



ASSESSMENT OF THE IMPLEMENTATION STATUS, BENEFITS, AND CHALLENGES OF THE LAND USE AND SPATIAL PLANNING ACT (ACT 925) IN THE UPPER WEST REGION OF GHANA

Anoyege, R., Kuu-Ire, B. P., Akanbang, B. A.

*Department of Fisheries and Aquaculture, Federal University Dutsin-Ma – Katsina, Nigeria
Department of Climatology, Environmental Management and GIS*

*Corresponding Author's e-mail: anoyegeraymond@gmail.com

Abstract

A significant issue affecting land use planning in sub-Saharan Africa is inconsistent and conflicting planning legislation. As a result, Ghana passed the Land Use and Spatial Planning Act, Act 925 of 2016, to address the nation's land use and spatial planning issues. Using the case study methodology, the study assesses the Act 925 implementation status, benefits, and challenges in the Upper West Region of Ghana between October 2016 and April 2018. Nine key informants were interviewed between April and June 2018 in the land use planning sector. The primary and secondary data analysis employed content analysis and thematic analysis, respectively. It emerged that besides the official change in the Act and the name of the department responsible for land use planning, there has not been any significant change in the pace, approach, logistics, attitude, and skills of land use planning. The Spatial Planning Committee (SPC) at the Metropolitan, Municipality, and District Assemblies (MMDA) level was yet to be inaugurated. Flouting of building regulations persists. Availability and access to resources; and location of departments and agencies involved in land use planning in different ministries were a challenge to the implementation of the Act. The Land Use and Spatial Planning Authority should assert itself and be adequately capacitated in terms of logistics and requisite personnel to implement the Act effectively. The implementation of physical planning standards and practices should be included as part of the District Assembly Performance Assessment Tool (DPACT) of MMDAs.

Keywords: Land Use Planning, Physical Planning, Planning Legislations, Land Use and Spatial Planning Act, Act 925

Introduction

Urban planning is the process of coordinating the direction, structure, and pattern of urban settlement development, growth, and management to ensure that all necessary land-use needs, such as economic, social, environmental,

institutional, cultural, recreational, and leisure needs, are met for incompatible and symbiotic locational relationships and densities for all socio-economic population groups in the society. Urban planning guarantees that there is a space for every valuable activity while keeping noxious

activities away from residential areas by altering the category and range of permissible activities from place to place within the urban setting, thereby protecting and safeguarding public health (Okpala, 2009). The Grantham Research Institute on Climate Change and Environment in Hilber & Palmer (2014) defines spatial planning legislation as an act that regulates the procedures for plan preparation, approval, and amendment of general and detailed spatial developments of settlements and issues bylaws based on the spatial planning act, which sets standards for urban planning and land development. The Ministry of Municipal Affairs and Housing of Ontario (2021) defines the planning act as a provisional law that establishes the ground principles for land use planning and specifies how and by whom land use may be governed. Urban planning, in the context of this study, is the art and science of arranging buildings and transportation networks in urban areas to accomplish convenience, economics, and beauty. Planning legislation is described as a rule or regulation that allows resource agencies involved in land use planning to carry out their tasks without limitation to sustainably manage our environment.

The goal of urban planning legislation is to improve the efficiency of the urban economy, provide good quality residential and working environments in attractive settings, improve the health of the urban society, provide efficient systems for the movement of people and goods, and protect and enhance natural landscapes (Hall & Pfeiffer, 2000). Most sub-Saharan African nations' urban landscapes are currently being challenged by haphazardly increasing shantytowns, slums, and squatter settlements. Many cities in sub-Saharan African countries have uncontrolled, overcrowded, dilapidated housing that is surrounded by virtually unimaginable squalor. Nearly three-quarters of Africa's urban people live in slums, which are frequently overlooked and underserved by local governments (Alliance Cities, 2006). There are no drainage or solid waste disposal facilities. Mountains of garbage may be seen everywhere. These characteristics are now so common in most major and intermediate Sub-Saharan African towns that the layout of these cities is primarily determined by where these illegal enclaves sprout

up. This is true in almost all African countries' cities and villages. The situation is in Nairobi, Mombasa, and Kisumu in Kenya, Harare and Bulawayo in Zimbabwe, cities in South Africa, Lagos, Ibadan, Kano, Onitsha, and other Nigerian cities, and Accra, Takoradi, and other Ghanaian cities and towns (Alliance Cities, 2006). According to Hague (2015), the slum production sector appears likely to dominate urban development for the next decade. Most African cities might thus be compared to rat colonies, from which no order can be expected unless official institutions of city planning and administration are restored and reinforced to execute their roles of city planning and city development.

Ghana is one of Africa's fastest urbanizing countries. The proportion of the country's population residing in urban settlements, which are legally defined as any place with at least 5,000 inhabitants, has risen quickly over time. The proportion of urban settlements climbed from 23% in 1960 to 51% in 2012, with a predicted growth of 62.9 per cent by 2025. Ghana had an urban population of roughly 1.6 million in 1960, accounting for 23.1 per cent of the total population. This increased to 3.9 million in 1984, 8.3 million in 2000, and 12.5 million in 2010. Between 1960 and 1970, the average growth rate of the urban population was 4.7 per cent. This fell to 3.3 per cent between 1970 and 1984 but then rebounded to 4.6 per cent between 1984 and 2000, and 4.2 per cent between 2000 and 2010 (Ghana Statistical Service, 2013). According to a former department's director, the problems and challenges confronting Ghana's Town and Country Planning Department (TCPD) included outmoded planning laws that were limited in scope and application, insufficient financial and logistical support, and low recognition within the national administration matrix (Ghana News Agency, 2006). The physical growth has been chaotic (Ubink & Quan, 2008), with an estimated 45% of the metropolitan population living in slums and squatter settlements (United Nations Human Settlements Programme). The slum population is expected to quadruple every 15 years, resulting in deteriorating socioeconomic conditions unless effective remedies are taken

quickly (United Nations Human Settlements Programme, 2009).

The number of people living in slums in Ghanaian cities was estimated to be five million in 2001, and it was expanding at a pace of 1.8 per cent per year. Accra, Kumasi, Sekondi-Takoradi, Tema, and Tamale are Ghanaian cities with significant slum growth (National Development Planning Commission, 2008). Squatters often unlawfully occupy government or private land, lowering its economic worth and potential. They are regarded as crime and illness hotspots. Congestion has also resulted in chronic traffic issues, illicit water and electrical line tapping, and dilution of healthcare supplies (Mutiarra et al., 2008).

The Upper West Region was chosen for the study because of its considerable urban increase in population and space, making it suited for investigation. The region has a population of 702,110 people, according to the 2010 Population and Housing Census. A comparison with the 2000 population census of 596,583 revealed a 21.8 increase over the 2000 number. The rate of inter-censal increase is 1.9 per cent. The Region's urban areas grew from 31.2 square kilometres in 2000 to 38.0 square kilometres in 2010. In 2010, the proportion of people living in urban settlements (population of 5,000 or more) in the Region was 114,653, or 16.3 per cent of the total population, which is lower than the national urbanized share of 50.9 per cent. Aside from Wa, the Region's capital, 107,214 (66.3%) of its inhabitants reside in urban areas, while the amount of urbanization in the other districts is minimal. Wa West, Wa East, Nadowli, and Sissala West, for example, are entirely rural districts (Ghana Statistical Service, 2014).

Problem Statement

The Land Use and Spatial Planning Act (Act 925), enacted on September 14, 2016, aims to revise and consolidate land use and spatial planning laws, provide for sustainable development of land and human settlements through a decentralized planning system, ensure judicious use of land to improve quality of life, promote health and safety in human settlements, and regulate national,

regional, district, and local spatial planning in general. The legislation also established a Land Use and Spatial Planning Authority Board (LUSPAB) answerable to the Minister for Environment, Science, Technology, and Innovation (MESTI) at the national level to guarantee the accomplishment of the general objectives and fulfilment of the Authority's tasks. It also provides for the formation of Spatial Planning Committees (SPCs) at the regional and municipal levels under the supervision of the Board (Government of Ghana, 2016). The primary motivation for the passage of Legislation 925 was to address the issues caused by the preceding Act. However, since the Act's inception in 2016, no systematic study has been conducted to determine the Act's implementation benefits and challenges. As a result, the purpose of this research is to add to the information on the Act's implementation status, benefits, and challenges to gain lessons on how the Act may be successfully implemented to alleviate the multitude of problems afflicting Ghana's cities and towns.

Methods

In-depth interviews and secondary data were employed in this case study design. Because a case study is a multi-method that permits the use of a variety of methods including document analysis, and key informant interviews in the collection of data, it was chosen as the research design for this research because it allows the study to gain an inclusive standpoint (Creswell, 2009). Institutions involved in this study were the Upper West Region's Land Use and Spatial Planning Authority (LUSPA), Environmental Protection Agency (EPA), Land Commission (LC), Customary Land Secretariat (CLS), and Spatial Planning Committees (SPCs), Building Inspectorate Units (BIUs) in the Wa, Lawra, Jirapa, and Sissala East Municipalities. Purposive sampling was utilized to select the staff of the urban planning institutions, departments, agencies, and land sector agencies in the regional and municipalities for data collection. All the heads of these institutions and departments were purposively chosen for this study because they have deep knowledge of Act 925, and are closely involved in Act 925 implementations. Key

informant interviews were employed to gather in-depth information on the status of the implementation of Act 925, benefits, and challenges associated with the implementation of Act 925 in the Upper West Region (UWR). With their permission, a tape recorder was used to record their responses. Nine selected key informants provided in-depth data for this study. Spatial planning Acts comprised the Town and Country Planning Ordinance, 1945 (CAP 84), the Local Government Act, 1993 (Act 462), the National Building Regulations, 1996 (LI 1630), the Land Use and Spatial Planning Act, 2016 (Act 925), and Local Government Act, 2016 (Act 936) were documents analyzed as a part of the secondary data gathering process. The data collected from the key informants were transcribed from audio records into word transcripts, some partial transcripts, and others complete transcripts, which were utilized in the study to express respondents' ideas exactly as they are. Secondary and primary data were subjected to thematic and content analysis, respectively.

Findings

Implementation Status of Act 925 in the Upper West Region

Repeal of Part II (2) of the Local Government Act, 1993 (Act 462) and Town and Country Planning Ordinance

1945, (Cap 84) and an Executive Instrument issued to that effect sixty days after coming into force of Act 925

Part II of the Local Government Act, 1993 (Act 462) which gave spatial planning functions to the MMDA has been repealed. The spatial planning functions of MMDAs now emanate from Act 925. There is even a new Local Government Act, 2016 (Act 936, Sections 97 to 107) which has come to replace Act 462. The Local Government Act, 2016 (Act 936, Sections 97 to 107) does not touch on spatial planning as part II of Act 462 did. It left spatial planning to LUSPA. Planning functions of MMDAs and Regional Coordinating Councils (RCCs) are to be performed by the SPCs. The President is to establish the Board of Authority

and issue an Executive Instrument that the Town and Country Planning Department (TCPD) has ceased to exist on the same date. This was done on the day the Board was constituted. Therefore, the Town and Country Planning Ordinance 1945 (CAP 84) is no longer in existence. It has been replaced by Act 925. TCPD is now called LUSPA. This is because, on August 11, 2017, the Minister for Environment, Science, Technology, and Innovation, Professor Kwabena Frimpong Boateng who is the Minister in charge of LUSPA inaugurated the 15-member board of LUSPA. The Minister also introduced the three-tier Land Use and Spatial Planning Systems (LUSPS) with the LUSPA Board at the national, regional, and MMDAs Spatial Planning Committees at regional and MMDA levels respectively (Asamoah, 2017).

However, its implementation at the RCC and MMDA has been very poor. Concerning this, one of the respondents said, "It is yet to be inaugurated at the MMDAs level as departments under the Physical Planning Department (PPD) by Act 2009 (L.I. 1961)" (Municipal Spatial Planner, April 2018). Another respondent also affirmed the statement above saying, "Our letter headings have not been changed from TCPD to LUSPA/SPC. There is nothing like the LUSPA logo indicating that we (LUSPA) exist" (Municipal Spatial Planner, April 2018). One respondent from the Land Sector Agency also backed the Municipal planners' assertion that "the Regional Spatial Planning Committee (SPC) has met twice since the introduction of Act 925. The first meeting was to introduce the Act by the Ministry of Local Government and Rural Development (MLGRD) and the second was about how the Act will start implementation" (Respondent from Land Commission, April 2018). This implies that this section of Act 925 is fully implemented at the national level but not at the regional and local levels.

Land Acquisition by MMDAs under the State Lands Act 1962 (Act 125)

The MMDAs do not use the State Lands Act 1962 (Act 125) to acquire land as prescribed by Act 925 because they are to bear the cost of land acquisition but not the central government.

MMDAs are to use the State Lands Act 1962 (Act 125) to acquire land but not the State Property and Contracts Act 1960 (CA. 6) and State Lands Act 1962 (Act 125) as it was done under the Town and Country Planning Ordinance, 1945 (CAP 84). Although MMDAs can compulsorily acquire land by using the State Lands Act 1962 (Act 125) in the interest of the public to undertake their development projects such as building schools, hospitals, markets, roads, clinics, etc., they do not. They use other means to acquire land in the UWR. State Lands Act 1962 (Act 125) also gives room for people whose interests and rights have been affected by the Act to seek redress from the Minister of Lands within 30 days after the state has published an executive instrument claiming that land on behalf of the republic for payment of compensation of that land or be offered land equivalent to the value of that land. In instances where the Minister cannot solve the conflict, he/she is to refer the case to the tribunal solely for such cases. This implies that this section of Act 925 is not yet being implemented because it does not favour the MMDAs.

The Planning and Building Inspectorate was Established to Ensure Compliance with Approved Permits

The Planning and Building Inspectorate Unit is not yet in place as established by this Act to ensure physical developments are in place with approved permits and plans. The already Building Inspectorate Unit is still in existence at the MMDA level. Speaking about this, one of the respondents said, “*The new Planning and Building Inspectorate is to be established as a unit under the SPCs but not under the works department in the MMDAs*” (Municipal Building Inspector, April 2018). The new Planning and Building Inspectorate is to be established as a unit under the SPCs in the MMDAs by the Local Government Service Act, 2003 (Act 656) and Local Government (Departments of District Assemblies) (Commencement) Instrument, 2009 (L.I. 1961) but not under the Works Department. This implies that this section of Act 925 is yet to be implemented to ensure compliance with approved permits.

Stoppage of Unauthorized Development by MMDAs

MMDAs stop unauthorized physical development that is being carried out without permission and when the permit conditions are not complied with. The MMDAs issued an enforcement notice demanding the immediate stoppage of the execution of any physical development. This implies that this section of Act 925 is fully implemented.

Prohibition of Development Without a Permit

It is not fully implemented here. About this issue, one of the respondents made this narration, “*there are a lot of developments without a permit in this region especially public sector agencies /government institutions such as schools, hospitals, clinics, barracks, embassies, and many more put up structures without permit*” (Municipal Spatial Planner, April 2018). Another respondent also supported this narration saying “*indigenous people who are the original settlers of settlements do not see the need to acquire a permit before developing their land*” (Municipal Spatial Planner, April 2018). This implies that section of Act 925 is not fully implemented as indigenes and government institutions develop without permits.

Land Use Permit Processes and Standards Established

The permitting process is fully implemented here. It involves prospective developers presenting a design or a plan of a specified house prepared by a registered architect or engineer licensed under this Act, acquisition of a land-use permit form “Jacket” and payment of permit, processing, and site inspection fee. This implies that permitting processes in this section of Act 925 are fully established and followed in the permit acquisition process.

Offences and Penalties for Obstruction of Act 925

Penalties for obstruction of this Act are yet to be implemented. It has been two years since the Act was introduced. So, the UWR is yet to see whether those who threaten, resist, hinder, or use

abusive words on the officers of LUSPA in the performance of their functions will be fined not less than GH¢550 and not more than GH¢1000 or face jail imprisonment for not less than two years and not more than four years or both. This implies that nobody has at yet been reported or caught obstructing Act 925 so this section is still yet to be implemented.

Establishment of Penalty for Development without Permits, Contravention of Zoning Scheme

The penalties are not seriously implemented or enforced by the various MMDAs. Speaking about this, one of the respondents made this revelation, “it was only on one occasion that I heard my Director telling me someone paid a penalty for building without a permit. It was strange to me. It has never happened before. So, I did not follow the matter to the end to inquire about the amount the person paid, and that was it” (Municipal Spatial Planner, April 2018). Another respondent with a varied view also said, “The developer is made to pay thrice the amount of the permit” (Municipal Spatial Planner, April 2018). This means if the permit costs GH¢100, the developer will be made to pay GH¢300 which is less than the least fine charged for building without a permit which ranges from GH¢500 - GH¢1000 or face term imprisonment ranging from two to four years or both. The UWR is also yet to see a person fined an amount ranging from GH¢1000 - GH¢3000 or face a term of imprisonment ranging from four years to six years or both for contravening a zoning scheme. This implies that some of the planners are not abreast with the revised huge penalties and the terms of imprisonment in Act 925.

Establishment of Penalty for the Seller and Buyer of Unzoned Land

This is yet to be implemented. The Upper West Region is yet to see a person being fined an amount ranging from GH¢1000 - GH¢3000 or facing a term of imprisonment ranging from four years to six years or both for acquiring an unzoned land. Or a landowner being fined an amount ranging from GH¢3000 - GH¢5000 or face a term of imprisonment ranging from five

years to seven years or both for selling, leasing, conveying an unzoned land to another person. This implies that no one has at yet been reported for selling or buying an unzoned land so this section of Act 925 is still yet to be implemented.

Establishment of a Public Data Room

Establishing both the Physical and Virtual Public Data Room (PDR) for the public to access information is a work in progress. The MMDAs are to set up a permanent physical public data room in an openly accessible place that will be opened during normal working hours to the public. Virtual PDR can only be found on the planners' laptops so the public can access information by visiting the planners at the Physical Planning Department (PPD). Regarding this, one of the respondents said, “We have a mini database, see it is on my laptop. When people need information about their plots, they have to come to my office and I will show it to them” (Municipal Spatial Planner, April 2018). This implies that this section of Act 925 is not fully implemented because people cannot remotely access the virtual PDR unless they visit the PPD.

Establishment of a Body to Regulate the Practice of the Physical Planning Profession and the Profession of Planning

Such a body is not yet available. A body that is to ensure that persons with adequate technical expertise perform relevant land use and spatial planning functions and enhance professional knowledge's continuous development is not yet in place. The Minister for MESTI has not yet facilitated the establishment of such a body through the promulgation of an act of parliament. This implies that this section of Act 925 is not yet implemented because such a body already exists, the Ghana Institute of Planners (GIP).

Establishment of Land Use Planning and Development Fund, Uses, and Sources of the Fund

MMDAs and RCCs are yet to see any results of the establishment of the Land Use and Spatial Planning Development Fund (LUSPDF). Concerning this, one of the respondents said,

“The money we generate goes to the internally generated fund of the MMDAs and the RCCs but not the LUSPDF fund” (Municipal Spatial Planner, April 2018). The fund is being implemented at the national level but not at the RCCs and MMDAs Levels. The various MMDAs and RCCs are yet to witness LUSPA using the funds to finance research into planning issues, defraying costs and expenses incurred by the Authority in preparing SDF, plans, reports, documents, etc., pay for public education activities organized by the Authority, assist the planning entities in performance of their functions in the UWR. The SPCs at the MMDAs and RCCs levels are yet to see an amount not less than 20% of the internally generated funds through the issuance of permits, penalties, and approval of spatial plans being deducted as source money for the LUSPDF. This implies that the implementation of this section of Act 925 is not yet in place and it is centralized at the national level with limited information at the regional and MMDA levels.

Challenges of Implementing Act 925 in the Upper West Region

Institutional and Administrative Challenges

The TCPD then and still lacks adequate logistics, equipment, and tools to function. This Act inherited the problems of CAP 84, there are still inadequate planners in the system. About this, one of the respondents said “I handle the *Lumbussie-Kani, Lawra, and Nandom Assemblies*” (Municipal Spatial Planner, April 2018). Putting him in charge of three districts is not the best. This result supports the findings of the survey and review study by McAuslan (1985), who concluded that low technical skill levels are to blame for the failure of city planning. There are no clear-cut lines of accountability or responsibility within the LUSPA. The Board and the Minister for MESTI are not in charge of the SPCs at the regional and MMDA level, the SPCs are under the MLGRD. This implies that Act 925 is not out of the challenges that made the previous legislation ineffective and inefficient.

The study revealed political interference as one of the factors affecting the implementation of Act

925. There are instances where our political leaders interfere and influence the decisions of the technical officers. Speaking about this issue, one of the planners said, “*There is and will always be political interference from our politicians who plead on behalf of people who obstruct the Act*” (Municipal Spatial Planner, April 2018). This finding aligns with Kasimbazi’s (2022) research that suggests that political interference undermines the implementation of planning regulations. This means that the implementation of penalties for obstruction of Act 925 is not effective. This implies that people can offend or obstruct the implementation of Act 925 without any penalties to them because they know people in high positions.

Most MMDAs do not have building inspectors to ensure compliance with this Act. The study found that the Sissala East and Lawra, which have recently been upgraded to municipalities do not have building inspectors. Wa, the region's capital, has only one building inspector who uses his car to inspect buildings in Wa Municipality. This implies that there will be a lot of flouting of building codes in the region leading to the development of substandard housing.

Land Management Issues

State lands are not properly documented which makes it difficult to identify state lands. State lands are left to be encroached on by people due to their abundance over a longer period. The study discovered that the cost involved in using Act 125 to acquire land deters MMDAs from using it. Some MMDAs acquire plots as payment from landowners for scheme preparation instead of charging money. Also, lands acquired by the state that are not used for their anticipated purposes are not returned to their original owners. On this issue, one of the respondents from the land sector agency made this assertion “*State land acquired that the state was not able to use for the intended acquisition was not given back to the people or sold at a concessionary price for the original owners to buy*” (Customary Land Secretariat, April 2018). This implies that state-acquired lands are not safe from invaders, and

unused state-acquired lands are not given back to their original owners.

Compliance and Enforcement Problems

There is always resistance and unwillingness from natives and developers to cooperate and comply with stop-work notices. This finding is consistent with the challenges identified by Mbee and Tonte (2022) and Kasimbazi (2022) that cultural norms, traditions, and a lack of awareness about planning laws could contribute to unintentional non-compliance. This suggests that violations and non-compliance by government institutions, indigenous communities, and developers may undermine the implementation of planning regulations.

This study found that the TCPD is woefully under-resourced to stop unauthorized developments across the MMDAs. A respondent confirmed this assertion saying, “*We don’t even have paints to paint stop work on unauthorized buildings*” (Municipal Spatial Planner, April 2018). This supports a claim made by the Department’s former head, who said that TCPD’s issues included a lack of personnel and inadequate logistical and financial assistance. This implies that MMDAs cannot stop unauthorized developments (Ghana News Agency, 2006).

Most MMDAs are not serious about penalty charges, they are reluctant to charge people who put up structures without permits and those who contravene zoning schemes with the penalties. This finding aligns with Mbee and Tonte (2022) and Enoguanbhor (2023), who recognized the impact of weak enforcement mechanisms in enabling non-compliance with land use planning regulations and the spread of unauthorized developments. This implies that those who contravene zoning schemes or develop without permits go unpunished, which sets a bad example for others to follow.

Landowners are unwilling to spend money to zone their lands before they sell them. The cost of preparing a zoning scheme also deters landowners from zoning their lands. The study

found that another factor affecting the adherence to the zoning of lands was the fear of landowners that land sector agencies might steal their lands during the zoning process. This prevents landowners from zoning lands. This implies that people still buy or sell unzoned land despite stiff penalties set to prevent this from happening.

Resource and Logistical Constraints

MMDAs are logistically constrained to establish both physical and virtual public data rooms for the public to access information. The study found that the MMDAs lack computers, the ones they have are broken down and some planners use their laptops to do official work. The finding resonates with the observations made by Sissoko (2020) and Enoguanbhor (2023). They emphasized the impact of constrained financial resources on financing and executing priority actions outlined in urban plans. This implies that LUSPA at the MMDA level is woefully under-resourced to carry out its mandates. The study also revealed that the introduction of Act 925 should have been accompanied by adequate human and technical resources, as well as equipment, tools, and gadgets. A respondent from the Land Sector Agency who supported this assertion said “*Funds should have been allocated for the acquisition of vehicles, equipment, tools, and gadgets, as well as employ planners and land officers upon the introduction of Act 925*” (Lands Commission, April 2018). This indicates a severe lack of resources at the MMDA level for fulfilling their responsibilities.

Professional Regulation and Development

The establishment of a Body to regulate planning professionals does not involve the Ghana Institute of Planners (GIP), which is the mother institution for planners. Regarding this, one of the TCPD officers said, “*If a Body is to ensure that only people with technical expertise practice planning, then it should be GIP but another Body is to be established instead. The issue will be how to motivate the planners to feel the need to join that body because there is already one that they are not motivated to join* (Municipal Spatial Planner, April 2018).” This implies that the Act does not recognize GIP as the institution in charge of the

planning profession and the physical planning profession. If it did, it would not require the establishment of a new body to regulate the physical and the profession of planning.

Financial Management Challenges

There will be difficulties in controlling and managing the disbursement of the LUPDF since the fund is centralized rather than decentralized. SPCs at the regional and MMDA levels cannot determine the usage of the funds they receive from the Authority at the national level. It reduces the amount of IGF the MMDAs generate which is already inadequate by deducting not less than 20% of the IGF generation from permits, penalties, etc. With this, a respondent from the Land Sector Agency said “*The introduction of the planning fund by Act 925 should have been accompanied by sufficient seed capital to enable LUSPA to carry out spatial planning mandates efficiently*” (Lands Commission, April 2018). These findings highlight the need for decentralized decision-making and resource allocation, as recommended by Enoguanbhor (2023), to ensure effective implementation at all administrative levels. This implies that the management and usage of the fund are top-down and not bottom-up.

Benefits of Implementing Act 925 in the Upper West Region

Legal and Administrative Reforms

The repeal of conflicting laws and harmonization of spatial planning enables LUSPA to harmonize all spatial activities and brings about precision in the procedures used in preparing plans. TCPD is now fully under the umbrella of MESTI and RCC as departments at the national and regional levels and MMDA level, it is part of the PPD as a department. This implies that Act 925 simplifies how spatial planning is done in the country.

Land acquisition powers for MMDAs will enable MMDAs to acquire land to undertake developmental projects such as roads, schools, hospitals, and clinics in the interest of the public when landowners refuse to give the MMDAs land.

This implies that MMDAs can easily acquire land for development projects if they can bear the cost of the land.

The creation of a Planning and Building Inspectorate Unit averts the development of inferior buildings. Regarding this, one of the building inspectors asserts that “*the creation of the Planning and Building Inspectorate will ensure conformity and compliance of approved permits with spatial plans*” (Municipal Spatial Planner, April 2018) and zoning regulations, and planning standards at the national, regional, and MMDA levels. This discovery corroborates Villaschi et al.'s (2022) research, highlighting that compliance with building codes establishes stringent standards for construction projects, enhances design efficiency, saves time, and reduces errors. This implies that the development of substandard houses will be prevented.

Development Control and Compliance

The stoppage of unauthorized development by MMDAs ensures sanity in the built environment by compelling developers to acquire permits before putting up structures, thus reducing slum development. It avoids the wastage of time and resources of LUSPA to relocate slum dwellers and demolish unauthorized structures. This is consistent with the findings of Sarfo's (2021) research, which states that spatial planning laws guarantee that land for development is well-sited and appropriate for the sort of development. This implies that our cities and communities will be serene without any unauthorized buildings loitering around.

The streamlined permitting process and standards sped up the permitting process and procedure of the technical subcommittee and the MMDAs Spatial Planning Committee in approving permits. This implies that the permitting process will now be swift and convenient for people applying for permits.

The study found that the requirement for development permits allows MMDAs to be informed about all developments in their jurisdiction. Speaking about this, a planner said, “*It will enable us to control development by*

limiting the number of permits to approve and the types of development to allow in the MMDAs” (Municipal Spatial Planner, April 2018). These assertions support Sarfo's (2021) results that spatial planning regulations promote social accessibility regarding where new development will occur. This implies that MMDAs can use permits to control development if only people apply for a permit.

Penalties for development without permits and contravention of zoning schemes will deter people from building without permits and prevent developers from putting up structures not in conformity with laid-out plans. This finding is consistent with the research by Azhar-Aljurida et al. (2021), which discovered that the implementation of urban planning legislation ensures compliance with planning standards and regulations, and improves the physical environment. This implies that there will be proper planning of cities, towns, and villages. Zoning and land use regulations such as penalties for selling and buying unzoned land will ensure that all land in UWR is zoned before any person can sell, lease, or convey to another person. This implies that there will be sanity in our plans.

Enforcement and Compliance

The repeal of conflicting laws and harmonization of spatial planning avoids situations where smart developers capitalize on some contradictions between two Acts to frustrate the efforts of LUSPA officials in carrying out their duties. The penalties for obstruction of Act 925 will ensure that LUSPA officials are respected in the course of performing their functions. It enhances the reputation of LUSPA. This finding is in line with the study by McKay and McKay (2022), which suggests that urban planning legislation is a crucial tool for protecting the integrity of the planning system. This implies that LUSPA officials can safely discharge their duties peacefully without any harm.

Transparency and Public Engagement

The establishment of a public data room will enhance effective communication due to easy access to adequate and meaningful information by the public. This discovery aligns with the research conducted by Wahanisa and Niravita (2021), which showed that implementing the principle of transparency in spatial planning enables easier access to information and promotes public understanding of spatial planning decisions. This will make the public aware of the creation of plans which will make its adoption and acceptance easy for the MMDAs. With this, one of the TCPD officers said, “*It will enable the public to know lands with permits and those without, zone and unzoned areas, customary lands and state lands*” (Municipal Spatial Planner, April 2018). This implies that it will prevent multiple sales of a piece of land to different people within the same period, and encroachment into other people's lands.

Professional Standards and Capacity Building

The regulation of the planning profession will help check the behaviour of planners. This will ensure that only people with adequate technical expertise perform land use and spatial planning functions. One of the planning officers said, “*It will weed out quack planners*” (Municipal Spatial Planner, April 2018). It will also help planners build their capacity. This finding resonates with the concerns raised by Kasimbazi (2022) regarding the necessity for comprehensive training and expertise among urban planning officials to effectively implement planning legislation. This implies that the body can help the planning profession regain its glory.

Financial Resources and Sustainability

The establishment of the LUPDF will enable LUSPA to be financially adequate to research all aspects of spatial planning effectively, prepare SDF, Structural plans, and local plans, and purchase vehicles, logistics, and equipment to undertake spatial planning activities effectively. This will promote accountability of fund usage. This will ensure that the funds are used for the purposes stated in this Act and not for personal

affluence or running the Authority's day-to-day administration. This will ensure the sustainability of the fund. This will ensure that the fund can undertake effective and efficient planning activities now and in the future. The penalties for selling and buying unzoned land, development without permits, contravention of zoning schemes, and obstruction of Act 925 will boost revenue generation for the MMDA due to huge fines. Also, permit fee charges help in generating revenue for the MMDAs. This will ensure that the fund does not lack funding. This implies that LUSPA can now have adequate financial resources and access to carry out its mandate.

Conclusion

Based on the discussions above, it is not only the Act that has been changed but the factors affecting the implementation of the previous Acts persist. Some of the planners themselves are not well informed about the revised fines, penalties, and terms of imprisonment in the Act. Only the provisions of the previous Land Use Act incorporated by this Act are being fully or partially implemented, and the newer provisions are yet to be implemented. This study also concludes that; the challenges of previous spatial planning acts still exist; LUSPA, the implementing authority of the Act is still not adequately equipped since the introduction of this Act; the Authority lacks funds and personnel. Other land sector agencies involved in urban planning by this Act are not well informed about their involvement in implementing Act 925. Act 925 is comprehensive. It has revised and consolidated all other Acts by capturing all the issues affecting urban planning in Ghana. If LUSPA is adequately resourced with the needed machinery to implement this Act, it will lead to the achievement of the full potential of this Act.

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