

CBA series  
#4

# Developing Environmental Policies



## What is biodiversity?

**Biodiversity** refers to the wide variety of plant and animal species in their natural environment. It not only refers to species (plants, animals and micro-organisms), but also to ecosystems, landscapes, and the ecological and evolutionary processes that allow biodiversity to persist over time. It includes the diversity within species, between species, and of ecosystems.

## Why is biodiversity important in planning?

Biodiversity is constantly changing & threatened by changing land uses that try to accommodate increasing population, expanding industries and agriculture and climate change. **By providing information of where our ecosystem goods and services are located and by understanding the pressures and threats to ecosystems, policy makers, decision makers and practitioners from a range of sectors can be more informed in policy drafting and implementation of development projects that are cognisant of critical biodiversity areas.**

## What is a critical biodiversity area?

These are terrestrial (land) and aquatic (water) features (e.g. vleis, rivers and estuaries) in the landscape that are critical for conserving biodiversity and maintaining ecosystem functioning in the long term (which is particularly important in the face of climate change).

## What is a critical biodiversity areas map?

A fine-scale systematic biodiversity plan that delineates on a map Critical Biodiversity Areas and Ecological Support Areas which require safeguarding to ensure the continued existence of biodiversity, its ecological processes (e.g. animal migration, pollination) and its ecosystem services e.g. water supply. The map also delineates formal Protected Areas, Other Natural Areas and No Natural Remaining. The broad objective of the **CBA Map** is to ensure appropriate land use planning for sustainable development, to reduce cumulative impacts on biodiversity and to promote integrated management of natural resources. The CBA map is developed together with **land management and land use guidelines** that are applicable to the different CBA categories.

## Critical Biodiversity Areas categories

A CBA Map is a systematic biodiversity plan produced at a scale of 1:50000 that delineates on a map **Protected Areas, Critical Biodiversity Areas, Ecological Support Areas, Other Natural Areas** and No Natural Remaining. Protected Areas, Critical Biodiversity Areas and Ecological Support Areas are referred to as the **biodiversity priority areas** and are **sub-divided into categories using a systematic biodiversity plan**.

**Critical Biodiversity Areas 1 & 2** are irreplaceable areas which includes Threatened species, threatened ecosystems that need to be kept in their natural or near natural state.

**Ecological Support Areas 1 & 2 (ESAs)** are supporting zones (ecological) or areas required to prevent degradation of Critical Biodiversity Areas and formal Protected Areas, usually located adjacent to or which link CBA and/or Protected Areas. Some of these areas may already be transformed or degraded, but they still support ecological processes.

## Land management guidelines

**Land management guidelines** for a parcel of land or aquatic ecosystem refers to the ecological state or condition in which it should be maintained or managed. In broad terms, the biodiversity priority areas (PA, CBA and ESA) need to be managed in a healthy and functioning condition while the heavily impacted or modified areas can be further developed.

**The land use guidelines** are informed by the land management objective for each category on the CBA Map as well as the relative impact of a land use activity on biodiversity.

The biodiversity sector plan can be consulted for more information on the integration of biodiversity into spatial planning. The following section only provides information specific to the development of environmental policy

The municipality can develop environmental policies & by-laws to protect CBAs and ESAs. This process could include:

1

### Policies and by-laws in terms of the Spatial Planning and Land Use Management Act (16 of 2013):

Municipalities can develop policies or by-laws concerning spatial planning, land development and land use; and for enforcing its land use scheme.

*Therefore the CBA Map and land use guidelines can be incorporated into these policies.*

2

### Financial measures in terms of the Municipal Property Rates Act (6 of 2004):

Opportunities to promote the protection of biodiversity are presented by the Municipal Property Rates Act (6 of 2004). The council of a municipality must adopt a policy on the levying of rates on rateable property (Chapter 2, Section 3). In the case of private land that includes CBA and ESA, municipalities can encourage the management of biodiversity by applying the following:

- **Rates Exemption:** this may be applied on land where there is a conservation management plan, a contractual agreement and title deed restrictions (i.e. not a formal Protected Area in terms of NEMPAA, which is subject to 'rates exclusions'). *Section 17 (1) (e) of the Municipal Property Rates Act states that special nature reserves, national parks and nature reserves are excluded from paying property rates. This exclusion applies only to those portions of the land that are not used for commercial, business, agricultural or residential purposes.*
- **Rates Rebate:** where there is a conservation management plan, the rebate agreement is short-term (e.g. 5 years) and is at least on a par with the agricultural rebate extended to landowners in some areas.



- **Rates Re-evaluation:** where the valuation system reflects a reduction in property value (for rates purposes) if the land is managed for conservation. The municipality can approach a landowner with a proposal of environmental servitude and re-evaluation. If the landowner agrees, a notarial deed is drawn up, and upon signature, the municipality can revalue the land.
- **Not reducing land value** (and therefore rates) where land is infested with invasive alien species **nor increasing rates** where land contains CBA and ESA.

**In the case of rateable property, municipalities can encourage environmental management by applying:**

- **Environmental Management Levy:** Levying charges to rate payers based on a sliding scale that is directly linked to specific environmental management objectives.

The rates by-law can therefore promote the economic, efficient and effective use of resources, waste management, including other environmental objectives for sustainable development. It can thus contribute to services, projects or programmes related to safeguarding the environment, such as clearing invasive alien plants (promoting water security), managing wastewater pollution (complying with green drop), urban greening, water conservation, recycling (see below) etc.

The DEA has developed guidelines to assist municipalities to include a solid waste tariffs policy as part of the municipal tariff policy and by-laws. Refer to <http://sawic.environment.gov.za/> and <http://sawic.environment.gov.za/documents/1350.pdf>.

*Municipalities are therefore encouraged to implement rates policies that support environmental management activities, and which can contribute to job creation.*

*CBA and ESA can be used to inform biodiversity rates exemptions, rebates and re-evaluations, including the valuation of land. They should be accurately delineated by landowners, municipalities and/or LEDET (with specialist input), to prevent indiscriminate applications for rebates or exemptions*

# 3

## Fiscal incentives - Income Tax Act (58 of 1962)

The Income Tax Act also allows for further opportunities to promote the protection of biodiversity in the municipality.

To provide for tax incentives, the Revenue Laws Amendment Act (60 of 2008) introduced section 37C into the Income Tax Act, with effect from 8 January 2009. This was unsuccessful, and resulted in the introduction of section 37D, effective as of 1 March 2015.

Section 37C of the Income Tax Act now deals primarily with Protected Environments and Biodiversity Management Agreements in conjunction with Nature Reserves and National Parks.

Section 37D of the Income Tax Act gives a tax deduction to landowners of proclaimed nature reserves or a National Park. The landowner of a nature reserve or National Park can deduct 4% of the value of the declared land from their taxable income each year for 25 years.

***Refer to the SANBI Biodiversity Advisor site for more information:***

*<http://biodiversityadvisor.sanbi.org/industry-and-conservation/biodiversity-stewardship/tax-incentives>*

### **An Environmental Management Plan for municipal-owned land**

The management of natural resources is a cross-cutting exercise, requiring the collaboration of a range of agencies and departments (e.g. LEDET, SANParks, DWS etc.) These agencies should provide assistance to municipalities in developing management plans for all municipal-owned land that include CBA and ESA. In addition, projects with biodiversity benefits (e.g. invasive alien plant clearing, eco-tourism, sustainable medicinal harvesting) can be identified and implemented as part of IDP and LED processes



# award

The Association for Water and Rural Development

AWARD is a non-profit organisation specialising in participatory, research-based project implementation. Their work addresses issues of sustainability, inequity and poverty by building natural-resource management competence and supporting sustainable livelihoods. One of their current projects, supported by USAID, focuses on the Olifants River and the way in which people living in South Africa and Mozambique depend on the Olifants and its contributing waterways. It aims to improve water security and resource management in support of the healthy ecosystems to sustain livelihoods and resilient economic development in the catchment.

P O Box 1919, Hoedspruit 1380, Limpopo, South Africa

T 015-793 0503 W [award.org.za](http://award.org.za)

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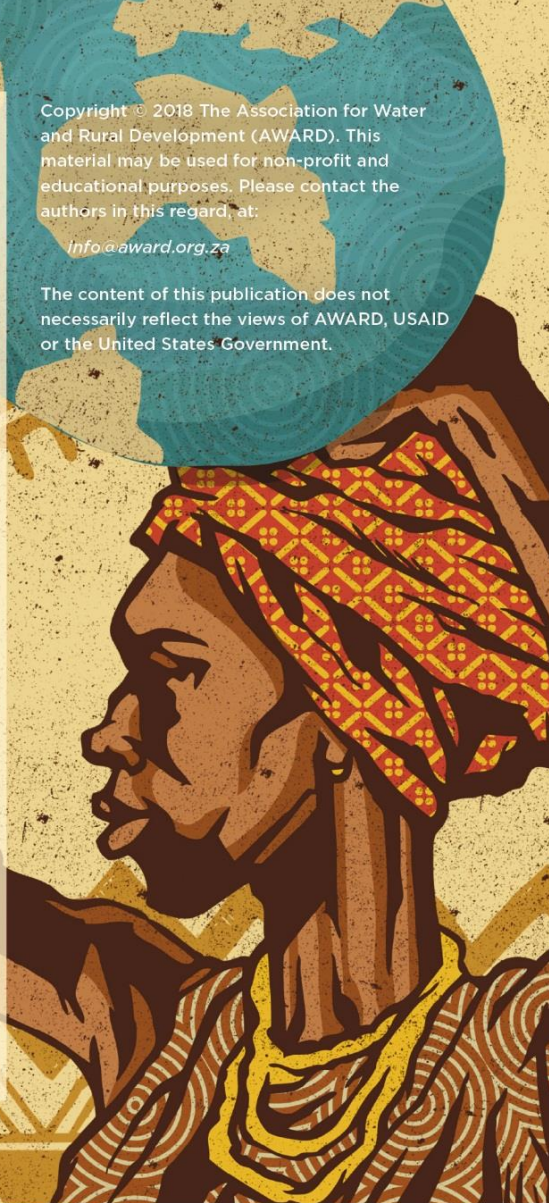
## About USAID: RESILIM-O

USAID: RESILIM-O focuses on the Olifants River Basin and the way in which people living in South Africa and Mozambique depend on the Olifants and its contributing waterways. It aims to improve water security and resource management in support of the healthy ecosystems that support livelihoods and resilient economic development in the catchment. The 5-year programme, involving the South African and Mozambican portions of the Olifants catchment, is being implemented by the Association for Water and Rural Development (AWARD) and is funded by USAID Southern Africa.

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[info@award.org.za](mailto:info@award.org.za)

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