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Challenges and Interventions for Acquisition of Statutory Building Approvals in Kenya:

A Case Study of Nairobi City County

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Abstract

The acquisition of statutory building approvals required by developers has been cited as one of the hindrances to adequate and affordable housing. With the rate of urbanization in Kenya estimated at 32.8% and an annual deficit in housing at 200,000 units, it is inevitable to evaluate the building approval process. The ease of doing business in the construction industry has to be done in tandem with streamlining the building approval process in Nairobi City County. This paper sought to evaluate the challenges of acquiring statutory building approvals and interventions that can be employed to increase efficiency in provision of building approvals. The study employed a qualitative research methodology to describe and understand the various challenges and interventions as tied to the construction process. Data was collected via questionnaires administered to 30 developers. The findings indicate there is a multiplicity of institutions and laws that govern the approval process. Various challenges in acquiring building approvals as revealed by findings were discussed and rated by the developers with the delay in acquiring development approval and uncertainty in approval time being the challenges that were most significant. Interventions were also reported and an increase in the personnel and formulation of e-one-stop shop to deal with the approval process were established as the most significant. This study recommends the need for the government to sensitize developers on the approvals applicable to construction projects and evaluate the approval process in order to make Kenya attractive to foreign investment. There is also need to examine the various approvals as well as the approving institutions in order to determine the viability in the long run of the number of approvals' need for a project and institutions involved. Through this effort, there would be more coordination and harmonization of development approving agencies resulting in reduction of cost and time optimization of development projects.

Keywords: Approving personnel, Building approval, Construction projects, Developers, Statutory requirements.

INTRODUCTION

The construction industry is a pivotal industry in both developing and developed countries for it plays an important role in economic development and establishes the infrastructure required for socioeconomic development (Oladinrin, Ogunsemi & Aje, 2012). The role played by the construction industry in economic development in Kenya cannot be over-emphasized with its contribution to GDP increasing steadily from 3.8% in 2008 to 13.6% in 2015 (KNBS, 2016). The construction industry is a source of employment to a huge population and it is estimated that for every 10 jobs directly related to a construction project, another 10 jobs are created in the local economy (Price Waterhouse Coopers, 2013).

The rate of urbanization in Kenya has been rapid with an estimated 32.8% of its population living in urban centers by year 2014 (World Bank Report, 2015). It is however estimated that this figure will rise to 60% by the year 2030 due to greater rural to urban migration fueled by search for employment and better living conditions (Kenya Vision 2030).

Social infrastructure and services are fundamental for the sustainable growth and development of urban communities. Kenya's growing urban population does not match the numbers of infrastructure being developed on an annual basis. The increased demand for housing among other social infrastructure has resulted in rampant growth of slum areas because demand has

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surpassed the supply (World Bank Report, 2015).

A statutory building approval is a legal document that allows one to undertake a development (Planning Institute of Australia, 2014). The development approval authorizes development to take place and is issued by the various authorities (The State of Queensland, 2016). Development approval may involve seeking planning permission, land grant or lease modification and building plan approval.

The current statutory requirements and procedures in the construction industry have been cited as the industry's biggest impediment by existing and new developers. Notably, various authorities are mandated to control and regulate development in the country. However, uncontrolled development has sprung up in the last two decades and the provision of services that should be done by the National and County governments are found to be lacking by many taxpayers as well as accredited contractors by NCA. The result of uncontrolled developments has increased the waiting time for the contractors who are seeking development approvals, and the construction of poor infrastructure (Achitabwino, 2009).

The process of acquiring these approvals also takes too long, with multiple institutions being involved. The license regime is large and the process too cumbersome (Muiruri, 2014; Wamuyu 2016). There is no guarantee of approval. In addition, some approvals have also been cited to take up to more than a year leading to delayed projects, cost overruns, lost revenues and loss of employment opportunities to the youth. This delay has also been cited as a significant factor in the increase of the cost of buying houses in Nairobi since the overhead costs incurred by the developer are passed on to the consumers (Gachie, 2011).

The multiplicity of institutions involved in the planning and regulation of the construction industry create conflicts and confusion that inhibits the competitiveness of the industry for the local and global market investors (Kimani & Musungu, 2010).

Before engaging in the theories of acquiring statutory development approvals, it is important to present the definition of terms used in this study. Building development approval is referred to as the regulatory approval that must be obtained prior to commencing a development (The State of Queensland, 2016). Building rules consent means the consent on construction or buildings and structures which assesses the application against the technical requirements of the building code (Aluko, 2011). Project cost is any expenditure made or estimated to be made, or monetary obligations incurred or estimated to be incurred and are listed in a project plan as costs of public works or improvements. Project time is viewed as the duration of each activity in an on-going project. The construction industry regulating bodies is referred to as the institutions mandated to foresee the rightful implementation of the regulations set in the construction industry. Building approvals are seen as the laws and regulations that all developers and participants of the construction industry must abide to. Construction project delivery (time and cost) means the ability of the developer to fulfill their obligation and the proportional change in the developer's profit margins subject to the requirements of the regulating authorities and statutory requirements.

THEORY

Challenges developers face while acquiring statutory approvals

The real estate development progress is mostly cumbersome and complex. The development process is subject to changes eventually as the economic, at both national and local levels, influences it. The success often relies on the attention to detail of process and quality of judgments which guides it. In the general context, the real estate development is commonly dynamic, with the fast changes happening in the link among construction, regulation, property management, finance, and technological advances. The real estate industry of Kenya is growing as the younger generation realizes that the capital gains made from the property is a quick path for wealth accumulation during these times of inflation. The challenges of real estate development are varied and many. There is restricted access to the land in face of rising need for housing resulting to high property prices. The land market of Kenya is highly disorganized. Information concerning who owns different pieces of land is not even readily available and legal and administrative

systems for transferring titles are cumbersome. The uncertainty which surrounds the use, title and development has resulted to immense insecurity in urban land market. Nonetheless, the soaring land prices amid the different cost elements; the cost of land is more expensive with other being quoted in foreign currencies (Government of Kenya, 2003). Adding to land problem, is the high cost of building materials both imported and local. It has resulted to increased cost of buildings in the past decade making it intricate for the average Kenyan to acquire house before retirement. Additionally, the increasing cost of buildings in many developing states is because to over reliance in imported building materials. The state of affairs to large extent is as a result of low production at level, lack of finance, and lack of adequate mechanization.

Building and development permits are prerequisite for housing development in Kenya. High submission cost, delays, partial examination of designs and improper checks are issues besieged with permit acquisition. Improper sitting of the building materials, the use of unapproved drawings, floods, demolishing unauthorized buildings, the use of unapproved drawings, and building on waterways are effects of the issue. The conflict situation results between developers and the various authorities (Government of Kenya, 2003). Based on such constraints, people buy land and because they fear encroachment develop without recourse to the laid down procedure of acquiring necessary building approvals. Therefore, the considerable number of developed properties has no permits.

The Ministry of Transport, Infrastructure, Housing and Urban Development oversees supervision of all Government and public institutions construction works. The County governments oversee the approval and inspection of all developments in their jurisdiction. On the other hand, the Ministry of Health overseas all public health issues and occupational health and safety in the industry. The activities of these agencies remain largely fragmented and uncoordinated (Kimani, 2010).

The building industry lacks a comprehensive and integrated framework within which to operate due to the many pieces of legislation scattered in many statutes. The scattered nature of the legislation makes it difficult for developers to understand and comply with the requirements and creates further ambiguities that make effective enforcement of the law difficult (Kimani, 2010).

The multiplicity and lengthy statutory requirements in the construction industry have continually been cited as a major impediment in the quest of making Kenya a competitive investment destination globally (Musyoki, 2015). This is reinforced by the current ranking of Kenya at no. 108 out of 189 economies on ease of doing business (World Bank, 2016).

World Bank (2016) reckons that the approval process takes long and the charges for the permits are also high further making the outputs from the construction sector costly. Despite the directive by the President of Kenya that the construction sector fees be harmonized and scaled down, nothing much has happened. This is attributed perhaps to the notion that developers are rich which is misplaced as majority of the projects are funded through loans (Musyoki, 2015).

Interventions to ease the building approvals process

There have been calls to consolidate the approval institutions and host them in one location in order to make it possible for building approvals and site visits to be done jointly. This rationalized organization structure will then give way to only one fee being charged to a developer covering all the aspects of the various approvals and inspection. This is seen as the only path to the government cutting the bureaucracy in the construction sector regulation which has been a stumbling block to the business environment (Musyoki, 2015).

If regulatory compliance costs on the construction industry could be reduced by 10%, this could have a strong positive effect on GDP. Significantly, it is predicted that a 10% reduction of costs to non-residential construction would have the biggest positive effect on GDP (Stoeckel & Quirke, 1992). This finding was reinforced by macroeconomic modeling conducted on behalf of Construction Innovation by ACIL Tasman (2005), who found that improvement of productivity in the

construction industry would have significant improvement in GDP over time.

In 2016, Kenya suffered a massive tragedy in Huruma estate when a building collapsed leaving 52 people dead. In his article, Kariuki (2016) noted that the building was a disaster waiting to happen. The root of the problem was the uncontrolled development as well as corruption at the local authorities as noted by the civil engineers who visited the site.

"*…Civil engineers who visited the site of the tragedy, said corruption is literally bleeding the construction industry if the number of lives lost and bodies maimed in past tragedies is anything to go by...*" (Kariuki, 2016).

While other contractors are waiting for more than one year to get the development approvals, others are building without meeting the standards subject to corruption, bribery, and abuse of office by officials.

Botswana is a developing economy that has managed to address its problems related to building approvals. The country's blueprint, Vision 2016, outlined a clear plan to have most of the populace accessing good quality shelter in both urban and rural areas. The inclusion of this proposal in their blueprint was based on analysis of the population growth as indicated in their 2001 census. In 1999, the country followed through with the white paper on housing that was proposed in 1982. Hence, Botswana has managed to implement its proposed plan in order to address the problem of social infrastructure; something which is challenging to Kenya because of the many obstacles such as corruption.

In a report prepared by the World Bank Group, Botswana's building standards are better than Kenya's in terms of time, cost, and the building quality control index. One of the most frustrating aspects for Kenyan developers is the amount of time they have to wait to get approvals from the relevant authorities. More so, the waiting period is indefinite. Despite an indication that the waiting process should take approximately 169 days, it goes more than one year. Botswana, on the other hand, has a waiting period of approximately 110 days. Interestingly, the waiting period can never go beyond 4 months. The difference in waiting time for the development approvals is proof enough that Kenya should benchmark Botswana's swift development approval process. Besides, a long wait will result to increased costs.

For instance, the National Housing Policy (2000) primary goal was to facilitate provision of decent and affordable housing throughout Botswana. More importantly, it seeks to promote development in the country to eliminate poverty, and encourage economic empowerment in the country. Furthermore, the policy encompasses institutional capacity building, land, finance, subsidies, rentals, housing standards, building materials, housing legislation, district housing, Botswana Housing Corporation (BHC), and private sector participation. Since the implementation of the policy in 2000, positive changes have been noted in Botswana's housing sector. Each of the participants has become more committed to doing his or her part.

Kenya should therefore emulate the teamwork exhibited by the various participants in the issues regarding buildings and development. The collaboration among the various stakeholders in Botswana has made it easier and the process shorter for constructors to attain development approvals as well as embark on their development projects. More importantly, the local authorities in Botswana have taken a firm stand on the quality of buildings that are developed in the country. The local authorities are responsible for development control in all areas of planning in the country. To ensure that this responsibility is carried out dutifully, the Botswana local authorities have come up with a profile of building inspectors who make sure that all the developments carried out are in agreement with the Development Control Code, Building Standards, Town and Country Planning Act. Essentially, the numerous checkpoints increase the level of accountability and reduce cases of corruption or fraudulent activities. Notably, the same has translated in the length of time a contactor wait to attain a development approval in the country. Attaining building approvals collaboration and cohesiveness among the various parts of regulating bodies may help Kenya harmonize the requirements of the building approval process.

The county governments are in charge of the development approvals in Kenya. However, there are other institutions involved such as NEMA, National Construction Authority (NCA), Kenya Power, Water Resource Management Authority, and Kenya Bureau of Standards (KEBS); among others.

In the World Bank Group 2016 Report, Botswana has managed to curb the problem of the long wait through the implementation of the National Housing Policy in 2000. Essentially, all the institutions involved in the development approval process are seen coordinating and working together to ensure that the process is completed within a maximum of four months.

The approving institutions should start with a plan on how fewer individuals should be mandated to review and approve the development proposals at the institutional level. Essentially, this arrangement will reduce the length of time these proposals stay in one institution. In the same way, the process will be faster from one institution to the other and hence reduce the waiting time. Besides, project time and cost are dependent variables that correlate with the length of time a development approval takes. Hence, a reduction in the length of time in each institution will reduce the total project time and cost and vice versa.

Additionally, the increased wait time for development approvals is greatly affected by the continued political interference in the country. Both politicians and bureaucrats are crucial agents in the process of growth and development of the public welfare. In the World Bank (2004) report, it was noted that numerous projects are often left incomplete or delivered to a poor quality. It was noted that the failure to complete these projects undermines the welfare of citizens across the globe to an estimated cost of US$150 billion. The impact of the failure varies across nations and is dependent on global inequalities.

Research shows that the high levels of competition help get things done, especially projects that would have otherwise been left incomplete. However, the politicians are seen to influence the bureaucratic arm of government to raise the productivity of these arms of government but only to satisfy their short-term electoral concerns. Hence, projects that should have been approved earlier and completed to serve the public are left pending to meet the needs of the politicians who now manipulate the bureaucrats in these institutions such as the local government.

Furthermore, the issue of corruption persists as noted in a survey carried out in 39 counties. From the report, it was noted that corruption is manifested in these offices through bribery, abuse of office, nepotism, favoritism, and conflicting interests (Mukinda, 2016). These forms of corruption have resulted in poor service delivery at the county level, delayed development projects, and high levels of discrimination. It was proposed that an anti-bribery compliance policy should be implemented at the county level to enhance public contribution towards budgeting and project implementation process. Besides, it was proposed that it would ensure value for money in social infrastructure and ultimately reduce corruption.

The 2016 World Bank research on ease of doing business worldwide, Kenya was ranked 108 out of 189 economies. Whereas there was an improvement of the ranking by 21 places from the year 2015, the difficulty and complexity in obtaining construction permits affected the Kenya's overall ranking which reinforces the call for a review or overhaul of the current permit system in the construction industry (World Bank, 2016).

The ranking was based on the procedures, time and cost of building a standard warehouse. The study evaluated the procedures, time and cost involved in obtaining all necessary licenses and permits, submission of all required notifications, requesting and receiving all necessary inspections and obtaining utility connections (World Bank, 2016). The professional fee charged on a formal housing structure is approximately 11% of its total cost of construction. This in itself cuts down the developers' profit margins and is a major contributor to low access to housing in Kenya (Obaga, 2014).

The Kenyan government having recognized the uncompetitive state of its statutory requirements and procedures in the construction industry,

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setup a special committee under the Ministry of Transport, Infrastructure, Housing and Urban Development in November 2015 constituting construction regulators and stakeholders to look into this challenge of obtaining construction permits that has dragged the country down in global business competitiveness index (Matiang'i, 2015). Whereas Kenya is not lacking in statutes dealing with urban planning, building standards, and management and governance issues in the building and construction industry, the fragmentation and dispersion of these statutes and responsible institutions needs urgent attention (World Bank, 2015).

Besides the legislative material being found in different statutes, they have been amended severally, leading to a chaotic result, not to mention regulations, circulars, and issuances of guidance that make the picture even more complex. This creates the difficulty of knowing with reasonable certainty which provisions apply, where to find them, and what they mean (World Bank, 2015). Streamlining the permit approval processes is thus seen as the point of departure in regards to making the Kenyan building and construction industry competitive locally, regionally and globally.

RESEARCH METHODS

The research design used in this study is case study. Population frame refers to the list of all the elements in the sample population that are used to derive the sample. In this case, the population frame includes all the Kenya Property Developers Association (KPDA) members working in Nairobi City County who are 132(n) registered members. It is seldom necessary to sample more than 10% of the target population provided that the resulting sample is not less than 30 and not more than 1000 units (Arleck & Settle, 1995). This study therefore employed 30 structured questionnaires with developers of residential, commercial and industrial developments from the Kenya Property Developers Association (KPDA) coupled with literature review to achieve the set objectives. A qualitative analysis method was employed to map out the contents of the various statutory requirements in the construction industry. The questionnaires were administered either in soft copy or hard copy, depending on the availability of the respondents. At the initial stage, a meeting was set up with the respondents whereby the intentions of the study as well as its objectives were explained. Secondly, the respondent was assured of the nature of confidentiality of the information given and was given the option to remain anonymous. The respondents who used a hard copy were given these copies during the meeting and the same was collected a week later to allow ample time to go through the questions. For those who preferred a soft copy, it was forwarded to them via email and a response was expected a week later as well.

Data analysis involves cleaning, organizing, identifying patterns, interpreting the results and determining what to report in order to address the research objectives (Connaway & Powell, 2010). This study employed qualitative analysis methods which involved analyzing the cross-cutting themes from literature review and targeted developers' interviews. MS Excel and charts were used for analysis.

Mugenda et al. (2003) indicate that ethical issues related to confidentiality, anonymity and voluntary consent of the sample population to be very important in research. The respondents should therefore be accorded privacy and the researcher should guarantee their confidentiality. This study therefore ensured that all respondents involved were accorded utmost privacy and confidentiality during and after the study.

The study used Relative Importance Index (RII) which facilitated analysis of the data. This was made possible through ranking of various challenges of acquiring statutory approvals and interventions that can be employed. These rankings depended on the indices attached to the different alternatives in the scale and their respective responses. Garson (2013) gives the following formula for calculating RII;

$$RII = \frac{\sum W}{AN}$$

Where;

RII is the Relative Importance Index ($0 \leq RII \leq 1$),

W is the weighting assigned to each

option by the respondents for instance, this study had a range of 1 to 5 where 1 is "Not at all" and 5 is "Extremely" for the challenges and 1 is "Strongly disagree" and 5 is "Strongly agree" as follows;

1=Not at All, 2= Slightly, 3= Neutral, 4= Majorly, 5= Extremely

1= Strongly Disagree, 2= Disagree, 3= Neutral, 4= Agree, 5= Strongly Agree

W therefore is obtained by multiplying the total number of responses on the option by the rating for the option,

A is the highest weight, being '5' in this study,

N is the total number of respondents, in this study, the 21 filled and returned questionnaires.

RESULTS

The response rate to questionnaires depends on the willingness of the people to respond to the questionnaires. A response rate of 21 out of a possible 30 was achieved. The response rate of 70% surpasses the 50% response rate established by Baruch & Holtom (2008) and is thus considered adequate.

The majority of the firms, 43%, have 1 to 5 years' experience. This suggests that there is a high number of new entrants in the construction developers' industry. This group therefore had encountered the building approval process in recent times and therefore would provide relevant study data.

The other firms 6 to 10 years at 19%, 11 to 15 years at 9%, 16 to 20 years at 24%, over 20 years at 5%. These firms, 57%, were therefore in operation before the current government and would therefore provide insight on the extent of change approval processes has gone through over the various regimes.

All of the respondents had only 1-5 projects underway. This is probably because construction is a capital-intensive undertaking and therefore a developer may not be willing to engage in too many projects. 100% of the respondents were in residential developments. This is probably due to the rate of return of investment being higher for residential developments. There is also a higher demand for housing than any other development. This suggests that, under the right conditions, provision of adequate housing can be realized.

Challenges in acquiring statutory development approvals

The respondents were asked to identify the challenges they deemed to have been the biggest impediment to them acquiring development approvals. The respondents were requested to indicate their opinion on the various challenges using the rating scale of: 1=Not at All, 2= Slightly, 3= Neutral, 4= Majorly, 5= Extremely. The findings are as illustrated in the **Table 1**.

Interventions applied to building approval process

The respondents were asked to identify the interventions that could be applied to solve the challenges of acquiring development approvals. The respondents were requested to indicate their opinion on the various interventions using the rating scale of: 1= Strongly Disagree, 2= Disagree, 3= Neutral, 4= Agree, 5= Strongly Agree. The findings are as illustrated in the **Table 2**.

DISCUSSION

Challenges in acquiring statutory development approvals

The findings showed the challenges faced in order from the most significant to the least significant as follows;

i. Multiple permits and legislation

ii. Multiple institutions for approval

iii. Delay in acquiring development approval

iv. Uncertainty in approval time

v. Unqualified/lack of commitment from approving personnel and inspectors

vi. Corruption

vii. High submission costs

viii. Improper checks by the approving institution personnel

ix. Partial or no examination of design by the approving institution

x. Political interference

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TABLE 1: Results of challenges in acquiring the various development approvals

Challenges in acquiring the various statutory development approvals	1		2		3		4		5		N	∑W	RII
	F	W	F	W	F	W	F	W	F	W			
a) High submission costs	1	1	5	10	6	18	3	12	7	35	21	76	0.72
b) Delay in acquiring development approval	1	1	2	4	2	6	6	24	10	50	21	85	0.81
c) Uncertainty in approval time	1	1	4	8	3	9	6	24	8	40	21	82	0.78
d) Partial or no examination of design by the approving institution	4	4	10	20	5	15	4	16	1	5	21	60	0.57
e) Improper checks by the approving institution personnel	1	1	1	2	9	27	5	20	5	25	21	75	0.71
f) Corruption	0	0	5	10	5	15	3	12	8	40	21	77	0.73
g) Multiple Institutions for approval	0	0	2	4	4	12	2	8	13	65	21	86	0.82
h) Multiple permits and legislation	0	0	0	0	3	9	4	16	15	75	21	100	0.95
i) Political interference	5	5	6	12	7	21	3	12	0	0	21	50	0.48
j) Unqualified/lack of commitment from approving personnel and inspectors	1	1	1	2	6	18	7	28	6	30	21	79	0.75

Source: Authors 2017

TABLE 2: Interventions applied to building approval process

Interventions to increase efficiency in provision of statutory approvals	1		2		3		4		5		N	∑W	RII
	F	W	F	W	F	W	F	W	F	W			
a) Establishment of a one stop shop for all approvals to reduce the time required for this approvals	1	1	1	2	4	12	8	32	7	35	21	82	0.78
b) Recruitment of more personnel to aid in expediting the approval process	0	0	0	0	0	0	3	12	18	90	21	102	0.97
c) Harmonization of laws in the built environment to avoid multiplicity of functions among the various institutions	0	0	4	8	5	15	6	24	6	30	21	77	0.73

d) Improving training programmes for members of staff for the various institutions as well as developers on the various legislation and fees payable for approval	1	1	2	4	2	6	6	24	10	50	21	85	0.81
e) Better oversight of the various institutions in a bid to reduce corruption	0	0	1	2	1	3	4	16	15	75	21	96	0.91
f) Developing and embracing technology to allow better tracking of the approval process	1	1	1	2	3	9	4	16	12	60	21	88	0.83

Source: Authors 2017

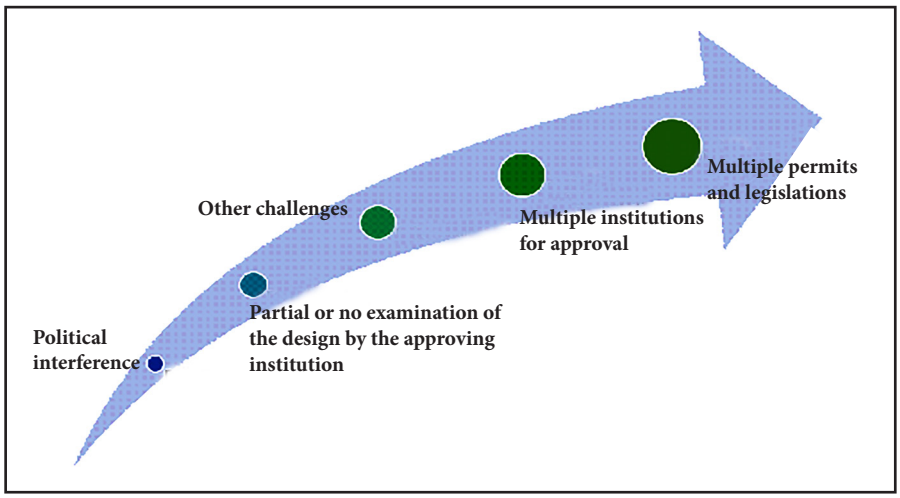

FIGURE 1
Trend diagram showing challenges facing developers while acquiring building approvals
Source: Authors 2017

Figure 1 indicates that developers are affected mostly by delays in acquiring development approvals and the uncertainty in approval time as this would in turn affect the certainty in the project cost.

Political interference is the least significant. This shows that the government of the day has not had direct interference with the building approval process in such a way that it becomes problematic to the developers.

Challenges faced while acquiring statutory building approvals and interventions that can be employed

The most significant challenges are multiple permits and legislation and multiple institutions for approval. This is in line with literature review where the multiplicity of statutes and institutions is considered the most concerning impediment to an easier building approval process (Kimani, 2010). An analysis of the challenges further suggests a cause and effect relationship as shown in the **Table 3**.

Universal causes, according to this paper, refer to those that can lead to any of the identified effects in this study. Universal effects refer to those that can be caused by any of the above-identified causes. Specific causes are those that lead to a particular

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TABLE 3: Causes and effects relationship of building approval process

Causes		Effects	
Universal	**Specific**	**Specific**	**Universal**
Corruption Political interference	Multiple permits and legislation	Delay in acquiring development approval	High submission costs
	Multiple Institutions for approval	Uncertainty in approval time	
	Unqualified/lack of commitment from approving personnel and inspectors	Improper checks by the approving institution personnel	
		Partial or no examination of design by the approving institution	

Source: Authors 2017

effect which in this study is referred to as special effect as identified above.

For example, unqualified/lack of commitment from approving personnel and inspectors is the cause that can possibly lead to improper checks by the approving institution personnel and/or partial or no examination of design by the approving institution.

Interventions applied to building approval process

The purpose of this section was to determine the hurdles faced by developers while acquiring approvals in line with the objectives of this study. The findings showed that the interventions suggested in order from those interventions that developers most strongly agree with to those that they least agree with;

i. Recruitment of more personnel to aid in expediting the approval process.

ii. Better oversight of the various institutions in a bid to reduce corruption.

iii. Developing and embracing technology to allow better tracking of the approval process.

iv. Improving training programmes for members of staff for the various institutions as well as developers on the various legislation and fees payable for approval.

v. Establishment of a one stop shop for all approvals to reduce the time required for these approvals.

vi. Harmonization of laws in the built environment to avoid multiplicity of functions among the various institutions.

This suggests incremental changes that can be implemented geared towards creating an enabling approval process environment.

Interventions that can be employed to increase efficiency in provision of statutory approvals

Nairobi is robust with construction of iconic projects. With the GDP contribution that is attributed to construction, it is imperative to get interventions to the challenges faced while acquiring the various building approvals. The interventions most strongly agreed with are recruitment of more personnel to aid in expediting the approval process and better oversight of the various institutions in a bid to reduce corruption. This is followed by developing and embracing technology to allow better tracking of the approval process and improving training programmes for members of staff for the various institutions as well as developers on the various legislation and fees payable for approval. The establishment of a one stop shop for all approvals to reduce the time required for these approvals and harmonization of laws in the built environment to avoid multiplicity of functions among the various institutions although having the lowest RII were still highly considered.

This suggests an incremental implementation plan. The construction process is an interconnected system and therefore enables interventions to be approached in an incremental manner. This is preferable in order to create an enabling environment, as it would ensure that policy makers deal with critical conditions first, e.g. reduction of approval time by recruitment of more personnel and the least such as political interference with harmonization of laws in the built environment.

Following this study and literature review, a one stop shop for all approvals would be seen as a prospective solution but one that would work under various conditions such as harmonization of laws in the built environment and embracing technology.

Challenges and interventions correlation

The data suggests a correlation between the challenges and interventions suggested as shown in **Table 4**.

CONCLUSION AND RECOMMENDATIONS

Among the established key challenges for acquiring statutory development approval were the application of multiple permits as required by different legislations and lack adequate manpower capacity. This meant that a developer spent a lot of time moving from one office to another, located in different locations, seeking particular permit. The law also required a developer to pay a lot of money for a single project permit to different development approving institutions which were understaffed with unqualified personnel. The least established

TABLE 4: Challenges and interventions correlation for building approval process

Causes	Possible interventions
Multiple permits and legislation	Recruitment of more personnel to aid in expediting the approval process Developing and embracing technology to allow better tracking of the approval process Establishment of a one stop shop for all approvals to reduce the time required for this approvals Harmonization of laws in the built environment to avoid multiplicity of functions among the various institutions
Multiple institutions for approval	
Delay in acquiring development approval	
Uncertainty in approval time	
Unqualified / lack of commitment from approving personnel and inspectors	Improving training programmes for members of staff for the various institutions as well as developers on the various legislation and fees payable foe approval
Corruption	Better oversight of the various institutions in a bid to reduce corruption
High submission costs	Review of approval costs
Improper checks by the approving institution personnel	Improving training programmes for members of staff for the various institutions as well as developers on the various legislation and fees payable for approval
Partial or no examination of design by the approving institution	
Political interference	Enforcement of existing legislation

Source: Authors 2017

challenge for acquiring statutory development approval was interference by politicians.

On the intervention for acquiring statutory development approval, the respondents emphasized the strengthening of the manpower capacity of institutions involved in the approval process. Harmony and coordination of approving agencies was stressed as the key in creating a one-stop shop for an effective approving process of developmental project. National Construction Authority, County Governments and National Environmental Management Authority which are key approving institutions should work together in creating an e-platform for all developmental approvals. Standardizing the approval fees and the permit forms of proposed project were found be the direction the developers and consultants were looking for, to ensure efficiency in the construction industry.

It was also found that the politicians were keen to amend the law to improve the institutional framework that deals with approval process of development projects. This has been witnessed by amendment of National Construction Authority Act to allow it to enforce the National Building Code 2020. This amendment is seen as one way to achieve ease of doing business in the construction industry.

The recommendations identified in this study include need for;

The government, both National and County, to sensitize developers on various approvals applicable to construction projects as well as collaborate to evaluate the approval process. Government and developers need to examine at the various approvals as well as the institutions to determine the viability in the long run of the number of approvals as well as the number of institutions mandated to issue these approvals. Effectively this should lead to e-one-stop shop as the approval process that would have cost effective and optimal time usage.

Evaluation of the time taken to acquire building approvals as well as reduce loopholes for the additional costs incurred in terms of facilitation fees and bribes. Time and cost certainty are the best indicator to enhancing the business environment. There is also need to comply with the established timelines and to have honest and qualified personnel undertaking approval process.

Enactment of favorable laws and regulations to enable ease of doing business in construction industry.

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