

**ANALYSIS OF TECHNICAL SKILLS OF LOCAL AUTHORITY STAFF IN
URBAN LAND USE PLANNING UNITS IN CENTRAL REGION, KENYA**

BY

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DECLARATION

This project is my original work that has not been presented for any award in any other Institution.

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DEDICATION

This research project is dedicated to my brothers Duncan and Gabriel, my sister Mary and finally to my wife Pamela Kendi for their support in my academic life and encouragement throughout my research work.

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ABBREVIATION AND ACRONYMS

LA	- Local Authority
EIA	- Environmental Impact Assessment
EMCA	-Environmental Management and Coordination Act
CAP	-Chapter
PPA	- Physical Planning Act
SPSS	- Statistical Package of Social Science

ABSTRACT

Lack of adequate infrastructure, poor housing amenities, urban sprawl, informal settlements, congestion of both human and vehicular traffic are all manifestation of poor land use planning. The purpose of this study was to investigate the influence of institutional technical skills capacity within the Local authorities in application of urban land use planning as process to controlling the development with the jurisdiction. The study also aimed at identifying gaps in the process of urban land use planning procedures and approval in local authorities, staffing levels and capacity of staff handling approvals, role of other government agencies in approval procedure and follow up procedures by local authority staff after approval. Employing a descriptive cross sectional design, the study targeted all the 24 local authorities in the central region. Stratified random sampling provided a sample of 8 local authorities. Data was collected from sampled respondents using a semi-structured questionnaire. Data was analyzed with the help of SPSS version 20 for windows. On the level of technical skills of the staff of the local authorities in the study, the study found that Majority (63%) of the town planners/engineers had a bachelor's degree with the rest (37%) having gone further and attained a master's degree. Over half of them had over 10 years of experience. On the approval procedures in urban land use planning, the study found that all the sampled local authority councils kept records of land use applications. The contents of the development application forms were similar with all the councils requiring the name of the applicant, his/her address, date of application, development details and plot number. All the sampled LAs employed inter-departmental collaboration in the procedures of urban planning approval. On the influence of other government agencies, the findings revealed that all the sampled LAs involved other government agencies as pertains to development applications. Public health (100%) was the most involved agency by the local authorities in the approval process of development applications. Delay in communication (100%) was the most common problem experienced by local authority planners in involving other government agencies. On follow-up procedures, all the councils in the study confirmed that they followed up on approved applications. The urban planner (75%) was the in many cases the officer charged with inspection of the developments. Uncooperative developers (88%) was the major challenge mentioned by the respondents which was encountered the officers in inspection and follow up of projects. The researcher concluded that of all the variables under investigation, technical capacity of the staff in local authorities was the most significant since its effects were felt on all other sectors such as follow up procedures. The researcher recommended that that the Local authorities employ more personnel in the urban land use and planning department to improve on effectiveness. Also Available staff should be subjected to on-job trainings to improve on their skills in order to improve their output.

CHAPTER ONE

INTRODUCTION

1.1 Background Information

Capacity building is a conceptual approach of development that is focused on understanding the obstacles that inhibit people, governments, non-profit institutions from realizing their development goals while enhancing the abilities that will allow them to achieve measurable goals and results (J. Odeck, M. D. Langaas and K. Bjørvig 2007). There is strong linkage in the realization of institutional goals with the organizational capacity and its aspects of application (Kiguta,2011). Institutional capacity building seeks to build effective and efficient arrangements so as to provide reliable and desired outputs. Planning has been described in various ways as land use planning, town and country planning, urban and regional planning, or simply town planning. Planning is described as the systematic assessment of land and water, alternative pattern of land use and other physical, social and economic conditions in such a way to encourage land user to select options that increase productivity and meet societal needs in a sustainable manner (Onibokun, 1985).

Good governance, comprehensive land policies, and sound land administration institutions are essential components for addressing the problems related to land management and land information infrastructures. Both an efficient land market and an effective means of land-use control must be developed as the basic tools for achieving a sustainable approach. However, in many countries, and especially in developing countries and countries in transition, the national capacity to manage land rights,

restrictions and responsibilities is not well developed in terms of mature institutions and the necessary human resources and skills (Stig, 2006). Land being a scarce resource there is needed to have in place sound policies which will ensure optimal utilization with minimal conflict for sustainable economic and social well being.

In this regard, the capacity building concept offers some guidance for analyzing and assessing the capacity needs and for identifying an adequate response to these needs at societal, organizational and individual levels.

Kenya has four classes of local authorities: *City, Municipality, Town* and *County* council. Currently there are three authorities with city status: Nairobi, the national capital, Mombasa and Kisumu according to *Urban Areas and Cities Act, 2011*. Municipalities and towns are urban authorities and are generally named after their central town where the threshold for urbanization is above 5,000 people. County councils are essentially rural in their characteristics and largely have market centres to cater for economic services. Each district has a maximum of one county council, such that they cover all area not taken up by urban authorities. County councils are usually named after their respective districts, which often bear the same name as the district capital. Thus county councils are often named after a major town, but their land area may cover the surroundings, not the town itself. Some districts have only one local authority, which are almost all county councils.

Local authorities usually differ from divisional and constituency boundaries used by the state administration. Local authority administration consists of a mayor, town clerk and councillors. The numbers of councillors depend on population and area of each authority and they are elected by the public during the Kenya general elections held every five

years or by-elections held in between. Authorities are divided into wards and each ward elects only one councillor. Wards have often common boundaries with administrative locations.

Urbanization is widely seen as a strong force in shaping production and commercial activities in cities today. According International Journal of Urban and Regional Planning Research, (2005), It is estimated that the world urban population will increase from 200 million in 2000 to 2 billion by the year 2050 (UN Habitat, 1996). This increase will definitely result to demand for urban land to cater for required developments for housing, infrastructure and other urban land uses. World over there has been rapid urbanization especially in the developing countries. Growth of urban population is determined by several factors: on one hand the increasing tendency towards the natural demographic growth of urban population and on the other hand the migratory movements from more or less remote areas towards the cities (World Urbanization Prospects-The 2007 population database. UN Habitat)

The United Nations Population Fund projects that sub-Saharan Africa's urban population will double between 2000 and 2030. Some of this growth is due to migration from rural areas, but most of it will occur due to natural increases in the urban population as well as the reclassification of rural areas as urban. Nor will it be concentrated in mega-cities instead; the bulk of urban dwellers will reside in cities of less than two hundred thousand people. Such municipalities have more flexibility in policymaking, but experts warn they lack the resources to handle significant population influxes. In many cities, local revenue is less than 1 percent of their country's gross domestic product (Stephanie, 2007)

In Kenya urbanization rate has been on the increase. According to the UN world urbanization report (2011), Kenya has recorded 3.99 % for the period 2005 to 2010 and this is projected to grow to 4.21 % by the year 2015. In the last one decade, urban land-use planning in Kenya was politicized. Politically and financially powerful, members of the society acquired land in urban areas without policies in national or local concept to guide development of the land they acquired. This land was developed into urban property such as housing, commercial, industrial and institutional premises without conforming to relevant land use and development policies.

1.2 Statement of the Problem

The local authorities in Kenya are empowered to undertake urban land use planning under Physical Planning Act Cap 286 together with other agencies to ensure proper and harmonious land use development within its jurisdiction. Despite this, there has been little toward planning of towns and this has led to urban sprawl, illegal developments and uncoordinated urban land use within the Local authorities. Most of the local authorities in Kenya have no requisite technical staff to undertake land use planning and this has hampered the capacity in discharging the role of development control. Local authorities' experiences similar problem as there is no distinct department of city planning with qualified staff.

The central region has continued to grow over the years with agricultural and commercial activities centered in the largely rural area. The larger part of the Central province is

dominated by agricultural activities at both large scale and small scale. Due to population increase, the land holding sizes has continued to decrease for commercially viable activities. This has led to rural urban migration which is putting pressure on urban land which lacks adequate services and infrastructure to cater for the ever increasing population. (Obudho, 2006) .According to a research done in Nigeria, Ondo state, (A.Olajuyigba, Ratowa , 2011) found that there clear evidence of weak human capacity in terms of quantity and quality. The technical staff who are to assist the professional officers especially in development control and other monitoring activities are also in short supply as the Ministry could only meet 33.1% of the capacity need of this category of staff in the State. It is however appreciated that a substantial proportion of this group of personnel are trainable as they possess academic qualifications that are above GCE Ordinary Level. In Kenya the situation is not different as according to physical planner's registration board, a body which registers planner there only 200 registered planners in the country.

This has taken place despite the local authorities mandate to control land use under the Physical Planning Act Cap 286. The study focus on the institutional capacity both financial and human in terms of execution of land use planning within the jurisdiction of the council.

1.3 Purpose of the study

The study will focus on the influence of institutional technical skills capacity within the Local authorities in application of urban land use planning as process to controlling the

development with the jurisdiction. The study will also identify gaps in the process of urban land use planning procedures and approval in local authorities.

1.4 Objective of the study

1.4.1 Main objective

To investigate the institutional capacity of Local authorities in land use planning as a process to regulate development and thereby influencing the local economic development within the local authorities.

1.4.2. Specific objectives

- i. To evaluate the level of technical skills of staff at the Local authorities Urban Land Use Planning Units.
- ii. To establish how approval procedures in urban land use planning are executed in the urban planning departments.
- iii. To evaluate the influence of other government agencies in the urban land use planning approval in the central region.
- iv. To investigate the follow-up procedures by the land use planning staff on developments after grant of approval by the Local authorities.

1.5 Research questions

In addition to the objectives, the study sought to answer the following questions:

- i. To which extent are Local authorities staffed with technical expertise to execute land use planning in the region?
- ii. How is land use planning procedures executed by the urban planning department in the Local authorities?
- iii. In which ways do the Local authorities engage other government agencies in land use planning?

- iv. To what extent do developers comply with land use planning after approval of development projects by Local authorities?

1.6 Significance of Study

The research provided present factual result based evidence of the relationship between capacity on land use planning and level of implementation of development control in local authorities. This was through identification of staffing gaps within Local authorities and its consequent impact on land use planning and development control, the study is intended to provide the government and institutions in charge of land use planning with helpful guidelines and knowledge in the policy implementation of land use planning in all local authorities for improved capacity for enhanced land use planning and development control (*Kenya Gazette*, February 2012).

1.7 Scope of the Study

The study was limited to the jurisdiction of Local authorities in the central region as institutions and specific focus on urban planning department and its technical capacity, methods of operation and procedures of planning development control. Various government agencies involved in urban land use planning were however incorporated in the study to provide a holistic approach to the study objectives.

1.8 Limitation of the Study

Given that the study was to be completed within the academic year and the available funds it was challenging to get relevant data from council officer who were in fear of reprimand upon findings of the study.

1.9 Definition of Significant Terms

Local authority: This is the legal entity as established in the local government act

CAP 265 which is a devolved government mandated to make its
by laws and offer low order services to its citizen

County government This is the term defining the area of devolved national Kenya 2010

governments at the county level and as per functions as entrenched
in the constitution.

Urban Land use planning: It is the systematic assessment of land and water potential,

the best alternatives for land use in urban areas, and
economic and social conditions in order to select and adopt
land-use options

Zoning policy: This are the regulations which are formulated so as to guide and

control planning standards on any given spatial dimension with a
definite operational area e.g. a municipality.

Technical capacity: This is the level of technical qualification of council officers

involved in development approvals

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter highlights the literature that was read in an effort to understand the subject issues of the study object. Literature reviewed focuses on urban land use and development control. The aim of the literature review was to sharpen the understanding of the issues and problems and also assist in clarifying the situation of what is happening in central province objectively with a clear goal in mind to finding the situation on ground of the study area. It presents the framework under which statutory planning takes place at the helm Local governments in Kenya.

Land management and conservation decisions are diverse and complex due to the varying agro-climate and agro-economics according to a study done in Ethiopia. Due to this reason, farmers respond to this diversity by developing a large number of different land use strategies. Whereas government organizations use standardized programmes with uniform procedures for planning and implementation (Irwin, 1997), There are no visible land resources planning procedures at local levels of governance and those that are in place are not sufficient to function properly. Local organizations responsible for this do not yet possess the skills and capability to develop such plans and centrally organized sectoral agencies still dominate this 'bottom-up' planning process, one way or another. However, it is accepted that the experience and local knowledge of the land users and local technical staff should be used to mobilize to identify development priorities and to draw up and implement plans

2.2 Land Use Planning in Urban Areas

Land use planning should be a decision-making process that facilitates the allocation of land to the uses that provide the greatest sustainable benefits. It is based on the socio-economic conditions such as population and environment concerns. These are evaluated through a multiple goal analysis and assessment of the intrinsic value of the various environmental and natural resources in a given area. The result is an indication of a preferred future land use, or combination of uses. Through a negotiation process with all stakeholders, the outcome is in form of decisions on how land should be allocated for specific uses and the standards to be complied with in development. These are prepared in form of the various types of plans and its implementation is done by the concerted efforts of technical, professional, administrative and legal expertise. (<http://www.google.com/search?hl=en&q=land+use+planning&btnG=Google+Search>)

Urban land use planning has a relationship to the change of development in rural settings. Thus urban and rural planning is intimately related. Since urban areas exist side-by-side with concerns in isolation, land use in urban area should be examined alongside the process urban development particularly the peri-urban areas.

In nature where man lives, the environment and shell together with network provides a settlement where human activities takes place (ekistics, Doxiadis 2010). Shelter in form of well planned housing of acceptable health standards will all the necessary services affords man dignity and status in society (Alan, 1982).

In Kenya the government through housing policy placed a high priority in developing and improving of housing needs. The priority was toward the slums upgrading through Kenya slums upgrading programmes. This is factual that most of the low income people who live in urban areas have no means and if any are limited to acquire decent housing, provision of basic facilities and services in this low income housing and informal settlement is a real challenge to the government.

In state address to the 21st Governing Council of UN-Habitat forum (April 2007), the Kenya president noted that as growing proportions of our people move to the cities and towns, leading to the problems of inadequate and affordable housing. He noted situation is expected to further compound the problem of the spread of informal settlements. Moreover, since such settlements are unplanned, the residents face serious difficulties including lack of proper sanitation, pollution, and absence of basic amenities such as water and electricity. They also lack social infrastructure such as schools, hospitals, and effective policing.

Furthermore, these unplanned settlements offer limited employment opportunities. The cumulative effect of these negative factors is that the migrants from rural to urban areas and their children, often experience even greater social and economic deprivation than that which prompted them to leave the rural areas in the first place. In addition, these conditions make unplanned settlements more vulnerable to crime and insecurity, and if left unchanged, could result in an enduring urban underclass with all of its attendant problems.

Besides slums, some of the challenges of rapid and unsustainable urbanisation include the inability of Local Authorities to provide adequate services to their citizens. For instance,

many of our cities and towns face problems of securing and distributing sufficient supplies of clean water to the residents. Such cities also face serious constraints in ensuring effective solid waste management and proper sanitation. The Local Authorities are often unable to finance and manage affordable housing schemes and efficient mass transport systems.

These shortcomings are often attributed to weak and poorly financed local governments. As a result, central governments have often found it necessary to intervene in order to redress the most critical deficiencies. However, such intervention measures are only temporary, and do not constitute lasting solutions. This is because central governments are often distracted by other diverse and pressing needs at the national level and therefore cannot prioritise the needs of given Local Authorities as they do not have the required administrative, financial, and technical resources to effectively tackle the challenges facing our cities and towns.

Traditionally the CBD symbolize the socio-economic vitality and strength of the city (Maranga, 2001). The CBD is the source of the urban forms and all aspects of urban growth in a town derive from it. According to theory of spatial organization, CBD is seen as the foci of growth along concentric and Multi-nuclei model (Walter ,1948).The intense levels of development and land use interactions that occur in small towns create a very dynamic atmosphere of urban growth but are also faced with challenges of urban decay. The one advantage of the CBD is its centrality. The convergence of transportation routes in makes many activities locate and evolve in the CBD.Thus the CBD is the centre of socio-economic, cultural and historical actions and prestige. The old adage that “all roads lead downtown” describes the situation very well (Njoroge, 1995). An urban network

plays a major role in the development of the urban setting. Mostly the growth of town development takes place along major transportation lines and the linkage factors of the various outputs.

Even in times of declined employment decline, the CBD maintain employment parity because of their continuing competitiveness of CBD's activities and responsiveness to change of business operators; But despite of enormous investment in physical planning and construction of new facilities in their downtown areas, many cities have been unable to boost employment As a result of competition activities and operations from the suburbs (Okoth, 1990). Suburbs are now preferred locations for new, expanding, and relocating businesses because disadvantages such as accessibility problems to goods and services are no longer influential (Jim Ward, 1975).

2.3 Land Use Planning and Control

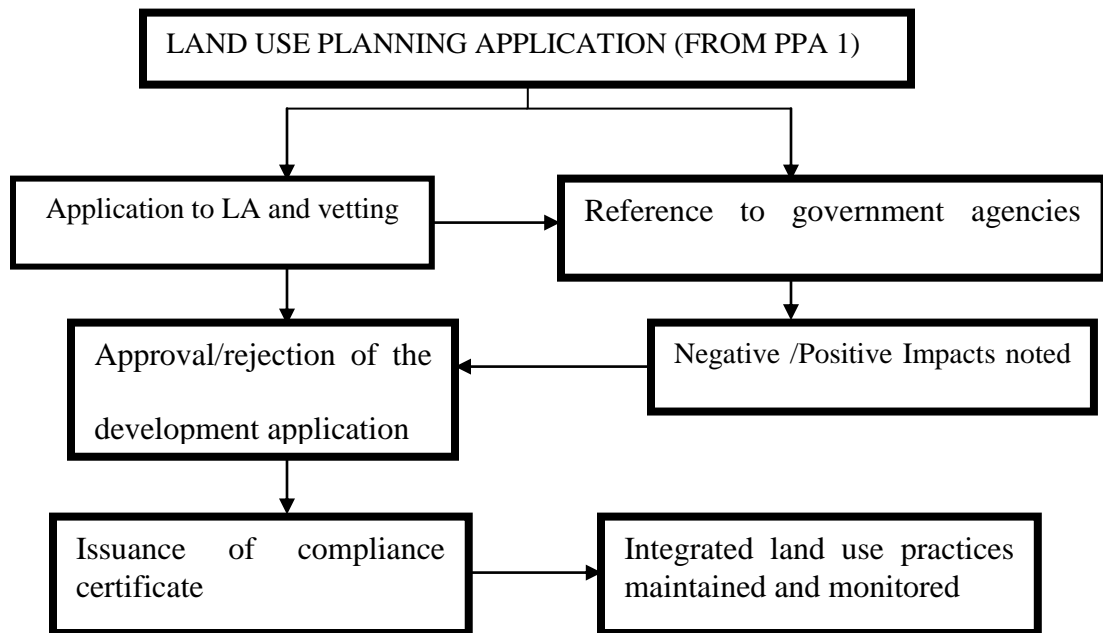
Land- use entails the utilization of land in accordance to physical development plan or land use plan prepared for the purpose. A plan aims at promoting proper and appropriate development in order to promote harmony in the built-up areas and the natural environment. These urban areas would normally deal with zoning of various land-uses, which out the best form of land use such as industrial, recreational, educational transport, public purpose, public utility and commercial development.

Due to the dynamic nature of planning the urban planning takes into account socio-economic and cultural political values of the society. When this is achieved, the basis

upon which short-term and long-term strategies and objectives is created. The Physical Planning Act (1996) Cap 286 is the law which the planning and land use takes place in Kenya. The establishment of environmental management and coordination Act (1999) also requires that urban plans and projects be subjected to environment audits. This requirement ensure that every large-scale development have environmental impact assessment (EIA) report prepared.

Good land use practices which are as a result of effective institutional framework leads to positive impacts on land use and also compatibility of land uses. This ensures that land is used sustainably but the reverse of these will impact negatively on land use if poor institutional framework is used. The following figure gives a conceptual framework for land use planning.

Fig: 2.1 Land Use Planning Procedures



The organizational system under which land use planning is carried out in Kenya is largely disjointed. At the same time, despite the existence of the physical planning Act (1996) Cap 286, most of the small towns in Kenya do not have the necessary manpower and finance to carry out land use planning. Since these towns have experienced increase in urban population over the years, a greater part of the area which was previously considered as open farmlands are now in part of the towns.

However, the situation on the ground is that the towns lack guideline for regulating urban development. Though the local authorities have the mandate to regulate land use and development this is greatly undermined by lack of up to date land use plans. This has created major loopholes in enforcing land use planning regulations. The building code, which is an adoptive by-law for the regulation of development of land in urban areas, is not being fully enforced in private land development in the urban fringes. The reason often cited for this weakness is high standard specifications contained in the code. At the same time the majority of land owners and developers have low incomes, which hamper them from meeting the requirements of the standards in the code. The result of that is those land owners have developed their land in variety of ways depending on their financial capacity, and at times on political connections. Consequently urban land use planning in Kenya is not effective, resulting to developments that are incompatible at site and neighborhoods levels. At city/urban levels, problems of transportation and poor service provision are some of the problems affecting urban residential and commercial operations.

2.4 Development Control Procedures

Planning as a collective public policy and implementation is widely recognised as a legitimate and valued approach to development and change. Development control, which is an important aspect of urban planning, plays this role in a unique way (McCarthy et.al, 1995:iv). Development control as viewed in Britain is a system of issuing permits for land use and development. Development control was practiced in the 1990s, came into the political, legal and professional/technical basis of development control in the United Kingdom as result of the Town and Country Planning Act 1945, which came onto force in 1948. However development control as part of planning of towns is an ancient practice which date back to classical Greek and Roman era of city states. The principles that concern development control are as follows;

Development control regulations are used to restrict horizontal and vertical developments of built environment on land so as to maintain expected aesthetic value and size of planned structures (Mwangi, 1988). Most local Authorities engaged in the process of approving development plans so as to ensure developers adhere to the requirements of maintaining the expected aesthetic character and sizes of the built structures.

2.5 Theories of Development Control

Development control is thought to be a day-to-day practical activity and is informed by public administrative laws and profession/technical bans of the implementation of urban plans. In this regard, development control has its own underlying basic concept, principles and practices (Keith.T. 1995, Heavy et.al 1982, Paris.1982, Reade.1987, Hauge.1991). McLaughlin (1973) has put forward the boldest attempt to theorize on development control. He has suggested that development control is concerned with enforcing the implementation of desired and stated expression of

economic, environmental and social-cultural development by community and or public agency and expressed in form of a planning scheme which consists of formal statements and maps.

2.6 Compliance with Planning Regulations

Urban development and planning process and experience in the Kenya show there is a fairly adequate provision of planning regulation in place. Physical Planning Act chapter 286 of laws of Kenya is ultimate statutory basis for urban land use planning and implementation. This law is supported by other legislation such as the Environmental Management and Coordination Authority (EMCA) of 1999. Other laws include the Local Government Act Cap 265, Public Health Act, Agricultural land Act among other legislations. Thus the biggest challenge is the enforcement and compliance with these regulations due to weak enforcement and widespread with non-compliance, these laws have failed to promote orderly physical development of the urban built environment and expected sustainable economic and social development in towns. As a result, the one green leafy suburb in Kenyan towns such as Kilimani, Kileleshwa, Thompson, Lavington, Riverside and Westlands in the City of Nairobi are scenes of unprecedented high-rise apartment development that have flouted land use and development zoning regulations of the City Council of Nairobi. This high rise development have stressed the existing water, social services and road capacity which led to the City council of Nairobi to halt further developments in these area until a review of zoning policy is done. According to the Town Clerk, these developments are demand-led development and not infrastructure-led development (Daily Nation, December 19, 2005 pp give the page number).

Another reason for the failure to enforce development control regulations is due to inadequate manpower of urban local authorities to implement development control. The councils are also financially constrained while their lack of modernizing their operations such as computerization of databases has greatly reduced their efficiency and effectiveness. In a study conducted by Architectural Association of Kenya on development control frameworks in local authorities in Kenya, it was found that to a large extent the build environment takes place with minimal or non-compliance of regulations. (Rukwaro, 2011) Restrictive building regulations laxity in approving plans and restrictive planning regulation are the main challenges in development approvals.

2.7 Stages of Development Control

Development control takes place in several major stages. The first major stage of planning is very important (Mwangi, 1998). During this early stage the planners apply the concept of planning standard according to the policy guidelines of the said area or zone. Zoning is used to set out the various Their use of zoning as a tool of development control is applied for various land uses in the urban district which may entail agriculture, residential, institutional, public utility, public purpose, educational, commercial and deferred zones.

The second major stage of involves the actual design development scheme and at site level. This is popularly known called site planning. At this stage site development policy is implemented through the design of various structural components of development such

as types of roads and distribution of various land use in the scheme and setting out the basic services such as water and emergency services delivery corridors. The third stage is the actual implementation, which involves construction of various physical components of the scheme. The last major stage is to administer any change that will be proposed by developers throughout the life of the scheme. This is the most difficult stage of the development control. The four stages are summarized as below:

1. Formulation of planning standards and zoning
2. Site planning
3. Construction/building
4. Administration of development application throughout the life of the scheme

The last stage, which is called post planning and implementation stage and the most critical and is also the one development control, has failed most in Kenyan towns. Political interference, corruption, weak institutional and professional capacity in local authorities is some of the reasons for this weakness. Often time's developments are implemented long after planning scheme was implemented.

2.8 Planning Standards and Other Government Agencies.

Planning standards and uniformity of land use, character of development and integration of environment through site planning and design of structures. On this respect, cultural standards are also incorporated in the plan to ensure functionality and identity of the scheme. As per Physical Planning Act Cap 286, the law requires local authorities to refer development application to other government agencies for comments. This includes but not least Department of Lands, Ministry of Roads, Ministry of Agriculture, Ministry of Environment and other relevant agencies for comments.

In this regard space-planning standards are expressed in terms of minimum plot sizes, which depend on the nature of land use. Physical planning Handbook in Kenya contains the general distribution of land uses in urban landscape (Table 2.2).

Table 2.2 Percentage Land Use Allocations in Urban Planning Scheme

	Nature of Land-use	Minimum Size of land use in percentage
0	Residential	40%
1	Industrial	10%
2	Educational	10%
3	Recreation	2.5%
4	Public purpose	2.5%
5	Commercial	10%
6	Public utilities	2.5%
7	Transportation	20%
8	Deferred	2.5%
9	Agricultural	Absolute

Source: -Physical Planning Handbook, Physical Planning Department: Ministry of lands,GoK.2006

Environmental impact assessment of the development is assessed to establish the technological implication and performance of the scheme. In this regard, it is now common to subject all large-scale development to environment impact assessment (E.I.A). According to the Physical Planning Act Cap 286, Environmental assessment reports of a large-scale project must be submitted to the national Environment Management Authority before the project is implemented.

2.9 Conceptual Framework.

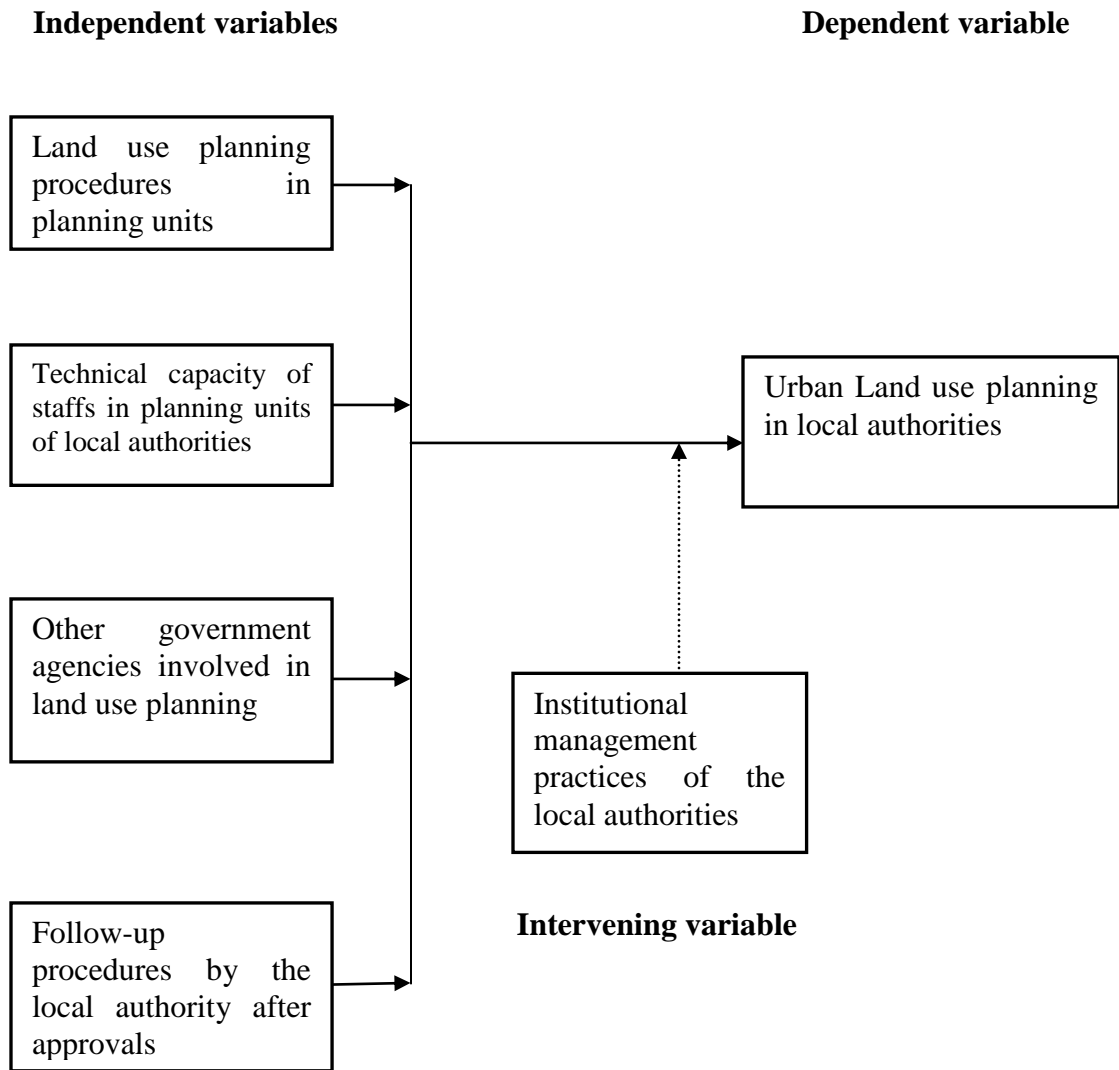
The conceptual framework for the determinants of the Land Use Planning in local authorities in central region, Kenya can be summarized as follows;

1. Land use planning procedures in local authority planning units =X₁
2. Technical skills capacity of staff in local authority planning units =X₂
3. Follow up procedures after approval of land use plans =X₃
4. Other government agencies involved in land use planning =X₄

‘Y’ represents the land use planning as the dependent variable, the conceptual framework can be equated as follows;

$$Y=a+b_0X_0+b_1X_1+b_2X_2+b_3X_3+b_4X_4$$

Fig 2. Conceptual Framework



CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The chapter highlights on the research design, the target population, the sampling size and sample selection, research instruments used, piloting of the study, data collection procedures data validity, data reliability techniques and operational definition of variables used in the study.

3.2 Research Design

The study proposed to use descriptive cross section design where by relevant information was collected through conducting interviews with the senior management of the council. The design enabled the researcher to effectively and simultaneously work with the two major targets of the population. Since the study was seeking to get and describe determinants of technical staff capacity on land use planning by local authorities in central province, Kenya, the design was ideal since it enabled the researcher to work with the only available cross section data since some of the variables involved like a dependant variable of technical capacity and dependent variable of land use planning were not formally measured by most local authorities constituting the study population since no local authority has prepared operational land use plans. The collected data was then analyzed, presented and subsequently interpreted (Mugenda, 2003).

3.3 Target Population

The study area of central region had a total of 24 local authorities which formed the subjects. This formed the entire population from which the sample was taken for analysis presentation and interpretation. In this research the respondent in the local authorities' were the chief officers who included the Town Clerk or County Clerk, Treasurers, Town Planners or Work Officers or their representatives. This depended on the expected output and its specific work towards a particular department. Each local authority in this study was considered to be one research individual, object or item. The entire population of local authorities in Central Province is as tabulated:-

Table 3.1 Target Population

CATEGORY OF SAMPLE	NUMBER
Municipal Councils	9
Town Councils	9
County Councils	6
Total Sample Population	24

3.4 Sampling Size and Sample Selection

Local authorities are unique entities because of their regional variations which include their residents or citizens, culture, climatic conditions among other factors, stratified random sampling method was considered as the most appropriate method for use in the study. The study classified local authorities to be made up of three categories which were the County Councils which are largely operation in service delivery in all rural and semi urbanized areas below the threshold of being recognized as an urban areas. Municipal Council and Town Councils are entities which are envisioned to offer service delivery in

area with more elaborate urban character though there are distinct character differences in operation and level of institutional arrangement. This structure ensured that the three sampled units of local authorities of the population would be represented by the sample in proportion to their numbers. Stratified random sampling technique was preferred since it limits bias and boosts precision in estimates of characteristics of the whole population (Corchram, 1977).

Each stratum represented each category of a local authority as described above. The selection from each stratum was randomly done to constitute at least 30% of local authorities within the strata. Each local authority in a given stratum was assigned a unique number and subsequently, the random numbers were generated using a computer. A sample size of 30% of the population was sufficient for the study (Corchran, 1977).

The 30% threshold per category is as tabulated below:

Table 3.2 Sample Size.

Category of local Authority	Total number in Central Province	Sampling at 30%	Rounded off figure
Municipal Councils	9	2.7	3
Town Councils	9	2.7	3
County Councils	6	1.8	2
TOTAL	24	7.2	8

3.5 Research Instrument

The interviews conducted were in form of structured interview schedule with both open and closed questions. The list of questions asked were listed thus subjecting the sampled interviewees to the same set of questions thus enhancing reliability of gathering information getting an in-depth information and at the same time saving on time.

3.6 Data Reliability

Kirk and Miller (1986), identify three types of reliability in quantitative research, which relate to the degree to which a measurement, given repeatedly, remains the same the stability of a measurement over time and the similarity of measurements within a given time period. The research instrument was test-retested to enable the researcher measure the reliability of the instruments from the respondents.

3.7 Data Validity

The accuracy and meaningfulness of the data to be collected is very crucial. Validity determines whether the research truly measures that which it was intended to measure or how truthful the research results are (Joppe, 2000). This ensured that the instruments can actually measure with high degree what they were intended for.

3.8 Piloting the Study

This was conducted through pretest using draft research instruments to gauge their appropriateness. This showed the nature of the questions and how the respondents will perceive the instruments. This gave room for the adjustment if need be of the research

instruments and also handled the ethical issues if the study in advance by highlights the sensitive components.

3.9 Data Collection procedures

The procedure to be followed during data collection comprised of writing official letter to the Town Clerk or Clerk to the Council who are the Chief Executive Officers of the Council requesting them or an authority to carry out a study on their institutions through conducting face to face interviews with each of them or their representatives and to involve their members of staff on the same where necessary, analyze council's documents and through observations after authorization, booked appointment with the Town Clerks or Clerks to Council and subsequently visit the council headquarters ready for research.

Relevance was through a survey which was conducted on the sample size through structured interviews. Other methods in data collection included observation and document analysis. This was achieved through subjecting every sampled local authority to the same procedure by using one interview for the respondents to enhance the reliability of the data gathered across the sample population. The interviewees included specifically the head of the local authorities department and they include Town Clerks or County Clerks who are the Chief Executive Officers of the local authorities or their delegated officers. Treasurers who are the chief Finance Officer of local authority or their representatives from treasury department and the technical officers in charge of urban planning who were very critical in this study will be interviewed.

3.10 Data Analysis Techniques

The qualitative data analysis was preferred since the research involved measuring descriptive values from which statistical description is made using statistical package of social science tool (SPSS). The collected data was continuous since all the independent variables involved were measurable and were expressed on a continuous scale. The dependant variable whose values were derived from the land use planning surveys was then correlated with the independent variables to establish the degree of relationship between dependent and independent variables especially on level of technical staffing.

In qualitative analysis, descriptive statistics were preferred since this helped to describe and summarize data. Quantitative analysis was used to assist to generate meaningful description of distribution values or measurement using a few indices or statistics.

3.11 Operational Definition of Variables

The necessary procedures were identified and operations to measure a concept by looking at the behavioral dimensions, indicators, scale and exhibited properties adopted. The measures used had to be both objective and subjective.

Land use planning in local authorities was dependent of several factors which formed the objectives of this study. The technical staff of the LA who handled the application once they are submitted affects to a greater extent the land use planning. Their expertise and knowledge would directly affect the dependent variable.

Procedures followed at the urban planning unit were not uniform in all the Las and thus they are perceived to have an impact in the outcome of the land use planning. These procedures would be evaluated to come up with an informed output.

Other government agencies involved with land use planning greatly affected the land use planning. They were established government entities and in one way or another in their operation affects the way land use in executed on the ground. This was due to their independence or cross duplication of roles in urban land use.

Follow up procedures after approval by the Las forms the monitoring aspect of the land use planning. This ensured that the condition issued on approval is followed to the letter and where there is discrepancy mitigation measures are employed.

Overall management practices at individual LAs had an impact on the outcome of the land use planning and this is seen as the intervening variable of the study. It is notes that despite all Las being statutory bodies operating under the Local Government Act Cap 265, management is not uniform across the sample population.

This is tabulated as below;

Table 3.3 Operational Definition of Variables

Objectives	Variables	Indicators	Measurement	Scale	Analysis
(dependent Variable)	Urban Land use planning	Approved plans Plan approval and implementation Monitoring and compliance certificates	Number of plan applications Number of approved and rejected plans Site inspections and records	Nominal Nominal Nominal	Descriptive analysis
To evaluate level technical skills	Number of technical staff involved in planning	Abstracts from staff register	Technical/professional skills of staff involved.	Ratio	Descriptive

capacity of urban planning staff in the local authorities					
To establish how approval procedures of urban land use planning local authorities	The process of planning in the local authorities	Examination of the procedures used	Monthly reports on the plan application and the approvals issued Conditions issued upon approval		Correlation coefficient
To evaluate influence of government agencies in land use planning	Consultation with other government agencies in land planning	Correspondences with relevant agencies	The number of technical or professional advice received from other agencies on planning	Nominal	Descriptive
To investigate follow-up procedures after approvals	Number of developments implemented as per the approval certificate	Certificates of completion issued Developments stopped for non compliance	Number if certificate issued upon successful development. enforcement notices issued to collect the development anomaly	Nominal	descriptive

CHAPTER FOUR

DATA ANALYSIS AND INTERPRETATION

4.1 Introduction

This chapter presents the findings of the study. Data analysis was performed using SPSS version 19. Quantitative data was analyzed using frequencies, means, modes and percentages. Presentation was done using tables, charts and graphs for easy yet effective communication. The analysis was based on the predefined objectives and aimed to establish the extent to which Local authorities are staffed with technical expertise to execute land use planning in the region, how land use planning procedures executed by the urban planning department in the Local authorities, in which ways do the Local authorities engage other government agencies land use planning and to what extent do developers comply with land use planning after approval of development projects by Local authorities.

The researcher distributed the 8 questionnaires to the sampled respondents using the drop-off/pick-up method ensuring a maximum response rate. The researcher administered the questionnaires himself ensuring a 100% response rate.

4.2 Level of technical skills of staff at the Local authorities Urban Land Use Planning Units.

This section presents findings in line with the first objective of the study. This section aims to answer the question; to which extent are Local authorities staffed with technical expertise to execute land use planning in the region? The researcher did this by looking at the qualities of the staff charged with urban land use such as education and experience.

4.2.1 Person in charge of development applications processing

Table 4.1 Person in charge of development applications

Officer in charge	Frequency	Percentage
Town planner	5	63
Town Engineer	2	25
Works officer	0	0
Surveyor	0	0
Others	1	12
Total	8	100

In the majority (63%) of the local authorities sampled in the study, the town planner was the person charged with the responsibility of handling the development applications submitted to the council however in 25% of LAs, it was the town engineer who was in charge of the development applications. In other authorities in the study, the town planner and the town engineer were both charged with this responsibility. This shows that both the town planner and town engineer had valuable roles to play in Urban Land Use Planning. The Physical Planning Act CAP 286 cites the town planner as the Person in

charge of development applications. According to a study conducted in 17 local authorities by Rukwaro (2011) it was found out that the key departments involved with development control lacked qualified staff. This study findings don't agree with the study as 88% shows either engineer or planner handles the applications.

4.2.2 Qualifications of the officer handling development applications

Table 4.2 Qualifications and experience of the officer handling development applications

Academic qualifications	Frequency	Percentage
Certificate	0	0
Diploma	0	0
Bachelor's degree	5	63
Master's degree	3	37
Total	8	100

Table 4.2.2 reveals that the persons charged with the responsibility of handling the development applications in the sampled councils had achieved high academic qualifications. Majority (63%) of the town planners/engineers had a bachelor's degree with the rest (37%) having gone further and attained a master's degree. Urban land planning is a technical area which requires one to have achieved high levels of academic qualifications to be able to execute proper planning. The findings of this study reveal that the town engineers and town planners who were the people mandated with handling development applications were well equipped in terms of academic achievements. These

findings are in tandem with Mwangi (1998) who also found that majority of the technical staff at the local authorities were rightly qualified.

4.2.3 Experience of the officer handling development applications

Table 4.3 Experience of the officer handling development applications

Experience (Years)	Frequency	Percentage
1-5	1	12.5
6-10	2	25
11-15	4	50
Over 15	1	12.5
Total	8	100

Majority of the officers in the study had acquired a considerable number of years in terms of experience. Half of them had between eleven and fifteen years of experience while 12% had over 15 years of experience. This shows that the development applications in the local authorities were handled by persons who had a lot of experience. The field of urban planning requires not only high education qualifications but also many years of experience due to its technical nature. Officers who are highly experienced will be able to differentiate between viable and impractical development applications. Inexperience of officers responsible has been cited as one of the major causes of poor land use and urban planning. Mwangi (1998) also found that the technical staff were not only highly qualified but were also highly experienced having worked in the area for over 5 years.

4.2.4 Recruitment of technical staff in Urban Planning Units

Table 4.4 Recruitment of technical staff

Time	Frequency	Percentage
This month	0	0
In the last six months	1	12
Last year	3	38
Several years back	4	50
Total	8	100

The majority (50%) of the sampled local authorities had recruited new technical staff several years back while 28% had recruited the staff the previous year. This shows that recruitment of technical staff was not done frequently. Studies such have shown that new staff into an organization bring with them new ideas (Cole, 2004). This is vital for such a dynamic field as urban planning where new methods are coming up every day especially in this age of technology. While experience is important for staff in this field, it is important to bring in new blood since times are changing. For example urban planners in Kenya are now faced with the problem of mushrooming slums, blooming population and insecurity; this was not the case two decades ago, therefore an urban planner who has been serving for over 20 years will need a second opinion while executing his roles. The July 2005 edition of Bulletin of the Institute of Economic Affairs observed that there was little recruitment of new technical staff. The authors attributed this to lack of funds and bureaucracy involved in the process.

4.2.5 Training policy

Table 4.5 Training policy

Response	Frequency	Percentage
Yes	2	25
No	6	75
Total	8	100

Only 2 (25%) of the sampled local authorities had a training policy for its staff. This is a concern because training is an important element for improving staff's technical capacity. Studies all over the world have revealed that on-job training provided to the staff results in greater employee performance and ultimately organizational capacity. Training is a vital element especially in a dynamic and technical field such as urban planning. According to Cole (2004) the purpose of training and management development programs is to improve employee capabilities and organizational capabilities. When the organization invests in improving the knowledge and skills of its employees, the investment is returned in the form of more productive and effective employees. The July 2005 edition of Bulletin of the Institute of Economic Affairs also highlighted the lack of enough training for the staff. Simiyu (2012) found that training of staff was rarely practiced in the country's local authorities. She recommended that some improvements to the performance contracts given to the employees training of staff was one of them.

Phindile (2009) found out that focus should be devoted to the competency component which entails attracting qualified personnel competent to discharge local government responsibilities. However, he noted it is not limited to attracting already competent and professional staff. It also entails developing the skills of existing staff. This definition, in essence, relates to qualification through training, learning and specialization

4.2.6 Adequacy of staffing in technical departments.

Table 4.6 Adequacy of training

Adequacy of staffing	Frequency	Percentage
	0	0
Adequate	2	25
Fairly adequate	5	63
Inadequate	1	12
Others	0	0
Total	8	100

Majority (63%) of the sampled respondents opined that the staffing in the planning department of the local authorities was fairly adequate. The researcher took this to mean that while the department was understaffed, the available staff managed to carry out the roles expected of planning. These findings tally with Kiguta (2011): Understaffing is not unique to the local authority, most government institutions are understaffed especially considering that Kenya is third world country therefore the government's recurrent expenditure is kept at a minimum by employing only enough staff. While a large

employee staff body has the advantage of more skill and more ideas, the cost of maintaining such a body can also be overwhelming. Available studies on the number of staff and organizational performance are inconclusive; there is no direct correlation between the two variables. There are good examples of multinational companies who have thrived despite their low number of staff.

4.2.7 Challenges faced in handling of development applications

Table 4.7 Challenges faced in handling of development applications

Challenge	Frequency	Percentage
Lack of professional staff	2	25
Inadequate personnel	3	38
Inadequate equipment	2	25
Political interference	1	12
Total	8	100

The major challenge that was cited as a barrier to effective handling of development plans was inadequate personnel (38%), this was followed by lack of professional staff (25%) and inadequate equipment (25%). This shows that the staffing capacity was an impediment to proper handling of development applications. The respondents explained that the clients complained of plans taking too long to be approved and once approved the projects on the ground were of lesser quality than desired. This was brought about by the inadequate staff as compared to the workload. Few professional staff in the local

authorities also compounded the problem of inadequate staff since they had to oversee many roles and duties of which they would have delegated in an ideal situation. Kiguta (2011) also observed that understaffing indirectly affected local authority performance in the country negatively.

4.3 Approval procedures in urban land use planning

This section is in line with the second objective of the study. The section aims at answering the question; how are lands uses planning procedures executed by the urban planning department in the Local authorities? This was done by looking into the records, inter-departmental collaboration and method of communication employed.

4.3.1 Records of land use applications

Table 4.8 Record Keeping

Response	Frequency	Percentage
Yes	8	100
No	0	0
Total	8	100

The respondents unanimously confirmed that their respective local authorities kept records of all land use applications made to the council. Records are important indicators of work carried out by the department. They are important in revealing needs and trends of urban planning. With good record keeping the urban planner and or urban engineer can

identify the most pressing planning needs of the community. More over records are an important tool of accountability and transparency. The available records are useful in monitoring projects as well as evaluating them and auditing. These findings are however contrary to other studies such as the July 2005 edition of Bulletin of the Institute of Economic Affairs which concluded that Local authorities in Kenya have the reputation for very poor records keeping for financial and management purposes. This problem therefore affects the institution’s ability to make financial and management decisions on the basis of accurate and useful information

4.3.2 Contents in the register of applications

Table 4.9 Requirements of development applications

Requirement	Frequency	Percentage
Applicants name and address	8	100
Date of application	8	100
Type of development	8	100
Location (plot number)	8	100
Amount paid	8	100

The requirements of development applications were similar in all the sampled local authorities. The data reveals that the development applications were detailed as per requirements in all samples. As per Physical Planning Act Cap 286, the register of applications should contain the applicant’s details, date of application, the nature of

development, the plot/area details as well as the amount paid. This ensures proper record keeping and is important for follow ups. These records are also vital in ensuring transparency and accountability in the development process.

4.3.3 Inter-departmental collaboration in development application processing.

Table 4.10: Inter-departmental collaboration

Response	Frequency	Percentage
Yes	8	100
No	0	0
Total	8	100

All the sampled LAs employed inter-departmental collaboration in the procedures of urban planning approval. As per Physical Planning Act Cap 286, the law requires local authorities to refer development application to other government agencies for comments. This includes but not least Department of Lands, Ministry of Roads, Ministry of Agriculture, Ministry of Environment and other relevant agencies for comments.

4.3.4 Communication methods to the development applicants

Table 4.11 Method of communication

Communication method	Frequency	Percentage
Phone call	2	25
Mail	6	75
Total	8	100

Letters and phone calls were the two methods used by the sampled local authorities to convey the outcomes of the development applications to the developer. Majority (75%) used hand written mails to communicate the results while the rest (25%) conveyed the

results via telephone. Some local authorities employed both methods of communication. Other methods of communication such as electronic mails were notably absent despite their efficiency and cost-effectiveness. The researcher attributed this to the reluctance by society to adapt new technology which is compounded by the computer-illiteracy levels in the study area.

4.3.4 Document issued on approval/disapproval to developers

The researcher was interested to learn what document was issued to the applicant on approval or disapproval of their development application.

Table 4.11 Documents issued on approval/disapproval

Item	Category	Frequency	Percentage
Document	PPA 2	8	100
	Comment/Letter of disapproval	8	100

In the event of approval of a development application, all the local authorities sampled in the study issued the developer with a PPA 2 form. Similarly, In the event of disapproval, the applicant was issued with a letter of disapproval. The regulations are that the building plans need to be approved by 2 municipal departments: the technical committee and the political committee. The political committee meets once in 3 months. However, the construction can start once the technical committee has given approval and issued the Physical Planning Act 2 (PPA2) form.

4.4 Influence of other government agencies on local authority approval.

This section is in line with the study's third objective.

4.4.1 Involvement of other government agencies

Table 4.13 Involvement of other government agencies

Response	Frequency	Percentage
Yes	8	100
No	0	0
Total	8	100

All the sampled LAs involved other government agencies as pertains to development applications. The functions of the local authority are closely involved with the functions of the central government. This is because Kenya does not have a devolved government system and therefore the local authorities are not fully independent and are under the watch of the central government through the Ministry of local government. According to As per Physical Planning Act Cap 286, the law requires local authorities to refer development application to other government agencies for comments. This includes but not limited Department of Lands where information on parcel of land to be developed is authenticated and ownership verified, Ministry of Roads was particularly involved where developments were adjacent to major roads or new roads were to be constructed, Ministry

of Agriculture was involved where large development involving conversion of agricultural land gave guidelines, Ministry of Environment and in particular NEMA where project or developments with major impacts on environment were subjected to EIA before approval and other relevant agencies for comments. Rukwaro (2011) noted that the involvement of many approving agencies which resulted in duplication of roles was hindrance to issuance of approval of developments in local authorities.

4.4.2 Common government agencies involved

Table 4.14 Common government agencies involved

Agency	Frequency	Percentage
Ministry of lands	6	75
Public Health	8	100
Physical planning	5	63
Ministry of roads	3	38

Public health (100%) was the most involved agency by the local authorities in the approval process of development applications. The ministry of lands (75%) came in second followed by the department of physical planning (63%). It is important to note however that some local authorities involved more than one agency in the approval process. Different government agencies are charged with varying responsibilities and thus inter-agency collaboration is vital to avoid conflicts within the government itself. Therefore the urban planning department, NEMA and the public health agencies have to meet and agree on the logistics of such a project. The physical planning act requires LAs

to collaborate with other government agencies: this includes but not limited to Department of Lands, Ministry of Roads, Ministry of Agriculture, Ministry of Environment and other relevant agencies for comments. The Physical Planning Act (2006) recommends that development application be referred to relevant authorities for comments. This is in tandem with the findings of this study.

4.4.3 Challenges in involving other government agencies

Table 4.15 Challenges in involving other government agencies

Challenge	Frequency	Percentage
Delay in communication	8	100
Conflict of interests	5	63
Overlapping roles	5	63

Delay in communication (100%) was the most common problem experienced by local authority planners in involving other government agencies. Other challenges involved conflict of interests (63%) and overlapping roles (63%). An analysis of the reporting and oversight mechanisms to which local authorities are subjected reveals that there are multiple lines of reporting and accountability. For instance, there appears to be a parallel in management of local government where the provincial administration reports directly to the Office of the President, while local authorities on the other hand report to the Minister for Local Government. Within this set up, local authorities are in some instances

expected to comply with provincial administration requirements in the formulation of their budgets. This arrangement necessarily makes it difficult for personnel, services users and taxpayers, to demand accountability from a single institution. In practice, this management overlap causes confusion and enables local authorities and the other institutions to escape accountability ,Institute of Economic Affairs (2005).

4.4.4 Timeliness of applications' approval by local authorities

Table 4.16: Time taken to approve by agencies

Time (weeks)	Frequency	Percentage
One	0	0
Two	0	0
Three	0	0
Four	2	25
More than four	6	75
Total	8	100

Majority (75%) of the respondents revealed that the approval agencies took more than four weeks to approve development applications. This is a reflection of just how long the approval process takes. The researcher attributed this to the highly bureaucratic process that comes with approving the applications. Delay in approval of the applications lowers the efficiency of the council and ultimately the citizenry's trust and confidence in the institution remains low. This is a concern that the soon to be devolved government seeks to address.

4.4.5 Dealing with non-response of other government agencies.

The researcher sought to find out what the local authority did in the event that the other concerned government agencies failed to reply.

The response from all the sampled respondents was that in the event that there was no response, the urban planner/engineer went ahead and approved/disapproved the application. However this was done with conditions and the developer was advised to follow up.

4.5 Follow-up procedures

This section presents the findings within the fourth objective of the study. The objective seeks to establish the extent to which developers comply with land use planning after approval of development projects by Local authorities.

4.5.1 Follow- Up

Table 4.17 Follow up

Response	Frequency	Percentage
Yes	8	100
No	0	0
Total	8	100

All the councils in the study confirmed that they followed up on approved applications. According to the physical planning act there should be a follow up on the development applications that have been cleared. This is to ensure that they are following the right procedures. However this is not always the case as observed by a report by the

Architectural Association of Kenya who explained this by using the examples of the cases of collapsed buildings in the country.

4.5.2 Officer in charge of the inspection of developments after approval

Table 4.17 Officer in charge of the inspection of development projects after approval

Officer	Frequency	Percentage
Urban engineer	0	0
Urban planner	6	75
Buildings inspector	2	25

The urban planner (75%) was the in many cases the officer charged with inspection of the developments. This is probably because he is the officer involved right from the start of the planning stages. Some authorities involved the buildings inspector in the overseeing of the developments. Overseeing or monitoring of the projects ensures that they meet the required standards. The physical planning act also cites the urban planner as a chief inspector of developments but recommends that he works in collaboration with officers from other agencies.

4.5.3 Site records

Table 4.19: Site records

Response	Frequency	Percentage
Yes	8	100
No	0	0
Total	8	100

All the sampled local authority councils kept records on the inspection schedule conducted. This is important for transparency and accountability. According to the July 2005 edition of Bulletin of the Institute of Economic Affairs, Local authorities in Kenya have the reputation for very poor records keeping for financial and management purposes. This problem therefore affects the tracking of development project throughout the implementation phase. One way to ensure that record keeping is improved is through automation as this will be more effective, time saving and user friendly. Furthermore, it will make access to information easier not only for the local and central government planners, but for residents. Lastly, good record keeping is a way of documenting history, making it easier for external agents to review performance.

4.5.4 Documents issued on successful inspection and completion

All the respondents in the study confirmed that on successful inspection or completion of the project, the developer was issued with an occupation certificate.

4.5.5 Dealing with non-compliance

Table 4.20: Dealing with non-compliance

Action	Frequency	Percentage
Serve enforcement notice	6	75
Stop the development	2	25
Total	8	100

In six (75%) of the councils in the study, an enforcement notice was served to a developer who failed to comply with regulations and standards of a specific project. In the other 2 (25%) the development of the project was stopped. In one of the samples the local authority demolished a construction which had not complied with the set approval standards. Non-compliance by developers is a big challenge to urban councils all over Kenya, according to a report Rukwaro (2011), the biggest challenge is the enforcement and compliance with regulations due to weak enforcement and widespread with non-compliance, these laws have failed to promote orderly physical development of the urban built environment and expected sustainable economic and social development in towns.

4.5.6 Challenges in follow-up of development projects after approval

Table 20: Challenges in follow-up

Challenge	Frequency	Percentage
Inadequate personnel	5	63
Insufficient equipment	4	50
Uncooperative developers	7	88
Uncoordinated site visits	2	25

Uncooperative developers (88%) was the major challenge mentioned by the respondents which was encountered the officers in inspection and follow up of projects. The respondents explained that the developers did not participate in the inspection process and rarely complied with standards required of them. Other challenges mentioned that were inadequate personnel (63%) and insufficient equipment (50%) despite the personnel being qualified. This shows that the monitoring process was hampered by a myriad of problems. These findings are in tandem with a study conducted by Architectural Association of Kenya on development control frameworks in local authorities in Kenya, which found that to a large extent the build environment takes place with minimal or non-compliance of regulations (Rukwaro,2011).

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents a summary of the findings presented in chapter four and the conclusions made by the researcher from the findings. The chapter also presents the recommendations made by the researchers. All this is done in respect to the stipulated objectives.

5.2 Summary of the study

The purpose of this study was to investigate the influence of institutional technical skills capacity within the Local authorities in application of urban land use planning as process to controlling the development with the jurisdiction. The study also aimed at identifying gaps in the process of urban land use planning procedures and approval in local authorities. Employing a descriptive cross sectional design, the study targeted all the 24 local authorities in the central region. Stratified random sampling provided a sample of 8 local authorities. Data was collected from sampled respondents using a semi-structured questionnaire. Data was analyzed with the help of SPSS version 20 for windows. The findings of the study as per the objective were:

On the level of technical skills of staff at the Local authorities Urban Land Planning Units, the study found that in the majority (63%) of the local authorities sampled in the study, the town planner was the person charged with the responsibility of handling the development applications submitted to the council while in 25% of LAs, it was the town engineer who was in charge of the development applications. Majority (63%) of the town

planners/engineers had a bachelor's degree with the rest (37%) having gone further and attained a master's degree. Over half of them had over 10 years of experience. The majority (50%) of the sampled local authorities had recruited new technical staff several years back while 28% had recruited the staff the previous year. Only 2 (25%) of the 8 sampled local authorities had a training policy for its staff. Majority (63%) of the sampled respondents opined that the staffing in the planning department of the local authorities was fairly adequate. The major challenge that was cited as a barrier to effective handling of development plans was inadequate personnel (38%), this was followed by lack of professional staff (25%) and inadequate equipment (25%).

On the approval procedures in urban land use planning, the study found that all the sampled local authority councils kept records of land use applications. The contents of the development application forms were similar with all the councils requiring the name of the applicant, his/her address, date of application, development details and plot number. All the sampled LAs employed inter-departmental collaboration in the procedures of urban planning approval. Letters and phone calls were the two methods used by the sampled local authorities to convey the outcomes of the development applications to the developer. Majority (75%) used hand written mails to communicate the results while the rest (25%) conveyed the results via telephone. Some local authorities employed both methods of communication. In the event of approval of a development application, all the local authorities sampled in the study issued the developer with a PPA 2 form. Similarly, In the event of disapproval, the applicant was issued with a letter of disapproval.

On the influence of other government agencies, the findings revealed that all the sampled LAs involved other government agencies as pertains to development applications. Public health (100%) was the most involved agency by the local authorities in the approval process of development applications. This is noted as a matter of public concern with the aspect of sanitation and waste disposal mechanisms of the proposed developments. The ministry of lands (75%) came in second followed by the department of physical planning (63%). Delay in communication (100%) was the most common problem experienced by local authority planners in involving other government agencies. Other challenges involved conflict of interests (63%) and overlapping roles (63%). Majority (75%) of the respondents revealed that the approval agencies took more than four weeks to approve development applications. In the event that there was no response from other agencies, in all the councils, the urban planner/engineer went ahead and approved/disapproved the application. However this was done with conditions and the developer was advised to follow up.

On follow-up procedures, all the councils in the study confirmed that they followed up on approved applications. The urban planner (75%) was the in many cases the officer charged with inspection of the developments. All the sampled local authority councils kept records on the inspection schedule conducted. In six (75%) of the councils in the study, an enforcement notice was served to a developer who failed to comply with regulations and standards of a specific project. In the other 2 (25%) the development of the project was stopped. Uncooperative developers (88%) was the major challenge mentioned by the respondents which was encountered the officers in inspection and

follow up of projects. Other challenges mentioned that were inadequate personnel (63%) and insufficient equipment (50%).

5.3 Conclusions

On the technical capacity of the staff in local authorities, the study has established that the employee concerned with land use and urban planning had achieved high academic qualifications and was highly skilled going by their many years of experience. The effectiveness of the technical capacity of the local authorities' staff was however hampered by insufficient staff and lack of new skill in the department by way of recruiting new employees.

On the approval procedures in urban land use and planning, the researcher concluded that the sampled local authorities followed the stipulated procedures. This was evident in the records kept by the local authorities, the inter-departmental collaboration as well as communication with developers as well as the issuance of appropriate documents and certificates.

Coming to the influence of other government agencies, it was the conclusion of the researcher that the sampled local authorities complied with the regulations that require them to involve other government agencies. However, this collaboration brought with bureaucracy which ultimately affected the timeliness of approving the applications. The collaboration was also met with a lot of challenges chief among them being delay in communication.

On the follow up procedures, the study established that the local authorities followed up on approved developments. This was evident by the existence of an officer charged with

the responsibility of overseeing the approved applications' projects and issuance of appropriate documents. The follow up procedure was hampered by a number of challenges with lack of cooperation and non-compliance by developers being the most common problem and also the number of skilled and qualified staff being not adequate.

With all the variables under investigation, technical capacity of the staff in local authorities was the most significant since its effects were felt on all other sectors such as follow up procedures.

5.4 Recommendations

In the light of the above findings, the researcher recommends the following:

1. The Local authorities should employ more personnel in the urban land use and planning department to improve on effectiveness despite having qualified and skilled staff they were not adequate to handle all the work. Available staff should be subjected to on-job trainings to improve on their skills in order to improve their output and to embrace the new emerging technology in land use planning.
2. Stakeholders from other government agencies should be charged with the responsibility of collaborating with Local authorities to ease on the bureaucracy which will ultimately improve on the timeliness of the approval process to reduce on the time they take to forward their technical advice to local authorities to facilitate development approvals.
3. Stiff Penalties to non-complying developers should be introduced to ensure that the follow-up procedure runs smoothly. Additional qualified staff and appropriate equipment should also be employed to ensure the effectiveness of the process.

5.5 Suggestions for further research

The study concentrated in the central region which is largely cosmopolitan, the researcher recommends a similar study be carried out in a metropolitan area for comparative analysis. More research should also go focus into the type of development projects being undertaken and their effect on the environment.

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APENDICES

APPENDIX 1: Letter of transmittal of Data Collection Instruments

**University of Nairobi
College of Extra Mural Studies
School of Continuing and Distance Education
Nyeri Center**

**The Town/County Clerk
Municipal/Town/County Council of.....
P.O. Box.....**

Dear Sir/Madam

RE: ACADEMIC RESEARCH

I am a student in the University of Nairobi pursuing further studies in Master of Arts in project planning and management. I am conducting a research on the analysis of technical capacity of staff in local authority land use planning in the central province.

Your council has been selected as part of the study to provide information on the above referred topic. The study will be conducted through interviews on your officers in the urban planning units, document analysis and general observation.

I hereby undertake to treat all information obtained from the council with almost confidentiality and to be used purely for academic purposes only.

Yours Sincerely

John Mwangi Maina

APPENDIX 2: Interview Schedule for the Councils Head of Departments

UNIVERSITY OF NAIROBI

SCHOOL OF CONTINUING AND DISTANCE EDUCATION

DEPARTMENT OF EXTRA MURAL-STUDIES

MASTERS IN PROJECT PLANNING AND MANAGEMENT

Declaration: This data collection is purely for academic purpose only and will not be used for another purpose whoseever.

SECTION A: BIO DATA

1. Name Respondent..... (optional)

Date.....

SECTION B: Technical Skills Capacity in Planning Units

2. Who handles development application submitted to this council?

- 1. Town Planner
- 2. Town engineer
- 3. Works officer
- 4. Surveyor
- 5. Other (specify)

3. What are the challenges faced on the handling of the urban land use planning applications

.....

.....

 4. When is the last time was technical staff recruited or posted in the council?.....

5. Compared to other departments in the council, would say the technical staffing is adequate?

6. What are the qualifications and experience of the council officer handling the development applications?

Designation	Education level	Technical qualification	Experience (years)
Town Planner			
Town Engineer			
Works Officer			
Surveyor			
Other (Specify)			

7. Does the council have training policy for the existing technical staff?

(a) Yes (b) No

8. If yes, from other government agencies or private consultancy firms.

(a) Government..... (b) Private..... (c) In-house training

SECTION C: Procedures in Urban Land Use Planning Approval

9. Does council maintain records on the land use applications made?

(a) Yes (b) No

10. What are the main entries included in the register of applications?

.....
.....
.....
.....
.....

11. Does the urban land use application circulated to other council departments?

(a) Yes (b) No

12. Which method of communication do you use to convey outcome of the application to the developer?

13. Upon approval/disapproval of the application, which document do you issue to the applicant?

SECTION D: Urban Land Use Application Reference to other Government Agencies

14. Do you circulate your development application to other government agencies for further guidance and comments?

(a)Yes (b) No

15. Which is are most common government agencies do the council engage with?

.....
.....
.....

16. What are the main challenges when dealing with other government agencies on land use

planning?.....

17. How long does it take for the agencies to issue comments on the submitted application?

- 1. one week
- 2. two weeks
- 3. three weeks
- 4. four weeks
- 5. More than four weeks

18. What does the council do in the event that the government agencies do not reply or send their comments?

SECTION E: Follow-up Procedures upon Approval of Land Use Planning Application.

19. Does the council make follow-up on the approved land use application?

(a)Yes (b) No

20. Who is the authorized officer in-charge of the inspection of developments?

.....
.....

21. Do the council maintain site records on the inspection schedule conducted?

(a)Yes (b) No

22. On successful inspection and completion of the developments, what document do you issue to the developer?

23. In the event that there is non-compliance which actions do you take?

.....

24. What are the main challenges faced when conducting inspection and follow-up on developments?