THE ROLE OF URBAN PLANNING AUTHORITIES IN PHYSICAL DEVELOPMENT: THE CASE STUDY OF KANO STATE URBAN DEVELOPMENT BOARD

BY

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December, 1988

DECLARATION

I hereby declare that this thesis has been composed by myself and that it is the outcome of my research work. It has not been presented before any examiners for the award of a higher degree. All sources of information are specially ackhowledged by means of references.

Yahaya, Umar Farouk Date: December, 1988.

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CERTIFICATION

This thesis entitled "The role of Urban Planning Authorities in Physical Development; the case study of Kano State Urban Development Board" by Umar Farouk Yahaya meets the regulations governing the award of the degree of Master of Science, Urban and Regional Planning of Ahmadu Bello University, and is approved for its contribution to knowledge and literary presentation.

Chairman, Supervisory Committee — Date: 28th May 1989

Member, Supervisory Committee — Date: 28th May 1989

Head of Department — Date: 27.06.89

Dean, Postgraduate School — Date: 13-8-89

DEDICATION

This thesis is dedicated to my mother

Hajiya Mariya Shehu

And

The first borne of the family

Late Hajiya Zainab (Takurmi)

ACKNOWLEDGEMENT

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THESIS ABSTRACT

Wrban Planning Authorities al1 ever the world play a role in tie physic development of Urban Centres, in an organised manner to achieve lire ability in the interest of the public. The genesis of planning Administration is Nigeria, or anywhere in the World emanates from an unprecedented growth an.: development of cities through time, characterized by rapid increase in population. This is due largely to rural-urban migration, which is as a result of the attractive nature of the cities infrastructural development.

This study attempts to find out the role Kano State Urban Development Board play in the physical development of the state, in view of the existing planlessness of our urban centres, due to spread of haphazard and illegal developments for which the board v/as established to control. To this affect, the study went further to relate trie activities of the board, with the provisions of the laws that provided the legal backing for the board's operations. This also cor tains the functions and powers of the board, thus assessing it's performance.

The result indicate that the board is not performing up to the standard expected. However, the problems that led to this were identified which include insufficient funding and staffing as per the responsibilities of the board all over the state. It was also discovered, that the board's activities are concentrated in the metropolitan area of Kano. with very little achievement in the other urban centres of the state.

In conclusion, a recommendation was made on how the board can improve it's financial and staffing position along with a framework for a better state wide performance.

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ABBREVIATIONS

1.	KASUPDA	-	Kaduna State Urban Planning and Development Authority.
2.	KSUDB	-	Kano State Urban Development Board.
3.	NNTCPL	-	Northern Nigeria Town and Country Planning Law.
4.	SUDA	-	Sokoto Urban Development Authority.
5.	WRECA	-	Water Resources and Engineering Construction Agency.
6.	NEPA	-	National Electric Power Authority.
7.	NITEL	-	Nigeria International Telephone Exchange Limited.

DEFINITION OF TERM

The term physical development in this thesis implies erection or development of any structure that aims at improving the living condition of the physical environment and the organisation of the environment according to Standard Planning principles and practices.

CHAPTER ONE

1.00 INTRODUCTION

1.10 RESEARCH PROBLEM AND JUSTIFICATION OF STUDY

Physical Planning has been universally accepted as an important and necessary activity in guiding the growth and development of Urban Centres. It is concerned with the harmonization of economic and social development proposals over space. It is in view of this that various agencies were established by government to plan and guide the growth and development of the society.

As a result of the rapid socio-economic changes taking place in most countries of the world Nigeria inclusive, physical planning has become an important process in the complex interplay of roles at the national, regional and local levels. Since the purpose of national development planning is to ensure a co-ordinated social and economic development, physical planning is one of the main instruments for guiding, controlling and monitoring such developments. However, planning strategies in Nigeria have failed to recognize that national development is a composite process encompassing the social, economic and physical elements, and that any development effort that concentrates on any of these elements to the neglect or exclusion of others can only lead to limited and unsatisfactory pattern of development.

While Nigeria has made some significant impact interms of economic development, which can be measured either by growth of per capita income (₦160 in 1960, ₦250 in 1970 and ₦670 in 1980), and the increasing affluence and enlightenment of her populace, or the increasing number of manufacturing industries; it is not suprising therefore, that the sheer neglect of physical planning considerations in the development process now manifests itself in the inefficient location of these industries and other amenities and the anarchical growth of urban centres.

Urbanization which is a reality and is assuming alarming proportion in Nigeria, continues unabated since there is no articulated policy to stem its tide. Physical planning an acknowledged, desirable process for the spatial ordering of the towns and cities have been given only rhetorical importance without the necessary financial and political support (Ibrahim, M.B. 1987).

Despite the establishment of Urban Planning Authorities in many States to plan and control the physical development of designated Urban Centres; some for over a decade now, there is yet to evolve any planned settlement to reflect any planning input. Moreover, the proliferation of haphazard and illegal developments still persist. Master Plans prepared to guide the development of designated urban centres remain unutilized. And existing developments do not conform

with the provisions of approved layout plans. Indeed there are so many illegal developments that seem to be beyond control.

The situation therefore calls for a re-examination of the role played by planning authorities in the physical development of urban areas and their capability in guiding the growth and development of cities.

1.20 AIMS AND OBJECTIVES

1.2.1 Aim

The aim of the study is to examine the role of Kano State Urban Development Board in Physical Planning and Development of the Urban Areas of the State with a view to assessing its impact on the physical environment.

1.2.2 Objectives

The aim is to be achieved through the following objectives:

(1) To discusss the evolution of Urban Planning Administration within the Dynamics of Urban Growth in Nigeria.

(2) To highlight on the establishment of Kano State Urban Development Board as a Town Planning Authority.

(3) To highlight on the establishment of other similar authorities in Nigeira with specific reference to some of their activities inorder to make comparison.

(4) To examine functional relationship between the Board and other related government departments.

(5) To assess the performance of the Board by comparing its activities with the roles and functions required by law.

(6) To make recommendation on how best the Board can carry out its activities.

1.30 SCOPE AND LIMITATION

The study limits itself to the activities of Kano State Urban Development Board as a town planning authority. It specifically examines the activities of the Board in relation to what the law actually requires it to do in the designated urban centres. However, it also involves a comparative analaysis with the activities of similar planning authorities with a view to recommending to Board any strategy in which the other authorities, especially Kaduna State Urban Planning and Development Authority (KASUPDA) and the Sokoto Urban Development Authority (SUDA) excelled.

1.40 RESEARCH METHODOLOGY

1.41 The Conceptual Framework of Carrying out the Process of Study

The conceptual framework of the thesis begins with the Research Problem and Justification for carrying out

the study which leads to the theroretical background of the study, highlighting on the evolution of planning administration to contain the dynamics of urban growth in Nigeria. A case study of Kano State Urban Development Board and an assessment of its performance then follows. This results in an outcome of the assessment along with identification of problems. Finally, possible solutions to the problems were offered towards a better performance.

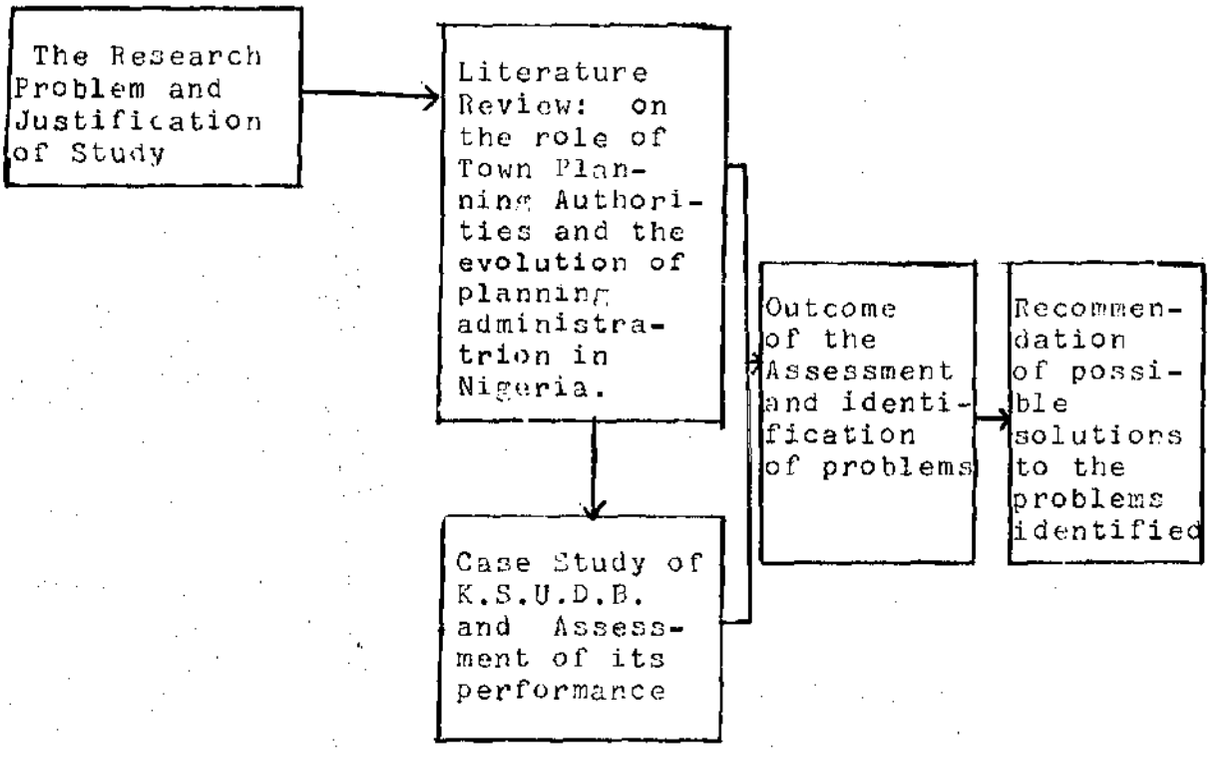


Fig. 1.1: Conceptual Framework of the Thesis.

1.50 DATA COLLECTION AND ANALYSIS

Data was collected through interviews conducted on the Managing Director of the Board and some departmental heads, namely the Chief Town Planning Officer, Chief Engineer, Architects, other planning officers of the Board and of other similar Planning Auhtorities. This is with a view to finding information on the major activities being undertaken by the Authorities, their achievements, problems, and their possible solutions. The comments made were interesting and the views expressed were tremendously useful to the study.

The interview was also extended to the general public who were in one way or another affected by the activities of the Board; with a view to seek for their opinion on the effect of the Board's activities on them in relation to the effort to improve the living environment.

Published materials that are relevant to the study were collected. These include booklets, reports, briefs, pamplets, official file documents, laws, edicts and maps.

Analysis of Data was presented in form of a write-up, map-designs along with the appropriate graphic techniques, such as bar-graphs, line graphs, pie charts, tables and percentages.

The outcome of the study revealed the fact that the Board conducts its activities contrary to the provisions of the law. However the reasons responsible for this were indentified and possible solutions were offered.

1.60 THESIS STRUCTURE

The thesis comprises of six chapters. Chapter one is an introduction to the process of study which consist of the aims and objectives, statement of the research problem and justification of carrying out the study, the scope and limitation of the study and the research methodology. In chapter two the role of town planning authorities in urban physical development was discussed along with the historical envolution of planning administration within the dynamics of urban development in Nigeria. Chapter three highlights on the establishment of Kano State Urban Development Board, its area of jurisdiction, its structural composition, the departments that make up the Board and their functions, the major provisions of the law as regards its roles and responsibilities, strength interms of staff and equipments, its sources of revenue and a highlight on Sokoto Urban Development Authority (SUDA) and Kaduna State Urban Planning and Development Authority (KASUPDA).

Chapter four contains the activities of the Board since its inception as regards execution of projects, planning and control of development while chapter five provides an assessment of performance through some selected parametres and the indentification of the major problems facing the Board. Finally, chapter six contains recommendation and conclusion, with solutions that will possibly solve the identified problems.

CHAPTER TWO

2.00 LITERATURE REVIEW

2.10 THE ROLE OF TOWN PLANNING AUTHORITIES IN URBAN PHYSICAL DEVELOPMENT.

The mounting environmental problems created by rapid urban growth and widening disparities in area development in the country, led to an increasing awareness of the need to pay more attention to the problems resulting from the large scale and unplanned growth of Nigerian cities. Balanced growth as between urban and rural areas is essential if the economic and physical development of cities is not to be based on a purely urban strategy, and if the most effective use of resources is to be made. This will facilitate the harnessing of the power of the city as an engine of development for the benefit of the economy of the country as a whole. Given these circumstances and the recent declaration by the Federal Government of unequivocal commitment to enhancing Nigeria's physical development within the framework of national economic planning, attention is now focused on the role of physical planning and the existing adminintrative framework for pursuing this aim, as a means of enhancing the quality of life of citizens as development progresses in the urban centres and inorder to direct physical development (Adeniyi, E.O. 1975).

Physical planning is concerned with the design, growth and management of the physical environment in accordance with pre-determined and agreed policies. Ideally this would aim at achieving balanced social and economic objectives. Inorder to play this role, physical planning should provide for and co-ordinate all forms of development activity at national, regional and local levels, by making the fullest and most effective use of available human and natural resources. These according to McLoughlin, are concerned with "the likely demand on land development with the demand for movements of goods and raw materials with the possible locations of these within the city or region ... and with the broad relationships between likely rates of change of labour demand, the possible scale and timing of migration into and out of the area, and the relationships of these with the supply of housing, hospitals, schools and other social facilities." One would readily agree that these are comprehensive roles which call for integrated development planning interms of economic, physical and social objectives of development for a nation, within a dynamic administrative framework. The success of urban development policy and programmes in the country depends to a great extent on how effectively the essential administrative measures, processes and arrangements

are introduced so as to achieve economic, social and physical goalsof development (Adeniyi, E.O. 1975).

Physical planning is the planning of an area's physical structure - landuse, communications, utilities, etc and has its origins in the regulation and control of town development, which outstrippped the ability of the market mechanism to cope (Glasson John 1974).

In discussing administration agencies for urban development, it is important to have a clear idea of what urban development is all about. Urban Development is defined as the planning and provision of those physical amenities which enable an urban centre to provide an environment where an individual can work, recreate and earn a living with as little inconvenience as possible (Fadahunsi, 1973).

2.20 THE EVOLUTION OF PLANNING ADMINISTRATION WITHIN THE DYNAMICS OF URBAN DEVELOPMENT IN NIGERIA

Before the advent of colonial administration, there was not an organized machinery of government responsible for planning and physical development. Perhaps the only organized framework was the control of landuse by Emirs and Obas. Thus traditional and islamic laws were used reflecting the socio-cultural and religious values of the people.

In Hausaland, Islamic and traditional laws serve in regulating the growth and development of Urban Centres. The laws are enforced by traditional authority and the people are willing to safeguard and abide by them. Such laws include the following:

(i) Restriction of building height to ensure privacy for every house.

(ii) The circulation of the entire house with a high fence to provide privacy to the occupants, more especially the women in purdah.

(iii) The preservation of burial grounds and mosque premises without any encroachment.

(iv) The acquisition of development permission from the ward head or village head.

(v) Provision of access paths or roads to individual houses.

(vi) Prohibition of drain construction through neighbour's houses.

(vii) Prohibition of constructing any structure against the walls of a neighbour without his acknowledgement.

(viii) Permission for the building of many rooms in a house to accommodate every adult male member including his wife or wives and children in the household.

(ix) There is no restrictuion on the type of building materials for construction.

(x) Permission for roofing to be made in such a way that it will not drain storm water into neigbour's houses (Hassan, A. 1986).

The advent of colonial adminintration has however, made it possible for our cities to experience tremendous growth interms of spatial expansion with the building of government reserved areas (G.R.As) and the provision of infrastructural facilities such as roads and railways, with the aim of opening the country for exploitation. As a result, the need arose for a government department to organise the provison of facilities and control the development and maintenance of such facilities. This was necessitated by the increasing congestion in our cities.

The first attempt towards the establishment of an organized machinery of government in planning was the enactament of the Town Improvement Ordinance in 1863 by the colonial adminintration. It was aimed at monitoring and controlling the development of Lagos. In 1900, Lord Lugard disregarded the principles of native law and custom by enacting that 'title to land can only be acquired through the High Commissioner. Other laws, such as the public lands acquisition ordinance of 1917 and the Planning Ordinance of 1946 as well as other bye-laws and building regulations were passed to give legal backing to the ever increasing roles of government in physical planning and development control (Ola, C.S. 1977).

Inspite of the township ordinance No. 29 of 1917 which provided for different urban hierarchies and established broad principles of urban responsibility, the setting up of provincial Town Planning Committees in 1924, the setting up of the Lagos Town Planning Ordinance (in reponse to an outbreak of bubonic plague) in 1928 and the implementation of the Nigerian Town and Country Planning Ordinance in 1946, the pre-independence plan (1946-56 and 1955-60) had marginal interest in Urban Development. For example, no provision was made for Town and Country Planning in the 1946-56 plan, although 6.1% of the allocations was made for this in the 1955-60 development plan. It is however, necessary to know that 29.9% of the 1955-60 plan allocations meant for miscelleneous activities went into building programmes. The government reservations and the Nigerian Building Society (fore-runner of Federal Mortgage Bank) were the result of these plans. Substantial allocations were also devoted to urban social services like electricity, water, health, education, sewerage, transportation and communication. Most of these urban development activities were however concentrated during these plan periods in the colonial neighbourhoods in the new layouts,(Ibrahim, M.B. 1987).

After independence, the Town and Country Planning Law of Northern Nigeria (which was an offshoot of the British laws of 1946), was enacted in 1963 to provide for the establishment of Planning Authorities. The law which is valid up till today in the establishment and functioning of planning administration, gives central authority for all planning to the Minister, whose power include the establishment of planning authorities and membership of such authorities. For example, the law states that where a Minister is of the opinion that a scheme should be made for any part of Northern Nigeria, he may appoint a planning authority for such area ... such planning authority shall be the executive authority for the planning and carrying out ~~through~~ of any scheme under the law ... (section 4). While on membership of planning authorities, the law provides that the authority shall consist of such members as the Governor may appoint. And the Governor may appoint one of the members of the Authority to be the Chairman of the Authority (section 5 (1) a, b).

In 1967, Northern Region was broken into 6 States as a result of the creation of 12 states in the country. However, the law remained valid and was adopted by the States. The law provided the basis for the creation of Metropolitan Kano Planning and Development Board in 1969 and the Kaduna Capital Development Board in 1972. These Authorities were charged with the responsibility of planning and development control of Kano Metropolis and Kaduna Metropolis repectively.

In 1976, the 6 Northern States were transformed into 10 as a result of the creation of more States in the year. The Metropolitan Kano Planning and Development Board transformed into the present Kano State Urban Development Board with additional responsibility of planning and controlling the development of 12 other urban centres, while in Sokoto, the Sokoto Urban Development Authority was established to be responsible for planning and controlling the development of Sokoto Metropolis, all within the year 1976. All these planning Authorities were established by edicts which contain their functions, along with a directive to implement the provisions of the Northern Nigeria Town and Country Planning Law Cap. 130 of 1963.

More powers were added to the Governor by the Landuse Decree of 1978 by vesting the control of all urban land in a State in the Military Governor, which states that all land in urban areas shall be under the control and management of the Military Governor of each State (section 2 (a)). This provision limited the operation of planning authorities to the urban centres, since the authorities are State Government parastatals, under the control of the Governor.

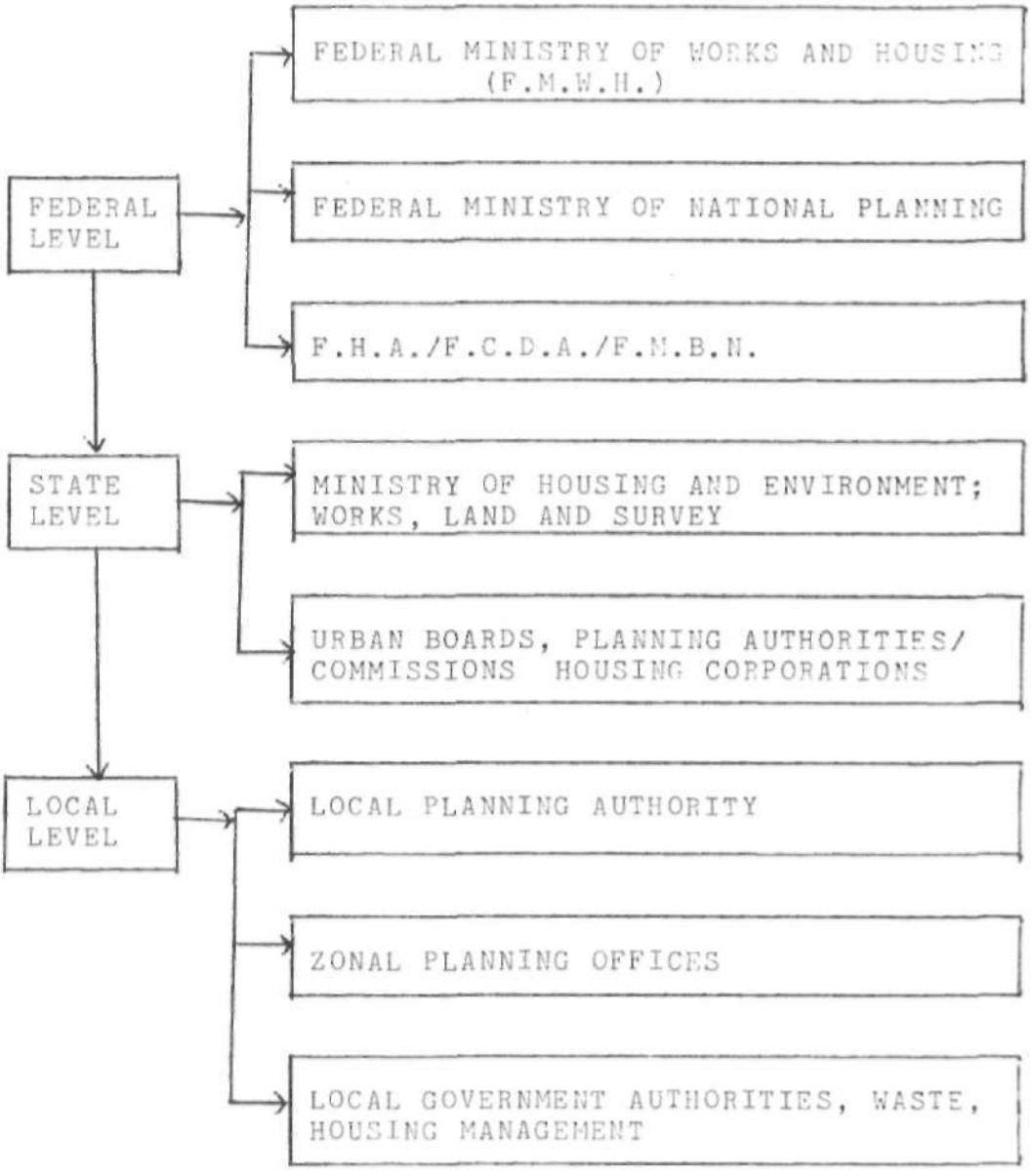
2.30 LEVELS OF PLANNING IN NIGERIA

The structure of a Federal system of government like Nigeria, comprises of three tiers namely: Federal, State and Local Governments. As such the task of planning and other government responsibilities are supposed to be shared among the three tiers. However, the role of the three levels of government in Nigeria are not clearly defined, thus leading to conflict of interest and authority, abdication of responsibility and confusion. Unless the administrative structure is streamlined and responsibilities are clearly defined, Town and Country Planning in Nigeria will remain a low priority sector in Nigeria.

The powers of the Federal Government as contained in the 2nd Schedule of the 1979 Constitution are of two categories, namely exclusive powers, comprising of defence, internal affairs, telecommunicaions, etc and concurrent powers which are shared by both Federal and State Governments. This include collection of revenue, taxes, scientific and technological research, University and post primary education, etc.

In addition to the concurrent powers, the State Government gets any power that is not the exclusive preserve of the Federal Government i.e residual powers which presumably include Town and Country Planning, although some planning functions are preserved for the Federal Government like inland water ways, construction of Trunk 'A' roads and expressways, etc.

FIGURE 2.1: ORGANISATIONAL FRAMEWORK FOR URBAN PLANNING AND DEVELOPMENT IN NIGERIA.



KEY:

F.H.A. = Federal Housing Authority.

F.C.D.A. = Federal Capital Development Authority.

F.M.B.N. = Federal Mortgage Bank of Nigeria.

Source: F.M.W.H.; Urban and Regional Planning Division.

While section 7 of the 1979 constitution recognizes the existence of Local Governments and Schedule 4 states their functions as participation in the economic planning and development of its area and some aspects of Town and Country Planning such as construction of roads, streets, drains and other public highways, parks and open spaces among others. Also guidelines of the creation of Local Government contains some functions of Local Governments in two parts. Par A contains powers that are the exclusive preserve of the Local Governments. While part B contains powers which the Local Governments can perform, but the States can also execute such powers, pending the time when the Local Governments will be capable of handling. Among such powers is the Town and Country Planning function or power.

2.3.1 Administration of Physical Planning at the Federal Level:

After independence, the Federal Government established for the first time, the Ministry for Economic Planning to prepare the country's development plans and also coordinate the development plans of the regions. The first development plan prepared in 1962 focussed attention on national economic planning while the physical implications of sectoral economic plans and projects were hardly considered. Indeed it

was in 1975 when a formal national organ responsible for physical planning was created; i.e the establishment of the Federal Ministry for Housing, Urban Development and Environment (FMHUDE). The main functions of FMHUDE was to formulate and monitor national policies for Urban and Regional growth, housing, environment and land reforms. Hardly did the Ministry settle to do this, it ceased to exist in 1978.

In late 1979, another ministry with similar functions was established, known as Federal Ministry of Housing and Environment. However, this ministry did not achieve much in the area of physical planning policies but rather concentrated in the then government's housing programme. This ministry was also scrapped in 1984 under the policy of streamlining the number of ministries by the government. Before its demise, the section responsible for Urban and Regional Planning of the ministry was transfered to Federal Ministry of Works and Housing which now forms the Urban and Regional Planning Department of the Ministry.

From 1984 to date, the deparment has initiated a number of planning activities including a review of the 1946 Town nd Country Planning law, National Settlement Policy nd National and Regional Physical Development Plan. In addition, the department is

also expected to implement the roles of the Federal Government as contained in the report of the review committee on proposed Urban Development policy which the Ministry is yet to launch Such roles include the following:

(a) to formulate broad policies on Town and Country planning matters in order to provide direction to states in the country.

(b) encourage the State and Local Governments through incentives, policies and grants to embark on orderly development in their jursidictional areas.

(c) encourage and attract the interest of international development agencies to invest in Urban and Regional Planning programmes interms of technical assistance and staff training.

(d) provide current up-to-date base maps, etc and to conduct research in areas of Urban and Regional Planning in Nigeria.

(e) monitor Urban and Regional Planning programmes in the States, with a view to ensure the attainment of national goals and objectives.

(f) to prepare integrated physical/economic development plans for execution by the States.

2.3.2 Types of Administrative Machineries for Town and Country Planning in the States

Physical Planning in Nigeria is largely a State affair, since most Town and Country Planning powers are vested on the States.

Various types of planning authorities were established by State Governments throughout the country to plan and control development and provide facilities necessary for physical development. In executing the functions and responsibilities derived from the planning ordinance, States adopted different types of set up that is best suitable to their local peculiarity. These are categorised as follows:-

1. State Ministries.
2. Urban Development Boards.
3. Planning Commissions.
4. Local Planning Authorities.

All these authorities are associated with the Physical Planning and Development of their States. And because of the sensitive and highly political nature of planning, policy formulation and monitoring of their implementation is handled by the appropriate State Ministry usually in close consultation with the office of the Chief Executive of the States.

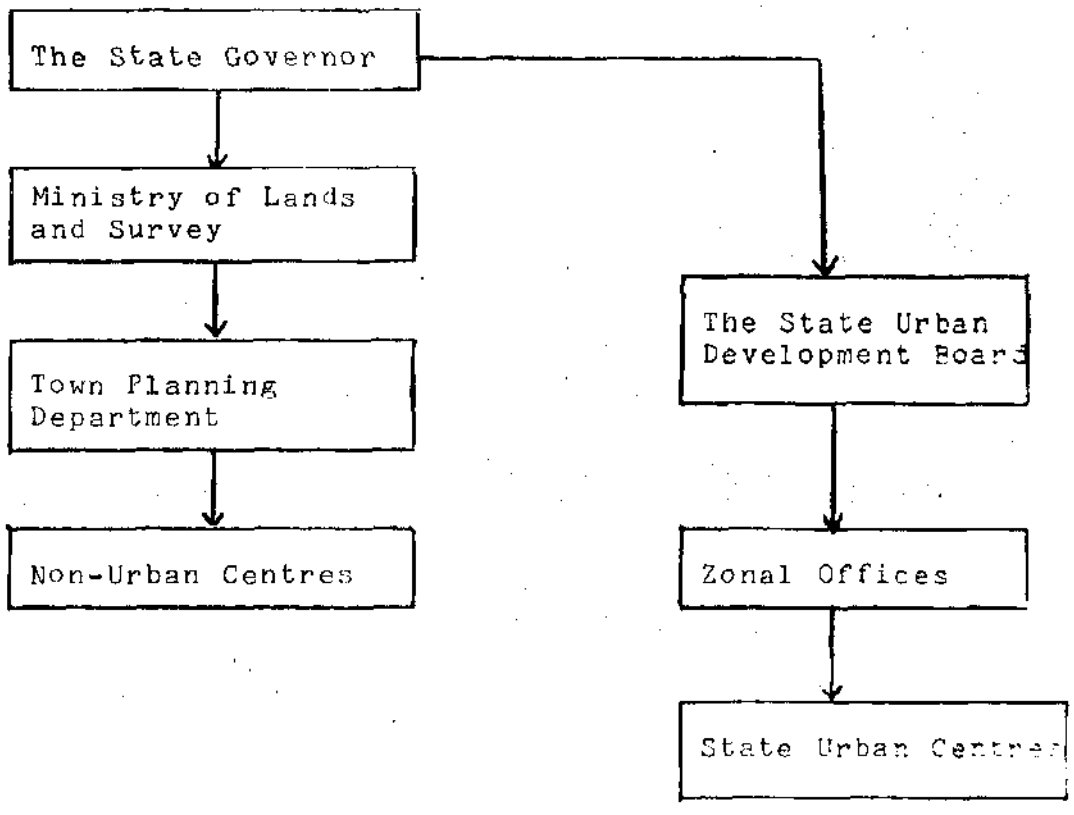
(a) State Ministries

All the States of the Federation (with the exception of Lagos State), and the Federal Capital Territory Abuja, have Town Planning Divisions under Ministries with various nomenclatures. For instance, in Rivers, Oyo and Ogun, the division is under the Ministry of Lands and Housing; in Sokoto and Benue States it is under the Ministry of Housing and Environment; in Anambra it is under the Ministry of Works, Lands and Transport; in Borno and Kano it is under the Ministry of Lands and Survey; in Cross Rivers it is under the Ministry of Housing, Environment, Town and Country Planning; in Ondo and Kwara it is Ministry of Lands, Survey and Town Planning and Ministry of Works, Land and Survey respectively (Akinmoladun, O. 1987).

In all these States, especially those without any other planning organisation, such as Borno and Niger States, planning and control of development is vested in the Town Planning Division of the Ministry. The implementation of policies flows through a two tier organ, which are under the Ministry (i.e the Department of Town Planning and Zonal Planning Authorities). The Town Planning Department collects, collates and co-ordinates all inputs required for

policy formulation and diseminates implementation processes to the Zonal Planning Authorities. Once the proposals are made, the actual implementation is left to the various ministries concerned. The area of jurisdiction is statewide but preference is given to urban centres

FIG. 2.2: ADMINISTRATIVE STRUCTURE FOR TOWN AND COUNTRY PLANNING IN STATES LIKE KANO AND KADUNA IN NIGERIA.



Adopted from Adepoju G-Onibokun (1987) P.13

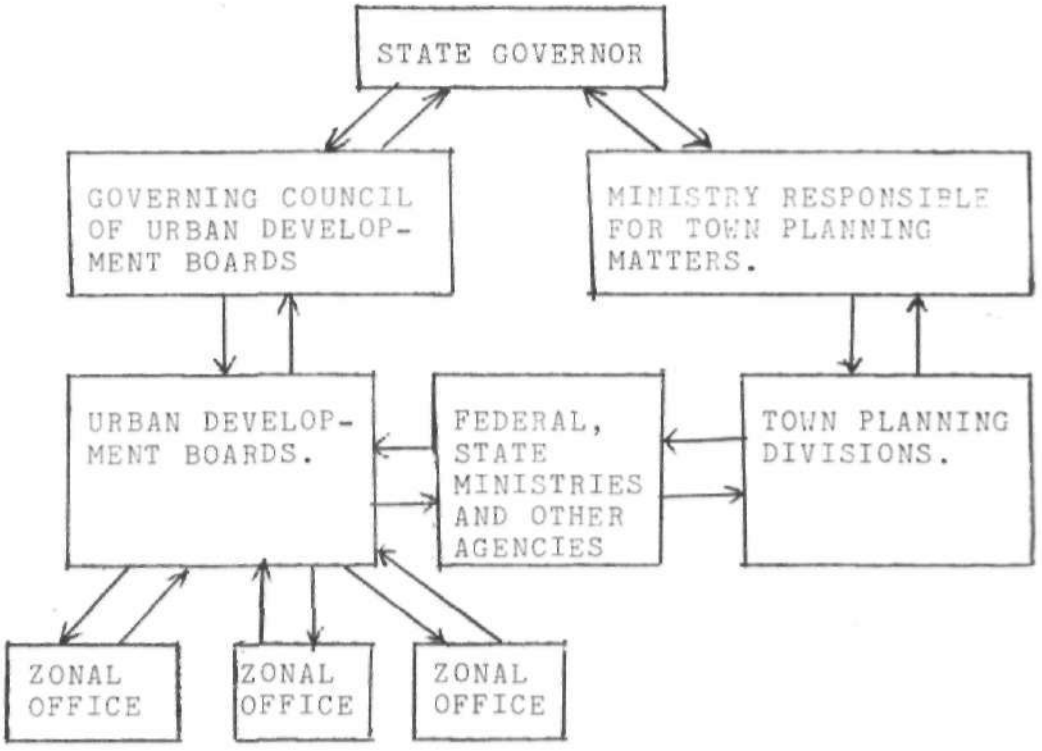
(b) Urban Development Boards

These are planning authorities specially established as government parastatals to formulate and monitor planning and development control in urban centres. The Boards were established by some States through an enabling Edict which also contains the functions and activities of the Boards. It also demarcates the area of jurisdiction which is commensurate with designated urban centres. An example is the Kaduna State of Nigeria Edict No 10 of 1985 which established the Kaduna State Urban Planning and Development Board (KASUPDA). The Edicts are normally published in official Gazettes of the Government, and also provides that be it read as one with the Town Planning laws in the country. For example, the Kano State Edict No. 5 of 1976 that established the State Urban Board, provide in its section 1(2) that be it read as one with the Town and Country Planning Law of Northern Nigeria. The Boards therefore aim at implementing the provisions of such laws and derive their powers from same.

Urban Development Boards, which are directly under the supervision of the State Chief Executive, handle planning matters in all designated Urban Centres in some States wich include Kano, Kaduna,

Gongola and recently Benue and Katsina. Zonal offices are established to man the other Urban Centres with the headquarter based in the State Capitals. In Bauchi, also is a Development Board but include water supply and provision of electricity as part of its functions. While some States merely restrict the area of the Boards jurisdiction to the State Capitals. Examples include the Jos Metropolitan Development Board (JMDB), the Sokoto Urban Development Authority (SUDA), and the Owerri Capital Development Board (OCDB) in Imo State.

FIG. 2.3: THE PHYSICAL PLANNING FRAMEWORK IN KANO AND KADUNA STATES.



Adopted from Adepoju G. Onibokun (1987)p. 14.

The Boards comprise of the Town Planning Department and other departments, especially of related professions, such as Architecture and Engineering; all headed by departmental heads. Each of the departments carry-out the activities of the Boards as it relate to them, and based on their manpower needs, the Board employs and disciplines its staff. The Boards make proposals and have the power by law to implement such proposals.

(c) Planning Commissions

In Lagos State, there was established a body known as the Lagos State Planning Commission, as stated in its Town and Country Planning Edict of 1985, published in the Lagos State of Nigeria official Gazette of 6th January 1986. The membership comprises of the State Governor as Chairman and the Commissioners and Director Generals of other Agencies of Government such as Ministry of Works and Transport, Agriculture, Local Government, Lands, Housing, Budget, etc.

There is also attached to the commission a Technical Committee with representatives from various ministries. The representatives are professionals of the technical fields associated with planning, such as Engineers, Architects,

Surveyors, etc. There are also, representatives of some professional bodies such as Nigerian Institute of Town Planners, Nigerian Institute of Architects, Nigerian Society of Engineers, Nigerian Medical Council, Nigerian Institute of Estate Surveyors and Valuers, etc. The technical committee is to render certain preliminary functions before approval by the commission. They synchronise the adoption of any planning scheme and also exhibit draft master plans for public objections.

The main function of the commission is to formulate policies of Town and Country Planning in general, i.e physical development of the State including the location of infrastructural facilities, prepare master plans, subject plans, sector plans, action plans and to implement the provisions of the Lagos State Town and Country Planning Law. The Edict establishing the commission also incorporates the provision of the Town and Country Planning Law, with Lagos as its area of jurisdiction.

(d) Local Planning Authorities

The machinery of planning at the local level is manned by Local/Area Planning Authorities, Local Government Councils or Municipal Councils.

The Local Government Reform of 1976 has actually provided in its schedule B many functions that are related to Town and Country Planning which are to be carried out by Local Governments, for example street naming, refuse collection, property tax, etc. Also the 4th schedule of the 1979 Constitution which contains the functions of Local Governments includes some aspects of Town and Country Planning. Infact in many developed countries of the World such as Britain and the United States of America, Town Planning is particularly well developed at the Local Authority level, where Town and Country Planning has played a more dominant role resulting in a more land-use oriented approach.

The Local/Area Planning Authorities are more common in Oyo, Ogun and Ondo States of Western Nigeria. Although it is this level that planning is closest to the people, yet conflict of authority is common, where the Local Planning Authority exist side by side with the local government authorities, each of which has its powers and laws governing its activities.

The function of the LPA's are to control and ensure orderly development of various settlements that fall within their area of jurisdicition. The functions include the preparation of layouts, based on landuse plan handed down by the Ministry;

approval and control of development proposals in line with the landuse plan, and the advisory service and guidance to citizens on optimal land utilization and the need for planning in their area. All the functions are monitored and controlled through various mechanisms by the State Ministry respeonsible for Town and Country Planning.

For various reasons, either due to over control, lack of adequate manpower, financial and material resources or gross dereliction of duty on the part of the LPA staff, the performance rating at this very important level has been below expectation.

2.3.3 Shortcomings of Planning Administrative Machineries in Nigeria.

The lack of a national policy to formulate and monitor planning and physical development in the country has led to the multiplicityof organisations and duplication of functions in the provision of essential services. Thus, the situation does not provide the required forum for coordination between government agencies concerned with Urban Development.

Investigations reveal that only very few State Physical Planning organs actually carry out majority of their functions. Apart from financial and manpower constraint, the frequent moving around of the State Physical Planning organ is a major inhibiting

factor to their overall performance. In some States the physical planning organs are frequently moved from one Ministry to another, mainly for political exigencies. The resultant instability and uncertainty of such frequent movements affect their effectiveness (Adeniji, 1987).

There is yet to be any physical planning organ that frames and publish an approved planning scheme in their areas of jursidiction in this country. As the saying goes, physical planning is not merely urban development but the planning and control of such development according to standards. But this essential function of development control is pursued by demolishing of illegal structures. This prevails as illegal developments seem to be ahead of planning; thereby implying the inability of the planning authorities to contain illegal developments, by planning ahead of development.

The Town Planning Divisions of the Ministries are victims of bureaucratic red-tapism peculiar to such ministries, resulting in unnecessary delays even in matters that would normally require urgent attention.

The Lagos Planning Commission which is only one of its kind has problem in carrying out its functions. This is moreso, due to its large and complex membership. Most of the members have other responsibilities in their respective ministries where they occupy high and exalted positions, that would not allow full participation in the day-to-day activities of the commission.

The administrative structure of Local Governments in Nigeria does not allow for the adequate coordination of goals to resources and the major users and developers of land and the organisations responsible for provision of physical infrastructure. As such local planning authorities are yet to be fully developed.

Perhaps it will be safe to say that planning and its administration is still in its infancy in Nigeria. Infact with the exception of Abuja whose development was pre-planned, there is yet to be any planned settlement in Nigeria.

CHAPTER THREE

3.00 ESTABLISHMENT OF KANO STATE URBAN DEVELOPMENT BOARD

Kano State unlike many other States is fortunately blessed with all the administrative and legal framework for Urban Planning and Development. Besides the general legislations of the Township Ordinance of 1917, the building regulations of 1940 and the Town and Country Planning Law of 1946, Kano Metropolis is yet endowed with another feat by the establishement of the Greater Kano Planning Authority in 1962 which was later replaced by the former Metropolitan Kano Planning and Development Board.

The present Kano State Urban Development Board was established under edict No. 5 of 1976 to succeed the defunct Metropolitan Kano Planning and Development Board as the Planning Authority for Urban Centres of the State. This brought into focus the need to bring 12 more Urban Centres under strict Planning and control in addition to Metropolitan Kano. To this effect, Master Plans were prepared for these Towns to guide their general growth, both in their physical and spatial forms. The Edict requires the Board to control the development and use of land in these area and in addition, to design industrial, commercial and residential layouts, keeping in view the social and economic aspects of the State.

KASHIM IBRAHIM LIBRARY
AHMADU BELLO UNIVERSITY



FIG 3.1 source: u.r.p. library

LOCATION OF STUDY AREA IN NIGERIA

YAHAYA U.F.
MSC II URP
87/88

The Board's area of jurisdiction was later expanded to include all Local Government Headquarters of the State which were declared Urban Centres, according to the provisions of the Landuse (Designation of Urban Centres) order of 27th February 1987. This brings the number of Urban Centres to 29 in the State. To make its operations easier, the Urban Centres were divided into 6 zones with Zonal offices in some selected towns (see Fig 3.2).

With the exception of Kano Zone (which is handled by the Board's Headquarters), each of the five other zones is headed by one or two sub-professional Town Planners. However, the zonal offiers operate from Kano, paying only regular visits to the areas, whenever the need arises.

Metropolitan Kano itself was further divided into four zones for easier administration and effective control. The zones are headed by Principal Town Planners, located in the Board's Headquarters (see Figure 3.3).

3.10 LIMIT OF THE BOARD'S AREA OF JURISDICTION

For all the Urban Centres listed below, the Edict provides for 8 kilometres radius from the centre of the town as constituting the Urban Area. However, in 1982, the State Governor using his powers under section 29 of the Edict, expanded the area of the Board's operations in Metropolitan Kano to cover a radius of 24 kilometres, thereby extending into Gezawa, Dawakin Tofa, Dawakin Kudu and Rano Local Government Areas.

Table 3.1: ZONAL OFFICES, URBAN CENTRES AND ESTIMATED POPULATION IN KANO STATE.

ZONE	URBAN CENTRES	ESTIMATED POPULATION 1988.
1. HADEJIA	1. Hadejia	75,113
	2. Birniwa	20,753
	3. Mallam-Maduri	26,030
	4. Kafin-Hausa	20,523
2. GUMEL	1. Gumel	57,385
	2. Maigatari	19,173
	3. Ringim	25,799
	4. Jahun	10,939
3. KAZAURE	1. Kazaure	35,339
	2. Babura	16,849
	3. Danbatta	31,419
	4. Bichi	32,956
4. BIRNIN-KUDU	1. Birnin Kudu	23,494
	2. Gwaram	24,593
	3. Sumaila	17,001
	4. Wudil	17,624
	5. Gaya	22,180
	6. Dutse	10,676
5. KANO	1. Metropolitan Kano	1,987,146
	2. Dawakin Tofa	22,293
	3. Minjibir	11,508
	4. Gezawa	12,788
	5. Dawakin Kudu	16,984
6. KAFIN-MAIYAKI	1. Kafin Maiyaki	22,937
	2. Tudun Wada	12,255
	3. Karaye	14,269
	4. Rano	19,788
	5. Kura	18,279
	6. Gwarzo	14,569

Source: Field Survey.

KANO STATE ADMINISTV. PLANNING ZONES

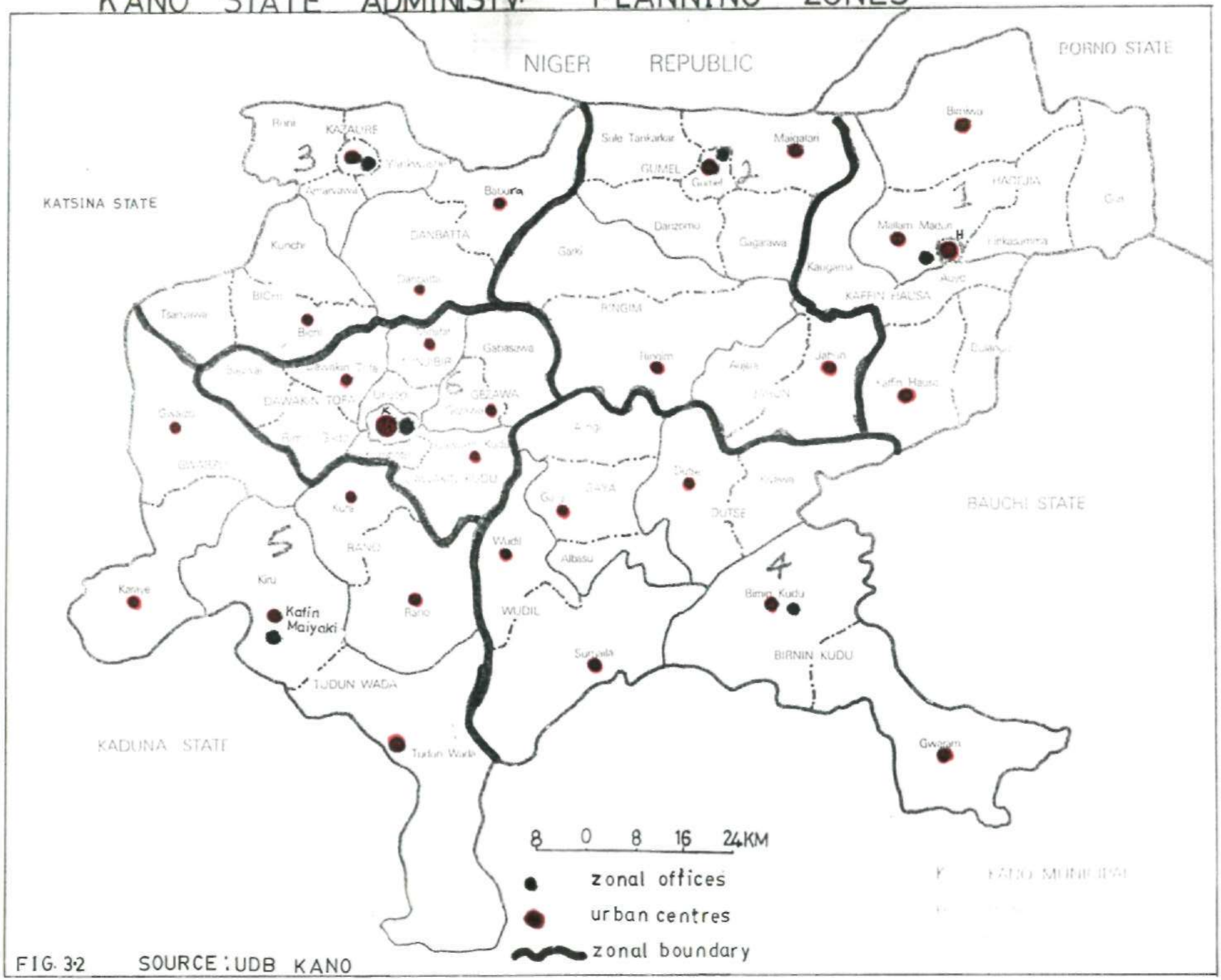
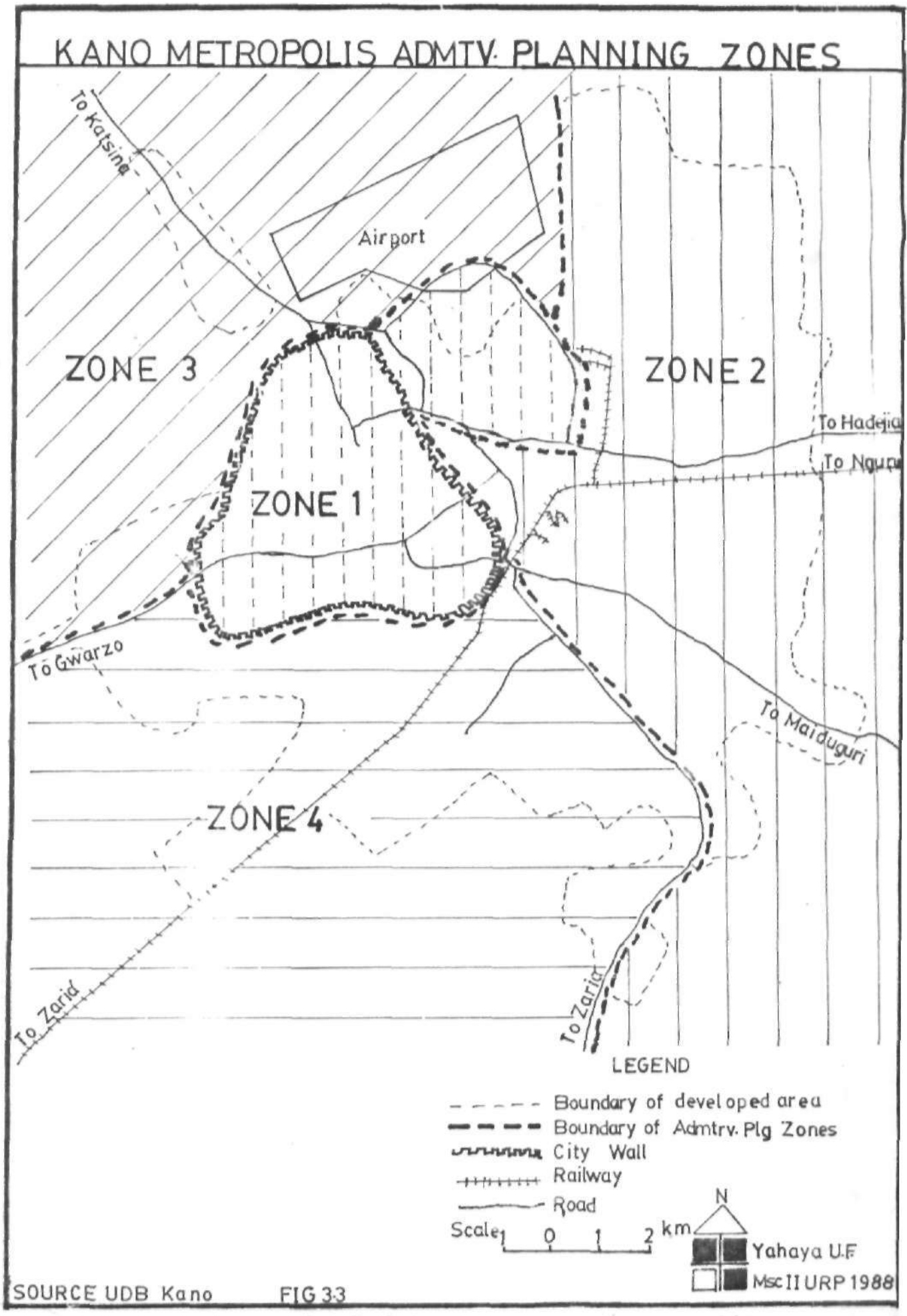


FIG. 3·2 SOURCE: UDB KANO



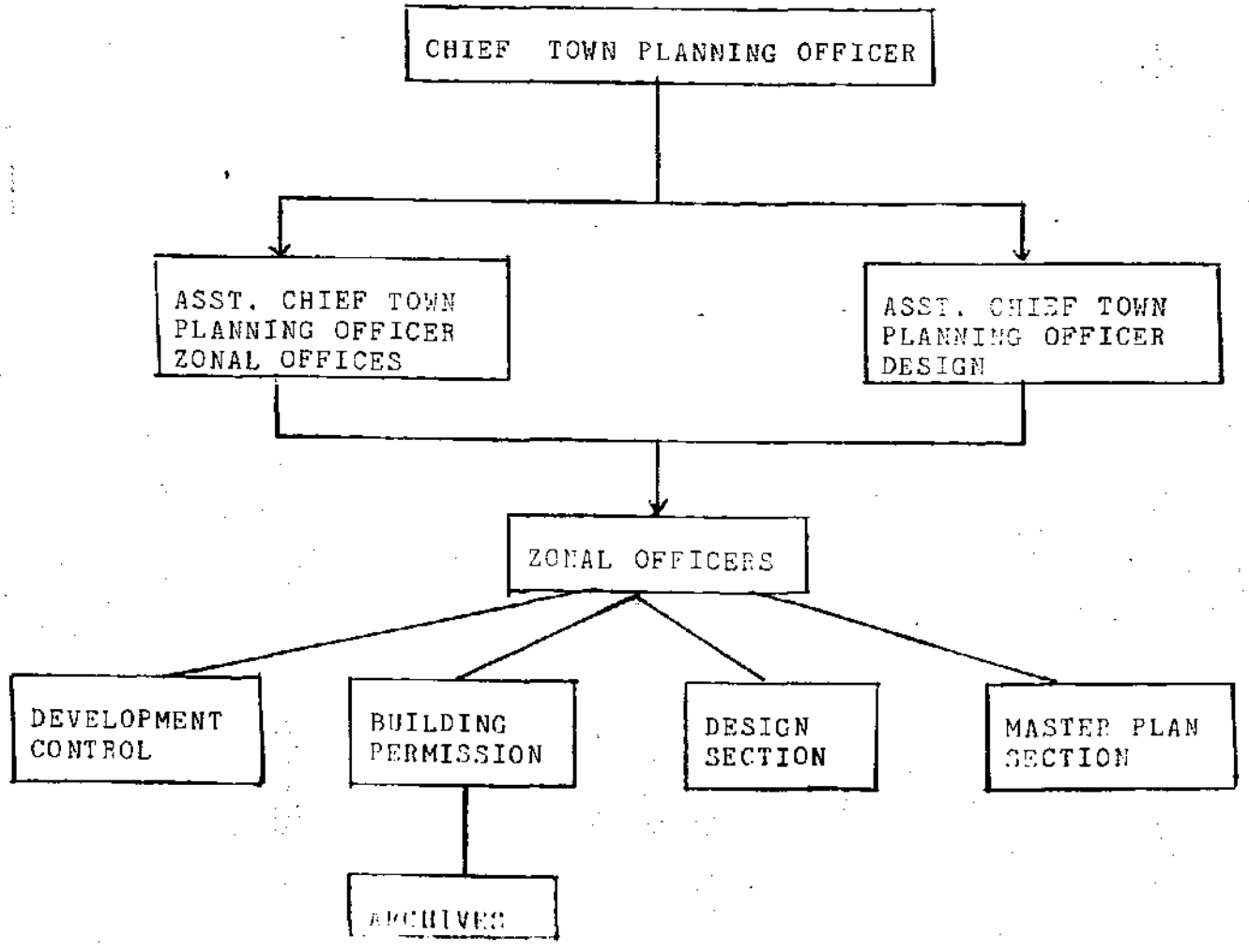
SOURCE UDB Kano FIG 3.3

3.20 Structure of the Board

The Board is headed by a Board of Directors appointed by the Governor. Under the Board of Directors in the Managing Director of the Board who is also the Chief Executive. The Managing Director is assisted by the Secretary/Legal Adviser of the Board and the heads of the five departments of Town Planning, Architecture, Engineering, Accounting and Auditing (See Figure 3.4).

The Town Planning Department is responsible for planning permission, Design, Master Plan and Building control (Fig 3.5). Architecture department is responsible for building plan approval, Design and contract administration. While Engineering department is responsible for all the civil, mechanical, electrical engineering works and survey. The accounts and audit departments are responsible for all financial affairs of the Board (See Fig. 3.4).

FIG. 3.5: KANO STATE URBAN DEVELOPMENT BOARD, TOWN PLANNING DEPARTMENT: ORGANINATIONAL CHART.



SOURCE: UDB KANO

3.20 STAFF STRENGTH AND WORKING EQUIPMENTS

(a) Staff

In compliance with the provisions of the NNTCPL Section 9 (3) and the Edict Section 16 (f) and also inorder to effectively carry out its activities, the Board engages the services of some officers upon terms and conditions approved by the Board. The officers who constitute the staff of the Board grew in strength over the years in response to increase in the scope of its activities.

YEAR	STAFF STRENGTH
1976	97
1978	250
1980	302
1982	401
1984	525
1986	614
1988	798

Table 3.2: AN INVENTORY OF ALL CATEGORIES OF THE BOARD'S STAFF OVER THE YEARS.

Source: U.D.B. Kano.

Table 3.3: THE STAFF STRENGTH OF THE BOARD IN THE RELEVANT PROFESSIONS AS AT JUNE 1988

PROFESSION	No. OF PROFESSIONALS	SUB-PROFESSIONALS	TOTAL
Town Planning	11	117	128
Architecture	6	21	27
Engineering	13	285	298
Quantity Surveying	3	4	7
Estate Management	1	1	2

Source: U.D.B. Kano Staff List.

The ~~table above~~ Staff List reveals that 58% of the Board's staff are senior officers and is therefore highly professional in composition.

(b) Earth Working Equipments

In order to carry out its activities, especially road construction, layout plot, clearance and demolishing of illegal structures, the Board possesses some earth working equipments as follows:

Table 3.4: THE NUMBER OF WORKING EQUIPMENTS FOR THE BOARD'S ACTIVITIES.

TYPE	TOTAL NUMBER	NUMBER FUNCTIONAL
Bull-dozers	3	1
Pale-loaders	3	1
Graders	9	6
Rollers	6	6
Excavator	1	0
Low Loaders	2	1
Tar Sprayers	3	2
Stone Sprayers	1	1
Asphalt Layer	1	1
Lorry Tippers	5	4
Water Tankers	7	4
Dumpers	9	4
Air Compressors	3	1
Inspection Vehicles	4	4
TOTAL	57	36

Source: U.D.B. Kano.

The number of working equipments available are for use in all the 29 Urban Centres of the State.

Unfortunately about 40% of the total number have broken down.

3.30 SOURCES OF REVENUE

As a government parastatal, established to provide social service, the board gets its major revenue from the State Government in form of subvention and special grants. The special grants are usually meant for capital projects based on estimates approved by the State Government in line with the National Development Plans. Similalrly, subventions are received and utilised in the payment of personal emoluments, such as salaries, wages and other charges.

Apart from the grants and subventions from the government, the Board itself generates revenue internally from the following sources:-

(a) Building plan approval fees:- Any property developer wishing to erect a building for residential, commercial or industrial purpose is expected to have his/her building plan approved by the Board for which a fee is charged.

(b) Income and Investment:- Government grants that are not immediately utilised for the earmarked projects are invested into short term investments. Returns from such investments constitute another source of revenue to the Board.

(c) Interest on Loans to Staff: Interest charged by the Board on vehicle loans given to staff is yet another source of revenue.

(d) Rent Receivable: The rents deducted from staff in the Board's quarters or rented houses constitute another revenue source to the Board.

(e) Plant Hiring: The Board sometime renders plant hiring services to members of the public and charges rates. This is also a revenue derivation avenue.

(f) Sewage connection fees: There is also a connection fee charged on land lords who have connected their sewage systems to a central treatment plant. This exercise has started along Airport Road.

(g) Sale of Board's property: The Board purchase bitumen drums for its road works and the empty drums are sold to the public. The amount collected is revenue to the Board.

(h) People whose building plans are approved but they contravene the terms of the approval or those who build without approval but their buildings are appropriate; are made to pay penalty fees.

Table 3.5: BOARD'S INTERNAL REVENUE, SUBVENTION FROM GOVERNMENT AND EXPENDITURE.

YEAR	INCOME (₦)		TOTAL (₦)	EXPENDITURE (₦)	SURPLUS OR DEFICIT
	INTERNAL REVENUE	SUBVENTION			
1981	'549,757	1,549,998	2,099,855	3,152,711	-1,052,856
1982	793,660	1,736,712	2,530,372	3,125,755	-595,393
1983	1,480,756	1,307,450	2,788,206	3,089,907	-301,701
1984	-	-	3,573,955	3,620,121	-46,166
1985	1,437,960	2,776,520	4,214,480	3,574,090	+640,390
1986	1,785,814	3,312,004	5,097,818	7,257,933	-2,344,131 (-ve)

Source: Kano State Urban Development Board Audited Accounts.

Table 3.6: BOARD'S GRANTS FROM GOVERNMENT FOR CAPITAL PROJECTS AND EXPENDITURE.

YEAR	SPECIAL GRANTS	EXPENDITURE	SURPLUS OR DEFICIT
1981	7,101,993	-	-
1982	9,299,988	9,081,382	+218,606
1983	2,520,000	3,229,920	-709,920
1984	59,344	1,072,196	-1,012,852
1985	17,091,218	1,410,140	+15,681,078
1986	5,857,806	2,846,903	+3,010,903

Source: Audit Department Kano

Table 3.7: BUDGETARY ALLOCATION, ACTUAL ALLOCATION AND EXPENDITURE FOR THE BOARD 1981-87

YEAR	BUDGETARY ALLOCATION	ACTUAL ALLOCATION (Grants, Subvention, Internal revenue)	EXPENDITURE	SURPLUS OR DEFICT
1981	15,550,000	9,201,348	-	-
1982	17,870,000	11,830,360	12,207,137	-376,777
1983	2,000,000	5,308,206	6,319,827	-1,011,621
1984	1,000,000	3,633,299	4,692,317	-1,059,018
1985	28,570,000	21,305,698	17,680,230	+3,625,468
1986	6,010,000	10,955,624	10,104,836	+850,788
1987	6,400,000	-	-	-

Source: Audit Department Kano.

The Board is more often than not under-funded by the government. This is indicated by the excess of expenditure over income as shown by 1981 to 1984 figures. In most cases, the actual amount of allocation is below what has been approved in the budget. However, the Board always carries its debts forward while surpluses are invested for future use.

3.40 ROLES AND FUNCTIONS ACCORDING TO THE PROVISIONS OF THE LAWS

Apart from the enabling edict which established the Board, three other important legal tools play a considerable role in the day to day operations of the Board. These are as follows:-

(a) The Northern Nigeria Town and Country Planning Law of 1963.

(b) The Landuse Decree of 1978.

(c) The Kano State Building Regulations.

3.4.1 The Main Provisions of the Edict

Section 1 (2) of the enabling edict provides that be it read as one with the Town and Country Planning Law. But the edict prevails where the two disagree. However, there seem to be no disagreement whatsoever between the provisions of the two laws, rather it only modifies and expands the powers and functions of the Board.

For the purpose of Urban Development in the State, section 3(1) and (2) provide for the establishment of the Board with the power to sue and be sued in its corporate name and can acquire or dispose any movable or immovable property.

The Edict further emphasizes on its relationship with the NNTCPL when it states in section 15 (1) that the Board is under the Town and Country Planning Law appointed the Planning Authority for all Urban Areas and is also the executive authority for the planning and implementation of any scheme under the law.

The functions of the Board are contained in section 15 (3) which among others include:

(a) to frame and publish an approved planning scheme for each of the designated urban centres within a period of 3 years from the commencement of the Edict.

(b) to control the development and use of land in the urban centres of the State.

(c) to provide and maintain proper infrastructure for Urban development.

(d) to design and provide industrial commercial and residential layouts.

(e) to carry into effect any scheme or part thereof in respect of any Urban Area.

(f) to provide, construct and expand markets.

(g) to plan, design and provide its own housing estates in Urban Areas.

(h) to secure and maintain proper sanitary conditions, amenities and conveniences.

(i) to preserve buildings and other objects of Architectural, Historic or Artistic interest and places of natural interest or beauty.

(j) to do all such other things and acts as may appear to the Board, necessary for purposes of its functions under the edict.

The Board is also empowered under section 16 to provide urban infrasturcture, services and facilities in the form of construction and maintenance of roads, culverts, sewers, dams, watercourse, building and other works. It is also within its powers to provide public amenities, conveniences and transport services, etc.

The edict, in section 17 declares every designated urban area in the State as a Planning Area; thereby prohibiting any form of physical development, except in accordance with a scheme approved under section 18 of the law and published in the State gazette,

or subject to an order made by the Governor pending the publication and the taking effect of such approved scheme. The Board can therefore issue development permission to any person applying in writing subject to its conditions in conformity with the Governor's order. The section further provides that the Board can grant the permission with or without conditions, refuse permission or to postpone consideration of the application in the meantime, within two months, otherwise the application could be deemed refused.

Section 18 provides for the removal of unlawful structures either by the person who erected the unlawful structure or by the Board on behalf of the person concerned. Such a structure which embodies any form of development is deemed unlawful except with an interim development permission or is in accordance with the provisions of an interim development order or an approved planning scheme. Whichever is the case, the Board is required to notify the person to remove the structure within a specified period of time. Failure to comply, the Board may itself remove such structure and recover any cost to this effect from the person concerned as a civil debt.

Where an individual fails to comply with the requirements for the erection of any structure or development provided in section 17 and 18, such a person shall be guilty of an offence and liable upon conviction to a fine of ₦200 or imprisonment for one year or to both such fine and imprisonment according to the provisions of section 19 of the edict.

3.4.2 The Northern Nigeria Town and Country Planning Law Cap. 130 of 1963 - Main Provisions

The NNTCPL provides the legal framework for the operations of planning authorities in their quest for the physical development and planning of urban centres.

The major guiding principle for the operations of planning authorities is framing and publishing of an approved planning scheme. In section 3, the law provides that a planning scheme may be made on any land, with the intent of controlling the development and use of land in an area, whether or not such land is developed, with a view to secure proper sanitary conditions and to preserve and protect existing amenities. It is in view of the need to make a planning scheme for an area, that the law in section 4 (1) empowers the Minister to appoint planning authorities. And such authority is vested with the

power to plan and implement any scheme under the law by virtue of the provisions of section 4 (2). In this respect, planning schemes were prepared for the 12 designated urban areas contained in the edict. And also in compliance with section 4 (1) the planning authority was established as provided in section 3(1) and (2) of the edict, though by the Governor and not the Minister as required by law. However, the authority plans and does not implement any scheme as required by subsection 2.

The general powers of planning authorities are contained in section 9 which states that the authority shall carry out its activities subject to the directives of the Minister, who may sometimes direct the authority not to exercise certain specified powers under the law and the authority shall comply. It is by virtue of this provision, that the Board's power to implement planning schemes under section 4 (2) of the law was transfered to the State Ministry of Lands and Survey.

Section 10 provides for the declaration of a planning area by the Governor upon the appointment of a planning authority and based on the representation made by the appointed authority. In subsection 2, it is stated that such a declaration shall be published

in the government gazette and shall cease to have effect if within three years from such date no scheme in respect of the planning area has been approved. Although schemes were prepared for the 12 declared urban centres within two years of their declaration in 1976, none of such schemes has been the subject of any approval and the declaration did not seize to have any effect from 1978 up to 1987 when the 12 urban centres were again declared urban along with 17 other towns making the number of urban centres in the State 29. None of these urban centres have any approved scheme although the Board is making efforts to review those previously prepared.

The declaration and designation of planning area is necessary, inorder to prepare schemes for implementation by the appointed authority. In this respect, section 11 of the law provides for an interim development order which states that once an area is declared and designated as a planning area and published under section 10, no person shall carry out any form of development in the area, until a scheme is made and approved under section 18 for the area containing such land or building except for any general order made by the Governor. Although, the required declaraction has been complied with, there is yet to be any approved planning scheme in the State;

nor has there been published any interim development order in the State. Perhaps the only approved schemes are the approved layouts in the State, of which many planners do not consider them as schemes refered to in the law, where the reference is thought to be for Master Plans only.

It is only in the event of an order made by the Governor (in the absence of approved schemes) subsection 2 provides that the authoritiy may grant permission to any person applying in writing subject to its conditions. While subsection 3 provides that the authority could grant permission with or without conditions, refuse permission or postpone consideration of the application. But where this is not granted within two months, the application is to be deemed refused. Eventhough no order has been published by the Governor, the Board has been operating in line with the above provisions. However, the two months time for refusal has never been enforced.

Subsection 4 provides for an appeal to be made to the Minister by an aggrieved person against any decision made by the authority under subsection 3 within 28 days from the day the authority made the decision. To this effect, there has never been any case of appeal to the Minister, rather what obtains is a re-submission of the application with amendments or in some cases a petition to the Governor.

Subsection 5 paragraph (a) provides a penalty of £20 fine against any person convicted for erection of an illegal structure not under the provisions of a scheme and without any permission. The person shall also reinstate the land to its prior condition, and failure to do so, paragraph 'b' empowers the authority to have such work performed and recover the cost incurred from the person. Nobody has ever been convicted and penalised for erecting an illegal structure; nor do people who erect illegal structures ever reinstate it to its previous condition. Rather, what obtains, is that the Board clears such structures, without recovering the cost incurred from any person.

Section 12 of the law provides that upon the declaration of a planning area, the authority shall either frame a scheme for such area or any part thereof or adopt with or without modification any scheme proposed by any or all of the owners of the land within the area. In this respect, the Board has prepared schemes for the earlier declared urban centres, and also has been preparing layouts. But not subject to any proposal by 'owners of land' by virtue of the provisions of the landuse decreee (section 1) which vests the control of all land in the State in the Governor of the State.

Section 13 provides for the making of a scheme with respect to any land, in any township, native town, village settlement or rural area, whether there are or are not buildings thereon, with the general object of controlling the development and use of land comprised in the area to which the scheme applies. The schemes prepared, though unapproved, have been used as a guide in controlling the development and use of land comprised in the area they apply.

The procedure for the preparation and publication of notice to a scheme by the planning authority is provided for in section 16. It requires the authority to notify the public the boundaries of the area comprised in the scheme, the place or places where a copy may be deposited for inspection at reasonable hours for a period of 14 days, and publication in two issues of the government gazette. Although this gives a forum for public awareness and even public participation in the affairs of the Board, unfortunately, it has never been complied with by the Board.

Section 17 provides for the submission of a scheme to the Minister, within three months of the consideration of all objections and modifications. Such scheme shall contain an estimate of persons to be affected, schedule of objections and the objectors

and the suggested solutions. Also along with reasons for any modification and the proposed policy for the people affected. This section has never been complied with, since none of the schemes prepared has ever been the subject of submission to the Minister. However, the Board partially complies with this section in relation to submission of layouts for approval which more often than not is proposed on undeveloped lands.

Section 18 of the law provides that the Minister may approve or reject a scheme submitted to him by making an order with or without modifications. The decision which is conclusive shall be published in the Gazette. While section 19 states that a scheme shall not be effective until approved. While no scheme has ever been the subject of approval or rejection, not to talk of any publication, the Board often uses the unapproved schemes to guide its activities.

While section 21 provide that, if within six months, no notice of approval or rejection is made, the scheme shall be deemed rejected. Section 22 provide that when a scheme is approved, a copy shall be deposited for inspection within a planning area office. And section 23 provides for the abandonment of a scheme or its part if approved by the Governor,

shall be published and all rights that hitherto ceased to have effect with the previous owner, shall revest in all respects to the said owner. All these vital sections have never been of any significance to the Board's activities.

Sections 24 to 26 gave the authority powers as to matters not finally dealt with by the scheme, such as supplementary orders, general development orders and power to permit building pending the coming into operation of a general development order. These sections and especially section 26 enables the Authority to carry out its activities in areas under its jurisdiction.

Section 27 and 29 contain provisions for the execution of approved schemes and power to enforce and carry into effect schemes. These sections are very important in control of development, because the Authority is empowered to take any action on the contravention of any provision of the scheme and also to prohibit any use in that respect and the power to remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any building or other work which does not conform to those provisions. However, the sections would have been more useful if the schemes prepared were approved.

While section 30 gives power of entry and inspection of any land to which a scheme relates, sections 31 and 32 further gives protection to the officer by the provision of penalties in the form of fine or imprisonment against any person who obstructs or interferes with an officer on duty as well as any person who contravenes a scheme. Although these sections provide the required protection in carrying out development control activities, no person has ever been penalised for obstructing officers of the Board on duty, eventhough such obstructions are common sometimes, scarring away officers despite police protection.

Sections 39 to 44 contain the methods of settling compensation and betterment. These sections are very vital to the smooth implementation of the Board's activities or schemes and revenue generation respectively. However, while the Board has been compensating people affected by its projects, especially roads, the Board has never collected any amount from persons whose property were increased in value as a result of coming into effect of any scheme, project or whatever.

3.4.3 The Main Provisions of the Landuse Decree

The Decree in section 1 vested all land in the State in the Governor of the State, with section 2

specifically vesting the control and management of urban land in the Governor and all other land in the Local Government. This implies that, if the government is willing, the planning authority can easily prepare and implement planning schemes as well as ensure that developers comply with the provisions of the scheme. However, while the Board prepares the schemes, the powers of implmenting the schemes and the Landuse Decree itself have in practice been delegated to the State Ministry of Lands and Survey. The effect of this delegation of powers to the government department other than the Board, has been to increase the reliance of the latter on the former in the execution of planning projects (especially layouts) and land acquisition and settlement of compensation in relation to resettlement schemes initiated by the Board.

The Decree provides in section 2 for the establishment of two administrative bodies to advise on the control and management of land i.e the Land Use and Allocation Committee and the Land Allocation Advisory Committee. There was however, no obligation for town planners (unlike land officers or estate valuers and a legal practioner) to be included in these committees which are charged with the responsibility of advising governments on the control and management

of land, an area which is very significant to planning. Although, in practice the Chief Town Planning Officer of the Board is a member of the Land Use and Allocation Committee, the provision is in conflict with section 35 of the NNTCPL which vests acquisition of land for schemes in the Board.

Section 3 provides for the designation of urban areas, which confers power on the Governor to control and manage land and its use in all urban areas of the State. This forms the basis for the Boards area of jurisdiction in conformity with the provisions of section 10 of the NNTCPL which requires an appointed Planning Authority in planning an area to make representation to the Governor on the need for a scheme for the area, and such area shall be declared urban by the Governor, before the Authority could plan and control development in such area.

The Decree also provided in sections 5, 6, 28 and 29 for two forms of title to land, namely a statutory right and a customary right of occupancy; the revocation of rights of occupancy to land for overriding public interest (i.e land required by governments) and the payment of compensation for rights revoked, but only for the unexhausted improvements on land. These sections are very vital to the operations of planning authorities because land can be acquired for the preparation of planning schemes.

Section 43 of the Decree provides for the prohibition of and penalties for unauthorised use of land in urban areas. The section states that no person shall carry any form of development in an urban area except he possesses a right of occupancy, with permission of the Governor or in respect of land vested in the person before the commencement of the Decree. This section provides the means for an effective development control mechanism.

3.4.4 The Main Provisions of the State Building Regulations

Section 84 (1) of the NNTCPL empowers every State Government to evolve their own regulations. While subsection 2 states that upon the publication of the regulation which may either be general or specific or in reference to one or more schemes, shall have the same force and effect as if they constitute part of the law. The Board has been using the 1940 building regulations, until recently when the Government in compliance with section 29 of the enabling edict and section 84 (1) of the NNTCPL made the Kano State Building Regulations of 1988. Generally, the regulations gives guidlines to be used in regulating all kinds of developments so as to comply with approved standards. It is therefore, very important in the day to day activities of the Board especially as it relates to Development control.

The major provisions relate to the procedures for Application for Building Plan approval as regards Residential, Commercial, Institutional, Industrial Developments and their setbacks. It also provides for other features, such as ventilation and lighting, sanitary and drainage, minimum standards of building materials, etc. In addition there are other provisions contained in six schedules. Schedule 1 provides for fees chargeable for building plan applications and contraventions. While schedule II provides for the minimum floor area of rooms allowances. Schedule III provides standards for parking spaces for vehicular movement in respect of commercial developments. Schedule IV contains guidelines on set-back from centre line of an abutting road, in respect of petrol stations, and schedule V gives space standards in respect of private health buildings, and private educational buildings. Finally, schedule VI provides for ventilation and lighting requirements for office, rooms, etc.

The building regulations contain some important features which include the following:-

(i) Ventilation - the placing of windows on opposite sides or a window in a place directly opposite a door.

(ii) Plot coverage - 1/3 of the plot area for residential and 2/3 for non residential.

(iii) Spacing and building blocks - not less than 3 metres between one building and another on the same block; and 4.5 metres between a two or more storeyed building and any other building.

(iv) Prohibition of construction on or after the building line.

(v) Standard of staircases - not less than 1 metre.

(vi) Minimum size and height of rooms for human habitation - minimum area of 12 square metres and a minimum height of 2.85 metres.

(vii) Application for building plans, specifying the use of rooms in the plans.

(viii) Plans and description of building including drainage, sanitary fittings and details of materials.

(ix) Expiration of building approval after a period of 18 months.

(x) Building setback should not be less than 1 metre from the building line.

(xi) Inspection of buildings during and after construction before occupation.

(xii) Maximum height of hedges, fence or wall around plots shall be 2 metres.

(xiii) Provision for the use of building materials as may be approved by the Board, including some traditional aspects such as use of pit latrines and enclosed courtyard.

3.50 HIGHLIGHTS ON SOKOTO URBAN DEVELOPMENT AUTHORITY (SUDA)

In Sokoto State, a similar Planning Authority was established by an Edict in 1976 as the Town Planning Authority for a planning area of 16 kilometres radius from the centre of Sokoto town. The Authority, known as the Sokoto Urban Development Authority (SUDA) was charged with two duties:

(i) to administer, execute and enforce the provisions of the Edict within its area of jurisdiction;

(ii) to encourage and undertake the development of Sokoto by the provision of public services and public amenities and by the promotion of commercial and industrial projects.

The functions of SUDA are similar to those of KSUDB and KASUPDA, in that, all implement the provisions of the Northern Nigeria Town and Country Planning Law. SUDA was vested with many powers, including those:

(i) to control and manage the assets vested in the Authority (including Sokoto Central Market);

(ii) to construct and maintain infrastructures (sewers, drains, bridges, etc);

(iii) to operate, or participate in the operation of public transport services (school bus, public bus);

(iv) to enter into contracts necessary for the performance of its functions;

(v) to promote the establishment or expansion of companies providing public services or amenities;

(vi) to borrow money for its functions;

(vii) to lend money, technical, advisory or managerial assistance to individuals or bodies for expanding or improving commercial or industrial undertakings;

(viii) to establish or operate any commercial or industrial undertakings; and

(ix) to acquire, purchase, lease, mortgage, hold construct, manufacture or maintain any property required for its functions.

Decision making in SUDA follows a hierarchical pattern. It is headed by a Chairman of Board of Directors consisting of nine members, all of whom are

appointed by the State Governor. The day-to-day functioning of the Authority is however the responsibility of the General Manager, who is the Chief executive of the Authority and is accountable to the Board for the implementation of the Board's decisions. Below the General Manager are the Secretary to the Authority who heads the administrative department, and the heads or chief officers of the departments of Town Planning, Engineering, Parks and Gardens, Transport Services, Finance and Accounts and Public Health. Indeed SUDA is more pre-occupied with collection of refuse done by the Public Health Department than any aspect of planning; eventhough, it is also responsible for road construction and street lighting.

3.5.1 Staff Strength and Working Equipments

(a) Staff Strength:

Table 3.8: STAFF STRENGTH OF SUDA

PROFESSION	NUMBER OF PROFESSIONALS	SUB-PROFESSIONALS	TOTAL
Town Planning	2	5	7
Engineering	7	5	12
Quantity Surveying	1	0	1
Health	-	20	20

Source: SUDA Sokoto.

(b) Working Equipments.

Table 3.9: NUMBER OF WORKING EQUIPMENTS OF SUDA.

TYPE	TOTAL NUMBER	NUMBER FUNCTIONAL
Bull-Dozers	3	1
Grader	3	2
Escavator	1	1
Street Sweeper	1	1
Pale Loader	3	3
Tippers	15	15
Water Tankers	2	2
Street Light Crane	1	1

Source: SUDA Sokoto.

3.5.2 Main Sources of SUDA's Finance

(i) Loans or grants from the State Government.

(ii) Loans from any Authority or International Institutions.

(iii) Money earned in respect of services or investments provided by the Authority.

(iv) Rates on persons or properties.

3.5.3 Problems Facing SUDA

(i) Lack of cooperation from other Federal, State and Local Government agencies.

(ii) Lack of professional and technical personnel; and

(iii) Lack of autonomy from the State Ministry of Housing and Environment.

Although SUDA has attained the level reached by KSUDB interms of staff strength and working equipments and the fact that its area of jurisdiction is narrow, confined to Sokoto City alone, it has similar sources of finance and similar problems in addition to similarity in administrative composition.

3.60 HIGHLIGHTS ON KADUNA STATE URBAN PLANNING AND DEVELOPMENT AUTHORITY (KASUPDA)

In Kaduna State, a similar Planning Authority was also established by Edict No. 10 of 1985, known as the Kaduna State Urban Planning and Development Authority (KASUPDA), which preceeded the former Kaduna Capital Development Board which was restricted to the Planning of Kaduna Metropolis. Its function is also to implement the provisions of the Northern Nigeria Town and Country Planning Law Cap. 130 of 1963. Its area of jurisdiction is restricted to the 7 designated urban centres within a radius of 10 kilometres. But Kaduna Metropolis and Zaria have radius of 40km each

and Kafanchan 20km. Apart from the headquarters at Kaduna, there are three Zonal Offices, at Zaria, Kafanchan and Kaduna Metropolis. Each zone is headed by a zonal manager who is not necessarily a Town Planner, but is a level 13 officer. Other officers work under him, namely the Zonal Town Planner who is normally a Senior Town Planning Officer. There are also Area offices in each Urban Centre manned by a sub-professional Town Planning Officer.

The Board as a whole is also headed by a Board of Directors with a Chairman and ten other members on part time basis. It also consist of other Government workers who cater for the interest of their respective organizations as follows: Director General, Lands, represented by Surveyor General; Director General, Trade, represented by Chief Industrial Officer; General Manager of KASUPDA, Director General, Works, represented by the Chief Civil Engineer, Architects, Planners, Bankers as executives in government.

It also comprises of Board Committees each of which consist of one or two Board members to carry out some functions. One such committee is the Planning Committee chaired by a Planner and Engineer. Also with representatives of the Planning Department,

Architecture Department, representative of NITP, Kaduna Chambers of Commerce and Industry, representative of Medical Association, etc.

The General Manager is the Chief Executive of the Board and also a member of the Board of Directors. There are six departments, namely: Planning, Architecture, Engineering, Surveying, Administration and Accounting, each headed by a Chief. The Zonal Offices are well established with offices and residential accommodation built by the Authority. There is also a Zonal Planning Committee consisting of a Chairman, who is the Zonal Manager, while the Zonal Town Planning Officer is the Secretary. Other members include head of Works of the Local Governments that constitute the Zone, a Divisional Engineer, who is a government worker, a community leader each from the Local Governments of the Zone. They are responsible for all planning matters of the Zone and also propose projects to be undertaken by the Board in addition to attending to day-to-day problems.

KASUPDA has better administrative arrangements than KSUDB which has no Zonal Planning Committee while KASUPDA has, which can even employ and discipline staff. And while KASUPDA has well established Zonal Offices with enough resident officers and even Area Offices,

the KSUDB is yet to make much impact beyond Kano Metropolis. However, both Authorities have similarities in all other aspects, such as the restriction of their operations to the designated Urban Centres of their respective States.

CHAPTER FOUR

4.00 ACTIVITIES OF KANO STATE URBAN DEVELOPMENT BOARD (KSUDB)

In accordance with the provisions of the two principal laws that established and guide its day-to-day activities and contain its functions, i.e the 1976 enabling edict and the Northern Nigeria Town and Country Planning Law Cap. 130, 1963, the Kano State Urban Development Board is expected to accomplish the following tasks:

(1) Initiation and preparation of Planning Schemes.

(2) Control of Development.

(3) Execution of Miscelleneous Projects.

Thus the Board aims at planning and controlling the Development of the State's Designated Urban Centres by complying with approved planning standards towards an organized physical growth and development of the areas. In this respect the Board also provides urban infrastructures, services and facilities within the available resources. The Board's activities could be elaborated upon simultaneously.

4.10 INITATION AND PREPARATION OF PLANNING SCHEMES

Sections 12 to 23 of the Northern Nigeria Town and Country Planning Law and section 15 (3) a, g , i, of the enabling edict empowered the Board to initiate

and prepare planning schemes to guide the development of Urban Centres in an organized manner. The sections also contain guidelines as to the methods for the preparation, publication, approval or rejection and implementation of all schemes.

However, it is not clear what the law specifically refers to as schemes. But generally, schemes are thought to be Master Plans or Layout Plans by Planners. While some planners consider schemes to mean Master Plans only, others consider both Master Plans and Layouts, with the latter being an offshoot of the former.

4.1.1 Master Plans

These are long term plans which provide broad policy framework for planning implementation with a view to achieve an efficient physical environment. The Board inherited a Twenty Year Development Plan that was prepared by Professor B.A.W. Trevallion in 1963 to guide the social and economic development of Kano up to the year 1983. However, the plan was neither used by the former Greater Kano Planning Authority, nor by the present Kano State Urban Development Board, which rejected it in 1979, in view of the fact that, the plan has been overtaken by events and some of its provisions are unrealistic

To this effect, the Board itself initiated and prepared a Master Plan to guide and control the development of Kano Metropolis from 1980 to the Year 2000. Also twelve other Master Plans were prepared by various Planning Consultants (for the then twelve Urban Centres) in consultation with the Town Planning section of the Board.

However, the procedure provided by the NNTCPL as regards the preparation of the Master Plans were not complied with. None of the Master Plans has ever been displayed for public scrutiny and comments, nor were their publications ever been notified in the State Gazette. As such none of the Master Plans has ever been submitted for approval. Indeed the Master Plans have already outlived their significance in view of the glaring differences between their proposals and the existing landuse. For example, the Metropolitan Kano 2000 A.D. Master Plan, which was prepared by the Board as recent as 1980, did not take cognizance of the existing landuses of the Metropolis. From the on set therefore, the master plan represents a mere expression of an artistic work that cannot achieve the purpose for which it was made.

Perhaps the major similairity between the proposals of the Master Plan and the existing Metropolitan Kano Landuse is in the area of industrial and institutional developments (see Figs. 4.1, 4.2). The hexagonal concept of residential development with the centre to be occupied by residential green schools, sports and other uses seem to be unrealistic with traditional set up of Kano Metropolitan area. Indeed the existing landuse seem to be more realistic in view of its provisions vis-a-vis the approved standards (see Table 4.1).

Table 4.1: THE PROVISIONS OF EXISTING KANO METROPOLITAN LANDUSE AGAINST APPROVED STANDARDS (FIG 4.2)

LANDUSE	AREA SQ. KM	COVERAGE IN HA	%	APPROVED STANDARDS IN PERCENTAGE
Residential	140	14,000	41.3	55% (50-60%)
Commercial	12	1,200	3.5	4-5%
Industrial	15.5	1,550	4.6	6-8%
Institutional	63	6,300	18.6	20%
Agricultural (Farmlands)	108	10,800	32.0	10-12%
TOTAL	338.8	33,850	100	

Source: Compiled from fig 4.2

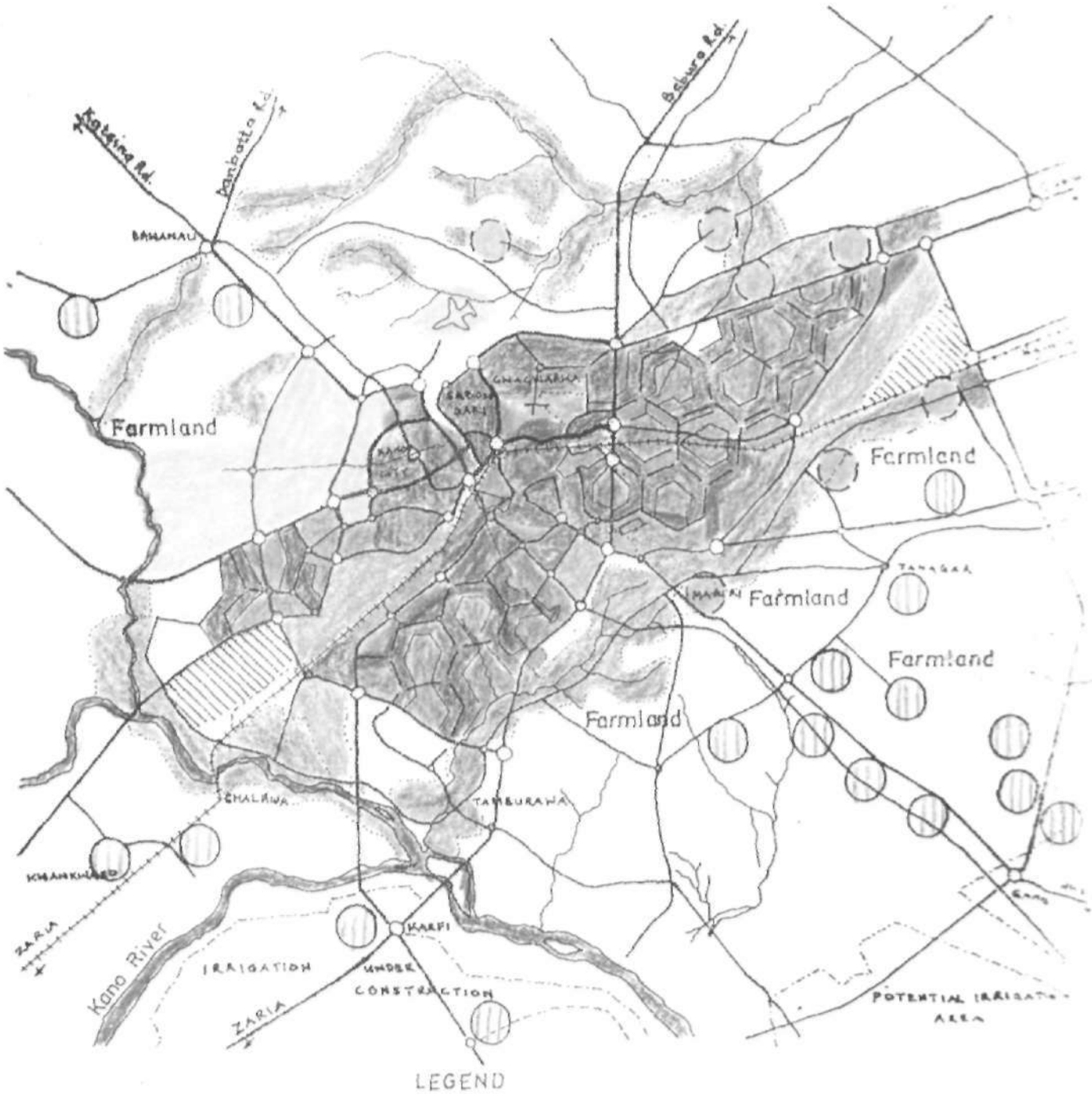


FIG 41

METROPOLITAN KANO 2,000 A.D. MASTER PLAN.

Yahaya U.F
M.Sc II URP

SOURCE; K.S.U.D.B. Kano.

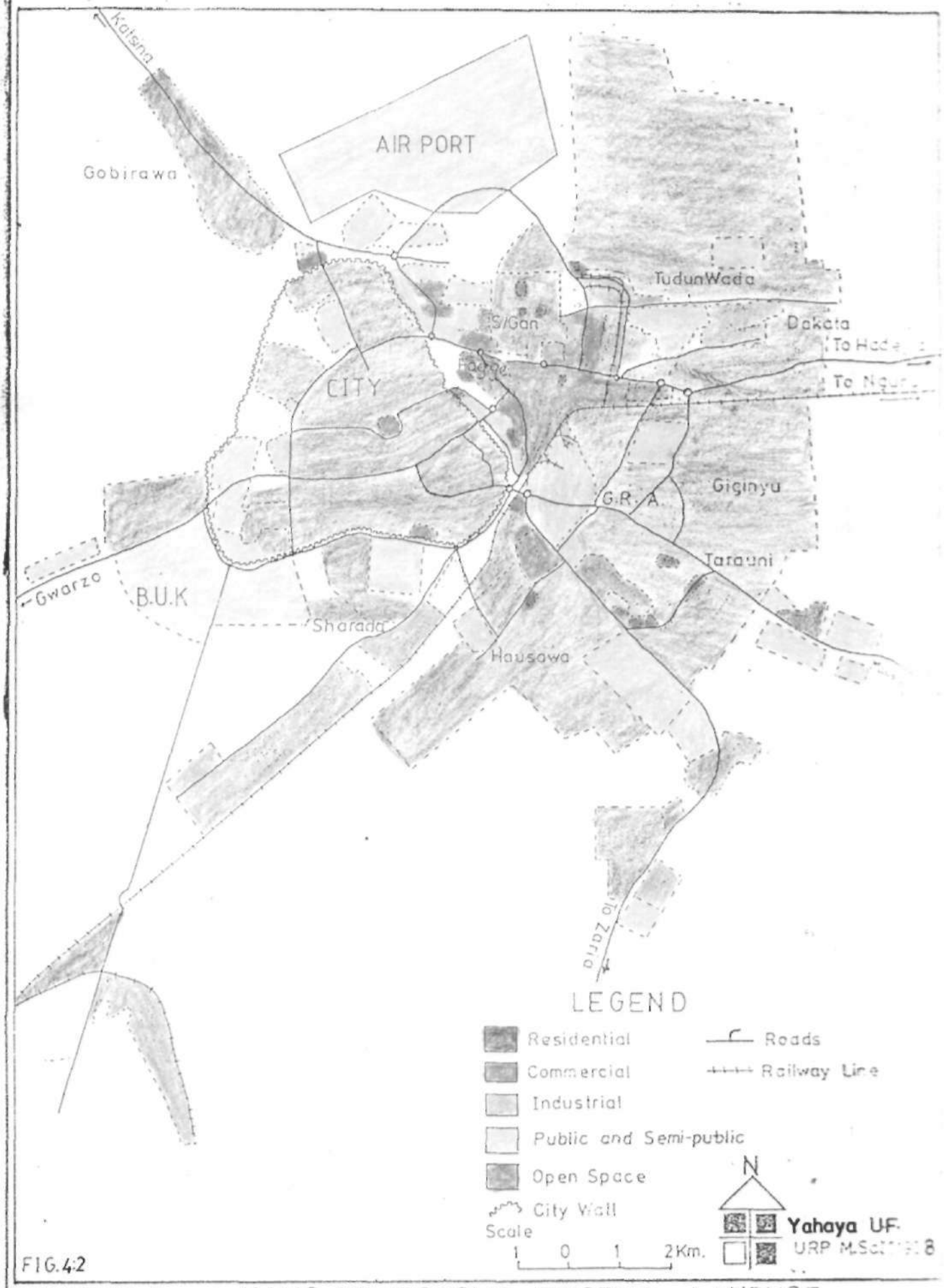


FIG.4:2

SOURCE: U.D.B. Kano. KANO METROPOLIS - EXISTING LANDUSE.

The Board utilizes the provisions of the unapproved Master Plans and existing developments in areas to guide development proposals in the Urban Centres, where it sees it realistic to do so. This is especially in site selection for government projects, industrial and commercial establishments, resulting in the commendable situation outlined in the table above.

4.1.2 Layouts

Are short term physical plans designed to achieve a specific purpose over an area. It could contain provisions for other related uses, e.g residential layout, incorporating provisions for schools, open spaces, places of worship, etc (Figs 44 45).

The design and provision of layouts forms another primary activity of the Board, where new layout designs for land development schemes are contineously prepared and old ones revised, whenever the need arises. In few instances, the Board accepts outside designs for necessary sanctions and approval. The layouts are for all uses; residential, commercial, industrial, institutional, etc. and of various densities: low, medium and high density residential and commercial layouts; prototypes of modern business areas and high

density traditional, central and neighbourhood markets, and full scale modern industrial estates (See Fig. 4.6 and Table 4.2).

The process of designing and provision of layout, its approval and implementation involves some functional relationships between the Board and some government departments. The decision to prepare a layout, may be at the instance of the Governor, through the commissioner of Lands and Survey; or on the request of the commissioner himself through the Director General (since more often than not, the Governor is also the commissioner). Also, Local Governments may require the Board either to prepare a layout plan for their urban centres or may submit plans drawn by their surveyors to the Board for corrections and approval (Fig 43).

Where the decision to prepare a layout is made by the Governor or Commissioner of Lands and Survey, it is usually communicated to the Managing Director of the Board through the Director General. The survey section of the Lands and Survey department conducts survey briefs, which are then sent to the Board in order to preapre the plans. The Board's Surveyors, scrutinize the briefs inorder to make corrections where necessary. When the plans are ready, the Board sends them to

the Governor's Office through the Director General for approval (see Fig. 4.3).

When a plan is finally approved, it is then sent to the Town Planning section of the Lands and Survey Division, Governor's Office for implementation. Usually, the provisions of the plans are violated by the Town Planning section, In the course of implementation-While the Board is merely informed of the violation, long after it's done by sending a copy of the modified plan to the Board for record purposes. This manifest an ignorance of the provisions of the law, and a total disregard of its contents by the Town Planning section, simply because, the power to implement the plans are delegated to them by the Governor. In most of such cases, provisions for open spaces, schools, places of worship, etc are often subdivided into residential plots. This accounts for the non-conformity between the provisions of layout plans and existing situations, (see Figs. 4.4, 4.5). This implies conflict and non-coordination between two related government departments that are supposed to work together. Indeed the whole process is a violation of the provisions of the enabling edict that established the Board (section 15 (1), and the provisions of the NNTCPL (sections 27 to 32), both of which empowered the Board to implement its plans.

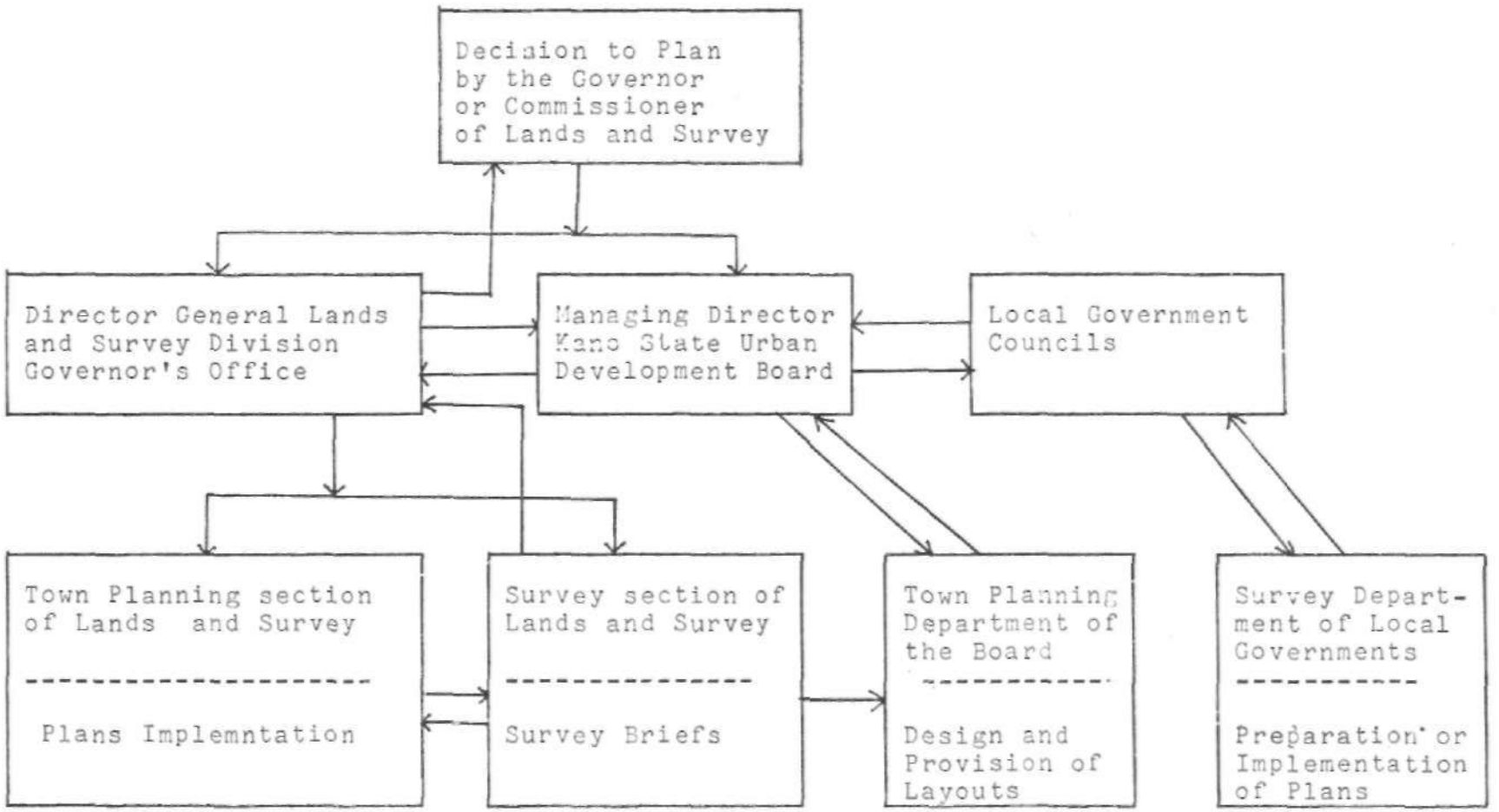


Fig. 4.3: The Process of Layout Plan preparation, Approval and Implementation.

Adopted from Hassan, A. (1986).

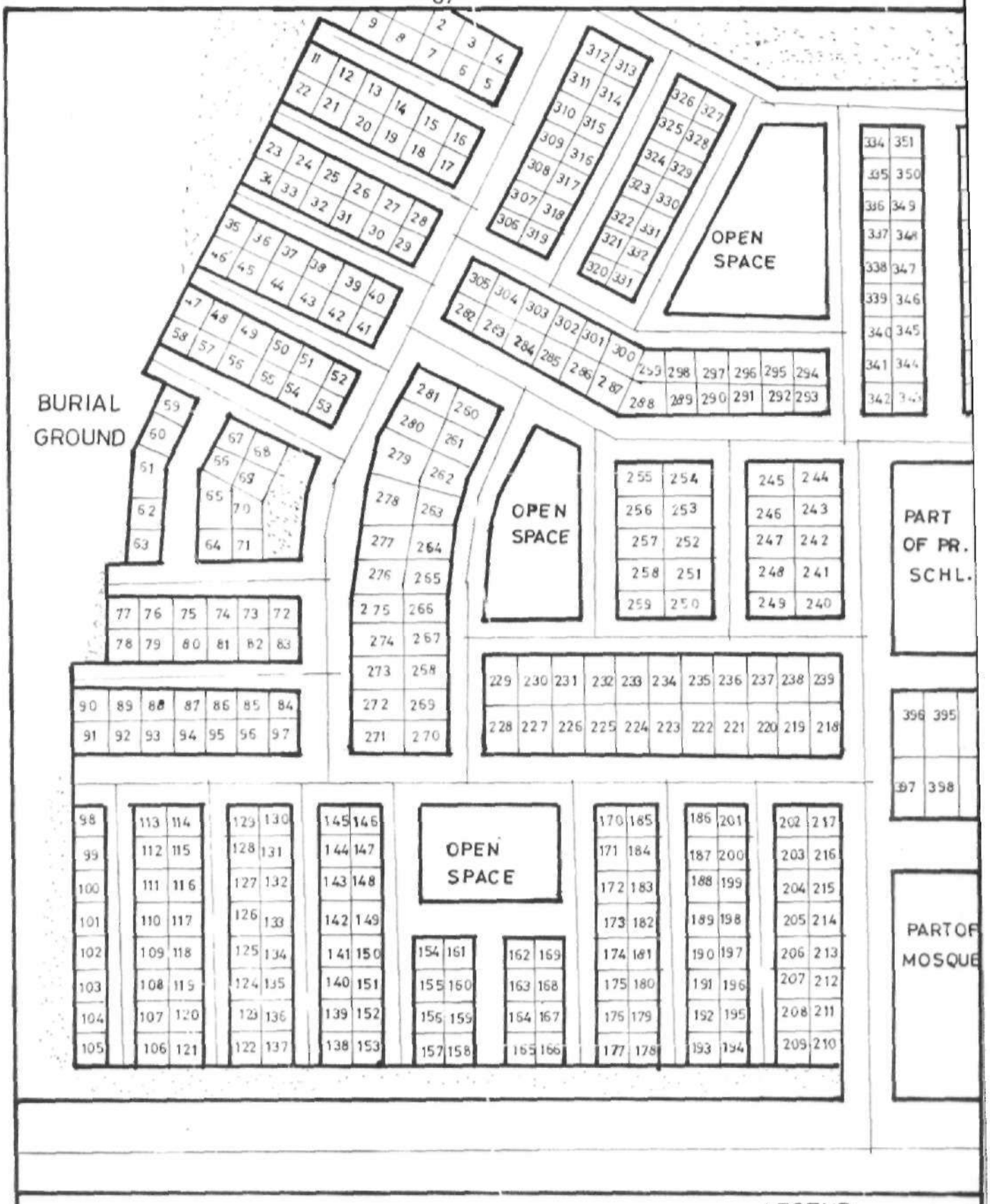


FIG. 4.4 SOURCE: UDB KANO

GORON-DUTSE RESIDENTIAL LAYOUT PLAN

Yahaya U.F.
MSc II URP 1988

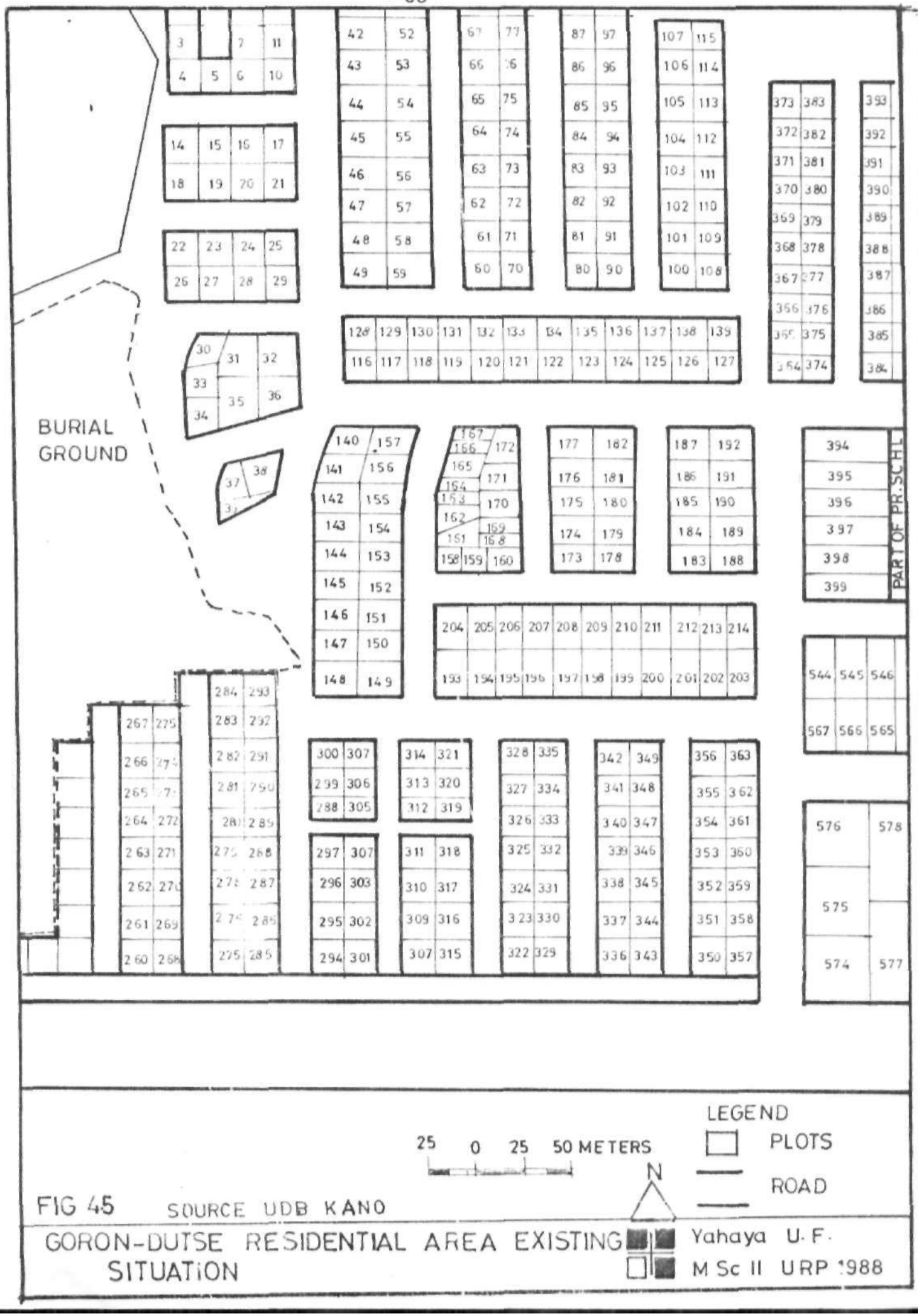


FIG 45 SOURCE UDB KANO

GORON-DUTSE RESIDENTIAL AREA EXISTING SITUATION

Yahaya U. F.
M Sc II URP 1988

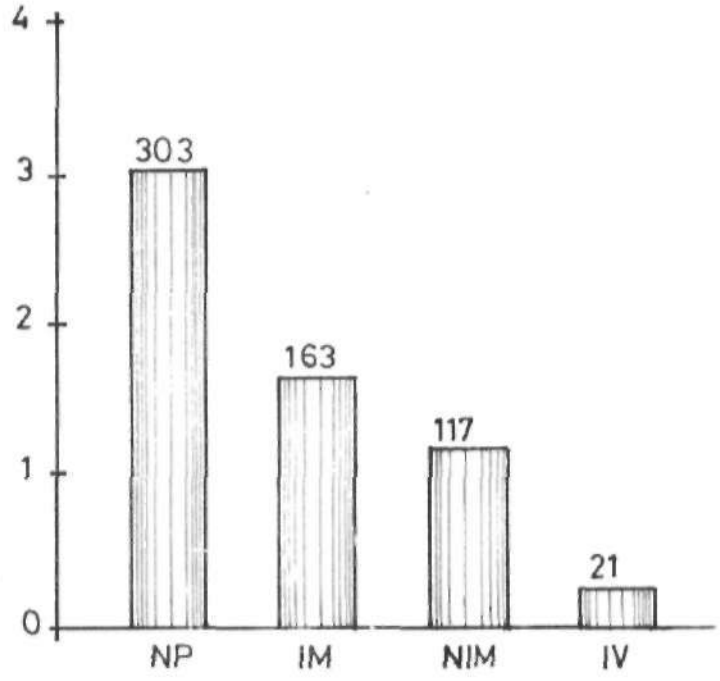
Where a local government requires the Board to prepare a layout plan plots are subdivided, while open spaces are converted into residential use, in the process of implementation. It is also common to extend layout boundary, with a view to create more plots, contrary to the provisions of the landuse decree of 1978 which vests the control of land in a State (especially urban land), in the Governor (sections 1, 2 (1)).

Despite this predicament, the Board has designed and produced over 300 layouts throughout the State, of which about 80% are in Kano Metropolis. More than 50% of the layouts were already implemented and about 40% are awaiting implementation. While the remaining 10% were invalidated, either because they are incorporated into new layouts or due to some developments overtaking the provisions before approval (see Fig. 4.6).

4.1.3 Residential Layouts

This covers about 80% of all prepared layouts of which about 60% are of the high density type. The Board provided over 60,000 plots in Kano Metropolis and about 12,000 others spread over in some other Urban Centres namely: Hadejia, Gumel, Kazaure, Ringim, Birnin Kudu, Gwarzo, Rano and Bichi. While the Board is responsible for the planning and designing of the layouts, allocation

PREPARED LAYOUT PLAN



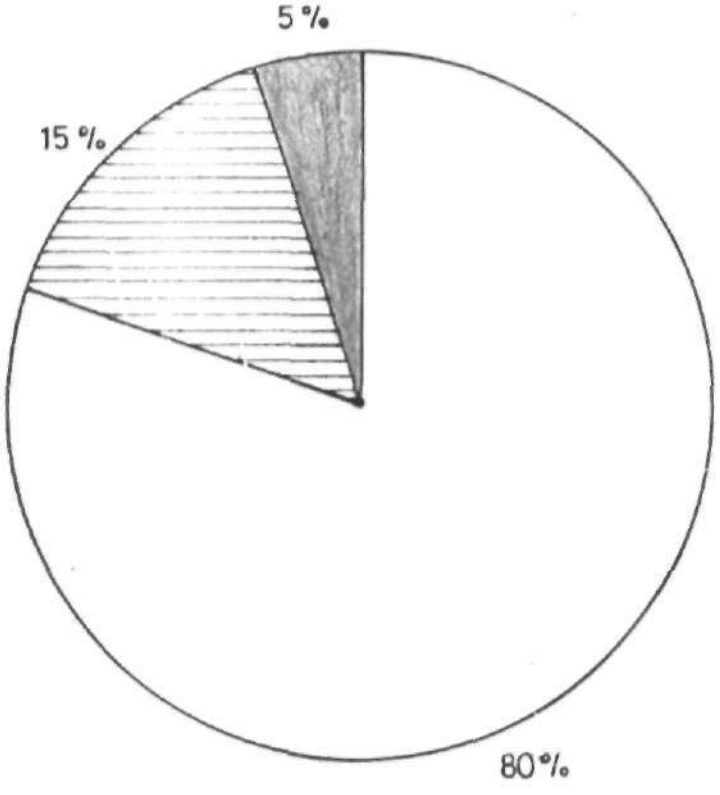
NP — NUMBER PREPARED

IM — IMPLEMENTED

NIM — NOT IMPLEMENTED

IV — INVALIDATED

TYPES OF LAYOUT PLAN PREPARED



LEGEND

INDUSTRIAL

RESIDENTIAL

COMMERCIAL

YAHAYA U.F.
M Sc II URP 1988

FIG. 46

source: field survey

'and administration vests with the Lands and Survey Department. The tendency has been to produce more high density residential layouts in view of the nee d to meet public demand and the fact that many are initially resettlement layouts for persons affected by government projects especially in Kano. An example is the resettlement of people affected by the Cidan-Shettima to Goron-Dutse road project at Hausawa.

Table 4.2: CATEGORIES OF RESIDENTIAL LAYOUTS SHOWING THE PREDOMINANCE OF HIGH DENSITY LAYOUTS AND THE GREATER CONCENTRATION IN KANO.

AREA	LOW DENSITY	MEDIUM DENSITY	HIGH DENSITY	MIXED DENSITY	TOTAL
Kano Metropolis	11	28	127	27	193
Other Urban Centres	16	6	19	10	51

Source: U.D.B. Kano.

4.1.4 Commercial Layouts

This category covers more than 15% of the prepared layouts providing about 50 layouts that comprise of more than 500 low to medium density Commercial plots 60,000 market stalls; of which more than 70% are in Kano Metropolis, examples include city centre, New Kano Market and the Sabon gari Market. The rest were undertaken in the other urban centres of the State including

Gwarzo and Gezawa markets among others. The layouts range from the modern type business centres and central traditional markets, to local neighbourhood convenience shopping areas (see Figure 4.7).

4.1.5 Industrial Layouts

It is only normal to expect that industrial layouts are fewer than either residential or commercial ones. The industrial layouts comprise of less than 5% of the layouts prepared. In about 12 layouts, little less than 4500 industrial plots were provided of which there are 4 large industrial areas in Kano Metropolis with about 500 plots i.e Sharada Phases I, II, III, Chalawa and Bompai areas. Other layouts are for medium and light small scale industries, also majority in Kano Metropolis and the rest in the other Urban Centres (see Plate 1).

All layout designs are made in conformity with the desired objectives of sustaining the economic growth and development of the designated Urban Centres of the State. In this regard, consideration is given to accessibility, smooth traffic flow, provision of public facilities, environmental sanitation and aesthetics. Recently, as much as practicable, residential layouts are particularly designed, taking into consideration the need to discourage the differentiation of the society into sharp classes, hence the incidence of mixed density type of residential layouts.

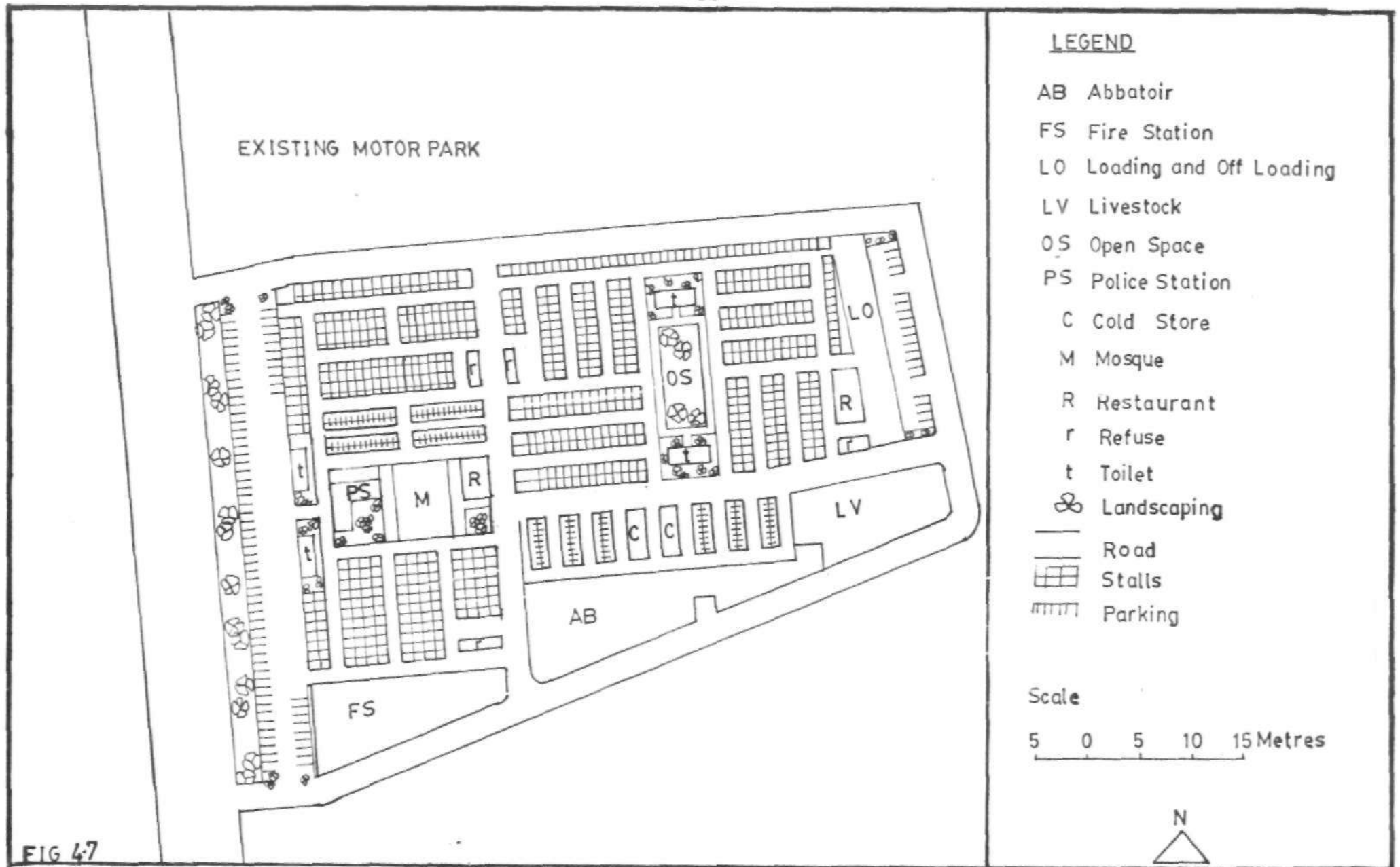


FIG 4·7

DETAILED LAYOUT OF MARKET AT GWARZO URBAN CENTRE

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SOURCE: UDB KANO

PLATE 1



Some Industries at Sharada Industrial Estate Phase I and II

4.1.6 Formalization Exercise

The Board, recently initiated and embarked upon formalization exercise of all compactly developed settlements, that have hitherto been considered illegal. The exercise was an attempt to forestall the spread of unplanned urban growth, especially in the residential sector which has been more notorious in Kano Metropolis.

The process entails the identification of the areal extent of such compact developments all over the metropolis. The areas are surveyed in detail and plotted on suitable cadastral scale. This information is used as a base, on to which a proposal is imposed, principally including such infrastructures as major movement arteries and other utilities and facilities. Structures that fall along the road are marked for demolition. While the incidental undeveloped open spaces within such areas are proposed for such public uses as schools, clinics, play grounds, etc.

A layout is then prepared to surround the existing development, so as to contain any further illegal development. The exercise is envisaged as the most potent strategy to ensure future planned growth of the areas.

Since the structures are a reality, the role of the Board is to precisely formalize them and incorporate them into possible future planning schemes. House owners

are then informed to pursue legitimising their right over the land from their Local Government Council up to obtaining a Certificate of Occupancy before they could be allowed to make any further improvement on their buildings, whether under construction or already completed.

The Board charges fees ranging from ₦500 to ₦1000 on each house, for which the owner is willing to have it formalized depending on the economic status of the area of location and the type of material used in construction. The fees are charged by the Board with a view to recover the amount spent in the administration of the exercise and for the provision of basic infrastructure.

Several locations were identified in Kano Metropolis and many were already surveyed and plotted in detail. These include: Gadon Kaya, Kofar Waika, Kofar Ruwa, Kofar Kabuga in Zone I. Others include Giginyu, Tarauni, Badawa, Unguwa-Uku, Dawakin Dakata, Rimin-kebe and Tudun Murtala in Zone II. In Zone III the areas involved are Bachirawa, Riyiyar Zaki, Gobirawa, Rijiyar Lemo. While in Zone IV are Dorayi-Karama, Sheka, Mai Kalwa, Naibawa and Unguwar Gano (see Fig. 4.8). All these settlements although illegal have pipe-borne water and electricity supplied by the State Water Resources and Engineering Construction Agency (WRECA) and NEPA respectively. Envisaged residential units in these areas number well over 100,000 and contain over 300,000 people.

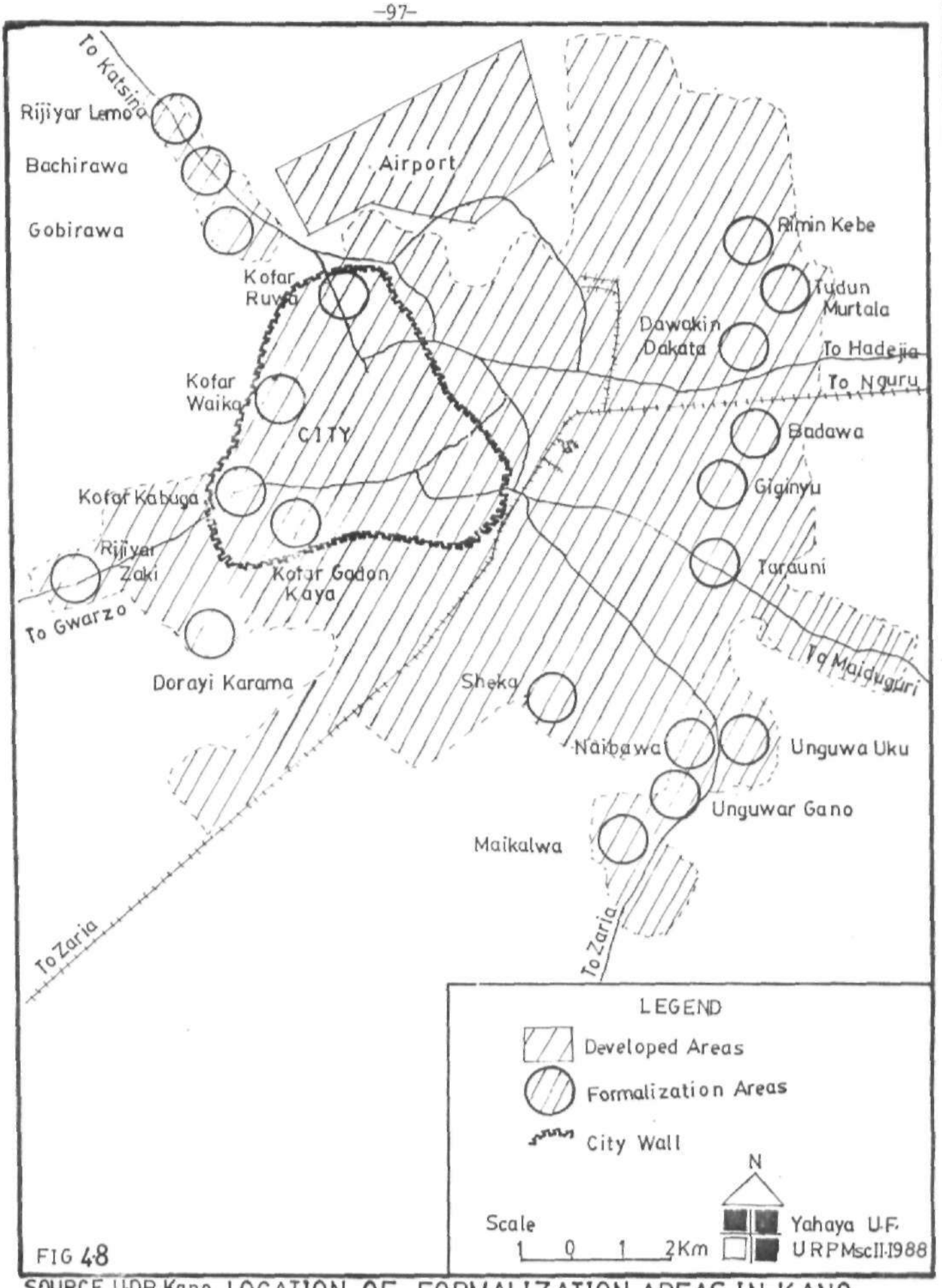


FIG 4.8

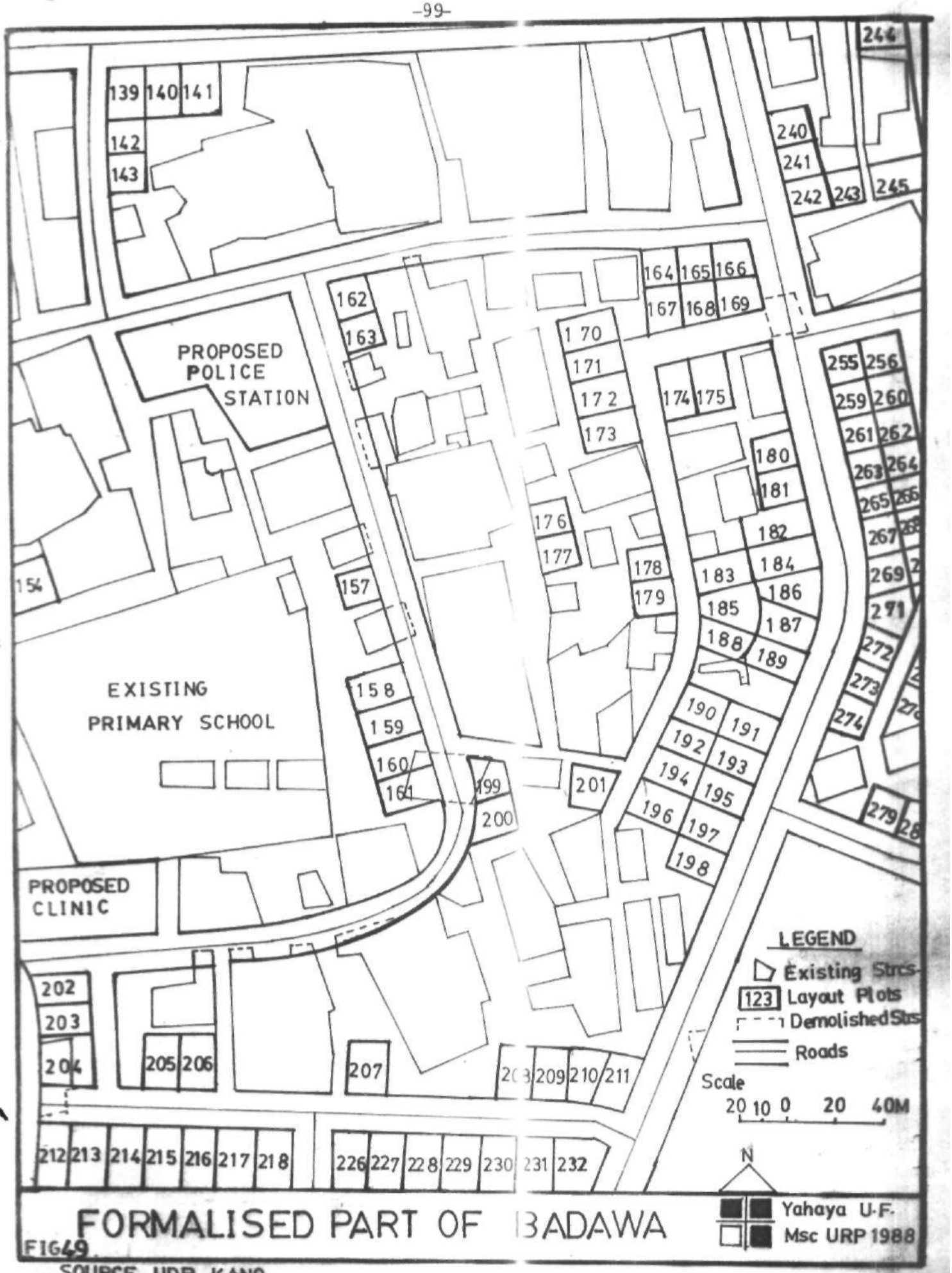
SOURCE UDB-Kano LOCATION OF FORMALIZATION AREAS IN KANO

The exercise took up initially, but was later suspended because the Board did not contact Lands and Survey which is the agency responsible for allocating laid out plots, that were to contain further spread of the illegal structures. Moreover, the exercise was subjected to abuse by some corrupt officers of the Board.

The exercise was suspended even though the Board nas committed itself to the exercise by accepting formalization fees from some of the affected people and has even started implementing its own part of the exercise i.e giving identification number to the structures and the narking of areas that fall along the proposed roads, for demolition (see Fig. 4.9).

However, the State Government has recently aproved the continuation of the exercise, having realized the significance of the exercise in checking the further spread of illegal and haphazard developments and the fact that demolishing of well over 100,000 residential units will be unrealistic.

Indeed the formalization exercise, though good in its intent and purpose, is a manifestation of a fundamental shortcoming in the entire planning process, where the Board is only left to undertake curative rather than forward planning. Although the settlements were hitherto old village settlements, that experienced tremendous growth due to the influence of Kano, the Board could not plan for such areas, that suddenly



FORMALISED PART OF BADAWA

FIG49

SOURCE UDB KANO

came into its area of jurisdiction, which was expanded from 16 to 24 kilometres radius from the centre of the Metropolis. However, the Board will have to find a way of avoiding the re-occurence of such cases in future. The Local Governments or the Land and Survey Division of the Governor's Office will have to check developments in the peripheries of Urban Centres. Infact the whole process also manifests the lack of a comprehensivie regional plan in the State, which would have form the basis for an effective statewide planning and development control.

4.20 CONTROL OF DEVELOPMENT

Sections 11, 26 and 29 of the NNTCPL provided for the prohibition of any kind of development in a planning area until a planning scheme is framed and approved, however the Board can permit the development pending the coming into operation of a general development order. The grant of permission could however, be issued with or without condition. And the Authority may at any time remove or clear any structure that is not in conformity with the provisions of a scheme or is erected without permission.

Also sections 15 (3) b, 17 (2) (3), 18 (1) (2) and 19 of the enabling edict empowers the Board to control the development and use of land in an urban area; and to prohibit any kind of development until a scheme is framed and approved under section 18 of NNTCPL.

However, the Board may grant permission subject to a general development order. And where any development did not satisfy any of the conditions above, the Board may require the person to remove the structure or remove it on his behalf and at his cost, failure to pay, such person shall be made to pay a fine upon conviction.

From its inception to date, the Board adopted measures with the aim of planning and controlling the development of urban areas, especially Kano Metropolis, so as to bring developments in conformity with approved planning standards. To this effect, the measures undertaken include permission to develop land according to proposals of schemes and approved building regulations and mass demolition of structures that were erected without the permission of the Board or where the developments encroach on public land.

4.2.1 Planning Permission

The Board gives permission depending on whether the land to be developed is on a government layout or not. Where the land is not located in a government layout, the applicant must acquire a certificate of occupancy to justify his ownership of the land. The application is therefore tied to the acquisition of certificate of occupancy and thus comes through

the Land and Survey Division of the Military Governor's Office. Although the Board is yet to get an approved Master Plan, it ensures that the proposed development is in conformity with the provisions of the plans or with the existing developments in the area. If the Board is satisfied with the proposal, it recommends the application, with conditions, prominent among which is to acquire the Board's building plan approval before the commencement of development. When the application does not conform with the provisions of the Master Plan or the existing development in the area, then the application is not recommended. However, the reasons for the non-recommendation are communicated to the applicant through Lands and Survey.

In this respect, the Board has treated over 6,000 applications out of which over 4,000 were recommended from 1977 to 1987.

Table 4.3: APPLICATIONS FOR PLANNING PERMISSION OVER THE YEARS (1977-1987)

YEAR	NUMBER OF APPLICATION	RECOMMENDED	NOT RECOMMENDED
1977	150	111	89
1978	172	100	72
1979	189	125	64
1980	215	199	16
1981	300	235	65
1982	501	250	251
1983	600	400	200
1984	700	434	266
1985	800	700	100
1986	905	709	196
1987	1800	911	889
TOTAL	6832	4174	2158

Source: Planning Permission Register U.D.B. Kano.

Although the Board's approval of about 2/3 of the applications is quite an appreciable figure, the total number of applicationn which comprise of all categories of landuses is insignificant, considering the size and population of the designated Urban Centres of the State. However, the reasons

attached to this, is the time taken to acquire planning permission which is tied to the acquisition of a certificate of occupancy or acquiring a government laid-out plot, which are both unnecessarily cumbersome and involve a lot of time delays (see figure 4.10). This reduces potentiality of applications.

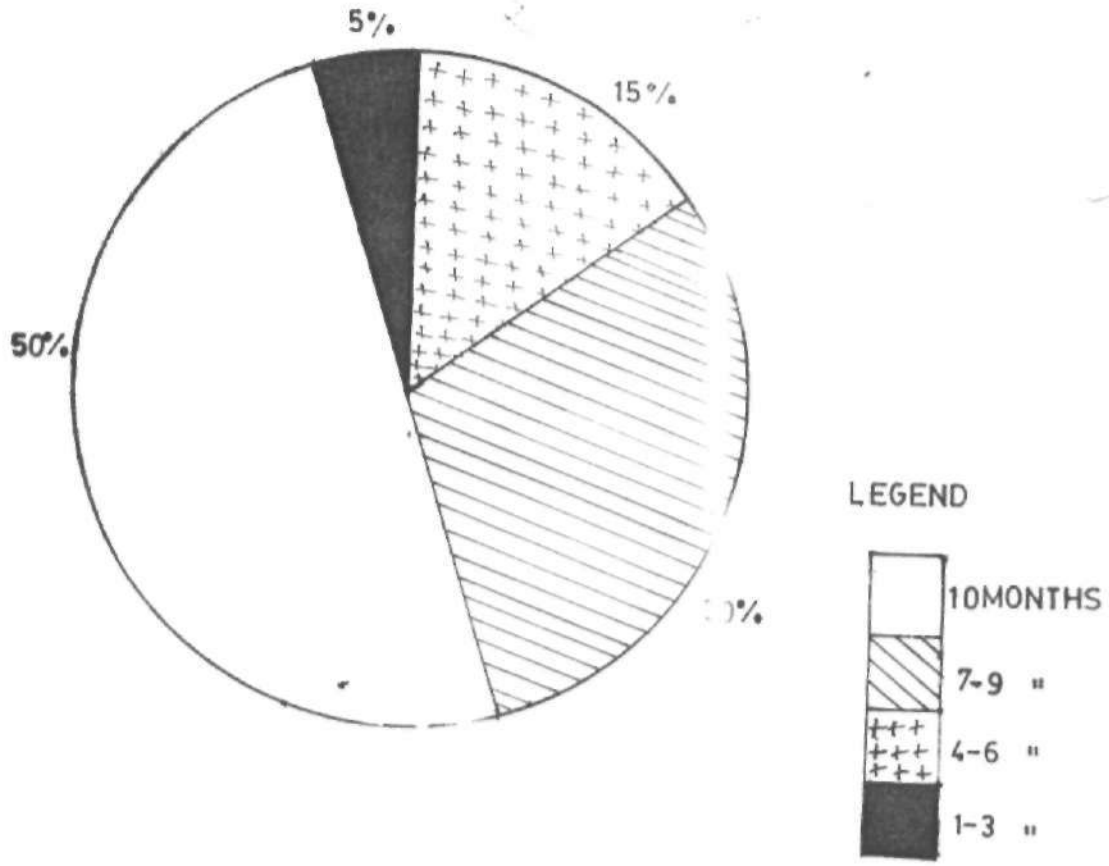
The Board charges N500 for commercial, N100 for residential and N50 for Agricultural uses as administrative charges, thereby forming a part of the Board's internal sources of revenue.

Where the land is located on a government layout, which is normally prepared by the Board, the applicant will only apply for building plan approval before the commencement of development.

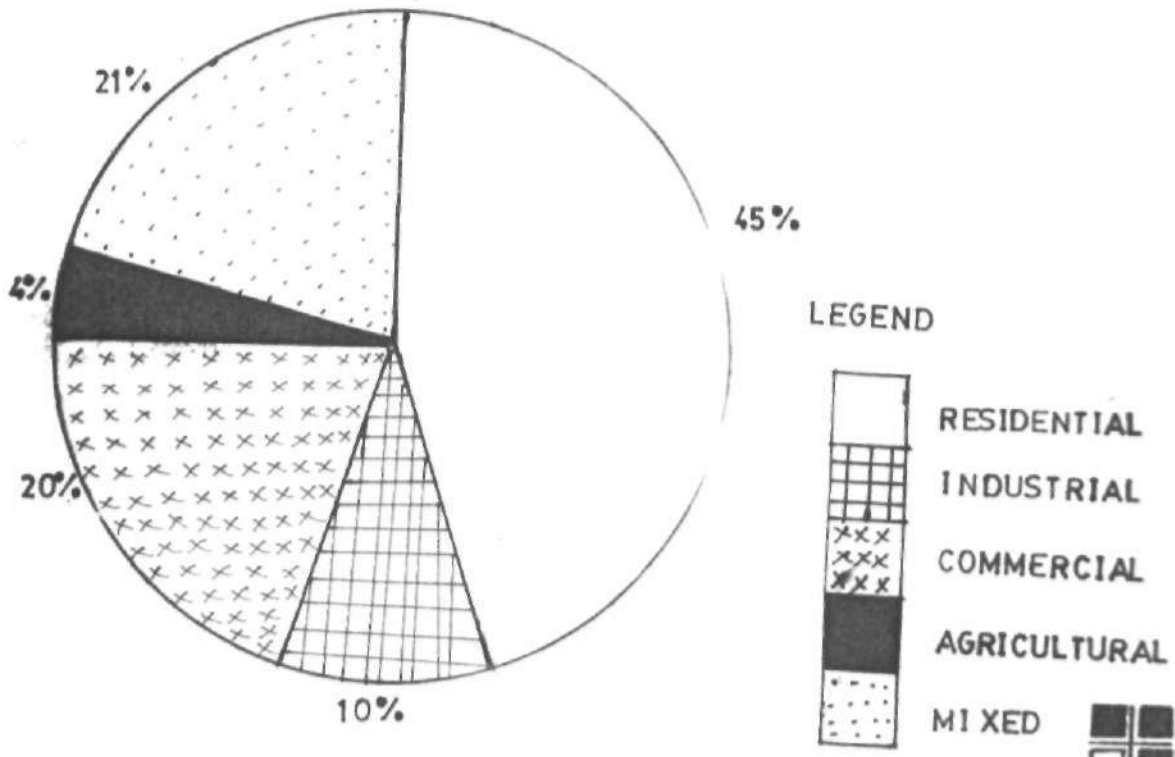
4.2.2 Process of Building Plan Approval

The process is handled by the Architecture department of the Board, where an applicant files his application with the building plans for assessment. The application and the plan are sent to the charting office for charting and a file number is given. These are sent to the records office, where the applicant is required to submit his original certificate of occupancy and a photocopy, 3 copies of the building plans and pays the required fees ranging from N200 per block for low density residential use; N100 for medium and N50 for high density. After the payment, a file is then opened and sent to the Chief Architect inorder to scrutinize the ownership

TIME OF ACQUIRING PLANNING PERMISSION



CATEGORIES OF LANDUSES IN APPLICATIONS FOR PLANNING PERMISSION



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FIG 4.10 source: field survey

documents. The Architects then request for plot clearance from the Development control unit of the Town Planning Department. If the site is confirmed vacant by inspectors, the Architect concerned is informed, who then scrutinzes the drawings so as to ascertain their conformity with the building regulations. If the conformity is ascertained, the Architect recommends for approval. However, where the documents or plans are not in conformity with the standards, the application is rejected. Usually the reasons for rejection are communicated to the applicant, who may make the necessary amendments and then return the corrected drawings to the record office. It is necessary to deposit a copy of approved plan on site.

This process of obtaining building plan approval is essentially cumbersome and also involves time delays to developers (see figure 4.11). The Board treated over 14000 applications from 1977 to 1987, out of which about 10,700 were approved and 4,000 others rejected. The figure for application of building plans approval is higher than application for planning permission because the Board until 1982 accepts customary title in application for building plans (see Fig. 4.12).

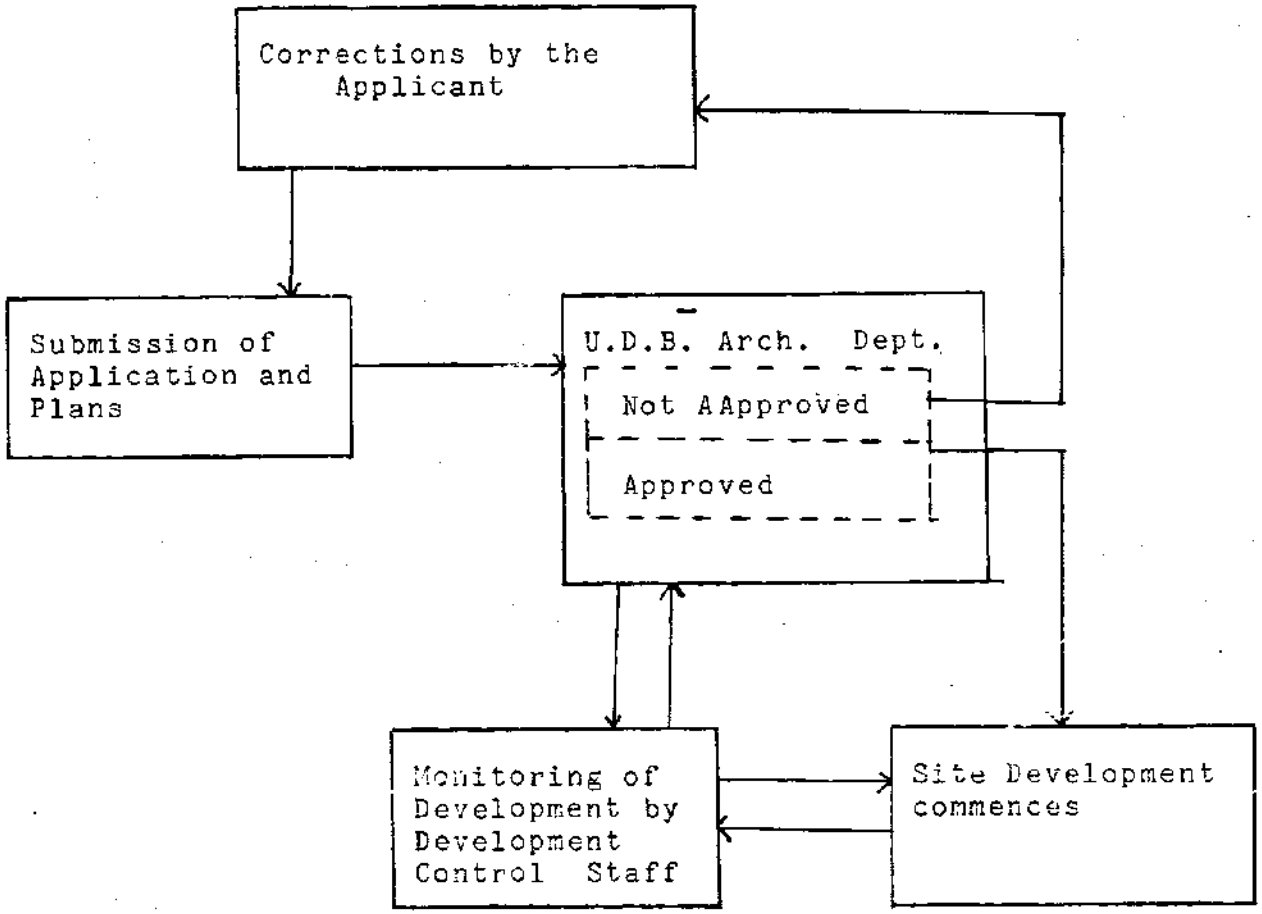
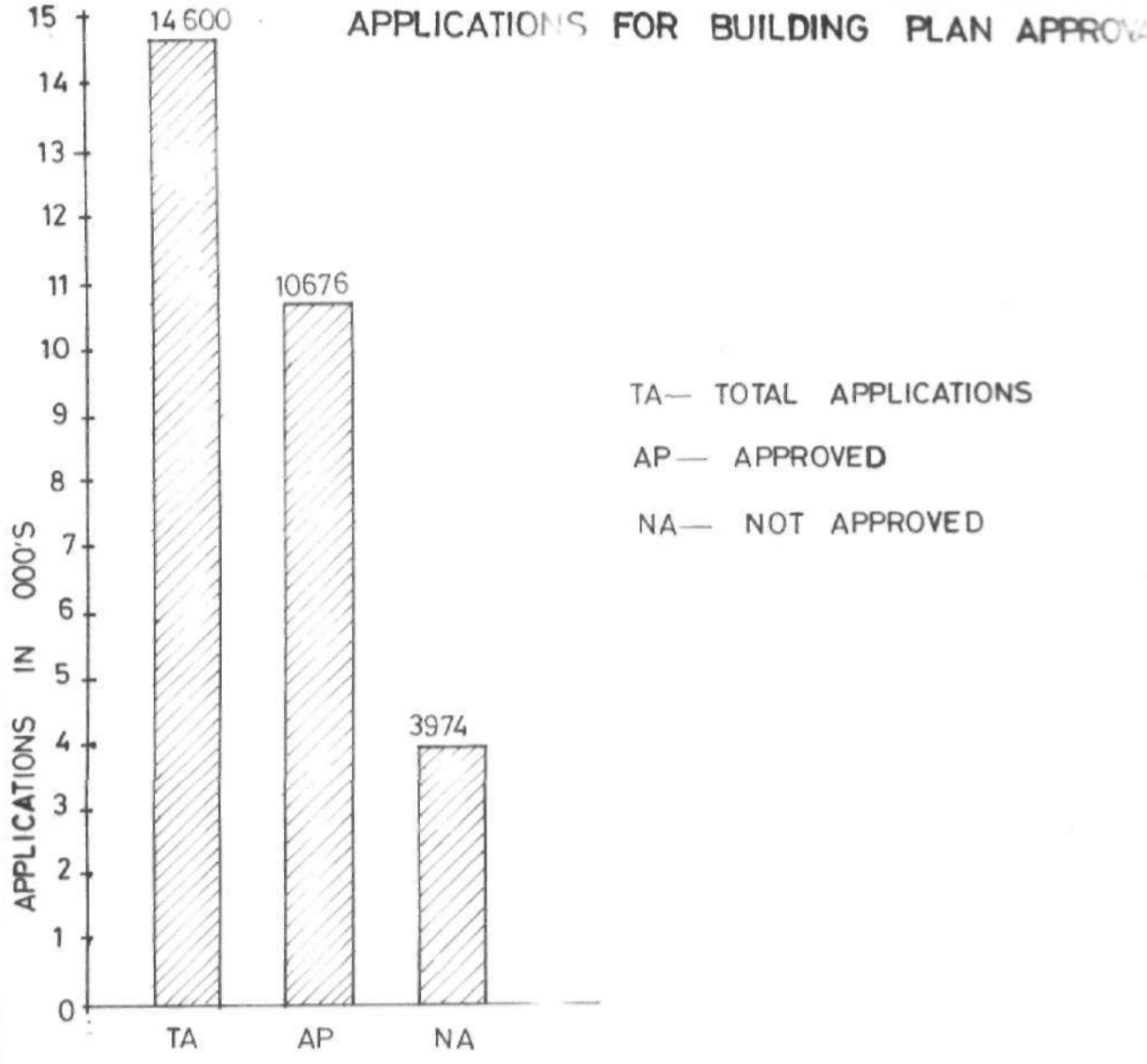


Fig. 4.11 The Process of Building Plan Approval.

Adapted from Hassan, A. (1986).



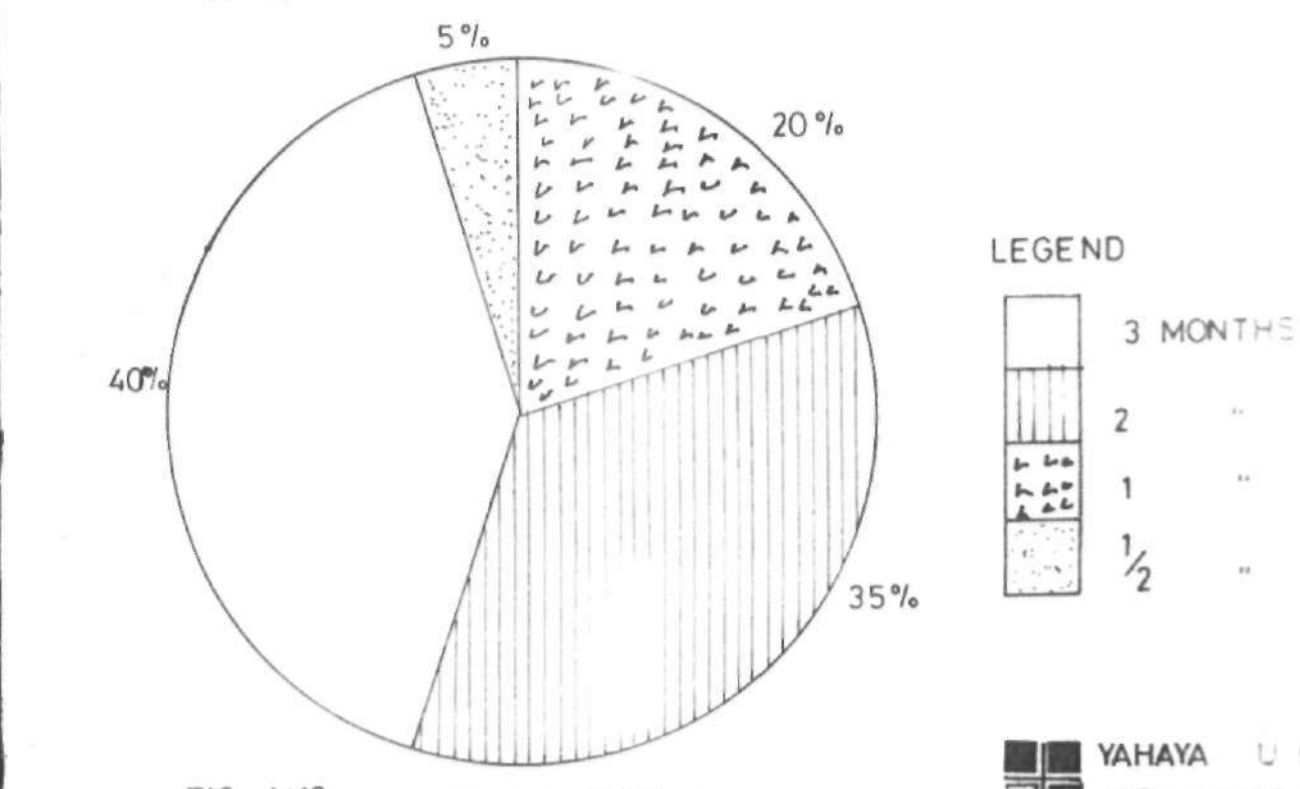


FIG. 4:12 source: field survey

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4.2.3 Planning Permission Process at KASUPDA

The process of obtaining planning permission in Kaduna State is not different from what is refered to as application or acquisition of building plan approval in Kano State. In Kaduna, whether or not the land is located on a government layout, an applicant is required to submit his application along with a certificate of occupancy, 4 copies each of the site plan and building plans. Also to be submitted is a receipt certifying payment of development levy or tax clearance certicicate for one year. A site inspection then follows, which preceeds a letter of recommendation or non recommendation.

Essentially, the procedure is the same, with only a difference of nomenclature. Perhaps the only difference is the submission of development levy receipt or tax clearance certificate and site plan of the area, which are not required in Kano.

However, the process called planning permission in Kano, which is associated with the recommendation for an issuance of a certificate of occupancy, has been discontinued by KASUPDA. Rather, they only incorporate a scheme that is proposed by a land owner, in conformity with section 12 of the NNTCPL which empowers a planning authority to frame a planning scheme for an area or adopt with or without modification any scheme proposed by owners of land. Thus they only incorporate such schemes where they conform with the zoning regulations

in the State, and leaves the process of acquiring a certificate of occupancy to be entirely handled by Lands and Survey.

Indeed, it seems the process called planning permission in KSUDB is not planning permission in reality, since there is no provision in the law that empowers the Board to execute the process in the way it is done. What is required by law, according to the provisions of sections 12 and 26 is that the Board can frame a scheme for a designated planning area or its part or adopt any scheme proposed by owners of land, and the power to permit building pending the coming into operation of a general development order.

4.2.4 Clearance of Illegal Structures

The Board undertakes planned mass demolition of illegal structures, whenever the need arises. With the approval of the Governor, the exercise was carried out in places like Dakata, Godon Kaya, Badawa, Kawo, Gobirawa, Bachirawa, and Yammata. Others were carried out in Sabon-Gari, Kawaje, and Hausawa, all within Kano Metropolis. Indeed very few structures were actu ally demolished in the other urban centres, most of which are due to execution of special projects such as roads construction.

From 1977 to 1987, hundreds of illegal structures were bull-dozed due to reported cases of encroachment on road reservation, residential developments on farmlands and some constructions against approved plans. (Figs 413 414) However, many cases remain uncleared, because the Board is awaiting approval from Government to do so.

Table 4.4: NUMBER OF ILLEGAL STRUCTURES REPORTED AND CLEARANCE.

YEAR	CASES OF ENCROACH-MENT ON PUBLIC LAND	ENCROACH-MENT ON ROAD RESERVA-TION	RESI-DENTIAL DEVE-LOP-MENT ON FARM-LANDS	CONSTRU-CTION AGAINST PLAN	TOTAL CASES REPORT-ED	TOTAL No. CLEARED
1977	15	12	40	10	77	14
1978	18	23	84	14	139	47
1979	26	13	16	10	65	21
1980	39	11	16	7	73	26
1981	60	16	15	7	98	39
1982	65	87	100	14	266	84
1983	140	209	310	40	699	93
1984	50	30	33	27	140	411
1985	22	120	22	15	79	222
1986	160	150	170	30	450	0
1987	39	75	188	9	311	40
TOTAL	574	646	994	183	2397	997

Source: Register of Demolitions U.D.B. Kano.

CASES OF ILLEGAL STRUCTURES 1977 - 87

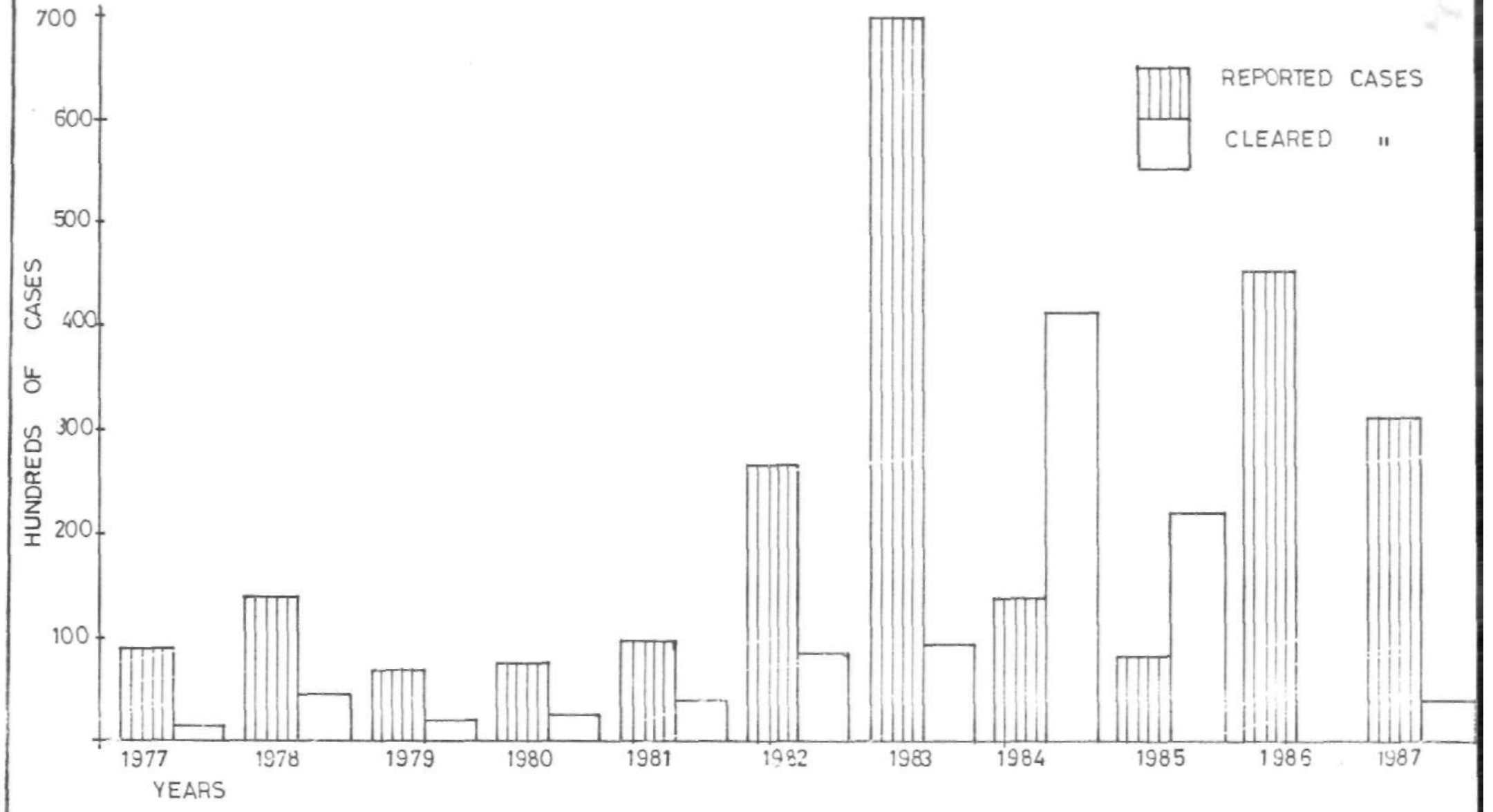
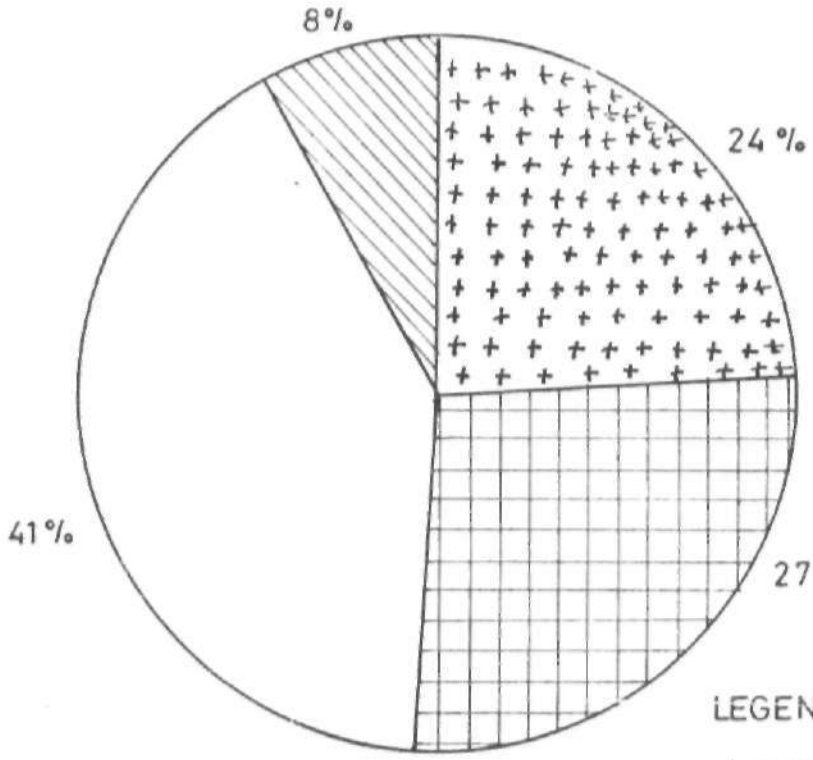


FIG. 4:13

source: field survey

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NATURE OF REPORTED CASES OF ILLEGAL STRUCTURES



LEGEND

ENCROACHMENT ON PUBLIC LAND
ENCROACHMENT ON ROAD RERSERVATION
RESIDENTIAL DEVTs. ON FARM LANDS
CONSTRUCTION AGAINST APPROVED PLANS

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FIG. 4.14

source: field survey

The high figures in the total cases of encroachment on public land and residential development on farmlands reflects the value of land in Kano and the difficulty associated with acquiring government laid-out plot.

While illegal developments are more common during civilian administrations the clearance is mostly done during military rule, thereby signifying the nature of the two regimes where planning is more practicable under the military in the State.

The total number of structures cleared by the board represents only about 40% of the total number of cases reported. This implies inadequacy of the Board's resources to effectively handle the situation.

Clearance of illegal structures is undertaken by the Board's Task Force on Development Control, which comprises some of the Board's staff and a team of police force. Owners of property to be affected are usually notified 3 times before the commencement of the exercise. The first two notices allow for raising of objections while the final notice advices the person concerned to remove useful property. The Board however, does not charge any fee for the exercise as required by section 18 (b) of the enabling edict and section 11 (5) b of the Northern Nigeria Town and Country Planning Law.

4.30 EXECUSION OF MISCELLENEOUS PROJECTS

The Board is empowered by the first schedule of the NNTCPL in parts I and II to execute projects such as roads, sewerage and drainage in an effort to

provide urban infr astructures, while section 76 of the law provides for the rehousing of persons affected by the Board's activities.

Also sections 15 (3) e, f, h, and 16 a, of the edict empowered the Board to provide and maintain proper infrastructure for urban development of the State. To provide housing estates for its staff., construction of markets, construction and maintenance of roads, bridges, etc.

Inorder to provide the Urban infrastructures and services, the Board embarked upon the construction, rehabilitation and maintenance of roads, drainages and cu lverts in new layouts, treatment of sewerage, constru ction of markets, bus stops, city gates, corner shops and housing estates. Most of these projects are located in Kano Metropolis and some few in the other Urban Centres. These projects are normally special projects, undertaken at the instance of the State Government and in some cases the Local Governments.

4.3.1 Roads

Roads and their drains were constructed in the ongoing city centre and new Kano Market projects and in some new industrial, commercial and residential layouts within Kano Metropolis, Birnin Kudu and Jahun areas. In Metropolitan Kano alone, this include G.R.A. roads, Ibrahim Taiwo road, Kofar Mazugal (North, South and East-West) roads, Kofar Nassarawa to Emirs Palace road, Gidan Shettima to Goron Dutseroad. Others include Ahmadu Bello Way, Murtala Mohammed Way, State road,

Lodge road, Aminu Kano Way, Lagos Street and Airport road, al l tarred, asphalted and majority dualized. The Board is also currently undertaking the construction of New Stadium link road in Kano; in addition to many other roads rehabilitated and or reconstructed in Kano including Fagge, Gandun Albasa, Zoo road and some 15 new roads in Sabon gari and in other urban centres namely Bichi, Kazaure and Hadejia areas. Thus the Board has to its credit almost all of the beautiful roads in Kano. The roads were constructed in phases and all together amount to over 200 kilometres in length

Table 4.5: ROADS CONSTRUCTED BY THE BOARD IN KANO.

	LOCATION	LENGHT IN KILOMETERS
1.	City Centre roads	6.0
2.	New Kano Market roads	5.0
3.	Ibrahim Taiwo road	2.0
4.	Kofar Mazugal roads	7.0
5.	Emirs Palace road	2.1
6.	Sharada Industrial Estate roads	12.0
7.	Bompai Industrial estate roads	8.0
8.	G/Shettima to Goron Dutse road	2.5
9.	Kofar Mata road	3.1
10.	Ring road	18.6
11.	Ahmadu Bello Way	3.0
12.	Lodge road	2.8
13	Murtala Mohammed Way	5.0
14	State road	3.0

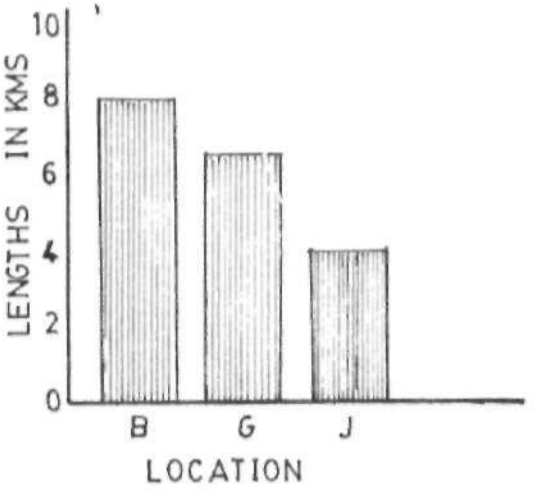
Table 4.5 continue.

LOCATION	LENGHT IN KILOMETERS
15. Aminu Kano Way	4.0
16. Audu Bako Way	2.5
17. Lagos Street	1.0
18. Airport road	5.0
19. Maiduguri road	2.5
20. Wudil road	2.2
21. Sokoto road	1.9
22. Iyaka road	1.1
23. Zaria road	3.5
TOTAL	103.8

Source: Field Survey, 1988.

The table, though does not give the overall location and length of the roads constructed, it however contains the major road network in Kano. It indicates the Board's impact in road construction. The roads represent over 50% of the entire road network of the metropolis. However, the impact in the other urban centres has been very minimal (Plates2,3 Fig. 4.5).

ROADS CONSTRUCTED IN OTHER URBAN CENTRES BY UDB

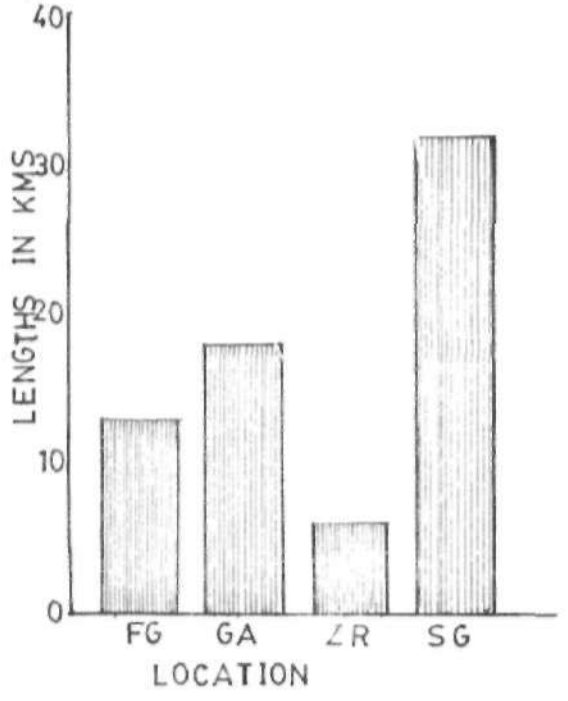


B– Birnin Kudu

G – Gaya

J – Jahun

ROADS REHABILITATED IN KANO BY UDB



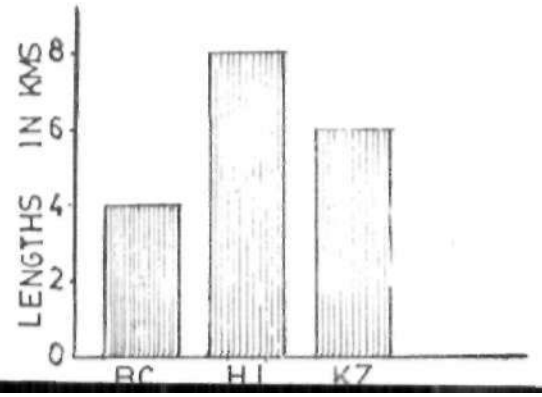
FG – Fagge

GA – Gandun Albasa

ZR – Zoo Road

SG – Sabon Gari

ROADS REHABILITATED IN OTHER URBAN CENTRES BY UDB



BC – Bichi

HJ – Hadejia

KZ – Kazaure

source: field survey

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PLATE 2



One of the Metropolitan Road, Phase II Constructed by the Board



Metropolitan Road Phase III Gidan Shettima – Sani Mainagge – Aminu Kano Way under Construction.

4.3.2 Sewarage and Drainage

Sewarage treatment and drainage construction was the responsibility of the State Water Resources and Engineering Construction Agency (WRECA), until recently when all facilities, staff and equipments were transfered to the Board in 1984. The Board, in conjunction with the United Nations Development Project (UNDP), prepared a Master Plan on Drainage and Sewarage for Kano up to the Year 2000. This is currently being used by the Board in the execution of projects. Some of the projects undertaken include the following:

(i) Channelization of Kwarin-Gogau Drain.

(ii) Maiduguri/Zaria road drain.

(iii) Zaria road central sewarage treatment plant.

(iv) Airport road treatment plant.

(v) Gwammaja treatment plant.

The treatment plants only serve the areas of their location namely, Gyādi-Gyadi (Zaria road), Noman's land (Airport road) and Gwammaja residential areas. The treatment plants together serve about 25,000 people.

Table 4.6: AREAS SERVED BY THE BOARD'S SEWERAGE SYSTEM AND CAPACITY.

LOCATION	NO. OF PEOPLE
1 Nomans Land	10,000
2. Gwammaja	8,000
3. Gyadi-Gyadi	7,000

Although the capacity is insignificant, considering the fact that, there are no less than 50,000 people in each of these areas, the number served is quite an achievement in a period of only 4 years. However, according to the Management of the Board, the aim is to serve the whole metropolis which is about 2 million in population.

In the construction of drains, attention is only directed towards problem areas in view of limited resour ces available. As such the construction is only undertaken when the government decides and provides the required finance. But the provision is inadequate as clearly manifested by the recent floods in the State. But unlike treatment of sewerage which is limited to metropolitan Kano, the Board has in addition to drains constructed in pilgrims camp, Jakara, Kwarin-Gogau and Zaria/Maiduguri road in Kano, also constructed drains in some of the other urban centres of the State namely: Danbatta, Gumel, Gwarzo, Hadejia and Mallam Madori. In these areas, constructions were also limited to problem areas (Plate 4 Fig 4.16).

4.3.3 Other Projects

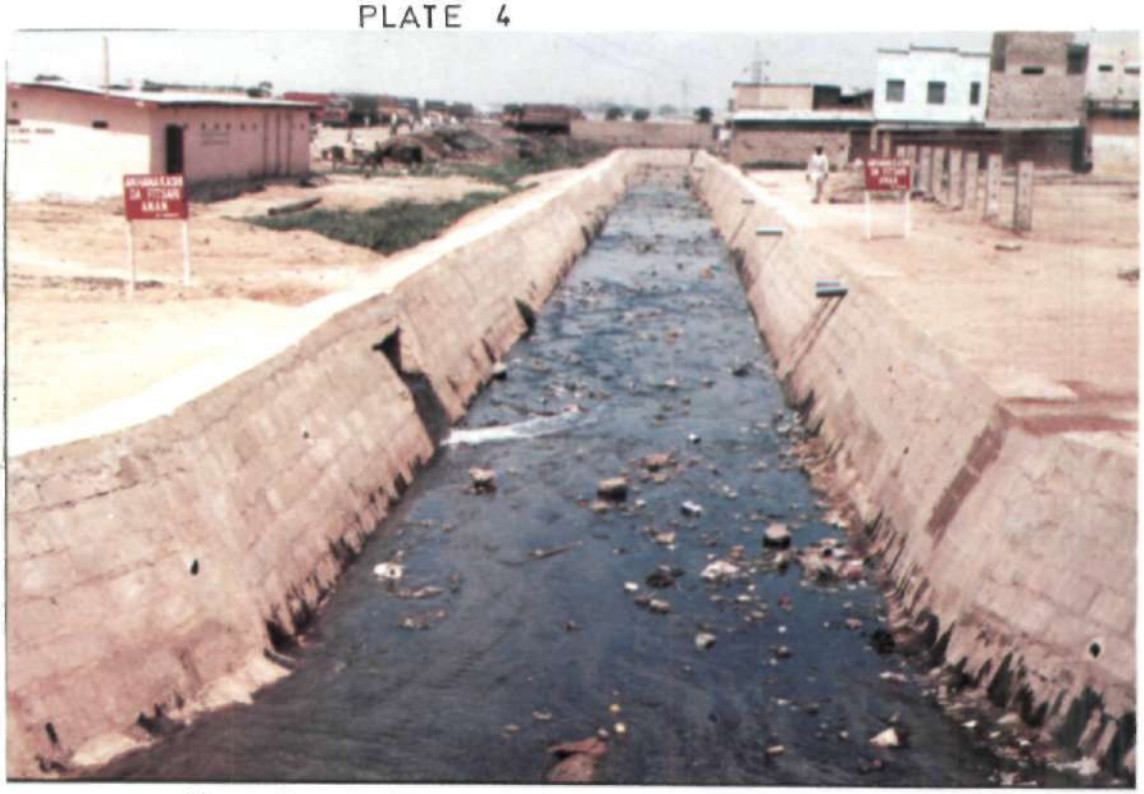
The Board constructed 3 taxi and bus stops in Kano Metropolis. It also constructed corner shops for Kano Municipal Local Government at some strategic locations which replaced the now demolished illegally developed kiosks along major roads and other locations of commercial significance (Plate 5).

PLATE 3



Infrastructures and City Centre

PLATE 4



Kwarin Gogau Drainage, One of the New Drainages being Constructed

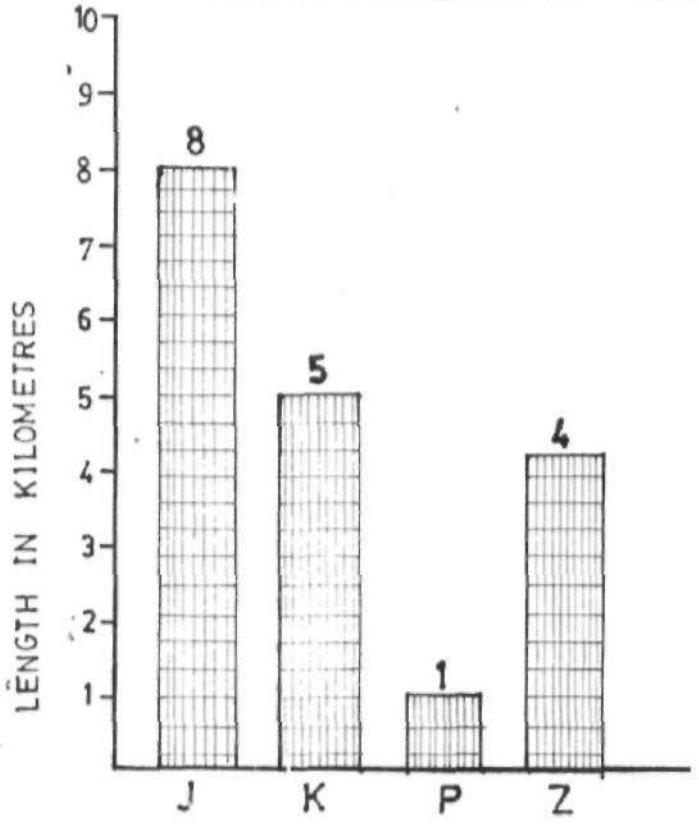
The Board also was responsible for the design and construction of the new Sabon Gari Market for Kano Municipal Local Government (Plates 6,7), and is currently undertaking the construction of the New Kano Market and provided infrasturctures at the on-going city centre project along Zaria road (Plate 3). The Board also re-constructed four city gates of Kofar Mata, Kofar Kabuga, Kofar Ruwa and Kofar Gadon Kaya, and is currently undertaking the re-construction of Kofar Yamma and Kofar Arewa city gates in Hadejia. Clearance work has already started for the construction of the New Kano Stadium near Kofar Kabuga.

4.3.4 Housing

The Board's contribution to the State Urban residential development includes the construction of Low Cost Housing Scheme. The Board constructed the Kundila Housing Estates Phases I and II as well as Zoo road Housing Estate; including all necessary infrastructures. The Board in additon constructed the Hotoro Senior Housing Estate for its staff. The total number of houses provided, number up to 1,800 units, (Plate 8).

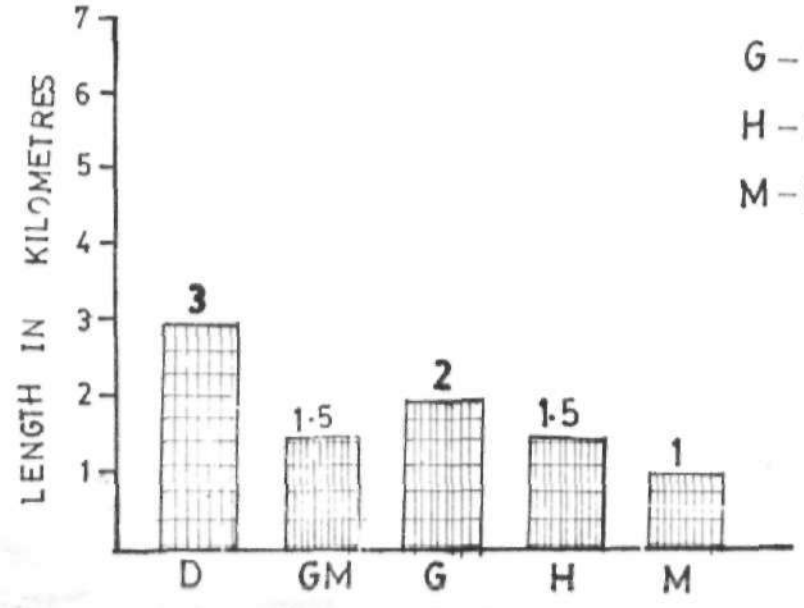
Sections 76 of the NNTCPL and 15 (3) f of the edict empower the Board to frame a scheme for the construction of houses for people affected by the Board's projects and to construct its own housing

CONSTRUCTION OF MAJOR DRAINS



J–JAKARA
K–KWARIN GOGAU
P–PILGRIMS CAMP
Z–ZARIA/MAIDUGURI ROAD

D–DANBATTA
GM–GUMEL
G–GWARZO
H–HADEJIA
M–MALAM-MADURI



Yahaya U F
Msc II URP 1988

FIG 4·16

source: field survey

PLATE 5

One of the Newly Constructed Taxi and Bus Stops in Some Parts of Metropolitan Kano



PLATE 6

View of the New Sabon Gari Market Designed and now under Construction by the Board.



PLATE 7



Activities going on smoothly within the completed Phase I of the New Sabon Gari Market.

estate in urban areas respectively. The impact made by the Board in the construction of its housing estate though commendable, is however inadequate, since majority of the Board's staff are living in rented houses. But the Board always frames schemes (layout) for the benefit of people displaced by its projects e.g Naibawa Resettlement Layout.

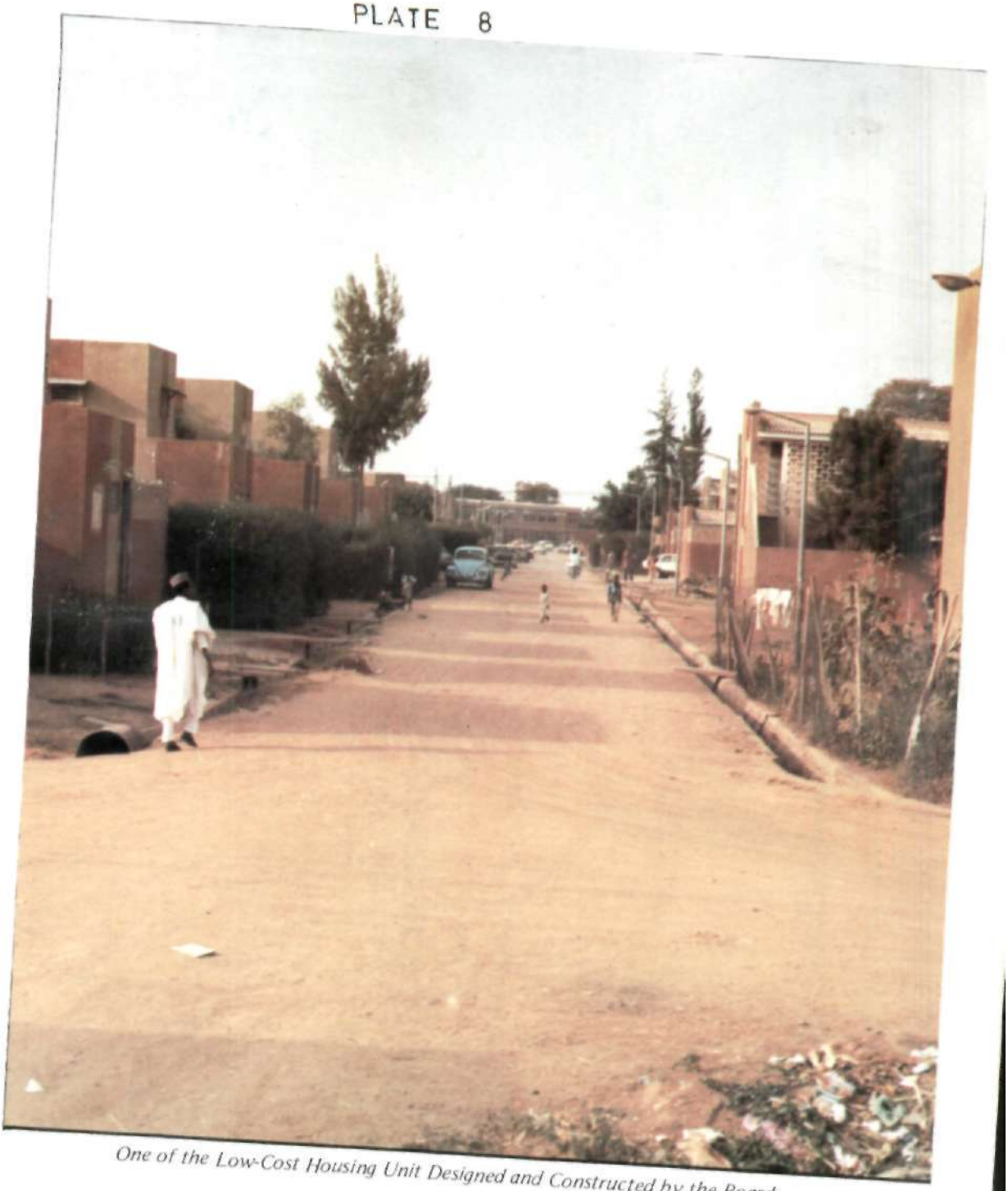
However, section 76 (3) of the NNTCPL stresses that the Board shall not construct dwellings under a rehousing scheme unless no other person is willing and able . And no other provision in the law provides for the construction of houses by the Board.

The function for housing construction for the general public was transfered to the Kano State Housing Corporation which was created in 1977.

4.40 ACTIVITIES OF RELATED GOVERNMENT DEPARTMENTS

The task of Urban Development is beyond the scope of Urban Planning Authorities alone, other Agencies and/or Departments are also established by government to provide urban services. These agencies are associated with the physical development of urban centres and therefore by implication related to the Board in its activities. The agencies with various nomenclatures are responsible for the provision of social services and urban infrastructures, such as Health services, educational facilities, water supply network, generation and distribution of electricity and telephone services.

PLATE 8



One of the Low-Cost Housing Unit Designed and Constructed by the Board.

Table 4.7: OTHER GOVERNMENT AGENCIES THAT PROVIDE SERVICES IN URBAN CENTRES.

URBAN SERVICE	CATEGORY OF DEVELOPMENTS	AGENCY RESPONSIBLE
(a) Social Serives		
(i) Health	Hospitals, Clinics, Dispensaries, Mobile clinics, etc.	Federal Ministry of Health, State Ministry of Health, and Health Services Management Boc
(ii) Education	Universities, Polytechnics, College of Education, Secondary Schools,	Federal Ministry of Education a State Ministry of Education.
	Primary Schools	Local Governments
(iii) Water	Laying of pipes, construction of dams and reservoirs	State Water Resources and Engi Construction Agency (WRE CA).
(b) Infrastructure		
(i) Electricity	Generation a nd Distribution of electric power	National Electric Power Author (NEPA) and State Electricity B
(ii) Telephone	Telephone Exchange Centres	Nigerian International Exchang Limited (NITEL)

Among the agencies, those that are more closely related to the Board by virtue of their activities were identified, and include the following:

1. Department of Lands and Survey Governor's Office.
2. Water Resources and Engineering Construction Agency.
3. Kano Municipal and other Local Governments.
4. National Electric Power Authority.
5. Ministry of Education.
6. Ministry of Health.

The State Department of Lands and Survey is the government agency responsible for land administration in the State and is vested with the power of implementing the Board's Plans (Layouts). While the other agencies perform their functions as outlined in the table above. The relationship between the Board and these other agencies is characterised by conflict, tension and non coordination due to some reasons.

Each of the agencies is established by Authority to perform an activity, for which there are laid down rules and regulations to guide the conduct of such activities. However, such guidelines were drafted in a narrow perspective, without regard for the guidelines and activities of other related government departments. As a result, the agencies are ignorant of the roles and responsibilities of the Board thereby violating some of its rules that lead

to conflicts. For example, the State Department of Lands and Survey which is vested with the power of implementing the layout plans made by the Board, contrary to the provisions of the laws that establish the Board, often disregard the provisions of the layout schemes by subdivision of land meant for schools or open spaces into residential plots. The Local Governments also undertake some developments in designated urban centres without contacting the Board (Figs 44,45)

The plans and priority projects of the other agencies are more often contrary to those of the Board and there is no any organised forum for coordination or cooperation to be achieved through discussion of plans and ideas. There is no obligation for any agency to discuss its plans with related government departments. As a result, it is common for NEPA and WRECA whose aim is the provison of light and water, to do so in areas that are considered illegal settlements by the Board. And in so doing, WRECA cuts across beautiful roads made by the Board, while NEPA makes wiring directly over developments, while the Board is against any form of development being under a high tension line.

For any cooperation to be achieved, the Board had to use its own initiatives, by closely monitoring the activities of such agencies as it does to the general public. Indeed the Board lacks the necessary resources

effectively monitor all such activities. Although, the Board often distributes copies of all its prepared layouts to the related Agencies, especially WRECA and NEPA, the required cooperation and understanding is yet to be achieved.

The Government carries the blame for the present situation. It is clearly the responsibility of the Government to streamline and coordinate the activities of its agencies by assigning responsibilities to them, that do not constitute obstacles to each other. There should be an outlined procedure that will compel every government agency to consult a related agency where its activities affect the others.

The activities of the Board are carried-out without adherence to the provisions of the law, especially in relation to the procedures for an effective control of development. Where the Board made some appreciable impact as required by law, is in the execution of projects for Urban Development. However, this is inadequate in view of what is required and the spatial location of such facilities. But this is also necessitated by lack of resources and government policy. In addition to this condition, other Government Agencies that provide urban services, do so without the required regard for the Board's activities.

CHAPTER FIVE

5.00 ASSESSMENT OF THE PERFORMANCE OF KANO STATE URBAN DEVELOPMENT BOARD AS A PLANNING AUTHORITY

The assessment of the performance of the Board as a Planning Authority involves a comparative analysis of the provisions of the law that established and guides the activities of the Board and what the Board is actually doing. This simply compares the roles and responsibilities of the Board as contained in the law and the activities of the Board. The aim here is to identify the problems of the Board and what cause these problems.

Inorder to do the assessment, some parameters that are crucial to the functioning of a planning authority were selected as follows:

(i) Preparation and Implementation of approved planning schemes.

(ii) Control of Development.

(iii) Public participation.

(iv) Execution of Miscelleneous projects

(v) Area of Jurisdiction.

5.10 Preparation and Implementation of approved Planning Schemes

Both the NNTCPL and the enabling edict (section 3, 13 and 15 (3) respectively) provide for the preparation of a scheme to control the development and use of land in an urban area with a view to secure sanitary conditions and amenities and to preserve objects of historical significance or beauty.

In compliance with the above provisions, sections 4 (2) of the NNTCPL and 15 (1) of the Edict provide that the Board is appointed the Planning Authority for the State Urban Areas and is therefore vested with the responsibility to prepare and implement any scheme under the law.

Upon the appointment of the Planning Authority, the NNTCPL in section 10 and 12 and also section 3 of the Landuse Decree provided for the declaration of planning areas by the Governor based on the opinion of the Authority on the need to make schemes for the areas so declared, and before approval, subject to modification and the order published in the State Gazette. While the Edict directs the Board to frame and publish an approved planning scheme for every urban area within a period of 3 years.

To this effect 13 towns were declared urban areas in 1976 and therefore by implication, under the jurisdiction of the Board. The delcared urban areas include: Babura, Bichi, Birnin Kudu, Danbatta, Gaya, Gumel, Gwarzo, Hadejia, Kazaure, Mallam Maduri, Metropolitan Kano, Rano and Ringim. Within the required time period, the Board engaged the Services of Consultants to prepare Master Plans for the 12 Urban Areas. While the Board itself prepared the Metropolitan Kano Master Plan 2000 A.D.(FIG 4.1).

However, none of the Master Plans prepared has ever been submitted for approval as required by law. According to the Management of the Board, while it is the duty of the Board to get its schemes approved by the Governor, none of the 13 prepared Master plans is in conformity with the existing reality of the areas for which they were meant to serve. And unfortunately such a discovery is usually made after the consultants, (majority of whom were foreign) were paid and gone. Even those who awarded the contract might not be around to realize the mistakes. In the opinion of the Management of the Board, none of the plans prepared has ever reached the required stage for approval. Perhaps this implies that the procedure required by law has never been complied with by the Board. As a result, the Board is yet to put forward any of its master plans to the Governor for approval

Besides the submission of plans for approval, the law has made provisions for the procedure and processes involved in the preparation and publication of a planning scheme which are not complied with either. For instance, the NNTCPL provides that once a scheme has been framed and signed by the Chairman of the Board, the Authority shall prepare a notice specifying the boundaries of the scheme and a place where the scheme and other relevant information may be seen. The notice

shall be published in 2 copies of the Northern Nigeria Gazette and be given, "such further publicity as the Authority may consider necessary" (section 16 (1) (2) (3)). And a copy of the scheme is to be deposited at the place specified in the notice for a period of 14 days from the publication of the notice in the Gazette for public inspection (section 16 (4)). These important requirements were never complied with.

The law further requires the Board to inform all property owners to be affected by the scheme of that fact within one month, and require them if they wish to object to the scheme within 6 weeks of the date of the notice in the gazette. In addition the persons could put an objection in writing to the Chairman of the Board (section 16 (5) (6)), and all objections are to be considered within 2 months of their submission and at such consideration, an objector, who must have been informed in writing about the meeting, may appear either in person or via a representative (section 16 (7) (8)). Where any modification is made to a scheme, consequent upon an objection being accepted, the persons likely to be affected thereby must be notified and should have the same right to object as original objectors (section 16 (9) (10). None of these provisions has ever been complied with in the process of making any of the Board's plans.

According to section 17 of the NNTCPL, the Board is obliged to submit the scheme to the Minister within 3 months of the consideration of all objections, together with estimates of the number of persons who will loose their houses by the scheme and the suggested methods of dealing with them; and the list of objections, the objectors and how the Board has dealt with the objections, including the reasons for any modification made to the orginal scheme. When this is submitted, the Minister may then approve the scheme with or without such modifications as he sees fit (section 18).

Unfortunately, none of the schemes has yet got to the stage of being "signed by the Chairman" of the Board as required by law (section 16 (1)), which is a necessary preliminary to publication, consideration of objections and submission to the Minister along with necessary accompanying information before ultimate approval with or without modification. According to the NNTCPL (and there is nothing contradictory to this in the Edict), "A scheme shall not have effect unless and until it is approved by order of the Minister ... " (section 19 (1)). Indeed, this is the reason why the Board only makes casual reference to its schemes in taking planning decisions. Even this is illegal as for the provisions of the law. Rather, the Board relies more on existing developments in an area to make most of its decisions.

The foregoing discussion was centred on the meaning of planning schemes as implying to master plans. Since it is not clear whether by planning schemes the law means master plans only or in addition to other things. However, opinions imply that layouts are equally planning schemes in view of the provisions of section 12 of the NNTCPL which states thus "upon the declaration of a planning area the Authority shall either frame a scheme for such area or any part therefore or adopt with or without modification any scheme proposed by any or all owners of the land within such area". But contrary views consider planning schemes as implying to master plans only, since the procedure for the preparation, publication and approval of planning schemes as required by the law (sections 16 and 18) will not meaningfully apply to layouts.

If it is assumed, that layouts are also planning schemes, then the Board has made an impact. Already, over 300 layouts were prepared by the Board, of which about 90% were approved by the Governor and 50% were implemented by the Department of Lands and Survey of the Governor's Office. However, this is also contrary to the provisions of the law. Sections 27 of NNTCPL and 15 (1) of the edict, vested in the Board, the responsibility of implementing the schemes if prepared and not by another Government department.

Moreover, the provisions of the layouts are more often than not tempered with, by the Lands and Survey department contrary to the provisions of the law as contained in its first schedule part VI (6); which prohibits the subdivision save as may be approved by the Authority (see Fig. 5.1).

While the procedure for the preparation and implementation of planning schemes in practice is seen as illegal according to the provisions of the law, the procedure as required by law is equally unnecessarily lengthy and unrealistic in view of the low literacy level of the populace.

Furthermore, the mounting problems of our urban centrescannot wait for such a procedure that will at least require a period of 6 months. In places like Kano, where people erect illegal structures at night, certainly a more articulate procedure which will not take long time is necessary.

In conclusion, the Board's performance with respect to the preparation and implementation of planning schemes as required by law is ineffective.

Fig. 5.1: Procedure for Preparation and Implementation of Planning Schemes in Law and in Practice.

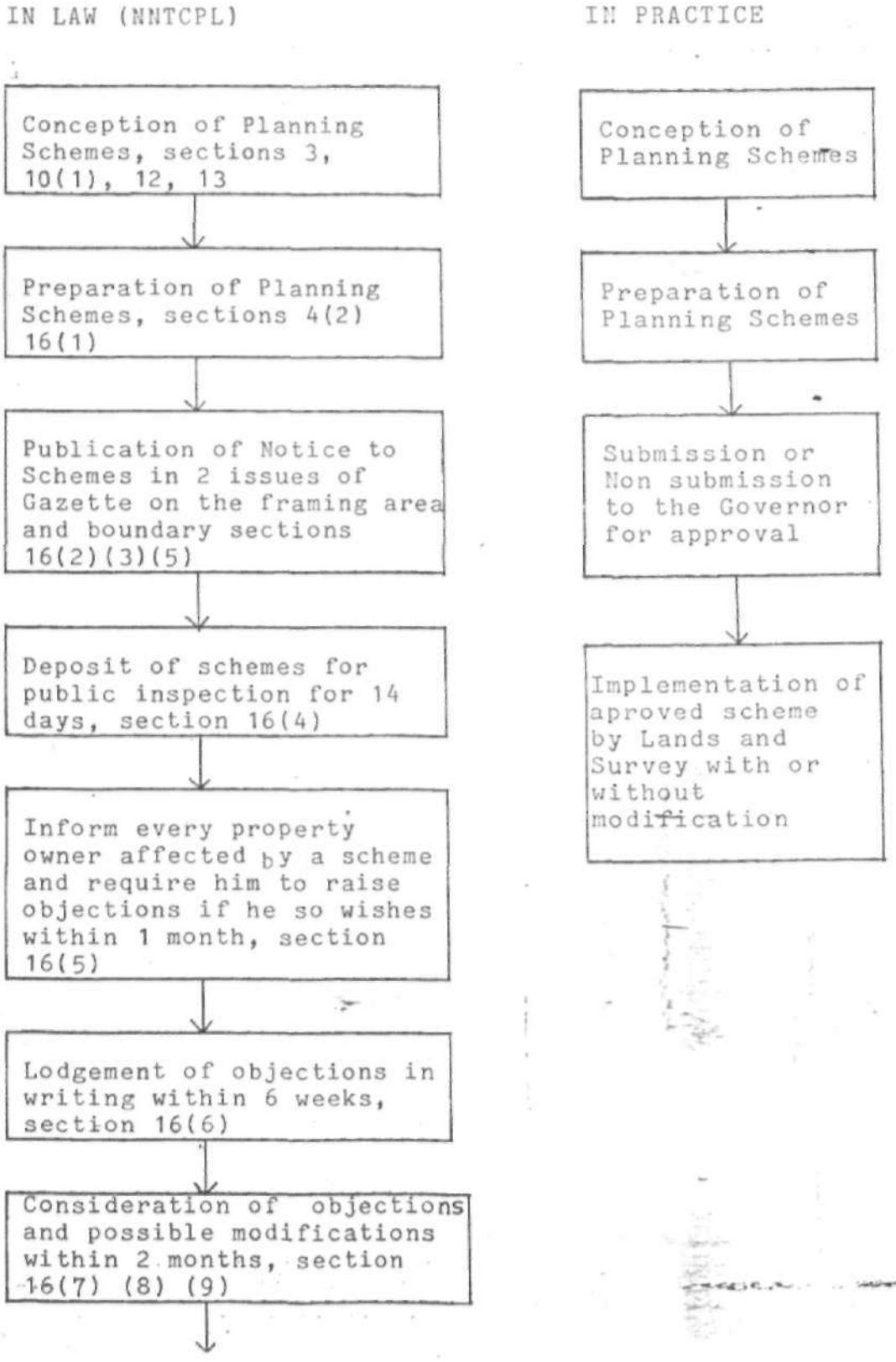
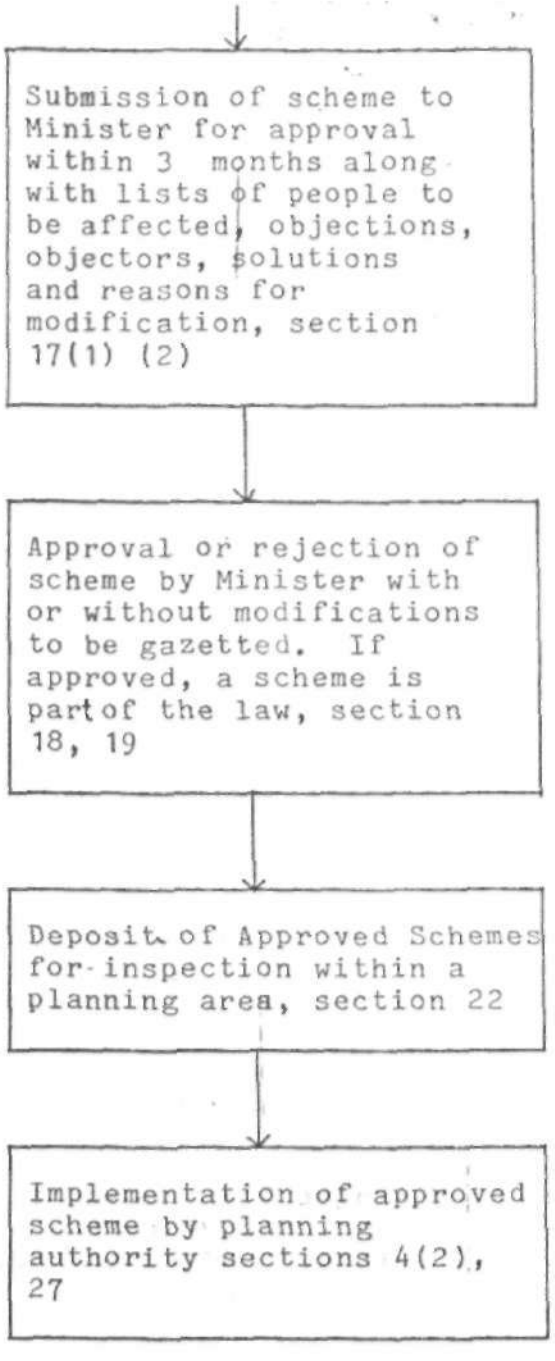


Fig. 5.1 continues



Source: Compiled from NNTCPL

5.20 CONTROL OF DEVELOPMENT

Sections 11 of the NNTCPL and 17(1) of the Edict provided for an interim development order which emphasizes that once an order declaring a planning area has been made and published under section 20, no person shall carry out any form of development in the area until a scheme is made and approved under section 18 for the area containing such land or building except where a general order is made by the Governor. While section 17(3) of the edict further elaborated that subject to an order made by the G overnor, the Board may grant interim development permission to any person applying in writing, subject to such conditions as it may deem necessary to impose, to develop land or to construct, demolish, alter, repair or remove any building within an urban area. Section 11(6) of the NNTCPL defined interim development as "development between the date on which the declaration of a planning area takes effect and the date of the coming into operation of the scheme".

The provisions above provided the platform on which the Board is to carry out its planning activities pending the coming into operation of an approved scheme. While none of the Board's plans were prepared and approved as required by law, no interim development order was ever made and published by the Governor either. However, the Board often gives development

planning permission whether or not the land is located on a government approved layout. Where the land is located on a government layout, the applicant is granted approval of building plans, subject to the provisions of the Kano State Building Regulations of 1988, eventhough the edict that established the Board did not incorporate the regulations, it however made a made references to its formation in section 29. The NNTCPL / casual reference to the regulatory process in section 13(3) where it says every scheme shall contain such provisions as are necessary or expedient for prohibiting or regulating the development and use of land. In this regard, the Board has treated over 14,000 applications from 1977 to 1987 of which over 10,000 were approved.

Where the land is not covered by an approved scheme and without a general development order, section 26 of the NNTCPL permits the Board to grant permission to applications for development with or without conditions, where the proposed development will not be contrary to the provisions of a scheme proposed. To this effect, the Board has approved 4000 out of 6000 applications to develop land that conform with the provisions of its scheme proposals or with existing developments in the area. However, this procedure is tied to acquisition of a certificate

of occupancy from the Lands and Survey Department, inorder to justify ownership of land. The permission is normally given on condition that the applicant should acquire building plan approval before the commencement of development. However, this procedure seem to be contrary to the provisions of the law. Section 12 of the NNTCPL requires the Board to either frame a planning scheme for a designated planning area or its part or adopt with or without modification any scheme proposed by owners of land. Thus no mention is made of acquiring a certificate of occupancy. Indeed the Board merely gives planning permission to people requesting for a certificate of occupancy. Although the two processes are related, the law did not provide for their combination.

Since the Board's schemes (both master plans and layouts) were prepared contrary to the procedure required by law, even though most of the layouts were approved and "no general or special order with respect to interim development appear to have been made or if made, published, and without such orders, the Board has no legal authority to grant permission to develop and all developments in all scheduled urban areas, are as a matter of law, unlawful including development for which the Board has granted permission. The importance of a general or special

order and a fortiori of its absence is that, it provides the legal basis for the grant or refusal of interim permission by the Board" (Mc Auslan JPWB 1979).

Another fundamental aspect of the Board's Development control activity is the clearance of illegal structures. According to the law, any person who does any work in a planning area, without an approved planning scheme or interim development permission shall be liable to a fine on conviction. And he may also be required to remove the work and reinstate the land or building to the condition it was, prior to the commencement of the work. Failure to comply, the Board may remove the work and recover the cost of doing so from the convicted person(NNTCPL Sect. 29, 11 (5), Edict Sect. 18, 19).

The Board undertakes planned mass demolition of illegal structures as approved by the Governor, and not as a result of an offender being convicted and fined by a court of law as stipulated by the NNTCPL (section 11(5)). But considering the fact that the Board informs developers about the exercise 3 times before it is effected, and that people are not asked to pay for the exercise as required by law, and such illegal structures are due to encroachment on public land or road reservation; and construction against approved plans, it is only realistic to say the

exercise is justified. Moreover, the provisons of the Landuse Decree of 1978, vested the control of land in a State with the Governor (sections 1, 2(1) 'a') and also provide for prohibition and penalties for unauthorised use of land (section 43). Perhaps, the only exception is the case of residential developments on farmland for which the law requires an approved scheme or a general development order. As a matter of law, "the absence of both an approved scheme and a general or special order means that no development whatsoever is lawful in any urban area and the Board may require all such developments to be removed and prosecute all such developers. This includes developments in respect of which the Board has given permission" (Mc Auslan JPWB 1979).

However, the Board's performance in the clearance of illegal structures is also ineffective, over the years, the Board recorded over 2000 cases of illegal structures, of which less than 50% were cleared. Moreover, the illegal structures are more than those reported. This assertion is substantiated by the adoption of formalization exercise, which entails the legalisation of 100,000 hitherto illegal structures by the Board.

5.30 EXECUTION OF MISCELLENEOUS PROJECTS

Both the NNTCPL (1st schedule parts I & II) and the enabling edict (section 15 (3) e, f, h, and 16 a), provide as the function of the Board, the execution of projects such as roads, sewerage and drainage, housing estates for its staff, markets in an effort to provide urban infrastructure, services and facilities.

Although the law provides for the provision of these facilities as the function of the Board in practice the responsibility is recent. Other government agencies were hitherto responsible for the provision of such facilities e.g road construction in urban areas by the State Ministry of Works before 1984 and Treatment of Sewerage by WRECA also before 1984.

Eventhough, the provision of infrastructures are classified as special projects, which implies that the decision to provide such facilities are made by the government whenever it so wish by making special allocation, the Board has constructed and reconstructed or rehabilitated over 200 kilometres of roads espcially in Kano Metropolis and some other urban centres of the State. Drainages were also constructed in problem areas, including various other miscelleneous projects such as corner shops, city gates, taxi or bus stops and markets. The Board has also made an impact in the treatment of sewerage in three residential areas of Kano.

Although what has been provided does not adequately serve all the urban centres of the state, nevetherless the Board has complied with the provision of the law in this respect, since the projects are either meant for the Board' scheme areas or aimed at improving the urban environment.

5.40 PUBLIC PARTICIPATION

Regarding the contents of the NNTCPL, public participation in the affairs of the Board relates to the issue of the people's opportunity to comment and discuss on the preparation of plans by the Board, where such plans affect them (section 16 (4) (5) (6) (7) (8) before approval for implementation.

Since the Board has never complied with the procedure of plan preparation as required by law, the opportunity of the public to participate in plan making has therefore not being granted.

The need to involve the public in the Board's affairs in totality, and not merely plan preparation but also implementation can not be over-emphasized. Moreover, the Board was essentially established to plan and cater for the interest of the public. According to the provisions of some Master Plans "... no successful planning can be made without a permanent presence and participation of those for whom the planning is made ... "(Hadejia Master Plan 2nd part. 7.1). "It is emphasized that the successful

implementation of the plan relies heavily on its adoption as a framework for future development not only by the State and Local Governments, but also by the individuals it concerns. Consequently it is strongly recommended that the plan is distributed to all official bodies concerned with the town's deve lopment and that it is made accessible also to the general public through active information. In addition, information about plan proposals following the master plan should be introduced, ensuring that public participation which is an important factor in a successful implementation is encouraged. (Ringim Master Plan, p. 1.1). The consultants who produced the plans are thus suggesting that public participation be regarded as an essential element in the process of plan approval and implementation.

According to the Chief Town Planning Officer of the Board, public participation means the extent to which the public are involved in the Board's activities; and that this is only practised in the preparation of master plans, where the people are interviewed inorder to seek their views or opinions and nothing more.

From the foregoing dincusssion, there seem to be no public participation in the real sense. As a result, there is at present, a wide spread misconceptions and prejudicious notions existing in the minds of the members of the public as to what the Board and its activities are all about. While some of the misrepresentations

and misunderstood views held by the public might be justified and fair, a greater proportion of it might on the other hand be due to inadequate interaction between the public and the Board as it relates to the latter's activities.. As a result majority of the public and even other government agencies do not have a sound understanding of the Board's scope of activities.

The lack of awareness of the Board's functions by all sectors is an important cause of the numerous illegal and haphazard developments of residential, commercial and even industrial structures and other activities all over the urban areas, especially Kano Metropolis.

5.50 AREA OF JURISDICTION

The Board's area of jurisdiction increased from 13 urban areas in 1976 to 29 in 1987. Also zonal offices were increased from 4 in 1984 to 6 in 1987 in view of the new arrangement. An estimated combined population of the urban areas is over 2.5 million with metropolitan Kano alone containing about 2 million people. The 13 Urban Centres designated in 1976 have unapproved master plan each, aimed at guiding their growth and development.

Although the zonal offices were established about 4 years ago, no meaningful achievement or impact has been made to signify their existence for the period. Each of the zonal offices is manned by one or

, two sub-professional planners, without the necessary facilities required for an effective administration of planning, such as equipments, other supporting staff and vehicles. As such a meaningful impact cannot be expected. Moreover, the officers are not residing in the zonal areas, since most of them operate from Kano, and only visit the areas whenever the need arises. The Board also depends on the goodwill of the Local Governments in the provision of office accommodation. Indeed the zonal offices are yet to take-off effectively.

In view of the prevailing situation, most of the urban centres are yet to feel any impact of the Board having been declared urban. Most of the Board's activities are concentrated in Kano Metropolis. All the professionally qualified planners of the Board are based in Kano Metropolis and over 80% of the Boards projects such as roads drainages, layout etc are concentracted in Kano. Although the Board's priority attention on Kano could be justified, by virture of the city's size and population which is almost 4 times the population of all the Urban Centres combined, no meaningful achievement could be made in these areas, except they are given proper attention. Although the areas do not generate much economic growth potential, this appears to be the right time to control their developments and to plan their growth according to planning standards. Otherwise, the Board will find it difficult to contain the situation

in future. For inntance some Local Governments embarked upon the construction of city gates that ne ither define the historical extent of growth of these areas, nor the present extent of their sizes. This happened in Hadejia and Wudil Urban Centres, the former being a zonal office. Although the Local Governments have the power to erect such structures, the Board would have influenced the location if the zonal offices had taken-off.

The performance of the Board has been rated ineffective or rather below expected standard as regards 4 out of the 5 selected parametres; however, there are fundamental problems that inhibit the effective performance of the Board as a planning authority. If these problems could be solved, the performance rating of the Board will improve considerably.

5.60 THE PROBLEMS INHIBITING THE EFFECTIVE PERFORMANCE OF THE BOARD AS A PLANNING AUTHORITY

There are a number of problems that inhibit the effective performance of the Board as a planning authority. These problems range from staff, equipments and financial inadequacies to lack of coordination between the Board and other related government departments. Also the laws that guide the Board in its activities are not without some shortcomings. Another fundamental problem is that of political and administrative inteference in the affairs of the Board.

5.6.1 Insufficient Staffing

The Board is faced with a general inadequacy of professional personnel required to effectively manage the affairs of a Planning Authority. This problem is more serious in the departments of Town Planning, Architecture and Engineering. With only 11 professional planners, the Board cannot effectively manage the planning affairs of 29 Urban Centres of the State. The 11 who are based in Kano metropolis alone, are not even adequate in tackling the planning problems of the metropolis. The problem potrays itself both in the inadequate staff numerical strength and unavailability of skilled manpower. The zonal offices equally exemplify the situation, whereby instead of six fully manned zonal offices to include Planners, Architects, Engineers, Administrative and Clerical staff, up till now only 1 or 2 technical staff are assigned for each.

5.6.2 Lack of Adequate Operating Equipments

The Board is also faced with a problem of inadequacy of operating equipments. This problem relates to equipments especially for control of development. With 3 bull-dozers and 3 graders, 2 pale-loaders, the Board cannot effectively control development in 29 Urban Centres. Also the equipments used in road

construction are not adequate enough for an effective and qualitative constructions to cater for the public and possibly private sectors. Moreover, most of the equipments are grounded. Indeed, there should be enough equipments to go round the zonal offices (see Table 3.4).

5.6.3 The Problem of Funding

The problem of insufficient funds has been plaguing the Board since its inception. The fact that planning, protection and enhancement of the public interest in the use of land is best handled by a public or ganisation places the Board in the impossible position vis-a-vis its activities and the government. The government sees it mainly as providing social overhead and which it is not always absolutely capable to provide. Although the Board does generate revenue internally, the funds available are always insufficient for the task of planning and controlling the development of all the urban centres of the State. This is a rather obvious problem that permeats most aspects of the Board's activities. Thus many grand projects remain on the drawing board for many years due to lack of funds to execute them. An example is the proposed overhead bridge that was to run from Zaria road through Ibrahim Taiwo road down to Katsina road. This would have solved the problem of traffic congestion especially in the business district

during peak hours. Indeed financial allocation to the Board by the State Government fluctuates, and in most cases is below the approved budgettary allocation. A good example of this circumstance is the 1988 budgettary allocation of ₦14 million to the Board, for which as at 30th of September only ₦2 million was actually given. Infact the Government's financing is accorded more to special projects that the government wants the Board to execute for which prompt payments are often made. This results in the Board's unfavourable financial balance, where expenditure is more often than not higher than income. Since the Board is grossly under funded, deficits have to be carried forward into the next budgettary proposals. while the Board relies on its bankers to contain the situation. Looking at the financial position of the Board from 1977 to 1987, only in 1985 was expenditure less than income (see Fig. 5.2 and Tables 3.5, 3.6, 3.7).

The gross under funding makes the Board so financially weak to even pay compensation for acquired land for her proposed plans in the Metropolis. Failure to pay such compensation often lead to the proposed plans for that area of land being overtaken by illegal developments (Hassan, A. 1986).

FINANCIAL POSITION OF UDB 1981-87

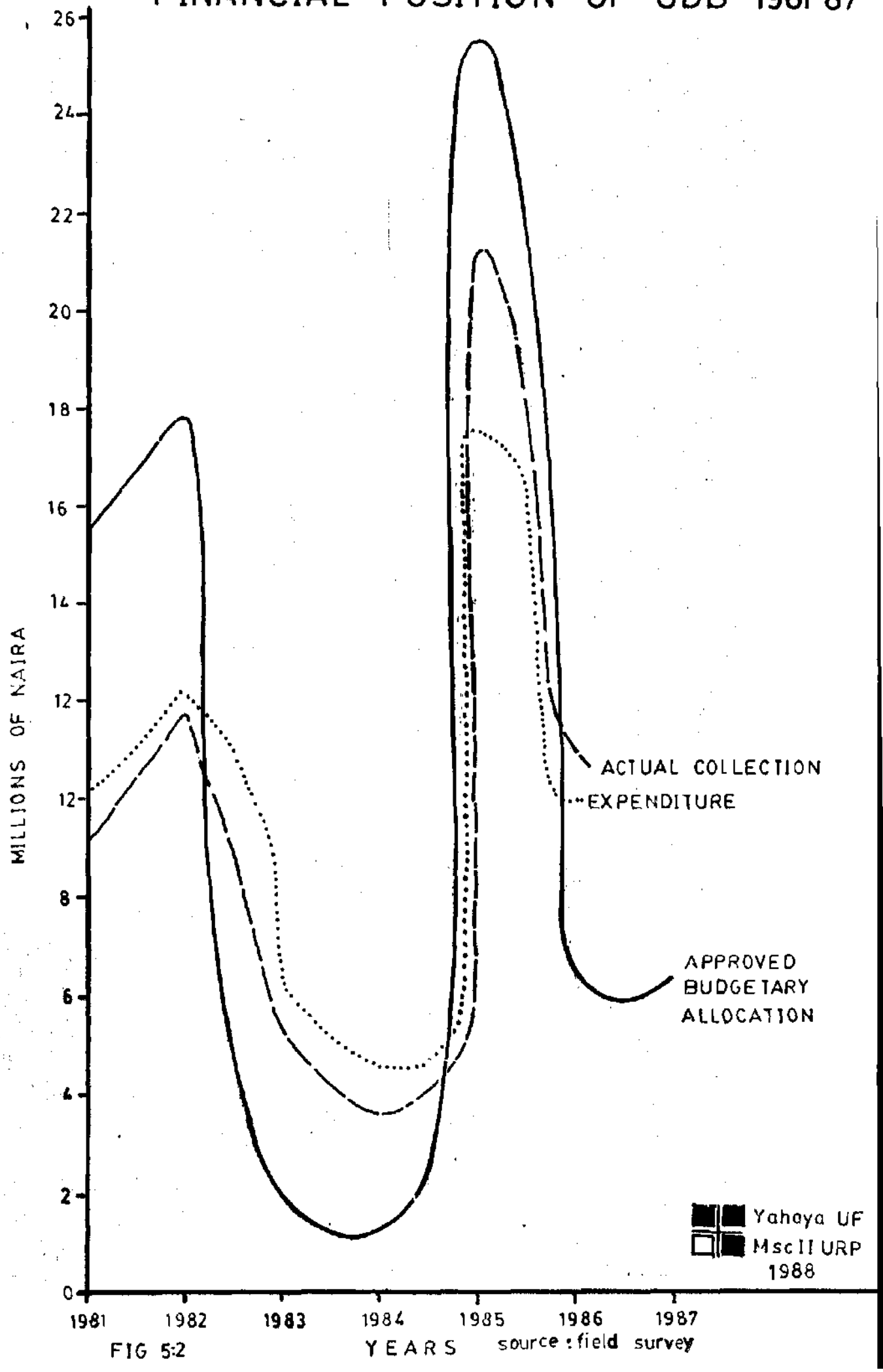


FIG 5:2

source : field survey

5.6.4 Lack of Coordination with other Government Agencies

While other government departments also engage in the provision of urban infrastructure, ser vices and facilities, there is a general lack of an effective forum for coordination of their activities with those of the Board. While the need for such cooperation cannot be over-emphasized, some of the agencies, especially NEPA and WRECA provide their essential services often in direct contravention of the provisions of the Boards plans. For example, electricity poles and lines, water mains are laid acros s plots and roads, causing delays and inconveniences before realighment, if it is done at all. A lot of energy and time is thus wasted by both the Board and the other organizations in rectifying the situation. Although the Board often gives its plans to these agencies, however, it has never considered giving these agencies the guidelines to follow as regards the impact of their activities on the urban environment.

5.6.5 Some Shortcomings of the Laws that Guide the Activities of the Board

There are certain flaws in the provision of laws that contribute towards the ineffective performance of the Board in its activities.

There is an inadequate and outdated description of what a plan should consist of. Emphasis is only on physical layouts and fails to mention any policy aspect

of planning involving the economic, social and environmental components of a plan or planning aspects such as transport, sewerage, water, public utilities or for any coordination between the different branches of planning (Suleiman, I.D. 1987, Hassan, A. 1986, Mc Auslan JPWB 1979).

The process of plan-making is both authoritarian and unclear. There is no procedure set out for the making of the plans in the first place. An officer could sit in his office and make up the plan up from the top of his head; and no procedure for discussing draft plans with anybody. There is no obligation to find facts before planning, to visit the areas to be planned, to consult with other relevant bodies, goverrmental or otherwise, to publish any facts found. Once a plan is prepared, the process of public consultation are virtually non-existent. If the main agency for planning is to be one central state body and not a Local Planning Authority, as the law may orginally have envisaged, then it is necessary to adopt processes of consultation to that fact (Mc Auslan JPWB 1979, Suleiman, I.D. 1987).

The processes of control of development are unclear. The law implies that development is controlled on an individual basis until the scheme is approved. But certain questions do not validate the assumption. Does the system itself provice for a system of individual control? Is it assumed that all will follow the scheme

so that it be self policing? How can the scheme be varied? Are tolerances allowed? The law is silent (Mc Auslan JPWB 1979, Suleiman, I.D. 1987).

The law has made no provision for any sort of appeal or review from any decision of the planning authority other than a reference to a court of law. We are however, aware of how slow the administration of justice is in the country. Furthermore, the planning authority will be faced with numerous petitions, immediately the public recognizes and appreciates the work of the authority. Thus the need for a planning tribunal to adjudicate planning cases (Suleiman, I.D. 1987).

The law does not provide for an obligation on the Board and no other provision in the law deals with liason and consultation between the plan-making and implementing authority and other agencies of the Federal and State Governments, e.g NEPA and WRECA. Nor is this matter dealt with in the edict. Thus any forum for an inter-and or intra-governmental discussion on a scheme, both before approval and during implementation, has to rely upon personal initiatives from the Board or its responsible Ministry or an administrative directive from the Ministry. Secondly, no provision exist for any local input of participative nature into the implementation of the scheme. Once the scheme has been approved, then as a matter of law, the Board can go right ahead and implement it regardless of

local feelings or views which might manifest themselves in latter years. The law then gives the Board authority to ignore or take very little account of local views both in the approval and in the implementation stages. The law thus requires a very small amount of public participation (Mc Auslan JPWB 1979).

There is no tie-up with the various other relevant laws, eventhough in practice there is a close tie-up, indeed the total landuse control and development system of the State is beyond the Town Planning Law and the Building regulations. In particular, the landuse decree and the land tenure law, the local government edict and the draft zoning regulations are all relevant and each involves its own administrative system (Mc Auslan JPWB 1979).

In practice, development control operates via the Building regulations. But no provision has been made in the laws confering building control power under the Township law on the Board. Thus the law did not incorporate control of development with building regulations. The Board's exercise of power under the regulations is therefore illegal even though the building regulations provide for their applicability in all designated urban centres of the State.

While the Board has failed to function according to the provision of the law in many respects, the law itself did not take care of some of the fundamental aspects that would make the Board function effectively as a planning authority. So the law is yet to provide for the required platform for an effective planning administration perhaps that is why no other planning authority is functioning effectively in the country.

6.6.6 The Problems of Political and Administrative Interference in the affairs of the Board

The Board is often subjected to political interference in its affairs either directly or indirectly. Although the law provides for the appointment of the Board's Chief executive and the Chairman by the Governor, it has become a trend that every new Governor will appoint the two officers, without a substantial reason for dropping the others. And sometimes, people who are not professional planners are appointed to the position of the Chief executive. This does not augur well for the Board since the planning ideals might be relegated to the backgrounds.

The Board always relies on the cooperation of the government of the day to clear illegal structures which are subject to approval by the governor. For instance, in 1986 the Board could not demolish nor stop the erection of illegal structures, because the Governor doesn't like demolitions of any kind. This

is contrary to the provisions of the law(fig 53).

Also the fact that the power to implement schemes prepared by the Board is delegated to another government department contrary to the provisions of the law, constitute an administrative interference.

During civilian administrations, the Board finds it difficult to conduct some of its affairs especially development control. It is also common to design residential layouts in areas meant for public uses, subject to directives from politicians in government.

The activities of Ward heads also constitute an interference. These traditional leaders still arrogate to themselves the power to control land as well as its developments. They encourage and involve themselves in the sales and development of farmlands in their areas without planning permission.

For any planning authority to perform its functions effectively, it will have to adhere to the provisions of the law that establish it and guide its functions. It is also vital for the Authority to involve the public in its affairs, since it was established to cater for their interest. In so doing, the Authority also needs to make an impact in wherever the law requires it to make. However, for the Authority to do all these, it will hav to be adequately catered for, by making all

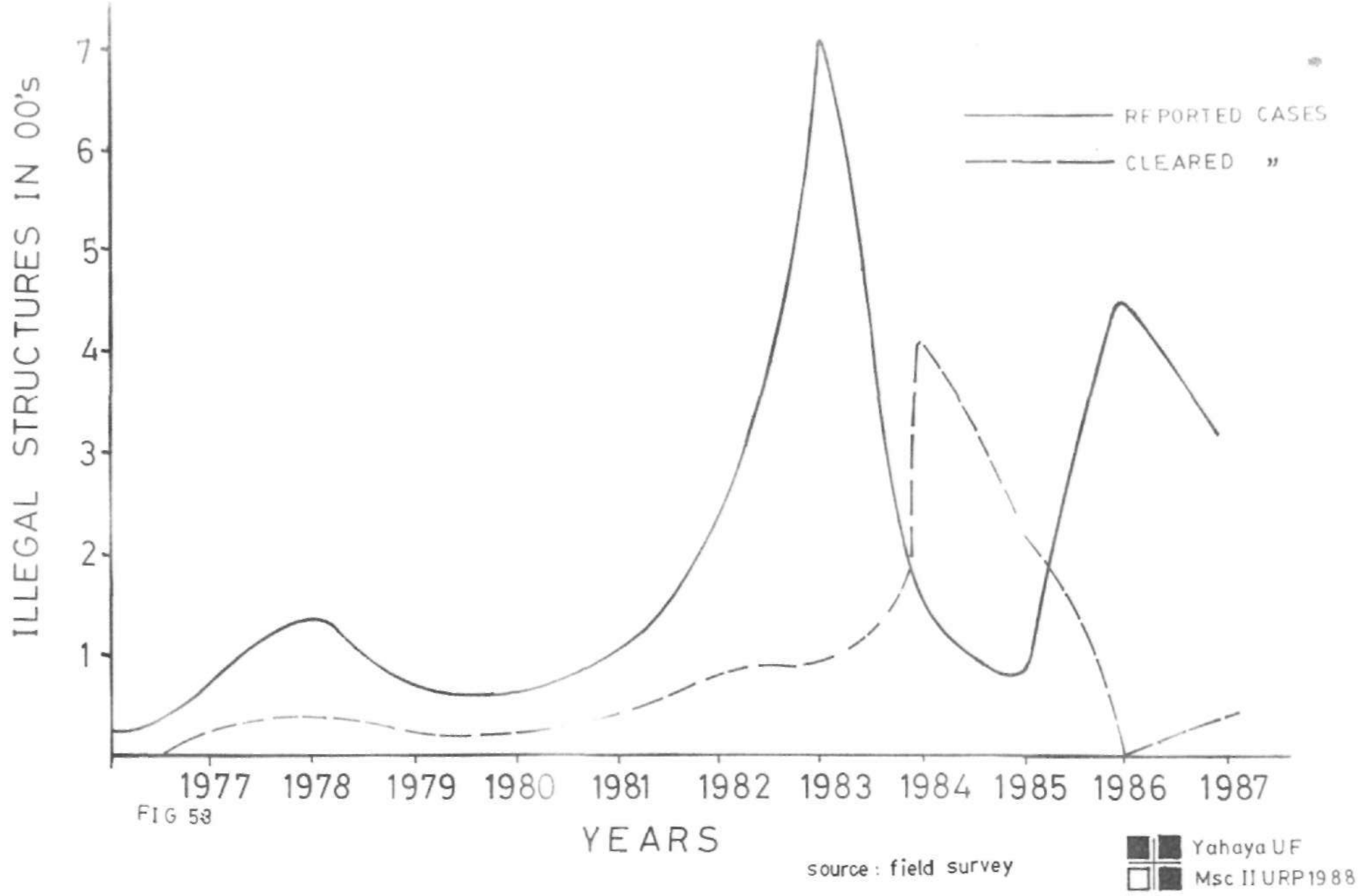


FIG 58

source : field survey

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the necessary requirements available, at least averagely. This implies adequate staffing, funding and equipments. Moreover, both the law itself and the government will have to take care of all that is required towards a favourable atmosphere for an effective performance. Otherwise, Planning Authorities could not be expected to be efficient.

CHAPTER SIX

6.00 RECOMMENDATIONS AND CONCLUSION

The study has established that the Kano State Urban Development Board does not strictly adhere to the provisions of the law in the conduct of most of its activities as a planning authority. This is so especially as it relates to the procedure for the preparation, approval and implementation of planning schemes and control of development. Also the processing of Development plans and planning permission applications are characterized by delays, and the public in whose interest the whole planning process operates are not involved in the activities of the Board. This has greatly contributed to the Board's poor public image. Although the Board has made some impact in the provision of Urban infrastructure and services, especially in Kano metropolis, the magnitude of what is required in all the urban areas is so enormous that the impact made is not satisfactory.

The underlying reasons for this situation were identified. A large portion of the law itself is unworkable in view of some fundamental short comings. It is a fact that the provisions of the law are not consistent with present day realities, as it does not adequately define what the planning process is all about, and has failed to enumerate the role of other related government departments and local governments, who are equally associated with the development and planning of the urban areas. Other underlying reasons include inadequate financing, insufficient staffing and equipments and political interference in the affairs of the Board.

6.10: Recommendation

In view of the situation enumerated above, it becomes imperative to recommend some possible solutions towards an effective performance. The solutions include recommendation for the review of the laws, new sources of revenue to improve finance, required staff strength and equipments and how to improve public image.

6.1.1: A Review of the Laws

There is the need for the review of the laws that guide the Board in its activities of Urban Planning in Kano State. This will ineffect put the Board on a proper legal footing with adequate legal powers to carry out planning and development control duties in accordance with up-to-date and relevant planning principles and practices. It has been frequently remarked, that the Town planning legislation in Nigeria is hopelessly out of date both as to style, where it assumes an authoritarian approach to administration and as to content and also narrowly focussing on physical landuse plans and zoning, to the complete exclusion of the social and other policy aspects of planning.
The review specifically implies the inclusion of some fundamental aspects relevant to the practice of urban planning into the provisions of the law. It also implies the removal or modification of some sections that seem to impede the successful operation of the Board's planning activities. This review should take cognizance of the following:

A planning authority should be atliberty to carry out its duties in accordance with the provisions of the law and the ethics of its profession. Hence, section 9 of the NNTCPL which provides for the Governor to interfere in the affairs of the Board at will should be abrogated.

Section 2 of the NNTCPL which defines some important concepts, should be reviewed to include a broad definition of what planning and its process is all about. This will give direction to the responsibilities expected of a Town planning Authority.

There is the need to impuse professionalism into the membership of planning authorities and to define the quality of such membership. The contents of the law, at present, did not provide clearly for the inclusion of planners, who are the most important professionals to run a planning authority. Thus the membership should include and specify the role of planners and the other allied professionals. Section 5 need to be reviewed to specify the professional composition of planning authorities, the departments and the qualification of persons to head such departments. For instance, a planning authority should have Town Planning, Engineering, Architecture and other relevant departments, which shall be headed by experienced and qualified personnel. The three main departments of Town planning, Engineering and Architecture should be headed by persons who possess an M.Sc. degree in their respective professions (Hassan A. 1986).

The Managing Director or General Manager (referred to as Secretary in section 6 of the law and generally misconstrued as Secretary/legal adviser) to be appointed by the Governor should be a professional Town Planner , except in his absence could an allied professional be appointed.

Sections 12 to 16 of the NNTCRL provide for the preparation, Approval and publication of schemes, but does not signify what a planning scheme is; whether it implies a master plan or layout plan or both. If it implies a master plan, how valid could its rigidity be for a long period, normally up to 20 years? Alternatively, if it is a layout plan, how realistic is it to undertake the lengthy procedure of preparation, approval and publication? Thus there is the need to specify every kind of plan and also to classify the plans according to types, namely regional plans, sub-regional plans, urban plans, rural plans, local area plans and subject plans. It is also required of the law to specify who prepares what plan and who approves.

The sections also did not adequately provide for a meaningful local discussion and public participation in both the preparation and implementation of all plans. It is therefore recommended, that these sections be reviewed to take cognizance of the need for local discussion of plans and also to involve other related government departments in the discussion of plans as a necessary condition for approval. In this respect, the views of the general public and the related government departments, especially WRECA, and NEPA must be sought by the Board before submission of plans for approval. This will make the plans legally binding on such related organizations.

6.1.2: Administrative Framework and Division Of Responsibilities in Physical Planning

There is the need for a comprehensive regional plan to coordinate and guide all aspects of planning and development of the state. The function for making the regional plans shall vest in the State

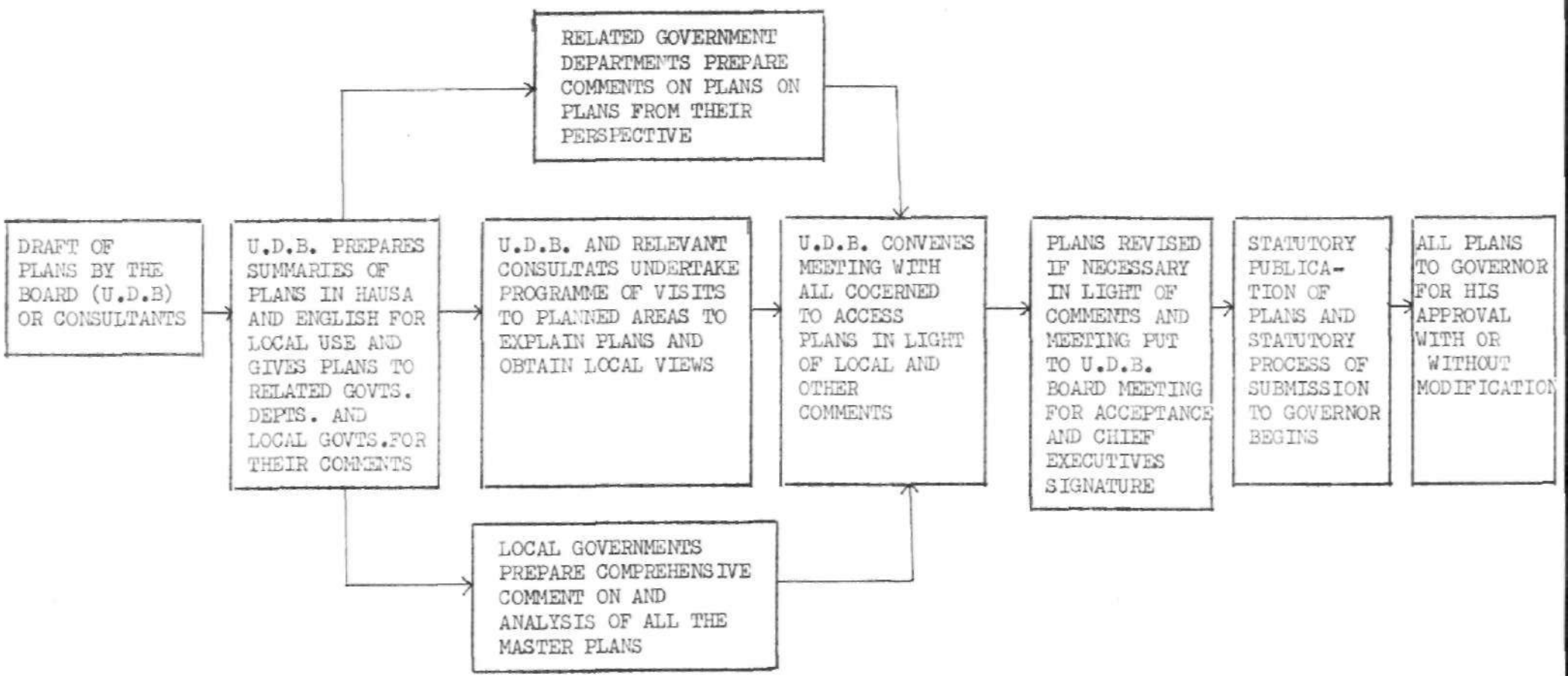


Fig. 6.1: PROPOSED PROCEDURE FOR PREPARATION, PUBLICATION AND APPROVAL OF SCHEMES ADOPTED FROM J.P.W.B. MC AUSLAN 1979 P.53

Ministry of Land and Survey Town Planning Department subject to the approval of the governor. The Ministry shall also continue to be responsible for the planning of all the non-urban (rural) areas of the state, by working with the relevant department responsible for Town planning in the local governments. This specifically relates to the preparation of sub-regional plans, rural plans, local area plans and subject plans.

In principle, some planning functions should be vested in the hands of local governments. The local governments are supposed to be responsible for the preparation and implementation of planning schemes in their respective localities, in view of the fact that, the local governments are the closest form of government to the people, and therefore know the needs and aspirations of their people better. The aspect of Development control, should also vest in the local governments, where, the community leaders, such as the ward heads could be used to effectively control development, since it is not possible for any individual or group to erect any structure without their knowledge. Moreover, the recent policy where the Federal Government allocates the revenue accruing to local governments directly to them coupled by the Federal Government's pledge to fund over 60% of primary education in the country will provide the local governments with the financial capability to effectively plan and develop their towns and villages. This is more so, considering the fact that the local governments do spend a substantial amount of their resources in funding primary education. Another added advantage is the recent scrapping of the Ministries of local governments throughout the country. This will take care of any interference by the state government.

However, considering present day realities, the transfer of Town Planning function to the local governments will have to be later in the future. There is the need for a professional organisation to be responsible for the practice of Urban planning, in view of the fact that, planning is still in its infancy in Nigeria, justified by the lack of the qualified manpower to effectively practice planning at the local government level. Associated with inadequate staffing is lack of equipments, necessary for an effective functioning of a planning authority. This aspect is also reflected in the state planning authorities.

Another obstacle towards the transfer of planning to the local governments is the issue of boundary. The planning boundary is not co-terminous with local government boundary e.g. where an urban centre like Kano extends into about five local governments, it will be problematic as to who will excercise authority.

Although it is possible to overcome the problems stated above, in a no-distant future, another most fundamental obstacle is the land use decree of 1978, whose sections 1 and 2(1) vested the control of land, especially Urban land in the state Military Governor. The argument here, is that planning is made on land, and as such, the local governments by the implication of the decree have no control on land in their urban areas, where most of planning activity takes place. So unless this problem is solved, the transfer of planning to the local governments will be meaningless since they will have no land to plan for.

The Kano State Urban Board shall therefore, continue to be responsible for monitoring, controlling and supervising of all aspects of physical planning in the designated urban centres of the state. However, in so doing, it is hereby recommended, that the Board should establish an Area planning office in each urban centre, as is the case in Kaduna State, where in addition to the established zonal offices, KASUPDA also established an Area office in all designated Urban centres. The office shall be responsible for the planning and control of development in the urban centre subject to directives and guidance by the zonal office. The existing six zonal offices should be made more functional by deploying resident officers of the Board, comprising of Town planners, Architects and Engineers. Each Zonal office should be headed by a professionally qualified Town Planner. The Zonal offices will then coordinate the activities of the Area offices comprising the zone in addition to advising the local governments on physical planning aspects through the Area offices, especially now, that all local government headquarters in the state were declared urban areas. This arrangement is practicable within the inadequate staffing position of the Board as at present. When implemented, it will make the Board more functional by making impact in all its areas of jurisdiction. Moreover, this will prepare the ground for the transfer of Town planning functions to the local governments in future.

The Board shall be responsible for all urban plans and subject plans of urban centres. It should also vest in the Board, the responsibility to implement all approved plans as required by law.

172'a'

KANO STATE URBAN DEV. BOARD PROPOSED ORGANISATIONAL CHART

KEY: CIA - Chief Internal Auditor
CA - Chief Accountant
SEC/LA- Secretary/Legal Adviser
CTPO - Chief Town Planning Officer
C.ARCH- Chief Architect
CE - Chief Engineer
PAS = Principal Assistant Secretary

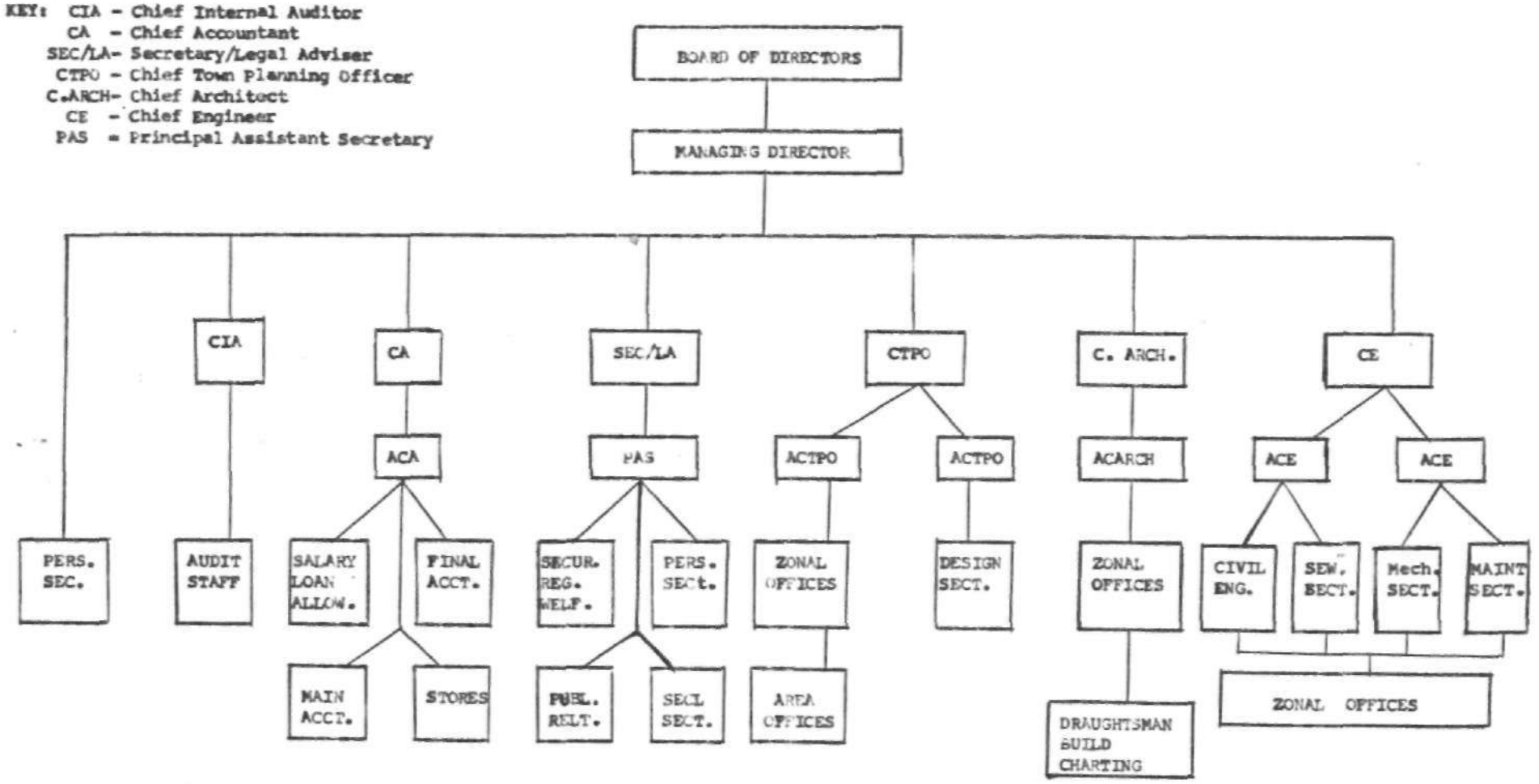
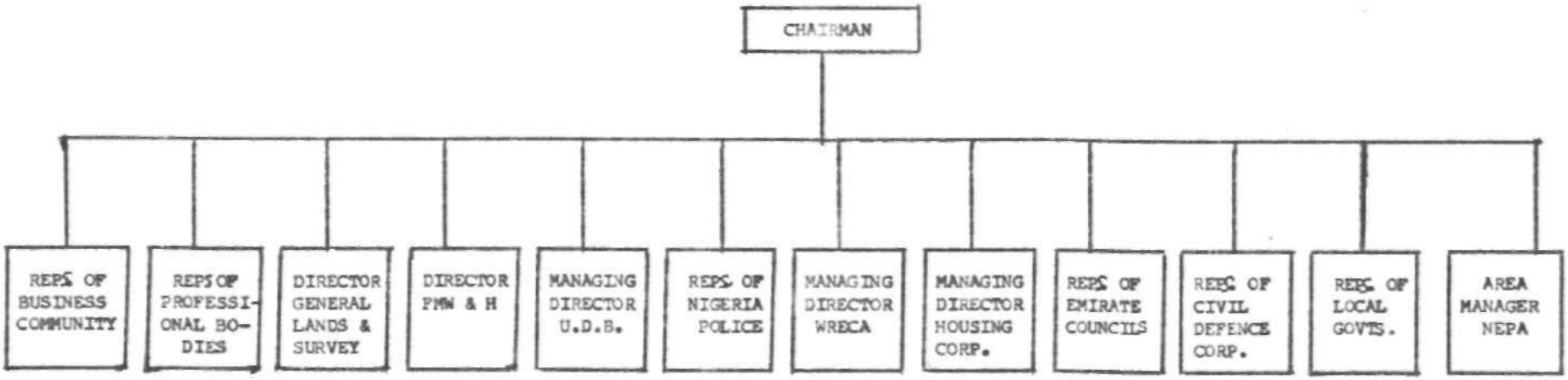


FIG 6.2

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KANO STATE URBAN DEV. BOARD PROPOSED COMPOSITION OF BOARD OF DIRECTORS



U.D.B. – Urban Development Board

F.M.W. & H. – Federal Ministry of Works and Housing

N.E.P.A. – National Electric Power Authority

W.R.E.C.A. – Water Resources & Engineering Construction Agency

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FIG 6.3

This will eliminate the incidence of differences between the provisions of the plans and existing situations.

6.1.3: Sources of Revenue to Improve the Board's Finances

In view of the prevailing economic predicament of the government, it will be necessary for the Board to explore all possible sources of revenue, so as to boost its finances towards a better performance.

The Board should employ diplomacy in order to prevail on the government to honour its budgettary allocations to the Board. In addition the Board should endeavour to benefit from Federal Governments Infrastructural Development Fund for Urban development and renewal. When acquired, the Board's financial standing will be greatly improved.

The Board should increase its revenue from the fees it charges for formalization of illegal structures, by extending the policy to other urban centres of the state. Also to be pursued and increased is the fee charged for plant hiring in view of the astronomical rise in the price and maintenance of plants.

The Board is also to increase its revenue generation drive through the following new sources:

(a) Development Charges

The Board being responsible for the provision of new layouts, formally charge prospective allottees of commercial and industrial plots certain fees. However, the collection of these fees has now been transfered to the Land and Survey Division of the Governor's Office. It is hereby recommended, that the Board should

prevail on the Government to restore to it the collection of such fees, even if it means the Board will thereafter be responsible for compensation as section 35 of NNTCPL requires.

(b) Demolishing Fees

The Board should endeavour to charge fees at a rate of ₦1000 for an acre of land on persons who erect illegal structures and fail to remove such structures where required by the Board, for which it had to use its expensive machinery and manpower to effect the removal as provided for in Section 11(5)'b' of the NNTCPL and Section 18(2) of the enabling edict.

(c) Contravention Fees

The Board should also charge fees on persons who carry out any development that is contrary to approved plans. This apart from boosting the Board's finances will also improve peoples compliance to approved planning standards.

(d) Execution of Contract

The Board should vigorously engage itself in the execution of contract jobs for both government and private organisations. Although, it presently constructs markets, roads and cornershops for Kano municipal and other local governments on contract basis, the Board should boost this to include the construction of all kinds of Buildings whether industrial, commercial or residential. Others include construction of septic tanks, soak-away pits, drainages, standard parking lots for both industrial and public buildings at reasonable prices.

(e) Consultancy Services

The Board should establish a consultancy service unit to handle projects, such as design of site plans, building plans, advisory and counselling of the public and private organizations on physical planning matters, enlargement and reduction of maps etc.

(f) Sign Board Fees

Private organisations erect sign boards along major and minor roads to attract customers, thereby boosting their business potentials. A lthough local governments charge such fees for the land, the Board should also charge its own since sign boards are erected within road reservations constructed and maintained by the Board. Such organizations should be made to pay reasonable fees once and for all to the Board depending on the location of the sign board. The fees should reflect the type and standard of the road. The Sokoto Urban Development Authority (SUDA), also charges this kind of fees in Sokoto. It is therefore recommended, for the Board to charge the fee in all designated Urban centres of the state.

(g) Betterment Charges

Although the Board was established to provide social services, Sections 44 (1) of the NNTCPL provides for the recovery of betterment from persons whose property increased in value as a result of the Board's activities. The Board should equally pay compensation to persons whose property decreased in value as a result of its activities e.g. Soak-away pits drainages etc. But since the Board executes projects such as roads which increase the value of peoples

property, the payment of compensation will not outweigh recovery of betterment - As a result, the Board will further boost its financial position.

6.1.4: Staff Strength and Equipments

(a) Staffing

The Nigeria Institute of Town Planners (NITP) recommended 1 professional Town planner for every 25,000 urban population, as a standard towards an effective performance in the practice of Urban planning. In view of this recommendation, the 2,640,612 Urban population of the state requires over 100 professional Town planners to effectively perform the functions of the Board as against 11 at present.

However, some experienced and professionally qualified planners, who are also members of the institute have expressed contrary views as regards the staffing for administration of physical planning. They opined that unlike medicine where Doctors treat patients or pilotting which emphasizes equal number of pilots to the number of planes; physical planning aims at solving spatial problems and organizing the physical environment. As such it will not be realistic to recommend a number of planners to an urban population. Rather, what should be addressed to is the enormity of the problems of urban centres and their organization according to standard planning practices. Although a number of planners are required to achieve the task, other facilities and amenities such as plants and equipments, and the required finances are more important. Otherwise, if the whole staff of the Board are to man any one of the zonal offices, they can not achieve the desired result without the required facilities.

In view of the need for forward rather than curative measures to planning of urban centres, it is hereby recommended, that a planner should be assigned to an urban centre, taking into consideration the population of such urban centre. However, in so doing, the Board should consider its staff strength and the problems of each of the urban centres. Indeed it will not be possible to acquire over 100 planners for the Board in the near future, because the rate of staff training is not commensurate with what is required. More over, the problems will keep on mounting through time. As such, the Board should assign to each urban centre two sub professional Town planners, who shall possess at least the Higher National Diploma in Town planning to man an Area Planning office. While each of the existing zonal offices should be manned by 5 resident officers of the Board comprising of 3 planners, an engineer and an Architect. However, the zonal offices in addition to supervising the Area offices in their respective zones shall also constitute the Area office for the Urban Centre in which they are located. But the Board should increase its staff strength by pursuing its staff training policy more vigorously inorder to tackle the mounting problems of the rapidly growing Urban Centres. Giving attention to the other urban centres will reduce the present over concentration of its activities in Kano metropolis. In this respect, the required number of planners will be as follows:

Table 6.1: Number of Zonal Offices and Recommended Number of Planners

Zone	Number of Urban Centres	Required Number of professional planners	Required Number of sub-professional planners	Total
1	4	1	8	9
2	4	1	8	9
3	4	1	8	9
4	6	1	12	13
5	4(excluding Kano metropolitan)	1	8	9
6	6	1	12	13
Total	28	6	56	62

Metropolitan Kano which itself comprises of 4 zones shall utilize the balance of 5 professional planners and 61 sub-professional planners in view of its enourmous problems, population figure and areal extent (See table 3.1, 3.3 and figure 3.2).

But whenever the staffing position of the Board improves, consideration should be given to an additional sub-professional planner to every additional 25,000 urban population and subsequently a professional Town planner to 25,000 urban population as required by the NITP in addition to an increase based on the enormity of problems and areal extent.

(b) Equipments

The Board should provide 1 Bull-dozer and 1 vehicle for inspection to each zonal office outside the metropolis. The Board should equally provide 2 Bull-dozers and an inspection vehicle for the 4 zones in the metropolis. The availability of the Bull-dozers will ease the

the Boards task in the clearance of illegal structures throughout the state. Indeed the precense of the Bull-dozers will also serve as deterrent on the erection of illegal structures. The Area offices and the Zonal offices should be built and equiped with all the necessary equipments for an effective functioning of a planning office.

The Board should also endevour to buy more earth moving equipments and repair those not working at present. Indeed about 50% of the Boards Working equipments are grounded. Although the cost of such equipments have risen astronomically, some officers interviewed at the Dan-Agundi Yard of the Board, opined that the Board should purchase cat graders, more Bull-dozers and pale loaders and repair the only escavator that is now grounded. They also expressed the need to buy a scrapper, a Batching plant and a sweeper of which it does not possess any now. These equipments used in road construction are very vital to the Board's operations.

6.1.5: Improving the Board's Public Image

The public relations unit of the Board should gear its attention towards embarking on a delibrately planned and sustained efforts to establish and maintain understanding between the Board and the public, thereby promoting and fostering cordial relation, through well conceived and articulated efforts of creating awareness of the existence, roles, goal and achievements of the Board. In addition to the public announcements in the media which should be made more frequent, the Board through this unit should engage in publications both in Hausa and English of its activities, particularly those that

are observable by the public on weekly or monthly basis. The Board should also organise press conference either once or twice in a year to highlight on the Boards activities.

To achieve better image in the eyes of the public, the Board's development control activities should gear more towards preventing the erection of illegal structures rather than allowing them to be erected for demolishing later. To this effect, it is hereby recommended that the Board should make use of or seek the assistance of community leaders, especially ward heads to prevent the erection of illegal structures. The ward heads could be paid some renumerations for the assistance. They should also be held responsible for the erection of illegal structures in their areas if they did not report the case to the Board.

It is only when the Board performs its functions in association or with the cooperation of the general public, in whose interest the Board was established, could the desired liveability and a planned and well articulated urban environment be achieved.

6.20: Conclusion

The role of Urban Planning Authorities involves the planning and guiding the overall physical development of Urban centres. This issue has been discussed in relation to how such Authorities evolve through time. In this respect, the study highlighted on the establishment of Kano State Urban Development Board in line with the functions outlined in the relevant laws for which the Board was established to perform and other guiding principles for the conduct of its activities. The activities of the Board were enumerated, along with how the laws expect such activities to be undertaken with a view to judge its effectiveness as a planning authority.

Accordingly, it was discovered, that the Board is actually not performing its functions as stipulated by law and therefore ineffective as a planning Authority. Although the Board has achieved some success in the execution of vital projects within the available resources, the conduct of its activities are subject to political interference where some of its functions are denied it by the government, while its development control activities depends on the cooperation of the government of the day, whether civilian or military. More over, the Board lacks the resources (financial, staffing equipments etc) to effectively plan and control the development of the 29 Urban Centres of the state. It was also established, that the Board can not be effective, considering the fact that, the task of Urban planning and development is enormous and beyond its scope, since other government agencies are also associated with the planning and development of Urban Centres by Virtue of the infrastructures, facilities and services they were established to provide, and there is no common forum for the Board and these other agencies to coordinate their activities. Moreover, the law that establish the Board and guide its activities is itself outdated and inconsistent with present day realities.

To this effect, some possible solutions which include the review and updating of the laws, a recommendation for an ideal Administrative set-up to clearly identify responsibilities of the various agencies, a recommendation on new sources of revenue to boost financial resources, the required staff strength and equipments for an improved performance, and provision for the discussion of all plans with related government departments, the local governments and the general public were offered. It is hoped, that when these aspects are given due

consideration, the planning authority will be able to carry out its activities and the expected roles according to the provisions of the law. This will therefore set up the required platform for an effective administration of planning and an organised and well articulated urban development.

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APPENDIX: INTERVIEW ON PUBLIC OFFICERS

1. The Board was established to implement the provisions of the Northern Nigeria Town and Country Planning Law of 1963. How relevant is the law today as regards the activities of the Board?

2. The initiation and preparation of planning schemes constitutes one of the major provisions of the law. How successful has the Board being in this regard?

3. One major function of the Board is the control of land use and developments in Urban centres. How is this carried out and how successful had it been?

4. What are the achievements of the Board since inception? And what are its problems?

5. The Board established zonal offices inorder to make its presence felt in all designated urban centres. How successful are these zonal offices?

6. All Local Government Headquarters were recently declared urban centres, bringing the number to 29 in the State. What impact has the Board made in these areas?

7. Other Government Agencies provide Urban services in the State. What is the relationship between the Board and these other related government departments.

8. To what extent is the public involved in the Board's Planning activities?

9. What suggestions can you give towards a more effective planning administration in the State?