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## **Development Control in Lagos State: an Assessment of Public Compliance to Space Standards for Urban Development** (Pp. 169-184)

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### **Abstract**

*Development control as a potent tool for city management ensures that the continual growth and management of a city can be such that make for orderliness, improved city image, healthy and aesthetics. It also ensures that the environmental challenges as a result of city growth can be reduced to tolerable levels. In metropolitan Lagos, development control requires special skill as a result of the daily problems the authorities are confronted with, which is attributed to the sheer size and rate of increase of these settlements and the complexities of the tasks involved. The problem ranges from uncontrolled change of use of property, non compliance with space standards and approved design, unguided and ineffective enforcement of building regulations. This paper highlights the meaning, context, relevance and problems associated with development control in Lagos metropolis with reference to space standards under the Urban and Regional Planning Development Law 2010. This submission also contains an assessment of the town planning regulation, level of compliance to building regulation and technical skills of personals monitoring compliance to space standards as specified by Urban and Regional Planning Law Decree 88 of 1992, the*

*Lagos Planning Law of 2005 and under the Urban and Regional Planning Development Law 2010.*

**Key Words:** Development, planning, development control, metropolitan area, space standards.

### **Introduction**

Lagos State is of great social and economic significance both in terms of industrial, jobs creation directly related to manufacturing and indirectly in terms of commercial, transport, banking, housing and insurance opportunities created. One of the predominant problems facing Lagos metropolis is that of promoting balanced land use that reduces conflict, environmental degradation and leads to efficiency and sustainability. This arises from the fact that Lagos metropolitan lands are becoming increasingly scarce resources. The point is that metropolitan Lagos requires land for numerous activities. On the other hand, land is a finite resource, while the demand for land increases, thereby posing challenges. It should be noted that human needs must be satisfied on the fixed land and development must be located on the limited land. Activities have to compete for the use of best sites for their location; hence the principle of optimality has to be adhered to at the expense of the specified space standards and permissible development in that location.

With reference to the foregoing, metropolitan planning and control is a specialised field which requires special skill. Those who are charged with the responsibility of managing and planning the affairs of metropolitan areas (mega-city) are daily confronted with problems as a result of the alarming increase in population and pressure on the infrastructures in metropolitan areas thus making the tasks of authorities involved in the physical planning, control and management very difficult.

Prominent among the challenges of metropolitan areas/mega cities are the tasks of rapid territorial expansion, cultural and ethnic diversity, and non compliance to planning standards, extensive infrastructure networks, urban poverty, global competitiveness, transportation, communication, social services, and potentials for environmental degradation, urban aesthetics, energy consumption, physical planning regulation and security, lack of executive capacity to deliver or implement relevant urban and regional planning laws. It is within this perspective that this paper is poised to assess the level of compliance to space standards for urban development and control measures that can be adopted for effective development control within Lagos Metropolis.

### **Metropolitan area**

A metropolitan area is a large population center consisting of a large metropolis and its adjacent zone of influence, or of more than one closely adjoining neighboring central cities and their zone of influence. A metropolitan area is also defined as an area comprising a relatively large core city or cities and the adjacent geographic areas. Conceptually, these areas are integrated economic and social units with a large population nucleus. Metropolitan Lagos consists of 16 Local government areas and it constitutes 88% of the Lagos State population which is estimated to be 15.5million inhabitants. The Lagos metropolitan area is estimated at 300 square kilometers. Metropolitan Lagos is located in the south -western part of Nigeria. It is the largest metropolitan area in Nigeria. Framing the southern part of the study are in the west is the Lagos Harbour which stretches towards the east to form the Light House Greek.

### **Town planning**

Town planning is a future oriented problem solving strategy within a defined area. Town Planning is tailored to set goals based on the images of the desired future. Policies are designed and plans are implemented to guide the system towards the goals, or to change the existing system if it cannot achieve the goals in terms of complexities like continual increase in changes in policy currently experienced in Lagos Metropolis. The two key tools in Town Planning are development plans and development control mechanisms. While the first gives a direction in the growth and development of a city, the later guides and control development.

### **Development plan**

A development plan is called by different names - "General Plan", City Plan", or "Master Plan". A development plan is defined as the official statement of a municipal legislature body, which sets forth the major policies concerning future physical development of a settlement. A development plan is a policy instrument, it must provide basis for fulfilling the yearning and aspiration of the people. A city is a corporate entity. The local government has control of the city- its nature, extent and manner of development. Therefore the development plan provides the legal and technical instrument for such local government control.

Table 1: The 16 LGAs of Metropolitan Lagos

No's	Local Government Area	Land Area (In Km <sup>2</sup> )	Population (2006 Census)	Density (inh. per Km <sup>2</sup> )
1	Agege	11.2	459,939	41,071
2	Ajeromi-Ifelodun	12.3	684,105	55,474
3	Alimosho	185.2	1,277,714	6,899
4	Amuwo- Odofin	134.6	318,166	2,364
5	Apapa	26.7	217,362	8,153
6	Eti-Osa	192.3	287,785	1,496
7	Ifako-Ijaiye	26.6	427,878	16,078
8	Ikeja	46.2	313,196	6,785
9	Kosofe	81.4	665,393	8,174
10	Lagos Island	8.7	209,437	14,182
11	Lagos Mainland	19.5	317,720	16,322
12	Mushin	17.5	633,009	36,213
13	Ojo	158.2	598,071	3,781
14	Oshodi-Isolo	44.8	621,509	13,886
15	Somolu	11.6	402,673	34,862
16	Surulere	23.0	503,975	21,912
	Metropolitan Lagos	999.6	7,937,932	7,941

Source: <http://Wikipedia.org/wiki/FileLGA.Lagos.PNG>.

### Development control

Before defining development control, the word development needs to be other stood. Development, under section 109, Lagos State Urban and Regional Planning Law, 2005 (repealed) and section 102 of 2010 Law means "the carrying out of any building, mining or other operation in, on, over or under any land; the making of any material change in the use of any land building structure, or conversion of land, building structure from its

established or approved use, and / or including the placing or display of advertisement and urban furniture on the land, building or structure; the making of any environmentally significant change in use of any or demolition of building including felling of trees.

Development control also known as planning is seen as a mechanism to maintain standards. It is process laid down by legislation, which regulates the development of land and building. It is the professional activity carried out by town planners in order to ensure compliance with the approved master plan thereby ensuring orderliness.

- The 1946 Ordinance empowered the government to establish local planning authorities and made development control the main activities of the authorities.
- Under section 27-63 of the 1992 Planning Law, provisions were made for establishment of Development Control Department (DCD) by the commission, the Board and the authority to be established.

Development control processes includes the use of;

- Land use zoning and
- Land planning standards.

**Zoning:** One of the ways physical development is guided in any particular community, through indirect government policy is zoning (Oyesiku, 1997). Zoning is a regulation of use of land, allowing government to through the Local planning agencies and council to exercise stronger control over the use of land in a particular community, it is somewhat a legal exercise as well as a political process. It uses restrictions and development standards in guiding physical development, but guarantees equal protection and due process as well as ensuring public health, safety, and welfare.

**Planning Standards:** The planning standards have two main divisions; these are the prescriptive and the regulatory standards. The prescriptive standards are the guides or specifications used in dimensioning in the preparation of a disaster risk reduction plan or any development plan. Planning standards are used in Town Planning as recognized model for imitations. They are legislated standards which in most cases are mandatory and inflexible. Development control reduces the negative effect accompanying physical development; it is a highly sensitive exercise which must be done with

precaution, firmness and with deep sense of responsibility by the authority concerned.

**The Lagos state official gazette of 2005 (repealed) and 2010 Lagos state URPD law**

The following are the major highlights of the repealed 2005, Lagos State Official Gazette No. 25 Vol. 38; and the 2010 Lagos State Urban and Regional Planning and Development Law.

- The Lagos State Physical Planning and Urban Development shall be responsible for all Physical Planning and Urban Development in Lagos State.
- The law made provision for the creation of an authority made up of the following;
  - a) The Lagos State Physical Planning and Development Authority
  - b) The Lagos Urban Renewal Authority and
  - c) Any other agency as may be established
- The Ministry shall when required, delegated to the Authority specific responsibilities and functions for implementation
- The Ministry shall be responsible for preparation and approval of the following hierarchies of plans: Regional, sub-regional, master and urban centre plans.
- The Ministry shall provide technical assistance to all government Ministries and Agencies on physical planning matters.
- The Lagos State Ministry of Physical Planning and Development Authority shall be responsible for: processing and issuance of all building development permits and ensure compliance, with the express approval of the Governor acting through the Commissioner establish District Town Planning Offices. Also acting through the Commissioner and co-operation of the Local Government Councils establish Local Planning Offices (LPO) at Local Government levels. The LPOs are to refer any plan prepared by it to the Ministry for the purpose of obtaining the approval of the Commissioner.

- The Lagos State Urban Renewal Authority shall identify, prepare and implement areas approved for upgrading and redevelopment. It shall hold, administer and maintain government acquired properties within redevelopment or renewal project areas.
- The Ministry shall have powers to regulate the operations, and the Authority.
- The Development Authority shall have powers to exercise operational control and supervision over its Constituents District Town Planning Offices and Local Planning Offices.
- Every physical planning agency in Lagos State shall with the approval of the Commissioner set up programme for the preparation and review of Development Plans.
- For the purpose of preparing Development Plans, the Ministry or the Authority shall from time to time invite relevant stakeholders including Ministry/Agencies, Non-Governmental Organisation, professional bodies and individuals for the purpose of considering any matter relating to physical planning and urban development.
- A draft Development plan shall be made available for public inspection for a period of 28days. Such planes) shall be advertised in at least two daily newspapers and the public is allowed to raise objection/comments on the plan.

The new law 2010 have many things in common with the 2005 repealed law, they are to provide for the administration of physical planning which is relatively new, therefore it is assumed that the promoters of the law base its emergence on the improvement of previous planning laws in Lagos State, especially the 1998 Lagos State Urban and Regional Planning Edict. It is therefore too early to comment on the likely problems that will emerge but it appears that the intent of the law to centralize planning power within the Ministry is against the spirit of democratic system on one hand and the concept of bringing planning close to the local level and the community. As a result of these inadequacies, a new law has been enacted for the "Administration of Physical Planning, Urban and Regional Development, Establishment and Functions of Physical Planning and Development Agencies" in Lagos State. The 2005 Law has further been expanded to take care of building control, local government building control, insurance, planning permit, compensation, compliance and enforcement of demolition

orders in the 2010 Law.

### **Lagos state department of development control**

The statutory functions of the department of development control are as follows”

1. Processing and issuance of development permit in the state.
2. Monitoring compliance with approved and operative physical development plans, various approval orders and regulations.
3. Establishment of district Town Planning Offices and Local Planning Offices with express approval of the governor acting through the honorable commissioner for the Ministry of Physical Planning and Urban Development.
4. Operational control and supervision of Districts Town Planning Offices and Local Planning Offices.
5. Preparation and periodic review of District Plans, Town Plans, Local Plans, Development Guide and Plan for excised villages.
6. Publication in the official Lagos State Government Gazette of Building Plans, approved, rejected and or withdrawn.

All of the above functions are performed by the five (5) technical Departments in the Authority, while other departments of the ministry are responsible for plan preparation, research and data processing, monitoring and enforcement of planning amongst others.

### **Space standards**

Space standards in building plan regulation is a means of specifying minimum requirement for residential development, institutional development, commercial development, public utilities, Highways and roads, Electrical power lines, Gas and Oil pipe lines, Water bodies and gorges. Part I, Section 12 of the First Schedule 2010 Law deals with the Regulations and Standards. It includes Comprehensive Development Plans shall include regulations and standards which define the scope and limits within which District Plans and other Development Plans are to be framed and drafted. These shall include the following: 12(1)(b) formation, minimum requirements for dwelling units of various types including sizes, service cores, room sizes, ceiling height and day lighting or ventilations;

(c) Building site requirements and limitations, minimum building lines, airspaces, and maximum coverages, height and plot ratios, for the main types of residential, commercial, industrial and institutional developments in defined use zones.

The space standards have specified by the Town and country planning building regulations includes minimum standards for the following:

- Setbacks & Air space
- Plot coverage
- Height requirement
- Parking requirement
- Fencing

#### **Commercial and industrial development standards**

**Setbacks and airspace:** Section 15(g) of the town and country planning regulations of 1986, states that, "every commercial and building shall have minimum of 9meters set back in front, while the sides and rear airspace shall be a minimum of 6meters.

**Plot coverage for commercial properties:** Section 18 of the regulation states that" the maximum coverage permissible on a commercial or industrial plot shall not be more than 70% of the entire plot" The maximum Plot Coverage for Industrial Plot is 60%.

**Height requirement:** The height requirements of any proposed development is subject to the particular zone. E.g Commercial properties along Broad street Lagos Island can go above 8 floors, while properties on other major commercial areas on the Island may not go above that. The permissible floors are subject to the zoning of the area.

**Fencing:** the permissible height of the fence is 150mm block up to 4 metres.

#### **Residential development standards**

The distance between any residential building and property boundary (beacons) at the frontline should not be more than 6metres with 3metres at the rear, right and left side airspaces respectively in all government reservation areas(GRA) and all private approved layouts except:

- I. Residential buildings in Victoria Island, Ikoyi, Ikeja etc.

II. Core areas in Lagos State including Lagos Island.

- a) 3metres front setback to the property line and 3 metres rear setback.
- b) Left airspace of plots measuring less than 450m<sup>2</sup>
- c) No building shall have cantilever on any side having 1-5 metres airspace
- d) State shall observe a minimum of 3metres setback. The airspace shall be 3metres on one side and 1.5meters on the other side with the provision that cantilever shall not be allowed on the side with 1.5meters airspace.
- e) Building in other areas in Lagos State shall observe a minimum of 6meters in front and
- f) 3metres on the sides and rear. However, building over3 floors shall observe a minimum of 4.5 metres at the rear, unless otherwise stated in this regulation.

**Problems of development control in lagos metropolis**

The problems of development control in Lagos state as a whole arise from gradual deviation from master plan of Lagos and deregulatory authorities on development through distortion, alteration and deviation from planning standards. The main violators include both the public and private sectors aided by the' inefficiency, indiscipline officials and compromises made by government agents in charge of development control.

In spite of the government intervention through building regulations in metropolitan centers, and advertorials in the dailies by the regulatory authority, warning the public on the increase "in contravening conduct of property owners, building developers and occupants in Lagos in Lagos metropolis". Listed among the common contraventions are:

- i. Encroachment on public rights of way and open spaces.
- ii. Buildings spring up under high-tension lines with their roofs a few metres below the lines.
- iii. Urban areas that the building setbacks have been taken over by front shops and a variety unsightly development.

- iv. Conversion of residential property to commercial premises, banks, places of worship, schools etc;
- v. Construction of buildings in violation of building approvals
- vi. General violation of Urban and Regional Planning Laws in Lagos State.
- vii. Corruption by enforcement officers.
- viii. Construction of properties on public utility setback.

For instance, the former Governor of Oyo State, Alh. Lam Adesina (1999) states that "the state's Town Planners were planning; nothing except disaster for the people. They have sacrificed their professionalism at the altar of money; all potential zones of disaster in Ibadan have been approved for building of houses and other structures ... " These statements were made during a courtesy visit by the Nigerian Institute of Town Planners's (NITP) president and members to the governor. Aluko (2000) noted that the exposure and open confrontation reveals that those who know the planning law best and are supposed to be planning the environment are now the culprits.

All of the above are the consequences of neglect, poor management, inadequate and absence of urban development policy or absence of mechanism for the enforcement (Itam & Archibong 2003). In Other words, development control measures have not been effective as a tool for land management due to poor implementation and technical know-how and corruption of officials.

### **Factors affecting development control and space standards in lagos metropolis**

1. Increasing Urban Poverty: increase in urban poverty is a major concern to effective land use practices and control. According to the World Bank estimates worldwide, about 30 per cent of the poor people live in urban areas like Lagos (Population Reports, 2002). Most of the urban poor live in slums and squatter settlements, without adequate access to basic infrastructural facilities such as clean water, healthcare services and hygienic environment. Majority of the urban poor results from unemployment, lack of well-paying and steady jobs. It is clear that as a result of increase in population, only fewer people could find steady job with adequate wages in the formal sector of the economy given the fact that majority of the

urban poor are semi-illiterate and illiterates. The only means of survival is in informal activities, people sell on road side setbacks, hawk on streets, shoe shiner, mama-put seller etc. Small shops are constructed on residential buildings setbacks and setbacks of public utilities. As a result, most of the houses developed are occupied by the urban poor that do not conform to building standards; every space available is utilized for commercial purposes. This type of development and activities are noticeable in Agege, Ajegunle, Mushin, Bariga, Ijora-Badia, Isale Eko, Makoko, Oshodi, Ojo and Orile .amongst others. Addressing the problems of the Lagos Metropolis requires a holistic approach.

2. Procedural delays: A lot of complicating procedure for obtaining development permission makes it difficult for developers to quickly respond to demand for Real Estate. In Lagos states most especially, approval plan requirements are costly depending on the zone, thus constraining access by low income earners to safe lands in desirable location.
3. Inappropriate Legislation and access to land: Land use regulations, planning and building standards constrain low income group access to land. It should be noted that while these regulations attempt to ensure citizens health, safety and welfare by strictly controlling land and building standards, the regulation force the very group they seek to protect into completely unregulated informal sector (Dowall and Clarke, 1996). Most of the Lagos state residential schemes are not accessible to the urban poor, yet the urban poor constitute majority of Lagos metropolitan population. In other words, space standards falls as houses are developed marginal land, floor plain, open spaces and watershed for shelter, utility setbacks, etc. Therefore, planning ends up not being unsustainable as the people do not feel a sense of responsibility to their environment or laid down standards. Furthermore, the problems of the Lagos Metropolis are compounded because Lagos is a city that does not have city wide administration. There is an overlap of functions and activities by all levels of governments, and consequently, friction, conflicts and waste of public funds. If constituent local governments of a large metropolis plan and manage their own sections of the area, there are bound to be conflicts and narrowness in outlook. The conflicts between parastals and local governments have been resolved in the new 2010

Law under Part I section 2(h) which states that the formulation of guidelines for fostering inter-ministerial, intergovernmental, bilateral and multi-lateral cooperation on physical planning, urban development, urban regeneration and building control.

4. Weak enforcement of the law: There is general lack of dedicated and competent staff to enforce the law, all blamed on Nigeria factor. The planning authority always compromise illegal structures, because of the corrupt nature of the system. It has led to conflicting land uses such as the infiltration of commercial land uses on housing as the case is in Festac Town; complete succession on Allen Avenue, Awolowo roads and Adeniran Ogunsanya amongst others, poor aesthetics and unsightly cityscape, high building density and high rate of building collapse such as the recent one at Ebute-Metta and Lagos Island., and invasion of informal shanties in planned areas. Due to the rapid population expansion and poor physical development control being witnessed in Lagos metropolis, more people, especially the poor inhabit ecologically vulnerable areas such as Ijeh, Amukoko, Makoko amongst others.
5. Inadequate information on land: It poses serious constraint on development control and land management. Specific information deficiency relates to land tenure, title, land values, housing condition. In fact, conflicting title and lengthy legal and technical procedures may delay real estate transaction and force land development to illegal locations. The point is that without land use information on the resources to be managed, it is extremely difficult for the planning authority to establish effective regulations and policies. Despite Lagos State physical planning and development authority (LASPPDA) effort at making planning information readily available to developers and the likes, this effort has made little or no impact.
6. Poor title registration and tenure security: The general lack of good title registration and tenure records is a serious constraint on efficient urban land management in Nigeria as a whole. One of the major impacts of poor title land registration systems is the inability of landowner to gain access to formal credit sources. In addition the cost of registration and related procedures, in most cases may breed a cynical attitude in using the formal process.

7. Despite this public notice against contravention of town planning laws, the regulatory authority has been less aggressive in enforcing its own laws and more often than it is professionally/ethically questionable for some of its actions in the course of its official duties. The enforcement of town planning laws seems to be at the whims and caprices of those saddled with such responsibility. Some of their actions border on high handiness, double standard, delay tactics and selective enforcement.

The regulatory authority has turned a blind eye to the numerous contraventions of town planning laws being committed by some developers in that precinct. Shifting of building lines are being done with reckless abandon, construction of permanent structures on road setbacks is unabated and compliance with setback requirements is contrary to what the law stipulates. As glaring as these contraventions are, the regulatory authority has been foot dragging in checkmating offenders.

In Lagos Island, similar abuses are common. Bulk, density and air space requirements are flagrantly violated. Some residential buildings are constructed without consideration for air space and privacy. In some cases, the air space between buildings is less than one meter. The closeness of buildings portends a dangerous domino effect should there be any incident of fire outbreak because most of these buildings do not have any escape route. The Metropolitan Lagos has witnessed rapid transformation from residential serenity to that of commercial hub. The entire land-use is fast changing in character and landscape precipitated by incompatible development. The indiscriminate granting of change of use is another aspect of physical planning, which the present governor has reduced to a considerable level. Most of the change of use invariably creates more problems than they intend to solve. Examples of buildings converted to banks and other commercial centres along Adeniran Ogunsanya Street and Ogunlana Drive in Surulere Lagos are less than the required minimum of IOOOmeter square to allow considerable space for parking. These conversions contribute heavily to the traffic congestion experienced along that route especially during peak hours.

### **Recommendations for development control problems**

The enforcement of the control laws and regulations constitute the major difficulties in the development control unit of Lagos State Physical Planning. The following are suggestion aimed at reducing the problem to a considerable level;

- Personnel involved in this area should be encouraged, trained and rewarded as when due.  
Effort should be made to stream line the conditions for carrying out responsibilities within this setting.
- Officers should ensure that undue excuses, delay and corruption should be avoided as much as possible because the bulk of the problem in metropolitan Lagos today is as a result of corruption on the part of the officers in authority.
- Also power vested in this office should not be abused as it is often done through arbitrary refusal to grant approval. Genuine case must be treated promptly and innovative ideas that can help resolve any teething issue should be employed as when due.
- The physical planning authority should not be blinded by the quest for revenue generation and therefore over density in the area bulk especially in new imagine cities in Lagos. Consideration ought to be given to urban cohesion, setbacks, aesthetics and cultural affinity, which are the hallmarks of metropolitan areas and mega-cities across the developed countries.
- The urban and regional planning Decrees 88 of 1992 have not been put to test to ascertain the effectiveness of the law. Particularly some planning authorities have started its implementation; efforts should be made so that all concerned used the law as expected.
- There is need for new and relevant. bye laws, edict, acts and regulations to channel the new course of challenges in the planning profession so that the gains associated with the discipline can be appreciated by all.
- The of management of planning approval or project for which development permits are obtained since the planning permit is not the end in itself is a major area that has not been given the needed attention. This aspect should be seen within the context of managing change in order to achieve the greatest benefit. According to Oduwaye (2009) he sees it as a signifier of this new thinking is that development control (permit) should be changed and practiced as "development management". This should be supported with the adoption of the new practices that this change implies.

## Conclusion

This paper has been able to highlight the functions of Lagos State development control unit under the Lagos State Urban and Regional Planning and Development Law 2010 and other related laws. It has fairly examined the level of compliance of the stipulated space standards within Lagos Metropolitan area. It is worthy to note that guidelines for development are not just laws stipulated but this laws guiding development in Lagos are meant to help produce environment conducive, aesthetically pleasing, functional, safe and more importantly healthy for all the inhabitants of Lagos Metropolis. It therefore requires collective action of the public and private sector of the State as well as the government in providing means of educating and skill development of the officers responsible for delegating these duties.

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