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## DETERMINANTS AND OUTCOMES OF URBAN LAND USE SUCCESSION - CASE STUDY OF UPPER HILL, NAIROBI

Elizabeth M.K. Nguah

*PHD Student, Department of Architecture, School of Built Environment and Design, University of Nairobi, Kenya,  
jessiemoor16@gmail.com*

Owiti A. K'Akumu

*Associate Professor, Department of Real Estate, Construction Management & Quantity Surveying, School of Built Environment and Design, University of Nairobi, Kenya, owiti.kakumu@uonbi.ac.ke*

Mary Kimani

*Senior Lecturer, department of Real Estate, Construction Management & Quantity Surveying, School of Built Environment and Design, University of Nairobi, Kenya, mkimani65@uonbi.ac.ke*

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## DETERMINANTS AND OUTCOMES OF URBAN LAND USE SUCCESSION - CASE STUDY OF UPPER HILL, NAIROBI

### Abstract

This paper is based on a PHD research carried out to explore Urban Land Use Succession (ULUS) that is driven by private actors financed by local or global capital, referred to as property-led urban redevelopment. ULUS is manifested in indicators like land values, height of buildings, and migration. Its motive is profit taking contrasting it from ULUS that is driven by public and public-private partnerships (PPPs). ULUS has helped reimage cities, but in some cases, it has resulted in negative consequences such as pressure on existing infrastructure and patchwork land use patterns. A case study of Upper Hill is used to identify the determinants of the phenomenon with a view to mirroring findings to the rest of Nairobi. Simple random sampling has been used to identify a sample of plots whose landowners have been interviewed using semi-structured interview schedules. Data collected was processed and analysed using Statistical Package for Social Scientists (SPSS). The findings show that ULUS is being determined by spatial policy (planning controls on property, land tenure, and public investment in infrastructure) which is largely controlled by the state. The county government's *laissez faire* approach demonstrated in failure to prepare comprehensive policy and to adhere to policy standards has put pressure on existing infrastructure and resulted in unsustainable outcomes. In addition, the presence of both public and private land has implied ease of redevelopment on privately owned land as opposed to state land resulting in a dichotomy of contradictory states.

### Keywords

Urban Land Use Succession, Redevelopment, Global Capital, Spatial Policy, Sustainable

## 1. INTRODUCTION

This is a PHD research paper looking at the phenomenon of Urban Land Use Succession (ULUS), taking place in urban environments, distinguishing it from Rural Land Use Succession and Peri-Urban Land Use Succession, which occur in rural environments and the rural-urban interface respectively. ULUS is driven by various actors including purely public, public-private and private actors. Public sector ULUS is undertaken by the Government directly from conceptualization to implementation. Also funded by the Government, it takes care of the social interests of the community. The public-private ULUS originates from collaboration between the government and private sector actors forming public-private partnerships (PPPs). It creates a balance between economic interests and public interests. Private sector ULUS is funded and implemented by private actors and draws funding from local capital, global capital or a combination of the two (Glocal capital). It is mainly geared towards profit maximization. This paper focuses on private sector ULUS, also called property led urban redevelopment.

ULUS phenomenon is not unique to Kenya, but it also takes place in other parts of the world including Hongkong, Spain, Singapore and Britain among others. In Britain the process occurred in the 80's, where public sector ensured provision of suitable premises for new industries, retail and offices through land reclamation, infrastructure provision, land assembly and vigorous urban marketing (Healey 1995). They used enterprise zones, urban development corporations and grant regimes to implement projects such as the new Castle Business Park (Healey et al 1992 as cited in Healey 1995).

ULUS has been implemented in Kenyan towns including Nairobi, Nakuru and Kakamega. In Nairobi it is evident in areas such as Kilimani and Upper Hill. Population pressure on land and demand for fully serviced properties seems to have triggered this phenomenon leading to restructuring, densification and intensification. A case study of Upper Hill is thus used to enable understanding of the phenomenon.

The study area is situated on the concentric ring surrounding the Central Business District (CBD) of Nairobi. Having started in the 1990's and escalating in the last decade, the old colonial residential bungalows have given way to commercial tower blocks at an unprecedented scale. This has resulted in challenges such as patchwork land use patterns and incoherent streetscape among others. The area is currently seen as the financial and business hub for Nairobi and the East Africa Community region making resolution of these challenges critical.

This research applies the neoliberal theory to identify the determinants of the phenomenon, while using a case study strategy to establish the influence of global capital and spatial policy on ULUS.

### 1.1 Problem Statement

Urban land use succession is the process of invasion and occupancy of one spatial area by members of another different social group (Bourne 1971:1), accompanied by an adjustment in the form and structure of land, building occupancy (Bourne 1971) and change in land use or economic activity of a community (Mackenzie 1924:297-98 as cited in Weinstein 2007). The phenomenon is anchored in neoliberalism theory which lays emphasis on collaboration and partnership between capital and citizen with little mediation by formal state institutions (McCarthy & Prudham 2004:276). Its other principles include commodification of everything (Polanyi 1944 & Watts 1994 as cited in McCarthy and Prudham 2004:276), creation of private property rights defended by the state (Peck, 2001; Jessop, 2002 as cited in McCarthy & Prudham 2004:276) fiscal administrative cuts, devolution of regulatory responsibilities to local levels of government, scaling regulatory capacities to international institutions and shifts from binding to voluntary public-private co-operation (McCarthy & Prudham 2004:276). In Upper Hill however the public private cooperation assumed in the theory is not apparent but instead collaboration and partnership between global capital and citizen appear to take center stage. This collaboration is assumed to operate in a free-market environment but factors such as land tenure, public investment in infrastructure and planning decisions which are controlled by the state, complicate their operation.

Given the history of Upper Hill where land is held on both public and private tenure, application of neoliberal principles of collaboration and partnership between citizen and capital across the board raises the question of how fast land under public sector can be released for redevelopment. In addition, property development on both private and public land is controlled by public sector rules and regulations with respect to planning, building control and infrastructure provision. The assumption of free market therefore appears to set the stage for a dichotomy of contradictory states.

Public investment in infrastructure which is a public sector function began way after redevelopments had set in (2013-14). This was within the context of prevailing fiscal cuts in public sector spending following Structural Adjustment Programs (SAPs) of late 80s and 90's (Ngui et al 2016) as assumed in theory. This delay in provision of requisite infrastructure such as roads, sewer, water and community facilities however complicate the ULUS phenomenon further. This is explained by the nature of private enterprise where actors ordinarily confine themselves to provision of infrastructure within the property boundaries. Once they pay taxes, they are not obliged to provide strategic public infrastructure, though it is their mainstay.

The Urban Land Use Succession problem is manifest in impermeability of the commercial area due to presence of numerous cul-de-sacs, resulting from retention of the old residential structure of the neighborhood. It is also manifest in an incongruous mix of old and new buildings, incoherent street scape, traffic congestion and inadequate community facilities. The purpose of the research therefore is to identify the determinants of ULUS in Upper Hill and establish the influence of each determinant.

## 1.2 Study Area

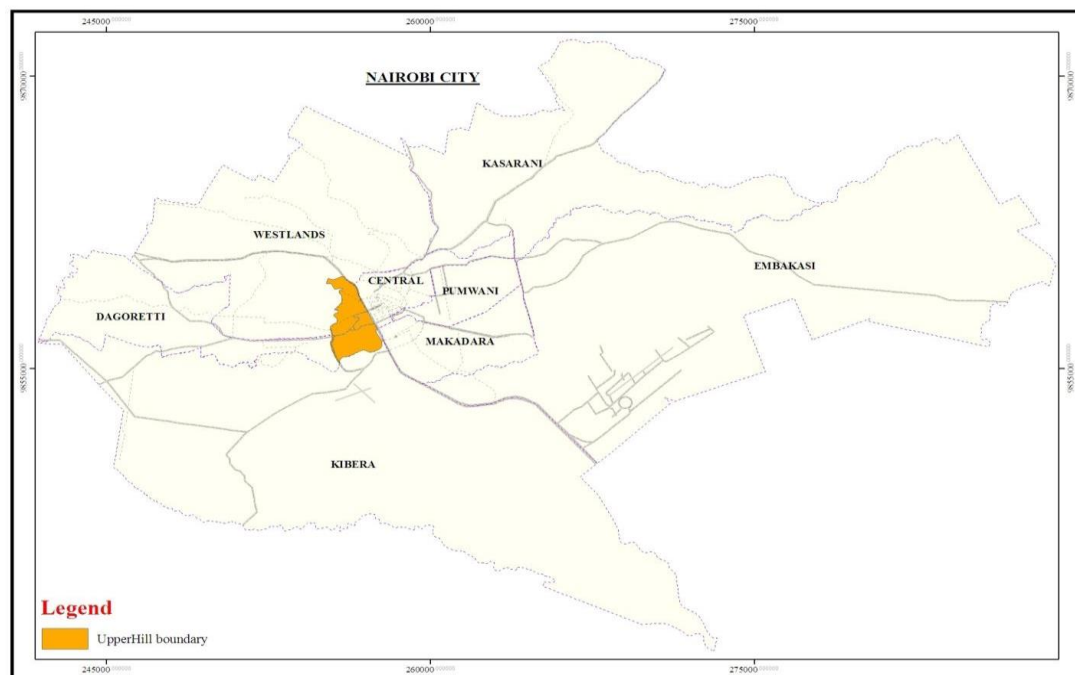


Fig.1: Upper Hill in Nairobi Context, Source: Author

The geographical scope of research is Upper Hill, Nairobi but the findings may apply to Nairobi and beyond. The study area is located south-west of Nairobi's Central Business District as shown in figure 1. It is bound by Langata-Aerodrome Road to the south, Railway line, Mbagathi way to the west, Valley Road, Ralph Bunche, State House Road, Aboretum Road, Ring Road, Kileleshwa, Riverside Drive to the north and Waiyaki way-Uhuru Highway to the east.

## 2. LITERATURE REVIEW

Land is defined as an area of ground, the surface of the earth and the subsurface rock, when used for a particular purpose (GOK 2010, Cambridge, 2023). The concept of succession was formulated by plant and animal ecologists to describe evolution of natural communities by sequent replacement and later redefined by sociologists from University of Chicago to mean invasion and occupancy of one social area by members of another different social group (Bourne 1971). The sociologists saw the social areas as having regular spatial dimensions which formed a series of concentric rings around the city center, with movement originating from the center following established gradients (Bourne 1971:2). Land use succession falls in three categories including rural, peri urban and urban.

### 2.1 Land Use Succession Processes

Land use succession occurs through various processes namely invasion and succession, probabilistic, evolution and selective. In invasion and succession, each inner concentric zone extends outward and replaces another lower density and lower rent paying occupants (Bourne 1971:2, Kingoriah 1990). Land Use succession can also be the outcome of a complex probabilistic process of adjustment in form of structure of land and building occupancy (Bourne 1971:2-3, 1976). It can take the form of evolution from simple to complex through a chain of development (Clarke 1966:347) or from a development stage to maturity stage (Frederic and Odum as cited in Rudel 2009). In some cases, land use succession has taken the form of selective (Bourne 1971:2) where a former fringe belt becomes embedded within the built-up area causing constituent plots to be viewed differently (Barke 1976:303). In Upper Hill, a process of invasion and succession is ongoing, where the once quiet and serene residential neighborhood has been invaded, destroying old residential structures to erect commercial tower blocks.

### 2.2 Categories of Urban Land use Succession

Urban Land Use Succession falls into three categories based on the actors involved, namely public sector (He & Wu 2007), Public-Private partnerships (Harding 1992 as cited in He & Wu 2007) and the private investors (Turok 1992 as cited in He & Wu 2007). The interest of these actors can be seen as a continuum ranging from social development (public sector) to purely profit maximization (private sector) with synthesis of the two (Public- Private Partnership) lying in between. The new financial district in the Dublin's docklands, the science-university complex Adlershof in Berlin are state-led and financed by state or European Commission (Swyngedouw et al 2002). In Hong Kong, the government initiated a PPP to redevelop dilapidated private residential buildings through a pilot redevelopment scheme in Sheung Wan (Drakakis-Smith, 1976 as cited by (Ng 2002). In Singapore's, Golden Shoe District, owners of private holdings, initiated projects involving the amalgamation and redevelopment of fragmented plots, to avoid government acquisition (GOSG 2023). In Upper Hill ULUS is private sector-driven, with emphasis being profit motif.

### 2.3 Determinants of ULUS

A review of literature revealed that ULUS may be influenced by several determinants which can be both external and internal to the property. However, the largest proportion of ULUS is caused by external factors (Bourne 1971:2-3). Changes internal to the property include decline in suitability, depreciation (Bourne 1971:3), fluctuations in relative bid rent potentials of housing (Bang 2007). External changes include growth (size or structural change), change in land requirements and attributes, change in economic viability and technology preferences. alterations of the physical infrastructure (Bourne 1971:3), social relations and capital re-switching (Bang 2007).

### 2.4 Outcomes of ULUS

Depending on how it is managed, ULUS can have both negative and positive outcomes. Negative impacts include rising value of property neglect of social and environmental improvements, deadweight, patchwork land use patterns, displacement of low-income people

buyers, and destruction of community lifestyles among others (Healey et al 1992 as cited in Hu & Wu 2007, Bang 2007). Positive outcomes include optimization of land use, improved amenities, road widening and stimulation of the economy (Barnley & Bar 1996, Lum et al 2004). Governance of the urban area therefore becomes critical to ensuring sustainable outcomes, while avoiding or mitigating the negative ones.

### **3. GOVERNANCE AND URBAN LAND USE SUCCESSION**

Governance is the process of coordinating political decision making (Gaitano & Strom 2003 as cited in Tsan 2010), actors, social groups, institutions (Melo & Baiachi 2006 as cited in Tsan 2010) to attain collectively defined goals (Le Gales 1998, 2001 as cited in Tsan 2010)). To achieve sustainable urban development goals, ULUS needs to be anchored in an integrated policy framework to ensure implementation and coordination of actors, a strategic framework and capacity in urban governance institutions.

#### **3.1 Coordination and integration of policies**

In Hong Kong lack of an overall development strategy brought about the occurrence of pencil type developments since policy making was compartmentalized, discouraging cross-boundary thinking and integrated policy (Ng 2002). In addition, different departments had different ways of revising and executing policies leaving businesses to develop their own development paths (Ng 2000). Similarly, preparation and execution of policy in Upper Hill is also disjointed and involves different actors including, County Government of Nairobi, Ministry of Lands, Housing and Public Works, Kenya Urban Roads Authority (KURA) among others. These actors revise and execute policies on their own, leaving businesses to develop their own development paths. Yet the cure for the challenges in the urban setup lies with coordination and integration of these policies and actors.

#### **3.2 Capacity of Urban Governance Institutions**

Considerable capacity in urban governance institutions is critical for integrated strategies to operate efficiently (Healey et al 1995 as cited in Healey 1995). The key elements of institutional capacity include stable subsidy regime, development agencies with broad political objectives but insulated from short-term political manipulations, and presence of experts with understanding of dynamics of development (Healey 1995). These experts need capacity for strategic analysis of property conditions and this capacity needs to be anchored within proper strategic frameworks (Healey 1995).

The reason why the Nairobi Metropolitan strategy, 1973, was poorly implemented was due to inadequate capacity. The city still seems to lack capacity for strategic analysis for property led redevelopment. The National Land Use Policy of 2017 recognized weakness in capacity of the Department of Physical Planning and the National Urban Development Policy also noted weakness in the urban governance institutions.

### **4. METHODOLOGY**

The research used case study strategy, with a survey and history strategies embedded within the case study. Case study strategy allowed examination of contemporary events which the researcher could not manipulate, reliance on multiple sources of evidence to understand complex social phenomena by allowing retention of holistic characteristics of real-life events (Yin 2002:2, 7-8). The research used a triangulation of both qualitative and quantitative information. Qualitative information included historical accounts on determinants and processes of urban land use succession whereas quantitative information included land tenure, changes in property values, building heights, source of capital among others. Case study research strategy was used to enable generalization of research results (Yin 2002:10) to Nairobi and beyond.

#### 4.1 Types & sources of data

The data scope includes literature from 1971 to date and field survey undertaken in the year 2020/21. It included both secondary and primary data. Secondary data included books, journals, maps and government documents. This data was sourced from the libraries, National and county government offices. Google Scholar was also used as a major source of journals and books. Primary data was sourced from undertaking a random survey of properties in Upper Hill, reinforced by data from key informants from ministries, departments, agencies, County Government of Nairobi and property agents.

#### 4.2 Variables

After drawing from lessons from preliminary literature review and conditions in study area this research isolated both independent and dependent variables. The independent variables were global capital, land tenure, planning decisions, public investment in infrastructure whereas the dependent variable was Urban Land Use Succession.

#### 4.3 Sampling Frame

The researcher developed a base-map showing the cadaster of Upper Hill adopted from Survey of Kenya, from which the population five hundred and sixteen (516) plots were counted manually. This became the sampling frame for Upper Hill. Determination of the representative sample was done using the formula recommended by Nachmias and Nachmias (1996) as shown following.

$$n = \frac{Z^2 pq N}{e^2 (N-1) + Z^2 pq}$$

Where N=Population size, n=sample size, p =Sample population estimated to have characteristic being measured, Assuming- a 95% confidence level of the target population,  $q = 1-p$ ,  $e$ =Acceptance error ( $e=0.05$ , since estimated error should be 5% of the true value) and  $Z$ =The standard normal deviate at the required confidence level= $1.96$ .

Therefore,  $n = 1.96^2 * 0.95 * (1-0.95) * 516 / 0.05^2 (516-1) + 1.96^2 * 0.95 * (1-0.95) = 67.2 = 68$

#### 4.4 Systematic Sampling

Systematic sampling involved using the base map so developed and proceeding with selection of every  $k^{th}$  element where  $k$  is the ratio of sampling frame size  $N$  and desired sample  $n$ . This ratio is also called the sampling ratio and was obtained using the formula  $k = N/n$ .

The study area had a population of 516 plots and out of which a sample of 68 was selected. The sampling ratio therefore was calculated as approximately 8 ( $k = 516/68 = 7.59 = 8$ ). Every eighth plot was sampled by starting from a random start and proceeding accordingly.

#### 4.5 Data Collection Research Methods

This research formulated research questions to guide the research which were used to develop tools such as observation sheets, unstructured interview schedules and semi-structured interview schedules. The data collection methods were divided into two types namely primary and secondary research methods. To collect secondary data, internet search using google scholar and visits to libraries were used whereas for primary data unstructured interviews, semi-structured interviews, observation and photography was used.

#### 4.6 Data Analysis and Presentation

The data collected was processed and analyzed to structure it for purposes of drawing lessons. The responses to the close ended interview questions had been coded earlier into categories of probable answers before interview. A code book was compiled codebook to guide the transfer of raw data into the computer using the Statistical Package for Social Scientists (SPSS) computer package and Excel.

Bar charts, pie charts and tables were generated and used for data presentation and discussion. Descriptive statistics such as frequency distributions were used to portray the sets of categories formed from the data on income, land values and building heights. This was used to derive trends and intensity of the variables under study.

Quantitative and qualitative results from the unstructured interviews, plates and observation sheets provided were grouped into categories with respect to the research objectives. They were analyzed accordingly and used to support the objectives.

The researcher used the T-student test distribution using two variables assuming both equal and unequal variances to test hypotheses. If the value of T stat was greater than the value of T critical, the null hypothesis ( $H_0$ ) was rejected and alternative accepted.

## 5. FINDINGS

Literature review had indicated that depreciation of buildings, urban decay, change in land requirements/attributes, change in economic viability and rent gap, social political relations and capital re-switching were the determinants of ULUS. Data collection and analysis however indicated that none of these determinants were responsible for ULUS. spatial policy and global capital were the determinants of ULUS in Upper hill. Further analysis was done to establish the influence of each determinant.

### 5.1 Depreciation, Urban Decay, Capital re-switching and Rent Gap

It was evident that the old buildings had depreciated and could not adequately support the residential purpose for which they were built. However, redevelopment in the area was being undertaken largely for commercial user and the issue of depreciation then did not arise. For this reason, depreciation is not seen as a determinant. In addition, evidence of urban decay of the original houses built during colonial era, was recorded, but was dropped as a determinant because areas such as Kaloleni and Muthurwa which border the CBD, have decayed, but they are not experiencing ULUS.

Capital re-switching, being the amount of capital invested by government in built environment as a share of the Gross Domestic Product had increased (GOK 2021). However, the study found no evidence of these investments in Upper Hill and dropped capital re-switching as a determinant of ULUS.

The study found that the rent gap had widened owing to successive changes in spatial policy resulting in economic pressures of disinvestment in the old residential buildings. The development policy had changed severally including rezoning in 1993, 2006 and proposed standards 2021. At every stage, development standards were relaxed to allow higher densities and ground coverage. Following these changes, the amount of rent that an owner can claim on the land given its current use has reduced. The sites have become inappropriate and economic pressure to disinvest in the sites has caused the rent gap to widen. This is because, sites with old structures can fetch more money if redeveloped at high densities, for commercial purposes. Incomes from the new developments were found to be higher at above Ksh 25m p.a compared to those from old, dilapidated railway houses at Ksh 4m p.a. Rent gap was however dropped as a determinant because the planning decisions were seen as providing density and intensity incentives and making the land attractive because of the benefits to be accrued from redevelopment, hence widening the rent gap. The rent gap, therefore, seemed to be subsumed in the spatial policy as a symptom.

### 5.2 Spatial Policy

Spatial policy is the latent variable comprising, planning decisions, land tenure and public investment in infrastructure. An analysis of the influence of each of them provided the following findings.

#### 5.2.1 Planning decisions

Planning decisions are choices made in achievement of the urban policy goals. They include development permission on change of user, extension of user, subdivisions, amalgamations and building plans. These decisions are anchored on the development policy or zoning guidelines and standards for the area which includes plot size, densities, building heights, floor ratio, ground coverage among others. The policy shift in 1993 heralded privatization of non-strategic properties including allocation of



land to private developers and fiscal cuts on public infrastructure provision in line with Structural Adjustment Programs. It also includes change of user from residential to commercial, enhancement of floor ratio and ground coverage among others with the effect of increasing density and intensity of development. This explains a rise in intensity of redevelopment in year 2000.

Further shift was made in the 2006, but the study indicated that some developers did not follow the policy standards. Buildings of up to 600% and 700% are visible in blocks where plot ratio was capped at 300%. In addition, where height was capped at 5 levels, an administrative decision allowing a max 10 levels was introduced in 2012. Unfortunately, some developers built further beyond this decision with 1.5% of buildings ranging between 21-25 floors. This has serious implications on capacity of existing infrastructure.

### **5.2.2 Land Tenure**

Land tenure is the relationship, individuals or groups have, with land. In Kenya, land tenure is categorized as private, public or communal. The study found that more private land was being redeveloped than public land making land tenure an important determinant of ULUS. Out of the 66.1% properties owned privately, about 60% had been redeveloped. On the other hand, out the 19.4% parcels owned by government, only two had been redeveloped. This gave rise to an incongruent mix of old and new buildings and an incoherent urban scape.

### **5.2.3 Public Investment in infrastructure**

Upper Hill had an existing public infrastructure which facilitated early redevelopment after 1993 policy shift. Further public investment in road, power, telecommunications and water had been undertaken. The study found water, sewer, transport and power adequate, and this had a positive influence on ULUS. However, parking, solid waste disposal and community facilities were found inadequate, resulting in indiscriminate waste disposal and informal parking of vehicles.

Redevelopment varied in accordance with presence of infrastructure and concentrated along Hospital Rd, Ngong Rd and Valley Rd where transport was readily available. The completion of the link road to Mbagathi in 2021, had also triggered development in Upper Hill south which was hitherto undeveloped.

## **5.3 Global Capital**

Global capital or international capital flows to a country, comprises of private capital flows (Fixed Direct Investments, portfolio investment and bank loans, Government transfers). In Upper Hill, the study found presence of global capital in form of FDI, portfolio investment and government transfers. This was attributed to foreign individuals, insurance companies and foreign embassies. About 2.9% of sampled properties were owned by foreigners, while about 10.3% of properties were owned by partnerships between both locals and foreigners. Global capital was however found to have no influence on ULUS after hypothesis testing.

## **6. DISCUSSION**

Literature had provided depreciation of buildings, urban decay, change in land requirements/attributes, change in economic viability and rent gap, social political relations and capital re-switching as the determinants of ULUS. The study has added spatial policy as a further determinant of ULUS.

ULUS is gaining momentum in Upper Hill with a seemingly silent nod from the urban governance institutions through application of neoliberal policies. The relaxing of policy has given the private sector the incentives to invest in the area. This policy relaxation does not however allow them to operate outside of the zoning regulations, neither does it take away the responsibility of the planning authority to control development. The neoliberal policies and state controls through planning decisions are supposed to operate in the same space but they appear to be diametrically

opposed. Developing beyond the heights set by the planning authority, as is currently happening, increases population density of the area and puts pressure on support infrastructure thereby creating land use conflicts. These conflicts can be resolved with investment in infrastructure, but the private sector does not provide infrastructure outside of the property boundaries. Since they require heavy capital outlay, then, the government must feel the gap and invest in public infrastructure. This agrees with literature review that the neoliberal state cannot exist on its own, but it is a parasite (Peck 2013, Brenner et al 2010 as cited in Peck 2013) and in Upper Hill, it is drawing strength from the African Socialism state. This has negative consequences including uneven spatial development and stuttering forms of mal regulation (Brenner et al 2010 as cited in Peck 2013). A nexus between the two contradictory states must therefore be found to enable resolution of the conflicts.

Redevelopment within the prevailing land tenure is giving rise to an incongruent mix of old and new buildings and an incoherent urban scape. This further increases the contradictions in the two opposing states and is unsustainable given the status of the area as the business hub for Nairobi and East African region. Resolution of this lies with release of public land for redevelopment and phasing of development as provided in literature. Releasing public land however implies allowing the *homoeconomicus* to overrun the area which is not an option in an African Socialism state. The release must therefore be done with caution through a vessel that can secure the interest of the Kenyan people.

Fiscal cuts after the SAPs of 1986 were responsible for delays in infrastructure upgrade in Upper Hill, resulting in pressure on existing infrastructure and near collapse of the transport sector. This is because the redevelopment continued, and densities increased but the support infrastructure remained stagnant. It was not until 2021, that the transport problem was resolved after upgrading of roads and construction of the Mbagathi way link. Though fiscal cuts were touted as one of the principles of the neoliberal theory, in Upper Hill it was its achilles hill and individual freedoms to own and develop property were tempered by inadequate public infrastructure.

As assumed in theory free flow of capital was happening in Upper Hill. However, global capital appeared insignificant compared to local capital. This may be explained by the application of planning decisions which are controlled by the state. In neoliberal theory the state must be hallowed out (Jessop, 1994 as cited in McCarthy & Prudham 2004), to allow the free market to hold sway (Brenner & Theodor 2002:2 as cited in Raco 2005, McCarthy & Prudham 2004) but in Upper Hill, the state looms large and collaboration between global capital and citizen is therefore having a rough ride. To smoothen the application of global capital, then a nexus must be created, connecting the neoliberal policies and the African socialism policies.

## 7. CONCLUSION

The findings of research have indicated that spatial policy (planning decisions, land tenure and public investment in infrastructure) are the determinants of ULUS in Upper Hill. These determinants are causing land use conflicts resulting in the unsustainable urban form. To reverse this trend, a nexus needs to be sought between neoliberal state and the African Socialism state. This will require a special focus on revamping spatial policy for the benefit of the Kenyan people.

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