

The Proliferation of Gated Communities

Towards Reimagining Urban Planning in Ghana

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7.1 Introduction

Urban planning plays a crucial role in how the built environment is imagined, built and experienced (Baffour Awuah et al., 2014; Cities Alliance, 2007; Dixon & Tewdwr-Jones, 2021). This means urban planning remains critical in delivering both beneficial and perverse outcomes for individuals and communities, including desirable benefits such as facilitating access to job centres (Curtis & Scheurer, 2010), urban green spaces (Diko, 2023), supporting climate resilience interventions (Cobbinah et al., 2019), promoting healthy mobility patterns (Acheampong & Siiba, 2018), and also undesirable outcomes such as neighbourhood segregation (Troustine, 2018).

Indeed, around the world there are growing calls for urban planning to be reimagined in light of current exigencies, including the impact of the COVID-19 pandemic, the climate crisis, digitalisation and rapid urbanisation (Dixon & Tewdwr-Jones, 2021; Karvonen et al., 2020; Mouratidis & Yiannakou, 2022). These calls echo more loudly across most African countries, where these global challenges sit on top of long-established institutional arrangements that constrain urban planning and the outcomes it delivers (Mabogunje, 1990; Njoh, 2010; Watson, 2009a, 2009b). However, it appears the ongoing discussion about reimagining urban planning is yet to gather momentum on the African continent.

Meanwhile, different urban transformations are occurring across urban Africa (Côté-Roy & Moser, 2019; Grant, 2015; Van Noorloos & Kloosterboer, 2018). The emergence of gated communities (GCs) is one example of urban transformation that planning systems across both the global north (Grant, 2005b; McKenzie, 2005) and south (De Duren, 2007; Liao et al., 2018) have grappled with since the early 1980s. Specifically, whilst some work has been done regarding the role of planning systems facilitating the emergence of GCs, through the 'gating coalition' (La Grange, 2014) or resolving the dilemma between banning GCs for their segregating outcomes or welcoming them as boosting local revenues (Grant, 2005a; Landman, 2004), gaps remain in the literature. First, there is limited empirical focus on how planning systems facilitate the emergence of GCs in sub-Saharan Africa, although recent evidence suggests that they can be found in more than 20 countries (Bandaiko et al., 2021). This gap is significant because most sub-Saharan African countries inherited colonial planning systems that now seem unsuitable for handling contemporary urban challenges (Mabogunje, 1990; Njoh, 2009). Second, although the existing scholarship

reveals several benefits and shortcomings of planning systems in their engagement with GCs (De Duren, 2006; La Grange, 2014), these studies rarely use the empirical evidence to illuminate how planning systems can be reimagined. That is the gap this study seeks to fill whilst also responding to the call for urban planning to be reimagined.

Presenting the case of Ghana, a country in West Africa that has since the early 1990s witnessed the emergence of more than 150 GC projects in its national capital alone (Agyemang & Morrison, 2018; Ehwi, 2022), this chapter explores three questions: (1) What is the understanding of the planning authorities regarding GCs? (2) In what way(s) does Ghana's planning system encourage the emergence and proliferation of GCs? (3) How might urban planning be reimagined based on the insights gleaned from how Ghana's planning system encourages the emergence and proliferation of GCs? The insights from this study are aimed at bringing to the fore the strengths, weaknesses, opportunities and threats facing Ghana's planning system and how different actors can better understand their complicity in the enduring challenges as well as find ways to build on the strengths and opportunities urban planning enjoys, including serving as lessons for other developing countries.

To make this case, the study is organised as follows. Section 7.2 explores the concept of GCs and reviews the extant literature on how planning systems in different countries have grappled with the phenomenon. This is followed by a review of the planning system in Ghana, outlining its origins, evolution and operational challenges. Section 7.3 presents institutional theory as the theoretical anchoring for the study and discusses the research methodology to inform how the study is conceived and executed. The research findings are presented and discussed in Section 7.4. The study concludes with a reflection on how urban planning can be reimagined, drawing upon the empirical findings presented.

7.2 Literature Review

7.2.1 *Gated Communities and the Role of Urban Planning*

Gated communities are commonly understood as residential development schemes that deploy various access restriction devices including walls, gates, closed circuit television (CCTV) cameras, rising bollards, automatic number plate recognition and punch keys to regulate access (Blakely & Snyder, 1997; Ehwi, 2022). Typically, they are inhabited by a group of people who are fairly homogeneous in terms of their wealth, age group, racial, ethnic and religious composition, lifestyle choices and other characteristics (Dowling et al., 2010; Giroir, 2007; Kenna & Stevenson, 2013). Another distinctive characteristic of GCs is their private governance arrangements where a set of legal codes called 'conventions, conditions, and restrictions' (CCRs) are enacted by developers to regulate residents' social conduct and use of property (Blandy & Lister, 2005; McKenzie, 1994). Furthermore, residents voluntarily form themselves into homeowner associations that are supported by a cadre of lawyers and other professionals to meet regularly to deliberate on issues affecting their welfare (McKenzie, 2005; Webster, 2001). Also, services that are ordinarily provided by city authorities, including street cleaning, refuse collection, repair of streetlights and maintenance of communal facilities, are either handled by an in-house estate management

unit or outsourced to a private facilities management company, both of which charge assessment fees for the services rendered (Ehwi, 2022; Lu et al., 2019).

Different types of GCs can be distinguished in various countries (Grant & Mittelsteadt, 2004). It is beyond the scope of this chapter to discuss all the typologies found in the literature (see Kostenwein, 2021 for typologies in Bogotá; Rosen & Razin, 2009 for Israel; La Grange, 2014 for Hong Kong; Ehwi, 2020 for Ghana; Lemanski, 2006 for South Africa). However, the typology identified in the United States by Blakely and Snyder (1997) is widely cited in the literature. This includes *lifestyle communities*, *prestige communities* and *security zone communities*. *Lifestyle communities* predominantly emphasise the provision of amenities. They include retirement communities, golf and leisure communities and suburban new towns. *Prestige communities* deploy ostentatious gates to project distinction and prestige by providing safe spaces for the affluent in society. *Security zone communities* are driven by the fear of crime, which is often linked to the presence of 'dangerous' outsiders. These GCs have fortified security architecture, introduced either by communities that feel unsafe in their neighbourhoods (see also Landman, 2004) or developers who want to sell their homes as safe havens.

There is well-established literature on the relationship between urban planning and the emergence of GCs. Planning is understood as a process that involves determining land uses based on legislation or a legally accepted document (Cullingworth & Nadin, 2006). Sometimes referred to as land use planning or town planning, urban planning is also a process by which a society, through its institutions, decides where within its territory different socio-economic activities such as agriculture, housebuilding, recreation and commerce should take place (World Bank, 2012).

Indeed, in both the global north and south, there is a plethora of evidence of how urban planning systems contribute to the proliferation of GCs. For the global north, McKenzie's (2005) work on Las Vegas, Texas illuminates how local planning authorities used provisions in planning legislation, court hearings and partnership with affluent new residents to build walls around Bonanza Village, a development comprising single-family homes on the west side of the downtown area of Las Vegas. The author concluded that a desire to attract 'tourism dollars' and remain competitive encouraged the local authority to support a proposal by an unincorporated homeowner association to introduce walling within a hitherto open neighbourhood. He also cites the desire of new residents to enhance their status, the city council's attempt to punish recalcitrant community members and the opportunity to boost property values as informing the decision taken by the council.

In Canada, Grant (2005a) observed that municipal authorities have no system for tracking GCs, as developers or residents can easily add gates to private roads at any time provided they allow access to emergency services. She further indicates that due to the competing pressures planners face, they have not taken proactive approaches to prevent GCs and that without a political will to adopt strong policies to prohibit gating, many planners have no choice but to hope that they can persuade developers that gates are undesirable. She concludes that planners find themselves in a dilemma because while many see gating as inimical to good planning principles such as integration and connectivity, others believe that land taxes constitute the major source of municipal revenues in Canada

and hence there is an incentive to welcome developments that will reduce capital and ongoing maintenance costs.

Turning to the global south, a study in Buenos Aires, Argentina, investigating the use of GCs as a development strategy in three suburban municipalities (De Duren, 2007), found that in poor suburban municipalities planning officials were pliant in enforcing planning codes. Interviews with planning officers revealed that their *laissez-faire* approach yielded several local economic opportunities, including jobs in construction, new investment in local infrastructure such as roads and increased property taxes. On the contrary, planning authorities in more affluent municipalities were resolute in applying planning laws and often stressed during interviews that they treat GCs like any other investment just as the law prescribes.

In China, although walled settlements have a long history, current pressures around finding residential land and the high cost of brownfield sites in cities are leading several Chinese municipal governments to encourage suburban developments that are mostly gated, partly to raise revenue (Lu et al., 2020) and to offload the responsibility to provide security to private developers (Hendrikx & Wissink, 2017; Li et al., 2021; Lu et al., 2019). Liao et al.'s (2018) survey of planning officials found that planners from lower-tier cities were more optimistic about the ability of GCs to prevent crime than those from provincial capitals and special economic zones. Also, of the 516 planners surveyed, 74.7% lived in GCs and the majority believed that their city governments had a positive or neutral view of GCs, implying that planners had the discretion to either allow or restrict gated developments.

In sub-Saharan Africa, however, the role of urban planning in the emergence of GCs remains under-researched although there is now growing scholarly attention on the emergence of new cities (Ehwi & Morrison, 2023; Falt, 2019; Van Noorloos & Klosterboer, 2018). In South Africa, Landman (2004) observes that local councils or authorities adopt several approaches when dealing with GCs. They can include a *strong proactive* stance, where local authorities indicate whether they are for or against GCs based on existing planning or development frameworks; a *neutral* stance, which acknowledges arguments for and against GCs and finds ways to manage their development; and a *laissez-faire* stance, where local authorities shy away from interfering with the free market. Although she identifies two types of GCs in South Africa – enclosed neighbourhoods and security villages – she observes that there is no national policy regarding GCs and that planners often find themselves in a difficult position trying to navigate the competing pressures of providing security services and maintaining infrastructure on the one hand, and fighting post-apartheid fragmentation and creating well-performing environments on the other.

The next section discusses land use planning in Ghana and outlines the theoretical perspective adopted in examining the role of urban planning in the proliferation of GCs in Ghana.

7.2.2 Urban Planning in Ghana

Understanding urban planning in Ghana requires insights into the origins and motivation of town planning, the legislative and institutional framework underpinning decentralisation

and empirical insights into how town planning operates in Ghana. Regarding origin, it is widely acknowledged that ‘formal’ town planning was introduced during the colonial period (Fuseini & Kemp, 2015; Larbi, 1996). Just like in the United Kingdom, concerns regarding public health and the orderly development of settlements constituted the basis for introducing urban planning in Ghana (Adarkwa, 2012; Baffour Awuah et al., 2014). The Town and Country Planning Ordinance of 1947 (CAP 84) gave effect to town planning in Ghana. It relied heavily on a blueprint planning scheme, prepared exclusively by the colonial officials to prescribe, among other things, where formal planning needed to happen, the standards to be met and how planning permission should be granted (Cobbinah, 2017; Fuseini & Kemp, 2015). Quarcoopome (1992) argues that the British established a town council to address serious sanitation and hygiene problems, and to improve road conditions and telegraphic and postal communication.

However, analysts have questioned both the motive behind the introduction of town planning and how it was implemented in Ghana. Indeed, it is widely perceived that aside from the wider economic interest of the colonial government to facilitate the haulage of minerals and other raw materials such as cocoa, rubber and cotton from the hinterlands to port towns for exportation to Britain to feed the burgeoning industries (Adarkwa, 2012; Quarcoopome, 1992), town planning in Ghana was also an attempt by the colonial government to create better living conditions for its officers at the expense of indigenes.

According to Adarkwa (2012), the colonial exploitation of natural resources led to the creation of a spatial economy with a centre and a periphery. Because the centre offered resources for export it received investment in physical infrastructure, while the periphery, lacking such resources, was ignored. Examples of this bias include the Takoradi–Kumasi railway line, which was built under the reign of the British colonial governor Gordon Guggisberg, along with the construction of the Takoradi harbour (Adarkwa, 2012). However, the Town and Country Planning Ordinance of 1945 (CAP 84) was also used by the colonial authority to widen socio-spatial segregation in urban areas. According to Larbi (1996), land use planning in Accra, the nation’s capital, was confined to the developing European-populated districts such as Ridge, Adabraka and part of what is now Accra Central, while indigenous suburbs remained unplanned.

Criticised for being heavily centralised, nationally oriented, sector-based and failing to deliver development at the grass roots (Cobbinah & Korah, 2016), in 1988, as part of a wider economic restructuring, Ghana adopted a decentralised system to ensure a broad-based approach to urban planning. The Local Government Act of 1992 (ACT 462) was enacted to establish and regulate the local government system in Ghana. Consequently, cities and towns in Ghana were administratively classified into Metropolitan (areas with inhabitants of more than 250,000), Municipal (areas over 90,000 inhabitants) and District Assemblies (areas with 70,000 inhabitants) (MMDAs). The Local Government Act, 1994 (Act 462) designated MMDAs as the development authorities at the district level and empowered them to approve all physical development by granting permission in Sections

46 and 49 respectively. Cobbinah and Korah (2016) observe that other legislation, including the National Development Planning Systems Act, 1994 (Act 480) and the National Building Regulation Act (LI 1630), were enacted to provide a framework and support for MMDAs to perform their functions.

Empirical studies into the operation of Ghana's decentralised planning system reveal several challenges in different areas. This section reviews the literature relating to investments in physical planning and urban infrastructure, compliance with building permit applications and political intervention in urban planning. A 2016 report by the Ghana Institute of Engineers on the state of (1) roads and bridges, (2) electric power and (3) potable water revealed that although the road network in Ghana did increase from 35,059 km in 2000 to 72,380 km in 2015, only 37%, 17% and 46% of urban roads are still in good, fair or poor condition, respectively, while between 12% and 20% of water facilities are in the same condition (Ghana Institute of Engineers, 2016, p. 15).

Boamah et al.'s (2012) study on the enforcement of development control in the Wa Municipality of northern Ghana revealed a high rate of non-adherence to building permit regulations among the locals, even though they are aware that getting a building permit before building a house is a requirement under the law. Similarly, Baffour Awuah et al.'s (2014) study on the advantages of spatial planning observed that 60.3% of the 100 respondents who were aware that obtaining a building permit was required did not comply with the requirement, because many thought it was 'not relevant'.

Regarding political interference in urban planning in Ghana, Cobbinah and Darkwah (2017) observed that urban planning remains a challenge partly because of the strong traditional political system in Ghana where chiefs perform legislative, executive, judicial, religious and military roles across various ethnic states, and they are bolstered by their control of over 80% of all customary lands. They also highlighted that changes in political regimes and political decisions by successive governments left the Department of Town and Country Planning without a substantive ministry for some time. Interference by politicians during decongestion and eviction exercises to score political points and short-sighted political decision-making by city leaders were also cited.

To address persisting challenges in decentralisation and to promote spatial planning, Ghana enacted a new Local Government Act, 2016 (Act 936). It also passed a Land Use and Spatial Planning Act, 2016 (Act 936), which introduced a three-tier planning framework. This framework comprises a *National Development Framework*, which operates at a national level and relates to the spatial dimensions of general trends, prospects, opportunities and challenges facing the country, a *Regional Spatial Development Framework* prepared for each administrative region to promote the judicious use of land and supportive strategy for achieving regional prosperity, and a *District Spatial Development Framework*, which guides the use of land and supportive strategies for achieving coordinated and integrated district development. The framework directs local spatial planning by district assemblies that are empowered by Section 12 of Act 936 to formulate and execute plans, programmes and strategies for both resource mobilisation and local development. It is within the context of these new urban planning systems that this study is situated.

7.3 Theoretical Underpinning and Methodology

7.3.1 Theoretical Underpinning

Given that urban planning significantly mediates the creation of GCs, as has been shown in the literature, there is a strong justification to draw on institutional theory when seeking to explain the proliferation of GCs. Urban planning is grounded in laws and animated through practices by professionally trained planners and a host of stakeholders whose actions and incentives are inspired by myriad considerations. Institutions are commonly thought of as ‘the rules of the game’ in society or the humanly devised constraints for shaping human interactions (North, 1990, p. 3). They comprise formal and informal constraints. Formal constraints relate to written rules that are publicly recognised and accepted. Examples include national constitutions, statutes or documents accepted as binding upon groups or organisations. These formal constraints tend to be legally enforceable. On the other hand, informal constraints are the unwritten rules that mediate interactions between people in different social contexts. They encompass customs, cultural practices and folklore and are followed at various societal levels, including in formal institutions such as parliaments and courts (Healey, 1999; Olivier de Sardan, 2015). Even though they remain unwritten, informal rules are widely accepted and attract a high level of adherence (Nee & Ingram, 1998; Williamson, 2000).

North (1990) suggests that, of the two, it is informal constraints that help to explain differences in outcomes and practices among organisations guided by the same set of formal constraints. This reasoning by North (1990) suggests that, when thinking about how urban planning, conceived as an institution, mediates the emergence and proliferation of GCs, it is important to pay attention to how formal planning laws are applied across different contexts and the informal constraints that undergird and sustain how formal rules are applied. Helmke and Levitsky (2004, p. 726) contend that ‘good institutional analysis requires rigorous attention to both formal and informal rules’. However, whether formal and informal rules should be viewed as separate, nested, accommodating, complementary, competing, convergent or divergent depends on myriad factors, including the legal, cultural and social environment in which the rules operate (see Helmke & Levitsky, 2004).

Thus, this study anchors the analysis of how urban planning contributes to the emergence and proliferation of GCs by paying attention to how the application of formal rules such as provisions in planning laws and informal rules such as ‘accepted and legitimised practices’ (Hall & Taylor, 1998; Lowndes, 1996; Miller & Banaszak-Holl, 2005; Rakodi & Leduka, 2004) are used by key actors to justify their actions.

7.3.2 Study Area

The empirical context for the study is the Greater Accra Metropolitan Area (GAMA) of Ghana, or what some scholars (Agyemang et al., 2017; Asabere et al., 2020) now refer to as the Accra City Region (ACR). ACR comprises the 16 administrative districts that previously constituted the Greater Accra Region of Ghana and its continuous built-up areas (Grant & Yankson, 2003). The exact population of ACR is unknown, but the population of

the Greater Accra Region, under which ACR falls, increased from 3.5 million in 2010 to 5.4 million in 2021 (Government of Ghana, 2021). Analysts also estimate that ACR's built-up area has increased by 4.5 times between 1985 and 2017, rising from 105 to 468 square kilometres (Asabere et al., 2020). The region hosts the national capital, Accra, the seat of government (Flagstaff House), the Parliament of Ghana, the Supreme Court and the headquarters of several security services, including the police, military and national security, which together signal the region's national significance. But the ACR is also significant internationally as it hosts Kotoka International Airport, and the consulates and embassies of several foreign countries including the United States, the United Kingdom and Germany. Notably, Greater Accra attracts a disproportionate share of all foreign direct investment to Ghana (more than 80%) (Government of Ghana, 2015), and its real estate market is widely considered more developed than other regions (Ehwi, 2022). Furthermore, the majority of GCs in Ghana are heavily concentrated in the ACR, with one study's conservative estimate suggesting that there could be at least 150 distinct projects in the region (see Ehwi, 2022). Indeed, nearly all empirical studies on GCs in Ghana used the ACR as the study context (see Asiedu & Arku, 2009; Ehwi, 2021; Ehwi et al., 2019; Grant, 2005b; Kufour, 2011; Obeng-Odoom et al., 2014; Sarpong, 2017).

7.3.3 Data Collection

The study drew on both secondary and empirical data to illuminate how Ghana's land use planning system contributes to the emergence and proliferation of GCs. The Land Use and Spatial Planning Act, 2016 (Act 925) and the Local Government Act, 2016 (Act 936) constituted the main secondary data drawn upon to understand the current legislative position regarding GCs. The primary data comprised face-to-face interviews with planning officers experienced in decision-making regarding GC project proposals. Eight planning officers, working in seven local authorities in the ACR – Accra Metropolitan Assembly, La Dadekotopong Municipal Assembly, Ledzekoku Krowor Municipal Assembly, Adenta Municipal Assembly, La Nkwantanang Madina Municipal Assembly, Ningo-Prampram District Assembly and Tema Metropolitan Assembly – were purposively sampled for their expert knowledge about planning laws and engagement with developers of GCs.

Care was taken to ensure that planning officers represented different locational classifications following the conceptualisation proposed by Ehwi (2020), namely inner-city (5 km radius around the Kotoka International Airport), middle-core (up to 11 km around the airport) and peri-urban areas (beyond 20 km radius around the airport). Interviews explored planning officers' knowledge about GCs and why they are proliferating, the process of obtaining a building permit for a GC project, the nature of engagements between planning officials and developers of GCs during the permit application process, and the benefits district assemblies derive from GCs.

Additionally, face-to-face interviews were conducted with 11 real estate companies that have developed GCs in at least one of three locational classifications. The interviews explored how developers engaged with the planning system when developing GCs, how

the planning system enabled or constrained GC projects and developers' perceptions of the planning system. All the interviews were conducted between November 2017 and March 2018 and each lasted between 35 and 60 minutes and was recorded with permission from the interviewees. It is worth clarifying that part of the data used for this chapter comes from a doctoral research project on the proliferation of gated communities in Ghana published elsewhere (see Ehwi, 2020).

7.3.4 Data Analysis

The interviews were analysed guided by Attride-Stirling's (2001) thematic analysis. Institutional analysis was used as the theoretical anchoring. Following Attride-Stirling's (2001) suggested six steps for conducting thematic analysis, the interview data was first reduced based on its help in answering how Ghana's planning system facilitates the emergence and proliferation of GCs, paying attention to the relationship between formal and informal rules. Thereafter, themes from transcripts were extracted and refined. The basic themes extracted comprised the identification of both the formal and informal planning rules relating to the development of GCs whilst the organising themes focused on the application of both formal and informal rules, benefits district assemblies and developers of GCs derive from the application of formal and informal rules and planners' perceptions about GCs. Finally, the study interpreted the patterns observed in the Ghanaian context in terms of the role of planning in the emergence and proliferation of GCs as a basis to reimagine urban planning. To guarantee anonymity, the following acronyms have been used to distinguish between the district assemblies. IC-DA, MC-DA and PU-DA represent inner-city, middle-core and peri-urban district assemblies.

7.4 Findings

7.4.1 Planning Authorities' Understanding of Gated Communities and Why They Have Emerged

Before exploring the role planning laws or formal rules play in the emergence of GCs, it is worth first exploring the understanding and perceptions planning officials have about GCs as this could illuminate how they engage with developers. The interviews revealed that planning authorities' understanding of GC centred on three features: the size of projects (from small to large residential development schemes); access restrictions (the use of walls, gates and security personnel); and the exclusive access and enjoyment of amenities by residents. Only one planning officer highlighted the development model adopted as a feature. This relates to whether a GC is a master-planned and built-up project or a serviced-plot GC (see Ehwi, 2021, 2022). Notably, none of the planning authorities referred to the strict set of codes and private governance arrangements used in governing GCs nor did any refer to the social composition of GC residents, which makes planners' understanding of GCs in Ghana different from the US context, where planners strongly emphasise the need to institute private governance arrangements before getting them

incorporated (McKenzie, 2003). The following extracts show some of the understanding planning officials have about GCs.

It is a community which depending on its *size*, may have security at the entrance or the end or both sides. From a planning point of view, *there should be infrastructure that would be self-sustaining*. The infrastructure should also be *easily accessible to the people within the gated community*. (Italics show different foci of emphasis)

(Planning Officer, PU-DA 1, January 2018)

Developers have in place the basic social amenities such as water and electricity. *Developers sometimes build for individuals to buy or sell the serviced plot of land to individuals to do their own building*. (Italics show focus on development models)

(Planning Officer, PU-DA 2, February 2018)

When asked about why GCs are proliferating in Accra, planning officials differed in their perspectives. Some argued that the phenomenon reflects the opportunistic behaviour of developers, who appear to be taking advantage of cheaper land values in peri-urban areas to build housing and sell it for high profits. Others observed that GCs are manifestations of the long-standing inequalities in a society where the affluent use their residence as both status marker and tool for socio-economic differentiation. Some planning officers linked the phenomenon to the growing security concerns in the country and people's desire to protect their personal property. The following interview excerpt is illustrative:

I think safety comes into mind. Once the community is gated, they have *security personnel* patrol the community. In this community, one does not have free entry or exit unless thorough *security checks* are made to collect basic personal information. The house owners feel secure when they are away to work because no one would *tamper with their property*.

(Planning Officer, MC-DA 1, January 2018)

Notably, when quizzed about whether GCs have emerged because of dysfunctionalities in the current planning system, although all the planning officers conceded that challenges exist around preparing planning schemes and providing infrastructure, especially in peri-urban areas, most planning officers rejected claims that poor planning and the lack of good infrastructure and services constituted a major reason why people were moving into GCs. Instead, planners argued that the land tenure system in Ghana, where the majority of lands (about 80%) are owned by customary groups, including communities, clans and families, is to blame for the exodus of people into GCs (see Ehwi, 2020). They reasoned that because district assemblies do not own land, sometimes they only get to know about land transactions after development has started or when prospective builders approach the assembly for the building permit (see Yeboah & Obeng-Odoom, 2010).

7.4.2 Recognition of Gated Communities in New Planning Laws

A major criticism of the repealed Town and Planning Ordinance, 1947 (CAP 84), which guided physical planning in Ghana for over half a century, was its lack of regard for local living circumstances and building standards (Adarkwa, 2012; Boamah et al., 2012).

It appears that Ghana's current Land Use and Spatial Planning Act, 2016 (Act 925) is more sensitive to contemporary transformations in the country's urban environment. Concerning GCs, the new law both recognises the types of GCs that have emerged in Ghana and creates scope for developers of GCs to play a crucial role in preparing planning schemes for areas where district assemblies have not been able to prepare planning schemes and developers want to build a GC there. To illustrate this claim, Section 73(1) of the law stipulates that: 'Where a person or entity seeks to set up an *estate scheme* or to *develop a town in phases* and each phase comprises an area of the size that requires a local plan, the person or *the entity seeking to undertake that development shall prepare a local plan for the area concerned*' (emphasis added).

Section 73(3) of the law further states that: 'Where a person seeks to *dispose of plots in a large tract of land* for which the District Spatial Planning Committee considers a local plan to be required, *the person seeking to dispose of the land shall prepare a local plan before disposing of any of the plots*' (emphasis added).

First, it is worth mentioning that although in both extracts the law does not explicitly use the expression 'gated community' but rather 'estate scheme' and 'town in phases', this study argues that the term 'estate scheme' is synonymous with GCs. That claim is founded on the premise that during interviews with some prominent figures involved in the drafting of the new planning law, while the term GCs was used in the line of questioning, they used *estate schemes* in their responses. The same was the case in the response of executive members of the Ghana Real Estate Developers' Association (GREDA) when asked where the concept of gated communities in Ghana has come from: 'In the late 1980s and early 90s, some of our developers visited South Africa. While they were there, they saw several *estates* and they were nice. So, upon their return, they started to build some in Ghana. So, the idea of *estates* was borrowed from South Africa' (Interview, GREDA Executive, March 2018).

Second, the study further argues that the expression 'disposing of a large tract of land' relates to what Ehwi (2021) refers to as serviced-plot GCs, which relate to a type of GC in Ghana where developers acquire large tracts of land, subdivide them into lots, extend services and utilities such as water and electricity and then sell them to buyers to self-develop within certain conditions. In this sense, I suggest that the planning system not only creates an avenue for developers to engage in plan-making but also recognises local typologies of GCs.

I further contend that allowing developers of GCs to prepare some local plans raises questions on whether the new three-tier spatial planning framework or the vision of private GC developers is driving urban visions in local areas. In response to the question whether planning officials agreed with the claims that GCs seem to be driving urban visions at local levels, one officer said:

The point is even if they should come in with their schemes, it would still have to be approved by the assembly. *But the problem is we don't have the local plans yet. . . .* So in terms of the future urban agenda, the only way I see them [the developers of GCs] driving it is probably because of the lack of local plans. In that sense, I don't think the real estate developers can be stopped.

(Planning Officer, MC-DA 2, January 2018)

However, developers confirmed that they were indeed driving the urban vision at the local level because they simply cannot wait for city planners and even expressed doubt whether district assemblies have plans at all:

If we were to sit in our comfortable chairs and not push our agendas or our businesses, what would happen? We would probably *wait forever for city authorities to undertake development* or share with us their urban vision . . . *If they had plans to open up some of these places* and put in place some infrastructure, they should communicate those plans with us so that we can also buy into them and invest in them. As far as we know, *we don't know what their agenda is*. But there is a big demand to fulfil and I don't think we can wait for them to go about their snail-paced kind of work.

(Estate Developer 1, February 2018)

Thus, from the perspective of real estate developers, they should not take the blame for usurping the planning functions reserved for city governments, especially when planning officials have failed to communicate what their urban vision is, whilst the GC business is booming.

7.4.3 The Informalisation of Planning Laws and Their Impacts on the Emergence of Gated Communities

The study also found evidence of how informal rules, chiefly norms and shared understandings underpin how planning officials engage with developers of GCs. This was evident in the process some district assemblies went through to approve building permit applications submitted by developers of GCs. To illustrate how these informal rules play out, it is useful to first outline the formal process involved in getting a building permit for an estate scheme. Drawing on provisions in Sections 113(1) and 114 of Act 925 and expert insights from interviews with planning officials, Box 7.1 summarises the process involved in obtaining a building permit for an estate scheme. Of interest to this discussion is Stage 10 of the process, where the Statutory Planning Committee (SPC), which comprises experts from government agencies including Lands Commission, Environmental Protection Agency (EPA), Hydrological Department, Fire Service, Urban Roads, National Disaster Management Organisation (NADMO), the Ministry of Health and Zonal Councils meet and consider the merits of the proposed estate development, after conducting a field inspection. Officials explained that the SPC meets once every quarter to consider applications and each meeting costs no less than Ghanaian cedis (Gh¢)7,500 (US\$1,697)¹ (in 2018 prices) or Gh¢34,833 (US\$2,907) (in current prices) to organise. Thus, it was explained that although at the beginning of each fiscal year district assemblies allocate funds to organise these meetings, the rising number of applications means the quarterly meeting is inadequate to decide on all the applications received. Other district assemblies, notably those in peri-urban areas, said they sometimes received too few applications to economically justify the SPC going ahead with the quarterly meeting.

¹ Note that Ghana's average annual inflation for 2018 was 10.83%. Inflation as of December 2022 was 50.3%.

Box 7.1 The steps involved in building permit application for an estate scheme**Summarised steps involved in building and permit application for an estate scheme**

Step 1: A developer proposing an estate scheme must first obtain an application form (Schedule 5).

Step 2: The developer must fill out the form and submit it back to the District Assembly, attaching the following documents: (a) location and site plans; (b) context and local plans; (c) public services and facilities plan; (d) two sets of site plans; (e) four sets of building fence and block plans; (f) four sets of working drawings and; (g) a certificate/letter on land status.

Step 3: The developer must ensure that the proposed development conforms with the applicable spatial development framework for the area where the scheme would be developed.

Step 4: Upon attaching all the required documents, the applicant must pay the fees prescribed under the law.

Upon receiving the permit application, the District Assembly shall do the following:

Step 5: Advertise the application in accordance with the requirements prescribed by regulation.

Step 6: Invite comments, information, representation or objections from the public relating to the application.

Step 7: Consider the need for and desirability of the intended estate scheme or new town.

Step 8: Consider the plans and proposed conditions of the new estate's development or the new town's creation.

Step 9: Send a team comprising technical experts from the District Sub-Technical Committee (DSTC) to inspect the site and produce a report.

Step 10: After the site visit, the Statutory Planning Committee (SPC) holds a formal meeting every three months to decide the outcome of the application having regard to findings from the report.

Step 11: Applicant receives the outcome of the application at most 60 days after applying for the building permit.

Source: Adapted from Ehwi (2020).

In such instances, if a developer cannot wait until the SPC holds its quarterly meeting, then at the behest of that developer, an emergency SPC meeting will be convened to decide the application, with the cost borne by the developer:

There are cases where the committee is forced to sit monthly due to the huge number of applications it receives. However, in other cases, only two applications are received, and the committee cannot sit because of two applications because it is costly to host a committee meeting. . . . So, where an estate developer comes and says he is ready to foot the bill for the committee to sit and consider his application, then, in that case, we would prioritise their application.

(Planning Officer, IC-DAI, December 2017)

Some planning officials justified this practice on the ground that, although it is not authorised by the law, it is not unlawful. As one officer conceded: 'I cannot pinpoint any

specific law that says we should do that but you can see why we do what we do' (Planning Officer, District Assembly Q, December 2017).

A further justification offered was that the practice allowed district assemblies to deliver on their statutory mandate of deciding on building permit applications in no more than 60 days. From this reasoning, and following Helmke and Levitsky's (2004) discussion on the relationship between formal and informal rules, it could be argued that informal rules are complementary to formal rules, and help facilitate the realisation of the goals of formal rules (North, 1990). However, at a deeper level of scrutiny, there is the potential for this norm to become entrenched and foster a parallel institution that rivals and possibly undermines the legally sanctioned process of obtaining building permits, creating avenues for some planning officials and developers to engage in dubious practices, as one developer noted in his reflection on how he navigated the planning system to obtain his permit quickly:

What I know is that *it would have cost us more money if we had gone through the normal process. Because going through the normal process would mean that all the necessary authorities would have had to be involved.* I mean the EPA, Fire Service and the rest, and you would have to pay more and wait. But if you are going to talk to the strong man in that department, he would look at it and cut the cost down. That is why we were able to cut down the cost to Gh¢250,000 and also get the permit quickly.

(Estate Developer, February 2018)

Aside from the corruption this action perpetrates, an ethical argument can be made regarding the privileging of developers of GCs over ordinary citizens based solely on their ability to pay (see Ehwi et al., 2022).

7.4.4 Benefits District Assemblies Derive from the Proliferation of Gated Communities

In line with evidence observed elsewhere around the world (De Duren, 2007; Liao et al., 2018; McKenzie, 2005), the study found that the district assemblies studied derived several benefits from having GCs in their local areas. These benefits were evident in three notable ways. The first relates to financial benefits. This is seen in terms of the cost savings district assemblies enjoy in allowing developers of GCs to prepare their local plans. Although planning authorities were unwilling to disclose how much it cost to prepare a local plan to allow estimation of the savings they make by offloading their statutory responsibility to developers of GCs, previous studies suggest that the cost can be so prohibitive that chiefs who engage surveyors usually pay for the service by giving some acres of land as compensation (see Larbi, 1996).

The second area of financial benefit relates to how much property rates from GCs contribute to internally generated funds (IGF) of district assemblies. Surprisingly, most district assemblies do not separately collate data on property rates from GCs. However, there was overwhelming consensus, especially among local authorities in middle-core and peri-urban areas, that GCs make a significant contribution towards property rates and IGF. One senior planning officer in a middle-core area claimed that revenues from GCs

constituted about 60% of the assembly's property rates. Applying this percentage to both the total IGF and property rates, it was observed that as of September 2018, the district raised Gh¢563,655.08 (US\$79,215)² in property rates from GC, which was 60% of all property rates and 11% of the district's IGF.

However, this was not the case for district assemblies in prime inner-city areas because the non-gated houses in those jurisdictions were equally highly priced and hence brought district assemblies more property rates than GCs.

The second benefit that district assemblies derived from GCs relates to the ease with which they can identify enclaves and estimate how many homes are contained therein. During interviews with planning officials, they contrasted GCs with traditional neighbourhoods, arguing that, whilst it was difficult to know who owns what in traditional neighbourhoods, for GCs it is easy to use technology to count how many homes a GC contains. This helps to reconcile the number of homes developers put in their planning applications with how many they build on the ground. Others highlighted the ease of valuing and re-valuing properties in GCs:

Because they are organised and you can easily identify them to pay as an institution, whereas there are some structures around gated communities in peri-urban areas that are far more expensive and more complex than what you find within the gated communities, *yet they are not easily identifiable for them to pay the rate*. But the gated communities are more organised and are of a corporate entity. You can subject them *to any kind of assessment and they would comply whereas the other individuals who have put expensive structures, it is difficult to identify them and make them pay the appropriate fees.*

(Planning Officer, MC-DA 2, January 2018)

7.5 Discussion and Conclusion

7.5.1 Reimagining Urban Planning from the Empirical Insights

In this chapter, I have sought to contribute to the existing literature on how urban planning systems contribute to the emergence and proliferation of GCs using Ghana's planning system and the experience of GC development in the ACR. Some of the findings uncovered are in line with empirical evidence from elsewhere, especially the revenue-enhancing benefits GCs bring to local authorities. Besides this similarity, the study further uncovered findings that seemed idiosyncratic to Ghana but may also hold relevance for other developing countries. These include the reorientation of spatial planning laws such that they are sensitive to local exigencies, the offloading of aspects of statutorily mandated planning responsibilities to private real estate developers, the opportunity afforded developers of GCs to dictate when planning decisions can be made, the ability for planning officials to conduct remote revenue mobilisation appraisals for GCs and the complementary but also potentially conflicting relationship between formal and informal rules; these offer the building blocks of reimagining urban planning not just in Ghana but across the African continent more generally. In this section, I highlight some of these points.

² The US dollar–Ghanaian cedi exchange rate was 1 to 4.8.

First, a reimagining of urban planning requires attention to the strengths, weaknesses, opportunities and threats that the current planning systems in most African countries face from proliferating GCs. The case of Ghana has shown that despite the significant impact colonial planning laws have had on the design, built space and lived experience in towns and cities, and having little regard for local exigencies (Njoh, 2010), it is possible to reimagine how planning laws can be enacted to take account of the local circumstances which planners can relate to, as well as the contemporary urban development they encounter on daily basis. In this research, I have suggested that the recognition of service-plot GCs in Ghana's new Land Use and Spatial Act is partly a reflection of this reimagination and should be considered a starting point to further explore other ways to make planning laws locally sensitive and fit for purpose.

There is already extensive literature outlining the challenges facing urban planning, not just in Ghana (Acheampong & Ibrahim, 2016; Arku et al., 2016; Cobbinah & Darkwah, 2017; Hammah, 2015) but across the African continent (Andersen et al., 2015; Rakodi, 2001; Van Noorloos et al., 2019). The study suggests, however, that these myriad weaknesses, including a lack of logistics, finance, human resources and political interference, also have to be reimagined not just by superficially cataloguing them to attract sympathy or as justification to maintain the status quo but, importantly, as a lens to critically appraise the constellation of factors that sustains these challenges and what is required to start tackling them, including fostering a strong desire for planning to truly deliver for the public good. Thus, in the context of this research, it is not sufficient for planning officials to say that they are unable to prepare planning schemes for peri-urban areas because of a lack of funding; they should question why the status quo has persisted for so long, what can be done to change it and how to go about it.

The study has also revealed that there is scope to reimagine the myriad opportunities the planning system can take advantage of. For example, this study has shown that planning officials have a soft spot for GCs because they can carry out their duties remotely taking advantage of digital technologies such as drones to estimate the property rates they can collect. Elsewhere, citizen sensing and the use of wearable technology are helping planning authorities receive citizen complaints in real time (Gooch et al., 2015; Wilson et al., 2019). However, this newfound advantage should not be practised just for GCs but also in communities that are difficult to access. More can be achieved with new technologies like drones to conduct mundane planning tasks such as monitoring development control and conducting site inspections before building permit approval. This point cannot be overstated, especially when some developers of GCs include green areas and all sorts of amenities in their schemes but never provide these amenities after receiving the building permits (Kufour, 2011). The fact that some developers of GCs are willing to pay for their building permits to be issued expeditiously means that there is an opportunity to rethink whether the law should create an express service for those who want their building permit applications to be decided more rapidly, with the cost borne by the service user.

The insights from the research also offer scope to reimagine threats facing planning systems in Africa. Indeed, many critical urban scholars have drawn attention to how 'the planned African city sweeps the poor away' (Watson, 2009b), reduces planning to a privatised enterprise (Fält, 2019) and turns planning into an appendage of the party political

machinery (Cobbinah & Darkwah, 2017). However, this research has drawn attention to the fact that the informal norms and practices fostered within planning systems to facilitate the delivery of statutory mandates can easily be appropriated by an enterprise of corruption, collusion and private gain. In this sense, reimagining threats imply that planning systems need to take a critical look from within to identify the ‘little foxes’ that undermine the practice and its well-intended goals, and purge them. Furthermore, reimagining threats to planning also entails raising profound questions about the *raison d’être* of state-sanctioned planning as a welfare-oriented activity (Healey, 2003; Rydin, 1998) and the competency of government planners, in the face of developers of GCs now playing active roles in planning and visioning of the city.

In closing, it is worth highlighting that this study advances theoretical thinking around the relationship between formal and informal rules within an institutional analysis. First, it has shown that ‘informal’ rules should not always evoke a sense of illegality and that more can be explored from their complementary roles in helping the formal processes to work effectively (Helmke & Levitsky, 2004; Olivier de Sardan, 2015). That said, the study has also revealed how these informal rules can easily be captured by powerful figures to make private gains and thereby undermine planning. This insight presents an opportunity for empirical studies about the processes through which informal rules that are complementary to formal rules degenerate into corruption, subvert and undermine the operation of formal rules, while exploring the mechanisms that underpin this translation, the actors involved, their incentives and the benefits derived.

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