

*Review Paper*

# **Challenges and prospects of physical development control: A case study of Festac Town, Lagos, Nigeria**

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**Development control is one of the measures applied by physical planning agencies particularly, local planning authority but in the case of Festac Town, Lagos, Nigeria, Federal housing authority (FHA), do ensure that developers do not deviate from building plans approved for them in the course of implementation (construction) on the plot earmarked for such. This is aimed at enhancing environmental quality, improved housing condition, privacy in residents and free flow of air among others. Despite the importance of development control measures in physical environmental balancing, series of factors still hinder its effectiveness. This study tried to examine the problems hindering effective development activities in Festac Town, and recommended practicable solutions. The study was carried out through direct survey of physical development activities in the town, administration of questionnaire to the residents, with the interview of development control agency (FHA) revealed such hindrances as lack of planning tools and equipment, inadequate funding of planning agency, inadequacy of professionally qualified planners in FHA, ineffective development control procedure, lack of organized public enlightenment campaign, and above all, the act of bribery and corruption among development control officers among others. All these have resulted in the existence of series of illegal structures in Festac Town. Having identified the aforementioned hindrance, the study however, recommends proper funding of the development control agency, appointment of disciplinary measures on erring officers, particularly the professionals. This will enhance effective development control mechanism and eventually create a conducive living, working and recreating and environment.**

**Key words:** Physical development control, Festac town, Federal housing authority (FHA), housing condition.

## **INTRODUCTION**

The state of the physical environment particularly the urban centers, today is a major source of global concern. The concern is greater in respect of developing nations like Nigeria. This is evident from the fact that the urban environment is greatly of man's making. The safeguarding of the urban areas from human injurious physical, social, economic and political activities should be man's paramount responsibility. Everyone could be tempted to think that the miracle year 2000 AD and beyond will bring along easy life to all the populace with the "Health for All", "Housing for all" and "Education for All" by the year 2000 AD syndrome. Though, this thought

could be achieved, but achieving them poses other problems.

In essence, the issue of agglomeration of population into urban areas leads to the quest for more basic utilities and facilities to commensurate with the demographic structure. Nigeria is the most urbanized countries south of the Sahara on African continent with many of her large towns growing at between 4 and 5% per – annum despite the present economic recession.

This growth however, has been accompanied by enormous deficiencies in housing, water supply, sewage, electricity, formal education, health facilities and so on, including transportation and communication facilities. As the core of towns and cities are too crowded, this uncontrolled and unplanned urban sprawl is capable of impacting negatively on the environment as this can affect the aquifer, the ecosystem, pond life, wood land,

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soil erosion and recreational facilities, with people and vehicle in conflict while the peripheral areas (suburbs) are sprawling fast.

This is why the issue of controlling physical development in our urban settlement is crucial to the health of our cities. For instance, the sitting of incompatible development based either on the ground of social, economic or political interventions is a serious threat and very harmful to the co-existence of human and the other components of the built up and developing sites.

However, development control has always been the pivot on which town planning practitioners perfect the geometric drawing on the paper to the ground through arts and science of planning which attempt the ordering and arrangement of animals and inanimate objects to engender harmonious balances. Suffice it that without 'development control', the exercise of town planners as experts of spatial management will be in jeopardy (Enyenwa, 1994).

## **SCOPE OF STUDY**

This study is aimed at examining the problem and prospect of development control in Festac town. The survey carried out revealed the authorities in charge of environmental management and development control in the study area. These include: The Amuwo Odofin local government and the Federal housing authority (FHA). Statutorily, the Amuwo Odofin local government is responsible for the maintenance of roads, waste management and clearing of drainages. On the other hand, the Federal housing authority (through its Town planning unit) is responsible for the management of the estate and also exercise control over development. In other words, the control of physical development remains the responsibility of the Town planning unit of the authority.

However, for the purpose of the fieldwork, our concern was basically on development control activities in Festac Town. All information gathered was from relevant literatures and field survey carried out in the study area.

## **JUSTIFICATION FOR THE STUDY**

The urban centers have always been of great concern to policy makers and technocrats. This is because of the role they play in the economic, social and political development of the country. The problems confronting urban centers include housing, transportation, inadequacy of facilities, utilities and services, insecurity and above all physical environmental degradation. Development control measures which aimed at regulating physical development and settlement with the intention of creating conducive and orderly development of physical structures in beset with series of hindrances as earlier mentioned. The dimensions of these problems, their

frequency and devastating consequences, have enmeshed policy makers and professionals, especially town planners in a rather difficult puzzle of how to unravel the chaotic physical environmental degradation.

Actually, studies need to be conducted to examine and expose the problems facing effectiveness of development control measures in our study area with the hope to solve such problems functionally, and create a structurally balanced environment for living, working and recreating.

## **HISTORICAL PROFILE OF DEVELOPMENT CONTROL**

The British Town and Country Planners Act of 1917 defines development "as the carrying out of building operations engineering, mining and other operations in, on, under or over land; or other land". Similarly, the Nigerian Urban and Regional Planning Decree No. 88 of 1992 describes development as "the carrying out of any building, engineering, mining, or other operations in, on, over or under any land, or the making of any environmentally significant change in the use of any land or demolition of buildings including the felling of trees and the placing of tree-standing erection used for display of advertisements on the land and the expression "develop" with its grammatical variations shall be construed accordingly.

Meanwhile, control means the process of exercising power over one's area of jurisdiction to check development. Development control thus means a physical planning instrument, which generally involves the regulations, retraining and keeping in order or checking materials' change on land. Its application tends to have a negative approach on development, while at the same time, it is a creative and permissive tool for development planning. In essence, it is a strategy employed by a physical planning agency for ensuring proper implementation of urban and rural development plans as well as regulating the flow of additions of infrastructural facilities. Moreover, it is a regulatory power exercised by planning agencies to either approve or reject a development application. It is a system by which the use of land and buildings on the land are regulated so that mis-use or abuse of use and nonconforming uses are prevented or checked.

However, the evolution of development control could be traced back to the USA in the 19<sup>th</sup> century in New York City where it was employed to achieve effective master plan for certain area through the application of different control mechanism such as land sub-division regulation, zoning ordinances and restrictive covenant. Development control also came into being legally in great Britain through the enactment of an act of parliament, Cap 54 of 1933.

Similarly, development control started in Nigeria through the enactment of Township improvement ordinance (TIO) of 1863, which was applied to Lagos

Colony alone. This Township improvement ordinance aimed at improving public health and sanitation, controlling development and to ensure the provision of public utilities and facilities. In 1917, the Township improvement ordinance was amended to Township ordinance. The scope was widened more than 1863 Act, and was referred to as "public land acquisition ordinance". Earlier on, between 1863 and 1900, the British acquired the whole of Southern Nigeria and introduced development control. With the 1917 Act, Township and Urban Districts were designed for planning purpose. Furthermore, in 1928, another Act to enhance development control was promulgated which established the Lagos executive development board (LEDB), presently renamed as Lagos State development and property corporation (LSDPC).

This 1928 Act was brought out because of the outbreak of a plague in Lagos, but other parts of the country were operated under the 1917 Act. Later in 1946, the Lagos Ordinance (1928 Act) as officially introduced to other parts of the country and formed the major working instruments for the Town planning division in all ministries of lands, housing and survey.

To date, development control has been applied in Nigeria through series of Acts and Laws for example, the Lagos State Town and country planning (building plan), regulations of 1986, Lagos State urban and regional planning edict No. 2 of 1998 as well as the urban and regional planning Decree No. 88 of 1992 amended as Decree No. 18 of 1999.

## TOOLS OF DEVELOPMENT CONTROL

Basically, there are two instruments or tools often used in the development control process. These are:

i. Enforcement notice: This is served on any breach of Town planning law relating to carrying out of development without planning permission (approval). It relates to illegal building, engineering, mining, change of use and so on. This notice may be served either for demolition of such building without approval, or the restoration of an altered building, to its previous condition pursuant to section 47(1). Non-compliance with an enforcement order is punishable, though a breach of planning law is not a criminal offence.

ii. Stop work notice: According to section 53 of the urban and regional planning Decree No. 88 of 1992, a stop – work order could be issued where it appears to the control department that: (a) An unauthorized development is being carried out or; (b) Where a development does not comply with a development permit issued by the control department. This document is used pending the service of an enforcement notice on the owner, occupier or holder of such property. It takes an immediate effect upon service of such property. The time frame is usually 21 days within which such development

shall comply with the provisions of section 53. It shall cease to have effect if within 21 days enforcement notice is not served on its contravener.

## PROBLEMS AND CONSTRAINTS OF DEVELOPMENT CONTROL

Like any other regulatory laws enforcing citizens of a nation like Nigeria to comply with certain standards, development control regulations (despite the positive effects on our environment) face many problems. That is, numerous constraints were discovered which militate against the effectiveness of development control measures in the study area.

Lack of up-to-date land use map to reflect the trend of development and vehicles earmarked for development control purpose. Also, the procedure for development control is not effective since it does not allow or ensure easy access to the police and/or other law enforcement agents when there is need to respond quickly against any defiance development.

Inadequate funding of the control authority. Compared to other sectors of the economy, physical planning programmes suffer a lot of set back through inadequate funding. Rather than government at the three tiers seeing urban and regional planning activities and programmes as social service, instead they misconstrue the development control authorities and agencies (including FHA) to be revenue-generating units in their setting.

Lack of public enlightenment programmes on physical planning issues by the Federal housing authority makes members of the public "illiterate" on physical planning programmes. This leads to development of illegal structures to fulfill their selfish-interest without considering the negative impact of such action. Public support is a pre-requisite to a successful and effective development. This is because people will always be ready to support any action once they can be informed so as to have a pre-knowledge of such action. In the survey, it was observed that most of the people are not aware of the procedure, requirement and penalty of FHA since there has not been any effort made aimed at enlightening the public and residents of the area on the importance of development control in physical planning (Table 1). Some of those who are fully aware of the operations of FHA are as a result of their interaction with the FHA official while others are through their Landlords and friends.

There is also improper or inadequate monitoring of development to ensure compliance especially in a case where development permit (approval) is granted. The study, however, revealed that there is need to departmentalized, equipped, and adequately funds the Town planning unit to enable it cope with the challenges of development control as this would lead to constant monitoring of development on a daily basis in order to restore the lost glory of Festac Town.

**Table 1.** Public and residents enlightenment on the importance of development control in physical planning.

No. of respondent	Percentage (%)
Yes	34
No	66
Total	100

Source: Authors fieldwork, January 2009.

**Table 2.** Residents and public rating of FHA performance in terms of development control.

Type	No. of building	Percentage (%)
Commercial	25	10
Residential	188	75
Institutional	7	3
Mixed used	30	12
Others	-	-
Total	250	100

Source: Authors fieldwork, January 2009.

**Table 3.** Approval status before conversion of building to other uses.

Response	No. of building	Percentage (%)
With approval	23	40
Without approval	28	48
Indifference	7	12
Total	58	100

Source: Authors fieldwork, January 2009.

**Table 4.** Ownership status of building in the study area.

Types of tenure	No. of respondent	Percentage (%)
Owner/occupier	68	27
Tenant	170	68
Others	12	12
Total	250	100

Source: Authors fieldwork, January 2009.

**Table 5.** Residents and public rating of FHA performance in terms of development control.

Grade	No. of respondent	Percentage (%)
Excellent	-	-
Very good	-	-
Good	55	22
Fair	163	65
Poor	32	13
Total	250	100

Source: Authors fieldwork, January 2009.

Inadequacy of professionally qualified town planners in the Town planning unit of the authority. That is, shortage of manpower is a major problem. For instance, the research revealed that the Estate/Town planning unit required fifteen staff members but the staff strength as at the time of the study was only four with a shortfall of eleven staff members. What a pity! From the foregoing it is clear that the Town planning unit is not only short of man – power, but also seriously short of professionally qualified Urban and Regional planner (Registered/ Registrable) despite they yearly turn-out of professionally qualified town planners from Polytechnics and Universities.

The inefficiency of most utilities agencies in Nigeria saddled with the responsibility of providing such utilities has affected the location or siting of physical development projects. For instance, filling station and shopping complex should rather be located where there is easy accessibility that will enhance high patronage, regular electricity supply from the national grid than in an area where the aforementioned are poorly available. This gives rooms for concentration of this development projects in virtually improper locations not giving respect to physical planning standards.

Likewise, illegal conversion of residential buildings into mixed used (mainly residential and commercial; residential-institutional) is another hindrance of development control in the study area. The percentage of mixed use shows that rate of contravention of the planning laws in the area in the sense that most of the mixed use was not given approval before carrying out such changes or conversion (Tables 2 and 3).

Another factor as lamented by the respondents is the act of bribery and corruption, which is characterized with the Federal Housing Authority in the course of processing a development proposal (application) for approval. This act has spread all over the relevant officials, doggedly collecting bribe and calling it processing fee. This is a very sad case, which has seriously impacted negatively on the area as this encourages double standards in granting or rejecting approval. However, this view is supported by the extremely low rating of FHA in terms of its performance in development control in Festac Town by the respondents (comprising of Landlords and tenants) as shown on Tables 4 and 5.

#### RECOMMENDATIONS FOR AN IMPROVED AND SUSTAINABLE DEVELOPMENT CONTROL

In order to allow for a sustainable and proper coordination of development activities in the settlements, particularly in Festac Town, to enhance a pleasant living, working, recreating and learning environment in a bid to achieve physical and social comfort, various steps need to be taken to counter the identified problems earlier discussed. The following suggestions could be considered.

First and foremost, the preparation of an up-to-date land use plan, strategic plans for various utilities and facilities. This will effectively guide the growth and development of the area in a sustainable manner, hence ensuring realistic development control measures.

Also, there should be proper and adequate funding of the Town planning unit, provision of vehicles and enactment of standing rule to ensure easy access to the law enforcement agencies whenever there is need to quickly respond against any development in defiance of planning regulations.

For effectiveness and efficiency of development unit of the authority, there is the need for appointment/ employment of adequate professionally qualified Urban and Regional planners to man the various technical aspects of the unit as recommended in the Decree 88 and 18 of 1992 and 1999, respectively. There is also the need to empower the planning unit of the authority by making it a department.

To complement the aforementioned provision (adequate staffing), regular staff development programme (retraining, refresher courses, seminars, conferences and workshops) for the physical planning personnel, particularly those engaged in development control programmes and/or activities as well as other technical staff both locally and abroad must be seriously addressed and funded.

There should be adequate provision of socio-physical infrastructural facilities and equitable distribution of such to all parts of the town. This could be done through sustainable development approach. This, if done will reduce concentration of development towards a particular direction of the settlement – a practice which always poses development control problems. However, such shall be carried out by preparing strategic/sectoral plans for the distribution of such facilities over space.

In addition, politicians and government officials should create a conducive political atmosphere for the officials of the authority to effectively and efficiently perform/exercise their statutory roles and functions in the built environment. More so, there is need to conceptualized an effective and sustainable public enlightenment programmes to sensitize the residents, developers and other stakeholders in the building industry on the need for development control, as this would implicitly and explicitly involved the public in the monitoring of the built environment in order to create a conducive and harmonious environment for living working and recreating.

The last but not the least, the erring officers caught in the act of bribery and corruption in the authority (especially the development control unit) should be disciplined by the professional body; such officers can be deregistered, while the employer could dismiss such.

## CONCLUSION

The importance of development control in physical planning cannot be over-emphasized. Infact, its benefits are endemic and can only be comprehended and appreciated if fully adopted in the course of planning and implementation of physical development plans at rural or urban setting. The fieldwork aimed at examining the problem or hindrances of development control in Festac Town with the intention of making recommendations that would ensure a sustainable improvement in the light of the identified problems.

However, the study has been carried out and we strongly believe that the study area has been provided with a lot of prospects, which are necessary for restoring its lost glory. In addition, the greatest form of effective control is achieved through a team of qualified professionals. These officials however, must be committed and avoid bias in their work. More so, effective development control measures in this present millennium are the responsibility of both the public and private sector.

## REFERENCES

- Enyenwa IA (1994). "Dynamics of Development control at the Third Tier System. An overview. A Paper Presented at the 25<sup>th</sup> Annual Conference of the Nigerian Institute of Town Planners.