



## THE ENVIRONMENT PLACE IN MOROCCAN URBAN PLANNING

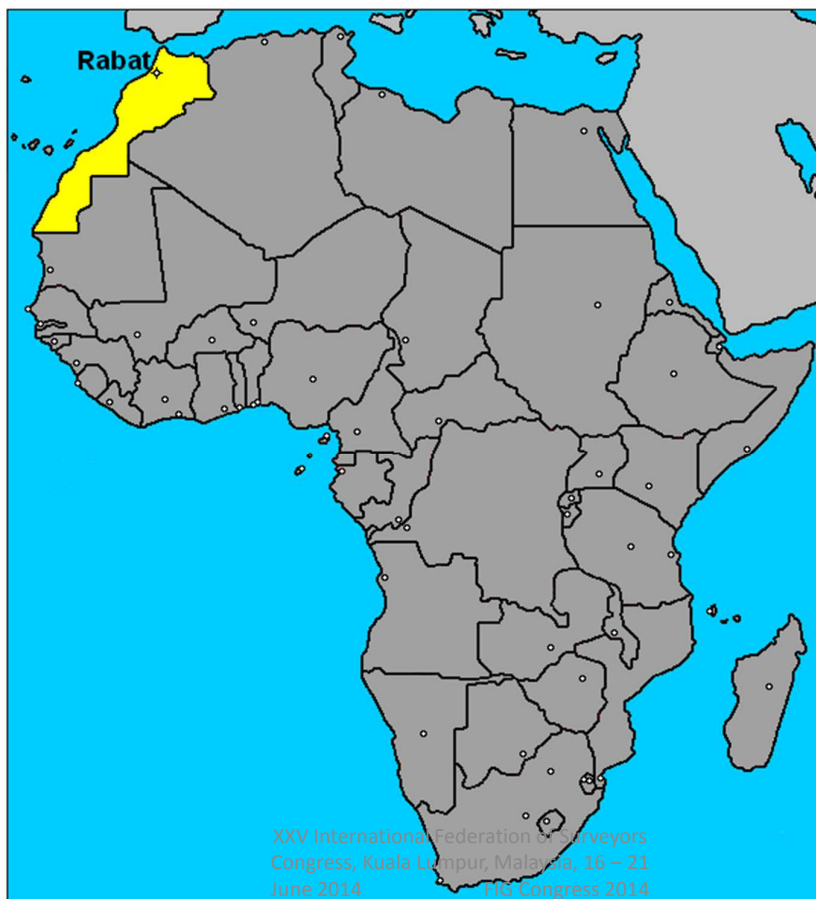
HASSAN CHTOUKI, MOROCCO

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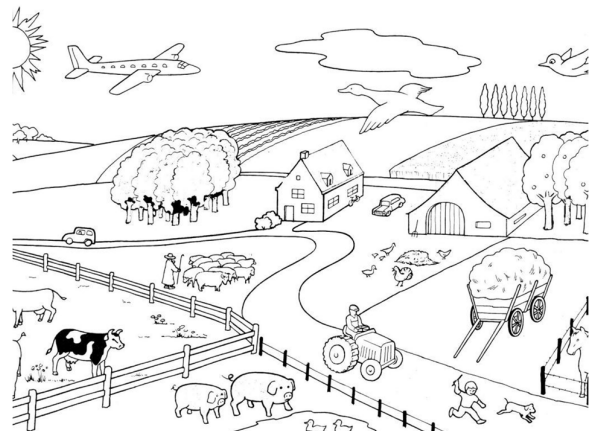
# PLAN

- 1 Introduction
- 2 Legal framework for the protection of the environment
- 3 Environment place in the urban planning law
- 4 Environmental dimension facing the reality constraints

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## INTRODUCTION

- The environment is the set of natural and human settlements as well as economic, social and cultural factors favoring the existence and development of living organisms and human activities
- Environmental protection awareness came up in the late 19th century
- Today, having access to a healthy environment has become a constitutional right
- Population growth and the rampant urban sprawl have exacerbated the factors of imbalance and regression
- Territorial collectivities are responsible for the rationalization of the city's land use and urban development



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# INTRODUCTION

- ❑ Urban planning helps to guide the dynamic expansion of human settlements and organizes them in a coherent way in order to ensure a healthy and decent life to human settlements.
- ❑ Regulatory and prospective planning documents are considered as a mechanisms of the urban planning and a production tool of coherent urban landscape

The need to reconcile the requirements of the human settlements creation design and the preservation of the environment.

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# LEGAL FRAMEWORK FOR THE PROTECTION OF THE ENVIRONMENT

- ❑ A rich legal framework (laws, decrees, decisions and circular letters)
- ❑ The supremacy of international treaties and conventions duly ratified over internal law
- ❑ The treaties ratification can involve a constitutional revision



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## LEGAL FRAMEWORK FOR THE PROTECTION OF THE ENVIRONMENT

### 1- Law No. 11-03 on the protection and enhancement of the environment

The general principles of this law consist of :

- Consideration of the protection and enhancement of the environment in any policy of socio -economic development,
- The declaration that environmental protection is in public interest and is a collective responsibility,
- Establishing a balance between the requirements of socio -economic development and those of environmental protection,
- The implementation of the polluter pays principle.

This law has introduced new provisions related to urban management :

- Projects refusal or their compliance to special requirements if there is a risk for the environment and health of people.
- Accomplishment of environmental impact assessment (some projects)



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## LEGAL FRAMEWORK FOR THE PROTECTION OF THE ENVIRONMENT

- it is imperative that the planning documents reflect the requirements of environmental protection, including respect for natural spaces and cultural and architectural specificities in determining areas of economic activity, housing and entertainment

### 2-Law No. 12-03 on environmental impact assessment

Defined the list of projects subject to the environmental impact assessment, its content and its approval process

### 3-Law No. 13-03 about the fight against air pollution

Introduced new provisions related to urban planning:

“are taken into consideration during the preparation of documents of planning and Urban Development, the requirements of the protection against air pollution, particularly in determining areas for industrial activities and areas of building construction that may be a source of air pollution” - art.5

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## ENVIRONMENT PLACE IN THE URBAN PLANNING LAW

### On the level of the operational planning tools

Scattered provisions (examples)

- Project equipment works must :
  - maintain the existing plantation as an easement



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## ENVIRONMENT PLACE IN THE URBAN PLANNING LAW

### On the level of the operational planning tools

Scattered provisions (examples)

- Project equipment works must :
  - project green spaces



- The Green space thresholds must respect *the normative grid of equipment*
- Social housing programs : planting a number of trees equal to the number of built flats with a minimum height of 3 m and commit to maintain them for a period of one year after the project's provisional acceptance.

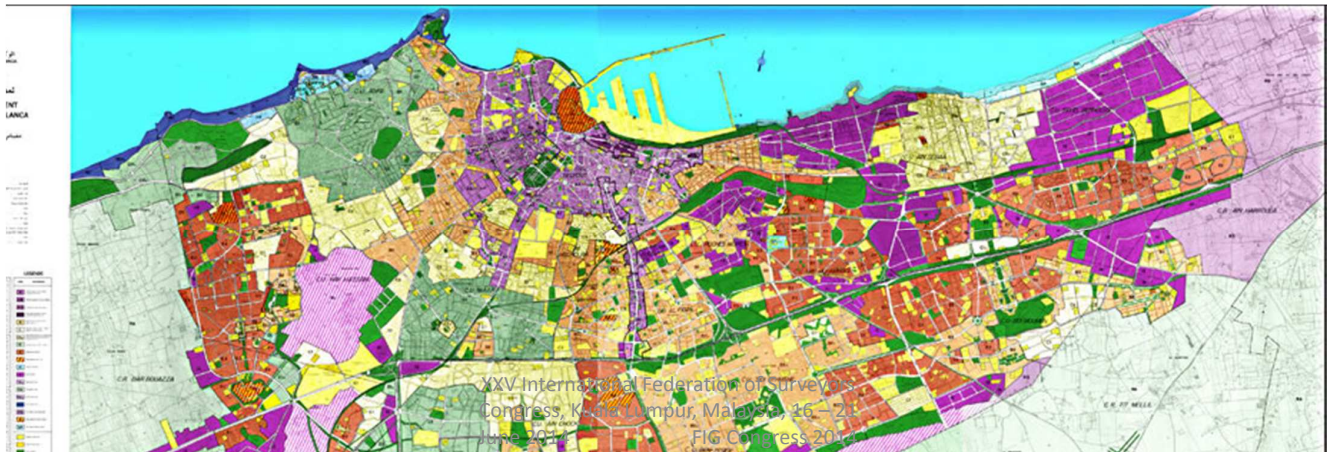
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## ENVIRONMENT PLACE IN THE URBAN PLANNING LAW

### *On the level of prospective planning documents*

#### The urban master plan:

- has a prospective horizon of 25 years ;
- determines new areas for urbanization;
- locate agricultural, forestry and industrial areas, the spaces with easements for the protection of water resources, natural, historic, or archaeological sites to protect and/or to enhance and main green spaces to create, protect and/or to enhance and the definition of the principles of sanitation and the main points of discharge of waste water and places to serve as a depot for garbage



## ENVIRONMENT PLACE IN THE URBAN PLANNING LAW

### *On the level of prospective planning documents*

#### Weaknesses:

- No environmental report is attached to studies and researches carried out for the preparation of the master plan draft ;
- the lack of accurate data about the real environmental situation ;
- and the plans failure to propose practical solutions to overcome the encountered difficulties.

#### Results :

the master plan of Casablanca has programmed most industrial sites in the suburbs and city marginal areas at the expense of rich agricultural land;

It also did not succeed in exploring environmental solutions to the problem of urban transport and public dumps;



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### Results :

the master plan of Casablanca has programmed most industrial sites in the suburbs and city marginal areas at the expense of rich agricultural land;

It also did not succeed in exploring environmental solutions to the problem of urban transport and public dumps;

It has wasted a lot of agricultural land.



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# ENVIRONMENT PLACE IN THE URBAN PLANNING LAW

## On the level of urban planning regulatory documents

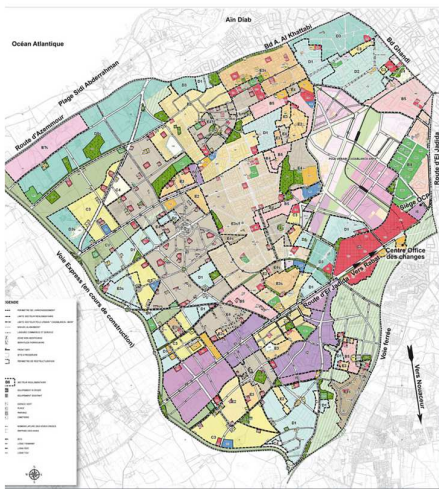
These documents are based on dividing space following determined functions in order to ensure the best distribution of the surface on the various aspects of use and to control the movement of urban growth;

### Some objectives of these documents :

- The creation of forested area, the limits of public green space, the preservation of neighborhoods, monuments and historical or archeological sites, natural areas, such as public or private green areas to be protected or to highlight their value for aesthetic or historical or cultural purposes.

### weaknesses:

- The absence of a binding framework for the protection of the environment and the priority of the situation diagnosis at the expense of solutions and proposals;
- The situation diagnosis doesn't provide a report that explain expected impacts on the space from an environmental point of view.



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## ENVIRONMENTAL DIMENSION IN THE URBAN PLANNING FACING THE REALITY CONSTRAINTS

### *Socio - economics constraints*

- The priority is given to the social and economic aspects, as well as to remedy the shortage of public infrastructures in the city development process at the expense of preserving the environment and improving the quality of life framework;
- The absence of incentive mechanisms interesting the environment respect in the process of development and production of wealth;
- The environmental information is not available enough and lacks often to updating

The environmental degradation costs to Morocco more than 20 billion dirhams per year ( 8.2% of GDP).



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## ENVIRONMENTAL DIMENSION IN THE URBAN PLANNING FACING THE REALITY CONSTRAINTS

### Legal constrains

--- The insufficiency of the regulatory provisions in force that do not constitute a legal framework for the enhancement and promotion of the environment.

---The urbanism derogation generated :

- The erosion of land supporting green and open spaces by the realization, in their place, of cemented buildings.  
*((In Casablanca the average of green areas = 1m<sup>2</sup>/capita while the international average is 20 m<sup>2</sup>/capita))*
- Interference of the habitat and industry areas without real separation;
- Spatial discontinuities and disruption of the normal planning process of some cities

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## ENVIRONMENTAL DIMENSION IN THE URBAN PLANNING FACING THE REALITY CONSTRAINTS

### Legal constrains

---The absence of a juridical referential managing the coast urbanization:

-erosion of the seafront and the privatization of a space belonging to the national heritage.

-irregular authorizations did not fail to produce scenes tailored by landowners to add to various pollutions due to the unavailability of liquid and solid sanitation systems( in the rural areas).



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## ENVIRONMENTAL DIMENSION IN THE URBAN PLANNING FACING THE REALITY CONSTRAINTS

### Recommendations :

To develop an enforceable juridical referential fixing the minimum rates of green spaces for any development project;



To except green spaces programmed in the urbanistic documents from the end of public utility declaration limited to ten years in order to keep them valid unless there is an amendment to the urbanistic document as long as the justification for this proposal comes from the fact that the bulk of greenery does not succeed for several considerations and return after that to land owners who dispose of their land and transform green space programmed to bunch Cement

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## ENVIRONMENTAL DIMENSION IN THE URBAN PLANNING FACING THE REALITY CONSTRAINTS

### Recommendations :

To develop a law of coastline including technical and legal measures for its enhancement and its rational management with natural reserves, reforestation, parks and mild forms of accommodation

To take legislative and regulatory measures for the integrated and sustainable management of the coast that determine mechanisms and means of protection of marine spaces and resources and including the modalities for the preparation of schemes and the coastal plans of development and operating.



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