would have revealed that the Chatsworth residents that lived in the immediate vicinity to the proposed development supported the development of a PFS and that the Ratepayers Association represented

people that did not live close to the proposed development site, but who did not support the development. The mis-representation of the “community” upset the residents that lived in close proximity to the proposed development. “Yes they were very upset that others were representing them” (Respondent 4, 6 December, 2002).

The residents living in the Durban North area, believed that there is “no real need” for another PFS (Respondent 8, 27 November, 2002). The residents in the Morningside area shared this view (Dray, 2005). However, the PFS company for the Durban North case study believed that there was enough traffic generated to make the proposed PFS economically viable. This was contrary to the view of the EIA consultant in the Morningside area (Dray, 2005).

However a counter argument is that there is a “need and demand for fuel in the area”, as stated by the developer (Respondent 3, 27 November, 2002). According to the PFS company, a lot of research and homework goes into selecting the location of PFS and a site for a PFS will not be proposed if it was not considered to be economically viable (Respondent 3, 27 November, 2002). The developer for the Morningside case study shared this view (Dray, 2005). “The PFS will bring all these taxis, and operate all night long and people will hang around the PFS. It’s like enticing crime to come here. There will be trucks, noise and people laughing and talking. I have lived here for 25 years and enjoyed the peacefulness” (Respondent 8, 27 November, 2002). The residents that would live in the immediate vicinity of the PFS were not happy about living next door to the all night activity associated with a PFS. The residents enjoy the peace and quiet of the neighbourhood and did not want their quality of life to be affected by the negative elements associated with a PFS. The residents of the Morningside area shared this view.

The objectors for the Chatsworth case study believed that the development of the Chatsworth site would result in a loss of an important open space. A counter argument shared by the politician and the residents that would be living in the immediate vicinity of the PFS in the Chatsworth case study, was

that the bright lights would improve the security in the area, and the development of the site would stop illegal dumping and vagrants from “hanging around” (Respondent 5, 25 November, 2002). Furthermore the Environmental Management Branch stated that the retention pond for the Chatsworth case study was important and only a small portion would be used for the PFS. The residents also did not actively use the open space.

The residents in the Durban North case study and the Morningside case study, expressed concern that their property prices would decrease if a PFS was developed next to their property.

“Nobody wants to live right next door to a PFS, and how will I sell my property? I also do not want to live next door to the PFS. I had no problem with the PFS because I thought I was going to buy another place and my house was going to be bought by the developer” (Respondent 8, 27 November, 2002).

However, her concerns would be displaced to the next residential property on the road if her house was sold to the developer.

#### **6.4.4 Economic Growth**

The notion of economic growth and development is evident in the interviews of the residents and the PFS Company and is therefore the driving force for the development for all three case studies. Economic growth cannot occur in isolation to sustainable development. According to the PFS Company, despite the location of another PFS in close proximity to both the Chatsworth and Durban North case study, there was sufficient traffic to sustain both PFSs economically (Respondent 3, 27 November, 2002). “The investment here is 10 million at least” (Respondent 5, 25 November, 2002). The development was seen as providing jobs and increasing the rates base with the new commercial land use. An important pre-requisite for the Municipality when deciding on the location of a PFS, is the consideration of the impact of the PFS on residential amenity. The PFS will only be permitted if there is a need



for the facility specifically for the residents of the area. The Municipality can manage what other ancillary uses will be permitted on the PFS site.

## **6.5 Differentiating between broad social concerns and personal interests**

In the Chatsworth case study the fact that many of signatories to the objections lodged were not Interested and Affected Parties (as they lived more than ten kilometres away from the proposed development) impacted on the research to an extent, making a proper evaluation difficult, as the sample size had to be reduced. However, in a broader context, people who sign petitions without understanding the reason for the petition and in order to increase the numbers on the petition make a mockery of the EIA process and the development planning approval process. This slows down the approval process of the development planning system, resulting in unnecessary cost and time delays to the developer and Council. In addition the person assessing the application from a planning perspective questions the integrity of the petition and issues raised. It was further confirmed that during the appeal process for the PFS, which lasted almost 4 days, the people in attendance were educated about the environment and made to understand that the environment was more than “twigs and trees and bugs, and birds floating around, but it also encompasses the social component” (Respondent 1, 4 December, 2002). This clearly draws attention to the lack of environmental skill in the development planning approval process, despite there being an environmental branch, there has to be a level of environmental understanding (specifically the social environment) by decision makers within the planning process. Public involvement in terms of TPO is very limited. If a social probe is undertaken “upfront to elicit the concerns then it could be considered in the approval process, as social issues of an area is not an aspect that we understand or can even be aware of when we make a lot of our decisions.” (Respondent 1, 4 December, 2002). The planner also raised the issue that the social environment needs to be fully understood, because the fact that the neighbouring property owners did not object to the PFS application in the Chatsworth case study, does not necessarily mean that they approved of the location of the development.

It is possible that whilst the neighbours supported the PFS development, they may not want it to operate beyond a certain time for example. There could have been other issues that needed to be addressed, but the process does not allow for this. The planning process only allows for the public to comment on proposed developments once the application has already been submitted and advertised formally. The EIA process also only allows for the public to comment during the scoping phase once the application has been advertised. A social probe prior to the formal legislative approval process for applications would be useful to address the concerns of I&AP's about the proposed development. In this approach concerns raised by I&AP's can be addressed and mitigated prior to the application being submitted to the Authorities and allowing for the efficient approval process avoiding time and cost delays. The concern by Respondent 1, 4 December, 2002, clearly highlights a need for SIA to adequately address social issues and concerns, as the social environment is something that is clearly not comprehensively understood by the practitioners assessing the applications in the development planning approval process. Respondent 3, 27 November, 2002, indicated that an SIA was never undertaken during the EIA process, and he intends to discuss SIA with skilled social assessment professionals as often the "people issues" kill the good location of a prospective PFS site, as in the Durban North case study. The social environment is addressed after the application has been advertised and objections raised by I&AP's. However, the importance of the SIA process or a social probe at the pre-feasibility stage has been recognised by this particular developer and it is reassuring that effort is being made by the developer to address social issues in the assessment process. The developer has suggested undertaking a social probe prior to development applications being advertised by experts in the field. This particular developer has recognised the importance of the social environment in decision making

The inclusion of the social environment after the proposed project has been advertised during the rezoning process was not considered ideal by the developer because of the ability of objectors to 'derail' the process and delay the project. The developer admitted that addressing the social issues is much more difficult, therefore a professional specialist in SIA is required. The

Developer does not believe that I&AP's are brought in early enough into the development planning process. The developer also confirmed that before the formal application is advertised for planning approval, a great deal of research on the viability of the project, such as traffic assessments has already been completed, and the I&AP's only find out once the application has been advertised. This is aligned with Glasson *et al* (1999) view point about forceful objections from host communities who only find out about the development quite late in the process. It is interesting to note that the developer's understanding of sustainability is understood as the economic sustainability of the PFS, and does not include the biophysical or social environment. The developer in both these case studies recognised that by keeping the I&AP's out of the process and involving them late in the process they (I&AP's) serve only as a "stumbling block" to the approval process, thus their interest to have the social environment included much earlier in the approval process. The developer confirms that the construction of the PFS is very safe and secure and it is unlikely that the PFS could "blow up". But the safety measures are not communicated early enough to I&AP's and thus ideas of the PFS blowing up are already formed in objectors' minds once the process of assessment begins. To try and change people's perceptions of the associated risk of the development of the PFS becomes difficult once they have established their ideas about what kinds of impacts the development will bring.

The importance of an EIA for development proposals has ensured that no development approval can be granted prior to a RoD being issued by DAEA, should developments prove to be potentially harmful to the "environment". In the Arena Park case study, the Municipality made an error and granted an approval in principle for the rezoning and construction of the proposed PFS subject to an EIA being undertaken and approved. This is not an acceptable practice nor is it in keeping with the approval process. The Municipality usually requests a RoD prior to planning approval is granted but this could be interpreted as a conflict of interest which could have led to this error being made as this application was a Council initiated application, and technically,

Council is the applicant. This eliminates previous problems whereby planning approvals were granted subject to a RoD being issued.

According to Respondent 9, 2 September, 2002, in terms of the EIA process the public are involved in the process after DAEA has received the application form in terms of the EIA regulations. Once again, the public are only involved once the formal application has been received. Because of time and cost delays the social environment does not have adequate opportunity to influence the process of decision-making. According to Respondent 9, 2 September, 2002, if any person has an interest or is affected by a particular development, they have *locus standi* to raise an objection to a proposed development. Whilst technically I&AP's have an opportunity to raise their concerns, the process does not adequately enforce SIA. Issues that may be raised by I&AP's and relate to the social environment are addressed at the scoping phase of the EIA process (as per Figure 5) and may be addressed in greater detail if an EIA is required. This level of involvement shows again that an SIA is not a pre-requisite of the EIA process. According to Respondent 9, 2 September, 2002, the EIA is an adequate process to address social issues and concerns and that I&AP's are involved early enough in the process to have their concerns raised. Whilst the process may provide this opportunity, a lot will depend on the consultant appointed to conduct the EIA ensuring that there is adequate social involvement in the project and that their concerns are adequately addressed. There was no response from Respondent 9, 2 September, 2002, with regard to how the decision-making process could be improved with regard to EIA applications. The process clearly highlights that the authorising authority for EIA's respond to the social issues as they are reported in the consultant's submission in the EIA report.

In the Chatsworth case study, the objections to the development related to the biophysical environment and not to direct social impacts that would be brought upon by the development. Respondent 5, 25 November, 2002, who was involved in the application process for the Chatsworth case study, stated that he became involved in the process as a politician who strives to assist people who were previously disadvantaged. The particular family that he was

assisting lost eighteen properties during implementation of the Group Areas Act (1950), most of which were commercial properties or farm land. This particular family was left impoverished by the forced removal of land during apartheid.

In the Chatsworth case study it is demonstrated that social issues were not raised during the objection period and the application process was used as a tool to initiate a tactic to delay the development of the PFS. This leads to planners assessing the application questioning the credibility of the objections raised. According to Respondent 5, 25 November, 2002, from his experience there were people who were content to live next to a PFS, because the PFS was well lit and would provide a means of security to the surrounding landowners. In addition people tended to object to a PFS proposal because of the historical uses that were usually associated with the PFS. These historical uses include panel beating and motor repair workshops. If people understood the current operation of PFS then many of the objections would be eliminated. According to Respondent 5, 25 November, 2002, the residents in the immediate vicinity were upset and expressed their concern to him, because the Ratepayers Association had raised objections on their behalf, which did not reflect their views. Respondent 4, 6 December, 2002, confirmed the aforementioned point. Respondent 4, 6 December, 2002, stated that the surrounding residents were supportive of the PFS because it meant that the site which was being used as dumping ground would be developed and would therefore improve the area. The community were also supportive of the PFS because of the associated convenience shop that would form part of the development providing them with access to an amenity. Respondent 4, 6 December, 2002, confirmed that some of the objectors lived in informal settlements a great distance away from the proposed development and further confirms Glasson's *et al*, (1999) point that the EIA process, when it is manipulated, can serve as a legal mechanism to derail the development approval process. The petition in this case study was not accurate and did not reflect the views of the primary stakeholders and Mr Respondent 1, 4 December, 2002, confirmed that in the planning approval process, it is preferred that a letter detailing the reason of the objection for a proposed

development is submitted to Council by I&AP's instead of a petition, because the credibility of petitions is sometimes questionable. A social probe at the outset of the Chatsworth case study would have exposed the people that were trying to 'derail' the approval process and highlighted that the people in the immediate vicinity supported the development. It is possible that the fraudulent objectors would have reconsidered their actions and not just signed a petition knowing that the social impact of the PFS had been investigated through a social probe at the outset of the process.

According to Respondent 4, 6 December, 2002, it has become evident in practice that developers are becoming much more educated about the delays associated with poor public involvement at the outset of development applications. According to Respondent 4, 6 December, 2002, developers sometimes do a pre-feasibility study to assess the feasibility of the project, given possible delays, and public opposition to the project before embarking on the formal process. While this appears as if the community is considered initially, the developer makes a decision based on the cost of the associated delays and not on the impact the development will have on the community. Ideally, if a social probe is undertaken at the outset during the pre-feasibility stage of the development, it is possible that developments that initially appear unfeasible due to possible delays in the approval process, social concerns can be addressed and it may actually become feasible for the development after all. As literature and case studies in Chapter 2 indicated, the cost of SIA may be high initially, but it could save time and money in the implementation phase of the development. According to Respondent 4, 6 December, 2002, the EIA process is an appropriate process to assess social impacts and this should happen in the SIA as a component of the EIA process, as it was originally intended. However practitioners tend to produce extended scoping reports to avoid a full EIA being requested in an attempt to fast track the decision making process. This results in the scoping report being accepted as the EIA report and this results in a rushed public participation process. If the EIA process is followed as it was intended then it is possible that the social environment will be better represented in decision-making. Alternatively, a social probe at the outset could form an additional part of the scoping report

submission to ensure adequate integration of the social environment in to the decision making process. This approach would only work for development proposals that require an EIA. The role of the DTLGA in the Chatsworth case study was to merely assess the Municipality's decision (Respondent 7, 2 September, 2002).

### **6.5.1 Politics Surrounding Decision Making**

The different views surrounding the siting of the PFS in each case study were analysed in order to uncover the politics that had an influence on the location of the PFS.

In the Chatsworth case study the coalition between the PFS Company, the applicant, the politician and the Municipality was evident. This coalition could have been formed because Council owned the site, was the applicant for the rezoning and was part of the land redistribution process. The politician's lack of alliance with the community was unusual because the politician was taking the side of the applicant against the rest of the community who were objecting. Another coalition in the Chatsworth case study was that which formed between the objectors and the other PFS owners in the vicinity of the proposed PFS. This coalition hired a professional consultant to represent their objection to the proposed development. It is believed that the PFS in the vicinity of the proposed Chatsworth PFS site paid for the professional consultant to represent the objectors (Respondent 5, 25 November, 2002).

The official assessing the application of the Chatsworth case study at DTLGA confirmed, that "the petition was signed by school children" (Respondent 7, 2 September, 2002). The politician stated that the "objections were orchestrated by a person that had a financial interest in ensuring that development never happened". This view was shared by the EIA consultant and the PFS company. In the Morningside case study which was analysed by Dray (2005) the coalition or alliance that was obvious was the one that was formed between the Shembe Church group and the residents of the Morningside community (Dray, 2005). The coalition that formed between Council and the

PFS Company for the Morningside case study made the residents uncomfortable and was a cause for concern (Dray, 2005). The coalitions between Council and the applicant in both the case studies, were a result of the land in both instances being disposed of by Council for specific land redistribution and black empowerment reasons. The coalition against the development of the Durban North PFS existed between the residents and the Local Councillor in the Durban North case study. The PFS Company “shelved” the PFS in Durban North because of the public opposition but also because the owner of the site that was most important to the construction of the PFS was requesting a lot more money from the site than that which was initially offered to him (Respondent 3, 27 November, 2002).

There was a clear divide in both the Chatsworth and Morningside case studies between those people that were in support of the development and those that were against the development of a PFS. The EIA consultant in both case studies remained objective. However the fact that the EIA consultant was paid by the PFS Company, was a cause for concern for the objectors. The Municipality’s Town Planner, stated “they were under pressure to get the application approved resulting in the procedural error regarding the initial town planning approval without a RoD from DAEA (Respondent 1, 4 December, 2002).

According to Respondent 1, 4 December, 2002, the site selected for the Chatsworth case study “was probably not the best-suited site, due to its topography, etc, however it was the only site available”. Respondent 7, 2 September, 2002, stated that the site was not suitable for housing and there was no real loss of open space as there were a number of open spaces in the area.

With regard to the case studies the EIA process is the procedure that sets the practice by which the siting of the PFS was influenced. The rezoning process was not sufficient in engaging public involvement other than allowing for written comments to be submitted within the stipulated advertisement period of the application in terms of the TPO. In the Chatsworth case study the EIA



process was however used to delay the application approval process because the objections came from competitors of a nearby PFS. According to the EIA consultant the PFS Company approaches them to assess “how difficult the application is going to be” (Respondent 4, 6 December, 2002). Whilst the intention was to be aware of the issues ‘upfront’, the focus is predominantly on possible delays with regard to the approval of the application and objections to the development, and thus the PFS Company’s reason for the initial enquiry was based on financial reasons. The real social issues and the impacts on the community were not a focus during this initial enquiry, but the focus was purely on the approval process. The EIA consultants approached by the PFS Company, were however involved from the outset of the project up to the construction phase (Respondent 4, 6 December, 2002). The focus from the outset is process driven and not based on the real underlying social issues.

According to Respondent 9, September, 2002, the public are only involved in the EIA process once a formal application has been lodged with DAEA. According to DAEA, social concerns are initially addressed “in the scoping phase and then they may be addressed” in greater detail in the EIA phase. This clearly demonstrates that the social aspects are not brought into the process early enough. DAEA only considers public participation and social issues raised during the public participation phase during the EIA process. There is no social probe prior to the full formal EIA process beginning. “Only minutes of meetings and comments received from the public” are taken into account” during the decision making process (Respondent 9, 2 September, 2002). There is no mechanism in place to add social concerns into the plan of study for the scoping report prior to the development application being lodged, even though other critical pre-feasibility studies dealing with economic, technical and transport issues inform the design of the scoping phase of the EIA. However this social probe could be undertaken on an *ad hoc* basis by the developer, thereby ensuring that social concerns receive the same attention as the other critical issues in the development

## 6.6 Conclusion

This Chapter has presented the information gathered in the interviews with key stakeholders and has aligned the results with the theoretical concepts developed for this thesis in an attempt to draw out key themes and problems associated with including social concerns in the development planning process, and the EIA process, which is also an integral part of the approval process. The various issues, stakeholder involvement and underlying politics were identified using an identification of coalitions in order to understand the issues that influenced the PFS proposal.

It is evident that while the economic and biophysical environments are given substantial focus, the social environmental tends to be seen as less important, until the point that objections arise, which then causes delays in the process. In addition, the processes available to engage the public in these developments are sometimes misused to delay the approval process and derail the development proposals for motives that reflect self-interest and agendas that are often not directly related to the proposal itself.

## CHAPTER 7

### CONCLUSIONS AND RECOMMENDATIONS

#### 7.1 Summary of Research

This section will summarise the research findings and provide recommendations for further studies on possible ways to improve the development application process to include the social environment. The aim of this dissertation was to examine the integration of the social environment into the development planning process. The value of drawing on international case studies relating to public participation, where social concerns are addressed, has been highlighted. Case studies were used to assess the level of integration of the social environment into the development planning process.

Various theories around SIA, EIA, and Public Participation together with the associated advantages and disadvantages in both the international and national context were presented in Chapter 2 of this research. In this research the investigation of social integration into the development planning process was evaluated by exploring the development planning process that the case studies followed.

The study confirmed that the social environment's integration into the development planning process is minimal unless an EIA, with a SIA specialist study in the scoping phase or more detailed EIA, is required for the development application. The research further confirmed that even when the EIA process is initiated, the development proposal can be met with resistance simply because the host community is drawn into the process after the development application has progressed substantially in terms of the approval process. This is partly caused by the dual planning and environmental approval processes that leads to duplication, delays and suspicion on the part of the two processes.

The study further confirmed that even though the social environment is considered in much more depth in the EIA process, as compared to the development planning process, the EIA process does not always allow for adequate social assessment. The fact that a number of EIA practitioners produce extended scoping reports, and that DAEA supports this, to fast track the approval process, further results in a “rushed” public involvement in the decision making process. The study showed that interested and affected parties would prefer to be included in the development planning process much sooner than when the application is advertised for their comment. By this point the public consider the application to be *affait accompli*.

The study revealed that the level of public participation in the EIA process is not ideal. This was evident in the Chatsworth case study whereby a petition that was signed by a number of people led to the planning department questioning the integrity of the signatories given that there was no perceived impact for some of the signatories as these signatories lived far away from the proposed PFS.

The analysis of the planning process and EIA process was addressed in Chapter 5. In the analysis of the planning process it was evident that the social environment concerns were raised but there is no mechanism in place or legislative requirement within the planning process that allows for or requires a social assessment. There is a great need for an initial social probe to reduce the time and cost implications for both the developer and Council.

The research illustrates through the literature review that better designed projects that avoid costly delays and implementation result from early and well planned public participation (Bisset, 2000). The discussion of the findings gathered from the interviews in Chapter 6 in relation to the case study supports this view and further supports the promotion of integration and transparency in the Development Planning Process or rezoning process. The research demonstrates that the Development Planning Process does not allow for SIA, a tool which is required to address the social environment's issues and concerns. As discovered from the interview process the problem

that exists with the social environment's issues not being equally weighted as the biophysical environment, was attributed to the fact that the interpretation of the word "environment" is often conceived and perceived as the biophysical environment.

Whilst all of the relevant stakeholders who were interviewed were aware of the social environment as an important aspect when assessing development, in practice, it is evident that the focus is primarily on the economic and ecological environments. The elements of the economic and ecological environment do contribute strongly to the sense of place. The objecting communities tend to be suspicious especially when the developer pays the EIA consultant, which was the case for all three case studies. Even more suspicion is raised when a procedural error such as the one in the Chatsworth case study occurs, where a rezoning was granted without an RoD being issued, is made, questioning if the social environment receives adequate weighting in the development application approval process. "It is impossible, absolutely impossible; there is no equation to balance the social, economical and environmental aspects. One has to be pragmatic and take a common sense approach" (Respondent 4, 6 December, 2002). It is for this reason that a specialist that undertakes social impact assessments should undertake an initial social probe prior to an application even being lodged with the relevant authority, in order for the social issues to be integrated into the design of the scoping phase and the EIA thereby gaining equal weighting when an application is eventually submitted for approval. In addition if objections are raised after the social probe has been undertaken the relevant authority can assess if these are valid concerns or people are using the process to delay the approval process. This will also assist the authorising body in making a fair decision.

## 7.2 Recommendations

Better designed public participation processes that are specific to the South African context prior to development applications being formally submitted to Local Government for approval are necessary for controversial developments that have significant impact on the “host community”.

The interview with Respondent 9, 2 September 2002, confirms that even though a level of public participation occurs during the EIA process, the process does not allow for sufficient interaction between the authorising environmental department and the public given the time and cost constraints. This further stresses the importance of SIA, either as part of the scoping report, or the more detailed EIA, as a key component for development applications. This can be achieved by the integration of environmental issues, bearing in mind the definition of environment includes the social environment as well, into the existing sectoral departments that would facilitate a systematic holistic and integrated approach into the development planning process and decision making. Practically this would require environmental professionals to be employed within sectoral departments, who could consider the “environmental” issues for development proposals. This will also allow for far greater insight and evaluation of social issues and concerns raised during the planning process, which could result in recommendations for a social assessment for development applications that may not need to produce an EIA in terms of the EIA Regulations.

Sowman (2002) suggests that given the limited capacity of local government to apply and monitor environmental management tools, the focus should shift away from the rigid application of the tools toward the following:

- Ensuring that the right questions are asked timeously during the EIA process.
- Ensuring that necessary and appropriate information is made available at critical stages throughout the planning and design and implementation stages.

- Ensuring that beneficiary communities and the broader public are involved in all stages of the information gathering and assessment process.
- Ensuring that the potential linkages and interdependencies between socio-economic systems and biophysical systems are identified in order to maximize opportunities and avoid or remedy problems.
- Ensuring that the desired levels of environmental quality, including environmental performance indicators, are included in the suite of indicators selected for monitoring and evaluation so that corrective or protective action can be taken where necessary, allowing for the modification of indicators and the refinement of policies and programmes based on lessons learned.

This study recommends that applicants should conduct a social probe prior to an application being lodged as this would highlight any fatal social flaws or issues of social conflict that then should be considered in the design of the project plan for the EIA, and more specifically the SIA. The social probe should include critical social issues that may be raised by a concerned public. This process needs to be well managed so that people affected by the development are not unduly upset about the proposed development and only hear about crucial aspects of the development via the neighborhood 'grapevine' because this will build resistance against the development.

A social probe in the Chatsworth case study would have revealed that the residents in the immediate vicinity of the development supported the proposed PFS. It may also have revealed that the protestors were paid to demonstrate dissatisfaction of the proposed PFS (Respondent 5, 29 November 2002).

The Durban North case study shows that even though no application was submitted, social uncertainty was caused by the investigation of real estate agents in the area, as the PFS company began to establish the prices people would be willing to accept for their properties.

The EIA as a vehicle for SIA is currently not sufficient. Practice and case studies have shown that the EIA tends to focus on the biophysical and

economic viability of development projects. It is therefore imperative that social probes are drawn into the design of the EIA process preferably at the outset of the project so that the host community will have early input into the project and undue tactics to delay the development process are avoided, saving both time and money. Small contained social probes could be undertaken by the applicant prior to the development application being submitted to Council for approval in the same manner that other pre-feasibility studies, such as traffic impact assessments are done, so as to provide a sense of conflictual issues and support for a project in a particular social environment.

It is recommended that further research be done to examine the development planning process and means of introducing a mechanism to allow for public participation in this process so that the social issues do not fall through the “gap” in the approval process.



## REFERENCES

- Barnard, D. (1999) *Environmental Law for all*, Impact Books, Pretoria.
- Barrow, C. J. (2000) *Social Impact Assessment: an Introduction*, Arnold, London.
- Becker, H. and Vanclay. F. (2003) *The International handbook of SIA*, E Elgar, Cheltenham.
- Becker, H. A. (1997) *Social impact assessment: method and experience in Europe, North America and the developing world*, UCL Press, London.
- Bisset, R. (2000) Methods of Consultation and Public Participation in Lee, R. and George C (eds), *Environmental Assessment in Developing and Transitional Countries*, John Wiley and Sons, Chichester, pp. 149-159.
- Bless, C. and Higson-Smith, C. (1995) *Fundamentals in Social Science Research Methods, An African Perspective*, Juta, Cape Town.
- Bradt, R., Smith, T.J., Castro, G. (1999) "Petrol fumes at filling stations", *Sealing Technology*, (72), pp.12-13.
- Bryman, A. and Cramer, D. (1990) *Quantitative Data Analysis for Social Scientist*, Routledge, London.
- Burdge, R. J. (2004) *The concepts, process and methods of SIA*, The Social Ecology Press, Middleton.
- Burdge, R. J. (2004) *A Community Guide to Social Impact Assessment*, The Social Ecology Press, Middleton.
- Carter, N. (1997) *Environmental management programmes: some lessons learned from engineering construction projects*, Proceedings of IAIA Conference, Pilansberg.

Clark, M. & Herington, J. (1998) *The role of Environmental Impact Assessment in Planning Process*, Mansell Publishing Limited, New York.

Republic of South Africa (1996) *Constitution of the Republic of South Africa* Act No. 108 of 1996.

Republic of South Africa (1998) *Environmental Conservation Act* No. 73 of 1989.

Dallas, W.G. (1984) Experiences of environmental impact assessment procedures in Ireland, *Planning Ecology*, R.D Roberts and T.M Roberts (eds), 389-95. Chapman and Hall, London.

Department of Environmental Affairs and Tourism (DEAT) (2002) *Stakeholder Engagement, Integrated Environmental Management*, Information Series 3, Department of Environmental Affairs and Tourism (DEAT), Pretoria.

Department of Environmental Affairs and Tourism (DEAT) (2006) *Guideline 4:Public Participation, in support of the EIA regulations 2005*, Government Gazette, Vol 491, No. 28854, 19 May 2006.

Dray, A. (2005) *The Environmental Politics of the siting of Petrol Filling Stations in the eThekweni Municipality*, Dissertation Component for Honours Degree in Social Science, School of Life and Environmental Sciences, University of KwaZulu Natal, South Africa.

Du Preez, J. *et al*, (1997) *Practical implementation of integrated environmental management: the approach adopted by Umgeni Water*, Proceedings of IAIA Conference, Pilansberg.

Environmental Assessment Sourcebook Update, October (1993) *Public involvement in environmental assessment: requirements, opportunities and issues*, Environmental Department, The World Bank.

Environmental Assessment Sourcebook Update, January (1999)  
*Environmental Management Plans*, Environmental Department, The World Bank.

Flowerdew, R. and Martir, D. (1997) *Methods in Human Geography*, Longman, Essex.

Fuggle, R.F. (1989) Integrated environmental management: an appropriate approach to environmental concerns in developing countries, *Impact Assessment*, 8 (1), pp. 31-45.

Godschalk, D.R., Brody S., & Burby, R. (2003) Public Participation in Natural Hazard Mitigation Policy Formation: Challenges for Comprehensive Planning, *Journal of Environmental Planning and Management*, 46(5): pp. 733-754.

Glasson J. *et al*, (1999) *Introduction to Environmental Impact Assessment*, UCL Press, London.

Glasson, J., Therivel, R., Chadwick A. (2005) *Introduction to Environmental Impact Assessment*, Routledge, London.

Greyling, T. (2002) *Guide to Public Participation in South Africa: Theory and Practice*, Paper for Communication and Public Participation.

Greyling, T. (2001) *The role of the public in development projects 2020*, EEC4 Conference Proceedings, Muldersdrift, South Africa.

Greyling, T. (2000) Integration of Public Participation and Technical Analysis in EIA's: ne'er the twain shall meet? *Proceeding of the 2000 IAIA South Africa Conference*, Western Cape, South Africa.

Hajer, M.A. (2003) *A frame in the fields: policymaking and the reinvention of politics in deliberative policy analysis. Understanding Governance in the Network Society*, CUP, Cambridge.

Hill, R.C. (2000) Integrated Environmental Management Systems in the implementation of projects, *South African Journal of Science*, (96), pp. 50-54.

Hoosen, F. (2010) *An Investigation in to the role of Public Participation in Achieving Social Justice: A case study of EIA's undertaken (under the old and new regulations) in South Durban*, Dissertation component for Masters Degree in Human Geography, School of Geography, Archaeology and Environmental Studies, University of Witwatersrand, South Africa.

Howitt, R. (2001) *Rethinking resource management: justice, sustainability and indigenous peoples*, Routledge, London.

Howitt, R. (2003) *Local and non-specialist participation in impact assessment*, in: C.-Q. Liu, Z. Zhao, T. Xiao and J. Guha, Strategic Management of Environmental and Socio-Economic Issues: A Handbook, Guiyang, China, Guizhou Science and Technology Publishing House.

Kates, R.W (1978) *Risk Assessment of Environmental Hazard*, Scope 8, John Wiley & Sons, New York.

Kidd, M. & Retief F.P. (2009) Environmental Assessment. In Strydom, H. & King, N. eds. *Fuggle and Rabie's Environmental Management in South Africa*. Juta Publishing, Cape Town.

Kitchen, R. & Tate, N.J. (2000) *Conducting Research in Human Geography: Theory, Methodology and Practice*, Prentice Hall, Harlow, England.

Kirkpatrick, C. and Lee, N., Editors, (1997) *Sustainable Development in a Developing World: Integrating Socioeconomic Appraisal and Environmental Assessment*, Edward Elgar, Cheltenham.

Kraft, M.E. & Clary, B.B. (1991) Citizen Participation and the NIMBY Syndrome: Public Response to Radioactive Waste Disposal, *Western Political Quarterly*, 44(2): pp. 299-328.

- Lober D.J. (1993) Beyond Self Interest: A model of Public Attitudes towards Waste Facility Siting, *Journal of Environmental Planning and Management*, 36(3), pp. 345-357.
- Levin *et al*, (1991) in Lober D.J. (1993) Beyond Self Interest: A model of Public Attitudes towards Waste Facility Siting, *Journal of Environmental Planning and Management*, 36(3), pp. 345-357.
- Marsh J. & Oelofse, C. (1998) *Risk Assessment*. Auslinks Environmental Training Manual for Development Facilitators, Cape Town, Environmental Evaluation Unit.
- Mallows, E.W.N. & Croft, L.T. (1967) *Report on Proposed Zoning for Petrol Filling Stations (Berea Town Planning Report)*, Town Planning Scheme for Durban.
- McCormick, J. (1991) *British politics and the environment*, Earthscan, London.
- Mayoux, L. & Chambers R. (2005) Reversing the paradigm: quantification, participatory methods and pro-poor impact assessment, *Journal of International Development* 17(2), pp. 271-298.
- Oelofse, C. and Roberts N. (1996) *Research methods course*, UDW, Durban.
- Parfitt, J. (1997) Questionnaire design and sampling, in R. Flowerdew and D. Martin (eds), *Methods in Human Geography*, Longman, London.
- Peckam B. (1997) Making Environmental law effective, *South African Journal of Environmental Law and Policy*, (1), pp.17-34.
- Preston, G.R. *et al*, (1999) *Introduction to Environmental Impact Assessment*. UCL Press, London.

Popper, F. (1981), O.Hare *et al*, (1983) in Lober (1993) Beyond Self Interest: A model of Public Attitudes towards Waste Facility Siting, *Journal of Environmental Planning and Management*, 36(3), pp. 345-357.

Provincial Government of Natal, *Town Planning Ordinance No. 27* of 1949.

Republic of South Africa (1998) *National Environmental Management Act No. 107* of 1998.

Robinson, G.M. (1998) *Methods and techniques in Human Geography*, John Wiley and Sons, London.

Roche, C. (1999) *Impact assessment for development agencies. Learning to value change*, Oxfam, Oxford.

Scholten J.J. and Post, R.A.M. (1999) Strengthening the integrated approach to impact assessments in development cooperation, *Environmental Impact Assessment Review*, 19 (3), pp. 233-245.

Selman, P. (1992) *Environmental Planning*, Paul Chapman Publishing Ltd, London.

Scott, D. (1999) *Guidelines for including public participation in the permitting process*, prepared for the Water Research Commission, WRC Report No KV125/00.

Scott, D., Oelofse, C. and Weaver, A. (2001) The Institutionalisation of Social Assessment in South Africa: The Post- Apartheid Window of Opportunity, in: A. Dale, N. Taylor, M. Lane and R. Crisp (eds.) *Social Assessment in Natural Resource Management Institutions*, CSIRO Publishing, Australia.

Scott, D. and Oelofse, C. (1998) *Social Probe of Proposed Landfills in the DMA*. Durban, University of Natal.

Scott, D. and Oelofse, C. (2001) *Social Impact Assessment as a Development Tool: Principles and Practices in a Developing Context*, in *Proceedings of the Local Chapter of the International Association of Impact Assessment (IAIA) Conference, White River, 7-10 October*, pp. 262-279.

Scott, D. and Oelofse, C. (2005) Social and Environmental Justice In South African Cities; Including Invisible Stakeholder's in Environmental Assessment Procedures, *Journal of Environmental Planning and Management* 48(3), pp. 445-467.

Shippey, K. (1997) Constructing successful environmental management plans for building sites. *Proceedings of IAIA Conference, Pilansberg*.

Slovic, P. (1987) in Lober (1993) Beyond Self Interest: A model of Public Attitudes towards Waste Facility Siting, *Journal of Environmental Planning and Management*, 36(3), pp. 345-357.

Smith, H. W. (1975) *Strategies in Social Research: the methodological imagination*, Prentice-Hall, New Jersey.

Smith, K (1996) *Environmental Hazards, Assessing Risk and Reducing Disaster*, Routledge, London.

Sowman, M. (2002) Integrating environmental sustainability issues into local government decision-making processes, in: S. Parnell, E. Pieterse, M. Swilling & D. Wooldridge (Eds) *Democratising Local Government. The South African Experiment*, UCT Press, Cape Town.

Taylor, C.N., Bryan C.H., and Goodrich, C.G. (2004) *Social Assessment: theory, process and techniques*, The Social Ecology Press, Middleton.

Thomas, I. (1998) *Environmental Impact Assessment in Australia*, The Federation Press, Sydney.

Todes, A., Sim, V., Singh, P., Hlubi, M., Oelofse, C., Berrisford, S., Luckin, P., Sowman, M. (2005) *The Relationship between Environment and Planning in KwaZulu-Natal*, KwaZulu-Natal Provincial Planning and Development Commission, Main Series, Volume 77, Pietermaritzburg.

Town and Regional Planning Commission (2000) *Planning Implications Inherent in the Re-Regulation of the Liquid Fuels Industry in South Africa and the impact on Petrol Filling Stations*, Pietermaritzburg.

Turner, T. (1988) The legal eagles, *Amicus Journal*, (winter), pp. 25-37

Vanclay, F. (2000) Social Impact Assessment in R. Lee and C. George (eds), *Environmental Assessment in Developing and Transitional Countries*, John Wiley and Sons, Chichester.

Vanclay, F. (2003) International Principles for Social Impact Assessment: their evolution, *Impact Assessment and Project Appraisal* 21(1), pp. 3-4.

Vanclay, F (2004) The Triple Bottom Line and Impact Assessment: How do TBL, EIA, SIA, SEA and EMS relate to each other? University of Tasmania, Australia, *Journal of Environmental Assessment Policy and Management*, 6 (3): pp.265-288.

Wamsley Environmental Consultants (2003) *Environmental Assessment for Planners*, unpublished training manual.

Weaver, A., Rossouw, N. and Grobler D. (1999) Scoping and "issues focused" environmental impact assessment in South Africa, *African Journal of Environmental Assessment and Management*, 1 (1), pp. 1-12.

Weaver, A. B., Greyling T., Van Wilgen B.W. and Kruger F.J. (1996) Logistics and team Management of large environmental impact assessment: proposed dune mining at St Lucia, South Africa, *Environmental Impact Assessment Review*, (16), pp 103-113.



Wolsink, M. (1994) Entanglement of interests and Motives: Assumptions behind the NIMBY theory on Facility Siting, *Urban Studies*, 31(6), pp. 851-866.

Wood, C. (1999) Pastiche or Postiche? Environmental Impact Assessment in South Africa, *South African Geographical Journal*, 81 (1), pp 52-59.

Yin, R. K. (1984) *Case study research: Design and methods*. Newbury Park, CA: Sage.

### **Internet Sources**

DEAT, (1992). *The integrated Environmental Management procedure: The IEM Guideline Series*, Document 1-6, DEAT, Pretoria.  
<http://www.saep.org/subject/eia/IEMGuidelines/guides.html>, 2008

Environmental assessment: an overview.  
<http://www.art.man.ac.uk/eia/ni17ove.htm>, 2008

EIA leaflet 19: Monitoring, and post –auditing  
[Http://www.art.man.ac.uk/eia/lf19.htm](http://www.art.man.ac.uk/eia/lf19.htm), 2008

EIA leaflet series10: Consultation and Public Participation within EIA.  
[Http://www.art.man.ac.uk/eia/lf10.htm](http://www.art.man.ac.uk/eia/lf10.htm), 2008

EIA Newsletter 12: Monitoring, Environmental Management Plans and post – project analysis.  
[Http://www.art.man.ac.uk/eia/nl12emp.htm](http://www.art.man.ac.uk/eia/nl12emp.htm), 2008

<http://citymaps.durban.gov.za/citymapswebsite/index.html>, 2010

Environmental Impact Assessment (EIA) Regulations 2010  
<http://www.led.co.za/content/environmental-impact-assessment-eia-regulations,2010>

Guyana Environmental Protection Agency (2000) *Guidelines for Service Stations*

<http://www.epaguyana.org/downloads/Service%20Stations.PDF>, 2007

Non-Probability Sampling

<http://www.socialresearchmethods.net/kb/samprnon.php>, 2010

Non-probability Sampling

<http://www.statpac.com/surveys/sampling.htm>, 2010

Principles of EIA, Best Practice

<http://www.iaia.org/principles/>, 2007

National Environmental Management Act (107 of 1998) Sustainable Development & Environmental Awareness

[http://www.enviropaedia.com/topic/default.php?topic\\_id=163](http://www.enviropaedia.com/topic/default.php?topic_id=163) April, 2010

NEMA Guidelines

<http://www.environment.gov.za/nema/index.html>, 2002

Nonprobability Sampling

<http://www.socialresearchmethods.net/kb/samprnon.htm>, 2010

Qualitative Methods of Sampling

[http://symptomresearch.nih.gov/chapter\\_7/sec2/cmss2pg1.htm](http://symptomresearch.nih.gov/chapter_7/sec2/cmss2pg1.htm), 2007

Stakeholder involvement in EIA and SEA. EIA Newsletter 18

<http://www.art.man.ac.uk/eia/nl18.htm>, 2006

Selected qualitative methods

[http://symptomresearch.nih.gov/chapter\\_7/sec2/cmss2pg1.htm](http://symptomresearch.nih.gov/chapter_7/sec2/cmss2pg1.htm), 2006.

Sampling Methods

<http://www.statpac.com/surveys/sampling.htm>, 2010

## Sustainability and EIA

<http://www.art.man.ac.uk/eia/nl18.htm>, 2008

Swanepoel, E. (2008) Once 'frightening' EIA backlog will be cleared this year, State claims, Engineering News 15 August 2008

<http://www.engineeringnews.co.za/print-version/once-frightening-eia-backlog-will-be-cleared-this-year-state-claims-2008-08-15,2010>

## The Case Study as a Research Method

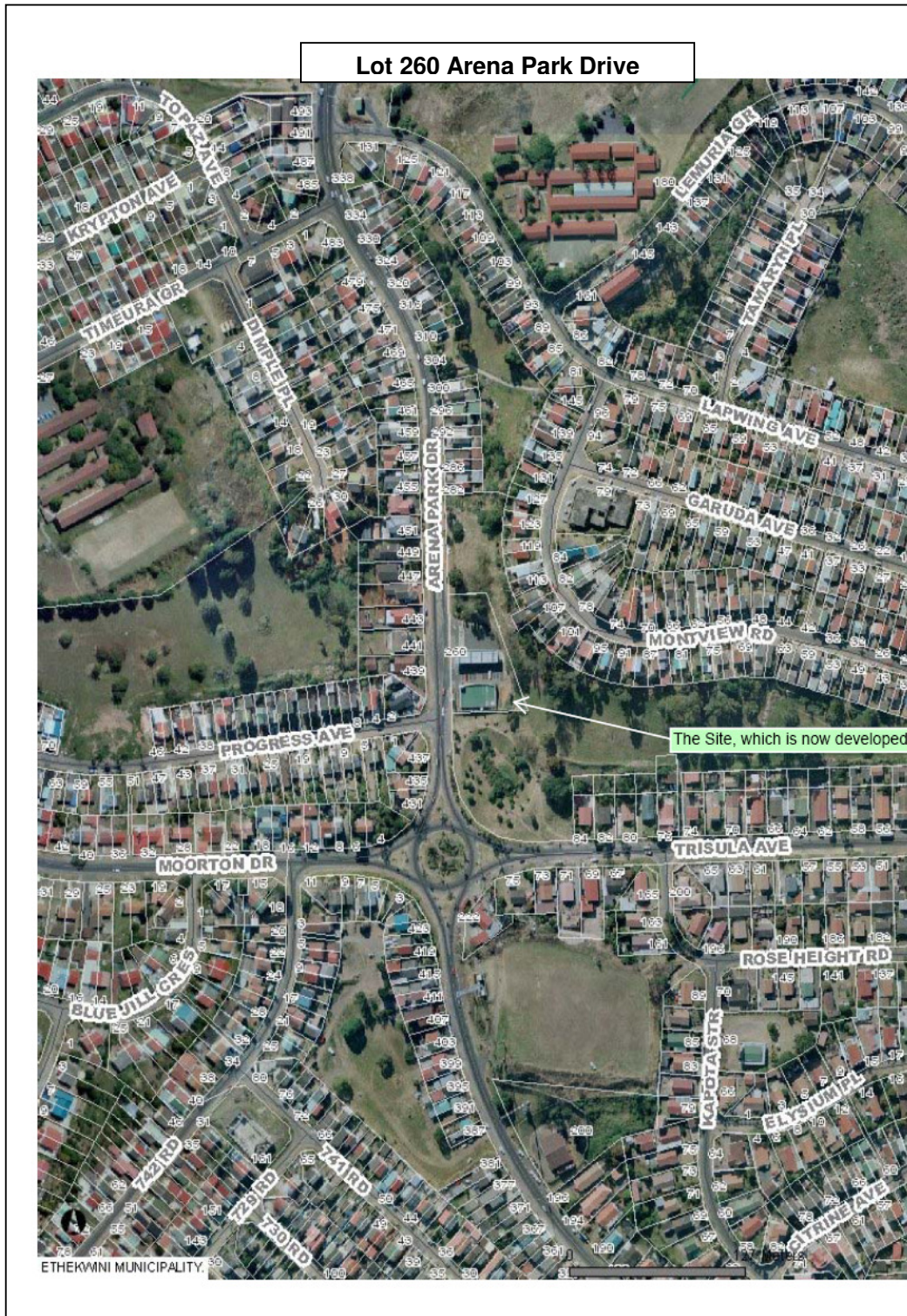
Uses and Users of Information -- LIS 391D.1 -- Spring 1997

<http://www.ischool.utexas.edu/~ssoy/usesusers/l391d1b.htm>, 2010

[www.devonline.gov.uk/index/info](http://www.devonline.gov.uk/index/info), 2007

## Interviews Conducted

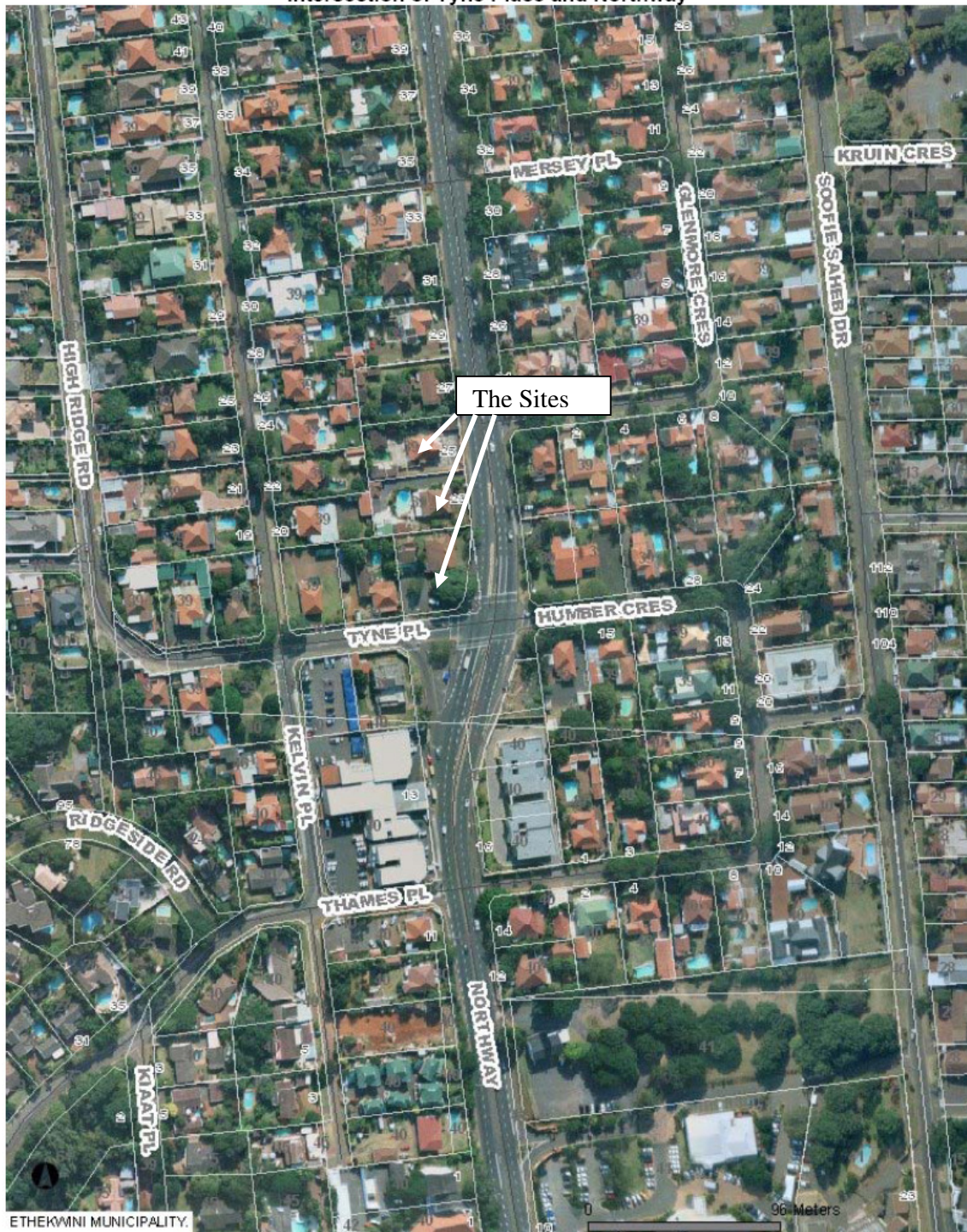
Name	Date of Interview	Function/Role
Respondent 1	4 December 2002	Town Planner, Ethekwini Municipality
Respondent 2	27 November 2002	Durban North property owner
Respondent 3	27 November 2002	Representative of PFS Company
Respondent 4	6 December 2002	Independent EIA Consultant for Chatsworth case study
Respondent 5	29 November 2002	Provincial Member of Parliament
Respondent 6	26 November 2002	Consultant to objectors for Chatsworth case study
Respondent 7	2 September 2002	DTLGA official
Respondent 8	27 November 2002	Property owner in Durban North
Respondent 9	2 September 2002	Provincial Environmental Authority Official
Respondent 10	29 November 2002	Local Councillor for the Durban North Area





## APPENDIX 2

Intersection of Tyne Place and Northway





## APPENDIX 3

## Location of Morningside Case Study



## APPENDIX 4

## **MASTERS RESEARCH PROJECT**

### **INTERVIEW QUESTIONNAIRE**

#### **INTEGRATION OF THE SOCIAL ENVIRONMENT INTO DEVELOPMENT PLANNING PROCESS: THE CASE STUDY OF PETROL FILLING STATIONS:**

##### **INTRODUCTION:**

Clarify/define the term environ. I.e. when environ is referred to it includes the social, economic and biophysical. Look at the development itself and the development planning process.

##### **THEORY**

**Relates to the environmental management process, look at developing and transitional countries-Lee and George.**

##### **AIM**

To investigate whether there is integration of the social issues into the development planning process, focusing on PFS

##### **OBJECTIVE**

- To understand the legislative process and range of policy that can be used for PFS applications in terms of social concerns.
- Determine the social assessment being undertaken in the case studies
- Examine the extent to which the process deals with the environmental issues, i.e. social, economic and biophysical
- To examine the status/weighting of social issues in the EIA process.
- To make recommendations as to how the social issues should be adequately addressed.

##### **FOCUS**

1. Broad environmental assessment- looked at EA approaches: Journals on Environmental Planning and assessment.
2. on social issues

##### **Look at:**

1. Environmental Planning
2. Sustainable Planning
3. Environmental Decision making



## Interview questions for the Provincial Authority and Consultants.

### TLGA/SCOTT WILSON/JOHN MARSHALL

1. Can you please state your capacity, and your relationship with the TRPC?
2. Can you please define what environment means to you?
3. Can you please define what sustainability means to you?
4. What is your involvement in the process of evaluation PFS applications?
5. Where did you acquire this expertise?
6. In relation to the case study, what were the motivating factors in your recommendation?
7. What do you think are the key environmental issues that need to be considered when locating PFS?
8. How did you weigh up each of the **objections** which were received in relation to the proposed development (and what were the factors you considered in this process)?
9. How did you weigh up each of **reasons for the objections** which were received in relation to the proposed development (and what were the factors you considered in this process)?
10. What 3 things do you think are problematic with the development process when it comes to evaluating these applications?

11. Would you recommend any changes to the current process involved in evaluating such applications?
12. Do you have any comments, from a town-planning perspective, about how well you think the existing legislation deals with environmental, social, economic and biophysical issues within the development planning process? Do you think that there is a balance in terms of the weighting of the environmental, social, economic and biophysical issues within the legislative process that one follows in relation to PFS applications?
13. What do you think was prioritised in the decision to approve the application?
14. What is your expertise (education, training and knowledge) in relation to environmental issues (i.e. on a scale of 1 to 10, how would you rate yourself on understanding environmental issues)?
15. Were you satisfied with the decision of the TRPC? Why?

## **Interview questions for Residents**

### **RESIDENTS- DURBAN NORTH AND ARENA PARK**

These questions relate to the PFS that has been approved (Arena Park) by the TRPC and the proposed PFS (DURBAN NORTH)

1. Can you please state how long (the number of years or months) you have resided in the area?
2. Can you please define what environment means to you?
3. Can you please define what sustainability means to you?
4. When were you informed of the proposed development? Explain.
5. Do you understand the development planning process when such projects like the one being investigated are being considered?
6. Are you aware who makes the decisions and how they are made?
7. What are your feelings about the process?
8. What is your view of the proposed development and WHY?
9. What do you think are the key environmental issues that need to be considered when locating PFS?
10. Were you aware of any public participation meetings regarding the proposed development? If so, did you attend any of the meetings and air your views relating to the proposed development?

11. Did you have any contact with the applicant or the consultant that was representing the applicant? If you did, were your concerns addressed
12. Are there any Community based organisations within the area that represent the concerns of the community in relation to such developments?
13. What 3 things do you think are problematic with the development process when it comes to deciding on these developments?

## Interview questions for the Provincial Environmental Authority.

### ENVIRONMENTAL AUTHORITY

1. Please state your capacity and responsibility within the organization.
2. Please state your responsibility and organization in relation to the development process.
3. Can you please define what environment means to you?
4. Can you please define what sustainability means to you?
5. What criteria do you use to reach a decision regarding developments, such as PFS?
6. What do you think are the key environmental issues that need to be considered when locating PFS?
7. What mechanisms do you have in place to include and address community concerns, in evaluating these applications, relating to PFS
8. What methods do you use to inform the public of proposed developments, especially if you are aware that a development is of a contentious nature?
9. In terms of involving the public, what is the process of involvement, i.e. at what point of the decision making are the public involved?
10. How do you identify Interested and affected parties, when deciding who has *locus standi* for raising an objection in order to address the issue of concern in the decision making process.

11. At what stage in the decision making process are social and ecological issues addressed. And how are these issues addressed?
12. Do you think the process is adequate in terms of involving the public in decision making relating to developments such as the one in the case study? Do you think that the public are brought in at an adequate time within the decision making process? If no, how do you recommend that the process be changed and at what point will it be ideal for the public to be involved in the decision making process.
13. In relation to contentious developments (i.e. Arena Park PFS) how do you prioritise and evaluate the concerns of all parties?
14. How do you weight social, ecological and economic concerns in assisting you when reaching a decision on a contentious matter, especially with the unique history of this country? Is there any criteria that is utilised to assess the economic viability of the proposed development, prior to the decision been reached?
15. Why do you believe that there is sometimes conflict and dissatisfaction regarding the process of decision making?
16. If you could change three things in the decision making process, and/ or in the development process, what would they be?

## **Interview questions for the PFS Company.**

### **PETROL FILLING STATION COMPANY**

1. Please state your capacity within your organization?
2. Can you also state your involvement in the decision making, relating the development of PFS? DO you consider yourself to be and interested and affected party?
3. Can you please define what environment means to you?
4. Can you please define what sustainability means to you?
5. What do you prioritise in the siting of PFS Do you have a plan as to where these petrol filling stations should be ideally located in terms of the feasibility of these PFS? I.e. what do you prioritise or trade-off in the site location for PFS? Basically tell me the key elements that determine the location of these PFS?
6. What would you consider as the ideal location for these PFS?
7. What do you think are the key environmental issues that need to be considered when locating PFS?
8. How are social and environmental trade-offs, evaluated and made when a proposed PFS has proven to be contentious and widely opposed by the public? How does your organization become involved in the dispute in an attempt to resolve the matter o hand?
9. What in your opinion is the cause for much disagreement regarding the development of PFS? In this light, how do you feel about the

need and benefit of the of the public participation process relating to proposed developments, in particular, PFS?

10. What do you think are the social impacts of the development of PFS? How do you address these impacts in the planning and development process, within your organization? How do PFS change the character or functioning of an area, especially a residential area?
11. How and when are surrounding residents brought on board regarding the decision as to whether a PFS should be built or not i.e. is a preliminary study conducted prior to an official application to the relevant authority being made?
12. Do you think that stakeholders and interested and affected parties are included early enough in the decision making process? WHY?
13. Is there a need (economic competition) to keep the site investigation process a “secret” as long as possible? WHY
14. How often are maintenance checks conducted, regarding the possible leaks of petrol tanks? What are the possible dangers that are likely to arise following a leak in the tank?
15. What are the risks, social and environmental of a PFS?
16. What is your expertise (education, training and knowledge) in relation to environmental issues (i.e. on a scale of 1 to 10, how would you rate yourself on understanding environmental issues)?
17. Where did you acquire this expertise?
18. How do you feel relating to the grounds for the public’s objection relating to proposed PFS developments?