IMPLEMENTING THE 1992 URBAN AND REGIONAL PLANNING LAW, CASE STUDY OF KAURA LOCAL GOVERNMENT KADUNA STATE

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Implementing the 1992 Nigerian Urban and Regional planning law, case study Kaura Local Government. Kaduna State.

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Department of Urban and Regional Planning,
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DECLARATION

I solemly declare that this thesis has been composed by myself, and that, it is the out come of my research work on implementing the 1992 Urban and Regional Planning Law case study Kaura local Government Kaduna State.

Under the supervision of Mallam Ahmed Adamu and Mr. D.J. Abin. Of the Department of Urban and regional Planning
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CERTIFICATION

This thesis entitled, Implimenting 1992 Nigerian Urban and Regional Planning Law Case study Kaura Local Government by Bakut. Felix Mungu meets the regulations governing the award of the degree of M.Sc. Urban and Regional Planning of Ahmadu Bello University, Zaria, and is approved for its contribution to knowledge and literary presentation.

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DEDICATION

TO BAKUT'S FAMILY AND MY LATE CHILDREN
(STANLEY, SERA, FRIEDA AND JOHN BAKUT

(SENIOR BROTHER).

ACKNOWLEDGEMENT

My foremost gratitude to GOD Almighty for his grace, wisdom and strength from the beginning to the end of this programme.

My deep and sincere gratitude also goes to my Agile Supervisors Mallam Ahmed Adamu and Mr. D.J. Abin for their relentless effort in offering the necessary guidance, suggestions constructive criticisms and prompt attention without which this thesis would have not been completed.

I am indebted to all my classmates especially U.F. Momoh, Tijjani Olawole, Margaret Joel, Oguns who in one way or the other assisted me through out the programme. May God Almighty Reward them abundantly.

My special thanks goes to my beloved wife Justina for her love, patience and perseverance during this tedious programme. They suffered neglect and hardship with my Daughter Florence in attempting to put my best in my studies.

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A B S T R A C T

Physical Planning is relatively a young profession in Nigeria. Its acceptability and practice is beginning to gather momentum in the three tiers of government which should however be vertically related and co-ordinated with the state and federal roles, responsibilities and practices.

This hierarchical function in physical planning will no doubt enhance the National Physical Planning goal and objectives.

The need to appraise physical planning at the lower level is inevitable as it is believed that physical planning is widely accepted and it is at this level that its impacts are most felt.

The thesis highlights the physical planning roles in other countries. In most advanced countries of the world physical planning responsibilities are not only hierachicalised across the levels of government but adequate provisions (legal, research, man power, priority physical administrative etc) are made to enhance effectiveness and administrative convenience.

The Nigerian Urban and Regional Planning Law promulgated in 1992 devolved functions to all the three tiers of government. Of concern here are the functions ascribed to the local

governments such as the preparation and implementation of town rural, local and subject plans, in conjunction with the control of development of their areas of jurisdiction.

The techniques used include the use of graphs for comparative analysis, tables, percentages inferences, performance score, matrices with reference to the Nigerian Urban and Regional Planning Law.

Prospects and limitations of implementation of the law is examined and policy recommendations towards affective physical planning in the local government levels.

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CHAPTER ONE

1.00 **INTRODUCTION:**

The objective of physical planning is to create a pleasant and healthy physical environment for living, working recreation and movement of people, goods and services. Physical planning covers all spheres of human endeavor and all aspects of natural or man-made resources and yet performs a co-ordinating role to ensure harmony in the development of the built environment.

During the past five decades, the need to involve all levels of government ie federal, state and local government in planning and development has been emphasized. Legislations, such as the town and country planning law of 1946, the landuse decree 1978, the constitution of the federal republic of Nigeria 1979, the Nigerian Urban and Regional Planning law under decree No.88 of 1992 and the local government reforms 1976 give mandates to intervene in matters of physical planning relating to development of their localities.

According to Samuel (1981) there is no institution in this country which is potentially more capable and important in bringing about accelerated development including physical infrastructural facilities than those of the local governments.

Nigeria's Political transformation has been

accompanied by changes in structure and functions of local governments: In the pre-colonial period, local governments operated under the Native Authority system. This was indigenous interms of its administration. The advent of colonialism changed the system of local governance. It imposed a new system of administration based on indirect rule in the northern part of Nigeria. Between that period and now, laws have been ammended and new functions given to local governments as means for improving the physical landscape of Nigerian Urban and local areas.

1.02 **STATEMENT OF RESEARCH PROBLEM**

The Nigerian Town and country planning ordinance (No.4 1946) provides for the replanning, improvement and development of urban centres in Nigeria ``through planning schemes''. It is the first major intervention in the planning and control of urban development in Nigeria.

The ordinance empowers Native Authorities to perform duties such as the control of urban and rural landuse through Town and Village Planning.

In 1992, the scope of planning functions for local governments was expanded through the promulgation of the 1992 Urban and Regional Planning Law. It empowers local governments to prepare and implement Town, Rural, Local and subject plans and the control of development within

their area of jurisdictions.

In scope and function, it represents an expanssion in responsibilities, with implications on manpower, resources and logistics. In administrative terms the expansion is to involve the establishment of planning agencies at the three levels of government, it implies larger requirement for technical staff and expanded budget for equipment, logistics and overhead cost. whether the expansion in functions and in responsibilities is within the capacities of the local governments to handle needs investigating.

The extent of implementation of the law also needs to be examined, as a basis for identifying problems and prospects. These and other related issues are examined using Kaura Local Government as a case study.

1.03 **AIM**

To examine problems and prospects of implementing the Nigerian Urban and Regional Planning law using Kaura Local Government as a case study.

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OBJECTIVES

1. To examine the evolution of physical planning and review the physical planning roles of local government councils in various parts of the world.
2. To review the 1992 Nigerian Urban and Regional Planning law and examine the requirements for

its implementation.

3. To examine the implementability of the 1992 Nigerian Urban and Regional Planning Law in Kaura Local Government.
4. To make appropriate recommendations for implementation of Nigerian Urban and regional planning law in Kaura Local Government.

1.4.0 METHOD OF DATA COLLECTION

In carrying out this research, various methods were used in the collection and analysis of data, examination of Kaura Local Government in implementing the 1992 Nigerian Urban and Regional Planning Law and other indices.

1.4.1 PRIMARY SOURCES

The primary sources of data for this research include reconnaissance survey of the local government area.

Interviews and observations were carried out in the local government. The Chairman2 workers of lands and survey unit, heads of various departments, staff, persons or personnel directly or indirectly involved in physical planning and land owners who were paid compensation in the local government.

1.4.2 SECONDARY SOURCES

The secondary sources of data include information from institutions and ministries relevant to the study.

These include the use of base maps, reports and documented physical development projects and programmes on resources and administration. Books, Journals, Laws, edicts and bye laws have been reviewed.

1.4.3 METHOD OF DATA ANALYSIS

Analysis of data is inform of write up bearing in mind the functions, professionals and financial resources in the Nigerian Urban and Regional Planning Law.

Quantifications, Tables are used to examine the extent of implementation of Nigerian urban and regional planning law of 1992.

These techniques are used so as to render the analysis as scientific and as objective as possible.

1.05 FRAMEWORK OF THESIS

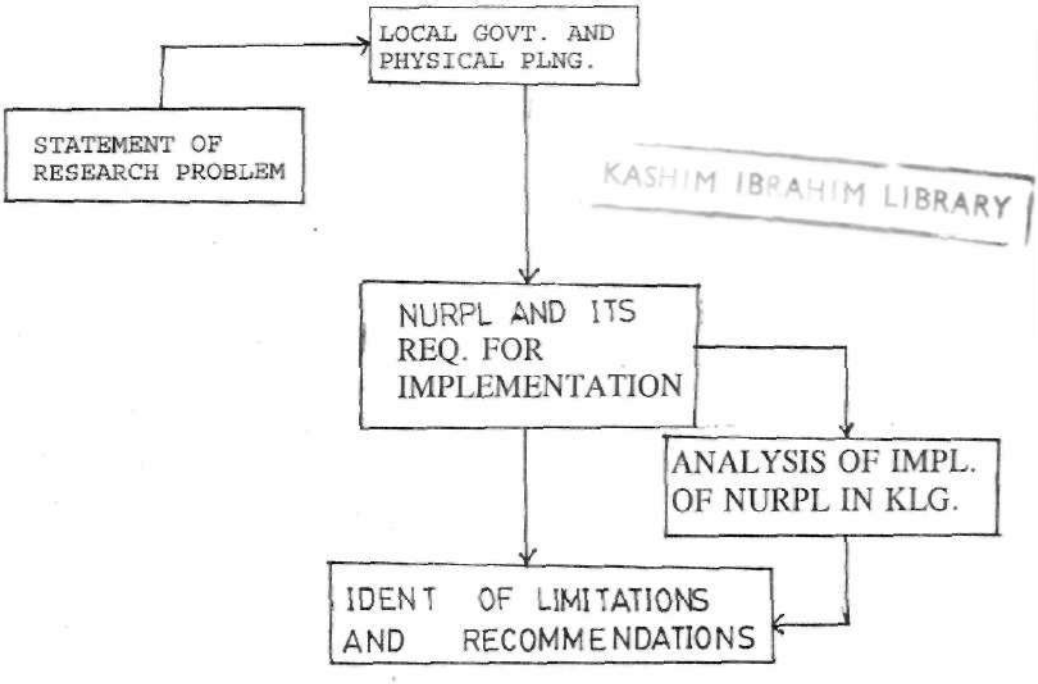
The thesis frame work begins with the statement of the research problem.

The theoretical background to the study comes next highlighting local government and physical planning in various parts of the world. The 1992 Urban and Regional Planning Law is reviewed and requirements for its implementation examined.

Analysis of the implementation of 1992 Nigerian Urban and Regional Planning Law, using Kaura Local Government as a study is examined.

Finally the framework zeros down to identification of limitations and recommendations for effective physical planning at the local government level.

THESIS FRAMEWORK



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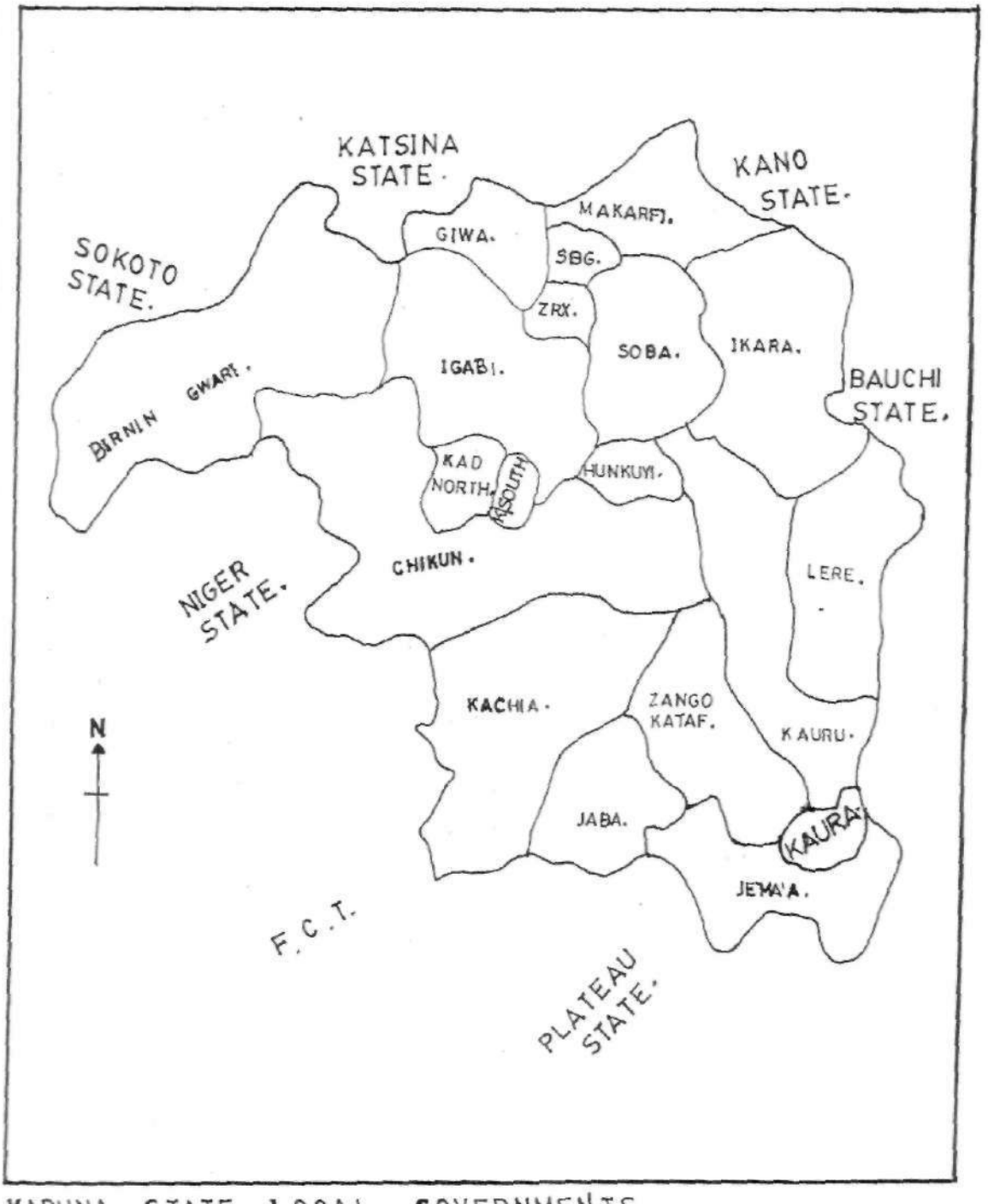
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1.06 BACKGROUND INFORMATION ON STUDY AREA.

KAURA LOCAL GOVENRMENT.

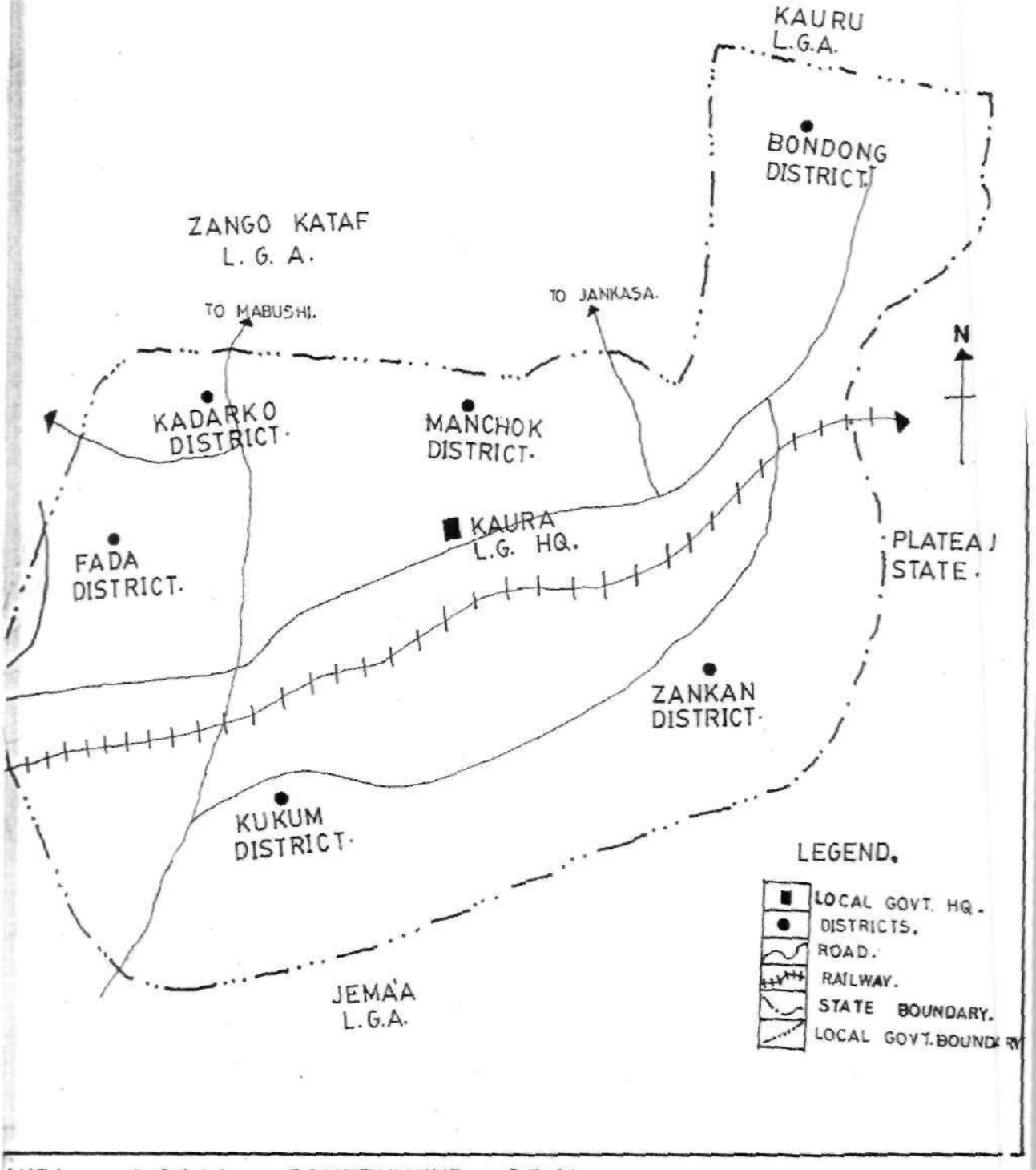
The total land area of Kaura local Government is about 529 square kilometers (529 Sq Km) It is located at the southern part of Kaduna State. It shares boundaries with Jema'a Local Government to the south, Zango Kataf Local Government to the north east and Riyom Local Government of Plateau State to the east.

It has a population of 120, 765 people.



KADUNA STATE LOCAL GOVERNMENTS.

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AURA LOCAL GOVERNMENT AREA.

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1.6.1 **TOPOGRAPHY**

The topographical features of Kaura Local Governmert area quite grotesque and attractive. There are valleys, steep rolling hills, water falls, water reservoirs and water resources.

Kaura local government is an extension of the Jos Plateau with an average altitude of 510 meters above sea level. Prominent among the topographical features are the hills which are noticeable from every angle in the local government.

Kaura local government happens to fall in the area of basement complex rocks of the north and the local rocks are younger granites.

There are important rivers which form tributaries to the river Kaduna. Prominent among these are river Bondong in Moro'a Chiefdom and River Kagoro in Kagoro Chiefdom. These rivers inturn originate from the upper reaches of the south west scarp of the Jos Plateau Locally referred to as the Attakar and kagoro hills. However, there are some notable but seasonal rivers in the local government.

1.6.2 **CULTURAL AND ADMINISTRATIVE FEATURES.**

CULTURE:

Kaura Local Government area has so many tribes such as

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Kagoro, Shalio, Attakar, Kataf, Fulani, Hausa etc, each of these tribes having a rich cultural heritage; The cultures bear some similarity and result in many festivals, industry, architecture, dances and drama. In almost each of the districts in the local government area, many cultural festivals take place at different periods of the year such as the Afan festival, Moro'a, Attakar, Dusai, Mallagun Days, Hunting festivals, hill burning festival, coronation anniversaries and many others.

1.6.3 **ADMINISTRATIVE:**

Administrative sector, is evidenced in the offices of the local government headquarters, the zonal and divisional offices of various state ministries and boards.

These are about 2,000 government workers in Kaura Local Government. The function of these government agencies have impact on the efficiency of infrastructural and social facilities of Kaura Local Government.

There is a Rail line that cuts across the local government. The line runs from Kafanchan through Kagoro to Manchok and beyond to Jos and Bauchi. There are also roads of varying hierarchies which link up with the Kafanchan - Jos, Kafanchan - Kaduna are major roads.

The settlements are largely rural and linear in nature. Prominent among the settlements are those of Kagoro and

Moro'a chiefdoms. Due to the linear nature of the settlements along Rail and Roads it has implications on the physical planning of the local government.

CHAPTER TWO

2.0.0 PHYSICAL PLANNING IN LOCAL GOVERNMENT A REVIEW OF LITERATURE.

2.1.0 EVOLUTION OF PHYSICAL PLANNING IN NIGERIA.

The 1863 Town Improvement Ordinance marked the beginning of physical planning in Nigeria. The ordinance was meant to control development and urban sanitation in Lagos. After five decades of its trial, the ordinance was extended to cover the entire country and renamed with some modifications as Township Ordinance 1917.

The Township ordinance was concerned with the classifications and delineation of townships and urban districts and control of offensive trades and regulation of the construction of buildings, streets and bridges within them.

In 1928, the Lagos Town Planning Ordinance was enacted following the bubonic plague which broke out in Lagos. The Ordinance set-up the Lagos Executive Development Board (LEDB) as a federal government authority responsible for planning and development of Lagos (Onibokun, 1986). The ordinance formed the core of the 1946 Nigerian Town and Country Planning Ordinance, which was principally fashioned after the United Kingdom Town and Country Planning Act of 1932. The Nigerian Town and

Country Planning Ordinance was wide in scope and replaced the 1917 Township Ordinance nation wide. Among other things, it made provision for the establishment of town planning authorities (TOA's). It also formed the basis on which the three Regions at different times enacted their town and country planning laws (Cap 123 Western Region Cap 120 Northern Region and Cap 155 Eastern Region). The ordinance was also for the replanning, improvement and development of different parts of the country (Ola, 1984). With time these laws needed revision as they could not effectively cater for physical planning responsibilities; this led to the promulgation of 1992 Urban and Regional Planning law. This law was wide ranging in scope and functions it devolved to all tiers of governments. It clearly defined roles and responsibilities of all local government which others laws had a weak link to.

2.1.1 LOCAL GOVERNMENT AND PHYSICAL PLANNING.

Local government is the lowest tier of government anywhere in the world and it is very important because it is the closest tier of government to the people.

The administration of physical planning in advanced or more developed countries like Britain, USA, Yugoslavia, France etc is relatively developed and practiced compared to the third world countries which are still grappling with problems of its practice.

2.2.0 PHYSICAL PLANNING IN UNITED STATES OF AMERICA

In the U.S.A. there are about 78,000 local governments, which are subdivided into countries, cities, towns, school districts and special districts.

Local governments, in the U.S.A. are governed by laws of the state and not those of the national government, therefore no national pattern of local government exists. The laws and practice of local government varies from state to state.

State governments have direct legal control over the countries which operate as agencies of the state to enforce state laws. Nevertheless these local units are powerful because they enjoy enormous powers by way of legal competence, enormous financial resources and sound democratic base.

Local governments in the U.S.A. evolved in contrast with elsewhere where they were imposed. Local governments are viable and autonomous because they grew out of indigenous wishes, aspirations and culture.

The counties and municipalities perform duties relating to physical planning.

The counties engage in building of roads, bridges, and provision of housing etc. While the municipalities decide how and in what order to use traditional tools of planning such as zoning, subdivision building codes. The Federal

government of USA liaise with the local government in the planning and execution of some projects at the local level, with some measures of supervision to ensure conformity and accountability.

Local governments enjoy the wide range of financial resources just as administrative control is quite minimal compared to other countries, so also is the financial power of local governments, considerable.

As a result of such financial autonomy (bonyancy), local governments can boast of having half of the 12 million public employees in the United States.

The fallout from such financial gains are its involvement in gigantic functions or services such as police and fire protection, public works libraries, parks and recreation, public utilities, city planning and housing provision.

With all these favourable conditions local governments in USA are open innovative and viable and therefore play very significant roles in physical planning, development and management.

2.3.0 PHYSICAL PLANNING IN BRITAIN.

Britain uses the term Local Authorities to denote its local governments. There are however six standard types of local authorities, these are county council, country boroughs, municipal, urban districts council, rural

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district council and parishes. Each of these administering an area of a particular size and character.

At the local level, town and country planning is one of the local authority functions exercised by elected authorities acting in accordance with duties and powers conferred upon them by parliament, local authorities whose services include responsibilities for planning are known as local planning authorities. Country councils are responsible for matters requiring planning and administration over wide areas or requiring the support of substantial resources, district councils administer functions of more local significance. Within the six metropolitan countries, however, district councils are responsible for functions needing substantial resources because they have populations large enough to give such support. In wales planning for example, responsibilities are shared by eight country and district authorities. According to Cochrane (1993) Local Authorities were given permissive powers to carry out their duties/functions through legislation that was enabling in character. Haruna (1974) also found out that both in England and Wales, development is subject to the permission of planning authority as such central government approval of plans is not necessary.

Britain operates a paliamentary system of government

unlike American Federalism. Devolution of powers is different in the two settings. Though there are certain forces within the system that encourage the viability of local government even in unitary systems. These centres on the democratic structure of these entities, their legal competence their finances reinforced by the political culture and attitude to make local government work Odoh (1995).

In this vein Pollard (1958) Sums it up in his report that local Authorities in Britain are not emanations of the state but are responsible bodies, competent to discharge their own functions, and although they may have been the statutory body through which government policies are given effect and may operate to a large extent with government money they may exercise their own responsibilities in their own right, not ordinarily as agents of government department.

This means that government, having given their Local Authorities certain powers and functions by statues, there after allows these authorities to discharge their functions without interference as long they do so efficiently and justly.

2.4.0 PHYSICAL PLANNING IN AUSTRALIA

Australia operates a federal system of government like America.

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The local governments are administered at the expensed of tax payers and most of the functions/responsibilities at that time was building of town halls which become evident in the melbourne landscape.

The physical planning activities performed by the local governments include town and city planning zonation, building regulations, development control. For sometime local governments were found unsuitable for certain functions and so these functions were shifted to state departments to perform. Their inability to perform such functions was due to very small area, poor financial base and less access to borrow funds. To this effect a provision was made in 1919 act which opened up the way for co-operative formation of country councils, which today have wide and varied responsibilities, by far, the most important being the retailing of electricity, Neutze (1974).

Other basic functions which local governments perform include roads, health, planning, buildings unitary etc. They perform these services and functions depending on their local resources in population and money.

Federal government grants play a much smaller role in local government finances than they do in England.

Worthy of note is that local governments have no

formal connection with the federal government, they are creations of state acts to them ``the government is the state''.

2.5.0 PHYSICAL PLANNING IN BRAZIL

There are three tiers (levels) of government in Brazil, these are the federal, state, and local government (municipality). Municipality is divided into districts, the chief administrator of which is appointed by the municipal authority. The legislative powers of the council are generally broad including personnel regulation and physical planning Abayomi (1990). Physical planning is given recognition in Brazil and it is critical for the country's development plan.

Administration and practice of physical planning functions such as town planning, building regulations, development control are under taken by local government.

Abayomi (1990) found out that implementation of local plans, town plans and subject plans are executed at the local government level.

2.6.0 PHYSICAL PLANNING IN INDIA.

India operates a federal system of government, powers are decentralized from the union/government (central) to various states down to local government.

There are variations in operation of local government from state to state, but this is not enough to upset the

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basic structure of the Local Authority. Local governments in India operate a 3 tier system known as PANCHAYATI RAJ consisting of district, sub-district and village levels. (Zila Parished Parichayati Samitri and Panchayati respectively).

In the village level (Panchayat) which is the lowest unit of local authority in India, it has a population of 2,000 people. The major aim of this unit is to involve people in government and planning right from the grassroots level.

Sub-district (Panchayat Samitri), this is a form of ``middle council'' comprising of a population of 6,000 - 3,000,000 people. The major functions here are concerned with improving agriculture town and city planning, public health, small industries etc.

The district (Zila Parishad), the major activity of the district is to meet, formulate and deliberate on plans and proper utilization of resources. Its principal activities could also include construction and maintenance of roads and bridges provision of education at elementary level and implementation of development plans.

Local government in India may not appear radically different from other developing countries or federal systems. But the outstanding characteristic is the way the lowest levels (Panchayats) have been organised to

perform its roles.

On the whole local governments in India have proved otherwise as what is obtainable in most 3rd world countries. local democracy functional performance and services and relivery have been efficient.

2.7.0 PHYSICAL PLANNING IN YUGOSLAVIA

Yugoslavia is yet another federal system of government.

The physical planning functions include zonation, building regulations, construction of roads etc are given priority compared to other functions.

Adoption of physical plans and implementation are in the hands of elected bodies of the local government such as the municipal peoples committee and the ristrict peoples committee Abayomi (1990).

Regulation and prevention of Urban problems is achieved not only through physical planning but also through the coordination of functions and entire economic and political system.

Aldefer (1974) explains that the overall objectives of all government agencies including the local government is socialistic planning for the economic physical and social development of the community.

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2.8.0 INFERENCES

From the foregoing accounts of physical planning functions and administration of local governments in various parts of the world, lessons learned will be worthwhile to ameliorate the situation in other countries with similar problems.

The unique case of Australia is common in most third world countries, where the functions of local government are beyond the capacity of local councils. In Australia the functions were transfered to state to perform until 1919 ACT which enabled local governments to form co-operative formation in the country councils. This co-operative formation disentangled local governments from its financial problems in Australia, where they were able to raise funds and manage effectively the area under their jurisdictions.

In the advanced countries such as Britain, U.S.A.; France etc physical planning has become critical in their national development plans. Finance and personnel too are given attention for efficient service delivery. Funds for developments are equitably disbursed on schedule to avoid delay in execution of projects.

India's three tier system in the local government, introduced planning and development from grassroots (village) to district, to acquaint the local populace to the ideals and principles of planning.

The Tanzanian experience has been interesting not because of the fluctuating

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changes but because of ideological options which was suppose to remedy the situation but could not. Alot of experimentation and changes were adopted with the premise of getting a formidable option for operation, this failed largely because decentralization has never actually taken place in Tanzania Instead Deconcentration has been the norm and any success recorded would be psychological rather than visible. Coupled with these problems are that the central government is unwilling to devolve political power to the periphery and also lack of genuine willingness to make the local units work, because it is not in its interest.

Generally, in African countries physical planning have been weakly developed because they have focussed their attention to economic planning rather than complement the two. Only of recent physical planning is receiving attention especially in former British colonies and protectorates.

CHAPTER THREE

3.0.0 THE NIGERIAN URBAN AND REGIONAL PLANNING LAW AND ITS REQUIREMENTS FOR IMPLEMENTATION.

3.1.0 THE EVOLUTION OF PHYSICAL PLANNING LAWS.

Physical planning in its contemporary form was relatively unknown in the history of the natives and local authorities. The first systematic attempt at physical Planning in Nigeria was provided by the township ordinance of 1917; whose main purpose was to establish a bread principle of municipal responsibility, graduated according to the importance of the community.

The ordinance introduced quite distinct principles, such as the segregation ``between European rulers and governed Africans''. In conjunction with these functions was the separation of matters directly concerned with health and sanitation from those relating to development control, the construction of buildings, streets etc.

Cantonments were formed in the northern provinces by proclamation (Cap 137). These cantonments were placed under control of cantonment Magistrate and the duties were sanitatory supervision, the regulation of streets, buildings and open spaces, fencing of lands protection against fire, control of markets and similar matters.

In order to remove the confusing and contradictory set ups in the southern and northern provinces, the 1917 ordinance recognized three classes of townships on the basis of administrative and financial autonomy. The class and boundary of each

township were set up under an order signed by the governor and published in a gazette.

The major feature of the township ordinance was emphasis on guidelines for the physical layouts of towns and cities, particularly in the European and non European reservations.

Cap 155 of the Nigerian laws entitled Nigerian town and country planning (ordinance No.4:1946) which was an ordinance to make provisions for the replanning,improvement and development of different parts of Nigeria by means of "planning schemes" and planning authorities.

This ordinance formed the law governing Urban and Regional Planning. This impetus to both state and federal government to initiate planning schemes.

Planning schemes were initiated to control the development and use of the land, secure proper sanitation, amenity and convenience, to preserve places of natural beauty of interest and generally to protect existing Urban Rural Amenities.

The objectives of the law ranges by and physical planning as such as beyond even the undertaking of improvement works. Because of this extensive aim the powers potentially exercised by a planning Authority can in theory permit it to plan, initiate and carry through development that is physical, social and economic.

Although the 1946 Town and country ordinance ushered in solutions to problems of Town and Country Planning, yet there was a weak link between the planning authorities and the local governments. The law was unrevised through the

promulgation of decree No.88 of 1992 which amongst others things was a provision for a new Urban and Regional Planning enactment in Nigeria, in order to implement a more realistic and purposeful physical planning and development in the country.

The scope and powers of this decree are very comprehensive and wide ranging with the desire of effecting a liveable and enabling environment.

This chapter will focus on the provisions of the laws with regards to the physical planning functions ascribed to the local governments. The procedure for carrying out these responsibilities and the personnel to execute these functions will be examined vis avis the law.

3.2.0 PHYSICAL PLANNING FUNCTION OF LOCAL GOVERNMENT IN THE 1992 URBAN AND REGIONAL PLANNING LAW. Urban and Regional Planning Law.

Local planning Authorities are charged with responsibilities of preparing and implementing Town, Rural, Local and Subject Plans, Inconjunction with the control of development in their areas of jurisdiction and compensations section 11(1, 2, 3)

3.3.0 TOWN PLAN.

Town plan refers to a plan for a town (not designated as urban) and aims at setting coherent and interrelated policies/proposals including an implementation programme for the equitable development of the town taking into account any existing urban and sub-regional plans for the area. Where the town forms a part provision of basic amenities and improvement of opportunities and quality

of life of the town dwellers should be the ultimate objective of such a plan.

3.3.1 **PROCEDURE**

The Authority will call for submission from all relevant government organisations, non-governmental organisations and interested members of the public whose contributions shall form part of the input towards the preparation of the draft plan.

The secretary of the Authority shall collate all submissions and a technical committee set up to analyze the collated submissions. The Technical Committee will evaluate the proposals submitted and preparing and exhibiting the draft.

Any member of the public, governmental, non governmental or professional bodies during the period of exhibition of the draft may submit to the authority written statements of their objections to any thing appearing in the said plan and those shall:

(a) Define the nature and reasons for the objections

(b) Suggest alterations and amendment to be made to remove the objections.

The secretary of the Authority shall submit schedules of summary for rejection within a period of 2 months after the final day of the exhibition of the draft to the technical committee which shall review the objections and comments and prepare a revised draft plan which will take into account these objections and comments.

After considerations of all objections and comments on the revised plan, the

authority shall prepare and submit a final draft plan with or without amendments to the appropriate legislative body for approval.

On receipt of the final draft plan the legislative body may approve it wholly; or part of it once this is done the plan becomes `operative'.

3.4.0 **RURAL PLAN**

A rural plan is part of a town that is not declared urban. The purpose of a rural plan is to provide a frame work of policies and proposals (set within the context of any regional or sub-regional plan of which the rural area forms a part). For the development of the area with the object of aiding rural based economic activities, protecting the country side and providing basic amenities to meet the need of every inhabitant of the affected area.

It contains results of survey and analysis of physical, social, and economic characteristics with policies and proposals for the development and use of land.

3.4.1 **PROCEDURE**

The procedure for preparing a rural plan is same as contained in a Town Plan. If variation there arise, may be due to nature and scope of the plan.

3.5.0 **LOCAL PLAN.**

This includes plan formulated in detail, within the context of the structure plan, the ways in which the policy and general proposals are to be implemented, district and Action Plan areas plans are examples (1992 Planning Law). It

is worth noting that a local plan has some common relationship with the structure plan because it is carved out from a structure plan.

3.5.1 **PROCEDURE**

The procedure for preparing a local plan as stipulated yby law is same as contained in a rural plan.

3.6.0 **SUBJECT PLAN**

It is a single-item subject matter or detail specific plan in land development planning which cuts across rural and urban boundaries or its importance requires that its planning be on a comprehensive basis.

The various components of infrastructures, facilities and utilities services are good examples.

Subject plan deals with limited or particular aspect(s) of planning in all or parts of a structure plan area, for example, the provision of a primary school, road junction improvement, drainage or refuse collection and the setting up of an urban bus service, open spaces, low cost housing, electricity water etc.

3.6.1 **PROCEDURE**

The procedure for making subject plan is not quite as rigorous as that of a town, rural plan and local plan.

The Registered planner makes necessary layout, inputs and a technical report accompanied. Approval and implementation of subject plans are made by local planning Authority after which it becomes a valid document section 26.

3.7.0 DEVELOPMENT CONTROL

Development control is the pivot on which physical planners perfect the translation of the geometric drawings on paper to the ground. The techniques of physical planning attempt the ordering and arrangement of animate and inanimate objects to ensure harmonious balance. Suffice it to say that without `development control' the exercise of physical planners as experts of spatial management will be in jeopardy.

Development control regulates any building or rebuilding operations in, on and under the land. It regulates the orderly growth of settlements by stipulating adequate standards for all aspects of land use. Development control ensures that there will be adequate light, ventilation, open spaces, and all other socio-cultural facilities that make life worth living. Development control in physical planning is important because it prevents conflicts that should arise from a consideration of self and public interest in developments. Development control ensures that residential, commercial, industrial, educational, agricultural and all major land use categories are zoned carefully and guided and developed optimally (Olajuyin and et tal, 1985). Development control attempts to check the activities of all agents concerned with land use by insisting that all uses of land should conforming, and by this it creates a healthy conducive and satisfying environment for human habitation. In a way Development control measures serve as tools to implement development plans and the control measures are crucial links in the chain of physical planning. These control measures can be inform of planning ordinance, subdivision regulations,

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building by laws, building codes, fiscal programmes, long term budget and other numerous ways by which development are controlled (Vagale, 1983).

Zoning ordinance is also a tool of development and it is view as a technical device to implement development plans.

Generally, Development control could be grouped into two major standards-prescriptive and regulatory standards. Prescriptive standards are those specifications that are built into development control documents and which are used in the preparation of plans for effective functions. Regulatory standards on the other hand include such things as residential density, plot ratio, daily lighting, highway standards, building line resolutions and other building codes.

From the ongoing, it is evidently clear that development control is rather wide. This is because such control could be exercised on all forms of development which include amongst others, control of advertisement, office space, industrial premises, protection of trees and woodland. Buildings of architectural and historical significance, layout of schemes,even parking standards and many more (Redciffe-Maud etc 1974). The importance of Development Control coupled with its scope suggest that control measures are deeply rooted in the historical and development processes with any geographic setting.

There is no doubt that the 1992 Urban and Regional Planning Law is a significant landmark in the area of planning in Nigeria. Development control will

be discussed vis-avis the provisions of the law. (NURPL 199

Development control is an integral part of planning and indeed it is a major tool by which planning achieves its aims and objective

The Nigerian Urban and Regional Planning Law No.88 of 199 unlike the laws in the past specifically made provision and for the establishment of a development control department at various levels of government to exercise control on the use of land under their respective jurisdictions. This is clearly shown in responsibility assigned of local governments. At the local government the control department is charged with the responsibility on issues relating to development control and implementation of physical plans. Specifically the Authority should establish a development control department within their set up. Such department should consist of men and women proven integrity. The interdisciplinary nature of the department will make control of development more thorough and more relevant to the aspirations of the area of jurisdictions. The law also made it clear that each level of government will have control over all Federal lands while state government will only control the state land and the authority the land of the local community, Section 11(3). It is pertinent to say here that the control of the land here could not be looked at in isolation, it should be related to the land use Act. 1978. It is by so doing that one will realize that the authority has more control than both the federal, state and local governments and that indeed, the root of physical planning is at the authority level.

This not with standing, powers and ,functions of development control department are spelt out in section 28 of the law. These are:

1. Approval of the relevant development control department shall be required for any land development.
2. A developer shall submit a development plan for the approval of the development control department.

These powers and functions as stated, if implemented, will bring changes in our living environment. Due to this circumstances the decree had taken a pragmatic step in repealing any existing law exempting government and its agencies from development without prior approval from the appropriate authority.

Some governmental organisations like National Universities Commission, the River Basin Development Authorities, the Nigerian Railway Corporation, Nigerian Airport Authority etc, usually carry out large scale development without obtained development permit is now illegal. Their proposed developments will now have to fit into national, state or local government development plan as the case may be (section 29 of the law).

A definite provision was made in section 30 for application to be for development permit. The essence of this section is to make sure that all people concerned with development have equal opportunity, of assessment for their

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development projects. Such actions also allows planners to under study the developments in relation to the comprehensive plan of the area. The section further indicates in sub-section 3 that only registered architects or town planners or Engineers shall prepare plans to be submitted with the provision of the law. The essence of this sub-section is to disallow ``Quacks'' from practicing the profession of planning. The damage done by quacks in the area of physical development is enormous and evident through the phenomenal collapse of buildings witnessed nation wide (Nze, 1995). He attributed that about 75% of collapsed buildings are due to the activities of quacks. Among other reasons were non conformity of plans specifications with approval schemes and land use, lack of proof of title to land on which approval is sought, non payment of approved fees and non-response to imitation to site inspection. Such scenerio's as depicted by Nze only. Show that professionals are not the ones handling development plans alone.

The issue of environmental impact statement in section 33 of the law is to make sure that big projects that may likely cause harm to the public are properly screened before approvals. Men are egocentric and people will always want to get their ways through in executing a project even if the negative impacts of such projects are known. Such impact statement will allows] the planners to know whether remedy can be found for the negative ones while encouraging the positive impacts.

The requirements of an environmental impact assessment for large scale development like residential,commercial, industrial, recreational or institutional use

is one of the high points of the law. Section 34 gives the control department the power to reject or approve any application for development. Section 34(2) further empowers the department to delay approval of any application for development if certain circumstances so require that developers should provide certain facilities within specified period of 90 days. The essence of this section of the law is to make sure that developers provide all necessary infrastructure for the project before commencement of development.

Public participation is always encouraged in any modern planning and such provision was made in section 32 of the law. The essence of this section is to allow the public to contribute to the overall development of their community. Such contribution may form the decision of approving department as stated in section 38 to 40.

The power to enforce the provisions of the law is stated in section 47 - 63 of the planning law. The essence of these sections cannot be over emphasized. The law will be useless if the development control department have not got means to enforce the provisions of the law. It is, therefore, pertinent that planners in control department should note these sections for implementation.

Sections 71 - 74 of the law relate to preservation and planting of trees, control of out door advertisement and maintenance of waste land etc. These section also deals with control of development in a way.

With all aforementioned roles of the development control department,

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it is obvious that planning without the control department cannot be effective. There is no doubt that although the development control department is the spinal cord of physical planning in any planning Authority.

3.7.0 EQUIPMENT FOR EFFECTIVE DEVELOPMENT CONTROL IN KAURA LOCAL GOVERNMENT AREA.

For development control to be effective in the local planning Authorities, the following measures have to be taken into consideration.

1. Development control at any level cannot be effective if the necessary equipments like vehicles, motorcycles, graders are not provided, for the monitoring of developments, site inspections and opening of roads in the new schemes.

3.8.0 ACQUISITION OF LAND AND COMPENSATION

Acquisition and compensation of land is one of the cardinal functions ascribed to planners. Compensation is usually given to land owners for forfeiting their lands to the government for public use. Compensation is given to an individual whose right of occupancy have been revoked.

Where the land is required for mining purpose or oil pipelines, the occupier

is entitled to compensation under the appropriate provisions of the mineral act or the mineral oils act or any legislation replacing the same. where the compensation is payable under the act, the computation will be in respect of the following.

3.8.1 **THE LAND** - For an amount equal to the rent paid by the occupier during the year in which the right of occupancy was revoked. The authority will not have any problem in knowing the amount of the rent paid because, it is contained in the certificate. This imposes hardship, however, on a purchaser of land who might have paid for the land at the time he purchased it.

3.8.2 **THE BUILDINGS** - Installations or improvements for the amount of the cost as may be assessed on the basis of the prescribed method of assessment as determined by the appropriate officer less any depreciation.

It will also include interest at the bank rate for delayed payment of compensation and any other incidental expenses as may be substantiated by document, by evidence and proof to the satisfaction of the appropriate officer.

3.8.3 **CROPS ON LAND** - For an amount equal to the value as prescribed and determined by the appropriate officer.

Any holder or occupier who is aggrieved by the amount of compensation calculated in accordance with the provisions of section 29 may refer the matter to the land use and allocation committees.

The land use and allocation committee may not determine compensation adequately. One is equally not certain if it can make prompt payment

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infact, even if it can assess compensation adequately, and pay it promptly, the mere fact that a provision exists which does not allow a person to appeal is a denial of a fundamental right as guaranteed by the constitution of Nigeria.

Therefore, one wonders and waits to see how matters of compensation will be addressed under the act. The act appears to be a supreme law in Nigeria because it provides that it will have effect notwithstanding any thing to the contrary in any law. The act is now seven years (7) old and no problem so far as regards the power of the government to grant a right of occupancy and to determine the amount of adequacy of compensation has arisen. On looks forward to such a situation arising to see how the matter will be settled once and for all.

3.9.0 REQUIREMENTS FOR IMPLEMENTATION OF THE NIGERIAN URBAN AND REGIONAL PLANNING LAW.

Physical Planning rightly belongs to the local governments because it is believed that at this level its activities are mostly felt.

Physical Planning by its nature, requires considerable governmental input and actions, including the determination of needs and resource(s) formulation of plans, policies and implementation programmes.

The Nigerian Urban and Regional Planning Law has introduced striking and long over due innovations which are to guide physical planning Activities in Nigeria. The following section will discuss the requirements for implementation of the law taking into cognisance itsprovisions.

3.9.1 CREATION OF PLANNING AUTHORITY

The promulgation of the 1992 Urban and Regional Planning Law amongst other things implored all local governments in the federation to establish local planning Authorities which are vested with responsibilities outlined in section 11 of the law.

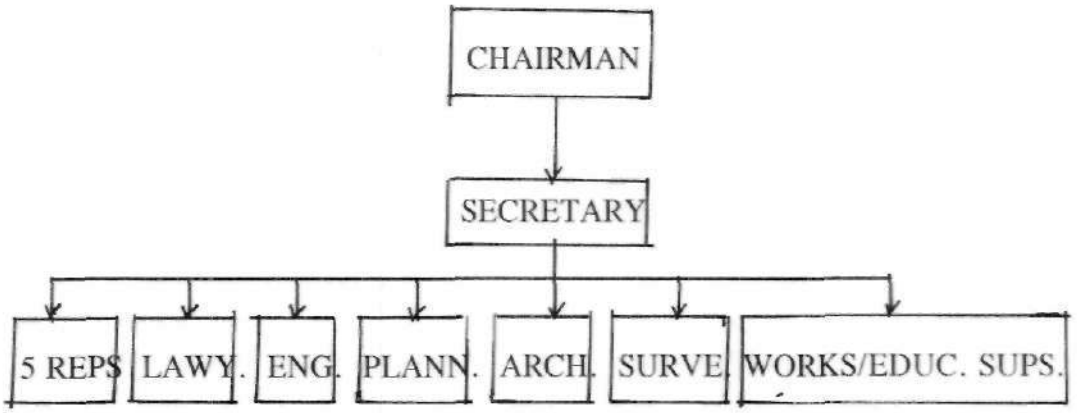
The law is explicit in the functions it devolved to all tiers of government, each carrying out such activities in their areas of jurisdiction, using the calibre of personnel stipulated by the law.

3.9.2 HUMAN RESOURCE REQUIREMENT.

Human resources is the active element in any implementation process. The Nigerian Urban and Regional Planning, Law is categorical on the type of personnel required for execution planning functions. These include a Chairman, Secretary, Architect, Planner, Surveyor, Lawyer, Engineer, Works Supervisor, Education Supervisor and 5 ward representatives from the local government. The Personnel should be registered members of their various professions with required years of experience(s).

The Chairman and Secretary referred in section 10(1) (a) (f) shall have been in, professional practice for a minimum of five (5) years and registered in addition to the Town Planners Registration Council. The post of the Secretary is pensionable which indicates that the Chairman is on a temporary basis.

FIG 3.1.0 STRUCTURE OF PERSONNEL IN PLANNING AUTHORITY IN N.U.R.P.L.

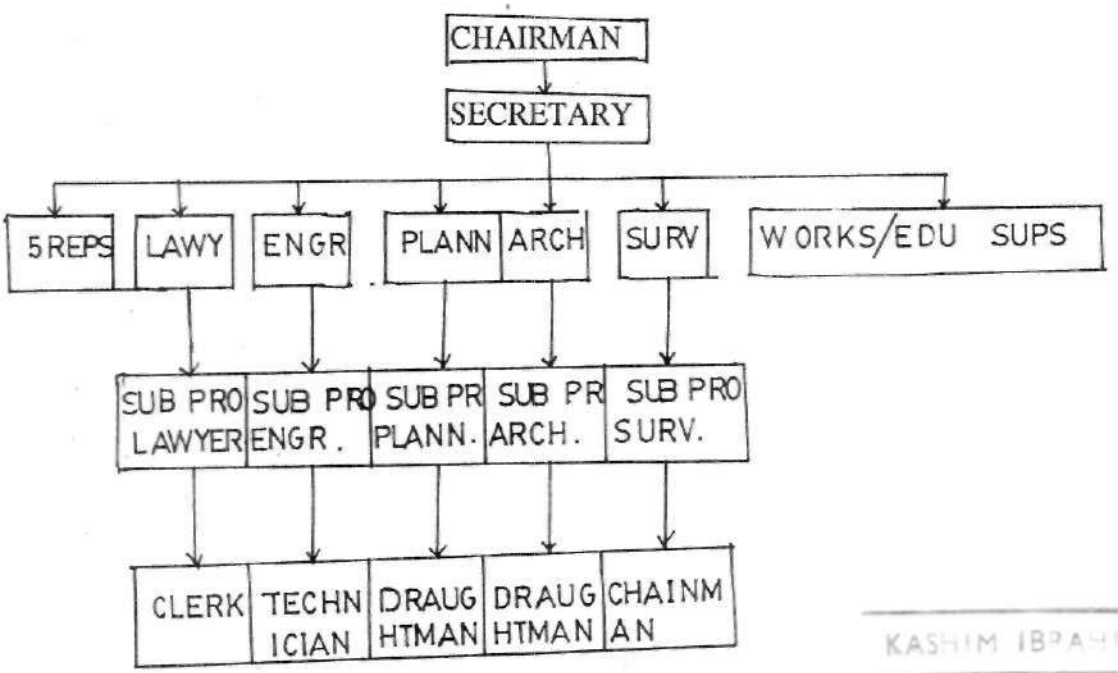


With this arrangement it is clear that the professionals who are involved actively with the functions devolved are seven, while those who can offer advisory roles are also seven. There are indications that the technical aspects will be left unattended to. More so that sub-professionals are absent. State representative who is supposed to collate and co-ordinate National Physical Development Plans reports is also obscured.

For effective implementation of the law, there is the need to increase the number of planners to 7 (seven), due to the total land area of the local government and the level of activities. Only one planners as the law has spelt out cannot conveniently plan for the local government alone. In conjunction with the increase of planners, there is the need to include such-professionals who will render assistance to all the professionals mentioned in the law (Architect, Planner, Surveyor Engineer and Lawyer). All of these professionals would also require the services of unskilled

personnel such as chain men,clerks, draughtment, technicians etc. On the whole the number of planners would be 8, with five additional sub-professionals and 5 unskilled personnel.

Fig.3.01 **STRUCTURE OF PERSONNEL IN PLANNING AUTHORITY.**



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3.9.4 FINANCIAL REQUIREMENTS

Local governments derive their revenue from two sources i.e locally generated Revenue and statutory allocation from the federation account.

Planning Authorities inturn derive their source of financing its projects and programmes from the local government and through Tenement rates, ground rents, processing fees etc. The Finance and General Purpose Committee allocates funds for planning authorities to execute plans of various types and sizes. However depending on the plan, enormous amount of money may be required to execute and implement.

The amount of money needed for execution and implementation of plans are as follows:

This amount so shown has been calculated using the professional scale of fees for town planners 1996 edition as reference.

TABLE:3.0.0 FINANCIAL REQUIREMENTS FOR EXECUTION OF PLANS

S/NO	TYPE PLAN	AMOUNT REQ. IN NAIRA	REM
1.	Town Plan	N1,700,000.00	
2.	Rural Plan	N1,500.000.00	
3.	Local Plan	N1,500,000.00	
4.	Subject Plan	N10,000-100.000.00	

Sources: Professional scale of fees
for town planners 1996 edition.

3.9.5 LAND REQUIREMENT

Land is of paramount importance to the realisation of physical planning principles, proposals,m activities and implementation of Nigerian Urban and Regional Planning Law. Without land all the aforementioned will cease to exist.

The land use decree of 1978 facilitated the easy acquisition and compensation of land for the government. So long the piece of land is acquired for public interest, the amount payable to the owner of land is computed according to the nature of land and the types of trees found on it.

Land Requirement of any local government will depend on its development plans for the year. There was no limit to the needs of local government interm of land. The Chairman of the local government the right to acquire any land for the development of the local government and compensation paid accordingly.

CHAPTER FOUR

4.0.0 IMPLEMENTABILITY OF THE NIGERIAN URBAN AND REGIONAL PLANNING LAW IN KAURA LOCAL GOVERNMENT.

4.1.0 INTRODUCTION.

In chapter three (3) the functions as Prescribed by the Nigerian Urban and Regional Planning law was reviewed and the requirement such as professionals, finance, land, and creation of planning authority was also examine. In this chapter emphasis will be on physical planning in Kaduna State and Kaura Local government in order to unveil it programmes and activities.

4.2.0 PHYSICAL PLANNING IN KADUNA STATE

The organs for implementing physical planning in Kaduna state include Kaduna state urban planning development authority , (KASUPDA), Kaduna state environmental Protection Agency (KEPA), Ministry of Works and Housing (MOW&H), Bureau for Land and Survey, Bureau for Town and Country Planning, Kaduna State Development and Property Company. (KSDPC) etc.

The thrust of their Programme and activities are for the uplifted of physical planning and development of the state. These include the design of layouts, Development schemes, site and services schemes, preparation of master plan, Town plans, Development control, Environmental impact Assessment etc.

4.2.1 DESIGN OF LAYOUTS

Kaduna State Urban Planning Development Authority, Bureau for Town and Country

planning designed layouts meant for Residential, commercial and individual Land uses. The layouts are prepared in conjunction with the precribed Land use in the master plan of the area. The master plan is meant to guide development to avoid change in landuse. Kaduna State have been able to designed layouts of various capacities as the need arise.

4.2.2 SITE AND SERVICE SCHEME.

Site and service schemes have been prepared and implemented by Kaduna State urban planning development Authority and Kaduna State Development and Property Company. These site and service schemes for Residential area and Lowcost Housing area. These site and service schemes are made to ease the quest for Land by individuals who intend to undertake developments on their own.

4.2.3 PREPARATION OF MASTER PLAN

Master government are prepared and implemented by Kaduna State through contracts. Doxiadis prepared the Kaduna state master plan in 1967 and the Zaria master plan prepared by Department of

Urban and Regional Planning ABU Zaria. In 1976.

Master plans are prepared for areas that are relatively underdeveloped in order to control developments and adhere to the allocations of land uses.

Towns are also planned through the preparation of Town plans to reflect modern techniques in planning and urbanisation.

The Eastern sector plan have been prepared but not implemented. The primary idea for the preparation of Eastern sector master plan is to enable Kaduna metropolis expand

towards the eastern sector of the state.

4.2.3 ENVIRONMENTAL IMPACT ASSESSMENT

Environmental impact assessment is usually prepared by professionals on contract basis. E.I.A. is prepared for large scale development such as Agricultural use, industrial, commercial and residential uses. They prepared these E.I.A. in consonance with the Nigerian urban and Regional planning law. The assessment is made so that the positive and negetive impacts are determined. Positive impacts are encouraged while the negative ones are discouraged because it my have injurious tendencies on human beings. For example it will be unwise to place an industry with air (noxious gases) and water pollution along side a residential area. Kaduna state have prepared E.I.A. for most of the developments in recent years, how ever anomalies are still found in one place or the other such as the superphosphate fertilizer plan in Nassarawa settlement Kaduna. Kaduna State Environmental Protection Agency usually supervise the Preparation and approval of it.

4.2.5. DEVELOPMENT CONTROL

Kaduna State urban planning Development Authority under takes the control of development in the metropolis and its environs. The importance of development control cannot be over emphasized as it is the thrust of Nigerian urban and regional planning law. There measure have been effectively by K.A. S.U. P.D.A.

4.2.0 PHYSICAL PLANNING IN KAURA LOCAL GOVERNMENT

Physical planning in Kaura local government involves the following Activities.

4.3.1 DESIGN OF LAYOUT

The physical planning unit in Kaura local government undertakes the design of Residential, industrial and commercial layouts. These layouts are made in consonance with the provision of Nigeria urban and regional planning for law, which stipulates that their layouts are only prepared for lands declared local and not urban.

4.3.2 SURVEYING

Surveying is done in the physical-planning unit of the local government. The survey so made to bring out details on a particular piece of Land, so that Town planners will translate what type of development will be suitable for the area or piece of land.

Surveys are undertaken before layouts are prepared by planners for implementation by the local government.

4.3.3 DEMARCATION

Demarcation of land or plots are made by the physical planning unit. After a layout is prepared demarcation of the plots will be made to avoid one person taking the plot of another.

4.3.4 ALLOCATION OF LAND

Allocation of land is made to any individual or organisation who wish to undertake small/Large scale development in Kaura Local Government. The applicant will have to abide by the laid down rules and Regulations concerning acquisition of land. After the local government is satisfied, the physical planning unit will them allocate such land to the individual or organisation. Worthy of note is that the land so allocated will have to be in

conformity with the landuse of the area.

4.3.5ACQUISITION AND COMPENSATION OF LAND

All lands acquired by Kaura Local Government for public use are usually compensated for. The physical planning unit is saddled with responsibilities of surveying to ascertain the area of land involved and compensation. Computed accordingly. If there is a structure, Economic trees etc. Compensation will be computed to reflect the values on the piece of land.

4.3.6 MONITORING AND INSPECTION OF DEVELOPMENTS

Monitoring and inspection is one of the primary functions of the physical planning unit. This is done so that the specifications of the project are adhere to. The monitoring and inspection is how ever limited to only projects owned by Kaura Local Government like the secretariat and staff quaters project, market stalls at Agban and Kaura, Disable workshop Kaura etc.

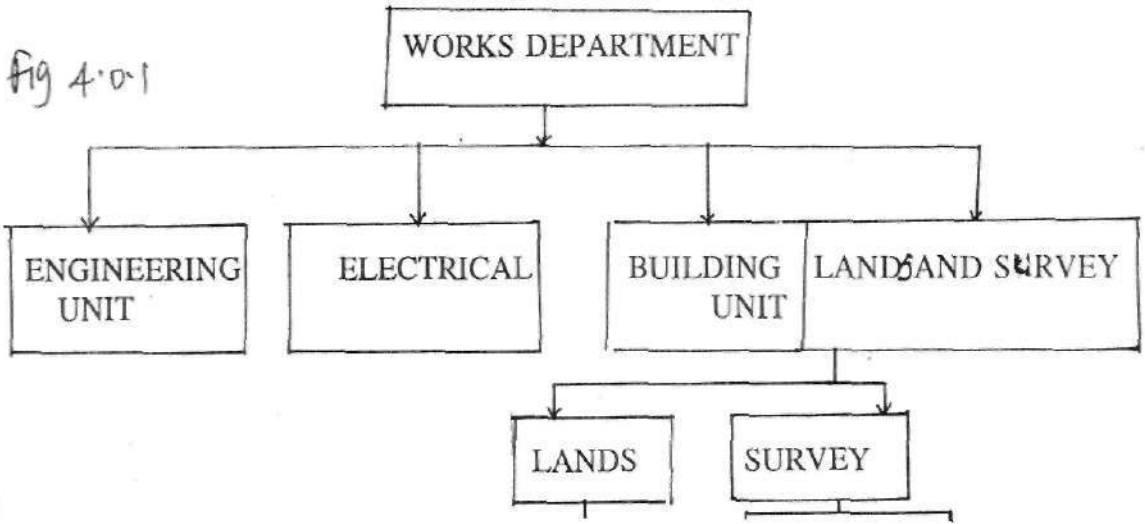
4.3.7 ADMINISTRATIVE FRAMEWORK OF WORKS DEPARTMENT KAURA LOCAL GOVERNMENT.

Physical planning in Kaura local government is carried out by the Lands and survey unit of the works department.

The department is supervised by supervisor of works. The works supervisor supervises both the administrative and technical aspects of the department. He ensures that projects embarked upon by Kaura local government are executed according to specifications.

Below is the administrative structure of Works department in Kaura local government.

Fig 4.0.1



4.4.0 EXTENT OF IMPLEMENTATION OF NIGERIAN URBAN AND REGIONAL PLANNING LAW IN KAURA LOCAL GOVERNMENT

4.5.0 ASPECTS OF THE LAW IMPLEMENTED

4.5.1 SUBJECT PLANS.

Kaura local government since its inception in 1989, have able to prepared and implement subject plans for all its development project such as secretariat and staff quarters, market stalls at Agban and Kaura, Disabled workshop Kaura,, light industrial area, mini stadium at Kagoro and manchok, market sites for Mallagum, Kpak, Zakwa etc. All the subject plans have been prepared and approved by a professional town planner as stipulated by the law Kaura local government is able to prepare and implement subjects plans because the number of professionals needed to prepare it are few only one professional Town planner can prepare and approve it.

The financial aspects of ranges from Ten Thousand to one hundred thousand (=N=10,000.00 - =N=100,000.00) naira. This amount is with in the financial capacity of Kaura local government. To this end Kaura local government have satisfied the provisions of the law in this aspects.

4.5.2 ACQUISITION AND COMPENSATION

Land is the physical space on which physical planners translate the geometric darwings on paper to spatial structures on the ground. The land use Act decree 1978 facilitated land acquisition and compensation. Due to this privilege Kaura local government acquired 61 Hactre of land and compensated it owners.

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However, Compensation is only given to Landowner who forfeited his/her Land for public use/interest.

TABLE 4.0.1

SUMMARY OF LAND ACQUIRED AND COMPENSATED

TABLE:4.0.4 **SHOW LAND ACQUIRED AND COMPENSATED.**

Year	Location of Land	Area of land	Amount paid Compensation	Actual Value of land	deficit
1989	Secretariate and staff quarters Kaura (HQ)	40 Ha.	N60,000.00	N320,000.00	N260,000.00
1989	Market stalls Kaura (HQ)	1 Ha.	N 1,500.00	N 8,000.00	N 6,500.00
1989	Disable W/shop Kaura (HQ)	1 Ha.	N 1,500.00	N 8,000.00	N 6,500.00
1991	Tum market (D)	1 Ha.	N 1,000.00	N 7,500.00	N 6,500.00
1991	Mallagum (1) Mkt (D)	1 Ha.	N 1,000.00	N 7,500.00	N 6,500.00
1992	Light Ind. Area Kaura (HQ)	4 Ha.	N 6,000.00	N 32,000.00	N 26,000.00
1993	Market Stalls Kpak (D)	2 Ha.	N 2,000.00	N 15,000.00	N 13,000.00
1993	Market Stalls Zakwa (D)	1 Ha.	N 1,000.00	N 7,500.00	N 6,600.00
1995	Market Stalls Agban (D)	2 Ha.	N 2,000.00	N 15,000.00	N 13,000.00
1997	Mini Stadium Kagoro (D)	2 Ha.	N 3,000.00	N 16,000.00	N 13,000.00
1998	Mini Stadium Manchok (D)	3 Ha.	N 3,000.00	N 22,500.00	N 19,500.00
1998		3 Ha.	N 4,500.00	N 24,000.00	N 23,500.00
	TOTAL	61 Ha.	N86,500.00	N483,000.00	N396,000.00

HQ (Headquarter land) 1 ha = N1,500.00. D (District land) 1 ha = N1,000.00

Source: Field Survey 1998.

This table shows that Kaura local government acquired and compensated its owners in accordance to the Landuse Act of 1978. It also depicts that Kaura local government has carried out this aspect of the law successfully.

4.6.0 ASPECTS OF THE LAW NOT IMPLEMENTED

4.6.1 LOCAL PLANNING AUTHORITY

Local Planning Authority which is suppose to control and co-ordinate the activities of physical planning in the local government has NOT been establish as the law implored all local governments to. Due to this absence both the administrative and technical aspects of the Authority have not been performed. This has subsequently affected the quality and quantity of functions performed. The reasons for this is not unconnected to the lack of professionals, finances and other logistics. So the absence of the Local Planning authority have grossly affected the Local governments.

4.6.2 TOWN LOCAL AND RURAL PLANS

Preparation and implementation of these plans involves rigorous technical plans excises and huge financial involvement.

Technically Kaura Local Government do not have the professional Town Planners to execute these plans. The law made it categorically clear of the caliber of professionals needed. To this end local government only have sub-professionals and supervisor of works. This clearly shows that Kaura local government can not prepare nor implement these plans. The financial implications of preparing these plans ranges from one and half million naira

to Two million Naira (=N=1,500,000.00 - =N=2,000,000). In this stance Kaura local Government have not been able to raise such amount for the preparation of such plans since its inception.

However the aspects that are not implemented are partly explained by lack of planning Authority, Professionals, finances and other logistics.

Table 4.02 Shows summary of monies disbursed to physical planning unit for execution of plans

TABLE 4.0.5 **THE ALLOCATION OF FUNDS TO PHYSICAL PLANNING UNIT IN RELATION TO OTHER UNITS IN WORKS DEPARTMENTS (K.L.G.)**

Year	Total Allocation to works dept.	Units	Funds allocated to each unit	Percentage of Funds allocated
1990	N380,000.00	Lands and survey	100,000.00	26.3%
		Engineering	N100,000.00	26.3%
		Electrical	N 80,000.00	21.3%
		Building	N100,000.00	26.3%
1991				
	N450,000.00	Lands & Survey	N150,000.00	33.3%
		Engineering	N140,000.00	31.1%
		Electrical	N 70,000.00	15.6%
		Building	N 90,000.00	20.0%
1992				
	N650,000.00	Lands & Survey	N100,000.00	15.4%
		Engineering	N150,000.00	23.1%
		Electrical	N100,000.00	15.4%
		Building	N300,000.00	46.1%
1993				
	N700,000.00	Lands & Survey	N 90,000.00	12.9%
		Engineering	N150,000.00	21.4%
		Electrical	N150,000.00	21.4%
		Building	N310,000.00	44.3%
1994				
	N800,000.00	Lands & Survey	N120,000.00	15.0%
		Engineering	N200,000.00	25.0%
		Electrical	N180,000.00	22.5%
		Building	N300,000.00	37.5%
1995				
	N920,000.00	Lands & Survey	N120,000.00	13.1%
		Engineering	N250,000.00	27.2%
		Electrical	N200,000.00	21.7%
		Building	N350,000.00	38.0%
1996				
	N925,000.00	Lands & Survey	N150,000.00	16.3%
		Engineering	N400,000.00	43.2%
		Electrical	N100,000.00	10.8%
		Building	N275,000.00	29.7%
1997				
	N930,000.00	Lands & Survey	N120,000.00	12.9%
		Engineering	N210,000.00	22.6%
		Electrical	N200,000.00	21.5%
		Building	N400,000.00	43.0
		TOTAL	N5,630,000.00	100%

Source: Field Survey

TABLE: 4.0.6 **ALLOCATION OF FUNDS FOR EXECUTION OF PLANS**

Year	Type of plan to be executed	Funds allocated for plan	Actual amount for execution	Surplus (N)	Deficit (N)	Remarks
1990	Town plan	N100,000.00	N1,700,000.00	-	N1,600,000.00	Inadequate funds
1991	Town Plan	N150,000.00	N1,700,000.00	-	N1,550,000.00	Inadequate funds
1992	Town Plan	N100,000.00	N1,700,000.00	-	N1,600,000.00	Inadequate funds
1993	Subject Plan	N 90,000.00	N 100,000.00	-	N 10,000.00	Inadequate funds
1994	Subject Plan	N120,000.00	N 100,000.00	N20,000	-	Inadequate funds
1995	Local Plan	N120,000.00	N1,500,000.00	-	N1,480,000.00	Adequate
1996	Local Plan	N150,000.00	N1,500,000.00	-	N1,350,000.00	Inadequate funds
1997	Subject Plan	N120,000.00	N 100,000.00	N20,000	-	Inadequate funds Adequate
	TOTAL	N950,000.00		N40,000	N7,590,000.00	

Total Deficit N6,640,000.00 Source: Field Survey

From Table 4.0.2 It shows that Kaura local government have not been able to raise funds up to the tune of one million to execute the plans earlier mentioned.

4.6 .3 DEVELOPMENT CONTROL

This function has not been implemented in Kaura local Government because the local planning Authority that is to implement it is absent . Due to the absence of development control department, this function have been usurped by KASUPDA. KASUPDA is suppose tom control developments on Land designated URBAN, they have surpass their area of jurisdiction to include developments on Land designated RURAL.

4.6.3 NATIONAL PHYSICAL DEVELOPMENT PLANS

A representative is supposed to be attached in each local planning Authority to collate reports on National Physical Development Plan and send it to the state who will inturn send it to the commission. But due to the absence of these planning Agencies these reports have not been sent.

4.7.0 IMPLEMENTABILITY OF NIGERIAN AND REGIONAL PLANNING LAW IN KAURA LOCAL GOVERNMENT.

Implementability is the potentials for implementing the policies/proposals or provision of development plan and in this case the 1992 Nigerian Urban and regional planning law. The law took effect almost eight years (8) ago but there is hardly any sign that the local government councils are aware of its existence. However local governments must be informed and Educated on the Positive Social Economic and Environmental benefit accruable to their jurisdictions; the implications of resource required and made to realise that proper physical planning is a necessary and integral part of the overall planning and development of their areas so as to make them develop political will and commitment to actualise the law. If these steps are not follows the law will not find root in our scheme of things at the local government level Jiriko (1994).

Obateru (1994) in his on point of view asserted that the Nigerian Urban and regional planning law is illegal. He backed, up his argument by saying that in all countries practicing true federalism, there is no federal government in the world that possesses the constitutional power to make a national town planning law. Consequently, no federation

in the world possesses a national town planning law. The federal government has direct responsibility for physical planning in only its federal territory or territories for which it is legally competent to make a town planning law. He further opined that it is the legal responsibility of state governments to make Town planning laws to guide the use and development of their lands.

In the light of the above, it is the state governments which should review their Town and country planning laws taking into account their physical, social cultural and Economic peculiarity.

The administrative framework for the implementation of the 1992 U.R.P. laws is defined in the three levels; the National planning Commission; the planning Board and the local planning Authority.

4.7.1 LOCAL PLANNING AUTHORITY (L.P.A)

At the local level the decree mandated all local government to established planning Authorities who are wasted with responsibilities out neither the local planning Authority at the local government, nor planning Board in the state or planning Commission at the federal level have been established. This is not far fetch because there is no political will and commitment to do so. The political will to give physical planning it rightful position in the scheme of things in recent years have not receive attention because key feel it just involves technical issues and a social overhead.

Another reason is that Ministries and parastatals who are engaged in physical planning activities such as Federal Ministry of Works and Housing, Federal Housing Authority,

Federal Environmental protection Agency etc, If the commission is created it will only open rivalry , between there ministries, parastatals and the Commission. The Same problem will transcend to the state and local governments.

To curb this ugly trend, adjustments and reshuflements have to be made in those ministries and parastatals. Their functions clearly spelt out so as to avoid duplication of functions and over lap. If these anomalies are tackled to their logical conclusion and the right atmosphere created. This will now give room for the establishment of the commission subsequently the establishment of the Board and Authority. There are bright prospects that the establishment of these Planning Agencies will take place in near future

Awareness is gradually entrenched in people through seminars and workshops on the need for physical planning and the benefits accruable in it. Without the commission in place none of the planning functions enlisted in the 1992 U.R.P law has turned out to be implementable. Aspects that fall into this category are:-

4.7.2.TOWN, LOCAL AND RURAL PLANS.

4.7.3.Town, Rural and local plans have similar peculiarity in preparation and implementation. Sequel to its requirement for implementation and preparation the law is explicit on the calibre of professionals who are saddled with the preparation of these plans. Be it as it is, the number of professionals outlined 14 members can not conveniently prepare and implement these plans. However, it should be noted that these member will only constitute the Authority. There is the need for extra professionals, sub-professional and unskilled workers. The professional as depicted by the law are still not easy to come

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by, it will be difficult to get these professionals especially the planners. Statistically in 1999 there were 1,650 qualified professional planner registered with TOPREC/N.I.T.P. If these professional planners are drafted to the 774 local governments in Nigeria, it therefore means that each local government will have at least 2 professional planners. So the situation looks gloomy as to where to find the professional planners to man our local planning Authorities.

4.7.3.1.Another impediment as to the preparation and implementation of these plans is that the availability of base maps/aerial photographs is not easy to come by and they are necessary pre-requisites for the preparation of these plans because they will provide the necessary data on the terrain, surface and ground water, Location of towns and other settlements. Even where some maps are available they are not at the appropriate scale, and where they are, they are outdated as they do not contain areas of new development. The implementation process of these plans can be delayed because the planning standards in use are foreign. As such to develop our own standards will take a considerable span of time. There by increasing the difficult in the preparation of these plans because they will have to incorporate out values and culture for them to be acceptable and implementable.

The law is sadly silent about extra funding sources for the local governments. Funds can positively influence the preparation of these plans. Surprisingly the law compels federal government to provide both financial and technical assistance to the states who will inturn provide only technical aid to the local governments.

Realistically viewing the ramifications of these plans i.e. Town, Local and Rural plans are

slightly above the capacities of the local government because it requires enormous financial resources up to the tune of one and half million to Two million (=N=1,500,000.00-=N=2,000,000.00) Naira. The personnel to prepare these plans are also absent.

However it will require that local planning Authorities if inaugurated should source for extra funding elsewhere and the turn out of planners to be increased to augment the vaccum created by their absence.

4.7.3 SUBJECT PLANS

Since the inception of the law in 1992, preparation and implement of subject plans has been one of the functions, the local government has been able to execute successfully.

The preparation of subject plans is not as rigorous as that of Town, local and Rural Plans. The professional and the financial implications are within the limits of the local governments. Therefore, Kaura local government has been able to prepare subject plans for all its developments.

4.7.4 DEVELOPMENT CONTROL

The importance of development control cannot be overemphasized this is evident in the decree as 1/3 of the clauses in the decree are on development control. The decree empowered local governments to establish local planning Authority who will inturn have a development control department without the Authority the department has not been established. However, development control activities are only carried out on Kaura local government project only. Under the present circumstances the creation of development

control department in the local planning Authority will only aggravate the usual conflict of authority between state urban boards and their development control department. These will only result in non-performance due to duplication of functions is thus reinforced

The 1992 U.R.P. law in line with 1978 Land use Act confines the local government interns of physical planning functions to "rural areas", but the constitution of Nigeria do not make any such confinement. Local governments that are urban capitalise on the provision of the constitution in carry out their function. This situation will reflect itself in the implementation of the law being treated and having negative impacts (eg jurisdictional controversies) Jiriko (1994).

From the foregoing, it is evident and clear that the law have not been able to address certain issues that could trigger controversies in the planning Agencies. However, there are areas of amendment and continuance of development control activities in all tiers of government. This aspect of the law could be implemented because of it paramount importance in the law.

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4.7.4.PLANNING TRIBUNAL

Planning tribunal is to adjudicate cases of contravention, non-compliance to development control measures, change of use etc. Thus aspect of the law have not been implemented and cases of physical planning have either being wrongly prosecuted in magistrate courts or unattended to. Until the planning tribunal and commission are established, physical planning will remain as a policy statement without implementation.

CHAPTER FIVE

5.0.0. RECOMMENDATIONS

In chapter four the physical planning programmes and activities were examined and the extent, potentials for implementing the 1992 Nigerian urban and Regional Planning law in Kaura Local government were also examined.

In this chapter Recommendations to the lapses identified will be discussed with a view to invigorate physical planning activities at the local government level.

The outcome of the research is that Kaura local government is faced with severe problems and constraints as regards professionals finance (Resource base) and implementation within the scope and content of the Nigerian urban and Regional Planning law.

It is evident and clear from the research that implementation of the law has not really taken place because most of the problems emanate partly from lack of establishment of planning Authority, Board and commission whose role is to lead and direct the affairs of Board who will inturn provide technical assistance to the local government. It is therefore recommended that for the law to be implemented, the following suggestion could be considered.

5.1.0 CREATION OF LOCAL PLANNING AUTHORITY.

It is recommended that since all lapses identified have direct bearing to the absence of planning Authority, the commission, Board and planning Authority should be created to cushion the effects of its absence.

Under the prevailing circumstances, the creation of a local planning Authority is not feasible due to problems militating against it. Even as the law has pronounced the creation of planning agencies in the three tiers of government is only possible in principle. This is because those who fashioned the law did not have a well thought way of its implementation. Under the present dispensation there are some ministries and parastatals that are practicing physical planning such as ministry of works and Housing, Ministry of Environment, Federal Housing Authority, Federal Environmental protection Agency etc. If the commission is created what will be the roles of these aforementioned ministries and parastatals?

There are indications that these will be duplication of duties in these agencies. The same problem will emanate in the state where there is KASUPDA, KEPA, ministry of works and Housing, Lands and survey all these ministries and parastatals are in the practice of physical [planning, again what will be their roles if the board is established? Even at the local level, there exist this type of problem. Where there is already a works and Housing Dept. in which physical planning is an appendage. If the planning Authority is established at the local government level, it will become autonomous, there by setting a dividing line between the executive chairman and the chairman of the authority. This type of Rivalry will not augur well for the Authority. Realistically the decree should be critically re-examined with the aim of finding solutions to the problems earlier mention.

I recommend that the decree should make any of this ministries or parastals the parent or nucleus of the physical planning the commission, Board or Authority. That is to say, one

out of these agencies is chosen to form the nucleus. This is to avoid duplication and over lap of functions.

5.2.0. PROVISION OF ADEQUATE FUNDS

One of the failures of the decree is the funding of the planning Agencies. The decree is not explicit as to which organ will fund the planning Agencies. Even if the local planning Authority is established who will fund it activities? If the Authority is to remain autonomous in the discharge of its functions then its funds for operation will have to come from the federation account. Otherwise, it will be a heavy burden for the local government to cater for. Moreso that the awareness of the local government in physical planning Activities is vague and will consider funding it as a wasteful venture. For implementation of the law to be real, Extra attention has to be given in the area of funding, otherwise all the pronouncement the law have made will just remain as policy statements without implementation.

It is recommended that funding of the local planning Authority could be achieved from the capital market through issuance of municipal Bonds there by ensuring their financial viability and sustainability Mustapha (1994).

5.3.0. PARTNERSHIP FRAMEWORK AND PRIVATE SECTOR PARTICIPATION

For implementation of the Nigerian Urban and Regional Planning law to have it rightful position in the three tiers of government, there must be partnership framework between the public sector and private sector.

No matter how well conceived public efforts might be to restore and maintain Nigerian

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cities and communities as good places in which to live and find work the ultimate out of city growth and its pattern of development depends on private decisions and private investments. Also to bring the interest of the people bear on planning strategies through the inculcation of idea of citizen participation will considerably assist in actualization of physical planning goals and objectives at the micro level and to a large extent at federal level. Through this medium, there appears a bright future for physical planning if the private sector is effectively mobilized and sufficiently encouraged.

It is therefore recommended that government at various levels should see the public and private sectors as complementing rather than competing with each other. If this initiatives are followed the private sector could lend a helping hand in the execution of plans (Town Local Rural plans etc) earlier mentioned as those responsibilities are slightly above the capacity of local governments.

5.4.0.TECHNICAL AND PROFESSIONAL STAFF.

The Nigerian Urban and Regional Planning law has stipulated fourteen members (14) for the local planning Authority. Of the 14 members, only seven (7) are the professionals left to grapple with the technical aspect of the plan while the other seven will only give advisory roles. To this end, the law did not give an extra thought on the scope and contents of these plans the intricacies involved and need for a sound technical approach to the preparation and implementation of physical planning functions. This was more the reason why Onibokun (1981) proposed the number of planners who are to man each L.P.A. in the country. He used population parameter to arrive at an average of 8 (eight)

planners for each L. P. A. viewing this realistically population factor alone cannot explain the number of profession all planners needed to man each local planning Authority.

The Economic base of the L.P.A. could be a possible parameter to be used to arrive at a more meaningful number of planners needed. The more the Economic activities in an area the more the physical developments vice versa. The area with high level of economic activities will attract more professionals, while an area with little economic activities will attract less. See Appendix for measure of Economic Activities and Ranking. From this measure, a local planning Authority whose Economic activities are high will require about 12 professional planners, while an area whose economic activities are moderate will attract 8 planners and where the Economic activities are low will require 5 planners

For Kaura local government where the level economic activities are moderate will require eight professional planners.

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Future requirements using the same parameter will call for 15 professional planners for am area with high Economic activities, while 10 professional planners for moderate and 6 professional planners for low economic activities.

If population parameter is to be used, it will be suitable to use 50,000 people to a planner this is because population is on the increase due to low death rate prompted by improved medical facilities and Technology.

In reality, this number of planners is not easy to come by, because even in K.L.G. there is no single Prof. Planner. They only have sub-professionals, which the law doesn't count as a professional.

With this premise, the law could be reframe to include sub-professional, artisans, draughmen and chainmen.

The present circumstance calls for quick action on the part of universities and polytechnics to turn out more planners to fill this vacuum.

It is therefore recommended that local governments and federal initiate training programmes for staff in the area of physical planning. So that the dearth of physical planners can checked.

5.5.0. ESTABLISHMENT OF PLANNING COMMISSION AND TRIBUNAL.

Ideally physical planning at the local government level should complement that of the state while the state complement that of the federal government and the federal government should direct the mantle of leadership in policies, functions and regulations in National Planning programmes. It is recommended that the commission be established if the objective of creating planning Authority is to be pursued.

Planning tribunal is an antecedent of planning commission i.e. they complement each other. Planning tribunal is to address all cases of contravention, non-adherence to planning laws, adjudication of aggrieved persons. Again the establishment of planning commission and tribunal will only become a reality if amendments, reshofflements are are made in the decree and ministries and parastatals are in the practice of physical planning other wise it will just remain as a policy statement.

5.1.0 CONCLUSION

The physical planning functions, professionals, finance and implementation of Nigerian Urban and Regional Planning law have been highlighted.

In other parts of the world, local governments have been assigned roles, functions and responsibilities commensurate with local physical planning.

While making necessary legal support for success of planning Administration, Physical Planning have been integrated into the socio-economic context. Thus there is hierarchical delimitation of physical planning responsibility at the National, regional and the municipal levels to enhance effectiveness and functional accountability.

It has been established that the implementation of Nigerian Urban and Regional Planning Law in Kaura Local Government is inadequate.

The limitations/problems militating against an effective physical planning administration at the local government level has been identified.

Physical planning functions have been assigned to all tiers of government, the federal and state government should accept leadership role and provide technical assistance to the local governments.

Recommendations/Proposals are given for corrections to problems for effective physical planning at the local government level.

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APPENDIX I

Classification of Economic Activities.

Table 3: Assessment of Parameters for Economic Activities.

RANK	SCORE	NO. OF PROFESSIONALS.
1 - 30	low activity	5
31 - 70	moderate ``	8
71 -100	higher activity	12.

Weights of individual Activities

Activity	Weight
Industry	25%
Commerce	25%
Agriculture	25%
Mining	255

For Kaura Local Government

Activity	Percentage
Industry	10
Commerce	20
Agriculture	20
Minning	10
total	60%

Therefore means that Kaura Local Government has fallen on moderate activity area.