



Adherence to Planning Laws and Regulations in Okene Town, Kogi -Nigeria

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ABSTRACT

The paper investigates the level of private residential developers' compliance with planning laws and regulation in Okene town. A purposeful sample survey was adopted in some selected areas in the town. Analysis of the result shows that over 70% of the respondents do not comply with the tenets of Edict 1991; the official working document for regulation of planning activities in Kogi State. Several reasons were established as contributory factors for defaulters. The major factor is the administrative bottleneck associated with the process of obtaining development permit as stipulated in the Edict. The paper recommends complete overhauling of the process of development in the state and Okene town by adopting and implementing the 1992 Urban and Regional Planning law in the state. The 1992 URP law is a better tool for enforcing planning regulations as observed in other parts of the country where the law has been implemented, though COVID 19 has exposed the inadequacies of planning tools in Nigeria and across the globe.

Keywords: Planning Standards, Okene, Compliance to Planning Regulations

INTRODUCTION

Planning standards refer to the level under which development should conform to in a planning area in terms of building height, road width, building size, roof plans. While regulations as described by Payne and Majale, (2004) is a rule or order of conduct prescribed by an authority in terms of requiring or prohibiting certain behavior. Regulation is an essential instrument in the urban development process and is necessary for the effective functioning of the housing market. Therefore, the regulatory frameworks are necessary to achieve land development in an orderly manner, ease efficient land management, enable the poor access to improved housing and credit facility, attract and guide local investment (Payne & Majale, 2004).

Urban Planning Regulations

Urban development and planning regulations can be seen as the regulatory procedures for controlling land use development in line with a plan (Clarke, 1994). Agbola (1985) and Onokerhoraye & Omuta, (1986), defined urban development and planning regulations as “*a collection of interrelated statutory and administrative instruments and techniques designed to safeguard, regulate, conserve and disburse land that is in the interest of the overall community, as well as control the character, appearance and arrangement of buildings and facilities to ensure economy, convenience and aesthetic appeal*”. However, in Nigeria, the increasing level of urbanization and its accompanying problems tend to question the efficacy, and hence the relevance of existing urban development and planning regulations (Arimah & Adeagbo, 2000). Cities are constantly changing because of human activities, physical and social processes as they constantly adapt to the new realities while embracing the opportunities and threats that come along with the changes (Obadoba, 2019). A major change in cities is the Coronavirus, a global pandemic questioning the way cities have been viewed and planned overtime.

Planning Regulation in Nigeria

The history of planning regulations in Nigeria is largely classified under pre-colonial and post-colonial planning laws. The pre-colonial planning laws emanate largely from the British Town and Country Planning Law of 1946. The latest of all the planning laws in Nigeria is the 1992 Urban and Regional Planning law (1992 URP Law) which repealed the 1946 law. The 1992, URP law was adopted as a uniform practice to regulate and coordinate standard development in the country (Omole and Akinbamijo, 2012). The 1992 law allowed the creation of a Planning Commission at the Federal level, Town Planning Boards at State Level and Local Planning Authority at the Local Government level. Many of the states in Nigeria are in the process of translating the 1992 URP law into a working document for implementation. However, before the 1992 law, individual state had developed edicts that guide and regulate planning activities within her jurisdiction.

Before the 1992 URP law, planning regulation in Kogi State was guided by the Town Planning Edict No.5 of 1991 (*Kogi State Town Planning Edict*, 1991). However, in 2018 the Nigerian Institute of Town Planners updated the planning standard in the State by providing a planning guideline for land developers in the state (Planning Standard, 2018) and 1991 Interim Development to serve as development control. The basic steps for land allocation for private residential development are as presented in Table 1.

Table 1: Basic Steps for Formal Land Allocation in Kogi State

Steps involved	Activities	Typical duration/Comment
1	Advertisement by the Ministry	2 weeks
2	Obtain and fill in an application form with 4 passports	6 weeks to 1 year or more
3	Submit the application form to the ministry of Lands	
4	LUAC meets to consider the application	
5	Informed successful applicants	
6	An offer letter is issued	
7	Payment of premium upon acceptance	
8	Deeds plan and approval by the ministry	Officially 3 months to 3 years, however, there has been very few C of O (less than 20,000) allocated between 1996 till date.
9	Director-General of land signs the draft certificates of occupancy	
10	Submission of draft C of O ³ to the governor for approval	
11	Governor returns the signed and approved C of O	
12	C of O is registered in the register	
13	Notify owners for collection of approved C of O	

Source: Kogi State Ministry of Lands, 2022.

Among several functions, the Edict empowers the board to administer, execute, and enforce the provision of building lines regulatory laws and to formulate, control, monitor, and coordinate physical and regional activities. The Town Planning Edict and the 1992 URP Law also prohibit any development or alteration without an approved planning scheme for the area. The 1991 Edict provides standards for residential

development in Okene as it is provided for in the Interim Development Order of the state. The Edict provides guidelines for a minimum area to be developed, the plot size, width of the road and the minimum setback for the right of way.

However, there are no data to ascertain the level of compliance with land use regulations and building standards in Nigeria generally. There is no research data available in Okene town that establishes the level of compliance to the above-stated functions. This gap in knowledge requires understanding in terms of compliance with planning standards and regulations by individual private developers in the town. Given this, the study attempts to assess residents' adherence to planning standards to ascertain the level of compliance and to establish reason(s) for lack of compliance. Urban development in Okene town has followed the path driven by population growth like other emerging economies faced by urbanisation challenges. The paper argues that land use and building regulation managed by urban planners and officials in each state and local level may contribute to the incidence of compliance or non-compliance.

The Study Area

Nigeria, a country in West Africa with over 200,000,000 million population consists of 37 states including the Federal Capital Territory, Abuja. The states are further divided into 774 local governments. Okene is a Local Government Area in Kogi State. Okene town is the headquarters of the Okene Local Government Area. It is located at latitude 7°33'23.04" N 6°13'53.26" E bounded by Adavi, Okehi, Ajaokuta, Ogori-Magongo Local Government Areas and Okpella in Edo State.



Figure 1: Imagery of Okene Town

Source: Google map

The town is surrounded by hills and mountains and takes its source of water is from the Uhobo River, a minor tributary of the River Niger. Agriculture, skilled labour, and commercial activities are the strength of the economy. Okene is a nodal town attracting commuters in and out of the town to different parts of the country. Also, it is the traditional centre of the Ebira people. Indigenes living within and outskirts of Okene and abroad ensure they have buildings on ground which are some of the reasons that have transformed the Township. These factors make the town a center of attraction, pulling a high population influx into the town, and making it a commercial hub. These attributes place a high demand for land for development by the residents. A place with high demand for land would likely experience abuse of planning standards and regulations because of pressure or demand for land use. This justifies the study.

METHODOLOGY

A survey of the town housing market was undertaken within the study period to ascertain the level of compliance with planning regulations. Houses were chosen from two distinct residential zones possessing characteristics of low and high-density residential neighbourhoods. A sample size of 110 was chosen and allocated based on 40% and 60% low and high residential zones, respectively. This was guided by the proportion of houses in each zone. The Anyoke (GRA) represents the low residential area while Inike, Idoji and Iruvucheba represent the high residential area. The sample comprises of privately owned or rented units. A pilot survey provided the ground for rented units where the landlords could be reached for interviews. The publicly low-cost houses for residential buildings for government officials were excluded from the sample since the procedures are not the same for private developers.

RESULTS AND DISCUSSIONS

Level of Compliance to Planning Regulations

There are eleven laws for planning domiciled within the Ministry of Justice in the state. The Laws are duplicated that no single one is fully operational in the state due to lack of continuity in governance. The 1992 Urban and Regional Planning Law is generally operational at the national level, yet to be fully operationalised in the state but serves as one of the legal planning documents in the state. Also, the 1991 Edict and the Planning Standard guidelines serve as regulatory frameworks for planning practice in the state. The various planning regulations for setbacks, building height, foundation, floor ratio, plot size development and scale of building plan drawings are spelt out by the Kogi State Town Planning Edict of 1991 which is the same as the Planning Standards of 2018 as shown in Table 2.

Table 2: Planning Regulations for Residential Development in Kogi

Planning Regulations		Dimension
Plot size		450m ² and above
Set back	Side	1.8 m
	Another side for drive-in	3m
	Rear	3m
	Between buildings on the same plot	3m
	Between 2-storey building structure on the same plot	4.5m
Building height	Restricted height in flying zones	3m on the first floor
	Storey building	2.75m on other floors
	Fence	Lift must be included when the building exceeds four floors. 2.4m
Foundation		Not less than 1/2m below ground level
Floor ratio		11 m ²
Plot size development	Low-density area	33 ¹ / ₂ %
	Medium-density area	50 ¹ / ₂ %
	High-density area	60%
The scale of building plan drawings	4 copies to which include structural designs, architectural drawings, electrical drawings	1cm to 50 cm 1cm to 100cm

Source: Kogi State Town Planning Edict (1991).

Table 3 shows the extent of non-compliance with planning rules and regulations. Analysis of the results on the table shows that regulations concerning setbacks, building height, fence and foundation among others as stipulated in the Edict were largely violated. The regulations concerning set back, building height, fence and foundation as observed from Table 3 were violated.

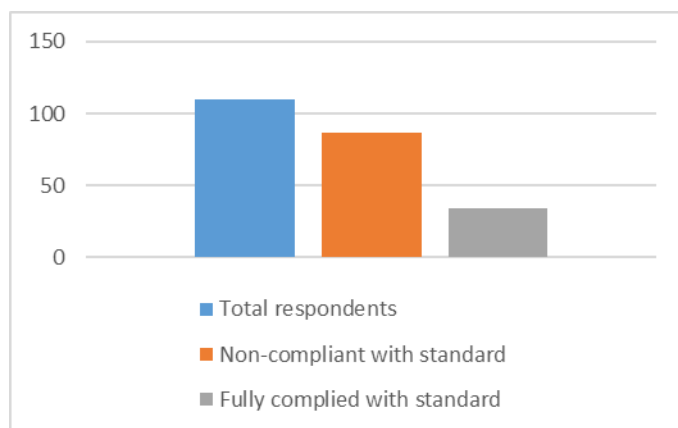
Table 3: Residential Development Compliance to Planning Regulations

	Planning Regulation	Official Sizes	Actual Measurement
1	Set back to the side, drive-in, rear, between buildings, between 2 storey buildings	1.8m ¹ / 3m / 3m /3m /4.5m.	1.0m / 2.0/ 1.m / 1.3m / 1.0m.
2	Building height Storey building/	Lift must be included more than 4 floors.	There is no structure exceeding 4 storeys in the study area.
3	Fence	2.4m high	vary between 1-5m high
4	Foundation	Not less than 2m below ground level.	Depending on the soil structure but less than 1.5m in the study area.

Source: Authors field survey (2022).

Analysis of the level of compliance with the regulations is further expressed in Figure 2 which shows variations in the level of compliance among the various land developers. From the one hundred and ten (110) developers purposively selected, 83% did not comply with planning regulations while 27% follows the regulations in terms of the minimum setbacks to the road, the building height, floor area ratio and total land area coverage. This analysis shows that the area is largely not compliant with adequate planning standards and regulations. In terms of income the town largely consists of low-income earners. By statistics and the economic situation of Nigeria, an individual is either rich or poor. The middle-income class is largely frizzled out.

Figure 2: Level of compliance among respondents



Source: Authors field survey (2022).

Developers who did not comply with the required standard lowered the official standard in their developments. From the interviews conducted, it was established that developers who reside in the GRA tend to comply with planning regulations when compared to other areas of the town. The few developers in GRA, who complied did so to avoid embarrassment from the planning authorities and for aesthetic purposes. However, the study observed that new developments in GRA belonging to government officials

dating from 2017 till date have no planning approval, an indication of nonchalant attitude of leaders to conscious environmental planning. Defaulters in other parts of the town varied measurements with no compliance with required planning standards and regulations.

Developers who engage in frugal construction design do not comply with the 2-meter depth level for foundation level stating that it is a waste of resources. On the need to add lift on structures exceeding 3-4 floors in the areas, developers generally express the view that there was no need since no structures exceeding 3-4 floors were found in the study area.

According to the Kogi State Town Planning Edict 1991 issued under the military administration the rules, and the standard must be complied with for any development in the state. Also, no development can be put on the ground without obtaining the necessary permit. However, the general overview of the results show a low level of compliance. A significant level of compliance was only found in the GRA which comprised of elite. Many private developers, especially in the medium and high densities residential areas in Okene do not comply with the minimum and maximum planning regulations as stipulated in the 1991 Edict.

Reasons for Non-compliance to Planning Rules and Regulations

The result of the study has shown that many residents do not comply with planning regulations. The reason for lack of compliance was set as the second objective for the study. Table 4 presents the analysis of reasons for non-compliance with planning regulations as expressed by the respondents.

Table 4. showing the reasons for non-compliance with formal procedures

S/No.	Reasons for evading formal procedures
1	Bureaucracy in the administration on land allocation and charges.
2	Family sizes and cost of land.
3	Size of land and construction cost.
4	Lack of political will to implement effective planning in the state.
5	Land speculation.

Source: Authors field survey (2022).

The bureaucratic bottleneck associated with the process of land allocation and planning approval has surfaced as the core reason why residents do not comply with planning regulations. Bureaucracy in terms of the cumbersome process of building approval permit and the associated cost made a good number of residents to by-cut the process of adhering to planning standards and regulations in the study area. Other reasons put forward are issues associated with family size, cost and size of land and the cost of construction. These findings are similar to findings in Lokoja as reported by a previous study (Obadoba & Baba; 2018) suggested that in preparation of the edict, these issues were not put in cognizance. The edict was enacted by the military administrator, hence, the opportunity to give the public the chance to make meaningful impacts, and to participate in the formation of planning regulations that would affect them were violated. Lack of political will to implement effective planning regulations and land speculation was also observed as part of the reasons for non-compliance with planning standards and regulations. The politicians themselves flaunt planning regulations.

Land Use Regulation and Residential Segregation.

The study observed that residential development density zones have drastically changed from the 3 (low, medium, and high) density zones to stylized 2 (low and high) density zones. According to the respondents, density accommodation is based on the affordability of land. Anyone with the capacity to obtain land and develop it can live in GRA as well. There is no segregation in land use or any strict policy for land use regulations as the same regulatory policy is applicable across the state. Both the rich and the middle class live in the same density zones. Much stylized housing can be found in Anyoke and even in high-density zones. However, many of these houses change the landscape of the area through modification of the buildings. These changes alter the vernacular landscape of the area. Results from the study show that lack of a masterplan for development is accountable for the changing landscape and uncontrolled development.

RECOMMENDATION AND CONCLUSION

Firstly, investment in public transport, creating green public spaces, and improving urban planning and management in participatory and inclusive ways are the foremost steps towards improving planning such as inclusionary housing. As a global community, we must collectively invest in building a strong prepared system that is better adapted to increasingly urbanized settings. Consequently, a broad-based community process that builds support for the goal of increasing access to land and affordable housing is recommended.

Secondly, there is a need to move from auto-dependent cities and adopt the strategy of non- motorised sustainable transport. This requires redesigning the city structure to be pedestrian-friendly and encourage cycling in cities as a means of reducing carbon emission.

Thirdly, the current operational manual that governs the planning activities in Okene town and many parts of Nigeria is obsolete. Many citizens are not aware of the planning laws and regulations. The Edict cannot provide best practice for the implementation of planning regulations in today's contemporary planning challenges. It is recommended that the Kogi State Town Planning Board should expedite actions in adopting the 1992 URP law which operational guidelines have better tools that will enhance implementation of planning regulations for sustainable development to match the current planning challenges confronting Okene town. It is noteworthy to mention that the 1992 URPL adopted by the state can be reviewed further by the state to include SDGs and means of achieving overall sustainability in Kogi State. The Nigerian Institute of Town Planners, Kogi Chapter, has tried to review and adopt a state Urban Planning Law since 2010. However, ten years after, it is yet to be gazette and is due for review. This act puts planning and compliance by citizens in precarious situations.

In conclusion, the bureaucratic administrative methods of applying planning regulations and standards have not been able to reduce irregularities in the enforcement of planning regulations in Okene town. Hence, there is a need for government to respond to the massive failure of land development in the city to align with goal 11 of the Sustainable Development Goals which emphasizes the need to making cities sustainable by creating career and business opportunities, safe and affordable housing, building resilient societies and economies.

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