



Determinants of low land use planning regulation compliance rate in Ghana



Kwasi Gyau Baffour Awuah*, Felix Nikoi Hammond

School of Technology, University of Wolverhampton, City Campus South, Wulfruna Street, Wolverhampton WV1 1LY, UK

A B S T R A C T

Keywords:

Accra
Compliance
Ghana
Kwabenya
Land use regulation
Sub-Saharan Africa

The connection between efficient land use and economic development is widely known. Land use planning could thus be effectively leveraged in the fight against poverty in sub-Saharan Africa (SSA). To do so, the prescriptions of land use regulations must not just be efficient and effective, but must also be widely adhered to by developers and land users. Adherence to land use regulatory requirements is very low in SSA, indeed across poor countries. This could stem from a multitude of factors. The often cited causes are a general ignorance of the existence of particular land use regulatory requirements or a general lack of appreciation of their benefits. There is however little empirical evidence to confirm the unique contributions of these two factors to the low compliance rate. This study tests the hypothesis that ignorance of planning requirements and lack of appreciation of their benefits overwhelmingly determine land use regulation compliance rate using empirical data from Kwabenya, a suburb of Accra, Ghana. The evidence refutes the hypothesis. On the contrary, the rampant breaches of land use regulations were found to be mostly deliberate. This is stirred by the dearth of evidence about the benefits of land use requirements to warrant the costs and inconveniences of compliance. Compliance was found to be highest among the elite class. This is because they tend to face relatively lower costs of compliance due to cronyism and the need to provide evidence of compliance for other transactions such as to secure bank loans. Designing land use regulations that offers actual benefits over costs is more likely to achieve higher compliance. The on-going multilateral funded planning reforms in Ghana should do no worse than framing the new policies on the basis of supportable evidence of benefits over costs; speculative benefits have proved fatal.

© 2013 Elsevier Ltd. All rights reserved.

Introduction

The poverty problem of SSA is proving intractable and the millennium development goal of halving extreme poverty set in 2000 (Alliance Sud, 2012) is about to be missed in a couple of years' time. Land use planning is one sector in which performance has been less than satisfactory (UN-Habitat, 2009). Yet, experts widely agree that efficient urban land usage contributes significantly to economic development (see UN-Habitat, 2009; World Bank, 2009). The land use planning system in Ghana has experienced sporadic review since the country's independence in 1957 (see Acquah-Harrison, 2003). However, beginning from 2007 Ghana's planning system has been a subject of a new reform as part of a USA\$55-million wider multilateral funded land tenure reform in the country,

which commenced in 2003 (Government of Ghana, 2009). The reform is under a Planning and Land Use Management Project (LUMP) and is in response to the country's weak planning system. A major link to this weakness is low compliance with planning and urban development regulations. As such, attempts are being made to address it (see Baffour Awuah, Hammond, Booth, & Lamond, 2011; Government of Ghana, 2009). Excepting weak enforcement mechanism characterised by technicalities, complexities, lack of urgency and inadequate resources, low compliance is attributed to factors such as the lack of awareness of regulation and the relevance for planning among land developers/users. The general literature on SSA among other things attributes the low compliance with planning regulations to the lack of awareness of regulations (Payne & Majale, 2004; UN-Habitat, 2009) and the irrelevance of planning systems to the socio-economic development needs of majority of urban dwellers (Brown, 2012; UN-Habitat, 2009). Conversely, some studies in constituent countries such as Arimah and Adeagbo (2000) in Nigeria and Boamah, Gyimah, and Nelson (2012) in northern Ghana demonstrate that in spite of high level

* Corresponding author. Tel.: +44 0 7546809917.

E-mail addresses: K.BaffourAwuah@wlv.ac.uk, F.N.Hammond@wlv.ac.uk (K.G. Baffour Awuah), f.hammond@wlv.ac.uk (F.N. Hammond).

of awareness compliance with planning regulations is still low. Besides, studies on the awareness of planning regulation and the relevance for land use planning regarding compliance with regulations in the sub-region often tend to be descriptive without demonstrating the extent to which these factors influence compliance behaviour. This implies the need for further interrogation of the issue to provide additional evidence to enrich the literature discussion and policy debate.

This study tests the hypothesis that ignorance of planning regulation coupled with their irrelevance to the socio-economic conditions of the country are overwhelming determinants of the low compliance with land use planning regulations. The study uses empirical data from Kwabenya, a suburb of Accra in Ghana. The aim is to provide evidence of the extent to which these factors predict compliance with planning regulations. The study uses the legal requirement for an acquisition of building permit prior to development as a proxy to planning regulations, and dwells on residential property owners/developers as a unit of analysis. The remainder of the paper is organised in five sections. Section two opens a discussion on the theoretical basis for land use planning regulation, and compliance with planning regulation in SSA. Section three examines land use planning and compliance with regulation in Ghana after which the methodology for the study is outlined in Section Four. Section five, the penultimate section presents the study results and discussions. Conclusions for the study are drawn in section six.

The land use planning question

The impetus for land use planning is drawn on Pigou's (1929) state intervention proposition as extended by the likes of Harrison (1977) and Ratcliff (1949). Real world market fails on the occasions to allocate resources efficiently. These failures are usually associated with adverse externalities such as non-provision or inadequate provision of public goods like parks and roads, and incompatible developments. State intervention in the form of planning regulation is offered as an antidote to market failures (see Adams, 2008; Klosterman, 2003). In essence, the idea of land use planning is to maximise collective interest and promote welfare (see Campbell & Marshall, 2002; Khakee, 2003).

The welfare idea of planning is predicated on the presumption that the public authority with responsibility for regulation is knowledgeable about the society's land use requirements and will act in its best interest. This is usually not the case in practice (Bertaud & Malpezzi, 2001; Campbell & Marshall, 2002). Indeed, the traditional welfare argument for land use planning has come under several criticisms. Advocates of public choice economics such as Posner (1974) and Tullock (1967), for example, argue regulations are designed to achieve individual and group interests. However, Coase (1960) and others such as Demsetz (1967) though earlier misconstrued argue that market failure is partly due to lack of well-defined property rights and high transaction cost. Consequently, the idea of land use planning is now being re-denominated as a means to ensure process efficiency. Thus, land use planning is to ensure clearly defined property rights so as to reduce transaction cost in the urban property market (see Buitelaar, 2004; Lai, 2005). Even so, it is argued from the Hayekian political economy viewpoint that planners themselves lack information on society's land use requirements and, therefore, may even worsen the market failure problem (Pennington, 2000).

The foregoing notwithstanding, relevance of land use planning as tool to ensure health, safety, economy, convenience and aesthetics is widely accepted (Gurran, Ruming, Randolph, & Quintal, 2008; Lichfield, Adams, Needham, Teitz, & Wenban-Smith, 2003). Even avowed libertarians such as Hayek (1944: 40) and Mundell

(1968: 168) accept some form of land use planning though they continuously warn against replacing the market with central planning. Not often conceived as such, the relevance of land use planning further extends to certain allocation of financial and human resources and hence the overall socio-economic development of a society (Cheshire, 2008; Lichfield et al., 2003). The success of land use planning system depends to a large extent on compliance with its regulations (Buitelaar, Galle, & Sorel, 2011; McKay, 2007). Curiously, the compliance level with land use regulations continues to be low in SSA. Between 50% and 75% of all new housing in the sub-region's cities are constructed on lands delivered through processes that do not comply with legal requirements – subdivision and development control requirements (Rakodi, 2006).

This low compliance level is usually attributed to several factors including: weak enforcement mechanism; restrictive regulations; complex bureaucratic procedures; and cost of compliance in terms of official fees, extra-out of pocket payments and delays (Payne & Majale, 2004; UN-Habitat, 1999, 2009). Prominent in the literature is also the lack of awareness of planning regulation and the poor perception of relevance for the sub-region's land use planning practice. It is argued majority of urban dwellers in SSA are ignorant of planning regulations and to that extent do not obey them (Payne & Majale, 2004; UN-Habitat, 2009). Kironde (2006), for example, attributes 98% non-compliance with building permit requirement among respondents within the Kinyerezi Scheme, Dar es Salaam in Tanzania to lack of awareness of the requirement. Conversely, findings from studies like Arimah and Adeagbo (2000) which established low compliance with regulation in Ibadan, Nigeria despite high level of awareness (56%, 73% and 80% among low, middle and high income groups respectively) controvert this suggestion. This undoubtedly signifies lack of consensus. That aside, it is claimed that planning practice in the sub-region is not perceived as relevant to socio-economic development by majority of people in the sub-region and therefore, is partly accountable for the low compliance with regulation (see Rakodi, 2001). For example, planning in the sub-region is unable to deliver development lands to significant majority of the urban population (Rakodi, 2006) neither is it responsive to development imperatives such as the rising informal sector (see Brown, 2012: 84). Beyond lack of consensus on the relationship between the awareness and compliance with regulation, little is also known on the extent to which the awareness of regulation and the relevance for planning predict compliance with regulation.

The rate of compliance in Ghana

Land use planning in Ghana hinges fundamentally on the Town and Country Planning Ordinance (1945) (Cap 84). This is a colonial legislation, which was crafted based on the British Town and Country Planning Act (1932). Similar to planning policies in most SSA countries, which sought to advance the interest of colonialists, the legislation prescribes modernist welfare technocratic planning arrangement with the use of master plans (see Njoh, 2009; UN-Habitat, 2009). A conspicuous feature of this land use planning arrangement is its land use segregation concept underpinned by unifunctional land use, discreet zoning, regulation and consensus (Afrane, 1993; Baffour Awuah, Hammond, Booth, & Lamond, 2011). In 1993, a Local Government Act (Act 462) was passed. This Act decentralised planning and made Metropolitan-Municipal-District Assemblies (MMDAs) planning authorities (see Government of Ghana, 1996). Furthermore, the National Building Regulations' (LI 1630) was promulgated in 1996. LI 1630 is supposed to regulate all physical developments in the country and impinges issues such as plot area, setbacks, orientation of buildings and the acquisition of building permit prior to commencement of a development.

Download English Version:

<https://daneshyari.com/en/article/1047838>

Download Persian Version:

<https://daneshyari.com/article/1047838>

[Daneshyari.com](https://daneshyari.com)