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Institutional Framework for Community Participation in Development Control:

Karen and Buruburu Residential Communities, Nairobi, Kenya

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Abstract

Community participation is central to inclusive and sustainable development control, but its effectiveness depends on the institutional arrangements through which decisions are made. This study examines how the multiplicity of regulatory institutions affects community participation in development control in Karen and Buruburu residential communities in Nairobi. A qualitative case-study approach was adopted, drawing on key informant interviews, focus group discussions, documentary and archival review, direct observation, and media and social-media analysis. Findings show that fragmented institutional arrangements, overlapping mandates, weak inter-agency coordination, limited access to information and centralised decision-making constrain meaningful community participation. Although statutory mechanisms for participation exist, community engagement is frequently procedural and reactive, with residents often becoming involved after key development decisions have been made. Residents' associations provide important channels for collective action, but their influence remains constrained by institutional responsiveness and power imbalances. The study proposes a collaborative institutional framework that clarifies regulatory roles, strengthens coordination and establishes clearer communication and participation pathways between regulatory agencies and communities.

Keywords: Community participation, development control, institutional fragmentation, residents' associations, Nairobi

INTRODUCTION

Kenya is urbanising rapidly, with Nairobi experiencing increasing development intensity and growing pressure on infrastructure. Urban development is regulated through laws, policies and administrative instruments implemented by multiple agencies. The multidisciplinary nature of development control brings together public institutions, private professionals and communities, making coordination and participation central to effective urban management (Healey et al., 1988; Wapwera et al., 2015).

Despite these structures, institutional inefficiencies have long been associated with weak development control and enforcement, corruption, abuse of office, limited accountability and administrative ineffectiveness (Mwangi, 2016). Administrative processes have also been criticised for being slow, opaque and inequitable, often because of cumbersome legal frameworks and bureaucratic procedures (Nwaka, 2005; Schilderman, 2002). Melese et al. (2026) similarly identify weak regulatory frameworks, fragmented interventions and limited coordination among agencies as barriers to implementation in urban governance.

Participatory approaches in urban planning can strengthen planning outcomes by incorporating local knowledge, widening inclusion and supporting social learning (Zuhair & Kurian, 2016; UN-Habitat, 2020). Community participation is therefore important not only as a procedural requirement but also as a means of improving the legitimacy and sustainability of development decisions.

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AFRICA HABITAT REVIEW 21(3) 2026

In Kenya, the demand for inclusive development control has increased since the promulgation of the Constitution of Kenya (2010), which entrenched public participation in governance. Yet litigation over inadequate participation, particularly in residential areas, continues alongside violations of planning standards. The specific knowledge gap addressed by this study is the limited empirical understanding of how fragmented institutional arrangements and weak collaboration among regulatory agencies mediate community participation and influence development control outcomes in Nairobi.

This paper examines community participation in the development approval process within the prevailing institutional and regulatory framework, with specific reference to Karen and Buruburu estates in Nairobi. Specifically, the study seeks to:

i. Examine the institutional framework in the development control process.
ii. Examine the factors affecting community participation in development control.
iii. Propose policy interventions and a conceptual model to address institutional framework gaps in relation to community participation in development control.

The Urban Planning Department within Nairobi City County Government (NCCG) is examined as a key institutional actor because it receives development applications, coordinates consultation with internal departments and external institutions, and communicates outcomes. The analysis, however, focuses on the wider development control and participatory governance framework.

THEORY

This section reviews literature and theoretical perspectives on institutions, community participation and development control, and relates them to wider debates on urbanisation and urban governance.

Theoretical Framework

The study adopts a multi-theoretical perspective informed principally by collaborative planning and collaborative governance, supported by institutional theory and participatory governance literature. These perspectives emphasise inclusive decision-making, communication and collective action in the pursuit of sustainable urban outcomes. Collaborative governance is particularly useful for understanding the network of public and private institutions involved in development control because it focuses on consensus building through deliberation and mutual understanding (Choi, 2014).

Collaborative planning is rooted in inclusion, communication and consensus building among actors affected by a common issue (Peric, 2024). Arnstein's ladder of citizen participation challenged top-down approaches by distinguishing degrees of citizen influence, while advocacy and communicative planning traditions emphasise plural interests, inclusion and undistorted communication. These ideas underpin collaborative planning approaches that view dialogue and consensus as important in resolving matters of mutual concern.

Institutional theory complements this perspective by explaining how formal rules, organisational structures and professional practices shape interactions within and between organisations (Roszkowska-Menkes, 2023). Together, these perspectives provide a basis for analysing how institutional arrangements enable or constrain community participation in development control.

Development Control and Institutional Roles

Institutional arrangements underpinning development control are inherently complex and multi-layered. Planning systems typically involve multiple actors operating across different governance levels, including national governments, local authorities, and specialised agencies (Healey et al., 1988). Apart from government agencies, internal development partners, planning firms (professional associations) are part of the efforts of solving development control and urban development challenges (Wapwera, et al. 2015)

In Kenya, development control is governed by a wide array of institutions, each operating under distinct legal mandates, resulting in overlapping roles and fragmented decision-making processes.

Institutional constraints, including inadequate resources, regulatory weaknesses and organisational barriers, can impede effective urban governance (Wijaya et al., 2026). Collaborative

policy development involving government, residents and other stakeholders can help address institutional inertia and fragmentation (Dsilva et al., 2025). Related studies have examined collaborative-governance barriers in areas such as circular manufacturing and construction (Ho et al., 2025) and end-of-life vehicle recycling (Molla et al., 2022). However, limited attention has been given to institutional collaboration in relation to community participation and development control in Nairobi.

Community Participation in Development Control

Community participation has emerged as a central principle in contemporary urban governance. It refers to the involvement of individuals and groups in decision-making processes that affect their lives (Moser, 1989; Putnam, 2000). Participation is widely regarded as essential for sustainable development, as it promotes inclusivity, transparency, and accountability.

Empirical literature indicates that participatory approaches can improve planning outcomes by incorporating local knowledge and fostering social learning (Zuhair & Kurian, 2016). Participation can also strengthen community ownership and trust in planning processes, contributing to more sustainable and acceptable development outcomes (UN-Habitat, 2020).

Oakley and Marsden (1984) conceptualise participation along a continuum ranging from participation as a means on one end, to participation as an end on the other side. Participation as a means is voluntary and often limited to consultation, while participation as an end emphasises empowerment and community control over decision-making processes.

Power imbalances significantly affect participation outcomes. Elite dominance, technical complexity, and institutional barriers often limit meaningful engagement (Fung & Wright, 2003). Additionally, efforts to streamline development approval processes may prioritise efficiency over inclusivity, further constraining community involvement (Tewdwr-Jones & Thomas, 1998).

The effectiveness of community participation is strongly influenced by institutional arrangements. Fragmented institutional frameworks can weaken participation by creating unclear communication channels, duplicating processes, and limiting accountability.

Berrisford (2014) describes urban management in African contexts as fragmented and inconsistent, with weak enforcement and limited coordination. Similarly, Schilderman (2002) highlights that overlapping institutional mandates create contradictory governance structures that complicate participatory processes.

In Kenya, development control operates within a dispersed legal and policy framework administered by multiple agencies. This fragmentation results in discretionary decision-making and weak integration of community input into development approval processes. Institutional capacity constraints, including limited manpower and technical resources, further undermine effective participation (UNCHS, 1999; Anyamba, 2005).

Political interference also plays a significant role. Planning decisions may be influenced by political interests, undermining institutional integrity and limiting community influence (Chabal & Daloz, 1999). Consequently, institutional frameworks act as a critical mediating factor, determining whether community participation translates into meaningful development control outcomes.

Synthesis and Link to Conceptual Framework

The reviewed literature demonstrates that development control, community participation and institutional arrangements are closely interconnected. Participation can support sustainable urban development, but institutional fragmentation, limited capacity and power imbalances can reduce it to consultation with little influence over final decisions.

Three gaps are particularly relevant: limited understanding of how institutional fragmentation affects community participation in development control; limited attention to participation within development approval processes; and insufficient empirical evidence on how these relationships shape development control outcomes in Nairobi.

Conceptual Framework

The relationship among the principal variables is summarised in **Figure 1**. The framework illustrates how community participation operates within the

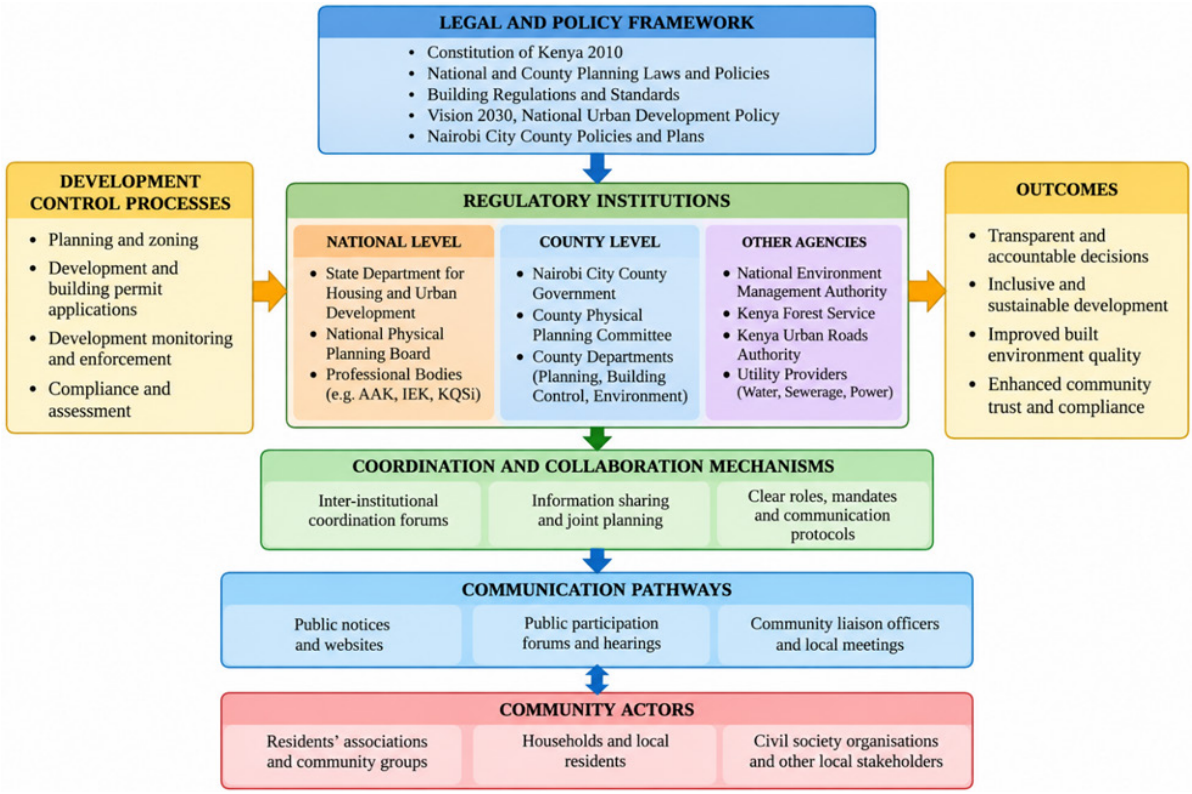


FIGURE 1
Conceptual framework for institutional coordination and community participation in development control
Source: Authors' conceptualisation (2026)

institutional environment governing development control and how interactions among the different actors influence development control outcomes.

The conceptual framework examines how community participation interacts with institutional arrangements to influence development control outcomes in Nairobi. It treats development control as a governance process shaped by interactions among communities, professionals, developers and regulatory institutions. Within this process, the legal and policy framework provides the basis for development control, while regulatory institutions exercise different planning, approval, monitoring and enforcement responsibilities.

The framework further recognises that effective development control depends on coordination and collaboration among the institutions involved. Clear institutional mandates, information sharing and appropriate communication mechanisms provide the link between regulatory institutions and community actors. These mechanisms determine the extent to which residents and their associations can access information, participate in decision-making, raise objections and receive feedback on development matters affecting their neighbourhoods.

Community participation is therefore not treated as an isolated activity but as part of a wider institutional process. Where coordination, communication and participation mechanisms function effectively, they can contribute to greater transparency, accountability and more inclusive development control outcomes. Conversely, fragmented institutional arrangements, unclear responsibilities and weak communication can constrain meaningful participation and reduce community influence over development decisions.

Community Participation as the Driver

Community participation encompasses formal and informal mechanisms through which residents engage in development control, including access to information, public forums, residents' associations, objections, protests and legal action. Collaborative planning theory emphasises communication and collaboration

among these actors.

Participation is expected to help planning decisions reflect local needs and socio-economic realities. However, where engagement is largely top-down and limited to consultation, communities have little influence over final decisions. The study therefore treats participation as a key explanatory variable in development control outcomes.

Institutional Framework as the Medium of Interaction

The institutional framework comprises the structures, rules, mandates, capacities and communication systems through which development control is implemented. Institutional theory explains how formal structures shape organisational behaviour, while collaborative planning highlights interaction, dialogue and coordination among stakeholders (Roszkowska-Menkes, 2023; Healey, 1997).

In Kenya, development control is implemented by multiple institutions operating across national and county levels. Fragmented mandates and weak coordination can undermine accountability, confuse stakeholders and limit community participation. The framework therefore positions institutional arrangements as the medium through which community input is received, processed and translated into decisions.

Moderating Factors Influencing the Framework

Political interference, power relations and technical complexity moderate the interaction between community participation and institutional performance. Advocacy planning theory draws attention to competing interests and unequal power, while technical complexity can restrict participation where communities lack specialised planning knowledge.

These factors help explain why participation may remain ineffective even where legal and institutional provisions formally support public engagement.

RESEARCH METHODS

This study adopted a qualitative methodology and an interpretivist perspective to examine the institutional framework for community participation in development control in Karen and Buruburu. The approach enabled in-depth analysis of institutional roles, actor relationships, participation experiences and governance challenges.

Research Design and Case Study Approach

A qualitative case-study design was used because the study investigates complex governance processes in their real-life contexts, where institutional arrangements, actor interactions and participation mechanisms are closely intertwined (Yin, 2009).

Karen and Buruburu were purposively selected because they represent contrasting socio-economic and development contexts. Karen is predominantly low-density and has strong residents' associations, while Buruburu is a planned middle-income estate experiencing extensions, change of use and densification. These contrasts provide a basis for examining participation under different socio-spatial conditions.

Study Area and Case Selection (Karen and Buruburu Estates)

The study was conducted in Nairobi City County. The two estates were selected because of their predominantly residential character, active residents' associations and observable development control challenges, including densification, change of use and land-use conflicts.

Karen is characterised by low-density development and organised community engagement through neighbourhood associations affiliated with the Karen Langata District Association (KLDA).

Buruburu is a planned middle-income estate organised around a neighbourhood and court-based layout, with community participation channelled through welfare associations such as the Buruburu Residents Welfare Association (BRWA).

Unit of Analysis and Target Population

The study focuses on both institutional and community actors involved in development control processes. These include government agencies responsible for planning and regulation, residents' associations, individual residents, developers, and built environment professionals such as planners, architects, engineers and surveyors.

AFRICA HABITAT REVIEW 21(3) 2026

Participants were purposively selected from these actor categories on the basis of their involvement in, or knowledge of, development control and community participation.

Data Collection Methods

The study employed multiple qualitative data collection methods to ensure depth and triangulation of findings.

Key Informant Interviews

Semi-structured interviews were conducted with key respondents from the institutions. From Nairobi County Government the respondents included planners, development control officers, enforcement officers, engineers and public health officials. From other regulatory agencies, the respondents included professional staff from NEMA, NCA and State Department of physical planning. From the residents' association, the respondents included the officials and individual residents. Further built environment professionals interviewed included architects, physical planners, engineers and surveyors. These interviews explored institutional mandates, coordination mechanisms, participation processes, and governance challenges.

Focus Group Discussions

Focus group discussions were conducted with selected residents and planning officers involved in development approval process. This captured collective experiences and perceptions of development control. These discussions provided insights into barriers to participation, including limited access to information, lack of timely notification, and perceived lack of responsiveness by regulatory authorities.

Document and Archival Review

Document analysis involved review of planning policies, development control regulations, approval records, and residents' association documents. Legal cases and media reports were also examined to understand how development control disputes are addressed.

Direct Observation

Field observations were conducted in Karen and Buruburu residential estates to assess development activities, regulatory compliance, and visible forms of participation. Observations revealed widespread non-compliance with planning standards, including violations of plot ratios, building lines, and land-use regulations. Construction site boards were observed in some sites where construction was ongoing while other sites had no board. Change of use advertisements on site were not in Karen estate.

Media and Social Media Analysis

The study analysed content from print media and social media platforms to capture public discourse and community responses to development control. These sources revealed the growing role of informal participation mechanisms, including online protests, media campaigns, and petitions.

Data Analysis Techniques

Interview and focus-group data were organised and analysed thematically. The material was reviewed, coded and grouped into categories corresponding to institutional roles, participation mechanisms, actor relationships, institutional fragmentation and development control outcomes. Documentary, observational and media evidence was analysed alongside the interview material to identify convergence, divergence and recurring patterns. Interpretation was then related to the study objectives and theoretical framework.

Validity and Triangulation

Credibility was strengthened through triangulation across interviews, focus group discussions, documentary evidence, observations and media sources. Evidence from different respondent categories and data sources was compared before drawing thematic conclusions.

Ethical Considerations

Participants were informed about the purpose of the study and that participation was voluntary. Informed consent was obtained, and confidentiality and anonymity were protected in reporting. Given the sensitivity of governance and institutional issues, respondents were not compelled to participate and were allowed to express their views without attribution that could expose them to repercussions. The study followed the applicable institutional research-approval requirements.

RESULTS

The results are presented according to the study objectives and draw on interviews, focus group

discussions, documentary review, observation and media analysis. The principal themes are institutional roles, factors affecting community participation, actor relationships and institutional fragmentation in development control.

Institutional Roles in Development Control

The analysis reveals that development control in Nairobi is governed by a complex institutional framework involving multiple actors operating at different levels. At the core of this framework is the Nairobi City County Government (NCCG), which has primary responsibility for development management, including approving development applications, enforcing planning regulations, and formulating urban planning policies.

Within NCCG, several departments contribute to the development control process, each exercising specialised functions. The Urban Planning Department plays a central role in evaluating development applications and coordinating decision-making processes. Supporting this function are departments such as Planning, Compliance and Enforcement, Public Health, Fire, and Engineering, each responsible for assessing specific aspects of development proposals, including structural integrity, public health standards, fire safety, and infrastructure adequacy.

The institutional coordination gap is reflected by this respondent from Public Health department who said the avenue to give input at application stage is problematic and mostly not availed and hence they had to deal with situations already on the ground. "The situation of construction projects ongoing and completed within the city estates is a departure from the provisions in law. Areas of great non-compliance include buildings with no natural lighting, narrow staircases and poor ventilation below the required standards." "We issue notices to offending parties and, in some cases, close down their operations until compliance is achieved."

Beyond NCCG, the analysis identifies a wide range of external regulatory agencies that influence development control outcomes. These include institutions such as the National Environment Management Authority (NEMA), the National Construction Authority (NCA), the Water Resources Authority (WRA), the Kenya Civil Aviation Authority (KCAA), and the Nairobi City Water and Sewerage Company (NCWSC). Each of these agencies exercises regulatory oversight within its specific mandate, contributing to a multi-layered governance structure.

Further, findings revealed that the county commissioners and assistant commissioners under the Ministry of Interior and Coordination of National Government were active players in the development control arena. While their role was to provide security and maintain order during enforcement, they were found to perform responsibilities that the regulatory authorities are mandated to do. Development management is a security issue and therefore the involvement of the national government through the administrators, however a gap was noted where their mandate encroached on the technical aspects of development management. A respondent indicated the residents sometimes took their grievances regarding construction issues to the office of the chief and the issues were handled there including summoning offending parties to their offices.

The findings revealed internal administrative mechanisms that were put in place to enhance transparency. One such measure was the establishment of an inter-agency and inter-departmental urban planning technical committee. However, an architect described it as complicating the already complex institutional arrangements by adding a bureaucratic layer to the process. Although intended to enhance transparency and inclusivity by incorporating multiple stakeholders, including professionals and external agencies, the findings revealed that the committee operated without a clear legal foundation. A member of the planning committee at the county assembly openly questioned its legitimacy and its decision-making power and describing it as opaque. This undermines confidence in the institutional framework and limits opportunities for meaningful community engagement.

Factors Affecting Community Participation in Development Control

The study identified several interrelated factors that influence the nature and extent of community participation in development control. These factors can be broadly categorised into structural, informational, institutional, and socio-political dimensions.

AFRICA HABITAT REVIEW 21(3) 2026

A key finding is that the development control process is predominantly technical and professional-driven. Participation at the early stages of development approval is largely restricted to professionals such as architects, planners, and engineers, with minimal involvement of the community. As a result, residents often become aware of development proposals only at later stages, particularly during environmental impact assessment processes or after construction has commenced. This late-stage involvement limits communities' ability to influence decisions and contributes to reactive rather than proactive participation.

Access to information emerges as a critical determinant of participation. The study finds that information on proposed developments is often disseminated through mechanisms such as newspaper advertisements and site notices, which are frequently inadequate. Notices are typically small, poorly located, and contain technical language that is difficult for residents to interpret. Furthermore, the timeframes provided for submitting objections are often too short to allow meaningful engagement.

A respondent from NEMA indicated that the newspaper advertisements were very tiny and provided very little information for one to engage with. He indicated that the NEMA public participation was more elaborate with large newspaper adverts and door to door engagement of neighbors within the vicinity of a proposed development project. Further the study revealed that the absence of a publicly accessible register of approved developments further exacerbates this challenge, leaving residents unaware of developments until visible changes occur on the ground.

Institutional responsiveness also shapes participation. Respondents reported that objections were sometimes neither acknowledged nor acted upon. A respondent in Karen cited unanswered objection letters submitted by KLDA. The absence of structured systems for receiving, tracking and responding to objections weakens accountability and discourages continued engagement.

Socio-political factors, particularly political interference and power relations, further influence participation. A planner in private practice reported that some development control decisions were shaped in the political sphere, reducing the effective decision-making authority of technical officers. Such pressures can weaken the influence of community concerns and professional standards.

At the community level, participation is influenced by factors such as resource constraints, varying levels of awareness, and internal dynamics within residents' associations. While some residents actively engage in development control through associations, others remain passive due to time constraints, financial limitations, or lack of perceived benefits. This results in a situation in which a small group of committed individuals bears the responsibility for representing community interests.

The analysis also highlights consultation fatigue, in which repeated participation in multiple governance processes without tangible outcomes leads to disengagement. Residents become reluctant to participate in forums that they perceive as ineffective or merely symbolic.

Overall, the findings indicate that community participation in development control is constrained by structural barriers, limited access to information, weak institutional responsiveness, and socio-political dynamics. These factors collectively result in participation that is largely nominal and reactive, rather than meaningful and proactive.

Actors and Participation Mechanisms in Development Control

The development control process involves a diverse set of actors whose roles and interactions shape participation outcomes. These include regulatory authorities, residents, residents' associations, developers, and professionals.

The analysis shows that regulatory authorities, particularly NCCG, hold significant decision-making power. They control key aspects of the development approval process, including the evaluation of applications, the determination of approvals, and the enforcement of regulations. As a result, they play a dominant role in shaping development outcomes.

Residents' associations in the case-study areas, particularly KLDA in Karen and BRWA in Buruburu, provide important platforms for collective action. They enable residents to articulate concerns and engage regulatory authorities, although their influence is constrained by limited formal recognition within decision-making processes.

The study identifies both formal and informal mechanisms as ways through which residents and residents' associations participate. Formal mechanisms include statutory requirements such as public notices, environmental impact assessment consultations, and public meetings. Informal mechanisms include social media campaigns, protests, petitions, and community-led enforcement actions. Residents express grievances through objection letters and litigation processes.

A key observation is that formal participation mechanisms are often inadequate and ineffective. They tend to focus on information dissemination rather than genuine engagement, resulting in what can be described as tokenistic participation. Informal mechanisms, although more dynamic, are often reactive and arise in response to perceived failures of formal processes.

Power dynamics among actors significantly influence participation outcomes. Regulatory authorities retain ultimate decision-making power, while communities have limited influence. Within communities, participation is often dominated by vocal individuals, with less assertive members having limited opportunities to contribute. This creates internal inequalities in representation and decision-making.

The analysis also highlights the role of professionals as intermediaries between developers and regulatory authorities. While they facilitate technical aspects of development control, their involvement may further limit direct engagement between communities and decision-makers.

Overall, the findings indicate that participation mechanisms in development control are fragmented and uneven, with limited integration of community input into formal decision-making processes.

Institutional Fragmentation and Policy Challenges

Institutional fragmentation emerges as a central challenge affecting both development control and community participation. The involvement of multiple agencies with overlapping mandates creates a complex governance environment characterised by weak coordination and a lack of clarity.

Collaboration among institutions was reported to be ad hoc and often dependent on particular circumstances rather than structured coordination mechanisms. An NCCG enforcement respondent explained that multi-agency collaboration was most visible during crises, such as building collapses. Although a Multi-Agency Consultative Committee involving county and national government actors had been established, respondents reported that its meetings were inconsistent.

Capacity constraints further exacerbate these challenges. Regulatory agencies face limitations in terms of human resources, technical capacity, and financial resources. This affects their ability to effectively enforce regulations and engage with communities.

Policy gaps also contribute to institutional fragmentation. Respondents reported a lack of clear and standardised guidance for some development-control decisions. A Roads Department respondent stated that officers often relied on professional training and judgement, while a development-control officer identified discretion and precedent as common bases for decision-making.

The analysis reveals that enforcement of development control regulations is weak and uneven. Non-compliant developments are common, and enforcement actions are often delayed or selectively applied. This undermines the credibility of regulatory institutions and reinforces perceptions of inequality and injustice.

Transparency and accountability are also limited. The lack of accessible information on development approvals and the absence of feedback mechanisms for objections contribute to mistrust between communities and regulatory authorities.

Overall, institutional fragmentation and policy

AFRICA HABITAT REVIEW 21(3) 2026

challenges undermine effective development control and constrain opportunities for meaningful community participation. **Table 1** synthesises the roles of the principal actors identified in the study, the key institutional and coordination challenges associated with their involvement, and the interventions proposed to strengthen development control and community participation.

DISCUSSION

The discussion interprets the principal findings in relation to the study objectives and the collaborative planning, collaborative governance and institutional perspectives established in the literature review.

TABLE 1
Institutional actors, roles, coordination gaps and proposed interventions in development control and community participation

Agency/ actor	Department/unit	Role in development control/community participation	Key findings/ results	Areas of overlap/ coordination gaps	Proposed intervention
Nairobi City County Government (NCCG)	Urban Planning	Receives development applications; consults internal and external actors; handles residents' objections and representations; coordinates technical approval meetings; undertakes post-approval inspections and enforcement.	Developers and communities experience confusion; processes are perceived as lacking transparency; weak coordination affects participation and enforcement.	Inspections, surveillance, enforcement and engagement with communities overlap across departments and agencies. Different laws and policies contribute to fragmented regulation.	Formalise joint inspections; establish structured community participation in development evaluation and approval; harmonise conflicting laws and policies; strengthen the unified institutional framework.
NCCG	Engineering	Checks compliance with access and parking standards and assesses traffic and infrastructure impacts within and around development sites.	Multiple departments participate in development assessment, creating coordination challenges.	Technical assessment overlaps with planning and other regulatory functions.	Establish clearly defined departmental responsibilities and coordinated technical review procedures.
NCCG	Public Health	Checks compliance with public-health standards.	Input at the application stage is sometimes inadequate, resulting in intervention after construction has commenced.	Compliance monitoring and enforcement intersect with planning and other county departments.	Integrate Public Health systematically into application review and joint inspections.
NCCG	ICT	Manages the online/ digital development-application platform.	Digital-platform downtime affects development-control processes and access to information.	Digital processes support several departments and external users.	Strengthen reliability and accessibility of the digital development-management platform.
NCCG	Legal	Provides legal advice on contested development-control matters.	Different legal and policy frameworks contribute to regulatory fragmentation.	Legal interpretation intersects with planning, enforcement and regulatory mandates.	Harmonise conflicting legal and policy provisions and clarify institutional mandates.

Agency/ actor	Department/ unit	Role in development control/ community participation	Key findings/results	Areas of overlap/co-ordination gaps	Proposed intervention
NCCG/ NCWSC	Water and sewerage	Checks compliance with water and sewer-reticulation requirements.	Development control involves several specialised institutions whose inputs require coordination.	Infrastructure assessment intersects with planning and development approval.	Formalise institutional involvement in development evaluation and approval.
National Government	NEMA	Checks compliance with environmental standards, including environmental-management requirements.	NEMA provides a separate participation and environmental-compliance process within the wider development-control system.	Environmental approval interacts with county development approval and community participation.	Strengthen coordination and information sharing between NEMA, NCCG and affected communities.
National Government	NCA	Regulates contractors and construction activities at development sites.	NCA forms part of the multi-agency regulatory framework governing development implementation.	Construction-site regulation intersects with county inspection, surveillance and enforcement.	Formalise joint inspections and clarify institutional responsibilities.
National Government	KCAA	Regulates development compliance with flight-path requirements for aviation safety.	KCAA exercises specialised regulatory oversight where proposed developments affect aviation requirements.	Its regulatory approval may intersect with county development approval.	Establish clear referral and coordination procedures between KCAA and NCCG.
Ministry of Lands, Public Works, Housing and Urban Development	Physical Planning/ Survey	Checks authenticity of ownership documents and provides policy guidance on urban planning.	National and county institutions operate within a dispersed legal and policy framework.	Planning, land-document verification and policy functions interact with county development-control responsibilities.	Clarify national and county roles and strengthen intergovernmental coordination.
Developers	—	Submit development applications through professionals and implement approved plans through contractors.	Developers operate within a complex multi-agency approval and regulatory environment.	Interaction occurs with professionals, county departments, national regulators and communities throughout approval and implementation.	Provide clear approval requirements and structured channels for engagement with regulators and affected communities.
Built-environment professionals	Architects, planners, engineers and surveyors	Prepare and submit development applications and exercise professional responsibility during implementation.	Professionals act as intermediaries between developers and regulatory authorities; this may limit direct community engagement.	Professional functions intersect with developer interests, regulatory requirements and community concerns.	Strengthen professional accountability and provide clearer mechanisms for engagement with communities and regulatory agencies.

Agency/ actor	Department/unit	Role in development control/ community participation	Key findings/results	Areas of overlap/coordination gaps	Proposed intervention
Residents' associations	BRWA, KLDA and KARA	Champion neighbourhood welfare and represent community concerns regarding development.	Associations provide important platforms for collective action, but their influence is constrained by limited formal recognition and weak institutional responsiveness.	Community representation intersects with statutory participation, objections, regulatory decisions and enforcement.	Formally integrate residents' associations into appropriate participation processes; establish mechanisms for receiving, tracking and responding to objections.

Source: Authors' analysis, 2026

Institutional Roles and the Nature of Development Control

Further, this resonates with Goodfellow's (2013) argument that citizen participation is often limited in contexts where institutional frameworks are weak or fragmented. The presence of numerous regulatory bodies—each exercising authority under specific legislation—creates a "congested governance space" in which coordination is not systematically structured. Rather than enhancing regulatory effectiveness, this multiplicity of institutions introduces inefficiencies, delays, and inconsistencies in decision-making.

The role of the Urban Planning Technical Committee illustrates this tension. Although the committee was intended to broaden participation by incorporating multiple stakeholders, its lack of legal anchoring and perceived opacity undermine its legitimacy. This finding supports critiques in the planning literature that institutional innovations aimed at enhancing participation often fail without clear legal and procedural frameworks (Drasko and Fiket, 2026). They cautioned that if innovations are not embedded in the norms and formal structures, they ended up being experimental and ad hoc.

According to Wapwera et al., (2015) the institutional framework comprises various components and these are the determinants of how development management is undertaken. They include the institutions which are the governance drivers, the planning authorities, the laws and administrative structures. The workings of these elements determine the effectiveness of an institutional framework.

Community Participation: Between Theory and Practice

A central finding of the study is that community participation in development control is largely limited, reactive, and often tokenistic. This observation strongly aligns with collaborative governance theory and collaborative planning theory drawing from the principles of Arnstein's (1969) ladder of citizen participation, which conceptualises participation as a continuum ranging from manipulation to citizen control. The collaborative and communication elements of the theoretical framework are limited. In this regard, the forms of participation observed in this study—such as newspaper notices, site advertisements, and objection letters—correspond to the lower rungs of the ladder, particularly "informing" and "consultation."

The reactive nature of participation observed in the study further supports Skelcher's (1993) notion of the "paradox of empowerment," in which formal mechanisms for participation exist but fail to exert substantive influence. In both Karen and Buruburu, residents frequently engage only after development activities become visible, indicating that participation is not embedded within the early stages of decision-making.

Power Dynamics and Actor Relationships

This finding aligns with Healey's (1997) communicative planning theory, which emphasises the importance of inclusive dialogue and power-sharing among stakeholders. The study demonstrates that such conditions are not fully realised in the development control process. Instead, decision-making remains largely top-

down, with limited opportunities for collaborative engagement.

Within communities, the study also identifies internal power dynamics that influence participation. Participation is often dominated by vocal individuals or a small group of committed actors within residents' associations. This observation is consistent with Bailey's (2017) argument that participation in voluntary associations is uneven, with a minority of individuals driving collective action. While these actors play a critical role in advocating for community interests, their dominance may limit broader representation and inclusivity.

The role of residents' associations in the study are - KLDA (Karen) and BRWA (Buruburu), highlights both the potential and limitations of community-based participation. These associations serve as important platforms for collective action, enabling residents to organize, articulate concerns, and engage with authorities. However, their effectiveness is constrained by institutional factors, including lack of formal recognition in decision-making processes and limited responsiveness from regulatory authorities.

A planner in private practice indicated that there is a strong influence of political actors and economic interests in shaping development control outcomes. Due to this, the respondent indicated that political interference in approval processes and alleged collusion between developers and officials undermined the integrity of the system and weakened community trust. This finding aligns with governance literature that highlights the role of political economy factors in shaping urban development processes.

Institutional fragmentation emerges as a critical challenge affecting both development control and community participation. The involvement of multiple agencies with overlapping mandates creates a governance environment characterised by weak coordination and a lack of clarity.

This finding supports perspectives on multi-level governance, which emphasise the need for coordination among institutions operating at different levels (ICLEI, 2025). However, the study demonstrates that in the absence of structured coordination mechanisms, multi-level governance can lead to inefficiencies and confusion.

Capacity constraints within regulatory institutions also play a significant role. The study identifies limitations in human resources, technical capacity, and financial resources that affect agencies' ability to effectively manage development control and engage with communities. These constraints are consistent with findings in urban governance literature that highlight the challenges faced by rapidly growing cities in managing development pressures.

The analysis also reveals significant gaps in policy implementation. Although legal frameworks provide for community participation, these provisions are not fully operationalised in practice. Participation is often ad hoc and reactive, rather than systematically integrated into development control processes. This disconnect between policy and practice reflects broader challenges in governance, where formal frameworks do not always translate into effective implementation.

CONCLUSION

Development control in Nairobi operates through a multi-institutional environment involving county and national agencies. Overlapping mandates, weak coordination and blurred accountability complicate regulatory action and make it difficult for communities to identify clear channels for information, objections and follow-up.

The study contributes to understanding development control by showing how institutional fragmentation mediates the relationship between formal participation provisions and actual community influence. A more functional framework therefore requires clearer institutional roles, structured inter-agency coordination, accessible information and participation mechanisms that engage communities before key decisions are concluded.

RECOMMENDATIONS

Institutional coordination

i. NCCG and relevant national regulatory agencies should formalise a clear, legally anchored inter-agency coordination framework for development control.
ii. The framework should define the roles,

responsibilities and communication channels of each participating agency to reduce overlap and strengthen accountability.

iii. NCCG should establish structured participation procedures with clear methods and timelines that involve affected communities before key development-control decisions are concluded.

Information and transparency

i. NCCG and relevant agencies should use digital platforms and geographic information systems (GIS) to disseminate development information and improve public access.
ii. NCCG should establish a centralised mechanism for receiving, tracking and responding to community objections and complaints, with clear timelines for feedback.

Institutional capacity

i. NCCG and relevant regulatory agencies should strengthen technical and human-resource capacity and provide training on participatory planning, collaborative governance and development-control procedures.
ii. Responsible institutions should allocate adequate resources for community engagement and inter-agency coordination.

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