



SUMMARY OF LANDS OFFICE'S RESPONSIBILITY AT CHITIPA DISTRICT COUNCIL



LANDS, PHYSICAL PLANNING & LAND SURVEYING DEPARTMENT AT CHITIPA DISTRICT COUNCIL:

Chitipa District Lands Office deals with various issues concerning land matters, physical planning matters and Land surveying issues. The write up emphasizes on the mandate, vision, mission, goals, responsibilities, achievements, future plans of the office and challenges that are encountered in the course of delivering office duties.

MANDATE OF PHYSICAL PLANNING, LANDS AND LAND SURVEYING

The coming in of decentralisation has made many departments that were operating under central government to start working under local government. Some government departments are now working at local government level. For example, Lands Physical Planning and land

surveying have been given the mandate to work in each district on land matters. This means that offices are provided in the district councils to accommodate the officers working under the ministry of lands even though the operation of the offices are not fully decentralised currently. Section 19 (1) of Physical Planning Act 2016 provides that a local government authority shall appoint a planning committee for its area of jurisdiction which shall be the responsible planning authority for the area and shall exercise any duties as are conferred by the Act. This section provides the power to exercise physical Planning activities in the local government authority (district) where a committee is supposed to be appointed. Section 22 (e) of Local Government Act 1998 provides other functions of the assembly that the assembly shall take charge of all decentralized services and activities which include but not limited to land administration, physical planning and land surveying. Act gives the authority to lands, Physical Planning and Land Surveying to operate their work at District level such as Chitipa.

VISION OF PHYSICAL PLANNING, LANDS AND LAND SURVEYING

The vision of physical planning is to attain orderly, progressive, sustainable urban and rural development as a framework for industrialization; provision of social and physical infrastructure, agriculture modernization and therefore poverty eradication.

The Vision of Lands department in Chitipa is be in the forefront of land administration and land management by offering services.

The vision of land surveying in the district is to provide leadership in surveying and land management.

MISSION OF LANDS, PHYSICAL PLANNING AND LAND SURVEYING

The Mission of Physical Planning is to ensure adequately planned land utilisation, by developing policy framework, provide technical support, monitor and supervise plan formulation and implementation.

The mission for Lands department is to provide direction through the development of long and medium-term strategic plans for the land sector formulating policies for the efficient and effective administration and management of alienable and disposable public, private and customary lands and ensure compliance.

The mission of land surveying is to advance the surveying profession in the district so as to enhance competence of surveyors in the management of the natural and built environment with a view of positively influencing the society to ensure sustainable land management and development.

GOALS OF PHYSICAL PLANNING, LANDS AND LAND SURVEYING

1. To enhance economic development.
2. To plan cities and towns.
3. To facilitate the provision of infrastructure, utilities and services
4. To monitor the manner of utilization and development of land by various ministries and organizations to ensure compliance with national policies, standards and plans.
5. Inspection and monitoring all land based developments in the country to ensure that they conform to approved planning schemes, laws and regulation.
6. Conservation of aesthetics.
7. Recommend policies and programs for the efficient and effective administration, surveys, management and disposition of alienable and disposable lands of the public domain and other lands outside the responsibilities of other government agencies; such as reclaimed areas and other areas not needed for or are not being utilized for the purposes for which they have been established;
8. Facilitate the efficient and effective implementation of policies, programs and projects for more effective public lands management;
9. Assist in the monitoring and evaluation of land surveys, management and disposition of lands to ensure efficiency and effectiveness thereof;
10. Issue standards, guidelines, regulations and orders to enforce policies for the maximization of land use and development;
11. Develop operating standards and procedures to enhance the Ministry's objectives and functions;
12. Assisting in control of the survey, classification, lease, sale or any other forms of concessions or disposition and management of the lands of the public domain;
13. Contributing to the development of district policies, laws, strategies and plans in land management in a manner that facilitates sustainable development.

RESPONSIBILITIES OF LANDS, PHYSICAL PLANNING AND LAND SURVEYING

Land allocation

When the council has the land, this land is then subdivided into plots for people to acquire. People usually apply for the plot through the application forms, and then plot allocation committee approves or disapproves the applications. The District Lands officer is then assigned to provide offer letters to successful applicants. Hence the office takes part in allocating people to acquire public land for any purpose of development one applied.

Development control

The development control function seeks to manage and regulate property development to ensure that all development takes place at an orderly and appropriate manner in conformity to a pre-determined set of policies, guidelines and/or standards. The emphasis of development control is not to stop development or to make life difficult for developers or home builders. Instead, the main purpose is to ensure the orderly and rational development of land to create sustainable human settlements that accommodate a variety of land uses in sound environment to meet the needs of the people who live in these settlements.

The following are what the office look when initiating development control.

- Inappropriate or poorly sited development which should not be located where it is; or
- Projects/buildings that do not have the necessary facilities (car parking, sewage treatment plant) or infrastructure (access roads, drainage, water supply) to support it; or
- Buildings that are structurally weak and are easily damaged during hurricanes, earthquakes or other natural and man-made disaster events; or
- Development projects which have serious negative impacts on the country's sensitive environment, particularly its beaches/coastal areas.

The development control function is done in coordination with the Physical Planning Committee which scrutinises and approves various Building plans and other development plans. This plays an important role and those who work to evaluate applications for development permission; grant or refuse development permission; and inspect development have a tremendous responsibility to ensure that the problems just identified do not arise. They have a responsibility to ensure that development occurs in the right place, at the right time; that buildings are structurally sound and will not endanger the safety or lives of those who live in

or use them; that they are provided with the basic services and facilities necessary to support the purpose for which they are erected without discrimination; and to ensure that the environment and natural resources of Antigua and Barbuda are managed carefully and prudently for the enjoyment of present and future generations.



An Illegal development being controlled

Lease processing both public and customary land

Public land

Public land can be leased with the following process:

a) Application

Applicant fills lease application forms obtained from District lands office.

b) Survey

A perimeter survey is then conducted by either private/public surveyor. A location plan will be produced afterwards.

c) Submission of documents

All necessary documents are then compiled together and submitted to relevant offices for further processing. These documents may include; application forms, location plan, payment receipts, offer letter, and plot/land application form among others. The documents are produced in triplets, so that one copy goes to the district office, one copy to regional office, and one copy for applicant.

Customary land

Customary land can be leased with the following process:

a) Chief consultation forms

Chief consultation forms is filled and certified by the Group Village Headman (GVH) and Traditional Authority (T/A). This is to certify that the applicant is really in the said village and there is no problem to process the lease for the applicant.

b) Application

The applicant fills in the lease application forms obtained from District lands office.

c) Survey

A perimeter survey is then conducted by either private/public surveyor. A location plan will be produced afterwards.

d) Submission of documents

All necessary documents are then compiled together and submitted to relevant offices for further processing. These documents may include; application forms, Sketch plan/map, and chief consultation forms among others. The documents are produced in triplets, so that one copy goes to the district office, one copy to regional office, and one copy for applicant.

Plans Preparations

The office prepares Civic design plans, Urban structure plans, Layout plans, sketch plans and location plans for various purposes. Civic design plans are prepared in the way that clients can build houses of good standards. Urban structure plan is made in the way to categorize land uses. For instance, residential use, commercial use, institutional use and industrial use. Layout plans are prepared to demarcate plots within a specific land use zone. For instance, the Residential zone plots. Sketch plans are produced to show the boundaries of a plot when processing lease for customary land. Location plans are produced to show the boundaries of a plot when processing lease for public land.



A Layout Plan

Preliminary Assessment for Land Acquisition

When there is need for land for the use by the council or any other stakeholders, the office is responsible to assess the land first so as to see what is there and its suitability to the proposed development, and make recommendations. This is to say that the office carries feasibility studies before the implementation of development on the land to be acquired. This ensures that the purpose of development is in accordance with the use of the land to be acquired.

Secretariate to Physical Planning Committee and Plot Allocation Committee

Any issues in as far as Physical Planning and Land Allocation are concerned, they need to be documented. The office of District Physical planning Office therefore, take the role of documenting the issues done or agreed to be done by the Physical Planning committee and District Lands office document proceedings during the Land Allocation Committee. The record keeping for the committee is done by these officers. Scheduling of the meeting by the committee and Minutes taking are also done by the office for the smooth operation of Physical Planning matters and Land Allocation issues in the district.

Advising and advisory role on various Land Disputes

The office is responsible to give proper guidance when land disputes arise. Sometimes invites the parties in disagreement to solve the issue. If there is need to go on the ground to assess the level of land dispute that is also done by the office. Proper guidance are given to the disputing parties so that the District is free from land dispute cases. The disputes arise over customary land, leasehold land and even public land. Customary land disputes are advised to be treated by the Village heads, Group Village Heads, and the TA. If the guidance is not that convincing to the parties, it's when the case is referred to the DC's Office for reference to the judicial structures. Leasehold land and public land cases are referred to the DC's Office Land Department since the land does not belong to the Traditional Leaders.

Assessment of Real Properties for compensation

Real properties are properties falling in the category of land, planted trees, fruits, crops and houses among others. The office offers property valuation services to determine the current value of the land that will be compulsorily expropriated with guidance from the registered Valuation officer. This expropriation can be done by the government through the power of eminent domain where by the minister is given the power to acquire land for public purpose considering that appropriate compensation is granted to the people owning the properties either by agreement or compulsorily. This is according to section 17 of land Act 2016 sub section 2 and section 3 of Land Acquisition Act. Private entities can also acquire land so long they compensate the people so that people not better off or in worse conditions that they were before expropriation. Section 10 (1) of land Acquisition Act provides grounds for assessment of compensation. The grounds include:

- Loss of occupational rights
- Loss of land
- Loss of structure
- Loss of business
- Relocation costs
- Loss of good will
- Costs of professional advice
- Nuisance
- Loss of reduction of tenure
- Disturbance if it is not too remote and is natural and reasonable consequence of the disposition of land.

Demarcation of land boundaries

Whenever there is a need to subdivide the public or Leasehold land for the parties, the office is responsible for the subdivision to give clear boundaries of land. The office can demarcate boundaries by mounting beacons in ends of land to separate the two adjoining plots. The beacons are written to indicate ownership if necessary.



A Beacon planted

Work with Various projects at District Council for any technical support and mandate for smooth operations of other council activities.

The office is there to help the council with any activities deemed necessary. For instance, when the council wants to see the level of encroachment of its properties, the office is there to help the problem out. When the Council wants to acquire land, the office is free to help with the process. When the council wants to lease its land, the office is there to facilitate the process. This is to say that any issue that require the expertise of lands office, the office is there to offer the services of the council. Furthermore, the office also works with various projects teams among them include; DPIST (Irrigation), SRBDP (Songwe river basin), etc.



Lands/Physical planning officer facilitating Land registration process under PRIDE project

ACHIEVEMENTS

- Retracing of some existing layout plans.
- Formalisation of various plots that were allocated but not completed.
- Stopped some illegal developments through issuing of stop notices and property advice the developers to follow requirements.
- Process the instituting and facilitate plot allocation and physical planning committee
- We have handled and advised many people on land disputes
- We have worked with various projects e.g. Songwe, PRIDE, and MEC etc.
- Processed some Leases for both public and customary land.
- Initiated the preparation of Urban Structure Plan, whose budget is out waiting for funds.

CHALLENGES AFFECTING THE SMOOTH OPERATION OF THE OFFICE

LACK OF FUNDING

The office could have been running smoothly and very active had it been funding is not a problem. The office lacks a lot of materials that are helpful to run the office. For example: no car or motorcycle to be used for transport to inspect properties during development control activities or any other activities. Sometimes fuel becomes a problem even when the council offers the office a car. The office lacks computers to keep records for files and even drawing of sketch maps, layout plans and location plans. The office also lacks printing and photocopying machines essential to print and photocopy documents for office use. All the mentioned materials are as a result of lack of funding.

RESISTANCE OF CLIENTS TO COPE WITH THE SERVICES OFFERED BY THE OFFICE

People are not willing to cope with all the services that the office offer. The office advises the clients on how well to build. This is by approving building plans which they require to submit while they don't submit building plans to the Physical Planning Office for approval. At the end they just build not in accordance to planning standards. This resistance is against the orderly development that Physical Planning Act stipulates. Land acquisition also faces resistance when they occupy land belonging to government, as they claim that either they got from chiefs sometime back or they sell each other.

CENTRALIASATION OF THE OFFICE

The office works at District level but works within the system of central government but on local government ministry. There is little communication between the local government and central government which fosters little support to be provided to the office from the local government and central government. This is so because the local government may see that the office is supported by the central government and the central government may see that the local government is providing full support to the office. Whilst on the ground, the office is lacking the support considering that both system are neutral without making proper budget or support for the office to run smoothly. There has been no budget allocated to the office just to support the offices with some materials that the office may need at that particular moment.

FUTURE PLANS TO BE DONE BY THE OFFICE

IMPLEMENTATION OF URBAN STRUCTURE PLAN

Chitipa has been developed without Urban Structure Plan. Urban Structure Plan (USP) is a plan that comprises one or more maps or diagrammatic representations of the proposed layouts, features, character and links for areas being developed. The urban structure plan comprises of three elements: topography, the natural features and landscape of an area. Urban planning answers questions about how people will live, work and play in a given area and thus guide orderly development. The District Physical planning officer has submitted the budget for the implementation of urban structure plan to the council. Once the funds are available, the implementation will be done in due course.

CREATION OF ELECTRONIC DATABASE FOR LEASE PROCESS FILES

The office is aiming at digitalizing all the lease files for the applicants. This is to keep the files safe and last for a long period of time. The database will be created to keep records of lease files in the computer so that once the file has lost, one can access it in the computer and print it for the client. The system can ease the process of file searching since as of now when one wants the file, officers are entitled to search for the client's file among thousands of files. This system will reduce the problem of consuming more time on file searching as well as waiting time for the client.