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The National Development Strategy (NDS)
Volume 2
Institutional and Legislative Aspects

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APPENDIX 1

Definition of State-Significant Development

APPENDIX 2

Approach to Strategic Environmental Assessment (SEA)

13. Background

13.1 *Need for revision of Vol. 2 of NDS.*

Concurrently with the formulation of the National Development Strategy (NDS - Vol. 1), the “Institutional and Legislative Aspects” of that strategy was prepared in April 2003 and produced as NDS Vol. 2.

Vol. 1 was approved by Government in March 2003 and Vol. 2 served as a basis for the preparation of the new legislation required to administer the NDS and other development plans.

The new legislation - the Planning and Development Act 2004 - enacted by the National Assembly on 24 August 2004, stipulates that the NDS should -

- (i) comprise plans, policies and guidelines with mechanisms for their implementation; and
- (ii) outline the resources to be committed for the implementation of the strategy.

These requirements, contained in the original Vol. 2, have now been reviewed and updated to reflect -

- (i) the new legislation
- (ii) changes that have taken place in Government/Local Government institutions
- (iii) the additional resources/manpower requirements that can realistically be secured to implement the NDS.

In the review process, recommendations that are no more relevant have been deleted and new elements required by the future implementation set up have been introduced in this new vol. 2 document now entitled:

The National Development Strategy

Volume 2

Institutional and Legislative Aspects

14 Introduction

14.1

Introduction

This document represents an updated Volume 2 of the Final Report on the Review of the National Physical Development Plan (NPDP). It focuses on Institutional and Legislative Aspects. Volume 1: Development Strategy and Policies has been presented in a separate document.

As is discussed in Volume 1, because of the significantly different context and nature of the revised NPDP, it has been re-named the National Development Strategy and all further references to the NPDP are described as such. For the same reason, local councils' Outline Schemes have been re-titled Local Development Plans or Local Plans.

The Description of Services for the Review calls for a series of measures/priority actions needed to enable the policies and proposals incorporated into the new National Development Strategy to be implemented. They are designed to cover the planning process and procedures at national and local levels, as well as legislative matters as contained in the Planning and Development Act 2004.

14.2

Key Outputs

The key output of this work covers priority actions and a short term implementation schedule for GOM planning initiatives.

The identified actions include:

- Recommendations for institutional changes to improve the effectiveness of the planning system at national and local levels
- A procedure for handling departure applications
- A procedure for monitoring and evaluating the revised National Development Strategy.

14.3

Basis for Study

The institutional and legislative review has been based on a three-phase work programme which has included:

- Research of available information and reports
- A wide range of meetings and consultations with key stakeholders in national and local Government and in the private sector,

- A series of more formal Technical Coordination Committee meetings and Steering Group meetings
- Preparation of a series of ten Working Papers, incorporating a Key Issues report (Phase 1)
- Preparation of a draft Strategy and Policies Document (Phase 2)
- Two national workshops held to discuss key findings and preliminary strategies
- A series of focus group sessions to explore particular issues in more detail.

Feedback from the above meetings and sessions was then used to update the preliminary findings and strategies and this has formed a valuable input to the current document.

In addition to the above programme, other influences have impacted the approach to and recommendations of the institutional and legislative work:

- The study's objectives which guide the conduct and evaluation of the NPDP Review process
- Institutional proposals at local level as contained in the Local Government Act 2002
- The requirements for Strategic Environmental Assessment as contained in the Environment Protection Act (EPA) 2002
- The Sugar Industry Efficiency (SIE) Act 2001.

An overview of the latter three documents is provided later.

14.4

Objectives of the NPDP Review

The objectives of the Revised NPDP are as follows:

- (1) **To provide strategic guidance** and context to Government in the improvement and **provision of new infrastructure** to enable the planned development to be achieved
- (2) **To provide suitable development opportunities** for both local and international investors to achieve significant economic development that will secure higher standards of living for Mauritius
- (3) **To promote sustainable development** which allows for the protection of the best quality agricultural land and of environmentally sensitive areas
- (4) To provide a **basis for the revision of all Local land use Plans** ie. (Outline Schemes)

- (5) **To provide guidance on the need for strengthening the institutional/legal framework** for physical planning.

The objectives provide the framework within which the revised National Development Strategy has been prepared and the benchmarks against which the future effectiveness of the Plan could be measured. The requirements to provide a basis for the revision of Local Plans (Outline Schemes) and to provide guidance for strengthening the institutional/legal framework are thus of prime importance.

14.5

Format

Following the Background and the Introduction (sections 13 and 14) the updated volume 2 is structured to include:

- A Review of Institutional Aspects (section 15)
- Legislative Review (Section 16)
- Proposals for an Effective Planning System (Section 17)
- Priority Actions for a Restructured Planning Service (Section 18)
- Implementation Programme and Mechanisms (Section 19).

15 Institutional Review

15.1 *Overview*

Mauritius stands at the threshold of fundamental changes in its economy which will bring in its train substantial changes in life styles and social and cultural needs. The new National Development Strategy has an important role to play in ensuring that these changes are managed in such a way that a new life style is achieved which is both economically efficient and socially desirable.

As a consequence the National Development Strategy should not be perceived as a large scale but narrowly defined land use plan. Rather as land, together with labour and capital are regarded as the three constituents of cultural development, the National Development Strategy has taken an all-embracing view of land development. The new strategy takes account of this wider perception of land management and has been elaborated after conducted a range of broad-spectrum discussions with a diversity of interested and affected parties.

However all of this work will be of no benefit unless the institutional arrangements for the implementation of the resulting strategy are capable of maintaining a wide ranging dialogue with the affected stakeholders and of putting it into effect.

15.2 *Political Importance of the Planning Process*

The effectiveness of the planning system depends upon three factors:

- the political importance attached to planning
- the location of the service within the administrative structure
- the capacity of the planning system to encourage positive development.

The current situation has two contradictory dimensions. The Government and individual members have a high level of interest in such strategic development matters as CyberCity, the proposed LRT system, the promotion of tourism and the consequences of restructuring the sugar industry, but they do not appear to perceive these development programmes as intrinsic parts of the National Development Strategy or any other part of the planning system, other than to obtain formal approval of projects.

15.3

The Government's Central Town Planning Service

The Town Planning Division of the Ministry of Housing and Lands is at present largely engaged in the processing of several permits and/or servicing multi-sectoral committees related to the development permitting process and the preparation of Outline Schemes (i.e. local development plans). Consequently the core staff of the central planning service have been deprived of access to national policy making and implementation and have confined their activities largely to the preparation of Local Plans and to development control duties. However even in this role, staff provide a non-executive function since it is the local governments who are the planning authorities.

By these inappropriate and inefficient arrangements for performing a necessary planning function the Government has deprived itself of the effective use of this cadre of highly trained professional staff which could assist them in the implementation of the new National Development Strategy.

The new legislation has clearly separated the planning functions of the Central and Local Government and it is necessary to both levels of planning to meaningfully implement the NDS.

16. Legislative Review

16.1 *Previous Legislation*

Since 1954 when the 1st Planning Act established the planning system for Mauritius, several attempts had been made in 1981, 1990, 1995 and 1997 to revise thoroughly or amend partly that Act.

Re-drafting of a comprehensive overhaul of the 1954 Act has been undertaken within the context of the NDS following recommendations contained in the 2003 version of Vol. 2. The new legislation - the Planning and Development Act 2004 - underpins the new approach to modern planning as reflected in the NDS and other planning instruments.

16.2 *The Planning and Development Act 2004*

The aims and provisions of the new Act are outlined below.

Its goal :

to modernise town and country planning and make comprehensive provision with respect to land use planning and development in Mauritius.

Its objectives :

- to promote and co-ordinate the orderly and economic use and development of land to provide a proper framework for the management, development and conservation of natural and man-made resources for the purposes of promoting a better environment and ecologically sustainable development.
- to provide for the sharing of planning responsibility between central and local government.
- to establish the necessary institutional framework, processes and inter-agency co-operation for effective planning and development.
- to encourage private sector participation whilst safeguarding public interests in the planning and development process.

Its administration:

- The Act defines the Minister's powers and duties, establishes the National Planning and Development Commission, the composition and staff of that Commission together with its functions.

Its Technical Provisions

- National Development Strategy
 - Preparation, adoption and review of a National Development Strategy and its contents
 - issuing of Planning Policy Guidance to Permit Authorities
- Development Plans
 - stipulation of the contents as well as the preparation, approval and review of **3 types of development plans** namely : local plans, action area plans and subject plans
- Development types and control
 - exempt development
 - development requiring a permit
 - local development
 - state significant development
- Local government development permitting process:
 - Procedures for application and consultation for determination of development permits, (including morcellements); conditions attached to permits, time and completion of development; departure applications, planning agreements, rectification, revocation and amendment of development permit.
- Special powers of Minister relating to preservation of buildings and sites and to make/approve simplified planning zone schemes.

- Procedures for Minister's authorisation for development of Government/foreign Government proposals.
- Issuing of morcellement certificate
- Enforcement measures (including stop development notice and enforcement orders)
- Establishment of a Planning Appeals Tribunal, its staff, proceedings and deliberations and appeals to Supreme Court.

Compensation

- grant of compensation in specified cases and non-payment of compensation in certain cases
- claims for compensation and determination of claims in case of dispute by the Tribunal.

16.3

Other relevant Legislation

Other current legislation impacting the planning process - namely the Local Government Act 2003, the Environment Protection Act 2002 and the SIE Act 2001 are outlined below.

16.3.1

The Local Government Act 2003

This major legislation on local government will have significant implications for physical planning and jurisdiction of the local authorities.

Under the Act, the proposed legal framework will provide, *inter alia*, for:

- greater decentralisation and adequate administrative and financial autonomy to local government
- procedures for the issue of licences and permits
- local authorities in the rural areas are being brought on the same footing as Municipalities in the urban areas for tax raising purposes, etc.

Amendments to this Act of its sections 98, 10, 104, 105, 106 have been incorporated in the new Planning and Development Act 2004.

16.3.2

The Environment Protection Act (EPA) 2002

The EPA 2002, proclaimed in September 2002 is an important piece of new legislation which has implications on planning matters in general and thereby on the National Development Strategy and local plans in particular.

Recommendations for an approach to SEA in connection with the National Development Strategy are contained in Appendix 2.

16.3.3

The Sugar Industry Efficiency Act (SIE Act) 2001

The legislative aspect in so far as agricultural land use is concerned is primarily focussed on the Sugar Industry Efficiency (SIE) Acts. The S.I.E. Act 1988 introduced various relief measures including exemption from land conversion tax to millers and planters to:

- Provide for an efficient and viable sugar industry
- Promote agricultural diversification and diversification within sugar
- Ensure that all commitments under the Sugar Protocol are met.

The S.I.E. Act 20/2001 consolidated the package of incentives applicable to the sugar sector whilst the S.I.E. Act 26/2001:

- extends the incentives
- further facilitates sale of agricultural lands for financing the Voluntary Retirement Scheme (VRS) and other schemes.
- allows any land falling outside limits of permitted development in any Local Plan to be transferred or converted under VRS (employee entitled to 7 perches), or a factory closure, as such land is deemed to be in accordance with the socio-economic policies of Government.

The Act specifically facilitates acquisition and disposal of land by the Sugar Investment Trust (SIT), Government or other specified bodies subject to the following conditions:

- *1:2 Deal (The Illovo Deal)*
For every unit area of land sold at a nominal price of one rupee by a person to the above bodies, that person can convert two units area of his land and sell it. 40 % of the proceeds of that sale however, have to be ploughed back of which at least half should go into sugar production or diversification within sugar and the remainder to any other economic activity; alternatively, part or whole of the proceeds could be used to recoup VRS expenditure.

- *1:3 Deal*

The SIE Act provides furthermore that a person can convert three units area of agricultural land for every area of land sold at nominal rates to the same bodies mentioned above, provided the proceeds from the three converted units are used for the same purposes as in the 1:2 Deal, except for the amount to be ploughed back which is 60%.

Any land acquired by Government or any specified body under the 1:2 or 1:3 Deals may be exchanged with a person, for a nominal price of one rupee, the extent of the exchange being determined after evaluation. The S.I.E. Act 2001 further provides that:

- an area of not less than 200ha (473.8 A) be kept by the producers (Sugar Estates) under permanent gardens i.e. plots of lands to be devoted to the production of crops, fresh vegetables etc. and surfaces devoted to aquaculture. The corresponding area for permanent gardens in the S.I.E . Act 1988 was 425ha (1,000 A)
- an area of not less than 500ha (1,208.2 A) be kept under orchard bearing specified fruits, the list of which is given in a schedule. The orchard area is the same as in the previous Act.

All other land conversions of agricultural land to non-agricultural uses are subject to the approval of the Minister of Agriculture (through the Land Conversion Committee) and payment of the land conversion tax. In processing and determining applications for such conversions, the Minister of Agriculture has to have regard to the necessity to:

- ensure that sugar production meets the commitments of the country
- preserve agricultural land and optimize agricultural production
- prevent agricultural land speculation
- respect Local Plans and planning and development directives
- preserve irrigation areas.

However, the land conversion tax is not payable in cases where land is converted for specified purposes:

- the construction for an applicant's own occupation of a residential building on a plot of land not more than 422 sq.m (around 10 perches)
- the construction of major projects such as approved industrial estates, business parks, IT parks, hotels and tourist facilities, biotechnological facilities; setting up, expansion or relocation of an industrial enterprise, setting up of an agro-based industry, construction of educational and health institutions.

- a non-profit venture for the benefit of the community as decided by the Minister (of Agriculture)
- sale at concessionary/nominal rates to specified Sugar Industry workers an approved percentage of the agricultural land to be converted, provided the applicant undertakes to plough back 50% of the proceeds from the total land converted into sugar production or diversification; or use the proceeds for:
 - expenditure in relation to a factory closure and in either case, further undertakes to plant the equivalent of land converted or to produce sugar to the quantity forgone by the conversion.
 - VRS financing
 - various investments in diversification schemes (replacement of sugar or land foregone by the conversion to be undertaken)
 - an extent of 1A (0.4221ha) in a single plot in a non-irrigated area by a registered planter not benefiting from other conversion schemes under the Act
 - A donation up to 1ha of land by ascendant to descendant.
- *Implications of the 1:2 and the 1:3 Deals*
 Under the 1:2 Deal the amount of land to be converted, locations of such land and time frame for such conversions are not specified. Under the 1:3 Deal, the amount of land to be converted is limited to 2,800A (1181.9ha) with the time frame for converting 2,000A (844.2ha) July 2003 and for the remaining 800A (337.7ha) by July 2006.

From the numerous possibilities of land conversions to non-agricultural uses that exist under the provisions of the S.I.E. Act 2001, and reflected in the Planning and Development Act 2004 (Sec 30, subsection (4)(b)), it can be inferred that unless applications for such conversions are judiciously managed and carefully controlled, agricultural land could be converted almost anywhere, at any time and in various extents throughout the country. Furthermore, in certain instances, comprehensive and coherent land mechanization and irrigation could be compromised by ad hoc land conversion schemes, as could the proposal to group small planters into LAMUs and BMUs to boost production.

17 Proposals for an Effective Planning System

17.1 *Key Principles*

Diagram 17.1 provides a simplified illustration of the elements of an effective planning system. It is expressed here in terms of the National Development Strategy but the same principles are equally applicable to Local Plans and Action Area Plans at lower levels of the system.

17.1.1 *Objectives*

Objectives derived from perceived needs must be the starting point of any plan-making process and should be assembled from all stakeholders affected by the intended plan. These include the public and private sectors and other levels of plan-making (ie. Local Plans and Action Area Plans) which may be affected. These other Plans must all constitute parts of an articulated system.

Without clear objectives and policies and a consistency of application, planning becomes purposeless and lacks transparency. The objectives for the National Development Strategy were put forward in section 14 of this document.

17.1.2 *Resources*

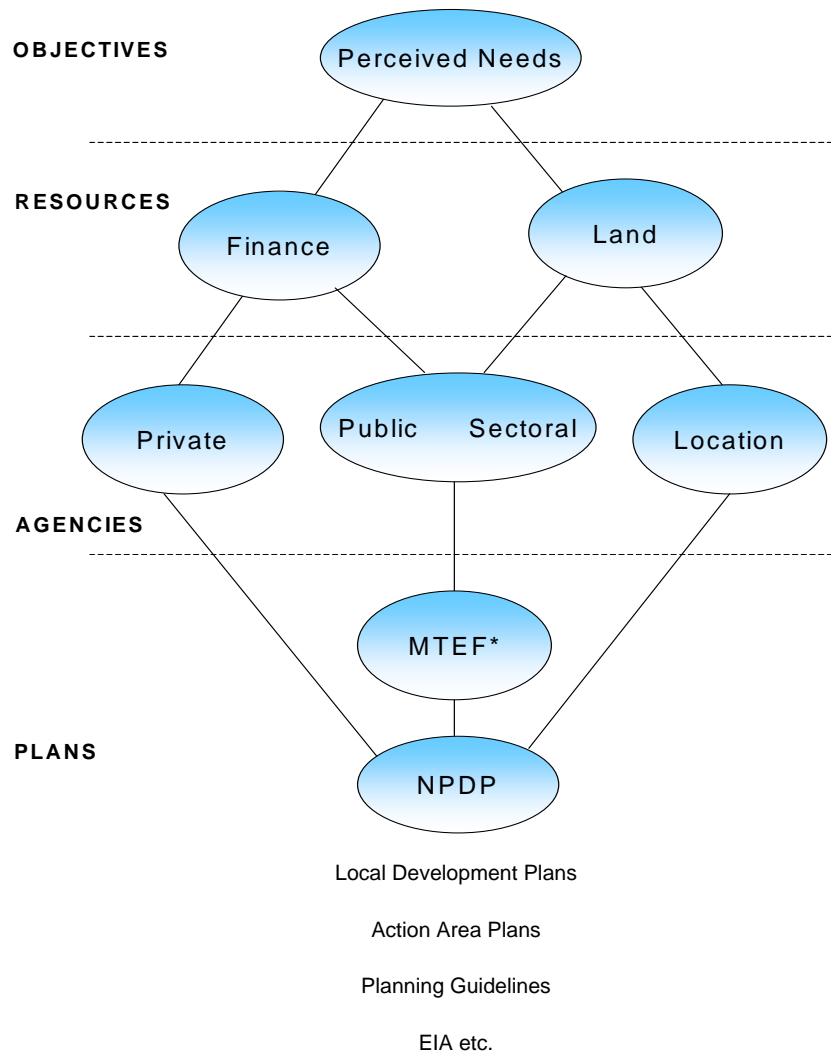
Human and financial resources must then be found to respond to these needs. However resources are finite in absolute terms and in respect of the specific agencies concerned. Consequently in the Mauritian planning system there may have to be extensive moderation at least in the short term, until new, qualified staff can be introduced in order to ensure that resources available in the public and private sectors are used to best effect. The lack of sufficient resources should not permit adjustments of objectives notwithstanding the stresses this may impose on resource allocation.

17.1.3 *Agencies*

Agencies are the bodies through which resources are utilised. In the private sector the divisions between different ownerships are absolute and therefore the opportunities for transfer of resources is very limited both in respect of land and finance.

In the public sector both land and finance are in theory, held in trust for the public good and should therefore be available for allocation wherever they may achieve the greatest benefit. However, inter agency competitiveness and bureaucracy make this resource allocation less effective than it should be.

Diagram 17.1: Principles of the Planning System



* MTEF : Medium Term Expenditure Framework

Plans represent the conclusion of the process in which the allocation of finance and land come together. At national level the Medium Term Expenditure Framework under the Ministry of Finance and Economic Development as well as major private sector investment proposals should find expression in the National Development Strategy. This is not easily achieved because both public and private sectors have shorter time horizons than the Development Strategy and the private sector is rather more disaggregated than the Public Sector in terms of national expenditure programmes. .

17.1.4

Replication at Local/Smaller Levels

Although the diagram represents the process at national level the principles are necessary at lower levels in more detail. In the private sector there are collective organisations representing territorial or activity interests which can perform this planning function. In the public sector there are Ministries, departments within Ministries and local authorities who are equally well placed to participate.

Consequently at all levels there are functional and territorial interests whose concerns should be respected and reconciled so far as practical.

17.1.5

Iteration

The processes described above have to be sequential in terms of identification of objectives, allocation of resources, preparation of plans and their implementation both at national and sub national levels. Consequently the whole planning system has to be iterative at several levels to keep ahead of development and thus provide leadership, but also take account of changing circumstances.

17.2

Institutional Requirements for an Effective Planning System

For the effective operation of the planning system there has to be a development management structure and procedures which are:

- aware of the principles and objectives of the departments of Government
- informed of the intentions and plans of the private sector
- capable of facilitating collaboration to secure coherent programmes of development.

In turn this requires that the planning service should take account of the plans and strategies of other departments and ensure that, at a minimum, there are no irreconcilable conflicts at the policy level and that suitable provisions for land are made in the Local Plans. In the private sector, investment programmes should ensure that there is, at least, no conflict of intention and preferably that there is complementarity of action.

In practice these requirements involve:

- inspection of the National Development Strategy and subordinate plans by the private sector and general public. Failure to do this would destroy the principle of public private partnership in planning
- the regular review of the National Development Strategy and subordinate plans
- the planning service ensuring facilitation of development by such measures as:
 - land assembly
 - compulsory land purchase for planning purposes
 - planning agreements with third parties
 - joint investment projects
 - accommodating the proposals of other parts of Government
 - meeting the needs of the private sector
 - special conditions imposed on development.

17.3

17.3.1

Proposals for the Future of Development Planning

The National Planning and Development Commission

By virtue of the scale of private sector development investment it is necessary to create a development planning system which provides for the private sector to be partners in the planning process. However to secure realistic and effective partnership the private sector has to be allowed a voice at the highest level.

The preceding section describes how the private sector can share in the elaboration/review/amendment of the National Development Strategy at the strategic level, but it leaves the tendering of advice to the political leaderships entirely in the hands of public servants. But the giving of advice must be a dialogue between advisers and the advised and in the present system the private sector is deprived of an opportunity to take part in that dialogue. In practice individuals do find ways of speaking to Ministers and trying to influence decisions to their personal benefit.

A far better arrangement is to create a representative forum in which all strategic or major private sector land development concerns are represented and aspirations may be discussed. To this end precisely, the Planning and Development Commission has been established in Section 6 of Part II of the Planning and Development Act 2004.

This Commission has under the Act a membership composed of representatives of several key Ministries, Local Authorities, the private sector and the Rodrigues Regional Assembly. Its role is to advise the Minister on:

- all matters relating to land use planning and development
- the amendment and revision of the National Development Strategy

- strategic or nationally-important development proposals
- the review of any planning instrument referred to it

The Commission would keep the Minister well-informed on strategic land development issues and protect individuals from accusations of being over-influenced by particular interests.

17.3.2

Framework for National Strategic Planning and Project Processing

The discussion of functions thus far has concentrated on the necessary strategic nature of the planning process at national level. Where strategic level developments are concerned, eg. CyberCity, the LRT proposals in the conurbation, and out of town retail malls etc these will have much wider effects than can be considered on an individual local authority basis. Such proposals, could be considered to have national or regional level significance in the context of Mauritius as a small island economy.

These strategic, nationally-important land development schemes which involve substantial investments in projects of major economic and social benefits for an area will be processed at national level via the Planning and Development Commission. Such state-significant projects are defined in the 2nd Schedule of the Planning and Development Act 2004

A “one stop-shop” central planning service is required to handle such strategic/state-significant development proposals which require collaboration and integration of a number of concerned agencies e.g. environment, agriculture, infrastructure/utilities to contribute to an efficient decision-making process.

17.3.3

Framework for Local Planning

The preparation of Local Plans and more detailed Action Area Plans brings into consideration a range of different issues which are of significant practical importance but are not normally relevant in respect of national policy. Issues regarding the alignment of a road or what land is most suitable for a small residential morcellement development do not normally affect national strategies and therefore are more suitable for local action and decision.

It is therefore logical that while development strategies and major development proposals having greater than local effects are determined at the level of national government, the local interpretation of the more detailed aspects of these strategies should be in the hands of local government.

However for local planning to be effective in implementing the policies of national government it is imperative that local governments are made fully aware of specifically what national policies should achieve within a local government area. This imperative places obligations on both central and local governments. The central administration should make it abundantly clear what it requires each local government to achieve. At the same time the local government should take full account of all the different ways by which the national requirements are met having regard to local circumstances.

In practice this means that the national government should provide local governments with an updated national development strategy upon the basis of which the local authority may devise its own local plan.

The system described above implies a partnership between central Government which prepares the National Development Strategy and PPGs and each local authority which prepares its own Local Plan. The new 2004 Act provides indeed for the sharing of responsibility for planning and development between the two levels of Government.

17.3.4

Planning Approvals

The National Development Strategy represents the distilled intentions of the various departments of Government and of the private sector. The initial strategy (together with any subject plans) should be adopted and kept under regular review as stipulated in Sections 12(1) and 20 of the 2004 Act.

In the case of local authority Local Plans and development programmes, the Minister should approve the Local Plan.

17.3.5

Representation and Appeals

Since both the National Strategy and the Local Plans can affect the interests of individuals and groups in Mauritian society, their active co-operation in national development should be secured by providing them with an opportunity to participate in strategy preparation and approval.

However, the National Strategy written in general terms should not give rise to appeal against particular specific items. Therefore in respect of the National Development Strategy, any opposition should be limited to a request for reconsideration in the subsequent annual review.

In the case of local authority Local Plans, objectors should have the right to make a representation as provided for in sub section 2 of Section 17 of the 2004 Act. Such representations should place an embargo only on decisions directly affected by the substance of the objection but should not obstruct the approval of other aspects of Local Plans.

Any opposition to the remainder of a Local Plan being approved because of potential consequential effects of an upheld objection can be resisted on the grounds that the Plan is reviewed regularly and can take account of such effects in the next review.

18

Priority Actions for a Restructured Planning Service

18.1

18.1.1

Institutional Framework

Proposal for a Strategic Planning and Implementation Unit (SPIU)

A large part of the current Town Planning Division's human resources are dedicated to processing a variety of permits and to development control. In order to make the service more efficient, a distinction has been made in respect of those strategic/state significant projects which have national/regional or similar overriding importance (Section 24 of Sub-Part C of the 2004 Act refers) and which are needed to meet national economic and social growth targets, and those other cases where local or intra-district effects only are likely. Since these latter cases deal with detailed aspects of development their administration have been transferred to local governments by the new Act. Consideration has also been given to consolidation of some permits into a smaller number of more inclusive permits and to streamlining procedures to facilitate development clearances. (E.G. Morcellement Certificate - Section 46 of the new Act).

The transfer of responsibility for local-level development control matters should then release available staff resources at national level for the essential function of preparing advice on strategic-level development proposals and securing the implementation of strategy. In this connection the setting up of a Strategic Planning and Implementation Unit (SPIU) has been established under sub section 6 of Section 11 of the Act. The following key roles for the Unit have been identified:

- Services to the Planning Minister and to the Planning and Development Commission to which it provides technical support on strategic-level proposals
- Operating sectoral groups
- Developing strategy
- Implementing strategy
- Processing strategic projects
- Collaborating with local Governments
- Monitoring performance.

Of the tasks outlined above, the core activities include operating sectoral groups, developing strategy and implementing strategy including processing strategic development applications.

18.1.2

Services to the Minister and the Planning and Development Commission

Services to the Minister are provided in the current activities of the Town Planning Division. However as the Division assumes a pro-active role in management there will be an increase in the range of activities which will be of political significance. As a consequence it will be necessary to create a unit which ensures that the Planning Minister is regularly and adequately informed on strategic planning matters.

The activities of the Planning and Development Commission are likely to be of similar scope as those of the interests of the Minister responsible for Planning but should go into greater depth and detail than the Ministry may require.

It would therefore be efficient if these two services (strategy development and strategy implementation) are provided by an integrated service.

18.1.3

Operating Sectoral Groups

This will be by far the most demanding part of the process of distilling the policies and intentions of all the major agencies in all the major fields of development. It can only be achieved in the first instance by functional groupings based on the existing ministerial structure (possibly as follows):

Economic Development

Agriculture F.T & N.R.
Commerce
Environment & NDU
Finance and Economic Dev.
Public Utilities

Infrastructure

Fisheries
Housing & Lands
Shipping, Rodrigues & Outer Islands
Local Government and Solid Waste Mgt.

Culture

Arts & Culture
Education and Scientific Research
Health and Quality of life
Training, Skills Development and Productivity
Youth & Sports

These groupings are somewhat pragmatic assemblies with somewhat similar objectives or activities. They are indicative rather than definitive. Their only purpose is to reduce the total to a manageable number of groups for the task of developing a coherent programme.

In terms of departmental structure, this arrangement serves to identify the need for three topic groups and an organisation/system for integrating these three parts.

18.1.4

Developing National Strategy

The new SPIU's role in developing strategy will focus on liaison and discussing objectives and agreeing programmes for development with:

- Other departments of Government
- Local Governments
- the Private Sector.

At the national level of planning, the SPIU should collaborate with the agencies mentioned above to prepare and update the National Development Strategy supported by a summary of five year investment programmes of both public (ie. The Medium-term Expenditure Framework (MDEF) and private (eg. via the JEC-Joint Economic Council) sectors. Key components should be rolled forward on an annual basis.

In this connection, of particular importance is the need to set up a *Joint Economic/National Development Strategy Consultative Committee* to ensure the integration of economic and physical/spatial planning. Given that the Ministry of Finance and Economic Development is the Ministry which coordinates the major projects of nearly all other Ministries through the MDEF, it would be logical that the Consultative Committee be located in that Ministry with the main function of linking and harmonising strategic economic projects with the National Development Strategy.

At the local authority level each council should prepare its own Local Plan based on the National Strategy and briefs drawn up by the Regional and Local Planning Unit (RLPU) but also including local issues and proposals. In addition local authorities should perform all local development control functions, whilst recognising the need for resource strengthening at the local level in the short term. Figure 18.1 shows the eventual Local Plan Review and Updating process.

18.1.5

Implementing Strategy

While there must be a close interactive relationship between developing strategy and implementing strategy they must be kept as distinct functions. This is because the process of development is one of continuous evolution which should not be distracted by problems of detailed operations necessary to ensure effective implementation. It is therefore necessary to replicate the grouping described in the previous section but with different tasks of project processing and implementation.

This interaction is particularly important with regard to applications not in conformity with National Development Strategy policies and development programmes. Given that investment and employment generation are seen as being of paramount national importance, there will be generally a presumption in favour

of strategic development proposals which incorporate these overriding social and economic benefits, even in cases where otherwise they are seen to contravene less strategically-important policies. On the other hand, there may be situations where policies may be inadequate or out of date or unreasonably restrictive as to effectively discourage development initiatives and investments.

18.1.6

Processing of Major/ Strategic Applications (State-Significant applications)

With regard to processing of strategic/ nationally important projects (defined in the 2nd Schedule to the 2004 Act), the following process is suggested for dealing with (a) conforming and (b) departure applications:

- All major development applications to be submitted to the Strategic Projects Unit (SPU) of the re-structured SPIU for 'land use clearance'
- The SPU, working with relevant sectoral groups, processes the applications for consistency with the NDS strategy and policy and prepares briefs with recommendations for the Planning and Development Commission (PDC)
- The PDC screens the applications, and refers them with recommendations to Planning Minister for decision
- Planning Minister approves conforming applications
- Minister's decisions are conveyed to the applicants and the permit authority for the issue of a development permit or otherwise and for land use development control purposes
- Concerning departure applications with respect to Sections 25 and 34 of the new Act, the same procedure as above would be followed except that such applications need to be considered by the relevant unit of the SPIU and that the Minister would convey his decisions to applicants and/or the local authority
- Local projects having an impact on a strategic growth zone or on state land or other national territory, should be referred by the local authority concerned to the Regional and Local Planning Unit of the SPIU and cleared by the PDC for the Minister's decision depending on the level of importance.

18.1.7

Collaboration with Local Governments

The interface with local governments is somewhat different from the interfaces with the private sector and the departments of central government. At national level the task is largely concerned with securing coherence between sectors and agencies.

In the case of local government the operation is confined to the public sector and is concerned with interpreting sectoral programmes into spatial territorial plans. This should not be taken to imply that the private sector and the general public are excluded from the process. Rather that national government prescribes essential requirements for an area for which local government will handle the participation of various interests in the local implementation of strategy. This process will ultimately include:

- the identification of those parts of the National Development Strategy which are relevant for particular authorities
- the preparation of Local Plans within the above framework
- the identification of public sector resources and the potential investments of the private sector
- monitoring performance year on year.

18.2

18.2.1

Facilitating Change

The New Strategic Planning and Implementation Unit

The essential elements of the SPIU structure should therefore be:

Management Services Group
 National Planning Unit (NPU)
 Strategic Projects Unit (SPU)
 Regional and Local Planning Unit (RLPU).

The Management Services Group should comprise:

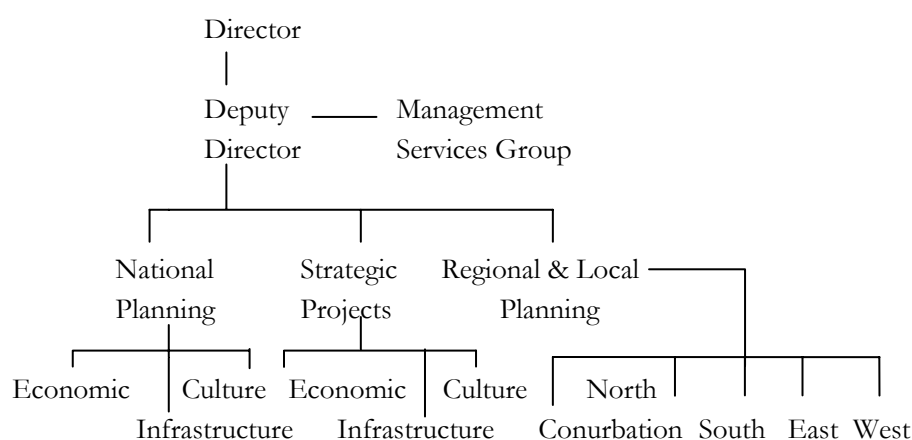
Head of Division (Director)
 Deputy Head of Division and Head of Management Services
 Head of National Planning Unit
 Head of Strategic Projects Unit
 Head of Regional and Local Planning Unit

The Management Services Group should provide the following services:

- Services to the Planning Minister and Cabinet where required
- Services to the Planning and Development Commission
- Performance and Monitoring
- Secretarial and Administrative Services.

The Management Services Group is collectively responsible for all the functions of the SPIU but it should have sufficient expertise to assemble advice to the Minister/Cabinet and the Commission and to support the Director in holding the balance of control between the Heads of Units.

Diagrammatically this structure should take the following form:



The territorial divisions implied in this diagram are intended to group local authorities in such a way that the conurbation area can receive particular attention. The other areas of North, South, East and West have more in common with each other.

18.3
18.3.1

Local Government Level

Preparation of Local Plans

A consequence of concentrating and prioritising national level planning on procedures to ensure effective development and implementation of the National Development Strategy is to place the more detailed functions in the hands of local government. This is not merely a consequence of reallocation of resources to improve the effectiveness of national planning. It is a logical and more efficient distribution of operations. The SPIU would be enabled and empowered to play its role in national strategic planning. Similarly local councils should be enabled and empowered to manage their own affairs within the confines of the National Strategy.

The confines to be imposed on local councils are the inputs which central government requires for the implementation of the National Development Strategy; other than these, local councils would be enabled to make their own Local Plans and to process all local, non-strategic planning applications.

These additional opportunities and responsibilities carry with them additional burdens. In particular and on proper resourcing and strengthening, local governments will have to furnish information to other Ministries and agencies in respect of local-level land conversions, morcellement and other procedures. As the ultimate “owners” of Local Plans it is a proper function for them to perform and reflects the general goal to improve the status of local government.

18.3.2

Development Control

Local authorities have so far been exercising only the development control function with regard to Local Plans prepared for them by the central planning service on behalf of the Town and Country Planning Board. With resource strengthening at the level of Local Authority, this function should considerably improve with the plan-making function being given, as it should be, to the local authorities themselves in accordance with subsection 2(b) of section 14 of the new Act,

With the preparation of updated Planning Policy Guidance Notes, development briefs and other guidance by the SPU within central Government, the local authority's planning and development control workload should be greatly facilitated. Hence a local authority should, given the resources, be able to plan and control non-strategic development according to its locally-planned policies and programmes set within the overall framework of the National Development Strategy.

18.3.3

Processing of Local Applications

A key issue in local authorities' role in development control is how to handle applications which do not conform to revised Local Plans. Major applications, especially those containing investment and job-generating proposals will be processed at the national level by the SPIU for decision by the Minister on advice from the Planning and Development Commission. In some cases, these could be approved even where they may be in contravention of a Local Plan policy or programme, where for example they are deemed to be in the national interest. (Section 25 refers). Whilst flexibility should be exercised in such situations, appropriate decisions have to be taken where in other cases policies do need to be maintained and departure applications refused.

To handle such applications, the local authority will have the prime responsibility unless the strategic nature of a departure application is such that guidance from the Regional and Local Planning Unit of SPIU and the Planning and Development Commission is required. The final decision, however, should rest with the Minister responsible for Planning or the Cabinet depending on its importance.

18.4

Illustrations of the Institutional Planning System Structures and Processes

18.4.1

Figures 18.1 to 18.4 illustrate the different functional and operational structures within which the SPIU would function in the light of the legal provisions of the Planning and Development Act 2004 and the existing and proposed administrative set-up of the Ministry.

18.4.2 Figures 18.5 and 18.6 illustrate equally in administrative and legal terms, the development permitting processes for state-significant applications and local development applications.

18.5 Staffing Proposals

18.5.1 Central Government Level

In the light of existing human and other resource constraints within the planning service, at both central and local government levels, and new personnel requirements, the 1st phase and medium term staffing structure for the SPIU has been worked out by the Planning Division.

Notwithstanding the commitment of existing staff and the re-allocation of non-national/strategic matters referred to earlier at para 18.1, it will be necessary to provide some assistance to bring about the necessary improvements in the planning system. The most effective means of achieving these changes is to employ alongside existing staff additional personnel with experience of recommended changes.

18.5.2 Local Government Level

It is recognised that the additional functions at local government level cannot be efficiently performed with existing staff levels. The preparation of useful Local Plans makes heavy resourcing demands as does processing of detailed permits and conducting the necessary surveys and investigations.

A review of previous proposals⁽¹⁾ for resource strengthening is necessary to assess the additional manpower requirement resulting from these changes. However, it is apparent that more staff will be required than previously considered, as these were based on the current 4 District Councils and 5 Municipalities. With the new Local Government legislation⁽²⁾ the 4 District Councils have been disaggregated into 7 “Rural” Municipalities so that in total there are now 12 local authorities, each of which would need to have its own Local Plan and local planning service.

Under the new procedures, a typical local authority Planning Department could over time be structured as follows:

- Local Plan/Action Area Plan/Preparation Unit
 - Head of Planning Department
 - 1 Planner
 - 1 Cadet Planner*
 - 2 TCP Technicians*

- Development Control Unit
 - 1 Planner
 - 1 Cadet Planner
 - 4 Development Control Officers **

(1) Professor Hendry for the Ministry of Housing and Lands, 1996 “Development Control in Mauritius”,

(2) Local Government Act 2002

* Cadet Planners and Planning Technicians are new posts and need to be created.

** Development control officers would occupy existing local authority posts of inspectors doing building and/or planning controls. However, more officers would be required to service new municipalities.

19

Implementation Mechanisms

19.1

Major Components of the Strategy

The new National Development Strategy builds on many of the principles laid down in the 1994 Plan, but brings it up to date in the light of the significant changes now taking place. It is based on the concept of achieving critical mass through clustering of settlements and employment-generating activities, and thereby forming an attractive economic base for Government sector commitments and private sector initiatives.

To facilitate clustering of new activities in the conurbation, the countryside and the coast, the designation of Urban Renaissance Zones, Special Use Zones, Rural Regeneration Zones and Tourism Zones form the basis of the new National Development Strategy. These growth Zones have been identified to provide a focus for public and private sector commitments, investments and actions.

Complementary programmes involving housing, social, community, public transport and other infrastructure developments should also be considered and planned for in relation to these Zones. The use of public private partnering (PPP) agreements should be explored at the planning stage to bring forward projects for early implementation. The recent legislation (PPP Act) passed by the Legislative Assembly should facilitate this process.

Promoters of major development schemes involving a range of mixed land uses should be directed to locations in these Zones where a sequential approach to release of unused or new sites will be encouraged. Preference will be given to town and village centre sites, followed by edge of centre locations before edge of town or out of town/open countryside sites are to be considered for most forms of development. Major new developments in the open countryside or on the open coast outside these Zones should generally not be encouraged, other than in cases of national interest.

As part of these initiatives, Action Area Plans will be drawn up within Urban Renaissance Zones, Rural Regeneration Zones, Tourism Zones and Special Use Zones, involving relevant planning authorities, local councils, other public agencies and the private sector, to focus investments initiatives. It is anticipated that in these cases, where there will be a general presumption in favour of a wide range of land uses, consideration will be given to introducing streamlined planning regimes, subject to meeting specified criteria (e.g. on environmental and traffic impact, utility provision and design quality appropriate to each site and type of development).

Through the preparation, participation and updating of the National Development Strategy, Local Development Plans, Action Area Plans and Subject Plans, it is envisaged that inter-agency cooperation will be enhanced and delivery of timely advice to the proposed Planning and Development Commission through formalised and regular consultations will be facilitated.

19.2

19.2.1

Overview of Current Implementation Process

Current Permit Procedures

Currently, various permits are required for development from a land use point of view. These are:

- Land Conversion Certificate from the Ministry of Agriculture
- Morcellement from the Morcellement Board, Ministry of Housing and Lands
- Re-zoning from the Town & Country Planning Board
- Environmental Impact Assessment and Clearance Certificate from the Ministry of Environment.

It has already been observed that a substantial portion of staffing resources and time within the existing Town Planning Division is taken up with such work which consists of providing similar planning policy related inputs at different times to different agencies. In the proposed new planning system, much of the burden of these tasks for non- strategic proposals would transfer to suitably strengthened local planning authorities, leaving the staff in the restructured central planning service – the proposed Strategic Planning and Implementation Unit (SPIU) - to concentrate on development strategy monitoring and updating, and strategic project processing with the participation of other Government sectoral groups and the private sector.

The new set-up should bring about the formulation and operation of good, reliable and reasonable National Strategies and Local Plans and policies. It should also considerably reduce the burden of processing detailed development applications (which would be carried out at local level for non-strategic projects), and thereby ease and streamline the development permitting processes as summarised below:

- At central level, the SPIU, working with sectoral groups, should in a collective-decision-making forum, facilitate major projects implementation by individual Ministry/ies, the private sector and local authorities concerned
- Proposed streamlining of development permit procedures and the distinction between major and specifically local projects should furthermore ease the planning process and make it clearer and faster than under the current systems.

At local level, the National Development Strategy through issue of Planning Policy Guidance Notes and conforming Local Plans should assist local councils in processing local level development applications. With the active participation and collaboration of the Ministry of Agriculture they should also be able to provide relevant guidance on local *land conversion* applications. Any such applications relating to agricultural lands within approved settlement boundaries could be released by Ministry of Agriculture and referred to the local authority for determination of alternative uses. Applications relating to areas outside settlement boundaries and away from infrastructure services would be refused unless there are strong grounds for favourable consideration in which case, the matter could be taken up in the annual Local Plan review. Relevant policies are included in the national Development Strategy and revised Local Plans.

Regarding minor *morcellements*, the local authority should be able to handle these within their development control function with appropriate guidelines from the Ministry responsible for Planning and from the Ministry responsible for Agriculture subject to meeting the requirements of the SIE Act.

Input from planning with regard to *Environmental Impact Assessment and clearances* relates primarily to the current zoning of the site and its proposed use for a scheduled undertaking. This information can be supplied through the planning process through careful review of the National Strategy and relevant Local Plan.

19.3

Existing Implementation Mechanisms

A number of development implementation mechanisms are already available for use in Mauritius including:

- The 1:2 and 1:3 SIE Deals
- The Community Development Fund (Ministry of Tourism)
- The National Environment Fund (Ministry of Environment)
- The GEF Small Grants Programme (UNDP)
- Public Private Partnerships (Ministry of Finance and Economic Development)

19.3.1

The 1:2 and 1:3 SIE Deals

This mechanism is a current, statutory and operational mechanism which can be regarded as a form of planning agreement given that a planter has to relinquish to Government (among other specified bodies) one unit area for every two unit (or three unit by 2006) area of sugar land he wishes to convert for non-agricultural uses. In so doing, the planter benefits from several tax exemptions including the Land Conversion Tax.

No implementation of any Government project for example is requested from the planter/developer benefiting from these tax exemptions. Such deals, however, constitute an effective mechanism which should be harnessed to implement planning schemes provided fair assessments/apportionments of benefits accruing to both the private sector and the community are efficiently carried out.

More importantly, however, such deals involving large sugar cane areas at the edge of towns or villages are strongly recommended to be made operational with priority in strategic clusters of growth as identified in the National Development Strategy and firmed up in revised Local Plans and Action Area Plans. They would not only promote the development of the clusters, in a planned and controlled manner but also limit the indiscriminate operation of the SIE Act over the country towards haphazard development.

The mechanism is also recommended to be used in facilitating conversion of agricultural lands within settlement boundaries as it would help secure lands for deficient public services, open spaces etc.

19.3.2

Community Development Fund

It is understood that the policy for the creation of a Community Development Fund to which hotel developers would contribute has already been laid down by the Ministry of Tourism. This fund has been set up with the objective of financing infrastructure (road deviations/improvements) required for the developers' schemes, community facilities (such as construction of/improvements to public beaches) and other social benefits.

19.3.3

National Environment Fund

Established under the Environment Protection Act 2002 this fund, to which the Government contributes, donations and grants are made, and money raised from the organisation of public activities, has been set up to *inter alia*:

- Support NGOs engaged in environmental protection
- Encourage local environmental initiatives
- Promote, support and encourage activities relating to environmental protection and management.

It is suggested that the fund could be made available also to promote environmental improvements, upgrading and PPP environmental management plans as recommended in Local Plans/Action Area Plans.

19.3.4

UNDP GEF Small Grants Programme

This programme (known as SGP) funded by the Global Environment Facility (GEF) and implemented by the UNDP is already operational in Mauritius at Poudre D'Or. With the aim of promoting sustainable development, SGP allocates grants to NGOs and CBOs (Community-based Organisations) for projects geared towards environmental enhancement and protection, sustainable use of various ecosystems and use of natural resources sustainably to generate income and employment. Well thought-out micro-projects towards those ends could be identified and implemented within the area-wide approach advocated in the new National Development Strategy, Planning Policy Guidance and local plans for the benefit of lower income groups.

19.3.5

Public Private Partnerships (PPP)

In the light of Governmental budgetary constraints worldwide, the need for the private sector to be substantially involved in the implementation of public services (eg. roads, public transport, hospitals, schools) is being increasingly recognised as crucial to ensure the delivery of better facilities faster and generally cheaper over the long term through “risk adjusted and whole life costs” of a particular service.

A PPP Secretariat Unit has already been set up in the Ministry of Finance and Economic Development and it is understood the Unit is currently examining several projects for possible PPP financing. PPP can be a useful mechanism for the implementation of land use planning projects contained in Local Plans or Action Area Plans and through the MTEP, other Ministries and Agencies schemes.

19.4

Proposed Implementation Mechanisms

New development and implementation mechanisms, such as Action Area Plans and planning agreements (ref. Section 35 of the new Act) as well as public/private partnering agreements to facilitate funding of Government-sponsored social and economic infrastructure (e.g. local community facilities, parks and open spaces, village bypasses, public transport/traffic centres or to maintain and enhance town centre and coastal environments) will be key ingredients in the National Development Strategy and revised Local Plans.

For successful implementation, such mechanisms will need to have the full support of a wide range of Government agencies, private sector stakeholders and representatives of other interest groups and sections of the community. To underpin the implementation of the new National Development Strategy, enabling mechanisms and new procedures included in the new Planning and Development Act 2004 are:

- Action Area Plans
- Planning Agreements.

19.4.1

Action Area Plans

To facilitate and speed up the development planning process, Action Area Plans will be drawn up for strategic growth Zones identified in the National Development Strategy as Urban Renaissance Zones, Special Use Zones, Rural Regeneration Zones and Tourism Zones. In some Tourism Zones, Tourism Action Area Plans have already been drawn up as a basis for implementation actions by the Ministry of Tourism and other agencies (eg at Grand Baie, Flic en Flac, Trou D'Eau Douce and Mahebourg).

The Action Area Plans will be formulated within the framework of local councils' revised Local Plans. In appropriate priority cases, such detailed plans can be prepared in advance of the revised Local Plan being approved, subject to compatibility with the provisions of the new National Development Strategy and updated Planning and Policy Guidance relevant for the types of development being promoted. In some cases in the growth Zones, implementation is expected to be expedited through streamlined procedures for the processing of major, strategic projects (for definitions see Appendix 1).

19.4.2

Planning Agreements

Whilst the spirit of planning agreements (sometimes also referred to as planning obligations) was embodied in the provisions of those Bills, this important instrument has been incorporated in the Planning and Development Act 2004 with a view to making it effective, operational and transparent. Section 35 of the new Act indeed provides that a Permit Authority may enter into a planning agreement with a developer for the provision of "community facilities and physical infrastructure" (or payment in lieu of) required by his proposed development. Provision is also made for planning agreements to be struck in joint venture public/private sector projects whereby "the contribution of capital and other resources to be made by each party and the manner in which obligations, liabilities and benefits, including any profits and losses will be shared between parties."

With regard to transparency, the Act provides for a register of planning agreements to be maintained by Permit Authorities for inspection and copying by members of the public. At central Government level, the Minister is bound to seek and obtain the Planning and Development Commission's advice on a proposed agreement.

Planning agreements can assist in maximising development on a site, control the location of facilities such as new roads, and communal parking areas, provide more useable open space (by upgrading and maintaining existing space and/or co-ordinating a structured provision of new space, rather than leaving fragmented, inaccessible and often unusable spaces), and provide for streetscape improvements.

Such agreements may include measures for implementing:

- Environmental improvements to town centres;
- Contributions to new roads and village bypasses;
- Improvements to public transport (and the proposed LRT);
- Traffic management measures including for bus priority;
- Measures to improve the environment, including works to secure the laying out, enhancement and maintenance of walkways and cycleways;

Importantly, planning agreements must be relevant to the needs and impacts generated by the particular development and prospective occupiers, be clear what the contributions are for, identify other complementary Government budgetary commitments, indicate a time frame for implementation. They may incorporate for example phased payment of contributions reflecting phased occupation of development and subsequent release of available funds, outline how contributions are calculated, be publicly available for inspection and include monitoring mechanisms to provide transparent and open checking procedures during implementation;

The process through which the objectives of planning agreements' mechanisms should be attained, however, needs to be transparent, equitable, effective and efficient. Clearly, if this is not the case, the system could be open to abuse not only on the part of the developer but also on the part of the overseeing authority and its officers. Hence, it is necessary to formulate clear policies and planning guidance within Local Plans and Action Area Plans and where appropriate establish an explicit tariff or scale-based approach for developer contributions which would be incorporated in the agreement, and which would be identified through site Development Briefs and other planning guidance.

It should be clear that the levels of assessment and apportionment of such contributions have to be worked out with a view to reaching a balance between the developers' and the community's benefits. Such obligations/ agreements can only be decided however on the basis of planned development objectives and requirements, and they also need to be related to certain standards of economic/social provisions (e.g x% of land in a Tourism Zone to be devoted to open spaces, y% of land to be reserved for low-income housing). Where money is contributed by developers, a fundamental principle that needs to be strictly established is that all monies received should be properly accounted for and audited.

19.4.4

Other Possible Funding Mechanisms

In addition to the above, other specific contribution-type mechanisms could include a Rural Regeneration Fund, which could contribute towards the public components of rural growth cluster development in Rural Regeneration Zones and to sustain rural economic development in general. Such funds would be additional to those already available through MEDIA and SMIDO to establish advance factories for industries and SMEs. Contributions to such a fund could be made by developers whose lands would be exempted from the Land Conversion Tax or would be enhanced in value as a result of inclusion in Action Area Plans to a use yielding higher returns. In lieu of such contributions, developers could alternatively be required to provide some of the planned public projects (e.g. part of a bypass, a recreational area, etc) within an Action Area Plan/growth Zone.

Similarly in the Urban Renaissance Zones, a betterment or added-value levy could be raised where public and private lands are assembled for mixed or specific use developments. The enhancement in value of private lands could constitute a fund from which traffic management and environmental improvement projects could be financed and land for community projects could be secured.

The SPIU working with the sectoral groups and other relevant agencies needs to examine these possible mechanisms with a view to co-ordinating and harmonising them with other existing public fund-raising mechanisms. The ultimate objective should be to harness private sector resources for public provision of land use facilities and amenities, including some infrastructure services, consistent with the National Development Strategy and Local Plans.

19.5

Planning Policy Guidance and Development Briefing

Within revised and updated Planning Policy Guidance on Design Quality (PPG) and proposed Action Area Plans development briefing should be provided for key development sites. Briefs are particularly useful for complex sites which are affected by a number of different planning policies or where there are conflicts over use and expectations by other government agencies. Such briefs can clarify policy expectations, stimulate developer interest by identifying measures to overcome development constraints and provide specific guidance on making best use of a site given its location and surroundings.

Briefs typically prioritise key elements of the site, identify opportunities and constraints, ensure performance criteria specified are relevant to the key issues, give an indication of uses considered appropriate. Such documents can remove some of the uncertainty and risks for potential developers by clearly indicating Government support for certain forms of development. They improve the efficiency of the planning and development process by reducing uncertainty and improve the quality of the development by interpreting planning and wider Government policy.

The process of development briefing can be both public sector (e.g. RLPU/SPIU) and private sector driven. Essentially, they include early site survey and analysis, informal discussions and the formulation of a development rationale that includes such things as site analysis, development principles of proposals and how they relate to the objectives of the new National Development Strategy, Local Plans and other planning guidance.

19.6

Negotiations, Consultations and Participation

Negotiation is another important technique – particularly early informal negotiation, on the acceptable compromises, priorities, strategic and specific local aims or “boundaries” to the eventual outcomes. It is anticipated that SPIU (SPU and RLPU) can become actively involved in this process at pre-application stage.

Finally consultation and participation – with key stakeholders (private, public, NGO and representative community groups) is essential to discuss and resolve issues and monitor results thus trying to gain consensus towards a win–win situation.

Such activities are seen as a pro-active way in which Government through the SPIU/RLPU can positively influence development in key growth zones, action areas and other pressure/conservation areas.

Overall, the appropriate process/mechanisms with the necessary legal back-up need to be established and properly managed both at central and local government levels for the operations involved to succeed.

APPENDIX 1

Appendix 1

Definition of State Significant Development

In order to make optimum use of available resources at central and local Government levels, and in so doing make the planning service more efficient and effective, it has been recommended that major/strategic projects having national or cross-boundary significance should be processed at central Government level, whilst those applications which have a local level focus within an authority would be properly handled at the local council level.

Schedule 2 of the Planning and Development Act lists State Significant developments and is reproduced below.

SECOND SCHEDULE

(Section 24)

State Significant Development

The following developments or class of developments are for the purpose of this Act known as state-significant development.

1. Block making plant manufacturing above 10,000 blocks per day.
2. Brewery or Distillery producing alcohol or alcoholic products that have an intended production capacity of more than 30 tonnes per day or 10,000 tonnes per year.
3. Bulk processing, storage and handling of petroleum, petroleum products, liquid gas, coal and petro-chemical products.
4. Hospital.
5. Aircraft facilities (including terminals, buildings for the parking, servicing or maintenance of aircraft, installations or movement areas) for the landing, taking-off or parking of aeroplanes, seaplanes or helicopters.
6. Conversion of forest land to another land use.
7. Desalination plant.

8. Development, production, release, use, marketing and application of Genetically Modified Organisms.
9. Fishing port.
10. Golf Course.
11. Harbour dredging operation, construction and development.
12. Highway and mass transit system.
13. Lagoon dredging and re-profiling of sea beds including creation of bathing areas.
14. Hotel development including integrated tourist resorts.
15. Petroleum refinery.
16. Power station.
17. Rock quarrying.
18. Sewage treatment plant.
19. Shipyard and dry dock.
20. Sugar factory or refinery.
21. Undersea walk.
22. Waste disposal facility
23. Wine industry.
24. Hazardous and offensive industry.
25. Aquaculture being the commercial breeding, hatching, rearing or cultivation of marine, estuarine or fresh water organisms, including aquatic plants or animals such as fin fish, crustaceans, molluscs or other aquatic invertebrates.
26. Ceramic or glass industries (being industries that manufacture bricks, tiles, pipes, pottery, ceramics, refractories or glass by means of a firing process) that have an intended production capacity of more than 150 tonnes per day or 30,000 tonnes per year.

27. Commercial or retail developments comprising more than 4,000 square metres of gross floor space.
28. Education facilities being a university, technical college, secondary school or primary school but not involving minor alterations or additions to the education facilities.
29. Industrial parks involving the development of 10,000 square metres of land or more by way of division of land, erection of buildings or the provision of infrastructure for future development and occupations or the development of more than 4,000 square metres of gross industrial floor space.
30. Morcellement that involves the division of more than 3 hectares of land.
31. Wharves or wharf-side facilities at which cargo is loaded onto vessels, or unloaded from vessels, or temporarily stored.
32. Marinas or other related land or water shoreline facilities that moor, park or store vessels (excluding rowing boats, dinghies or other small craft) at fixed or floating berths, at freestanding moorings, alongside jetties or pontoons, within dry storage stacks or on cradles on hardstand areas.
33. Placement, storage or landfill of hazardous or offensive waste material.

Appendix 2

Approach to Strategic Environmental Appraisal (SEA)

Background

According to the Environment Protection Act (EPA) 2002 (Section 15(2) Part C) the National Physical Development Plan should be subject to Strategic Environment Impact Assessment (SEIA). However, the NPDP was commissioned and completed several years before the EPA 2002 was proclaimed. Furthermore, Part IV Section 28 (Exemption) Subsection (1) provides for exempt undertakings by a public department where these are in the national interest as for the economic development of Mauritius.

In this connection, it is to be noted that relevant approval bodies for both the National Development Strategy (and the revised Local Plans) include representatives of the Ministry of Environment who would thus have the opportunity to comment on those documents from their own environmental perspectives.

Proposed approach to SEA for the National Development Strategy

Notwithstanding the above, as proposed in Appendix B of the Description of Services of the NPDP Review assignments, a Strategic Environmental Appraisal consistent with international norms and standards has been submitted to the Ministry responsible for Housing and Lands as Executing Agency and the Ministry of Environment, as an input to the National Development Strategy preparation process to ensure that it promotes the philosophy of environmentally sustainable development.

Given this approach, the SEA is seen as an integral component in the preparation and refinement of the National Development Strategy, as in the intent of strategic environmental appraisal, rather than a stand alone exercise carried out at the end of the project.

It is recommended however that a critical analysis of the EPA Act 2002 needs to be undertaken to iron out, reconcile and harmonise the scope of SEIA and SEA with regard to responsibilities and functions of the Ministry responsible for Environment and the Ministry responsible for Planning. The ultimate aim should be to facilitate sound and sustainable development.