

**AN ASSESSMENT OF THE LEVEL OF COMPLIANCE WITH DEVELOPMENT
CONTROL STANDARDS AND HOUSING POLICY IN NIGERIA. : A CASE
STUDY OF ESAN WEST LOCAL GOVERNMENT AREA OF EDO STATE.**

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ABSTRACT.

This research is to establish the level of compliance with the development standards and housing policy in Esan West Local Government of Edo State, Nigeria. Respondents are found to have complied with the minimum plot size of 30m x 15m though the majority contravened the prescribed maximum of 6 rooms per plot of 30m x 15m. Occupancy rates vary from one neighbourhood to another. Averagely we have three (3) persons per room as against the two (2) people per room by the code. The high occupancy rate identified is due to the influx of Staff and Students of Ambrose Alli University into the various neighbourhoods in search of accommodation.

The survey revealed that 9.5% of the houses uses water closet (w.c.) while 90.5% uses pit toilet latrines which contravened the standard; setbacks, area coverage, parking requirements, zoning, space standards are not adhered to. None compliance or contravention is traceable to high level of poverty among the residents; lack of awareness of the regulatory standards and poor policy implementation on the part of the regulatory agencies.

Recommendations on how to check this trend of contraventions include review of the Urban Development and Physical Planning regulations; improve on the enforcement by Town Planning officials and relevant agencies in the face of corruption that has bedeviled the country; urgently carrying out enlightenment campaign to raise the level of awareness of development control standards and that the government should give a legal backing to decisions of the Planning Authorities.

KEYWORDS:

Assessment, Compliance, Development Control standards, Housing policy.

INTRODUCTION

Development control forms an integral part of the planning practice. It is the basic means by which the state intervenes to regulate the use and development of land in order to implement local and national planning policies. Most significantly it is the part of the planning process in which members of the public come into contact with local planning authorities.

Today, development control comes under considerable criticism about the nature of decisions taken, and the ways in which they are taken. One hears complaints that sluggishness discourages development; that its complexity is excessively costly; and that its nature stifles initiative. (Amos, 1980). Development control is not appreciated by the general public mainly because of the restrictions it imposes on the aims and aspiration of the developers. To gain a clear understanding of its role in planning practice it will be useful to analyse the development control system in relation to a particular country and city.

Originally, the rationale for the introduction of state control on private development was to achieve objectives of safety and better health in order to create an improved environment for the benefit of the community. However, as the role of the state expanded and the extent of its intervention increased, the definition of the 'environment' subject to planning control has changed. From being wholly concerned with the physical form and content of development it now embraces the social and economic consequences of development. As a result, development control has been used to implement planning strategies for different purposes; for example to minimise the negative effect of urban growth, to check the menace of market forces and ensure social equity, as well as to support economic growth (Litchfield & Darin-Drabkin,1980).

Therefore, development control is a tool, sometimes used to achieve its original objectives of safety and better health; Sometimes to implement planning strategies; and in some cases to do both. Although it continues to regulate the use of land, while planning strategies have widened in scope, development control has proved incapable of meeting additional demands.

Since development control is used to implement planning policies, which are normally reflected in planning legislation, physical development plans and other

associated planning documents, the failure to achieve development planning objectives may be due to the pursuit of inappropriate policies, to the application of inflexible standards and regulations, or both, which is why Koenigsberger (1975), Rivkin (1978) and McAuslan (1985) remarked that development control practices are inappropriate, ineffective and inequitable in their operation in most Third World cities. They argue that developing countries stand to benefit little from the transplanting of regulations that have evolved in different social soils with differing political and economic climates. Another criticism is that planning agencies in developing countries lack the power and resources to perform efficient and effective development control.

Over the years, experience and investigations has shown that Third World countries are undergoing rapid growth accompanied by development pressures with high demands for housing and infrastructure particularly in the urban areas. Some of the cities have doubled in area within the last decade. Urban developments and planning regulations that are in place have tended to have adverse effects in the urban areas in particular on the urban poor and low-income earners as well as micro and small scale business enterprises. These have affected orderly commercial, industrial and residential development (Topfer, 2000). These laws have been viewed to be inappropriate and inefficient as they lead to poor administrative procedures that define land tenure and land use development. They have failed to recognize the existing socio-economic driving force in the urban development.

Recognizing the long term realities and implications of the above scenarios necessitated the formulation of the Nigeria Town and Country ordinance of 1946 which till 1992 constituted the legislative framework for all laws and regulations governing Urban and Regional planning. In view of the observed deficiencies in that legislation to cope with the current scale and tempo of development, a new legislative framework, Nigeria Urban and Regional Planning Law was put in place in 1992. This currently forms the basis for all development control in the country. Attempt was made by Edo State Government in the Ministry of Housing & Urban Development to update the document in the "Edo State Urban Development and Physical Planning Regulations 2014".

RESEARCH METHODOLOGY

The study involved both field observation and questionnaire surveys. This approach helped to provide a comprehensive description and explanation of the many components of the degree of compliance with development control standards. A preliminary investigation of the study area was carried out with a view to understand the terrain, physical size of the settlement and the economic characteristics of the people.

To ensure that the entire households have an equal chance of being selected for the study, the study area was divided into neighbourhoods. These are Ihumudumu, Ileh, Uke, Uhiele, Ujemen, Emaudo, Ujoelen, Iruekpen, Eguare, Ukpenu, Idoia, Ukhun, Egoro, Emuhi, Idumebo and Igor.

STANDARDS IN URBAN DEVELOPMENT AND PHYSICAL PLANNING REGULATIONS (2014).

Planning regulations specify the standards related to plot sizes, width of access, parking requirements, reservations for open space and building densities. Building regulations provide standards related to size of rooms, height of buildings, openings for light and ventilation, and type of materials used, as well as other aspects of construction.

For standards to serve a purpose, they must not be beyond the reach of those who must achieve them, and they must also be capable of adapting to changing socio-economic factors. If development control is to be effective, the standards stipulated in the regulations must be in accordance with the social, economic and environmental context of the particular city concerned. Every development should provide a minimum number of parking spaces within its premises. The main purpose of this is to ease the traffic congestion on roads. Minimum car parking space of 1 – 1 family unit of dwelling units exceeding a gross floor area of 200 sq. m. and flats exceeding a gross floor area of 100 sq. m. As far as residential buildings are concerned, the demand for parking facilities is dependent on car ownership which is related to social status, income level, the standard of public transport facilities.

Space standards for residential development in “Edo State Urban Development and Physical Planning Regulations 2014 ” amongst others are as follows:

- i) All habitable rooms shall not be less than 3.0m x 3.6m (10.8sq. m.)
- ii) All rooms must have ventilation, with a minimum of 1200mm x 1200mm window on any outside wall.
- iii) The minimum height of living rooms, kitchen, and all other rooms shall not be less than 2.7m from floor to ceiling.
- iv) The floor area provision for kitchen facility, conveniences (toilet and bath facilities) shall be in line with National Building Code 2006.
- v) Adequate emergency exits / fire escapes must be provided. etc.

Standards for planning and building regulations are essential in guiding development, but these must be affordable and relevant to the particular context in which they are applied. When the reality of development control is prohibitively expensive and socially and environmentally redundant, the tendency is to bypass these regulations resulting in unauthorized developments.

CONCEPTUAL FRAMEWORK

Regulatory standards are essentially intervention mechanisms for the control of the interaction between man and his environment. According to Mabogunje, Hardoy and Mistra (1978), regulatory standards are the tools of analysis and decisions making that help Planners achieve the goals of welfare and development of the common man, especially in the city. At the desegregated level, and with specific reference to housing, Mabogunje, Hardoy and Mistra (1978) further argue that regulatory standards must seek to determine the extent to which shelter provide. For a man’s biological needs such as clean air, water and food; his psychological need such as satisfaction, contentment, prestige, privacy, choice, freedom and security for his life and property and also for his social need such as interaction with others, human development and cultural activities.

Development control may be broadly defined as the control of the use of land, the character appearance and arrangement of buildings and facilities, so as to ensure

economy and convenience (Keeble, 1968) it is the official instrument of the planning authority regarding such matters as permitted density, height limitation, user's restrictions, access and outstanding preservation or conservation orders of one kind or the other (Ratcliffe, 1978).

At a lower level of resolution, in the housing sector, development control standards have been translated into and implemented as building codes and housing codes: housing codes are often a subject of building codes document of most major cities (Whittick, 1974). A building code has been defined as a collection of legal requirements, designed to protect the safety, privacy and welfare of those in and around the building (United States National Commission on Urban Problems USNCP, 1968). The code achieves this by establishing a series of standards covering topics such as ventilation and sanitation, specifying the minimum that is acceptable to the regulating body. On the other hand, housing codes regulates the internal and external environmental aspects of residential buildings, and in case of rented property, the facilities must be provided by landlord, prescribing the minimum allowable lavatories, limitations on occupancy, including general room crowding, sleeping area and other factors which lead to overcrowding (Guandolo, 1958).

DEGREE OF COMPLIANCE / CONTRAVENTION AND ENFORCEMENT.

In a study of then Bendel State, Omuta (1987) showed that two of the three selected indicators of development density were grossly violated. He observed that while less than 5% of the sampled developers built on plots less than the prescribed 450m², over 50% developed more than the two allowable structures per area, and also exceeded the maximum rooms permitted per plot. While on the average, 52.34% of the developer built more than 6 rooms on a plot, the proportion ranged from 39.1% in Uromi and Ubiaja.

The study of compliance with sewage disposal facilities showed that at the city scale, a little over one third (35.74%) of the domestic houses sampled in Benin City had water closet, while 60% uses pit latrines (Omuta, 1987). Furthermore, the study shows that out of the eleven (11) neighbourhoods covered by the study, only five (5)

complied with the minimum prescriptive of one WC to three (3) habitable rooms while remaining six (6) did not.

Contravention of development control standards have been attributed to many factors which include the inability of existing standard by-laws, codes and regulations in their ability to take account of available local materials Topfer (2000). The UNCHS (1994) identified the laxity and delay in approving plans, poor implementation of plans owing to organizational, financial and legal difficulties as well as lack of qualified personnel in local authorities. Planning regulations have been considered too static and inflexible (Mwanike, 1997).

High level of poverty in developing countries is a major factor militating against compliance with development control. The level of awareness of the existence of urban development and planning regulation is low. The extent to which people are aware of the existence of these regulations is important as it partly determines the level of compliance.

If the machine of development control is to be effective, efficient and appropriate means of enforcement are essential. If enforcement is lax, not only will objectives not be achieved, but the very principle of regulations will discriminate between those who wish to adhere to and those who wish to flout them (Cullingworth, 1979).

"The formulation, enforcement and implementation of land use plans and all other land control measures are inconceivable without an appropriate organisation possessing adequate powers and resources." (United Nations, 1973: 102). So, no matter how appropriate the Plan, and regulations are, little can be realized without a suitable administrative framework with sufficient powers to ensure their enforcement.

The major problems with enforcement stem from the sheer volume of people for whom the standards and planning regulations are inappropriate and unaffordable. They often have no choice but to violate regulations or control measures. Arising from these phenomena is a lack of community support for the purposes of enforcement. Planning authorities lack resources for a continuous system of

monitoring which is an essential part of the planning process, making enforcement a difficult task.

Breaking the law may not be difficult but taking action swiftly against such acts in a "democratic" society is not that easy. Authorities must follow legal procedures which are often costly, lengthy and tedious. Little comes from turning the responsibility of planning decisions over to an overloaded judicial system. The courts are neither technically nor operationally suited to handle such matters and are unlikely to be able to improve upon the present system of development control. Their priorities are on criminal offences not planning matters, so efficient and effective enforcement is limited.

Another aspect which makes enforcement difficult is a lack of communication between public authorities, and a conflict of interests amongst them. Bracken (1981) comments that the organisational aspect of planning practice, including the enforcement of law, is characterized by tensions among numerous agencies and departments who, in one way or the other, have something to do with the development of the area concerned. Each works to their own timescale and their own sense of priorities. This situation is compounded by the complexity of new organizations and the interrelatedness of urban problems. Any development control system that cannot deal with these complications will be ineffective.

Thus the availability of laws does not necessarily ensure a commensurate level of achievement or quality of performance, as many factors influence the final planning output. Present enforcement of development control to realise planning objectives in Nigeria has proved difficult, because, despite adequate powers entrusted in the planning authority, the system lacks community support and necessary resources. It also lacks the support of other public agencies due to a conflict of interests and lack of communication.

ANASSESSMENT OF THE LEVEL OF COMPLIANCE WITH DEVELOPMENT CONTROL STANDARDS.

The level of compliance will be examined under the following subheadings in a tabular form.

SIZE OF PLOT RESIDENTIAL BUILDINGS IN THE STUDY AREA.

TABLE 1.

| SIZE OF PLOT | FREQUENCY | % |
|-----------------|------------|--------------|
| BELOW 30M X 15M | 4 | 3.3 |
| 30M X 15M | 63 | 51.6 |
| 30M X 30M | 47 | 38.5 |
| ABOVE 30M X 30M | 8 | 6.6 |
| TOTAL | 122 | 100.0 |

Source: FIELD SURVEY, 2014

Table 1 shows that majority (51.6%) of developers built on plot size of 30m by 15m, 38.5% of the developers built on plot size of 30m by 30m while 6.6% and 3.3% of developers built on plot size that is above 30m by 30m and below 30m by 15m respectively.

DISTRIBUTION OF PLOT SIZE BY NEIGHBOURHOOD

TABLE2.

| NEIGHBOURHOOD | SIZE OF PLOT | | | | TOTAL |
|-----------------|-------------------|-----------|-----------|------------------|-------------|
| | BELOW 30 X 15M | 30MX15M | 30MX30M | ABOVE 30MX30M | |
| EGUARE | 3(13.0%) | 12(52.2%) | 6(26%) | 2(8.7%) | 23(100.0%) |
| UJOELEN | | 12(52.2%) | 14(58.3%) | 4(16.7%) | 24(100.0%) |
| EMAUDO | | 9(64.3%) | 3(21.0%) | 2(14.3%) | 14(100.0%) |
| UJEMEN | 1(6.7%) | 7(46.6%) | 7(46.6%) | | 15(100.0%) |
| IHUMUDUM | | 3(30.0%) | 7(70.0%) | | 15(100.0%) |
| UKPENU | | 20(95.0%) | 1(60.0%) | | 21(100.0%) |
| IDUMEBO | | 6(40.0%) | 9(60.0%) | | 15(100.0%) |
| TOTAL | 4(3.3%) | 63(51.2%) | 47(38.5%) | 8(6.6%) | 122(100.0%) |

Source: FIELD SURVEY, 2014

From table 2, it can be argued that to a very large extent, the sampled households complied with the prescribed minimum plot size for residential building. Only 3.3% of the sample houses in the study area contravened the recommended plot size for

residential buildings. These are concentrated in Eguare and Ujemen Road with 13% and 6.7% respectively of the houses in these streets contravening the standards.

AVERAGE NUMBER OF SLEEPING ROOMS PER PLOT.

TABLE 3.

| SIZE OF PLOT | NUMBERS OF SLEEPING ROOMS PER PLOT | | | TOTAL |
|----------------------|------------------------------------|----------|-----------------------|------------|
| | BELOW 6 ROOMS | 6 ROOMS | 30MX30M ABOVE 6 ROOMS | |
| BELOW 30MX15M | 20(57.0%) | 8(22.8%) | 7(20.0%) | 35(100.0%) |
| 30MX15M | 7(26.9%) | 5(19.2%) | 14(54.0%) | 26(100.0%) |
| 30MX30M | 5(16.0%) | 6(19.4%) | 20(64.5%) | 31(100.0%) |
| ABOVE 30MX30M | | 6(20.0%) | 24(80.0%) | 30(100.0%) |

Source: FIELD SURVEY, 2014

The deduction from table 3 is that the majority (42.8%) of the respondent contravened the prescribed six rooms per plot area of less than 450m². Also , 54% of the developers contravened the six rooms allowable for plot area of 450m².

The study further examines the degree of compliance with the prescribed occupancy rate in the area of study. In trying to establish this, the study calculated the average household size and average number of rooms per house across the various neighbourhood used for the study. Table 4 shows the occupancy rate in the study area.

OCCUPANCY RATE BY NEIGHBOURHOOD.

TABLE 4.

| NEIGHBOURHOOD | AVERAGE | | |
|------------------------|----------------|------------------------------|----------------|
| | HOUSEHOLD SIZE | NUMBER OF ROOM PER HOUSEHOLD | OCCUPANCY RATE |
| EGUARE | 10.8 | 3.3 | 3.3 |
| UJOELEN | 5.5 | 2.9 | 1.9 |
| EMAUDO | 8.6 | 2.5 | 3.4 |
| UJEMEN | 6.1 | 3.0 | 2.0 |
| IHUMUDUM | 9.3 | 3.7 | 3.7 |
| UKPENU | 9.2 | 28 | 3.3 |
| IDUMEBO | 10.1 | 2.9 | 3.5 |
| OVERALL AVERAGE | 8.5 | 3.0 | 3.0 |

Source: FIELD SURVEY, 2014

The regulator standard used to measure occupancy rates in the study area is the prescribed two per room. Our study showed that the study area has an average of 8.5 persons per households. It also shows an average of 3.0 persons per room, which shows that developers in the study area contravened the prescribed code. However, the level of compliance varies from neighbourhood to neighbourhood. Out of the seven neighbourhoods, only Ujoelen and Ujemen met the prescribed standards. By implication, the remaining five neighbourhoods lived under overcrowded conditions. The Ujeolen and Ujemen are located close to the Ambrose Alli University, Ekpoma, and consequently have attracted University's senior academic and administrative staff. This could have been responsible for the low room occupancy level recorded in these neighbourhoods.

DISTRIBUTION OF LAVATORY FACILITIES BY NEIGHBOURHOOD.

TABLE 5.

| NEIGHBOURHOOD | TOILET FACILITIES | | | | TOTAL |
|---------------|-------------------|------|-----|------|------------|
| | WC | % | PIT | % | |
| EGUARE | 8 | 51.6 | 15 | 48.8 | 23(100.0%) |
| UJOELEN | 8 | 33.3 | 16 | 66.7 | 24(100.0%) |
| EMAUDO | 5 | 35.7 | 9 | 64.3 | 14(100.0%) |
| UJEMEN | 5 | 33.3 | 10 | 66.7 | 15(100.0%) |
| IHUMUDUM | 4 | 40.0 | 6 | 60.0 | 10(100.0%) |
| UKPENU | 10 | 47.6 | 11 | 52.4 | 21(100.0%) |
| IDUMEBO | 5 | 33.3 | 10 | 66.6 | 15(100.0%) |
| TOTAL | 36 | 29.5 | 86 | 70.5 | 122 |

Source: FIELD SURVEY, 2014

Table 5 shows that 70.5% of all surveyed neighbourhoods use pit latrines while 29.5% of sampled household uses WC (Water closet). The study also revealed that majority of the sampled household who used pit latrine are from Ujoelen and Ujemen (66.7%) and Idumebo (66.6%). However, the majority of the sampled households who uses water closet (WC) are from Eguare (51.6%) and Ukenu (47.6%). The distribution of water closet facilities in the study area reflects to social status of the inhabitants in neighbourhoods. According to the regulatory standard, the minimum prescribed for sewage disposal is one water closet (WC) to every threehabitable rooms in all domestic buildings.

CROSS-TABULATION OF TYPES OF TOILET AND BATHROOM FACILITY.

TABLE 6.

| NEIGHBOURHOOD | TOILET FACILITIES | | | | TOTAL |
|--------------------------|-------------------|------|-----|------|------------|
| | WC | % | PIT | % | |
| IN HOUSE | 76 | 87.4 | 11 | 12.6 | 87(100.0%) |
| OUT-HOUSE | 7 | 23.3 | 23 | 76.6 | 30(100.0%) |
| FENCED BATH STAND | 2 | 50.0 | 2 | 50.0 | 4(100.0%) |
| TOTAL | 85 | | 36 | | 21 |

Source: FIELD SURVEY, 2014

Table 6 shows that the majority (87.4%) of the household that uses water closet (WC) also uses in house bathroom facility while only 12.6% of the household that uses pit toilet used in-house bathroom facility, thus confirming our assertion that majority of houses that uses water closet also uses in-house bathroom facility.

Summarily on the level of compliance with lavatory facilities, the simple and clear deduction from the above analysis is that the prescribed regulatory sewage disposal is not affordable to the vast majority of property, developers and home owners.

RECOMMENDATIONS

From the assessment so far the problems of low level of compliance with development control standards in the study area is multifarious. Therefore, the following policy recommendations are proposed.

- i) The government should minimize interference in policy implementation in local government areas and give legal backing to decisions of the planning authorities,
- ii) The Urban and Regional Planning Law should be reviewed to make them realistic and flexible reflecting the socio – economic realities of the people.
- iii) The planning officials should utilize the new technical tools such as Geographic Information System (GIS) and Land Mark Assessments for effective planning of our towns and cities as it is currently being done in Abuja, the Federal Capital Territory (FCT).
- iv) Land use plans should be reviewed frequently by federal / state ministries and local government planning authorities with a view to incorporating new land use plans before prospective developers build their structures.
- v) Increase access of low – income groups to existing urban land through provision of high density areas in their land use plan with appropriate land development standards.
- vi) There is the urgent need to carry out enlightenment campaign for individuals to raise their level of awareness of development control standards.
- vii) To check the activities of corrupt town planning officials, local government authorities should ensure strict compliance with established employee disciplinary procedures for any misconduct.

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