

Integrating Environmental Considerations into the Planning and Building Law

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ABSTRACT

The article presents how environmental considerations were integrated into the Planning and Building Law in Israel. Concern for the environment, as understood today, began in Israel in the 1970s in parallel to increasing awareness related to environmental health (Kanowitz Law) and to the inception of the Environmental Protection Service (EPS) in 1973. Environmental Impact Assessment was given legal status in regulations under the Law in 1982, and changes to the law, particularly during the 1990s and 2000s, introduced environmental requirements, both in the procedures of decision making and in the content to be considered.

The environmental agenda evolved from professional concern, international involvement, and public awareness. The planning profession was willing to take them on board, and their integration into the planning system was accelerated under the leadership of Haim Kubersky when he requested that the EPS be moved from the Prime Minister's Office to the Ministry of Interior. Their transformation into legal rights, roles, and requirements followed. Initial environmental impact assessments had demonstrated their contribution to informed discussions on major infrastructure projects such as selecting a site for a new power station.

Environmental advisors to national and regional planning committees were appointed in the 1970s; but their legal status was only assigned in 1988 at the national level and in 1995 at the regional level. Leading environmental considerations were integrated into national and regional masterplans since the 1970s without any legal amendment.

The availability of environmental information proved very helpful in planning how to cope with the wave of immigration in the 1990s, but the urgent need for improving national infrastructures evoked conflicts between thorough review of potentially adverse impacts and the urgency for the implementation of projects. Time constraints on environmental assessment imposed by the National Infrastructures Committee (created in 2002) reframed environmental considerations from being seen as a positive contribution to better decision making to being obstacles to obtaining speedy permissions.

In summary, the article discusses the question of the roles of the Planning and Building Law today, and the extent to which it addresses environmental issues and planning for a sustainable future. The conclusions that emerge are that despite the great progress made on environmental matters since the first decades of the state, significant environmental issues still remain that are not yet integrated into the Planning and Building Law in its current format.

Keywords: Environmental considerations in the planning law, Environmental Protection Service, Environmental Impact Statement, Law for the protection of the coastal environment

ENGLISH ABSTRACTS

SPECIAL SECTION: The Planning and Building Law 1965 after 60 years

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