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Barriers to implementing urban plans in Kenya

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Walden University

College of Social and Behavioral Sciences

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Rose Chelangat Kitur

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Walden University
2019

Abstract

Barriers to Implementing Urban Plans in Kenya

by

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MA, University of Nairobi, 1997

BA, Egerton University, 1994

Dissertation Submitted in partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

Walden University

July 2019

Abstract

Despite a long history of urban planning, Kenyan towns are still characterized by informality, uncoordinated development, urban sprawl, and congestion. Government documents and reports acknowledge that, despite planning, no deliberate effort has been made to implement plans. Little is known about what impedes plan implementation in Kenya. This study sought to develop an in-depth understanding of the barriers to plan implementation from the perspectives of public officials responsible for planning. Using path dependency theory, forwarded by Pierson, and force field analysis, advanced by Lewin, the research questions focused on legal and institutional development, as well as on the nature of relationships between different actors as possible sources of hindrances to plan implementation. Data for this qualitative study accrued through reviews of documents relating to urban planning and interviews with officials in different categories, with a focus on three case cities: Nairobi, Nakuru, and Eldoret. A total of 14 participants, 10 from the city level, included county legislators; 4 from the national government level were interviewed. The data obtained were analyzed qualitatively using multiple-level coding and direct interpretation to create themes. The themes that emerged included politics and vested interests, financial, legal regime, institutional setup, land tenure, and quality of the plans. Study findings may be useful in informing planning authorities on how to restructure the preparation and implementation of urban plans.

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Dedication

To Isaiah, my late father, you had faith in me and took me to school against all odds; Anna, my mum, who prayed success into my life when I was still a little girl; to David, my husband, for prayers and encouragement; to my children Eric, John, Roy, and Katherine, you have cheered me on; and my father-in-law, Job, for persistently inquiring on my progress and therefore challenging me to complete the PhD.

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Table of Contents

List of Tables.....	vi
List of Figures	vii
Chapter 1: Introduction to the Study	1
Background.....	2
Problem Statement	4
Purpose	6
Significance	7
Framework.....	7
Research Questions	9
Nature of the Study	9
Types and Sources of Information	10
Limitations.....	10
Implications for Social Change.....	11
Summary.....	11
Chapter 2: Literature Review	13
Literature Selection	13
Purpose of the Literature Review.....	14
Urban Planning.....	14
Urban Planning and Development in Kenya	16
Evolution of Urban Development in Kenya	17
Colonial Period.....	17
The Colonial Legal Framework	17

Postindependence Period	18
Genesis of Governance of Kenya’s Urban Areas	23
Postindependence Legal Framework for Planning in Kenya	25
Conceptual Frameworks	26
Path Dependency Theory.....	26
Force Field Analysis.....	28
Implementing Urban Plans	29
Factors That Influence Plan Implementation.....	31
Definition of Barriers	35
Evaluating Urban Plans	36
Sustainable Urban Development.....	39
Institutional Framework for Plan Preparation and Implementation in Kenya.....	40
Planning in Nairobi City.....	43
Planning in Eldoret Town.....	45
Planning in Nakuru Town.....	47
Summary.....	47
Chapter 3: Research Method.....	50
Research Design and Approach	50
Research Questions	53
Role of the Researcher	54
Sampling.....	55
Choice of the Cases.....	56
Instrumentation	58

Data Collection	58
Data Collection Process	60
Choice of Participants	62
Ethical Considerations	62
Data Analysis	63
Summary	64
Chapter 4: Results	65
Setting of the Study	66
Study Participants	66
Data Collection	69
Document Reviews	72
Findings From the Review of Laws	72
Town Planning Act and the Physical Planning Act	74
Physical Planning Act and Implementation	81
Physical Planning Act and Land Planning Act	82
Town Planning Act, the Land Planning Act, and the Physical Planning Act	84
Findings Related to Path Dependency Theory	88
Contextualizing the Findings	91
Eldoret Municipality	91
Nakuru	95
Nairobi	98
Data Analysis	100

Coding	104
Manual Coding.....	105
In Vivo Coding.....	105
Results from Narrative Coding	113
Synthesis of the Findings.....	115
Themes Generation	118
Themes.....	119
Relevance and Place of Planning in Kenyan Society.....	120
Politics and Interests.....	122
Provisions in Law on Implementation.....	124
Planning and Land Tenure	127
Financial Resources.....	129
The Quality of Plans.....	129
Leadership.....	130
Relating the Findings to the Research Questions	131
Research Question 1	133
Research Question 2	135
Discrepant Data.....	136
Evidence of Trustworthiness	136
Summary.....	137
Chapter 5: Discussion, Conclusions, and Recommendations.....	139
Interpretation of the Findings	140
Legal and Institutional Setup for Plan Implementation.....	140

Legal Systems in Planning.....	141
Institutional Setup.....	142
Urban Planning and Governance.....	148
Locating the Findings in Literature.....	151
Findings and Force Field Analysis.....	152
Path Dependency.....	154
Limitations of the Study	155
Recommendations	156
Implications for Social Change.....	157
Conclusions.....	159
References.....	161
Appendix B: Interview Protocol	176
Appendix C: Document Review Criteria.....	179

List of Tables

Table 1. Study Participants	68
Table 2. Participants' Demographic Characteristics	68
Table 3. Similarities Between the Town Planning Act and the Physical Planning Act	76
Table 4. Key Words Identified During In Vivo Coding Cycle.....	103

List of Figures

Figure 1. Selected study cities.....	57
Figure 2. Institutional relationship in plan implementation.....	90
Figure 3. Eldoret urban population.....	93
Figure 4. Eldoret municipality	94
Figure 5. Nakuru urban population.	96
Figure 6. Nairobi urban population.	98
Figure 7. Location of Nairobi City.....	99
Figure 8. Illustration of driving and opposing forces.	153

Chapter 1: Introduction to the Study

Cities are made of stones, rules and people.

—Joan Clos, former executive director, UN Habitat (2014)

The United Nations recorded that currently 55% of the world population lives in urban areas, and this is expected to increase to 68% by the year 2050; this trend makes urbanization the most transformative process in the century (United Nations, 2018). This trajectory has caused cities and urban areas to be concentration points for environmental, economic, social, and cultural interactions, challenging the sustainability of housing, infrastructure, basic services, and food security, among others (UN Habitat, 2016). The New Urban Agenda, which contains the trajectory for urban development adopted by the United Nations, highlights the need for a new look at the way cities are planned, designed, financed, developed, and governed, and reaffirms the global commitment to sustainable urban development (Watson, 2016).

In this study, I focused on the implementation of urban plans in Kenya, based on my beliefs that urban planning is essential for development and that the benefits of urban plans can only be achieved when plans are effectively and efficiently implemented. In this study, I set out to locate barriers to implementation in the laws that govern urban planning and the relationships inherent in the institutional setup. A better understanding of the hindrances to plan implementation may be useful to policymakers and urban managers in developing appropriate policies to enhance implementation. The social change anticipated from the findings of this study could have far-reaching implications, particularly during this time in my country of Kenya, which is engaged in much activity to formulate laws required under the Kenya Constitution of 2010. In addition, study

findings will enhance understanding of impediments to plan implementation and create greater awareness among actors charged with preparation, approval, and implementation of urban plans about the importance of implementation. In this chapter, I cover the following topics: the background, problem statement, purpose, significance, framework, research questions, nature of the study, types and sources of information, limitations, implications for social change and a summary of the chapter.

Background

United Nations Sustainable Development Goals have a specific urban goal: to “make cities safe, resilient, and sustainable” (United Nations, 2015), giving fresh impetus to the persistent call by planners for governments to prioritize the planning of cities (Watson, 2016). The demographic shift in East Africa toward an urban character portends immense challenges, because rapid urbanization has occurred without a strong economic base to support it, thereby contributing to the creation of informal settlements (Lwasa & Kinuthia-Njenga, 2012). Entities undertake planning to guarantee public interest and to promote public welfare (Alfasi, Almagor, & Benenson, 2012). Further, plans convey government policies and deliver planning rights to landowners and other stakeholders (Alfasi et al., 2012).

Kenya has experienced rapid urban growth, with statistics showing that, at independence in 1963, only 8% of the population was urban; this figure rose to about 40% in 2015 (Government of Kenya, 2015). The current (2019) urban population in Kenya is estimated to be 27% of the total population, about 13.8 million people (UN Habitat, 2018). This trend is projected to reach 33.4% by the year 2030 (UN Habitat, 2018). Further, urban areas have experienced several challenges, including inadequate

development control, informality in the provision of basic services, and inadequate provision and maintenance of infrastructure and housing (Cira, Kamunyori, & Babijes, 2016; Government of Kenya, 2016; UN Habitat, 2018). The results of urban and regional planning have been unpredictable and outcomes of planning were rarely achieved, with failures of planning attributed to inadequate municipal resources, inadequate enforcement, land issues, and inadequate human resources (Lwasa & Kinuthia-Njenga, 2012). Additionally, governance and institutional issues, as well as inadequate understanding of the value of planning and of orderly development, influenced those outcomes, causing a mismatch between plans and the resulting urban form (Lwasa & Kinuthia-Njenga, 2012).

The Nairobi Integrated Urban Plan (NIUPLAN) identified an array of planning issues facing Nairobi City that include inadequate urban infrastructure, urban sprawl, uncontrolled urban development, informal settlements, and overconcentration of development in the central business district. Many other urban areas in the country reflect this situation against the backdrop of a long history of urban planning in Nairobi, which dates back almost 120 years, with the first plan prepared in 1898 and subsequent plans in 1926, 1948, and 1973 (Nairobi City County, 2014). Further, the NIUPLAN states that the recommendations of the 1973 master plan were not implemented. Past studies in Nairobi city (K' Akumu & Oyugi, 2007) recorded that 60% of the population of Nairobi City live in informal settlements and slums covering less than 5% of urban land. The Eldoret Local Physical Development Plan, 2015–2040, highlighted evidence of uncontrolled and unguided development coupled with the emergence of illegal structures and uncontrolled urban sprawl into agricultural areas (County Government of Uasin Gishu, 2018b).

Israel, The Netherlands, New Zealand, the United Kingdom, and the United States have evaluated plan implementation (Alfasi et al., 2012). This study identified differing purposes for which plans are formulated, for example, to act as blue prints or land-use guides or to set agendas and strategies. Morckel (2010) acknowledged that little work existed in evaluating plan implementation and pointed out the necessity of involving stakeholders in this endeavor. Morckel further stated that it was necessary to know the intended outcome of plans to justify the continued need for planning, as mandated to governments at different levels. Morckel (2010), and Oliveira and Pinho (2010) highlighted the importance of plan implementation in giving credibility to the planning profession. The authors stated that plan implementation determines the level of response to societal demands because a plan that is not implemented has no value.

Other authors (Alfasi et al., 2012; Lyles, Berke, & Smith, 2016; Morckel, 2010; Oliveira & Pinho, 2010) identified conformance- and performance-based approaches to plan evaluation. A conformance-based approach means determining the success or failure of a plan using set criteria, whereas a performance-based approach refers to how the plan has influenced outcomes, such as land-use patterns. Warren (2009) found that connecting plans or regulations to the actual built form observed in a city was not clear, nor was it measured easily. This study measured the gap between the formulated plan and the actualized outcome measured against what was envisioned by city leaders.

Problem Statement

Kenya is rapidly urbanizing, and cities and urban centers are poised to play a fundamental role in the socioeconomic transformation of the country (UN Habitat, 2018). Further, unplanned urban development has constrained sustainable urban development

(UN Habitat, 2009). The National Spatial Plan for Kenya provided a chronology of plans prepared since the country attained independence and also highlighted that little has been achieved from these plans due to inadequate implementation (Government of Kenya, 2016). About 60% of urban households in Kenya were located in informal settlements that have grown due to inconsistent implementation of urban plans (Cira et al., 2016).

Despite government acknowledgment that planning is fundamental to respond to rapid urban growth and is a tool for modernization, many plans have remained largely unimplemented (Government of Kenya, 2016). The UN Habitat (2018) reported that the success and outcomes of implementation is the measure of good planning and that it is at the implementation phase where plans are translated into reality. The UN Habitat (2018) report highlighted that plans take a long time to formulate, and that, “many plans are never or only partially implemented” (p. 70). Rotich (2017) found evidence of gaps in the implementation of strategic urban plans in Kenyan towns, demonstrated by apparent disparities between formulated plans and what emerges at the end of the implementation period. An urban plan enables city leaders to anticipate future problems and make adequate provisions to mitigate them. City leaders were keen to ensure adequate employment opportunities for residents and, through planning, were able to produce economic activities that generated investments to create more businesses and therefore expand employment opportunities. City dwellers prioritized housing, employment, and safety (UN Habitat, 2018).

Although urban planning promises multiple benefits, urban areas in Kenya, particularly the three case cities, were characterized by informality, with an estimated 56% of the urban population living in informal settlements in 2014 (Cira et al., 2017).

The cities were also characterized by congestion with much traffic on the roads, making movement in the cities difficult. On April 17, 2017, one daily newspaper in the country had the headline, “Traffic Jam Makes Nairobi the World’s Second Worst City.” The news article noted that, on average, Nairobi residents spend more than 62 minutes in traffic per day. Traffic jams have been attributed to the lack of a public-transport system, resulting in increased numbers of personal vehicles.

Past studies in this area have focused on challenges facing urban areas, which include inadequate housing, traffic congestion, poor sanitation, and the predominance of informal settlements, and trading activities (Lwasa & Kinuthia-Njenga, 2012; Ngau, 2013). Other authors (e.g., Lyles et al., 2016) evaluated plan implementation in different jurisdictions focusing on hazard mitigation plans with only moderate conformance to plans and policies. A gap in the literature existed on barriers to implementation of urban plans in Kenya. Despite a general perception among city residents of challenges to plan implementation, these were merely anecdotal. The present study explored the barriers to implementation of urban plans and how these relate to the expansion of informal settlements in Kenya using Nairobi, Nakuru, and Eldoret cities as case studies.

Purpose

In this qualitative study, I examined urban planning in three case cities to acquire a comprehensive understanding of the factors that have hindered plan implementation in Kenya. I sought to discern how the different cities implemented urban plans and understand the experiences of city officials and other key actors in plan preparation and implementation. I examined the institutional and legal frameworks used to prepare and

implement plans. Study findings may inform policymakers in their pursuit of solutions to enhance implementation of urban plans, rendering their planning more effective.

Significance

Although several studies addressed urban planning, development, and related topics, none has assessed implementation of urban plans and, specifically, barriers to implementation in Kenya. In the present study, I identified weaknesses in implementation of urban plans in Kenya. Research findings may be useful in guiding national and county governments on how to restructure the process of preparing and implementing urban plans, rendering them more responsive and effective. The identification of hindrances to implementation of urban plans may improve the way county governments implement urban plans with a view to creating more livable cities, providing a high quality of life for city residents encapsulated in Vision 2030 for Kenya.

Framework

Due to enhanced level of urbanization, sustainable development will depend on the effective management of urban growth (UN Habitat, 2018). Urban planning should bring about sustainable development and be a means of achieving a positive change in society. An urban plan should be a tool that aids the urban area to better use its financial resources by guiding investments in infrastructure and services, while balancing development in the urban area and providing a framework for collaboration between and among the urban area public and private sectors (UN Habitat, 2018). Planning enhances livability, prosperity, and equity in cities and urban areas; planned cities are better positioned to anticipate needs and coordinate efforts to achieve a commonly agreed aspiration (UN Habitat, 2014). Ideally, planning sets the foundation for urban

development and shapes the future of cities. Plans link space, processes, and resources, integrating finance, legislation, and management (UN Habitat, 2014). A good plan is measured by the success and outcomes of implementation and only through implementation are the benefits of the plan tangible to city residents (UN Habitat, 2018).

Several studies (Chirisa, 2014; Ngau, 2013; Cirolia & Berrisford, 2017; Goodfellow, 2013) focused on urban planning and the challenges of urban development. In the present study, I focused on implementation, which has received little attention; yet, the benefits of planning can only be realized after implementation. This study used path dependency theory to explore the legal framework for planning in Kenya, and the resulting institutional framework, to discern if the laws and policies established at the beginning have set a precedent and legacy from which subsequent policies and laws have been drawn. I sought to identify how laws and policies were framed and whether these laws and policies could explain the apparent weak implementation of plans. I drew on Pierson's (2000) path dependency theory to see if the laws and policies that have governed planning, first instituted by the British administration in Kenya, explained the weak plan implementation. The theory provides an avenue to interpret the influence of past events that constrain the current state of events (Tatum, 2012).

I also applied force field analysis by Lewin to help in isolating the forces that facilitated or hindered plan implementation. According to Lewin, any situation can be viewed as a state of temporary equilibrium brought about by forces that facilitate or restrain change. This theory allows for the strengthening of forces that promote positive change and reducing those forces that resist positive change (as cited in Kumar, 1999).

Research Questions

The following two research questions guided the present study:

1. How has the legal and institutional setup for plan preparation and implementation hindered plan implementation in Kenya?
2. What is the nature of the relationship between and among city executives, elected officials and the residents of Nairobi, Nakuru, and Eldoret cities in implementing urban plans?

The research questions sought to critically examine the statutes that have guided urban planning in Kenya and their provisions for urban planning and implementation. The analysis was completed to provide an assessment of the institutions charged with urban planning and their specific roles. The assessment of the laws was undertaken with particular reference to how these laws have been applied in urban plan implementation in the three case cities. I also investigated whether the evolution of these laws and succeeding laws perpetuated specific practices that were either facilitative or a hindrance to plan implementation.

Nature of the Study

This study sought to develop a comprehensive understanding of the barriers to implementing urban plans in Kenya. Based on the problem statement and the research questions, this was a qualitative study owing to its complex and exploratory nature. I chose a case-study methodology because it allowed for an in-depth examination of legislation and the institutional structure for implementation of urban plans. The study entailed the review of laws related to urban planning, document reviews, review of past plans to determine their provisions, and assessment of the level of implementation. I

conducted interviews with city officials who are responsible for some aspects of implementation. In addition, I assessed the capacity of each city for plan implementation, examining staff, and financial capacity. In the study, I conducted interviews with officials of the Kenyan national government who have been responsible for urban development and planning. The goal was to develop a comprehensive understanding of the policy and legal framework for planning and urban development and any barriers that exist. The interviews yielded a broad range of information that was cross-referenced with findings from city officials and document reviews. These interviews yielded a clearer understanding of plan implementation in Kenya and provided insight into the relationships among various actors in the implementation of plans.

Types and Sources of Information

Data were sourced from the following:

1. Laws that guide urban planning in Kenya
2. Various urban plans of Nairobi, Nakuru, and Eldoret
3. Interviews with each city's officials in the executive and legislative arms
4. Interviews with Kenyan national-government officials

Limitations

One critical feature of qualitative research is that the researcher is the instrument of data collection. I have served in the urban-planning sector in Kenya for many years and am familiar with the trends and practices in the field. I was well aware that, being an instrument for data collection, my experience could introduce bias into the study. Being self-aware of this possibility prompted me to be careful not to infuse my ideas into the study. Being self-aware made me cautious when recording interviews, and served to limit

any bias. I also asked open-ended questions and listened keenly to responses from research participants to ensure I heard the responses clearly. Thus, I separated my views from those of the research participants. The choice of three cases in this study was useful in providing a deeper understanding of the research questions, particularly for cities with populations greater than 300,000 people. However, the findings may not be generalizable to all urban centers in Kenya.

Implications for Social Change

Study findings may be useful in informing planning authorities on how to restructure the preparation and implementation of urban plans. Enhanced implementation of urban plans is necessary because cities are now becoming magnets for investments and transformation. The persistent poor state of urban areas in Kenya does not augur well for a country that aspires to have competitive urban spaces with a high quality of life for its people. Although current legislation has required planning, research findings may contribute to improved knowledge of the phenomenon of weak plan implementation. This could lead to the identification of strategies to enhance the implementation of plans, rendering urban areas more livable and sustainable, and aligned with the New Urban Agenda. Study findings may offer a fresh impetus to planners to improve the quality of plans they prepare, making them more responsive to societal needs.

Summary

Chapter 1 presented the background and framework for this qualitative case study, aiming to gain an understanding of what hinders implementation of urban plans in Kenya. One goal was to discern whether the laws that govern urban planning and the relationships among the various actors in planning could be a source of these barriers.

Path dependency and force field analysis were used as lenses through which the data for this study were viewed. Current literature on Kenya has largely focused on challenges facing urban areas, but a dearth of studies focus on urban-plan implementation. Chapter 2 delves into peer-reviewed literature to inform the research questions.

Chapter 2: Literature Review

The benefits of urban planning can be realized only upon implementation of plans. With a long history of planning, urban areas in Kenya have not demonstrated that they have benefited it. Therefore, this study endeavored to identify the factors that have hindered urban-plan implementation. Urban planning in Kenya can be traced to colonial times when Kenya borrowed the legal framework that guided planning practice from Britain. Subsequent laws have sustained some features of these early laws. Because law guides planning, an assessment of the laws and their provisions, including the institutional format, shed light on the matter. Although various regimes of planning laws have been applied over time, it could be possible that these laws have perpetuated a defect that hindered plan implementation.

Literature Selection

I sought literature for this study using key search words such as: *urban planning*, *plan implementation*, *policy implementation*, *barriers to implementation of urban plans*, *Path dependence*, *Force field analysis*, *planning theory*, and *implementation theory*. The following databases were searched: SAGE Journals (formerly SAGE Premier), ScienceDirect, Thoreau multi-Database search, Political Science complete, ProQuest Central, Taylor and Francis online, Dissertations &Theses @Walden and ProQuest Dissertations &Theses Global. From these databases, the following journals were accessed: Planning Theory and Practice, Journal of American Planning Association, Journal of Settlements and Planning, Planning Theory, Planning Practice and Research, Public administration, Journal of Planning Literature, Journal of Environmental Planning and Management, Environment and Planning B:Planning and Design, Urban

Development and American Political Science Review. I also obtained government publications from Kenyan government offices and on Kenyan government websites.

Purpose of the Literature Review

The purpose of the literature review was to examine, analyze, and synthesize literature on urban planning and implementation. This effort was conducted to gain a comprehensive understanding of the implementation of urban plans and to identify the preconditions for effective implementation of urban plans in Kenya, drawing from lessons gained from studies conducted in other jurisdictions. The literature review also focused on the benefits of urban planning and built on the new impetus gained from the Kenya Constitution of 2010 and the New Urban Agenda. The review also sought to reveal the thrust of the literature on urban planning and implementation and thereby to establish a foundation for the study.

Urban Planning

Planning is the general action that organizes a sequence of activities to achieve a desired end state to which the people of a particular area commonly agree (Hall, 1992). Cirolia and Berrisford (2017) defined planning as the making of an orderly sequence of actions that lead to the achievement of stated goals. The purpose of planning is to guide activities in the midst of uncertainty and to provide a basis for future decision-making (Faludi, 2004).

Urban planning is a framework that helps leaders transform a vision into reality. Plans enable cities or urban areas to pursue their visions and develop them in an orderly manner. Plans help stakeholders anticipate needs, coordinate efforts, and determine a path for a future that rallies people together. The goal of urban planning is to enhance

livability, prosperity, and equity (UN Habitat, 2014). People use urban planning to promote the welfare of current and future residents by creating an environment that is healthful, equitable, efficient, convenient, and attractive (Harris, 2008; UN Habitat, 2014). In addition, plans, as outputs of the planning process, give meaning and value to the planning profession and have been equated to the currency of this profession (Ryan, 2011). However, plans in Kenya have not received the necessary attention (Ryan, 2011).

Planning is a means of land-use control that serves the double role of an instrument to liberate and an instrument of oppressive control (Enemark, Hvingel, & Galland, 2014). Although some view planning as serving the public interest, others see it as restrictive, in that land-use planning could foster the exclusion of those who are disadvantaged and fail to serve the public interest (Enemark et al. 2014). Hopkins and Knaap (2016) focused a study on plans and not on the processes of plan making, whereas Berke et al. (2006) sought to discover how plans influence decisions to grant or refuse development permission. Berke et al. further examined the level of influence of implementation practices adopted by the planning agencies. They assessed the capacity of permit applicants and the agencies that received the applications. In addition, Berke et al. examined how the quality of plans and the capacity of planning staff interacted to influence actions on implementation by the applicants. They appraised how the interaction brought about successful permit reviews and how the decisions made on the issues were addressed by the plans. Chirisa (2014) identified challenges faced by developing countries in implementing urban-development plans; they found the greatest challenge was a scarcity of reliable information and of accurate statistical information required to prepare realistic plans.

Most policy-implementation research focused on economic, social, and health policy, but little on the physical and spatial spheres, land-use planning, and the built environment (Berke et al., 2006). Little work was conducted on linking plans and plan-implementation practices to the resulting urban form. This dearth of studies in implementation of spatial plans led to a gap in determining whether planning programs yielded success or failure.

Urban Planning and Development in Kenya

Urbanization has the potential to improve the economy and living conditions of all people; urbanization and economic development reinforce one another. Urbanization in Kenya was propelled principally by agricultural advocacy rather than industrial promotion (Cira et al., 2016). Urban areas contribute to an estimated 70% of the GDP in Kenya, demonstrating the need to better manage urban areas to harness their huge potential (Cira et al., 2016; Government of Kenya, 2015). Kenya was seen to be at the nascent stage of urbanization, but projections indicated that about half the population was poised to live in urban areas by the year 2050 (Government of Kenya, 2015). In 2018, 27% of the population resided in urban areas (UN Habitat, 2018). This figure grew from 8% in 1963 and was estimated to be growing at the rate of 4.3% annually (Government of Kenya, 2015; Kenya National Bureau of Statistics, 2012).

Urban areas are characterized by sprawl and poorly functioning land markets, and do not portray an image of being regulated effectively by land-use plans. Researchers attributed this situation to several factors including a land administration and urban-planning system inherited from colonial governments. These systems were intended to

serve European cities and not African cities (Cira et al., 2016, Government of Kenya, 2016).

Evolution of Urban Development in Kenya

Colonial Period

The urban system in Kenya traces its history to the colonial period, when towns facilitated exploitation of the country's natural resources. This urban system was confined to the Mombasa–Uganda railway line and its branches, excluding other areas that fell outside the corridor. Formal urban development in Kenya aligned with the construction of the Mombasa–Kisumu Railway line (Government of Kenya, 2016). Even as these urban centers emerged, colonial policies in force at the time restricted local residents from moving to urban centers, and these laws also prevented ownership of land by the local citizens in urban areas. Kenya borrowed the laws governing urban planning and development from their British colonizers.

The Colonial Legal Framework

The British administration that governed Kenya instituted the Town Planning Act and the Crown Land Act to control land use in the East African protectorate. The two statutes put all land in Kenya under the authority and power of the governor. These two acts focused on managing land in urban areas. The Town Planning Act of 1931 legislated control of development in towns (Government of Kenya, 2016). The development and use of land (planning) regulations of 1961 made provisions for planning and development of land and required development applications to have regard for health, amenities, and convenience, and adhere to proper planning for the permitted densities in the area.

Colonial planning laws focused on managing land in urban areas and areas that were inhabited by White settlers, leaving areas settled by Africans to unregulated development (Government of Kenya, 2016). The 1948 Nairobi master plan mainstreamed racial segregation and focused on creating a modern commercial center with an industrial area providing a vast network of roads and housing to accommodate African workers. The master-planning approach became the standard planning framework in most towns in Kenya, but this approach was found to be too rigid, time consuming, and weak on implementation (Nairobi City County, 2014).

Post independence Period

Upon independence in 1963, the rules that restricted locals from migrating to cities were lifted and the country experienced a huge influx of people into major urban areas, seeking employment. This situation triggered urban challenges in Kenya, which included proliferation of informal settlements, unemployment, congestion, and strain on services like water and sewer. The government made initiatives to extend the urban system into other areas that were hitherto still rural in nature (Government of Kenya, 2016).

The main guiding policy for planning in post independent Kenya was Sessional Paper Number 10 of 1965 on “African socialism and its application to planning in Kenya” (Republic of Kenya, 1965). The policy emphasized the role of planning in the national development process and leveraged the African traditions of mutual social responsibility and harnessing political democracy (Government of Kenya, 2016). The policy identified the main developmental challenges that faced the country at the time: poverty, disease, and ignorance. The policy targeted development efforts to areas of high agricultural

potential with populations perceived to be receptive to and active in development. The main activities prioritized by the Kenyan government sought to ameliorate the three challenges of poverty, disease, and ignorance. While adopting this strategy, it was expected that other areas perceived to be of low potential would benefit through a trickle-down effect.

This policy further recommended the formulation of a national land-use policy and the extension of planning from cities and towns into the rural areas. These policy recommendations were, however, not implemented (Government of Kenya, 2016). Subsequent 5-year national-development plans emphasized the integration of economic, physical, and social planning.

The 1970–1974 National Development Plan conveyed an urban agenda through the service-center strategy (as cited in Government of Kenya, 2016). This strategy built on provincial studies undertaken between 1967 and 1973, culminating in provincial physical development plans. This policy sought to redistribute urban development from Nairobi and Mombasa to smaller towns, to attain regional balance (as cited in Government of Kenya, 2016). However, the interventions were not supported by financial allocations.

The 1974–1978 National Development Plan dedicated an entire chapter to urban development. The plan articulated the country's urbanization policy and designated various categories of urban centers (as cited in Government of Kenya, 2016). These categories of urban centers were consolidated in the Human Settlement Strategy of 1978: the first comprehensive national framework to manage urban development in the country (Government of Kenya, 1978). The Human Settlement Strategy was formulated against a

backdrop of strong emphasis on agriculture development at the expense of urban development and urban areas were viewed as parasitic.

The 1979–1983 National Development Plan sought to build on service centers and provided guidelines for the location of infrastructure services at the various categories of urban centers (Government of Kenya, 1979). The economic crises of the 1980s necessitated additional consideration of economic strategies, ushering in Sessional Paper Number 1 of 1986 on “economic management for renewed growth” (Government of Kenya, 1986). The 1984–1988 National Development Plan introduced the district focus for rural development, which gave way to district planning. The purpose of district plans was to guide development in districts by identifying opportunities and potential. The plans aimed at developing an urban hierarchy in the district. The focus was to identify key centers to spur development in the rural areas. Regrettably, the plans were not anchored on a spatial framework, which led to a haphazard location of projects (as cited in Government of Kenya, 2016).

The 1989–1993 National Development Plan introduced rural trade and production centers intended to stimulate growth of small centers and agricultural development of their hinterlands (Government of Kenya, 1989). During the 1980s and the 1990s, the Department of Physical Planning prepared various plans for urban areas aimed at indicating land use in selected urban centers. The main purpose of the plans was to guide development and to serve as a basis for development control (Government of Kenya, 2016). The economic crises of the 1980s made it difficult for any improvement to be made in urban areas (Government of Kenya, 1989). These past policy proposals did not yield the desired outcomes. The Omamo Commission found that urbanization that is not

guided by sufficient planning and infrastructure development relegated many people to informal settlements (Omamo, 1995).

The Human Settlement Strategy provided an overall framework for the management of future urban growth and emphasized service and growth-center policies (Government of Kenya, 1978). The focus of these policies was to improve quality of life through the provision of basic services and stimulate growth in selected urban areas to dissuade rapid rural–urban migration into the larger cities of Mombasa and Nairobi. During this time, the clarion call from the top leadership was “Rudi Mashambani” (return to the farm). This clarion call is a clear demonstration that top leadership at the time was still in denial about the trends of transformation of the country from rural to urban. Leaders formulated this strategy when the country was experiencing rapid urban growth at 3.5% per annum, yet urban areas were not seen to be of much importance; rather, urban areas were viewed as parasitic and dependent on productive agriculture areas. Owing to scanty implementation of the strategy, little benefit was derived and the human-settlement challenges continued to escalate.

During the 1980s and the 1990s, the Kenyan Government, through the Physical Planning Department, continued planning urban areas. However, these efforts were thwarted by inadequate implementation, owing to limited financial resources and the mounting pressure to apply Part Development Plans (PDP) in urban areas. The PDPs were mainly used to allocate public land for private use. The use of PDPs, most of the time, contravened sites’ planned requirements (Government of Kenya, 2016; Ngetich, Opata, & Mulongo, 2014).

Kenya Vision 2030 aspires to move Kenya to middle-income status with a rapidly industrializing economy offering a high quality of life for citizens by the year 2030 (Government of Kenya, 2007). The Second Medium Term Plan identified the challenges of high population growth rate coupled with rapid urbanization, rising costs of housing, and the consequences on socioeconomic development. The plan articulated the commitment of the Kenyan Government to address these challenges (Government of Kenya, 2013). The Second Medium Term Plan emphasizes the need for a comprehensive policy framework for rational planning that provides an appropriate legal framework for development and management. Further, this policy advocates application of requisite technology to promote sustainable urbanization, facilitating the realization of the aspirations in the Kenya Vision 2030. The urban population rose from 5.4 million in 1999 to 12.2 million in 2009 and increased to more than 14 million in 2012. The urban population is currently at 13.8 million, accounting for 27% of the total population (UN Habitat, 2018).

Urban growth occurred against a backdrop of a lack of comprehensive urban policy, posing a challenge to the achievement of sustainable urban development. In addition, policies related to urban development were framed in the context of the broader national and sectoral development plans and policies adopted by the Kenyan government after independence. These policies and plans aimed to reduce rapid population growth in major urban centers while promoting the growth of small and medium-sized urban centers.

Genesis of Governance of Kenya's Urban Areas

Kenya's urban areas were governed under the Local Government Act (repealed), which provided for the creation of various local governance units such as urban councils, town councils, and municipal and city councils. The local-government system was regarded as a common feature in public administration throughout the world (Barasa & Eising, 2010). Kenyans practiced this type of governance of urban areas until 2013. The British colonizers introduced this system of governance to Kenya primarily to serve the interests of colonial governments (Barasa & Eising, 2010).

The system of local government Kenya inherited at independence did not embed community interests, and the functions of the local government were mostly administration and regulatory in nature, with little structure for self-determination. Strategies for development were anchored in central planning principles with development responsibilities concentrated at the central government; local authorities were largely excluded from planning and implementation activities. This construct persisted after independence (Barasa & Eising, 2010).

The Local Government Act (1965) delegated functions to local governments from the central government. Local governments received grants to undertake functions including education, health, and roads. Local authorities also raised revenue from local resources to enable them to provide services to their people. Local authorities, however, suffered, due to low revenues; much of the money went to financing recurrent expenditures. Most local authorities remained in debt and provided poor services. This status occasioned the Kenyan government to appoint a Commission of Inquiry on Local Authorities in 1995. The Commission developed recommendations for local government

reform in Kenya (Barasa & Eising, 2010), paving the way for the Kenya Local Government Reform Programme, which effected several changes in local authorities.

A key introduction was the Local Authorities Transfer Fund. The process of allocating this money to the local authorities was through council meetings, and, fulfilling certain performance conditions, key among these was the preparation of a Local Authority Service Delivery Action Plan. The main role of local authorities was to plan and protect the well-being of residents through the delivery of services.

Under the Local Government Act, local authorities were to perform a broad range of functions including establishing and providing for markets, sanitary inspection, refuse disposal, control of vermin, and control of slaughterhouses and slaughter slabs. Further, local authorities were to provide public conveniences, burial grounds, crematoria fire services, a fire brigade, public transport, and control of offensive and noxious industries. Additionally, local authorities were tasked with registering births, deaths, and marriages as well as providing community and local recreation centers, parks, gardens, public spaces, public housing, other forms of infrastructure, street naming, street lighting, town planning, development control and enforcement of bylaws, and afforestation.

The council in local authorities constituted the policymaking body, whereas officers headed by the town clerk comprised the executive arm. Some challenges local authorities faced included weak institutional and legal frameworks, overlaps in oversight and management of local authorities, and multiple reporting accountabilities. The Public Service Commission recruited and supervised chief officers, disciplined by the Ministry of Local Government, making officers less accountable. Further, political interference was a challenge because nominated councilors owed allegiance to the minister whereas

those elected owed allegiance to their political parties. This challenge was quite glaring in local authorities where sharp political divisions brought about infighting, which affected service delivery. At other times, personnel were hired without consideration of their ability to perform the assigned task (Barasa & Eising, 2010).

Post independence Legal Framework for Planning in Kenya

The legal framework that has been guiding the development of urban areas since 1965 was the repealed Local Government Act and the Physical Planning Act (KNBS, 2012). The Kenya Constitution of 2010 introduced devolution and created 47 county governments. Further, the constitution assigned county governments the responsibility to undertake urban planning and all other types of planning. Devolution therefore provided an avenue for reform in urban planning and land-management institutions that previously had been highly centralized, technocratic, and largely non-participatory, thereby rendering urban planning ineffective (Cira et al., 2016). Development control was a key weakness in the planning system in which development had taken place, contravening plans.

Laws that guide devolution are the County Governments Act of 2012, the Urban Areas and Cities Act of 2011, and the Transition to Devolved Government Act of 2012. The County Governments Act of 2012 contains a section on county planning and stipulates the types of plans that county governments may prepare in urban areas in Section 111 of the Act guides the approval of plans. The Urban Areas and Cities Act, in Section 36 clearly stipulates that all urban areas with resident populations of 2,000 people shall engage in planning and every urban area shall operate in the framework of integrated-development planning.

Conceptual Frameworks

The conceptual framework used in this study derived from the desire to gain a comprehensive understanding of the hindrances to the implementation of urban plans, focusing on the institutional and legal tenets of plan preparation and implementation in Kenya. Kenya did not derive benefit from a long history of urban planning, dating back to the colonial period. Rather, urban areas exhibited a character at variance with the attributes of planned cities, featuring informality in housing and commerce, traffic congestion encroachment on public open spaces, and inadequate services.

The purpose of urban planning is to create order, harmony, livable cities, efficiency, and aesthetics. With a long history of planning, why are Kenyan urban centers characterized by disorder and informality? What explained the apparent weak or poor implementation of urban plans? Could this weakness be attributable to preceding decisions and policies in which the Kenyan government became locked? Path-dependency theory (Pierson, 2000) and force field analysis (Lewin, 1951) are a suitable lens through which to examine this issue. Although path-dependency theory addresses what explains resistance or reluctance to implement plans, force field analysis identifies hindrances to plan implementation.

Path Dependency Theory

Path dependency is the tendency that a past tradition, practice, or preference will pervade over time, despite the availability of better alternative ways of doing things (Stuteville & Jumara, 2010). Legacy influenced land-use patterns in areas that have a long history of planning (Brown, Castellazi, & Feliciano, 2014). The effects of legacy were seen in the general concept of path dependencies, as existing social practices

exerted strong influence on future outcomes as a result of past history. In a land-use system, this theory implies that in the coming decades, path dependency could have an important role in deciding the level of achievement of policy objectives. Path dependence may be viewed in light of six “P’s” that, in combination, work together to influence land use decisions (Brown et al., 2014). These six Ps were elaborated by Slee, Brown, Donnelly, and Gordon (2014) as price, public goods, preferences, path dependencies, policies, and power.

The origins of path dependency trace to economics; however, the term has also been used in public policy, politics, and institutional economics, indicating it has been applied in a wide range of disciplines. This concept aligns with the observation that some laws, rules, and institutions have included disincentives for change because a perception existed that much had been invested in the current way of doing things (Booth, 2011; Stuteville & Jumara, 2010). The theory provides a rational way to interpret historical phenomena and the influence of past events because it rested on the notion that path dependency characterized historical sequences in which the current state of events was constrained by history (Tatum, 2012). In this case, subsequent actions or events were viewed as reactive, indicating resistance to change, unless circumstances compelled change. The events became path dependent due to a perceived benefit in continuing to do things in the same way.

Booth (2011) noted that path dependency seemed to be presented in a linear manner starting from an event that occurred at a particular time in the past and was perpetuated into the present. In urban policy and spatial planning, exploration of this trend started from the present and retraced to a point when a path was established. This

process of establishing a trend entailed unraveling a pattern or sequence to a decisive point when a particular path was established.

Gains, John, and Stoker (2005) highlighted that insight from path dependency was that increased returns that actors receive as they proceed along an established path encouraged them to perpetuate the same path. Plan implementation depended on institutional structures and hinged on the notion that the choices made at the point of creating an institution or during policymaking has a perpetual and determining influence well into the future. In their studies, Gains et al. found that attributes of past institution systems were replicated in most succeeding systems. Stuteville and Jumara (2010) applied this theory to public administration to show limits to reform attributed to institutional constraints. In their study, the researchers highlighted that the traditional doctrine put in place by Wilson and Weber became largely difficult to change and that subsequent scholarship and practice in the area derived from this and was perpetuated in a similar manner as the QWERTY keyboard. The present study applies path dependency theory to determine whether present circumstances in implementing urban plans was conditioned by preceding events, policies, and laws adopted from colonial and independence periods.

Force Field Analysis

Mulder (2017) noted that Lewin's model of force field analysis provided a platform to analyze the change process and identify forces that either propelled change or acted as barriers to change. Force field analysis, originally created by Lewin, stated that all change came as a result of certain forces in a field or in a particular environment. This theory was originally developed in physical sciences to analyze physical phenomena, but

Lewin expanded it into the area of psychology. Force field analysis theory identifies and analyzes causal relationships and applies scientific constructs to those relationships.

Lewin's force field model provides understanding of individual and group behavior determined by motivation and intention. Lewin (1951) identified two dynamic forces that impact change processes: driving forces that propel change in a positive direction and encourage change and static forces that maintained the status quo, dubbed restraining forces.

Driving forces may result from external forces that compelled change or from internal problems or a desire to improve a situation. Restraining forces, in contrast, may have prevented change from occurring by creating barriers, such as concerns that a project will fail, past negative experiences resulting in unsuccessful change, or even the fear of losing the present state of contentment. For change to occur successfully, driving forces needed to be strengthened in favor of the change while restraining forces need to be weakened. Change happens when driving forces exceed restraining forces. In this case, barriers may be self-imposed to protect and preserve convention rather than to face a new and uncertain situation. Integrating Lewin's force field analysis model and path dependency theory, Pierson (2000) provided a suitable framework for this study.

Implementing Urban Plans

Literature on implementing urban planning has focused more on regulation of land development, which seems to be the core implementation tool that planning agencies have in their ambit (Cirolia & Berrisford, 2017). Regulation, however, is one aspect of implementation: to complete the regulation of land development, a need existed to invest in infrastructure and land-allocation mechanisms. Cirolia and Berrisford (2017)

considered three plan-implementation tools: regulatory controls, development of physical infrastructure and land governance. Regulatory controls were rules that showed how land in a particular area could be developed. Regulations consisted of building codes that related to the development of physical infrastructure, such as road width, public spaces, service levels, zoning regulations including minimum lot sizes, and subdivision regulations.

Planning focused on development control, which entailed enforcing regulations (Chirisa, 2014). The focus on development control caused the public to resent planning as being control-centered and not facilitative. Infrastructure investment entailed the development of urban services such as water, sanitation, electricity, and road development, including infrastructure aimed at opening new areas or increasing capacity of infrastructure where intensified development was anticipated.

Land governance comprised the set of institutions and mechanisms that allocated land to appropriate uses in urban areas. These included property rights, land valuation, and rules that control property development. Although economists argued that market-based systems allocate land based on the principle of best and highest use, implementation was a much more complex undertaking (Cirolia & Berrisford, 2017). The flouting of plan provisions and non-implementation were the main sources of inertia, using planners as the scapegoats (Chirisa, 2014).

When engaged in planning, planners learned from the past to manipulate the present to produce a desired future state (Chirisa, 2014). Planners need to put in place various categories of plans and related resources to avert uncoordinated urban development; planning without implementation is a waste of time and valuable resources.

The plan-preparation process should take a short time to allow for the pragmatic implementation of the plan. The plan, in essence, should be a source of advice for the state and the market on the direction to take in development. Further, the planning process takes a protracted duration of time, allowing development to precede plan approval and implementation (Chirisa, 2014).

Rauws and De Roo (2016) sought to discern the conditions of development that strengthen the adaptive capacity of cities and how planning can direct these conditions. The researchers aimed to identify the dilemmas encountered by planners in the public sector when analyzing the adaptive-planning approach. They explored a complex science perspective regarding cities and promoted the idea that the public should view cities as open systems that evolve through a series of complex and interrelated processes consisting of anticipated and unforeseen triggers for change in the global sense. These triggers may include rises in sea level, economic crises, formal and informal responses at the local level such as policy shifts, and citizen initiatives.

Factors That Influence Plan Implementation

Ebi (2015) investigated institutional, socioeconomic, environmental, and vulnerability characteristics of cities as having the potential to act as barriers or drivers to the development of climate-change plans. The author found that institutions offered support for implementation by providing the much needed political goodwill, institutional capacity, financial resources, and technical know-how. Warren (2009) stated that connecting plans or regulations to the actual built form was unclear and unmeasured. The author set out to establish whether design-oriented zoning was effective in shaping urban

form. Kristie measured the gap between what was actually seen and the vision of city leaders and how much impact zoning regulations had on the physical form of a city.

Lyles et al. (2016) recommended the use of three concepts of plan implementation: plan conformance, plan influence, and plan performance to aid in deepening understanding of how and why plans and planning failed or succeeded. Conformance-based approaches mean judging success or failure using set criteria to determine how outcomes in fact conform to planning proposals. Laurian et al. (2004) sought to find out the determinants of plan implementation. The authors observed that factors that may affect plan implementation may be internal to the plan, such as plan quality, or external to the plan, such as characteristics of the planning agency, including institutional structures and interactions between planning staff and developers.

Cirolia and Berrisford (2017) highlighted the importance of spatial planning as an antidote to the ills that face rapidly urbanizing cities. This important role of planning has been buttressed by the New Urban Agenda. The common dictum was that planning has failed in Africa, with planning characterized by centralized plan making, rigid regulations, inadequate implementation capacity, human-rights abuses, and corruption. The authors explored plan implementation in three cities focusing on the three implementation tools of investments in infrastructure, regulation of development, and land allocation. They argued that plan implementation is negotiated through a series of persistent and power-laden compromises, contests, and deals among various arms of the state, civil society, and local and international private sectors.

Pressman and Wildavsky (1973), in their seminal work, defined success in plan implementation to mean meeting policy objectives through compliance with the plan. The

authors drew a parallel with the public-administration field in which implementation was credited with bringing about the field of policy analysis, which itself evolved from assessing outcomes to explaining implementation. Planning, in contrast, did not make this transition, due to a dearth of data and methods, which made it difficult to negate allegations of plans being “stillborn” and empty paper that was not put to action (Kinzer, 2016).

In plan implementation studies, the central question should focus on whether the plan shapes future development (Talen, 1996). Further, despite active research in the fields of political science, public administration, and management science, the same has been lacking in the field of planning (Talen, 1996). During the last 40 years, public-policy scholars were keen to understand the factors that contributed to successful policy implementation (Lyles et al., 2016). Little attention was directed at the implementation of spatial plans that related to the built environment, perhaps due to “new plan syndrome” in which plans found to be inadequate were reviewed or updated without a critical review of the reasons that made the plan inadequate (Lyles et al., 2016; Talen, 1996).

Byambadorj, Amati, and Ruming, (2011) found that Mongolian cities were experiencing rapid urbanization as people left their traditional rural homes for urban areas. This process was fairly recent, having begun in the second half of the 20th century. The government of Mongolia initiated a program of land reform and master planning as instruments for effective management of Mongolian cities. The researchers explored the challenges brought about by the interaction of the two policies in urban land use, highlighting the interconnectedness of land-reform processes and urban planning. Byambadorj et al. noted the need to address several issues to enable both systems to work,

such as appreciating the urban form in all its manifestations, including informal settlements. Further, the study highlighted the need for urgency and good timing in planning. Results showed that in Mongolian cities, urban development controlled by politicians motivated by self-interest should be avoided. A disregard for planning needs resulted in application of poor building standards and an emergence of a black market in land. The authors found it necessary to address the legal and procedural framework for land reform and urban development. A formulation of laws was necessary to regulate land administration and urban-planning procedures, as well as the need to coordinate and synchronize the preparation and implementation of master plans and land-use plans, and make them legally binding.

Ahmad and Anjum (2012) acknowledged that urban plans were prepared in Pakistan since the 1960s, but the plans failed to yield desirable results. As a result of the failure of the plans, urban growth occurred spontaneously, due to rapid land-use conversion. Further, legal support, institutional frameworks, and effective development-plan policies were critical components of planned urbanization process. The authors traced the genesis of policies that govern urban areas in some developed countries. In Europe, institutions were established to formulate uniform rules and regulations that curbed laissez faire urban growth. In Britain, the Town and Country Planning Act of 1947 guided urban development. This law required all developments to obtain planning permission (Ahmad & Anjum, 2012). The power of an institution and its functions can be a fundamental barrier to effective city-wide development efforts. Despite attempts to train urban managers to be more responsive in managing cities, the need continued to make changes to institutional and development-plan practices. In Pakistan, multiple institutions

that oversee development at the local levels had overlapping mandates. The authors reviewed and evaluated the institutional powers and functions assigned through existing legal and regulatory framework at national, provincial, and local levels to identify loopholes and gaps in the system. Pakistan thus continued to operate under British-inherited structures of municipalities, cantonments, and improvement trusts until the 1960s (Ahmad & Anjum, 2012). This failure of plans to yield the desired results prompted the present study to find out the real causes of the problem.

Definition of Barriers

Barriers are obstacles that are surmountable through direct effort, innovative management, alteration in the way of thinking, reallocation of resources, change in land use, and change in the institutional setup (Ebi, 2015). In distinguishing barriers from limitations, the latter were insurmountable, such as biophysical factors. Planning barriers can be solved through the application of certain measures and actions to make plan implementation more effective. Drivers or enablers mitigated barriers (Ebi, 2015).

Planners desire to see the plans they prepared be implemented; however, this is rarely the case (Kinzer, 2016). To test the widely held belief that public participation in planning enhances the implementability of plans, Kinzer (2016) sought to understand why empirical understanding of the overlap between public participation and implementation was limited. The author thought that well-organized public participation consolidated all actors in plan preparation, thereby increasing consensus and commitment and, in turn, providing impetus for plan implementation. Public participation in planning is beneficial to planners as it infuses local knowledge, improving the information

available for planning. This participation renders the resulting plans more responsive to problems the planner sought to solve (Kinzer, 2016).

Kinzer (2016) documented various barriers that worked against implementation, despite public participation: persisting disagreements, exclusion of stakeholders, political interference, change of circumstances during implementation, and a disconnection from existing policies and programs. Plan implementation was undertaken in a rudimentary manner. A barrier to a deeper understanding of the role of public participation was a lack of a common definition of what constitutes successful plan implementation.

Evaluating Urban Plans

Planners need to develop their own methods of evaluation that are responsive to relevant physical and spatial spheres and, in particular, that focus on guiding the future development of cities (Talen, 1996). Planners may not be able to determine whether plans were implemented or, when implemented, to what degree. Evaluation of plan implementation was undertaken in jurisdictions, such as Israel, The Netherlands, New Zealand, the United Kingdom, and the United States. Two perspectives of plan implementation evaluation emerged: conformance and performance (Lyles et al., 2016). Plan evaluation depends on a clear identification of the phase of a plan during evaluation. Planners prepare plans to serve as blueprints or land-use guides or to set agendas and strategies. Therefore planners needed clear knowledge of the purpose and use of the plan, so the knowledge can guide them in determining the criteria to use in evaluating the plan (Lyles et al., 2016).

Little work had been done to evaluate plan implementation, requiring the involvement of stakeholders (Morckel, 2010). Knowing the outcome of plans would

justify the continued need for planning, as mandated to governments at different levels, to respond to various societal demands for results and to legitimize the planning profession. The evaluation of plan implementation differs from evaluating the quality of a plan. Plan implementation is crucial because a plan that was not implemented has no value (Morckel, 2010).

In appraising the evolution of plan evaluation over the last 5 decades, Oliveira and Pinho (2010) identified various methods of plan evaluation and noted that a Planning Balance Sheet Analysis surpasses cost-benefit analysis. Evaluating planning practices is complex, yet is an essential component in planning, lending credence to the planning profession by assessing the effectiveness of plans. Oliveira and Pinho used the Goal Achievement Matrix to evaluate urban plans in Great Britain.

Two types of evaluation are conformance- and performance-based approaches (Alfasi et al., 2012, Lyles et al., .2016; Morckel, 2010; Oliveira & Pinho, 2010). A conformance-based approach refers to determining the success or failure of a plan using set criteria, whereas a performance-based approach references how the plan influenced outcomes, such as land-use patterns. Those who favored conformance-based approaches opined that a plan was deemed implemented if the development patterns adhered to the policies contained in the plan (Morckel, 2010). A performance-based approach, in contrast, focused on the planning process and viewed a plan as a guide for future planning decisions rather than as a blueprint. The main shortcoming of a performance-based approach was that it focuses on the process rather than on the plan (Morckel, 2010).

Planning researchers used evaluation to acquire an understanding of whether plans guided decisions. The planning field has lacked a definition of implementation and

disagreements abound on how to measure plan implementation. Additionally, theoretical framing of plan implementation is lacking (Talen, 1996). Despite active research on implementation in fields such as political science, public administration, and management science, planning has lacked such research. Further, planning needs to develop its own methods of evaluation that respond to physical- and spatial-oriented spheres, and particularly that focus on guiding the future development of cities (Talen, 1996).

Planning is perceived as a holistic process covering preparation, approval, and implementation, construed to mean the whole process from plan preparation to plan implementation (Talen, 1996). However, it is important to distinguish between *plan* implementation and *planning* implementation. Talen (1996) aimed to determine the extent to which plans had been fulfilled and whether development adhered to plan provisions. The author observed that empirical analysis of the impact of plans can be traced back to the 1950s, when Meyerson and Banfield analyzed public housing. Thereafter, research focused on analyzing national planning to determine the efficacy of central planning.

Acknowledging that development of urban land is a product of deliberate action, planners need to understand that they are responsible for making change in the process of urban development (Talen, 1996). This perspective aligns with ancient tradition that postulated that urban form resulted from deliberate action. This view, however, conflicts with current urban-land theory, which holds that land development in urban areas results from a myriad of individual decisions. Planning theorists hold that the planning profession has the ability to direct change in the urban environment (Talen, 1996).

Sustainable Urban Development

The New Urban Agenda is a communal vision and political promise to which the United Nations has committed to facilitate and attain sustainable urban development. The New urban Agenda also offers an opportunity to harness the important role of cities and human settlements as enablers of sustainable development in a world that is increasingly becoming urban (UN General Assembly, 2017). The New Urban Agenda introduced a new standard for sustainable development, committing signatory countries to re-strategize how to plan their cities to make them engines of prosperity as well as focal points for cultural and social well-being and protectors of the environment (UN General Assembly, 2017). The global objectives of sustainability related well to sustainable urban planning, because 40% of the world's population lives in cities (Sofeska, 2016). Additionally, cities were large consumers of resources, characterized by unsustainable practices. Current planners have been called on to plan cities that are self-regulating (Sofeska, 2016).

Filion, Lee, Leanage, and Hakull (2015) sought the perspectives of urban planners involved in implementing planning in Toronto, Canada. Their study focused on obstacles that hindered the achievement of sustainable urban development. The authors examined literature that explained societal inertia, including institutionalism, political economy, and path dependence to appraise the level of convergence of responses to these approaches. Further, the researchers assessed the nature of knowledge on which planners relied in their practice. The researchers found that sustainable development was at the core of a planner's practice (Filion et al., 2015).

Filion et al. (2015), noted that the nature of urban-planning practices promotes sustainable development goals and provides solutions to urban problems. Further, planners engaged in plan preparation and implementation were well-informed about planning generally and about the context in which they operate. Despite the commitment of planners to urban sustainability, they were aware of the insurmountable obstacles confronting them (Filion et al., 2015).

Institutional Framework for Plan Preparation and Implementation in Kenya

The institutions that were charged with urban planning in Kenya were formally directed by various enacted statutes. Kenya imported the Town Planning Act Cap 134 from the UK to guide development in Kenya. The law was enacted in the context of circumstances that required substantial reconstruction and redevelopment in urban areas. This law required permission to be sought for every development and that merely owning land did not grant the license to develop.

The Act made provisions for local planning authorities and granted a broad range of powers, which included approval of planning applications or proposals. Local planning authorities were required to prepare plans for their jurisdictions within 3 years of their establishment. The law required plans to indicate how the authority intended to use the land while defining sites for proposed roads, public buildings and works, airfields, parks, pleasure fields, nature reserves, and open spaces. The plan was also meant to guide allocation of land for agricultural, residential, industrial use, and any other purposes of any class specified in the plan. Although this law made provisions for preparing plans and guided the contents of the plan, provision for implementation was vague. The drafters of the law may have assumed that planning as a holistic process entails

preparatory and implementation stages. The law was forceful on control and regulation and had a significant influence on subsequent laws enacted in Kenya.

The Local Government Act (repealed) made provisions for the creation of various categories of local authorities: municipalities, town councils, urban councils, and county councils. These local authorities were empowered to carry out a broad range of functions spanning creation and maintenance of infrastructure and utilities and providing sanitation, sites for processing plants, game parks, tourist sites, hotels, restaurants, schools, health facilities, residential facilities, and social facilities, such as children's homes, homes for people who were destitute, and sites for burial, among others. Although these facilities can best be provided based on a plan for the urban area, the law did not directly link the provision of the service and planning. A glance at Kenya's urban areas shows that services are provided in an uncoordinated manner. Further, the law emphasized land-use regulation by granting local authorities, at Section 166, the powers to prohibit and control the development and use of land and buildings in the interest of proper and orderly development. The Urban Areas and Cities Act 2011, under the new constitution, offered a deviation by requiring all urban areas to be developed in accordance with an integrated development plan.

The Land Planning Act of 1968 (repealed) represented a post-independence legal framework for planning in Kenya. The law reinforced the role of local authorities in planning and created a central authority and interim planning authority with powers to consider, approve, and enforce development applications. This law granted the minister the responsibility for land-use regulation, with the need to consider appeals when

applicants were aggrieved by decisions of the interim authority or the central planning authority.

The Physical Planning Act was enacted to provide for the preparation and implementation of physical-development plans and for connected purposes. This law deviated from its predecessors by deliberately including implementation in the purpose of the law. The law featured a number of similarities with the preceding Town Planning Act and the Land Planning Act of 1968, but created the office of the director of physical planning to be the chief government advisor on matters related to physical planning. The functions of the director include formulating national, regional, and urban-development policies, guidelines, and strategies; preparing all regional and urban plans; and requiring local authorities to ensure proper execution of physical-development control and preservation orders. The law granted the director the discretion to delegate any functions to an officer deemed competent to carry them out.

The Physical Planning Act elaborated on the content and process of preparing and approving the different categories of plans but was silent on implementation. Yet, it set as its purpose to guide the process of preparing and implementing plans. After approval, the law required the publication of a notice to inform the affected parties of the approval but is silent on the mechanisms to be put in place to ensure plan provisions are executed. The law allocated the responsibility for development control to local authorities, aligned with the preceding Town Planning Act and the Land Planning Act, appearing to equate development control to implementation.

Planning in Nairobi City

The Nairobi Master Plan (Nairobi City County, 2014) identified an array of planning issues facing Nairobi city: inadequate urban infrastructure, urban sprawl, uncontrolled urban development, and overconcentration of development in the central business district. The issues outlined were an indictment of a city that has had a long history of planning, dating back to 1906 with subsequent plans in 1926, 1948, and 1973. Further, the master plan stated that the recommendations of the 1973 master plan had not been implemented and pointed out specific areas that required intervention. Although several plans had been prepared, no study had been undertaken to evaluate the performance of each plan to determine its strengths and weaknesses, to inform subsequent actions.

Regulation and development control in Nairobi had previously been performed by the Nairobi City Council, but was presently performed under the new constitutional dispensation by the Nairobi City County (Cirolia & Berrisford, 2017). This role focused more on the approval or rejection of development applications based on the provisions of zoning plans. The zoning policy for Nairobi city was prepared in 2004, dividing the city into 20 key zones. Zoning policy built on the Physical Planning Act. Findings showed that even when sufficient grounds of non adherence to the policy or the inability of the infrastructure to support the intended development were evident, permission was still granted. This fact was attributed to what planners at the city referred to as an overwhelming need for development and political motivations. Planners were often engaged in informal agreements with developers to provide additional infrastructure,

such as schools and community halls, as prerequisites to approval of their applications (Cirolia & Berrisford, 2017).

Notwithstanding the high likelihood of plans being approved, the development-application process was still cumbersome and was often circumvented by developers (Cirolia & Berrisford, 2017). Further, failure to apply for development permission or submitting an application that was at variance with what was developed was also rampant. This failure was the reason the City County recently launched a program to regularize developments that did not received permission or were at variance with the planned requirements. During this exercise, the focus was on informal high-rise apartments and properties developed at the urban fringes (Cirolia & Berrisford, 2017).

Land-buying companies have evolved, involving individuals who pooled resources to buy land as a group with the intention of subdividing it in the future, with each member receiving a portion (Cirolia & Berrisford, 2017). Often, these subdivisions fell below required standards but were allowed to proceed. The tendency to provide retroactive approval provided a critical failure in planning and plan implementation and showed that even small-scale uninfluential individuals, once they had come together as a group, could influence the development of an urban area. In this case, planners were seen as acting after the fact and as trying to negotiate to reclaim their lost control (Cirolia & Berrisford, 2017).

Investment in infrastructure constituted a critical element in plan implementation (Cirolia & Berrisford, 2017). Nairobi suffered anti urban bias policies in which financial allocation was skewed toward perceived productive sectors, such as agriculture. No capital expenditures were dedicated to urban areas. Instead, urban areas relied on line-

function parastatals, such as the Kenya Urban Roads Authority, Kenya National Highways Authority, Kenya Power and Lighting Company, and private developers and international partners. Some infrastructure developed with the support of international partners in Nairobi including the eastern, northern, and southern road bypasses and the proposed bus rapid-transit system. Despite having the responsibility to plan and implement, the county roads department was delegated to developing residential roads, drainage, and other small projects. Donor support intended for devolution was channeled through the national government. The national parastatals responsible for large infrastructure projects had their own sector infrastructure plans. The NIUPLAN, recently completed, attempted to incorporate these sector plans (Cirolia & Berrisford, 2017).

In land management, aggressive competition existed for urban land in Nairobi. The value of strategically located land skyrocketed in the recent past. Property along major infrastructure corridors more than doubled, and across the city, property prices increased by an average of 25% annually. It is evident that government was not strong in enforcing plans. This contention is demonstrated by its retroactive action of regularizing developments that were undertaken before permission was granted. In Addis Ababa, the government had a strong ability to plan and had resources to invest in infrastructure. The state had the ability to construct and deconstruct the city (Cirolia & Berrisford, 2017).

Planning in Eldoret Town

Eldoret town is located about 300 km west of Nairobi, founded in the early 1900s by Afrikaans farmers who had travelled from South Africa. The extension of the railway line to Eldoret in 1924 spurred the growth of this town (Kathuru, 2017). Eldoret town had about 300,000 people and was projected to increase to about 580,000 people by the year

2030 (Ngetich et al., 2014). This rate of growth required proper guidance through the use of development control instruments and practices. This population was noted to have increased from 8,193 in 1948 to 197,144 in 1999 and to 289,380 in 2009. Urbanization was progressing without a national urban structure leading to chaotic, or even rogue development, and the lack of structure facilitated underdevelopment (Ngetich et al., 2014).

Several boundary changes took place in Eldoret since 1970 and three development plans were prepared to guide its growth (Korir, 2014). The 1970 physical development plan covered a 25 km² municipal area. Subsequent boundaries, in 1974, saw the expansion to 59 km, making the 1970 plan inapplicable. This issue resulted in the introduction of zoning in the urban area. Municipal boundaries were further expanded to 149 km, bringing forest and agricultural land into the municipal area. Eldoret distinguished itself as an industrial hub with many agriculture-based industries locating there from as early as the 1930s. Some early industries are East Africa Tanning and Extract Company; Kenya Cooperative Creameries; Unga Group Ltd., a holding company of nutrition manufacturers; Ken Knit, Ltd.; and Raymond Ltd., producing textiles. Many more industries were established in Eldoret between 1970 and 1990 (Korir, 2014).

Various urban plans prepared at different times with different objectives shaped the urban form of Eldoret (Korir, 2014). The 1981 Eldoret plan was a frame of reference for many years, prepared under the provisions of the Town Planning Act. In 2008, another plan was prepared but was not approved or used as a frame of reference to guide development control. The authors identified elements of urban development control that included PDPs, subdivision plans, extensions and change of users, extensions of lease,

and building plans. The implementation of these elements gave rise to the spatial pattern of Eldoret. PDPs are plans prepared on the basis of approved plans, indicating precise sites for immediate allocation or development. This instrument was, however, subject to abuse through irregular allocation of sites reserved for public use or riparian reserves for private use. Eldoret town recorded the highest number of PDPs in the year 1995 through 1996, which was perhaps when Eldoret experienced enormous encroachment onto public-utility land (Korir, 2014).

Planning in Nakuru Town

Nakuru town is located about 165 km northwest of Nairobi that prides itself as the farming capital of the country. Nakuru town was established in 1904 as a railway outpost (Government of Kenya, 2000), situated between the Menengai crater, an active volcano, and Lake Nakuru. These two features gave Nakuru an edge as a tourist-attraction area in Kenya, with the nearby Lake allowing Nakuru to be declared the first Ramsar site (designated wetland) in 1990 (Government of Kenya, 2000), making Nakuru a site of international importance. During the 2009 population census, Nakuru had a population of 307, 990 and was projected to grow to 393,101 by 2017 (County Government of Nakuru, 2018).

Summary

Cities and urban areas are centers of economic transformation, cultural interaction, and modernization. Although East Africa and Kenya were in the nascent stages of urbanization, the growth rates, statistics, and characteristics emanating from urban centers called for attention. This study sought to provide a comprehensive assessment of the barriers to implementing urban plans using the three case cities of Nairobi, Eldoret,

and Nakuru. To fill the literature gap, the study used the qualitative case-study approach to develop an in-depth understanding of plan implementation in Kenya and to unravel the barriers that hindered implementation.

Kenya styled its planning system on the British planning system, derived from the Town Planning Act. Preparation for urban plans in Kenya was conducted under the Physical Planning Act, vested in the director of physical planning. Implementation was vested in local authorities, who were under no obligation to implement plans prepared by another agency. The benefits of a plan were achieved upon implementation. Urban areas in Kenya faced a myriad of challenges that indicated little or no benefit from the long history of urban planning that the country, on which the country prided itself. Most urban areas in Kenya were characterized by informality, sprawl, traffic congestion, overstretched urban services, pollution, and land degradation, among other problems. This study postulates that plan implementation was weak or inadequate, owing to the legal and institutional setup that perpetuated inherent weaknesses.

This study used path dependency theory to examine the legal system for planning and to determine whether some perpetuated system provisions could explain weak plan implementation. In addition, the study applied force field analysis to isolate the driving forces for and hindrances to plan implementation. This qualitative case study facilitates an in-depth and detailed examination of a phenomenon (as in Patton, 2015). The qualitative approach is suitable for this study because qualitative research allows appraisal of documents and assigning of meanings to various findings. The study relied on a review of documents, derived meaning from them, and further confirmed and

clarified the meaning with interviews of key information sources. The details of data collection and analysis is documented in Chapter 3.

Chapter 3: Research Method

This qualitative study sought to develop a deeper understanding of the barriers that exist in implementing urban plans in Kenya. I explored reasons that may explain the apparent weak or poor implementation of plans, evidenced by rampant informality and uncoordinated development in the urban areas of Kenya. I employed a case-study approach to gain an in-depth understanding of the phenomenon.

In this chapter, I address elements of qualitative research and consider the various approaches to qualitative research, providing a rationale for the choice of the case-study approach. I outline the role of the researcher and the systematic process of data collection and analysis. In the chapter I highlight the research questions that guided the study as well as my choice of participants, the sample size, and ethical considerations made in the study.

Research Design and Approach

Qualitative research is holistic and provides an opportunity for a researcher to understand a comprehensive view of the context of the study (Janesick, 2011). Qualitative researchers examine relationships in a system and provide an understanding of the social setting rather than predicting and controlling (Janesick, 2011). Qualitative data presents well-grounded, rich descriptions and explanations of human processes (Miles, Huberman, & Saldana, 2014). Findings from qualitative studies, when well-analyzed, are far more convincing to policymakers, researchers, and practitioners than large volumes of quantitative data (Miles et al., 2014).

However, qualitative researchers have been criticized for requiring much more time in the field for collecting extensive data, as well as for conducting analysis prone to

researcher discretion, compared to quantitative researchers (Creswell, 2013; Miles et al. 2014). Furthermore, qualitative studies typically involve very small sample sizes, posing challenges to the generalizability of findings. The role of the researcher is crucial because the researcher carries biases, beliefs, and values into the research. Qualitative studies rely on the researcher as an instrument and participants as co researchers (Janesick, 2011). Qualitative research is appropriate when a problem requires exploration and contains variables that cannot be measured (Creswell, 2013).

Each of the five typical approaches of qualitative studies has a clear distinguishing feature (Creswell, 2013). Narrative research is most appropriate in studying one individual to illustrate a phenomenon. Phenomenology is the examination of lived experiences of several people regarding a specific phenomenon. For example, phenomenology is appropriate to study a group of individuals suffering from a similar ailment, such as cancer. Grounded theory enhances the capacity of social scientists to generate theory relevant to a particular event or phenomenon (Glaser & Strauss, 1967). Researchers prefer ethnography when studying a culture-sharing group, and provide a description of the culture-sharing group at the beginning of the study (Creswell, 2013).

The case-study approach is a research method appropriate when a case has clear boundaries (Creswell, 2013). This approach begins by identifying a specific case, defined using some identifiable and reasonable criteria. Researchers employ this approach to explore a unique case that requires detailed description or to develop a deeper understanding of a specific issue or problem. In applying the case-study method, the researcher needs to have substantial information about the case before proceeding to study it. This approach allows the researcher to use many forms of qualitative data-

collection techniques ranging from interviews to observation and document reviews. The use of multiple sources of data-collection approaches enables the researcher to use the case-study approach to obtain in-depth information for a deeper understanding of the phenomenon (Creswell, 2013). A case study typically ends with generalizations about lessons learned from the study.

I found the case-study approach to be suitable for the present study in which I sought to understand the barriers that exist in implementing urban plans. In the study, I reviewed laws and policies that guide urban development in Kenya and how initial legislation potentially became path dependent, affecting subsequent laws and hindering plan implementation. This approach was suitable because I needed to gain an understanding of this phenomenon using three case cities that are well-defined geographically and by law. I sought to fill a gap in literature on the factors that explain low implementation of plans.

In this study, I undertook a multiple case study of three cities located in different parts of Kenya. These cases were purposefully selected to help provide different geographical perspectives and a more comprehensive understanding of the case. I conducted the procedure for each case city to enable credible generalization across multiple Kenyan cities. The three case cities selected represented different locations with different contexts, histories, and sociopolitical settings. The cities also had long histories of planning. Nairobi, as the capital city, attracted a significant amount of attention as host to several international agencies and as the entry point to Kenya and a focal point for commerce and trade.

Nakuru and Eldoret, in contrast, are farming capitals, located on what were commonly referenced as the White Highlands with rich agricultural hinterlands. I considered the case-study approach appropriate, illuminating decisions and the reasons they were made. The approach also allows for a comprehensive view of the process by examining different aspects in relation to one another. Further, attributes of case studies include that they are particularistic, focused on a particular situation, event, or program; the approach is descriptive and yields rich and deep description of the phenomenon. Additionally the approach is heuristic and aids in illuminating understanding of the phenomenon under study (Ebneyamini & Moghadam, 2018).

Research Questions

To gain an understanding of the barriers to implementation of urban plans in Kenya, the following two research questions guided the study:

1. How has the legal and institutional setup for plan preparation and implementation hindered plan implementation in Kenya?

Research Question 1 sought to unravel the legal and institutional framework for plan preparation and implementation and to identify aspects of the law and institutions that may have inadvertently become hindrances to plan implementation. To answer this question, I first identified the laws that guided planning in Kenya and how these laws changed over time. In the study, I also considered elements sustained from the initial laws to the present and any legal aspects that were perpetuated and were potential explanations for the low implementation of plans. This question required a critical examination of the laws, with a keen eye to determine what provisions hindered plan implementation.

2. What is the nature of the relationship between and among city executives, elected officials and the residents of Nairobi, Nakuru and Eldoret cities in implementing urban plans?

Research Question 2 sought to identify the various actors in plan implementation. I hoped this would help in identifying the role of each of the actors, as provided in law and as practiced in the three cities identified. I identified the relationship among actors with a view to discover how this relationship hindered plan implementation. To address this question, I undertook a detailed analysis of the institutional composition. I conducted interviews with officials at the national level who were responsible for policy formulation and with officials in the three cities identified. I drew participants from the executive and legislative arms of the cities.

Role of the Researcher

A key feature of qualitative research is intense contact with research participants. In undertaking this case study, I was a key instrument, answering the need for a systematic, encompassing, and integrated understanding of the context of the study. I developed an interview protocol, conducted the interviews, and recorded responses from participants.

As part of the data collection, I reviewed relevant laws, policies, and plans, and interpreted them to derive meaning from them. I needed to be objective during the research and put aside any form of bias and subjective judgment. Further, I needed to be aware of their personal perspectives so as not to prejudice the findings. Having worked in the discipline of urban planning for many years, I was quite familiar with the composition and key players. I knew some people professionally who became research participants,

whereas others were completely new, particularly those drawn from county assemblies. I put aside any form of subjectivity during the process of research. Particularly, I took care not to allow prior knowledge of research participants to compromise the objectivity of the research. Despite having known some of them professionally I did not have authoritative position over them. I leveraged personal knowledge of the discipline and ensured objectivity throughout the research. I visited all three case cities to observe and interview participants in their jurisdictions.

Sampling

Qualitative researchers use small samples to enable an in-depth study (Miles et al. 2014). Sampling in qualitative studies is purposive and not random. For this study, I used purposeful sampling, which allowed me to select individuals and sites that could meaningfully inform the process of answering the research questions. In sampling, a researcher needs to set boundaries and to define the aspects that are connected to the research questions (Miles et al., 2014). Further, it was necessary to create a conceptual frame to help uncover, confirm, or qualify the basic processes or constructs that undergird the study. Some strategies of sampling include selecting more than one case. The present study entailed use of comparative case selection. I selected three cities due to their strategic nature in the country, their centrality, and their rich history in planning. These cases bore some similarities as well as distinct differences in geographic location and socioeconomic contexts. Multiple cases bring confidence to the findings and increase the precision of the findings (Miles et al., 2014). Further, multiple cases enhance validity, stability, trustworthiness, and replicability of the findings (Miles et al., 2014).

Choice of Cases

Researchers choose cases based on conceptual grounds and not necessarily on representativeness (Miles et al., 2014). A consideration could be to contrast the context because researchers conduct case studies in specific settings that may share characteristics with other settings or may possess some characteristics unique to that setting. Parameters researchers may use in sampling may include the setting (Miles et al., 2014); in the present study, the setting was the urban area. Other factors I considered were ease of access, logistics, and the ability to carry out the work in a timely manner. I decided who to select as respondents, how many respondents to select, and which sites to choose (as suggested by Creswell, 2013). The choice of three cases to study was in the allowable size for a multi case study approach. Miles et al. (2014) cautioned against sampling too narrowly and advised that one should seek information-rich sources that are relevant but also consider participants who may be at the periphery. After all these considerations, I chose Nairobi, Nakuru, and Eldoret cities, as depicted in Figure 1.

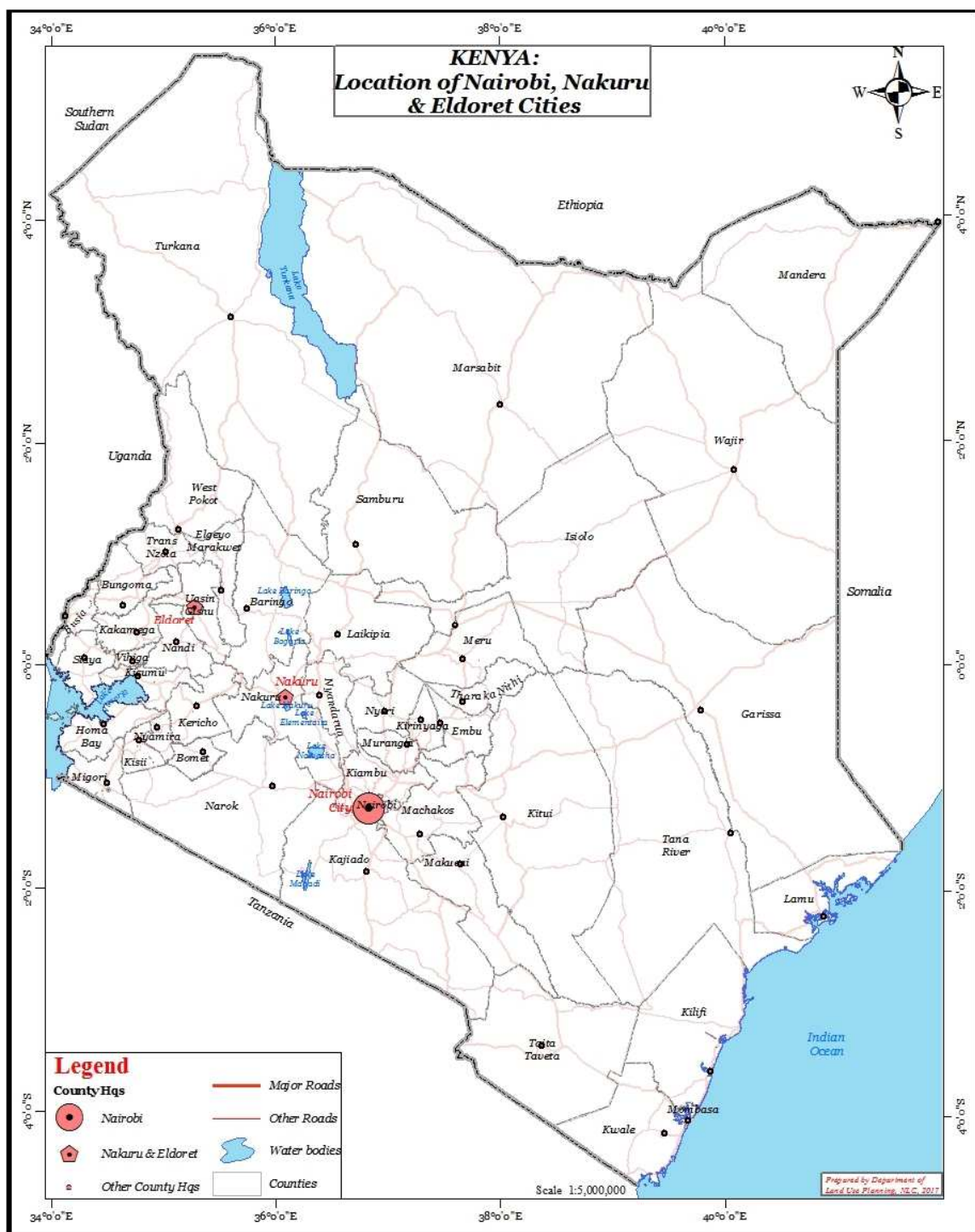


Figure 1. Selected study cities: Nairobi, Nakuru, and Eldoret.

Instrumentation

Conceptual frameworks, research questions, and sampling plans help focus a study and direct a researcher before and during fieldwork (Miles et al., 2014). A conceptual framework helps clarify what is to be studied, who will give the information, and why the information will be given. A clear understanding of what the researcher seeks to discern initially is quite essential in guiding how the information will be sourced. Data collection in case studies calls for the use of a broad range of procedures to allow the researcher to build an in-depth picture of the case (Miles et al., 2014). Creswell (2013) recommended five forms of data collection in qualitative studies: document reviews, assessments of archival records, interviews, direct observations, and physical artifacts. In this study, the researcher used document reviews, archival records, and interviews.

Data Collection

In collecting data for this study, I undertook an extensive review of the laws that governed planning in Kenya, starting with the Town Planning Act. This Act was perhaps the first legal framework that the colonial government applied in planning Kenyan towns before independence. The plans prepared during the time set precedence for subsequent plans and also for subsequent laws, which borrowed heavily from this law. I critically examined the provisions of the law, the institutions established, and the role of the institutions, including the powers and relationships therein. I performed this examination with a critical eye to determine any provisions that have persisted that either facilitated or hindered plan implementation. I also critically examined succeeding laws, such as the Land Planning Act, the Local Government Act, and the Physical Planning Act, to

determine whether the Town Planning Act influenced these laws and to identify any provisions that potentially facilitated or hindered plan implementation.

I used purposeful sampling to identify information-rich officials who might provide useful insights to answer the research questions. All study participants were officials who held positions that influenced urban planning and implementation in Kenya. I also applied the snowball method to attain potential participants, requesting participants provide names of others with relevant information on the subject matter under investigation. Because I was a public officer, I was familiar with the operations in government and the relevant offices from which information was obtained. In identifying participants in the cities, I inquired about the names of officials in charge of urban-planning dockets; thereafter, I obtained e-mail addresses and telephone contacts. I visited all three case cities, and, at each, visited the urban-planning section. After meeting the right technical officials to interview, I requested information from them on the suitable person in the county assembly to interview. All the officials I approached were cooperative and agreed to be interviewed.

I also identified officials who have served at the national-government level as policymakers. These officials held positions at the level of director or deputy director in the different state departments or agencies at the national level. I interviewed four policymakers, all in Nairobi; three technical officials in Eldoret and Nakuru; and two technical officials in Nairobi. Further, I interviewed two members of county assembly (MCAs), one each from Nakuru County Assembly and Uasin Gishu County Assembly, where Eldoret is located. I provided different interview questions for the different

categories of participants and also developed document-review criteria to guide in the review of identified documents.

Data Collection Process

As a primary tool for data collection, I was aware of the possibility of introducing bias into the study. To reduce bias, I used a supervisor at work who had earned a PhD. The peer reviewer reviewed the process of research and particularly data collection and analysis. I presented the proposal to the peer reviewer at the beginning, including the interview protocol, and was able to respond to insightful questions that honed the questions posed in interviews and modes of data collection. I shared interview transcripts with the peer reviewer and, as an independent scholar, the peer reviewer was able to discern the objectivity of the data collected. I also performed a significant amount of preliminary work, prior to the interviews.

As I awaited approval to conduct data collection from the Walden University Institutional Review Board (IRB), I reviewed various documents and plans. I began data collection by reviewing the Town Planning Act, which was the first planning law that guided planning in Kenya. In conducting this review, I aimed to identify the provisions that facilitated or hindered implementation, the areas that provided for plan preparation, and any elements in the preparation that did not augur well for implementation. Further, the review included the institutional setup and functions assigned to the different institutions and relationships between the different actors. I also reviewed the Land Planning Act, appraising it using the same criteria set for the Town Planning Act. In addition, I reviewed the Local Government Act and the Physical Planning Act, focusing on the roles assigned to local authorities and other actors in planning and implementation.

Although I started by undertaking document reviews, this review continued side-by-side with interviews and continued throughout the data analysis and writing stages. I obtained authorization to conduct research in my study areas from the National Commission for Science, Technology and Innovation (NACOSTI), communicated through Permit Number: NACOSTI/P/18/39002/22009 on March 28, 2018. Further, I was granted IRB approval to conduct research on April 16, 2018, under approval number 04-18-18-0456605. I collected data from participants from May 2018 to July 2018. As part of the application for IRB approval, I submitted an interview protocol and consent form, which were approved for use in data collection.

I initiated interviews with participants from the three cities, concluding with the policymakers. I audio recorded the interviews using a Nokia 8 mobile phone. I also took notes in a notebook as a backup, in case the recordings failed. I made sure to transfer the recordings to my computer to maintain a backup, in case the phone developed a technical problem. I informed all participants that, in case of any further clarification, I would contact them, and all were agreeable to grant another session, should it become necessary.

The purpose of the interviews was to elicit perspectives from the people responsible for planning on the barriers to plan implementation. The review of laws was to determine whether the barriers were entrenched in law or in the institutional setup. The interview protocol was a useful guide in structuring the process, but the questions were open-ended to provide the ability to probe further. I had planned to interview 15 participants but interviewed 14 participants; however, I interviewed four policymakers instead of three and two participants had served as directors of planning in Nairobi and other municipalities in Kenya. Their perspectives in addition to those of the technical

officials at the city were quite exhaustive. I also interviewed two MCAs and noted that what I gained, combined with information from policy and technical officers, was comprehensive enough to reach a saturation point.

In conducting the interviews, I used open-ended questions, allowing participants to express their perspectives in a free manner. All participants allowed me to record their interviews, most of which were carried out in an office setting and, for three respondents in a hotel lounge. I retained and coded the transcripts of each respondent interview.

Choice of Participants

In choosing who to interview for this study, I developed specific criteria to choose the most appropriate individuals. The criterion used was knowledge of the subject under study demonstrated by length of service in the field of urban planning and implementation. I selected political leaders who had served at least 3 years as councilors or as MCAs. In choosing key informants in policy, I considered areas where those respondents had served and the length of time served. To select participants who were knowledgeable, length of service in the sector and in the city was considered along with the scope of their influence in relation to planning and implementation. Some participants had changed position from being directors in cities to other related senior roles in the public sector.

Ethical Considerations

In this study I noted areas that had the capacity to raise ethical concerns. In this study, information accrued from urban leaders; thus, the study required strict confidentiality of the information obtained from participants. Further, I sought and obtained informed consent from each participant. Because study participants are

executives and political leaders in the urban area, they are not considered vulnerable; rather, they are the elite in the city. It was necessary to assure them of utmost confidentiality and that their responses would in no way link to them or be used against them. The responses received cannot be attributed to any of them individually.

I developed and submitted an interview protocol to the IRB for approval prior to conducting the interviews. Other aspects provided in the protocol included the setting of the interview time, participant name, and list of questions with adequate space for writing responses. The interview sessions were recorded after obtaining consent from interviewees. I transcribed the recordings within a short time to ensure no loss due to lapse in time. During the interviews, I informed interviewees of the possibility of further interviews to clarify any matters that may not be clear.

Data Analysis

The research design affects results in that purposeful samples, for instance, provide limited cases for study (Patton, 2015). In this case, during analysis and interpretation of data, I was aware that constraints emanating from design may have affected the data analysis. In purposeful sampling, information-rich cases are studied to gain an understanding or to illuminate important cases, and not necessarily to offer a generalization (Patton, 2015). While reporting findings, I found it necessary to highlight the purpose, strengths, and limitations of the sample studied and to be cautious not to unnecessarily extrapolate findings to cover different contexts. This process necessitated contextualizing study findings appropriately and avoiding overgeneralization. Researchers should confine their findings to the context of the study; the decisions made during design, therefore, set the proper context for analysis (Patton, 2015).

In qualitative analysis, researchers intend to detect any emerging patterns, to identify themes, to answer the primary questions that frame the study, and to present any substantive findings (Patton, 2015). To enhance credibility and utility of the findings, researchers use a variety of strategies, including connecting data analysis to the research design and purpose, integrating and using multiple sources of data to leverage strengths ingrained in each one, and minimizing any weaknesses (Patton, 2015). I used inductive analysis to identify themes in the large volume of text data collected.

Summary

This chapter focused on the methodology used in the study. The study adopted a qualitative case-study approach to evaluate the laws that governed urban planning in Kenya to determine how they hindered plan implementation. Further, I sought the experiences of officials charged with planning in the case cities, as well as members of the legislative arm in the cities who are charged with spearheading the policy agenda. I was interested in the experiences and perspectives of policymakers to augment the findings from city officials for a more comprehensive understanding. This section included a rationale for the choice of the three case cities and the criteria for choosing the various categories of respondents. In the chapter, I also addressed how the study would maintain credibility throughout the process. The findings are presented in Chapter 4.

Chapter 4: Results

This chapter outlines the findings from this study, which set out to explore the barriers to implementing urban plans in Kenya. The study sought to gain a deeper understanding of what may explain the apparent weak or poor implementation of urban plans. I aimed to learn about the perspectives of officials in different categories from three different cities in Kenya. Further, I obtained the perspectives of policymakers with wide experience in urban planning and development in Kenya. I aimed to learn about their experiences and what they considered to be hindrances to plan implementation.

Using three case cities—Nairobi, Nakuru, and Eldoret and reviewing various laws and documents, I endeavored to contribute to the policy dialogue on plan implementation in Kenya. I did this through providing informed, professional perspectives on plan implementation, with a view to contributing to the country's policy and strategies to enhance urban-plan implementation. Two research questions guided the study:

1. How has the legal and institutional setup for plan preparation and implementation hindered implementation of urban plans in Kenya?
2. What is the nature of relationships between and among city executives, elected officials and residents of Nairobi, Nakuru, and Eldoret cities, regarding implementing urban plans?

The bulk of this chapter highlights the process of data collection and analysis, and details the process used to interpret data to gain understanding. In this chapter, I describe research participants, highlighting their demographic characteristics and presenting the findings from the study categorized into themes, particularly as the findings address the research questions.

Setting of the Study

I used the case study approach in this study because it offered a good opportunity to explore and develop a comprehensive informed perspective of the phenomenon under study. Findings consisted of an analysis of different types of data obtained through interviews and document reviews. After obtaining authorization from NACOSTI to conduct research in Kenya on March 28, 2018 (Permit Number: NACOSTI/P/18/39002/22009) and Walden University IRB approval in April 2018 (Approval Number 04-18-18-0456605), I recruited participants from Nakuru, Eldoret, and Nairobi cities and also senior officials who were policymakers in the national government.

I used purposeful sampling to ensure I recruited only participants with extensive information on urban planning, and particularly those who address or have in the past addressed the subject of the study. I selected as participants policymakers who had been actively involved in policymaking or had given direction at the national level to other actors at the city level. The study involved visiting each of the three cities, interviewing participants in those cities, and observing any factors or indicators of relevance to the research topic. I obtained various documents relating to the cities, such as their urban plans, the County Integrated Development Plans (CIDP), county fiscal strategy papers, county statistical abstracts, and county annual development plans.

Study Participants

Participants recruited for this study were policymakers, city employees serving in the case cities in urban planning and development units, and MCAs who have served or are serving on urban-planning committees. I selected participants from different areas to solicit varied perspectives from different actors in urban planning and implementation.

The intention was to recruit and interview three city employees from each of the three case cities and one MCA from each of the three case cities, as well as three policymakers. I interviewed a total of 14 participants, 8 from the three case cities, 4 policymakers, and 2 members of the MCA.

I expanded the number of participants in the policy makers category to four, whereas I reduced the number of MCAs to two because after interviewing three officials in the policymaker category, I was referred to one more official who was mentioned as having more comprehensive information on the subject. I decided to expand the number of participants to allow for the fourth policymaker. I found that participants in the policymaker category had a broad spectrum of experience, spanning many years in government in different sections, with some having served as directors in some cities. These officials had a great deal of experience working with and relating to different players, with the application of different statutes and with the political landscape in the country.

Although MCAs offered useful insights, after interviewing the two participants, I found similarity in their responses. Therefore, I did not interview a third potential participant as I had earlier planned. In particular, MCAs held the view that they needed guidance from the executive arm, especially in matters relating to urban planning. All study participants were active in their respective professions and careers. Table 1 lists the participants and their roles. Table 2 highlights the gender, the position they held in the city, and the number of years they have served.

Table 1

Study Participants

Category	Number	Role
Policy maker	4	Senior National Government official
Technical officer	8 (three in two cities and two in one city)	Technical official in the city at the County Government
Member of County Assembly	2	Legislator in the county government

Table 2

Participants' Demographic Characteristics

Participant	Gender	Position	Years of service
T1200	Male	Director of planning in the city	More than 25 years
T1100	Female	Director in the city	20 years
T2100	Male	Planner in County	12 years
T2200	Male	Director in the city	20 years
T2300	Male	Planner	More than 25 years
T3100	Male	Chief officer	20 years
T3200	Male	Director in the county	12 years
T3300	Female	Planner	30 years
P6100	Male	Director (national)	More than 30 years
P6200	Male	Director (national)	More than 30 years
P6300	Male	Director (national)	More than 30 years
P6400	Male	Director (national)	More than 30 years
L9100	Female	Member of county assembly	5 years
L9200	Male	Member of county assembly	More than 5 years

Data Collection

Using a purposeful sampling technique, I identified potential participants, who, by the nature of their roles, had rich information that could answer the research questions. I was eager to interview senior officials who were technically involved in the planning units in the cities identified. I inquired about the structure in their respective cities and obtained names and telephone contacts of officials in charge of the various units. For senior officials in the national government, I studied the state departments that addressed urban planning and development and identified officials at the grade of director or deputy director, to interview those who had served longest. Two interviewees had since moved to other public agencies related to urban planning and development; I still selected them to participate because of their immense experience in the urban-planning sector in Kenya.

As part of obtaining authorization to conduct research in Kenya, I sent a request to the cities, asking them to grant permission to conduct research in their respective cities and received permission from the cities. I obtained telephone contacts of potential participants and contacted all by phone. For MCAs, I sought assistance from technical officers in the cities to introduce me to a member of the urban-planning committee. I obtained contacts for participants from the policy arm through official websites and the professional associations to which they belonged.

Nearly all participants I interviewed expressed interest in my study and each was willing to schedule an appointment for an interview. I noticed that, due to the work load of individuals, particularly because interviews were conducted in the month of June which is the last month of the financial year in Kenya, most technical staff members were overwhelmed with office work. Even though they granted me an opportunity for an

interview, they experienced much pressure, evidenced by frequent interruptions from other officers, consulting on matters or calling to give direction to their teams. I noticed that the work structures at the county government level were still in the formative stages because devolution was still at the nascent phase.

Most technical and policy officials agreed to be interviewed in their offices. In one city, I was granted early morning interviews because this was the best time to avoid disturbance. Two interviews with technical staff were held at hotel lobbies but were still conducive, with little disturbance. One technical staff member who had to move away from his office during lunch break gave strict instructions to the secretary not to let people know where he was. This was a critical time of the year, when contractors were following up to be paid for services rendered to the county and my respondent had a crucial role in authorizing payments. In one instance, the interview had to stop midway because the MCA who had granted an interview called and asked that I go immediately to do the interview at the county assembly chambers. The technical officer was gracious enough to continue with the interview much later in the evening.

In general, participants were quite cooperative and appreciated the importance of the study in offering some suggestions to solve some of the challenges they face. All were keen to know the findings from the study. They shared their experiences and answered my interview questions willingly. They all agreed to be audio recorded.

While conducting the interviews, I was keen to pay attention to respondents' demeanors. No participants expressed any fears or reservations about the research topic or the interview questions. All technical employees of the county and policy influencers at the national government were quite familiar with matters of plan implementation and

went to great lengths to answer the interview questions. Two policymakers provided lengthy discussions on the subject, citing specific instances and experiences. All had very strong command of the issues and were very confident in their responses and in giving their perspectives. They had the ability to link the past and present, and to articulate the relationship between the public legislative arm of cities and the general political context. Policymakers I interviewed had long careers in public service, spanning about 30 years. Some offered to share their experiences of the different epochs of planning. Their grasp of the subject matter was inspiring. Participants from the technical arm in the cities also had extensive experience in their cities. One had served as a director in a different city and had been in charge of various units in their current city of employment.

I conducted interviews using semi structured, open-ended questions. This format provided room for respondents to freely give their perspectives. In this way I was able to tap into the immense knowledge of participants. I had prepared the questions in advance and were part of the package approved by the IRB. While interviewing participants, I was able to adjust the mode of posing questions and even the order of asking questions as appropriate. I also probed further, guided by the manner in which the participant responded. In two of the interviews, the mention of the research topic elicited a long discussion, with the participant giving an elaborate perspective of what they perceived to be barriers to plan implementation. All interviews were audio recorded with a Nokia 8 phone (sound recorder). I also wrote responses in my notebook as a backup, in case my phone failed to record. I took time to listen to the recordings as I converted them into text.

Document Reviews

I obtained urban plans for the three cities being studied, as well as the CIDP, which detailed programs for implementation by the county in the next 5 years. During the time of data collection, new county governments had taken office, following national elections conducted in August 2017. I obtained the CIDPs covering the periods 2013–2017 and 2018–2022 and county fiscal strategy papers for the three counties.

Document reviews are essential in helping to augment interview findings (Saldana, 2013). Documented information is more accurate than information obtained from participants' ability to recall. Documents reviewed for this research were the Town Planning Act, the Land Planning Act, and the Physical Planning Act. Further, I reviewed CIDP for the respective counties, county fiscal strategy papers, and urban plans for the cities.

Findings from the Review of Laws

Research Question 1 of this study was, how has the legal and institutional setup for plan preparation and implementation hindered implementation of urban plans in Kenya?" To effectively delve into this question, I appraised the various laws that guided urban planning to see the provisions that were dedicated to plan implementation. This section documents findings from the review of the various laws, highlighting the institutions created by the different laws and the responsibilities assigned to the respective institutions that constrained plan implementation. The laws reviewed were the Town Planning Act, the Land Planning Act, and the Physical Planning Act.

The Town Planning Act came into effect to regulate the planning and development of the urban areas in Kenya. The law provided for an executive authority

defined in an approved Town Planning Scheme to be the authority responsible for enforcing the observance of the scheme and for the execution of any works in the scheme. The law made reference to Town Planning Schemes, which, for the purposes of this dissertation, are equivalent to urban plans. A Town Planning Scheme was a legal document that applied to a specific area. The plan conferred rights on land and specified how the land could be used and developed.

The Act provided that a Town Planning Scheme may be prepared with respect to any land for the purpose of improving and providing for the proper development of the land. The plan was prepared to achieve the best possible advantage. The plan also served to secure suitable provision for traffic, transportation, sites for public buildings and purposes, disposition of shops, residence and factory areas, proper sanitary conditions and conveniences, parks, and gardens and reserves, and made suitable provisions for the use of land for buildings or other purposes. Section 3(1) of the Act provided that the Town Planning Scheme may also guide the planning, replanning or reconstructing of all or any part of the area comprised in the scheme and to control the order, nature, and direction of development in the area.

The Town Planning Act created institutions and assigned them different responsibilities. For example, local authorities were assigned the responsibility to develop by-laws. The law also granted the governor power to approve Town Planning Schemes. Section 7(1) of the law provided that the Town Planning Scheme would define the authority responsible for enforcing and executing the scheme. Further, Section 8(1) limited the time frame for preparing and approving a Town Planning Scheme. These two provisions ensured that the plan was prepared in a timely manner and that, by defining

the authority responsible for its implementation and enforcement, the plan would be self-propelling.

Town Planning Act and the Physical Planning Act

This section reviews the Town Planning Act and the Physical Planning Act to establish whether they have any similarities and whether the earlier law influenced the content of the later law. This review is completed with a view to determining whether the pattern established earlier may have become path dependent, in line with the path-dependency theory applied in this study. A review of the Physical Planning Act (Government of Kenya, 2012) shows that the content of this law borrowed heavily from the Town Planning Act and the Land Planning Act. The matters dealing with town planning in the Physical Planning Act were largely borrowed from the Town Planning Act. A critical examination showed that the Physical Planning Act was an amalgamation of the Town Planning Act and the Land Planning Act. The points of departure were in the institutional framework created: the Town Planning Act provided for executive authority whereas the Physical Planning Act provided for local authority. Likewise, the Town Planning Act provided for a governor-in-council whereas the Physical Planning Act provided for a minister. The Town Planning Scheme in the Town Planning Act was similar in form to the Local Physical Development Plan provided for in the Physical Planning Act. The contents of the Town Planning Scheme prescribed in the first schedule of the Town Planning Act were largely similar to matters addressed in the Local Physical Development Plan provided in the second schedule of the Physical Planning Act. The Town Planning Act listed 29 elements that should be contained in a Town Planning

Scheme, whereas the Physical Planning Act had 25 elements. Table 3 highlights similarities between the Town Planning Act and the Physical Planning Act.

Table 3

Similarities between the Town Planning Act and the Physical Planning Act

Town Planning Act Contents of the Town Planning Scheme (first schedule)	Physical Planning Act Contents of Local Physical Development Plan (second schedule)
1. Public conveniences generally; and particularly; churches, schools, educational, recreational institutions, libraries, public buildings, theatres, and other places of public entertainment, fountains, refreshment kiosks and other buildings.	1. Every local physical development plan, shall have for its general purpose orderly, coordinated, harmonious and progressive development of the area to which it relates in order to promote health, safety, order, amenity, convenience and general welfare of all its inhabitants, as well as efficiency and economy in the process of development and improvement of communications.
2. The dealing with or disposing of land acquired, or to be acquired under the scheme by an executive authority.	2. Classification of the plan area for residential, commercial, industrial and other purposes, including the provision of special areas for factories, or industries generally, or for shops, warehouses, stores, stables and other buildings used for commercial and industrial purposes and fixing the sites for buildings required for any of the purposes mentioned in paragraph 1 and for open spaces, public and private, and prohibiting the carrying on of any trade or manufacture, or the erection of any building, in a particular part of the area otherwise than in accordance with the provisions of the plan.
3. The re-planning and reconstruction of the scheme area or any part thereof, including any provisions necessary for: - the pooling of lands of several owners (or any lands, roads, streets, or rights of way adjacent or near thereto); and apportionment of survey fees, cost of issuing and consolidating new titles, and other expenses of preparing the scheme among the owners concerned; -the re-division of such land among such owners; -providing for or making new roads, streets, or rights of way -adjusting and altering the boundaries, areas, shapes and positions of any such lands, roads, streets, or rights-of-way; -effecting such exchanges of land or cancellation of existing subdivisions as may be necessary or convenient for the purposes aforesaid; -adjustment of rights between owners or other persons interested in such lands, roads, streets, or rights of way; -the vesting of such lands, roads, streets, or rights of way, subject or not subject to any rights or trust; and any other provisions necessary for giving effect to the purposes aforesaid.	3. The basis for disposing of land acquired, or to be acquired under the plan by a local authority or relevant authority.

Town Planning Act Contents of the Town Planning Scheme (first schedule)	Physical Planning Act Contents of Local Physical Development Plan (second schedule)
4. Limiting the number of apartment, tenement, detached or other dwelling houses to the acre generally or in any particular locality.	4. The re-planning and reconstruction of the plan area, or any part thereof, including any provisions necessary for— (a) the pooling of the lands of several owners, (or any lands, roads, streets, or rights-of-way adjacent or near thereto); and apportionment of planning fees, and other expenses of preparing the plan among the owners concerned; (b) the re-division of such land among such owners; (c) providing for or making new roads, streets, or right-of-way; (d) adjusting and altering the boundaries, areas, shapes, and positions of any such land, road, street, or right-of-way; (e) effecting such exchanges of land or cancellation of existing subdivision as may be necessary or convenient for the purposes mentioned above in this paragraph; (f) adjustment of rights between owners or other persons interested in such lands, roads, streets, or right-of-way; (g) the vesting of such lands, roads, streets, or right-of-way, subject to any rights or trust, and any other provisions necessary for giving effect to the purpose mentioned above in this paragraph.
5. classification of the scheme area for residential, commercial, industrial, and other purposes respectively, including the provision of special areas for factories or for carrying on industries generally, and for shops, warehouses, stores, stables, and other buildings used for commercial or industrial purposes and fixing the sites for buildings required for any charitable , religious, or public purposes or for public conveniences as mentioned in paragraph (1) hereof and for open spaces , public and private and prohibiting the carrying on of any trade or manufacture , or the erection of any building, in a particular part of the area otherwise than in accordance with provisions of the scheme.	5. Determining type and density of development generally or in any particular locality.
6. conservation of the natural beauty of the area, including lakes and other inland waters, banks of rivers, foreshore of harbors, and other parts of the sea, hill slopes and summits and valleys.	6. Conservation of the natural beauty of the area, including lakes and other inland Waters, banks of rivers, foreshore of harbors, and other parts of the sea, hill slopes and summits and valleys.
7. The preservation and enhancement of historic buildings and objects of Architectural, archaeological, historical or scientific interest.	7. The preservation and enhancement of historic buildings and objects of architectural, archaeological, historical or scientific interest.

Town Planning Act Contents of the Town Planning Scheme (first schedule)	Physical Planning Act Contents of Local Physical Development Plan (second schedule)
8. Probable routes for railways and canals, probable sites for bridges, docks, harbors, piers, quarries, and lighting, water drainage and sewage; or any other work or undertaking of public utility nature.	8. Probable routes for railways and canals, probable sites for bridges, docks, harbors, piers, quarries, power lines, telecommunication; water drainage and sewage; or any other work or undertaking of public utility.
9. Works ancillary to or consequent on the scheme.	9. Works ancillary to or consequent on the plan.
10. The extinction or variation of any right-of-way or easement, public or private or of any restrictive covenants affecting land.	10. The closure or variation of any right-of-way or easement, public or private or of any restrictive covenants affecting land.
11. Power of entry and inspection.	11. Power of entry and inspection.
12. Power of executive authority to acquire land or buildings or make any agreement or proposal in respect thereto.	12. Basis for the local authority to acquire land or buildings or make any agreement or proposal in respect thereto.
13. power of executive authority to remove, alter or demolish and to prohibit, regulate and control the maintenance, alteration and reconstruction of any building which obstructs the observance or carrying out of the scheme.	13. Basis for the local authority to remove, alter or demolish and to prohibit, regulate and control the maintenance, alteration and reconstruction of any building which obstructs the observance or carrying out of the plan.
14. power of executive authority to declare any land referred to in the scheme as land reserved for streets to be public or private streets.	14. Basis for the local authority to declare any land referred to in the plan as land reserved for streets to be public streets.
15. power of executive authority to execute street works on land referred to in the plan as land reserved for streets and incidental works upon adjacent land.	15. Basis for the local authority to execute street works on land referred to in the plan as land reserved for streets and incidental works upon adjacent land.
16. Power of the executive authority, subject to the approval of the governor in council and subject to such of the provisions of the scheme governing streets as are applicable to land reserved for streets by the scheme, to make an order declaring that any land not reserved for streets by the scheme shall be reserved for streets.	16. Power of the local authority, subject to the approval of the minister and subject to such of the provisions of the Public Roads and Roads of Access Act (Cap. 399), and the Street Adoption Act (Cap. 406) as are applicable to land reserved for streets by the plan, be reserved for streets.
17. Power of the authority to fix building lines not shown on the map illustrating the scheme.	17. Basis for the local authority to fix the building lines not shown on the map illustrating the plan.
18. Power of the executive authority to permit buildings in advance of building lines fixed by the scheme.	18. Power of the local authority to permit buildings in advance of building lines fixed by the plan.
19. power of the executive authority to register trees on private land for preservation.	19. Basis for the local authority to fix improvement lines for existing streets and building.

Town Planning Act Contents of the Town Planning Scheme (first schedule)	Physical Planning Act Contents of Local Physical Development Plan (second schedule)
20. Power of the executive authority to fix improvement lines for existing streets and buildings.	20. The area to which the plan is to apply.
21. Power of the executive authority to borrow money and incur expenditure for the purposes of the scheme.	21. The recovery of expenses incurred in giving effect to the plan, and the time and manner of payment of such expenses.
22. the procedure which is to govern the arbitration of questions which under the act of the scheme are to be decided by arbitration.	22. The carrying out and completion of the plan generally, and particularly the time and manner in which, and the person and authorities by whom or by which the plan, or any part thereof, shall be carried out and completed and its observance ensured.
23. provisions for regulating the administration of any money or property accepted or held by n executive authority for the furtherance of the scheme.	23. Limitation of time for the operation of the plan, or of any parts of the plan, for the renovation of any works which are to be executed as part of the plan.
24. the payment of compensation together with the time and manner of payment in respect of property injuriously affected by the scheme.	24. Where any group of plots or holdings of land are compulsorily pooled and redistributed or where the boundaries, areas, shapes or positions of any plots or buildings or land are compulsorily readjusted by a plan approved under this Act the provisions of the Registered Land Act (Cap. 300) shall take effect.
25. The area to which the plan is to apply.	25. Any matter necessary or incidental to local physical development plan.
26. The recovery of expenses incurred in giving effect to the scheme, and the time and manner of payment of such expenses.	
27 The carrying out and completion of the plan generally, and particularly the time and manner in which, and the person and authorities by whom or by which the plan, or any part thereof, shall be carried out and completed and its observance ensured.	
28. Limitation of time for the operation of the plan, or of any parts of the plan, for the renovation of any works which are to be executed as part of the plan.	
29. Any matter necessary or incidental to town planning or housing.	

Source: Town Planning Act and Physical Planning Act.

Elements 19 and 22 through 24 in the Town Planning Scheme were left out of the Physical Planning Act. Item 21 provided that the Town Planning Scheme would have power of the executive authority to borrow money and incur expenditure for the purposes

of the scheme. Item 23 made provisions for regulating the administration of any money or property accepted or held by an executive authority for the furtherance of the scheme. These two provisions acknowledged a need for resources for execution of the scheme, either through borrowing or accessing resources held by the executive authority. A provision was also included for the advancement of property to the executive authority for the implementation of the plan. The Act provided that the plan would detail how these monies or properties would be administered to facilitate the implementation of the plans.

Item 19 in the Act granted power to the executive authority to register trees on private land for preservation. This provision, however, was left out of the Physical Planning Act. The Town Planning Act recognized the importance of safeguarding trees in an urban area. The omission of this provision in the Physical Planning Act has endangered trees in urban areas because, without a provision requiring the protection of trees, developers indiscriminately cut trees to pave the way for urban development. Item 22 provided for the procedure to govern the arbitration of matters that, under the Act or the scheme, were to be decided by arbitration. The Act acknowledged that disputes arising from the scheme may need to be arbitrated and therefore the scheme would prescribe a procedure for the arbitration process. Under the Physical Planning Act, liaison committees were created to arbitrate planning disputes. The Town Planning Act had specific provisions that helped make urban areas more livable that the Physical Planning Act left out. For instance, the Town Planning Act provided that a Town Planning Scheme would provide for public conveniences including schools, recreation areas, libraries, theaters, fountains, open spaces and refreshment kiosks.

An evaluation of the Town Planning Act and the Physical Planning Act shows that the Town Planning Act influenced the contents of the Physical Planning Act.

However, some of the useful provisions in the Town Planning Act were overlooked in the Physical Planning Act. For instance, the design of the Town Planning Act was specific to urban areas. Its naming as the Town Planning Act made clear the areas to which it would be applied. In contrast, the naming of the Physical Planning Act made it difficult to readily identify the areas to which it would apply. Whereas the Town Planning Act had provisions to mobilize financial resources for implementation, the Physical Planning Act was silent. In addition, the Town Planning Act recognized the important role of trees in an urban setting and put in place measures for safeguarding of the trees. This provision was missing in the Physical Planning Act.

Physical Planning Act and Implementation

Section 24(1) of the Physical Planning Act committed the director of physical planning to prepare local physical development plans for all categories of urban areas, including cities, municipalities, towns, and urban councils, regarding all land-tenure categories. Section 24(3) indicated that the purpose of this type of plan was to guide and coordinate development of infrastructural facilities and services, to control the use and development of land, and to provide for land in an area for public purposes.

Section 27 provided for the approval of a Local Physical Development Plan by the minister responsible for physical planning. Although the Physical Planning Act guided the director on the contents of the Local Physical Development Plan and the approval of the plan by the minister, the law empowered the local authority to ensure proper execution and implementation of approved physical development plans. This

clause essentially created three separate institutions, each charged with a different but related responsibility in plan preparation, plan approval, and plan implementation. The law, however, did not indicate how these three actors would relate harmoniously to ensure that planning, approval, and implementation would be carried out effectively. Further, this provision was the only part of the law that made reference to implementation, compared to several clauses—Sections 30, 31, 32, 33, 34, 35, 36, 37, and 38—that guided the processing of development applications in the same law.

This finding affirmed statements obtained from research participants, analyzed later in this chapter. Participants indicated that plan implementation equated to development control and that processing of development applications was seen to be plan implementation. Conversely, Section 22 (1) (a) of the Town Planning Act provided for the governor to compel a preparatory authority to prepare and approve a Town Planning Scheme. Further, Section 22(2) empowered the governor to obligate the executive authority to execute any works that was required of the executive authority. These preceding two clauses meant the governor was empowered to ensure that an urban plan was prepared, approved, and implemented. This provision is lacking in the Physical Planning Act and this may explain the lackluster treatment that urban planning and implementation have received.

Physical Planning Act and Land Planning Act

The Land Planning Act was enacted to address planning the use and development of land. In contrast, the Physical Planning Act was enacted to provide for the preparation and implementation of Physical Development Plans and for related purposes. Although the Land Planning Act mentioned planning the use of land, the Physical Planning Act

indicated the strategy to prepare Physical Development Plans. The deviation here was the introduction of categories of plans to be prepared under the Physical Planning Act.

Further, the interpretation section of the Physical Planning Act elaborated the meaning of various Physical Development Plans, including the Local Physical Development Plan, which was a plan for the area or part thereof a city, municipal, town or urban council and includes a plan with reference to any trading or marketing centers. In the Land Planning Act, a “town plan” was interpreted to mean a plan for a whole area or part of a municipality, township, trading center, or former township or trading center. The Land Planning Act greatly influenced the content of the Physical Planning Act. Most interpretations of the Land Planning Act were sustained in the Physical Planning Act. Interpretations generally give meaning to the whole body of the law. Of a total of 42 terms interpreted in the Land Planning Act, 31 of these terms were sustained and given the same interpretation in the Physical Planning Act, constituting 74% of what is interpreted in the Land Planning Act that was transmitted to the Physical Planning Act.

In the Land Planning Act, the minister played a critical role in planning, first by appointing an Interim Planning Authority, granting authority to the local authority to prepare a plan, and approving the town plan once completed. Because the Land Planning Act was applied concurrently with the Town Planning Act, the Land Planning Act made reference to the Town Planning Act. Section 20 of the Land Planning Act empowered the minister to ensure that an Interim Planning Authority enforced the provisions of a plan. The law empowered the minister to punish any Interim Planning Authority that did not undertake planning. The punishment included revoking their appointment. Although Section 18 of the Land Planning Act provided that applications involving major public

policy would be referred to the minister, Section 35 of the Physical Planning Act provided that such applications be referred to a relevant liaison committee.

The Physical Planning Act, in contrast, placed the central responsibility for urban planning on the director of physical planning. Section 4(2) of the Physical Planning Act indicated that the director should be the Chief Government Advisor on all matters of physical planning. This format resonates with the provision of Town Planning Advisor in the Land Planning Act. The director was empowered, in Section 5, to formulate various categories of policies and guidelines as well as preparing various categories of plans including local physical development plans. Although the Physical Planning Act vested much power in the director of physical planning, the law did not make provision for commensurate resources to be allocated to the office. Further, the vesting of plan implementation and development control responsibilities in local authorities, which were autonomous, meant more resources were allocated to local authorities than to the office of the director of physical planning.

Town Planning Act, the Land Planning Act, and the Physical Planning Act

I cross-referenced Sections 5 and 7(2) of the Land Planning Act with the Town Planning Act, indicating that the two laws operated in a complementary manner. Because the Land Planning Act was enacted when the Town Planning Act was in force, the Land Planning Act acknowledged and mainstreamed some of the latter's provisions. Some key features that made the Town Planning Act more powerful and facilitative to plan implementation included that Section 5(2) of the Town Planning Act provided that a Town Planning Scheme be prepared and adopted by a planning authority and approved by the governor-in-council. Section 5(3) provided that once a Town Planning Scheme

was approved, the scheme would have the full force and effect of law, binding everyone to adhere to it. Section 5(6) provided that a Town Planning Scheme, once approved, would be implemented regardless of any caveats lodged in regard to any land. The implication of this provision was that land tenure was not a hindrance to plan implementation when the Town Planning Act was in force, because the law was explicit that the plan would be implemented regardless of any restrictions on land. In the interviews, I verified that the issue of land and land tenure was a barrier to implementation because the Physical Planning Act was silent on how planning decisions related to private land would be addressed.

Section 7 of the Town Planning Act provided for special conditions to be inserted in every Town Planning Scheme. Section 7(d) provided that the plan would define the authority to be responsible for enforcing the observance of the scheme; different authorities to be responsible for enforcing the observance of different parts of the schemes; and the implementation of any works provided for in the plan. Section 7(e) stipulated that the plan would provide for sharing the expenses of plan implementation and other requirements between authorities responsible for effecting various components of the plan. This section of the law acknowledged the need for financial resources in plan implementation and gave explicit direction on how to raise the finances. This section clearly indicates that the Town Planning Act was more facilitative of implementation. The law further gave opportunity for appeal in case an authority was aggrieved by the costs apportioned for plan implementation. This tenet provided room for negotiation and consensus in plan implementation. From the foregoing, it is evident that the omission of the provision for financial-resource mobilization for plan implementation in the Physical

Planning Act made plan implementation difficult. Findings from interviews with research participants indicated that inadequate financial resources was a serious impediment to plan implementation. This barrier stems from the Physical Planning Act in failing to provide any deliberate measures to ensure financial resources are allocated to plan implementation.

The Town Planning Act, in Section 8, offered a reprieve for people whose properties or land were injuriously affected by the Town Planning Scheme and allowed them to make claims for compensation within a specified period of 6 months after plan approval. This law recognized that a plan would bring mixed fortunes to different properties and, therefore, safeguard measures were instituted to ensure that no one suffered damage without compensation. In contrast, those who benefited from the plan were to pay for the value of the enhancement they received. In this respect, the executive authority was granted the power to recover from such a person the amount of the increase. The Town Planning Act, however, put in place safeguard measures, assigning the Supreme Court the responsibility to determine the amount to be charged [Section 8(3)]. Section 10(4) provided for the mechanism of determining whether the Town Planning Scheme had increased the value or injuriously affected someone's property, the amount to be compensated, and the manner of making this payment, whether by installments or any other means.

The Town Planning Act further set time limits for preparing and approving the scheme, which ensured that once a planning exercise was initiated, the plan would be completed by a certain time. A prolonged period between plan preparation and approval that was experienced under the Physical Planning Act was unacceptable under the Town

Planning Act. Section 11 of the Town Planning Act made provisions for instances when a Town Planning Scheme was revoked, yet a property owner had already incurred expenditure or financial liability while complying with the scheme. The law provided for compensation of such a person, and Section 13 granted powers to the executive authority to purchase by agreement any land comprised in such a scheme. A declaration that land was required for the purposes of a Town Planning Scheme was equivalent to a declaration that the land was required for public purposes and the land was therefore acquired and vested in the government. Further, under the Town Planning Act, a site planned for public use would be processed for vesting in the government and this minimized any form of irregular allocation of the same land. Under the Physical Planning Act this provision was lacking, and the process of vesting public land was not undertaken successfully, leading to many parcels of land that were designated for public use—roads, schools, parks, and open spaces—to be allocated to private landowners, and land that was designated for public use and not developed was lost through reallocation.

Section 16 of the Town Planning Act empowered the executive authority to form partnerships with property owners and others to implement recommendations for a plan. Further, the partnership was intended to help facilitate payments to be made under the plan, whether for compensation or for improvement of the town. Section 17 empowered the executive authority to accept any money, property, or assistance for the furtherance of any of the objects of a Town Planning Scheme.

The foregoing identified some provisions in the Town Planning Act that were more facilitative to plan implementation. Similarly, an appraisal of the Physical Planning Act reveals glaring weaknesses. Whereas the Physical Planning Act borrowed heavily

from the Town Planning Act and the Land Planning Act, some provisions may have occasioned operational challenges for the Physical Planning. Challenges may have included assigning the director of physical planning elaborate responsibilities without the requisite resources to effectively carry out the responsibility, and separating the plan preparatory authority from the approval authority and the implementation authority.

Findings Related to Path Dependency Theory

Largely, most interpretations in the Land Planning Act were carried forward to the Physical Planning Act with minor modifications to accommodate the new institutions created, and to accommodate the renaming of plans such as from Town Plan to Local Physical Development Plan. The Physical Planning Act combined the Town Planning Act and the Land Planning Act to create one law that made provisions for planning for urban and rural areas and regions. The Physical Planning Act opted to depart from using the nomenclature previously used and was more direct in discussing the subject. The Town Planning Act focused on towns whereas the Land Planning Act focused on planning the use of land in urban and rural areas. Terminology in the Physical Planning Act made it more difficult for people to understand the subject matter of planning, thereby making urban planning appear more elitist. In the Town Planning Act, for instance, plans for urban areas were referenced as Town Planning Schemes and in the Land Planning Act, urban plans were referred to as “town plans.” The Physical Planning Act called them Local Physical Development Plans. Further, the Land Planning Act referred to a Town Planning Advisor, a position renamed the director of physical planning in the Physical Planning Act, tasked with the responsibility of being chief government advisor on all physical-planning matters.

The institutions created by the Town Planning Act to prepare and execute Town Planning Schemes included the governor-in-council, local authorities, and the commissioner of lands. The Governor-in-Council would approve the Town Planning Scheme prepared by a local authority. The Physical Planning Act created the office of the director of physical planning and assigned to it the power of chief advisor to the government on all matters of physical planning, as well as the responsibility to prepare all categories of physical-development plans. The responsibility to approve plans was assigned to the minister responsible for physical planning. Approved plans were to be implemented by local authorities and other statutory bodies.

The law therefore instituted three distinct actors in planning; the minister, the local authorities, and the director of physical planning. This tripartite nature of actors in plan preparation, approval, and implementation may have had positive and negative results. Although the director would prepare the plans for approval by the minister responsible for physical planning, the minister responsible for physical planning could not compel local authorities to implement plans in the same way the minister for local government would. The minister for local government was very powerful with immense authority derived from the Local Government Act. Although assigning responsibility to three actors was useful in creating a separation of roles, this separation presented challenges because in the organization of government, local authorities were directly answerable to the minister for local government. The minister for local government would issue directives to local authorities and these would be given high priority by local authorities. Although approved plans are very important in guiding development, they would not be given priority because they emanated from the director of physical planning,

an office to which the local authority was not accountable. Figure 2 illustrates the relationships among the various actors in planning.

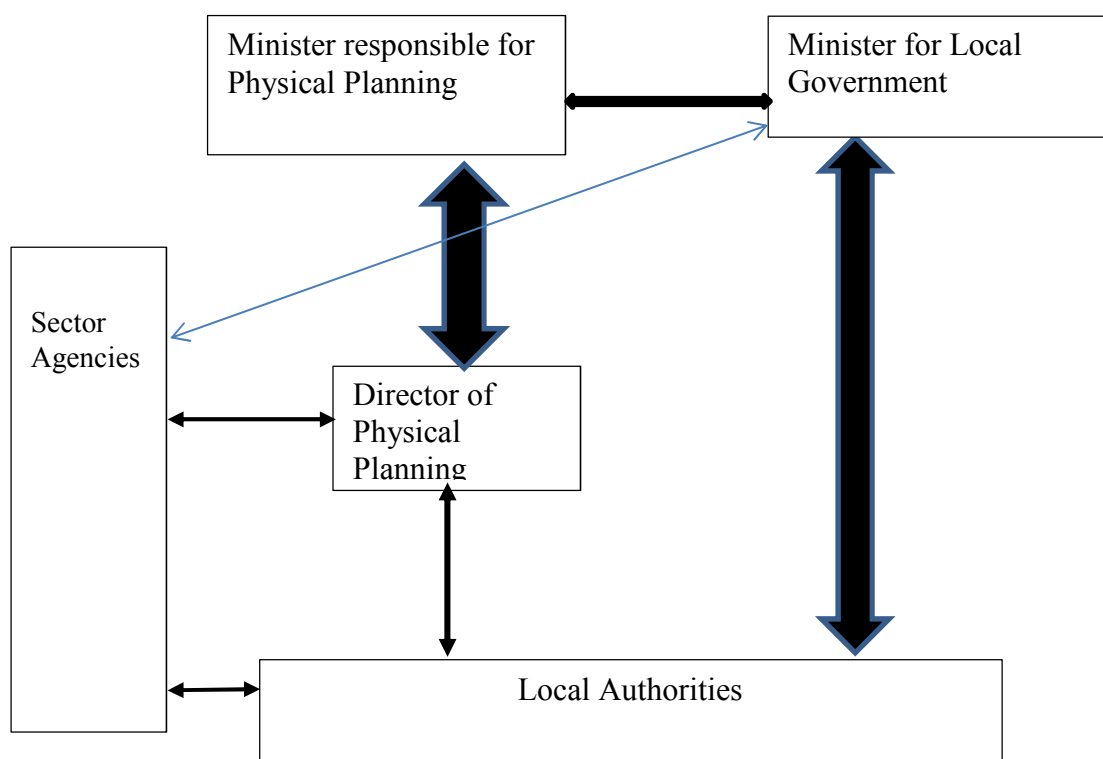


Figure 2. Institutional relationship in plan implementation.

Figure 2 shows that at the apex, two institutions each had heavy responsibility in urban planning. Although the interaction between the minister for local government and the local authorities was strong, the minister responsible for physical planning could only interact with the local authorities through the minister for local government. The interaction between the minister responsible for physical planning and the director was strong, but the minister for local government could interact with the director of physical planning through the minister responsible for physical planning. The director, however, could communicate directly with the respective local authorities. The director, for

instance, communicated the approval of plans to the local authority and called on them for implementation.

Contextualizing the Findings

This section provides a general background of the selected study cities to help frame the findings. The section includes the geographical location of each of the cities, a brief history, the size, the planning initiatives undertaken, and a brief highlight of the performance of these plans.

Eldoret Municipality

Eldoret municipality is the headquarters of Uasin Gishu County. It is the fifth largest city in Kenya following Nairobi, Mombasa, Kisumu, and Nakuru. Eldoret is located about 300 km west of Nairobi. The origin and growth of the town links to Kenya's agrarian economy, as well as to the colonial-government strategy to tap resources in Kenya's interior through expansion of the railway line. Eldoret, therefore, is a product of colonial penetration, symbolized by the railway line (Kathuru, 2017). Having been established as a colonial post office in 1908, the settlement was proclaimed a township in 1912, covering an area of 11.2 km². The town was named Eldoret through a gazette notice of November 1912 covering 2,770 acres of land. The growth of Eldoret town received a boost when the Kenya–Uganda railway line reached the town. The town was elevated to a municipality level with a municipal board in 1929 and the boundaries extended to cover 25 km². Subsequently, municipal rates started to be levied, augmented with government grants to facilitate the provision of services. The provision of town services, such as water, was the responsibility of the district commissioner with the assistance of town committees. However, these two institutions lacked legal authority and

the means to collect funds. Piped water supply from River Sosiani to the town was installed in 1928. The town was elevated to municipal-council status in 1958 and the first mayor elected in 1959 (Kathuru, 2017). The elevation meant that it was placed at a higher governance level, charged with more responsibilities. Notably, municipal councils were allocated more resources and were responsible for planning and development in their jurisdictions.

The current population of Eldoret is estimated at about 300,000, having increased steadily from 8,000 during the first national population census in 1948, to 197,000 in 1999. The boundaries of Eldoret town have also increased over time from 25 km² in 1959 to 59 km² in 1974, and to 147.9 km² in 1988. The boundary extensions brought into the town predominantly agricultural land that was not designated as urban (Musyoka, 2004). Further, the prosperity of Eldoret town has attracted people from other towns and rural areas in the county in search of economic opportunities. The political conflicts witnessed in neighboring areas also pushed more people into Eldoret municipality because of its relative peace and security. Figure 3 illustrates population growth trends in Eldoret city since 1989, with projections to the year 2020. The population has been steadily increasing, making the city a focal point for commerce in the western part of Kenya.

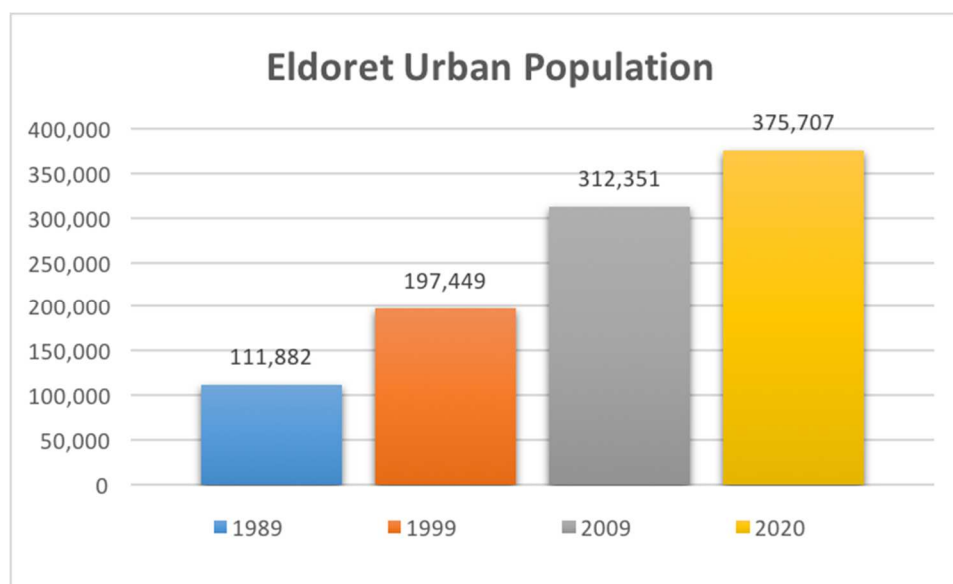


Figure 3. Eldoret Urban Population.

Because much of the land that surrounded the municipality was privately owned, the subsequent municipality expansion meant that more private land was brought into the municipal jurisdiction. More than half of the municipality was under freehold land tenure, progressively transformed from agricultural use to urban uses that are largely commercial and residential. Some of these residential areas include Langas, Kamukunji, Kingongo, Munyaka, and Ya Mumbi; these settlements are characterized by inadequate basic services (Musyoka, 2004).

The advent of devolution implemented after the 2013 general election saw the demise of Eldoret municipality, signaling a new phase in the management of the city. The county government has been overseeing the management of the city without a dedicated institution managing it and without resources allocated specifically for the management of the city. The allocation of financial resources in the county was made to the various sectors of roads, health, and agriculture, among others. No specific financial allocation

was made for Eldoret Municipality. Despite being the county headquarters, with a high concentration of population and economic activity with a significant contribution to the economy, Eldoret Municipality had to compete for resources, like any other administrative unit in the county (County Government of Uasin Gishu, 2018a). This situation is similar to Nakuru municipality. In *The County Fiscal Strategy Paper*, (2018) the County Government of Uasin Gishu acknowledged the importance of developing a comprehensive urban-development plan that provides for all services and amenities that are expected of a modern city, particularly since Eldoret was designated to acquire city status (see Figure 4).

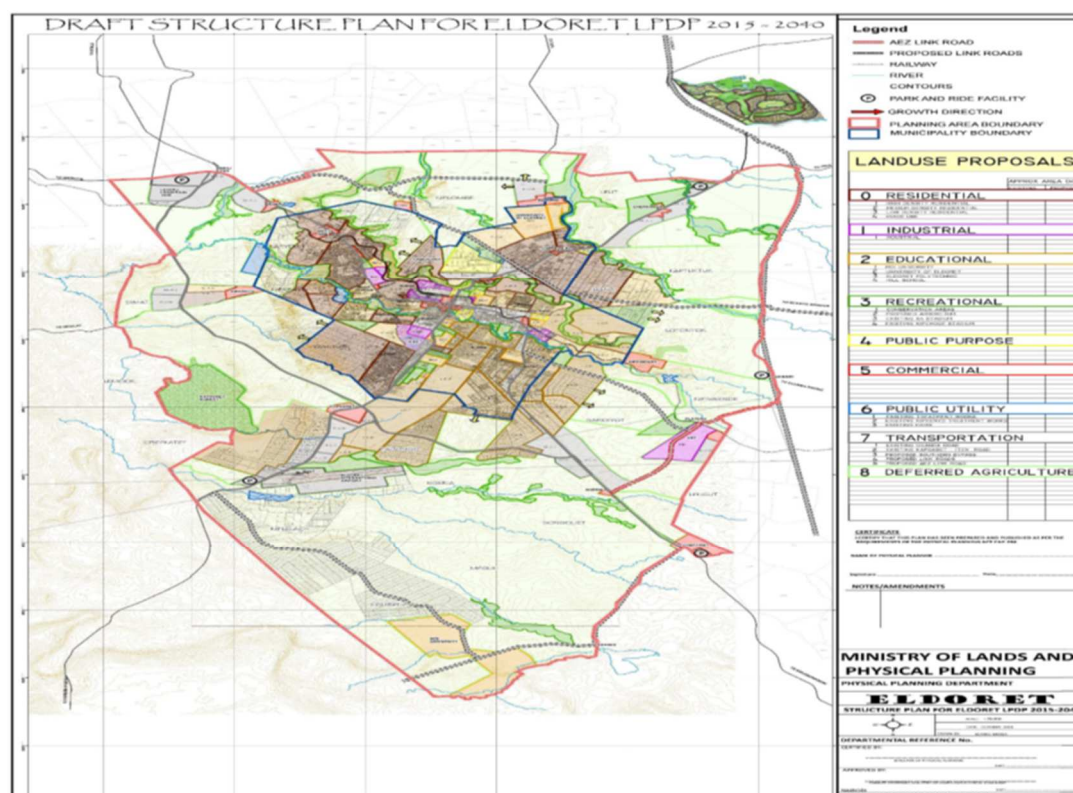


Figure 4. Eldoret municipality.

Previous planning initiatives in Eldoret include the first physical development plan for Eldoret prepared in 1970, which laid out strategies for development in the town. Subsequently, in 1974, the municipality boundary was extended bringing into the municipality privately owned land. The 1975 Eldoret structure plan was prepared and set out broad development strategies for the municipality. The Eldoret strategic urban-development plan 2008–2030 was completed in 2010, but, records in the county show this plan was not approved (County Government of Uasin Gishu, 2018a).

Nakuru

Nakuru municipality is the county headquarters of Nakuru County Government and former provincial headquarters for the Rift Valley Province. It is the fourth largest city in Kenya following Nairobi, Mombasa, and Kisumu. Nakuru was established by the British colonial government as part of the White Highlands. It received township status in 1904 and became a municipality in 1952. Nakuru has occupied a special place in the evolution of the country, and the first and second presidents of the republic preferred meeting people at the state house in Nakuru. This status attracted a large number of investments into the town. A UN study in 2011 recorded Nakuru as the fastest growing city in Africa and fourth fastest in the world. Nakuru municipality is home to Lake Nakuru, which hosts Lake Nakuru National Park with world-famous flamingoes (see Figure 5).

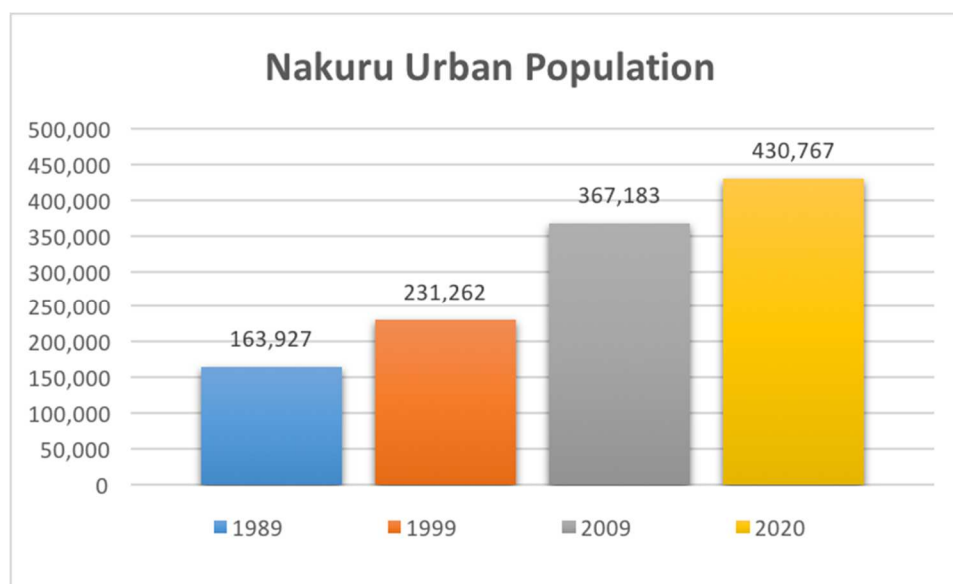


Figure 5. Nakuru urban population.

The county government allocation in the 2014/2015 financial year showed financial-allocation items with no dedicated financial allocation for Nakuru municipality (KNBS, 2015). This situation, therefore, means the city had to depend on allocation from various sectors and to compete on equal terms with rural administrative units with less population and complexity. In the *County Fiscal Strategy Paper*, (2018), the county Government of Nakuru lists achievements under physical planning and in the housing sector. Some achievements are the preparation of a county spatial plan, reported to be in the draft stage, and a valuation roll to help increase revenue collection. Under the Kenya Urban Support Programme, supported by the World Bank, Nakuru municipality was set to financially benefit, having signed on to participate in the program. The county government signed a participation agreement for this project that aimed to strengthen urban institutions and systems to deliver improved infrastructure and services. The

investments were to be targeted at waste management, drainage, connectivity infrastructure, urban economic infrastructure, and fire and disaster management.

The Integrated Strategic Urban Development Plan for Nakuru (County Government of Nakuru, 2016) highlighted that the strategic-structure plan prepared in 2001 was not as successful as expected, despite having been prepared with high-level support under the UN Habitat Agenda 21 programme. This apparent lack of implementation was largely attributed to various factors. Key among them was that the strategic-structure plan did not provide detailed plans with clear development guidelines. This lack of detail made it difficult to implement projects, particularly those projects that should have been implemented on private land. Detailed action plans were supposed to be prepared soon after the approval of the structure plan, but this plan preparation was not done. Coordination of the implementation of the plan was weak because it covered areas falling in jurisdictions of two different entities: the then municipal council and the county council of Nakuru.

Apart from having separate institutional setups, the two local authorities had different standards and approaches, particularly in development control. The two councils did not have mechanisms to coordinate development. In addition, lack of capacity among the two entities also affected implementation of the plan, as adequate staff, particularly in planning, enforcement, and related fields, was lacking. Planning departments proposed in the plan were never established, with the planning staff still domiciled at the Ministry of Lands Nakuru County (County Government of Nakuru, 2016).

Nairobi

The Nairobi City County covers a land area of 696.1 km² and is divided into 17 constituencies /sub counties and 85 wards. The current population is estimated to be about 4.7 million (Nairobi City County, 2018). Figure 6 shows population-growth trends for Nairobi City from the 1989 population census and projections to the year 2020. The population census was scheduled to be undertaken in 2019, which will provide more accurate current figures. The rapid growth rate has been the result of the predominant role of Nairobi as the capital city, hosting many international and local companies, agencies, and businesses that create employment. This status, therefore, made the city a magnet for people seeking employment opportunities. The devolution introduced was likely to create more centers of employment and, therefore, disperse the population. However, the momentum that Nairobi has developed is unlikely to diminish (see Figure 7).

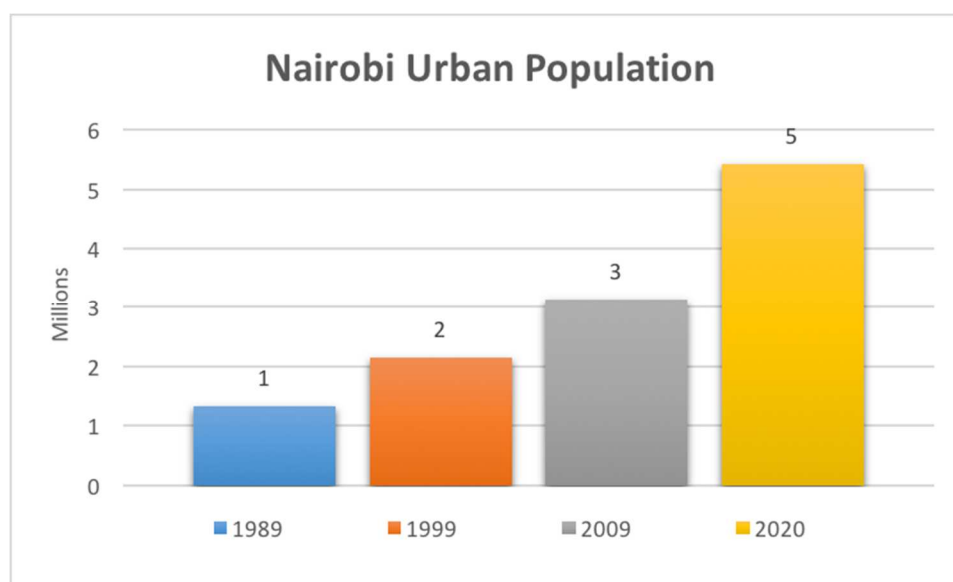


Figure 6. Nairobi urban population.

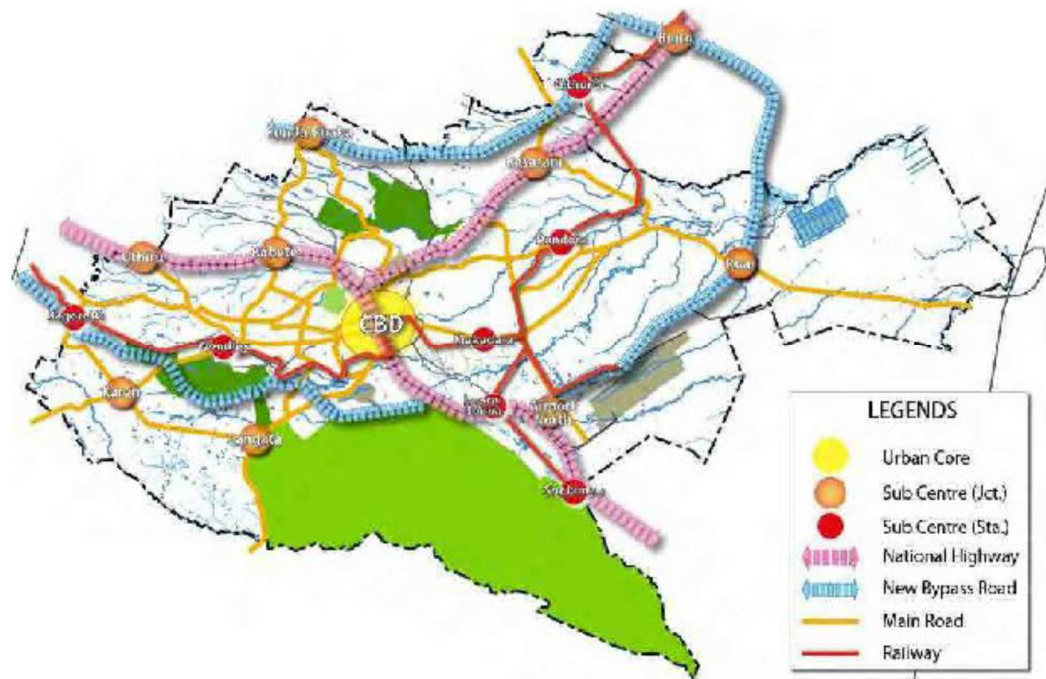


Figure 7. Location of Nairobi City.

The City County hosts the Jomo Kenyatta International Airport, which is the biggest airport in east and central Africa. Industrial and commercial land uses have diminished over time, with most industries relocating to Athi River Town in neighboring Machakos County. Nairobi was home to major industries, accounting for 80% of all industry in Kenya. The industries offered a large range of employment opportunities. About 2,061 industries were located in Nairobi City County, with 422 being manufacturing, and most of these industries were located in industrial areas Kariobangi South and Baba Dogo (Nairobi City County, 2018).

Nairobi City is the national capital of Kenya, giving it a competitive advantage. The city hosts the highest concentration of financial institutions, including 43 commercial banks with a network of 364 branches operating in different parts of the city. The city consumed 50% of the total power generated annually in the country, with 72% of

households having access to electricity (Nairobi City County, 2018). One of the greatest challenges facing Nairobi city is traffic congestion, acknowledged in the 2018 CIDP, highlighting several obstacles that contributed to congestion on city roads. The plan identified physical obstacles, including Nairobi National Park, which necessitated all intercity traffic to pass through Mombasa Road, which caused extreme congestion. Further, the Kibera slums and Ngong Road forest have hampered connectivity to Karen Road, causing severe traffic congestion on Ngong and Langata Roads. The Nairobi central railway station and Yard has also been identified as a barrier to the southern industrial and business area, concentrating all traffic on Jogoo Road and Mombasa Road. The Eastleigh airbase, measuring 3.5 km by 3.0 km, became a land obstacle, causing congestion on Juja Outer Ring Road and Eastleigh First Avenue (Nairobi City County, 2018).

The *county fiscal strategy paper 2018/2019* acknowledged that the city county operates in the global and national economic framework. The strategy highlighted that for successful implementation of development objectives articulated in the CIDP, commensurate financing was necessary. The implementation of county programs, projects, and service delivery was disrupted by persistent shortfalls in internal revenue.

Data Analysis

I transcribed each of the audio recordings from interviews into a Word document securely stored in my computer with a password to prevent access by other people. I assigned codes to each recording with a code assigned to each participant. Further, I reviewed the audio recordings several times to ensure that every word, sentence, nuance, and emphasis was captured accurately.

As a qualitative researcher, I was aware of my role as an instrument of research, and, to eliminate any form of bias, I subjected myself to the process of epoche to minimize any form of preconceived ideas or preexisting perspectives on plan implementation or about any participants in the research. Patton (2015) interpreted epoche as a Greek term that means to desist from one's normal way of perceiving issues, which, by nature, may be judgmental. Epoche calls on a researcher to adopt a new way of looking at things in an objective manner. As a researcher, I undertook self-reflection to become aware of personal biases. This process assisted greatly in eliciting responses without infusing personal opinions or ideas or any other ideas gained from the literature review or from daily experiences. Patton (2015) stated that bracketing entails looking at data objectively, devoid of any preconceived ideas.

Further, I shared my data collection instruments and the data with my supervisor at work who has an earned PhD. This consultation helped in clarifying the questions and the method of posing the interview questions. Some insightful questions asked by this colleague assisted me to minimize bias.

I began analyzing data by reading and rereading the transcripts of the interviews conducted and counterchecking with the recordings to ensure accuracy. After reading through the transcripts several times, I attained a comprehensive grasp of the content and flow of each of the participant's perspectives. The second step was to perform precoding, in which I highlighted the major ideas that arose from the interviews. I saved this copy of my transcripts as a separate document and printed out the transcripts. The goal was to help me relate more closely to the data. Although perceptions were clearer in seeing different colors on the screen, a hard copy ensured I could touch and own the data. I used

the printed transcripts to highlight major ideas that emerged on each page and I jotted down the major words, themes, and ideas on each page while underlining and highlighting words and ideas that stood out and were repeated.

I read through each page to confirm I had gleaned the major ideas and written them at the side of the page or at the bottom. I went through every page to identify any recurring ideas. Using the Microsoft Word tool “find” I was able to find recurrence of words and phrases. I was able to pick out the words and phrases that were used repeatedly by most participants. I documented the words, the number of times they were used, and the number of participants who used them, shown in Table 4. These recurring words informed the crafting of the themes.

Table 4

Key Words Identified During In Vivo Coding Cycle

Key word/Phrase	Frequency of occurrence in transcripts	Number of participants who used the word/phrase
Finances/funds/budget	25	9 of 14
Interests/ vested interests	21	7 of 14
Capacity	13	6 of 14
Roles of different actors	2	6 of 14
Oversight	9	4 of 14
Resources	15	6 of 14
Land/ land value/ land allocation	91	12 of 14
Politics/political goodwill	42	9 of 14
Governance/ technocrats management	10	6 of 14
Participation	18	8 of 14
Development control/ development applications	27	8 of 14
Leadership/leader	20	6 of 14
Policy	35	8 of 14
Understanding	21	7 of 14

I grouped similar ideas into one theme. Saldana (2013) stated that a theme is an outcome of coding, categorization, and analytic reflection. A datum is initially, and when needed, secondarily coded to discern and label its content and meaning according to the needs of the inquiry. Researchers have often disagreed with the amount of data to be coded and advised that, while doing manual coding, researchers lay out printed sheets of interview transcripts and do precoding by highlighting words and short phrases, circling and coloring significant quotations or statements from participants (Saldana, 2013). The data collected from documents and participants provide many insights and were relevant

to answering the research questions. Findings from reviewing the documents confirmed and complemented findings from the interviews.

Data analysis consists of three parts that run concurrently: data condensation, data display, and drawing of conclusions (Miles et al., 2014). Data condensation is a process of selecting, focusing, abstracting, simplifying, or transforming data obtained through interviews, document reviews, and observation, among other processes. Condensation made the data stronger. The process of condensing starts much earlier, even before data collection at the stage of selecting conceptual frameworks, research questions, and data-collection approaches. This process of condensing data proceeds until after the final report is completed. Condensation is part of the analysis process, helping to sharpen, sort, focus, discard, and organize data, guiding in drawing and verifying final conclusions (Miles et al., 2014). The first step in my analysis, therefore, was to undertake data condensation through coding.

Coding

Codes are labels used to assign a symbolic meaning to descriptive information obtained during data collection (Miles et al., 2014). A code is a word that captures the primary content and essence of data obtained (Saldana, 2013). Further, coding is not necessarily a precise science but is an interpretive act (Saldana, 2013). Coding is analysis; it is a transitional process between data collection and more extensive data analysis. A code may sometimes summarize or condense data and not merely reduce it. Researchers decode by reflecting on a passage or data to decipher its core meaning. When a code is assigned appropriately, this is encoding. After transcribing all interview

recordings into word documents and writing down my document review appraisals, I prepared the transcripts for coding.

Manual Coding

I decided to manually code each interview transcript. I read and reread all interview transcripts to gain an understanding of the responses and identify emerging ideas related to my research questions. I identified recurring statements, sentences, and words, in addition to statements that were made with emphasis and conviction. I wanted to establish ideas that were running through all the transcripts. I formatted the transcripts to allow a bigger right margin and printed them out. I preferred to work with printed sheets of paper because I could relate to my data easily. Because these were saved securely in my computer, I could print fresh ones if earlier ones were damaged. As I read again, I was able to highlight key phrases, sentences, and words. Using different colors of highlighters, I was able to put words or ideas carrying similar meanings together by using a similar color of highlighter.

In Vivo Coding

I also used in vivo coding, using words spoken by participants as codes. I used the direct words spoken and looked for recurring words or phrases, including those given a great deal of emphasis. Participants in a study may share their personal perspectives but their individual value, attitude, and belief system may vary, ranging from boredom or disengagement, to inherently motivated (Saldana, 2013). Coding requires the researcher to wear an analytic lens; however, the background of the researcher influences how they perceive and interpret what is happening. Coding is also further influenced by the researcher's level of involvement during fieldwork, the type of interview questions asked,

and the responses received, as well as the detail and structure of the field notes (Saldana, 2013).

Coding decisions are not only influenced by the study approach used, but are also judgment processes such that the researcher brings in their subjectivities, their personalities, and their predispositions to the process. As the researcher, I was aware of this possible bias and tried to limit my subjectivities. I spent a good deal of time coding to ensure that this was done well, particularly assuring the codes could relate to and answer the research questions. By reading and rereading and again listening to the interview recordings, I was able to ensure that the right meanings had been transcribed and the codes and themes emerging captured the correct meaning of the interviews from the participants.

In general I used in vivo coding, using the actual words spoken by the interviewees. Table 4 lists words and phrases identified during in vivo coding that developed into subsequent themes.

Participant T1200 used words such as finances, human-resource capacity, political good will, level of understanding, interests, land tenure, and the importance of oversight. The participant noted that plan implementation ought to be driven by individuals who are qualified and skilled and that finances need to facilitate implementation. T1200 also raised concern of the level of understanding of the key actors in implementation, particularly the political arm in the county: “MCAs have no accurate understanding of urban planning; therefore presenting to them a plan with technical terms is a challenge.” The participant also decried that plan provisions and policies were unavailable in the public domain, making it difficult for the public to adhere to the plans.

The role of the assembly in providing oversight over plan implementation was identified as an essential ingredient for implementation.

Participant T1100 provided an elaborate process of planning in the city and acknowledged the key role of the county assembly. The participant noted that it is the responsibility of the executive to enlighten the assembly of the provisions of the plan, to help them understand what they are approving, and thus secure their support in implementation. T1100 observed, “Members of county assembly are keen to know the meaning and benefits of the plan and the resources spent on its preparation to determine whether there is value for the money and resources spent.” This participant cited the example of Karen Langata Plan in Nairobi City, which was prepared and approved but was not fully implemented. In addition, this participant indicated areas where the plan was contravened, for instance, in land subdivision levels. This participant indicated that pressure for development pushed land values up. The participant noted that plans should be flexible to allow for responsiveness and raised a concern that the rigidity of plans made them into obstacles for development. The participant noted that an approved plan is a legitimate tool that city officials can use to regulate development. However, in the absence of approved plans, city officials have to apply their own discretion in deciding whether to grant development permission.

T2100 decried the time lapse between plan preparation and plan approval and identified the need to appraise how plans have been implemented. The participant noted that, for plan implementation to happen, a budget must be allocated for implementation. T2200 also complained about the long duration between plan preparation and approval and the small budgets allocated for implementation: “There has been limited or no

funding for implementation and no money is set aside specifically to implement plans.” The participant averred that, ideally, the CIDP should draw from urban plans. However, owing to supremacy battles between different sectors in county governments, the finance department, which is responsible for CIDP preparation, proceeds with their projects without reference to urban plans. The participant noted that, though plans have been prepared, they have not been approved due to vested interests. “Politics also influences planning in a certain way, but largely driven by personal interests, not the public interests, for political expediency,” observed the participant.

Participant T2300 noted that, in the past, urban plans were prepared by technocrats with no public participation and planning experience and focused more on allocating public land. The participant attributed the low implementation of plans to limited capacity in the city to implement plans, inadequate public awareness on plan provisions, and low levels of financing. The financial resources allocated are not commensurate with the costs of implementing infrastructure services resulting from the plan, which are usually quite high. The participant noted that, prior to 1988, plan implementation was more coordinated, and after plans were prepared, a survey and a systematized land-allocation process followed.

Participant T3100 noted that the county governor embraced planning and directed that all development decisions be preceded by planning. In this way, more resources were allocated for planning. However, plan implementation was still hampered by inadequate resources and competing priorities. The participant observed that “implementation has largely been undertaken through development application processing.” Participant T3200 observed that, in Eldoret, elaborate planning for implementing approved plans was

nonexistent, and most implementation was done through development control. Participant T3300 wondered whether plans prepared by planners were responsive to the needs of citizens. T3300 noted “many people do not believe in planning” and that “there has been no mechanism to implement plans.” The participant asked a rhetorical question: “What is the output of plan implementation; is it a tangible product like roads?”

Participant P6100 attributed low plan implementation to lack of knowledge, low budgetary allocation, low staff capacity, and political patronage. The participant noted that the Town Planning Act was a highly technocratic law and was powerful. The Town Planning Act allowed the government to exercise authoritarian powers. Further, during the period when the Town Planning Act was in operation, land was predominantly publicly held, unlike during the time of the Physical Planning Act, when land had converted to private ownership. The participant also observed that prior to multiparty politics in 1992, the level of vested interests by councilors was low; after 1992, councilors started putting personal and party interests at the forefront. In this participant’s assessment, the quality of leaders went down and the council also expanded its jurisdiction to cover a larger area without infrastructure services. The other weakness was the focus on receiving resources from the treasury and not generating its own revenue.

P6200 observed that plan implementation in Kenya had two dimensions: developing support infrastructure by public agencies, in which the private sector led by applying for development. The first part of implementation depended on public financing. P6200 cited the experience under the Physical Planning Act, when plans would be prepared by the national government and handed over to local authorities for implementation. This presented a challenge, as ownership of these plans was nonexistent,

and problems of understanding and internalizing the provisions of the plan were apparent. In addition, best practice in urban planning requires the involvement of stakeholders who are affected by the plan and those who are expected to implement the plan have a role in designing the plan. The participant observed that “councilors are interested in being voted in and would champion projects that would earn them more votes.” In this case, the political interest overrode the technical advice. A formal nexus was evident between the two arms of government, with the executive undertaking routine operations and the assembly undertaking oversight. Further, participant P6200 said that planning being both an art and a science implies that there is politics of planning; the planner has to be a politician to market their plans. In addition, planners have to assume different roles at different stages of planning with different players in plan implementation. Therefore, “planners have to lobby the right people for their buy-in and implementation.”

Participant 6300 talked passionately about the topic of the present study and asked the following questions: What is the meaning of policy? What happens when state organs disobey policy? Is a plan a policy? In answering the questions, the participant stated that a policy is a philosophy and should be imprinted in the hearts of people. Formulation of laws implied that inherent disobedience exists and that is why laws are put in place to penalize non adherence. The participant noted that policy was elevated to be a constitutional matter, citing Article 191(3) (b) of the Constitution of Kenya 2010. The participant observed that people will respect planning when Kenya becomes a planning nation in which people appreciate the need for order. The participant further noted that in Britain, from which Kenya borrowed its planning culture, planning was necessitated by

public health concerns, and planning became necessary for the society to survive; this gave planning fresh impetus and an urgency to plan and execute.

The participant observed that planning was not viewed as a project in the same way infrastructure projects, such as roads, are viewed. The Nairobi Metropolitan Growth Strategy of 1973 proposed that development would be decentralized away from the central business district and bypasses were proposed. The central government was required to lead by reducing investment in the central business district. The bypasses were intended to create circumferential circulation in the city. However, it appeared the government did not adhere to this intent and proceeded to develop major buildings, such as the Kencom building, Nyayo house, Treasury building, Cooperative house, Utalii house, Kenya reinsurance building, and Times Towers, among others, after the growth strategy had been formulated. The traffic generated from these buildings was immense.

The participant identified lobbying as an important ingredient for plan implementation, yet planners lacked lobbying skills. The participant wondered whether the plans prepared by planners addressed the needs of the citizens or were only prepared because they were required by law. The participant noted “there is no explicit section in law that guides implementation. There is a misconception that development control is implementation.”

P6400 talked about the political economy, which was driven by political loyalties. The participant equated political loyalties to vested interests, and even the laws that were enacted were a reflection of the interests of the political class. Plans have largely remained instruments for allocating land: “it is planning for allocation and not planning for urban development.” The participant complained that many times, people with little

experience were tasked with leading complex planning assignments, and because they did not have the humility to accept contrary opinions, they defended what they did. They lacked the humility to lead.

P6400 noted that to sustain order, a planning policy or urban-development policy needed to provide an overarching framework. In the participant's opinion, the policy should precede law. The participant wondered whether MCAs understood their oversight role beyond merely impeaching the governor. Their most important responsibility was approving budgets for the governor to implement development programs. The participant highlighted the recent rampant practice that MCAs had adopted of threatening governors with impeachment with flimsy reasons, noting that this was tantamount to holding the executive arm of government at ransom. This practice had, in effect, sabotaged plans for development because governors were fearful of being sanctioned by MCAs. The participant wondered why governors were being invited to appear before audit committees at the senate, yet County Executive Committee members were the ones to be summoned. The participant opined that summoning governors for interrogation on operational matters in the county was not proper, as the executive committee is best suited to respond to such questions. The participant was appalled by the low level of understanding of the importance of planning by top leadership in the cities. According to P6400, most of the individuals holding senior positions in government did not have a good understanding of the importance of urban planning and implementation. For councilors, planning was meant to facilitate issuing plots to their political supporters.

From the interviews, it was evident that the different categories of officials acknowledged several barriers to implementation of urban plans and each was able to

give their perspective to identify the barriers. The major highlights of the barriers highlighted include lengthy time lapse between plan preparation and approval, which leads to loss of momentum to implement; inadequate financial allocation for implementation; and urban plans have received a negative connotation as tools for allocation of public land, yet planning has the noble role of creating order, livable places, efficiency, aesthetics, efficiency and sustainability. Implementation of urban plans has also been hampered by inadequate qualified human resources, lack of awareness of plan provisions, no deliberate mechanism for plan implementation, and politics.

Results from Narrative Coding

I also used narrative coding, which enabled me to develop participants' accounts of their experiences and perspectives. The account of each participant elicited by the questions developed into a story that helped answer the research questions. In response to the question on their experiences in urban planning, participants gave varied responses. Participant T1200, for instance, noted the participant had worked in Nairobi city for most of their working life and that the main motivation for the city planning department has been to ensure that once plans are prepared, they are implemented, so the benefits of planning can be achieved. The participant enumerated different types of plans that have been prepared to guide urban development, noting that after 2013, a new governance structure was instituted with new laws, such as the Urban Areas and Cities Act, which required urban areas and cities to be managed based on plans.

Participant T1100 noted that having worked in the city for a long time, the city had transformed. Despite the dynamic nature of the city, outdated development instruments were still being used. However, the advent of devolution heralded a fresh

impetus for planning, in which planning had significant importance with an increased appreciation of planning. Participant T2200 highlighted that Nakuru was guided by the Nakuru strategic urban plan prepared in 2002. Owing to postelection violence experienced in 2008, an upsurge in population occasioned a strain on services with a commensurate need to extend the infrastructure in the city. This occurrence led to the preparation of the integrated strategic urban-development plan for Nakuru, which was not yet been approved. T2200 noted that many plans were prepared and most were not approved; when they were approved, it was after a long duration. In Nakuru, for instance, even when money was allocated for planning, such funding was only in the vote books, but planners found it difficult to access such money for planning purposes.

In response to questions on how plans were prepared, approved, and implemented, many participants outlined the procedure provided in the Physical Planning Act in the preparation. At the approval stage, city officials acknowledged that the Urban Areas and Cities Act empowers the county assembly to approve plans. Some participants expressed reservations about having the assembly approve plans, noting that this process delayed plan approval. This reservation was based on the need to do great deal of lobbying with MCAs before they could approve the plans presented to them. All participants highlighted the actors in the process, including the department responsible for planning, the county executive committee member, and the county assembly. With regard to laws applied in plan preparation, participants cited the Physical Planning Act, Urban Areas and Cities Act, and other sectoral laws.

Responses to the question on the relationship between the executive and the legislature varied, with most saying that the interaction between the two arms was not

very close. Participants from the assembly believed the executive had a responsibility to update the assembly on work done and any other areas in which they would want the assembly to intervene, as well as advising MCAs on technical matters. Participants from the technical arm believed MCAs were not very cooperative and often demanded the executive sponsor them for seminars outside the work station, so as to be properly sensitized on the plan before they could approve. Some level of suspicion seemed to exist among the different arms of government at the county level. On the laws that guided urban planning, some participants thought the duality of laws brought about by the Town Planning Act and the Land Planning Act may have created challenges for implementation.

Synthesis of the Findings

From the interviews, major highlights of the prerequisites for plan implementation included financial resources; capacity, in securing qualified and skilled personnel to spearhead the implementation process and to interpret the plans and schedule and oversee the implementation; and participation, in which the political arm was viewed as essential to the implementation process. The inability of the political class to understand the different jargon used by planners in plans, such as plot ratios and plot coverage, was listed as a hindrance. The political class was reported to have some vested interest, which may sometimes compromise the proper implementation of plans. Planners and executive officials, therefore, needed to be able to negotiate with the political class. Actors in plan implementation included city authorities, residents, and professionals in the built environment. The challenge in Nairobi, Eldoret, and Nakuru was that information was not often readily available to developers on how they could comply with the plan or on what they should do in furtherance of the plan provisions. The provisions of the plan

were not normally available to stakeholders. The county assemblies had the responsibility to oversee the implementation of plans.

Another challenge expressed by many participants was that the role of an urban planner was not well-known or appreciated. In the era of globalization, planning information needed to be available in an accessible platform. People interested in development in the city needed to be able to gain access to the necessary information easily, without necessarily travelling to city offices. The form of land tenure affects plan implementation. In cases in which land was privately held, the city provided standards for development and only supervised developers for compliance. When land was publicly owned, the county government gave leases with accompanying development conditions. Normally leases were reviewed on the basis of their use. Considering that most land in the cities is in private hands, city authorities can only provide standards for the private sector to implement. In addition the clamor to own land in major cities has occasioned much encroachment on publicly owned land like land for schools by private investors and speculators. The city of Nairobi recently required that all school land should have cadastral surveys and be titled. Utility rights-of-way belonging to the water and sewage companies and Kenya Power and Lighting Company have also been violated.

One participant noted that the Town Planning Act made provisions to improve public open spaces. This provision was left out of the Physical Planning Act. Further, the Town Planning Act provided that any person subdividing land exceeding 10 acres would be required to surrender at least 10% of the land for public use, such as to create public open spaces, a kindergarten, or a school. This surrendered land was to be placed in a city land bank. However, managing this surrendered land was a challenge; the effect was that

this surrendered land ended up being reallocated for private use. This determination created suspicion and reluctance by private developers to surrender land for public use, because of the perceived breach of trust by city authorities. Cities faced challenges in putting in place modalities to safeguard the surrendered land.

Respondent T1200 highlighted that the growth of Nairobi city was dynamic, yet the instruments used to regulate development were not as dynamic, but were outdated. Until 2014, the city used piecemeal development policies. The participant made reference to the Nairobi Metropolitan Growth Strategy of 1973, which, in the participant's assessment, was largely unimplemented. The reason given for the apparent lack of implementation of this plan was that planning was not prioritized at the time. The lack of prioritization of the plan meant no funds were allocated for its implementation. Further, political good will to facilitate the implementation was absent. The main actors in implementation were the technical arm in city authorities, the political arm, and the sectoral agencies responsible for providing services, such as water and electricity.

Respondent 1100 noted that the advent of devolution has raised the profile for planning, as the County Governments Act required no funds be appropriated outside a planning framework. The current laws were favorable for planning but old outdated tools were still being used. Increased pressure for development in the city occasioned the replanning of various zones in the city. Due to financial constraints, this rezoning process, to date, has not been completed.

Nairobi city also prepared the NIUPLAN, which was completed and approved in 2016. This plan was prepared with technical assistance from the Japanese International Development Cooperation Agency. The experience during this planning process was that

some stakeholders wanted to be paid to participate in stakeholder forums. This experience demonstrated the negative attitude that stakeholders had when invited to such important fora. Generally, stakeholder sessions were a good opportunity for city officials to interact with the residents. The sessions marked the beginnings of meaningful interactions between city officials and residents. The preparation of the NIUPLAN involved children, based on the perspective that the children's future aspirations should be embedded in the plan, because they were likely to live in the city longer than adults. The planners therefore received fresh impetus from children's dreams and aspirations, in that they did not want to disappoint the children.

Themes Generation

Through direct interpretation, I was able to derive meaning from the statements and phrases made by the interviewees. I considered the frequency of codes to determine the frequency of ideas expressed in the interviews. Coding entails classifying data to form meaningful sections. I used inductive coding derived from participants' responses. Using single words or short phrases spoken by participants, I developed codes. To develop enough codes, I undertook several coding cycles. By undertaking line-by-line coding, I assured a higher degree of trustworthiness in the coding scheme and contributed to reducing researcher bias. I started by creating themes from words repeated by participants. Though responses varied, depending on the context of each participant, the message that emerged was almost completely consistent. Repetitions provided participants' experiences and perspective on the research questions. This section therefore highlights the significant themes that emerged after the coding was completed.

The first research question sought to delve into the legal system of plan preparation and implementation and how this system may have hindered or facilitated plan implementation. The second research question examined the relationships provided in law and practiced in reality, through the interviews with officials identified to participate in the study. The results, therefore, are organized along themes that emerged, with a discussion on how they respond to the research questions. The results draw from the review of documents, augmented with interview responses. Although it was not possible to disaggregate results for each research question because of the overlapping nature of the findings, the themes have been crafted carefully to correspond to the central question of the research: identifying barriers to plan implementation. The themes derive from major words and statements highlighted in Table 4. I compared these interview-derived themes to findings from the reviewed documents, to identify matches and divergences.

Themes

Responses from participants varied slightly due to the different contexts and experiences of participants, but the central message from their responses was consistent. The overall message was that plan implementation is essential and that preparing plans and not implementing them was not beneficial. Further, participants were in agreement that implementation of urban plans has been low. This section explains seven significant themes that emerged and presents some selected quotations from participants to support the themes

Relevance and Place of Planning in Kenyan Society

One major theme that emerged was the relevance of plans to the needs of society, and, therefore, ownership of the plans by the beneficiaries. Respondents T3300 and P6400 asked the question, "Do the plans we make resonate with the needs of society?" P6400 stated, "Do we just make plans because it is in the performance contract? If that is the case, we will have an output and not an outcome." The participant further asked, "what are the reasons we want to prepare urban plans?" T3300 noted that the motivation to plan was to acquire land-ownership documents, an opinion shared by T2300. The result was that a gap exists between what was prepared and what citizens required. The participant also noted that plans were not based on proper scientific study. Participant P6300 was concerned that the urban plans prepared did not address the concerns of the people, nor add value to their lives. The participant wondered whether planners just prepared plans because they were required to do so. Respondent P6400 observed,

I believe many plans are not implementable, because the plans are not based on realities on the ground and do not resonate with the local interests and the political reality. The plans are not informed by best practices elsewhere with many being colonial in nature, being rigid and unprogressive.

T2200 noted that, from experience, the duration between plan initiation and completion was quite long and plans get approved after a very long time, by which time the plans have become outdated.

P6100 noted that before 2010, public participation in planning was not very rigorous, which meant that, with ineffective public participation, ownership of plans was

nonexistent, making them difficult to implement. P6200 noted that before devolution, plan preparation was a highly centralized activity, whereby the director of physical planning would prepare the plan and transmit it to local authorities for implementation. This scenario, in which one institution prepares and another implements, led to a lack of ownership of the plans. This result led to a gap in understanding and internalizing the provisions of the plan. Time lapse occurred between gaining understanding of planning and the initiation of plan implementation. Because society is dynamic, many developments occurred whereas plan preparation was ongoing and completed plans awaited approval. The existence of separate institutions as planning authority and as implementing authority was not facilitative to plan implementation. P6300 was concerned that the plans prepared may not be appropriate

Closely related to this observation is the place of planning in society. P6300 observed that something gets done and appreciated once it has been imprinted in the hearts of people. The participant noted that “in British planning where we derive our planning culture, planning was necessitated by public health concerns, it became necessary for survival and without planning they would perish because of the outbreak of plagues.” The participant averred that Kenya was not doing well in planning because the country lacks a planning philosophy. Further, the participant noted that the problems in Nairobi city were regionally generated because the colonial administration focused so strongly on the city and not the hinterlands. Although the jurisdiction of Nairobi City was planned and controlled, the outskirts were under the jurisdiction of various local authorities, yet the Land Planning Act did not provide strict controls to regulate

development there. This divergence occasioned a significant number of developments to occur in periurban areas.

Politics and Interests

Politics, in terms of political good will and political interference, emerged as a theme in the present study. Participant P6200 observed that political leaders—councilors and MCAs—want to be voted into office, to champion projects that appeal to the general public, and projects that can win votes for them. In this case, the political interest overrode any technical advice. Participant P6100 noted that councilors in the old system of governance are similar in form to the current MCAs. The participant, drawing from extensive experience in the public sector and having served in Nairobi City, noted that the advent of multiparty democracy increased the level of vested interest. This was attributed to the notion that councilors started putting party interests at the forefront, which may not have been in the public interest or favorable to plan implementation.

P6400 noted that all the activities in a city were subject to political patronage, and that political interests played a major role in decision making. The participant noted that because of the strong influence of politics, it was difficult for technocrats or bureaucrats to objectively manage city affairs. The participant noted that the city's economy belongs to a certain clique that links to the politics of the day. Further, the laws and by-laws enacted relate to the political class and fall in the trajectory of the interests of the day. T1200 noted that enforcing the provisions of a plan was potentially an arduous task because many people had different levels of understanding of the provisions and interpretation of a plan. The participant noted that political interests influenced the

functioning of a city. Participant 6400 noted that a city has its political economy, which is a product of the politics of the day:

If you say that you want to prepare a plan that organizes the way things are done, then you are up against these vested interests and that is a monumental task to undertake because your plan is going against these interests from the word go.

P 6400 noted that in the political economy, everything had “its owners”; for example, a proposal to change the way a neighborhood or transportation system functions or to relocate a dumpsite would face resistance from the “owners.” In essence, the participant asserted that one must circumvent many hurdles and interests in the course of planning a city. The participant noted that to be able to change a city through planning requires that one address those who purport to be in charge or the “gatekeepers.” Therefore the participant believed that a plan prepared is not complete if it does not embed a good strategy for addressing the interested parties; if this is not done, the plan remains purely an academic exercise. Further, enacted laws relate to the political class and take the trajectory of the interests of the day.

Participant P6400 observed that many plans could not be implemented because the plans were not based on realities or on the needs of local interest groups and communities. Many plans are technocratic, academic, and uninformed by best practices. Many plans still bear colonial elements or are rigid and unprogressive. In many instances, people or beneficiaries hardly relate to the plans. The participant wondered whether there existed an urban place or market that had been designed and built as per a plan, further, the participant observed that if the results of planning were tangible, the plans would be easy to follow. However, plans were used to allocate parcels of land. Participant T1200

noted that enforcing the provisions of a plan can be an arduous task because many people had varying interests and different levels of understanding. Politics was identified as a barrier to implementation and decisions in a city were a product of political interests. Technocrats involved in planning must know how to interact with the politics of the city to ensure that their plans are understood and used to guide development.

Provisions in Law on Implementation

Study findings indicate that what is not embedded in law may not be executed. Findings from the review of laws and interviews with participants showed that plan implementation was not expressly provided for in law; rather, it was only implied. P6100 noted that the Physical Planning Act and Local Government Act did not have express provisions for implementation, and plan implementation was very remote in the laws. The purpose of the Physical Planning Act was to prepare plans and no provision was made to require implementation of the plans. T3200 noted that after plans were prepared and approved, no elaborate plan existed to implement, and implementation was largely done through development control. Further, no coordinator was ever designated to coordinate implementation. T3300 noted that no mechanism is in place to implement plans and no coordination and feedback mechanisms were included.

Participant 6300 highlighted Section 5 subsection (d) of the Physical Planning Act, which empowered the director of physical planning “to require local authorities to ensure the proper execution of physical development control and preservation orders.” This function implied that the director would have a role in implementing plans. However, in 1988, physical planning was co-located with the Ministry of Local Government where local authorities were based for only 5 months. Thereafter, the department was moved

back to the Ministry of Lands. The participant noted that “if physical planning remained in local government, we would have had better chances of implementation.” This state of affairs meant that plans were prepared, approved, and not implemented because of protocol issues. The physical-planning function remained an appendage of the Commissioner of Lands, principally to facilitate titling until 1998 when the Physical Planning Act was operationalized.

Participants also noted that sector agencies, such as roads, electricity, and water and sanitation service providers, among others, operated under their own statutes and were not subject to direction by a local authority. Money is allocated according to function under the Public Finance Management Act. Because institutions are autonomous, they have their own strategic plans for implementation and rarely prioritize what the urban area identified to align with their priorities.

The laws did not have express provisions for implementation. Participant P6100 noted that in the different epochs of planning, applicable laws have not had express provisions for plan implementation: “Implementation was not anchored exclusively in law; the element of implementation was not part of the planning process.” Further, the participant noted that “The Physical Planning Act and the Local Government Act did not have express provisions for implementation, within the laws, plan implementation was very remote.” The laws only made provisions for preparing the plans. Once these plans were prepared, policies were to be prepared for implementation; these would constitute bylaws, which, in case of any litigation, would be overruled by national laws. P6300 noted, “there is no explicit section in laws guiding implementation, there is a misconception that development control is implementation.” Further, the respondent

noted that planning was never viewed as a project in the same way that roads or other infrastructure projects were viewed.

In addition, no elaborate plan existed for implementation. Participants T3200, T1100, T2300, and T3100 noted that plan implementation was largely undertaken through piecemeal approaches or through development control. No deliberate program existed to require implementation of approved plans or resources allocated or set time frames for implementation. T3200 observed that “there is no elaborate plan for implementing the approved plans, most implementation is done as development control.” T3300 observed, “there have been no mechanism for plan implementation, there is no coordination and no feedback mechanism. There have been no resources for plan implementation and lack of clarity on when implementation starts and stops.” The participant was also concerned that the outputs and outcomes of plan implementation may not be clear. The participant noted that sometimes plan implementation resulted in misery by affecting people’s livelihoods, yet no framework for monitoring and evaluating plan implementation existed.

Participant P6100 noted that the Town Planning Act was technocratic in orientation but very powerful and allowed the government to exercise its authority to implement plans, but the Physical Planning Act was more accommodating and introduced public participation. The requirement for public participation introduced another complication in getting synergy among those with differing opinions.

P6100 observed that prior to multiparty politics in 1992, local authorities were operating well with proper accountability measures put in place. Some of the developments seen in Nairobi City were developed in the 1970s and the last public

housing in Huruma and Kariobangi were developed in 1978 through the site and service schemes of the 1970s. The respondent noted that committees formed at the time were capable of articulating the issues of the city and executing their role effectively. The level of vested interests at that time was almost nonexistent. The advent of multiparty politics introduced many political parties with varied interests. Many councilors started putting personal and party interests at the forefront. Nairobi suffered much because of multiple political parties. In such circumstances, the technical officers suffered from being treated with suspicion that they were leaning toward a particular political party. They were threatened with termination of employment, which created an unfavorable work environment that was injurious to plan implementation. Because plan implementation was not expressly provided for in law, planning that should be a holistic process of plan preparation, approval, and implementation has merely stopped at approval. Over time, a misconception has emerged that development control constitutes implementation.

Planning and Land tenure

Findings from the study indicate that urban planning is greatly influenced by land-tenure issues. If issues of land tenure are not addressed in a proper manner, they become a hindrance to plan implementation. The laws reviewed indicated that the central object being planned is land. Section 3(1) of the Town Planning Act highlighted the objects of a Town Planning Scheme should include, among others, that a Town Planning Scheme is prepared with respect to any land, with the general object of improving and providing for the proper development of such land. The purpose of the Land Planning Act was to make provisions for planning the use and development of land. Section 24(3) of the Physical Planning Act provided that a local physical-development plan may be prepared for the

general purpose of guiding and coordinating development of infrastructural facilities and services and for the specific control of the use and development of land. It is therefore quite understandable that land was mentioned in high frequency by the research participants and justifiably became a theme in the study.

Participant P6200 observed that prior to 1988, plans would be prepared and were the basis for land allocation. Clear criteria for land allocation existed and the local authorities respected the criteria. One criterion for land allocation was that one had to show proof of their ability to develop the land. Further, a beneficiary of public land was required to develop within 2 years. Subsequently, these prerequisites for land allocation were overlooked and land became an element for speculation. Further, Participant 6100 noted:

During the era of the Town Planning Act, land was largely held by government or by public agencies like the Kenya Railways or the Kenya Posts and Telecommunications. In this case, the government had a leeway to determine what it could do with its land; this made plan implementation easier.

The participant further observed that at the advent of the Physical Planning Act, land had largely changed to private hands, this made implementation of plans to become more difficult. The participant noted that there exists more hurdles to circumvent when planning in privately held land. Further, the Local Government Act was a powerful law and empowered the minister for local government to supervise the bureaucracies. Constant dissolution of local authorities and lack of consistency jeopardized implementation.

Financial Resources

Financial resources are a critical ingredient for plan implementation. To effectively implement a plan requires that plan proposals are rationed and prioritized. Low financial-resource allocation for planning and implementation was identified by research participants as a hindrance to plan implementation. Participants T1100 and T1200 noted that to implement plans, adequate finances and capacity in skilled staffing were required. Participant T1100 gave examples of planning work that had remained incomplete or abandoned due to lack of finances. Participant T2100 noted the need for a development budget to support plan implementation. Further, T2200 decried the low budgetary allocation and said that, even allocated money cannot be accessed, even when it is in the vote books. The participant gave examples of plans in Nakuru that were not accomplished due to inadequate finances; the participant complained that no funds were set aside specifically to implement plans.

The Quality of Plans

Participant P6400 noted that to obtain a good urban plan, one must ask, “Why do we need to prepare an urban plan?” The participant observed that an urban plan may be useful in helping to optimize the way urban land is used and to provide a good living environment for residents. Participant T2200 noted that, from experience in the city, a level of negligence and a disregard for professionalism exists in plans prepared for the city. The participant noted that this could be a reason that plans are not implemented, because prepared plans sometimes are unclear on what is to be implemented. Further, the participant noted that plans are prepared based on inaccurate or outdated data, meaning plan recommendations may deviate from the needs of the targeted beneficiaries and may

not be sufficiently compelling for city leaders to implement. Participant 6400 noted that urban plans are technocratic, academic, and not informed by best practices, and are rigid and unprogressive. In many instances, people or beneficiaries hardly relate to the plans. The participant added that if the results of planning were tangible or the plans were easy to follow, then plans would be implemented easily. However, plans were used to allocate parcels of land. The provision in law requiring the director of physical planning to prepare plans and submit them to the local authority for implementation is another element that compromised the quality of plans. Although the director applied the expertise required and had officers in the city, city authorities would not set their priorities and vision to guide the plan. In some instances the city would not find the plan relevant or even gain a full understanding of the provisions of the plan.

Leadership

Participant P6400 highlighted that in the 1960s, 1970s, and 1980s, individuals selected to serve in the city as councilors excelled in particular disciplines, such as business, professional careers, or even in philanthropy. Councilors served on a part-time basis and recruited competent staff to manage the city. The participant opined that the changing management of the city comprised lower quality leaders. Participants noted that, to accomplish goals, the city requires bold and resolute leaders who are keen to do the right thing without fear. Participant 2200 noted that leaders set the direction and tempo of development in a city. If leaders do not appreciate planning, they will not set aside money for the activity or provide the resources required, including recruiting the requisite personnel.

Findings from this study show that leadership is a critical ingredient for plan implementation. An assessment of the legal framework and assignment of responsibilities in the various laws showed that no specific body had the responsibility to champion plan implementation. Section 166 of the Local Government Act provided that,

every municipal council, county council or town council may, subject to any other written law relating thereto, prohibit and control the development and use of land and buildings in the interest of the proper and orderly development of its area.

The law was very detailed and powerful and prescribed the powers and duties of the various local authorities. However, the law did not explicitly require the town clerk or any official in the local authority to implement an urban plan. Further, findings showed that among actors in plan preparation and implementation, no champion took on planning and implementation. When leadership champions planning and implementation, resource allocation will cease to be a problem and plans prepared will be relevant to the needs of the city.

Relating the Findings to the Research Questions

One theme that arose from Research Question 1, which sought to identify how the legal and institutional setup for plan preparation and implementation facilitated or hindered plan implementation in Kenya, was a disconnection among actors in plan implementation. All the laws reviewed seem to apportion planning and implementation responsibilities to the technical and legislative arms. Participant T1200 observed that plan implementation required participation of the assembly, and decisions made by the executive must be endorsed at the assembly level. The challenge experienced was that

MCAs justifiably asked questions when a plan was presented to them for approval. The MCAs were keen to know the benefits that would accrue from urban plans.

The unclear roles of the two arms of government potentially needed to be eliminated by involving the MCAs much earlier in the plan-preparation process. The participant also noted that the role of the assembly was quite crucial to plan implementation, particularly in facilitating and providing oversight of the plan-implementation process. Participant T1100 observed that MCAs, when presented with a plan, were keen to understand the benefits that could accrue to the citizens from the plan to justify the need to spend public money. Although the city authority played the coordinating role, other important actors in plan implementation included the sectoral agencies of water and sewage, power, housing, and roads. In most cases, these sectoral agencies held the bulk of the budget for these services, yet their priority potentially was not to implement the provisions of a specific urban plan.

Participant T2100 noted that the Public Finance Management Act provided guidance on how sectoral agencies budgeted for their line areas. Although Participant T2200 observed that under the old legal regime of centralized government system, the district-development committee provided a coordinating framework for plan implementation, in the new devolved system, this coordination was lacking. “In the old dispensation, plans would be adopted by the District Development Committee and each sector would pick programs approved in their sector for implementation.” Further, the participant cited a case in which urban planners recommended modernization of a housing estate, but the area MCA opposed them because of personal interest in sustaining the status quo in the area for their own political interest.

Participant T3100 observed that the management of urban areas faced challenges because, under the Urban Areas and Cities Act, urban-management boards were to be established to manage urban areas. These institutions were not yet set up in most urban areas, including specifically in the three case cities. The reason given was that the county administrations viewed them as parallel governments. Under the new dispensation, money was channeled to electoral units, called wards, and no wards were purely urban. Most wards traversed rural and urban jurisdictions. In most instances, the MCAs in these wards preferred to allocate more money to projects in rural parts of the ward because urban residents were viewed as transient and potentially undependable voters; rural residents were seen to be more stable and unlikely to migrate. Therefore, few resources were allocated to the urban parts of the wards.

Research Question 1

How has the legal and institutional setup for plan preparation and implementation facilitated or hindered plan implementation in Kenya? Interview questions T1, T2, T3, T5, T6, P1, P3, P4, P5, P6, M1, and M4 sought to elicit responses from participants on the legal provisions for plan preparation and implementation and on the various actors involved in plan implementation. Question T1 obtained each participant's experiences in urban planning; T2 delved into the process of preparing, approving, and implementing urban plans; and T3 sought to identify the actors involved in plan implementation and their specific roles.

In answering interview question T1, participants shared experiences in their cities, ranging from dissatisfaction with how planning was conducted to nostalgia about better times and apportioning blame for unsatisfactory plan results. Participants highlighted the

transition that took place in the legal system regarding planning in the cities. Generally, participants acknowledged that the laws that guided planning were not explicit on implementation. Another element was that planning in the cities is a responsibility of the executive arm and the political arm of government. In this case, the two arms did not have a proper coordination mechanism with each arm of government blaming the other for various failures.

The executive arm depended on the political arm to allocate the resources required for planning and implementation and also to approve plans. Further, the director of physical planning under the Physical Planning Act was responsible for preparing all plans that local authorities would implement. This system was seen as an impediment to implementation because it was difficult for the local authority to readily understand and internalize a plan prepared by another institution. The ideal position suggested by participants would be to have the planning and implementing authority a single unit or authority. Participant P6400 noted that the experience of having plans prepared by the national government and being handed over to local authorities to implement occasioned problems of ownership. This practice created a gap in understanding and internalizing the provisions of the plan. Participant P6100 noted that, in the era before 2010, implementation was not explicitly anchored in law. Further, the laws that existed at the time potentially did not shield planning from political interference. The Physical Planning Act and the Local Government Act did not have express provisions for implementation. Although the Local Government Act was seen to be a powerful law, participant P6100 noted that the law empowered the minister for local government; its strength was in

supervising bureaucracies. Further, constant dissolution of local authorities jeopardized implementation of plans.

Research Question 2

The second research question was; what is the nature of relationship between and among city executives, elected officials, and the residents of Nairobi, Nakuru, and Eldoret cities in implementing urban plans? Participant T1200 noted that implementation required participation of the county assembly and that decisions made by the executive must also be endorsed by the assembly. This distribution of responsibilities between the two arms of government depicts a separation of roles. Participant L9100 noted that the assembly “oversees the implementation by the executive to ensure the latter complied with the principles of fairness and justice and to ensure that the provisions of the plan or policies are adhered to.”

Participant T1200 observed “enforcing the provision of a plan can be an uphill task because there are many people with conflicting interests and that there are differences in the level of understanding.” The participant noted that landowners in some areas of the city, where planning made provisions for bigger land sizes, were keen to maintain the status quo. Landowners did not want to embrace new planning standards that allow for smaller parcels of land to ease the increased pressure for development in the city.

Participants identified actors in plan implementation as including the respective urban-planning departments in the cities, which coordinate the planning activities and implementation, and other national-government state agencies, such as the director of surveys, road agencies, the power agency, water agencies, and the land registrar.

Residents were also involved in plan implementation as individual residents through implementing specific projects, and also jointly as residents in associations that policed development in their areas. Investors and private developers were also actors in plan implementation. Although the Urban Areas and Cities Act required that cities and municipalities be managed by city/municipal boards, these institutions were not yet created in the three cities. In the absence of these boards, the county executive member responsible for urban development was responsible for this role.

Discrepant Data

I found minimal discrepant data during analysis. Only on the topic of institutional roles did one participant express the opinion that the centralized government system was more favorable for planning and implementation. The respondent's point was that the counties created after devolution were greatly influenced by politics and that this impacted negatively on the delivery of professional work. The participant noted that professionals were constantly under pressure to conform to the interests of politicians, which potentially flouted professional dictates. To ameliorate this situation, the participant recommended that a central body needed to be charged with recruitment of professional workers to serve in the counties to prevent manipulation by local politicians.

Evidence of Trustworthiness

I maintained the trustworthiness of the data analysis throughout the entire process with the use of member checking, peer review, and triangulation of observations noted during interview sessions. I was keen to note areas emphasized by each participant, using tone variation, facial expression, and even hand gestures of participants. My immediate

supervisor has an earned Ph.D. degree and served as the study's peer reviewer at every stage of the study.

I used the same protocol for each category of respondents; this process ensured consistency in the questions asked. Further, I allowed participants to respond to questions without influencing their thinking and gave them enough time to respond and answer questions without being inhibited. In this way, I attempted to avoid researcher bias. Because similar questions were posed to respondents of similar categories in different cities and also different respondents in the policy influencers' category, I was able to cross reference and see the consistency in perspectives. Further the use of documents helped to further substantiate, clarify, confirm, or expand the information received.

Summary

In this study, I identified and discussed the findings from the case-study research on barriers to implementation of urban plans in Kenya. Analysis of data obtained yielded findings of the barriers to implementation of urban plans. These barriers include leadership, quality of plans, finances, the relevance and place of urban planning in the society, politics and vested interests, and weakness in law regarding implementation and land tenure.

Research Question 1 sought to discern how the legal and institutional setup for plan preparation and implementation has hindered plan implementation. I found that the legal provisions and the institutional setup has been a hindrance and that laws are quite critical in shaping institutions. The law needs to be clear and specific on the roles of every identified actor and how they should interact to avoid overlaps, gaps, duplication, and conflict. It is essential to be specific and clear on where specific responsibility rests.

Research Question 2 sought to establish the nature of relationships between and among city executives, elected officials, and residents of Nairobi, Nakuru, and Eldoret cities regarding implementation of urban plans. Study findings showed an imbalance in power distribution among the various actors. The legislative arm enjoys a superior position and was seen to sometimes exercise superior influence over the executive. Some participants noted some subtle forms of intimidation by the legislative arm. It may be useful for the two arms to understand their roles in the separation of powers, and also to know that they should work in a complementary manner to effectively discharge their responsibility to the residents of the city. Findings from the interviews also showed the important role of residents in giving valuable information during the planning as well as helping to enforce plan provisions while also adhering to the plan. Residents need to be empowered to understand their role so that they can effectively perform it. Further, residents can help in implementation, particularly where there are land-tenure challenges. Chapter 5 provides an interpretation of the findings, the implications of the findings for social change, and recommendations for further research.

Chapter 5: Discussion, Conclusions, and Recommendations

This study sought to identify barriers that hinder implementation of urban plans in Kenya. To achieve this purpose, I examined the laws that guided urban planning and implementation, as well as the plans of the respective cities. I conducted interviews with officials charged with urban planning and management, legislators in the respective cities, and policymakers to elicit their perspectives on the apparent low implementation of urban plans in Kenya. The following research questions framed the study:

1. How has the legal and institutional setup for plan preparation and implementation hindered plan implementation in Kenya?
2. What is the nature of the relationships between and among city executives, elected officials, and residents of Nairobi, Nakuru, and Eldoret cities in implementing urban plans?

This case study required the use of multiple sources of data to gain an understanding of the factors that hindered implementation of urban plans. I used two data sources: interviews and publicly available documents, including plans and laws. I recruited a total of 14 participants who held active positions of leadership: in the case cities, as city technical officials; policymakers who were national-government senior officials who formulated policies in urban planning and development; and legislators who were MCAs.

Chapter 5 provides an interpretation of the study findings while relating the results to the literature review in Chapter 2. In this chapter, I explain the findings in the context of the path dependency and force field-analysis conceptual frameworks. In this study, I did not set out to test or develop any particular theory. The limitations of this

study are also highlighted and areas for further research recommended later in the chapter. The chapter closes with the implications of study findings for positive social change.

Interpretation of the Findings

The results of this study bring to the fore some important factors that were seen to be hindrances to plan implementation. As described in the earlier review of the literature, barriers are obstacles that hinder the achievement of set intentions or objectives. Barriers potentially also prevent a particular policy instrument from being implemented or limit the way policy is implemented and, therefore, reduces the effectiveness of the policy intervention or strategy.

Ebi (2015) distinguished barriers from limitations: Barriers were the hindrances that needed to be overcome, whereas limitations were difficult to surmount, as they were potentially biophysical factors. The barriers this study investigated were potentially surmountable through concerted effort by various actors, through changing ways of thinking or through reallocation of resources to restructure the institutional setup. The strategies to surmount the barriers emerged from a scrutiny of laws and analysis of insights from participants who were city officials and policymakers. The study was guided by two research questions and I compared the findings from this study to findings of other researchers whose works were reviewed in the peer-reviewed literature. I also considered the findings in the context of force field and path dependency theories.

Legal and Institutional Setup for Plan Implementation

The first research question sought to discern how the legal and institutional setup for plan preparation and implementation hindered plan implementation. The answers to this question depended greatly on the review of laws that guided urban planning and

implementation, as well as other government documents, reports, and research studies. These reviews were augmented with interviews of participants drawn from the executive and legislative arms in the cities and from policymakers at the national-government level.

Legal Systems in Planning

Booth (2016) noted that, despite the acknowledgement of the importance of law in the exercise of the powers of planning, little understanding exists of the extent to which law and the legal process has shaped the objects and practice of planning. UN Habitat (2009) indicated that legal systems are instrumental in defining the extent, nature, and location of the regulatory powers of planning systems. Further, the laws define the rights and legitimate limitations of rights for public purposes. The legal systems have far-reaching implications for urban development because the laws define the system of urban government, establish the system of urban planning and regulation of land development, and delimit the powers of urban planners and managers. Booth noted that planning has been legitimized by law, and planning would not be what it is without law.

The legal systems define rights and responsibilities in access to and enjoyment of urban opportunities and services such as housing, clean water, land and property rights, and rights to resources that are held in common. Law, in essence, defines what can and cannot be done with respect to urban planning (Booth, 2016). It was therefore appropriate to inquire into legal and institutional systems to identify the barriers to plan implementation because urban-planning systems and regulatory-planning practices are shaped by the prevailing legal systems (Booth, 2016; UN Habitat, 2009).

In other jurisdictions, like the United States, the legal system has influenced planning policies through judgments, court decisions, and enforcement practices that the

judgments legitimize or validate, thereby compelling adherence (UN Habitat, 2009).

Kenya has derived its legal regime from the UK, which has origins in English common law, applies the principle of precedent, largely builds on case law accumulated over time, and has ample room for administrative discretion. The legal system of a country and the sociocultural setting in which it is applied impacts the design of a country's planning system and its evolution. In addition, the legal assumptions that underpin a planning system and its practices are often not recognized, particularly when the design of the planning system has been imported from elsewhere. (UN Habitat, 2009)

In redesigning a planning system, countries need to consider that the regulatory powers of planning are underpinned by the legal systems that define various aspects including who holds the right to develop land and the institutional location of the right, the provisions that are made for appropriation of land for urban development, the provisions that cater to citizen participation in making the decisions that affect them, provisions for dispute resolution, and the extent to which public benefits can derive from private development initiatives. (UN Habitat, 2009)

Institutional Setup

Findings from previous research showed that the three cities had long histories of urban governance. Nairobi City, for instance, attained city status in 1919. Eldoret was elevated to municipal-council status in 1958, and Nakuru became a municipality in 1952. The Local Government Act (repealed) clearly stipulated the management of different categories of local authority. This system of governance consisted of an executive arm under the leadership of the town clerk and a political arm, headed by a mayor. After devolution, this system changed because the Urban Areas and Cities Act provided for the

creation of city and municipal boards to manage municipalities and cities. Most county governments had not yet established these boards during the time of this study, and, notably, the three cities studied did not have city/municipal boards. The absence of these boards in the three cities meant the cities were being managed by the county governments in the same way that rural parts of the county are managed. Further, the absence of a dedicated institution to manage cities meant that no specific resources were allocated to the development and management of the cities.

Under the Local Government Act, the minister for local government was granted power to approve all matters resolved by the local authorities. The day-to-day management of the municipalities was vested in technocrats headed by the town clerk. A common feature in most local authorities, reported in many documents reviewed, was poor management, evidenced by poor services. Although the governance of cities was provided for under the Local Government Act, the planning of the cities was prescribed by the Town Planning Act and later, the Physical Planning Act.

The Physical Planning Act empowered the director of physical planning, who was and continues to be an employee of the Ministry of Lands, to prepare all categories of plans, including urban plans. Section 24 of the Physical Planning Act provides that the director may prepare a Local Physical Development Plan. In the nomenclature of the Physical Planning Act, a Local Physical Development Plan was a plan for a city, municipality, town, or urban council. These plans were approved by the minister responsible for physical planning, as provided in section 27 of the Physical Planning Act. The minister responsible for physical planning has always been different from the minister responsible for local authorities. The approved plans would then be transmitted

to the local authorities for implementation. The separation of plan preparation and implementation authorities may have contributed to the low levels of plan implementation. In this case, the director of physical planning prepared the plans, the minister responsible for physical planning approved, and the plans were then transmitted to the respective local authorities for implementation.

Section 166 of the Local Government Act (repealed) provided that every municipal council, county council or town council may, subject to any other written law relating thereto, prohibit and control the development and use of land and buildings in the interest of the proper and orderly development of its area.

This provision in law empowered local authorities to control development in their areas of jurisdiction. Section 5(f) of the Physical Planning Act empowers the director of physical planning to “require local authorities to ensure the proper execution of physical development control and preservation orders.” This provision implies that the director would have power over local authorities and is able to require them to do something. However, the institutional systems in place did not make it easy for the director to do this. Had the office of the director of physical planning been in the office of the minister for local government, plan implementation could have been easier to accomplish. Participant 6300 observed that section 5(f) of the Physical Planning Act implied that the director would enforce the implementation of plans. However, the participant noted that it was for only 9 months in 1988 that the physical planning department was domiciled in the Ministry of Local Government. Thereafter, the department was moved back to the Ministry of Lands.

Participant P6300 opined that if the physical-planning department had remained within the Ministry of Local Governments, plan implementation might have been more likely. In the participant's words, "plans were prepared, approved, and not implemented because of protocol issues." These protocol issues arose because two separate entities with independent mandates were responsible for different components of the planning process. The director of physical planning was answerable to the minister for lands who was responsible for approving plans, yet these two offices could not compel local authorities to implement those plans. Although the minister for local governments had authority over local authorities, the minister could not champion planning because the law did not require the office to do so.

Some research participants highlighted that this separation of plan-preparation authority from the implementation authority may have made the plans less responsive to the needs of the urban area and may not have considered the real concerns or captured the vision of the city as espoused by city officials. The separation may have caused city authorities to view plans as unimportant and, therefore, did not see the necessity to allocate resources to implement the plans. Low prioritization of a plan and its implementation by city authorities rendered urban plans unable to be implemented. To implement a plan requires huge resource outlays and the local authority needed to be sufficiently convinced to allocate the requisite money or even to mobilize the resources from other sources for its implementation.

Politics and interests were also cited as contributing to low plan implementation. Although good governance practice may include the involvement of two arms of government to foster checks and balances, most participants viewed the legislative arm as

not being facilitative in planning, and many thought this weakness of the legislative arm could have compromised plan implementation. As a result of their different political affiliations, the legislative arm tended to promote their own party and individual interests. Because political offices were competitively secured through elections and nominations, usually conducted every 5 years, the holders of these offices endeavored to perform in ways that were popular and visible to earn votes. Those projects that may have seemed unpopular or invisible in the short term received lackluster treatment. Some planning decisions may be impactful in the long term for public interest, but in most cases, short-term projects that appealed to the public were preferred for the sake of political interests. This finding agrees with the finding of Kinzer (2016) that the barriers that work against implementation include persisting disagreements, political interference, and disconnections from existing policies and programs.

Section 5(6) of the Town Planning Act provided that an approved Town Planning Scheme would be carried into effect, notwithstanding any caveats lodged in respect of any category of land. The Town Planning Act, therefore, provided for mechanisms to ensure that land-tenure issues would not become a hindrance to implementation. Many research participants identified land-tenure issues as posing challenges to implementation. The Town Planning Act anticipated this possibility and included provisions to curtail its effects. However, the Physical Planning Act was silent on this provision, making implementation of plans involving privately held land difficult, because private-property-rights holders needed to be involved in the decision-making process. The process of mediating all interests raised by private-property owners usually delayed the implementation of a planned project or completely scuttled its implementation.

One barrier identified was the prolonged time period of preparing a plan, as well as the duration of time between plan preparation and approval. The Town Planning Act provided limits to the time period of preparation and approval of a scheme (plan). The Physical Planning Act did not include this provision, and this exclusion may explain why many participants decried the lengthy time between the initiation of a plan and its approval. Had the provision of limiting plan-preparation time been sustained in the Physical Planning Act, the protracted timelines would have been shortened. A predictable time of planning, approval, and implementation may have made planning more relevant and inspired better implementation outcomes. In addition, the Town Planning Act anticipated that an approved plan would have mixed results, with a section of property owners benefiting from enhanced values, while others lose through diminished land values or even relocation. The Town Planning Act, therefore, provided that an assessment would be done to determine the presence and amount of any enhanced or diminished value of property occasioned by the plan, and the Act put in place measures to compensate or recover such value, if any. Further, a time limit of 12 months was provided in the Act, during which time any of the affected parties were able to present a claim.

In assessing the institutional framework for plan preparation and implementation, this research found that no deliberate system was put in place to implement urban plans. It was assumed that, after approval of the plans, the implementation of plans would automatically happen. It would have been necessary to establish a designated institution, bringing together various professionals, departments, and actors in government, the

private sector, and civil society, with a structure that facilitates effective implementation of urban plans.

Findings from this study showed that in the three cities studied, a department was responsible for plan preparation. However, plan preparation was largely undertaken through contractual arrangements with consultancy firms. The Nakuru Strategic Urban Development Plan, for instance, was prepared in a highly consultative process, drawing from a wide spectrum of professional expertise. This plan was approved and the municipal council was tasked with implementing the approved plan. Findings indicated that the implementation process was easier when the officials who were familiar with the plan and its ideals were still at the municipality, but once they left the municipality, follow-up was lacking to ensure uninterrupted implementation. This shows that if the implementation mechanisms were instituted and well mainstreamed in the system of governance in the city, seamless transitions would occur when those who oversaw the plan preparation left the city.

Urban Planning and Governance

Research Question 2 sought to investigate the nature of relationships between and among city executives, elected officials, and residents of the three case cities in plan implementation. The answers to this question were obtained from interviews with participants who were officials drawn from the cities and from the national government who were at the policy level. Findings were augmented with appraisals of provisions in the law.

Urban planning and governance came into play in this study because planning is not merely about formulating ideas, policies, and programs, but is also about

implementing those through collective actions of various actors who have distinct and interconnected roles that lead to the achievement of a common objective. Berger (2010) stated that governance entails the establishment of policies and the continuous monitoring of their proper implementation. An urban plan can therefore be construed to be an urban-governance tool that influences the structure and power relations in a city. Power, in this sense, consists of the power to act, as well as power over others. Power to act or enabling power derive from the traditional hierarchical authority that relates to formal political systems where different actors exercise different forms of power. In a city setting, for instance, actors may have access to different resources like information, expertise, finance, or the rules of accountability. Elected political leaders may have the command and control power; landowners, investors, and developers have resources like land, finances, and expertise; and civil-society organizations have lobbying and mobilization power at the local levels (UN Habitat, 2009).

Considering the power distribution in the three case cities, the legislative arm seemed to have command power and held a relatively higher position in urban-governance relations. However, no evidence emerged that this arm of government had used this power to facilitate achievement of collective action. UN Habitat (2009) noted that the effectiveness of urban planning and governance depended not only on command and control power of a master plan but also on the persuasive power that can mobilize action by various stakeholders to achieve a common objective. To achieve this result required that power was well-distributed and that this power was exercised with proper checks and balances. In situations where power is concentrated in a few individuals and

where corruption and coercion are prevalent, the objectives of urban planning are difficult to achieve.

In some instances, planning instruments were used to exercise authority, either deliberately or inadvertently, over the weak or those who were unable to speak for themselves. For enabling power to thrive, proper checks and balances are necessary to promote transparency, accountability, and inclusive participation in planning processes. These elements constitute the ingredients of good governance. Article 66 of the Kenya Constitution 2010 states, “The State may regulate the use of any land, or any interest in or right over any land, in the interest of defense, public safety, public order, public morality, public health, or land use planning.” This article essentially empowers state organs responsible for urban areas to regulate land use and development.

The element of good governance has various meanings to people. The UN interpreted good governance to be the desired standard of practice for which common values or norms were identified, emphasizing human rights and democratic and participatory practices. UN Habitat (2009) defined good governance as an efficient and effective response to urban problems by accountable local governments, working in partnership with civil society. Urban planning is a governance field and the characteristics of good urban governance include sustainability, subsidiarity, equity of access, efficiency in delivery of public services, transparency and accountability of decision-makers, civic engagement, and security of individuals and their living environment (UN Habitat, 2009).

In this study, I found that the legislative arm in the cities had the responsibility of oversight over the executive arm. Councilors in the former system and MCAs had

responsibility to check, supervise, superintend, control, and direct the executive arm in the performance of its role. Findings revealed an element of fear in the legislature by the technical arm whereas MCAs opined that the technical arm did not properly advise them on planning matters. These two important actors in planning and implementation did not have a healthy working relationship, apparently exhibiting suspicion over the other. Participant P6100 noted “the technical officers have had to suffer labeling on suspicion that they are leaning towards a particular party; there are times they have been threatened with sacking.”

Urban planning, as a field of governance, has an effect that may be both governmental and nongovernmental on various institutions in the society. However, the planning discipline previously paid little attention to the institutional context for its achievement. The philosophy of planning in Kenya has principally been allocative, focusing more attention on designating sites for various uses. This is a planning philosophy bequeathed from preceding planning systems.

Locating the Findings in the Literature

The findings from this study show that plan implementation was largely equated with development control. Many study participants indicated that an explicit arrangement for plan implementation was absent and that approved plans were implemented by processing development applications. The Physical Planning Act outlined an elaborate process of development control in Sections 29–37. It is noteworthy that after approval of a plan prescribed in section 28, the next step described in the Physical Planning Act is development control; that is, the act has no provision for how specific plan proposals would be implemented and no provision for the mechanisms to mobilize the resources

necessary for implementation. This finding is in agreement with the findings of Cirolia and Berrisford (2017), who found that urban-planning implementation focused more on regulating development by processing development applications. Further, this finding agrees with the findings of Chirisa (2014), who found that planning focused on development control by enforcing regulations rather than actualization of development proposals contained in the plan.

UN Habitat (2009) indicated that urban planning has been practiced all over the world since ancient times and that the purpose of planning is to organize human living spaces. Modern planning was largely influenced by rapidly growing and polluted cities, occasioned by the industrial revolution. Therefore, planners and health officials collaborated to manage and control contagion and deadly diseases such as cholera. Planning in these early times was driven by public health concerns. Planners were largely engineers and health professionals who designed schemes to improve sanitation in residential and work areas. Planners made efforts to separate land-use activities, particularly industrial from residential.

Findings and Force field Analysis

The force field-analysis model provided a visual tool to analyze the factors that acted as barriers to plan implementation. Bozak (2003), in evaluating Lewin's model of force field analysis, held the view that all change came as a result of driving forces, which propelled change in a desired direction, whereas static forces hindered change. In relation to the present study, the change here was the anticipated positive impact or benefit that urban residents were potentially able to derive from planning. Some of these positive benefits include affordable housing, livable and healthful environments, efficient

transport and communication systems, recreation areas, sports facilities, health facilities, employment areas, environmental protection, conservation, and sanitation. A scenario lacking planning could be equated to no intervention, and the forces driving and hindering change are at equilibrium.

To be able to achieve the desired status, the driving forces for plan implementation should be stronger than the hindering forces (see Figure 8).

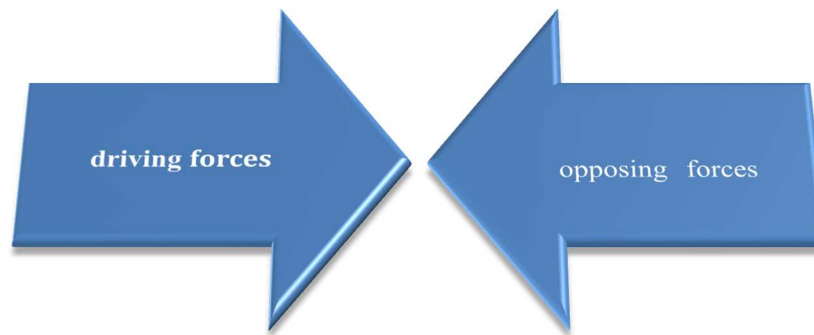


Figure 8. Illustration of driving and opposing forces.

The driving or facilitating forces for plan implementation identified included political good will, clear appreciation and understanding of the benefits of the plan by the leadership, good relationships between the plan preparatory authority and the implementing authority, timeliness in completing and approving plans, and timing to ensure that planning and approval are completed in the same political regime at the county or city level. In addition, a dedicated budget for implementation and dedicated competent staff for implementation were necessary components for plan implementation.

Hindering forces include disagreements, poor leadership; poor timing in which plan preparation was shared by two or more political regimes, prolonging delays in plan

preparation and approval; vested interests; landownership conflicts; and national policies and agenda that were not facilitative. For plan implementation and change to occur, either driving forces need to be stronger than opposing forces or strategies must be put in place to minimize the effect of the opposing forces. This finding agrees with Filion et al. (2015) who found that factors explaining societal inertia may include institutionalism, political economy, and path dependence.

Path Dependency

Study findings demonstrate that the laws that guide urban planning in Kenya were largely influenced by preceding laws derived from the colonial era. The Town Planning Act, adopted during colonial times, continued to be applied until 1996, when the Physical Planning Act was introduced and the Town Planning Act repealed. A critical examination of the two laws reveals that the Physical Planning Act largely propagated the ideals and philosophy of the Town Planning Act. For instance, the second schedule of the Town Planning Act guided the contents of a Town Planning Scheme. The contents of this schedule are similar to the contents of a Local Physical Development Plan contained in the second schedule of the Physical Planning Act. This confluence of act tenets was a clear indication that even though a new law was enacted, the dictates put in place by the Town Planning Act continue to pervade the planning system to this day, because the Physical Planning Act is still in force.

This finding agrees with the UN Habitat (2009) finding that, in many parts of the world, governments have planning systems that have been imposed or borrowed from other jurisdictions and these foreign ideas have not changed significantly since they were borrowed. This finding confirms the application of path-dependency theory, which holds

that earlier ideas continue to be propagated long after circumstances have changed.

Despite the fact that the Town Planning Act potentially propagated the colonial motive of segregating populations and dominating local residents, subsequent laws did not depart much from that act.

Limitations of the Study

This study focused on answering two research questions: How did the legal and institutional setup for plan preparation and implementation hinder plan implementation in Kenya? and, What was the nature of relationship between and among city executives, elected officials, and residents of Nairobi, Nakuru, and Eldoret cities in implementing urban plans? The study built on a case study of three cities; Nairobi, Nakuru, and Eldoret. For the study, I used document reviews and interviews as sources of data. One limitation was knowing the extent of the implementation of the laws reviewed, and, particularly, discerning a detailed evaluation of the implementation status in the three cities. The Town Planning Act was used for a very long time. It was first enacted in 1931 with revisions in 1948. I was unclear as to whether its continued use up to 1996 was because the act was a good law or that interest and capacity to change were absent.

The use of interviews as a method of data collection was open to various weaknesses in that the participants shared their perspectives at their discretion and shared insights of what they were willing to share from their perspectives. Further, study participants were all public officials, and potentially different perspectives of citizens and nongovernment agencies could have served to make the findings more comprehensive. In addition, despite the use of documents to corroborate the interview data, the study may

not be completely free of bias. In this respect, findings may be prone to some limitations in the nature of the data used.

Further, the three cases examined were cities with long histories of planning with significant legacies of colonial influence; findings from these three cities may not be replicable to lower level cities in Kenya with more recent urban histories. The three cities, for instance, have been managed by successful municipalities in the former governance framework, complete with mayors and full budgets. Other smaller cities of lower categories, such as urban and town councils, may have different experiences, and, therefore, may yield varied findings.

Recommendations

Although this study examined urban-plan implementation from a historical perspective, I acknowledge that the country has been in transition from the centralized-governance system to a devolved governance system. Devolution has been embraced and Kenya has two levels of government. Article 184 of the Kenya Constitution, 2010, gave direction on the governance and management of urban areas and cities. Pursuant to this article, the Urban Areas and Cities Act was enacted in 2011. Section 12 of the Act provided that the management of a city and municipality shall be vested in the county governments to be administered on its behalf by a board, which shall be a body corporate. This provision means that the management of urban areas is the responsibility of county governments. Section 12 (3) of the Urban Areas and Cities Act provides that a city county shall be managed in the same manner that county governments are managed. Nairobi City, therefore, being a city county, is managed in a similar manner to a county government. Most of the experiences shared by the participants related more to the

former governance system because the Urban Areas and Cities Act was not widely implemented, and county governments were only currently starting to set up urban-management boards.

An area recommended for further research is evaluation of the performance of municipal councils in urban management and governance to draw lessons for urban-management boards currently being inaugurated in the country. Another area of future research is the evaluation of the quality of the content of urban plans to determine whether plans respond to the needs of the people. A third area of future research is exploring the meaning of implementation to bring to the fore the various perceptions of what people think implementation is and inform policy on how plan implementation can best be undertaken. Finally, a fourth recommendation for future research is the undertaking of an evaluation of plan implementation in different cities from those examined in the present study, to establish the impact of planning.

Implications for Social Change

All participants in this study appreciated the importance and value of implementation and acknowledged that plan implementation was rarely achieved. To make planning more meaningful, planners needed to reflect on the outputs of planning, asking these questions: Do the plans address the felt needs of communities? and, can communities champion the implementation of a plan from a position of knowledge? Plans needed to be simple, easily interpreted, and understood by all; widely available; and owned by the public. The training for urban planners may need to be reexamined to ensure planners are capable of making plans that are simple and free from complex jargon. It would be beneficial for planners to learn the skill of lobbying. It is through

lobbying that planners can get their plans to the right audience, particularly the political class who can champion planning and implementation.

Path dependency theory proved to be an appropriate lens through which to view this study. Some provisions that existed in the Town Planning Act could have increased the level of implementation of plans had they been sustained in the Physical Planning Act. The naming of the law as the Town Planning Act made it direct and its subject matter was clear. In addition, the naming of the type of plan as the Town Planning Scheme was easier to relate to than the name introduced under the Physical Planning Act, encompassing local physical-development plans. The names make it difficult to relate to the subject matter and make planning sound complex. Further, the Town Planning Act established time lines to initiate, complete, and approve plans, which ensured that plans did not require an inordinately long time to complete. In addition, the provision in the law to apportion implementation responsibilities in the plans and entrenching this provision in law, together with the accompanying costs, committed agencies tasked with implementing specific components to achieve the goals of their assigned roles.

Plan implementation is a governance matter and systems should be in place to facilitate their implementation and evaluation. Improved plan implementation may lead to better urban services, livable urban areas that attract investments and offer high quality of life for the residents. The oversight role of county assemblies and the National Land Commission need to be further detailed to encourage MCAs to become champions of implementation. Sovereign power of the people was delegated to the MCAs as representatives of the various categories of people in the city.

Conclusions

This dissertation focused on understanding the barriers to plan implementation in Kenya by answering two research questions: How has the legal and institutional setup for plan preparation hindered plan implementation in Kenya? and, What is the nature of the relationships between and among city executives, elected officials, and residents of Nairobi, Nakuru, and Eldoret cities in implementing urban plans? In undertaking this study, some assumptions were made. Key among those is that these hindrances may align with the laws that guide planning and implementation that the hindrances may also align with the various actors involved in the planning process, and particularly the relationships between and among them. Additionally, I assumed that the three case cities identified are representative of all cities and urban areas in Kenya.

Findings from the study confirmed some of these assumptions and brought to the fore the need to reevaluate the meaning of plan implementation. People practice urban planning to ensure that the place where human beings live is well-organized to achieve efficiency, order, economy, and aesthetics, and to serve as a basis for efficient use of the resources of the urban area. These benefits can best be achieved once a plan is implemented. Although the importance of law was cited as crucial in aiding plan implementation, such implementation might best be achieved when the ideals of planning are entrenched in the values of people. In this case, it is not the law that compels people to do something, nor the fear of being penalized. The approach to planning needs to change to focus on making the benefits of planning so available and appealing that citizens see the urgency of planning and have a mindset that without planning, their living environment will not be good.

The urban management boards currently instituted in Kenyan cities can draw lessons from the experiences of former municipal councils and build on the strengths of devolution to enhance urban governance through proper plan preparation and implementation. Kenyan cities can take advantage of devolution by establishing good working relationships between the legislative arm and the executive arm. The law should help in synchronizing the role of political and technical players in plan implementation. In this way the various bottlenecks that include limited financial allocation, political interference, and vested interests, may be minimized. Further, the legislative arm, as representatives of the people, while exercising sovereign power of the people provided for under Article 1(3)(a) of the Kenya Constitution, 2010, are the best placed to champion urban planning and implementation and ensure that all people appreciate the value of planning.

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Appendix A: Consent Form

CONSENT FORM

You are invited to take part in a research study that seeks to examine implementation of urban plans in Kenya and the factors that impede the process. This is a case study where three cities of Nairobi, Nakuru and Eldoret have been selected. The title of the research is “barriers to implementing urban plans in Kenya”. The researcher therefore invites the participation of public officials serving in the urban planning and development departments in the three case cities. Members of County Assembly who have served in the urban planning and development committees for at least three years in the cities mentioned are also invited. In addition, public officials who are serving in the National State Departments of Urban Development, Lands and Physical Planning and the National Land Commission are also invited. The officials in the executive arm must be at the grade of Deputy Director and above to be in the study. I obtained your name/contact information via your institution website. This form is part of a process called “informed consent” to allow you to understand this study before deciding whether to take part.

This study is being conducted by a researcher named Rose Kitur, who is a doctoral student at Walden University.

Background Information:

The purpose of this study is to examine implementation of urban plans in three case cities with a view to get in-depth knowledge of the factors that have hindered plan implementation in Kenya. The findings from the study may inform policy makers in their

pursuit of strategies to enhance implementation of urban plans so as to make planning more effective.

Procedures

If you agree to be in this study, you will be asked to:

- Respond to a few interview questions posed by the researcher.
- This interview will be conducted at a location that is convenient to you
- The interview may last for about sixty minutes
- The interview will be audio recorded
- There may be need for a further interview to clarify aspects that are not clear
- If a further interview will be required, this will take no more than thirty minutes and will be conducted at a location that is convenient to you.

Voluntary Nature of the Study:

This study is voluntary. You are free to accept or turn down the invitation. No one at your city or institution will treat you differently if you decide not to be in the study. If you decide to be in the study now, you can still change your mind later. You may stop at any time.

Risks and benefits of being in the study:

Your participation in this study involves minimal risks and should not cause any stress outside the normal course of your official duty. Being in the study will not pose any risk to your safety or wellbeing. As a participant in the study you will provide useful insight into the barriers to plan implementation.

Payment:

There will be no payment for participating in this research.

Privacy:

Reports coming out of this study will not share the identities of participants. The researcher will not use your personal information for any purpose outside this research project. Data will be kept secure by keeping the data in lockable shelves in files. Data in computer will be secured using passwords. Your names will be substituted with codes to conceal identity. Data will be kept for a period of at least 5 years, as required by the university.

Contacts and Questions:

In case of any questions, you may contact the researcher via telephone number XXX or rose.kitur@waldenu.edu. The faculty supervisor of this study is Dr. Anthony Leisner the email contact is Anthony.leisner@mail.waldenu.edu. If you have questions about your rights as a participant, you can contact the University's Research Participant Advocate (USA number XXX or email address IRB@mail.waldenu.edu). Walden University's approval number for this study is 04-18-18-0456605 and it expires on April 17th, 2019.

The researcher will give you a copy of this form to keep.

Obtaining Your Consent

Please sign here when you understand the procedure and purpose of the study.

Printed Name of Participant

Date of consent

Participant's Signature

Researcher's Signature

Appendix B: Interview Protocol

Barriers to implementing of urban plans in Kenya

Time of interview:

Date:

Place:

Interviewer:

Interview:

Position of interviewee:

Brief description of Study: this study seeks to examine implementation of urban plans in three case cities with a view to get in-depth knowledge of the factors that have hindered plan implementation in Kenya. The findings from the study may inform policy makers in their pursuit of strategies to enhance implementation of urban plans so as to make planning more effective.

Questions

Interview questions for the technical arm:

The interview questions for the officials in the executive arm in the city are labeled with a “T”

T1. What has been your experience in urban planning in your city?

T2. How are plans prepared, approved and implemented in your city

T3. Who are the actors in Plan implementation? What are their specific roles?

T4. Describe strategies that are used in your town to implement plans.

T5. Which laws are applied in plan preparation and implementation?

T6. How do the laws facilitate or impede plan implementation?

Interview questions for the policy makers

These interview questions are labeled with “P”

P1. Please give a chronology of laws that have guided urban planning in Kenya

P2. In your opinion, have earlier laws influenced the current laws governing urban planning?

P3. Have any of these laws been strong on implementation? Which sections of this law?

P4. How has plan implementation been carried out in Kenya?

P5. Do you think the Physical Planning Act, the Local government Act, the county governments act and the Urban areas and cities act have facilitated or hindered plan implementation? If so how?

P6. What has been the role of the municipal/city councilors or Members of County Assembly in plan implementation?

P7. How does the executive and political arm relate in plan implementation?

Interview questions for the legislative arm

These questions are labeled “M”

M1. Briefly describe the role of the county assembly in urban planning and implementation

M2. What laws or policies do the assemblies refer to in their deliberations on planning and implementation matters?

M3. In your opinion, have plans in your city been implemented? How has this been done?

M4. What factors facilitate or hinder implementation of urban plans in your city?

M5. Does the relationship between the legislative arm and technical arm affect plan implementation? How?

Appendix C: Document-Review Criteria

- A. Law review criteria
 - 1. Purpose of the law
 - 2. Institutional setup in the law
 - 3. Functions of various institutions
 - 4. Relationships among various actors
 - 5. Enforcement mechanisms
 - 6. Features of the law which are similar to preceding laws.
- B. Criteria for review of urban plans
 - 1. Legal framework applied in preparation
 - 2. Name of the plan
 - 3. Validity period of the plan
 - 4. Plan proposals
 - 5. Implementation framework
 - 6. Actors in implementation
 - 7. Proposals that have been implemented

Appendix D: NIH Certificate

Certificate of Completion

The National Institutes of Health (NIH) Office of Extramural Research certifies that ROSE KITUR successfully completed the NIH Web-based training course “Protecting Human Research Participants”.

Date of completion: 03/20/2014.

Certification Number: 1429711.