



AAK | PROMOTING EXCELLENCE
IN THE BUILT ENVIRONMENT

Twitter Spaces Rapporteur Report on Planning and Building Regulations in Kenya Held on 08 August 2023 from 7.00 pm

Rapporteur- Cynthia Nthenya Musyoka

Introduction and Preliminaries:

Unhealthy and unsafe buildings have become a distressing and recurring issue across the country, leading to devastating consequences, including building collapse, loss of life, injuries, and extensive property damage. In 2022, approximately 13 incidents of building collapse were reported, resulting in the tragic deaths of at least 19 individuals. These incidents have highlighted serious non-compliance issues, such as the forgery of project registration certificates and negligence by those involved in the construction process.

Recognizing the urgent need for collaborative action, the Architectural Association of Kenya (AAK) launched the Mulika Mjengo Campaign, a vital initiative aimed at creating public awareness and emphasizing the importance of engaging professionals in the construction process to ensure safe and compliant buildings. This includes a series of Twitter Space discussions to further sensitize the members of the public on critical matters relating to the health and safety of buildings and infrastructure.

In line with this, AAK through its Twitter handle @Arch_KE hosted the first session of the Twitter spaces dialogue series on Planning and Building Regulations, on 08 August 2023 from 7.00 p.m. The discussion took place for 2 hours with a total of 469 individuals tuned in.

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Panel Discussion:

The session took the form of a panel discussion moderated by Cecily Murage - Landscape Architect, Urban Planner, Secretary Landscape Architect's chapter.

The panelists included:

1. Dr. Abdulmalik Gichuki- KARA representative, Nairobi City County Urban Planning Technical Committee
2. David Mwangi- Community leader, Mukuru settlement
3. Adung'o Emily Vivian- Urban Planner, Built Environment and Urban Planning Sector Nairobi City County
4. Beverly Musili- Executive Director, Kilimani Project Foundation

The discussions for the titter spaces dialogue are summarized below.

Are residents/ members of the public in informal settlements, take Mukuru, aware of their rights when it comes to matters of construction and development activities? Are members of the public also aware of the existing laws and regulations governing these activities?

David Mwangi

David is a community champion of the Mukuru Special Planning Area (SPA) and a volunteer in creating awareness on planning aspects such as health and fire management in the Mukuru settlement. Key points from his discussion include:

A majority, almost 90% of structures in Mukuru settlement are semi-permanent. Some of these structures are constructed on railway line corridors and on sewer lines. Therefore, it is evident that most of the residents are not aware of the existing laws and regulations.

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Structure owners in the settlements (10%) are currently adopting the construction of permanent buildings within the settlements. However, some of these developers are not aware that such developments require professional input from relevant consultants and approval from the county government. Those who may be aware refuse to adhere to the regulations due to the perception that consultants are expensive.

As an advocate of public policy, what are some of the issues to champion when it comes to issues of planning regulations, building, and development?

Beverly Musili

Kilimani Project Foundation focuses on 5 key pillars; Plan Development, Enterprise, Environment, Social Cohesion, and Safety and Security. Under the plan development pillar, KPF is keen on policy research and advocacy of urban planning and advocacy on the rights of its resident members on issues such as noise pollution, adherence to building regulations, urban planning by-laws, safety, and compliance of physical planning regulations among others.

Currently, we are facing rapid urbanization that has led to low-density residential zones experiencing a high demand for high-rise developments. Kilimani has been on the receiving end of this and however, and this is taking place in an uncontrolled manner, without regard to the needs of the existing community, zoning, and building guidelines, and without consideration of the impact of the construction on existing infrastructure such as water, sewer, and roads.

Land use planning is not just a matter of construction or a matter of controlling aesthetics. Rather it is a matter that is multi-sectoral as it has a wide range of aspects such as environment, public health, and public safety.

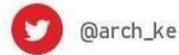
Advocacy initiatives that have been put in place include:

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- Objection letters challenging uncontrolled land use and change of use
- Participation in public forums
- Barazas with county officials

What measures can the public take that can help in advocating for proper implementation of the planning regulations?

Dr. Abdulmalik Gichuki

Nairobi City County faces a wide range of challenges in regard to development approval and regulations. These include but are not limited to:

- The county government lacks sufficient staff to scrutinize the development applications
- Rogue professionals who deliberately give misleading information in order to get approvals e.g., having the wrong location and plot number in plans for approval
- Compromised e-permitting system
- Enforcement officers on the ground are incompetent or compromised
- Lack of physical development plans including local area physical development plans with areas such as Kilimani using the plan formulated in 2014 which is not adhered to.

Such challenges can be solved by involving residents or their representatives in the scrutinization process. However, there lacks a legal framework to guide the way in which residents engage the county governments in approval processes.

Resident associations are very helpful in assisting planning authorities to make decisions in approval and enforcement during the construction process. Some of the measures that can be taken include:

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- For resident associations to make any impact, there is a need to strengthen their structures so as to have a legal voice. This includes having alliances at local levels.
- Advocate for a legal framework that will guide the participation of resident associations in planning and development controls within their areas.
- Resident associations should be conveners for public participation forums within the areas.

Q & A and Open Mic Discussion

Arch. Florence Nyole

As resident associations try to help solve challenges around planning and development control in Nairobi, it is important for professional associations such as the AAK to be at the forefront of the same initiatives. It is important to start looking at and implementing action points collaboratively with other organizations.

We are continuously experiencing the occurrence of the collapse of buildings and poorly done developments in the Nairobi Metropolitan Area. The Mulika Mjengo initiative by AAK is an important platform for the general public and players in the industry to report and regulate what happens in the construction sector. It is driven by the slogan 'see something, say something'.

The platform will come in handy to ensure the enforcement of planning and construction regulations, promoting healthy homes, protection of natural resources as well as improving accountability within the industry.

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Arch. George Arabbu

Development control regulations in Kenya are considered to be a constraint rather than a regulation of development for the common public good. This then brings in the importance of having vigilant communities, that are aware of these regulations even at the basic level.

There is a lack of capacity in terms of professional input and enforcement authority in terms of control of development standards. The main aim of the #MulikaMjengo campaign is to curb the increased sub-standard developments that have become the norm in Kenya's construction space.

Plan. Cyrus Mbisi

Some of the upcoming planning regulations for Nairobi city are not rational in terms of what is being proposed not being coherent to result in the desired city. Therefore, there is a need for having a discussion about these regulations before they are adopted.

The law essentially dictates how people get organized to live within spaces that make sense as a society. PLUPA has been able to develop plans from the national to local level, and in detail, so that all professionals in the built environment can give their contribution to functional spaces.

Currently, we are having new regulations and standards coming in without putting into consideration the local development plan for the city. We are moving from having a single city core to a polycentric form by having regionally placed nodes. There is a need to carefully implement the Nairobi Integrated Urban Development MasterPlan so as to ensure the success of the plans as well as meet the intended objective of the regulations put in place.

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Arch. Emma Miloyo

Information should be made available and people participate in ensuring that through the information, they influence and inform how the city they want should be for generations to come. Laws and regulations exist. However, the main challenge being faced in Kenya is adhering to the standards that have been put in place. The professionals should play their role in educating and interpreting these laws to the general public.

Arch. Wycliff Waburiri

Some of the challenges being faced in the industry include the dissemination of information and the lack of a general perspective of how the industry works. This greatly affects the planning of our urban spaces which also results in sick building syndrome. There is a great need for advocacy of matters of healthy homes.

Plan. David Gatimu

We need to be vigilant and push for specific issues to ensure proper planning and building regulation enforcement. Some of these issues include:

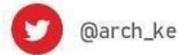
- Inclusion of neighborhood associations and individual property owners to have a say in planning and development control.
- Discussions should include professionals in the public/ county planning space.
- Professional responsibility, integrity, and compliance
- Automation of development control systems and improvement of existing systems

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Prof. Alfred Omenya

There is a need to look into the reasons why it is difficult to enforce planning regulations in Kenya in comparison to other countries. Development control regulations are most of the times seen as a nuisance hence developers, professionals, and enforcement officers try to bypass their implementation.

Further, the structure of development control in Kenya needs to be reconsidered. It should be structured in a way that addresses the need for development control in the country, which essentially is to ensure the safety of the environment we live in. It should also look into the aspect of whom the development control guidelines are for.

Conclusion and Closing of the Twitter Spaces

There is a need to ensure that everyone has access to properly planned neighborhoods. This can be achieved by proper implementation of the regulations and laws that have been put in place. Further, these laws and regulations should be formulated in such a way they address the needs of the people. Resident associations are also key in guiding development control and planning in our cities. As such, their role must be fully acknowledged. The members of the public are encouraged to utilize the AAK Mulika Mjengo platform to report buildings and construction activities that contravene these regulations.

There being no further remarks, the Twitter spaces dialogue was adjourned by Michelle Ouma-Research Officer, Architectural Association of Kenya.

Find the recording of the dialogue via the link -
<https://twitter.com/i/spaces/1vOxwMjERLDGB?s=20>

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