

**INSTITUTIONAL FRAMEWORK FOR THE MANAGEMENT OF PERI-
URBAN AREAS IN KENYA: THE CASE OF ONGATA RONGAI**

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DECLARATION

This thesis is my original work and has not been presented for a degree in any other university

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(Supervisor)

DEDICATION

To my wife Katheu, son Kyeni and daughter Pendo. You have been with me.

ACKNOWLEDGEMENT

Many people have contributed to this work. I am grateful to:

My supervisor Prof E. Ndegwa for his tireless efforts and the Chairman, Department of Urban and Regional Planning, Dr. S. Obiero for his guidance.

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ABSTRACT

The ambiguity of the peri-urban area, which is split between urban and rural jurisdictional boundaries, presents significant governance challenges. The separate jurisdictions have different resources, capacities and political leanings, making coordinated management difficult. There are often contradictory and in some instances absent regulatory frameworks, breeding a situation of ‘organized irresponsibility’.

This study was designed to examine the efficacy of existing legislation and institutions in guiding development of Ongata Rongai, one of the peri-urban areas outside the gazetted boundary of Nairobi city, and to propose an institutional framework that could be used in the management of the town in order to achieve orderly, planned and well serviced development. To achieve this, the shortcomings of peri-urban governance were examined and the best governance practices in other countries explored. Legislative and institutional frameworks through which land ownership and land-use planning takes place were examined. Finally, impediments to planning and management in Ongata Rongai were investigated.

Data was collected through questionnaires administered to residents and business people, interviews with key informants, focused group discussions, traverse observations and review of secondary data. Simple Random sampling was used in primary data collection. Data analysis was through qualitative and quantitative techniques.

The findings revealed that planning and management in Ongata Rongai is piecemeal and un-coordinated. The provisions of the Physical Planning Act are not enforced by officers from the Physical Planning Department, County Council of Olkejuado and City Council of Nairobi. It also emerged that peri-urban areas serve many interests. While some of the developments are inherently private and their development rationale economic gain, others are public goods that require government support.

In order to effectively manage peri-urban areas, a structure that facilitates planning, the Peri-urban Planning Authority (PuPA), is recommended. This authority would comprise institutionalized public-private partnerships bringing together stakeholders from the national and county governments, civic organizations, business and residential community and religious organizations as managers of the peri-urban area.

Key Terms: planning, governance, development, peri-urban areas

TABLE OF CONTENTS

DECLARATION.....	ii
DEDICATION.....	iii
ACKNOWLEDGEMENT.....	iv
ABSTRACT.....	v
TABLE OF CONTENTS.....	vi
LIST OF FIGURES.....	x
LIST OF MAPS.....	xii
ACRONYMS.....	xv
CHAPTER ONE.....	1
1. INTRODUCTION.....	1
1.1 BACKGROUND TO THE RESEARCH PROBLEM.....	1
1.2 STATEMENT OF THE PROBLEM.....	4
1.3 RESEARCH OBJECTIVES.....	6
1.4 RESEARCH QUESTIONS.....	6
1.5 SCOPE OF THE STUDY.....	6
1.6 JUSTIFICATION AND SIGNIFICANCE OF THE STUDY.....	7
1.7 STUDY ASSUMPTIONS.....	9
1.8 DEFINITION OF TERMS.....	9
1.8.1 Institutions.....	9
1.8.2 Local Government.....	9
1.8.3 Urbanization.....	9
1.8.4 Peri-Urban.....	9
1.8.5 Peri-urbanization.....	10
1.8.6 Governance.....	10
1.8.7 Decentralization.....	10
1.9 ORGANIZATION OF THE THESIS.....	11
CHAPTER TWO.....	12
2. LITERATURE REVIEW.....	12
2.1 INSTITUTIONS AND INSTITUTIONAL CONTEXT.....	12
2.2 DECENTRALIZATION.....	13
2.3 PERI-URBAN AREA.....	16

2.4	URBAN SPRAWL	19
2.5	GOVERNANCE MODELS FOR CITY-REGIONS	22
2.5.1	Formal, designated metropolitan governance model.....	22
2.5.2	Informal, flexible methods of governance- “The creative city-region”	26
2.5.3	Multilevel governance	29
2.6	THE GOVERNANCE CHALLENGE IN PERI URBAN AREAS.....	33
2.7	CONCLUSIONS FROM LITERATURE REVIEW	35
2.8	RESEARCH HYPOTHESIS	36
2.9	CONCEPTUAL FRAMEWORK.....	36
CHAPTER THREE.....		38
3. RESEARCH METHODOLOGY.....		38
3.1	STUDY FACTORS AND PARAMETERS	38
3.2	SOURCES AND METHODS OF DATA COLLECTION	39
3.3	RESEARCH TOOLS	39
3.4	RESEARCH DESIGN.....	40
3.4.1	Research Population	41
3.4.2	Sampling Design.....	41
3.5	DATA ANALYSIS	44
3.5.1	Qualitative Data Analysis.....	44
3.5.2	Quantitative Data Analysis	44
CHAPTER FOUR.....		45
4. POLICY FRAMEWORK FOR PLANNING IN KENYA		45
4.1	THE LOCAL GOVERNANCE SYSTEM IN KENYA: CHALLENGES AND OPPORTUNITIES... 45	45
4.2	LAND LAW- LAND USE NEXUS AND ITS IMPLICATION TO PLANNING.....	47
4.2.1	The Evolution of land laws in Kenya	47
4.2.2	Current land laws and policies in Kenya	50
4.2.3	Land tenure systems in Kenya.....	55
4.3	PLANNING INSTITUTIONS IN KENYA.....	57
4.3.1	Sectoral Planning Institutions.....	57
4.3.2	Spatial Planning Institutions.....	57
4.4	SPATIAL PLANNING LAWS IN KENYA	59
4.4.1	The Town Planning Act of 1931 (now repealed)	59

4.4.2	The Land Planning Act of 1968 (now repealed)	59
4.4.3	The Physical Planning Act of 1996	59
4.4.4	Other Laws Relating to Planning.....	60
4.5	THE KENYA CONSTITUTION AND PERI-URBAN GOVERNANCE.....	61
4.6	ONGATA RONGAI PLANNING PROCESS AND INSTITUTIONAL FRAMEWORK	62
CHAPTER FIVE		65
5.	THE STUDY AREA.....	65
5.1	INTRODUCTION.....	65
5.2	LOCATION	65
5.2.1	Nationally	65
5.2.2	Peri-urban location	69
5.2.3	Location within Nairobi metropolitan region.....	70
5.3	ADMINISTRATIVE AREAS	71
5.4	PHYSICAL BOUNDARIES.....	72
5.5	POPULATION.....	73
CHAPTER SIX		74
6.	RESEARCH FINDINGS	74
6.1	INTRODUCTION.....	74
6.2	CHARACTERIZATION OF ONGATA RONGAI	75
6.2.1	In-migration	75
6.2.2	Out-migration	78
6.2.3	Employment	80
6.2.4	Summary.....	83
6.2.5	Social Infrastructure	84
6.2.6	Physical Infrastructure.....	85
6.2.7	Land Use Planning.....	102
6.2.8	Development challenges.....	104
6.3	THE ROLE OF PLANNING ACTORS IN ONGATA RONGAI.....	108
6.3.1	County Council of Olkejuado.....	108
6.3.2	City Council of Nairobi (Urban Planning Department)	109
6.3.3	Ministry of Lands (Department of Physical Planning).....	110
6.3.4	Ministry of Nairobi Metropolitan Development	111

6.3.5 Oololaiser water and sewerage company	111
6.3.6 Business people and private investors	111
6.3.7 Local community	116
6.3.8 NGOs and Civil Society	116
CHAPTER SEVEN.....	117
7. DISCUSSION AND RECOMMENDATIONS.....	117
7.1 DISCUSSION.....	117
7.1.1 Introduction	117
7.1.2 Land use planning issues in Ongata Rongai	117
7.1.3 Institutional structures and capacities for management of Ongata Rongai	118
7.1.4 Policies for managing peri-urban areas	119
7.2 RECOMMENDATIONS	122
7.2.1 The proposed management model	122
7.2.2 Further study.....	124
REFERENCES.....	125
APPENDICES	133
Household Questionnaire	133
Business and Industry Questionnaire	134
Questionnaire for Vendors in markets.....	135
County Council of Olkejuado Interview Schedule.....	135
City Council of Nairobi Interview Schedule	137
Department of Physical Planning Interview Schedule	137
Ministry of Nairobi Metropolitan Interview Schedule	138
Kajiado Chamber of Commerce Interview Schedule	138
National Environment Management Authority Interview Schedule	138
Kenya Wildlife Service Interview Schedule	139
Universities, NGOs, and FBOs Interview Schedule.....	139

LIST OF FIGURES

Figure 2-1: Peri-urban areas and the ‘Rural Urban Region’	16
Figure 2-2: Physical patterns defining sprawl.....	20
Figure 2-3: Institutional structure of the Rhine-Neckar Metropolitan Region.....	23
Figure 2-4: Multi- level governance	30
Figure 2-5: The Conceptual model	37
Figure 4-1: The local Governance system in Kenya.....	46
Figure 4-2: The Existing Planning Framework, Ongata Rongai.....	64
Figure 6-1: Place of Birth	75
Figure 6-2: Period of stay in Ongata Rongai	76
Figure 6-3: Place of residence before coming to Ongata Rongai	76
Figure 6-4: Reasons for coming to Ongata Rongai.....	77
Figure 6-5: Reasons for residing in Ongata Rongai.....	77
Figure 6-6: Intention to relocate residence from Ongata Rongai.....	78
Figure 6-7: Intention to relocate business from Ongata Rongai	78
Figure 6-8: Reasons for not relocating residence from Ongata Rongai.....	79
Figure 6-9: Reasons for not intending to relocate business from Ongata Rongai.....	79
Figure 6-10: Type of employment	80
Figure 6-11: Place of work	80
Figure 6-12: Type of employment in Ongata Rongai	81
Figure 6-13: Type of employment in Nairobi	81
Figure 6-14: Location of Business	82
Figure 6-15: Location of formal employment.....	82
Figure 6-16: Method of sewage disposal	85
Figure 6-17: Sewage disposal as a development challenge (Households).....	86
Figure 6-18: Sewage disposal as a development challenge (Business people).....	86
Figure 6-19: Source of water	87
Figure 6-20: Water supply as a development challenge (Households).....	89
Figure 6-21: Water supply as a development challenge (Business people).....	89
Figure 6-22: Method of solid waste disposal	90
Figure 6-23: Source of fuel energy	91

Figure 6-24: Electricity supply as a development challenge (Households).....	91
Figure 6-25: Electricity supply as a development challenge (Business people).....	92
Figure 6-26: Section of Kware and Mosoi Range sub-location.....	93
Figure 6-27: Road width in part of Kware and Mosoi Range sub-location.....	93
Figure 6-28: Section of Ongata-Rongai sub-location.....	94
Figure 6-29: Road width in part of Ongata-Rongai sub-location.....	94
Figure 6-30: Road encroachment- Magadi and Kware roads.....	95
Figure 6-31: Roads and building layout, Ongata Rongai sub-location.....	96
Figure 6-32: Roads and streets condition as a development challenge (Households).....	97
Figure 6-33: Roads and streets condition as a development challenge (Business people).....	97
Figure 6-34: Market locations.....	98
Figure 6-35: Source of goods, <i>Kware</i> market vendors.....	99
Figure 6-36: Source of goods, <i>Soko Mjinga</i> market vendors.....	99
Figure 6-37: Source of goods, <i>Old Rongai</i> market vendors.....	99
Figure 6-38: Distribution of Private and Trust land in Ongata Rongai.....	103
Figure 6-39: Feeder/access roads joining Magadi road directly.....	103
Figure 6-40: Period of business operation in Ongata Rongai.....	109
Figure 6-41: Support for elevation of Ongata Rongai to an urban council (business people).....	112
Figure 6-42: Support for Ongata Rongai being part of CCN (business people).....	112
Figure 6-43: Elevation of Ongata Rongai into an urban council (business people).....	112
Figure 6-44: Reasons against Ongata Rongai being part of CCN (business people).....	113
Figure 6-45: Reasons for supporting Ongata Rongai being part of CCN (business people).....	113
Figure 6-46: Elevation of Ongata Rongai into an urban council (market vendors).....	114
Figure 6-47: Support for Ongata Rongai being part of CCN (market vendors).....	114
Figure 6-48: Elevation of Ongata Rongai into an urban council (market vendors).....	114
Figure 6-49: Reasons against Ongata Rongai being part of CCN (market vendors).....	115
Figure 6-50: Reasons for supporting Ongata Rongai being part of CCN (market vendors).....	115
Figure 6-51: Membership in a residential association.....	116
Figure 6-52: Reasons for being a member of a residential association.....	116
Figure 7-1: The Proposed Planning model for peri-urban areas.....	123

LIST OF MAPS

Map 3-1: Sampling clusters (sub-locations)	42
Map 5-1 Ongata Rongai, national context	66
Map 5-2 Ongata Rongai, regional context	67
Map 5-3 Ongata Rongai, local context	68
Map 5-4 Ongata Rongai, peri-urban location	69
Map 5-5 The proposed Nairobi metropolitan region	70
Map 5-6: Ongata Rongai administrative sub-locations	71
Map 5-7 Ongata Rongai physical boundaries	72
Map 6-1: Distribution of social amenities/facilities in Ongata Rongai	84

LIST OF TABLES

Table 3-1 Research methods and tools	40
Table 3-2: Ongata Rongai population, 2009.....	41
Table 3-3: Household sample size	43
Table 5-1: Ongata Rongai population distribution	73
Table 5-2: Urban population, Ngong Division	73
Table 6-1: Rating of Developmental Challenges by Residents	107
Table 6-2: Rating of Developmental Challenges by Business owners	107

LIST OF PLATES

Plate 6-1: Sewage disposal onto a street	85
Plate 6-2: Water point along Magadi Road.....	88
Plate 6-3: A donkey pulled water vending cart.....	88
Plate 6-4: Solid waste disposed on roads and open space	90
Plate 6-5: Buildings developed without regard to building line	96
Plate 6-6: View of <i>Soko Mjinga</i> market along Magadi road	98
Plate 6-7: Mixed Housing in Ongata Rongai.....	100
Plate 6-8: Informal settlement in <i>Kware</i> , Ongata Rongai.....	100
Plate 6-9: Better housing in <i>Mosoi Range</i> , Ongata Rongai	101
Plate 6-10: Developments encroaching on <i>Mbagathi</i> River	101
Plate 6-11: Magadi Road aerial view	104
Plate 6-12: Blocked road drain, Magadi Road.....	105
Plate 6-13: Domestic animals roaming Magadi Road	105
Plate 6-14: Haphazard development	106
Plate 6-15: Developments within building line	106

ACRONYMS

CBF	Constituency Bursary Fund
CBO	Community Based Organization
CCN	City Council of Nairobi
CDC	Constituency Development Committee
CDF	Constituency Development Fund
CDTF	Community Development Trust Fund
DDC	District Development Committees
FBO	Faith Based Organizations
FPE	Free Primary Education Fund
FUA	Functional urban area
IPA	Interim Planning Area
LA	Local Authority
LATF	Local Authority Transfer Fund
LADP	Local Authority Development Plans
LGA	Local Government Act
LPA	Land Planning Act
MUA	Morphological urban area
NGO	Non Governmental Organization
NFDP	National Fund for the Disabled People
NMR	Nairobi Metropolitan Region
NTS	Not to scale
PELF	Poverty Eradication Loan Fund
PPA	Physical Planning Act
PuPA	Peri-urban Planning Authority
RAMLF	Roads Maintenance Levy Fund
REPLF	Rural Electrification Programme Levy Fund
RSP	Regional Structure Plan
WRMA	Water Resource Management Authority

CHAPTER ONE

1. INTRODUCTION

1.1 Background to the Research Problem

The peri-urban (or urban fringe) is often seen as a zone in transition (German, 1999: 3), where particular (often conflicting) pathways in development are observed. It is identified by combination of features and phenomena, generated largely by activities within the urban zone proper (Nottingham and Liverpool Universities, 1998). Urban and rural functions and services all coexist in the same territory

Peri-urban areas often share the territory of more than one administrative unit. Weak links and limited local authority power in sectors such as transport, water, energy, solid and liquid waste management, and land-use planning often result in uncertainty as to which institution administers which specific area or activity (Durand-Lasserve, Alain, 1998). This view has been emphasized by David, et al., (2004: 240) who state that urban and peri-urban areas commonly fall under separate administrative jurisdictions, with different resources, capacities and political leanings. This situation makes coordinated management difficult.

Furthermore, as observed by Bourne, et al., (2003), the policies and legislation governing local governments differ considerably from those of their adjacent county or rural authorities. This split between urban and rural jurisdictional boundaries presents significant governance challenges. There are often contradictory or absent regulatory frameworks, a haphazard mixture of planned and unplanned neighborhoods and a tendency to flout regulations (German, 1999: 3).

With no clear jurisdiction, or having an institutional vacuum (Duncan, et al., 2006:5), there emerges a situation of 'organized irresponsibility' where powerful actors tend to benefit from the lack of regulation and constant impermanence. Perhaps this is fueled by what William, et al., (1993:9) and Hogrewe, et al., (1993:7) term as lack of approval of peri-urban sector settlements by local and national governments leading to the settlements being considered marginal to the physical and regulatory boundaries of the formal city.

Planning and management of the peri-urban interface, or the lack thereof, has implications for the sustainability of the adjacent urban core and adjacent rural area (Narain, 2003), which are at least as significant as sustainability issues in the peri-urban interface itself. Whilst some interest groups will see development of the peri-urban as a pathway to sustainability of the urban core (Maxwell, et al., 1999), problems are often being transferred to the periphery of the city, only to impact on the urban core in a magnified form some time later (Ruet and Lacour, 2007). A distinctive feature is that the peri-urban area is not judged by its own intrinsic values but merely as a solution to urban problems and as a cheap source of land. It is seen to constitute a passive set of resources to be used, consumed and managed for urban purposes (Ivan, 2011)

Embedded in the dynamic and rapidly evolving peri-urban landscape is a confusing and contested set of ruralities and urbanities from which urban expansion is largely viewed as an invasive process, as in the 'invaded countryside' discussed by Walker (1987). In line with this view, the peri-urban area is seen as the countryside -or in the terminology of Bryant et al., (1982), the 'city's countryside' -and the future of this countryside is always threatened by the growth of the city.

Furthermore this zone is a contested ground- in terms of land use and function, in public policy and planning practice, images, meanings and values attached to place and landscape (Bourne, et al., 2003). Private sector bodies as well as nongovernmental, community-based organizations and the civil society intervene in the management of peri-urban areas, but often without clear articulation or leadership from government structures (Mattingly, 1999, Tacoli, 2002) thus resulting in conflicts in land-use, energy supply, transport and water management (Hogrewe, et al., 1993:7). This is aggravated by the fact that geographically, the boundaries of the peri-urban keep shifting as rural activities and processes are replaced by urban activities and processes.

Unregulated peri-urban land development has given rise to complex organic urban structures which are predominantly expanding horizontally (Duncan, et al., 2006:5). A parallel lag is evident in our images of what the region is like, how it is changing and who, if anyone, is in charge (Bourne, et al., 2003). Duncan, et al., (2006:5) further argue that this organic urban growth is likely to remain an indispensable reality depicting urban land development because of the severe resource constraints facing local and central governments, the nature of the

subsisting land tenure structure in most peri-urban areas, poor national economic performance and looming poverty in rural and urban areas.

In their study of four peri-urban sites around the Ghanaian Capital, Accra, Maxwell and colleagues (Maxwell, et al., 1999: 273-391) observed that peri-urban areas have variously experienced one or more of the following challenges: land loss to housing, economic transformation away from agriculture and environmental degradation.

From a socioeconomic viewpoint, the peri-urban interface presents several peculiarities (Adriana, 2003):

Firstly, the continuous but uneven process of urbanization taking place in these areas is generally accompanied (or in many cases produced) by land speculation, shifting economic activities of higher productivity, and the emergence of informal and often illegal activities such as clandestine abattoirs, intensive use of agro-chemicals and fertilizers for horticultural production, and mining or quarrying activities for the supply of building materials. As a result, the social composition of peri-urban systems is highly heterogeneous and subject to change over time. Small farmers, informal settlers, industrial entrepreneurs and urban middle-class commuters may all co-exist in the same territory, but with different and often competing interests, practices and perceptions.

Secondly, social groups are heterogeneous and in constant transition. That is to say, the composition and interests of these groups tend to change over time, in a process characterized by the fluctuating incorporation of new stakeholders.

Carmen, et al., (2010:15) observe that the peri-urban area should have a more independent role than merely that of a spill-over area. It should serve the residents of both urban, fringe and rural areas which raise the question as to whether it is possible to bring the rural and urban mindsets to live together.

This research was an entry point in identifying the distinct planning characteristics of the peri-urban area that is Ongata Rongai. The research recognized that peri-urban zones should be considered as part of the formal planning regions since the ecological, economic and social functions performed by and in the peri-urban interface affect both the city and the countryside.

1.2 Statement of the Problem

The Town Planning Act, Cap 134 of 1931 (now repealed) mandated Preparatory Authorities (in this case Local authorities) to prepare town planning schemes with reference to land within or adjacent to its area. The same law provided that local authorities can act jointly in the preparation of such planning schemes.

The Land Planning Act, Cap 303 of 1968, (now repealed) gave the Central Government power to refer planning application to a local authority for planning land within five miles (8 kilometers) of the boundary of gazetted townships and municipalities and within 400 feet (122 meters) from the center line of scheduled roads or any other areas that the President may specify by Gazette Notice

Physical development planning in Kenya currently emanates from legal provisions contained in the Physical Planning Act Cap 286 of 1996 which replaced the Town Planning and the Land Planning Acts

Section 16 (1) provides that a regional physical development plan (*which is defined in section 3 of the Act as a plan for the area or part thereof of a county council*) may be prepared by the Director of Physical Planning with reference to any Government land, trust land or private land within the area of authority of a county council for the purpose of improving the land and providing for the proper physical development of such land and securing suitable provision for transportation, public purposes, utilities and services, commercial, industrial, residential and recreational areas, including parks, open spaces and reserves and also the making of suitable provision for the use of land for building or other purposes

Upon the approval of the regional physical development plan no development should take place on any land unless it is in conformity with the approved plan (Section 21 (3))

Section 23 (1) provides that the Director of Physical Planning may declare an area with unique development potential or problems as a special planning area for the purpose of preparation of a physical development plan irrespective of whether such an area lies within or outside the area of a local authority.

Section 29 mandates local authorities to prohibit or control the use and development of land and buildings in the interests of proper and orderly development of its area; control or prohibit the subdivision of land or existing plots into smaller areas; consider and approve all development applications and grant all development permissions; ensure the proper execution and implementation of approved physical development plans; formulate by-laws to regulate zoning in respect of use and density of development; and reserve and maintain all the land planned for open spaces, parks, urban forests and green belts in accordance with the approved physical development plan.

The Local Government Act Cap 265 (repealed) gives planning mandates to local authorities. Sections 104 (1) (a) and (b) and 143 (2) provide that local authorities can form joint boards or contracts with other local authorities or the government for purposes of service provision or any other act as provided by the law. Section 159 gives power to county councils to prohibit and control shops in rural areas. Section 166 mandates local authorities to prohibit and control the development and use of land and buildings in the interest of the proper and orderly development of its area.

From the foregoing, it has been shown that there has been no absence of legislation to ensure proper planning and management of peri-urban areas. The process of land planning and law making has been one of power without capacity.

Ongata Rongai presents a peculiar management case:- it lies at the border of the City Council of Nairobi and the County Council of Olkejuado; it is within five miles of the border with the City Council of Nairobi; the Nairobi- Magadi road passes through its spine. Despite this unique location, this area is noticeable for its poor land use planning, poor infrastructure and poor social amenities.

1.3 Research Objectives

The main objective was to explore the institutional arrangements in place for the management of peri -urban areas in Kenya using Ongata Rongai as a case study.

This was to be achieved through the following specific objectives

1. To identify the main land use planning issues in Ongata Rongai
2. To identify and assess the institutional structures and capacities for planning and management in Ongata Rongai.
3. To propose effective policies and institutional framework for managing peri-urban areas

1.4 Research Questions

In pursuant of the research objectives, the following research questions were developed

1. What are the main land use planning issues in Ongata Rongai?
2. What is the framework of institutional structures and capacities for planning and management in Ongata Rongai?
3. What are the appropriate policies which would ensure effective management of peri-urban areas?

1.5 Scope of the Study

The study focused on challenges of governance and institutional nature.

Owing to time and resource constraints one peri-urban area, Ongata Rongai, was chosen.

The following limitations were encountered in carrying out this research:

1. Institutional bottlenecks especially non cooperative government officials
2. Suspicion from members of the public owing to security concerns
3. Lack of updated maps

1.6 Justification and significance of the Study

Boune, et al., (2003) observe that the boundaries of peri-urban areas seem to be ever shifting outwards and the factors causing peri-urban growth are by no means confined to the spatially defined peri-urban areas. Consequently the complexities and challenges extend beyond the spatial manifestations of urban growth.

This combination of size and complexity, underpinned as it is by the persistent contest between the 'urban' and the 'rural' perspectives, makes for a region which may no longer lend itself to systematic representation or to conventional regional planning and management approaches. Adriana (2003) observes that planning and management of the peri-urban interface cannot simply be based on the extrapolation of planning approaches and tools applied in rural and urban areas but on the construction of an approach that responds to the specific environment, social, economic and institutional aspects of the peri-urban interface.

Elena et al., (2010: 17) observe that during much of the twentieth century, the control of urban growth has been of major concern to planning agencies who have sought to control peripheral development through a variety of rather blunt instruments such as “green belts” and strict development controls which were designed to “stop” growth. But as contemporary accounts of urban sprawl illustrate (Hayden 2004), these instruments have been largely ineffective and now the focus should be much more informed by intelligent strategies for dealing with such growth.

Competition over land use generally characterizes the peri-urban area (Aalbers and Eckerberg, 2011:7) which serves many interests – from expansion of industrial and residential settlements, over agriculture and sometimes also forestry, to recreation and protection of high-value nature areas. While some of these interests are inherently private and their development rationale primarily economic gain, others are public goods that require attention through government action at national and sub-national levels. The challenge is one of fragmented jurisdictions and multiple-level policies both vertically (across government levels) and horizontally (between governments at same level, across sectors and among public-private actors).

Peri -urban development should be considered as full-fledged part of the city as the two are related through ecologic, economic, demographic and social processes (Adriana, 2003;

David, et al., 2004: 239; Oloto and Adebayo, 2008,). Therefore policies should be created and implemented to maintain some form of coherence between the peri-urban area and the city.

Nairobi's population has grown significantly from 350,000 in 1963 to 828,000, 1,325,000, 2,137,000 and 3,138,369 in 1979, 1989, 1999 and 2009 respectively (CBS, 2010). The population of the proposed Nairobi Metropolis, which comprises among other local authorities the County Council of Olkejuado, was projected at 4.73 million in year 2008 (Nairobi Metro 2030, 2008: ix).

This population explosion has caused unusual land and demographic pressure directing migration and development towards the immediate peripheral areas surrounding the city and causing an unprecedented demand for land. The invasion has led to uncontrolled and unorganized developments, while such communities lack basic infrastructure facilities, with the rapid rate of development also resulting in chaotic development within these areas.

Notably important is that one third of the Nairobi metropolitan population lives in urban areas, which can hardly be controlled by the core city. As the city expands in geographic boundaries, lateral changes occur leading to sprawl and peripheral developments while there is a slow structural growth within urban centers.

Beginning in the late 1950's as a stone mining township, Ongata Rongai has grown to be the fastest growing peri-urban town around the city of Nairobi, serving primarily as a dormitory of Nairobi. Its unique location at the border of the City Council of Nairobi and the County Council of Olkejuado and within five miles of the border with the City Council of Nairobi presents a special case for planning.

Its population grew from 35,000 in 1999 to 83,000 in 2009 (CBS, 2010) representing a 137 per cent increase. Within the same period Nairobi's population grew by 46 per cent. This population represents 61 per cent of Ngong Division's urban population. The population density grew from 2,952 persons per square kilometer in 1999 to 8,902 persons per square kilometer in 2009 (CBS, 2010). Despite its unique location and enormous population growth, Ongata Rongai is noticeable for its poor land use planning, poor infrastructure and poor social amenities.

There is very little literature on planning and management of peri-urban areas in Kenya. This study aims to fill this gap.

1.7 Study assumptions

1. The development of peri-urban areas is an inevitable consequence of urbanization.
2. The successful inclusion of peri-urban areas in urban development depends on the ability of urban managers to foresee the urban futures

1.8 Definition of terms

1.8.1 Institutions

The term institution is commonly applied to the customs and behavior patterns important to a society, as well as to particular formal organizations of government and public service (Raadschelders, 2007). Institutions are a central concern for law, the formal mechanism for political rule-making and enforcement.

1.8.2 Local Government

The Omamo Commission of Inquiry on Local Authorities (1995) (quoted in Mboga, 2009: 6) defines Local Government as “a system of government whereby the state allows the establishment of local units of government with powers and authority to make local decisions on matters that affect the local communities and to mobilize local resources for implementation or execution of the decisions made”. In this context Local Government will be seen as a sub-national organization comprised of democratically elected representatives.

1.8.3 Urbanization

Urbanization is the process of increasing concentration of a country’s national population into towns and cities (Kjell, 2001). The process includes the multiplication of points of concentration and increase in size of individual concentration.

1.8.4 Peri-Urban

Peri-urban refers to areas lying at the interface between designated urban boundaries and contiguous rural areas (Narain et al., 2007). What makes the land ‘peri-urban’ is the complex mix of land uses stimulated by urban and rural impacts. These areas are usually in the process of transition due to urban sprawl and encroachment as population expands (Nottingham and Liverpool Universities, 1998: 1, 8-9). In this research the terms peri-urban and urban fringe have been used interchangeably.

1.8.5 Peri-urbanization

Peri-urbanization is a transitional process occurring beyond the built-up edge of large cities (Chuthatip et al., 2008:136). Formerly rural areas acquire urban economic functions that are mixed in with more traditional rural functions, such as agriculture.

1.8.6 Governance

Governance refers to the way in which a government acts and functions for the benefit of the society. It is ‘the manner in which political power is exercised in the management of a country’s economic and social resources for development’ (World Bank, 1992).

Good governance, i.e. the sphere of public debate, partnerships, interaction and dialogue between citizens, organizations and local governments, is a precondition for achieving sustainable development (Evans et al. 2005 quoted by Kjell, 2011: 14)

1.8.7 Decentralization

Rondinelli (1981) defines decentralization as the transfer of authority in public planning, management and decision making from the national level to sub national levels. Decentralization can be seen as a system, that is to say, in a governmental system the legislative, executive and judicial bodies together accomplish the task of governing (Tresiman, 2002, quoted by Godwin, 2010:013). Various attributes are distributed across different tiers in a compound political system: decision-making authority, appointment authority, elections, fiscal resources government and personnel.

1.9 Organization of the Thesis

The thesis is organized in seven chapters. Chapter one gives a background to the research problem and outlines the problem statement, research objectives research questions and the study scope. This section also gives significance to the study, outlines the study assumptions and presents a definition of key terms.

Literature review in chapter two explores the shortcomings of peri-urban governance and best planning practices. The research hypothesis and conceptual framework are developed in this section. The research methodology used is presented in chapter three. Chapter four examines the legislative and institutional framework through which land ownership and land use planning takes place.

Chapter five introduces the study area whereas chapter six documents the research findings.

The concluding chapter presents the discussion and recommendations. The discussions are centered on the research objectives. The proposed planning and management model for peri-urban areas is presented in the recommendation. Areas of further study are also recommended.

CHAPTER TWO

2. LITERATURE REVIEW

2.1 Institutions and Institutional context

Institutions are structures and mechanisms of social order and cooperation governing the behavior of a set of individuals within a given human collectivity. Institutions are identified with a *social purpose and permanence*, transcending individual human lives and intentions, and with the making and enforcing of rules governing cooperative human behavior (Raadschelders, 2007).

Kunzmann, (2004) observes that although individual, formal organizations, commonly identified as *institutions*, may be deliberately and intentionally created by people, the development and functioning of institutions in society in general may be regarded as an instance of emergence; that is, institutions arise, develop and function in a pattern of social self-organization, which goes beyond the conscious intentions of the individual humans involved.

While institutions tend to appear to people in society as part of the natural, unchanging landscape of their lives, study of institutions by the social sciences (Kunzmann, 2004 and Raadschelders, 2007) tends to reveal the nature of institutions as social constructions, artifacts of a particular time, culture and society, produced by collective human choice, though not directly by individual intention.

In regard to planning and development management, institutions provide a framework for social order in a community, as well as public policy formulation and implementation process. They are also requisite premises for legitimizing policies, social values, and actions embodied in resource development and utilization, economic programmes, governance practices, and promoting specific cultural heritage. Institutions are instruments through which organizational arrangements, which are aimed at managing local and regional development, are evolved and developed.

Weak vertical and horizontal institutional linkages and co-ordination impact negatively on institutional systems (Kunzmann, 2004). In support of this contention, Durand-Lasserre Alain, (1998) has asserted that weak links and limited local authority power in sectors such as

transport, water, energy, solid and liquid waste management, and land-use planning often result in uncertainty as to which institution administers which specific area or activity

Within a particular planning area Kunzmann, (2004) and Raadschelders, (2007) observe that various institutional actors and agencies have roles and responsibilities, capacities, perceptions, political leanings and relationships with other actors and agencies and rules and incentives that govern those relationships.

The factors that determine the roles and responsibilities of different actors may not come from “inside” the planning area itself (Durand-Lasserve Alain, 1998), but be generated by the overall institutional context that surrounds it. The institutional context is seen to comprise policy and legal frameworks (including the constitution, land laws, planning laws, and planning institutions) and resources and incentives.

Without a full understanding of the institutional context, many factors that are likely to strongly influence how change takes place will continue to be regarded as “givens” or risks against which the actors involved in change cannot act (Kunzmann, K. R., 2004). This is particularly important when conducting an institutional analysis for peri-urban areas as many of the factors that influence planning most strongly are likely to be found in this institutional context.

2.2 Decentralization

Decentralization can be seen as the transfer of authority in public planning, management and decision making from the national level to sub national levels Rondinelli (1981). It is a system, that is to say, in a governmental system the legislative, executive and judicial bodies together accomplish the task of governing (Tresiman, 2002, quoted by Godwin, 2010:013). Various attributes are distributed across different tiers in a compound political system: decision-making authority, appointment authority, elections, fiscal resources government and personnel.

Godwin (2009) and Bird (2000) has observed six concepts of decentralization:

The first concept, vertical decentralization simply means the number of tiers a government contains (Godwin, 2009: 014). A state with about five levels of tiers has a more vertically decentralization governmental system than one which has only a simple tier.

Secondly, with decision-making decentralization, Bird (2000) argues that the central question with respect to political decentralization is ‘who decides?’ Here, the authority to make political decisions is distributed among different tiers and if the right to make political decisions is assigned to one tier of government or another it would not be clear to add up and compare the rights assigned to each to arrive at a composite measure of decentralization.

Thirdly, appointed decentralization is concerned with the level which officials are appointed and dismissed. The more appointments are made from above, the lower the appointed decentralization becomes and sometimes the authority to appoint is not congruent to dismissal.

Furthermore, electoral decentralization also functions mostly within democratic systems. Here, local officials can be either popularly elected or appointed by higher-level elected officials.

In addition, fiscal decentralization concerns the way tax revenue and public expenditure are distributed among the different tiers. Tax revenue decentralization is greater if the share of total tax revenue received by sub national tiers is large.

The last concept, personnel decentralization focuses on how administrative resources are distributed. Personnel decentralization is greater if the share of administrative personnel employed at lower tiers is greater.

In public administration, decentralization is a generic term that is used in different contexts (Munawwar, et al., 2011:29). Three types of decentralization have been identified, that is, De-concentration, delegation and devolution (Mboga 2009: 2,3):

De-concentration or administrative decentralization is when central government sends its officers to provinces and districts to carry out regular functions under the authority of central government

Delegation is when central government hands over certain functions to provincial or Local Government levels (or indeed any other organization) to be performed on an agency basis in lieu of monetary compensation.

On both cases (de-concentration and delegation), there is no transfer of power.

Devolution (political decentralization) involves the transfer of functions, resources and power to sub-national (provincial or local) levels. These levels assume full responsibility and accountability for the specified functions. Devolution provides space for community participation in governance. Responsibilities are assigned to elected bodies with some degree of autonomy.

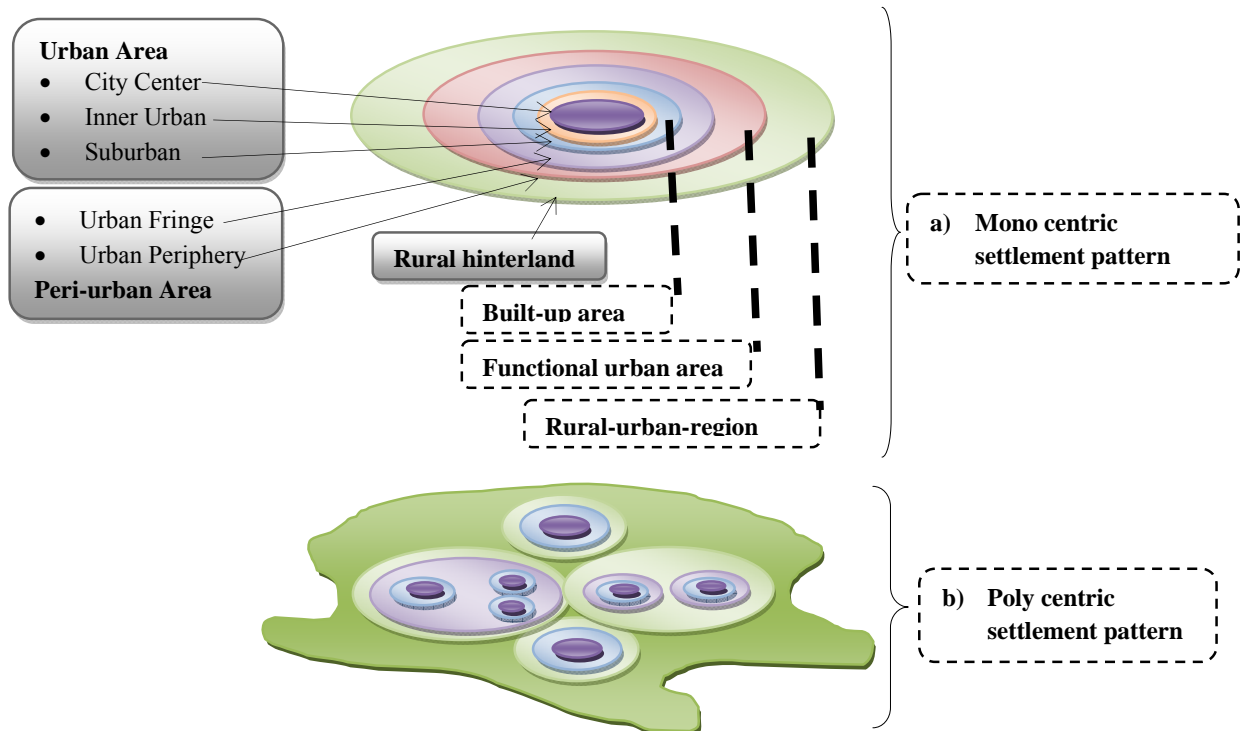
Decentralization is an important process that local and national governments and their stakeholders can use to implement efficient and effective services in response to community demands (Godwin, 2009: 014). A decentralization policy enables people to make their own political, cultural and developmental decisions at their own level.

2.3 Peri-urban area

The term ‘peri-urban’ has been used to define ‘a place, a process or a concept’ (Brook, et al., 2003, Narain, et al., 2007: 261). It refers to the urban fringe and the geographic edge of cities as a *place*; the movement of goods and services between physical spaces and to the transition from rural to urban contexts as a *process*; as a *concept*, it refers to an interface between rural and urban activities and institutions- where urban and rural development processes meet, mix and inter-react on the edge of the cities. It is the space into which the town extends as the process of dispersion operates (Carter, 1981:316)

Seen within the context of settlement patterns the peri-urban will be as shown in the figure below

Figure 2-1: Peri-urban areas and the ‘Rural Urban Region’.



Source: Adapted from Aalbers and Eckerberg, (2011)

Nottingham and Liverpool Universities, (1998: 1, 8-9) observe that the peri urban is identified by combinations of features and phenomena, generated largely by activities within the urban zone proper. Ayonga, et al., (2009: 181) refer to this area as the space where development activities of mixed nature evolve over time to separate the contact between the purely rural and purely urban land use systems. It is a patchwork of rural and urban land uses, with inadequate infrastructure to cope with the new functions (Chuthatip, et al., 2008:137).

The peri-urban is a dynamic zone both spatially and structurally (German, 1999: 8). Spatially it is the transition zone between fully urbanized land in cities and areas in predominantly agricultural use- it occupies and radiates out from a spectrum of conditions that are purely urban and purely rural as the two extreme ends (Desakota Study Group, 2008:12). It is characterized by mixed land uses (Adesina, 2007:2) and indeterminate inner and outer boundaries, and typically is split between a number of administrative areas. Structurally, it is a zone of rapid economic and social structural change, characterized by pressures on natural resources, changing labor market opportunities and changing patterns of land use.

Laquinta, et al., (2001) has referred to the peri-urban as the location at which the varied demands of urban dwellers for new housing and living space; of builders, investors and property-owners for land and speculative profits; of employers for more efficient production space; and of almost everyone for accessibility to recreation and breathing space, come into conflict with the desires of rural residents, farmers, conservationists, exurbanites and various others for the preservation of a certain environment, style of life and bucolic rural landscape.

Phillips, et al., (199: 5,6) divides the peri urban into two zones:- *a zone of direct impact* – which experiences the immediate impacts of land demands from urban growth, pollution and the like; and *a wider, market-related zone of influence* – recognizable in terms of the handling of agricultural and natural resource products.

This zone has distinct environmental, social and institutional characteristics (Jaquinta, et al., 2000; Narain, 2003; Narain, et al., 2007: 262):

From an environmental perspective, the peri-urban interface could be understood as a heterogeneous mosaic of natural ecosystems, productive or agro-ecosystems, and urban ecosystems affected by the material and energy flows demanded by both urban and rural systems. The relationship between these sub-systems being mutually

constitutive and cyclical: each sub-system both conditions and is conditioned by the other two.

Socially, social groups can be quite heterogeneous and in constant transition. Small farmers, informal settlers, industrial entrepreneurs and the urban middle class may all co-exist in the same territory, although with different and competing interests, practices and perceptions. They are areas of social compression or intensification where the density of social forms, types and meanings increases, fomenting conflict and resolution. Pahl (1965) quoted by German (1999: 5) defined the peri-urban as being the result of particular social processes, mainly the migration of mobile middle class families oriented to the city and dominated by urban life styles.

Institutionally the peri-urban interface is complex, since some administrative activities may fall outside the purview of rural and urban governments. Peri-urban dwellers are confronted with both urban and rural laws and institutions, breeding a situation of legal pluralism.

Peri-urban areas can be seen in three broad categories (Browder, et al., 1995):

Firstly featuring a diversity of land uses that vary in relation with their urban and rural linkages.

Secondly “transitional” in nature suggesting from one side “a patterned sequence of uses that become progressively more agrarian in orientation as one recedes from the urban centre”; and inversely, “agricultural land uses, employment and rural linkages are seen as giving way to urban-oriented activities as distance to the city centre diminishes”.

And thirdly following heterogeneous patterns of growth, such as (a) metropolitan growth engulfing existing farmlands and villages; (b) rural migrants creating a “transitional social space” or “temporary holding location” in a rural-to-urban migration process; and (c) suburbanization processes where urban dwellers move to the fringe searching for advantages in land rent, or to capitalize opportunities for land acquisition, speculation and informal enterprise.

Research into the phenomenon of peri-urbanization has resulted in two perspectives (Chuthatip et al., 2008:136). One set of literature is from the perspective of the previously

existing environment (before the onset of the peri-urbanization process), both bio-physical and human, and emphasizes changes to agricultural systems and rural settlements (in both physical and socio-economic terms). The other perspective focuses on the new socio-economic and physical drivers, such as factories, motorways and roads, and industrial migrants and their communities.

Kjell (2011: 13) has identified positive effects of peri-urbanization, such as:

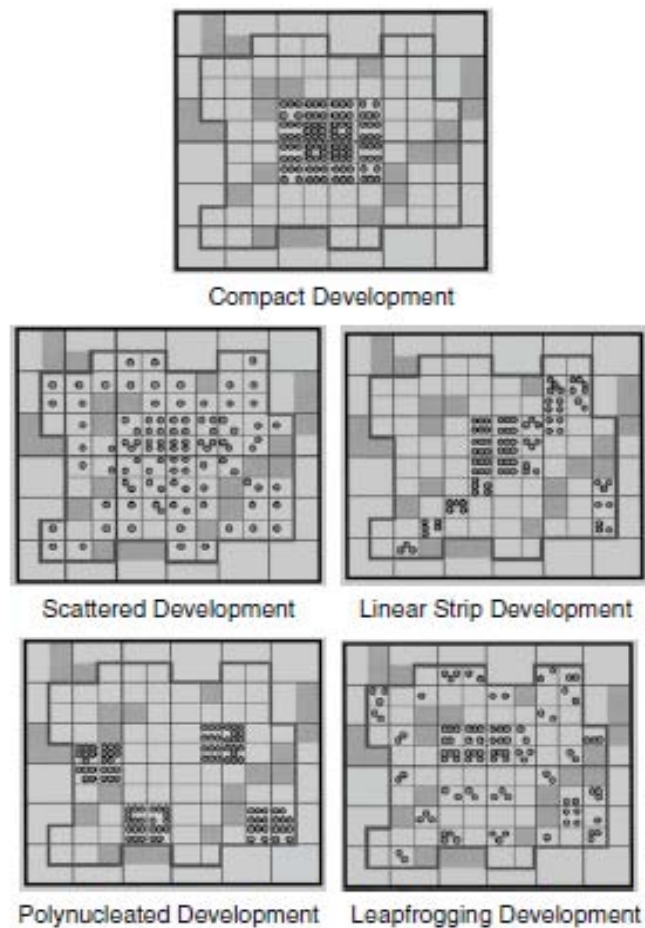
1. Fulfillment of people's living preferences
2. Under smart growth- attractive and competitive urban environments
3. Proximity to consumers for local producers and potential for eco-friendly lifestyles
4. More life and economic development to rural communities

Kjell (2011) goes on to observe that the main reason, especially for young families, for moving from urban to peri-urban areas is that they want fresh air, clean water, green surroundings and a safe milieu for their children to grow up in. With the development of smart technologies for long distance working and an improved public transport system people tend to accept longer commuting distances between their home and the working place. A related reason is people's desire for living in their own house and the simple fact that house prices generally decreases with growing distance to the urban conglomeration. The life in peri-urban and rural communities also gives its inhabitants more opportunities for more environmentally friendly lifestyles, e.g. by growing own vegetables, buying meat from local farmers, composting organic wastes, etc. At the same time the newcomers bring new spirit, youth and liveliness to, in some cases, declining and sleepy rural villages.

2.4 Urban Sprawl

The term "urban sprawl" has been used to describe a variety of urban forms, including contiguous suburban growth, linear patterns of strip development, and leapfrog or scattered development. These forms are typically associated with patterns of clustered, non-traditional centers based on out of town malls, edge cities, and new towns and communities (Ewing 1994; Pendall 1999; Razin et al., 2000; Peiser 2001). These various urban forms are often presented in the literature as poorer, less sustainable or less economically efficient alternatives to the compact ideal of urban development. In practice sprawling forms can be considered to lie along a continuum from fairly compact to completely dispersed developments (Elena et al., 2010: 19). Galster et al., (2001) have also classified the physical forms associated with urban sprawl into types as shown in the figure below.

Figure 2-2: Physical patterns defining sprawl



Source: Galster et al. 2001

Kjell (2001:5,6) observes that the most obvious signs of the shift towards urbanization are urban sprawl and the emergence of peri-urban areas (Kjell, 2001: 5,6), characterized by scattered built-up residential, industrial or commercial areas and dense transport networks, but also by the establishment in some places of green belts, recreational facilities, urban woodlands and golf courses, the conversion of farmstead complexes into housing and changes from conventional agricultural land uses into hobby farms and rural areas within easy reach of the city.

The different spatial patterns, cultures, planning policies, and various driving forces of urban growth or decline, result in changes of land use and functional linkages between urban and rural areas. The changing nature of the relationships between rural and urban land uses has deep consequences both for people's quality of life, for the environment and ecosystem services.

Elena et al., (2010: 17) adopt what is essentially a physicalist definition of sprawl as the rapid and uncoordinated growth of urban settlements at their urban fringes, associated with modest population growth and sustained economic growth. Urban sprawl is by no means restricted to any particular social or economic group or any culture or indeed any place. It is largely the results of a growing population whose location is uncoordinated and unmanaged, driven from the bottom-up and subject to aggregate forces involving control over the means of production (Ewing, 1994 quoted by Elena et al., 2010: 17)

The consequences of urban sprawl

The most important negative consequences of urban sprawl are (Kjell, 2001: 10):

1. Consumption of land and loss of high-productive agricultural land
2. Destruction of biotopes and fragmentation of landscape structure and ecosystems
3. Less open space, longer distance to attractive recreational areas, and unhealthy lifestyles
4. Increase in the dependency of private car, traffic congestion, longer commuting times and distances, climate change emissions and air pollution
5. Decay of downtown areas, social segregation and larger gaps between rich and poor areas

2.5 Governance models for city-regions

2.5.1 Formal, designated metropolitan governance model

This is a coordinated, formal cooperation philosophy with the aim of strengthening the metropolitan level. Metropolitan areas need competencies, and processes for effective integrated economic, social, environmental and spatial planning to take place (Ivan, 2011: 20).

Under this section the *Rhine-Neckar Metropolitan Region* in Germany and the *top-down government controlled planning system in the Hangzhou Region* in China would be discussed. The Rhine-Neckar Metropolitan Region which is modeled along public-private partnership is discussed as a best practice whereas the Top down government controlled planning system in the Hangzhou Region has had mixed results.

2.5.1.1 The Rhine-Neckar Metropolitan Region, Germany

The Rhine-Neckar Metropolitan Region was recognized as a European Metropolitan Region in 2005. The region covers a territory of three different German Federal states, the “Bundesländer” namely: Baden-Württemberg, Rhineland-Palatinate and Hassen. The region comprises 2.4 million inhabitants in a territory of 5,637 square kilometers. It is a powerful business location, having 57 per cent export quota in the processing industry that is above the national one, and a gross domestic product of 31,000 Euro per capita, which is above the national average. Internationally recognized scientific institutions are based in the region, with more than 83,000 students and 21 universities and colleges.

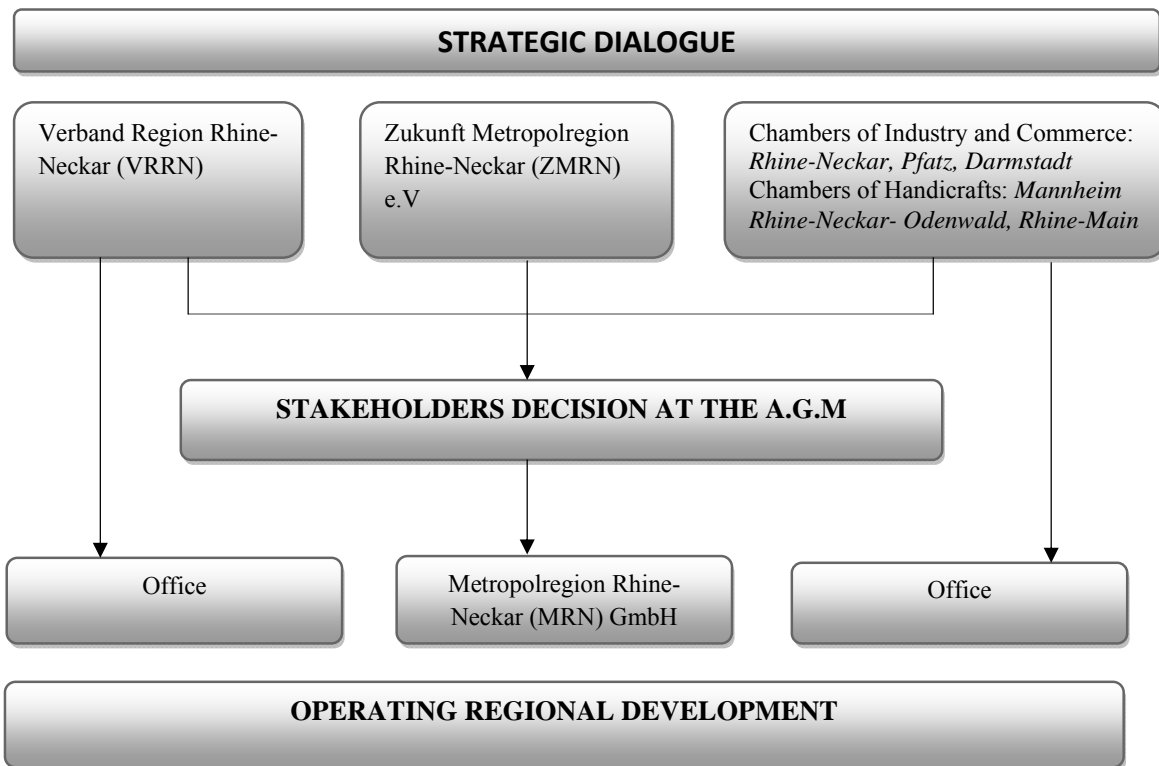
It is managed by an institutionalized public-private partnership model between stakeholders from the political, economic and scientific sector, and acts within a polycentric structure in which large cities like Mannheim, Heidelberg and Ludwigshafen and rural areas are embedded. The model proved to be useful in creating innovative clusters and networks. Its main goal is to strengthen and create benefits for all.

The organization model consists of the Verband Region Rhine-Neckar (VRRN), the democratically legitimized Rhine-Neckar Regional Association in which the political forces are joined, the Rhine-Neckar Chambers of industry, commerce and handicrafts, the Verein Zukunft Metropolregion Rhine-Neckar (ZMRN) e.V., and the Metropolregion Rhine-Neckar (MRN) GmbH.

The association ZMRN is the center of regional decision-making. The ZMRN consists of an Executive Board and a further 700 members from politics, economy, science and stakeholders from culture, church and charitable institutions. Within the Executive Board representatives from all above-mentioned areas are included. This assembly defines the strategic objectives for regional development activities and ensures a close liaison between regional chambers of industry and commerce, crafts and trade, scientific and cultural institutions, and political and administrative sectors, and the continuity of joint regional development projects.

The MRN GmbH is a public-private partnership and acts at the operational level of joint regional development projects of the non-public sectors. Thus, it executes projects with its own financial and human resources, enlists and supports projects of the other supporting bodies, and is in charge of economic development, public relations and marketing. The operational level is supported by the man power of the VRRN, several companies and the chambers of industry, commerce and handicrafts. As a result, old and new networks and clusters synergize allowing joint development at a higher level.

Figure 2-3: Institutional structure of the Rhine-Neckar Metropolitan Region



Source: Adapted by Author

2.5.1.2 The top-down government controlled planning system, Hangzhou Region, China

Hangzhou is the political, economic and cultural centre of Zhejiang province, and the second largest city after Shanghai in this region. The whole region is densely populated and one of China's three economic powerhouses. Hangzhou municipality comprises the city of Hangzhou, towns, and villages.

The Hangzhou region is undergoing extremely rapid and large scale urban development. The challenge is to reconcile three competing political discourses on 'land-use efficiency', 'social harmony' and the 'ecological city'

Among the major decision making bodies for Hangzhou city are the Chinese Communist Party Committee, People's Government, People's congress, People's Political Consultative Conference, People's Court and People's Procuratorate.

The City Chinese Communist Party Committee plays a strategic decision making role in urban planning, but does not interfere in the day-to-day decision making. This is the task of the City People's Government, directly responsible for the decision making and implementation of urban planning. The City People's congress reviews the urban planning, approves plans and formulates related laws and regulations. The consultative conference consults on urban planning. City People's Court adjudicates on the cases against relation regulations of urban planning and prosecutes criminal actions in urban planning and construction and can sue the local government, for instance in case of illegal requisition of farm lands by local government. The City People's Government authorities supervise the implementation of urban planning.

Planning is dominated by an urban perspective due to the extreme population growth rates and rapid urbanization. Efforts have been made by the planning authority to formulate specific policies to deal with the peri-urban areas, such as the development of sector plans for the protection and sustainable use of natural resources at municipal level. The elaborate planning system includes both comprehensive and sector plans and a range of tools for urban development at different levels of government. The regulations for commercial land use follow ten criteria which – if fulfilled – rewards the developer/owner of the enterprise with tax rebates. The criteria include both requirements for intensive land use on the one hand, and environmental standards on the other.

Land in urban areas is state owned whereas land in rural and peri-urban areas is collectively owned by farmers. The state can requisition collective-owned land for public good with fair compensation.

A circular economy approach is developed, whereby revenues generated in a targeted city through economic activity, largely remain in the city. The circular economy provides Hangzhou city with revenues for investments in infrastructure that is needed to support the polycentric lay out.

Due to the legacy of the centralized and hierarchical political system, horizontal coordination between the city and adjacent towns, as well as between districts and villages at the next lower levels of the planning hierarchy strongly compete rather than form alliances. Uncoordinated development as a result is one of the biggest challenges in the peri-urban areas (Aalbers et al., 2011:50)

2.5.2 Informal, flexible methods of governance- “The creative city-region”

This approach differs significantly from the formal, designated metropolitan governance model. According to Balducci et al., (2004), central government attempts to give unified definition for metropolitan areas usually fail, although some positive effects from bottom-up developments might be recognized. They also note that in either approach (top-down or bottom-up) there are a number of trade -offs that need to be handled – for example, flexible boundaries might be more efficient but lack longer-term stability, while democratically legitimized bodies give the opportunity for sustainability but have the danger of losing contact with the people.

Further supporting the need for transparency and inclusion, Kunzmann (2004) observes that one of the most crucial aspects for developing creative governance in city-regions is the need to build up regional information systems and get all important stakeholders involved to achieve joint thinking. If this is done successfully, then a city-region identity and confidence is more likely to develop, which will have a positive effect internally and project an important external image to investors and competitors.

Successful governance arrangements rely on the ability for creative ideas to be fed up the hierarchy rather than solely being fed downwards. Further, it is suggested that there is a need to move away from being risk averse in trying new arrangements, ‘experiments fail as well as succeed’ (Healy, 2004: 90), and that a more reflexive approach needs to be adopted where there is opportunity for evaluation, as well as implementation, of new ideas and structures.

The creative governance approach encourages flexibility and challenges the status quo; it highlights an opportunity for cities to be more inclusive and innovative in developing new working arrangements. The approach also warns against a ‘one -size-fits-all’ approach, and recognizes local, social, cultural, historical and economic contexts. The state is not a major player- the emphasis lies on the combined action of the actors, who are all legitimate members of the network (Newman, 2001)

This model encourages cities to;

1. Allow flexible, functional boundaries
2. Overcome the parochialism of established institutions
3. Develop networks of innovative regional actors and engage a diverse range of stakeholders in developing governance arrangements

4. Increase involvement of the 'Third Sector' in the light of a weakening public sector, and an increasingly geographically -unbounded private sector, in raising regional social and environmental awareness
5. Increase interregional cooperation through designing catalyst projects
6. Sustain the momentum of the newly created and flexible arrangements, through creation of opportunities for the actors to meet, even if no concrete actions are decided and no documents are signed
7. Ensure that the process is transparent and that there is an open -minded approach to innovative ideas of governance practice

The Desakota Model in Bandung, Indonesia and Shenyang-Dalian, China is one such flexible governance model that has been a success story.

2.5.2.1 The Desakota Model in Bandung, Indonesia and Shenyang-Dalian, China

Within the Asian context, Ginsburg (1991) and McGee (1991) have challenged the conventional view accepting that the distinction between rural and urban would persist as the urbanization process advances:

“Distinctive areas of agricultural and non-agricultural activity are emerging adjacent to and between urban cores, which are a direct response to preexisting conditions, time-space collapse, economic change, technological developments, and labor force change occurring in a different manner and mix from the operation of these factors in the Western industrialized countries in the nineteenth and early twentieth centuries” (McGee, 1991).

Ginsburg's description of these new areas characterized them as:

“Complex and compound regional systems consisting of central cities, fringe areas of those cities, exurbs, satellite towns, and extensive intervening areas of dense population and intensive traditional agricultural land uses in which wet paddy tends to dominate (Ginsburg, 1991: xiii).

McGee has proposed a territorial model named *desakota*, and a word to describe the process that lead to the formation of such territorial patterns: *desakotasi*. These terms were coined

from the Indonesian words *Desa* (village) and *Kota* (town), to describe the intense mixture of agricultural and non-agricultural activities that characterizes these regions.

The desakota paradigm has been applied to the Bandung extended metropolitan region in Indonesia. This strategy has been aimed at slowing down the physical development of Bandung City, the core of the region that was considered too congested by planning authorities. Action was taken in favor of the small towns surrounding it, in a set of policies that has been called “deconcentrating planning” purporting to redistribute development from the urban core to peripheral areas. Although with limited success, as the surrounding towns continue to act as dormitories, the model has been lauded for the effort made (Germán 1999: 22).

In the same line, Wang (1997) (quoted in Germán 1999: 22) analysis of the Shenyang-Dalian region of China has concluded that McGee’s desakota paradigm is applicable to the rural-urban convergence resulting from socio-economic and labor changes in the peri-urban area. The general tendency of this successful and dynamic extended metropolitan region has been towards a diversification of rural economic and occupational structures, with high levels of complementarity between the functions of each part of the system.

Considering management issues, from 1983 all the central cities of the region have been empowered to integrate about half a dozen counties and surrounding suburban districts, therefore allowing a more clear and powerful jurisdictional scheme that has also brought new economic links. The new system has facilitated the combination of urban and rural planning, the rational deployment of resources and a general readjustment of the region’s industrial structure (Germán 1999: 22).

2.5.3 Multilevel governance

Multilevel governance as a concept has been interpreted in several ways and remains a rather fluid theoretical basis for empirical research (Pierre, 2000; Pierre et al., 2005). It initially described a “system of continuous negotiation among nested governments at several territorial levels – supranational, national, regional and local” (Marks 1993:392) but the term has come to also include the diffusion of decision making to informal and overlapping policy networks (Kohler-Koch et al., 1999). In this case the role of the state is not anymore to command and control, but to enable other actors to participate in formulating and executing public policy and even take the lead in it.

The core in the definition of governance is in the ‘erosion of traditional bases of political power’, i.e. the changing institutional position of the nation state (Pierre, 2000: 1). This erosion is based on three simultaneous processes: firstly that national governments have through the deregulation of financial markets lost control possibilities to international actors as well as to business corporations; secondly an increasing role for non-government actors in policy networks regardless of states; and thirdly a strengthening of the position of local and regional level actors.

Hence, local governments, civic organizations and networks involving business are increasingly able to introduce their own policies, and influence policy-making processes on different system levels. This means, according to Pierre (2000:1), that a simultaneous movement of political power is occurring up to trans-national levels of government and down to local communities, but in an un-coordinated manner.

The multi-level/multi-actor governance in the urban context is further determined by the various governance levels that move from hierarchical to networking relations (Carmen, et al., 2010:73). This presupposes active investment in strong coalitions between public, private and civil society stakeholders at territorial and issue level. Rather than trying to make a single large city into an omnibus centre for a vast region, the network concept is based on a *clustering* of many settlements, each with its own specialization and localized hinterland relationships (Douglass, 1998)

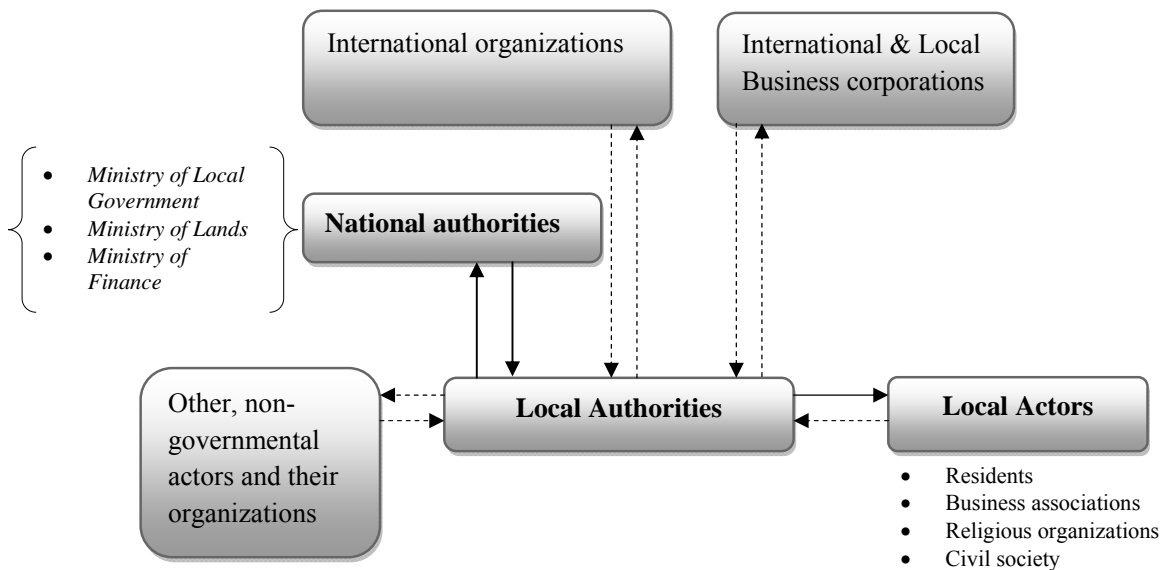
On the other side, the *multisectoral* nature of the *networked model* needs a localized capacity to co-ordinate a large number of interrelated and complementary activities. Provincial or district level boundaries are very important to co-ordination and application of planning

policy (Germán, 1999: 23). The model recognizes the need to upgrade infrastructure both at rural and urban level to achieve the necessary connectivity of the network, but it also gives strong emphasis to local roads among major centers, villages and towns within the region. Upgrading local infrastructure services available to households is a key factor, the quality of regional daily life being considered a key for economic growth (Douglass, 1998)

Hooghe et al., (2003) conceptualize two types of multi level governance:

The first ‘ideal type’ of multi-level governance is that where the nation-state still retains a leading role and can, up to some critical level, steer the development. It describes a limited number of multi-task, general-purpose jurisdictions with non-intersecting borders and where each next sub-level is nested within the previous level. This development can be called vertical multilevel governance (Aalbers et al., 2011:9).

Figure 2-4: Multi- level governance



Source: Adapted and modified from Aalbers et al., (2011). Erosion of the traditional power of the central state (solid arrows). International organizations and local authorities’ relations and influences accrue (intermittent arrows)

The second ideal type of multilevel governance is designed with respect to solving particular problems - to provide functional specificity. It is a complex, fluid, patchwork of innumerable, overlapping jurisdictions (Ivan, et al., 2010: 23). Jurisdictions operate at diverse territorial scales, are flexible and functionally specific rather than multi-task. The actors of the second type of governance can even be individuals who have common need for collective decision making, and one individual can be a member of several of such groups establishing jurisdictions.

Frequently, however, empirical studies of multilevel governance – especially from the local level perspective - come to the conclusion that the role of national government, even if eroded from several directions, is still central to most policy-making processes (Eckerberg et al., 2004). Hence, rather than a shrinking role of government, we are witnessing a shifting role as private and third sector engagement (such as voluntary organizations, charities, social enterprises, cooperatives) and interactions in policy making increases (Aalbers et al., 2011:10).

Multilevel governance thereby allows decision makers to adjust the scale of governance to reflect heterogeneity, since for example ecological conditions may vary from one area to another (Hooghe et al., 2003). But it should be emphasized that governance and government are the two intertwined but distinct elements of the process of governing (Aalbers et al., 2011:10). The combination requires the active engagement of local civil society combined with the commitment, leadership and steering by local, national, governments and international authorities. This can, in turn, generate the local resources, support and energy needed to deliver outcomes.

The *Sahakaan* in Thailand is one such multi level government which has had mixed results.

2.5.3.1 The Sahakaan (Federation of Municipalities) in Thailand

This was a mechanism for a formal type of intergovernmental cooperation applicable to Thai peri-urban areas as established in the Municipality Act, 1953. Chuthatip et al., (2008:140) have observed that little intergovernmental cooperation has occurred between provincial administration organizations (PAOs) and Tambon administration organizations (TAOs). They claim that this type of cooperation is mostly based on personal acquaintances or goodwill among the executive boards of PAOs and TAOs. Therefore the sustainability of such cooperation is questionable; it could be terminated if a conflict develops between the executive boards of the cooperating authorities, or when one of the executive board members finishes his term in office. More recently, the Decentralization Act of 1999 provided the opportunity for every type of local authority to cooperate horizontally with others, but this continues to be rare (Webster, 2002 (quoted in Chuthatip et al., 2008:140)

Successful projects have resulted from strong informal partnerships when combined with financial and technical support from the national government. For instance the Banbu garbage disposal scheme in Songkhla Province in southern Thailand, which was a partnership of two municipalities and three TAOs, was successfully established using an operational committee which put in effect cost-sharing arrangements based on user-pays principles.

2.6 The Governance challenge in Peri Urban Areas

The problems and opportunities of peri-urban areas fall into a perceived policy gap between the urban and the rural policy regimes. They often suffer from lax or sometimes even non-existent spatial planning procedures compared to the urban core (Aalbers et al., 2011:55). Their position at the intersection of different jurisdiction boundaries makes them vulnerable to urban centered developments. Much of the planning is piecemeal and uncoordinated and private investors have ample opportunities to lobby and buy out land for economic profit.

This challenge is exacerbated by the fact that peri-urban areas often share the territory of more than one administrative unit which administrative jurisdictions have different resources, capacities and political leanings (David, et al., 2004, Bourne, et al., 2003). Weak links and limited municipal power in sectors such as transport, water, energy, solid and liquid waste management, and land-use planning often result in uncertainty as to which institution administers which specific area or activity (Durand-Lasserve, 1998) and hence resulting to duplication of roles or non-performance altogether

Communities (2007), David, et al., (2004) and Ivan (2011), have identified Sectoral, Territorial, Democratic and Financial challenges in peri-urban areas:

The sectoral types of problems might be the results of imperfect answers from the government on market failures or correcting the government failures. For instance the wish to enhance individual mobility has led to the dismantling of public transport resulting in negative environmental (pollution) and economic (congestion) externalities. Traditional bureaucratic procedures invariably discourage integration across sectors, agencies and areas (David, et al., 2004:239).

The territorial types of problems are more visible in cases where there is a more fragmented local government system, where functional urban areas consist of many administrative units. Problems emerge in the case of municipalities situated on the border of larger administrative units. Cross-regional cooperation is usually difficult in itself while problems further increase in the case of cross-border regions.

There is the growing dissatisfaction of people with (local) politics. This phenomenon – as part of the much discussed broader topic of democracy deficit – is described as ‘post-democracy’ by Colin (2004). Politics seem to be subordinated to economic

interests. Consequently, democratic elections seem to lose importance (no matter who will be elected, policies will be approximately the same), which means that citizens are pushed into a more and more passive role. Furthermore as observed by William, et al., (1993) peri-urban settlements are not recognized as legal areas and hence their community leaders and residents have limited political influence

The financing of public services, which are often supported by financial transfers from central government posits a challenge. In such cases, the extent to which the real net costs of the services are covered by these transfers is of crucial importance. If the higher level transfer only covers for example 2/3 of the real net costs of providing a given service, the rest has to be assured by the budget of the local authority which runs the service. It is clear that local governments have more “positive interests” in those services which are to a great extent financed by the higher level transfers. On the other hand, this interest is much lower in the case of services less financed by transfers.

In addition, there are spillover effects (externalities) of services on other jurisdictions. Local governments are the less eager to run a public service, as the larger share of the real net costs has to be financed from their own budget. If a public service gets little higher-level financing, the interest of the local government is not to run this service but to convince the population to use this service in another settlement. As a consequence, families moving out from the city to suburban settlements often face the lack of services – especially those services which are less financed by higher - level financial transfers. In such cases, suburban families are forced to use these services in the city they moved out of, contributing to the increase of suburban traffic and to the increase of financial difficulties in the core city budget.

The Desakota Study Team (2008: 100) observed that in the peri-urban regions, traditional systems of management as well as those assuring social justice and harmony are breaking down but formal ones have not yet been firmly established. The region sees a complex mix of old village practices coexisting with urban (at times even global) ones. This presents a vibrant potential for re-imagining institutions. This mix has within it the potential for evolving effective new governance that is simultaneously environment-friendly and pro-poor, but also contains the possibility of institutional collapse that is detrimental to both.

Institutionally, peri-urban regions are often characterized by a poorly linked mix of formal institutions operating within defined enclaves (agricultural estates, corporate industrial estates, forest reserves, parks, etc...), declining or evolving traditional institutions and emergent informal institutions filling the gaps and often encroaching across enclave boundaries (Desakota Study Team 2008: 36). This is frequently a source of tension.

William, et al., (1993) observe that residents of peri-urban areas often do not have legal land tenure, and, in most cases, the site itself has not been legally urbanized. Therefore, governments generally do not recognize the legality of these settlements. Secondly, because prohibitive costs lock them out of formally developed areas, occupants are in violation of tenure laws and/or development regulations.

2.7 Conclusions from Literature Review

Literature has shown that peri-urban areas feature a diversity of land uses that vary in relation with their urban and rural linkages, they are transitional in nature and follow heterogeneous patterns of growth. Institutionally some administrative activities fall outside the purview of rural and urban governments- thus confronting peri-urban dwellers with both urban and rural laws and institutions

Management problems areas are more visible in cases where there is a more fragmented governance system and where functional urban areas consist of many administrative units. Weak vertical and horizontal linkages impact negatively on institutional systems by creating uncertainties as to which actor is offering what service. Furthermore, the actors and agencies have varying roles and responsibilities, capacities and perceptions, political leanings and relationships. When all important stakeholders are involved in joint thinking, then the peri-urban area identity and confidence is more likely to develop. This then makes a case for an institutionalized coordinating authority where the emphasis should lie on the combined action of the actors.

The position of local and regional level actors should be strengthened. This presupposes active investment in strong coalitions between public, private and civil society stakeholders at territorial and issue level. This will allow the local governments, civic organizations and networks involving business to introduce their own policies, and influence policy-making

processes on different system levels. Empirical studies of governance have however come to the conclusion that the role of national government, even if eroded from several directions, is still central to most policy-making processes. The role of the state should not be to command and control but to facilitate policy development. This can, in turn, generate the local resources, support and energy needed to deliver outcomes.

Successful peri-urban management in other countries have shown that a more reflexive approach should be adopted where there is opportunity for evaluation, as well as implementation of new ideas and structures in cognizance of local, social, cultural, historical and economic contexts. Creative management ideas should be fed up the hierarchy rather than solely being fed downwards

Due to the perceived policy gap between the urban and rural policy regimes the successful inclusion of peri-urban areas in urban development depends on the ability of urban managers to foresee the urban futures.

2.8 Research Hypothesis

Following the conclusions from literature, the research was based on the hypothesis that governance affecting peri-urban areas is a critical determinant of planning outcomes and that a key determinant of government effectiveness is the extent to which the problem of fragmented governance has been addressed

2.9 Conceptual Framework

Within the peri-urban area various institutional actors and agencies have roles and responsibilities, capacities and relationships with other actors and agencies and rules and incentives that govern those relationships. The actors and agencies include the national government, county councils/county governments, Physical Planning Department, residential associations, business associations, civic organizations and non-governmental organizations among others.

The process of mapping the planning area/ action arena should help to describe the mechanisms through which institutional actors create the results that affect people's livelihoods. However, the factors that determine the roles and responsibilities of different actors may not come from "inside" the action arena itself, but be generated by the overall

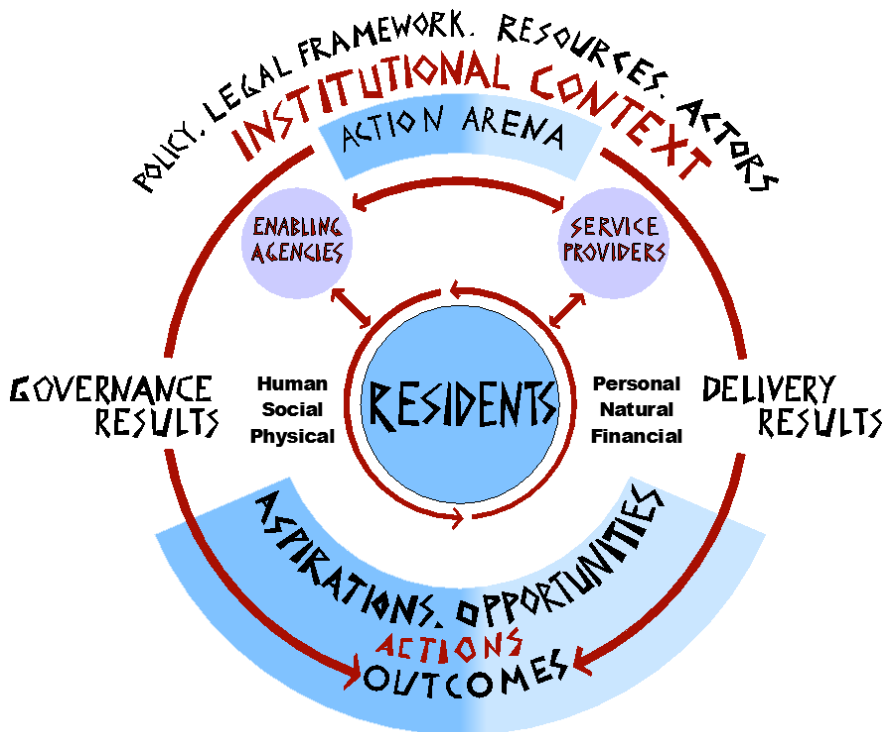
institutional context (which comprises policy, legal framework, resources and actors) that surrounds it.

While the analysis of the peri-urban area concentrates on the particular institutional arrangements that influence a set of results that have been observed “on the ground”, the analysis of this institutional context takes into account not just the capacities, relationships and rules and incentives that are specific to the particular action arena with which the analysis is concerned, but also the mechanisms that govern these institutional actors as well as other actors and agencies.

Effective management of peri-urban areas rests on interdisciplinary understanding, and concerted effort towards coordinating the actors, factors and institutions and hence addressing the problem of fragmented governance. The factors include human, physical/land/territory, social, natural and financial capital.

These variables are presumed to have the following interactive relationship in Ongata Rongai:

Figure 2-5: The Conceptual model



Source: Author

CHAPTER THREE

3. RESEARCH METHODOLOGY

This research used the case study method of research, which is an empirical inquiry investigating a contemporary phenomenon within its real-life context, when the boundaries between phenomenon and context are not clearly evident and where multiple sources of evidence are used (Yin, 1984). The case study is used to present a portrait of a particular social phenomenon, (Hakim, 1987) and is often considered to be the most flexible of all research designs, largely because of the ability to draw from a number of data sources.

In their study of the *Desakota* Model in Bandung, Indonesia and Shenyang-Dalian, China, Ginsburg (1991) and McGee (1991) have described peri-urban formation as “complex and compound regional systems consisting of central cities, fringe areas of those cities, exurbs, satellite towns, and extensive intervening areas of dense population...” This model, which has been a success story in these peri-urban regions, lent itself to the case study approach where the small towns surrounding the big cities were analyzed and compared.

3.1 Study Factors and Parameters

The study revolved around Actors, Factors, Perceptions and Institutional milieu.

1. Actors

- a) County Council of Olkejuado
- b) City Council of Nairobi
- c) Physical Planning Department
- d) Residential Associations
- e) Private Developers/ Business Community/Enabling agencies

2. Factors

- a) Land (Tenure, registration, subdivision, land use)
- b) Territorial endowment (Location (proximity to the city of Nairobi), infrastructure, natural resources, amenity, cost of living, cost of doing business, region's image)
- c) Human Resource capacity (Skills, availability, cost of labor)

3. Institutional context
 - a) Government policy framework
 - i. The Constitution
 - ii. Land laws
 - iii. Planning laws
 - iv. Planning institutions
 - b) Resources
 - c) Actors
4. Perceptions, including aspirations and opportunities, by;
 - a) County Council of Olkejuado
 - b) City Council of Nairobi)
 - c) Government Ministries and Agencies
 - d) Ongata Rongai Residents
 - e) Private Developers/ Business Community
 - f) CBOs, NGOs & other organizations

3.2 Sources and methods of data collection

Both primary and secondary data were utilized.

Primary data was collected through

1. Direct field observation and recording using field notebook, observation checklist, base-map and camera
2. Interviews using standard questionnaires and interview schedules
3. Informal interviews using focused group discussions

Secondary data was collected through reviewing and utilization of existing literature. This entailed both published and unpublished works, GoK publications, and relevant maps.

3.3 Research Tools

These included necessary writing material-field notebooks, pens and pencils; questionnaires; interview guides; observation checklist; camera; and base-map. A guide was also employed for ease of direction and translation.

Table 3-1 Research methods and tools

S/No	Objective	Data source	Method of data collection	Tools
1.	To identify the main land use planning issues in Ongata Rongai	<ul style="list-style-type: none"> • Primary • Secondary 	<ul style="list-style-type: none"> • Interviews • Focused group discussions • Literature review 	<ul style="list-style-type: none"> • Questionnaires • Interview schedules • Note book • Pens and pencils
2.	To identify and assess the institutional structures and capacities for management in Ongata Rongai.	<ul style="list-style-type: none"> • Primary • Secondary 	<ul style="list-style-type: none"> • Interviews • Focused group discussions • Literature review 	<ul style="list-style-type: none"> • Questionnaires • Interview schedules • Note book • Camera • Pens and pencils

3.4 Research Design

The research was conducted in three stages

Step one was literature review on relevant areas aimed at getting a clearer understanding of the study problem

Step two was a reconnaissance familiarization tour of the study area

Step three was the field survey. This entailed administering of questionnaires; informal interviews with key informants; and focused group discussion. The technique of ‘participant observation’ was also employed to fill in the gaps which existed in raw data obtained from the field as a result of the nature of sample design, nature of questionnaires, and bias posed by the ignorance of the respondents or the researchers own technical mistakes.

3.4.1 Research Population

The target population in this study was the urban households in Ongata Rongai and business owners (both formal and informal) in Ongata Rongai. According to the 2009 Kenya Population and Housing Census report, Ongata Rongai has 25,864 households.

Table 3-2: Ongata Rongai population, 2009

Sub Location	Population, 2009	No. of Households
Kware	22,193	7,050
Mosoi Range	21,311	6,719
Ongata Rongai (Laiser Hill, Ongata Rongai & Entumoto sublocations)	40,178	12,095
Total	83,682	25,864

Source: Kenya, 2010. 2009 Kenya Population and Housing Census

3.4.2 Sampling Design

For purposes of questionnaires, two sets were developed:- Urban residents' Questionnaire and Businesses' Questionnaire.

3.4.2.1 Sample size

i. Ongata Rongai Urban Residents

Gay (1983) (quoted by Mugenda, 2003: 42) suggest that for correlational research, 30 cases or more are required and for descriptive studies, 10% of the accessible population is enough. In this study a sample size of 172 was selected for urban residents.

ii. Business people

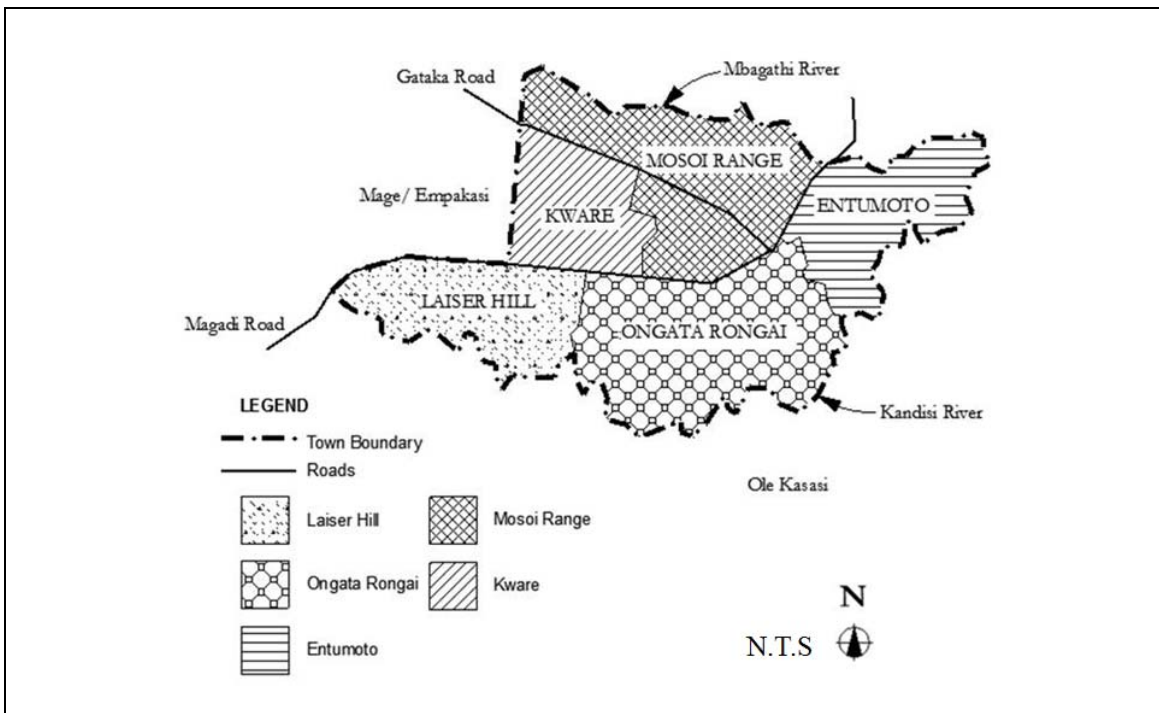
Mugenda (1999) suggests that 30 cases or more would be required for descriptive studies. A sample size of 56 was selected for business people with keen interest taken to cover all business categories – supermarkets/ wholesale, Retailers, and Hospitality Industry. In addition 40 market vendors were interviewed.

3.4.2.2 Sampling Frame

i. Ongata Rongai Urban Residents

Since a list of the 25,864 urban households in Ongata Rongai is not available, the township was divided into five clusters, the clusters being the five sub locations within the township, thus: Kware, Mosoi Range, Laiser Hill, Ongata Rongai, and Entumoto sub locations. The dwelling units in each of the blocks formed the sampling frame. These units were further categorized as bungalows, maisonnetes and apartment/flats

Map 3-1: Sampling clusters (sub-locations)



Source: Department of Physical Planning

ii. Business people

The businesses were categorized as – supermarkets/ wholesale, Retailers, Hospitality Industry and market vendors.

3.4.2.3 Sampling procedure

i. Ongata Rongai Urban Residents

Once a list of the dwelling units was prepared, a simple random sample was selected using Random Digit Tables. All household heads within the dwelling units or dwelling blocks in the case of apartments were interviewed. Proportionately, the sample sizes from each of the sub-locations were as follows:

Table 3-3: Household sample size

Sub Location	No. of Households	Sample size
Kware	7,050	47
Mosoi Range	6,719	45
Ongata Rongai (Laiser Hill, Ongata Rongai & Entumoto sublocations)	12,095	80
Total	25,864	172

ii. Business people

Similarly for business questionnaires, a simple random sample of business premises within the specified categories was selected from Random Digit Table. All business owners within the selected business premises were interviewed

3.5 Data Analysis

Data obtained from the field in raw form is difficult to interpret (Mugenda, 2003: 115). Such data was cleaned and edited to ascertain accuracy, detect possible omissions, errors, wrong entries and irrelevant answers. To facilitate empirical and quantitative analysis the responses in the questionnaire were assigned numerical values (that is coded). In the case of open-ended questions, all responses given were categorized and assigned numbers. Such data was then key-punched into a computer.

Both qualitative and quantitative techniques were employed in data analysis.

3.5.1 Qualitative Data Analysis

This was in the form of text, materials and photographs which describe events and occurrences. Once the themes, categories and patterns were identified, the data was evaluated and analyzed to determine the adequacy of information and credibility, usefulness, consistency and validation (or non validation) of the hypotheses. The usefulness of the information in answering the research questions was evaluated.

3.5.2 Quantitative Data Analysis

The technique employed was descriptive statistics (mean, mode, median), percentages, frequency distribution tables, histograms, and pie charts.

CHAPTER FOUR

4. POLICY FRAMEWORK FOR PLANNING IN KENYA

4.1 The Local Governance System in Kenya: Challenges and opportunities

The present structure of local government has its roots in the Local Government Regulations of 1963 with the subsequent amendments appearing now as the Local Government Act Cap 265 (now repealed) Laws of Kenya. There are four types of local authorities established under the Act- Municipal, Town, County and Urban councils

The Act is silent on the criteria to be used for the establishment of the different categories of Local Authorities. Further, until the establishment of the Urban Areas and Cities Act, 2011 there has been no law in Kenya that establishes city councils. The city of Nairobi, though established by Charter (the Royal Charter dated the 20th March, 1950), has been treated as a municipality in all respects as its status, duties and functions were not defined into legislation.

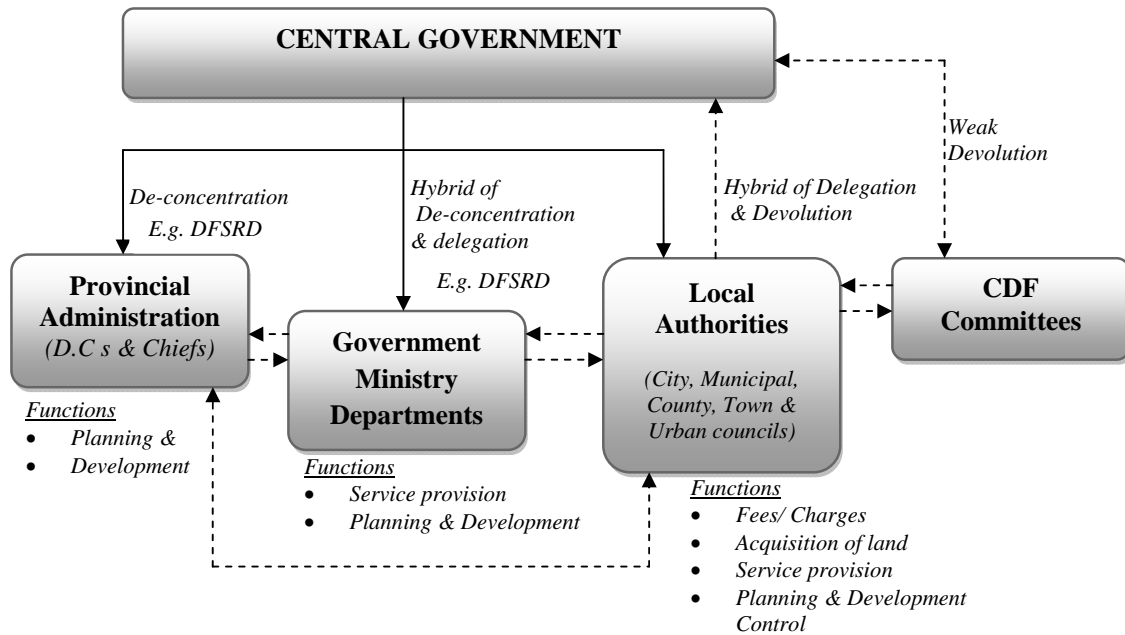
The Local Government Regulations (1963) provided the councils with some powers and responsibilities including those of imposing fees and charges and acquisition and dealings in land among others. The Local Authorities provided a wide range of services including primary education, health, road maintenance, water and sanitation, public housing and land administration. During the same period apart from the Local Authorities there existed another administrative structure consisting de-concentrated provincial administration system emanating from central government and the technical functional departments and ministries.

These dual structures remain to date and have sometimes caused governance problems (Mboga, 2009: 9). This situation is further complicated by the decentralized Constituency Development Fund (CDF) whose focus is outside the Local Government structure while serving the same constituents served by Local Authorities.

This situation distorts the focus of the leadership at the location and district level between the roles of the District Commissioner (DC) and Chief with those of the Mayor/Chairperson and the councilors. This situation confuses the citizen as to whom they should refer their issues to for proper addressing.

The district focus for rural development was in many respects a delegation of responsibilities by the central government to the district level. This reduced the powers of Local Authorities from planning and implementing all activities in their jurisdictions (Mboga, 2009: 9).

Figure 4-1: The local Governance system in Kenya



Source: Author

4.2 Land Law- land Use nexus and its implication to planning

4.2.1 The Evolution of land laws in Kenya

The evolution of land laws (both formal and informal) in Kenya can be traced back to the pre-colonial, the colonial and the post-colonial periods. The three phases are characterized by major events that shaped the legal regime that governed land (Nyangito et al., 2002: 6).

4.2.1.1 Pre-colonial Land laws

Prior to colonial rule, all land in Kenya belonged to the community and was governed by informal or customary laws (Okoth-Ogendo, 1991 (quoted in Ayonga et al., 2009: 149). The land tenure system varied greatly from one community to the other depending on cultural values, geography, climatic and socio-economic conditions. Land access rights were open to every member of a social group and land was equitably distributed on the basis of individual needs to members of the social organization in control of a particular territory (Kanyinga, 1998 (quoted in Nyangito et al., 2002: 7). Community leaders acted as ‘judges’ and had powers to control land use (Nyangito et al., 2002: 7). The land use system during this period was homogeneous, meaning that it was not dichotomized between the rural and urban land use systems (Ayonga et al., 2009)

4.2.1.2 Colonial Land Laws and policies

The establishment of the Protectorate in the early 1890’s and subsequently the colonial economy at the beginning of the 20th century brought in major changes on the generally stable flexible structure of access to land in pre-colonial Kenya. This occurred mainly through acquisition and ownership of land considered suitable for European settlement (Nyangito et al., 2002: 7).

The Crown Lands Ordinance of 1915 brought into control virtually all the territory under the Commissioner of the East African Protectorate (Kenya) and later the Governor. Ayonga et al., (2009:149) observe that in order to institutionalize racial segregation between white settlers and African reserves, it was specified in the Ordinance that for one to obtain land in the urban or scheduled areas, such land had to be auctioned and it was to be allocated only to the highest bidder. The imposition of the English Property Law marked the beginning of individualization of land ownership (Wanjala, 2000) and settler incursion and agriculture in the Protectorate. Community governance was from then on subjugated and lacked legal mandate.

To consolidate the settlers' grip on the acquired land, the colonial government institutionalized the Transfer of Property Act of India (ITPA), a law that governed property with regard to transfers, leases, mortgages, covenants, etc. Besides, to ensure security of tenure of the settling proprietors, the Registration of Titles Ordinance (now Cap 281 of Kenya laws) was enacted in 1920. The effect of registration under this Ordinance was to declare the title of the registered proprietor of land conclusive and indefeasible.

The 1938 Native Lands Trust Ordinance (NLO) required that Africans be restricted in rural areas ('African Reserves'). The result of this balkanization policy was, according to Okoth-Ogendo (1976), widespread landlessness, deterioration of the quality of land due to fragmentation, overstocking and soil erosion, and the disintegration of social and cultural institutions in the reserves.

Two land use systems, with different land use management, had thus developed- European land use system based on urban areas and scheduled highlands and African land use system based on rural reserves and small market centers. European scheduled and urban areas remained well organized whereas the African reserves were neglected in terms of modern infrastructural services including roads and housing (Ayonga et al., 2009:150).

Out of the belief that the deterioration of life in the reserves was due to overpopulation, bad land use and a defective tenure arrangement, the authorities saw need in reforming the whole tenure arrangement. The Swynnerton Plan of 1953 was instituted to guide intensified agricultural development in the reserves by encouraging individualization of tenure and to provide security of tenure through an indefeasible title (Nyangito et al., 2002: 8 and Kenya, 2011: 15).

Subsequently, the *Native Land Registration Ordinance* was enacted to provide for individual ownership of land upon registration. The land reform programme had three main stages: adjudication, consolidation and registration. Adjudication involved ascertaining individual or group rights amounting to "ownership" over land within a given area. It was posited that the registration of private rights in land resulted in more efficient use and conservation of the available land (Kenya, 2011:15). The second step of consolidation involved the merging of fragments into single economic units while registration entailed the entry of established rights into the land register and the issuing of a title deed.

Various authors (Okoth-Ogendo, 1976 and 1984, Heyer et al., 1976, and Kibwana, 2000) have argued that this reform process was not successful. They argue that whereas the reform process brought with it some individualism in land ownership (believed to be crucial in providing incentives for development) it failed to change the farmers' perceptions of the nature of land rights and the power derived from it- traditional rights of access and inheritance continued to determine the farmers' 'freedom' of disposition (Nyangito et al., 2002: 10). Titles did not improve farmers' access to credit and inputs as anticipated. Secondly most poor people were forced to sell land to their well-to-do neighbors, accelerating landlessness and accumulation of land by a few members of the rural society.

4.2.1.3 Post-colonial land laws and policies

Nyangito et al., (2002: 10) observe that after independence most of the colonial land laws and policies were retained. At independence the government enacted the Registered Land Act (Cap 300), an embodiment of the English law, to govern land formerly under the customary law. This law encouraged individualization of tenure in line with the agronomic arguments mooted in the Swynnerton Plan.

The Land Adjudication Act (Cap 284) was amended in 1968 to cater for group rights particularly in pastoral and nomadic areas where individualization had little success. The group rights were to be registered under the Land (Group Representatives) Act (Cap 287).

The Magistrates Jurisdiction Amendment Act of 1981 vested in councils of elders the powers to hear and determine cases revolving around beneficial ownership of land, the division and determination of boundaries to land, claims to occupy or work on land, and trespass cases.

The government developed two strategies to address the issue of landlessness (Nyangito et al., 2002: 11): First was the establishment of settlement schemes. It (the government) purchased land and settled Africans who had been displaced either during the colonial incursion or in the reform process. Secondly it encouraged people to pool resources together and purchase land collectively. This saw the mushrooming of land buying companies and farming co-operatives with interests in land.

4.2.2 Current land laws and policies in Kenya

Nyangito, et al., (2002: 12) identify three facets of formal land governance: direct effect governance systems, indirect governance laws, and enforcement organizations.

The direct effect governance system comprises diverse sectoral laws governing exploitation and conservation of the natural resources incident on land. These laws are in operation in many sectors including agriculture, wildlife, livestock, forestry, water, wetlands and environment. They are enacted to regulate the powers conferred to landowners.

Indirect effect laws are those laws that define property rights in land ownership. They deal with issues of land ownership and involve processes such as enacting of laws, revisions, land adjudication, consolidation, and registration.

Enforcement refers to both the organizations emanating from the various legal institutions and the laws governing enforcement.

4.2.2.1 Laws governing land use

Laws regulating the use of resources incident on land, that is water, wildlife, agriculture, forests, the environment, etc., have been enacted to regulate the powers conferred on landowners. Currently, there are about 68 pieces of legislation governing land use in Kenya (Kenya, 2011:44). The targets for these, laws are:

1. Land exploitation
2. Land control
3. Land planning
4. Land conservation

The substantive and regulatory laws that are used in realizing these targets include the Agriculture Act (Cap 318), the Land Control Act (Cap 302), the Physical Planning Act (No 6 of 1996), the Environmental Management and Co-ordination Act (No. 8 of 1999), the Chiefs Authority Act (Cap 128) and the Local Government Act (Cap 265).

There are many other laws that directly or indirectly affect the manner in which land is used. These include laws that govern water, use of forest resources, Succession, Land Acquisition, Surveying, Stamp duty, etc.

The Constitution in Article 66 (1) gives power to state to regulate the use of any land, or any interest in or right over any land, in the interest of defense, public safety, public order, public morality, public health, or land use planning. Similarly the National Land Policy has provisions on land use management, the policy calls upon the government to put in place appropriate strategies for managing growth and development of urban and rural areas.

The policy identifies the following as challenges to land use management;-

1. Rapid urbanization
2. Inadequate land use planning
3. Unsustainable production
4. Poor environmental management
5. Inappropriate ecosystem protection and management.

4.2.2.2 Laws on land ownership

Land ownership in Kenya currently falls under three property regimes: The Indian Transfer Property Act (Group 8); the Registered Land Act (Cap 300) and the customary law system.

The Indian Transfer and Property Act embody the freehold estate. It applies particularly to those lands whose title can be traced to the Crown Land Ordinances of 1902 and 1915; the Lands Title Ordinance of 1908 (currently Cap 208) and the Conversion of Leases Regulations and Rules of 1960.

The Registered Land Act (Cap 300) applies mainly to land that was formerly the ‘native reserves’. The law, whose present version was enacted in 1963, was the culmination of the reform programme started by the colonial government and aimed at replacing the customary law system of communal ownership of land with the English system.

The customary law system regime is multifaceted and diverse. It varies by region, ethnicity, and even by clan. It is based on the socio-cultural values and institutions of local communities utilizing the land resource. Informal rules, culture, and the communities’ interpretation of the land property rights define governance systems across generations.

A secondary definition of land property rights exists in the Agriculture Act (Cap 318) and the Land Planning Act (Cap 303) (now repealed). These secondary land rights refer to all those definitions of ownership and rights that exist beyond the primary character of ownership.

These property rights determine the rights to use land and clearly differentiate between owner and user of land holdings.

Other laws that govern the registration of land and deeds include are Registration of Documents Act (Cap 285), the Land Titles Act (Cap 282), the Government Lands Act (Cap 280), Registration of Titles Act (Cap 281), the Land (Group Representative) Act (Cap 287), the Land Adjudication Act (Cap 284), the Land Consolidation Act (Cap 283), the Trust Lands Act (Cap 288) and the Sectional properties Act (No. 2 of 1987).

4.2.2.3 Enforcement of Laws

The key enforcement agents are; the office of the executive, including ministers and the President; various land boards created by the various land management Acts; and the judiciary and to a lesser extent councils of elders as specified by various Acts.

The Executive

The powers of the executive in defining land law are substantial. The key executive officers with such powers are the President and Ministers of agriculture and lands, as the cabinet definition of such offices dictates. The President has at his discretion powers to nullify, exempt from statutory payments, and to order land transactions. The Minister for lands and the Minister for agriculture have clear enforcement powers as stipulated in the Agriculture Act (Cap 318) and the Land Control Act (Cap 302). In both Acts, the Minister for agriculture has an open hand in determining spatial jurisdiction and therefore the right of land law application to any one area. From the various land laws, the executive has powers, of determining ownership and ratifying land transactions. When agricultural land ownership is in dispute, the Minister has powers in determining ownership. The Minister also has the right to apply the Land Control Act to any area he considers expedient to apply the Act to. The same Act gives the Minister the right to control transactions.

Boards and Tribunals

Boards and tribunals govern and also enforce land law. The key institution here is the Agricultural Appeals Tribunal established under the Agriculture Act. This tribunal acts as the final arbitrator of land disputes of all forms. The Agricultural Appeals Tribunal arbitrates land ownership conflicts after the determination by the Minister for agriculture. The tribunal also arbitrates conflict as regards ministerial directives on land preservation and land

development order. Other institutions with subservient arbitration powers are the District Land Control Boards, the Provincial Land Control Appeals Board and the Central Land Control Appeals Board.

The powers of Land Control Boards supersede those of the judiciary in ratification of transactions. The powers of control of transaction are hierarchical, starting at the lower end with the Minister for agriculture and at the top with the Central Land Board. The district Land Board, then the Provincial Land Board and finally the Central Land Board hear refusals to transaction ratification by the Minister if not determined satisfactorily in any one echelon. The other board-type categories are the various regional agricultural boards. These include the District Agricultural Committee, Provincial Agricultural Committee, and the Central Agricultural Board Authority. Their role in land use emanates from their statutory and advisory role to the Minister for agriculture, the Land Board, and the agricultural land tribunal. In general, these boards act as second tier enforcement institutions after arbitration or control by the executive has failed.

Other relevant organizations in enforcement of agricultural law, and not necessarily within the auspices of boards or tribunal, are the Agricultural Finance Corporation (AFC) and the Director of Agriculture. The latter has a wide mandate that goes beyond advice to implementation of laws.

The Judiciary and the Elders Courts

The judicial system in Kenya plays an important role in enforcement of land laws. Prior to 1981 when the government enacted the Magistrates' Jurisdiction (Amendment) Act, all disputes concerning land ownership were presided over by ordinary courts of law. This Act established 'elders' courts or panels and vested in them the power to hear and determine some land cases. These cases included those cases revolving around the beneficial ownership of land, the division or determination of boundaries to land, a claim to occupy or work on land, and cases involving trespass to land.

The Elders' court, which is chaired by district officers and comprising of two or four other elders, are required to reach decisions on land disputes and file the decisions with the Resident Magistrates' Courts. The Resident Magistrates' Court has powers to accept the decisions of the elders without any alteration and enter judgment in favor of the person who is judged by the record to have won the case. The court also has power to instruct the elders

court to reconsider a case or modify or correct a record filed by the panel of elders. The court may also set aside the record of a panel of elders and order the matter to be reheard before a new panel. In effect, therefore, the Resident Magistrates' Court still maintains immense powers for the determination of land related disputes.

In the event that an aggrieved is not satisfied with the ruling of the Resident Magistrate, then one would expect the existence of the possibility for an appeal to a higher court. However, the Magistrates Jurisdiction (Amendment) Act stipulates that once a decision is accepted by the Resident Magistrates Court and a decree has been issued, no appeal can be made except in so far as the decree is in excess of, or not in accordance with the decision of the panel of elders. This requirement is clearly quite restrictive and could easily lead to miscarriage of justice. Where the ruling made is conceived to be beyond the mandate of the elders' court, then an appeal can be made in the High Court.

4.2.3 Land tenure systems in Kenya

Land tenure refers to the terms and conditions under which access to land rights are acquired, retained, used, disposed of, or transmitted (Kenya, 2011:13). Tenure systems represent relations of people in society with respect to the essential and often scarce land. They are culture specific and dynamic, changing as the social, economic and political situations of groups change. Land tenure regimes in Kenya are fragmented, complex and pluralistic (Kenya, Draft National Land Policy, 2011).

Land policies and legislation in Kenya have over the years given rise to private, customary (community) and public tenure systems.

4.2.3.1 Private tenure

The private tenure system confers on the individual or corporate entity an indefeasible and exclusive title to a specified estate in land. This includes all land held on freehold or leasehold by individuals, companies, co-operative societies, religious organizations, public bodies, and legal bodies. Private land may be as a result of alienation under the Governments Land Act, the Trust Land Act or adjudication of trust land (under the Land Adjudication Act), determination of claims under the Land Titles Act, or by sale off by the Settlement Fund Trustees. Holders of such land are 'free' to utilize their pieces of land in a manner they deem fit subject to land use laws. The law applicable to this land is embodied in the Registered Land Act (Cap 300).

Although Article 64 *of the Constitution* contains the recognition of private land and absolute titles, the title is no longer indefeasible if it was acquired unlawfully (Article 40 (6)). This view is buttressed by the provisions of Article 67(2) (e) that mandates the National Land Commission to undertake investigations on historical land injustices and Article 68 (c) (v) that allows the review of all grants or dispositions of public land to establish their propriety or legality.

4.2.3.2 Customary tenure

Customary land law tenure owes its legitimacy to the traditional societies (communities) where land was owned on a communal basis by different tribes (groups of people) (Kenya, 2011:17). This means that members of the particular community exercise certain rights over the land in varying degrees of equality with others of the same community. In turn, the right

is secured by virtue of membership in that community or more specifically by membership into some socially distinct unit of that community.

This tenure system mainly found in areas that have not yet been transformed though adjudication, consolidation and registration. Tenure relations is controlled by some socially distinct authority usually comprising of a functionary e.g. a chief, an elder, council of elders, spiritual leader etc. Such an authority solves the problem of allocation by overseeing the access, management and use of land.

Control is for the purpose only of guaranteeing access to land and the resources found on it. Decisions about the persons to exclude and who not to exclude also rests with this controlling Authority.

Areas under customary tenure system are designated as trust land. Article 63 of the Constitution of Kenya contains provisions that protect Community land held under customary land tenure.

4.2.3.3 Public tenure

The system of public tenure stems from the idea or notion of the state as the owner of radical title i.e. all land belongs to the state. Public tenure, therefore, designates the Government as private landowner and follows the provisions of the Crown Lands Ordinance of 1902 as subsequently amended and currently reflected and embodied in the Government Lands Act and Article 62 of the Constitution. Public tenure establishes control over forests, national parks, open water, townships and other urban centers as well as alienated and un-alienated government land. This land is supposed to be reserved by the government for public purpose, unless and until it has been privatized to an individual or corporate entity through a presidential grant of freehold or leasehold.

4.3 Planning Institutions in Kenya

Planning in Kenya is undertaken at the national, regional and local levels by different institutions depending on subject matter and area of consideration. This planning is categorized into development planning and physical planning. Development planning deals mainly with the organization of various sectors related to social and economic development whereas physical planning deals with the different aspects of land use and attempts to achieve a rational and efficient spatial organization of human developmental activities.

4.3.1 Sectoral Planning Institutions

Sector based planning is carried out by the Ministry of Planning and Vision 2030 at national and regional (district) levels. National-level planning is articulated through the five year National Development Plans and various parliamentary sessional papers. At the Regional level the District Development Office prepares five-year development plans within the framework of the District Focus Strategy for Rural Development (DFSRD) which established the District Development Committee (DDC).

The specific ministries and relevant departments then implement the proposals in the plans, with funding from the central government. The plans also incorporate the contributions of other key stakeholders such as the private sector and Non-governmental Organizations in the planning and implementation processes.

At the local level, the Ministry of Local Government through the Urban Development Department also guides Local Authorities in the preparation of Local Authority Development Plans (LADP's). The aim of these is to develop medium-term investment proposals, which are later turned into development projects.

4.3.2 Spatial Planning Institutions

Spatial planning is undertaken by the Department of Physical Planning in the Ministry of Lands. Local authorities as established by the Local Government Act, Cap 295, perform implementing and development control functions. The Urban Development Department of the Ministry of Local Government is charged with translating planning proposals into development projects.

The office of the Director of Physical Planning acts as the chief government advisor on matters relating to physical/spatial planning and is responsible for the formulation of national,

regional and local physical development policies, guidelines and strategies, among other functions. The office initiates or undertakes studies and plan preparation processes. It also facilitates the legal translation of these plans and oversees the implementation of proposals therein.

At the regional level the Director of Physical Planning is represented by Provincial and District physical planning officers. The main planning activity at this level is the preparation of the Regional Physical Development Plan, with the administrative district as the planning region. Under section 23 (1) of the Physical Planning Act of 1996 the director may also declare a region with unique or similar characteristics, a special planning area and initiate the preparation of a regional plan for the same.

Under the Local Government Act (repealed) and the Public Health Act Local Authorities have wide-ranging powers to control and guide development in their areas of jurisdiction. In addition, Local Authorities also use various by-laws to control a wide range of activities. The Physical Planning Act gives added legal authority to the Local Authorities in the implementation of physical planning proposals and decisions. In so doing, the local authorities become the key development control agencies in the country.

Most Local Authorities, often due to lack of technical Capacity rely on the office of the Director of Physical Planning to undertake the preparation of physical development. Under such circumstances, the plan is deemed to have been prepared by the director on behalf of the Local Authority. They also rely on other agencies such as the provincial administration and the regular police force, to execute their development control decisions and enforce planning regulations, by-laws and standards.

4.4 Spatial Planning Laws in Kenya

4.4.1 The Town Planning Act of 1931 (now repealed)

The Town Planning Act of 1931 (an amendment of the Cap 48 of 1931), was developed to control the development of towns. This Act created the town planning Preparatory Authority and the Executive Authority. The former was charged with the responsibility of preparing Town Planning Schemes while the latter was charged with enforcing observance of the whole or part of the scheme, and with executing any works therein. The activities of both were limited to gazetted townships. The Governor approved plans prepared within townships while the Commissioner of Lands approved those prepared outside the townships

4.4.2 The Land Planning Act of 1968 (now repealed)

As a re-enactment of the 1961 planning regulations, the Land Planning Act (Cap303) of 1968 set out to provide guidelines on the preparation and approval process of plans such as, area plans, town plans, subdivision schemes, etc. This Act extended planning to peri-urban areas – 5 miles from the municipal boundaries and 400 feet from the highways. It established Interim Planning Authorities (IPA), and the Central Authority (C.A). Local Authorities were supposed to constitute themselves into IPAs. The powers of an IPA ranged from plan preparation, and the consideration and determination of planning and development applications with the Central Authority's role being that of controlling development. The C.A received development applications in areas where IPA's did not exist and refer them to the relevant local authority. Similarly, the C.A referred applications for change of user of agricultural land where the plot of land concerned exceeded 20 acres to the Divisional Board (a creation of the Land Control Act).

4.4.3 The Physical Planning Act of 1996

Having repealed the Town Planning and Land Planning Acts, the Physical Planning Act of 1996 provides the legal basis for the preparation and enforcement of different physical development plans. It establishes the office of the Director of Physical Planning, who is the chief government advisor, on all matters pertaining to physical planning and vests responsibilities of the preparation of all physical development plans in the Director's office.

Under the Act, the Minister of Lands approves development plans and the relevant local authority approves subdivision plans, building plans and plans relating to the change of user and extension of lease. It empowers local authorities to regulate and exercise control over

physical development decisions and activities. In so doing, the local authority sanctions all development applications and issues an enforcement notice where a developer has proceeded to develop without grant of permission.

The Act also creates National, District and Municipal Physical Planning Liaison Committees. In addition to being arbitration bodies on disputes arising from physical planning decisions made by various institutions, these liaison committees act as avenues through which the public can influence the outcome of key decisions as they affect them.

4.4.4 Other Laws Relating to Planning

There are numerous other laws that have a direct or indirect bearing on spatial planning activities. These can be grouped into three broad categories namely,

1. Those laws that establish and define the roles, functions and operations of planning and development control institutions. The Physical Planning Act establishes the office of the Director of Physical Planning and the physical planning Liaison Committees. The Local Government Act (Cap 265) provides for the establishment of Local Authorities as legislative bodies and as key development control agencies.
2. Those laws that provide for the efficient management of land and other key resources such as water, forests and such like. The Government Lands Act (Cap 280), Trust Lands Act (Cap 288), Registered Lands Act (Cap 300), Registration of Titles Act (Cap 281), Land Control Act (Cap 302), Land Consolidation Act (Cap 283), Land Acquisition Act (Cap 295), Land Adjudication Act (Cap 284) and Survey Acts (Cap 299) define the different tenures under which land is held, and regulate the nature and character of land transactions respectively. The Water Act (Cap 372), Mining Act (Cap 306), Forest Act (Cap 385) and Agriculture Act (Cap 318), provide for the efficient use of other key resources- water, minerals, forest reserves, etc, through conservation, regulated extraction and apportionment of the same.
3. Those laws that provide the framework for the provision, production, operation and maintenance of key utilities and services such as electricity, water, sewerage, roads, communication, etc, with a view to ensuring safe and sustainable living environments. These include Local Government Act (Cap 265), Public Health Act, and Adoptive Building and Planning By-laws.

4.5 The Kenya Constitution and peri-urban governance

The Kenya Constitution 2010 creates the National and County Governments in the process of devolution. Devolution has been discussed in the literature review section as a form of Decentralization (political decentralization) which involves the transfer of functions, resources and power to sub-national (provincial or local) levels. These levels assume full responsibility and accountability for the specified functions. Devolution provides space for community participation in governance. Responsibilities are assigned to elected bodies with some degree of autonomy.

Section 174 of the Constitution states the objects of the devolution of government as:

1. To promote democratic and accountable exercise of power
2. To foster national unity by recognizing diversity
3. To give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them
4. To recognize the right of communities to manage their own affairs and to further their development
5. To protect and promote the interests and rights of minorities and marginalized communities
6. To promote social and economic development and the provision of proximate, easily accessible services throughout Kenya
7. To ensure equitable sharing of national and local resources throughout Kenya
8. To facilitate the decentralization of State organs, their functions and services, from the capital of Kenya
9. To enhance checks and balances and the separation of powers.

In pursuance of its objects the constitution states that every county government shall decentralize its functions and the provision of its services to the extent that it is efficient and practicable. Section 184 establishes the Urban Areas and Cities Act which was enacted in 2011. It is therefore supposed that the stage is ready for proper governance and management of peri-urban areas.

4.6 Ongata Rongai Planning Process and Institutional Framework

Sector based (non-spatial) planning is mainly carried out by the Ministry of Planning and Vision 2030. This is carried out at the national, regional and local levels. National level planning is articulated through the five year National Development Plans and various parliamentary session papers. At the District level, the District Development Office prepares five year development plans. In the framework of the new constitution this responsibility will now rest with the county governments. The planning process starts with the identification of problems from the grassroots level. The specific Ministries and relevant departments then implement the plan proposals, with funding from central government.

At the local level the Ministry of Local Government through the Urban Development Department guides Local Authorities in the preparation of Local Authority Development Plans (LADPs). The aim of these is to develop medium-term investment proposals, which are later turned into development projects. The LADPs have been useful in the decentralization of planning activities and increasing the local authority's capacity to plan the different use of their resources. The LADP is concerned with the objectives of achieving sustainable integrated urban development in all local authority areas. The projects are geared towards building capacity within local authorities to enable them achieve the development objectives.

At National level Spatial planning is the mandate of the Ministry of Lands, with contributions from other related ministries. Within Ongata Rongai the key players include the Ministry of Lands, Department of Physical Planning, and County Council of Olkejuado. The former is mainly the preparatory authority while the latter is an implementing and development control agency. The office of the Director of Physical Planning established under the Physical Planning Act (PPA), acts as the chief government advisor on matters relating to spatial planning and is responsible for the formulation of national, regional and local physical development policies, guidelines and strategies, among other functions. The office initiates or undertakes studies and plan preparation processes. It also facilitates the legal translation of these plans and oversees the implementation of proposals therein.

The office of the Director of Physical Planning operates at the regional level through the delegation of powers to the District physical Planning offices. The main planning activity at this level is the preparation of the regional physical development plan, which takes the administrative district, to be the planning region. The director may also declare a region with

unique or similar characteristics, a special planning area and initiate the preparation of a regional plan for the same. The regional plan is a technical report on the conditions, resources and facilities of an area, and a statement of policies and proposal in regard to the allocation of resources and the locations of development within the area. The plan aims at providing for the proper physical development of land, securing the suitable provision of infrastructure and services, and orderly organization of human developmental activities such as commerce, trade, industry, education etc.

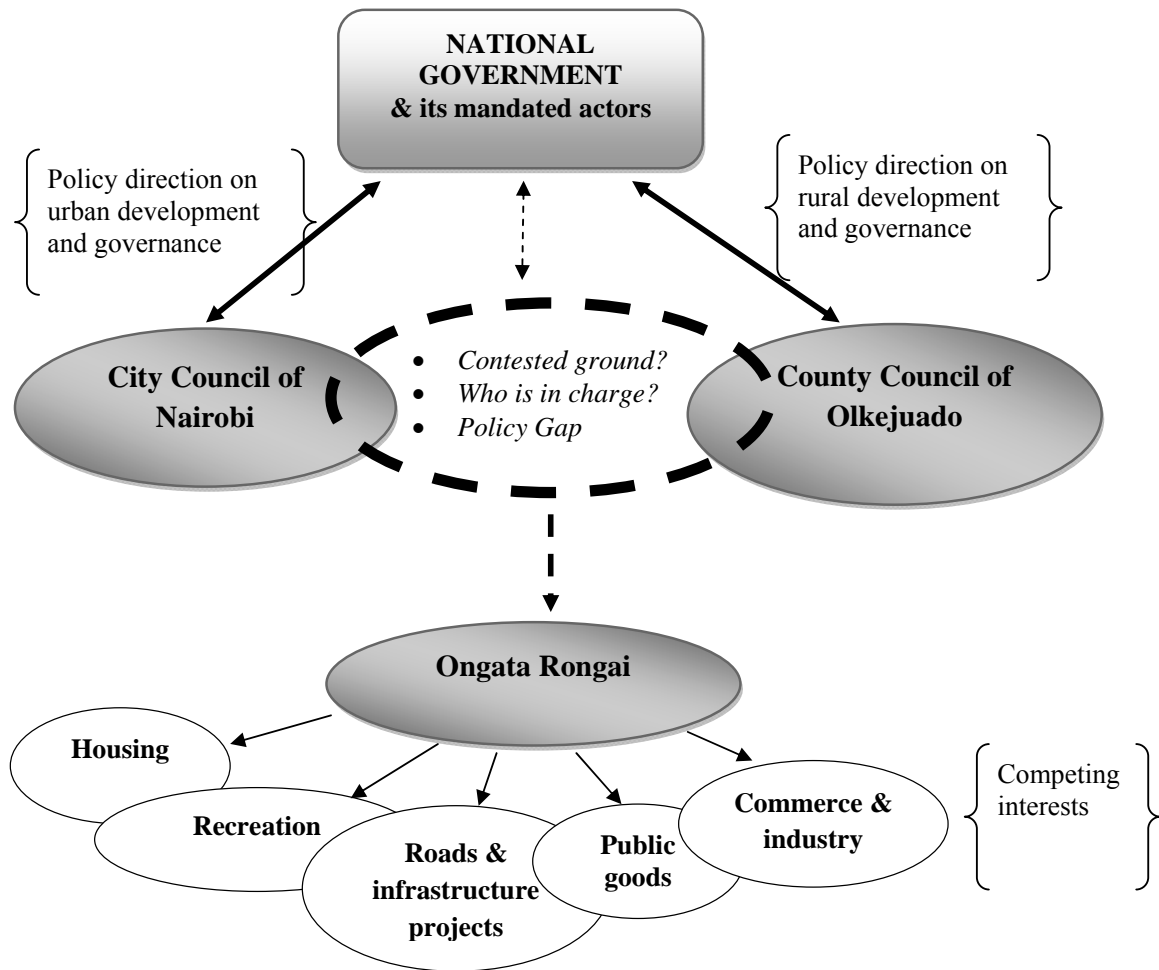
A local authority (LA) at the local level may initiate and undertake plan preparation activities. However this role is not clearly defined. The Physical Planning Act legally mandates the LA with the role of implementing plan proposals and ensuring compliance.

Under the Local Government Act and the Public Health Act, LAs have wide ranging powers to control and guide development in their areas of jurisdiction. In addition, LAs use various by-laws to control a wide range of activities. The Physical Planning Act (PPA) cap 286 mandates the LAs with development control powers.

The County Council of Olkejuado does not have the technical capacity to play their mandated role effectively due to lack of skilled personnel and lack of efficient enforcement machinery. They often rely on the office of the Director of Physical Planning to undertake the preparation of spatial plans (Structure plans, Development plans, Zoning/advisory plans, Local development plans, etc.). In addition, they also rely on other agencies such as the Provincial Administration and regular police force to execute their development control mandates through enforcement of planning regulations, bye-laws and standards.

In addition the various planning actors work independently of each other and their outputs may not integrate both spatial and non-spatial aspects of development.

Figure 4-2: The Existing Planning Framework, Ongata Rongai



Source: Author

CHAPTER FIVE

5. THE STUDY AREA

5.1 Introduction

Several reasons explain the growth of this area which started in the late 1950's as a stone mining township in the present day *Kware* (quarry) area.

In the early 1970s the County Council of Olkejuado began allocating plots to squatters who had settled at *Kware*. Such allocation was subject to plot rent. It was not until 2000 when allotment letters were given to the allottees in *Kware*. In the same breadth the 'Old Rongai' began as a chief's camp in 1958. Later the Rongai market was established in the early 1970s.

5.2 Location

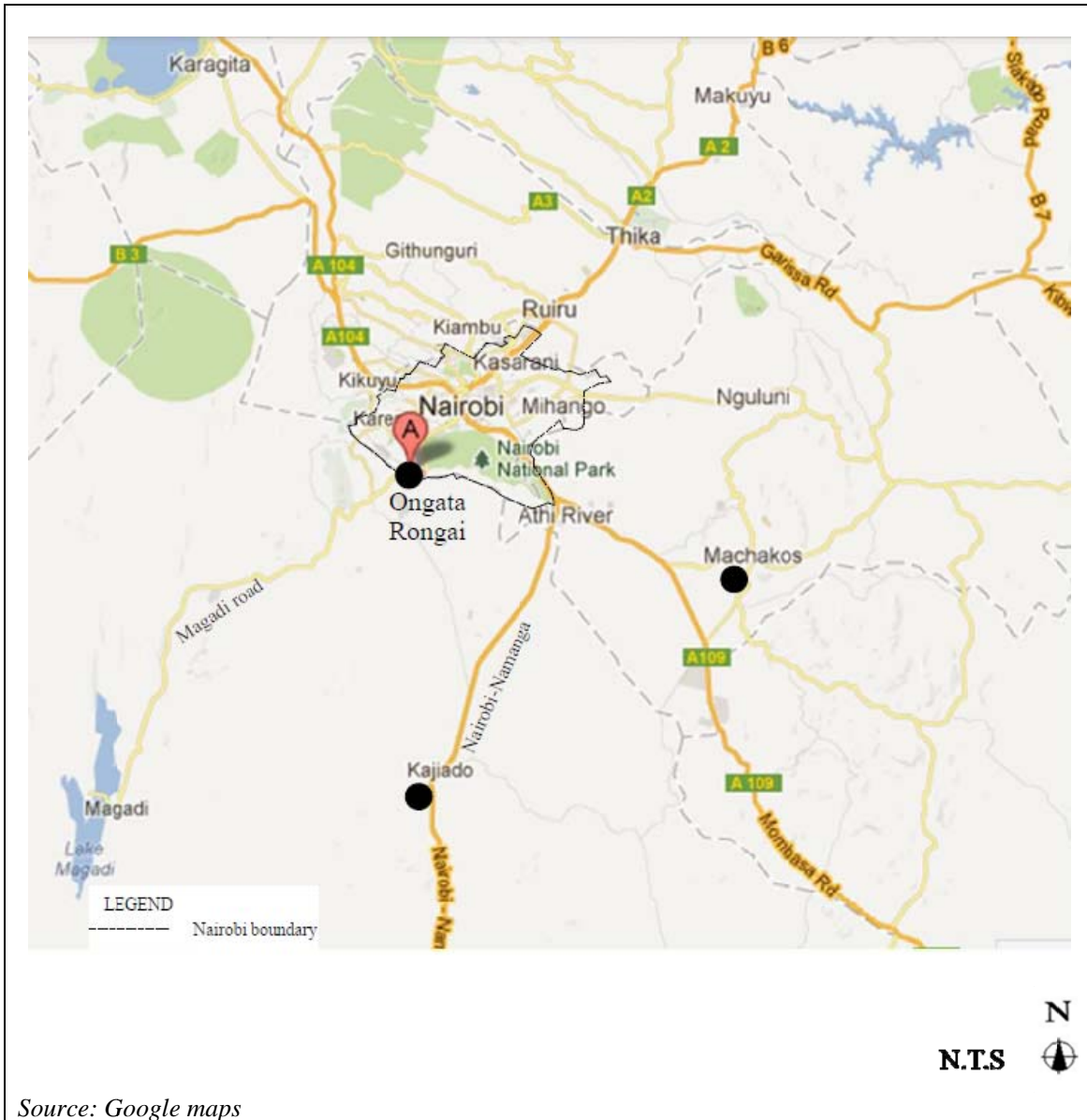
5.2.1 Nationally

Ongata Rongai which is in Ngong Division of Kajiado County, is located at the border of Kajiado and Nairobi Counties. It is at latitude ($0^{\circ} -53'60''$ S) and longitude ($36^{\circ} 25' 60''$ E). It is 50 kilometers from Kajiado District Headquarters and 20 kilometers from Nairobi City Center along the Langata-Magadi Road.

Map 5-1 Ongata Rongai, national context

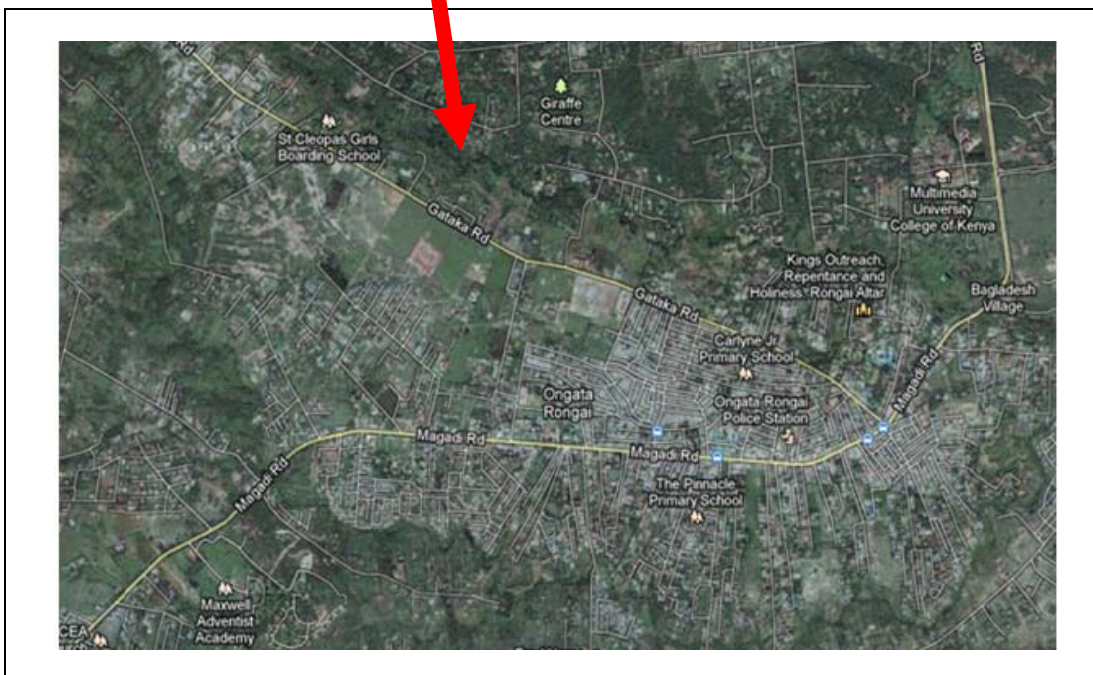
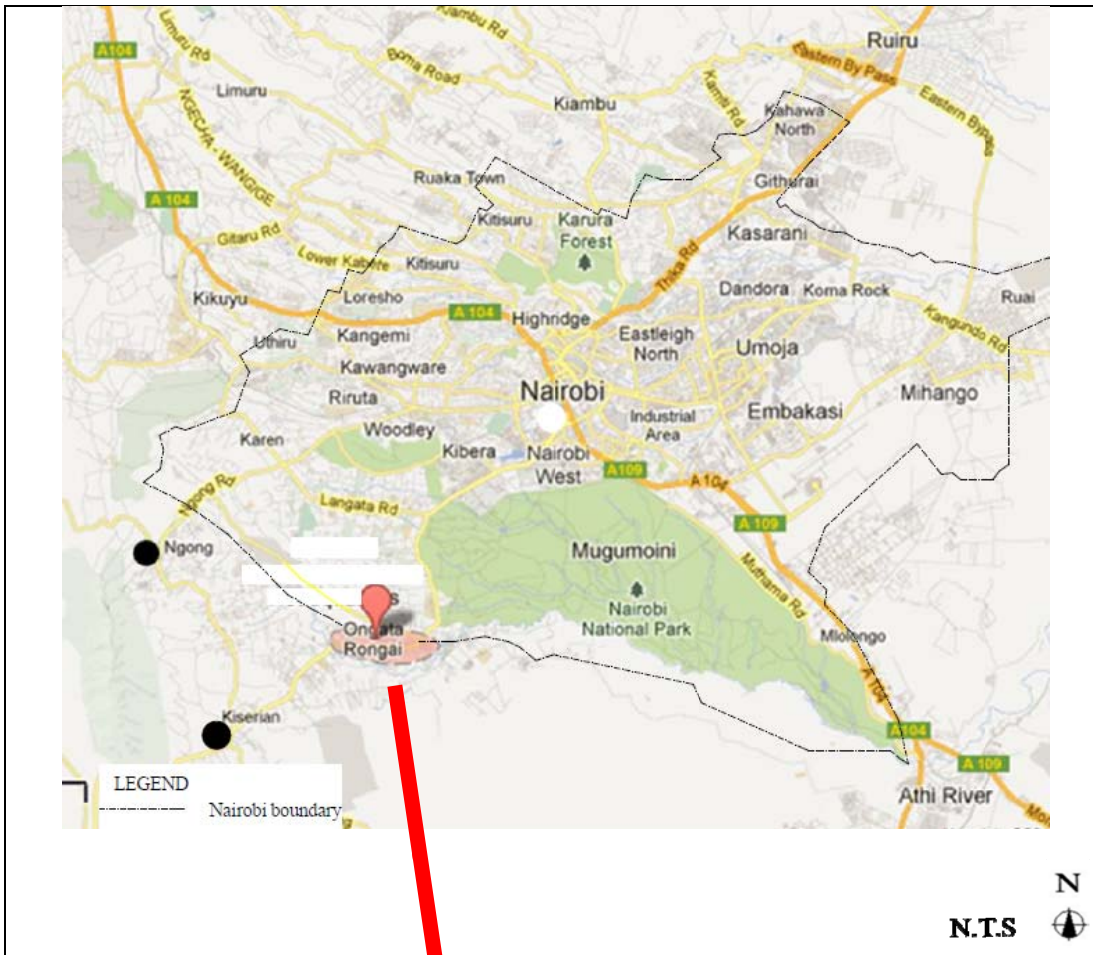


Map 5-2 Ongata Rongai, regional context



Source: Google maps

Map 5-3 Ongata Rongai, local context

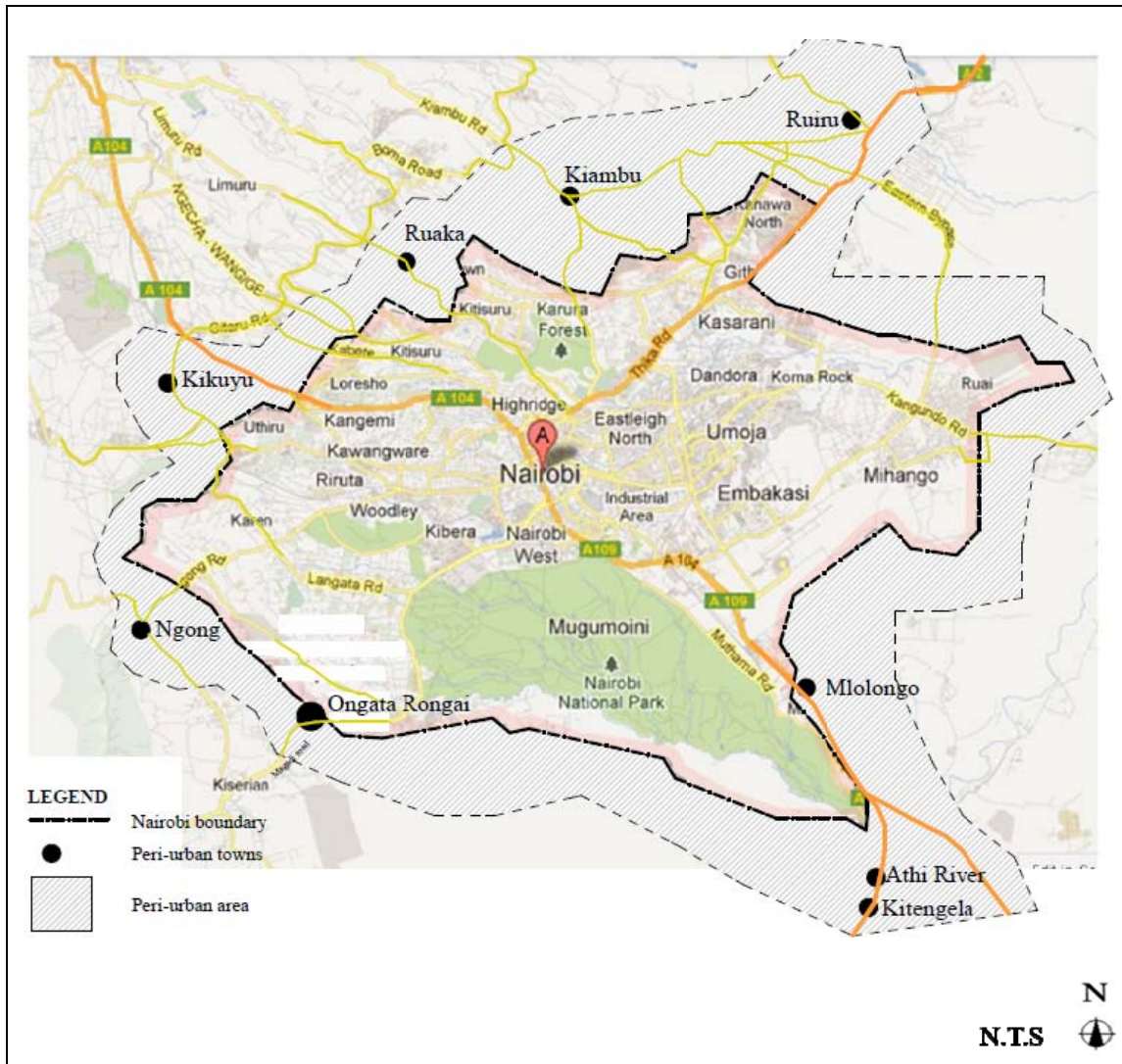


Source: Google maps

5.2.2 Peri-urban location

As a local satellite urban center, Ongata Rongai owes its existence to proximity to Nairobi. Several towns have developed within the peri-urban of Nairobi. These are Ongata Rongai, Ngong, Athiriver and Kitengela to the south and Kikuyu, Ruaka, Kiambu and Ruiru to the north

Map 5-4 Ongata Rongai, peri-urban location



Source: Google maps (adapted)

5.2.3 Location within Nairobi metropolitan region

The proposed Nairobi metropolitan region comprises of 15 independent local authorities including City Council of Nairobi, Municipal Council of Thika, County Council of Thika County Council, Municipal Council of Machakos, Municipal Council of Mavoko, Municipal Council of Kiambu, County Council of Kiambu; Municipal Council of Karuri, Town Council of Tala/Kangundo, Town Council of Kikuyu, County Council of Olkejuado, Municipal Council of Ruiru and Limuru Municipal Council. Ongata Rongai is in the County Council of Olkejuado. Due to its proximity to Nairobi, Ongata Rongai continues to develop as a peri-urban town of Nairobi

Map 5-5 The proposed Nairobi metropolitan region

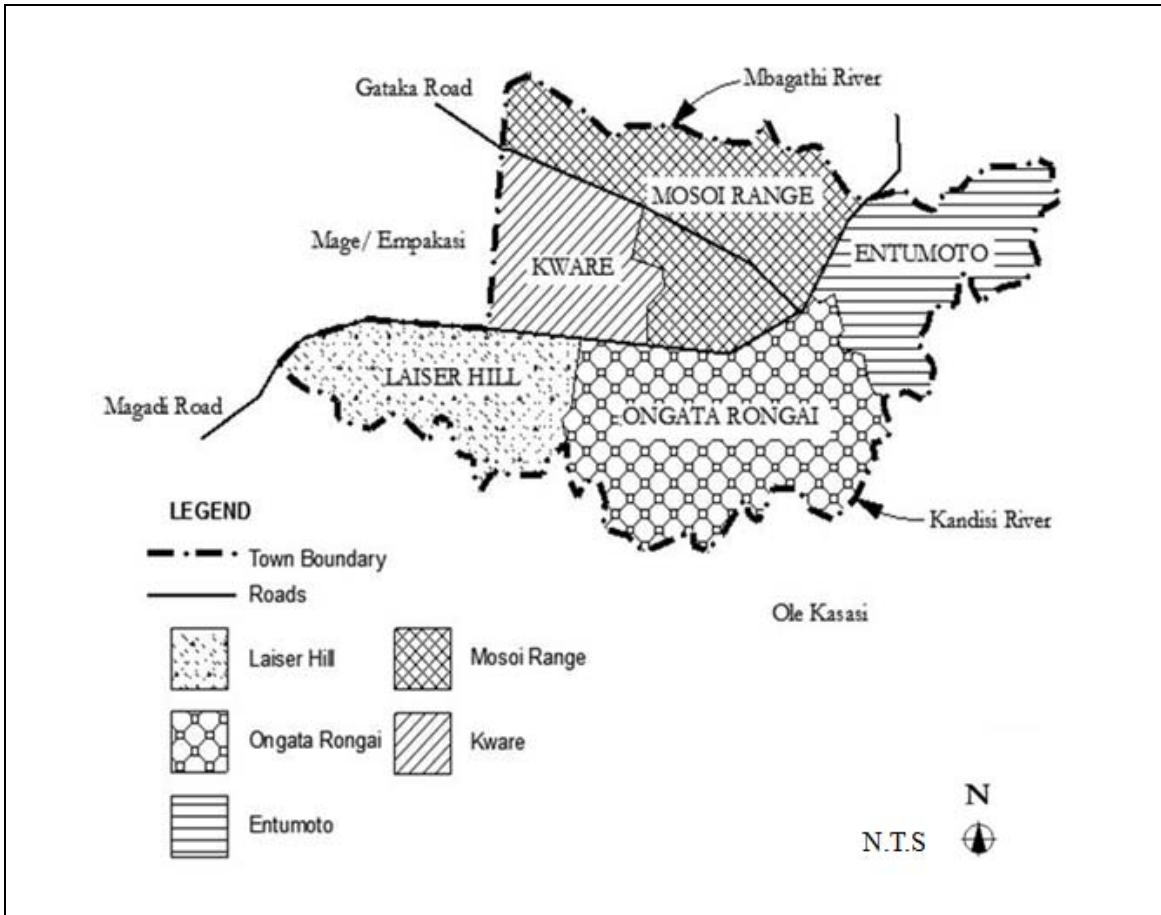


Source: Nairobi Metro 2030, 2008

5.3 Administrative areas

Administratively, Ongata Rongai is within Ongata Rongai Division and covers Kware, Mosoi Range, Laiser Hill, Ongata Rongai, and Entumoto sub locations. It borders Hardy/ Karen and Bomas to the north, Empakasi to the west, and Lemelelpo and Ole Kasasi to the south. It falls within Ongata Rongai and Nkaimurunya Wards of the County Council of Olkejuado.

Map 5-6: Ongata Rongai administrative sub-locations

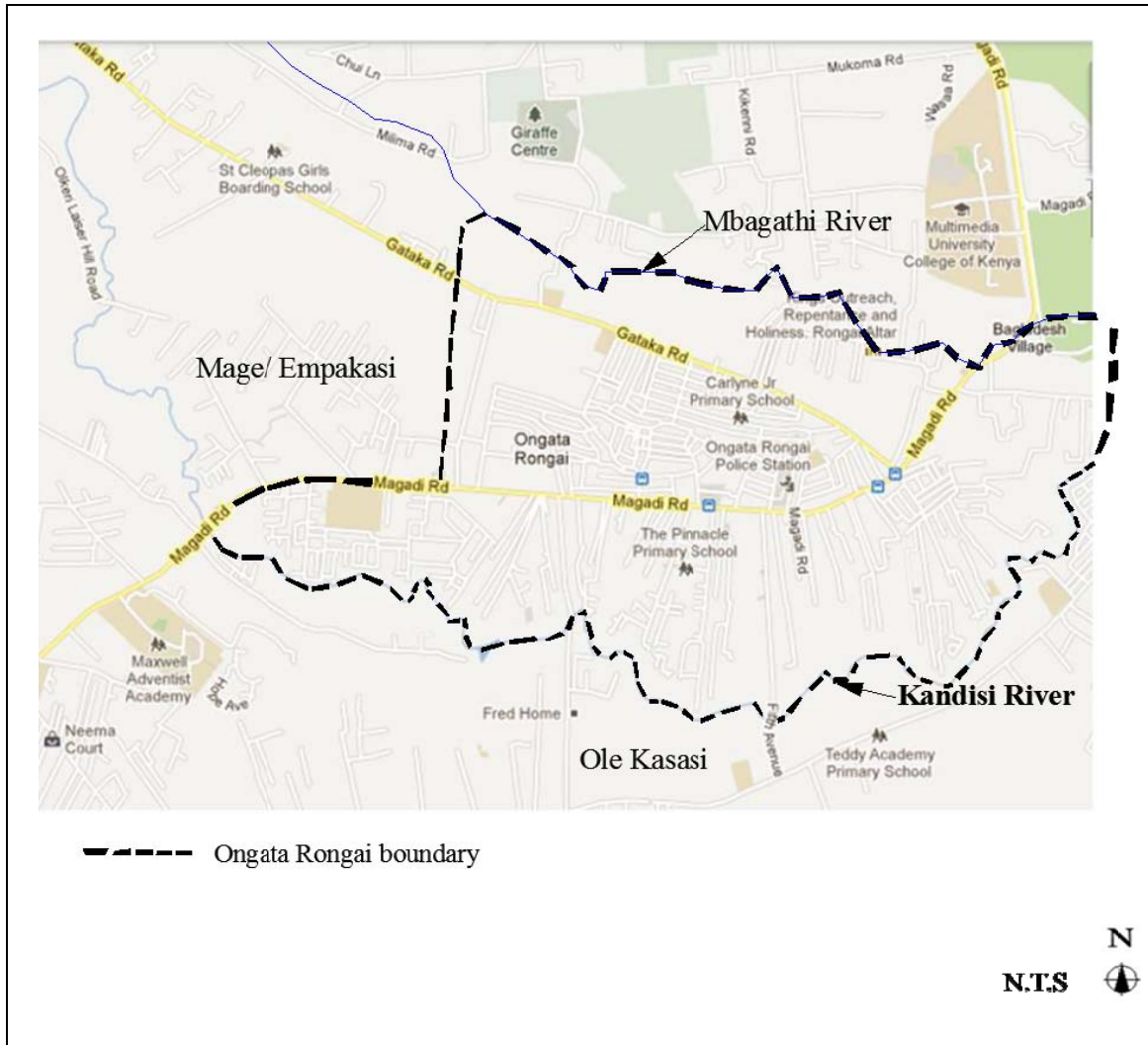


Source: Department of Physical Planning

5.4 Physical boundaries

The physical boundaries of the town are two main rivers- Mbagathi River to the north forming the border with Nairobi and Kandisi River to the south forming the border with Ole Kasasi and Lemelepo locations.

Map 5-7 Ongata Rongai physical boundaries



Source: Google maps

5.5 Population

Ongata Rongai is in Ngong division of Kajiado county. Ngong division has a total population of 237,805 persons and a population density of 332 persons per square kilometer.

The population of Ongata Rongai grew from 35,000 in 1999 to 83,000 in 2009 (CBS, 2010) representing an increase of more than 100 per cent. The population density grew from 2,952 persons per square kilometer in 1999 to 8,902 persons per square kilometer in 2009. The number of households in 2009 was 25,864. Compared with Ngong Division, Ongata Rongai's population represents 35 per cent.

Table 5-1: Ongata Rongai population distribution

S/No	Sub-location	Male	Female	Total	Households	Area (Km ²)	Density
1.	Kware	11,354	10,839	22,193	7,050	1.3	17,290
2.	Mosoi Range	10,574	10,737	21,311	6,719	2.3	9,105
3.	Ongata Rongai (Laiser Hill, Ongata Rongai & Entumoto sublocations)	19,271	20,907	40,178	12,095	5.8	6,950
Total		41,199	42,483	83,682	25,864	9.4	8,902

Source: Kenya, 2010. 2009 Kenya Population and Housing Census

Compared to the two other main urban centers in Ngong division (that is Kiserian and Ngong Township) Ongata Rongai's population represents 61 per cent of the total population

Table 5-2: Urban population, Ngong Division

S/No.	Area	Male	Female	Total	Percentage of total population	Households	Area (Km ²)	Density
1.	Kiserian	13,557	13,204	26,761	20%	7,209	45.8	584
2.	Ngong township	12,823	12,901	25,724	19%	7,618	42.6	603
3.	Ongata Rongai	41,199	42,483	83,682	61%	25,864	9.4	8,902
Total		67,579	68,588	136,167	100%	40,691	97.8	1,392

Source: Kenya, 2010. 2009 Kenya Population and Housing Census

CHAPTER SIX

6. RESEARCH FINDINGS

6.1 Introduction

This study set out to explore the institutional arrangements in place for the management of peri -urban areas in Kenya. Ongata Rongai was selected owing to its unique location at the border of Nairobi and Kajiado counties and its continued population explosion.

The conceptual framework as informed by literature review crystallized the issues into actors (planning institutions, service providers and agencies), factors (human, physical/land/territory, social, natural and financial capital) and institutional context (policy, legal framework, resources and actors). Within this framework is the peri-urban resident, the user of the space, who anticipates planning outcome based on some perceived or real aspirations and opportunities.

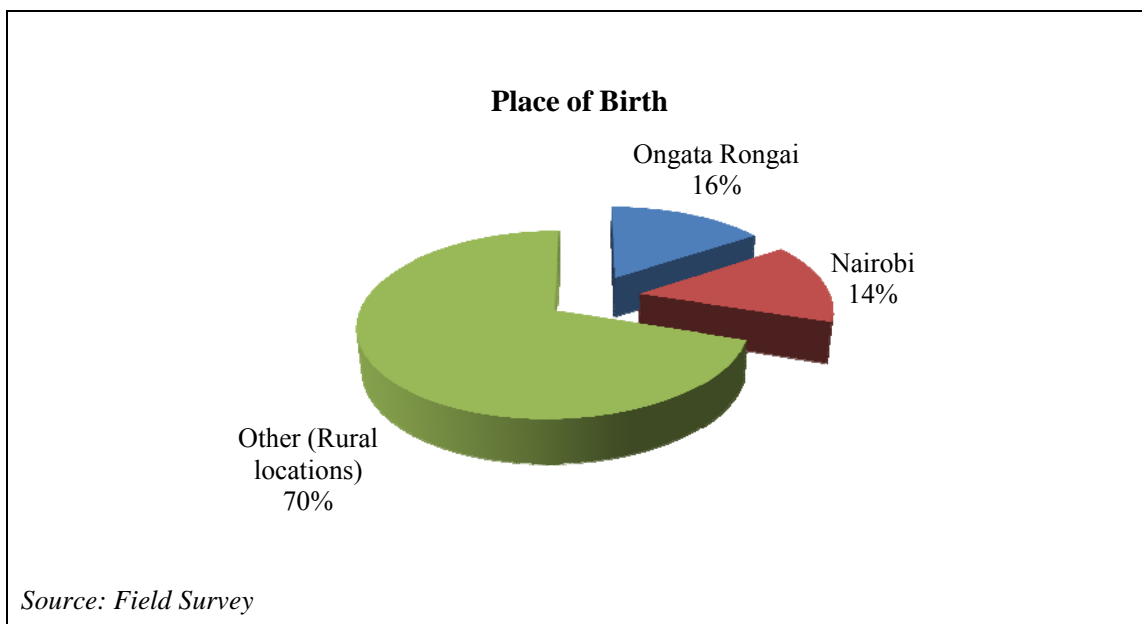
This section presents the research findings against the above backdrop. It will be divided into two parts- the characterization of Ongata Rongai and the role of planning actors in Ongata Rongai.

6.2 Characterization of Ongata Rongai

6.2.1 In-migration

Ongata Rongai's population has grown from 35,000 in 1999 to 83,000 people in 2009 (CBS, 2010). This increase in population is largely due in-migration. Only 16 per cent of household respondents indicated that they were born in Ongata Rongai. 70 per cent were born in other rural locations and 14 per cent were born in Nairobi.

Figure 6-1: Place of Birth



75 per cent of respondents indicated having stayed in Ongata Rongai for a period of ten years and less. This indicates a lot of movement activity to this peri-urban location in the last ten years. 44 per cent of the migrants migrated from Nairobi while 56 per cent migrated from rural locations.

Figure 6-2: Period of stay in Ongata Rongai

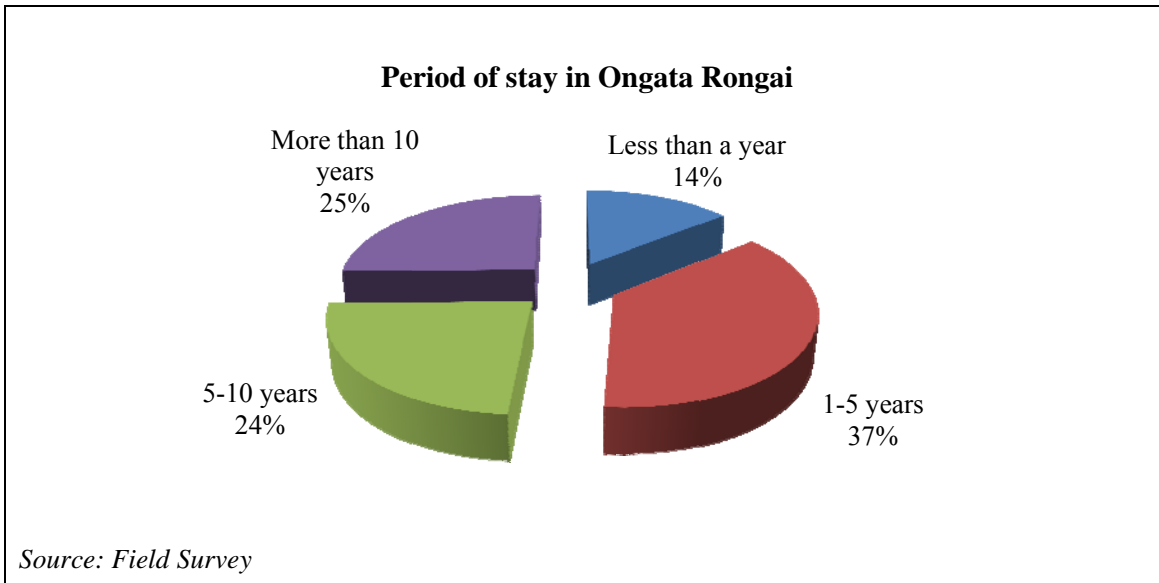
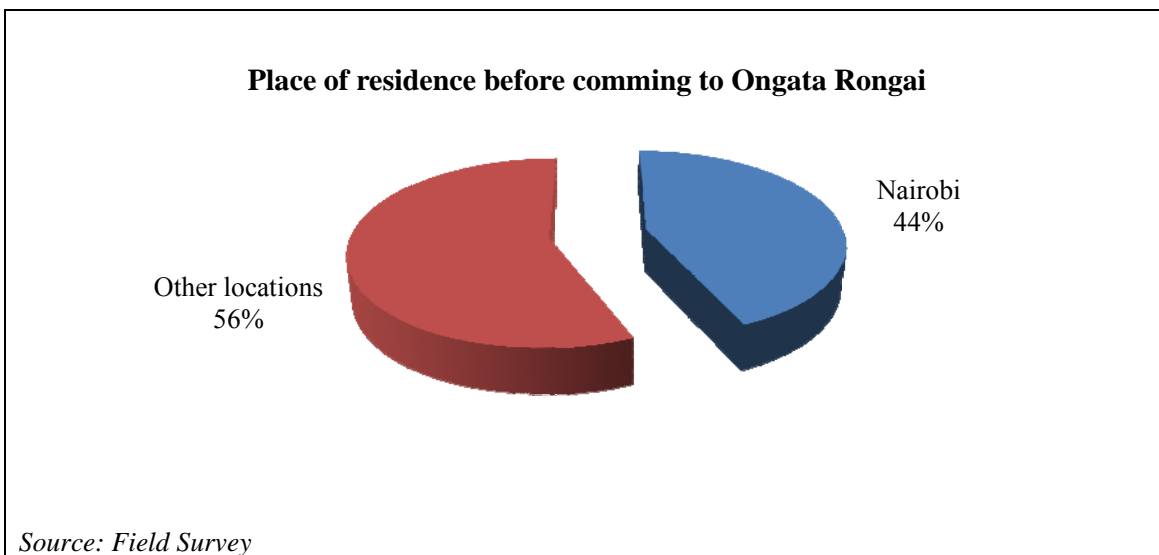
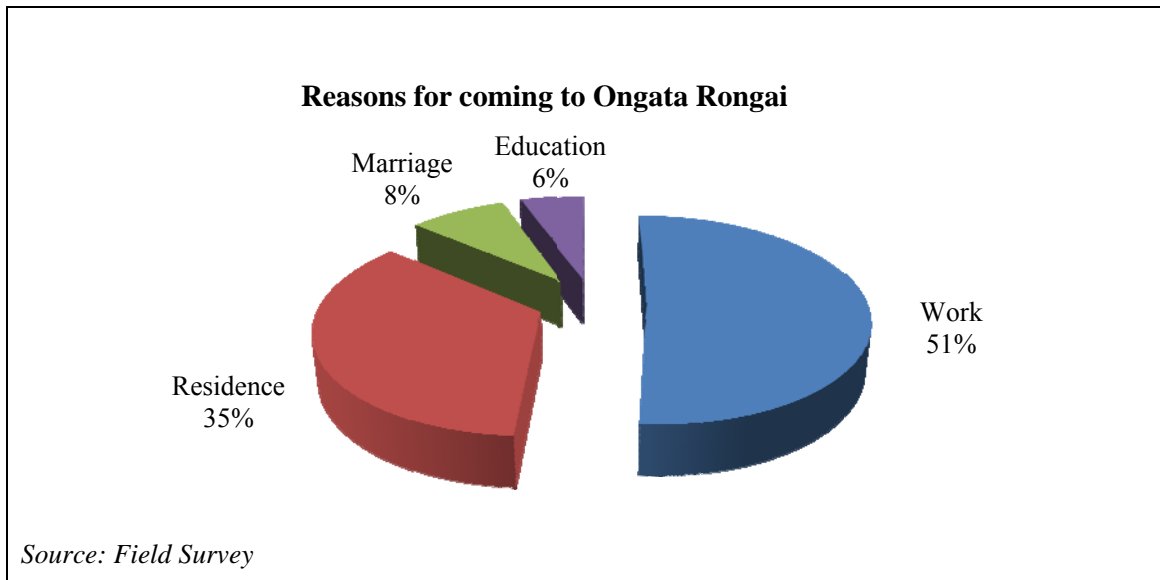


Figure 6-3: Place of residence before coming to Ongata Rongai



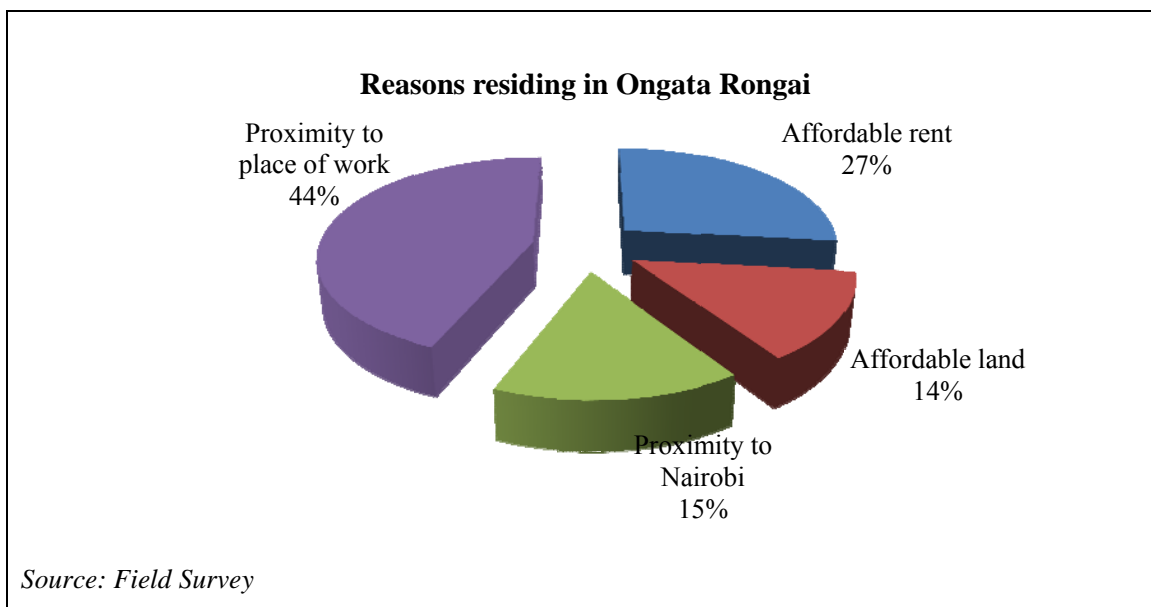
The respondents indicated the reasons for migrating to Ongata Rongai as search for work (51%), residence (35%), marriage (8%) and education (6%).

Figure 6-4: Reasons for coming to Ongata Rongai



The respondents were further questioned on the choice of Ongata Rongai as a residential location. 44 per cent cited proximity to work place, 27 per cent cited affordable rent, 15 per cent cited proximity to Nairobi and 14 per cent cited affordable land.

Figure 6-5: Reasons for residing in Ongata Rongai



6.2.2 Out-migration

70 per cent and 96 per cent of residents and business people respectively do not wish to relocate from Ongata Rongai.

Figure 6-6: Intention to relocate residence from Ongata Rongai

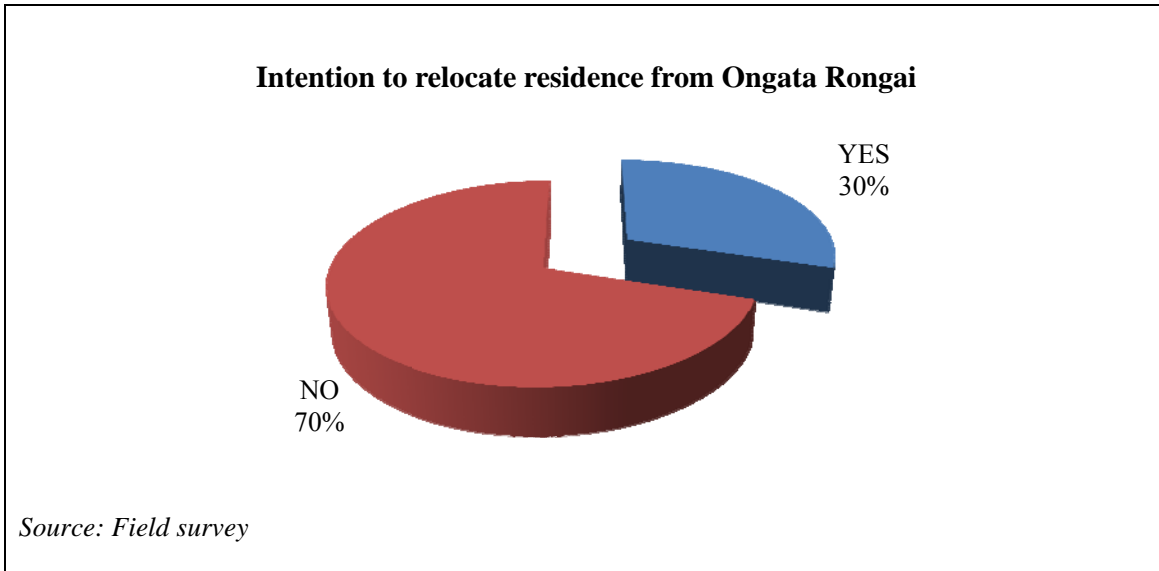
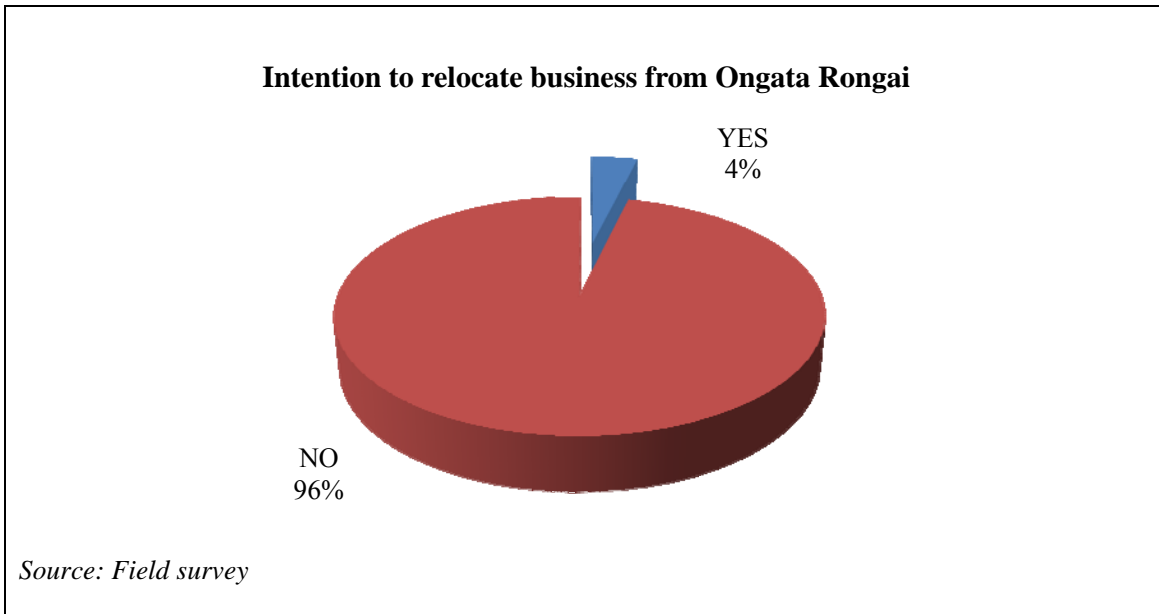
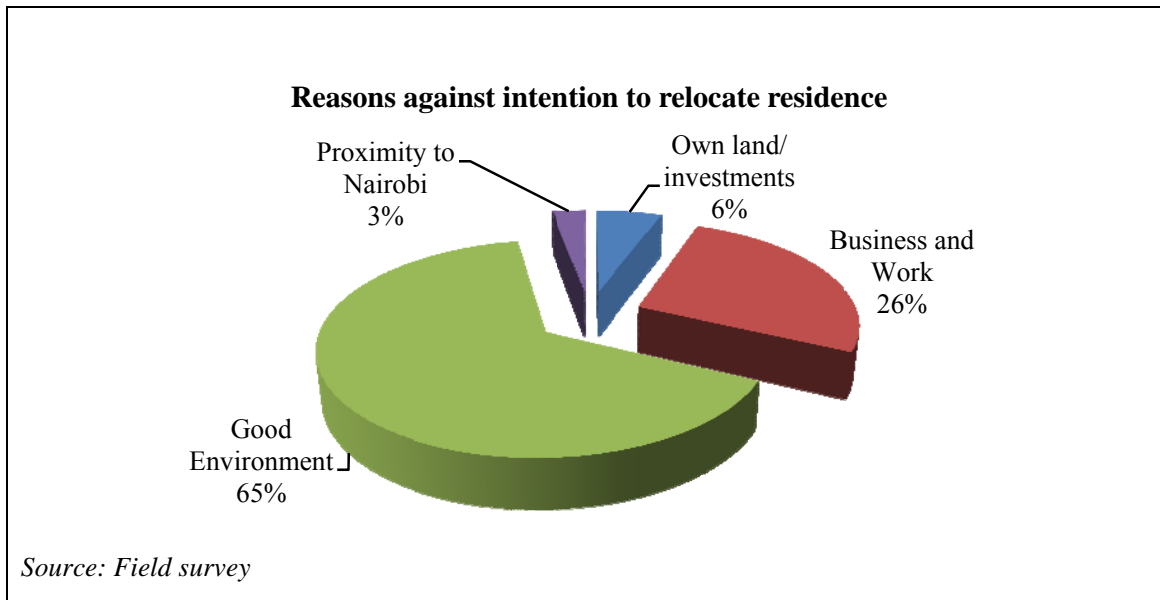


Figure 6-7: Intention to relocate business from Ongata Rongai



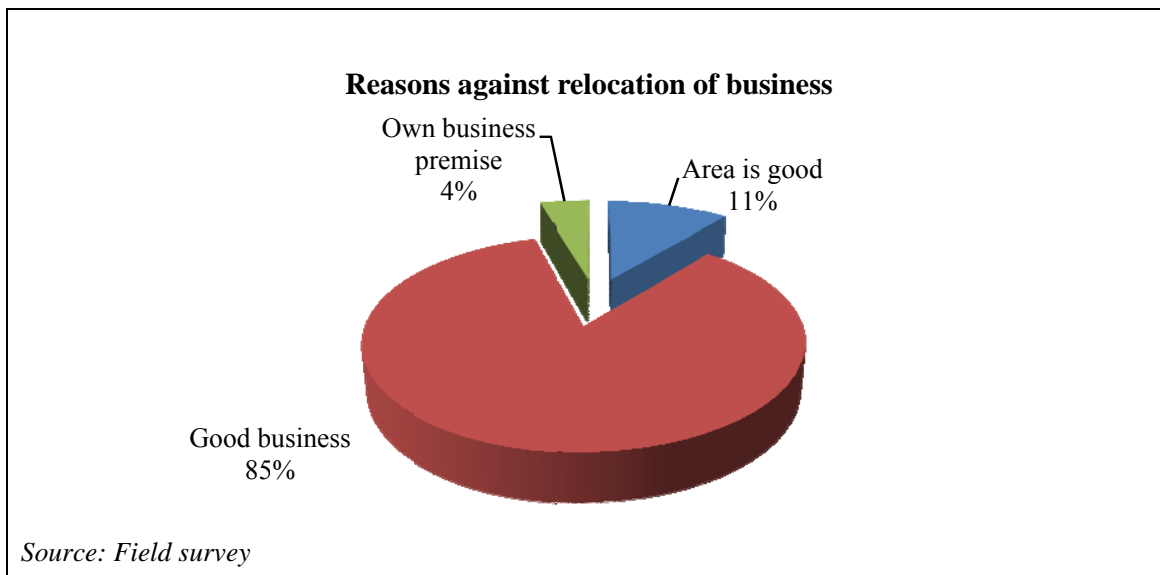
The reasons given by household respondents for not wishing to relocate from Ongata Rongai included good environment (65%), business and work (26%), owning land/ investments (6%) and proximity to Nairobi (3%).

Figure 6-8: Reasons for not relocating residence from Ongata Rongai



Business people cited good business (85%) as the main reason for not intending to relocate

Figure 6-9: Reasons for not intending to relocate business from Ongata Rongai



6.2.3 Employment

50 per cent of the respondents who are employed are in business, 35 per cent are in formal employment and 15 per cent in the informal sector. 75 per cent of the respondents indicated the place of work as Ongata Rongai.

Figure 6-10: Type of employment

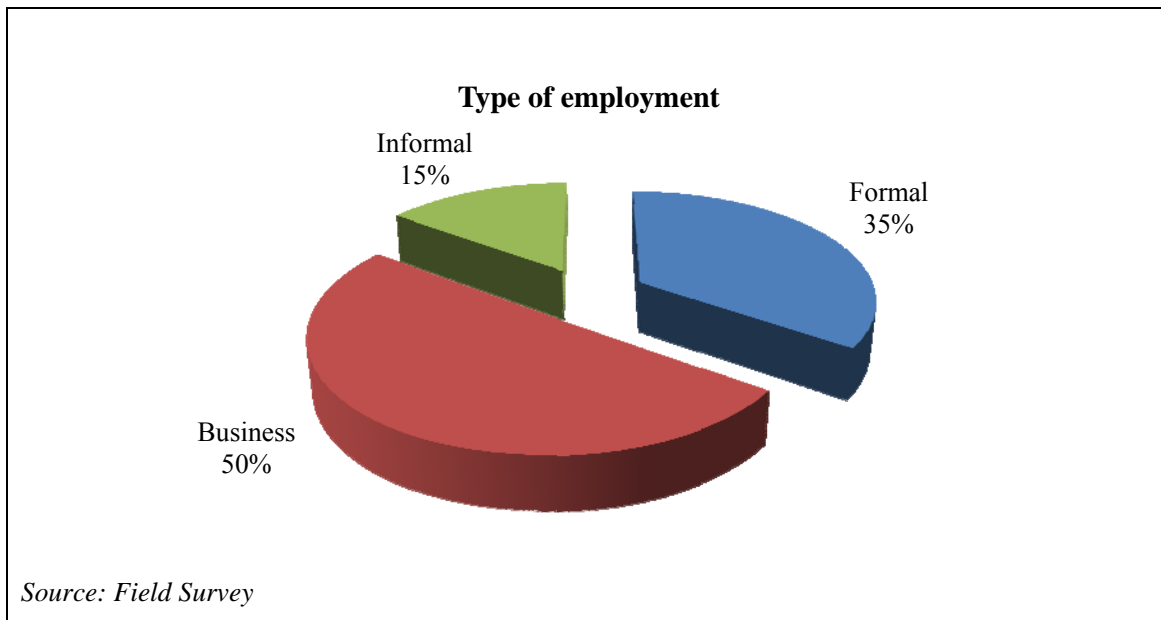
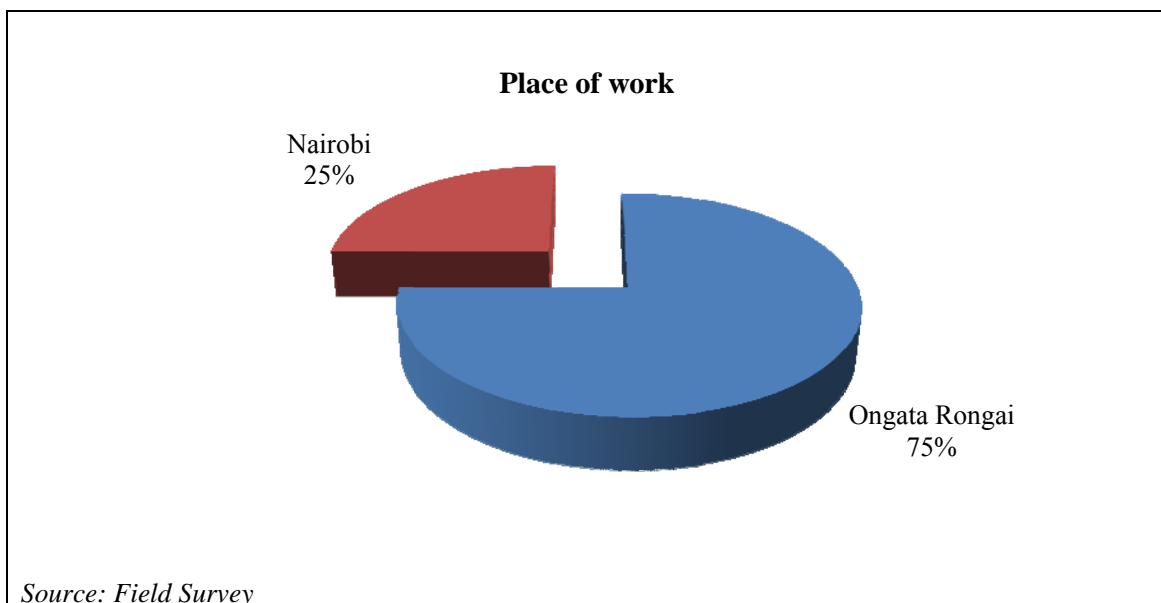


Figure 6-11: Place of work



Out of the respondents who indicated the place of work as Ongata Rongai 68 per cent are in business, 23 per cent are in formal employment and 9 per cent are in informal employment. 77 per cent of respondents working in Nairobi are in formal employment while 23 per cent are in business.

Figure 6-12: Type of employment in Ongata Rongai

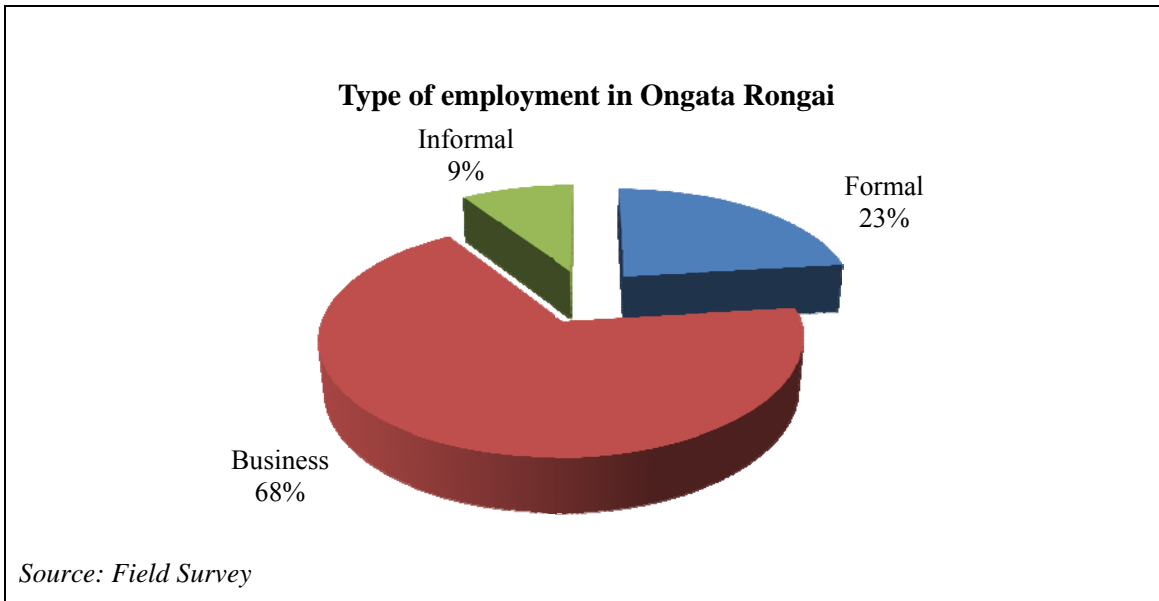
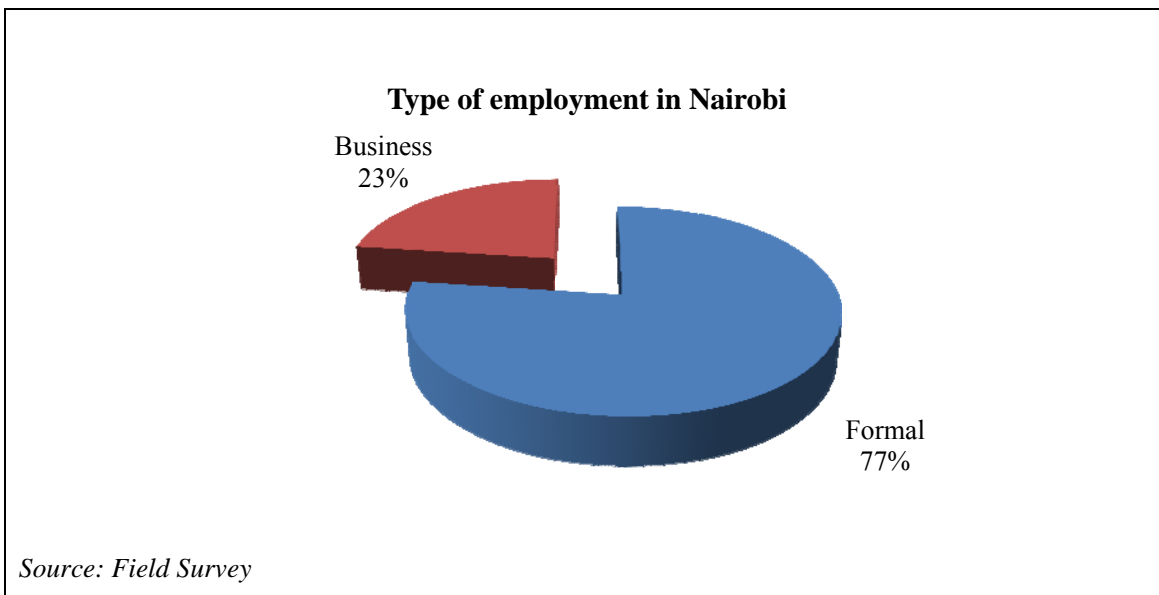


Figure 6-13: Type of employment in Nairobi



90 per cent of all businesses are located in Ongata Rongai while 52 per cent of formal employment is in Nairobi.

Figure 6-14: Location of Business

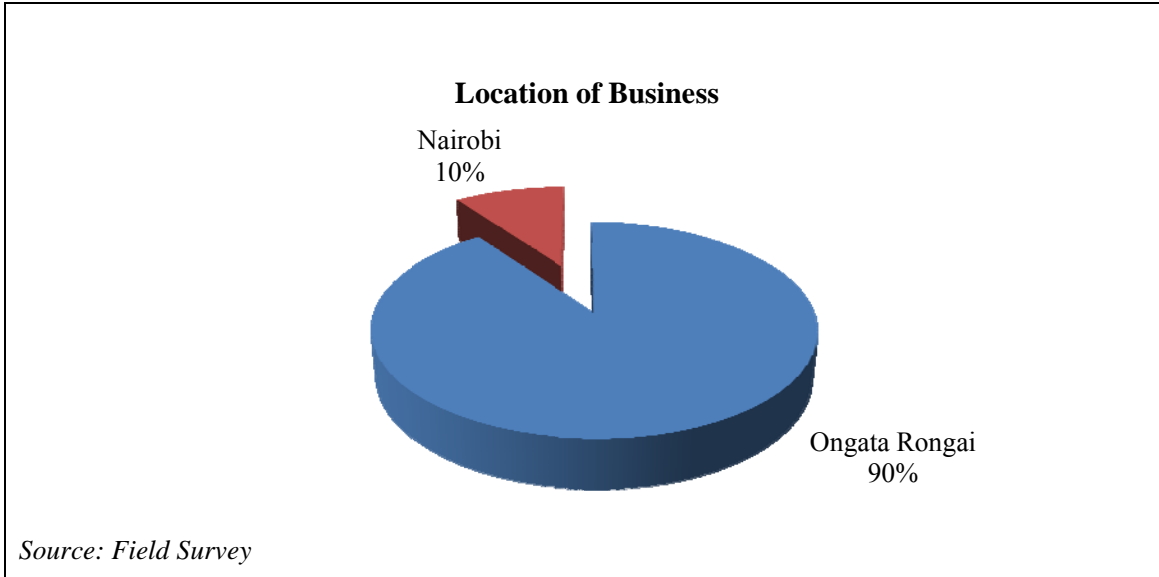
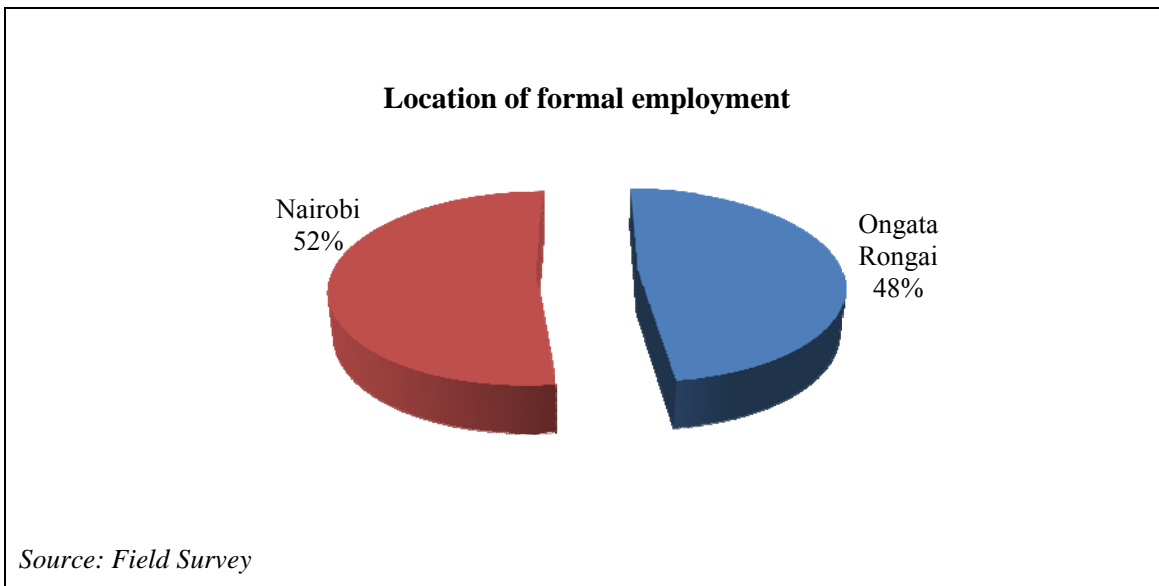


Figure 6-15: Location of formal employment



6.2.4 Summary

These findings on in-and out-migration and employment bring to the fore several issues

Ongata Rongai has attracted both rural and urban dwellers especially within the last ten years. Literature suggested that peri-urban locations can be seen in the context of rural migrants creating a “transitional social space” or “temporary holding location” in a rural-to-urban migration process and also as a suburbanization process where urban dwellers move to the fringe searching for advantages in land rent, or to capitalize opportunities for land acquisition, speculation and informal enterprise.

Field data showed that 44 per cent of the migrants to Ongata Rongai migrated from Nairobi (thus justifying the suburbanization process) while 56 per cent migrated from rural locations. As to whether this peri-urban location is a “temporary holding location” the findings showed otherwise. 70 per cent of respondents do not wish to relocate residence citing the key reason as ‘good living environment’. 96 per cent of business people would not relocate their businesses as they perceive this location to be a ‘good business environment’

The fact that 51 per cent of respondents migrated to Ongata Rongai for work, while 35 per cent preferred it as a residential location indicates the presence of employment opportunities. Proximity to place of work (44% of respondents) was a key determinant in choosing Ongata Rongai as a residential location. This should not be confused with ‘proximity to Nairobi’ . Only 15 per cent of the respondents settled in Ongata Rongai owing to its proximity to Nairobi.

Ongata Rongai is growing as a key business location and commercial. 68 per cent of respondents who are employed (and are working in Ongata Rongai) are in business with 23 per cent in formal employment.

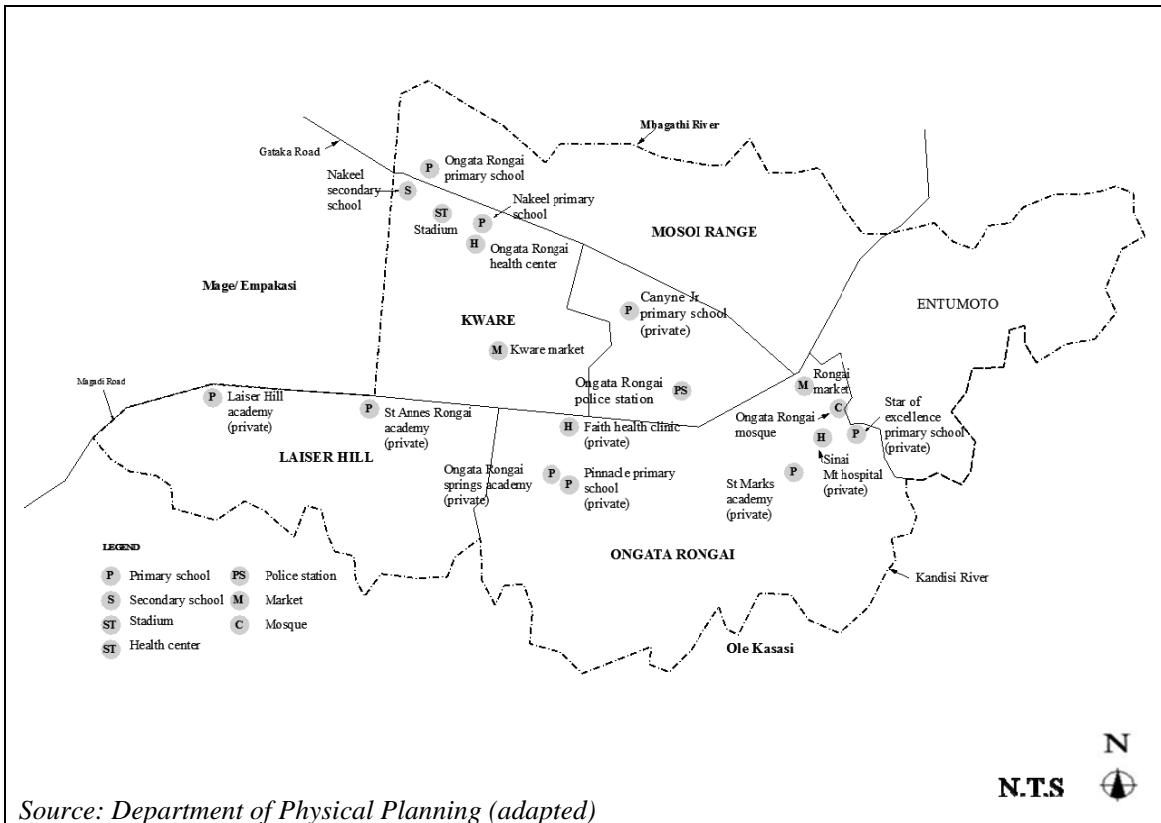
With 75 per cent of respondents working in Ongata Rongai (and only 25 per cent working in Nairobi) the notion that peri-urban locations are dormitories of the big cities they are proximate to is put into question.

6.2.5 Social Infrastructure

Social amenities in Ongata Rongai are inadequate. There are two public primary schools (Nakeel Primary School and Ongata Rongai Primary School), two public secondary schools (Nakeel Secondary School and Nkaimurunya Secondary School) and one public hospital (Ongata Rongai Health Center). These public facilities are concentrated in Kware and Mosoi Range sub locations. The rest of the population is served by a host of private schools and clinics.

There are no libraries and theaters

Map 6-1: Distribution of social amenities/facilities in Ongata Rongai



6.2.6 Physical Infrastructure

6.2.6.1 Sewerage and sanitation

The sewerage and sanitation system is in deplorable state. 53 per cent of the respondents rely on septic /conservancy tanks whereas 43 per cent use pit latrines. In some cases sewage is disposed off onto the streets

Figure 6-16: Method of sewage disposal

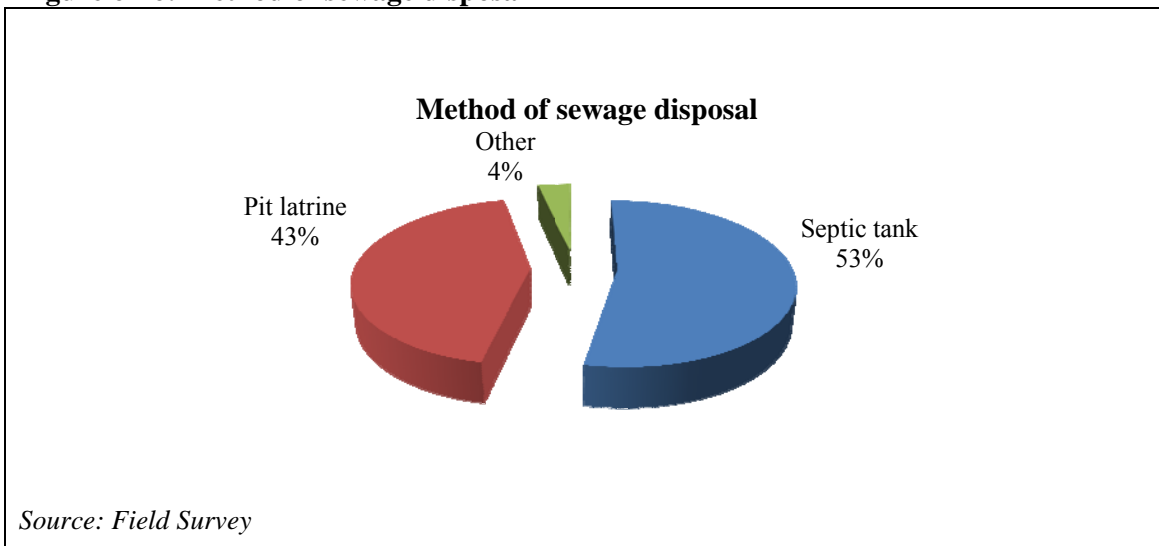


Plate 6-1: Sewage disposal onto a street



90 per cent and 81 per cent of the residents and business people respectively considered sewage disposal as a serious development challenge in Ongata Rongai

Figure 6-17: Sewage disposal as a development challenge (Households)

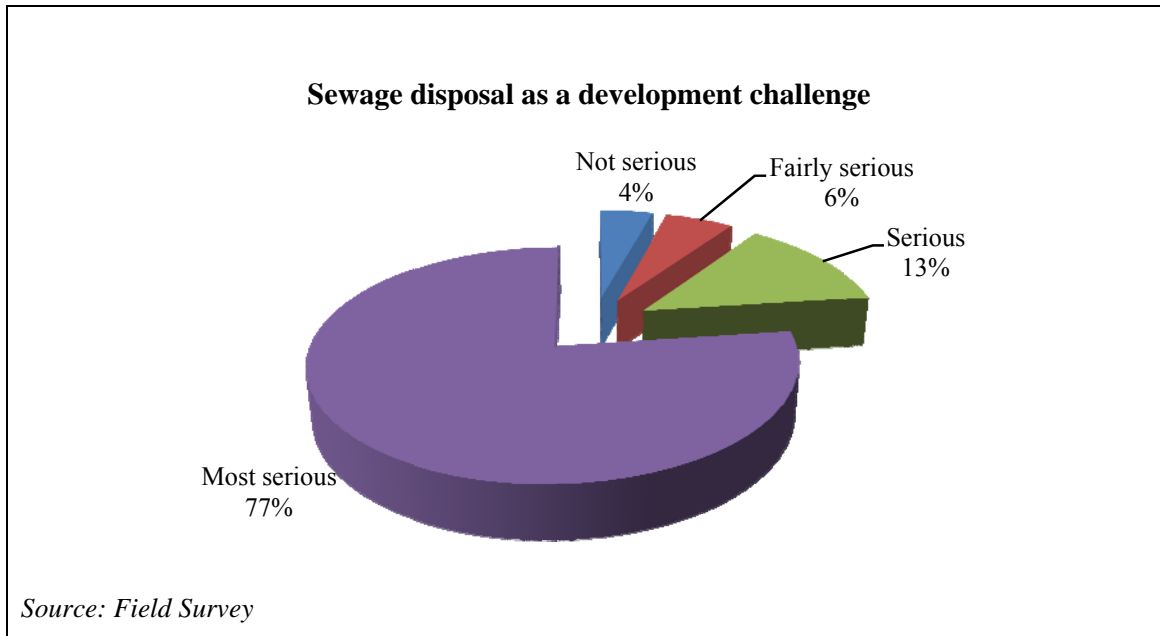
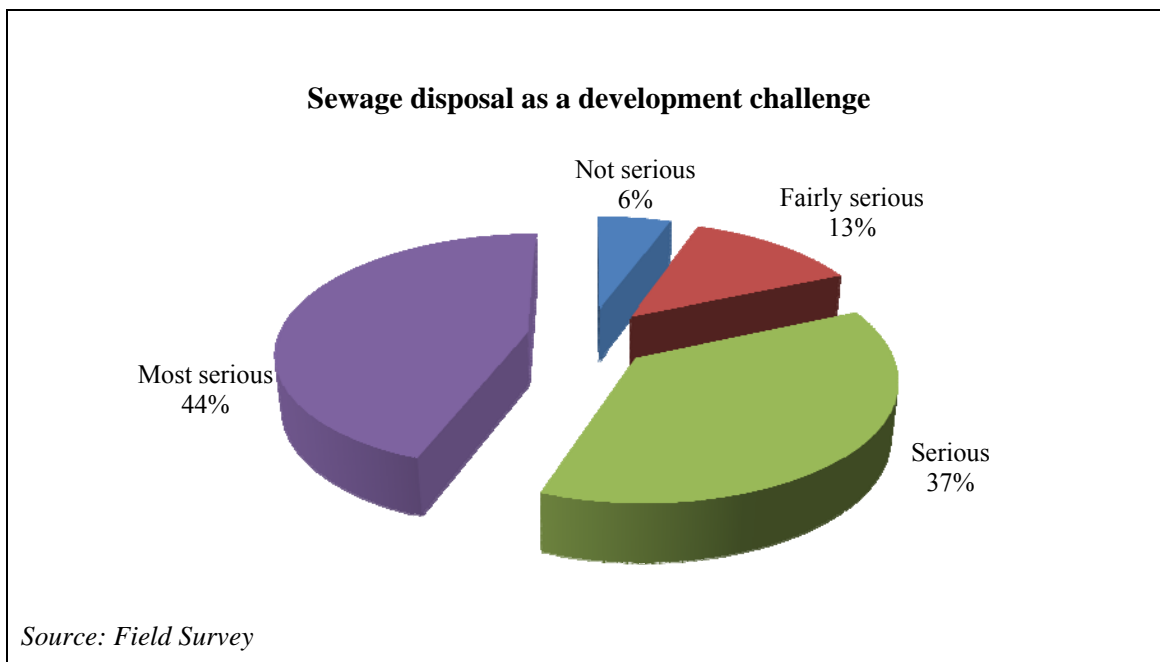


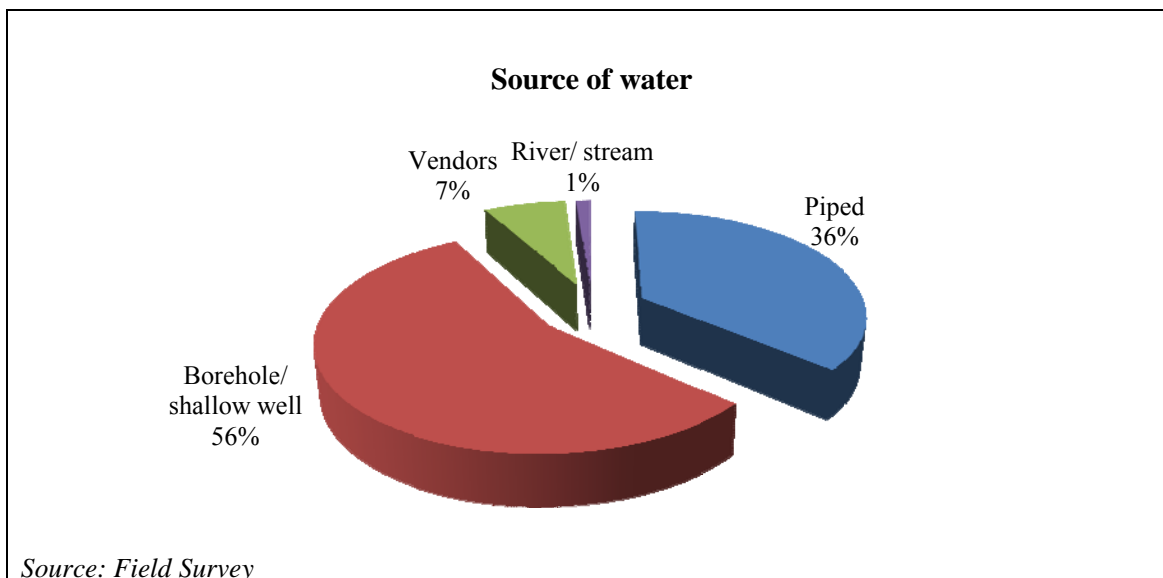
Figure 6-18: Sewage disposal as a development challenge (Business people)



6.2.6.2 Water supply

56 per cent of the respondents use borehole water with 36 per cent using piped water connection supplied by the Oloolaiser water and sewerage company. The remainder use water from water vendors and *Mbagathi* River. Piped water connection is in parts of Kware sub location, which is trust land area. In Kware sub location the road reserves are 15 meters making it easier to lay water pipes.

Figure 6-19: Source of water



The main borehole water sources are (managed by Oloolaiser water and sewerage company)

1. Magadi road borehole
2. Gataka road borehole
3. Tanmfeed borehole
4. Market center borehole

There are a host of other private boreholes and shallow wells

Plate 6-2: Water point along Magadi Road



Source: Field Survey

Plate 6-3: A donkey pulled water vending cart



Source: Field Survey

59 per cent and 58 per cent of households and business people respectively consider water supply as a development challenge

Figure 6-20: Water supply as a development challenge (Households)

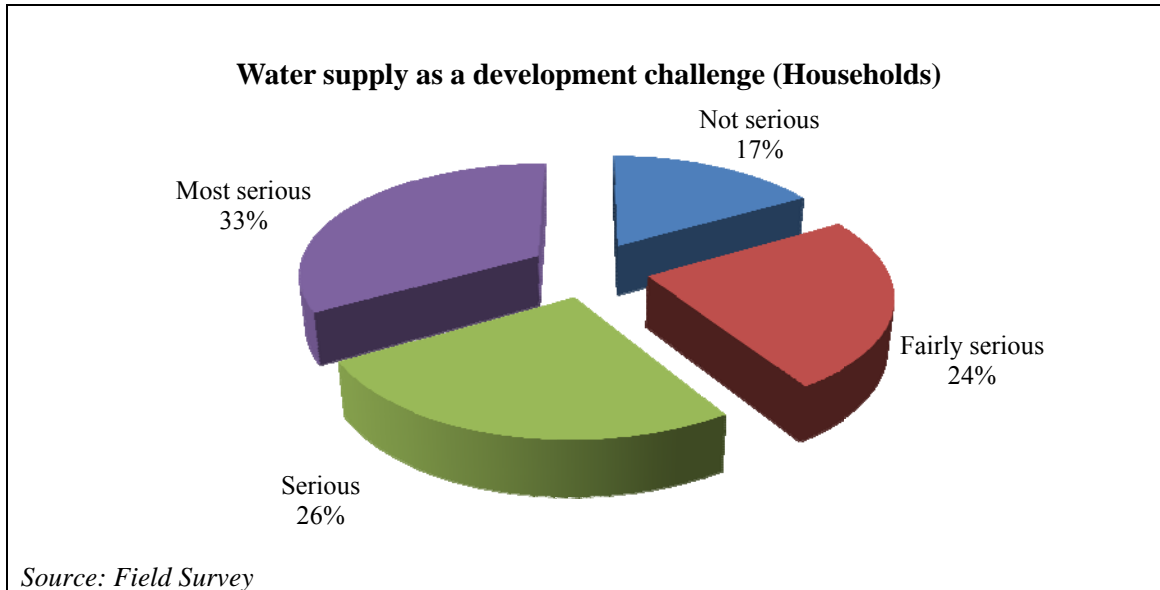
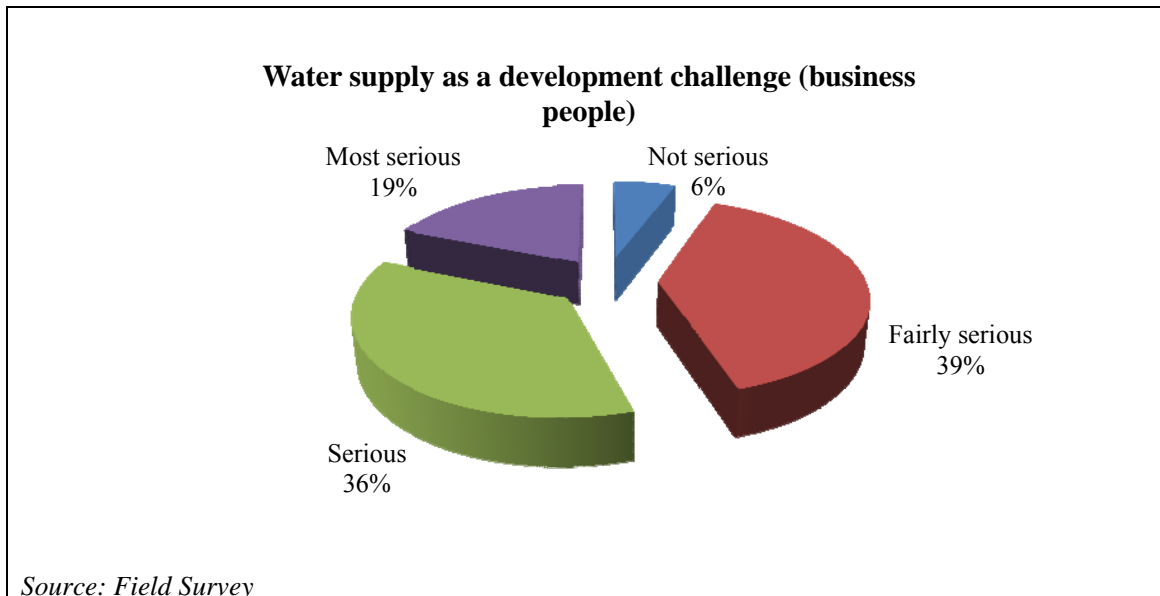


Figure 6-21: Water supply as a development challenge (Business people)



6.2.6.3 Solid waste disposal

62 per cent of the respondents rely on private companies for collection of solid wastes. There are no designated solid waste disposal points. Garbage was noticed disposed on roads and open spaces.

Figure 6-22: Method of solid waste disposal

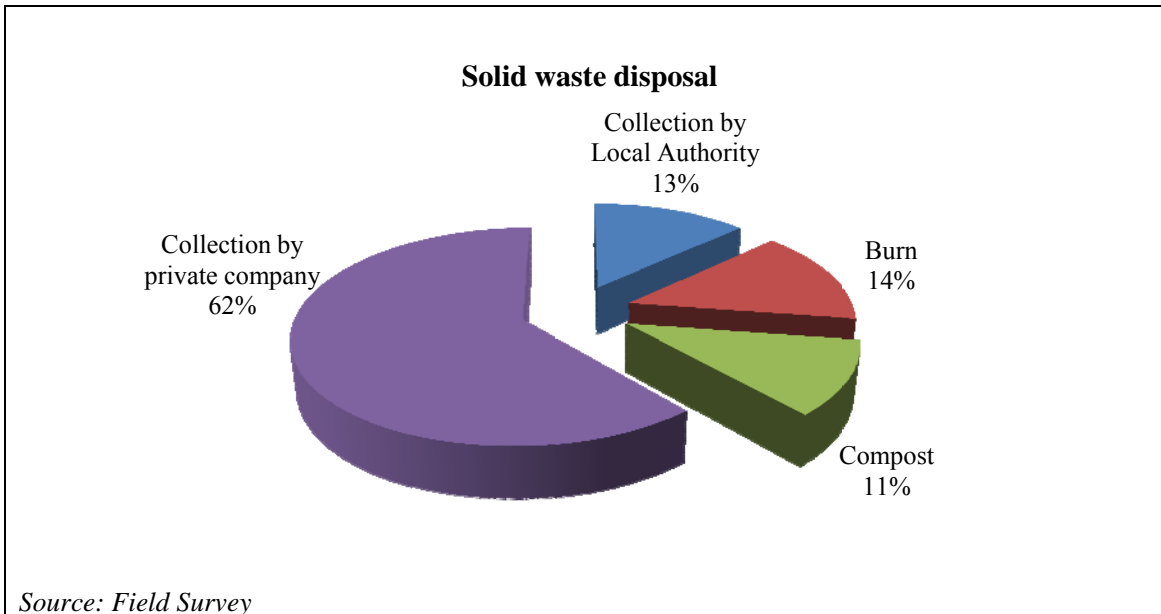
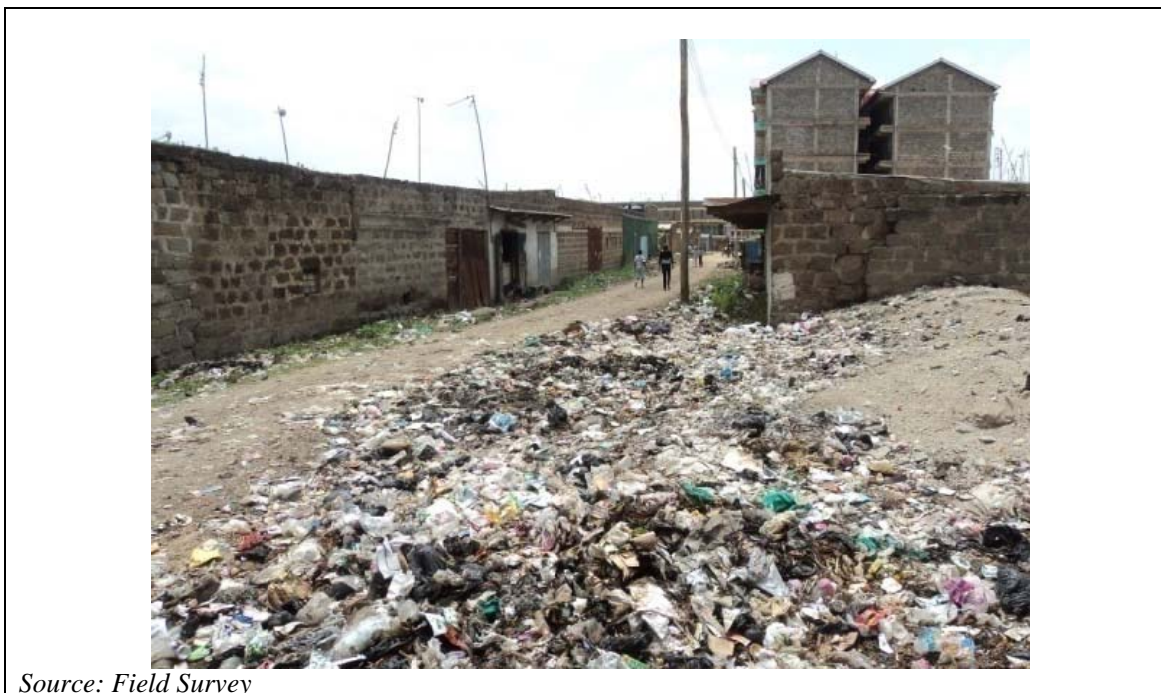


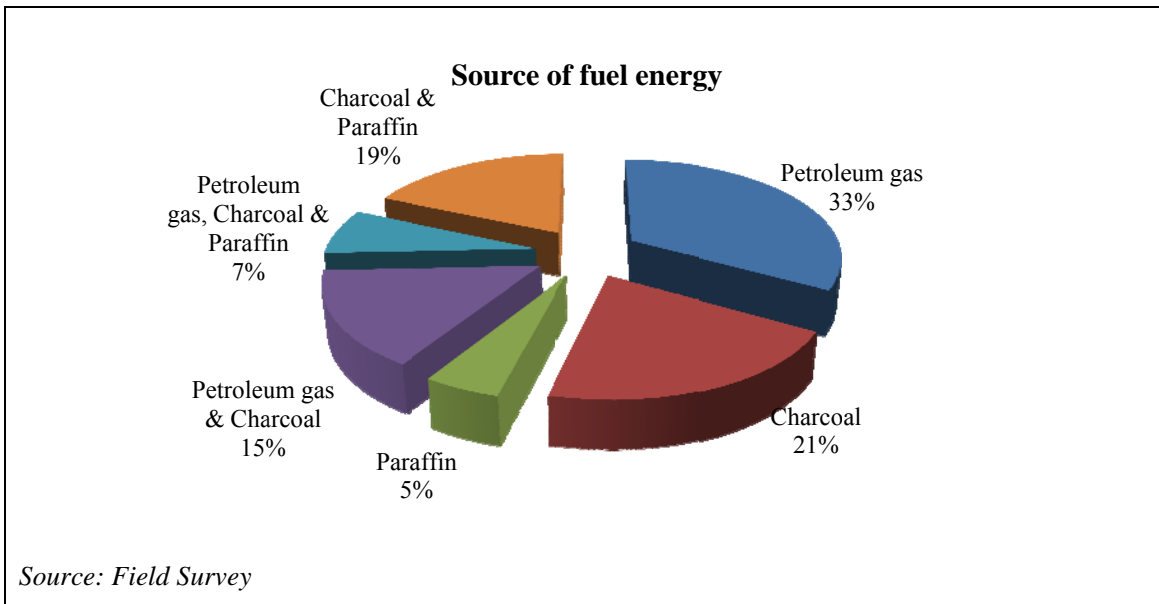
Plate 6-4: Solid waste disposed on roads and open space



6.2.6.4 Energy supply

33 per cent of the residents use petroleum gas and 21 per cent use charcoal as a source of fuel energy. Other sources of fuel are paraffin and a mixture of petroleum gas, charcoal and paraffin.

Figure 6-23: Source of fuel energy



Electricity supply was not considered as a serious development challenge by both household and business respondents

Figure 6-24: Electricity supply as a development challenge (Households)

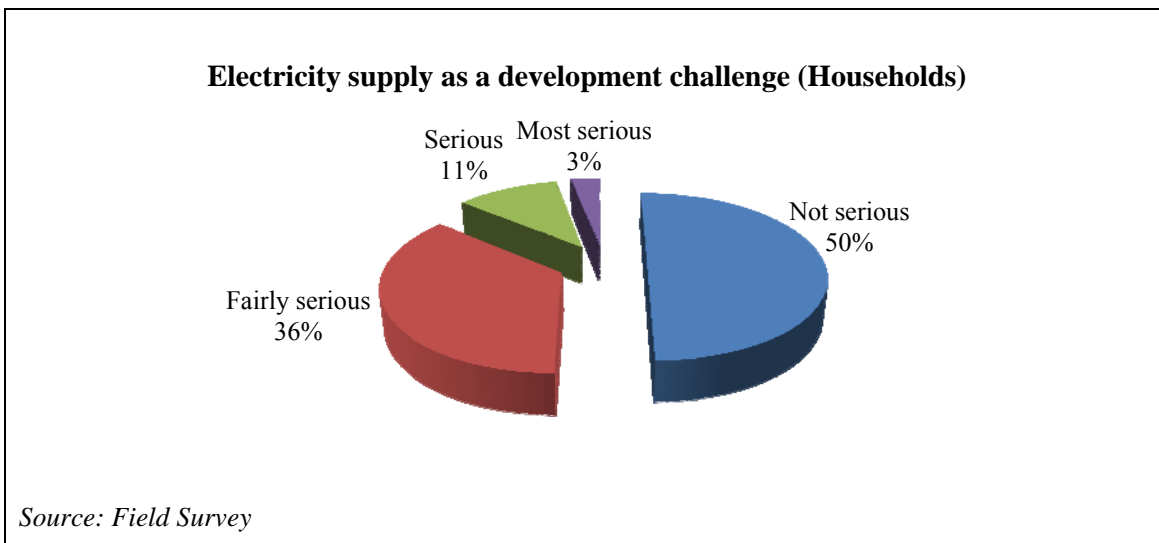
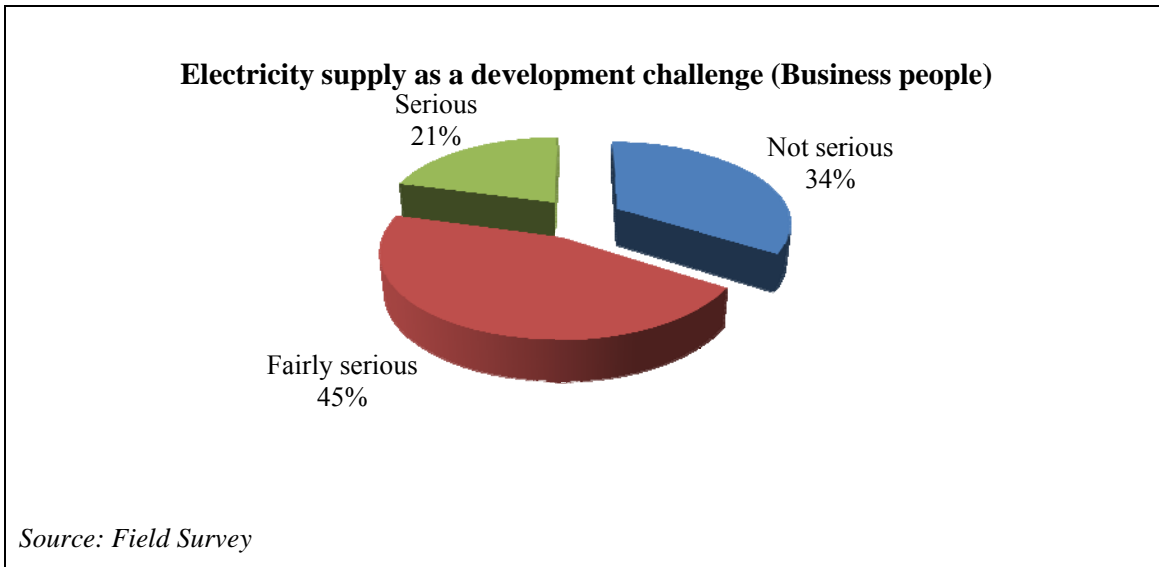


Figure 6-25: Electricity supply as a development challenge (Business people)



6.2.6.5 Road Infrastructure

Magadi road, the only bitumen standard road, serves the entire population of Ongata Rongai. In Kware and Mosoi Range sub-locations access/feeder roads were 9 meters, 12 meters, 15 meters and 18 meters wide. However in Ongata Rongai and Laiser Hill sub-locations the access roads are 6 meters wide making the provision of services like stormwater drainage, sewerage and water connection impossible

Figure 6-26: Section of Kware and Mosoi Range sub-location

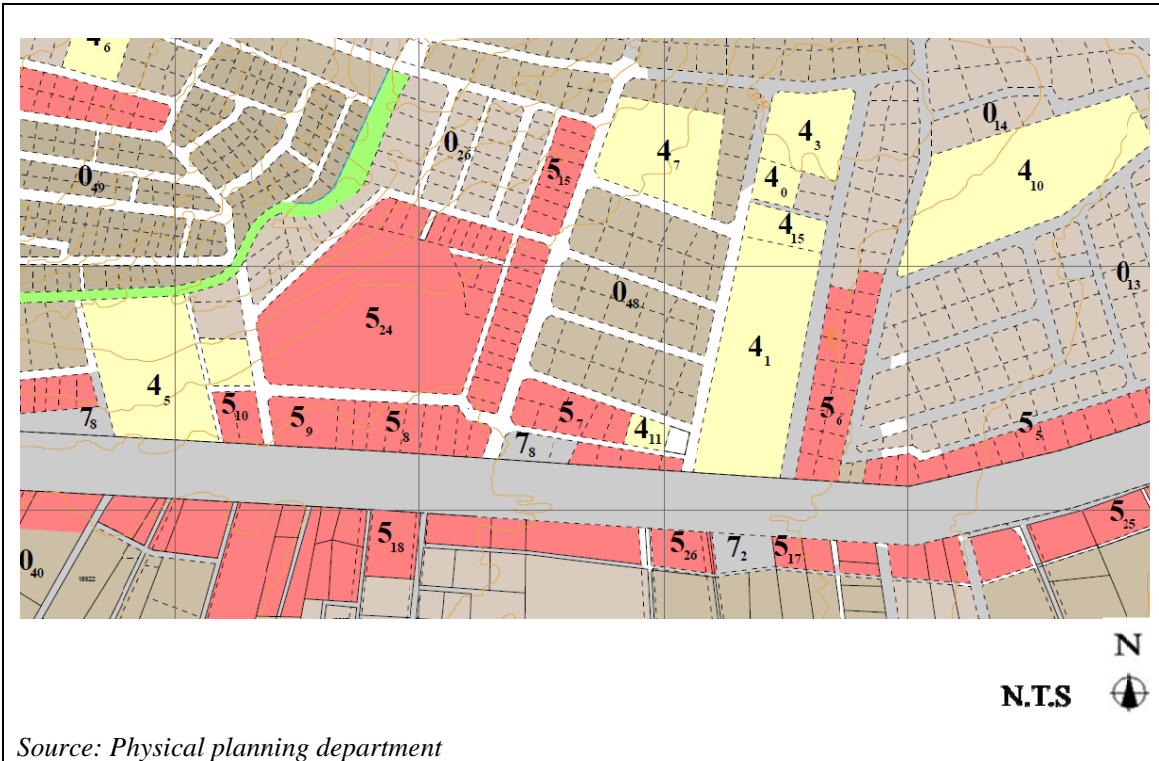


Figure 6-27: Road width in part of Kware and Mosoi Range sub-location

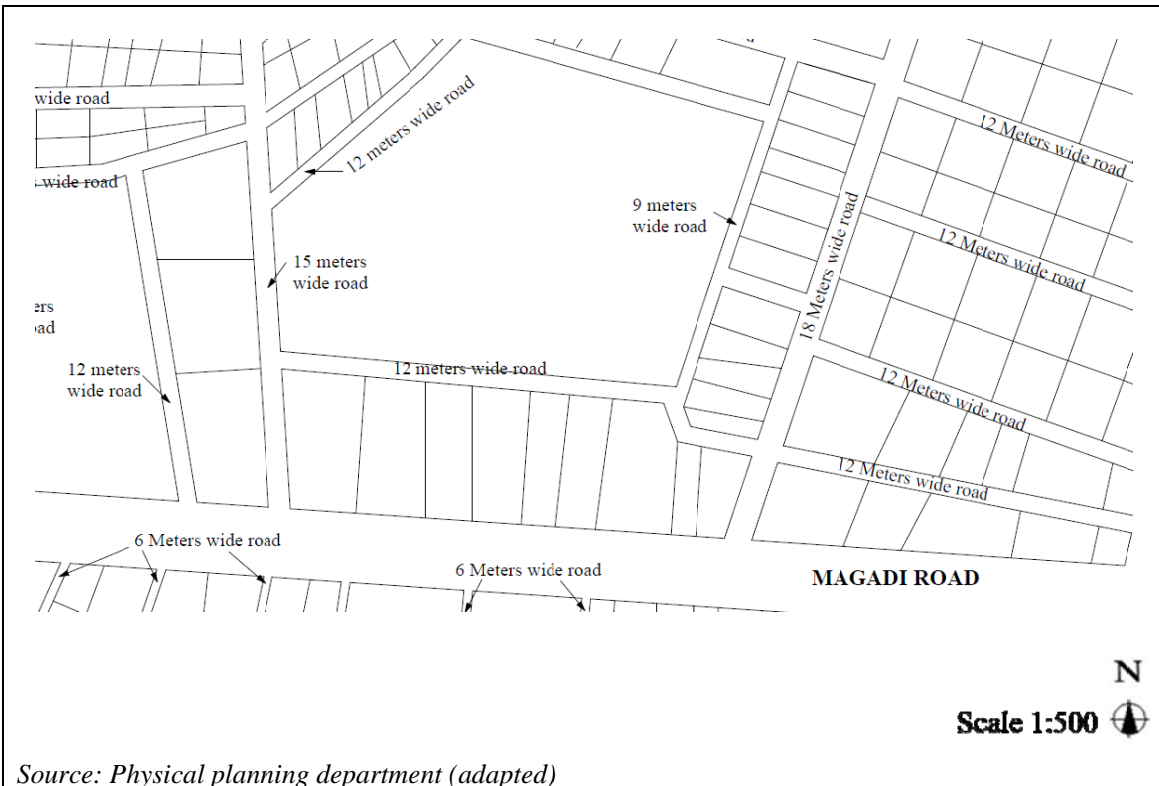


Figure 6-28: Section of Ongata-Rongai sub-location

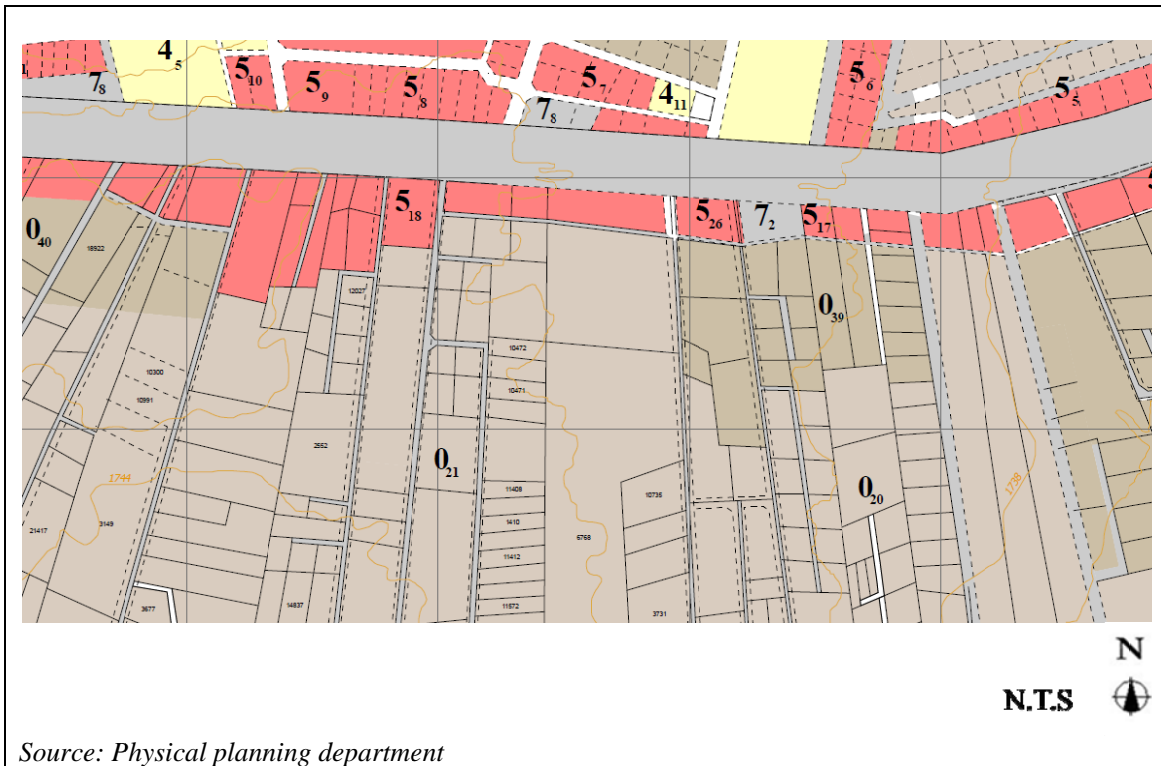
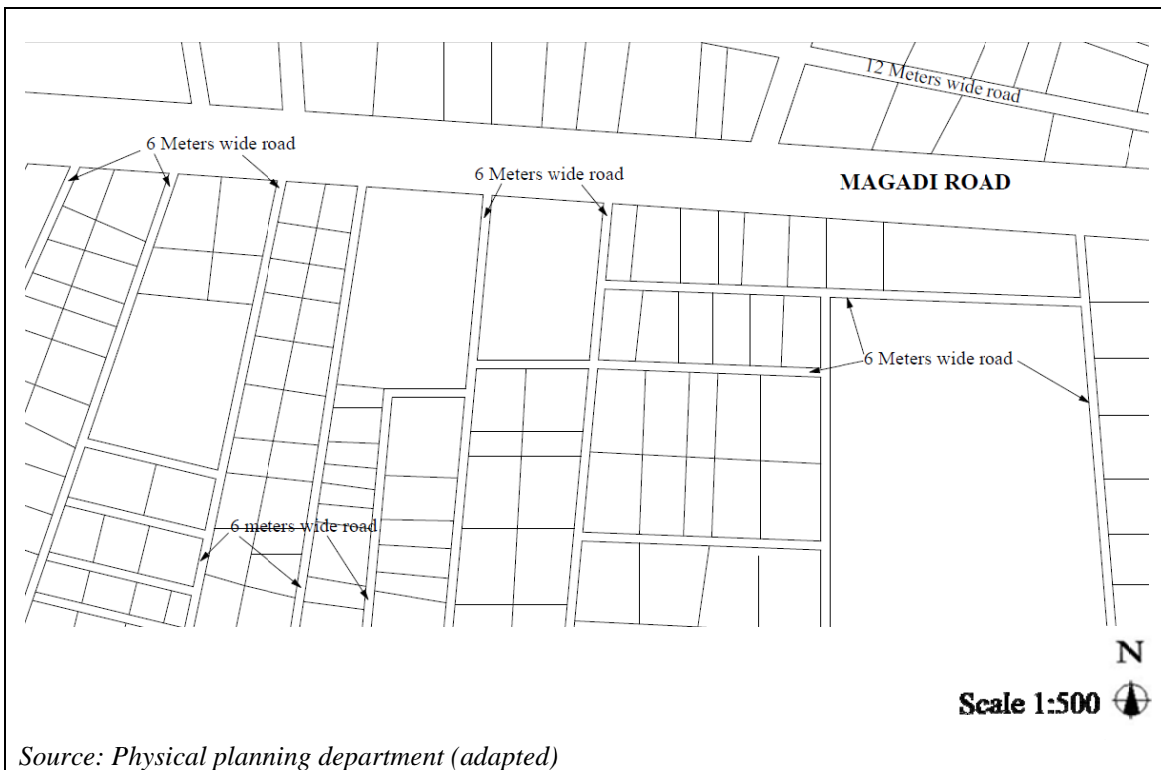
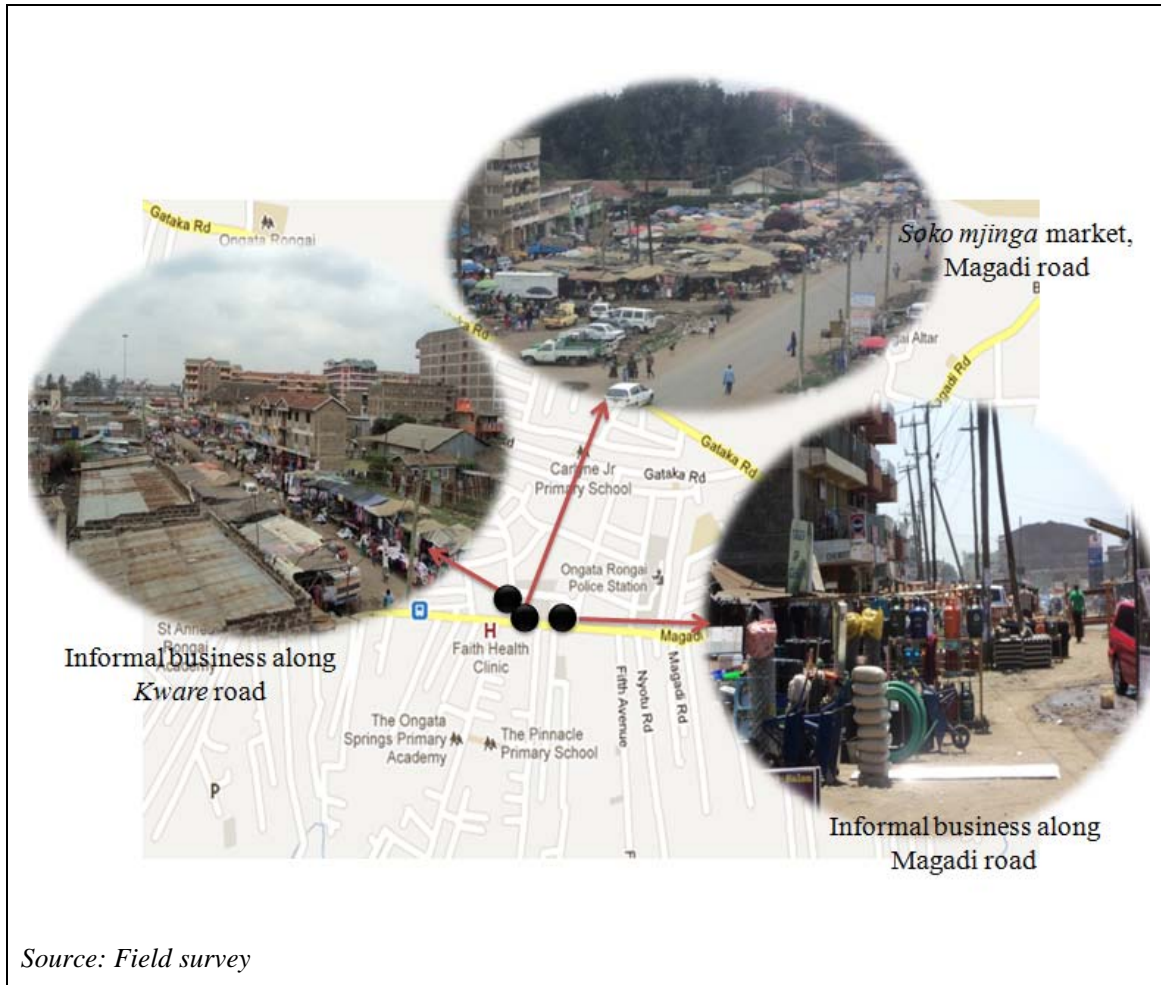


Figure 6-29: Road width in part of Ongata-Rongai sub-location



Encroachment onto the roads reserves is a common occurrence in Ongata Rongai. Some of the informal business activities that were noted taking place on roads reserves are water vending, vegetable/ fruits vending, clothes vending, metal fabrication, furniture making, maize roasting and poultry selling.

Figure 6-30: Road encroachment- Magadi and Kware roads



Source: Field survey

It was also noted that a number of building were developed without regard to building line and set backs

Plate 6-5: Buildings developed without regard to building line

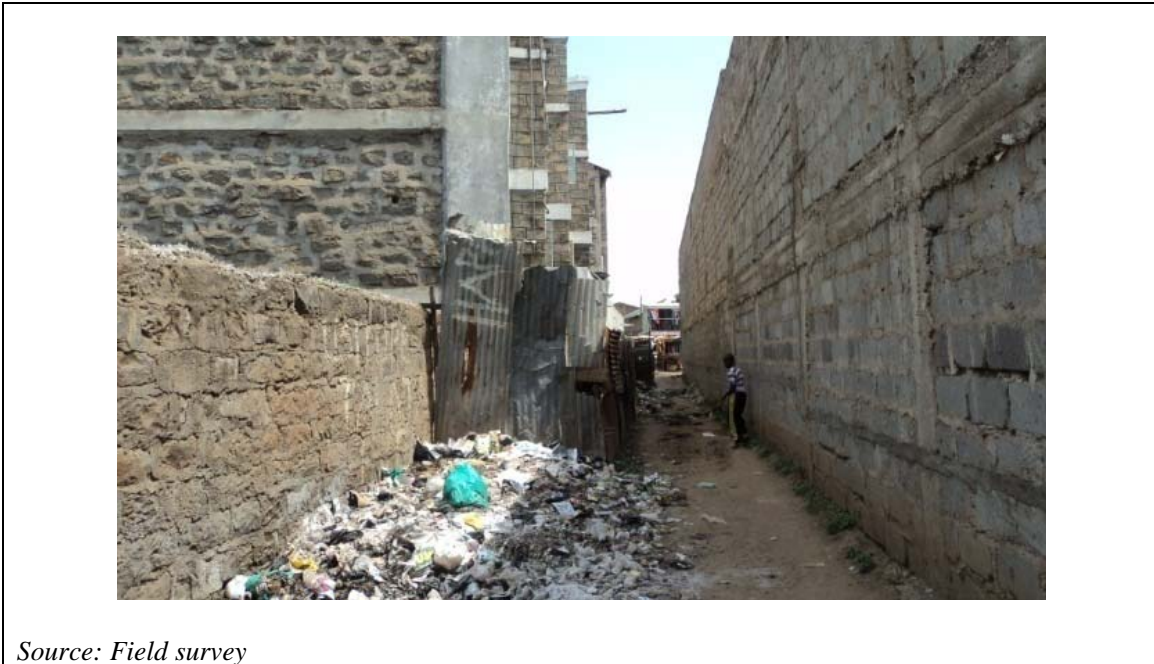
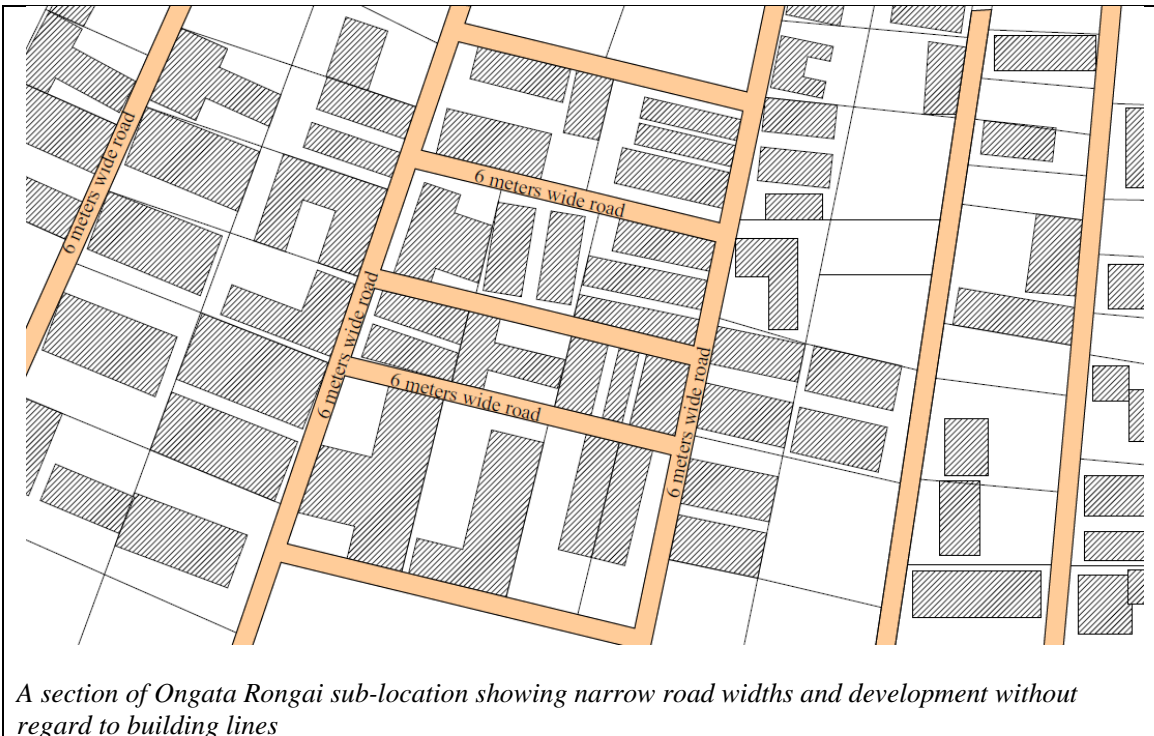


Figure 6-31: Roads and building layout, Ongata Rongai sub-location



67 per cent of household residents consider roads and streets condition to be a most serious development challenge compared to 33 per cent of business people. This can be explained by the fact that most businesses are located along Magadi road which is tarmacked whereas access roads to residential areas are narrow and untarmacked. The access roads are not motorable during rainy seasons

Figure 6-32: Roads and streets condition as a development challenge (Households)

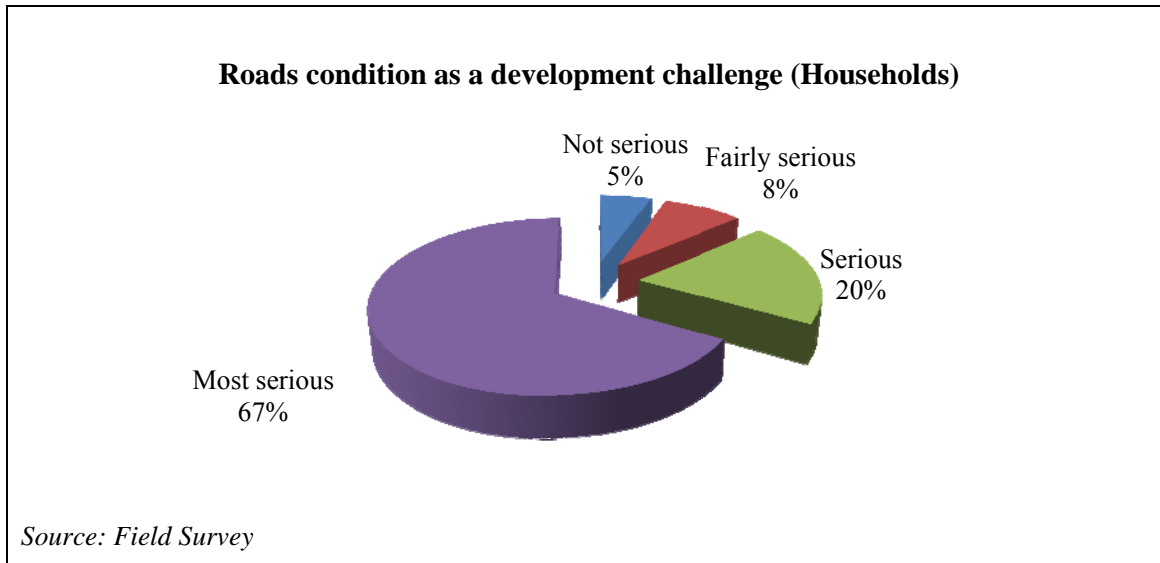
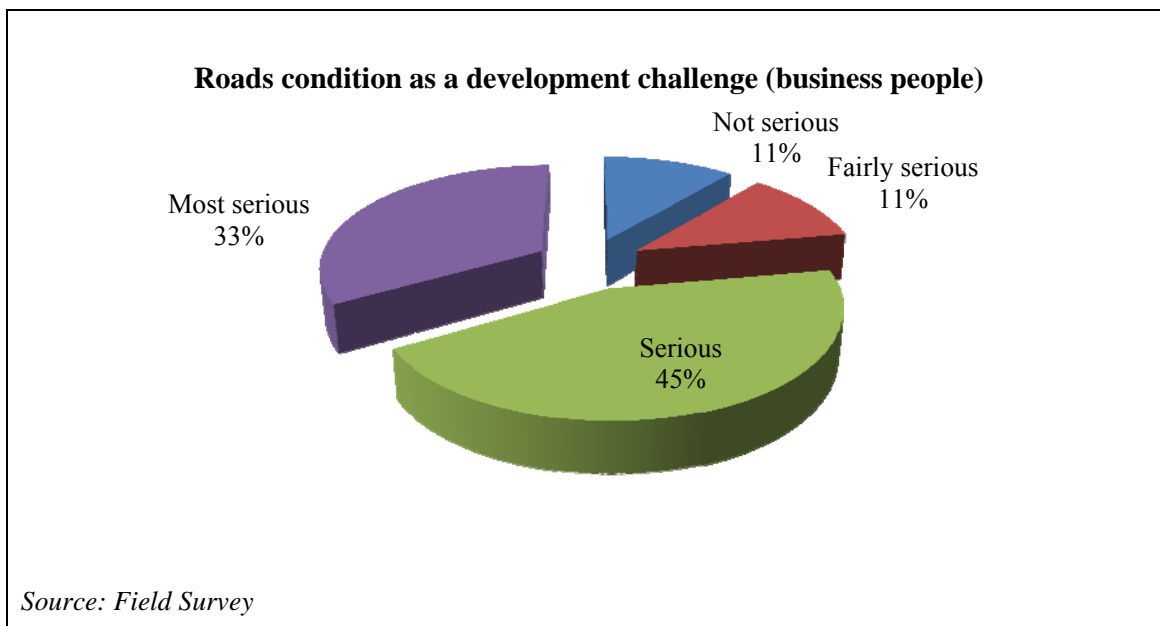


Figure 6-33: Roads and streets condition as a development challenge (Business people)



6.2.6.6 Markets

There are two designated markets in Ongata Rongai- the *Rongai* and *Kware* Markets. These two markets are dysfunctional as they lack permanent market structures and attendant infrastructure. Market vendors have encroached on magadi road, creating what is known as *soko mjinga*.

Figure 6-34: Market locations

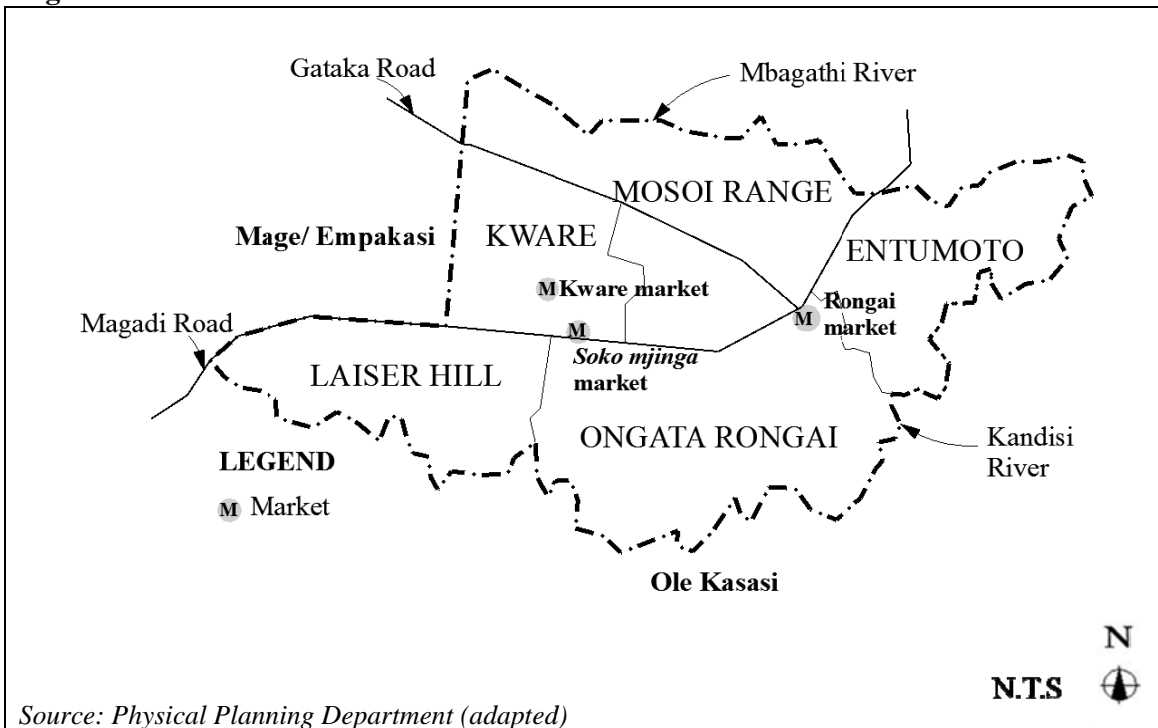
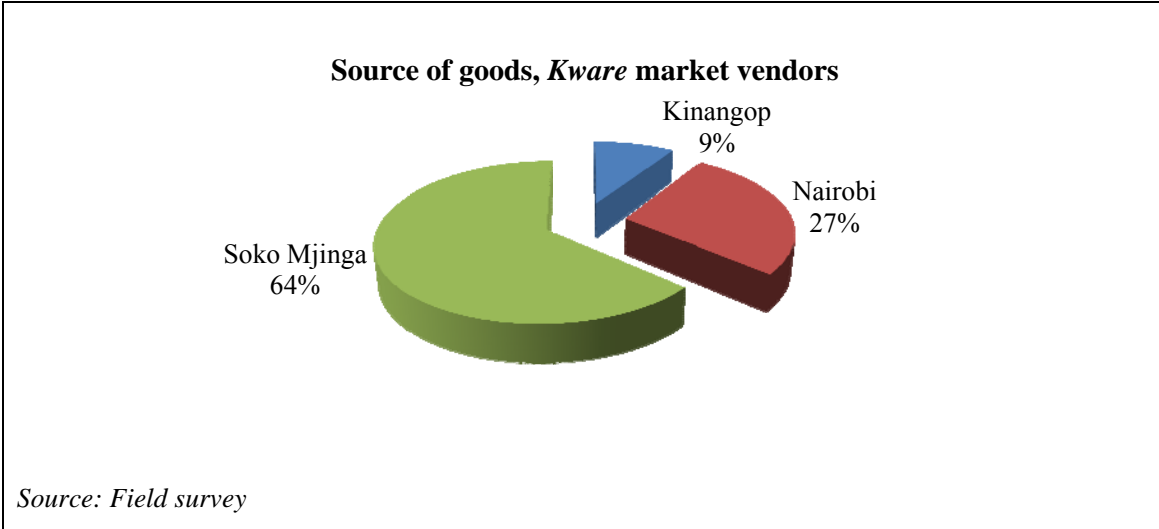


Plate 6-6: View of Soko Mjinga market along Magadi road



64 per cent of traders in *Kware* market source their goods from *Soko Mjinga* market. This shows a phenomena of continued informality.

Figure 6-35: Source of goods, *Kware* market vendors



Traders in *Soko Mjinga* and Old Rongai markets source their goods from Nairobi.

Figure 6-36: Source of goods, *Soko Mjinga* market vendors

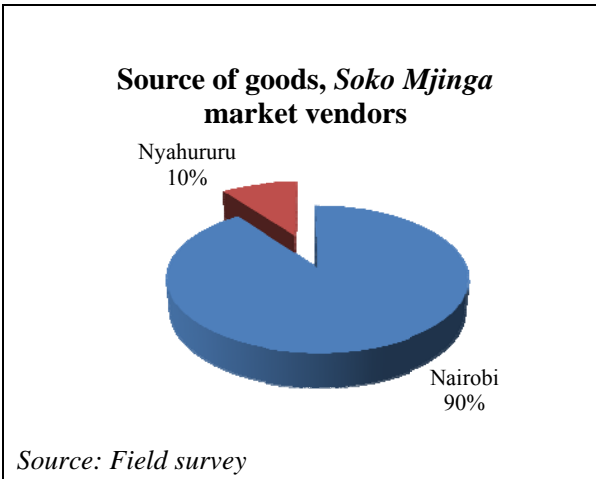
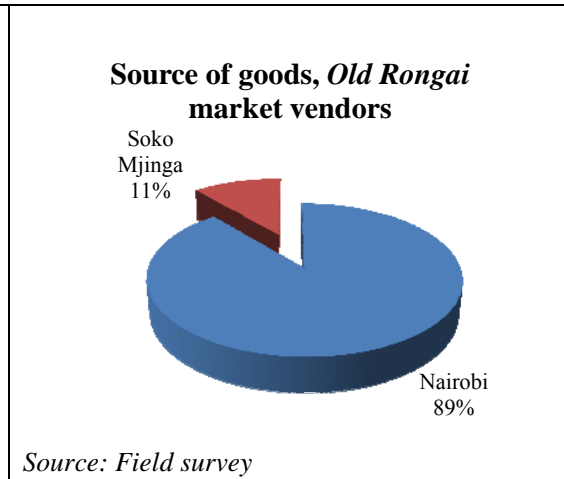


Figure 6-37: Source of goods, *Old Rongai* market vendors



6.2.6.7 Housing

Ongata Rongai features an haphazard mix of housing types- bungalows, maissonettes, flats and informal housing. There is no guideline on the type and density of housing for different zones. Houses have encroached onto road and riparian reserves

Plate 6-7: Mixed Housing in Ongata Rongai



Source: Field survey

Plate 6-8: Informal settlement in Kware, Ongata Rongai



Source: Field survey

Plate 6-9: Better housing in Mosoi Range, Ongata Rongai



Source: Field survey

Plate 6-10: Developments encroaching on Mbagathi River



Source: Field survey

6.2.7 Land Use Planning

Ongata Rongai lacks a clear planning strategy. This has led to unplanned, haphazard pattern of development and overconcentration of commercial activities along *Magadi* road (Ribbon type of development). The issues like subdivision of land into small parcels in an unplanned manner, unauthorized conversion of land use and development in environmentally fragile and sensitive areas, are very much prevailing in Ongata Rongai.

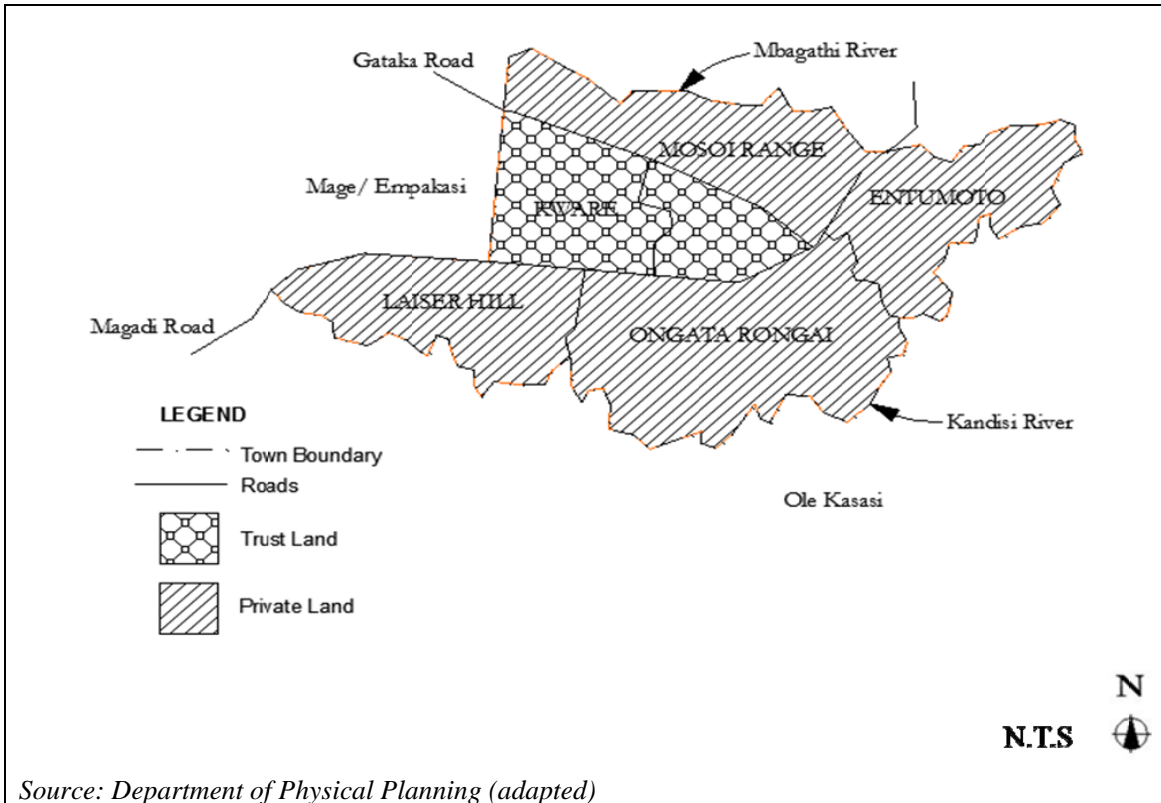
93 per cent of the land in Ongata Rongai is privately owned (freehold titles) with the County Council of Olkejuado controlling the remainder (trust land) in Kware and parts of Mosoi Range. The trust land has been allocated to private individual except for the designated public spaces like markets, cemetery and bus park.

The freehold tenure has been one of the impediments to controlling planning and development in Ongata Rongai. Private developers/investors subdivide the land into small parcels in order to maximize their gains.

The following challenges were witnessed on private land

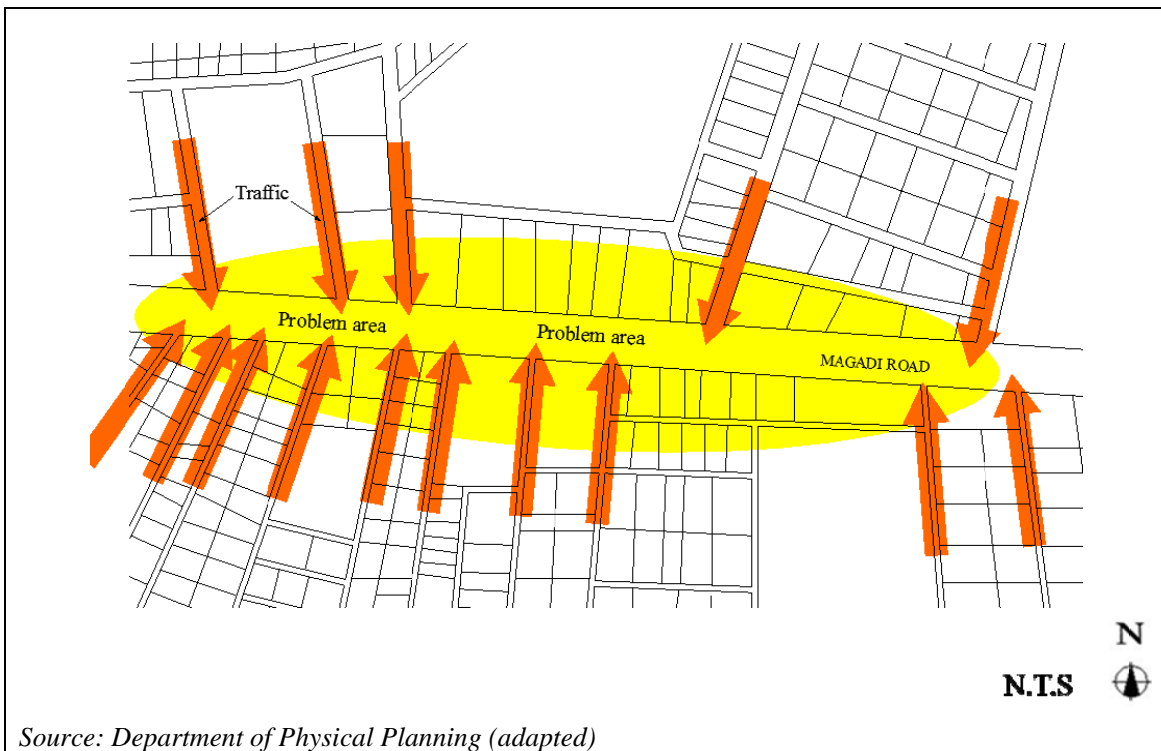
1. Lack of public purpose/utilities land
2. Narrow feeder/access roads (6 meters).
3. Feeder/access roads join Magadi road directly, a situation which leads to traffic congestion.

Figure 6-38: Distribution of Private and Trust land in Ongata Rongai



Source: Department of Physical Planning (adapted)

Figure 6-39: Feeder/access roads joining Magadi road directly



Source: Department of Physical Planning (adapted)

6.2.8 Development challenges

6.2.8.1 Planning perspective

Ongata Rongai is characterized by a linear type of development along Magadi Road. This has led to encroachment onto the road. Bus stops, formal and informal businesses all compete for space along the road. Some of the informal business activities include carpentry and welding works, maize-roasting, car washing, poultry, fruits and vegetables and cloths selling and water vending. Such activities have occasioned blocking of road drains. It is a common feature to see donkey pulled carts on the road. Domestic animals were also witnessed roaming the road.

Plate 6-11: Magadi Road aerial view



Linear development along Magadi road.

Source: Field Survey

Plate 6-12: Blocked road drain, Magadi Road



Source: Field Survey

Plate 6-13: Domestic animals roaming Magadi Road



Source: Field Survey

The residential areas typify a mix development. High rise buildings and single dwelling units are haphazardly mixed together. There is no zoning into low, medium and high density residential areas. Lack of proper zoning has led to mixed land uses and haphazard subdivisions. Plot coverage and building lines have not been respected. In some instances residential dwellings occupy over 80 per cent of the ground cover. Encroachment onto roads is rampant.

Plate 6-14: Haphazard development



Source: Field Survey

Plate 6-15: Developments within building line



Source: Field Survey

6.2.8.2 Households and Business people perspective on planning and development

The most serious development challenges as rated by the residents are sewage disposal (77%), storm water drainage (74%) and roads and streets condition (67%). Electricity supply and Insecurity were not considered as most serious challenges (3% and 15% respectively)

Table 6-1: Rating of Developmental Challenges by Residents

S/No	Developmental challenge	Not serious (% of respondents)	Fairly serious (% of respondents)	Serious (% of respondents)	Most serious (% of respondents)
1.	Land Use Planning	12	25	29	35
2.	Development Control	7	23	27	43
3.	Sewage Disposal	4	6	13	77
4.	Water Supply	17	24	26	33
5.	Solid waste collection	13	11	20	56
6.	Roads and Streets condition	5	8	20	67
7.	Insecurity	24	39	22	15
8.	Storm water drainage	5	6	15	74
9.	Electricity supply	50	36	11	3

Source: Field survey

On the other hand the most serious development challenges according to business owners are Storm water drainage (56%), Sewage disposal (44%) and Solid waste collection (39%). Electricity supply and Insecurity were not considered as most serious challenges (0% and 11% respectively).

Table 6-2: Rating of Developmental Challenges by Business owners

S/No	Developmental challenge	Not serious (% of respondents)	Fairly serious (% of respondents)	Serious (% of respondents)	Most serious (% of respondents)
1.	Land Use Planning	7	30	37	26
2.	Development Control	2	25	35	38
3.	Sewage Disposal	6	13	37	44
4.	Water Supply	6	39	36	19
5.	Solid waste collection	5	15	41	39
6.	Roads and Streets condition	11	11	45	33
7.	Insecurity	10	64	15	11
8.	Storm water drainage	9	9	26	56
9.	Electricity supply	34	45	21	0

Source: Field survey

6.3 The Role of Planning Actors in Ongata Rongai

6.3.1 County Council of Olkejuado

Section 166 of the Local Government Act, Cap 265 (repealed) mandates local authorities to prohibit and control the development and use of land and buildings in the interest of the proper and orderly development of its area. The County Council of Olkejuado has not effectively performed this mandate in respect to Ongata Rongai. This is attributed to:-

1. Limited financial allocation towards planning and development control.
2. Limited human resource capacity for planning and development control- only two number officers (a planner and a development control officer) serve the entire county council.
3. Lack of vehicle allocation to planning and development control department
4. 93 per cent of the land is under freehold tenure system. Private developers have not complied with zoning plans.
5. Lack of updated zoning plans

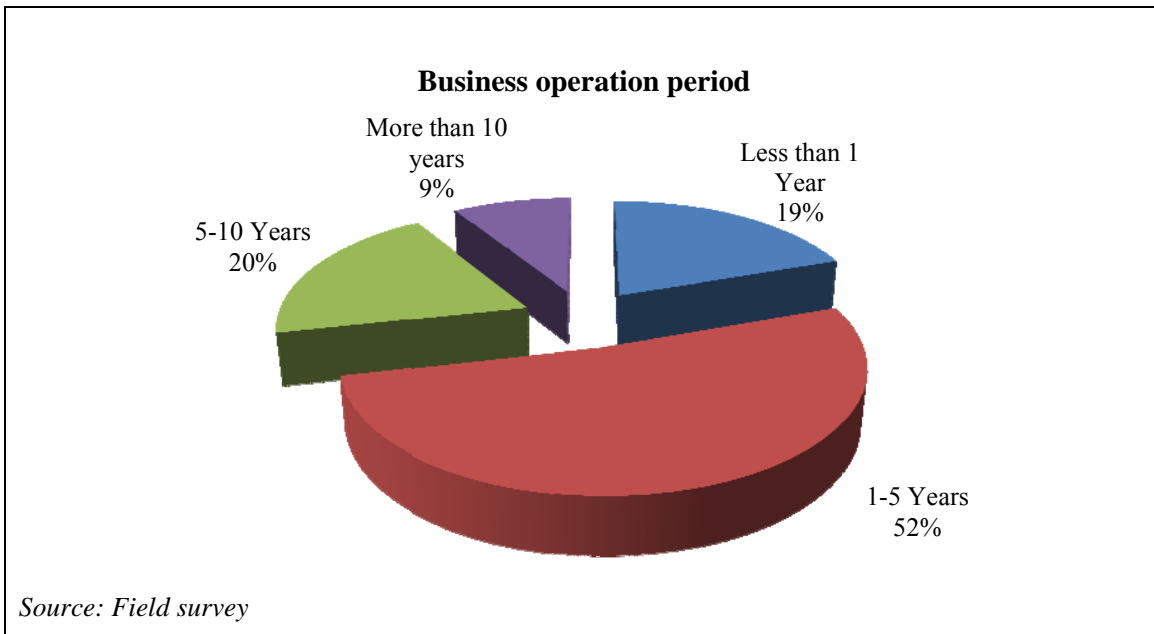
Sections 104 (1) (a) and (b) and 143 (2) of the Local Government Act, Cap 265 (repealed) provide that local authorities can form joint boards or contracts with other local authorities or the government for purposes of service provision or any other act as provided by the law. Interview with the County Council of Olkejuado Physical Planner reviewed that there is non-existent or poor coordination between the council and the City Council of Nairobi, Ministry of Nairobi Metropolitan Development and the District Development Committee. Coordination with the Physical Planning Department, Ministry of Lands, was rated as fair.

6.3.2 City Council of Nairobi (Urban Planning Department)

The fact that Ongata Rongai grew as a dormitory town for Nairobi is not in question. However 51 per cent of the migrants migrated to Ongata Rongai for work. Of the respondents who indicated to be working (business or formal employment) only 25 per cent work in Nairobi with 75 per cent working in Ongata Rongai.

Field survey indicated that 91 per cent of businesses in Ongata Rongai have been established in the last 10 years. This shows that Ongata Rongai is fast developing into a commercial town. A well managed peri-urban location implies that Nairobi would not suffer from the negative effects of poor planning. This notwithstanding, the City Council of Nairobi has not played any role to ensure the proper planning of Ongata Rongai.

Figure 6-40: Period of business operation in Ongata Rongai



6.3.3 Ministry of Lands (Department of Physical Planning)

Section 16 (1) of the Physical Planning Act, of 1996, Cap 286, states that a regional physical development plan may be prepared by the Director of Physical Planning with reference to any Government land, trust land or private land within the area of authority of a county council for the purpose of improving the land and providing for the proper physical development of such land and securing suitable provision for transportation, public purposes, utilities and services, commercial, industrial, residential and recreational areas, including parks, open spaces and reserves and also the making of suitable provision for the use of land for building or other purposes.

Furthermore Section 23 (1) provides that the Director of Physical Planning may declare an area with unique development potential or problems as a special planning area for the purpose of preparation of a physical development plan irrespective of whether such an area lies within or outside the area of a local authority.

Ongata Rongai is a case where development has overtaken planning. The above provisions of the Physical Planning Act of 1996 are not compulsive. According to the Kajiado District Physical Planner, Ongata Rongai is still treated as a ‘trading center/ market’.

The challenges to planning and management were identified as

1. Lack of a compulsive policy for planning peri-urban areas
2. The land tenure system which is freehold does not allow effective comprehensive planning. Thus the local authority can only control subdivision schemes.
3. Rapid increase in population
4. Lack of ability to envision the future character of Ongata Rongai. Hence planning is not pre guided
5. Limited capacity for planning. There is no planning mass in central government.
6. Limited financial allocation towards planning
7. Inadequate planning tools
8. Poor political good will
9. Corruption especially in the local authorities who are charged with development control and enforcement of planning guidelines

6.3.4 Ministry of Nairobi Metropolitan Development

The Ministry has been charged with the preparation of Nairobi Metropolitan Region (NMR) spatial plan. This being a regional plan, the ministry has not in any way been involved in the planning of Ongata Rongai because such a plan is considered an action/ area plan.

6.3.5 Ololaiser water and sewerage company.

Ololaiser water company, the water service provider in Ongata Rongai, estimates that 40 per cent of the population is connected to piped water. This was collaborated by field survey which showed that 36% of the respondents use piped water while the remainder are served by borehole and water vendors. It has also been noted that the piped water connection is in *Kware* sublocation.

Ongata Rongai lacks a trunk sewer. 53 per cent of residents rely on septic/ conservancy tanks whereas 43 per cent use pit latrines. Ololaiser water and sewerage company operated a sewage exhauster which has since been grounded. The main challenges for water and sewerage provision are

1. Narrow roads in private land leaving no room for laying of water and sewer pipes
2. Lack of land for sewerage treatment
3. Limited financing for water and sewerage connections

6.3.6 Business people and private investors

Owing to its proximity to Nairobi and perceived cheap land, Ongata Rongai has seen an influx of businesses and private investors especially in the last ten years. Residential apartments and commercial buildings dominate the skyline. The developers are motivated by profits and hence have tended to flout development control regulations regarding permissible sub divisions, building set- backs, plot coverage, skyline and such like. This kind of situation is fueled by the perceived little interference from the local authority.

93 per cent of business people support the elevation of Ongata Rongai into an urban council. On the other hand only 37 per cent of business people would support Ongata Rongai being part of the City Council of Nairobi (CCN).

Figure 6-41: Support for elevation of Ongata Rongai to an urban council (business people)

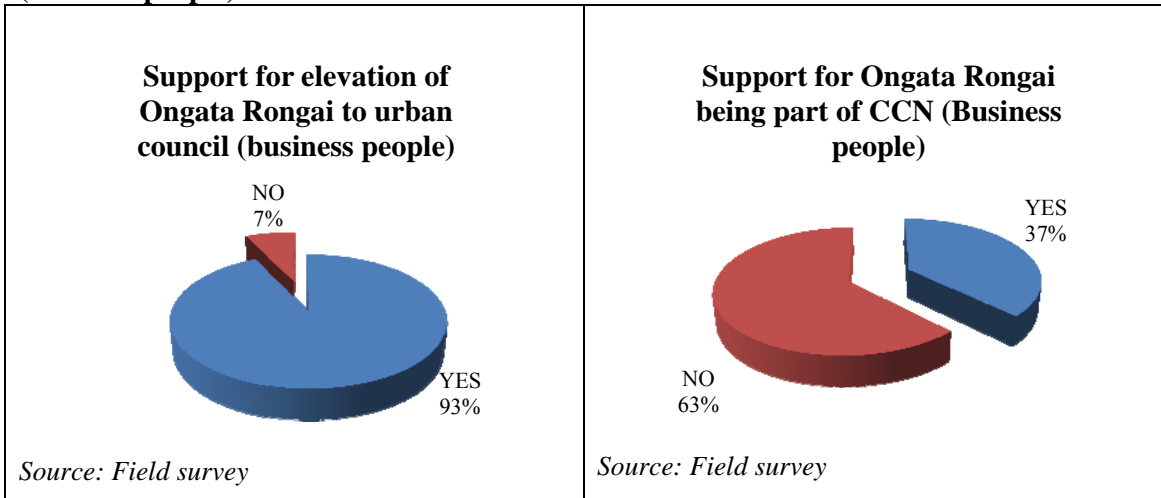
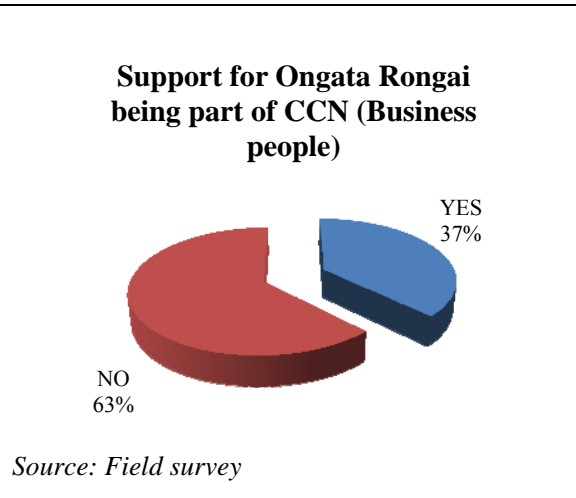
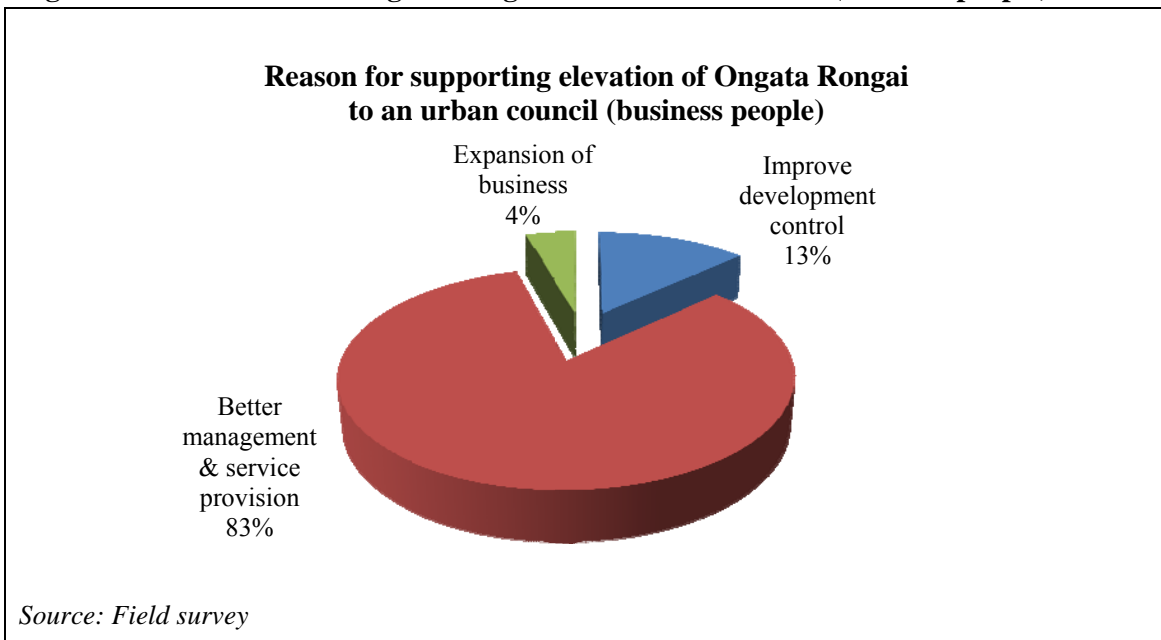


Figure 6-42: Support for Ongata Rongai being part of CCN (business people)



The reasons given for supporting the elevation of Ongata Rongai into an urban council were- better management and service provision (83%), Improvement of development control (13%) and expansion of business (4%)

Figure 6-43: Elevation of Ongata Rongai into an urban council (business people)



The reasons given for not supporting Ongata Rongai being part of CCN were varied- CCN has problems too (25%), Ongata Rongai is okay as it is (22%), and fear of harassment by CCN (21%). 90 per cent of the business people who supported Ongata Rongai being part of CCN cited better management of service provision.

Figure 6-44: Reasons against Ongata Rongai being part of CCN (business people)

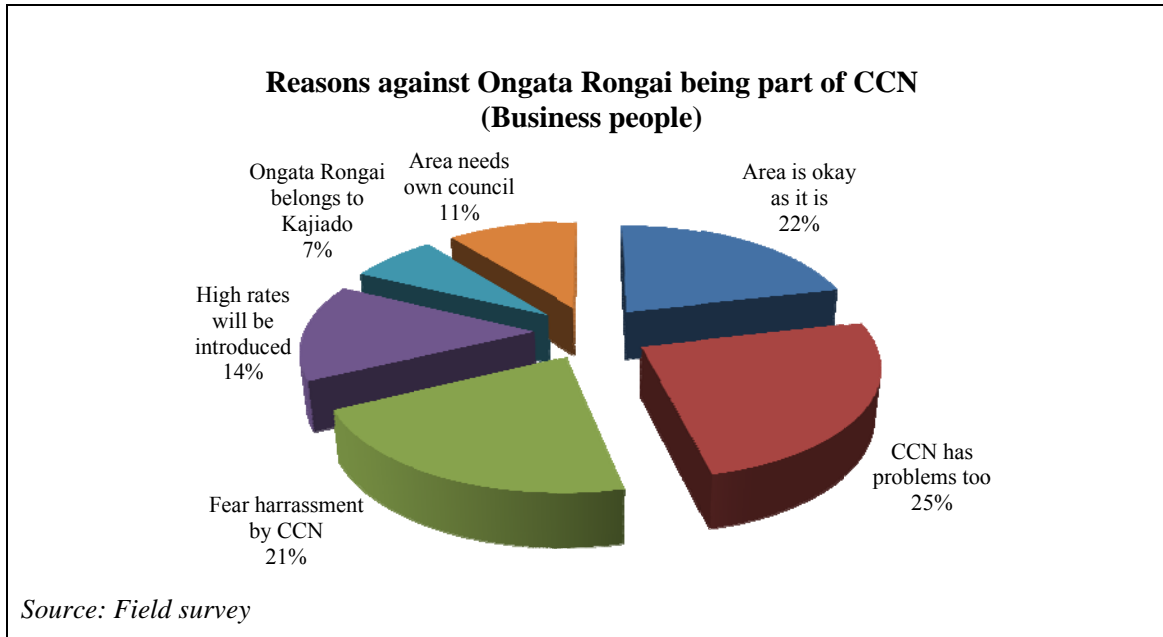
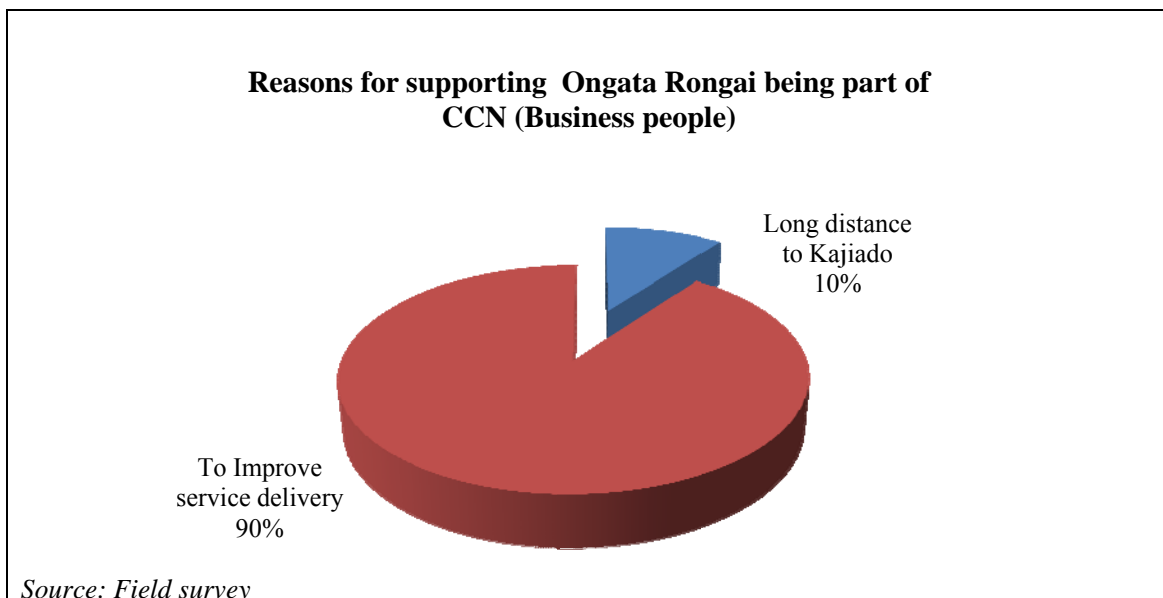


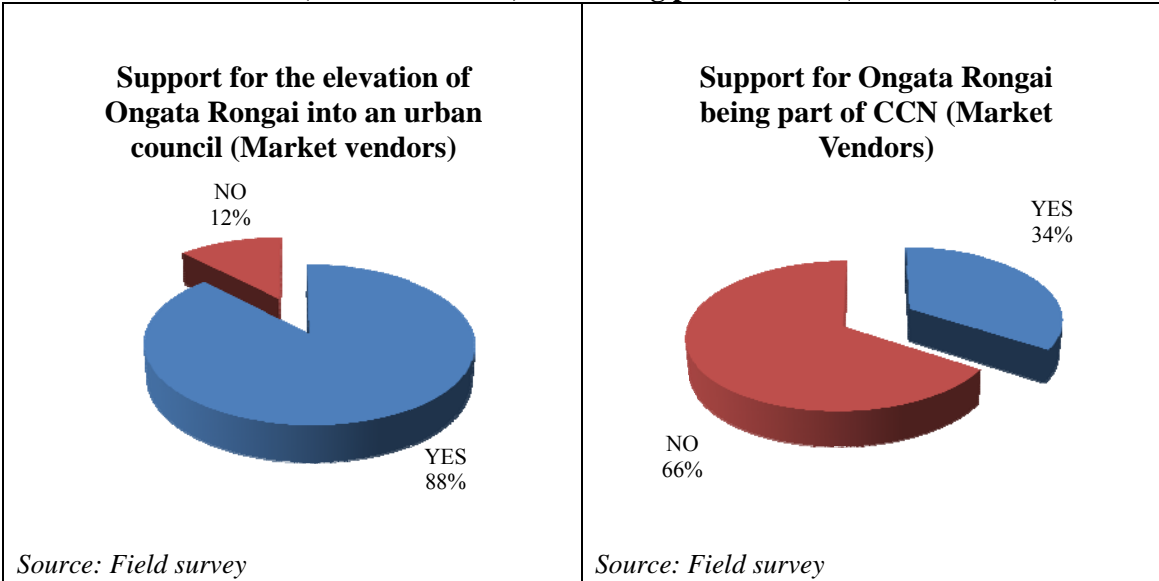
Figure 6-45: Reasons for supporting Ongata Rongai being part of CCN (business people)



88 per cent of market vendors (Rongai, *Soko Mjinga* and *Kware* markets) support the elevation of Ongata Rongai into an urban council while 66 per cent of the vendors do not support Ongata Rongai being part of City Council of Nairobi (CCN).

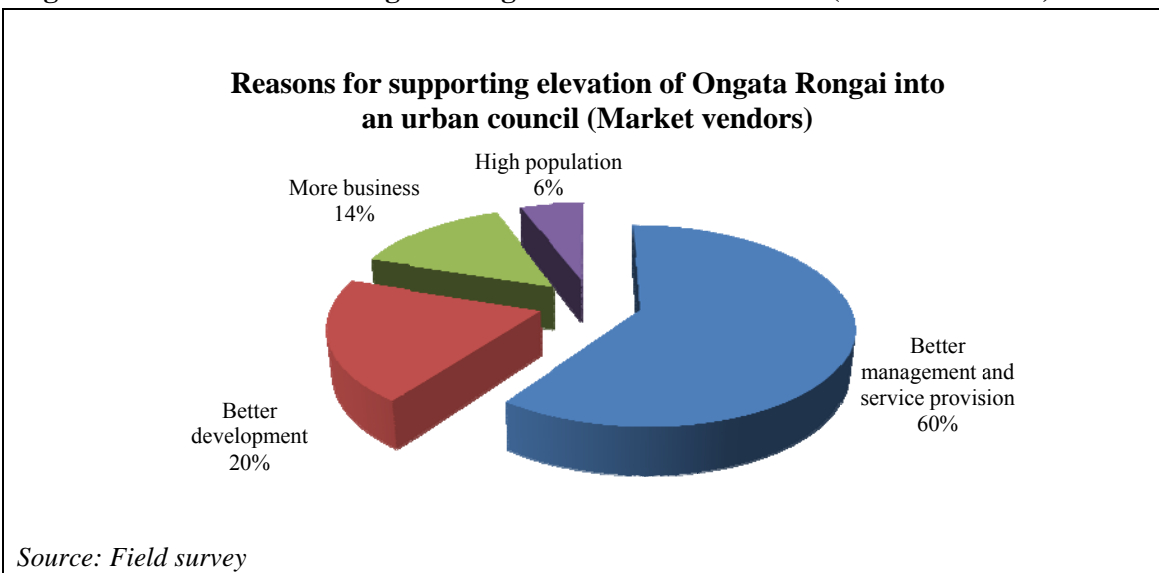
Figure 6-46: Elevation of Ongata Rongai into an urban council (market vendors)

Figure 6-47: Support for Ongata Rongai being part of CCN (market vendors)



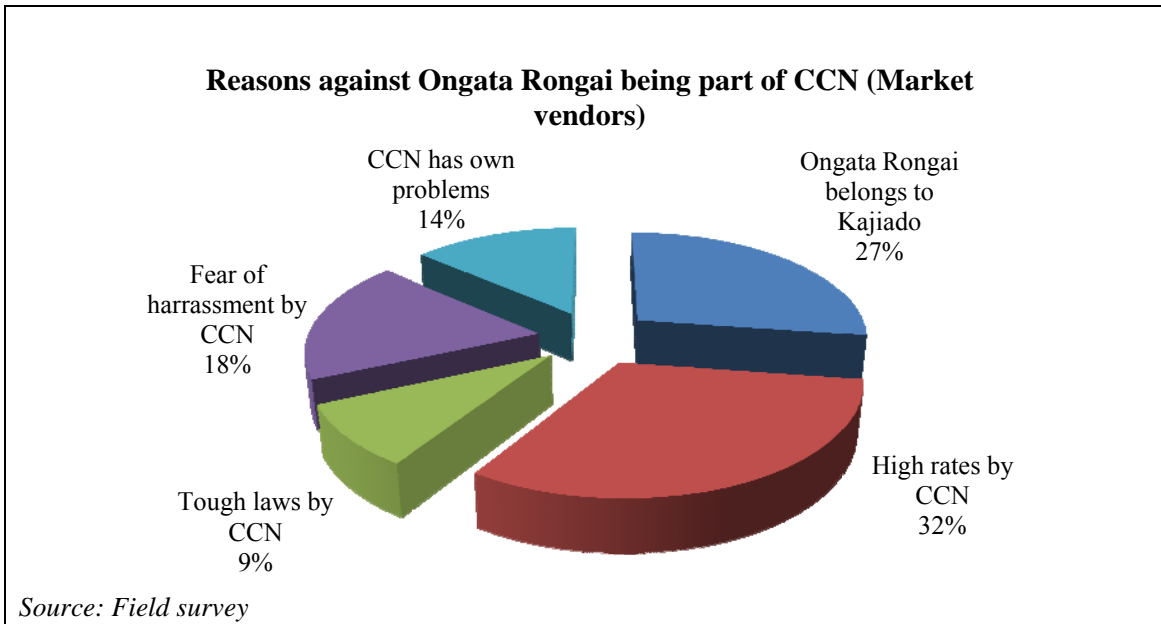
The main reason for supporting the elevation of Ongata Rongai into an urban council was to improve management and service provision (60%).

Figure 6-48: Elevation of Ongata Rongai into an urban council (market vendors)



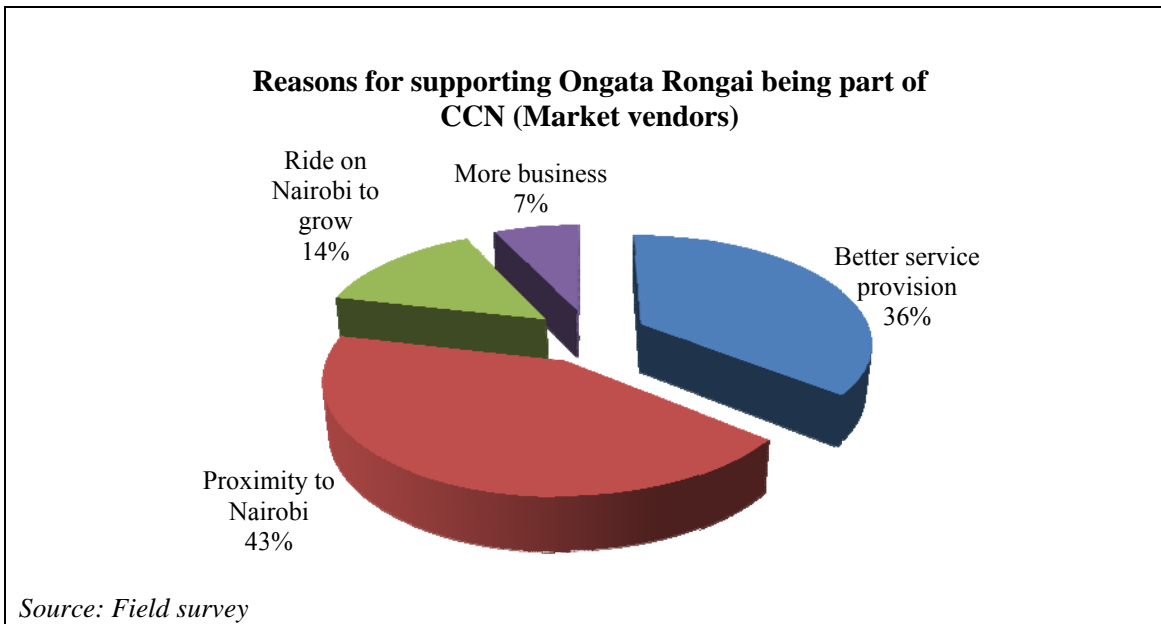
The reasons given for not supporting Ongata Rongai being part of CCN were:- high rates by CCN (32%), Ongata Rongai belongs to Kajiado (27%), and harassment by CCN (18%).

Figure 6-49: Reasons against Ongata Rongai being part of CCN (market vendors)



Market vendors who support Ongata Rongai being part of CCN cited proximity to Nairobi (43%) and better service provision (36%)

Figure 6-50: Reasons for supporting Ongata Rongai being part of CCN (market vendors)



6.3.7 Local community

Ongata Rongai exhibits a mix of people with varying income levels- from low income to middle income earners. This study has shown that infrastructure is self provided. The local community is not organized into any residential associations and where such are, they are street based and for purposes of providing security.

Figure 6-51: Membership in a residential association

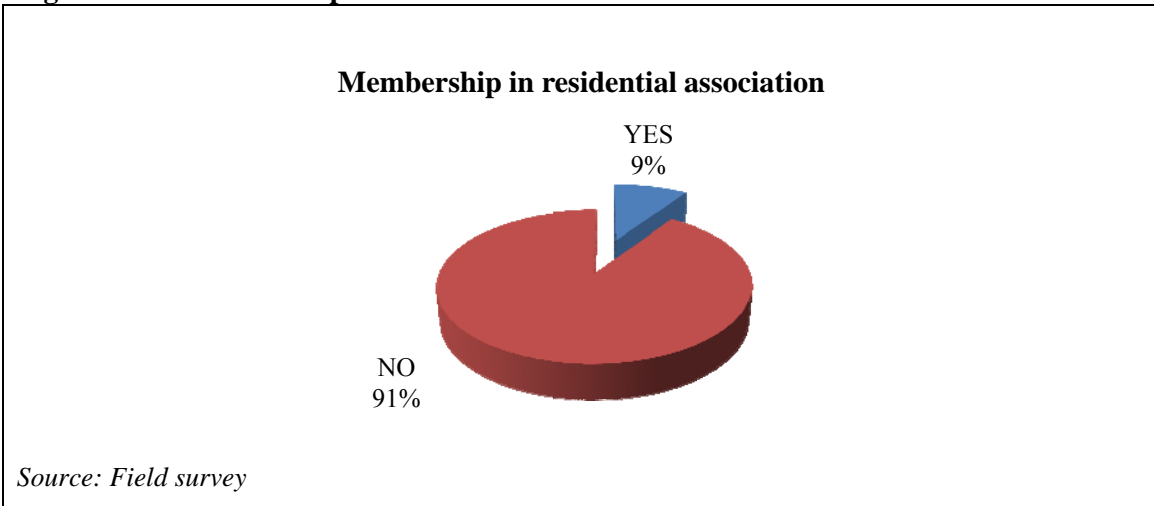
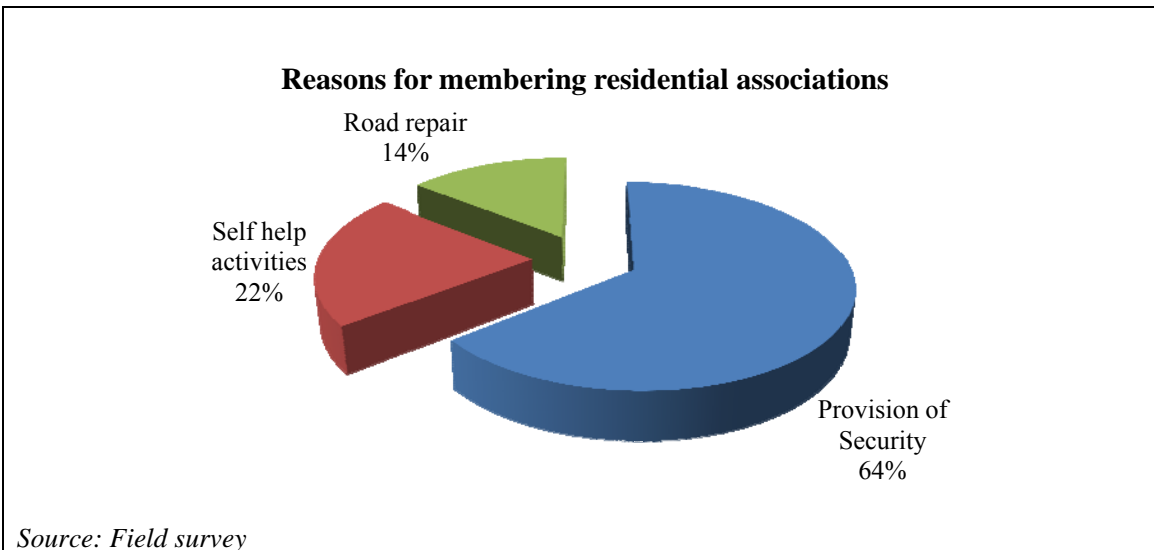


Figure 6-52: Reasons for being a member of a residential association



6.3.8 NGOs and Civil Society

There is no established role of NGOs and Civil society in Ongata Rongai

CHAPTER SEVEN

7. DISCUSSION AND RECOMMENDATIONS

7.1 Discussion

7.1.1 Introduction

Development in peri-urban areas challenges the distinctions between urban and rural areas as applied in policies and regulations. Based on the assumption that the development of peri-urban areas is an inevitable consequence of urbanization, we are not about to witness a decline in such developments.

The images, meanings and perceptions attached to Ongata Rongai are varied- a business location for business people; cheap housing for residents; a disaster in waiting for the environmentalists; and good revenue to the council. It is a mixed income neighborhood characterized by single dwellings and residential flats, narrow roads and streets, supermarkets and universities, cows and donkeys! 85 per cent of business people indicated that Ongata Rongai is a '*good business environment*' thanks to the population boom; 65 per cent of residents indicated that it is a '*good living environment*'.

This research set out to explore the institutional arrangements in place for the management of Ongata Rongai with a view to proposing appropriate institutional framework for managing peri-urban areas. This was achieved through identifying the main land use planning issues in Ongata Rongai; identifying and assessing the institutional structures and capacities for planning and management in Ongata Rongai and ultimately proposing policies and institutional framework for managing peri-urban areas.

7.1.2 Land use planning issues in Ongata Rongai

Planning and development in Ongata Rongai is guided by private developers. This is largely occasioned by the fact that 93 per cent of the land is in private hands under freehold tenure. This land tenure system does not allow effective comprehensive planning- the local authority can only control subdivision schemes. The rapid increase in population (from 35,000 in 1999 to 83,000 in 2009, (CBS 2010) and the inability by urban managers to envision the future character of Ongata Rongai means that planning is not pre- guided.

The planning challenges are typified by:

1. Inadequate social infrastructure- social halls, schools, markets and health centers.
2. Linear type of development along Magadi Road.
3. Encroachment onto road reserves.
4. Poor subdivision schemes. Feeder roads join Magadi road directly, a situation which leads to traffic congestion.
5. Subdivisions into uneconomical plot sizes
6. Poor provision of basic services and infrastructure- water, sewerage, solid waste collection, storm water drainage
7. Narrow feeder roads
8. Mixed development in residential areas - high rise buildings and single dwelling units are haphazardly mixed together.
9. Lack of zoning into low, medium and high density residential areas.
10. Lack of adherence to plot coverage and building lines - in some instances residential dwellings occupy over 80 per cent of the ground cover

7.1.3 Institutional structures and capacities for management of Ongata Rongai

Ongata Rongai is a case where development has overtaken planning. The provisions of the Physical Planning Act are not enforced by officers from the Physical Planning Department, County Council of Olkejuado and City Council of Nairobi.

Planning is piecemeal and uncoordinated- there is no evidence that the various planning and development institutions and service providers have a common front towards planning and development control. The challenge of fragmented jurisdictions and multiple-level policies both vertically (across government levels) and horizontally (between governments at same level, across sectors and among public-private actors) is evident in Ongata Rongai. Business people and residential organizations have not been adequately represented in planning and management forums. Consequently, Private investors have ample opportunities to lobby and buy out land for economic profit.

The ability of the County Council of Olkejuado to resist the push of market actors has been depended on the strength of the planning instruments and on which level in the governmental system land use decisions are taken. The council has been reduced to an approving authority

for subdivision schemes. It lacks proper financial allocation towards planning and development control. Its human resource capacity has not been able to cope with the challenges.

The council often relies on the office of the Director of Physical Planning to undertake the preparation of spatial plans (Structure plans, Development plans, Zoning/advisory plans, Local development plans, etc.). At the national and regional level the Department of Physical Planning is equally lacking in capacity thus further aggravating the problem.

The challenges are summarized as below:

1. Limited capacity for planning. There is no planning mass in local and central government.
2. Limited financial allocation towards planning. For instance, there is no specific financial allocation towards planning and development control in the County Council of Olkejuado.
3. Inadequate planning tools
4. Poor political good will
5. Corruption especially in the local authorities who are charged with development control and enforcement of planning guidelines

7.1.4 Policies for managing peri-urban areas

Literature has shown that Peri -urban development should be considered as full-fledged part of the city and the two are related through ecologic, economic, demographic and social processes. Therefore policies should be created and implemented to maintain some form of coherence between the peri-urban area and the city. It has further been shown that there is lack of approval of peri-urban sector settlements by local and national governments leading to the settlements being considered marginal to the physical and regulatory boundaries of the formal city and hence their exclusion from planning. Urban managers have failed to realize that space is seamless and that anything undertaken in one region affects the neighboring region. Furthermore the influence of big cities to the peri-urban spatial formation is yet to be appreciated

Peri-urban locations serve many interests. While some of the interests are inherently private, such as rental housing development, and their development rationale economic gain, others,

such as schools and clinics, are public goods that require support by the government at national and county levels.

Peri -urban areas have for long been considered as dormitories of the cities they are proximate to. This research has put this to question. 75 per cent of the residents interviewed in Ongata Rongai work in the town while only 25 per cent work in Nairobi. Consequently these locations should become areas of high quality with a more independent role than merely that of a spill-over area –they should serve the residents of both urban, fringe and rural areas.

Although 93 per cent of business owners support the elevation of Ongata Rongai into an urban council (in order to improve service delivery), this study has shown that Ongata Rongai does not have sufficient capacity to be an authority of its own. Its hinterland is not yet developed (developments have only coalesced along Magadi Road) and there is no attendant infrastructure. Literature review has also shown that territorial types of problems are more visible in cases where there is a more fragmented local government system, where functional urban areas (in this case the Nairobi metro region) consist of many administrative units. Secondly, problems emerge in the case of municipalities situated on the border of larger administrative units

Furthermore, Section 10 (2) of the Urban Areas and Cities Act, 2011 provide that for an area to be granted town status it should have, apart from meeting the population threshold of ten thousand residents,

1. demonstrable economic, functional and financial viability;
2. the existence of an integrated development plan in accordance with the Act;
3. the capacity to effectively and efficiently deliver essential services to its residents as provided in the First Schedule; and
4. sufficient space for expansion.

Whereas Ongata Rongai's population is 83,000 (CBS, 2010) it has not demonstrated capacity in the other requirements

Unless institutional dysfunction is addressed, peri-urban dwellers will continue to be confronted with both urban and rural laws and institutions, breeding a situation of legal pluralism. The different spatial patterns, cultures, planning policies, and various driving forces of urban growth or decline, result in changes of land use and functional linkages between urban and rural areas.

The results of this research prove the hypothesis that governance affecting peri-urban areas is a critical determinant of planning outcomes and that a key determinant of government effectiveness is the extent to which the problem of fragmented governance has been addressed. With no clear jurisdiction, or having an institutional vacuum there emerges a situation of ‘organized irresponsibility’ where powerful actors tend to benefit from the lack of regulation and constant impermanence. Therefore any proposed peri-urban management policy/ strategy/ model should appreciate that good governance, i.e. the sphere of public debate, partnerships, interaction and dialogue between citizens, organizations and local governments, is a precondition for achieving sustainable development.

The proposed management model is discussed in the next section.

7.2 Recommendations

7.2.1 The proposed management model

Presently a number of statutes govern urban and regional planning and development. The Physical Planning Act Cap 286 and the Local Government Act 265 (repealed) play a vital role in Spatial Development Planning. However planning and management of peri-urban towns cannot simply be based on the extrapolation of planning approaches and tools applied in rural and urban areas but on the construction of an approach that responds to the specific environment, social, economic and institutional aspects of the peri-urban interface.

There is a need to develop a conceptual frame (which should include all the actors, factors, and institutional context within the realm of perceptions, aspirations and opportunities), promote intense debate, arrive at consensus, pass enabling statutes including relevant amendments to existing ones, constitute new organizations, redistribute functions, powers and responsibilities amongst the many actors and stakeholders at all levels of governance and, most important, nurture the new organizations with care and dedication to enable them to grow, mature and discharge their functions and responsibilities in an effective and sustained manner. Development alone is not sufficient to provide efficient peri-urban management. Public sensitization on the need for planning should be promoted through the creation of such forum where the public would participate

Owing to the nature of shared problems between different authority boundaries, between urban and rural areas, there should be shared responsibility towards planning and management. Joint and formalized planning efforts should be encouraged. Coordinated and integrated approaches involving all relevant planning authorities would be required.

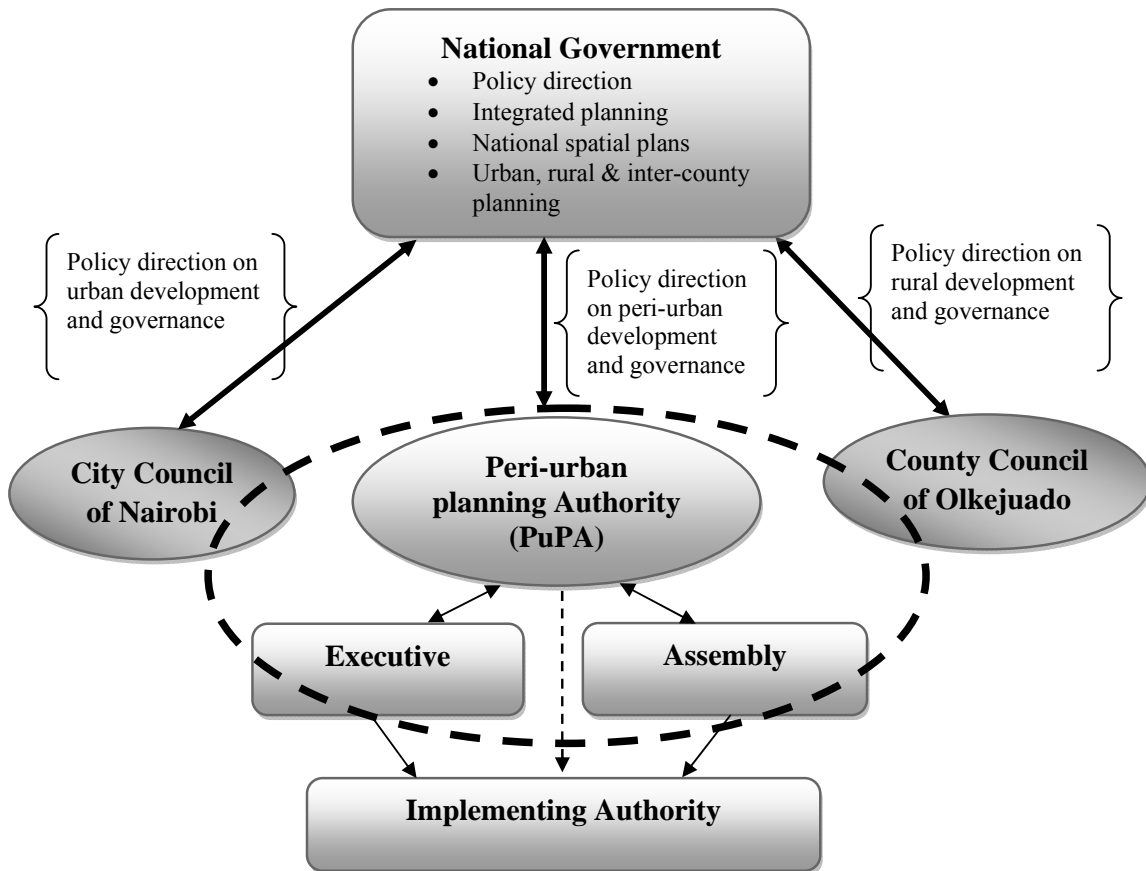
A ‘Deconcentrating planning model’, a structure that facilitates planning and which would include all the planning and management actors is proposed. Redistributing developmental planning to peripheral areas, this model will be managed by an institutionalized public-private partnership between stakeholders from the political (local/county governments), civic organizations, business community, residential community, and religious organizations. To be referred as the Peri-urban Planning Authority (PuPA), it will be composed of an Executive arm and an Assembly. The executive arm will be charged with reviewing peri-urban planning, approving plans and formulating related laws and policies. It will be headed by the

county authority and will have representation from all neighboring local authorities, in this case the County Council of Olkejuado and the City Council of Nairobi.

The Assembly will be a meeting of all stakeholders (political (local governments), civic organizations, business community, residential community, and religious organizations) within the peri-urban area. Decisions will be reached at Annual General Meetings. The implementing authority will be the county authority. The PuPA would be built-up in order to work effectively and reliably in facilitating decisions and making them realities.

The role of the national government would not be anymore to command and control, but to enable other actors to participate in formulating and executing public policy and even take the lead in it. At the national level, integrated planning will be pursued. There would be need for an integration of spatial planning and territorial cohesion policies with financial and taxation mechanisms, which often create direct or indirect incentives for peri-urbanization. The proposed model is illustrated in the figure below

Figure 7-1: The Proposed Planning model for peri-urban areas



Source: Author

Chapter eleven of the Kenya Constitution on Devolved Government constitutes County Governments. It is anticipated that County Governments would take up the responsibilities of County Councils and especially the functions outlined in the Fourth Schedule of the Constitution. Consequently the *Local Government* in the proposed planning model (the PuPA) would mean County Government.

The proposed County Government Bill, 2012 establishes an executive committee in urban area or city planning to undertake the following roles: (section 38)

1. monitor the process of planning, formulation and adoption of the integrated development plan by a city or municipality within the county
2. assist a city or municipality with the planning, formulation, adoption and review of its integrated development plan
3. facilitate the coordination and alignment of integrated development plans of different cities or municipalities within the county and with the plans, strategies and programmes of national and county governments, and
4. take appropriate steps to resolve any disputes or differences in connection with the planning, formulation, adoption or review of an integrated development plan.

This committee will have representation in the Executive arm of the PuPA with the functions harmonized.

7.2.2 Further study

Further study should be done on the following

In-order to understand the processes that drive land use changes in peri-urban areas, it is necessary to analyze the causes and effects, to improve knowledge, and to create better methods and tools to assess the future social, environmental and economic impacts of these changes. A modeling of land use changes around the city of Nairobi should be done (possibly covering the next 20 years). The modeling would involve an adaption of the general scenarios where important and likely aspects of the future as well as planning responses within the scenario storylines have been elaborated in dialogue between researchers, local stakeholders and practitioners.

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Appendices

Household Questionnaire

(Please note that the Information/Data you give will be used strictly for this study)

Tick the correct answer and fill in where appropriate

Date _____

Number of Respondent _____ Sub Location _____

1. Name _____ (optional)
2. Gender: Male Female
3. Place of Birth Ongata Rongai Other, specify _____
4. If you were not born in Ongata Rongai, state reasons for coming to Ongata Rongai
 Work Residence Marriage Other, specify _____
5. Period of stay in Ongata Rongai
 Less than 1 year 1-5 Years 5-10 years More than 10 years
6. State the factors of location (Residence) in Ongata Rongai
 Affordable rent Affordable land Proximity to Nairobi
 Proximity to place of work Other, specify _____
7. Indicate place of residence before coming to Ongata Rongai _____
8. How would you describe the growth of Ongata Rongai? _____
9. Occupation Formal employment Business Other, specify _____
10. Place of work Ongata Rongai Nairobi Other, specify _____
11. Status of this dwelling unit Owner occupied Rented

If dwelling unit is owner occupied answer questions 12 to 16 (and continue thereafter) otherwise move to question number 17

12. State the nature of land ownership Private Public Other, specify _____
13. Indicate the approximate land size in Acres
 1 Acre 1/4 Acre 1/2 Acre
 Other, specify _____
14. What type of ownership documents do you possess for this land? Title Certificate
 Allotment certificate Other, specify _____
15. Do you wish to subdivide the land in the future? Yes No
16. If yes, state your reasons Allocation to children Sale
 Put up commercial building Other, specify _____
17. Indicate your source of water Piped Borehole/shallow well
 River/ stream Other, specify _____
18. Indicate the method you use for sewage disposal Public sewer Septic tank
 Pit latrine Other, specify _____
19. Indicate the method you use for refuse disposal Collection by Local Authority
 Burn Compost pit Other, specify _____
20. Indicate your source of fuel energy Petroleum gas Charcoal Paraffin
 Electricity Other, specify _____
21. Rank the following development challenges in Ongata Rongai (Key: 1-Not Serious; 2-Fairly Serious; 3-Serious; 4-Most Serious)

Challenge	Rank			
	1	2	3	4
Land use planning				
Development Control				
Sewage disposal				
Water supply				
Solid Waste Collection				
Roads and streets maintenance				
Storm water drainage				
Street lighting				
Markets				
Energy supply				
Security				
Others (Specify)				

22. Do you belong to any residence association in Ongata Rongai? Yes No
23. If yes state some of the development activities/ programmes you have been involved in in the last three years
24. Do you wish to relocate from Ongata Rongai in the future? Yes No
4. Explain your answer _____
25. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi?
26. Explain your answer _____
27. Suggest possible ways of improving planning in Ongata Rongai.

Business and Industry Questionnaire

(Please note that the Information/Data you give will be used strictly for this study)

Tick the correct answer and fill in where appropriate

Date _____

Number of Respondent _____ Location _____

1. Name of firm/ business _____
2. Type of business Manufacturing Wholesale/supermarket
 Retail (food & general) Bar/ Restaurant/ Hotel Other, specify _____
3. How long have you operated the business? Less than 1 year
 1-5 years 5-10 years More than 10 years
4. State the factors of location in Ongata Rongai Affordable rent
 Affordable land Availability of labor Access to Market
 Easy access to inputs Other, specify _____
5. How would you describe the growth of Ongata Rongai? _____
6. Indicate the nature of business premise Rental Owner built/ bought
7. If the business premise is owner built, state the type of land ownership document
 Title Certificate Allocation certificate Other, Specify _____
8. State the source of goods and/or raw materials _____
9. Do you market your goods/ services to other places apart from Ongata Rongai?
10. If your answer in question 8 is yes, indicate the locations/ places _____
11. Would you wish to relocate your business out of Ongata Rongai in the future?
12. Explain your answer _____
13. Rank the following development challenges in Ongata Rongai (*Key: 1-Not Serious; 2-Fairly Serious; 3-Serious; 4-Most Serious*)

Challenge	Rank			
	1	2	3	4
Land use planning				
Development Control				
Sewage disposal				
Water supply				
Solid Waste Collection				
Roads and streets maintenance				
Storm water drainage				
Street lighting				
Markets				
Energy supply				
Security				
Others (Specify) _____				

14. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi?
 Yes No
15. Explain your answer in question above _____
16. Do you support the elevation of Ongata Rongai into an Urban Council?
 Yes No
17. Explain your answer in question above _____
18. Suggest possible ways of improving planning in Ongata Rongai. _____

Questionnaire for Vendors in markets

(Please note that the Information/Data you give will be used strictly for this study)

Tick the correct answer and fill in where appropriate

Date _____

Number of Respondent _____ Location _____

1. Type of goods Vegetables Fruits Clothes Other, Specify _____
2. Indicate the source of your goods Nairobi Other, specify _____
3. How long have you operated the business? Less than 1 year 1-5 years
 5-10 years More than 10 years
4. State the factors of location in Ongata Rongai Good Market Within place of residence Affordable rates Other, specify _____
5. What challenges do you face in this market Uncollected garbage Inadequate water supply Congestion Poor toilet facilities High rates
 Harassment by council Uncollected garbage Other, Specify _____
6. Do you support the elevation of Ongata Rongai into an Urban Council?
7. Explain your answer
8. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi?
9. Explain your answer
10. Suggest possible ways of improving the markets in Ongata Rongai.

County Council of Olkejuado Interview Schedule

(Please note that the Information/Data you give will be used strictly for this study)

Name of Officer: _____ (optional)

Title: _____

1. Number of Years worked in the County Council of Olkejuado Less than 1 year
 1-5 years 5-10 years More than 10 years

2. Indicate the Council's total Revenue in the last three Financial Years

Item	2009/2010	2010/2011	2011/2012
LATF			
Others ¹			
Total			

3. Indicate the Council's total Expenditure in the last three Financial Years

Item	2009/2010	2010/2011	2011/2012
Recurrent			
Development			
Total			

4. Indicate the Council's capacity in the department of Planning and Development Control

Item	2009/2010	2010/2011	2011/2012
Number of Planning and Development Control Officers			
Financial allocation			
Number of Vehicles			

5. Indicate the Council's capacity in the department of Planning and Development Control specific to Ongata Rongai

Item	2009/2010	2010/2011	2011/2012
Number of Planning and Development Control Officers			
Financial allocation			
Number of Vehicles			

6. Describe a peri-urban area/ town in terms of the following criteria
 - a) Land use and function
 - b) Public policy and Planning practice
 - c) Images, meanings and values
7. State some factors that would describe the growth of Ongata Rongai Town
8. What opportunities does Ongata Rongai provide to investors?
9. State the first key developments in Ongata rongai
10. Which year did the County Council of Olkejuado begin allocating plots in Ongata Rongai? _____
11. Which year did the County Council of Olkejuado begin collecting rates from Ongata Rongai? _____

¹ Rates, licenses and Levies, Water and sewerage, House rents, Planning approvals, Grants, etc

12. Indicate the Council's total Revenue from Ongata Rongai in the past three Financial Years

Item	2009/2010	2010/2011	2011/2012
Rates			
licenses			
Levies			
Water and sewerage			
Planning approvals			
Others (Indicate)			
Total			

13. Indicate the challenges you face in providing the following services to Ongata Rongai.

Service	Challenges
Land use planning	
Development control	
Sewerage	
Water	
Solid waste collection	
Roads and streets maintenance	
Storm water drainage	
Street lighting	
Markets	

14. Rank the strength of relationship you have with the following institutions in service provision and planning for Ongata Rongai (Rank: EX-Excellent; G-Good; F- Fair; P- Poor, N-None)

Institution/ Agency	Rank
District Development Committee (DDC)	
City Council of Nairobi	
Kajiado North CDF Committee	
Kenya Wildlife Service (KWS)	
Kajiado Chamber of Commerce	
Ministry of Nairobi Metropolitan	
Kenya Rural Roads Authority (KeRRA)	
Kenya Urban Roads Authority (KURA)	
Physical Planning Department, Ministry of lands	
Survey Department, Ministry of lands	
Adjudication and Settlement Department, Ministry of lands	
Water Resource Management Authority (WRMA)	
National Environment Management Authority (NEMA)	
Business community in Ongata Rongai	
Residential Associations, Ongata Rongai	
Non Governmental Organizations (NGOs)	
Community Based Organizations (CBOs)	
Faith Based Organizations (FBOs)	
Any other, specify	

15. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi?

16. Explain your answer above _____

17. Do you support the elevation of Ongata Rongai into an Urban Council? _____

18. Explain your answer above _____

19. Suggest possible ways of improving planning in Ongata Rongai.

City Council of Nairobi Interview Schedule

(Please note that the Information/Data you give will be used strictly for this study)

Name of Officer: _____ (optional)

Title: _____

1. Number of Years worked in the City Council of Nairobi Less than 1 year 1-5 years
 5 -10 years More than 10 years
2. Describe a peri-urban area/ town in terms of the following criteria
 - a) Land use and function
 - b) Public policy and Planning practice
 - c) Images, meanings and values
3. State some factors that would describe the growth of Ongata Rongai Town
4. Do you consider Ongata Rongai to be within your planning jurisdiction? _____
5. Explain your answer above _____
6. If you are involved in the planning of Ongata Rongai state the type of involvement _____
7. Indicate the challenges you face while undertaking the planning of peri urban areas/towns with particular reference to Ongata Rongai _____
8. In which ways does the City Council of Nairobi benefit from Ongata Rongai? _____
9. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi? _____
10. Explain your answer above _____
11. Do you support the elevation of Ongata Rongai into an Urban Council? _____
12. Explain your answer above _____
13. Suggest possible ways of improving planning in Ongata Rongai.

Department of Physical Planning Interview Schedule

(Please note that the Information/Data you give will be used strictly for this study)

Name of Officer: _____ (optional)

Title: _____

1. Number of Years worked in Civil Service Less than 1 year 1-5 years 5 -10 years
 More than 10 years
2. Describe a peri-urban area/ town in terms of the following criteria
 - a) Land use and function
 - b) Public policy and Planning practice
 - c) Images, meanings and values
3. State some factors that would describe the growth of Ongata Rongai Town
4. What opportunities does Ongata Rongai provide to investors?
5. State the involvement of the Department of Physical Planning in planning peri urban areas/ towns
6. Indicate the challenges you face while undertaking the planning of peri urban areas/towns with particular reference to Ongata Rongai _____
7. Indicate the possible challenges in providing the following services to Ongata Rongai.

Service	Challenges
Land use planning	
Development control	
Sewerage	
Water	
Solid waste collection	
Roads and streets maintenance	
Storm water drainage	
Street lighting	
Markets	

8. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi? _____
9. Explain your answer above _____
10. Do you support the elevation of Ongata Rongai into an Urban Council? _____
11. Explain your answer above _____
12. Suggest possible ways of improving planning in Ongata Rongai.

Ministry of Nairobi Metropolitan Interview Schedule

(Please note that the Information/Data you give will be used strictly for this study)

Name of Officer: _____ (optional)

Title: _____

1. Number of Years worked in Civil Service Less than 1 year 1-5 years 5 -10 years
 More than 10 years
2. Describe a peri-urban area/ town in terms of the following criteria
 - a) Land use and function
 - b) Public policy and Planning practice
 - c) Images, meanings and values
3. State some factors that would describe the growth of Ongata Rongai Town
4. State the involvement of the ministry in planning peri urban areas/ towns
5. Indicate the challenges you face while undertaking the planning of peri urban areas/towns with particular reference to Ongata Rongai
6. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi? _____
7. Explain your answer above _____
8. Do you support the elevation of Ongata Rongai into an Urban Council? _____
9. Explain your answer above _____
10. Suggest possible ways of improving planning in Ongata Rongai.

Kajiado Chamber of Commerce Interview Schedule

(Please note that the Information/Data you give will be used strictly for this study)

Name of Officer: _____ (optional)

Title: _____

1. Number of Years worked in Civil Service Less than 1 year 1-5 years 5 -10 years
 More than 10 years
2. Describe a peri-urban area/ town in terms of the following criteria
 - a) Land use and function
 - b) Public policy and Planning practice
 - c) Images, meanings and values
3. State some factors that would describe the growth of Ongata Rongai Town
4. What opportunities does Ongata Rongai provide to investors?
5. State your involvement in ensuring proper planning in Ongata Rongai
6. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi? _____
7. Explain your answer above _____
8. Do you support the elevation of Ongata Rongai into an Urban Council? _____
9. Explain your answer above _____
10. Suggest possible ways of improving planning in Ongata Rongai.

National Environment Management Authority Interview Schedule

(Please note that the Information/Data you give will be used strictly for this study)

Name of Officer: _____ (optional)

Title: _____

1. Number of Years worked in Civil Service Less than 1 year 1-5 years 5 -10 years
 More than 10 years
2. Describe a peri-urban area/ town in terms of the following criteria
 - a) Land use and function
 - b) Public policy and Planning practice
 - c) Images, meanings and values
3. State some factors that would describe the growth of Ongata Rongai Town
4. What opportunities does Ongata Rongai provide to investors?
5. State the challenges posed by the growth and development of Ongata Rongai to the environment
6. State the steps taken to mitigate the challenges
7. State the challenges you face in ensuring proper environmental planning in Ongata Rongai
8. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi? _____
9. Explain your answer above _____
10. Do you support the elevation of Ongata Rongai into an Urban Council? _____
11. Explain your answer above _____
12. Suggest possible ways of improving planning in Ongata Rongai.

Kenya Wildlife Service Interview Schedule

(Please note that the Information/Data you give will be used strictly for this study)

Name of Officer: _____ (optional)

Title: _____

1. Number of Years worked in Civil Service Less than 1 year 1-5 years 5 -10 years
 More than 10 years
2. Describe a peri-urban area/ town in terms of the following criteria
 - a) Land use and function
 - b) Public policy and Planning practice
 - c) Images, meanings and values
3. State some factors that would describe the growth of Ongata Rongai Town
4. What opportunities does Ongata Rongai provide to investors?
5. State the challenges posed by the growth and development of Ongata Rongai to wildlife within the Nairobi National Park
6. State the steps taken to mitigate the challenges in question 7
7. State the problems that you face in mitigating the above challenges
8. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi? _____
9. Explain your answer above
10. Do you support the elevation of Ongata Rongai into an Urban Council? _____
11. Explain your answer above
12. Suggest possible ways of improving planning in Ongata Rongai.

Universities, NGOs, and FBOs Interview Schedule

(Please note that the Information/Data you give will be used strictly for this study)

Name of Officer: _____ (optional)

Title: _____

1. Number of Years worked in Civil Service Less than 1 year 1-5 years 5 -10 years
 More than 10 years
2. Describe a peri-urban area/ town in terms of the following criteria
 - a) Land use and function
 - b) Public policy and Planning practice
 - c) Images, meanings and values
3. State some factors that would describe the growth of Ongata Rongai Town
4. What opportunities does Ongata Rongai provide to investors?
5. State your involvement in ensuring proper planning in Ongata Rongai
6. Do you support the idea that Ongata Rongai should be part of the City Council of Nairobi? _____
7. Explain your answer above _____
8. Do you support the elevation of Ongata Rongai into an Urban Council? _____
9. Explain your answer above _____
10. Suggest possible ways of improving planning in Ongata Rongai.