

ENVIRONMENTAL PLANNING AND SUSTAINABLE DEVELOPMENT OF LAND RESOURCES

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Main findings and recommendations

The last ten years, which began with the large wave of immigration from the former Soviet Union, have been marked by the vigorous and comprehensive preparation of outline plans at a national and regional level. This is the main step that has been taken by the government to achieve sustainable development targets—and even this is too little, too late. Notwithstanding the supreme importance of planning in Israel, in many cases it remains “on paper” while in practice an anti-environmental reality is forming, contrary to intelligent land use principles.

A number of substantial and systemic problems pose a real threat to the potential implementation of comprehensive planning in Israel, and to the achievement of sustainable development targets: planning institutions' politicized and unbalanced composition; the absence of implements for preserving open spaces; the absence of adequate incentives for urban renewal and development—including integrated transportation and land use planning; continued encouragement of sprawl; inadequate examination of the environmental aspects of planning.

A number of initiatives, originating from the government itself, run contrary to comprehensive planning and remove it of its very substance: government initiatives opposed to planning (such as the establishment of new towns and villages); local initiatives which exploit the flexibility of the comprehensive plans; and the tendency for planning flexibility. Not only is Israel's planning system not striding ahead towards democratic, environmental and sustainable planning, but it is regressing and turning into a centralized, unbalanced system, closed to the public, and which functions like an

operative arm of the body which is at the same time entrepreneur, planner and the point of approval—the government.

Both the planning system and the green organizations deal largely with damage control, whereas instead, the policy required should direct planning and implement it in advance based on comprehensive considerations. In order to change this situation, preparation and updating the comprehensive outline plans should be continued at all levels, and they should be based on an analysis of the ground-level sensitivity, on the need for effective land resource use, and on public participation. A clear preference should be created for development within cities, and for processes of urban renewal and rehabilitation, rather than ground-gorging suburban development. Planning which integrates land use with public transport development should be promoted.

The public's part in the planning process should be substantially increased, and the composition of the planning boards should be changed at all levels so as to include a wider representation of members of the public and independent professionals. There should be an immediate halt to all destructive enterprises initiated by the government in opposition to planning policy and through an unabashed reduction of the public's right to be a party to the process.

Innovative tools should be developed to ensure the preservation of appropriate open spaces, while attending to the rights of the land's owners or leaseholders. The environmental organizations must operate through complete coordination and in coalitions which are as broad-based as possible. The green groups and the government must act vigorously to intensify Israeli environmental awareness.

Background on the last ten years and a description of the current situation

The last ten years, beginning with the large immigration wave from the former Soviet Union, have been marked by the vigorous and comprehensive preparation of outline plans on a national and regional level. The first integrated National Outline Plan for Development, Preservation and Immigrant Absorption, NOP 31, was prepared in the early nineteen-nineties. At the same time, a broad team of experts prepared the Israeli masterplan for the twenty-first century "Israel 2020," the main principles of which have formed the basis for the National Outline Plan currently in preparation, NOP

35. This decade has seen the preparation, and in some cases even the approval, of regional plans for every region. For some, this was the first regional statutory plan ever.

These processes, outlined in the Ministry of the Environment's Agenda 21 implementation report, are essential and significant in a country as crowded as Israel, and with such a high development rate. On the whole, the comprehensive plans do incorporate the need for effective land resource use, and for the redirection of development to less environmentally sensitive areas. A number of environmental organizations have taken and continue to take part in the design and approval of these plans, out of a recognition of their importance, as will be specified below.

However, despite the supreme importance of comprehensive planning for Israel, it remains in many cases "on paper," while another reality, extremely severe environmentally, is forming on the ground. This reality has absolutely no connection with sustainable development and effective land resource usage. A number of processes and initiatives pose a real threat to the capability of implementing comprehensive planning in Israel:

- Government anti-planning initiatives.
- Local initiatives which exploit the flexibility of the comprehensive plans.
- The trend for planning flexibility.

A number of other problems preventing the possibility of reaching sustainable development targets are:

- Absence of sufficient incentive for development and renewal within existing cities, including integrated land use and transportation planning; continued encouragement of suburban sprawl.
- Inadequate examination of the environmental aspects of planning.
- Political and unbalanced composition of the planning institutions.
- Absence of tools for preserving open spaces.

The following is a short outline of the aforementioned problems.

Government anti–planning initiatives

Since the early nineties, alongside the absorption of the large wave of immigration, the government has begun to promote rapid planning processes, dissociated from and contradictory to the national outline plans, with dire environmental consequences. The first of these initiatives was the establishment of special committees for dealing with dwellings and employment—Councils for Building Dwellings, which hastily approved many plans, disregarding national planning trends. These plans gnawed away at open spaces, without appropriate sewage, transportation solutions and social services infrastructures, and involved land-gouging construction. Since then the government has initiated on a number of occasions moves to speed up the planning processes. Thus far, all of these moves have been blocked by broad public opposition.

The government recently initiated a similar move to speed up planning processes via the Budget Economic Arrangements Bill. The bill includes the formulation of a special committee to approve large scale projects, specifically infrastructure facilities, those inflicting the most severe environmental impacts. The committee consists of a small number of members with government representatives constituting an absolute majority. The proposed process allows for incomplete examination of environmental aspects, and the public's already small capacity to influence the project or oppose it is reduced to a minimum. The proposal has not been advanced through the regular legislation proposal process, so that its promotion is essentially political and has not been professionally examined.

At the same time, the government is initiating the establishment of new towns, villages and cities. The beginning of the decade saw the establishment of a number of new settlements through a security-oriented settlement doctrine. Some of these towns now form satellite suburbs for the cities of the Dan Block metropolis (the greater Tel–Aviv metropolitan area), along with the accompanying transportation issues. They are characterized by wasteful and land-greedy construction. The initiative to set up new towns has recently been energetically renewed, and a number of government ministries are initiating plans for dozens of new towns throughout the country. Nearly all of these new plans are proposed for highly environmentally sensitive areas. These initiatives ignore the need to strengthen existing towns and cities; they intensify the already severe state of dispersed, land-gorging construction; they prevent the realization of the goal of redirecting most of the development to existing cities; and they create a necessity for the laying of new infrastructure, particularly roads.

Furthermore, they prevent any potential to strengthen weak communities in existing towns. The main motive behind these plans is politics, not planning, certainly not environmental planning and definitely not sustainable planning.

The Israel Land Administration (ILA) has made a number of decisions in recent years which clearly encourage a change in land zoning from agriculture to development. These decisions fundamentally alter the policy of preserving agricultural land, which had been zealously guarded until the early nineties. They also spawned a host of initiatives to clear agricultural land for construction. Since the ILA administers over 90% of state land, its change in policy is incomparably severe. Just at a time when the need to defend agricultural land is so acute, due to the development boom and the absorption of the immigration waves, this organization should have made a clear statement concerning the importance of conserving open space.

The realization of these initiatives will put to rest any ability for Israel to implement planning goals based on principles such as concentration in built-up areas and directing development to less sensitive areas. These initiatives remove all substance from the national planning policy, which the government has declared itself a party to, and turns the Israeli planning system into a centralized, unbalanced set-up, closed to the public, and functioning as the operational arm of the same body which initiates, plans and approves—the government. This planning system will become an instrument for a politicized demographic outlook rather than a planning-based, social and environmental one.

Local initiatives which exploit the overall planning flexibility

Although Israel has a hierarchical planning system, in which the desired policy is supposed to be dictated at each level from top to bottom, in actual fact many initiatives are advanced from the bottom up, with massive pressure applied for exemptions from approved plans.

A large portion of these initiatives originate with organizations which are supposed to be entrusted with maintaining the national planning goals—the ILA and local municipal authorities. However, the latter act in every way like private entrepreneurs, promoting isolated plans, which contradict the desired planning policy by exploiting flexibility and loopholes in planning regulations. Outstanding examples exist along the coastline—enormous projects promoted, and in some cases approved and erected, in complete

contravention of the National Outline Plan for the Coast. In sum, these initiatives remove all substance from the comprehensive plan, which in the end becomes no more than a basis for alterations.

Flexible tendencies in planning

The new, inchoate Outline Plans, primarily NOP 35, adopt ambiguous planning language and are open to wide-ranging interpretations. The source of this tendency is the desire to transfer the conflicts inherent in the process to the later, more specific planning stages, by refraining from making clear statements. This state of obtuseness and lack of clarity in the end serve the interests of development and enterprise, more than those of conservation and balance.

A number of other cardinal problems prevent intelligent planning from being realized, and sustainable development targets from being met:

- The absence of adequate incentive for development and renewal within urban boundaries on the one hand, alongside continued encouragement of sprawl on the other: Israel's conventional policy gives priority to ground-level suburban development over development and restoration within cities. This is owing to the relative ease with which open spaces can be freed for construction, the non-granting of urban renewal incentives, and an absence of coordinated development of land use and transit.
- Insufficient examination of environmental aspects of planning: The main legally-mandated tool, the environmental impact assessment (EIA), does not actually contribute to the redirection of development to less environmentally sensitive areas, but acts merely as a justification for the site requested by the developer—who finances the survey. In most plans, at all levels, the environmental information is still not a main basis for planning. Other considerations—demographic, political, property—largely dictate land use.
- Political and non-balanced composition of planning institutions: Independent professionals and public representatives make up an extremely small portion of the planning institutions. In some committees, the power relationships are such that the considerations weighed when approving a plan are neither sufficiently professional or environmental, but are governed by political factors. Government representatives form a

large portion of the National Planning Committee, preventing an independent examination of plans in certain cases.

- Absence of tools for preserving open spaces: Open spaces in Israel are mainly preserved via the national outline plans. Relatively smaller open spaces are protected by the direct legislation of the National Parks and Nature Reserves Law, and the Forest Ordinance. Other tools for preserving open spaces are notably absent in Israel, especially when seen against the need to cope with the rights of private owners and leaseholders on the land designated for conservation. To our distress, substantial portions of land that should be designated for conservation are not protected with this status, owing to the absence of procedures for dealing with the landowners' rights. As a result, land use is dictated by property considerations rather than by an environmental-planning rationale. Tools that could alleviate this problem (such as purchasing the land and transferring it to public ownership, purchasing or transferring development rights) are practiced in other western countries and should be adopted in Israel too.

The Government's essential undertakings according to Agenda 21:

- Consolidating a policy of optimal and sustainable land resource use and management, addressing particular attention to the issue of agricultural land.
- Encouraging a policy of sustainable development of land resources, while also dealing with the interests of local communities.
- Reinforcing the planning system by updating national outline plans, preparing plans with integrative treatment of all natural resources—water, air, land, ecosystems and so on.
- Advancing the implementation of innovative tools for land planning and management—tools for evaluating environmental sensitivity, including risk surveys, absorbing the value of environmental resources into national cost analyses and so on.
- Educating towards awareness of the significance of the land resource and its efficient management, emphasizing the place of the individual and the group in affecting the achievement of these goals.

- Public participation in planning processes by means of innovative methods, operating programs and projects, and designating resources to the issue. Particular stress is to be devoted to groups who are normally excluded from the process—women, young people, various local groups.
- Creating a broad and up-to-date information base on environmental issues that will form the basis for environmental planning. This is to take place both through information and data gathering, and by improving the contacts and flow of information among bodies and institutions so as to enable a common information base to be set up.

Whether and how the government has fulfilled its obligations

Against the background of these criticisms, it is important to note that there were a number of years in the mid-nineteen-nineties when the incumbent government advanced a number of environmental preservation goals. A number of important decisions were made in this period, such as the non-establishment of new towns, protection of the region of the craters (in Hebrew: *makhteshim*) in the Negev desert, the declaration of the preservation of the Sharon Park which laid the way for instituting its preservation status, and so on.

Unfortunately, these significant achievements could be obliterated as a result of a number of subsequent years of flagrantly anti-environmental policy, which has reached its peak over the last year.

The government has largely fulfilled its obligations concerning the advancement of the planning infrastructure through preparation of updated national outline plans. However, the planning violating initiatives recently being promoted by the government, totally obliterate any ability to realize the comprehensive planning policy goals.

Not only has the government not fulfilled its obligations to work towards public participation, education for awareness of land resource significance and scarcity, and creation of a broad environmental basis for planning, but it has also consistently issued contrary messages. These have appeared through a series of its decisions and actions which view land solely for its development potential, a tool for realizing the government's outlook on different issues, and which reduce public involvement in planning processes.

Over all these years, the government has not come out with even one declaration of the importance of conserving land resources, but instead has produced series of decisions encouraging the freeing-up of land for development. From many perspectives, the government has not only failed over the last decade to advance towards the aforementioned goals, but it has regressed the land management and planning system considerably.

The environmental non-government organizations' (NGOs) actions on the issue

The number of environmental and social welfare organizations active in Israel has risen substantially over the last decade. Many of these have arisen out of local campaigns. Similarly, a number of social welfare organizations have taken up issues of environmental justice, mainly as a result of various aspects associated with land resource management.

The massive development boom which has taken place in Israel over the last decade has required, and continues to require, the environmental NGOs to take every step and measure necessary to minimize the environmental damage caused by this wave of development. This task is particularly difficult against the background of the large development needs. The following is a general survey of the main modes of action taken:

- Participation in planning processes: A number of environmental NGOs, led by the Society for the Protection of Nature in Israel (SPNI), have taken part in the national and regional planning processes. This has taken the form of conferral of professional material (such as nature and landscape surveys so that they can form part of the planning data), active participation in steering committee meetings and other planning committees in order to instill the environmental issues into planning directives, submission of legally mandated objections, public and media activity, consolidating environmental alternatives, working in coalitions with other organizations—information exchange, and so on.
- Fighting anti-planning initiatives: An uncompromising campaign has been waged throughout the years against every government initiative inconsistent with the national planning goals and which harms the public's rights. This campaign has taken place through the media, professional conferences, public activism such as demonstrations, and so on.

- Public activism: Ongoing action in the communities, particularly urban ones, towards attaining sustainable development goals, and rallying to individual campaigns where needed.
- Education and developing awareness: Broad-based environmental education activity in schools, work with local communities, operating environmental specialization programs for planning and architecture students, holding study days and seminars for planners and decision-makers.
- Professional work: Preparing nature and landscape surveys, initiated alternative planning and consolidation of environmental alternatives to harmful projects, carrying out studies on environmental issues by gathering information and learning from other countries. Distributing the information amongst decision-makers, planners and the wider public.
- Legal activity: Approaching the courts on issues relating to actions contrary to planning policy, where pretext exists. A number of legal battles have ended by setting environmentally oriented precedents and legal rulings. The leading organization in this field is the Israel Union for Environmental Defense, but other NGOs are also making more and more use of the judicial tool.

Recommendations for change

The government, and all its departments, must continue to advance the preparation and updating of comprehensive outline plans on a national, regional and local level.

These planning processes should be based on a sensitivity analysis of the area, on the need for efficient and correct use of land resources, and on public participation.

The role of the environmental examination in the planning process should be strengthened so that an area's environmental sensitivity forms a necessary and obligatory basis for planning.

A change should be made to the Planning and Building Law, so as to increase substantially the public's place in the planning process, as against the miserable current state of affairs.

Composition of the planning boards should be altered at all levels so as to include a wider representation of the public and of independent professionals.

A clear government statement is required, covering all its departments, concerning the importance of the conservation of open spaces. This declaration should be instituted in both legislation and through the policy of the Israel Land Administration, which currently represents an opposing approach.

A stop must be made, immediately, to the government's constantly renewed, destructive initiatives to speed up planning and construction processes and to erect new settlements contrary to planning policy and through an unabashed reduction of the public's right to participate in the process.

Clear priority should be given to development within cities and to processes of urban rehabilitation and renewal, ahead of land-devouring suburban development.

Agricultural land is the "soft underbelly" of the various kinds of open space in Israel. These are large areas (around half of all the open space north of Beersheva), which are under-protected in the plans, some are no longer cultivated due to the water shortage, and they are under large pressure for rezoning owing to the low returns from agriculture. Priority and efforts should be directed to preserving agricultural land, whether as cultivated areas or as another kind of open landscape.

Planning should be promoted which incorporates land use zoning with transit development.

Appropriate innovative tools should be developed in order to enable the preservation of open spaces to be solidified while responding to the rights of landowners or leaseholders. The environmental organizations have recently begun a research initiative on the issue, but that is insufficient. Suitable resources must be allocated to this process, since some cases involve compensation and the purchasing of property rights.

The environmental organizations must work in full coordination, constantly updating and exchanging information on different issues, out of an intention to operate in the broadest possible coalitions. Coordinated operation will enable response to numerous environmental issues, while allowing each organization to focus and increase its professionalism. In light of the

environmental state of emergency in Israel, the environmental movement must join forces and gather as much strength as possible.

Government and environmental NGOs must work to deepen Israeli environmental awareness through the formal and informal education systems, higher education and modes of informing the public at large.

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