

The Challenge of Development Control in Nigerian Capital Cities- A Case of Some Selected Cities in the Niger Delta

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Abstract

The astronomically increasing population and the spatial expansion of the primary cities in Nigeria necessitated the introduction of elements of development control in the country. This rapid population increase was occasioned by the economic and administrative roles which these cities played before and after independence in the country. These roles combined to trigger off rural-urban migration. The resulting situation was housing famine, haphazard spatial development, environmental chaos etc. in most parts of the cities. There became the need for the introduction of more stringent development control measures to prevent further environmental chaos. This step has resulted into the establishment of several physical planning laws to regulate physical development in the cities and major urban centres. Despite the existence of these laws over the years, most Nigerian cities are still far from being referred to as 'world class' cities. This has placed a serious question mark on the effectiveness of the development control mechanism in the country. In view of the question raised, this paper had taken a look at physical development control in some selected capital cities in the Niger Delta region of the country. In this regard questions were raised and directed at both the agencies in charge of development control and property developers in the study areas. It was discovered that inadequate funding, lack of equipment and machinery, lack of adequate public enlightenment, corruption on the part of planning officers, political interference etc. are some of the problems confronting effective development control in the capital cities. The findings had helped this paper to make appropriate recommendation as to how improvement can be made in the area of physical development and control in Nigerian cities.

This paper is a product of intense days of field research that covered four cities in the Niger Delta. The information gathered from the field and the available literature from previous scholars on the subject matter made it possible to achieve the level of success recorded in this study. The use of structured questionnaire and direct observation technique made it possible to extract relevant information from our target population in this research. Face-to-Face discussion was also helpful in this research.

1. Introduction

Development control in all ramification is simply put as the way and manner in which land use or physical development of land is regulated (Yemi Osinbajo, 2004). Land use or physical development embraces all of man's activities in relation to land (Adriani, 1974). Thus what development control seeks to achieve is to ensure the orderly arrangement and control of these activities in space. Common man's activities on land are agricultural, forestry, residential, industrial, commercial etc. These activities compete for limited space in urban setting or in our cities. To avoid conflict and ensure compatibility among various land uses the mechanism of control is very essential. Development in Nigeria is as old as the country itself and dates back to the pre-colonial era when the Emirs, Oba's, Amayanabos, Kings were custodians of the customs and traditions of the people and held the land in trust for the people. This continued until 1900 when Lord Lugard abolished the native laws and customs relating to all land by enacting that title to land can only be acquired through the High Commissioner (Duruzechi, N.F. 2008)

However, the rapid rate of population growth in Nigerian cities and the attendant problems associated with such rapid growth called for the need for development control measures to avoid environmental chaos and protect the interest of the public.

The 1917 Township Ordinance, 1928 Lagos Town Planning Ordinance, Nigeria Town and Country Planning Act of 1946, and the 1954 Federal Constitution were all intended to maintain spatial orderliness and sanitation in urban land use activities. To ensure a more effective measure at controlling development, the 1992 Nigerian Urban and Regional Planning Decree was established which confer power on the federal, state and local government council to establish planning authorities and prepare physical development planning scheme at each level. Following this, several planning authorities have been established in different states by the state and local council to regulate physical development. Despite the existence of these physical planning agencies, most Nigerian cities are still miles away from "World class cities". Evidence of environmental decay, incompatible physical development, increasing status of slums and squatters still thrive in most cities in the country thereby

placing a serious question mark on the effectiveness of the development control mechanism available in the country.

2. Method and Technique

Primary data was obtained and used by this paper with the aid of structured questionnaire. Relevant information were extracted and used to achieve the aim of this paper. Three set of structured questionnaire were prepared for our target population. Our target population in this research are; (a) Landlords of buildings completed within the last two years (June 2013-June 2015 in the sample cities). (b) Building Contractors at on-going construction sites in the sample cities as at June, 2015. (c) Officials of the relevant planning agencies in the sample cities.

For the purpose of questionnaire administration each of the sample cities was divided into four zones; north, south, east and west. For our first target population, an inventory of all the buildings completed between June, 2013 and June, 2015 was made and their owners identified in the sample cities. A total of 295 buildings were listed for the four cities. Using the simple random sampling technique, 40 buildings were picked from each city for study i.e. a total of 160 buildings were randomly picked for the study representing 54%. By this a total of 160 copies of structured questionnaire were prepared and evenly distributed among the four sample cities to our first target population who are Property Owners. This is to say that in each city, 40 copies of structured questionnaire were evenly distributed among Property Owners in the four zones marked out in each city for the study (see table 1).

Table 1 Sample cities, number of buildings completed in the last two years, sample size and number of questionnaire administered

City	Total number of buildings completed in the last 2 years	Sample size	Questionnaire completed
Umuahia	73	40	40
Port Harcourt	94	40	40
Yenegoa	65	40	40
Owerri	63	40	40
Total	295	160	160

For our second target population a list of all on-going building projects as at the end of April, 2015 was made. A total of 307 of such on-going building projects were identified. Using simple random sampling technique, 32 properties were picked for the study from the four zones in each city bringing the total to 128 properties in the four cities. The respective engineers or contractors or individuals supervising these on-going constructions were identified and 128 copies of structured questionnaire administered to them. Our third set of questionnaire was directed at staff of the different agencies in-charge of physical planning matters in the respective States (see table 3). Two senior staff was randomly picked from the list of staff presented to us by each agency. A total of 22 staff made up the final list to which 22 copies of structured questionnaire were administered to.

3. Development Control in Nigeria

(a) The colonial era: Attempt to control physical development in Nigeria was made for the first time in 1863 with the publication of the Town Improvement Ordinance. This was two years after Lagos with a population over 40,000 was ceded to Great Britain. The enactment of this Ordinance by the colonial authorities in Lagos was to control development, especially urban sanitation in the city of Lagos. However the ordinance was largely ineffective. Even with the ordinance in place, the sanitary condition of Lagos grew worst. The arrival of the 1904 Cantonment Proclamation during the early years of the colonial administration of the Northern and Southern protectorate was targeted at controlling development in few urban centres. These urban centres were those commercial and administrative towns that had scores of European population. The proclamation succeeded in creating "European and African" quarters (Obialo, 1982). While the "European" quarters were meant for the colonial masters and had the best of modern infrastructure and amenities, the natives were made to reside in the "African quarters which were a picture of congestion and insanitary conditions. By the nature of the 1904 Cantonment Proclamation, it can be concluded that it provided the first town planning regulation even though it was one sided; creating an orderly physical environment for the colonial masters. With the amalgamation of Northern and Southern Protectorates in 1914, the Town and Country Planning Ordinance, No. 9 of 1914 was

enacted. This Ordinance empowered the government to acquire land compulsorily for public purposes, irrespective of whether such lands were occupied or not. The main intent of the Ordinance was to solve the problem of land availability for public use especially in the Southern Protectorate where land was privately owned. With this Ordinance, the power of eminent domain was legally introduced for the first time in Nigeria in 1914. The growth in economic and social status of both the old and new cities in the country gave rural-urban migration a new face. With an astronomically increasing population in these cities there became the necessity to enforce orderliness in physical development pattern of the Nigerian cities to prevent chaos. This singular reason gave birth to the Road and Township Ordinance, No. 20 of 1917. The Ordinance was concerned with the classification and delineation of townships and urban districts into first, second and third class townships and by extension the control of offensive traders, acquisition of land, regulation of buildings, regulation of open spaces and traffic etc. (Agbola 1997, Oduola 1985). In 1924 the colonial government established separate town planning committee for the Northern and Southern Nigeria for the purpose of effectively carrying out town planning activities. The aim of the committee was primarily to control and co-ordinate urban growth, initiate and develop planning scheme as well as approving building plans but its existence was terminated by the departure of Governor Hughes Clifford who established the committee. The insanitary condition of Lagos arising from uncoordinated physical development led to the enactment of the 1928 Lagos Town Planning Ordinance. The Ordinance gave rise to the establishment of the Lagos Executive Development Board (LEDB). The primary functions of the board were the planning and control of new development, construction and maintenance of roads, minimal slum clearance on Lagos Island and the acquisition and disposal of land. The Ordinance was restricted to Lagos alone. The astronomical growth of the other cities in the country and the prevailing socio-economic situation in those cities couple with the condition that led to the establishment of the 1932 Town and Country Planning Act in Britain led to the enactment of the 1946 Nigeria Town and Country Planning Ordinance. This Ordinance was seen as an amalgamation of the 1914, 1917 and 1928 Planning Ordinance in the country. Unlike the others, this particular Ordinance extended spatial planning to the entire country and gave more legislative power to the planning institutions concerned to implement its provision (Ola, C.S, 1977)

(b). Post independent Era: The development control structure that was in place before independence was inherited after independence. However the military government of Olusegun Obasanjo in a bid to solve the problem of land availability for public use especially in the Southern region of the country where individual ownership of land was very strong promulgated the Land Use Decree in 1978 which vested all land except existing Federal land within the territory of each State on the State government. Each State government was to hold the land within its territory in trust and administer it for the use and benefit of all Nigerians. It abolished absolute ownership of land from the citizens and vested it in the various government and a right of occupancy either presumably or actually granted to the citizens. It was the flaws in the 1946 Town and Country Planning Ordinance that led to the establishment of the 1992 Urban and Regional Planning Law. Unlike the former, the later emphasizes the preparation of physical development plans at the National, State and Local Government level. It made clear the type of plan to be developed at the different level. It also stated clearly the responsibilities of the various level of government in physical planning administration and control.

4 The Provisions of the 1992 Urban and Regional Planning Law.

The law has six parts;

- Part i. Deal with plan preparation and administration.
- Part ii. Deals with development control.
- Part iii. Deals with additional control in special area
- Part iv. Deals with acquisition of land and compensation
- Part v. Deals with renewal, rehabilitation and upgrading
- Part vi. Deals with appeals

The law emphasizes the preparation of physical development plans at the National, State and Local Government Areas.

At the National level the law allows for the production of National physical development plan, regional or sub regional plan and a subject plan. At the State level the law stipulates the production of a regional plan, sub regional plan, an urban plan, a local plan and a subject plan. At the Local Government level there should be a town plan, a rural plan, a local plan and a subject plan. Within the confine of the law, the Federal Government is expected as a primary responsibility prepare and implement national physical plan as well as supervise and monitor the execution of project in urban and regional planning and the establishment of development control over Federal land. The primary responsibility of the State government is to exercise physical planning functions within the context of the National physical development plan to ensure uniformity in physical development at all levels of planning. The responsibility of Local Government Council is to prepare town, rural, local and subject plan within its territories (Duruzoечи, N.F.2008).

5. The Study Area

The Niger Delta of Nigeria is made up of nine of Nigeria's thirty six States. It is geographically situated in the Southern part of the country and occupies a surface area of 112,110km² i.e. about 12 percent of Nigeria's total surface area. With a population of over 28million representing approximately 22.30% the country's population(Ademola,2008) the region is associated with oil and gas. It produces over 85% of Nigeria's revenue and is the 7th largest producer of crude oil(Ademola,2008). The region besides oil and gas is also economically rich in other natural resources such as timber, solid mineral as granite, marble clay, barites, limestone, sand and gravel, The followings are the nine states that constitute the Niger Delta region;

Table 2.The Niger Delta States, capital cities, population and land area

States	Capital city	Population	Land area
Abia	Umuahia *	259,230	245km ²
Akwa Ibom	Uyo	463,606	115km ²
Bayelsa	Yenegoa *	266,008	1698km ²
Cross Rivers	Calabar	318,099	604km ²
Delta	Asaba	150,032	300km ²
Edo	Benin	1,147,188	19,794km ²
Imo	Owerri *	119,711	5530km ²
Ondo	Akure	387,100	1500km ²
Rivers	Port Harcourt *	1,382,592	360km ²

*Selected sample cities

Source: National population commission, Nigeria

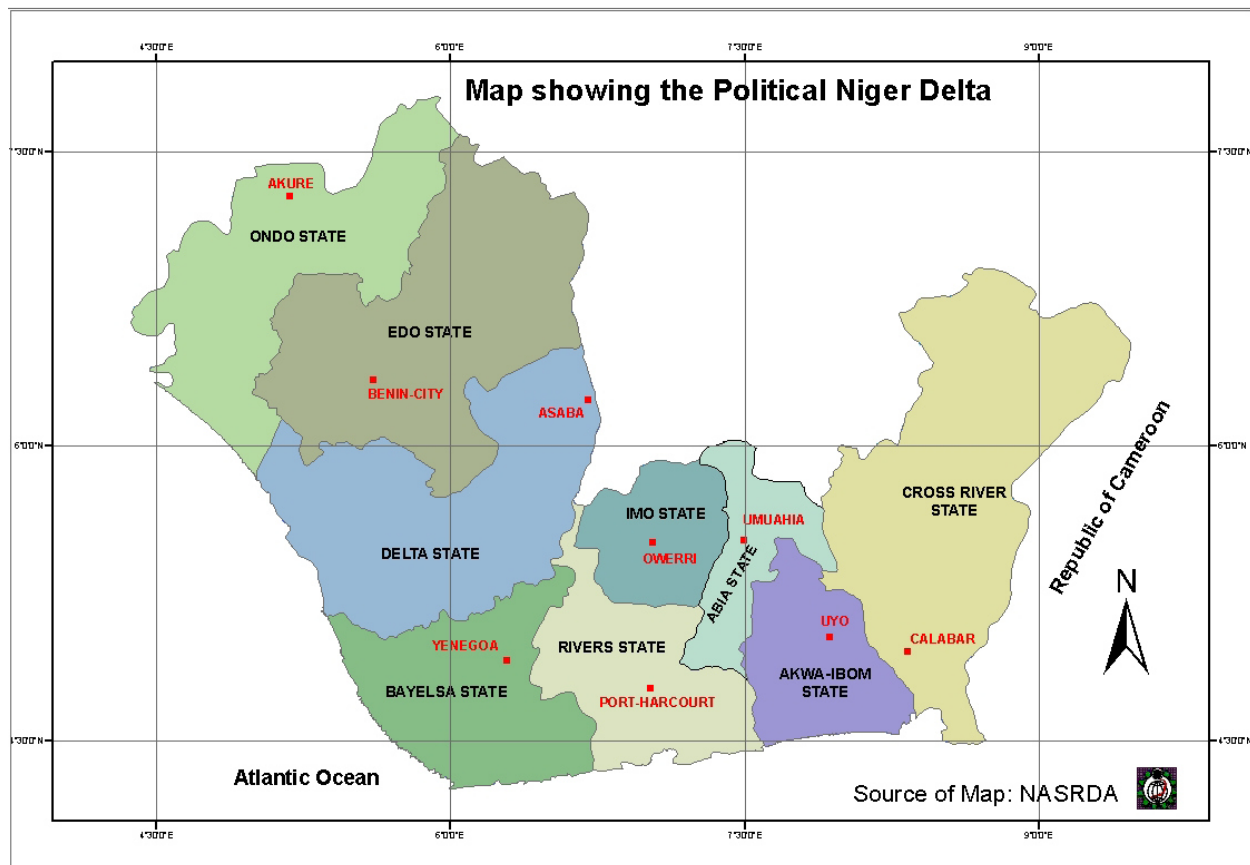


Figure 1 Map showing the Political Niger Delta States and their capitals

6. The Challenges of Development Control in the Selected Cities in the Niger Delta.

In line with the 1992 urban and regional planning law, physical planning authorities, agencies or boards have been established by the different level of government to control physical development in Nigerian cities and

urban areas. As a result of the newness of most of the development control agencies in the country and some of the challenges facing them, physical development control is mostly restricted to the major cities especially the State capitals and few urban centres. Outside the State capitals and these few urban centres development control is almost absent. This is made worse by the dearth of town planning officials in the country; the profession being new in most tertiary institutions in the country. Table 3 shows the major development control agencies in the sample cities

Table3. Development Control Authorities/Agencies in the selected capital cities

State	Capital City	Primary Agency in charge of physical development
Abia	Umuahia	*Umuahia-Urban Development Authority
Rivers State	Port Harcourt	*Greater Port Harcourt Development Authority *Ministry of Urban Development *Port Harcourt city council *Obia-akpo local council
Bayelsa	Yenegoa	*Physical Development Board *Min. of Housing and Urban Development *Yenegoa Local Council
Imo	Owerri	*Min. of Land, Survey and Urban Planning *Owerri Capital Development Authority *Owerri Municipal planning authority

Despite the availability of these physical development agencies commissioned to check and regulate physical development, these cities are still showing traces of disorderliness to a large extent in their growth. The conditions which necessitated the establishment of the various planning laws are still present in these cities. Over congestion of planned residential areas without any available instrument to check population density has given birth to increase in slums in these cities. This situation has also led to the increase in squatter settlements in the cities. In the city of Port Harcourt alone there are about 32 squatter settlements (Kio-Lawson, 2014). These cities have grown to exhaust their initial land area covered by their master plan. Development has extended to engulf the surrounding native communities through rural-urban sprawl. These communities neither have physical development guide nor are covered by the city's master plan.

Table 4 Physical development under construction as at April 2015 in the sample cities

State	City	Buildings under construction	With approved building plan	Without approved building plan
Abia	Umuahia	62	35	27
Riverstate	Port Harcourt	93	55	38
Bayelsa	Yenegoa	84	50	34
Imo	Owerri	68	47	21
Total		307	187	120

Thus development in these new areas of the city is allowed to grow naturally with minimum supervision from the planning agencies. There are so much indigenous factors at play here. It is the natives that decide plot sizes (land is individually owned), street width, fence margin etc. A Town Planner, Nnamdi Christopher one of our respondents in Owerri had submitted that "developments in these new areas of the city are carried out without any regard for the planning rules." In view of the ineffectiveness of the "Enforcement power" of the planning authorities, the trend has continued.



Figure 2. A fuel station located in the heart of a residential area in Port-Harcourt. The property was originally approved for residential purpose. This calls for questioning the effectiveness of the town planning laws in Nigeria

In the planned residential areas of the cities there is so much uncontrollable change of use of properties. The planning authorities are helpless. The “Bulldozer power” of the planning agencies has not been adequately strengthened by the government in terms of finance, equipment and man power. This has resulted into a situation where properties initially approved for residential uses have now been converted to industrial or commercial uses. Today some residential properties are now standing as hotels, banks, schools etc.(see figure 2) The resultant effects of these changes in use is that some of these residential areas have lost the serenity they once offered. Such residential areas are now characterized by noise pollution, traffic congestion, increasing criminality etc. Residents of these areas believed that since the planning authorities are maintaining a blind eye over this development despite the outcry from some of them, it could be interpreted to mean some sort of compromise between the property owners and the planning officials.

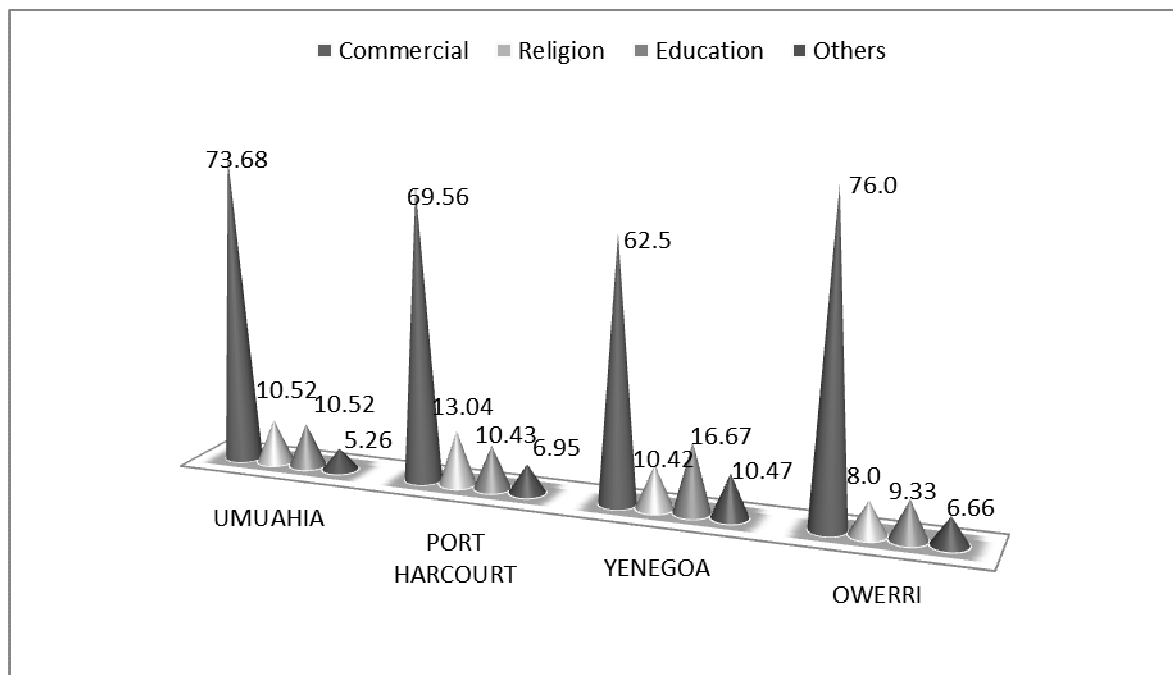


Figure 3 Change of use of residential properties in the low density areas in the sample cities

For the town planning officials, the reason for their inability to act is partly attributed to the fact that some of these property owners are political “sacred cows” that cannot be touched by the planning agencies, confronting them with the law by any officer will simply mean putting your job on the line.

Another problem confronting the planning agencies is the non compliance with building regulations, space standard and approved design. The monitoring and enforcement units of the planning agencies are handicapped by logistic problems, dearth of personals and poor funding. This has practically made it difficult to constantly monitor new development(see table 5). Even when a development is considered to contravene planning regulation and subsequently marked for demolition, executing the demolition order can sometime take up to a year or more. In some cases developers that are well connected or wealthy has often taken advantage of such delay to cover their

Table 5. Number of Visit to building sites for inspection by planning Officers before completion of building

City	Total number of buildings completed in the last 2years	Number visit by planning Officers during construction				
		1-3times	4-6times	7-9times	9times+	Non
Umuahia	73	31	15	10	5	12
Port Harcourt	94	45	24	7	3	15
Yenegoa	65	25	15	15	7	3
Owerri	63	30	19	6	2	6
Total	295	131	73	38	17	36

ground to quash such demolition order as to continue with the development. Most of the developers interviewed opined that the issue of non conformity with building and town planning regulations will continue to spring up in our cities as long as the planning agencies are characterized by corruption, political interference, staff touting and inefficiency. John Bagman Cyprian, a building engineer and one of our respondents claimed that “most of the staff of the planning agencies in Port Harcourt has abandoned their official responsibility of controlling physical development in the city; they have become land speculators and housing agents, two major sources of making extra income for their private pockets in the city”. How corrupt are these officials? Another respondent, Thomas Benibo a building contractor claimed that “even if they know that a developer is not complying with the building regulations or approved plan, these officers will just collect gratification from the developer and give him the cover to continue”.

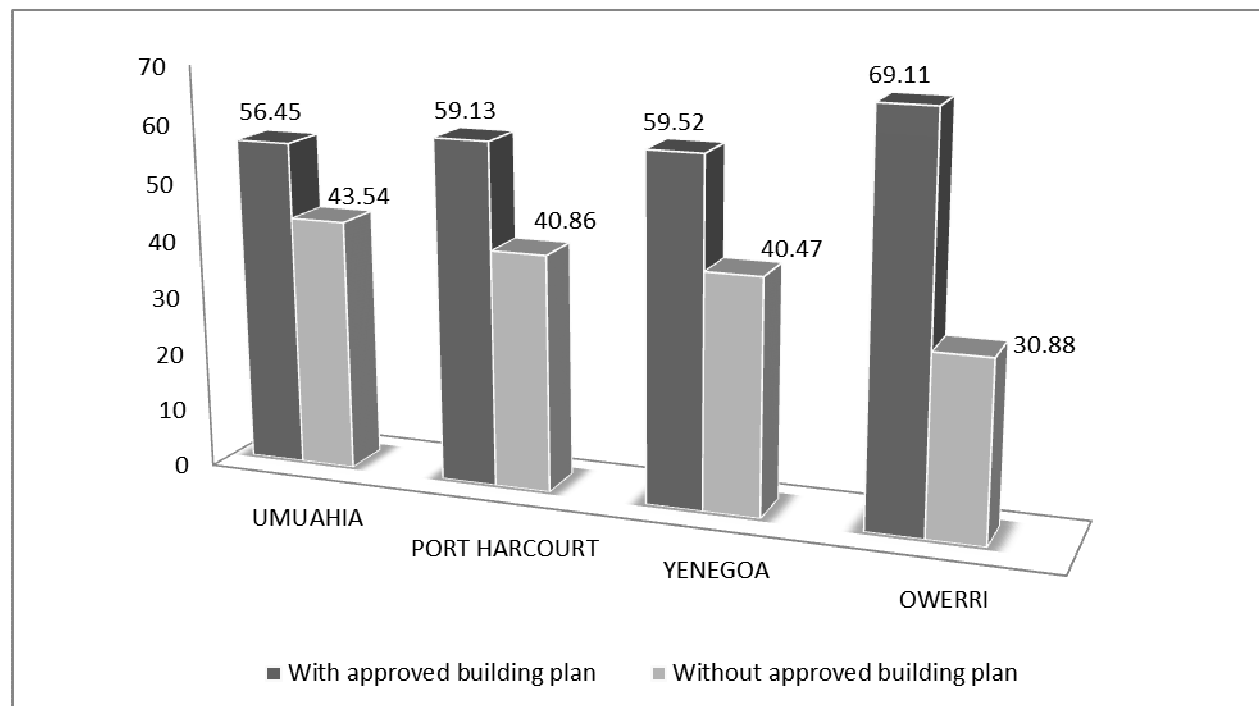


Figure 4 Physical Development Completed in the last 2years in the sample Cities with approved/without approved building plan

For the planning authorities another problem confronting them is the issue of the involvement of several agencies in the management of the cities without any co-ordination. For instance in the city of Port Harcourt while the Ministry of Urban Development had succeeded in demolishing over 4,000 make shift shops that had defaced the city between 2011 and 2013, more than 1,000 new ones had sprang up in the last twelve months having the approval of the local government councils. For the local government councils, it was another source of revenue generation. The local government councils believed that it is within their statutory power to manage the cities therefore they have the power to approve the erection of make-shift shops for residents. Some members of the public interviewed in the four sample cities claimed that “the location of fuel stations indiscriminately in the heart of residential areas, the sitting of electricity transformers and refuse dumps in our cities without any regard for the safety of residence, goes a long way to question the existence and effectiveness of the town planning laws or agencies.

Refuse sites and dumps are determined by the agencies in charge of environmental sanitation without liaising with the planning agencies for the purpose of safety and environmental beauty of the cities.



Figure.5 Electricity transformers are located indiscriminately by the Power Distribution Companies in the cities without any regard for environmental safety and planning standards

Conclusion and Recommendation

Approval of development plan does not guarantee effective control of the built environment. It is just a part of the overall process of exercising control over the physical environment. Development control should end with the implementation of the approved plan, the use to which such structure is put into and the preservation of such structure in line with the planning scheme for such area. So much attention is given to the task of approving development plan because government officials see it as an avenue to generate revenue for the government and their personal pockets. Application seeking the approval of a proposed physical development does not usually carry date of commencement of work thus most often actual work is started on site without the knowledge of the planning authority whose signature is upon such plan. It is at this point that most alterations are made. Besides giving approval to any proposed physical development, owners of such proposed development should be made to communicate to the planning agencies in writing fourteen days before the commencement of work on site. Effective monitoring should start from this point. Approval should not be granted to application for change of use of property without considering the impact of the new use on the immediate environment or neighbourhood. Approval should not just be granted because of the financial benefit on the part of the government and planning officials but questions should be asked as to the relationship of the new use to the entire neighbourhood. The planning officials should know that the conversion of a residential property into a commercial use as night club

in a low density area of the city as was evident in some of the sample cities will have far reaching implications on the neighbourhood and neighbours.

For the government to achieve tremendous success in controlling physical development in the cities and major urban centres it must show more commitment in the way of funding. The establishment of physical development control units in the planning agencies is a right step but adequate fund should be made available to enable the units procure the necessary equipment and machinery to carry out their assignments. Most often for the units to perform they have to hire the needed equipment. The bureaucratic nature of the civil service does not allow regular and timely flow of cash to the units and this has undoubtedly affected the performance of the units. Property owners and developers had often taken advantage of these lapses. Contravening properties marked for demolition have been allowed to stand on long after such notices had been served.

Most cities in the country had grown outside their original walls, areas not covered by their Master plans. Here physical developments are mostly control by the indigenous landowners without any consideration for planning standards. The implications are diverse for residence in such parts of the city. The art of urban renewal should be applied to such areas that shows element of chaos in environmental standards by the government. This will help to introduce some elements of environment beauty and planning standards into such areas. The central planning authority in each State should at interval create interactive forum for all stakeholders in the planning and management of the cities and major urban centres. Such forum will allow necessary questions to be raised and points of conflict among the various agencies involved in urban planning and management properly addressed and resolved.

Staff training and retraining should be a regular exercise in the planning agencies and authority to increase their efficiency. The physical planning law stipulates the demolition of contravening development. The failure of the planning agencies to enforce this aspect strictly has portrayed them as being ineffective in the eyes of the public. This singular act is responsible for the rise of contravening physical development in the cities over the years. Total enforcement of such laws will open the eyes of members of the public; prosecution of such developers or property owners will communicate a strong message to them. The public should be encouraged to report corrupt officials to the authority and appropriate sanction taken against such staff. This will go a long way in reducing the level of corruption associated with officials of the various planning authority or agencies. Another area in which further research may be necessary is the role of indigenous land owners in physical development control in Nigeria.

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