

URBAN PLANNING LOST IN TRANSLATION: COLONIAL URBAN PLANNING SYSTEMS AND TODAY'S REALITY

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Abstract

In Sub-Saharan Africa urbanization is progressing at a rate unprecedented in human history. In most countries, the state is not in a position to apply a responsive legal framework and to mobilize adequate resources to guide urbanization. A major obstacle are the outdated legal framework, its institutional set-up and the inappropriate planning concepts inherited from colonial governments which often contradict post-colonial policies and are unsuitable to respond to rapid urban growth.

The paper will present results of a joint research analysing empirically factors on space standards and land use in prevalent types of formally planned and informal settlements in Dar es Salaam as well as the stakeholders involved in planning decision. To understand the current urbanisation there is the need to understand its history: The paper will analyse the historical development of urban planning, its legislation and the physical outcomes as settlement pattern on the ground.

In Dar es Salaam, Tanzania, now informal settlements cover more than 70% of the city areas because the statutory system cannot provide sufficient building land and settlers have to find plots on the informal land market. It shows the need for a new approach to statutory planning in order to guide urban development effectively, to create more functional settlements, to assist the urban poor to access affordable plots with basic services. Or with other words, there is a need to rethink urban planning for a weak institutional environment and develop an idea and a model for urbanization Africa under poverty.

1. Introduction

Dar es Salaam in Tanzania is among the fastest growing cities in Africa with 70% informal settlements. They have emerged because the statutory system cannot provide sufficient buildable land due to inappropriate inherited planning standards from colonial times and inefficient land allocation procedures. The author poses the hypothesis that a residential plot provides income and employment generation which can be supported or hindered by planning regulations. The study examines the land use changes taking place in both planned and informal urban settlements in Dar es Salaam. Its aim is to learn to what extent the formal planning regulations are applied and efficient; which current development processes are on-going; how these processes impact on the livelihood strategies of the residents; and which land use conflicts typically take place due to the lack of development control.

2. The planning system

In Tanzania, as in many other former British colonies, the British Town and Country Planning Act of 1947 was adopted in 1956 as Town and Country Planning Act. It is still the main legislation for urban planning in Tanzania and deals with the use of land and buildings, the intensity of use of land, the size, and form and construction materials of buildings. For public land uses it manages e.g. roads reserves and the protection of natural resources. The land use plans assign separate land uses (i.e. residential, commercial, educational, etc.) for an ordered physical development, as perceived by the statutory planning. The land use categories are a mean of territorialisation of urban land to create distinguish land use pattern by the separation of activities following a principle of order.

The planning legislation as well as its land use categories did not follow a process of translation and appropriation into local reality but rather reflect still an imported planning ideal of a small green city

with limited growth in Tanzania since colonial time without much dispute. Similarly, the three still existing different plot size standards (named today low, medium and high density areas) for residential areas thus resonate the former colonial principle of racial segregation by zones (zone 1 for Europeans, zones 2 for Asians and zone 3 for Africans) and even use still the same parameters (Scholz et. al 2015). The former racial segregation continues today as territorialisation principle along income groups in the three zones.

The planning system is organised on different levels and scales with regional and district plans and on urban level with General Planning Schemes and detailed layout and regularisation plans (for upgrading of informal settlements) on the neighbourhood level. Therefore, it can be assumed that the Town and Country Planning Act in Tanzania provides a statutory institutional framework to fully control and manage urban development and thus the production of space similar to European countries where it actually is coming from.

Local government units (district council, town authorities and Mtaa (Sub-ward) governments) have a full mandate for land use planning in their areas following procedures legitimised by the political power of the central Government over space. The central Government finally controls and approves local planning schemes (Scholz et. al. 2015). This final step guaranties the territorialisation of urban land by the Central Government.

A similar process of adaptation of colonial principles can be observed in the planning approaches still following mainly the standardised top down master plan approach aiming at a determined controlled urban development over decades. This approach favours a strong Government. It can be therefore interpreted that both planning legislation and planning approaches are used as a mean to territorialize urban land under control of the Government and follow the principle of an ordered and controlled urban development.

Another factor shaping the urban fabric is the land tenure system. During the socialist period of independent Tanzania, land became public in 1967. Actually, it can be said land became under the control of the Government respectively the ruling party in the then one party system (Kironde 1995). When land is needed for public purposes, including residential areas, it can be acquired by the President. If an agreement to acquire the land from the current land holder fails, then compulsory acquisition should take place. Originally the compensation was made on unexhausted improvements on land only, but since 1995 land has officially a value (Kironde 2006). However, the value of land is often under dispute between land holders' expectation and actual compensation paid by the state. Land holders expect compensation based on future land value after being planned and developed while the Government pays only a compensation based on the current value as e.g. agricultural land. The expectation of the higher price is fuelled by the option of the land holder to sell the land on the informal land market for residential purposes to individuals. Also often valuation surveyors estimate total different prices for similar neighbouring plots which lead to mistrust of the compensation model (Mollel et. al. 2007: 6).

All these three issues, the planning legislation, the planning plot size standards and the land tenure system support the centralised power over land by the Government. However, actually they led to a loss of power of the planning machinery. Four interconnected reasons can be observed. The first is the current high urban growth rate which overstretches the capacity of the planning administration to produce new building land and to provide an ordered urban development according to its own ideals. Second, the inherited urban plot size planning standards require large plot sizes for housing (official minimum plot size is 400-800 m² for high density areas). These standards are today too expensive for the Government to acquire and to service the areas with infrastructure and unaffordable by most social groups, especially the urban poor. (Scholz et. al. 2013). Thirdly, the inherited top down master planning concept which has been the main planning procedure from colonial to post-colonial times has come in contestation in the early 1990s due to its negligible impact on urban development control and the lack of participation. And forth, the mentioned above option of land holders to sell land on the

informal market by by-passing the official procedure to acquire land for planned areas by the Government.

The high urban growth rate at about 5% in combination with the low rate of new statutory planned housing areas leads to a serious shortage of building land. Today, the unmet demand for affordable building land is largely covered by the informal land market offering also smaller plot sizes but no infrastructure services. Informally developed areas do not follow any planning scheme or building regulations. This creates a balance on the land market according to supply and demand but creates disorder in the urban structure at least in the view of the planning administration (Kombe and Kreibich 2007, Kironde 2006, Lupala 2002). In the informal land market, land under customary land tenure (former village farm land at the then periphery of the town but now part of the urban area) is subdivided and sold to dwellers at market prices and not at the lower official compensation rate. This system works well for both sides because it meets the expectation of a higher price for the land holders and provides access to land for residents. Security of tenure is provided by local officials and witnesses during the selling process (Kironde 1995: 81) undermining the power of statutory planning. It can thus be argued that the statutory planning machinery, the official procedure and loop-holes in the land tenure system and land management contribute to the problems of growing informal settlements (Scholz et. al. 2015). This informal urbanization leads to new forms and actors of territorialisation beyond the public domain.

The lack of building land provided by the formal system has also increased the development pressure on existing settlements. This applies to residential but also to commercial land uses. The growing commercial and service sector in the current market-led economy in Tanzania has given rise to land use changes towards commercial activities and redevelopment of residential plots towards multi-storey buildings in residential areas. An unguided development of commercial activities can cause land use conflicts among neighbours as described later in the case studies.

3. Dar es Salaam

Dar es Salaam in Tanzania serves as the case study area for these processes. It is among the fastest growing urban agglomerations in Africa, with about 150,000 new inhabitants per year and a total 4.3 million population (National Bureau of Statistics 2012). Dar es Salaam is characterised by low density informal settlements with mainly single storey houses shaping the urban fabric. Between 70 per cent and 80 per cent of the built-up areas of the city are informally developed residential settlements. Fig. 1 displays the different settlement types in the urban fabric. It was prepared by analysing satellite images and maps over the period of the last 20 years. Most of the urban development is informal (red) spreading into the hinterland along trunk roads and around existing villages under transformation (dark red) on former farm land under customary land tenure. Informal urbanisation is therefore the main factor of territorialisation of urban expansion. During the 1980s, some planned residential areas following the neighbourhood unit concept and developed as Site-and-Service-Scheme (among those the first case study of Sinza, orange, see below) were established. Only a few new housing areas under the 20,000 plot development scheme at the mainly unserved periphery (orange) were established recently but not able to cover the demand. Inner city planned areas as well as informal settlements close to the centre face today a development pressure towards a vertical and horizontal densification as well as land use changes towards commercial activities (see case study one).

The following case study of the planned neighbourhood of Sinza in Dar es Salaam will display the outcomes and contestation of these densification and land use change processes (case study 1) while the second case of the informal settlement of Sandali displays unguided land uses changes (case study 2).

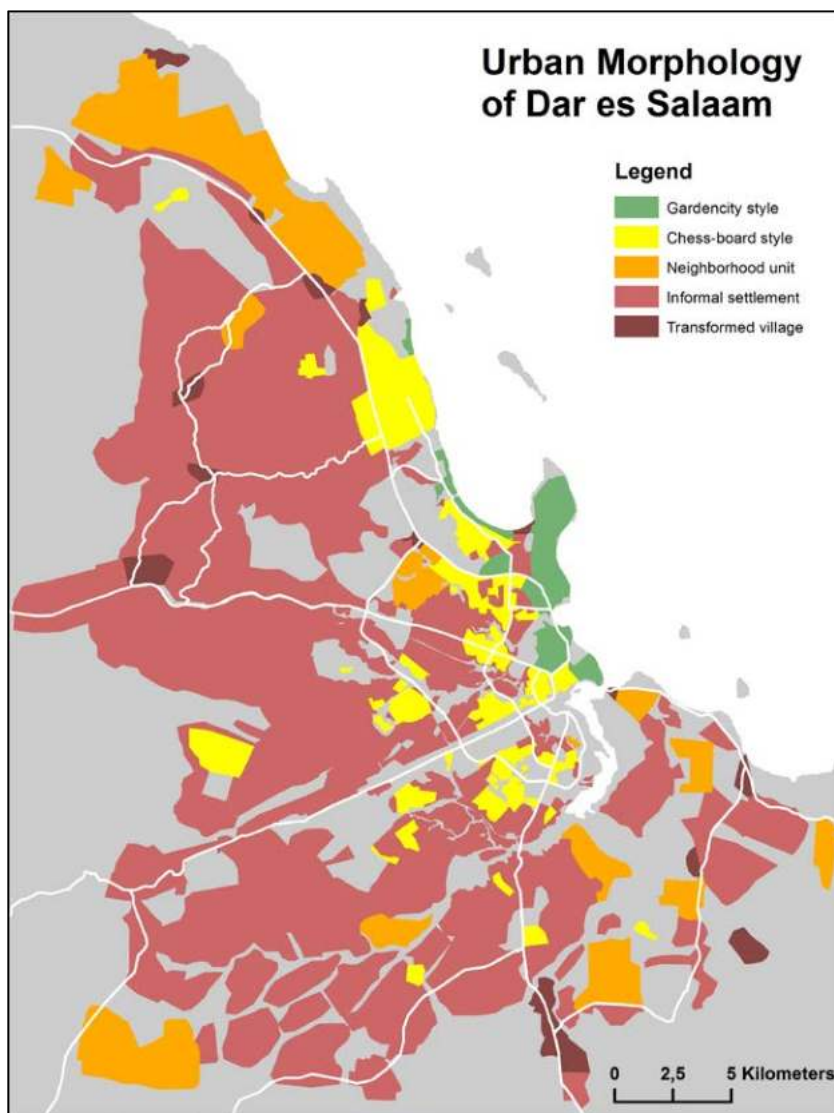


Fig. 1 Urban Morphology of Dar es Salaam. Source: Wolfgang Scholz 2014. Cartography Ines Standfuss.

3.1. Sinza

Sinza is a planned area developed in the 1980s with the support of the World Bank as Site-and-Service-Project. It is located about 10 km from the city centre at the then urban fringe. Sinza is subdivided into smaller neighbourhood units all well organised with a central open space in the middle of mainly small residential plots of 288 sqm. In Sinza tenants represent today a significant number of the residents. In the planning scheme, developed during the socialist period with restricted commercial activities, only a few areas were designated for commercial land uses (Fig. 2). The layout plan for Sinza, designed by foreign experts, follows the neighbourhood unit concept with clear ordering elements (standardised plot sizes, strict land uses categories, clear demarcation of private plots and public land for roads and open spaces) to have control over urban space by public authorities. Sinza can be seen as example to create order in the urban fabric.

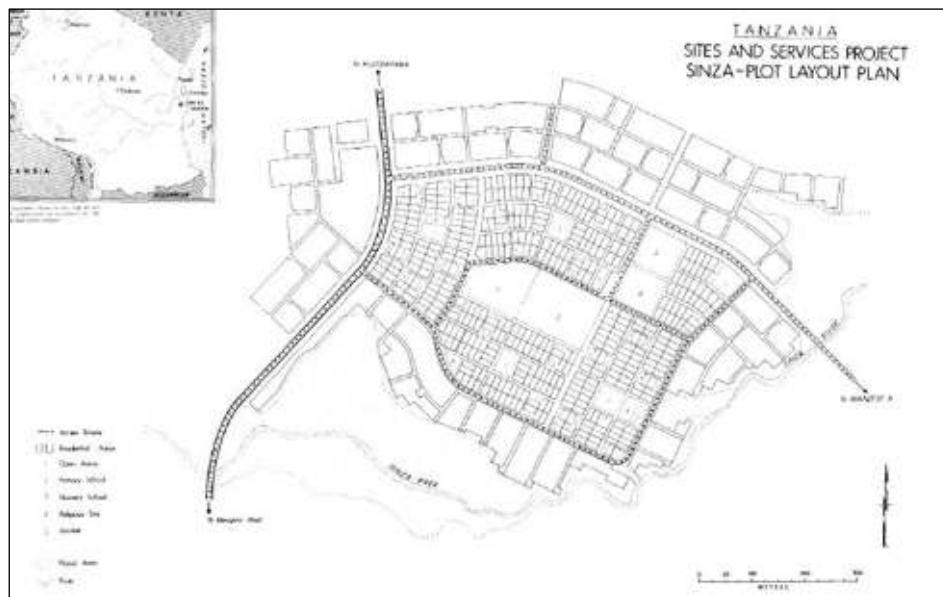


Fig. 2: Layout Plan for one neighbourhood unit in Sinza. Source: Worldbank Report 337a-TA, 1974)

However, the planning scheme came under contestation when new economic activities in the current market led economy came back to the stage and these actors demand their territory of urban space creating disorder. Sinza displays today, however, a high density due to extension of buildings and high percentage of commercial activities due to the central location in the urban fabric and good accessibility of the areas between two trunk roads. This reflects the development pressure on the settlement and the tendency to more commercial uses in the purely residential area. (Authors fieldwork)

The former planned residential area has become now a rather mixed use area. The planned order of a purely residential area is under contestation towards disorder of land use conflicts. About one third of the plots are turned into commercial. A growing number of commercial activities are today mainly located along main roads at the fringe of the neighbourhoods. Locational preferences of the operators of commercial activities along the main roads are based on the need to ensure accessibility and proximity to the major consumer flow channels. They follow their own logic and order of space due to economic forces. This causes severe negative impacts on the functionality of the settlements since plot sizes, parking areas and set backs of the former planned residential area are not designed for such commercial activities and their spatial and functional needs. Fig. 3 displays the recently developed commercial plots (blue) which has been originally designed and used as residential plots.

The following two examples represent cases of the contestation of urban space and how different actors try to achieve control over urban space in a situation where the layout plan and building regulations are either outdated or not enforced.

Sinza is increasingly becoming an area for hotels, bars and beer gardens (see also Mollel 2007: 3) which often disturb the residents. *“Sinza is the beer garden of the entire city”*, an old residents complained. *“Just behind me there is a bar which most of times play music up to midnight, so you can’t do anything at night.”*

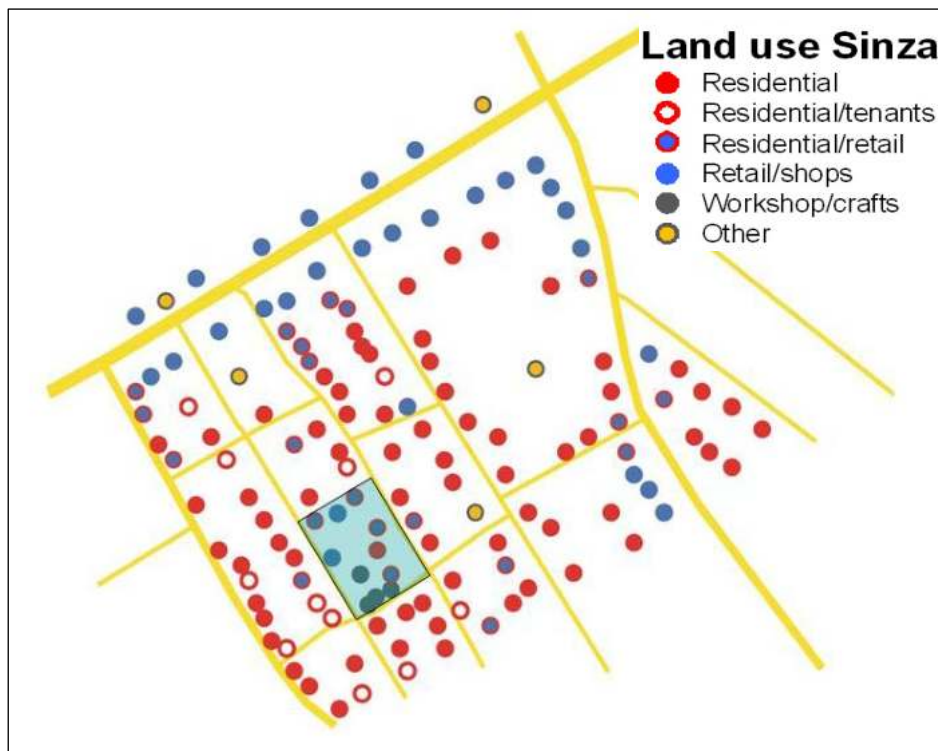


Fig. 3 Land use distribution in one neighbourhood in Sinza. Source: Wolfgang Scholz 2012.
Cartography Ines Standfuss.

A bar in Sinza along the main road was playing loud music after midnight. Most of the visitors of the bar and the owner himself are not coming from Sinza. Adjoining settlers won a court case on noise reduction; however, it was only successful for a short time and music after midnight started again. *“We have problems here especially with the noise which come from the bars around here at night. I heard that the local government stopped them to play music without being sound proof, they stopped once but then they have started again”* a resident complained and another one added: *“We have tried to report them, they stopped only for few months but now the problem is the same.”* The manager of the bar, however, is rather ignorant about complains from the neighbours: *“There are always problems when you run a business like this.”* This example clearly displays land use conflicts caused by the change of land use and contestation over territory.

However, the outcomes of this land use changes towards more commercial activities are not always negative. Operators of businesses and workshops on the open space in the middle of the neighbourhood (see Fig. 4) are aware of the disturbances they cause (such as blocking access during delivery time, noise and dust production) and recognise the need to negotiate arrangements with the neighbours. The operators of workshops who have encroached upon communal open space in Sinza have started informal negotiations and agreements for a co-existence with the surrounding residents. *“No, we have no certificate for land use changing. We got an authority to change the use from the local government but it is only a temporary permit,”* one worker stated and a resident added *“During the day when they come to collect by lorries, they make a lot of noise, but it is for a short moment and usually we got informed, so it is fine with us.”* The operators are also fully aware of the fragile legal status of their presence. Therefore, they try to avoid open confrontation with their neighbours unlike the operator of the bar above. Although, their activities are examples of disorder in the residential settlement, they try to re-establish order by negotiations over territory.



Fig. 4: Workshops on the open space. Source: Wolfgang Scholz

The disturbances for residents by the activities on the open space are lower since they operate during daytime when residents are out at work while the bars and beer garden operate mostly at night and weekends.

3.2. Sandali

The informal settlement of Sandali is taking after an upgrading program introducing storm water drainage and basic access roads a similar path of land use distribution and new commercial activities (see Fig. 5). Besides bars there is another example in Sandali displaying the limits of local decisions. Workshops for used oil recycling are operating in a residential backyard. The surrounding residents have complained about the pollution of this dangerous activity but without any reaction from the operators. The sub-ward leader stated that he is not able to stop these activities since the operators are tenants only, and the landlord is living outside the settlement and therefore not accessible for the local leader. Only after termination of the current valid rental contract, would the local leader be able to guide new activities on the plot. This case shows the limitation of locally made decisions or local regulatory systems which are often based on a lack of knowledge and awareness, as well as being difficult to enforce (authors' fieldwork, 2011).

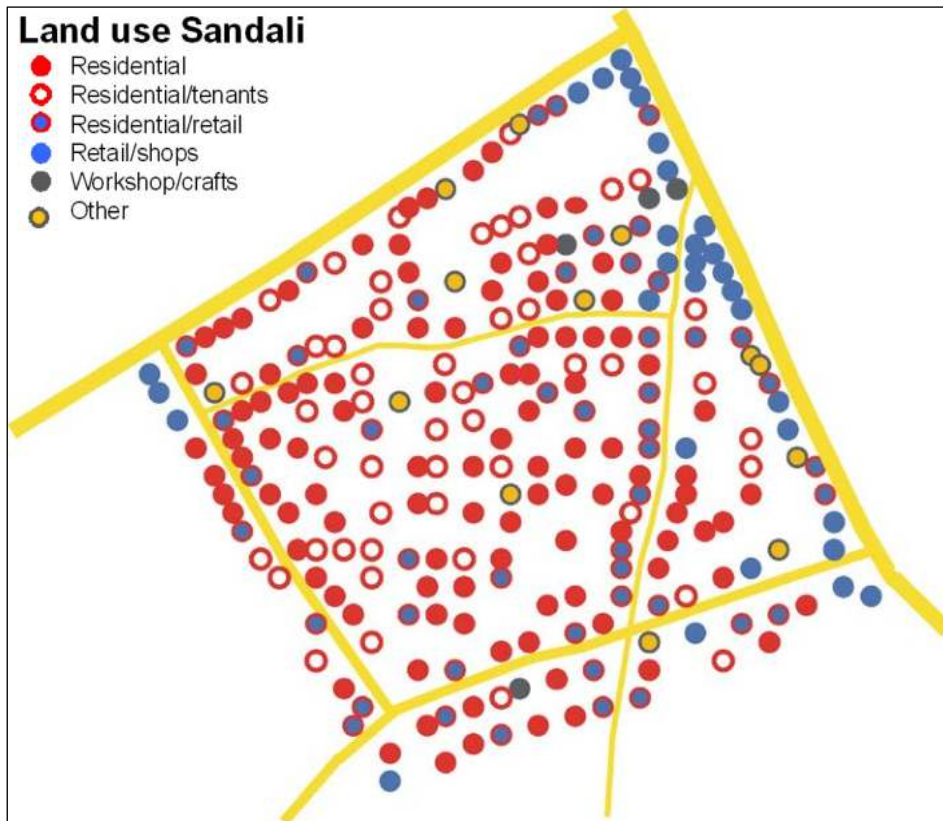


Fig. 5 Land use distribution in one neighbourhood in Sandali. Source: Wolfgang Scholz 2012. Cartography Ines Standfuss.



Fig. 6: Used oil recycling workshop in the informal settlement of Sandali. Source: Wolfgang Scholz

4. Findings

4.1. Conflicting land uses

The fieldwork revealed that disturbances for residents, both in planned and informal settlements, caused by conflicting land uses are mostly related to noise from bars, music halls and religious buildings, less from commercial activities like workshops or repair workshops. The main reason is that the latter operate during daytime when residents are out at work while the first ones also operate at night and weekends. Income generating activities such as shops, pharmacies, tailoring shops are generally more tolerated, while leisure activities, such as bars, and places of worship are less tolerated by residents because of their potential to cause disturbances. Problems in the settlements are mainly related to uncontrolled changes of the land use and the tendency toward mixed uses.

4.2. Planning regulations and decision-making

The interviews in the case study settlements, both planned and informal, revealed that there is hardly any sensitivity or adherence to planning regulations and land use categories among the residents. Only plot boundaries of neighbours are respected. Developers are only aware that structures can be demolished if built on the road reserves; however temporary encroachments, like the tables and chairs of bars, are common.

Most respondents state that they lack knowledge about planning regulations and the potential positive or negative impacts of the regulations. This is a contradictory finding since, in Sandali, planning instruments and urban layout plans were used during the formal regularisation process. In that process, intensive surveys, consultation with residents were undertaken and demolition of buildings executed to facilitate the expansion and construction of access roads and storm water drainage.

There is also lack of awareness of planning regulations at the institutions at the grassroots level of the Government (Mtaa, ward level). For instance, in the sub-ward office (Mtaa) of Sinza the copy of the land use and layout plan was missing. It seems that in the understanding of residents as well as local leaders, planning only focuses on the change of land use at the plot level approved individually by the local leaders and not according to the general planning scheme. Thus individual decisions do not correlate to the existing plans (Sinza) or general regulations (Sandali). Permission to build, extend or to change the use of a building are issued by local leaders based on the political influence of the applicant overruling a planner's technical statement and thus in disregard of public interests. Therefore, conflicting land uses easily emerge. Such permissions focus only on the plot itself, and ignore the neighbours' plot and the construction on it (concerning size, height, setbacks and land use).

4.3. Differences between planned settlements and informally developed areas

There seems to be little difference between planned and informally developed settlements in terms of adherence to planning and building regulations. Uncontrolled building construction, extension, in-fills and change of land use persist. The land uses are likely to be similar because of processes of gentrification and the pressure of the real estate market on these settlements which are often located in attractive areas of the city. Therefore, the distinction between informal and planned settlements is becoming rather an administrative term only, with less relevance on the ground. However, the planning authorities both at national as well as at local levels still consider informally developed areas as areas where no regulations can be enforced.

Horizontal densification is seen as one of the key future challenges in Sinza, especially because many individuals would like to build multi-storey buildings on the same plot that is today occupied by a single storey house. In Sandali the new, modern buildings which are replacing the old structures made of rather poor building materials are seen as a symbol of a better future. Most new buildings are fenced like in Sinza, which will create a higher "visible" density, may block footpaths since former shared

space between the buildings is becoming private space behind walls and can hinder ventilation. Both planned and informally developed settlements undergo processes of land use changes, densification and potential gentrification following the rules of the real estate market and seek more economic land use.

4.3 Land use categories do not support residents' livelihood strategies

The majority of the residents in Dar es Salaam are poor. However, as noted earlier there are no newly planned areas dedicated to low income residents. The rigid land zoning concept and land use categories (residential, commercial, and residential cum commercial etc.) does not reflect the reality of the residents' need for a flexible livelihood including changing employment and income generating activities.

Commercial uses are necessary in settlements to provide income and services for residents. However, there is a need to regulate and designate them in specific suitable areas in advance before they emerge uncontrolled.

There is no clear concept for the distribution and localisation of the emerging commercial and service related activities. They are spread haphazardly throughout settlements without a proper planning concept. This calls for the re-view of the current zoning concept which provides space for retail business in the centre of a neighbourhood regardless of the predominant traffic flow which is along the main roads between neighbourhoods. Thus, planning should consider locating disruptive uses like bars, warehouses, workshops along the main roads at the fringe of the neighbourhood on the one hand, and restricting the centre to purely residential uses. This means the spatial reversal of the neighbourhood design concept used in Tanzania and the development of new land use categories (disruptive/non-disruptive commercial activities) in combination with plot coverage rules and increasing setbacks according to the height of the building (authors' fieldwork).

5. Conclusions

Both planned and informally developed settlements undergo numerous transformations such as densifications and increases in commercial activities. This leads to problems in the settlements, mainly related to uncontrolled changes of land use. Some of the uses have a negative impact on neighbours (e.g. bars) while small corner shops or small-scale workshops have little or no significant negative impact.

The examples above also reveal that there is hardly any sensitivity or adherence to planning regulations and land-use categories among the residents, local leaders and operators. Most interlocutors stated that they lack knowledge about planning legislations and the potentially positive or negative impacts of regulations. It seems that residents, like many local leaders, understand planning only as focusing on changes of land use at the plot level and not as dealing with public interests or neighbours' rights. A resident from Sinza stated: *"If regulations are followed they are good, but people don't follow. That's why you find more complaints to the government. Also the government hasn't provided enough education concerning those regulations."* Thus, it is at the individual decision-making level where compliance with existing plans or general regulations fails. Permission to build, extend or change the use of a building is issued by local leaders and is often based on the political influence of the applicant, in many cases in disregard of public interests. So conflicting land uses easily emerge.

Titus Musoga, from the National Land Commission, Nairobi, Kenya summarized in an interview in 2013 the situation of urban planning in African cities: *"The perception of (urban planning) laws is that they only apply to the former colonial core city and not to the recent post-colonial expansions. Land-use regulations are perceived to be only applicable in the colonial city since they are a colonial construct."*

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