

Midlands State University



FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LOCAL GOVERNANCE STUDIES

“EFFECTIVENESS OF DEVELOPMENT CONTROL MECHANISMS USED BY LOCAL AUTHORITIES TO CONTROL ILLEGAL SETTLEMENTS. A CASE STUDY OF HARARE CITY CROWBOROUGH FARM Paddock 27 INVASION.”

BY

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A DISSERTATION SUBMITTED TO MIDLANDS STATE UNIVERSITY TO THE DEPARTMENT OF LOCAL GOVERNANCE STUDIES IN PARTIAL FULFILLMENT OF THE BSc HONOURS DEGREE IN LOCAL GOVERNANCE STUDIES

December 2018



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DECLARATION FORM

I, Valery V Nyadombo, registration number R163860V do hereby declare that this dissertation is the result of my own investigation and research, except to the extent indicated in the acknowledgements, references and by comments included in the body of the report and that it has not been submitted in part or in full for any other degree to any other university.

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DEDICATION

This work is dedicated to my dearest husband Young Guzha, daughter Zoe Mazviitaishe Guzha as well as my warrior mother Alice Dzama.

ABSTRACT

The main aim of the study is to examine the effectiveness of development control mechanisms employed by local authorities in controlling illegal settlements. The specific objectives include: to examine various development control mechanisms used by the City of Harare to control and stop illegal land invasions and settlements, to analyse the influences of development control towards sustainable cities, to assess the extent of community participation in the implementation of development control mechanisms and to find possible solutions to the prevailing challenges encountered in the implementation of development control mechanisms. The literature review is primarily based on e-resources and journals in an effect to gain more insight, identifying the gaps of what makes development control and its various mechanisms important to sustainable cities and challenges surrounding its mediocre results, empirical evidence available to compare the implementation and the effectiveness of development control mechanisms in countries such as Uganda and the United Kingdom and issues of community participation and awareness of the development control issues basing on the critical analysis was also covered. The modernist planning theory was explored as a theoretical base for this study. The researcher adopted a descriptive research design to get a better understanding on issues to do with effectiveness of development control mechanisms employed by local authorities to control illegal settlements. The study was undertaken in the City of Harare Crowborough farm paddock 27 and the population size constituted of 513 respondents and a sample of 113 was drawn. The study gathered data through the use of questionnaires, interviews and secondary data. Out of the 100 questionnaires 64 were retrieved this was impressive as it exceeded the minimum levels and also considering the diversity of the settlers. The study established that more than 70% had heard of development control within the study area, however when they were asked further on what it really was many of them pointed out that it was demolitions, and this shows that there is partial knowledge of what development control is all about. The study found out that incapacitation in human, financial resources, technical expertise and logistics equipment had grossly affected the City of Harare to fully enforce its development controls. Corruption, politics, rapid urban population growth, poverty and weak borrowed controls were found out to be the leading factors behind the dilemma in the rise of illegal settlers. In line with the findings the various recommendations are proposed to ensure the effectiveness of development control activities on illegal land invasions and settlements. Development control is an intricate activity as it is largely influenced by the environments in which its mechanisms are applied therefore it requires a holistic approach and the provision of all necessary resources for its success.

ACKNOWLEDGEMENTS

This dissertation would not have been possible without the guidance and assistance from several individuals who in one way or the other contributed and extended their valuable assistance in the preparation and completion of this study.

First and foremost, want to thank the Almighty God for giving me the strength throughout to pull on even when I thought I was at the end of my wits, you were there to lift me up.

My gratitude goes to Mrs A. Bosha who supervised this dissertation and all MSU Lecturers who immensely contributed to what I am today, I say a big thank you and may God bless you and your families.

My greatest appreciation also goes to the City Planner in the City of Harare who took time off his busy schedules and assisted in the completion of my questionnaires and attended interviews, God bless you.

My gratitude also goes to all the staff in the development control section for their support throughout the course.

I am also grateful to my parents Mrs Alice Dzama and Mrs A Guzha for their unwavering encouragement and support all the while.

My greatest appreciation goes to my husband for his encouragement and immense support throughout the course of study and dissertation. Zoe Guzha my daughter I owe you all the time.

Charity Ndawana I don't have words; may the Almighty God give you all your heart desires in this life.

I remain grateful to all persons who in different ways contributed to the success of this project through their suggestions and inputs, God bless you all abundantly and exceedingly.

LIST OF ACRONYMS

CF- Crowborough Farm

COH- City of Harare

DCM- Development Control Mechanisms

DC- Development Control

IS- Illegal Settlements

OECD- Organisation for Economic Cooperation Development

RTCPA- Regional Town and Country Planning Act

SDG-Sustainable Development Goals

UN- United Nations

UK- United Kingdom

List of Figures

Figure 4.1	45
Figure 4.2	46
Figure 4.3	47
Figure 4.4	49
Figure 4.5	51
Figure 4. 6	52
Figure 4.7	53
Figure 4.8	54
Figure 4.9	55

List of tables

Table 3.1.....	35
Table 4.2.....	43
Table 4.3.....	44
Table 4.4.....	48
Table 4.5.....	48
Table 4.6.....	57

LIST OF APPENDICES

Appendix 1	81
Appendix 2	83
Appendix 3.....	85

Contents Page

APPROVAL FORM	i
RELEASE FORM.....	ii
DECLARATION FORM	iii
DEDICATION	iv
ABSTRACT.....	v
ACKNOWLEDGEMENTS.....	vi
LIST OF ACRONYMS.....	vii
List of Figures	viii
List of tables	ix
List of Appendices	x
CHAPTER I.....	1
INTRODUCTION.....	1
1.0 INTRODUCTION.....	1
1.1 BACKGROUND OF THE STUDY.....	1
1.1.1 GLOBAL LEVEL	2
1.2 REGIONAL LEVEL	2
1.2.1 NATIONAL LEVEL.....	3
1.3 STATEMENT OF THE PROBLEM	4
1.4 OBJECTIVES OF THE STUDY	4
1.4.1 BROAD OBJECTIVE.....	4
1.4.2 SPECIFIC OBJECTIVES	5
1.5 MAIN RESEARCH QUESTION	5
1.5.1 SUB RESEARCH QUESTIONS	5
1.6 SIGNIFICANCE OF THE STUDY	5
1.7 DELIMITATIONS OF THE STUDY.....	6
1.9 LIMITATIONS OF THE STUDY.....	6
1.10 DEFINATION OF KEY TERMS.....	7
1.10.1DEVELOPMENT CONTROL.....	7
1.11 DEVELOPMENT.....	7
1.12 LAND INVASION	8
1.13 ILLEGAL SETTLEMENTS.....	8
1.14 MECHANISMS.....	8
1.15 CHAPTER SUMMARY	8
CHAPTER II	9

LITERATURE REVIEW	9
2.0INTRODUCTION.....	9
2.1 LITERATURE REVIEW	9
2.1.1. DEVELOPMENT CONTROL.....	9
2.2 OBJECTIVES OF DEVELOPMENT CONTROL.....	10
2.3 LEGISLATIONS USED BY LOCAL AUTHORITIES TO GUIDE DC OF ILLEGAL SETTLEMENTS (IS).	11
2.3.1 THE ZIMBABWEAN 2013 CONSTITUTION	11
2.3.2 THE REGIONAL TOWN AND COUNTRY AND PLANNING ACT CHAPTER 29; 12 (1996).....	12
2.3.3 URBAN COUNCILS ACT CHAPTER 29:15	13
2.3.4 ENVIRONMENTAL MANAGEMENT ACT CHAPTER 20:27	13
2.3.5 THE URBAN COUNCILS (MODEL) (USE AND OCCUPATION OF LAND AND BUILDINGS BYLAWS) OF 1979: SI 109	13
2.4 DC MECHANISMS USED ON ILLEGAL LAND INVASIONS AND SETTLEMENT	14
2.4.1 DC INSPECTIONS	14
2.4.2 48 HOUR NOTICES.....	15
2.4.3 ENFORCEMENT, PROHIBITION AND DEMOLITION ORDERS	15
2.4.4 DEMOLITION BY COURT ORDER.....	15
2.4.5 REGULARISATION.....	16
2.5 THEORETICAL FRAMEWORK	16
2.5.1 MODERNISM PLANNING THEORY.....	16
2.6. STATE AND CAUSES OF ILLEGAL SETTLEMENTS IN DEVELOPING NATIONS.....	19
2.7. DEVELOPMENT CONTROL FOR SUSTAINABLE CITIES.....	20
2.8. COMMUNITY PARTICIPATION IN DEVELOPMENT CONTROL.....	21
2.9. CHALLENGES IN THE EFFECTIVE IMPLEMENTATION OF DEVELOPMENT CONTROLS MECHANISMS.....	22
2.9.1 POLITICAL EXPEDIENCES AND INTERFERANCE OVER DEVELOPMENT CONTROL	22
2.9.2 LACK OF HUMAN, FINANCIAL AND LOGISTICAL CAPACITY.....	23
2.9.3 LACK OF AWARENESS IN DEVELOPMENT CONTROL MATTERS	23
2.9.4 BORROWED LEGISLATION APPLIED IN DIFFERENT CONTEXTS	23
2.1.0 EMPERICAL EVIDENCE.....	24
2.1.1 DEVELOPMENT CONTROL IN THE UK.....	24
2.1.2 DEVELOPMENT CONTROL IN UGANDA KAMPALA.....	26
2.1.3 OVERALL OBSERVATIONS.....	27
2.2. GAPS IDENTIFIED IN THE LITERATURE REVIEW.....	28

2.3. SUMMARY	29
CHAPTER III	30
RESEARCH METHODOLOGY	30
3.0 INTRODUCTION	30
3.1 RESEARCH METHODOLOGY	30
3.2 RESEARCH DESIGN	30
3.2.1 QUALITATIVE APPROACH	31
3.2.3 CASE STUDY	31
3.2.4 QUANTITATIVE APPROACH	31
3.3 POPULATION	32
3.4 SAMPLING TECHNIQUES	32
3.5 PURPOSIVE SAMPLING	33
3.5.1 STRATIFIED SAMPLING TECHNIQUE	33
3.5.2 INTERVAL SYSTEMATIC SAMPLING TECHNIQUE	34
3.6. SAMPLE SIZE	34
3.7 SOURCES OF DATA	35
3.7.1 SECONDARY DATA	35
3.7.2 PRIMARY DATA	36
3.8 DATA COLLECTION TECHNIQUES	38
3.8.1 INTERVIEWS	38
3.8.2 QUESTIONNAIRES	39
3.9 DATA COLLECTION PROCEDURE AND ADMINISTRATION	40
3.10 ETHICAL ISSUES	40
3.11 VALIDITY AND RELIABILITY	41
3.12 PRE-TEST	41
3.13 CHAPTER SUMMARY	42
CHAPTER IV	43
DATA PRESENTATION AND ANALYSIS	43
4.0 INTRODUCTION	43
4.1 RESPONSE RATE FROM INTERVIEWS AND QUESTIONNAIRES	43
4.1.1 INTERVIEWS	43
4.1.2 RESPONSE RATE FROM QUESTIONNAIRES	44
4.2 DEMOGRAPHIC INFORMATION OF RESPONDENTS	45
4.2.1 DISTRIBUTION OF RESPONDENTS BY GENDER	45

4.2.2 LEVELS OF EDUCATION FOR RESPONDENTS (CITY OF HARARE OFFICIALS AND LAND SETTLERS	46
4.2.3 STAFF ESTABLISHMENT IN THE DEVELOPMENT CONTROL SECTION.....	47
4.2.4 WORKING EXPERIENCE OF CITY OF HARARE OFFICIALS IN THE DEVELOPMENT CONTROL SECTION	48
4.2.5 AGE GROUP OF RESPONDANTS ON QUESTIONARES.....	48
4.3 THE EFFECTIVENESS OF DEVELOPMENT CONTROL ACTIVITIES TO CONTROL ILLEGAL LAND INVASIONS. A CASE OF CROWBOROUGH FARM INVASION.	49
4.3.1 RESPONSE ON THE AWARENESS OF DEVELOPMENT CONTROL ACTIVITIES THAT ARE IMPLEMENTED BY CITY OF HARARE ON ILLEGAL LAND INVASIONS AND SETTLEMENTS.....	49
4.3.2 RESPONSE ON HOW SETTLERS ARQUIRED THE LAND	51
4.3.3 RESPONSES ON THE DEVELOPMENT CONTROL ACTIVITIES ON ILLEGAL SETTLEMENTS	52
4.3.4 RESPONSES ON THE PREFERANCE ON INVADING COUNCIL FARMS.....	53
4.3.5 RESPONSES ON THE PROVISION OF SERVICES BY HARARE CITY COUNCIL.	54
4.3.6 RESPONSES ON THE MAIN CAUSES OF ILLEGAL LAND INVASIONS.....	55
4.3.7 RESPONSES CHALLENGES ENCOUNTERED IN EFFECTIVE IMPLEMENTATION OF DEVELOPMENT CONTROL ACTIVITIES ON ILLEGAL INVASIONS AND SETTLEMENTS.....	56
4.3.7.1 INADEQUATE QUALIFIED, HUMAN AND TECHNICAL RESOURCES.....	56
4.3.7.2 OUTDATED BYLAWS AND UNALIGNED LEGISLATIONS	58
4.3.7.3 POLITICAL INTERFERENCE	58
4.3.7.4 POOR COMMUNICATION.....	59
4.3.7.5 CENTRALISED DEVELOPMENT CONTROL SYSTEM	59
4.3.7.6 RESISTANCE FROM SETTLERS AND THE POLITICAL SPHERE	59
4.4 SUMMARY.....	60
CHAPTER V	61
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS	61
5.0 INTRODUCTION.....	61
5.1 SUMMARY	61
5.2 MAJOR FINDINGS	63
5.3 CONCLUSIONS.....	65
5.4 RECOMMENDATIONS.....	65
5.5 AREA FOR FURTHER RESEARCH	66
REFERENCES.....	67
APPENDICES	80
APPENDIX I	80

APPENDIX 2 83
APPENDIX 3 85

CHAPTER I INTRODUCTION

1.0 INTRODUCTION

There has been a growing public concern over the manner in which most public entities are managed throughout most developing countries, and Zimbabwe is not an exception. Local authorities in particular are some examples of such public utilities. This study presents an overview on the effectiveness of development control (DC) mechanisms used by local authorities to control illegal settlements: a case study of Harare City Crowborough Farm Paddock 27 invasion. The chapter introduces the study through a detailed background to the study where the problem is also located, problem statement, and hypothesis of the study while also highlighting the research questions. This chapter also provides the research objectives, significance of the study, delimitation of the study, limitations of the study and definition of key terms.

1.1 BACKGROUND OF THE STUDY

According to Chaeruka (2002) Chirisa and Dumba (2012) as society evolved and human populations grew rapidly, the socio-economic and political conditions changed. With the ushering in of industrialisation around AD1800 and the preceding agrarian revolution sanitation became an issue. There was competition for different land uses. The resulting environmental problems needed advanced regulations. Town planning was pushed forward as a solution to the problems of organically generated land uses, leading to a body of law in most countries that adopted the British planning system titled Town and Country Planning. This body of law is the basis of development control. Fajuru and Adebayo (2016) defines development control as a process of implanting approved planning standards and regulating to ensure that development is done according to approved planning standards and statutes. The above definition concurs with Alluko (2011), who alludes that development control is also known as planning mechanism to maintain standards, laid down in legislation, regulating the development of land and building, compliance with the approved master plans thereby ensuring orderliness. Grooves (2000) cited in Ahmed and Dinye (2011), Olufemi et al (2018) and agree that it enables a local authority to protect residential areas from inappropriate intrusions, reserve land for new industries, maintain a green belt, keep valuable buildings and trees and

prevent ugly signs. And in the case of City of Harare the ability to control illegal land invasions and settlements in its Crow borough farm.

1.1.1 GLOBAL LEVEL

The quest for sustainable orderly cities is a global phenomenon and as such development control has received considerable attention as an enabling vehicle through which public world class cities can be achieved. Both developing and developed countries have embraced development control to address the shortcomings experienced in the development process however their environment differs. According to Booth (1999), DC in Britain is done through the granting or refusal of planning permission and strict enforcement process which was necessitated by the Housing, Town planning Act of 1908. The objective of this bill was to provide a domestic condition for the people in which their physical health, morals, character and their whole social condition can be improved locally. DC success stories have been mainly recorded in developed countries, Burley (2013) states that in Britain if development is carried out without planning permission then the Local Planning Authority is subject to control such developments through an enforcement action and to secure compliance with the conditions of the permit and any unauthorized developments are subject to stop notices if there is an urgent need to prevent further harm. Therefore, as can be attributed from developed countries success factors for the effectiveness of development control mechanisms are prioritization of development control through constant inspections, community participation, well equipped and capacitated development control sections and strategic planning and leadership. With all the above information in mind the researcher therefore viewed it possible to carry out the study so as to reveal effectiveness of the development control mechanisms used in local authorities and their success factors. Ngetich et al (2014) alludes that, development control encourages optimal utilization of resources in order to achieve greatest improvement and to promote separation of incompatible uses, as well as enhancing visually pleasant landscape therefore essential in any country that embraces development.

1.2 REGIONAL LEVEL

According to (Akatch 2001, UN-Habitat 2013) in Africa, most countries have faced a fair share of challenges in managing settlement developments. Currently urbanization trend has been on the increase resulting in urban expansion. Rapid urban expansion is an ongoing global trend,

according to United Nations (2011) the annual growth rate of Africa's urban population is 3.4%. But the authorities charged with the responsibility of managing urban growth and controlling developments have not been able to perform their duties effectively so as to manage the urbanization. The result has been unsustainable urban growth not guided by any means whatsoever leading to urban decay and environmental degradation. This has manifested itself in the deplorable state of urban infrastructure and services coupled with the increase in unauthorized developments and the inherently low levels of compliance with the requirements of plans and policies. For example, Marutlulle (2017) states that, the South Africa's Household Survey 2011, highlighted that South Africa 14.75 million households lived in illegal housing. However, Van Wyk and Orange (2013) states that, restrictive measures to regulate land use inherited from Britain the post-apartheid planning system was discriminatory and unequal. Carrington (2015) states that, 75 % to 99% urban dwellers in Africa live in illegal squalid housing. Sub-Saharan countries have faced similar dilemmas of illegal settlements whilst they have development control mechanisms at their disposal.

1.2.1 NATIONAL LEVEL

Chirisa and Dumba (2012); Watson (2011); Cheuruka (2002) states that Zimbabwe planning law was also influenced by South African law, which in turn had been influenced by the Roman Dutch law. This influence came through colonization and the development control system in Zimbabwe today has a reasonably clear outline in terms of the situation in which development control takes place. The instruments used, the institutional framework needed and the actors involved and how they relate are well defined in principle. The legal framework for development control is incorporated into the 2013 Constitution, the Regional Town and Country Planning Act, Urban Councils Act Chapter 29.15, Environmental Management Act and By-laws. In Zimbabwe, development should take place only in terms of a development permit or planning permit or subject to the provisions of a development order as "permitted development".

Mabongunje (1999) in Musindo et al (2014) states that, the problem of illegal land invasions and settlement is rooted in the segregatory laws whereby colonial administrators separated African cities by demarcating and separating African cities into African and European cities. One of the notable development control exercise in Zimbabwe was state sponsored Murambatsvina demolition which targeted illegal settlements. Benyera and Nyere (2015) however note that, the legality of the operation remains a bone of contention despite its

justifications, that it was development control activity within the condiments of the Zimbabwean Planning laws as Zimbabwe had the rights to determine the its trajectory concerning urban dwelling structures. Chibisa and Sigauke (2008) notes that, the government was trying to arrest chaotic urbanization. Despite having operation Murambatsvina the cases of illegal land invasions and settlements have actually escalated and City of Harare is not an exceptional. Illegal land invasions and settlements have resurfaced and new ones have emerged as City of Harare farms are now a target.

1.3 STATEMENT OF THE PROBLEM

Currently the City of Harare finds its development control in jeopardy given the proliferation of illegal settlements, despite regulations and various mechanisms for development control being there. The current problems bedevilling City of Harare to control illegal settlements questions the effectiveness of the existence and application of these development control mechanisms. Urban local authorities are mandated by law through the Regional Town and Country Planning Act (29:12), Urban Councils Act (29.15) and various bylaws to implement and enforce physical development plans in relation to government expectations. Development control in Harare has been shrouded by perennial challenges hindering the effective implementation of the development control mechanisms as this is evidenced by the continuous resurfacing of illegal settlements now targeting City of Harare farms. The situation at hand is that there is continuous sprouting of illegal land invasions and settlements despite the availability of various development control mechanisms being used in order to achieve SDG 11 of sustainable cities and communities. This raises questions on the effectiveness of the various development control mechanisms being used. It is of paramount significance to constantly review development control processes, troubleshooting and to keep them effective and relevant. Therefore, the need to investigate the effectiveness of development control mechanisms used on illegal land invasions and settlements

1.4 OBJECTIVES OF THE STUDY

1.4.1 BROAD OBJECTIVE

To examine various development control mechanisms used by city of Harare to control and stop illegal land invasions and settlements.

1.4.2 SPECIFIC OBJECTIVES

1. To analyse the influences of development control towards sustainable cities
2. To identify challenges being encountered in the implementation of development control mechanisms.
3. To assess the extent of community participation in the implementation of development control mechanisms.
4. To find possible solutions to the prevailing challenges encountered in the enforcement of development control mechanisms

1.5 MAIN RESEARCH QUESTION

What are the different forms of development control mechanisms being implemented by City of Harare?

1.5.1 SUB RESEARCH QUESTIONS

1. What are the various development control mechanisms implemented in the City of Harare?
2. What are the challenges facing City of Harare in controlling illegal settlements?
3. Is the city's development control section well-capacitated and motivated to successfully implement development control mechanisms?
4. What recommendations can be proposed enable effective development control in Harare City Council?

1.6 SIGNIFICANCE OF THE STUDY

This study will bring to light the deficiencies in the current development control processes and a vital back up information tool to illustrate and demystify challenges in the effective implementation of development control mechanisms which will enable local authorities come up with more efficient and wholesome ways of dealing with issues of controlling developments. Legislators, councillors and other government officials will also benefit by being able to identify statutes that are no longer enough and identify necessary ways to deal with development issues.

The study will also provide useful information to institutions involved in property development to understand the rules to be followed when initiating new developments and keeping existing developments within the guidelines of development control statutes

The study is determined to add new dimensions of development control and invigorate more research debate to upgrade existing information surrounding the aspect of sustainable development control. The information gathered from the field survey will contribute enormously to the current body of literature and information on development control. Development control is vital in the realisation of sustainable cities and this study is equally fundamental in capturing the existing literature around development control contextualising it with Zimbabwe.

1.7 DELIMITATIONS OF THE STUDY

The research will focus on Paddock 27 of Crowborough farm which is one of City of Harare farms it acquired in 1973 for sewer wastewater treatment. Crow bough farm shares boundaries with Kuwadzana and Mufakose to the west of Harare. The paddock covers an estimated area of 100 hectares and has an estimated population five hundred people according to Development control section statistics. In 2012 the farm was invaded and the paddock land was changed to a settlement formed by various cooperatives despite the fact that the farm was reserved for Harare wastewater treatment. The targeted population are the settlers in the farm paddock. In quest to establish the effectiveness of development control mechanisms the research will be more inclined towards the various development control mechanisms that are used on illegal land invasions and settlements, establishing the various reasons behind their ineffectiveness and poor implementation. The study will also endeavour to figure out the impact of effective development control towards achievement of world class sustainable cities.

1.9 LIMITATIONS OF THE STUDY

The following are the constraints that are likely to impact the research;

- Delays from officials; The chairman of the environment management committee, chief city planner and development control inspectors are busy people with perked schedules and may postpone the interviews or might not be available for the interviews. The

researcher will be in constant communication with them so as to remind them so that they make it to the agreed dates.

- Suspicion and fear by the settler's respondents; There is a possibility that the study will increase the suspicion from the settlers as they can think that the researcher is a council agent and the findings may be used for their dispersal from the farm. However, the researcher will be ethical and will clearly explain to the respondents that the study is solely for academic purposes and their being will be kept confidential.
- Cost; the research is self-funded and the researcher is an employee of a local authority which is struggling and lagging behind in salaries. The researcher will sacrifice and fund the project up to its completion so that it becomes successful.
- Time; the researcher is full time employee and a visiting student. This means that the researcher will make use of weekends to gather data especially from the settlers

1.10 DEFINITION OF KEY TERMS

1.10.1 DEVELOPMENT CONTROL

Alluko (2011) defines development control as a physical planning instrument laid down by legislations, this involves the regulations, restraining and keeping in order or checking changes on land.

1.11 DEVELOPMENT

Development in terms of the RTCP Act (of Zimbabwe) Chapter 29:12, Revised Edition 1996, Sections 22 and 23, is defined as: the carrying out of building, engineering, mining or other operations, in, on, over or under land; or the making of any material change in the use of any building, or any land; or the disposal of waste materials on any land; or the use of any dwelling by a single family as two or more separate dwellings; or the display on any land or building of any advertisement in a manner other than that prescribed.

1.12 LAND INVASION

In reference to this study, land invasion refers to the illegal occupation of land, with the intention of establishing a settlement upon, however the land invaded may be reserved for another use which is not settlement.

1.13 ILLEGAL SETTLEMENTS

OECD (2001) defines illegal settlements as areas where groups of housing units have been constructed on land but the occupants do not have legal claim to occupy or the occupation is illegal with modalities ranging from squatting to informal rental housing, usually lacking basic services and not comply with current planning and building regulations

1.14 MECHANISMS

In reference to this study, these are processes and way established by which development control takes place or is brought about to its effect.

1.15 CHAPTER SUMMARY

This chapter gave a step by step insight assessment of the effectiveness of development control mechanisms used in local authorities. It introduced the study in which it located the problem of development control from a global overview to local situation. The chapter detailed the problem through a detailed discussion of the background to the study and problem statement. The chapter further highlighted the broad aim of the study and the sub objectives. The study further listed the research questions it seeks to address, significance of the study where both practical and theoretical significance was given, study assumptions, delimitations and definitions of key terms have been provided. The following chapter provided a more in-depth insight on the effectiveness of development control mechanisms used on illegal land invasions and settlements through literature review.

CHAPTER II

LITERATURE REVIEW

2.0 INTRODUCTION

Development control is a complex activity yet an exciting phenomenon with many aspects to comprehend. According to Matt (2012) cited in Dube (2016) literature reviews primary focus is to synthesise available information on the subject matter. Fink (2014) also defines literature review as survey books, articles and any other sources relevant to a particular issue area research or theory and it provides a description, summary and critical evaluation of these works in relation to the research problem under investigation. On the other hand McKinney (2008) cited in Muwanikwa (2015) states that, literature review gives a short and concise interpretation as summary of information that acts as a critic to existing literature review so that contemporary data or literature is recognised this research will peruse , explore and evaluate scholarly books, dissertations , e-resources and journals in an effect to gain more insight , identifying the gaps of what makes development control mechanisms effective to the achievement of sustainable cities and challenges surrounding its mediocre results. The second part developed empirical evidence available to compare the implementation and the effectiveness of development control mechanisms in countries such as Uganda and the United Kingdom. Lastly the chapter looked at the issues of community participation and awareness of the development control issues basing on the critical analysis of what different authors have written.

2.1 LITERATURE REVIEW

2.1.1. DEVELOPMENT CONTROL

Fajuru and Olasen (2015) propagates that, DC is a defined process of implementing approved planning standards and regulating development to ensure that is carried out according to approved planning standards. Ahmed and Dinye (2011); Memuna (2015) also view DC as the process of carrying out the structural works which changes the use of land, intensity and or existing use in a manner not affecting the environment. Agbola (2016) also defines development control as a collection of related paralegal and administrative techniques and instruments designed to safeguard, regulate, conserve and disburse land or part of it and the interest of the community. This entails that development control facilitates proper development as laid down by legislations restricting and maintaining changes on land and on that note Ahmed and Dinye (2011) state that DC is a conscious effort geared towards the actualisation

of proposed land use plans to facilitate appropriate land development recognising its significance and protecting a healthy economy and a sustainable environment and development control in urban areas is imperative to tackle land use problems such as illegal land invasions, illegal settlement formation. This concurs with Memuna (2015) assessment that DC is the main mechanism for regulating the urban environment aimed at improving environmental quality, efficient delivery of utility services, beautiful layout access, optimal land use and improved housing conditions. DC ensures appropriate use of land as reflected in various legislations, development plans and other associate planning documents, thereby having the potential to manage cities, continual growth which promotes orderliness, improved city image, health and aesthetics (Alluko 2011). Kio- Lawson et al (2016) states that, common man's activities on land are agriculture, forestry, residential commercial and these activities compete for limited space in cities. Therefore, development control ensures compatibility amongst various land uses thereby curbing misuse, promoting a rational orderly development on the built environment.

2.2 OBJECTIVES OF DEVELOPMENT CONTROL

Chirisa (2013) states that, the main purpose of DC is 'to ensure the orderly and rational development of land is maintained to create sustainable human settlements that accommodate a variety of land uses to meet the needs of the people who live in these settlements. This also supported by Ahmed and Dinye (2011), who say that DC policies are to ensure coordination and compatibility of land use to bring out improvement in the general welfare of people. Ahmed and Dinye (2011) further listed the ultimate goals of DC as: to take corrective action avoid overcrowding, protect the natural environment, ensure physical efficiency, cleanliness of settlements, safeguarding life and property, ensuring harmonious location of land uses and to reduce and avoid pollution. Patil (2018) likewise expresses that DC entails all developments should conform to the provisions of approved plans. Patil (2018) lists four objectives of development control which are:

- To encourage private interests along with public interest in all aspects of development.
- To prevent the conflicting demand and misuse of land
- To control and prevent overcrowding on land
- To control the development as per required standards in relation to public health and safety convenience.

These above listed purpose of development control concur to the five objectives listed in the Zimbabwe's Development and Building control guide of 1990 which states that any development that takes place should follow development plans as closely as possible so that conflicts do not rise. Therefore, one is justified to assert that DC mechanisms helps to create a distinct image of cities built up areas.

2.3 LEGISLATIONS USED BY LOCAL AUTHORITIES TO GUIDE DC OF ILLEGAL SETTLEMENTS (IS).

According to Abgutane (2015) legal instruments are usually set to provide support and regulatory powers to planning authorities so as to enable them carryout their functions without constraints. DC in Zimbabwe is anchored in Zimbabwean laws. Ahmed and Dinye (2011) state that existence and the practice of DC in many developing countries is via rules, regulations, acts, fiats and bills follow the patterns of the colonial masters, and in the case of Zimbabwe development control legislations are ideas that were brought from Britain. Cheuruka (2002) notes that Zimbabwe has a short history of development control which started around 1900 which coincided with the coming in of the settlers. For this study the researcher is going to concentrate on the five legislations listed below that are mainly used on illegal land invasions and settlements which are:

- The 2013 Constitution
- The RTCP Act, Chapter 29:12(1996)
- The Urban Councils Act 29:15
- The Environmental Management Act 20:27
- The Urban Councils Model Use and Occupation of land Bylaws of 1979.

2.3.1 THE ZIMBABWEAN 2013 CONSTITUTION

The Constitution of Zimbabwe creates a three-level system of governance based upon devolution of power. Section 264 of the Constitution states that governmental powers and responsibilities can be transferred to or devolved to provincial, metropolitan and local councils. Development control is one of the exercise mandated to local authorities as part of governance. Chinopfukutwa (2017) notes that the constitution which is the supreme law of the land on section 74, it states that "no person may be evicted from their home or have their home demolished without order of court made after considering all relevant circumstances". This shows a clear path that for any demolition which is a key development control mechanism in

terms of illegal settlements sec 74, attests that there should be a court order to that particular demolition. Demolitions without a court order, is an action against the supreme law. This section has a negative implication on the provisions in other statutes that were already used prior to its inception. Also the 2013 Constitution on sec 74 does not define exactly what a home is. Mavedzenge and Coltart (2014) states that a home relates to a dwelling that an occupant will be living in or intends to live in either short or long term and the constitution by saying home, it extends to cover sharks or illegal settlements to fall within the legal preview of structures that may be described as home. Therefore, the sec 74 of the Constitution forbids the mandate of local authorities to conduct demolitions without a court order thereby making some of the development control decisions a prerogative of the courts not local authorities.

2.3.2 THE REGIONAL TOWN AND COUNTRY AND PLANNING ACT CHAPTER 29; 12 (1996)

The Regional Town and Country Planning Act is the ordinance that provide urban development and planning regulations. According to Ongiende and Okpala cited in Chigara (2013), Town planning ordinances are the principal legislations that govern urban development and planning in Africa. According to UN-Habitat (2010) many developing countries, planning systems and processes are still largely based on colonial laws, that support spatial segregation and population control for example, Zimbabwe borrows most of its planning legislation from the UK. Chakaipa (2010) states that local government have a statutory requirement enshrined in the RTCP act to ensure development control within the localities and to prepare town planning schemes. This coincides with Wekwete's (1989) assessment in Chipungu (2012), that the RTCP Act gives specific powers to urban local authorities to prepare planning schemes, ensure compliance to those schemes and coordinated development. In essence local authorities are charged with development control. Makunde (2016) points out that in the 1990s the operative RTCP Act was put in place however it coincided with the new challenges of political destabilisation economic meltdown, corruption and poor administration and this brought about new development and control challenges. On that note Chirisa (2012) states that the 1996 RTCP Act is criticised for its rigidity and sluggishness to respond to the forces of globalisation urbanisation and changes to the external environment. Chirisa (2012) further stated that for effective management of these new challenges there is need for constant review of the Act so that emerging trends are engulfed. The RTCPA (Chapter 29:12). The RTCPA dedicates its entire section 22 and 24 to DC matters on section 32, 34 and 35 provides for enforcement prohibition and demolition orders respectively and these provisions are used by local

authorities to control illegal settlement cooperating them with Court orders acquired from the courts to conduct demolitions .However, Muchadenyika (2016) stated that DC activities such as enforcing regulations suffered as the economy turned informal and had become impossible to enforce using planning regulations prepared in a normal economy as the situations changed.

2.3.3 URBAN COUNCILS ACT CHAPTER 29:15

The Urban Councils Act Chapter 29:15 provides for the establishment and administration of cities, municipalities, towns, local boards and councils. Their major resource is land. The Urban Council's Act gives ways in which urban land is to be managed in case of the need for development. Land is defined in Section 149 of the Urban Councils Act as land with or without improvements. In terms of the Urban Councils Act, land can be acquired by a local authority inside or outside the council's area through purchasing or expropriation. When demand for land overrides supply, the Urban Councils Act Section 151 gives powers to councils to take land from its owners for public use or benefit.

2.3.4 ENVIRONMENTAL MANAGEMENT ACT CHAPTER 20:27

The Environmental Management Act stipulates that there are certain developments that can only be carried out when the developers submit an Environmental Impact Assessment (EIA) to the Environmental Management Agency (EMA). Developments in sensitive areas such as wetlands according to the Act are only done after the approval of the Environmental Management Agency. Local authorities before issuing development permit approval should be given by EMA if the development requires an Environmental Impact Assessment. The purpose of the EIA according to sect 99 of the Act is to provide a detailed description of the project and activities to be undertaken providing details on the likely impacts the project may have on the environment; measures for mitigating or reducing the anticipated adverse effects of the development. However, in the case of developments are taking place in areas within local authorities usually do not comply with the Act as sensitive areas are being invaded for housing by illegal settlers.

2.3.5 THE URBAN COUNCILS (MODEL) (USE AND OCCUPATION OF LAND AND BUILDINGS BYLAWS) OF 1979: SI 109

The bylaw gives regulatory power to local authorities by prohibiting unlawful use or occupation of premises and land is prohibiting. The bylaw on clause 18(1) stated that if

someone was using or occupying Council land illegally without either a lease or the permission from Council. Within 48 hours from serving of the notice illegal settlers were supposed to depart from the land, remove all their property from the land and to demolish any structures they may have erected on the land and remove all the rubble from the land. If the occupants failed to comply with the notice steps would be taken by Council or its appointed agent to evict them and demolish any structures on the land and the occupants would be liable to pay all the expenses incurred. However, it was argued that demolition of houses without offering alternative accommodation and a court order was a breach of the people's constitutional right to life enshrined under Section 48 and 74 respectively of the supreme law. On that note Toriro (2007) cited in Chirisa (2013) asserts that critics of the existing model bylaws state that they are very rigid, outdated, and inhibitive to the smooth implementation of infrastructure and they fail to adequately accommodate for the urban poor.

2.4 DC MECHANISMS USED ON ILLEGAL LAND INVASIONS AND SETTLEMENT

In various parts of the world, planning authorities utilize several mechanisms to restrict physical growth in a particular area. Memuna (2015) states the development control mechanism control are elements used in carrying out the implementation aspects of development control. Commonly used mechanisms on illegal land invasions and settlement are, development control inspections, 48 hour notices, enforcement prohibition demolitions orders, court orders and regularisation.

2.4.1 DC INSPECTIONS

According to Ahmed and Dinye (2011) development control can be either pre development, during development, or post development stage of a project, therefore development control inspections should be done in the same manner consistently. Hajjattu and Kadmiel (2018) note that bad development can be identified by field inspections and complaints from neighbour however field inspections is the most important way of collecting information from potentially bad developments. According to the Council of Inspectors General on Integrity and Efficiency (CIGIE) (2012) an inspection is an organized examination or formal evaluation exercise whereby its results are usually compared to specified requirements and standards for determining whether the activity is in line with laid down procedures and regulations and it requires consistent checking. Development control inspections are usually visual and Crerar

(2007) states that inspection are there to scrutiny specific issues to check whether they are meeting national, local legislative and professional requirements. Therefore, inspections are essential on the control of IS as they can be dictated when they are easy and inexpensive to manage and it is a mandate of local authorities to provide resources to its development control inspectors so that they effectively carry out inspections. Inspections are vital they can provide objective information regarding compliance to various development control regulations

2.4.2 48 HOUR NOTICES

These notices usually are issued where an unauthorized development is being carried out on Council land. The notices are used pending a demolition activity and they take an immediate effect upon being served on illegal settlements. The time frame noted on the notice is forty-eight hours for settlers to depart from the particular land, removing all their property, demolish any structure and removal of all the rubbles from that land.

2.4.3 ENFORCEMENT, PROHIBITION AND DEMOLITION ORDERS

These are served on any breach of Town Planning Law if developments are done without planning permission. It relates to illegal building, engineering, mining, change of use as stipulated in the RTCPA (29:12) sec 32,34and 35 respectively. These orders may be served either for demolition of such building without approval. Chirisa (2014) asserts that the orders rigorously control developments as they ensure that land use is confined to its approved use only. According to Ogundele et al (2011) failure to comply with an enforcement orders is punishable and in many cases people refuse to comply.

2.4.4 DEMOLITION BY COURT ORDER

In case were illegal settlements cannot be regularised they are demolished after a court order has been awarded. Demolition is the pulling or tearing down of buildings and other man-made structures. In Zimbabwe demolitions are the most common known development control mechanisms and they were made popular during the 2005 Murambatsvina operation. However, demolitions are to be done after attaining a court order as stipulated in the national Constitution. Black Law dictionary (2014) defines a court order as an official proclamation by a judge or panel of judges that defines the legal relationships between the parties to a hearing, a trial, an appeal or other court proceedings instructing them on what they can and not do. According to the Black Law dictionary (2014) a court must provide the explanation of why it has chosen to

make a particular court order. In Zimbabwe the consequence of not following a court order are punishable as it is seen as the contempt of court. Section 74 of the supreme law prohibits arbitrary evictions or demolitions of homes without a court order made after the consideration of all relevant circumstances. This shows that court order authoritates the occurrence of demolitions despite local authorities having a regulatory mandate.

2.4.5 REGULARISATION

RTCPA 29:12 section 27 states that if any development was in contravention an application for regularisation can be made to deal with that development. According to UN habitat (2009) regularisation is an innovative approach of upgrading informal settlements so as to demolitions and evictions as such approaches are seen to increase poverty and exclusion. The Cambridge English Dictionary (2018) defines regularisation as the act of changing a situation of system so that it follows rules or laws. In the case of regularisation DC is done after the settlement is established and it will follow a step by step regularisation process so that it meets the Town planning standards of established settlements. UN Habitat (2009) notes according to International Conventions on Housing Evictions and Demolitions, demolitions should only take place if it is justifiable in terms of the environment, or public goods requirements. The move to regularise ensure decent settlements that conform to legal requirement as layout plans are drawn and user services are provided as most illegal settlements lack minimum urban services and amenities (Durand-Lasserve and Clere 2007). Fernandos (2006) however notes that regularisation is a complex process as it deals with socio economic and urban environmental realities which involve aspects of land registration, financial, and town planning laws and if not handled well the results may be terrific. Therefore, regularisation can also be an effective mechanism that ensure that illegal settlements comply to the required statutes laws and process so that they move from illegal to legal settlements.

2.5 THEORETICAL FRAMEWORK

2.5.1 MODERNISM PLANNING THEORY

Development control is meant to control order, nature and direction of development in urban cities. As planning evolved with different paradigms, in the 20th century the ideas of modernism began to resurface in urban planning and the fathers of the modernist thinking are Le Corbuiser in France with the Modernist city concept whilst in Britain Ebenezer Howard

introduced the Garden city concept (Tungare 2001). Corbun (2012) states that around 1900, theorists began to develop urban planning models to mitigate the consequences of the industrial age by providing cities with environments with modern zoning, which enabled planners to demarcate sections of cities for different functions with the rationale of keeping cities organised. According to Preston 1996 cited in Nduthu (2014), the critical manifestations that characterise the industrial city included industrial degradation, functional chaos and the general misery.

Modernism theory was a reaction to the negatives of the Victorian era, whereby there was increased immigration, large scale manufacturing and lack of controls, Christensen (1986) stated that during this time planning and development control was professionalised so that it could be able to produce an organised physically coherent cities grounded with functional aesthetic principles. The belief was that capitalism was tamed and cities organised prosperity diffused socially and spatially. Gun (1968) as cited in Nduthu (2014) asserts that modernist planning theory was driven by universal forces whose focus was to allow functionality and efficiency. Nduthu (2014) goes on to say that the knowledge was the basis of planning in the modernists and planners were supposed to act as experts who could utilise the laws of development to provide societal guidance. This is supported by Huddleston (2012) who asserts that Modern planning gave a more rational technical approach to urban development which was more desirable as it produce and unambiguous city plan that supports social and economic aspects.

According to Benevolo (1967) cited by UN habitat (2009) The modernist Planning perspective has the technical and the ideological views underpinned by the three components of Town planning that include;

- A physical planning exercise that design human settlement responding to social economic and political aspects and intervening in it.
- Brener (2000) cited by UN Habitat (2009) notes that secondly is the production of master plans blueprints and layouts giving a detailed view of the city.
- Thirdly as a normative task that should be driven by a set values which describe the ideal living conditions for the public good.

This way of thinking influenced development control in cities worldwide and many cities were planned using these rules and Von Osten (2010) states that modernism created a universal architectural language for all cities to enter the political and economic social structures associated with globalisation. Nduthu (2014) postulates that the modern theory led to the emergence of scientific mode of legitimacy, the concept of an orderly and spatial integrated well planned city that makes the needs of the society and an interventionist state.

UN Habitat (2009) notes that Le-cobuiseur was of the idea that an ideal city was neat, and highly controlled and slums were to be demolished and replaced by efficient technical cities therefore the modernist thinking is more applicable as it promotes the development control in a city. In developing countries the modernist forms of planning is evidenced by the adoption and the application of planning and development control legislation that is Eurocentric. In Zimbabwe this can be seen in many Zimbabwean towns are subject to British styled layout plans, building codes and development controls.

However, Chigara (2014) points out that ideas by the modernist theory were forwarded to developing countries and they failed to meet the needs of developing countries. This concurs to Rakodi (2006) who stated, that many developing countries were faced with the crisis of rapid urban growth, governance failures, infrastructure and social breakdown and service deficiency and could not keep up to the modernist perspective of planning and informal settlements emerged.

UN habitat (2009) also notes that the modernist theory has been considered to be rigid, outdated and failing to cope up with the changing role of Local governments of facilitating development with its stakeholders whilst making comply with planning and development control laws that usually embody European technologies failing to accommodate the local way of life .On that note Kironde (2006) notes that this has highly affected the poor who are supposed to meet these unrealistic standards, with low income and the end up in invaded, unplanned , unserviced areas.

2.6. STATE AND CAUSES OF ILLEGAL SETTLEMENTS IN DEVELOPING NATIONS

Sexwale (2013) asserts that the numbers of individuals from the Third World coming to the urban centres and settling within slums are steadily increasing. United Nations Department of Economic and Social Affairs (UNIDESA 2011) points out that 1.06 billion of urban dwellers live in illegal settlements and according to Mudedere (2011) illegal settlements can be described or analysed considering the planning and legal framework of the nation where the settlement exists. Ackelman and Anderson (2008) notes that developing countries around the world have faced a high rate of urbanisation and increasing poverty and this leads to uncontrolled development of non-planned urban settlements, through illegal invasion of land and construction of shelter, where people live in poor housing and living conditions. Huchzermeyer and Karam (2006), asserts that informal settlements are settlements of the urban poor which are developed through unauthorised occupation of land regarded as unhealthy and overcrowded .

Chirisa (2014) asserts that many local authorities in developing countries, despite having a history of physical planning has been experiencing an increase in informal settlements. Musindo et al (2013) also notes that despite the clean-up campaign that was launched in 2005 on illegal land invasions and settlements they have continued to resurface and this follows a global pattern. On that note Ademiluyi (2012) pinpoints that despite the right to adequate housing being a universal right an estimation of 100 million people worldwide remains homeless and inadequately housed. Zanganen et al (2013) agrees to the above mentioned and he asserts that issues related to informal settlements became a global concern as planners and policy makers were struggling to solve the challenges concerning the issue. Local authorities with a mandate to provide housing were expected to respond to the population increase especially in urban local areas and to provide decent accommodation to all urban dwellers. However, Aguilla (2005) noted that failure by local governments to provide housing led many people to break the laws so as to gain access to urban land and housing at it led to many environmental and health problems. Development control has become a topical and critical issue visa-vis the current urban housing delivery systems.

According to the UNDP 2014 country report on illegal settlements cited by Chifamba (2015) at least 60% of the Zimbabwean population live in informal settlements and this is caused by rigid land administration and planning policies. This concurs to what the 2012 Zimbabwe

national housing policy documented that the nation has a backlog of over one million houses. Antony (2007) cited in Munyoro (2016) asserts that in the globe informal settlements existed since the beginning of the 20th Century because of the industrial development whilst in other cases the socio-economic changes that occurred. To support the above perspective Almeida (2012) states that slum formation rose as a result of neo-liberal policies that were sold to developing countries. With the neo-liberal policies developing countries moved from rural agriculture to urban industrial economic structures. The process facilitated for global economic relations producing capital infrastructure, servicing and it was centralised in metropolitans. These activities gave rise to the theory of urban bias as resources were focused on industrial production. Low et al (2000) notes that looking for employment after declining rural prospects the masses made up of peasants and landless tenants moved to cities and on that note Almeida (2012) asserts that as excess workers migrated to cities land prices went up and these complexes generated illegal settlements formation as urban planning and legal components related to informal settlements were not prioritised.

2.7. DEVELOPMENT CONTROL FOR SUSTAINABLE CITIES

United Nations (2018) points out that city development, urbanisation, and their impacts on the environment and living conditions have long been major subjects in urban developments and in the 21st century cities. Sustainable cities according to Girardet (1999) cited in UN (2012), are defined as organised enabling all citizens to meet their own needs and to enhance their well-being without damaging the natural world or endangering the living conditions of other people, now or in the future. With the above definition settlement management, sustainable and sustainable development control policies have a profound impact on the sustainable development. Chipungu (2011) asserts that the impetus for the institutionalization of planning grew out of social problems related to massive immigration, large-scale manufacturing and lack of controls over the built environment.

Sustainable city concepts are underpinned with sustainable development goal 11 which seeks to make cities and human settlements inclusive through the elimination of all slum conditions. According to the United Nations (2018) the link between sustainable cities, settlements and development control is that the growth and development of cities cannot be delinked from the land in which it is planned, built and developed. Rickels (2016) states that the inclusion of targets that deal with informal settlements was a mile stone that promotes sustainability. Smith (2015) asserts that sustainable urban development primary goal is to make cities and their

ecosystems healthy and this is only achievable when environmental and social objectives are integrated into urban planning and development control processes. This is supported by the organic decentralization theory of planning which was propounded by Saarenen in 1943 where he asserted that it is important to scan into the growth decay and future of cities so that activities are run down to their suitable places according to proposed plans. Development control is a key instrument in delivering land use and development objectives that are compatible with the aim of sustainable development.

2.8. COMMUNITY PARTICIPATION IN DEVELOPMENT CONTROL

Nduthu (2014) states that the core purpose of a development control system is to achieve the elements of public interest. Once the elements of public interest are realized in planning and development control, then the end result is efficiency, effectiveness and sustainability in land use planning and development control. According to Lyndon et al (2012), community participation usually has several elements such as planning and implementation, monitoring and evaluation. The vital tools for effective management and planning of towns and cities is development control and this requires the efforts of both the government and citizens (Nduthu 2014). Public participation has been identified as a catalyst for effective and sustainable developmental policy implementation in a people-oriented holistic approach. Efoebi and Anierobi (2015) postulate that planning and production of master plans is normally followed by the major task of proper implementation and monitoring so as to ensure that the provisions of the plan are strictly adhered to using development control machineries. They went on to say that since the plans are for the people, and their participation cannot be over emphasized in securing of higher compliance level at minimal costs. According to Memuna (2015), DC as a physical planning activity exercise of duty, has the purpose of ensuring the efficiency and functionality of development activities for the safety, health, comfort and convenience of the general public as well as for the aesthetic quality of the environment. Therefore, participation empowers communities as it will help to cooperate social and economic dimensions in physical planning.

Margerum (2002) as cited in Efoebi and Anienobi (2013) suggests that community participation in urban planning will help to bring together information, knowledge and skills from various backgrounds in a way that will improve the outcomes by achieving mutual learning and the personal growth of participants. Alabi et al (2010) asserts that the involvement of the people through popular or public participation ensures compliance to planning standards

and regulations better, thus making the work of development control agents easier. Therefore, it is essential that all communities be actively involved in shaping the developments that affect them. This creates a sense of community of ownership which is vital for restraining and maintaining compliance to the development control regulations.

2.9. CHALLENGES IN THE EFFECTIVE IMPLEMENTATION OF DEVELOPMENT CONTROLS MECHANISMS.

2.9.1 POLITICAL EXPEDIENCES AND INTERFERANCE OVER DEVELOPMENT CONTROL

Madhekeni (2012) asserts that the government of Zimbabwe has a tendency of prioritizing political expediency above everything. Muchadenyika (2016) also states that planning is intrinsically a political process and evidence in Zimbabwe shows that planning is problematized by unsettled national and local politics and politics often distort the intentions of a sound planning system through advancing political interests of politicians, the ruling elite. According to Mugenge (2015) this interference in the urban development control system limits the local authorities' ability to fully regulate and control development as powerful government officials have been known to enforce physical development plan approvals that do not meet the stipulated requirements. UNCHS (2008) in Abugtane (2015) states that lack of adequate political support for the pursuits of the objectives and aims of town planning and development control in most developing countries as political influence from the corridors of powers frustrates the efforts of agencies involved in controlling developments as politicians often try to win the heart of the public in order to win elections. Chirisa et al (2014) states that property may be wrongly sited and must be demolished but due to political influence such unapproved developments are made to stay. In concurrence with the above statement, Chirisa et al (2014) further points out that, politicians lead the homeless into acquiring unapproved pieces of land for occupation and when laws are subsequently enforced, the people are found wanting. Political expedience by some politicians over purely administrative decisions has resulted in ordinary citizens bearing the brunt of development control laws and processes which at times result in the complete demolition of the properties being occupied by people in undesignated places.

2.9.2 LACK OF HUMAN, FINANCIAL AND LOGISTICAL CAPACITY.

Alluko (2011); Gyimah and Nelson (2012) cited in Abugtane (2015) strongly argue that institutional capacity with respect to human, financial and logistics has a greater influence in enforcing development control effectively. Furthermore, Abukari and Dinye (2011) asserts that this has resulted in the inability of development control departments to ensure effective implementation hence unauthorized development and encroachment on public open spaces and government land. Inadequate finances and qualified personnel are also major problem faced by most developing countries in effective development control. Ogundelele et al (2010) cited in Mugenge (2015) notes that there is need to fully equip and adequately fund the DC units to enable them to cope with their daily challenges.

2.9.3 LACK OF AWARENESS IN DEVELOPMENT CONTROL MATTERS

The degree to which people know of the existence of development controls regulations is vital as it influences the degree to which the people will consent to the regulations. Mugenge (2011) notes that poor participation and lack of awareness of planning legislations lowers the chances of successful implementation of development controls and their compliance. On that note Aliu and Kaloije (2017) posit that the level of awareness on the magnitude of the activities of the physical planning and development control is rather low, this lack of enlightenment resulted to the myopic thought. The physical planning framework adopted by many developing countries excluded the contributions of citizen on how to model cities and this is supported by UN Habitat (2009) which states that the planning approach commonly used in developing countries has a segregatory effect. Oleyede (2010) noted that, community participation in programs aimed at protecting the environment, increases acceptance of confidence in government decision while empowering community members on issues that affect them. Therefore, it can be noted that if the community is involved the citizens become the drivers rather than victims of change.

2.9.4 BORROWED LEGISLATION APPLIED IN DIFFERENT CONTEXTS

Watson (2011) asserts that many African countries found themselves with national planning laws that were drawn directly from those in place in the home territories of the colonial administrations and they were believed would be an effective mechanism to bring about the orderly and controlled development of rapidly growing towns. Watson (2011) goes on to say

that these laws were based on assumptions which included the presence of strong and well-resourced governments, availability of technical skills to enforce the laws, stable and law-abiding societies willing to support the allocation of powers of planning to government. UN Habitat (2009) stated that as countries moved into the post-colonial era, urbanisation, informal settlements, an extensive informal economy, and rapidly spreading peri-urban areas became the challenges. The gap between the intentions of planning law and the actual reality of urban life grew wider and outdated planning systems became a blockage to addressing the problems of growing and poor cities,

According to Sietchiping (2015) developed country's planning practices have been strictly implemented in less developed countries, without consideration of these country's local realities. The ineffective nature of transposing generalized planning principles to different contexts has limited the local governments capacity to curb and control illegal settlements.

2.1.0 EMPERICAL EVIDENCE

2.1.1 DEVELOPMENT CONTROL IN THE UK

Thomas (1997) notes that UK planning and development management systems started in the twentieth century and had legally binding planning schemes decentralised to all Local planning authorities. All the 421 Local planning authorities in are mandated to regulate all development through a plan led system that prioritises public consultations before they are adopted. Booth (2003) cited in Mclaymont (2012) states that development management in the UK is rehearsed as second class, technocratic and trapped in managerial hierarchies and it is geared toward containing development in Local Planning authority.

Booth 2003 cited in Mclaymont (2012) notes that controlling development in the UK through the granting and refusing of planning permission came to occupy a central position in through the Town and country planning act of 1947 and it had principles to be followed. Thomas (1997) notes that DC in the UK is underpinned with the following principles

- All planning permissions decisions are guided by relevant laws and policies established in the Local Development Framework established by the Local Planning Authority. The Local Development Framework is major planning control document which priorities community involvement and it enables the Local Planning Authorities to spatially plan for their areas

- Major developments applications in the UK should be accompanied by the design and access statement which explain the type of development, the policies that influenced the decision whilst prioritising community engagement.
- Materials to be used should be prioritised and as development control is more concerned protecting the public from harm.
- Any development management decision by the local planning authority is subject to appeal by the aggrieved person.
- Any development that done without planning permission is liable to an enforcement action

Ball (2010) notes that in the UK planning System, all development that seek to establish 10 or more dwellings are seen as major development and should acquire planning permission. On that note Lasson (2006) notes that this planning led system is based on the definition and rights of development managed through development control process which Ball (2010) says contains a detailed analysis of buildings, layout plans, environmental impacts, designs and open spaces.

According to Barker (2006) the plan led system was endorsed with the 2004 Planning and Compulsory Purchase Act embracing the Strategic Spatial Planning Approaches whereby development plans became the primary reference point to all development decisions. This innovative plan led system had many benefits as it allowed community involvement in the preparation of regional and local development plans, ensure a more coordinated development as critical issues such as settlements development or new residential sites are discussed rather than the time when an application is made. This brings to light what Evans and Hartwich (2005) cited in Ball (2010) noted that the UK planning system puts more emphasis on planning control of development rather than development control.

Furthermore, according to the UK Government Planning Portal(UKGPP) (2018) in the UK if development is carried out without planning permission then the LPA may take enforcement action to have the building removed, the land reinstated, or undertake the minimum measures required to prevent any harm arising. The United Kingdom Planning Guidance (UKPG 2011) notes that all planning permissions are granted conditionally and enforcement action can also be taken to secure compliance with the conditions imposed and unauthorised development is subject to a stop notice if there is an urgent need to prevent further harm. Therefore, development control is the binding procedure which envisages that every proposal for

development either by private or public should obtain planning permission from the local planning authority.

However, Ball (2010) notes that development control in the UK is referred as the Cinderella of the UK planning system because of its relative status in the planning profession as it is highly neglected but essential for the wellbeing of the populace. Also Cullingworth (2006) argued that the UK-planning framework slows development rather than facilitating it due to its time and cost expenditures, confusing planning process, extensive public inquiry and slow plan preparation process.

2.1.2 DEVELOPMENT CONTROL IN UGANDA KAMPALA

Uganda is one of the many African countries which adopted the British planning system and development control is rooted in the Town and Country planning ordinance of 1948. MLWE cited in Mukwaya et al (2010) notes that planning legislation used in Uganda ignored well established local governments and the development of land outside townships was left in the hand of land owners and it had a negative impact on all urban areas as development was not coordinated. This is supported by Goodfellows (2013) who asserts that urban planning in Uganda has been associated with the failure to engage politics in the approaches adopted by development community and the tendency to generalize the problem of urbanisation in developing countries.

In Uganda the contemporary framework for urban development control is rooted in various key pieces of national legislation and some date from the colonial or immediate post-colonial era. According to Goodwills and Titeca (2012 cited in Goodfellows (2013)) there are various legislations that guide planning and development control in Uganda and these include the Town and Country Planning Act (1951; revised 1964); the Public Health Act (1969); the Constitution (1995); the National Environment Statute (1995); the Local Government Act (LGA, 1997); the Land Act (1998); the Physical Planning Act (2010) and the Kampala Capital City Act (2010).

Goodfellow (2013) notes that Uganda has decentralised planning system and Kampala City Council has planning and development control powers in its divisions. He goes on to say that asserts urban development control in Kampala is specified as taking place through six detailed steps, which involved obtaining clearance regarding the registered ownership of the land and getting approval for plans at the level of City Council, technical and environmental committees.

However, despite a rigorous institutional framework, planning in Uganda barely is implemented and regulations constantly undermined as noted by Good fellow (2013). Onyango-Obobo (2008) cited in Mukwaya et al (2010) asserts that urban areas were turned into mud and wattle houses as the population grew from village and development became more informal haphazard and organic. A local politician in Kampala cited in Goodfellows (2013) alluded that that the problem in contemporary Kampala is failure by the regulatory authority to enforce the development control mechanisms on all land, private and public by the Local authority.

Furthermore, lack of political will and political interference on administrative issues impedes development control despite the availability of all all building codes, many regulations and urban bylaws are available (Good fellow 2013). According to Goodwill's and Ticeta (2012) anti-planning interventions by politicians and lack of capacity to implement development controls combined had a powerful aggregate effect on the incentives both to enforce and comply with formal rules. Therefore, the credibility of development controls is affected as the general populace or even major developers fail to comply to development control regulations as they become trivial .This can be seen in the example given by Goodwills and Ticeta (2012) in their study that the failure to enforce construction and land use regulations leads to the explosion of illegal settlements as this is seen in Kampala's neighbourhood called Muyenga, a settlement established known as the rich man's slum, without layout plans, user services and houses built without approved plans .However this is one of many problems facing developed countries who adopted Eurocentric DC frameworks.

2.1.3 OVERALL OBSERVATIONS.

From the above discussion it can be seen that many countries have established planning and development control systems. In Africa a borrowed planning development control system through colonialism is still dominating as the African governments have become reluctant to reform their planning and development control system to meet their various problematic environments. Developing countries are failing to solve the problem of urbanisation and illegal settlements and this has hindered the realization of SDG 11 of sustainable cities using various development controls. Developing nation like Zimbabwe and Uganda states should devote their efforts and resources, commitment to effective development control so as to ensure sustainable development. Development control home grown solutions, local economic development that is

not centralised in cities, strong community involvement, effective implementation of development control mechanism as indicated by the UK experience are vital to sustainable development.

Unlike Uganda, UK is a developed nation and has succeeded in ensuring that planning and development control laws are compiled to as they are managing to embrace innovative solutions to planning and development control management to meet the current environmental and economic problems. This success is underpinned with a number of factors which are; the adoption of the strategic spatial planning system, strong stakeholder's involvement, stable political environment and well-resourced governments. In the UK DC has evolved to Development Management as it has grown to be a more sophisticated and all-encompassing phenomena. Therefore, DC to be effective there is need to look into the context in which it is applied, strong human, institutional and management capacity to provide an enabling foundation for effective implementation of development control mechanism. This observation applies to all states across the globe crosscutting across more economically developed countries and less economically developed countries.

Implementation of the same development control mechanisms in different contexts brings about differing results as developed countries that have more successes in effective implementation of development control mechanisms. Moreover, rare reviews of development control frame work fine tuning them to meet a specific context is a serious omission that results in the ineffectiveness of development controls.

2.2. GAPS IDENTIFIED IN THE LITERATURE REVIEW

Sustainable development control program requires more attention especially on their merits to sustainable smart cities. To realize sustainable cities there is need to mainstream development control into national planning process. National governments need to address the root causes to the ineffectiveness of development control mechanisms. Local economic development for marginalised communities is a key factor that requires attention as there a powerful link between, development control, urbanisation and local economic development. This is so because if economic activities continue to be centralised in established cities, illegal settlement will continue. Therefore, there is need to shift from concentrating on cities for effective development control as economically marginalised communities have the key to unlocking

doomed development controls especially in the African context as the cycle of poverty and urbanisation is broken. This requires both rural and urban local governments to improve management and foster an economically competitive environment so that there is no decrease in welfare and quality of life of both rural and urban populaces. Therefore, this needs more attention from scholars specializing in development control in developing countries as cities are no longer centres of civilisation but mobilisation of people and goods therefore more researches should be concentrated on this complexity to find solutions about how to live more sustainably in cities.

2.3. SUMMARY

The literature review started by giving an in-depth view of what development control is giving an account of the mechanisms used in development control in Zimbabwe and other parts of the world, the objectives of development control. It has highlighted on the implications of development control and community participation to sustainable cities. It also highlighted on the legal framework applicable in Zimbabwe. The chapter also discussed the rationale of development control vis-à-vis illegal settlements and the implications of development control. The chapter further captured some of the common factors that affects development control from a global perspective. The next chapter details the methodological framework that is going to be employed for the purposes of this study.

CHAPTER III

RESEARCH METHODOLOGY

3.0 INTRODUCTION

This part of the research gives out the methods and techniques that have been utilised in conducting the research and coming up with factual evidence relating to the effectiveness of development control mechanisms that are used to control illegal developments. The research structure sets on methodology, design, data collection instruments population, sampling techniques. The data collection tools will be examined and scrutinised, ethical considerations will be explained and the validity and reliability of the research will be kept.

3.1 RESEARCH METHODOLOGY

According to Bogdan and Biklen (2007) cited in Long (2014), research methodology refers to specific strategies procedures and techniques of analysing and interpreting data. Also Dencombe (2007) cited in Muwanikwa (2016) is of the view that methodology refers to the examination of processes and procedures implemented in a bid to achieve results within a specified area of study. Cresswell (2014) cited in Long (2014) alludes that there are three research methodologies which include quantitative, qualitative and mixed approach. And for the research qualitative and quantitative research method have been used and their merits and demerits have been listed. Muwanikwa (2016) asserts that a well strategized research methodology enhances successfulness of the overall research because proper mechanisms enable better analysis of the outcome.

3.2 RESEARCH DESIGN

Cresswell (2014) is of the view that research design is a set of methods procedures used in collecting analysing measures of variables specified in the problem research, a framework that is created to find answers that include descriptive, correlation or experimental. This study will employ the use of a descriptive research design that is going to be achieved through the use of a mixed approach. Descriptive design allows easy in generalising interpreting and tabulating data and the formation of facts vital to coming up with solutions to the identified problems (Dude 2016). The research is based on mixed research that will collect both qualitative and quantitative data. Mixed approach encompass both numbers and detailed description of a given problem or situation. Muwanikwa (2016) is of the view that the major objectives of research design are to provide answers, solutions and maintain variation of what is be studied by

providing appropriate ways of undertaking research. Therefore, the researcher used both qualitative and quantitative techniques for analysing data.

3.2.1 QUALITATIVE APPROACH

Cresswell (2014) cited in Almalki (2016) posits that qualitative research emphasizes exploring and understanding of individuals or group pertaining to social of human problem. On the other hand, Labaree (2009) point asserts that qualitative research is fashioned to open up behaviour of a targeted audience for example the behaviour of liking to invade Council farms and the perceptions that drive it with reference to specific topics or issues. Rovai et al (2014) also states that qualitative research method is usually inductive with underlying assumptions and data collected will usually have insider's view. Qualitative approach promotes values, individualism, culture and social justice which provide rich content and context (Tracey 2013 cited in Almalki 2016). Qualitative research is primarily exploratory research and this is the major reason why the approach was chosen for this study and was used as the researcher wanted to gain a descriptive understanding of the effectiveness of DC mechanisms that are used to control the sprouting of illegal settlements in Harare. The approach was also adopted due to the reason that the researcher wanted to describe the real or empirical situation at hand rather than testing a theory

3.2.3 CASE STUDY

David and Sutton (2011) cited in Muwanikwa (2016) are of the view that a case study is more defined on a single arena especially when there is no enough information on are under study. Case studies are more suitable when answering questions with when how and why (Yin 2009) In the research a case study of Crowborough farm Paddock 27 was used which is one of the qualitative approach. This research was built on what is occurring on the ground and this helped the researcher to build an inclusive comprehensive research of the current position on the effectiveness of development control mechanisms.

3.2.4 QUANTITATIVE APPROACH

Rovai et al (2014) perceives quantitative research as a deductive approach towards research giving independent manageable pieces of information. On that note Tewksbury (2009) cited in Muwanikwa (2016) purports that the approach is more scientific as the data gathered can be quantified and is presented in numeric form. Data is analysed using mathematical methods The

approach is generally conducted using research strategies such as questionnaires, measurements and any other techniques that may result in the quantification of data. The quantitative approach was used to extract data on the numbers of people who settled illegally and the structures that they developed illegally. Anderson (2006) attests with the approach as a group of respondents is examined so as to produce required information. The researcher used quantitative approach from specific hypothesis so as to get fair outcomes that can be summed up from a bigger population.

3.3 POPULATION

Alvi (2016) defines population as all members who meet a particular criterion specified for an investigation and maybe homogeneous or heterogynous. Population is also referred to as the sum of persons participating to a particular topic and are part of the study question (Thomas 2009 cited in Dube 2016). On the other hand Muwanikwa (2016) views population as the entire aggregation of individuals that fit the designed method established. In addition, according to Donald and Pamela (2003) study population is the individual from whom the researcher intends to get information as well as making or reaching conclusion. City of Harare Crowborough Farm has a population of 500 illegal settlers. The researcher used the following target population which included 7 development control inspectors, city of Harare Chief planner, chairperson of the environmental management committees who is a councillor and 4 Department of Physical planning officials. The researcher also targeted a population of 500 who are illegal settlers as they are ones violating development control mechanisms. Therefore, the targeted population of this study are the land invaders in Crowborough farm, council staff in the Town planning division, and Department of Physical Planning officials.

3.4 SAMPLING TECHNIQUES

Sampling techniques are broadly categorised in two major types that are probability sampling and nonprobability sampling methods (Alvi,2016). These are methods that are used to select participants from the entire targeted population. With probability sampling technique every individual has an equal opportunity of being selected to represent a well-defined populace. David and Sutton (2011, cited in Muwanikwa,2016) allude that probability sampling methods reduce the inaccuracies . On the other side non-probability sampling is another broad sampling technique that can be employed do decide who will participate in the study for example purposive, quota sampling methods. Lynch (2012), cited in Dube (2015) posits that non

probability sampling seeks to find the most useful insights that can be used into the studies of a particular focus. Usually nonprobability sampling provides the most valuable data that help to answer the studies main questions.

Since this is a study aims at unearthing people's practices that are known and offices involved in development practices are also known, the study will therefore utilize purposive sampling technique, stratified sampling and interval sampling techniques.

3.5 PURPOSIVE SAMPLING

Purposive sampling is a non-probability sampling method sometimes referred to as convenience sampling technique. According to Muwanikwa (2016) purposive sampling involves selecting participants that are known by the researcher that they can provide the required information. Alvi (2016) is of the view that the sampling method is approached with a purpose in mind and there is predetermination. It is regarded as the best when one wants to construct the historical phenomena (Muwanikwa 2016). This sampling method was used as it was appropriate for a limited number of experts in the area of study. Judgemental sampling method empowers the researcher to use own judgment to select cases so as to get answers to meet objectives thereby becoming more favourable when conducting a study. Hence judgmental sampling was effective as the research targeted officials the chief city planner, 7 development control inspectors, 1 councillor and 4 from the department of physical planning are who were assumed to have factual evidence on what is transpiring at the local level in line with the implementation of development control mechanisms.

3.5.1 STRATIFIED SAMPLING TECHNIQUE

Stratified sampling falls under probability sampling techniques. Saunders et al (2012) asserts that in stratified sampling the population is selected by grouping it in groups called strata according to gender, race or ethnicity. The method is normally used when the population is heretogenous and its advantage is that it provides a fairly represented sample as it captures diversity that can be left out by other methods (Alvi,2016). The grouping process varies from place to place or organisation to organisation and in this research the respondents were grouped according to strata made up 5 cooperatives in the farm. Interval systematic sampling technique was then used to pick respondents from each stratum. Each cooperative in the farm contains an estimation of 100 illegal settlers.

3.5.2 INTERVAL SYSTEMATIC SAMPLING TECHNIQUE

Alvi (2016) posits that interval systematic sampling technique is used on heterogeneous population and the intervals maybe in terms of time, space or order and it allows the extension of sample to the whole population. With this technique one can calculate the population by a desire sample size. A random starting point was the tenth illegal settler from each stratum of 100 illegal settlers. Bhat (2018) affirms that systematic sampling is a probability sampling method where the elements are chosen from a target population by selecting a random starting point and selecting other members after a fixed sampling interval. According to Ross (2018) a systematic method also provides researchers and statisticians with a degree of control and sense of process as the process is easy to construct, compare execute and understand. The researcher used the technique as it is simple to use and it allows fairness as it spreads more evenly over the entire population.

3.6. SAMPLE SIZE

Alvi (2016) is of the view that a sample is a defined group relatively smaller number of people selected from a population for investigation while sampling is the process through which a sample is extracted from a population. To support the above is Onwuegbuzie et al (2007) who corroborate that a sample size is a sub group that is retrieved from a targeted population. Muwanikwa (2016) is of the view that a sample size enhances the researcher to acquire information needed in the study despite using a fraction of the total targeted population. In spite of this, the feasible sample size viable to reveal the effectiveness of development control mechanisms to control illegal developments. The sample size of this study will be 113. The researcher targeted a population of 100 illegal settlers in the farm out of an estimated population of 500 illegal settlers in families who have invaded the farm. The researcher also included 7 members of the development control section who are the implementers of various development control mechanisms, the chief city planner, 4 department of physical planning officials and the chairperson of the environmental management committee a councillor policy maker who influence the implementation of development control mechanism. The researcher drew this population as it saved time and data collection was manageable with fewer people being involved thus leading to higher overall accuracy. The table below reflects on the sample size used

Table 3.1

Target group	Population	Sample size	Sampling technique
Crow borough farm invaders	500	100	Stratified and Interval
Development control inspectors	7	7	Purposive
Department of physical planning officials	4	4	Purposive
Chief city planner	1	1	Purposive
Chairperson of the environmental management committee	1	1	Purposive
Total	513	113	

3.7 SOURCES OF DATA

Sources of data allow us to systematically collect information about our objects of study (people, objects, phenomena) and about the settings in which they occur. Data collected haphazardly cannot answer research questions conclusively. Data collection methods that were used by the researcher involved secondary and primary data collection methods as the two complement each other in research.

3.7.1 SECONDARY DATA

Kothari (2004) is of the view that secondary data is data that already available, collected and analysed by someone else and is found in books, internet sources, journals and newspapers and may be published or unpublished. These sources were consulted throughout the study in an effort to authenticate the study. Secondary data also helps in ensuring data validity and reliability. However, Kothari (2004) warns that before one uses secondary data it must be scrutinised first so that the researcher ascertains if it fits the context of the problem that the researcher wants to study.

MERITS OF SECONDARY DATA

- Costs of acquiring secondary data was less

- Data gathered from somewhere can always be recycled if the contexts are applicable
- Gives a broader analysis as the researcher can research from global publications pertaining the area under study
- Accessibility of online material was easy.
- An all-inclusive paper was produced as the researcher critically examined the available literature
- Secondary data was easily accessible for instance online material such as books, journals and reports.

DEMERITS OF SECONDARY DATA

- The researcher may neglect to recognise the sources of data used therefore plagiarising other people's work.
- Outdated sources that discredit the research.
- Scrutinising and evaluating data takes more time to ascertain relevance and quality of the data.

SOLUTIONS

- Thorough scrutiny of secondary data was done to check the relevance of data.
- The researcher recognised the scholars by proper referencing.
- Current data accessible on the web and library was utilized.
- ICTs literacy skill helps easy internet access skill.

3.7.2 PRIMARY DATA

Primary data is that which is collected afresh for the first time and original in character (Kothari, 2004) This concurs to what (Bryn and Bell ,2000) cited in Muwanikwa (2016) that primary sources of data collection are sources which are original and the information was previously not known. Primary data are original in nature and directly related to the issue or problem and current data. Primary data are the data which the researcher collects through various methods like interviews, questionnaires.

MERITS OF PRIMARY DATA

- It provided first-hand information which was more reliable
- It allowed the researcher to wind up conclusions and come up with more viable solutions to the identified problem.
- Bias of information was limited as there is direct communication between the participants the researcher.
- First- hand information, factual information was availed
- More effective and efficient on targeted issues.

DEMERITS OF PRIMARY DATA

- Resource extensive processes when gathering data
- The use of English language can be barrier as some of the people who live in the farm are not illiterate and cannot respond to questions appropriately
- There is no room to probe further especially when using questionnaires and unnecessary information is sometimes given.

SOLUTIONS

- The researcher used simple understandable English
- The researcher pretested the questionnaires and interviews to iron out all unclear questions.
- The researcher clarified open ended questions

3.8 DATA COLLECTION TECHNIQUES

3.8.1 INTERVIEWS

Carter (2011) is of the view that interviews is two-way system that permits flow and trade of ideas. He depict that these are discussions between two individuals were one makes enquiries and the other one answers to the enquiries made and it comprises an arrangement of questions that the researcher needs to ask the respondents. Chartuvedi (2010) hypothesizes that an interview is an engaging system between the data searcher and date carrier. Muwanikwa (2016) also posits that in the researcher can use an interview guide and questions that are structured or unstructured can be used. The researcher interviewed DC Inspectors who ensure that there is compliance to the development control mechanisms within Harare, Ministry officials from the department of Physical planning, the City planner responsible for Town planning and development control within Harare. According to Burns (2009) interviews can be done through verbal communication to exchange information. Thus detailed information on the effectiveness of development control mechanisms used by the city of Harare to control illegal settlements will be obtained.

MERITS

- Interviews permits response and comments from the conveying individuals thus, the interviewee has the chance to clarify and probe further question for deep understanding
- First hand data was acquired that is relevant to the study field.
- Response were readily available, facial expressions and body language were captured
- Difficult questions can be simplified to create a common understanding.

DEMERITS

- Fear to realise information due to victimisation from politicians who sold them pieces of land in the farm.
- Unnecessary data may surface during the interview and it can be troublesome to sieve the data
- Some respondents may not understand the questions and inaccurate information may be given.

- The interviewer may influence a certain line of thinking to respondents thereby having biased answers.
- Time consuming as unnecessary questions may be brought forward

SOLUTIONS

- Time management is critical and each interview should be allocated enough time.
- The researcher kept away from vague question that could confuse respondents.
- Recording equipment is vital so that important point is captured.

3.8.2 QUESTIONNAIRES

According to Dube (2016) Questionnaires are the most commonly used tool, and the process involve systematically compiling and organising series of questions that would be sent or personally administered to samples. This concurs to what Creswell (2014) who postulates that questioners are a list of questions to which the respondents should answer honestly and objectively through face to face interviews, or self-completion of structured or unstructured questioners. The researcher used questionnaires to collect data from the respondents to gather information from the illegal settlers. The researcher used semi structured questionnaires that encompassed the dual open and closed questions, with advantages of covering a wide geographical area and a large population within a short period of time.

MERITS.

- It allowed for the involvement of a large number of people such that it provided a lot of information.
- Promotes confidentiality and privacy as names are not used
- Data analysis is easier as same questions are used.
- Reduces pressure on respondents as they can answer the question in their own time
- Questioners can be dropped and picked and distribution is done within a short space of time.

DEMERITS

- Unnecessary information can be availed as they can misunderstand questions.
- Language barrier especially to most of the citizens residing in illegal settlements. Thus due to lack of clarity they may fail to understand what the question requires them to do
- Some questionnaires were returned unanswered
- Respondents may not be honesty and there is no way picking that up.
- With questionnaire there no room for clarification and elaboration

SOLUTIONS

- The researcher simplified and clarified the question so that the respondents could provide accurate information.
- The researcher used Microsoft excel to ensure that the information was calculated accurately in terms of figures

3.9 DATA COLLECTION PROCEDURE AND ADMINISTRATION

The researcher will self-administer the interviews and questionnaires. The information in this study was collected through semi-structured interviews with open-ended questions, by conducting face-to-face interviews with the key informants in order to obtain an in-depth understanding of the challenges they face. The study utilised structured questionnaires which were hand delivered by the researcher to the sampled illegal settlers in Crowborough farm.

3.10 ETHICAL ISSUES

Fernando (2006) cited in Mutema (2016) defines ethics as a conception of right or wrong behaviour defining for us when our action is moral and immoral. This is compatible Ghillyer (2010) who understand ethics as a field of study of how people try to live their lives according to a standard of right or wrong behaviour. In any research there are moral issues that must be put into thought for the research to achieve its goals. On that note Benator (2001) is of the view that when conducting a research, the interest of the whole population should be considered, the concept of right autonomy and respect. The researcher strictly maintained the principles that promotes good ethical behaviour during the research.

Ethical principles to be maintained by the researcher when distributing questionnaire conducting interviews include;

- Obtain permission and clearance from Human resource department and Head of department
- Clarifying the purpose and aims of the study and procedures to be followed on interviews
- Upholding and assuring confidentiality of information given by the respondents
- Avoid political biases
- Convenient time management

In this regard ethical issues are essential to take note of in data collection because they enable the researchers to choose the best implementable practices that motivates the respondents to effectively participate in the research.

3.11 VALIDITY AND RELIABILITY

Saunders et al (2009) posits that validity scope to which data collection instruments precisely measure what they were intended to measure and it is compatible to what Zohabri (2013) states that validity is the criteria for defining the quality and the acceptability of the research. Wainer and Braun (1998) cited in Golafshani (2003) sees validity in research as construct of legitimacy and with this in mind the researcher ensure validity by proper referencing secondary data and ensuring that research instruments where relevant to the objectives of the research as well as its questions. On the other hand, Mcleod (2013) cited in Muwanikwa (2016) asserts that reliability is the uniformity of the collected data, however he goes on to say reliability can be affected by ethical issues as respondent can choose not to respond to sensitive issues. The researcher also ensured reliability through sampling respondent that were better positioned to give information being sought, the illegal settlers, the city planner, the councillor local policy makers and development control inspectors who are well versed in the subject of development control in the city.

3.12 PRE-TEST

Pretesting is an essential tool that is done prior the actual research so as to prove the feasibility, validity and reliability of research instruments. Dube (2016) states that pretesting ensures that research instruments are sharpened so that the retrieval of data is more efficient and understandable. The researcher designed research instruments i.e. Interviews and

questionnaires, they were then approved by the research supervisor and the pre-test was carried out among development control inspectors who are colleagues in the City of Harare and are part of the respondents who have pertinent knowledge of the theme under discussion, in hope of achieving the following.

- To reduce errors and ensure that wording of the research instruments is easily understandable.
- To make necessary modifications if there are ambiguities and anomalies in the research instruments.

3.13 CHAPTER SUMMARY

The main objective of this chapter was to bring out various mechanisms that are used to collect data from the field under study. This chapter provide a preview of research methodology, design, population and sample size. The use of both qualitative and quantitative research methods helped the study to give a more holistic view into the effectiveness of various development control mechanisms used to control illegal settlements and the method complemented each other. Purposive, stratified and interval sampling techniques were used in view of their merits in research. The respondents in the study were selected from illegal settlers in Paddock 27 of Crowborough farm, City of Harare development control inspectors, the city planner, chairperson of the land management committee and Local Government Ministry official under the Department of physical planning. Interviews and questionnaires were used to ensure that data collected was more reliable and valid. Pretesting was done to sharpen research instruments so that they are more understandable and efficient. This paves way for data presentation analysis and interpretation in chapter four.

CHAPTER IV

DATA PRESENTATION AND ANALYSIS

4.0 INTRODUCTION

This chapter presents information which was extracted from the research field using research tools, namely questionnaires and interviews. A study on the effectiveness of development control activities carried out by local authorities to control illegal settlements. A case of Harare City Council Crow borough farm invasion and will be presented. The data gathered from different respondents will be presented in the form of tables, pie charts, bar graphs and percentage rates will also be presented so as to reveal the total response from the participants. Furthermore, data analysis will be implored in line with the presentations that will be presented. Data analysis helps to simplify the presentation making the information gathered in research more easy to understand. This chapter is vital as it helps to ensure that a research summary is drawn from the research findings through graphical presentations.

4.1 RESPONSE RATE FROM INTERVIEWS AND QUESTIONNAIRES

4.1.1 INTERVIEWS

The research was schedules to carry out 13 interviews 7for development control inspectors, 1 for the City Planner, 1 for the Chairperson of the environmental management committee who is a councillor. Other 4 from department of physical planning.

Table 4.2

Participants	No of interviews	Successful interviews	Failed interviews	Percentage response rate (%)
Chief city planner	1	1	0	100%
Councillor	1	1	0	100%
Development control inspectors	7	5	2	71%
DPP officials	4	3	1	75%
Total	13	10	3	87% (average)

Source: research data 2018

As a result of the administered interviews the study intended to gather data from 7 development control officials however only 5 were carried out representing a total percentage of 71 % while 2 interviews failed due to other work commitments of the targeted interviewees who were not available during time of data collection. The study intended to gather data from the ward councillor and this interview went through thereby representing 100% response rate on the part of the councillor. The study also intended to carry out 4 interviewees with the department of physical planning officials however only 3 interviews were managed representing a total percentage of 75%. All in all, the study intended to interview 13 participants however it managed to carry out 10 interviews hence the average total percentage on intended interviews was 87.%. As result of the response rate on interviews one could conclude that, the results can be considered valid and reliable given that the study managed to interview more than 50% of the key informants of the study who are better placed to provide with empirical evidence. Their contribution served as a benchmark for validating the quality and accountability of data collected as suggested by Zohabri (2013) in Dube (2016), that all research data need to be corroborated for reliability's sake.

4.1.2 RESPONSE RATE FROM QUESTIONNAIRES

Table 4.3

Non-Response rate and Response rate	Frequency	
	Actual	Percentage%
Response	100	100%
Non-Response	36	36%
Total	64	64%

Source: research data 2018

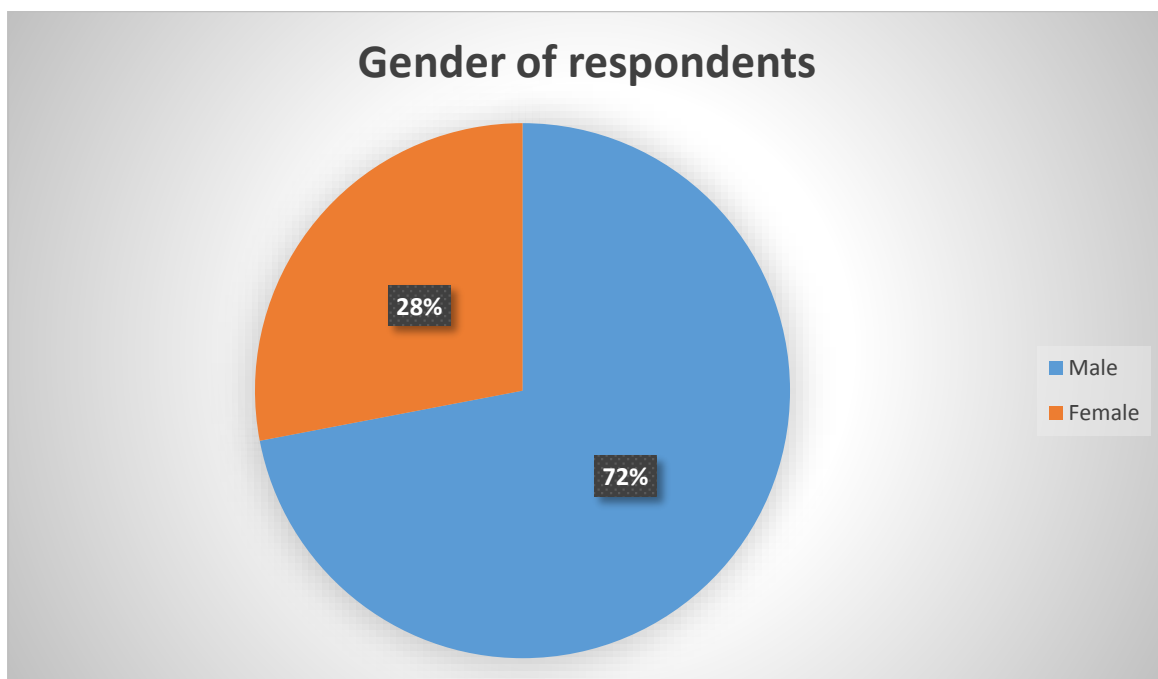
The table above shows the response and the non-response rate achieved through the administration of questionnaires in the research the response rate from settlers was 64 %. Out of 100 questionnaires 64 were retrieved this was impressive as it exceeded the minimum levels and also considering the diversity of the settlers. The response rate can also be attributed to the clarity of the questions as ambiguities were eliminated. Backer (2012) asserts that the levels of

response strengthens the acceptability of the results if they exceed the minimal acceptable levels of 50%. To support that is Babbie (2010) stated that in social sciences if a study manages to gather data from half of the participants, one can generalise the results as factual therefore can be relied on.

4.2 DEMOGRAPHIC INFORMATION OF RESPONDENTS

4.2.1 DISTRIBUTION OF RESPONDENTS BY GENDER

Figure 4.1



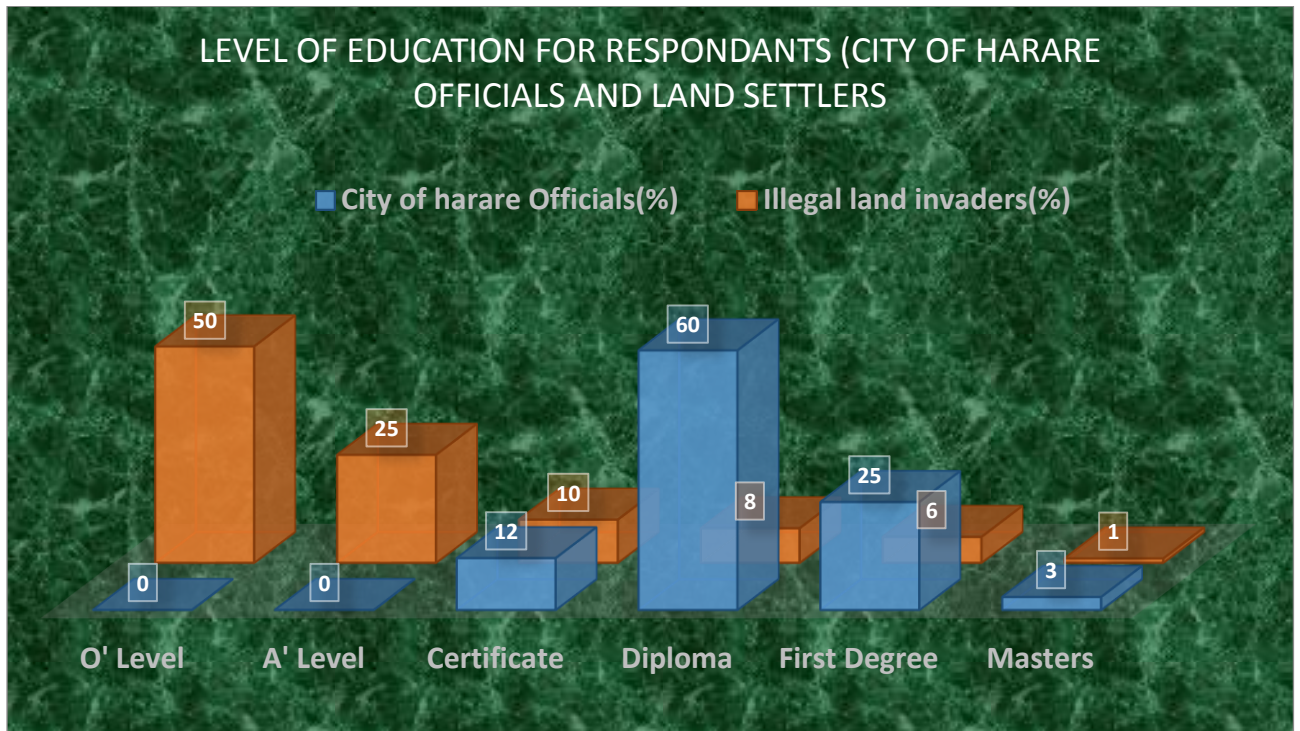
Source: research data 2018

The study gathered that of the total respondents, 72% were male participants compared to 28% who were female participants. This shows that there were more male participants in this study than their female counterparts and that more males were involved in illegal land invasions. This could emanate from what COH officials pointed out that it seemed as if there was a group of young men who were actually recruited for land invasions. However, this could also mean that more men are involved in land issues than women thus males control issues of land than females. Apart from that, females seem to lack interest in owning land as they think land ownership is left for men than women; hence this situation that more men were involved in the study than women. This goes hand in glove with Chirisa (2012) who noted that land issues in Harare and

its surrounding areas are dominated by males who muscle to own a piece of land for housing development.

4.2.2 LEVELS OF EDUCATION FOR RESPONDENTS (CITY OF HARARE OFFICIALS AND LAND SETTLERS)

Figure 4.2



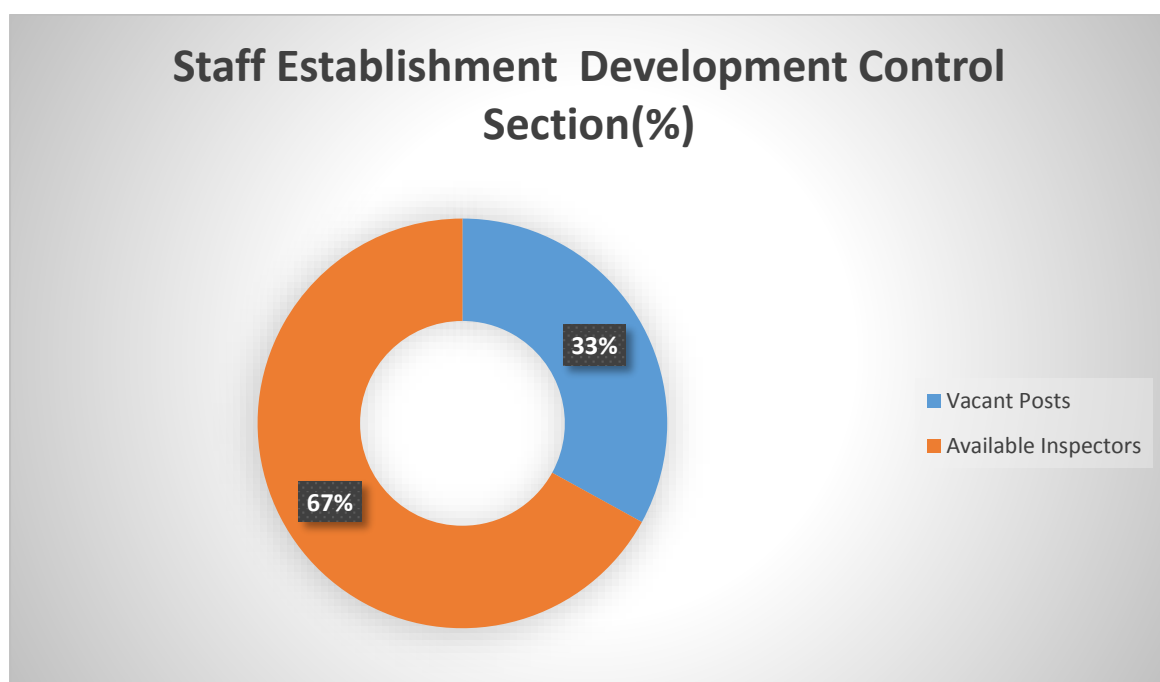
Source research data 2018

The table above shows the level of education of COH officials and the illegal land settlers. The majority have attained diploma which is 60% whilst 25% have their first degrees, 12% have certificates and 3% have masters. On the other hand, majority of illegal land invaders hold various educational qualifications and as shown on the graph above 50% of the participants have done their O'level, 25% hold A' Level qualifications, 10% have certificates, 8% have diplomas 6% hold a first degree, 1% have Masters' degree. Generally, the majority illegal land invaders seem to have attained basic education hence are better placed literally hence could understand issues under study. COH official's information on qualification levels is important in the juxtaposing the effectiveness of development control activities. As the development control inspectors should have the capacity to effectively implement development control activities and be innovative to improve their day to day task in an unpredictable environment. However, the study further revealed that though the majority of development control inspectors

have diplomas they are not relevant to their daily activities. Hughes (2016) argues that training and education is relevant and are key ingredients of executing day to day tasks as this can create a level of competence therefore this has highly influenced the slow implementation of development controls as the inspectors do not have background in town planning this makes them to wait for orders and many development control cases are referred to the city planner for interpretation and it derails the proceeds of effectively implementing development control activities and this has impacted on how development control activities are implemented.

4.2.3 STAFF ESTABLISHMENT IN THE DEVELOPMENT CONTROL SECTION

Figure 4.3



The doughnut graph on the table above shows the staff establishment in the development control section within the city of Harare and this analysis and illustration is very interesting in as far as the effectiveness of development control activities. Staff establishment plays a critical role in quick implementation of development control activities. Data from the table shows that development control section has only 33% of its staff whilst 67% are open vacancies this has negatively impacted the effectiveness of development control activities as those inspectors available have to take care of all development control matters within greater Harare. This has led to the overload of tasks on inspectors. On that matter Mahapa et al (2015) notes that work overload due to high vacancy delays in decision making.

The situation of not filling vacant posts for development control inspectors has created a void in the development control as the skeleton staff available will only attend to burning issues, development control matters that are seen as important, a more common question usually asked by the citizens is that where was COH when the first structure was built. However, with the situation on the ground it can be seen that the skeleton staff cannot do much to control illegal settlements as they are overwhelmed by other development control matters in Harare.

4.2.4 WORKING EXPERIENCE OF CITY OF HARARE OFFICIALS IN THE DEVELOPMENT CONTROL SECTION

Table 4.4

Period of stay	1-5 years	6-10 years	11-15 years	16 years and above
Percentage distribution	44%	0%	0%	56%

Source: research data 2018

The study found that 44% of the participants had stayed less than five years' experience in the development control section whilst the majority, 56% have stayed in the section for 16 years and above. This could imply that since the majority of the people have a working experience that is 16 years and above in the development control section they know what it was like to effectively control development as they were there when COH had its full grip on illegal settlements when development control activities were fully implemented and they know better on how to effectively tackle development control on illegal settlements.

4.2.5 AGE GROUP OF RESPONDANTS ON QUESTIONARES

Table 4.5

Age Group	18 - 29	29 – 39	40 - 49	50 and Above
Frequency	30	21	8	4

Source: research data 2018

The study revealed that on 64 questionnaires that were responded to , It was noted that settler respondents between the ages of 18 to 29 are 49% whilst 34% of the respondents are of the age group of 30 to 39 years , 12% fall under the age group of 40-49 years and only 6% are above the age of 50.This illustration of age category entails that the majority of illegal land settlers are between the age of 18 to 39 years and this shows that there is a link between the economic

situation and development control as this same age group is being affected by economic situation in Zimbabwe therefore , economic hardships and illegal settlements are interwoven and to fully address development control issues , economic issues at large should be addressed first.

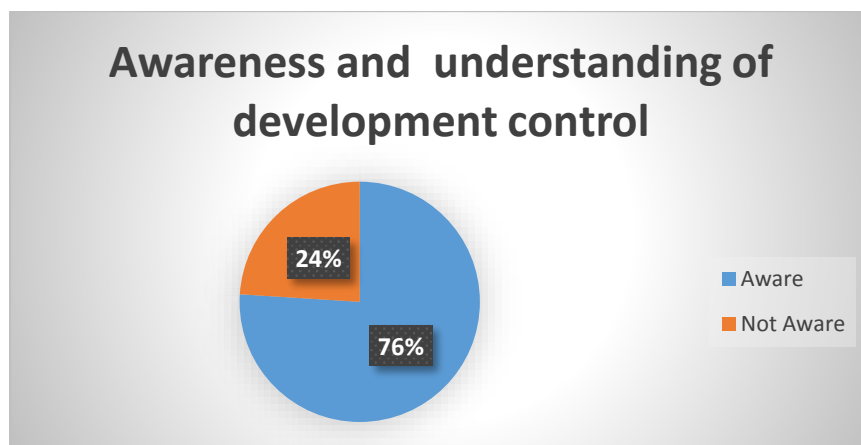
4.3 THE EFFECTIVENESS OF DEVELOPMENT CONTROL ACTIVITIES TO CONTROL ILLEGAL LAND INVASIONS. A CASE OF CROWBOROUGH FARM INVASION.

Responses are presented in this section from both questionnaires and interviews

4.3.1 RESPONSE ON THE AWARENESS OF DEVELOPMENT CONTROL ACTIVITIES THAT ARE IMPLEMENTED BY CITY OF HARARE ON ILLEGAL LAND INVASIONS AND SETTLEMENTS.

The study sought to investigate the level of understanding awareness of development control on what really is it? The following chart summarises the level of understanding of the term ‘development control’ of the illegal land invaders at Crowborough farm.

Figure 4.4



Source: research data 2018

The study unearthed that 76% of the participants knew about what development control is but 24 % did not know what development control mean. However, this shows that quite a number of the Crowborough farm settlers understand and know what development control means. However, respondents were further asked to define what they understood about the meaning and nature of development control and those who replied that they knew what was meant by development control provided various answers. Given that 76% indicated that they are aware of what development control entails, this group provided that development control was

processes that was associated with demolitions. It can therefore be noted that most of the respondents understood development control partially as demolitions that COH carries out.

One of the key informants within the group of development control officials specifically said that:

‘... that is a very good question my sister and my personal understanding of development control is simply the following up of statutory requirements as stipulated in Regional Town and Country Planning Act and the, council by-laws ... it is all about following those regulations as guided by various legislations’.

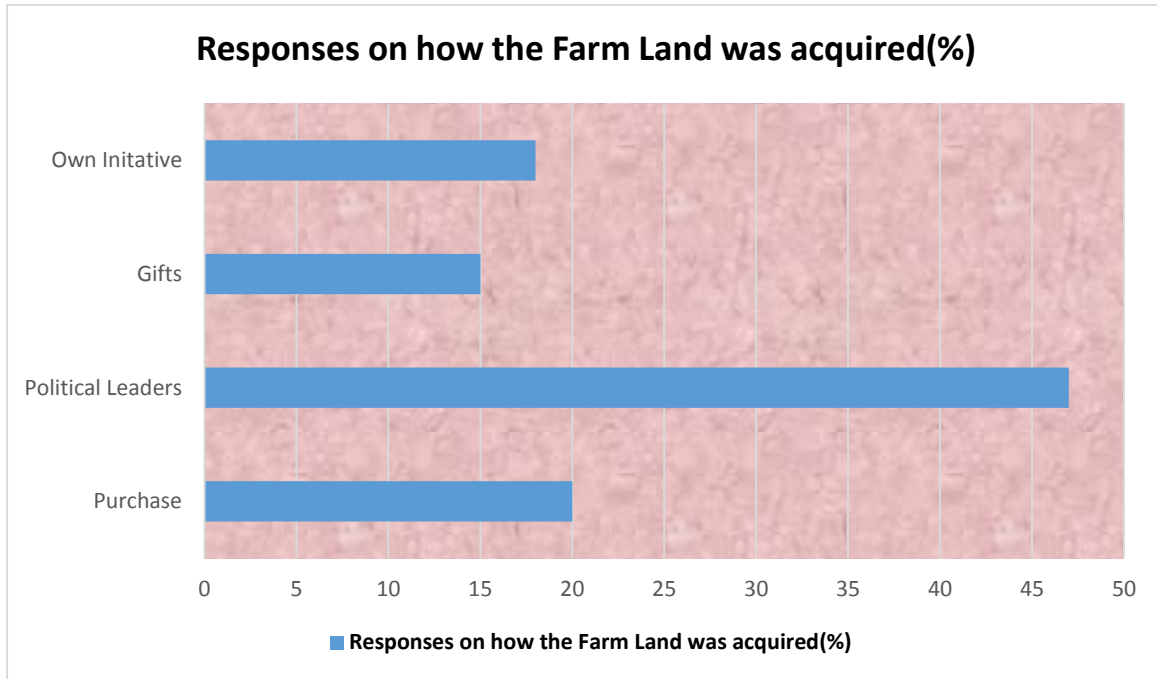
Another key informant (K8) with the DPP had this to say:

‘Development control means the interaction of stakeholders in physical planning guided by state regulations as envisaged in various statutes in regularising settlements.’

The responses from the key informant interviews were many but pointed out to the same meaning thus the study specifically chosen these two responses which incorporated some differences however one can note that development control is about the interaction of government agencies that involves the Ministry of local government and its departments of physical planning and the council guided by the planning process as envisaged in the statutes that regulates development control. Thus these agencies are involved in a continuum of planning process that is interacted through a legal regime to regularise development of settlements. This means that the Council cannot operate on its own without the physical planning in light of this Groves (2000) in Abukari and Dinye (2011) concurs with these findings as he conceives development control as the executive arm of the planning process being the means whereby policies are implemented, specific land use proposals brought to fruition and unlawful development prevented. Cheuruka (2002) also coined that development control entails that development should take place as set out in various statutes that constitute the legal regime for planning in Zimbabwe.

4.3.2 RESPONSE ON HOW SETTLERS ARQUIRED THE LAND

Figure 4.5

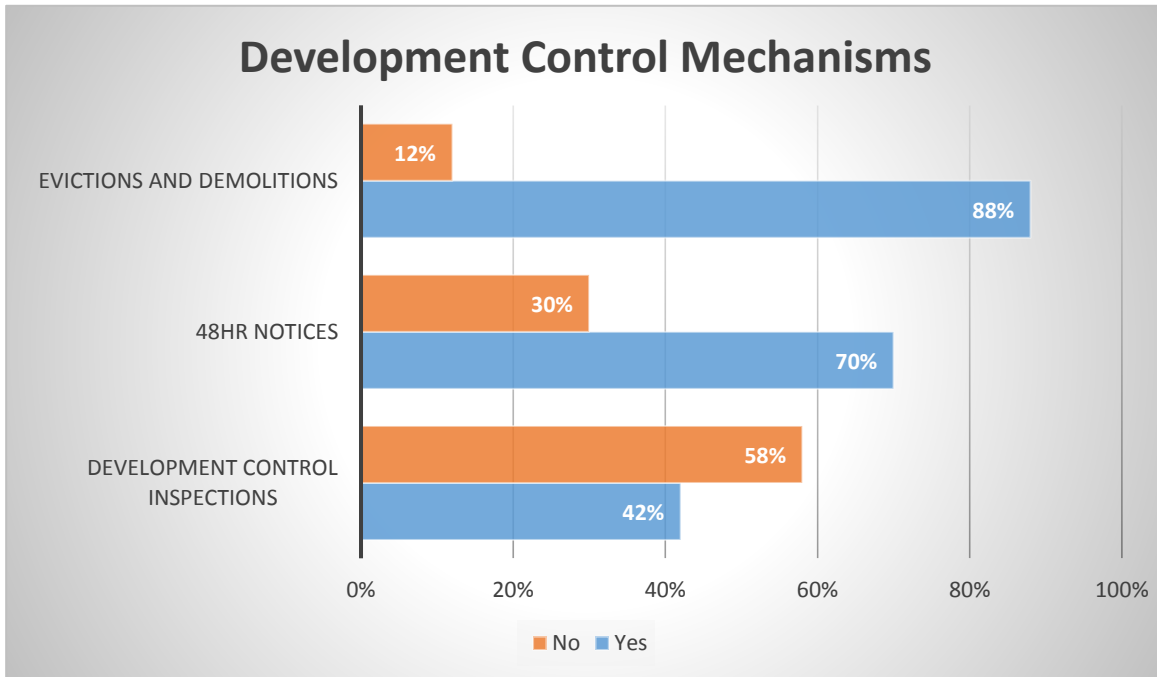


The bar graph above illustrates responses by land settlers in Crow borough farm and it clearly illustrates that though the settlement was initially formulated through and invasion it's not everyone within the settlement who invaded as various responses came out. As shown on the fig above, the greater number being 47% acquired land through political leaders followed by 20% who mentioned that they purchased land from the initial invaders. A further 18% mentioned that they acquired through their own initiatives while 15% indicated that it was in form of a gift after helping initial invasion. The results here speak large of political influence in acquiring land given that on average 47% was acquired through political leaders and councillors yet they are the one who are supposed to fight and educate people in their areas on the effects of illegal settlement on sustainable cities. This questions the credibility of politician as policy makers as they are the ones leading people against set rules. The results here do not indicate the involvement of key institutions in allocation of residential land on designated land thus pointing to discrepancies in development control and subversion of formal processes of acquiring residential stands as COH is out of touch yet it is supposed to be proactive

4.3.3 RESPONSES ON THE DEVELOPMENT CONTROL ACTIVITIES ON ILLEGAL SETTLEMENTS

The study sought to find if Crowborough farm settlers have ever heard of development control activities and the study managed to find out the following.

Figure 4. 6



Source research data 2018

It was revealed that the illegal settlers knew some of development control activities that are practiced by the COH in trying to control illegal land invasions and settlements. The study found that 70% were aware of the 48hr notices while 30% were not aware of such notices. On demolitions, a total of 88% were aware of them while 12% were not aware of them. Concerning development control inspections 58% were not aware while 42%. The study key informants from the DCS that there are inspections, serving of 48hour notices and evictions and demolitions. After they have been served summons through the deputy sheriff court order process. The key informants however further provided that though there are such development control mechanisms the implementation remains difficult. One of the development control inspectors had this to say:

‘though the council have some forms of development control initiatives in case of such land invasions, the implementation remains a mirage

given that some challenges that the city is facing in the effective implementation of the development control activities.'

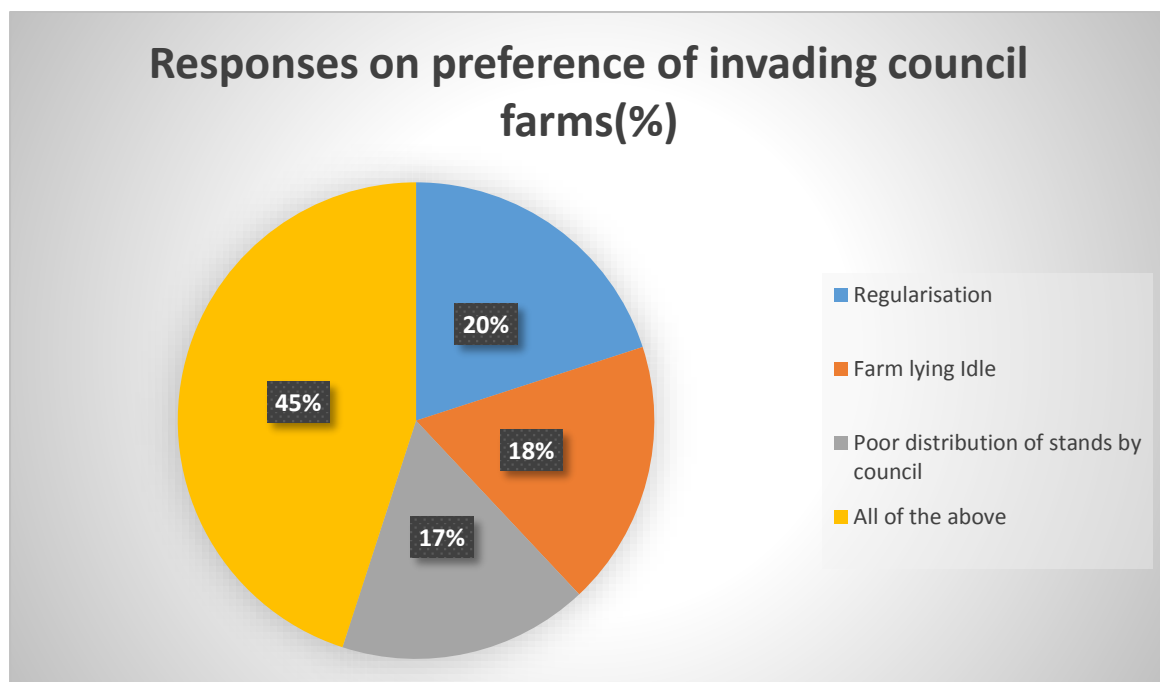
Another inspector stated that:

'Crowborough farm residents were given notices but could not leave and demolitions were planned but not operationalised due to the fact that now a court order is required before a demolition so we are waiting for it come out.'

The findings here imply that the majority knows various forms of development control initiatives as provided by settlers themselves and the key informants. However, there are various challenges to the effective implementation of those development control activities. This concurs to what Abukari and Dinye (2011) says that the inability of development control departments to ensure effective implementation has caused unauthorized development and encroachment on public open spaces and government land in chapter two.

4.3.4 RESPONSES ON THE PREFERENCE ON INVADING COUNCIL FARMS

Figure 4.7



Source: research data 2018

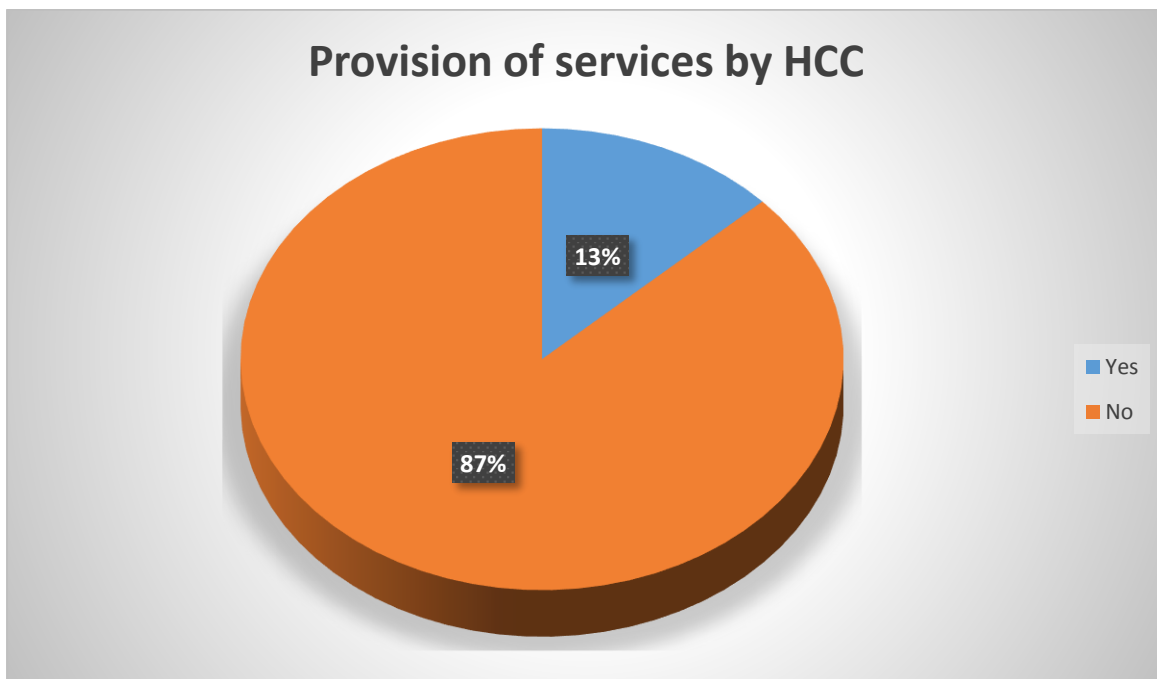
20% of the illegal settlers in this question on why they targeted council farms rather than any other land, the research highlighted that these settlers had deliberately targeted council farms

as precedence was set before on other settlements that were eventually regularized and were became legal settlements.

Various responses that they aired out was that 20% hoped that the settlement would be eventually regularized or council would seek for an alternate place to settle them in the case that their settlement was demolished. The other 18% pointed out that the farm seemed to be lying idle as council is failing to fully utilize its farms and they thought having a settlement there was possible. The other 17% mourned on the poor distribution of residential stands by the local authority and this made them to help themselves by invading council farms. However, 45% of the respondents pointed all responses compounded. Agboola et al (2002) stated that land cannot be overlooked in development control since it is the major element in housing production and many of the illegal settlers they do land invasions in search of cheap housing provision though they know that it is wrong.

4.3.5 RESPONSES ON THE PROVISION OF SERVICES BY HARARE CITY COUNCIL.

Figure 4.8



Source research data 2018

The study managed to find out that City of Harare is not providing services to Crowborough residents as shown on the chart above were 87% of the illegal settlers mentioned that the council does not provide any services while only 13% mentioned that the council do provide services to them. The people were further asked on why the council was not providing services

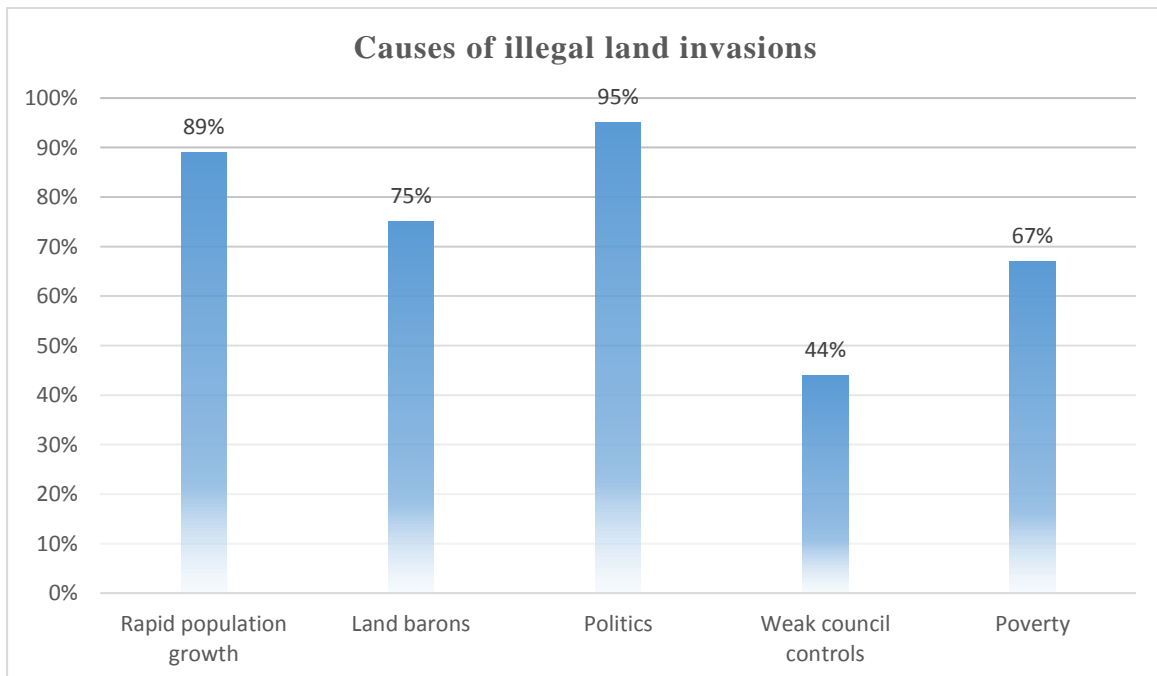
to them and many reasons were provided. Most of the people who constituted 87% of the respondents mentioned that there were many irregularities concerning their settlements hence the council is not in a position to provide services. All the 87% respondents mentioned that their settlement is regarded illegal hence people were not receiving services from the council as with other settlements. Key informant interviewees at HCC however reiterated that services are only provided to legal settlements only. A key informant from development control indicated had this to say:

‘If the council provide services to these people they begin to think that they are legal settlements so the council simply recused itself from providing services to all illegal settlements around Harare.’

4.3.6 RESPONSES ON THE MAIN CAUSES OF ILLEGAL LAND INVASIONS

The study also sought to establish the main causes of illegal land invasions hence the following graph summarises the research findings concerning the causes of illegal land invasions.

Figure 4.9



Source research data 2018

The study findings here show that there are many causes of illegal land invasions and here respondents were asked to mention as many as possible. As shown on the fig above 95% of the

study respondents mentioned politics as one of the main causes of land invasions followed by the rapid increase in population which was mentioned by 89%. It was found that 75% mentioned the issue of land barons as one of the causes of land invasion. A further 67% indicated poverty and 44% mentioned weak council development control mechanisms. Key interviewees also provided various responses on the causes of illegal land invasions. The Chief city planner mentioned that;

'... and amongst these involves serious political interferences as most of these residents were lied to by politicians which include aspiring candidates and sitting candidates as a means of vote buying in future.'

A key informant interviewee with the ministry of local government mentioned that:

'The council has weak development control mechanisms hence in the end people just invade land at whim though this grinding poverty has resulted in low income earners to seek land and settle illegally in the peri-urban areas.

The interviewed councillor had this to say:

'...the City of Harare has been overwhelmed by rapid increase in population which has resulted in many illegal settlements such as this one in Crowborough. Similar problems of these land invasions here in Crowborough are also found in other council farms such as Churu and Eyestone farms which shows that the city is now overpopulated.'

Thus the findings here imply that there are many causes that influence illegal settlement as also indicated in chapter 2 and for development control to be effective these challenges need to be addressed or DC will remain a mirage as the root causes will not be addressed,

4.3.7 RESPONSES CHALLENGES ENCOUNTERED IN EFFECTIVE IMPLEMENTATION OF DEVELOPMENT CONTROL ACTIVITIES ON ILLEGAL INVASIONS AND SETTLEMENTS.

From the study analysis it is evident that there are many challenges that are faced in the effective implementation of development control mechanisms. These challenges emerge from both institutional and non-institutional sources and they include;

4.3.7.1 INADEQUATE QUALIFIED, HUMAN AND TECHNICAL RESOURCES

The study revealed that the development control section faced challenges of inadequate human and technical resources. According to Abugtane (2015) a country can only be sure of orderly development in urban areas if there is effective and qualified human resources with appropriate logistics to combat and address contemporary planning problems. The respondents interviewed on the challenges pointed out that on technical resources the section was only furnished with one vehicle and the vehicle is supposed to be used within greater Harare. This reduced their mobility. They also pointed that they did not have equipment to carry out enforcements and this militated against effective execution of the development control mandate as all equipment used to carry out enforcements was usually outsourced from other sections and even outside Council. One of the key informants was disgusted and commented that development control section was at its worst position and he pointed that from the 1990's up to early 2000's the development control section had 24 vehicles and it meant that each inspector had a vehicle at their disposal unlike now where the development control section depends on one vehicle. The study also revealed that the development control section was only furnished with 8 inspectors which is a far less number from what it was from the 1990s up to the early 2000's. Alluko (2011) posited that institutional capacity with respect to human and logistics has greater influence in enforcing development control effectively as noted in literature review. Lack of adequate staff and technical resources to implement development controls, compromises and results to the sprouting of illegal settlements.

A COMPARISON OF STAFF ESTABLISHMENT IN THE DEVELOPMENT CONTROL SECTION FROM THE 1990s UP TO 2005 AND THE CURRENT SITUATION IN 2018

Table 4.6

Staff Category	Staff Numbers 1990 up to early 2005	Current Situation in 2018
Chief Technical Officer	1	Nil
Senior Development Control Inspectors	4	Nil
Development Control Inspectors	24	8
Admin Assistant	1	Nil
Typist	1	Nil
Messenger	1	Nil

The illustration above shows what the development control section was in 2005 better capacitated with human resources compared to 2018. They indicated that the number deteriorated through the years as those who retired were never replaced until the section was invisible. They also indicated that in 2014 the section was abolished and the three employees that were left were absorbed into the building inspectorate section. In 2015 it was realised that Harare could not do without development control and it was revived again, those three inspectors and five more added but there was no established reporting structure. They indicated that this showed that development control was not given the necessary attention it deserved and this greatly affected their discharge of duties as were over burdened with duties and it is one of the main reason why development control had become reactive rather than being proactive as they concentrated of matters they deemed as important.

4.3.7.2 OUTDATED BYLAWS AND UNALIGNED LEGISLATIONS

According to the councillor interviewed, the efficient administration of council farms could be a source of revenue and hence the economy of the city. The study revealed that another challenge faced by development control was that the Urban Council's Model Use and Occupation of land and building bylaws of (1979) was outdated and could not effectively address the current trends of illegal settlements as in the passage of time some issues have risen up that needed to be added into the bylaws. Also they revealed that the 1979 bylaws and the Regional Town and Country Planning Act (1996) process of enforcement was superseded section 74 of the 2013 Constitution which states that "No person may be evicted from their home or have their home demolished with an order of court made after considering all relevant circumstances. The key informants however complained that the process of acquiring a court was slow as they indicated that from the 10 court order they applied for from the beginning of 2018 up to the time of the study only 2 had come out and it meant that as the court order took longer to be processed illegal settlers will continue with the invasion.

4.3.7.3 POLITICAL INTERFERENCE

Political interference was another challenge revealed by the study that impeded against effective implementation of development controls. The key informants gave an example that some of the demolitions previously in the President Mugabe regime were stopped by the Minister of local government as they fear their political party will be not voted into power and they were the ones who were leading people into land invasions. Also councillors stopped or

delayed some of the demolitions in fear of public responses and criticisms associated with demolitions as they will be putting their political career at risk especially in urban councils.

4.3.7.4 POOR COMMUNICATION

The study revealed that there were communication challenges in the development control section and this militated against effective implementation of development control activities as it made execution of duties and enforcements to be full of confusion as there is no clear communication channel. Nduthu (2010) notes that regular management of staff meetings to discuss cases performance concerns and wider issues is important and he goes on to say that successful development control services require clear management direction and commitment. Respondents pointed out that poor communication was partly because there was leadership structure in development control section than in the previous years.

4.3.7.5 CENTRALISED DEVELOPMENT CONTROL SYSTEM

The Zimbabwean 2013 constitution upholds a devolved systems of governance on sec (264). Through the study one of the challenge that was pointed out to the effective implementation of development control activities was that development control was centralised because of inadequate human resources. Key respondents cried foul that development control was not reaching out to all the City of Harare districts, not visible and they could not track or monitor on illegal land invasions. Also the system had a negative impact on enforcements as all enforcements were planned from the centre without really knowing how diverse communities were.

4.3.7.6 RESISTANCE FROM SETTLERS AND THE POLITICAL SPHERE

62% of the informants in the Development control section indicated that resistance from both politics and settlers was another challenge in the effective implementation of development control activities. They pointed that politicians sometimes when campaigning they make promises that are contrary to the town planning regulations and mislead the people whilst the settlers resist because of lack of awareness. Boamah et al (2012) states that lack of public participation and awareness of urban development plans and planning legislations lowers the implantation of the plans and the degree of compliance with required regulations. The respondents indicated that outside the legal requirements of development control City of Harare

were not doing anything to ensure continued compliance and raising awareness on development control matters.

4.4 SUMMARY

In this chapter the presentation of information extracted from both questionnaires and interviews was well articulated. The study had a total percentage of 87% interview response rate and a 62% questionnaire response rate. The information was presented in form of bar charts, pie charts and tables. All the information was aligned to the research objectives and research questions so as to bring about a coherent flow in the research. The chapter included the analysis part of the same data which was gathered in the research study. The findings of the research were linked with literature reviewed in the previous chapters in an effort to capture lessons learnt as well as articulating the effectiveness of development control activities implemented on illegal land invasions and settlements. The study found out that development control activities used on illegal land invasions and settlements were ineffective fragile and weak and its being attributed from various reasons that shall be discussed in chapter 5 where summary conclusions and recommendations shall be drawn up.

CHAPTER V

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 INTRODUCTION

This chapter gives a summarisation of the entire research including responses that came from the results of the research which was mainly based on self-administered questionnaires and interviews given to a sampled population. The research sought to assess the effectiveness of development control activities used by urban local authorities to control illegal land invasions and settlements. The previous chapters will be summarised in order to institute the linkages between the hypothesis assumed and the actual facts established by the research. Key findings, giving recommendations to help improve development control and conclusions of the study.

5.1 SUMMARY

The study focused at examining various development control mechanisms used by city of Harare to control and stop illegal land invasions and settlements. It identified challenges being encountered in the implementation of development control mechanisms. The study found out that development control was at a low level in Harare against a backdrop of a myriad of factors inter-alia the rapid growth of urban population, the scourge of land barons, corruption, incapacitation of the development control unit, the infiltration of political influence in land use and planning, the lack of political will and the cycle of poverty. These findings dented the effectiveness of development control and proper land use planning in the City of Harare. The ever-increasing number of illegal settlers in urban Council land had created an unsavoury relation between the City of Harare and its residents, relegated it to that of the “hunter and hunted” characterized by the issuance of court orders, eviction notices and the carrying out of demolitions in the City of Harare. The study found out that amidst all the attempts to bring sanity to land use and planning through the application of proper development control mechanisms in the City of Harare, the continued resistance by the illegal settlers bore a major blow to the effectiveness of development control. The study found out that this was a result of the challenges facing the development control section around adequate human, financial technical resources. The respondents interviewed on the challenges pointed out that on technical resources the section was only furnished with one vehicle and the vehicle is supposed to be used within greater Harare. This reduced their mobility. They also pointed that they did

not have equipment to carry out enforcements and this militated against effective execution of the development control mandate as all equipment used to carry out enforcements was usually outsourced from other sections and even outside Council

The study revealed that another challenge faced by development control was that the Urban Council's Model Use and Occupation of land and building bylaws of (1979) were outdated and could not effectively address the current trends of illegal settlements

The statement of the problem in chapter 1 indicated that though development control is evident in the city of Harare, the city was losing its grip on its farms as there is continuous invasions and reinvasions. This has raised questions which set the objectives of the study listed below as

- To assess various development control activities used by the city of Harare on illegal land invasions and settlements.
- To identify challenges being encountered in the implementation of development control activities
- To analyse the influence of development control towards smarter sustainable cities.
- To assess the level of community awareness on development control activities
- To find possible solutions to the prevailing challenges encountered in the effective implementation of development control activities.

The researcher also provided justification, delimitation as well as definitions

Chapter two presents literature review which sought to critically review relevant literature aligned to the topic addressing questions provided in chapter one. The study made an in-depth culmination on the state of development control reviewing literature from journal articles books, scholarly articles, and internet sources that were revealed to get an understanding of the up the following, the term development control as well as clarifying how its operationalized on illegal settlements. Secondly literature review centered on various development control activities and mechanisms that are used illegal land invasions and settlements. Thirdly literature review sought to establish the impacts of effective development control to sustainable cities giving various legal framework that guides development control in the city of Harare as well as reviewing the modernist planning theory to explain development control. Literature review also sought to expose various challenges in the effective implementation of development control in the City of Harare. Lastly literature review provided empirical evidence from other countries such as Uganda and developed countries such as UK for a balanced profiling of different contextual set up and circumstances.

The research methodology in chapter three was based on qualitative and quantitative approaches. To pursue objectives of the research, purposive, stratified and interval sampling techniques were used. This choice was influenced by the desire to want to generate a more useful insight that was to be applied by the researcher into the studies, participation, and focus. Non-probability sampling enhances the quality of the research and reliability. Questionnaires and interviews used on the study were able to capture in-depth contextual assessment of the effectiveness of development control used on illegal land invasions and settlements in the City of Harare. The population size was composed of 500 illegal settlers and 13 officials. A mixture of various approaches increased the effectiveness of the research instruments. Various perspectives on the challenges to its effectiveness were examined so that there is an enhanced critical analysis. In the study the use of descriptive method allowed extraction of current literature on development control through data collection instruments used on the research. The research also had a sample size of 113 being part of the explored data. The data collection instruments used were pretested to reduce irregularities and sharpened the reliability and the scope of the study.

From the research findings in chapter four it was indicated that the effectiveness of development control activities in the city of Harare was compromised, weak and fragile. Its implementation was only a ritual exercise only meant to make people believe that city is doing something yet they are faced with many challenges such outdated bylaws, lack institutional capacity, poor coordination of enforcements and political interference.

5.2 MAJOR FINDINGS

From the onset of the research there was an issue relating to the state of the city of Harare farms that was highlighted it was revealed that Crowborough farm is one of the three farms that city of Harare acquired in 1973 for the purpose of sewage treatment plant and amongst the farms it is Crowborough farm that has the highest concentration of sewage treatment infrastructure underground however this fact has not made the farm to be spared in the ongoing of land invasions. This state of affairs is partially due to negligence, failure to utilise these farms by the city of Harare.

The study also established that there is a legal framework that guides development control specifically on council land targeting illegal land invasions and settlements. Legislation that was used was derived from the British town planning laws. The study established that prior to 2013 tools used were inspections, serving of 48 hour notices and then demolitions. The city

relied heavily on the RTCPA on illegal land invasions and settlements. However, the 2013 Constitution became superior as it stated that before a demolition is conducted a court order is needed this therefore means that city of Harare had to apply for a court order first before a demolition especially in cases where the settler has already built structures and are staying there this new requirement has slowed the pace of demolitions as only one out of the ten court orders that were applied for in 2018 only two came out. However even before prior to the requirement the city could not effectively implement demolitions.

The study established that more than 70% had heard of development control within the study area, however when the asked further on what it really was many of them pointed out that it was demolitions, and this shows that there is partial knowledge of what development control is all about. Though the settlers had partial knowledge many of them knew that their settlement was illegal however they hoped that their settlement will be regularised like some of the settlements that were regularised therefore they were not so keen in complying with the notices that they were served with.

The research found out that most of the people who acquired land in the farm, it was mainly given to them by political leaders who sought to expand their constituencies so that they increase the number of voters. The study further highlighted that there was preference by the people to invade council farms because of various reasons such as eventual regularizations, farm lying idle, poor distribution of housing stands by the city.

The study also revealed that there were factors that influenced the sprouting of illegal land invasions and settlements and these include; rapid population growth, land barons, politics, weak council controls and poverty, corrupt housing policies, and this has allowed people to invade and settle illegally.

The study also established several challenges affecting the effective implementation and enforcement of development control strategies targeting illegal land invasions and settlements and these include; inadequate qualified human and technical resources, outdate by laws and unaligned legislations, political interference, centralized development control systems, poor communication and resistance from both political and social spheres. The challenges made it hard for the development control section to effectively implement development control and the city had become more reactive rather than being proactive.

5.3 CONCLUSIONS

From the findings in the research it emerged that improving and strengthening development control is critical as it paves way for effective and efficient implementation turning cities to sustainable and smarter. Pertinent to this research finding is the fact that inadequate human a technical resource, outdated bylaws, and unaligned legislation, political interference, poor communication and centralized development control system and resistance from both politics and settlers have immensely contributed to the present dilemma hence the need to resource, revitalize and activate these to enable the achievement of sustainable development control for sustainable cities. It should also be noted that reducing illegal land invasions and settlements does not entirely depend on control mechanisms this is because despite the existence of mechanisms, there is a sprouting of illegal land invasions and settlements. Currently the situation at Crowborough farm defies the idea of smart sustainable cities whereby any development is coordinated harmoniously, healthy, convenient and pleasing. It is apparent that the blame should not be entirely placed on the City of Harare since there are many stake holders.

The effectiveness of development control depends on many critical factors which include availability of human and technical resources, modernising bylaws, political will and strict adherence to the controls contribute tremendously on how cities will be organized in order to achieve a world class city. This however still appears to be a pipeline dream for the city of Harare. The unavailability of adequate human resources, outdated bylaws, and the lack of political will and flouted land use and planning control mechanism point out that the effectiveness of development control in Harare is far less from being a vibrant mechanism to land use and planning. This is against a background of rapid urban population growth, corruption, land barons and poverty as found out by the study. Hence the need for robust policy realignments to fully capture the true essence of effective development control is necessary.

5.4 RECOMMENDATIONS

In line with the findings the following recommendations are proposed to ensure the effectiveness of development control on illegal land invasions and settlements.

1. City of Harare should facilitate stakeholder coordination during situation analysis, plan preparation and implementation to ensure that all stakeholders accept and own the

development control plans having public awareness campaigns on development control should be carried out in order to root out resistance on development control processes and to ensure that there is an appreciation for the need to control illegal development

2. Aligning the Regional Town and Country Planning Act to the constitution so as to close gaps and timeous review of development control systems and bylaws so as to suit the current upsurge nature of illegal developments thereby creating context specific frameworks that fit to the situation of Harare.
3. Development control is a resource intense activity provision of all necessary human financial, technical resources should be availed so that there is effective development control.
4. The government should ensure that court orders for demolitions are provided quickly for timeous quick demolitions.
5. Should ensure that buying residential stands from the city is easy and eliminate all red tape.
6. The government should ensure that cities and rural areas have equal development opportunities so as avoid migration seeking better living conditions.
- 7 The City of Harare should ensure that it addresses the root causes of illegal land invasions and settlement rather than focusing symptoms for example working towards uprooting poverty through local economic development pro-growth strategies.

5.5 AREA FOR FURTHER RESEARCH

This study established that development control was weak and fragile and resource intense activity. More emphasis should be placed on the implementation part whereby they concentrate on results rather than inputs so as to effectively and efficiently use the limited resources. Therefore, future studies are encouraged to focus more on home grown development control solution and investigating on strategies of making development control work within an environment where resources are constrained especially in developing countries.

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APPENDICES
APPENDIX I
QUESTIONNAIRE

Midlands State University



FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LOCAL GOVERNANCE STUDIES

QUESTIONNAIRE FOR LAND INVADERS

Introduction

I am Valery V Nyadombo, Registration number R163860V an undergraduate student with Midlands State University in the department of Local Governance Studies. I am conducting a study on **“the effectiveness of development control activities employed by local authorities to control illegal settlements. A case study of Harare City Council Crowborough farm Paddock 27 invasion,** in partial fulfilment of the requirements of the BSc Local Governance Studies Honours Degree. This questionnaire intends to capture data for the study and should take you about 35 minutes to complete. Your participation in this study is voluntary and the information you provide will be treated in the strictest confidence. The answers from this questionnaire will be used for academic purposes and only aggregate data will be incorporated in the research report. The results of this study are expected to help in advising the best ways to improve the implementation of development control mechanisms for sustainable cities. For its usefulness and value, answers you provide should represent your most honest opinion on the issue(s) raised in each question.

Instructions

Answer all questions.

Do not provide your name.

Section A: Demographic data (tick where applicable)

Sex

Male	Female
------	--------

Educational qualifications

Certificate	A' Level	Diploma	First Degree	Masters' Degree	Other

Period of stay on the farm.

1-5 years	6-10 years	11-15 years	16 years and above

- 1. a. Have you ever heard of development control? No Yes If yes what do you understand by the term development control (tick where appropriate)
- b. What do you understand by the term development control?

.....

.....

.....

- 1. How did you acquire the land you have settled in?
 - A...Gift
 - B...Own initiative
 - C...Political leaders
- 2. Have you ever heard of development control activities such as?
 - A...48hours...notices Yes No
 - B...Demolitions and evictions Yes No

C...Inspections Yes No

5. Is the city of Harare providing any services to your settlement? Yes No

If no what could be the reasons of the state of affairs?

.....
.....
.....
.....

3. Why did you prefer occupying council farm than any other designated land? (Tick answer of choice)

A...Eventual regularisation. []

B...The farm land seemed to be laying idle. []

C...Poor distribution of housing stands by the Local authority. []

D...All of the above

4. Are there any engagement platforms that foster your participation on matters pertaining development control activities? Yes No

5. Can you explain the nature of your relationship with the city of Harare?

A...Good

B...Bad

C...Non existent

6. Have you ever been notified by the local authority at any stage that your settlement is illegal? Yes No

7. What is your opinion in line with the performance of city of Harare in implementing of development control mechanism?

A...Proactive

B...Reactive

Thank you!

APPENDIX 2
INTERVIEW

Midlands State University



FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LOCAL GOVERNANCE STUDIES

INTERVIEW GUIDE FOR THE CITY PLANNER AND DEVELOPMENT CONTROL INSPECTORS

Introduction

I am Valery V Nyadombo, Registration number 163860V an undergraduate student with Midlands State University in the department of Local Governance Studies. I am conducting a study on **“the effectiveness of development control mechanisms employed by local authorities to control illegal settlements. A case study of Harare City Council Crowborough farm Paddock 27 invasion**, in partial fulfilment of the requirements of BSc Local Governance Studies Honours Degree. This interview intends to capture data for the study and should take you about 35 minutes to complete. Your participation in this study is voluntary and the information you provide will be treated in the strictest confidence. The answers from this interview will be used for academic purposes and only aggregate data will be incorporated in the research report. The results of this study are expected to help in advising the best ways to improve the implementation development control mechanisms for sustainable cities. For its usefulness and value, answers you provide should represent your most honest opinion on the issue(s) raised in each question.

- 1) May you provide with your educational background and experience within Harare City Council
- 2) What are the different forms of development control activities being implemented on land invasions and illegal settlements?
- 3) What do you think are the main causes of illegal land invasions and settlements?
- 4) What strategies devised to ensure the continued compliance of the in the implementation of development control activities and to avoid reinvasions?
- 5) Is the city's development control section fully capacitated in terms of financial, human resources and legal backing?
- 6) How frequent are development control inspections carried out and in your opinion how effective are they?
- 7) Is the city reactive or proactive in the implementation of development control activities for illegal settlements?
- 8) What is the city doing to raise awareness on development control matters?
- 9) What are the challenges being encountered in the implementation of development control activities?
- 10) How can development control be improved?

Thank you!

Midlands State University



FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LOCAL GOVERNANCE STUDIES

INTERVIEW GUIDE FOR COUNCILORS, LOCAL GOVERNMENT MINISTRY OFFICIALS.

Introduction

I am Valery V Nyadombo, an undergraduate student with Midlands State University in the department of Local Governance Studies. I am conducting a study on **“the effectiveness of development control mechanisms employed by local authorities to control illegal developments. A case study of Harare City Council Crowborough farm Paddock 27 invasion,** in partial fulfilment of the requirements of BSc Local Governance Studies Honours Degree. This interview intends to capture data for the study and should take you about 35 minutes to complete. Your participation in this study is voluntary and the information you provide will be treated in the strictest confidence. The answers from this interview will be used for academic purposes and only aggregate data will be incorporated in the research report. The results of this study are expected to help in advising the best ways to improve the implementation of development control mechanisms for sustainable cities. For its usefulness and value, answers you provide should represent your most honest opinion on the issue(s) raised in each question.

1. May you provide with your educational background and your experience with the City of Harare?
2. What do you understand by the term Development control?

3. What is your opinion regarding Development control on illegal land invasions and settlements in Harare?
4. Do citizens understand what is meant by development control and is the City council is doing enough to ensure that citizens have the knowledge about issues surrounding development control activities?
5. Are all stakeholders involved in development control fully engaged?
6. As a leader within the Harare wards what are the challenges being faced in the implementation of development control activities on illegal land invasions?
7. What is the contribution of development control activities to the attainment of a sustainable world class city?
8. What possible solutions can you recommend to the city of Harare to ensure effective implementation of development control activities to curb continued illegal farms invasions and settlements?

Thank you!