

FACTORS AFFECTING PLANNING LAWS AND REGULATIONS COMPLIANCE IN THE CAPITAL CITIES IN SOUTH SOUTH GEOPOLITICAL REGION, NIGERIA

Abstract

In many cities in around the globe, humans have shown disdain and neglect to physical planning laws. The consequence is the social and environmental challenges that residents experience therein. This study examines the factors that affect planning laws compliance in the capital cities in the south-south geopolitical region, of Nigeria. The cross-sectional research approach was used. Data for the study were sourced from primary and secondary sources. Copies of the questionnaire were administered to all the 522 practicing town planners in the study area who constituted the study population but only 414 of them responded. Descriptive statistics was deployed in analyzing the data. The study found that corruption ranks first with a mean score of 3.77 followed by customs and traditions which score 3.63. It is also revealed by the study that political interference, weak enforcement of planning laws and awareness of existing planning laws with mean scores of 3.42, and 3.25 respectively are also constraints to compliance with planning laws. The study, therefore, recommends that agencies of government saddled with the responsibility of enforcing planning regulations and laws should strictly enforce the extant planning laws so that residents will be forced to comply with the planning laws. It is also recommended that urban planners should not allow native laws and customs to interfere with urban planning regulations.

Keywords: cities, planning, laws, regulations, compliance

Introduction

Before the full emergence of the capitalists' economies in the 18th century and the advent of the industrial revolution in the 19th century, cities were essentially small-scale settlements based on a mercantile economy and a rigid social order stemming from the tradition of medieval feudalism (Liman,2011). The earliest cities were notable for their geographical diversity, as well as their diversity in form and function. These ancient cities were surrounded by the overwhelming majority of the rural poor and development in such centres was regulated by non-formal laws (Knox & Pinch, 2010). Cities are now centres of change that are creating new opportunities in economic, socio and political development for residents (Adeyemo,2004). The urbanized societies of today, in contrast, are not only growing rapidly but have urban agglomerations of a size never before attained, with a high proportion of their population concentrated in such agglomeration (Davis, 1996). Currently, about 55% of the world's population representing 4.2 billion inhabitants are residents in various cities around the world. This trend is expected to

continue. By 2050, with the urban population more than doubling its current size, nearly 7 of 10 people in the world will live in cities. The expansion of cities and population growth will put pressure on land and natural resources, resulting in undesirable outcomes. City growth and development come with large and dense agglomerations comprising of urban population and certain complexities including inadequate housing, lack of adequate basic services, incompatible land use, flooding overcrowding and congestion, squatter settlements and the proliferation of shanties among others. Such a physical environment endangers the safety, economy, convenience and aesthetics of cities (Oyesiku,1998).

Man's use of the environment and its resources take place within a broad institutional framework. The institutional framework is concerned with the impact of cultural attitudes, customs and traditions, habitual ways of thinking and doing things, legal arrangements, government and programmes (Nyambod, 2010). In urban areas, land use and ownership are clearly regulated by a broad institutional framework that is encapsulated in planning laws which are a mixture of legislations and governance arrangements or institutional framework. These elements could be supported in a range of policy documents like strategic plans or development plans to assist policymakers to make the right decisions. This serves as the basis for setting rules and guidelines to facilitate the effective implementation of the policy documents through the development assessment framework. Nyamba (2011) observed that these three basic elements are essential for a successful planning and development assessment system. These elements are the process, policy, and people. Process in this sense involves the legislative framework that provides the structure and rules for decision-making. It also determines and protects the interest in land use and property and ensures that people affected by these interests are considered. On the other hand, a policy is a textual document and plans in graphic form. It includes strategic plans, planning codes and performance standards. (Mwangi,2016). It provides the basis for decision-makers to operate within the legislative framework and the people are the elements working with the legislation and corresponding policy documents. The people include decision-makers and professionals. Each of these needs to be effectively balanced with each other and adequately resourced otherwise, successful operational planning will be greatly impaired (Mwangi, 2016). Good governance requires an effective legal framework which is enforced impartially at all times and at all levels. It requires the full protection of human rights,

particularly those for minorities. The impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force (Litman, 2011).

Statement of the Problem

Ola (2011) examined the planning laws and ordinances available in Nigeria, with specific reference to the new Lagos State Urban and Regional Planning and Development Law 2010, the types and levels of the Planning Authorities and Agencies responsible for the implementation of the laws the challenges urban planners face. The researcher attempted to document the existing planning laws in Lagos but apparently did not quantitatively assess the factors that impede the swaying of people from complying with rules. It is important to quickly note that the said study was limited to just a city in southwest Nigeria and cannot clearly mirror the situation in the cities in the south-south geopolitical zone with different geographical, demographic and socio, economic and political characteristics. Furthermore, Ude, Umeh & Ukwunna (2017) examined town planning authority building regulations and compliance challenges in Imo State and found that the difficulties in compliance by developers were scarcity and high cost of land resources in Owerri urban, poor public relations by the planning authority, corrupt practices by the planning agencies, high cost of obtaining a building permit and other prerequisites for the permit and adoption of some unnecessarily high standards. However, Shinggu, et al, (2020) simply reviewed the planning standards used in Nigeria which are published and being used by respective agencies and boards and professional organizations to guide development. The trust of their study was to expose the implications of adherence or lack of adherence to the planning standards. Quite clearly the researchers showed the subsisting building codes as enshrined in the 1992 urban and regional planning law. Curiously, Shinggu, et al, (2020) did not cover the factors that impede compliance to the extant urban planning laws. Arimah & Adeagbo (2000) investigated the extent to which private residential development complies with urban development and planning regulations in the city of Ibadan, Nigeria. Their findings revealed that institutional context of urban development and planning regulations; the administrative machinery for physical planning implementation which does not make for inter-agency coordination; poverty of the general populace; and the disdain and apathy of the public towards formal planning institutions in the city explain why residents do not comply with urban planning laws. The study by Arimah & Adeagbo (2000) pointedly illustrates the challenges in observing planning

regulations yet the perception of critical stakeholders in the built industry such as the property developers was not sampled. Compliance with town planning building regulation has always being a serious challenge amongst all building developers in Nigeria be it individuals, corporate organizations or government (Ude, Umeh & Ukwunna, 2017). The non-compliance with urban planning laws and regulations has created huge problems for both city dwellers and government. Knox (2006) rightly noted that the failure of institutional frameworks will continue to create social problems in the city.

To avert a chaotic city and to achieve a city that will support economic growth it is necessary for urban planners to articulate planning regulations and design frameworks and laws that will guide the location of public utilities such as parks, playgrounds, schools, hospitals, police stations, roads and other public infrastructure, land use and ownership. The non-compliance with urban planning regulations is an ongoing concern for professionals, stakeholder in the built industry and academics in spatial science and related fields. There is therefore a growing need to understand why property developers and even government agencies do not comply with the set planning laws and regulations. Such understanding will help planners to strategize and engage the civic space to appreciate the role of planning laws in city serenity and comfort. Drawing on the limitations in the reviewed literature and the necessity for urban serenity, the current study investigates the factors that militate against the compliance with planning laws and regulations by property developers and town planners in south south geopolitical region of Nigeria.

Literature Review

Planning regulations are administrative legislations that confer rights and responsibilities on planning officers to control and manage urban space to the benefit of the general public (Levi-Faur, 2010). Planning laws and regulations can also be viewed as regulatory procedures used in controlling land use development in line with a master plan (Clarke, 1994). They are also 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 (Agbola, 1985; Onokerhoraye & Omuta, 1986). Planning regulation is necessary in city development as it sets the legal limits for public and private land within a given area. However, urban regulation can take many forms: legal

restrictions promulgated by a government authority, self-regulation, social regulation (e.g., norms), co-regulation and market regulation by an industry, such as, through a trade association etc. One can consider regulation to be actions of conduct imposing sanctions, such as a fine, to the extent permitted by the law of the land (Levi-Faur, 2010). This action of administrative law, or implementing regulatory law, may be contrasted with statutory or case law. It can be distinguished from primary legislation by Parliament or elected legislative body) on the one hand and judicial decisions on the other hand. Regulations can either be responsive or non-responsive, which explains why outcomes are not always obtained for a plan (Levi-Faur, 2010; Rydin, 2011).

Responsive regulation, as an approach, is used for describing and prescribing how regulator enforcement action best promotes compliance through the Planning Authorities (Ayres & Braithwaite 1992). It proposes that in order to be effective, efficient and legitimate, regulatory policy should take neither a solely deterrent nor a solely cooperative approach (Grasmick and Bursik 1990; Simpson 2002; Shover & Hochstetler 2006; Walker, 2010). Responsive regulation proposes a principled way in which to combine the insights from plural theories of compliance and enforcement using planning authorities, including those that propose people comply only when they perceive it to be for their benefit and those that see people complying for normative or social reasons (Tyler 2006; Simpson 2002; Shover & Hochstetler 2006). According to Mabogunje, Hardoy & Misra (1978) planning regulations and laws have four distinctive features in its procedure and principles and they form the basis upon which the laws are applied and implemented. The planning regulation characteristics are normative, in that they do not describe what exists, but imply what is desirable. Second, they contain the promise and prediction of a sanction, either in the negative sense of a penalty for noncompliance or in the positive sense, a reward for compliance. Third, they are feasible in that the performance called for can be reasonably expected from those to whom the standards are addressed. Finally, they define a relationship between an identifiable sender and an equally obvious receiver (Arimah & Adeagbo, 2000).

Various governments in Nigeria at different times have made laws, ordinances and regulations to regulate and control the use of urban land and urban development (Agbola, 2004). Prominent among these laws were the 1863 Town Improvement Ordinance, 1904 Cantonment Proclamation,

1917 Township Ordinance, 1928 Lagos Town Planning Ordinance, 1946 Town and Country Ordinance, Western Nigerian Town and Country Planning Law Cap 130 of 1959, Northern Nigerian Town and Country Planning Law Cap 130 of 1963, Eastern Nigerian Town and Country Planning Law Cap 126 of 1963, Town and Country Planning of Bendel state of 1976, Kwara state Town Planning and Development Authority Edict of 1984, Ogun state Town and Country Planning Law Cap 127 of 1978. Although the 1946 Town and Country Ordinance (modeled after 1932 British Town and Country Planning Law) were enacted for the whole of Nigeria by the British government, it is pertinent to say here that the three regional-based Town and Country Planning Laws (the Western Nigerian Town and Country Planning Law Cap 130 of 1959, the Northern Nigerian Town and Country Planning Law Cap 130 of 1963 and the Eastern Nigerian Town and Country Planning Law Cap 126 of 1963), took their sources from the 1946 Town and Country Ordinance. Subsequent Town and Country Planning Laws in Nigeria states took their sources from these regional-based Laws. For example, the Town and Country Planning Law of Bendel state of 1976. It is important to stress that of all these laws, 1992 Urban and Regional Planning Law enacted by Decree 88 of 1992 by the then Military Head of State, General Badamosi Ibrahim Babangida sought to form a basis of common and uniform practice for the nation and to coordinate standard development control in the country (Agbola,2004) Urban and Regional Planning Law1992 as it popularly called the first ever post-independent planning law that stipulates that there should be a national planning commission at the federal level, state planning boards at state level and local Planning Authorities at local government level(Owoeye & Adedeji, 2015; Adejumo,2008). It can be surmised that the law aims to facilitate the preparation and implementation of development plans and planning schemes, with a view of creating a better environment for living, working and recreation. Notwithstanding, the clear objectives and principles of the plethora of urban laws in Nigeria, many urban centres in Nigeria are still confronted with haphazard development. It becomes very clear that it is necessary to understand the problems associated with compliance with urban planning laws. Consequently, this study seeks to examine the factors that affect compliance of urban regulations and laws in the south-south geopolitical region.

Study Area

The south-south geopolitical zone is within the broader southern part of Nigeria which situated between latitude 3°N and 6°N and longitude 5°E and 8°E as depicted in figure 1. It is one of the

six geopolitical zones in Nigeria. It was created out of administrative convenience. Put together, the region occupies approximately 85,303 square kilometres and has a projected population of 30 million people (National Population Commission (NPC), 2020). The south south region is made of six states which are Rivers, Cross River, Akwa Ibom and some parts of the present Bayelsa state. Edo and Delta states. Some of the major ethnic groups in the area are Ogoni, Benin, Ijaw, Ibibio, Efik, Urhobo, Itsekiri, and Kwale.

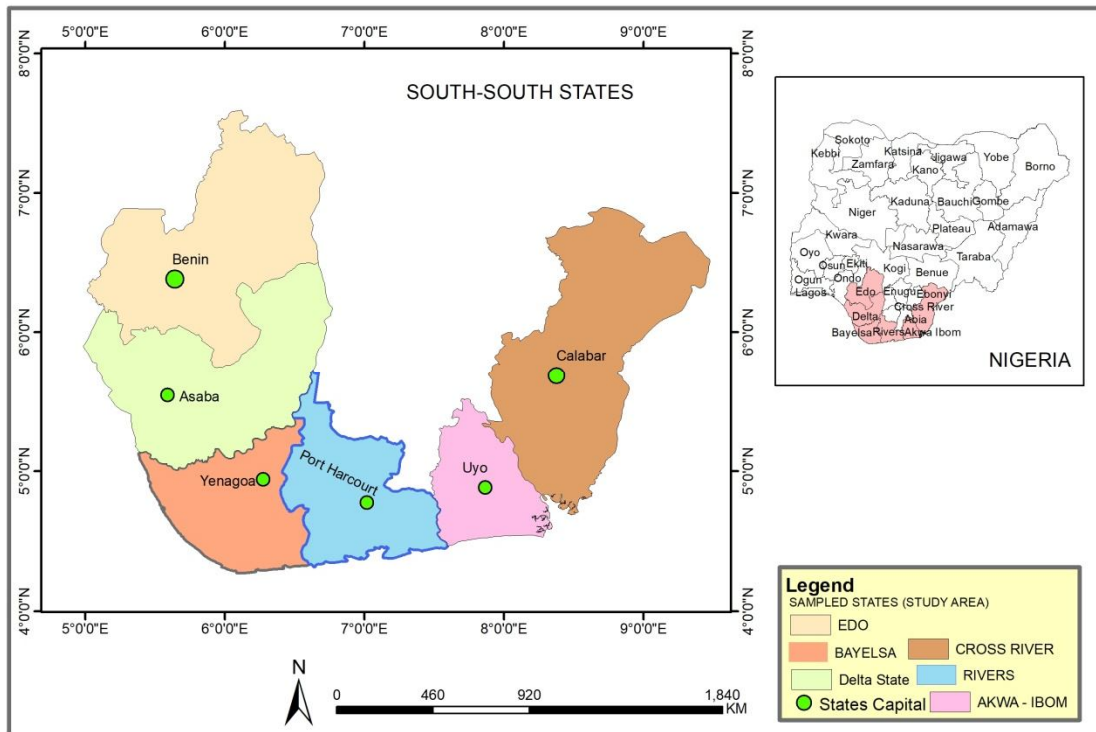


Figure 1: Map of Nigeria's south south geopolitical zone

Methodology

This study adopted the cross-sectional research design. This type of research design utilizes the survey design and it helps the researcher to make generalizations about selected objects. The study population was practicing registered town planners. Primary and secondary data sources were extensively used in this study. Consequently, questionnaire was the research instrument with which primary data was sourced. In designing the research instrument both structured and semi structured questionnaire was used. It had questions on factors affecting compliance with planning laws and regulations. The research instrument was validated by three professional in,

experts in urban and regional planning. Secondary data were sourced from textbooks, journals, dissertations, thesis, government gazettes, the state’s ministry of Physical Planning and Urban Development and other relevant government agencies. According to (Nigeria Institute of Town Planners (NITP), 2020) there are 522 registered practicing town planners in the south south geo political region as indicated in table 1. In view of the small size of the entire population of the study a census of the entire universe was taken. In this case all individuals in the population were selected. Though only 414 (79.3%) of the copies of the questionnaire were successfully filled and retrieved for analysis.

Table 1 Population of the Study Area

S/N	States	Number of registered practicing town planners
1	Delta	142
2	Edo	97
3	Calabar	60
4	Rivers	105
5	Akwa Ibom	134
6	Bayelsa	62
Total		522

Source: Nigeria Institute of Town Planners, 2020

The data generated were analyzed using the grouped mean. Grouped mean is expressed as:

$$\frac{\sum fx}{\sum f} = \frac{\text{Total response}}{\text{Total respondents}}$$

Where:

f = frequency

X= observation (1-5)

To compute the mean of the various challenges under study, responses of participants in the study were scaled using a five-point Likert scale where 5 is strongly agree; 4 is agree; 3 is strongly disagree; 2 is disagree and 1 is neutral. The criterion mean was 3.0 hence any mean score below less than 3.0 was rejected as an important factor that affects land administration system in the study area.

Results and Policy Implication

The research output as shown in table 2, revealed that corruption, attitude to laws, political interference, weak enforcement of planning laws and awareness of existing planning laws undermine compliance with planning laws and regulations in cities in the south south geopolitical zones in Nigeria. The mean score of all the identified variables is above 3.0 hence the corruption, customs and traditions, political interference, weak enforcement of planning laws and awareness of existing planning laws are accepted as bottlenecks to compliance with planning laws. However, political interference and awareness do not affect compliance with planning laws in Uyo and Asaba as the variables have a mean score of 2.8, and 2.5 respectively. In the same Uyo, customs /traditions and awareness have a mean score of 2.7 and 2.6 respectively. Given the above, it can be inferred that customs /traditions and awareness are not factors that affect compliance with planning laws in Uyo and Asaba. However, other cities in the south south geopolitical zone are contending with these problems with respect to compliance with extant planning laws and regulations in Uyo, Among the factors that impede compliance, it is crystal clear that weak enforcement is a major factor as it ranks first and has the highest mean score of 3.77. This finding agrees with Adeyemo (2004) who argued that the uncoordinated urban development in many third world countries is borne out of the levity with which town planning laws are enforced. The non-compliance to planning regulations and laws due to weak enforcement of the laws has constrained the government institutions and management authorities from guiding and controlling orderly urban development and management in the metropolis. As shown by the study, the factors are most pronounced in Benin City and least pronounced in Port Harcourt. The implication is that weak enforcement as a problem affecting compliance with urban regulations and laws is not of the same magnitude across the cities in the south south geopolitical zone. therefore, the urban planners have a crucial role to play in ensuring compliance with planning regulations and laws (Mwangi,2016).

Table 2: Factors Affecting Planning Laws and Regulations Compliance with South-South Region

S/N	ITEMS	SCALE						Mean	Rank
		Asaba	Benin	Calabar	Port	Uyo	Yenagoa		

		Harcourt							
1	Corruption	3.9	4.4	3.7	3.4	3.7	3.5	3.77	1 st
2	Customs and traditions	4.4	4.1	3.8	3.5	2.7	3.3	3.63	2 nd
3	Political interference	2.5	4.2	4.5	3.2	2.8	3.3	3.42	3 rd
4	Weak enforcement	2.7	3.5	3.7	2.8	3.6	3.2	3.25	4 th
5	Awareness	3.4	3.3	3.6	3.4	2.6	3.2	3.25	4 th

Source: *Researchers computation, 2021*

Conclusion And Recommendations

Urban planning laws and regulations are sets of rules or codes that govern the use and control of urban settlements. These laws are geared towards enhancing the livability of the environment and the economic, social and political actualization of the residents. Apart from the fact that such regulations and laws must flow from the existing body of law of the land, compliance with the planning regulations is key. Urban planners therefore must ensure that residents comply with the rules. Weak enforcement of planning laws and regulation remains a major factor affecting compliance with planning regulations and laws. This study showed that corruption, customs and traditions, political interference, weak enforcement of planning laws and awareness of existing planning laws are bottlenecks to compliance with planning regulations and laws in the south-south geopolitical region of Nigeria. The study, therefore, recommends that agencies of government saddled with the responsibility of enforcing planning regulations and laws should strictly enforce the extant planning laws in accordance with the laws so that residents will be forced to comply with the planning laws. It is also recommended that urban planners should not allow native laws and customs to interfere with urban planning regulations.

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