Expanding Urban Land Supply: What works?


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www.gpa.org.uk

Policy focus

Policy tools for improving access to urban land markets, with a focus on:

- Improving existing land markets and living conditions, especially for the urban poor
- Increasing the formal supply of affordable land, especially for housing
- Improving land and housing market regulation
Key issues in land market regulation

Need for a ‘twin track’ approach to:

• Improve the lives and living conditions of 1 billion slum dwellers globally, (ten times more than the MDG target)

• Increase the supply of legal and affordable land and housing for up to 3 billion additional urban residents globally by 2050 to reduce the need for future slum formation. A large proportion of this increase will be in the low-income category. What can they afford?

• Progress will require a greater focus on urban issues and the combined efforts of public, private and civil society sectors.
Policy Approach

• Moving from control to more effective land market regulation, from goal-scorer to referee
• This requires care in defining key regulatory terms and conditions to which all actors in the land and housing markets should operate. It will require focusing on key priorities which can stimulate diverse supply systems on a level playing field and under conditions of transparency. How to get the focus and balance right?
• Policy objective – to facilitate private sector investment and identify and extract a public benefit from it for those in need, not just for a privileged minority.
Land markets and settlement upgrading

- How can upgrading retain and reinforce the economic contribution of unauthorised settlements to economic development?
- Comprehensive redevelopment versus gradual integration (points of entry include tenure policy, land use and services provision).
- Policy instruments include land sharing, re-blocking and direct negotiations between residents and developers.
...as in Mumbai,
Land consolidation or regularisation, by which individual plots are realigned in order to facilitate the provision of improved access routes, open space and services.
For all improvement options, local participation is vital, as in IDPs in Amman
Increasing the formal supply of affordable land and housing

- The public sector often complains that the private sector fails to protect the environment, or meet the needs of the poor and other vulnerable groups.
- Private developers often complain that public sector agencies are incompetent, inflexible and corrupt.
- Standards and procedures impose costs that make it impossible to meet social needs and conform to official requirements. The provision of subsidies also inhibit private sector supply.
- The truth is that both sectors need each other to meet existing and future needs. How to work together?
Land markets and urban development

There is no shortage of policy instruments to increase land supply for all social groups. All options have both strengths and limitations. They include:

- Sites and Services projects (Kenya, and others)
- Land or property taxation (many countries)
- Land banking (eg India)
- Transfer Development Rights (TDR) (eg India)
- Land Pooling/Land Readjustment (LP/LR) (eg Asian cases)
- Guided/Incremental Land Development (GLD) (Pakistan)
- Community Land Trusts (CLTs) (eg Tanzania)
- Requests for Proposals (RFPs) (Bulgaria, Russia)
- Site development or urban design briefs (eg UK)
- Companies Limited by Guarantee (UK)
- Mandatory requirements for private projects (eg London)
### Land Pooling or Land Readjustment or consolidation

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<th>Characteristics</th>
<th>Benefits</th>
<th>Limitations</th>
<th>Conditions for success</th>
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<td>A technique for managing and financing urban land development.</td>
<td>Meets the primary interests of land-owners in realising a high value of property and government interests in achieving efficient land development.</td>
<td>Requires a legal framework and effective municipal land management structure.</td>
<td>The local government (or other approved government LP or LR agency) is genuinely interested in achieving the planned development of its urban-fringe lands.</td>
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<td>Used to assemble and convert rural land parcels in selected urban-fringe areas into planned layouts of roads, public utilities, public open spaces and serviced building plots.</td>
<td>Particularly relevant in areas under pressure of urbanisation where land is held by a large number of private landowners.</td>
<td>Limited ability to benefit low income group access, since all land-owners want to maximise land values.</td>
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<td>The process involves the amalgamation of individually owned land parcels into a single area for its efficient subdivision and development.</td>
<td>Can help to co-ordinate urban land development and facilitate the provision of essential infrastructure and planned land subdivision, thereby reducing service provision costs.</td>
<td>Can take many years to assemble, develop and allocate land parcels.</td>
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<td>Projects are funded by selling some of the plots to recover development costs, with remaining plots distributed to the original landowners on the understanding that the asset value of the reduced area of subdivided land received will be significantly higher than the existing value.</td>
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<td>Projects are dependent upon land owner support according to the terms defined locally.</td>
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#### Land Readjustment
- Increases the value of land. It requires cadastral information, capable land valuation and project management personnel, and the availability of credit finance.

- Requires a legal framework and effective municipal land management structure.
- Limited ability to benefit low income group access, since all land-owners want to maximise land values.
- Can take many years to assemble, develop and allocate land parcels.
- Projects are dependent upon land owner support according to the terms defined locally.
- It requires cadastral information, capable land valuation and project management personnel, and the availability of credit finance.

#### Conditions for success
1. The local government (or other approved government LP or LR agency) is genuinely interested in achieving the planned development of its urban-fringe lands.
2. Areas proposed for LP or LR are divided into separate landholdings and with limited existing development.
3. The areas proposed are legally, physically and economically suitable for urban development.
4. The majority of landowners in the proposed LP or LR areas understand and support the use of LP or LR for their area.
5. There is a government law and administration to authorize and oversee the planning & implementation.
6. Skilled and competent personnel are available to prepare and implement the projects.
Transferable Development Rights (TDR)

- TDR involves separating development rights from the ownership of land where development is to be discouraged and make them transferrable to lands where it is considered desirable. In other words, the parcels of land where development rights originate and where they are consumed are different.
- TDR is used in as a development control tool for implementing plans and is granted on lands reserved for roads, open spaces and amenities. It can be consumed only at designated receiving zones, which exclude sensitive and congested areas.
- The Floor Area Ratio (FAR) or Floor Space Index (FSI) applicable in the surrounding area will be added to that in the TDR receiving area, enabling the person receiving TDR to benefit from higher levels of development.
- TDR enables government to guide new development away from highly congested areas to those where new development is considered desirable without the need to pay financial compensation. It offers several advantages to the local authority over monetary compensation, such as the possession of immediately usable and unencumbered lands, speedier procedures, and an improved tax base, as theoretically the entire urban land becomes saleable.
- The property owner is free to trade TDR on the open market.
- TDR can also be used for other purposes, such as conserving heritage/landmark areas/buildings and environmentally critical areas.
- TDR can also contain/control urban sprawl by intensifying the use of urban land, putting transportation networks to efficient use, and reduce travel distances and costs.
- TDR depends for its successful implementation on an efficient administration which is sensitive to market behaviour and in selecting new areas where developers are willing to invest. It is difficult to enforce TDR in a land market where prices are not increasing and therefore making new areas attractive to developers. The land on which TDR is granted must be first surrendered to the authorities unencumbered, levelled and compounded, free of cost.
- Development charges and municipal property tax are both payable on TDR consumption.
- A lack of land title clearance by owners may discourage acceptance.
- TDR is not effective during the slump in the property market.
- If the TDR in the receiving base is restricted acceptance may be low.
- Speculation may inhibit their adoption.
- Since it is a relatively new concept, review and monitoring are essential to predict future trends so that infrastructure needs of the additional population can be taken care of.
- The preconditions for the success of TDR are a stable and growing property market, and adequate receiving base. Additional factors include:
  - Value of land versus the cost of construction land values will generate a good market for TDR.
  - Interest on compensation versus TDR value (market appreciation of TDR should be more).
  - Value of compensation versus value of TDR (TDR value should be higher than compensation).
  - Availability of vacant developable pockets as the TDR receiving base (if the entire city is built up, it may be difficult to consume TDR even if permitted).

Community Land Trusts (CLTs)

A Community Land Trust is a private non-profit corporation created to acquire and hold land for the benefit of a community and provide affordable access to land and housing for community residents. In particular, CLTs attempt to meet the needs of residents least served by the prevailing market.

- It is not always understood or regarded sympathetically by administrators, it requires a degree of community cohesion which cannot be guaranteed.
- A good option where the local authority is flexible and where community cohesion is strong. See www.bshf.org for more information and examples.
**Guided land development**

Guided land development (GLD) is a land management technique for guiding the conversion of privately owned land in the urban periphery from rural to urban uses. It has been implemented widely in and been proposed for but is yet to be implemented. It uses the provision of infrastructure as a mechanism to guide urban development. It is done in partnership with landowners who pay for the cost of servicing their land through loan from government agencies. As landowners are supposed to donate land, as well as pay betterment levies, the infrastructure development plan is prepared using both topographical and land cadastre maps, ensuring that wherever possible roads and infrastructure follow the existing plot boundaries. To finance the scheme a loan is initially taken out to build the infrastructure, which is paid from betterment levies provided by landowners either on annual installments or in lump sum upon sale of land.

Governments can use infrastructure investment policies to guide the direction of land development, as well as, to ensure that land development is efficient, environmentally sound and equitable. The key advantage of the approach is that it is less costly than outright land acquisition and more equitable than land banking.

**Planning and urban design briefs**

Planning and urban design briefs are a means of informing developers and other interested parties of the constraints and opportunities presented by a site, and the type of development expected or encouraged by local planning policies. A planning brief is intended primarily to promote development or attract a development partner, and may for various reasons, default on the payments. An urban design brief can give information on the form and spatial organization of a site area to potential developers.

Planning briefs are potentially a useful tool for improving:
- The quality and consistency of advice provided to developers;
- The efficiency of the planning process; and
- The quality of the built environment.

Briefs can improve the efficiency of the planning system by reducing uncertainty, enabling developers to reduce costs and go ‘down-market’. Planning and urban design briefs provide site specific guidance to potential land developers.

The cost and time involved in preparing a planning brief should be less than the cost of securing acceptable development without it. They require that local government staffs are sensitive to market forces and the legitimate interests of developers and landowners. The costs of negotiation can be significant. Briefs are not useful where the brief sets standards for development lower than should have been expected of potential developers.

Planning and urban design briefs offer government agencies an opportunity to indicate the conditions which land-owners or developers must satisfy in order to obtain planning permission. As such, they reduce uncertainty and enable applicants to save time and money, thereby enabling them to reach lower-income groups.

Since planning and urban design briefs are site specific, each one has to be prepared separately bearing in mind local conditions and opportunities applicable at the time.
Factors influence success

According to Williams (2007), key considerations include:

- Institutional conditions and framework at central and local levels; admin capacity
- Legislative and regulatory environment
- Social interests, equity and participation
- Macroeconomic conditions
- Spatial and physical conditions
- The need for good promotion & pilot projects

Other factors may include:

- Political conflicts, corruption and a reluctance to lose powers
- Institutional competition for resources and power
- Admin continuity – or the lack of it
- Professional attitudes and assumptions
- Changing priorities and insufficient co-ordination and ‘follow-up’ by donors
Administrative Options

1. Planning and building standards
   - The relationship between costs and affordability (India highly realistic and skilled in reducing costs without compromising design as in the HUDCO design guides of the 1980s).

2. Regulations
   - Land use and plot development (facilitate mixed land use)
   - Building heights and setbacks, space allocation and infrastructure services.
   - Floor Space Index (FSI).

3. Administrative procedures
   - The number of steps, costs and degrees of certainty provided.
Key issues: 3) Standards, regulations and procedures?

- Conventional planning and building design standards, regulations and administrative procedures contribute to unauthorised settlements.
- Innovative approaches include ‘E’- Centres, or ‘One-Stop Shops’ as in India.
- De Soto did excellent research in Peru – but the problems took many years to address...
### Memoria Justificativa

#### XX  ( 4 )

1. Perfil Urbano, información del entorno y elevaciones de las edificaciones vecinas hasta 50 m de los límites del predio y perfil urbano incluyendo la elevación propuesta (3)

2. Boleta de Habilitación del arquitecto y el proyectista.

3. Boleta de Habilitación del Ingeniero Calculista.

4. Boleta de Habilitación del Ingeniero Electromecánico.

5. Boleta de Habilitación del Ingeniero Sanitario.

6. Certificado de Parámetros Urbanísticos y Edificatorios Vigente.

7. Plano de Vías de Evacuación según lo indicado en el Título V del Reglamento Nacional de Construcciones y Señalización según normas de INDECOPI acompañado de Memoria Descriptiva.

8. Anteproyecto aprobado.

9. Declaración jurada de los proyectistas y del profesional responsable de obra, que el proyecto de arquitectura no presenta cambios con respecto al anteproyecto aprobado, que la cumplen con la reglamentación vigente y que la obra se ejecutará de conformidad con los planos presentados.

10. Anexo D del FUO-Parte1, debidamente llenado con la autoliquidación correspondiente.


12. FUO parte 1 (3 juegos) debidamente llenados y firmados por el área competente.

13. Declaración Jurada de no existir variación entre la obra ejecutada y los proyectos aprobados.

14. Formato de solicitud.

15. FUO-Parte 2 por triplicado debidamente llenado y firmado por el propietario y el profesional responsable de obra o constatador, arquitecto ingeniero civil colegiado.

16. Hoja de datos estadísticos publicada por MTC.

17. Copia simple del certificado literal de dominio en caso de no haberse presentado con el FUO –PARTE 1.

18. Planos de planta de arquitectura (distribución) de cada piso, iguales a los del proyecto que obra en el expediente. (dos juegos)

19. Disco Compacto con Copia Digitalizada de los planos.

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### PLAZOS PROCEDIMIENTOS Y DEPENDENCIAS DE LA MML QUE INTERVIENEN

#### INVERSIONISTA O PROMOTOR MUNICIPAL REGISTROS PÚBLICOS

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4. CALIFICACIÓN DE PROYECTO Y LICENCIA AUTOMÁTICA

OPCIÓN B

DEPENDENCIAS QUE INTERVIENEN:
- OF. TRAMITE DOCUMENTARIO
- DIV. DE EDIFICACIONES
- CAJA MUNICIPAL

03 DÍAS HABILES LICENCIA AUTOMÁTICA DE OBRA

ELABORACIÓN DE EXPEDIENTE TÉCNICO DEFINITIVO

PRESENTA AUTOLIQUIDACIÓN FUO 1 ANEXO D

CANCELA DERECHOS 2 DÍAS A DMISIÓN A TRÁMITE DE EXPEDIENTE DE PROYECTO 1 Día

5.- LICENCIA DE OBRA Y CERTIFICADO DE NUMERACIÓN OPCIONAL: PREDECLARATORIA DE FÁBRICA PARA INSCRIPCIÓN PREVENTIVA EN REGISTROS

DEPENDENCIAS QUE INTERVIENEN:
- DIV. DE EDIFICACIONES
- COMISIÓN TÉCNICA
- DIV. DE NOMENCALTURA Y NUMERACIÓN
- CAJA MUNICIPAL
- DIV. DECLARATORIA DE FABRICA Y OF DE TRÁMITE

55 DIAS HABILES INICIO DE OBRAS DE CONSTRUCCIÓN

PLANTAS OBSERVADAS ¿? SI NO

PRECALIFICACIÓN DE PROYECTO, DICTAMEN DE C. TÉCNICA

ACTA DE CALIFICACIÓN RESOLUCIÓN NOTIFICACIÓN 45 DIAS

CORRECCIÓN DE PLANOS Y OBRA APROBACIÓN DE CORRECCIONES LIQUIDACIÓN DE DERECHOS DE LICENCIA DE OBRA 2 Día

NOTIFICACIÓN OF. DE TRÁMITE DOCUMENTARIO (SÓLO PARA PRE DEC. DE FÁBRICA)

INSCRIPCIÓN PREVENTIVA DE DEC. DE FABRICA

LICENCIA DE OBRA Y CERTIFICADO DE NUMERACIÓN CERTIFICACIÓN DE PREDECLARATORIA DE FABRICA FUO 1 ANEXO.C 5 DIAS AUTENTICACIÓN DE PLANOS GESTIONA CONEXIONES DOMICILIARIAS PARA LA OBRA CANCELA DERECHOS NOTIFICACIÓN 3 DIAS 5 DIAS 1 DIA

6.- EJECUCION DE OBRA

DEPENDENCIAS QUE INTERVIENEN:
- DIV. DE CONTROL DE OBRAS VARIABLE DEPENDE DEL INVERSIONISTA Y DEL TIPO DE OBRA VENTA EN PLANOS ANOTACIONES PREVENTIVAS DE INDEPENDIZACIÓN Y OBRAS (OPCIONAL EN OPCION  B) SE ESTIMA 7 MESES

7.- CERTIFICADO DE FINALIZACIÓN DE OBRA Y ZONIFICACIÓN

8.- DECLARATORIA DE FABRICA

DEPENDENCIAS QUE INTERVIENEN:
- DIV. DE CONTROL DE EDIFICACIONES
- DIV. DE DECLARATORIA EN CONDICIONES ÓPTIMAS (SIN VARIACIONES RESPECTO A LOS PLANOS APROBADOS) 25 DÍAS HÁBILES

LA SUPERVISION DE OBRA OPCIONAL EN LA MODALIDAD B CULMINACIÓN DE OBRAS DE CONSTRUCCIÓN VARIACIONES SEGÚN PLANOS APROBADOS ¿? SI

DECLARACIÓN DE FINALIZACION DE OBRA Y SOLICITUD DE CERTIFICACIÓN INDEPENDIZACIÓN Y COMPRA VENTA APROBACIÓN DE PLANOS DE REPLANTEO FOM CERTIFICADO DE FINALIZACIÓN DE OBRA Y ZONIFICACION 1 DÍAS PLANOS DE REPLANTEO DE CONSTRUCCIÓN LIQUIDACIÓN DE DERECHOS ADICIONALES CANCELA DERECHOS INSPECCIÓN OCULAR INFORME ADMISIÓN A TRÁMITE RECEPCIÓN 1 DIA 18 DIAS
Lessons Learnt

There is a wealth of innovative, practical policy options already in the public domain. Why are they not being replicated at the speed and scale required. Are the constraints ultimately political? If so, what can donors do about it?

• ‘Power mapping’ as advocated by Zimmermann, can help identify those who need to be influenced and options for realising progress – or decisions to withdraw
• Where existing authorities will not co-operate, use oblique measures, such as strengthening press and media independence
• Strengthen links with local governments so that outcomes (successes and failures) are more visible to the local population.
• Name and shame those who block progress and support ‘champions of change’ by working with local or international academics or NGOs who can say what donors may be inhibited from saying
• Focus on what levers are open to influence. For example, professionals (architects, planners, surveyors or engineers) created most of the regulations and standards that often constrain the provision of affordable and legal development. We should be at the forefront of efforts to remove irrelevant regulatory conditions.
• Windows of opportunity need to be identified and exploited

... and finally,

If we focus on these issues, city-wide planning and land management has the potential to transform urban land markets, improve governance and reduce poverty.
Thanks for your attention.

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