MEMORANDUM TO THE TASKFORCE ON RE-ENGINEERING AND TRANSFORMATION OF URBAN DEVELOPMENT

Presentation by The Kenya Alliance of Resident Associations (KARA)

30th January 2024

1.0 Background

1. The Kenya Alliance of Resident Associations (KARA) is the apex body representing the voice and pro-active action of Resident Associations on access to better service delivery at the neighborhood, County and National level.
2. KARA promotes attainment of better service delivery through policy advocacy and influence; capacity building; community mobilization and networking; formation and facilitation of the work of Resident Associations across the country; establishing structured partnership with various state and non state actors.
3. KARA is actively involved in urban development initiatives and work with professional organizations, government, development partners, community organizations, institutions of higher learning among others to promote realization of a life of dignity across neighborhoods in Kenya.
4. KARA is glad to be accorded an opportunity by The Taskforce on Reengineering and Transformation of Urban Development in Kenya to share views on how to make our urban areas better and functional through practical transformation and re-engineering initiative.
5. We take note of the Taskforce's effort to reach out to various stakeholders with a goal to coming up with transformative ideas of improving urban development.
6. We appreciate the Government's intention, through the Taskforce, to achieve sustainable, inclusive, resilient, and smart urban and metropolitan development in Kenya.
7. This memorandum is divided into two sections: The state of urban development – what the challenges are especially in regard to planning and effective application of the law; Key recommendations of what need to be done to address the challenges and realize transformation and re-engineering of urban development.

2.0 State of the Urban Development Planning and Urbanization

Development Plans	Currently, most of the medium-sized and small towns lack development plans and those with development plans hardly implement them. The prevailing situation is unplanned development, infrastructure and housing constraints, environmental degradation, among other challenges.
Development Control	• Although development control is the main function undertaken by county planning departments, there is no clarity on the procedure to get urban development plans approved in many instances. • In Urban centres where there are clear procedures and guidelines, corruption, inefficiency, negative political interference and reliance on discretionary decisions make development control a nightmare. • Attempts to use electronic permit systems have been mainly ineffective as they are manipulated by corrupt networks to defeat the purpose for which they were put in place. • There is no structured connection between National Environment and Management Authority (NEMA), National Construction Authority (NCA) and County Government approvals. This brings confusion for example when NEMA issues a licence for a project the County Planning Department has rejected. Also when there is an incident on site, it is not quite clear who should take the lead between the County, NEMA and NCA. • Another challenge is that County Governments view development control as a revenue stream, as opposed to being a planning tool. This puts pressure on the planning department to approve as many applications as possible to meet revenue targets.
Institutional Capacity for Planning	• Although institutional capacity varies across the counties, there are common challenges that face counties in relation to development of institutional capacity, which touch on fiscal, technical, political and governance issues. • Almost all the counties have two major capacity gaps. These are; inadequate number of planners employed and inadequate expert skills. These two aspects must be addressed to make planning fit-for-purpose; effective and efficient for facilitating

	• sustainable urban development.
	• The link between urban planning and land administration is generally weak. Development control relies on land data to identify ownership and status of land rates payments, yet most of the counties lack updated urban land records. Furthermore, planning is not taken seriously by other disciplines and political leaders, who don't see the correlation between planning and a working-built environment.
Lack of Effective Public Participation	• There is lack of meaningful public participation in decision making processes related to urban development such as from Counties, NEMA and NCA.
	• Public participation are marked by short notices for public participation, documents to be subjected to public participation are not shared in good time for scrutiny, poor management of public participation sessions, views collected from stakeholders are rarely reflected in the final decision or documents, lack of feedback on whether the views shared were taken into consideration or not and why.
	• Government officers carry out public participation as a lip service and with no intention to use the sessions to improve decisions or content of document being subjected to public participation.
Plans Implementation	• A critical gap in implementation of urban development plans in all the counties is the absence of local planning and or detailed local plans.
	• County planning departments have limited technical and financial capacity to effectively undertake local planning. This includes assembling planning and design teams with skills in urban design, architecture and construction, urban engineering, land survey, environmental planning, community development, urban renewal, finance and economic development, urban legislation etc.
	• Although the counties acknowledge the importance of local plans, they do not have necessary policies for outsourcing planning services.
	• Furthermore, even if they have the funds to allocate, relying on private consultants has the negative impact on investment on building internal capacities, which in turn severely

	undermines successful implementation of outsourced plans.
Corruption	• There's lack of clear goodwill and intention to abide by laws, policies and plans by various county entities. This is because most officers charged with implementation, compliance and enforcement responsibilities are compromised by those who wish to circumvent the law. • The high level of corruption has led to approvals being issued to undeserving developers, compromised service provision and government loosing revenue. This is ultimately contributes to the sorry state that is seen in most urban areas.

3.0 Key Recommendations

Strengthen Role of Planning in County Development	• Counties should be put to task to create a strong integration of spatial planning, social and economic development, and environmental protection, as provided for in the County Governments Act. • Urban Counties should develop an institutional development strategy and institutionalise a plan-led system of development. This means that, all public investments and approvals of land development by the private sector, must be aligned to urban development plans and policies. This can only be achieved where there is a clear strategy on how to attain sufficient planning capacity. • Address and implement context-dependent interventions for informal settlements. • Develop clear guidelines and regulations on public participation to facilitate people-centred planning. Structured involvement of neighbourhood/residents associations and other stakeholders, gives a sense of ownership of the planning process and promotes planning as a tool in delivering public good and attaining equitable development. • Introduce a mandatory requirement in the planning regulations that give Resident Associations more say on planning development across various neighbourhoods. Developers should be required to show documented approvals from Resident

	Associations before allowed to continue with development.
	• Involve stakeholders in county service delivery structures such as committees. For instance, counties should have representation of Resident Associations in Committees such as Environment; Planning Approval etc. This will ensure that critical decisions can be influenced at the Committee level and any mischief averted.
Enhancing Capacity of Planning Departments	• It is necessary to ensure planning departments have adequate human and financial resources to effectively discharge their mandates.
	• There is need to formulate standardised knowledge tools for planners such as guidelines and manuals on general planning issues and substantive specializations.
	• There is need for continuous professional development trainings aimed at developing internal capacity within county planning departments and accelerate interventions to institutionalise planning in the counties.
	• There is need to invest in IT-oriented systems that improve work efficiency in planning departments, including processes of development control, plan formulation and data management.
	• There is need to recruit trained planning enforcement officers and building inspectors. There should be systems in place to minimize opportunities for corruption among the enforcement officers.
Development Management	• Invest in education of developers and the public on the development processes to ensure that the planning authorities, developers and the public are working together as partners, with a view of creating a well-planned built environment.
	• Development control processes, including planning and building permit applications need to be streamlined to reduce paperwork, eliminate delays, ensure transparency and accountability. Counties should build well-designed Information Technology-based systems to enhance efficiency and effectiveness in urban development.
	• Coordinate with all other authorities involved in any aspect of

	approval to ensure a seamless and efficient planning approvals system. For environmental approvals, it is important to identify the type of developments that require separate environmental approvals and those whose environmental concerns can be approved as part of the planning application.
Deal with Corruption	Government should have in place digital engagement system between public planning authorities and private planning practitioners to promote transparency and accountability in planning applications and management. Professional bodies should hold their members accountable for their role in planning matters. Strict action should be taken against professionals involved in any project that is offending the law and goes contrary to the expectations of residents. Government officers involved in issuing fraudulent approvals should be held individually responsible and prosecuted as individuals.
National and County Addressing System	Addressing system both at the National and County level is key for promotion of e-commerce and also security in various neighbourhoods. The National Addressing System Policy and Bill should be enacted urgently. Counties should also institutionalize addressing system and work with various stakeholders to promote e-commerce, seamless communication and security across various neighbourhoods.
Transport	A functional urban area requires a reliable and efficient transport system. Major Cities in Kenya should invest in public transport system to facilitate movement of people, goods and services. Priority should be given to establishment of BRT, light rails, well coordinate minibus/matatu system with options to cater for different types of users. Urban areas should allocate resources for development of non-motorised transport facilities such as walk ways, cycling paths. This will encourage use of alternative mode of transportation, reduce traffic jam, reduce negative environment impact caused by emission from motorized transport and promote a healthy society.

Contacts:
The Chief Executive Officer
The Kenya Alliance of Resident Associations (KARA)
P.O Box 1411 – 00100
NAIROBI.
Tel: 0725983445; 0203874331/3873828
Email: info@kara.or.ke