

1933

3234

CO 533/437

KENYA

1933

3234

Nairobi Town Planning.

Previous

17345/31

Subsequent

38305/37

Ray 294 296

Room 309 47

Mr. Parkin 417

Mr. D. Wilson 417

Mr. B. 203 187

Mr. T. 297

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Governor Byrne 344 _____ 5 June 33

Submits a report of the present position of the Nairobi Town Planning Scheme & seeks covering sanction of amount made with the Municipal Council for the operation of the development plan.

Kenya have really been very naughty. The original proposal, as embodied in 10295/27, was for the expenditure of £3000 to be incurred by the Nairobi Town Planning Authority in preparing its scheme. This sum was to be recoverable later from loan funds. Mr. Amery approved the proposal, but said that it must not be taken as implying approval of any loan for town planning.

The next move in the situation was a request in March, 1929 - 15675/29 - for a further advance of £3000 for town planning on the ground that the scheme of the central portion of the town had been prepared and published but that much work remained to be done in the preparation of plans covering the remaining area. Approval was given to this additional expenditure but Sir C. Bottomley expressed the fear that we were sliding into a big loan item which had, so far, not appeared anywhere.

Now we get this. It appears that the scheme, as originally produced and published, did not comply with ~~the~~ various provisions of the Town Planning Ordinance and therefore could not be accepted as a statutory scheme. In order to avoid reference to the Secretary of State or redrafting they proposed to go ahead with it as a non-statutory scheme and the Municipal Council agreed to carry on on those lines. The idea apparently was that, ~~when~~ Crown land up to the

total

total value of £20,000 was to be provided and that the Town Planning Authority should be at liberty to sell or otherwise dispose of any bit of plots left over after the town planning scheme had been carried through. This, I may say in passing, is quite a reasonable provision, since it by no means follows that the boundaries of plots will coincide with street boundaries or boundaries of building blocks as laid out when the town planning scheme has been prepared, and it is quite likely that the Town Planning Authority would find itself with a lot of odd bits of land, and if it could dispose of them in a satisfactory way so much the better. The sale helps to provide funds which can be used in the town planning scheme.

It now appears, however, that Government has advanced £6,320, and is now required to assist in the scheme by providing Crown land up to a total of £43,076. The Town Planning Authority, i.e. the Municipal Council, will assume liability for £26,000, and the arrangement has been carried through without reference to the Secretary of State whose covering sanction is now invited.

It is, of course, proper for the reasons set out in paragraph 6 for Government to assist in the execution of a town planning scheme in its Capital, especially when the original lay out was largely due to Government. But it really is a bit thick not to inform the Secretary of State in advance of what was happening. Even yet we are somewhat in the dark as to what areas will be affected and what the expected result

will

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will be, but, although such information is interesting, it is not necessary, and I would not propose to call for it. I therefore think that all that can be done is to give the requisite covering sanction for the arrangement and express regret that the Secretary of State was not ^{at the position at an earlier stage} previously informed [and at the same time reiterate ^{the} a warning against putting it into a schedule of loan works without prior reference to the Secretary of State.]

J. E. G. Hood
4.7.33

Sir S. Wilson

Covering sanction is asked for
or it is in effect impossible
to withhold it

? as proposed by Mr Hood.

acef

4.7.33

As proposed.

J.H.B.

above

14.7.33

2 To Gov. 542 (1 unred) 21 JUL 1933

C. O.

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Mr. Crossmith

18/7/33.

Mr. ~~Frederick~~

19/7

Mr. Parkinson.

Mr. Tomlinson.

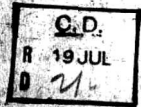
Sir C. Bottomley.

Sir J. Shuckburgh.

Parlt. U.S. of S.

Parly. U.S. of S.

Secretary of State.



21 July, 1933.

~~S&P~~

Sir,

DRAFT. DESPATCH.

I have etc. to ack. the

KENYA.

NO. 542

O. A. G.

receipt of Sir Joseph Byrne's despatch No.344 of the 5th of June and to convey to you my covering sanction of the arrangement reported in para.5 of the despatch for carrying into effect the Nairobi Town Planning Scheme.

2. I have, however, to express regret that I was not informed ~~as~~ to the position in this matter at some earlier stage of the negotiations with the Municipal Council.

I have, etc.,

(Sgd.) P. CUNLIFFE-LISTER.



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GOVERNMENT HOUSE,
NAIROBI,
KENYA

KENYA.

NO. 344.

5th June, 1933.

Sir,

I have the honour to refer to Sir Jacob Barth's despatch No. 146 of the 14th March, 1929, and to Mr. Amery's telegraphic reply of the 16th April, 1929, on the subject of Nairobi Town Planning, and to submit a report of the present position.

2. As stated in the despatch under reference, the Nairobi Area Town Planning Authority published a notice in October, 1928, intimating that it had prepared a scheme, which was exhibited for inspection and objection, in respect of the commercial area of the Township. All objections from members of the public were satisfactorily dealt with, and the Authority then proceeded with the work of surveying the scheme on the land, preparing estimates of costs and, where early settlement was desirable, negotiating bargains by way of exchange of land with property owners, with a view to the submission of the scheme to Government for approval under the Town Planning Ordinance (Cap. 85) since repealed.

3. My predecessor, on the advice of Executive Council, had approved, in principle, of these exchange negotiations and had agreed to assist (a) by the provision of Crown land up to a total value of £20,000 and (b) by permitting the utilisation by the Authority
of

THE RIGHT HONOURABLE,
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.

Amery (2)

No 1
15675/29
No 2
15675/29

of any portions of land set at liberty for sale by re-planning or remnants of plots acquired under the scheme and left over after town planning purposes had been met to a further total value of £20,000.

4. When the scheme was ready for submission it transpired that as it did not comply with certain provisions (notably Section 18) of the Town Planning Ordinance (Cap.85), it could not be accepted as a statutory scheme. Since compliance with the provisions of the Ordinance was impracticable, it was decided by the Authority to seek Government's approval of the proposals as a non-statutory development plan to be carried out by voluntary agreements with lessees. The Municipal Council itself subsequently accepted appointment as the Town Planning Authority and agreed to operate on the development plan and make no change of major importance without consulting Government. So far as Crown land was concerned Government saw no objection to the plan.

5. The Municipal Council, in due course, submitted its financial proposals for carrying the scheme into effect and protracted discussions with Government took place which resulted in an agreement that the Council would accept all liabilities for the cost of executing the plan subject to Crown land to the total value of £43,000 being placed at its disposal. The financial liability which the Council itself assumes is estimated at over £26,000. A detailed statement of the position is attached as an appendix to this despatch and I should state that, in regard to the repayment of the advance of £6520 which had been made by Government, it was specially agreed that this repayment was subject to the proviso that one half of this sum be a first charge against the sale of land referred to in categories (a) and (b) of

paragraph

paragraph 3 above and that as to the other half, Government would not press for repayment until the 30th September, 1937, when the matter would be reviewed in the light of expenditure incurred on town planning in Nairobi and the benefits received, but that if the estimated cost of the scheme had been exceeded Government would not demand the repayment of the second half.

6. The grounds on which assistance from Government in the execution of the Nairobi Town Planning proposals was asked were:-

- (1) The inauguration of Town Planning work in Nairobi was at the instance of Government who appointed a Town Planning Authority which was representative of interests other than municipal, and the Development Plan now adopted was produced by this Authority. It is true that the work of preparation was largely carried out by the Municipal Engineering staff, but the Council as a body was not responsible for its details.
- (2) The re-planning of the Duke Street area was necessitated by the unsatisfactory layout of the plots at the time of their alienation by the Government, and by the still worse schemes of subdivision to which Government approval had in past years been given.
- (3) The Nairobi Town Planning Authority of which several members of the Municipal Council were members, in its Explanatory Memorandum submitted to Government in January 1929, proposed the financing of Town Planning operations by the sale of Crown lands or by raising a loan on the security of such lands.
In the later stages of its work the Authority has consistently proceeded on the assumption that the Crown land endowment was to be the source of financing its schemes.
- (4) Government has a special obligation to assist in the proper development of Nairobi by reason of the fact that it is the capital city of the Colony.

7. These proposals were considered by my advisers to be a satisfactory settlement of a difficult problem, and, after consulting Executive Council at the end of 1932, I expressed my approval. I shall be glad to have your covering sanction of the arrangement made.

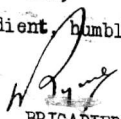
8. It has been made clear to the Municipal Council that in accepting these proposals Government will not consider itself committed to give statutory sanction for loans

loans or other expenditure by the Council to enable it to meet its obligations in the matter. Applications for sanction for any expenditure of this kind will be considered as and when submitted in view of the financial position of the Council at the time.

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER GENERAL.
GOVERNOR.

APPENDIX.

<u>Costs.</u>		<u>Assistance from Government.</u>	
1. Acquisition of land and compensation for buildings to be demolished.	£ 37828	1. Value of Crown land in Duke Street area reverting to plots available for resale.	£ 12930
2. Survey and rectification of deeds.	1000	2. Portions of plots outside Duke Street area.	795
3. Road construction. (The total estimate of road construction is £14,000, but probably about £8000 of this is a normal municipal liability).	8000	3. Crown land made, and to be made, available for exchanges.	29551
4. Valuation and arbitration (an unknown figure) - say	2000		<u>£43076</u>
5. Staff and acquisition cost (advanced by Government.	6320		
6. Additional road expenditure.	6000		
7. Town Planning staff from April, 1950.	2400		
8. Town Planning Staff in future @ £1000 per annum.	<u>6000</u>		
	<u>£69548</u>		